

## Summary Table of Former Military Spouse Medical Benefits

<u>If Un-Remarried Former Spouse Can</u>	<u>TRICARE COVERAGE IS</u>	<u>Continued Health Care Benefit Program (CHCBP) IS</u>
Satisfy 20-20-20 <sup>a</sup> Rule AND has not remarried or enrolled in employer sponsored health care plan	TRICARE is Available TRICARE for Life <sup>b</sup> is Available	Maybe available, but only if TRICARE coverage is lost. (Former Spouse should apply for CHCBP and see what happens)
Satisfy 20-20-15 Rule & Divorced <i>before</i> 4/1/85 <sup>c</sup> AND has not remarried or enrolled in employer sponsored health care plan	TRICARE is Available TRICARE for Life <sup>d</sup> is Available	May be available once TRICARE coverage is lost. (Former Spouse should apply for CHCBP and see what happens)
Satisfy 20-20-15 Rule & Divorced on or <i>after</i> 4/1/85 <sup>e</sup> and has not remarried or enrolled in employer sponsored health care plan	TRICARE is Available for 1-year from date of divorce <sup>f</sup> TRICARE for Life Available <sup>g</sup> if the 1-Year of TRICARE Coverage Occurs after Age 65	36 Months of <i>transitional</i> CHCBP is available after the 1 year TRICARE eligibility ends. <sup>h</sup> <i>Unlimited</i> CHCBP Available if client satisfies certain criteria <sup>i</sup>
NOT satisfy either 20/20/20 or 20/20/15 Rules, but was covered under TRICARE or CHCBP <i>on the day before</i> final decree entered and has not remarried <sup>j</sup>	TRICARE and TRICARE for Life Are NOT Available	<i>Transitional</i> coverage available for a maximum of 36 months <sup>k</sup> <i>Unlimited</i> coverage available if client satisfies criteria <sup>l</sup>
NOT satisfy the 20-20-20 or 20-20-15 Rules, but was covered under either TRICARE or CHCBP during the 18 months preceding the entry date of a final decree; AND, has not remarried prior to age 55; AND, by court order or agreement of parties <i>either</i> receives a portion of Military Retired Pay or has Former Spouse Coverage under Survivor Benefit Plan <sup>m</sup>	TRICARE and TRICARE for Life Are NOT Available	<i>Transitional</i> coverage available for initial 36 months <sup>n</sup> ; AND, then <i>Unlimited</i> coverage thereafter as long as enrollment criteria is satisfied <sup>o</sup>  <i>Unlimited</i> CHCBP may be able to act as supplement to MEDICARE Parts A & B

## Endnotes to Summary Table of Former Military Spouse Medical Benefits

<sup>a</sup> 10 U.S.C. §1072(2)(F) (2008); 32 C.F.R. §199.3(b)(1)(F)(1) (2007). Note these components of 20/20/20 Rule: (1) At least 20 years of creditable military service for retirement had been performed by the service member as of time of divorce; and, (2) the non-military spouse was married to the *same* service member and that marriage lasted at least 20 years (i.e., 240 months); and, at least 20 years (240 months) of the marriage and the creditable military service to that same service member were concurrent. Special rules for computing "creditable years of service" apply to members of the Reserve Component (Reserves and National Guard).

<sup>b</sup> See: 32 C.F.R. §199.3(b)(1)(D) (2007), which states that a former spouse upon becoming eligible for MEDICARE Part A is then not eligible for TRICARE. However, further note that this section of the regulation references an exception found in another part of 32 C.F.R. §199.3, more specifically at the note appearing at the end of §199.3(b)(3). The note includes unremarried former spouses eligible for TRICARE under (b)(2)(F), who becomes eligible for MEDICARE Part A, to remain eligible for TRICARE for Life if they then enroll in MEDICARE Part B. This exception only apply to the 20/20/20 and 20/20/15 (pre 4/1/1985) former spouses.

<sup>c</sup> 10 U.S.C. §1072(2)(G) (2008); 32 C.F.R. §199.3(b)(1)(F)(2)(i) (2007). Note these components of 20/20/15 Rule for divorces that occur *prior* to April 1, 1985: (1) At least 20 years of creditable military service for retirement had been performed by the service member as of time of divorce and before April 1, 1985; and, (2) the non-military spouse and the *same* service member were for least 20 years (i.e., 240 months) as measured before April 1, 1985; and, at least 15 years (180 months) of the marriage and the creditable military service occurring before April 1, 1985 were concurrent. Special rules for computing "creditable years of service" apply to members of the Reserve Component (Reserves and National Guard).

<sup>d</sup> See endnote b, supra.

<sup>e</sup> 10 U.S.C. §1072(2)(H) (2008); 32 C.F.R. §199.3(b)(1)(F)(2)(ii) & (iii) (2007). i. Note these components of 20/20/15 Rule for divorces that occur *after* April 1, 1985: (1) At least 20 years of creditable military service for retirement must have been performed by the service member as of time of divorce; and, (2) the non-military spouse was married to the same service member for a period of at least 20 years (i.e., 240 months); and, there is at least 15 years (180 months) of the marriage and the creditable military service that were concurrent. Special rules for computing "creditable years of service" apply to members of the Reserve Component (Reserves and National Guard).

<sup>f</sup> *Id.*

<sup>g</sup> See endnote b, supra.

<sup>h</sup> 10 U.S.C. §1078a.(g)(1)(C)(ii) (2008); 32 C.F.R. §199.20(d)(4)(i)(C) (2009).

<sup>i</sup> 10 U.S.C. §1078a.(g)(1) (2008); 32 C.F.R. §199.20(d)(6)(iv) (2009).

<sup>j</sup> 10 U.S.C. §1078a.(b)(2)(C) & §1078a.(b)(3)(2008); 32 C.F.R. §199.20(d)(1)(iii) (2009).

<sup>k</sup> 10 U.S.C. §1078a.(g)(1)(B) (2008); 32 C.F.R. §199.20(d)(6)(iii) (2009).

<sup>l</sup> 10 U.S.C. §1078a.(g)(4) (2008); 32 C.F.R. §199.20(d)(6)(iv) (2009).

<sup>m</sup> 10 U.S.C. §1078a.(b)(3) (2008); 32 C.F.R. §199-20(d)(1)(iii) & (d)(6)(iv) (2009).

<sup>n</sup> 10 U.S.C. §1078a.(g)(1)(B) (2008); 32 C.F.R. §199.20(d)(6)(iii) (2009).

<sup>o</sup> 10 U.S.C. §§1078a.(g)(4) (2008); 32 C.F.R. §199-20(d)(6)(iv) (2009).