

## Public Forum Statement - April 2014 Recovering Warrior Task Force Business Meeting

Last month, DoD released a report outlining concepts for modernizing the military retirement system. This report can be found here: <http://projects.militarytimes.com/pdfs/military-retirement-report.pdf>

A critical section of this report focused on reform of DoD's disability compensation system. A key sentence from this report states, "*The current DoD disability benefit does not fully compensate service members for the expected value of a lost military career for either enlisted personnel or officers.*" This statement hits the nail on the head and the recommendations in DoD's report help ensure wounded warriors who are forced to leave service due to disability are properly compensated for the economic loss of their career.

DoD's recommendations to fix the DoD disability system closely echo recommendations made in the 2007 Dole-Shalala report and past legislative proposals. In its report, DoD states that VA compensation should not offset DoD disability benefits. This is a very critical aspect reforming the DoD disability system as it ensures the lost career is actually compensated separately from the earnings impact of service connected disabilities.

DoD's report also recommends modifying the current disability system by ensuring those who serve at least 12 years receive disability retirement regardless of the rating of their unfitting condition as a lost career is a lost career. This is a good but incomplete step forward as it fails to grant disability retirement to all whose careers are terminated by service connected disability regardless of time served. At a minimum, disability severance should also be protected from offset by VA compensation. I also believe wounded warriors should be able to roll over their disability severance payments into a tax-deferred retirement plan much like a 401K plan can be rolled over when one changes employment.

I still recommend elimination of the TDRL program in favor of a disability retirement system with payments based on length of service for all deemed unfit for continued military service due to a service connected condition. Those who feel they have recovered enough to return to service can apply for reentry. However, if disability severance and a TDRL type system continue, DoD's TDRL recommendation in this report makes a critically needed improvement to the system by allowing those rated less than 30% with an unstable and unfitting condition to be placed on the TDRL until their condition stabilizes. Currently, a wounded warrior is given disability severance if their unfitting disability is currently rated less than 30% even if it is known their disability will get much worse or even fatal in the future.

I must admit I am confused as to why DoD recommends continuing a TDRL program if those deemed unfit are compensated based on their years of service rather than the rating of the unfit condition. All that matters under such a system is if the condition is unfitting. The actual disability rating would be moot for DoD purposes. Certainly if VA compensation continues to offset disability retirement, or if disability severance is still in effect, then a TDRL type system has value to ensure stability of the condition prior to making the final DoD disability determination.

I ask that the Recovering Warrior Task Force study the disability benefit reforms made in DoD's report and that the Task Force reinforce these concepts and recommendations in their FY 2014 report to DoD and Congress.

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