NVLSP
NATIONAL VETERANS LEGAL SERVICES PROGRAM

Gontarz v. Hegseth

Transitional Assistance Management Program (TAMP) Class Action

Frequently Asked Questions

November 2026

Disclaimer

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Gontarz TAMP Class Action
Frequently Asked Questions

What is this case about?
This lawsuit was filed in the United States District Court for the District of Columbia on behalf of Anthony Gontarz, and a proposed class of current and former members of the National Guard and Reserve Components of the United States Armed Forces. The Court never certified the class. The lawsuit challenged the Department of Defense's (DoD's) denial of Transitional Assistance Management Program ("TAMP") benefits to otherwise eligible Guard and Reserve members based on an internal administrative coding requirement. TAMP provides eligible servicemembers and their families with 180 days of transitional health care coverage after the servicemember leaves active duty. The complaint alleged that the DoD unlawfully conditioned TAMP eligibility on whether a National Guard or Reserve member's orders were coded in the Defense Enrollment Eligibility Reporting System ("DEERS") as being "in support of a contingency operation." According to the complaint, that requirement does not appear in the governing statute and violated the Administrative Procedure Act.

How did DoD change its TAMP policy in response to the lawsuit?
On August 10, 2026, in response to the filing of the litigation, the DoD changed its TAMP eligibility policy and rescinded the prior DEERS coding requirement. The DoD's memorandum states that a servicemember "does not need to demonstrate that [their] service period was substantively connected in some way to a war, a contingency operation, or a national emergency." The memo further specifies that coding in DEERS will be "adjusted to implement this change to TAMP eligibility."

What relief does the new policy provide?
The revised policy provides two forms of relief:

- **Coverage going forward.** Otherwise eligible National Guard and Reserve members separating from qualifying active-duty service will no longer be denied TAMP because their service was not coded in DEERS as "in support of a contingency operation." Eligible members and their families may receive 180 days of TAMP coverage after the servicemember's qualifying active-duty service ends.
- **Retroactive relief.** National Guard and Reserve members denied TAMP under the prior policy on or after April 24, 2020, may request retroactive eligibility and reimbursement for eligible expenses incurred during the period in which they should have received TAMP coverage.

How can I seek retroactive reimbursement?
If you were denied TAMP on or after April 24, 2020, you may seek reimbursement for health insurance premiums and certain out-of-pocket health care expenses incurred by you or your eligible family members. To request review of your eligibility and seek reimbursement, email the Defense Health Agency at dha.san-diego.healthcare-ops.mbx.thp-eligibility-adj@health.mil. At this time, NVLSP cannot provide advice regarding individual eligibility or reimbursement requests. Please monitor www.nvlsp.org for further developments.

What if TAMP prevents me from enrolling in Tricare as a retiree?
In some circumstances, TAMP may prevent a retiree who is eligible for both programs from enrolling in Tricare. Currently, TAMP eligibility overrides the retirement status reported in DEERS and retirees do not have an option to decline TAMP to enroll in Tricare. This will place some retirees outside of Tricare's open enrollment period upon expiration of their TAMP benefits. If you are a retiree in this situation, NVLSP recommends taking the following actions:

1. Contact your service branch personnel office to correct or verify your DEERS record.
Contact the service branch personnel office or retirement services office responsible for processing your retirement. Explain that DEERS is showing TAMP eligibility but TRICARE is not recognizing your retiree eligibility.
Ask the office to:

- Verify that your retirement orders, effective retirement date, and retiree status have been properly entered into DEERS.
- Determine whether your TAMP designation is correct.
- Submit any necessary correction to the personnel system that feeds DEERS.
- Provide a case number or written confirmation of the action taken.

You can also contact the Defense Manpower Data Center (DMDC) Support Office at 800-538-9552 to verify what eligibility information DEERS currently reflects and identify which office can correct it.

2. Contact your TRICARE regional contractor and request an enrollment escalation.
Explain that you are a military retiree attempting to enroll in retiree TRICARE, but that your TAMP designation is preventing enrollment.
If you are in the East Region, contact Humana Military at **800-444-5445**. If you are in the West Region, contact TriWest at **888-874-9378**.
Ask the representative to:

- Open a formal enrollment or eligibility escalation.
- Identify the specific reason the system will not permit retiree enrollment.
- Determine whether your enrollment can be processed manually while DEERS is corrected.
- Confirm how your original retirement date and enrollment window will be protected.

Request a case number and written response.

3. Document your attempt to enroll within 90 days of retirement.
Do not wait until TAMP expires to address your retiree enrollment. If the online enrollment system will not accept your application, ask the regional contractor how to submit a signed enrollment request by another method. Keep a copy and proof of submission. If the government cannot process your enrollment because of a DEERS error, expressly request retroactive enrollment based on your retirement date and correction of any resulting coverage gap, subject to applicable eligibility and enrollment requirements.

4. Request assistance from a TRICARE Beneficiary Counseling and Assistance Coordinator (BCAC).
A BCAC can help investigate eligibility and enrollment problems and coordinate with the appropriate TRICARE offices. You can locate one through the TRICARE website at https://tricare.mil/bcacdcao.

NVLSP continues to monitor issues with the administration of TAMP eligibility and you can check nvlsp.org for updates.

We cannot guarantee a particular enrollment outcome, but we want to ensure that problems are documented and brought to the attention of the offices that can resolve them.

About the National Veterans Legal Services Program (NVLSP)
The National Veterans Legal Services Program (NVLSP) is an independent, nonprofit veterans service organization that has served active duty military personnel and veterans since 1981. NVLSP strives to ensure that our nation honors its commitment to its 18 million veterans and active duty personnel by ensuring they have the benefits they have earned through their service to our country. NVLSP has represented veterans in lawsuits that compelled enforcement of the law where the VA or other military services denied benefits to veterans in violation of the law. NVLSP's success in these lawsuits has resulted in more than $7.2 billion dollars

being awarded in disability, death and medical benefits to hundreds of thousands of veterans and their survivors. NVLSP offers training for attorneys and other advocates; connects veterans and active duty personnel with pro bono legal help when seeking disability benefits; publishes the nation's definitive guide on veteran benefits; and represents and litigates for veterans and their families before the VA, military discharge review agencies and federal courts. For more information, go to nvlsp.org.