



Transitional Compensation for Abused Family Members

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Overview

- MCO 1754.11 VA Responsibilities
- Program overview
- Eligibility criteria
- Program benefits
- Application process

Overview

- Federal Law per 10 USC 1059
- Mandated program per DoDI 1342.24, 23 May 1995*
- DoD Financial Management Regulation Vol 7B Chapter 60*

Purpose

- To provide temporary financial assistance to eligible family members and when applicable, service members
- Financial assistance aids eligible family members ease the burden of financial hardship presented after the Marine offender is separated from the Marine Corps for a dependent-abuse offense

Dependent Abuse Offenses

- Any domestic- abuse offense acted out by a service member upon eligible spouse and children
- Must be a criminal offense as specified under UCMJ Federal, criminal law, criminal laws of the States and other jurisdictions of the U.S., and/or laws of other nations

Dependent Abuse Offenses

Some examples of dependent- abuse offenses include:

- Sexual assault, rape, sodomy
- Assault, battery
- Child abuse and child neglect
- Murder and manslaughter
- Stalking

*** This list is not all inclusive. Other stipulations may apply.**

Victim Advocate Responsibilities

- Educate commands at their respective installation and other relevant personnel on:
 - **The Transitional Compensation Program**
 - **Eligibility criterion**
 - **Importance of including domestic abuse in separation documentation, when appropriate**
- Educate eligible victims or legal guardians/ representatives
- Assist in the application process
- Liaison between HQMC, victim, law enforcement, SJA, and other appropriate entities

Eligibility Criteria

- Beneficiaries must have been residing with **OR** married to service member at time of the offense
- Marine served minimum of **30** days on active duty
- Marine separated from service for a dependent -abuse offense via:
 - Result of a court-martial sentence
 - Forfeiture of all pay and allowances via court-martial, or
 - Administrative separation (Enlisted), or
 - Board of Inquiry (Officers)

Eligibility Criteria-Children

- Under 18 years of age
- 18 years or older, but incapable of self-support because of mental or physical incapacity (will require proof)
- Between 18 and 23 years, but enrolled full-time in an institution of higher learning and dependent on service member for greater than 1/2 of support (will require proof), or
- Still a dependent at the time of the separation or court martial

Eligibility Criteria- Children

- Proration may occur if they are not dependent for duration of payment (i.e. child turning 18 years of age that graduates high school while TCAFM is being paid)
- Stepchildren are eligible assuming they are dependents of the member that committed the offense at the time of the separation
- Children not residing with the parent can receive payment through a payee (or legal guardian)
 - Not if child is in foster care- as state has custody
 - If child is returned to spouse, spouse can receive payment

Eligibility Criteria –Spouse

- Must have been legally married at the time of offense
- Can be divorced as of SM's separation
- If SM is separated for an offense relating to child abuse, spouse must **NOT** have participated in the abuse

Not Eligible

- Intimate Partner (even if residing with service member)
- Dependents when SM was not separated
 - Service member dies by suicide after offense
 - Service member NJPed but not separated
 - Service member EASes before separation process is complete
- Child not residing with the service member or spouse at the time of the dependent-abuse offense
 - Service member abuses new wife while biological child from previous marriage is visiting

Forfeiture Provisions

- Spouse co-habits with former member upon SM separation
- Dependent spouse remarries while receiving payments
- Loses custody of children (forfeits child amount)
- Noncompliance with annual re-certification requirements with DFAS and DEERS

Benefits

- Benefits begin:
 - On the date the court-martial sentence is adjudged if the sentence includes a dismissal, dishonorable discharge, bad conduct discharge or forfeiture of all pay and allowances
 - OR
 - On the date the Marine's command informs the Marine that an administrative separation has been initiated (Notification letter)
 - OR
 - On the date the Marine's command accepts a Separation in Lieu of Trial request (entire SILT is required to process package)
 - OR
 - On the date the Marine's command notifies Marine of Board of Inquiry

Benefits-Duration

- 36 months
- Cannot be extended

Benefits

- Monthly monetary payments
- Military ID card
- Medical
- Dental (space available status), and
- Commissary and Exchange

Benefits

- JTR provides for safety transfers in certain situations (MILPERSMAN 1300-1200 CH-40)
- Transportation is NOT a TCAFM benefit
- Medical expenses related to the abuse can be approved by SecNav on case by case basis for coverage after expiration of TCAFM (Designee Program) – includes mental health

Payment

- Based on the rate in effect for Dependency and Indemnity Compensation
- Monies are not reported as income
- Monies are not taxed
- 1st payment will take up to 6 weeks from approval date to receive

Application Process

- Completion of application packet by victim with assistance from VA
 - ❖ DD Form 2698, Application for Transitional Compensation
 - ❖ Supporting legal documents
 - ❖ Direct Deposit Form
 - ❖ Cover Sheet
- Finance approval at HQMC
- HQMC notifies recipient, DFAS and DEERS

Exceptional Eligibility

Authorized under OSD DTM 14 April 2008

- SecNav's office authorized to review and approve cases where dependent-abuse offense was not documented as reason for separation
- Evidence of dependent-abuse offense must accompany the application
- Requires that SM already be separated at the time of application for waiver

Exceptional Eligibility

Examples of Documentation

- IDC Letters showing met criteria for physical abuse
- Non-judicial punishment documentation (UPBs)
- SILT package (charge sheets, request letter, endorsements)
- Law enforcement reports including military blotters
- Court documents (ex parte, protective orders)
- FAP assessments

Important Notes

- DFAS, DEERS, HQMC are not connected
- HQMC must wait for response from DFAS and DEERS
- Beneficiary maintains responsibility for follow up with DFAS/DEERS
 - VA can assist
 - HQMC can assist

Case Examples: Who is eligible?

Example 1

Staff Sergeant Shoebuckle and her spouse are found to have physically abused their 3 year-old child. As a result, the child is placed into the custody of a legal guardian (maternal grandmother). SM is separated from active service for abuse against the child.

Is spouse eligible?

Is child eligible?

Example 2

Lance Corporal Johnson and his spouse have five children (they are all dependents in DEERS). LCpl Johnson is stationed in CA. His spouse and children reside in TN. SM abuses his spouse in TN while on leave, with 3 out of 5 children present in the home during the incident. He is separated via AdSep for the incident.

Is spouse eligible?

Are the children eligible?

Example 3

Master Sergeant Leathers is court-martialed for a domestic-abuse related offense against her spouse. At the time of the incident, the dependent son is 17 years, 11 months old and was in the home during the incident. SM is subsequently convicted and separated.

Is spouse eligible?

Is child eligible?

Example 4

Sergeant Greenleaf is arrested for home invasion, sexual assault and murder after breaking into his girlfriend's apartment one evening. Their 6-month old child laid asleep in his crib next to the bed, as SM committed the above acts. Command separated him via AdSep. He is later convicted and sentenced to life in prison in the civilian judicial system.

Is child eligible?

HQMC Point of Contact

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