

VA/Military Pay Dual Compensation Information Sheet

You may be a member of the National Guard and collect Veterans Administration compensation benefits; however, you cannot collect VA compensation for the same number of days that you receive military pay. This includes IDT, AT, ADSW, RMA's, etc. (10 USC 12316 and 38 USC 5304(c)).

A National Guard service member may elect to keep the training pay received from the military service department. However, to be legally entitled to keep the training pay, VA benefits must be waived for a number of days equal to the number of days for which training pay is received. In most instances, it will be to the soldiers' advantage to waive VA benefits and keep training pay.

Most traditional National Guard members will be paid for approximately 63 training days during a fiscal year. This normally consists of 48 armory drills or Unit Training Assemblies (UTA) and 15 days of annual training (AT).

If VA benefits are waived to receive National Guard training pay, the VA will adjust the VA award to withhold future benefits for the same total number of days waived and at the monthly rate in effect for the fiscal year for which training pay was received. The normal VA rate will be restored when a sufficient number of days' benefits have been withheld.

The VA should send a VA Form 21-8951, Notice of Waiver of VA Compensation or Pension to Receive Military Pay and Allowance, to the service member annually for verification of military pay received for the previous fiscal year and to calculate withholding of future compensation. The service member is required to complete the VA Form 21-8951 with his unit commander or full-time representative and return to the VA within 60 days.

If the VA does not contact the veteran, it is recommended that the veteran contact his or her regional VA office. Be aware that even though the VA may not contact the veteran on an annual basis, a debt to the federal government will continue to be incurred. This debt will most probably be eliminated through withholding of future VA compensation, not through recovery of compensation already paid.

For example, SPC John receives \$258.12 for a weekend drill (\$64.53 x 4 UTAs). SPC John has a 30% disability rating from VA and receives or is eligible to receive \$337 per month (\$4044/year or approximately \$11.23/day). SPC John may choose to waive either his National Guard pay of \$258.12 for the drill weekend or he may choose to waive his VA compensation of \$44.92 (\$11.23 times 4) for the same weekend. If he chooses to waive his VA compensation for the days he spent in National Guard training, VA will withhold his compensation checks in the next year until the amount of \$707.49 (48 UTA's + 15 days AT = 63 days times \$11.23 daily VA compensation) is reached. In

SPC John's case, this will mean two months without a VA compensation check and a reduced check of \$303.59 for the next month, with a return to \$337 for the rest of the year.

Over the course of a year, SPC John would have earned \$4065.39 from the National Guard for 48 UTAs and 15 days AT. In addition, he would have received VA compensation of \$3336.30 (\$4044 minus the \$707.70 withheld for 63 days of National Guard training pay). As you can see, it is generally much better financially for the soldier or airman to waive VA disability benefits.