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# Year in Review 2021

# Director's Greeting

**With a gradual return to normal, M-VETS rounded out 2021 with several long-awaited case victories and continued to provide vital legal services to our veterans, service members, and military families.**

In the fall of 2021, we opened the doors to the M-VETS office and welcomed back to campus our student-advisors who had been working remotely since March 2020. Over the course of the year, our students performed over 5,000 hours of clinic work, including nearly 3,000 hours on client matters, equating to a private market value of over \$600,000 in *pro bono* services.

In our expansion efforts, our clinic staff kicked off a capital campaign to fund a third attorney position for the forthcoming M-VETS outpost co-located in the newly renovated American Legion Post 139 Headquarters set to open in the fall of 2022.

Thank you to our sponsors and community partners who provide vital support for the M-VETS mission. We also give a heartfelt thank you to all our student-advisors and administrative support staff for their continued hard work and dedication to serving our veterans and service members.

We wish our students, alumni, colleagues, supporters, and the entire military community a Happy New Year and best wishes for a bright 2022!

Sincerely,



A handwritten signature in blue ink that reads "Timothy MacArthur". The signature is fluid and cursive.

Timothy M. MacArthur  
Director & Clinical Professor  
Mason Veterans and Servicemembers Legal Clinic  
Antonin Scalia Law School



## Milestones

**Since its inception in 2004 and through the dedicated effort of over 200 student-advisors, M-VETS has served over 300 clients and provided the equivalent of**

**\$4.8M**

**in *pro bono* legal services.**

M-VETS provides free legal representation to veterans, active duty service members, and their families while allowing law students to gain practical legal experience under the supervision of practicing attorneys. M-VETS provides representation in a variety of matters including Virginia civil litigation matters, uncontested divorces, consumer protection matters, wills and powers of attorney, as well as assisting with matters before the VA and various administrative boards, including discharge upgrades, record corrections, military pay and entitlement matters, and VA disability benefit appeals.





## M-VETS Expansion News

In order to assist a greater number of veterans and to expand its scope of services, M-VETS is continuing its partnership with American Legion Post 139 to provide free legal services in the newly renovated Post headquarters housed in the Lucille and Bruce Terwilliger Place, an affordable housing complex spearheaded by the Arlington Partnership for Affordable Housing. The project, slated to be completed in 2022, will provide 160 affordable apartments, half of which will be reserved for veteran-tenants, as well as a modern, 6,000-square-foot facility to house the new American Legion Post 139 headquarters.

The American Legion has agreed to provide a dedicated M-VETS office in the new space.

In order to staff the new M-VETS outpost co-located in the American Legion's new headquarters, M-VETS has begun a capital campaign to seek funding to hire a staff attorney dedicated to providing walk-in legal services, direct representation in VA/military matters and Virginia criminal/traffic cases, while also supervising law students in these practice areas.

***The chart below demonstrates our anticipated increase in output with the addition of a third attorney:***

### Anticipated Increase in Output

	Fall 2011–Spring 2016 (1 Attorney)	Fall 2016–Spring 2021 (2 Attorneys)	Projection w/ 3 Attorneys (over 5 years)
Private Market Value of Pro Bono Services	\$1,106,415	\$2,603,880	\$3,852,000
Client Hours	4,919.4	11,572.8	17,000
Clinic Hours	3,647.8	12,154.7	18,000
Total Hours	8,567.2	23,727.5	35,000
# of Students	77	116	175



## Amazon Donates

# \$25K

### to M-VETS Capital Campaign to Expand Pro Bono Legal Services

With its arrival in Arlington, Amazon has established itself as a significant community partner and continued to strengthen those ties this month by making a donation to the Mason Veterans and servicemembers Legal Clinic (“M-VETS”) at the George Mason University Antonin Scalia Law School. The funding will help support a third attorney position, greatly expanding M-VETS’ ability to provide legal support to the local veteran community.

In an effort to assist a greater number of veterans and to expand its scope of services, M-VETS has partnered with American Legion Post 139 to provide free legal services in the newly renovated Post headquarters housed in the Lucille and Bruce Terwilliger Place, an affordable housing complex spearheaded by

the Arlington Partnership for Affordable Housing set to open in 2022. Not only will Terwilliger Place be home to the new Post 139 headquarters, but, of the 160 units of affordable housing, 50% will have a veterans preference, providing critical housing and resources to local veterans.

In order to staff the new M-VETS outpost co-located in the American Legion’s new headquarters, M-VETS is leading a capital campaign to hire a third staff attorney dedicated to providing walk-in legal services, direct representation in new practice areas, and supervision of law students in these matters. Amazon’s contribution will be earmarked to fund the third attorney position. With the addition of a third attorney and expansion of practice areas, M-VETS anticipates that it will be able to increase its output of *pro bono* services by nearly 40 percent.

“With Amazon’s generosity, we have taken a significant step in continuing our mission to fund the third staff attorney position,” M-VETS Director, Timothy MacArthur said. “We are extremely grateful to Amazon for its support of our clinic operations and look forward to continuing our partnership with our new Arlington neighbor.”

MacArthur emphasized the importance of being able to expand practice areas and provide walk-in legal services at the American Legion Post 139 Headquarters. “Expanding into the areas of criminal law and employment matters will enable us to assist a greater number of veterans and service members in the community,” MacArthur said. “In addition, our ability to offer walk-in legal counseling will provide an immediate impact the local military community.”

# Case Victory Highlights

## **M-VETS Secures Disability Compensation for a Retired U.S. Air Force Veteran due to Exposure to Agent Orange in Vietnam**

The Antonin Scalia Law School Mason Veterans and Servicemembers Legal Clinic (“M-VETS”) secured Department of Veterans Affairs (DVA) disability compensation for a retired U.S. Air Force veteran for his service in Vietnam. M-VETS argued in a brief before the DVA that the veteran was entitled to service connection and disability payments for a condition presumptively caused by exposure to Agent Orange during the veteran’s service in Vietnam.

The veteran served in Vietnam during the Tet Offensive but the veteran’s service record did not reflect his boots-on-the-ground service in Vietnam. It is necessary to show a veteran had boots on the ground service in Vietnam in order to service connect certain medical conditions which the DVA considers are presumptively related to exposure to Agent Orange in Vietnam.

M-VETS produced sufficient evidence to establish the veteran’s service in Vietnam. The DVA recognized the veteran’s Vietnam Campaign Medal, Vietnam Service Medal, squadron history, and the client’s recollection of events and granted disability compensation for conditions related to exposure to Agent Orange.

“I am glad our client reached out to us for assistance as proving boots on the ground service many years after the fact can be challenging,” said M-VETS Director Timothy



*M-VETS Student-Advisors Megan Huppee (left) and Samantha Lewis (right)*

MacArthur. “I would like to thank the U.S. Air Force archivist who was able to provide us an extensive unit history for our client’s squadron. This history showed the squadron’s frequent travel into and out of Vietnam during the time our client was in that squadron. Along with our client’s recitation of events, we were able to use this information to prove boots on the ground service in Vietnam which entitled our client to receive service connection and disability payments for several disabilities related to exposure to Agent Orange,” MacArthur said.

MacArthur continued, “I would also like to thank the two M-VETS student-advisors who worked on this matter from the beginning of the case until the end. Megan Huppee and Samantha Lewis did an outstanding job assisting our client and their hard work enabled our client to receive a positive outcome in a timely manner.” I am so honored to be able assist this veteran and others with the clinic. Being a part of M-VETS has been the most rewarding part of my law school career,” Huppee stated.

Huppee continued, this case was a team effort, and I value the time I spent working with Samantha Lewis and Professor MacArthur.

"I am so appreciative of [the student's] professionalism and their tremendous work. I am so thankful for the clinic's help throughout the whole process," said the veteran. The veteran continued, "I am honored that the [DVA] finally recognized my service in Vietnam."

## **M-VETS Assists Navy Veteran with Adoption and Expungement**

The Mason Veterans and servicemembers Legal Clinic ("M-VETS") successfully assisted a Navy Veteran with two civil matters in the Loudoun County Circuit Court. In the first matter, M-VETS represented the Veteran in filing a Petition for Adoption of his nephew who has been residing with the Veteran for several years after his mother was incarcerated and his father deported. The Loudoun County Circuit Court entered the Final Order of Adoption in April 2021. Formalizing the adoptive parent relationship will enable the Veteran to provide assistance for his nephew to attend to college in the fall.

M-VETS also assisted the Veteran with a Petition for Expungement of a misdemeanor charge which had been previously dismissed by the Commonwealth Attorney. M-VETS Student Advisor, Anne Cotter, represented the Veteran at the Expungement hearing after being admitted with her third-year practice certificate. The Court granted the Petition and entered the Expungement Order in April 2021.



**Cotter stated the following about the experience:**

**"I am very grateful to have been able to assist this veteran and his family. M-VETS has been the most rewarding part of my law school experience because I have been able to serve the veteran community while also gaining practical experience."**

We are honored to be able to assist this Veteran and his family said M-VETS Deputy Director, Leigh Winstead.



"Our clinic aims to provide a comprehensive scope of services in order to assist more members of the military community and to provide legal assistance in as many areas as possible. We were fortunate to be in a position to help this Veteran with two distinct legal issues," Winstead said. "Thank you, M-VETS for helping our family," the Veteran said. "We appreciate your services to all veterans."



## **M-VETS Prevails and Secures Honorable Discharge for Army Combat Veteran**

The Mason Veterans and servicemembers Legal Clinic (M-VETS) successfully argued before the Army Discharge Review Board for an Army Combat veteran to receive a fully Honorable conditions discharge. Filed in 2019, the M-VETS request was recently approved by the Army Discharge Review Board and the veteran now has a fully Honorable conditions discharge reflected on the veteran's DD 214.

The veteran served on active duty in the Army from 2001 through 2015 and, during this period of time, the veteran deployed overseas in support of Operation Enduring Freedom and Operation Iraqi Freedom a total of four times. The veteran served three combat tours in Iraq, one combat tour in Afghanistan, and was awarded the Combat Action Badge for the veteran's actions overseas. After the veteran returned from

the combat deployments, the veteran began suffering from symptoms of Post-traumatic stress and Traumatic Brain Injury. The veteran began to self-medicate with alcohol to try and soothe these symptoms. This self-medication led to a misdemeanor DUI charge that resulted in the veteran's discharge from active duty with a General, Under Honorable conditions discharge for misconduct.

At the time of discharge, unfortunately, the veteran's chain of command did not realize the veteran was suffering from Post-traumatic stress, Traumatic Brain Injury, and was self-medicating to ease the symptoms of these conditions. Additionally, in the veteran's separation paperwork it was incorrectly noted that the veteran had a serious pending civilian criminal charge off the installation during his separation proceedings. In order to correct these errors, M-VETS enlisted the assistance of the GMU Center for Psychological Services and requested the veteran's complete criminal history from the FBI.



M-VETS Director, Timothy M. MacArthur, stated about the matter: “We are very appreciative of the efforts of the GMU Center for Psychological Services, as they were able to evaluate our client and show the veteran’s actions were the result of self-medicating due to PTS and TBI which we were able to successfully argue before the Army Discharge Review Board. Also, we were able to provide the board a copy of the FBI’s findings concerning our client’s lack of a criminal history to dispute the administrative error in the separation paperwork that there was a very serious civilian criminal charge pending against our client at the time of discharge from the Army. Someone made a serious error by including a criminal charge against our client that was not accurate and was likely about another soldier who was being separated at the same time as our client. The false charge was of such a serious nature that it likely influenced the chain of command’s recommendation for a General discharge for our client. Thankfully, with the FBI’s criminal history report we were able to show the board that our client had never been charged with a civilian

crime and the discharge paperwork was in error, resulting in an inequitable discharge.”

**“I want to thank the M-VETS team for all that you’ve done for me!”**

**—Veteran Client**

MacArthur continued, “I’m glad the veteran reached out to M-VETS and we were able to assist with this issue. Our client served honorably in the Army and to be able to correct this injustice before it potentially caused more roadblocks was a great result. A veteran’s DD 214 is a very important document as it can serve as the basis for eligibility for a variety of services and it should be accurate and reflect the true character of a veteran’s service while on active duty.”

MacArthur emphasized the contributions of the student-advisors that worked on this matter. “Throughout the course of M-VETS representation, many student-advisors assisted with the client’s matter and I am very appreciative of the time and effort they put into this case,” MacArthur said. “The student-advisors worked diligently on this matter and their hard work paid off.”



# Student Blog Highlights



## Man's Best Friend: A Quick Guide to Service Dogs for Veterans and Servicemembers with PTSD

*Written By Spring 2021 M-VETS Student Advisor Samantha E. Lewis*

### **Introduction**

Hound, puppy, pooch, doggie, man's best friend... dogs sure do carry many names. Other than being cute and fluffy companions, dogs can potentially serve many other important purposes, and the research on what they can do for those with mental health conditions is ever evolving. There are cadaver dogs, drug sniffing

dogs, therapy dogs, bomb sniffing dogs, and, of course, service dogs. Service dogs can be trained to perform a wide variety of tasks, from assisting a blind person in navigating a street to sniffing out and alerting to an irregular heartbeat. Service Dogs for Servicemembers and those who suffer from Post-Traumatic Stress Disorder ("PTSD")



can be a life changing and lifesaving resource. Despite the many benefits of a PTSD service dog, many Veterans who would benefit the most are unfortunately left confused by the obstacles created by competing regulations, as well as misconceptions about who needs a service dog and even the purposes they serve. This quick guide blog post will do a general overview of United States federal and Virginia state regulations, as well as explore resources for assistance in financing and obtaining a service dog.

## **What is the Law?**

This is where it gets tricky. Both the United States federal government and the Virginia state government have certain regulations surrounding the use of service dogs, and those looking to obtain a service dog need to ensure they are complying with both.

## **Federal Law**

The use of service dogs by people with disabilities is regulated by the Americans with Disabilities Act (the “ADA”).<sup>[2]</sup> The ADA is a civil rights law that prohibits discrimination based on disability.<sup>[3]</sup> The ADA requires state and local government agencies, businesses, and non-profit organizations that provide goods or services to the public to make “reasonable modifications in their policies, practices, or procedures when necessary to accommodate people with disabilities.”<sup>[4]</sup> The service animal rules fall under this general principle. Accordingly, entities that have a “no pets” policy generally must modify the policy to allow service animals into their facilities.”<sup>[5]</sup> According to the ADA, the term “disability” “means with respect to an individual...a physical or mental impairment that substantially limits one or more major life activities of such individual...”<sup>[6]</sup> Furthermore, “major life activities include, but are not limited

to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.”<sup>[7]</sup>

In reference to use of service dogs, Titles II and III of the ADA are most relevant. Title II of the ADA prohibits disability discrimination by all public entities at the local level. For example, Title II covers places such as the school district, municipal, city, or county, and at state level, and covers access to all programs and services offered by such entities.<sup>[8]</sup> Title II of the ADA also applies to public transportation provided by public entities through regulations by the U.S. Department of Transportation, and to all state and local public housing, housing assistance, and housing referrals.<sup>[9]</sup>

Title III of the ADA applies to private businesses and makes it such that no individual may be discriminated against on the basis of disability with regards to “the full and equal enjoyment” of the goods, services, facilities, or accommodations of any place of public accommodation by any person who owns, leases, or operates a place of public accommodation.<sup>[10]</sup> Public accommodations include most places of lodging (such as hotels), recreation, transportation, education, and dining, along with stores, care providers, and places of public displays.<sup>[11]</sup>

According to the ADA, a “service animal” is defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability, and the tasks the dog is trained to do must be directly related to the person’s disability.<sup>[12]</sup> It is important to note that the ADA differentiates between service dogs and emotional support, therapy, comfort, or companion animals, and explains that “[i]f the

dog has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact, that would qualify as a service animal. However, if the dog's mere presence provides comfort, that would not be considered a service animal under the ADA."<sup>[13]</sup> Finally, although the ADA does not require that a service dog be professionally trained in order to qualify as a service animal, it is important to note that the dog must already be trained before it can be taken into public places.<sup>[14]</sup>

## **Virginia Law**

In addition to the ADA, most, if not all, states have additional laws aimed at protecting those with disabilities. In Virginia the use of service dogs falls under the Disability Rights Law codified at Va. Code §§ 51.5-40 through 51.5-46; the Disability Rights Law is quite similar to the ADA, as many of the same regulations apply. According to the Disability Rights Law, just as with the ADA, people with disabilities may bring their service animals to all "public accommodations," including stores, businesses, motels, restaurants, theaters, schools, and more, and public accommodations in Virginia must comply with both state and federal law.<sup>[15]</sup>

Under the Disability Rights Law, public places have to give access to guide dogs, hearing dogs, and service dogs.<sup>[16]</sup> It defines "service dog" as "a dog trained to do work or perform tasks for the benefit of a mobility-impaired or otherwise disabled person."<sup>[17]</sup> Like the ADA, the Disability Rights Law states that "[t]he work or tasks performed by a service dog shall be directly related to the individual's disability or disorder,"<sup>[18]</sup> and further states that "[e]xamples

of work or tasks include providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting an individual to the presence of allergens, retrieving items, carrying items, providing physical support and assistance with balance and stability, and preventing or interrupting impulsive or destructive behaviors."<sup>[19]</sup> Virginia code also makes it a Class 4 misdemeanor to fraudulently hold out a dog as a service dog when such dog is not, in fact, a trained service dog.<sup>[20]</sup>

## **How Can a Service Dog Help My PTSD?**

Military personnel who are exposed to combat violence are strongly at risk for developing PTSD, and, today, it is estimated that approximately 23% of Veterans deployed to Iraq and Afghanistan are impacted by PTSD.<sup>[21]</sup> The main treatments for Veterans with PTSD are counseling (i.e. "talk" therapy), medications, or both.<sup>[22]</sup> Although there are a number of treatment options for PTSD, unfortunately PTSD in Veterans is particularly difficult to treat. "Additionally, few treatments incorporate the family members and/or spouses, who often suffer from their own psychological distress, secondary trauma, and caregiver burden."<sup>[23]</sup> In addition to increased treatment dropout rates and other obstacles, Veterans can face unique barriers to accessing and obtaining adequate treatment.<sup>[24]</sup> These barriers can include the fact that they have to have either an honorable or general discharge to access Department of Veterans Affairs ("VA") medical benefits, long waiting lists at VA medical centers, and the social stigma associated with mental illness within the military community.<sup>[25]</sup>



Although it may not be the magic “cure” to PTSD, a service dog may provide that extra support a Veteran needs to help, at the very least, manage their PTSD symptoms every day. A PTSD service dog is classified as a “psychiatric service dog,” and is specially and specifically trained to give their Veteran a greater sense of confidence, safety, and independence on a day-to-day basis.<sup>[26]</sup> What a PTSD service dog does and how it will help a Veteran is deeply personal, varying from person to person. For example, “a PTSD service dog may be trained to assist the veteran by “watching” their back in public, serving as a physical barrier between the veteran and approaching strangers, waking them up from nightmares, and serving as a physical brace for balance.”<sup>[27]</sup> In addition, research suggests that the most vital function of a PTSD service dog is interrupting anxiety episodes.<sup>[28]</sup> PTSD service dogs can be specifically trained to detect a Veteran’s physical signs of anxiety and distress, and are able to alert to and actually interrupt.

## Conclusion

A PTSD service dog can be a lifesaving tool for those Veterans suffering from PTSD. Unfortunately, Veterans may face many challenges when trying to get a service dog. PTSD service dogs can be costly, and the laws surrounding the use of service dogs are tricky

and sometimes unclear. Add in the common misconceptions in the differences between legally sanctioned service dogs and other types of emotional support dogs, and it is easy to get overwhelmed. Thankfully, with increased awareness of the prevalence of PTSD in Veterans, especially in the time following the wars in Iraq and Afghanistan, has come an increase in the number of organizations that offer help and a renewed discussion of how pivotal PTSD service dogs can be. It is of the utmost importance to keep these discussions going and awareness increasing so that even more Veterans can find a service dog.



# Student Blog Highlights



## Military Retirement and Transition to the Blended Retirement System

*Written By Summer 2021 M-VETS Student Advisor Mike Smiley*

### **Summary:**

Military retirees and current Servicemembers ought to be aware of the military pension system that is applicable to their circumstance and the implications it can have on their financial wellbeing. The system of service member pensions is periodically revised, most recently and radically, as of January 1st, 2018, the Department of Defense has fully implemented the Blended Retirement System (BRS). This system modifies portions of the previous defined benefit plan and allows for matching contributions for the Servicemember through matching contributions to the servicemembers Thrift Savings Plan (TSP). Perhaps most impactful, it opens the doors to Servicemembers being able to develop a retirement nest egg even if they do not have

the intention of serving a 20+ year military career. However, this added benefit also adds responsibility on the Servicemember who must take responsibility to participate in the program as they best see fit. Servicemembers participating in the BRS and any Servicemember receiving retirement benefits should ensure that they are adequately educated on its impact on their retirement posture and planning. What is the Law?

This is where it gets tricky. Both the United States federal government and the Virginia state government have certain regulations surrounding the use of service dogs, and those looking to obtain a service dog need to ensure they are complying with both.

## Background:

Throughout the history of the military, there has been some type of pension available for Servicemembers meeting eligibility criteria. As far back as the Revolutionary War, a Servicemember's pension was implemented to encourage enlistment and prevent desertion amongst the ranks. [\[i\]](#) The concept of the 20 year military pension became standard around World War II and has remained a key component to military retirement eligibility to date. [\[ii\]](#) Currently, there are four different pension systems applicable to Servicemembers based on their entry date of service: the Final Pay system; the High-3 system; the Career Status Bonus (CSB) or "Redux" system; and the current BRS. [\[iii\]](#)

**1** Servicemembers who joined the military prior to September 8th, 1980, fall under the Final Pay system. Under this program a Servicemember that has accrued more than 20 years of applicable service is eligible for retirement pay equal to their final pay times a multiplier of 2.5 percent times their years of service. To protect the purchasing power of the retiree, the final pay system incorporates an adjustment annually by the percentage increase in the average Consumer Price Index (CPI). [\[iv\]](#)

**2** Servicemembers who joined on or after September 8th, 1980 (but before implementation of the BRS) with 20 years of creditable military service have their final pay calculated by an average of their final three years of service, this is referred to as the High-3 System. This 36-month average still utilizes a 2.5 percent multiplier times the years accrued by the Servicemember and continues to use the CPI for an annual Cost of Living Adjustment (COLA). [\[v\]](#)

**3** The **CSB/Redux System** was designed to provide incentive for Servicemembers on the fence about completing a 20-year military career to stay by providing an up-front payment with a reduction to their subsequent pension. A Servicemember who joined on or after August 1st, 1986, who also had 15 years of service before December 31st, 2017 (the start of the BRS) could opt for the CSB instead of the High-3 system. The system provided a \$30,000 bonus at the Servicemembers 15th year of service but subject to a multiplier penalty if the Servicemember retired with less than 30 years of service. This penalty (if enforced) is removed when the Servicemember reaches age 62 and is then recomputed according to the high-3 system. Additionally, the COLA adjustment for those who elected the CSB is the CPI minus 1 percent except when CPI is less than a percent. Again, this CPI adjustment is converted back to the standard high-3 system when the Servicemember reaches the age of 62. [\[vi\]](#) This program ended on December 31, 2017. [\[vii\]](#)

**4 Blended Retirement System (BRS):** All Servicemembers who joined the military after December 31st, 2017, are automatically enrolled in the BRS. [\[viii\]](#) Additionally, Servicemembers with less than 12 years of service prior to December 31st, 2017, had the option to opt into the BRS if they did so by election in calendar year 2018 (without opting in Servicemembers remain on a High-3 system). The BRS combines components of the defined benefits programs with components more typical to a civilian employer-sponsored retirement program with matching contributions from the employer. [\[ix\]](#)

## ***The Blended Retirement System***

The Fiscal Year 2016 National Defense Authorization Act introduced the BRS and made it official beginning January 1st, 2018 and consists of three distinct components: a matching thrift savings plan (think traditional 401k), a career continuation bonus, and a pension. [x]

The Thrift Savings Plan or “TSP” is a defined contribution plan for federal employees to include Servicemembers. Servicemembers in the BRS will start with a default contribution of 3% of their base pay [xi] and after 60 days will automatically receive a 1% contribution from the Department of Defense. After two years, the Servicemember will receive matching contributions up to 5% of their base pay as follows:

- A 1 percent contribution from the Department of Defense automatically;
- A 1% matching contribution for the first 3 percent of the Servicemembers base pay;
- An additional 0.5 percent matching contribution for each additional 1 percent of the Servicemembers contribution. [xii]

This means that after two years a servicemember can receive up to 5 percent matching contributions from the DoD in their TSP by investing 5 percent of their base pay into the program. All matching contributions become fully vested after completion of two years of service. [xiii]

The career continuation bonus looks and acts a lot like a reenlistment bonus but will occur between 8 and 12 years of service and is not actually affected by or limited by any reenlistment bonus that may exist. [xiv] Each service will implement different guidelines for the bonus but to be eligible the Servicemember must sign up for at least an additional 3 years (service dependent). The amount of the bonus will be determined based on the individual services needs and will range between 2.5 and 13 percent of the Servicemember’s base pay.

The first two benefits are at the expense of the defined benefit or pension program. The change is in the multiplier for years of service. The standard 20-year vesting period for the defined benefit remains, but the multiplier for years of service is reduced from 2.5 percent to 2 percent. In other words, the standard thought process of a 50 percent retirement at 20 years (2.5 x 20) is now replaced with a 40% defined benefit plus whatever value the Servicemember has accumulated through the TSP and continuation of service bonus. [xv]



## Why Change the Retirement System?

There are several reasons why the Government opted for an updated retirement system. First, as has been the case in most of corporate America, the traditional pension system had proved to be a high financial burden on the Government. Converting portions of the retirement system to a contribution system is likely a cost savings for the Government. Second, the “all or nothing” aspect of the previous military pension program meant that around 17 percent of military veterans received the benefit of a military retirement while the remaining 83 percent based solely on time in service were ineligible for any military retirement benefits. [xvii]. Third, by introducing a retirement benefit available to all Servicemembers regardless of years of service, there is a potential to leverage retirement savings as a useful recruiting tool to Servicemembers not interested in committing to 20+ years of service. This combination of lower costs and an expansion of who may benefit from a military retirement incentive made the conversion largely amicable for Congress and the DoD.

## Conclusion:

When a Servicemember joined the service and how long they served will have a profound impact on what type of retirement program is relevant to that individual. As good as the BRS may be for the vast majority of Servicemembers (particularly those who likely would not have otherwise been eligible for any retirement compensation), it is also inherently more complex than its predecessors. Understanding this system and how to participate in it is vital to those currently joining or contemplating joining the service. There are several resources to help Servicemembers understand this benefit and a great place to start is with the education program the Department of Defense has created to help encourage Servicemembers to both understand their employer funded contribution plan (TSP) and feel confident in the investment decisions they are making. For Servicemembers looking to start their education on managing their BRS, please reference the Department of Defense’s website: <https://militarypay.defense.gov/blendedretirement/> and look at its litany of training options.



