

VOLUME 7A, CHAPTER 13: “ILLNESS OR INJURY PAYMENT PROGRAMS”**SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an * symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue and underlined font**.

The previous version dated June 2011 is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Changed the chapter name from “Combat – Related Injury Payment Programs” to “Illness or Injury Payment Programs.”	Update
1303 Bibliography	Added new entitlement for Special Compensation for Assistance with Activities of Daily Living.	Add

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CHAPTER 13

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ILLNESS OR INJURY PAYMENT PROGRAMS

1301 COMBAT-RELATED INJURY REHABILITATION PAY PROGRAM

130101. Authority

Under authority of [title 37 United States Code \(U.S.C.\) 328](#), the Secretary concerned may pay monthly combat-related injury rehabilitation special pay to a member of the armed forces. This program was terminated by memo from the Under Secretary of Defense (Personnel and Readiness) effective May 15, 2008.

130102. Definitions

A. Combat-Related Injury Rehabilitation Pay (CIP). A special pay for members who, while in the line of duty, incur a wound, injury, or illness in a combat operation or combat zone designated by the Secretary of Defense and are evacuated from the combat operation or from the combat zone for medical treatment.

B. Hospitalization. Military members are considered “hospitalized” for the purposes of CIP if the member is admitted as an inpatient in a military treatment facility or is, for the purposes of receiving extensive outpatient rehabilitation or other medical care in a military treatment facility, in residence in quarters affiliated with the military health care system.

130103. Entitlement

A member who, while in the line of duty, incurs a wound, injury, or illness in a combat operation or combat zone designated by the Secretary of Defense and who is evacuated from the theater of that combat operation or combat zone for medical treatment, is entitled to CIP for each month the member is hospitalized for treatment of such wounds, injuries or illness, subject to the entitlement start and stop dates in paragraphs 130105 and 130106. Such wound, injury, or illness will be considered to have been incurred in the “line of duty” unless it was the result of the member’s own intentional misconduct or willful negligence, or incurred during a period of unauthorized absence.

130104. Amount Payable

The monthly amount of CIP shall equal \$430. CIP may be paid in addition to any other pay and allowances to which the member is entitled or authorized, except Hostile Fire/Imminent Danger Pay (HF/IDP). The monthly amount of CIP shall be reduced by any payment of HF/IDP received by the member for the same month. CIP will be paid at the full monthly rate for any month in which the member is eligible for the pay.

130105. Commencement of Payment

The Secretary concerned shall authorize payment of monthly CIP to an eligible Service member beginning the month after the date on which the member is evacuated from the theater of the combat operation or the combat zone for medical treatment but no earlier than March 2006. If a member incurred a qualifying wound, injury, or illness before March 23, 2006 and the member continues to satisfy the specified eligibility criteria in paragraph 130103 on or after March 23, 2006, payment of the CIP is authorized from March 2006 until a member's entitlement stops.

130106. Termination of Payment

CIP will terminate at the end of the first month during which any of the following applies:

A. The member is paid a benefit under Traumatic Servicemembers' Group Life Insurance (T-SGLI), or

B. The member receives notification of the eligibility for a benefit under T-SGLI and a period of 30 days expires after the date of such notification, or

C. The member is no longer hospitalized in a military treatment facility or a facility under the auspices of the military health care system.

130107. Restriction

A. Once a member loses entitlement to CIP, eligibility for CIP cannot be reestablished if the service member is rehospitalized for the same injury, wound, or illness.

B. A member will not be entitled to simultaneous payments of CIP and entitlements under the Pay and Allowance Continuation Program (PAC) described in section 1302.

1302 PAY AND ALLOWANCE CONTINUATION PROGRAM

130201. Authority

Under authority of title [37 U.S.C. 372](#), the Secretary of Defense authorized the continued payment of pay and allowances to service members of the Regular or Reserve Components under the Pay and Allowance Continuation Program effective May 15, 2008.

130202. Definitions

A. Hostile Fire. An event including hostile fire, an explosion of a hostile explosive device, or any other hostile action that involves an attack or other use of force perpetrated by a foreign individual(s) or entity against the United States or a member of its uniformed services, or other designated persons or property. It also includes force used directly to impede the mission and/or duties of the uniformed services, such as the recovery of U.S.

personnel or vital U.S. Government property. Under such circumstances, it is reasonable to anticipate that a member may suffer a wound, injury, or illness as a result of an accident, mistake, or friendly fire directed at a hostile force or what it thought to be a hostile force.

B. Combat Operation. A military action that may involve carrying out a strategic, operational, or tactical mission against a hostile or unfriendly force, to include carrying on combat and any related movement, supply, attack, defense, and maneuvers needed to gain the objectives of a battle or campaign. Operations Enduring Freedom and Iraqi Freedom are examples of combat operations for purposes of this PAC program.

C. Combat Zone. An area designated by Executive Order under [26 U.S.C. 112](#), as an area in which U.S. Armed Forces are or have engaged in combat. Generally, an area becomes a combat zone or ceases to be a combat zone on the dates designated by Executive Order. For the purposes of the PAC program, direct-support areas certified by the Secretary of Defense will be treated as combat zones.

D. Line of Duty. A member will be considered as serving in the line of duty unless the wound, injury, or illness is the result of the member's intentional misconduct or willful negligence, or is incurred during a period of unauthorized absence.

E. Hospitalized. The pay and allowances that are continued for eligible members under the PAC program are those the member is receiving at the time of hospitalization. A member may be initially admitted as an inpatient and later receive outpatient rehabilitation or some other form of appropriate medical care in a military treatment facility, a Department of Veterans Affairs (VA) or civilian hospital, or other treatment facility. The hospitalization related to a wound, injury, or illness that is the result of service in a combat operation or combat zone, service in a hostile fire area, or exposure to a hostile fire event, may occur immediately following such wound, injury or illness, or at a later time if the need for hospitalization is not initially evident.

F. Medical or Patient Unit. An organizational entity or functional division or facility associated with providing medical care to qualifying wounded, injured, or ill members. The phrase "medical or patient unit" may be subject to refinement, consistent with statute, by the Military Department concerned.

130203. Entitlement

A. Members of the Regular or Reserve Components who, in the line of duty, incurred a wound, injury, or illness while serving in a combat operation or a combat zone, while serving in a hostile fire area, or while exposed to a hostile fire event (regardless of location), and are hospitalized for treatment of the wound, injury, or illness shall continue to receive the pay and allowances he/she received at the time of hospitalization. These entitlements include special and incentive pays, bonuses, and the daily incidental expense portion of temporary duty allowance authorized for members deployed in a combat operation or combat zone.

B. Members serving on temporary, deployed, or attached duty of over 30 days duration in a designated hardship duty location for purposes of Hardship Duty Pay - Location (HDP-L) under [37 U.S.C. 305](#), and who are wounded, injured, or become ill within the first 30 days of serving in the designated area will be considered eligible for HDP-L at the time the wound, injury or illness is incurred.

130204. Commencement of Payment

A. Continuation of pay and allowances under the PAC shall occur prospective from May 15, 2008, or the member's eligibility, whichever occurs later.

B. In the first month of the PAC program, which begins on May 15, 2008, members who are receiving CIP and who are also determined eligible under the PAC program, shall be paid PAC, but shall not be paid under both the CIP and PAC programs for that same month.

C. To accommodate the CIP to PAC transition, PAC eligibility is extended through October 31, 2008 for members who may not be entitled to PAC because the PAC eligibility terminates 1 year after the date a member is first hospitalized.

D. An extension period of up to 6 months is authorized for any member whose PAC entitlement terminates on October 31, 2008, due to the length of hospitalization. The extension period will be from November 1, 2008 to April 30, 2009, unless termination is required sooner pursuant to subparagraphs 130205.A or B.

E. A second extension period of up to 6 months is authorized for any member whose PAC entitlement terminates due to the length of hospitalization during the period November 1, 2008 through January 31, 2009. The extension period will begin on the date following the member's PAC termination date.

Example: A member's PAC entitlement ends on November 25, 2008, but the member continues to be hospitalized. The PAC entitlement may be continued from November 26, 2008 through May 24, 2009, unless termination is required sooner pursuant to subparagraphs 130205.A or B.

F. A third extension period of up to 6 months is authorized for any member whose PAC entitlement terminates due to the length of hospitalization during the period February 1, 2009 through October 31, 2009. The extension shall begin on the date following the member's PAC termination date.

Example: If the member cited in subparagraph 130204.E continues to be hospitalized after May 24, 2009, then the member may continue to receive PAC entitlements from May 25, 2009 through November 24, 2009, unless termination is required sooner pursuant to subparagraphs 130205.A or B.

G. Any member who enters into an extension period, remains in a hospitalized status, and has a 6-month ending date that falls into a new extension authorization period may have their PAC entitlements extended by the new authorization.

Example: A member remains in a hospitalized status on October 31, 2008. The member could be authorized 6 additional months of PAC during the period November 1, 2008 through April 30, 2009 per subparagraph 130204.D. If the member is still in a hospitalized status on April 30, 2009, then an additional 6 months of PAC could be authorized for the period May 1, 2009 through October 31, 2009, per subparagraph 130204.F. If the member is still hospitalized on October 31, 2009, then an additional 6 months of PAC may be authorized from November 1, 2009 through April 30, 2010, per subparagraph 130204.F, unless termination is required sooner pursuant to subparagraphs 130205.A or B.

130205. Termination of Entitlement

Members meeting the qualifications for PAC will have the pay and allowances continued until the end of the first month beginning after the earliest of the following dates:

A. The date on which the member is returned for assignment to other than a medical or patient unit for duty;

B. The date on which the member is discharged, separated, or retired (including temporary disability retirement) from the uniformed services; or

C. One year after the date on which the member is first hospitalized for the treatment of the wound, injury, or illness. The Principal Deputy Under Secretary of Defense for Personnel and Readiness may extend the termination date in 6-month increments under extraordinary circumstances.

*1303 SPECIAL COMPENSATION FOR ASSISTANCE WITH ACTIVITIES OF DAILY LIVING (SCAADL)

130301. Authority

Under the authority of [37 U.S.C. 439](#) and the Department of Defense Instruction (DoDI) 1341.12, "Special Compensation for Assistance With Activities of Daily Living", dated August 31, 2011, the Secretary concerned may pay special compensation to eligible members of the Active or Reserve Components who have a permanent catastrophic injury or illness that was incurred or aggravated in the line of duty and who require a caregiver who provides non-medical care, support, and assistance to the member. Detailed instructions and procedures for initiating the SCAADL entitlement are in [DoDI 1341.12](#).

130302. Eligibility

In order to receive the SCAADL compensation the member must:

A. Be certified by a licensed Department of Defense or VA physician to have a permanent catastrophic injury and need assistance from another person to perform the personal functions required in everyday living or require constant supervision.

B. Be an outpatient. Individuals may be temporarily placed in an inpatient status during the month for tests, examinations, or treatment, and will remain eligible for the full monthly SCAADL payment provided they are in an outpatient status the majority of the month (i.e., more than 15 days a month).

C. Have a designated primary caregiver who provides assistance for at least one of the following:

1. Inability to dress or undress him or herself.
2. Inability to bathe or groom in order to keep self clean and presentable.
3. Frequent need of assistance adjusting any special prosthetic or orthopedic appliances.
4. Inability to toilet or attend to toileting without assistance.
5. Inability to feed him or herself.
6. Physical or mental incapacity which requires care or assistance on a regular basis to protect the service member from hazards or dangers incident to his or her daily environment.

D. Require continual medical management or be at high risk for personal safety and cannot live independently in the community without caregiver support.

E. Require hospitalization, nursing home or other institutional care if caregiver support is not provided for personal care services at home in an ongoing manner.

F. Not be provided concurrent services by another entity.

130303. Restrictions

The following restrictions apply:

A. Service members may not designate another military member as their primary caregiver for the purpose of receiving SCAADL.

B. SCAADL may not be paid to a qualified member if any other Federal Agency is providing outpatient or in-home services to assist with activities of daily living or supervision to avoid harm to self or others.

C. SCAADL may not be paid to a qualified member if the member's primary caregiver is receiving a monthly caregiver stipend from the VA under 38 U.S.C. 1114(r)(2).

D. Service members who qualify for and accept in-home assistance with activities with daily living paid with supplemental health care program funds and provided by a TRICATE-authorized home health agency are not eligible for SCAADL.

130304. Monthly Compensation

The monthly compensation can be determined by accessing an on-line computation calculator provided by Office of Wounded Warrior Care and Transition Policy, Office of the Secretary of Defense. The calculator is located at: <http://militarypay.defense.gov/Tools/scaadlintro.html>. The military services will use Department of Defense (DD) Form 2948, "Special Compensation for Assistance with Activities of Daily Living (SCAADL) Eligibility," to substantiate the member's entitlement. The following guidelines apply:

A. Monthly compensation is computed based on the Bureau of Labor Statistics (BLS) wage rate for a home health aide using the 75th percentile of the hourly wage rate in the Service member's geographic area of residence. If there is more than one BLS wage rate within a specific metropolitan area, the higher rate will be used.

B. The amount of compensation will be based on a three-tier system recognizing the variation in complexity of care required by the service member and provided by the caregiver. The member's primary care manager (PCM) will assess the member's level of dependency. A point value corresponding to the number of hours of care the member requires each week will be assigned to the member. Based upon the evaluation, the member will be rated as follows:

1. High Tier. A member who scores 21 or higher will be presumed to require 40 hours per week of caregiver assistance.

2. Medium Tier. A member who scores 13-20 will be presumed to require 25 hours per week of caregiver assistance.

3. Low Tier. A member who scores 1-12 will be presumed to require 10 hours per week of caregiver assistance.

C. Members or their designated representatives may appeal a PCM's determination of dependency level to their Service headquarters. The dependency level may also change if the member's condition changes and a reevaluation of the member's level of dependency is conducted.

130305. Payment Period

The following guidelines apply to the period that the SCAADL entitlement may be paid.

A. Members become eligible for the SCAADL entitlement on the date a licensed physician certifies that the member meets the eligibility criteria. If the certification is not on the 1st of the month, and the entitlement is continuous for more than 1 month, the first month will be prorated based on a 30-day month computation. The 31st day of the first month will be excluded.

B. Members entitled to SCAADL for a continuous period of less than 1 month will receive payment for the actual number of days at the rate of 1/30th of the monthly amount. The 31st day of a calendar month may not be excluded from this computation.

C. SCAADL entitlement stops on:

1. The last day of the month in which a 90-day period ends after the date the member separates or retires. (e.g., March 15 (separation date) + 90 days = June 13 (last day of entitlement is June 30),

2. The last day of the month a member dies,

3. The last day of the month a physician determines that a member is no longer afflicted with the catastrophic injury or illness, or

4. The last day of the month preceding the month the member begins receiving compensation under the VA caregiver program under 38 U.S.C. 1720G, or the member's primary caregiver begins receiving a monthly caregiver stipend from the VA under 38 U.S.C. 1114(r)(2).

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