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PRACTICE DEDICATED TO PENSIONS / QDROs / VALUATIONS

Concurrent Military Retired Pay and VA Disability Compensation

There is a general rule of law that a military retiree may not receive both Disability Compensation from the Department of Veterans Affairs (VA Disability Compensation) and military retired pay concurrently. Instead, a military retiree may waive his/her military retired pay, dollar for dollar, in order to receive VA Disability Compensation. This law is located at Title 38 United States Code (U.S.C.), sections 5304 and 5305.

The law provides a limited exception to this general rule. Under the limited exception, military retirees (other than those retired by the military under Chapter 61 for disability) who meet the eligibility criteria listed below are not subject to the general rule. There are special rules that apply to Chapter 61 Military Disability Retirees that can be found in Title 10 United States Code section 1414(b).

This limited exception has been often referred to as Concurrent Retirement and Disability Pay or CRDP. However, CRDP is not a term used in the law. It is simply meant to convey that some military retirees may have the right to concurrently receive their military retirement pay (including military disability retired pay) and VA Disability Compensation.