

Invalidity Benefits - The classification process

**Military
Super**

AFSL: 238395
ABN: 50 925 523 120
Board ABN: 72 406 779 248

MS12 - April 2008

I am to be discharged as medically unfit for further service, what happens?

The decision to discharge you from the ADF is taken by your Service Office in accordance with the current Defence policies and procedures.

MilitarySuper provides for 'invalidity' benefits when you are retired on the ground of invalidity.

Now that your Service Office has made the decision to discharge you on medical grounds, our administrator, ComSuper, needs to be provided with certain documents. You are responsible for the completion of one document, and your Service medical centre is responsible for the completion of the other document.

What does my Service Office provide to ComSuper?

Your Service medical centre will forward to ComSuper the completed form DM42 *Invalidity Retirement from the Defence Force Medical Information* together with relevant medical documents. This document is completed in accordance with Director-General Defence Health Service Health Bulletin No 12/2001. This document will inform ComSuper of the actual medical condition that has led you to be discharged. The DM42 should be completed and forwarded to ComSuper 6 weeks prior to your discharge, or within 10 days following your discharge.

Medical conditions that do not lead to your medical discharge are excluded. So you may have other medical conditions that have been or are being considered for workers compensation claims or veterans' entitlement that are not documented as your 'retiring impairment'.

What do you need to complete?

When you know your date of discharge you should complete the Form M40 *Application for Invalidity Benefits*. The information that you record in Parts F, G, H and I are used in the assessment of your level of invalidity benefit. M40 is available on line or from your orderly room/ship's office.

What does ComSuper do when it has the DM42 and the M40?

Once ComSuper has received your completed M40 and your Service Office has completed your DM42 the assessment of your level of incapacity can now proceed.

How is my level of incapacity assessed?

Your level of incapacity is determined in relation to 'civilian employment'. The things that have to be considered are:

- (a) your vocational, trade and professional skills, qualifications and experience (including your pre-service and in service employment)
- (b) the kinds of civil employment which a person with your skills, qualifications and experience might reasonably undertake
- (c) the degree to which the physical or mental impairment that you have been medically discharged for has diminished your capacity to undertake the kinds of civil employment referred to in (b) above.

When these things are considered, your age, where you live and the workforce market are not relevant factors. It is your ability to undertake the relevant civilian employment that determines your level of classification.

Where does all this information come from?

Your vocational, trade and professional skills, qualifications and experience comes from the information that you advise when you complete the M40 parts F, G, H and I. The kinds of civil employments are determined by ComSuper staff from that information. The impairment, or medical condition which determined you unfit for further military service is provided on the DM42 which is completed by your Service Office medical officer.

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What happens if I disagree with the level of assessment or the types of employment?

You can request a reconsideration of the decision. Details about how you go about requesting a reconsideration are always contained in our decision letters to you.

If I get an invalidity pension, will I keep it for life?

Perhaps not. Invalidity pensions are reviewed periodically. Your medical condition (the retiring impairment), your skills, qualifications and experience are considered for each new decision. So it is possible that you could be reclassified, up or down.

Remember, if you disagree with a decision taken, you can always request a reconsideration. In addition to these periodic reviews, in the event that you consider at any time that your retiring impairment has deteriorated and affects your capacity to do the types of employment identified as relevant to you, you may request the MSB Board review your classification level. You are able to request a review any time up to age 65. This review will be in addition to the periodic medical reviews.

What about my MCRS and DVA entitlements?

Your invalidity classification under the MSB Rules is very different to assessments made under other legislation like the *Safety, Rehabilitation and Compensation Act 1988* (commonly referred to as MCRS) and the *Veterans' Entitlement Act 1986*. Assessments that you may have under the SRCA or the DVA are not relevant to your MilitarySuper invalidity classification.

If you need more information ...

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Customer Service Centre
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FACT SHEET