

**VOLUME 7B, CHAPTER 11: “REMOVAL FROM THE TEMPORARY DISABILITY
RETIRED LIST”**

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 November 2011 is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Format and hyperlinks are updated to comply with current administrative instructions.	Revision
All	Revised and reorganized Temporary Disability Retirement List (TDRL) for clarity.	Revision
1101	Added a section entitled “GENERAL” to the chapter per current administrative instructions and renumbered chapter accordingly.	Addition
110202	This paragraph was added to provide information on members eligible to be placed on the TDRL.	Addition
110203	Enhanced the information provided on actions required while on the TDRL.	Revision

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CHAPTER 11

REMOVAL FROM THE TEMPORARY DISABILITY RETIRED LIST***1101 GENERAL**

This chapter provides information and guidance for the Secretary concerned and members who are on the Temporary Disability Retired List (TDRL) or become eligible for placement on the TDRL because of physical disability in accordance with Title 10 United States Code (10 U.S.C.), Chapter 61. A Service member may be placed on the TDRL when the member meets the requirements for permanent disability retirement, except that the member's disability is not determined to be stable. A disability must be determined to be stable when the preponderance of medical evidence indicates the severity of the condition will probably not change within the next five years. The TDRL must be managed to meet the requirements under Chapter 61 of 10 U.S.C. for periodic physical examination, suspension of retired pay, and prompt removal from the TDRL.

1102 TEMPORARY DISABILITY RETIRED LIST (TDRL)**110201. Placement on the TDRL**

If the Secretary concerned determines that a member is unfit to perform the duties of his or her office, grade, rank, or rating because of physical disability that would qualify for disability retirement, **except that the member's disability is not determined to be stable**, then the member may be placed on the TDRL. Retired pay is computed in Chapter 3.

***110202. Members Eligible To Be Placed On The TDRL**

The following members are eligible upon determination by the Secretary concerned for placement on the TDRL:

A. A member of a regular component of the Armed Forces entitled to basic pay;

B. Any other member of the Armed Forces entitled to basic pay who has been called or ordered to active duty (other than for training under Title 10, United States Code, section 10148(a) (**10 U.S.C. 10148(a)**) for a period of more than 30 days; or

C. Any other member of the Armed Forces who is on active duty but is not entitled to basic pay by reason of **37 U.S.C. 502(b)** due to authorized absence to participate in an educational program, or for an emergency purpose, as determined by the Secretary concerned.

***110203. Requirements While on the TDRL**

A member may be placed on the TDRL upon a determination by the Secretary concerned that the member meets the requirements for permanent disability retirement, except that the

member's disability is not determined to be stable. The following requirements under 10 U.S.C. 1210 must be met by the member and or the Secretary of the Military Department concerned (or designee), as applicable, in maintaining the TDRL.

A. A member on the TDRL shall be given a physical examination at least once every 18 months to determine whether there has been a change in the disability, for which the member was temporarily retired.

B. The maximum period a member may be carried on the TDRL is 5 years after the date the member's name was placed on the TDRL.

C. The Secretary of the Military Department concerned (or designee) may make a final determination as to the member's disability after a periodic physical examination and shall make a final determination no later than the expiration of the 5-year period from the date the member's name was placed on the TDRL. If, at the time of that determination, the physical disability for which the member's name was carried on the TDRL still exists, then it shall be considered to be of a permanent nature and stable.

1103 TERMINATION DATE OF TEMPORARY DISABILITY RETIRED PAY

110301. Final Determination By the Secretary of the Military Department Concerned

The Secretary concerned shall make a final determination that a member on the TDRL is either fit for duty or unfit for duty. A qualified member found fit for duty may be returned to active duty, appointed, reappointed, enlisted or reenlisted in a reserve component, transferred to the inactive reserve, transferred to the Fleet Reserve or the Fleet Marine Corps Reserve. If the member declines these options and is otherwise eligible, then the member may be retired or discharged without disability. A qualified member found unfit for duty shall be either separated with disability severance or transferred to the Permanent Disability Retired List (PDRL).

110302. Termination of Disability Retired Pay

Unless immediately transferred to the PDRL, the disability retired pay of a member terminates on the earlier of the following:

- A. The date of recall to active duty;
- B. The date of resumption of status in Fleet Reserve and Fleet Marine Corps Reserve;
- C. The date of appointment, reappointment, enlistment, or reenlistment in the reserve forces, including the inactive reserve;
- D. The date of discharge, if a qualified member declines any offer in subparagraphs A through C;

E. The date a member's disability is determined to be less than 30 percent, if the member will be separated for physical disability;

F. Any date specified by the Secretary concerned in the event the member fails to report for a periodic physical examination; or

G. Upon expiration of the 5-year period after the date when the member's name was placed on the TDRL, if not sooner removed.

110303. Notification to Department of Veterans Affairs (VA)

If a total or partial VA waiver of retired pay is in effect on the date of the retiree's discharge from the TDRL, then the Defense Finance and Accounting Service (DFAS), Cleveland Site **must** notify the appropriate VA office of the effective date of discharge. The notification, if applicable, should include the amount of disability severance pay entitlement; whether the disability resulting in that pay was incurred in the line of duty in a combat zone or from performance of duty in combat-related operations. When available, DFAS will also provide the VA with the Department of Defense (DoD) assigned disability codes for which severance pay was paid.

1104 FOUND FIT FOR DUTY

110401. Found Fit for Duty

If, as a result of the physical examination or determination by the Secretary of the Military Department concerned (or designee) (as referenced in section 1102), it is determined that the member is physically fit to perform the duties of the office, grade, rank, or rating, then the member shall be removed from the TDRL. See Table 11-1.

110402. Available Options for Member Found Fit for Duty

Any member removed from the TDRL may, with his or her consent, be recalled to active duty, appointed, reappointed, enlisted, reenlisted, resume status in the Fleet Reserve or Fleet Marine Corps Reserve, or be placed on the non-disability retired list, if eligible. A member found fit for duty who does not consent to recall, appointment, reappointment, enlistment, reenlistment, resumption of status or placement on a retired list, **must** be discharged without disability as soon as practicable.

1105 FOUND UNFIT FOR DUTY

110501. Found Unfit for Duty

If it is established by the physical examination or determination by the Secretary of the Military Department concerned that the member is physically unfit to perform the duties of the office, grade, rank, or rating, and that the disability is of a permanent nature, then the member shall be removed from the TDRL (referenced in section 1102). Except for members approved for

permanent limited duty, a member who is found to be unfit will be retired, if eligible for retirement; or, if not eligible for retirement, then separated. [Disability Severance pay is described in Volume 7A, Chapter 35](#). See Table 11-1.

110502. Physical Disability of at Least 30 Percent

If the member's physical disability is determined to be at least 30 percent under the standard schedule of rating disabilities in use by the VA at the time of the determination, then the member shall be retired by reason of permanent physical disability.

110503. Physical Disability Less Than 30 Percent

A. If the member's physical disability is determined to be less than 30 percent under the standard schedule of rating disabilities in use by the VA at the time of the determination and the member has at least 20 years of service, then the member shall be retired by reason of permanent physical disability.

B. If the member's physical disability is determined to be less than 30 percent under the standard schedule of rating disabilities in use by the VA at the time of the determination and the member has less than 20 years of service, then the member may be separated by reason of permanent physical disability with disability severance pay.

1106 DISABILITY SEVERANCE PAY

110601. Disability Severance Pay

A member removed from the TDRL under subparagraph 110503.B, may be separated with severance pay as described in Volume 7A, Chapter 35, section 3504.

110602. Service Requirement for Disability Severance Pay

There is no minimum amount of service time required to be eligible for disability severance pay. The maximum number of years of service for computing the disability severance pay will be 19 years. The minimum number of years for computation purposes shall be:

A. Six years in the case of a member separated from the Armed Forces for a disability incurred in the line of duty in a combat zone (as designated by the Secretary of Defense) or incurred during the performance of duty in combat-related operations as designated by the Secretary of Defense.

B. Three years in the case of any other member.

110603. Tax Requirement

To determine the taxability of the disability severance pay, see Volume 7A, Chapter 35, section 3504.

110604. Severance Pay and VA Disability Compensation

The amount of disability severance pay received under [10 U.S.C. 1212](#) may be subject to recoupment by the VA. The member should contact the applicable VA office for more information. Effective January 28, 2008 and later, no deduction is made in the case of disability severance pay received by a member for a disability incurred in the line of duty in a combat zone or incurred during performance of duty in combat-related operations as designated by the Secretary of Defense. No deduction is made from any death compensation to which the former member's dependents become entitled after the member's death.

Table 11-1. Removal From Temporary Disability Retired List (TDRL)

REMOVAL FROM TEMPORARY DISABILITY RETIRED LIST (TDRL)			
	A	B	C
R U L E	If the member's disability	then member may be	and is entitled to
1	is less than 30 percent and member has less than 20 years of service as determined by 10 U.S.C. 1208	discharged under 10 U.S.C. 1203 or 1206	disability severance pay computed under 10 U.S.C. 1212 and Chapter 35, Volume 7A.
2	is less than 30 percent and member has at least 20 years of service	removed from the TDRL and retired under 10 U.S.C. 1201 and 1204	retired pay computed under 10 U.S.C. 1401 and Chapter 3. TDRL entitlement terminates on date of removal and transfer to PDRL (note 1).
3	is 30 percent or more		
4	no longer exists and member is found fit for duty and is a member of the Army or Air Force (note 2)	with his or her consent recalled to active duty, appointed, reappointed, enlisted or reenlisted	Termination of disability-retired pay, computed under 10 U.S.C 1401 and Chapter 35, Volume 7A, on the date of appointment, reappointment, enlistment, reenlistment or resumption of duties or status (note 1).
5	no longer exists and member is found fit for duty and is a member of the Navy, Marine Corps, or Coast Guard (note 2)	with his or her consent recalled to active duty, appointed, reappointed, enlisted, reenlisted, or resume status in the Fleet Reserve or Fleet Marine Corps Reserve	
6	no longer exists and member is found fit for duty (note 2)	discharged without severance pay if member does not consent to be recalled, appointed, reappointed, enlisted, or reenlisted	no retired pay after effective date of separation under 10 U.S.C. 1203 or 1206 (note 2).

NOTES:

1. The date the member completes 5 years on TDRL supersedes this effective date.
2. If member is fit, then there is no disability percent. See 10 U.S.C. 1210(f).

BIBLIOGRAPHY

CHAPTER 11 – REMOVAL FROM THE TEMPORARY DISABILITY RETIRED LIST

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1102 – Temporary Disability Retired List (TDRL)	
110201	10 U.S.C. 1202 10 U.S.C. 1205 DoDI 1332.38, Encl 3, Part 6
110202	10 U.S.C. 1201(c)
110203.A	10 U.S.C. 1210(a)
110203.B and C	10 U.S.C. 1210(b)
1103 – Termination Date of Temporary Disability Retired Pay	
110301	DoDI 1332.38, Encl 3, Part 7
110302	10 U.S.C. 1210(c) and (d)
110302.A	10 U.S.C. 1211(d)(1)
110302.B	10 U.S.C. 1211(d)(2)
110302.C	10 U.S.C. 1211(d)(3)
110302.D	10 U.S.C. 1211(c)
110302.E	10 U.S.C. 1210(e)
110302.F	10 U.S.C. 1210(a)
110302.G	10 U.S.C. 1210(h)
1104 – Found Fit for Duty	
110401	10 U.S.C. 1210(f)
110402	10 U.S.C. 1211(c)
1105 – Found Unfit for Duty	
110501	10 U.S.C. 1210(c), (d) and (e)
110502	10 U.S.C. 1210(c)
110503.A	10 U.S.C. 1210(d)
110503.B	10 U.S.C. 1210(e)
1106 – Disability Severance Pay	
110601	DoDI 1332.38, Encl 3, Part 7, Paragraph E3.P7.2.1
110602	10 U.S.C. 1212(c)
110603	10 U.S.C. 1212(d)