

**APPLICATION FOR RETROSPECTIVE CONSIDERATION TO BE
TREATED AS MEDICALLY UNFIT PURSUANT TO
DEFENCE FORCE RETIREMENT AND DEATH BENEFITS (DFRDB)
ACT 1973, SECTION 37**

About DFRDB Scheme

Defence Force Retirement and Death Benefits Scheme is a closed military defined benefit scheme. The scheme **closed** to new ADF entrants from **1 October 1991**, when Military Super was established. The scheme provides superannuation for ADF members who became contributors **on or after 1 October 1972**, and for contributors of **DFRB on 30 September 1972 who compulsorily transferred to DFRDB on 1 October 1972**.

Important Information: Interaction with Department of Veterans' Affairs (DVA) Incapacity Payments

The Commonwealth Superannuation Corporation (CSC) provides superannuation Invalidity Benefit payments if you are unable to undertake civilian employment after serving in the ADF. The Department of Veterans' Affairs (DVA) provides compensation for service-related conditions (injury or disease) causing incapacity in the form of incapacity payment.

If you are approved for Retrospective Invalidity and classified as either Class A or Class B, CSC notifies DVA of the assessment outcome so DVA can determine if they have any claim on your arrears. DVA incapacity payments are offset (reduced) by superannuation payments you receive through CSC.

If you have been in receipt of incapacity payments from DVA and are later paid Invalidity Benefits retrospectively from CSC for the same period, you will have an overpayment of incapacity payments. This happens because the offset (reduction) was not applied to the DVA incapacity payments at the time you were receiving them.

DVA will recover any overpayment directly from your Invalidity Benefit arrears payment, before any payment is made to you. CSC will release the relevant amount from the Invalidity Benefit arrears directly to DVA prior to releasing the remainder, if any, to you. If the arrears payment isn't enough to repay the whole amount of the overpayment, you may have an outstanding debt with DVA. DVA will need to negotiate a recovery plan with you to repay this debt.

This is an example and doesn't take into account individual circumstances that might apply to a claim. John transitioned from the Army on 1 March 2004. He has been suffering health issues since his exit. John was approved for DVA incapacity payments in 2007. He's still receiving these payments.

John applies for Retrospective Invalidity in 2020. CSC makes a decision under legislation that John could have separated from the Army under medical grounds. Based on John's medical evidence, he's assessed as Class A, and is entitled to a gross annual pension of \$48,878.18 backdated to his separation in 2004. His gross pension arrears are calculated as **\$1,010,326.79** for the period 2004 to 2020. The pension arrears are taxed in line with ATO requirements, leaving a net amount of **\$423,500**. CSC then advises DVA of John's net pension arrears and the fortnightly Invalidity Benefit payment information.

DVA advises CSC they are claiming the whole amount of John's net arrears to offset the incapacity payments that DVA has already paid. CSC makes the payment to DVA. DVA advises John that there is a further debt as the CSC payment arrears do not cover the whole amount owing to DVA. John's DVA incapacity payments going forward are reduced by the amount of the superannuation payments by CSC.

Source: [Member guide to ADF medical transition and retrospective invalidity |CSC](#)

About the information you give

Privacy and your personal information

Personal information is protected by the [Privacy Act 1988](#).

The purpose of collecting personal information during this application process is to establish whether where a contributing member has been retired otherwise than on the ground of invalidity or of physical or mental incapacity to perform their duties but, after retirement, the Chief of the Defence Force or a person authorized in writing by the Chief of the Defence Force informs the Commonwealth Superannuation Corporation that, at the time the member was retired, grounds existed on which they could have been retired on the ground of invalidity or of physical or mental incapacity to perform their duties, they may, for the purposes of the Defence Force Retirement and Death Benefits Act 1973, section 37, be treated as if they had been retired on that ground.

Any personal information you provide Defence pursuant to your application will be used by Service Chiefs and Defence for the purpose of determining whether, at the time of your separation, you could have been retired on the grounds of invalidity or of physical or mental incapacity, and for related purposes. If Defence considers that such grounds exist, Defence will provide your personal information to the Commonwealth Superannuation Corporation.

Completing this form

Please complete this form, include any supporting evidence and submit by either of the following methods:

Post:

Retrospective Consideration for Superannuation
Joint Transition Authority
BP33-05-008
PO Box 7927
CANBERRA BC ACT 2610

Email: defence.sam@defence.gov.au **Important Information: The Defence ICT system cannot receive emails which have attachments over 10MB. Please send as multiple emails.**

1. Representative (option)

Will you be representing yourself? Yes / No (If No, provide details of your representative)	
My representative's details (if I am not representing myself):	
_____	_____
Full name	Contact number(s)
_____	_____
Email address	Postal address

2. Personal Details

Last Name	First Name	Other Names	Former Last Name(s) (if applicable)
Date of Birth	Home Phone Number	Mobile Phone Number	
Postal Address			
Email Address			

3. Service Details

△ Navy	△ Army	△ Air Force
Period(s) of Service (include all periods of Service including Regular and Reserve Service)		
Service Number(s) (include all Service and PMKeyS Numbers)		
Date of Separation (if known)	Reason for Separation (if known)	

4. What medical condition(s) existed during your service and at the time of your separation for which a medical separation could have been considered? (include dates if known)

Conditions	Date of onset/Diagnosis Date (if known)

5. At the time of your separation, how do you believe your medical condition(s) had impacted upon your service employment?

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6. Have you sought treatment for the condition(s)? If so, when did you first seek treatment? Is the treatment ongoing?

7. Additional Evidence/Information not contained within your Defence service records (Attach any additional evidence or information to support your application such as current treating doctor/special reports and approved Department of Veterans' Affairs claims).

Important Information: Defence is unable to access your DVA records.

8. Sign the Release Authority and Certification – The following Release Authority authorises the release of Medical, Psychological (if applicable), Service and Personnel Records to the Department of Defence, for the purposes of determining your application pursuant to the Defence Force Retirement and Death Benefits Act 1973, section 37. This information may also be released to the Commonwealth Superannuation Corporation if applicable.

If the Release Authority is not initialled and signed, the Department of Defence is unable to assess your application.

Authorisation to Access Medical, Psychological, Service and Personnel Records

I, _____ hereby authorise the release of the following records (tick all that apply) to be used for the purpose of determining my application pursuant to the Defence Force Retirement and Death Benefits Act 1973, section 37.

- Medical
- Psychological
- Service
- Personnel

Please initial the following:

_____ In the event that the Chief of the Defence Force (or their authorised delegate) considers, based on the evidence available, that I may have been separated on the grounds of medical unfitness for service in the Defence Force, I consent to my personal information being released to the Commonwealth Superannuation Corporation for the purpose of considering my application under Superannuation Legislation.

_____ This authority is to remain in force until revoked by me in writing.

_____ I certify that, to the best of my knowledge and belief, the information given in this form is correct and complete and that I will notify the Department of Defence of any changes of circumstances.

Applicant's Signature

_____/_____/_____
Date