

Defence Forces pension arrangements - overview

Occupational pension benefits

The Defence Forces pension schemes provide occupational pension benefits for members of the Permanent Defence Force (PDF). They cover serving members and pensioners, including dependants of deceased members. [*See 1 below for further information*].

Disability pension benefits

The Army Pensions Acts provide for the grant of disability pension (or gratuity) to former members of the PDF who are found by the Army Pensions Board to have a permanent disablement due to a wound or injury attributable to their military service, or disease secondary to an attributable injury, or related to their overseas service. The Acts also provide for the grant of dependants' pensions to the spouse/children of PDF members whose death was attributable to their military service. The actual award of benefits in all such cases is not automatic but is subject to individual consideration under the provisions of those Acts and on whether the person's death or disablement was attributable to, or aggravated by, their PDF service. [*See 2 below for further information*].

Personal injuries compensation scheme for members of the Reserve Defence Force

Members of the Reserve Defence Force (RDF) who are injured in the course of their duties may apply for compensation under a non-statutory compensation scheme administered by the Department of Defence [*See 3 below for further information*].

INFORMATION AND ENQUIRIES

PENSION PAYROLL QUERIES – PSSC Helpdesk

Contact : Tel. 0761 002 702; email militarypensions@pssc.gov.ie; or write to PSSC Helpdesk, Payroll Shared Service Centre, Áras an tSáile, Renmore, Galway, H91 AN2E.

Since October 2015 all Defence Forces pensions from the Department of Defence are paid by the Payroll Shared Service Centre (PSSC). The PSSC is responsible for processing monthly pensions and for making all statutory and voluntary deductions.

PENSION TERMS OR ENTITLEMENTS - Department of Defence

Contact : Tel. 091-743900 or loCall 1890-426444 (extension 3900); email pensions.admin@defence.ie or write to Pensions Administration Section, Finance Branch, Department of Defence, Áras an tSáile, Renmore, Galway, H91 AN2E.

Information about entitlements, pension & gratuity rates etc., by way of booklets and documentation prepared by Pensions Administration Section, Department of Defence, is available widely throughout the Defence Forces (DF), including on the DF Intranet. This information and these booklets are also issued on request from the Pensions Administration Section.

***Disclaimer:** Every effort has been made to ensure the accuracy of the information shown on these web pages. However, as these are not contractual documents, they convey no right to benefit. All benefits under the Defence Forces pension code are governed by the relevant statutes, rules, terms and conditions and other relevant provisions, agreements, arrangements, circulars and/or other instruments, which comprise the pension terms and are also subject to any other relevant legislation and to public service pensions policy.*

**Pensions Administration Section
Department of Defence
December 2016**

1. OCCUPATIONAL PENSION BENEFITS

The main benefits of the Defence Forces Pension Schemes are:

- a retirement (occupational) pension; and/or
- a retirement gratuity or death in service gratuity (lump sum); and
- spouses' and/or children's pensions.

A person's actual pension scheme terms and superannuation benefits (e.g. pension and lump sum) depend on the date he/she joins the PDF and whether they are in officer or enlisted ranks. The main difference in pension terms apply depending on the following dates of joining:

- **Before 1 April 2004** – Benefits are based on rank and service and are payable immediately on retirement from the PDF, after certain defined periods of service depending on rank.
- **After 1 April 2004 but before 1 January 2013** - Benefits are broadly in line with standard public service terms i.e. they are based on pensionable service and 'final salary'. There is a 'minimum pension age' of 50 from which benefits can be paid. If a person leaves the PDF before age 50 benefits are 'preserved' and payable from age 60.
- **After 1 January 2013** – All personnel are members of the Single Public Service Pension Scheme and benefits are based on 'career average earnings'. There is a minimum pension age of 50 from which benefits can be paid. If a person leaves the PDF leaves before age 50, benefits are 'preserved' and are generally payable in line with and linked to Social Welfare State Pension age (age 66 rising to 68)

There are also differences between the pension terms and benefits of officers who joined before 6 April 1995 (on 'modified' PRSI – Class C) or joined on or after 6 April 1995 (on full PRSI – Class A). For those who join on or after 6 April 1995 and are fully covered for PRSI, their contributions and benefits are subject to integration with the State Pension Contributory.

Governance

The Defence Forces pension schemes are '*defined benefit*' in nature, as is the case with public service pension schemes generally. This means that the pension benefits are set out or defined in the scheme rules.

Like the vast majority of public service pension schemes, the Defence Forces superannuation arrangements are financed by the State on a 'Pay As You Go' basis, that is, as part of current expenditure, voted in the annual estimates. In effect, the liabilities (costs) are met as and when they arise. For military pensioners this is done through the Army Pensions Vote which is audited each year by the Comptroller & Auditor General. The management and administration of the Defence Forces pension code is carried out by officials of the Department of Defence.

2. DISABILITY PENSION BENEFITS

Under the Army Pensions Acts 1923-1980 a disability pension or gratuity may, following retirement, be granted to a former member of the Permanent Defence Force (PDF) for permanent disablement due to a wound or injury attributable to military service (whether at home or abroad) or to a disease attributable to, or aggravated by, overseas service with a United Nations Force.

Time limits for application

Application for a disability pension must be made within a statutory time limit of 1 year after retirement in wound/injury cases, and 8 years in disease cases.

The criteria for awarding a disability pension or gratuity are based on;

- (a) whether the applicant is suffering from a permanent disablement due to wound/injury which is attributable to his or her military service at home or abroad, or to a disease secondary to an attributable wound/injury or attributable to or aggravated by service with a United Nations Force abroad,
- and
- (b) the percentage degree of disablement from which the applicant is suffering.

The award of a disability pension or gratuity depends on the findings of the Army Pensions Board, the independent statutory body appointed to adjudicate on applications. The rate of disability pension depends on the degree of disablement as assessed by that Board.

It is important to note that compulsory retirement or discharge from the PDF on medical grounds does not give an automatic entitlement to a disability pension.

The Army Pensions Acts essentially constitute a military occupational injuries code which operates separately from, but in addition to, the Defence Forces retirement benefit (superannuation) provisions. However, the combination of both pensions is subject to an overall limit. In a case where both a service (retirement) pension and a disability pension are payable the service (retirement) pension is reduced – usually by an amount equal to one-half of the smaller of the two pensions – and the disability pension is payable in full. A military disability pension is tax-free.

How does the application process work?

Applications for disability pension are made on an application form that is available from Pensions Administration Section, Department of Defence, Áras an tSáile, Renmore, Galway, H91 AN2E.

When an application is received, Pensions Administration Section liaises with the military authorities to verify the service and other relevant details regarding the case. Once all the necessary documentation is available, Pensions Administration Section examines the case to ensure it complies with the provisions of the Army Pensions Acts. If the application is eligible for consideration it is forwarded to the Army Pensions Board.

The Army Pensions Board is a statutory independent Board appointed to investigate disability applications under the Army Pensions Acts. The Board consists of a Chairman and two ordinary members (two doctors) and generally two to three times a month. The Chairman and one doctor are civilians and the other member is a serving doctor in the PDF. The Board's principal function is to investigate applications for pensions, allowances and gratuities under the Acts and to report to the Minister thereon. The Board determines the question of attributability to military service in each case; assesses the degree of disability; and reports its findings to the Department.

Once the Board is in a position to investigate an application, the Secretary of the Board contacts the applicant to arrange an appointment for medical examination. The Board examines the applicant, and based on this examination, as well as consideration of medical reports and records relating to the applicant, the Board makes a finding. Pensions Administration Section is then notified of the Board's findings and acts on these findings. A pension or gratuity may be payable under the Army Pensions Acts where an applicant is found to have a disablement attributable to military service. The rates of pension or gratuity are set out in the Acts and depend on various factors including the degree of disablement. In cases where a pension is awarded, the award is generally not made final

or permanent immediately. The award is generally made on a temporary basis and the disablement is reviewed by the Army Pensions Board after a number of years. A case can be reviewed on a number of occasions before the award is made final and permanent.

Section 13(2) of the Army Pensions Act 1923 as amended

If an applicant has been found eligible for an award under the Acts, and has received compensation for the same injury/condition, Section 13(2) of the Army Pensions Act, 1923 as amended, may be applied. Section 13(2) provides that any alternative compensation received by the applicant may be taken into consideration in fixing the level of disability pension or gratuity that might otherwise be awarded for the same injury or medical condition. The underlying objective of Section 13(2) is to take into consideration compensation paid 'on the double' for the same disablement. Compensation of the kind in question would usually result from a civil action for damages against the State but compensation received from any other source is not excluded.

In a case where Section 13(2) applies, the applicant or his/her solicitors are advised of the provisions of Section 13(2). They are invited to make submissions as to how much, if any of the compensation should be taken into account in fixing the rate of disability pension. The Minister then makes a decision based on a consideration of all the facts of the case. The Minister may decide to take all, some or none of the compensation into account in fixing the rate of disability pension. If the Minister decides to reduce the disability pension under Section 13(2), the reduction applies for the lifetime of the pension.

Abatement of service pension where a disability pension is paid

Under the rules of the Defence Forces (Pensions) Schemes, in a case where a disability pension has also been awarded, the service pension is subject to a reduction. This reduction/abatement is calculated in accordance with certain formula. In most cases a standard abatement applies, where the service pension is reduced by half of the disability pension amount.

3. PERSONAL INJURIES COMPENSATION SCHEME FOR MEMBERS OF THE RESERVE DEFENCE FORCE WHO ARE INJURED IN THE COURSE OF DUTY.

Members of the Reserve Defence Force (RDF) who are injured in the course of their duties may apply for compensation under a non-statutory compensation scheme administered by the Department of Defence. Typically, this would cover injuries sustained by a member of the Army or Navy Reserve on official duty while participating in annual camp, field days, overnight exercises, parades and courses of instruction. However, no compensation is payable where injury or death is caused by the member's own serious negligence or misconduct, or where alternative compensation is otherwise received for the same injury.

Time Limits for application

In general, formal application under the scheme must be made to the Department of Defence within 6 months of the date on which the injury was sustained.

Assessment of medical disablement

Eligible applicants may be referred by the Department of Defence to the Army Pensions Board for medical examination and assessment. Where necessary, the Board may refer an applicant for independent outside medical examination and assessment. If relevant, the Board is also required to determine whether the death of a member of the Reserve Defence Force was due to a qualifying injury sustained in the course of duty.

When and How to apply

Step 1 As soon as possible after the injury, the injured person should fill out a form A.F. 482 (Accidental Injury Report Form). This form, which asks for details of the circumstances, date etc. of the injury, is initially processed at local Unit level. It is essential that the A.F. 482 is completed in full and sent through military channels as quickly as possible, as any delays will hinder a decision by the Department on eligibility under the scheme.

Once completed by the injured person's Unit, the A.F. 482 must then be certified by a DF Medical Officer before being sent for processing, along with any relevant supporting documentation, by the military authorities to Pensions Administration Section, Department of Defence.

Step 2 Formal application for compensation under the scheme should be made by the individual as soon as possible after the injury, but in any event within the required 6 month time limit. For claim forms, contact:

**Pensions Administration Section
Department of Defence
Áras an t-Sáile
Renmore
Galway
H91 AN2E
LoCall 1890-426444 extension 3900
e-mail pensions.admin@defence.ie**