

Claiming Military Service

A guide to obtaining
Military Service Credit



**New York State
Teachers' Retirement System**



Military Service Basics

If you are a current or former member of a branch of the U.S. Armed Forces, thank you for your service to our country. You may be eligible to have all or some of your years of military service credited to your NYSTRS membership. This may help you reach important service milestones sooner and could potentially increase your pension benefits. (Note that total service for a school year cannot exceed one year of credit.) The cost for purchasing military service credit varies depending on your situation and your NYSTRS membership tier.



General Requirements for Military Service Credit

Two types of service credit are available for active military duty: credit for service preceding NYSTRS membership and credit for service interrupting NYSTRS membership. Reserve and National Guard duty that is considered active duty may qualify.

Different sections of state and federal law allow credit for military service. The cost of the credit and how much credit you can receive will depend on which section of the law applies in your case and on your NYSTRS membership tier. Honorable discharge documentation is required as verification of military service.

As of November 12, 2020, a new state law expanded eligibility to LGBT veterans and veterans who have a qualifying condition, such as post-traumatic stress disorder, and were released from military duty without an honorable discharge due to military rules in effect at the time of their discharge, as long as they were not given a dishonorable discharge or a discharge for bad conduct.

Generally, the military service credit laws are not retroactive. A law must be in effect before a member has retired for the member to qualify under that law.

In addition, a member cannot receive credit in NYSTRS for military service that is already credited in another public retirement system, unless the service is part of a membership transfer.

Please refer to the [Legislation](#) page on our website for the most up-to-date information on any changes in law regarding military service credit.

Service Preceding NYSTRS Membership

Active NYSTRS members may be able to purchase up to three years of credit for active military duty that occurred before the veteran became a member of a public retirement system. Restrictions exist for those who were not active members on or after May 31, 2016.

To be eligible to receive credit for your military service that preceded your NYSTRS membership, you must have at least five years of NYSTRS service credit. Total credit for prior military service cannot exceed three years and cannot exceed the net active service indicated on the member's military discharge document.

Service Interrupting Membership

Generally, you may be eligible for up to five years of military service credit if: a) you were a full-time or part-time NYSTRS member under contract when military service interrupted your membership; and b) you were re-employed under contract in a NYSTRS-eligible position within 90 days of your discharge or no later than the September following the date of discharge. However, other conditions may exist that would also allow you to obtain this credit. Call NYSTRS' Military Service Unit at 800-348-7298, ext. 6060, for more information.

Military Service Credit Cost

For service preceding NYSTRS membership: For each year purchased, the cost is 3% (Tiers 1-5) or 6% (Tier 6) of the salary earned during the 12 months of credited service immediately preceding the year in which you make the claim. In the event a member is not able to benefit from any service purchased under this law, the cost of this service will be refunded (including 5% annual interest) to the member at retirement or upon death.

Full payment for military service credit must be made to the System by August 31 of the plan year immediately following the year in which you are provided a cost by the System. If payment is not received within this time frame, a recalculation will be required, which could result in a higher cost.

For service interrupting NYSTRS membership: The cost varies depending on what laws apply.

For those who qualify under state military and retirement laws, the cost is the same as the cost of purchasing military service preceding NYSTRS membership.

For those who qualify under federal laws, there is no cost for any Tier 1 or 2 members, or for Tier 3 or 4 members who stopped making mandatory contributions before entering military service. All other members must make the mandatory contributions they would have made if they were employed in NYS public service during the period of military service. The cost would be 3% of salary for contributory Tier 3 and 4 members, 3.5% for Tier 5, and 3%–6% for Tier 6.

The payment of member contributions for military service credit is waived for members called to active duty from August 1, 1990 to December 31, 1992, and/or from September 11, 2001 to December 31, 2005.

State and Federal Military and Retirement Laws

The following is a general overview of the major laws governing eligibility for military service credit. It is possible to qualify under more than one piece of military legislation and receive the maximum amount of credit allowed under each.

Uniformed Service Employment & Re-employment Rights Act (USERRA): This federal law replaced the previous Veterans Re-employment Rights Statute (VRR) in 1994. It covers military service that interrupts NYSTRS membership. Full-time and part-time teachers under contract are eligible, but per-diem substitutes are not. The member must have returned to teaching with a participating employer within 90 days of discharge from active duty or no later than September following the date of discharge. Service credited under this law is limited to five years and cannot exceed the net active service indicated on the member's military document. No minimum NYSTRS service credit is needed to claim military credit under this law.

Section 243 of NYS Military Law: The claimant must be a teacher in a NYS public school and a member of NYSTRS at the time of entry into military service.

The claimant must also have returned to public school teaching within one year of the date of discharge. Total credit under this law is limited to four years and cannot exceed the net active service indicated on the member's military document. The cost for service credit under this law is waived for those called to active duty from August 1, 1990 to December 31, 1992. In addition, Section 243-d eliminated the cost for service credit for those called to active duty between September 11, 2001 and December 31, 2005.




Section 1000 of the NYS Retirement and Social Security Law: This law allows active NYSTRS members to purchase up to three years of service credit for active military duty. The member must have five years of NYSTRS service credit to be eligible to receive this military credit. This law was amended in 2016 by Chapter 41, which eliminated a requirement that the military duty had to take place during specified conflicts in order to be eligible for credit. This change, which took effect May 31, 2016, was not retroactive and did not permit retired members to purchase such credit.


How to Apply for Military Service Credit

To apply for military service credit, send a letter requesting military credit along with a copy of your military discharge document to the Retirement System's Military Service Unit, 10 Corporate Woods Dr., Albany NY 12211, for evaluation. Your documentation must specifically list **all** the following information:

1. Date of entry or enlistment into active duty.
2. Date of discharge or terminal date of active service.
3. Character of service.
4. Years, months, and days of active duty service.

This information is often found on form DD 214. If you do not have the required documentation you may be able to obtain it by contacting:

 National Personnel Records Center
Military Personnel Records
1 Archives Dr.
St. Louis, MO 63138

 314-801-0800

 www.archives.gov/veterans/military-service-records



If you are a recently separated veteran, you may be able to access your documentation online through the eBenefits portal at www.ebenefits.va.gov/ebenefits/homepage.

Once we receive your request for military service credit, we will determine which section(s) of the law applies and would provide you with the best benefit. We encourage you to submit your documentation well in advance of retirement so we can provide you the full benefit for which you are eligible on a timely basis. It generally takes three to four months to process requests for military service credit once all documentation is received.

If you still have questions regarding military service credit claims, call NYSTRS at 800-348-7298, ext. 6060.

Contact Us:

10 Corporate Woods Drive
Albany, NY 12211-2395
800-348-7298, ext. 6060


nystrs.org

