

Law Review 26050
Update—August 2026

A Win for Guard and Reserve Members Activated for More Than 30 Days-But You Must Act Now.

The Transitional Assistance Management Program (TAMP) provides health and dental care coverage to members of the Guard and Reserve who have served over 30 days of active duty. Until recently, TRICARE also required Service members' orders to specifically state their active duty was "in support of a contingency operation." Tens of thousands of Guard and Reserve members activated over 30 days on non-contingency orders were denied months of TRICARE Prime-equivalent benefits because of this TRICARE requirement. In 2025, the U.S. Supreme Court, with strong input from ROA, weighed in on a similar case that benefits like TAMP should also be provided "during" a period of a national emergency-effectively since at least September 2001. In 2026, a Navy Reserve officer, LCDR Anthony Gontarz, filed a lawsuit in U.S. District Court arguing that TAMP benefits should be extended to far more Guard and Reserve members due to this Supreme Court case.

In Law Review 26024 (June 2026), Samuel F. Wright and Steve Minyard wrote:

We call upon the Navy and the Department of Defense to confess error instead of answering the complaint [filed by LCDR Anthony Gontarz on behalf of himself and the class of Reserve and National Guard service members who left active duty and who were unlawfully denied the 180 days of transitional Transition Assistance Management Program (TAMP) coverage]. The Navy

and the Department of Defense should not waste any more time trying to defend the indefensible. *Feliciano* is directly on point and indistinguishable.

We are pleased to report that this is exactly what the Department of War (Defense) has done. TAMP provides the equivalent of TRICARE Prime benefits-extremely comprehensive coverage-giving Guard and Reserve families the same coverage as active-duty service members. TAMP is a great program; it is a travesty that tens of thousands of Service members were denied its benefits for decades. We invite the reader's attention to the memorandum dated 8/10/2026, signed by the Honorable Anthony J. Tata, the Under Secretary of War. The memorandum is attached below in its entirety.



PERSONNEL AND
READINESS

UNDER SECRETARY OF WAR
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WASHINGTON, D.C. 20301-4000

AUG 10 2026

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP
COMMANDERS OF THE COMBATANT COMMANDS
DEFENSE AGENCY AND DOW FIELD ACTIVITY DIRECTORS

SUBJECT: Transitional Assistance Management Program Eligibility

Section 1145(a) of title 10, U.S. Code, provides for transitional health care through the Transitional Assistance Management Program (TAMP) for Service members who are separated from active service to help with their transition. The program provides 180 days of healthcare coverage following the day of the Service member's separation from active service.

Eligibility is defined in 10 U.S.C. § 1145(a)(2). As that provision states, TAMP eligibility applies retroactively to Reserve Component Service members who were called or ordered to, or retained on, active duty for at least 30 days under 10 U.S.C. § 12304b or a contingency operation as defined in 10 U.S.C. § 101(a)(13). This also includes Service members who volunteered for active duty under 10 U.S.C. § 12301(d). To be eligible for TAMP, a Service member does not need to demonstrate that his or her service period was substantively connected in some way to a war, a contingency operation, or a national emergency. Retroactive eligibility applies only if the Service member's TAMP benefits were denied on or after April 24, 2020.

Service member eligibility for TAMP will be evaluated in line with this revised policy. The Assistant Secretary of War for Manpower and Reserve Affairs will ensure coding in the Defense Enrollment Eligibility Reporting System is adjusted to implement this change to TAMP eligibility.

Service members who were found ineligible for TAMP on or after April 24, 2020, because their activation was not considered as being under a provision of law referred to in 10 U.S.C. § 101(a)(13), or their service was not deemed to be connected in some way to a war, a contingency operation, or a national emergency, may seek reimbursement for civilian expenses for health coverage and care, including premiums and out-of-pocket costs, incurred by themselves and their covered family members if those expenses would not have been incurred had they been found eligible for TAMP benefits.

To request reimbursement, Service members should email the Defense Health Agency at dha.san-diego.healthcare-ops.mbx.thp-eligibility-adj@health.mil.


Anthony J. Tata

What You Must Do

First, if you are a member of a Reserve Component of the armed forces, including the Army National Guard or Air National Guard, and if you served on active duty for a period of 30 days or more and were released from active duty on or after 4/24/2020, you should scour your records to determine if you incurred out-of-pocket medical or dental expenses, for yourself, your spouse, or your dependent children during the 180-day period that began on the date of your release from active duty. If you find such out-of-pocket expenses, you should submit a claim for reimbursement. Alternatively, if you purchased a commercial health insurance plan to cover that period, you should file for reimbursement of the premium that you paid. Remember, this covers all of your out-of-pocket expenses, from premiums to direct payments for healthcare. Did you pay premiums to TRICARE Reserve Select or a federal/state employee insurance provider? Ask for reimbursement.

The Tata Memorandum states: “To request reimbursement, Service members should email the Defense Health Agency (DHA) at dha.san-diego.healthcare-ops.mbx.thp-eligibility-adj@health.mil. We recommend contacting DHA first via this email before submitting documents, and ensuring that if you have dependents, they are properly enrolled in DEERS and were in DEERS at the time you left your period of active duty.

Second, we call on every Guard and Reserve Service member who serves over 30 days on active duty to request TAMP benefits, effective the day after they leave active duty. So long as the United States is under a declared national emergency (which it has been for the last 25

years), TAMP benefits should apply to you and your family. More information on the program at <https://tricare.mil/tamp/>

This is just one recent example of how the Reserve Organization of America (ROA) is informing Reserve Component service members of their legal rights and about how to exercise and enforce those rights.

You can join ROA on-line at <https://roa.org> or call ROA at 800-809-9448.