Disclaimer: Any views expressed in this article are those of the author and do not necessarily represent the official position of the United States Government, the Department of Defense, or the United States Army.

OVER THE NEXT HORIZON -- MILITARY RETIREMENT TRANSITIONING IN EUROPE

October 2024 - Changes since June 2024 <u>dashed underlined</u> (mainly: adding emergency notification/response information, update on logins for U.S. service websites, clarifications on EES/ETIAS, and some other website updates). <u>Embedded links</u> show reference sites, but footnotes contain longer substantive comments.

By Lieutenant Colonel Jim Yentz, U.S. Army Retired

Many U.S. service members who have served overseas in various military capacities may consider staying overseas after transition from military service. There are many potential contributing factors — international business opportunities, continued service in governmental or non-governmental organizations, foreign-born spouse and family, adventure, or simply interest in diverse social and cultural opportunities.

While transitioning overseas may be a personal choice, there are many complicating factors beyond one's personal span of control. Despite frustrations within the U.S. Government bureaucracy, while serving in uniform we don't often realize the extent of the safety net that U.S. military systems and diplomatic protections afford. Exemptions from certain customs and taxes may no longer apply, and access to a military clinic and primary care manager for the retiree and family members is limited, if available at all -- as Veterans Administration (VA), Medicare and other U.S. providers have limited or no reach outside U.S. borders.

Despite improvements in veteran benefits and employment over recent years, VA health care systems are U.S.-based, and legislation such as the 2011 Veterans Opportunity to Work (VOW) Act is focused primarily on employing former service members inside the US. Military Services are not just focused on "taking care of those who served honorably" but also in decreasing the load on service pay funds, which in part also

APPLICABILITY - Military Retiree vs nonretiree Veteran vs Retired Government Civilian:

This article is focused primarily on the military retirement process for U.S. personnel in Europe, but may provide some insights or non-retiring Veterans in their own transition.

- Despite expanded base access for Veterans with service-connected disabilities and Veterans Health Identification Card (VHIC) under provisions of the <u>FY 2019 National Defense</u> <u>Authorization Act</u>, base access does not automatically mean direct access to all base services.
- In many locations, Military Retirees and Veterans on short-term tourist visits from CONUS or from other overseas locations do not have access to military sales facilities overseas.
- In many countries, U.S. Civil Service retirees who are **not** also military retirees or disabled Veterans do not have access to U.S. bases or services.

reimburse states for benefits provided to transitioned, but unemployed service members. Basically, outside of the homeland a retiree is on their own, and failure or success solely lies on his or her shoulders.

The following includes lessons learned during my recent retirement transition in Europe, with the intent that these experiences will assist other service members navigate their retirement, and aftermath, more smoothly. This focuses mostly on retirement in Germany, but applies to other European countries as well. I'm not an expert in any of the areas below -- my notes are only intended to identify issues so you can make more informed decisions.

Key points:

- Start early and plan ahead: Scope out local requirements and opportunities as early as 18-24 months prior to retirement, but be prepared for changes along the way.
- **Reach out.** Resources include:
 - Mandatory Service Transition Programs: Unless U.S. Government contract requirements change, any focus on transition issues in the local national environment is highly dependent only on the initiative of the local military community and contractor-run Service transition office. Regardless of where you plan to retire, pay attention to general transition information on pay/benefits, health care, transportation, employment assistance -- most basics apply across the board, and you may end up going back to the U.S. later.
 - U.S. Military Community: If service members plan to transition from an overseas base, or plan to move from the U.S. to an area near a current military community, contact the base or regional Service Transition Center, Retirement Services Officer, or other local offices like the Army Community Service Employment

Readiness Program (focused primarily on local spouse employment, but helpful to transitioning personnel as well), and the <u>United Service Organizations (USO) Pathfinder Transition Program</u>. If already overseas, transitioning military members should avoid relying completely on the local Service Transition Center. Many of these centers are run by contractors trained to process paperwork and coordinate mandatory briefings by Service programs, Department of Labor and VA, but generally have little to moderate experience in wider transition issues overseas.

- Local Networks: In many areas, formal and informal groups of expatriates can be critical sources of information on opportunities and pitfalls most have already discovered the ins and outs of living abroad without much access to U.S. government benefits. Retiree Councils, groups including locally-working contractors, U.S.-based international companies, and other U.S. personnel in the area can also provide advice or contacts to help you navigate through bureaucratic ambiguity.
- Stay connected: Make the most of the time you have with full access to on-base services and Common Access Card (CAC) ID access to essential official administrative IT platforms before retirement Login.gov, DS Logon, and ID.me. Since authentication to establish accounts for these systems relies primarily on CONUS-based data to verify identity, CAC encryption eases initial authentication to establish accounts for most US Government platfor

authentication to establish accounts for most US Government platforms. By doing this, you can continue access after losing CAC ID on retirement for:

TIP - Preparing for Worst Case:

- U.S. ordinary residents fall under Host Nation and U.S. Diplomatic Mission for emergency notification and response, including potential evacuation in crisis - not under local U.S. military commands.
- Without CAC, many retirees may lose access to official U.S. military alert warning systems, unless local Emergency Managers facilitate access. However, stay informed via other available channels:
- Learn about Host Nation emergency warning and response systems
- Sign up for U.S. Department of State Smart
 Traveler Enrollment Program (STEP) to
 receive emergency or threat notifications where
 you live or travel, and to ensure the U.S. Mission
 can account for you.
- <u>Login.gov</u> (Veterans Administration (VA), USAJOBS, Office of Personnel Management (OPM), Social Security Administration (SSA), <u>Combined Federal Campaign (CFC) donation site</u>, <u>US Department of State STEP Platform</u>)
- <u>Department of Defense Self-Service (DS) Logon</u> (use CAC to validate **premium account** access for VA¹, MilConnect, <u>TRICARE Overseas Benificiary Secure Claims Portal</u>, Military Health System-GENESIS <u>Patient Portal</u>, and <u>Tricare for Life</u>. Also, retirees and family members without CAC can now use an email procedure for registration.²)
- ID.me (VA, SSA, Internal Revenue Service (IRS))
- None of the above: Confirm access to other U.S. service sites which still use their own login mechanisms, since some rely on U.S.-based data for authentication or restrict use of foreign personal contact info: Defense Finance and Accounting Service (DFAS) MyPay, Thrift Savings Plan (TSP), TRICARE Express-Scripts, and BENEFEDS online medical benefit management portal.
- **Persevere:** Keep educating yourself on both U.S. and host nation systems -- on the bureaucratic challenges and the opportunities -- both now and as they change over time.

STATUS — WITH OR WITHOUT FORCES

One of the immediate concerns on retirement overseas is staying on the "right" side of the host nation. Tourism is not a sustainable option for getting a long-term visa to stay in another country. Realistic status options include:

- **Short-Term Visitor:** As a qualified U.S. visitor for tourism or business within most of Europe, <u>now</u> you can enter the 30 countries within the **Schengen area in Europe**, for instance, without a visa for up to 90 days within each 180-

¹ According to a VA.gov, after 30 Sep 2025, you won't be able access VA sites/apps with DS Logon -- only via Login.gov and ID.me. Additional info at: https://www.va.gov/initiatives/prepare-for-vas-secure-sign-in-changes/

² See sections on "Email Registration for Military Dependents, Retirees & their Dependents" in DMDC DS Logon FAQs at: https://myaccess.dmdc.osd.mil/identitymanagement/api/data/faqs

day period. When you leave the Schengen area, you must wait another 90 days before you can apply to re-enter without a visa.

However, the European Union (EU) is tightening requirements and controls for non-EU nationals by implementing:

- the European Entry/Exit System (EES) scheduled in late 2024 -- an automated system for on-arrival traveler registration, and
- the European Travel Information and Authorisation
 System (ETIAS) in early 2025 -- similar U.S. Electronic
 System for Travel Authorization (ESTA), to request and
 document travel clearance valid for three years (unless
 passport expires earlier) and allow travel to any of 30
 European countries for up to 90 days in any 180-day period.

U.S. permanent residents in Schengen countries do NOT need ETIAS clearance to enter other specified countries, and are exempt from EES. U.S. personnel and authorized family members assigned under orders to duty locations in specified countries do NOT require ETIAS clearance or EES registration for entry into the country where they are assigned. As a general rule, holders of diplomatic passports do not need an ETIAS, however some exceptions apply and holders of certain types of diplomatic passports may be required to have a visa.

MORE on EES/ETIAS:

- ETIAS applies to 30 countries: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, the Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and Switzerland. EES applies for all except Cyprus, which will continue to manually stamp passports...
- The only official EU website on EES and ETIAS is https://travel-europe.europa.eu/index_en
- Another site for info and updates: https://etias.com/etias-requirements/etias-foramerican-citizens .
- WARNING Official EU website includes links to submit applications once ETIAS becomes active. Other commercial sites purporting to process applications are fraudulent.

Don't think this all means EES/ETIAS only applies for those coming from the U.S. to visit you overseas -- authorities and procedures are still unclear for the interim period between leaving military service under Status of Forces Agreements (SOFA) and either hiring into a follow-on U.S. Government (USG) civilian or contractor position, or final receipt of local residency. Transition may be complicated if you plan to reside in a country other than your last duty station. Check through your organization on how process will work for EU immigration controls in this transition period -- which could take weeks or months.

- Under SOFA: SOFA applies not only to military service members, but to Department of Defense (DoD) employees and DoD-supporting contractors, or spouses of a U.S. Government (USG)-affiliated employee/contractor. SHAPE/NATO International Staff fall under SOFA provisions. DoD-supporting contractors often require host nation certification of their positions such as NATO SOFA Technical Experts Supplemental Agreement (TESA) certification in Germany, which depends on a variety of factors including residency status, possession of residency/work permits, receipt of host nation benefits, property ownership, spouse/family status in country, etc.. Ordinary residents generally cannot work under SOFA provisions otherwise, other German residents would also be eligible for what should be US-only positions.
- Ordinarily Resident (OR): This includes a person who obtains a residency permit and engages in a business activity or was employed in the local job market while residing in the host country or who requests a residence permit with the intent to pursue local employment. Even if one does not apply for a work permit or gain employment, but remains in country (e.g., under a temporary residence permit), one becomes an ordinarily resident per host nation legislation in that country in Europe, the period can vary from 24 hours (in the Netherlands) to 90 days (Belgium) to one year (Germany, Italy, UK).

During application for residency, some countries may require proof of income and medical coverage -- try to use existing official documents available, including DFAS Verification of Pay Letter (via myPay) and TRICARE Proof of Coverage (via MilConnect).³

OR status in one country may eliminate you from consideration for USG jobs under SOFA status within that country. To no longer be considered ordinarily resident in a country, you and immediate family members must establish a bona

³ See https://www.tricare.mil/Plans/Eligibility/DEERS/milConnect/Proof - and log onto -- https://milconnect.dmdc.osd.mil/milconnect/

fide resident status in that country for the minimum amount of time required by the former country's rules to terminate ordinarily resident status in that specific country.

Some countries will offer a temporary residence permit (without a work permit) for a limited period that will temporarily eliminate SOFA status, but which may maintain your eligibility to apply for some U.S. Federal jobs.

- **Diplomatic Service:** As a U.S. Embassy or Consulate employee, you may serve either under the Vienna Convention (diplomatic or administrative/technical status), or under ordinarily resident conditions, depending on position. Other USG organizations may assign personnel in Germany under other specific bilateral agreements. Employment in some international organizations (e.g., OSCE or UN in Vienna, OPCW in Netherlands, etc.) may come under diplomatic or similar status based on a host nation agreement directly with those organizations.
- **Studies:** With residency permit based on letter of acceptance to a host nation education/training institution. Consider using Post-9/11 GI Bill benefits for qualifying foreign academic programs.

ON CITIZENSHIP

The right to retirement pay (based on active service or disability) is generally contingent on the continuation of one's military status, and a retiree remains subject to rules, regulations, and recall to active duty as required.

A U.S. military retiree who becomes a citizen of a foreign country by naturalization and who voluntarily renounces his or her U.S. citizenship loses the right to retired pay. A retiree who resides in a foreign country and acquires foreign citizenship by operation of that country's law — and who does not relinquish U.S. citizenship — is considered to have dual citizenship. Dual citizenship alone may not

TIP - Exercising Your Rights - Voting: Even though there is **no Congressional district outside the U.S.**, registration within a state voting jurisdiction allows you to keep your voice in our own political process.

You can't vote in U.S. elections without establishing a voting residence in a U.S. state. Your voting residence is generally your address in the state in which you were last domiciled, immediately prior to leaving the U.S., even if you don't have any other ties there, and your intent to return to that state is uncertain.

Check the **Federal Voting Assistance Program** (**FVAP**): https://www.fvap.gov/citizen-voter/voting-residence

result in a loss of an entitlement to retired pay, but due to retiree U.S. military status, the U.S. Constitution prohibits any person "holding any [U.S.] Office of Profit or Trust" from accepting any office or pay from a foreign government without the express consent of Congress. Direct service in a foreign military force conflicts directly with U.S. service obligations — and Congress does not have the authority to consent.⁴

There are other financial impacts on changes in citizenship (expatriation). In order to deter tax-motivated expatriation, the U.S. Congress, in 2008, enacted <u>provisions in the Internal Revenue Code (IRC - articles 877A and 2801)</u> to require covered expatriates to treat all property as "sold for its fair market value" on the day before expatriation, and to require any US citizen or resident to pay a tax at the highest estate tax rate for any gift or bequest from a covered expatriate. There are very limited exceptions for dual citizens and others.

HEALTH CARE CHALLENGES — INITIAL TRANSITION

60 to 180 days prior to retirement, it's essential to complete a pre-retirement physical exam, and desirable to start the process for a VA disability evaluation for <u>Benefits Delivery at Discharge (BDD</u>). Contact VA at the 180-day mark to get an appointment — it may take 3-4 months before the next available opening. Normally, at Landstuhl Regional Medical Center (LRMC) in Germany. Although there are several locations in the U.S. offering a combined Service/VA retirement physical, LRMC only offers BDD exams not combined with a military retirement physical.

Generally, VA BDD facility will only assess conditions that you note on your claim (<u>completed Separation Health Assessment - Part A Self-Assessment form and/or VA Form 21-4138 for additional information supporting a claim) and that you document by providing copies of Service Treatment Records (STR) or private medical records. Also, you may give the VA permission to request medical records from your private medical provider (however overseas,</u>

⁴ See DoD Financial Management Regulation 7000.14-R Jul 2013, Volume 7B (Military Pay Policy - Retired Pay), Chapter 6 (Foreign Citizenship and Retirement) and Section 0505 (Service in Military Force of Newly Democratic Nations), and additional emoluments clause info: https://dodsoco.ogc.osd.mil/Portals/102/summary_emoluments_clause_restrictions.pdf

this can be problematic because, by law the VA cannot pay for copies of medical records- and many overseas medical providers charge for making a copy of a patient's medical record). There is generally no comprehensive medical exam or exhaustive records review, **except for what you claim**.

In order to ensure a claim is complete before submission, recommend a pre-exam record review by a service officer in American National Red Cross or veteran service organizations, such as Veterans of Foreign Wars, American Legion, Disabled American Veterans, service associations, or the Wounded Warrior Project. Service officers screen records or provide advice not only for your initial claim, but also for any appeal. VA Form 21-22 includes a listing of VA-recognized organizations authorized to represent you in the preparation, presentation, and prosecution of claims for VA programs.

There is no VA dental exam, unless a specialized exam is required as part of a pre-discharge disability claim. Recently-retired personnel can only receive the VA post-retirement dental exam and any potential follow-up at VA facilities in the U.S. The best bet is to get a comprehensive dental exam and any required follow-up treatment at a military facility before retirement. If you are overseas, have not had any dental treatment within 90 days of retirement, and want to receive post-discharge VA dental exam, you should request (via VA Form 10-10EZ) an exam at a VA facility during post-retirement travel in the U.S.

Once you receive your disability claim decision from VA, you can now apply online for a Veterans Health

Identification Card (VHIC), or bring a copy of your VA documentation to apply at a VA facility at the first opportunity in CONUS -- even if you plan on staying overseas. Although you do not need a VHIC for service-connected care under the VA Foreign Medical Program, the card will allow you to access VA coverage and services more quickly during travel in CONUS, or eventual return to stay in the U.S.

TIP - Steps to apply for VHIC:

- Establish access mechanisms for VA sites (via Login.gov, DS Logon, ID.me or CAC ID Login while you have it): https://eauth.va.gov/accessva/about
- Apply for VA health care benefits: https://www.va.gov/health-care/how-to-apply/
- Apply for VHIC online at: https://eauth.va.gov/accessva/?cspSelectFor=vhic-ss
 or -

register at a CONUS VA Facility for local issue: https://www.va.gov/find-locations/

HEALTH CARE CHALLENGES — LONG-TERM

MEDICAL

Outside the US, TRICARE Select is the primary option for retiree care — Prime is not available. Under TRICARE Select, retirees have no Primary Care Manager (PCM), and can receive space-available care at any military facility. As military communities draw down and consolidate, especially in Europe, clinics have maintained limited capacity focused on service member care. "Space available" can mean "non-available" for civilian employees, retirees and family members. For TRICARE Select with a local provider, generally you must pay upfront and apply for reimbursement through TRICARE Overseas Program office in CONUS. You might be able to simplify payment and claims by using TRICARE Network Providers (mostly in areas near U.S. bases or diplomatic missions), or requesting that the local provider file direct with TRICARE⁵ -- but be prepared to pay upfront and submit the claim yourself.

Local medical insurance, whether private or associated with post-retirement local employment, can be a good supplement to TRICARE. If you enroll in a local insurance, TRICARE becomes secondary insurance.

An overseas patient must file claims within one year, or they will be rejected. TRICARE Overseas Program office in Wisconsin takes six weeks or longer to process claims — if a local provider will bill TRICARE direct, or bill you for later payment, recommend advising them of possible delays, and asking them upfront for a payment extension for large bills.

- Claims Resources and Guides: https://tricare-overseas.com/providers/claims/helpful-claims-resources-and-guides
- Claims Support Forms: https://tricare-overseas.com/providers/claims/claims-support-forms

⁵ **TRICARE Overseas** Site has English- and foreign-language materials available to assist help local providers:

Keep in mind that if you need care while travelling in the U.S., claims should be routed through TRICARE Overseas - <u>not</u> through TRICARE U.S. East and West Region offices that routinely work with local providers there. Also keep in mind that home care authorized under TRICARE Select is not available overseas.⁶

TRICARE Plus is offered overseas on a case-by-case basis, based on the local military treatment facility commander's decision. Under this program, retirees and eligible dependents affiliate with a military medical clinic for primary care and receive priority and care similar to active duty members and their families. Only TRICARE Plus covers parents who are legal dependents of TRICARE beneficiaries — they are ineligible for all other TRICARE options. If you have TRICARE Plus, you must maintain the PCM-proscribed plan of preventive care, or you may lose access to your PCM under TRICARE Plus, defaulting to TRICARE Select. TRICARE Plus is not portable — if you are enrolled, priority and care applies only for the facility where you are enrolled, but you maintain TRICARE Select for treatment on the economy, and your may have access to specialty care at facilities like LRMC if capacity is available.⁷ Also, some U.S. military medical personnel may not be host-nation certified — so local pharmacies may not accept and fill their prescriptions if the military clinic does not have the needed medication on hand.

VA maintains overseas facilities only in the Philippines. The <u>VA Foreign Medical Program (FMP)</u> Office covers foreign medical treatment of only VA-rated, service-connected conditions (rated at 0% or more), whether veterans travel or reside there. FMP is not a replacement for TRICARE — it only covers medically necessary treatment of veteran VA-rated conditions (not family members) and TRICARE becomes secondary coverage for conditions treated under FMP. Additionally, services must be accepted by the VA and the US medical community (such as American Medical Association or US Food and Drug Administration). FMP Office pre-authorization is **not** necessary for VA-rated, service-connected disabilities. You must pre-pay the provider and file for reimbursement via the FMP Office in Colorado. Also keep in mind that FMP is system separate from the CONUS VA network — if you enroll online or in CONUS to get VHIC as mentioned earlier, you must apply separately for FMP.

Keep your contact information current with the VA Regional Office that awarded your disability claim and the FMP Office — since you may be required to attend a VA-directed Compensation and Pension (C&P) exam to verify your current condition. If there is any discrepancy in the claim and you miss a C&P exam, the VA may default the action to an action least favorable to you, whether loss or reduction in benefit amount. The best way to do this is to call the VA and ask them to send you a copy of your address to your overseas address which they have on file, This way, you know they have your current overseas address and contact information, and the VA has a record of you asking them for it.

If you are suffering with hearing loss, and believe your condition may be service-connected, you should visit the nearest VA regional office or veterans' service organization to file a disability claim. Veterans must be enrolled in VA health care and must be receiving their medical care from the VA to be eligible for special services such as hearing aids. If you do not qualify for the VA's hearing aid program, you may be able to use the DoD Retiree-At-Cost Hearing Aid Program (RACHAP), which helps military retirees purchase hearing aids through an installation audiology clinic at a special government-negotiated price. This program is open to all military retirees who have hearing loss or tinnitus and can reduce the cost of hearing aids by up to 85%. The only drawback is the program is available at only about 30 U.S. and five overseas military treatment facilities (including four in UK, Germany, and Italy) and some only offer support to nearby residents or otherwise restrict enrolment.

While after retirement you and your family will no longer have access to Military OneSource support services, if you live near a U.S. military base, your access is still authorized to garrison Employee Assistance Program (EAP) counseling and referral services to help dealing with personal challenges.

⁶ See https://www.tricare.mil/coveredservices -and- https://tricare.mil/Plans/ComparePlans

⁷ **LRMC posts monthly a matrix depicting clinics that have current availability** to support Retiree Community - check link to **''monthly availability report'** at https://landstuhl.tricare.mil/Health-Services/Specialty-Care.

⁸ From Oct 2014-Jan 2015 Army Echoes -- see also https://www.prosthetics.va.gov/psas/Hearing_Aids.asp

⁹ For RACHAP/RHAPP background and locations see http://militaryaudiology.org/rachap-rhapp-locations/ -- however, information there is dated. For example - in Germany, only Grafenwoehr and Spangdahlem provide RACHAP support.

PHARMACY SUPPORT

Due to complications with Customs and wider controls on shipments, TRICARE cannot ship medications through APO or foreign addresses in Europe. Prescriptions can be filled at a local U.S. military pharmacy (if available) or purchased on the economy, followed by filing a claim to TRICARE for reimbursement.

DENTAL

TRICARE provides no dental coverage. Retirees can enroll in the **Federal Employee Dental and Vision Insurance Program (FEDVIP)** or choose coverage under commercial plans. Those already enrolled in the Tricare Dental Program for activity are NOT automatically be transferred to FEDVIP. New retirees have 60 days from their retirement date to enroll, since eligibility would fall under "loss of other coverage," rather than as a distinct Qualifying Life Event (OLE).¹⁰

Otherwise, FEDVIP requires you to enroll during open enrolment (annually from the Monday of the second full week in November to the Monday of the second full week in December). Coverage and fees depend on each specific insurance provider.¹¹

If continuing work under other U.S. Government agencies, consider Foreign Service Benefit Plan (FSBP) as a worldwide alternative to FEDVIP. FSBP is open to all Foreign Service personnel and direct hire Federal civilian employees from the following executive branch agencies and departments. Check enrolment windows and requirements.

VA established in 2014 the <u>VA Dental Insurance Program</u> (<u>VADIP</u>) dental insurance program for veterans and VA Civilian Health and Medical Program (CHAMPVA) beneficiaries, but only in the U.S. and its territories. <u>FMP only provides dental coverage</u> for veterans with a service-connected, compensable dental disability or condition (Class I and some others).

TIP - **on FSBP:** If you enrolled in FSBP while in Civil Service and want to retain it after retirement, you must have had <u>coverage for a minimum of five years prior to retirement fr</u>om Civil Service. If you did not have FSBP for the minimum of five years, you should select some other health insurance option.

- In the event you did have FSBP for five or more years prior to your Civil Service retirement, but at that time did not want to maintain FSBP, you have another option to request through the Civil Service Personnel Office to place your FSBP "in suspense." This will allow for you to sign back up for the FSBP coverage at a later date. If you don't put it in suspense you will not be able to sign up for this coverage at a later date.
- For those that remain in-country, FSBP has direct billing with many hospitals and physicians in Germany, especially near areas with a large American population.
- Contact your Civil Service Personnel Office for any questions on <u>Federal Employee Health Benefits</u> (<u>FEHB</u>) -- including not only FSBP, but also other programs.

TRICARE FOR LIFE

When one reaches age 65 and becomes eligible for Medicare, Medicare does not cover health care overseas. TRICARE beneficiaries must keep both Medicare Parts A (without premium, for hospitalization) and B (with annual premium, for outpatient care) to maintain TRICARE coverage. Despite the fact that Medicare does not provide care, if you do not pay Medicare Part B premiums, you will have to pay all medical expenses out of pocket, and may be penalized on attempting to enroll or re-enroll in Medicare if you return to the States.

In 2006, Medicare prescription drug coverage, known as Part D, became available to everyone with Medicare Part A and/or Part B, except people living overseas or serving prison sentences. In nearly all cases, TRICARE Overseas beneficiaries similarly derive no advantage from purchasing Medicare Part D coverage. Overseas retirees are also exempt from the new TRICARE for Life requirement for beneficiaries to get certain medications through TRICARE Pharmacy Home Delivery, which provides no foreign delivery.

Retired service members and spouses are eligible for the Federal Long-Term Care Insurance Program (FLTCIP). Under plans prior to 2021, FLTCIP provided care overseas, but fenced 20% of the maximum lifetime benefit to cover services received in the U.S. Under FLTCIP 3.0, enrollees have access to 100% if benefits for covered services

¹⁰ See OPM (https://www.opm.gov/healthcare-insurance/life-events/) -and- BENEFEDS (https://www.benefeds.com/education-support/dental-vision). Additional clarification on new retirees received from TRICARE Overseas Program-Eurasia/Africa Office.

¹¹ See BENEFEDS (https://www.benefeds.com/tools) -- but keep in mind all providers do not provide full international coverage.

overseas.¹² However, since December 2022, <u>OPM suspended applications for FLTCIP coverage for 24 months</u> unless OPM issues ad subsequent notice to end or extend the suspension. Consider a local national long-term care insurance plan if you intend to remain overseas, in order to provide responsive care.

EMPLOYMENT

Post-retirement employment depends on your career and life goals. You may continue USG employment, start work for a U.S. or local company, or seek employment with an international organization.

Be prepared, have multiple courses of action, and be patient. Despite holding a letter of intent or tentative offer, no commercial or USG job is finalized until the organization confirms contact award (for commercial), funding and qualifications, and before a hiree signs the actual employment contract. If an applicant is only an alternate candidate after interviews, the weeks or months of waiting can drag even longer.

USG OVERSEAS EMPLOYMENT

Although continued USG employment as a civilian seems a simple option to use your experience and continue service, there may be complicating factors:

- Reduction in USG organizations overseas have limited post-service employment opportunities and increased scrutiny on local hires start job searching early.
- The December 2016 NDAA removed the clause that permitted appointments during "a state of emergency" since 9/11. After 23 December 2016, retired military members may only be appointed to DoD Federal civil service positions within 180 days of retirement if the minimum rate of basic pay for the position has been increased under 5 USC 5305, or a waiver has been approved. This significantly limits hiring directly into a GS position during transition leave or at retirement -- so if you want to get into a civil service overseas position as soon as possible and with full entitlements, it might be best to return to CONUS on retirement first.¹³
- During any post-transition delays in starting USG appropriated fund employment, taking a temporary or interim job with Non-Appropriated Fund (NAF) or other USG-affiliated organization may mark you as a local hire and render one ineligible for living quarters allowance (LQA) and other benefits. ¹⁴ Even if you are eligible for LQA, there have been recent policy changes impacting use of LQA to purchase a property during GS employment in Europe. Check for current guidance. ¹⁵
- By starting USG employment during transition, one will probably be able to avoid local hire provisions, and maintain eligibility for LQA as long as the retirement transportation entitlement is not used. It is not advisable to use one's retirement entitlement to move to a new duty location, unless one intends to remain in the same place overseas. Using the transportation entitlement overseas may render one ineligible for LQA.

Remaining under SOFA status temporarily without taking an interim job, one can maintain access to logistic support and eligibility for LQA if one's spouse takes a local job under U.S. hiring conditions. It is best to check with the local Civilian Personnel Office — there may be complications if a spouse is a local national of the host nation, or has dual citizenship, including host nation.

OPM regulations allow a retiree to <u>claim active duty military experience toward leave accrual (hours per pay period)</u>, if that experience was directly related to the experience and qualifications required for a new USG job. This is separate from the regulation that <u>grants leave accrual credit for participation in a campaign or expedition for which a campaign badge is authorized</u>. One MUST, however, make the claim and have it approved (by hiring authority) prior

FULL TEXT https://docs.house.gov/billsthisweek/20161128/CRPT-114HRPT-S2943.pdf

https://media.defense.gov/2018/Sep/06/2001962229/-1/-1/0/AER690-500.592.PDF

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¹⁴ LQA policies changed in late 2017 -- see AER 690-500.592:

¹⁵ https://www.stripes.com/news/us-army-europe-civilians-face-new-restrictions-on-housing-allowances-1.518339 - and AER 690-500.592

to starting work, or the claim will be denied. That is, according to these OPM regulations and guidance, the head of an agency, or his or her designee, must make the determination to approve an employee's qualifying prior work experience before the effective date of the employee's entry on duty, since the determination cannot be made retroactively. Military Services publish implementation guidance which may restrict addition of duty-related military experience — for example; the Department of the Army generally allows it as an incentive for hard-to-fill positions only.¹⁶

If you retire from the military overseas, then plan to remain overseas after subsequent DoD employment, current civilian transportation authorities generally cover return to US home of record -- NOT for overseas moves. Plan to cover your own overseas move if you're leaving the local area -- or try to extend your access to your military retirement transportation entitlement as long as possible. Each branch of Service has slight variations regarding the process and maximum amount of time for extensions. Generally, separating and retiring service members receive a transportation entitlement valid for three years to a home of selection, but can request extensions for no longer than six years from their retirement date. For military personnel retiring or separating after 24 June 2022, the first extension request must be submitted prior to their third anniversary of retirement, and the Joint Travel Regulation does not provide authority to reinstate an expired extension submitted late.

If you plan to enter **USG civilian employment** in the region after military retirement, **then from civilian service into** "final" retirement, learn all you can **NOW** on overseas transition. The DoD civilian retirement process is focused only on transitioning into CONUS -- this process is remotely managed from CONUS and there's no formal documentation to coordinate with host nation officials until it's complete.

COMMERCIAL EMPLOYMENT

If considering overseas employment with a US-based or local national defense industry contractor, there are also some nuances:

- The Designated Agency Ethics Official (usually in the judge advocate office) of the DoD organization where one last served must complete a post-government employment assessment to determine if there may be a conflict of interest "in connection with a particular matter involving a specific party in which one participated personally and substantially as a Government officer and in which the United States had a direct and substantial interest."
- US defense contractors are very sensitive to provisions of the NATO SOFA Technical Experts Supplemental Agreement (TESA), which requires them to certify US-only technical experts "with a high degree of skill or knowledge for the accomplishment of complex tasks of a technical military nature, or of a technical scientific nature, as distinguished from routine mental, manual or physical processes. The skill and knowledge must have been acquired through a process of higher education, or through a long period of specialized training and experience." Host nation will be hesitant to approve hiring of a US national if the position could be filled by a local national. If you have ordinarily resident status, you will not be eligible to fill a US-only position.

The U.S. Chamber of Commerce Foundation (Hiring our Heroes initiative), Association of the U.S. Army (AUSA) and other organizations have organized hiring events in Europe to provide facilitate networking, interviewing and gaining information for opportunities with U.S. and international companies.¹⁷ Look for events like this in your area.

FINANCE AND OTHER SUPPORT ISSUES

Due to Social Security contributions during military service, a retiree and their spouse are eligible to receive Social Security benefits. If the retiree and/or their spouse worked and contributed to local national social welfare plans, there are bilateral social security agreements ("Totalization Agreements") that prevent double taxation and may provide for receipt of benefits under both US and host nation plans. Look into the Social Security agreements for the host nation, and contact the US Embassy Federal Benefits Unit with specific questions.

 ¹⁶ DA Memorandum, SUBJECT: Implementation - Credit for Prior Non-Federal Work Experience and Certain Military Service for Determining Annual Leave Accrual Rate, 6 May 2011 - https://cpol.army.mil/library/benefits/2011-0506-DAPE-CPZ.html
 ¹⁷ Some from previous events, but can provide leads for future events -

FOREIGN ACCOUNT TAXPAYER COMPLIANCE ACT (FATCA)/REPORT OF FOREIGN BANK ACCOUNT AND FINANCIAL ACCOUNT (FBAR) IMPLICATIONS:

U.S. citizens living abroad face a number of tax compliance and financial burdens not faced by their fellow citizen in the United States. The following are among the additional burdens:

- Requirement to file a U.S. income tax return with complex calculations, including potentially foreign currency conversion, foreign tax credit, and excess housing cost exclusion.
- If one exceeds specific dollar values in foreign financial interests at the end of the tax year, or at any time during the tax year, one may have to file a statement of foreign financial assets with the Internal Revenue Service (IRS). Check for current FATCA limits.
- If one has interest in foreign financial accounts exceeding specific limits at any time during the tax year, one may also have to file a FBAR Report with the Treasury Department. Check current FBAR limits.
- High probability of filing at least one foreign income tax return, and possibly more. Some countries have reciprocal tax agreements with the U.S. to limit double taxation, but all income may not be exempt, and there may still be requirements to report non-taxed income. Check IRS and host nation guidance.
- Many foreign financial institutions <u>refuse to provide financial services to U.S. citizens, blaming FATCA reporting obligations.</u>
- Some U.S. financial institutions may refuse to provide U.S.-based financial services to U.S. personnel overseas without a U.S. postal address (APO R-box) or only foreign-based bank accounts. It may be possible to roll over some assets (non-Roth IRA, some 401k assets) into TSP check TSP website for additional info.

OTHER TAX ISSUES

If you're close to retirement or are NOT planning on returning to your current state of residence you should educate yourself on your current U.S. State tax exposure. Your State of residence is a choice, so be sure you're getting what you pay for. In general it's easier to change your State of residence when you're overseas on orders from the USG. You'll have to check with your State to see what the residency laws are though -- they vary to extremes.

Some State tax laws are downright draconian, such as Virginia which taxes everything regardless where you physically live in the world -- including military/federal pensions AND Social Security -- PLUS a special State "consumer and use tax" to squeeze that last bit of spare change out of your pocket. Others are almost too good to be true, such as Wyoming or Alaska (most State revenue taxes are covered there by natural resource taxes or "Corporate Exploitation Tax").

Previously, German Finance Courts and state (*Bundesland*) finance offices attempted to tax U.S. official income for military, civilian and contract personal serving under SOFA, asserting that those personnel were unable to prove "intent to return" due to various criteria. According to a July 2023 decision by the German Finance Ministry, U.S. military and civilian personnel who arrive to serve under the NATO SOFA can't have their pay taxed by Germany, regardless of their "will to return" to the U.S. 18

OTHER CUSTOMS AND FINANCIAL ISSUES

If a retiree acquires high-value items (car, furniture, appliances, etc.) tax-free under SOFA-covered service just before transitioning, proof of ownership may be required for a specific period of time (6 months for Germany). Otherwise, back pay value-added tax and import fees may be required, even if one has only a temporary break in SOFA coverage.

Registering a vehicle and getting a local driver license can also present challenges. If a retiree has a U.S.-spec vehicle, it may require extensive modification to meet local national standards — even if previously registered in

 $^{^{18} \} See \ Stripes \ reports: \ https://www.stripes.com/theaters/europe/2023-07-28/germany-cannot-tax-military-pay-10879833.html \ and - https://www.stripes.com/theaters/europe/2022-11-23/germany-military-tax-soldiers-8160828.html$

Europe under U.S. Command. U.S. base inspection stations are generally much more flexible in accepting U.S. standard vehicles (for lighting, internal electronics, etc.) than local inspection stations. Also, although it's possible to transfer a US driver license for a local one, EU regulations prohibit one from having multiple active licenses — so the U.S. license might have to be surrendered.

If retiring in Germany, retirees can use Exchange and Commissary facilities only if they have a valid *Zollbescheinigung* (Customs Registration - also known as "pink card"), periodically report purchases and pay appropriate taxes with the local Customs office. ¹⁹ Although <u>Army and Air Forces Exchange Service (AAFES) expanded retiree/veteran access for online ordering</u> in Europe, Germany-based eligible customers -- with valid *Zollbescheinigung* -- can also purchase online but must request in-store pickup <u>only</u>, since they generally can't receive purchases via an APO R-box.

In some cases, without a *Zollbescheinigung*, retirees are authorized to use base education; Morale, Welfare, and Recreation (MWR) facilities; health and legal services, most on space-available basis, and some on a for-fee basis. However, due to recent re-examination of U.S.-German SOFA restrictions on access to military goods *and services*, there have been recent changes in retiree eligibility for access to on-base college courses²⁰ -- recommend checking with RSO, base education offices and others for current policies.

Above applies only to Germany — local US Army Garrison commanders may authorize support in Belgium/Netherlands (BENELUX), and Italy. ²¹

Retirees can use some credit union services at US military bases only if accounts existed before retirement -- but DoD-sponsored military community banks come under separate SOFA restrictions. If you do establish membership in credit union, consider also establishing a separate spouse account at same organization, to simplify account management for survivors if the retiree primary account holder dies first.

Keep in mind that while retirees may have access to military postal service, that service is limited, due to bilateral Customs and SOFA considerations.

Retirees cannot use a VA Loan to buy foreign property — according to the <u>VA Lender's Guide</u>, "real property securing a VA-guaranteed loan must be located in the United States, its territories, or possessions (Puerto Rico, Guam, Virgin Islands, American Samoa and the Northern Mariana Islands). After retirement you cannot use a VA loan to buy a property in the US or territories for seasonal use. Each veteran must certify that he or she intends to personally occupy the property as their home within a reasonable time after the loan closing (generally 60 days up to 12 months). In some cases, spouse occupancy may satisfy the requirement "if the veteran cannot personally occupy the dwelling within a reasonable time due to distant employment other than military service."

Even though VA loans cannot be used to purchase foreign property, in some cases <u>VA grant</u> may be used to fund adaptation of a foreign residences with special features to meet requirements dealing with service-connected disabilities.²²

While it is possible to use <u>VA</u> educational benefits to attend foreign schools of higher education, you or qualified dependents can only receive benefits to attend foreign programs which the VA accredits as meeting U.S. standards. You can use the VA Web Enabled Approval Management System (WEAMS) <u>Institution Search Tool</u> to find foreign schools with approved programs. ²³ Adding a new foreign institution or specific degree program can be extremely complicated.

AAFES - https://www.aafes.com/exchange-stores/overseas/

¹⁹ Generally, Military Retirees and select Veterans on **short-term tourism visits from CONUS** do not have access to military sales facilities overseas. For additional info, see:

Commissary - https://corp.commissaries.com/customer-service/faqs-listing?field_faq_categories_target_id%5B0%5D=37
²⁰ See Army Europe Regulation (AER) 600-700 (19 Dec 2018, para 15-4) and https://www.army.mil/article/222448/ and https://www.adelweisslodgeandresort.com/accomodations/eligibility and https://www.army.mil/article/238667/retirees_eligible_veterans_granted_access_to_army_mwr_facilities_in_germany

²¹ AER 600-700 (30 May 2018), para 15-5.

 $^{^{22}\} Additional\ info\ at:\ https://www.benefits.va.gov/benefits/infographics/special_adaptive_housing.html- and-https://www.military.com/benefits/veteran-benefits/specially-adapted-housing-program.html$

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FURTHER OUT --

Tragedy - like the enemy in combat - doesn't respect your plans. Even if you're still relatively young now, it's never too early to start planning to take care of those you will eventually leave behind, wherever you land.

- Since you will continue to receive some U.S. benefits, and likely have assets in multiple countries, **estate and tax planning can be complicated**. If you don't plan correctly, you may leave yourself and your survivors vulnerable to financial penalties.
- Consider whether your life insurance and/or survivor benefit coverage will cover those you leave behind
 either overseas or in the U.S. <u>VA Insurance Programs</u>, military or OPM survivor benefit programs. or
 commercial products.
- Ensure beneficiary information remains current for all accounts, but also look at other documentation necessary for those who survive you. Different countries have their own standards for powers of attorney (in U.S. generally expire on death some other countries offer durable options), living wills (advanced medical directive), health power of attorney, last will and testament -- and even organ donor consent procedures. U.S. versions -- even if translated professionally may or may not work. Local U.S. retirees -- or U.S. Embassy Legal Assistance and American Citizen Services -- may provide advice or assist in finding local legal and tax specialists.
- Even though your survivors may get some assistance on U.S. benefits from a U.S. Casualty Assistance Officer, select a **Trusted Personal Agent** to help manage your personal affairs and assets in the event your survivors are unable to do so. This agent may be a family member or someone you know and trust -- preferably conversant in the local language, familiar with both U.S. and host nation bureaucracies and other challenges, as well as aware of your intentions for what happens once you're gone.

If overseas retirement is still a desired path, start early and persevere through U.S. and Host Nation bureaucracies to provide support for yourself and your family for the long run.

About the author: *Lieutenant Colonel Jim Yentz, USA Retired*, served in Infantry, Special Forces and Foreign Area Officer positions during over 27 years in the active U.S. Army before retiring from the military in Germany in 2013. He then served as a civilian in Headquarters, U.S. European Command and U.S. Army Europe and Africa in Germany during 2014-2021. His 34 years total military and civilian service includes about 26 years overseas in the Republic of Korea, Europe, and Eurasia. Please provide any questions or feedback at email yentzdj@hotmail.com.

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