

## Incapacitation (INCAP) Pay Appeal Process: How a Soldier appeals a denied INCAP Pay request

No.	Activity/Decision Point Name	Description	Regulations and Supporting Resources	Documents and Forms	Systems	Notes
1	Collect and submit INCAP appeal documentation	Soldier or legal representative collects new documentation to support the INCAP Pay appeal case and submits the documents to the HSS.				Delivery of the INCAP Pay appeal documentation varies from State to State.  Soldier or legal representative must provide a letter to declare INCAP appeal.
2	Upload and submit INCAP appeal documentation (LOD Module)	State HSS submits INCAP new and additional documentation through the LOD Module.	AR 135-381		LOD Module	
3	Incapacitation Review Board (IRB) appeal?	If the Soldier is appealing the decision made by the IRB, go to step 4.  If the Soldier is not appealing the decision made by the IRB, go to step 9.				
4	Convene board IAW DA PAM 135-381 (Chapter 3)	State IRB convenes and the State HSS (or Designee) documents the meeting minutes. State HSS creates and uploads the INCAP Review Board (IRB) Minutes Memorandum into the LOD Module.	AR 135-381  DA PAM 135-381  INCAP Review Board (IRB) Minutes Memorandum		LOD Module	Soldier may be present at the IRB (varies from State to State).
5	Overturn initial decision?	During the board, the State IRB determines to overturn the initial decision to deny the INCAP Pay.  If the State IRB determines to overturn the initial decision to deny the Soldier INCAP Pay, go to step 6.  If the State IRB determines to keep the initial decision to deny the Soldier INCAP Pay, go to step 9.				
6	INCAP Pay over 6 months?	If INCAP Pay is below 6 months, go to step 7.  If INCAP Pay is above 6 months, go to step 8.				

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7	Go to Incapacitation (INCAP) Pay Process (Steps 5-end)	Go to Incapacitation (INCAP) Pay Process: Placing an Army National Guard Soldier on INCAP Pay, steps 5 to the end, for more details.	Please see Incapacitation (INCAP) Pay Process for more details.	Please see Incapacitation (INCAP) Pay Process for more details.	Please see Incapacitation (INCAP) Pay Process for more details.	
8	Go to Incapacitation (INCAP) Pay Process (Steps 37-end)	Go to Incapacitation (INCAP) Pay Process: Placing an Army National Guard Soldier on INCAP Pay, steps 37 to the end, for more details.	Please see Incapacitation (INCAP) Pay Process for more details.	Please see Incapacitation (INCAP) Pay Process for more details.	Please see Incapacitation (INCAP) Pay Process for more details.	
9	Review INCAP Pay appeal documentation (LOD Module)	INCAP Case Manager reviews the INCAP Pay appeal documentation within the LOD Module.			LOD Module	
10	Complete documentation?	INCAP Case Manager ensures the INCAP Pay appeal documentation is complete.  If INCAP Pay appeal documentation is incomplete, go to step 11.  If INCAP Pay appeal documentation is complete, go to step 14.		DA Form 3349  DA Form 7574  DA Form 7574-1  DA Form 7574-2	LOD Module	
11	Create More Information Memorandum (LOD Module)	INCAP Case Manager creates a Memorandum within the LOD Module requesting additional information.			LOD Module	Examples which may cause the INCAP Case Manager to create a Memorandum include: missing documents, documents not signed or incorrectly filled out, and documents contradicting each other (e.g., one says Soldier is employed other does not).
12	Provide additional documentation?	Soldier must provide the requested information for the process to continue.  If additional documentation is provided, go to step 13.  If additional documentation is not provided, this process ends.				
13	Upload and submit INCAP Pay appeal documentation (LOD Module)	State HSS uploads and submits the additional INCAP Pay appeal documentation through the LOD Module.  Go back to step 9.	AR 135-381		LOD Module	
14	Create Memorandum of Appeal (LOD Module)	INCAP Case Manager create a Memorandum of Appeal within the LOD Module.			LOD Module	

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15	Approve INCAP Pay appeal?	<p>INCAP Approval Authority approves or denies the Soldier's appeal case for INCAP Pay.</p> <p>If the INCAP Approval Authority approves the case, go to step 16.</p> <p>If the INCAP Approval Authority denies the case, go to step 18.</p>				
16	INCAP Pay over two years?	<p>INCAP Approval Authority determines if the INCAP Pay request is above two years.</p> <p>If the INCAP Pay is below two years, go to step 17.</p> <p>If the INCAP Pay is beyond two years, go to step 19.</p>				
17	Go to Incapacitation (INCAP) Pay Process (Steps 50-end)	Go to Incapacitation (INCAP) Pay Process: Placing an Army National Guard Soldier on INCAP Pay, steps 50 to the end, for more details.	Please see Incapacitation (INCAP) Pay Process for more details.	Please see Incapacitation (INCAP) Pay Process for more details.	Please see Incapacitation (INCAP) Pay Process for more details.	
18	Forward case for adjudication (LOD Module)	If INCAP Approval Authority disapproves Soldier for INCAP Pay, the case is forwarded to Army G1 through the LOD Module.			LOD Module	
19	Review INCAP Pay appeal documentation (LOD Module)	Army G1 reviews the INCAP Pay documentation within the LOD Module.	AR 135-381		LOD Module	
20	Approve INCAP Pay appeal?	<p>Army G1 approves or denies the Soldier's appeal case for INCAP Pay.</p> <p>If the Army G1 approves the Soldier's appeal case, go to step 21.</p> <p>If the Army G1 denies the Soldier's appeal case, go to step 23.</p>	AR 135-381			
21	Receive approval notification of INCAP Pay appeal (LOD Module)	If appeal for INCAP Pay was approved, an automated message from the LOD Module is sent to the State HSS.			LOD Module	
22	Go to Incapacitation (INCAP) Pay Process (Steps 51-end)	Go to Incapacitation (INCAP) Pay Process: Placing an Army National Guard Soldier on INCAP Pay, steps 51 to the end, for more details.	Please see Incapacitation (INCAP) Pay Process for more details.	Please see Incapacitation (INCAP) Pay Process for more details.	Please see Incapacitation (INCAP) Pay Process for more details.	

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23	Receive denial notification of INCAP Pay appeal (LOD Module)	If appeal for INCAP Pay was denied, an automated message from LOD Module is sent to the State HSS and the State HSS informs the Unit.			LOD Module	
24	Receive notification of INCAP Pay denial	Soldier receives notification of INCAP Pay denial from the Unit.				If the INCAP Pay appeal is over two years, the Soldier has one chance to appeal to denial decision to the Army G1. The Soldier can appeal the Army G1's denial through the Army Board for Correction of Military Records (ABCMR).