

Federal Employees Health Benefits Coverage and Premium Payment For Civilian Employees Called to Active Duty

1. Section 1101 of the National Defense Authorization Act (NDAA) for Fiscal Year 2005, Public Law (Pub.L.) 108-375 (October 28, 2004) amended title 5, United States Code (USC) section 8905a to provide for an extension of continued coverage under the Federal Employees Health Benefits (FEHB) Program for up to 24 months. This provision also amended 5 USC 8906(e)(3) allowing agencies to pay the employee's share, in addition to the government's share, of the FEHB premium for 24 months. These amendments apply to employees called or ordered to active duty on or after September 14, 2001.

2. To be eligible to continue FEHB coverage under 5 USC 8905a and for payment of the employee's share of the FEHB premium under 5 USC 8906(e)(3) the employee must:

a. Be enrolled in FEHB and elect to continue that enrollment.

b. Be a member of a reserve component of the armed forces. The reserve components are: The Army National Guard of the United States, the Army Reserve, the Naval Reserve, the Marine Corps Reserve, the Air National Guard of the United States, the Air Force Reserve, and the Coast Guard Reserve.

c. Be called or ordered to active duty (voluntarily or involuntarily) in support of a contingency operation as defined in 10 USC 101 (a) (13).

d. Be placed on leave without pay (LWOP) or separated from service to perform active duty.

e. Serve on active duty for a period of more than 30 consecutive days.

3. The beginning date for continued coverage and agency full premium payment provided by PL. 108-375 is the date the employee is placed on LWOP or separated from service to perform active duty. The maximum period of eligibility for each period of active duty is 24 months after the date the employee is placed on LWOP or separated from service to perform active duty.

4. The contingencies and operations covered are provided in the following chart. Due to mission changes, this list may not be comprehensive over time.

<i>Contingency</i>	<i>Authority</i>	<i>Effective Date</i>	<i>Status</i>
Bosnia <ul style="list-style-type: none"> • Operation Joint Endeavor • Operation Joint Guard • Operation Joint Forge 	Executive Order 12982	December 8, 1995	Ongoing

<i>Contingency</i>	<i>Authority</i>	<i>Effective Date</i>	<i>Status</i>
Southwest Asia (Iraqi Crisis) <ul style="list-style-type: none"> • Operation Southern Watch • Operation Northern Watch • Operation Desert Spring • Operation Desert Thunder • Operation Desert Fox • Operation Desert Falcon • Operation Desert Focus 	Executive Order 13076	February 24, 1998	Ongoing
Kosovo <ul style="list-style-type: none"> • Operation Allied Force • Operation Joint Guardian 	Executive Order 13120	April 27, 1999	Ongoing
911 Terrorist Attacks <ul style="list-style-type: none"> • Operation Infinite Justice • Operation Enduring Freedom • Operation Iraqi Freedom • Operation Noble Eagle 	Executive Order 13223	September 14, 2001	Ongoing

5. Some employees performing military service are not eligible for the full FEHB premium payment by the agency. Title 38 USC. 4317 (a)(1)(A), the Uniformed Services Employment and Reemployment Rights Act (USERRA), provides for continued health coverage for employees called to duty under title 32 or title 10 (whether or not they are called in support of a contingency operation). These are:

a. Members of the Army National Guard or Air National Guard performing Full-Time National Guard Duty (FTNGD) under title 32, USC., or any provision of state, territorial, or District of Columbia code.

b. Employees called to active duty under title 10, USC, but not in support of a contingency operation.

6. This policy applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Command of the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department (hereafter collectively referred to as the "DoD Components").

7. Employees must provide written notification to the supporting Civilian Personnel Advisory Center (CPAC) and Civilian Personnel Operations Center (CPOC) of their election to retain FEHB coverage during the period of LWOP or separation to perform active duty. The employee must submit proof of qualifying service by providing a copy of written orders to the supporting HRO that specify he or she has been called to active duty in support of a contingency operation. Examples of acceptable written orders include:

a. If the statutory authority listed on the orders is 10 USC. 12301 (a), 12302, or 12304, the employee has provided proof of qualifying service. It is not necessary for the orders to specifically state the words "contingency operation" when any of these statutory authorities are shown.

Or

b. If the orders do not specifically provide one of the three statutory authorities shown above, the orders must state that the duty is in support of one of the named contingencies/operations and the statutory authority is a provision of 10, USC for proof of qualifying service to be provided.