NATIONAL EXECUTIVE COMMITTEE
OF
THE AMERICAN LEGION
October 9-10, 2024
Indianapolis, Indiana

Resolution No. 6: Support for Concurrent Receipt of Military Retirement Pay and Department of Veterans Affairs Disability Compensation for All Military Retirees
Origin: Resolution No. 1 (TN) 2024 National Convention
Submitted by: National Security Commission

WHEREAS, Title 38 U.S. Code Section 5304 stipulates that a veteran cannot concurrently receive more than one award of pension, compensation or retirement pay based on their service unless otherwise specified; and

WHEREAS, Title 38 further mandates that any military retiree eligible for disability compensation must waive an equivalent amount of their military retirement pay to receive the disability compensation; and

WHEREAS, Veterans are eligible for Department of Veterans Affairs (VA) disability compensation if they have a current illness or injury affecting their mind or body and can link it to their military service through active duty, active duty for training or inactive duty training; and

WHEREAS, Title 38 U.S. Code Section 3.750, effective January 1, 2014, allows veterans with 20 or more years of credible service with a rating of 50 percent or higher to receive both military retired pay and disability compensation concurrently; and

WHEREAS, Veterans who are medically retired under Chapter 61 with less than 20 years of service are excluded from receiving concurrent receipt of military retirement pay and VA disability compensation unless they qualify under Combat-Related Special Compensation (CRSC) provisions for combat-linked disabilities; and

WHEREAS, Military retirees are the only federal retirees required to waive a portion of their retired pay to receive VA disability compensation, while all other federal retirees are permitted to receive both retirement pay and disability compensation concurrently; and

WHEREAS, Military retirees, whether retired after 20 or more years of service or medically retired, have significantly sacrificed in service to their country and should be afforded fair and equitable treatment in the receipt of their earned benefits; now, therefore, be it

RESOLVED, By the National Executive Committee of The American Legion in regular meeting assembled in Indianapolis, Indiana, on October 9-10, 2024, That The American Legion strongly supports legislation that would allow all military retirees, including those medically retired with less than 20 years of service, to receive concurrent receipt of their military retirement pay and Department of Veterans Affairs (VA) disability compensation, without offset; and, be it further

RESOLVED, That The American Legion urges Congress to amend Title 38 to extend concurrent receipt of military retirement pay and VA disability compensation to all medically retired veterans regardless of their years of service; and, be it further

RESOLVED, That The American Legion encourages the Defense Finance and Accounting Service (DFAS) to use retiree account statements, including the VA Waiver, to determine the correct amount of military retirement pay due and to ensure that it is directly deposited to each qualified veteran; and, be it finally

RESOLVED That 2016 National Convention Resolution No. 224, "Support for Concurrent Receipt of Military Retirement Pay and VA Disability Compensation" and National Executive Committee Resolution No. 4, October 2003, "The Disabled Veterans Tax" are hereby superseded and rescinded.