MILPERSMAN 7220-113

SPECIAL COMPENSATION FOR ASSISTANCE WITH ACTIVITIES OF DAILY LIVING (SCAADL)

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References	(a) DoD Instruction 1341.12 of 31 Aug 2011 (b) 37 U.S.C., Chapter 7, Allowances Other Than Travel and Transportation Allowances (c) DON CIO 031648Z Oct 11 (d) Caregivers and Veterans Omnibus Health Services Act of 2010. (e) SECNAVINST 5420.193, Board for Correction of Naval Records

1. **Purpose**. Reference (a) implements the statutory authority provided by reference (b) for payment of special compensation for assistance with activities of daily living (SCAADL) to eligible members of the Active component (AC) or Reserve component (RC) of the military services. SCAADL is a special monthly compensation for Service members who incur a permanent catastrophic injury or illness. SCAADL helps offset the economic burden borne by requiring a caregiver to provide nonmedical care, support, and assistance for eligible military members. In order to qualify for SCAADL, a Service member must have a catastrophic injury or illness incurred or aggravated in the line of duty and need assistance from another person to perform the personal functions required in everyday living or require constant supervision.

2. **Definitions**. See reference (a).

3. **Eligibility**. Service members are eligible for SCAADL per reference (a).

4. **Application Process**

a. Requests for SCAADL and questions regarding eligibility should be directed to the non-medical care manager (NMCM) at the nearest military treatment facility (MTF) or a veterans administration (VA) polytrauma center. If all criteria are met, Navy Safe Harbor will work with the Service member's medical care case manager, MTF staff, and Department of Defense (DoD) VA physician to ensure DD 2948 Special Compensation for Assistance with Activities of Daily Living (SCAAL) Eligibility (application) is properly completed. DD 2948 is the official application that must be submitted and can be found at the following location: http://www.dtic.mil/whs/directives/infomgt/forms/dd/ddforms2500-2999.htm.

b. Requests for SCAADL must include the completed DD 2948 with the "Activities of Daily Living (ADL)" and "Supervision" sections signed and certified by a DoD VA physician. Once DD 2948 is signed and certified by a DoD VA physician, reviewed and signed by the Service member, and the Service member has been properly counseled on SCAADL, per reference (a), the completed application can be hand-delivered, faxed, or e-mailed by the Service member or family member to Navy Safe Harbor NMCMs for processing. Failure to include all required information and supporting documentation may delay processing or result in the inability to process an application. Applicants will be notified if additional documentation is required, and the application will be held pending submission of supporting information.

c. Service members or family members of eligible service members may call Navy Safe Harbor at (703) 604-5440 or e-mail to www.safeharbor.navy.mil for assistance regarding SCAADL and the application process.

d. The monthly compensation amount will be calculated by Navy Safe Harbor using the United States Department of Labor's Bureau of Labor Statistics wage rate for a home health aide.

e. Per reference (a), the amount of compensation will be based on a three-tier system recognizing the variation in complexity of care required and provided by the caregiver. The compensation matrix consists of three tiers based upon a clinical determination of the number of ADL needs of the Service member and the hours required by a caregiver to perform each ADL

or significant mental health or behavior impairment requiring continuous supervision. The Service member's DoD VA physician will utilize DD 2948 to determine the level of dependency based on the degree to which the member is unable to perform one or more ADL, or the degree to which the member is in need of supervision or protection based on the symptoms or residuals of neurological or other impairment or injury. Per reference (a), the member will be rated as follows:

(1) **High Tier**: Member who scores 21 or higher will be presumed to need a full-time caregiver, one who provides 40-hours of personal care services per week.

(2) **Medium Tier**: Member who scores 13-20 will be presumed to require 25-hours per week of caregiver assistance.

(3) **Low Tier**: Member who scores 1-12 will be presumed to require 10-hours per week of caregiver assistance.

5. **Appeals and Reconsideration**. If the Service member is not satisfied with the initial scoring made by the DoD VA physician, he or she must acknowledge this decision on DD 2948 and appeal at the MTF level. During the appeals process, the original score will remain in effect until a new DD 2948 is signed and certified with a new score and effective date. Bureau of Medicine and Surgery (BUMED) and Navy Safe Harbor will ensure that the appeal is handled at the MTF level according to their process based on the guidelines below. However, the basic parameters below are to be followed to ensure members have an opportunity to have their initial score re-evaluated. Members who petition the initial DoD VA physician to reconsider their score and succeed in obtaining an adjustment do not need to follow the formal appeals process. They simply can have the DoD VA physician fill out a new DD 2948 and submit it to a Navy Safe Harbor NMCM for payment processing. For appeal process purposes, the DoD VA physician may only leave the score(s) the same or increase it.

a. The appeals process consists of two opportunities - informal and formal:

b. **Informal Appeal**. This is an informal reconsideration of DD 2948 by the same DoD VA physician who completed it previously.

(1) **Timeline.** Member must indicate on the original DD 2948 his or her intent to appeal score(s). The DD 2948 and appeals package must be provided to a Navy Safe Harbor NMCM **within 5 business days** from the date the member acknowledges desire to appeal original decision. Navy Safe Harbor and BUMED MTF leadership will make every effort to ensure medical appointments for appeals processing are made to conform to timeline requirements.

(2) The original DoD VA physician may be asked by the member to review his or her initial scoring and modify it. This informal process may only maintain or increase the overall score. If asked to informally reconsider the initial scoring, the DoD VA physician has two options:

(a) **No Change in Score.** Initial score stands unless formal appeal is submitted which changes it.

(b) **Modified Score.** Modified score will be indicated on new DD 2948 with a new date.

(3) Upon completion of the informal appeal, the member will review the new DD 2948. If he or she agrees with the new score, he or she will sign and date the revised form and submit it to a Navy Safe Harbor NMCM for processing. If he or she does not agree with the revised DD 2948, he or she will request a final formal appeal.

(4) Informal Appeal must be initiated within 5 **business days** of original SCAADL evaluation and completed within 10 calendar days.

c. **Formal Appeal.** This is a formal reconsideration of the original DoD VA physician evaluation by a new and independent DoD VA physician. SCAADL is only meant as a temporary stop-gap prior to being enrolled in and becoming eligible for the VA system, with its version of entitlement to assist with the costs of ADL. Therefore, to streamline acquisition into the VA system, there will only be one formal appeal of the original DoD VA physician’s decision.

(1) The formal appeal process occurs:

(a) When a Service member acknowledges desire to appeal original decision and does not wish to request an informal appeal by the original DoD VA physician; or

(b) When a Service member acknowledges desire to appeal original decision and after an attempt to obtain an informal appeal change by the original DoD VA physician.

(2) In both cases, Navy Safe Harbor and BUMED MTF leadership will make every effort to ensure medical appointments for appeals processing are made to conform to timeline requirements.

(3) A new DD 2948 will be completed and signed and certified by the new and independent DoD VA physician.

(4) Upon completion of the formal appeal, the Service member will review, sign, date, and submit the new DD 2948 to a Navy Safe Harbor NMCM for processing. For the formal appeal, the new score may remain the same. However, since this appeal is conducted by a different physician, it may also either increase or **decrease** from the original score.

(5) **Timeline.** Appeal package with all supporting documentation and evaluations must be received by a Navy Safe Harbor NMCM **no later than 25 days** from the date of the last SCAADL rating. Packages received after that date, without prior approval by Navy Safe Harbor, will not be processed.

(6) **Appeal Package.** An appeal package must contain the following:

(a) Copy of original DD 2948;

(b) **Service Member's Personal Statement.** This statement must specify each area score contested and provide an explanation why the element score should be different. Statement must be signed and dated.

(c) **Supporting Medical Documentation.** Package must include medical documentation that addresses the area(s) contested. Any documentation provided must be dated within 35 days of the date the DoD VA physician signed and certified the DD 2948. Evaluations older than 35 days may be used if documentation (e.g., letter or memorandum) is provided from the evaluating physician citing which area(s) in the prior evaluation are unchanged. The Service member's medical or nurse case manager and NMCM should assist the Service member in obtaining requisite documentation.

6. **Tracking, Reporting, and Payment**

a. In all cases, the following reporting requirements involving personally identifiable information will be properly protected and encrypted for transmission per reference (c).

b. BUMED will ensure MTFs collaborate with Navy Safe Harbor and a VA Federal recovery coordinator to identify Service members qualified for SCAADL.

c. Navy Safe Harbor will review SCAADL eligibility and maintain data on those Sailors who have been notified of eligibility to receive SCAADL.

d. Navy Safe Harbor will determine the monthly SCAADL stipend from the DoD provided calculator and will provide calculation information to include effective start and stop dates to Defense Finance and Accounting Service, Cleveland (DFAS-CL). In addition to notifying members of their approval, Navy Safe Harbor will transmit the list of those qualified for payment to DFAS-CL (as they are eligible) in order to ensure proper stipend payments.

e. DFAS-CL will pay stipend via electronic funds transfer into the member's Active or Reserve component military master pay account on scheduled paydays.

f. Continuation of SCAADL stipend shall occur from 15 September 2011, or the member's eligibility effective date (whichever occurs later) until they meet one of the conditions for termination of such payment listed in paragraph 7 of this article.

g. Even though the compensation is for payment to a caregiver, SCAADL will be considered taxable income for the member.

h. Re-evaluation will occur in the following circumstances:

(1) 180 days from the effective date of eligibility.

(2) If the Service member's condition changes, the member is required to undergo a re-evaluation to determine the level of dependency and the degree to which the member is in need of supervision or protection. Compensation may increase or decrease based on the re-evaluation.

7. **Termination of Payment.** Members who qualify for SCAADL shall have the qualifying payments continue until the earliest date of one of the following conditions:

(1) The last day of the month, during which a 90-day period ends, that begins on the date of separation or retirement of the member (e.g., 1 June 2011 (separation date) + 90 days = 1 September 2011). Last day of entitlement is 30 September 2011.

(2) The last day of the month during which a member dies.

(3) The last day of the month during which the member is determined to be no longer afflicted with the catastrophic injury or illness. A member is not entitled to SCAADL if the member is no longer afflicted with a catastrophic illness or injury, but has not met with a DOD VA physician.

(4) The last day of the month preceding the month during which the member begins receiving compensation per reference (d).

8. **Board for Correction of Naval Records (BCNR).** Members who dispute administrative issues on their DD 2948 may petition the BCNR to seek correction of his or her naval record per reference (e). All BCNR applications must clearly identify the error or injustice and the remedial action the petitioner desires BCNR to take. Examples of administrative issues include, but are not limited to the following:

a. Request to apply different zip code to stipend amount.

b. Start or stop date of stipend, due to no fault of member.

9. **Cancellation.** Payment authorization of SCAADL will terminate upon cancellation of reference (a).