

**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 September 2009 is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Updated format to comply with current administrative instructions.	Update
All	Reorganized chapter for clarity.	Update
110101	Provided overview for placement on the Temporary Disability Retired List (TDRL).	Add
110102	Provided requirements in maintaining the TDRL.	Add
110201	Deleted paragraph on computation of severance pay. Information is available in Volume 7A, Chapter 35, section 3504.	Delete
110201 110202 110203	Expanded criteria for termination of Temporary Disability Retirement Pay.	Update
110401	Expanded on provisions for members found unfit for duty.	Update

Table of Contents

VOLUME 7B, CHAPTER 11: “REMOVAL FROM THE TEMPORARY DISABILITY RETIRED LIST” 1

*1101 TEMPORARY DISABILITY RETIRED LIST (TDRL)..... 3

 110101. Placement on the Temporary Disability Retired List (TDRL) 3

 110102. Requirements While on the TDRL 3

*1102 TERMINATION DATE OF TEMPORARY DISABILITY RETIRED PAY 3

 110201. Final Determination By the Secretary of the Military Department Concerned 3

 110202. Termination of Disability Retired Pay 4

 110203. Notification to Department of Veterans Affairs (VA)..... 4

1103 FOUND FIT FOR DUTY 4

 110301. Found Fit for Duty 4

 110302. Available Options for Member Found Fit for Duty..... 5

1104 FOUND UNFIT FOR DUTY 5

 *110401. Found Unfit for Duty 5

 110402. Physical Disability of at Least 30 Percent 5

 110403. Physical Disability Less Than 30 Percent..... 5

1105 DISABILITY SEVERANCE PAY 5

 110501. Disability Severance Pay 5

 110502. Service Requirement for Disability Severance Pay 6

 110503. Tax Requirement..... 6

 110504. Severance Pay and VA Disability Compensation..... 6

Table 11-1. Removal From Temporary Disability Retired List (TDRL)..... 7

BIBLIOGRAPHY 8

CHAPTER 11

REMOVAL FROM THE TEMPORARY DISABILITY RETIRED LIST***1101 TEMPORARY DISABILITY RETIRED LIST (TDRL)**

110101. Placement on the Temporary Disability Retired List (TDRL)

If the Secretary concerned determines that the 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 for the fact that the disability is not of a permanent nature and stable, but is a disability that may be of a permanent nature, then the member may be placed on the TDRL. Retired pay is computed under Chapter 3 of this volume.

110102. Requirements While on the TDRL

The following requirements shall 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 time period a member may be carried on the TDRL is 5 years after the date the member's name was placed on the list.

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 not later than the expiration of the 5-year period from the date when 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.

***1102 TERMINATION DATE OF TEMPORARY DISABILITY RETIRED PAY**

110201. 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 the above 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).

110202. 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. If a qualified member declines any offer in subparagraphs A through C, **then** the date of discharge;
- E. If the member will be separated for physical disability, **then the date a member's** disability is **determined to be** less than 30 percent;
- F. **Any date specified by the Secretary concerned in the event the member fails to report for a periodic physical examination; or**
- G. **If not sooner removed, then upon expiration of the 5-year period after the date when the member's name was placed on the TDRL.**

110203. 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, Cleveland (DFAS-Cleveland Site) **shall 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 is determined to have been 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.**

1103 FOUND FIT FOR DUTY

110301. **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 1101 **of this chapter**), 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.

110302. 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, shall be discharged without disability as soon as practicable.

1104 FOUND UNFIT FOR DUTY

*110401. Found Unfit 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 1101 of this chapter), it is established 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. 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. See Table 11-1.

110402. 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.

110403. 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.

1105 DISABILITY SEVERANCE PAY

110501. Disability Severance Pay

A member removed from the TDRL under subparagraph 110403.B, may be separated with severance pay as described in Volume 7A, Chapter 35, section 3504 of this Regulation.

110502. [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.

110503. [Tax Requirement](#)

To determine the taxability of the disability severance pay, see Volume 7A, Chapter 35, [section 3504 of this Regulation](#).

110504. [Severance Pay and VA Disability Compensation](#)

The amount of disability severance pay received under [Title 10, United States Code, section 1212 \(10 U.S.C. 1212\)](#) 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 of this Regulation.
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 of this volume. 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 of this Regulation, 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

1101 – Temporary Disability Retired List (TDRL)

110101	10 U.S.C. 1202 10 U.S.C. 1205 DoDI 1332.38, Encl 3, Part 6
110102.A	10 U.S.C. 1210(a)
110102.B and C	10 U.S.C. 1210(b)

1102 – Termination Date of Temporary Disability Retired Pay

110201	DoDI 1332.38, Encl 3, Part 7
110202	10 U.S.C. 1210(c) and (d)
110202.A	10 U.S.C. 1211(d)(1)
110202.B	10 U.S.C. 1211(d)(2)
110202.C	10 U.S.C. 1211(d)(3)
110202.D	10 U.S.C. 1211(c)
110202.E	10 U.S.C. 1210(e)
110202.F	10 U.S.C. 1210(a)
110202.G	10 U.S.C. 1210(h)

1103 – Found Fit for Duty

110301	10 U.S.C. 1210(f)
110302	10 U.S.C. 1211(c)

1104 – Found Unfit for Duty

110401	10 U.S.C. 1210(c), (d) and (e)
110402	10 U.S.C. 1210(c)
110403.A	10 U.S.C. 1210(d)
110403.B	10 U.S.C. 1210(e)

1105 – Disability Severance Pay

110501	DoDI 1332.38, Encl 3, Part 7, Paragraph E3.P7.2.1
110502	10 U.S.C. 1212(c)
110503	10 U.S.C. 1212(d)