

**Dependents with Disabilities: Adult children can qualify for IDs
and Tricare with proper documentation**

By Rachel M. Kelly. ROA Staff²

5.2—Military Service and Child Matters

Q: My 14-year-old son has a permanent mental incapacity. I have heard that he may qualify for a military I.D. and Tricare benefits for the rest of his life. Is this true? If so, how do I ensure that he is eligible and how do I enroll him?

A: When most people think of “dependents,” they typically think of the spouses or minor children of uniformed service members. The law, however, permits some of those children to retain their dependency status after they have reached the age of 21 if they are incapable of self-support due to a physical or mental disability. See 10 U.S.C. § 1072(2)(D)(iii). Assuming you have enrolled your son in the Defense Enrollment Eligibility Reporting System (DEERS) already, then continue to update his I.D. normally until he approaches his 21st birthday—or, if he will be enrolled full time in an accredited institution of higher learning at that time, until his 23rd birthday.

As your son nears his 21st or 23rd birthday, as appropriate, begin the process of submitting the required documentation. The complete service instruction from the secretaries of the uniformed services detailing all the requirements for the initial application or renewal for an I.D. of an incapacitated dependent over the age of 21 can be found in Chapters 4 and 19–23 of the instruction “Identification Cards for Members of the Uniformed Services, Their Eligible Family Members, and Other Eligible Personnel” at:
https://www.mcbbutler.marines.mil/Portals/189/MCO%205512_11E.pdf

Q: What are the eligibility criteria?

¹I invite the reader’s attention to www.roa.org/lawcenter. You will find more than 2000 “Law Review” articles about the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Servicemembers Civil Relief Act (SCRA), the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), the Uniformed Services Former Spouse Protection Act (USFSPA), and other laws that are especially pertinent to those who serve our country in uniform. You will also find a detailed Subject Index, to facilitate finding articles about very specific topics. The Reserve Officers Association, now doing business as the Reserve Organization of America (ROA), initiated this column in 1997.

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A: Your son must be unmarried. If he marries, he will no longer be eligible. He must be incapable of self-support due to a physical or mental incapacity that existed before his 21st birthday. A child can still be eligible if the disability begins while he or she is enrolled in an accredited institute of higher learning after the age of 21, but before his 23rd birthday. For example, if a 22-year-old dependent gets into an automobile accident while he is enrolled in college, and as a result of that accident suffers either a physical or mental incapacitation, he may still be eligible.

Your son must also be dependent on you, the sponsor, for more than one-half of his support. This financial dependency determination will be required every time a new I.D. card is issued. Or, if the sponsor service member is deceased, the child must have been financially dependent on the sponsor for more than half of his or her support at the time of the sponsor's death, which the child's guardian can establish on the dependent's behalf.

Q: What documentation is required to apply?

A: If your son is not already enrolled in DEERS, the first step would be to complete that enrollment process. If you are retired, you must provide certification from the Social Security Administration (SSA) that your son is ineligible for Medicare, Part A, in order for him to remain eligible for Tricare benefits permanently. Service members who are still on active duty will not need to provide this certification because they are still eligible for Tricare benefits as a "second payer" after Medicare, Part A. You can find out more about the complex inter-relationship between Tricare and Medicare at www.tricare.mil under "Who's Eligible?" in the "Overview" portion, or by calling your Tricare regional contractor.

Documentation is submitted in two steps. In Step 1, documents are submitted to apply for the permanent incapacitation designation and to determine if your child is dependent on you for more than half of his financial support. In Step 2, you provide the documents that show your applications in Step 1 were successful so that the I.D. office can issue your son an I.D. To submit the forms to the appropriate review board for your uniformed service branch, you should contact your local I.D. office for the mailing addresses, as they may have changed since the instruction was written 10 years ago.

See the chart below for the forms that are required in each step. This chart is adapted from Table 4.5 of the "Identification Cards for Members of the Uniformed Services, Their Eligible Family Members, and Other Eligible Personnel" instruction mentioned above.

DOCUMENTATION
REQUIRED TO APPLY
(MUST BE CURRENT)

Step 1

APPROVED DOCUMENTATION REQUIRED FOR ISSUE OF THE ID CARD (MUST BE CURRENT)

Step 2

A physician's statement dated within 90 days of the application.

An approved medical sufficiency statement from a Military Treatment Facility.

A current statement from the SSA certifying that the child is not eligible for Medicare, Part A (A portion of Form SSA-604, "Certificate of Incapacity," must be completed by a physician). This form is not required for dependents of active duty sponsors.

An approved dependency determination from a Uniformed Service approval agency.

For dependents whose incapacitation occurred while they were students between 21 and 23 years old:

- 1) The physician's statement listed above must indicate that the incapacitation occurred before the 23rd birthday.
- 2) You must provide a letter from the school's registrar stating that the dependent was enrolled as a full-time student in an accredited institution of higher learning when the incapacitation occurred.

Q: Can I go to any base to enroll or renew the I.D. card of an incapacitated dependent?

A: No, "cross-servicing" is not permitted. You must go to an I.D. office of the same branch in which you serve.

Q: Will I have to go through this process every time my son's I.D. must be renewed?

A: The process for renewal will be similar to the process for initial enrollment with one exception. If the I.D. card is lost or stolen, then a card will be issued with the original expiration date from the card that was lost. No new dependency determination will be required until the card actually expires. When the I.D. card does expire, you must re-establish dependency through your parent service and recertify with the SSA that the dependent is ineligible for Medicare, Part A. For example, if you serve in the Army Reserve, you must provide a dependency determination letter (which will also need to include a statement that medical sufficiency has been established) from the Defense Finance and Accounting Service, Indianapolis Center for Army Dependents. If you are in the Navy Reserve, then you will need a letter of approval from the Bureau of Naval Personnel for Navy dependents, and so on. A complete list of offices for the various uniformed services can be found in Table 4.6 of the instruction mentioned above.