

# **SPECIAL CONSIDERATION DURING MOBILIZATION**

## **HEALTH INSURANCE**

### **Normal Rules**

If a soldier has employer provided health insurance and the soldier is called to duty for 30 days or less the employer is obligated by law to continue the soldier's health care coverage. The soldier is responsible for paying their normal share of the premium and the employer pays their normal share of the premium.

If the soldier is on a single continuous active duty order of 31 days or more the soldier must elect to continue the employer provided coverage (18 month maximum), or go on TRICARE. This election is for the soldier's dependents. This election must be made on the first day of duty. If the soldier elects to remain on the employer provided health insurance the soldier must pay 100% of the premium and the employer can charge a two- percent (2%) handling fee.

Once a soldier returns to work the health insurance carriers must reinsure the soldier and the dependents. The insurance carrier can not impose waiting periods, exclude preexisting conditions or conditions that arose during military duty. The insurance carrier can exclude conditions that result in a military disability but these will be covered by the military.

### **Compressed IDT / AT Training Phases**

If a compressed IDT / AT training phase is used during a mobilization the soldier has limited health coverage and the soldier's family members have no military health coverage. Soldiers must address this issue as early as possible with their spouse and employer. The following paragraphs explain the military coverage and your options.

During the IDT / AT / AD training phase the soldier is on separate orders for IDT, AT and AD without a break in service. With the exception of the AD order, there is not a single continuous active duty order of 31 days or more so TRICARE is not an option. A problem occurs because of the way the employer (by law) looks at the duration of duty to decide what the soldier has to pay to continue coverage. The employer looks at the "period of duty" and adds the number of days that the soldier is performing IDT, AT and AD. If the total is 30 days or less then the soldier plays his normal share of the premium. If the total is 31 days or more then the employer can charge up to 102% of the premium. Therefore, if the soldier is doing 31 days or more the soldier must pay 102% of the premium for family coverage or make other arrangements.

## **Coverage Based on Order Type**

During the IDT phase (Title 32) of the mobilization only the soldier has military health coverage. The coverage covers the soldier from the time they leave home until they return home. Coverage does not extend to times when you are at home or are not performing military duties. The test is whether the injury occurred in the line-of-duty. A line of duty investigation will be conducted to determine if the injury occurred during the performance of assigned military duties, at an appropriate location and at the proper time. An injury at a shopping center where you are purchasing items for your home probably would not be covered.

While the soldier is in the AT phase (Title 32) of the mobilization the soldier is covered by the military 24 hours a day for the duration of the orders. The soldier's family is not covered. A line of duty determination will be conducted but most injuries will be covered. The exception is for willful misconduct (i.e. alcohol-related injuries or criminal acts).

Once the soldier receives a single continuous order of 31 days or more (usually AD but it could be an AT order) the soldier must make the election between their employer provided coverage and TRICARE on the first day of duty under that order. (See previous discussion under Normal Rules).

If you have employer provided insurance and do not want to pay the 102% you may be able to obtain private coverage for your family for that uncovered period cheaper than the 102% but you need to apply early. The private insurer may also require physicals, waiting periods and may exclude preexisting conditions. Private insurance is not the best option but should be considered.

Upon release from active duty for contingency operations Federal law provides for continued Tricare health insurance for thirty days or until the day the soldier has employer provided health insurance, which ever occurs first.

## **Privately Purchased Insurance**

If you have privately provided health insurance you can elect to continue that for your family for as long as you would like or go on TRICARE once you receive a single order for 31 or more consecutive days.

If you suspend this coverage for you and your family the insurance company must reinstate you upon your release from duty without imposing waiting periods, excluding preexisting conditions or conditions that arise during the performance of duty. The insurance company does not have to cover military related disabilities but the military will cover those.

## **LIFE INSURANCE / TRUSTS**

If you have a presently funded Trust or Will that establishes a trust for minor children you need to use the following language to designate minor beneficiaries on your Serviceman's Group Life Insurance (SGLI) or other non-military life insurance:

- 1) Testamentary trust (trust that starts upon your death): "My trustee, (their name), under my last will and testament"
- 2) Living Trust (an active and currently funded trust): My trustee, (their name), under the trust agreement dated (insert date of trust).

## **LEGAL ASSISTANCE TO SPOUSES**

During mobilization the JAG Office can provide legal assistance to spouses within the operational limits of the JAG Office. This includes preparation of Wills and other legal documents. The JAG Office can not represent soldiers or their spouse in civilian matters or court.

## **CRIMINAL CHARGES / CIVIL ACTIONS**

If a soldier has criminal charges or civil actions currently pending or anticipated they should contact their commander and the JAG Office immediately.

## **NEW CREDIT CARDS / CREDIT LINES**

Credit card accounts, credit lines or interest bearing debts obtained after going on active duty (Title 10 orders) are not subject to the 6% interest limit found in the Soldiers' and Sailors' Civil Relief Act.

Make sure that your credit card provider or lender does not try to establish a new account or refinance your debt. This would result in the loss of the 6% interest limit.