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NDAA 2013 Expands Entitlement to TRICARE Health and Dental Coverage for Reservists not on Active Duty

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9.0—Miscellaneous

On January 2, 2013, President Obama signed into law the National Defense Authorization Act for Fiscal Year 2013 (NDAA 2013). Section 701 of this new law expands upon existing provisions of law that entitle members of the Reserve and National Guard who are not presently on active duty to obtain medical and dental care from the Department of Defense (DOD) medical system (TRICARE).

The Selected Reserve (SELRES) consists of Reserve Component (RC) personnel who are paid to perform inactive duty training (drills). An RC member who is not in the SELRES can be in the Individual Ready Reserve (IRR) and can perform drills for retirement points alone.

During most of my 1980-2007 Navy Reserve career, there were a lot more Reserve judge advocates than there were SELRES billets for judge advocates. From 1980 to 1982, 1987 to 1990, and 1993 to my retirement in 2007, I was in the IRR and was performing drills for points alone, as a member of the Voluntary Training Unit (VTU) Law here in Washington, DC. I also performed a lot of voluntary active duty for special work (ADSW), and after 1993 I did not seek pay billets because I preferred to make myself available for ADSW assignments.

Recently, I have heard from several members of the Navy Reserve Dental Corps who similarly go back and forth between SELRES Dental Corps billets and the Dental VTU, because there are more Dental Corps officers than Dental Corps pay billets. While in the Dental VTU, they perform important functions that the Navy needs but receive only retirement points as compensation.

A few years ago, Congress established TRICARE Reserve Select (TRS) and authorized SELRES personnel to receive medical and dental care through the TRICARE system at a very reasonable premium. The problem is that a Reserve service member may lose his or her pay billet, through no fault of his or her own, and thus lose medical and dental coverage for the member and his or her family. This can be a big problem for RC members who go back and forth between active duty, SELRES pay billets, and the IRR.

Section 701 of NDAA 2013 amends section 1076d of title 10 of the United States Code (10 U.S.C. 1076d). Going forward, the SELRES member who is participating in TRS will be able to keep TRICARE medical and dental coverage for 180 days after separation from the SELRES, if the member was involuntarily separated under other than adverse conditions. This transitional entitlement will be very valuable for some RC members.