

Medical Actions (NGGA-PEM)

**Incapacitation  
Pay  
(INCAP)**

Joint Force Headquarters  
Georgia Army National Guard  
Marietta, GA  
1 October 2024

# ***SUMMARY of CHANGE***

**SOP  
Incapacitation Pay (INCAP)**

**o. No changes. Last edition 1 October 2022-**

Proposed changes, modifications, and/or deletions should be made known GAARNG G-1, HR Plans using GA Form 2028. Your feedback to provide a quality product is always welcome.

## **Contents**

### **Chapter 1 Overview**

- 1-1 Purpose
- 1-2 Applicability
- 1-3 Claim Criteria
- 1-4 INCAP Pay Tiers
- 1-5 Responsibilities

### **Chapter 2 Common Packet Errors**

### **Chapter 3 Process Steps**

### **Chapter 4 Incapacitation Review Board (IRB)**

- 4-1 Purpose
- 4-2 Process
- 4-3 Non-compliance

### **Chapter 5 Appeals**

- 5-1 IRB Appeals
- 5-2 NGB Appeals

### **Chapter 6 Recoupment**

### **Appendix A**

References

### **Appendix B**

Figures List (Not Used)

### **Appendix C**

Glossary

## **Chapter 1 Overview**

### **1-1. Purpose.**

The purpose of this SOP is to describe the correct use of the Incapacitation Pay System (INCAP) as it relates to members of the Georgia Army National Guard (GAARNG) who are unable to perform military duties and/or who demonstrate a loss in civilian earned income because of an injury, illness, or disease incurred or aggravated in the line of duty and to provide the regulatory process required for medical and dental care.

### **1-2. Applicability.**

To qualify for INCAP, the Soldier's injury, illness, or disease must have occurred or been aggravated during a period of Active Duty and/or Inactive Duty Training (IDT) as determined by an approved Line of Duty (LOD).

#### **Definition:**

Incapacitation is a physical disability due to injury, illness, or disease that prevents the performance of military duties as determined In Accordance With (IAW) AR 135-381, or which prevents the member from returning to the civilian occupation in which the member was actively employed at the time of the injury, illness, or disease.

### **1-3 Claim Criteria.**

- a. Civilian earned income will be subject to deduction from the Soldier's INCAP Pay. This includes normal wages, salaries, professional fees, tips, or other compensation for personal services rendered, as well as income from income protection plans/ short term disability plans, vacation, and sick leave that the Soldier elects to receive.
- b. National Guard Bureau (NGB) is the approval authority for all INCAP requests.
- c. INCAP cannot be authorized beyond two (2) years by NGB. At that time, the INCAP request is forwarded to the Department of the Army G1.
- d. INCAP is paid in arrears. For example, INCAP pay for the period 1 Jul 21 – 31 Jul 21 will be paid in August if a complete and correct packet was submitted prior to the suspense date for that month.
- e. INCAP pay will terminate whenever the Soldier is returned to military duties and/or civilian employment, if the Soldier is discharged from the service, upon retirement, becomes deceased, or is deemed noncompliant by the Incapacitation Review Board (IRB).
- f. For incapacitation determination purposes, military duties are expressed as the duties of any Soldier's office, grade, rank, or rating as assigned by the Commander within the limitations of an approved DA Form 3349 (Physical Profile) and not the specialty or skill qualification any member held before incurring or aggravating an injury, illness, or disease in the line of duty.

### **1-4 INCAP Pay Tiers.**

#### **a. Tier I.**

Full Military Pay and Allowances: For Soldiers who are found unfit to perform military duties within the limits of a written profile (DA Form 3349) by a military medical physician because of an injury, illness, or disease caused by military service. Soldiers who receive Tier I INCAP are not entitled to accrue leave or acquire retirement points for performance of IDT or equivalent duty.

Soldiers unable to perform military duties will not participate in any active or inactive duty status throughout the duration of the incapacitation period.

Soldiers who are promoted while receiving INCAP pay will continue receiving the same benefits as before the promotion.

## **b. Tier II**

Lost Civilian Wages: For Soldiers who are found fit to perform their military duties within the limits of a written physical profile (DA Form 3349) by a military medical physician but are unable to perform their civilian job and can demonstrate a loss of civilian earned income.

Members must be employed to receive Tier II INCAP pay. INCAP pay will be discontinued due to voluntary employment termination. The reason for involuntary employment termination must be justified by employer before INCAP pay may continue.

### **1-5 Responsibilities.**

a. The Soldier who is on approved INCAP will not work or be placed on any type of military orders, i.e., military school or training.

b. The Soldier must attend all scheduled medical appointments and provide updated medical documentation to the Program Manager (PM), through the unit to remain eligible. Failure to submit medical treatment and medical fitness examinations can result in termination from the program.

c. The unit is responsible for gathering the required documentation such as the Incapacitation Pay Monthly Claim Form (DA Form 7574s), medical documents, and any other documents listed on the checklist, and submit to the PM.

d. The unit and MRNCO must verify that the Soldier was not on a paid status (e.g., had orders for Annual Training, paid for drill) if requesting Tier I INCAP. They must also verify with the Soldier's employer if payments such as short-term disability or any other forms of compensations were received.

e. The PM is responsible for initiating INCAP using the INCAP module under the Electronic Medical Management Processing System (eMMPS) in MEDCHART. <https://medchart.ngb.army.mil/MED-CHART/Default.aspx>

**Chapter 2**  
**Common Packet Errors.**

**a. DA Form 7574, Incapacitation Pay Monthly Claim Form.**

1. Block 8 should have date of in the line of duty incident.
2. Block 9 should indicate if it is a formal or informal LOD.
3. Block 10 claim date range must be within the same calendar month and for no more than one month per packet.
4. Block 11 should be the Soldier's civilian job title.
5. Block 12 should have amount of civilian earned income that will be LOST - which should match the amount on the employer documents.
6. Block 14 should have all questions answered.
7. Block 14d will include Soldier's signature.
8. Block 15 includes Company Commander's information and signature.
9. Block 16 must be completed by a Military Medical Provider.

**b. Overall Packet.**

1. Missing INCAP Packet checklist.
2. Missing required documents. For example, treatment and progress notes, treatment plans, or appointments.
3. Complete packet submission is a NGB requirement for adjudication.
4. Submission of packets on Soldiers who do not meet the criteria.
5. Missing DA FORM 3349 that covers entire claim period.

### Chapter 3 Process Steps.

- a. Soldier informs Unit/Medical Readiness NCO (MRNCO) of loss civilian/military wages due to a LOD related injury or illness.
- b. The unit will ensure the Soldier receives a Physical Profile (DA Form 3349) in relation to that injury, illness, or disease.
- c. For Tier I requests, the unit, and MRNCO must verify that the Soldier was not on a paid status, i.e., orders for Annual Training.
- d. The Soldier, unit, and the MRNCO will complete all required forms according to the Incapacitation Pay Document Checklist and include a Reserved Component Managed Care (RCMC) request packet, if applicable, and submit to Medical Actions at least ten (10) days prior to the INCAP Review Board (IRB).
- e. Listed below are the documents and instructions for submitting the INCAP packet:
  1. The Soldier must complete the DA Form 7574 with the assistance of the unit. Forms are completed for each calendar month in which the Soldier has demonstrated lost earned income. The beginning date will be the first day the Soldier lost income for that month. This may be the date of the injury/illness, the day after the conclusion of orders, the first day of the month, or the day after completion of sick, vacation, or other leave types. The Soldier will complete section I, the Commander will complete section II, and the Military Provider will complete section III. The DA Form 7574 must be scanned with digital signatures or submitted in person with wet (handwritten) signatures.
  2. Unemployed Soldiers must submit a memorandum for record stating their employment status. This includes, but is not limited to the Soldier's name, address, and contact number of last employer, last date of employment, and reason no longer employed.
  3. The Soldier's current DA Form 3349 pertaining to the injury, illness, and disease will be downloaded from eProfile. A DA Form 3349 is required for all days of incapacitation claimed.
  4. The Soldier will submit medical documents from the date of the injury, illness, or disease up to the last day of the month of claim in which incapacitation pay is requested. These documents should include, but are not limited to the diagnosis, diagnosis code, provider comments, surgical procedure (if applicable), estimated recovery time, anticipated number of appointments/follow-up visits, anticipated provider therapy duration, and MRI/X-ray notes (if applicable).
  5. The Soldier will submit a copy of all W-2's from the previous year (only required in original packet), a copy of the last 3 pay stubs from the Soldier's incapacitation date (see block 11a of the DA Form 7574), a copy of any documents for unemployment compensation or disability insurance compensation and copy of last military Active-Duty orders. If the Soldier is receiving unemployment, that amount will be claimed during the submission for reimbursement on the DA Form 7574.
  6. The Soldier will fill out blocks 1, 2, 3, 4, 11, & 12 of the Authorization for Disclosure of Medical and Dental Information (DD Form 2870). If the Soldier declines to submit this form, it is their sole responsibility to obtain all required medical documentation for monthly packet submission.
  7. A job/position description memorandum signed by the employer is required in the initial packet.
  8. Approved DA Form 2173 with approval memorandum or DD Form 261.
- f. The unit will submit the INCAP packet through the MRNCO to the PM via the INCAP distro at least ten (10) working days prior to the next scheduled IRB - [ng.ga.gaarnq.list.ngga-incap@army.mil](mailto:ng.ga.gaarnq.list.ngga-incap@army.mil)
- g. The PM will verify that the Soldier has an approved LOD, has a profile in eProfile, employment (if employed), and has an active eCase and prepares the packet for review by the IRB.
- h. The PM will schedule the Soldier to personally appear before the next scheduled IRB, if necessary. If the Soldier is unable to travel due to injury, illness, or disease, the Soldier must request to appear before the board telephonically.

i. The Soldier will receive a Memorandum for Record with the results of the IRB via email from the PM. The PM will document IRB proceedings in eCase. All documentation will be loaded into eMMPS for NGB approval of payment. Approved payment documents will be submitted to United States Property and Fiscal Office (USPFO) for payment processing.

j. Soldier's incapacitation status, medical status, policy compliance, and need for pay will be reviewed at every IRB. Soldiers that do not remain in compliance are subject to suspension or termination of benefits.

k. The PM, MRNCO, and unit representative will monitor the Soldier's case until returned to duty (RTD) or discharged from military service.

l. For each eligible month, the PM will contact the Soldier's employer to verify information, as well as ascertain information regarding any payments disbursed for disability and any other forms of compensations, if applicable.



## **Chapter 4**

### **Incapacitation Review Board (IRB)**

#### **4-1 Purpose.**

- a. Protect the Soldier's rights by ensuring medical benefits and incapacitation pay are provided to Soldiers eligible to receive such benefits under law and as prescribed by Department of Defense (DOD) and Army Regulations.
- b. Protect the interests of the Government through controlling costs and eliminating fraud, waste, and abuse by Soldiers receiving unauthorized medical care and improper incapacitation payments.
- c. Review each incapacitation pay case monthly and recommend continuation or termination of benefits consistent with entitlement under governing law and regulation. A formal review by the IRB is required to determine the facts and circumstances of each individual case involving missed medical appointments and non-compliance.
- d. Allows Commanders to monitor the status of the incapacitated personnel in their command.
- e. Provide uniformity and consistency in the administration of incapacitation pay.
- f. Ensure continuity and unanimity of effort among medical personnel, USPFO, Commanders, installations, U.S. Army Physical Disability Agency (USAPDA), and Soldiers.
- g. Investigate and take appropriate action on requests from Soldiers who believe they have been improperly denied due process.
- h. Make recommendation concerning a Soldier's loss of non-military income.

#### **4-2 Process.**

- a. The IRB is conducted on the second Wednesday of each month. Representatives from each Major Subordinate Command (MSC) and other requested attendees are given advance notice of the date, time, and location of the board.
- b. The IRB is comprised of the Board President, the Military Medical Provider/Deputy State Surgeon-Clinical, MRNCO or an appointed representative (from each MSC), Judge Advocate General (JAG) representative, and a recorder. The military medical provider, and the MRNCOs make up the voting core of the board. The recorder is responsible for annotating the board proceedings.
- c. During each IRB, Soldiers who are currently receiving INCAP, as well as those for whom INCAP is initially being requested will be presented before the board. MRNCOs are responsible for briefing or providing updates regarding their Soldiers, to include presenting medical and financial documents before the board. Documents are assessed to substantiate and determine INCAP eligibility for initial cases and continued compliance and eligibility for those Soldiers already receiving benefits.
- d. The voting members will recommend eligibility, the tier at which the Soldier is to be paid, and duration for payment (based on the documents provided).
- e. Soldiers being processed for initial INCAP may be requested to appear before the board. They are sent a Memorandum for Record via email, stating the request to appear as well as outlining the date, time, location, and dress code for appearance. The MSC representative is also provided a copy of the memorandum.
- f. During the appearance, Soldiers are questioned by the board regarding their need for INCAP. They are also provided an opportunity to explain their cases by narrating their injury, treatment, and any other information pertinent to their INCAP request to the board.
- g. The monthly IRB also reviews current Medical Retention Determination Point (MRDP) and MOS Administrative Retention Review (MAR2) cases. All MRDP and MAR2 packets are actioned and presented to the President of the Board and the assigned MRNCOs for signatures.
- h. Following the IRB, each Soldier whose case was presented for INCAP, will be notified of the board's recommendations, by way of a Memorandum for Record sent via email. The assigned MRNCO will be sent an email

containing the board recommendations. The IRB minutes will be drafted by the recorder, verified, and endorsed by the Board President, then uploaded to the documents section under each Soldier's INCAP case.

**4-3 Non-compliance.**

a. INCAP benefits can be terminated if the Soldier is non-compliant. This involves the Soldier failing to:

1. Adhere to the treatment plan
2. Provide documentation to the unit and INCAP PM, to verify loss of income
3. Provide documentation verifying continued care. These include:
  - i. Medical treatment plan
  - ii. Treatment Schedule
  - iii. Treatment and progress notes

## **Chapter 5**

### **Appeals Process Steps**

#### **5-1 IRB Appeals.**

- a. Soldier has the right to appeal the findings of the IRB. The unit will ensure the Soldier understands his/her right to an appeal.
- b. The Soldier will provide a memorandum explaining the reason for the appeal to the unit along with any supporting documents within 30 days after receiving the notice of denial.

#### **5-2 NGB Appeals**

- a. The Soldier has the right to appeal an NGB denial of INCAP benefits. The unit will ensure the Soldier understands his/her right to an appeal and the packet will be submitted within 45 days after receiving the notice of denial.
- b. The Soldier will provide a memorandum to the unit along with any supporting documents.
- c. The PM will upload the documents into the INCAP appeals portion of eMMPS and forward to NGB.
- d. The PM will send a copy of the results to the Soldier via email and certified mail within 5 days of receiving the adjudication.
- e. Chief, NGB will adjudicate **ALL** appeals.

**Chapter 6**  
**Recoupment Process Steps**

- a. Soldiers who are eligible for INCAP who were paid any form of civilian compensation or who were paid for Initial Active-Duty Training (IADT), Annual Training (AT) or any other military duty during the duration for which INCAP is claimed, will be subject to a recoupment of the amounts that were previously paid.
- b. Soldiers will complete and submit a Recoupment Memorandum for Record indicating their understanding and consent to the recoupment process. Memorandum will become a part of the Soldiers INCAP file.

**Appendix A**  
**References**

**AR 135-381**

Incapacitation of Reserve Component Soldiers, dated 3 January 2021

**DA PAM 135-381**

Incapacitation of Reserve Component Soldiers Processing Procedures, dated 3 January 2021

**DODI 1241.01**

Reserve Component Medical Care and Incapacitation Pay for Line of Duty Conditions, dated 19 April 2016

**DoD7000.14-R**, VOL 7A, Chapter 57, Table 57-3, dated August 2022

## **Appendix C**

### **Glossary**

#### **AD**

Active Duty

#### **AT**

Annual Training

#### **DoD**

Department of Defense

#### **eMMPS**

Electronic Medical Management Processing System

#### **GAARNG**

Georgia Army National Guard

#### **IADT**

Initial Active-Duty Training,

#### **IAW**

In Accordance With

#### **IDT**

Inactive Duty Training

#### **INCAP**

Incapacitation Pay

#### **IRB**

Incapacitation Review Board

#### **LOD**

Line of Duty

#### **JAG**

Judge Advocate General

#### **MAR2**

MOS Administrative Retention Review

#### **MRDP**

Medical Retention Determination Point

#### **MRNCO**

Medical Readiness NCO

#### **MSC**

Major Subordinate Command

#### **NGB**

National Guard Bureau

#### **NLOD**

Not in Line of Duty

#### **PM**

Program Manager

**Appendix C**  
**Glossary**

**RCMC**  
Reserve Component Managed Care

**RTD**  
Returned To Duty

**USPFO**  
United States Property and Fiscal Office

**VA**  
Veterans Affairs