

Retirement benefits may also be awarded for disablement which incapacitates a serviceman for further duty prior to a period of service which would permit him to retire based on length of service.

Under the law, concurrent payment of military retired pay, however computed, and VA compensation is prohibited with one exception. Should retired pay exceed the amount of VA entitlement, the veteran may waive so much of his retired pay as is equal to his disability compensation. He would, thus, receive payments from both sources; however, the combined amount would equal the full amount of retired pay. Otherwise, he may not receive disability compensation without surrender of his full retired pay entitlement. Elections and re-elections between both benefits are permitted.

In recent years, there has been an increase in the number of claims for VA benefits filed by persons receiving military retirement pay. Substantial overpayments often result because of concurrent benefits. When these occur, there is considerable administrative and program cost to both the VA and the Department of Defense. In addition, collection of overpayments often creates a hardship for the veteran.

This has been a long-standing problem of communication, which has been improved by numerous meetings between VA and DoD representatives. But, in order to eliminate overpayments altogether, there must be timely exchange of information between the two agencies (and sometimes with the veteran) and timely adjustment of the two awards.

A solution may lie in consolidating payments in one agency. This procedure would concentrate all vital information at a point where award adjustment could be simultaneous. This consolidation would not in any way affect the status of military retirees as a distinct class from veterans.

Because the primary purpose of the VA is administration of law relating to the relief and benefit of veterans and their dependents, and that of DoD is defense of the nation, a logical point for consolidation of information and awards would appear to be in the VA.

The equity of the bar against concurrent payment, where benefits from the Service Department are based solely on longevity, is also for reconsideration. This position is motivated by the absence of any similar prohibition against the concurrent payment of VA disability compensation and retirement benefits from other sources, such as Federal,