

## VOLUME 7B, CHAPTER 11: “REMOVAL FROM THE TEMPORARY DISABILITY RETIRED LIST (TDRL)”

### SUMMARY OF MAJOR CHANGES

Changes are identified in this table and also denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) 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 May [2022](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Updated hyperlinks and formatting to comply with current administrative instructions.	Revision
5.2, 5.3, and 5.4	Renumbered and rephrased paragraphs with reference to 10 U.S.C. § 1201, 10 U.S.C. § 1204, and 10 U.S.C. § 1210 for clarity.	Revision
6.5	Updated with clarification on the recoupment or collection as a debt for Disability Severance Pay subsequent to the entitlement of military retirement pay.	Revision
References	Updated references.	Revision

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## CHAPTER 11

### **REMOVAL FROM THE TEMPORARY DISABILITY RETIRED LIST (TDRL)**

#### 1.0 GENERAL

##### 1.1 Purpose

The purpose of this chapter is to provide information and guidance for the Secretary concerned and members who are on the TDRL or become eligible for placement on the TDRL because of physical disability in accordance with Title 10, United States Code (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. A determination on whether a disability is stable must occur within 5 years of the member being placed on the TDRL prior to January 1, 2017, or within 3 years for members placed on the TDRL on or after January 1, 2017. TDRL must be managed to meet the requirements under 10 U.S.C., Chapter 61 for periodic physical examination, suspension of retired pay, and prompt removal from the TDRL.

##### 1.2 Authoritative Guidance

The pay policies and requirements established by Department of Defense (DoD) in this chapter are derived primarily from, and prepared in accordance with Title 10 of the U.S.C. Due to the subject matter in this chapter, the list of authoritative sources is extensive. The specific statutes, regulations, and other applicable guidance that govern each individual section are listed in a reference section at the end of the chapter.

#### 2.0 TDRL

##### 2.1 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, the member may be placed on the TDRL. For retired pay computations, see Chapter 3.

##### 2.2 Members Eligible to be Placed on the TDRL

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

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

2.2.2. 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 [10 U.S.C., section 10148\(a\)](#)) for a period of more than 30 days; or

2.2.3. 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.

### 2.3 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.

2.3.1. A member on the TDRL must 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.

2.3.2. The maximum period a member may be carried on the TDRL is:

2.3.2.1. Five years after the date the member's name was placed on the TDRL, if the member was placed on the TDRL prior to January 1, 2017; or

2.3.2.2. Three years after the date the member was placed on the TDRL, if the member was placed on the TDRL on or after January 1, 2017.

2.3.3. 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 will make a final determination no later than the expiration date of the member's eligibility to be 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, it is considered to be of a permanent nature and stable.

## 3.0 TERMINATION DATE OF TEMPORARY DISABILITY RETIRED PAY

### 3.1 Final Determination by the Secretary of the Military Department Concerned

The Secretary concerned makes 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, or transferred to the Fleet Reserve or the Fleet Marine Corps Reserve. If the member declines these options and is otherwise eligible, he or she may be retired or discharged without

disability. A qualified member found unfit for duty will be separated with either a disability severance or transferred to the Permanent Disability Retired List (PDRL).

### 3.2 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:

3.2.1. The date of recall to active duty;

3.2.2. The date of resumption of status in Fleet Reserve or Fleet Marine Corps Reserve;

3.2.3. The date of appointment, reappointment, enlistment, or reenlistment in the reserve forces, including the inactive reserve;

3.2.4. The date of discharge, if a qualified member declines any offer in subparagraphs 3.2.1 through 3.2.3;

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

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

3.2.7. If a member is not otherwise removed from the TDRL for any of the reasons stated in subparagraphs 3.2.1 through 3.2.6, the member's disability retired pay will terminate upon expiration of:

3.2.7.1. The 5-year period after the date the member was placed on the TDRL, if the member was placed on the TDRL prior to January 1, 2017, or

3.2.7.2. The 3-year period after the date the member was placed on the TDRL, if the member was placed on the TDRL on or after January 1, 2017.

### 3.3 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, Defense Finance and Accounting Service, Cleveland (DFAS-CL) must notify the appropriate VA office of the effective date of discharge. The notification, if applicable, should include the amount of Disability Severance Pay (DSP) entitlement, and whether the disability resulting in that pay incurred in the line of duty in a combat zone or from performance of duty in combat-related operations. When available, DFAS-CL will also provide the VA with the DoD assigned disability codes for which the DSP was paid.

#### 4.0 FOUND FIT FOR DUTY

##### 4.1 Determined to be Physically 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 2.0, it is determined that the member is physically fit to perform the duties of the office, grade, rank, or rating, the member will be removed from the TDRL. See Table 11-1.

##### 4.2 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, or 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.

#### 5.0 FOUND UNFIT FOR DUTY

##### 5.1 Determined to be Physically 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, the member will be removed from the TDRL (referenced in section 3.0). 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, separated. DSP is described in Volume 7A, Chapter 35. See Table 11-1.

##### \*5.2 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, the member [may be removed from the TDRL and will be retired by reason of permanent physical disability, pursuant to 10 U.S.C. § 1201 or 10 U.S.C. § 1204 with retired pay computed under 10 U.S.C. § 1401](#). See Table 11-1, Rule 3.

##### \*5.3 Physical Disability Less Than 30 Percent [and at Least 20 Years of Service](#)

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, the member [may be removed from the TDRL and will be retired by reason of permanent physical disability, pursuant to 10 U.S.C. § 1201 or 10 U.S.C. § 1204, with retired pay computed under 10 U.S.C. § 1401](#). See Table 11-1, Rule 2.

#### \*5.4 Physical Disability Less Than 30 Percent and Less Than 20 Years of Service

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, the member may be separated by reason of permanent physical disability with **DSP**. See Table 11-1, Rule 1.

### 6.0 DISABILITY SEVERANCE PAY (**DSP**)

#### 6.1 **DSP**

A member removed from the TDRL under subparagraph 5.4 may be separated with **DSP** as described in Volume 7A, Chapter 35.

#### 6.2 Service Requirement for **DSP**

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

6.2.1. 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; or

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

#### 6.3 Tax Requirement

To determine the taxability of the **DSP**, see Volume 7A, Chapter 35.

#### 6.4 **DSP** and VA Disability Compensation

The amount of **DSP** 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 **DSP** 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.

\*6.5 Subsequent Entitlement to Retired Pay

DSP will be recouped or collected as a debt subsequent to the entitlement of military retired pay as follows:

6.5.1. In the event a member is separated due to physical disability and is paid DSP, and then subsequently becomes entitled to military retired or retainer pay under Chapters 71, 741, 841, 941, 1223 of Title 10 or any other provision of law, each payment of retired or retainer pay is subject to recoupment until the total amount recouped is equal to the total amount of DSP. See Chapter 4, Paragraph 6.2.

6.5.2. In the event a member is separated due to physical disability and is paid DSP, and then subsequently becomes entitled to military retired or retainer pay due to a change to his military record to show that he was retired rather than separated, the payment of DSP becomes erroneous and subject to collection as a debt. The full amount of the member's debt will be deducted from any retroactive retired pay entitlements that become due as a result of the retirement. The debt is subject to consideration for waiver under 10 U.S.C. § 2774. See Chapter 4, Paragraph 6.3.



Table 11-1. Removal From the TDRL

<b>R U L E</b>	<b>If the member's disability</b>	<b>the member may be</b>	<b>and is entitled to</b>
<b>1</b>	is less than 30 percent and member has less than 20 years of service as determined by <a href="#"><u>10 U.S.C. § 1208</u></a>	discharged under <a href="#"><u>10 U.S.C. § 1203</u></a> or <a href="#"><u>10 U.S.C. § 1206</u></a>	disability severance pay computed under 10 U.S.C. § 1212 and Volume 7A, Chapter 35.
<b>2</b>	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 or 10 U.S.C. § 1204	retired pay computed under 10 U.S.C. § 1401 and Chapter 3. The TDRL entitlement terminates on date of removal and transfer to PDRL (Notes 1 and 2).
<b>3</b>	is 30 percent or more	removed from the TDRL and retired under 10 U.S.C. § 1201 or <a href="#"><u>10 U.S.C. § 1204</u></a>	retired pay computed under 10 U.S.C. § 1401 and Chapter 3. The TDRL entitlement terminates on date of removal and transfer to PDRL (Notes 1 and 2).
<b>4</b>	no longer exists and member is found fit for duty and is a member of the Army or Air Force (Note 3)	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 Volume 7A, Chapter 35, on the date of appointment, reappointment, enlistment, reenlistment, or resumption of duties or status (Notes 1 and 2).
<b>5</b>	no longer exists and member is found fit for duty and is a member of the Navy, Marine Corps, or Coast Guard (Note 3)	with his or her consent, recalled to active duty, appointed, reappointed, enlisted, or reenlisted, or resume status in the Fleet Reserve or Fleet Marine Corps Reserve	termination of disability retired pay, computed under 10 U.S.C. § 1401 and Volume 7A, Chapter 35, on the date of appointment, reappointment, enlistment, reenlistment, or resumption of duties or status (Notes 1 and 2).
<b>6</b>	no longer exists and member is found fit for duty (Note 3)	discharged without disability 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 <a href="#"><u>10 U.S.C. § 1206</u></a> (Note 3).

## Notes:

1. The date the member completes 5 years on the TDRL supersedes this effective date. See subparagraph 2.3.2.1.
2. Effective January 1, 2017, this is the date the member completes 3 years if placed on the TDRL. See subparagraph 2.3.2.2.
3. If the member is fit, there is no disability percentage. See 10 U.S.C. § 1210(f).

## \*REFERENCES

**CHAPTER 11 – REMOVAL FROM THE TEMPORARY DISABILITY RETIRED LIST (TDRL)****1.0 – GENERAL**

10 U.S.C., Chapter 61  
DoD Instruction (DoDI) 1332.18,  
August 5, 2014 (Incorporating Change 1,  
May 17, 2018)

**2.0 – TEMPORARY DISABILITY RETIREMENT LIST (TDRL)**

2.1	10 U.S.C. § 1202 10 U.S.C. § 1205
2.2	10 U.S.C. § 1201(c)
2.3.1	10 U.S.C. § 1210(a)
2.3.2.2	10 U.S.C. § 1210(h)
2.3.3	10 U.S.C. § 1210(b) National Defense Authorization Act (NDAA) for FY 2017, section 525

**3.0 – TERMINATION DATE OF TEMPORARY DISABILITY RETIRED PAY**

3.2	10 U.S.C. § 1210(c) and (d)
3.2.1	10 U.S.C. § 1211(d)(1)
3.2.2	10 U.S.C. § 1211(d)(2)
3.2.3	10 U.S.C. § 1211(d)(3)
3.2.4	10 U.S.C. § 1211(c)
3.2.5	10 U.S.C. § 1210(e)
3.2.6	10 U.S.C. § 1210(a)
3.2.7	10 U.S.C. § 1210(h) NDAA for FY 2017, section 525

**4.0 – FOUND FIT FOR DUTY**

4.1	10 U.S.C. § 1210(f)
4.2	10 U.S.C. § 1211(c)

**5.0 – FOUND UNFIT FOR DUTY**

5.1	10 U.S.C. § 1210(c), (d) and (e)
5.2	10 U.S.C. § 1201(b)(3)(B) 10 U.S.C. § 1204(4)(B) 10 U.S.C. § 1210(c) 10 U.S.C. § 1210(f)

## REFERENCES (Continued)

5.3 10 U.S.C. § 1201(b)(3)(A)  
10 U.S.C. § 1204(4)(A)  
10 U.S.C. § 1210(d)

5.4 10 U.S.C. § 1210(e)

## 6.0 – DISABILITY SEVERANCE PAY

6.2 10 U.S.C. § 1212(c)  
6.3 10 U.S.C. § 1212(d)  
6.5 Comptroller General B-270349, Dec. 17, 1996  
10 U.S.C. 1174(h)