



LEGISLATIVE POINT PAPER CONCURRENT RECEIPT

BACKGROUND

Currently, some 50,000 military retirees with combat-related injuries qualify for retirement pay for their service from the Department of Defense, and for compensation for service-connected disabilities from VA. However, those forced to medically retire under Chapter 61 and those with a 40% or lower VA disability rating will have their military retirement pay reduced by the amount of VA disability compensation received.

Retirement benefits and disability compensation are two separate benefits, provided for two separate reasons, and should never be conflated. The American Legion stands with disabled veterans and urges Congress to lift this denial of retirement benefits. The Major Richard Star Act would repeal this draconian offset for those veterans who are medically retired due to injuries sustained in combat allowing them to receive both their retirement pay and their disability compensation.

KEY POINTS

- Servicemembers who retire after 20 or more years with at least a 50% disability receive both DOD retirement pay and VA disability compensation. Servicemembers who retire after 20 or more years with less than 50% disability, as well as Service members medically retired under Chapter 61 have their military retirement reduced.
- Despite bipartisan support in both the House and Senate, the Major Richard Star Act was not brought to a vote in the 117th Congress.

WHAT CONGRESS CAN DO

- Mandate Pass legislation that will provide offset relief to veterans retired from the military (the Major Richard Star Act).

RELEVANT RESOLUTIONS

- Resolution No. 224 (2016): Support for Concurrent Receipt of Military Retirement Pay and VA Disability Compensation.¹

¹ The American Legion Resolution No. 118 (2016): [Support for Concurrent Receipt of Military Retirement Pay and VA Disability Compensation](#)