

IN THE CASE OF: ██████████

BOARD DATE: 25 January 2024

DOCKET NUMBER: AR20230006806

APPLICANT REQUESTS: in effect –

- correction of his original Combat Related Special Compensation (CRSC) application date back to 6 April 2005 according to U.S. Army letter dated 19 February 2019
- his CRSC to be effective on 1 January 2004
- approval of his Otitis Media to be effective on 1 January 2004.

APPLICANT'S SUPPORTING DOCUMENT(S) CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- DD Form 2860 (Claim for CRSC), Section III - Final CRSC Criteria
- CRSC information document
- Department of Defense (DoD) 7000.14-R, Financial Management Regulation (FMR), Volume 7B, Chapter 63, May 2022
- DD Form 214 (Certificate of Release or Discharge from Active Duty), ending on 31 October 1993
- Army CRSC Decision Letter, 19 February 2019
- Department of Veterans Affairs (VA) Rating Decision, 12 February 2005
- Army CRSC Decision Letter, 20 October 2022
- Email communication, 2 November 2022

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code (USC), section 1552(b); however, the Army Board for Correction of Military Records (ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.

2. The applicant states:

a. He requests to correct the original application date back to 6 April 2005 according to U.S. Army letter dated 19 February 2019. He requests consideration for his CRSC to be effective on 1 January 2004, and approve his Otitis Media to be effective 1 January 2004.

b. Change the original application date back to 6 April 2005. Under DoD 7000.14-R, FMR, Volume 7B, Chapter 63 4.1.3.3 "Prior to 1 January 2004, and CRSC Section 1413a, Title 10, U.S. Code (USC), specifically those retired under the Reserve Temporary Early Retirement Authority (TERA) provisions, as prescribed in Title 10, USC, section 12731a, who served fewer than 20 years, but were considered to meet the criteria of Title 10, USC, section 12731(a)(2), are eligible under these provisions.

c. He submitted for Otitis Media Code 6200 on 2 November 2022, with the U.S. Army Human Resources Command (HRC) CRSC claims website. On 20 October 2022, his request was returned with Erectile Dysfunction (7599-7522) final disapproved. It is beyond him, how his claim went from Otitis Media to an Erectile Dysfunction. He retired under the Active Guard/Reserve Army Reserve TERA program as provided by section 4403 of the Fiscal Year (FY) 1993 National Defense Authorization Act (NDAA) (Public Law (PL) 102-484) and may qualify for recomputation of retired pay at age 62.

3. A review of the applicant's military records shows the following:

a. Having served in the Army of the United States and Regular Army, a DD Form 4 (Enlistment or Reenlistment Agreement - Armed Forces of the United States) shows he enlisted in the U.S. Army Reserve (USAR) on 27 December 1977.

b. DD Forms 4 show he reenlisted in the USAR on 3 December 1978 and 8 November 1982.

c. A DD Form 214 shows he was released from active duty for training and transferred to the USAR Control Group (Reinforcement) on 15 December 1983.

d. Orders Number R-12-004574 published by the Office of the Adjutant General, USAR Components Personnel and Administrative Center, St. Louis, MO, ordered the applicant to active duty in an Active Guard/Reserve (AGR) status for a period of 3 years with a report date of 9 January 1984.

e. Orders Number R-02-000405 published by the USAR Personnel Center, ordered the applicant to active duty in an AGR status for a period of 3 years with a report date of 5 May 1986.

f. DA Form 4836 (Oath of Extension of Enlistment or Reenlistment) shows he extended in the USAR for a period of 5 months and 27 days.

g. DD Form 4 shows he reenlisted in the USAR for a period of 6 years on 28 March 1989.

h. Orders Number R-05-001981 published by the USAR Personnel Center, ordered the applicant to active duty in an AGR status for a period of 6 years with a report date of 28 March 1989.

i. Orders Number R-06-002752 published by the USAR Personnel Center, ordered the applicant to active duty in an AGR status with a report date of 10 July 1989.

j. On 2 March 1993, the USAR Personnel Center issued the applicant a Notification of Eligibility for Retired Pay at Age 60 (Twenty Year Letter).

k. On 16 July 1993 –

(1) DA Form 4187 (Personnel Action) shows the applicant requested "early retirement eligibility" and to be released from active duty on 1 November 1993.

(2) DA Form 2339 (Application for Voluntary Retirement) shows the applicant requested to be retired on 1 November 1993. In pertinent part, item 16 (Total Active Service Creditable for Retirement) shows 18 years, 8 months, and 12 days.

l. USAR Personnel Center Memorandum - Subject: FY 94 Voluntary Early Retirement Program, dated 29 July 1983, notified the applicant that his application for voluntary early retirement was approved with an effective retirement date of 1 November 1993.

m. On 16 August 1993, the USAR Personnel Center published Orders Number C-08-701035, which released the applicant from active duty, effective 31 October 1993, and placed him on the retired list, effective 1 November 1993. On the date placed on the retired list he was transferred to the USAR Control Group (Retired), U.S. Army Personnel Center, St. Louis, MO.

n. On 31 October 1993, the applicant was retired, and transferred to the USAR Control Group (Retired). In pertinent part, DD Form 214 shows in:

- item 12c (Net Active Service This Period) – 9 years and 10 months
- item 12d (Total Prior Active Service) – 9 years and 20 days
- Item 13 (Decorations, Medals, Badges, Citations and Campaign Ribbons Awarded or Authorized):
  - National Defense Service Medal with bronze service star
  - Republic of Vietnam Service Medal

- Republic of Vietnam Campaign Medal with 1960 Device
  - Army Commendation Medal with "V" Device
  - Army Commendation Medal (3rd Award)
  - Combat Infantryman Badge
  - Army Service Ribbon
  - Noncommissioned Officer Professional Development Ribbon (Numeral 3)
  - Overseas Service Ribbon
  - Army Achievement Medal (4th Award)
  - Army Good Conduct Medal (5th Award)
  - Armed Forces Reserve Medal
  - Overseas Service Bars (2)
  - Meritorious Service Medal
- item 18 (Remarks) – member is retiring as provided by section 4403 of the FY 1993 NDAA (Public Law 102-484) and may qualify for a re-computation of retired pay at age 62 (Section 4464 of same law)
  - item 23 (Type of Separation) – Retirement
  - item 25 (Separation Authority) – "Title 10 USC SEC [section] 3914"
  - item 28 (Narrative Reason for Separation) – Voluntary Early Retirement
- o. VA Rating Decision dated 19 August 2022, shows the applicant was granted the following service-connected disabilities:
- Post-Traumatic Stress Disorder (PTSD)
  - lumbar spine sprain and degenerative joint disease (previously rated as mechanical low back pain)
  - left lower extremity radiculopathy (sciatic nerve) associated with lumbar spine sprain and degenerative joint disease (previously rated as mechanical low back pain)
  - left lower extremity radiculopathy (femoral nerve) associated with lumbar spine sprain and degenerative joint disease (previously rated as mechanical low back pain)
  - voiding dysfunction associated with right lower extremity radiculopathy (sciatic nerve)
  - otitis media
  - tinnitus
  - right lower extremity radiculopathy (sciatic nerve) associated with lumbar spine sprain and degenerative joint disease (previously rated as mechanical low back pain)
  - right lower extremity radiculopathy (femoral nerve) associated with lumbar spine sprain and degenerative joint disease (previously rated as mechanical low back pain)

- sinusitis
- mitral valve prolapse
- varicosities, bilaterally
- erectile dysfunction associated with right lower extremity radiculopathy (sciatic nerve)
- hearing loss, bilateral (previously shown as hearing loss, left ear)

p. On 24 January 2023, HRC, CRSC decision letter shows, in pertinent part, the applicant's reconsideration request for CRSC was reviewed and denied for Otitis Media and Erectile Dysfunction (final disapproval) noting that there was no medical documentation that establishes a definite causal relationship between a combat related event and the resulting disability for Otitis Media, and no new medical evidence provided to show combat-related event caused condition for Erectile Dysfunction.

q. On 19 October 2023, HRC, CRSC decision letter shows, in pertinent part, the applicant's reconsideration request for CRSC was reviewed and denied for Otitis Media (second disapproval) and Erectile Dysfunction (final disapproval) noting that there was no new medical evidence provided to show combat-related event caused condition(s). This determination was considered final for Erectile Dysfunction.

4. In support of his case, the applicant provides the following:

a. DD Form 2860, Section III - Final CRSC Criteria, page 4 which shows the applicant submitted a request for entitlement to CRSC based on the diagnosis of PTSD effective 1 November 1993, and Tinnitus effective 9 July 2004.

b. CRSC information document for CRSC under the provisions of Section 1413a, Title 10, USC, as amended, revised program guidance January 2004. In pertinent part, it states:

(1) Members retired under the provisions of section 4403 of the NDAA for FY 1993 (PL 102-484), 23 October 1992, commonly referred to as the TERA program - - Temporary Early Retirement Authority -- are not generally eligible unless the member is credited with sufficient service for a 50 percent multiplier or has been recalled to active duty long enough to accumulate 20 years or more of service in the Uniformed Services for purposes of computing the amount of retired pay. Service in Public and Community Service (PACS) positions creditable for re-computation of retired pay at age 62 does not count for these purposes. The 20 years of service required for computing the amount of retired pay (other than non-regular --reserve-- retirements) may be inferred from the retired pay multiplier. However, the Military Departments are not bound by such presumption if there is documentary information to the contrary, such as a TERA retirement. In such cases the Military Departments shall base their determinations on the documentary information available.

(2) Example: Consider a member with a 50 percent multiplier who is a TERA retiree with a 10 percent increase in retired pay granted on the basis of extraordinary heroism. Such documentary information would be used to deny CRSC qualification.

(3) For months beginning on or after 1 January 2004, the requirements applicable to Reserve retirements is changed as described below. For months prior to that month, Reserve retirees had to have 7,200 points to qualify for CRSC. A retired Reservist with retired pay computed under section 12731 of Title 10, USC, is eligible for CRSC unless retired for disability under section 12731b of Title 10, USC, with more than 15 but less than the 20 years required under section 12731(a)(2) of Title 10, USC. Specifically, those retired under the Temporary Early Retirement Authority for Reserves (Reserve TERA) as prescribed in section 12731a of Title 10, USC, and served fewer than 20 years but were considered to meet the criteria of 10 USC 12731(a)(2) are eligible under these provisions.

c. An extract from DoD 7000.14-R, FMR, Volume 7B, Chapter 63, dated May 2022, which states, in pertinent part:

(1) A member retired under the provisions of section 4403 of Public Law 102-484, 23 October 1992, as amended, and by section 504 of Public Law 112-81, 31 December 2011 (commonly known as the TERA program) is "generally not eligible unless the member is credited with sufficient service for a 50 percent multiplier or has been recalled to active duty long enough to accumulate 20 years or more of service in the Uniformed Services for the purpose of computing retired pay." Service in Public and Community Service positions under the provisions of section 4403 of Public Law 102-484, 23 October 1992, that is creditable for re-computation of retired pay at age 62 does not count for these purposes. A TERA retiree who has a retired pay increase of 10 percent granted on the basis of extraordinary heroism is not eligible under these provisions if the retired pay multiplier would otherwise be less than 50 percent.

(2) Prior to 1 January 2004, a retired Reservist had to have at least 7,200 points to be eligible for CRSC. Effective 1 January 2004, a retired Reservist with retired pay computed under 10 USC section 12731 is eligible for CRSC unless retired for disability under 10 USC section 12731b with more than 15 but less than 20 years as required under 10 USC section 12731(a)(2). Specifically, those retired under the Reserve TERA provisions, as prescribed in 10 USC section 12731a, who served fewer than 20 years, but were considered to meet the criteria of 10 USC section 12731(a)(2) are eligible under these provisions.

d. VA Rating Decision dated 12 February 2005, which shows he was granted VA service-connected disability ratings for:

- PTSD
- mechanical low back pain
- otitis media
- tinnitus
- hearing loss, bilateral
- sinusitis
- mitral valve prolapse
- varicosities, bilaterally

e. HRC, CRSC decision letter dated 19 February 2019, which shows the applicant's claim was approved. The following conditions/disabilities were verified as combat-related: Bilateral Hearing Loss, PTSD, and Tinnitus. In pertinent part, the applicant's claim for CRSC was approved. Erectile Dysfunction was unable to be verified as a combat-related disability, and the condition was secondary to a condition which was not combat-related.

f. HRC, CRSC decision letter dated 20 October 2022, which shows, in pertinent part, the applicant's reconsideration request for CRSC was reviewed and denied for Erectile Dysfunction (final disapproval), noting that there was no new medical evidence provided to show combat-related event caused condition. The applicant wrote on the letter that he requested for Otitis Media.

g. Email communication dated 2 November 2022, which shows the applicant requested reconsideration for Otitis Media code 6200. He failed to include multiple supporting documents with his request.

5. On 31 August 2023, the Chief, Special Compensation Branch, HRC, provided an advisory opinion for this case and stated:

a. The applicant submitted the first application in which he met all CRSC preliminary criteria on 19 August 2008. He was awarded 40 percent CRSC for Impaired Hearing Ears (VA Code 6100); PTSD (VA Code 9411) and Tinnitus (6260). After a VA rating increase of his CRSC approved conditions, the applicant is currently awarded 70 percent CRSC effective February 2019.

b. He first requested consideration for Otitis Media (VA Code 6200) November 2022. Otitis Media is an infection of the middle ear which is caused by bacteria or viruses. All documentation submitted by the applicant was thoroughly reviewed; however, no evidence was found linking the condition to a combat related event as required by program guidance.

c. Per program guidance, all Special Monthly Compensation (SMC) entitlements are reviewed and documented on the decision letter. The applicant's SMC-01 entitlement

has been correctly reviewed and documented on each decision letter in accordance with program guidance.

d. The applicant's January 2008 CRSC effective date is correct. A review of the available military record shows the applicant retired from service under retirement law 3914. Only those TERA retirees retired under law Title 10, USC, section 12731 are eligible for the January 2004 effective date.

6. The HRC, Chief, Special Compensation Branch provided the following enclosures with the advisory opinion:

a. U.S. Army Physical Disability Agency, CRSC letter dated 17 May 2005, which states the applicant's application for CRSC did not meet the preliminary eligibility criteria. His application was declined because his application record indicated less than 20 years of active service, and/or he was not yet age 60.

b. HRC, CRSC Division decision letter dated 2 October 2008, which shows the applicant was awarded CRSC effective January 2008, for Impaired Hearing Ears, PTSD, and Tinnitus Ears. The letter states, as a TERA Retiree the applicant was eligible for CRSC under the 2008 NDAA expansion. The applicant's actual compensation amount will be determined by Defense Finance and Accounting Service based on their computations. The effective date is 1 January 2008 for all Chapter 61 claims or the date of qualifying VA disability award which is determined to be combat-related, his retirement date or whichever is later.

c. HRC, CRSC decision letter dated 19 February 2019, which shows the applicant's claim was approved. The following conditions/disabilities were verified as combat-related: Bilateral Hearing Loss, PTSD, and Tinnitus. In pertinent part, the applicant's claim for CRSC was approved. Erectile Dysfunction was unable to be verified as a combat-related disability, and the condition was secondary to a condition which was not combat-related.

d. HRC, CRSC decision letter dated 21 July 2019, which shows in pertinent part, the applicant's claim for CRSC was approved. The effective date for bilateral hearing loss at zero percent was adjusted. "Effective date was noted from January 2008 - November 2017 on previous CRSC award letter."

e. HRC, CRSC decision letter dated 20 October 2022, which shows, in pertinent part, the applicant's reconsideration request for CRSC was reviewed and denied for Erectile Dysfunction (final disapproval), noting that there was no new medical evidence provided to show combat-related event caused condition.



7. On 15 September 2023, the applicant responded to the HRC advisory opinion and stated:

a. When he applied for this review, the following documentation was included in his packet for CRSC effective date of 1 January 2004:

(1) A copy of his DD Form 214, November 1988 (Attachment 1).

(2) Combat-related Attachment 1- Program Guidance CRSC 15 April 2004 - Page 4. States the following Paragraph c. Note 2. Specifically, those retired under the Temporary Early Retirement Authority for Reserve (Reserve TERA) as prescribed in section 12731a of Title 10, USC, and served fewer than 20 years but were considered to meet the criteria of Title 10, USC section 12732(a)(2) are eligible under these provisions. (Attachment Number 2).

(3) DoD 7000.14-R Financial Management Regulation Volume 7B, Chapter 63, page 63-7 paragraph 4.1.3. 3.. Specifically, those retired under the Reserve TERA provisions, as prescribed in Title 10, USC, section 12731a, who served fewer than 20 years, but were considered to meet the criteria Title 10, USC, section 12731(a)(2) are eligible under these provisions. (Attachment Number 3).

c. He has met the requirements according to the above regulations, and according to Title 10, USC, section 12731a -Temporary special retirement qualification authority. (a) Retirement: with at least 15 Years of Service - For the purposes of section 12731 of this title, the Secretary concerned may (1) during the period described in subsection (b), determine to treat a member of the Selected Reserve of the Reserve Component of the armed forces under the jurisdiction of that Secretary as having met the service requirements of subsection (a)(2) of that section and provide the member with the notification required by subsection (d) of that section if the member - (A) as of 1 October 1991 has completed at least 15, and less than 20 years of service computed under section 12732 of this title; or after that date and before the end of the period described in subsection (b), completes 15 years of service computed under that section: and (2) upon the request of the member submitted to the Secretary, Transfer the member to the Retired Reserve (Attachment Number 4).

d. According to his retirement orders with an effective date of 1 January 2004, for Combat-Related Special Compensation, and as outlined in Title 10, USC, section 12731a as follows.

(1) Department of the Army, U.S. Army Reserve Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132-5200 dated 29 July 1993, Subject: Fiscal Year (FY)

Voluntary Early Retirement Program. His application for voluntary early retirement was approved with an effective retirement date of 1 November 1993. (Attachment Number 5).

(2) Department of the Army, USAR Personnel Center, 9700 Page Boulevard, St. Louis, MO 63132-5200 dated 16 August 1993, Orders Number C-08-701035, released him from active duty effective 31 October 1993, placed him on the retired list and transferred him to the USAR Control Group (Retired), U.S. Army Personnel Center, St. Louis, MO 63132-5200, effective 1 November 1993. (Attachment Number 6).

BOARD DISCUSSION:

1. After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found relief is not warranted.
2. The Board found the applicant was not retired under a statutory authority that would have authorized payment of CRSC prior to January 2008. The Board determined there is no basis for correcting the record to show an earlier CRSC eligibility date.
3. The Board found no evidence of additional service connected disabilities that meet the strict CRSC criteria that require the disability to have been incurred as a direct result of armed conflict, while engaged in hazardous service, in the performance of duty under conditions simulating war, or through an instrumentality of war. The Board determined there is no basis for correction of HRC's determinations on his CRSC eligibility.

BOARD VOTE:

<u>Mbr 1</u>	<u>Mbr 2</u>	<u>Mbr 3</u>	
:	:	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
■	■	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The evidence presented does not demonstrate the existence of a probable error or injustice. Therefore, the Board determined the overall merits of this case are insufficient as a basis for correction of the records of the individual concerned.

4/24/2024

X [REDACTED]

---

CHAIRPERSON  
[REDACTED]

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Title 10, USC, Section 1552(b), provides that applications for correction of military records must be filed within 3 years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the 3-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.
  
2. Army Regulation 15–185 (Army Board for Correction of Military Records) prescribes the policies and procedures for correction of military records by the Secretary of the Army, acting through the ABCMR. In pertinent part, it states that the ABCMR begins its consideration of each case with the presumption of administrative regularity. The applicant has the burden of proving an error or injustice by a preponderance of the evidence. The ABCMR will decide cases based on the evidence of record. The ABCMR is not an investigative agency.
  
3. Title 31, USC, Section 3702, also known as the barring act, prohibits the payment of a claim against the Government unless the claim has been received by the Comptroller General within 6 years after the claim accrues. Among the important public policy considerations behind statutes of limitations, including the 6-year limitation for filing claims contained in this section of Title 31, USC, is relieving the government of the need to retain, access, and review old records for the purpose of settling stale claims, which are often difficult to prove or disprove.
  
4. Title 10, USC, Section 3914 provides that under regulations to be prescribed by the Secretary of the Army, an enlisted member of the Army who has at least 20 years, but less than 30 years of service computed under section 3925 of this title may, upon his

request, be retired. Section 3925 states for the purposes of determining whether an enlisted member of the Army may be retired under section 3914 his or her years of service are computed by adding all active service in the armed forces.

5. The NDAA for Fiscal Year 1993, Public Law 102-484, 23 October 1992, Congress enacted the TERA, which permitted selected military members to retire early. Section 4403 (TERA) of that law gave the Secretary of Defense authority to allow the Service Secretaries to permit early retirement for selected military members having more than 15 but less than 20 years of active service. During the active force drawdown period, the Secretary of the Army may apply the provisions of section 3914 of such title to an enlisted member with at least 15 but less than 20 years of service by substituting "at least 15" for "at least 20."

6. DoD 7000.14-R, FMR, Volume 7B, Chapter 63, May 2022:

a. Paragraph 3.1 (Application and Election) states a member may not be paid CRSC unless he or she has applied for and elected to receive compensation under the CRSC program by filing an application on DD Form 2860 (Claim for CRSC), with the Military Department from which he or she retired. A member may submit an application for CRSC at any time and, if otherwise qualified for CRSC, compensation will be paid for any month after May 2003 for which all conditions of eligibility were met.

b. Paragraph 4.0 (Preliminary Criteria) states a retired member of the Uniformed Services must satisfy the following applicable conditions to meet the preliminary criteria to receive CRSC.

c. Paragraph 4.1 (Years of Service Requirement) –

(1) Subparagraph 4.1.1. states, 1 June 2003 through 31 December 2003, a retired member must have had 20 or more years of service for the purpose of computing retired pay.

(2) Subparagraph 4.1.2. states, 1 January 2004 through 31 December 2007, beginning 1 January 2004, and prior to 1 January 2008, a retired member must have had 20 or more years of service for the purpose of computing retired pay or have been entitled to Reserve Component retired pay under Title 10 USC section 12731 (other than by reason of section 12731b) to be eligible for CRSC.

(3) Subparagraph 4.1.3. states, before 1 January 2008, for the purposes of both subparagraphs 4.1.1 and 4.1.2 the following apply:

(a) Subparagraph 4.1.3.2. states a member retired under the provisions of section 4403 of Public Law 102-484, 23 October 1992, as amended, and by section

504 of Public Law 112-81, 31 December 2011 (commonly known as the TERA program) is generally not eligible unless the member is credited with sufficient service for a 50 percent multiplier or has been recalled to active duty long enough to accumulate 20 years or more of service in the Uniformed Services for the purpose of computing retired pay. Service in Public and Community Service positions under the provisions of section 4403 of Public Law 102-484, 23 October 1992, that is creditable for re-computation of retired pay at age 62 does not count for these purposes. A TERA retiree who has a retired pay increase of 10 percent granted on the basis of extraordinary heroism is not eligible under these provisions if the retired pay multiplier would otherwise be less than 50 percent.

(b) Subparagraph 4.1.3.3. states, prior to 1 January 2004, a retired reservist had to have at least 7,200 points to be eligible for CRSC. Effective 1 January 2004, a retired Reservist with retired pay computed under Title 10, USC, section 12731 is eligible for CRSC unless retired for disability under 10 USC section 12731b with more than 15 but less than 20 years as required under Title 10, USC, section 12731(a)(2). Specifically, those retired under the Reserve TERA provisions, as prescribed in Title 10, USC, section 12731a, who served fewer than 20 years, but were considered to meet the criteria of Title 10, USC, section 12731(a)(2) are eligible under these provisions.

d. Paragraph 5.2 (Other Combat-Related Disabilities) states a combat-related disability is a disability with an assigned medical diagnosis code from the VA Schedule Rating of Disabilities (VASRD). The Military Departments will determine whether a disability is combat-related based on the following criteria:

- as a direct result of armed conflict
- while engaged in hazardous service
- in the performance of duty under conditions simulating war, or
- through an instrumentality of war

//NOTHING FOLLOWS//