

13 April 2020

INFORMATION PAPER

SUBJECT: Comparison of Benefits for T32 NG Members due to 502(f)(2) Orders Duration

PURPOSE: Review Benefits for Orders up to 30 days vs 31 days; Provide FAQs

BACKGROUND:

- On 7 Apr 20, Presidential Proclamation “Providing Federal Support for Governors’ use of the National Guard to respond to COVID-19” was issued. This prescribes authority for FEMA Mission Assignments and thus, related 502(f)(2) orders duration up to 31 days or fewer (Section 4) for all the prior proclamations—which had constrained T32 502f approvals to 30 days.
- Initial assessment identifies Tricare, BAH, and Leave (**in Bold**) as the most important benefits impacted by orders length. However, the majority of other benefits and entitlements remain aligned. Please see the FAQs listed on page 2.

Benefits comparison of 502(f)(2) orders in support of a Declared National Emergency IAW the purpose outlined in Title 32 U.S. Code depending on length of orders (30 or less vs. 31+ Days).

Benefits for all 502(f)(2) orders

- Base Pay
- BAS
- Thrift Savings Plan
- Post-9/11 GI Bill*
- SGLI
- Death Gratuity
- Military Exchange/Commissary
- MGIB-SR
- USERRA Service Exempt from 5 Year Limitation
- Qualifying Service Toward Reduced Retirement Age* (Early Ret. Credit)
- BAH-RC (Note-reduced BAH-RC Rate applies for orders under 30 days)
- **Medical/Dental** (Member) in line of duty coverage (10 USC 1074a)
- **Leave Accrual** (more than 29 days)

Benefits for 502(f)(2) 31+ Days

- **BAH-1** (Residence Locality based for orders 31 days)
- **Medical/Dental** (Member) Funded Tricare (10 USC 1074)
(*Approved in guidance for all 502(f)(2))
- **Medical/Dental (Family)** 10 USC 1076
- Reserve Education Assistance Program Eligibility (more than 90 consecutive days)
- SCRA protections (IAW 50 USC 3911)

**Note: Basic Allowance for Housing is at a reduced rate for orders under 31 days.*

**Post 9/11 GI Bill and Early Retirement Credit generally requires 90 aggregate days to be creditable but 502(f)(2) orders may be combined with other eligible orders to qualify*

Prepared by: NGB-J1-SP

Approved by: NGB-J1-SP

(UNCLASSIFIED)

SUBJECT: Comparison of Benefits for T32 NG Members due to 502(f)(2) Orders Duration

Frequently Asked Questions

BAH Question 1: For a National Guard member who is on Title 32 orders less than 31 days, but his/her orders gets extended *to a total of 31 days*, will this Guard member now receive regular BAH (locality based) instead of BAH-RC? If yes, will the change be retroactive for the entire length of orders, i.e. will he/she will now receive regular BAH for the entire month?

Answer 1: No. Periods of active duty previously served may not be added together to meet the requirement for BAH that active duty exceeds 30 days. DoDFMR, Volume 7A, Ch. 26, par. 261005.A

BAH Question 2: For a National Guard member who is on Title 32 orders less than 31 days, but his/her orders gets extended * with a prospective, new active-duty period of an additional 31 or more days from the date of the modification*, will this Guard member now receive regular BAH (locality based) instead of BAH-RC? If yes, will the change be retroactive for the entire length of orders, i.e. will he/she will now receive regular BAH for the entire month?

Answer 2: Yes. A Reserve Component (RC) member initially on a tour of 30 or fewer days who receives an order modification or assignment extension with a prospective, new active-duty period of 31 or more days from the date of the modification receives locality-based BAH starting on the modification date (except a Service member without a dependent during initial entry training). The change is NOT retroactive for the time before the modification date. BAH-RC stops the day before the amendment or modification and BAH based on the primary residence starts on the modification date. DoDFMR, Volume 7A, Ch. 26, par. 261005.A

BAH Question 3: If a National Guard member has T32 orders less than 31 days (i.e. 15 days), and then he/she receives another order for 16 days, will he/she be eligible for regular BAH? If yes, will the BAH be retroactive for the entire month, or only the period of the second order (i.e. 16 days)?

Answer 3: No. Periods of active duty previously served may not be added together to meet the requirement for BAH that active duty exceeds 30 days. DoDFMR, Volume 7A, Ch. 26, par. 261005.A

Tricare Question 4. For a National Guard member who is on Title 32 orders less than 31 days, but his/her orders gets extended *to a total of 31 days*, will he/she and his/her family be eligible for TRICARE now that the member's Title 32 orders are extended to 31 days?

Answer 4. Yes, given no break in service (i.e., continuous duty), DEERS will automatically enroll all Reserve Component members on active duty for more than 30 days into Health Care Delivery Plan 001. TRICARE Operations manual, Ch. 6, Section 1, para 2.2.

Tricare Question 5. If a National Guard member has Title 32 orders less than 31 days (for example 15 days), and then he/she receives another order for 16 days, will he/she and his/her family be eligible for TRICARE once the member received the second order?

Answer 5. Yes, given no break in service (i.e., continuous duty), DEERS will automatically enroll all Reserve Component members on active duty for more than 30 days into Health Care Delivery Plan 001. TRICARE Operations manual, Ch. 6, Section 1, para 2.2.

TRICARE and BAH are closely related based on number of days eligibility but distinctly different in starting eligibility