

**DOD 7000.14-R**



# **DEPARTMENT OF DEFENSE**

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## **FINANCIAL MANAGEMENT REGULATION**

### **VOLUME 7A**

#### **MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

**FEBRUARY 1999**  
(with changes through January 2000)

**UNDER SECRETARY OF DEFENSE  
(COMPTROLLER)**

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COMPTROLLER

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FOREWORD

This Volume of the "Department of Defense Financial Management Regulation" is issued under the authority of DoD Instruction 7000.14, "DoD Financial Management Policy and Procedures," dated November 15, 1992. It governs financial management by establishing and enforcing requirements, principles, standards, systems, procedures, and practices necessary to comply with financial management statutory and regulatory requirements applicable to the Department of Defense. It directs financial management requirements, systems and functions for all appropriated, working capital, revolving, and trust fund activities. In addition, it directs statutory and regulatory financial reporting requirements.

Military Pay Policy and Procedures is divided into three volumes: Volume 7A, "Military Pay Policy and Procedures Active Duty and Reserve Pay," Volume 7B, "Military Pay Policy and Procedures for Retired Pay," and Volume 7C, "Special Military Pay/Personnel Programs and Operating Procedures." This Volume, Volume 7A, describes active duty and reserve component military pay and allowances entitlements.

This Volume of the Regulation applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "DoD Components").

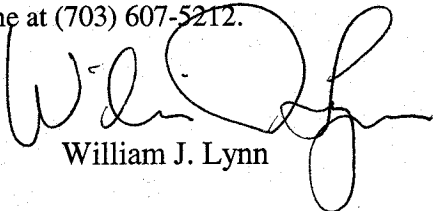
This Volume of the Regulation is effective immediately and is mandatory for use by all DoD Components. Heads of DoD Components shall ensure that it is adhered to in day-to-day operations and in the design, modification, and maintenance of their Components' financial management and reporting system or systems. The Heads of DoD Components shall not issue supplementary directives/regulations without prior written approval of the Office of the Under Secretary of Defense (Comptroller).

The reporting requirements in this Regulation are exempt from licensing in accordance with paragraph E.4.f. of DoD 8910.1-M, "DoD Procedures for Management of Information Requirements," November 1986.

Recommended changes to and requests for deviations from or exceptions to the provisions of this Volume of the Regulation should be forwarded through appropriate chain of command channels, along with specific justification, to:

Office of the Under Secretary of Defense (Comptroller)  
Deputy Chief Financial Officer  
1100 Defense Pentagon  
Washington, DC 20301-1100

All 15 volumes of the "DoD Financial Management Regulation" are available on the Internet at <http://www.dtic.mil/comptroller/fmr/>. Printed or CD-Rom copies of the Regulation may be purchased through the Internet Homepage or directly from the Defense Automated Printing Service at 1401 S. Fern Street, Arlington, VA 22202 or by telephone at (703) 607-5212.

  
William J. Lynn

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## INTRODUCTION TO THE DOD FINANCIAL MANAGEMENT REGULATION

### GENERAL

The “DOD Financial Management Regulation” stipulates the policy, regulation, and procedures within the area of responsibility of the Under Secretary of Defense (Comptroller) (USD(C)). The Regulation is applicable to all DoD Components and consists of the following 15 volumes:

1. General Financial Management Information, Systems, and Requirements
2. Budget Presentation and Formulation
3. Budget Execution - Availability and Use of Budgetary Resources
4. Accounting Policy and Procedures
5. Disbursing Policy and Procedures
6. Reporting Policy and Procedures
7. Military Pay Policy and Procedures
8. Civilian Pay Policy and Procedures
9. Travel Policy and Procedures
10. Contract Payment Policy and Procedures
11. Reimbursable Operations Policy and Procedures
12. Special Accounts, Funds and Programs
13. Nonappropriated Funds Policy and Procedures
14. Administrative Control of Funds and Antideficiency Act Violations
15. Security Assistance Policy and Procedures

### AUTHORIZATION

This Regulation is issued by the USD(C) under authority of Department of Defense Instruction 7000.14 “DoD Financial Management Policy and Procedures,” dated November 15, 1992.

### PARAGRAPH NUMBERING SYSTEM

The paragraph numbering system of this Regulation is consistent for all 15 Volumes. The six digit paragraph number and its subparagraph designators are formulated as follows:

01  
CHAPTER 1

01  
SECTION 1

01  
PARAGRAPH 1

A.1.a.(1)(a)  
SUBPARAGRAPHS

**DEPARTMENT OF DEFENSE  
FINANCIAL MANAGEMENT REGULATION  
VOLUME 7A**

**DEPARTMENT OF DEFENSE  
WASHINGTON DC**

**INTRODUCTION  
TO  
DEPARTMENT OF DEFENSE  
FINANCIAL MANAGEMENT REGULATION**

**1. Purpose.** This regulation provides statutory provisions for entitlements, deductions, and collections, and establishes Department of Defense policy on the pay and allowances of military personnel. It is issued by the Under Secretary of Defense (Comptroller) in coordination with the Director, Defense Finance and Accounting Service.

**2. Applicability.** The provisions of this regulation apply to all Department of Defense activities. The regulation is issued for the information, guidance, and compliance of all personnel in the administration of military pay. It is the sole entitlement implementation by the Military Services. The regulation supersedes existing directives on military pay entitlement.

**3. Relationship to Other Directives.** Use this regulation with the systems and procedural pay directives of each of the Military Services. Appropriate references are included in the regulation text. Travel allowance entitlements are not included, as these instructions are covered by the Joint Federal Travel Regulations (JFTR) and Service directives.

**4. Arrangement of Text:**

**a. Format.** This regulation consists of one Volume with sixty-four chapters. The chapters are grouped as follows:

Chapters 01 through 21 -- Basic and Special Pay.

Chapters 22 through 24 -- Incentive Pay.

Chapters 25 through 31 -- Allowances.

Chapters 32 through 37 -- Miscellaneous Payments.

Chapters 38 through 40 -- Payment of Service Academy Cadets, Midshipmen, Academy Officials, and Aviation Cadet and Service Academy Preparatory School Students.

Chapters 41 through 43 -- Allotments of Pay.

Chapters 44 through 54 -- Deductions and Collections.

Chapters 55 through 64 -- Pay and Allowances for Members of the Reserve Components (Not on Extended Active Duty) and ROTC.

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Supersedes DoD 7000.14-R, Volume 7, DoD Financial Management Regulation,  
1 July 1996, Interim changes 5-96 thru 13-97.

No. of Printed Pages: 763



**b. Appendices.** Appendices such as comparable grades, comparable terms, etc., follow the text of the regulation.

**c. Contents Page.** A contents page, which lists contents of the regulation down to section level, precedes the introduction.

**d. Numbering Paragraphs and Pages:**

(1) For the system used for numbering paragraphs, please see page xviii.

(2) In correspondence, messages, etc., refer to this regulation as DoDFMR, Vol 7A by paragraph number (subparagraph or DLT if appropriate). For example: "DoDFMR, Vol 7A, subparagraph 080104.A."

**e. Use of Decision Logic Tables (DLT).** Decision logic tables have been used throughout the regulation to simplify technical instructions.

(1) Format. DLTs usually contain the following parts:

(a) Table heading to identify the type of instruction.

(b) Column headings, alphabetically designated. A heavy black line separates condition column headings from action column headings.

(c) Condition and action statement rules, numerically designated. A heavy black line separates condition and action headings from condition and action statement rules.

For example:

| <b>TABLE<br/>HEADING</b>   |                           |                           |                           |                           |                           |
|----------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|
| <b>R<br/>U<br/>L<br/>E</b> | <b>A</b>                  | <b>B</b>                  | <b>C</b>                  | <b>D</b>                  | <b>E</b>                  |
|                            | <b>Column<br/>Heading</b> | <b>Column<br/>Heading</b> | <b>Column<br/>Heading</b> | <b>Column<br/>Heading</b> | <b>Column<br/>Heading</b> |
| 1                          |                           |                           |                           |                           |                           |
| 2                          |                           |                           |                           |                           |                           |
| 3                          |                           |                           |                           |                           |                           |

(2) Reading DLTs. Follow this sequence in reading DLTs:

(a) Table heading, to identify instructions.

(b) Heading for column A, which leads you to the condition statements that describe the problem you are solving. Condition statements may be an extension of data in column headings, or may be limited to "X" or "Y" or "N." "Y" means yes. "N" means no. If the condition does not apply for that rule, the condition statement is left blank.

(c) If additional conditions are to be considered, you will know this from column headings B, C, etc.

(d) Then follow the rule line for the conditions describing your precise problem to the specific action statement which applies. Action statement may be an extension of data in action column headings, or may be limited to an "X." "X" means "take this action." The action statement is left blank if that action does not apply, or you are not to take that action.

## 5. Revisions:

**a. Regular Changes.** Revisions will be published by means of dated changes to the regulation. New or revised instructions appearing on the pages of a change are indicated by a star placed immediately before the new or revised paragraph, subparagraph, DLT, etc., and are listed in the Summary of Changes.

**b. Interim Changes.** All changes requiring rapid dissemination will be made by normal means employed by the Service concerned. Such instructions will be formalized and incorporated in the next regular change to the regulation.

**c. Effective Date of Changes.** The effective date of changes to the regulation will be as stated in the cover sheet accompanying a regular change or as dictated in an interim change message.

## 6. Requests for Technical Assistance:

- a. Send requests for technical assistance through channels of the Service concerned to:
- (1) Army-Deputy Assistant Secretary of the Army for Financial Operations
  - (2) Navy-Office of the Assistant Secretary of the Navy (Financial Management and Comptroller)
  - (3) Air Force-Office of the Assistant Secretary of the Air Force (Financial Management and Comptroller)
  - (4) Marine Corps-Head, Liaison and Technical Services Division, Fiscal Division.

b. When required, the above offices submit requests for technical assistance to Defense Finance and Accounting Service-HQ/FMM, 1931 Jefferson Hwy, Crystal Mall #3, Room 404, Arlington VA 22240-5291.

**SUMMARY OF MAJOR CHANGES TO CHAPTER 1**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES - ACTIVE DUTY AND RESERVE PAY**

**New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.**

| <b>Page</b>   | <b>Paragraph</b> | <b>Explanation of Change/Revision</b>  | <b>Effective Date</b> |
|---------------|------------------|--|-----------------------|
| 1-7 to<br>1-9 | 010201.H<br>0103 | IC 16-99 incorporates paragraphs that inadvertently were omitted in the printing of the July 1996 version of this volume regarding commissioned officers in pay grades O-1 through O-3 who had more than 4 years of active duty as enlisted personnel or warrant officers. | May 24, 1999          |

| REFERENCE                     | TITLE  | PAGE NO.   |
|-------------------------------|--|--|
| (a) Chapter 962, 60 Stat 1057 | Act of 13 Aug 1946   | 1-3  |
| (b) 59 Stat 664               | The Act of 28 Dec 1945   | 1-6  |
| (c) Title 10                  | United States Code, Sections and Chapters as follows:  | 50-15  |
| <u>Sections</u><br>101        | Definitions  | 35-2, 35-12, 35-13, 57-12                              |
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| 564                           | Warrant Officers: Effect of Second Failure of Promotion (repealed)   | 35-7   |
| 630(1)(A)                     | Discharge of Regular Commissioned Officers With Less Than Five Years of Active Commissioned Service or Found not Qualified for Promotion for First Lieutenant or Lieutenant (Junior Grade) | 35-6, 35-7   |
| 641                           | Applicability of Chapter   |  |
| 643                           | Chaplains: Discharge of Retirement upon Loss of Professional Qualifications  | 35-6, 35-7   |
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| 705                           | Rest and Recuperative Absence for Qualified Enlisted Members Extending Duty at Designated Locations Overseas   | 14-1   |
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| 6383            | Regular Navy and Regular Marine Corps; Officers Designated for Limited Duty; Retirement for Length of Service or Failures of Selection for Promotion; Discharge for Failures of Selection for Promotion; Reversion to Prior Status; Retired Grade; Retired Pay | 35-6, 35-7                                |
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| 12301           | Reserve Components Generally   | 35-1, 35-2, 43-10                         |
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| 12303           | Ready Reserve: Members Not Assigned To or Participating Satisfactorily In Units  |   |
| 12304           | Selected Reserve; Order to Active Duty Other than During War or National Emergency   | 35-1                                      |
| 12305           | Authority of President to Suspend Certain Laws Relating to Promotion, Retirement, and Separation   | 5-1, 5-4, 5-7, 5-10, 6-2, 7-1, 21-3, 64-2 |
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| (k) DA Msg                                  | 041500Z, Nov 88 as amended by DA MSG 201300Z, Dec 89   | 5-4                               |

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| (l) CNO Msg                        | 212325, Aug 95   | 5-6, 5-11             |
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| (n) DA Msg                         | 251350Z, Jul 95  | 5-6, 5-11             |
| (o) HQ AFMOC/SGYF Messages         | 122200Z, Jan 89 and 311800Z, Mar 89 and HQ AFMPC/DPMMF                         | 5-10                  |
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| (y) MCO 7220.12                    | Special Duty Assignment Pay Program  | 8-3                   |
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| (az) BUPERSINST 1020.11 Series                  | Relating to Clothing Allowances  | 29-1, 29-3                           |
| (ba) COMNAVRESFORINST 1001.5 Series             | Relating to Clothing Allowances  | 29-1                                 |
| (bb) MCO P10120.28                              | Individual Clothing Regulations  | 29-1, 40-2, 57-13                    |
| (bc) AFMAN 23-110, V2                           | USAF Supply Manual   |                                      |
| (bd) AFR 39-23                                  | Uniform Clothing Allowances for Air Force Enlisted Members   | 57-13                                |
| (be) AFI 36-3014                                | Clothing Allowances for Air Force Personnel  | 29-1, 30-6                           |
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| (bg) MCO 7220.21E                               | Advance Pay on Permanent Change of Station   | 32-1                                 |
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| (bj) AR 37-106                                  | Finance and Accounting for Installations Travel and Transportation Allowances                            | 34-4                                 |
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| (bu) Title 14, United States Code          | Coast Guard  | 35-12, 35-13 |
| (bv) <u>St. Clair v. District Court</u>    | Decision 778 F.Supp 894  |              |
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| (bx) Title 38, United States Code          | Veteran's Benefits, Chapters and Sections as follows:                                |              |
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| (cl) Title 5, United States Code                   | Government Organization and Employees, Sections as follows:  |                            |
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**DEFINITIONS**

1. Absence Over Leave. Absent beyond the period for which leave was authorized.
2. Absent Without Leave (AWOL). Absence from a place of duty without permission or authorization and without the intention of deserting.
3. Academic School Year. Commences with the date required to report for courses of instruction for the member's chosen degree or naval or military science classes, whichever occurs first, and terminates upon completion of either of the above, whichever occurs later.
4. Active Duty. Full-time duty in the active service of a Uniformed Service, including full-time training duty, annual training duty, full-time National Guard duty, and attendance, while in the active service, at a school designated as a Military Service school by law or by the Secretary concerned.
5. Active Duty for a Period of More Than 30 Days. Active duty under a call or order that does not specify a period of 30 days or less.
6. Active Duty for Training. Full-time duty in the active military service of the United States for training purposes.
7. Active Duty List. A single list for the Army, Navy, Air Force, or Marine Corps which contains the names of all officers of that Armed Force who are serving on active duty, other than officers described in 10 U.S.C. 641 (reference (c)).
8. Active Service. Active service means service on active duty.
9. Advance Payment. Payment of pay (pay and allowances in certain cases) before it is earned.
10. Advanced Leave. Leave authorized in advance of that accrued.
11. Air National Guard of the United States. The part of the Air Force Ready Reserve whose members are also members of the Air National Guard.
12. Allotment. A definite portion of the pay and allowances of a person in the Military Service, which is authorized to be paid to a qualified allottee.
13. Allottee. The person or institution to whom the allotment is made payable.
14. Allotter. The person from whose pay the allotment is made.
15. Allowance. A monetary amount paid to an individual in lieu of furnished quarters, subsistence, or the like.

16. Appropriation. An amount of money specifically authorized by Congress against which obligations may be incurred and from which payments may be made.
17. Armed Forces of the United States. Includes the Army, Navy, Air Force, Marine Corps, and Coast Guard, and all components thereof.
18. Army National Guard of the United States. The part of the Army Ready Reserve whose members are also members of the Army National Guard.
19. Aviation Service Career (Not on Extended Active Duty). An officer not on extended active duty who holds an aeronautical rating and is qualified for aviation service under regulations prescribed by the Secretary of the Military Department concerned, shall be considered to be performing aviation service on a career basis, as prescribed in 37 U.S.C. 301a (reference (aa)), so long as he or she is performing operational flying duty, or is assigned to a rated position in a Reserve Component or is considered by that component as an asset to the rated inventory and within the preceding 24 months was either on extended active duty as a rated officer or assigned to a rated position in a Reserve Component.
20. Basic Allowance for Quarters (BAQ). An amount of money prescribed and limited by law which an officer or enlisted member receives to pay for quarters not provided by the government.
21. Basic Allowance for Subsistence (BAS). A cash allowance, by law payable to officers at all times, to help reimburse them for the expense of subsisting themselves. For enlisted personnel, a cash allowance payable when rations in kind are not available; when permitted to ration separately; or when assigned to duty under emergency conditions where no messing facilities of the United States are available.
22. Basic Pay. The pay of an officer or enlisted member according to the rank and longevity before additional amounts are added for quarters, subsistence, flying status, overseas duty, etc.
23. Beneficiary. The recipient of certain benefits due as a result of relationship to or designation by a member.
24. Cadet or Midshipmen (ROTC). A member of the SROTC program under chapter 103 of Title 10, U.S.C. (reference (c)).
25. Captive Status. A missing status resulting from a member's involvement in a hostile action. Hostile action is determined by the Secretary of Defense.
26. Captivity-Related Offense. An offense, committed while in a captive status and related to the status, which is listed in 5 U.S.C. 8312(a) or (b) (reference (cl)), or which is listed in chapter 47 of the UCMJ (reference (i)) that is punishable by dishonorable discharge, dismissal, or confinement for a minimum of 1 year.

27. Cash Maintenance Allowance. Refers to the several types of clothing maintenance allowances paid by cash; for example: standard, basic, special, etc.
28. Certifying Officer. A person authorized to attest to the accuracy or legality of facts, especially those which support a demand for payment.
29. Commissioned Officer. Unless otherwise qualified, means a member of the Uniformed Services having rank or grade of second lieutenant, ensign, or above, either permanent or temporary, in any of the Uniformed Services.
30. Commuted Rations. The monetary allowance given in lieu of subsistence to entitled personnel on leave or otherwise authorized to mess separately.
31. Competent Orders. Orders issued by the Secretary concerned or such officer or officers as the Secretary may designate, to members of their respective Services or to members of other Services when such latter members are performing duty with a Service other than their own.
32. Continental United States. Unless otherwise qualified, means the 48 contiguous states and the District of Columbia.
33. Contingency Operation. Any military operation that:
- a. Is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or
  - b. Results in the call or order to, or retention on, active duty of members of the Uniformed Services under section 672(a), 673, 673b, 673c, 688, 3500, or 8500 of Title 10, U.S.C. (reference (c)); under chapter 15 of Title 10, U.S.C. (reference (c)); or under any other provision of law during a war or national emergency declared by the President or the Congress.
34. Critical Speciality. A medical speciality that is manned at, or is projected within two fiscal years to be manned at, less than 95 percent of budget authorized allowance with fully qualified physicians.
35. Currency-Blocked Country. A country, specified by the Treasury Department, to which dollar instruments may not be transmitted.
36. Dependent. With respect to a member of a Uniformed Service, dependent means:
- a. Spouse;
  - b. Unmarried child under the age of 21, including an adopted child or a stepchild, but not after the divorce of the member from the stepchild's natural parent;

c. An unmarried illegitimate child under the age of 21 provided the parentage on the part of the member is established by court-order, by a signed statement of parentage submitted by the member or, in the case of a female member, the birth certificate showing the member as the natural mother of the child;

d. An unmarried child under the age of 21 who has been placed in the member's home by a local, state, or foreign government placement agency or a government-approved adoption agency as a part of a normal adoption process, provided the member produces a document from such agency establishing the fact of relationship and the effective date of relationship.

e. An unmarried child who is at least 21 years of age but under 23 years of age who is enrolled in a full-time course of study at an educational institution approved by the Secretary concerned when the member demonstrates in a statement listing the child's income and expenses that the child is in fact dependent on the member for over one half of the child's support.

f. An unmarried child, 21 years of age or older, who is incapable of self-support because of a mental or physical incapacity and who is in fact dependent upon the member for more than one half of the incapacitated child's support.

g. A parent, including a stepparent, parent by adoption, or any person who has stood in loco parentis at any time for a continuous period of at least five years before the member's 21st birthday, or a parent, a stepparent or adopted parent of the member's spouse, any of whose dependency on the member has been determined in accordance with the rules and regulations established by the Secretary concerned.

h. Effective 1 July 1994, a ward, who is an unmarried person who meets each of the following criteria:

1. A court of competent jurisdiction in the United States, Puerto Rico, or a possession of the United States has placed the person in the custody of the member either permanently or for a period which lasts at least 12 months from the date of the order.

2. The person must be:

(a) Under 21 years of age;

(b) At least 21 years of age, but under 23 years of age who meets the criteria for a student set forth in e, above; or

(c) Incapable of self support because of a mental or physical incapacity that occurred while the person was considered a dependent ward of the member.

3. The person must be dependent upon the member for over one-half of the person's support.

4. The person must reside with the member unless separated either by the necessity of Military Service; to receive institutional care as a result of disability or incapacitation; or under such other circumstances as the Secretary concerned may by regulation prescribe.

5. The person may not be a dependent of any member under any other part of this definition.

★6. The person is considered to be in the same class of dependents as a member's other children for the purpose of determining entitlement.

37. Desertion. Absence without leave with intent to remain away permanently.

38. Designated Applicant (ROTC). A student at an institution where a unit of the Senior Reserve Officers' Training Corps (SROTC) is established who did not participate in the SROTC program during the first two academic years, but desires to participate in the advance portion of the program during the two remaining academic years (or three remaining years in an approved 5-year program) and possesses all other qualifications.

39. Disbursing Officer. An officer responsible and accountable for the disbursement and collection of public funds, especially military pay and allowances.

40. Dual Status. Enlisted members of the Naval or Marine Corps Reserve on duty as temporary officers under 10 U.S.C. 5596 (reference (c)).

41. Duty Station. The place at which the member is assigned for regular duty; also, the place at which the member performs an assigned duty.

42. Enforced Separation. Involuntary separation of the member from dependents as a result of official orders.

43. Enlisted Member. A person enlisted, enrolled, or conscripted into a Military Service.

44. Enlistee. A person who has voluntarily enlisted for military service.

45. Enlistment.

a. A voluntary entrance into military service under enlisted status, as distinguished from induction through Selective Service.

b. A period of time, contractual or prescribed by law, which enlisted members serve between enrollment and discharge.

46. Entitlement. The legal right to receive items of pay and/or allowances.

47. Erroneous Payment. A payment of pay and/or allowances to a member to which he/she is not entitled.
48. Excess Leave. Leave granted in excess of that accrued or advanced.
49. Exigencies of the Service. Urgent demands of a Military Service.
50. Expiration of Term of Service. The end of a required or contracted period of service.
51. Extension of Enlistment. Contracted agreement which extends an enlisted member's current enlistment for a stated period beyond normal expiration of that enlistment.
52. Federal Insurance Contribution Act (FICA) (reference (ci)). The federal statute that requires the withholding of tax from salaries of employees covered by the Social Security Act (reference (ca)) and the payment of employer's tax by federal agencies.
53. Field Duty. Serving with troops participating in maneuvers, war games, field exercises, or similar types of operations, and
- a. The member is subsisted in a government mess or with an organization drawing field rations, and is quartered in accommodations normally associated with field exercises, or
  - b. Students are participating in survival training and forage for subsistence and improvise their own shelter.
- Members furnished quarters and subsistence obtained by contract may also be considered as performing field duty when so declared by competent official.
54. Financial Organizations. Any bank, savings bank, savings and loan association or similar institution, or federal or state chartered credit union.
55. Flag Officer. A Navy term for an officer comparable to Army, Air Force and Marine Corps general officer.
56. Fleet Reserve or Fleet Marine Corps Reserve. A component of the Regular service to which members may be transferred and released from active duty after obtaining 20 or more years of active federal service.
57. Flight Requirement. The number of hours or minutes of flying time required to qualify for entitlement to incentive pay for a specific period of time.
58. Flying Status. The status of a member who is required by orders to participate in frequent and regular aerial flights.
59. Former Captive. A member who was held in a captive status.



60. Full-Time National Guard Duty. Training or other duty, other than inactive duty, performed by a member of the Army or Air National Guard of the United States in the member's status as a member of the National Guard of a state or territory, the Commonwealth of Puerto Rico, or the District of Columbia under Title 32, U.S.C. 316, 502, 503, 504, or 505 (reference (bq)), for which the member is entitled to (or has waived entitlement to) pay from the United States.

61. Fully Qualified. A physician that has completed a residency training program or is board certified or board eligible in a medical speciality and, if involved with independent patient care, is credentialed to practice medicine in that speciality by a credentialing authority.

62. Government Mess. Government mess means any of the following, provided it is made available to, or utilized by, the member concerned, even though officers are assessed a charge therefore:

- a. Any general or Military Service organizational mess, including messing facilities of a state-owned National Guard camp;
- b. Any Army or Air Force officers' or student officers' field mess;
- c. A Navy, Marine Corps, or Coast Guard officers' closed mess; or an officers' wardroom mess or warrant officers' and chief petty officers' mess afloat;
- d. Box lunches, in-flight meals, or rations furnished by the government.

63. Government Quarters or Housing Facilities. Includes the following:

- a. Any sleeping accommodations or family-type housing owned or leased by the United States Government;
- b. Lodgings or other quarters obtained by United States Government contract;
- c. Dormitories or similar facilities operated by cost-plus-a-fixed-fee contractors;
- d. Any sleeping or housing facilities furnished by a foreign government on behalf of the United States Government;
- e. Transient facilities such as guest houses, hostess houses, and hotel-type accommodations. (Accommodations built and operated by nonappropriated fund activities are considered to be rental quarters for the purpose of BAQ eligibility.) Payment of service charges for laundering of linens, janitorial services, etc., has no effect on whether the facilities are considered government quarters or housing facilities;
- f. Quarters in a state-owned National Guard camp.

64. He, His, Him. "He," "his," and "him" include the terms "she," "her" and "hers."
65. Home. The place recorded as home when the member was ordered to active duty.
66. Inactive Duty Training
- a. Duty prescribed for members of a Reserve Component by the Secretary concerned.
  - b. Special additional duties authorized for members of a Reserve Component by an authority designated by the Secretary concerned and performed by them on a voluntary basis in connection with prescribed training or maintenance activities of the units to which they are assigned.
  - c. This term also includes duties in a. and b. above when performed by members of the National Guard. Such duties include:
    - (1) Unit training assemblies.
    - (2) Training or other duty the member is required to perform, with or without member's consent. This includes, but is not limited to, appropriate duty or equivalent training and additional flying training periods.
  - d. This term does not include work or study for a correspondence course of a Uniformed Service.
  - e. For pay purposes, inactive duty training must be performed under orders, cover a specific assignment, and have a prescribed time limit.
67. Inductee. One who is inducted.
68. Induction. The act of taking a person into any of the Armed Services of the United States without voluntary action on his or her part, conscription.
69. Initial Residency Training. That period of time in residency training before formal completion of an officer's first residency that qualifies the officer to take the speciality board, which qualifies the officer for board certification equivalency.
70. In Loco Parentis. A person who stood in place of the natural parent(s) to the Military Service member. (See also "Parent.")
71. Issue in Kind. An issue in goods rather than in money.

72. Legal Process. The term legal process means any writ, order, summons, or other similar process in the nature of garnishment, which:

a. Is issued by:

(1) A court of competent jurisdiction in any state, territory, or possession of the United States;

(2) A court of competent jurisdiction in any foreign country with which the United States has entered into an agreement which requires the United States to honor such process; or

(3) An authorized official pursuant to an order of such a court of competent jurisdiction or pursuant to state or local law, and

b. Is directed to, and the purpose of which is to compel, a governmental entity, which holds money which is otherwise payable to an individual, to make a payment from such money to another party in order to satisfy a legal obligation of such individual to provide child support or make alimony payments.

73. Lost Time. That period of time not included in determining cumulative years of service for all military purposes.

74. Medical Officer. An officer of the Medical Corps of the Army or the Navy or an officer of the Air Force designated as a medical officer who is on active duty under a call or order to active duty for a period of not less than 1 year.

75. Medical or Osteopathic Internship and Residency Training

a. Medical or Osteopathic Internship. The first year of graduate medical education, immediately following medical or osteopathic school whether a formal internship or the first year of a residency. For the purposes of variable special pay, this includes the period during which the active duty medical corps officer is waiting to begin internship training as well as the period in which such an officer is awaiting separation because of failure to complete that training.

b. Medical or Osteopathic Residency. A formal program of medical or osteopathic specialty or subspecialty training.

76. Medical or Osteopathic Specialty. Any specialty for which there is an identifying specialty skill identifier number, a Naval officer billet classification number, or an Air Force specialty code number.

77. Member. A person appointed or enlisted in, or conscripted into, a Uniformed Service. (Cadets or midshipmen of the Service academies are considered members only for the purpose of establishing entitlement under the provisions of Chapter 34).

78. Member (ROTC). A student who is enrolled in the senior ROTC of an Armed Force, under 10 U.S.C., chapter 103 (reference (c)).

79. Militia. Includes all able-bodied males at least 17 years of age, but under 45 years of age (or under 64 years of age and a former member of the Regular Army, Regular Navy, Regular Air Force or Regular Marine Corps), who are U.S. citizens or who have declared the intention to become U.S. citizens; and female citizens who are commissioned officers of the National Guard.

80. Missing Status. Includes missing, missing in action, interned in a foreign country, captured, beleaguered, besieged by a hostile force, or detained in a foreign country against a member's will.

81. National Guard. The Army and the Air National Guard. The National Guard is that part of the organized militia of the 50 States, Puerto Rico, Guam, the Canal Zone, the Virgin Islands, and the District of Columbia, active and inactive, that is:

- a. Either a land or an air force;
- b. Trained, and has its officers appointed under the 16th clause of section 8, article I of the Constitution (reference (dy));
- c. Organized, armed, and equipped wholly or partly at federal expense; and
- d. Federally recognized.

The Army and the Air National Guard of the United States are subsets of the Army and the Air National Guard, respectively.

82. Nurse Corps Officer. An officer of the Nurse Corps of the Army or the Navy, or an officer of the Air Force designated as a nurse.

83. Officer. A commissioned or warrant officer.

84. Operational Flying Duty. Flying performed under competent orders by rated or designated members while serving in assignments in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary of the Military Department concerned, and flying performed by members in training that leads to the award of an aeronautical rating or designation.

85. Overpayment. An amount paid to a member which is in excess of that to which entitled.

86. Parachute Accident. An accident which results in injury to a qualified parachutist or parachute rigger, or a member in training for such rating during a regular tour of duty. To be considered a parachute accident the injury must occur while the member is on board an aircraft

incident to assigned duties, or as a result of jumping from, being thrown from, or being struck by an aircraft or any part or auxiliary thereof.

87. Parent. The natural father or mother, and father or mother through adoption. It also includes persons who have stood "in loco parentis" to a member. See also definition for "Dependent."

88. Permanent Change of Station. The assignment, detail, or transfer of a member or unit to a different duty station under competent orders which neither specify the duty as temporary, nor provide for further assignment to a new station, nor direct return to the old station. (For more detailed definition, see volume 1, Joint Federal Travel Regulations, Appendix J (reference (d))).

89. Permanent Station. In general, the post of duty or official station to which member is assigned for permanent duty. (For more detailed definition, see Joint Federal Travel Regulations, volume 1, Appendix J (reference (d))).

90. Prisoner of War. A member who was/is held in captivity by another nation's government as a result of hostilities between that nation and the United States (whether or not by declaration of war).

91. Public Quarters. See "Government Quarters or Housing Facilities."

92. Punitive Discharge. A dishonorable or bad conduct discharge ordered as punishment under the Uniform Code of Military Justice (reference (i)).

93. Rations in Kind. Meals furnished rather than money in lieu thereof.

94. Ready Reserves. Units or individual Reservists liable for active duty under Title 10 U.S.C., sections 672 or 673 (reference (c)).

95. Reenlistment Bonus. Special pay to an enlisted member who reenlists under provisions of 37 U.S.C. 308 (reference (aa)).

96. Rental Charge. Refers to a charge made on account of occupancy. Does not include service charges for linen, cleaning, maintenance, etc.

97. Reserve Components. The Army National Guard of the United States, Army Reserve, Naval Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve, Coast Guard Reserve, and the Reserve Corps of the Public Health Service.

98. Retired List. Any one of several lists of military members retired from the regular or Reserve Components of the Armed Forces.

99. Retired Reserves. Members of the Reserve Component of the Armed Forces who are or have been retired, or who have been transferred to the Retired Reserves upon their request, but

are not necessarily eligible to begin receiving retired pay. Although in a retired status, Retired Reserves retain their status as Reserves.

100. Saved Pay. Special pay provisions that allow military members, under certain circumstances, to retain entitlement to amounts of pay and/or allowances authorized under prior laws or for a lower grade from which promoted.

101. Selected Reserves. That part of the Ready Reserves which consists of units and, as designated by the Secretary concerned, individual Reservists trained as prescribed in 10 U.S.C. 10147(a)(1) (reference (c)) or 32 U.S.C. 502(a) (reference (bq)). Most Selected Reserve members are required to participate in a minimum of 48 scheduled drill or training periods annually and serve on active duty for training at least 12 days annually.

102. Separate Rations. See "Commuted Rations."

103. Separation. Discharge, release from active duty, retirement, death, or in the case of enlisted members, the date when they begin to serve on a voluntary extension of enlistment for any period of time.

104. Service Academy Cadet or Midshipman. A person in training at one of the Service academies to become a commissioned officer.

105. Statutory Limitations. The legal limits or restrictions as provided by law.

106. Stipend Payment. A fixed sum of money paid periodically for services or to defray expenses, especially payment to medical officers on duty at civilian medical facilities.

107. Temporary Officer Status. A member of the Navy or Marine Corps appointed a temporary officer under the provisions of 10 U.S.C. 5596 (reference (c)).

108. Total Forfeiture. Forfeiture of all pay and allowances as punishment under the Uniform Code of Military Justice.

109. Uniformed Services. The Army, Navy, Marine Corps, Air Force, Coast Guard, Public Health Service and the commissioned corps of the Environmental Science Services Administration now known as the National Oceanic and Atmospheric Administration.

110. United States. The 48 contiguous states, the District of Columbia, and the States of Alaska and Hawaii.

111. Variable Reenlistment Bonus. Special pay to an enlisted member with a critical skill, in addition to a regular reenlistment bonus, under provisions of 37 U.S.C. 308g (reference (aa)).

112. Warrant Officer. A person who holds a commission or warrant in a warrant officer grade.

*Interim Change 16-99 is incorporated in this change.*

## CHAPTER 1

### CREDITABLE SERVICE

#### 0101 SERVICE WHICH IS CREDITABLE

##### 010101. General

A. The several military pay and personnel systems use a variety of dates to determine various entitlements. Among them is the date that denotes how much service a member has for the purpose of determining longevity pay rates. The Army refers to this as the pay entry basic date, the Navy and Marine Corps refer to this as the pay entry base date, while the Air Force calls it simply the pay date. This chapter will refer to this data element as the basic pay date, which is defined as reflecting all service that is creditable towards longevity.

B. The member's supporting personnel office is responsible for providing, when necessary, a statement of service that can include the basic pay date, total active federal military service date, total commissioned federal military service date, and a variety of other dates, depending on the nature of the individual member's service. This regulation details only the computation of the basic pay date, since Military Service personnel regulations control the computation of all other dates.

010102. Computation of Creditable Service. For most members who enter and serve on active duty without a break in service, the basic pay date is the date the member enters active or inactive service. If, however, there is a break in service, the time between periods of service usually is not included. Also, there are statutory periods when service in a particular component may not be counted. Conversely, there are periods for which some members are given constructive service, even though they were not actually serving on active or inactive duty. Use the following guidance to compute the basic pay date when there has been a break in service of any kind or if there is a need to include constructive service.

010103. Creditable Service Periods. Include active or inactive service in any of the following components without restriction:

- A. Regular service in the Army, Air Force, Navy, Coast Guard, and Marine Corps
- B. Army, Naval, Marine Corps, Air Force, and Coast Guard Reserve
- C. Army of the United States (service without specification of component)
- D. Army National Guard

- E. Army National Guard of the United States
- F. National Guard
- G. National Guard of the United States
- H. Air Force of the United States (service without specification of component)
- I. Air National Guard
- J. Air National Guard of the United States
- K. Nurse Corps and Nurse Corps Reserve of the Public Health Service
- L. Public Health Service (PHS) and Reserve Corps of the Public Health Service.

010104. Other Creditable Service (with restrictions as noted). Include the following periods of service:

- A. Officer, deck officer, or junior engineer service in the National Oceanic and Atmospheric Administration, including similar periods of service in the former Corps of the Environmental Science Services Administration and the US Coast and Geodetic Survey.
- B. Service on a Military Service retired list, temporary disability retired list, or honorary retired list of any Uniformed Service, or service as a member of the Fleet Reserve or Fleet Marine Corps Reserve.
- C. Any period of service during which a member is entitled to retired, retirement, or retainer pay from any Uniformed Service.
- D. Any period of service during which the member is entitled to compensation from the Department of Veterans Affairs on account of service.
- E. Periods after December 11, 1941, when an enlisted member is retained after expiration of term of service of an Armed Force for medical care or hospitalization for disease or injury incident to service. Do not credit such periods of service if the underlying medical condition requiring medical care or hospitalization was due to the member's misconduct.
- F. Service otherwise creditable that is performed before a member reaches the statutory age for enlistment unless the enlistment contract was voided or invalidated for fraud.



- G. Active service performed as a temporary member of the Coast Guard Reserve.
- H. Service terminated by desertion or dishonorable discharge, unless the enlistment was fraudulent and was voided for that reason.
- I. Service as a cadet or midshipman, provided the member has concurrent Enlisted Selected Reserve status covering the period on or after August 1, 1979.
- J. Periods of service when a member is detailed to and receiving pay and allowances from any other agency of the United States, even though accrual of military pay and allowances is suspended.
- K. Service as a member of the Army, Navy, or Air Force Reserve Officers' Training Corps, provided the member has concurrent Reserve status for duty performed on or after August 1, 1979.
- L. Effective December 26, 1974, service as an aviation midshipman under the Act of August 13, 1946, 60 Stat. 1057 (reference (a)).
- M. Service as an enlisted member in a Reserve Component before beginning active duty in a Regular Component, provided the member enlisted in the Reserve Component before January 1, 1985. This frequently is referred to as the delayed enlistment program.
- N. Inactive service as an enlisted member in a Reserve Component between the time of enlistment and the date the member began active duty, or active duty for training, in a Reserve Component, provided the member enlisted in the Reserve Component before November 28, 1989. If the enlistment began after November 27, 1989, it is creditable service only if the enlisted Reserve member performed inactive duty training before beginning service on active duty for training.
- O. Any period of service which was creditable under any federal statute in effect on January 10, 1962.
- P. Prior provisions of law excluded the Simultaneous Membership Program (SMP) from creditable service for commissioned officers effective October 13, 1964. Public Law 104-201, section 507, September 23, 1996 (reference (el)), amended these provisions to provide service credit retroactive to August 1, 1979. These amendments, as referenced in subparagraphs 010104.I and 010104.K, above, resulted in no increase in pay, retired or retainer pay before the date of enactment on September 23, 1996. Service in the SMP for enlisted members, who retain that status, remains creditable under all provisions.

010105. Constructive Service

A. Some medical and dental officers are entitled to extra credit for longevity purposes to reflect the time spent in medical or dental school. Medical and dental officers must meet one or more of the following criteria to be entitled to the constructive credit:

1. On or before September 15, 1981, the officer already had the constructive service credit; the credit is not lost if there is a break in service either before or after that date. This includes PHS officers.

2. On September 14, 1981, the individual was enrolled either in the Armed Forces Health Professions Scholarship Program or the Uniformed Services University of Health Sciences, completed that program, and was appointed as a medical or dental officer.

3. On September 14, 1981, the individual was participating in a program that credited years of service and led to an appointment as an officer in the Army, Navy, Air Force or Marine Corps.

B. Medical and dental officers who meet the criteria in subparagraph 010105.A, above, are entitled to 4 years constructive service credit. Also, those medical officers who have completed medical internship or its equivalent, or who entered military status while serving such an internship, are entitled to a fifth year of constructive service credit.

C. Where a member is entitled to service credit for a period covered by the constructive credit, reduce the constructive service credit by an amount equal to the actual service credit.

010106. Examples

A. An individual completed dental school on June 11, 1977, and accepted commission as a dental officer on August 3, 1977. The member was credited with 4 years of constructive service and a basic pay date of August 3, 1973.

B. An individual completed medical internship on June 30, 1979, and accepted a commission as a medical officer on August 11, 1979. The member was credited with 5 years constructive service and a basic pay date of August 11, 1974.

C. An individual entered medical school in 1970, and accepted a commission on January 12, 1972. He graduated from medical school on June 10, 1974, and completed a civilian residency during the period from July 1, 1974, through June 30, 1975. Compute basic pay date as follows:

First, compute dual status period, which is the period of time between date of commission and date of graduation.

|                     | <u>YR</u> | <u>MO</u> | <u>DAY</u>           |
|---------------------|-----------|-----------|----------------------|
| Graduated:          | 74        | 06        | 10                   |
| Commission Date:    | <u>72</u> | <u>01</u> | <u>12</u>            |
| Dual Status Period: | 02        | 04        | 28+1 (inclusive day) |

Then, compute constructive service credit, which is the 4 years constructive credit less the time already credited as commissioned service:

|                                      |           |           |           |
|--------------------------------------|-----------|-----------|-----------|
| Maximum constructive service credit: | 03        | 11        | 30        |
| Less dual status time:               | <u>02</u> | <u>04</u> | <u>29</u> |
| Constructive Credit:                 | 01        | 07        | 01        |

The member's basic pay date was 1 year, 7 months, and 1 day before his commission date of January 12, 1972, or June 11, 1970.

D. The scenario is the same as in subparagraph 010106.C, above, except the member accepted a commission on July 12, 1974, after starting the internship. He was entitled to 5 years of constructive service credit instead of 4.

|                                      | <u>YR</u> | <u>MO</u> | <u>DAY</u>           |
|--------------------------------------|-----------|-----------|----------------------|
| Date finished internship: 75         | 06        | 30        |                      |
| Commission date:                     | <u>74</u> | <u>07</u> | <u>12</u>            |
| Dual status period:                  | 00        | 11        | 17+1 (inclusive day) |
| Maximum constructive service credit: | 04        | 11        | 30 (5 years)         |
| Less dual status time:               | <u>00</u> | <u>11</u> | <u>18</u>            |
| Constructive credit:                 | 04        | 00        | 12                   |

The member's basic pay date was 4 years, zero months, and 12 days before his commission date, or July 1, 1970.

E. An officer who had been commissioned on November 19, 1962, entered dental school on September 9, 1970, and graduated on May 28, 1974. To compute constructive service credit:

First, compute dual status:

|                           | <u>YR</u> | <u>MO</u> | <u>DAY</u>           |
|---------------------------|-----------|-----------|----------------------|
| Graduated:                | 74        | 05        | 28                   |
| Started School: <u>70</u> | <u>09</u> | <u>09</u> |                      |
| Dual Service:             | 03        | 08        | 19+1 (inclusive day) |

Then, deduct the dual service from the 4-year constructive credit period to arrive at net constructive service credit.

|                                      | <u>YR</u> | <u>MO</u> | <u>DAY</u>   |
|--------------------------------------|-----------|-----------|--------------|
| Maximum constructive service credit: | 03        | 11        | 30 (4 years) |
| Less Dual Service:                   | <u>03</u> | <u>08</u> | <u>20</u>    |
| Constructive credit:                 | 00        | 03        | 10           |

Change the member's basic pay date to 3 months and 10 days before his previous one (November 19, 1962) to August 10, 1962.

#### 0102 SERVICE NOT CREDITABLE

010201. In general, do not use any service that is not listed as creditable service to compute a basic pay date. The following list includes a few types of service that are not creditable:

- A. Time served in an enlistment that is terminated, voided, or invalidated as fraudulent.
- B. Time served as a commissioned officer in the Philippine Army.
- C. The constructive time authorized by the Act of December 28, 1945 (59 Stat 664) (reference (b)), for determining grade and eligibility for promotion.
- D. The period of time a member was on the Emergency Officers' Retired List.
- E. Time an individual was a member of a state, home, or territorial guard.
- F. For commissioned officers, any period of service performed prior to August 1, 1979, in the Reserve Officers' Training Corps, even if the member held a concurrent Reserve status.

G. Time an individual was a member of the inactive National Guard. This does not apply to an individual who was a member of the National Guard Reserve and the National Guard of the United States. Time is creditable during which the individual had dual status, enlisted or commissioned, in the inactive National Guard and the National Guard of the United States.

★ *H. The time a member serves while enrolled in the Armed Forces Health Professions Scholarship and Financial Assistance Programs (reference (c)), or while a student at the Uniformed Services University of Health Sciences (USUHS). Use any service, however, creditable on the date of the officer's entry into USUHS to compute the officer's basic pay for longevity purposes while a USUHS student, not to exceed the maximum rate of O-1 pay in Table 2-5 or, if applicable, the maximum O-1E pay in Table 2-6 in this volume. (IC 16-99)*

I. The time between the date of enlistment in the Delayed Enlistment Program and the date the member begins serving on active duty in a Regular Component, if the date of enlistment in the Reserve component is after December 31, 1984.

J. For Reserve enlistments after November 27, 1989, the time served in a Reserve Component prior to the member's entry on active duty or active duty for training. This time is creditable, however, if the member performs inactive duty training between the date of enlistment in the Reserve Component and the date of entry on active duty, or active duty for training.

K. Prior provisions of law excluded the SMP from creditable service for commissioned officers effective October 13, 1964. Public Law 104-201, section 507, September 23, 1996 (reference (el)), amended those provisions to provide service credit retroactive to August 1, 1979. Those amendments, as referenced in subparagraph 010104.I and 010104.K, above, resulted in no increase in pay, retired or retainer pay, before the date of enactment, September 23, 1996. Service in the program for enlisted members who retained that status remained creditable under all provisions.

010202. Effect of Absence from Duty on Creditable Service

A. A commissioned or warrant officer is entitled to credit for every day in a commissioned or warrant status, without regard to absence of any kind, whether authorized or unauthorized, and including confinement prior to and during trial. In addition, absence during which a member was serving on active duty as an enlisted member is creditable if the enlisted member also holds a commission as a Reserve officer.

B. See Table 1-1 to determine the creditability for absence while in enlisted status.

C. Enlisted members must make up any lost time. The period of service during which a member makes up lost time is creditable service. The time a member is held in a non-duty status while awaiting trial, as well as the time during trial, does not count towards making up lost time and is not creditable.

★0103 ACTIVE ENLISTED AND/OR WARRANT OFFICER SERVICE FOR MEMBERS IN BASIC PAY GRADES O-1E, O-2E, OR O-3E

010301. Service Counted

A. General. *Commissioned officers with over 4 years of prior active service as an enlisted member, warrant officer, or combined service in both grades are entitled to count such service for purposes of computing basic pay for longevity purposes. Such prior service includes all active service, in either the Regular or Reserve Component or both (i.e., active duty for training in enlisted or warrant officer status, annual Reserve training duty, and full time National Guard duty). Service on active duty or active duty for training for at least 4 years and 1 day satisfies the over 4 years of service requirement under this section. See subparagraph 010201.H and applicable notes to Tables 2-5 and 2-6 for student entitlement to basic pay for longevity purposes while attending the USUHS.*

B. Creditable Prior Enlisted Service. *Effective May 20, 1958, a commissioned officer in pay grades O-1, O-2, or O-3, who is credited with over 4 years (i.e., at least 4 years and 1 day) of prior active service as an enlisted member, is entitled to the special rate of basic pay for pay grade O-1E, O-2E, or O-3E.*

C. Creditable Prior Warrant Officer Service. *Effective September 1, 1980, a commissioned officer in pay grades O-1, O-2, or O-3, who is credited with over 4 years (i.e., at least 4 years and 1 day) of prior active service as a warrant officer, is entitled to the special rate of basic pay for pay grade O-1E, O-2E, or O-3E.*

D. Creditable Combined Prior Service. *Effective October 1, 1993, commissioned officer in pay grades O-1, O-2, or O-3, who is credited with over 4 years (i.e., at least 4 years and 1 day) of combined prior active service as an enlisted member and warrant officer is entitled to the special rate of basic pay for pay grade O-1E, O-2E, or O-3E.*

010302. Service Not Counted. *In computing active service, do not count:*

A. *Active service in a dual status (temporary officer-permanent enlisted) in the Navy or Marine Corps.*

B. *Service as a National Guard technician.*

C. *Except for periods of active duty service performed while a USUHS*

*student, time served as a student at USUHS. See subparagraph 010201.H and applicable notes to Tables 2-5 and 2-6. (IC 16-99)*

#### 0104 COMPUTATIONS OF CREDITABLE SERVICE

##### 010401. Computing a Basic Pay Date

A. All basic pay date computations start from the date of the member's most recent entry on duty without a break in service. Use the following dates:

1. For enlisted members, the date of enlistment, but see subparagraphs 010104.M and N, and 010201.I and J, above, for service under a delayed entry program.

2. For officers, the date of acceptance of a commission. The date of acceptance for officers graduating from a Military Service academy is the date of graduation.

3. For officers entitled to count service as an acting assistant surgeon, intern, or hospital steward in the Public Health Service or the Public Health Marine Hospital Service, the date of acceptance of the appointment. Do not count service performed before that date.

B. After determining initial basic pay date, compute creditable service for all service prior to that date. Use the following to compute basic pay date. If the member had any periods of service during which there was lost time, do not use those periods here. Instead, compute according to subparagraph 010401.C, below.

1. List beginning dates of service for each separate period of service, without changing any of them, then add them together.

2. List all ending dates. If the day is the 31st day of the month, change it to 30. If the day is February 28 in a non-leap year, change it to February 30 for computation purposes.

If the day is February 29, change it to February 30 for computation purposes. Do not change February 28 of a leap year to February 30. Then add all ending dates together.

3. Subtract the result in 1 above from the result in 2.

4. For each noncontinuous period of service, add 1 day to account for inclusive days. Explanation: Any period of service is at least one day. If, for example, the member had one day of service on January 17, 1962, the computation would look like this:

|                     | <u>YR</u> | <u>MO</u> | <u>DAY</u> |
|---------------------|-----------|-----------|------------|
| Ending Day:         | 62        | 01        | 17         |
| Less Beginning Day: | <u>62</u> | <u>01</u> | <u>17</u>  |
|                     | 00        | 00        | 00         |

It is necessary to add one day for inclusive days to avoid this erroneous answer.

5. Convert to full years, months, and days. The result is years of service creditable for pay purposes.

**EXAMPLE:**

Member served as follows:

|               | <u>From:</u> | <u>To:</u> |
|---------------|--------------|------------|
| RA (enlisted) | Jan 1, 51    | Feb 28, 54 |
| AUS (Com)     | Jun 1, 54    | May 26, 61 |
| AFUS (Com)    | Aug 1, 63    | Mar 31, 68 |
| EASF (Com)    | Apr 1, 68    | Jun 4, 75  |

Beginning dates:

Ending Dates:

| <u>YR</u> | <u>MO</u> | <u>DAY</u> | <u>YR</u> | <u>MO</u> | <u>DAY</u> |
|-----------|-----------|------------|-----------|-----------|------------|
| 51        | 01        | 01         | 54        | 02        | 30         |
| 54        | 06        | 01         | 61        | 05        | 26         |
| <u>63</u> | <u>08</u> | <u>01</u>  | <u>75</u> | <u>06</u> | <u>04</u>  |
| 168       | 15        | 03         | 190       | 13        | 60         |

Convert February 28, 1954, to February 30, 1954, since 1954 was not a leap year. Convert March 31, 1968, to March 30, 1968, since the 31st day of a month does not count as an ending date, though it would count as a beginning date. The period from August 1, 1963, through June 4, 1975, is continuous, so it is all included in the third line of the computation.

Subtract total of beginning dates from total of ending dates:

|             |           |            |   |
|-------------|-----------|------------|---|
| <u>YR</u>   | <u>MO</u> | <u>DAY</u> |   |
| 190         | 13        | 60         | (total of ending dates)                   |
| 189         | 25        | 60         | (borrowed twelve months from year column) |
| <u>-168</u> | <u>15</u> | <u>03</u>  |   |
| 21          | 10        | 57         |   |

Add one day for each of the 3 periods used in the computation. The result is 21 years, 10 months, and 60 days, which converts to exactly 22 years of creditable service.

C. Computations involving lost time. When a member has lost time, compute the creditable service for the period served separately, as shown below. Add the results to any creditable service computed separately under subparagraph 010401.B, above.



1. When there is a period of lost time that has not been made good, compute the lost time on a 30-day month basis. If the lost time, however, begins on the 31st day of a month, include that day as a lost day. Compute as follows:

Determine the years, months, and days of lost time and deduct that amount from the total service during the period.

Example 1: A member enlisted for 4 years on July 18, 1970, but was absent without leave (AWOL) from February 10, 1973, through March 16, 1973. The member received a hardship discharge on August 10, 1973, without making up the lost time. The member reenlisted February 20, 1975. Compute creditable service and basic pay date as follows:

First compute the lost time:

|             | <u>YR</u> | <u>MO</u> | <u>DAY</u>           |
|-------------|-----------|-----------|----------------------|
| Ended AWOL: | 73        | 03        | 16                   |
| Began AWOL: | <u>73</u> | <u>02</u> | <u>10</u>            |
| Lost Time:  | 00        | 01        | 06+1 (inclusive day) |

Then compute first period of service:

|                     |           |           |                      |
|---------------------|-----------|-----------|----------------------|
| Discharged:         | 73        | 08        | 10                   |
| Entered AD:         | <u>70</u> | <u>07</u> | <u>18</u>            |
| Subtotal:           | 03        | 00        | 22+1 (inclusive day) |
| Deduct lost time:   | <u>00</u> | <u>01</u> | <u>07</u>            |
| Creditable Service: | 02        | 11        | 16                   |

Subtract 2 years, 11 months, and 16 days from reenlistment date of February 20, 1975, to arrive at a new basic pay date of March 4, 1972.

2. A member, who makes good lost time, does so on a day-to-day basis. When the member makes good lost time and completes the enlistment or contract period, compute the period of lost time on both a 30-day month basis and a day-to-day basis and use the result that is most to the member's advantage. To illustrate, if a member is AWOL on March 30 through April 1, it would be 3 days on the day-to-day basis but only 2 days on a 30-day month basis. Compute creditable service as follows (and separately from periods of service which do not have lost time):

First step: Compute total lost time on both a 30 day basis and a day-to-day basis. Convert the day-to-day basis computation to years, months, and days and compare it to the computation on the 30-day basis. Discard the one which shows a higher total of days lost.

Second step: Compute the gross amount of service during the period by subtracting the entry date from the discharge date and adding one day for inclusive day.

Third step: Subtract the lost time from the result of the second step. If the result is at least as long as the enlistment contract, use that amount. If the result is less than the enlistment contract, increase it to equal the enlistment contract.

Fourth step: Add this creditable service to any other periods and use the total to figure the member's basic pay date.

Example 2: Assume the member in example 1 had not received a hardship discharge; instead, he had completed the enlistment contract, including making good the lost time. He made up the 35 days of lost time computed on a day-to-day basis. The days served to make good the lost time were July 18-31, 1974 (14 days), and August 1-21, 1974 (21 days).

When member reenlists on February 20, 1975, compute creditable service as follows:

| <u>YR</u> | <u>MO</u> | <u>DAY</u> |  |
|-----------|-----------|------------|--|
| 74        | 08        | 21         | (ending date of last period of service)    |
| - 70      | 07        | 18         | (beginning date of last period of service) |
| 04        | 01        | 03         | +1 (inclusive day)                         |

The result is 4 years, 1 month, and 4 days before deducting lost time. Note the lost time computed on a 30-day month basis was 37 days, but was only 35 days when computed on a day-to-day basis. Subtract the 35 days lost time from the period of service computed above.

| <u>YR</u> | <u>MO</u> | <u>DAY</u>         |
|-----------|-----------|--------------------|
| 04        | 01        | 04                 |
| - 00      | 01        | 05                 |
| 03        | 11        | 29 (total service) |

The result is less than the enlistment contract of 4 years, but since the member completed the enlistment contract, he is entitled to credit for the entire 4 years. Set basic pay date at February 20, 1971, when the member reenlists on February 20, 1975.

Example 3: A member enlisted on July 18, 1970, for 4 years. She was AWOL from July 28, 1973, through September 3, 1973, which is 38 days on a day-to-day basis (July 28-31, 4 days; August 1-31, 31 days; and September 1-3, 3 days). She is discharged on August 24, 1974, after making good the 38 days of bad time by serving July 18-31 (14 days) and August 1-24 (24 days).

When she reenlists on February 20, 1975, compute prior service as follows:

| <u>YR</u> | <u>MO</u> | <u>DAY</u> |  |
|-----------|-----------|------------|--|
| 74        | 08        | 24         | (ending date of last period of service)    |
| -70       | 07        | 18         | (beginning date of last period of service) |
| 04        | 01        | 06+1       | (inclusive day)                            |

The result is 4 years, 1 month, and 7 days before deducting lost time.

Lost time on a day-to-day basis was 38 days. Lost time on a 30-day month basis is:

|                 |                |
|-----------------|----------------|
| Jul 28-31, 1973 | 03 days        |
| Aug 1-30, 1973  | 30 days        |
| Sep 1-3, 1973   | <u>03 days</u> |
| Total           | 36 days        |

Following the rule set out in step 2, above, deduct the lost time in the manner most beneficial to the member.

| <u>YR</u> | <u>MO</u> | <u>DAY</u> |                                      |
|-----------|-----------|------------|--------------------------------------|
| 04        | 01        | 07         | (service before deducting lost time) |
| -00       | 01        | 06         | (lost time)                          |
| 04        | 00        | 01         |                                      |

Set the basic pay date at February 19, 1971, when the member reenlists on February 20, 1975.

D. Adjusting basic pay date when member has lost time. Lost time does not change an officer's basic pay date. When an enlisted person returns to duty after a period of lost time, add the number of days lost time to the member's basic pay date to reflect the lost time.

Example: An enlisted member with no prior service enlisted on July 18, 1973. He was AWOL from February 10, 1975 through March 16, 1975. When member returns to duty status, change his basic pay date as follows:

Compute lost time:

|                |                   |
|----------------|-------------------|
| February 10-30 | 21 days           |
| March 1-16     | <u>16 days</u>    |
|                | 37 days lost time |

| <u>YR</u> | <u>MO</u> | <u>DAY</u> |                           |
|-----------|-----------|------------|---------------------------|
| 73        | 07        | 18         | (original basic pay date) |
| +00       | 01        | 07         |                           |

73      08      25

The new basic pay date is August 25, 1973.

010402.      Procedure when Basic Pay Date Falls on February 29. When basic pay date falls on February 29, entitlement to longevity increases begins on March 1 in non-leap years and on February 29 in leap years.

| ABSENCE FROM DUTY IN ENLISTED STATUS |  |   |                          |
|--------------------------------------|--|---|--------------------------|
| R<br>U<br>L<br>E                     | A  | B   | C                        |
|                                      | When the absence is  | and   | the period of absence is |
| 1                                    | authorized leave or authorized excess leave  |   | creditable.              |
| 2                                    | unauthorized absence of more than 1 day (24 consecutive hours) (including detention of Army or Air Force members by or for civil authorities)  | is administratively excused as unavoidable  |                          |
| 3                                    |  | is not administratively excused as unavoidable  | not creditable (note 2). |
| 4                                    | civil detention of a Navy or Marine Corps member   | occurred before July 24, 1956, and the member was not acquitted or released without trial, and without making restitution                         |                          |
| 5                                    |  | occurred on or after July 24, 1956, and the member was absent under sentence or awaiting (and during) trial which resulted in conviction (note 1) |                          |
| 6                                    | inability to perform duty for more than 1 day (24 consecutive hours) because of intemperate use of alcohol or drugs, or disease or injury resulting from misconduct  |   |                          |
| 7                                    | desertion  |   |                          |
| 8                                    | because of confinement for more than 1 day (24 consecutive hours) while awaiting trial (if the trial results in conviction) or confinement as the result of a court-martial sentence (note 4)                                | the member was member of the Army or Air Force  |                          |
| 9                                    | absence of a Navy or Marine Corps member because of confinement of more than 1 day (24 consecutive hours) while awaiting trial (if the trial results in conviction) or confinement as the result of a court-martial sentence | the confinement occurred on or after July 24, 1956 (note 4)   |                          |
| 10                                   |  | the confinement occurred before July 24, 1956   | (note 3).                |

## NOTES:

1. If the member is released without trial or acquitted, or if conviction is set aside on legal grounds (as distinguished from clemency), the period of absence is creditable. If the member is released upon agreement to make restitution or is later convicted by court-martial on the same facts, the period of absence is not creditable.
2. Absence during which a member was serving on active duty as an enlisted person and was also a Reserve officer is creditable.
3. The period of absence is not creditable only if the confinement was under general court-martial sentence and/or while awaiting (and during) trial which resulted in a sentence by a general court-martial to confinement and total loss of pay and allowances.
4. Period spent in confinement is creditable when the member is acquitted or the sentence is set aside or disapproved.

Table 1-1. Absence From Duty In Enlisted Status

## Chapter 01—Creditable Service

## 0101—Service Which is Creditable

37 U.S.C. 205  
27 Comp Gen 530  
24 Comp Gen 829  
25 Comp Gen 680  
10 U.S.C. 1038  
62 Stat 1082  
10 U.S.C. 507  
37 Comp Gen 838  
Public Law 86-197,  
Aug 25, 1959  
Public Law 77-230,  
Section 3, Aug 21, 1941  
Public Law 77-658,  
July 8, 1942  
1 Comp Gen 668  
45 Comp Gen 149  
MS Comp Gen B-195448,  
Apr 3, 1980  
42 Comp Gen 296  
10 U.S.C. 2106(c)  
10 U.S.C. 2107(g)  
45 Comp Gen 103  
Public Law 93-545,  
Dec 26, 1974  
OASD(MI&L) Memo,  
Dec 24, 1984  
37 U.S.C. 203(d)  
38 Comp Gen 68  
37 U.S.C. 201(e)  
Public Law 104-201,  
Section 507,  
Sep 23, 1996  
10 U.S.C. 2107 (g)  
Public Law 104-201,  
Section 507,  
Sep 23, 1996  
10 U.S.C. 2106 (c)  
Public Law 104-201,  
Section 507,  
Sep 23, 1996

010104.I

010104.K

010104.P

0102—Service Not Creditable

36 Comp Gen 146  
 37 Comp Gen 237  
 Public Law 96-513, Section  
 402, 625, Dec 12, 1980  
 MS Comp Gen B-221944.2-  
 O.M., Mar 24, 1989  
 1 Comp Gen 511  
 1 Comp Gen 668  
 3 Comp Gen 61  
 22 Comp Gen 987  
 25 Comp Gen 718  
 37 U.S.C. 205(b)(d)(e)  
 45 Comp Gen 103  
 22 Comp Gen 907  
 23 Comp Gen 755  
 10 U.S.C. 2126  
 10 U.S.C. 2114(b)  
 Public Law 98-525,  
 Section 607, Oct 19, 1984  
 38 Comp Gen 553  
 38 Comp Gen 352  
 Public Law 104-201,  
 Section 507,  
 Sep 23, 1996  
 10 U.S.C. 2106(c)  
*10 U.S.C. 2114(b)*  
 Public Law 104-201,  
 Section 507,  
 Sep 23, 1996  
 38 Comp Gen 553  
 38 Comp Gen 352

010201.F

★

*010201.H*

010201.K

010202

★*0103—Active Enlisted and/or Warrant Officer Service  
 for Members In Basic Pay Grades  
 O-1E, O-2E, or O-3E*

*010301.A**010301.B**010301.C*

*37 U.S.C. 203(d)*  
*38 Comp Gen 68*  
*10 U.S.C. 2114(b)*  
*37 U.S.C. 232(a), as*  
*amended by Public Law*  
*85-422, 72 Stat. 122,*  
*May 19, 1958*  
*Public Law 96-343,*

|   |                          |
|---|--------------------------|
|   | <i>Sep 8, 1980</i>       |
| <i>010301.D</i>                         | <i>Public Law 98-94,</i> |
|   | <i>Sep 24, 1983</i>      |
| <i>010302.B</i>                         | <i>32 U.S.C. 709</i>     |
| <i>Table 2-6</i>                        | <i>37 U.S.C. 203(d)</i>  |
|   | <i>Public Law 98-94,</i> |
|   | <i>Oct 1, 1983</i>       |
|   | <i>10 U.S.C. 2114(b)</i> |
| 0104—Computations of Creditable Service | 5 U.S.C. 5505            |
|   | 38 Comp Gen 824          |
|   | 37 Comp Gen 455          |
|   | MPAC Action 1001,        |
|   | Feb 23, 1966             |
| Table 1-2                               |                          |
| Rule 1                                  | 55 Comp Gen 1244         |
| Rule 2, 3, 5,                           | 10 U.S.C. 972            |
| 6, 8, and 9                             |                          |
| Note 2                                  | 38 Comp Gen 553          |
| 010401                                  | 5 U.S.C. 5505            |
|   | 38 Comp Gen 824          |
|   | 37 Comp Gen 455          |
|   | MPAC Action 1001,        |
|   | Feb 23, 1966             |
| 010402                                  | 5 U.S.C. 5505            |
|   | 38 Comp Gen 824          |
|   | 37 Comp Gen 455          |
|   | MPAC Action 1001,        |
|   | Feb 23, 1966             |



**SUMMARY OF MAJOR CHANGES TO CHAPTER 02  
DOD 7000.14-R, VOLUME 7A  
MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

**New and revised instructions are indicated by a star placed immediately before  
the new or revised section, paragraph, subparagraph, decision logic table, etc.**

| <b>Page</b>                     | <b>Paragraph</b>                                      | <b>Explanation of Change/Revision</b>  | <b>Effective Date</b>          |
|---------------------------------|---|--|--------------------------------|
| 2-15-16<br>2-17<br>2-17<br>2-18 | Table 2-5<br>Table 2-6<br>Table 2-7<br>Table 2-8      | IC 1-99 identifies increases in the Basic Pay and Basic Allowance for Subsistence.<br><br><b>(IC 1-99 supercedes 1-98 dated Jan 1, 1998)</b> | Jan 1, 1999                    |
| 2-15-16<br>2-17                 | Table 2-5,<br>Table 2-6                               | IC 16-99 incorporates paragraphs that inadvertently were omitted in the printing of the July 1996 revision to of this volume.                | May 24, 1999                   |
| 2-3<br>2-5<br>2-6<br>2-6        | 020102.C,<br>020301.C.4,<br>020301.C.6,<br>020301.C.8 | IC 20-99 pertains to Computation of Pay and Saved Pay.   | Jan 1, 1998                    |
| 2-15-16<br>2-17<br>2-17<br>2-18 | Table 2-5<br>Table 2-6<br>Table 2-7<br>Table 2-8      | IC 01-00 incorporates the January 1, 2000, and the July 1, 2000, basic pay increase and supercedes the rates reflected in IC 01-99.          | Jan 1, 2000<br>and Jul 1, 2000 |

*Interim Change 1-99, 16-99, 20-99, and 01-00 are incorporated in this change. Interim changes 1-99 and 16-99 also affect other chapters and will not be deleted from the interim changes cited in the web site until all such chapters are updated.*

## CHAPTER 2

### COMPUTATION OF PAY

#### 0201 BASIC PAY ENTITLEMENTS

020101. When Entitled to Basic Pay. The pay of Military Service members is prescribed by law. Members are entitled to receive pay according to their pay grades and years of service, if they are:

- A. On active duty in a pay status.
- B. Not prohibited by law from receiving such pay.

#### 020102. Employment of Members in Another Capacity

##### A. Employment Under the Government

1. Unless otherwise provided by law (such as during the period a member is on terminal leave pending retirement, separation, or release from active duty under honorable conditions), a member may not be employed in another capacity by the government and receive pay therefor, other than the pay and allowances that accrue by reason of the military status. A member may be employed, however, on a voluntary basis, during off-duty hours in connection with nonappropriated fund activities.

2. Under agreements such as that between the Department of Defense and the Agency for International Development (AID) of the Department of State, military members may be detailed to agencies such as AID for certain types of service for specified periods. As provided in pertinent agreements, members so detailed are entitled to the pay and allowances of employees of the agency (AID foreign service personnel, in the case of that agency) holding comparable positions. Such members are paid by the agency in which service is performed, not by the Military Service involved.

##### B. Acceptance or Holding Civil Office

1. An officer of an armed force on active duty may not be employed on civil functions, if the civil duties separate the member from the parent organization or interfere with the performance of military duties. This applies to employment on civil works or internal improvements, by an incorporated company, or as acting paymaster or disbursing agent of the Bureau of Indian Affairs.

2. Unless otherwise provided by law, an officer of a Regular Component of the Army, Navy, Air Force, or Marine Corps may not hold a civil office by election or appointment under the United States, a territory, possession or state. Acceptance of such position terminates the officer's appointment and any further entitlement to receive pay and allowances whether or not the officer continues to fulfill the duties as an officer subsequent to accepting the office.

★ *C. Medical Officers. Medical officers on active duty who receive any compensation or stipend payments for services they perform as interns or resident physicians in private or public institutions (state, county, municipal, or privately owned hospitals) receive such payments for the benefit of the United States. Collect these payments from medical officers for deposit to the U.S. Treasury. See Table 26-3, rule 24; Table 26-8, rule 2, for entitlement to BAH and Table 25-1, rules 6 and 7, for BAS payments. (IC 20-99)*

020103. Formal Acceptance of Appointment-Officers

A. Pay and allowances generally accrue from the date of acceptance of appointment as an officer. The normal method of acceptance is taking the oath of office. Commencement of travel in compliance with an order is considered acceptance for pay purposes, but payment will not be made until formal signing of the oath of office. See Table 2-1 for specifics and for graduates of the academies.

B. An officer need not take the oath of office upon promotion if service has been continuous since the last oath.

020104. Restriction Against Dual Payments

A. A Reserve member who is called to active duty for more than 30 days in time of war or national emergency is entitled, while on that active duty, to the pay and allowances prescribed for active duty. Exception is authorized if the member is entitled to a pension, retired pay, or disability compensation for earlier military service, in an amount greater than that prescribed for active duty.

B. Except as prescribed in subparagraph 020104.A, above, a Reserve member who is entitled to payments for earlier military service, and is called to active duty and is entitled to pay, may elect to receive either:

1. The payments for the earlier military service; or
2. If member specifically waives those payments, the pay and allowances authorized for the active duty.

020105. Posthumous Promotions. Members may posthumously be promoted. The amount of bonus, gratuity, pay, or allowances is not changed by these promotions. This payment restriction does not apply to promotions of members while in a missing status where a determination

subsequently is made by the Secretary of the Military Department concerned that the member died before the date of the promotion.

## 0202 COMPUTING MONTHLY PAY

### 020201. Monthly Pay

A. Service of 30 Days or More. Compute monthly compensation as if each month had 30 days. When service begins on an intermediate day of the month, pay for the actual number of days served during that calendar month, but only through the 30th day of that month. If active military service begins on the 31st day of any month, compensation does not accrue for that day. Any person who enters active service during February and serves until the end of the month is entitled to the pay for 1 month (30 days), less the prorated amount for the number of days expired before entry on duty. If the service ends before the last day of February, pay the member only for the actual number of days served.

B. Service of Less Than 30 Days. Members of the Uniformed Services entitled to receive compensation for continuous periods of less than 1 month are entitled to pay and allowances for each day of the period at the rate of 1/30 of the monthly amount of such pay and allowances. Include the 31st day of a calendar month in the computation. Members who are obligated to serve on active duty for 30 days or more, but who were released before performing such active duty for at least 30 days, are entitled to receive pay and allowances on a day-to-day basis.

### 020202. Absence Without Pay

A. Deduct 1/30 of the pay for 1 month for each day of absence in a nonpay status.

B. No pay is lost for unauthorized absence on the 31st day of a month, except when it is the first day of absence or when the member is paid for the day under subparagraph 020201.B, above.

C. Absence in a nonpay status on the 28th of February in a non-leap year results in loss of pay for 3 days. If member is absent only on the 28th day of February in a leap year, deduct the pay for 1 day for the 28th. If absence occurs on the 29th of February, deduct pay for 2 days. When payment is made under subparagraph 020201.B, above, on the basis of each day actually served, deduct only for the actual period of unauthorized absence.

020203. Annual Salary. Annual salary is divided into 12 equal installments. One installment represents the pay for each calendar month. The daily rate is 1/30 of the monthly rate. The above instructions for monthly pay also apply to annual salary.

020204. Basic Pay Rates. Pay Tables 2-5 through 2-8 contain monthly rates of basic pay.

0203 SAVED PAY020301. Saved Pay and Allowances

A. Enlisted. An enlisted member who accepts an appointment as an officer will, following appointment, be paid the greater of:

1. The pay and allowances to which such member would be entitled if the member had remained in the last enlisted grade held before appointment as an officer and continued to receive increases in pay and allowances authorized for that grade; or

2. The pay and allowances to which the member thereafter becomes entitled as an officer.

B. Warrant Officers. A warrant officer who accepts an appointment as a commissioned officer will, following appointment, be paid the greater of:

1. The pay and allowances to which the member thereafter becomes entitled as a commissioned officer; or

2. The pay and allowances to which such member would be entitled if the member had remained in the last warrant officer grade held before appointment as a commissioned officer and continued to receive increases in pay and allowances authorized for that grade; or

3. In the case of an officer who formerly was an enlisted member, the pay and allowances to which entitled, under subparagraph 020301.A.1, above, before appointment as an officer.

C. Restrictions

1. A member entitled to saved pay is not authorized the pay for one grade and an allowance for another grade.

2. The saved pay amount may be reduced when the member loses entitlement to specific items; however, these specific items shall be included in saved pay if the member again qualifies for such items. (See subparagraph 020301.C.8, below.)

3. In the case of a temporary officer, a member is not entitled to an increase in saved pay because of a promotion to a higher grade.

★ 4. *BAH may be continued as an item of saved pay, and will be paid whenever it is not forfeited because the member is assigned to government quarters. (IC-20-99)*

5. For enlisted members, basic allowance for subsistence (BAS) is the alternative for subsistence in kind. Since officers are not authorized subsistence in kind, a member eligible for saved pay is entitled to the appropriate BAS rate (including the “when permitted to mess separately rate” even when subsistence in kind otherwise would be provided or made available) under the conditions prevailing for enlisted members at their permanent station. Credit BAS at the “when permitted to mess separately rate” at all times except when the member would otherwise be entitled to a different rate. (See subparagraphs 250102.C and E.)

★ 6. *Special duty assignment pay, incentive pay for hazardous duty, special pay for diving duty, special pay for sea duty, and hardship duty pay (replaced foreign duty pay effective February 4, 1999), may be retained as an item of saved pay only for as long as the member continues to perform the duty and would be eligible to receive payment had the member remained in the former status. (IC 20-99)*

7. The enlisted cash clothing allowances prescribed in Chapter 29 of this volume may not be included in the saved pay computation if the officer is entitled to the initial uniform allowance prescribed in section 3002.

★ 8. *Family Separation Allowance for Housing (FSH) may be continued as an item of saved pay under the same conditions as BAH. See subparagraph 020301.C.4, above. If the member was entitled to FSA due to enforced separation from the member’s family at the time of appointment, the allowance may be included in the computation of saved pay until entitlement ends. FSA may be reinstated for future periods if the member again qualifies for FSA due to enforced separation from the family. Similarly, other items of overseas station allowance and/or special or incentive pay may be reinstated if a member again qualifies for them. (IC 20-99)*

D. Breaks in Service. A break in service (released from active duty, discharged) does not disqualify an officer for the saved pay and allowances entitlements of this section.

#### 0204 INCREASED BASIC PAY DURING PERIOD OF SERVICE ESSENTIAL TO PUBLIC INTERESTS

020401. Entitlement to Increased Basic Pay. This section applies only to enlisted members of the Regular Navy or Marine Corps, or Naval or Marine Corps Reserve, whose enlistments expire while serving on a naval vessel in foreign waters.

A. Retention in Service. Such members may be retained on active duty until the naval vessel returns to the CONUS, if the period of retention is determined “service essential to the public interests.” The senior officer present afloat makes this determination.

B. Pay and Allowances. During the period of retention, members are entitled to regular pay and allowances, plus a 25 percent increase in the basic pay, to which they were entitled on

the day before the period of retention began.

020402. Members Not Eligible for Increase

A. Enlisted members are not entitled to the increased basic pay if retained on active duty after expiration of enlistment:

1. At shore stations
2. On ships on duty in waters in or around possessions and territories of the United States
3. On ships on duty in ports or waters within the sovereign jurisdiction of the United States
4. Due to lack of transportation
5. Merely because it is desirable to continue their services, or some benefit may be derived therefrom.

B. A member of the Naval Reserve or Marine Corps Reserve is not entitled to the 25 percent increase while retained beyond period of obligated service, as distinguished from normal date of expiration of enlistment.

020403. Inclusion of Increase in Death Gratuity. Include the 25 percent increase in basic pay in computing amount of death gratuity payable.

020404. Restrictions in Use. Do not use the 25 percent increase in computing:

- A. Cash settlement for unused leave on discharge
- B. Physical disability, or temporary disability retired pay
- C. Disability severance pay
- D. Reenlistment bonus.

020405. Termination of Increase in Basic Pay

- A. The 25 percent increase in basic pay continues through:
1. Date of discharge, if the member is discharged within 30 days after arrival in CONUS

2. Date of transfer to a hospital for treatment.

B. See Table 2-3, rule 19, for the date of termination of normal pay and allowances.

0205 ALLOWABLE TRAVEL TIME FOR RESERVE MEMBERS CALLED TO OR RELEASED FROM ACTIVE DUTY

020501. Pay and Allowances Entitlement for Allowable Travel Time

A. Reserve members called to active duty are entitled to active duty pay and allowances for time allowed for necessary travel from:

1. Home to a first duty station; and
2. Last duty station to home (except when released from active duty for retirement, or dismissal, when discharged, or upon resignation).

B. Pay and allowances for allowable travel time is an earned entitlement. The payment for the return home may be made upon the member's release from such duty without regard to actual performance of the travel. If the member dies after payment, but before payment would otherwise be due, no part of the payment will be recovered by the United States.

020502. Terms and Special Conditions

A. Allowable travel time is considered active duty for all purposes normally ascribed to active duty. The computation of allowable travel time, whether actual or constructive, shall:

1. For periods of active duty of 30 days or less, be based upon the rules contained in Table 2-4.
2. For periods of active duty of more than 30 days, be based upon the rules and provisions of the JFTR, Vol I (reference (d)).

B. A member of a Reserve Component is entitled to active duty pay and allowances for allowable travel time, if any, when:

1. Ordered to perform active duty training (ADT);
2. Performing authorized inactive duty training (IDT) immediately before or after ADT at or near the same site; and
3. Receiving orders which direct performance of necessary travel to and



from the ADT site immediately before and after combined ADT and IDT.

The travel date will be specified in the active duty orders. Full retirement point credit is earned for the period of IDT performed.

| WHEN ACTIVE DUTY PAY BEGINS |  |  |   |   |  |
|-----------------------------|--|--|---|---|--|
| R<br>U<br>L<br>E            | A  | B  | C   | D   | E  |
|                             | When a person is   | in the   | and   | then active duty pay and allowances<br>begin on:                          | are authorized for:  |
| 1                           | originally appointed as a permanent officer  | Regular Army, Navy, Marine Corps or Air Force (note 1) | continues on active duty in that commissioned officer grade | date of formal acceptance of appointment (see paragraph 020103).          | period of the examination, and allowable travel time in connection therewith (notes 3, 5, 6, and 7). |
| 2                           | an enlisted member temporarily appointed to a warrant or commissioned officer grade  | Navy or Marine Corps                                   |   |   |  |
| 3                           | an enlisted member or warrant officer on active duty appointed to a commissioned officer grade under 10 U.S.C. 593                             | Reserve  |   |   |  |
| 4                           | enlisted, reenlisted, or inducted  | Regular Army, Navy, Marine Corps, or Air Force         |   | date of enlistment, reenlistment, or induction.                           |  |
| 5                           | Service academy graduate commissioned as a second lieutenant or ensign   | Regular Army or Air Force                              |   | date of graduation (note 2).  |  |
| 6                           |  | Regular Navy or Marine Corps                           |   | date of formal acceptance of appointment.                                 |  |
| 7                           | Reserve or retired member called or recalled to active duty  | Army, Navy, Marine Corps, or Air Force                 |   | date member necessarily complies with active duty order (note 3).         |  |
| 8                           | AUS or USAF without component temporary officer called to active duty  | Army or Air Force                                      |   | date member necessarily complies with active duty orders (note 3).        |  |
| 9                           | Reserve or retired member ordered to active duty to take a physical examination incident to being ordered to active duty for more than 30 days | Navy, Marine Corps, Army, or Air Force                 | the period of federal service is 30 days or less            | date of reporting at place of rendezvous.                                 |  |
| 10                          | ARNG or ANG member called into federal service   | Army or Air Force                                      |   | date member necessarily complies with active duty orders (notes 3 and 4). |  |
| 11                          |  |  |   | date member necessarily complies with active duty orders (notes 3 and 4). |  |
| 12                          | separated Service academy cadet required to serve a period of enlisted active duty   | Regular Army, Navy, Marine Corps, or Air Force         |   | date following date separated from the academy is approved.               |  |

Table 2-1. When Active Duty Pay Begins

## NOTES:

1. Original appointments include officers appointed from warrant officer, enlisted member, or civilian status.
2. Pay accrues from date of graduation even though appointment is issued and accepted at later date.
3. See section 0205 of this chapter and Table 2-4 for allowable travel time to include in computation. Pay and allowances do not accrue if the member begins travel or reports earlier than the travel time necessary to comply with the active duty orders.
4. Pay status does not begin if the ARNG or ANG member is unable to respond to the call to active duty because of illness or other reason.
5. If member passes the physical examination, pay and allowances accrue for travel time to first duty station when later ordered to active duty for more than 30 days.
6. If the member fails the physical examination, pay and allowances accrue for period required for the examination and travel time to and from the examination.
7. If the member is ordered to active duty solely to take a physical examination, not incident to being ordered to active duty, then active duty pay and allowances do not accrue.

**Table 2-1. When Active Duty Pay Begins (Continued)**

| INCREASES IN PAY ON PROMOTION OR RESTORATION OF GRADE |  |  |   |  |   |
|---|--|--|---|--|---|
| R<br>U<br>L<br>E                                      | A  | B  | C   | D  | E   |
|   | When member is a(n)  | and action is  | in the  | and  | then effective date of increase in pay and allowances is  |
| 1   | officer  | designation of special assignment under 10 U.S.C. 601(a) | Army, Air Force, or Marine Corps as General or Lt General; or Navy as Admiral or Vice Admiral |  | date officer assumes the designated duty (note 1).  |
| 2   | Reserve officer not on the active duty list  | promotion to grade above O-2                             | Navy or Marine Corps  |  | date officer becomes eligible for promotion to the higher grade.  |
| 3   |  | promotion to grade O-2                                   |   |  | date of rank.   |
| 4   |  | promotion to grade above O-1                             |   |  | effective date of the promotion.  |
| 5   | Reserve officer on active duty (other than for training) (but not on the active duty list) | permanent promotion to a higher Reserve grade            | Army or Air Force   | officer is ordered to serve on active duty in the higher permanent Reserve grade   | effective date of orders to serve on active duty in the higher permanent Reserve grade (note 2).            |
| 6   |  |  |   | officer is serving on active duty and assigned to a position requiring a grade equal to or higher than the grade to which promoted | effective date of orders or letter announcing promotion (note 3).   |
| 7   |  | temporary promotion to a higher Reserve grade            |   |  | effective date of orders announcing promotion; or date shown in special orders confirming verbal orders.    |
| 8   | enlisted member  | advancement in rank or rating                            | Navy  | effective date is specified in the letter authorizing the advance  | effective date is stated, or date of the letter, whichever is later (note 4).                               |
| 9   |  |  |   | effective date is not stated in letter   | date advance was actually effected, but not before date member's commander receives the authority (note 4). |
| 10  |  |  | Marine Corps  | effective date is specified in the directive authorizing the advance   | effective date as stated in the directive or date of the directive, whichever is later (note 4).            |
| 11  |  |  |   | promotion is not effected by directive   | date certificate of appointment is signed by issuing authority (note 4).                                    |

Table 2-2. Increases In Pay On Promotion or Restoration of Grade

| INCREASES IN PAY ON PROMOTION OR RESTORATION OF GRADE |                     |  |                   |  |  |
|---|---------------------|--|-------------------|--|--|
| R<br>U<br>L<br>E                                      | A                   | B  | C                 | D  | E  |
|   | When member is a(n) | and action is                              | in the            | and  | then effective date of increase in pay and allowances is   |
| 12  | enlisted member     | appointment or promotion to a higher grade | Army or Air Force |  | 1. date cited in orders, or date of orders, whichever is later (note 5); or<br>2. date of oral appointment or promotion, if later confirmed in writing (note 4). |
| 13  |                     | restoration of former grade                |                   | reason for reduction was non-judicial punishment | may be retroactive to date of reduction.   |
| 14  |                     |  |                   | reason for reduction was inefficiency            | date of restoration orders.  |

## NOTES:

1. If the officer's assignment is terminated because of:
  - a. Assignment to another position also designated a special assignment, the officer will continue to draw the pay rate of the terminated assignment through the day before assuming the new position.
  - b. Hospitalization, the officer will continue to draw the pay rate of the terminated assignment for the full period of hospitalization, but for not more than 180 days.
  - c. Retirement, the officer will continue to draw the pay rate of the terminated position through the day before retirement, but for not more than 90 days.
2. A retroactive amendment of active duty orders is authority to serve in the higher grade from date of the amendment only. Increased pay and allowances are authorized from that date. Such orders do not create entitlement to increased pay and allowances for the retroactive period.
3. A retroactive promotion date is to be used only for consideration of seniority and time in grade for future promotions. Such orders do not create entitlement to increased pay and allowances for the period between the eligibility date for promotion and the effective date of the promotion order or letter. The effective date of promotion for purposes of entitlement to increased pay and allowances must not be earlier than the date the officer is assigned to a position requiring a grade equal to or higher than the grade to which promoted.
4. An appointment, promotion, or advancement to a higher grade with an effective date beyond the expiration date of the current enlistment and which is contingent upon the member's extension of enlistment or reenlistment, entitles the member to increased pay and allowances from the effective date of extension or reenlistment, whichever is later. Payment for the higher rank or rating is not authorized for a period prior to date of current enlistment.
5. This restriction does not prevent payment to enlisted members for retroactive promotions or advancements that are made pursuant to
  - 10 U.S.C. 1552(a)(2) (retroactive promotion or advancement without decision of the Board for Correction of Military Records), effective Oct 23, 1992.

**Table 2-2. Increases In Pay On Promotion or Restoration of Grade (Continued)**

| TERMINATION OR REDUCTION OF ACTIVE DUTY PAY AND ALLOWANCES |  |  |  |                             |   |
|--|--|--|--|-----------------------------|---|
| R<br>U<br>L<br>E   | A  | B  | C  | D                           | E   |
|  | If member is in the                            | and status is an                                   | and action is  | and reason for retention is | then pay and allowances are authorized through date   |
| 1  | Regular Army, Navy, Marine Corps, or Air Force | officer holding permanent appointment or promotion | resignation, discharge, or dismissal   |                             | 1. shown as official date of separation in official notice; or<br>2. officer receives official notice, if no official date of separation is shown (note 1). |
| 2  |  |  | discharge or dismissal from permanent status   |                             | of termination of appointment.  |
| 3  |  |  | resignation  |                             | before date placed on the retired list.   |
| 4  |  |  | transfer to Fleet Reserve, or Fleet Marine Corps Reserve (note 7)                        |                             |   |
| 5  |  |  | involuntary retirement under Officer Personnel Act of 1947                               |                             |   |
| 6  |  |  | retirement on last day of month after month member completed 30 years of active service  |                             |   |
| 7  |  |  | retirement, other than as shown in rules 5 and 6 includes physical disability retirement |                             |   |
| 8  |  |  | permanent appointment as an officer  |                             | before date of acceptance of permanent appointment.   |
| 9  |  |  | termination of appointment for any other reason  |                             | of termination of appointment.  |
| 10   | Army, Navy, Marine Corps, or Air Force Reserve | officer or enlisted member                         | release from active duty   |                             | of allowable travel time after release (see Table 2-4).   |
| 11   |  |  | release from active duty for retirement  |                             | before date placed on retired list.   |
| 12   |  |  | discharge, dismissal, or a resignation   |                             | shown in official separation notice, or date member receives official notice of separation.   |
| 13   | Army, Navy, Marine Corps, or Air Force         | enlisted member                                    | retirement (including physical disability retirement)                                    |                             | before date placed on retired list.   |
| 14   |  |  | transfer to Fleet Reserve or Fleet Marine Corps Reserve                                  |                             | of transfer.  |
| 15   |  |  | discharge  |                             | of discharge (note 2).  |

Table 2-3. Termination or Reduction of Active Duty Pay and Allowances

| TERMINATION OR REDUCTION OF ACTIVE DUTY PAY AND ALLOWANCES |  |                            |   |  |  |
|--|--|----------------------------|---|--|--|
| R<br>U<br>L<br>E   | A                                      | B                          | C   | D  | E  |
|  | If member is in the                    | and status is an           | and action is   | and reason for retention is  | then pay and allowances are authorized through date  |
| 16   | Army, Navy, Marine Corps, or Air Force | enlisted member            | retention in service after expiration of term of service (note 3)       | convenience of the government  | of the period of retention.  |
| 17   |  |                            |   | to make good lost time   | of the period of retention, if retained in full duty status or if authorized to perform duty.                    |
| 18   |  |                            |   | probation after confinement  | of the probational period, if duty is performed during such period.  |
| 19   |  |                            | demotion (administrative)   | medical care or hospitalization (with member's consent)              | of release from medical care or hospitalization (note 4).  |
| 20   |  |                            |   | service is essential to public interest (section 0204, this chapter) | of discharge (note 5).   |
| 21   |  |                            |   | court-martial action   | see paragraph 030207.  |
| 22   |  |                            |   |  | before date of demotion orders at the higher rate; and at the reduced rate on and after date of demotion orders. |
| 23   |  | officer or enlisted member | death   |  | of death.  |
| 24   |  |                            | revoking a promotion (erroneous promotion through administrative error) |  | before date of discovery at the higher rate; at the reduced rate on or after date of discovery (note 6).         |
| 25   |  |                            | retirement  | late delivery of retirement orders                                   | retirement orders are delivered or member is notified that retirement orders were issued.                        |

## NOTES:

1. Discharge orders do not of themselves relieve the government of its obligation to an officer. The officer must have received actual or constructive notice by the effective date, unless the officer willfully avoids notice of separation. If kept in Military Service without fault, in ignorance of an order of dismissal, the officer is entitled to all salaries and benefits of the office. If held in Military Service under orders after the date shown in separation orders, the officer is entitled to pay if there is nothing in the records showing non-entitlement.
2. Includes discharge for underage enlistment. Does not include discharge for fraudulent contract of enlistment. (See Chapter 4.)
3. A member whose enlistment is extended involuntarily by law comes under rule 15, not rules 16-21.
4. If medical care or hospitalization was due to member's misconduct, pay and allowances terminate on date of expiration of term of Military Service.
5. See paragraph 020405 for date of termination of the 25 percent increase in basic pay.
6. An erroneous promotion is later voided by revoking promotion orders (certificates of appointment or other documents used by the Military Service concerned to administratively effect promotions) from the original effective date. Payment of the pay and allowances of the higher grade through the date prior to the date of discovery is contingent, in each case, upon an administrative determination of the commander that service performed while serving in the higher grade may be regarded as service performed in a "de facto" status, that is, the member was promoted by competent authority and performed duties of the higher grade. (See procedural regulations of the Military Service concerned.)
7. A member who reverts from a temporary officer appointment to a permanent enlisted or warrant officer grade is entitled, if otherwise proper, to the active duty pay and allowances of the temporary officer grade through and including the date of reversion.

**Table 2-3. Termination or Reduction of Active Duty Pay and Allowances (Continued)**

| ALLOWABLE TRAVEL TIME, TRAVEL BETWEEN PLACES WITHIN THE UNITED STATES |                               |   |   |  |
|---|-------------------------------|---|---|--|
| R<br>U<br>L<br>E  | A                             | B   | C   | D  |
|   | If ordered active duty is for | and travel by   | then travel time allowed is   | using  |
| 1   | 30 days or less               | all transportation is reasonably available (note 3)                       | computed on the basis of air transportation (not more than 1 day for travel between places within the continental United States) (note 4) | actual commercial air schedules, and including the actual or estimated time to travel to and from air terminal(s) (but not more than 2 hours for each trip) (notes 1 and 2). |
| 2   |                               | air transportation is not reasonably available for entire travel (note 3) | computed as if actually performed by public surface transportation  | actual schedules of fastest available mode (notes 1 and 2).  |

## NOTES:

- Travel is not expected to start or end between midnight and 0600 hours.
- Travel days will not exceed the computed travel time. In the computation of travel time, use existing commercial schedules to determine the latest departure time that would permit arrival at the duty station on the reporting date and hour. On release from active duty, use earliest schedule after release which would permit arrival home by fastest available means, without regard to actual performance of travel. A member of a Reserve Component who:
  - is ordered to perform active duty training (ADT),
  - performs authorized inactive duty training (IDT) immediately before or after ADT at or near the same site, and
  - receives orders which direct performance of necessary travel to and from the ADT site immediately before and after combined ADT and IDT is entitled to active duty pay and allowances for allowable travel time per paragraph 020502. The travel date will be specified in the active duty orders. Full retirement point credit is earned for the period of IDT performed.
- When the air terminal is within 50 miles of the active duty station and direct or connecting flights are obtainable within 50 miles of the place from which ordered to active duty.
- Additional time may be allowed when there is an actual delay in air travel. The delay must have been due to reasons beyond the control of the member, such as mechanical failure, adverse weather conditions, excess passenger load, cancelled flights or the illness of other passengers.

**Table 2-4. Allowable Travel Time - Travel Between Places Within the United States**



| MONTHLY RATES OF BASIC PAY-- COMMISSIONED OFFICERS, AVIATION CADETS, ACADEMY CADETS, MIDSHIPMEN, AND ROTC MEMBERS -- EFFECTIVE JANUARY 1, 2000 (notes 1 & 5) |                  |                             |          |                     |          |                     |          |          |          |                     |          |                     |           |
|--|------------------|-----------------------------|----------|---------------------|----------|---------------------|----------|----------|----------|---------------------|----------|---------------------|-----------|
| Rank   | Pay Grade        | Cumulative Years of Service |          |                     |          |                     |          |          |          |                     |          |                     |           |
|  |                  | 2 or                        | Over 2   | Over 3              | Over 4   | Over 6              | Over 8   | Over 10  | Over 12  | Over                | Over     | Over 18             | Over 20   |
| Gen-Adm  | O-10<br>(note 2) | 8,214.90                    | 8,503.80 | 8,503.80            | 8,503.80 | 8,503.80            | 8,830.20 | 8,830.20 | 9,319.50 | 9,319.50            | 9,986.40 | 9,986.40            | 10,655.10 |
| LTGen-VADM   | O-9              | 7,280.70                    | 7,471.50 | 7,630.50            | 7,630.50 | 7,630.50            | 7,824.60 | 7,824.60 | 8,150.10 | 8,150.10            | 8,830.20 | 8,830.20            | 9,319.50  |
| Maj Gen-<br>RADM UH  | O-8              | 6,594.30                    | 6,792.30 | 6,953.10            | 6,953.10 | 6,953.10            | 7,471.50 | 7,471.50 | 7,824.60 | 7,824.60            | 8,150.10 | 8,503.80            | 8,830.20  |
| Brig Gen -<br>RADM LH  | O-7              | 5,479.50                    | 5,851.80 | 5,851.80            | 5,851.80 | 6,114.60            | 6,114.60 | 6,468.90 | 6,468.90 | 6,792.30            | 7,471.50 | 7,985.40<br>Maximum |           |
| Col - CAPT   | O-6              | 4,061.10                    | 4,461.60 | 4,754.40            | 4,754.40 | 4,754.40            | 4,754.40 | 4,754.40 | 4,754.40 | 4,916.10            | 5,693.10 | 5,983.80            | 6,114.60  |
| Lt Col - CDR   | O-5              | 3,248.40                    | 3,813.90 | 4,077.90            | 4,077.90 | 4,077.90            | 4,200.30 | 4,200.30 | 4,427.10 | 4,723.80            | 5,077.50 | 5,368.20            | 5,531.10  |
| Maj - LCDR   | O-4              | 2,737.80                    | 3,333.90 | 3,556.20            | 3,556.20 | 3,622.20            | 3,781.80 | 4,040.40 | 4,267.50 | 4,461.60            | 4,658.10 | 4,785.90<br>Maximum |           |
| Capt - LT  | O-3<br>(note 3)  | 2,544.00                    | 2,844.30 | 3,041.10            | 3,364.80 | 3,525.90            | 3,652.20 | 3,850.20 | 4,040.40 | 4,139.10<br>Maximum |          |                     |           |
| 1st - LTJG   | O-2              | 2,218.80                    | 2,423.10 | 2,910.90            | 3,009.00 | 3,071.10<br>Maximum |          |          |          |                     |          |                     |           |
| 2nd Lt - ENS   | O-1<br>(notes 3) | 1,926.30                    | 2,004.90 | 2,423.10<br>Maximum |          |                     |          |          |          |                     |          |                     |           |
| Aviation Cadets (see sec. 4002 and note 5)   |                  | 1,249.90<br>Maximum         |          |                     |          |                     |          |          |          |                     |          |                     |           |
| Academy Cadets/Midshipmen  |                  | 600.00<br>Maximum           |          |                     |          |                     |          |          |          |                     |          |                     |           |
| ROTC Members/Applicants (see para 380801)  |                  | 600.00<br>Maximum           |          |                     |          |                     |          |          |          |                     |          |                     |           |

## NOTES:

1. Basic pay for pay grades O-7 through O-10 is limited to the rate of basic pay for Level III of the Executive Schedule, which is \$9,541.80.
2. Basic pay for pay grade O-10 is \$12,488.70 regardless of years of service when they are serving as Chairman or Vice Chairman of the Joint Chief of Staff, Chief of Staff of the Army, Chief of Staff of the Air Force, and Chief of Staff of the Navy. However, basic pay is limited to the rate of basic pay for Level III of the Executive Schedule, which is \$10,850.10.
3. O-1, O-2, O-3 rates do not apply to commissioned officers who have been credited with over 4 years (i.e. at least 4 years and 1 day) of active duty service as an enlisted member or as a Warrant officer or as both an enlisted member and a warrant officer.
4. These rates, or, when applicable, the O-1E rates in Table 2-6 apply during periods of active service while a student of the Uniformed Services University of Health Sciences. Also see Subparagraphs 010201.H and 010301.A.
5. Basic pay rate for Aviation Cadets - \$1,242.90, Academy Cadets/Midshipmen and ROTC members/applicants - \$600.00.

★ Table 2-5. Monthly Rates of Basic Pay--Commissioned Officers, Aviation Cadets, Academy Cadets, Midshipmen, and ROTC Members--Effective January 1, 2000 (notes 1 and 5) (IC-01-00)

| <b>MONTHLY RATES OF BASIC PAY-- COMMISSIONED OFFICERS, AVIATION CADETS, ACADEMY CADETS, MIDSHIPMEN, AND ROTC MEMBERS -- EFFECTIVE JULY 1, 2000 (notes 1 &amp; 5)</b> |                  |                                    |               |               |               |               |               |                |                |                |                |                |                |
|--|------------------|------------------------------------|---------------|---------------|---------------|---------------|---------------|----------------|----------------|----------------|----------------|----------------|----------------|
| <b>Rank</b>  | <b>Pay Grade</b> | <b>Cumulative Years of Service</b> |               |               |               |               |               |                |                |                |                |                |                |
|  |                  | <b>2 or less</b>                   | <b>Over 2</b> | <b>Over 3</b> | <b>Over 4</b> | <b>Over 6</b> | <b>Over 8</b> | <b>Over 10</b> | <b>Over 12</b> | <b>Over 14</b> | <b>Over 16</b> | <b>Over 18</b> | <b>Over 20</b> |
| Gen-Adm  | O-10<br>(note 2) |                                    |               |               |               |               |               |                |                |                |                |                | Over 22        |
|  |                  |                                    |               |               |               |               |               |                |                |                |                |                | Over 24        |
|  |                  |                                    |               |               |               |               |               |                |                |                |                |                | Over 26        |
| Li Gen-VADM  | O-9              |                                    |               |               |               |               |               |                |                |                |                |                |                |
|  |                  |                                    |               |               |               |               |               |                |                |                |                |                |                |
|  |                  |                                    |               |               |               |               |               |                |                |                |                |                |                |
| Maj Gen-<br>RADM UH  | O-8              | 6,594.30                           | 6,810.30      | 6,953.10      | 6,993.30      | 7,171.80      | 7,471.50      | 7,540.80       | 7,824.60       | 7,906.20       | 8,150.10       | 8,503.80       | 8,830.20       |
|  |                  |                                    |               |               |               |               |               |                |                |                |                |                |                |
|  |                  |                                    |               |               |               |               |               |                |                |                |                |                |                |
| Brig Gen -<br>RADM LH  | O-7              | 5,479.50                           | 5,851.80      | 5,851.80      | 5,894.40      | 6,114.60      | 6,282.00      | 6,475.80       | 6,669.00       | 6,863.10       | 7,471.50       | 7,985.40       | 7,985.40       |
|  |                  |                                    |               |               |               |               |               |                |                |                |                |                |                |
|  |                  |                                    |               |               |               |               |               |                |                |                |                |                |                |
| Col - CAPT   | O-6              | 4,061.10                           | 4,461.60      | 4,754.40      | 4,754.40      | 4,772.40      | 4,976.70      | 5,004.00       | 5,004.00       | 5,169.30       | 5,791.20       | 6,086.10       | 6,381.30       |
|  |                  |                                    |               |               |               |               |               |                |                |                |                |                |                |
|  |                  |                                    |               |               |               |               |               |                |                |                |                |                |                |
| Li Col - CDR   | O-5              | 3,248.40                           | 3,813.90      | 4,077.90      | 4,127.70      | 4,291.80      | 4,291.80      | 4,420.80       | 4,659.30       | 4,971.90       | 5,286.00       | 5,436.00       | 5,583.60       |
|  |                  |                                    |               |               |               |               |               |                |                |                |                |                |                |
|  |                  |                                    |               |               |               |               |               |                |                |                |                |                |                |
| Maj - LCDR   | O-4              | 2,737.80                           | 3,333.90      | 3,556.20      | 3,606.00      | 3,812.40      | 3,980.40      | 4,252.50       | 4,464.00       | 4,611.00       | 4,758.90       | 4,808.70       | 4,808.70       |
|  |                  |                                    |               |               |               |               |               |                |                |                |                |                |                |
|  |                  |                                    |               |               |               |               |               |                |                |                |                |                |                |
| Capt - LT  | O-3<br>(note 3)  | 2,544.00                           | 2,884.20      | 3,112.80      | 3,364.80      | 3,525.90      | 3,702.60      | 3,850.20       | 4,040.40       | 4,139.10       |                |                |                |
|  |                  |                                    |               |               |               |               |               |                |                |                |                |                |                |
|  |                  |                                    |               |               |               |               |               |                |                |                |                |                |                |
| 1st Lt - LTJG<br>(note 3)  | O-2<br>(note 3)  | 2,218.80                           | 2,527.20      | 2,910.90      | 3,009.00      | 3,071.10      |               |                |                |                |                |                |                |
|  |                  |                                    |               |               |               |               |               |                |                |                |                |                |                |
|  |                  |                                    |               |               |               |               |               |                |                |                |                |                |                |
| 2nd Lt - ENS<br>(notes 3 & 4)  | O-1              | 1,926.30                           | 2,004.90      | 2,423.10      |               |               |               |                |                |                |                |                |                |
|  |                  |                                    |               |               |               |               |               |                |                |                |                |                |                |
|  |                  |                                    |               |               |               |               |               |                |                |                |                |                |                |
| Aviation Cadets (see sec. 4002 and note 5)   |                  | 1,249.90<br>Maximum                |               |               |               |               |               |                |                |                |                |                |                |
|  |                  |                                    |               |               |               |               |               |                |                |                |                |                |                |
|  |                  |                                    |               |               |               |               |               |                |                |                |                |                |                |
| Academy Cadets/Midshipmen  |                  | 600.00<br>Maximum                  |               |               |               |               |               |                |                |                |                |                |                |
|  |                  |                                    |               |               |               |               |               |                |                |                |                |                |                |
|  |                  |                                    |               |               |               |               |               |                |                |                |                |                |                |
| ROTC Members/Applicants<br>(see para 580801)   |                  | 600.00<br>Maximum                  |               |               |               |               |               |                |                |                |                |                |                |
|  |                  |                                    |               |               |               |               |               |                |                |                |                |                |                |

**NOTES:**

- Basic pay for pay grades O-7 through O-10 is limited to the rate of basic pay for Level III of the Executive Schedule, which is \$10,850.10. Basic pay for pay grades O-6 and below is limited to the rate of basic pay for Level V of the Executive Schedule, which is \$9,541.80.
- Basic pay for pay grade O-10 is \$12,441.80 regardless of years of service when they are serving as Chairman or Vice Chairman of the Joint Chief of Staff, Chief of Staff of the Army, Chief of Naval Operations, Commandant of the Marine Corps, Chief of Staff of the Air Force, and Chief of Staff of the Army. However, basic pay is limited to the rate of basic pay for Level III of the Executive Schedule, which is \$10,850.10.
- O-1, O-2, O-3 rates do not apply to commissioned officers who have been credited with over 4 years (i.e. at least 4 years and 1 day) of active duty service as an enlisted member or as a warrant officer or as both an enlisted member and a warrant officer.
- These rates, or, when applicable, the O-1E rates in Table 2-6 apply during periods of active service while a student of the Uniformed Services University of Health Sciences. Also see Subparagraphs 010201.H and 010301.A.
- Basic pay rate for Aviation Cadets - \$1,242.90, Academy Cadets/Midshipmen and ROTC members/applicants - \$600.00.

★ **Table 2-5. Monthly Rates of Basic Pay--Commissioned Officers, Aviation Cadets, Academy Cadets, Midshipmen, and ROTC Members--Effective July 1, 2000 (notes 1 and 5) (IC-01-00)**

| <b>MONTHLY RATES OF BASIC PAY--COMMISSIONED OFFICERS CREDITED WITH OVER 4 YEARS' ACTIVE DUTY ENLISTED AND/OR WARRANT OFFICER SERVICE--EFFECTIVE JANUARY 1, 2000 (note 2)</b> |                                |                                    |               |               |                |                |                            |  |  |
|--|--------------------------------|------------------------------------|---------------|---------------|----------------|----------------|----------------------------|--|--|
| <b>Rank</b>  | <b>Pay Grade</b>               | <b>Cumulative Years of Service</b> |               |               |                |                |                            |  |  |
|  |                                | <b>Over 4</b>                      | <b>Over 6</b> | <b>Over 8</b> | <b>Over 10</b> | <b>Over 12</b> | <b>Over 14</b>             |  |  |
| <i>Capt--Lt</i>  | <i>O-3E</i>                    | 3,364.80                           | 3,525.90      | 3,652.20      | 3,850.20       | 4,040.40       | 4,200.30<br><i>Maximum</i> |  |  |
| <i>1st Lt--Ltjg</i>  | <i>O-2E</i>                    | 3,009.00                           | 3,071.10      | 3,168.60      | 3,333.90       | 3,461.40       | 3,556.20<br><i>Maximum</i> |  |  |
| <i>2nd Lt--Ens</i>   | <i>O-1E</i><br><i>(note 1)</i> | 2,423.10                           | 2,588.40      | 2,683.80      | 2,781.30       | 2,877.60       | 3,009.00<br><i>Maximum</i> |  |  |

**NOTES:**

1. These rates do not apply to students of the Uniformed Services University of Health Sciences (USUHS) who do not have over 4 years (i.e., at least 4 years and 1 day) of active duty service as an enlisted member or as a warrant officer or as both an enlisted member and a warrant officer. See Table 2-5 for applicable rates. USUHS students with over 4 years of prior enlisted and/or warrant officer service are entitled to the O-1E rate of basic pay in this table during such active duty periods. Also see subparagraphs 010201.H and 010301.A.
2. Basic pay is limited to \$9,541.80 by Level V of the Executive Schedule.

**★ Table 2-6. Monthly Rates of Basic Pay--Commissioned Officers Credited With Over 4 Years' Active Duty Enlisted And/Or Warrant Officer Service--Effective January 1, 2000 (note 2) (IC 01-00)**

| <b>MONTHLY RATES OF BASIC PAY--COMMISSIONED OFFICERS CREDITED WITH OVER 4 YEARS' ACTIVE DUTY ENLISTED AND/OR WARRANT OFFICER SERVICE--EFFECTIVE JULY 1, 2000 (note 2)</b> |                                |                                    |               |               |                |                |                            |                |                            |
|---|--------------------------------|------------------------------------|---------------|---------------|----------------|----------------|----------------------------|----------------|----------------------------|
| <b>Rank</b>   | <b>Pay Grade</b>               | <b>Cumulative Years of Service</b> |               |               |                |                |                            |                |                            |
|   |                                | <b>Over 4</b>                      | <b>Over 6</b> | <b>Over 8</b> | <b>Over 10</b> | <b>Over 12</b> | <b>Over 14</b>             | <b>Over 16</b> | <b>Over 18</b>             |
| <i>Capt--Lt</i>   | <i>O-3E</i>                    | 3,364.80                           | 3,525.90      | 3,702.60      | 3,850.20       | 4,040.40       | 4,200.30                   | 4,291.80       | 4,416.90<br><i>Maximum</i> |
| <i>1st Lt--Ltjg</i>   | <i>O-2E</i>                    | 3,009.00                           | 3,071.10      | 3,168.60      | 3,333.90       | 3,461.40       | 3,556.20<br><i>Maximum</i> |                |                            |
| <i>2nd Lt--Ens</i>  | <i>O-1E</i><br><i>(note 1)</i> | 2,423.10                           | 2,588.40      | 2,683.80      | 2,781.30       | 2,877.60       | 3,009.00<br><i>Maximum</i> |                |                            |

**NOTES:**

1. These rates do not apply to students of the Uniformed Services University of Health Sciences (USUHS) who do not have over 4 years (i.e., at least 4 years and 1 day) of active duty service as an enlisted member or as a warrant officer or as both an enlisted member and a warrant officer. See Table 2-5 for applicable rates. USUHS students with over 4 years of prior enlisted and/or warrant officer service are entitled to the O-1E rate of basic pay in this table during such active duty periods. Also see subparagraphs 010201.H and 010301.A.
2. Basic pay is limited to \$9,541.80 by Level V of the Executive Schedule.

**★ Table 2-6. Monthly Rates of Basic Pay--Commissioned Officers Credited With Over 4 Years' Active Duty Enlisted And/Or Warrant Officer Service--Effective July 1, 2000 (note 2) (IC 01-00)**

| <b>MONTHLY RATES OF BASIC PAY-- WARRANT OFFICERS--EFFECTIVE JANUARY 1, 2000 (note)</b> |                  |                                    |               |               |               |               |               |                |                |                |                |                |                |
|--|------------------|------------------------------------|---------------|---------------|---------------|---------------|---------------|----------------|----------------|----------------|----------------|----------------|----------------|
| <b>Rank</b>  | <b>Pay Grade</b> | <b>Cumulative Years of Service</b> |               |               |               |               |               |                |                |                |                |                |                |
|  |                  | <b>2 or less</b>                   | <b>Over 2</b> | <b>Over 3</b> | <b>Over 4</b> | <b>Over 6</b> | <b>Over 8</b> | <b>Over 10</b> | <b>Over 12</b> | <b>Over 14</b> | <b>Over 16</b> | <b>Over 18</b> | <b>Over 20</b> |
| Chief Warrant  | W-5              |                                    | 2,781.30      | 2,781.30      | 2,844.20      | 2,974.20      | 3,105.00      | 3,235.50       | 3,461.40       | 3,622.20       | 3,749.40       | 3,850.20       | 4,423.80       |
| Chief Warrant  | W-4              | 2,592.00                           | 2,781.30      | 2,781.30      | 2,844.20      | 2,974.20      | 3,105.00      | 3,235.50       | 3,461.40       | 3,622.20       | 3,749.40       | 3,850.20       | 4,427.10       |
| Chief Warrant  | W-3              | 2,355.90                           | 2,555.40      | 2,555.40      | 2,588.40      | 2,618.70      | 2,810.40      | 2,974.20       | 3,071.10       | 3,168.60       | 3,263.40       | 3,364.80       | 3,749.40       |
| Chief Warrant  | W-2              | 2,063.40                           | 2,232.60      | 2,232.60      | 2,297.40      | 2,423.10      | 2,555.40      | 2,652.60       | 2,749.80       | 2,844.30       | 2,944.50       | 3,041.10       | 3,263.40       |
| Chief Warrant  | W-1              | 1,719.00                           | 1,971.00      | 1,971.00      | 2,135.70      | 2,232.60      | 2,328.00      | 2,423.10       | 2,522.70       | 2,618.70       | 2,716.20       | 2,810.40       | 2,910.90       |

NOTE: Basic pay is limited to the rate of basic pay for Level V of the Executive Schedule which is \$9,541.80

★ Table 2-7. Monthly Rates of Basic Pay -- Warrant Officers--Effective January 1, 2000 (note) (IC-01-00)

| <b>MONTHLY RATES OF BASIC PAY-- WARRANT OFFICERS--EFFECTIVE JULY 1, 2000 (note)</b> |                  |                                    |               |               |               |               |               |                |                |                |                |                |                |
|---|------------------|------------------------------------|---------------|---------------|---------------|---------------|---------------|----------------|----------------|----------------|----------------|----------------|----------------|
| <b>Rank</b>   | <b>Pay Grade</b> | <b>Cumulative Years of Service</b> |               |               |               |               |               |                |                |                |                |                |                |
|   |                  | <b>2 or less</b>                   | <b>Over 2</b> | <b>Over 3</b> | <b>Over 4</b> | <b>Over 6</b> | <b>Over 8</b> | <b>Over 10</b> | <b>Over 12</b> | <b>Over 14</b> | <b>Over 16</b> | <b>Over 18</b> | <b>Over 20</b> |
| Chief Warrant   | W-5              |                                    |               |               |               |               |               |                |                |                |                |                | 4,937.40       |
| Chief Warrant   | W-4              | 2,592.00                           | 2,788.50      | 2,868.60      | 2,947.50      | 3,083.40      | 3,217.20      | 3,352.80       | 3,485.10       | 3,622.20       | 3,753.60       | 3,888.00       | 4,427.10       |
| Chief Warrant   | W-3              | 2,355.90                           | 2,555.40      | 2,555.40      | 2,588.40      | 2,694.30      | 2,814.90      | 2,974.20       | 3,071.10       | 3,177.00       | 3,298.20       | 3,418.50       | 3,900.90       |
| Chief Warrant   | W-2              | 2,063.40                           | 2,232.60      | 2,232.60      | 2,305.80      | 2,423.10      | 2,555.40      | 2,652.60       | 2,749.80       | 2,844.30       | 2,949.00       | 3,056.40       | 3,378.30       |
| Chief Warrant   | W-1              | 1,719.00                           | 1,971.00      | 1,971.00      | 2,135.70      | 2,232.60      | 2,332.80      | 2,423.10       | 2,533.20       | 2,634.00       | 2,734.80       | 2,835.00       | 2,910.90       |

NOTE: Basic pay is limited to the rate of basic pay for Level V of the Executive Schedule which is \$9,541.80

★ Table 2-7. Monthly Rates of Basic Pay -- Warrant Officers -- Effective July 1, 2000 (note) (IC-01-00)

| <b>MONTHLY RATE OF BASIC PAY -- ENLISTED MEMBERS--EFFECTIVE JANUARY 1, 2000 (note 3)</b> |                                    |               |               |                     |                     |               |                |                |                     |                |                     |                |
|--|------------------------------------|---------------|---------------|---------------------|---------------------|---------------|----------------|----------------|---------------------|----------------|---------------------|----------------|
| <b>Pay Grade<br/>(note 1)</b>  | <b>Cumulative Years of Service</b> |               |               |                     |                     |               |                |                |                     |                |                     |                |
|  | <b>2 or</b>                        | <b>Over 2</b> | <b>Over 3</b> | <b>Over 4</b>       | <b>Over 6</b>       | <b>Over 8</b> | <b>Over 10</b> | <b>Over 12</b> | <b>Over 14</b>      | <b>Over 16</b> | <b>Over 18</b>      | <b>Over 20</b> |
| <b>E-9 (note 2)</b>  |                                    |               |               |                     |                     |               | 3,015.30       | 3,083.40       | 3,152.70            | 3,225.60       | 3,298.20            | 3,361.50       |
| <b>E-8</b>   |                                    |               |               |                     |                     | 2,528.40      | 2,601.60       | 2,669.70       | 2,739.00            | 2,811.60       | 2,875.50            | 2,946.30       |
| <b>E-7</b>   | 1,765.80                           | 1,906.20      | 1,976.10      | 2,045.70            | 2,115.60            | 2,182.80      | 2,252.70       | 2,323.20       | 2,427.90            | 2,496.90       | 2,566.20            | 2,599.50       |
| <b>E-6</b>   | 1,518.90                           | 1,655.70      | 1,724.40      | 1,797.60            | 1,865.40            | 1,932.60      | 2,003.40       | 2,106.60       | 2,172.90            | 2,242.80       | 2,277.00<br>Maximum |                |
| <b>E-5</b>   | 1,332.60                           | 1,450.50      | 1,521.00      | 1,587.30            | 1,691.70            | 1,761.00      | 1,830.00       | 1,898.10       | 1,932.60<br>Maximum |                |                     |                |
| <b>E-4</b>   | 1,242.90                           | 1,312.80      | 1,390.20      | 1,497.30            | 1,556.70<br>Maximum |               |                |                |                     |                |                     |                |
| <b>E-3</b>   | 1,171.50                           | 1,235.70      | 1,284.60      | 1,335.90<br>Maximum |                     |               |                |                |                     |                |                     |                |
| <b>E-2</b>   | 1,127.40<br>Maximum                |               |               |                     |                     |               |                |                |                     |                |                     |                |
| <b>E-1 (4 months<br/>or more of<br/>active duty)</b>                                     | 1,005.60<br>Maximum                |               |               |                     |                     |               |                |                |                     |                |                     |                |
| <b>E-1 (less than<br/>4 months or<br/>note of active</b>                                 | 930.30<br>Maximum                  |               |               |                     |                     |               |                |                |                     |                |                     |                |

**NOTES:**

1. For rank titles, see Appendix 2, Comparable Terms.

2. Basic pay for grade E-9 is \$4,719.00 regardless of years of service while serving as:

- a. Sergeant Major of the Army.
- b. Master Chief Petty Officer of the Navy or Coast Guard.
- c. Chief Master Sergeant of the Air Force.
- d. Sergeant Major of the Marine Corps.

If a member is placed on terminal leave pending retirement immediately following the completion of service as the senior enlisted member of a Military Department, then the member

is entitled to the higher pay rate \$4,719.00 up to a maximum of 60 days. If a member is hospitalized and during or immediately before such hospitalization, completed service as the

senior enlisted member of that Armed Force, the member shall continue to be entitled, for not more than 180 days while so hospitalized, to the rate of basic pay (\$4,719.00) authorized

for the senior enlisted member.

3. Basic pay is limited to \$9,541.80 by Level V of the Executive Schedule.

| MONTHLY RATE OF BASIC PAY –ENLISTED MEMBERS—EFFECTIVE JULY 1, 2000 (note 3) |                             |          |          |                     |                     |          |          |                     |          |          |          |                     |
|---|-----------------------------|----------|----------|---------------------|---------------------|----------|----------|---------------------|----------|----------|----------|---------------------|
| Pay Grade<br>(note 1)   | Cumulative Years of Service |          |          |                     |                     |          |          |                     |          |          |          |                     |
|   | 2 or                        | Over 2   | Over 3   | Over 4              | Over 6              | Over 8   | Over 10  | Over 12             | Over 14  | Over 16  | Over 18  | Over 20             |
| E-9 (note 2)  |                             |          |          |                     |                     |          | 3,015.30 | 3,083.40            | 3,169.80 | 3,271.50 | 3,373.20 | 3,473.40            |
| E-8   |                             |          |          |                     |                     | 2,528.40 | 2,601.60 | 2,669.70            | 2,751.60 | 2,840.10 | 2,932.50 | 3,026.10            |
| E-7   | 1,765.80                    | 1,927.80 | 2,001.00 | 2,073.00            | 2,147.70            | 2,220.90 | 2,294.10 | 2,367.30            | 2,439.30 | 2,514.00 | 2,588.10 | 2,660.40            |
| E-6   | 1,518.90                    | 1,678.20 | 1,752.60 | 1,824.30            | 1,899.30            | 1,973.10 | 2,047.40 | 2,118.60            | 2,191.50 | 2,244.60 | 2,283.30 | 2,285.70<br>Maximum |
| E-5   | 1,332.60                    | 1,494.00 | 1,566.00 | 1,640.40            | 1,714.50            | 1,789.50 | 1,861.50 | 1,936.20<br>Maximum |          |          |          |                     |
| E-4   | 1,242.90                    | 1,373.10 | 1,447.20 | 1,520.10            | 1,593.90<br>Maximum |          |          |                     |          |          |          |                     |
| E-3   | 1,171.50                    | 1,260.60 | 1,334.10 | 1,335.90<br>Maximum |                     |          |          |                     |          |          |          |                     |
| E-2   | 1,127.40<br>Maximum         |          |          |                     |                     |          |          |                     |          |          |          |                     |
| E-1 (4 months or more of active duty)                                       | 1,005.60<br>Maximum         |          |          |                     |                     |          |          |                     |          |          |          |                     |
| E-1 (4 months or more of active duty)                                       | 930.30<br>Maximum           |          |          |                     |                     |          |          |                     |          |          |          |                     |

## NOTES:

- For rank titles, see Appendix 2, Comparable Terms.
- Basic pay for grade E-9 is \$4,701.00 regardless of years of service while serving as:
  - Sergeant Major of the Army.
  - Master Chief Petty Officer of the Navy or Coast Guard.
  - Chief Master Sergeant of the Air Force.
  - Sergeant Major of the Marine Corps.

If a member is placed on terminal leave pending retirement immediately following the completion of service as the senior enlisted member of a Military Department, then the member is entitled to the higher pay rate \$4,701.00 up to a maximum of 60 days. If a member is hospitalized and during or immediately before such hospitalization, completed service as the senior enlisted member of that Armed Force, the member shall continue to be entitled, for not more than 180 days while so hospitalized, to the rate of basic pay (\$4,701.00) authorized for the senior enlisted member.
- Basic pay is limited to \$9,541.80 by Level V of the Executive Schedule.

## Chapter 02—Computation of Pay

|                             |                     |  |
|-----------------------------|---------------------|--|
| 0201—Basic Pay Entitlements | 020102.A            | 5 U.S.C. 5536<br>5 U.S.C. 5534a<br>3 Comp Gen 40<br>17 Comp Gen 1049<br>18 Comp Gen 213<br>46 Comp Gen 400<br>52 Comp Gen 471<br>MS Comp Gen B-214919,<br>Mar 22, 85 |
|                             | 020102.A.2          | 22 U.S.C. 2385(d)  |
|                             | 020102.B            | 10 U.S.C. 973<br>5 U.S.C. 5534a  |
|                             | 020103.A            | 21 Comp Gen 819  |
|                             | 020103.B            | 10 U.S.C. 3394, 5792, 8394,<br>8312, 8451  |
|                             | 020104              | 10 U.S.C. 12316  |
|                             | 020105              | 10 U.S.C. 1523<br>37 U.S.C. 552(a)   |
|                             |                     |  |
|                             |                     |  |
|                             |                     |  |
| 0202—Computing Monthly Pay  | 020201.A            | 5 U.S.C. 5505<br>13 Comp Dec 75<br>4 Comp Gen 757<br>20 Comp Dec 165<br>45 Comp Gen 395<br>54 Comp Gen 952<br>5 Comp Gen 935<br>10 Comp Gen 11                       |
|                             | 020201.B            | 37 U.S.C. 1004<br>46 Comp Gen 100<br>54 Comp Gen 952<br>62 Comp Gen 266  |
|                             | 020202              | 5 U.S.C. 5505<br>37 U.S.C. 503   |
|                             | 020202.B and 020203 | 5 U.S.C. 5505  |
|                             |                     |  |
|                             |                     |  |
|                             |                     |  |
|                             |                     |  |
| 0203—Saved Pay              | 020301.A            | 37 U.S.C. 907  |
|                             | 020301.B            | MS Comp Gen B-232042,<br>July 7, 1989  |
|                             | 020301.C            | 45 Comp Gen 763  |
|                             | 020301.C.2          | 46 Comp Gen 57   |
|                             | 020301.C.5          | 46 Comp Gen 804  |

|   |  |
|---|--|
| 020301.C.8  | 46 Comp Gen 57   |
| 020301.D  | 61 Comp Gen 296  |
| 0204—Increased Basic Pay During Period of Service Essential to Public Interests       |  |
| 020401  | 10 U.S.C. 5540   |
| 0205—Allowable Travel Time for Reserve Members Called to or Released From Active Duty |  |
| 020501  | EO 12683, July 21, 1989<br>37 U.S.C. 204(b)<br>MS Comp Gen B-146551,<br>Dec 13, 1961 |
| 020501.B  | 37 U.S.C. 204(e)   |
| 020502.A  | 37 U.S.C. 204(b)<br>EO 12683, July 21, 1989  |
| 020502.B  | 48 Comp Gen 78   |
| Table 2-1   |  |
| Rule 5  | 37 U.S.C. 204(f)   |
| Rule 8  | 37 U.S.C. 204(b)   |
| Rule 9  | MS Comp Gen B-181762,<br>July 18, 1975<br>19 Comp Gen 282                            |
| Rule 10   | 37 U.S.C. 204(c)   |
| Rule 11   | 43 Comp Gen 293  |
| Table 2-2   |  |
| Rule 1  | 10 U.S.C. 601(a)   |
| Rule 2  | 37 U.S.C. 905(a)   |
| Rule 3  | 37 U.S.C. 905(b)   |
| Rule 4  | 37 U.S.C. 1010   |
| Rules 5 and 6   | 10 U.S.C. 3380, 8380   |
| Rule 11   | MS Comp Gen B-208043,<br>Jan 18, 1983  |
| Rule 12   | 10 U.S.C. 1552(a)(2)<br>amended by Public Law<br>102-484, Section<br>1052(19)        |
| Rule 13   | 36 Comp Gen 137  |
| Note 1  | 10 U.S.C. 601(b)   |
| Note 2  | MS Comp Gen B-143510,<br>Sep 29, 1960<br>42 Comp Gen 445                             |



|                          |  |
|--------------------------|--|
| Note 3                   | MS Comp Gen B-107486,<br>Nov 15, 1966  |
| Note 5                   | 10 U.S.C. 1552(a)(2)<br>amended by<br>Public Law 102-484,<br>Section 1052(19)  |
| Table 2-3                |  |
| Rule 5                   | 61 Stat 795  |
| Rule 16                  | 37 Comp Gen 228  |
| Rule 19                  | 10 U.S.C. 507  |
| Rule 25                  | 49 Comp Gen 429  |
| Note 1                   | 27 Comp Dec 13   |
| Note 6                   | 55 Comp Gen 109  |
| Note 7                   | 49 Comp Gen 800  |
| Table 2-4                | EO 10153, Aug 17, 1950,<br>amended by EO 10649,<br>28 Dec 1955<br>EO 12683, July 12, 1989<br>MS Comp Gen B-146551,<br>Dec 13, 1961                             |
| Note 4                   | 41 Comp Gen 56   |
| Table 2-5<br>through 2-8 | 37 U.S.C. 203<br>37 U.S.C. 1009  |
| Table 2-5                | 37 U.S.C. 201(d)<br>37 U.S.C. 209(c)   |
| Note 1a                  | Public Law 100-180,<br>Section 1334(D)(3),<br>Dec 4, 1987<br>37 U.S.C. 1009, Note  |
| ★ <i>Table 2-6</i>       | <i>37 U.S.C. 203(d)</i><br><i>Public Law 98-94,</i><br><i>October 1, 1983</i><br><i>10 U.S.C. 2114(b)</i>  |
| Table 2-8<br>Notes       | 37 U.S.C. 1009<br>37 U.S.C. 210, added by<br>Public Law 102-190<br>Section 606, approved<br>Dec 5, 1991<br>Public Law 104-201,<br>Section 603,<br>Sep 23, 1996 |

implemented by  
EO 13033,  
Dec 27, 1996

**SUMMARY OF MAJOR CHANGES TO CHAPTER 03  
DOD 7000.14-R, VOLUME 7A  
MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

**New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.**

| <b>Page</b> | <b>Paragraph</b> | <b>Explanation of Change/Revision</b>                      | <b>Effective Date</b> |
|-------------|------------------|--|-----------------------|
| 3-11        | Table 3-2        | IC 44-98 is in regards to Hostile Fire/Imminent Danger Pay | Oct 17, 1998          |

*This change incorporates interim change 44-98.*

## CHAPTER 3

### ABSENCE FROM DUTY, EFFECT ON PAY AND ALLOWANCES

#### 0301 AUTHORIZED LEAVE

030101. Authority. All Military Service members on active duty for 30 consecutive days or more are entitled to accrue leave under applicable Military Service leave regulations. While on authorized leave they are entitled to full pay and allowances except as otherwise provided in Table 3-1.

030102. Applicable Service Leave Regulations. Applicable Military Service leave regulations are:

- A. Army. AR 630-5 (reference (e)).
- B. Navy. MILPERSMAN (reference (f)).
- C. Air Force. AFR 35-9 (reference (h)).
- D. Marine Corps. MCO P1050.3 (reference (g)).

030103. Reserved

030104. Pay and Allowances During Leave

- A. Entitlement. See Table 3-1.
- B. Full Pay and Allowances Defined. This term means (includes) the following:
  - 1. Basic pay
  - 2. Special pays
  - 3. Incentive pay for hazardous duty
  - 4. Basic allowance for subsistence (enlisted leave rations)
  - 5. Basic allowance for housing
  - 6. Personal money allowances

7. Clothing maintenance allowances
8. Family separation allowances
9. Station allowances. (See Joint Federal Travel Regulations, Volume 1, Chapter 9 (reference (d).))

030105. Advance Leave Carryover or Change to Excess Leave (Effective November 14, 1986)

A. When Carryover Allowed. Members may elect to carry all or part of an advance leave balance over to a new term of service when discharged for the purpose of:

1. Reenlisting within 24 hours of discharge or extending an enlistment; or
2. Accepting an appointment as a warrant or commissioned officer of the Armed Forces. Carryover will not exceed the number of days or fraction of days the member will accrue in the new enlistment or term of service or 30 days, whichever is less.

Example 1: A member's current term of service ends April 30, 1987. The member reenlists for 6 years on March 1, 1987, and has a 5.0-day advance leave balance. The 5.0-day advance leave balance can be carried into the new term of service.

Example 2: A member's current term of service ends September 30, 1987. On May 1, 1987, the member agrees to serve a 12-month extension and has a 12.5 day-advance leave balance which will be offset by leave accrual through September 30, 1987. Between May 1, 1987, and September 30, 1987, the member was charged for 30 days of leave. When the extension became operative (October 1, 1987), the member could elect to carry the 30.0-day advance leave balance into the new term of service (12-month extension).

B. Excess Leave. Advance leave becomes excess leave and requires collection of pay and allowances under the following conditions:

1. Discharge for the purpose of reenlisting, extending an enlistment or accepting a warrant or commission, and advance leave exceeds 30 days.
2. Advance leave balance exceeds that which will accrue in the new enlistment or term of service (for example, enlistment or extension(s)) including when an agreement to extend is cancelled by the Military Service. If an agreement to extend is cancelled by the member for the purpose of immediate reenlistment, collect the advance under subparagraph 030105.B.1, above, if applicable.

3. Relief from active duty.
4. Appointment as a cadet or midshipman at a Service academy.
5. Death.

6. Return from a period of leave that was in excess of the number of days leave and fractions thereof member will accrue before the normal expiration of current enlistment or term of active service. The term of an extension(s) will be considered when determining the normal expiration of current enlistment or term of active service. Extension(s) will be considered from the date the member agrees to the extension(s). Excess leave properly charged before the date a member extends a term of service (reenlistment, appointment or agrees to extend voluntarily or is involuntarily extended) will not be affected and under no circumstances will pay and allowances previously collected be refunded. (See paragraph 030106, below, when it is known at the time leave is granted that the member will be in excess leave status.)

Example 3: A member's current term of service ended on March 31, 1988. The member reenlisted for 6 years on January 1, 1987, and had a 35.5-day advance leave balance. The member carried 30.0 days of advance leave into the new term of service. The remaining 5.5-day advance leave balance changed to excess leave and required immediate collection of pay and allowances. Paragraph 030106, below, applies.

Example 4: Same as example 2, except that the member took 34 days of leave between May 1, 1987, and September 30, 1987. Since a maximum of 30.0 days advance leave could be carried into the new term of service (12-month extension), immediate collection of pay and allowances for the remaining 4.0 days was required when the leave was used. Paragraph 030106, below, applies.

C. Amount to be Collected. Compute collection under subparagraph 030105.B, above, on the basis of pay and allowances actually received by the member during the period of leave involved.

030106. Pay and Allowances During Excess Leave. Members on excess leave are not entitled to pay and allowances, except as provided by subparagraph 260501.C of this volume. Apply the above as follows:

A. When the complete period of leave is granted as excess leave, pay and allowance accrual will be stopped beginning with the first day of leave.

B. When a portion of the leave is granted as advance leave and a portion granted as excess leave, pay and allowance accrual will be stopped beginning with the first day of excess leave. Members in an excess leave are considered to have a rate of pay.

030107. Leave Pending Review of Certain Courts-Martial Convictions. Under regulations prescribed by the Secretary of the Military Department concerned, members sentenced to unsuspended dismissal or unsuspended dishonorable or bad conduct discharge by court-martial may be required to take leave pending review of their conviction as provided by Article 76a, Uniform Code of Military Justice (UCMJ) (reference (i)).

A. Such leave shall be charged against any accrued leave to the member's credit on the day before the day such leave begins unless the member elects to be paid for accrued leave under subparagraph 350101.C of this volume.

1. If the member does not elect to be paid for accrued leave or does not have sufficient accrued leave to cover the total period of leave required to be taken, the leave not covered by accrued leave shall be charged as excess leave.

2. If the member elects to be paid for accrued leave, the entire period of leave shall be charged as excess leave and pay and allowances will not accrue for such period except under the provisions of subparagraph 030106.B, below.

B. A member required to take leave under Article 76a, UCMJ (reference (i)), whose sentence by court-martial to dismissal or dishonorable or bad-conduct discharge is set aside or disapproved on appellate review, shall accrue pay and allowances for the period of leave charged as excess leave (except for any day of accrued leave for which the member has been paid under subparagraph 030107.A.2, above), unless a rehearing or new trial is ordered and dismissal or dishonorable or bad-conduct discharge results from the rehearing or new trial and such dismissal or discharge is later executed.

1. Computation of Payment. The amount of gross pay and allowances accrued under this subparagraph shall be reduced by the total gross income from wages, salaries, tips, other personal service income, unemployment compensation, and public assistance benefits from any government agency during the period the member is deemed to have accrued gross pay and allowances. The total gross income described above, however, cannot reduce the amount of gross pay and allowances to the extent that the member becomes indebted to the government.

a. Approved Sentence Does Not Include Reduction. Pay and allowances under this section will be paid in the pay grade held by the member on the day before the day on which the court-martial sentence was approved by the convening authority.

b. Approved Sentence Includes Reductions. If the pay grade of the member was reduced to a lower grade as a result of the court-martial sentence and the reduction has not been set aside, disapproved, or otherwise vacated, pay and allowances accrued under this paragraph will be paid at the lower pay grade.

## 2. Time of Payment

a. Payment shall be made within 60 days from the date of the order setting aside or disapproving the sentence by court-martial to a dismissal or a dishonorable or bad-conduct discharge if no rehearing or new trial has been ordered.

b. Payment shall be made within 180 days from the date of the order setting aside or disapproving the sentence by court-martial to a dismissal or a dishonorable or bad-conduct discharge if a rehearing or new trial has been ordered but charges have not been referred to a rehearing or new trial within 120 days from the date of that order.

c. If a rehearing or new trial has been ordered, and a dismissal or a dishonorable or bad-conduct discharge is not included in the result of the rehearing or new trial, payment shall be made within 60 days of the date of the announcement of the result of such rehearing or new trial.

d. If a rehearing or new trial has been ordered, and a dismissal for a dishonorable or bad-conduct discharge is included as the result of such rehearing or new trial, but such dismissal or discharge is not later executed, payment shall be made within 60 days of the date of the order which set aside, disapproved, or otherwise vacated such dismissal or discharge.

e. If a member who is entitled to be paid under this section, fails to provide sufficient information in a timely manner regarding his/her income when such information is requested under subparagraph 030107.C, below, the periods of time prescribed in this paragraph shall be extended until 30 days after the date on which the member provides the requested information.

C. In all cases where payment must be made under subparagraph 030107.B, above, the member solely is responsible for providing the information as to sources and amounts of income received by the member during periods of required appellate leave. Pay will be computed only on the basis of a written record. Information as to sources and amounts of income should include, at a minimum, copies of all pertinent income tax returns, employer statements of income earned from wages, salaries, tips, and documentation of other personal service income. In cases where the member has been unemployed, the required information shall include affidavits or written evidence of lack of employment and documentation to verify the duration of unemployment compensation and public assistance benefits received from any government agency.

## 0302 UNAUTHORIZED ABSENCE AND OTHER LOST TIME

030201. Effect on Pay and Allowances. The types of unauthorized absence and other lost time and their effect on pay and allowances are shown in Table 3-2. (Compute for forfeitures of pay and allowances as instructed in paragraph 020202 of this volume.)



030202. Unauthorized Absence and Desertion

A. Determination by Courts-Martial. A member found guilty of unauthorized absence by a court-martial forfeits pay and allowances for the period of absence. An acquittal (or disapproval by the reviewing authority, in case of conviction) affects only the disciplinary aspects of the absence. It does not prevent an administrative determination that the member was absent without leave.

B. Administrative Determination of Unauthorized Absence. When a member is in an unauthorized absence status, an administrative determination must be made as to whether the absence was unavoidable. Table 3-3 contains rules for determining whether the absence was unavoidable. If it is not excused as unavoidable, the member (including one mentally incompetent) forfeits pay and allowances for the period of absence. This applies even though a court-martial finds the member not guilty of a charge of unauthorized absence, or when a finding of guilty has been disapproved by the reviewing authority.

C. Discharge for Desertion. A discharge for desertion is conclusive evidence of desertion for purpose of forfeiture of pay, even in the absence of trial by court-martial.

D. Dropped From Rolls. A commissioned officer of the Army or Air Force, who is dropped from the rolls by the President for absence without authority for 3 months, forfeits all pay due or to become due. Pay and allowances due at the time the officer is dropped from the rolls, however, will be used to satisfy debts due the United States and its instrumentalities.

E. Disposition of Forfeitures as a Result of Desertion. When an enlisted member, warrant officer, or limited duty officer forfeits pay as a result of desertion, deposit the gross amount of such forfeited pay to the Armed Forces Retirement Home Trust Fund. Do not, however, deposit this pay beyond the expiration of term of enlistment for enlisted members.

030203. Computing Periods of Unauthorized Absence. Unauthorized absence of 24 consecutive hours or less does not affect pay or allowances. This applies even though the absence involves parts of 2 days. When the period of unauthorized absence exceeds 24 consecutive hours, use Table 3-4 to determine the first and last day of the period of absence.

030204. Absence in the Hands of Civil Authorities

A. General. Pay the member all pay and allowances earned through the day before the first day of unauthorized absence. If the member is delivered to civil authorities by military authorities, he or she is entitled to all pay and allowances earned through the day prior to the date of such delivery. For entitlement to pay and allowances during confinement, see Table 3-2, rules 4, 5, and 6.

B. Finding of Insanity. An administrative determination under the rules contained in Table 3-3 must be made as to whether the absence was unavoidable when a member is found not guilty

by reason of insanity by a civil court and transferred to a mental institution for an indefinite period of time. Table 3-2 contains rules for determining the effect of the absence on pay and allowances.

C. Work Release Program. In some states and local jurisdictions, a person convicted and sentenced to a term of civil confinement may be released from the confinement facility to the cognizance of an employer during the normal workday. Work release, job rehabilitation, or employment retention programs of this type generally are conducted for the purpose of providing prisoners a means to continue support of their dependents and to demonstrate that they are capable of self-rehabilitation. When members are paroled to military authorities under a “work release” or similar program, they are entitled to pay and allowances for each day of full duty performed commensurate with their grade and military specialty.

030205. Absence Due to Disease

A. When Pay Is Forfeited. See Table 3-2, rule 3.

B. When Pay Is Not Forfeited. Pay is not forfeited for absence from duty caused by:

1. An injury
2. A disease, except under Table 3-2, rule 3
3. Simple drunkenness, if not coupled with chronic alcoholism or intemperate use of habit-forming drugs
4. Venereal disease, whether or not due to misconduct

C. Personal Expense Money. A member whose pay is forfeited under Table 3-2, rule 3, for more than 1 month is entitled to \$5 for personal expenses for each full month that he or she forfeits pay. This payment will be made even though the member is indebted to the United States. The term “full month” is the period from a date in 1 month through the preceding date in the following month. For example, July 3 through August 2 is 1 month.

030206. Military Confinement

A. General. Pay and allowances accrue to a member in military confinement except when:

1. Confined by military authorities, for civil authorities. See Table 3-2, rules 6 and 8.

2. Pay and allowances are forfeited by court-martial sentence. See Chapter 48 of this volume and Table 3-2, rule 10.

3. The term of enlistment expires. See paragraph 030207, below.

030207. Term of Enlistment Expires

A. General. Pay and allowances accrue to a member upon return to a full duty status. Full duty is attained when a member not in confinement is assigned useful and productive duties (as opposed to duties prescribed by regulations for confinement facilities), on a full-time basis which are not inconsistent with the grade, length of service, and military occupational specialty (MOS). While placement in the same MOS is not essential, the decision to place a member in that MOS or to assign the member available duties consistent with the grade and service rests with the appropriate military commander.

B. Absentee Returned to Military Control. An absentee who surrenders or is apprehended after a term of enlistment has expired is not entitled to pay and allowances until restored to a full-duty status for the purpose of making good lost time. While held in retention, a member may be assigned duties as prescribed by regulations governing detained prisoners without being returned to full-duty status.

C. Enlistment Expires Before Trial. An enlisted member retained in the Military Service for the purpose of trial by court-martial is not entitled to pay for any period after expiration of the enlistment unless acquitted or the charges are dismissed, or the member is retained in or restored to a full-duty status.

D. Confined Awaiting Trial by Court-Martial. If a member is confined awaiting court-martial trial when the enlistment expires, pay and allowances end on the date the enlistment expires. If the member is acquitted when tried, pay and allowances accrue until discharge.

E. Confined Serving Court-Martial Sentence. If a member is confined serving court-martial sentence when the enlistment expires, pay and allowances end on the date the enlistment expires unless the sentence is completely overturned or set aside as specified in section 4809 of this volume. Pay and allowances will not accrue again until the date the member is restored to a full-duty status.

F. Confined While in a Status of Being Held in the Service To Make Up Lost Time. If confined while in a status of being held in the Military Service to make up lost time, an enlisted member continues in a pay status, except to the extent that pay may be forfeited by court-martial, the same as during the regular enlistment period. This pay status terminates if the member is in confinement on the date the normal term of service as extended to make up lost time would have expired, even if restored to duty at a later date.

G. Confinement Deferred or Prisoner Restored to Duty. A prisoner in a non-pay status is entitled to pay and allowances when service of sentence to confinement is deferred or the member is restored to a full-duty status. The date restored to duty is the date the member reported present for duty.

H. Absentee Confined Upon Return to Military Control. An enlisted member, whose term of enlistment has expired while in a status of absence without leave or desertion, is not entitled to pay and allowances upon return to military control while confined awaiting trial and disposition of the case, if the conviction becomes final and the member has not been returned to a full-duty status. A member, however, who is returned to military control and restored to full duty for the purpose of making good lost time before being confined to await trial, continues in a pay status except to the extent that pay may be forfeited by court-martial, the same as during the regular enlistment period. This pay status terminates if the member is in confinement on the date the normal term of service as extended to make up lost time would have expired, even if he or she is restored to duty at a later date.

I. Confined Under Sentence of Death. The pay and allowances of a member serving in confinement under sentence of death and pending completion of the appellate review of the record of trial, do not accrue after the expiration of the enlistment.

J. Appellate Review of Court-Martial Sentence. A confined member who is pending appellate review of his or her court-martial sentence is not entitled to pay and allowances after expiration of term of enlistment, unless the conviction is completely overturned or set aside.

030208. Reserve Officer Absent From Duty. A Reserve officer whose term of active service expires while confined as a result of court-martial action, continues to be entitled to pay and allowances, except when forfeited under an approved sentence of a court-martial or a period of service is terminated by proper orders.

| AUTHORIZED ABSENCE—EFFECT ON PAY AND ALLOWANCES |  |   |  |  |
|---|--|---|--|--|
| R<br>U<br>L<br>E                                | A  | B   | C  | D  |
|   | When member is absent from duty  | and   | then member is   | and the period of absence is                         |
| 1   | on authorized leave  | such leave is:<br>a. ordinary accrued leave<br>b. emergency leave<br>c. reenlistment leave<br>d. delay en route | entitled to otherwise proper credit of full pay and allowances during the period of absence  | charged as leave.                                    |
| 2   |  | in advance of that accrued  |  | charged against leave as it accrues (note 1).        |
| 3   |  | such leave is:<br>a. graduation leave<br>b. sick or convalescent leave<br>c. pass or liberty<br>d. proceed time |  | not chargeable against leave.                        |
| 4   | at home on PCS orders awaiting final action on physical evaluation board proceedings   |   | entitled to pay and allowances as follows:<br>a. basic pay<br>b. special pay (if a health professional officer)<br>c. BAS officers and enlisted (note 3)<br>d. BAH (note 2)<br>e. clothing maintenance allowance | chargeable to leave to the extent possible (note 4). |
| 5   | on excess leave  |   | not entitled to pay and allowances except BAH as provided in subparagraph 260501.C (note 7)  | not chargeable to accrued leave (note 6).            |
| 6   | on authorized educational leave of absence not to exceed 2 years   |   | entitled to basic pay (member is not entitled to BAH, BAS, or any other pay and allowance to which member might otherwise be entitled for period of leave of absence)  | not chargeable to accrued leave.                     |
| 7   | on authorized rest and recuperative absence for not more than 30 days for extending duty under sections 1401-1403 of this volume |   | entitled to otherwise proper credit of full pay and allowances during the period of absence (note 5)   | not chargeable to accrued leave.                     |

## NOTES:

- See paragraph 030105 for collection requirements when advance leave is changed to excess leave.
- Members without dependents are entitled to BAH as prescribed in Table 2-3, rules 20 and 21.
- Enlisted members are entitled to BAS at the rate shown in subparagraph 250406.B except for days of leave specifically authorized by the PCS orders. Pay BAS at the rate shown in subparagraph 250406.A for the PCS order-authorized leave period.
- A negative leave balance which existed prior to the member being ordered home continues until separation or retirement and will be collected as excess leave.
- Member is not entitled to special pay under section 1402 of this volume.
- Under DoDD 1327.5, a member does not accrue leave during periods of excess leave (here referred to as “non-accrual”). Computation of the number of days involved in an excess leave balance which accounts for this nonaccrual may result in a total which includes a fraction. Effective with leave taken on or after Feb 1, 1987, the total is not rounded to eliminate the fraction when pay and allowances are collected for excess leave. The fractional one-half day is considered to occur on the first day of the excess leave involved. Collect pay and allowances for the number of days, to include fractional days, according to paragraph 030105 or 030106.
- A member separating effective Mar 1 whose separation leave period through Feb 28 (or through Feb 29 during leap year) results in excess leave, is not entitled to pay and allowances for Feb 29 and 30 (or for Feb 30 during leap year). These days are not considered days of excess leave; however, the member is considered to be in a non-pay status through Feb 30. See paragraph 020202.

Table 3-1. Authorized Absence—Effect on Pay and Allowances

| UNAUTHORIZED ABSENCE AND OTHER LOST TIME—EFFECT ON PAY AND ALLOWANCES |  |  |   |
|---|--|--|---|
| R<br>U<br>L<br>E  | A  | B  | C   |
|   | When member is absent from duty  | and  | the member (note 6)   |
| 1   | without authority (AWOL) or over leave, delays en route, pass or liberty     | the absence is excused as unavoidable  | is entitled to otherwise proper credits of pay and allowances (note 1).   |
| 2   |  | the absence is not excused as unavoidable  | is not entitled to pay and allowances.  |
| 3   | for more than 24 consecutive hours as a result of a disease                  | the disease is caused by and immediately follows intemperate use of alcoholic liquors or habit-forming drugs   | is entitled to allowances but not to basic pay, special, or incentive pay (note 2).   |
| 4   | in confinement by civil authorities  | is being detained as a witness before a civil court  | is entitled to otherwise proper credits of pay and allowances.  |
| 5   |  | the absence is excused as unavoidable (see Table 3-3)  |   |
| 6   |  | the absence is not excused as unavoidable (see Table 3-3)  | is not entitled to pay and allowances, except for that part of the period that is covered by authorized leave, liberty, or pass (note 5).   |
| 7   | in confinement by military authorities for a foreign civil offense           | is not considered “constructively absent” from duty (note 4)   | is entitled to otherwise proper credits of pay and allowances.  |
| 8   |  | is considered “constructively absent” from duty (note 7)   | is not entitled to pay and allowances except for that part of the period that is covered by authorized leave, unless the absence is excused as unavoidable (see Table 3-3).         |
| 9   | in military confinement (other than for civil authorities)                   | is awaiting trial by court-martial or serving a sentence of confinement which did not include a forfeiture of pay  | is entitled to otherwise proper credits of pay and allowances.  |
| 10  |  | is serving a court-martial sentence which includes a forfeiture of pay and allowances  | is entitled to pay and allowances accruing before the date the sentence was approved by the convening authority and to any unforfeited pay and allowances accruing after that date. |
| 11  | as a deserter  | is found guilty of deserting by court-martial or is administratively discharged for desertion or dies prior to return to military control or while awaiting trial by court-martial for the charge of desertion | forfeits all pay and allowances including that due on the first day of desertion (note 3).  |
| 12  | without authority for 3 months while serving as an Army or Air Force officer | is dropped from the rolls by the President   | forfeits all pay and allowances due or to become due (note 3).  |

**NOTES:**

1. Enlisted members are entitled to BAS at the rate prescribed when permission to ration separately is granted unless they were subsisted at government expense.
2. Member is not entitled to pay or allowances for period of hospitalization after expiration of enlistment.
3. Pay and allowances due on date of desertion and on date an officer was dropped from the rolls will be used to satisfy debts due the United States and its instrumentalities.
4. In any case where the commander of the military installation retains the discretionary authority to decide to incarcerate a member (or to merely restrict to the duty station and assign to perform useful and productive duties on a full-time basis), such member will not be considered as being “constructively absent” for the purposes of entitlement to pay and allowances.
5. A member is not entitled to pay and allowances if granted a pass or liberty to serve civil confinement.
6. See section 2605 for entitlement to basic allowance for housing in a non-pay status. See Chapter 10 for entitlement to hostile fire/imminent danger pay which is payable in full for each month in which qualification is made.
7. Under existing DoD policy and Status of Forces Agreements, the United States Commander always retains discretionary authority to incarcerate or restrict a Military Service member to the installation when such a member is pending civil charges, even in cases where incarceration or restriction is requested by foreign authorities. Such member is not considered as being “constructively absent” for the purpose of entitlement to pay and allowances.

**Table 3-2. Unauthorized Absence and Other Lost Time—Effect on Pay and Allowances**

| RULES FOR DETERMINING WHETHER ABSENCE IS UNAVOIDABLE |  |   |   |                                |
|--|--|---|---|--------------------------------|
| R<br>U<br>L<br>E                                     | A  | B   | C   | D                              |
|  | When member is absent from duty  | and   | and   | then the absence may           |
| 1  | in confinement by civil authorities or by military authorities for civil authorities | is tried and acquitted  |   | be excused as unavoidable.     |
| 2  |  | charges are dismissed or member is released (or dies) without trial   | it is clear that arrest and detention were not due to member's misconduct |                                |
| 3  |  | is released without trial upon agreement to make restitution or reparation for the alleged offense                | the commander determines that absence was not due to member's misconduct  |                                |
| 4  |  | is admitted to bail and trial is postponed indefinitely   | it is apparent that the case will not be prosecuted                       |                                |
| 5  |  | was released because the case was discontinued by the prosecutor or plaintiff or because the jury failed to agree |   |                                |
| 6  |  | is tried and convicted  |   | not be excused as unavoidable. |
| 7  |  | is released under bond (not in a full duty status) pending appeal of the case to a higher court                   | the appeal does not result in acquittal                                   |                                |
| 8  |  | is discharged because of imprisonment or conviction by a civil court  |   |                                |
| 9  |  | confinement is due to failure to obey a decree of a civil court   |   |                                |
| 10   | in confinement by civil authorities  | is tried and found not guilty by reason of insanity   | is transferred to a state mental institution                              | be excused as unavoidable.     |
| 11   | without authority (AWOL) or over leave   | the absence could not have been avoided by the member or by military authorities                                  | the absence was not due to member's misconduct                            | be excused as unavoidable.     |
| 12   | over pass or liberty   | the absence could not have been avoided by the member or by military authorities                                  | the absence was not due to member's misconduct                            | be excused as unavoidable.     |
| 13   |  | the absence could have been prevented by member or by military authorities  |   | not be excused as unavoidable. |

Table 3-3. Rules for Determining Whether Absence Is Unavoidable

| COMPUTING PERIODS OF UNAUTHORIZED ABSENCE |                      |             |  |   |   |  |
|---|----------------------|-------------|--|---|---|--|
| R<br>U<br>L<br>E                          | A                    |             |  | B   | C   | D  |
|   | When a member of the |             |  | and the hour of expiration of leave, pass, or liberty, or |   |  |
|   | Army/Air Force       | Navy/Marine |  |   | and the   | then   |
| 1   | X                    | X           | leaves the post of duty, place of service or organization without authority  |   | remains absent more than 24 consecutive hours   | the day of departure will be counted as the first day of unauthorized absence.   |
| 2   |                      |             | fails to report to the organization or post of duty on the last day of authorized leave, pass, or liberty, or authorized travel time | is before 2400 hours as specified in leave orders         | does not report on or before the specified hour of the following day                                | the last day of leave, pass, or liberty, or authorized travel time is the first day of unauthorized absence.                   |
| 3   |                      |             |  | is 2400 hours as specified in leave orders                |   | the day following the last day of leave, pass, or liberty, or authorized travel time is the first day of unauthorized absence. |
| 4   |                      |             | fails to report to the organization or post of duty on the last day of authorized leave, pass, or liberty                            | is not specified in leave orders                          | does not report before normal duty hours of the following day (note)                                | the day following the last day of leave, pass, or liberty is the first day of unauthorized absence.                            |
| 5   | X                    |             |  |   | does not report by 2400 hours of the following day  |  |
| 6   | X                    | X           | fails to report to the organization or post of duty by 2400 hours on the last day of authorized travel time                          | is not specified in orders                                |   | the day following the last day of authorized travel time is the first day of unauthorized absence.                             |
| 7   |                      |             | is AWOL  |   | returns to the place of duty, or organization, or otherwise to the jurisdiction of the Armed Forces | the day before the member's return is the last day of unauthorized absence.  |

NOTE: The unauthorized absence begins at the normal duty hour. No unauthorized absence exists unless the member remains absent for more than 24 hours after the beginning of the normal duty hour.

**Table 3-4. Computing Periods of Unauthorized Absence**



## Chapter 03—Absence from Duty, Effect on Pay and Allowances

|   |            |  |
|---|------------|--|
| 0301—Authorized Leave                         | 030101     | 10 U.S.C. 701(a)   |
|   | 030104.B.9 | MS Comp Gen B-181710,<br>Apr 2, 1975   |
|   | 030105.A   | 37 U.S.C. 502(b)   |
|   | 030105.B   | 10 U.S.C. 701<br>Public Law 99-661, Section<br>506, Nov 14, 1986   |
|   | 030105.C   | 60 Comp Gen 51   |
|   | 030106     | 50 U.S.C. App 2205<br>Public Law 93-64,<br>July 9, 1973  |
|   | 030107     | Public Law 97-81,<br>Nov 20, 1981  |
|   | 030107.B   | MS Comp Gen B-213883,<br>May 30, 1984  |
|   | 030107.B.1 | 55 Comp Gen 507,   |
|   |            |  |
| 0302—Unauthorized Absence and Other Lost Time |            |  |
|   | 030202.A   | 50 U.S.C. App 2205<br>MS Comp Gen B-147334,<br>Nov 6, 1961   |
|   | 030202.C   | 9 Comp Dec 517, 518  |
|   | 030202.E   | 10 U.S.C. 2772   |
|   | 030204.A   | MS Comp Gen B-169366,<br>Apr 8, 1970   |
|   | 030204.B   | 52 Comp Gen 317  |
|   | 030204.C   | MS Comp Gen B-194949,<br>Nov 7, 1979   |
|   | 030205.A   | 14 Comp Gen 710  |
|   | 030205.B.1 | Op JAGA, Sep 27, 1934  |
|   | 030206A.1  | MS Comp Gen B-169366,<br>Apr 8, 1970   |
|   | 030207.A   | 54 Comp Gen 862  |
|   | 030207.B   | 9 Comp Gen 323<br>MS Comp Gen B-23804,<br>Feb 21, 1942<br>MS Comp Gen B-113109,<br>Jan 30, 1953<br>9 Bul JAG 50<br>54 Comp Gen 862 |

|           |  |
|-----------|--|
| 030207.C  | MS Comp Gen B-131446,<br>June 26, 1957 |
| 030207.D  | 30 Comp Gen 449                        |
| 030207.E  | 11 Comp Gen 342                        |
|           | 54 Comp Gen 862                        |
| 030207.F  | 37 Comp Gen 488                        |
|           | 47 Comp Gen 487                        |
| 030207.H  | 37 Comp Gen 380                        |
|           | 9 Comp Gen 323                         |
|           | 3 Comp Dec 676                         |
| 030207.I  | 33 Comp Gen 195                        |
| 030207.J  | 59 Comp Gen 12                         |
| 030208    | MS Comp Gen B-171865,<br>Mar 25, 1971  |
| Table 3-1 |  |
| Rule 4    | 32 Comp Gen 348                        |
| Rule 6    | 10 U.S.C. 708                          |
| Rule 7    | 10 U.S.C. 705                          |
| Note 1    | 37 U.S.C. 402                          |
| Note 2    | 10 U.S.C. 703                          |
| Note 7    | 5 Comp Gen 935                         |
| Table 3-2 |  |
| Rules 1&2 | 40 Comp Gen 366                        |
| Rule 3    | 37 U.S.C. 802                          |
| Rules 5&6 | 8 Comp Gen 80                          |
|           | 36 Comp Gen 173                        |
| Rules 7&8 | 36 Comp Gen 173                        |
|           | 45 Comp Gen 766                        |
|           | MS Comp Gen B-169366,<br>Apr 8, 1970   |
|           | 55 Comp Gen 186                        |
| Rule 11   | <u>US v Landers</u> , 92 US 77         |
| Rule 12   | 37 U.S.C. 803                          |
| Note 1    | 37 U.S.C. 402                          |
| Note 2    | 19 Comp Gen 288, 290                   |
| Note 3    | <u>US v Landers</u> , 92 US 77         |
| Notes 4&5 | 55 Comp Gen 186                        |
| Note 5    | MS Comp Gen B-191301,<br>May 17, 1978  |
| Table 3-3 |  |
| Rule 2    | 7 Comp Gen 496                         |
| Rule 3    | 39 Comp Gen 781                        |
| Rule 4    | 10 Comp Dec 490                        |

|                     |                                      |
|---------------------|--------------------------------------|
| Rule 5              | Op JAG, Mar 18, 1909                 |
| Rule 7              | 11 Comp Dec 755                      |
| Rule 8              | 14 Comp Dec 116                      |
| Rule 9              | Op JAG, 15 Apr 1916                  |
| Rule 10             | MS Comp Gen B-194949,<br>Nov 7, 1979 |
| Rules 11 through 13 | 40 Comp Gen 366                      |

**CHAPTER 4****PAYMENT IN CASES OF VOID, VOIDABLE, OR  
REJECTED ENLISTMENTS OR INDUCTIONS****0401 VOIDABILITY OF CONTRACT**

A fraudulent contract of enlistment or induction is not void but is voidable at the option of the government. When the government becomes aware of the fraud, it may void the contract or waive the objection and allow the contract to stand. (See Table 4-1.)

**0402 FRAUDULENT ENLISTMENTS-PAY AND ALLOWANCES**

Members under investigation or determined to be serving in fraudulent enlistments are due pay and allowances for periods shown in Table 4-1.

**0403 DONATIONS AND TRAVEL PAYMENTS**

See Chapter 35, of this volume.

**0404 DISBURSING OFFICER ENTITLED TO CREDIT**

A disbursing officer is entitled to credit for proper payments to a member who fraudulently enlisted, if payments were made without the knowledge of the fraud and before the government rescinded the contract.

**0405 FAILURE TO DISCOVER PHYSICAL CONDITION OF ENLISTEE OR INDUCTEE**

Failure to discover that the physical condition of an enlistee or inductee was such as would warrant rejection for military service does not deprive member of right to pay and allowances or of the status of being entitled to basic pay. (See Table 4-1.)

| VOID, VOIDABLE OR REJECTED ENLISTMENTS OR INDUCTIONS—PAY AND ALLOWANCES |  |   |  |
|---|--|---|--|
| R<br>U<br>L<br>E  | A  | B   | C  |
|   | When an individual   | and   | then pay and allowances  |
| 1   | is under investigation for a fraudulent enlistment or induction  |   | will continue to be paid until a determination of fraud is made.   |
| 2   | is determined to be serving under a fraudulent enlistment or induction; or enlists in the Army or Air Force before 17 (male) or 18 (female), and the government discovers the defect after the member reaches minimum age; or enlists in the Army or Air Force while 17 (male), 18, 19, or 20 (female), without parent's or guardian's consent | the government neither voids the enlistment or induction nor waives the fraud (or defect) | are suspended (including unpaid pay and allowances) from the date the disbursing officer is notified of the determination of fraud until the government either voids the enlistment or induction, or allows it to stand. |
| 3   |  | the government voids the enlistment or induction  | will not be paid (note 1).   |
| 4   |  | the government waives the fraud (or defect)   | continue and the service is as valid as that of any other member.  |
| 5   | enlists in the Army or Air Force before 17 (male) or 18 (female), and the government discovers the defect before the member reaches minimum age  |   | do not accrue between date of notification to disbursing officer and date of discharge (note 1).   |
| 6   | enlists in the Army or Air Force while 17 (male) or while 18, 19, 20 (female), without parent's or guardian's consent  | is discharged upon application of parent or guardian                                      | accrue to include the date of discharge or release.  |
| 7   | enlists in the Navy or Marine Corps while under the minimum statutory age (17)(male), or while under the minimum statutory age (18) or administrative age (21) (female)  |   |  |
| 8   | was judicially declared to have been mentally incompetent before entry on active duty  | is released from military control for such reason   | do not accrue for any part of the period involved (note 2).  |
| 9   | was not judicially declared to be mentally incompetent before entry on active duty but is later found to have been mentally incompetent at the time of entry on active duty  | is released from military control for such reason   | accrue from the time of entry on active duty until release from military control.  |
| 10  | enlisted or inducted into the Military Service is discovered by Military Service medical authorities to have been medically unfit for induction at the time of entrance into the Military Service  |   | accrue from the time of entry on active duty through the date of release from military control.  |

**NOTES:**

1. Individual retains amounts received before disbursing officer is notified, if otherwise proper.
2. Individual retains amounts received while performing active duty before release from military control.

**Table 4-1. Void, Voidable or Rejected Enlistments or Inductions—Pay and Allowances**

**SUMMARY OF MAJOR CHANGES TO CHAPTER 5  
DOD 7000.14-R, VOLUME 7A  
MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

**New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.**

| <b>Page</b>                   | <b>Paragraph</b>                                    | <b>Explanation of Change/Revision</b>   | <b>Effective Date</b> |
|-------------------------------|---|---|-----------------------|
| 5-12<br>to 5-13               | 050805.D  | IC 37-99 adds a new paragraph that establishes parity with regard to the payment of outstanding bonus obligations upon death of enlisted and officer members. | June 29, 1999         |
| 5-9,<br>5-10,<br>5-13<br>5-19 | 050406.C,<br>050407.F,<br>050803.B,<br>Bibliography | IC 44-99 is regarding fiscal year 2000 medical officer special pay plan.  | Aug 8, 1999           |
| 5-2                           | 050103.C  | IC 46-99 provides additional guidance concerning special pay for medical officers.  | Dec 27, 1999          |
| 5-4,<br>5-6,<br>5-11          | 050302.C,<br>050402.C,<br>050802.C,                 | IC 16-00 reflects references to the new Air Force Instruction Manual.   | Mar 30, 2000          |

*Interim Change 16-00 is incorporated in this change. Interim change 16-00 also affects other chapters and will not be deleted from the interim changes cited in the web site until all such chapters are updated*

## CHAPTER 5

### SPECIAL PAYS FOR MEDICAL OFFICERS

#### 0501 VARIABLE SPECIAL PAY

##### 050101. Entitlement

A. Active Duty for at Least 1 Year. An officer of the Medical Corps of the Army or the Navy or an officer of the Air Force designated as a medical officer who is on active duty under a call or order to active duty for a period of at least 1 year is entitled to special pay as provided in this section and sections 0502 through 0504, below.

B. Active Duty Less than 1 Year in Support of Persian Gulf Conflict. Any officer of the Medical Corps of the Army or the Navy or an officer of the Air Force designated as a medical officer who served on active duty in support of the Persian Gulf Conflict may be entitled to special pay benefits for medical officers. See Chapter 64, Health Care Officers on Active Duty in Support of the Persian Gulf Conflict, to determine eligibility and entitlement.

C. Effective December 5, 1991, the following categories of medical officers on active duty less than 1 year, other than active duty for training are eligible to receive special pay provided under this section, in the same manner as a regular medical officer. Note: See paragraph 050601, below, for medical officers serving on active duty for training.

1. Reservists called to active duty for more than 30 days but less than one year, other than active duty for training.

2. Active duty medical officers involuntarily retained under 10 U.S.C. 12305 (reference (c)).

3. Active duty medical officers who voluntarily agree to remain on active duty for less than 1 year when officers are involuntarily retained on active duty under 10 U.S.C. 12305 (reference (c)), or the Secretary of Defense determines that special circumstances justify the payment of special pay under this subparagraph.

4. Retirees recalled to active duty for more than 30 days under 10 U.S.C. 688 (reference (c)).

D. Payment of special pay authorized by subparagraph 050101.C, above, may be made on a monthly basis, prorating for partial months when appropriate. The officer shall refund any amount received in excess of the amount that corresponds to the actual period of active duty served by the officer.

050102. Rates Payable. The monthly rates payable are:

- A. If the officer is an intern .....\$ 100.00
- B. If the officer has less than 6 years of creditable service and is  
not an intern .....416.66
- C. If the officer has 6 but less than 8 years of creditable service.....1,000.00
- D. If the officer has 8 but less than 10 years of creditable service.....958.33
- E. If the officer has 10 but less than 12 years of creditable service.....916.66
- F. If the officer has 12 but less than 14 years of creditable service.....833.33
- G. If the officer has 14 but less than 18 years of creditable service.....750.00
- H. If the officer has 18 but less than 22 years of creditable service.....666.66
- I. If the officer has 22 or more years of creditable service.....583.33
- J. If the officer is serving in a pay grade above O-6, regardless  
of years of creditable service.....583.33

050103. Special Provisions

A. A medical officer is entitled to variable special pay if an ordered tour of less than 1 year is amended to require continuous active duty for 1 year or more. Entitlement begins on the date the amending orders are issued to extend the tour to 1 year or more.

B. Entitlement to this variable special pay is in addition to any other pay and allowances of the officer.

★ C. *In order to receive this entitlement a Reserve medical officer must be on active duty for more than 30 days but less than 1 year, other than for training. See paragraph 050603, below. (IC 46-99)*

050104. Creditable Service Defined. Use creditable service to compute the medical officer's entitlement to variable special pay. Creditable service includes:

A. All periods of internship and residency training successfully completed while not on active duty; and

B. All periods of internship and residency training not completed, if they were terminated or interrupted as the result of military operational requirements; and



C. All periods of active service in the Medical Corps of the Army or Navy, as an officer of the Air Force designated as a medical officer, or as a medical officer of the Public Health Service.

NOTE: Internship or residency in a foreign medical facility, which is not acceptable under the credentialing criteria of an American Medical or Osteopathic Specialty Examining Board, may not be included in the computation of creditable service.

## 0502 BOARD CERTIFIED PAY

050201. Entitlement. Medical officers as defined in paragraph 050101, above, are entitled to board certified pay for active duty when they meet the requirements of this section.

050202. Rates Payable. The monthly rates payable are:

- A. If the officer has less than 10 years of creditable service.....\$208.33
- B. If the officer has 10 but less than 12 years of creditable service.....291.66
- C. If the officer has 12 but less than 14 years of creditable service.....333.33
- D. If the officer has 14 but less than 18 years of creditable service.....416.66
- E. If the officer has 18 or more years of creditable service.....500.00

050203. Special Provisions

A. A medical officer is entitled to board certified pay if:

- 1. Entitled to variable special pay (section 0501, above); and
- 2. Board certified (paragraph 050205, below).

B. Entitlement to this board certified pay is in addition to any other pay and allowances of the officer.

050204. Creditable Service Defined. See paragraph 050104, above.

050205. Board Certified Defined. A medical officer is considered board certified if:

A. Certified by an American Medical or Osteopathic Specialty Examining Board. (American medical or osteopathic examining boards are those recognized by the American Board of Medical Specialties and the Advisory Board for Osteopathic Specialists. Listings of the recognized certifying boards are published annually in the Directory of Residency

Training Programs, published by the American Medical Association, and the American Osteopathic Association Yearbook and Directory of Osteopathic Physicians.) or

B. Board certification equivalency has been established for specialties unique to military medicine for which there is a formal postgraduate medical training program of not less than 2 academic years. Successful candidates will receive a certificate of board certification equivalency.

#### 0503 ADDITIONAL SPECIAL PAY

050301. Entitlement. Medical officers as defined in paragraph 050101, above, are entitled to additional special pay when they meet the requirements of this section and the requirements of the administrative regulations of the Military Service concerned.

##### 050302. References

A. Army: DA Msg 041500Z Nov 88, as amended by DA Msg 201300Z Dec 89 (reference (k))

B. Navy: SECNAVINST 7220.75 Series (reference (ac))

★ C. *Air Force: AFI 41-109, (reference (j)) (IC 16-00)*

050303. Eligibility Criteria. To qualify for additional special pay under this section, a medical officer must:

A. Not be undergoing internship or initial residency training; and

B. Sign an agreement to remain on active duty for at least 1 additional year from the effective date of the agreement. For medical officers on active duty less than 1 year in support of the Persian Gulf Conflict, see Chapter 64 to determine eligibility and entitlement.

C. Effective December 5, 1991, the following categories of medical officers on active duty less than 1 year, other than active duty for training are eligible to receive special pay provided under this section.

1. Reservists called to active duty for more than 30 days but less than 1 year, other than active duty for training.

2. Active duty medical officers involuntarily retained under 10 U.S.C. 12305 (reference (c)).

3. Active duty medical officers who voluntarily agree to remain on active duty for less than 1 year when officers are involuntarily retained on active duty under 10 U.S.C. 12305 (reference (c)), or the Secretary of Defense determines that special circumstances justify the payment of special pay under this subparagraph.

4. Retirees recalled to active duty for more than 30 days under 10 U.S.C. 688 (reference (c)).

050304. Creditable Service Defined. See paragraph 050104, above.

050305. Rates Payable

A. If eligible under subparagraphs 050303.A and B, above, a medical officer is entitled to additional special pay of \$15,000 for each 12-month period.

B. If eligible under subparagraph 050303.C, above, a medical officer is entitled to a monthly pro rata portion of the annual additional special pay.

050306. Time of Payment

A. Pay additional special pay annually at the beginning of each 12-month period, starting with the effective date of the written agreement.

B. For medical officers eligible under subparagraph 050303.C, above, pay a pro rata portion of the applicable annual amount for additional special pay as a monthly entitlement. If service during any month is less than a full month, prorate the additional special pay on a daily basis.

050307. Termination, Recoupment and Refund of Unearned Additional Special Pay

A. The Secretary of the Military Department concerned (or designee) may terminate, at any time, an officer's entitlement to additional special pay. If entitlement is terminated, recoup the unearned additional special pay on a pro rata basis (based on 360 days per year), subject to subparagraph 050307.C, below.

B. If an officer enters internship or initial residency training or does not serve on active duty for the period of the agreement, recoup the unearned additional special pay on a pro rata basis (based on 360 days per year), subject to subparagraph 050307.C, below.

C. Recoupment of unearned additional special pay is not required when the officer's failure to complete the period of active duty specified in the agreement is due to:

1. Death or disability that is not the result of misconduct or willful neglect and not incurred during a period of unauthorized absence;

2. Separation from military service by operation of laws or DoD or Military Service regulations, when approved by the Secretary of the Military Department concerned (or designee); or

3. In other cases, when the Assistant Secretary of Defense for Health Affairs (ASD(HA)) determines recoupment is not in the best interest of the government.

D. Effective October 1, 1985, a discharge in bankruptcy that is entered less than 5 years after the termination of an additional special pay agreement does not discharge the medical officer from a debt arising under the terminated additional special pay agreement.

E. Medical officers on active duty for more than 30 days but less than 1 year, other than active duty for training, who do not serve the full term of active duty that corresponds to a monthly amount must refund any amount received in excess of the amount that corresponds to the actual period of active duty.

#### 0504 INCENTIVE SPECIAL PAY

050401. Authorization. Medical officers, as defined in paragraph 050101, above, may be authorized incentive special pay when they meet the requirements of the administrative regulations of the Military Service concerned.

##### 050402. References

A. Army: DA Msg 251350Z Jul 1995 (reference (n))

B. Navy: CNO Msg 212325Z Aug 1995 (reference (l))

★ C. *Air Force: AFI 41-109, (reference (j)) (IC 16-00)*

050403. Eligibility Criteria. To be eligible for incentive special pay under this section, a medical officer must:

A. Not be undergoing medical internship or initial residency training; and

B. Be serving in pay grade O-6 or below; and

C. Sign an agreement to remain on active duty for at least 1 year. For medical officers on active duty less than 1 year in support of the Persian Gulf Conflict, see Chapter 64 to determine eligibility and entitlement. The effective date of the agreement will be as prescribed in regulations issued by the Secretary of the Military Department concerned (or designee) and will be included in the agreement; and

D. Be determined by the Military Department concerned to be:

1. Fully qualified in a medical specialty designated as critical and practicing in that specialty a substantial portion of the time, or

2. Assigned to a position as the sole professional resource in the officer's category, or

3. Assigned to a position which has limited professional growth opportunities because of the nature of practice in the assignment, or

4. Isolated from medical educational opportunities, or

5. Lacking any opportunities to interact with the medical community,  
or

6. Affected by other similar factors. Such determinations will be approved by the Secretary of the Military Department concerned (or designee) or the Secretary's designee.

E. Effective December 5, 1991, the following categories of medical officers on active duty for less than 1 year, other than active duty for training, are eligible to receive special pay provided under this subparagraph.

1. Reservists who are called to active duty for more than 30 days but less than 1 year, other than active duty for training.

2. Active duty medical officers who are retained involuntarily under 10 U.S.C. 12305 (reference (c)).

3. Active duty medical officers who agree voluntarily to remain on active duty for less than 1 year when officers are involuntarily retained on active duty under 10 U.S.C. 12305 (reference (c)), or the Secretary of Defense determines that special circumstances justify the payment of special pay under this subparagraph.

4. Retirees recalled to active duty for more than 30 days under 10 U.S.C. 688 (reference (c)).

050404. Creditable Service Defined. See paragraph 050104, above.

050405. Amount Payable

A. Effective October 1, 1992, an officer authorized incentive special pay may be paid an amount in accordance with amounts published annually by the military departments in conjunction with DoD Instruction 6000.13, Medical Manpower and Personnel (reference (r)). The maximum for any incentive special pay is \$36,000 per year.

B. For medical officers eligible under the provisions of subparagraph 050403.E, above, pay a monthly pro rata portion of the applicable annual amount, under regulations prescribed by the Secretary of the Military Department concerned (or designee). Prorate on a daily basis when service during any month is less than a full month.

050406. Time of Payment

A. Pay incentive special pay in a lump sum at the beginning of the 12-month period for which the officer is entitled to such payment or on a monthly basis when the officer is entitled under subparagraph 050403.E, above. Prorate on a daily basis when service during any month is less than a full month.

B. DoD policy generally precludes payment of ISP during the fiscal year in which the qualifying residency training is completed. This policy presents an injustice when the training is completed out of the normal cycle (at a time other than the end of June). In cases where the reason for this out of cycle completion is not the fault of the medical officer, the Surgeon General concerned is delegated the authority to waive DoD policy and grant ISP. The effective date for ISP shall be calculated from the completion date of the qualifying training plus three months.

★ *C. Medical officers who enter into a MSP contract at the rates authorized October 1, 1999, may enter into an ISP contract during FY 00 at the amount listed for the same specialty as the MSP contract. An officer must sign a new MSP contract with an equal or longer obligation in order to receive any future increase in ISP rates. (IC 44-99)*

050407. Termination, Recoupment, and Refund of Unearned Incentive Special Pay

A. The Secretary of the Military Department concerned (or designee), may terminate at any time an officer's entitlement to incentive special pay because of unprofessional conduct or medical incompetence, under pertinent departmental directives. If entitlement is terminated, recoup the unearned incentive special pay on a pro rata basis (based on 360 days per year), subject to the provisions of subparagraph 050407.C, below.

B. If an officer does not serve on active duty for the period of the agreement, is promoted to O-7, or enters internship or initial residency training, recoup the unearned incentive special pay on a pro rata basis (based on 360 days per year), subject to subparagraph 050407.C, below.

C. Recoupment of unearned incentive special pay is not required when the officer's failure to complete the period of active duty specified in the agreement is due to:

1. Death or disability that is not the result of misconduct or willful neglect and not incurred during a period of unauthorized absence;

2. Separation from military service by operation of laws or regulations of the Department or the cognizant Services, when approved by the Secretary of the Military Department concerned (or designee); or

3. In other cases, when the Assistant Secretary of Defense for Health Affairs (ASD(HA)) determines recoupment is not in the best interest of the government under the terminated incentive special pay agreement.

D. Effective October 1, 1985, a discharge in bankruptcy that is entered less than 5 years after the termination of an incentive special pay agreement does not discharge the medical officer from a debt arising under the terminated incentive special pay agreement.

E. Medical officers on active duty other than active duty for training under the provisions of subparagraph 050403.E, above, who do not serve the full term of active duty that corresponds to a monthly amount must refund any amount received in excess of the amount that corresponds to the actual period of active duty.

★ F. *With approval by the Secretary of the Military Department concerned, or designee, a medical officer with an existing single-year ISP contract may terminate that contract on or after October 1, 1999, in order to enter into a new single-year contract only when the new contract will result in a higher ISP rate than the ISP contract being terminated. NOTE: This provision is not intended to allow medical officers to arbitrarily terminate an agreement solely for the purpose of changing the anniversary date to coincide with an Additional Special Pay agreement or a resignation/release from active duty. (IC 44-99)*

#### 0505 INTERSERVICE TRANSFERS

050501. Entitlement Policy. The following instructions apply to the interservice transfers of medical officers serving under additional special pay agreements and incentive special pay agreements:

A. The gaining Military Service will determine the special pay status of the transferred officer.

B. The approval of the interservice transfer by the gaining Military Service will convey approval of any special pay agreement(s) then in effect.

C. Gaining and losing Military Services will prorate payments of special pay to the transferred officer based on effective date of the interservice transfer.

#### 0506 SPECIAL PAY FOR ACTIVE DUTY OF RESERVE MEDICAL OFFICERS

050601. Entitlement. A Reserve officer on active duty for less than 1 year is entitled to special pay at the monthly rate of \$450 for each month of active duty for annual training, active duty for training, or active duty for special work. The amount will be prorated for periods less than 1 month. A member cannot receive any other type of medical pay under this provision.

050602. Active Duty of 1 Year or More. A Reserve medical officer who is on active duty for other than training for 1 year or more or whose orders are amended to require continuous active duty for 1 year or more (from date of amendment) is entitled to the special pays provided in sections 0501 through 0504, above, and 0509 and 0510, below, if otherwise qualified.

050603. Active Duty for More than 30 Days But Less than 1 Year, Other than Active Duty for Training.

A. If otherwise qualified, medical officers involuntarily retained under 10 U.S.C. 12305 (reference (c)), or recalled to active duty under 10 U.S.C. 688 (reference (c)), or medical officers who voluntarily agree to remain on active duty when other officers are involuntarily retained pursuant to 10 U.S.C. 12305 (reference (c)), or when the Secretary of Defense determines that special circumstances justify payment of special pay under this subparagraph, are entitled to the special pays provided in sections 0501 through 0504, 0509 and 0510, below. Payment of special pays pursuant to this paragraph shall be paid on a monthly basis at a monthly pro rata portion of the annual amount. If service during any month is less than a full month, prorate on a daily basis.

B. Medical officers who receive special pay under this paragraph are not entitled to special pay under paragraph 050601, above, for the same period of time. No dual compensation is permitted. Any payment made under paragraph 050601 for the same period shall be recouped before special pay under this paragraph is authorized.

0507 MEDICAL OFFICER RETENTION BONUS (MORB)

050701. Entitlement. For the period January 1, 1989, through September 30, 1990, only, medical officers who were fully qualified in a designated specialty and who met the provisions of this section were eligible to enter into a written agreement for medical officer retention bonus (MORB). A medical officer who entered into a MORB agreement and who also entered into an incentive special pay (ISP) agreement under section 0504 of this chapter may not be paid more than \$16,000 ISP during each year of the MORB agreement.

050702. References

A. Army: DA Message 051300Z Feb 90 as amended by DA Message 071200Z Feb 90 (reference (p))

B. Navy: SECNAVINST 7220.75 Series (reference (ac))

C. Air Force: HQ AFMPC/SGYF Messages 122200Z, Jan 89 and 311800Z, Mar 89 and HQ AFMPC/DPMMF Message 092205Z, Feb 90 (reference (o))

050703. Special Provisions. To be eligible for the MORB, a medical officer must:

A. Be serving in pay grade O-6 or below;

B. Have at least 8 years of creditable service as defined in paragraph 050104, above, or have completed any active duty service commitment incurred for medical education and training;



C. Have completed initial residency training (or will complete before October 1, 1991) and not be pursuing a medical residency or fellowship subsequent to completing initial residency training; or

D. Agree to remain on active duty for at least 2 years, but not more than 4 years.

050704. Payments and Rates Payable

A. MORB is payable in equal annual installments. The initial installment is payable upon execution of the MORB agreement. Thereafter, annual installments are payable on the anniversary of the agreement.

B. Officers with a training obligation under subparagraph 050703.C, above, must understand that they might receive 1 or more MORB installments before their MORB active duty commitment begins. See also subparagraph 050703.D, above.

C. The officer's specialty group and the length of the MORB agreement determine the amounts payable.

050705. Recoupment of Unearned MORB. The provisions of paragraph 050407, above, apply to unserved portions of MORB agreements.

0508 MULTI-YEAR SPECIAL PAY (MSP)

050801. Authorization and Entitlement. Medical officers who are fully qualified in a designated specialty and who meet the provisions of this section are eligible to enter into a written agreement for Multi-Year Special Pay (MSP). Subject to acceptance by the Secretary of the Military Service concerned (or designee), a medical officer with an existing MORB or MSP contract may terminate that contract in order to enter into a new MSP contract, with an equal or longer obligation, at the MSP annual rate in effect at the time of execution of the new MSP contract. Any unearned portion of the terminated contract shall be recouped. The earliest effective date for existing contracts under this authority is October 1, 1992.

050802. References

A. Army: DA Msg 251350Z Jul 95 (reference (n))

B. Navy: CNO Msg 212325Z Aug 95 (reference (l))

★ C. *Air Force: AFI 41-109, (reference (j)) (IC 16-00)*

050803. Eligibility Criteria. A medical officer who is below the grade of O-7 is eligible for MSP when the officer:

A. Has at least 8 years of creditable service or has completed any active duty service commitment incurred for medical education and training; and

★ *B. Has completed specialty qualification (or is scheduled to complete initial residency training before October 1, 1999); and (IC 44-99)*

C. Executes a written agreement to remain on active duty for 2, 3, or 4 years, that is accepted by the Secretary of the Military Department concerned (or designee).

D. The Secretary of the Military Department concerned (or designee), may, based on Service-unique requirements, decline to offer MSP to any specialty that is otherwise eligible or restrict the length of an MSP contract for a specialty to less than 4 years.

050804. Service Obligation. Active duty service obligations for MSP will be established as follows:

A. The officer must sign a written agreement to stay on active duty for either 2, 3, or 4 years, as applicable. The duration of the agreement will determine the amount payable.

B. Obligation for MSP begins after the obligation incurred for medical education and training and/or previous multi-year pay agreements, such as MORB, current at the time of agreement execution, expire.

C. Obligation for additional special pay, incentive special pay, promotion, PCS, and other miscellaneous obligations may be paid back concurrently with the MSP obligation.

050805. Payments and Rates Payable

A. Annual payment amounts for multi-year contracts are published annually by the Military Departments in conjunction with DoD Instruction 6000.13, "Medical Manpower and Personnel" (reference (r)). Subspecialties of a primary specialty are included with the primary specialty except for subspecialties of general surgery, internal medicine, and pediatrics. Medical officers may be paid at the rate for any specialty for which they currently are credentialed; however, the MSP and ISP specialty must be the same.

B. Payment is due upon acceptance of the agreement by the Secretary of Military Service concerned (or designee). Thereafter, payments are due on the anniversary date of the effective date of the agreement for the term of the agreement (i.e., 2, 3, or 4 years).

C. The ASD(HA), in consultation with the Military Departments, will reassess the assignment of specialties to each category every 2 years and direct changes as appropriate to support desired staffing levels.

★ *D. If a member dies before receiving the full amount of the bonus due (including contracted future year anniversary payments) and death is not caused by the*

*member's misconduct, the remaining unpaid bonus balance is payable as a lump sum for inclusion in the settlement of the deceased member's final military pay account. If death is determined to be the result of the member's own misconduct, termination of future payments and proration or recoupment of the bonus, as applicable, will be made in accordance with procedures established for members whose inability to complete a contracted period of service is voluntary or the result of misconduct. (IC 37-99)*

050806.      Recoupment

A.      The provisions of paragraph 050407, above, apply to unserved portions of MSP agreements. However reduce the amount to be recouped by an amount equal to any reduction taken under Chapter 35, subparagraphs 350702.F or 350802.D of this volume.

B.      MSP payments for officers promoted to O-7 will be recouped on a pro rata basis from the effective date of the promotion to O-7.

0509      BOARD CERTIFIED PAY FOR NON-PHYSICIAN HEALTH CARE PROVIDERS

050901.      Entitlement. Officers in the Medical Service Corps of the Army or Navy, or Biomedical Science in the Air Force, Army Medical Specialist Corps, the Nurse Corps of the Army or Navy, or designated as a Nurse in the Air Force who are health care providers (other than psychologists) are entitled to this special pay in equal monthly amounts. Effective October 1, 1995 (or effective October 1, 1994, if authorized by the Secretary of the Military Department concerned (or designee); effective February 10, 1996 to include Nurse Corps Officers, effective October 1, 1997 for Neurorehabilitation and ergonomics) to be eligible for special pay under this section, a non-physician health care provider:

- A.      Has a post baccalaureate degree in the officer's clinical specialty.
- B.      Is certified by a professional board in the officer's specialty (as defined in paragraph 050904, below).
- C.      Is in one of the following fields:
  - 1.      Dietetics
  - 2.      Occupational Therapy
  - 3.      Optometry
  - 4.      Pharmacy
  - 5.      Physical Therapy
  - 6.      Podiatry

7. Social Work
8. Nurse Anesthetist
9. Nurse Practitioners
10. Nurse Midwife
11. Navy Radiation Specialists
12. Air Force Health Physicists (Medical)
13. Adult Nurse Practitioner
14. Family Nurse Practitioner
15. Physician Assistant
16. Audiology/Speech Pathology
17. Neurorehabilitation
18. Ergonomics

050902. Rates Payable. The monthly rates payable are:

- A. If the officer has less than 10 years of creditable service.....\$166.66
- B. If the officer has 10 but less than 12 years of creditable service.....208.33
- C. If the officer has 12 but less than 14 years of creditable service.....250.00
- D. If the officer has 14 but less than 18 years of creditable service.....333.33
- E. If the officer has 18 or more years of creditable service.....416.66

050903. Creditable Service Defined. For purposes of awarding psychologist Diplomate Pay and Board Certified Pay for non-physician health care providers, the creditable service of the officer is computed by totaling all periods of active service after the officer was qualified in the specialty in the Medical Service Corps of the Army or Navy; as a Biomedical Science Officer in the Air Force; in the Army Medical Specialist Corps; in the Nurse Corps of the Army or Navy; or designated as a Nurse in the Air Force.

050904. Board Certified Defined. A non-physician health care provider is considered board certified if:

- A. Certified by boards from an organization defined for each specialty:
1. Dietitians -- Commission on Dietetic Registration and Fellow of the American Dietetic Association
  2. Occupational Therapy--American Occupational Therapy Certification Board
  3. Optometry -- American Academy of Optometry
  4. Pharmacy -- American Board of Pharmaceutical Specialties, Oncology Pharmacy Board, and Psychiatric Pharmacy Board
  5. Physical Therapy -- American Board of Physical Therapy Specialists
  6. Podiatry -- Council on Podiatric Medical Education
  7. Social Work -- American Board of Examiners in Social Work
  8. Nurse Anesthetist -- American Association of Nurse Anesthetists
  9. Nurse Practitioners -- American Nurses Association
  10. Nurse Midwife -- American College of Nurse Midwives
  11. Navy Radiation Specialists -- American Board of Radiology
  12. Air Force Health Physicists (Medical) -- American Board of Radiology
  13. Adult and Family Nurse Practitioner – American Academy of Nurse Practitioners Certification Program
  14. Physician Assistant – National Commission of Certification of Physician Assistants
  15. Audiology/Speech Pathology – Clinical Certification in (a) Audiology, (b) Hearing, or (c) Speech-Language
  16. Neurorehabilitation – American Occupational Therapy Certification Board
  17. Ergonomics – Board of Certification in Professional Ergonomics

0510 DIPLOMATE PAY FOR PSYCHOLOGISTS

051001. Entitlement. Officers in the Medical Service Corps of the Army or Navy or a Biomedical Sciences Officer in the Air Force and medical officers defined in paragraphs 050602 and 050603, above, are entitled to diplomate pay. Effective October 1, 1995 (or effective October 1, 1994, if authorized by the Secretary of the Military Department concerned (or designee)), a psychologist who has been awarded a diploma as a Diplomate in Psychology by the American Board of Professional Psychology is eligible for diplomate pay.

051002. Rates Payable. The monthly rates payable are:

- A. If the officer has less than 10 years of creditable service..... \$166.66
- B. If the officer has 10 but less than 12 years of creditable service ..... 208.33
- C. If the officer has 12 but less then 14 years of creditable service ..... 250.00
- D. If the officer has 14 but less than 18 years of creditable service ..... 333.33
- E. If the officer has 18 or more years of creditable service ..... 416.66

## Chapter 5 — Special Pays for Medical Officers

|                             |                |   |
|-----------------------------|----------------|---|
| 0501— Variable Special Pay  |                | 10 U.S.C. 1076a   |
|                             | 050101         | 10 U.S.C 1076A  |
|                             | 050101.C and D | ASD(HA) Memo,<br>Jan 19, 1993<br>Public Law 102-190,<br>Section 634, Dec 5, 1991                        |
|                             | 050102         | 37 U.S.C. 302(a)(2)   |
|                             | 050102.J       | 37 U.S.C. 302(a)(3) amended<br>by Public Law 101-510,<br>Nov 5, 1990                                    |
|                             | 050104         | 37 U.S.C. 302(g)<br>DoD Directive 1340.13,<br>July 23, 1988   |
| 0502—Board Certified Pay    |                |   |
|                             | 050202         | 37 U.S.C. 302(a)(5)   |
|                             | 050205         | DoD Directive 1340.13,<br>July 23, 1988   |
| 0503—Additional Special Pay |                |   |
|                             | 050303         | 37 U.S.C. 302(a)(4)<br>37 U.S.C. 302(c)(1)  |
|                             | 050303.C       | ASD(HA) Memo,<br>Jan 19, 1993<br>Public Law 102-190,<br>section 634, Dec 5, 1991                        |
|                             | 050305         | 37 U.S.C. 302(a)(4)<br>ASD(HA) Memo,<br>Jan 19, 1993<br>Public Law 102-190,<br>section 634, Dec 5, 1991 |
|                             | 050306         | 37 U.S.C. 302(e)<br>ASD(HA) Memo,<br>Jan 19, 1993<br>Public Law 102-190,<br>Section 634, Dec 5, 1991    |
|                             | 050307         | 37 U.S.C. 302(c)(2)<br>37 U.S.C. 302(f)   |
|                             | 050307.E       | ASD(HA) Memo,<br>Jan 19, 1993<br>Public Law 102-190,<br>section 634, Dec 5, 1991                        |

## 0504—Incentive Special Pay

|         |   |
|---------|---|
| 050403  | 37 U.S.C. 302(b) & (c)<br>DoD Directive 1340.13,<br>July 23, 1988   |
| 050403E | ASD(HA) Memo,<br>Jan 19, 1993<br>Public Law 102-190,<br>section 634, Dec 5, 1991  |
| 050404  | 37 U.S.C. 302(b)<br>Public Law 101-189,<br>Nov 29, 1989<br>ASD(HA) Memo,<br>Sep 1, 1992<br>ASD(HA) Memo,<br>Jan 19, 1993<br>Public Law 102-190,<br>Section 634, Dec 5, 1991 |
| 050405  | 37 U.S.C. 302(e)<br>ASD(HA) Memo,<br>Jan 19, 1993<br>Public Law 102-190,<br>section 634, Dec 5, 1991  |
| 050405A | DoDI 6000.13, Jun 30, 1990<br>ASD(HA) Memo,<br>Aug 21, 1997   |
| 050406  | 37 U.S.C. 302(c)(2)<br>37 U.S.C. 302(f)   |
| 050406C | ASD(HA) Memo,<br>Aug 8, 1999  |
| 050406E | ASD(HA) Memo,<br>Jan 19, 1993<br>Public Law 102-190,<br>section 634, Dec 5, 1991  |
| 050407F | ASD(HA) Memo,<br>Aug 8, 1999  |

## 0505—InterService Transfers

|        |   |
|--------|---|
| 050501 | DoD Directive 1340.13,<br>July 23, 1988 |
|--------|---|

0506—Special Pay for Active Duty of Reserve  
Medical Officers

|        |   |
|--------|---|
| 050601 | Public Law 101-189,<br>section 702,<br>Nov 29, 1989 |
|--------|---|



|   |               |   |
|---|---------------|---|
|   | 050602        | 37 U.S.C. 302(h)  |
|   | 050603        | 37 U.S.C. 302(h)  |
|   |               | ASD(HA) Memo,<br>Jan 19, 1993   |
|   |               | Public Law 102-190,<br>section 634, Dec 5, 1991   |
| 0507—Medical Officer Retention Bonus (MORB)                         |               |   |
|   | 050701-050705 | Public Law 100-456,<br>Section 612,<br>Sep 29, 1988   |
| 0508—Multi-Year Special Pay (MSP)                                   |               |   |
|   | 050801        | Public Law 101-510,<br>Nov 5, 1990  |
|   |               | ASD(HA) Memo,<br>Jan 22, 1991   |
|   |               | ASD(HA) Memo,<br>Sep 1, 1992  |
|   | 050803        | ASD(HA) Memo,<br>Sep 1, 1992  |
|   | 050803B       | ASD(HA) Memo,<br>Aug 8, 1999  |
|   | 050805A       | DoDD 6000.12, Apr 29, 1996<br>DoDI 6000.13, Jun 30, 1996<br>ASD(HA) Memo,<br>Aug 21, 1997<br>ASD(FMP) Memo<br>Jun 29, 1999  |
|   | 050805D       | ASD(FMP) Memo,<br>Jun 29, 1999  |
|   | 050806        | Public Law 103-139,<br>section 8127,<br>Nov 11, 1993  |
| 0509—Board Certified Pay for Non-Physician<br>Health Care Providers |               |   |
|   | 050901        | OASD(HA) Memos,<br>Sep 22, 1994,<br>Sep 6, 1995,<br>May 30, 1996,<br>July 10, 1996,<br>Jan 22, 1997, and<br>Mar 12, 1997<br>37 USC 302c(d) as amended<br>by Public Law 104-106, |

|                                       |   |
|---------------------------------------|---|
|                                       | section 617,<br>Feb 10, 1996<br>OASD(HA) Memo,<br>May 30, 1996<br>OASD(HA) Memo,<br>July 10, 1996<br>OASD(HA) Memo,<br>Jan 22, 1997<br>OASD(HA) Memo,<br>Mar 12, 1997 |
| 050901C17                             | OASD(HA) Memo,<br>Nov 26, 1997  |
| 050901C18                             | OASD(HA) Memo,<br>Nov 26, 1997  |
| 050904                                | OASD (HA) Memo,<br>May 30, 1996<br>Public Law 104-106,<br>section 617,<br>Feb 10, 1996<br>OASD(HA) Memo,<br>July 10, 1996,<br>Jan 22, 1997, and<br>Mar 12, 1997       |
| 050904A1                              | OASD(HA) Memo,<br>Apr 27, 1998  |
| 050904A4                              | OASD(HA) Memo,<br>Apr 27, 1998  |
| 0510--Diplomate Pay for Psychologists |   |
| 051001                                | OASD(HA) Memo,<br>Sep 22, 1994 and<br>Sep 6, 1995<br>37 USC 302c (c)  |

**SUMMARY OF MAJOR CHANGES TO CHAPTER 6  
DOD 7000.14-R, VOLUME 7A  
MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

**New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.**

| <b>Page</b>                  | <b>Paragraph</b>                                  | <b>Explanation of Change/Revision</b>  | <b>Effective Date</b> |
|------------------------------|---|--|-----------------------|
| 6-9 to<br>6-10               | 060805.B  | IC 37-99 adds a new subparagraph b, that establishes parity with regard to the payment of outstanding bonus obligations upon death of enlisted and officer members. Paragraph 060805 is renumbered as 060805.A | June 29, 1999         |
| 6-1,<br>6-6,<br>6-9,<br>6-11 | 060103,<br>060402.C,<br>060802.C,<br>Bibliography | IC 16-00 reflects references to the new Air Force Instruction Manual.  | Mar 30, 2000          |

*Interim change 16-00 is incorporated in this change. Interim change 16-00 also affect other chapters and will not be deleted from the interim changes cited in the web site until all such chapters are updated.*

## CHAPTER 6

### SPECIAL PAYS FOR DENTAL OFFICERS

#### 0601 ACCESSION BONUS

##### 060101. Entitlement

A. An individual, who executes a written agreement to accept a commission as an officer of the Dental Corps of the Army or the Navy or an officer of the Air Force designated as a dental officer, to serve on active duty for a period of not less than 4 years and, upon acceptance of the agreement by the Secretary of the Military Department concerned (or designee), is entitled to dental officer accession bonus.

B. A former dental officer who no longer holds an appointment, and is otherwise eligible, must have been discharged from any Uniformed Service at least 2 years prior to execution of the written agreement to be entitled to dental officer accession bonus.

C. An individual who holds an appointment as a dental officer in either the active or Reserve Component is not eligible for the accession bonus.

##### 060102. Special Provisions

A. The individual must not have received financial assistance from the Department of Defense to pursue a course of study in dentistry in exchange for an agreement to accept an appointment as a dental officer. This prohibition includes, but is not limited to, participants of the Armed Forces Health Professions Scholarship Program and Financial Assistance Program.

B. The individual must be qualified to become and remain certified and licensed as a dentist as determined by the requirements of the Military Service concerned.

C. The individual must be a graduate of a dental school accredited by the American Dental Association.

D. To be entitled, eligible officers must sign a written agreement, on or after October 1, 1996, through September 30, 2002, to serve on active duty in exchange for receiving the accession bonus.

★ 060103. Rates Payable. *For the period October 1, 1996, through September 30, 2002, if eligible under paragraph 060102, above, a dental officer may receive an amount not to exceed \$30,000. (IC 16-00).*

060104. Termination, Recoupment, and Refund of Unearned Accession Bonus

A. An officer who fails to become and remain certified or licensed as a dentist during the period for which the payment is made shall refund the full amount of the bonus.

B. An officer who voluntarily terminates service on active duty before the end of the obligated period shall refund the unserved portion of the accession bonus.

C. A discharge in bankruptcy under Title 11, United States Code (reference (aj)), which is entered less than 5 years after the termination of an accession bonus agreement, does not discharge a person from a debt arising under such agreement or subparagraphs 060104.A and B, above. This applies to any case commenced under Title 11 (reference (aj)) after October 1, 1996.

0602 VARIABLE SPECIAL PAY060201. Entitlement

A. Active Duty for at Least 1 Year. An officer of the Dental Corps of the Army or the Navy or an officer of the Air Force designated as a dental officer who is on active duty under a call or order to active duty for a period of at least 1 year is entitled to special pay as provided in this section and sections 0603 through 0605, below.

B. Active Duty Less Than 1 Year in Support of Persian Gulf Conflict. Any officer of the Dental Corps of the Army or the Navy or an officer of the Air Force designated as a dental officer who served on active duty in support of the Persian Gulf Conflict may be entitled to special pay benefits for dental officers. See Chapter 64 of this volume to determine eligibility and entitlement.

C. Effective December 5, 1991, the following categories of dental officers on active duty less than 1 year, other than active duty for training, are eligible to receive special pay provided under this section, in the same manner as a regular dental officer.

1. Members of the Reserve Components called to active duty for more than 30 days but less than 1 year, other than active duty for training.

2. Active duty dental officers involuntarily retained under 10 U.S.C. 12305 (reference (c)).

3. Active duty dental officers who voluntarily agree to remain on active duty for less than 1 year when officers are involuntarily retained on active duty under 10 U.S.C. 12305 (reference (c)), or the Secretary of Defense determines that special circumstances justify the payment of special pay under this subparagraph.

4. Retired dental officers recalled to active duty for more than 30 days under 10 U.S.C. 688 (reference (c)).

060202. Rates Payable. The monthly rates payable are:

- A. If the officer is an intern or has less than 3 years of creditable service.....\$250.00
- B. If the officer has 3 but less than 8 years of creditable service and is not an intern.....\$583.33
- C. If the officer has 8 but less than 12 years of creditable service....\$1,000.00
- D. If the officer has 12 but less than 14 years of creditable service.....\$833.33
- E. If the officer has 14 but less than 18 years of creditable service.....\$750.00
- F. If the officer has 18 or more years of creditable service.....\$666.67
- G. If the officer is serving in a pay grade above O-6, regardless of years of creditable service.....\$583.33

060203. Special Provisions

A. A dental officer is entitled to variable special pay if an ordered tour of less than 1 year is amended to require continuous active duty for 1 year or more. Entitlement begins on the date the amending orders are issued to extend the tour to 1 year or more.

B. Entitlement to this variable special pay is in addition to any other pay and allowances of the officer.

060204. Creditable Service Defined. Use creditable service to compute the dental officer's entitlement to variable special pay. Creditable service includes all periods of:

A. Internship and residency training successfully completed while not on active duty

B. Internship and residency training not completed, if they were terminated or interrupted as the result of military operational requirements

C. Active service in the Dental Corps of the Army or Navy, as an officer of the Air Force designated as a dental officer, or as a dental officer of the Public Health Service.

0603 BOARD CERTIFIED PAY

060301. Entitlement. Dental officers as defined in paragraph 060201, above, are entitled to board certified pay for active duty when they meet the requirements of this section.

060302. Rates Payable. The monthly rates payable are:

- |    |  |          |
|----|--|----------|
| A. | If the officer has less than 10 years of creditable service        | \$208.33 |
| B. | If the officer has 10 but less than 12 years of creditable service | \$291.66 |
| C. | If the officer has 12 but less than 14 years of creditable service | \$333.33 |
| D. | If the officer has 14 but less than 18 years of creditable service | \$416.66 |
| E. | If the officer has 18 or more years of creditable service          | \$500.00 |

060303. Special Provisions

A. A dental officer is entitled to board certified pay if:

1. Entitled to variable special pay (section 0602, above); and
2. Board certified (paragraph 060305, below).

B. Entitlement to this board certified pay is in addition to any other pay and allowances of the officer.

060304. Creditable Service Defined. See paragraph 060204, above.

060305. Board Certified Defined. A dental officer is considered board certified if he or she is:

A. Certified by an American Dental Specialty Examining Board recognized by the American Dental Association (ADA); or

B. Awarded a Board Certification Equivalency Certificate issued by the Department of Defense or a Military Department for a Service-recognized dental specialty which is unique to military dentistry. To be eligible for certification, a dental officer must have completed a formal postgraduate training program of not less than 2 academic years in a military dental specialty for which there is a documented requirement.

0604 ADDITIONAL SPECIAL PAY

060401. Entitlement. Dental officers as defined in paragraph 060201, above, are entitled to additional special pay when they meet the requirements of this section and the requirements of the Military Service concerned.

060402. References

A. Army: DA Msg 061843Z Aug 86 (reference (s))

B. Navy: SECNAVINST 7220.61F (reference (t))

★ C. *Air Force: AFI 41-109 (reference (j)) (IC 16-00)*

060403. Eligibility Criteria. Effective December 5, 1991, dental officers on active duty for less than 1 year, other than active duty for training, under the provisions of subparagraph 060201.C, above, receive additional special pay provided under this section. To qualify for additional special pay under this section, a dental officer who is entitled to variable special pay under section 0602, above, must:

A. Not be undergoing internship or initial residency training; and

B. Sign an agreement to remain on active duty for at least 1 additional year from the effective date of the agreement. (For dental officers who were on active duty less than 1 year in support of the Persian Gulf conflict, see Chapter 64 of this volume to determine eligibility and entitlement.)

060404. Creditable Service Defined. See paragraph 060204, above.

060405. Rates Payable. If eligible under paragraph 060403, above, a dental officer with:

A. Less than 3 years of creditable service is entitled to additional special pay of \$4,000 for each 12-month period.

B. At least 3, but less than 10 years of creditable service, is entitled to additional special pay of \$6,000 for each 12-month period.

C. At least 10 or more years of creditable service, is entitled to additional special pay of \$15,000 for each 12-month period.

D. If eligible under subparagraph 060403.C, above, pay a monthly pro rata portion of the applicable annual amount for additional special pay. If service during any month is less than a full month, prorate on a daily basis.



060406. Time of Payment. Pay additional special pay annually at the beginning of each 12-month period, starting with the effective date of the written agreement. For dental officers eligible under subparagraph 060403.C, above, pay a monthly pro rata portion of the annual amount on a monthly basis, prorating on a daily basis for any month in which service is less than a full month.

060407. Termination, Recoupment, and Refund of Unearned Additional Special Pay

A. The Secretary of the Military Department concerned may terminate, at any time, an officer's entitlement to additional special pay. If entitlement is terminated, recoup the unearned additional special pay on a pro rata basis (based on 360 days per year), subject to subparagraph 060407.C, below.

B. If an officer enters internship or initial residency training or does not serve on active duty for the period of the agreement, recoup the unearned additional special pay on a pro rata basis (based on 360 days per year), subject to subparagraph 060407.C, below.

C. Recoupment of unearned additional special pay is not required when the officer's failure to complete the period of active duty specified in the agreement is due to:

1. Death or disability that is not the result of misconduct or willful neglect and not incurred during a period of unauthorized absence;

2. Separation from military service by operation of laws or regulations of DoD or Military Service regulations, when approved by the Secretary of the Military Department concerned (or designee); or

3. In other cases, when the Assistant Secretary of Defense for Health Affairs (ASD(HA)) determines that recoupment is not in the best interest of the government.

D. A discharge in bankruptcy that is entered within 5 years after the last day of a terminated additional special pay agreement that had specified the period of time an officer had agreed to serve, does not discharge the dental officer from a debt arising under the terminated additional special pay agreement.

E. Dental officers on active duty for less than 1 year, other than active duty for training, who do not serve the full term of active duty that corresponds to a monthly amount must refund any amount received in excess of the amount that corresponds to the actual period of active duty.

## 0605 TRANSITION (SAVINGS) PROVISIONS

060501. Entitlement

A. Effective October 1, 1985, a dental officer who is entitled to the special pays of this chapter is entitled to such pays in an annual amount at least equal to the total annual amount of special pay for active duty plus dental continuation pay, if any, the officer would have been entitled to on September 30, 1985, under the then existing provisions of law and DoD regulation.

B. The computation under this section will include the dental officer's continuation pay entitlement amount (under previous law and DoD regulation in effect on September 30, 1985) only if the officer enters into an additional special pay agreement under section 0604, above. Otherwise, only the officer's monthly special pay for active duty (under previous law in effect on September 30, 1985) will be included.

C. The DoD regulation in effect September 30, 1985, provided that a dental officer who was in a residency training program or a formal dental education program was entitled to continuation pay in an amount equal to basic pay for 2 months at the rates in effect on October 1, 1979. When an officer was in a training status on September 30, 1985, the officer's continuation pay entitlement (basic pay for 2 months) is the amount which will be used to calculate the officer's saved pay. Effective November 14, 1986, and when no longer in such a training status, the officer's saved pay may be recalculated as if the officer had not been in a training status on September 30, 1985.

D. A dental officer who was accepted for a residency training program or a formal dental education program on or before September 30, 1985, which is scheduled to begin after September 30, 1985, is entitled to saved pay while in that program based upon his or her continuation pay entitlement on September 30, 1985.

#### 0606 SPECIAL PAY FOR ACTIVE DUTY OF RESERVE DENTAL OFFICERS

060601. Entitlement. A Reserve dental officer on active duty for less than 1 year is entitled to special pay at the monthly rate of \$350 for each month of active duty, including active duty in the form of annual training, active duty for training, and active duty for special work. The amount will be prorated for periods less than 1 month.

#### 060602. Active Duty for More Than 30 Days But Less Than 1 Year, Other Than Active Duty for Training

A. Reserve dental officers serving on active duty for more than 30 days but less than 1 year, other than active duty for training (37 U.S.C. 302f, subsection (b) (reference (aa))), are entitled to Variable Special Pay, Additional Special Pay, and Board Certified Pay at rates specified in sections 0602 through 0604, above. Payments shall be paid monthly and amounts shall be prorated for periods of less than 1 month. Reserve dental officers receiving additional special pay under 37 U.S.C. 302f (b) (reference (aa)), are not required to execute a written agreement to remain on active duty for at least 1 year.

B. Reserve dental officers who receive special pay under this paragraph are not entitled to special pay under paragraph 060601, above, for the same period of time. No dual

compensation is permitted.

0607 INTERSERVICE TRANSFERS

060701. Entitlement Policy. The provisions of Chapter 5, paragraph 050501 of this volume apply to dental officers.

0608 MULTIYEAR RETENTION BONUS (MRB)

060801. Authorization and Entitlement. A dental officer who executes a written agreement to remain on active duty for 2, 3, or 4 years after completion of any other active duty service commitment may, upon acceptance of the written agreement by the Secretary of the Military Department concerned, be paid a retention bonus. The earliest effective date for contracts under this authority is November 18, 1997.

060802. References

- A. Army: 181101Z Aug 1999
- B. Navy: SECNAVINST 7220.61

★ C. *Air Force: AFI 41-109 (reference (j)) (IC 16-00)*

060803. Eligibility Criteria. An officer of the Armed Forces who is below the pay grade of O-7 is eligible for MRB when the officer:

- A. Is an officer of the Dental Corps of the Army or the Navy or an officer of the Air Force designated as a dental officer;
- B. Has dental specialty in oral and maxillofacial surgery;
- C. Has at least 8 years of creditable service or has completed any active duty service commitment incurred for dental education and training; and
- D. Has completed initial residency training (or will complete such training before September 30 of the fiscal year in which the officer enters into an agreement under paragraph 060801, above).

060804. Special Provisions. At the discretion of the Secretary of the Military Department concerned (or designee), the Secretary may enter into a written agreement described in paragraph 060801, above, with a dental officer who does not have the dental specialty specified in paragraph 060803, above, and pay a retention bonus to the dental officer as provided in this section, if the officer otherwise satisfied the eligibility requirements specified in paragraph 060803.

060805. Rates Payable

★ A. *The annual Dental Officer MRB payment is determined by the length of the agreement and the level, which depends upon eligibility specialties. These payments are paid on the anniversary date of the written agreement. Eligible specialties in Level 1 are Oral-Maxillofacial Surgeons, Endodontics, Orthodontics, and Periodontics. Eligible specialties in Level 2 are Comprehensive/Operative Dentistry, General Dentistry/Dental Research, Oral Pathology/Oral Diagnosis/Oral Medicine, Pediatric Dentistry, Prosthodontics, and Public Health Dentistry. Payment shall be paid at the following rates: (IC 37-99)*

- ★ 1. *\$14,000 for a 4-year written agreement at Level 1; (IC 37-99)*
- ★ 2. *\$12,000 for a 4-year written agreement at Level 2; (IC 37-99)*
- ★ 3. *\$8,000 for a 3-year written agreement at Level 1; (IC 37-99)*
- ★ 4. *\$6,000 for a 3-year written agreement at Level 2; (IC 37-99)*
- ★ 5. *\$4,000 for a 2-year written agreement at Level 1; or (IC 37-99)*
- ★ 6. *\$3,000 for a 2-year written agreement at Level 2. (IC 37-99)*

★ B. *If a member dies before receiving the full amount of the bonus due (including contracted future year anniversary payments) and death is not caused by the member's misconduct, the remaining unpaid bonus balance is payable as a lump sum for inclusion in the settlement of the deceased member's final military pay account. If death is determined to be the result of the member's own misconduct, termination of future payments and proration or recoupment of the bonus, as applicable, will be made in accordance with procedures established for members whose inability to complete a contracted period of service is voluntary or the result of misconduct. (IC 37-99)*

060806. Recoupment. If an officer who has received payment fails to complete the total period of active duty specified in the agreement, as conditions and circumstances warrant, repayment on a pro rata basis is required. An obligation to reimburse the United States imposed under this section is for all purposes a debt owed to the United States. A discharge in bankruptcy under Title 11, United States Code, (reference (aj)) that is entered less than 5 years after the termination of an agreement under this section does not discharge the member signing such an agreement from a debt arising under such agreement. This applies to any case commenced under Title 11, United States Code, after November 18, 1997.

## Chapter 6—Special Pays for Dental Officers

## 0601—Accession Bonus

37 U.S.C. 302h  
 OASD(HA) Memo,  
 Jan 6, 1997  
 Public Law 104-201,  
 Section 615,  
 Sep 23, 1996  
*OASD/HA Memo,  
 Jan 6, 1997*

★

*060103*

## 0602—Variable Special Pay

060201  
 060201.C

37 U.S.C. 302b(a)(1)  
 ASD(HA) Memo,  
 Jan 19, 1993  
 Public Law 102-190,  
 section 634,  
 Dec 5, 1991  
 Public Law 105-85,  
 section 618,  
 Nov 18, 1997,  
 OASD(HA) Memo,  
 Oct 28, 1996 and  
 Dec 11, 1997  
 37 U.S.C. 302b(a)(2)  
 37 U.S.C. 302b(g)  
 DoDD1340.8,  
 Feb 21, 1986

060202

060204

## 0603—Board Certified Pay

060302

37 U.S.C. 302b(a)(4)  
 OASD(HA) Memo,  
 Oct 28, 1996

060305

DoDD #1340.8,  
 Feb 21, 1986

## 0604—Additional Special Pay

060403  
 060403.C

37 U.S.C. 302b(a)(4)  
 ASD(HA) Memo,  
 Jan 19, 1993  
 Public Law 102-190,  
 section 634,  
 Dec 5, 1991

060405

OASD(HA) Memo,  
 Oct 28, 1996

|  |  |
|--|--|
| 060405.B                                     | Public 105-85,<br>section 618,<br>Nov 11, 1997<br>OASD(HA) Memo,<br>Nov 11, 1996<br>OASD(HA) Memo,<br>Dec 11, 1997 |
| 060405.C                                     | Public Law 105-85,<br>section 618,<br>Nov 18, 1997<br>OASD(HA) Memo,<br>Dec 11, 1997                               |
| 060405.D                                     | ASD(HA) Memo,<br>Jan 19, 1993<br>Public Law 102-190,<br>Section 634,<br>Dec 5, 1991                                |
| 060406                                       | 37 U.S.C. 302b(d)<br>ASD(HA) Memo,<br>Jan 19, 1993<br>Public Law 102-190,<br>section 634,<br>Dec 5, 1991           |
| 060407                                       | 37 U.S.C. 302b<br>DoDD 1340.8,<br>Feb 21, 1986   |
| 060407E                                      | ASD(HA) Memo,<br>Jan 19, 1993<br>Public Law 102-190,<br>section 634,<br>Dec 5, 1991                                |
| 0605—Transition (Savings) Provisions         |  |
| 060501                                       | DoDD 1340.8,<br>Feb 21, 1986   |
| 0606—Special Pay for Reserve Dental Officers |  |
|  | OASD(HA) Memo<br>Oct 28, 1996  |
| 0608—Multiyear Retention Bonus (MRB)         |  |
|  | OASD(HA) Memo,<br>Dec 30, 1997<br>Public Law 105-85<br>section 617,<br>Nov 18, 1997                                |

060805.A

ASD(HA) Memo,  
Oct 13, 1998

060805.B

ASD(FMP) Memo  
Jun 29, 1999

**SUMMARY OF MAJOR CHANGES TO CHAPTER 07**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.

| <b>Page</b> | <b>Paragraph</b> | <b>Explanation of Change/Revision</b>  | <b>Effective Date</b> |
|-------------|------------------|--|-----------------------|
| 7-1         | 0702             | IC 11-00 adds a new paragraph that provides Diplomate special pay for Veterinary Officers. | Oct 1, 1999           |



*IC 11-00 is incorporated in this chapter. It is being sent for coordination under the new date format and with the bibliography inserted at the end.*

## CHAPTER 7

### SPECIAL PAY FOR VETERINARIANS AND OPTOMETRISTS

#### 0701 ENTITLEMENT

070101. Active Duty For at Least 1 Year. Veterinary and optometry officers who are on active duty for 1 year or more, or whose orders are amended to require continuous active duty for 1 year or more (from date of amendment) are entitled to special pay at the monthly rate of \$100.

070102. Active Duty Less Than 1 Year in Support of Persian Gulf Conflict. Any veterinary or optometry officer who served on active duty in support of the Persian Gulf Conflict may be entitled to special pay benefits for veterinary or optometry officers. See Chapter 64, Health Care Officers on Active Duty in Support of the Persian Gulf Conflict, to determine eligibility and entitlement.

070103. Effective December 5, 1991, the following categories of veterinary and optometry officers on active duty less than 1 year, other than active duty for training, became eligible to receive special pay provided under this section.

A. Reservists called to active duty for more than 30 days but less than 1 year, other than active duty for training.

B. Active duty veterinary or optometry officers involuntarily retained under 10 U.S.C. 12305 (reference (c)).

C. Active duty veterinary or optometry officers who voluntarily agree to remain on active duty for less than 1 year when such officers were retained involuntarily on active duty under 10 U.S.C. 12305 (reference (c)), or the Secretary of Defense determined that special circumstances justify the payment of special pay under this subparagraph.

D. Any retired veterinary or optometry officer recalled to active duty for more than 30 days under 10 U.S.C. 688 (reference (c)).

#### 0702 DIPLOMATE PAY FOR VETERINARY OFFICERS

070102. Eligibility. *A commissioned officer is entitled to receive Diplomat special pay who:*

A. *Is in the Veterinary Corps on active duty with the Regular Army; or*

*B. Is in the Veterinary Corps in a Reserve Component of the Army and who is on active duty as a result of a call or order to active duty for a period of at least 1 year; or*

*C. Is in the Regular Air Force and is designated as a Veterinary Officers; and*

*D. Has been awarded a diplomas as a Diplomate in a specialty recognized by the American Veterinarian Medical Association.*

*070202. Special Pay for Reservists. A Veterinary Officer in the Reserve Component shall be eligible for Diplomate pay under 37 U.S.C. 303 when:*

*A. On active duty (other than for training) under a call or order to active duty for a period of more 30 days but less than 1 year; or*

*B. Involuntarily retained on active duty under section 12305 of title 10; or*

*C. Recalled to active duty under section 688 of title 10 for a period of more than 30 days; or*

*D. Remains voluntarily on active duty for a period of less than 1 year at a time when officers are retained involuntarily on active duty under 10 U.S.C 12305, and*

*E. Awarded a diploma as a Diplomate in a specialty recognized by the American Veterinarian Medical Association.*

*070203. Award. The annual award, as specified below, shall be paid in equal monthly amounts:*

| <u>Years of Creditable Service</u>              | <u>Annual Payment</u> |
|---|-----------------------|
| <i>Less than 10 years</i>                       | <i>\$2,000.00</i>     |
| <i>At least 10 years but less than 12 years</i> | <i>\$2,500.00</i>     |
| <i>At least 12 years but less than 14 years</i> | <i>\$3,000.00</i>     |
| <i>At least 14 years but less than 18 years</i> | <i>\$4,000.00</i>     |
| <i>18 or more years</i>                         | <i>\$5,000.00</i>     |

*070204. Creditable Service. For purposes of Veterinary Officer Diplomate Pay, creditable service is defined as all periods of active service performed as a Veterinary Officer. (IC 11-00)*

Chapter 7—Special Pay for Veterinarians and Optometrists

0701—Entitlement

070103

37 U.S.C. 302a and 303  
ASD(FM&P) Memo,  
Jan 19, 1993  
Public Law 102-190,  
Section 634,  
Dec 5, 1991

*0702—Diplomate for Veterinary Officers*

*37 U.S.C. 303 as amended  
by Public Law 106-65,  
Section 616, Oct 1, 1999  
ASD(HA) Memo,  
Sep 30, 1999*

## CHAPTER 8

**SPECIAL PAY—PROFICIENCY PAY AND SPECIAL DUTY  
ASSIGNMENT PAY—ENLISTED MEMBERS**0801 ENTITLEMENT PROVISIONS AND POLICY080101. Entitlement

A. Proficiency Pay. An enlisted member entitled to basic pay and proficient in a designated military skill may qualify for proficiency pay unless the member occupies one of the grade E-9 positions listed in Table 2-8, note 2, of this volume. A member entitled to proficiency pay may receive such pay in addition to any other pay or allowances to which entitled. Proficiency pay status is awarded according to the applicable regulations of the Military Service concerned. Only members entitled to proficiency pay on 30 September 1984, may continue to be paid such pay if otherwise entitled. However, no member may be paid proficiency pay and special duty assignment pay.

B. Special Duty Assignment Pay. An enlisted member entitled to basic pay may qualify for special duty assignment pay when the member performs duties designated by the Secretary concerned as extremely difficult or involving an unusual degree of responsibility. A member entitled to special duty assignment pay may receive such pay in addition to any other pay or allowances to which entitled. Special duty assignment pay status is awarded according to the applicable regulations of the Military Service concerned.

C. Certification. Appropriate authorities annually review eligibility and payment authority for each member receiving proficiency pay and special duty assignment pay. Payment stops automatically on the annual anniversary date of either pay if positive certification is not made that a member is still eligible for proficiency pay or special duty assignment pay.

080102. DefinitionsA. Military Specialty

1. An element of the enlisted classification structure (MOS, AFS, rating, Navy enlisted classification, career field subdivision, career management field, and occupational field, as appropriate to the Military Service concerned) that identifies an individual position or a group of closely related positions on the basis of the similarity of the duties involved. It is also the primary identifier of individuals who possess the ability, knowledge and other occupational qualifications required for effective performance in such positions.

2. A military specialty provides occupational standards for procurement, training, classification, and career development; identifies military skills so closely related that a degree of interchangeability exists between members assigned to the military specialty; provides a normal career progression pattern for members within that military specialty.

B. Special Duty Assignment. A duty assignment characterized by extremely demanding duties or duties demanding an unusual degree of responsibility.

C. Continuous Active Duty. Active federal military service (other than active duty for training as a Reserve), without a break in service of more than 3 months as computed in accordance with subparagraph 090301.C, of this volume.

D. Career Personnel

1. Members of the Army, Marine Corps, and Air Force on second or subsequent terms of active duty enlisted service and first term personnel who are serving in an enlistment, an enlistment as extended, or an extension of enlistment that will total 6 or more years of active service.

2. Members of the Navy on second or subsequent terms of active duty enlisted service and first term personnel who are serving in an enlistment, an enlistment as extended, or an extension of enlistment that will total 7 or more years of active service.

080103. Reserved

080104. Retired and Reserve Personnel

A. Retired enlisted members, Navy/Marine Corps Fleet Reserve members, and members of other Reserve Components, may be awarded proficiency pay when they are on extended active duty beyond obligated periods of active service. Those members recalled to active duty on or after 1 October 1984, are not entitled to proficiency pay.

B. Enlisted members of the Reserve Components are eligible to receive special duty assignment pay when on active duty. This includes active duty defined under subparagraph 570101.A, (other than active duty for training for less than 180 days).

080105. Maximum Monthly Rates

A. Proficiency Pay. The amount of proficiency pay may not exceed the maximum applicable rate shown in this subparagraph:

| <u>Proficiency Rating</u> | <u>Monthly Rate</u> |
|---------------------------|---------------------|
| P-1                       | \$ 50               |
| P-2                       | 100                 |
| P-3                       | 150                 |

B. Special Duty Assignment Pay. The amount of special duty assignment pay may not exceed the maximum applicable rate shown in this subparagraph:

| <u>★Special Duty Assignment</u>  | <u>Monthly Rate</u> |
|----------------------------------|---------------------|
| SD-1                             | \$ 55               |
| SD-2                             | 110                 |
| SD-3                             | 165                 |
| SD-4                             | 220                 |
| SD-5                             | 275                 |
| SD-6                             | 375                 |
| (for production recruiters only) |                     |

C. The specific current monthly rates for each proficiency and special duty assignment rating are prescribed in the applicable regulations of the Military Service concerned.

★D. Designations of military specialties for proficiency pay and special duty assignment pay are in the applicable regulations of the Military Service concerned. The criteria for designation of military specialties are in DoDI 1304.27 (reference (u)).

## 0802 CONDITIONS OF ENTITLEMENT

080201. Eligibility Requirements. A member who meets the requirements in Table 8-1 may be awarded a proficiency pay rating or a special duty assignment rating under procedures in regulations of the Military Service concerned.

### 080202. Conditions Affecting Entitlement

A. Conditions affecting entitlement to proficiency pay and special duty assignment pay are shown in Table 8-2.

B. Detailed instructions on maintenance, retention, and termination of proficiency pay status are specified in regulations issued by the Secretary of each Military Department:

1. AR 600-200 (reference (v))
2. NGR 600-200 (reference (w))
3. OPNAVINST 1160.2 Series (reference (x))

4. MCO 7220.12 Series (reference (y))
5. AFR 39-45 (reference (z))

080203. Date to Stop Proficiency Pay and Special Duty Assignment Pay.

Table 8-2 shows how to determine the last day on which proficiency pay or special duty assignment pay accrues to a member. Stop proficiency pay or special duty assignment pay on the date shown in this table, unless an earlier date is specified in the order terminating such pay status.

080204. Effect of Proficiency Pay and Special Duty Assignment Pay on Other Computations. As special pay, neither proficiency pay nor special duty assignment pay is used in the computation for reenlistment bonus, severance pay, separation pay, or cash settlement of accrued leave. However, as special pay, either is included in the computation for death gratuity.

080205. Collection of Erroneous Payments. Collect from a member when a purported proficiency rating assignment or special duty assignment is revoked because either assignment was made without original basis of authority.

080206. Removal From Rating Status Without Original Basis of Authority. Military Service administrative regulations allow certain authorities to revoke orders which removed a member from proficiency rating or special duty assignment rating if the removal was without original basis of authority. When orders are so revoked, the member is entitled to proficiency pay or special duty assignment pay for the entire period involved (if otherwise entitled to either pay).

080207. Tax. Proficiency pay or special duty assignment pay is subject to withholding of income tax. Neither is subject to withholding of FICA taxes.

| ELIGIBILITY REQUIREMENTS FOR PROFICIENCY PAY AND SPECIAL DUTY ASSIGNMENT PAY |  |   |  |
|--|--|---|--|
| R<br>U<br>L<br>E   | A  | B   | C  |
|  | When an enlisted member  | and   | then   |
| 1  | is on active duty (other than for training as a Reservist) in a pay status; has completed a minimum of 21 months of active service, other than active duty for training (note 1); is a career member (subparagraph 080102.D) (note 2); is serving in pay grade E-3 or higher; is qualified and serving in a designated military specialty; has a minimum of 6 months' continuous active service immediately before award of proficiency pay (subparagraph 080102.A) ; and is not receiving proficiency pay of another type | meets other conditions of eligibility as prescribed by the Secretary of the Military Department | member may be awarded shortage specialty (Proficiency Pay) through 30 Sep 1984 (note 4). |
| 2  | is on active duty in a pay status; is serving in pay grade E-3 or higher, is qualified for and serving in the designated special duty assignment; and is not receiving proficiency pay   |   | member may be awarded special duty assignment pay.                                       |
| 3  | attains eligibility under rule 2 above, before the date of termination of award in any special duty assignment designated for termination of award   |   |  |

**NOTES:**

1. The 21-month limitation does not apply to a Reservist ordered to EAD who has completed service obligation under Title 10 U.S.C., section 651.
2. The requirement to be a career member does not apply to a member of Reserve Components ordered to active duty.
3. The requirement for completion of 6 months' continuous active service immediately before award of proficiency pay may be waived for members of Reserve Components ordered to EAD, if after entry on active duty they meet the standards for the specialty to which assigned. (See Chapter 8).
4. Only members entitled to proficiency pay on 30 Sep 1984 may continue to be paid such pay until discontinued under paragraph 080203.

**Table 8-1. Eligibility Requirements for Proficiency Pay and Special Duty Assignment Pay**



| CONDITIONS AFFECTING ENTITLEMENT TO PROFICIENCY AND SPECIAL DUTY ASSIGNMENT PAY |  |  |   |  |   |
|---|--|--|---|--|---|
| R<br>U<br>L<br>E  | A  | B  | C   | D  | E   |
|   | When a member receiving proficiency pay or special duty assignment pay   | and the pay is                                 | and   | then proficiency pay status or special duty assignment pay status                                      | and entitlement to proficiency pay or special duty assignment pay   |
| 1   | has proficiency pay rating or special duty assignment pay rating withdrawn for any reason                        | proficiency pay or special duty assignment pay |   | is withdrawn   | continues through the date stated in the order withdrawing the proficiency pay rating or special duty assignment pay rating.  |
| 2   | fails to maintain the minimum level of qualification required for satisfactory performance in the military skill |  |   |  | stops on the date established by the authority determining the level of qualification does not meet established standards.  |
| 3   | is discharged or relieved from active duty   |  |   | does not reenlist within 24 hours  | continues through the date of discharge (note 1).   |
| 4   | is confined  |  |   | confinement is result of court-martial sentence or non-judicial punishment                             | continues through the day prior to the date of approval of the court-martial sentence or the day prior to the date of confinement resulting from non-judicial punishment. |
| 5   | is AWOL  |  |   | continues  | stops during all of AWOL.   |
| 6   | is reported in a missing status  |  |   | continues (note 2)   | continues.  |
| 7   | is in a patient status, including convalescence leave  | proficiency pay or special duty assignment pay | patient status is due to disease resulting from intemperate use of alcohol or habit-forming drugs   | continues  | stops while member is in a patient status or convalescent leave status.   |
| 8   |  |  | patient status is not due to disease resulting from intemperate use of alcohol or habit-forming drugs, but exists for more than 12 months | will be withdrawn on the first day of the 13th month when a patient status continues to exist (note 2) | continues through the last day of the 12th month.   |
| 9   | is demoted   |  | grade to which reduced is below that for which either pay is authorized   | will be withdrawn on the date of demotion  | continues through the day prior to the date of demotion.  |
| 10  | is on temporary duty or temporary additional duty  |  | is not performing duties requiring use of skills on which either pay is based   | continues for not more than 90 days  | continues through 90th day of TDY or TAD.   |
| 11  |  |  | is performing duties requiring use of the skills on which either pay is based   | continues during entire period of TDY or TAD   | continues through entire period of TDY or TAD.  |

Table 8-2. Conditions Affecting Entitlement to Proficiency and Special Duty Assignment Pay

| R<br>U<br>L<br>E | A   | B  | C   | D  | E   |
|------------------|---|--|---|--|---|
|                  | When a member receiving proficiency pay or special duty assignment pay  | and the pay is                                 | and   | then proficiency pay status or special duty assignment pay status      | and entitlement to proficiency pay or special duty assignment pay   |
| 12               | is reassigned (PCS or PCA without PCS) or detailed to duty not requiring use of skills on which proficiency pay or special duty assignment pay is based | proficiency pay                                | commanding officer determines the reassignment or detail is permanent (over 90 days)                                      | is terminated on the date of reporting to the new assignment or detail | continues through the day before the date member arrives at the new duty station.   |
| 13               |   |  | commanding officer determines the reassignment will be less than 90 days, but it exceeds 90 days                          | is terminated on the 91st day of the reassignment or detail            | continues through the 90th day of the detail or reassignment.   |
| 14               |   | special duty assignment pay                    | commanding officer determines the reassignment or detail is permanent (over 90 days)                                      | is withdrawn on date of departure from special duty assignment         | continues through the day prior to the date of departure from special duty assignment.  |
| 15               |   |  | commanding officer determines the reassignment will be less than 90 days, but it exceeds 90 days                          | is terminated on the 91st day of the reassignment or detail            | continues through the 90th day of the detail or reassignment.   |
| 16               | enters retraining status  | proficiency pay                                | the military skill into which member is retraining is designated for proficiency pay                                      | continues  | will be at the current award level in the member's prior skill or the award level in the skill into which retraining, whichever is lower. |
| 17               |   |  | the military skill into which member is retraining is not designated for proficiency pay or special duty assignment pay   | is withdrawn   | continues through the day prior to the date member enters retraining status.  |
| 18               |   | special duty assignment pay                    |   |  |   |
| 19               | is reclassified out of the military skill on which the pay is based   | proficiency pay or special duty assignment pay | the military skill to which reclassified is not designated for an award of proficiency pay or special duty assignment pay | is withdrawn on the date of reclassification                           | continues through the pay prior to the date of reclassification.  |

Table 8-2. Conditions Affecting Entitlement to Proficiency and Special Duty Assignment Pay (Continued)

| R<br>U<br>L<br>E | A  | B  | C   | D   | E   |
|------------------|--|--|---|---|---|
|                  | When a member receiving proficiency pay or special duty assignment pay | and the pay is                                 | and   | then proficiency pay status or special duty assignment pay status | and entitlement to proficiency pay or special duty assignment pay   |
| 20               | is attending a course of instruction                                   | proficiency pay or special duty assignment pay | the course of instruction is directly related to the military skill on which the proficiency pay is based or is necessary for member's continued qualification in the special duty assignment   | continues   | continues.  |
| 21               |  |  | the course of instruction is not directly related to the military skill on which the proficiency pay is based or is not necessary to qualify the member for special assignment in the military skill, but the member will be reassigned to the military skill on which the pay is based upon completion of the training | continues for no more than 90 days                                | continues through the 90th day.   |
| 22               |  |  | the course of instruction is not directly related to the military skill on which the proficiency pay is based or not necessary to qualify the member for a special assignment in the military skill and the member will not be reassigned to the military skill on which the pay is based upon completion of training   | is withdrawn on the date of departure for training                | continues through the date of departure for training.   |
| 23               | is attending a course of instruction                                   | proficiency pay or special duty assignment pay | the course of instruction leads to commission or warrant officer status   | is withdrawn  | stops on the date of departure for entry into training.   |
| 24               | is on authorized leave   |  |   | continues   | continues.  |
| 25               | is serving in military specialty designated for termination of award   |  | member continues qualified and serves in the military specialty   |   | continues at one-half rate for 1-year period following effective date of the termination.   |
| 26               | is serving in military specialty designated for reduction of award     | special duty assignment pay                    |   |   | continues at rate for reduced award on the effective date of the reduction.   |
| 27               | is reassigned PCS requiring use of skills on which pay is based        |  | member continues qualified and performs the special duties  |   | continues during leave en route, for periods of allowable travel time between assignments and for duty at new permanent duty station. |

**NOTES:**

1. If a Navy member fails to reenlist on board, either proficiency pay or special duty assignment pay continues through date of discharge or release from active duty.
2. Either proficiency pay or special duty assignment pay may be awarded, withdrawn, increased, or decreased while member, otherwise eligible, is in a patient or missing status.

**Table 8-2. Conditions Affecting Entitlement to Proficiency and Special Duty Assignment Pay (Continued)**

**SUMMARY OF MAJOR CHANGES TO CHAPTER 09  
DOD 7000.14-R, VOLUME 7A  
MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

**New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.**

| <b>Page</b>  | <b>Paragraph</b>   | <b>Explanation of Change/Revision</b>  | <b>Effective Date</b> |
|--|--|--|-----------------------|
| 9-18 thru 20<br>Bibliography   | 090403.I through O   | IC 29-99 regards the removal of "Homosexuality" as a reason for recoupment of unearned portions of enlistment or reenlistment bonuses. | Aug 6, 1999           |
| 9-2  | 090106.B   | IC 37-99 regards the effect on bonuses from death of a member.   | Jun 29, 1999          |
| 9-2,<br>9-2,<br>9-2,<br>9-2,<br>9-3,<br>9-3,<br>9-3,<br>9-4,<br>9-8,<br>9-8,<br>9-12 | 090101.F,<br>090102,<br>090103,<br>090104,<br>090107.A,<br>090107.D,<br>090201,<br>090201.B<br>090202.B<br>090202.B.3,<br>090206 | IC 43-99 extends the expiration of certain bonuses and special authorities to December 31, 2000.                                       | Dec 9, 1999           |

*Interim changes 29-99, 37-99, and 43-99 are incorporated in this change and will be removed from the interim change list.*

## CHAPTER 9

### **SPECIAL PAY-ENLISTMENT AND REENLISTMENT BONUS- ENLISTED MEMBERS**

#### 0901 ENLISTMENT BONUS

090101. Basic Conditions of Entitlement. An enlistment bonus may be paid to an enlistee when he or she meets the following conditions:

A. Enlists for a period of 4 years or more for the purpose of qualifying and serving in a military specialty designated as critical, as specified by the Secretary of the Military Department concerned (or designee).

B. Is one of the following:

1. Non-Prior Service Enlistee. This term applies to a person who has never served or has served less than 180 days on active duty as a member of the Armed Forces. A non-prior Military Service enlistee who has received an enlistment bonus under the Selected Reserve Incentive Program (SRIP) retains eligibility for the Regular Component enlistment bonus under this section if other eligibility criteria are met.

2. Prior-Service Enlistee. This term applies to a person who has not previously received an enlistment or reenlistment bonus or who currently is not entitled to a reenlistment bonus; or

3. Reservist Not on Active Duty who Enlists in the Regular Component of the Military Department Concerned. This term applies to a person who previously has not received an enlistment or reenlistment bonus or currently is not entitled to a reenlistment bonus. (A Reservist who has received an enlistment or reenlistment bonus under SRIP retains eligibility for the Regular Component enlistment bonus if he or she meets all other eligibility criteria in the paragraph.)

C. Is not a Delayed Entry Program Reservist currently obligated to any other Military Service.

D. Qualifies for award of one of the designated military specialties.

E. Meets such additional eligibility criteria as may be prescribed by the Secretary of the Military Department concerned (or designee).

★ F. *The entitlement provisions to enlistment bonuses for critical skills expire on December 31, 2000. (IC 43-99)*

★ 090102. Amount of the Enlistment Bonus. *The enlistment bonus is an amount prescribed by the Secretary of the Military Department concerned (or designee), but not more than \$20,000. (IC 43-99)*

★ 090103. Time of Payment. *An enlistment bonus may be paid upon completion of training and award of the designated military specialty. A bonus under this section may be paid in a single lump sum, or in periodic installments, to provide an extra incentive for a member to complete successfully the training necessary for him or her to be qualified technically in the skill for which the bonus is paid. Prior service enlistees who require formal training of 30 days or more may be paid their enlistment bonus upon completion of that formal training. Prior service enlistees who do not require military specialty training may not receive payment earlier than 30 days after arrival at the first permanent duty station following reentry on active duty. (IC 43-99)*

★ 090104. Expiration of Entitlement. *No bonus may be paid under this paragraph with respect to any enlistment or extension of an initial period of active duty in the Armed Forces after December 31, 2000. (IC 43-99)*

090105. Reduction and Termination of Award. *When a military specialty is designated for reduction or termination of award, an effective date for reduction or termination of that award is established and announced at least 30 days in advance. All awards on or after that effective date in military specialties designated for reduction or termination of award level are at the bonus level contracted on the date of enlistment.*

090106. Determinations Affecting Enlistment Bonus Payments

A. *When a member enlists in a Reserve Component under the Delayed Enlistment Program (DEP), with a concurrent commitment to serve in a Regular Component for a period of at least 4 years in a skill designated as critical, the award level of the enlistment bonus is fixed on the date of enlistment in the DEP, rather than on the date of entry on active duty.*

★ B. *If a member dies before receiving the full amount of the bonus due (including contracted future year anniversary payments) and death is not caused by the member's misconduct, the remaining unpaid bonus balance is payable as a lump sum for inclusion in the settlement of the deceased member's final military pay account. If death is determined to be the result of the member's own misconduct, termination of future payments and proration or recoupment of the bonus, as applicable, will be made in accordance with procedures established for members whose inability to complete a contracted period of service is voluntary or the result of misconduct. (IC 37-99)*

C. Unpaid installments of the enlistment bonus are payable to members separated prior to completion of enlistment when separated under conditions which do not require recoupment. (See section 0904, below.)

090107. Special Pay: Bonus for Enlistment in the Army

★ A. Entitlement Conditions. *A bonus may be paid to an enlistee who meets the following conditions: Enlists in the Army for a period of at least 2 years in a skill designated as critical, scores at or above the fiftieth percentile on the Armed Forces Qualifications Test, and is a high school graduate (or has a high school equivalency certificate). (IC 43-99)*

B. Amount of Bonus. The bonus may be paid in an amount, prescribed by the Secretary of the Army, not to exceed \$4,000. The bonus may be paid in a lump sum or in equal periodic installments, as determined by the Secretary of the Army.

C. Loss of Entitlement and Recoupment of Bonus. See paragraph 090401, below, for legal requirements regarding recoupment of unearned portions of enlistment bonuses.

★ D. Expiration of Entitlement. *No bonus may be paid under this paragraph with respect to an enlistment in the Army after December 31, 2000. (IC 43-99)*

0902 SELECTIVE REENLISTMENT BONUS (SRB) (37 U.S.C. 308 (reference (aa)))

★ 090201. Reenlistment Zones. *There are three zones of consideration. Zone A is composed of those reenlistments falling between 17 months and 6 years of active service. Zones B and C are composed of those reenlistments or extensions falling between 6 and 14 years of active service. (IC 43-99)*

A. General Eligibility. Enlisted members are eligible to receive an SRB if they meet all of the following conditions and the conditions of Zones A, B, or C eligibility:

1. Are qualified in a military specialty designated by the Secretary of the Military Department concerned (or designee) for award of the SRB;

2. Are serving in pay grade E-3 or higher;

3. Reenlist within 3 months (or within a lesser period if so prescribed by the Secretary of the Military Department concerned or designee) after the date of their discharge or release from compulsory or voluntary active duty (other than for training) (see subparagraph 090301.C, below, for computation of 3-month period); or extend their enlistment; or enlist in a Regular Component within 3 months (or within a lesser period if so prescribed by the Secretary of the Military Department concerned or designee) after the date of discharge or release from active duty (other than active duty for training) as a member of the Reserve Component. Veterans with more than a 3-month but less than a 4-

year break in active duty may qualify for a broken service Selective Reenlistment Bonus Program in accordance with regulations prescribed by the Secretary of the Military Department concerned (or designee).

4. Attain eligibility before the effective date of termination of awards in any military specialty designated for termination of the award. (Members must attain eligibility before the effective date of a reduction of award level to be eligible for the higher award level. Eligibility attained through any modification of an existing service obligation, including any early discharge granted under 10 U.S.C. 1171 (reference (c)), must have been attained before the effective date of the termination or reduction of award in the military specialty); and

5. Meet such additional eligibility criteria as may be prescribed by the Secretary of the Military Department concerned (or designee).

NOTE: An exception to subparagraphs 090201.A.1 and A.4, above, is available to members who agree to train and reenlist for service in a military specialty which, at the time the agreement is executed, is designated by the Secretary of the Military Department concerned (or designee) for award of the SRB. Upon completion of qualification training and reenlistment in the specialty in which trained, if otherwise qualified, the member may be paid the bonus even if that specialty no longer is designated for award of the SRB. The bonus may be paid at the award level in effect at the time the training agreement is executed or the award level in effect at the time of reenlistment, whichever is higher.

B. Zone A Eligibility. The enlisted member must:

★ 1. *Have completed at least 17 months of continuous active duty (other than active duty for training as a member of a Reserve Component) but not more than 6 years of active duty on the date of reenlistment or beginning of an extension of enlistment. Continuous active duty is active federal military service (other than active duty for training as a member of a Reserve Component), without a break in service of more than 3 months. A break in service of less than 3 months is considered continuous active duty; however, the actual period of the break in service is not included in the computation of continuous active duty. Effective December 9, 1994, the following applies for Marine Corps members: When computing the 6 years of active service for Zone A eligibility, prior active service in any other Military Department is excluded and only active service in the Marine Corps is included. This exclusion does not apply, however, to the 14-year service cap on a Marine Corps member's eligibility which considers his or her total active service. (IC 43-99)*

2. Reenlist or voluntarily extend an enlistment in the Regular Component of the Military Service concerned for a period of at least 3 years provided the reenlistment or extension, when coupled with existing active service, provides a total period of active service of at least 6 years.

3. Not previously have received a Zone A SRB.



4. Except for members serving in the Navy 6-YO Program, not previously have received a variable reenlistment bonus (VRB).

C. Zone B Eligibility. The enlisted member must:

1. Have completed at least 6 but not more than 10 years of active duty on the date of reenlistment or beginning of an extension of enlistment.

2. Reenlist or voluntarily extend an enlistment in the Regular Component of the Military Service concerned for a period of at least 3 years provided the reenlistment or extension, when coupled with existing active service, provides a total period of active service of at least 10 years.

3. Not previously have received a Zone B SRB.

D. Zone C Eligibility. Enlisted members must:

1. Have completed at least 10 but not more than 14 years of active duty on the date of reenlistment or beginning of an extension of enlistment.

2. Reenlist or voluntarily extend enlistment in the Regular Component of the Military Service concerned for a period of at least 3 years, provided the reenlistment or extension, when coupled with existing active service, provides a total period of active duty of at least 14 years.

3. Not previously have received a Zone C SRB.

E. Special Conditions

1. Members with exactly 6 years of active duty at 2400 hours on the date before the date of reenlistment or beginning of an extension of enlistment are entitled to a Zone A SRB if otherwise eligible and they previously have not received a Zone A SRB. If members have received a Zone A SRB, or no Zone A SRB is designated, they are entitled to a Zone B SRB if all other eligibility requirements are met. Members with exactly 10 years of active duty at 2400 on the date before the date of reenlistment or beginning of an extension of enlistment are entitled to a Zone B SRB if otherwise eligible and they previously have not received a Zone B SRB. If they have received a Zone B SRB, or no Zone B SRB is designated, they are entitled to a Zone C SRB if all other eligibility requirements are met. Members with exactly 14 years of active duty at 2400 hours on the date before the date of reenlistment or beginning of an extension of enlistment will be entitled to a Zone C SRB if otherwise eligible.

2. Two or more extensions may not be combined to gain entitlement to an SRB. Additionally, entitlement gained through an extension cannot be increased by future extensions.

3. For the purposes of determining the eligibility of a member for an SRB

and of computing the amount of that bonus, under regulations prescribed by the Secretary of the Military Department concerned (or designee), the following may be considered as part of an immediately subsequent term of reenlistment (or as part of an immediately subsequent voluntary extension of an enlistment):

a. Any period of enlistment (including any extension of an enlistment) that is incurred by a member for the purpose of continuing to qualify for continuous submarine duty incentive pay under section 2302 of this volume, or

b. Any unserved period of 2 years or less of an extension of an enlistment for which no bonus has been paid or for which no bonus is otherwise payable, provided the immediately subsequent term of reenlistment or immediately subsequent voluntary extension of an enlistment provides additional obligated service of at least 2 years.

4. Members who reenlist or extend to gain sufficient obligated service to participate in a program leading to a commissioned or warrant officer status are not entitled to an SRB.

5. Officers of the Uniformed Services who reenlist in the Military Service concerned within 3 months after their release from active duty as an officer are entitled to an SRB provided they served on active duty as an enlisted member in that Military Service immediately before serving as an officer and meet all other eligibility criteria. Pay grade for SRB computation is the grade of reenlistment.

6. Members who have received readjustment pay, severance pay, or separation pay are not eligible to receive an SRB.

7. The SRB is not payable for an enlistment in a Regular Component that follows discharge from a Reserve Component during or at the completion of a period of active duty for training.

8. A member who also is eligible for the regular reenlistment bonus is paid either bonus, whichever the member elects. (See subparagraph 090303.B., below.)

9. Members receiving petty officer nuclear continuation pay are not eligible to receive an SRB.

090202. Amount of Payment. See subparagraph 090202.B for the computation.

A. Additional Obligated Service

1. Additional obligated service is defined as any active service commitment beyond an existing contractual service agreement. Existing contractual service agreements include enlistments, extensions of enlistment, enlistment as extended, and reenlistments. Members, however,

who entered into an extension agreement before May 10, 1974, and who cancel the extension before it becomes operative to reenlist immediately for a period of at least 2 years beyond the extension agreement, are allowed to use the period of the extension for SRB computation.

2. An extension of enlistment, which is cancelled by the Military Service concerned before becoming operative, is not considered as previously obligated service for SRB computation purposes. This applies only to cancellations initiated by the Military Service concerned and not to cancellations initiated by the member. Cancellations initiated by a Military Service occur when the basis for the extension no longer exists. An example of a Military Service-initiated cancellation would be when a member extends an enlistment for a special duty assignment but, before the extension becomes operative, he or she is denied that assignment by the Military Service.

3. Under authority provided to the Chief of Naval Operations, certain nuclear trained and qualified enlisted members of the Naval Service, who enter into an extension agreement on or after May 10, 1974, and who cancel the extension before it becomes operative to reenlist immediately for a period of at least 2 years beyond the extension agreement, are allowed to use the period of the extension for SRB computation.

4. Members discharged before expiration of enlistment or operative extension may not receive an SRB based on any unserved full months of obligated service of the enlistment or extension when such discharge specifically is for the purpose of immediate reenlistment.

Example 1: A member was discharged on June 30, 1982, from an enlistment that expired on October 29, 1982, and reenlist on July 1, 1982, for 4 years. He or she would be paid for 3 years and 8 months of additional obligated service. (Subtract date following old ETS from the new ETS date.)

Members discharged within 3 months of their normal ETS for the purpose of immediate reenlistment are considered to have completed that contract, but the unserved period within the last 3 months is considered as existing obligated service when computing the SRB entitlement. (A member who is discharged no more than 3 days early, in accordance with the regulations of the Military Service concerned, is considered to have completed the current enlistment for SRB computation.)

Example 2: A member is discharged 2 months and 3 days before the expiration of enlistment, and immediately reenlists for 4 years. He or she could not receive an SRB for 3 months of the reenlistment period.

5. Members discharged involuntarily before the expiration of enlistment or operative extension in connection with Military Service early separation programs, who are reenlisted immediately following discharge, are considered to have completed their service agreement under the prior contract. The unserved period under the prior contract is considered to terminate on the date of involuntary discharge. Any member who elects an option for an early discharge, as opposed to being required to separate early, is not considered to have been involuntarily discharged and therefore the

provisions of this subparagraph do not apply.

B. Computation Factors. Specifically, the SRB is:

★ 1. *Paid in the amount of basic pay for 1 month times the multiple assigned to the military specialty (not to exceed 15), times the years, or fractions of years (months), of additional obligated service as defined above. In the case of a member reenlisting after release from active duty as an officer, use the basic pay rate applicable on the day of reenlistment. (See subparagraph 090201.E.5, above.) (IC 43-99)*

2. Not paid for obligated active service (including active duty for training) in excess of 16 years.

Example: A member with 13 years, 3 months, and 15 days active duty; 3 months, 5 days of active duty for training; and 2 months, 15 days of existing obligated service, who enlists for 4 years, can be paid an SRB (Zone C) based on 2 years, 2 months as follows:

|                            | <u>YR</u> | <u>MO</u> | <u>DAY</u> |
|----------------------------|-----------|-----------|------------|
| Active duty                | 13        | 3         | 15         |
| Active duty for training   |           | 3         | 5          |
| Existing obligated service | —         | <u>2</u>  | <u>15</u>  |
| Total                      | 13        | 8         | 35         |
| Or                         | 13        | 9         | 5          |
| Maximum SRB years          | 16        | 0         | 0          |

★ 3. *Not to exceed a maximum amount of \$60,000 per SRB. Note, however, no more than 10 percent of the SRBs awarded during any fiscal year shall exceed \$20,000. (See maximum SRB years in example above.) (IC 43-99)*

|   | <u>YR</u> | <u>MO</u> | <u>DAY</u> |
|---|-----------|-----------|------------|
| Less obligated active service<br>(partial months count as a<br>whole month) | <u>13</u> | <u>10</u> | <u>0</u>   |
| Time for which SRB<br>(Zone C) is payable                                   | 2         | 2         | 0          |

4. Not paid more than once within each zone of eligibility.

C. Computation Factors for Commissioning Program

1. Any member in the commissioning program with a class start date before June 1, 1983, was unaffected.

2. Bonus payments were suspended for any member with a class start date on or after June 1, 1983.

Example 1: Assume that the member reenlisted on April 4, 1982, for 4 years. The SRB due was \$16,000. The member was paid the first installment of \$8,000 (50 percent) on April 4, 1982, and the second installment of \$2,666.66 on April 4, 1983. The total SRB paid to date: \$10,666.66.

The member entered officer training school (OTS) with a class start date of June 1, 1983. The member's third and fourth installments would be suspended pending completion of OTS and commissioning. Given successful completion, the member would forfeit the remaining installments. However, had the member washed out of the program and returned to enlisted status in the same bonus skill, the remaining installments would be payable, but at a rate reduced by the number of days spent in the OTS program. Computation is as follows:

Initial Bonus Information

|                     |  |
|---------------------|--|
| SRB Entitlement     | \$16,000   |
| No. Days Paid       | 1440   |
| Daily Rate          | \$11.1111 (\$16,000 / 1440)                                      |
| No. Days in OTS     | 96 (member washed out of TS September 6, 1983<br>(30-day basis)) |
| New No. Days Paid   | 1344 (1440 - 96)   |
| New SRB Entitlement | \$14,933.32 (1344 x \$11.1111)                                   |

Balance to be paid over remaining 2 installments: \$4,266.66 (\$14,933.32 - \$10,666.66 paid to date)

Due final 2 installments: \$2,133.33 (\$4,266.66 divided by 2).

Example 2: Assume that a member reenlisted on December 29, 1981, for 4 years. The SRB due was \$8,000. The member was paid the first installment of \$4,000 (50 percent) on December 29, 1981, and the second and third installments of \$1,333.33 each installment, on December 29, 1982, and December 29, 1983. The total SRB paid to date: \$6,666.66.

The member entered the education and commissioning program (ECP) with class start date of January 1, 1984. The member's fourth installment would be suspended pending completion of ECP and commissioning. Given successful completion, the member would forfeit the remaining installments. Had the member washed out of the program and returned to enlisted status in the same bonus skill, however, the remaining installments would be payable, but at a rate reduced by the number of days spent in the ECP program. Computation is as follows:

Initial Bonus Information

|                     |   |
|---------------------|---|
| SRB Entitlement     | \$8,000   |
| No. Days Paid       | 1,440   |
| Daily Rate          | \$5.5555  |
| No. Days in ECP     | 430 (member washed out of ECP March 10, 1985<br>(use 30-day basis)) |
| New No. Days Paid   | 1010 (1440 - 430)   |
| New SRB Entitlement | \$5,611.06 (1010 x \$5.5555)  |

The balance to be paid over remaining installment: 0. (The member was due \$5611.06 and previously paid \$6,666.66.) No overpayment exists; however, for recoupment purposes since the member is permitted to keep payments received before entrance in ECP.

Example 3: Assume that the member reenlisted on June 4, 1982, for 4 years. The SRB due is \$16,000. The member was paid the first installment of \$8,000 (50 percent) on June 4, 1982, with the second installment due on June 4, 1983.

The member entered OTS with class start date of June 10, 1983. The member's acceptance in OTS was granted on March 10, 1983. Under this set of circumstances, the member would be due the second SRB installment as it fell due before the class start date. The member should be paid the second SRB installment, but the third and fourth installments would be suspended pending completion of the commissioning program.

Example 4: Assume that the member reenlisted on June 4, 1982, for 4 years. The SRB due is \$16,000. The member was paid the first installment of \$8,000 (50 percent) on June 4, 1982, with the second installment due on June 4, 1983.

The member entered ECP with a class start date of June 2, 1983. The member's acceptance in ECP was granted on March 10, 1983. Under this set of circumstances, the member would not be due the second SRB installment as it fell due after the class start date. The member's second, third, and fourth SRB installments would be suspended pending the completion of the commissioning program.

Example 5: Assume that the member enlisted on January 1, 1983, for 4 years. The member completed training on March 31, 1983, and was awarded a military specialty for which an enlistment bonus (EB) of \$6,000 was authorized. The member was paid the first installment of \$5,000 on April 1, 1983.

The member entered OTS with a class start date on June 1, 1983. The member washed out of the commissioning program on November 30, 1983. The computation is as follows:

Initial Bonus Information

|                    |  |
|--------------------|--|
| EB Entitlement     | \$6,000  |
| No. Days Paid      | 1,440  |
| Daily Rate         | \$4.1666 (\$6,000 / 1440)  |
| No. Days in OTS    | 180 (member washed out of OTS<br>November 30, 1983 (use 30-day basis)) |
| New No. Days Paid  | 1260 (1440 - 180)  |
| New EB Entitlement | \$5,249.92 (1260 x 4.1666)   |
| Balance to be Paid | \$249.92 (\$5,249.92 - \$5,000 paid to date)                           |

090203. Method of Payment. SRB payments are paid in installments. Under regulations prescribed by the Secretary of the Military Department concerned (or designee), up to 50 percent of the total SRB may be paid as the first installment with the remaining portion paid in equal annual amounts over the remainder of the reenlistment period. The initial payment normally will be made on the day of reenlistment or the date a member begins serving in the extension. An initial payment of the SRB to an eligible individual, who reenlists with a break in active duty greater than 24 hours, will be made no earlier than 30 days after arrival at the first permanent duty station following reenlistment. Later installments of a Zone A or B SRB are payable on the anniversary date in each year of the reenlistment.

Later installments of a Zone C SRB are payable on the reenlistment anniversary dates which occur before the individual completes 16 years of active service. In either case, where there is lost time, the subsequent installment payments will be delayed by the number of days of lost time. Discharge for the purpose of immediate reenlistment does not affect a member's entitlement to subsequent SRB installment payments.

090204. Reduction and Termination of Awards. When a military specialty is designated for reduction or termination of award, an effective date for reduction or termination of award shall be established and promulgated to the field at least 30 days in advance. Except as provided in subparagraphs 090201.A.6 and 090205.C, above, all awards on and after the effective date of the military specialty designated for reduction of award will be at the reduced level, and no new awards will be made on or after the effective date in a military specialty designated for termination of award.

090205. Determinations Affecting SRB Payments

A. If a member dies before receiving the full amount of the bonus due (including contracted future year anniversary payments) and death is not caused by the member's misconduct, the remaining balance of unpaid bonus is payable as a lump sum for inclusion in the settlement of the deceased member's final military pay account. If death is determined to be the result of the member's own misconduct, termination of future payments and proration or recoupment of the bonus, as applicable, will be made in accordance with procedures established for members whose inability to complete a contracted period of service is voluntary or the result of misconduct.

B. Once a member establishes a right to an SRB upon reenlistment on or before June 30, 1977, he or she is entitled to continued receipt of annual installment payments without further qualification in a critical military skill. The continued receipt of such payment does not depend upon performance of duties in the specialty for which the SRB is authorized. SRB payments for reenlistments on and after July 1, 1977, are subject to recoupment when a member is not qualified technically not qualified in the skill for which a bonus was paid, as provided in section 0904 of this volume.

C. When a member extends an enlistment, SRB payments are based on the award level multiplier in effect on the date the extension agreement is executed rather than on the date the extension agreement becomes operative.

D. Unpaid installments of an SRB are payable to members separated prior to completion of enlistment when separated under conditions which do not require recoupment. (See section 0904 of this volume.)

★ 090206. Expiration of Entitlement. *No SRB may be paid with respect to any reenlistment, or voluntary extension of an active duty enlistment, in the Armed Forces entered into after December 31, 2000. (IC 43-99)*

0903 REGULAR REENLISTMENT BONUS (RRB) 37 U.S.C. 308 (reference (aa)))

090301. Basic Conditions of Entitlement. This section is applicable only to members who were on active duty on June 1, 1974.

A. To determine the number of reenlistments for which RRBs are payable, count the following:

1. An enlistment in the Regular Component of the Military Service concerned within 3 months from date of discharge or separation, on or after October 1, 1949, after compulsory or voluntary active duty (except active duty for training) in the Military Service concerned. See subparagraph 090301.C, below, for computation of 3-month period.

2. A reenlistment between October 1, 1949, and July 15, 1954, in a Regular Component following extended active duty of 1 year or more as a member of a Reserve Component.

3. A voluntary extension of an enlistment for 2 years or more. (For combined enlistment extension coverage, see paragraph 090304, below.)

4. An enlistment or reenlistment on or after October 1, 1949, for which a member received an enlistment allowance instead of a reenlistment bonus because the former was the greater amount.



5. Any former reenlistment for which a reenlistment bonus was payable by another Uniformed Service.

6. An enlistment in the Regular Component, on and after July 16, 1954, within 3 months after release from active duty as a commissioned or warrant officer under an appointment made on or after October 12, 1949. The commissioned or warrant service must immediately have followed active enlisted service in the same branch of Military Service.

B. Do not count:

1. Any enlistment or reenlistment entered into before October 1, 1949, for which an enlistment allowance was paid.

2. Any reenlistment for which a reenlistment bonus was not authorized, even if an erroneous payment was made and then remitted.

3. Any enlistment for which a minority discharge was issued.

C. The period of 3 months prescribed in this section (and in section 0902, above) that begins on the day following the date of discharge or separation and ends with the day of the month 3 months later corresponding to the date of discharge or separation.

1. Example: A member was discharged on September 3, 1978. The period of computation began on September 4, 1978, and ended on December 3, 1978.

2. If a member is kept in the Military Service beyond the date his or her term of enlistment that would normally end but is retained on active duty i.e., for the purposes of a court-martial trial, etc., the 3-month period begins on the day following his or her normal expiration of term of service instead of the actual date of separation. (Example: A member's ETS date is September 3, 1978. The member is retained for trial by court-martial on September 4, 1978, and discharged on November 3, 1978. The period of computation begins on September 4, 1978.) There is no authority to waive the 3-month limitation on eligibility to receive an RRB or SRB.

090302. To Whom Payable. An RRB may be paid to an enlisted member who was on active duty on June 1, 1974, and who:

A. Enlists or reenlists in the Regular Component of the same Military Service within 3 months from the date of discharge or separation after compulsory or voluntary active duty (except active duty for training). This includes members enlisting under subparagraph 090301.A.6, above. See subparagraph 090301.C, above, for computation of 3-month period.

B. Was paid a reenlistment bonus under a prior law for a reenlistment on or after July 16, 1954, and who during that enlistment elects to be paid, if otherwise eligible, the difference between the amount received and that which would have been due as an RRB under this section.

C. Was inducted into the Armed Forces and, before the expiration of required service, was discharged in order to enlist immediately in the Regular Component of the same Military Service.

D. Was inducted into the Armed Forces, completed required service, and enlisted in the Regular Component of the same Military Service within a 3-month period.

090303. Computing Regular Reenlistment Bonus

A. Compute RRB as provided in Table 9-1. (See paragraph 090304, below, for restrictions.)

B. Members who also are eligible for the SRB may be paid either bonus, whichever they elect. If members receive the SRB in an amount less than \$2,000 and if, for a subsequent reenlistment, they are eligible for the RRB under this section, they may at that time be paid the RRB, but only in an amount which when added to the award of the SRB (and RRB, if any) previously received, does not exceed a total of \$2,000.

090304. Extensions of Enlistments. Compute the RRB as for actual reenlistment when members voluntarily extend their enlistment for 2 years or more. This includes combined extensions of enlistment as provided below. When part of a year is involved, compute the bonus by using as a multiplier the total number of years and fractions of years for which the enlistment was extended. A member who was paid an RRB when he or she first extended the enlistment for at least 2 years, but less than 4 years, is entitled to an additional RRB for later extensions. The additional bonus payable is computed on the basis of the combined extensions, not to exceed 4 years. Compute using the pay rate applicable on the day before they begin serving on the first extension. Deduct the bonus paid for the first extension. A single extension for less than 2 years, or a combination of extensions totaling less than 2 years, does not constitute a reenlistment for bonus purposes. Time lost made good is not considered an extension of enlistment. When a member reenlists and qualifies for an RRB after completing an extension, compute the bonus at the rate of basic pay he or she received on the date of actual discharge.

If extensions entered into total 2 years or more, they constitute a reenlistment as provided in subparagraphs 090304.A and B, below.

Example 1: A member who extends for 20 months, and subsequently for another 6 months, is entitled to a bonus on the day he or she starts serving the 6-month extension. No bonus is payable for the 20 month extension if, before entry on the 6-month extension, the 6-month extension is cancelled.

Example 2: A member who extends his or her enlistment for 11 months, then for 6 additional months, and then for 12 another months is entitled to a bonus on the day he or she starts serving the third extension.

A. Army and Air Force. Before January 2, 1968, Army and Air Force members could not combine extensions of enlistment to attain eligibility for an RRB. Two or more extensions entered into on or after January 2, 1968, were treated as a single extension. If the extensions totaled 2 years or more, they constituted a reenlistment. For the purpose of combining extensions of an enlistment, an extension entered into prior to January 2, 1968, could not be combined with extensions entered into on or after January 2, 1968.

B. Navy and Marine Corps. Two 1-year extensions of an enlistment before August 10, 1956, did not constitute a reenlistment. On or after August 10, 1956, extensions of 1 year or less which, when combined, equal 2 years or more, constituted one reenlistment for entitlement to an RRB.

090305. Time of Payment. Payment of an RRB normally is made on the day the member reenlists. A member who extends his or her enlistment for 2 years or more is not paid the bonus for the extension until he or she actually begins serving the extension. A member who becomes entitled to an RRB by having extended for two or more times for a combined total of 2 years or more may not be paid a bonus until he or she actually begins serving the extension that, when combined with the previous extension(s), results in a service commitment of 2 years or more.

090306. Restrictions

A. Grade

1. A member in pay grade E-1 on the date of last discharge or release from active duty is entitled to an RRB for a first reenlistment computed on the basis of only two-thirds of his or her monthly basic pay on date of last discharge or release from active duty.

2. A member in pay grade E-1 or E-2 on date of last discharge or release from active duty is not entitled to an RRB for second or subsequent reenlistments.

3. A member in pay grade E-3 on date of last discharge or release from active duty is not entitled to an RRB for a third or subsequent reenlistment.

B. Length of Service. An RRB may not be paid to members who reenlist:

1. During their prescribed period of basic recruit training (while a resident at a basic military training school where they receive both processing and training), or

2. After completing a total of 20 years of active federal service. Active

federal service includes active duty for training.

3. After a break in service of more than 3 months subsequent to June 1, 1974. This, however, is not a bar to entitlement for a subsequent reenlistment within 3 months of separation.

C. Cumulative Amount. The cumulative amount of an RRB paid to a member under any provisions of law may not exceed \$2,000.

1. Include any reenlistment bonus paid by one or more of the Uniformed Services, less any portion later recouped, in determining the cumulative total payable under this section.

2. Any amount of erroneous payment (when no entitlement to bonus existed) or overpayment (i.e., amount in excess of that authorized) made under this section, which later is remitted, is not counted as part of the \$2,000 cumulative amount.

3. Amounts of any unearned RRB requiring recoupment which are remitted must be included in determining the cumulative amount of \$2,000.

4. Amounts paid as enlistment allowances after October 1, 1949, are not included in the \$2,000 cumulative amount limitation.

D. Discharge From Another Service. An RRB is not payable for an enlistment entered into, following discharge or separation from another branch of the Uniformed Services.

E. Members on Temporary Disability Retired List. A member whose name was placed on the temporary disability retired list, and who later was discharged and reenlisted in a Regular Component of the Uniformed Services more than 3 months after date of placement on such list, is not entitled to an RRB.

F. Members on Active Duty for Training. An RRB is not payable for an enlistment in a Regular Component, if it follows a discharge from a Reserve Component during or at the completion of a period of active duty for training.

G. Reenlistments Which Will Extend Service Beyond 20 Years. An RRB is payable for only the number of years, months, and days needed to complete 20 years of active federal service.

#### 0904 RECOUPMENT OF ENLISTMENT AND REENLISTMENT BONUS

090401. Legal Requirements. Recoupment of unearned portions of enlistment bonuses and reenlistment bonuses (regular and selective) is required:

A. When a member voluntarily or because of misconduct does not complete the term of enlistment, reenlistment, extension of enlistment, or anniversary year for which the bonus was paid. Members discharged 3 months or less before expiration of enlistment for reasons set forth in subparagraph 090403.N, below, are considered to have completed the terms of enlistment, reenlistment, extension of reenlistment, or anniversary year for which the bonus was paid. For Army, Air Force, and Marine Corps members, this provision became effective on January 2, 1968. In computing the period “3 months or less,” the date of normal expiration of enlistment is excluded.

B. When a member is not qualified technically in the skill for which a bonus was paid (other than a member who is not qualified because of injury, illness, or other impairment, not the result of misconduct). This provision was effective June 30, 1977, for members paid an enlistment or selective reenlistment bonus.

090402. Recoupment Not Required

A. A member paid an enlistment bonus, who is discharged and immediately reenlists prior to the completion of the term of service for which the bonus was paid, is not required to refund the unearned portion of the enlistment bonus provided a regular reenlistment bonus was not paid. The reenlistment must be for a period of at least 2 years beyond the period for which the enlistment bonus was paid.

B. A member paid any reenlistment bonus, who is discharged early for the purpose of immediate reenlistment for which no reenlistment bonus is paid, is not required to refund the unearned portion of the bonus provided the term of the reenlistment following the early discharge includes the remaining period of service in the prior enlistment.

090403. Reasons for Recoupment. For purpose of recouping any unearned portions of enlistment or reenlistment bonuses, the term “who voluntarily or because of misconduct” includes (but is not limited to) members separated for the reasons listed below:

A. Transfer to Fleet Reserve, Fleet Marine Corps Reserve, or the Army or Air Force Reserve (and placement on the retired list of the regular Army or Air Force) with release to inactive duty before expiration of the number of years of service for which a bonus was paid. Retirement for disability is excluded.

B. Marriage - female member

C. Resignation-separation by reason of acceptance of member's resignation (includes resignation for the good of the Military Service in lieu of trial by court-martial)

D. As a result of a writ of habeas corpus

E. Voluntary separation, or transfer to a Reserve Component, if required by law,

following reduction to a lower permanent grade from a higher temporary grade in which the member was erroneously reenlisted

F. Disability not in the line of duty

G. Approved sentence of court-martial or conviction by a civil court

H. Misconduct

★ *I. Defective enlistment (includes erroneous and fraudulent enlistments)  
(IC 29-99)*

★ *J. Entry level performance and conduct (IC 29-99)*

★ *K. Unsatisfactory performance (IC 29-99)*

★ *L. Drug and alcohol rehabilitation failure (IC 29-99)*

★ *M. As directed by the Secretary of the Military Department concerned (or designee) in individual cases. Includes voluntary separation, or transfer to a Reserve Component if required by law; and for the convenience of the government upon the application and interest of the member because of special or unusual circumstances including, but not limited to, the following: (IC 29-99)*

1. To permit attendance at a civilian school.

2. To permit enlistment in another Military Service. Recoupment of unearned bonus is not required if the member is separated to permit acceptance of, or entry into a program leading to a commission or warrant appointment in the same or another Military Service. In that case, the entitlement to an additional unpaid bonus is suspended and will terminate upon commissioning or appointment. The entitlement to additional unpaid bonus will be reinstated and paid on a pro rata basis, however, if the member is not commissioned or appointed and returns to an enlisted status in the same bonus skill.

a. Commissioning programs are defined as those programs which, upon successful completion, may lead to an appointment as a warrant or commissioned officer of the Armed Forces. These programs include attendance at:

(1) Colleges or universities to fulfill educational requirements for completion of baccalaureate degree, or

(2) Military Service academy preparatory schools to obtain educational requirements for entrance to Service academy, or

(3) Military Service schools for the purpose of training and screening eligible applicants for an appointment as a warrant or commissioned officer.

3. To permit enlistment of aliens in the armed forces of their country.
4. Sole surviving family member.
5. Conscientious objection.
6. Overweight/obesity or lack of physical fitness.
7. Pregnancy. Recoupment is required only where member is voluntarily separated, not when pregnancy causes loss of qualification in bonus skill.
8. Public office.
9. Parenthood.
10. Personality Disorder. Recoupment is required for administrative discharges. Recoupment is not required when member is medically discharged with a physical disability.

EXCEPTIONS: Hardship and dependency separations are considered involuntary for the purposes of this paragraph and do not require recoupment of unearned portions of a bonus.

★ *N. Reasons established by Military Departments (reasons will be approved by ASD (FMP)). The decision to recoup will be made by DASD (MPP). (IC 29-99)*

★ *O. See the cognizant Military Service procedural instructions for lists of separation reasons and the corresponding separation program designator (SPD) codes. (IC 29-99)*

090404. Additional Reasons for Recoupment. Except for members not qualified because of injury, illness, or other impairment not the result of their own misconduct, entitlement to the full amount of an enlistment or selective reenlistment bonus awarded after June 30, 1977, will be contingent upon a member maintaining the technical qualification required for effective performance in the military specialty for which the bonus was awarded.

A. A member will be considered not technically qualified in the bonus specialty when no longer classified in that specialty, when the specialty designator is removed from the member's records, and when current and future assignment in that military specialty is precluded for any of the following reasons within the member's control:

1. Refusal to perform certain duties required for effective performance in

the military specialty when the member had volunteered for such duties in writing before accepting the bonus.

2. Disciplinary action taken under UCMJ or civil court conviction when such action renders the individual unqualified for future performance in the military specialty.

3. Injury, illness, or other impairment resulting from own misconduct, as established through existing line of duty determination procedures, which interferes with effective performance in the military specialty.

4. Withdrawal of the minimum security clearance, loss of qualification under the Personnel Reliability Program (PRP), or loss of any other mandatory qualification required for effective performance in the military specialty, when such withdrawal or loss is voluntary or caused by the member's own misconduct and results in removal from the military specialty.

B. In addition to the criteria specified in subparagraph 090404.A., above, a member of the Navy will be considered not technically qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants for the following reasons within the member's control:

1. Removal of the Navy Enlisted Classification Code (NEC) as a result of the member's demonstrated inability to maintain the required proficiency, or failure to meet the qualification or requalification measures required for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

2. Removal of the NEC as a result of the member's demonstrated lack of reliability for assignment to duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

090405. Recoupment Due to Lost Time. Time lost during a period for which an enlistment or reenlistment bonus was paid must be made good before discharge or a pro rata part of the bonus must be recouped.

090406. Computation of Recoupment of Enlistment and Reenlistment Bonuses

A. Regular Reenlistment Bonus (RRB) ((37 U.S.C. 308 (reference (aa))). Recoupment is required on a percentage basis for the time remaining to be served. Reduce the amount paid to an amount per month. Multiply the number of months and fractions of months not served, including lost time, by the amount of bonus paid per month. The product is the amount to be recouped. When a member receives an RRB for a period less than that for which reenlisted because obligated service would extend beyond 20 years, recoupment is computed on the basis of the actual period for which paid. For purposes of this computation, a month consists of 30 days.



Example: A member reenlisted for 4 years on July 16, 1973. Monthly basic pay on discharge was \$390.60;  $\$390.60 \times 4 = \$1,562.40$ , the total amount of the RRB paid. The amount per month was computed at  $\$1,562.40 / 48$  months or \$32.55 per month. This member served 2 years, 11 months, and 15 days and was discharged on June 30, 1976, for a reason requiring recoupment. One year and 15 days were not served. The amount to be collected from the member was twelve and one-half months  $\times \$32.55 = \$406.88$ .

B. Selective Reenlistment Bonus (SRB). The same principle that is applied to the recoupment of the RRB applies to the SRB. A member who received an SRB did not receive an RRB for the same reenlistment. The recoupment of an SRB, however, is based on the period of additional obligated service and not on the entire enlistment period. Further, the total amount of the SRB is earned upon completion of 16 years of active service.

Example 1: A member reenlisted for 6 years with additional obligated service of 4 years. The member qualified for an SRB totaling \$6,000. The member received the first installment of \$1,000 on reenlistment and additional installments of \$1,000 on the first and second anniversary dates of the reenlistment, or a total of \$3,000. If the member is discharged for a reason requiring recoupment of the SRB after serving 2 years 6 months of the 6-year reenlistment period, compute the amount due the United States as follows:

The member served only 6 months of additional obligated service. Since additional obligated service was 4 years or 48 months, the SRB was earned at the rate of \$125 per month during the 6-month period of additional obligated service ( $\$6,000 / 48 = \$125$ ). The amount earned (\$750) was derived by multiplying \$125 per month  $\times 6$  months. Since the member was paid a total of \$3,000 in an initial and anniversary payments, \$2,250 is due the United States.

Example 2: A member reenlisted for 4 years with additional obligated service of 3 years 9 months. The member qualified and was paid an SRB of \$4,232.25. If the member is discharged for a reason requiring recoupment of the bonus after serving 1 year, 4 months, 20 days of the 4-year reenlistment period, compute the amount due the United States as follows:

The member served only 1 year, 1 month, and 20 days of the additional obligated service. Since additional obligated service was 3 years and 9 months (45 months), the SRB was earned at the rate of \$94.05 per month ( $\$4,232.25 / 45 = \$94.05$ ). The amount earned for the 1 year, 1 month, and 20 days of service was \$1,285.35 ( $13\text{-}20/30$  months  $\times \$94.05 = \$1,285.35$  earned). Since the member was paid a total of \$4,232.25 and \$1,285.35, then \$2,946.90 is due the United States. Although the above example shows the recoupment computation in terms of months, the computation may be made using a daily rate with each whole month converted to 30 days.

C. Enlistment Bonus. The same principle that is applied to the recoupment of an RRB applies to the enlistment bonus.

D. For all enlistment/reenlistment bonuses, reduce the amount to be recouped by an amount equal to any reduction taken under subparagraphs 350702.F or 350802.D of this volume.

| COMPUTATION OF REGULAR REENLISTMENT BONUS (37 U.S.C. 308) (Note |  |  |   |   |   |
|---|--|--|---|---|---|
| R<br>U<br>L<br>E  | A  | B  | C   | D   | E   |
|   | When   | compute<br>reenlistment<br>bonus by using  | at pay rate<br>applicable   | multiplied by   | to obtain amount<br>payable as  |
| 1   | an enlisted member<br>reenlists on or after<br>July 16, 1954   | 1 month basic pay<br>(1st reenlistment); or<br>two-thirds of basic<br>pay for 1 month<br>(2nd reenlistment);<br>or one-third of one<br>month's basic pay<br>(3rd reenlistment); or<br>one-sixth of the basic<br>pay for one month<br>(4th and subsequent<br>reenlistments) (note<br>2) | on date of discharge<br>or release from<br>active duty                            | number of years for<br>which member<br>reenlists  | 1st reenlistment<br>bonus; 2nd<br>reenlistment bonus;<br>3rd reenlistment<br>bonus; or 4th or<br>subsequent<br>reenlistment bonus, as<br>applicable (note 3). |
| 2   | an officer or warrant<br>officer qualified under<br>subparagraph<br>090301.A.6, reenlists<br>on or after July 16,<br>1954  |  | to grade in which<br>enlisted (including<br>cumulative years<br>service) (note 4) |   |   |
| 3   | an enlisted member's<br>reenlistment or<br>extension extends<br>the active service<br>beyond 20 years  |  | on date of discharge<br>or release from<br>active duty                            | number of years,<br>months, and days<br>needed to complete<br>20 years' active<br>federal service             |   |
| 4   | an enlisted member<br>extends the<br>enlistment for 2<br>years or more (note<br>5)   |  | on day before the day<br>member begins<br>serving on the<br>extension             | number of full years<br>and fractions thereof<br>(not to exceed 4) for<br>which member<br>extended enlistment |   |
| 5   | an enlisted member<br>of the Navy or<br>Marine Corps, on or<br>after August 10,<br>1956, or of the<br>Army or Air Force,<br>on or after January 2,<br>1968, has combined<br>enlistment<br>extensions totaling 2<br>years or more (note<br>5) |  | on day before the day<br>member begins<br>serving on first<br>extension           |   |   |

## NOTES:

1. Applicable only to members on active duty on June 1, 1974.
2. Navy and Marine Corps-exclude the 25 percent increase in basic pay provided under section 0204 of this volume.
3. See paragraph 090306 of this volume for grade, length of service, and cumulative amount payment restrictions.
4. Pay reenlistment bonus at the higher grade when there is a simultaneous promotion to a higher grade effective on the date of reenlistment.
5. Extension of two years or more is counted as a reenlistment in computing bonus payable for later reenlistments.

**Table 9-1. Computation of Regular Reenlistment Bonus (37 U.S.C. 308)**

## Chapter 9—Special Pay-Enlistment and Reenlistment Bonus-Enlisted Members

## 0901—Enlistment Bonus

|   |                    |  |
|---|--------------------|--|
| ★ | 090101.F           | 37 U.S.C. 308a<br><i>Public Law 106-65,</i><br><i>Section 613,</i><br><i>Oct 5, 1999</i><br>37 U.S.C. 308a (d)   |
| ★ | 090102             | 37 U.S.C. 308f (c)<br><i>Public Law 106-65,</i><br><i>Section 619,</i><br><i>Oct 5, 1999</i><br>37 U.S.C. 308a(a)<br><i>DepSecDef Memo,</i><br><i>Nov 18, 1999</i> |
| ★ | 090103             | <i>Public Law 106-65</i><br><i>Section 618,</i><br><i>Oct 5, 1999</i><br>37 U.S.C. 308a(a) and<br>308a(b)  |
| ★ | 090104             | <i>Public Law 106-65,</i><br><i>Section 613,</i><br><i>Oct 5, 1999</i><br>37 U.S.C. 308a (d)   |
|   | 090106             | 58 Comp Gen 282  |
|   | 090106.B           | ASD(FMP) Memo,<br>June 29, 1999  |
| ★ | 090107<br>090107.A | 37 U.S.C. 308f<br><i>Public Law 106-65,</i><br><i>Section 622,</i><br><i>Oct 5, 1999</i><br>37 U.S.C. 308f (a)<br><i>DepSecDef Memo,</i><br><i>Nov 18, 1999</i>    |
| ★ | 090107.B           | 37 U.S.C. 308f (a)<br>Public Law 105-261,<br>Section 620,<br>Oct 17, 1998  |
| ★ | 090107.D           | <i>Public Law 105-65,</i><br><i>Section 613,</i><br><i>Oct 5, 1999</i><br>37 U.S.C. 308f (c)   |

## 0902—Selective Reenlistment Bonus

|   |            |   |
|---|------------|---|
|   |            | 37 U.S.C. 308<br>Public Law 93-277,<br>May 10, 1974   |
| ★ | 090201     | <i>Public Law 106-65,</i><br><i>Section 618,</i><br><i>Oct 5, 1999</i><br><i>37 U.S.C. 308(a)(1)(A)</i><br><i>DepSecDef Memo,</i><br><i>Nov 18, 1999</i>    |
| ★ | 090201.B.1 | <i>Public Law 106-65,</i><br><i>Section 618,</i><br><i>Oct 5, 1999</i><br><i>37 U.S.C. 308(a)(1)(A)</i><br><i>DepSecDef Memo,</i><br><i>Nov 18, 1999</i>    |
|   | 090201.B.3 | <i>Public Law 106-65,</i><br><i>Section 618,</i><br><i>Oct 5, 1999</i><br><i>37 U.S.C. 308(a)(2)(B)</i>   |
| ★ | 090202     | <i>Public Law 106-65,</i><br><i>Section 618,</i><br><i>Oct 5, 1999</i><br><i>37 U.S.C. 308(a)(2)(A)(i)</i><br><i>DepSecDef Memo,</i><br><i>Nov 18, 1999</i> |
|   | 090202.A.4 | 55 Comp Gen 37  |
|   | 090202.A.5 | MS Comp Gen B-230360,<br>Nov 9, 1990  |
|   | 090202.B.1 | ODASD(MPP)OEPM Memo,<br>Dec 9, 1994   |
|   | 090205     | 58 Comp Gen 282   |
|   | 090205.A   | ASD(FMP) Memo,<br>Jun 29, 1999  |
|   | 090205.D   | 45 Comp Gen 379   |
| ★ | 090206     | <i>Public Law 106-65</i><br><i>Section 613,</i><br><i>Oct 5, 1999</i><br><i>37 U.S.C. 308 (g)</i>   |

## 0903—Regular Reenlistment Bonus

|        |                                    |
|--------|------------------------------------|
| 090301 | Public Law 93-277,<br>May 10, 1974 |
|--------|------------------------------------|

|            |                                       |
|------------|---------------------------------------|
| 090301.A.5 | 36 Comp Gen 786                       |
| 090301.A.6 | MS Comp Gen B-123049,<br>July 1, 1955 |
| 090301.B.1 | 34 Comp Gen 715                       |
| 090301.B.2 | 42 Comp Gen 172                       |
|            | 45 Comp Gen 561                       |
| 090301.B.3 | 36 Comp Gen 439                       |
| 090301.C   | 30 Comp Gen 222                       |
|            | 38 Comp Gen 333                       |
| 090302.C   | 35 Comp Gen 371                       |
| 090302.D   | 35 Comp Gen 664                       |
| 090304     | 37 U.S.C. 906                         |
|            | 45 Comp Gen 123                       |
|            | MS Comp Gen B-175846,<br>Oct 4, 1972  |
| 090304.A   | 34 Comp Gen 615                       |
|            | 40 Comp Gen 14                        |
| 090304.B   | 40 Comp Gen 14                        |
| 090305     | 35 Comp Gen 663                       |
|            | MS Comp Gen B-175846,<br>Oct 4, 1972  |
| 090306.C   | JAGA, Dig Ops, Volume 3,<br>page 618  |
| 090306.C.3 | 42 Comp Gen 172                       |
| 090306.C.4 | 42 Comp Gen 172                       |
| 090306.D   | 28 Comp Gen 460                       |
| 090306.F   | 36 Comp Gen 127                       |

0904— Recoupment of Enlistment and  
Reenlistment Bonus

|                    |   |
|--------------------|---|
| 090403             | Public Law 93-277,<br>May 10, 1974            |
|                    | OASD(MRA&L) Memo,<br>Apr 13, 1983             |
|                    | MS Comp Gen B-210827,<br>Sep 21, 1983         |
|                    | MS Comp Gen B-206550,<br>Oct 27, 1982         |
|                    | <i>OASD(FMP) Memo,</i><br><i>Apr 14, 1999</i> |
| <i>090403.M</i>    | <i>39 Comp Gen 377</i>                        |
| <i>090403.M.10</i> | <i>Navy Pers-20 Memo,</i>                     |

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|           |  |
|-----------|--|
|           | <i>Nov 29, 1995</i>                                  |
| 090404    | Public Law 95-57,<br>June 29, 1977                   |
| 090405    | 10 U.S.C. 972<br>33 Comp Gen 513                     |
| 090406    | 33 Comp Gen 513                                      |
| 090406.D  | Public Law 103-139,<br>Section 8127,<br>Nov 11, 1993 |
| Table 9-1 |  |
| Rule 4    | 45 Comp Gen 123<br>37 U.S.C. 906                     |
| Rule 5    | 45 Comp Gen 123<br>37 U.S.C. 906                     |
| Note 4    | 36 Comp Gen 788                                      |

**SUMMARY OF MAJOR CHANGES TO CHAPTER 10**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE DUTY**

New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.

| <b>Page</b> | <b>Paragraph</b> | <b>Explanation of Change/Revision</b>                    | <b>Effective Date</b> |
|-------------|------------------|--|-----------------------|
| 10-4        | Figure 10-1      | IC 42-99 adds East Timor as an Imminent Danger Pay area. | Oct 29, 1999          |
| 10-6        | Figure 10-1      | IC 08-00 adds Uganda as an Imminent Danger Pay area.     | Jan 19, 2000.         |



*Interim Change 08-00 included a complete revised listing and is incorporated in this revised chapter and will be removed from the list of interim changes.*

## CHAPTER 10

### **SPECIAL PAY-DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER**

#### 1001 ENTITLEMENT PROVISIONS

100101. Policy. A member shall be paid the entire monthly amount of special pay for duty subject to hostile fire or imminent danger (hereinafter referred to as HF/IDP) for any month, during any part of which the member, while on duty in a foreign area and entitled to basic pay, is:

- A. Subjected to hostile fire or explosion of a hostile mine, or
- B. On duty in an area in close proximity to a hostile fire incident and the member is in danger of being exposed to the same dangers actually experienced by other Service members subjected to hostile fire or explosion of hostile mines, or
- C. Killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action, or
- D. On official duty in a designated IDP area (figure 10-1).

100102. Payment. When entitled, the payment of HF/IDP is in addition to all other pays or allowances. It is payable in the full amount of \$150, without proration or reduction, for each month, during any part of which, a member qualifies. Active and Reserve Component members who qualify, at any time during a month, will receive the full amount of HF/IDP regardless of the period of time on active duty or the number of days they receive basic pay during that month.

#### 1002 DETERMINATIONS OF FACT

100201. Eligibility. The appropriate commander must certify that the member has met the requirements for entitlement to HF/IDP for a given month, except when the member is under orders on official duty in one of the designated IDP areas listed in figure 10-1.

- A. Certification of entitlement should be made at the lowest level of command that includes all the vessels, aircraft, or units subjected to the hostile fire or explosion of hostile mine incident. For example, in the case of a single vessel subjected to hostile fire or explosion of hostile mines, the vessel's commanding officer should certify payment for all Service members on board. If two or more vessels are involved, the commanding officer of the unit that includes all of those vessels should certify eligibility.

B. Certification must include the name and social security number of each member entitled to the hostile fire pay, a short description of the incident, and when and where it occurred. The certification shall be forwarded directly to the servicing financial support office, with a copy to the cognizant regional Combatant Commander.

C. When the airspace specifically is included in an IDP area designation, members who perform official duty while flying over the area are eligible for HF/IDP, even if they do not land in the area. When airspace is not specifically designated, members who perform duty over the area are not entitled to HF/IDP unless they land in the area.

D. Members who perform duty on a vessel performing operational duty while in an area designated for IDP are eligible for HF/IDP.

E. A death certificate or injury report may be substituted in place of the certification if the document establishes the cause of the death or injury was due to hostile fire or an explosion of a hostile mine in a foreign area.

F. A member is not considered to be on official duty in a designated IDP area and, therefore, is not eligible for HF/IDP pay if the member is in that area:

1. on leave from a duty station outside the IDP area;
2. while merely transiting (as distinguished from performing official duty) by any means (including vessel, aircraft, and land conveyance) the IDP area as a consequence of traveling between two points, both outside the IDP; or
3. solely for personal convenience.

100202. Administration. Any determinations of fact made by commanders in the certification of hostile fire are conclusive. These determinations are not subject to review by any officer or agency of the government, unless there has been fraud or gross negligence. These determinations, however, may be changed on the basis of new evidence or for other good cause.

### 1003 SPECIAL SITUATIONS

100301. Member Captured or Missing. A member entitled to HF/IDP immediately before entering a status of missing, missing-in-action, interned in a foreign country or captured by a hostile force shall continue to be credited with HF/IDP for each month while in that status. (See Chapter 34 for more detailed instructions.)

100302.       Hospitalization. A member entitled to HF/IDP, who is hospitalized for a wound or injury incurred as a result of hostile action, is entitled to HF/IDP for each month hospitalization continues, up to an additional 3 months after the month in which the wound or injury occurred.

100303.       Absence. A member, otherwise entitled to HF/IDP as a consequence of assignment to a designated IDP area, who is absent from the designated area for an entire calendar month, is not entitled to HF/IDP for that month.

| DESIGNATED HOSTILE FIRE OR IMMINENT DANGER PAY AREAS   |  |              |              |
|--|--|--------------|--------------|
| AREA   | INCLUDES   | EFFECTIVE    | TERMINATED   |
| Adriatic Sea   | Sea area and airspace.   | Apr 12, 1999 | Sep 15, 1999 |
| Afghanistan  | Land area and airspace.  | Nov 1, 1988  |              |
| Albania  | Land area and airspace.  | May 22, 1997 |              |
| Algeria  | Land area.   | Mar 7, 1995  |              |
| Angola   | (1) Land area and airspace.  | Jun 22, 1992 | Feb 28, 1998 |
|  | (2) Land area.   | Mar 1, 1998  |              |
| Arabian (Persian) Gulf Area<br>See also:<br>Bahrain,<br>Oman,<br>Kuwait,<br>Qatar,<br>Saudi Arabia,<br>UAE, and<br>Yemen | (1) Arabian Gulf area including the airspace thereover, and the countries of Bahrain and Kuwait, including the airspace thereover. The Arabian Gulf area is defined by the Arabian Gulf (Persian Gulf), the Strait of Hormuz, and that part of the Gulf of Oman which lies north of 25 degrees north latitude and west of 057-30 degrees east longitude. | Aug 25, 1987 | Apr 1, 1989  |
|  | (2) The following locations including the airspace above such locations: Red Sea, Persian Gulf, the Gulf of Oman, the portion of the Arabian Sea that lies north of 10 degrees north latitude and west of 68 degrees east longitude, the Gulf of Aden, the total land areas of Oman, Saudi Arabia, Yemen, Bahrain, Qatar, and the United Arab Emirates.  | Aug 2, 1990  | Aug 31, 1993 |
|  | (3) The following locations including the airspace above such locations: Persian Gulf, the land areas of Saudi Arabia and Yemen.   | Sep 1, 1993  | Feb 28, 1998 |
|  | (4) The following locations including the airspace above such locations: Persian Gulf and land area of Saudi Arabia.   | Mar 1, 1998  |              |
| Azerbaijan   | Land area.   | Jun 9, 1995  |              |
| Bahrain  | (1) Total land area including airspace thereover.  | Aug 25, 1987 | Apr 1, 1989  |
|  | (2) Total land area including airspace thereover.  | Aug 2, 1990  | Aug 31, 1993 |
|  | (3) Land area and airspace.  | Jun 13, 1997 |              |
| Bosnia-Herzegovina   | Land area and airspace.  | Jun 22, 1992 |              |
| Burundi  | Land area.   | Nov 29, 1996 |              |

Figure 10-1. Designated Hostile Fire or Imminent Danger Pay Areas

| DESIGNATED HOSTILE FIRE OR IMMINENT DANGER PAY AREAS |  |              |              |
|--|--|--------------|--------------|
| AREA   | INCLUDES   | EFFECTIVE    | TERMINATED   |
| Cambodia   | (1) Land area and adjacent sea area from the juncture of the Cambodia and Vietnam border, southwest to coordinates 10-16N, 104-14E, thence to 10-28N, 104-06E, thence to 10-30N, 104-01E, thence to 10-28N, 103-55E, thence to 10-26N, 103-54E, thence to 10-23N, 103-49E, thence to 10-21N, 103-44E, thence to 10-16N, 103-38E, thence 12 miles seaward from the base line from which the territorial water of Cambodia is measured to a point 12 miles seaward from the border of Cambodia and Thailand, thence to the juncture of the border of Cambodia and Thailand and the airspace thereover. | Jan 1, 1971  | Jul 14, 1997 |
|  | (2) Land area.   | Jul 15, 1997 |              |
| Chad   | (1) Total land area and airspace. Coastal waters are excluded.   | Jun 22, 1992 | Jan 28, 1997 |
|  | (2) Land area.   | Jan 29, 1997 | Feb 28, 1998 |
| Colombia   | Land area.   | Jun 1, 1985  |              |
| Croatia  | Land area and airspace.  | Jun 22, 1992 |              |
| East Timor   | (1) Land area.   | Sep 30, 1999 | Oct 28, 1999 |
|  | (2) Land area and the air space, up to 1,500 feet.   | Oct 29, 1999 |              |
| Egypt  | (1) Total land area, inland waters, coastal waters and the territorial airspace thereover.   | Feb 6, 1991  | Dec 31, 1991 |
|  | (2) Land area.   | Jan 29, 1997 | -            |
| El Salvador  | (1) Land area.   | Oct 1, 1983  | Jul 14, 1997 |
|  | (2) Land area, except Compalapa International Airport and Ilopango Air Base.   | Jul 15, 1997 |              |
| Ethopia  | Land area.   | Sep 13, 1999 |              |
| Georgia, Republic of (Abkhazia region)               | Land area of Georgia and Abkhazia lying north of 42 degrees north latitude and west of 43 degrees east longitude.  | Jan 28, 1997 |              |
| Greece   | Land area within a 14-km radius from the center of Athens (37-58 N, 23-43 E).  | Jan 29, 1997 |              |
|  | (2) Land area of Souda Bay (all military installations and facilities including the port of Souda Bay); land area within a 25 km radius from the center of Thessaloniki (40degrees 27 minutes north, 22 degrees 59 minutes east), and the waters of Thermaikos Kolpos (Gulf of Salonika) north of 40 degrees 15 minutes north.   | May 31, 1999 | Sep 15, 1999 |

Figure 10-1. Designated Hostile Fire or Imminent Danger Pay Areas (Continued)

| DESIGNATED HOSTILE FIRE OR IMMINENT DANGER PAY AREAS |  |              |              |
|--|--|--------------|--------------|
| AREA   | INCLUDES   | EFFECTIVE    | TERMINATED   |
| Haiti  | (1) Total land area and airspace and the surrounding seas inside the area of 16-30N, 71-40W to 18-00N, 71-45W; along the Haiti – Dominican Republic border to 20-00N, 71-44W to 21-00N, 71-40W to 21-25N, 73-00W to 21-25N, 74-00W to 20-00N, 74-00W to 19-45N, 75-00W to 19-00N, 76-00W.  | Sep 16, 1994 | Nov 22, 1994 |
|  | (2) Land area.   | Nov 23, 1994 |              |
| Hungary  | Land area within a 50 km radius of Taszar (46 degrees 23 minutes north, 17 degrees 55 minutes east).   | May 31, 1999 | Sep 15, 1999 |
| Ionian Sea   | Those portions of the sea area and airspace that lie north of 39N.   | Apr 12, 1999 | Sep 15, 1999 |
| Iran   | Land area.   | Nov 4, 1979  |              |
| Iraq   | Land area and airspace.  | Sep 17, 1990 |              |
| Israel   | Total land area, inland waters, coastal waters and the territorial airspace thereover.   | Feb 6, 1991  | Dec 31, 1991 |
| Italy  | Land areas of Aviano Air Base; Cervia Air Base; Gioia del Colle Air Base; Trapani Air Base; Vicenza (all military installations and facilities); San Vito Air Station; Brindisi (all military installations and facilities including the port of Naples); Sigonella; and August Bay (all military installations and facilities including the ports of Catania and Augusta Bay); Gaeta (all military installations and facilities including the port of Gaeta); and Bari (all military facilities). | May 31, 1999 | Sep 15, 1999 |
| Jordan   | (1) Total land area, inland waters, coastal waters and the territorial airspace thereover.   | Feb 6, 1991  | Dec 31, 1991 |
|  | (2) Land area.   | Jan 29, 1997 |              |
| Kuwait   | (1) Total land area, including airspace thereover.   | Aug 25, 1987 | Apr 1, 1989  |
|  | (2) Land area and airspace.  | Aug 6, 1990  |              |
| Laos   | Land area.   | Dec 26, 1989 | Jul 15, 1997 |
| Lebanon  | Land area.   | Oct 1, 1983  |              |
| Liberia  | Land area.   | Aug 6, 1990  |              |
| Macedonia  | Land area and airspace.  | Jun 22, 1992 |              |
| Montenegro   | Land area and airspace.  | Jun 22, 1992 |              |
| Mozambique   | (1) Total land area and airspace. Coastal waters are excluded.   | Jun 22, 1992 | Jan 28, 1997 |
|  | (2) Land area.   | Jan 29, 1997 | Feb 28, 1998 |

Figure 10-1. Designated Hostile Fire or Imminent Danger Pay Areas.(Continued)

| DESIGNATED HOSTILE FIRE OR IMMINENT DANGER PAY AREAS |  |              |              |
|--|--|--------------|--------------|
| AREA   | INCLUDES   | EFFECTIVE    | TERMINATED   |
| Oman   | Total land area and airspace.  | Aug 2, 1990  | Aug 31, 1993 |
| Pakistan   | (1) Total land area within 50 miles of Karachi (24-55 N, 67-00 E).   | Oct 24, 1995 | Nov 28, 1996 |
|  | (2) Land area.   | Nov 29, 1996 |              |
| Panama   | Total land area, including inland waters, coastal waters and the airspace thereover.   | Dec 20, 1989 | Jan 30, 1990 |
| Peru   | Land area.   | Apr 1, 1987  |              |
| Philippines  | Total land area, including inland and coastal waters. Airspace thereover is excluded. Effective 1 Jun 1990, inland and coastal waters are excluded.  | May 15, 1990 | Nov 30, 1991 |
| Qatar  | (1) Total land area and airspace.  | Aug 2, 1990  | Aug 31, 1993 |
|  | (2) Land area and airspace.  | Aug 7, 1997  |              |
| Rwanda   | Land area.   | Oct 6, 1997  |              |
| Saudi Arabia   | Land area and airspace.  | Aug 2, 1990  |              |
| Serbia   | Land area and airspace (includes the provinces of Vojvodina and Kosovo).   | Jun 22, 1992 |              |
| Sierra Leone   | Land area.   | Jul 18, 1997 |              |
| Slovenia   | Total land area and airspace. Coastal waters are excluded.   | Jun 22, 1992 | Sep 29, 1995 |
| Somalia  | Land area and airspace.  | Sep 28, 1992 |              |
| Sudan  | Land area and airspace.  | Oct 4, 1993  |              |
| Syria  | Total land area, inland waters, coastal waters and the territorial airspace thereover.   | Feb 6, 1991  | Dec 31, 1991 |
| Tajikistan   | Land area.   | Mar 31, 1997 |              |
| Turkey   | (1) Total land area, inland waters, coastal waters and the territorial airspace thereover.   | Feb 6, 1991  | Sep 29, 1995 |
|  | (2) Total land area and inland waters. Airspace and coastal waters are excluded.   | Sep 30, 1995 | Jan 28, 1997 |
|  | (3) Land area, excluding the Turkish Straits (i.e., the Dardanelles, the Sea of Marmara, and the Bosphorus Straits).   | Jan 29, 1997 | Feb 28, 1998 |
|  | (4) Land area, excluding the Turkish Straits (i.e., the Dardanelles, the Sea of Marmara, and the Bosphorus Straits) and including the limited airspace south of 37-45N and east of 43-00E. | Mar 1, 1998  |              |
| ★Uganda (IC 08-00)                                   | Land area  | Jan 19, 2000 |              |

Figure 10-1. Designated Hostile Fire or Imminent Danger Pay Areas.(continued)

| DESIGNATED HOSTILE FIRE OR IMMINENT DANGER PAY AREAS               |  |              |              |
|--|--|--------------|--------------|
| AREA   | INCLUDES   | EFFECTIVE    | TERMINATED   |
| United Arab Emirates (UAE)   | Total land area and airspace.  | Aug 2, 1990  | Aug 31, 1993 |
| Vietnam  | (1) Total land area of North and South Vietnam, including inland waters and the adjacent sea area west of a line from a point on the east coast of Vietnam at the juncture of North Vietnam and China southeastward to a point 12 miles seaward from the base line from which the breadth of the territorial sea is measured; then continuing on that 12 mile seaward line to 10-16N, 103-38E; thence northeast to 10-21N, 103-44E; thence on straight lines to 10-23N, 103-49E; 10-26N, 103-54E; 10-30N, 103-55E; 10-30N, 104-01E; 10-28N, 104-06E; 10-16N, 104-14E; thence northeast to the juncture of the Cambodia and Vietnam border, and the airspace thereover. | Oct 1, 1973  | Jan 28, 1997 |
|  | (2) Land area and the adjacent sea area west of a line from a point on the east coast of Vietnam at the juncture of Vietnam and China southeastward to a point 12 miles seaward from the base line from which the breadth of the territorial sea is measured; then continuing on that 12 mile seaward line to 10-16N, 103-38E; thence northeast to 10-21N, 103-44E; thence on straight lines to 10-23N, 103-49E; 10-26N, 103-54E; 10-30N, 103-55E; 10-30N, 104-01E; 10-28N, 104-06E; 10-16N, 104-14E; thence northeast to the juncture of the Cambodia and Vietnam border.   | Jan 29, 1997 | Jul 15, 1997 |
| Yemen  | (1) Land area and airspace.  | Aug 2, 1990  | Feb 28, 1998 |
|  | (2) Land area.   | May 25, 1999 |              |
| Yugoslavia, Federal Republic of see also:<br>Montenegro and Serbia | Land area and airspace of the Republics of Montenegro and Serbia.  | Jun 22, 1992 |              |
| Zaire  | Land area.   | Nov 29, 1996 |              |

## NOTES:

1. The designation of a land area encompasses all internal waters, unless otherwise noted. For HF/IDP purposes, the term "internal waters" is defined as waters landward of the baseline drawn in accordance with international law.
2. The designation of a water area (such as the Persian Gulf) includes the territorial seas of those waters, but not the internal waters of the coastal lands. For example, all waters of the Persian Gulf seaward of the baseline of the coastal states, drawn in accordance with international law, would be included in the Persian Gulf designation.
3. Unless otherwise specifically indicated, airspace is NOT part of the included area. When airspace is specifically included, it will normally be that space directly vertically above the approved land or sea area
4. This figure reflects all designated areas which were active within the last 10 years.

Figure 10-1. Designated Hostile Fire or Imminent Danger Pay Areas.(continued)



## Chapter 10—Special Pay—Duty Subject to Hostile Fire or Imminent Danger

## 1001—Entitlement Provisions

|                             |   |
|-----------------------------|---|
|                             | 37 U.S.C. 310<br>DoD Instruction 1340.9,<br>Apr 10, 1992<br>ASD (FMP) Memo,<br>Oct 29, 1998<br>Public Law 105-261,<br>Oct 17, 1998                                      |
| 100103                      | Public Law 102-190,<br>Dec 5, 1991  |
| Figure 10-1                 | ASD(FMP) Memo,<br>Mar 7, 1995   |
| Adriatic Sea                | ASD(FMP) Memo,<br>Sep 15, 1999  |
| Afghanistan                 | ASD (FM&P) Memo,<br>Oct 20, 1988  |
| Albania                     | ASD(FMP) Memo,<br>May 22, 1997  |
| Algeria                     | ASD(FMP) Memo,<br>Mar 7, 1995   |
| Angola                      | ASD(FM&P) Memo,<br>June 22, 1992, Feb 4, 1998   |
| Arabian (Persian) Gulf Area | OASD(FM&P) Memos,<br>Aug 25, 1987,<br>Mar 20, 1989, Feb 4, 1998<br>SECDEF Memo,<br>Sep 19, 1990<br>SECDEF Memo,<br>Dec 10, 1990, and<br>ASD (P&R) Memo,<br>Aug 23, 1993 |
| Azerbaijan                  | ASD(FMP) Memo,<br>June 9, 1995  |
| Bahrain                     | ASD(FMP) Memo,<br>June 13, 1997   |
| Bosnia-Herzegovina          | ASD(FM&P) Memo,<br>June 22, 1992  |

|             |  |
|-------------|--|
| Burundi     | ASD(FMP) Memo,<br>Nov 29, 1996   |
| Cambodia    | ASD(FMP) Memo,<br>July 15, 1997  |
| Chad        | ASD(FM&P) Memo,<br>June 22, 1992,<br>ASD(FMP) Memo,<br>Jan 29, 1997, Feb 4, 1998                     |
| Colombia    | ASD (MI&L) Memo,<br>May 8, 1985  |
| Croatia     | ASD(FM&P) Memo,<br>June 22, 1992   |
| East Timor  | ASD(FMP) Memo,<br>Sep 30, 1999<br>ASD(FMP) Memo,<br>Oct 29, 1999                                     |
| Egypt       | OSDMemo, Feb 6, 1991<br>ASD(FMP) Memo,<br>Jan 29, 1997   |
| El Salvador | ASD(MRA&L) Memo,<br>Sep 30, 1983<br>ASD(FMP) Memo,<br>July 15, 1997                                  |
| Ethiopia    | ASD(FMP) Memo,<br>Sep 13, 1999   |
| Georgia     | ASD(FMP) Memo,<br>Jan 28, 1997   |
| Greece      | ASD (FMP) Memo,<br>Sep 15, 1999  |
| Haiti       | USD(P&R) Memo,<br>Sep 16, 1994<br>CINCUSACOM Msg<br>262133Z Sep 94<br>USD(P&R) Memo,<br>Nov 23, 1994 |
| Hungary     | ASD(FMP) Memo,<br>Sep 15, 1999   |
| Ionian Sea  | ASD(FMP) Memo,<br>Sep 15, 1999   |
| Iran        | OASD(MRA&L) (MPP)<br>Memos, May 4, 1979<br>and Jan 23, 1981  |
| Iraq        | OSD Memo, Sep 17, 1990   |

★February 2000

|              |  |
|--------------|--|
| Israel       | OSDMemo, Feb 6, 1991   |
| Italy        | ASD(FMP) Memo,<br>Sep 15, 1999   |
| Jordan       | OSD Memo, Feb 6, 1991<br>ASD(FMP) Memo,<br>Jan 29, 1997  |
| Kuwait       | ASD(FM&P) Memo,<br>Aug 6, 1990   |
| Lebanon      | ASD(MRA&L) Memo,<br>Sep 30, 1990   |
| Liberia      | ASD(FM&P) Memo,<br>Aug 6, 1990   |
| Macedonia    | ASD(FM&P) Memo,<br>June 22, 1992 and<br>ASD(P&R) Memo,<br>Aug 23, 1993                               |
| Montenegro   | ASD(FM&P) Memo,<br>June 22, 1992   |
| Mozambique   | ASD(FM&P) Memo,<br>June 22, 1992<br>ASD(FMP) Memo,<br>Feb 4, 1998<br>ASD (FMP) Memo,<br>Jan 29, 1997 |
| Pakistan     | ASD(FMP) Memo,<br>Nov 29, 1996   |
| Panama       | ASD(FM&P) Memo,<br>Dec 20, 1989  |
| Peru         | OASD(FM&P) Memos,<br>Mar 27, 1987 and<br>Oct 29, 1987  |
| Philippines  | ASD(FM&P) Memos,<br>May 15, 1990 and<br>Nov 22, 1991   |
| Qatar        | ASD(FM&P) Memo,<br>Aug 7, 1997   |
| Rwanda       | ASD(FMP) Memo,<br>Oct 6, 1997  |
| Serbia       | ASD(FM&P) Memo,<br>Jun 22, 1992  |
| Sierra Leone | ASD(FMP) Memo,<br>July 18, 1997  |

|   |                                    |   |
|---|------------------------------------|---|
|   | Slovenia                           | ASD(FM&P) Memo,<br>June 22, 1992  |
|   |                                    | ASD(FM&P) Memo,<br>Sep 29, 1995   |
|   | Somalia                            | ASD(FMP) Memo,<br>Sep 28, 1992  |
|   | Sudan                              | OASD(FM&P) Memos,<br>July 17, 1986,<br>May 12, 1987,<br>Nov 27, 1987, and<br>ASD(P&R) Memo,<br>Oct 4, 1993    |
|   | Syria                              | ASD (FM&P) Memo,<br>Dec 26, 1991<br>OSD Memo, Feb 6, 1991   |
|   | Tajikistan                         | ASD(FMP) Memo,<br>Mar 31, 1997  |
|   | Turkey                             | ASD(FMP) Memo,<br>Sep 29, 1995 and<br>ASD(FMP) Memo,<br>Jan 29, 1997, Feb 4, 1998                             |
| ★ | <i>Uganda</i>                      | <i>ASD(FMP) Memo,<br/>Jan 19, 2000</i>  |
|   | Vietnam                            | DEPSECDEF Memo,<br>Sep 26, 1973<br>(MPAC Item 73-155) and<br>ASD(FMP) Memo,<br>Jan 29, 1997,<br>July 15, 1997 |
|   | Yemen                              | ASD(FMP) Memo,<br>Feb 4, 1998, May 25, 1999   |
|   | Yugoslavia, Federal<br>Republic of | ASD(FMP) Memo,<br>June 22, 1992   |
|   | Zaire                              | ASD(FMP) Memo,<br>Nov 29, 1996  |
|   | Notes 1, 2                         | ASD(FMP) Memo,<br>Jan 29, 1997  |

**SUMMARY OF MAJOR CHANGES TO CHAPTER 11**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

**New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.**

| <b>Page</b>   | <b>Paragraph</b>                          | <b>Explanation of Change/Revision</b>  | <b>Effective Date</b> |
|---------------|---|--|-----------------------|
|               | 110201.H<br>1103                          | IC 42-98 regards special pay for diving duty entitlement criteria.   | Oct 1, 1998           |
|               | Chapter rewrite                           | IC 06-00 is a complete chapter rewrite   | Oct 1, 1999           |
| 11-3,<br>11-3 | Table 11-1,<br>Table 11-2<br>Bibliography | IC 20-00 increases the rates of special pay for diving duty as allowed under the FY 2000 National Defense Authorization Act. | Mar 20, 2000          |

*This change incorporates Interim change 42-98, 06-00, and 20-00. Interim change 06-00 is a complete chapter rewrite.*

**★CHAPTER 11 (IC 06-00)**

**SPECIAL PAY–DIVING DUTY**

**1101 ENTITLEMENT**

*110101. Members entitled to basic pay are entitled to special pay for diving duty for periods during which they are:*

- A. Assigned by orders to diving duty;*
- B. Required to maintain proficiency as a diver by frequent and regular dives;*  
*and*
- C. They are either:*
  - 1. Actually performing diving duty while serving in an assignment for which diving is a primary duty; or*
  - 2. Meeting the requirements to maintain proficiency as described in subparagraph 110101.B while serving in an assignment that includes diving duty other than as a primary duty.*

*110102. In time of war, the President may suspend diving duty pay.*

*110103. Situations or conditions which further affect entitlement to diving duty pay are contained in section 1103 and Tables 11-1 through 11-9.*

**1102 QUALIFICATIONS FOR DIVING DUTY**

*110201. Army. Except as noted in Tables 11-1 and 11-2, an Army member must be a rated diver in accordance with AR 611-75 (reference (ab)) and be assigned to:*

- A. A Table of Organization and Equipment or Table of Distribution and Allowance position in Skill Classification/Military Occupational Specialty Special Qualification Identifier, or Additional Skill Identifier specified in AR 611-75; or*
- B. A position designated as diving duty by the Deputy Chief of Staff Personnel.*

*110202. Navy and Marine Corps. Members must be designated divers, be assigned to diving duty under competent orders, and maintain their qualifications for diving.*

*110203. Air Force. Members must:*

- A. *Successfully complete an approved DoD course for underwater swimmers,*
- B. *Be under orders for diving duty as authorized by the major air command,*
- C. *Meet the other qualification standards prescribed by current Air Force instructions.*

**1103 RATES PAYABLE**

110301. Officers. *Officers assigned to diving duty are entitled to special pay for diving duty at a rate of not more than \$240 per month.*

110302. Enlisted Members. *Enlisted members assigned to diving duty are entitled to special pay for diving duty at a rate of not more than \$340 per month.*

110303. Specific Rates Payable. *See Tables 11-1 through 11-8.*

**1104 CONDITIONS OF ENTITLEMENT**

*See Table 11-9.*

**1105 RESTRICTION ON PAYMENT**

110501. Diving Duty Pay and Hazardous Duty Incentive Pay. *When assigned by orders to both diving duty and hazardous duty for the same period, a member may be paid special pay for diving duty and not more than two incentive payments for hazardous duty from among those listed in Chapter 22, section 2201 and Chapter 24.*

110502. Lapsed Qualifications. *No member is entitled to receive special pay for performing diving duty after diving qualifications have lapsed. Upon re-qualification, payments will not be made for the period of lapsed qualification.*

| <i>DIVING DUTY PAY RATES -- ARMY ENLISTED (note 1) Effective March 20, 2000</i> |   |   |
|---|---|---|
| <i>R<br/>U<br/>L<br/>E</i>  | <i>A</i>  | <i>B</i>  |
|   | <i>If an Army enlisted member is</i>  | <i>then the member is entitled to diving pay at the monthly rate of</i> |
| <i>1</i>  | <i>assigned to diving duty under instruction at an approved Armed Services diving school (note 2)</i> | <i>\$110</i>  |
| <i>★2</i>   | <i>master diver</i>   | <i>\$340</i>  |
| <i>★3</i>   | <i>diver first class</i>  | <i>\$215</i>  |
| <i>★4</i>   | <i>salvage diver</i>  | <i>\$175</i>  |
| <i>★5</i>   | <i>diver second class</i>   | <i>\$150</i>  |
| <i>★6</i>   | <i>combat diver (note 3)</i>  | <i>\$215</i>  |

## NOTES:

1. Except as otherwise noted, entitlement commences on the date of assignment to diving duty under a listed category after graduation from the requisite diving course.
2. Entitlement commences on the date of first dive and continues through the date dropped from the course or the date of graduation, whichever is earlier.
3. The combat diver rating applies to members serving primarily in Special Operations Forces (SOF) units who are assigned to positions that require Special Forces Underwater Operations Systems qualifications and who hold a combat diver rating in accordance with AR 611-75 (reference (ab)).

★Table 11-1. Diving Duty Pay Rates -- Army Enlisted (IC 20-00)

| <i>DIVING DUTY PAY RATES -- ARMY OFFICERS (note 1) Effective March 20, 2000</i> |   |  |  |
|---|---|--|--|
| <i>R<br/>U<br/>L<br/>E</i>  | <i>A</i>  | <i>B</i>                                     | <i>C</i>   |
|   | <i>If an army officer is</i>  | <i>and has a special identifying code of</i> | <i>then the officer is entitled to diving pay at the monthly rate of</i> |
| <i>1</i>  | <i>assigned to diving duty under instruction at an approved Armed Services diving school (note 2)</i> |  | <i>\$110</i>   |
| <i>★2</i>   | <i>marine diving officer</i>  | <i>ASI 5V</i>                                | <i>\$240</i>   |
| <i>★3</i>   | <i>combat diver (note 3)</i>  |  | <i>\$215</i>   |

## NOTES:

1. Except as otherwise noted, entitlement commences on the date of assignment to diving duty under a listed category after graduation from the requisite diving course.
2. Entitlement commences on the date of first dive and continues through the date dropped from the course or the date of graduation, whichever is earlier.
3. The combat diver rating applies to members serving primarily in Special Operations Forces (SOF) units who are assigned to positions that require Special Forces Underwater Operations Systems qualifications and who hold a combat diver rating in accordance with AR 611-75 (reference (ab)).

★Table 11-2. Diving Duty Pay Rates -- Army Officers (IC 20-00)



| <i>DIVING DUTY PAY RATES – NAVY ENLISTED (note 1) Effective November 1, 1999</i> |   |  |   |
|--|---|--|---|
| <i>R<br/>U<br/>L<br/>E</i>   | <i>A</i>  | <i>B</i>                                     | <i>C</i>  |
|  | <i>If a Navy enlisted member is</i>   | <i>and has a special identifying code(s)</i> | <i>then the member is entitled to diving pay at the monthly rate of</i> |
| <i>1</i>   | <i>Assigned to diving duty under instruction at an approved Armed Services diving school (note 2)</i> |  | <i>\$150</i>  |
| <i>2</i>   | <i>Master Diver</i>   | <i>SNEC 5341/5346</i>                        | <i>\$340</i>  |
| <i>3</i>   | <i>Saturation Diver</i>   | <i>SNEC 5311</i>                             | <i>\$315</i>  |
| <i>4</i>   | <i>Diver First Class</i>  | <i>SNEC 5342</i>                             | <i>\$215</i>  |
| <i>5</i>   | <i>Advanced Underwater Construction Technician</i>  | <i>PNEC 5931</i>                             | <i>\$215</i>  |
| <i>6</i>   | <i>Basic Underwater Construction Technician</i>   | <i>PNEC 5932</i>                             | <i>\$150</i>  |
| <i>7</i>   | <i>Diver Second Class</i>   | <i>SNEC 5343</i>                             | <i>\$150</i>  |
| <i>8</i>   | <i>SCUBA Diver</i>  | <i>SNEC 5345</i>                             | <i>\$150</i>  |
| <i>9</i>   | <i>Special Amphibious Reconnaissance Independent Duty Corpsman</i>                                    | <i>HM 8403</i>                               | <i>\$215</i>  |
| <i>10</i>  | <i>FMF Reconnaissance Corpsman</i>  | <i>HM 8427</i>                               | <i>\$215</i>  |
| <i>11</i>  | <i>Medical Deep Sea Diving Technician</i>   | <i>HM 8493</i>                               | <i>\$215</i>  |
| <i>12</i>  | <i>Medical Deep Sea Diving Technician (Saturation)</i>  | <i>HM 8493/5311</i>                          | <i>\$315</i>  |
| <i>13</i>  | <i>Deep Sea Diving Independent Corpsman</i>   | <i>HM 8494</i>                               | <i>\$215</i>  |
| <i>14</i>  | <i>Medical Special Operations Technician</i>  | <i>HM 8492</i>                               | <i>\$215</i>  |
| <i>15</i>  | <i>EOD Mobile Unit Diver</i>  | <i>SNEC 5339</i>                             | <i>\$150</i>  |
| <i>16</i>  | <i>EOD Technician</i>   | <i>SNEC 5332/5333</i>                        | <i>\$215</i>  |
| <i>17</i>  | <i>EOD Assistants</i>   | <i>SNEC 5331</i>                             | <i>\$150</i>  |
| <i>18</i>  | <i>Combatant Swimmer</i>  | <i>SNEC 5321/5322/5325/5326/5327</i>         | <i>\$215</i>  |
| <i>19</i>  | <i>Basic Combatant Swimmer</i>  | <i>SNEC 5320</i>                             | <i>\$150</i>  |
| <i>20</i>  | <i>Senior EOD Diver</i>   | <i>PNEC 5334</i>                             | <i>\$215</i>  |
| <i>21</i>  | <i>Senior EOD Diver/Parachutist</i>   | <i>PNEC 5335</i>                             | <i>\$215</i>  |
| <i>22</i>  | <i>Master EOD Diver</i>   | <i>PNEC 5336</i>                             | <i>\$215</i>  |
| <i>23</i>  | <i>Master EOD Diver/Parachutist</i>   | <i>PNEC 5337</i>                             | <i>\$215</i>  |
| <i>24</i>  | <i>SEAL Delivery Vehicle Pilot/Navigator</i>  | <i>SNEC 5323</i>                             | <i>\$340</i>  |
| <i>25</i>  | <i>SEAL Delivery Vehicle Pilot/Navigator (EOD Qualified)</i>  | <i>SNEC 5324</i>                             | <i>\$340</i>  |

## NOTES:

1. Except as otherwise noted, entitlement commences on the date of graduation from the requisite diving course with assignment to diving duty under a listed category.
2. Entitlement commences on the date of first dive. If diver has existing qualification for a higher rate listed, then pay the higher rate.

★Table 11-3. Diving Duty Pay Rates – Navy Enlisted

| <i>DIVING DUTY PAY RATES -- NAVY OFFICERS (note 1) Effective November 1, 1999</i> |   |  |  |
|---|---|--|--|
| <i>R<br/>U<br/>L<br/>E</i>  | <i>A</i>  | <i>B</i>   | <i>C</i>   |
|   | <i>If a Navy officer is</i>   | <i>and has a special<br/>identifying code of</i> | <i>then the officer is entitled to diving pay at the<br/>monthly rate of</i> |
| <i>1</i>  | <i>assigned to diving duty under instruction at an<br/>approved Armed Services diving school (note 2)</i> |  | <i>\$150</i>   |
| <i>2</i>  | <i>diving officer (SCUBA)</i>   |  | <i>\$150</i>   |
| <i>3</i>  | <i>diving officer</i>   |  | <i>\$240</i>   |
| <i>4</i>  | <i>EOD officer</i>  |  | <i>\$240</i>   |
| <i>5</i>  | <i>UNT/SEAL officer (note 3)</i>  | <i>113X designator</i>                           | <i>\$240</i>   |
| <i>6</i>  | <i>UNT/SEAL officer</i>   | <i>118X designator</i>                           | <i>\$150</i>   |
| <i>7</i>  | <i>undersea medical (diving) officer</i>  |  | <i>\$240</i>   |
| <i>8</i>  | <i>medical service corps (diving) officer</i>   |  | <i>\$240</i>   |
| <i>9</i>  | <i>ship salvage operations officer</i>  |  | <i>\$240</i>   |

## NOTES:

1. Except as otherwise noted, entitlement commences on the date of graduation from the requisite diving course with assignment to diving duty under a listed category.
2. Entitlement commences on the date of first dive. If diver has existing qualification for a higher rate listed, then pay the higher rate.
3. Entitlement commences on assignment of the 113X designator.

★Table 11-4. Diving Duty Pay Rates -- Navy Officers

| <i>DIVING DUTY PAY RATES – MARINE CORPS ENLISTED (note 1) Effective October 1, 1999</i> |   |  |   |
|---|---|--|---|
| <i>R<br/>U<br/>L<br/>E</i>  | <i>A</i>  | <i>B</i>                                     | <i>C</i>  |
|   | <i>If a Marine Corps enlisted member is</i>   | <i>and has a special identifying code of</i> | <i>then the member is entitled to diving pay at the monthly rate of</i> |
| <i>1</i>  | <i>assigned to diving duty under instruction at an approved Armed Services diving school (note 2)</i> |  | <i>\$150</i>  |
| <i>2</i>  | <i>combatant diver</i>  | <i>8653/8654/9952/9953</i>                   | <i>\$215</i>  |

## NOTES:

1. Except as otherwise noted, entitlement commences on the date of assignment to diving duty under a listed category after graduation from the Combatant Diver course.
2. Entitlement commences on the date of first dive and continues through the date dropped from the course or the date of graduation, whichever is earlier.

★Table 11-5. Diving Duty Pay Rates -- Marine Corps Enlisted

| <i>DIVING DUTY PAY RATES – MARINE CORPS OFFICERS (note 1) Effective October 1, 1999</i> |   |  |  |
|---|---|--|--|
| <i>R<br/>U<br/>L<br/>E</i>  | <i>A</i>  | <i>B</i>                                     | <i>C</i>   |
|   | <i>If a Marine Corps officer is</i>   | <i>and has a special identifying code of</i> | <i>then the officer is entitled to diving pay at the monthly rate of</i> |
| <i>1</i>  | <i>assigned to diving duty under instruction at an approved Armed Services diving school (note 2)</i> |  | <i>\$150</i>   |
| <i>2</i>  | <i>combatant diver</i>  | <i>9952/9953</i>                             | <i>\$240</i>   |

## NOTES:

1. Except as otherwise noted, entitlement commences on the date of assignment to diving duty under a listed category after graduation from the Combatant Diver course.
2. Entitlement commences on the date of first dive and continues through the date dropped from the course or the date of graduation, whichever is earlier.

★Table 11-6. Diving Duty Pay Rates -- Marine Corps Officers

| <i>DIVING DUTY PAY RATES -- AIR FORCE ENLISTED</i> |   |  |
|--|---|--|
| <i>R<br/>U<br/>L<br/>E</i>                         | <i>A</i>                                  | <i>B</i>   |
|  | <i>If an Air Force enlisted member is</i> | <i>then the officer is entitled to diving pay at the monthly rate of</i> |
| <i>1</i>   | <i>SCUBA diver</i>                        | <i>\$110</i>   |
| <i>2</i>   | <i>pararescue diver</i>                   | <i>\$150</i>   |

★Table 11-7. Diving Duty Pay Rates -- Air Force Enlisted

| <i>DIVING DUTY PAY RATES -- AIR FORCE OFFICERS</i> |   |  |
|--|---|--|
| <i>R<br/>U<br/>L<br/>E</i>                         | <i>A</i>  | <i>B</i>   |
| <i>1</i>   | <i>If an Air Force officer is<br/>assigned to diving duty</i> | <i>then the officer is entitled to diving pay at the monthly rate of<br/>\$150</i> |

★Table 11-8. Diving Duty Pay Rates -- Air Force Officers

| <i>DIVING DUTY PAY—CONDITIONS OF ENTITLEMENT</i> |   |  |  |
|--|---|--|--|
| <i>R<br/>U<br/>L<br/>E</i>                       | <i>A</i>  | <i>B</i>   | <i>C</i>   |
|  | <i>When a member entitled to diving duty pay</i>  | <i>and</i>   | <i>then diving pay</i>   |
| <i>1</i>   | <i>is removed from diving duty or the member's diving qualifications lapse</i>                |  | <i>ceases on the date of removal or lapse.</i>   |
| <i>2</i>   | <i>is hospitalized as a result of a diving accident</i>                                       |  | <i>accrues for not more than 90 days while hospitalized.</i>   |
| <i>3</i>   | <i>is hospitalized not as a result of a diving accident</i>                                   |  | <i>accrues for the first 30 days.</i>  |
| <i>4</i>   | <i>is on leave in a pay status</i>  |  | <i>continues to accrue (note 1).</i>   |
| <i>5</i>   | <i>is on TAD/TDY other than diving duty</i>   |  |  |
| <i>6</i>   | <i>is on TAD/TDY for diving duty purposes</i>   |  |  |
| <i>7</i>   | <i>is in confinement awaiting trial by court-martial</i>                                      | <i>is subsequently acquitted or charges are dismissed</i>  | <i>accrues retroactively to date of confinement.</i>   |
| <i>8</i>   |   | <i>is subsequently convicted</i>   | <i>does not accrue from first day of confinement through the day before the date restored to a full duty status.</i> |
| <i>9</i>   | <i>is in confinement under sentence of a court-martial</i>                                    |  |  |
| <i>10</i>  | <i>is reassigned PCS and no TDY is required en route to the new duty station</i>              | <i>is ordered to and actually performs diving duty at the new duty station</i>                                   | <i>continues to accrue (notes 1 and 2).</i>  |
| <i>11</i>  | <i>is reassigned PCS and no TDY is required en route to the new duty station</i>              | <i>is not ordered to diving duty at the new duty station</i>   | <i>accrues through the date of detachment from the old duty station.</i>   |
| <i>12</i>  | <i>is reassigned PCS and TDY is required en route to the new duty station</i>                 | <i>PCS orders require diving duty at the TDY station and new duty station, and actually performs diving duty</i> | <i>continues to accrue (notes 1 and 2).</i>  |
| <i>13</i>  |   | <i>PCS orders require diving duty at the TDY station but not the new duty station</i>                            | <i>continues to accrue through the date of detachment from the TDY station (notes 1 and 2).</i>                      |
| <i>14</i>  |   | <i>PCS orders do not require diving duty at TDY station</i>  | <i>accrues through the date of detachment from the old duty station.</i>   |
| <i>15</i>  | <i>is a member of a Reserve Component</i>   | <i>is released from active duty</i>  | <i>ceases not later than the date the member departs for home from the last duty station.</i>                        |
| <i>16</i>  | <i>is discharged and immediately reenlists at the same station without a break in service</i> | <i>diving duty orders are not specifically terminated</i>  | <i>continues to accrue.</i>  |
| <i>17</i>  |   | <i>diving duty orders are specifically terminated</i>  | <i>ceases on the date stated in the orders.</i>  |

## NOTES:

- If the member is removed from diving duty, or the member's qualifications lapse during this period, the member's entitlement to diving duty pay terminates on the date removed from diving duty or the date qualifications lapse.*
- If a member is reassigned PCS and takes leave en route, diving duty pay will continue to accrue up to 30 days if the member has otherwise met the requirements for diving duty pay.*

★Table 11-9. Diving Duty Pay--Conditions of Entitlement

## Chapter 11—Special Pay—Diving Duty

|   |                             |               |   |
|---|-----------------------------|---------------|---|
| ★ | 1101—Entitlement            |               | 37 U.S.C. 304   |
|   |                             | 110101        | Public Law 105-261,<br>section 616, Oct 17, 1998  |
|   | 1103                        | 110201-110302 | Public Law 106-605,<br>section 617, Oct 5, 1999   |
| ★ |                             | <i>110302</i> | <i>HQUSMC Memo,</i><br><i>Oct 1, 1999</i><br><i>Nov 1, 1999</i>   |
| ★ |                             | <i>110303</i> | <i>HQUSMC Memo,</i><br><i>Oct 1, 1999</i><br><i>OCNO Memo, Nov 1, 1999</i><br><i>ASA(M&amp;RA) Memo,</i><br><i>Mar 20, 2000</i> |
|   | 1105-Restriction on Payment | 1101 and 1105 | 37 U.S.C. 304   |
| ★ |                             | <i>110502</i> | <i>Public Law 106-605,</i><br><i>section 617, Oct 5, 1999</i>   |

**SUMMARY OF MAJOR CHANGES TO CHAPTER 12  
DOD 7000.14-R, VOLUME 7A  
MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

**New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.**

| <b>Page</b> | <b>Paragraph</b>                                   | <b>Explanation of Change/Revision</b>   | <b>Effective Date</b> |
|-------------|--|---|-----------------------|
| 12-4        | 120203.E   | IC 37-99 adds a new paragraph that establishes parity with regard to the payment of outstanding bonus obligations upon death of enlisted and officer personnel. | June 29, 1999         |
|             | 120101.A,<br>120201.A,<br>120301.A<br>Bibliography | IC 07-00 incorporates extensions of entitlement authority and authorized rate increases for nuclear bonuses and special pay.                                    | Oct 1, 1999           |

*Interim change 37-99 and 07-00 are incorporated in this chapter.*

## CHAPTER 12

### SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS

#### 1201 NUCLEAR POWER ACCESSION BONUS PROGRAM

##### 120101. Entitlement

★ A. *Effective October 1, 1999, individuals accepted, on or before December 31, 2000, for officer naval nuclear power training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants, may be entitled to accession bonuses not to exceed a total of \$20,000. (IC 07-00)*

B. The Secretary of the Navy is assigned, under law, responsibility for issuing regulations that prescribe specific eligibility requirements and, annually, the value of the bonus payments, not to exceed the limit cited above. The amounts payable to an individual under this entitlement become fixed upon acceptance, by the Secretary of the Navy, of the individual's written agreement to participate in the training program. The regulation governing this program, including effective bonus rates, is SECNAVINST 7220.65 series (reference (ac)).

C. The bonus is made of 2 parts, which the Secretary of the Navy has identified as follows:

1. Nuclear Officer Accession Bonus. The Nuclear Officer Accession Bonus is payable upon selection and acceptance, by the Secretary of the Navy, of the individual's written agreement for participation in officer naval nuclear power training.

2. Nuclear Career Accession Bonus. The Nuclear Career Accession Bonus is payable upon successful completion, as a commissioned officer, of training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

##### 120102. Eligibility Requirements

A. Nuclear Officer Accession Bonus. The following requirements must be met to qualify for the Nuclear Officer Accession Bonus:

1. If an individual already is a commissioned officer, he or she must not be restricted in performance of duty; that is, he or she must be an officer of the unrestricted line;

2. The individual must be selected and execute a written agreement to participate in officer naval nuclear power training; and

3. The Secretary of the Navy must accept the individual into the training program.



B. Nuclear Career Accession Bonus. An officer must meet the following requirements to qualify for the Nuclear Career Accession Bonus:

- Bonus
1. Fulfill the above requirements for the Nuclear Officer Accession Bonus
  2. Be on active duty and entitled to basic pay
  3. Successfully complete the nuclear propulsion training program.

120103. Payment

A. Upon acceptance of a request for admission into the program, the Chief of Naval Personnel shall give the individual an official written notification of acceptance. The date of acceptance shall fix the value of both the Nuclear Officer Accession Bonus and the Nuclear Career Accession Bonus.

1. Effective August 12, 1996, the Department of the Navy set the Nuclear Officer Accession Bonus at \$6,000 and the Nuclear Career Accession Bonus at \$2,000.

2. Effective October 1, 1998, the Department of the Navy set the Nuclear Officer Accession Bonus at \$8,000. The Nuclear Career Accession Bonus remained unchanged at \$2,000.

B. Nuclear Officer Accession Bonus. A properly executed acceptance document will establish authority to make payment of the Nuclear Officer Accession Bonus.

C. Nuclear Career Accession Bonus. The Commanding Officer, Nuclear Power Training Unit (NPTU), shall certify the eligibility of each officer upon successful completion of the training program which will establish authority to make payment of the Nuclear Career Accession Bonus.

120104. Recoupment

A. An individual, who has received a Nuclear Officer Accession Bonus and fails to commence or satisfactorily complete the nuclear power training specified in the agreement with the Secretary of the Navy, will, except for the reasons listed in SECNAVINST 7220.65 series (reference (ac)), be required to refund the entire bonus.

B. Reduce the amount to be recouped by an amount equal to any reduction taken under subparagraphs 350702.F or 350802.D of this volume.

1202 NUCLEAR-QUALIFIED OFFICER EXTENDING PERIOD OF ACTIVE SERVICE  
(CONTINUATION PAY)120201. Entitlement

★ A. *Effective October 1, 1999, nuclear qualified officers with applications for extension on active duty that are accepted on or before December 31, 2000, may be entitled to a bonus not to exceed a total of \$25,000 for each year of the active service agreement. (IC 07-00)*

B. The Secretary of the Navy is assigned, under law, responsibility for issuing regulations that prescribe specific eligibility requirements and, annually, the value of the bonus payments, not to exceed the limit cited in subparagraph 120201.A, above. The amounts payable to an individual under this entitlement become fixed upon acceptance, by the Secretary of the Navy, of the individual's written agreement to extend on active duty. Acceptance may not be made more than 1 year in advance of the end of an officer's initial existing period of obligated active service. The regulation governing this program, including effective bonus rates, is SECNAVINST 7220.65 series (reference (ac)).

120202. Eligibility Requirements

A. The following requirements must be met to qualify for continuation pay. The individual must:

1. Be an officer on active duty, receiving basic pay and not restricted in the performance of duty (i.e., unrestricted line officer);
2. Currently be qualified for duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants;
3. Not have completed 23 years of commissioned service at the time of application;
4. Be serving in pay grade 0-6 or below (not frocked to 0-7) and, at the time of application, not be selected for promotion to pay grade 0-7;
5. Have executed a written agreement to remain on active duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants for a period of 3, 4, or 5 years; and
6. Have the agreement accepted by the Chief of Naval Personnel on behalf of the Secretary of the Navy.

B. A qualified officer may execute successive continuation agreements so long as any new period of obligated active service does not extend beyond the end of 26 years of commissioned service.

120203. Payment

A. Upon acceptance of a request for extension, the Chief of Naval Personnel shall give the individual official written notification of acceptance. The date of acceptance shall fix the value of the annual payments for the entire period of the extension.

1. Effective August 12, 1996, the Department of the Navy set the Nuclear Officer Continuation bonus at \$12,000 per contract year.

2. Effective October 1, 1998, the Department of the Navy set the Nuclear Officer Continuation Bonus at \$15,000 per contract year.

B. When an officer's agreement is accepted before the end of an existing service obligation, continuation pay may be paid in a number of installments that are equal to:

1. The number of years covered by the contract plus 1; the first upon acceptance of the application, the second upon expiration of existing obligated service, with the remaining payments annually (at 12-month intervals) thereafter. (Note: this provision only applies to the first contract for continuation pay.)

2. The number of years covered by the contract; the first upon expiration of existing obligated service, with the remaining payments annually thereafter.

C. When an officer's agreement is accepted after an existing service requirement expires, continuation pay is paid in equal annual installments over the length of the contract, commencing upon acceptance of the application, with the remaining payments annually thereafter.

D. Should the amount be increased that is paid to officers, who subsequently apply for continuation pay, officers with a contract in effect at a lower rate may execute a new agreement at the higher rate. The period of this new agreement shall be equal to or exceed the original period of the officer's existing agreement, but cannot in any case extend the obligation beyond 26 years of commissioned service. Upon execution of a new contract, the previous contract shall be canceled effective on the day before the anniversary date after the date on which continuation pay is increased.

E. If a member dies before receiving the full amount of the bonus due (including contracted future year anniversary payments) and death is not caused by the member's misconduct, the remaining unpaid balance of the bonus is payable as a lump sum for inclusion in the settlement of the deceased member's final military pay account. If death is determined to be the result of the member's own misconduct, termination of future payments and proration or recoupment of the bonus, as applicable, shall be made in accordance with procedures established for members whose inability to complete a contracted period of service is voluntary or the result of misconduct.

120204. Recoupment

A. An officer who fails to maintain eligibility requirements for continuation pay, or who does not complete the full period of 3, 4, or 5 years of active duty as agreed, may not be paid any unpaid installments of continuation pay. Except under certain conditions prescribed in the SECNAV Instruction 7220.65 series (reference (ac)), an officer shall repay the unearned portion of any installments already paid. To arrive at an amount to be recouped, reduce the total continuation pay to an amount per month and multiply the monthly amount by the number of months, and fractions of months, for which payment was made and for which the officer has not served.

B. Reduce the amount to be recouped by an amount equal to any reduction taken under subparagraphs 350702.F or 350802.D of this volume.

1203 NUCLEAR CAREER ANNUAL INCENTIVE BONUS120301. Entitlement

★ A. *Effective October 1, 1999, nuclear qualified unrestricted line officers serving on active duty on the last day of a fiscal year, prior to December 31, 2000, may be entitled to an annual bonus not to exceed \$22,000. Effective October 1, 1999, nuclear qualified limited duty and warrant officers serving on active duty on the last day of a fiscal year, prior to December 31, 2000, may be entitled to an annual bonus not to exceed \$10,000. Officers otherwise eligible, but not on active duty on the last day of a nuclear service year (fiscal year) or who are not eligible for a portion of the year, may be paid a bonus on a pro rata basis. (IC 07-00)*

B. The Secretary of the Navy is assigned, under law, responsibility for issuing regulations which prescribe specific eligibility requirements and, the value of the annual bonus payments, not to exceed the limits cited above. The regulation governing this program, including effective bonus rates, is SECNAVINST 7220.65 series (reference (ac)).

120302. Eligibility Requirements

A. The following general requirements must be met to qualify for the Nuclear Career Annual Incentive Bonus. The individual must:

1. Be an officer on active duty, receiving basic pay
2. Have current technical qualifications for duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants
3. Be serving in pay grade W-2 through W-4 or O-1 through O-6

4. Not be serving in a period of obligated service incurred as a result of the acceptance of Nuclear Officer Continuation Bonus (this does not preclude pro rata payments)

5. Not be also entitled to receive aviation career incentive pay, except in the case of officers serving in billets that require them to be technically qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants, and qualified for the performance of operational flying duties.

B. Additional requirements for eligibility are as follows:

1. Unrestricted line officers also shall have completed their period of initial obligated active service incurred from initial source training as extended for nuclear power training.

2. Chief warrant officers and limited duty officers shall be serving in an assignment with duties involving the direct supervision, operation, or maintenance of naval nuclear propulsion plants.

120303. Payment

A. The Nuclear Career Annual Incentive Bonus shall be paid annually on September 30 to all eligible officers on active duty. Change 1 to SECNAVINST 7220.65H (reference (ac)) established the Nuclear Career Annual Incentive Bonus at \$10,000 for unrestricted line officers and \$4,500 for chief warrant and limited duty officers, both rates effective for bonus accruing after September 30, 1996.

B. An officer who is eligible on September 30 or last working day of the fiscal year, but who had a period or periods of ineligibility during the fiscal year, shall be paid a pro rata share of the bonus for all periods of eligibility during the year.

C. An officer who is separated from the naval service or who has lost technical qualification for duty involving the supervision, operation, and maintenance of naval nuclear propulsion plants prior to September 30, shall be paid a pro rata share of the bonus for all periods of eligibility during the year, provided the separation or loss of technical qualification was not the result of:

1. Voluntary separation or voluntary loss of technical qualification
2. Voluntary request for relief
3. Refusal to accept orders to assignment in connection with supervision, operation, and maintenance of naval nuclear propulsion plants
4. Disability resulting from or during misconduct, willful neglect, or unauthorized absence

5. Misconduct
6. Detachment for Cause.

D. An officer promoted to pay grade 0-7, or selected for and assuming the rank of 0-7 (frocked) prior to September 30 shall be paid a pro rata share of the bonus for all periods of eligibility during the year.

## Chapter 12—Special Pay for Nuclear-Qualified Officers

## 1201—Nuclear Power Accession Bonus Program

120101-120104

37 U.S.C. 312b

Public Law 104-106,

Section 613(f),

Feb 10, 1996

120101.A

Public Law 105-261,

Section 613, Oct 17, 1998

37 U.S.C. 312b (c)

★

*Public Law 106-65,**Section 624(b),**Oct 5, 1999*

★

*Public Law 106-65,**Section 613(f),**Oct 5, 1999*1202—Nuclear-Qualified Officer Extending Period  
of Active Service (Continuation Pay)

120201-120204

37 U.S.C. 312

ASD(FMP) Memo,

Jun 29, 1999

120201.A

Public Law 105-261,

Section 613, Oct 17, 1998

37 U.S.C. 312 (e)

★

*Public Law 106-65,**Section 624(a),**Oct 5, 1999*

★

*Public Law 106-65,**Section 613(e),**Oct 5, 1999*

## 1203—Nuclear Career Annual Incentive Bonus

120301.A

Public Law 104-201,

Section 613, 23 Sep 1996

37 U.S.C. 312c (d)

★

*Public Law 106-65,**Section 624(c),**Oct 5, 1999*

★

*Public Law 106-65,**Section 613(g),**Oct 5, 1999*

## CHAPTER 13

**SPECIAL PAY FOR OFFICERS SERVING**  
**IN POSITIONS OF**  
**UNUSUAL RESPONSIBILITY AND OF A CRITICAL NATURE**

1301 ENTITLEMENT

Certain Navy officers entitled to the basic pay of grades *O-6 and below* are entitled to special pay while serving in a position of unusual responsibility and of a critical nature as designated by the Secretary of the Navy. This special pay will be referred to as responsibility pay.

1302 RATES PAYABLE

The monthly rates of responsibility pay are:

| <u>Pay Grade</u> | <u>Amount</u> |
|------------------|---------------|
| O-6              | \$150         |
| O-5              | 100           |
| O-4 and below    | 50            |

1303 AUTHORIZED PAYEES

Subject to the entitlement condition in section 1301 and the restrictions in section 1304, Navy officers are entitled to responsibility pay while serving as commanding officer or commander of a unit listed in a directive promulgated by the Chief of Naval Operations. Responsibility pay will continue to accrue while on TAD, leave, or similar temporary absences from duty where there is no permanent relief.

1304 RESTRICTIONS

Responsibility pay is not authorized for:

130401. Officers temporarily in command.

130402. Officers assigned in designated "Officer in Charge" billets other than those promulgated by the Chief of Naval Operations.

130403. More than one officer per designated billet, except for the dates of assumption of and relief from command.



**SUMMARY OF MAJOR CHANGES TO CHAPTER 14  
DOD 7000.14-R, VOLUME 7A  
MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

**New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.**

| <b>Page</b> | <b>Paragraph</b>         | <b>Explanation of Change/Revision</b>   | <b>Effective Date</b> |
|-------------|--------------------------|---|-----------------------|
|             | Complete chapter rewrite | IC 18-98 is a complete chapter rewrite, regarding special pay for extending duty at designated locations overseas | Oct 1, 1997           |

*Interim Change 18-98 is a full chapter rewrite.*

**★CHAPTER 14 (IC 18-98)**

**SPECIAL PAY OR BONUS-QUALIFIED ENLISTED MEMBERS  
EXTENDING DUTY AT DESIGNATED LOCATIONS OVERSEAS**

**1401 CONDITIONS OF ENTITLEMENT**

140101. Enlisted Members. *At the discretion of the Secretary of the Military Department concerned, enlisted members may be entitled either to a special pay or bonus provided they meet all of the following conditions:*

- A. *Entitled to basic pay*
- B. *Have been awarded a specialty that is designated by the Secretary concerned for the purposes of this entitlement*
- C. *Have completed an overseas tour of duty, including previously approved extensions, at a location outside the continental United States that is designated by the Secretary concerned*
- D. *Have executed, at the end of that tour of duty, an agreement to extend the tour of duty for a period of not less than 1 year.*

140102. Officers. *Officers are not eligible for this entitlement.*

**1402 TYPES OF ENTITLEMENT**

140201. *When the Secretary of the Military Department concerned accepts the member's agreement to extend the tour of duty, the member becomes entitled, at the election of the Secretary, either to:*

- A. *Special Pay in monthly installments in an amount prescribed by the Secretary, but not to exceed \$80 per month; or*
- B. *An annual bonus in an amount prescribed by the Secretary, but not to exceed \$2,000 per year. The Secretary concerned may pay the bonus in either a lump sum or monthly installments.*

140202. *The member may elect to receive a period of special rest and recuperative (SR&R) absence instead of the special pay or bonus described in subparagraphs 140201.A and B, if permitted by the Secretary concerned. If SR&R is elected and granted, the member may not receive any special pay or bonus under this chapter for the same extension period.*

140203. *The payment rate for the special pay or bonus shall be fixed at the time of the agreement and may not be changed during the period of the extended tour of duty.*

#### 1403 TERMINATION OF SPECIAL PAY

140301. *Voluntary early termination of overseas duty will result in termination of further monthly special pay under this chapter. A member's entitlement ceases on the day of PCS departure from the overseas area if the departure is the result of actions taken by or under the control of the member.*

140302. *Involuntary early termination of overseas duty will not affect monthly special pay awarded under this chapter. A member's entitlement continues through the scheduled termination date if the PCS departure from the overseas area is the result of actions taken by the Military Service concerned.*

#### 1404 TERMINATION AND RECOUPMENT OF BONUS

140401. *Voluntary or involuntary early termination of overseas duty of a member in receipt of a bonus requires termination of further monthly installments and recoupment of the unearned portion of installments or lump sum payments. The Secretary of the Military Department concerned may waive the obligation of a member to reimburse the United States if the Secretary determines that conditions and circumstances warrant the waiver.*

140402. *Recoupment of the unearned portion of a bonus will be 1/12 of the bonus amount for each month or portion of a month not served. A member receives credit only for full months served.*

140403. *A discharge in bankruptcy under Title 11, U.S.C (reference (aj)), that is entered less than 5 years after termination of a bonus extension agreement under this chapter, does not relieve a member from the refund provisions of this section.*

#### 1405 SERVICE REGULATIONS

140501. *The following Service regulations provide additional information:*

- A. Army: AR 614-30 (reference (dz))
- B. Navy: SECNAVINST 1306.3 (reference (ag))
- C. Air Force: DFAS-DEM 7073-1 (reference (ea))
- D. Marine Corps: MCO 7220.42 (reference (af))

★Chapter 14—Special Pay or Bonus—Qualified Enlisted Members Extending Duty at  
Designated Locations Overseas

|                                 |  |
|---------------------------------|--|
| 1401—Conditions of Entitlement  | 37 U.S.C. 314<br>Public Law 105-85,<br>Section 625<br>DoDD 1315.7, Jan 9, 1987<br>OASD(FM&P) Memo,<br>Mar 18, 1986 |
| 1402—Types of Entitlement       | OASD(FMP) (COMP)<br>Memo, Feb 3, 1998<br>10 U.S.C. 705   |
| 140202                          |  |
| 1404—Termination of Entitlement | DoD Directive 1315.7,<br>Jan 9, 1987   |

## CHAPTER 15

**SPECIAL CONTINUATION PAY FOR  
AVIATION CAREER OFFICERS**1501 **ENTITLEMENT**

Navy officers who are pilots or naval flight officers and extend their period of active duty by written agreement after 30 September 1984 and before 1 October 1989, are entitled to aviation officer continuation pay (AOCP) when they meet the eligibility requirements of this chapter and SECNAVINST 7220.79 series (reference (ai)).

1502 **ELIGIBILITY REQUIREMENTS**

To qualify for continuation pay under this chapter, the officer must:

- 150201. Be entitled to aviation career incentive pay (ACIP);
- 150202. Be in pay grade O-6 or below;
- 150203. Be qualified to perform operational flying duty as defined in subparagraph 220202B.3;
- 150204. Have at least 6 years of aviation service as an officer, and at least 6, but less than 11 years of active duty;
- 150205. Be in an aviation specialty designated as critical;
- 150206. Execute a written agreement to remain on active duty in aviation service for either 3 or 4 years, or 6 years if such agreement is executed by an officer who has completed less than 8 years of active duty;
- 150207. Have completed the minimum service required for aviation training; and
- 150208. Have not previously been paid AOCP.

1503 **COMPUTATION**

Upon acceptance of an eligible officer's written agreement by the Secretary of the Navy, or the Secretary's designee, the officer is entitled to AOCP in addition to all other compensation to which entitled. The amount payable will not exceed:

- 150301. \$4,000 for each year of a 3-year agreement.

150302. \$6,000 for each year of a 4- or 6-year agreement. See SECNAVINST 7220.79 series (reference (ai)) for exact amounts authorized.

#### 1504 TIME OF PAYMENT

AOCP shall be paid on the effective date of an officer's agreement. The Secretary of the Navy may specify that the continuation bonus be paid in a lump-sum or in equal monthly or annual installments.

#### 1505 RECOUPMENT

Recoupment of the unearned portion of AOCP is required on a pro rata basis whenever an officer fails to maintain eligibility or fails to complete the full contractual period of additional obligated military service. However, recoupment is not required if an officer is unable to maintain eligibility or complete the full contractual period of additional obligated military service for any of the following reasons:

150501. Separation by operation of laws or by operation of military service or Department of Defense policies.

150502. Death or disability (including medical grounding or suspension) which is not the result of misconduct, willful neglect, and not incurred during a period of unauthorized absence.

#### 1506 RESTRICTION

An agreement for AOCP under this section will not be accepted by the Secretary of Defense after 31 December 1988.

**CHAPTER 16****ENGINEERING AND SCIENTIFIC CAREER**  
**CONTINUATION PAY (ESCCP)****1601 CONDITIONS OF ENTITLEMENT**

Officers entitled to basic pay may be paid this ESCCP if they:

- 160101. Are not receiving any other accession or career continuation bonus; and
- 160102. Are below grade O-7; and
- 160103. Hold a degree in engineering or science from an accredited college or university; and
- 160104. Have been certified by the Secretary of the Military Department as technically qualified for detail to engineering or scientific duty; and
- 160105. Have completed at least 3, but less than 14 years' active engineering or scientific duty as a commissioned officer. (After completion of 3 years' active service, an ESCCP period of obligated service will run concurrently with any other obligated service.); and
- 160106. Are serving in or selected for assignment to a critical engineering or scientific military specialty requiring an engineering or scientific degree and are in one of the Armed Forces that has a critical shortage. (Officers attending courses of professional military education or advanced training or education related to their specialty are considered to be serving in engineering or scientific-type duty.); and
- 160107. Execute a written agreement to remain on active duty for assignment to engineering or scientific duty for at least 1 year, but not more than 4 years.

**1602 ENTITLEMENT AMOUNTS**

- 160201. The Secretary of the Military Department concerned may pay ESCCP in either lump sum or yearly installments.
- 160202. The highest amount payable is \$3,000 for each year of obligated service for which the officer has agreed to remain on active duty according to paragraph 160107, above.

**1603 TERMINATION AND RECOUPMENT**

- 160301. Except for officers not qualified because of death, injury, illness, or other impairment incurred in the line of duty and not the result of their own misconduct, entitlement to

the full amount of the ESCCP is contingent on maintaining the technical qualifications required for performance of engineering or scientific duty.

160302. Except for termination of active duty because of disability incurred in the line of duty, or for termination of military service by operation of laws, or by operation of Military Service or DoD policies, officers who do not remain on active duty for the entire period for which paid shall refund that percentage of the payment that the unserved part of the period is of the total period for which the payment was made.

160303. The Secretary of the Military Department may waive, in whole or in part, the refund if it would be against equity or good conscience or would not be in the best interests of the United States.

160304. A discharge in bankruptcy under Title 11, U.S.C. (reference (aj)), does not relieve an officer from the refund provisions.

160305. An officer may not repay voluntarily an amount equal to the percentage of the unserved time on the agreement solely to reduce the period of obligated service required by the agreement.



**SUMMARY OF MAJOR CHANGES TO CHAPTER 17**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

**New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, Decision Logic Table, etc.**

| <b>Page</b> | <b>Paragraph</b>                | <b>Explanation of Change/Revision</b>  | <b>Effective Date</b> |
|-------------|---------------------------------|--|-----------------------|
| 2-8         | Replaces entirety of Chapter 17 | IC 11-99 implements the new entitlement to hardship duty pay.  | Feb 4, 1999           |
| 2           | 170102                          | IC 25-99 adds the Defense Prisoner of War/Missing Personnel Office (DPMO) as an entity whose assigned members independently may qualify for HDP for mission performance. | May 14, 1999          |

*Interim Change 25-99 is incorporated in this change.*

## CHAPTER 17

### SPECIAL PAY—HARDSHIP DUTY

#### 1701 ENTITLEMENT

170101. General Provisions. Hardship duty pay (HDP) supersedes foreign duty pay (FDP). HDP was established effective February 4, 1999 and FDP was terminated effective February 3, 1999. HDP is payable to members entitled to basic pay, at a monthly rate not to exceed \$300, while such members are performing duty designated by the Secretary of Defense as hardship duty. The Secretary of Defense has established that HDP will be paid to members (a) for performing specific missions, or (b) when assigned to designated locations. The approved missions, designated locations and applicable HDP rates are identified in this chapter. Except as noted under the restrictions herein, HDP is payable in addition to all other pays and allowances.

★ 170102. Mission Assignment Entitled. *Hardship Duty Pay for Mission Assignment (HDP-M) is payable to members, both officer and enlisted, for performing designated hardship mission. HDP-M is payable at the full monthly rate, without prorating or reduction, for each month, during any part of which, the member performs a specified mission. Active and Reserve Component members who qualify, at any time during a month, will receive the full amount of HDP-M regardless of the period of time on active duty or the number of days they receive basic pay during the month. A member assigned to, on temporary duty with, or otherwise under the operational control of the Defense Prisoner of War/Missing Personnel Office (DPMO), the Joint Task Force-Full Accounting (JTF-FA), or the Central Identification Lab-Hawaii (CIL-HI) may qualify for HDP-M based on performance of a hardship mission. Members so assigned are entitled for each month in which they perform investigative or remains recovery duty in a remote, isolated area (including, but not limited to, areas in Laos, Cambodia, Vietnam, and North Korea) for recovery of U.S. Service member remains. (IC 25-99)*

170103. Location Assignment Entitlement. Hardship duty pay for location assignment (HDP-L) is payable only to enlisted members when they are assigned to duty in the locations designated in Figure 17-1. HDP-L is payable under the conditions set forth under Table 17-1.

#### 1702 RATES PAYABLE

170201. Mission Assignment Rates. HDP-M is payable to all members at the rate of \$150 per month regardless of pay grade.

170202. Location Assignment Rates. HDP-L is payable only to enlisted members at the rates listed below.

| <u>Grade</u> | <u>Monthly Rates</u> |
|--------------|----------------------|
| E-9          | \$22.50              |
| E-8          | 22.50                |
| E-7          | 22.50                |
| E-6          | 20.00                |
| E-5          | 16.00                |
| E-4          | 13.00                |
| E-3          | 9.00                 |
| E-2          | 8.00                 |
| E-1          | 8.00                 |

### 1703 RESTRICTIONS ON PAYMENT

170301. General Restrictions. As established by the Secretary of Defense, the maximum total HDP that may be paid to an individual member in any one month is \$150.

170302. Location Assignment Restrictions. Prorate or restrict payment of HDP-L in accordance with the following guidance and the rules in Table 17-1.

A. HDP-L is not payable to members who are residents of a designated hardship duty location while serving on otherwise qualifying within that state, possession, or foreign country. A member's residence shall be the same as the member's designated legal residence for income tax purposes.

B. HDP-L is not payable to midshipmen, aviation cadets, or academy cadets.

C. HDP-L is not payable to members receiving career sea pay for the same period of service.

D. HDP-L is not payable for any periods a member is in a non-pay status.

| Designated Area  | Effective Dates |         |
|--|-----------------|---------|
|  | From            | Through |
| Afghanistan .....  | Feb 4, 99       |         |
| Alaska .....   | Feb 4, 99       |         |
| Albania .....  | Feb 4, 99       |         |
| Algeria.....   | Feb 4, 99       |         |
| Antarctica .....   | Feb 4, 99       |         |
| Armenia (formerly part of the U.S.S.R.) .....              | Feb 4, 99       |         |
| Aruba (Neth.) .....  | Feb 4, 99       |         |
| Ascension Island (St. Helena, U.K.) .....                  | Feb 4, 99       |         |
| Australia:   |                 |         |
| Alice Springs.....   | Feb 4, 99       |         |
| North West Cape.....                                       | Feb 4, 99       |         |
| Woomera City.....  | Feb 4, 99       |         |
| Azerbaijan (formerly part of the U.S.S.R.) .....           | Feb 4, 99       |         |
| Azores Islands (Port.).....                                | Feb 4, 99       |         |
| Bahamas:   |                 |         |
| Andros Island.....   | Feb 4, 99       |         |
| Eleuthera Island.....                                      | Feb 4, 99       |         |
| Grand Bahama Island.....                                   | Feb 4, 99       |         |
| Bahrain.....   | Feb 4, 99       |         |
| Bangladesh.....  | Feb 4, 99       |         |
| Belarus (formerly part of Yugoslavia) .....                | Feb 4, 99       |         |
| Belgium:   |                 |         |
| Florennes.....   | Feb 4, 99       |         |
| Belize .....   | Feb 4, 99       |         |
| Bolivia.....   | Feb 4, 99       |         |
| Bosnia-Herzegovina .....                                   | Feb 4, 99       |         |
| Brazil:  |                 |         |
| Brasilia .....   | Feb 4, 99       |         |
| Fortaleza .....  | Feb 4, 99       |         |
| Recife.....  | Feb 4, 99       |         |
| Salvadore.....   | Feb 4, 99       |         |
| Santa Cruz .....   | Feb 4, 99       |         |
| Bulgaria .....   | Feb 4, 99       |         |
| Bulgaria Faso (formerly Upper Volta).....                  | Feb 4, 99       |         |
| Burma.....   | Feb 4, 99       |         |
| Burundi.....   | Feb 4, 99       |         |
| Cambodia.....  | Feb 4, 99       |         |
| Cameroon.....  | Feb 4, 99       |         |
| Canada:  |                 |         |
| British Columbia, Province of (Masset only) .....          | Feb 4, 99       |         |
| Yukon Territory.....                                       | Feb 4, 99       |         |
| Northwest Territory .....                                  | Feb 4, 99       |         |
| Labrador, Province of.....                                 | Feb 4, 99       |         |
| Newfoundland, Province of.....                             | Feb 4, 99       |         |
| New Brunswick, Province of (St Margarets only).....        | Feb 4, 99       |         |
| Quebec, Province of (Senneterre and Bagotville only) ..... | Feb 4, 99       |         |
| Cape Verde Islands .....                                   | Feb 4, 99       |         |
| Central African Republic.....                              | Feb 4, 99       |         |
| Chad.....  | Feb 4, 99       |         |
| China.....   | Feb 4, 99       |         |
| Colombia.....  | Feb 4, 99       |         |
| Congo.....   | Feb 4, 99       |         |
| Costa Rica .....   | Feb 4, 99       |         |
| Crete .....  | Feb 4, 99       |         |
| Croatia (formerly part of Yugoslavia).....                 | Feb 4, 99       |         |

Figure 17-1. Hardship Duty Pay Locations

| Designated Area  | Effective Dates |         |
|--|-----------------|---------|
|  | From            | Through |
| Cuba .....   | Feb 4, 99       |         |
| Cyprus .....   | Feb 4, 99       |         |
| Czechoslovakia (all former land area) .....                              | Feb 4, 99       |         |
| Czech Republic (formerly part of Czechoslovakia) .....                   | Feb 4, 99       |         |
| Diego Garcia Island (Chagos Archipelago, U.K.) .....                     | Feb 4, 99       |         |
| Djibouti .....   | Feb 4, 99       |         |
| Dominican Republic .....   | Feb 4, 99       |         |
| Ecuador .....  | Feb 4, 99       |         |
| Egypt .....  | Feb 4, 99       |         |
| El Salvador .....  | Feb 4, 99       |         |
| Eritrea (formerly part of Ethiopia) .....                                | Feb 4, 99       |         |
| Estonia (formerly part of the U.S.S.R.) .....                            | Feb 4, 99       |         |
| Ethiopia .....   | Feb 4, 99       |         |
| Finland .....  | Feb 4, 99       |         |
| Gabon Republic .....   | Feb 4, 99       |         |
| Georgia (formerly part of the U.S.S.R.) .....                            | Feb 4, 99       |         |
| Germany (formerly land area f the GDR only) .....                        | Feb 4, 99       |         |
| Ghana .....  | Feb 4, 99       |         |
| Greece (except Nea Makri, Athens, Hellenikon Airport, and Tanagra) ..... | Feb 4, 99       |         |
| Greenland .....  | Feb 4, 99       |         |
| Grenada .....  | Feb 4, 99       |         |
| Guam (U.S.) .....  | Feb 4, 99       |         |
| Guatemala .....  | Feb 4, 99       |         |
| Guinea .....   | Feb 4, 99       |         |
| Guinea Bissau .....  | Feb 4, 99       |         |
| Guyana .....   | Feb 4, 99       |         |
| Hasiti .....   | Feb 4, 99       |         |
| Honduras .....   | Feb 4, 99       |         |
| Hungary .....  | Feb 4, 99       |         |
| Iceland .....  | Feb 4, 99       |         |
| India .....  | Feb 4, 99       |         |
| Indonesia .....  | Feb 4, 99       |         |
| Iran .....   | Feb 4, 99       |         |
| Iraq .....   | Feb 4, 99       |         |
| Israel .....   | Feb 4, 99       |         |
| Italy:   |                 |         |
| Cima Gallina .....   | Feb 4, 99       |         |
| Finale Ligure .....  | Feb 4, 99       |         |
| Ghedi Torre .....  | Feb 4, 99       |         |
| Martina Franca .....   | Feb 4, 99       |         |
| Mount Cimone .....   | Feb 4, 99       |         |
| Mount Corna .....  | Feb 4, 99       |         |
| Mount Paganella .....  | Feb 4, 99       |         |
| Mount Venda .....  | Feb 4, 99       |         |
| Mount Vergine .....  | Feb 4, 99       |         |
| Reggio (Monte Nardello only) .....                                       | Feb 4, 99       |         |
| Rimini .....   | Feb 4, 99       |         |
| Sardinia:  |                 |         |
| Decimonannu .....  | Feb 4, 99       |         |
| La Maddalena .....   | Feb 4, 99       |         |
| Monte Limbara .....  | Feb 4, 99       |         |
| Sciaves .....  | Feb 4, 99       |         |
| Sicily (Comiso only) .....   | Feb 4, 99       |         |
| Ivory Coast (Cote D'Ivoire) .....  | Feb 4, 99       |         |
| Jamica .....   | Feb 4, 99       |         |

Figure 17-1. Hardship Duty Pay Locations

| Designated Area   | Effective Dates |         |
|---|-----------------|---------|
|   | From            | Through |
| Japan:  |                 |         |
| Akizuki-Kire Area .....   | Feb 4, 99       |         |
| Fuji Maneuver Area .....  | Feb 4, 99       |         |
| Fukuoka.....  | Feb 4, 99       |         |
| Hokkaido Island (Chitose only) .....                              | Feb 4, 99       |         |
| Kashiwa .....   | Feb 4, 99       |         |
| Ryukya Islands (Kume-Shima only) .....                            | Feb 4, 99       |         |
| Seburiyama .....  | Feb 4, 99       |         |
| Johnston Island (U.S.) .....                                      | Feb 4, 99       |         |
| Jordan.....   | Feb 4, 99       |         |
| Kazakstan (formerly part of the U.S.S.R.) .....                   | Feb 4, 99       |         |
| Kenya.....  | Feb 4, 99       |         |
| Kiribati.....   | Feb 4, 99       |         |
| Korea, Republic of .....  | Feb 4, 99       |         |
| Kuwait .....  | Feb 4, 99       |         |
| Kyrgyzstan (formerly part of U.S.S.R.).....                       | Feb 4, 99       |         |
| Laos .....  | Feb 4, 99       |         |
| Latvia (formerly part of the U.S.S.R.) .....                      | Feb 4, 99       |         |
| Lebanon .....   | Feb 4, 99       |         |
| Liberia.....  | Feb 4, 99       |         |
| Lithuania (formerly part of U.S.S.R.).....                        | Feb 4, 99       |         |
| Macedonia (formerly part of Yugoslavia) .....                     | Feb 4, 99       |         |
| Madagascar (formerly Malagasy Republic) .....                     | Feb 4, 99       |         |
| Malawi.....   | Feb 4, 99       |         |
| Malaysia Federation.....  | Feb 4, 99       |         |
| Mali.....   | Feb 4, 99       |         |
| Malta.....  | Feb 4, 99       |         |
| Marshall Islands.....   | Feb 4, 99       |         |
| Msuritius.....  | Feb 4, 99       |         |
| Mexico .....  | Feb 4, 99       |         |
| Micronesia, Federated States of (formerly Caroline Islands) ..... | Feb 4, 99       |         |
| Midway Islands (U.S.) .....                                       | Feb 4, 99       |         |
| Moldova (formerly part of the U.S.S.R.).....                      | Feb 4, 99       |         |
| Montenegro (currently part of Yugoslavia).....                    | Feb 4, 99       |         |
| Morocco.....  | Feb 4, 99       |         |
| Mozambique .....  | Feb 4, 99       |         |
| Nambia.....   | Feb 4, 99       |         |
| Nepal.....  | Feb 4, 99       |         |
| Nicaragua.....  | Feb 4, 99       |         |
| Niger .....   | Feb 4, 99       |         |
| Nigeria.....  | Feb 4, 99       |         |
| Northern Ireland: (U.K.)  |                 |         |
| Londonderry.....  | Feb 4, 99       |         |
| Northern Marianas (formerly Mariana Islands):                     |                 |         |
| All areas except Guam and Saipan.....                             | Feb 4, 99       |         |
| Norway.....   | Feb 4, 99       |         |
| Oman .....  | Feb 4, 99       |         |
| Pakistan .....  | Feb 4, 99       |         |
| Panama .....  | Feb 4, 99       |         |
| Paraguay.....   | Feb 4, 99       |         |
| Peru.....   | Feb 4, 99       |         |
| Phillippine Islands .....   | Feb 4, 99       |         |
| Poland.....   | Feb 4, 99       |         |

Figure 17-1. Hardship Duty Pay Locations

| Designated Area   | Effective Dates |         |
|---|-----------------|---------|
|   | From            | Through |
| Puerto Rico (U.S.):   |                 |         |
| Vieques Island.....   | Feb 4, 99       |         |
| Qatar.....  | Feb 4, 99       |         |
| Romania.....  | Feb 4, 99       |         |
| Russia (formerly part of the U.S.S.R.) .....                  | Feb 4, 99       |         |
| Rwnada.....   | Feb 4, 99       |         |
| Saipan (Northern Marianas) .....                              | Feb 4, 99       |         |
| Samoa Islands .....   | Feb 4, 99       |         |
| Saudi Arabia.....   | Feb 4, 99       |         |
| Scotland: (U.K.)  |                 |         |
| Holy Loch Area (Afloat Activities only).....                  | Feb 4, 99       |         |
| Sengal.....   | Feb 4, 99       |         |
| Serbia (currently part of Yugoslavia).....                    | Feb 4, 99       |         |
| Seychelles.....   | Feb 4, 99       |         |
| Sierra Leone .....  | Feb 4, 99       |         |
| Singapore.....  | Feb 4, 99       |         |
| Slovakia (formerly part of Czechoslovakia).....               | Feb 4, 99       |         |
| Slovenia (formerly part of Yugoslavia).....                   | Feb 4, 99       |         |
| Spain:  |                 |         |
| Balearic Islands.....   | Feb 4, 99       |         |
| Elizondo (including Gorramendi CMF) .....                     | Feb 4, 99       |         |
| Estaca De Varez.....  | Feb 4, 99       |         |
| Guardamar del Segura .....                                    | Feb 4, 99       |         |
| Moron AB.....   | Feb 4, 99       |         |
| Sonseca.....  | Feb 4, 99       |         |
| Sri Lanka (formerly Ceylon) .....                             | Feb 4, 99       |         |
| Sudan.....  | Feb 4, 99       |         |
| Suriname.....   | Feb 4, 99       |         |
| Sweden.....   | Feb 4, 99       |         |
| Syria.....  | Feb 4, 99       |         |
| Taiwan .....  | Feb 4, 99       |         |
| Tajikistan (formerly part of the U.S.S.R.).....               | Feb 4, 99       |         |
| Tanzania .....  | Feb 4, 99       |         |
| Thailand.....   | Feb 4, 99       |         |
| Togo .....  | Feb 4, 99       |         |
| Tunisia .....   | Feb 4, 99       |         |
| Turkey .....  | Feb 4, 99       |         |
| Turkmenistan (formerly part of the U.S.S.R.).....             | Feb 4, 99       |         |
| Turks and Caicos Islands (U.K.).....                          | Feb 4, 99       |         |
| Uganda .....  | Feb 4, 99       |         |
| Ukraine (formerly part of the U.S.S.R.).....                  | Feb 4, 99       |         |
| United Arab Emirates.....                                     | Feb 4, 99       |         |
| U.S.S.R. (all former land area).....                          | Feb 4, 99       |         |
| Uzbekistan (formerly part of the U.S.S.R.) .....              | Feb 4, 99       |         |
| Venzuela.....   | Feb 4, 99       |         |
| Vietnam.....  | Feb 4, 99       |         |
| Wake Island (U.S.).....                                       | Feb 4, 99       |         |
| Yemen.....  | Feb 4, 99       |         |
| Yugoslavia (Serbia, Montenegro and all former land area)..... | Feb 4, 99       |         |
| Zaire.....  | Feb 4, 99       |         |
| Zambia .....  | Feb 4, 99       |         |
| Zimbabwe .....  | Feb 4, 99       |         |

Figure 17-1. Hardship Duty Pay Locations

**NOTES:**

1. Designation of a single country or state indicates that enlisted members on duty at all places within the country or state are entitled to this special pay (example: Alaska and Turkey), unless exceptions are indicated (example: Greece).
2. Designation of places within a country indicates that only those places are entitled to this special pay (example: Northern Ireland; Londonderry).
3. The special pay is currently payable when ending date is not shown in “through” column.



| <b>HARDSHIP DUTY PAY—CONDITIONS OF ENTITLEMENT FOR DUTY AT DESIGNATED LOCATIONS</b> |  |  |   |
|---|--|--|---|
| <b>R<br/>U<br/>L<br/>E</b>  | <b>A</b>   | <b>B</b>   | <b>C</b>  |
|   | <b>When enlisted member</b>  | <b>and</b>   | <b>then hardship duty pay</b>   |
| <b>1</b>  | is assigned to permanent duty in an area designated by Figure 17-1 as a hardship duty location.  | reports PCS to the designated location   | starts on day of arrival for duty (note 1).   |
| <b>2</b>  |  | departs PCS from the designated location   | continues through day of departure.   |
| <b>3</b>  |  | is discharged and immediately reenlists at the same duty station   | continues to accrue.  |
| <b>4</b>  |  | is on authorized leave and remains in the vicinity of the PDS and within a designated location           |   |
| <b>5</b>  |  | is on authorized leave outside the vicinity of the PDS and within a designated location                  | continues for first 30 days.  |
| <b>6</b>  |  | is on operational flight, TDY/TAD, or hospitalized in an area that is not a designated location (note 4) |   |
| <b>7</b>  |  | is on operational flight duty, TDY/TAD, or hospitalized in one or more designated locations              | continues to accrue (note 2).   |
| <b>8</b>  | is not assigned to permanent duty in an area designated by Figure 17-1 as a hardship duty location   |  | accrues if the member remains for a continuous period of 8 days or more (including date of arrival and date of departure). Absences from designated locations of less than 24 hours do not break continuity.. |
| <b>9</b>  | is otherwise entitled to hardship duty pay for assignment in an area designated by Figure 17-1 as a hardship duty location                             | is in confinement awaiting trial by court-martial and is acquitted or has charges dismissed              | accrues retroactive to first day of confinement.  |
| <b>10</b>   |  | is in confinement awaiting trial by court-martial and is convicted                                       | does not accrue from first day of confinement through the day before the date restored to full duty (note 3).   |
| <b>11</b>   |  | is in confinement as result of court-martial sentence  |   |
| <b>12</b>   | is assigned to permanent duty in a ship whose primary mission is accomplished in port in an area designated by Figure 17-1 as a hardship duty location | is receiving career sea pay  | does not accrue.  |
| <b>13</b>   |  | is not entitled to career sea pay  | accrues from date of reporting to the ship and continues or terminates under the same conditions enumerated in this table (note 5).   |

## NOTES:

1. If already at place designated a foreign duty area, the pay starts on day of designation.
2. If period of absence from permanent duty station exceeds 30 days and member is then ordered to duty at another designated place, hardship duty pay accrues only when member remains there for 8 continuous days or more (including date of arrival and date of departure). Absences from a designated place of less than 24 hours do not break continuity.
3. Nonjudicial punishment does not result in loss of foreign duty pay.
4. Rule 2 applies when a medical evacuee has been reassigned on PCS from the designated place for medical treatment.
5. When a ship's home port is first assigned or changed, foreign duty pay accrues from the date of ship's arrival at the home port which qualifies a member for such pay and terminates on date of ship's departure for new home port.

**Table 17-1. Hardship Duty Pay—Conditions of Entitlement for Duty at Designated Locations**

## Chapter 17—Special Pay—Hardship Duty

★ *1701—Entitlement*

37 U.S.C. 305  
 Part II, EO 11157,  
 June 22, 1964  
*ASD(FMP) Memo,*  
*May 14, 1999*

## 1703—Restrictions on Payment

170301 38 Comp Gen 710  
 170303 24 Comp Gen 131  
 170304 37 U.S.C. 305(d)  
 Sec 206(a), EO 11157,  
 June 22, 1964

## 1704—Rates Payable

37 U.S.C. 305(a)

## 1705—Foreign Duty Pay Areas

170502 OASD(FM&P)(MM&PP)  
 Memo, July 18, 1989  
 OASD Memo, Sep 17, 1990  
 OUSD(P&R)(MPP) Memo,  
 Aug 11, 1994  
 OASD(FM&P)(MPP)  
 Memo, Nov 26, 1996

## Table 17-1

Rule 1 44 Comp Gen 396  
 Rule 2 44 Comp Gen 396  
 Rule 8 EO 11292, Aug 1, 1966  
 Rule 13 OASD(MRA&L) Memo,  
 Jan 26, 1983

**SUMMARY OF MAJOR CHANGES TO CHAPTER 18**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.

| <b>Page</b> | <b>Paragraph</b> | <b>Explanation of Change/Revision</b>                                 | <b>Effective Date</b> |
|-------------|------------------|---|-----------------------|
| 18-3        | 180105.C         | IC 11-99 cites the stipend and grant increases for Hardship Duty Pay. | Feb 4, 1999           |

*Interim Change 11-99 is incorporated in the chapter change.*

## CHAPTER 18

### SPECIAL PAY—SEA DUTY

#### 1801 CAREER SEA PAY

180101. Entitlement. Effective January 1, 1981, a member entitled to basic pay who is in pay grade E-4 or above may be entitled to career sea pay (CSP) for sea duty as defined in paragraph 180103, below.

180102. Conditions of Entitlement. See Table 18-1.

180103. Definitions.

A. Sea duty, for the purpose of entitlement to career sea pay, is service performed by a member under orders issued by competent authority:

1. While permanently assigned for duty to a ship, ship-based staff, or ship-based aviation unit and serving in a ship whose primary mission is accomplished underway, including periods not to exceed the first 30 consecutive days each while on temporary additional duty ashore.

2. While temporarily assigned for duty to a vessel, ship-based staff, or ship-based aviation unit and serving on a ship whose primary mission is accomplished underway.

3. While permanently or temporarily assigned for duty to a vessel or ship-based staff and serving on a ship with a primary mission accomplished in port, but only during that period while the ship is away from its home port. A ship is considered away from its home port whenever it is at sea, or in a port located more than 50 miles away from the home port.

4. While serving as a member of the off crew of a two-crewed submarine (effective October 14, 1981).

B. The following changes became effective on January 1, 1988, for those members stationed aboard category “B” vessels:

1. Entitled to CSP for every day the vessel is at sea or at a port at least 50 miles away from the vessel’s assigned home port.

2. Entitled to credit for the cumulative sea-duty counter during the entire period while assigned to the category “B” vessel.

3. The above provisions are not retroactive for time already spent aboard category “B” vessels.

C. The word “vessel” or “ship” shall mean a self-propelled vessel in an active status, in commission or in-service.

180104. Rates

A. The monthly rates of career sea pay for commissioned officers are in Table 18-2.

B. The monthly rates of career sea pay for warrant officers are in Table 18-3.

C. The monthly rates of career sea pay for enlisted members are listed in Tables 18-4, 18-4A, and 18-4B. These tables are applicable as described below.

1. Members with less than 5 years of sea duty

a. Members assigned to sea duty and in receipt of career sea pay for any period of time between October 1, 1987, and December 31, 1987, are entitled to the CSP rates in Table 18-4. The entitlement to saved CSP in this table terminates when members are permanently reassigned to duty for which the member would no longer qualify for CSP.

b. Members reporting to sea duty between January 1, 1988, and April 30, 1988, and who were not on sea duty for any period of time between October 1, 1987, and December 31, 1987, are entitled to the CSP rates in Table 18-4A.

c. Members reporting to sea duty on or after May 1, 1988, who were not on sea duty for any period of time between October 1, 1987, and December 31, 1987, are entitled to the CSP rates in Table 18-4B.

2. Members with more than 5 years of sea duty

a. Members assigned to sea duty with over 5 years of sea duty on January 1, 1988, are entitled to the CSP rates in Tables 18-4/18-4A. The entitlement to saved CSP in these tables terminates when members permanently are reassigned to duty for which the member would no longer qualify for CSP.

b. Members assigned to sea duty with over 5 years of sea duty on May 1, 1988, are entitled either to the CSP rates in Tables 18-4/18-4A and CSP premium, or the CSP rates in Table 18-4B. CSP premium and the CSP rates in Table 18-4B are not allowed. Use the CSP

rates that are most advantageous to the member. The following applies:

(1) When a member has less than 3 years of consecutive sea duty on May 1, 1988, then only the CSP rates in Table 18-4B apply.

(2) When a member has more than 3 years of consecutive sea duty immediately prior to April 30, 1988, and was on sea duty anytime during the period February 1, 1988, to April 30, 1988, then use either the CSP rates in Table 18-4B or the CSP rates in Table 18-4 or 18-4A and CSP premium.

180105. Restrictions on Payments

A. Passenger and Travel Status. Do not pay career sea pay to members en route to and from ships outside the CONUS, or on board a ship for transportation, regardless of the length of the period. This restriction applies for the period prior to a member reporting for permanent duty and after being permanently detached from duty on board a ship.

B. Midshipmen, Aviation Cadets, and Academy Cadets. Career sea pay is not payable to midshipmen, aviation cadets, or academy cadets.

★ C. *An enlisted member may not receive both career sea pay and Hardship Duty Pay for Location Assignment (HDP-L) for the same period of service. (IC 11-99)*

180106. Status of Vessels (Navy). The status of each Naval vessel or craft is designated by the Chief of Naval Operations in accordance with and as defined by Article 0305, Navy Regulations (reference (ak)). When doubt exists as to the status of a vessel or craft for a particular period, or when the nature of employment is not known, forward a request for determination of entitlement to career sea pay to the Assistant Secretary of the Navy (Financial Management and Comptroller) via the Chief of Naval Personnel.

1802 CAREER SEA PAY PREMIUM

180201. Entitlement

A. All officers, warrant officers and enlisted members in pay grade E-4 who are entitled to career sea pay and who have served 36 consecutive months of sea duty are entitled to a monthly career sea pay premium for the 37th consecutive month and each subsequent consecutive month of sea duty served by such members.

B. Enlisted members in pay grades E-5 to E-9 with at least 3 years, but less than 5 years of sea duty, who have served 36 consecutive months of sea duty, are entitled to a monthly career sea pay premium for the 37th consecutive month and each subsequent consecutive month of sea

duty served by such member.

C. Enlisted members in pay grades E-5 to E-9 with over 5 years of sea duty, who were on sea duty at anytime between February 1, 1988, and April 30, 1988, and have served 36 consecutive months of sea duty, are entitled to career sea pay premium for the 37th consecutive month and each subsequent consecutive month of sea duty served by such members and the CSP rates in Table 18-4/18-4A. Under no circumstances shall the CSP premium and the CSP rates in Table 18-4B be authorized.

180202. Rate Payable. The monthly rate of career sea pay premium is \$100.

180203. Computation of Consecutive Months of Sea Duty. The computation of consecutive months of sea duty is under regulations prescribed by the Secretary concerned.

| CAREER SEA PAY—CONDITIONS OF ENTITLEMENT |   |  |         |   |  |
|--|---|--|---------|---|--|
| R<br>U<br>L<br>E                         | A   | B  |         | C   | D  |
|  | When an eligible member                             | and is serving on a ship whose primary mission is accomplished |         | and   | then career sea pay  |
|  |   | underway   | in port |   |  |
| 1  | reports for permanent duty defined as sea duty      | X  |         |   | starts on date of reporting.   |
| 2  |   |  | X       | member is on board when ship departs from home port                                     | accrues from departure date.   |
| 3  |   |  | X       | member reports on board while ship is away from home port                               | accrues from day of reporting.   |
| 4  | is detached from permanent duty defined as sea duty | X  | X       |   | terminates on date of detachment provided member is otherwise entitled on that date.   |
| 5  | is discharged while on sea duty                     | X  | X       | immediately reenlists on board  | continues to accrue provided member is otherwise entitled.   |
| 6  | on sea duty is entitled to career sea pay           |  | X       | ship returns to home port   | accrues through the date the ship returns to home port.  |
| 7  | on sea duty   | X  |         | is on TDY, TAD, temporarily based ashore, under orders, or hospitalized ashore (note 1) | accrues during the first 30 days member is in such status.   |
| 8  |   |  | X       |   | accrues during the first 30 days member is in such status provided member is otherwise entitled and ship remains away from its home port (note 2).     |
| 9  | on sea duty is on authorized leave                  | X  | X       |   | accrues for the period of leave if otherwise entitled.   |
| 10                                       | is based on or stationed ashore                     | X  |         | the type of duty is TAD or TDY  | accrues from date of reporting through date of detachment (note 3).  |
| 11                                       |   |  | X       |   | accrues as indicated in rules 2 and 3, as applicable, and terminates as indicated in rule 6 or date of detachment if ship remains away from home port. |

Table 18-1. Career Sea Pay—Conditions of Entitlement



| R<br>U<br>L<br>E | A   | B  |               | C   | D  |
|------------------|---|--|---------------|---|--|
|                  | When an eligible member   | and is serving on a ship whose primary mission is accomplished |               | and   | then career sea pay  |
|                  |   | underway   | in port       |   |  |
| 12               | is suspended or otherwise removed from duty or confined awaiting trial by court-martial             | X  | X             | is acquitted or charges are dismissed                                   | accrues retroactively from first day of confinement, suspension, or removal from duty, provided member is otherwise entitled.                                    |
| 13               |   | X  | X             | is convicted  | does not accrue beginning first day of confinement, suspension, or removal from duty through date prior to day of return to duty from any status above (note 4). |
| 14               | is confined as a result of court-martial  | X  | X             |   | does not accrue beginning first day of confinement through date prior to date of release from confinement (note 4).  |
| 15               | is permanently or temporarily assigned to duty on a ship which is undergoing alterations or repairs | X  | X<br>(note 5) | ship remains in an active status (in commission or in-service) (note 6) | continues to accrue.   |
| 16               | is permanently or temporarily assigned to duty on a ship undergoing inactivation processing         | X  | X             |   | stops when the ship reverts to inactive status.  |
| 17               | is assigned to an FMF unit based on or stationed ashore   | X  |               | the type of duty is TAD or TDY  | accrues from the date of embarkation through the date of debarkation (note 3).   |

## NOTES:

1. Temporarily based ashore refers to a ship-based aviation unit or ship-based staff that has landed ashore with intent to return to a ship.
2. Entitlement terminates when the ship returns to the home port.
3. Further TAD/TDY ashore from ship will not interrupt career sea pay entitlement for the first 30 days member is in such status provided member is otherwise entitled and returns to the ship.
4. Where sentence is changed to restriction to ship and member performs duty, career sea pay is resumed. Nonjudicial punishment does not result in loss of career sea pay.
5. Entitlement accrues only when the ship is away from the home port.
6. OPNAVINST 4700.8 series defines ship status assignments for USN ships.

**Table 18-1. Career Sea Pay—Conditions of Entitlement (Continued)**

| MONTHLY CAREER SEA DUTY PAY RATES—COMMISSIONED OFFICERS—EFFECTIVE OCTOBER 1, 1985 |        |        |        |        |        |        |        |         |         |         |         |         |         |         |
|---|--------|--------|--------|--------|--------|--------|--------|---------|---------|---------|---------|---------|---------|---------|
| Years of Sea Duty   |        |        |        |        |        |        |        |         |         |         |         |         |         |         |
| Pay Grade   | Over 3 | Over 4 | Over 5 | Over 6 | Over 7 | Over 8 | Over 9 | Over 10 | Over 11 | Over 12 | Over 14 | Over 16 | Over 18 | Over 20 |
| O-1   | \$150  | \$160  | \$185  | \$190  | \$195  | \$205  | \$215  | \$225   | \$225   | \$240   | \$250   | \$260   | \$270   | \$280   |
| O-2   | 150    | 160    | 185    | 190    | 195    | 205    | 215    | 225     | 225     | 240     | 250     | 260     | 270     | 280     |
| O-3   | 150    | 160    | 185    | 190    | 195    | 205    | 215    | 225     | 225     | 240     | 260     | 270     | 280     | 290     |
| O-4   | 185    | 190    | 200    | 205    | 215    | 220    | 220    | 225     | 225     | 240     | 270     | 280     | 290     | 300     |
| O-5   | 225    | 225    | 225    | 225    | 230    | 245    | 250    | 260     | 265     | 265     | 285     | 300     | 315     | 340     |
| O-6   | 225    | 230    | 230    | 240    | 255    | 265    | 280    | 290     | 300     | 310     | 325     | 340     | 355     | 380     |

Table 18-2. Monthly Career Sea Duty Pay Rates-Commissioned Officers-Effective October 1, 1985

| MONTHLY CAREER SEA DUTY PAY RATES-WARRANT OFFICERS-EFFECTIVE JANUARY 1, 1988 |           |        |        |        |        |        |        |        |        |        |  |
|--|-----------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--|
| Years of Sea Duty  |           |        |        |        |        |        |        |        |        |        |  |
| Pay Grade  | 1 or Less | Over 1 | Over 2 | Over 3 | Over 4 | Over 5 | Over 6 | Over 7 | Over 8 | Over 9 |  |
| W-1  | \$130     | \$135  | \$140  | \$150  | \$170  | \$175  | \$200  | \$250  | \$270  | \$300  |  |
| W-2  | 150       | 150    | 150    | 150    | 170    | 260    | 265    | 265    | 270    | 310    |  |
| W-3  | 150       | 150    | 150    | 150    | 170    | 270    | 280    | 285    | 290    | 310    |  |
| W-4  | 150       | 150    | 150    | 150    | 170    | 290    | 310    | 310    | 310    | 310    |  |
| W-5  | 150       | 150    | 150    | 150    | 170    | 290    | 310    | 310    | 310    | 310    |  |

| Pay Grade | Over 10 | Over 11 | Over 12 | Over 14 | Over 16 | Over 18 | Over 20 |
|-----------|---------|---------|---------|---------|---------|---------|---------|
| W-1       | \$325   | \$325   | \$340   | \$360   | \$375   | \$375   | \$375   |
| W-2       | 340     | 340     | 375     | 400     | 400     | 400     | 400     |
| W-3       | 350     | 375     | 400     | 425     | 425     | 450     | 450     |
| W-4       | 350     | 375     | 400     | 450     | 450     | 500     | 500     |
| W-5       | 350     | 375     | 400     | 450     | 450     | 500     | 500     |

Table 18-3. Monthly Career Sea Duty Pay Rates—Warrant Officers—Effective January 1, 1988

| MONTHLY CAREER SEA DUTY PAY RATES—ENLISTED MEMBERS—EFFECTIVE OCTOBER 1, 1984 |           |        |        |        |        |        |        |        |        |        |
|--|-----------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Years of Sea Duty  |           |        |        |        |        |        |        |        |        |        |
| Pay Grade  | 1 or Less | Over 1 | Over 2 | Over 3 | Over 4 | Over 5 | Over 6 | Over 7 | Over 8 | Over 9 |
| E-4  | \$ 50     | \$ 60  | \$125  | \$160  | \$175  | \$175  | \$175  | \$175  | \$175  | \$175  |
| E-5  | 60        | 70     | 140    | 175    | 185    | 190    | 205    | 220    | 220    | 220    |
| E-6  | 125       | 135    | 170    | 190    | 210    | 215    | 225    | 235    | 245    | 255    |
| E-7  | 135       | 145    | 215    | 235    | 255    | 260    | 265    | 265    | 270    | 275    |
| E-8  | 165       | 180    | 225    | 255    | 265    | 270    | 280    | 285    | 290    | 300    |
| E-9  | 175       | 195    | 235    | 265    | 280    | 290    | 310    | 310    | 310    | 310    |

| Pay Grade | Over 10 | Over 11 | Over 12 | Over 13 | Over 14 | Over 16 | Over 18 |
|-----------|---------|---------|---------|---------|---------|---------|---------|
| E-4       | \$175   | \$175   | \$175   | \$175   | \$175   | \$175   | \$175   |
| E-5       | 220     | 220     | 220     | 220     | 220     | 220     | 220     |
| E-6       | 265     | 265     | 280     | 295     | 310     | 325     | 340     |
| E-7       | 280     | 300     | 310     | 330     | 350     | 370     | 390     |
| E-8       | 310     | 310     | 320     | 340     | 360     | 380     | 400     |
| E-9       | 320     | 330     | 350     | 370     | 390     | 410     | 410     |

Table 18-4. Monthly Career Sea Duty Pay Rates—Enlisted Members—Effective October 1, 1984

| MONTHLY CAREER SEA DUTY PAY RATES—ENLISTED MEMBERS WHO REPORT TO SEA DUTY ON OR AFTER JANUARY 1, 1988 AND PRIOR TO MAY 1, 1988 |           |        |        |        |        |        |        |        |        |        |
|--|-----------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Years of Sea Duty  |           |        |        |        |        |        |        |        |        |        |
| Pay Grade  | 1 or Less | Over 1 | Over 2 | Over 3 | Over 4 | Over 5 | Over 6 | Over 7 | Over 8 | Over 9 |
| E-4  | \$ 50     | \$ 60  | \$120  | \$150  | \$160  | \$175  | \$175  | \$175  | \$175  | \$175  |
| E-5  | 50        | 60     | 120    | 150    | 170    | 190    | 205    | 220    | 220    | 220    |
| E-6  | 100       | 100    | 120    | 150    | 170    | 215    | 225    | 235    | 245    | 255    |
| E-7  | 100       | 100    | 120    | 175    | 190    | 260    | 265    | 265    | 270    | 275    |
| E-8  | 100       | 100    | 120    | 175    | 190    | 270    | 280    | 285    | 290    | 300    |
| E-9  | 100       | 100    | 120    | 175    | 190    | 290    | 310    | 310    | 310    | 310    |

| Pay Grade | Over 10 | Over 11 | Over 12 | Over 13 | Over 14 | Over 16 | Over 18 |
|-----------|---------|---------|---------|---------|---------|---------|---------|
| E-4       | \$175   | \$175   | \$175   | \$175   | \$175   | \$175   | \$175   |
| E-5       | 220     | 220     | 220     | 220     | 220     | 220     | 220     |
| E-6       | 265     | 265     | 280     | 295     | 310     | 325     | 340     |
| E-7       | 280     | 300     | 310     | 330     | 350     | 370     | 390     |
| E-8       | 310     | 310     | 320     | 340     | 360     | 380     | 400     |
| E-9       | 320     | 330     | 350     | 370     | 390     | 410     | 410     |

**Table 18-4A. Monthly Career Sea Duty Pay Rates—Enlisted Members Who Report to Sea Duty On or After January 1, 1988, and Prior to May 1, 1988**

| MONTHLY CAREER SEA DUTY PAY RATES—ENLISTED MEMBERS—EFFECTIVE MAY 1, 1988 |           |        |        |        |        |        |        |        |        |        |
|--|-----------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| Years of Sea Duty  |           |        |        |        |        |        |        |        |        |        |
| Pay Grade  | 1 or Less | Over 1 | Over 2 | Over 3 | Over 4 | Over 5 | Over 6 | Over 7 | Over 8 | Over 9 |
| E-4  | \$ 50     | \$ 60  | \$120  | \$150  | \$160  | \$160  | \$160  | \$160  | \$160  | \$160  |
| E-5  | 50        | 60     | 120    | 150    | 170    | 315    | 325    | 350    | 350    | 350    |
| E-6  | 100       | 100    | 120    | 150    | 170    | 315    | 325    | 350    | 350    | 365    |
| E-7  | 100       | 100    | 120    | 175    | 190    | 350    | 350    | 375    | 390    | 400    |
| E-8  | 100       | 100    | 120    | 175    | 190    | 350    | 350    | 375    | 390    | 400    |
| E-9  | 100       | 100    | 120    | 175    | 190    | 350    | 350    | 375    | 390    | 400    |

| Pay Grade | Over 10 | Over 11 | Over 12 | Over 13 | Over 14 | Over 16 | Over 18 |
|-----------|---------|---------|---------|---------|---------|---------|---------|
| E-4       | \$160   | \$160   | \$160   | \$160   | \$160   | \$160   | \$160   |
| E-5       | 350     | 350     | 350     | 350     | 350     | 350     | 350     |
| E-6       | 365     | 365     | 380     | 395     | 410     | 425     | 450     |
| E-7       | 400     | 410     | 420     | 450     | 475     | 500     | 500     |
| E-8       | 400     | 410     | 420     | 450     | 475     | 500     | 520     |
| E-9       | 400     | 410     | 420     | 450     | 475     | 520     | 520     |

**Table 18-4B. Monthly Career Sea Duty Pay Rates—Enlisted Members—Effective May 1, 1988**

**Chapter 18—Special Pay—Sea Duty**

|                             |               |  |
|-----------------------------|---------------|--|
| 1801—Career Sea Pay         | 180101-180104 | 37 U.S.C. 305a   |
|                             | 180105C       | 37 U.S.C. 305(d)<br>Sec 206(a), EO 11157,<br>June 22, 1964 |
| 1802—Career Sea Pay Premium | 180201-180202 | 37 U.S.C. 305a   |
|                             | 180203        | EO 12274, Jan 16, 1981                                     |

**SUMMARY OF MAJOR CHANGES TO CHAPTER 19**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

New and revised instructions are indicated by a ★ placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.

| <b>Page</b>               | <b>Paragraph</b>         | <b>Explanation of Change/Revision</b>      | <b>Effective Date</b> |
|---------------------------|--------------------------|--|-----------------------|
| 19-1<br>&<br>19-2<br>19-3 | 1901<br><br>Bibliography | IC 29-00 pertains to foreign language pay. | Apr 1, 2000           |

## CHAPTER 19

**SPECIAL PAY-FOREIGN LANGUAGE PROFICIENCY***1901 ENTITLEMENT PROVISIONS AND POLICY**★ 190101. Entitlement (IC 29-00)*

*A. An officer or enlisted member of the Armed Forces entitled to basic pay, who has been certified by the Secretary of the Military Department concerned within the past 12 months (or 12 months plus 180 days when called or recalled to active duty in support of a contingency operation) to be proficient in a foreign language, identified by the Secretary of Defense for such pay, and who meets one of the following conditions, may be paid foreign language proficiency pay.*

*1. Is qualified in a career military linguist specialty (career linguist) as defined by the Secretary of the Military Department concerned; or*

*2. Has received training under regulations prescribed by the Secretary of the Military Department concerned designated to develop such proficiency; or*

*3. Is assigned to military duties requiring such proficiency; or*

*4. Is proficient in a foreign language for which the Secretary of the Military Department concerned has identified a critical need.*

*B. Reserve members called to active duty, active duty for training, and inactive duty training who are entitled to basic pay and meet the qualifications in subparagraph 190101.A above, may receive a prorated amount of foreign language proficiency pay for each day of duty or period of instruction performed.*

*C. The Secretary of the Military Department will:*

*1. Annually certify member's level of proficiency, and*

*2. During the 180-day waiver of the proficiency certification requirement, authorize continuing payment of FLPP to eligible members assigned to duty in connection with a contingency operation.*

*D. Foreign language proficiency pay may be paid in addition to other pay and allowances to which a member may be entitled.*

★ 190102. Definitions (IC 29-00)

A. Critical Language. Any foreign language identified by the Secretary of Defense in which it is necessary to have proficient personnel because of national defense considerations. The Office of the Assistant Secretary of Defense (C3I) is the custodian of the critical language list.

B. Language Proficiency. Level of proficiency a member possesses in a foreign language skill (listening, reading and/or speaking) as certified by the Secretary of the Military Department concerned through the Defense Language Proficiency Test or other test designated by the Commandant of the Defense Language Institute, Foreign Language Center.

★ 190103. Amount of Payment (IC 29-00)

A. The monthly rate of foreign language proficiency pay shall be determined by the Secretary of the Military Department concerned as prescribed in this paragraph:

| <u>Foreign Language Proficiency</u> | <u>Baseline Rate</u>                              | <u>Incremental Rate</u> |
|-------------------------------------|---|-------------------------|
| Career Linguist (FLPP-I)            | \$100   | \$25.00                 |
| Others (FLPP-II)                    | Set by Secretary<br>of the Military<br>Department | \$12.50                 |

NOTE: A member who meets the qualifications in subparagraph 190101.A above, may not receive a combination of FLPP-I and FLPP-II.

B. Foreign language proficiency pay may be awarded for proficiency in multiple foreign languages; however, the monthly rate may not exceed \$300 payable to a member.

C. Entitlement to foreign language proficiency pay is computed on a 30-day month. Entitlement accrues from the date of authorization through the effective date of the termination order. Payment will be prorated for that portion of the month in which entitlement begins or ends.

1902 CONDITIONS OF ENTITLEMENT

190201. Entitlement. Detailed instructions on maintenance, retention, and termination of foreign language proficiency pay status are specified in regulations by the Secretary of each Military Department. Entitlement may be terminated at any time in accordance with such regulations.

190202. Tax. Foreign language proficiency pay is an item of pay subject to federal withholding tax. It is not subject to FICA tax.

*Chapter 19-Special Pay-Foreign Language Proficiency*

*★1901-Entitlement Provisions*

*190101*

*37 U.S.C. 316 and 316a*

*Public Law 106-65*

*Section 625*

*Oct 5, 1999*

*DoDI 7280 3 of*

*February 23, 2000*



**SUMMARY OF MAJOR CHANGES TO CHAPTER 20**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

**New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.**

| <b>Page</b>     | <b>Paragraph</b>         | <b>Explanation of Change/Revision</b>   | <b>Effective Date</b> |
|-----------------|--------------------------|---|-----------------------|
| 20-2 to<br>20-3 | 200403                   | IC 37-99 adds a new paragraph that establishes parity with regard to the payment of outstanding bonus obligations upon death of enlisted and officer members. | June 29, 1999         |
|                 | Complete Chapter Rewrite | IC 10-00 incorporates rate increases and eligibility criteria for the Aviator Retention Bonus.  | Oct 01, 1999          |

*Interim change 10-00 is a complete chapter rewrite.*

**★CHAPTER 20 (IC 10-00)**

**AVIATOR RETENTION BONUS**

**2001 ENTITLEMENT**

*An aviation officer who makes a written agreement to remain on active duty in aviation service for at least 1 year, may be paid a retention bonus as provided in this chapter. The written agreement must be executed during the period beginning January 1, 1989, and ending on December 31, 2000, and accepted by the Secretary of the Military Department concerned. An aviation officer eligible under this chapter is entitled to a retention bonus in addition to any other pay and allowances to which the officer is entitled.*

**2002 ELIGIBILITY REQUIREMENTS**

*200201. Effective October 1, 1999, to qualify for an aviation bonus under this chapter, an officer must:*

- A. Be entitled to aviation career incentive pay (ACIP),*
- B. Be in a pay grade below O-7 (although the Secretary of the Military Department concerned may establish more restrictive requirements),*
- C. Be qualified to perform operational flying duty, and*
- D. Have completed any active duty service commitment incurred for undergraduate aviator training.*

*200202. Definitions of select terms used in this chapter are as follows:*

- A. Aviation Service. Aviation service is service performed by an officer (except a flight surgeon or other medical officer) while holding an aeronautical rating or designation or while in training to receive an aeronautical rating or designation.*
- B. Operational Flying Duty. Operational flying duty is flying performed under competent orders by rated or designated members while serving in assignments in which basic flying skills normally are maintained in the performance of assigned duties as determined by the Secretary of the Military Department concerned, and flying performed by members in training that leads to the award of an aeronautical rating or designation.*

### 2003 COMPUTATION

*The amount of a retention bonus authorized under this chapter for agreements submitted on or after October 1, 1999, may not be more than \$25,000 for each year covered by the agreement to remain on active duty.*

### 2004 TIME OF PAYMENT

200401. *The term of the written agreement and the amount of payment may be prorated as long as an agreement does not extend beyond the date on which the officer would complete 25 years of aviation service.*

200402. *Upon an officer's acceptance of the agreement, the total amount payable becomes fixed and may be paid either in a lump sum or in installments.*

200403. *If a member dies before receiving the full amount of the bonus due (including contracted future year anniversary payments) and death is not caused by the member's misconduct, the remaining unpaid bonus balance is payable as a lump sum for inclusion in the settlement of the deceased member's final military pay account. If death is determined to be the result of the member's own misconduct, termination of future payments and proration or recoupment of the bonus, as applicable, will be made in accordance with procedures that the Military Department has established for members whose inability to complete a contracted period of service is voluntary or the result of misconduct.*

### 2005 RECOUPMENT

200501. *Recoupment of the unearned portion of the bonus is required on a pro rata basis if the officer receiving the payment fails to complete the total period of active duty specified in the agreement, as conditions and circumstances warrant.*

200502. *The amount established for recoupment is, for all purposes, a debt owed to the United States.*

200503. *A discharge in bankruptcy under Title 11, United States Code (reference (aj)), that is entered less than 5 years after the termination of an agreement under this section, does not discharge the member signing such agreement from a debt arising under such agreement or under section 2001.*

200504. *Reduce the amount to be recouped by an amount equal to any reduction taken under subparagraphs 350702.F. or 350802.D.*

*Chapter 20 — Aviator Retention Bonus*★ *2001—Entitlement*

*Public Law 106-65,  
Section 613(a),  
Oct 5, 1999  
37 U.S.C. 301b (a)*

*2002—Eligibility Requirements*

*37 U.S.C. 301b(b)  
Public Law 105-261,  
Section 615(c)(2),  
Oct 17, 1998*

★

*Public Law 106-65,  
Section 615,  
Oct 5, 1999*

200202

*37 U.S.C. 301b(j)*

*2003—Amount of Bonus*

*37 U.S.C. 301b(c)  
Public Law 105-85,  
Section 616,  
Nov 18, 1997*

★

*Public Law 106-65,  
Section 615,  
Oct 5, 1999*

*2004—Time of Payment*

200403

*37 U.S.C. 301b(d), (e)  
ASD(FMP) Memo,  
June 29, 1999*

★

*Public Law 106-65,  
Section 615,  
Oct 5, 1999*

*2005—Recoupment*

*37 U.S.C. 301b(g)  
Public Law 103-139,  
Section 8127,  
Nov 11, 1993  
Public Law 103-335,  
Section 8106A,  
Sep 30, 1994*

★

*Public Law 106-65,  
Section 615,  
Oct 5, 1999*

*2006—Restriction*

*Public Law 100-456,*

*2007—Coverage of Period of Lapsed Authority*

*Section 611(e),  
Sep 29, 1988  
Public Law 103-160,  
Section 613(i),  
Nov 30, 1993  
Public Law 104-106,  
Section 613(i),  
Feb 10, 1996*

**SUMMARY OF MAJOR CHANGES TO CHAPTER 21**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.

| <b>Page</b>   | <b>Paragraph</b>     | <b>Explanation of Change/Revision</b>   | <b>Effective Date</b> |
|---------------|----------------------|---|-----------------------|
| 21-1,<br>21-2 | 210101,<br>210201.A, | IC 43-99 revises extension on expiration of certain bonuses and special pay authorities for active and reserve forces | Dec 9, 1999           |

*Interim Change 43-99 is incorporated in this change. Interim Change 43-99 also affect other chapters and will not be deleted from the list of interim changes on the OUSD(C) web site.*

## CHAPTER 21

### SPECIAL PAYS FOR NURSE CORPS OFFICERS

#### 2101 REGISTERED NURSE ACCESSION BONUS

★ 210101. Entitlement. *A nurse who qualifies for appointment as a Nurse Corps officer in one of the Military Departments, and who during the period beginning November 29, 1989 and ending on December 31, 2000, executes a written agreement to accept a commission and serves on active duty as a Nurse Corps officer for a period of not less than four years may, upon acceptance of the agreement by the Secretary of the Military Department concerned, be paid a lump sum accession bonus up to a maximum of \$5,000. (IC 43-99)*

#### 210102. Special Provisions

A. An individual who received financial assistance from the Department of Defense to pursue a baccalaureate degree is not eligible for an accession bonus.

B. An individual who holds an appointment as a Nurse Corps officer is not eligible for an accession bonus.

C. An individual with prior active duty service as a Nurse Corps officer must have been discharged from active duty at least twelve months prior to execution of the written agreement for this accession bonus.

D. The Secretary of the Military Department concerned shall determine the amount of the accession bonus up to the maximum of \$5,000.

#### 210103. Recoupment

A. An officer who receives an accession bonus and subsequently fails to become licensed as a registered nurse within 18 months after receipt of the bonus, and/or remains licensed as a professional registered nurse in any state in the United States during the period for which the bonus was paid, shall refund the entire amount of bonus.

B. A Nurse Corps officer who dies or is separated from active duty while serving the required period of active duty incurred for an accession bonus is entitled to the proportionate part of the period of active duty served under the agreement. Payment exceeding that proportionate entitlement shall be recouped, except in the following circumstances:

1. Death or disability that is not the result of misconduct or willful neglect and not incurred during a period of unauthorized absence;

2. Separation from military service by operation of laws or regulations of the Department of Defense or the respective Military Service, when approved by the Secretary of the Military Department concerned;

3. In other cases, when the Assistant Secretary of the Defense for Health Affairs (ASD(HA)) determines recoupment is not in the best interest of the government.

C. A discharge in bankruptcy under Title 11, United States Code, shall not release a person from an obligation to reimburse the United States required under the terms of a written agreement entered into for this accession bonus, if the final decree of the discharge in bankruptcy was issued within a period of 5 years after the termination of the agreement. This paragraph applies to any case commenced under Title 11 (reference (aj)) after October 1, 1989.

D. An obligation to reimburse the United States imposed for the reasons stated above is, for all purposes, a debt owed to the United States.

E. Reduce the amount to be recouped by an amount equal to any reduction taken under subparagraphs 350702.F or 350802.D.

210104. Coverage of Period of Lapsed Authority. During the 90-day period from November 30, 1993, through February 27, 1994, officers who met eligibility requirements of this section any time during the period October 1, 1993, through November 29, 1993, may execute agreements. Such agreements may be accepted and deemed to have been executed by the Secretary of the Military Department concerned on the first date on which the officer qualified during the period of lapsed authority.

## 2102 INCENTIVE SPECIAL PAY FOR CERTIFIED REGISTERED NURSE ANESTHETISTS (CRNA)

### 210201. Entitlement

★ A. Active Duty Not Less Than One Year. *For the period October 5, 1994, through December 31, 2000, a Nurse Corps officer on active duty under a call or order to active duty for a period of not less than one year, who is qualified and performing as a CRNA may be paid incentive special pay in an amount not to exceed \$15,000 for each year of a properly executed written agreement to serve on active duty. (IC 43-99)*

B. The ISP rate per year for any contract for which the CRNA is not obligated for training as a CRNA at the beginning of the contract year is \$15,000.



C. The rate per year during any period for which the CRNA is obligated for training as a CRNA is \$6,000.

D. Active Duty Less Than One Year in Support of Persian Gulf Conflict. Any qualified certified registered nurse anesthetist officer who served on active duty in support of the Persian Gulf Conflict may be entitled to special pay benefits for nurse anesthetists. See Chapter 64, of this volume, to determine eligibility and entitlement.

E. Effective December 5, 1991, the following categories of CRNA Nurse Corps officers on active duty less than 1 year, other than active duty for training, are eligible to receive special pay provided under this section in the same manner as a regular CRNA Nurse Corps officer.

1. Members of the Reserve Components called to active duty for more than 30 days but less than one year, other than active duty for training.

2. Active duty CRNA Nurse Corps officers involuntarily retained under 10 U.S.C. 12305 (reference (c)).

3. CRNA Nurse Corps officers who voluntarily agree to remain on active duty for less than 1 year when officers are involuntarily retained under 10 U.S.C. 12305 (reference (c)), or the Secretary of Defense determines that special circumstances justify the payment of special pay under this subparagraph.

4. Any retired CRNA Nurse Corps officer recalled to active duty for more than 30 days under 10 U.S.C. 688 (reference (c)).

210202. Special Provisions

A. The officer first must execute a written agreement under which he or she agrees to remain on active duty for a period of not less than 1 year. The effective date of the agreement shall be prescribed in Military Department regulations and shall be included in the agreement. Subject to mutual acceptance, an officer may execute a 2 year agreement in Fiscal Year 1990. Under such agreement, payments shall be made at the beginning of the agreement and on the one year anniversary date.

B. Selection procedures for CRNAs to be awarded incentive special pay shall be made under guidance formulated by the Secretaries of the Military Departments (or their designees).

C. The ASD(HA) has determined that as a minimum the selection criteria shall stipulate: Approval authority for payment of incentive special pay to individual eligible officers rests with Secretary of the Military Department concerned (or designee). This authority shall not be delegated to an officer below the grade O-7.

D. Incentive special pay (ISP) is payable in lump sum annual installments upon execution of the written Military Service agreement. The Secretary of the Military Department concerned (or designee) may, at any time, terminate an officer's entitlement to ISP. If terminated, unearned ISP shall be recouped on a pro rata basis subject to the provisions described below. The authority to terminate an ISP agreement shall not be delegated to an officer below the grade of O-7.

E. CRNA Nurse Corps officers eligible under subparagraph 210201.C, above, are entitled to a monthly pro rata portion of the annual amount authorized for a regular CRNA Nurse Corps officer. Also prorate on a daily basis for any month in which service is less than the full month.

210203. Recoupment. The provisions of subparagraph 210103.B, C, and D, above, apply to a CRNA who executes an incentive special pay agreement.

210204. Refund. CRNA Nurse Corps officers paid under subparagraph 210202.E, above, who do not serve the full term of active duty that corresponds to a monthly amount must refund any amount received in excess of the amount that corresponds to the actual period of active duty.

210205. Coverage of Period of Lapsed Authority. During the 90-day period from November 30, 1993, through February 27, 1994, officers who met eligibility requirements of this section any time during the period October 1, 1993 through November 29, 1993, may execute agreements. Such agreements may be accepted and deemed to have been executed by the Secretary of the Military Department concerned on the first date on which the officer qualified during the period of lapsed authority.

## Chapter 21—Special Pays for Nurse Corps Officers

|   |               |   |
|---|---------------|---|
| 2101—Registered Nurse Accession Bonus   |               | 37 U.S.C. 302d<br>ASD(HA) Memo,<br>Dec 19, 1989<br>Public Law 101-510,<br>Section 613, Nov 5, 1990<br>Public Law 104-106,<br>Section 612(g),<br>Feb 10, 1996<br>ASD(HA) Memo,<br>Dec 19, 1994<br>Public Law 104-201,<br>Section 612, Sep 23, 1996<br>37 U.S.C. 302d (a) (1)<br>Public Law 105-85,<br>Section 612, Nov 18, 1997<br>Public Law 105-261,<br>Section 612, Oct 17, 1998<br><i>Public Law 106-65</i><br><i>Section 612, Oct 5, 1999</i><br><i>37 U.S.C. 302d(a) (1)</i> |
| ★   | <i>210101</i> |   |
|   | 210102        | ASD(HA) Memo,<br>Dec 19, 1994<br>Public Law 103-337,<br>Section 612, Oct 5, 1994  |
|   | 210103        | Public Law 103-139,<br>Section 8127,<br>Nov 11, 1993  |
|   | 210103.A-C    | ASD(HA) Memo,<br>Dec 19, 1994   |
| 2102—Incentive Special Pay for Certified Registered Nurse Anesthetists (CRNA) |               |   |
|   |               | 37 U.S.C. 302e<br>Public Law 103-160,<br>Section 611(c),<br>Nov 30, 1993<br>ASD(HA) Memo,<br>Dec 19, 1989<br>Public Law 101-510,<br>Nov 5, 1990   |
|   | 210201        | ASD(HA) Memo,   |

★

*210201.A*

Dec 19, 1994  
Public Law 103-337,  
Section 612, Oct 5, 1994  
Public Law 102-484,  
Section 612(i),  
Oct 23, 1992  
ASD(HA) Memo,  
Dec 19, 1994  
Public Law 104-201,  
Section 612, Sep 23, 1996  
37 U.S.C. 302e (a) (1)  
Public Law 105-85,  
Section 612, Nov 18, 1997  
Public Law 105-261,  
Section 612, Oct 17, 1998

★

*Public Law 106-65,*  
*Section 612, Oct 5, 1999*  
*37 U.S.C. 302e (a) (1)*

210201.B

ASD(HA) Memo,  
Dec 19, 1994  
Public Law 103-337,  
Section 612, Oct 5, 1994

210201.C

ASD(HA) Memo,  
Jan 19, 1993  
Public Law 102-190,  
Section 634, Dec 5, 1991  
ASD(HA) Memo,  
Dec 19, 1994

210202.E

ASD(HA) Memo,  
Jan 19, 1993  
Public Law 102-190,  
Section 634, Dec 5, 1991

210204

ASD(HA) Memo,  
Jan 19, 1993,  
Public Law 102-190,  
Section 634, Dec 5, 1991

**SUMMARY OF MAJOR CHANGES TO CHAPTER 22**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.

| <b>Page</b>                                  | <b>Paragraph</b>  | <b>Explanation of Change/Revision</b>   | <b>Effective Date</b> |
|--|---|---|-----------------------|
| 22-21  | Table 22-1  | IC 5-98 pertains to hazardous duty incentive pay increase                             | Nov 18, 1997          |
| 22-1,<br>22-10                               | 220102.A<br>220202.A  | IC 26-98 pertains to hazardous duty incentive pay rate increase for non-crew members. | Nov 18, 1997          |
| 22-21  | Table 22-1  | IC 40-98 pertains to hazardous duty for aerial flight rate increases.                 | Oct 1, 1998           |
| 22-9,<br>22-10,<br>22-11,<br>22-24,<br>22-25 | 220201,<br>220202.B.2,<br>220202.B.4<br>Table 22-6,<br>Table 22-7 | IC 41-98 pertains to aviation career incentive pay rate changes                       | Oct 17, 1998          |

*Interim Changes 5-98, 26-98, 40-98, and 41-98 are incorporated in this change. Interim change 5-98 affects other chapters and will not be deleted from the interim changes cited in the OUSD(C)) web site until all such chapters are updated.*

## CHAPTER 22

### AERIAL FLIGHTS

#### 2201 HAZARDOUS DUTY INCENTIVE PAY (HDIP) FOR FLYING DUTY

220101. Entitlement. Members under competent orders to participate in regular and frequent aerial flights as crew or non-crew members, who otherwise meet the requirements of this chapter, are entitled to flying pay for that duty. Officers, including aviation cadets, entitled to aviation career incentive pay under section 2202, below, of this chapter are not entitled to payments under this section.

#### 220102. Rates

★ A. *Monthly HDIP rates for crew members covered by this section are shown in Table 22-1 except for HDIP entitlement described in paragraph 220116, below. The monthly HDIP rate for non-crew members is \$150. (IC 26-98)*

#### B. Definitions

1. Aerial Flights. Aerial flights mean flights in military aircraft or spacecraft, and also flights in nonmilitary aircraft when required by competent orders to fly in such aircraft. A flight begins when the aircraft or spacecraft takes off from rest at any point of support located on the surface of the earth and terminates when it next comes to a complete stop at a point of support located on the surface of the earth.

2. Aviation Accident. Aviation accident means an accident in which a member, who is required to participate frequently and regularly in aerial flights, is injured or otherwise incapacitated as the result. The injury or incapacitation, certified by the appropriate medical authority of the Uniformed Service concerned, may result from:

a. Jumping from, being thrown from, or being struck by, an aircraft or spacecraft, or any part or auxiliary thereof, or

b. Participation in any duty authorized aerial flight or other aircraft or spacecraft operations. Such term also means an incapacity incurred as the result, as certified by appropriate medical authority, of performance of flying duty, even though such incapacity is not the result of an actual aviation accident.

220103. Flight Requirements. A member in a flying status must perform the minimum aerial flights as specified in this paragraph.

A. Minimum Flying Time Each Month

1. During 1 calendar month--4 hours of aerial flight. If a member does not fly 4 hours in any month, however, hours flown during the last 5 preceding months which have not already been used to qualify for flight pay, may be applied to meet this 4-hour requirement.

2. During 2 consecutive calendar months when the requirements of subparagraph 220103.A.1, above, have not been met--8 hours of aerial flight.

3. During 3 consecutive calendar months when the requirements of subparagraph 220103.A.2, above, have not been met--12 hours of aerial flight.

B. Fractions of a Calendar Month. For fractions of a calendar month, calculate the percentage that the period in question is of the calendar month. The flying time required is that same percentage of the aerial flight time required for a full calendar month. (See Table 22-2.)

C. Fractions of 2 Consecutive Calendar Months. For fractions of 2 consecutive calendar months, consider the whole period in question. Calculate the percentage that the period in question is of the calendar month. The flying time required is that same percentage of the aerial flight time required for a full calendar month. (See Table 22-2.)

D. Application of Hours Flown. Hours flown in any month apply to the extent of hours available:

1. First, to meet flight requirements for that month.

2. Next, if the member has entered a grace period for meeting flight requirements, to the prior month or months, as applicable.

3. Next, in order, to the first, second, third, fourth, and fifth succeeding months, but only to the extent that the member fails, during each such month, to fly the required 4 hours. (Such hours available to meet requirements of later months are referred to as "excess" flight time.) See examples in Tables 22-4 and 22-5.

E. Military Operations or Unavailability of Aircraft. When, under authority conferred by the Secretary of the Military Department concerned, the commanding officer certifies that a member is unable to meet normal flight requirements because military operations (combat or otherwise) or aircraft are unavailable in order to complete such requirements, the member may comply with the minimum flight requirements by performing 24 hours of aerial flight over a period of 6 consecutive calendar months. The commanding officer shall certify that only the conditions specified in

this subparagraph prevent completion of normal flight requirements. The 24-hour flight requirement may be met at any time during the 6-calendar-month period and in any combination of flights.

1. If the member is in a 3-calendar-month grace period when military operations or aircraft unavailability prevents fulfillment of flight requirements, then the 6-calendar-month period for meeting the 24-hour flight requirement under this subparagraph begins on the first day of the grace period.

2. If the member is not in a 3-calendar-month grace period, then the first month in which military operations or aircraft unavailability prevents fulfillment of flight requirements is the beginning of the 6-calendar-month period for meeting the 24-hour flight requirement under this subparagraph.

3. During the 6-calendar-month period, hazardous duty incentive pay for flying may be paid for any single month, or for multiple months, when minimum requirements have been met.

4. At the end of the 6-calendar-month period, hazardous duty incentive pay for flying may be paid for missed months in the period to the extent that the remaining hours flown are applicable. Excess hours are applied prospectively under subparagraph 220103.D, above, if the member continues to fly under the same orders.

220104. Determination of a 3-Calendar-Month Period

A. When 3-Month Period Starts and Ends. The 3-calendar-month period in which flight requirements must be met begins with the first month in which flight requirements are not met. If the member flies enough time in the second month to cover the first and second months, then the period ends with the second month. If not, the period extends through the third month.

B. Deficiencies for Fraction of a Month. If a member fails to qualify for a fraction of a month (because flying status or active duty began on an intermediate day of the month), then the 3-month period ends on the last day of the second full month following the fractional month.

C. When Next 3-Month Period Starts. A new 3-month period starts with the first month in which flight requirements are not met following a month in which flight requirements were met. For a new 3-month period to begin immediately after a prior 3-month period, flight requirements must have been met for the entire prior 3-month period, not merely for the last month. If the requirements for the entire prior 3-month period were not met, a new period does not begin until flight requirements are met for at least 1 month after the prior 3-month period. After a month when flight requirements are met, any month in which flight requirements are not met begins a new 3-month period. A new period may not start with the second or third month in which flight requirements are not met; nor may a new period start with the fourth month in which flight requirements are not met. There must be at least 1 month in which requirements are met before a new 3-month period begins. Tables 22-4 and 22-5



identify the application of the above rules.

220105. Entitlement to Pay When No Flights Performed in First Month of 3-Month Period. Assume, for the purposes of this paragraph, that the member had no excess flight time from prior months.

A. Second Month. If a member performs no aerial flights during the first month of a 3-month period and, in the second month, performs at least 4 hours but less than 8 hours, the member is entitled to pay only for the second month. For example: In January, no aerial flights are performed; in February, 5 hours of aerial flights are performed. Flying pay is payable for February.

B. Third Month. If a member performs no aerial flights during the first 2 months of a 3-month period, the member must perform 12 hours of aerial flight in the third month to be entitled to incentive pay for all 3 consecutive months. For example: If flight requirements are met for January and a member performs no flights during the months of February and March, he or she must perform at least 12 hours in April to be entitled to receive the incentive pay for the period 1 February to 30 April. If the member performs 4 or more hours, but less than 12 hours in April, the he or she is entitled to incentive pay for April only.

C. First and Third Months. If a member performs no aerial flights during the first month and in the second month performs only sufficient flights to qualify for the second month, then the he or she must perform enough hours of flight to make a total of 12 hours during the third month to qualify for the incentive pay for the first and third month of the 3-month period. For example: In January, no aerial flights are performed; in February, 5 hours of aerial flights are performed. The deficiency in January must be made up in March; that is, if at least 7 hours are accomplished in March, flying for January and March is payable. If only 6 hours are flown in March, then flying pay is payable only for March (payment for February previously having been made) and incentive pay for January is lost.

220106. Injury or Incapacity Resulting From Performance of Hazardous Duty

A. Flight Requirements. When a member in a flying status is injured or otherwise incapacitated as a result of performance of flying or other hazardous duty to which ordered, he or she is considered to have met flight requirements during the incapacity, but not for longer than 3 months. Appropriate medical authority determines the cause of the incapacity and the date of recovery. If the member has met flight requirements for the month in which the incapacity occurs, then the 3-month period begins the first day of the following month. If member has not met flight requirements for the month in which the incapacity occurs, the 3-month period begins the first day of the month in which the incapacity occurs.

B. Change of Station for Medical Treatment. When a member in receipt of flying pay under the terms of subparagraph 220106.A, above, is ordered to a medical facility on permanent change of station, temporary duty, or temporary additional duty orders, he or she is entitled to flying pay

for the period of incapacity, but not longer than 3 months, notwithstanding the change of station, provided member's continued flying status is not terminated.

C. Incapacity Due to Shock, Derangement, or Exhaustion. A member who becomes incapacitated for flying duty by reason of shock, derangement, or exhaustion of the nervous system, which can be attributed to an aviation accident or the performance of aerial flights, is deemed to have met the flight requirements for not more than 3 months following the date of the incapacity, as determined by appropriate medical authority. The 3-month period is determined under the provisions of subparagraph 220106.A, above. See also subparagraph 220102.B, above.

D. Hazardous Duty for Stated Period. If a member has been placed on flying status for a definite period and entitled to flying pay while incapacitated as a result of performance of flying duty, then flying pay normally is not payable beyond the ending date of duty period stated in the orders. When evidence is furnished, however, that the member would have continued in flying status had it not been for the incapacity, flying pay may be paid beyond the ending date of the duty.

220107. Incapacity Not the Result of Performance of Hazardous Duty. The right of a member on flying status to flying pay during incapacity which is not the result of performing hazardous duty, depends on fulfillment of flight requirements under paragraph 220103, above.

220108. Right to Flying Pay Under Certain Conditions. See Table 22-3.

220109. Determinations Affecting Entitlement to Flying Pay

A. Flying Pay From Date of Reporting for Duty. A member is entitled to flying pay on and after the date that he or she reports for and enters upon duty under competent orders, subject to meeting flight requirements. A member in a non-duty status (such as on leave or sick) at the time that flying status orders are issued is not entitled to flying pay for any period before he or she reports for and enters on duty under such orders.

B. Excess Flight Time. When authorized under paragraph 220103, above, flight time in excess of the time required or insufficient to qualify for a particular month, may be applied against a later month in which minimum requirements are not met provided that the orders under which flying time was logged remain in effect.

C. Change of Designation, Non-crew Member to Crew Member or Vice Versa. A member whose status changes from non-crew member to crew member, or vice versa, within a month or any other qualifying period may not combine time flown in both categories for pay purposes. The member is entitled to flying pay as a non-crew member for the period of time member held that status if he or she met the pro rata requirements as a non-crew member. The member is entitled to flying pay as a crew member for the period of time that he or she held that status met the pro rata requirements as a crew member were met.

D. Change From One Crew Member Status to Another Crew Member Status.

Flights as one type of crew member may be combined with flights as another type of crew member if the member remains on continuous active duty and continuous flying status. Total requirements may be met in either crew member status or a portion may be met in each status.

Example: An aviation cadet is given a rating as a navigator and issued new flying status orders immediately following termination of former orders.

E. Missing, Missing-in-Action, etc. A member is entitled to flying pay when carried in a missing status (as defined in the definitions) as well as for any period of required hospitalization and rehabilitation, not to exceed 1 year, after termination of member's missing status. (See paragraph 220115, below.) Members continued in a flying status are entitled to flying pay after termination of the period authorized under paragraph 220115 only if they meet flight requirements in subparagraph 220103.A, above. A new 3-month grace period does not start when the period authorized under paragraph 220115 ends; it starts with the month of deficiency, even though the member was in a missing status at that time. Hence, if the missing status goes beyond the 3-month grace period, the member must meet flight requirements for one month to become entitled to flight pay after the period authorized under paragraph 220115 ends. If the member does not meet flight requirements after the period authorized under paragraph 220115, then the member is entitled to pro rata flying pay through the date of such authorized period.

F. Death

1. Death Due to Aviation Accident. If death occurs on the date of an aviation accident, then flying pay accrues to include the date of death. If death occurs after the 3-month period has expired, however, flying pay is not authorized for any day after the expiration of that period. Flying pay for the month or period before the month in which the accident occurred is not authorized unless flight requirements were met for that period.

2. Death Due to Other Causes. If death occurs from causes other than an aviation accident, then flying pay is payable to and including the date of death if the member has met pro rata flight requirements for the month of death and was on flying status.

220110. Suspensions From Flying Status, Effect on Flying Pay

A. Flying Pay for Period of Suspension. Except under subparagraphs 220110.B and C, below, members are not entitled to flying pay for any period while suspended from flying status. Members are considered suspended on the effective date of suspension. Members are considered in a flying status on the day that the suspension is removed or terminated. Payment for a period of suspension cannot be made in any case until the suspension has been removed or terminated.

B. Suspension for Other Than Physical Incapacity for Members Required to Perform Minimum Flight Requirements. Members are entitled to flying pay for a period of suspension

from flying status, provided the suspension is removed or terminated and they meet flight requirements as prescribed in paragraph 220103, above. If the member has excess flights performed before suspension, then the grace period in paragraph 220103 begins on the first month of the period of suspension not covered by excess flights.

Example: A member was suspended from flying status on February 1. He had 16 hours excess flying time as of January 31. Flying pay is stopped on January 31. The suspension subsequently is removed (or terminated) on June 30. He flew 12 hours in the month of July. After removal of the suspension, pay flying pay for February 1 through May on the basis of the 16 excess hours accumulated in the 5 months before February 1. The grace period, authorized as stated in paragraph 220103, started on June 1. The hours flown in July qualify the member for flying pay for June and July.

C. Suspension for Physical Incapacity of Members Subject to Minimum Flight Requirements. Members are entitled to flying pay during a period of grounding due to physical incapacity if they meet the flight requirements stated in paragraph 220103, above. They also are entitled during a period of suspension, if the suspension is removed or terminated and flight requirements actually are met. (There are no flight requirements during the first 3 months of a period of incapacity incurred as the result of performance of an assigned hazardous duty. See paragraph 220106, above.)

D. Suspension Removed or Terminated. If a suspension is removed or terminated after the member can no longer qualify for flying pay under subparagraphs 220110.B or C, above, then there is loss of pay for any period that is not covered by paragraph 220103, above. Flying pay accrues after the suspension is removed or terminated for members required to meet minimum flight requirements from the date of reporting for flying duty after the suspension is removed or terminated, if flight requirements are met.

220111. Payment of Flying Pay and Incentive Pay for Other Hazardous Duty. Members who qualify for flying pay and incentive pay for one or more other types of hazardous duty may receive the flying pay and incentive pay only for one other hazardous duty for the same period. Dual hazardous duty incentive pay is limited to those members required by orders to perform specific multiple hazardous duty necessary for successful accomplishment of the mission of the unit to which assigned.

A. Conditions of Entitlement. The hazardous duties for which dual incentive pay is payable must be an integral part of the member's assigned mission. Accomplishment of the assigned mission must require members to perform specific multiple hazardous duties. Members must meet minimum requirements for each of the hazardous duties except for injury or incapacity that results from the performance of hazardous duty.

B. Types of Duties That Qualify Member for Dual Payment of Hazardous Duty Incentive Pay: (See also subparagraph 240105.B.)

1. Air Force pararescue team members placed on orders to perform duties as both crew members and parachutists.

2. Other combinations of hazardous duties for which dual payments of incentive pay are authorized by the Military Services concerned.

C. Injury or Incapacity as a Result of Performance of Hazardous Duty or Dual Hazardous Duties. If members, who are required to perform more than one hazardous duty, are injured or otherwise incapacitated as a result of any of the duties, they then are entitled to dual incentive pay during the incapacity, but for no longer than 3 months. If not entitled to dual incentive pay at the time of the incapacity, they then are entitled to the type of incentive pay they were receiving at the time of the incapacity. The beginning date of the 3-month period must be determined separately for each type of incentive pay. Use paragraph 220106, above, or Table 24 -1, as applicable, to determine the 3-month period separately for each incentive pay.

220112. Restriction on Payment of Flying Pay and Diving Duty Pay. See paragraph 110501.

220113. Restriction on Payment of Flying Pay and Aviation Officer Continuation Pay (AOCP). See section 1506.

220114. Authority To Issue Orders. Authority to issue orders requiring the performance of flying duty, granting waivers of performance requirements, or extending time periods during which requirements may be met, as appropriate, is delegated by the Secretaries of the Military Departments to specific commanders within each Military Service. Such delegations are contained in personnel administrative regulations of the Military Services.

220115. Missing Status, Member's Entitlement. A member receiving flying pay is declared a missing by competent authority, status is entitled to flying pay during the period of absence and for the period, not to exceed 1 year, required for hospitalization and rehabilitation after termination of missing status. The member's entitlement to flying pay upon termination of the required period of hospitalization and rehabilitation or the 1 year period after date of return from missing status, whichever is earlier, will be contingent on a determination of continued eligibility under paragraph 220101, above, and the applicable flight requirement provisions of this chapter.

220116. HDIP for Duty as Air Weapons Controller Crew Members for Officers, Warrant Officers, and Enlisted Members. Effective February 10, 1996, a member under competent orders to participate in frequent and regular aerial flight as an air weapons controller crew member aboard airborne warning and control system aircraft (AWACS), is entitled to HDIP at a monthly rate stated in Table 22-8 when requirements of this section are met.

A. An officer entitled to Aviation Career Incentive Pay (ACIP) under section 2202 of this chapter is not entitled to HDIP under this paragraph.

B. A member entitled to HDIP for AWACS duty is not entitled to HDIP for flying.

C. An officer entitled to aviation officer continuation pay is not entitled to HDIP under this paragraph.

2202 AVIATION CAREER INCENTIVE PAY (ACIP) FOR RATED OR DESIGNATED OFFICERS, AVIATION CADETS AND WARRANT OFFICERS

220201. Entitlement

★ A. *Entitlement to ACIP shall be restricted to regular and reserve officers who hold, or are in training leading to, an aeronautical rating or designation and who engage and remain in aviation service on a career basis. Entitlement to ACIP may be on a continuous or conditional (month to month) basis. Officers above pay grade O-6 with over 25 years of aviation service are not entitled to ACIP, either continuous or conditional.*

1. Continuous ACIP. *Qualification for entitlement to continuous ACIP is earned by completing a prescribed minimum number of operational flying years before reaching a specific control or gate year of aviation service. The detailed requirements are described below. Entitlement to continuous ACIP ceases for an officer (other than a warrant officer) upon completion of 25 years of aviation service. Flight surgeons and other medical officers are not entitled to continuous ACIP.*

a. *An officer qualified for aviation service (except a flight surgeon or medical officer) is entitled to continuous ACIP starting when he or she enters flight training leading to the original rating or when appointed as an officer, whichever is later, and continues until he or she completes 12 years of aviation service.*

b. *An officer qualified for aviation service (except a flight surgeon or other medical officer) who has performed at least 8 years of operational flying duty upon completion of 12 years of aviation service is entitled to continuous ACIP for the first 18 years of aviation service.*

c. *An officer qualified for aviation service (except a flight surgeon or other medical officer), who has performed at least 10 (but less than 12) years of operational flying duty upon completion of 18 years of aviation service, is entitled to continuous ACIP for the first 22 years of aviation service.*

d. *An officer qualified for aviation service (except a flight surgeon or other medical officer), who has performed at least 12 years of operational flying duty upon completion of 18 years of aviation service, is entitled to continuous ACIP for the first 25 years of aviation service.*

*e. The Secretary of the Military Department concerned may permit, on a case by case basis, an officer to continue to receive continuous monthly incentive pay despite the failure of the officer to perform the prescribed operational flying duty requirements during the prescribed periods of time, so long as the officer has performed those requirements for not less than 6 years of aviation service. The Secretary concerned may not delegate this approval authority.*

*2. Conditional ACIP. Qualification for entitlement to conditional ACIP is earned by completing a prescribed minimum number of operational or proficiency flying hours per month. The detailed flying hour requirements are described in paragraph 220203. Flight surgeons and other medical officers who have an aeronautical rating or designation and are qualified for aviation service, as well as other aviation officers who do not qualify for continuous ACIP because of missed gate year requirements or aviation duty in excess of 25 years, may qualify for entitlement to conditional ACIP. (IC 41-98)*

*B. A rated or designated officer qualified for aviation service, but not receiving continuous or conditional ACIP, may be required by competent orders to perform hazardous duty for flying as a crew member or non-crew member. When the minimum flight requirements are met under the provisions of section 2201, the officer is entitled to HDIP for flying. A member entitled to ACIP is not entitled to HDIP when flying as crew member or non-crew member.*

*C. The provisions of this paragraph apply to Reserve Component officers so long as the requirements are met for an aviation service career (not on extended active duty) defined in the definitions.*

220202. Rates and Definitions

★ *A. Rates. The rates for continuous and conditional ACIP are the same and are listed in Table 22-6. (IC 26-98)*

*1. Warrant officers qualified for either continuous or conditional ACIP shall continue to receive the rate prescribed for officers with over 14 years of aviation service, without reduction, when aviation service exceeds 22 years.*

*2. An officer in pay grade O-7 may not be paid ACIP at a rate greater than \$200 per month. An officer in pay grade O-8 or above may not be paid ACIP at a rate greater than \$206 per month. An officer above pay grade O-6 with over 25 years of aviation service may not be paid ACIP, either continuous or conditional.*

*3. In time of war, the President may suspend the payment of aviation career incentive pay.*

B. Definitions

1. The terms "aerial flights and aviation accident" are defined in subparagraph 220102.B, above.

★ 2. Aviation service. *Aviation service means service performed by an officer (except a flight surgeon or other medical officer) while holding an aeronautical rating or designation or while in training to receive an aeronautical rating or designation. For the purposes of Table 22-6, aviation service as an officer begins on the day, month, and year the officer first reports under competent flight orders to the aviation facility having aircraft in which the officer receives flight training leading to the award of an aeronautical rating or designation, and continues to accumulate from that date, without exception, so long as the flight rating remains in effect. (IC 41-98)*

3. Operational Flying. Operational flying is flying performed by officers in training that leads to the award of an aeronautical rating or designation, and flying performed under competent orders by rated or designated officers while serving in assignments in which basic flying skills (as determined by the Secretary concerned) normally are maintained in the performance of assigned duties.

★ 4. Proficiency flying. *Proficiency flying is flying performed under competent orders by rated or designated members while serving in assignments in which such skills would normally not be maintained in the performance of assigned duties. (IC 41-98)*

5. Aviation Cadet. This term which applies to a member enlisted and designated as an aviation cadet under 10 U.S.C. 6911 (reference (c)). Service as an aviation cadet on or after November 14, 1986, counts for entitlement to ACIP. Where the term "aviation cadet" is not specified in section 2202, the term "officer" includes members so designated.

220203. Flight Requirements for Monthly (Conditional) ACIP. An officer covered by subparagraph 220201.A, above, must meet the minimum flight requirements of this subparagraph for entitlement to monthly (conditional) ACIP.

A. Minimum Flying Time Each Month

1. During 1 calendar month--4 hours of aerial flight. If an officer does not fly 4 hours in any month, however, hours flown during the last 5 preceding months, which have not already been used to qualify for ACIP, may be applied to meet this 4-hour requirement.

2. During 2 consecutive calendar months when the requirements of subparagraph A.1, above, have not been met-- 8 hours of aerial flight.



3. During 3 consecutive calendar months when the requirements of subparagraph A.2, above, have not been met-- 12 hours of aerial flight.

B. Fractions of a Calendar Month. For fractions of a calendar month, calculate the percentage that the period in question is of the calendar month. The flying time required is that same percentage of the aerial flight time required for a full calendar month. (See Table 22-2.)

C. Fractions of 2 Consecutive Calendar Months. For fractions of 2 consecutive calendar months, consider the whole period in question. Calculate the percentage that the period in question is of a calendar month. The flying time required is that same percentage of the aerial flight time required for a full calendar month. (See Table 22-2.)

D. Application of Hours Flown. Hours flown in any month apply to the extent of hours available:

1. First, to meet flight requirements for that month.
2. Next, if the officer has entered a grace period for meeting flight requirements, to the prior month or months as explained in paragraph 220205, below.
3. Next, in order, to the first, second, third, fourth, and fifth succeeding months, but only to the extent that the officer fails, during each such month, to fly the required 4 hours. (Such hours available to meet requirements of later months are referred to as "excess" flight time.) (See examples in Tables 22-4 and 22-5.)

E. Military Operations or Unavailability of Aircraft. When an officer is unable to meet normal flight requirements because military operations (combat or otherwise) or aircraft are unavailable in order to complete such requirements, the officer may comply with the minimum flight requirements by performing 24 hours of aerial flight over a period of 6 consecutive calendar months. The commanding officer shall certify that only the conditions specified in this subparagraph prevent completion of normal flight requirements. The 24-hour flight requirement may be met at any time during the 6 calendar-month period and in any combination of flights.

1. If the officer is in a 3-calendar-month grace period when military operations or aircraft nonavailability prevents fulfillment of flight requirements, then the 6-calendar-month period for meeting the 24-hour flight requirement under this subparagraph begins on the first day of the grace period.

2. If the officer is not in a 3-calendar-month grace period, then the first month in which military operations or aircraft nonavailability prevents fulfillment of flight requirements is the beginning of the 6-calendar-month period for meeting the 24-hour flight requirement under this subparagraph.

3. During the 6-calendar-month period, monthly (conditional) ACIP may be paid for any single month, or for multiple months, when minimum requirements have been met.

4. At the end of the 6-calendar-month period, monthly (conditional) ACIP may be paid for missed months in the period to the extent that the remaining hours flown are applicable. Excess hours are applied prospectively under subparagraph D, above, if the officer continues to fly under the same orders.

F. Flight Requirements for Reserve Component Personnel (Not on Extended Active Duty). Minimum monthly flight requirements are contained in chapters 57 and 58.

220204. Determination of a 3-Calendar-Month Period for Entitlement to Monthly (Conditional) ACIP

A. First Month. The first month in which an officer fails to meet flight requirements marks the beginning of the initial 3-calendar-month grace period allowed for meeting flight requirements. Succeeding grace periods begin according to subparagraph 220204.D, below.

B. Second and Third Month. If the officer flies enough hours in the second month to cover the first and second months, then the grace period ends with the second month. If not, grace period extends through the third month.

C. Deficiencies for Fraction of a Month. If the officer fails to qualify for a fraction of a month because flying status or active duty began on an intermediate day of the month, then the 3-calendar-month period ends on the last day of the second full month following the fractional month.

D. When Next 3-Calendar-Month Period Starts. A new 3-calendar-month period starts on the first day of the month in which flight requirements are not met (month of failure). The foregoing is subject to the following limitations (See Tables 22-4 and 22-5 for examples.):

1. If a month of failure immediately follows a 3-calendar-month period in which all flight requirements were met (not merely for the last month), then a new 3-calendar-month period starts with the month of failure.

2. If a month of failure immediately follows a 3-calendar-month period in which all flight requirements were not met, then a month of failure does not start a new 3-calendar-month period. The officer must meet flight requirements for at least 1 month after which a new 3-calendar-month period may start.

3. After any month in which flight requirements are met following a 3-calendar-month period, a new 3-calendar-month period starts with the next month of failure without regard to whether requirements were met for the most recent 3-calendar-month period.

220205. Entitlement to Monthly (Conditional) ACIP When No Flights Performed in First Month of 3-Calendar-Month Period. Assume, for the purpose this paragraph, that the officer had no excess flight time from prior months.

A. Second Month. If an officer does not fly during the first month of a 3-calendar-month period and, in the second month, flies at least 4 hours but less than 8 hours, the officer is entitled to conditional ACIP for the second month only. For example: If 0 hours are flown in January and 7 hours flown in February, then conditional ACIP is due for February.

B. Third Month. If an officer does not fly during the first 2 months of a 3-calendar-month period, then he or she must fly at least 12 hours in the third month to be entitled to conditional ACIP for more than the third month. Example 1: 0 hours flown in January; 0 hours flown in February; 12 hours flown in March. Conditional ACIP is due for January, February, and March. Example 2: 0 hours flown in January; 0 hours flown in February; 10 hours flown in March. Conditional ACIP is due for March only. Excess hours flown in March are carried forward.

C. First and Third Months. If an officer does not fly during the first month and, in the second month, flies only enough hours to qualify for the second month, he or she must fly enough hours in the third month to total 12 hours to qualify for conditional ACIP for the first and third months of the 3-calendar-month period. Example 1: 0 hours are flown in January, 5 hours are flown in February, and 7 hours are flown in March. Conditional ACIP is due for January, February, and March. Example 2: If 0 hours are flown in January, 5 hours are flown in February, and 6 hours are flown in March, then conditional ACIP is due only for February and March. Excess hours from February and March are carried forward.

220206. Injury or Incapacity Resulting From Performance of Flying Duty. An officer, who is medically incapacitated, shall be considered qualified for aviation service until disqualified for aviation service. Effective December 15, 1994, disqualification for medical incapacity will be effected on the first day following a period of 365 days that commences on the date of incapacitation, or on the date a competent medical authority determines the medical incapacitation to be permanent, whichever is earlier (referred to as the "incapacitation period"). No entitlement to ACIP exists during a period of disqualification. Entitlement for the period of incapacity before medical disqualification is shown in the subparagraphs that follow.

A. Officer Entitled to Continuous ACIP. When an officer, who is entitled to continuous ACIP, is injured or otherwise incapacitated as a result of flying or as a result of shock, derangement, or exhaustion of the nervous system attributed to an aviation accident or the performance of aerial flight, entitlement continues past the date of incapacitation and through the day before the date of disqualification for aviation service.

B. Officer Entitled to Monthly (Conditional) ACIP. Although a medically incapacitated officer, who is entitled to monthly (conditional) ACIP, remains qualified for aviation service during the incapacitation period described above, entitlement for this period is based on the following:

1. Flight Requirements. When an officer in this category is injured or otherwise incapacitated as a result of the performance of flying duty to which ordered, he or she is considered to have met flight requirements during the incapacity, but for not longer than 3 months. Appropriate medical authority determines the date and cause of incapacity, and the date of recovery. If the officer has met flight requirements for the month in which the incapacity occurs, then the 3-month period begins the first day of the following month. If the officer has not met flight requirements for the month in which the incapacity occurs, then the 3-month period begins on the first day of the month in which the incapacity occurs. The officer must have logged enough hours to meet minimum flight requirements for the remaining months of the period before disqualification. An officer may not use hours flown after a period of disqualification to meet minimum flight requirements for a period before disqualification.

2. Change of Station for Medical Treatment. When an officer receiving monthly (conditional) ACIP under subparagraph 220206.B.1, above, is ordered to a medical facility upon permanent change of station, temporary duty, or temporary additional duty orders, the entitlement to pay continues for the period of incapacity, but not longer than 3 months. (This is true in the case of a change of station provided the officer's orders to fly are not terminated.)

3. Incapacity Due to Shock, Derangement, or Exhaustion. An officer entitled to monthly (conditional) ACIP, who becomes incapacitated for flying duty by reason of shock, derangement, or exhaustion of the nervous system which can be attributed to an aviation accident or the performance of aerial flights, is considered to have met the flight requirements for not more than 3 months following the date of the incapacity, as determined by appropriate medical authority. The 3-month period is determined according to subparagraph B.1, above.

4. Flying Duty for Stated Period. When an officer, ordered to flying duty for a definite period, is entitled to monthly (conditional) ACIP while incapacitated as a result of performing flying duty, the entitlement normally does not extend beyond the ending date of the duty period stated in orders. When evidence is furnished, however, that the officer would have continued under orders to fly had it not been for the incapacity, monthly (conditional) ACIP may be paid beyond the ending date of the duty but no longer than 3 months after the incapacity.

220207. Incapacity Not the Result of Performance of Flying Duty. An officer who is medically incapacitated shall be considered qualified for aviation service until disqualified for aviation service. Disqualification for medical incapacity will be effected on the first day following a period of 365 days that commences on the date of incapacitation, or on the date a competent medical authority determines the medical incapacitation to be permanent, whichever is earlier. No entitlement to ACIP exists during a period of disqualification. Entitlement for the period of incapacitation before

disqualification is shown in subparagraphs that follow:

A. Officer Entitled to Continuous ACIP. When an officer, who is entitled to continuous ACIP, is incapacitated not as the result of performing flying duty, entitlement continues past the date of incapacitation and through the day before the date of disqualification for aviation service.

B. Officer Entitled to Monthly (Conditional) ACIP. When an officer, who is entitled to monthly (conditional) ACIP, is incapacitated not as the result of performing flying duty, continuation of entitlement for the period before disqualification is dependent on the officer meeting the minimum flight requirements under paragraph 220203, above. The officer is not entitled to 3-month grace period under subparagraph 220206.B.1, above.

220208. Right to ACIP Under Certain Conditions. See Table 22-3.

220209. Determinations Affecting Entitlement to ACIP

A. From Date of Reporting for Duty (Not Applicable to Continuous ACIP). An officer who is entitled to monthly (conditional) ACIP is entitled to such pay on and after the date he or she reports for and enters upon duty under competent orders, subject to minimum flight requirements and the following qualification: An officer in a non-duty status (such as on leave or sick) at the beginning date for a period of flying under competent orders is not entitled to monthly (conditional) ACIP for any period before he or she reports for and enters on duty under such orders.

B. Excess Flight Time (Not Applicable to Continuous ACIP). When authorized under paragraph 220203, above, flight time in excess of the time required or insufficient to qualify a particular month for pay, may be applied against a later month in which minimum requirements are not met, provided that the aeronautical orders under which the flying time was logged remain in effect (that is, continuous flying status exists for member concerned).

C. Death Due to Aviation Accident

1. If death occurs on the date of an aviation accident, then ACIP (either continuous or conditional) is payable for the month of death through the date of death. (Note also the following subparagraph 220209.C.2.)

2. Entitlement to continuous ACIP for the period before the month in which an aviation accident occurs is continuous. entitlement to monthly (conditional) ACIP for the period before the month in which an aviation accident occurs, however, is subject to minimum flight requirements. Therefore, a situation may exist in which monthly (conditional) ACIP is payable according to subparagraphs 220209.C.1, C.3, or C.5 of this paragraph, but not for the period immediately before the officer's aviation accident.

3. If death occurs within the 3-month grace period specified in paragraph 220206, above, then ACIP (either continuous or conditional) is payable from the month of medical incapacitation through the date of death.

4. If death occurs after the expiration of the 3-month grace period under paragraph 220206, above, but before the first day following the incapacitation period described in paragraph 220206, then continuous ACIP is payable through the date of death.

5. If death occurs after the expiration of the 3-month grace period under paragraph 220206, above, but before the first day following the incapacitation period described in paragraph 220206, then monthly (conditional) ACIP is payable through the 3-month period. It also is payable after the 3-month period through the date of death to the extent excess flying hours are available for application.

6. If death occurs on or after the first day following the incapacitation period described in paragraph 220206, above, then continuous ACIP is payable through the incapacitation period.

7. If death occurs on or after the first day following the incapacitation period described in paragraph 220206, above, then monthly (conditional) ACIP is payable after the 3-month period through the incapacitation period to the extent excess flying hours are available for application.

D. Death Due to Other Causes

1. If death occurs from causes other than an aviation accident and the date of death also is the date of medical incapacitation, then continuous ACIP is payable through the date of death. Monthly (conditional) ACIP is payable through the date of death, subject to minimum flight requirements.

2. If death occurs from causes other than an aviation accident and the date of death is before the first day following the incapacitation period described in paragraph 220206, above, then continuous ACIP is payable through the date of death. Monthly (conditional) ACIP is payable to the extent excess flying hours are available for application.

3. If death occurs from causes other than an aviation accident and the date of death is on or after the first day following the incapacitation period described in paragraph 220206, above, then continuous ACIP is payable through the incapacitation period. Monthly (conditional) ACIP is payable through the incapacitation period to the extent excess flying hours are available for application.

220210. Disqualification for Aviation Service, Suspension of Aviation Service. Periods of disqualification and/or suspension are established by competent orders.

A. Disqualification. An officer may be disqualified for aviation service for medical or professional reasons according to regulations of the Military Service concerned. (In the case of disqualification for medical reasons, the following applies for all Military Services: Disqualification for medical incapacity will be effected on the first day following a period of 365 days that commences on the date of incapacitation, or on the date a competent medical authority determines the medical incapacitation to be permanent, whichever is earlier.) ACIP is not authorized on any basis for any period during which an officer is disqualified for aviation service. After a period of disqualification, entitlement to ACIP resumes as follows:

1. Officer Entitled to Continuous ACIP. Entitlement resumes on the date the officer again is qualified for aviation service. (For example, an officer who requalifies on the 20th is entitled to 11/30 of ACIP for that month.)

2. Officer Entitled to Monthly (Conditional) ACIP. Minimum flight requirements must be met beginning with the date that the officer is again qualified for aviation service. (For example, an officer who requalifies on the 16th, and flies 2 or more hours, is entitled to 15/30 of ACIP for that month.) An officer may not use hours flown after a period of disqualification to meet minimum flight requirements for a period before disqualification.

B. Suspension

1. An officer shall be suspended by competent orders to invoke a temporary termination of aviation service when the status of future aviation service is uncertain.

2. When the officer is removed from suspended status, the officer either will be disqualified for aviation service or again qualified for aviation service.

C. Entitlement to ACIP for a Period of Suspension Changed to Disqualified. ACIP (continuous or conditional) to which an officer otherwise would be entitled, is stopped during any period of suspension starting with the effective date of suspension in competent orders. If the suspended status is resolved so that the officer is disqualified for aviation service, then no entitlement to ACIP exists for the period of disqualification. (The effective date for disqualification must be the same as the effective date for suspension.)

D. Entitlement to ACIP for Period of Suspension Changed to Qualified. ACIP (continuous or conditional), to which an officer otherwise would be entitled, is stopped during any period of suspension starting with the effective date of suspension in competent orders. If the suspended status is resolved so that the officer is qualified for aviation service, then entitlement to ACIP is based on subparagraphs 220210.D.1 and D.2, below. (The effective date for qualification must be the same as the effective date for suspension.)

1. Officer Entitled to Continuous ACIP. The officer is entitled to continuous ACIP beginning with the date on which he or she again is qualified for aviation service.

2. Officer Entitled to Monthly (Conditional) ACIP. Subject to the minimum flight requirements of paragraphs 220203 and 220204, above, an officer is entitled to monthly (conditional) ACIP beginning with the date on which he or she again is qualified for aviation service.

220211. Concurrent Entitlement to ACIP and Hazardous Duty Incentive Pay (HDIP). Officers, who are entitled to ACIP, also may be entitled to HDIP under the provisions of chapter 24 if the conditions for entitlement independently have been met. Entitlement to HDIP is limited to no more than two payments for the same period of time that the officers qualify for more than one payment of that pay. (See paragraph 240105.)

220212. Authority To Issue Orders. Authority to issue orders requiring performance of flying duty, granting waivers of performance requirements, or extending time periods during which requirements may be met, as appropriate, is delegated by the Secretaries of the Military Departments to specific commanders within each Military Service. Such delegations are contained in the personnel administrative regulations of the Military Services.

220213. Missing, Missing-in-Action, Officer's Entitlement

A. General. An officer who is receiving ACIP at the beginning a period when declared missing by competent authority, is entitled to ACIP during the entire period of absence and also for any period, not to exceed 1 year, required for hospitalization and rehabilitation after missing status ends. (For the purpose of this paragraph, an officer entitled to conditional ACIP is considered to be receiving ACIP when under competent orders to perform flying duty whether or not the officer has met the minimum flight requirements.)

B. Officer Entitled to Continuous ACIP. Entitlement to continuous ACIP upon termination of the period of absence, or the termination of any period, not to exceed 1 year, this is required for hospitalization and rehabilitation, is contingent only upon continued eligibility under paragraph 220201, above.

C. Officer Entitled to Monthly (Conditional) ACIP. Entitlement to monthly (conditional) ACIP, upon termination of the entire period of absence or the termination of any period, not to exceed 1 year, that is required for hospitalization and rehabilitation, is contingent upon continued eligibility under paragraph 220201, above. In addition, the officer must again meet minimum flight requirements subject to the following:

1. The 3-calendar-month grace period for meeting minimum flight requirements does not start with the end of the period authorized under subparagraph 220213.A, above. Instead, it starts with the first month of missing status in which the officer does not fly.



Therefore, if the officer has met flight requirements for the month in which the missing status begins, the next calendar month is designated as the first month of a 3-calendar-month grace period. If the officer has not met flight requirements for the month in which the missing status begins, then that month is designated as the first month of a 3-calendar-month grace period for meeting minimum flight requirements. (This applies even though under later application of paragraph 220204, above, the month so designated is considered to be a month in which requirements are met based on performance-free entitlement due to missing status.)

2. If the missing status is terminated before the end of the 3-calendar-month period started according to subparagraph 220213.C.1, above, then the officer shall meet flight requirements for the month(s) not covered by performance-free entitlement. If the officer fails to complete requirements for this entire 3-calendar-month period, then the officer shall meet flight requirements for 1 month following that 3-calendar-month period before a new 3-calendar-month period may start.

3. If the missing status is terminated after or at the end of the 3-calendar-month period started according to subparagraph 220213.C.1, above, then the officer is considered to have met all flight requirements for the 3-calendar-month period plus any additional months of missing status by performance-free entitlement due to missing status. Therefore, a new 3-calendar-month period starts with the first month in which flight requirements are not met after the end of period authorized under subparagraph 220213.A, above.

D. Excess Flight Time. Excess flight time accumulated by the officer before having declared missing may be applied to months following the months covered by performance-free entitlement if the period authorized under 220213.A, above, is terminated within the 5-calendar-month period permitted by paragraph 220203, above.

★ 220214. *An officer serving as an air battle manager who is entitled to ACIP under this section and who, before becoming entitled to aviation career incentive pay, was entitled to HDIP as an air weapons controller under section 2201 of this chapter, shall be paid the monthly incentive pay at the higher of the following rates:*

A. *The ACIP rate otherwise applicable to the officer under this section, or*

B. *The rate at which the officer was receiving HDIP under section 2201 of this chapter immediately before the officer's entitlement to ACIP under this section. (IC 09-00)*

| <i>CREWMEMBER (EXCEPT FOR AWACS) RATES (Effective Oct 1, 1998)<br/>(IC 40-98)</i> |            |                      |            |                       |            |
|---|------------|----------------------|------------|-----------------------|------------|
| Pay Grade   |            | Pay Grade            |            | Pay Grade             |            |
| <i>O-10 (IC 5-98)</i>   | <i>150</i> | <i>O-2</i>           | <i>150</i> | <i>E-9 (IC 40-98)</i> | <i>240</i> |
| <i>O-9 (IC 5-98)</i>  | <i>150</i> | <i>O-1 (IC 5-98)</i> | <i>150</i> | <i>E-8 (IC 40-98)</i> | <i>240</i> |
| <i>O-8 (IC 5-98)</i>  | <i>150</i> | <i>W-5</i>           | <i>250</i> | <i>E-7 (IC 40-98)</i> | <i>240</i> |
| <i>O-7 (IC 5-98)</i>  | <i>150</i> | <i>W-4</i>           | <i>250</i> | <i>E-6 (IC 40-98)</i> | <i>215</i> |
| <i>O-6</i>  | <i>250</i> | <i>W-3</i>           | <i>175</i> | <i>E-5 (IC 40-98)</i> | <i>190</i> |
| <i>O-5</i>  | <i>250</i> | <i>W-2</i>           | <i>150</i> | <i>E-4 (IC 40-98)</i> | <i>165</i> |
| <i>O-4</i>  | <i>225</i> | <i>W-1 (IC 5-98)</i> | <i>150</i> | <i>E-4 (IC 05-98)</i> | <i>150</i> |
| <i>O-3</i>  | <i>175</i> |                      |            | <i>E-3 (IC 05-98)</i> | <i>150</i> |
|   |            |                      |            | <i>E-2 (IC 05-98)</i> | <i>150</i> |
|   |            |                      |            | <i>E-1 (IC 05-98)</i> | <i>150</i> |

★Table 22-1. Crew Member (Except for AWACS) Rates (Effective October 1, 1998) (IC 5-98, 40-98)

| TIME OF AERIAL FLIGHT REQUIRED FOR FRACTIONAL PART OF THE MONTH |                        |               |       |                        |               |
|---|------------------------|---------------|-------|------------------------|---------------|
| Days  | Hours of Aerial Flight |               | Days  | Hours of Aerial Flight |               |
|   | Active Duty            | Inactive Duty |       | Active Duty            | Inactive Duty |
| 1   | .2                     | .1            | 16    | 2.2                    | 1.1           |
| 2   | .3                     | .2            | 17    | 2.3                    | 1.2           |
| 3   | .4                     | .2            | 18    | 2.4                    | 1.2           |
| 4   | .6                     | .3            | 19    | 2.6                    | 1.3           |
| 5   | .7                     | .4            | 20    | 2.7                    | 1.4           |
| 6   | .8                     | .4            | 21    | 2.8                    | 1.4           |
| 7   | 1.0                    | .5            | 22    | 3.0                    | 1.5           |
| 8   | 1.1                    | .6            | 23    | 3.1                    | 1.6           |
| 9   | 1.2                    | .6            | 24    | 3.2                    | 1.6           |
| 10  | 1.4                    | .7            | 25    | 3.4                    | 1.7           |
| 11  | 1.5                    | .8            | 26    | 3.5                    | 1.8           |
| 12  | 1.6                    | .8            | 27    | 3.6                    | 1.8           |
| 13  | 1.8                    | .9            | 28    | 3.8                    | 1.9           |
| 14  | 1.9                    | 1.0           | 29    | 3.9                    | 2.0           |
| 15  | 2.0                    | 1.0           | 30-31 | 4.0                    | 2.0           |

Table 22-2. Time of Aerial Flight Required for Fractional Part of the Month

| <b>RIGHT TO FLYING PAY OR ACIP UNDER CERTAIN CONDITIONS</b> |   |   |   |   |
|---|---|---|---|---|
| <b>R<br/>U<br/>L<br/>E</b>                                  | <b>A</b>  | <b>B</b>  | <b>C</b>  | <b>D</b>  |
|   | <b>When a member in flying status is</b>  | <b>and</b>  | <b>and</b>  | <b>then flying pay</b>  |
| <b>1</b>  | sick in line of duty  | flying status orders remain in effect                           | member meets or has met flight requirements or flight requirements do not apply     | continue for the period of illness.   |
| <b>2</b>  | on authorized leave in pay status   |   |   | continues for the period of leave (note 1).   |
| <b>3</b>  | on TDY  |   |   | continues for the TDY period.   |
| <b>4</b>  | in a travel status (including authorized delay en route) on change of station       |   |   | continues for the period of travel.   |
| <b>5</b>  | a Reservist released from active duty of more than 30 days                          | orders are not issued directing relief from all assigned duties | member has met flight requirements  | continues for the period of allowable travel time home (note 2).  |
| <b>6</b>  | discharged and immediately reenlists at the same station without a break in service | flying status orders are not specifically terminated            |   | entitlement is determined as if there had been no discharge.  |
| <b>7</b>  |   | flying status orders are specifically terminated                |   | ceases on the date stated in orders.  |
| <b>8</b>  | incapacitated as a result of performance of flying duty                             |   |   | is payable as indicated in paragraphs 220106 or 220206.   |
| <b>9</b>  | an enlisted crew member whose flight orders include a termination date              | is involuntarily removed from flying duty (note 3)              | was given less than 120 days of advance notice of removal from flying duty (note 4) | continues either for 120 days after the date on which notified of such removal or until original flight orders termination date, whichever occurs first, without regard to the flight requirements of paragraph 220103. |
| <b>10</b>   | an enlisted crewmember whose flight orders do not include a termination date        | is involuntarily removed from flying duty (note 3)              | was given less than 120 days advance notice of removal from flying duty (note 4)    | continues for 120 days after the date on which notified of such removal without regard to the flight requirements of paragraph 220103.  |

## NOTES:

- Do not count flights performed while on leave for pay purposes.
- Do not pay flying pay beyond the last day of the calendar month for which requirements are met.
- A member is not considered to be involuntarily removed from flying duty upon separation, confinement, relief for cause, reduction in grade, medical unfitness, absence without leave, or transfer to ground duty at own request.
- Advance notice of removal from flying duty shall be issued by competent authority in writing. Advance notice may be provided verbally if a suitable memorandum for the record is made and is later followed by written notification.

**Table 22-3. Right to Flying Pay or ACIP Under Certain Conditions**

| FLIGHT EXAMPLES INVOLVING BASIC 3-MONTH GRACE PERIODS |           |                |           |                |           |                 |           |                 |           |                 |           |                  |           |                  |
|---|-----------|----------------|-----------|----------------|-----------|-----------------|-----------|-----------------|-----------|-----------------|-----------|------------------|-----------|------------------|
| Month   | Example 1 |                | Example 2 |                | Example 3 |                 | Example 4 |                 | Example 5 |                 | Example 6 |                  | Example 7 |                  |
|   | Hours     | Entitled       | Hours     | Entitled       | Hours     | Entitled        | Hours     | Entitled        | Hours     | Entitled        | Hours     | Entitled         | Hours     | Entitled         |
| January   | 4         | Yes (note 1)   | 4         | Yes (note 1)   | 4         | Yes (note 1)    | 4         | Yes (note 1)    | 4         | Yes (notes 1-7) | 2         | Yes (notes 7-9)  | 0         | Yes (note 5)     |
| February  | 0         | No (note 2)    | 0         | No (note 2)    | 0         | Yes (notes 2-5) | 0         | Yes (notes 2-6) | 0         | Yes (note 9)    | 0         | Yes (note 9)     | 0         | Yes (note 5)     |
| March   | 4         | Yes (note 1)   | 0         | No             | 0         | Yes (note 5)    | 8         | Yes (note 1)    | 0         | Yes (note 9)    | 0         | Yes (note 9)     | 12        | Yes (note 1)     |
| April   | 0         | No (note 3)    | 4         | Yes (note 1)   | 12        | Yes (note 1)    | 0         | Yes (notes 2-5) | 0         | Yes (note 9)    | 0         | No (note 2)      | 4         | Yes (note 1)     |
| May   | 0         | No (note 4)    | 0         | No (note 4)    | 0         | Yes (notes 2-5) | 0         | Yes (note 5)    | 0         | Yes (notes 2-5) | 0         | No (note 8)      | 0         | No (notes 2-8)   |
| June  | 4         | Yes (note 1)   | 0         | No             | 0         | Yes (note 5)    | 12        | Yes             | 0         | Yes (note 5)    | 7         | Yes (notes 1-11) | 0         | No (notes 2-8)   |
| July  | 4         | Yes (note 1)   | 4         | Yes (note 1)   | 12        | Yes (note 1)    |           |                 | 12        | Yes (note 1)    |           |                  | 11        | Yes (notes 1-11) |
| August  | 0         | No (notes 2-8) | 0         | No (notes 2-8) | 0         | No (notes 2-8)  |           |                 |           |                 |           |                  | 5         | Yes (notes 1-11) |

Table 22-4. Flight Examples Involving Basic 3-Month Grace Periods

## NOTES

1. Entitled to incentive pay based on that month's flights.
2. Begins a 3-month grace period.
3. New 3-month period does not begin, since this is last month of first 3-month period.
4. New 3-month period does not begin, since flight requirements were not met for previous entire period.
5. Entitled to incentive pay based on 3-month period.
6. Entitled to incentive pay based on 2-month period.
7. Injured in aircraft accident.
8. Not entitled to incentive pay, unless sufficient flights performed in following 1- or 2-month period.
9. Free entitlement period.
10. Two unused hours from January lost.
11. With excess hours available for application in 5 succeeding months as required.

| FLIGHT EXAMPLES INVOLVING 3-MONTH PERIODS AND EXCESS TIME |             |             |                             |                         |             |   |
|---|-------------|-------------|-----------------------------|-------------------------|-------------|---|
| Month   | Hours Flown | Entitlement | Based on Hours Flown During | Excess and Unused Hours |             | Pertinent Factors   |
|   |             |             |                             | That Month              | Accumulated |   |
| 16-31 Jan   | 3.3         | Yes         | Jan                         | 1.3                     | 1.3         | Placed on flying status 16 Jan  |
| Feb   | 0           | Yes         | Jan 1.3; Mar 2.7            | 0                       | 0           |   |
| Mar   | 6.7         | Yes         | Mar                         | 0                       | 0           |   |
| Apr   | 9           | Yes         | Apr                         | 5                       | 5           |   |
| May   | 5.5         | Yes         | May                         | 1.5                     | 6.5         |   |
| Jun   | 0           | Yes         | Apr                         | 0                       | 2.5         |   |
| Jul   | 1.5         | Yes         | Jul 1.5; Apr 1; May 1.5     | 0                       | 0           |   |
| Aug   | 2           | No          | (note 1)                    | 2                       | 2           |   |
| Sep   | 4           | Yes         | Sep                         | 0                       | 2           |   |
| Oct   | 5           | Yes         | Oct                         | 1                       | 3           | 1 Aug lost  |
| Nov   | 0           | No          | (note 2)                    | 0                       | 3           |   |
| Dec   | 3           | Yes         | Dec 3; Aug 1                | 0                       | 2           |   |
| Jan   | 10          | Yes         | Jan                         | 6                       | 8           |   |
| Feb   | 0           | Yes         | Jan 3; Oct 1                | 0                       | 3           |   |
| Mar   | 0           | Yes         | Jan 3; May 1                | 0                       | 0           |   |
| Apr   | 0           | Yes         | May 4                       | 0                       | 0           |   |
| May   | 10          | Yes         | May                         | 1                       | 1           |   |
| Jun   | 0           | Yes         | Aug 3; May 1                | 0                       | 0           |   |
| Jul   | 0           | Yes         | Aug 4                       | 0                       | 0           |   |
| Aug   | 17          | Yes         | Aug                         | 6                       | 6           |   |
| Sep   | 0           | Yes         | Aug 4                       | 0                       | 2           |   |
| Oct   | 2           | Yes         | Oct 2; Aug 2                | 0                       | 0           |   |
| Nov   | 12          | Yes         | Nov                         | 8                       | 8           |   |
| Dec   | 0           | Yes         | Nov 4 (note 3)              | 0                       | 4           |   |
| Jan   | 0           | Yes         | Nov 4 (note 3)              | 0                       | 0           | Suspension ended 1 May  |
| Feb   | 0           | No          | (note 4)                    | 0                       | 0           |   |
| Mar   | 0           | No          |                             | 0                       | 0           |   |
| Apr   | 0           | No          |                             | 0                       | 0           |   |
| May   | 4           | Yes         | May                         | 0                       | 0           |   |
| Jun   | 30          | Yes         | Jun                         | 26                      | 26          | Physically incapacitated 20 Jun<br><br>Suspended 1 Oct (6 hours lost) |
| Jul   | 0           | Yes         | Jun 4                       | 0                       | 22          |   |
| Aug   | 0           | Yes         | Jun 4                       | 0                       | 18          |   |
| Sep   | 0           | Yes         | Jun 4                       | 0                       | 14          |   |
| Oct   | 0           | Yes         | Jun 4                       | 0                       | 10          |   |
|   |             |             |                             |                         | (note 3)    |   |
| Nov   | 0           | Yes         | Jun 4                       | 0                       | 6           |   |
|   |             |             |                             |                         | (note 3)    |   |
| Dec   | 0           | No          |                             | 0                       | 0           |   |
| Jan   | 0           | No          |                             | 0                       | 0           |   |
| Feb   | 0           | No          |                             | 0                       | 0           |   |
| Mar   | 0           | No          |                             | 0                       | 0           |   |
| Apr   | 9           | Yes         | Apr                         | 5                       | 5           | Suspension ended 1 Apr  |

Table 22-5. Flight Examples Involving 3-Month Periods and Excess Time

**NOTES:**

1. No excess hours available from previous 5 months and deficiency not made up within 2 following months.
2. Insufficient excess hours available from previous 5 months. New 3-month period does not begin since requirements were not met for entire 3-month period of August-October.
3. Payment made after the suspension ended.
4. Three-month grace period expired before suspension ended.

**MONTHLY AVIATION CAREER INCENTIVE PAY RATES (EFFECTIVE OCTOBER 17, 1998)-ALL OFFICERS (Notes) (IC 41-98)**

| <i>(Including Flight Training)<br/>as an Officer</i> | <u><i>Years of Aviation Service</i></u> | <i>Monthly Rate</i> |
|--|---|---------------------|
| 2 or less.....                                       |   | \$125               |
| Over 2.....  |   | \$156               |
| Over 3.....  |   | \$188               |
| Over 4.....  |   | \$206               |
| Over 6.....  |   | \$650               |
| Over 14.....   |   | \$840               |
| Over 22.....   |   | \$585               |
| Over 23.....   |   | \$495               |
| Over 24.....   |   | \$385               |
| Over 25.....   |   | \$250               |

**NOTES:**

1. A rated officer in pay grade O-7 may not be paid incentive pay at a rate greater than \$200 per month.
2. A rated officer in pay grade O-8 or above may not be paid incentive pay at a rate greater than \$206 per month.
3. A rated officer in pay grade above O-6 may not be paid incentive pay after completion of 25 years of aviation service.
4. A rated warrant officer with over 22, 23, 24, or 25 years of aviation service, will continue to receive the rate prescribed for officers with over 14 years of aviation service.

**Table 22-6. Monthly Incentive Pay Rates (Effective November 29, 1989)-Rated Officers, Aviation Cadets, Flight Surgeons, and Other Designated Medical Officers (IC 41-98)**

| AIR WEAPONS CONTROLLER CREWMEMBER INCENTIVE PAYS (Effective November 18, 1997) |   |         |         |         |         |         |         |         |
|--|---|---------|---------|---------|---------|---------|---------|---------|
| Pay Grade  | Years of Service as an Air Weapons Controller |         |         |         |         |         |         |         |
|  | 2 or less                                     | Over 2  | Over 3  | Over 4  | Over 6  | Over 8  | Over 10 | Over 12 |
| O-7 and above  | \$200   | \$200   | \$200   | \$200   | \$200   | \$200   | \$200   | \$200   |
| O-6  | 225   | 250     | 300     | 325     | 350     | 350     | 350     | 350     |
| O-5  | 200   | 250     | 300     | 325     | 350     | 350     | 350     | 350     |
| O-4  | 175   | 225     | 275     | 300     | 350     | 350     | 350     | 350     |
| O-3  | 150   | 156     | 188     | 206     | 350     | 350     | 350     | 350     |
| O-2  | 150   | 156     | 188     | 206     | 250     | 300     | 300     | 350     |
| O-1  | 150   | 156     | 188     | 206     | 250     | 250     | 250     | 250     |
|  | Over 14                                       | Over 16 | Over 18 | Over 20 | Over 22 | Over 24 | Over 25 |         |
| O-7 and above  | \$200   | \$200   | \$200   | \$200   | \$200   | \$200   | \$150   |         |
| O-6  | 350   | 350     | 350     | 300     | 250     | 250     | 225     |         |
| O-5  | 350   | 350     | 350     | 300     | 250     | 250     | 225     |         |
| O-4  | 350   | 350     | 350     | 300     | 250     | 250     | 225     |         |
| O-3  | 350   | 350     | 300     | 275     | 250     | 225     | 200     |         |
| O-2  | 300   | 300     | 275     | 245     | 210     | 200     | 180     |         |
| O-1  | 250   | 250     | 245     | 210     | 210     | 180     | 150     |         |
|  | 2 or less                                     | Over 2  | Over 3  | Over 4  | Over 6  | Over 8  | Over 10 | Over 12 |
| W-4  | \$200   | \$225   | \$275   | \$300   | \$325   | \$325   | \$325   | \$325   |
| W-3  | 175   | 225     | 275     | 300     | 325     | 325     | 325     | 325     |
| W-2  | 150   | 200     | 250     | 275     | 325     | 325     | 325     | 325     |
| W-1  | 150   | 150     | 150     | 175     | 325     | 325     | 325     | 325     |
|  | Over 14                                       | Over 16 | Over 18 | Over 20 | Over 22 | Over 24 | Over 25 |         |
| W-4  | \$325   | \$325   | \$325   | \$276   | \$250   | \$225   | \$200   |         |
| W-3  | 325   | 325     | 325     | 325     | 250     | 225     | 200     |         |
| W-2  | 325   | 325     | 325     | 275     | 250     | 225     | 200     |         |
| W-1  | 325   | 325     | 325     | 275     | 250     | 225     | 200     |         |
|  | 2 or less                                     | Over 2  | Over 3  | Over 4  | Over 6  | Over 8  | Over 10 | Over 12 |
| E-9  | \$200   | \$225   | \$250   | \$275   | \$300   | \$300   | \$300   | \$300   |
| E-8  | 200   | 225     | 250     | 275     | 300     | 300     | 300     | 300     |
| E-7  | 175   | 200     | 225     | 250     | 275     | 275     | 275     | 300     |
| E-6  | 156   | 175     | 200     | 225     | 250     | 250     | 250     | 300     |
| E-5  | 150   | 156     | 175     | 188     | 200     | 200     | 200     | 250     |
| E-4 and below  | 150   | 156     | 175     | 188     | 200     | 200     | 200     | 200     |
|  | Over 14                                       | Over 16 | Over 18 | Over 20 | Over 22 | Over 24 | Over 25 |         |
| E-9  | \$300   | \$300   | \$300   | \$275   | \$230   | \$200   | \$200   |         |
| E-8  | 300   | 300     | 300     | 265     | 230     | 200     | 200     |         |
| E-7  | 300   | 300     | 300     | 265     | 230     | 200     | 200     |         |
| E-6  | 300   | 300     | 300     | 265     | 230     | 200     | 200     |         |
| E-5  | 250   | 250     | 250     | 225     | 200     | 175     | 150     |         |
| E-4 and below  | 200   | 200     | 200     | 175     | 150     | 150     | 150     |         |

★Table 22-7. Air Weapons Controller Crewmember Incentive Pay Rates (Effective November 18, 1997)  
(IC 41-98)



## Chapter 22—Aerial Flights

## 2201—Hazardous Duty Incentive Pay (HDIP) for Flying Duty

|            |  |
|------------|--|
| 220101     | 37 U.S.C. 301(a)(1)and(4)<br>Public Law 93-294,<br>May 31, 1974              |
| 220102     | 37 U.S.C. 301(b) and (c)<br>Public Law 105-85,<br>Nov 18, 1997               |
| 220103     | EO 11157, June 22, 1964<br>EO 11292, Aug 1, 1966                             |
| 220104.B   | 25 Comp Gen 534  |
| 220104.C   | 37 Comp Gen 183<br>4 Comp Gen 975<br>9 Comp Gen 487                          |
| 220106.A   | EO 11157, June 22, 1964  |
| 220106.B   | 38 Comp Gen 83   |
| 220106.C   | 22 Comp Gen 1038<br>Committee Action 1006,<br>Feb 8, 1966<br>23 Comp Gen 267 |
| 220109.A   | 2 Comp Gen 370   |
| 220109.B   | 46 Comp Gen 776  |
| 220109.C   | 37 Comp Gen 322  |
| 220109.E   | 37 U.S.C. 552<br>23 Comp Gen 948<br>Public Law 92-482,<br>Oct 12, 1972       |
| 220109.F.1 | 23 Comp Gen 449  |
| 220109.F.2 | 7 Comp Gen 476<br>36 Comp Gen 57   |
| 220110     | 9 Comp Gen 234<br>39 Comp Gen 604<br>41 Comp Gen 173<br>46 Comp Gen 776      |
| 220111     | 37 U.S.C. 301(e)   |
| 220111.A   | 56 Comp Gen 983  |
| 220111.B   | 56 Comp Gen 983  |
| 220111.C   | MS Comp Gen B-153331,<br>Dec 11, 1964  |
| 220112     | 37 U.S.C. 304(b)   |
| 220114     | Public Law 92-482,   |

|   |                   |                              |
|---|-------------------|------------------------------|
|   |                   | Oct 12, 1972                 |
|   | 220116            | Public Law 104-106           |
|   |                   | Section 615, Feb 10, 1996    |
| ★   | <i>Table 22-1</i> | <i>37 U.S.C. 301</i>         |
|   |                   | <i>Public Law 105-85,</i>    |
|   |                   | <i>Sec 614, Nov 18, 1997</i> |
|   |                   | Public Law 105-261,          |
|   |                   | Sec 614, Oct 10, 1998        |
|   | Table 22-3        |                              |
|   | Rules 1 through 8 | EO 11157, June 22, 1964      |
|   |                   | 37 U.S.C. 301                |
|   | Rule 9            | EO 11929, July 26, 1976      |
|   | Rule 10           | EO 11929, July 26, 1976      |
|   | Note 3            | EO 11929, July 26, 1976      |
|   | Note 4            | EO 11929, July 26, 1976      |
|   | Table 22-4        |                              |
|   | Example 6 and     |                              |
|   | Note 10           | 46 Comp Gen 776              |
|   | Table 22-5        | 46 Comp Gen 776              |
| ★   | <i>Table 22-8</i> | <i>Public Law 105-85,</i>    |
|   |                   | <i>Sec 614, Nov 18, 1997</i> |
| 2202—Aviation Career Incentive Pay (ACIP) for Rated or Designated Officers,<br>Aviation Cadets and Warrant Officers |                   |                              |
| ★   | <i>220201</i>     | <i>Public Law 105-261,</i>   |
|   |                   | <i>Sec 615, Oct 17, 1998</i> |
|   | 220201.A.2        | 37 U.S.C. 301a               |
|   |                   | ASD(FMP) Memo,               |
| ★   | <i>220202</i>     | <i>Public Law 105-261,</i>   |
|   |                   | <i>Sec 615, Oct 17, 1998</i> |
|   | 220203            | EO 11157, June 22, 1964      |
|   |                   | EO 11292, Aug 1, 1966        |
|   | 220204.B          | 25 Comp Gen 534              |
|   | 220204.C          | 37 Comp Gen 183              |
|   |                   | 4 Comp Gen 975               |
|   |                   | 9 Comp Gen 487               |
|   | 220206            | EO 11157, June 22, 1964      |
|   |                   | DoD Directive 7730.57,       |
|   |                   | Feb 5, 1976                  |
|   |                   | OASD(M,I&L) Memo,            |
|   |                   | Feb 15, 1985                 |
|   |                   | ASD(FMP) Memo,               |

|                     |  |
|---------------------|--|
|                     | Dec 15, 1994   |
| 220206.B            | ASD(FMP) Memo,<br>Dec 15, 1994   |
| 220206.B.2          | 38 Comp Gen 83   |
| 220206.B.3          | 22 Comp Gen 1038   |
| 220207              | DoD Directive 7730.57,<br>Feb 5, 1976<br>OASD(M,I&L) Memo,<br>Feb 15, 1985<br>ASD(FMP) Memo,<br>Dec 15, 1994 |
| 220209 and 220209.A | 2 Comp Gen 370   |
| 220209.B            | 46 Comp Gen 776  |
| 220209.C            | 23 Comp Gen 449  |
| 5-7                 | ASD(FMP) Memo,<br>Dec 15, 1994   |
| 220209.D            | 7 Comp Gen 476<br>36 Comp Gen 57   |
| 2,3                 | ASD(FMP) Memo,<br>Dec 15, 1994   |
| 220210              | DoD Directive 7730.57,<br>Feb 5, 1976<br>OASD(M,I&L) Memo,<br>Feb 15, 1985                                   |
| 220210.A            | ASD(FMP) Memo,<br>Dec 15, 1994   |
| 220211              | OASD(MRA&L) MPP<br>Memo, Aug 12, 1981  |
| 220213              | 37 U.S.C. 552<br>23 Comp Gen 948<br>Public Law 92-482,<br>Oct 12, 1972                                       |
| ★ 220214            | <i>37 U.S.C. 301a(b)(4)</i><br><i>Public Law 106-65,</i><br><i>Section 614, Oct 5, 1999</i>                  |

**SUMMARY OF MAJOR CHANGES TO CHAPTER 23  
DOD 7000.14-R, VOLUME 7A  
MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE DUTY**

**New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.**

| <b>Page</b> | <b>Paragraph</b> | <b>Explanation of Change/Revision</b>          | <b>Effective Date</b> |
|-------------|------------------|--|-----------------------|
| 23-6        | Table 23-1       | IC 3-98 concerns Submarine Duty Incentive Pay. | Feb 1, 1998           |

*Interim Change 03-98 is incorporated in this chapter.*

## CHAPTER 23

### SUBMARINE DUTY PAY

#### 2301 INCENTIVE PAY FOR OPERATIONAL SUBMARINE DUTY

230101. Entitlement. Effective January 1, 1981, a member of the Navy who is entitled to basic pay but is not entitled to continuous monthly submarine duty incentive pay under section 2302, below, is entitled to submarine duty incentive pay for the frequent and regular performance of operational submarine duty required by orders (including a submarine of a foreign nation). Effective January 1, 1988, this paragraph includes members of the Naval Service.

#### 230102. Rates

- A. The monthly rates of submarine duty pay for commissioned officers are shown in Table 23-3.
- B. The monthly rates of submarine duty pay for warrant officers are shown in Table 23-4.
- C. The monthly rates of submarine duty pay for enlisted members are shown in Table 23-5.

#### 230103. Definitions

- A. The term “operational submarine duty” means duty:
  - 1. While attached under competent orders to a submarine;
  - 2. While serving as an operator or crew member of an operational submersible (including an underseas exploration or research vehicle);
  - 3. While undergoing training preliminary to assignment to a nuclear-powered submarine;
  - 4. While undergoing rehabilitation after assignment to a nuclear-powered submarine; or
  - 5. In the case of a member qualified in submarines, while attached as a member of a submarine operational command staff, whose duties require serving on a submarine during underway operations as follows.

a. During 1 calendar month--48 hours. Hours, however, served underway in excess of 48 hours as a member of a submarine operational command staff during any of the immediately preceding 5 calendar months, and not already used to qualify for incentive pay, may be applied to satisfy the 48-hour underway time requirements for the current month.

b. During any 2 consecutive calendar months, when requirements have not been met for the first month--96 hours.

c. During any 3 consecutive calendar months, when requirements have not been met for the first 2 months--144 hours.

6. While receiving instruction to prepare for assignment to a submarine of advanced design; or

7. While receiving instruction to prepare for a position of increased responsibility on a submarine.

B. The term "submarine service" means that service performed by a member under regulations prescribed by the Secretary of the Navy. The years of submarine service are computed beginning with the effective date of the initial order to perform submarine service.

230104. Submarine Duty Pay Start and Stop Dates. See Table 23-1.

230105. Submarine Operational Command Staff Members

A. General rules for meeting underway time requirements, including determination of a 2- or 3-month grace period, substantially are the same as those for flying pay. (See Chapter 22 of this volume.)

B. For the fractional part of a calendar month, or fractional parts of 2 consecutive calendar months (duty begins in 1 month and ends in the following month), the underway time required, based on the requirement of 48 hours for a calendar month, will be determined using Table 23-2.

230106. Temporary Additional Duty or Authorized Leave. A member, who is entitled to submarine duty pay, retains entitlement during periods of temporary additional duty or authorized leave. A submarine operational command staff member, however, is required to fulfill the underway time requirements to retain entitlement during such periods if not otherwise entitled to continuous monthly submarine duty pay in accordance with section 2302 of this volume.

230107. Missing Status, Member's Entitlement. A member receiving submarine duty pay when declared missing by competent authority (as defined in the Definitions) is entitled to submarine duty pay during any period of absence and for the period, not to exceed 1 year, required for

hospitalization and rehabilitation after termination of missing status. The member's entitlement to submarine duty pay upon termination of any required period of hospitalization and rehabilitation, or the 1-year period after date of return from missing status, whichever is earlier, shall be contingent on a determination of continued eligibility under paragraph 230101, above.

230108. Restriction. An officer who fails selection for assignment as an executive officer or commanding officer of a submarine, or who declines to serve in either such position, may not be paid submarine duty pay except for periods during which such officer is serving on a submarine during underway operations.

## 2302 CONTINUOUS MONTHLY SUBMARINE DUTY PAY FOR SUBMARINE SERVICE MEMBERS

230201. Entitlement. Effective January 1, 1981, a member of the submarine service (as defined in subparagraph 230103.B, above, is entitled to continuous monthly submarine duty pay as follows:

A. Through 26 years of service (as computed under 37 U.S.C. 205 (reference (aa))), except that, in the case of an officer, any period as an enlisted member before initial appointment as an officer is excluded), a member must perform operational submarine duties for at least 6 of the first 12, and at least 10 of the first 18 years of submarine service. If a member, however, performs the prescribed operational submarine duties for at least 8 but less than 10 of the first 18 years of submarine service, that member is entitled to continuous monthly submarine duty pay for the first 22 years of service (as computed under 37 U.S.C. 205 (reference (aa))).

B. If, upon completion of either 12 or 18 years of submarine service, it is determined that a member has failed to perform the minimum prescribed operational submarine duty requirements during the prescribed period of time, entitlement shall cease to continuous monthly submarine duty pay. If entitlement to continuous monthly submarine duty pay ceases upon completion of 12 years of submarine service, entitlement to that pay again may commence upon completion of 18 years of submarine service if the minimum operational submarine duty requirements have been met, and such pay shall continue for the period of time prescribed in this section. If, however, entitlement to continuous monthly submarine duty pay ceases in the case of any member at the completion of either 12 or 18 years of submarine service, or 26 years of service (as computed under 37 U.S.C. 205 (reference (aa))), except that, in the case of an officer, any period as an enlisted member before initial appointment as an officer is excluded), that member shall be entitled to that pay in the amount set forth in section 2301, above, for the performance of service as a member of a submarine operational command staff, if his duties require serving on a submarine during underway operations.

230202. Rates. The monthly rates of submarine duty pay are the same as indicated in paragraph 230102, above.

230203. Missing Status, Member's Entitlement. The provisions of paragraph 230107, above, also are applicable to submarine duty pay entitlement under this section.

230204. Restriction. An enlisted member may not be paid continuous submarine duty pay while serving ashore between submarine sea duty assignments unless the member has a sufficient period of enlistment (including any extension of an enlistment) remaining to be reassigned to submarine sea duty.



| SUBMARINE DUTY PAY, START, STOP DATES |   |  |  |  |
|---------------------------------------|---|--|--|--|
| R<br>U<br>L<br>E                      | A   | B  | C  | D  |
|                                       | If member under orders for submarine duty is  | and  | then credit for incentive pay                      |  |
|                                       |   |  | begins on  | continues  |
| 1                                     | attached to a submarine   |  | day of reporting duty                              | through day of detachment.   |
| 2                                     | assigned as prospective crewmember of submarine under construction  |  |  |  |
| 3                                     | attached to a nuclear-powered submarine manned by two crews or a crew and an augment crew (notes 1 and 2)                     |  | day of reporting on-ship or off-ship crew for duty |  |
| 4                                     | undergoing instruction to qualify for duty on submarine of advanced design or for duty with increased responsibility (note 3) |  | day class convenes                                 | through last day of instruction.   |
| 5                                     | injured or incapacitated as a result of performing submarine duty   | remains assigned to submarine duty   |  | through date of detachment.  |
| ★6                                    |   | <i>is transferred to a medical facility on temporary duty orders for treatment, rehabilitation or medical board review</i> |  | <i>for not more than 6 months after date of incapacity, as determined by medical authorities. (IC 03-98)</i>   |
| ★7                                    |   | <i>is reassigned to limited duty for treatment or rehabilitation</i>   |  | <i>for not more than 6 months after date of assignment to Limited Duty, or until disqualifying condition is determined to be permanent, whichever is earlier. (IC 03-98)</i> |

## NOTES:

- Attachment to a submarine means duty as a crew member either on board the submarine or on duty ashore during periods of rehabilitation after reporting for permanent duty as a crew member, whether to the on-ship or off-ship crew.
- When an off-crew member in a training and rehabilitation status performs travel in connection with a change of home port of the member's submarine by means other than the submarine, member's entitlement to submarine pay continues during period in transit.
- This rule also applies to officers who previously qualified in submarines as enlisted members while attending the following:
  - Submarine Officers' Basic Course or Submarine Officers' Indoctrination Course, for the specific purpose of preparing for a position in a nuclear-powered submarine, or
  - a course of instruction, published in SECNAV Instruction 7330.48 series, specifically preparing them for positions of increased responsibility in nuclear-powered submarines.

★Table 23-1. Submarine Duty Pay - Start and Stop Dates (IC 03-98)

| SUBMARINE OPERATIONAL COMMAND STAFF MEMBERS UNDERWAY--TIME REQUIRED FOR FRACTIONAL PART OF MONTH |               |         |             |               |         |
|--|---------------|---------|-------------|---------------|---------|
| Days   | Underway Time |         | Days        | Underway Time |         |
|  | Hours         | Minutes |             | Hours         | Minutes |
| 1.....   | 1             | 36      | 16.....     | 25            | 36      |
| 2.....   | 3             | 12      | 17.....     | 27            | 12      |
| 3.....   | 4             | 48      | 18.....     | 28            | 48      |
| 4.....   | 6             | 24      | 19.....     | 30            | 24      |
| 5.....   | 8             | 00      | 20.....     | 32            | 00      |
| 6.....   | 9             | 36      | 21.....     | 33            | 36      |
| 7.....   | 11            | 12      | 22.....     | 35            | 12      |
| 8.....   | 12            | 48      | 23.....     | 36            | 48      |
| 9.....   | 14            | 24      | 24.....     | 38            | 24      |
| 10.....  | 16            | 00      | 25.....     | 40            | 00      |
| 11.....  | 17            | 36      | 26.....     | 41            | 36      |
| 12.....  | 19            | 12      | 27.....     | 43            | 12      |
| 13.....  | 20            | 48      | 28.....     | 44            | 48      |
| 14.....  | 22            | 24      | 29.....     | 46            | 24      |
| 15.....  | 24            | 00      | 30-31 ..... | 48            | 00      |

**Table 23-2. Submarine Operational Command Staff Members Underway--Time Required for Fractional Part of Month**

| MONTHLY SUBMARINE DUTY PAY RATES-COMMISSIONED OFFICERS-EFFECTIVE JANUARY 1, 1988 |           |         |         |         |         |         |         |
|--|-----------|---------|---------|---------|---------|---------|---------|
| Years of Service Computed Under 37 U.S.C. 205                                    |           |         |         |         |         |         |         |
| Pay Grade  | 2 or less | Over 2  | Over 3  | Over 4  | Over 6  | Over 8  | Over 10 |
| O-10   | \$355     | \$355   | \$355   | \$355   | \$355   | \$355   | \$355   |
| O-9  | 355       | 355     | 355     | 355     | 355     | 355     | 355     |
| O-8  | 355       | 355     | 355     | 355     | 355     | 355     | 355     |
| O-7  | 355       | 355     | 355     | 355     | 355     | 355     | 355     |
| O-6  | 595       | 595     | 595     | 595     | 595     | 595     | 595     |
| O-5  | 595       | 595     | 595     | 595     | 595     | 595     | 595     |
| O-4  | 365       | 365     | 365     | 405     | 595     | 595     | 595     |
| O-3  | 355       | 355     | 355     | 390     | 595     | 595     | 595     |
| O-2  | 235       | 235     | 235     | 235     | 235     | 235     | 355     |
| O-1  | 175       | 175     | 175     | 175     | 175     | 175     | 355     |
|  | Over 12   | Over 14 | Over 16 | Over 18 | Over 20 | Over 22 | Over 26 |
| O-10   | \$355     | \$355   | \$355   | \$355   | \$355   | \$355   | \$355   |
| O-9  | 355       | 355     | 355     | 355     | 355     | 355     | 355     |
| O-8  | 355       | 355     | 355     | 355     | 355     | 355     | 355     |
| O-7  | 355       | 355     | 540     | 535     | 535     | 410     | 355     |
| O-6  | 595       | 595     | 595     | 595     | 595     | 595     | 595     |
| O-5  | 595       | 595     | 595     | 595     | 595     | 595     | 595     |
| O-4  | 595       | 595     | 595     | 595     | 595     | 595     | 595     |
| O-3  | 595       | 595     | 595     | 595     | 595     | 595     | 595     |
| O-2  | 355       | 355     | 355     | 355     | 355     | 355     | 355     |
| O-1  | 355       | 355     | 355     | 355     | 355     | 355     | 355     |

Table 23-3. Monthly Submarine Duty Pay Rates-Commissioned Officers-Effective January 1, 1988

| MONTHLY SUBMARINE DUTY PAY RATES-WARRANT OFFICERS-EFFECTIVE JANUARY 1, 1988 |           |         |         |         |         |         |         |
|---|-----------|---------|---------|---------|---------|---------|---------|
| Years of Service Computed Under 37 U.S.C. 205                               |           |         |         |         |         |         |         |
| Pay Grade   | 2 or less | Over 2  | Over 3  | Over 4  | Over 6  | Over 8  | Over 10 |
| W-5   | 235       | 310     | 310     | 355     | 355     | 355     | 355     |
| W-4   | 235       | 310     | 310     | 355     | 355     | 355     | 355     |
| W-3   | 235       | 310     | 310     | 355     | 355     | 355     | 355     |
| W-2   | 235       | 310     | 310     | 355     | 355     | 355     | 355     |
| W-1   | 235       | 310     | 310     | 355     | 355     | 355     | 355     |
|   | Over 12   | Over 14 | Over 16 | Over 18 | Over 20 | Over 22 | Over 26 |
| W-5   | 355       | 355     | 355     | 355     | 355     | 355     | 355     |
| W-4   | 355       | 355     | 355     | 355     | 355     | 355     | 355     |
| W-3   | 355       | 355     | 355     | 355     | 355     | 355     | 355     |
| W-2   | 355       | 355     | 355     | 355     | 355     | 355     | 355     |
| W-1   | 355       | 355     | 355     | 355     | 355     | 355     | 355     |

Table 23-4. Monthly Submarine Duty Pay Rates-Warrant Officers-Effective January 1, 1988

| MONTHLY SUBMARINE DUTY PAY RATES-ENLISTED MEMBERS-EFFECTIVE JANUARY 1, 1988 |           |         |         |         |         |         |         |
|---|-----------|---------|---------|---------|---------|---------|---------|
| Years of Service Computed Under 37 U.S.C. 205                               |           |         |         |         |         |         |         |
| Pay Grade   | 2 or less | Over 2  | Over 3  | Over 4  | Over 6  | Over 8  | Over 10 |
| E-9   | 225       | 225     | 225     | 270     | 295     | 310     | 315     |
| E-8   | 225       | 225     | 225     | 250     | 270     | 295     | 310     |
| E-7   | 225       | 225     | 225     | 250     | 255     | 265     | 275     |
| E-6   | 155       | 170     | 175     | 215     | 230     | 245     | 255     |
| E-5   | 140       | 155     | 155     | 175     | 190     | 195     | 195     |
| E-4   | 80        | 95      | 100     | 170     | 175     | 175     | 175     |
| E-3   | 80        | 90      | 95      | 95      | 140     | 90      | 90      |
| E-2   | 75        | 90      | 90      | 90      | 90      | 90      | 90      |
| E-1   | 75        | 75      | 75      | 75      | 75      | 75      | 75      |
|   | Over 12   | Over 14 | Over 16 | Over 18 | Over 20 | Over 22 | Over 26 |
| E-9   | 330       | 345     | 355     | 355     | 355     | 355     | 355     |
| E-8   | 315       | 330     | 330     | 345     | 345     | 345     | 345     |
| E-7   | 295       | 310     | 310     | 310     | 310     | 310     | 310     |
| E-6   | 265       | 265     | 265     | 265     | 265     | 265     | 265     |
| E-5   | 195       | 195     | 195     | 195     | 195     | 195     | 195     |
| E-4   | 175       | 175     | 175     | 175     | 175     | 175     | 175     |
| E-3   | 90        | 90      | 90      | 90      | 90      | 90      | 90      |
| E-2   | 90        | 90      | 90      | 90      | 90      | 90      | 90      |
| E-1   | 75        | 75      | 75      | 75      | 75      | 75      | 75      |

Table 23-5. Monthly Submarine Duty Pay Rates-Enlisted Members-Effective January 1, 1988

**Chapter 23—Submarine Duty Pay****2301—Incentive Pay for Operational Submarine Duty**

|                   |                                    |
|-------------------|------------------------------------|
| 230101            | 37 U.S.C. 301c(a)(1) and (2)       |
| 230103 and 230105 | 37 U.S.C. 301c(a)(5)               |
| 230107            | Public Law 92-482,<br>Oct 12, 1972 |

**2302—Continuous Monthly Submarine Duty Pay for Submarine Service Members**

|        |                      |
|--------|----------------------|
| 230201 | 37 U.S.C. 301c(a)(3) |
| 230204 | 37 U.S.C. 301c(c)(2) |

**SUMMARY OF MAJOR CHANGES TO CHAPTER 24**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.

| <b>Page</b> | <b>Paragraph</b>    | <b>Explanation of Change/Revision</b>                     | <b>Effective Date</b> |
|-------------|---------------------|---|-----------------------|
| 24-3        | 240102,<br>240102.A | IC 5-98 pertains to basic allowance for subsistence (BAS) | Jan 1, 1998           |

*Interim change 05-98 is incorporated in this change and also affects other chapters. It will not be deleted from the list of interim changes on the OUSD(C) web site until all such chapters are updated.*

## CHAPTER 24

### **PARACHUTE DUTY, FLIGHT DECK DUTY, DEMOLITION DUTY, EXPERIMENTAL STRESS DUTY, AND OTHERS LISTED**

#### 2401 GENERAL PROVISIONS

240101. Entitlement. A Military Service member entitled to basic pay is, in addition, entitled to incentive pay for performing any of the hazardous duties listed in subparagraph 240101.C, below, when he or she performs the duty under competent orders, and otherwise meets the requirements of this chapter.

A. Member of the Regular Force. When the requirements have been met, entitlement to hazardous duty incentive pay commences on the date the member reports for and enters on duty in compliance with competent orders. Entitlement ceases on the effective date published in orders for termination of such duty or the date the member is detached from and no longer required to perform the hazardous duty, whichever occurs first. When a member commences hazardous duty on a date other than the first day of a month, or terminates that duty on a date other than the 30th day of a month (28th or 29th of February, as appropriate) and otherwise meets the requirements of this chapter for the month, then he or she is entitled to a prorated portion of the rate of pay for the month.

B. Member of the Reserve Components

1. A member of the Reserve Components on extended active duty (EAD), who is ordered to perform any of the hazardous duties listed in subparagraph 240106.C, below, is entitled to pay based on the terms of this chapter.

2. A member of the Reserve Components on active duty training (ADT), who is ordered to perform any of the hazardous duties listed below, is entitled to pay based on paragraphs 570302 and 570401 of this volume and the terms of this chapter as affected by Table 24-5, rules 9 through 13.

C. Hazardous Duties Listed

1. Duty involving parachute jumping as an essential part of military duty.
2. Duty involving frequent and regular participation in flight operation on the flight deck of an aircraft carrier or ship other than aircraft carrier from which aircraft are launched.
3. Duty involving the demolition of explosives as a primary duty, including



training for such duty.

4. Duty inside a high- or low-pressure chamber.
5. Duty as a human acceleration or deceleration experimental subject.
6. Duty as a human test subject in thermal stress experiments.
7. Duty involving the servicing of aircraft or missiles with highly toxic fuels or propellants.
8. Duty involving fumigation tasks utilizing highly toxic pesticides.
9. Duty involving laboratory work utilizing live dangerous viruses or bacteria.
10. Duty involving handling of chemical munitions.

240102. Rates (Effective November 18, 1997)

A. Except for a High Altitude-Low Opening (HALO) parachutist, a member who qualifies for hazardous duty incentive pay under this chapter is entitled to such pay at monthly rate of \$150. The monthly rate for a HALO parachutist who qualifies under this chapter is \$225. Only one type payment is authorized for a qualifying period. When a member qualifies for both type duties, the higher rate of pay is authorized.

B. In the case of a member required by competent orders to perform both regular and HALO parachute jumps (paragraph 240201, below), the following applies: Unless otherwise restricted by Military Service regulations (for example, restrictions on manning classification), the difference between the monthly rate of \$150 and \$225 is authorized for payment to a member who later qualifies for the HALO rate for a month in which the member earlier qualified for the regular rate of parachute pay.

240103. Injury or Incapacity Resulting From Performance of Hazardous Duty. When a member, who is required to perform hazardous duty, is injured or otherwise incapacitated as a result of performing such duty, he or she is considered to have met the requirements for that duty during the incapacity, but for not longer than 3 months. Appropriate medical authority determines the cause of the incapacity and the dates thereof.

A. When To Start the 3-Month Entitlement Period. (See Table 24-1.)

B. Hazardous Duty for Definite Period. When a member has been placed on hazardous duty for a definite period and is entitled to incentive pay while incapacitated as a result of

performance of such duty, incentive pay may not normally be paid beyond the ending date of the duty period stated in the orders. When evidence, however, is furnished that the member would have continued in the hazardous duty status had it not been for the incapacity, incentive pay may be paid beyond the ending date of the duty stated in the orders.

C. Change of Station for Medical Treatment. See Table 24-2 for effect of permanent change of station. Temporary duty or temporary additional duty orders which specify a member's return to a permanent station do not affect assignment or attachment to the hazardous duty. A member ordered to a medical facility under such orders continues to be entitled to incentive pay during incapacity for no more than 3 months.

240104. Incapacity Not Caused by Hazardous Duty. A member's right to incentive pay during incapacity, which is not the result of performing hazardous duty, depends on fulfillment of hazardous duty requirements.

240105. Multiple Payments of Hazardous Duty Incentive Pay. Members, who qualify for incentive pay for more than one type of hazardous duty, may receive no more than two payments for the same period. Dual hazardous duty incentive pay is limited to those members required by orders to perform specific multiple hazardous duties necessary for successful accomplishment of the mission of the unit to which assigned. Members must meet minimum requirements for each of the hazardous duty with the exception of conditions in subparagraph 240105.C, below.

A. Conditions of Entitlement. A member, who is under competent orders to perform more than one hazardous duty, but is limited to only one type of incentive pay (for example, due to receipt of diving duty pay under paragraph 110501 of this volume for the month or months involved), may receive payment for hazardous duty for which the higher incentive pay is authorized. The member must meet the minimum performance requirements for the selected hazardous duty incentive pay; however, the duty does not have to be the primary duty of the current assignment.

B. Types of Duties That Qualify Member for Dual Payment of Hazardous Duty Incentive Pay. (See also subparagraph 220111.B of this volume.)

1. Members assigned to pararescue units who are required to perform parachute jumps in addition to and in connection with explosive ordnance demolition duties.

2. Air Force pararescue team members placed on orders to perform duties as both crew members and parachutists.

3. Other combinations of hazardous duties for which dual payments of incentive pay are authorized by the Secretary of the Military Department concerned.

C. Injury or Incapacity Resulting From Performance of Hazardous Duty or Dual Hazardous Duties. If members, required to perform more than one hazardous duty, are injured or

otherwise incapacitated as a result of any of the duties, they are entitled to dual incentive pay during the incapacity but for no longer than 3 months. If not entitled to dual incentive pay at the time of the incapacity, they are entitled to the type of incentive pay they were receiving at the time of the incapacitation. The beginning date of the 3-month period must be determined separately for each type of incentive pay. Use paragraph 220106 of this volume or Table 24-1, as applicable, to determine the 3-month period separately for each incentive pay.

240106. Concurrent Entitlement to ACIP and Hazardous Duty Incentive Pay (HDIP). Officers, who are entitled to ACIP, also may be entitled to HDIP under the provisions of this chapter if the conditions for entitlement independently have been met. Entitlement to HDIP is limited to not more than two payments for the same period of time officers qualify for more than one payment of that pay. See paragraph 240105, above.

240107. Restriction on Payment of HDIP and Diving Duty Pay. See paragraph 110501 of this volume.

240108. Restriction on Payment of HDIP and Aviation Officer Continuation Pay (AOCP). See section 1506 of this volume.

240109. Authority To Issue Orders. Authority of the Military Departments to issue orders requiring performance of hazardous duty is delegated by the Secretaries to specific commanders within each Military Service. These delegations are contained in personnel administrative regulations of the respective Military Services.

240110. Missing Status-Member's Entitlement. A member receiving incentive pay of a type listed in paragraph 240101, above, when declared by competent authority to be missing (as defined in subparagraph 340101.C of this volume), is entitled to such incentive pay during the period of absence and for any period, not to exceed 1 year, required for hospitalization and rehabilitation after termination of missing status. The member's entitlement to incentive pay of a type listed in paragraph 240101, above, upon termination of any required period of hospitalization and rehabilitation or the 1-year period after date of return from missing status, whichever is earlier, shall be contingent on a determination of continued eligibility under paragraph 240101 and the applicable incentive pay requirements of this chapter.

## 2402 PARACHUTE DUTY

### 240201. Entitlement

A. General. Qualified members are those who have received a designation as a parachutist or parachute rigger, or are undergoing training for such designations; who are required by competent orders to engage in parachute jumping from an aircraft in aerial flight, and who meet the minimum performance requirements of Table 24-3.

B. Military Free Fall or High Altitude-Low Opening (HALO)

1. Members must perform duty involving parachute jumping, as an essential part of such duty, in military free fall operations where parachute deployment by the jumper occurs without the use of a static line.

2. Qualifying members are those who have graduated from the United States Army Military Free Fall Course or a Military Service recognized equivalent course; have received a designation as a HALO parachutist, or are undergoing training for such designation; and are required by competent orders to engage in parachute jumping at high altitudes without use of a static line from an aircraft in aerial flight. Members shall meet the requirements of Table 24-3. Performance requirements must be satisfied by free fall jumps. Effective October 1, 1985, qualified members receive the HALO parachutist rate specified in paragraph 240102, above.

240202. Parachute Jumps-Leave, PCS, TDY/ TAD, or ADT

A. General. Qualifying jumps for entitlement to parachute pay shall be performed during a period of duty requiring parachute jumping as established by competent orders. Parachute jumps performed under the following circumstances do not qualify a member for entitlement to parachute pay:

1. Parachute jumps performed by any member while on leave or during PCS or TDY/TAD not requiring parachute jumping as an essential part of the duty.

2. Parachute jumps performed by a member of a Reserve Component while on ADT that does not require parachute jumping as an essential part of the duty.

B. Examples (Not All Inclusive)1. Leavea. Facts

(1) A member is placed on parachute jump status by competent orders effective January 15. Member performs a jump on March 15.

(2) The member is on leave for the period March 25 through April 25, and performs a jump on April 15 during the period of leave.

(3) The member returns to the permanent duty station April 26 and performs a jump on July 15.

b. Entitlements

(1) The member is entitled to parachute pay from January 14 through March 30 based on the jump performed March 15 (see Table 24-3, rule 1 and note 1).

(2) The member is entitled to parachute pay for May, June, and July based on the jump performed July 15 (see Table 24-3, rule 1, and Table 24-5, rule 2).

(3) The jump performed on April 15 is not a qualifying jump for parachute pay entitlement; thus, the member is not entitled to parachute pay for April.

2. TDY or TAD

a. Facts

(1) The member is placed on parachute jump status by competent orders at permanent duty station. Member performs a jump on January 15.

(2) For the period January 25 through July 2, the member is assigned TDY/TAD where parachute jumping is not required by competent orders. The member performs a parachute jump on June 10 while on TDY/TAD.

(3) A member returns to permanent duty station on July 3 and performs a jump on: July 6, July 13, and August 6.

b. Entitlements

(1) The member is entitled to parachute pay for January, February, and March based on jump performed January 15 (Table 24-3, rule 1, and Table 24-5, rule 3).

(2) The member is entitled to parachute pay for May, June, and July based on jump performed July 6. The jump performed on July 13 is not applied for entitlement because it is one of multiple jumps performed in the same month. Only one jump per month is used for qualification to parachute pay (Table 24-3, rule 1).

(3) The member is entitled to parachute pay for August, September, and October based on jump performed August 6 (Table 24-3, rules 1 and 2).

(4) The jump performed on June 10 during TDY/TAD is not a qualifying jump for parachute pay entitlement (subparagraph 240202.A.1, above); no entitlement exists for parachute pay for April.

3. ADT Less Than 20 Weeks, Reserve Component Member Assigned to a Unit

a. Facts

(1) A Reserve Component member is placed on parachute jump status at unit of assignment by competent orders. At the unit of assignment, the member performs inactive duty training (IDT) drills on January 14-15, February 12-13, and March 15-16. The member performs a parachute jump on January 15.

(2) The member is ordered to active duty training ADT for the period March 28 through May 22 (less than 20 weeks). The member is not placed on parachute jump status at ADT station, but the member performs a jump on April 5 while on ADT.

(3) The member returns to parachute duty at the unit of assignment upon completion of ADT and performs IDT on drills May 24-25, June 8-9, and July 9-10. He or she performs a parachute jump on July 10.

b. Entitlements

(1) The member is entitled to parachute pay for IDT drills in January, February, and March based on the jump performed January 15 (see Table 24-3, rule 1).

(2) The member is entitled to parachute pay for allowable travel time to the ADT station and for ADT days, March 28-30, also based on jump performed January 15 (see paragraph 580204; Table 24-3, rule 1; Table 24-5, rule 13).

(3) The member is entitled to parachute pay for ADT May 1-22 plus allowable travel time from ADT station based on the jump performed July 10 (see paragraph 580204; Table 24-3, rule 2; Table 24-5, rule 13).

(4) Also based on jump performed July 10, the member is entitled to parachute pay for IDT drills performed in May, June, and July.

(5) The jump performed April 5 is not a qualifying jump for entitlement to parachute pay. Thus, no entitlement exists for April (see subparagraph 240202.A, above).

4. ADT Any Number of Weeks, Reserve Component Member, With or Without Unit of Assignment

a. Facts

(1) A Reserve Component member, if assigned to a unit, is not placed on parachute jump status at unit.

(2) The member is ordered to ADT, any number of weeks. He or she is placed on parachute jump status at the ADT station by competent orders.

(3) The member meets minimum performance requirements according to Table 24-3 by jumps performed during ADT.

b. Entitlements. The member is entitled to parachute pay for allowable travel time to and from the ADT station and for period of ADT (see Table 24-5, rules 9 and 11).

240203. Rates. See paragraph 240102, above.

240204. Performance Requirements. See Table 24-3.

240205. Table of Parachute Jumps. Table 24-4 gives examples of how minimum requirements are applied. This table does not necessarily cover all situations but is intended as a general guide. In each example, the member was required by orders to participate frequently and regularly in parachute jumps for the entire period. This table is not intended to show date of payment. In every case, the parachute duty requirements must be met before payment is made.

240206. Right to Pay Under Certain Conditions. See Table 24-5.

## 2403 FLIGHT DECK DUTY

240301. Entitlement

A. Conditions of Entitlement. A member is entitled to incentive pay for flight deck duty (flight deck hazardous duty pay-FDHDP) when the member:

1. Serves on the crew of an eligible air capable ship or an aviation unit operating from such a ship; fixed-wing-aircraft carrier or an aviation unit operating from that type of carrier;

2. Is ordered by competent authority to duty in a billet which requires frequent and regular participation in flight operations; and

3. Participates, within a calendar month, in 4 days of flight operations or their equivalent on the flight deck of eligible air capable ships.

B. Quotas and Billets. The number of members entitled to FDHDP is subject to the monthly quotas applicable to the eligible air capable ships and type or combination of air units

operating from such ships, as promulgated in Chief of Naval Operations (OPNAV) Instructions in the 7220.4 series (reference (al)).

C. Members on Temporary Duty or Temporary Additional Duty. Members on temporary duty or temporary additional duty in the crew of an eligible air capable ship or an aviation unit operating from such a ship may be ordered to flight deck hazardous duty billets (FDHDBs). When so ordered, they are entitled to FDHDP for the actual period specified in the orders provided they meet the minimal participation requirements for an entire month (4 days of flight operations or their equivalent) within each calendar month. The actual date that an aviation unit departs the ship does not alter the entitlement for a full month provided the minimum requirements are met and the orders to such duty remain in effect.

D. Dual Payments. Members receiving incentive pay for any other type of hazardous duty are not entitled to FDHDP for the same period.

240302. Specialized Terms

A. Eligible Air Capable Ship. A ship having a flight deck which has been certified to launch or land aircraft under Chief of Naval Operations ship or helicopter facility certification program.

B. Flight Operations. The period of time during which launch and recovery of aircraft are in progress on the flight deck of an eligible air capable ship. It includes the turn-up and movement of aircraft preparatory to launch and the movement and shutdown of aircraft immediately following recovery.

C. Day of Flight Operations. One day of flight operations shall consist of a calendar day during which any combination of aircraft takeoffs and/or landings takes place, as specified for each ship by class in OPNAV Instruction 7220.4 series (reference (al)). Four days of such flight operations, or the equivalent thereof, shall constitute the basic calendar month qualification criteria.

D. Equivalent of 4 Days of Flight Operations. Any single day, or combination of days during a calendar month in which the number of aircraft take-offs and/or landing equals the monthly total requirement for that class ship in OPNAV Instruction 7220.4 series (reference (al)) shall constitute the equivalent of 4 days of flight operations.

E. Flight Deck Hazardous Duty Billet (FDHDB). A billet which requires frequent and regular participation in flight operations on the flight deck of an eligible air capable ship as promulgated in OPNAV Instruction in the 7220.4 series (reference (al)).

F. Participation. Presence, during flight operations, at an assigned station in an FDHDB on the flight deck of an aircraft carrier or a ship other than an aircraft carrier from which aircraft are launched and recovered during flight operations.



240303. Rates. See paragraph 240102, above.

240304. Commencement and Termination of FDHDP. Eligibility for entitlement to FDHDP begins on the date a member is ordered to duty in a FDHDP. Entitlement eligibility ends on the date the orders to such billet are revoked, or when a member is permanently detached from the aircraft carrier or aviation unit, whichever occurs first. Orders may be terminated for other reasons but not for the sole purpose of providing FDHDP for additional members.

240305. Proration. FDHDP is prorated for the days of the calendar month during which the orders are in effect, providing the full month participation requirements are met.

240306. Right to Pay Under Certain Conditions. See Table 24-5.

#### 2404 DEMOLITION DUTY

##### 240401. Entitlement

A. Condition of Entitlement. A member entitled to basic pay, who is required by competent orders to perform duty involving the demolition of explosives, as prescribed by Military Service regulations, as a primary duty (including training for that duty), is entitled to incentive pay under the conditions stated in this section. Incentive pay is payable for any full month, or is prorated under paragraph 240101, above, for any portion of a calendar month during which a member under competent orders performs demolition duty by use of live explosives.

B. Duty Involving Demolition of Explosives. Effective December 6, 1984, duty involving the demolition of explosives is defined according to this subparagraph. Demolition duty is duty performed by members who engage in the following activities under competent orders and as a primary duty assignment:

1. Demolish by the use of explosives objects, obstacles, or other explosives, or recover and render harmless, by disarming or demolition, explosives that have failed to function as intended or which have become a potential hazard.

2. Participate as students or instructors in instructional training, including that in the field or fleet, for the duties described in subparagraph 240401.B.1, above, provided that live explosives are used in such training.

3. Participate in proficiency training, including that in the field or fleet, for the maintenance of skill in the duties described in subparagraph 240401.B.1, above, provided that live explosives are used in such training; or

4. Experiment with or develop tools, equipment, or procedures for the demolition and rendering harmless of explosives, provided that live explosives are used.

240402. Rates. See paragraph 240102, above.

240403. Performance Requirements. A member who is assigned to demolition duty by competent orders and performs such duty during the month involved, is entitled to incentive pay for that duty provided live explosives are used. Local commanders are responsible for ensuring that the finance officer is informed when a member fails to perform the monthly demolition duty required for entitlement to the incentive pay.

240404. Right to Pay Under Certain Conditions. See Table 24-5.

## 2405 EXPERIMENTAL STRESS DUTY

240501. Entitlement

A. Condition of Entitlement. A member on active duty who is required by competent orders to perform experimental stress duty is entitled to incentive pay under the conditions stated in this section. Incentive pay is payable for any full month, or is prorated in accordance with paragraph 240101, above, for any portion of a calendar month, during which experimental stress duty is performed under competent orders.

B. Duty Involving Experimental Stress. Experimental stress duties are limited to the following:

1. Human Acceleration or Deceleration Experimental Subject. Duty performed as human acceleration or deceleration experimental subjects utilizing experimental acceleration or deceleration devices.

2. Thermal Stress Duty. Duty performed as human thermal experimental subjects in thermal stress experiments.

3. Low-Pressure Chamber Duty. Duty performed within a low-pressure (altitude) chamber at physiological facilities as human test subject, inside instructor-observer or inside observer-tender.

4. High-Pressure Chamber Duty

a. Duty performed within a high-pressure (hyperbaric or recompression) chamber or hyperbaric complex as a:

(1) Human test subject for approved protocols applicable to the research, development, testing and evaluation of diving, hyperbaric and underwater-related tools, systems, equipment and procedures.

(2) Recompression chamber/hyperbaric complex inside instructor-observer or inside observer-tender during the conduct of protocols involving the use of human test subjects.

(3) Recompression chamber/hyperbaric complex inside instructor-observer or inside observer-tender during the conduct of hyperbaric treatment or hyperbaric therapy procedures which include, but are not limited to, treatment of ailments incidental to diving and hyperbaric/hypobaric exposure.

b. Navy personnel only. For a Navy member to qualify for this incentive pay as a human test subject, inside instructor-observer or inside observer-tender in a recompression chamber/hyperbaric complex, all of the following conditions must be met. The member must:

(1) Possess a NEC/NOBC listed below and be assigned by competent orders to a billet utilizing that NEC/NOBC:

|  |      |
|--|------|
| Enlisted:  | NEC  |
| Saturation Diver   | 5311 |
| SEAL (Basic)   | 5320 |
| Swimmer Delivery Vehicle                                       | 5323 |
| SEAL   | 5326 |
| Basic Explosive Ordnance Disposal<br>(EOD) Technician          | 5332 |
| Basic EOD Technician (Parachutist)                             | 5333 |
| Senior EOD Technician  | 5334 |
| Senior EOD Technician (Parachutist)                            | 5335 |
| Master EOD Technician  | 5336 |
| Master EOD Technician (Parachutist)                            | 5337 |
| Master Diver   | 5341 |
| First Class Diver  | 5342 |
| Second Class Diver   | 5343 |
| Master Saturation Diver  | 5346 |
| Salvage/Construction Demolition Diver                          | 5375 |
| Advanced Underwater Construction<br>Technician                 | 5931 |
| Basic Underwater Construction Technician                       | 5932 |
| Special Amphibious Reconnaissance<br>Independent Duty Corpsman | 8403 |
| Fleet Marine Force Reconnaissance<br>Corpsman                  | 8427 |
| Special Operations Independent<br>Duty Corpsman                | 8491 |
| Special Operations Technician                                  | 8492 |

|   |      |
|---|------|
| Medical Deep Sea Diving Technician        | 8493 |
| Medical Deep Sea Diving Technician        | 8494 |
| Officer:                                  | NOBC |
| Undersea Medical (Diving) Officer         | 0107 |
| Medical Service Corps (Diving)<br>Officer | 0107 |
| EOD Officer                               | 9230 |
| EOD Mobile Unit Officer                   | 9231 |
| SEAL Officer                              | 9293 |
| Diving Officer (General)                  | 9312 |
| Diving Officer (He02)                     | 9313 |
| Diving Officer (Salvage)                  | 9314 |
| Diving Officer (Saturation)               | 9315 |
| Ship Salvage Diving Officer               | 9375 |

and;

(2) Be ordered to perform additional duty as a human test subject, inside instructor-observer or inside observer-tender as described in subparagraphs 240501.B.4.a., b, or c, above, or by the commanding officer having cognizance over the recompression chamber or hyperbaric complex, and;

(3) Either be instructing or operating Navy approved underwater breathing equipment, support systems, and recompression chambers; or observing the other individual(s) for symptoms of diving injuries/illnesses and providing appropriate treatment, as ordered by competent authority.

c. The following types of similar duties do not entitle Navy personnel to hazardous duty incentive pay as recompression chamber/hyperbaric complex inside instructor-observers or inside observer-tenders:

(1) Inside observer-tender and divers for surface decompression procedures incidental to the conduct of diving operations as this is considered a normal procedure related to the safe conduct of routine diving operations.

(2) Either under instruction inside instructor-observer, inside observer-tender or trainees. This includes saturation diving procedures and hyperbaric medical related training which is considered a normal requirement to establish or maintain proficiency and/or qualifications.

(3) Inside observer-tender or test candidates during conduct of pressure and/or oxygen tolerance tests.

(4) Inside observer-tender, technicians or others involved in recompression chamber or hyperbaric complex preventive or corrective maintenance or during the use of a chamber or complex for the purpose of conducting preventive or corrective maintenance procedures.

(5) Patients undergoing hyperbaric treatment or therapy.

C. Restriction. A member is entitled to only one payment of incentive pay for experimental stress duty during any 1 month.

240502. Rates. See paragraph 240102, above.

240503. Performance Requirements. A member is entitled to incentive pay for experimental stress duty when assigned to that duty by competent orders and performs such duty during the month involved. Competent medical authorities of the Military Service concerned must determine if the member is engaged in one or more stress experiments involving risk of experimental hazard.

240504. Right to Pay Under Certain Conditions. See Table 24-5.

#### 2406 TOXIC FUELS (OR PROPELLANTS) DUTY

240601. Entitlement

A. Effective October 1, 1981, a member is entitled to hazardous duty incentive pay (HDIP) for duty involving the servicing of aircraft or missiles with highly toxic fuels or propellants when this duty is performed as a primary duty according to the requirements set forth in subparagraphs 240602.A through D and G, below.

B. Effective October 1, 1983, a member is entitled to HDIP for duty involving the servicing of aircraft or missiles with highly toxic fuels or propellants for the testing of aircraft or missile systems (or components of such systems) during which highly toxic fuels are used when this duty is performed as a primary duty according to the requirements below.

240602. Requirements. Primary duty under this section requires:

A. Removal, replacement, and servicing of the emergency power unit of an aircraft with H-70 propellant (30 percent water, 70 percent hydrazine).

B. Participation by those personnel performing duties in subparagraph 240602.A, above, who must also participate in an emergency response force, spill containment, or spill cleanup involving H-70 propellant (30 percent water, 70 percent hydrazine).

C. Handling and maintaining the liquid propellants (liquid oxidizer-nitrogen

tetroxide; unsymmetrical dimethyl hydrazine) used in the Titan weapon system if such duty requires the qualification in the use of the rocket fuel handler's clothing outfit and involves:

1. Launch duct operations, including flow, pressurization, on-load, off-load, set-up, or tear down involving propellant transfer operations;
2. Set-up, installation, or tear down for fuel/oxidizer flow;
3. Decontamination of equipment, including but not limited to the rocket fuel handler's clothing outfit;
4. Venting or pressurizing missile fuel or oxidizer tanks;
5. Removing or replacing missile components while missile fuel and oxidizer tanks are loaded with such propellants;
6. Transferring propellants between commercial and military holding trailers; or between holding trailers and fuel/oxidizer pump rooms; or
7. Normal preventive maintenance activities including but not limited to seal changes.

D. Handling and maintaining the propellants, unsymmetrical dimethyl hydrazine and inhibited red-fuming nitric acid used in the LANCE missile system.

E. Handling, transporting, or working with toxic fuels/propellants by members assigned to the Air Force Rocket Propulsion Lab (AFRPL) who:

1. Directly manage and inspect the activities of crew members conducting operations involving experimental rocket propulsion systems and components;
2. Directly monitor and set up measurement instruments in operational areas where contamination is suspected or may be physically present;
3. Install and remove instrumentation devices from propulsion systems and components;
4. Perform final test preparation and immediate safety inspection duties around pressurized, active systems during pre-run and post-run test periods; or
5. Install and repair electrical systems.

F. Handling, loading/unloading, and transporting toxic fuels and oxidizers at the precision sled track while working with the liquid rocket sled which uses JP-X (a mixture of jet fuel

(JP-4) and unsymmetrical dimethyl hydrazine) and red-fuming nitric acid and a propulsion; or

G. Involvement with other toxic substances contained in missile or aircraft weapon system fuels or propellants as determined by the Secretary concerned.

240603. Rates. See paragraph 240102, above.

240604. Restriction. The entitlement to the pay under this section is based upon the performance of such duty which has the potential for accidental or inadvertent exposure to highly toxic fuels or propellants or related substances and not upon actual quantifiable exposure to such substances. Therefore, neither this construction of the term nor the receipt of the pay provided for in this section may be construed as indicating that any person entitled to such pay has been actually exposed to highly toxic fuels or propellants or related substances contrary to the provisions of any statute, executive order, rule, or regulation relating to health or safety which is applicable to the Uniformed Services.

#### 2407 TOXIC PESTICIDES DUTY

240701. Entitlement. Effective October 1, 1981, a member is entitled to HDIP for duty involving frequent and regular exposure to highly toxic pesticides when the member is assigned by competent orders to the entomology, pest control, pest management, or preventive medicine functions of a Uniformed Service for a period of 30 consecutive days or more.

240702. Requirements

A. Members must perform fumigation duties described below during a calendar month to receive HDIP for the month. Duty under this section covers any fumigation task utilizing: (1) phosphine, sulfuryl fluoride, hydrogen cyanide, methyl bromide, or (2) a fumigant of comparable high-acute toxicity and hazard potential.

B. Restrictions. Effective November 6, 1986, the use of solid fumigant formulations such as aluminum phosphide, magnesium phosphide, and calcium cyanide in the outdoor control of burrowing animals does not qualify a member for incentive pay under this section.

240703. Rates. See paragraph 240102, above.

#### 2408 DANGEROUS VIRUSES (OR BACTERIA) LAB DUTY

240801. Entitlement. Effective October 1, 1981, a member is entitled to HDIP for duty involving laboratory work that utilizes live dangerous viruses or bacteria as a primary duty.

240802. Requirements. Under this section members must perform primary duty described below while assigned by competent orders for a period of 30 consecutive days or more to

participate in or conduct applied or basic research that is characterized by a changing variety of techniques, procedures, equipment, and experiments. Duty under this section is primary duty performed by members who work with microorganisms:

- A. That cause disease
  - 1. With a high potential for mortality; and
  - 2. For which effective therapeutic procedures are not available.
- B. For which no effective prophylactic immunization exists.

240803. Rates. See paragraph 240102, above.

#### 2409 CHEMICAL MUNITIONS

240901. Entitlement. Effective October 1, 1985, a member is entitled to hazardous duty incentive pay (HDIP) for duty involving the handling of chemical munitions (or components of such munitions) as a primary duty.

##### 240902. Requirements

- A. Primary duty under this section requires direct physical handling of:
  - 1. Toxic chemical munitions incident to storage, maintenance, testing, surveillance, assembly, disassembly, demilitarization, or disposal of said munitions;
  - 2. Chemical surety material defined by the Secretary of the Military Department concerned, incident to manufacture, storage, testing, laboratory analysis, detoxification, or disposal of said material;
  - 3. Toxic chemical munitions incident to the technical escort of shipments of said munitions; or
  - 4. Chemical surety material, defined by the Secretary concerned, incident to technical escort of shipments of said material.
- B. Restrictions. HDIP under this section does not include the following duties:
  - 1. Handling of the individual components of binary chemical agents or munitions.
  - 2. User handling incident to loading, firing, or otherwise launching the toxic



chemical munitions, or field storage operations during hostilities.

3. Handling of research, development, testing, and evaluation dilute solutions of toxic chemicals as defined by the Secretary concerned.

4. Handling of riot control agents, chemical defoliants and herbicides, smoke, flame and incendiaries, and industrial chemicals.

240903. Rates. See paragraph 240102, above, for rates.

240904. Restriction. The entitlement to the pay under this section is based upon the performance of such duty that has the potential for accidental exposure to chemical agents and not upon actual quantifiable exposure to such agents. Therefore, neither the construction of the term nor the receipt of pay provided for in this section may be construed as indicating that any person entitled to such pay actually has been exposed to chemical agents contrary to the provisions of any statute, executive order, rule, or regulation relating to health and safety which is applicable to the Uniformed Services.

| WHEN TO START THE 3-MONTH ENTITLEMENT PERIOD FOR INCAPACITY RESULTING FROM PERFORMANCE OF HAZARDOUS DUTY |   |  |   |
|--|---|--|---|
| R<br>U<br>L<br>E   | A   | B  | C   |
|  | When the type of duty is  | and  | the 3-month period during which requirements are considered to have been met begins |
| 1  | demolition, experimental stress, toxic fuels, toxic pesticides, dangerous viruses, or handling chemical munitions |  | the first day of the month following the month in which the incapacity occurred.    |
| 2  | parachute or flight deck  | performance requirements for the month of incapacity have been met     |   |
| 3  |   | performance requirements for the month of incapacity have not been met | the first day of the month in which the incapacity occurred.                        |

**Table 24-1. When to Start the 3-Month Entitlement Period for Incapacity Resulting from Performance of Hazardous Duty**

| WHEN INCENTIVE PAY FOR INCAPACITY RESULTING FROM HAZARDOUS DUTY STOPS ON |   |  |
|--|---|--|
| R<br>U<br>L<br>E   | A   | B  |
|  | When a member receiving incentive pay as a result of incapacity resulting from hazardous duty is ordered on permanent change of station to a medical facility for treatment during the 3-month entitlement period, and the hazardous duty involved is | incentive pay accrues  |
| 1  | parachute   | after PCS through the end of the 3-month entitlement period. |
| 2  | flight deck, demolition, experimental stress, toxic fuels, toxic pesticides, dangerous viruses, or handling chemical munitions  | through the date of departure from the old station.          |

**Table 24-2. When Incentive Pay for Incapacity Resulting from Hazardous Duty Stops on PCS**

| PARACHUTE JUMPS-INCENTIVE PAY FOR PARACHUTE DUTY-PERFORMANCE REQUIREMENTS |   |                              |  |
|---|---|------------------------------|--|
| R<br>U<br>L<br>E  | A   | B                            | C  |
|   | When  | in                           | then   |
| 1   | a jump is performed   | any calendar month           | member qualifies for parachute duty pay for that month and one preceding and succeeding month; or that month and 2 preceding months; or that month and 2 succeeding months (note 1).   |
| 2   | jumps are made  | 2 or more consecutive months | new 3-consecutive-calendar-month period starts with each month a jump is made, except when rule 3 applies.   |
| 3   | a member is unable to perform a jump because of military operations of the command or the absence of jump equipment or aircraft | a 3-month period             | member may qualify for parachute duty pay on a 12-month basis. He or she may qualify for the 3-month period plus the following 9 consecutive-calendar-months by performing four jumps any time during the 9-month period (note 2). |
| 4   | a member is unable to perform a jump by reason of being engaged in combat operations in a hostile fire area                     |                              | minimum jump requirements may be waived by the member's commanding officer (note 2).   |
| 5   | a member begins parachute training or reports for duty with a parachute unit  | a fractional part of a month | month the training or duty begins becomes the first month of the 3-consecutive-calendar-month period (note 1).   |

## NOTES:

- Incentive pay for parachute duty may be paid, provided prescribed requirements are met, only from the date of reporting for duty or training. If that day is other than the first day of a month, that month's rate of pay will be prorated in accordance with paragraph 240101.
- Military operations, combat operations in a hostile fire area, or absence of jump equipment are the only authorized reasons for not complying with requirements over a 3-month period.

**Table 24-3. Parachute Jumps-Incentive Pay for Parachute Duty-Performance Requirements**

| PARACHUTE JUMPS |           |                  |                |                  |                |                  |                |                  |                |                  |                |                  |                |                  |
|-----------------|-----------|------------------|----------------|------------------|----------------|------------------|----------------|------------------|----------------|------------------|----------------|------------------|----------------|------------------|
|                 | Example 1 |                  | Example 2      |                  | Example 3      |                  | Example 4      |                  | Example 5      |                  | Example 6      |                  | Example 7      |                  |
|                 | Jumps     | Entitled         | Jumps          | Entitled         | Jumps          | Entitled         | Jumps          | Entitled         | Jumps          | Entitled         | Jumps          | Entitled         | Jumps          | Entitled         |
| 19--            |           |                  |                |                  |                |                  |                |                  |                |                  |                |                  |                |                  |
| October         | 0         | Yes <sup>1</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0              | Yes <sup>1</sup> | 0              | Yes <sup>1</sup> | 0              | Yes <sup>1</sup> | 0              | Yes <sup>1</sup> | 0              | Yes <sup>1</sup> |
| November        | 0         | Yes <sup>1</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 1              | Yes <sup>2</sup> | 0              | Yes <sup>1</sup> | 0              | Yes <sup>1</sup> | 0              | Yes <sup>1</sup> | 0              | Yes <sup>1</sup> |
| December        | 1         | Yes <sup>2</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0              | Yes <sup>1</sup> | 1              | Yes <sup>2</sup> | 1              | Yes <sup>2</sup> | 1              | Yes <sup>2</sup> | 1 <sup>5</sup> | Yes <sup>2</sup> |
| 19--            |           |                  |                |                  |                |                  |                |                  |                |                  |                |                  |                |                  |
| January         | 0         | Yes <sup>1</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>6</sup> | Yes <sup>7</sup> |
| February        | 1         | Yes <sup>2</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>3</sup> | Yes <sup>1</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>6</sup> | Yes <sup>7</sup> |
| March           | 0         | Yes <sup>1</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>3</sup> | Yes <sup>1</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>6</sup> | Yes <sup>7</sup> |
| April           | 0         | No               | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>3</sup> | Yes <sup>1</sup> | 2              | Yes <sup>2</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>6</sup> | No               |
| May             | 0         | Yes <sup>1</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>3</sup> | Yes <sup>1</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>6</sup> | No               |
| June            | 0         | Yes <sup>1</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 2              | Yes <sup>2</sup> | 0 <sup>3</sup> | Yes <sup>1</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>6</sup> | No               |
| July            | 2         | Yes <sup>2</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>3</sup> | Yes <sup>1</sup> | 0 <sup>3</sup> | Yes <sup>1</sup> | 0 <sup>6</sup> | No               |
| August          | 0         | No               | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 1              | Yes <sup>2</sup> | 0 <sup>3</sup> | Yes <sup>1</sup> | 1              | Yes <sup>2</sup> |
| September       | 0         | No               | 4              | Yes <sup>2</sup> | 0 <sup>3</sup> | Yes <sup>1</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>3</sup> | Yes <sup>1</sup> | 3              | Yes <sup>2</sup> | 0              | Yes <sup>1</sup> |
| October         | 0         | Yes <sup>1</sup> | 0              | Yes <sup>1</sup> | 0 <sup>3</sup> | Yes <sup>1</sup> | 0 <sup>3</sup> | Yes <sup>1</sup> | 0 <sup>3</sup> | Yes <sup>1</sup> | 1              | Yes <sup>2</sup> | 0              | Yes <sup>1</sup> |
| November        | 0         | Yes <sup>1</sup> | 1              | Yes <sup>2</sup> | 3              | Yes <sup>2</sup> | 0 <sup>3</sup> | Yes <sup>1</sup> | 1              | Yes <sup>2</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0              | No               |
| December        | 1         | Yes <sup>2</sup> | 0              | Yes <sup>1</sup> | 1              | Yes <sup>2</sup> | 2              | Yes <sup>2</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0 <sup>3</sup> | Yes <sup>4</sup> | 0              | No               |
| 19--            |           |                  |                |                  |                |                  |                |                  |                |                  |                |                  |                |                  |
| January         | 0         | No               | 0              | No               | 0              | No               | 0              | No               | 0              | No               | 0              | Yes <sup>1</sup> | 0              | No               |
| February        | 0         | No               | 0              | No               | 0              | No               | 0              | No               | 0              | No               | 0              | Yes <sup>1</sup> | 0              | No               |
| March           | 0         | No               | 0              | No               | 0              | No               | 0              | No               | 0              | No               | 1              | Yes <sup>2</sup> | 0              | No               |

## NOTES:

1. Entitled to incentive pay for parachute duty based on jumps performed in 3 consecutive calendar months.
2. Entitled to incentive pay for parachute duty based on that month's jump.
3. No jumps performed because of absence of jump equipment or aircraft or on account of military operations.
4. Entitled to incentive pay for parachute duty based on jumps performed in 12 consecutive calendar months.
5. Incapacitated by reason of parachute accident.
6. No jumps performed because of incapacitation resulting from parachute accident.
7. Entitled to incentive pay for parachute duty-accident

Table 24-4. Parachute Jump Examples

| INCENTIVE PAY FOR HAZARDOUS DUTY-ENTITLEMENT UNDER CERTAIN CONDITIONS |   |   |  |  |
|---|---|---|--|--|
| R<br>U<br>L<br>E  | A   | B   | C  | D  |
|   | When a member under orders to perform hazardous duty is   | and the hazardous duty involved is                    | and  | then incentive pay entitlement   |
| 1   | sick in line of duty  | any type of hazardous duty listed in paragraph 240101 | orders to perform the hazardous duty involved remain in effect and the member performs the duty involved during the month involved, or when appropriate, performs the minimum performance requirements for the duty involved | continues for the period of the illness.   |
| 2   | on authorized leave   |   |  | continues for the period of leave (note 1).  |
| 3   | on temporary duty or temporary additional duty  |   |  | continues for the period of TDY or TAD.  |
| 4   | reassigned PCS including temporary duty in conjunction with PCS   |   |  | is not affected by the PCS (note 2).   |
| 5   | on temporary duty or temporary additional duty  | any type of hazardous duty listed in paragraph 240101 | orders to perform hazardous duty involved are in effect at the TDY station only. Member meets minimum performance requirements at the TDY station  | begins on the date of reporting for duty at the temporary duty location and exists for the period of temporary duty.   |
| 6   | discharged and immediately reenlisted at the same station without a break in service  |   | orders to perform hazardous duty involved are not specifically terminated  | is determined as though there had been no discharge.   |
| 7   |   |   | orders to perform the hazardous duty involved are specifically terminated  | ceases on effective date shown in orders.  |
| 8   | removed from hazardous duty   |   | removal is for cause, disqualification, or the member's own request  | ceases on the date that cause or disqualification is determined to exist or the date the member is removed per request, which will be the effective date established in orders terminating the hazardous duty. (See note 2 for pay proration.) |
| 9   | a member of a Reserve Component being released from active duty performed either:<br>a. while member is part of strength accountability of the active military establishment (EAD).<br>b. while member is accountable to a Reserve Component (ADT) (note 5) | parachute   | orders are not issued directing relief from assigned duties and requirements have been met for the period involved   | continues for the period of allowable travel time (notes 3 and 5).   |

Table 24-5. Incentive Pay for Hazardous Duty-Entitlement Under Certain Conditions

| R<br>U<br>L<br>E | A   | B  | C   | D  |
|------------------|---|--|---|--|
|                  | When a member of a Reserve Component under orders to perform hazardous duty is  | and the hazardous duty involved is   | and   | then incentive pay entitlement   |
| 10               | being released from active duty performed either:<br>a. while member is part of strength accountability of the active military establishment (EAD).<br>b. while member is accountable to a Reserve Component (ADT) (note 4) | demolition, flight deck, experimental stress, toxic fuels, toxic pesticides, dangerous viruses, or handling chemical munitions | orders are not issued directing relief from assigned duties and requirements have been met for the period involved  | ceases on detachment from last duty station.   |
| 11               | on ADT for any number of weeks (with or without a unit of assignment) (note 4)  | any type of hazardous duty listed in paragraph 240101  | orders to perform the hazardous duty involved are in effect at the ADT station. Member meets minimum performance requirements at ADT station  | 1. exists for the period of ADT. Entitlement for ADT is terminated per rules 9 or 10.<br>2. if IDT involved, see note 6. |
| 12               | on ADT for 20 weeks or more away from unit of assignment (note 4)   |  | member is not ordered to perform the hazardous duty at the ADT station  | 1. does not exist for the period of ADT.<br>2. for IDT, see note 6.  |
| 13               | on ADT for less than 20 weeks away from unit of assignment (note 4)   |  | orders to perform the hazardous duty involved remain in effect at unit of assignment. Member is not ordered to perform hazardous duty at ADT station. Member meets minimum performance requirements during inactive duty training (IDT) at unit of assignment | 1. exists for the period of ADT. Entitlement for ADT is terminated per rules 9 or 10.<br>2. if IDT involved, see note 6. |

## NOTES:

1. Performance of hazardous duty while on leave cannot be counted for pay purposes.
2. Orders to perform hazardous duty remain in effect when member is being reassigned PCS successively to hazardous duty. If the member cannot be immediately assigned to a hazardous duty position at a new station, orders to perform such duty will be terminated effective the date of arrival at new duty station and incentive pay stopped as of that date. When successive assignment does not require hazardous duty as an essential part of military duty at the new permanent duty station, orders to perform such duty will be terminated effective the date of departure from old duty station (or TDY point if performance of hazardous duty is required as an essential part of military duty at the TDY point) and incentive pay stopped as of that date. When effective date in the orders terminating hazardous duty is other than the last day of a calendar month and that month's performance requirements have been met, the month's hazardous duty pay will be prorated per subparagraph 240101.A.
3. Parachute pay may not be paid beyond the last day of the calendar month for which requirements are met.
4. ADT includes annual training, special tours of active duty for training, school tours, and the initial tour performed by enlistees without prior military service.
5. Hazardous duty incentive pay entitlement for ADT includes time allowed for necessary travel from home to first duty station (paragraph 020501).
6. Hazardous duty incentive pay for inactive duty training (IDT) is paid per Chapter 58 of this volume.

Table 24-5. Incentive Pay for Hazardous Duty-Entitlement Under Certain Conditions (Continued)

Chapter 24—Parachute Duty, Flight Deck Duty, Demolition Duty, Experimental  
Stress Duty, and Others Listed

|                         |          |   |
|-------------------------|----------|---|
| 2401—General Provisions | 240101   | 37 U.S.C. 301<br>EO 12394, Nov 18, 1982,<br>amending<br>EO 11157, June 22, 1964<br>EO 12420, May 11, 1983,<br>amending<br>EO 11157, June 22, 1964                       |
|                         | 240102   | 37 U.S.C. 301(c)  |
|                         | 240103   | EO 11157, June 22, 1964   |
|                         | 240103.C | 38 Comp Gen 83  |
|                         | 240105   | 37 U.S.C. 301(e)  |
|                         | 240105.A | 56 Comp Gen 983   |
|                         | 240105.D | MS Comp Gen B-15331,<br>Dec 11, 1964  |
|                         | 240106   | 37 U.S.C. 304(a)  |
|                         | 240107   | EO 11157, June 22, 1964   |
|                         | 240108   | Public Law 92-482,<br>Oct 12, 1972  |
| 2402—Parachute Duty     | 240201   | 37 U.S.C. 301(a)(3)<br>37 U.S.C. 301(c)(1)<br>Public Law 102-190,<br>Dec 5, 1991<br>EO 11157, June 22, 1964<br>EO 11259, Dec 3, 1965<br>OASD(FM&P) Memo,<br>Mar 5, 1992 |
|                         | 240202   | MS Comp Gen B-112720,<br>Feb 3, 1953  |
| 2403—Flight Deck Duty   | 240301   | 37 U.S.C. 301(a)(12)<br>EO 11473, June 14, 1969   |
|                         | 240302   | SECNAV Inst 7220.53   |
|                         | 240303   | 37 U.S.C. 301(c)  |
| 2404—Demolition Duty    | 240401   | 37 U.S.C. 301(a)(8)<br>EO 11157, June 22, 1964<br>EO 12494, Dec 6, 1984   |
|                         | 240402   | 37 U.S.C. 301(c)  |

|   |        |  |
|---|--------|--|
| 2405—Experimental Stress Duty                 | 240501 | 37 U.S.C. 301(a)(9), (10),<br>(11)<br>EO 11157, June 22, 1964  |
|   | 240502 | 37 U.S.C. 301(c)   |
| 2406—Toxic Fuels (or Propellants) Duty        |        |  |
|   | 240601 | EO 12394, Nov 18, 1982,<br>amending EO 11157,<br>June 22, 1964<br>EO 12488, Sep 27, 1984,<br>amending<br>EO 11157, June 22, 1964 |
| 2407—Toxic Pesticides Duty                    | 240701 | EO 12420, May 11, 1983,<br>amending EO 11157,<br>June 22, 1964<br>EO 12573, Nov 6, 1986,<br>amending EO 11157,<br>June 22, 1964  |
|   |        |  |
| 2408—Dangerous Viruses (or Bacteria) Lab Duty |        |  |
|   | 240801 | EO 12420, May 11, 1983,<br>amending<br>EO 11157, June 22, 1964   |
| 2409—Chemical Munitions                       | 240901 | EO 12573, Nov 6, 1986,<br>amending<br>EO 11157, June 22, 1964  |
|   |        |  |



**SUMMARY OF MAJOR CHANGES TO CHAPTER 25**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

**New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.**

| <b>Page</b> | <b>Paragraph</b>          | <b>Explanation of Change/Revision</b>   | <b>Effective Date</b> |
|-------------|---------------------------|---|-----------------------|
| 25-16       | Table 25-5,<br>Table 25-6 | IC 02-00 increases all full basic allowance for subsistence (BAS) types by one percent and raises Partial BAS to \$.85 per day. | Jan 1, 2000           |

*Interim changes 1-98, 15-98, 29-98, 37-98, 1-99, and 02-00 are incorporated in this change. Interim changes 1-98 and 1-99 also affect other chapters and will not be deleted from the interim changes cited in the OUSD(C) web site until all such chapters are updated.*

## CHAPTER 25

### BASIC ALLOWANCE FOR SUBSISTENCE (BAS)

#### 2501 GENERAL PROVISIONS

250101. Entitlement. Except as otherwise provided by law, members who are entitled to basic pay are entitled to BAS under the conditions set out in this chapter. Effective January 1, 1998, enlisted members being subsisted in kind are entitled to a Partial BAS payment as set forth in this chapter. Effective January 1, 1998, enlisted members temporarily assigned to duty away from their permanent duty station or to duty under field conditions at their permanent duty station are entitled to BAS at a rate not less than that which they had at their permanent duty station as set forth in this chapter.

A. Enlisted Members. These members may become entitled to one of the following types of BAS on a daily basis.

1. Full BAS at the rates specified when:
  - a. Rations in kind are not available (RIKNA); or
  - b. Permission to mess separately is granted (SEPRATS); or
  - c. Emergency ration conditions are approved (EMRATS).
2. Partial BAS at the rate specified when subsisted in kind.

B. Officers. Generally, officers entitled to basic pay are entitled to a full BAS at all times on a monthly basis. Officers are not entitled to a partial BAS.

C. Advance Payments. Advance payment of BAS is authorized under the circumstances specified in Chapter 32 of this volume.

D. Effect on Overseas Station Allowances. BAS under this chapter is in addition to the overseas cost of living allowances authorized by Joint Federal Travel Regulations Volume 1 (JFTR), Chapter 9, part B2 (reference d)).

250102. Specialized Terms. Apply the following terms to BAS determinations:

A. Government Mess. See the Definitions.

B. Subsisted in Kind. Applies to enlisted members who do not receive any of the full BAS types because they are furnished meals or rations at no charge from an appropriated fund dining facility or are subsisted at no charge on behalf of the government.

C. Appropriated Fund (APF) Dining Facility. A generic term used in lieu of government mess, general mess, dining hall, dining activity, dining facility, mess hall, galley, field kitchen, flight kitchen, or similar terms used to describe dining facilities funded totally by appropriated funds. It excludes activities operated by nonappropriated fund instrumentalities such as an officer's mess, club, organized mess and all similar terms.

D. Subsisted at Government Expense. Applies to all members who are:

1. Subsisted in kind, or

2. Furnished meals or rations on behalf of the U.S. Government. Meals or rations furnished without charge by a government contractor or a foreign government, or through a fellowship, grant or intern program while a member is receiving basic pay, either under the terms of a contract or agreement or on a complimentary basis, are considered to be furnished on behalf of the U.S. Government.

E. When Rations in Kind Are Not Available (RIKNA). Applies to enlisted members while on duty at a permanent station where a government mess is, in fact, not available or where it has been determined that it is impracticable for the government to furnish subsistence in kind.

F. When Permission To Mess Separately (SEPRATS) is Granted. Applies to enlisted members authorized to subsist themselves independently while on duty at a permanent station where a messing facility is available for their subsistence. The term also applies to enlisted members during periods of travel for which per diem or reimbursement is provided for meals and during authorized leave.

G. When Emergency Ration (EMRATS) Conditions Are Approved. Applies to enlisted members assigned to permanent duty under conditions requiring extraordinary expenses for subsistence where no government messing facilities are available.

H. Partial BAS. Applies to enlisted members receiving basic pay who are being subsisted at government expense and not receiving any of the types of full BAS and who are not in basic training.

I. Supplemental Subsistence Allowance. The supplemental subsistence allowance is a per meal payment that, when added to the enlisted member's current BAS, brings the total to the RIKNA rate. This also applies to enlisted members receiving Partial BAS for being subsisted in kind and to those receiving SEPRATS:

1. Whose assigned duties require them to be absent from their permanent station or their working hours or duties prevent them from obtaining certain meals from a mess operated by or on behalf of the government or require them to buy a meal or meals from other than a government mess; or

2. When proper authority determines that a mess operated by or on behalf of the government is, in fact, not available for part of a day. (Example: The dining facility is closed for reasons beyond the control of the installation commander, such as equipment failure.)

J. Field Duty. Any maneuvers, war games, field exercises, or similar operations in excess of 180 days where a member is subsisted in a dining facility operated by or on behalf of the government or with an organization drawing field rations.

K. Sea Duty. Service performed by a permanent party crewmember in a self-propelled vessel that is in an active status, in commission or in service, and is equipped with berthing and messing facilities.

L. Essential Unit Messing (EUM). Any group messing declared by appropriate authority as essential for operational readiness, the conduct of military operations or necessary for the effective conduct of training where members are required to use messing provided by or on behalf of the government. Members are entitled to travel reimbursement for incidental expenses, but not for subsistence. Designation for essential unit messing shall be applied only to organizational units and to operational elements and detachments, not to individual service members.

M. Temporary Field Assignment (TFA). Any maneuvers, war games, field exercises, or similar operations of 180 days or less where a member is required to use messing provided by or on behalf of the government. The member's travel reimbursement is the same as for field duty.

N. Temporary Afloat Assignment (TAA). Any service performed on a temporary duty basis in a self propelled vessel that is in an active status, in commission or in service, where a member is required to use messing provided by or on behalf of the government. The member's travel reimbursement is the same as for sea duty.

2502 BAS POLICY AND DETERMINATIONS RESPONSIBILITY250201. BAS Policy

A. Normally, enlisted members in pay grades below E-7, who are assigned to single government quarters at their permanent duty station, are subsisted in kind. For uniformity in making determinations, government messes available in the geographical area shall be used to the fullest extent compatible with economy and efficiency.

B. Enlisted members undergoing basic training are subsisted in kind and not entitled to Partial BAS.

C. Except during basic training, enlisted members who are subsisted in kind are entitled to Partial BAS. Enlisted members on field duty (over 180 days) or permanent sea duty are subsisted in kind and entitled to Partial BAS. NOTE: Enlisted members serving on permanent sea duty, receiving Partial BAS and assigned to a private mess, such as an officer's wardroom or chief petty officer's mess, whose subsistence in kind ration entitlement is commuted to that mess, shall have the commutation value limited to the difference between the current SEPRATS and the Partial BAS paid to the member.

D. Enlisted members on authorized leave (including proceed time, authorized delays en route between duty stations chargeable as leave, and convalescent leave) are entitled to full BAS at the SEPRATS rate, regardless of the BAS type authorized at their permanent duty station.

E. Enlisted members performing PCS travel (including TDY/TAD enroute) under orders away from their designated post of duty are entitled to full BAS at the SEPRATS rate, regardless of the BAS type authorized at their previous or subsequent permanent duty station.

F. Enlisted members performing regular or permissive TDY/TAD (not associated with PCS travel) or admitted to hospitals as inpatients under orders away from their designated post of duty shall retain the BAS entitlement they held at their permanent duty station, except that the rate will not be less than SEPRATS.

G. At the completion of basic training, enlisted members although entitled to Partial BAS, are not considered to be performing travel (TDY/TAD or PCS) under orders away from their designated post of duty (including processing) if such member:

1. Is a non-prior service enlisted member serving on a first tour of active duty,

2. Has not actually reported to a permanent duty station pursuant to orders directing such assignment, and

3. Is not actually traveling between stations pursuant to orders directing a change of station.

H. Enlisted members under orders for temporary field assignment, temporary afloat assignment, essential unit messing, or group travel, will retain their BAS (including Partial BAS) and subsistence entitlement which they held at their permanent duty station. NOTE: Enlisted members serving on temporary afloat assignment, receiving Partial BAS and assigned to a private mess, such as an officer's wardroom or chief petty officer's mess, whose subsistence in kind ration entitlement is commuted to that mess, will have the commutation value limited to the difference between SEPRATS and the value of the Partial BAS paid to the member.

I. Enlisted members authorized to mess separately are entitled to full BAS at the SEPRATS rate.

J. Enlisted members serving under conditions where subsistence at government expense is not available, or where it is impracticable to provide subsistence at government expense, are entitled to full BAS at the RIKNA rate, except while on leave or travel.

K. Enlisted members receiving either Partial BAS or SEPRATS are entitled to a supplemental subsistence allowance when conditions are determined to warrant full BAS at the RIKNA rate for specific meals.

L. Officers generally are entitled to full BAS at all times except when in an excess leave status, absent without authority for more than 24 consecutive hours or otherwise not entitled to basic pay.

M. Enlisted members carried in a missing status are entitled to full BAS at the RIKNA rate. (See subparagraph 340302, below.)

N. When members of one or more Military Service perform duty under similar conditions at installations or are assigned to activities within the same area, the commanders will confer to ensure uniform determinations on the authorization of BAS. If commanders of more than one Service cannot agree on a uniform BAS rate, the senior officer within the area will report the differences, fully documented, through channels to the Secretary of Defense.

O. When members of more than one Service perform duty at an installation, the installation commander shall make the BAS determination. Such determinations are binding on all DoD personnel performing duty at that installation.

P. Military members may not receive a full BAS (SEPRATS, RIKNA, EMRATS or officer BAS) and meals or rations at no charge for the same period of service. Members in receipt of any type of full BAS shall pay for meals and rations. This is a personal obligation of the individual. Meals or rations may be paid for with cash (including smart card deduction), by payroll deduction or by collection/reduction of travel per diem to which otherwise entitled. Meals or rations provided by or on behalf of the government shall be charged and paid for at the rate set by the Under Secretary of Defense (Comptroller). Meals furnished by commercial air carriers (including Air Mobility Command charter flights) are not meals furnished by a government mess or on behalf of the government.

250202. Determinations of Duty Under Emergency Conditions. Authorizations for BAS at the EMRATS rate may be granted only with the approval of the Secretary of the Military Department concerned (or designee). This approval authority may not be redelegated.

A. Authorizations. Authorizations may be made for periods not to exceed 180 days. In approving original and subsequent authorizations, practicability and cost of establishing government messing or contract facilities must be considered.

B. Request for Approval. Requests for authorization approvals are submitted through channels to the applicable office below.

1. Army: Deputy Chief of Staff for Personnel (ATTN: DAPE-PRR-C), 300 Pentagon, Washington DC 20310-0300

2. Navy: Chief of Naval Operations, ATTN: N-130, 2 Navy Annex, Washington DC 20370-2020

3. Air Force: HQ USAF/DPRC, 1040 Air Force Pentagon, Washington DC 20330-1040

4. USMC: Commandant of the Marine Corps (MPP), Washington DC 20380-0001

250203. Determinations of Nonavailability and Impracticability

A. When a Government Mess Is In Fact Not Available. The installation commander will determine if rations in kind are not available for enlisted members performing duty at that installation.

B. When Location of Government Mess Makes Its Use Impracticable. Commanding officers shall determine when the location of a government mess, in relation to members' posts of duty, makes its use impracticable. See paragraph 250201, above, and Table 25-2 for policy guidance and rules for making such determinations.

C. When Mission Prevents Use of Government Mess. A determination of impracticability may be made by the Secretary of the Military Department concerned (or designee) for enlisted members whose assigned duties are such that use of a government mess would adversely affect their mission. Address recommendations for such determinations to the cognizant office listed in subparagraph 250202.B, above.

D. When Duty Prevents Use of Mess. Commanders or their designees may determine if assigned duties or unusual work hours prevent those members from eating certain meals in a government mess. See Table 25-4, rules 5 and 6 for criteria.

250204. Authorization To Mess Separately

A. Military Service regulations may provide automatic blanket authorization for enlisted members in pay grades E-7 and above and for enlisted members in pay grades E-1 and above who are residing with their dependents (except basic trainees). This includes members married to members, with no dependents, who reside together at the permanent station. In addition, members authorized single rate basic allowance for housing are authorized to mess separately. Such authorizations are in effect continuously except as provided in paragraph 250302, below, or in the applicable Service regulation.

B. Military Service regulations may permit commanders (including an enlisted commandant of a non-commissioned officer (NCO) academy) to grant authorization to mess separately to enlisted members based on factors such as: location of a member's residence, specialized duties, working hours, dining hall capacity, or distance to the mess hall. These factors are guidelines and should not be construed as all encompassing. Additional extenuating factors deemed appropriate by commanders (including an enlisted commandant of an NCO academy) may also be considered. Each application should be considered on its own merit.

C. The following is a list of applicable Military Service regulations:

1. Army Members. Authorization to mess separately will be made in accordance with ALARACT message 061/98.

2. Navy and Marine Corps Members. Authorization to mess separately will be made in accordance with the Naval Military Personnel Manual (reference (an)) or the current edition of Marine Corps Order 10110.33 (reference (ao)).

3. Air Force Members. Authorization to mess separately will be made in accordance with DFAS-DE 7073.1-M and DFAS-DE 7073.2-M (reference (ap)).

250205. Review of Determinations. Review of all determinations, except those pertaining to members who have been authorized to mess separately under subparagraph 250204.A,



above, must be made annually or when conditions to entitlement change, or more frequently if necessary pursuant to paragraph 250202, subparagraphs 250203.A and B, and subparagraph 250204.B, above.

Review is to ensure compliance with the policies outlined in this section. When the review shows that existing determinations fail to meet requirements, those determinations will be canceled.

### 2503 CONDITIONS OF ENTITLEMENT

250301. Officers. Generally, officers are entitled to BAS regardless of grade or dependency status. Compute this allowance by the month, as for basic pay. See Table 25-1 for specific conditions of entitlement.

250302. Enlisted. Enlisted members are entitled to BAS on a daily basis. See Tables 25-3 and 25-4 for specific conditions of entitlement.

A. Limitation. Authorization to mess separately cannot cover retroactive periods. However, this does not prevent payment of SEPRATS from the time of an oral authorization by proper authority if the oral approval of the member's request is promptly confirmed in writing.

B. Continuous Entitlements

1. Enlisted members temporarily assigned to duty away from their permanent duty station and entitled to the same BAS they held at their permanent duty station will continue their BAS entitlement without interruption.

2. Enlisted members will continue their BAS entitlement without interruption upon discharge or retirement and reenlistment or recall to active duty at the same station within 24 hours.

3. Enlisted members receiving RIKNA will continue that entitlement without interruption during weekends, holidays, administrative absence, pass, or liberty.

C. Subsistence Allowance-Shore Patrol Duty. Members on sea duty or temporary afloat assignment, who are assigned to temporary shore patrol duty, are performing duty under orders away from their permanent duty station. They receive BAS as for other members on temporary duty. If they are entitled to Partial BAS at their permanent duty station and receive per diem or reimbursement for meals under the JFTR for their shore patrol duty, they become entitled to BAS at the SEPRATS rate. A member on shore duty, who performs shore patrol duty in the area of the permanent duty station, shall be entitled to BAS based upon the same factors used for others performing duties in the vicinity of the permanent duty station.

250303. Prorated and Supplemental Subsistence Allowances

A. Any change among BAS types (see subparagraph 250101.A, above) or between full BAS and subsistence in kind, caused by a status change which extends beyond a single day, shall be credited on a full day basis without being prorated. The appropriate full day entitlements are as follows:

1. An enlisted member shall be entitled to BAS at the SEPRATS rate for any day they are under orders for leave or PCS travel. This includes the day of commencement and day of termination of the status under those orders.

2. An enlisted member entitled to Partial BAS at his or her permanent duty station shall be entitled to BAS at the SEPRATS rate for any day under orders for TDY/TAD (other than TAA, TFA, EUM or group travel) or as a hospital inpatient. This entitlement includes the day of commencement and day of termination of the status under those orders.

3. An enlisted member assigned to permanent sea duty or field duty (over 180 days) shall be entitled to Partial BAS for full days in such status. The member shall be entitled to a full day of BAS, at the rate to which he or she otherwise is authorized, on the day he or she enters and the day he or she terminates permanent sea duty.

4. An enlisted member who changes BAS status (to include termination) at the direction or under permission/direction of a commander, under blanket authority, or at the member's request shall have the entitlement change take effect at the beginning of the day specified.

B. BAS will be supplemented only for individual meals that are missed or not available due to impracticability, duty requirements, or temporary dining facility closure.

2504 BAS RATES

250401. Current rates for full and Partial BAS are in Table 25-5.

250402. Current rates for supplemental BAS are in Table 25-6.

2505 MEAL COLLECTION RATES

250501. Any member receiving a full BAS type must pay for all meals and rations that he or she receives from, or on behalf of, the government. All meals furnished by or on behalf of the U.S. Government will be charged at the rates established annually by the USD (Comptroller).

A. As described in Volume 12, Chapter 19, of this Regulation, the discount meal rate applies to meals and rations provided by or on behalf of the U.S. Government to a member on full BAS and not receiving per diem for subsistence, who is performing duty under the following circumstances:

1. On sea duty or temporary afloat assignment
2. On field duty or temporary field assignment
3. Under group travel
4. Under essential unit messing
5. On a U.S. Government aircraft (passengers or crew)

6. On Joint Task Force (JTF) operations with reduced per diem as specified in the Joint Federal Travel Regulations, paragraph U4800 (when the operation is for purposes other than training and the base sites are temporary installations or the dining facilities are temporary establishments).

B. The standard meal rate applies to meals and rations provided by or on behalf of the government to any member not authorized the discount meal rate. The standard meal rate applies to any member entitled to per diem for subsistence, except those on Joint Task Force Operations as described in subparagraph 250501.A, above.

C. All members receiving any type of full BAS and not on per diem orders, in the following listed categories, shall have the collections for meals deducted from their pay account. The collections will be for full days at the discount meal rate, except that the first and last day will be collected at 25 percent of the discount meal rate. Exception to pay account collection will be made for any meals paid in full by the individual in cash.

1. Sea duty or temporary afloat assignment
2. Field duty or temporary field assignment
3. Group travel
4. Essential unit messing.

D. Generally, in circumstances other than those listed above, members receiving full BAS shall pay for meals in cash or by collection or reduction of subsistence per diem from their travel claims. Members on JTF operations, under per diem travel orders, generally shall have the subsistence portion of their per diem withheld or deducted from their travel reimbursement as payment for meals provided in theater. Members on regular TDY/TAD travel, who receive deductible meals (meals at no cost) shall have the subsistence portion of their per diem reduced as payment for meals provided on behalf of the government.

E. Members being subsisted on behalf of the government, where no other means of collection exists, should have collection for meals made through their pay account at the appropriate rate.

250502. Collections from individual pay accounts, for meals and rations provided by the government or on behalf of the government, shall be credited to the appropriation specified by each Military Service.

| SPECIFIC CONDITIONS OF ENTITLEMENT AND NON-ENTITLEMENT (BAS)-OFFICERS |   |  |                              |
|---|---|--|------------------------------|
| R<br>U<br>L<br>E  | A   | B  | C                            |
|   | When an officer is  | and  | then the officer is          |
| 1   | in a travel status  | is entitled to mileage, travel per diem allowance, or to other monetary allowances | entitled to BAS (note 2)     |
| 2   | on leave  |  |                              |
| 3   | in excess leave status  |  | not entitled to BAS          |
| 4   | sick in hospital  |  | entitled to BAS (note 1)     |
| 5   | subsisted in a government mess or on behalf of the government   |  | entitled to BAS (note 2)     |
| 6   | serving in an active duty status as intern or resident physician or Nurse Corps officer or candidate at a state, county, municipal, or privately-owned hospital   | is furnished meals without charge  | entitled to BAS (note 2)     |
| 7   | a student training on a fellowship, scholarship, grant, or a professor granted an award to teach at a university, etc.  | is furnished meals without charge  | entitled to BAS (note 2)     |
| 8   | training for, attending, or participating in Pan-American Games, Olympic Games, or other specifically authorized international amateur sports competition   | is subsisted during that period by the sponsoring agency                           | not entitled to BAS          |
| 9   | at home or other non-military place awaiting orders in connection with Physical Evaluation Board proceedings  |  | entitled to BAS              |
| 10  | absent without authority for more than 24 hours at any one time   | the absence is not excused as unavoidable  | not entitled to BAS (note 3) |
| 11  | in confinement; awaiting trial by court martial (CM); serving CM sentence to forfeit basic pay but not allowances; serving CM sentence which included total forfeitures, if sentence is set aside and retrial ordered (subparagraph 480902.A) |  | entitled to BAS (note 1)     |

## NOTES:

- Collection for meals furnished in hospital will be prescribed by the regulations of the Service concerned.
- Meals or rations provided by or on behalf of the U.S. Government will be paid for by cash or collection from pay or per diem at the rate specified by the USD (C) (see Table 25-7). Officers shall be charged for all meals and rations available, whether eaten or not, when under orders for field duty or temporary field assignments, essential unit messing, group travel, sea duty or temporary afloat assignment while underway, or when use of meals provided by or on behalf of the U.S. Government is directed by the commander or commanding officer. Meals provided from closed or private messes (e.g. traditional Navy wardroom mess) will be paid in cash by the individual officer at the rate prescribed by the mess treasurer.
- Not entitled to BAS for the same number of days that basic pay is forfeited.

Table 25-1. Specific Conditions of Entitlement and Non-Entitlement (BAS)-Officers

| <b>DETERMINATIONS OF IMPRACTICABILITY FOR USE OF A GOVERNMENT MESS BY ENLISTED MEMBERS</b> |  |  |  |   |
|--|--|--|--|---|
| <b>R<br/>U<br/>L<br/>E</b>   | <b>A</b>   | <b>B</b>   | <b>C</b>   | <b>D</b>  |
|  | <b>If</b>  | <b>and</b>   | <b>and</b>   | <b>then</b>   |
| <b>1</b>   | cost of providing the member transportation (government or commercial) between duty and mess would exceed rations in kind not available rate less the when permitted to mess separately rate |  |  | use of the government mess may be determined impracticable, subject to rules 4 and 5 (note 1)   |
| <b>2</b>   | time between mess and post of duty is 30 minutes or less each way by government transportation   | there are no other extenuating circumstances   |  | determination of impracticability normally will not be made. When time between mess and post of duty is more than 30 minutes, or there are extenuating circumstances, apply rule 3 below (note 1)                             |
| <b>3</b>   | assigned duties of members are such that use of government mess would adversely affect their mission   |  |  | impracticability determination may be made by the Secretary of the Military Department concerned, (or designee), irrespective of other factors. Limit BAS to that authorized by Table 25-4, rule 4. See subparagraph 250203.C |
| <b>4</b>   | member regularly performs duty outside a military installation (such as in a downtown office building)   |  | messing facilities are available on base and normally used by members at this station  | impracticability determination will not be made for full rations in kind not available rate. Limit BAS to that authorized by Table 25-4, rule 5 or 6  |
| <b>5</b>   | member lives in contract quarters at other than a government installation  | member regularly performs duty at a government installation where mess is available and quarters are not available to single members | cost of providing the member transportation (government or commercial) between contract quarters assigned at other than a government installation mess would exceed the difference between the rations in kind not available rate and the when permitted to mess separately rate | determination of impracticability may be made for periods of off-duty (note 2)  |

## NOTES:

1. Time and cost factors need not be applied for the noon meal when enlisted member's place of duty is not a military or naval installation.
2. A member is not entitled to BAS at the rations in kind not available rate during periods of leave, hospitalization, or travel status.

**Table 25-2. Determinations of Impracticability for Use of A Government Mess By Enlisted Members**

| <b>BAS ENTITLEMENT-ENLISTED MEMBERS-TRAVEL STATUS, LEAVE, HOSPITALIZATION AND OTHER SPECIAL CIRCUMSTANCES</b> |  |  |   |
|---|--|--|---|
| <b>R<br/>U<br/>L<br/>E</b>  | <b>A</b>   | <b>B</b>   | <b>C</b>  |
|   | <b>When enlisted member is</b>   | <b>and member is</b>   | <b>then the rate of BAS is (see Table 25-5 for rates)</b>   |
| <b>1</b>  | in a regular TDY/TAD travel status (notes 1, 2, and 3)   | not required by regulation to be subsisted in kind at no cost (see subparagraphs 250201.E and F) | the same to which entitled at their permanent duty station, but not less than when permitted to mess separately (SEPRATS) (note 4)          |
| <b>2</b>  | in a PCS travel status (note 3)  |  | the rate when permitted to mess separately (SEPRATS) (note 4)   |
| <b>3</b>  | under orders for temporary field assignment, temporary afloat assignment, essential unit messing; or group travel (note 3)                               | directed to use meals or rations made available by or on behalf of the U.S. Government           | the same to which entitled at their permanent duty station  |
| <b>4</b>  | training for, attending or participating in Pan American games, Olympic games, or other specifically authorized international amateur sports competition | subsisted during that period by sponsoring agency  | none  |
| <b>5</b>  | on proceed time (note 3)   |  | the rate when permitted to mess separately (SEPRATS) rate.  |
| <b>6</b>  | on authorized leave, including delay en route chargeable as leave  |  | the rate when permitted to mess separately (SEPRATS) rate (notes 4 and 6).  |
| <b>7</b>  | sick in hospital   |  | the same to which entitled at their permanent duty station, but not less than the rate when permitted to mess separately (SEPRATS) (note 6) |
| <b>8</b>  | in excess leave status   |  | none  |
| <b>9</b>  | in an unauthorized absence status  |  | none (note 5)   |
| <b>10</b>   | confined in a guardhouse, brig, correctional barracks, or penal institution  |  | none (note 7)   |

## NOTES:

- Members are entitled to BAS at the rate authorized at their permanent duty station for the periods of authorized travel in connection with hospitalization and convalescent leave.
- Includes TDY/TAD under permissive orders.
- Meals or rations provided by or on behalf of the U.S. Government will be paid for by cash or collection from pay or per diem at the rate specified by the USD(C) (see Table 25-7). Enlisted members receiving full BAS (SEPRATS, RIKNA or EMRATS) will be charged for all meals and rations available, whether eaten or not, when under orders for temporary field or temporary afloat assignments, essential unit messing, group travel, or when use of meals provided by or on behalf of the U.S. Government is directed by the commander or commanding officer. An enlisted member is not entitled to full BAS if furnished meals without charge.
- Members receiving overseas cost of living allowance may continue to receive such in addition to BAS while on leave outside the United States, or in Alaska, or Hawaii.
- Enlisted members receiving BAS forfeit 1 day's BAS for each day of unauthorized absence.
- Members will pay for meals eaten in a government mess, or furnished by the hospital, either by cash or by collection from pay in accordance with the regulations of the Service concerned.
- If sentence to confinement is later disapproved or set aside, Partial BAS is payable for the period of confinement because the member was subsisted at government expense.

**Table 25-3. BAS Entitlement-Enlisted Members-Travel Status, Leave, Hospitalization and Other Special Circumstances**

| BAS ENTITLEMENT-ENLISTED MEMBERS-PERMANENT STATION |   |   |  |  |  |  |
|--|---|---|--|--|--|--|
| R<br>U<br>L<br>E                                   | A   | B   | C  | D  | E  |  |
|  | When enlisted member is   | and rations in kind are   | and proper authority has   | and member is  | then, daily rate of BAS is (see Table 25-5 for rates)  |  |
| 1  | at permanent station (note 5)   | furnished by or on behalf of the U.S. Government without charge to member |  |  | Partial  |  |
| 2  |   | available but not furnished   | granted permission to mess separately  |  | rate when permitted to mess separately (SEPRATS)   |  |
| 3  |   | in fact not available   | made determination of non-availability   |  | rate for rations in kind not available (RIKNA) (notes 1 and 7)   |  |
| 4  |   | available but impracticable to furnish (note 2)                           | made determination of impracticability   |  | rate for rations in kind not available (RIKNA) (note 1)  |  |
| 5  | assigned working hours or duties which prevent member from eating certain meals in a government mess  | available and furnished for other meals                                   | made determination of impracticability under provisions of Table 25-2 and approved payment for specified meals   | not entitled to travel per diem or mileage allowance | Partial rate plus supplemental allowance for each such meal (subparagraph 250102.I)                        |  |
| 6  | assigned working hours or duties which require member to buy a meal or meals from other than a government mess  | available but not furnished for other meals                               | made determination of impracticability under provisions of Table 25-2; granted permission to mess separately; and approved payment for specified meals |  | rate when permitted to mess separately (SEPRATS) plus supplemental allowance for each meal (notes 1 and 3) |  |
| 7  | assigned to duty under emergency conditions with extraordinary subsistence expense  | in fact not available   | approved authorization for emergency ration rate   |  | emergency rations (EMRATS) rate  |  |
| 8  | at home or other non-military place awaiting orders in connection with Physical Evaluation Board proceedings  | not available   |  |  | The rate for rations in kind not available (RIKNA) (notes 1 and 4)   |  |
| 9  | serving on sea duty   | available in a shore mess but not furnished                               | granted permission to mess separately  |  | The rate when permitted to mess separately (SEPRATS)   |  |
| 10   |   | available and furnished   |  |  |  | Partial                                    |
| 11   |   | not available (note 6)  |  |  |  | rations in kind not available (RIKNA) rate |
| 12   | at home or other non-military place awaiting assignment orders, subsequent to separation as a Service Academy Cadet or Midshipman prior to completion of the 4-year program | not available   |  |  |  |  |

Table 25-4. BAS Entitlement-Enlisted Members-Permanent Station



## NOTES:

1. A member is not entitled to BAS at the rations in kind not available rate during periods of authorized leave, or PCS travel status.
2. This rule applies only to those cases where the impracticability determination is made under Table 25-2, rule 3. BAS at the rations in kind not available rate is not authorized for periods of absence, pass, or liberty. BAS at the rate when permitted to mess separately rate should be paid for these off-duty periods if permission to mess separately has been granted.
3. Entitlement begins on actual or constructive date of arrival home or other designated place, whichever date is earlier. (Compute constructive arrival date via authorized transportation mode based upon the rules and provisions of the JFTR, volume 1.
4. For the purpose of BAS entitlement, the permanent station is that station where the dining facility is located. (Does not apply if there is no dining facility in the immediate geographic area.)
5. Applies when shipboard mess is closed while undergoing alterations, repairs or inactivation of ship, and rations are also not available in a shore mess.
6. All enlisted members, including those authorized to mess separately, are entitled to RIKNA whenever rations in kind are in fact not available, including periods when messing facilities are closed for one or more meals during a day.

**Table 25-4. BAS Entitlement-Enlisted Members-Permanent Station (Continued)**

| <i>STANDARD BAS RATES (effective January 1, 2000)</i> |   |  |   |  |
|---|---|--|---|--|
| <i>R<br/>U<br/>L<br/>E</i>                            | <i>A</i>                                | <i>B</i>   | <i>C</i>  | <i>D</i>   |
|   | <i>When the entitled type of BAS is</i> | <i>then the daily rate of BAS for an enlisted member in pay grade E-1 (with less than 4 months active duty) is</i> | <i>and the daily rate of BAS for an enlisted member in pay grades E-1 through E-9 (with over 4 months active duty) is</i> | <i>and the monthly rate of BAS for an officer is</i> |
| <i>1</i>  | <i>Partial</i>                          | <i>.85</i>   | <i>.85</i>  | <i>N/A</i>   |
| <i>2</i>  | <i>SEPRATS</i>                          | <i>7.00</i>  | <i>7.58</i>   | <i>N/A</i>   |
| <i>3</i>  | <i>RIKNA</i>                            | <i>7.89</i>  | <i>8.54</i>   | <i>N/A</i>   |
| <i>4</i>  | <i>EMRATS</i>                           | <i>10.46</i>   | <i>11.32</i>  | <i>N/A</i>   |
| <i>5</i>  | <i>Full Officer</i>                     | <i>N/A</i>   | <i>N/A</i>  | <i>158.83</i>  |

★Table 25-5. Standard BAS Rates (IC 02-00)

| <i>SUPPLEMENTAL BAS RATES (effective January 1, 2000)</i> |   |  |   |  |
|---|---|--|---|--|
| <i>R<br/>U<br/>L<br/>E</i>                                | <i>A</i>                                | <i>B</i>   | <i>C</i>  | <i>D</i>   |
|   | <i>When the entitled type of BAS is</i> | <i>and the member becomes entitled to RIKNA by having obtained approval for supplemental BAS for a missed meal at (Note 1)</i> | <i>then the supplemental rate of BAS for that meal for an enlisted member in pay grade E-1 (with less than 4 months active duty) is</i> | <i>and the supplemental rate of BAS for that meal for an enlisted member in pay grades E-1 through E-9 (with over 4 months active duty) is</i> |
| <i>1</i>  | <i>Partial</i>                          | <i>breakfast</i>   | <i>1.42</i>   | <i>1.55</i>  |
| <i>2</i>  |   | <i>lunch</i>   | <i>2.81</i>   | <i>3.07</i>  |
| <i>3</i>  |   | <i>dinner</i>  | <i>2.81</i>   | <i>3.07</i>  |
| <i>4</i>  | <i>SEPRATS</i>                          | <i>breakfast</i>   | <i>.19</i>  | <i>.20</i>   |
| <i>5</i>  |   | <i>lunch</i>   | <i>.35</i>  | <i>.38</i>   |
| <i>6</i>  |   | <i>dinner</i>  | <i>.35</i>  | <i>.38</i>   |

NOTE: See Table 25-4, rules 3, 5 and 6.

★Table 25-6. Supplemental BAS Rates (IC 02-00)

| <b>MEAL COLLECTION RATES (effective October 1, 1998) (Note 1)</b> |  |                                 |                                    |
|---|--|---------------------------------|------------------------------------|
| <b>R<br/>U<br/>L<br/>E</b>  | <b>A</b>   | <b>B</b>                        | <b>C</b>                           |
|   | <b>When a member receiving full BAS also receives subsistence</b>            | <b>and the meal received is</b> | <b>then the collection rate is</b> |
| <b>1</b>  | from an appropriated fund dining facility at the discount meal rate (Note 2) | breakfast                       | 1.25                               |
| <b>2</b>  |  | lunch                           | 2.45                               |
| <b>3</b>  |  | dinner                          | 2.45                               |
| <b>4</b>  |  | daily total                     | 6.15                               |
| <b>5</b>  | from an appropriated fund dining facility at the standard meal rate (Note 3) | breakfast                       | 1.50                               |
| <b>6</b>  |  | lunch                           | 3.00                               |
| <b>7</b>  |  | dinner                          | 3.00                               |
| <b>8</b>  |  | daily total                     | 7.50                               |

## NOTES:

1. Collections from pay under this table will be made only when a member is in receipt of a full BAS type and has not otherwise paid for meals provided at government expense (i.e., by cash, by personal check or charge, or by deduction/reduction of per diem). Collections from pay will be deducted from the member's pay account and credited to the appropriation specified by the Military Service concerned.
2. The discount meal rate applies to meals and rations provided by or on behalf of the U.S. Government to a member on full BAS (not entitled to per diem or other travel reimbursement for subsistence) who is performing duty in a U.S. Government vessel, a U.S. Government aircraft, on maneuvers, war games, field exercises, or similar operations, in a group travel status, or under essential unit messing. The discount meal rate also applies to meals and rations provided to a member assigned to Joint Task Force operations (for other than training) at temporary U.S. installations, or through a temporary dining facility. Meals furnished on behalf of the government means any meals or rations provided to a member receiving basic pay who receives subsistence free of personal charge from any source other than the government of the United States, or the treasury of a municipality or county or State within the U.S. and includes contractors, foreign governments, fellowships, grants, intern programs and other such sources.
3. The standard meal rate applies to meals and rations provided to any member not authorized the discount meal rate. This includes any member entitled to per diem for subsistence, except those on Joint Task Force Operations as described in note 2. Generally, when the standard meal rate is applicable, it will be collected, in cash from the member, by the dining facility.

**Table 25-7. Meal Collection Rates**

## Chapter 25—Basic Allowance for Subsistence (BAS)

## 2501—General Provisions

|          |   |
|----------|---|
| 250101   | 37 U.S.C. 402(a)<br>Part III, EO 11157,<br>June 22, 1964,<br>as amended |
| 250101.A | 37 U.S.C. 402(b)  |
| 250101.B | 37 U.S.C. 402(c)  |
| 250102   | EO 11157, June 22, 1964,<br>as amended                                  |
| 250102.H | EO 12935, Oct 28, 1994  |

## 2502—BAS Policy and Determinations Responsibility

|          |  |
|----------|--|
| 250201.B | 37 U.S.C. 402(b)<br>OASD Memo, Aug 26, 1981<br>37 U.S.C. 402 (e)(2)<br>37 U.S.C. 404 (b)(2)<br>37 U.S.C. 404 (f)(3)<br>37 U.S.C. 404 (g) |
| 250201.C | OASD(FM&P)(RM&S)<br>Memo, June 15, 1989  |
| 250201.F | 52 Comp Gen 23   |
| 250203.A | 42 Comp Gen 558  |
| 250204   | OASD(FM&P)(RM&S)<br>Memo, June 15, 1989<br>OASD(MPP) Memo,<br>Nov 14, 1994   |
| 250206   | OUSD(C) Memo,<br>Apr 4, 1995   |
| 250207   | OUSD(P&R) Memo,<br>Sep 30, 1994<br>OUSD(C) Memo,<br>Apr 4, 1995<br>JFTR Vol 1 JD 94016   |

## 2504—Enlisted Members Conditions of Entitlement

|            |                                       |
|------------|---------------------------------------|
| 250401.B.4 | MS Comp Gen B-130033,<br>Jan 29, 1957 |
| 250406     | 37 U.S.C. 402<br>37 U.S.C. 1009       |

|             |   |
|-------------|---|
| 250407B     | 32 Comp Gen 352   |
| Table 25-1  |   |
| Rule 1      | 37 U.S.C. 402(c)  |
| Rule 6      | 29 Comp Gen 163   |
| Rule 7      | 30 Comp Gen 246   |
| Rule 9      | 37 U.S.C. 419(c)  |
| Rule 12     | 2 Comp Dec 300<br>MS Comp Gen B-160588,<br>Mar 10, 1967                             |
| Rule 13     | DoD Directive 1322.6,<br>Aug 4, 1981<br>10 U.S.C. 2603, 4341, 9341<br>5 U.S.C. 5536 |
| Table 25-4  | EO 11157, June 22, 1964,<br>as amended  |
| Rule 8      | 32 Comp Gen 348   |
| Note 1      | 48 Comp Gen 301   |
| Table 25-5  |   |
| Rules 1 & 6 | 37 U.S.C. 402(b)<br>OASD Memo, Aug 26, 1981   |
| Rules 2 & 3 | 37 U.S.C. 419(c)  |
| Note 4      | OASD Memo, Aug 26, 1981   |
| Table 25-6  |   |
| Rules 1 & 2 | 37 U.S.C. 402(b)<br>OASD Memo, Aug 26, 1981   |

**SUMMARY OF MAJOR CHANGES TO CHAPTER 26**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE DUTY**

**New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.**

| <b>Page</b>  | <b>Paragraph</b>  | <b>Explanation of Change/Revision</b>   | <b>Effective Date</b> |
|--|---|---|-----------------------|
| 26-13  | 260302.H,<br>Bibliography   | IC 30-98 pertains to the assignment to Government Quarters When a Member is Required to Pay the lessor of the Private Quarters. | Aug 13, 1998          |
| 26-44<br>through<br>26-47  | Table 26-9  | IC 1-99 pertains to Basic Pay and Basic Allowances for Subsistence Increase.  | Jan 1, 1999           |
| 26-3, 4<br>26-8,<br>26-9,<br>26-13,<br>26-15,<br>26-15,<br>26-18,<br>26-24 | 260109,<br>260205.B.15<br>260301.C & D,<br>260304.D & E,<br>260402.B.2,<br>260402.B.3,<br>260406.F,<br>260418 | IC 14-99 pertains to Basic Allowance for Housing.   | Apr 20, 1999          |
| 26-51  | Table 26-12   | IC 41-99 pertains to Basic Allowance for Housing Type II.   | Jan 1, 2000           |
| 26-50  | Table 26-12   | IC 14-00 corrects the Basic Allowance for Housing Differential Rates in IC 41-99.   | Jan 1, 2000           |
| 26-49  | Table 26-12   | IC 22-00 implement the new Basic Allowance for Housing Differential Rates effective July 1, 2000.                               | Jul 1, 2000           |

*Interim Changes 30-98, 1-99, 14-99, 41-99, 22-00 are incorporated in this change. Interim change 22-00 supercedes IC 14-00.*

## CHAPTER 26

### **BASIC ALLOWANCE FOR HOUSING (BAH)**

#### 2601 GENERAL PROVISIONS

260101. **BAH Entitlements.** Effective January 1, 1998, in general, BAH provides to members a monthly allowance for housing. This allowance is authorized for members with and without dependents. BAH is intended to pay only a portion of housing costs. BAH will consist of BAH-I, BAH-II, BAH Difference (BAH-DIFF), Partial BAH, Overseas Housing Allowance (OHA), and Family Separation Housing (FSH). BAH-I consists of the former allowances known as basic allowance for quarters (BAQ) and variable housing allowance (VHA). BAH-II replaced BAQ, and BAH difference is the difference between the with and without dependents rates of BAH-II. FSH is the former allowance known as family separation allowance (FSA) Type I. See Web site for housing rates ([www.dtic.mil/perdiem](http://www.dtic.mil/perdiem)).

A. BAH is payable to members on active duty and will vary according to the grade in which serving or appointed for basic pay purposes, dependency status, and the permanent duty station (PDS) assigned (except as otherwise provided in section 2605).

B. A member's old PDS is the PDS for BAH purposes from the day the member departs the old PDS through the day before the member reports to the new PDS in compliance with permanent change of station (PCS) orders (if the member had been residing in government quarters at the old PDS, the member is entitled to BAH the date of termination of government quarters). See Tables 26-9 and 26-11 for further guidance.

C. BAH is not payable to members who are assigned to quarters of the United States appropriate to the grade, rank, or rating of the member and adequate for the member and dependents, if with dependents. A member is not entitled to a basic allowance for housing except as provided in paragraphs 260106, 260201, 260202, 260301, 260302, or 260303.

D. All determinations of dependency and relationships are made by the Defense Finance and Accounting Service (DFAS) (secondary dependents and doubtful primary dependents), Secretary of the Department concerned (primary dependents) or by persons designated by the Secretary. The designee may redelegate this authority.

E. BAH rates are determined as set forth in paragraph 260107. BAH-II rates are established by the Secretary of Defense. BAH-II is the housing allowance entitlement for members not specifically entitled to BAH-I in some cases.

F. OHA rates are determined by the Per Diem Travel and Transportation Allowance Committee. See Web site for published OHA Rates ([www.dtic.mil/perdiem](http://www.dtic.mil/perdiem)).

260102. Determining Dependency or Relationship for BAH Entitlements—Army and Air Force Personnel. Determinations are made by offices shown in Table 26-1.

260103. Determining Dependency or Relationship for BAH Entitlements—Navy and Marine Corps Personnel. Determinations are made by offices shown in Table 26-2.

260104. Fraudulent Claims. Any member who submits a claim for BAH which contains false statements is subject to court-martial or criminal prosecution. In addition, fraudulent acceptance of benefits may cause a civilian recipient to be subject to criminal prosecution. The law provides for severe penalties of imprisonment and a fine. For military personnel, it can include dishonorable separation, total forfeitures, and confinement.

260105. Government Quarters - Responsibility for Assignment or Termination of Assignment.

A. Assignment of Government Quarters. The base or installation commander assigns and terminates quarters. The commander also determines when quarters are “adequate” and “suitable” for assignment. Government quarters or housing facilities under control of the Uniformed Services are considered assigned, suitable, and adequate whenever occupied by a member at the permanent station without payment of rental charges. This includes quarters furnished a member without charge:

1. By an organization or institution on behalf of the United States.
2. By a foreign government for the member’s official use.
3. When jointly assigned to one or more members without dependents.

NOTE: A member is still considered assigned to government quarters when the member voluntarily vacates assigned quarters without approval of the installation commander. (Grade E-7 and above, without dependents, may elect not to occupy assigned quarters unless denied permission by the Secretary concerned; see paragraph 260201.)

B. BAH for Date of Assignment of Quarters. Except when a member is entitled to BAH in accordance with Tables 26-3, 26-4, and 26-5, BAH continues to accrue through the day before the date a member is assigned government quarters or begins to occupy government quarters at the permanent station.

C. BAH for Date of Termination of Quarters. BAH accrues from the date the assignment to government quarters is terminated or the date that quarters are vacated as indicated in Tables 26-3 through 26-6.

260106. Occupancy of Rental Quarters at a Service Academy. A member is entitled to BAH while renting quarters in a hotel on the grounds of a Service Academy.



260107. Establishment of BAH-I Rates.A. BAH-I Rates.

1. The Secretary of Defense determines the costs of adequate housing in a Military Housing Area (MHA) for all members of the uniformed services entitled to BAH-I by location. The determination for housing allowances is based upon the costs of adequate housing for civilians with comparable income levels in the same area.

2. An adjustment in the rates of BAH-I as a result of the Secretary's redetermination of housing costs in a MHA takes effect on January 1 of every year.

3. The amount paid for BAH-I the preceding year is adjusted to reflect changes during the year. This process accounts for the number of members, grade distribution, geographic distribution, base closures, Unit/Command movements and dependency status of members of the uniformed services entitled to the allowance from the number of such members during the preceding year.

B. BAH-I Rate Protection. The monthly BAH-I amount actually paid a member (i.e., BAH-I Rate Protection) shall not be reduced as a result of changes in housing costs in the MHA, changes in the national monthly cost of housing, or promotion of the member. A member's BAH-I rate protection at the current amount will cease on the date the member's eligibility to BAH-I for a given MHA terminates, if the member is demoted, or loses entitlement to BAH-I at the with dependents rate. The current BAH-I rate at the current duty location becomes the member's new protected BAH-I rate.

260108. Allowance for Quarters to Surviving Dependents. For payment of basic allowance for housing to surviving dependents of members who die while on active duty, see section 3603 of this regulation.

260109. Advance of Housing Allowances.

A. Entitlement. Effective April 20, 1999, when allowed by Service regulations, a member's commanding officer, the commanding officer's designated representative, or another designated official may authorize an advance payment of BAH to pay advance rent, security deposits, and/or initial expenses incident to occupying other than government housing. The advance may be made at any time during a member's tour at the station concerned. It also may be authorized when a member has located housing incident to PCS orders. Normally, the advance shall not be disbursed more than 3 working days before the date payment under the lease or rental agreement must be made. Officers listed herein may authorize disbursement, in extenuating circumstances, more than 3 working days before the date payment must be made. The member must request the advance payment within 30 days after incurring the expense(s). Housing expenses will be documented to include copies of the lease, utility company statement and any other pertinent documentation available. Expenses identified by a member that will be used in the purchase of any real estate or living accommodations shall

not be considered as a basis for authorizing or determining the amount of the advance.

B. Amount. The amount to be advanced will be determined based on the member's current prescribed BAH rate. The member's ability to repay the advance, considering other advances of pay which may have been made and any recurring pay deductions, will be considered in determining the amount of the advance. In no case shall the advance payment of BAH exceed a total of 3 months BAH expected to be accrued by the member.

C. Liquidation. Liquidation of the advance should be at a rate of not less than equal monthly installments of one-twelfth of the amount advanced, per month for the next 12 months. Collection action should begin on the first day of the month after payment of the advance has been made. When justified by the member and authorized by the member's commanding officer, the commanding officer's designated representative, or another service-designated official, the beginning of collection action may be postponed for up to 3 months after the advance is made. Repayment may be spread over a period of more than 1 year, but not to exceed 24 months or the member's tour at the station concerned. Action to recoup in a lump sum any advance made under this paragraph that has been returned to the member by the landlord must be taken immediately upon receipt of information that the member has vacated the housing for which the advance was made. Any balance of an advance not returned by the landlord may be liquidated in monthly installments, if desired by the member, for a period over the balance of the months remaining on the existing loan repayment schedule.

D. Administrative Instructions. Each Service concerned shall prepare regulations for the administration of the payment of an advance BAH to include the preparation and disposition of vouchers and supporting papers.

E. Special Circumstances. An advance payment of BAH is authorized in circumstances and conditions other than those under subparagraph A, when authorized by the Secretary concerned or designee. Liquidation procedures for advances under this subparagraph shall be prescribed by Service regulations.

F. Advances of Overseas Housing Allowance (OHA). Advances of OHA may be authorized under the terms and conditions in the JFTR, Chapter 9 (reference (d)).

## 2602 MEMBERS WITHOUT DEPENDENTS

### 260201. Entitlements.

A. General. Members without dependents who are entitled to basic pay are entitled to BAH-I as set forth in Table 26-3. Members without dependents in pay grades E-7 and above may elect at any time not to occupy government quarters at the permanent station and become entitled to BAH-I unless the Secretary concerned or designee has determined that the member's exercise of this option would adversely affect a training mission, military discipline, or readiness. See Table 26-3, rules 6 through 8, for BAH-I entitlements while on field or sea duty.

B. Members in Pay Grade E-6 not on Sea Duty. Effective on or after July 1, 1996, a member without dependents who is in pay grade E-6 and who is assigned to quarters of the United States that do not meet the minimum adequacy standards established by the Department of Defense for members in such pay grade, or to a housing facility under the jurisdiction of a Uniformed Service that does not meet such standards, may elect not to occupy such quarters or facility and instead to receive the BAH-I prescribed for the member's pay grade. The Secretary concerned, or the designee, may deny BAH-I on determining that the member's exercise of this option would adversely affect a training mission, military discipline, or readiness.

C. Members on Sea Duty. See Table 26-3, rule 8, for BAH-I entitlements while on sea duty.

1. Members without dependents in grade E-5 assigned to sea duty. On or after July 1, 1997, under Service regulations, the Secretary concerned may authorize the payment of BAH-I to a member without dependents who is serving in pay grade E-5 and is assigned to sea duty. In prescribing regulations under this subparagraph, the Secretary concerned shall consider the availability of quarters for members serving in pay grade E-5.

2. Member married to member in grades below E-6 and both are assigned to sea duty. On or after July 1, 1997, two members of the Uniformed Services in a pay grade below E-6 who are married to each other, have no other dependents, and are simultaneously assigned to sea duty are jointly entitled to one BAH-I allowance during the period of such simultaneous sea duty. The amount of the allowance shall be based on the without dependents rate for pay grade of the senior member of the couple. However, this subparagraph shall not apply to a couple if one or both of the members are authorized BAH-I identified in subparagraph 260201.C.1 above.

260202. Uninhabitable Quarters Aboard Ship.

A. A Navy officer may be reimbursed for expenses (not to exceed the total of the BAH-II of a member of the same grade without dependents) incurred in obtaining quarters when the Secretary of the Navy or designee certifies that:

1. Such an officer is prevented from occupying quarters assigned aboard a ship on which the officer is serving on sea duty because such quarters are uninhabitable due to repairs, overhaul, conversion, or other conditions;

2. Government quarters are not available; and

3. The hire of quarters is not practicable. An officer may not be reimbursed for expenses under the conditions of this paragraph when such officer is entitled to BAH or when the officer can reside with dependents who are living in the area of the ship's location. An officer's dependents are living in the area of the ship's location when the residence is within a distance of 50 Miles (or 1-1/2 hours travel time), one-way, of such location or the officer actually commutes daily, regardless of distance. The term "commutes daily" excludes

duty periods when the officer is required to remain aboard or within close proximity to the ship. See paragraph 270203 for application of the distance and travel time restriction.

B. Request for reimbursement for expenses in place of quarters must be approved by OPNAV (N130).

C. The certification may be signed by the supervisor of shipbuilding of any shipyard or drydock where United States naval ships are undergoing repair or conversion.

260203. Reserve Component Members.

A. Duration of Orders. Reserve Component members called or ordered to active duty for 139 days or less are entitled to BAH-II, except as provided in subparagraph B below. However, if the member receives an order modification or extension of assignment, the prospective period of active duty must be 140 days or more and BAH-I would start on the date of modification. Members called or ordered to active duty for 140 days or more are entitled to BAH-I.

B. Contingency Operations. A reserve component member called or ordered to active duty in support of a contingency operation (other than a member who is authorized transportation of household goods as a part of the call or order) is entitled to BAH-I, if the member is unable to continue to occupy the primary residence because of the call or order to active duty. This applies when the residence is maintained as the primary residence of the member when called or ordered to active duty and is owned by the member or for which the member is responsible for rental payments.

C. Member Married to Member. Unless subparagraph B above applies, a reserve member married to another reserve member on active duty, without dependents, not assigned to government quarters, is entitled to single rate BAH-II, when called to active duty for 139 days or less. For such a reserve member on active duty for 140 days or more, each member is entitled to single rate BAH-I. If such members have dependents, see section 2603 for entitlement to BAH.

D. See Table 26-11 for the location rate of BAH payable for reserve members entitled to BAH. In addition, see paragraph 570502 for Reserve members.

260204. Missing Status. Members without dependents carried in a missing status are entitled to BAH-I at the without dependent rate. (See paragraph 340302.)

260205. Partial BAH Entitlement.

A. Partial Rates. A member without dependents who is assigned to single-type quarters or is on field or sea duty, and is not entitled to receive a BAH, is entitled to partial BAH at the rates provided in Table 26-12.

B. Conditions.

1. A member without dependents assigned to single-type adequate government quarters at the permanent station and entitled to partial BAH who is subsequently sick in a hospital (no PCS involved), continues to be entitled to partial BAH while hospitalized.

2. Except as provided in subparagraphs 260201.B and C, a member without dependents in grade E-6 or below who is offered an assignment of adequate government quarters, or is assigned government quarters but elects not to occupy such quarters and resides in private quarters at own expense, is assigned to government quarters and not entitled to BAH. Therefore, such member is entitled to partial BAH.

3. Partial BAH is not authorized during proceed time, leave en route, or travel time on PCS unless member is assigned to single-type government quarters and not entitled to BAH.

4. Member married to another member who has no dependents other than the spouse is entitled to partial BAH when assigned to single-type government quarters and is not entitled to BAH. However, such members assigned to family-type government quarters are not entitled to partial BAH.

5. A member occupying single-type government quarters whose dependents reside in family-type government quarters, is not entitled to BAH and therefore, is entitled to partial BAH, provided the family quarters are not assigned under the member's eligibility.

6. A single member without dependents is not entitled to partial BAH when assigned to family-type government quarters.

7. A Navy officer without dependents on sea duty, being reimbursed under paragraph 260202 for the expense incurred for quarters, when the quarters aboard ship are uninhabitable, is entitled to partial BAH.

8. Member without dependents confined in a guardhouse, brig, or correctional barracks who was assigned to single-type, government quarters before confinement and remains assigned to such quarters during confinement is entitled to partial BAH unless forfeiture of allowances was directed.

9. Member without dependents who is restrained in a status of arrest in assigned single-type government quarters, and therefore not entitled to BAH, is entitled to partial BAH unless forfeiture of allowances was directed.

10. Member without dependents permanently assigned to a hospital for treatment and assigned quarters in the hospital is entitled to partial BAH.

11. Member married to another member, neither having other dependents, who is assigned to sea duty and occupies government family quarters assigned to the spouse when vessel is in port, is a member without dependents assigned to quarters on the vessel and is not entitled to BAH but is entitled to partial BAH.

12. Member without dependents who is ordered PCS to confinement in a guard-house, brig, correctional barracks, or to additional training in a retraining or rehabilitation facility, is assigned to certain quarters therein and not entitled to BAH. Such member is entitled to partial BAH unless forfeiture of allowances was directed.

13. Member without dependents assigned to single-type government quarters between permanent duty stations and not entitled to BAH is entitled to partial BAH. This includes periods of temporary occupancy of government quarters in excess of 30 days without entitlement to BAH.

14. Effective April 20, 1999, a member without dependents is not entitled to partial BAH when assigned to government single-type quarters (including government-leased quarters) that exceed the minimum standards of single quarters for the member's grade.

## 2603 MEMBERS WITH DEPENDENTS

### 260301. Entitlements.

A. When Entitled To BAH. A member with dependents who is entitled to basic pay is entitled to BAH at the rates prescribed for members with dependents when:

1. Adequate government quarters are not furnished for the member and dependents without payment of rental charge.

2. Adequate government quarters are not furnished for the member's dependents, or all of the member's dependents are prevented by competent authority from occupying such quarters, even though quarters are assigned for the member's occupancy. Does not apply to the provisions of paragraph 260409.

3. Dependents are not en route or do not accompany the member to the permanent duty station, or the vicinity thereof, so as to preclude assignment of family quarters. Under such circumstances, the mere availability of quarters which could have been assigned does not defeat the right of a member to the BAH for dependents. See Table 26-9 for the location to be used in determining the member's BAH entitlement

B. Naval Aviation Cadets. A naval aviation cadet with dependents is entitled to BAH under the conditions and at the rates prescribed for an enlisted member in grade E-4 (over 4 years' service) with dependents.

C. Limitation on Quarters Occupied by Member. Effective April 20, 1999, when adequate quarters are not furnished for a member's dependents, the member may not occupy, either at the permanent or TDY station, government quarters which exceed the minimum standards for the member's grade without dependents without affecting the right to BAH unless:

1. These quarters are the only quarters available, and
2. The quarters are not suitable for joint occupancy; or
3. If suitable for joint occupancy, the quarters are jointly occupied with other members permanently assigned to the PDS.

D. Quarters Occupied During Special Duty Assignment. Effective April 20, 1999, a member, not accompanied by dependents, serving outside the United States, its territories, or possessions, in a duty assignment having official or diplomatic responsibilities involving officials of foreign governments, may be assigned to quarters that exceed the minimum standards for the member's grade without dependents, without affecting the member's right to BAH. The local CINC or major unit Commander is the appropriate authority to decide whether an assignment entails "official or diplomatic" responsibilities involving officials of foreign governments. However, such quarters shall not be available on a continuing basis for single occupancy, if they are adequate for assignment as family housing to members of similar grade.

E. Additional Room Assigned to Chaplain. Assignment of an additional room to a chaplain for spiritual purposes does not affect the member's right to BAH. The room must be used for official duties and not as living quarters.

260302. Government Quarters Assigned or Occupied.

A. Adequacy of Government Quarters. The term "government quarters or housing facilities" is in the Definitions. The base, post, or installation commander determines when government quarters are adequate and appropriate for assignment.

B. Quarters Not Designated as Family-Type Quarters. A member who neither is assigned to nor occupies government quarters is entitled to BAH or BAH-DIFF for dependents even though the dependents occupy government quarters not designated as family-type quarters. Examples of such quarters are:

1. One room occupied by a member's spouse incident to employment as a domestic servant in quarters of a commissioned officer.
2. Dormitory quarters occupied by a member's child at a school for dependents of military personnel.
3. A hospital room occupied by a dependent under the Dependents' Medical Care Act (reference (aq)). However, a member is not entitled to BAH or BAH-DIFF

when a sole dependent is hospitalized in a government or civilian hospital under the Dependents' Medical Care Act (reference (aq)) and the member is assigned to and occupies government quarters (even though private quarters are maintained and occasionally occupied).

4. Off base housing, non-government quarters, occupied by member's civilian spouse incident to employment overseas with Department of Defense Dependent Schools as a schoolteacher. NOTE: Member is separated from spouse by competent orders.

C. Quarters Furnished on Behalf of the United States. A member is not entitled to BAH or BAH-DIFF for dependents if the member and dependents are furnished adequate family quarters on behalf of the United States without rental charge. Examples of such quarters are:

1. Family quarters furnished a member in an official capacity by a foreign government.

2. Family-type quarters furnished by a state, county, municipal, or privately owned hospital to an officer serving on active duty as an intern or resident physician.

3. Family-type quarters furnished by a college, university, or research facility as part of a fellowship, scholarship or grant.

D. Quarters Occupied by Dependents. A member furnished single-type quarters is not entitled to BAH on behalf of:

1. A spouse who is a sole dependent and who is furnished quarters in kind as a civilian employee at a government hospital.

2. A spouse who is a sole dependent and who is furnished government quarters while serving with the American Red Cross overseas.

3. A sole dependent who is a student nurse in training at a government hospital. However, BAH is payable on behalf of a dependent who is a student nurse in training at a civilian hospital.

4. A civilian spouse who is a sole dependent and who is furnished government quarters while assigned overseas with Department of Defense Dependent Schools as a schoolteacher.

5. Dependents evacuated from a danger area, who occupy government housing facilities at a safehaven. (See subparagraph 260302.G for exception when member must continue to pay for private housing).

6. Dependents alone or when accompanied by the member, who occupy government quarters assigned to another member for more than 90 days at any one duty



station. Occupancy for more than 90 days is of a permanent nature and BAH entitlement does not accrue for any portion of the period of such occupancy. Visits of 90 or less days are social visits and do not cause loss of BAH. Movement from one unit of quarters to another or in and out of the same unit, with or without a break, does not establish a new 90-day period.

7. Any dependent(s), if one or more of the member's dependents occupy the quarters with the member on a permanent basis or on a social visit in excess of 90 consecutive days, unless other dependents are precluded by competent orders from residing with the member.

E. Quarters Occupied by Dependents During Member's Sea Duty or Field Duty. A member whose dependents temporarily occupy government quarters while the member is on sea duty or field duty is entitled to BAH for a period not to exceed 90 days. (See Table 26-5, rule 2.)

F. Rental Quarters (Other Than Inadequate Quarters). A member and dependents who occupy the following facilities on a rental basis are entitled to BAH. (See Definitions for "rental charge.")

1. Any housing facilities, including trailers, under the jurisdiction of the government other than government quarters constructed or designated for occupancy without charge. The member may sublease such quarters to a temporary subleasee with or without charge and neither the sublessor nor subleasee will lose their right to BAH.

2. A hotel on the grounds of a Service Academy.

3. Quarters furnished a member in connection with service in a capacity other than that of a member.

G. Quarters at Safehaven Temporarily Occupied by Dependents. A member is entitled to BAH for dependents when:

1. The member's dependents occupy government-provided housing at a safehaven area after emergency evacuation from private housing at the permanent station; and

2. Due to conditions beyond the member's control, member is required to continue payment of rental for the private housing in order to house furnishings and belongings and to have quarters available upon return of the dependents.

3. This entitlement will continue until such time as dependents are authorized to return to member's permanent duty station or arrive at a designated place as contemplated by JFTR, paragraph U5240-A (reference (d)).

H. Lease on Private Rental Quarters. Effective December 8, 1997, when a member makes a local move from private, leased quarters to government housing, BAH is not

payable for the remainder of the lease on the private quarters even though the member is required to honor the lease.

260303. Quarters Designated as Inadequate.

A. Entitlement to BAH-II. A member with dependents may be assigned designated inadequate quarters on a rental basis without loss of BAH-II. This does not apply to bachelor officer quarters, visiting officer quarters, guest houses, and similar type facilities, or to assigned quarters undergoing ordinary repairs. Orders stating that quarters were inadequate while repairs were being made do not operate to authorize BAH-II during the period involved.

B. Effect of Subleasing Inadequate Quarters. The member may share the quarters with others or permit occupancy by others while on leave. The member may also sublet the quarters on a rental basis without loss of BAH-II, the amount of rent being immaterial.

C. Rental Charge for Inadequate (Sub-standard) Quarters. Collect rent from the member at the fair rental value of the quarters, as established by base housing personnel. The rental charge for the quarters shall be the fair rental value of such quarters, not to exceed 75 percent of the member's with dependent BAH-II rate. Rental charge is independent of the amount and type of BAH-II being paid to the member. See also subparagraph 260303.G for assignment of inadequate quarters to members married to one another. A member's receipt of BAH-DIFF does not affect the rental charge.

D. Effective Date of BAH-II and Rental Charge. BAH-II and rental charge begin on the date of the member's assignment to such quarters or on the date the determination of inadequacy is effective, whichever is later.

E. Computation of BAH-II and Rental Charge. Compute BAH-II and rental charge on a 30-day month basis and prorate at one thirtieth of the monthly rate for each day inadequate quarters are assigned. Do not pay BAH-II or charge rent for the 31st day of a month. Pay 3 days' BAH-II and charge 3 days' rent when inadequate quarters are assigned on the 28th of February. Do not charge rent for the day the assignment is terminated; however, BAH-II accrues for the day of termination.

F. Inadequate Quarters Redesignated Adequate. Rental charges and BAH-II cease on the date rehabilitated inadequate quarters are redesignated as adequate government quarters. If a member's assignment was continued during the period of rehabilitation, the redesignation of adequacy is effective as of the first day of the month following the month in which the rehabilitation was completed.

G. Husband and Wife Entitled to BAH-II. When a husband and wife are both members who jointly occupy inadequate family quarters on a rental basis, use Table 26-4 to determine their respective BAH-II entitlements. The rental charge for the quarters shall be the fair rental value of the assigned inadequate family-type quarters, but will never exceed 75 percent of the with dependent BAH-II rate which would be payable to a member of the same grade and

rank as the member under whose eligibility the quarters are assigned. The BAH-II paid to the respective members does not affect the amount of rent charged, even where a member is receiving BAH-II at the with dependent rate. Collect in accordance with Service regulations. For inter-Service marriages, the rental charge will be collected in accordance with the regulations of the Service furnishing the quarters.

260304. Dependent. The term “dependent” for BAH purposes is the same as defined in the Definitions.

A. Member with Dependents. A member is not entitled to BAH on behalf of:

1. A minor child who is entitled to basic pay as a member on active duty in a Uniformed Service. This includes a minor child attending one of the Military Service academies where quarters are furnished by the United States.

2. A spouse who is on active duty in a Uniformed Service of the United States and entitled to basic pay and allowances. See Table 26-4 for guide to BAH entitlement when both spouses are in the Military Service and entitled to basic pay and allowances.

3. A dependent for whom the member has been absolved of the requirement to provide support; for example, desertion without cause, marital infidelity.

4. A dependent whose whereabouts is unknown and whose absence or whereabouts remains unexplained.

5. A former spouse to whom the member is paying alimony.

6. A dependent who occupies government quarters as a permanent residence without payment of a rental charge. (See paragraph 260411 for exception.)

B. Dependent Spouse in Foreign Service. A member is entitled to BAH on behalf of a spouse in military service of a government other than the United States. This applies even though furnished quarters or paid a monetary allowance in lieu of quarters by that government.

C. Dependency Approval. Dependency must be approved before entitlement to BAH is authorized. After initial approval, the Services must maintain adequate levels of internal audit to assure the legality, propriety, and correctness of all disbursements for BAH. See individual Service regulations for procedures.

D. Certification of Dependents Status. Effective April 20, 1999, each member who is entitled to BAH on behalf of dependents must provide recertification to the Secretary concerned indicating the status of each dependent of the member to support entitlement to BAH on behalf of dependents upon arrival at a new PDS. If a member fails to provide the

certification in a timely manner, stop BAH on behalf of dependents at the end of the month in which the certification is due, but continue to pay BAH at the appropriate partial or without-dependent rate unless the member is not entitled to that allowance for some other reason. Resume paying BAH at the with-dependent rate effective the date the member provides proper certification. Do not pay the higher rate retroactively in the absence of certification from the member's commander that the failure to recertify timely was for reasons beyond control of the member.

E. Reserve Component Members. Effective April 20, 1999, after initial certification, Reserve component members must recertify dependency status at least every third year from the previous certification or upon change in dependency status.

F. Dependency Re-Determinations. Annual redetermination of dependency is required for members who claim BAH on behalf of:

1. Parents, parents-in-law, stepparents, parents-by-adoption, in-loco-parentis.
2. Students 21 and 22 years of age.
3. Incapacitated children over 21 years of age.
4. Ward of a court.

260305. Entitlement During Leave, Travel Status, Separation, and Other Situations.  
See Table 26-5.

260306. Dates To Start and Stop BAH. See Tables 26-6, 26-7, and 26-8.

## 2604 RULES FOR DETERMINING RELATIONSHIP AND DEPENDENCY

260401. Application of Rules. In determining relationship or dependency for BAH entitlement, the appropriate officials must apply the rules in Table 26-1 or 26-2.

260402. Lawful Spouse and Legitimate, Unmarried, Minor Children. A member's lawful spouse and legitimate, unmarried, minor children are at all times considered dependents for BAH purposes, except under the situations shown below and in subparagraphs 260304.A or 260406. When both members are entitled to BAH or BAH-DIFF on behalf of a child(ren) from a previous relationship, when they marry and are stationed in the same area, all of the children are considered as one class of dependents. Therefore, only one BAH with Dependent rate (including BAH-DIFF) is payable. A determination of relationship is required, but usually a determination of dependency is not. In all instances of a member having a spouse on active duty, full details must be given showing full name, social security number, duty station, and branch of Service of that spouse.

A. When two members, with no other dependents, are married to each other, they may elect which member will receive BAH on behalf of their adopted children or children born of their marriage. Both member must agree to the election. If the members cannot agree, the senior member is entitled to BAH for their children. The members may subsequently elect to transfer BAH entitlement on behalf of adopted children and children born of the marriage from one member to the other. Such elections may not be applied retroactively.

B. When one of two members married to each other is already receiving BAH at the with-dependent rate on behalf of an adopted child(ren), child(ren) from a previous marriage, or an illegitimate child(ren), then any child(ren) born of their marriage, or adopted by them, is within the same class of dependents for which the member is receiving BAH and the other member may not claim the children for BAH purposes. However, if the member elects to stop receiving BAH at the with-dependent rate, then the other member may claim the child(ren) for BAH purposes.

1. When both members are entitled to BAH-I, BAH-II or BAH-DIFF on behalf of child(ren) from prior relationships, and marry, are assigned to the same or adjacent bases, and are not assigned government quarters, only one member may receive BAH at the with dependent rate on behalf of the common class of dependents.

2. Effective April 20, 1999, when one of two members married to each other is receiving BAH at the with-dependent rate, the class of dependents includes the parents of either member and only one BAH at the with-dependent rate is payable.

3. Effective April 20, 1999, when married members are assigned to different locations, pursuant to competent military orders, their entitlement to increased allowances or to government-furnished quarters should be determined separately, without regard to the general rule that all children and parents of the members are dependents of the same class for the purpose of determining BAH entitlements. However, each member is required to have physical custody of the child(ren) in order to be paid BAH at the with dependents rate. If the child(ren) is with a third party, only BAH-DIFF can be paid. (See Table 26-4.)

260403. Validity of Member's Marriage. Any case where the validity of a member's marriage is questioned is considered a case of doubtful relationship.

A. Remarriage Within Prohibited Period Following Divorce. Under the laws of some states, a marriage is not dissolved until a specified period has elapsed after granting of a divorce decree. Remarriage is prohibited within the specified period. Moreover, in all states that grant an interlocutory decree before they grant a final divorce decree, remarriage may not be contracted before the final decree is granted.

B. Marriage by Proxy. Proxy marriages are considered valid if performed in a jurisdiction which recognizes common-law marriages and has no statute or judicial determination prohibiting proxy marriages.

C. Marriage by Telephone. A marriage by telephone will be recognized as entitling a member to BAH on behalf of a “lawful spouse” only if a statute or court decision authorizes or recognizes telephone marriages in the jurisdiction where the marriage was performed.

D. Common-Law Marriages. Under laws of certain states, a common-law marriage may be entered into by persons who do not obtain a license to marry or go through certain other formalities. Common-law marriages entered into in those states are considered valid if they are contracted in accordance with state law.

E. Foreign Nation Divorce. A foreign nation divorce may or may not be recognized as valid in the United States depending on several factors. These factors include place of residence of the parties involved, whether they appeared in person to obtain the divorce, and applicable state laws. Any claim involving remarriage of a member following a foreign nation divorce and any claim by or on behalf of the spouse from whom the member has obtained a foreign nation divorce are cases of doubtful relationship. A claim based on a member’s marriage to a person who has obtained a foreign nation divorce is also a doubtful case.

F. Purported Marriage.

1. Void Marriage. If a member’s marriage is void (because of a pre-existing marriage of the spouse, for example) the member has no lawful spouse and is not entitled to BAH as a result of the purported marriage. When invalidity of the marriage is discovered, no further BAH payments may be made for any period (see Table 26-7, rule 4). The member may retain payments already received if they are validated under section 5005. When validity of a marriage is questionable, submit the case to the office shown in subparagraph 3 for a determination on validity of the marriage and, if necessary, validation of payments already made.

2. Annulled Marriage. If a member’s marriage is annulled by court decree, no further BAH payments may be made for any period (see Table 26-7, rule 3). The member may retain payments received before the effective date of the decree. Since validation under section 5005 is required for retention of such payments in some annulment cases (based on legal factors), submit all annulment cases to the office shown in subparagraph 3 for review and, if necessary, validation of payments made.

3. Determination and Validations. Submit requests for determination on validity of a marriage (doubtful cases) or for validation of payments to the appropriate address shown below:

- a. Army  
DFAS-IN/FJECG  
8899 East 56<sup>th</sup> Street  
Indianapolis IN 46249-0855

- b. Navy  
DFAS-CL/FMA  
1240 East 9<sup>th</sup> Street  
Cleveland OH 44199-2055
- c. Air Force  
DFAS-DE/FJPD  
6760 East Irvington Place  
Denver CO 80279-3000
- d. Marine Corps  
Commandant of the Marine Corps  
(Code MHP-20)  
Washington DC 20380

260404. Child of Legally Invalid Marriage. An unmarried minor child of an invalid marriage or a marriage annulled as void or voidable is considered a dependent for BAH purposes.

260405. Reserved.

260406. Support of Dependent-General.

A. Proof of Support. The statutory purpose of BAH on behalf of a dependent is to at least partially reimburse members for the expense of providing private quarters for their dependents when government quarters are not furnished, and not to pay BAH on behalf of a dependent as a bonus merely for the technical status of being married or a parent. Proof of support of a lawful spouse or unmarried, minor, legitimate child of a member is generally not required. However, when evidence (e.g., special investigation reports; record reviews; fraud, waste and abuse complaints; sworn testimony of individuals; statement by member) or complaints from dependents of nonsupport or inadequate support of dependents are received, proof of adequate support as stated in subparagraph E is required.

B. Nonsupport. A member who fails to support a dependent on whose behalf BAH is received is not entitled to BAH on behalf of that dependent. Recoup for periods of nonsupport or inadequate support. Unless a period of nonsupport or inadequate support was caused as a result of mission requirements of the Service concerned (e.g., remote assignment, deployed, limited access to administrative support and/or financial networks, etc.), or the actions of outside agencies (such as financial institutions, postal service, etc.) over which the member has no control, as determined by Service regulations, the subsequent payment of arrears of support does not entitle a member to BAH on behalf of the dependent for the period of nonsupport or inadequate support. If a member is not entitled to BAH for dependents under any of the subsequent subparagraphs, consider entitlement to without-dependent or partial-rate BAH under section 2602. NOTE: A member does not avoid the legal responsibility to comply with a court order for support by forfeiting BAH.

C. Legal Separation Agreement or Court Decree, Judgment or Order Silent on Support, Not Stating Amount of Support, or Absolving Member of Support Responsibility. A legal separation agreement, court decree, judgment, or order that is silent on dependent support, does not state the amount of dependent support, or absolves the member of dependent support responsibility does not of itself affect a member's BAH entitlement. This is true regardless of the jurisdiction in which the decree, agreement or order was issued or in which the dependent is domiciled. The member is entitled to BAH on behalf of a dependent if the member contributes to the support of the dependent in an amount that is not less than the difference between the member's applicable "with-" and "without-" dependent BAH-II rates.

D. Legal Separation Agreement or Court Order Stating Amount of Support. If there is a court order or legal separation agreement stating the amount of support, a member must contribute to the support of the dependent the amount specified therein, but in no case may the support payments be less than the difference between the applicable BAH-II at the "with-" and "without-" dependent rate.

1. When a member is divorced from a nonmember, and they share joint legal custody of a child, and the ex-spouse is awarded primary physical custody and is not living in government quarters, then the member is considered a noncustodial parent for the purpose of entitlement to BAH. If the member's court-ordered support is less than the difference between the applicable BAH-II at the "with-" and "without-dependent" rate, then the member is entitled to the BAH at the rate for members without dependents only if not residing in government quarters. However, members who pay additional support to the ex-spouse having primary custody of the child and not assigned to government quarters, is entitled to BAH on behalf of a dependent solely on the basis of payment of child support, is entitled to BAH at the without-dependent rate and BAH-DIFF.

2. When a member has temporary custody of a child and they reside in private quarters, then the cost of maintaining a residence is not a factor in determining entitlement to with dependent rate of BAH and may not be used instead of or in addition to child support to qualify for increased allowances. The dependent child must reside with the member on a nontemporary basis (e.g., for a continuous period of more than 90 consecutive days) to qualify for the with dependent rate BAH for the temporary period. The cost of maintaining a home may not be added to the child support amount to qualify for the increased allowances.

E. Adequate Support. If the support requirements are not established by court order or legal separation agreement, a member must provide support in an amount that is not less than the difference between the "with-" and "without-" dependent BAH-II rates applicable to the member's grade. The amount of support required to retain or receive BAH on behalf of a dependent does not necessarily mean that such amount is adequate to meet the policy of the Service concerned as to what constitutes adequate support in the absence of a legal separation agreement or court order.

F. Increase in Support Required by Increase in BAH-II Rates. Effective April 20, 1999, whenever there is an increase in BAH-II rates, the minimum required support



under subparagraphs C, D, and E, increases to the difference between the new “with-” and “without-” dependent BAH-II rates. Members receiving BAH on behalf of a dependent under these circumstances must increase the amount of support, when applicable, within 60 days of the increase in order to continue receiving the increased entitlement.

G. Voluntary Support Payments. Voluntary support payments will not be considered for purposes of determining BAH entitlement unless there is a mutual agreement between the member parents that the support payments will be accepted by the custodial member parent.

H. Settlement Agreement.

1. Property settlements made under a court order or written agreement are not considered support for BAH purposes.

2. Payments made under a settlement in place of support are considered support for the period expressly provided in the written agreement or court order.

3. A lump-sum settlement in place of support made under written agreement or court order is considered support for the period the lump sum would reasonably cover support of the dependent.

I. Interlocutory Decree of Divorce. If an interlocutory decree of divorce does not provide for support to the spouse, the member is not entitled to BAH for the spouse after the date of the decree unless proof of support is furnished.

J. Doubtful Cases. Submit any doubtful cases involving support for determination to the offices listed in subparagraph 260403.F.

260407. Support of Dependent - Both Parents Are Members.

A. Divorce or Legal Separation Effective or Amended Before July 1, 1992. In addition to the provisions of paragraph 260406, the following subparagraphs apply when divorced or legally separated parents are both members and the divorce or separation occurred prior to July 1, 1992. These rules apply only when neither member is assigned to family-type government quarters, unless otherwise specified.

1. The non-custodial parent is entitled to BAH on behalf of the child(ren), provided the noncustodial parent pays adequate child support.

2. If the non-custodial member does not pay the required amount of child support, the custodial member is entitled to BAH on behalf of the children.

3. The custodial member is entitled to BAH on behalf of the child(ren) if the non-custodial member declines to claim the child(ren). Such declination should

be in writing if possible, may be revoked at anytime, and may not be retroactive. If the non-custodial member is entitled to BAH on behalf of another dependent, the custodial member is entitled to BAH on behalf of the child(ren) of the marriage.

4. Only one parent is entitled to BAH on behalf of children of the marriage when all of the children reside in one household; this applies even if child support payments are specifically for support of only some of the children.

5. When the child(ren) of the marriage are in the custody of a third party, only one member is entitled to BAH on behalf of the children, even if both members are paying sufficient child support to qualify for the entitlement. The senior member is entitled to BAH on behalf of the child(ren) when the two members do not agree on which person will claim the entitlement. If the members are of equal rank, date of rank determines which one receives BAH on behalf of the child(ren).

6. When each member has legal and physical custody of one or more of the children of the marriage, each member is entitled to BAH on behalf of those child(ren). If one member is paying adequate child support on behalf of the child(ren) in the other member's custody, the custodial member is not entitled to BAH on behalf of the child(ren) in that member's custody.

7. In cases of joint legal custody, when physical custody changes from one parent to another, each parent is entitled to BAH on behalf of the child(ren) during those periods the child(ren) are actually in that parent's physical custody.

8. When a non-custodial member pays child support to the custodial parent who also has another dependent who makes the member eligible for BAH, there is a presumption that the custodial parent's entitlement is based on the dependent(s) other than the child(ren) of the marriage. The BAH entitlement for the custodial and non-custodial parents is determined individually.

**B. Divorce or Legal Separation Effective or Amended After June 30, 1992.**

In addition to the provisions of paragraph 260406, the following subparagraphs apply when the divorced or separated parents are both members and the divorce or separation occurred, or the decree or agreement was amended after June 30, 1992. These rules apply only when neither member is assigned to family-type government quarters, unless otherwise specified.

1. Unless the members agree to the contrary, the custodial parent is entitled to BAH-I on behalf of the child(ren) regardless of the amount of child support received by that member. In addition to the court order, a separate notarized agreement between the members must be provided in order for the non-custodial member to receive BAH on behalf of the child(ren).

2. When the members each have legal and physical custody of one or more of the children of the marriage, they are each entitled to BAH on behalf of the children in

their individual custody, regardless of child support payments from one member to the other.

3. When the child(ren) are in the custody of a third party, the rule in subparagraph 260407.A.5 applies.

4. In cases when there is joint legal custody, with physical custody changing from one parent to the other, the rule in subparagraph 260407.A.7 applies.

5. When the dependents are not a common class, the rule in subparagraph 260407.A.8 applies.

260408. Child Living With Former Spouse Remarried to Another Service Member

A. When a member's child resides in government quarters not assigned to the divorced member parent, that member is not entitled to BAH on behalf of the child.

B. BAH may not be paid on behalf of a child to both the step-parent and the natural parent at the same time. The natural parent has priority to BAH on behalf of that child if providing adequate support.

260409. Child Living With Former Spouse-Member Remarries

A. Subparagraph 260301.A.2 does not apply in the case of a member who is required to support a child in the custody of a former spouse when the member remarries and is assigned to or occupies government family quarters. The member is not entitled to BAH on behalf of the child living with the former spouse. This rule also applies when, upon remarriage, the member marries a member.

B. If a member is required to support a child in the custody of a former spouse and the non-custodial parent marries another member and children are born of this marriage, and the member paying child support vacates government quarters on PCS assignment with quarters being reassigned to the new spouse, the member reassigned PCS is entitled to BAH on behalf of the child(ren) of the former marriage.

260410. Child(ren) Living With Former Spouse or Estranged Spouse Who Is Member Assigned Family Quarters. When the member parent having custody of the child(ren) is assigned to, or occupies, adequate family-type quarters with the child(ren) while receiving child support, the member parent paying child support is not entitled to BAH on behalf of the child(ren).

260411. Child Living With Former or Estranged Spouse in Family Quarters Visits Member. When a child(ren) who normally resides in government family quarters with a member's former or estranged spouse (custodial parent) visits the member in private quarters for more than 90 days, the visit is considered non-temporary and the member is entitled to BAH on behalf of the child(ren) from the first day of the visit. If the visit is 90 days or less, BAH on

behalf of the child(ren) is not payable for any part of the visit.

260412. Adopted, Illegitimate, and Step-Children. Adopted children, illegitimate children, and step-child(ren) are primary dependents. In fact dependency is no longer required for these dependents.

A. Proof of Parentage. A member who claims BAH on behalf of an adopted child, step-child, or a child born out of wedlock (parents are not married to each other at the time of the child's birth) must provide proof of parentage as follows:

1. for an adopted child, document showing the member is the child's legal parent.

2. for a step-child, a marriage license showing the member is married to the child's legal parent and documentation showing that the member's spouse is the parent of the child.

3. for a child born out of wedlock, a birth certificate with the member name cited is required. If the member name is not stated on the birth certificate, or a court-order, obtain a signed statement of parentage from the member. If the illegitimate child(ren) is (are) not in the custody of the member parent, the case is treated in accordance with the rules for BAH-DIFF. The same rules apply when applicable to a member-mother not having custody.

B. Support Requirements. The member-parent may claim a dependent child(ren) adopted children, illegitimate children, and step-child(ren) for BAH purposes. Proof of support for dependents is generally not required. The provisions of subparagraph 260406.A will be applied. The member is entitled to BAH if the member contributes to the support of the dependent(s) and that support is not less than the BAH-DIFF. This includes members entitled to BAH-DIFF and members assigned to single type quarters when the child(ren) is in the physical custody of another person.

260413. In Fact Dependency Determinations for Secondary Dependents. An incapacitated child over age 21, a ward of the court, or an unmarried child over age 21 and under age 23 full-time in college, required a fact dependency in accordance with the regulations of the Service concerned. The child must be dependent upon the member for over one-half of the child's support. This means:

A. The child's income, not counting the member's contributions, must be less than one-half of the child's living expenses, and

B. The member's contribution must be more than one-half of the child's monthly living expenses.

260414. Dependent Child Adopted by a Third Party. A member is not entitled to BAH for a child after the child is adopted by a third party and final order or decree of adoption

has been entered. Entitlement to BAH continues after an interlocutory decree has been entered if the decree does not change the legal relationship between the child and the member, and the member supports the child.

260415. Confinement in Penal or Correctional Institution.

A. BAH Payable. Confinement of a member's spouse or unmarried minor child in a penal or correctional institution does not affect member's right to BAH on the dependent's behalf, unless:

1. The member refuses to support the dependent
2. The member has been absolved from supporting the dependent
3. The period of confinement may extend beyond 5 years
4. The case is otherwise doubtful

B. Doubtful Cases. Submit cases involving a sentence extending beyond 5 years, and doubtful cases to the addresses shown in subparagraph 260403.F.3. Do not pay BAH pending decision.

260416. Limitation on the Amount of BAH Payable to a Member Entitled to BAH Solely on the Basis of the Member's Payment of Child Support.

A. Except as provided in subparagraph B, if a member is assigned to single-type quarters of the United States or a housing facility under the jurisdiction of a Uniformed Service and is authorized BAH solely by reason of the member's payment of adequate child support, the member is entitled to BAH-DIFF.

B. A member who was assigned to single-type government quarters and entitled to BAQ at the with dependent rate solely on the basis of the member's payment of child support of December 4, 1991, is entitled to BAH-II at the with-dependent rate until such time as the member becomes entitled to receive BAH on behalf of a dependent for a reason other than, or in addition to, the member's payment of child support. If a member moves out of single-type government quarters on or after January 1, 1998, the member is no longer entitled to BAH-II under the preceding sentence. BAH entitlement in such cases will be determined under the normal rules.

C. A member not assigned to government quarters, who is entitled to BAH on behalf of a dependent solely on the basis of payment of child support, is entitled to BAH at the without-dependent rate and BAH-DIFF.

260417. Dependent Parent.

A. Basis of Determination. Dependency of a parent is determined on the basis of an affidavit submitted by the parent, and any other evidence required under applicable regulations. Determination of dependency is made by applicable authority listed in subparagraph 260403.F.3. A legal guardian may complete the form for a mentally incompetent parent.

B. Dependency Requirement. A member is entitled to BAH-I on behalf of parents of the parents are dependent upon the member for over one-half of their support. This means:

1. The parents' income, not counting the member's contribution, must be less than one-half of their monthly living expenses, and

2. The member's contribution must be more than one-half of the parent's monthly living expenses.

C. Change in Status of Dependent. A member is entitled to BAH for any active duty period during which dependency of the parent is shown to exist, whether the dependency arose before or after the member entered service. If dependency arises because of changed circumstances, and the facts show the member has started to contribute over one-half of the parents' support, BAH is authorized from the date the contribution began.

D. Step-parent. A step-parent-step-child relationship ends upon divorce from the blood parent, but not necessarily upon death of the blood parent. BAH on behalf of a stepparent may be established after death of the blood parent.

260418. Factors Used in Dependency Determinations for Parents.

A. Family Unit Rule. In determining dependency of a parent, the total income and expenses of the family unit of which the parent is a member must be considered. Normally, the member's contribution to the expenses of the unit must exceed one-half of the unit's total expenses before any one person in the unit can be considered dependent on him or her. For example, a mother cannot be considered dependent if she is a member of a family unit in which her husband is supporting himself but is not providing sufficiently for the mother's individual needs.

B. Equity and Good Conscience. When application of the family unit rule results in manifest injustice, any other available evidence of dependency is considered, and determination made according to principles of equity and good conscience.

C. Charity. Effective April 20, 1999, contributions made to parents by charitable organizations are considered income of the parent. (IC 14-99)

D. Charitable Institution. Residence of a parent in a charitable institution, public or private, is not a bar to entitlement if the member claims BAH on behalf of the parent and other conditions of entitlement are met.

E. Social Security, Unemployment Compensation, and Pensions. Effective April 20, 1999, payments made to the parent from the Social Security Administration, unemployment compensation, and financial assistance from governmental agencies, are considered income. Pensions received by the parent are also considered income.

F. Capital Assets. Unliquidated capital assets are not considered income, and parents are not required to deplete their capital assets in order to establish dependency on a member for BAH purposes. However, proceeds derived from the liquidation of capital assets are considered income. Amounts placed in reserve for depreciation of property held for income normally are considered available for current living expenses of a parent, are therefore, income.

G. Rate of Return Rule. In determining dependency of parents who possess uninvested capital, compute the income return on the basis of 5.25 percent per annum.

2605 PAYMENT OF BAH, MEMBERS IN A NON-PAY STATUS.

260501. Entitlements.

A. Unauthorized Absence. For a period not to exceed 2 months from the first day of absence, BAH at the rate being credited a member in grades E-1, E-2, E-3, and E-4 (4 years' or less service) at the time absence commenced may be paid to a dependent on whose behalf BAH was claimed prior to commencement of the absence, if all of the following conditions exist:

1. The member has been in an unauthorized absence status for more than 29 consecutive days.

2. The dependent applies for payment of BAH and the application is received by appropriate authority within 3 months after the date absence commenced.

3. If the Service concerned fails to provide timely notice to dependents of their right to apply for BAH, a waiver of the 3-month stipulation in A2 above may be granted on a case-by-case basis by the authority specified in B1 below. If such a waiver is granted, payment may only be made on those applications received within 2 months after the dependents are properly notified of their right to submit such applications.

4. No positive information has been received that the dependent is residing with or has joined the member at the place of absence.

5. If a member is assigned government family-type quarters (adequate or inadequate), no payment of BAH may be made.

Payment of BAH may not be made directly to the member on behalf of a dependent. Payment shall be made only to the dependents.

B. Pretrial Confinement in a Foreign Country. For a member in pretrial confinement in a foreign county, payment of BAH is authorized as follows:

1. Enlisted members in pay grades E-1, E-2, E-3, and E-4 (4 years' or less service). Payment is authorized for a period not to exceed 2 months under the conditions stated in subparagraph A above. For any subsequent months there must be showing of hardship on the dependent and approval on a case-by-case basis as follows:

- a. Army: Director  
DFAS-IN/FJA  
8899 East 56<sup>th</sup> Street  
Indianapolis IN 46249-2301
- b. Navy:  
Commander Naval Military Personnel Command  
(NMPC-64)  
Washington DC 20370
- c. Air Force:  
HQ USAF/DPRC  
Washington DC 20330-5000
- d. Marine Corps:  
Commandant of the Marine Corps  
(Code MPH-20)  
Washington DC 20380

2. Enlisted members in grades E-4 (over 4 years' service) and above (cases where there has been a showing of hardship on the dependent). The approval authority for the initial and any subsequent payments is as shown in 1, above. No payment may be made without the approval of such authority on a case-by-case basis. Payments are subject to the conditions stated in A above. See Service regulations for procedures on processing claims.

C. Excess Leave. BAH may continue to be paid to a member in grade E-4 (4 years' or less service) or below, with dependents, for a period not to exceed 2 months during which an excess-leave status exists unless it is anticipated that member will not return to duty, for example, appellate leave. The 2-month period shall be computed from the first day of excess leave.



| WHO DETERMINES RELATIONSHIP OR DEPENDENCY FOR BAH ENTITLEMENT FOR ARMY AND AIR FORCE |   |  |                       |   |                              |                      |                                  |                                     |                           |  |
|--|---|--|-----------------------|---|------------------------------|----------------------|----------------------------------|-------------------------------------|---------------------------|--|
| R<br>U<br>L<br>E   | A   | B  | C                     | D   | E                            | F                    | G                                | H                                   | I                         | J  |
|  | If dependent claimed is                           | and marriage is                                      | and is under 21 years | and is  | and certified court adoption | and child has income | and is incapable of self-support | then                                |                           |  |
|  |   |  |                       |   |                              |                      |                                  | Determination is made by            |                           | send a claim to DFAS-IN for determination, opinion, or |
|  |   |  |                       |   |                              |                      |                                  | Army disbursing officer or designee | Air Force FSO or designee |  |
| 1  | spouse  | lawful   |                       |   |                              |                      |                                  | X<br>(note 7)                       | X                         |  |
| 2  |   | of questionable legality<br>(note 1)                 |                       |   |                              |                      |                                  |                                     | X<br>(note 8)             | X  |
| 3  | child, unmarried                                  |  | yes                   | legitimate, or legitimated by marriage of blood parents                 |                              |                      |                                  | X<br>(notes 3 and 7)                | X<br>(note 3)             |  |
| 4  | child, married                                    | terminated by divorce, annulment or death of spouse  |                       |   |                              |                      |                                  |                                     | X<br>(note 8)             | X  |
| 5  | parent (including "in loco parentis")<br>(note 2) |  |                       |   |                              |                      |                                  |                                     |                           |  |
| 6  |   |  | yes                   | adopted<br>(note 3)   |                              | no                   |                                  |                                     | X<br>(note 4)             |  |
| 7  |   |  |                       | stepchild<br>(notes 3 and 7)  |                              |                      |                                  | X<br>(notes 4 and 8)                | X<br>(notes 4 and 9)      | X<br>(note 6)  |
| 8  |   |  |                       |   |                              | yes                  |                                  |                                     |                           |  |
| 9  | child, unmarried                                  |  | yes                   | illegitimate child of member or legitimated by affidavit or court order |                              |                      |                                  |                                     | X<br>(note 9)             | X  |
| 10   |   |  | no                    |   |                              |                      | yes<br>(note 2)                  |                                     |                           |  |
| 11   | child, married                                    | terminated by divorce, annulment, or death of spouse | yes                   |   |                              |                      |                                  |                                     |                           |  |
| 12   | parent (including "in loco parentis")<br>(note 2) |  |                       |   |                              |                      |                                  |                                     |                           |  |

**Table 26-1. Who Determines Relationship or Dependency for BAH Entitlement for Army and Air Force Members**

NOTES:

1. Includes common-law spouse; those married by proxy or telephone or within a prohibited period following divorce, or a divorce granted by a foreign country; and purported marriages.
2. Must be in fact dependent on service member for substantial portion of his or her support.
3. Applies also if child is in custody of someone other than service member (divorced spouse, parent, etc.).
4. If this is interlocutory decree of adoption, case must be submitted to DFAS-IN or DFAS-DE for determination.
5. In case of an Army member, the claim will be sent to DFAS-IN only when determination cannot be made by disbursing officer under AR 37-104-3 chapter 2, part 3 or is not covered by note 8.
6. This includes an illegitimate child of the spouse, when the member is not the blood parent. See subparagraph 260412.F.
7. In the case of Army Reserve Component (RC) personnel, initial determinations for dependents listed in rules 1, 3, 4, and 7 can be made by the RC unit commander or servicing Military Personnel Officer.
8. Claim will be sent to DFAS-DE only when determination cannot be made by AFO or designee as prescribed in AFM 177-373, volume IV.

**Table 26-1. Who Determines Relationship or Dependency for BAH Entitlement for  
Army and Air Force Members (Continued)**

| WHO DETERMINES RELATIONSHIP OR DEPENDENCY FOR NAVY OR MARINE CORPS MEMBERS |   |  |                 |                      |                      |                              |   |   |                               |                |                                |   |                    |
|--|---|--|-----------------|----------------------|----------------------|------------------------------|---|---|-------------------------------|----------------|--------------------------------|---|--------------------|
| R<br>U<br>L<br>E   | A   | B  | C               |                      |                      |                              | D   | E   | F                             |                |                                |   |                    |
|  | If dependent claimed is                   | and  | and member is a |                      |                      |                              |   |   | then determination is made by |                |                                |   |                    |
|  |   |  | Navy officer    | Marine Corps officer | Navy enlisted member | Marine Corps enlisted member |   |   |                               | DFAS Cleveland | Commandant of the Marine Corps | Commanding Officer of a battalion, squadron, or separate detached command | Disbursing Officer |
| 1  | any person who can qualify as a dependent |  |                 |                      | X                    |                              |   |   | X                             |                |                                |   |                    |
| 2  | a spouse                                  | marriage is legal (unquestionable)                 | X               |                      |                      |                              |   |   |                               |                |                                | X   |                    |
| 3  |   |  |                 | X                    |                      | X                            | neither member has been previously married              | marriage was contracted within the various states or territories by legal civil or religious ceremony |                               |                | X (note 1)                     |   |                    |
| 4  |   | marriage is of doubtful legality (see para 260403) |                 |                      |                      | X                            |   |   |                               | X              |                                |   |                    |
| 5  |   |  | X               | X                    |                      |                              |   |   |                               |                |                                |   | X                  |
| 6  | an unmarried legitimate child             | child is under 21 years of age                     | X               |                      |                      |                              |   |   |                               |                |                                | X (note 2)  |                    |
| 7  |   |  |                 | X                    |                      |                              |   |   |                               | X (note 2)     |                                |   |                    |
| 8  |   |  |                 |                      |                      | X                            | dependent is child of present or former spouse (note 3) |   |                               | X (note 4)     |                                |   |                    |

Table 26-2. Who Determines Relationship or Dependency for Navy or Marine Corps Members

| WHO DETERMINES RELATIONSHIP OR DEPENDENCY FOR NAVY OR MARINE CORPS MEMBERS |   |   |                 |                      |                      |                              |   |   |                               |                                |   |                    |   |
|--|---|---|-----------------|----------------------|----------------------|------------------------------|---|---|-------------------------------|--------------------------------|---|--------------------|---|
| R<br>U<br>L<br>E   | A   | B   | C               |                      |                      |                              | D | E | F                             |                                |   |                    |   |
|  | If dependent claimed is                                     | and   | and member is a |                      |                      |                              |   |   | then determination is made by |                                |   |                    |   |
|  |   |   | Navy officer    | Marine Corps officer | Navy enlisted member | Marine Corps enlisted member |   |   | DFAS Cleveland                | Commandant of the Marine Corps | Commanding Officer of a battalion, squadron, or separate detached command | Disbursing Officer | claim must be submitted through channels for determination or submission to Comp Gen of US for decision |
| 9  | a combination of any of the dependents in rules 2 through 8 | child is under 21 years of age                  |                 |                      |                      | X                            |   |   |                               |                                | X<br>(note 4)   |                    |   |
| 10   | an unmarried child  | child is over 21 years of age                   | X               | X                    |                      |                              |   |   |                               |                                |   |                    | X   |
| 11   |   |   |                 |                      |                      | X                            |   |   |                               | X                              |   |                    |   |
| 12   | an unmarried stepchild or adopted child                     | child's dependency relationship is not doubtful | X               |                      | X                    |                              |   |   | X                             |                                |   |                    |   |
| 13   |   |   |                 | X                    |                      |                              |   |   |                               | X                              |   |                    |   |
| 14   |   |   |                 |                      | X                    |                              |   |   |                               | X                              |   |                    |   |
| 15   |   |   | X               |                      | X                    |                              |   |   | X                             |                                |   |                    |   |
| 16   |   |   |                 | X                    |                      | X                            |   |   |                               | X                              |   |                    |   |
| 17   |   |   | X               |                      | X                    |                              |   |   | X                             |                                |   |                    |   |
| 18   | an unmarried illegitimate child                             |   |                 |                      | X                    |                              |   |   | X                             |                                |   |                    |   |
| 19   |   |   |                 |                      |                      |                              |   |   | X                             |                                |   |                    |   |
| 20   | a parent (including "in loco parentis")                     |   | X               |                      | X                    |                              |   |   | X                             |                                |   |                    |   |
| 21   |   |   |                 | X                    |                      | X                            |   |   |                               | X                              |   |                    |   |

## NOTES:

1. This same rule applies when either member or spouse has been previously married, if the previous marriage was dissolved by death, final decree or divorce, or by annulment (not prohibiting remarriage).
2. Submit doubtful cases through channels to the Comptroller General of the United States.
3. The birth date of the child must be after the date of the marriage concerned.
4. Submit questionable cases to the Commandant of the Marine Corps.

Table 26-2. Who Determines Relationship or Dependency for Navy or Marine Corps Members (Continued)

| BAH ENTITLEMENTS, MEMBERS WITHOUT DEPENDENTS, ENTITLED TO BASIC PAY |   |   |   |
|---|---|---|---|
| R<br>U<br>L<br>E  | A   | B   | C   |
|   | Member is   | then BAH accrues  | BAH does not accrue   |
| 1   | assigned to a permanent station   | if government quarters or housing facilities are not assigned (notes 3 and 11)  | if member is assigned or occupies Government quarters suitable and adequate for the member's grade (notes 9 and 10).                    |
| 2   |   | while on short period of special alert duty during which the member is furnished sleeping accommodations at the permanent station where government quarters are not available for assignment.                                       |   |
| 3   |   | while on short training periods not to exceed 45 days during which, due to military necessity, the member is furnished sleeping accommodations at the permanent station where government quarters are not available for assignment. |   |
| 4   | assigned to an off-ship crew of a nuclear powered submarine, temporarily serving ashore for more than 15 consecutive days for training and rehabilitation   | if government quarters are not available at the training or rehabilitation site   | if adequate government quarters are available for occupancy at the training or rehabilitation site.                                     |
| 5   | in pay grade E-4 (less than 4 years' service), or lower and is ordered to report for TDY in connection with the fitting out or conversion of a vessel and permanent duty aboard when the vessel is placed in commission | if per diem allowance is not authorized for the period of TDY (note 1)  | if quarters are available or member is entitled to per diem allowance for the period of such duty.                                      |
| 6   | on field duty, PCS not involved (note 15)   | if receiving BAH at permanent station   | if assigned or occupying government quarters at permanent station.  |
| 7   | assigned PCS to a unit on field duty  | if the commander certifies member was required to procure quarters at own expense at the initial field duty site  | for the initial field duty in progress at time of PCS, unless member is required to procure quarters at own expense at field duty site. |
| 8   | on sea duty (note 2)  | if member is grade E-6 or above while aboard ship in homeport or overhaul and elects on or after July 1, 1996 not to occupy available quarters (notes 13 and 14)  | if member is grade E-5 or below.  |
| 9   | on authorized leave, accrued, advanced, or in connection with release from active duty or discharge (PCS not involved)  | if receiving BAH at permanent station or assigned quarters are terminated incident to separation (notes 3 and 11)   | if assigned quarters at permanent station.  |
| 10  | on excess leave   |   | for any period of time.   |
| 11  | sick in hospital, or on sick leave from a hospital (PCS not involved)   | if receiving BAH at permanent station, (notes 3 and 11)   | if assigned quarters at permanent station.  |
| 12  | being treated at hospital TDY en route PCS; or assigned PCS direct to hospital for treatment  | if not assigned quarters  | if assigned quarters in the hospital.   |
| 13  | on TDY (PCS not involved), or TAD, including such duty on transport or under permissive orders (notes 6, 12, and 15)  | if receiving BAH at permanent station   | if assigned quarters at permanent station.  |

Table 26-3. BAH Entitlements, Members Without Dependents, Entitled to Basic Pay

| <b>BAH ENTITLEMENTS, MEMBERS WITHOUT DEPENDENTS, ENTITLED TO BASIC PAY</b> |  |   |  |
|--|--|---|--|
| <b>R<br/>U<br/>L<br/>E</b>   | <b>A</b>   | <b>B</b>  | <b>C</b>   |
|  | <b>Member is</b>   | <b>then BAH accrues</b>   | <b>BAH does not accrue</b>   |
| <b>14</b>  | in pay grade E-4 (4 or more years' service), or higher, in travel status on PCS, including travel under permissive orders, TDY en route, leave en route and proceed time; or is assigned PCS and is on authorized leave or duty at the old or new station (note 6)                         | if member is not assigned government quarters, or for the first 30 days member temporarily occupies government quarters at any one location (notes 4, 7, 11, and 16)                      | if member is assigned government quarters, or for any period in excess of 30 days member temporarily occupies government quarters at any one location. |
| <b>15</b>  | in pay grade E-4 (less than 4 years' service), or lower, and is in a travel status on PCS, including leave en route and proceed time (note 8)  |   | on and after the day of departure from old station.  |
| <b>16</b>  | in pay grade E-4 (less than 4 years' service), or lower, assigned PCS and is on authorized leave or duty at the old or new station   | for not more than 30 days that member temporarily occupies government quarters incident to the PCS at either old or new station (notes 11 and 16)   | for period of occupancy of government quarters not incident to a PCS.  |
| <b>17</b>  | in pay grade E-4 (less than 4 years' service), or below, initially assigned to a station for basic training, and after completion of such training performs temporary duty at that location pending the receipt of orders designating a permanent duty station to which member will report | between the date of completion of basic training the date member departs the basic training station to comply with PCS orders, when government quarters are not available for assignment. |  |
| <b>18</b>  | in pay grade E-4 (4 or more years' service), or higher, assigned to active duty and is performing temporary duty at other than basic training station pending receipt of orders designating a permanent duty station to which member will report upon completion of temporary duty         | when government quarters are not available for assignment.  |  |
| <b>19</b>  | in pay grade E-4 (less than 4 years' service), or lower, assigned to active duty and is performing temporary duty at other than basic training station pending receipt of orders designating permanent duty station to which member will report upon completion of temporary duty          | between the date of commencement of temporary duty and the date of receipt of orders naming a permanent duty station when government quarters are not available for assignment.           |  |
| <b>20</b>  | in pay grade E-4 (4 or more years' service), or higher, ordered home or to a place other than a military organization awaiting further orders in connection with Physical Evaluation Board proceedings   | on and after day of departure from hospital or old station through day of discharge, or day prior to effective date of retirement.  |  |
| <b>21</b>  | in pay grade E-4 (less than 4 years' service), or lower, ordered home or to a place other than a military organization awaiting further orders in connection with Physical Evaluation Board proceedings  | on and after day of arrival at the designated place, through day of discharge, or day prior to effective date of retirement (note 5)  | while in travel status from hospital to the designated place or during delay en route chargeable as leave.   |
| <b>22</b>  | training for, attending or participating in Pan Am or Olympic games, or other international amateur sports competition   | if not furnished quarters by the government or by an agency sponsoring the member's participation   | if furnished quarters by the government, or by an agency sponsoring participation.   |
| <b>23</b>  | a medical officer on active duty in an intern or resident physician status at a state, county, municipal, or private hospital  | if not furnished quarters without charge by the hospital  | if furnished quarters without charge by the hospital. Such quarters are considered furnished on behalf of the United States.                           |

Table 26-3. BAH Entitlements, Members Without Dependents, Entitled to Basic Pay (Continued)

| <b>BAH ENTITLEMENTS, MEMBERS WITHOUT DEPENDENTS, ENTITLED TO BASIC PAY</b> |  |  |   |
|--|--|--|---|
| <b>R<br/>U<br/>L<br/>E</b>   | <b>A</b>   | <b>B</b>   | <b>C</b>  |
|  | <b>Member is</b>   | <b>then BAH accrues</b>  | <b>BAH does not accrue</b>  |
| <b>24</b>  | a student training on a fellowship, scholarship or grant   | if not furnished quarters by the college, university, or research facility   | if furnished quarters by the college, university, or research facility. Such quarters are considered furnished on behalf of the United States.  |
| <b>25</b>  | a Nurse Corps officer or Nurse Corps candidate attending a course of instruction or affiliating with a state, county, municipal, or private hospital   | if member is not furnished quarters without charge   | if furnished quarters without charge by the hospital. Such quarters are considered furnished on behalf of the United States.  |
| <b>26</b>  | in confinement in a guardhouse or brig pursuant to a court-martial   | if acquitted, the charges are withdrawn or the sentence is set aside or disapproved and member is otherwise entitled to BAH  | while confined pursuant to a court-martial (includes awaiting trial and serving sentence) and the sentence is approved, or, if acquitted, etc., when the member was not receiving BAH on the day before the day of confinement and government quarters assignment was not terminated before or during confinement. Quarters termination must be certified by the commander under Military Service procedures. |
| <b>27</b>  | a Reserve Component member in pay grade E-4 (4 or more years' service), or above, ordered to active duty for training (See subparagraph 570502.D for active duty other than for training)  | at permanent duty station and for authorized travel time from home to first duty station and from last duty station to home (note 7)   | for any period government quarters are occupied (notes 9 and 10).   |
| <b>28</b>  | a Reserve Component member in pay grade E-4 (less than 4 years' service), or lower, ordered to active duty for training (See subparagraph 570502.D, for active duty other than for training)   | if the member was not assigned government quarters at the permanent duty station (note 7).   |   |
| <b>29</b>  | a Reservist in any pay grade called or ordered to active duty on or after Aug 2, 1990, in connection with Operation Desert Shield/Storm; a Reserve Component member in any grade called or ordered to active duty on or after Dec 5, 1991 in support of a contingency operation (other than for a member who is authorized transportation of household goods as part of the call or order) | if the member is unable to continue to occupy a primary residence which is maintained by the member and which is owned by the member, or for which the member is responsible for rental payments | if the member is assigned or occupies government quarters suitable and adequate for the member's grade and does not maintain and own a primary residence or is not responsible for rental payments on the member's primary residence (notes 9 and 10).  |

## NOTES:

1. BAH accrues from the date of reporting through the day before the date the ship is placed in full commission, reduced commission, or in service not in commission, whichever occurs first.
2. For the purpose of payment of BAH under rule 8, duty for a period of less than 3 months is not considered to be sea duty. Duty for more than 3 months under temporary orders (TDY/TAD) which provide for return to the member's same permanent station is not considered sea duty. Ship-based staffs are not considered to be on sea duty for BAH purposes when the entire staff is ordered ashore by written orders and the duty ashore is not considered to be service in a self-propelled vessel that is in an active status, in commission or in service and is equipped with berthing and messing facilities.
3. When not assigned to government quarters at the permanent station, BAH accrues for up to 30 consecutive days at one location where government quarters are temporarily occupied while in a duty or authorized leave status not incident to PCS. BAH for a 30-day period is not forfeited if occupancy exceeds 30 days.
4. Entitlement to BAH for 30 days in government quarters applies only when occupancy of government quarters is of a temporary nature incident to the PCS as certified by the commander of the station involved. (For rule 16 the period of entitlement must be after receipt of PCS orders and before departure from old station and/or after arrival at new station.)
5. Entitlement begins on actual or constructive date of arrival home or other designated place, whichever date is earlier. (Compute constructive time arrival date via commercial transportation mode based upon the rules and provisions of the JFTR, Volume 1.)

**Table 26-3. BAH Entitlements, Members Without Dependents, Entitled to Basic Pay (Continued)**

6. Also applies to members entitled to pay and allowances while attending school under Operation Bootstrap.
7. BAH and per diem may be credited for the same periods, if otherwise qualified.
8. This rule is not applicable when a member is performing temporary duty under PCS orders at a station which is ultimately the member's permanent duty station upon completion of the temporary duty; in such instances, see rule 1 of this table.
9. Government quarters in fact occupied without payment of rental charges shall be deemed to have been assigned as appropriate and adequate quarters.
10. Does not apply to temporary occupancy of government quarters assigned to another member for 90 days or less at any one duty station. Occupancy for more than 90 days is considered to be of a permanent nature and BAH entitlement does not accrue for any portion of the period of such occupancy. Movement from one unit of quarters to another or in and out of the same unit, with or without a break, does not establish a new 90-day period.
11. The intent of these entitlements is that BAH continue for a maximum of 30 days at any one location. Movement from one unit of government quarters to another, or in and out of the same unit, at the same location, with or without a break in occupancy, does not break the consecutiveness and does not create new periods or extend the authorized 30 days without loss of BAH. Occupancy of government quarters at different locations creates a new 30-day period at each location. However, if government quarters at one location are considered to be occupied by a member at the same time the member occupies government quarters at a second location, a new 30-day period does not begin at the second location.
12. A member away from permanent station may occupy quarters of the United States designated for members without dependents at the member's temporary duty station without affecting the member's right to receive payment of basic allowances for quarters or assignment of quarters, if any, at the member's permanent station. Under such circumstances, a member may not occupy quarters of the United States which exceed the minimum standards for members of that grade without dependents, as prescribed by the Secretary concerned, unless the only quarters available (a) exceed the minimum standards, and (b) are made available for joint occupancy with other members.
13. Members in grade E-6 or above, who are assigned to an off-ship crew of a nuclear powered submarine, are entitled to BAH under rule 8 upon reassignment as the on-ship crew provided entitlement accrued during training and rehabilitation.
14. A member is also entitled to receive BAH after reporting to a deployed vessel, if the homeport of that ship is the same as the previous assignment and the member was receiving BAH at the homeport. Members TAD to the ship are also entitled to BAH after reporting to the deployed vessel if in receipt of BAH at the permanent duty station before being detached on TAD. Members in grade E-5, without dependents, assigned to sea duty may be authorized BAH if appropriate considering the availability of quarters for E-5s. A member married to another member below pay grade E-6 may be authorized one BAH Allowance. (See subparagraph 260201.C).
15. For members below pay grade E-7, entitlement does not exist during TDY or TAD if quarters are assigned or furnished at the permanent station, even though the quarters are vacated at the beginning of the TDY or TAD.
16. Installation commanders may, for reasons of military necessity or relief of hardship, authorize non-TDY members affected by PCS orders to temporarily occupy government quarters beyond 30 days without loss of BAH.

**Table 26-3. BAH Entitlements, Members Without Dependents, Entitled to Basic Pay (Continued)**



| BAH ENTITLEMENT AT PERMANENT STATIONS FOR SPOUSES IN UNIFORMED SERVICE- FAMILY-TYPE<br>QUARTERS NOT ASSIGNED (Notes 1-7 and Note 16) |  |   |   |  |          |  |                                     |   |                                     |
|--|--|---|---|--|----------|--|-------------------------------------|---|-------------------------------------|
| R<br>U<br>L<br>E   | A  | B   | C   | D  |          | E  |                                     | F   |                                     |
|  | When member A has dependents other than spouse | and member B has dependents other than spouse | and members acquire a child(ren) (note 8) | and single-type government quarters are assigned to (note 9) |          | then member A is entitled to BAH as a member |                                     | and member B is entitled to BAH as a member (note 15) |                                     |
|  |  |   |   | member A   | member B | with dependent                               | without dependent (notes 11 and 13) | with dependent  | without dependent (notes 11 and 13) |
| 1  | No   | No  | No  |  |          |  | X                                   |   | X                                   |
| 2  | No   | No  | No  | X  | X        |  |                                     |   |                                     |
| 3  | No   | No  | No  | X  |          |  |                                     |   | X                                   |
| 4  | No   | No  | No  |  | X        |  | X                                   |   |                                     |
| 5  | No   | No  | Yes                                       |  |          | X<br>(note 10)                               |                                     |   | X                                   |
| 6  | No   | No  | Yes                                       | X  | X        | X<br>(note 10)                               |                                     |   |                                     |
| 7  | No   | No  | Yes                                       | X  |          | X<br>(note 10)                               |                                     |   | X                                   |
| 8  | No   | No  | Yes                                       |  | X        | X<br>(note 10)                               |                                     |   |                                     |
| 9  | Yes  | No  | No  |  |          | X<br>(note 12)                               |                                     |   | X                                   |
| 10   | Yes  | No  | No  | X  | X        | X<br>(note 12)                               |                                     |   |                                     |
| 11   | Yes  | No  | No  | X  |          | X<br>(note 12)                               |                                     |   | X                                   |
| 12   | Yes  | No  | No  |  | X        | X<br>(note 12)                               |                                     |   |                                     |
| 13   | Yes  | No  | Yes                                       |  |          | X  |                                     |   | X                                   |
| 14   | Yes  | No  | Yes                                       | X  | X        | X  |                                     |   |                                     |
| 15   | Yes  | No  | Yes                                       | X  |          | X  |                                     |   | X                                   |
| 16   | Yes  | No  | Yes                                       |  | X        | X  |                                     |   |                                     |
| 17   | Yes  | Yes   | No  |  |          | X<br>(note 14)                               |                                     |   | X                                   |
| 18   | Yes  | Yes   | No  | X  | X        | X  |                                     | X   |                                     |
| 19   | Yes  | Yes   | No  | X  |          | X  |                                     | X   |                                     |
| 20   | Yes  | Yes   | No  |  | X        | X  |                                     | X   |                                     |
| 21   | Yes  | Yes   | Yes                                       |  |          | X<br>(note 14)                               |                                     |   | X                                   |
| 22   | Yes  | Yes   | Yes                                       | X  | X        | X  |                                     | X   |                                     |
| 23   | Yes  | Yes   | Yes                                       | X  |          | X  |                                     | X   |                                     |
| 24   | Yes  | Yes   | Yes                                       |  | X        | X  |                                     | X   |                                     |

**Table 26-4. BAH Entitlement at Permanent Stations for Spouses In Uniformed Service - Family-Type Quarters Not Assigned**

## NOTES:

1. When family-type quarters are jointly occupied by the members, neither member is entitled to BAH, even though the dependents do not reside in the quarters, unless dependents are prevented by military orders from occupying quarters.
2. When husband-wife members are stationed at the same or adjacent military installations, both members are normally authorized BAH at the appropriate rate when family-type quarters are not assigned, notwithstanding the availability of adequate single quarters for either or both members.
3. Members may be considered to be stationed at the same or adjacent bases or shore installations when they are not precluded by distance from living together, or they actually commute on a regular basis, regardless of distance.
4. When husband-wife members have no other dependents and are precluded by distance from living together, they will normally be treated as members without dependents for purposes of entitlement to BAH (see Table 26-3).
5. When husband-wife members, who are both entitled to BAH at the same or adjacent military installation, are separated geographically by competent orders and one member remains assigned to the old duty station, that member normally will be authorized continuance of BAH notwithstanding the availability of adequate single quarters for assignment to either member.
6. BAH at the rate payable to members without dependents is authorized during travel status after departure from the old permanent station, or during a period of leave, delay en route, or proceed time between permanent duty stations, provided the members are in pay grade E-4 (4 years' or more service), and above, are not in receipt of BAH for other dependents, and are not assigned to government quarters en route or temporarily occupy government quarters for more than 30 days at any one location.
7. When not assigned to government quarters at the permanent station, BAH accrues for up to 30 consecutive days at one location where government quarters are temporarily occupied while in a duty or authorized leave status not incident to PCS. BAH for a 30-day period is not forfeited if occupancy exceeds 30 days.
8. Refer to paragraph 260402.
9. If either column in column D is blank, that member is not assigned to single-type government quarters.
10. For purposes of this table, the members have agreed that member A is to receive BAH at the with-dependent rate (subparagraph 260402.A).
11. See Table 26-3 for BAH entitlement when a member is on field or sea duty.
12. When the dependents in column A, rules 9 through 12, are children from a prior marriage or illegitimate children residing with member A, the members may elect for member B to receive BAH for stepchildren, in accordance with subparagraph 260413.B, and member A to receive without-dependent rate BAH when not occupying single quarters.
13. When one member enters a non-pay status, the other member may claim the member not entitled to pay and allowances as a dependent and be authorized to draw BAH at the with-dependent rate for the duration of the non-pay status if otherwise entitled (for exception, see paragraph 260415).
14. Members must elect which one is to receive the with-dependent rate BAH. If they cannot agree as to the election, the entitlement will rest with the senior member. Elections cannot be retroactive.
15. When one or both of the dependents in columns A and B are dependent parents of the members, both members may receive with-dependent rate BAH, if otherwise entitled. Also, when married members no longer share a common residence due to competent military orders, their entitlement to increased allowances or to government-furnished quarters should be determined separately, without regard to the general rule that all dependents of members are members of the same class for the purpose of determining allowance entitlements. Refer to paragraphs 260406 and 260407 for BAH entitlement of divorced or legally separated members.
16. Members may temporarily occupy government quarters assigned to another member for 90 days or less at any one duty station without loss of BAH. Occupancy for more than 90 days is considered to be of a permanent nature and BAH entitlement does not accrue for any portion of the period of occupancy. Movement from one unit of quarters to another or in and out of the same unit, with or without a break, does not establish a new 90-day period.

**Table 26-4. BAH Entitlement at Permanent Stations for Spouses In Uniformed Service- Family-Type Quarters Not Assigned (Continued)**

| BAH ENTITLEMENT, MEMBERS WITH DEPENDENTS ENTITLED TO BASIC PAY |   |   |   |  |  |
|--|---|---|---|--|--|
| R<br>U<br>L<br>E   | A   | B   | C   | D  | E  |
|  | If member is  | and is entitled to BAH at the permanent station | and the member and dependents temporarily occupy government quarters (note 1) | and if the member is an  | then BAH entitlement   |
| 1  | in a duty or authorized leave status not incident to PCS (includes accrued, advanced, or convalescent leave) (note 6) | yes   | no  |  | continues.   |
| 2  |   |   | yes   |  | continues, but not more than 30 consecutive days at one location where government quarters are temporarily occupied. BAH for the 30-day period is not forfeited even if occupancy exceeds 30 days (notes 2 and 3).   |
| 3  |   | no  |   |  | does not exist. However, if quarters assignment at the permanent station is terminated while on duty at the beginning of or during leave, rules 1 and 2 apply on and after date of termination.                      |
| 4  | on excess leave   | yes   |   | officer or enlisted member in pay grade E-4 (over 4 years' service), or higher | does not exist except as provided in subparagraph 260501.C for members in pay grade E-4 (4 years' or less), and below (note 4).  |
| 5  | in a duty, travel or leave status incident to PCS (includes TDY en route) (notes 6 and 8)                             |   | no  |  | exists unless permanent government quarters are assigned or occupied.  |
| 6  |   |   | yes (note 5)  |  | exists, but not more than 30 days at any location where government quarters are temporarily occupied. Entitlement does not exist if permanent government quarters are also assigned or occupied (notes 2, 3, and 7). |
| 7  | on TDY or TAD, not incident to PCS (notes 6 and 8)  | yes   | no  |  | continues as long as the permanent station remains unchanged, except as restricted by subparagraph 260301.C.   |
| 8  |   |   | yes   |  | continues, but not more than 30 consecutive days at one location where government quarters are temporarily occupied. BAH for the 30-day period is not forfeited even if occupancy exceeds 30 days (notes 2 and 3).   |
| 9  |   | no  |   |  | does not exist.  |
| 10   | AWOL, not excused as unavoidable  |   |   | officer or enlisted member   | does not exist.  |

Table 26-5. BAH Entitlement, Members With Dependents Entitled to Basic Pay

| BAH ENTITLEMENT, MEMBERS WITH DEPENDENTS ENTITLED TO BASIC PAY |  |   |   |                            |  |
|--|--|---|---|----------------------------|--|
| R<br>U<br>L<br>E   | A  | B   | C   | D                          | E  |
|  | I<br>f member is   | and is entitled to BAH<br>at the permanent<br>station | and the member and<br>dependents<br>temporarily occupy<br>government quarters<br>(note 1) | and if the<br>member is an | then BAH entitlement   |
|  | absent due to disease (as<br>distinguished from<br>injury) from alcohol or<br>drugs, causing loss of pay | yes   |   |                            | continues.   |
|  |  | no  |   |                            | does not exist. However, if<br>quarters assignment at the<br>permanent station is terminated<br>during an absence, BAH<br>accrues on and after date of<br>termination. |
|  | home on PCS awaiting<br>further orders in<br>connection with physical<br>evaluation board<br>proceedings |   | no  |                            | continues until member's<br>retirement or discharge.   |
|  |  |   | yes   |                            | does not exist.  |

## NOTES:

- Does not apply to temporary occupancy of government quarters assigned to another member by a member and dependents, or dependents alone for a period of 90 days or less at any one duty station. Occupancy for more than 90 days is considered to be of a permanent nature and BAH entitlement does not accrue for any portion of the period of such occupancy. Movement from one unit of quarters to another or in and out of the same unit, with or without a break, does not establish a new 90-day period.
- BAH credit continues if member has additional dependents who are precluded by competent authority from occupying government quarters or facilities furnished member and spouse, or spouse alone.
- The intent of these entitlements (rules 2, 6, and 8) is that BAH continue for a maximum of 30 days at any one location. Movement from one unit of government quarters to another, or in and out of the same unit, at the same location, with or without a break in occupancy, does not break the consecutiveness and does not create new periods or extend the authorized 30 days without loss of BAH. Occupancy of government quarters at different locations creates a new 30-day period at each location. However, if government quarters at one location are considered to be occupied by a member at the same time the member occupies government quarters at a second location, a new 30 day period does not begin at the second location.
- BAH does not accrue during excess leave if member is not to continue in service after leave expires. Example: A member released from the disciplinary barracks on commandant's parole, and placed in excess leave status until sentence is ordered to be executed.
- Applies whether temporary occupancy of government quarters is at old station, while en route, or at new station. However, occupancy is limited to guest houses or other transient facilities. Family housing is excluded from such use.
- The phrase, "incident to PCS," refers to whether or not the member is en route to a new permanent station under PCS orders.
- Installation commanders may, for reasons of military necessity or relief from hardship, authorize non-TDY members affected by PCS orders to temporarily occupy government quarters beyond 30 days without loss of BAH.
- Includes such status under permissive orders.

Table 26-5. BAH Entitlement, Members With Dependents Entitled to Basic Pay (Continued)

| DATE TO START BAH-MEMBERS WITH DEPENDENTS |  |   |
|---|--|---|
| R<br>U<br>L<br>E                          | A  | B   |
|   | If member  | then BAH begins on  |
| 1   | enlists, or is called to EAD   | date of enlistment or entry on active duty, if member is not assigned government quarters for member and dependents on that date.   |
| 2   | is appointed to commissioned or warrant officer status   | date active duty pay begins, if member is not assigned government quarters for member and dependents on that date.  |
| 3   | occupies government quarters with dependents and quarters assignment is terminated or member and dependents physically depart permanent station pursuant to PCS orders | date of termination of quarters assignment or date of PCS departure, unless dependents continue to occupy the quarters. If definite assignment of quarters was not required, then BAH begins the date quarters are vacated. |
| 4   | occupies government quarters with dependents and the quarters are declared inadequate  | date on which designation of inadequacy of quarters is effective, if member and dependents continue to occupy such quarters.  |
| 5   | acquires a dependent (marriage, birth, adoption, etc.) (note 1)  | date dependent is acquired, if member is not assigned government quarters for member and dependent(s) on that date (note 2).  |
| 6   | acquires a dependent while in an unauthorized absence status   | date member is returned to a pay status after apprehension or surrender, if member is not assigned government quarters for member and dependents on that date (note 3).   |
| 7   | claims dependent parent  | date determined or approved by authority shown in Table 26-1 or 26-2.   |
| 8   | claims doubtful dependent  |   |

## NOTES:

1. Includes dependent acquired while member is on authorized leave.
2.
  - a. Applies to sole dependent of officer or enlisted member.
  - b. Applies to any dependent on whose behalf a member is entitled to increased BAH.
  - c. BAH starts with date of member's marriage even though the marriage occurs on same day as divorce from another member.
  - d. When blood parents of an illegitimate child marry, the child becomes a legitimate dependent for BAH purposes.
  - e. In the case of Navy members, BAH will not be started more than 6 months before submission of the application without prior approval by the authority shown in Table 26-2.
3. If there has been any change in the status of dependents on whose behalf BAH existed on the date an unauthorized absence commenced, a member must reestablish the right to BAH.

**Table 26-6. Date To Start BAH-Members With Dependents**

| DATE TO STOP BAH-CHANGES IN DEPENDENCY STATUS |  |   |
|---|--|---|
| R<br>U<br>L<br>E                              | A  | B   |
|   | If the sole dependent  | then stop BAH at 2400 hours of the day  |
| 1   | dies   | of death.   |
| 2   | is divorced (note 1)   | of the final decree of divorce (note 1).  |
| 3   | is a spouse in a voidable (not void) marriage which is dissolved by final annulment decree                   | before date of the decree. (No payment of BAH may be made on or after date of the decree, regardless of credits accrued and not paid; BAH paid before the date of decree may be retained (note 2).  |
| 4   | is a spouse in an invalid (void) marriage  | before discovery of invalidity of the marriage. (No payment of BAH may be made on or after date of discovery, regardless of credits accrued and not paid. Retention of BAH paid before that time depends on validation under Chapter 50, section 5005). |
| 5   | becomes of age (except a child who is incapable of self-support because of mental or physical incapacity)    | before the child's 21st birthday.   |
| 6   | marries (regardless of age, or mental or physical incapacity)  | of the child's marriage. (Applies even though child's marriage is to a Service member who is also entitled to BAH on child's behalf for that date).   |
| 7   | is adopted by a third party by interlocutory order or decree which has effected a changed legal relationship | before date of adoption (note 3).   |
| 8   | is adopted by a third party and a final order or decree has been entered                                     | before date of adoption.  |
| 9   | enters military service  | before day of entry into service.   |
| 10  | is one who must be "in fact" dependent on member, and such dependency ceases                                 | before date dependency ceases.  |

## NOTES:

1. Applies also when an affinitive relationship between a member and step-child ceases because of divorce from the child's parent.
2. Applies also when affinitive relationship between a member and step-child ceases because of annulment of marriage.
3. Case involving Army or Air Force member must be sent to DFAS-IN or DFAS-DE respectively, for determination as to whether order of decree effected a changed legal relationship. Cases involving Navy must be sent to DFAS-CL and Marines will send cases to Commandant of the Marine Corps, respectively.

**Table 26-7. Date To Stop BAH-Changes In Dependency Status**

| DATE TO STOP BAH-OTHER THAN CHANGES IN DEPENDENCY STATUS |   |  |
|--|---|--|
| R<br>U<br>L<br>E   | A   | B  |
|  | If member   | then stop BAH at 2400 hours of the day   |
| 1  | is furnished government quarters at the permanent station, adequate for the member and dependents   | before the day quarters are assigned (or before day occupancy begins, if definite assignment not made) (note 1). |
| 2  | is furnished quarters (cash or in kind) on behalf of the United States, adequate for the member and dependents  | before day quarters are furnished.   |
| 3  | and dependents occupy inadequate quarters which are rehabilitated and designated as adequate quarters   | before effective date of redesignation as adequate quarters.   |
| 4  | and dependents occupy government quarters at the permanent station during family's visit, not incident to PCS (note 2)  | before commencing the eighth consecutive day of occupancy (note 3).  |
| 5  | and dependents temporarily occupy government quarters while on leave (not incident to PCS), or while in a travel status incident to PCS, including delay en route chargeable as leave | see Table 26-5.  |
| 6  | is absent without leave   |  |
| 7  | is discharged or released from active duty  | of discharge or release.   |
| 8  | is retired  | before effective date of retirement.   |
| 9  | dies  | of death.  |

## NOTES:

- When dependents are prevented from occupying the assigned quarters because of orders of competent authority, BAH continues until transportation is arranged for household goods and is available for the dependents (if prompt application is made), plus the normal travel time for dependents to the member's station.
- Does not apply to temporary occupancy of government quarters assigned to another member by a member and dependents, or dependents alone, for a period of 90 days or less at any one duty station. Occupancy for more than 90 days is considered to be of a permanent nature and BAH entitlement does not accrue for any portion of the period of such occupancy. Movement from one unit of quarters to another or in and out of the same unit, with or without a break, does not establish a new 90-day period.
- BAH credit continues if the member has additional dependents who are precluded by competent orders from residing with the member.

**Table 26-8. Date To Stop BAH-Other Than Changes In Dependency Status**

| LOCATION MEMBER'S BAH RATE IS BASED UPON – MEMBERS WITH DEPENDENTS |   |  |   |
|--|---|--|---|
| R<br>U<br>L<br>E   | A   | B  | C   |
|  | If member is  | and  | then the payable BAH rate (for members entitled to (BAH) is that which is prescribed for (notes 3 & 4)  |
| 1  | is assigned to a duty location within CONUS   | dependents reside with or separately from the member   | the members permanent duty station (PDS) unless member has a Secretarial waiver (see note 1).   |
| 2  | is assigned to an unaccompanied tour at a PDS outside CONUS   | dependents retain their permanent residence in the United States   | the area within the United States where the dependents reside beginning on the date the member reports to the new PDS (note 2).   |
| 3  |   | dependents relocate their permanent residence in the United States   | the area within the United States where the dependents reside beginning when one or more dependents arrive at the location of the new residence, or when the member reports to the new PDS in connection with the transfer, whenever is later (BAH rate based on old PDS continues through the day before the day the rate applicable for the location of the new permanent residence begins) (note 2).   |
| 4  |   | dependents relocate their residence while the member is serving an unaccompanied tour  | the area within the United States where the dependents reside for the location of the old permanent residence through the day before the day one permanent residence. Entitlement to BAH at the rate applicable to the location of the new permanent residence will begin on the day one or more dependents arrive at that location. (note 2)   |
| 5  | is assigned to an unaccompanied tour at a PDS outside CONUS (does not include Hawaii or Alaska) and the member is required to perform a TDY inside or outside CONUS, incident to a transfer to another unaccompanied tour | dependents reside inside the United States   | the location of the permanent residence of the dependents (note 2).   |
| 6  | is assigned to an unaccompanied tour at a PDS outside CONUS (does not include Hawaii or Alaska) and the member is required to perform a TDY incident to a transfer in the United States                                   |  | the location of the permanent residence of the dependents through the day before the day the member reports to the new PDS. Entitlement to BAH at the rate for the new PDS will begin on the day the member reports at that duty station (note 2).  |
| 7  | is assigned to an unaccompanied tour at a PDS outside CONUS (does not include Hawaii or Alaska)   | dependents establish a residence in the United States incident to the member's transfer from a accompanied tour at a PDS outside the United States to an unaccompanied tour                                      | the location where the dependents establish a permanent residence beginning when one or more dependents arrive at the location of the new residence provided all dependents have departed the overseas location (note 2).   |
| 8  | is assigned in Alaska   | dependents reside in, or during which all dependents return to, one of the other states or the District of Columbia to establish a permanent residence   | the location of the permanent residence of the dependents, provided the member is entitled to FSH for during the assignment or following departure of dependents (in such case, the member is entitled to an FSH equal to BAH at the without dependent rate for the PDS, if government quarters are not assigned to the member, and BAH at the with dependent rate for the location of the dependents' permanent residence). If the member is not entitled to FSH, and not assigned to government quarters the member is entitled to only BAH at the with dependent rate for the PDS. |
| 9  |   | dependents visit for more than 30 continuous days (unless visit is extended because of illness, emergency, or member is entitled to a BAH on behalf of the remaining dependents who are not visiting the member) | member's PDS.   |

Table 26-9. Location Member's BAH Rate is Based Upon – Members With Dependents



| LOCATION MEMBER'S BAH RATE IS BASED UPON – MEMBERS WITH DEPENDENTS |  |   |  |
|--|--|---|--|
| R<br>U<br>L<br>E   | A  | B   | C  |
|  | If member is   | and   | then the payable BAH rate (for members entitled to (BAH) is that which is prescribed for (notes 3 & 4)   |
| 10   | is assigned in Alaska  | dependents reside in, or return to a designated place as authorized in the JFTR, para U5222 D1, to establish a permanent residence other than in the United States  | member's PDS.  |
| 11   | is assigned in Hawaii  | dependents reside in, or during which all dependents return to, one of the other states or the District of Columbia to establish a permanent residence  | the location of the permanent residence of the dependents, provided the member is entitled to FSH during the assignment or following departure of dependents (in such case, the member is entitled to an FSH equal to BAH at the without dependents rate for the PDS, if government quarters are not assigned to the member, and BAH at the with dependent rate for the location of the dependents' permanent residence). If the member is not entitled to FSH, and not assigned to government quarters the member is entitled to only BAH at the with dependent rate for the PDS. |
| 12   |  | dependents visit for more than 30 continuous days (unless visit is extended because of illness, emergency, or member is entitled to a BAH on behalf of the remaining dependents who are not visiting the dependents who are not visiting the member). |  |
| 13   |  | dependents reside in, or return to a designated place as authorized in the JFTR, para U5222 D1, to establish a permanent residence other than in the United States  | member's PDS.  |
| 14   | is assigned to a ship or afloat unit   |   | the homeport of ship or other afloat unit to which a member is assigned (note 1).  |
| 15   | is in leave status away from PDS awaiting final discharge  | incident to a PCS in the United States  | old PDS.   |
| 16   | is processing for separation or retirement   |   | old PDS unless the last PDS was outside the United States, in which case location for the processing station will be used.   |
| 17   | is participating in the Educational Leave Program Relating to Continuing Public and Community Services |   | the designated unit of assignment during scheduled school breaks or periods of leave (only when member is entitled to BAH).  |
| 18   | was not paid BAH at the old PDS because government quarters were assigned                              |   | the old PDS beginning the day the member becomes entitled to BAH and the new PDS the day the member reports to the new PDS (provided the member is entitled to BAH at the new PDS).  |
| 19   | was assigned to a duty location outside the United States  |   | the new PDS on the date the member reports to the new PDS or the date the member reports at the TDY location if member reports there first; or the date the member reports to the TDY location if a new PDS is not named in the orders (provided the member is entitled to BAH at the new PDS).  |
| 20   | was assigned in Alaska or Hawaii   |   | the old PDS until the day before the day the member reports to the new PDS (provided the member is entitled to BAH at the new PDS).  |
| 21   | was assigned in the United States  | incident to a PCS in the United States, with a TDY en route to a location to which the member commutes from the permanent quarters that will be occupied at the new PDS   | the new PDS on the day per diem has been stopped under the circumstances in the JFTR U5120-D.  |

Table 26-9. Location Member's BAH Rate is Based Upon – Members With Dependents (Continued)

| LOCATION MEMBER'S BAH RATE IS BASED UPON – MEMBERS WITH DEPENDENTS |  |   |   |
|--|--|---|---|
| R<br>U<br>L<br>E   | A  | B   | C   |
|  | If member  | and   | then the payable BAH rate (for members entitled to (BAH) is that which is prescribed for (notes 3 & 4)  |
| 22   | in receipt of appropriate orders associated with a prolonged hospitalization determination | member was transferred from a PDS outside or inside the United States to a hospital in the United States for observation or treatment         | the location of the hospital to which the member has been transferred.  |
| 23   | dies in the line of duty while assigned to a PDS in the United States                      |   | the deceased member's PDS regardless of where dependents choose to reside (unless dependent's are in receipt of a Secretarial Waiver).  |
| 24   | dies in the line of duty while assigned to a PDS outside the United States                 |   | location where the dependents reside or choose to reside in the United States (if dependents stay overseas their housing allowance will be based on the OHA rate for the location the dependents reside and then revert to BAH at the location where the dependents later decide to reside in the United States, on the date one or more dependents arrive at the location where they choose to reside or the date all dependents have departed the PDS location, whichever is later) (entitlement exists for 180 days after member's death). |
| 25   | dies   | dependents reside in government quarters  | dependents location the day the housing facilities were vacated and continue for 180 days less the number of days the housing facilities were occupied following the date of the member's death.  |
| 26   | is assigned to a duty location within CONUS  | dependents are evacuated  | the member's PDS (while member's PDS remains unchanged), if early return of the dependents to the vicinity of the member's PDS is anticipated; the member continue to maintain family type quarters at personal expense during the absence of the dependents; and the period for which such payment is made does not exceed 6 months (note 5).  |
| 27   | member is assigned to a duty location at a PDS outside CONUS                               | command sponsored dependents are residing at a designated place in the 50 United States or the District of Columbia incident to an evacuation | location the dependents name as their designated place beginning on the day after the day on which per diem at the designated place terminates.   |
| 28   | is assigned in Alaska or Hawaii and resides in government quarters                         | dependents reside separately from the member outside Alaska or Hawaii in one of the other states or the District of Columbia                  | the location of the dependents (note 1).  |
| 29   | is newly inducted, enlisted, reenlisted, or an officer candidate                           |   | location of the dependents.   |

## NOTES:

1. A member assigned to a PDS in the United States is entitled to BAH at the rate applicable to the location where their dependents maintain a permanent residence if the Service Secretary, or a designated representative, determines it is necessary for dependents to reside in a military housing area other than the one in which the PSD is located when member is:
  - (1) assigned to a PDS in an area where sufficient quantities of housing do not exist;
  - (2) assigned to unusually arduous sea duty and the dependents reside at or relocate to a designated place in the United States;
  - (3) assigned or is in receipt of PCS orders to a ship entering overhaul involving a homeport change and dependents are not relocated incident to the homeport change;
  - (4) in receipt of PCS orders to a unit with a promulgated change of homeport and dependents relocate to the announced homeport before the effective date of the homeport (or designated place in the United States if appropriate) before the effective date of the homeport change;
  - (5) disadvantaged as a result of reassignment for reasons of improving mission capability and readiness of the unit, in receipt of PCS orders between duty stations located in the same proximity, and disallowed movement of household goods (see JFTR U5355). (The Secretary concerned or the Secretary's designated representative must issue a determination that a decision to implement this policy is in the interest of correcting an inequity incurred due to movement of the individual for purposes of improving mission capability and unit readiness); or
  - (6) assigned to indeterminate temporary duty, or temporary duty pending further orders. In addition to these cases, the Secretary or designated representative may issue a determination if circumstances or conditions at the new PDS require the dependents to reside at a separate location. This determination is made only in cases where the necessity to reside separately is caused by conditions at the duty station. This does not cover a personal election of either a member or dependents as the reason for residing separately.

**Table 26-9. Location Member's BAH Rate is Based Upon – Members With Dependents (Continued)**

2. Applicable when dependents reside in, or during which all dependents return to, the United States to establish a permanent residence.

None of these conditions are applicable when the dependents' residence and the member's new PDS are both in Alaska and Hawaii and the member is not entitled to FSH.

3. A member assigned to a PDS outside CONUS and authorized BAH on behalf of dependents residing separately from the member in the United States, is entitled to that allowance through the day before the day one or more command or noncommand sponsored dependents arrive at the member's overseas location to establish a residence. This does not apply when dependents establish a residence in the vicinity of the member's PDS outside CONUS if the primary residence of the remaining dependents is in the United States and the member is entitled to BAH on behalf of those dependents.
4. In instances of multiple dependent location, the member will designate the primary residence of dependents. Rate for BAH will be based on this primary residence.
5. Commanding officers will review each case on its own merits; they will encourage members to terminate their family-type quarters when it becomes apparent that dependents will not return.

**Table 26-9. Location Member's BAH Rate is Based Upon – Members With Dependents (Continued)**

| LOCATION MEMBER'S BAH RATE IS BASED UPON – MEMBERS WITHOUT DEPENDENTS |  |   |   |
|---|--|---|---|
| R<br>U<br>L<br>E  | A  | B   | C   |
|   | If member  | and   | then the payable BAH rate (for members entitled to (BAH) is that which is prescribed for (notes 3 & 4)  |
| 1   | is assigned to a duty location within CONUS  |   | members permanent duty station (PDS) unless member has a Secretarial waiver (see note 1)  |
| 2   | is assigned to a ship or afloat unit   |   | the homeport of the ship or other afloat unit to which a member is assigned   |
| 3   | is in leave status away from PDS awaiting final discharge  | incident to a PCS in the United States  | old PDS.  |
| 4   | is processing for separation or retirement   |   | old PDS unless the last PDS was outside the United States, in which case location for the processing station will be used.  |
| 5   | is participating in the Educational Leave Program Relating to Continuing Public and Community Services |   | the designated unit of assignment during scheduled school breaks or period of leave (only when member is entitled to BAH).  |
| 6   | was not paid BAH at the old PDS because government quarters were assigned                              |   | the old PDS beginning the day the member becomes entitled to BAH and the new PDS the day the member signs into the new PDS (provided the member is entitled to BAH at the new PDS).   |
| 7   | was assigned to a duty location outside the United States  |   | the new PDS on the date the member reports to the new PDS or the date the member reports at the TDY location if member reports there first; or the date the member reports to the TDY location if a new PDS is not named in the orders (provided member is entitled to BAH at the new PDS). |
| 8   | was assigned in Alaska or Hawaii   |   | the old PDS until the day before the day the member reports to the new PDS (provided member is entitled to BAH at the new PDS).   |
| 9   | was assigned in the United States  | incident to a PCS in the United States, with a TDY en route to a location to which the member commutes from the permanent quarters that will be occupied at the new PDS | the new PDS on the day per diem has been stopped under the circumstances in the JFTR U5120-D (provided member is entitled to BAH at the new PDS).   |
| 10  | in receipt of appropriate orders associated with a prolonged hospitalization determination             | member was transferred from a PDS outside or inside the United States to a hospital in the United States for observation or treatment                                   | the location of the hospital to which the member has been transferred (provided the member is entitled to BAH).   |
| 11  | was entitled to BAH at the PDS on the date an evacuation is ordered or authorized                      | continues to maintain commercial bachelor quarters  | on the PDS as long as the member may temporarily be required to occupy government quarters for all or any portion of the period involved.   |
| 12  | who is in pay grade E-4 (four or more years of service), or above                                      | is in a travel or leave status between permanent duty station, including time granted as delay en route or proceed time and not assigned to government quarters         | rate at last PDS.   |

## NOTES:

1. A member assigned to a PDS in the United States is entitled to BAH at the rate applicable to the member's residence if the service Secretary, or a designated representative, determines that the PDS in which the member is located is:

disadvantaged as a result of reassignment for reasons of improving mission capability and readiness of the unit, in receipt of PCS orders between duty stations located in the same proximity, and disallowed movement of household goods (see JFTR U5355). (The Secretary concerned or the Secretary's designated representative must issue a determination that a decision to implement this policy is in the interest of correcting an inequity incurred duty to movement of the individual for purposes of improving mission capability and unite readiness).

Table 26-10. Location Member's BAH Rate Is Based Upon – Member Without Dependents (Continued)

In addition to these cases, the Secretary or designated representative may issue a determination of circumstances or conditions at the new or conditions at the new PDS required the member to reside at different location. This determination is made only in cases where the necessity to reside separately is caused by conditions at the duty station. This does not cover a personal election of a member as the reason for residing separately.

2. This is generally for the remainder of the unexpired lease on the privately-owned quarters, provided the member is required to honor the remainder of the lease.

**Table 26-10. Location Member's BAH Rate Is Based Upon – Member Without Dependents (Continued)**

| DATE TO START BAH-MEMBERS WITH DEPENDENTS |   |   |
|---|---|---|
| R<br>U<br>L<br>E                          | A   | B   |
|   | Member is   | then the payable BAH rate (for members entitled to BAH) is that which is prescribed for:  |
| 1   | called (or ordered) to active duty for 140 days or more at one location   | the location from which they are called (or ordered) to active duty beginning on the day the member is entitled to BAH (notes 1 and 2). |
| 2   | called or ordered to active duty (other than for training) and a DoD retired member ordered to active duty under 10 U.S.C. Sec 688(a) for 140 days or more at one location away from the principal place of residence at the time called or ordered to active duty), but not authorized transportation of household goods | the principal place of residence beginning on the day the member is entitled to BAH (note 1).   |
| 3   | called (or ordered) to active duty in support of a contingency operation (note 3)   | the location of the members principal place of residence at the time called or ordered to active duty.                                  |
| 4   | injured or physically disabled while on active duty/inactive duty training, authorized incapacitation pay (including BAH) under DoDD 1241.1 (note 4)  | the member's principal place of residence beginning on the date the member becomes entitled to incapacitation pay. (note 5).            |

## NOTES:

- Entitlement for BAH for reserve members covered under 66 Comp Gen 453 (1987).
- The initial rate will terminate on the day before the day the member reports at the duty location prescribed in the active duty orders. Entitlement to BAH at the rate prescribed for the PDS location begins on the day the member reports to that location.
- A contingency operation is a military operation:
  - designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or
  - that result in the call or order to, or retention on, active duty of members of the Uniformed Services under 10 U.S.C., Ch 15, Sec 672(a), 673, 673b, 673c, 688, 3500, or 8500, or any other provision of law during a war or during a national emergency declared by the President or Congress.
- The condition must be a result of an injury, illness, or disease incurred or aggravated:
  - in line of duty while performing active duty;
  - in line of duty while performing inactive-duty training (other than work or study in connection with a correspondence course of an armed force or attendance in an inactive status at an educational institution under the sponsorship of an armed force or the Public Health Service); or
- Entitlement for a BAH rate for an eligible reservist may not be paid for a period of more than 6 months except when, in the interest of fairness and equity, the Secretary concerned or the Secretary's designated representative extends incapacitation pay (see 37 U.S.C., Sec 204(g) and (h) and DoDD 1241.1 for entitlement offsets).

**Table 26-11. Location Member's BAH Rate is Based Upon – Members of Reserve Components**

| <i>Monthly Rates of BAH-II, BAH-DIFF and Partial BAH – Effective July 1, 2000</i> |                                |                                   |                  |                    |
|---|--------------------------------|-----------------------------------|------------------|--------------------|
| <b>Pay Grade</b>  | <b>BAH-II (With Dependent)</b> | <b>BAH-II (Without Dependent)</b> | <b>★BAH-Diff</b> | <b>Partial BAH</b> |
| O-10  | \$1,113.60                     | \$904.80                          | <i>\$215.40</i>  | \$50.70            |
| O-9   | \$1,113.60                     | \$904.80                          | <i>\$215.40</i>  | \$50.70            |
| O-8   | \$1,113.60                     | \$904.80                          | <i>\$215.40</i>  | \$50.70            |
| O-7   | \$1,113.60                     | \$904.80                          | <i>\$215.40</i>  | \$50.70            |
| O-6   | \$1,002.60                     | \$830.10                          | <i>\$178.20</i>  | \$39.60            |
| O-5   | \$966.60                       | \$799.50                          | <i>\$172.50</i>  | \$33.00            |
| O-4   | \$852.00                       | \$740.70                          | <i>\$114.60</i>  | \$26.70            |
| O-3   | \$704.70                       | \$594.00                          | <i>\$114.30</i>  | \$22.20            |
| O-2   | \$601.80                       | \$471.00                          | <i>\$135.00</i>  | \$17.70            |
| O-1   | \$538.20                       | \$396.90                          | <i>\$146.10</i>  | \$13.20            |
| O-3E  | \$757.50                       | \$641.10                          | <i>\$120.00</i>  | \$22.20            |
| O-2E  | \$683.40                       | \$544.80                          | <i>\$143.40</i>  | \$17.70            |
| O-1E  | \$631.50                       | \$468.90                          | <i>\$168.00</i>  | \$13.20            |
| W-5   | \$822.30                       | \$752.70                          | <i>\$71.70</i>   | \$25.20            |
| W-4   | \$753.90                       | \$668.40                          | <i>\$88.20</i>   | \$25.20            |
| W-3   | \$690.90                       | \$561.90                          | <i>\$133.20</i>  | \$20.70            |
| W-2   | \$635.40                       | \$498.60                          | <i>\$140.70</i>  | \$15.90            |
| W-1   | \$549.60                       | \$417.90                          | <i>\$135.90</i>  | \$13.80            |
| E-9   | \$723.60                       | \$549.00                          | <i>\$180.00</i>  | \$18.60            |
| E-8   | \$667.20                       | \$504.00                          | <i>\$168.30</i>  | \$15.30            |
| E-7   | \$619.50                       | \$430.50                          | <i>\$195.00</i>  | \$12.00            |
| E-6   | \$572.40                       | \$389.70                          | <i>\$188.40</i>  | \$9.90             |
| E-5   | \$514.80                       | \$359.40                          | <i>\$160.20</i>  | \$8.70             |
| E-4   | \$447.30                       | \$312.60                          | <i>\$138.90</i>  | \$8.10             |
| E-3   | \$416.40                       | \$306.60                          | <i>\$113.40</i>  | \$7.80             |
| E-2   | \$396.90                       | \$249.00                          | <i>\$152.40</i>  | \$7.20             |
| E-1   | \$396.90                       | \$222.30                          | <i>\$180.00</i>  | \$6.90             |

**★Table 26-12. Monthly Rates of BAH-II, BAH-DIFF and Partial BAH – Effective July 1, 2000  
(IC 22-00)**

## Chapter 26—Basic Allowance for Quarters (BAQ)

## 2601—General Provisions

|                    |  |
|--------------------|--|
| 260101B and 260102 | Public Law 93-64,<br>July 9, 1973                  |
| 260105             | Section 403, EO 11157,<br>June 1964,<br>as amended |
| 260105B            | 21 Comp Gen 1065<br>27 Comp Gen 479                |
| 260105C            | MS Comp Gen B-7255,<br>Dec 13, 1939                |
| 260106             | 40 Comp Gen 335                                    |
| 260107C            | MS Comp Gen B-213560,<br>Apr 3, 1984               |
| 260108             | Public Law 99-227,<br>Dec 28, 1985                 |

## 2602—Members Without Dependents

|          |  |
|----------|--|
| 260201C  | 37 U.S.C 403(b)<br>Public Law 104-201,<br>Section 604,<br>Sep 23, 1996<br>37 U.S.C., Section 403(c),<br>as amended |
| 260202   | 10 U.S.C. 7572   |
| 260202D  | 10 U.S.C. 7572(b)<br>as amended by<br>Public Law 102-190,<br>Section 607, Dec 5, 1991                              |
| 260202E  | 10 U.S.C. 7572(d) as added<br>by Public Law 102-190,<br>Section 607, Dec 5, 1991                                   |
| 260203   | Public Law 102-190,<br>Section 632, Dec 5, 1991  |
| 260204   | 52 Comp Gen 23   |
| 260205   | 37 U.S.C. 1009(c)<br>EO 11939, Sep 30, 1976<br>57 Comp Gen 194<br>56 Comp Gen 894                                  |
| 260205B2 | Public Law 104-106,<br>Section 603, Feb 10, 1996<br>37 U.S.C. Section 403(b),                                      |



|                              |  |
|------------------------------|--|
|                              | as amended<br>62 Comp Gen 37   |
| 260205B14                    |  |
| 2603—Members With Dependents |  |
| 260301A2                     | 37 U.S.C. 403(d)<br>48 Comp Gen 216<br>Section 404, EO 11157,<br>June 1964, as amended                 |
| 260301A3                     | 48 Comp Gen 216  |
| 260301C and 260301D          | Part IV, EO 11157,<br>June 22, 1964  |
| 260302B1                     | MS Comp Gen B-96991,<br>Mar 19, 1951   |
| 260302B2                     | 39 Comp Gen 575  |
| 260302B3                     | 40 Comp Gen 215  |
| 260302C1                     | 21 Comp Gen 1065<br>27 Comp Gen 479  |
| 260302C2                     | 29 Comp Gen 67<br>30 Comp Gen 246<br>32 Comp Gen 454   |
| 260302D1                     | MS Comp Gen A-68837,<br>Jan 6, 1942  |
| 260302D2                     | 23 Comp Gen 856  |
| 260302D4                     | 46 Comp Gen 869  |
| 260302D5                     | OASD Memo, Sep 1, 1967<br>37 Comp Gen 517  |
| 260302D6                     | EO 11157, June 22, 1964,<br>as amended<br>by EO 12762, Jun 4, 1991                                     |
| 260302E                      | EO 11157,<br>June 22, 1964, as amended<br>by EO 12762,<br>June 4, 1991                                 |
| 260302F1                     | 37 U.S.C. 403(e)<br>Public Law 83-765,<br>Section 408, Sep 1, 1954<br>25 Comp Gen 5<br>39 Comp Gen 401 |
| 260302F3                     | MS Comp Gen A-8139,<br>June 27, 1925   |
| 260302G                      | 47 Comp Gen 355  |
| 260302H                      | DoD(GC) Memo,<br>Dec 8, 1997   |
| 260303A                      | 10 U.S.C. 2830   |

|          |   |
|----------|---|
|          | 18 Comp Gen 299   |
| 260303B  | 39 Comp Gen 401   |
| 260303C  | 10 U.S.C. 2830  |
| 260303G  | OASD(MRA&L) Memo,<br>Sep 27, 1982   |
| 260303H  | OASD(MRA&L)(MPP)<br>Memos, Apr 7, 1978 and<br>Jan 29, 1979  |
| 260304A1 | 37 U.S.C. 421   |
| 260304A2 | 37 U.S.C. 421   |
|          | 47 Comp Gen 467   |
| 260304A4 | 43 Comp Gen 249   |
| 260304C  | 54 Comp Gen 92  |
|          | 55 Comp Gen 287   |
| 260304D  | 37 U.S.C. 403(a)(2), as added<br>by Section 604(a),<br>Public Law 102-190,<br>Dec 5, 1991<br>DFAS-HQ(F) Memo,<br>Apr 22, 1993 |

## 2604—Rules for Determining Relationship and Dependency

|         |  |
|---------|--|
| 260402A | DoD Instruction 1338.1,<br>Apr 18, 1974  |
| 260402B | MS Comp Gen B-180328,<br>Oct 21, 1974<br>MS Comp Gen B-249916,<br>Mar 30, 1993 |
| 260402C | 51 Comp Gen 413  |
| 260403B | 32 Comp Gen 144  |
| 260403E | 36 Comp Gen 121  |
| 260403F | 37 U.S.C. 423  |
|         | 37 Comp Gen 451  |
| 260404  | 26 Comp Gen 645  |
| 260406A | <u>Robey vs U.S.</u> (71 Ct Cl 561)<br><u>Rawlin vs U.S.</u><br>(93 Ct Cl 231) |
| 260406B | 42 Comp Gen 642, 644<br>52 Comp Gen 454, 456<br>64 Comp Gen 333, 335           |
| 260406C | 23 Comp Gen 625<br>OASD(MRA&L)(MPP)<br>Memo, Apr 7, 1978                       |
| 260406D | OASD(MRA&L)(MPP)   |

|                |   |
|----------------|---|
|                | Memo, Apr 7, 1978                               |
| 260406D1 and 2 | MS Comp Gen B-240236,<br>Sep 12, 1991           |
| 260406F and G  | 64 Comp Gen 609                                 |
| 260406H and I  | MS Comp Gen B-138091,<br>Jan 26, 1959           |
|                | 26 Comp Gen 514                                 |
|                | 33 Comp Gen 308                                 |
|                | 34 Comp Gen 16                                  |
| 260407A        | ASD(FM&P) Memo,<br>May 19, 1992                 |
| 260407A1       | OASD(MRA&L)(MPP)<br>Memo, Dec 11, 1974          |
|                | ASD(FM&P) Memo,<br>May 19, 1992                 |
|                | ASD(FM&P) Memo,<br>Feb 28, 1992                 |
|                | ASD(FM&P) Memo,<br>June 22, 1992                |
|                | 60 Comp Gen 399                                 |
| 260407A2       | Public Law 102-190,<br>Section 602, Dec 5, 1991 |
| 260407A3       | 60 Comp Gen 399                                 |
|                | 52 Comp Gen 602                                 |
| 260407A4       | 62 Comp Gen 666                                 |
| 260407A5       | 64 Comp Gen 121                                 |
| 260407A6       | 62 Comp Gen 315                                 |
|                | 62 Comp Gen 350                                 |
| 260407A7       | 37 U.S.C. 403                                   |
| 260407A8       | 52 Comp Gen 602                                 |
| 260407B        | ASD(FM&P) Memo,<br>May 19, 1992                 |
| 260407B1       | ASD(FM&P) Memo,<br>May 19, 1992                 |
|                | ASD(FM&P) Memo,<br>Feb 28, 1992                 |
|                | ASD(FM&P) Memo,<br>June 22, 1992                |
| 260407B3       | 64 Comp Gen 121                                 |
| 260407B5       | 52 Comp Gen 602                                 |
| 260409A        | 48 Comp Gen 28                                  |
|                | MS Comp Gen B-200946,<br>Dec 15, 1980           |
| 260409B        | 59 Comp Gen 681                                 |
| 260409C        | 60 Comp Gen 399                                 |

|   |   |
|---|---|
| 260410  | 58 Comp Gen 100   |
| 260411  | 64 Comp Gen 224   |
| 260412  | Public Law 93-64,<br>July 9, 1973<br>OASD Memo, Aug 30, 1973  |
| 260412B   | Public Law 102-190,<br>Section 602, Dec 5, 1991   |
| 260412F   | MS Comp Gen B-177061<br>B-177129, Dec 13, 1974  |
| 260415  | MPAC CA 146,<br>MPAC CA 146A<br>Public Law 97-81,<br>Nov 20, 1981<br>36 Comp Gen 199<br>47 Comp Gen 467<br>MS Comp Gen B-209744,<br>Feb 1, 1983 |
| 260416  | Public Law 102-190,<br>Section 602, Dec 5, 1991   |
| 260417D   | 30 Comp Gen 144   |
| 260418E   | 33 Comp Gen 336   |
| 260418F   | 34 Comp Gen 672   |
| 260418G   | MPAC CA 78,<br>MPAC Items 70-80 and<br>83-85  |
| 2605—Payment of BAQ, Members in a Nonpay Status |   |
| 260501  | Public Law 93-64,<br>July 9, 1973   |
| 260501A3  | OASD(MRA&L)(MPP)<br>Memo, July 16, 1973<br>OASD(MRA&L)(MPP)<br>Memo, July 2, 1976   |
| Table 26-1                                      |   |
| Note 3  | MS Comp Gen B-124149,<br>Dec 23, 1955   |
| Note 4  | MS Comp Gen B-94657,<br>Feb 9, 1951<br>34 Comp Gen 193, 547, 625<br>37 Comp Gen 451   |
| Note 5  |   |
| Table 26-3                                      |   |
| Rule 1  | 37 U.S.C. 403   |
| Rule 3  | OASD(MRA&L)(MPP)<br>Memo, Apr 12, 1978  |

|                 |  |
|-----------------|--|
| Rule 4          | 44 Comp Gen 105<br>47 Comp Gen 527   |
| Rules 6 and 7   | 37 U.S.C. 403(c)(1)  |
| Rule 8, note 14 | Public Law 104-201,<br>Section 604, Sep 23, 1996<br>37 U.S.C. Section 403(c) as<br>amended   |
| Rule 14         | 37 U.S.C. 403(f)<br>MS Comp Gen B-164351,<br>Aug 2, 1968<br>48 Comp Gen 41,<br>Section 403(a)(2)(A),<br>EO 11157,<br>June 22, 1964, as amended |
| Rule 16         | 45 Comp Gen 347  |
| Rule 17         | 53 Comp Gen 740  |
| Rule 20         | 37 U.S.C. 403(f)<br>32 Comp Gen 348  |
| Rule 21         | 32 Comp Gen 348  |
| Rule 23         | 29 Comp Gen 67, 163<br>30 Comp Gen 246<br>32 Comp Gen 454  |
| Rule 25         | 29 Comp Gen 67, 163<br>30 Comp Gen 246<br>32 Comp Gen 454  |
| Rule 26         | 40 Comp Gen 169, 715<br>60 Comp Gen 74   |
| Rule 27         | 48 Comp Gen 301, 490, 517<br>EO 11157, Jun 22, 1964,<br>as amended<br>OASD(FM&P) Memo,<br>Oct 31, 1990<br>OASD(FM&P) Memo,<br>Feb 25, 1991     |
| Rule 28         | EO 11157, June 22, 1964,<br>as amended   |
| Rule 29         | Public Law 102-25,<br>Section 310A, Apr 6, 1991<br>Public Law 102-190,<br>Section 632, Dec 5, 1991   |
| Note 2          | 37 U.S.C. 403(c)(2)<br>Section 401(c), EO 11157,<br>June 22, 1964, as amended  |
| Note 3          | Section 403(a)(2)(B),  |

|                    |  |
|--------------------|--|
|                    | EO 11157, Jun 22, 1964,<br>as amended by<br>EO 12762, June 4, 1991   |
| Note 6             | 51 Comp Gen 673  |
| Note 7             | 48 Comp Gen 301, 490, 517<br>45 Comp Gen 143   |
| Note 8             | MS Comp Gen B-169507,<br>May 27, 1970  |
| Note 9             | Part IV, EO 11157,<br>June 22, 1964  |
| Note 11            | EO 11157, June 22, 1964,<br>as amended<br>by EO 12762,<br>June 4, 1991   |
| Note 12            | Section 405, EO 11157,<br>June 22, 1964  |
| Note 14            | Public Law 104-201,<br>Section 604, Sep 23, 1996,<br>37 U.S.C. 403(c), as amended                                    |
| Note 15            | 45 Comp Gen 143  |
| Table 26-4         | DoD Instruction 1338.1,<br>Apr 18, 1974  |
| Rules 17<br>and 21 | MS Comp Gen B-217665,<br>Aug 23, 1985<br>62 Comp Gen 666   |
| Note 7             | Section 403, EO 11157,<br>June 22, 1964,<br>as amended by EO 12762,<br>June 4, 1991                                  |
| Note 8             | MS Comp Gen B-108328,<br>Oct 21, 1974  |
| Note 13            | Public Law 97-81,<br>Nov 20, 1981<br>47 Comp Gen 467   |
| Notes 14<br>and 15 | MS Comp Gen B-217665,<br>Aug 23, 1985<br>62 Comp Gen 666<br>59 Comp Gen 681<br>MS Comp Gen B-249916,<br>Mar 30, 1993 |
| Table 26-5         |  |
| Rule 2             | Section 403(a)(b), EO 11157,<br>June 22, 1964, as amended<br>by EO 12762, Jun 4, 1991                                |
| Rule 6             | Section 403(a)(1)(A),  |

|                   |  |
|-------------------|--|
|                   | EO 11157, June 22, 1964,<br>as amended   |
| Rule 8            | Section 403(a)(1)(B),<br>EO 11157, June 22, 1964,<br>as amended by<br>EO 12762, June 4, 1991   |
| Rules 13 and 14   | 32 Comp Gen 348  |
| Note 2            | 23 Comp Gen 761<br>37 Comp Gen 47  |
| Note 3            | EO 11157, June 22, 1964,<br>as amended<br>by EO 12762,<br>June 4, 1991   |
| Table 26-6        |  |
| Rule 3            | MS Comp Gen B-213560,<br>Apr 3, 1984   |
| Note 2            | 37 Comp Gen 451  |
| Table 26-7        |  |
| Rules 2,3,4 and 6 | 37 Comp Gen 451  |
| Table 26-9        | 37 U.S.C. 403(a)<br>Public Law 87-649,<br>Section 10, Sep 7, 1962<br>Public Law 87-531,<br>July 10, 1962<br>Part IV, EO 11157,<br>June 22, 1964<br>Public Law 102-190,<br>Section 601, Dec 5, 1991 |
| Note 3            | Public Law 99-190,<br>Dec 19, 1985   |

**SUMMARY OF MAJOR CHANGES TO CHAPTER 27**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

**New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.**

| <b>Page</b>                   | <b>Paragraph</b>  | <b>Explanation of Change/Revision</b>   | <b>Effective Date</b> |
|-------------------------------|---|---|-----------------------|
| 17-18<br>19<br>20             | Table 27-1<br>Table 27-2<br>Table 27-3                        | IC 15-97 rectifies a misprinted reference paragraph affecting Table 27-2, note 1. It also includes cosmetic changes for Table 27-1. | Jun 2, 1997           |
| 27-3<br>27-3<br>27-5<br>27-21 | 270104.B.3<br>270104.D<br>270301.D.3.C<br>Table 27-3, Rule 22 | IC 31-99 includes married member couples regardless of dependency status and increases the entitlement rate of \$100.               | Jan 1, 1998           |



*Interim Change 15-97 and 31-99 are incorporated in this chapter.*

## CHAPTER 27

### FAMILY SEPARATION ALLOWANCE (FSA)

#### 2701 ENTITLEMENT PROVISIONS

270101. Types Authorized. FSA is payable only to members with dependents. Two types of FSA are authorized: Type I and Type II. Both types are payable in addition to any other allowance or per diem to which a member may be entitled. A member may qualify for FSA-I and FSA-II for the same period. In that case, concurrent payment of both types is authorized. A member, however, may not receive more than one payment of FSA-II for the same period, even though qualified for FSA-R and FSA-S or FSA-T. The purpose of FSA and the conditions of entitlement are set out in this chapter.

#### 270102. Definitions

A. Dependents. The term “dependents” has the same meaning as defined in the Definitions and is categorized below:

1. Primary - spouse or children
2. Secondary - parents

NOTE: Generally, a member of a Uniformed Service may not be paid an allowance (including FSA) for a dependent during any period for which the dependent is entitled to active duty basic pay. This does not however, apply to bar an entitlement to FSA-II to a couple comprised of a member married to another member with no other dependents. Such couple is entitled to FSA-II under the conditions of this chapter. The couple is not entitled to FSA-I.

B. Duty Station. The term “duty station” is the same as defined in the Definitions.

C. Permanent Station. The term “permanent station” has the same meaning as defined in the Definitions.

D. Overseas. For the purpose of FSA-I, this term applies to a location outside the contiguous 48 states, the District of Columbia, and Hawaii. (Alaska is considered to be overseas for this entitlement.)

E. Household. This term means the same as “home” or “family.” It applies to a collection of persons living under one roof, having one head or manager who controls and supervises the affairs of the family. For FSA-II purposes, this applies only to secondary dependents.

270103. FSA-I. The purpose of Type I FSA is to pay a member for added housing expenses resulting from enforced separation from dependents. It is not payable under any condition to a member permanently assigned to a duty station in Hawaii or to any duty station under permissive orders, except when subparagraph 270301.C, below, applies. It also is not payable to a member attached to the United States Truce Supervision Organization who is in receipt of the United Nations Mission Subsistence Allowance (mission per diem).

A. When Payable. FSA-I is payable to each member with dependents who is on permanent duty outside the United States or in Alaska who meets all of the following conditions:

1. Transportation of dependents to the permanent duty station or to a place near that station is not authorized at government expense;
2. Dependents do not live at or near the permanent duty station; and
3. Adequate government quarters or housing facilities are not available for assignment to a member and inadequate government quarters or housing facilities are not assigned.

B. Amount Payable. FSA-I is payable in a monthly amount equal to BAQ payable to a member without dependents in the same pay grade. (See BAQ pay tables in Chapter 26.)

C. Conditions. For specific conditions of entitlement, see section 2703, below, and Tables 27-1 and 27-2.

D. Divorced or Legally Separated Members. Treat FSA-I cases involving a divorced or legally separated member, or such a member with a child in the legal custody of a former spouse or another person, the same as for FSA-II cases. (See subparagraph 270201.B.)

270104. FSA-II. Type II FSA provides compensation for added expenses incurred because of an enforced family separation under one of the conditions in subparagraphs 274104.A.1 through 3, below. FSA-II is payable to qualified members serving inside or outside the United States. It is not authorized when a member performs duty at any station under permissive orders (except when subparagraph 270301.C, below, applies).

A. When Payable. Through September 30, 1980, FSA-II was payable to a member serving in pay grade E 4 (over 4 years of service) or above as a member with dependents. Effective October 1, 1980, FSA-II became payable to a member serving in any grade as a member with dependents. A member must meet all general requirements and one of the following conditions:

1. FSA-II, Subcategory FSA-R. Transportation of dependents is not authorized at government expense (see paragraph 270301, below) and the dependents do not live in the

vicinity of the member's home port/permanent duty station.

2. FSA-II, Subcategory FSA-S. The member is on duty aboard a ship, and the ship is away from the homeport continuously for more than 30 days. NOTE: During the period December 1, 1994, through February 9, 1996, dependents were required to live in the vicinity of the homeport. Effective February 10, 1996, the dependents no longer have been required to reside in the vicinity of the homeport. Effective June 20, 1994, a member is entitled to FSA-S for a redeployment if he or she returned to homeport after the original deployment for a period of 30 days or less and redeployed for a period of more than 30 days.

3. FSA-II, Subcategory FSA-T. The member is on TDY (or temporary additional duty) away from the permanent station continuously for more than 30 days, and the member's dependents are not residing at or near the TDY station. This includes members who are required to perform a period of the TDY before reporting to their initial station of assignment. NOTE: During the period December 1, 1994, through February 9, 1996, dependents were required to live in the vicinity of the permanent duty station. Effective February 10, 1996, the dependents no longer have been required to reside in the vicinity of the permanent duty station. Effective June 20, 1994, a member became entitled to FSA-T for a redeployment if he or she returned to the permanent duty station after the original deployment for a period of 30 days or less and redeployed for a period of more than 30 days.

B. Amount Payable

1. Effective October 1, 1985, through January 14, 1991, FSA-Type II was payable in a monthly amount of \$60.

2. Effective January 15, 1991, through December 31, 1997, FSA-Type II was payable in a monthly amount of \$75.

★ 3. *Effective January 1, 1998, FSA-Type II is payable in a monthly amount of \$100. (IC 31-99)*

C. Conditions. For specific conditions of entitlement, see Tables 27-3 through 27-6.

★ D. Member Married to Member Couples. *Effective January 1, 1998, FSA-II is payable to a member married to another member regardless of whether the member has any non-active duty dependents, when all other general conditions are met and provided members were residing together immediately before being separated by reason of execution of military orders. Prior to January 1, 1998, but after September 22, 1996, a couple comprised of a member married to another member, with no other dependents, was entitled to FSA-II under the same general conditions as members with non-active duty dependents, provided the couple was residing together immediately before being separated by reason of execution of military orders. (IC 31-99)*

1. Not more than one monthly allowance may be paid with respect to a married military couple for any month. Each member may be entitled to FSA-II within the same month, but both cannot simultaneously be entitled. Payment shall be made to the member whose orders resulted in the separation. If both members receive orders requiring departure on the same day, then payment will go to the senior member.

2. If a member meets the requirements for credit of FSA-II, but entitlement is precluded by an existing entitlement status of the spouse, then the second member may, if still qualified, immediately become entitled to FSA-II upon termination of the spouse's status. The couple may qualify for sequential entitlements to FSA-II provided military orders keep them continuously separated.

3. In order to qualify for a subsequent entitlement to FSA-II, a married member couple, no longer separated by reason of military orders, shall reestablish a joint household and reside together.

## 2702 DEPENDENTS SEPARATION REQUIREMENTS

270201. Dependents. A member is not considered "a member with dependents" for FSA-II entitlement when:

A. The sole dependent is placed in an institution for a known period of over 1 year or for an indefinite period which may be expected to exceed 1 year.

B. The sole dependent is a spouse legally separated or child(ren) in the legal custody of another person. Exception: When the member has joint physical and legal custody of child(ren) and the child(ren) otherwise would reside with the member but for the current assignment, the member shall be considered as a "member with dependents" for FSA-II entitlement.

C. The member's dependent parent does not reside in a home, which the member controls, supervises, and maintains for mutual use when circumstances permit.

## 270202. Temporary Social Visits by Dependents

A. FSA-I and FSA-R. Credit continues to accrue while the member's dependents visit at or near his or her permanent station, but for no longer than 3 continuous months. Facts clearly must show that the dependents merely are visiting (not changing residence) and that the visit is temporary and not intended to exceed 3 months. If, for unforeseen reasons (due to illness or other emergency), a bona fide social visit extends beyond 3 months, stop credit for FSA at the end of the 3-month period. If the visit initially is intended to exceed 3 months, stop FSA credit the day before the dependents arrive at the member's permanent station. Credit is again authorized on and after the day that the dependents depart from the permanent station. A member is entitled to FSA-I and/or FSA-R,

however, even though one or more (but not all) dependents visit for longer than 3 months, if the member is entitled on behalf of the dependents who are not visiting the member.

B. FSA-T. Credit continues to accrue to a member whose dependents visit at or near the temporary duty station continuously for 30 days or less. Facts must show the dependents merely are visiting. If the visit exceeds 30 days, the member is not entitled to FSA-T for any part of the period, unless the visit is extended because of illness or other emergency. Under such circumstances, payment of the allowance is limited to 30 days. Entitlement to FSA-T resumes on the day that the dependents depart the temporary duty station, if the member's TDY extends for more than 30 days from that date. Entitlement to FSA-T exists if one or more (but not all) of the dependents visit for longer than 30 days, if the member otherwise is entitled on behalf of the dependents who are not visiting the member.

C. FSA-S. Credit continues to accrue to the member whose dependents are visiting at or near the duty station (or any port) continuously for 30 days or less. Facts must show that the dependents merely are visiting. If the visit exceeds 30 days, entitlement to FSA-S ends on the day preceding the date of dependent arrival, unless the visit is extended because of illness or other emergency. Under such circumstances, payment of FSA-S is limited to 30 days. Entitlement to FSA-S exists if one or more (but not all) of the dependents visit for longer than 30 days, if the member otherwise is entitled to FSA-S on behalf of the dependents who are not visiting the member.

270203. Dependents Reside Near Duty Station. FSA does not accrue to a member if all of the dependents reside at or near the duty station. If some (but not all) of the dependents voluntarily reside near the duty station, FSA may accrue on behalf of those dependents who do not reside at or near the duty station. Consider dependents as residing near a duty station if the member actually commutes daily, regardless of distance. Consider dependents as residing near a duty station if they live within a reasonable commuting distance of that station, whether or not the member commutes daily. A distance of 50 miles, one way, is normally considered to be within reasonable commuting distance of a station; however, the 50-mile rule is not inflexible. Unusual conditions may permit a determination that dependents do not live within a reasonable commuting distance, even though the distance involved is less than 50 miles one way. In a situation where the distance is less than 50 miles, but the time required to commute one way by commonly used route and method of transportation would exceed 1-1/2 hours, the dependents shall be considered as not residing near the member's duty station unless the member actually commutes daily. If dependents are authorized concurrent travel with the member to the duty station and are subsequently authorized to reside at a point over 50 miles from member's duty station for personal reasons, rather than as a result of military restriction on dependents' travel, FSA entitlement does not accrue. In questionable cases, commanders may submit requests for determination through channels to the appropriate office listed below:

- A. Army: OASA (FM&C), Attn: SAFM-FAA-EC,  
Indianapolis IN 46249-2201
- B. Navy: Chief of Naval Operations, (OP-134),

Washington, DC 20370-2020

- C. Air Force: Commander, HQ AFPC,  
550 C Street West  
Randolph AFB, TX 78150-6421.
- D. Marine Corps: Commandant of the Marine Corps  
(Code FDD)  
Washington, DC 20380.

2703 CONDITIONS OF ENTITLEMENT

270301. Entitlement Incident to PCS Reassignments

A. CONUS Assignments. This subparagraph applies to FSA entitlement incident to regular PCS reassignments (CONUS) and permissive PCS reassignments (CONUS).

1. Entitlement to FSA upon regular PCS is authorized only when movement of a member's dependents to the new permanent duty station is not authorized at government expense.

2. Members who reported on PCS anytime between December 1, 1994, and February 10, 1996, and subsequently performed duty on board a ship while the ship was away from the homeport for more than 30 continuous days, prior to February 10, 1996, were entitled to FSA-S only if their dependent(s) resided in the vicinity of the homeport of the ship. Effective February 10, 1996, members became entitled to FSA-S when performing duty on board a ship, if the ship is away from the homeport for more than 30 continuous days. If, however, the ship puts into a port other than the homeport, for a period of more than 30 days at a location where the member's dependents reside, payment of FSA-S is precluded if the member resides with the dependents. A member is entitled to FSA-S for a redeployment if he or she returned to the homeport after the original deployment for a period of 30 days or less and redeployed for a period of more than 30 continuous days.

3. Members who reported on PCS anytime between December 1, 1994, to February 10, 1996, and subsequently performed TDY away from the permanent duty station for more than 30 continuous days, prior to February 10, 1996, were entitled to FSA-T only if their dependent(s) resided in the vicinity of the permanent duty station. Effective February 10, 1996, members became entitled to FSA-T for TDY periods of over 30 continuous days if the dependents did not reside at or near the TDY station. A member is entitled to FSA-T for a redeployment if he or she returned to the permanent duty station after the original TDY for a period of 30 days or less and redeployed for a period of more than 30 continuous days.

4. A member, who otherwise is authorized movement of dependents at government expense to permanent duty station, is not so authorized when he or she voluntarily is

reassigned on PCS under permissive orders. Separation from dependents under these circumstances is not an enforced separation due to government requirements. The member, therefore, is not entitled to FSA under this subparagraph.

B. Waiver Provision. See subparagraph 270301.E, below, for circumstances in which waivers may be granted.

C. Overseas Assignments. Dependents are permitted in some areas overseas and not permitted in others (dependent-restricted areas). A member selected for PCS overseas to an area where his or her dependents are permitted must elect to serve either an unaccompanied or accompanied tour.

1. Effective November 14, 1986, except as waived by the Secretary of the Military Department concerned (or designee), a member electing to serve an unaccompanied tour, in lieu of an accompanied tour at a permanent station where his or her dependents are permitted, is not entitled to FSA-R for such a tour. (Secretarial waiver of this policy may be granted in situations where it would be inequitable to deny FSA-R to a member because of unusual family or operational circumstances.)

a. A member who, on September 30, 1986, was entitled to FSA-R based on an elected unaccompanied tour (formerly called an, “all others” tour) or initially entitled to FSA-R under Table 27-5, rule 1 or 2, remains entitled to FSA-R until reassigned PCS so long as his or her dependents do not live at or near the duty station.

(1) Under Table 27-5, rules 1 and 2, the member’s date of detachment or constructive date of detachment from old permanent station must have been September 30, 1986, or earlier.

(2) A member with an elected unaccompanied tour (formerly “all others” tour), who departed the permanent station with TDY en route to the new permanent duty station before October 1, 1986, was entitled to FSA-R (versus FSA-T) under Table 27-3, rule 11.

b. A member with an elected unaccompanied tour (formerly called “all others” tour), who initially was entitled to FSA-R during the period October 1, 1986, through November 13, 1986, under Table 27-5, rules 1 and 2, remained entitled to FSA-R through November 13, 1986. Entitlement could have been extended by Secretarial waiver.

(1) Under Table 27-5, rules 1 and 2, the member’s date of detachment from the old permanent duty station must have been during the period October 1, 1986, through November 13, 1986.

(2) A member with an elected unaccompanied tour

(formerly called “all others” tour), who departed the permanent duty station with TDY enroute to the new permanent duty station on any date between October 1, 1986, through November 13, 1986, and the period of TDY ends before November 14, 1986, was entitled to FSA-R (versus FSA-T) under Table 27-3, rule 11.

c. A member with an elected unaccompanied tour (formerly called “all others” tour), who departed the permanent duty station with more than 30 days TDY en route to the new permanent duty station, with departure on any date between October 1 through November 13, 1986, and the period of TDY ended after November 13, 1986, was entitled to FSA-T under Table 27-3, rule 12. The member became entitled to FSA-R at the new permanent duty station only by secretarial waiver.

2. See applicable procedures for tour elections and secretarial waiver in the appropriate individual Military Service regulation: AR 55-46 (reference (as)); the Bureau of Naval Personnel Instructions in the 1300.26 series (reference (at)); the Marine Corps order in the 1300.8 series (reference (au)); AFR 39-11 (reference (av)) and AR 36-20 (reference (aw)).

3. Refer to Tables 27-1 and 27-4 for FSA entitlement for otherwise eligible members assigned PCS overseas.

4. A member, who voluntarily is reassigned PCS (overseas) under permissive orders from a station where he or she already is entitled to FSA-R, remains entitled if reassigned to an area overseas where dependents are not permitted (dependent-restricted tour) or under circumstances authorized by secretarial waiver.

5. A member already entitled to FSA-R based on assignment to a station where no accompanied tour is authorized, who voluntarily is reassigned on a PCS (overseas) during the period October 1, 1986, through November 13, 1986, under permissive orders to an area overseas where dependents are permitted, remain entitled to FSA-R through November 13, 1986. Entitlement could have been extended by secretarial waiver.

D. Unusual Family or Operational Circumstances Defined. Unusual family or operational circumstances are defined as those in which the Secretary of the Military Department concerned determines that it is in the best interest of the government to permit payment of FSA-II to members who, through no fault of their own, must relocate in an unaccompanied status under certain circumstances.

1. The Military Services may waive provisions of subparagraphs 270301.A.1, 2, and 3, above, when it is in the best interest of the government to permit payment to members who, through no fault of their own, must relocate in an unaccompanied status for reasons of equity in unusual family or operational circumstances. Waiver under these circumstances is effective upon the date granted. This approval authority is hereby granted to:



a. Service Secretaries or their designated representatives at the headquarters level which governs compensation policy

b. Combatant Commands and Service Major Commands.

2. This waiver authority should be used prudently.

3. Waiver under these circumstances is effective upon the date granted:

a. When ordered to a new overseas duty station where certified medical reasons involving family members or terrorist activity would make it inappropriate for dependents to accompany the member, or

b. When ships in overhaul make temporary home port changes.

4. Provided the requirements of subparagraph 270104.A, above, are met, other than the requirement that the member's dependents shall reside at the homeport or permanent duty station, a waiver issued by the Secretary of the Military Department concerned (or designee) shall apply for the entire period of deployment, interim period, and redeployment.

E. Delays Caused by the Government (Tables 27-1 and 27-4). The following are examples of delays in transportation of dependents due to government reasons:

Example 1: On July 1, a member's advance application for concurrent travel of dependents to the overseas station was disapproved by the CONUS commander due to lack of available government-owned transportation facilities. The commander's disapproval contained a statement that the anticipated delay for movement of dependents is more than 60 days. The member departed the old station on July 6 and arrived at the overseas station on July 7 where government quarters were not available. Dependents joined the member on September 26 having performed travel under orders dated September 10. The member was entitled to FSA-I for period July 7 through September 25, and FSA-II for period July 6 through September 25.

Example 2: The member applied for a dependency determination for his or her dependent mother on June 3 and was transferred overseas on September 14. After arrival overseas, the member received approval of the dependency application for his or her dependent mother retroactive to May 1. The mother was not authorized concurrent travel to the member's permanent station because the determination of dependency had not been made on the effective date of those orders. Delay in processing the dependency application was caused by the government. Before transfer overseas, the member had maintained quarters to be shared with his or her mother. An enforced separation resulted upon transfer overseas. Credit for FSA-II accrues from the date member departed from the permanent station or the first day of authorized travel time, whichever is later, through the day before the date that his or her dependent mother arrived at the overseas station.

F. Changes in Tour Elections. See Table 27-1, rules 3 and 8, and Table 27-4, rules 12 and 13.

G. Dependents Evacuated. See Table 27-2, rule 14, and Table 27-5, rule 8. A member is entitled to FSA-II when his or her dependents are evacuated from a danger area and they temporarily occupy government quarters at a safe haven area under conditions outlined in subparagraph 260302.G., above.

H. Dependents' Travel Prohibited Under Immigration Laws. No entitlement to FSA-R accrues if a dependent is authorized transportation at government expense but is not eligible under immigration laws for entry into United States before a member reports to the new permanent station. (Entitlement to FSA-T or FSA-S is not affected by this subparagraph.)

270302. Unit Ordered on Exercise for More Than 30 Days. Otherwise qualified members of a unit are entitled to FSA-T when the unit is ordered on an exercise for more than 30 days.

270303. FSA During a Missing Status

A. Special FSA Entitlement. A member, with dependents, who entered a missing status during the Vietnam conflict, was entitled to a family separation allowance in the amount of \$60 per month. This provision applied only to members who did not qualify for FSA-II under subparagraph 270104.A, above, prior to entering a missing status. Entitlement began on the date that the member was reported in a missing status and continued (or continues) for the period that the member was (is) carried in such status.

B. FSA-T During a Missing Status. FSA-T continues to accrue to a qualified member while in a missing status, unless there is a change in the status of the dependents, which would terminate entitlement. (See Table 27-6.) A member may qualify for FSA-T while in a missing status, if a continuous period of more than 30 days is completed after entry into the missing status. (See paragraph 270304, below.)

Example: A member departed the permanent station on TDY August 9; was downed by hostile fire while flying over enemy territory on September 2; remained in a missing status until November 4 and returned to permanent station on November 10. The member qualified for FSA-T on September 8. If otherwise qualified, entitlement exists to FSA-T for period August 9 to November 9.

270304. Computation of Single or Multiple Periods of More Than 30 Days

A. FSA-T for Single Periods. Credit for FSA-T may not be applied until the member has been on TDY or TAD away from his permanent duty station continuously for more than 30 days. Compute this period as follows:

1. Count actual number of days in the month, including the day the member departs the permanent duty station on TDY and the day of return to the permanent duty

station. Include the 31st day of the month in this computation, even though payment is made on a 30-day month basis, as prescribed in section 0202 of this volume.

2. Include days of authorized travel time to and from the TDY station. When there is no delay en route chargeable as leave, count the day of departure from the permanent station and the day of return to the permanent station. When delay en route chargeable as leave is authorized, count the constructive day of departure and the constructive day of return. Compute these days as follows:

a. Constructive day of departure from the permanent duty station either is the actual date of detachment plus days of authorized leave, proceed time and/or permissive travel days used, or the first day of authorized travel, whichever is later.

b. Constructive day of return to the permanent duty station is the actual date of return minus number of days leave authorized and used, minus the number of permissive travel days actually used.

Example 1: The member permanently stationed at site A is ordered TDY to site B for training of approximately 30 days; training is to begin June 1. The member is authorized travel by POC as more advantageous to the government, and 5 days of leave en route. The member departs from site A on May 25 and uses 5 days of leave en route to site B. The member completes the training on June 27, departs from site B on June 28, and returns to duty at site A on June 30. Constructive day of departure is May 30. The period of absence is 32 days (May 30-June 30). If the member qualifies under paragraph 270104, above, entitlement exists to FSA-T for 30 days (i.e., there is no entitlement for May 31 and June 30).

Example 2: Circumstances are the same as in Example 1, except that the member uses 5 days of leave after completion of training. The member departs from site A on May 30, completes training on June 27, departs from site B on June 28, and returns to duty at site A on July 5. The constructive day of return is June 30. The period of absence is 32 days, computed as in example 1. If the member otherwise qualifies, entitlement exists to FSA-T for 30 days.

3. When TDY is authorized in conjunction with PCS, include days of authorized travel time to the TDY station and from the TDY station to the new duty station. When there is no delay en route or proceed time involved, count the day of departure from old duty station and the day of arrival at the new duty station. When delay en route and proceed time are authorized and used, the day of departure from the old station and the day of arrival at the new station shall be constructed in the manner indicated in subparagraphs 270304.A.2.a and b, above. Proceed time authorized and used shall be included with the delay when making the computation. Consecutive assignments to TDY in conjunction with PCS may be combined in determining the 30-day period.

4. Under specific circumstances, when travel in connection with TDY is

performed by privately owned conveyance for the convenience of the traveler, payment based on actual travel expenses may be more economical to the government than payment based on constructive travel time over a usually traveled route. In that case, the JFTR authorizes travel payment based on the actual mode of transportation. In computing the more than 30 days required for entitlement to FSA-T under these circumstances, ensure that the computation is based on the mode of transportation which governed payment of the particular member's travel allowance. Computation for FSA-T entitlement under this subparagraph is not necessarily based on constructive travel time.

5. If a member's TDY status is interrupted, do not combine days before the interruption with those after the interruption to compute a continuous period of more than 30 days. Periods of leave, hospitalization, military confinement in a pay status, or short visits to the permanent station do not interrupt the period unless the member is relieved from the attachment to the TDY station. A member, however, who returns to the permanent station to assume a duty status (such as participation in official flights) does interrupt a period of temporary duty. If leave en route is authorized after detachment from the TDY station, add constructive travel time from the TDY station to the permanent station to the period of TDY in determining the 30-day period.

B. FSA-T for Multiple Periods of Deployment. Effective June 20, 1994, and provided the conditions of subparagraph 270104.A.3, above, are met, the periods of FSA-T eligibility for multiple periods of temporary duty deployment, including the periods between such deployments, are calculated as follows:

1. Although payment is made on a 30-day month basis, count the actual number of days in each applicable month, to include the 31st day of the month, as one of the actual days.

2. Initial Deployment Period: Calculate the FSA-T period of the initial TDY/TAD deployment as set forth in subparagraph 270304.A, above.

3. Interim and Redeployment Period:

a. The interim period begins on the day after the initial deployment through the day prior to redeployment. The interim period must be 30 days or less.

b. The redeployment period begins the day that the member departs the permanent duty station (PDS) and end upon return to the permanent duty station. The redeployment period must be more than 30 days and shall be added to the interim period.

Example 1: The member permanently stationed at site A is ordered to perform TDY at site B for 45 days with departure from PDS on January 2 and return to PDS on February 15. The member departs from PDS on March 18 for redeployment of 35 days. Since the member qualified for FSA-T for the initial deployment, he or she is eligible for continued FSA-T for the total 65 days of interim/redeployment period (actual interim period of 30 days and redeployment of 35

days).

Example 2: The member permanently stationed at site A is ordered to perform TDY at site B for 60 days with departure from PDS on March 1 and returns to PDS on April 29. The member departs from PDS on May 31 for redeployment of 40 days. Although the member qualified for the initial 60-day period deployment, he or she is ineligible for the interim period. The actual interim period is 31 days (April 30 - May 30). The member would be entitled to FSA-T for the actual redeployment period (40 days).

Example 3: The member permanently stationed at site A is ordered to perform TDY at site B for 31 days with departure from PDS on June 1 and returns to the PDS on July 1. The member departs from PDS on July 2 for redeployment of 41 days. Since the member qualified for FSA-T for the initial deployment of 31 days, he or she is eligible for the continued FSA-T for the interim/redeployment period (actual interim period is 0 days, actual redeployment period is 41 days).

C. FSA-S for Single Periods. Credit for FSA-S may not be applied until the member has been on duty on board a ship away from the homeport of the ship for a continuous period of more than 30 days. Periods of leave, temporary additional duty, hospitalization, military confinement in a pay status, or short visits by the member (not the ship) to the homeport of the ship do not interrupt the qualifying period unless the member is detached (PCS) from the ship. Consecutive assignments to duty on board two or more ships away from the homeport may be combined to meet this requirement. See Example 5, below. In computing the continuous period of more than 30 days, count the actual number of calendar days (including the 31st day of the month) that the member was on duty on board a ship while it was away from its homeport. Include in this computation the day of departure on board a ship from its homeport (or the day the member joins or rejoins a ship away from its home port, if applicable) and the day of return on board a ship to its home port. The following examples show how to compute the more-than-30-day period and the related amount of FSA-S payable.

Example 1: A member onboard a ship that departs its homeport on June 15 and returns on July 15 is entitled to FSA-S in the amount of \$75 (actual period of 16 days in June and 15 days in July = 31 days; 16 days in June and 14 days in July = 30 days for payment.)

Example 2: A member onboard a ship that departs its homeport on October 5 and returns on November 4 is entitled to FSA-S in the amount of \$72.50 (actual period of 27 days in October and 4 days in November = 31 days; 26 days in October and 3 days in November = 29 days for payment).

Example 3: A member onboard a ship that departs from its home port on February 25 (non-leap year) and returns on March 26 is not entitled to FSA-S since the absence is not more than 30 days (actual period of 4 days in February and 26 days in March).

Example 4: A member who reports onboard a ship on May 25 while it is

away from the homeport and returns with the ship to the homeport on June 30 is entitled to FSA-S in the amount of \$87.50 (actual period of 7 days in May and 30 days in June = 37 days; 6 days in May and 29 days in June = 35 days for payment).

Example 5: A member onboard ship A that departed from its homeport on August 2 was transferred (PCS) to ship B on August 18 (detached and attached the same day) while ship B was away from its homeport. The member remains aboard ship B until it returned to the homeport on September 6. The member is entitled to FSA-S in the amount of \$85 (actual period of 30 days in August and 6 days in September = 36 days; 29 days in August and 5 days in September = 34 days for payment).

D. FSA-S for Multiple Periods of Deployment. Effective June 20 1994, and provided the conditions of subparagraph 270304.A.2, above, are met, the periods of FSA-S eligibility for multiple periods of temporary duty deployment aboard a ship, including the period between such deployments, are calculated as follows:

1. Although payment is made on a 30-day month basis, count the actual number of days in each applicable month by including the 31st day of the month as one of the actual days.

2. Initial Deployment Period: Calculate the FSA-S period of the initial deployment aboard a ship as set forth in subparagraph 270304.C, above.

3. Interim and Redeployment Period:

- a. The interim period begins on the day after the initial deployment through the day prior to redeployment. The interim period must be 30 days or less.

- b. The redeployment period begins on the day that the member departs the ship's homeport and ends upon returning to the homeport. The redeployment period must be more than 30 days and shall be added to the interim period.

Example 1: A member is onboard a ship that departed from the homeport on January 2 and returned to the homeport on February 15. The same member is onboard a ship that departed from the homeport on March 18 for a redeployment of 35 days. Since the member qualified for FSA-S for the initial deployment, the member is eligible for continued FSA-S for the total 65 days of interim/redeployment period (actual interim period of 30 days and redeployment of 35 days).

Example 2: A member is onboard a ship that departed from the homeport on March 1 and returned to the homeport on April 29. The member also was onboard a ship that departed the homeport on May 31 for a redeployment of 40 days. Although the member qualified for the initial 60-day deployment, the member is ineligible for the interim period. Consequently, the actual interim period is 31 days (April 30 through May 30). The member would be entitled to FSA-S for the

actual redeployment (40 days).

Example 3: A member is onboard a ship that departed from the homeport on June 1 and returned to the homeport on July 1. The same member was onboard a ship that departed the homeport July 2 for a redeployment of 41 days. Since the member qualified for FSA-S for the initial deployment of 31 days, he or she is eligible for the continued FSA-S for the interim/redeployment period (actual interim period is 0 days, actual redeployment period is 41 days).

E. Restrictions. The following restrictions apply to subparagraphs 270304.A and B, above:

1. There are separate 30-day requirements to qualify for FSA-T or FSA-S, and periods of temporary duty and duty aboard ship while away from homeport may not be combined for the purpose of FSA entitlement.

2. Periods of hospitalization or temporary duty for more than 30 days by the member at a place residing with his or her dependents may not be included when calculating whether the 30 day requirement was met.

270305. Ship Moves From Homeport. When a ship moves from its homeport to another port within 50 miles of the homeport (or 1-1/2 hours travel time as prescribed in paragraph 270203, above), those members attached to the ship, whose dependents do not reside at or near such homeport under the criteria of paragraph 270203, do not become entitled to FSA-S.

Example 1: A member, upon reassignment to a ship, moves the family to a location outside the current 50 miles (or 1-1/2 hour travel time) limit from the home port of the ship. When the movement of the ship is less than 50 miles (or 1-1/2 hours travel time) from the homeport, FSA-S is not payable to those members. If, however, the ship moves more than 50 miles (or 1-1/2 hours travel time) from the homeport, FSA-S is payable if if members otherwise are entitled.

Example 2: A member, upon reassignment to a ship, moves the family to a location outside the current 50 mile (or 1-1/2 hour) limit of the ship's homeport of the ship. Subsequently, the ship moves from the homeport and, on the 29th day, docks at a port inside the 50-mile (1-1/2 hour travel time) limit of the homeport for 5 days. The ship then returns to the homeport. The docking of the ship within the 50-mile limit would, for purposes of this example, have the same consequence as if the ship had returned to its homeport since (a) the member's dependents do not reside at or near the homeport and (b) the ship did not move to a location more than 50 miles (or 1-1/2 hours travel time) from the port. Therefore, entitlement to FSA-S does not accrue.

Example 3: A member, upon reassignment to a ship, moves the family to a location outside the current 50 mile (or 1-1/2 hour) limit of the home port of the ship, but actually commutes. A movement of the ship from the homeport results in the member being unable to commute. In this example, the member's dependents would be considered as being in the area of the homeport.

Since, after movement of the ship to the new location, the member is unable to commute, the member would meet the requirement for FSA-S, provided the dependents resided more than 50 miles (or 1-1/2 hours travel time) from the new location.

Example 4: A member, upon reassignment to a ship, moves the family to a location within the 50 mile (or 1-1/2 hour) limit, the movement of the ship resulting in the residence being located outside the 50 mile/1-1/2 hour limit for some of the members, but not all. Those members whose dependents reside more than 50 miles (1-1/2 hours travel time) from the ship's new location and who do not commute, would fulfill the vicinity requirement for entitlement to FSA-S. Those members whose dependents reside within 50 miles (1-1/2 hours travel time) of the ship's new location of the ship would not become entitled to FSA-S by virtue of the ship's movement.

270306. Member Married to Member with Dependent Child(ren). In the case of a member married to another member, and the couple has a child that either parent can claim for BAQ, one parent may claim the child for entitlement to BAQ and the other parent, when otherwise entitled, may claim the child for entitlement to FSA. The FSA entitlement may alternate between parents based on the same dependent; however, FSA may not be paid simultaneously to both members on behalf of the same dependent. (See subparagraph 270301.D, above.)

270307. Specific Conditions of Entitlement

- A. FSA-I. See Tables 27-1 and 27-2.
- B. FSA-II. See Tables 27-3, 27-4, 27-5, and 27-6.



| FSA-I, CONDITIONS OF ENTITLEMENT |  |   |  |   |   |   |
|----------------------------------|--|---|--|---|---|---|
| R<br>U<br>L<br>E                 | A  | B   | C  | D   | E   | F   |
|                                  | If a member's overseas PCS assignment is to an area                                    | and he or she elects to serve                                       | and concurrent travel  | and the member changes election to  | and he or she   | then the member's entitlement to FSA-I (note 1)   |
| 1                                | where dependents are not permitted   |   |  |   |   | exists for entire unaccompanied tour.   |
| 2                                | where concurrent travel is automatically authorized, or to an advance application area | the "all others" tour before departure from CONUS                   |  |   |   | exists for entire unaccompanied tour, including tour extensions.  |
| 3                                |  |   |  | "with command sponsored dependents" tour, and change is approved (note 2) |   | continues through day before dependents arrive at overseas station, not to exceed 60 days from date transportation of dependents is authorized, unless additional delay is caused by the government (note 3). |
| 4                                |  | the "with command sponsored dependents" tour before departing CONUS | is authorized and performed  |   |   | does not exist.   |
| 5                                |  |   | is authorized by area commander but not performed due to government reasons (note 4) |   |   | exists through day before date dependents arrive at overseas station.   |
| 6                                |  |   | is not authorized by area commander  |   | complies with all area regulations for entry of dependents    | continues through day before dependents arrive at overseas station, not to exceed 60 days from date transportation of dependents is authorized, unless additional delay is caused by the government (note 3). |
| 7                                |  | the "with command sponsored dependents" tour before departing CONUS |  |   | fails to comply with area regulations for entry of dependents | stops at time member fails to take timely action according to area regulations.   |
| 8                                |  |   | is not performed for any reason  | the "all others" tour before dependents depart CONUS                      |   | continues for entire unaccompanied tour, if otherwise eligible. If member is not drawing FSA-I, entitlement accrues on and after date reelection is officially approved.                                      |
| 9                                | covered by rules 1, 2, 3, 5, 6, 7, and 8   |   |  |   | has an only dependent on active duty                          | does not exist.   |

Table 27-1. FSA-I, Conditions of Entitlement

## NOTES:

1. Entitlement in all cases exists only if government quarters are not available for assignment to the member, and dependents do not reside at or near duty station.
2. Change in tour election from “all others” to “with command-sponsored dependents” tour shall be fully documented, and officially approved by the headquarters of the Military Service concerned. This also applies to elections (made after member arrives overseas) to serve the “with command-sponsored dependents” tour.
3. Delays due to government reasons include:
  - a. Lack of transportation facilities.
  - b. Disapproval by CONUS commanders.
  - c. Disapproval for reasons of health (pregnancy of wife, etc.)
  - d. Insufficient service retainability or time remaining in the overseas tour.
4. FSA credit accrues only if dependents are prevented from traveling with member for reasons caused by the government and the delay is more than 30 days. Period of more than 30 days begins date member departs from old station or first day of authorized travel time, whichever is later. It includes TDY en route and leave taken while attached to TDY station. It does not include leave en route.

**Table 27-1. FSA-I, Conditions of Entitlement (Continued)**

| <b>FSA-I, CONDITIONS AFFECTING ENTITLEMENT</b> |   |   |
|--|---|---|
| <b>R<br/>U<br/>L<br/>E</b>                     | <b>A</b>  | <b>B</b>  |
|  | <b>When an eligible member</b>  | <b>Then FSA credit</b>  |
| <b>1</b>                                       | arrives at permanent station (in Alaska or elsewhere outside United States)   | starts on date of arrival.  |
| <b>2</b>                                       | departs upon reassignment from permanent station  | continues through the date of departure.  |
| <b>3</b>                                       | no longer has eligible dependent  | continues through the day before the date member no longer has an eligible dependent.         |
| <b>4</b>                                       | is assigned government quarters   | continues through the day before the day government quarters become available for assignment. |
| <b>5</b>                                       | enters non-pay status for any reason, except as provided in paragraph 030205  | continues through the day before the date member enters non-pay status.                       |
| <b>6</b>                                       | is discharged and immediately reenlists at same station   | continues through discharge and immediate reenlistment.                                       |
| <b>7</b>                                       | acquires dependent after arrival at permanent station and meets requirements for FSA-I  | starts date dependent is acquired.  |
| <b>8</b>                                       | is on TDY away from his permanent station, including TDY within the United States   | continues for 60 days or less without certificate from member (note 1).                       |
| <b>9</b>                                       | is hospitalized at or away from permanent station, including hospitalization within the United States   |   |
| <b>10</b>                                      | is on authorized leave (accrued or advance) at, or away from, permanent station, including leave within the United States   |   |
| <b>11</b>                                      | is in military confinement or otherwise restricted by military authority  |   |
| <b>12</b>                                      | continues in status covered by rules 8 through 11 for more than 60 days   | continues (note 2).   |
| <b>13</b>                                      | travels under PCS orders to and from a permanent station outside CONUS or in Alaska   | does not accrue while en route (see rules 1 and 2 for start and stop dates).                  |
| <b>14</b>                                      | has dependent depart overseas duty station at government expense because of evacuation (other than medical), under determination of Secretary concerned (or designee) as being in national interest, or for other emergency reasons not personal or caused by dependent's misconduct (note 3) | starts on date of dependents' departure from member's duty station.                           |

## NOTES:

1. The member shall meet requirement of paragraph 270103.
2. Payment must be supported by member's certificate that member maintained private quarters at permanent station.
3. These circumstances are covered in JFTR, paragraphs U6000, U5240C, U5240-B. FSA-I does not accrue if evacuation under paragraph U5240-B was caused by the dependent's misconduct. Entitlement to FSA does not accrue if dependents are returned for reasons indicated under JFTR, paragraph U5240-D.

**Table 27-2. FSA-I, Conditions Affecting Entitlement**

| <b>FSA-II, CONDITIONS OF ENTITLEMENT</b> |  |   |  |   |
|--|--|---|--|---|
| <b>R<br/>U<br/>L<br/>E</b>               | <b>A</b>   | <b>B</b>  | <b>C</b>   | <b>D</b>  |
|  | <b>If a member</b>   | <b>and</b>  | <b>and</b>   | <b>then</b>   |
| <b>1</b>                                 | is on TDY, including TDY within the United States  | the member is entitled to FSA-R when entering such status (note 1)  | the member's permanent station remains unchanged   | FSA-R credit continues during TDY.  |
| <b>2</b>                                 | is hospitalized at or away from member's permanent station including hospitalization in the United States                    |   |  | FSA-R credit continues during period hospitalized.  |
| <b>3</b>                                 | is in military confinement or otherwise restricted by military authority   |   |  | FSA-R credit continues during period confined or restricted.  |
| <b>4</b>                                 | is on authorized leave (accrued or advance) at or away from member's permanent station, including leave in the United States |   |  | FSA-R credit continues during leave.  |
| <b>5</b>                                 | is on authorized leave (accrued or advance) at residence where member's dependents reside                                    |   | member's leave is followed by a period of temporary duty (any number of days) within commuting distance of residence where member's dependents reside (paragraph 270203) | FSA-R credit continues during leave but is suspended during period of TDY.  |
| <b>6</b>                                 | is on any status covered by rules 1 through 4, or enters such status   |   | member's permanent station changes   | FSA-R credit stops (note 2).  |
| <b>7</b>                                 | is reassigned PCS from a permanent station in the United States to a hospital for observation or treatment                   | the member's application for transportation of dependents to the hospital is disapproved by the hospital commander upon determination that prolonged treatment is not expected (note 3) | member meets requirements in note 1  | the member is entitled to FSA-R.  |
| <b>8</b>                                 | enters any status covered by rules 2, 3, and 4   | the member is entitled to FSA-T when entering such status   | member is not relieved from attachment to the TDY station  | member continues to receive FSA-T.  |
| <b>9</b>                                 | is ordered to a hospital as a patient in attached status   |   |  | the member is not entitled to FSA-T.  |
| <b>10</b>                                | is on TDY for more than 30 days from member's permanent station  | the member does not qualify for FSA-R at permanent station  | member's permanent station remains unchanged   | the member is entitled to FSA-T for authorized travel time to and from TDY station and for duty at that station (note 4).     |
| <b>11</b>                                | is performing recruit/basic training, school, OSC, travel or TDY en route to initial permanent duty assignment/station       | the member is entitled to FSA-R at new permanent duty assignment/station (note 4)   |  | the member is entitled to FSA-R for recruit/basic training, school, OCS, travel or TDY and authorized travel period (note 4). |

Table 27-3. FSA-II, Conditions of Entitlement

| R<br>U<br>L<br>E | A  | B  | C  | D   |
|------------------|--|--|--|---|
|                  | If a member  | and  | and the  | then  |
| 12               | is on TDY for more than 30 days en route to a new permanent assignment   | the member does not qualify for FSA-R at this new station                              |  | the member is entitled to FSA-T for authorized travel time to and from the TDY station and for duty at that station (note 4). |
| 13               | is on temporary additional duty  | the member is entitled to FSA-S when entering such status (note 1)                     | member remains assigned to duty aboard a ship which is away from its homeport  | FSA-S accrues during the entire period of temporary additional duty (note 5).   |
| 14               | is hospitalized away from the ship   |  |  | FSA-S accrues during the period of hospitalization (note 5).  |
| 15               | is on authorized leave   |  |  | FSA-S accrues during period of leave (note 5).  |
| 16               | is in military confinement on or away from the ship or otherwise restricted by military authority from performing duty |  |  | FSA-S accrues during the period that the member is confined or restricted.  |
| 17               | is in any status covered by rules 13 through 16  |  | the ship returns to homeport   | entitlement to FSA-S ends on the day before ship returns to home port.  |
| 18               |  |  | member is detached from the ship while it is away from homeport  | entitlement to FSA-S ends on date of detachment from ship (note 6).   |
| 19               |  |  | member is detached from ship while it is away from home port and is later reassigned to ship while it is away from its home port | FSA-S accrues from date of reassignment to ship provided ship does not return to home in less than 31 days (note 6).          |
| 20               | is on TDY redeployment of more than 30 days  | following earlier TDY deployment of more than 30 days which qualified member for FSA-T | period between deployments is 30 days or less  | member's entitlement to FSA-T continues.  |
| 21               | is on board a ship redeployed for more than 30 days  | following earlier deployment of more than 30 days which qualified member for FSA-S     | period between deployments is 30 days or less  | member's entitlement to FSA-S continues.  |
| ★22              | meets the qualifying requirements of any of the rules 1 through 21   | ★member is married to another active duty member (IC 31-99)                            | the couple were residing together immediately before being separated by reason of military orders                                | member is entitled to FAS-II under the specific rule (note 7).  |

## NOTES:

1. Must meet the requirements of paragraph 270104.
2. A new determination of entitlement is required if member's permanent station changes.
3. More than 90 days is prolonged hospitalization.
4. Members are not entitled to FSA-R or FSA-T during authorized leave en route or proceed time (see Table 27-5, rules 1 and 2). See Table 27-6, rule 9 for date to stop FSA-II.
5. If the dependent's residence is within commuting distance of the place where member is in such status, FSA-S will continue for 30 days only.
6. Does not apply if member is detached and attached the same day to another ship away from its home port (subparagraph 270304.B).
7. Not more than one monthly allowance may be paid with respect to a married military couple for any month. Each may be entitled to FSA-II within the same month, but both cannot be simultaneously entitled. Payment will be made to the member whose orders resulted in the separation.

Table 27-3. FSA-II, Conditions of Entitlement (Continued)

| <b>FSA-R, OVERSEAS ASSIGNMENT</b> |  |   |  |  |
|-----------------------------------|--|---|--|--|
| <b>R<br/>U<br/>L<br/>E</b>        | <b>A</b>   | <b>B</b>  | <b>C</b>   | <b>D</b>   |
|                                   | <b>If an eligible member is</b>                          | <b>and</b>  | <b>and</b>   | <b>then the member('s)</b>   |
| 1                                 | selected for PCS overseas                                | the accompanied tour is not authorized  |  | is entitled to FSA-R for entire unaccompanied tour (notes 1 and 6).  |
| 2                                 |  | elects the unaccompanied tour instead of the authorized accompanied tour  |  | is not entitled to FSA-R for the length of such tour, including tour extensions (note 5).  |
| 3                                 |  | elects the accompanied tour   | concurrent travel is authorized and dependents travel with member                                      | is not entitled to FSA-R.  |
| 4                                 |  | is assigned to an automatic concurrent travel area or an advance application area   | application for concurrent travel has been approved by the area commander                              | is entitled to FSA-R if dependents do not travel with the member for government reasons (notes 2 and 4).   |
| 5                                 |  | in status covered by rule 4   | dependents arrive at member's overseas station   | FSA-R stops the day before date dependents arrive.   |
| 6                                 | selected for PCS overseas to an advance application area | application for concurrent travel is disapproved by area commander  |  | is entitled to FSA-R until dependents arrive at overseas station. (This rule is qualified by rules 7 and 8.)   |
| 7                                 |  |   | member fails to comply with area regulations for entry of the dependents                               | FSA-R is stopped when timely action is not taken under applicable regulations (note 3).  |
| 8                                 |  |   | there is a delay of more than 60 days in dependent's arrival (60-day period begins on date of orders)  | entitlement to FSA-R continues through day before dependents arrive at overseas station, not to exceed 60 days from date transportation of dependents is authorized, unless additional delay is caused by the government (note 4).     |
| 9                                 | assigned overseas  | one or more of the dependents live at or near the overseas station  | member qualifies for FSA-R for the dependents who are not authorized to travel to the overseas station | is entitled to FSA-R.  |
| 10                                |  | after arrival at overseas station, an accompanied tour the accompanied tour is authorized (previously unavailable) and member elects the accompanied tour | change is approved   | entitlement to FSA-R continues through the day before dependents arrive at overseas station, not to exceed 60 days from date transportation of dependents is authorized, unless additional delay is caused by the government (note 4). |

Table 27-4. FSA-R, Overseas Assignment

| R<br>U<br>L<br>E | A                        | B  | C   | D  |
|------------------|--------------------------|--|---|--|
|                  | If an eligible member is | and  | and   | then the member('s)  |
| 11               | assigned overseas        | after arrival at overseas station, an accompanied tour is authorized (previously unavailable) and member does not elect the accompanied tour |   | entitlements to FSA-R continues based on original assignment under rule 1.   |
| 12               |                          | has previously elected the accompanied tour, but concurrent travel is not performed  | reelects the unaccompanied tour before dependents depart CONUS          | is not entitled to FSA-R on and after the date reelection is approved (note 5).  |
| 13               |                          | has failed to make a tour election before arrival at new duty station  | makes unaccompanied tour election after arrival at the overseas station | is not entitled to FSA-R for the entire unaccompanied tour (note 5).   |
| 14               |                          |  | elects accompanied tour after arrival at the overseas station           | is entitled to FSA-R, for the period starting with the date the tour is approved through the day before dependents arrive at overseas station, not to exceed 60 days from date transportation of dependents is authorized, unless additional delay is caused by the government (note 4). |

## NOTES:

1. In all cases, entitlement exists only if dependents do not live at or near the duty station. (See paragraph 270203.) In areas where dependents are not permitted, member does not have to apply for transportation of dependents or to elect type of tour.
2. Where dependents' travel delay is not due to government reasons, but member is required to perform TDY en route, family separation for period of TDY is considered to be due to military requirements and member is entitled to FSA-R under Table 27-3, rule 11.
3. FSA-R continues if member acted timely to apply for transportation of the dependents and the application was disapproved because of the lack of service retainability or time remaining in the overseas tour.
4. Delays due to government reasons include:
  - a. Lack of transportation facilities.
  - b. Disapproval by CONUS commanders.
  - c. Disapproval for reasons of health (pregnancy of wife, etc.).
  - d. Insufficient service retainability or time remaining in the overseas tour.
5. The Secretary of the Military Department concerned (or designee) may waive the provision in this rule to authorize FSA-R in cases where unusual family or operational circumstances exist for the member. See subparagraph 270301.D for conditions subject to waiver and individual Military Service regulations for procedures for requesting a waiver from the Secretary of the Military Department concerned.
6. This includes dependent-restricted tours and also situations where the member is not authorized to serve an accompanied-with-dependents tour in those locations where such tours are authorized.

Table 27-4. FSA-R, Overseas Assignment (Continued)

| FSA-II, COMMENCEMENT DATES |  |  |   |
|----------------------------|--|--|---|
| R<br>U<br>L<br>E           | A  | B  | C   |
|                            | When an eligible member  | and he or she  | then FSA credit   |
| 1                          | departs the permanent station on PCS (not authorized FSA-R at old station), or TDY, including TDY in conjunction with PCS (note 1)   | is not authorized proceed time or leave en route   | starts on date of detachment from old station (note 1).   |
| 2                          |  | is authorized proceed time or leave en route   | starts on the constructive date of detachment from the old permanent duty station (either the actual date of detachment plus days of authorized leave and/or proceed time, or the first day of authorized travel, whichever is later) (note 1). |
| 3                          | departs home port aboard ship, including a ship in an inactive status  | remains in this status continuously for more than 30 days  | starts on date of departure (note 2).   |
| 4                          | joins or rejoins a ship away from home port  | remains on duty on board a ship away from its home port continuously for more than 30 days   | starts on first day that member boards ship away from its home port (note 2).   |
| 5                          | acquires an initial dependent after the date of departure from old station en route to PCS overseas, but no later than the effective date of the PCS order (FSA-R) (notes 6 and 7)   | meets conditions of Table 27-4, rule 1   | starts on the date that a member acquires a dependent or the constructive date of detachment from old station (Table 27-5, rule 2), whichever is later.   |
| 6                          |  | meets conditions of Table 27-4, rule 13, note 5, or rule 14  | (if any) starts according to Table 27-4, rule 13, note 5, or rule 14.   |
| 7                          | acquires an initial dependent after the date of departure from old station en route to PCS overseas (member is not entitled to FSA-R, at the overseas station), but no later than the effective date of the PCS order (note 6)         | is on TDY en route with 30 days or more remaining after the date dependent is acquired, and not within commuting distance of dependent's residence | for the period of TDY starts on the date the member acquires dependent (FSA-T) (note 1).  |
| 8                          | a. acquires a dependent after the effective date of the PCS order (note 6), but before member's date of departure on subsequent reassignment PCS, and<br>b. dependent does not live at or near member's permanent duty station (FSA-R) | is not on TDY/TAD  | starts on date member acquires dependent.   |
| 9                          |  | is on leave (co-resident with dependent or not)  |   |
| 10                         |  | is on TDY/TAD not within commuting distance of dependent's residence   |   |
| 11                         |  | is on TDY/TAD within commuting distance of dependent's residence   | starts on member's date of return to permanent duty station.  |

Table 27-5. FSA-II, Commencement Dates



| <b>R<br/>U<br/>L<br/>E</b> | <b>A</b>  | <b>B</b>  | <b>C</b>   |
|----------------------------|---|---|--|
|                            | <b>When an eligible member</b>  | <b>and he or she</b>  | <b>then FSA credit</b>   |
| 12                         | a. acquires dependent after the effective date of the PCS order (note 6), but before member's date of departure on subsequent reassignment PCS, and<br>b. dependent does not live at or near the member's permanent duty station (where member is not entitled to FSA-R)                          | is on TDY/TAD with 30 days or more remaining after the date dependent is acquired, and not within commuting distance of dependent's residence | for the period of TDY starts on the date that the member acquires a dependent (FSA-T) (note 1).  |
| 13                         |   | remains away from home port aboard ship for more than 30 days after the date the dependent is acquired  | starts on the date that the member acquires a dependent (FSA-S) (note 1).                        |
| 14                         | has newly acquired dependent who joins member at duty station at member's expense   | confirms whether dependent is making change of residence or temporary social visit  | is based on paragraph 270202 (temporary social visit) or paragraph 270203 (change of residence). |
| 15                         |   | relocates dependent away from duty station at member's expense  | starts on the date of a dependent's departure from the duty station (note 5).                    |
| 16                         | has dependent depart overseas duty station at government expense because of evacuation (other than medical), under determination of the Secretary concerned (or designee) as being in national interest, or for other emergency reasons not personal or caused by dependent's misconduct (note 3) |   | starts on the date of a dependent's departure from the duty station.                             |
| 17                         | reports onboard ship after a change of homeport has been declared   | does not reside with dependents at or near the current homeport of the ship   | starts on the date the member reports on board ship (note 4).                                    |

## NOTES:

- Do not pay FSA-T or FSA-S until the member has been on TDY/TAD or on duty aboard ship away from homeport continuously for more than 30 days (or, if applicable, for more than 30 days after the date that a dependent is acquired). In computing the amount payable, the 31st day of any month should be excluded from the computation and February should be treated as if it actually had 30 days. (See paragraph 270304.)
- Does not apply if the ship is in a port (other than its homeport) located within commuting distance of the residence of the member's dependents continuously for more than 30 days. Also see paragraph 270305.
- These circumstances are covered in JFTR, volume I, paragraphs U6000, U5240-C, U5240-B. FSA-II does not accrue if evacuation under paragraph U5240-B was caused by the dependent's misconduct. Entitlement to FSA does not accrue if dependents are returned for reasons indicated under JFTR, paragraph U5240-D.
- FSA-R does not accrue if the member was on board ship when the change in homeport was declared, except under paragraph 270301.
- If already started under paragraph 270202, entitlement continues upon departure of dependents from the duty station.
- The effective date of PCS orders is the date a member is required to begin travel from the old permanent duty station (PDS) or the last temporary duty station, in order to arrive at the new PDS on the date authorized by the mode of transportation authorized. (JFTR, Appendix A, Effective Date of PCS Orders)
- A member who acquired initial dependent after the date of departure from old station en route PCS to CONUS from overseas or en route PCS within CONUS, but no later than the effective date of the PCS order, is entitled to travel for dependent at government expense based on JFTR, part C, chapter 5; therefore, the member is not entitled to FSA-R. (In this case, no tour election provision exists to overcome the travel provision.)

Table 27-5. FSA-II, Commencement Dates (Continued)

| DATE TO STOP FSA-II |   |   |
|---------------------|---|---|
| R<br>U<br>L<br>E    | A   | B   |
|                     | If a member   | then FSA-II credit continues through  |
| 1                   | has dependents who arrive at the duty station with intent to establish a residence  | the day before dependents arrive (note 1).  |
| 2                   | on next reassignment, arrives at a station where member does not qualify for FSA-II | the day before the date on which the member arrives at new station (note 5).                            |
| 3                   | returns from TDY (TAD) of more than 30 days   | the day before date of the member's return from TDY (TAD) (note 2).                                     |
| 4                   | is in a non-pay status for any period   | the day before the date entering such status, except as provided in paragraph 030205.                   |
| 5                   | has sole dependent in an institution, and if the stay in the institution continues  | the day before 1 year from the date that the member's sole dependent entered an institution (note 3).   |
| 6                   | is on board a ship away from its home port  | the day before ship returns to homeport or date of detachment from ship, whichever is earlier (note 4). |
| 7                   | reports on board a ship after a change of home port has been declared               | the effective date of the change of homeport.   |
| 8                   | has only secondary dependents who reside with relatives or friends                  | day before date dependents move to home of relatives or friends.  |
| 9                   | completes period of TDY of more than 30 days in conjunction with PCS                | the day before the date the member arrives at the new station (note 2).                                 |

## NOTES:

1. See paragraph 270202 for temporary social visits.
2. If delay en route and/or proceed time is authorized, use the constructive date. (See subparagraph 270304.A.)
3. Applies when stay in the institution is initially not expected to exceed 1 year.
4. FSA-S continues if the member is detached and attached the same day to another ship away from its home port.
5. If a delay en route and/or proceed time is authorized and used, then use a constructive date of arrival. Constructive date will be computed by deducting the number of days' leave and/or proceed time authorized and used from the actual date of arrival.

**Table 27-6. Date To Stop FSA-II**

## Chapter 27—Family Separation Allowance (FSA)

|                             |              |  |
|-----------------------------|--------------|--|
| 2701—Entitlement Provisions | 270101       | 37 U.S.C. 427<br>47 Comp Gen 788   |
|                             | 270102.A     | 51 Comp Gen 116<br>Public Law 104-201,<br>section 607, Sep 23, 1996<br>37 U.S.C. 421   |
|                             | 270102.E     | 46 Comp Gen 148  |
|                             | 270103       | 37 U.S.C. 427(a)   |
|                             | 270103.A.3   | MS Comp Gen B-185813,<br>July 13, 1976   |
|                             | 270103.D     | MS Comp Gen B-161781,<br>Aug 9, 1967<br>49 Comp Gen 867<br>MS Comp Gen B-169522,<br>Aug 3, 1971<br>56 Comp Gen 805                           |
|                             | 270104       | 37 U.S.C. 427(b)   |
|                             | 270104.A.1-3 | Public Law 103-337,<br>section 625, Oct 5, 1994  |
|                             | 270104.A.2   | Public Law 104-106,<br>section 606, Feb 10, 1996   |
|                             | 270104.A.3   | Public Law 104-106,<br>section 606, Feb 10, 1996   |
|                             | 270104.B     | 37 U.S.C. 427(b)<br>Public Law 102-25,<br>section 302, Apr 6, 1991<br>Public Law 102-190,<br>section 625, Dec 5, 1991                        |
|                             | 270104.B.2   | Public Law 102-190,<br>section 625, Dec 5, 1991  |
| ★                           | 270104.B.3   | <i>Public Law 105-85,</i><br><i>section 626, Nov 18, 1997</i><br><i>37 U.S.C 427(a)</i>  |
| ★                           | 270104.D     | Public Law 104-201,<br>Section 607, Sep 23, 1996<br><i>Public Law 105-85,</i><br><i>section 603, Nov 18, 1997</i><br><i>37 U.S.C. 427(d)</i> |

## 2702—Dependents Separation Requirements

|                |  |
|----------------|--|
| 270201.A       | Public Law 91-529,<br>Dec 5, 1970<br>51 Comp Gen 97  |
| 270201.B       | 43 Comp Gen 332<br>(Question 23)<br>MS Comp Gen B-213658,<br>June 26, 1984<br>MS Comp Gen B-211693,<br>July 15, 1983<br>MS Comp Gen B-179976,<br>Nov 7, 1974 |
| 270201.C       | 45 Comp Gen 170<br>46 Comp Gen 148   |
| 270202.A       | 43 Comp Gen 596  |
| 270202.B and C | 43 Comp Gen 332  |
| 270203         | 43 Comp Gen 332<br>(Question 26)<br>44 Comp Gen 572<br>44 Comp Gen 217<br>MS Comp Gen B-182098,<br>Oct 9, 1975<br>52 Comp Gen 912<br>55 Comp Gen 991         |

## 2703—Conditions of Entitlement

|   |               |  |
|---|---------------|--|
| ★ | <i>270301</i> | <i>Public Law 105-85,<br/>section 603, Nov 18, 1997<br/>37 U.S.C. 427(d)</i>   |
|   | 270301.A.2    | ASD(FMP) Memo,<br>Nov 23, 1994<br>Public Law 104-106,<br>section 606, Feb 10, 1996<br>37 U.S.C. 427<br>43 Comp Gen 527 |
|   | 270301.A.3    | ASD(FMP) Memo of<br>Nov 23, 1994<br>Public Law 104-106,<br>section 606, Feb 10, 1996<br>37 U.S.C. 427                  |

|                  |  |
|------------------|--|
| 270301.B         | OASD(FM&P) Memos,<br>Feb 10, 1987 and<br>Sep 25, 1987                            |
| 270301.C         |  |
| (Example 2)      | 44 Comp Gen 434  |
| 270301.D         | ASD(FMP) Memo<br>Nov 23, 1994<br>Public Law 103-337,<br>section 625, Oct 5, 1994 |
| 270301.E         | 43 Comp Gen 332  |
| 270302           | 43 Comp Gen 596  |
| 270303.A         | Public Law 91-534,<br>Dec 7, 1970  |
| 270303.B         | 45 Comp Gen 633  |
| 270304.A.1       | 43 Comp Gen 596<br>44 Comp Gen 537   |
| 270304.A.2       | 44 Comp Gen 537  |
| 270304.A.2.b     |  |
| (Example 1)      | 44 Comp Gen 537  |
| 270304.A.5       | 43 Comp Gen 755<br>43 Comp Gen 748   |
| 270304.B         | 45 Comp Gen 838<br>43 Comp Gen 748   |
| 270304.B.1-3     | Public Law 103-337,<br>section 625, Oct 5, 1994                                  |
| 270304.D.1-3     | Public Law 103-337,<br>section 625, Oct 5, 1994                                  |
| 270305           | 52 Comp Gen 912<br>55 Comp Gen 991   |
| 270306           | 60 Comp Gen 154  |
| Table 27-1       |  |
| Rule 9           | 51 Comp Gen 116<br>37 U.S.C. 427   |
| Table 27-2       |  |
| Rule 7           | 43 Comp Gen 596  |
| Rule 8           | 43 Comp Gen 332  |
| Rules 9,10, & 11 | 43 Comp Gen 332  |
| Note 3           | 43 Comp Gen 332  |
| Table 27-3       | 37 U.S.C. 427  |
| Rule 5           | 47 Comp Gen 67   |
| Rule 7           | 43 Comp Gen 596  |
| Rule 8           | 43 Comp Gen 332  |

|   |                |  |
|---|----------------|--|
|   | Rule 9         | 43 Comp Gen 596  |
|   | Rules 12-17    | 43 Comp Gen 332  |
|   | Notes 2 and 4  | 43 Comp Gen 332  |
|   | Note 6         | 45 Comp Gen 838  |
| ★ | <i>Rule 22</i> | <i>Public Law 105-85,</i><br><i>section 603, Nov 18, 1997</i><br><i>37 U.S.C. 427(d)</i> |
|   | Table 27-4     | Public Law 99-661,<br>section 618, Nov 14, 1986<br>DoD Directive 1315.7,<br>Jan 9, 1987  |
|   | Table 27-5     |  |
|   | Rule 1         | 43 Comp Gen 332  |
|   | Rule 5         | 43 Comp Gen 596  |
|   | Note 3         | 43 Comp Gen 332  |
|   | Table 27-6     |  |
|   | Note 4         | 45 Comp Gen 838  |

## CHAPTER 28

★ STATION ALLOWANCES★2801 STATION ALLOWANCES

See the JFTR, Volume 1 (reference (d)), and Military Service procedural instructions for entitlement provisions, payment procedures, and systems requirements for the following:

- 280101.      Temporary Lodging Allowance.
- 280102.      Cost of Living Allowance.
- 280103.      Overseas Housing Allowance.
- 280104.      Interim Housing Allowance.
- ★      280105.      Advance of Housing Allowances (OHA or BAH).

**SUMMARY OF MAJOR CHANGES TO CHAPTER 29**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE DUTY**

New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.

| Page                               | Paragraph   | Explanation of Change/Revision   | Effective Date                  |
|------------------------------------|---|--|---------------------------------|
|                                    | Table 29-3  | IC 27-97 adds two new exceptions to the minimum required consecutive days of TDY to qualify for civilian clothing allowances.<br><br><b>(IC 38-98 supercedes IC 27-97)</b>   | Nov 1, 1996<br><br>Jul 24, 1997 |
|                                    | Table 29-1<br>Table 29-2<br>Table 29-3<br>Table 29-6                    | IC 29-97 issues the new clothing monetary allowances for military members.<br><br><b>(IC 38-98 supercedes IC 29-97)</b>  | Oct 1, 1997                     |
|                                    | Table 29-1<br>Table 29-2<br>Table 29-3<br>Table 29-6<br>Table 29-7      | IC 38-98 issues new clothing monetary allowance rates for military members and includes recent changes to civilian clothing allowances.<br><br><b>(IC 10-99 supercedes IC 38-98)</b>   | Oct 1, 1998                     |
|                                    | Complete chapter rewrite  | IC 10-99 replaces Chapter 29 in it's entirety.   | Oct 1, 1998                     |
| 26-11,<br>26-11,<br>26-12<br>29-14 | Table 29-1,<br>Table 29-2,<br>Table 29-4,<br>Table 29-6<br>Bibliography | IC 35-99 increases the clothing allowance rates for FY 2000  | Oct 1, 1999                     |
| 29-13,<br>29-14                    | Table 29-5,<br>Table 29-6<br>Bibliography                               | IC 12-00 adds duty as a musician with the U.S. Navy Band Washington DC and with the U.S. Naval Academy as members entitled to supplementary clothing allowance clarifies note 1 that payments are payable upon initial assignments and as the specified frequency. | Oct 27, 1999                    |
| 29-11                              | Table 29-2<br>Bibliography  | IC 17-00 clarifies the entitlement to the Special Initial Clothing Allowance for enlisted members who are selected as officer candidates through various commissioning programs.   | Feb 23, 2000                    |



*IC 10-99 revised Chapter 29 in its entirety. IC 35-99, 12-00, and 17-00 also are incorporated in this chapter.*

## CHAPTER 29

### CLOTHING MONETARY ALLOWANCES

#### 2901 GENERAL PROVISIONS

290101. Clothing Allowance Entitlement. By law and under Presidential Executive Order, the Secretary of Defense (or the Secretary's designee) annually may prescribe the quantity and kind of clothing to be furnished to an enlisted member of the Military Services, and may prescribe the amount of cash allowance to be paid if clothing is not so furnished. It is DoD policy that the quantities and kinds of items of individual clothing to be furnished shall be prescribed by the individual Service Secretary or the Commandant of the Marine Corps under the parameters set by the Assistant Secretary of Defense for Force Management Policy.

290102. Types of Allowances. There are three basic types of clothing allowances:

A. Initial Clothing Allowances are provided to enlisted members upon initial enlistment or upon other special qualification for entitlement to a prescribed outfitting of uniforms. The initial issue may be an in kind issue or a combination of in kind issue and cash payment.

B. Cash Clothing Replacement Allowances are provided to enlisted members upon the anniversary month each successive year following the provision of an initial clothing allowance. Cash clothing replacement allowances are for replacement of required uniform items based on a normal wear rate.

C. Extra Clothing Allowances are additional to initial and replacement allowances and do not reduce, replace or otherwise affect them. Extra clothing allowances provide for unusual circumstances when an enlisted member may require additional uniform items or when an officer (with a permanent duty station outside the United States) or enlisted member may require civilian clothes to perform their assigned duties.

290103. References. The following regulations detail the entitlements, policies, and procedures on the quantity and kind of clothing that must be provided, the cash allowance in lieu thereof, and the provisions for payment of clothing replacement allowances.

A. Army: AR 700-84 (reference (ax)). For rates payable, see DFAS-IN Military Pay Tables (Daily Rates) (reference (ay))

B. Navy: MILPERSMAN, BUPERS-INST 1020.11 series (reference (az)) and COM-NAVRESFORINST 1001.5 series (reference (ba))

C. Air Force: DFAS-DE 7073.1-M, DFAS-DE 7073.2-M (reference (ap)), and AFI 36-3014 (reference (be))

D. Marine Corps: Individual Clothing Regulations (MCO P10120.28 (reference (bb)))

## 2902 INITIAL CLOTHING ALLOWANCES

290201. Standard Initial Clothing Allowance – General Provisions. The Standard Initial Clothing Allowance mainly is provided as an in kind issue, although a cash payment may be made for items not furnished in kind. Each Service, as approved by the Assistant Secretary of Defense (Force Management Policy), may prescribe cash payments for items specifically designated to be purchased by the member rather than to be furnished in kind. Additionally, if any of the items of clothing normally prescribed to be furnished in kind are not available for issuance, the initial allowance may be completed by paying the member the cash value of the balance remaining. The Standard Initial Clothing Allowance rates, including prescribed cash payments for personal purchase of specified items, are in Table 29-1.

A. The total monetary value of items furnished in kind, plus any cash payments, may not exceed the amounts for the total value of the applicable Standard Initial Clothing Allowance as established in Table 29-1.

B. If a Service member dies, is discharged, or is released from active duty within six months of entitlement to an initial allowance, the value of the initial allowance shall be reduced to the items of clothing already supplied or amount credited up to that date.

C. Army and Marine Corps. Enlisted members of the Army and Marine Corps entitled to a Standard Initial Clothing Allowance are furnished the allowance on an item or issue in kind basis without establishing a monetary credit. Payment of the amount prescribed in the initial allowance as a cash allowance may be made immediately. Shortages of items being furnished on an in kind basis shall be recorded and issued when available to the Service member.

D. Navy and Air Force. Enlisted members of the Navy and Air Force entitled to a Standard Initial Clothing Allowance are credited with the amount of the allowance against which the authorized clothing is furnished. Immediate payment of the amount prescribed in the initial allowance as a cash payment for personal purchase of specified items may be made. If any of the prescribed items of clothing to be furnished in kind against the established credit are not available for issuance by the conclusion of basic training period, or within a period the Service considers appropriate, the initial allowance may be completed by paying the individual the balance remaining in cash.

290202. Standard Initial Clothing Allowance – Entitlement Criteria. Enlisted personnel (except those entitled to a Special Initial Clothing Allowance) shall be furnished a Standard Initial Clothing Allowance, but only under the following circumstances:

A. Upon first enlistment in the Service, or reenlistment in the same branch of the regular Military Service if 3 months has expired from date of last discharge or release from

active duty and the member is not reporting from a Reserve component that requires the member to maintain uniform clothing.

B. Upon enlistment or re-enlistment in a Service other than the one from which last discharged.

C. Upon reporting for or upon recall to active duty for more than 6 months, after 3 months have expired from the date of last discharge or release from active duty with the clothing required for service in a Reserve component. In these cases, the initial allowance shall be reduced to a partial Standard Initial Clothing Allowance under regulations of the appropriate Service, to account for clothing required to be in the person's possession upon call or recall to active duty.

D. Upon being restored to duty, after being sentenced to confinement and punitive discharge, to the extent needed to fill the individual's clothing requirement.

E. Upon re-enlisting within three months of last discharge or release from active duty, when the Service member did not receive the complete initial allowance or was required to turn in issued clothing. The amount allowed, shall be the difference between the current initial clothing allowance and the current value of issued clothing that remained in the member's possession upon the date of last discharge or release from active duty, further reduced by any prior cash clothing payments toward the initial clothing allowance. For the purposes of determining entitlement to replacement allowances, issues or payments under this subparagraph are not considered to be the last authorization of an initial allowance.

F. Upon recall to active duty after 3 months from the date of last release from active duty or retired enlisted personnel (including Service members of the Fleet Reserve and the Fleet Marine Corps Reserve) recalled to active duty after 3 months from the date of last release from active duty or retirement. Only one such allowance shall be authorized during any period of four consecutive years.

G. Upon reversion to service on active duty commissioned officers or warrant officers under temporary appointments who enlisted or re-enlisted, or who reverted to service on active duty in an enlisted (other than Chief Petty Officer) status, except for purposes of retirement. Only one such allowance is authorized in any period of four consecutive years.

H. Upon reversion to enlistment in or reenlistment in the regular Navy Naval officer candidates, and Naval Reserve Chief Petty Officers who revert to or are enlisted or reenlisted in the regular Navy in pay grade E-6 or below, except for purposes of retirement; provided they previously have not received a Standard Initial Clothing Allowance during their current period of continuous active duty.

290203. Special Initial Clothing Allowance – General Provisions. Enlisted members may be authorized a Special Initial Clothing Allowance if assigned to a tour of duty, or if they attain a status, requiring the wear of uniform clothing (other than special dress uniforms) of a style different from uniforms customary for most enlisted members of the same Service.

Only one Special Initial Clothing Allowance is authorized during any period of continuous active duty. The Special Initial Clothing Allowance rates are in Table 29-2.

A. The Special Initial Clothing Allowance is provided in lieu of the Standard Initial Clothing Allowance when it is the first initial allowance qualified for and issued. The Special Initial Clothing Allowance supercedes and replaces the Standard Initial Clothing Allowance and is considered to be the last authorization of an initial clothing allowance when a member who previously received a Standard Initial Clothing Allowance subsequently qualifies for and is provided a Special Initial Clothing Allowance. The Special Initial Clothing Allowance may be issued in kind, paid as a monetary payment, or provided as a combination, as established the Service concerned.

B. Examples of uses for Special Initial Clothing Allowance are when members in an enlisted status enter an officer training program, are advanced to Chief Petty Officer in the Navy, or are assigned to a military band with uniform styles different than those for others in their pay grade.

290204. Special Initial Clothing Allowance – Eligibility Criteria. Enlisted personnel shall be furnished a Special Initial Clothing Allowance only under the following circumstances:

- A. Upon selection and acceptance for specified officer-training programs.
- B. Upon assignment, in pay grade E-6 or below, to either the United States Navy Band, Washington, DC, or the United States Naval Academy Band.
- C. Upon first advancement to or first enlistment as a Chief Petty Officer in the Navy, while serving on active duty, provided no Special Initial Clothing Allowance has been previously paid.
- D. Upon first reporting for active duty for a period of more than six months as a Chief Petty Officer of the Naval Reserve provided no Special Initial Clothing Allowance has been previously paid either on active or inactive duty.
- E. Upon active duty reenlistment or receipt of orders to active duty as a Chief Petty Officer in the Navy, provided all of the following conditions are met:
  - 1. Over three months has expired from date of last discharge, release from active duty or retirement,
  - 2. The enlistment or re-enlistment period is for a period of more than six months,
  - 3. Appointment to temporary officer status is not coincident with the enlistment or re-enlistment, and

4. The member has not been paid a Special Initial Clothing Allowance within the last four years while on inactive duty.

F. A Chief Petty Officer of the Naval Reserve first reporting for active duty for a period of more than six months who has been previously paid a Special Initial Clothing Allowance while on inactive duty will receive a partial Special Initial Clothing Allowance.

290205. Partial Initial Clothing Allowances. Enlisted personnel shall be paid a reduced or partial initial allowance when payment of a full Standard Initial Clothing Allowance or full Special Initial Clothing Allowance is not warranted as described in subparagraphs 290202.C and 290204.F, above.

### 2903 CASH CLOTHING REPLACEMENT ALLOWANCES

290301. General. Cash Clothing Replacement Allowances for uniform items shall be paid to enlisted members to provide them funds for the replacement of military unique items required for wear. Enlisted members engaged in officer training programs or who are attending academy preparatory schools are not eligible for Cash Clothing Replacement Allowances. Specific entitlement rules are listed in Table 29-3. Cash Clothing Replacement Allowance rates are listed in Table 29-4.

290302. Basic Cash Clothing Replacement Allowance. This is a preliminary replacement allowance for uniform items. It is used during the first three years of active service subsequent to receipt of a Standard Initial Clothing Allowance or a reduced or partial Standard Initial Clothing Allowance.

A. It accrues to each enlisted member beginning with the first day of the month following the date of completion of six months of active duty without regard to time lost. The first payment shall be made at the end of the member's anniversary month completing one year of uninterrupted active military service in an amount equal to one-half the applicable fiscal year rate then in effect.

B. When authorized under regulations of the Service concerned, enlisted members of a Reserve component who received a reduced or partial Standard Initial Clothing Allowance, may be authorized to accrue the Basic Cash Clothing Replacement Allowance beginning with the first day of the month following the date of call or recall to active duty in a pay status.

C. The Basic Cash Clothing Replacement Allowance continues for the first three years of continuous active duty. It is payable for the second and third years at the end of the member's anniversary month using the applicable rate then in effect.

290303. Standard Cash Clothing Replacement Allowance. This allowance provides for replacement of uniform items after completion of three years of active service subsequent to receipt of a Standard Initial Clothing Allowance or a reduced or partial Standard Initial Clothing Allowance. It is also used as the preliminary replacement allowance during the

first three years of active service subsequent to receipt of a Special Initial Clothing Allowance or a reduced or partial Special Initial Clothing Allowance.

A. When used as the follow on to the Basic Cash Clothing Replacement Allowance, the Standard Cash Clothing Replacement Allowance accrues beginning with the first day of the month following the date the member completes 36 months active duty without regard to time lost. It continues during the remaining period of continuous active duty and is payable annually at the end of the Service member's anniversary month using the applicable rate then in effect.

B. When used as the preliminary replacement allowance for the Special Initial Clothing Allowance, the Standard Cash Clothing Replacement Allowance accrues beginning with the first day of the month following the date the Special Initial Clothing Allowance or a reduced or partial Special Initial Clothing Allowance was authorized without regard to time lost. It is payable annually, for the first three years of continuous active duty, at the end of the Service member's anniversary month using the applicable rate then in effect.

290304. Special Cash Clothing Replacement Allowance. This allowance provides for replacement of uniform items after completion of three years of active service subsequent to receipt of a Special Initial Clothing Allowance. It accrues beginning with the first day of the month following the date the member completes 36 months active duty, subsequent to receiving a Special Initial Clothing Allowance or a reduced or partial Special Initial Clothing Allowance, without regard to time lost, and continues during the remaining period of continuous active duty. It is payable annually at the end of the Service member's anniversary month using the applicable fiscal year rate then in effect. During the period for which the Special Cash Clothing Replacement Allowance is payable, the Service member is not entitled to any other cash clothing replacement allowance.

## 2904 EXTRA CLOTHING ALLOWANCES

290401. General. Extra Clothing Allowances are provided in addition to any other entitled clothing allowance. Entitlement to or payment of an Extra Clothing Allowance does not replace or reduce any other clothing allowance.

290402. Supplementary Clothing Allowances. In addition to any other clothing allowance authorized, an enlisted member may become entitled to a Supplementary Clothing Allowance. Supplementary Clothing Allowances may be authorized only for an enlisted member assigned to duty in a special organization or detail where the nature of the duty necessitates that he or she have, as a military requirement, additional quantities or special items of individual uniform clothing normally not required for most enlisted members in the same Service. Except for maternity uniforms, Supplementary Clothing Allowances may not exceed 20 percent of the current value of the Standard Initial Clothing Allowance.

### A. Entitlement

1. A Supplementary Clothing Allowance may be provided as an in kind issue, as a cash payment, or as a combination of an in kind issue and a cash payment.



Generally, Navy and Air Force members are provided Supplementary Clothing Allowances as cash payments, whereas Army and Marine Corps members are normally provided Supplementary Clothing Allowances as in kind issues.

2. On the anniversary of receipt of an initial Supplementary Clothing Allowance, a subsequent Supplementary Clothing Allowance may be authorized for a member remaining in the qualifying assignment, provided the member is projected to remain in the assignment for at least six additional months. A Service member who has received a Supplementary Clothing Allowance may not be authorized a subsequent supplementary allowance for the same items upon reassignment to duty, if less than 12 months have elapsed since the last payment. However, the Service Secretary or Commandant of the Marine Corps (or designees) may waive this restriction under circumstances they deem appropriate.

3. As an exception to the above, an otherwise qualified member may not receive the Supplementary Clothing Allowance for maternity uniforms more often than once every three years.

B. Rates Payable

1. Army and Marine Corps provide Supplementary Clothing Allowances as in kind issues or a combination of in kind issues and cash payments. The Army and Marine Corps Supplementary Clothing Allowances are described in the appropriate Service references listed in paragraph 290103.

2. Navy and Air Force provide Supplementary Clothing Allowances as cash payments. The Navy Supplementary Clothing Allowance rates are listed in Table 29-5. The Air Force Supplementary Clothing Allowance rates are listed in Table 29-6.

290403. Civilian Clothing Allowances for Officers and Enlisted Personnel. In addition to any other clothing allowance authorized, Service members (officer or enlisted) directed by competent authority to dress in civilian clothing more than half the time when performing official duty, as a military requirement, may be authorized a Civilian Clothing Allowance. By law, an officer is authorized a Civilian Clothing Allowance only if his or her permanent duty station is outside the United States. During any period in which an enlisted member is on an assignment requiring the wear of civilian clothing, the applicable replacement allowance for uniform items continues to accrue. The Service Secretary or Commandant of the Marine Corps may prescribe reduced civilian clothing allowances, as appropriate for their respective Service, for personnel serving under conditions where the full authorized Civilian Clothing Allowances in Table 29-7 are not required.

A. Permanent Duty Civilian Clothing Allowances. The Permanent Duty Civilian Clothing Allowance has two parts, the Initial Civilian Clothing Allowance and the Replacement Civilian Clothing Allowance. The Initial Civilian Clothing Allowance is payable upon assignment to qualifying permanent duty when authorized by the Service concerned. When entitled, the Replacement Civilian Clothing Allowance is payable annually at the end of the

service member's anniversary month using the applicable rate then in effect. The rates payable for the Permanent Duty Civilian Clothing Allowances are in Table 29-7.

1. Initial Civilian Clothing Allowance. An Initial Civilian Clothing Allowance shall not be paid more frequently than once in any three year period nor shall it be paid if the member has been out of a qualifying assignment for less than 12 months. If the member receives a follow-on permanent assignment requiring the wear of civilian clothing within 3 years of receiving an Initial Civilian Clothing Allowance, or within 12 months of occupying a qualifying assignment, he or she will receive the Replacement Civilian Clothing Allowance at the end of the original anniversary month.

2. Replacement Civilian Clothing Allowance. At the end of the anniversary month of the member commencing the qualifying assignment, a Replacement Civilian Clothing Allowance is payable if it is projected that he or she will serve at least six additional months in a qualifying assignment. The member becomes entitled upon authorization of the Service concerned. If it is projected that the member will remain in the assignment less than six months beyond the anniversary month, no Replacement Civilian Clothing Allowance will be authorized. However, if the member then actually serves six or more months in the assignment past the anniversary month, the replacement allowance will be paid.

3. Lump Sum Payments. A Service may be given authority to pay the Initial Civilian Clothing Allowance and up to two Replacement Civilian Clothing Allowance payments in an up-front lump sum to members when it is projected that they will continue to meet the eligibility criteria for a Civilian Clothing Allowance on a career basis. Such a lump-sum payment may be made only one time in a member's career and that is when the member first becomes eligible for the allowance. On the first or second anniversaries after a lump-sum initial payment, if it is determined the member actually will not be remaining in a qualifying position for at least the next six months, the annual unearned portion for the year(s) not served will be recouped from the member. At the end of the anniversary months for the third and subsequent years of eligibility, the member will be paid the Replacement Civilian Clothing Allowance.

4. Prior Civilian Clothing Payments. A member assigned to duty for which a Permanent Duty Civilian Clothing Allowance will have that allowance reduced by the prevailing value of any Temporary Duty Civilian Clothing Allowance received within the preceding 12 months.

B. Temporary Duty Civilian Clothing Allowances. Generally, the Temporary Duty Civilian Clothing Allowance is for use when the Permanent Duty Civilian Clothing Allowance is not applicable. The Temporary Duty Civilian Clothing Allowance has two maximum rates, one for temporary duty of at least 15 days within any 30 day period and one for temporary duty of at least 30 days within any 36 month period. The total amount of all Temporary Duty Civilian Clothing Allowances payable in any 36 month period will not exceed the maximum allowed for temporary duty of at least 30 days. The amounts authorized by the Service concerned shall be within the maximum rates established in Table 29-7.



1. Temporary Duty of at Least 15 Days. When competent authority determines the member will be on temporary duty at least 15 consecutive or accumulative days within a 30-day period, the maximum amount payable is that found in Table 29-7. The 15-day threshold requirement does not apply to Explosive Ordnance Disposal and Explosive Detector Dog Personnel on United States Secret Service Support Duty, Defense Courier Service couriers, or On-Site Inspection Agency military personnel. These personnel may be authorized up to the maximum payment for temporary duty of at least 30 days, upon their initial temporary duty assignment, regardless of the length of their temporary duty.

2. Temporary Duty of at Least 30 Days. When competent authority determines that a member will be on temporary duty at least 30 consecutive or accumulative days within a 36 month period, the maximum amount payable shall be that found in Table 29-7, less any amount paid within the past 36 month period.

3. Additional Temporary Duty Payments. In exceptional circumstances, the appropriate official, or the designated official, may make an exception to the maximum allowance permitted in a 36 month period and may authorize an additional payment of a 15 or 30 day allowance or some lesser amount. This authority may not be delegated below the level of an Assistant Secretary in the Army, Navy and Air Force, or the Deputy Chief of Staff for Manpower and Reserve Affairs in the Marine Corps.

## 2905 MISCELLANEOUS CLOTHING PROVISIONS

290501. Reserve Component Allowances. Generally, items of individual clothing required by Reserve Component personnel on active duty for periods of less than six months or while on inactive duty, are furnished as in kind issues. However, the prescribed cash portion of the Standard Initial Clothing Allowance may be paid to the Reserve member at the time that their initial allowance is issued for items designated to be personally purchased and not issued in kind. Members of Reserve components on active duty for periods of less than six months or on inactive duty are not entitled to any Civilian Clothing Allowances. Further guidance for payment of clothing allowances for Reserve members is set forth in Chapters 57 and 58.

290502. Lost or Damaged Clothing. Service members shall be compensated for clothing items destroyed, damaged, lost, abandoned, captured, or otherwise rendered unusable, incident to military training or service, if the loss was not caused by any fault or negligence of the member. The Service concerned shall prescribe procedures for such compensation.

290503. Clothing Price Adjustments. Enlisted members of the Navy and Air Force entitled to an initial or partial initial clothing monetary allowance upon entering the Service may require adjustment to their pay records. When the entitlement date is on or before September 30, but all clothing items have not been issued prior to October 1, adjust the pay record to reflect the difference between old and new fiscal year prices of those items not issued.

290504. Settlement of Cash Clothing Allowances. Cash clothing replacement allowances always are paid on the last day of the anniversary month in which the member earned the entitlement, except when prorated as a result of discharge before the end of the anniversary

month. Supplementary Clothing Allowances are paid when the entitlement is approved by the authorizing official. Other Cash Clothing Allowances will be settled as outlined in Table 29-8.

| STANDARD INITIAL CLOTHING ALLOWANCES – EFFECTIVE OCT 1, 1999 |                                     |        |  |  |   |
|--|-------------------------------------|--------|--|--|---|
| R<br>U<br>L<br>E   | A                                   | B      | C  | D  | E   |
|  | When an entitled enlisted member is | and is | then the total value of the Standard Initial Clothing Allowance is | and the prescribed cash payment portion for purchase of specified items is | and the Partial Initial cash allowance for a member of the Reserves or Guard called to active duty is |
| 1  | Army                                | Male   | \$1,082.35   | \$0  | \$0   |
| 2  |                                     | Female | \$1,329.84   | \$232.99   | \$0   |
| 3  | Navy (E1-E6)                        | male   | \$1,162.95   | \$192.20   | \$313.40  |
| 4  |                                     | female | \$1,538.00   | \$418.61   | \$440.90  |
| 5  | Air Force                           | male   | \$ 986.50  | \$0  | \$0   |
| 6  |                                     | female | \$1,190.23   | \$203.53   | \$0   |
| 7  | Marine Corps                        | male   | \$1,076.70   | \$0  | \$0   |
| 8  |                                     | female | \$1,397.37   | \$203.53   | \$0   |

Table 29-1. Standard Initial Clothing Allowances

| SPECIAL INITIAL CLOTHING ALLOWANCES – EFFECTIVE OCT 1, 1999 |   |        |   |   |   |
|---|---|--------|---|---|---|
| R<br>U<br>L<br>E  | A   | B      | C   | D   | E   |
|   | When an entitled enlisted member is   | and is | then the total value of the Special Initial Clothing Allowance is | and the prescribed cash payment portion to be paid is | and the Partial Initial cash allowance for a member of the Reserves or Guard called to active duty is |
| 1   | assigned to the Navy Band, Washington, DC or the US Naval Academy Band  | male   | \$ 900.15   | \$ 900.15   | \$0   |
| 2   |   | female | \$ 946.90   | \$ 946.90   | \$0   |
| 3   | eligible to wear the uniform of a chief petty officer (E7-E9)   | male   | \$ 900.15   | \$ 900.15   | \$450.08  |
| 4   |   | female | \$ 946.90   | \$ 946.90   | \$473.45  |
| ★5  | <i>selected for officer training and enters Officer Candidate School (OCS), the Broadened Opportunity for Officer Selection and Training (BOOST) Program, the Enlisted Commissioning Program (ECP), or the Seaman to Admiral to Program</i> | male   | \$1,158.71  | \$1,158.71  | \$0   |
| ★6  |   | female | \$1,492.71  | \$1,492.71  | \$0   |
| 7   | a direct civilian accession student to the Air Force Officer Training School (OTS)  | male   | \$ 706.20   | \$ 706.20   |   |
| 8   |   | female | \$ 912.86   | \$ 912.86   |   |
| 9   | an enlisted accession student to the Air Force Officer Training School (OTS)  | male   | \$ 295.00   | \$ 295.00   |   |
| 10  |   | female | \$ 295.00   | \$ 295.00   |   |
| 11  | assigned to the United States Air Force Academy Preparatory School  | male   | \$ 775.10   | \$ 775.10   |   |
| 12  |   | female | \$ 776.11   | \$ 776.11   |   |

★Table 29-2. Special Initial Clothing Allowances

| ENTITLEMENT TO CASH CLOTHING REPLACEMENT ALLOWANCES |  |  |   |
|---|--|--|---|
| R<br>U<br>L<br>E                                    | A  | B  | C   |
|   | When a member  | and is not   | then the member is entitled to an annual  |
| 1   | completes 6 months of active duty after last entitlement to a standard initial, partial standard initial or reduced standard initial clothing allowance (note 1)     | missing, missing-in-action, captured, or detained in a foreign country; nor forfeiting total pay; nor in confinement under approved sentence providing a punitive discharge (note 2); nor assigned to a command where clothing is replaced by an in-kind issue; nor undergoing training leading to a commission or attending an academy preparatory school; nor terminated from the status for which a special initial-clothing monetary allowance was awarded | basic cash clothing replacement allowance, accruing from the first day of the month following the date of completion of 6 months' active duty through the end of the 36th month of active duty. On completion of the 12th month of uninterrupted active duty, payment will be made for one-half the annual rate and the full annual rate thereafter. Annual payments will be made at the end of the member's anniversary month of active duty (note 3). |
| 2   | completes 6 months of active duty as an officer candidate (note 1)   |  |   |
| 3   | becomes entitled to a special initial, partial special initial or reduced special initial clothing allowance   |  | standard cash clothing replacement allowance accruing from the first day of the month following the date the special initial clothing allowance is awarded and continuing for the first 36 months of such active duty. Annual payments will be made at the end of the member's anniversary month of active duty (note 3).   |
| 4   | completes 36 months of active duty after last entitlement to a standard initial, partial standard initial, or a reduced standard initial clothing allowance (note 1) |  | standard cash clothing replacement allowance accruing from the first day of the month following the date of completion of 36 months' active duty. Annual payments will be made at the end of the member's anniversary month of active duty (note 3).  |
| 5   | completes 36 months of active duty after last entitlement to a special initial, partial special initial, or a reduced special initial clothing allowance (note 1)    |  | special cash clothing replacement allowance accruing from the first day of the month following the date of completion of 36 months' active duty. Annual payments will be made at the end of the member's anniversary month of active duty (note 3).   |

## NOTES:

1. The time period is computed without regard to lost time.
2. The term "approved sentence" means the date the sentence was approved by the convening authority.
3. If a member serves on this active duty less than 12 months or less than 12 months after the last annual payment, then a prorated amount will be paid, calculated at one-twelfth of the annual rate for each whole month or fractional month served. Example: A member on a 3-year enlistment leaves service after serving 2 years, 6 months, and 10 days. The final payment would be an amount equal to 7/12 of the annual amount.

Table 29-3. Entitlement to Cash Clothing Replacement Allowances

| CASH CLOTHING REPLACEMENT ALLOWANCES – EFFECTIVE OCT 1, 1999 |                                     |        |  |  |   |
|--|-------------------------------------|--------|--|--|---|
| R<br>U<br>L<br>E   | A                                   | B      | C  | D  | E   |
|  | When an entitled enlisted member is | and is | then the value of the Basic Cash Clothing Replacement Allowance is | and the value of the Standard Cash Clothing Replacement Allowance is | and the value of the Special Cash Clothing Replacement Allowance is |
| 1  | Army                                | male   | \$255.60   | \$367.20   | \$0   |
| 2  |                                     | female | \$320.40   | \$457.20   | \$0   |
| 3  | Navy                                | male   | \$273.60   | \$388.80 (note 1)  | \$550.80 (note 1)   |
| 4  |                                     | female | \$324.00   | \$464.40 (note 1)  | \$702.00 (note 1)   |
| 5  | Air Force                           | male   | \$205.20   | \$291.60   | \$0   |
| 6  |                                     | female | \$230.40   | \$331.20   | \$0   |
| 7  | Marine Corps                        | male   | \$223.20   | \$320.40   | \$0   |
| 8  |                                     | female | \$266.40   | \$378.00   | \$0   |

## NOTE:

1. Members of the USNA and Washington DC Navy bands and all Navy Chief Petty Officers receive these allowances as follow-on to the Special Initial Clothing Allowances and the Basic Cash Clothing Replacement Allowance is not used.

Table 29-4. Cash Clothing Replacement Allowances

| NAVY SUPPLEMENTARY CLOTHING ALLOWANCES – EFFECTIVE APRIL 1, 1998 |   |   |  |
|--|---|---|--|
| R<br>U<br>L<br>E   | A   | B   | C  |
|  | When a Navy enlisted member is assigned to  | then the supplementary clothing allowance to be paid in cash is | and the frequency of payment is (note 1) |
| 1  | shore duty in a BUPERS controlled recruiting billet or a recruiting support billet (note 2)   | \$220.00  | annual                                   |
| 2  | the US Navy Ceremonial Guard  | \$200.00  | only upon assignment                     |
| 3  | the Ceremonial Guard Unit, Naval Air Facility, Washington DC  | \$120.00  | only upon assignment                     |
| 4  | duty in the executive part of the Department of the Navy located at the seat of government (field activities excluded)  | \$15.00   | only upon assignment                     |
| 5  | duty in the Office of the Secretary of Defense including the Office of the Joint Chiefs of Staff  | \$15.00   | only upon assignment                     |
| 6  | duty as a recruit company commander at naval training centers or Naval Air Reserve training unit (Memphis) and meets eligibility requirements (note 3)  | \$220.00  | annual                                   |
| 7  | duty as a recruit drill instructor at naval training centers and meets eligibility requirements (note 3)  | \$220.00  | annual                                   |
| 8  | duty with Naval Administrative Unit, Washington DC  | \$125.00  | only upon assignment                     |
| 9  | the CNO Retention Team  | \$220.00  | annual                                   |
| 10   | a unit of the armed forces police or permanent shore patrol   | \$50.00   | only upon assignment                     |
| 11   | duty as a member assigned to (1) Transient Monitoring Unit, Enlisted Personnel Management Center, New Orleans; (2) Personnel and Administrative Assistance Team, Atlantic; (3) Personnel and Administrative Assistance Team, Pacific; or (4) Reserve Personnel Management Assistance Team (RPMAT) | \$185.00  | only upon assignment                     |
| 12   | duty as the Master Chief Petty Officer of the Navy (MCPON) or a Master Chief Petty Officer of a Fleet or Force  | \$220.00  | annual                                   |
| 13   | active duty or Selected Reserve duty and the individual's condition requires the wearing of a maternity uniform   | \$225.00  | once in three years                      |
| ★14  | duty as a musician with a Fleet/Area Band, U.S. Navy Band Washington DC or Naval Academy Band (IC 12-00)  | \$220.00  | annual                                   |
| 15   | duty as a midshipmen company advisor in pay grade E7 – E9 at the United States Naval Academy  | \$220.00  | annual                                   |

## NOTES:

- ★1. *The supplementary clothing allowances listed are, unless otherwise noted, payable upon initial assignment to a normal tour of the duties described at the frequency specified in this table. Allowances to be paid as annual allowances will be paid upon assignment and upon each subsequent anniversary date of the initial assignment or entitlement, provided the member is projected to remain in the assignment for at least an additional 6 months. Allowances to be paid as once in 3 year allowances, will be paid after 36 months from the date of any prior payment, provided the individual's condition/duties continue to require the supplementary allowance and they are projected to remain in the assignment for at least 6 additional months. Allowances to be paid as only upon assignment allowances will be paid only when first assigned to the specified duty. A supplementary allowance may not be paid more frequently than once per year for similar duty even if at different locations or commands or for subsequent recalls to active duty within 1 year, except by special authority of the Service Secretary or his designee. (IC 12-00)*
2. Recruiting or recruiting support duty means active duty assignment to: Navy recruiting areas, Navy recruiting districts, Navy recruiting "A" stations, Navy recruiting stations, Military Entrance Processing Stations, or to Naval Reserve activities. It also includes Naval aviation cadet procurement teams at Naval Air Reserve activities. It is payable to recruiters after reporting to the enlisted Navy Recruiter Orientation Course or upon completion of the Veteran Recruiter Orientation (VETRO). It is payable to recruiting support personnel upon receipt of orders to such duty. It is payable to members in BUPERS controlled recruiting billets or a recruit support billet upon initial assignment when specialized training is not required prior to the recruiting assignment.
3. Eligibility requires completion of Recruit Company Commander or Recruit Drill Instructor School.

★Table 29-5. Navy Supplementary Clothing Allowances (IC 12-00)

| AIR FORCE SUPPLEMENTARY CLOTHING ALLOWANCES – EFFECTIVE OCT 1, 1999 |   |   |  |
|---|---|---|--|
| R<br>U<br>L<br>E  | A   | B   | C  |
|   | When an Air Force enlisted member is assigned to  | then the supplementary clothing allowance to be paid in cash is | and the frequency of payment is (note 1) |
| 1   | duty as an in-flight passenger service steward  | \$154.00  | annual                                   |
| 2   | Detachment 1, 4950th Test Wing  | \$154.00  | annual                                   |
| 3   | 89th Air Wing Presidential Aircrew  | \$154.00  | annual                                   |
| 4   | Headquarters USAF/CC as member of the security police   | \$104.00  | only upon assignment                     |
| 5   | 89th Air Wing as a member of the security police  | \$104.00  | annual                                   |
| 6   | the United States Air Force Band, the Air Force Band of the Rockies, or a numbered Air Force band   | \$154.00  | once in three years                      |
| 7   | Hammer Ace  | \$154.00  | only upon assignment                     |
| 8   | duty as a basic military training instructor or manager   | \$197.00  | annual                                   |
| 9   | duty as a cadet military training advisor at the United States Air Force Academy  | \$154.00  | annual                                   |
| 10  | duty as a basic military training instructor at the United States Air Force Academy Preparatory School  | \$154.00  | annual                                   |
| 11  | a recruiting group or squadron  | \$197.00  | annual                                   |
| 12  | represent the Air Force as one the 12 Outstanding Airmen of the Year  | \$197.00  | only upon assignment                     |
| 13  | duty as a professional military education instructor  | \$197.00  | annual                                   |
| 14  | duty at a MAJCOM as a member of the security police Elite Guard   | \$104.00  | only upon assignment                     |
| 15  | duty as a member of the security police Elite Gate Guards   | \$104.00  | only upon assignment                     |
| 16  | duty as a student at the Security Forces Specialist Course (Law Enforcement & Security Specialist Students)   | \$ 84.00  | only upon assignment                     |
| 17  | duty as the Chief Master Sergeant of the Air Force  | \$197.00  | annual                                   |
| 18  | duty as the Chief Master Sergeant of the Air Force Staff  | \$197.00  | only upon assignment                     |
| 19  | duty as a USAFA radio maintenance work center technician  | \$129.00  | once in three years                      |
| 20  | a military entrance processing station  | \$129.00  | annual                                   |
| 21  | active duty and the individual's condition requires the wearing of a maternity uniform (note 2)   | \$283.00  | once in three years                      |
| 22  | active duty and the individual's condition requires the wearing of a maternity uniform when the individual is provided, as government issue, maternity working uniforms (e.g. hospital workers, note 2) | \$100.00  | once in three years                      |
| 23  | duty as a Military Training Leader (Technical Training Schools)   | \$197.00  | annual                                   |

## NOTES:

- ★1. *The supplementary clothing allowances listed are, unless otherwise noted, payable upon initial assignment to a normal tour of the duties described and at the frequency specified in this table. Allowances to be paid as annual allowances will be paid upon assignment and upon each subsequent anniversary date of the initial assignment or entitlement, provided the member is projected to remain in the assignment for at least an additional 6 months. Allowances to be paid as once in 3 year allowances, will be paid after 36 months from the date of any prior payment, provided the individual's condition/duties continue to require the supplementary allowance and they are projected to remain in the assignment for at least 6 additional months. Allowances to be paid as only upon assignment allowances will be paid only when first assigned to the specified duty. A supplementary allowance may not be paid more frequently than once per year for similar duty even if at different locations or commands or for subsequent recalls to active duty within 1 year, except by special authority of the Service Secretary or his designee. (IC 12-00)*

2. When the reduced maternity uniform allowance has been paid and the member subsequently qualifies for a full maternity uniform allowance within 3 years of the reduced payment, the member will receive only the difference between the two allowances. A member may not receive more than the full maternity uniform allowance value within any 36-month period. A reduced maternity uniform allowance may not be paid within 36 months of a full maternity uniform allowance.

**★Table 29-6. Air Force Supplementary Clothing Allowances (IC 12-00)**

| CIVILIAN CLOTHING ALLOWANCES FOR OFFICERS AND ENLISTED MEMBERS – EFFECTIVE OCT 1, 1999 |  |  |
|--|--|--|
| <b>R<br/>U<br/>L<br/>E</b>   | <b>When an officer or enlisted member is entitled to a Civilian Clothing Allowance for</b> | <b>then the amount of payment is (notes 1 and 2)</b> |
| <b>1</b>   | permanent duty initial payment   | \$787.65   |
| <b>2</b>   | permanent duty annual replacement payment  | \$262.55   |
| <b>3</b>   | temporary duty of at least 15 days in a 30 day period (note 3)                             | \$262.55   |
| <b>4</b>   | temporary duty of at least 30 days in a 36 month period                                    | \$525.10   |

**NOTES:**

1. By law, an officer is authorized a civilian clothing allowance only if the officer's permanent duty station is outside the United States.
2. Unless exception is given, the maximum amount payable for all temporary duty performed in any 36-month period will not exceed the maximum prescribed for duty of at least 30 days.
3. The 15-day qualification requirement does not apply to explosive Ordnance Disposal and Explosive Detector Dog personnel on United States Secret Service support duty, Defense Courier Service couriers, or On-Site Inspection Agency military personnel. These personnel may be authorized up to the maximum Temporary Duty Civilian Clothing Allowance for 30 days upon their initial temporary duty travel requirement.

**Table 29-7. Civilian Clothing Allowances for Officer and Enlisted Members**

| SETTLEMENT OF CASH CLOTHING ALLOWANCES |   |                        |      |              |           |   |  |
|--|---|------------------------|------|--------------|-----------|---|--|
| R<br>U<br>L<br>E                       | A   | B                      |      |              |           | C   | D  |
|  | When member is entitled to  | and is a member of the |      |              |           | and has   | then   |
|  |   | Army                   | Navy | Marine Corps | Air Force |   |  |
| 1                                      | a Standard Initial Clothing Allowance, a reduced or Partial Standard Initial Clothing Allowance |                        | X    |              |           | completed 6 months of active duty (note 1)  | settle balance of allowance due.                               |
| 2                                      |   |                        | X    |              | X         | drawn clothing equaling or exceeding the allowance  | settle amount, collect amount due from member, if appropriate. |
| 3                                      |   |                        |      |              | X         | completed 30 days of active duty (note 1)   | settle balance of allowance due.                               |
| 4                                      |   |                        | X    |              |           | completed recruit training  | settle balance of allowance due.                               |
| 5                                      |   |                        | X    |              | X         | reenlisted in the same branch of the Regular Service subsequent to expiration of 3 months from date of last discharge or release from active duty | pay or credit amount authorized immediately.                   |
| 6                                      | a Special Initial Clothing Allowance or a reduced or Partial Special Initial Clothing Allowance |                        | X    |              | X         |   | pay or credit amount authorized immediately.                   |
| 7                                      | an initial cash allowance for personal purchase of specified items                              | X                      | X    | X            | X         | established entitlement to an initial clothing allowance  | pay or credit amount authorized immediately.                   |
| 8                                      | a civilian clothing allowance   | X                      | X    | X            | X         |   | pay or credit amount authorized immediately.                   |

## NOTE:

- On discharge, release from active duty, or death, before completion of 6 months of active duty (Navy), or 30 days (Air Force), reduce the monetary clothing allowance to amount of clothing already supplied.

Table 29-8. Settlement of Cash Clothing Allowances



## Chapter 29—Clothing Monetary Allowances

|                                |                    |  |
|--------------------------------|--------------------|--|
| 2901-General Provisions        | 290101             | 37 U.S.C. 418<br>EO 10113, Feb 24, 1950<br>DoDD 1338.5, Mar 9, 1998<br>DoDI 1338.18, Jan 7, 1998 |
| 2904-Extra Clothing Allowances | 290402             | ASD(FMP) Memo,<br>Mar 31, 1998   |
|                                | Table 29-1         | ASD(FMP) Memo,<br>Sep 21, 1999   |
|                                | Table 29-2         | ASD(FMP) Memo,<br>Sep 21, 1999   |
| ★                              |                    | <i>DON(N09BU) Memo,</i><br><i>Feb 23, 2000</i>   |
|                                | Table 29-4         | ASD(FMP) Memo,<br>Sep 21, 1999   |
| ★                              | <i>Table 29-5</i>  | <i>ASN(M&amp;RA) Memo,</i><br><i>Oct 27, 1999</i>  |
|                                | Table 29-7         | ASD(FMP) Memo,<br>Sep 21, 1999   |
|                                | 290502             | DoD Instruction 1338.18,<br>July 29, 1985  |
|                                | Tables 29-1 & 29-7 | DoD Instruction 1338.18,<br>July 29, 1985  |
|                                | Table 29-6, Rule 1 | ASD(FMP) Memo,<br>Feb 26, 1996   |

**SUMMARY OF MAJOR CHANGES TO CHAPTER 30**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.

| <b>Page</b> | <b>Paragraph</b>      | <b>Explanation of Change/Revision</b>                                   | <b>Effective Date</b> |
|-------------|-----------------------|---|-----------------------|
| 30-5        | 300501,               | IC 10-99 revises Civilian Clothing Monetary Allowance.                  | Oct 1, 1998           |
|             | 300502 through 300508 | The current paragraphs are deleted and a new paragraph 300502 is added. |                       |

**CHAPTER 30****OFFICERS' UNIFORM AND EQUIPMENT ALLOWANCE****3001 ENTITLEMENT**

Effective September 15, 1981, officers became entitled to an initial uniform allowance upon call to active duty or active duty for training as prescribed by this chapter.

**3002 INITIAL UNIFORM ALLOWANCE**

The officers referred to in section 3001, above, are entitled to an initial uniform allowance under the conditions shown below.

300201. When Payable. Except as provided in the note, below, the initial uniform allowance is payable only once to an officer:

A. Upon first reporting for active duty (other than for training) for a period of more than 90 days.

B. Upon completing at least 14 days of active duty or active duty for training as a member of a Reserve Component.

C. When an officer, commissioned in a Regular Component upon ROTC graduation after October 12, 1964, enters on duty as a Regular officer (the member is considered then to have entered on active duty for more than 90 days).

D. Upon reporting for the first period of active duty required of a member of the Armed Forces Health Professions Scholarship Program.

NOTE: Upon transfer to another Reserve Component that requires a different uniform, a Reserve officer may receive another initial uniform allowance. Regular officers may not receive this allowance when transferring to another Military Service.

300202. Amounts Payable. All officer personnel commissioned or appointed in the Regular or Reserve Components of the Army, Navy, Air Force and Marine Corps are authorized \$200 regardless of source of commission or previous enlisted status.

300203. Restrictions

A. If a member has received an initial uniform allowance in any amount as an officer under conditions other than those listed in subparagraphs 300201.A, B, C or D, above, the member cannot again be entitled to the initial uniform allowance.

B. Only periods of duty that require wearing of the uniform are counted for entitlement to the initial uniform allowance.

C. An officer must be determined physically qualified for active duty before entitlement to an initial uniform allowance accrues.

### 3003 ADDITIONAL ACTIVE DUTY UNIFORM ALLOWANCE

Officers of Reserve Components, officers of the Army or Air Force of the United States without component, and ROTC graduates appointed in the Regular Components after October 12, 1964, are entitled to an additional active duty uniform allowance of \$100 as provided in this paragraph. This allowance is to pay for additional uniforms required while they are on active duty or active duty for training.

#### 300301. When Payable

A. This allowance is payable each time of entry or reentry on active duty, or active duty for training (including authorized travel time) for more than 90 days. The period served may be under orders specifying active duty for more than 90 days, or under two or more orders requiring a continuous period of more than 90 days' active duty.

B. An officer commissioned in a Regular Component upon ROTC graduation after October 12, 1964, accrues entitlement to the allowance on commencement of duty as a regular officer. (The officer is considered then to have entered on active duty for more than 90 days.)

#### 300302. Restrictions

A. This allowance is not payable if the officer has received an initial uniform allowance of more than \$200 during the current tour of active duty, or within a period of 2 years before entering on that tour.

B. This allowance is not payable when the tour of duty for which payment is being considered began within 2 years after the end of a previous period of active duty, or active duty for training, of more than 90 days. This applies whether or not a uniform allowance was paid for the previous tour of duty. It applies only if the prior service was performed as a Reserve officer, as an officer of the Army or Air Force of the United States without component, or as a Regular officer commissioned upon ROTC graduation after October 12, 1964.

C. An officer of a Reserve Component or of the Army or Air Force of the United States without component is not due this allowance solely because of appointment therein or transfer thereto.

D. A Reserve officer ordered to an indefinite tour of active duty, or active duty for training, is not entitled to this allowance until the member completes more than 90 days of that tour.

E. Only periods of duty requiring the wearing of the uniform are counted for entitlement to the \$100 allowance prescribed in this paragraph.

F. To be entitled under this paragraph, an officer must be determined physically qualified for active duty.

300303. Computation of 2-Year Period. Compute the 2-year period during which no active duty or active duty for training was performed as follows:

A. When an officer is ordered to active duty, or active duty for training, for a period of more than 90 days, the 2-year period begins on the day following the day of release from active duty or active duty for training.

Example 1: A Reserve officer was ordered to active duty for training under orders specifying a 92-day tour of duty to begin March 1, 1995, and to end May 31, 1995. The officer actually was released from active duty for training May 31, 1995. The 2-year period began on June 1, 1995. Entitlement to the next \$100 additional active duty uniform allowance accrues if the officer is called to active duty or active duty for training for a period of more than 90 days on or after June 1, 1997.

Example 2: If the officer in Example 1 served 35 days of a tour of active duty under orders specifying duty of more than 90 days, and was released from active duty for training April 4, 1995, the 2-year period started April 5, 1995. Entitlement to the next \$100 additional active duty uniform allowance accrues if the officer is called to active duty or active duty for training, for a period of more than 90 days on or after April 5, 1997. Refund of allowance, or any portion thereof, is not required since entitlement was based on reporting for active duty for a period of more than 90 days.

Example 3: If the officer in Example 1 actually served 120 days in the tour of active duty for training because the orders were extended, and was released from active duty June 28, 1995, the 2-year period started June 29, 1995. Entitlement to the next \$100 additional active duty uniform allowance accrues if this officer is called to active duty, or active duty for training, on or after June 29, 1997, for a period in excess of 90 days.

B. When an officer is ordered to active duty for training for an indefinite period, and serves more than 90 days, the 2-year period begins on the day following the day of release from active duty.

Example 1: A Reserve officer was ordered to active duty for training for an indefinite period to begin March 1, 1995. The officer was released from active duty July 1, 1995. On the 91st day of duty (May 30, 1995), the officer was entitled to the \$100 allowance as of the first day

of duty (March 1, 1995), if other conditions of entitlement were met. The 2-year period starts July 2, 1995. Entitlement to the next \$100 additional active duty uniform allowance accrues if the officer is called to active duty or active duty for training, for a period of more than 90 days on or after July 2, 1997.

Example 2: If the Reserve officer in Example 1, this subparagraph, was released from active duty on April 4, 1995, after serving only 35 days, he or she would not be entitled to the \$100 additional active duty uniform allowance for that period of active duty for training.

C. When an officer is separated from a Regular Component, and is later appointed an officer in a Reserve Component and ordered to active duty, or active duty for training for more than 90 days, the 2-year period restriction in subparagraph 300302.B, above, does not apply. Exception: Regular officers appointed upon completion of ROTC training after October 12, 1994, are subject to the 2-year restriction.

Example 1: An officer was separated from a Regular Component on June 30, 1995 and was appointed an officer in a Reserve Component on July 1, 1995. The member reported for active duty for more than 90 days on May 1, 1997. The member was entitled to the \$100 additional active duty uniform allowance when reporting on the present tour of active duty, since the previous tour was as a Regular officer.

#### 3004 DETERMINATIONS

300401. An officer reporting for active duty for the first time who meets the requirements for entitlement to the initial uniform allowance and the additional active duty uniform allowance, is entitled to receive both allowances.

300402. An officer who receives, or has previously received, an initial uniform allowance as an officer under any conditions other than those listed in subparagraphs 300201.A, B, C or D, above, is not eligible to receive the initial uniform allowance upon transfer to or appointment in a Reserve Component or the Army or Air Force of the United States without component.

300403. A Reserve officer who receives, or has previously received, an initial uniform allowance under the conditions listed in subparagraphs 300201.A, B, C, or D, above, and again qualifies for the initial uniform allowance and/or the additional active duty uniform allowance by meeting the basic requirements of this chapter, is eligible to receive the \$200 initial and/or the \$100 additional allowance upon transfer to, or appointment in, another Reserve Component or the Army or Air Force of the United States without component, if the wearing of a different uniform is required.

300404. If otherwise eligible, a Reserve officer is entitled to be paid the additional active duty uniform allowance even if the member has not received an initial uniform allowance.

3005 CIVILIAN CLOTHING MONETARY ALLOWANCE

★ 300501. *Officers assigned to a permanent duty station outside the United States, who are required to wear civilian clothing all or a substantial portion of the time in the performance of official duty, may be authorized an allowance for civilian clothing. (IC 10-99)*

★ 300502. *Entitlement Criteria and Allowance Rates for Civilian Clothing Allowances are Specified in Chapter 29, of this volume, see paragraph 290403.* (IC 10-99)

## Chapter 30—Officers' Uniform and Equipment Allowance

|   |                     |
|---|---------------------|
| 3001—Entitlement                              | 37 U.S.C. 415-417   |
| 3002—Initial Uniform Allowance                |                     |
| 300201 Note                                   | 37 U.S.C. 417(b)    |
| 300203.A                                      | 37 U.S.C. 415(b)    |
| 3003—Additional Active Duty Uniform Allowance |                     |
| 300301.A                                      | 33 Comp Gen 250     |
| 300302.B                                      | 43 Comp Gen 265     |
| 300302.D                                      | 33 Comp Gen 242     |
| 300303.C                                      | 42 Comp Gen 550     |
| 3004—Determinations                           |                     |
| 300403  | 37 U.S.C. 417(b)    |
| 300404  | 43 Comp Gen 729     |
| 3005—Civilian Clothing Monetary Allowance     |                     |
|   | 37 U.S.C. 419       |
|   | Public Law 100-180, |
|   | Dec 4, 1987         |
|   | OASD(FM&P)          |
|   | (MM&PP)(C)          |
|   | Memo, Feb 1, 1988   |



## CHAPTER 31

PERSONAL MONEY ALLOWANCE3101 ENTITLEMENT

Officers in the capacities listed below who are entitled to receive basic pay are also entitled to receive a personal money allowance. This allowance is in addition to any other pay or allowance authorized. The allowance is payable while the officer is serving in the grade of lieutenant general, vice admiral or above. When entitlement to the allowance is based on a specific duty assignment indicated in paragraphs 310103 or 310104, below, it does not accrue before the date member starts, or after the date member is released from such duty assignment.

310101. Lieutenant General or Vice Admiral. While serving in the grade of lieutenant general or vice admiral--\$500 per year.

310102. General or Admiral. While serving in the grade of general or admiral--\$2200 per year.

310103. Chairman and Vice Chairman of the Joint Chiefs of Staff and Chiefs of Services. While serving as Chairman of the Joint Chiefs of Staff, Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army or Air Force; Chief of Naval Operations; or Commandant of the Marine Corps, in place of any other personal money allowance authorized in this chapter--\$4000 per year.

310104. Senior Member of the Military Staff Committee of the United Nations. While serving as a senior member of the Military Staff Committee of the United Nations and entitled to the grade, pay, and allowances of a lieutenant general or vice admiral--\$2700 per year (\$2200 plus \$500 authorized in paragraph 310101, above).

3102 MONTHLY AMOUNTS PAYABLE

The personal money allowance is payable at the following monthly rates:

| <u>Rank</u>   | <u>Monthly Rates</u> |
|---|----------------------|
| Chairman or Vice Chairman of the Joint Chiefs<br>of Staff or Chief of Staff | \$333.33             |
| Senior Member of the Military Staff Committee<br>of the United Nations      | \$225.00             |
| General or Admiral  | \$183.33             |
| Lieutenant General or Vice Admiral  | \$ 41.67             |

3103 TAXABILITY AND WITHHOLDING TAX

A personal money allowance is subject to federal and state income tax and withholding.

**SUMMARY OF MAJOR CHANGES TO CHAPTER 32**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES - ACTIVE DUTY AND RESERVE PAY**

New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.

| <b>Page</b>     | <b>Paragraph</b>                   | <b>Explanation of Change/Revision</b>   | <b>Effective Date</b> |
|-----------------|------------------------------------|---|-----------------------|
| 32-10,<br>32-13 | Table 32-2, note 6<br>Bibliography | IC 2-98 pertains to an exception in the amount of advance pay to Army personnel.                            | Jan 6, 1998           |
| 32-4,<br>32-5   | 320202.B.6,<br>Table 32-1          | IC 4-98 adds a new category of emergency partial payments for waivers of forfeiture in favor of dependents. | Jan 16, 1998          |

*Interim Changes 02-98 and 04-98 are incorporated in this chapter.*

## CHAPTER 32

### ADVANCE, LOCAL, PARTIAL, AND EMERGENCY PARTIAL PAY

#### 3201 ADVANCE PAYMENTS

##### 320101. Advance Pay for Permanent Change of Station (PCS)

A. General Provisions. The purpose of an advance payment is to give funds to a member to meet extraordinary expenses incident to a government-ordered relocation. It is intended to assist with the out-of-pocket expenses, not typical of day-to-day military living, that precede or exceed reimbursements incurred in a member's change of duty locations, and are expenses. An advance of pay shall not be authorized for the specific out-of-pocket expenses covered by advances of other allowances and entitlements, if those advances are used (to include travel allowances and per diem, overseas station housing allowance, basic allowance for quarters, variable housing allowance, and dislocation allowance). The member's commander has a responsibility to ensure that an advance of pay is used only to help with the financial burden of a PCS.

B. Entitlement. The conditions and amounts payable are contained in Table 32-2, rules 1 and 2.

C. Repayment. Advances are repaid per Table 32-3, rules 1 through 5.

D. Effect on Allotments. Do not pay an advance of pay in an amount that will require the stoppage of allotments for insurance or support of dependents. No allotment may be started after the advance is made if that allotment would prevent repayment of the advance of pay within the allowed period. If separation of the member from the Service is imminent, stop all allotments necessary to collect the advance.

E. Military Service Regulations. The following regulations provide additional guidance appropriate for the specified Military Service:

1. Army: AR 37-104-3 (reference (bh))
2. Navy: NAVMILPERSMAN para 2650100 (reference (an))
3. Air Force: DFAS-DE 7073.1-M (reference (ap))
4. Marine Corps: MCO 7220.21E (reference (bg))

320102. Advance of Pay and Allowances. The purpose of an advance of pay is to ease hardships imposed by the lack of regular payments when a member is mobilized, ordered to duty at distant stations, or deployed aboard ships for more than 30 days.

A. Entitlement. The conditions and amounts payable are contained in Table 32-2, rules 6 through 9.

B. Repayment. These advances are repaid per Table 32-3, rules 3 through 5 and rules 9 through 12.

320103. Advance of Basic Allowance for Subsistence (BAS)

A. Entitlement. An enlisted member may be paid an advance of BAS not to exceed 3 months if the member is entitled to BAS and the commanding officer authorizes the payment following a determination that it is necessary. Individual Military Service regulations may limit BAS advances to less than 3 months.

B. Repayment. This advance is repaid based on Table 32-3, rule 6.

320104. Advance Pay Upon Evacuation of Members or Dependents. The purpose of this advance is to give funds to evacuated members or dependents with funds to cover costs of travel, food, and other needs.

A. Entitlement. The conditions and amounts payable are contained in Table 32-2, rule 4.

B. Repayment. The advances are repaid per Table 32-3, rule 7.

320105. Advance of Allotment(s) to Dependents. The purpose of this advance payment is to allow a member to be paid the amount of an allotment(s) to dependent(s) if the member is assigned or scheduled for assignment to sea duty or other duty with a unit or command deployed or to be deployed outside the United States and the allotment(s) is made by the member not more than 60 days before the scheduled date of the assignment of the member to this duty.

A. Entitlement. The conditions and amounts payable are contained in Table 32-2, rule 5.

B. Repayment. This advance is repaid per Table 32-3, rule 8.

320106. Advance Pay for Members of the Armed Forces Health Professions Scholarship Program (AFHPSP) on Active Duty

A. Entitlement. An advance of pay, not to exceed basic pay for 1 month, may be

paid to a member of the AFHPSP when reporting for the annual 45-day active duty tour.

B. Repayment. Collect the advance in full by the end of the 45-day active duty tour.

320107. Military Paydays

A. Since September 1, 1987, and except for an authorized midmonth payroll, payday is the first calendar day of the month after the month in which the entitlement was earned.

B. Except for payrolls otherwise payable on October 1, if the payday falls on a Saturday, Sunday, or federal legal holiday, payment is authorized on the preceding workday, but not more than 3 days before the scheduled payday. This exception applies to foreign holidays recognized abroad by United States Forces. It also applies to payments made to members upon separation from the Military Service through retirement or discharge when the last day of active duty falls on a Saturday, Sunday, or federal legal holiday.

C. For payrolls otherwise payable on October 1, the Secretary of Defense shall determine if the payroll may be dated in September.

D. If a member dies after receiving an advance payment under any of the above provisions, but before the last day of the pay period in which the payment is made, the U.S. government may not recover any part of the payment.

320108. Advance of Housing Allowances. An advances of Basic Allowance for Housing (BAH), overseas housing allowance, and variable housing allowance may be authorized under the terms and conditions in the Joint Federal Travel Regulations, Volume 1, chapters 8 and 9 (reference (d)).

320109. Advance Pay for Senior Reserve Officer Training Corps (SROTC) Cadets and Midshipmen Ordered to Field Training or Practice Cruises. An advance of pay, not to exceed the entitlement for 1 month, or the amount the SROTC member will accrue for the training, whichever is less, may be paid to an SROTC member who is ordered to perform field training or a practice cruise. Collect the advance in full from the member's field training or practice cruise entitlement.

3202 LOCAL, PARTIAL, AND EMERGENCY PARTIAL PAYMENTS

320201. Local and Partial Payments. These payments are authorized only for overseas areas where on-base military banking facilities are not readily available. Exceptions may be granted for members assigned to classified, or contingency operations where the exigencies of their assignments may require local cash or partial payments. In this circumstance, the member's commander may authorize immediate cash payments up to the amount of accrued entitlement to date, when deemed appropriate to the mission (see Table 32-1).

320202. Emergency Partial Payment

A. For members residing or assigned within the United States (including Alaska and Hawaii), this is a payment deemed time sensitive and required within 24 hours due to an unforeseen set of circumstances or the resulting state that calls for immediate action (see Table 32-1). Payment shall be made in an expeditious manner, e.g., direct deposit or a check payment. The supporting DFAS Center may be able to effect overnight EFT payment if circumstances warrant.

B. The member's commander, in coordination with the supporting finance office, may authorize emergency payments, up to the amount of accrued entitlement to date in the Master Military Pay Account (MMPA) in the following circumstances:

1. Emergency pay and allowances earned to date as reflected on the MMPA, when no pay was received on regular payday or when there is a major medical emergency or death in the member's immediate family, and payment is needed within 24 hours.

2. Emergency travel advance, when the traveler does not have a government travel charge card.

3. Discharge gratuity (as required by Table 35-11), when payment is needed within 24 hours.

4. Payment of military death gratuity benefit to a beneficiary, when payment is needed within 24 hours.

5. Payment to military member of advance pay and allowances and/or evacuation allowance, when dependents must be evacuated as result of a natural disaster or life threatening situations.

★ 6. *Payment to dependents, when forfeiture of pay and allowances is waived under conditions defined in subparagraph 480306.C of this volume. (IC 4-98)*

| PAYMENT PROCEDURES |   |  |  |
|--------------------|---|--|--|
| R<br>U<br>L<br>E   | A   | B  |  |
|                    | If payment type is a/an   | then the payment practice for  |  |
|                    |   | Overseas Commands is (note 1)  | CONUS (includes Alaska and Hawaii) is  |
| 1                  | local partial payment (note 2)  | to pay bonuses, annual special pays, separation, death, unpaid pay and allowance, health and comfort, waiver of forfeitures for dependents.  |  |
| 2                  | an emergency partial payment  |  | no local payment is made (note 3).   |
| 3                  | advance PCS   | to pay all pay grades 1 month pay (E-3 and below with CO's approval), E-4 and above max 3 months pay with CO's approval.   | (note 4)   |
| 4                  | advance basic pay   |  | to pay not more than 15 days basic pay at training or indoctrination center or centrally via DD/EFT as systems become available (note 4) |
| 5                  | advance basic allowance for subsistence                                       | to pay a maximum of 3 months entitlement (note 2)  | (note 4)   |
| 6                  | advance dependent evacuation allowance  | to pay a maximum of 2 months entitlement (note 2)  | to pay a maximum of 2 months of basic pay paid locally as an emergency partial payment.  |
| 7                  | advance for an Armed Forces Health Profession Scholarship Program participant |  | to pay a maximum of 1 month of basic pay when reporting for 45 days active duty tour (note 4).   |
| 8                  | advance for a person in the Senior Reserve Officer Training Corp              |  | to pay 1 month entitlement or the amount the member will accrue for the training (note 4)  |
| 9                  | advance overseas housing allowance  | to pay 1 year accrued allowances determined on the basis of housing expenses, and the authorized overseas housing allowance and interim housing allowance may be paid locally if required. |  |
| 10                 | advance basic allowance for housing   |  | (note 4)   |
| 11                 | advance for mobilization deployment of a member                               | to pay a maximum of 3 months pay (note 1)  |  |
| 12                 | advance for shipboard deployment of a member                                  | to pay all pay due for Navy and Marine Corps members. Not applicable to Army and Air Force members (note 1)  |  |
| 13                 | advance for distant duty  | to pay a maximum of 3 months basic pay and allowances.   |  |

## NOTES:

1. Payments may be paid locally when consistent with mission requirements and nonavailability of DoD military banking facilities.
2. Local payments are authorized with commander's approval.
3. Emergency partial payment may be made when approved by the member's commander and coordinated with the local finance office for the following circumstances:
  - a. Pay and allowances earned to date on the MMPA when no pay was received on regular payday or when there is a major medical emergency or death in the immediate family of the member.
  - b. Emergency travel advance when the traveler does not have a government travel charge card.
  - c. Discharge gratuity (as required by Table 35-11).
  - d. Payment of death gratuity benefit to beneficiary and payment.
  - e. Payment to military member of advanced pay and allowances and/or evacuation allowance to evacuate dependents as a result of a natural disaster or life threatening situation.
  - f. Payment to dependents when a member's forfeiture is waived in favor of those dependents.
4. Paid centrally via DD/EFT.

**Table 32-1. Payment Procedures**



| ADVANCE PAYMENTS, ELIGIBILITY AND AMOUNTS PAYABLE |   |   |  |                      |  |  |
|---|---|---|--|----------------------|--|--|
| R<br>U<br>L<br>E                                  | A   | B   | C  | D                    | E  | F  |
|   | A member in receipt of orders for (to)  | and   | when approved in writing by  | may be paid an       | in an amount   | paid daily by the supporting DFAS Center. See paragraph 320202 for emergency payment   |
| 1   | a permanent change of station move, to include (note 1):-between stations-to new station upon reenlistment (following a break-in-service)-commencement of active duty by newly commissioned regular officer-change of home port-Reserve forces member in receipt of orders to active duty of 140 days or more-extended active duty (Reserve or retired members) | the member signs a form confirming that the intended uses of the funds are for the purposes stated in the form;<br><br>and<br><br>the PCS is not due to separation from service or trial by court-martial | the member's commanding or recruiting officer (including enlisted commandant of the NCO Academy) for grades E-3 and below (except as more restrictively prescribed in regulations of the Military Service concerned) | advance of basic pay | of 1 month of basic pay, less deductions (note 2)  | to member's financial institution not earlier than 30 days prior to departure (note 4); en route; first duty station or after beginning travel to first duty station after completion of physical examination; or within 60 days after arrival at new/first duty station (home port, note 3) (note 4). |
| 2   |   |   | the member's commander (including enlisted commandant of the NCO academy)  |                      | not to exceed 3 months of basic pay, less deductions, if warranted and justified (notes 2 & 5) |  |
| 3   | a training or indoctrination center on induction or enlistment (Army, Air Force, and Navy only)   |   | the center commander (including enlisted commandant of the NCO academy)  | advance of basic pay | not to exceed 8 days of basic pay (note 6)   | Advances will be deposited, via DD/EFT by the supporting DFAS Center, to the basic trainee's account at the designated financial institution.  |

Table 32-2. Advance Payments - Eligibility and Amounts Payable

| ADVANCE PAYMENTS, ELIGIBILITY AND AMOUNTS PAYABLE |   |   |   |  |   |  |
|---|---|---|---|--|---|--|
| R<br>U<br>L<br>E                                  | A   | B   | C   | D  | E   | F  |
|   | A member in receipt of orders for (to)  | and   | when approved in writing by   | may be paid an   | in an amount  | paid daily by the supporting DFAS Center. See paragraph 320202 for emergency payment   |
| 4   | evacuation of member or dependents from a place outside the U.S. or other place as the President designates (note 7)          | evacuation of member or all military dependents in the area is ordered by the area commander, the State Department, or other authorized U.S. official |   | advance of basic pay, payable to member or to member's dependents, in one or more installments | as designated by the member, in a total amount of not more than 2 months of basic pay (net of any forfeiture and Montgomery G.I. Bill; no other deduction considered)                                 | paid as an emergency local payment at permanent station or any military disbursing office either overseas or in the United States. |
| 5   | for assignment to sea duty or other duty with a unit or command deployed or to be deployed outside the United States (note 8) |   |   | amount of an allotment(s) for dependent(s)   | equal to amount of the allotment(s) for 1 month (note 9)  |  |
| 6   | mobilization or recall to active duty under 10 U.S.C. 672(a), 673, 673a, 673b, or 688   | has reported for duty but cannot be paid pay and allowances due within 14 days of reporting for that duty   | the member's commander (including enlisted commandant of the NCO academy) | advance of pay and allowances  | not to exceed 3 months of pay and allowances less deductions (note 2 and rule 5)  | to member's financial institution or mailed from DFAS central site to an address.  |
| 7   | assignment to a distant duty station  | pay and allowances cannot be paid regularly   |   |  | not more than 3 months of basic pay and allowances, less deductions (note 2)  |  |
| 8   | assignment to a distant duty station  | pay and allowances cannot be paid regularly   | the member's commander (including enlisted commandant of the NCO academy) | advance of pay and allowances  | more than 3 months of basic pay and allowances, less deductions, when approved by: Army or Air Force--Major Command; Navy--Office of Comptroller; USMC--Commandant of the Marine Corps (MPP) (note 2) |  |

Table 32-2. Advance Payments -- Eligibility and Amounts Payable (Continued)

| ADVANCE PAYMENTS, ELIGIBILITY AND AMOUNTS PAYABLE |   |   |   |                               |   |   |
|---|---|---|---|-------------------------------|---|---|
| R<br>U<br>L<br>E                                  | A   | B   | C   | D                             | E   | F   |
|   | A member in receipt of orders for (to)                                | and   | when approved in writing by   | may be paid an                | in an amount  | paid daily by the supporting DFAS Center. See paragraph 320202 for emergency payment exceptions |
| 9   | deployment aboard ship for more than 30 days (Navy-Marine Corps only) | pay and allowances cannot be paid regularly | the member's commander (including enlisted commandant of the non-commissioned officer (NCO) academy.) | advance of pay and allowances | not more than the basic pay (plus submarine and sea duty pay for members attached to submarines) and allowances that will accrue during the period of deployment, less deductions (note 2). | to member's financial institution or mailed from supporting DFAS Center to an address           |

## NOTES:

1. TDY en route does not preclude payment. An advance payment for a PCS move in the same geographical area of the member's prior duty station or home port, or place from which ordered to active duty, is authorized only when movement of the member's household at government expense is authorized per JFTR, chapter 5, part D.
2. Deductions will be made for: (a) forfeitures; (b) Montgomery G.I. Bill; (c) Federal/state income tax withholding; (d) FICA; (e) SGLI; (f) AFRH; (g) Dependent Dental Plan; (h) monthly repayment of a prior advance; (i) indebtedness to the U.S. or its instrumentalities, whether scheduled (monthly debt installment) or unscheduled (one-time collection); (j) garnishments; (k) statutorily-required support allotments in force; (l) court-ordered bankruptcy payments; and (m) total of all allotments in force when computing an advance of pay and allowances (rules 6, 7, 8, 9).
3. Not later than 60 days after effective date of change or 60 days after vessel arrives at new home port/home yard, whichever is later.
4. The "30-day window" may be expanded to not exceed 90 days prior, and the "60-day window" may be expanded to not exceed 180 days after, when justified for extenuating circumstances; requires written approval of the member's commander (including enlisted commandant of the NCO academy). The member must provide written justification indicating the specific circumstances requiring the early or late advance payment.
5. The member must provide written justification clearly showing that accrual or anticipated out-of-pocket PCS expenses equal or exceed the amount of advance requested; requires written approval of the member's commander. The advance payment may be made in 1, 2, or 3 installments.
6. This advance is collected in full when the member receives first regular pay. For Army only, as an exception to the 15 day limit, a member may be advanced up to 21 days of basic pay, only for the purpose of paying the cost of round-trip travel to member's home during the annual holiday leave period (mid-December through early January).
7. This advance is not payable for evacuation of individual dependents.
8. The advance payment may not be made more than 60 days before the scheduled date of the duty assignment.
9. Establish an allotment(s) for dependents in the member's pay record simultaneous to paying the advance.

**Table 32-2. Advance Payments-Eligibility and Amounts Payable (Continued)**

| REPAYMENT OF ADVANCES |  |   |   |  |  |
|-----------------------|--|---|---|--|--|
| R<br>U<br>L<br>E      | A  | B   | C   | D  | E  |
|                       | When a member was paid an  | and   | begin collection (note 12)  | and when approved in writing   | at the rate of   |
| 1                     | advance(s) of pay incident to a PCS  |   | the first day of the month following payment of advance(s)          |  | 1/12 of the amount(s) advanced each month for the next 12 months (notes 1, 2, 3).  |
| 2                     |  | when justified by the member that repayment within 12 months would create severe hardship (note 4)  |   | the member's commander (including enlisted commandant of the non-commissioned officer (NCO) academy) | 1/24 of the amount(s) advanced each month for the next 24 months (notes 1, 2, 5, 6).   |
| 3                     | advance(s) of pay incident to a PCS or advance of pay and allowances (distance or deployed duty) | member dies   | of the remaining outstanding advance                                |  | all unpaid pay and allowances (note 7).  |
| 4                     |  | member's separation is imminent (includes members unexpectedly forced to retire under the Selected Early Retirement Board (SERB) (note 8) |   |  | all unpaid pay and allowances, except enlisted separation advanced travel allowance (notes 7, 13).   |
| 5                     |  | Member's orders are revoked/cancelled   | immediately in the full amount                                      | the member's commander (including enlisted commandant of the NCO academy)                            | 1/6 of the amount(s) advanced each month for the next 6 months (notes 1, 2).   |
| 6                     | advance of BAS (enlisted members)  |   | the day following the day payment was made                          |  | the amount of BAS accruing to the member's credit. If entitlement to BAS ends before repayment, collect the balance due as an overpayment. |
| 7                     | advance pay for evacuation of member or dependents   |   | the first day of the month following payment of advance(s) (note 9) |  | 1/12 of the amount(s) advanced (or remaining amounts if waiver applies) each month for the next 12 months (notes 1, 10, 11).               |
| 8                     | advance payment in the amount of an allotment(s) to dependents                                   |   | of the advance in the month following the month payment was made    |  | 1/6 of the amount(s) advanced each month for the next 6 months (notes 1, 2).   |

Table 32-3. Repayment of Advances

| REPAYMENT OF ADVANCES |  |   |  |                              |   |
|-----------------------|--|---|--|------------------------------|---|
| R<br>U<br>L<br>E      | A  | B                                       | C  | D                            | E   |
|                       | When a member was paid an  | and                                     | begin collection (note 12)   | and when approved in writing | at the rate of  |
| 9                     | advance of pay and allowances upon being mobilized or recalled under 10 U.S.C. 672(a), 673, 673a, 673b, or 688 |   | of the advance on the first day of the month after the payment of the advance          |                              | 1/3 of the amount advanced each month for 3 months, or at the rate needed to repay the advance by the scheduled termination date of the orders, whichever is earlier. |
| 10                    | advance of pay and allowances for duty at a distant station  |   | on the day following the day payment was made  |                              | all net pay and allowances accruing to the member until the advance is repaid in full.  |
| 11                    |  |   | duty ends earlier than expected  |                              | not less than 1/12 of the unliquidated amount advanced in equal monthly installments for 12 months (notes 1 and 2).   |
| 12                    | advance of pay and allowances for members deployed aboard ships  | the deployment is for more than 30 days | all net pay and allowances accruing to the member until the advance is repaid in full. |                              |   |

## NOTES:

- Upon the member's request, repayment may be made in lump-sum or increased monthly amounts.
- The repayment period shall be scheduled to repay the advance before the member's expected date of separation. Repayment should be scheduled for completion before the start of a subsequent PCS move.
- When executing PCS orders of less than 12 months, Reserve Component recipients of advance pay must accept a repayment schedule that provides for repayment by termination date of orders.
- The member must provide written justification clearly showing that a 12-month repayment schedule would create severe financial hardship. The request must be approved in writing by the member's commander (including enlisted commandant of the NCO academy).
- When request is disapproved, collection will be at the rate specified in rule 1.
- When the repayment period is extended after the repayment schedule of less than 24 months is operating, repayment will be prorated per Military Service regulations, not to exceed the 24 months from the initial collection month.
- Uncollected advances are treated as accounts receivable in the accounts of the disbursing officer. Such amounts remain a debt owed the United States by the member or member's estate.
- If the member immediately reenlists, repayment of the advance pay may be continued into the new enlistment. To extend repayment of an advance into retired pay, projected SERB retirees must submit a written request to extend repayment into retired pay that clearly demonstrates the circumstances of their hardship. The requests will be submitted via the member's chain of command to the servicing central site for review and approval on a case-by-case basis by DFAS-HQ/FMM.
- The Secretary of the Military Department concerned is authorized to waive recovery of an advance of not more than basic pay for 1 month when such recovery would be against equity and good conscience or against the public interest.
- The Secretary of the Military Department concerned (or designee) is authorized to extend repayment period up to a 24-month schedule.
- The repayment period shall, in all cases, be scheduled to repay the advance before the member's expected date of separation.
- In unusual circumstances, the initiation of collection action may be delayed if the delay is approved by the Director, DFAS (or designee). The repayment period shall, in all cases, be scheduled to repay the advance before the member's expected date of separation.
- If a member is entitled to separation payment under 10 U.S.C. 1174, 1174a, or 1175, and has a separation payment pending equal to or greater than the outstanding advance pay balance at separation, the member may request that the repayment rate not be accelerated and the existing rate continue. That portion of the advance not collected prior to separation will be deducted from the separation payment.

Table 32-3. Repayment of Advances (Continued)

## Chapter 32—Advance, Local, Partial, and Emergency Partial Pay

## 3201—Advance Payments

|                         |  |
|-------------------------|--|
| 320101                  | 37 U.S.C. 1006(a)  |
| 320102                  | 37 U.S.C. 1006(b)  |
| 320103                  | 37 U.S.C. 402(b)   |
| 320104                  | 37 U.S.C. 1006(c)<br>Public Law 102-484,<br>Oct 23, 1992 |
| 320105                  | 37 U.S.C. 1006(a)(2)                                     |
| 320106                  | 37 U.S.C. 1006(i)  |
| 320107                  | 37 U.S.C. 1006(h)<br>5 U.S.C. 6103                       |
| 320108                  | 37 U.S.C. 403(a)   |
| 320109                  | 37 U.S.C. 1006(j)  |
| Table 32-2              | 37 U.S.C. 1006(c)  |
| Rules 1, 2              | OASD(MR&L) Memo,<br>Oct 30, 1980                         |
| Rule 4                  | Public Law 102-484,<br>Oct 23, 1992                      |
| Note 6                  | DA(FM&C) Memo,<br>Nov 19, 1997                           |
| Table 32-3              | 37 U.S.C. 1006(c)  |
| Rules 2, 3, 4,<br>And 5 | OASD(MI&L) Memo,<br>Apr 16, 1985                         |
| Rule 6                  | OASD(FM&P)(MM&PP)<br>Memo, Nov 6, 1985                   |
| Rule 7                  | Public Law 102-484,<br>Oct 23, 1992                      |
| Rule 15                 | OASD(FM&P) Memo,<br>Apr 14, 1986                         |
| Note 5                  | MS Comp Gen B-144839,<br>Dec 13, 1966                    |
| Note 9                  | 37 U.S.C. 1006(c)  |
| Note 12                 | DFAS General Counsel<br>Memo, Sep 25, 1992               |

**CHAPTER 33****PAYMENTS ON BEHALF OF MENTALLY INCOMPETENT MEMBERS****3301 ENTITLEMENT**

Members on active duty are entitled to active duty pay and allowances even though mentally incapable of managing their own affairs. This includes miscellaneous payments authorized on separation from the Military Service. See Chapter 35.

**3302 PAYMENT**

The appointment of a guardian, trustee, or other legal representative is a prerequisite to payment. For designation of trustee and payment offices, see Table 33-1.

**3303 MEMBER MENTALLY INCOMPETENT BEFORE ENTRY ON ACTIVE DUTY**

When it is shown that a member was judicially declared mentally incompetent before induction or enlistment, member is not entitled to pay and allowances. See Chapter 4.

**3304 FINALITY OF PAYMENTS TO TRUSTEE**

Any payments on behalf of a mentally incompetent member to a designated trustee(s) are a complete discharge of the obligation of the United States as to amounts paid.

**3305 RESTRICTION AGAINST ACCEPTANCE OF FEES**

A person serving in a legal, medical, fiduciary, or other capacity may not demand or accept a fee, commission, or other charge (except bonding fee) for any service performed in administration of a mentally incompetent member account.

| PAYMENT OF MENTALLY INCOMPETENT MEMBERS |  |                      |                          |           |                              |   |
|---|--|----------------------|--------------------------|-----------|------------------------------|---|
| R<br>U<br>L<br>E                        | A  | B                    |                          |           | C                            | D   |
|   | When   | and member is in the |                          |           | the trustee is designated by | and payment is made by  |
|   |  | Army                 | Navy,<br>Marine<br>Corps | Air Force |                              |   |
| 1                                       | a court of competent jurisdiction has not appointed a guardian, committee, or other legal representative | X                    |                          |           | Director, DFAS-IN            | DFAS-IN.  |
| 2                                       |  |                      | X                        |           | Judge Advocate General       | DFAS-CL or DFAS-KC, as applicable.  |
| 3                                       |  |                      |                          | X         | Director, DFAS-DE            | DFAS-DE.  |
| 4                                       | a court of competent jurisdiction has appointed a guardian, committee, or other legal representative     | X                    | X                        | X         | none required                | appropriate office shown in rules 1, 2, or 3 above except as indicated in note. |

NOTE: Army Only— Local disbursing officer servicing the member's financial record may make payments.

**Table 33-1. Payment of Mentally Incompetent Members**



**SUMMARY OF MAJOR CHANGES TO CHAPTER 34**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.

| <b>Page</b> | <b>Paragraph</b>      | <b>Explanation of Change/Revision</b>   | <b>Effective Date</b> |
|-------------|-----------------------|---|-----------------------|
|             | 340302,<br>Table 34-2 | IC 28-98 regards basic allowance for housing for missing members and miscellaneous paragraph changes. | Jan 1, 1998           |
| 34-6        | Table 34-1            | IC 05-00 clarifies the authority of the disposition of pay for captives.                              | Jan 12, 2000          |

*Interim Change 28-98 and 05-00 are incorporated in this change. Interim Change 28-98 also affects other chapters and will not be deleted from the interim changes cited in the web site.*

## CHAPTER 34

### **PAY ENTITLEMENT OF MEMBERS MISSING, MISSING IN ACTION, INTERNED, ETC., AND PAYMENTS TO DEPENDENTS**

#### 3401 DEFINITIONS

340101. Member. See the Definitions section of this volume (item 77, page lii).

340102. Dependent. See the Definitions section of this volume (item 36, page xlv). In addition, for the purposes of this chapter, the term “dependent” also means a dependent designated in official records, or a person determined to be a dependent by the Secretary of the Military Service concerned or the Secretary's designee.

340103. Missing Status. See the Definitions section (item 80, page liii) of this volume.

#### 3402 AUTHORITY TO MAKE OFFICIAL DETERMINATIONS UNDER THE MISSING PERSONS ACT (reference (aa))

See Table 34-1.

#### 3403 ENTITLEMENT TO PAY AND ALLOWANCES WHILE IN A MISSING STATUS

340301. General. A member who enters a missing status is entitled to the pay and allowances to which entitled when the missing status began or to which the member later becomes entitled. The right to a certain pay or allowance is not affected by the fact that the member had not actually received payment before entering missing status. See Table 34-2 for items of entitlement.

340302. BAH and BAS Entitlement. Members without dependents are entitled to BAH at the without-dependent rate. Enlisted members are entitled to BAS at the rate payable when rations in kind are not available. Payments of these allowances are authorized from the beginning of the missing status, even though there was no housing or subsistence allowance entitlement before the missing status began.

#### 3404 ALLOTMENTS FOR MEMBERS IN MISSING STATUS

Allotments in effect before a member enters a missing status may be continued. As directed by the Secretary of the Military Service concerned (or designee), allotments may be initiated, suspended, resumed, increased, decreased, or discontinued where circumstances so warrant in the interests of the

missing member, the dependents, or the government.

3405      TAX WITHHOLDING FOR MEMBERS IN MISSING STATUS

See paragraph 440102 and subparagraph 440103.C.2 of this volume.

3406      REVIEW OF CASE AFTER 12 MONTHS AND FINDING OF DEATH

340601.      Review of Case After 12 Months. When a 12-month period (from starting date of the member's absence) is about to end and the member has not been reported officially as dead, imprisoned, or interned, the case is fully reviewed. After this review and when the 12-month period has ended (or following any later review warranted by information received or other circumstances), the Secretary of the Military Service concerned (or designee):

A.      Directs continuance of the member's missing status, if the member reasonably may be presumed to be living, or

B.      Makes a finding of death.

340602.      Continuance of Member's Missing Status. When a member is continued in a missing status under subparagraph 340601.A, above, credit pay and allowances to his or her account. Allotments are continued, discontinued, increased, or initiated as provided in Chapters 41 through 43 of this volume. When the Secretary of the Military Service concerned (or designee) officially reports that a missing member is alive and in the hands of a hostile force or is interned in a foreign country, allotment payments are authorized. These payments on the member's behalf continue through the date on which the Secretary of the Military Department concerned (or designee) receives evidence that the member is dead. When a member returns to Military Service control, the member resumes control of allotments.

340603.      Finding of Death. A finding of death includes the date upon which death is presumed to have occurred for the purposes of stopping pay and allowances, settlement of accounts, and payment of death gratuities. This date is the day following the day the member has been absent 12 months, unless the missing status is continued beyond that day. In this case, the date of death is the date determined by the Secretary of the Military Department concerned (or designee).

340604.      Change in Date of Death. Payment of an account made following a report, determination, or finding of death may not be recovered and the case may not be reopened because of a later report or determination fixing an earlier date of death. If a later date of death is established, the account is reopened and settled on the basis of the later date.

3407 CONCLUSIVENESS OF SETTLEMENTS

Settlements made under this chapter are conclusive upon the accounting officers of the government in effecting settlement of the accounts of a disbursing officer. The Secretary of the Military Department concerned (or designee) is authorized to settle members' accounts for payment under the Missing Persons Act (reference (aa)). In the absence of fraud or criminal intent on the part of the disbursing officer, credit is allowed for any erroneous payment or overpayment made by the disbursing officer under this chapter. No recovery may be made from any officer or employee who authorizes any payment under this chapter in the absence of fraud or criminal intent on the part of that officer or employee.

3408 PENALTY FOR FRAUDULENT RECEIPT OF MONIES UNDER THIS CHAPTER

Any person who receives any money, check, or allotment under this chapter without being so entitled, and with intent to defraud, will be punished by a fine of not more than \$2,000, or by imprisonment for not more than 1 year, or both.

3409 PAYMENT OF DEATH GRATUITY

See Chapter 36 of this volume for payments when member in missing status is reported dead, or for whom a finding of death is made.

3410 ACCRUED LEAVE

341001. Accumulation. Members, while in a missing status, can accumulate leave without regard to any leave accrual limitations currently expressed in law. However, a member whose death is prescribed under section 3406, above, may, in addition to leave accrued before entering a missing status, accrue not more than 150 day's of leave during the period of a missing status, unless the actual date of death is found to have occurred on a date when the member had accrued leave in excess of 150 days. Leave accumulated while in a missing status may not be taken but shall be paid.

341002. Settlement. Leave accumulated while in a missing status will be accounted for separately and settled as follows:

A. Return From Missing Status. Members will be paid for all leave accumulated while in a missing status as soon as possible after return from a missing status. Items to be included in the accrued leave payment are provided in Table 35-5. Computation will be based on the rates to which the member was entitled on the date that his or her name was removed from the missing status.

B. Death in a Missing Status. Notwithstanding the death of a member while in a missing status, leave will continue to accrue to his or her account through the date that the Secretary of the Military Department concerned (or designee) receives evidence that the member is dead or through the date of death as prescribed or determined under section 3406, above. Although leave will accrue

for the entire missing status period, the actual accrued leave settlement will vary according to circumstances.

1. Death Prior to Fifth Year MIA Status. Payment for unused leave accrued to a member's credit while in a missing status is for 150 days, providing the he or she was continued in a missing status for 5 or more years. Payment for 150 days is made even though it later is found that member's actual death occurred within the first 5 years after entry into missing status or upon entry into such status. Settlement for accrued leave is based on the amount of leave accrued to the member's credit before entering the missing status and the 150 days' leave described in paragraph 341001, above. Items to be included in the accrued leave payment are identified in Table 35-5. Computation is based on the rates to which the member was entitled on the date of death.

2. Death Subsequent to Fifth Year MIA Status. When it is found that the member's actual death occurred subsequent to the fifth year after entry into a missing status, payment for unused leave accrued to his or her credit while in a missing status is for the total accrued until death. Settlement for accrued leave is based on the amount of leave accrued to the member's credit before entering the missing status plus the accrual until death described herein. Items to be included in the accrued leave payment are identified in Table 35-5. Computation is based on the rates to which the member was entitled on the date of death.

3. Death, MIA Status Less Than 5 Years. Payment for unused leave accrued to a member's credit while in a missing status, when he or she was continued in a missing status for less than 5 years, is for the total accrued through the date that the Secretary of the Military Department concerned (or designee) makes a finding of death. Settlement for accrued leave is based on the amount of leave accrued to the member's credit before entering the missing status plus the accrual until finding of death described herein. Items to be included in the accrued leave payment are identified in Table 35-5. Computation is based on the rates to which the member was entitled on the date of death.

4. Special Conditions of Entitlement. Settlement of accrued leave for a deceased member who was promoted while in a missing status is based on the amount of leave accrued to his or her credit before entering the missing status and the amount of leave accumulated in a missing status as provided in the applicable provisions of subparagraphs 341002.B.1, 2, or 3, above. Computation is based on the grade to which promoted and rate of pay in effect on the date of the presumed finding or the date of the determination of death. This will apply even though the Secretary of the Military Department (or designee) concerned later determines that the member died before the date of promotion. See Table 34-2, rule 6.

3411 REFERENCES341101. Army

A. Casualty accounting, reporting, and notification. See AR 600-10 (reference (bi))

B. Transportation of dependents, household goods, and personal effects. See JFTR, volume 1 (reference (d)), and AR 37-106 (reference (bj))

341102. Navy

A. Casualty accounting, reporting, and notification. See MILPERSMAN (reference (f))

B. Transportation of dependents, household goods, and personal effects. See JFTR, volume 1, and NTI (reference (d))

341103. Air Force

A. Casualty accounting, reporting, and notification. See AFI 36-3002 (reference (ea)), AFMPCI 36-9 (reference (eb)), and AFR 35-40 (reference (bn))

B. Transportation of dependents, household goods, and personal effects. See JFTR, volume 1 (reference (d)), AFR 75-25 (reference (bo)) and AFR 177-103 (reference (bp))

341104. Marine Corps

A. Casualty accounting, reporting, and notification. See MCO P-3040.4 (reference (bk))

B. Transportation of dependents, household goods, and personal effects. See JFTR, volume 1, NTI (reference (d)), and Marine Corps Transportation Manual (MCO P4600.7 (reference (bl))

| AUTHORITY TO MAKE OFFICIAL DETERMINATIONS UNDER THE MISSING PERSONS ACT |                      |   |   |   |   |   |  |
|---|----------------------|---|---|---|---|---|--|
| R<br>U<br>L<br>E  | A                    | B   | C   | D   | E★  | F   | G  |
|   | If missing member is | authority to make all deter-<br>minations is<br>vested with the<br>Secretary of the | who has<br>delegated to   | authority to<br>make<br>determi-<br>nations of  | and has<br>delegated to<br>the (note)<br>(IC 05-00)   | authority to<br>make determi-<br>nations  | and all such<br>determi-<br>nations                                |
| 1   | Army                 | Army  | the Adjutant<br>General, US<br>Army,<br>Washington DC<br>20310  | status of<br>members, of<br>death, and of<br>essential dates  | Director,<br>Defense<br>Financing and<br>Accounting<br>Service-<br>Indianapolis<br>Center,<br>Indianapolis<br>IN 46249-<br>0001               | pertaining to facts<br>of dependency and<br>to the initiation,<br>continuance,<br>suspension, or<br>resumption of<br>allotments of pay  | are conclusive<br>in the absence<br>of fraud or<br>criminal intent |
| 2   | Navy                 | Navy  | Bureau of Naval<br>Personnel,<br>ATTN: CODE<br>PERS-6,<br>Washington DC<br>20370-5156   | status of<br>members and<br>their<br>dependents, of<br>death, of<br>essential dates<br>and facts of<br>dependency |   |   |  |
| 3   | Marine<br>Corps      |   | Head, Personal<br>Affairs Branch,<br>Human Resources<br>Division<br>Manpower<br>Department US<br>Marine Corps,<br>Washington DC<br>20380-0001 |   |   |   |  |
| 4   | Air Force            | Air Force   | Cdr, HQ AFPC,<br>550 C Street<br>West, Randolph<br>AFB TX 78150   | status of<br>members and<br>their depen-<br>dents, of death,<br>and of essential<br>dates                         | Director,<br>Defense<br>Finance and<br>Accounting<br>Service-<br>Denver<br>Center, 6760<br>E. Irvington<br>Place, Denver<br>CO 80279-<br>3000 | pertaining to facts<br>of dependency,<br>starting, stopping,<br>or changing<br>allotments of pay,<br>waiving recovery of<br>erroneous payment<br>or overpayment,<br>and settling<br>accounts of<br>members affected |  |

★NOTE: The approving authority pertaining to the disposition of net pay or deposits to the Savings Deposit Program (SDP) for members held captive is the Secretary of the Military Service concerned (or designee). (IC 05-00)

★Table 34-1. Authority to Make Official Determinations Under the Missing Persons Act  
(IC 05-00)

| PAY AND ALLOWANCES WHICH ACCRUE TO MISSING MEMBERS |                |      |        |           |   |  |                             |  |
|--|----------------|------|--------|-----------|---|--|-----------------------------|--|
| R<br>U<br>L<br>E                                   | A              |      |        |           | B   | C  | D                           | E  |
|  | When member is |      |        |           | who is  | then member is   | with accounts maintained in | and  |
|  | Army           | Navy | Marine | Air Force |   |  |                             |  |
| 1  | X              |      |        |           | missing, missing in action, interned in a foreign country, beleaguered or besieged by a hostile force, or detained in a foreign country against a member's will | entitled to receive or have credited to member's account the pay and allowances to which entitled when missing status began or to which member becomes entitled later, as follows:<br>Basic pay<br>Special pay<br>Incentive pay for<br>Hazardous duty<br>BAH (note 7)<br>BAS (note 7)<br>FSA I<br>FSA II (note 1)<br>Station per diem<br>Allowances for not more than 90 days (note 2)<br>HFP if the member qualified<br>Immediately before entry to a missing status (note 8) | DFAS-IN                     | payments continue through date of receipt by the Military Service concerned of evidence of death of the member or date of presumption of death made by the Secretary of the Military Department concerned or Secretary's designee, or date of return to Military Service jurisdiction (note 3) |
| 2  |                | X    |        |           |   |  | DFAS-CL                     |  |
| 3  |                |      | X      |           |   |  | DFAS-KC                     |  |
| 4  |                |      |        | X         |   |  | DFAS-DE                     |  |
| 5  | X              | X    | X      | X         | officially determined to be absent without authority rather than in a missing status  | not entitled to pay and allowances for any such period (note 4)  |                             |  |
| 6  | X              | X    | X      | X         | an officer, warrant officer or enlisted member who receives a promotion while in a missing status (note 5)  | entitled to pay and allowances of the pay grade to which promoted from the date of orders announcing the promotion   |                             |  |
| 7  | X              | X    | X      | X         | in a missing status has a change of conditions upon which pay and allowances are based  | entitled to the pay and allowances based on the changed conditions (note 6)  |                             |  |

Table 34-2. Pay and Allowances Which Accrue to Missing Members



| PAY AND ALLOWANCES WHICH ACCRUE TO MISSING MEMBERS |                |      |        |           |   |   |                             |     |
|--|----------------|------|--------|-----------|---|---|-----------------------------|-----|
| R<br>U<br>L<br>E                                   | A              |      |        |           | B   | C   | D                           | E   |
|  | When member is |      |        |           | who is  | then member is  | with accounts maintained in | and |
|  | Army           | Navy | Marine | Air Force |   |   |                             |     |
| 8  | X              | X    | X      | X         | an enlisted member who continues in missing status after expiration of term of service                              | entitled to continuance of pay and allowances                                   |                             |     |
| 9  | X              | X    | X      | X         | in receipt of or has placed to member's credit pay, wages, allowances, or other compensation from the hostile force | not charged or debited with any such amount against member's pay and allowances |                             |     |

## NOTES:

1. A member may qualify for FSA-T while in a missing status if the continuous period of more than 30 days is completed after entering the missing status. (See paragraphs 270303 and 270304.)
2. Travel per diem and clothing monetary allowances do not accrue during a missing status, even though member was entitled to them when missing status began.
3. When facts or events warrant, the Secretary of the Military Department concerned (or designee) may change or modify a prior determination.
4. See paragraph 260501 recontinuance of credit for BAH for 2 months following month of absence for members in pay grades E-1, E-2, E-3, or E-4 (4 years or less service) with dependents.
5. This applies even though the Secretary of the Military Department concerned (or designee) is later made that the member died before the date of promotion.
6. For example, if the sole dependent of a missing member dies, credit for BAH at the with-dependents rate ceases and any allotment in force in the dependent's favor is stopped and deductions cease.
7. Members without dependents are entitled to BAH at the without-dependent rate. Enlisted members are entitled to BAS at the rate payable when rations in kind are not available. See paragraph 340302.
8. See paragraph 440102 and subparagraph 440103.C.2 to determine possible Combat Zone Tax Exclusion implications.

Table 34-2. Pay and Allowances Which Accrue to Missing Members (Continued)

Chapter 34—Pay Entitlement of Members Missing, Missing-in-Action, Interned, etc., and  
Payments to Dependents

## 3402—Authority to Make Official Determinations Under the Missing Persons Act

37 U.S.C. 556

## 3403—Entitlement to Pay and Allowances While in a Missing Status

340302

52 Comp Gen 23

## 3405—Tax Withholding for Members in a Missing Status

26 U.S.C. 112(d)

## 3406—Review of Case After 12 Months and Finding of Death

37 U.S.C. 555 and 556

## 3407—Conclusiveness of Settlements 37 U.S.C. 557

## 3410—Accrued Leave

51 Comp Gen 391  
Public Law 92-596,  
Oct 27, 1972

341002B4

51 Comp Gen 759  
Public Law 92-169,  
Nov 24, 1971

Table 34-1

37 U.S.C. 551-557

Table 34-2

23 Comp Gen 360

Rule 1

44 Comp Gen 657

Rule 6

37 U.S.C. 552(a)

Rule 7

23 Comp Gen 895

Note 1

45 Comp Gen 633

Note 7

52 Comp Gen 23

**SUMMARY OF MAJOR CHANGES TO CHAPTER 35**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES - ACTIVE DUTY AND RESERVE PAY**

**New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.**

| <b>Page</b>                        | <b>Paragraph</b>                              | <b>Explanation of Change/Revision</b>  | <b>Effective Date</b> |
|------------------------------------|---|--|-----------------------|
| 35-17                              | 350404.A.3                                    | 14-98 clarifies language regarding taxability of disability severance pay, and provides a standard policy for reporting of wages to States when a member claims an exemption from withholding based on the state's residency requirements. | Feb 27, 1998          |
| 35-5,<br>35-33                     | 350102.A,<br>Table 35-5                       | IC 31-98 addresses Basic Allowance for Housing for Payment of Accrued Leave.   | Jan 31, 1998          |
| 35-29                              | 350804  | IC 7-99 clarifies Voluntary Separation Incentive beneficiary payments due a minor child.   | Feb 23, 1999          |
| 35-42                              | Table 35-11                                   | IC 22-99 clarifies under what conditions a confined member is entitled to the \$25.00 gratuity.  | Jul 9, 1999           |
| 35-24                              | 350801F                                       | IC 27-99 clarifies continuation of VSI entitlement.  | Aug 2, 1999           |
| 35-33<br>through<br>35-34<br>35-35 | Table 35-3,<br><br>Table 35-4<br>Bibliography | IC 15-00 clarifies lump sum leave in conjunction with reenlistment/extension of enlistment without regard to when the current enlistment expires.  | Oct 5, 1999           |
| 35-34                              | Table 35-3                                    | IC 23-00 clarifies accrued leave payments in conjunction with a reenlistment. Notes 5 and 6 are deleted and note 7 is renumbered as note 5. Also, notes 3 and 4 to table 35-4 are deleted.   | Oct 5, 1999           |

*This change incorporates Interim Changes 14-98, 31-98, 7-99, 22-99, 27-99, 15-00, and 23-00. Interim Change 14-98 also affects other chapters and will not be deleted from the interim changes cited in the web site until all such chapters are updated.*

## CHAPTER 35

### SEPARATION PAYMENTS

#### 3501 ACCRUED LEAVE PAY

##### 350101. Entitlement

A. Except as provided in subparagraph 350101.D, below, a member who is discharged under honorable conditions is entitled to payment of unused accrued leave unless the member continues on active duty under conditions which require accrued leave to be carried forward. Also, an enlisted member who voluntarily extends enlistment for the first time is entitled to payment for unused accrued leave. Beginning on February 10, 1976, a military member has been entitled to receive no more than 60 days of accrued leave during a military career. Payments for accrued leave made before that date shall be excluded from this 60-day limitation. Beginning on July 14, 1976, a member eligible for an accrued leave settlement has been authorized an election to receive payment for a portion of the accrued leave, not to exceed a career total of 60 days, and have the remaining accrued leave carried forward to a new or extended enlistment. The combination of elections may exceed 60 days. Tables 35-1 through 35-4 give the rules for determining whether a member may be paid for accrued leave.

##### B. Contingency Operation

##### 1. 60-Day Career Ceiling Waiver for Members of a Reserve Component

a. Persian Gulf Conflict. Effective August 2, 1990, members of Reserve Components; of the Retired Reserve; and of the Retired Regular, or Fleet Reserve or Fleet Marine Corps Reserve who were ordered to active duty (other than for training) under the authority of Title 10, U.S.C., sections 672, 12302, 12304, 12306, 12307, or 688 of (reference (c)), were entitled to be paid for more than 60 days unused leave.

b. Effective December 5, 1991, the categories of members identified in subparagraph 350101.A, above, who served on active duty in support of a contingency operation have been entitled to be paid for more than 60 days unused leave.

c. Payment Limitation. Payment for more than 60 days under subparagraphs 350101.A and B, above, may include only the unused leave which accrued on and after August 2, 1990, specifically during the Persian Gulf Conflict or which accrued on and after December 5, 1991, specifically during a contingency operation active duty period. See paragraph 350102, below, for rules that apply to accounting for accrued and used leave and paragraph

350103, below, for the possible applicability of the combat zone tax exclusion. For a computation example, see subparagraph 350101.D, below.

d. Career Leave Total

(1) Unused leave accrued specifically during the Persian Gulf Conflict or an active duty period in support of a contingency operation that is paid under the authority of subparagraph 350101.B.1.a or subparagraph 350101.B.1.b, above, is not added to the member's career leave total. For example:

Example 1: An eligible member accrues 12 days of leave during a contingency operation period of active duty. The member does not use these days of leave, is separated from active duty and immediately is reordered to active duty for other than a contingency operation under the authority of Title 10, U.S.C (reference (c)). The member elects payment of the 12 days of accrued, unused leave. The member previously had received payment for a total of 35 days leave. The member's career total remains 35 days and future entitlements are limited to a total of 25 days (i.e., 60 days minus 35 days) unless the member again qualifies for payment under subparagraph 350101.B, above.

Example 2: On January 1, 1991, a National Guard member on active duty under Title 32, U.S.C., (reference (bq)) (other than for training) is mobilized with his or her unit under 10 U.S.C. 672 (reference (c)). Although paid for career leave of 48 days, the member elects to carry forward all 32 current accrued, unused leave days. (The leave balance does not include any unused leave accrued before February 10, 1976.) On April 6, 1991, the member is discharged again and immediately is ordered to active duty under Title 32, U.S.C. (reference (bq)), for a period of 3 years. The member used leave from April 2, 1991, through April 5, 1991, (4 days). The member may elect to be paid for 16 days (or less) leave at discharge. The member's previous 32-day balance, plus the 8 days accrued under the Title 10 active duty period, minus the 4 days leave used, totals 36 days accrued, unused leave at discharge ( $32 + 8 - 4 = 36$ ). Of those days for which the member elects to be paid, only 4 days may be applied to the 60-day ceiling waiver (because the last leave earned is the first leave used) and the remaining 12 days, if paid, would result in a new career leave total of 60 days (or less if fewer than 16 days are paid at discharge).

(2) Unused leave accrued during the Persian Gulf Conflict may be "saved" and applied to the waiver at a later separation when consecutive tours are involved. In other words, unused leave may be carried forward into a new contract period of active duty and later be subject to payment in addition to other leave to which the 60-day career ceiling applies. See subparagraph 350102.A, below, for rules that apply to accounting for accrued and used leave. For example:

Example 1: Using the member from Example 1 above, he or she could have elected to carry forward the 12 days of leave with the intention of being paid for 37 days ( $60 - 35 + 12 = 37$ ) at a later separation. Since the last leave earned is the first leave used, however, the member may be paid for only 25 days ( $60 - 35 = 25$ ) at a later separation if the 12 days accrued during the contingency operation were used during a later active duty period.

Example 2: Using Example 2 above, on April 6, 1991, the member could have elected to carry forward the original 32 days plus the (net) 4 days under Title 10, U.S.C. (reference (c)), intending to be paid for 16 days at a later separation. The member would be limited to selling 12 days leave ( $60 - 48 = 12$ ) at a later separation, however, if the (net) 4 days accrued during the Persian Gulf Conflict are used during a later active duty period.

C. Under regulations prescribed by the Secretary of the Military Department concerned, a member sentenced to unsuspended dismissal or unsuspended dishonorable or bad-conduct discharge by court-martial may be required to take leave pending review of the conviction as provided by Article 76a, Uniform Code of Military Justice (reference (i)). The member may elect to be paid for the leave accrued to his or her credit on the day before the day that the leave begins. Payment shall be based on the rate of basic pay to which the member was entitled on the day before the day leave begins.

D. A member who is discharged under other than honorable conditions forfeits all accrued leave to the his or her credit at the time of discharge. Also, a member separated because of a fraudulent enlistment is not entitled to payment for accrued leave, regardless of the length of time the separated member has served.

E. All Military Service members enlisted or commissioned on or after October 19, 1984, including prior Military Service members with breaks in service of 93 or more consecutive days, forfeit all accrued leave at the time of discharge. This applies also to members who are discharged after March 1, 1985, before completing 6 months of active duty, when the basis for discharge is unsatisfactory performance or misconduct under any of the following reasons:

1. Enlisted Members
  - a. Defective enlistment or induction (minority and fraudulent entry only)
  - b. Entry level performance and conduct
  - c. Unsatisfactory performance
  - d. Homosexuality (unless the member receives an honorable discharge)
  - e. Drug/alcohol abuse rehabilitation failure

f. Misconduct

g. Separation in lieu of trial by court-martial

h. Security (unless the member receives an honorable discharge)

2. Officers

a. Separation for cause

b. Dropped from the rolls

c. Homosexuality (unless the member receives an honorable discharge)

d. Misconduct/moral/ professional dereliction

e. Separation in lieu of trial by court-martial

f. Security (unless the member receives an honorable discharge)

F. Beginning on February 10, 1996, if a member dies while on active duty (or if a member or former member dies after retirement or discharge, but before receiving payment of accrued leave), payment for accrued leave has been based upon the unused accrued leave that he or she carried forward into the leave year in which deceased plus the unused leave that accrued to the deceased during that leave year. In such cases, the limitation on payment for more than 60 days leave accrual discussed in subparagraph 350101.A, above, does not apply.

350102. Computation of Payment

★ A. *Beginning on August 31, 1976, settlement for accrued leave has included basic pay, BAH, BAS, and personal money allowance (PMA) as appropriate. Settlement for leave accrued on or after September 1, 1976, has included basic pay only. Account for leave used as follows: the last leave earned is the first leave used. (IC 37-99)*

Example: On August 31, 1990, a member had 65 days of accrued leave, 55 of which was accrued prior to September 1, 1976, and remain unused. The member took leave from September 5 through 24, 1990 (20 days), using 8 of the 55 days of saved leave and reducing the saved leave balance to 47 days. Future leave accrued and used will be computed from that balance.

B. Leave accrual and use for leave earned in a combat zone also shall be computed as in the above example. For each month in which a member serves for any period of time in a designated combat zone, the total accrual for that month is identified as combat zone-earned leave.

NOTE: Service accounting (tracking) for combat zone-earned leave was not required before leave accrual commencing on January 1, 1991.

C. Payment shall be based on the last 60 days (or less) accrued and unused or the first 60 days, whichever is most beneficial to the member, and will be computed based on the rules provided in Table 35-5.

350103. Taxability and Withholding Tax

A. Lump-sum payments of accrued leave, exclusive of allowances, are normally subject to taxation and withholding tax.

B. Payment for any leave accrued while serving in a designated combat zone or qualified hazardous duty area which remains unused at separation is excluded from federal taxation (and state taxation where applicable) under the conditions set forth in paragraph 440103 and is not subject to federal or state income tax withholding. (Also, see Table 44-1, rules 4 and 14). Payment does not have to be received during a month in which the member qualified for the exclusion. A commissioned officer's exclusion, however, may not exceed the monthly limitation that previously was not used for monthly exclusions that were attributable to the same periods of service.

Example: An O-3 (over 3 years service) commenced active duty on January 25, 1991, and reported TAD to a designated combat zone on January 26, 1991. He departed the zone on March 2, 1991, and was separated from active duty on March 4, 1991. The officer earned \$456.00 basic pay and \$18.33 hostile fire pay/imminent danger pay (HFP/IDP) in January; \$2280.00 basic pay and \$110 HFP/IDP in February; and \$304.00 basic pay and \$14.67 HFP/IDP in March. Only a portion of the unused leave attributable to January and March (.5 days each) could be excluded from taxation, \$25.67 of a possible \$38.00 (\$500.00-\$474.33) for January and \$38.00 for March, for a total exclusion of \$63.67. The officer previously had met the exclusion limitation in February.

350104. Availability to Liquidate Debts. All items of the lump-sum payment for accrued leave (including subsistence and quarters allowance portions if applicable) may be used to liquidate debts to the U.S. Government.

350105. Payment to Beneficiaries

A. Death of Member on Active Duty. (See Table 35-1, rule 8.)



B. Death After Retirement or Discharge. If a member or former member dies after retirement or discharge, and before receiving any or all compensation for accrued leave, the balance is paid to beneficiaries designated in section 3602 of this volume. Submit claims for accrued leave under this subparagraph to the appropriate address below:

1. Army  
Director  
DFAS-Indianapolis Center  
DFAS-I-JEC-I  
8899 E. 56th Street  
Indianapolis, IN 46249-0845
2. Navy  
Director  
DFAS-Cleveland Center (JJCS)  
Anthony J Celebrezze Federal Building  
Cleveland, OH 44199-2055
3. Air Force  
Director  
DFAS-Denver Center  
DFAS-DE-FJP  
6760 E. Irvington Place  
Denver, CO 80279-7000
4. Marine Corps  
Director  
DFAS-Kansas City Center  
DFAS-KC-EYC  
1500 E. 95th Street  
Kansas City, MO 64197-0001

3502 SEPARATION PAY (NONDISABILITY)

350201. Entitlement

A. Full Separation Pay. Beginning on June 20, 1991, full payment of nondisability separation pay has been authorized to Military Service members of the Regular and Reserve Components who have been involuntarily separated from active duty and have met each of the following four conditions:

1. The member has met one of the following criteria for active military service:

a. The member is on active duty or full-time National Guard duty and has completed at least 6 years, but less than 20 years, active service. Reserve members not on the active duty list when separated must have 6 years of continuous active duty or full-time National Guard duty immediately preceding separation. A period of active duty is considered continuous if any break in active service does not exceed 30 days.

b. The member (other than a regular enlisted member) was on active duty or full-time National Guard duty on November 5, 1990, and on that date had 5 or more, but less than 6, years of active service. Reserve members not on the active duty list when separated must have 5 years of continuous active duty or full-time National Guard duty immediately preceding separation. A period of active duty is considered continuous if any break in active service does not exceed 30 days.

c. Effective December 1, 1993, a member who is a Regular officer and is separated under chapter 36 of 10 U.S.C. (reference (c)) (except under sections 630(1)(A) or 643 of such chapter (reference (c))) or under 10 U.S.C., 580 or 6383 of (reference (c)) must have completed at least 6 years, but less than 20 years, of active service.

d. The member, who is a Regular officer and is separated under chapter 36 of 10 U.S.C. (reference (c)) (except under sections 630(1)(A) or 643 of such chapter (reference (c))), or under 10 U.S.C., sections 580 or 6383 (reference (c)), must have completed 5 or more years, but less than 6 years, of active service on November 30, 1993.

2. The member's separation must be characterized as "honorable" and none of the conditions apply that are listed in paragraph 350202, below.

3. A member who is separated involuntarily through either the denial of reenlistment or the denial of continuation on active duty or full-time National Guard duty must meet one of the following four specific conditions:

a. The member must be fully qualified for retention but be denied reenlistment or continuation. This includes a Military Service member who is eligible for promotion as established by the Secretary of the Military Service concerned, but is denied reenlistment or continuation on active duty under established promotion or high year of tenure policies.

b. The member must be fully qualified for retention, but be involuntarily separated under a Reduction in Force (RIF) by authority designated by the Secretary of the Military Service concerned.

c. The member, if a Regular officer, commissioned or warrant, must be separated under 10 U.S.C. 564, 1165, or 6383, or chapter 36 (reference (c)); if a Reserve commissioned officer, other than a commissioned warrant officer, must be separated or transferred to the retired Reserve under 10 U.S.C., chapters 361, 363, 573, 861, or 863 of (reference (c)); or if a Reserve commissioned officer on the active duty list or a Reserve warrant officer must be separated for similar reasons under Military Service policies.

d. The member must be denied reenlistment or continuation on active duty or full-time National Guard duty under subparagraphs 350201.A.3.a through c, above, and have accepted an earlier separation from active duty.

4. The member must have entered into a written agreement with the Military Service concerned to serve in the Ready Reserve of a Reserve Component of the Armed Forces for a minimum period of 3 years following the separation from active duty.

a. A member who enters into this written agreement and who is qualified for service in the Ready Reserve will, upon separation from active duty, be enlisted or appointed, as appropriate, as a Reserve member by the Military Service concerned. If the person has a service obligation under of 10 U.S.C. 651 (reference (c)), or any other law, that is not completed at the time of separation from active duty, the 3-year obligation begins on the day after the day on which the member completes the prior obligation.

b. A member who enters into this written agreement and who is not qualified for enlistment or appointment in the Ready Reserves need not be enlisted or appointed by the Military Service concerned to be considered to have met this condition of eligibility for separation pay.

B. Half Separation Pay. Beginning on June 20, 1991, half payment of nondisability separation pay has been authorized to Military Service members of the Regular and Reserve Components who involuntarily have separated from active duty and who have met each of the following four conditions: (Note: In extraordinary instances, the Secretary of the Military Service concerned may award full separation pay to a member otherwise eligible for half separation pay when the specific reasons for the separation and the overall quality of the member's service have been such that denial of full separation pay would be clearly unjust.)

1. The member must meet one of the criteria for active service specified in subparagraph 350201.A.1, above.

2. The member's separation must be characterized as "honorable" or "general", and none of the conditions apply that are listed in paragraph 350202, below.

3. The member must be separated involuntarily by the Military Service concerned through either the denial of reenlistment or the denial of continuation on active duty or full-time National Guard Duty under one of the following specific conditions:

a. The member is not fully qualified for retention and is denied reenlistment or continuation under any of the following conditions:

- (1) Expiration of service obligation
- (2) Selected changes in service obligation
- (3) Convenience of the government
- (4) Homosexuality
- (5) Drug abuse rehabilitation failure
- (6) Alcohol abuse rehabilitation failure
- (7) Security
- (8) Weight control failure

b. The member must be separated under a Military Service-specific program established as a half payment level by the Secretary of the Military Service concerned.

c. The member must be denied reenlistment or continuation on active duty or full-time National Guard duty under subparagraphs 350201.B.3.a and b, above, and accept an earlier separation from active duty.

4. The member must have entered into a written agreement with the Military Service concerned to serve in the Ready Reserve for a minimum period of 3 years following separation from active duty.

a. A member who enters into this written agreement and who is qualified for the Ready Reserve will, upon separation from active duty, be enlisted or appointed, as appropriate, as a Reserve member by the Military Service concerned. If the person has a service obligation under 10 U.S.C. 651 (reference (c)), or any other law, that is not completed at the time of separation from active duty, the 3-year obligation begins on the day after the day on which the member completes the prior obligation.

b. A member who enters into this written agreement and who is not qualified for enlistment or appointment in the Ready Reserve need not be enlisted or appointed by the Military Service concerned to be considered to have met this condition of eligibility for separation pay.

C. Separation Pay from November 5, 1990, through June 19, 1991. Members (including regular enlisted members) on active duty (other than for training) on November 5, 1990, who were separated involuntarily from active duty before June 20, 1991, were entitled to receive any separation pay to which they were entitled to under 10 U.S.C., as amended by Public Law No. 101-510, section 501 (reference (q)), in accordance with the DoD policies and procedures in effect before June 20, 1991. DoD Directive 1332.29, July 20, 1985 (reference (br)), and Table 35-6 are modified as follows:

1. Regular enlisted members who are separated involuntarily or as a result of denial of reenlistment after having completed 6 or more, but less than 20 years of active duty, will receive separation pay.

2. Limitations concerning the maximum amount of separation pay that members may receive, as stated in DoD Directive 1332.29, July 20, 1985 (reference (br)), and Table 35-6, do not apply.

3. In addition to the disqualifying circumstances listed in DoD Directive 1332.29, July 20, 1985 (reference (br)), a member is not eligible for separation pay if:

a. The member does not meet one of the criteria for active service stated in subparagraph 350201.A.1, above.

b. The member has not entered into a written agreement with the Military Service concerned to serve in the Ready Reserve of a Reserve Component of the Armed Forces for a minimum period of 3 years following separation from active duty under the same requirements and procedures stated in subparagraph 350201.A.4, above.

c. The member is separated from active duty during an initial term of enlistment or an initial period of obligated service. “Initial term of enlistment” and “initial period of obligated service” have the same meaning as stated in subparagraph 350202.B, below.

350202. Limitations of Eligibility. Military Service members separated under the following circumstances are not eligible for separation pay:

A. The member is separated from active duty at the member’s own request. The following are considered to be separations at the member’s own request:

1. A member declines training that the Military Service offers to qualify for a new skill or rating as a precondition to reenlistment or continuation on active duty.

2. A member requests separation under regulations established by the Secretary of the Military Service concerned as provided for in DoD Directives 1332.14 (reference (bs)) and 1332.30 (reference (bt)).

3. A Reserve officer declines a Regular appointment at the mandatory integration point, when an all-regular career force program is implemented by the Secretary concerned.

B. The member is separated from active duty during an initial term of enlistment or an initial period of obligated service. The initial term of enlistment or initial period of obligated service is the active service obligation that the member incurred upon initial enlistment or upon enrollment in a commissioning program. This limitation also applies to a member who desires to reenlist or continue at the conclusion of the initial term of enlistment or an initial period of obligation and is denied by the Military Service concerned.

C. The member is released from active duty for training or from full-time National Guard duty for training.

D. The member is immediately eligible at separation for retired or retainer pay based upon his or her military service.

E. The member is a warrant officer whose appointment is terminated and who then elects to enlist.

F. The member is separated as a result of the execution of a court-martial sentence.

G. The member is being dropped from the rolls of the Military Service concerned.

H. The member is being separated under other than honorable conditions.

I. The member is an enlisted member who is separated for unsatisfactory performance or misconduct as set forth in DoD Directive 1332.14 (reference (bs)), except when half-pay is authorized in subparagraph 350201.B, above.

J. The member is an officer who is separated for substandard performance, or acts of misconduct or moral or professional dereliction, except when half pay is authorized in subparagraph 350201.B, above.

K. The member is separated under a Military Service-specific program established as a no payment level by the Secretary concerned.

L. A determination is made by the Secretary of the Military Department concerned in an extraordinary case that the conditions under which the member is separated do not warrant a separation payment. This authority is not to be delegated. It is intended that only sparing use will be made of this discretionary authority to deny payment.

350203.        Computation of Active Service. Compute active service time as follows:

A.        Qualifying years, except as noted in subparagraph 350201.A.1, above, do not have to be continuous; however, the last phase of the qualifying term must end immediately before the separation from active duty occurs.

B.        Compute fractions of years in the following manner:

1.        Separation Pay. Beginning September 24, 1983, each full month of military service that is in addition to the number of full years of active service has been counted as one-twelfth of a year. Disregard any remaining fractional part of a month.

2.        Readjustment or Severance Pay. Six months or more is counted as a whole year, and disregard any part less than 6 months. (Note: In computing readjustment pay, the minimum eligibility of 5 full years of continuous active duty must be met first.)

C.        Periods for which a Military Service member previously has received separation pay, severance pay, or readjustment pay may be counted for eligibility purposes (to ensure the member meets the minimum required years of active duty), but may not be used in the multiplier to determine the amount of separation pay for a subsequent separation.

D.        Count periods of active military service in a Regular or Reserve Component. Include active duty for training performed on or after August 10, 1956.

E.        Do not include periods of absence without leave, confinement time awaiting trial that results in a conviction, confinement time while serving a court-martial sentence, and time lost while not in the line of duty. Count time in service to makeup for lost time.

F.        Do not include service as a cadet or midshipman while in a Military Service academy or a Reserve Officer Training Program.

350204.        Computation of Separation Pay

A.        Compute full separation pay at 10 percent of 12 times the amount of monthly basic pay to which entitled at the time of separation from active duty, times the active service time as computed in paragraph 350203, above.

B.        Compute “half separation pay” at 50 percent of what the full separation pay would have been.

350205.        Effect on Retired Pay or VA Compensation

A.        A deduction shall be made from Military Service members who receive separation pay, severance pay, or readjustment pay under any provision of law based on service

in the Armed Forces, and who later qualify for retired or retainer pay under 10 U.S.C. (reference (c)) or 14 U.S.C. (reference (bu)), in an amount equal to the total gross amount of separation pay, severance pay, and readjustment pay. This amount will be recouped from each payment of this retired or retainer pay until the total amount deducted is equal to the total gross amount of separation pay, severance pay, and readjustment pay received. (Note: See Chapter 4 of Volume 7B of this Regulation (reference (cn)) for guidance on the calculation of recoupment.)

B. A deduction shall be made from members who receive separation pay, severance pay, or readjustment pay under any law based on active military service, and become eligible for disability compensation administered by the Department of Veterans Affairs. The deducted from disability compensation shall be equal to the total gross amount of separation pay, severance pay, or readjustment pay received. Effective for payments of separation pay, severance pay, or readjustment pay that are made after September 30, 1996, the amount subject to recoupment under this paragraph is the total gross amount of separation pay, severance pay, or readjustment pay received, less the amount of federal income tax withheld from such pay (such withholding, being at the flat withholding rate for federal income tax withholding, as in effect pursuant to regulations prescribed under Chapter 24 of the Internal Revenue Code) (reference (ec)). This reduction, however, shall not apply to disability compensation in which the entitlement to that disability compensation is based on a later period of active duty than the period of active duty for which the separation pay, severance pay, or readjustment pay was received.

C. Notwithstanding subparagraphs 350205.A and B, above, members who received readjustment or severance pay before September 15, 1981, and who, on or after September 15, 1981, became entitled to retired or retainer pay under 10 U.S.C. (reference (c)) or 14 U.S.C. (reference (bu)) have been required to repay that readjustment pay or severance pay in accordance with the laws in effect on September 14, 1981.

350206. Availability To Liquidate Debts. Separation pay under this section may be used to liquidate debts to the U.S. Government.

### 3503 SAVINGS PROVISIONS FOR READJUSTMENT AND SEVERANCE PAY (OTHER THAN DISABILITY)

#### 350301. Basic Conditions of Entitlement

A. This section is applicable only to members who were on active duty (other than for training) on September 14, 1981, and after such date are involuntarily discharged or released from active duty. Members entitled to readjustment or severance pay under this section and separation pay under section 3502, above, may not receive both, but shall elect which they will receive. If no election is made, members will receive the amount that is most favorable to them.



B. With respect to members discharged or released on or after October 19, 1984, members have not been entitled to readjustment or severance pay if the Secretary of the Military Department concerned determines that the conditions under which the discharge or separation occurs do not warrant such pay. It is intended that this discretionary authority to deny payment will sparingly be used. This provision does not apply to Regular officers who have completed 5 or more, but less than 20, years of service who are involuntarily discharged or released from active duty because of failure to be selected for promotion.

350302. Effect on Retired Pay or VA Compensation

A. See paragraph 350205, above, for procedures when readjustment or severance pay is received after September 14, 1981.

B. Refund upon Retirement. A Reserve member who received a readjustment payment on separation after June 28, 1962, and before September 15, 1981, and who later qualified for retired or retainer pay under 10 U.S.C. (reference (c)) or 14 U.S.C. (reference (bu)) (upon completing 20 years of active service), must refund 75 percent of the gross readjustment pay, without interest, by immediate deduction from retired or retainer pay. This was not required if readjustment pay had been waived or refunded under subparagraph 350302.C, below.

C. Waiver or Refund Before Retirement. A member may waive entitlement to readjustment pay. Also, the full amount of such pay may be refunded before retirement. Under either condition, the member shall receive retired or retainer pay immediately upon retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve.

D. VA Disability Compensation. When a member who receives readjustment pay before September 15, 1981, became entitled to VA disability compensation, the VA has deducted 75 percent of the readjustment payment from future VA compensation. The VA does not make a deduction when VA disability compensation is based on a later period of service. A member who elected, on or before June 27, 1962, to receive readjustment pay in lieu of VA disability compensation may have been awarded disability compensation effective on and after June 28, 1962. The VA reduces the disability compensation by 75 percent of the readjustment payment, unless readjustment pay was waived or refunded.

350303. Entitlement to and Computation of Readjustment Pay. Conditions of entitlement are in Tables 35-7 and 35-8. Table 35-9 shows how readjustment pay is computed.

350304. Computation of a 5-Year Continuous Period. To compute the 5 years of continuous active duty needed to qualify for readjustment pay, follow these rules:

A. Breaks in Service. Breaks in service of 30 days or less do not destroy the continuity of active duty (even though two or more breaks total more than 30 days). The time covered by such breaks, however, must be excluded in computing the minimum 5 years of active duty.

NOTE: Do not consider AWOL, confinement, time awaiting trial which results in conviction, time lost through intemperate use of drugs or alcohol or time lost through disease or injury resulting from misconduct as “breaks in service.”

B. Active Duty for Training. Include active duty for training performed on and after August 10, 1956.

C. Service Component. Combine service in the Regular Component with service in a Reserve Component.

D. Officer or Enlisted Service. Combine duty as an enlisted member and as a commissioned or warrant officer.

E. Other Branch of Service. The 5-year period continuous active duty need not be performed in the same Military Service.

F. Home Awaiting Orders. Do not include time spent at home awaiting active duty orders.

350305. Computation of Active Service. See paragraph 350203, above.

350306. Entitlement to and Computation of Severance Pay (Other Than Disability). See Table 35-10.

350307. Availability To Liquidate Debts. Readjustment and severance pay under this section may be used to liquidate debts to the U.S. Government.

#### 3504 DISABILITY SEVERANCE PAY

350401. Entitlement. A member separated from the Military Service for physical disability is entitled to severance pay if qualified as prescribed in personnel regulations of the Military Service concerned. When a member is entitled to disability severance pay, separation orders specify this entitlement.

350402. Disability Incurred During Non-pay Status. A member who incurs a disability while in a total pay forfeiture status is not entitled to disability severance pay. This is true even though the Secretary of the Military Service concerned remits the unexecuted portion of the sentence, including all uncollected forfeitures.

350403. Computation

A. Formula. To compute disability severance pay, multiply the sum of basic pay for 2 months by the number of combined years of active service and inactive duty training (but not over 12) (exception: a member of the Regular forces may not have inactive duty performed under 10 U.S.C. 270 (reference (c)) included in the calculation). Do not include as

basic pay the 25 percent increase prescribed under certain conditions for a Navy or Marine Corps member retained on active duty after enlistment expires.

B. Years of Service. The member's separation orders specify the total combined years of active service and inactive duty training (subject to the exception in subparagraph 350403.A, above) to be counted in computing severance pay. Round this total to the nearest whole year, with 6 months or more rounded up. If a member has less than 6 months of combined service, there is no disability severance pay entitlement.

C. Grade at Which Disability Severance Pay Is Computed. Compute severance pay on basic pay of the highest grade or rank described below:

1. The grade or rank in which the member is serving at separation;
2. The permanent Reserve grade held at separation;
3. The highest temporary or permanent grade or rank in which member served satisfactorily as determined by the Secretary of the Military Service concerned; or
4. If the disability is found during an examination for promotion, the grade or rank to which member would have been promoted if there was no disability.

D. Example of Computation. An E-6 has 11 years, 4 months, and 9 days of active service and 76 inactive duty training periods ("points") on the date of separation for physical disability. Compute the entitlement as follows:

$$\begin{array}{rcl} 11 \text{ years, 4 months, 9 days} & = & 11.3583 \text{ years} \\ 76 \text{ "points"} / 360 & = & .2111 \text{ years} \\ \hline \text{Total Service} & = & 11.5694 \text{ years} \end{array}$$

Since it is a decimal greater than .5, round the total upward to 12 years. 12 years x 2 months of basic pay of an E-6 over 12 = amount of disability severance pay.

NOTE: For purposes of this calculation, "points" in excess of 60 during any single year are disregarded.

350404. Taxability and Withholding

A. General. Disability severance pay is normally taxable income. It is not subject to tax withholding or reporting, however, if at least one of the following three conditions exists:

1. On September 24, 1975, the individual was either a member of a Uniformed Service or was under a binding written commitment to become a member;

2. The entitlement resulted from combat-related injury or illness, as determined by the Secretary of the Military Service concerned (or designee), which happens as a result of any of the following activities:

- a. As a direct result of armed conflict,
- b. While actually performing extra-hazardous service, even if the service does not directly involve combat,
- c. Under conditions simulating war, including maneuvers or training, or
- d. By an instrumentality of war, such as weapons.

★ 3. *The member has official notification from the Department of Veterans Affairs (VA) approving entitlement to disability compensation for the same illness or injury that caused the entitlement to disability severance pay. (IC 14-98)*

B. Withholding Taxes. Withhold income taxes on all payments of disability severance pay unless the member qualifies for an exemption under subparagraph 350404.A, above, of this paragraph. Finance or personnel officers should advise members that payments of disability severance pay could become non-taxable if the VA awards disability compensation for the same illness or injury for which disability severance pay was paid.

NOTE: The VA may award disability compensation in either the same tax year or a subsequent tax year in which a member is paid disability severance pay. Once a member is awarded disability compensation, a refund of the income taxes withheld may be requested as discussed in the subparagraphs 350404.C and D, below.

C. VA Compensation Awarded in the Tax Year of Payment. Finance or personnel officers should advise members that a refund of taxes withheld may be obtained from the supporting DFAS Center if disability compensation from the VA is awarded in the same calendar year in which the member received disability severance pay. To obtain a refund from the DFAS, requests must be submitted by December 31st of the year in which a disability severance pay payment is paid. In addition, a member who requests a refund must provide documentation to substantiate that the disability compensation award from the VA was awarded for the same injury or illness for which the member received disability severance pay.

D. VA Compensation Awarded in Tax Year After Payment. Finance or personnel officers should advise members that a refund for income taxes withheld must be obtained from the Internal Revenue Service (IRS) if disability compensation from the VA is awarded in a different calendar year than the year in which the member received disability severance pay. The member also should be advised to submit the appropriate documentation from the VA along with related separation documents to claim a reduction in taxable income. A

corrected IRS Form W-2 or other documents to support the decrease in taxable income will not be issued.

350405. Availability To Liquidate Debts. Disability severance pay may be used to liquidate debts to the U.S. Government.

350406. Deduction From VA Compensation. The VA deducts disability severance pay from any VA compensation to which the member or dependents later become entitled for the same disability. Deductions are not made from death compensation to which dependents become entitled after the member's death.

350407. Other Benefits and Claims. A member paid disability severance pay is not entitled to any payment from the Military Service for, or arising out of, service before separation. This does not prohibit payment if an amount is due the member on the date of separation, or if a claim is allowed under law.

### 3505 CONTRACT CANCELLATION PAY AND ALLOWANCES (NAVY AND MARINE CORPS ONLY)

350501. Entitlement. Members released from active duty in the Navy or Marine Corps without their consent before the end of their active duty agreement made under 10 U.S.C. 679(a) (reference (c)) are entitled to a special payment under 10 U.S.C. 12312 (reference (c)). This payment is in addition to any pay and allowances to which member is otherwise entitled.

350502. Computation. To compute the amount payable, multiply the number of years and fraction of years of the unexpired period of service under the contract by the sum of basic pay, special pay, and allowances for one month to which the member is entitled on the day of release. Count a fraction of a month that is 15 days or more as a whole month and disregard a fraction of a month that is less than 15 days. Separation orders show the number of years and months of unexpired service for which contract cancellation pay and allowances are payable.

350503. Restrictions. A member is not entitled to the special payment authorized by this section if:

- A. Dismissed or discharged under the sentence of a court-martial;
- B. Released because of an unexplained absence without leave of at least 3 months;
- C. Released because of conviction and sentence to confinement in a federal or state penitentiary or correctional institution which sentence has become final;
- D. Released because of a physical disability resulting from intentional misconduct or willful neglect;
- E. Eligible for retired pay or severance pay under another provision of law

(this restriction does not apply to readjustment pay);

F. Placed on a temporary disability retired list; or

G. Released to accept an appointment, or to be enlisted, in a Regular Component of an Armed Force.

350504. Withholding Tax. Contract cancellation pay is subject to withholding tax.

350505. Availability To Liquidate Debts. Contract cancellation pay may be used to liquidate debts to the U.S. Government.

### 3506 MISCELLANEOUS SEPARATION PAYMENTS

350601. Discharge Gratuity. See Table 35-11.

350602. Travel Allowance on Separation. See Joint Federal Travel Regulations (JFTR), paragraph U5125 (reference (d)), and Volume 9 of this Regulation.

### 3507 SPECIAL SEPARATION BENEFIT

350701. Entitlement. A member who separates voluntarily from a Military Service before October 1, 1999, could, under conditions prescribed by the Secretary concerned, elect to receive a special separation benefit (SSB). Such a member must have met each of the following conditions.

A. Time-in-service requirements:

1. A member separating prior to November 30, 1993, must have served for more than 6 years on active duty, full-time National Guard duty, or any combination thereof, before December 5, 1991, but have less than 20 years of service creditable for retirement.

2. A member separating on or after November 30, 1993, must have served for more than 6 years on active duty, full-time National Guard duty, or any combination thereof, but less than 20 years of service creditable for retirement.

B. The member must have completed initial term of enlistment or initial period of obligated service prior to separation.

C. The member must have served at least 5 years of continuous active duty, full-time National Guard duty, or any combination thereof, immediately prior to the date of separation.

D. The member must not be eligible immediately for retired or retainer pay because of Military Service.

E. The Secretary of the Military Service concerned, or designee, must approve the member's application for voluntary separation before the member may receive payment.

F. The member must have entered into a written agreement to serve in the Ready Reserve for a period of not less than 3 years following separation. If the member had any other service obligation remaining unfulfilled at the time of separation, the new 3-year period of obligated service began on the day after the day the member completed such period of prior obligated service.

G. The member's separation must not have resulted from release from a period of active duty for training.

H. The member must not have been approved for payment of variable separation incentive (VSI). (See section 3508, below.)

350702. Computation. Upon approval, and upon receipt of the member's election to receive SSB, pay the member a lump sum computed according to this formula: Multiply rate of monthly basic pay on date of separation times 12 times years of active service times 0.15.

A. Compute years of active service according to the formula in subparagraph 350203.B.1, D, E, and F, above. Do not count any period of prior military service for which the member has received separation pay, severance pay, or readjustment pay under any provision of law relating to members of the Uniformed Services. When computing partial years of service, round fractional parts of a year to the nearest one tenth of one percent, or three decimal places. For example, if the member has 11 years and 5 months of service, the year multiplier in the formula would be 11.417.

B. Withhold federal and state taxes at the rate appropriate for onetime payments.

C. Deduct from the remaining balance any debt owed the United States.

D. Do not collect Federal Insurance Contributions Act (FICA) taxes.

E. Payment will be made on, but in no cases prior to, date of separation.

F. For separations after November 11, 1993, reduce the gross amount of the SSB payment by the gross amount of any of the following bonuses that the member received during the calendar year in which the member is separating with entitlement to SSB:

1. Multi-year special pay, paragraph 0508;

2. Enlistment/reenlistment bonus of any type, paragraph 0901 and paragraphs 570402, 570403, 570404;

3. Nuclear officer career accession bonus, Chapter 12;

4. Nuclear career annual incentive bonus, Chapter 12;

5. Nuclear officer accession bonus, Chapter 12;

6. Aviator retention bonus, Chapter 20;

7. Registered nurse accession bonus, paragraph 2101;

8. Bonus for critical acquisition positions (37 U.S.C. 317) (reference (aa)); but do not effect this reduction if the member separates within one year of the date of termination of the period for which the bonus has been paid. Do not reduce any payment to less than zero. The date the bonus is received means the date on which the bonus is payable. Reduction in SSB entitlement and collection of unearned bonuses because of failure to fulfill the contract under which the bonus was paid are two separate actions. If the reduction in SSB equals or exceeds the bonus recoupment required elsewhere in this volume, no further action is necessary. If, however, the SSB reduction is less than the required bonus recoupment, the difference remains as a debt owing by the member.

Example 1: On March 1, 1993, the member reenlisted for 4 years with entitlement to selective reenlistment bonus (SRB) in the amount of \$18,000. The member received one-half of the bonus at reenlistment, with the remainder paid in three annual installments, \$3,000 each on March 1, 1994, 1995, and 1996. The member separated under the SSB program on December 31, 1993, with a SSB entitlement in the gross amount of \$28,000. Since the member received the bonus in the same calendar year in which separating under the SSB, the member's gross SSB entitlement was reduced by \$9,000, the gross amount of the bonus paid. Since collection of the unearned SRB would have amounted to only \$5,250, (\$9,000 SRB paid minus the bonus earned for 10 months at \$375 per month), no further collection was required.

Example 2: The facts are the same except member separated on September 30, 1996. Since the separation event occurred within 1 year of the date of termination of the bonus period, no reduction was made from the SSB payment. Since the member did not complete 5 months of the period for which he received the bonus, however, he was indebted to the United States in the amount of \$1,875 (unearned bonus for 5 months at \$375 per month). This amount was collectible from any funds otherwise due at separation, including the SSB payment.

Example 3: The facts are the same except the member separates under the SSB program on December 31, 1994. Since the member separated during a year in which she had received an SRB installment, the first action was to reduce her SSB entitlement by the amount of the March 1, 1994, \$3,000 installment. This reduced her SSB to \$25,000 (before



taxes). However, the member only served 22 months of the reenlistment, so she earned only \$8,250 of the total bonus of \$12,000 she had received (22 months at \$375 per month). Her gross debt for the unearned bonus was \$12,000 minus \$8,250, or \$3,750. That debt was reduced by the \$3,000 reduction in her SSB entitlement, leaving a debt of \$750 to be collected from final pay, including her net SSB entitlement.

350703.      Forfeiture and Recoupment

A.      A deduction shall be made from a member who has received an SSB, and who later qualifies for retired or retainer pay. The deduction shall be a portion of such retired or retainer pay until an amount equal to the gross amount of such SSB has been deducted. See Chapter 4, section 0406, of Volume 7B of this Regulation (reference (cn)), for details of the recoupment formula.

B.      A deduction shall be made from a member who has received an SSB and who qualifies for benefits under the law as administered by the VA. The deduction from such benefits shall be the gross amount of the SSB paid to the member. Effective for payments of SSB that are made after September 30, 1996, the amount subject to recoupment under this paragraph is the total gross amount of SSB paid, less the amount of federal income tax withheld from such pay (such withholding being at the flat withholding rate for federal income tax withholding, as in effect pursuant to regulations prescribed under Chapter 24 of the Internal Revenue Code) (reference (ec)). There shall be no such deduction, however, if the disability for which the member receives compensation was incurred or aggravated during a period of later active duty.

C.      Subsequent receipt of basic pay for active or Reserve service, of muster duty allowance, or of compensation for a period of inactive duty training does not require the forfeiture of an SSB.

D.      If the member does not complete the required 3 years service in the Ready Reserve, for reasons other than through no fault of the member, collect on a pro rata basis any unearned portion of the member's SSB from the date of his or her failure to maintain Reserve affiliation through the date of the 3-year commitment. The member's Reserve Personnel Activity will certify when he or she does not complete the Reserve commitment through personal fault.

Example:      A member separated on June 30, 1995, with an SSB entitlement of \$64,000, and a commitment to serve in the Ready Reserve through June 29, 1998. Effective December 17, 1997, the member was separated from his Reserve unit, through fault of the member as certified by the servicing personnel activity. The member was credited with serving a total of 2 years and 6 months of Reserve service using the following computation method (if more than 14 days round up, if less than 15 disregard):

| <u>YR</u>  | <u>MO</u> | <u>DAY</u>  |                 |
|------------|-----------|-------------|-----------------|
| 97         | 12        | 17          |                 |
| <u>-95</u> | <u>06</u> | <u>30</u>   |                 |
| 02         | 05        | 17          |                 |
|            |           | + <u>01</u> | (inclusive day) |
| 02         | 05        | 18          |                 |

The unearned portion of the SSB was 6/36ths of \$64,000, or \$10,667. A debt against the member was established in that amount.

E. A member whose application for separation with entitlement to an SSB was approved by competent authority after September 30, 1994, forfeits all entitlement to the SSB payment if that member is employed in a civilian position in the Department of Defense at any time before the expiration of 180 days following the date the member is released from active duty with entitlement to the SSB. This includes appointment to a position while on terminal leave if that appointment is not terminated prior to the date of the member's separation. Upon receipt of notification of such employment, collection action must be instituted to recoup the gross amount of SSB paid to or on behalf of the member.

### 3508 VOLUNTARY SEPARATION INCENTIVE

350801. Entitlement. A member who separates voluntarily from Military Service before October 1, 1999, may, under conditions prescribed by the Secretary of the Military Department concerned, elect to receive a voluntary separation incentive (VSI). The member must meet each of the following conditions:

A. Time-in-service requirements

1. Members separating prior to November 30, 1993, must have served more than 6 years on active duty, full-time National Guard duty, or any combination thereof before December 5, 1991, but have less than 20 years of service creditable for retirement.

2. Members separating on or after November 30, 1993, must have served more than 6 years on active duty, full-time National Guard duty, or any combination thereof, but have less than 20 years of service creditable for retirement.

B. The member must have completed initial term of enlistment or initial period of obligated service prior to separation.

C. The member must have served at least 5 years of continuous active duty, full-time National Guard duty, or any combination thereof, immediately prior to the date of separation.

D. The member must not immediately be eligible for retired or retainer pay because of military service.

E. The Secretary of the Military Service concerned (or designee) must approve the member's application for voluntary separation before the member may receive payment.

★ F. *The member must accept voluntary appointment or enlistment in, or transfer to the Ready Reserve of a Reserve Component, and must continue to serve in a Reserve Component during the entire period of eligibility for VSI. If the member does not continue to serve in the Ready Reserve, the VSI installments terminate on the date of separation from the Reserve Component or transfer to the Retired Reserve. If the member becomes ineligible to serve for the following reasons, VSI installments continue for the remaining period authorized if:*

*1. The separation or transfer is required by reason of the age or number of years service of the member,*

*2. The separation or transfer is required by reason of failure of selection for promotion or medical disqualification of the member, except in a case in which the Secretary of Defense or Secretary of Transportation determines that the basis of the separation or transfer is a result of a deliberate action by the member with the intent to avoid retention in the Ready Reserve or Standby Reserve, or*

*3. In the case of separation, the member is separated from the Reserve Component for appointment or enlistment in or transfer to another Reserve Component of an Armed Force for service in the Ready Reserve or Standby Reserve of that Armed Force. (IC 27-99)*

G. The member has not been approved for payment of SSB. (See section 3507, above.)

350802. Computation. Upon approval, and upon receipt of the member's election to receive VSI, pay the member a lump sum at separation computed according to the following criteria.

A. Multiply the rate of monthly basic pay on date of separation times years of service times 12 times 0.025. When computing partial years of service, round fractional parts of a year to the nearest one tenth of one percent, or three decimal places. For example, if the member has 11 years and 5 months of service, the year multiplier in the formula would be 11.417.

B. So long as the member continues to serve in a Reserve Component, make annual payments on the anniversary date of the member's separation from active service until the total number of payments made equals twice the number of years of active service used in computing the basic entitlement. See the example below for instance where the member's years of active service are not a whole number.

Example: The member separates on June 30, 1992, with a total of 11 years, 3 months and 11 days of active service, at which time the member is a major with more

than 10 years service. The initial installment of VSI, paid on the date of separation is the member's basic pay of \$3,156.30, times 12 times .025, times 11-3/12 (only full months of service count), which equals \$10,652.51. The member is due 22 of these payments (11-3/12 times 2). Make 21 more payments of \$10,652.51, the last such full payment being due on June 30, 2013. On June 30, 2014, pay the member a final installment of \$5,326.26, which is one-half the amount of the prior installments.

C. Compute years of service according to 10 U.S.C. 1405 (reference (c)). Do not count any period of prior military service for which the member has received separation pay, severance pay, or readjustment pay under any provision of law relating to members of the Uniformed Services.

D. For separations after November 11, 1993, reduce the gross amount of the initial VSI payment (and any subsequent installments) until the total reduction equals the gross amount of any of the following bonuses which the member received during the calendar year in which the member is separating with entitlement to VSI:

1. Multi-year special pay; see section 0508 of this volume;
2. Enlistment/reenlistment bonus of any type; see chapter 9 and paragraphs 570402, 570403, and 570404 of this volume;
3. Nuclear officer accession bonus; see chapter 12 of this volume.
4. Nuclear officer career accession bonus; see chapter 12 of this volume.
5. Aviator retention bonus; see chapter 20 of this volume;
6. Registered nurse accession bonus; see section 2101 of this volume;
7. Bonus for critical acquisition positions; see 37 U.S.C. 317 (reference (aa)). Do not, however, make a reduction if the member separates within 1 year of the date of termination of the period for which the bonus has been paid. Do not reduce any payment to less than zero. The date that the bonus is received means the date on which the bonus is payable. If the reduction in the initial VSI installment equals or exceeds the bonus recoupment required elsewhere in this volume, no further action is necessary. If, however, the VSI installment reduction is less than the required recoupment, the difference remains as a debt owing by the member.

Example 1: Member A reenlisted for 4 years on January 3, 1994, and received an SRB payment in the gross amount of \$12,000. She separated on December 31, 1994, with entitlement to an initial gross VSI payment of \$3,232. Since she received a VSI payment in the same calendar year in which a bonus was paid, reduce the initial VSI payment to zero. The member, however, still was liable for the unearned portion of the bonus, which must be collected

from any payments that she otherwise is due, including any future VSI installment payments.

Example 2: The facts are the same as example 1, except member B separated under the VSI program on January 31, 1995. Since he did not receive a bonus during the calendar year 1995, there was no reduction in the amount of his VSI entitlement. The member, however, still was liable for the unearned portion of the bonus, which must be collected from any payments otherwise due the member, including the initial and any future VSI installments.

Example 3: Member C reenlisted for 4 years on October 1, 1994, with entitlement to SRB in the total amount of \$12,000. She received \$6,000 at reenlistment, with the remainder to be paid in \$2,000 installments on October 1, 1995, 1996, and 1997. On December 31, 1995, she separated with entitlement to 15 VSI payments of \$3,453 each. Since the member separated during a calendar year in which she received a SRB installment, the gross VSI installment was reduced by the \$2,000 received October 1, 1995. Also, the member had earned only \$3,750 (15 months at \$250 per month) of the SRB paid to her, though she had been paid a total of \$8,000. The balance due for unearned SRB was \$8,000 less the \$3,750 earned and less the \$2,000 by which her VSI initial installment was reduced. This left a debt of \$2,250 to be collected from final pay. All final pay, including the remaining initial net VSI entitlement of \$1,453, shall be used to liquidate the debt.

Example 4: The facts are the same as in example 3, except member D separated on October 31, 1996. Since the separation event occurred within 1 year of the date of the termination of the bonus period, no reduction was made from the VSI payment. (This included the initial and all annual payments.) Since the member did not complete 11 months of the period for which he received the bonus, he was indebted to the United States for \$2,750. This amount must be collected from any funds otherwise due at separation, including the VSI payment.

E. A member who is in receipt of basic pay for active or Reserve service or inactive duty training compensation may elect to have his or her next VSI installment payment reduced by an amount no greater than the total amount of such pay or compensation received since the prior VSI installment payment. Do not reduce the installment payment unless the member provides a signed authorization which specifies the exact dollar amount by which to reduce the installment payment. If the member fails to qualify for retired/retainer pay for any reason, the amounts that have been offset are not refundable. A member may not reduce installment payments on account of muster duty allowances.

F. Withhold federal and state taxes at the rate appropriate for onetime payments.

G. Deduct from the payment any debt owed the United States.

H. Do not collect FICA taxes.

I. Payment shall be made on, but in no cases prior to, date of separation.

350803. Forfeiture and Recoupment

A. A member who has received VSI later may qualify for retired or retainer pay through additional military service. See section 0405, Volume 7B, of this Regulation (reference (cn)) for the requirement to reduce the member's retired pay until total reductions equal the gross amount of VSI the member has received. The reductions in retired pay will include only the amounts of VSI the member has received. Do not include prior reductions the member may have elected under subparagraph 350802.E, above.

Example: A member separated on June 30, 1992, with entitlement to VSI of \$8,000 per year for 16 years (a total of \$128,000). During each of the next 8 years, the member drilled with a Reserve unit and authorized a reduction in VSI of \$5,000 per year because of the Reserve training compensation she received. Thereafter, she received seven VSI anniversary payments in the full amount of \$8,000 per year. When she became eligible for retired or retainer pay, the total reduction of such pay is \$88,000 (\$8,000 for the initial installment, plus \$3,000 for each of the next eight installments, plus \$8,000 for each of the next seven installments). The reductions in retired pay were equal to the gross amount that she received, including any taxes withheld from the VSI payment.

B. A member who receives VSI, and subsequently qualifies for disability compensation under laws administered by the VA, shall have the amount of disability compensation payable to the member offset from next VSI payment.

1. The annual VSI payment shall be offset by the same amount of disability compensation received during the 12-month period immediately preceding the VSI payment. In no instance will the disability compensation offset exceed the annual VSI installment.

Example 1: The VSI recipient was separated from active service on September 30, 1992, and received an initial VSI payment in the amount of \$7,000. On the VSI anniversary date of September 30, 1993, an annual payment of \$7,000 was made. On April 15, 1994, the member was paid a \$1,800 retroactive disability compensation payment (for the period November 1992 through April 1994) and received \$100 per month thereafter. The September 30, 1994, annual gross VSI payment will be offset by \$2,300 (\$1,800 retroactive payment plus \$100 received per month from May 1994 through September 1994).

Example 2: Same as in example 1, above, except the member received a \$6,000 retroactive payment on April 15, 1994, and \$500 per month thereafter. The September 30, 1994 annual gross VSI installment of \$7,000 will be completely offset with no payment due the member. Although the member received \$8,500 in disability compensation during the immediate preceding 12-month period, the maximum deduction from the September 30, 1994 payment is \$7,000. No collection action is required on the remaining \$1,500, nor will it be carried forward to the September 30, 1995 payment.

Example 3: Same as in example 1, above, except through administrative oversight, \$2,300 was not offset from the September 30, 1994, VSI installment. The \$2,300 becomes a debt owed by the member and is subject to immediate collection action. If collection is not accomplished, deduct \$3,500 (\$2,300 which should have been offset from the previous payment plus the current offset of \$100 per month for 12 months) from the September 30, 1995, payment.

Example 4: Same as in example 2, above, except through administrative oversight, \$7,000 was not offset from the September 30, 1994, VSI installment. As in example 3, above, the \$7,000 becomes a debt and requires immediate collection from the member. If collection action is not accomplished, the \$7,000 debt can be collected from future VSI payments. Since the member received \$6,000 (\$500 for 12 months) disability compensation during the immediate 12-month period prior to the next September 30, 1995, installment, collect the remaining \$1,000 towards the \$7,000 debt. In this case, carry the remaining \$6,000 unpaid debt forward.

2. Do not deduct from the member's VSI payment if the member is receiving VA disability compensation related to a period of service earlier than the period of service for which the member is receiving VSI.

C. If a member elected to have deducted any amount of basic pay for active or Reserve service or compensation for inactive duty training, deduct the gross amount of such pay or compensation from the next installment of VSI due before computing tax withholding.

D. Do not pay any further installments to a former member who fails to maintain Reserve affiliation for reasons other than specified in subparagraph 350801.F, above, or whose Reserve Personnel Activity certifies the member was transferred to the Standby or Retired Reserve through fault of the member. Collect on a pro rata basis any unearned portion of the member's VSI from the date of the member's failure to maintain Reserve affiliation through the date the next installment would have been due.

Example: A member separated on July 31, 1995, with annual VSI entitlement of \$7,500. Effective November 30, 1995, the member is separated from his Reserve unit because of usage of illegal drugs. The unearned portion of the VSI (see subparagraph 350703.D, above, for computation method) is 8/12ths of \$7,500, or \$5,000. Establish a debt against the member in that amount.

E. In the event a member becomes eligible for retired or retainer pay concurrently with annual VSI payments, both entitlements continue to be paid. Retired/retainer pay is offset according to subparagraph 350803.A, above.

F. A member whose application for separation with entitlement to VSI was approved by competent authority after September 30, 1994, forfeits all entitlement to VSI payments, including the initial payment, if the member is employed in a civilian position in the Department of Defense at any time before the expiration of 180 days following the date the

member is released from active duty with entitlement to VSI. This includes appointment to a position while on terminal leave if that appointment is not terminated prior to the date of the member's separation. Upon receipt of notification of such employment, institute collection action to recoup the gross amount of the first VSI installment. Do not pay any further VSI installments, even if the former member separates from such civilian employment during the period the member would otherwise be entitled to VSI installments.

★ 350804. Death. *Upon death of the member, VSI annual payments continue for the remaining period of the entitlement. Make payment to the beneficiary as designated by the member or as otherwise provided by law (see section 3602). See Volume 7C, paragraph 010403 of this Regulation for beneficiary payment procedures. (IC 7-99)*

350805. Transfer or Assignment. The member may not transfer or assign the right to VSI payments to any person or entity, except as indicated in paragraph 350804, above.



| <b>PAYMENT OF ACCRUED LEAVE--OFFICERS AND ENLISTED MEMBERS--SEPARATION WITHOUT IMMEDIATE REENTRY ON ACTIVE DUTY</b> |   |  |   |
|---|---|--|---|
| <b>R<br/>U<br/>L<br/>E</b>  | <b>A</b>  | <b>B</b>   | <b>C</b>  |
|   | <b>If a member has been on active duty for 30 or more consecutive days and</b>                                  | <b>and</b>   | <b>then accrued leave is</b>  |
| <b>1</b>  | is discharged (including as a result of resignation)  | separation is under honorable conditions (note 1)  | payable (notes 2 and 8).  |
| <b>2</b>  | is released from active duty (note 3)   |  | payable (notes 2, 4 and 8).   |
| <b>3</b>  | Retires   |  | payable (notes 2, 5 and 8).   |
| <b>4</b>  | is transferred to Fleet Reserve or Fleet Marine Corps Reserve   |  | not payable (note 6).   |
| <b>5</b>  | is discharged for fraudulent enlistment   |  |   |
| <b>6</b>  | is released from duty because of void enlistment or void induction  |  |   |
| <b>7</b>  | is discharged from service as a cadet or midshipman at a Military Service academy, or as a midshipman elsewhere |  |   |
| <b>8</b>  | dies on or after August 28, 1965, while on active duty  | member is not put to death as lawful punishment for a crime or a military offense                            | payable to beneficiary with other unpaid pay and allowances as prescribed in section 3602 of this volume (notes 7 and 8). |
| <b>9</b>  | is discharged before completing 6 months of active duty   | separation is for unsatisfactory performance or misconduct for any reason set forth in subparagraph 350101.C | not payable.  |

## NOTES:

1. If member is discharged or relieved from active duty because of expiration of term of service (ETS), and is under investigation as an alleged security risk, do not pay accrued leave until investigation is completed and the character of the discharge determined. If discharge is under honorable conditions, accrued leave may then be paid.
2. The period when a member is home awaiting further orders in connection with physical evaluation board proceedings is charged as leave, to the extent that leave is available, beginning with the day after member arrives home or the day after constructive travel time ends, whichever is earlier. Limit payment to accrued leave remaining at time of retirement or discharge. (See note 4 for exception.) Authorized absence under these circumstances in excess of accrued leave is not chargeable as leave.
3. A period of active duty as a Reserve or National Guard member meets the 30-day requirement if it covers 30 or more consecutive days, even though it may be directed by more than one order covering unrelated duties.
4. If a Reserve member is entitled to pay and allowances during a disability period after a specified tour of active duty has expired, the period after that expiration date is not included in the period for which accrued leave is paid.
5. Member may not take accrued leave in lieu of payment beyond the effective date of retirement.
6. This rule does not apply when an individual inducted or enlisted into the Military Service is discovered by Military Service medical authorities to have been medically unfit for induction at the time of entrance into the Military Service and such individual is released from military control for such reason.
7. Accrued leave is payable retroactive to February 28, 1961, for a member in a missing status whose death is prescribed under section 3406. Payment is made according to section 3410.
8. On and after February 10, 1976, a member may be paid for a maximum of 60 days accrued leave during a military career. See subparagraph 350101.B for contingency operation exception and subparagraph 350101.F for exception where a member dies while on active duty.

**Table 35-1. Payment of Accrued Leave--Officers and Enlisted Members—Separation Without Immediate Reentry on Active Duty**

| PAYMENT OF ACCRUED LEAVE--OFFICERS--SEPARATION WITH IMMEDIATE REENTRY ON ACTIVE DUTY |  |   |   |  |
|--|--|---|---|--|
| R<br>U<br>L<br>E   | A  | B   | C   | D  |
|  | If   | has been on active duty for 30 or more consecutive days and is  | and   | then accrued leave is  |
| 1  | an officer of any Military Service   | retired   | immediately reenters on active duty   | not payable.   |
| 2  |  | separated, on a day other than the end of the specified period of active duty, for the purpose of reentering on active duty in any status within any Uniformed Service (note 4)                                 |   |  |
| 3  |  | transferred to a different Uniformed Service by separation and immediate reappointment  | immediately enters on active duty with the other Military Service   |  |
| 4  |  | separated for having failed selection to a higher grade   | immediately reenters on active duty in an enlisted status   |  |
| 5  | a Reserve officer of any Military Service  | released from active duty under honorable conditions under 10 U.S.C. 681 or similar laws authorizing release of Reserve officers at convenience of government, not for the purpose of reentering active service | immediately reenters on active duty (including active duty in enlisted or warrant officer status) for the purpose of retirement | payable (note 3).  |
| 6  |  | released from active duty under honorable conditions at end of a specified period of time member agreed to serve or was obligated to serve (notes 2 and 4)  | immediately reenters on active duty (note 4)  |  |
| 7  | a commissioned officer of any Military Service, who simultaneously holds a warrant officer appointment | released from active duty as a commissioned officer   | reverts to warrant officer status and continues on active duty  | not payable.   |
| 8  | a temporary officer of the Navy or Marine Corps whose enlistment has expired                           | reverted to enlisted status and simultaneously discharged   | immediately reenlists   | payable at rate of pay of rank held at time of reversion (note 3). |

## NOTES:

1. Officers, who after notification of an impending discharge, resign for the purpose of continuing a military career are not entitled to payment of accrued leave.
2. A Reserve officer who remains on active duty beyond expiration date of initial obligation while awaiting Regular officer appointment is not entitled to payment of unused accrued leave as the separation to accept the appointment is not considered to be at the end of a specified period. The officer must be separated on the expiration date of the initial obligation for entitlement to exist.
3. On or after February 10, 1976, a member may be paid for a maximum for 60 days of accrued leave during a military career. See subparagraph 350101.B for exception.
4. A National Guard member serving on active duty under Title 10 or Title 32, U.S. Code, who is ordered to active duty under the other title (Title 32 or Title 10) is considered to have met the obligated service period for which the member agreed to serve (for the purposes of accrued, unused leave payment only), regardless of the unexpired time remaining on that Title 10 or Title 32 obligation. The member is not considered separated for the specific purpose of reenlisting or reentering active duty. Accrued, unused leave is payable.

**Table 35-2. Payment of Accrued Leave--Officers-Separation With Immediate Reentry on Active Duty**

| PAYMENT OF ACCRUED LEAVE--ENLISTED MEMBERS--SEPARATION WITH IMMEDIATE REENTRY ON ACTIVE DUTY |   |   |  |  |
|--|---|---|--|--|
| R<br>U<br>L<br>E   | A   | B   | C  | D  |
|  | If an enlisted member   | has been on active duty for 30 or more consecutive days and   | and  | then accrued leave is (note 1)   |
| ★1   | <i>of any Military Service</i>  | <i>on or after October 5, 1999, is discharged for the specific purpose of enlisting or reenlisting (note 7) (IC 15-00)</i>  | <i>immediately reenlists or immediately reenters on active duty</i>  | <i>payable</i>   |
| ★2   |   | <i>prior to October 5, 1999, is separated under honorable conditions upon expiration of enlistment or is released from active duty under honorable conditions at the end of a specified period of time member agreed to serve or was obligated to serve (notes 2, 4 through 6) (IC 15-00)</i> |  |  |
| ★3   |   | <i>prior to October 5, 1999, is separated before expiration of normal term of service or obligated period of duty for the specific purpose of enlisting or reenlisting (notes 3 and 6) (IC 15-00)</i>   |  | <i>not payable.</i>  |
| ★4   |   | <i>is discharged for the purpose of accepting a commission or appointment as a warrant officer in any Uniformed Service (IC 15-00)</i>  |  |  |
| ★5   |   | <i>enlistment is extended</i>   |  |  |
| ★6   |   | <i>extension of enlistment is canceled before or during service under the extension</i>   |  |  |
| ★7   |   | <i>is retired</i>   | <i>continues on or is recalled to active duty</i>                    | <i>not payable.</i>  |
| ★8   |   | <i>accepts an appointment as a cadet or midshipman without being discharged from enlisted status</i>  | <i>enters on duty as a cadet or midshipman</i>                       | <i>payable as though member were discharged on day before date appointment was accepted.</i> |
| ★9   | <i>inducted under the Universal Military Training and Service Act, or enlisted in the Regular Army under that Act</i> | <i>is separated under honorable conditions at the end of the period member is required to serve</i>   | <i>immediately enlists or reenlists</i>                              | <i>payable.</i>  |
| ★10  | <i>of the Army or Air Force who has more than 20 but less than 30 years' service</i>                                  | <i>is retired and transferred to the Reserve Component of member's Military Service</i>   | <i>is immediately ordered into active service</i>                    | <i>not payable.</i>  |
| ★11  | <i>of the Navy or Marine Corps</i>  | <i>is transferred to the Fleet Reserve or Fleet Marine Corps Reserve</i>  | <i>continues on active service without a break in active service</i> |  |

Table 35-3. Payment of Accrued Leave--Enlisted Members--Separation With Immediate Reentry on Active Duty (IC 15-00)

## NOTES:

1. On or after February 10, 1976, a member may be paid for a maximum of 60 days of accrued leave during a military career. See subparagraph 350101.B.1 for exception.
2. A member is considered as discharged upon expiration of enlistment if discharged not more than 3 months before the normal expiration date of the enlistment (effective January 2, 1968). The date of normal expiration of enlistment is excluded in computing the 3-month period.
3. A member is not considered as having been discharged for the purpose of enlisting or reenlisting if discharge occurs not more than 3 months before the normal expiration of the extension period (effective January 2, 1968). The date of normal expiration of the extension period is excluded in computing the 3-month period.
4. An extension of the active duty obligation does not create an entitlement under this rule.
- ★5. *For these purposes, the term "discharge" means separation or release from active duty under honorable conditions, or termination of an enlistment in conjunction with the commencement of a successive enlistment (without regard to the date of the expiration of the term of the enlistment being terminated). (IC 15-00)*

***Table 35-3. Payment of Accrued Leave--Enlisted Members--Separation With Immediate Reentry on Active Duty (Continued)***  
***(IC 15-00 and 23-00)***

| PAYMENT OF ACCRUED LEAVE--ENLISTED MEMBERS—EXTENSION OF ENLISTMENT: DISCHARGE AND REENLISTMENT BEFORE EXTENSION IS COMPLETED |  |  |  |  |
|--|--|--|--|--|
| <b>R<br/>U<br/>L<br/>E</b>   | <b>A</b>   | <b>B</b>   | <b>C</b>                                     | <b>D</b>   |
|  | <b>If an enlisted member of</b>  | <b>has been on active duty for 30 or more consecutive days and</b>   | <b>and member</b>                            | <b>then accrued leave is (note 1)</b>  |
| <b>1</b>   | any Military Service   | enlistment is involuntarily extended   | continues on active duty in extension period | not payable until discharge.   |
| <b>2</b>   |  | voluntarily first extends enlistment, regardless of duration of extension  |  | payable on day before effective date of extension (leave accrued during extension is paid on discharge after extension is completed) (note 2). |
| <b>3</b>   | any Military Service, whose enlistment has been involuntarily extended | is separated under honorable conditions upon expiration of the involuntary extension of enlistment   | immediately reenlists                        | payable.   |
| <b>4</b>   |  | is separated under honorable conditions, before extension period expires, for purpose of reenlisting   |  |  |
| <b>★5<br/>(IC 15-00)</b>   | any Military Service, who has voluntarily extended enlistment          | <i>prior to October 5, 1999</i> , extension is canceled before service under it begins and member is discharged under honorable conditions at normal expiration of enlistment (note 3) |  | not payable.   |
| <b>★6<br/>(IC 15-00)</b>   |  | <i>prior to October 5, 1999</i> , extension is canceled after service under it begins and member is discharged under honorable conditions, for purpose of reenlisting (note 4)         |  |  |
| <b>★7<br/>(IC 15-00)</b>   |  | <i>on or after October 5, 1999</i> , extension is canceled after service under it begins and member is discharged under honorable conditions, for purpose of reenlisting               |  | <i>payable.</i>  |

## NOTES:

1. On and after February 10, 1976, a member may be paid for a maximum of 60 days of accrued leave during a military career. See subparagraph 350101.B.1 for exception.
2. No payment can be made on second or subsequent extensions.

**Table 35-4. Payment of Accrued Leave--Enlisted Members--Extension of Enlistment: Discharge and Reenlistment Before Extension is Completed (IC 15-00)**

| <b>COMPUTATION OF ACCRUED LEAVE PAYMENT (Note 6)</b> |  |                            |   |   |  |   |
|--|--|----------------------------|---|---|--|---|
| <b>R<br/>U<br/>L<br/>E</b>                           | <b>A</b>   | <b>B</b>                   | <b>C</b>  |   |  |   |
|  | <i>If member is entitled to accrued leave payment under Table 35-1, 35-2, 35-3, or 35-4, and is an</i> | <i>and member has</i>      | <i>the complete payment for the number of days accrued leave, but not more than 60 in a military career, to include: (note 1)</i> |   |  |   |
|  |  |                            | <i>Basic Pay (note 2)</i>   | <i>BAS (note 6)</i>   | <i>BAH (note 6)</i>  | <i>Personal Money Allowances (note 6)</i>   |
| <b>1</b>   | <i>enlisted member in pay grades E-5 to E-9</i>  | <i>dependents (note 3)</i> | <i>at rate applicable on date of separation (note 4)</i>  | <i>70 cents per pay</i>   | <i>\$1.25 per day</i>  | <i>none.</i>  |
| <b>2</b>   |  | <i>no dependents</i>       |   |   | <i>none</i>  |   |
| <b>3</b>   | <i>enlisted member in pay grades E-1 to E-4</i>  |                            |   |   |  |   |
| <b>4</b>   | <i>officer</i>   | <i>dependents (note 3)</i> | <i>at rate applicable on date of separation (prorate for number of days of accrued leave)</i>                                     | <i>at rate contained in Table 26-9 for member with dependents on date of separation (notes 4 and 5)</i> | <i>at rate contained in Table 26-9 for member with dependents on date of separation (notes 4 and 5)</i>    | <i>if officer was receiving this allowance on date of separation (limited to allowances listed in chapter 31). Compute at rate payable on that date (note 4).</i> |
| <b>5</b>   |  | <i>no dependents</i>       |   |   | <i>at rate contained in Table 26-9 for member without dependents on date of separation (notes 4 and 5)</i> |   |

**NOTES:**

1. When the final leave balance includes a one-half day total, compute the amount to be paid by crediting the member with one-half of a day entitlement. Round the total to the nearest penny.
2. Do not include in basic pay the 25 percent increase authorized certain Navy and Marine Corps members retained beyond normal ETS.
3. A dependent on active duty is not considered a dependent in determining right to BAH.
4. Date of separation is date of discharge, release from active duty, transfer to Reserve, or death; day before effective date of retirement; day before date of appointment as cadet or midshipman; or day before effective date of extension of enlistment.
5. Pay BAH even though the member is not receiving BAH on date of separation because public quarters are occupied or available.
6. Cash settlement of leave accrued as of August 31, 1976, will be on the basis of basic pay, BAS, BAH, and PMA as appropriate. Cash settlement of leave accrued on and after September 1, 1976, will be on the basis of basic pay only for all grades, officer and enlisted. See subparagraph 350102.A for example.

**Table 35-5. Computation of Accrued Leave Payment (IC 31-98)**

| SEPARATION PAY ENTITLEMENT AND COMPUTATION (Note 8) |   |  |  |                   |
|---|---|--|--|-------------------|
| R<br>U<br>L<br>E                                    | A   | B  | C  | D                 |
|   | If a member is  | and is involuntarily discharged or released from active duty because of (note 1)   | then compute separation pay at   | but not more than |
| 1   | an officer ( notes 2 and 3)                                       | failure to be selected for promotion (note 4)  | 10 percent of 12 months of basic pay multiplied by years and fractions of a year based on additional full months of active service             | \$30,000.         |
| 2   | a warrant officer separated during the 3-year probationary period | failure to be selected for promotion   |  |                   |
| 3   | a warrant officer   | second failure to be selected for promotion and does not enlist or the request to enlist is denied and is not retained on active duty in grade above W-4   |  |                   |
| 4   | a Reserve member  | non-selection for an additional tour of active duty for which member volunteered unconditionally   |  |                   |
| 5   | a chaplain  | failure to maintain professional qualifications  |  |                   |
| 6   | a Reserve member  | separation at any time prior to the completion of a specified period of active duty or indefinite period of active duty except separations for reasons shown in rules 8 and 9 and subparagraphs 350203.A.10 through 13   |  |                   |
| 7   | a warrant officer or Reserve officer                              | age (notes 6 and 7)  | one half of 10 percent of 12 months of basic pay multiplied by years and fractions of a year based on additional full months of active service | \$15,000.         |
| 8   | an officer or Reserve enlisted member (note 5)                    | substandard performance of duty, moral or professional dereliction, unfitness or unsatisfactory performance, misconduct, unsuitability, homosexuality, drug abuse, to include drug rehabilitation failure, inability to perform prescribed duties, repetitive absenteeism, nonavailability for worldwide assignment as a result of parenthood, or retention is not consistent with the interest of national security |  |                   |
| 9   | an officer  | written notification that member must show cause for retention and who subsequently requests discharge or release from active duty   |  |                   |

## NOTES:

1. Includes member's acceptance of an earlier release before the scheduled involuntary separation date, as directed by the Secretary of the Military Service concerned.
2. Includes a Regular commissioned officer with less than 5 years of commissioned service.
3. Includes a Regular officer continued on active duty pursuant to 10 U.S.C. 637(a) or a Reserve officer continued on active duty after failure to be selected for promotion, upon expiration of the period of continuation on active duty or upon separation if continuation is declined.
4. Includes officer not found qualified for promotion to grade of First Lieutenant or Lieutenant (JG).
5. A warrant officer who is eliminated for unfitness or unsatisfactory performance of duty and elects to enlist is not entitled to separation pay.
6. Includes members separated after expiration of Secretarial retention period.
7. If the member is eligible for voluntary retirement, the member is not entitled to separation pay even though the member does not apply for retirement concurrently with release from active duty.
8. Entitlement provisions apply through June 19, 1991. The limitations in column D were removed effective November 5, 1990. See subparagraph 350201.C for additional eligibility requirements for the period of November 5, 1990 through June 19, 1991.

Table 35-6. Separation Pay Entitlement and Computation

| ENTITLEMENT TO READJUSTMENT PAY (Note 1) |   |   |   |   |
|--|---|---|---|---|
| R<br>U<br>L<br>E                         | A   | B   | C   | D   |
|  | If a Reserve member or a member of the without component (temporary) who has completed immediately before separation at least 5 years of continuous active duty, is (notes 2 and 8) | and   | and   | then readjustment pay is (note 9)   |
| 1  | involuntarily released from active duty for reason other than moral or professional dereliction (see Table 35-8 rulings on whether separation is “involuntary release”)             | is immediately eligible for separation pay based on military service under some other law except 10 U.S.C. 680 (note 3)   | elects to receive readjustment pay (note 4) | payable.  |
| 2  |   |   | elects to receive other separation pay      | not payable.  |
| 3  |   | is immediately eligible for retired or retainer pay based solely on military service (including retired pay under title 10 U.S.C., chapter 67 for non-regular service) (note 6) |   | payable but VA will deduct from future VA compensation (subparagraphs 350205.B and 350302.D). |
| 4  |   | is eligible for VA disability compensation  |   |   |
| 5  | released from active duty because of moral or professional dereliction (note 5)   |   |   | not payable.  |
| 6  | released from active duty at own request (note 7)   |   |   |   |
| 7  | released from active duty upon completion of a specific tour of active duty   | volunteers for an additional tour of active duty in keeping with current directives   | is not accepted for the additional tour     | Payable.  |
| 8  | released from active duty upon completion of a specific tour of active duty   | volunteers for a shorter period of active duty than permitted in current directives   | is not accepted for the additional tour     | not payable.  |
| 9  |   | volunteers for a period of active duty contingent on assignment to certain type of duty or location, or being tendered specific type of contract                                |   |   |

## NOTES:

- Members entitled to readjustment pay under section 3503 and separation pay under section 3502 may not receive both, but shall elect which one they will receive.
- A period of active duty is continuous if it is not interrupted by a break in service of more than 30 days. Paragraph 350205 specifies how to compute the 5-year active duty period.
- “Separation pay” means an amount paid in connection with separation from the Military Service when the person’s military status is terminated. This includes payments under sections 3502, 3503, 3504, and 3506.
- A member may elect to receive either readjustment pay or other separation pay (as defined in note 3), but not both. A member who elects to receive readjustment pay may not later change the election to receive other separation pay.
- A member dismissed or discharged as a result of trial by court-martial, dropped from the rolls of the Military Service concerned, or administratively discharged under other than honorable conditions is presumed to be separated because of moral or professional dereliction. An honorable discharge or a discharge under honorable conditions is presumed to be not due to moral or professional dereliction unless the Secretary of the Military Service concerned determines it to be such. Do not pay readjustment pay until character of discharge is determined.
- If eligible for voluntary retirement under 10 U.S.C. 8911 or 3911, a member is not entitled to readjustment pay even though such an election is made not to retire concurrently with involuntary release from active duty.
- Disapproval of a Reserve officer’s request to withdraw an application for separation will not change the release from “voluntary” for consideration of entitlement to readjustment pay.
- Readjustment pay is not payable upon release from active duty for training or full-time training duty.
- With respect to members discharged or released on or after October 19, 1984, the member is not entitled to readjustment pay if the Secretary of the Military Department concerned determines that the conditions under which the member is discharged or separated do not warrant such pay.

Table 35-7. Entitlement To Readjustment Pay (Continued)



| <b>RULES FOR DETERMINING WHETHER SEPARATION IS INVOLUNTARY RELEASE FROM ACTIVE DUTY (Note 1)</b> |  |  |  |   |
|--|--|--|--|---|
| <b>R<br/>U<br/>L<br/>E</b>   | <b>A</b>   | <b>B</b>   | <b>C</b>   | <b>D</b>  |
|  | <b>If a Reserve member is</b>  | <b>and</b>   | <b>then separation is</b>  | <b>and</b>  |
| <b>1</b>   | involuntarily released from active duty as a Reserve officer   | immediately enlists in the Regular Component of any Military Service, or enters on active duty as a regular or Reserve officer in the same or a different Military Service | an actual involuntary release from active duty, regardless of reentry on active duty | entitlement to readjustment pay is determined under Table 35-7. |
| <b>2</b>   | a commissioned officer serving in dual status and is released from active duty as a Reserve commissioned officer     | reverts to a Regular warrant officer status  | not an actual release from active duty   | readjustment pay is not authorized.                             |
| <b>3</b>   | serving under a temporary appointment as a Reserve commissioned or warrant officer and the appointment is terminated | reverts to a permanent Reserve enlisted or warrant officer status without a break in service   |  |   |
| <b>4</b>   | granted release from active duty at member's request, before completion of tour of duty                              | requests release after offer to serve another tour of active duty was denied   | at member's own request  |   |
| <b>5</b>   | released from active duty upon reaching the mandatory age limit of 60  | does not offer to serve another tour of active duty  | an involuntary release from active duty  | entitlement to readjustment pay is determined under Table 35-7. |
| <b>6</b>   |  | offer to serve another tour of active duty is denied   |  |   |
| <b>7</b>   | a female officer and is involuntarily released from active duty for reasons of pregnancy or minor children           | separation is under approved recommendation of board of officers (note 2)  |  |   |

## NOTES:

1. This table reflects the Comptroller General's decision regarding what constitutes "involuntary release from active duty." Do not consider the table all-inclusive.
2. A female officer may waive a hearing before the board without affecting her right to readjustment pay-the separation is still considered involuntary.

**Table 35-8. Rules for Determining Whether Separation is Involuntary Release From Active Duty**

| COMPUTATION OF READJUSTMENT PAY |  |  |   |  |   |   |
|---------------------------------|--|--|---|--|---|---|
| R<br>U<br>L<br>E                | A  | B  | C   | D  | E   |   |
|                                 | If readjustment pay is authorized under Table 35-7 and separation is | compute readjustment pay on basis of   | multiplied by years of active service   | but do not pay more than                         | and reduce by                                       |   |
|                                 | 1  | for any reason other than stated in rules 2 and 3 below  | 2 months of basic pay of grade in which member is serving when separated      | but not over 12 computed under paragraph 350203  | 2 years of basic pay or \$15,000, whichever is less | prior readjustment payments, unless they are refunded (note 1). |
|                                 | 2  | because performance of duty falls below standards prescribed by the Secretary of the Military Service concerned (note 2) | One-half month's basic pay of grade in which member is serving when separated | but not over 18, computed under paragraph 350203 | 9 month's basic pay or \$15,000, whichever is less  |   |
|                                 | 3  | because retention is not clearly consistent with interests of national security (note 2)                                 |   |  |   |   |

## NOTES:

1. When prior readjustment payment is refunded, consider the period covered by the previous payment as a period for which no payment has been made.
2. See administrative regulations of the Military Service concerned to determine whether separation is in this category.

**Table 35-9. Computation of Readjustment Pay**

| <b>SEVERANCE PAY ENTITLEMENT (OTHER THAN DISABILITY) AND ITS COMPUTATION (Note 1)</b> |   |  |   |   |  |
|---|---|--|---|---|--|
| <b>R<br/>U<br/>L<br/>E</b>  | <b>A</b>  | <b>B</b>   | <b>C</b>  | <b>D</b>  | <b>E</b>   |
|   | <b>If a member is</b>   | <b>and is discharged because</b>   | <b>then compute severance pay at (note 6)</b>               | <b>multiply by (note 2)</b>   | <b>but do not pay more than</b>                      |
| <b>1</b>  | a Regular commissioned officer of any Military Service                    | of failure of selection for promotion to grade O-3 or above  | 2 months of basic pay of grade held at time of discharge    | years of service, but not more than 12 (note 3)   | 2 years of basic pay or \$15,000 whichever is less.  |
| <b>2</b>  | a woman officer of the Regular Navy or Regular Marine Corps in grade O-2  | she is not on a promotion list and has completed 7 years of active commissioned service in the Navy or Marine Corps (note 5)                   |   | years of active commissioned service in the Navy or Marine Corps (note 3)               |  |
| <b>3</b>  | a woman officer of the Regular Navy or Regular Marine Corps in grade O-3  | she is not on a promotion list and has completed 13 years of active commissioned service in the Navy or Marine Corps                           |   | 12 (note 3)   | 2 years of basic pay or \$15,000, whichever is less. |
| <b>4</b>  | an ensign in the Navy or a second lieutenant in the Marine Corps          | found not professionally qualified upon reexamination for promotion  |   | years of active commissioned service in the Naval service, but not more than 6 (note 4) | 1 year of basic pay.                                 |
| <b>5</b>  | a Regular commissioned officer of the Army or Air Force                   | of substandard performance of duty   | 1 month of basic pay of the grade held at time of discharge | years of active commissioned service but not more than 12 (note 3)                      |  |
| <b>6</b>  | an officer of the Navy or Marine Corps with less than 20 years of service | of unsatisfactory performance of duty, as determined by selection board  | 2 months of basic pay of grade held at time of discharge    | years of service, but not more than 12 (note 3)   | 2 years of basic pay or \$15,000, whichever is less. |
| <b>7</b>  |   | of unsatisfactory performance of duty, as determined by board in connection with temporary promotion in time of war or national emergency      |   | years of service, but not more than 6 (note 3)  | 1 year of basic pay.                                 |
| <b>8</b>  | a Regular commissioned officer of the Army or Air Force                   | of moral or professional dereliction or in the interests of national security  | 1 month of basic pay of the grade held at time of discharge | years of active commissioned service, but not more than 12 (note 3)                     | 1 year of basic pay.                                 |
| <b>9</b>  | an officer of the Navy or Marine Corps                                    | found not qualified, from cause arising from own misconduct, upon reexamination for promotion  |   | number of months stated in separation orders  |  |
| <b>10</b>   | a Regular warrant officer of any Military Service                         | of failure of selection for promotion, and member does not enlist or is not retained on active duty in the commissioned grade in which serving | 2 months of basic pay of grade held at time of discharge    | years of active service, but not more than 12 (note 3)                                  | 2 years of basic pay or \$15,000 whichever is less.  |

Table 35-10. Severance Pay Entitlement (Other Than Disability) and Its Computation

| <b>R<br/>U<br/>L<br/>E</b> | <b>A</b>   | <b>B</b>   | <b>C</b>  | <b>D</b>   | <b>E</b>                        |
|----------------------------|--|--|---|--|---------------------------------|
|                            | <b>If a member is</b>  | <b>and is discharged because</b>   | <b>then compute severance pay at (note 6)</b>               | <b>multiply by (note 2)</b>                            | <b>but do not pay more than</b> |
| <b>11</b>                  | a Regular warrant officer of any Military Service, who has more than 3 years of active service since original permanent appointment as a Regular warrant officer | of unfitness or unsatisfactory performance of duty, and member does not enlist | 1 month of basic pay in the grade held at time of discharge | years of active service, but not more than 12 (note 3) | 1 year of basic pay.            |

## NOTES:

1. Members entitled to severance pay under sections 3503 and 3504 and separation pay under section 3502 may not receive both, but shall elect which they will receive.
2. Military Service administrative regulations govern computations of years of service for purposes of severance pay.
3. Count a fraction of a year that is 6 months or more as a full year. Disregard a fraction of a year that is less than 6 months. For Navy or Marine Corps officers, only years of commissioned service apply.
4. Count whole years only. Disregard any fraction of a year.
5. An officer retains entitlement to severance pay if discharged at member's request at any time during the fiscal year in which member fails to appear on a promotion list and will have completed 7 years of active commissioned service.
4. With respect to members discharged or released on or after October 19, 1984, the member is not entitled to severance pay if the Secretary concerned determines that the conditions under which the member is discharged or separated do not warrant such pay.

**Table 35-10. Severance Pay Entitlement (Other Than Disability) and Its Computation (Continued)**

| ENTITLEMENT TO DISCHARGE GRATUITY |  |  |  |  |                                  |  |
|-----------------------------------|--|--|--|--|----------------------------------|--|
| RULE                              | A  | B  | C  | D  | E                                | F  |
|                                   | If   | is   | and  | and  | and                              | then   |
| ★1                                | an enlisted member of any Military Service | <i>a prisoner released from confinement in a military or contract prison to parole, appellate review leave, or expiration of sentence (IC 22-99)</i> |  |  | has less than \$25 in possession | pay the member the difference between funds in possession and \$25 (note). |
| 2                                 |  | discharged for fraudulent enlistment   | discharge is not for returning member to another branch of the Armed Forces on account of absence without authority from that branch | the member is present to receive the discharge |                                  |  |
| 3                                 |  | discharged under other than honorable conditions   |  |  |                                  |  |
| 4                                 |  | discharged from active duty because of void enlistment   | enlistment is void because contracted when member was under age  |  |                                  |  |
| 5                                 | an enlisted member of any Military Service | discharged from active duty because of void enlistment   | enlistment is void because contracted when member was mentally incompetent   |  |                                  |  |
| 6                                 |  | discharged for minority with pay and allowances payable through date of discharge  |  |  |                                  |  |

NOTE: Funds in the member's possession include personal funds and any item paid at the time of discharge or release, excluding mileage and cash advanced incident to furnishing transportation in kind.

★Table 35-11. *Entitlement To Discharge Gratuity (IC 22-99)*

## Chapter 35—Separation Payments

## 3501—Accrued Leave Pay

|            |   |
|------------|---|
| 350101     | 37 U.S.C. 501<br>Public Law 94-419,<br>Sep 22, 1976<br>Public Law 94-361,<br>July 14, 1976  |
| 350101.A   | 37 U.S.C. 501<br>Public Law 94-419,<br>Sep 22, 1976<br>Public Law 94-361,<br>July 14, 1976  |
| 350101.B.1 | Public Law 101-510,<br>Section 1115, Nov 5, 1990<br>OASD(FM&P) Memo,<br>Feb 15, 1991<br>Public Law 102-25,<br>Section 314, Apr 6, 1991<br>Public Law 102-190,<br>Section 637, Dec 5, 1991 |
| 350101.C   | Public Law 98-525,<br>Oct 19, 1983<br>Public Law 97-81,<br>Nov 20, 1981   |
| 350101.D   | Public Law 98-525,<br>Oct 19, 1983<br>OASD Memo, Feb 8, 1985<br>OASD(C-DFAS) Item A-16,<br>Apr 8, 1991  |
| 350101.E   | 37 U.S.C. 501(e)(1)   |
| 350101.F   | 37 U.S.C. 501(e)(1)<br>Public Law 104-106,<br>Section 641, Feb 10, 1996   |
| 350102     | Public Law 94-361,<br>July 14, 1976<br>OASD(C-DFAS) Item A-16,<br>Apr 8, 1991   |
| 350102.A   | OASD(MPP) Memo,<br>Jan 8, 1998  |
| 350103     | 26 U.S.C. 112<br>IRS Rev. Rule 73-343<br>as amplified by IRS Rev.<br>Rule 73-187  |

|  |  |
|--|--|
|  | Public Law 104-117,<br>Mar 20, 1996              |
|  | 26 CFR 1.112-1 (b) (2)                           |
| 350104   | 5 U.S.C. 5514                                    |
|  | 34 Comp Gen 504                                  |
| 350105   | 37 U.S.C. 501(d)                                 |
|  | Public Law 102-25,<br>Section 309, Apr 6, 1991   |
| 350105.B   | Public Law 101-510,<br>Section 1115, Nov 5, 1990 |
|  | OASD(FM&P) Memo,<br>Feb 15, 1991                 |
|  | Public Law 102-25,<br>Section 314, Apr 6, 1991   |
| 3502—Separation Pay (Nondisability)  |  |
| 350201-350203  | DoD Instruction 1332.29,<br>June 20, 1991        |
| 350201.A/C and D   | Public Law 103-160,<br>Section 501, Nov 30, 1993 |
|  | 10 U.S.C. 1174 (a) (1)                           |
| 350201.B.3a(8)   | OASD(FM&P) Memo,<br>Mar 10, 1992                 |
|  | 39 Comp Gen 223, 226                             |
| 350204 and 350205  | DoD Instruction 1332.29,<br>June 20, 1991        |
| 350205.B   | Public Law 104-201,<br>Section 653, Sep 23, 1996 |
| 3503—Savings Provisions for Readjustment and Severance Pay (Other Than Disability) |  |
| 350301   | Public Law 96-513,<br>Dec 12, 1980               |
| 350301.B   | Public Law 96-513,<br>Dec 12, 1980               |
|  | Public Law 98-525,<br>Oct 19, 1984               |
| 350304.A   | 36 Comp Gen 390                                  |
| 350304.B   | 39 Comp Gen 223                                  |
| 350304.C   | 43 Comp Gen 240                                  |
| 350304.D   | 36 Comp Gen 129                                  |
| 350304.E   | 37 Comp Gen 357                                  |
| 3504—Disability Severance Pay  |  |

|            |                      |
|------------|----------------------|
| 350401     | 10 U.S.C. 1203, 1206 |
| 350402     | 34 Comp Gen 65       |
| 350403.A   | 10 U.S.C. 1212       |
| 350403.B   | 10 U.S.C. 1208, 1212 |
|            | 39 Comp Gen 291      |
| 350403.C   | 10 U.S.C. 1212       |
| 350403.C.2 | 38 Comp Gen 268      |
| 350403.C.3 | 46 Comp Gen 17       |
| 350404     | 26 U.S.C. 104        |
|            | St. Clair v. U.S.    |
|            | 778 F. Supp 894      |
| 350406     | 10 U.S.C. 1212(c)    |
| 350407     | 10 U.S.C. 1213       |

## 3505—Contract Cancellation Pay and Allowances (Navy and Marine Corps Only)

|        |                 |
|--------|-----------------|
| 350501 | 10 U.S.C. 12312 |
|--------|-----------------|

## 3507—Special Separation Benefit

|          |   |
|----------|---|
| 350701.A | 10 U.S.C. 1174a(c)(2), as<br>amended by Public Law<br>102-484, Section 4422(a),<br>Oct 23, 1992<br>Public Law 103-160,<br>Section 502, Nov 30, 1993 |
| 350701.B | 10 U.S.C. 1174(e)<br>10 U.S.C. 1174a(g)   |
| 350701.C | 10 U.S.C. 1174a(c)(3) and<br>(4), as amended by Public<br>Law 102-484,<br>Section 4422(a),<br>Oct 23, 1992  |
| 350701.D | 10 U.S.C. 1174(e)(2)(D)<br>10 U.S.C. 1174a(g)   |
| 350701.E | 10 U.S.C. 1174a(e)(5)<br>attach to OASD(FM&P)<br>Memo, Jan 2, 1992,<br>para C1d   |
| 350701.F | 10 U.S.C. 1174a(e)  |
| 350701.G | 10 U.S.C. 1174(e)(1)(A)<br>10 U.S.C. 1174a(g)   |
| 350701.H | 10 U.S.C. 1174(e)(2)(c)<br>10 U.S.C. 1174a(g)   |



|                                     |  |
|-------------------------------------|--|
| 350702                              | 10 U.S.C. 1174a(b)(2)(A)<br>Public Law 103-139,<br>Section 8127,<br>Nov 11, 1993   |
| 350702.A                            | 10 U.S.C. 1174a(g)<br>10 U.S.C. 1174(f)<br>Atch to OASD(FM&P)<br>Memo, Jan 3, 1992,<br>para C4b(1)   |
| 350702.B                            | DoDPM Para 70104a  |
| 350702.C                            | DoDPM para 70702b  |
| 350702.D                            | DoDPM para 70202   |
| 350703.A                            | 10 U.S.C. 1174(h)(1)<br>10 U.S.C. 1174a(g)   |
| 350703.B                            | 10 U.S.C. 1174(h)(2)<br>10 U.S.C. 1174a(g)<br>Public Law 104-201,<br>Section 653, Sep 23, 1996   |
| 350703.C                            | Atch to OASD(FM&P)<br>Memo, Jan 3, 1992,<br>para C5c   |
| 350703.E                            | Public Law 103-335,<br>Section 8106a,<br>Sep 30, 1994, amended by<br>Public Law 104-6,<br>Section 105, Apr 10, 1995<br>ASD(FMP) Memo,<br>Feb 6, 1995   |
| 3508—Voluntary Separation Incentive |  |
| 350801.A                            | 10 U.S.C. 1175(b)(1), as<br>amended by Public Law<br>102-484, Section 4422(b),<br>Oct 23, 1992<br>Atch to OASD(FM&P)<br>Memo, Jan 3, 1992,<br>Para C1a |
| 350801.A.2                          | Public Law 103-160,<br>Section 502, Nov 30, 1993   |
| 350801.B                            | Atch to OASD(FM&P)<br>Memo, Jan 3, 1992,<br>Para C1a   |
| 350801.C                            | 10 U.S.C. 1175(b)(2), as<br>amended by Public Law  |

★(IC 27-99)

|                 |  |
|-----------------|--|
|                 | 102-484, Section 4422(b),<br>Oct 23, 1992  |
| 350801.D        | Atch to OASD(FM&P)<br>Memo, Jan 3, 1992,<br>Para C1c   |
| 350801.E        | 10 U.S.C. 1175(b)(3)   |
| <i>350801.F</i> | <i>10 U.S.C. 1175(a)(2)</i><br><i>Atch to OASD(FM&amp;P)</i><br><i>Memo, Jan 3, 1992</i><br><i>Para C2</i><br><i>Public Law 105-261,</i><br><i>Section 563,</i><br><i>Oct 17, 1998</i> |
| 350801.G        | 10 U.S.C. 1175(a)  |
| 350802.A        | 10 U.S.C. 1175(e)(1)<br>Atch to OASD(FM&P)<br>Memo, Jan 3, 1992,<br>Para C4a(1)  |
| 350802.B        | OASD(FM&P) Memo,<br>Jan 3, 1992, Para C4a(3)   |
| 350802.C        | 10 U.S.C. 1175(e)(5) Atch to<br>OASD(FM&P) Memo,<br>Jan 3, 1992, Para C5b  |
| 350802.D        | Public Law 103-139,<br>Section 8127,<br>Nov 11, 1993   |
| 350802.E        | 26 U.S.C. 3402(i)  |
| 350802.F        | Public Law 100-180,<br>Section 633,<br>Dec 4, 1987   |
| 350802.G        | 42 U.S.C. 409(d)   |
| 350803.A        | 10 U.S.C. 1175(e)(3)   |
| 350803.B        | 10 U.S.C. 1175(e)(4)   |
| 350803.C        | 10 U.S.C. 1175(e)(2), as<br>amended by Public Law<br>102-484, Section 4406,<br>Oct 23, 1992  |
| 350803.D        | 10 U.S.C. 1175(f)  |
| 350803.F        | Public Law 103-335,<br>Section 8106a,<br>Sep 30, 1994, amended by<br>Public Law 104-6,<br>Section 105, Apr 10, 1995<br>ASD(FMP) Memo,<br>Feb 6, 1995                                   |

|             |               |   |
|-------------|---------------|---|
|             | Table 35-1    |   |
|             | Rule 7        | 37 U.S.C. 504   |
|             | Rule 8        | 37 U.S.C. 501(a)(1)(c)  |
|             | Note 2        | 32 Comp Gen 348   |
|             | Note 3        | 43 Comp Gen 802   |
|             | Note 7        | Public Law 92-596,<br>Oct 27, 1972  |
|             | Note 8        | Public Law 94-361,<br>July 14, 1976   |
|             | Table 35-2    |   |
|             | Rule 1        | 30 Comp Gen 328   |
|             | Rule 2        | 31 Comp Gen 387<br>Public Law 94-361,<br>July 14, 1976  |
|             | Rule 3        | 10 U.S.C. 716<br>DoD Directive 1300.4,<br>Apr 2, 1984   |
|             | Rule 4        | 31 Comp Gen 668   |
|             | Rule 6        | 35 Comp Gen 25  |
|             | Note 2        | MS Comp Gen B-176858,<br>Dec 12, 1973   |
|             | Note 3        | Public Law 94-361,<br>July 14, 1976   |
|             | Note 4        | OASD(FM&P) Memo,<br>Dec 10, 1991  |
|             | Table 35-3    |   |
| ★(IC 31-98) | <i>Rule 1</i> | <i>Public Law 106-65,<br/>Section 671, Oct 5, 1999</i>  |
| ★(IC15-00)  | <i>Rule 2</i> | 30 Comp Gen 103<br>Public Law 94-361,<br>July 14, 1976  |
| ★(IC15-00)  | <i>Rule 8</i> | 36 Comp Gen 334   |
|             | Note 1        | Public Law 94-419,<br>Sep 22, 1976<br>Public Law 101-510,<br>Section 1115,<br>Nov 5, 1990<br>OASD(FM&P)<br>Memo, Feb 15, 1991 |
|             | Note 2        | 10 U.S.C. 1171<br>30 Comp Gen 280<br>42 Comp Gen 399  |
|             | Note 3        | 10 U.S.C. 1171<br>30 Comp Gen 280<br>42 Comp Gen 399  |

|                 |   |
|-----------------|---|
| Table 35-4      |   |
| Rule 2          | 37 U.S.C. 906<br>48 Comp Gen 127  |
| Rule 4          | 30 Comp Gen 531   |
| Rule 5          | 42 Comp Gen 447<br>MS Comp Gen B-150737,<br>Mar 27, 1963  |
| Rule 6          | 42 Comp Gen 447<br>MS Comp Gen B-150737,<br>Mar 27, 1963  |
| Note 1          | Public Law 101-510,<br>Section 1115,<br>Nov 5, 1990<br>OASD(FM&P) Memo,<br>Feb 15, 1991<br>Public Law 94-419,<br>Sep 22, 1976                             |
| Note 2          | 48 Comp Gen 127   |
| ★ <i>Rule 7</i> | <i>Public Law 106-65,</i><br><i>Section 671, Oct 5, 1999</i>  |
| Table 35-5      |   |
| Note 4          | 28 Comp Gen 423   |
| Table 35-6      |   |
| Rule 7          | 10 U.S.C. 1164, 3843, 3844,<br>3845, 6383(i), 6391, 8843,<br>8844, and 8845   |
| Note 6          | 10 U.S.C. 672(d) and 6392   |
| Table 35-7      |   |
| Rule 1          | Public Law 96-513,<br>Section 631, Dec 12, 1980   |
| Rules 5 and 10  | 36 Comp Gen 390   |
| Note 2          | Public Law 96-513,<br>Section 631, Dec 12, 1980   |
| Note 4          | Public Law 96-513,<br>Section 631, Dec 12, 1980<br>MS Comp Gen B-130744,<br>Apr 8, 1957<br>36 Comp Gen 390  |
| Note 9          | Public Law 96-513,<br>Section 633, Dec 12, 1980,<br>as amended by<br>Public Law 98-525,<br>Section 531, Oct 12, 1984<br>10 U.S.C. 1174a<br>10 U.S.C. 6383 |

## Table 35-8

|                   |                                       |
|-------------------|---------------------------------------|
| Rule 1            | 37 Comp Gen 357                       |
| Rules 2, 5, and 6 | 36 Comp Gen 403                       |
| Rule 4            | 36 Comp Gen 129                       |
| Rule 7            | MS Comp Gen B-144605,<br>Jan 27, 1961 |
|                   | 50 Comp Gen 229                       |

## Table 35-9

|                   |   |
|-------------------|---|
| Rules 1, 2, and 3 | Public Law 96-513,<br>Section 631, Dec 12, 1980 |
|-------------------|---|

## Table 35-10

|         |  |
|---------|--|
| Rule 1  | 10 U.S.C. 3303, 6382 6383,<br>8303   |
| Rule 2  | 10 U.S.C. 6402   |
| Rule 3  | 10 U.S.C. 6401   |
| Rule 4  | 10 U.S.C. 5865   |
| Rule 5  | 10 U.S.C. Chapters 359 &<br>859  |
| Rule 6  | 10 U.S.C. 6384   |
| Rule 7  | 10 U.S.C. 6395   |
| Rule 8  | 10 U.S.C. Chapters 360 &<br>860  |
| Rule 9  | 10 U.S.C. 5864   |
| Rule 10 | 10 U.S.C. 564  |
| Rule 11 | 10 U.S.C. 1166   |
| Note 3  | 10 U.S.C. 3303, 3786, 3796,<br>6404, 8303, 8786, 8796  |
| Note 4  | 10 U.S.C. 5865   |
| Note 6  | Public Law 96-513,<br>Section 631, Dec 12, 1980,<br>as amended by<br>Public Law 98-525,<br>Section 531, Oct 19, 1984 |
|         | 10 U.S.C. 1174a  |
|         | 10 U.S.C. 6383   |

## Table 35-11

|        |                 |
|--------|-----------------|
| Rule 1 | 10 U.S.C. 956   |
| Rule 2 | 10 U.S.C. 1048  |
| Rule 3 | 39 Comp Gen 860 |
| Rule 4 | 39 Comp Gen 742 |
| Rule 5 | 39 Comp Gen 860 |

**SUMMARY OF MAJOR CHANGES TO CHAPTER 36  
DOD 7000.14-R, VOLUME 7A  
MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

**New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.**

| <b>Page</b> | <b>Paragraph</b> | <b>Explanation of Change/Revision</b>   | <b>Effective Date</b> |
|-------------|------------------|---|-----------------------|
| 36-5        | 360201.D         | IC 37-99 adds a new paragraph that establishes parity with regard to the payment of outstanding bonus obligations upon death of enlisted and officer members. | June 29, 1999         |

*Interim change 37-99 is incorporated in this change.*

## CHAPTER 36

### PAYMENTS ON BEHALF OF DECEASED MEMBERS

#### 3601 DEATH GRATUITY

360101. Members for Whom Payable. Death gratuity will be paid, regardless of whether death occurred in the line of duty or was the result of member's misconduct, to eligible beneficiaries of the following (except a temporary member of the Coast Guard Reserve):

A. A member who dies while on active duty or while traveling to or from such duty.

B. A member, or former member who dies during the 120-day period beginning on the day following date of discharge or release, under honorable conditions, from active duty (including retirement for either disability or length of service). In this case, the Secretary of Veterans Affairs must determine that death resulted from disease or injury incurred or aggravated while the member was on active duty or while in authorized travel status to or from such duty.

C. Any person who dies while traveling to or from or while at a place for final acceptance, or for entry upon active duty (other than for training) in the Military Service, who has been ordered or directed to go to that place, and who has been:

1. Provisionally accepted for that duty; or

2. Selected, under the Military Selective Service Act (reference (bw)), for duty in that Military Service.

D. A member whose death is determined by administrative finding under the Missing Persons Act (reference (aa)).

E. A Reserve member who dies while traveling directly to or from active duty for training or inactive training.

F. Any member of a Reserve Officers' Training Corps who dies while performing annual training duty under orders for a period of more than 13 days or while performing authorized travel to or from that annual training duty; or any applicant for membership in a Reserve Officers' Training Corps who dies while attending field training or a practice cruise or while performing authorized travel to or from the place where the training or cruise is conducted.

360102. Definitions

A. Active Duty. Active duty is full-time duty in the active service of a Uniformed Service, including active duty training (full-time training duty, annual training duty, and attendance, while in the active service, at a school designated as a Military Service school by law or by the Secretary concerned). (The exception to this definition is noted in the pertinent paragraph of 360101, above.)

B. Member. A member of the Military Service is a person appointed, enlisted, or inducted into a branch of the Military Services, including Reserve Components, and cadets or midshipmen of the Military Service academies.

C. Reserve Components. The Reserve Components are the following: the Army National Guard of the United States, Army Reserve, Naval Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve, Coast Guard Reserve, and the Reserve Corps of the Public Health Service.

360103. Eligible Beneficiaries. See Table 36-1.

360104. Determining Eligible Beneficiaries. When officially notified that a member of his or her command has died, the commanding officer maintaining the member's personnel or service records determines if an eligible death gratuity beneficiary exists in the categories shown in Table 36-1. Legal assistance officers help in cases involving a question of law. Use the following evidence to establish whether an eligible beneficiary exists.

A. Lawful Spouse:

1. Entitlement to basic allowance for housing (BAH) or evidence of assignment of government quarters to a member and spouse, or

2. In the absence of BAH entitlement, as cited above, documentary evidence of marriage and proof of termination of any prior marriage of either the beneficiary or decedent.

B. Children. If a decedent is survived by a child or children, but no spouse:

1. Documentary evidence showing termination of any marriage, including a certified copy of the spouse's death certificate, divorce, or annulment decree.

2. Entitlement to BAH for a child or children, or evidence of occupation of government quarters with the member before member's death, or

3. In the absence of BAH entitlement, as cited above, base eligibility of child or children upon documentary proof of relationship, including:



a. The original or certified copy of the original birth certificate, or

b. A certified court order of adoption in the case of a legally adopted child.

4. A certified copy of the appointment paper if a guardian of a minor child, or children, has been appointed by a court (as distinguished from being awarded physical custody).

5. If the death gratuity is in excess of \$1,000, payment for a minor child may be made to the parent, including an adoptive parent, as natural guardian when all of the following conditions exist:

a. A legal guardian has not been appointed,

b. The parent has custody of the minor child,

c. A statute of the state where the minor child and parent reside provides a means of obtaining a good acquittance and all statutory requirements have been met, and

d. The parent has submitted a notarized statement, indicating the state statute involved, the facts bringing payment to the parent, and the parent understands the requirements of the statute.

6. The relationship between a member and his or her stepchild survives the end of the marriage from which it arose if close family ties have continued in fact. If such a relationship was created by a marriage ended by death, the relationship continues in the absence of evidence to the contrary. If the marriage ended by divorce, as distinguished from death, the relationship ends unless clear and convincing evidence is furnished showing continuance of close family ties and intention to continue the prior relationship.

C. Designated Beneficiaries. If the decedent is not survived by a spouse or child and has officially designated a father, mother, brother, or sister to receive death gratuity, no further evidence is necessary, except in "in loco parentis" cases. The beneficiary, however, must furnish:

1. Documentary evidence that any marriage entered into by the decedent has been terminated, and

2. A statement, witnessed by two individuals, that there are no living children. In "in loco parentis" cases, entitlement to BAH for that person is sufficient evidence. If this relationship has not been established, the cognizant DFAS Center will make the determination.

D. Mentally Incompetent Beneficiary. If the beneficiary is mentally incompetent, a photostat or certified copy of the court order appointing a guardian, trustee, committee, or other such person is required.

E. Effect of a Will. A will does not constitute a legal designation for death gratuity, since such payment is not money or debt due the member and cannot become part of the member's estate.

360105. Determinations Affecting Entitlement

A. Death as Lawful Punishment. No death gratuity is payable in the case of a member whose death is the result of a lawful punishment for a crime or military offense, except when such death was inflicted by any hostile force with which the Armed Forces of the United States had engaged in armed conflict.

B. Member Killed by Beneficiary. No death gratuity is payable to a beneficiary or survivor who kills a member, unless there is evidence which clearly absolves such beneficiary or survivor of any felonious intent.

C. Unauthorized Absence or Desertion

1. Absence Without Leave (AWOL) or Absence Over Leave (AOL). A death gratuity is payable in the case of a member whose death occurs while he or she is in an unauthorized absence status, AWOL or AOL, including in custody of civil authorities, provided the date of death is prior to the normal expiration of contracted duty.

2. Desertion. No death gratuity is payable in the case of a member who is a declared deserter at the time of his or her death, unless it is later found that the declaration was in error.

360106. Amounts Payable

A. For deaths on or after August 2, 1990, the amount of death gratuity is \$6,000.

1. Pay the amount above on behalf of members specified in subparagraph 360101.C, above, who died on August 2, 1990, or later.

2. If a death gratuity payment was made on behalf of members described in subparagraph 360106.A.1, above, at the rate effective before August 2, 1990, adjust payment under this subparagraph by the amount of any previous death gratuity payment.

B. Exemption From Indebtedness. Do not use death gratuity payment to satisfy indebtedness (including overpayments).

C. Taxability. See Table 44-1, Rule 14, and Note 11.

360107. Expediting Payments. Immediate payment of death gratuity (within 24 hours, if possible) will be made when the eligible beneficiary can be determined and there is no doubt as to propriety of payment.

360108. Responsibility for Payment of Death Gratuity

A. A death gratuity is payable on behalf of a member who dies while on extended active duty, or while traveling to or from such duty, as shown in Table 36-2 (Army), Table 36-3 (Marine Corps), Table 36-4 (Air Force), and Table 36-5 (Navy), or as specified in applicable cross-servicing regulations.

B. The cognizant DFAS Center makes death gratuity payments under circumstances described in subparagraphs 360101.B, C, and D, above.

360109. Erroneous Payment. An erroneous payment of death gratuity is one made to a person clearly not entitled to it because of administrative error, rather than because of statements of record made by the member.

A. Make a second payment to the rightful beneficiary when the error resulted from improper maintenance of records or administrative negligence. Do not delay this payment pending recovery of the erroneous payment from the ineligible recipient.

B. Do not make a second payment of death gratuity to a different person if the original payment was based on statements of record made by the member, and the government has no reason to doubt the beneficiary's status was as stated.

3602 SETTLING DECEASED MEMBERS' ACCOUNTS

360201. General. This section contains the authority for payment of any unpaid pay and allowances due on behalf of members who die while on extended active duty. "Unpaid pay and allowances" here includes:

A. Pay and allowances due and unpaid at death, including settlement of accrued leave (subject to limitation in paragraph 350101 of this volume, unless paragraph 341001 of this volume applies) when death occurs on or after August 28, 1965;

B. Amounts due for travel, per diem, transportation of dependents, and shipment of household goods;

C. Member's savings deposits and interest thereon;

★ *D. If a member dies before receiving the full amount of the bonus due (including contracted future year anniversary payments) and death is not caused by the member's misconduct, the remaining unpaid bonus balance is payable as a lump sum for inclusion in the settlement of the deceased member's final military pay account. If death is determined to be the result of the member's own misconduct, termination of future payments and proration or recoupment of the bonus, as applicable, will be made in accordance with*

*procedures established for members whose inability to complete a contracted period of service is voluntary or the result of misconduct. (IC 37-99)*

E. Proceeds of any checks for items in subparagraphs 360201.A through D, above, unnegotiated by the member before death.

360202. Entitlement

A. Upon official notification of the death or finding of death, any amounts due the decedent are paid the person(s) determined to be the eligible beneficiary or beneficiaries.

B. Any payments made under this section bar recovery of those payments by any other person.

C. When a minor child, otherwise eligible, is a designated or nondesignated beneficiary and a guardian has been appointed by a court (as distinguished from being awarded physical custody), a certified copy of this appointment paper is required.

360203. Designated Beneficiary. Current laws allow a member to designate anyone, related or not, to receive member's unpaid pay and allowances upon death. Designation of a beneficiary for unpaid pay and allowances must have been executed by the member and filed in accordance with regulations governing such designations. When more than one beneficiary has been named, the percentages specified by the member govern payment. If no percentages have been specified, payment will be divided equally among designated beneficiaries.

360204. Nondesignated Beneficiary

A. Order of Precedence. In cases of deceased members who have not designated a beneficiary, the following rules apply in determining the order of precedence:

1. The widow or widower of a member;
2. If there is no surviving spouse, to the child or children of the member and descendants of deceased children, by representation;
3. If none of the above, to the parents of the member, in equal shares, or to the surviving parent;
4. If none of the above, to the duly appointed legal representative of the member's estate; or
5. If none of the above, to the person(s) determined to be entitled under the laws of the state in which the member was domiciled.

B. Adopted Child. An adopted child is a legal heir in every state and is, therefore, entitled to payment of unpaid pay and allowances, if otherwise proper. If the deceased

member's child is adopted by others, the child is a beneficiary only in those states where an adopted child inherits from its natural father.

C. Stepchild. A stepchild is not an eligible beneficiary, unless adopted by the deceased member.

D. Illegitimate Child. An illegitimate child may not be paid unpaid pay and allowances of a deceased member, unless such child is recognized for inheritance purposes under the laws of the jurisdiction involved.

360205. Responsibility for Settlement of Accounts. Accounts of deceased members are settled as prescribed in the procedural instructions of the Military Service concerned.

360206. Tax Abatement. See paragraph 440104 of this volume if the member's death was caused by terrorist or military action overseas.

### 3603 BASIC ALLOWANCE FOR HOUSING TO SURVIVING DEPENDENTS

#### 360301. Eligibility

A. Effective January 1, 1998, Basic Allowance for Housing will be paid to dependents of members who die in the line of duty when one of the following conditions exists:

1. The dependents do not occupy government quarters on the date of death.
2. The dependents are occupying government quarters on a rental basis on the date of death.
3. The dependents vacate government quarters within 180 days of the member's death.
4. The dependents cannot be claimed by another member for BAH.

B. The allowance terminates 180 days after the date of the member's death.

C. When a member is killed by a dependent(s), BAH is not payable to that dependent, unless there is evidence which clearly absolves the dependent of any felonious intent.

D. The surviving dependent of a Reserve member who dies while on inactive duty is not eligible for any BAH/OHA payment.

360302. Priority of Payment. Payments to the surviving dependents will be made in the following order:

A. Current spouse (not including a military spouse eligible to receive Basic Allowance for Housing for the same dependents as the deceased member);

B. If there is no current spouse, the housing allowance will be divided equally among the dependents on whose behalf the member was entitled to receive with-dependent BAH.

360303. Amount and Method of Payment

A. The allowance shall be paid in the same amount and in the same manner as the deceased member would have been paid and may be paid in a lump sum as an advance payment. For amount of BAH payable, see Table 26-9. For payment of OHA, see Joint Federal Travel Regulations, volume 1 (reference (d)).

B. Examples are:

1. A member dies on January 5, 1998, and dependents vacate non-rental government quarters on February 12, 1998. Pay BAH to the dependents at the appropriate monthly rate for February 12 through July 4, 1998, which is the 180th calendar day after the date of death. Had the member died January 5 of a leap year, the termination date for BAH entitlement would be July 3 of the year.

2. A member dies on March 16, 1998, and the member's dependents do not occupy government family-type quarters. Pay BAH to the dependents for the period from March 17 through September 12, 1998, a total of 180 calendar days. The dependents would receive 14 days in March, 30 days in the months of April, May, June, July, and August, and 12 days in September.

C. Payments under this section are not subject to collection of any debts owed by the deceased member to the United States.

| ELIGIBLE BENEFICIARIES—DEATH GRATUITY |   |  |
|---------------------------------------|---|--|
| R<br>U<br>L<br>E                      | A   | B  |
|                                       | Death gratuity is payable to, or for, the living survivor(s) of the decedent first listed below (notes 1 and 2)                       | which is defined as  |
| 1                                     | lawful spouse   | a man or woman legally married to a member at the time of death (note 3)   |
| 2                                     | child, or children, without regard to age or marital status, in equal shares  | a legitimate child   |
| 3                                     |   | a legally adopted child  |
| 4                                     |   | a stepchild if such child was a member of the decedent's household   |
| 5                                     |   | an illegitimate child if the father acknowledged the child in writing signed by him; or, was judicially ordered to contribute to the child's support; or, was prior to his death judicially or otherwise shown by satisfactory evidence to be the father of the child; an illegitimate child of a female member as evidenced by birth certificate or other satisfactory evidence that member was mother of the child |
| 6                                     | a member's relatives consisting of parents, brothers, sisters, or any combination thereof as designated by the member (notes 4 and 5) | the natural father or mother   |
| 7                                     |   | the father or mother through adoption  |
| 8                                     |   | any person who stood "in loco parentis" for not less than one year at any time before the deceased member's entry into active service  |
| 9                                     |   | natural brothers and sisters   |
| 10                                    |   | brothers and sisters of half blood and those through adoption  |
| 11                                    | surviving parent(s) in equal shares   | same as provided in rules 6, 7, and 8  |
| 12                                    | surviving brothers and sisters in equal shares  | same as provided in rules 9 and 10   |

## NOTES:

1. If there are no survivors as listed in column A, death gratuity is not payable to any other person.
2. If an eligible beneficiary dies before receiving the amount to which entitled, such amount is paid to the then living survivor(s) first listed in column A.
3. A waiver by the lawful spouse is without effect and does not entitle another designee to the death gratuity payment.
4. Unless a specific percentage is shown, payment is divided equally among all designated beneficiaries.
5. Only one father or mother is recognized in any case. Give preference to the father or mother who exercised parental relationship immediately before the member's entry into active service.

Table 36-1. Eligible Beneficiaries-Death Gratuity

| RESPONSIBILITY FOR PAYMENT OF DEATH GRATUITY-ARMY |  |  |   |  |
|---|--|--|---|--|
| R<br>U<br>L<br>E                                  | A  | B  | C   | D  |
|   | If the member is permanently assigned                | and eligible beneficiary   | and the beneficiary is located in   | then death gratuity is settled by  |
| 1   | to a station in CONUS                                | has been determined to be a lawful spouse or designated natural parent(s) and there is no doubt of propriety of payment              | the CONUS   | 1. the finance officer who is responsible for maintaining the member's financial record is the first to receive it after the member's death, or<br>2. a designated Survivor Assistance Officer |
| 2   |  |  | an overseas area  | a Survivor Assistance Officer or DFAS-IN   |
| 3   |  | is a child or children or a designated relative(s) other than natural parent, whether or not doubtful (note 1)                       | the CONUS or an overseas area   | DFAS-IN.   |
| 4   |  | is non-designated relative(s), cannot be determined, or claim is of doubtful propriety (note 2)                                      |   |  |
| 5   | to an overseas station (including Alaska and Hawaii) | has been determined to be a lawful spouse or designated natural parent(s) and there is no doubt of propriety of payment              | the CONUS   | a designated Survivor Assistance Officer   |
| 6   |  | is a child or children or a designated relative(s) other than natural parent, whether or not doubtful (note 1)                       |   | DFAS-IN  |
| 7   |  | has been determined to be a lawful spouse or designated natural parent(s) and there is no doubt of propriety of payments             | the same overseas area or country, or an overseas area or country which the finance officer can serve expeditiously | same as rule 1   |
| 8   |  | is a child or children or a designated relative(s) other than natural parent, and there is no doubt of propriety of payment (note 1) |   | the finance officer designated by the major Army commander of the overseas area  |
| 9   | to an overseas station (including Alaska and Hawaii) | is non-designated relative(s), cannot be determined, or claim is of doubtful propriety (note 2)                                      | the CONUS or overseas area  | DFAS-IN  |

## NOTES:

1. Relatives consist of a member's parents, brothers, and sisters, or any combination thereof.
2. Doubtful cases include:
  - a. All cases coming under subparagraphs 360105.A, B, C, or any questionable cases under subparagraph 360104.E.
  - b. Common law widow or widower.
  - c. A member's minor child, an adopted child without properly certified court adoption papers, and an illegitimate child.
  - d. Parents who stood "in loco parentis" to the member, unless this status has been determined for BAH purposes.

Table 36-2. Responsibility for Payment of Death Gratuity-Army



| RESPONSIBILITY FOR PAYMENT OF DEATH GRATUITY-MARINE CORPS |  |  |  |   |  |
|---|--|--|--|---|--|
| <b>R<br/>U<br/>L<br/>E</b>                                | <b>A</b><br><b>When the Commanding Officer determines that the eligible beneficiary is</b> | <b>B</b><br><b>and eligibility of beneficiary or propriety of payment is</b> | <b>C</b><br><b>and</b>   | <b>D</b><br><b>and</b>  | <b>E</b><br><b>then death gratuity is paid by</b>                                      |
| <b>1</b>  | a lawful spouse or a designated parent   | not doubtful   | the spouse or parent resides with the member at or near member's duty station or in the vicinity of the member's home port | the disbursing officer has access to member's pay and service records                               | a disbursing officer afloat or ashore (note 1)   |
| <b>2</b>  |  |  |  | payment is requested by the CO of an activity located in an outlying area                           | the disbursing officer servicing the activity  |
| <b>3</b>  |  |  |  | member's unit is deployed, and the CO of the deployed unit requests by message that payment be made | the disbursing officer at the home port of permanent duty station of the deployed unit |
| <b>4</b>  |  | doubtful (notes 3, 4, 5, 6)  | the relative did not reside with the member at or near member's duty station or home port                                  |   | DFAS-KC upon CMC (MHP-10) authorization (note 7)                                       |
| <b>5</b>  |  | not doubtful   |  |   |  |
| <b>6</b>  | a lawful spouse, child or children, designated, or nondesignated relatives (note 2)        |  |  | payment is requested by the CO of an activity located near residence of the designated beneficiary  | the disbursing officer servicing the activity upon CMC (MHP-10) authorization (note 7) |

## NOTES:

1. Disbursing officers afloat pay only when the ship is located in the immediate area in which the member's spouse or parent is residing.
2. Relatives consist of a member's parents, brothers or sisters, or any combination thereof.
3. Doubtful cases include "common law widow or widower."
4. All cases coming under paragraph 360105 and subparagraph 360104.E.
5. Doubtful cases include a member's minor child, an adopted child without properly certified court adoption papers, and an illegitimate child.
6. Doubtful parent cases include "in loco parentis" relationships, if a determination for BAH purposes was not made.
7. CMC may request that payments be effected by other than a Marine Corps activity.

**Table 36-3. Responsibility for Payment of Death Gratuity-Marine Corps**

| RESPONSIBILITY FOR PAYMENT OF DEATH GRATUITY-AIR FORCE |  |   |  |  |
|--|--|---|--|--|
| R<br>U<br>L<br>E                                       | A  | B   | C  | D  |
|  | When eligibility of beneficiary or propriety of payment is | and determination is made that eligible beneficiary is  | and  | then death gratuity is settled by  |
| 1  | not doubtful   | a lawful spouse (notes 1 and 2); or a child or children (notes 2 and 3); or a designated relative (notes 2, 4, and 5) | upon receipt of notification of death (note 6) | the finance officer located nearest the residence of the beneficiary (note 7). |
| 2  | doubtful   |   |  | DFAS-DE.   |
| 3  | not doubtful or doubtful                                   | non-designated relative (note 4)  |  |  |

## NOTES:

1. DFAS-DE settles death gratuity payment to "common law widow or widower."
2. DFAS-DE settles all cases coming under subparagraphs 360105.A, B, or C, and any questionable cases under subparagraph 360104.E.
3. DFAS-DE settles doubtful cases, including a member's minor child, an adopted child without properly certified court adoption papers, and an illegitimate child.
4. Relatives consist of a member's parents, brothers and sisters, or any combination thereof.
5. Doubtful parent cases include "in loco parentis." If this status has not been determined for BAH purposes, DFAS-DE makes such payments.
6. If death occurs while a member is on a PCS move, the "losing" home installation notifies.
7. If pay data is needed to complete payment, make a partial payment in the amount of the member's 6 months' basic pay for the pay grade, but not more than \$3,000 or less than \$800. Contact personal finance records custodian for pay data to make supplemental payment, if necessary.

**Table 36-4. Responsibility for Payment of Death Gratuity-Air Force**

| RESPONSIBILITY FOR PAYMENT OF DEATH GRATUITY-NAVY |   |   |   |   |  |
|---|---|---|---|---|--|
| R<br>U<br>L<br>E                                  | A   | B   | C   | D   | E  |
|   | When the CO determines that the eligible beneficiary is                             | and eligibility of beneficiary or propriety of payment is | and   | and   | then death gratuity is paid by   |
| 1   | a lawful spouse or a designated beneficiary   | not doubtful  | the spouse or beneficiary resides with the member at or near member's duty station or in the vicinity of the member's home port | the disbursing officer has access to member's pay and service records                               | a disbursing officer afloat or ashore (note 1)   |
| 2   |   |   |   | member's unit is deployed, and the CO of the deployed unit requests by message that payment be made | the disbursing officer at the home port or permanent duty station of the deployed unit |
| 3   | a lawful spouse, child or children, designated, or nondesignated relatives (note 2) | doubtful (notes 3, 4, 5, and 6)                           |   |   | DFAS-CL upon COMNAVMILPERSCOM authorization  |
| 4   |   | not doubtful  | the relative did not reside with the member at or near member's duty station or home port                                       |   |  |
| 5   |   |   |   | payment is requested by the CO of an activity located near residence of the designated beneficiary  | the disbursing officer servicing the activity upon authorization of COMNAVMILPERSCOM   |

## NOTES:

1. Disbursing officers afloat pay only when the ship is located in the immediate area in which the member's spouse or designated beneficiary is residing.
2. Relatives consist of a member's parents, brothers or sisters, or any combination thereof.
3. Doubtful cases include "common law widow or widower."
4. All cases coming under subparagraph 360104.E and paragraph 360105.
5. Doubtful cases include a member's minor child, an adopted child without properly certified court adoption papers, and an illegitimate child.
6. Doubtful parent cases include "in loco parentis" relationships, if a determination for BAH purposes was not made.

Table 36-5. Responsibility for Payment of Death Gratuity-Navy

## Chapter 36 — Payments on Behalf of Deceased Members

## 3601— Death Gratuity

|                |   |
|----------------|---|
| 360101         | 10 U.S.C. 1475-1480                               |
| 360104.B.5     | 38 Comp Gen 436                                   |
|                | 47 Comp Gen 209                                   |
| 360104.B.6     | 24 Comp Gen 320                                   |
| 360104.E       | 21 Comp Gen 856                                   |
| 360105.B       | MS Comp Gen A-60953,<br>June 12, 1935             |
|                | MS Comp Gen B-115170,<br>July 16, 1953            |
| 360105.C.1     | 29 Comp Gen 294                                   |
|                | 31 Comp Gen 645                                   |
| 360106.A       | Public Law 102-25,<br>Section 307,<br>Apr 6, 1991 |
|                | Public Law 102-90,<br>Section 652,<br>Dec 5, 1991 |
| 360106.B       | MS Comp Dec 22681,<br>May 14, 1913                |
| 360109.A and B | 37 Comp Gen 131                                   |

## 3602—Settling Deceased Members' Accounts

|                            |  |
|----------------------------|--|
| 360201                     | 10 U.S.C. 2771   |
|                            | 37 U.S.C. 501(d)   |
| ★ <a href="#">360201.D</a> | <a href="#">ASD(FMP) Memo,</a><br><a href="#">Jun 29, 1999</a> |
| 360202                     | 10 U.S.C. 2771   |
|                            | MS Comp Gen B-187037,<br>Oct 22, 1976                          |
| 360204.B and C             | MS Comp Gen B-91021,<br>Feb 6, 1950                            |
| 360204.D                   | MS Comp Gen B-84757,<br>June 22, 1950                          |

## 3603—Allowance for Quarters to Surviving Dependents

|          |   |
|----------|---|
| 360301   | 37 U.S.C. 403 (1) (1)                                 |
| 360301.A | GAO Settlement Certificate<br>Z-2866096, Mar 31, 1989 |
| 360301.C | 55 Comp Gen 1033                                      |

|                      |   |
|----------------------|---|
| 360302               | Public Law 99-227,<br>Dec 28, 1985<br>37 U.S.C. 403 (1),<br>as amended by<br>Public Law 103-337,<br>Section 604,<br>Oct 5, 1994 |
| 360302.A             | GAO Settlement Certificate<br>Z-2866096, Mar 31, 1989   |
| 360303               | Public Law 99-227,<br>Dec 28, 1985<br>37 U.S.C. 403 (1), as<br>amended by<br>Public Law 103-337,<br>Section 604,<br>Oct 5, 1994 |
| Table 36-1<br>Note 3 | 24 Comp Gen 46  |

## CHAPTER 37

**BENEFITS FOR MEMBERS HELD AS CAPTIVES**3701 FORMER CAPTIVE PAYMENT

See the Definitions. Entitlement is effective 27 August 1986.

370101. Entitlement Provisions. Entitlement may only be authorized by the Secretary of Defense (SECDEF). Once the SECDEF makes a "hostile action" determination, which is the authority for former captive payments, Military Service Secretaries will provide the names and dates of entitlements to their respective DFAS Center. Entitlement dates may not include any of the following without specific case by case approval of the SECDEF:

A. Dates in a captive status which are not dates of actual physical custody by a hostile force (for example, dates evading capture where the presence of a hostile force prevented escape or rescue); or

B. Dates which are doubtful that the missing status was the result of hostile action or was the result of membership in the Uniformed Services. Commanders will forward any request with justification via the appropriate Military Service chain of command. When authorized, the DFAS Center concerned will make payment.

370102. Rates

A. For each day a member was held in a captive status, payment is 50 percent of the world-wide average per diem rate. (Rates are maintained by the Per Diem, Travel, and Transportation Allowance Committee.) Status beginning and ending days (for example, day of return to military control) are days of entitlement. Payment must be made within 1 year after the member's captive status ends.

B. Former captives may receive more than the 50 percent rate when specifically approved by the SECDEF. Forward recommendations justifying a higher percentage through command channels via the appropriate Military Service Secretary.

370103. Persian Gulf Conflict. Payment for members in a former captive status resulting from Operation Desert Storm from January 1991 through April 1991 is \$131.00 per day for January, February, and April; and \$133.00 per day for March.

370104. Death of Member. If a member dies while in a captive status, any amount due is considered pay and allowances for the purposes of Chapter 34 of this volume.

370105. Exceptions

A. The SECDEF may defer payment for anyone (within the 1 year payment window) charged with a captivity-related offense and may deny payment if the member is convicted. If convicted, whether or not payment has been made, commanders will forward the case to the SECDEF (as per paragraph 370101) with justified recommendations for payment determination. Previously-made payments later denied must be collected.

B. No payment is authorized when the Congress specifically provides for prisoner of war (POW) compensation for captivity periods. See section 3702, below.

370106. Taxability. Payments to Former captive generally are not taxable if the captive status resulted from the deprivation of personal rights, such as terrorist activity. However, if the captive status resulted from an engagement with another nation's armed forces, then payment may be taxable and is reported as taxable income. See Table 44-1 for possible applicability of the combat zone tax exclusion.

3702 PRISONER OF WAR COMPENSATION

Payment authorized by the Congress for a specific period of captivity as a POW is made by the Secretary of the Treasury and is not considered to be a Uniformed Services pay and allowances entitlement. The DFAS is not involved in payment procedures or tax reporting.

3703 SAVINGS ALLOTMENT

Military Service Secretaries may allot part or all of a captive's pay and allowances (except what is already allotted) to an interest-bearing savings fund that is maintained by the Secretary of the Treasury. Withdrawal procedures are established by the Secretary of the Treasury.

**SUMMARY OF MAJOR CHANGES TO CHAPTER 38**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.

| <b>Page</b> | <b>Paragraph</b> | <b>Explanation of Change/Revision</b>  | <b>Effective Date</b> |
|-------------|------------------|--|-----------------------|
| 38-1        | 3803             | IC 36-99 revises cadet and midshipman rations-in-kind or commuted rations at the rate of \$5.35 per day at all times (effective October 1, 1999). This includes periods while these personnel are at the academies, on authorized leave, sick in hospitals, or in a travel status for which a per diem is payable. | Oct 1, 1999           |



*Interim change 36-99 is incorporated in this change.*

## CHAPTER 38

### **SERVICE ACADEMY CADETS, MIDSHIPMEN, AND SERVICE ACADEMY PREPARATORY SCHOOL STUDENTS**

#### 3801 ENTITLEMENT PROVISIONS

Cadets at the United States Military Academy and the United States Air Force Academy and midshipmen at the United States Naval Academy are entitled to pay at the monthly rate prescribed in Table 2-5. When rations-in-kind are not furnished, cadets and midshipmen are entitled to commuted rations at the daily rate established by the Secretary of the Navy. While traveling under orders, cadets and midshipmen are entitled to the travel and transportation allowances prescribed as identified in section 3804, below.

#### 3802 SERVICE ACADEMY PREPARATORY SCHOOL STUDENTS

380201. Effective November 30, 1993, a student at the United States Military Academy Preparatory School, the United States Naval Academy Preparatory School, or the United States Air Force Academy Preparatory School, who was selected to attend the preparatory school from civilian life, is entitled to monthly student pay at the same rate as provided for cadets and midshipmen.

380202. Effective November 30, 1993, a student at a preparatory school referred to in paragraph 380201, above, who, at the time of the student's selection to attend the preparatory school, was an enlisted member of the Uniformed Services on active duty for a period of more than 30 days, will continue to receive monthly basic pay at the rate prescribed for the student's pay grade and years of service as an enlisted member.

#### 3803 RATIONS

★ *Cadets and midshipmen are entitled to rations-in-kind or commuted rations at the rate of \$5.35 per day at all times (effective October 1, 1999). This includes periods while these personnel are at the academies, on authorized leave, sick in hospitals, and in a travel status for which a per diem is payable. (IC 36-99)*

#### 3804 TRAVEL AND TRANSPORTATION ALLOWANCES

The travel and transportation allowances payable to cadets and midshipmen are prescribed in Joint Federal Travel Regulations (JFTR), Volume 1, Chapter 7, Part 4 (reference (d)).

3805 DATES TO START AND STOP PAY AND ALLOWANCES

See Table 38-1.

3806 FOREIGN CADETS AND MIDSHIPMEN--PAY AND ALLOWANCES

Persons from Canada, the American Republics, and the Republic of the Philippines who are receiving instruction at the Military Service academies are entitled to the same pay, commuted rations, and travel and transportation allowances as are authorized for United States cadets and midshipmen. The mileage allowance, however, for persons from Canada and the American Republics for travel to the academy for initial admission is not limited to mileage for travel within the United States.

3807 INCENTIVE PAY AND SPECIAL PAY

Cadets and midshipmen are not entitled to incentive pay for hazardous duty (HDIP) or special pay for duty subject to hostile fire or imminent danger.

3808 SETTLEMENT FOR UNUSED ACCRUED LEAVE

Cadets and midshipmen are not entitled to lump-sum leave benefits.

3809 TAXES

The basic pay of cadets and midshipmen is subject to federal and state withholding tax and Federal Insurance Contribution Act (FICA) tax. Chapters 1 and 2 of this volume are applicable.

3810 ALLOTMENTS

The Military Department concerned determines whether cadets and midshipmen may register allotments of pay.

3811 ADVANCE PAY FOR CLOTHING AND EQUIPMENT PURCHASES

381101. General. The Secretary of the Military Department (or designee) concerned prescribes the amount to be advanced each new cadet or midshipman to cover the cost of initial clothing and equipment. The amount advanced is deducted in regular installments from the cadet's or midshipman's monthly pay until fully collected. Any cadet or midshipman who is discharged (whether voluntarily or involuntarily) before graduation and before the total amount has been repaid, shall turn in as much of the clothing and equipment of a distinctive military nature as is necessary to liquidate the balance owed.

381102. Members Involuntarily Discharged. If a cadet or midshipman is involuntarily discharged, and the value of the turned-in clothing and equipment does not cover

the balance owed, apply the value of the turned-in clothing and equipment to the balance owed and cancel the net remaining.

381103. Members Voluntarily Discharged. If a cadet or midshipman is discharged voluntarily, and the value of the turned-in clothing and equipment does not cover the balance owed, apply the value of the turned-in clothing and equipment to the balance owed and report the net remaining to the supporting DFAS Center as a debt owed to the United States.

### 3812 COLLECTION OF INDEBTEDNESS

For general policies and requirements relating to collection of indebtedness, see Chapter 50 of this volume. Private indebtedness for services (laundry, dry cleaning, shoe repair, etc.) is not an indebtedness collectible under Chapter 50.

### 3813 CONTINUANCE OF PAY AND ALLOWANCES

Pay and allowances continue to accrue to cadets or midshipmen while they are absent in an official missing or missing-in-action status. See Chapter 34 of this volume. Cadets and midshipmen also are entitled to full pay while traveling under orders.

### 3814 DEATH BENEFITS

Death gratuity entitlement and settlement of unpaid pay and allowances instructions are contained in Chapter 36 of this volume.

### 3815 SERVICEMEMBERS' GROUP LIFE INSURANCE (SGLI)

Effective June 20, 1972, cadets and midshipmen became eligible for SGLI coverage while on full-time duty as a cadet or midshipman at a Service academy. See Chapter 47 of this volume. Details covering the administration of the SGLI program for cadets or midshipmen are contained in the pay procedural instructions of the Military Service academy concerned.

| DATES TO START AND STOP PAY AND ALLOWANCES |  |  |
|--|--|--|
| R<br>U<br>L<br>E                           | A  | B  |
|  | When a cadet or midshipman   | then pay and allowances  |
| 1  | has been admitted officially to one of the Service academies                             | start on the day of admission (note 1).  |
| 2  | has been discharged and later reappointed to one of the Service academies                | were stopped on date of discharge, and start again on day of reappointment (note 1).   |
| 3  | has been dismissed by sentence of court-martial  | stop on the date of termination of service as specified in orders directing dismissal.   |
| 4  | has been dismissed from the academy by other than court-martial action before graduating | stop on date of dismissal.   |
| 5  | dies before graduation   | stop on the date of death.   |
| 6  | is appointed a second lieutenant in the Army or Air Force upon graduation                | stop on the day before the date of graduation.   |
| 7  | is commissioned in the Regular Navy or Marine Corps                                      | stop on the day before the date of formal acceptance of appointment.   |
| 8  | is placed voluntarily in a leave without pay status                                      | stop on the day before the member enters a leave without pay status. If the member is readmitted to the academy, pay and allowances start again on the day of readmission. |
| 9  | is not appointed a second lieutenant in the Army immediately upon graduation             | continue until the member is appointed a second lieutenant or is discharged (note 2).  |

## NOTES:

1. An Oath of Allegiance must be taken before first payment is made.
2. In case of appointment, active duty pay is payable from date of graduation (Table 2-1, rule 5); therefore, an adjustment is necessary between cadet pay received and active duty pay due.

**Table 38-1. Dates to Start and Stop Pay and Allowances**

## Chapter 38 — Service Academy Cadets, Midshipmen, and Service Academy Preparatory School Students

|  |  |
|--|--|
| 3801—Entitlement Provisions                            | 37 U.S.C. 203(c), 410(a), 422<br>Public Law 95-79,<br>July 30, 1977      |
| 3802—Service Academy Preparatory School Students       | 37 U.S.C. 203(e),<br>Public Law 103-160,<br>Section 603,<br>Nov 30, 1993 |
| ★3803—Rations  | 43 Comp Gen 94<br><i>USD(C) Memo</i><br><i>Jul 26, 1999</i>              |
| 3806—Foreign Cadets and Midshipmen, Pay and Allowances | 10 U.S.C. 4344, 4345, 6957   |
| 3807—Incentive Pay and Special Pay                     | 30 Comp Gen 31<br>47 Comp Gen 781  |
| 3808—Settlement for Unused Accrued Leave               | 37 U.S.C. 504  |
| 3811—Advance Pay for Clothing and Equipment Purchases  | 10 U.S.C. 4350; 6960; 9350   |
| 3814—Death Benefits                                    | 26 Comp Gen 373  |
| 3815—Servicemembers' Group Life Insurance              | 38 U.S.C. 765  |
| Table 38-1   |  |
| Rule 6   | 37 U.S.C. 204(f)   |
| Rule 8   | 46 Comp Gen 261  |

**CHAPTER 39****PAY OF SERVICE ACADEMY OFFICIALS****3901 GENERAL PROVISIONS**

A commissioned officer serving as an appointed official at a Military Service academy is entitled to the pay grade and pay and allowances established by law for the position. A commissioned officer detailed as an official at a Military Service academy is not entitled to an increase in pay and allowances because of such detail, except as provided in this chapter. A member appointed as director of music at the United States Military Academy or as leader of the Naval Academy band has the pay grade prescribed for such positions by the Secretary of the Department concerned.

**3902 PAY AND ALLOWANCES**

The pay and allowances authorized for academy officials are shown in Table 39-1.

**3903 PERSONAL MONEY ALLOWANCES**

The personal money allowances authorized for the Superintendent of the United States Naval Academy and the Commandant of Midshipmen may be spent at their discretion for the contingencies of their positions.

**3904 LIBRARIAN**

An officer of the Regular Army, retired from active service under Title 10, U.S.C., section 1251, (reference (c)), may be detailed on active duty to serve as librarian of the United States Military Academy. While serving as librarian, the officer is entitled to the pay and allowances prescribed for the officer's grade and years of service. Include the time spent in retirement in the computation of the officer's cumulative years of service.

**3905 LEAVE OF ABSENCE-FACULTY AND OTHER OFFICERS**

Professors, assistant professors, instructors, and other officers at either the United States Military Academy or the United States Air Force Academy may be granted a leave of absence for the period of suspension of the ordinary academic studies. Such leave is authorized to be granted by the superintendent concerned without deduction of pay and allowances.

**3906 TRAVEL AND TRANSPORTATION ALLOWANCES**

Members serving as officials at Service academies are entitled to the travel and transportation allowances prescribed in the JFTR, Volume 1, Chapter 4 (reference (d)).

| PAY AND ALLOWANCES - ACADEMY OFFICIALS |                                    |                           |                        |                            |   |  |
|--|------------------------------------|---------------------------|------------------------|----------------------------|---|--|
| R<br>U<br>L<br>E                       | A                                  | B                         |                        |                            | C   | D  |
|  | When officer is serving<br>as      | at the                    |                        |                            | and   | then the officer is entitled to the pay<br>and allowances prescribed for   |
|  |                                    | US<br>Military<br>Academy | US<br>Naval<br>Academy | US<br>Air Force<br>Academy |   |  |
| 1                                      | superintendent                     | X                         |                        | X                          |   | the officer's military grade and cumulative years of service.  |
| 2                                      |                                    |                           | X                      |                            |   | the officer's military grade and cumulative years of service plus a personal money allowance of \$5200 per year. |
| 3                                      | Dean of the Academic Board         | X                         |                        |                            |   | a brigadier general using the officer's cumulative years of service.   |
| 4                                      | Dean of the Faculty                |                           |                        | X                          |   |  |
| 5                                      | Commandant of Cadets or Midshipmen | X                         |                        | X                          |   | the officer's military grade and cumulative years of service.  |
| 6                                      |                                    |                           | X                      |                            |   | the officer's military grade and cumulative years of service plus a personal money allowance of \$800 per year.  |
| 7                                      | a permanent professor              | X                         |                        | X                          | is serving as head of a department or has been a permanent professor for more than 6 years    | a colonel using the officer's cumulative years of service.   |
| 8                                      |                                    |                           |                        |                            | is not serving as head of a department and has been a permanent professor for 6 years or less | a lieutenant colonel using the officer's cumulative years of service (note 1).                                   |
| 9                                      |                                    |                           |                        |                            | has over 36 years of creditable service for pay purposes                                      | the officer's military grade and cumulative years of service plus additional pay of \$250 per month (note 2).    |
| 10                                     | Registrar                          | X                         |                        | X                          | has served as registrar for more than 6 years   | a colonel using the officer's cumulative years of service (note 3).  |
| 11                                     | Registrar                          | X                         |                        | X                          | has served as registrar for 6 years or less   | a lieutenant colonel using the officer's cumulative years of service (notes 1 and 3).                            |

|           |                        |   |   |  |  |   |
|-----------|------------------------|---|---|--|--|---|
| <b>12</b> | Director of Music      | X |   |  |  | a commissioned officer whose grade corresponds to the rank prescribed for the Director by the Secretary of the Army (note 4). |
| <b>13</b> | Band Leader            |   | X |  |  | the grade prescribed by the Secretary of the Navy (note 4).   |
| <b>14</b> | the second band leader |   | X |  |  | a warrant officer W-1 using the officer's cumulative years of service.  |

## NOTES:

1. A permanent professor or a registrar appointed from the Regular Army or the Regular Air Force is entitled to the pay of a Colonel on the day after the date that a promotion list officer, junior to him or her on the promotion list on which his or her name was carried before his or her appointment as a professor or registrar, is promoted to the grade of Regular Colonel, even though he or she served as a professor or registrar for 6 years or less.
2. Do not use the additional pay in computation of retired pay.
3. An officer detailed to serve as registrar, who is serving in a temporary grade higher than those shown in column D, rules 10 and 11, is entitled to the pay and allowances prescribed for the higher temporary grade in which the officer is serving.
4. Compute the applicable number of cumulative years of service as outlined in Chapter 1.

**Table 39-1. Pay and Allowances-Academy Officials**



**CHAPTER 40****PAY OF AVIATION CADETS****4001 AUTHORITY**

Aviation cadet is a special enlisted grade in the Naval service. Civilian citizens may be enlisted in the Navy or the Marine Corps as aviation cadets. Enlisted members of the Navy and Marine Corps, with their consent, may be designated as aviation cadets.

**4002 ENTITLEMENT PROVISIONS**

Unless entitled to the basic pay of a higher pay grade, an aviation cadet is entitled to monthly basic pay at the lowest rate prescribed for pay grade E-4. Aviation cadets are also entitled to the same basic allowance for subsistence as is provided for officers. Except for subsistence, aviation cadets or their beneficiaries are entitled to the same allowances, pensions, gratuities, and other benefits prescribed for enlisted members in pay grade E-4. While on active duty, aviation cadets are entitled to uniforms, clothing, and equipment at government expense.

**4003 BASIC PAY**

For active duty, pay aviation cadets basic pay at the monthly rate prescribed in Table 2-5. Compute the amount payable as instructed in Chapter 2, section 0202.

**4004 BASIC ALLOWANCE FOR SUBSISTENCE**

Pay aviation cadets at the monthly rate prescribed in Chapter 25, paragraph 250301. This allowance is payable under the conditions set out in Table 25-1.

**4005 BASIC ALLOWANCE FOR QUARTERS**

400501. Members Without Dependents. Aviation cadets without dependents who meet one or more of the conditions described in Table 26-3, are entitled to BAQ at the monthly rate provided for enlisted members without dependents in pay grade E-4.

400502. Members With Dependents. BAQ accrues to aviation cadets with dependents at the monthly rate provided for enlisted members with dependents in pay grade E-4. See Chapter 26, paragraph 260301 and Tables 26-4 to 26-8, for conditions of entitlement.

**4006 AVIATION CAREER INCENTIVE PAY (ACIP)**

Effective 14 November 1986, aviation cadets qualified for aviation service under regulations prescribed by the Secretary concerned are entitled to the ACIP rates under Table 22-6.

**4007 CLOTHING ALLOWANCE**

400701. Naval Aviation Cadets. These members are entitled to the special initial clothing monetary allowance and the basic maintenance clothing monetary allowance. For rates payable and conditions of entitlement, see Chapter 29, paragraph 290204 of this volume.

400702. Marine Corps Aviation Cadets. Pay these members the clothing allowances prescribed in the individual clothing regulations (MCO P10120.28 (reference (bb))).

**4008 TRAVEL AND TRANSPORTATION ALLOWANCES**

See JFTR, Volume 1, Chapter 7 (reference (d)).

**SUMMARY OF MAJOR CHANGES TO CHAPTER 41  
DOD 7000.14-R, VOLUME 7A  
MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

**New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.**

| <b>Page</b>  | <b>Paragraph</b> | <b>Explanation of Change/Revision</b>   | <b>Effective Date</b> |
|--------------|------------------|---|-----------------------|
| 41-6 to 41-7 | 410801 to 410808 | IC 21-98 inserted a new paragraph 410801 regarding the DD 2558 (Authorization to Start, Stop, or Change an Allotment) | Jun 4, 1999           |
| 41-6         | 410801           | IC 40-99 addresses allotments of pay.   | Nov 9, 1999           |

*Interim Changes 16-98, 21-98, 28-98, and 40-99 are incorporated in this change. Interim Changes 21-98 and 28-98 also affect other chapters and will not be deleted from the interim changes cited on the OUSD(C) web site until all such chapters are updated.*

## CHAPTER 41

### **GENERAL PROVISIONS GOVERNING ALLOTMENTS OF PAY** **(Other than Child and Spousal Support Allotments Required by Law)**

#### 4101 GENERAL

410101. Application. The provisions of this chapter do not apply to child and spousal support allotments required by law to be started when a member has failed to make periodic payments under a support order. See section 4304 of this volume for applicable provisions.

410102. Authority. Under instructions issued by the Secretary of Defense, the personnel identified in section 4104, below, may authorize allotments from their pay for the purposes set forth in Chapters 41 through 43.

410103. Policy. The allotment system is provided to help Military Service members adjust their personal and family finances to military service. It is a convenience and privilege not to be exploited or abused. Other than amount changes, administrative changes may be made at the request of the allottee without the member's consent. This includes address changes.

#### 4102 SPECIALIZED TERMS

##### 410201. Certifying Officer

A. Navy. The certifying office for Navy allotments is the disbursing officer responsible for registering the allotment on the military pay record. On ships without disbursing officers, the certifying officer is commanding officer or such other officer who is designated in writing to be responsible for preparing, certifying, and forwarding allotment forms to the disbursing officer maintaining members' master pay account.

B. Marine Corps. Marine Corps allotment forms normally are prepared by the administrative office and certified by the disbursing officer.

410202. Allotment Officer (Navy and Marine Corps). This is the disbursing officer of the Defense Finance and Accounting Service-Cleveland Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199, or the Director, Defense Finance and Accounting Service--Kansas City Center, Centralized Pay Operations (JE), Kansas City, MO 64197.

410203. Definitions. See Definitions on page xliv for the following terms: active duty allotment, allottee, allotter, and financial organization.

#### 4103 AUTHORIZED ALLOTMENTS

410301. General. Voluntary allotments of military pay and allowances by Service members in active military service are limited to discretionary and non-discretionary allotments.

410302. Discretionary Allotments. Members are authorized no more than 6 discretionary allotments. The member shall certify that the allotment is within the limits of the law (e.g., allotments may not be used to repay gambling debts in a state where gambling is not permitted). Examples include, but are not restricted to, the following:

A. Payment of premiums for commercial life insurance on the member, the member's spouse or children. This includes United States Government Life Insurance, Army Mutual Aid Insurance, Navy Mutual Aid Insurance, dental and health insurance for the benefit of family, and vehicle insurance.

B. Voluntary payment to a dependent or other relatives. This allotment may be made to a spouse, former spouse(s), other dependents, and to a relative(s) not legally designated as a dependent(s). Support allotments may be made payable directly to a court, a state agency, a court trustee, a welfare agency, or to a child's guardian or custodian. This allotment may be made payable to a financial organization for credit to the account of the allottee.

C. Deposits to a financial institution, mutual fund company, or investment firm.

D. Payment of car loans.

E. Payment of mortgage or rent.

F. Payment of a loan to repay consumer credit, e.g., a loan or finance company.

410303. Non-Discretionary Allotments. Non-discretionary allotments of military pay and allowances by members in active military service are limited to the following:

A. Purchase of U.S. savings bonds.

B. Repayment of loans to the Army Emergency Relief, Navy and Marine Corps Relief Society, Air Force Aid Society, and American Red Cross.

C. Voluntary liquidation of indebtedness to the United States that includes the following:

1. Indebtedness incurred due to defaulted notes insured by the Federal Housing Administration (FHA) or guaranteed by the Department of Veterans Affairs (VA).

2. Payment of amounts due under the Retired Serviceman's Family Protection Plan, in the case of retired Military Service members serving on active duty.

D. Any other indebtedness to any department or agency of the United States Government (except to the Military Department that pays the member).

E. Any repayment of debts owed to an organization for funds administered on behalf of the U.S. Government and any such debts assigned to a collection agency.

F. Payment for pledges for charitable contributions to the following:

1. Combined Federal Campaign (CFC). Only 1 such allotment is authorized for any Military Service member.

2. Army Emergency Relief, Navy and Marine Corps Relief Society, or affiliates of the Air Force Assistance Fund. Only 1 such allotment is authorized for any Military Service member.

G. Allotments to the Department of Veterans Affairs for deposit to the Post-Vietnam Era Veterans Educational Assistance Program. The allotment must be divisible by \$5 and with a minimum amount of \$25 and not more than \$100. Once authorized by the Service member, the allotment must run a minimum of 12 consecutive months, unless the member suspends participation or disenrolls from the program because of personal hardship or release from active duty.

H. Payment of delinquent federal, state, or local income or employment taxes.

#### 4104 ELIGIBLE ALLOTTERS

410401. Members on extended active duty who may make allotments of pay include commissioned and warrant officers, aviation cadets, and enlisted members.

410402. Allotments may be continued to retired status. To aid personnel in the transition from active duty to retired status, all existing authorized discretionary allotments of members on active duty may be continued as approved allotments.

4105 PAY AND ALLOWANCES WHICH MAY BE ALLOTTED

410501. Include the following items in computing the maximum amount of pay and allowances that may be allotted for members assigned within the continental United States:

- A. Basic pay
- B. Basic allowance for housing (BAH) for members with dependents and members without dependents in the grade of E-7 or higher.
- C. Basic allowance for subsistence (BAS) for commissioned and warrant officers
- D. Career sea pay
- E. Diving pay
- F. Flying pay (all crew members)
- G. Proficiency pay and special duty assignment pay
- H. Special pay for medical, dental, optometry, and veterinary officers
- I. Submarine pay
- J. Personal money allowance
- K. Incentive pay for hazardous duty.

410502. For members assigned outside the continental United States, include the following pay and allowance items in addition to those listed in paragraph 410501, above:

- A. Family Separation Allowance, Type II (FSA-R only)
- B. Hardship duty pay
- C. Special pay for overseas extensions
- D. Special pay for duty subject to hostile fire and imminent danger (applies only to members in a designated area)
- E. Overseas housing allowance
- F. Cost-of-living allowance.

410503. The following amounts shall be withheld from the maximum amount of pay and allowances that otherwise may be allotted:

- A. Federal, state and FICA taxes
- B. The repayment of debts properly chargeable against a member's pay account (does not include repayments of advance pay)
- C. Premiums for Servicemember's Group Life Insurance (SGLI)
- D. Montgomery GI Bill deduction.

410504. Commanders may restrict further the total amount a member may allot when necessary to help the member meet essential personal needs.

#### 4106 PERIODS OF ALLOTMENTS

Allotments are made for indefinite periods except those:

- 410601. To Military Service relief organizations
- 410602. To the American Red Cross
- 410603. To the United States for:
  - A. Repayment of indebtedness, or
  - B. Payment of delinquent federal income taxes.
- 410604. For Combined Federal Campaign (CFC) charity drive donations.
- 410605. For payment of delinquent state or local income or employment taxes.

#### 4107 ALLOTMENT PAYMENT OFFICES

410701. Army. The Defense Finance and Accounting Service-Indianapolis Center, Military Pay Operations, Indianapolis, IN 46249, issues savings bonds and pays all Army allotments of pay except class X allotments, which are paid by local disbursing officers.

410702. Navy. The Defense Finance and Accounting Service-Cleveland Center, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199, pays all Navy allotments of pay.

410703. Air Force. The Defense Finance and Accounting Service-Denver Center, Denver,



CO 80279-8000, issues savings bonds and pays all Air Force allotments of pay except class X which are locally paid.

410704. Marine Corps. The Defense Finance and Accounting Service-Kansas City Center, Kansas City, MO 64197, issues savings bonds and pays all Marine Corps allotments of pay.

#### 4108 RESTRICTIONS

★ 410801. Establishment, Discontinuance, and Changes to Existing Allotments. *A properly executed form (e.g., DD Form 2558, Authorization to Start, Stop or Change an Allotment) or a written request from a member (or from an agent acting under a specific power of attorney) or an automated data exchange (from specific organizations) may be used to establish, discontinue, or change an allotment. The DD Form 2558 is available in an electronic medium. Further, a service member's written signature is not required to effect an allotment from pay when automated data exchange is utilized. Automated computer programs that allow members to establish, discontinue, or change an allotment using a personal identification number (PIN) are permitted. Allotments will be established, discontinued or changed only after the member's identity has been validated. (IC 40-99)*

410802. Limitations. Members may have up to 6 discretionary allotments as outlined in paragraph 410302, above.

410803. Minors. Allotments (except bonds) may not be made payable to children under 16 years of age. They may be made payable to the children's guardian or custodian. Spouses of members may be named as allottees regardless of age.

410804. Mental Incompetents. Allotments may not be made payable to mentally incompetent persons. Allotments may be made payable to a guardian or to the institution where a mentally incompetent person is confined.

410805. Power of Attorney. The holder of a member's special power of attorney may use that document to establish, change, or stop an allotment. The special power of attorney specifically must state the authority to establish, change, or stop allotments. A general power of attorney is not acceptable to establish, change, or stop an allotment.

#### 410806. Member Awaiting Trial by Court-Martial

A. Members may not register allotments between the date that a court-martial is ordered and the date of the approval or disapproval of the sentence.

B. Discontinue allotments whenever:

1. Necessary to permit collection of the forfeiture in the monthly

amount specified and within the time limitation stated in the court-martial sentence.

2. A member is sentenced to forfeit all pay and allowances due from the date the sentence is approved by the convening authority. This applies even though the convening authority defers the forfeitures and suspends the discharge when ordering the sentence into execution.

3. Allotments may be registered by a prisoner provided the amount of pay and allowances not forfeited is sufficient to cover allotment deductions.

410807. Returned Absentees, Deserters, and Prisoners. Allotments will not be registered for a returned absentee or deserter, unless the cognizant Defense Finance and Accounting Service Center (DFAS) has verified the member's pay status.

410808. Fraudulent Enlistment. Pay and allowances may not be allotted when pay is suspended pending final action on determination of fraudulent enlistment.

410809. Reduced Pay of Allotter. When a reduction in grade or stoppage of pay does not leave sufficient funds for allotments in force, allotments will be discontinued.

#### 4109 RIGHT TO ALLOTMENT IN CASE OF DEATH

410901. Death of Allotter. All allotments are revoked upon the death of the allotter. No further allotment payments shall be made by the paying allotment office after receipt of notice of the allotter's death. Deductions made from the allotter's pay, but not paid to the allottee, become part of the member's arrears of pay. Allotments paid after the allotter's death may not be collected from the allottee, with 2 exceptions:

A. Allotments erroneously established after notice of death of the allotter, and

B. Unearned insurance premiums (insurance premiums paid 1 month in advance of the day payment is actually due). See Military Service procedural instructions for actions required by the disbursing officer maintaining the pay account. The issuance of a check for an allotment, however, does not constitute payment until it is negotiated and the amount is collected by the payee. Accordingly, if a check is sent directly to an allottee and has not been negotiated, then recoupment action is appropriate.

410902. Death of Allottee. An allotment check, even though endorsed, does not become part of an allottee's estate if it is not cashed or negotiated before the allottee's death. It is not subject to any expense incurred by, or on behalf of, the allottee before or after death. All unnegotiated allotment checks shall be returned to the office from which issued. Returned allotment checks shall be credited to the member's account or paid in accordance with Military Service instructions if the member has been separated from the Military Service.

4110 ALLOTMENT OVERPAYMENT RESPONSIBILITIES

411001. Army and Air Force

A. If an allotment payment is made to an allottee before the disbursing office receives notice to stop the payment from the official required by regulation to furnish this notice, payment is credited to the disbursing officer. Collection is made from the allottee, if possible. If an allotment is paid in error because the officer responsible failed to report either the death of the allotter or any other fact that makes the allotment not payable, the amount of the payment not recovered from the allottee is collected, if practicable, from the officer who failed to report.

B. Any check or bond received for which entitlement does not exist immediately shall be returned to the issuing office. When an allotment payment is made after deductions from the member's pay have ceased, and the allottee does not return it to the office of issuance, the allottee shall be required to submit a complete and detailed explanation. A determination of liability then shall be made.

411002. Navy and Marine Corps

A. Commanding Officer. The commanding officer is responsible for informing the disbursing officer of any facts that warrant the stoppage of an allotment and for any required follow-up action. The commanding officer of a unit or ship without disbursing officer has the same responsibility as does a disbursing officer to initiate any necessary follow-up action regarding unacknowledged allotment requests.

C. Disbursing Officers. The disbursing officer who registers an allotment for a member is held responsible for proper entry on the military pay record. If the initial entry is incorrect, the disbursing officer making the entry is responsible for all payments or overpayments of the allotment. Failure to transfer an active allotment from a closed pay account to a new pay account imposes a liability on the disbursing officer concerned for all payments or overpayments made by the allotment officer.

| ALLOTMENTS OF PAY - GENERAL |   |  |                       |                              |                       |           |                 |                 |   |                           |             |                        |                          |
|-----------------------------|---|--|-----------------------|------------------------------|-----------------------|-----------|-----------------|-----------------|---|---------------------------|-------------|------------------------|--------------------------|
| R<br>U<br>L<br>E            | A   | B  |                       | C                            |                       | D         |                 |                 | E   | F                         |             | G                      |                          |
|                             | When the purpose of an allotment is   | and Military Service letter designation is |                       | and member on active duty is |                       | and is an |                 |                 | allotments which may be con-<br>tinued to retired status (note) | then the allotment period |             | and payment is made by |                          |
|                             |   | Army and Air Force                         | Navy and Marine Corps | Army and Air Force           | Navy and Marine Corps | Officer   | Enlisted Member | Avia-tion Cadet |   | indef-inite               | defi-nite   | DFAS                   | local disbursing officer |
| 1                           | purchase of United States Savings Bonds   | B  | B                     | X                            | X                     | X         | X               | X               | X   | X                         |             | X                      |                          |
| 2                           | charitable drive donation (Combined Federal Campaign)   | C  | C                     | X                            | X                     | X         | X               | X               |   |                           | X           | X                      |                          |
| 3                           | repayment of loans to Army Emergency Relief, Navy and Marine Corps Relief Society, Air Force Aid Society, or American Red Cross         | L  | L                     | X                            | X                     | X         | X               | X               | X   |                           | X           | X                      |                          |
| 4                           | contribution to post-Vietnam Era Veterans Educational Assistance Program  | S  | E Navy<br>V USMC      | X                            | X                     | X         | X               |                 |   | X                         | X Army only | X                      |                          |
| 5                           | payment of indebtedness to the United States  | T  | T                     | X                            | X                     | X         | X               | X               | X   |                           | X           | X                      |                          |
| 6                           | payment of delinquent taxes (federal, state local, or employment taxes)   |  |                       |                              |                       |           |                 |                 |   |                           |             |                        |                          |
| 7                           | emergency payment to a dependent  | X  |                       | X                            |                       | X         | X               |                 |   | X                         |             |                        | X                        |
| 8                           | remittance for RSFPP for retired members on active duty   | U  | U                     | X                            | X                     | X         | X               |                 |   | X                         |             | X                      |                          |
| 9                           | charitable contribution to Army Emergency Relief, Navy and Marine Corps Relief Society, or affiliates of Air Force Assistance Fund Army | F  | C                     | X                            | X                     | X         | X               | X               | X   |                           | X           | X                      |                          |

NOTE: Includes members of the Fleet Reserve or Fleet Marine Corps Reserve when not on active duty.

**Table 41-1. Allotments of Pay - General**

**Chapter 41—General Provisions Governing Allotments of Pay (Other Than Child and Spousal Support Allotments Required by Law)**

|  |   |
|--|---|
| 4101—General                             | 37 U.S.C. 701   |
| 4103 – Authorized Allotments             | 38 U.S.C. 3201-3243   |
| 410303G                                  |   |
| 4109—Right to Allotment in Case of Death |   |
|  | B-225873.2,<br>Mar 28, 1991<br>B-225873, Sep 25, 1987<br>B-169453, Apr 20, 1970 |

**SUMMARY OF MAJOR CHANGES TO CHAPTER 42**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.

| <b>Page</b> | <b>Paragraph</b> | <b>Explanation of Change/Revision</b>  | <b>Effective Date</b> |
|-------------|------------------|--|-----------------------|
| 42-1        | 420101.A,        | IC 21-98 pertains to allotments of pay | June 4, 1998          |

*Interim Changes 21-98 is incorporated in this change. Interim Change 21-98 also affects other chapters and will not be deleted from the interim changes cited on the OUSD(C) web site until all such chapters are updated.*

## CHAPTER 42

### DISCRETIONARY ALLOTMENTS

#### 4201 RESTRICTIONS ON DISCRETIONARY ALLOTMENTS

##### 420101. Restrictions

A. General. Military Service members are authorized no more than six purely discretionary allotments. Discretionary allotments are considered as class D allotments and examples are indicated in sections 4202 through 4206, of this Chapter. Service members are authorized no more than one discretionary allotment to the same allottee.

B. Savings Provision. All existing approved registered allotments of military pay and allowances from active duty and retired members that were authorized previously by this part at the time registered may be continued as approved allotments. If any such allotments are discontinued, they may not be reestablished except as a new allotment in accordance with the requirements of this part. Any change in the allotment initiated by the member is considered a discontinuance, except those that are beyond the control of the member. Changes beyond the control of the member are administrative changes that are dictated by events incidental to the allotment, i.e., name and address changes, or mortgage payment changes because of a variable rate mortgage or changing escrow requirements. Although the changes in this paragraph do not constitute a discontinuance, such administrative changes that adjust the amount of the allotment shall be accepted only when the member initiates a new allotment request. Discontinuance occurs with any mortgage refinancing action.

C. Allotments to Non-Individuals. Allotments shall be sent by Direct Deposit/Electronic Fund Transfer (DD/EFT).

#### 4202 ALLOTMENTS TO DEPENDENTS OR RELATIVES

420201. Authorized Allottee. Officers and enlisted members of the Military Services may authorize allotments of pay to their dependents, relatives, or divorced spouse. These allotments may be authorized by the member or administratively initiated under procedures established by the Military Service concerned. It may be made payable to an individual or to a financial organization for credit to the account of the allottee, or a joint account of the allotter and allottee. The member may request to stop a dependent allotment administratively started.

420202. Locally Paid Dependent Allotment (Class X)-Army and Air Force Only. This allotment is locally paid and is authorized only in emergency circumstances which prevent the member from supporting the member's dependent(s) by the usual means. It may be paid directly to the

member's dependent or made payable to a financial organization for credit to an account. This allotment is intended to be flexible enough to cope with the various types of emergencies that may arise. The following are examples where an Army or Air Force member may authorize a class X allotment:

Example 1: An Army member stationed overseas (including Alaska and Hawaii) with dependents residing in the same overseas area but in a different foreign country may authorize a class X allotment (Type I) for an indefinite period.

Example 2: An Army member, stationed anywhere, who is required to depart the permanent station in a timeframe which precludes normal arrangements for support of dependents may authorize a class X allotment (Type II) for a definite period not to exceed 6 months. If the member has not returned to the permanent station by the date the allotment is due to expire, the commander may extend the allotment for another 6 months.

Example 3: An Air Force member stationed overseas (including Alaska and Hawaii) with dependents residing in the same overseas area may authorize a class X allotment for an indefinite period during periods the member is away from the permanent station.

Example 4: An Air Force member, stationed anywhere, may authorize a class X allotment for a one-time emergency payment.

Example 5: An Air Force member, stationed anywhere, who is TDY for more than 30 days may authorize a class X allotment for a period not to exceed 6 months. If the member has not returned to the permanent station by the date the allotment is due to expire, the accounting and finance officer or the appointed agent establishes a class D allotment to replace the class X allotment.

420203. Allotment or Deduction for Rent. An allotment or deduction of pay may be authorized by the appropriate Secretary of the Military Department concerned for the payment of rent of premises occupied for dwelling purposes by the spouse, children, or other dependents of a member. Such allotment or deduction will be processed in accordance with the procedural instructions of the Military Service concerned.

#### 4203 INSURANCE ALLOTMENTS

420301. Purpose. Allotments are authorized to be made by all Military Service members for paying insurance premiums.



420302. Eligible Allottees

A. United State Government Life Insurance/National Service Life Insurance (USGLI/ NSLI). The allottee for this allotment is:

Department of Veterans Affairs  
Insurance Center  
PO Box 8079  
Philadelphia PA 19101

A member may have only one NSLI allotment. If the member has more than one policy in effect under one class of insurance, or a combination of U.S. Government Life Insurance and National Service Life Insurance, the premium payments are combined into one allotment.

B. Commercial Insurers. Commercial insurers are eligible allottees. All new allotments for paying premiums on commercial insurance must be approved under the following Military Service regulations:

1. Army: AR 37-104-3 (reference (bh))
2. Navy and Marine Corps: SECNAVINST 1740.2 Series (reference (by))
3. Air Force: AFR 211-16 (reference (bz))

All payments to an insurer are made to the home office of the agency issuing the policy or to a branch office named by the home office. A member may have more than one allotment for commercial insurance. However, if the member has more than one insurance policy with the same company, premium payments must be combined into one allotment to that company.

C. Navy Mutual Aid Insurance (Navy and Marine Corps only). The Navy Mutual Aid is an authorized allottee for the payment of life insurance. If the member has both the regular premium and the extra hazardous duty premium, the payments must be combined into one allotment.

420303. Effective Dates for Starting, Changing, and Stopping Insurance Allotments. Tables 42-1, 42-2, and 42-3 prescribe effective dates to start, change, or stop insurance allotments.

420304. Mandatory Stoppages

A. When Required. Table 42-3 gives conditions which require stopping insurance allotments.

B. Temporary Indebtedness or Forfeitures

1. Navy and Marine Corps Members. Do not stop a National Servicemen's Life Insurance allotment because of temporary indebtedness due to a request for collection of pay, or because of an authorized advance of pay, or temporary forfeiture of pay imposed by sentence of court-martial.

2. Air Force and Army Members. See Table 42-3, rule 11.

C. Cash Deposit for Insurance. Navy or Marine Corps members in a non-pay status may make cash deposits to protect a National Servicemen's Life Insurance allotment.

4204 ALLOTMENTS TO FINANCIAL ORGANIZATIONS AND INVESTMENT FIRMS

420401. Authorized Allottee. Officers and enlisted members may authorize allotments of pay to financial organizations for credit to the account of the member. Allotments may be deposited to:

A. A financial organization for credit to a savings, checking, or trust account of the allotter without restricting the use of the funds allotted.

B. A mutual fund company or investment firm.

4205 ALLOTMENTS FOR PAYMENT OF MORTGAGE OR RENT

420501. Authorized Allottee. Officers and enlisted members may authorize allotments of pay for mortgage or rent payment to a financial institution, mortgage company, realtor or to a landlord. See paragraph 420101, above, for restrictions that apply to this type of allotment.

4206 OTHER ALLOTMENTS

420601. Other Allotments. Officers and enlisted members may authorize an allotment for payment of car or personal loans. However, the restrictions in Chapter 41, section 4108 of this volume are applicable when starting this type of allotment.

| DATES TO START INSURANCE ALLOTMENTS |                          |   |   |   |
|-------------------------------------|--------------------------|---|---|---|
| R<br>U<br>L<br>E                    | A                        | B   | C   | D   |
|                                     | If a member of           | authorizes a/an                                     | and                                       | then start allotment effective the first day of the month   |
| 1                                   | any Military Service     | National Service Life Insurance allotment           |   | preceding the month in which the insurance premium is due. If the member has credits to cover deductions, allotment may be retroactive to assure continuity of premium payments or to reinstate insurance on the member's return from unauthorized absence (notes 1 and 2).   |
| 2                                   |                          |   | insurance policy is backdated to save age | in which application is made. Member must pay the reserve to cover previous months by direct pay to the VA.   |
| 3                                   | the Army and Air Force   | insurance allotment                                 |   | specified by the member, if authorization will reach the allotment office before the date specified in Military Service procedural regulations. May be effective with the month allotter enters on duty but only when an enlisted member, warrant officer, or graduate of a Service academy is commissioned, or when an enlisted member is appointed a warrant officer. |
| 4                                   | the Navy or Marine Corps | commercial insurance or a Navy Mutual Aid allotment |   | specified by the member, if authorization will reach the allotment office before the date specified in Military Service procedural regulations.   |

## NOTES:

1. A U.S. Government Life Insurance, or National Service Life Insurance allotment deducted for 1 month, pay the premium for the following month. For example, if premium for July is first one to be paid by allotment, allotment must be effective June 1.
2. When a National Service Life Insurance allotment has been discontinued, whether voluntarily or involuntarily, the allotter may reauthorize the allotment, except when starting an allotment that is prohibited by this chapter.

**Table 42-1. Dates to Start Insurance Allotments**

| DATES TO CHANGE INSURANCE ALLOTMENTS |                          |  |   |   |   |
|--------------------------------------|--------------------------|--|---|---|---|
| R<br>U<br>L<br>E                     | A                        | B  | C   | D   | E   |
|                                      | If a member of           | has a  | and the   | then stop present allotment effective the last day of the month   | and start new allotment effective the first day of the month  |
| 1                                    | the Army or Air Force    | commercial insurance or a National Servicemen's Life Insurance allotment                   | member or accounting and finance officer requests a change in the allotment | specified in the allotment document, if authorization will reach the allotment office before the date specified in Military Service regulations (stop retroactively if requested by the Department of Veterans Affairs or allotment office) | following the month old allotment is stopped.   |
| 2                                    | the Navy or Marine Corps | commercial insurance, National Servicemen's Life Insurance, or a Navy Mutual Aid allotment |   |   |   |
| 3                                    | any Military Service     | National Servicemen's Life Insurance allotment   | allotment was authorized in incorrect amount or effective date              | before its effective date   | the original authorization was effective, or the date requested by allotment office or Department of Veterans Affairs. (Allotment office adjusts premium payments with VA.) |

Table 42-2. Dates to Change Insurance Allotments

| DATES TO STOP INSURANCE ALLOTMENTS |                          |  |  |   |
|------------------------------------|--------------------------|--|--|---|
| R<br>U<br>L<br>E                   | A                        | B  | C  | D   |
|                                    | If a member of           | authorizes a   | and  | then stop allotment effective the first day of the  |
| 1                                  | the Army or Air Force    | commercial insurance or a National Servicemen's Life Insurance allotment                   | the member requests the allotment to be stopped  | month specified by the member, if authorization will reach the allotment office before the date specified in Military Service procedural regulations.   |
| 2                                  | the Navy or Marine Corps | commercial insurance, National Servicemen's Life Insurance, or a Navy Mutual Aid allotment |  |   |
| 3                                  | any Military Service     | National Servicemen's Life Insurance allotment   | the application for insurance is disapproved by the VA   | month before the effective starting date of the allotment (see note).   |
| 4                                  | the Army or Air Force    | commercial insurance or National Servicemen's Life Insurance allotment                     | is AWOL for 10 days or more  | latest month in which enough pay accrues to satisfy deduction.  |
| 5                                  | the Navy or Marine Corps | commercial insurance or Navy Mutual Aid allotment  | is AWOL for 15 days (or less, if allotment discontinuance is necessary to prevent overpayment) | month before the month in which absence began if authorization will reach allotment office before the date specified in Military Service procedural regulations; otherwise the month absence began. |
| 6                                  |                          | National Servicemen's Life Insurance allotment   | is AWOL for at least 30 days   | month before the month in which absence began.  |
| 7                                  | the Army or Air Force    | commercial or National Servicemen's Life Insurance allotment                               | approved court-martial sentence imposes total forfeiture of pay and allowances                 | latest month in which enough pay accrues to satisfy deduction.  |

Table 42-3. Dates to Stop Insurance Allotments

| DATES TO STOP INSURANCE ALLOTMENTS |                          |  |   |   |
|------------------------------------|--------------------------|--|---|---|
| R<br>U<br>L<br>E                   | A                        | B  | C   | D   |
|                                    | If a member of           | authorizes a   | and   | then stop allotment effective the first day of the  |
| 8                                  | the Navy or Marine Corps | commercial insurance, National Servicemen's Life Insurance, or Navy Mutual Aid allotment   |   | month before the month in which court-martial sentence is approved.   |
| 9                                  | the Army or Air Force    | commercial insurance or National Servicemen's Life Insurance allotment                     | has insufficient "take-home" pay to satisfy IRS notice of levy  | month before the month in which IRS notice of levy is received. (Stop insurance allotments only if discontinuance of other discretionary allotments will not satisfy levy.) |
| 10                                 | the Navy or Marine Corps | commercial insurance, National Servicemen's Life Insurance, or Navy Mutual Aid allotment   |   |   |
| 11                                 | the Army or Air Force    | commercial insurance or a National Servicemen's Life Insurance allotment                   | has insufficient pay, because of reduction in grade, nonpay status, or stoppage of pay, to warrant continuance of allotment | latest month in which enough pay accrues to satisfy deduction. Avoid stopping allotment unnecessarily or earlier than required.   |
| 12                                 |                          |  | is separated, retires, or dies  | (See procedural regulations of Military Service concerned.)   |
| 13                                 | the Navy or Marine Corps | commercial insurance, National Servicemen's Life Insurance, or a Navy Mutual Aid allotment |   |   |

NOTE: If applicant has been separated from the Military Service, the commander forwards disapproval notice, with member's last known address thereon, to the allotment office.

**Table 42-3. Dates to Stop Insurance Allotments (Continued)**

**Chapter 42—Discretionary Allotments****4201—Restrictions on Discretionary Allotments**

420101.C

DoD(C) Memo, Apr 22, 1992  
DFAS Memo,  
Jul 22, 1992)

**4203—Insurance Allotments**

420302.A

37 U.S.C. 701, 702, 705

420302.C

26 U.S.C. 6321(a), 6331

420302.C

DoD(C) Memo, Apr 22, 1992  
DFAS Memo,  
Jul 22, 1992)

**SUMMARY OF MAJOR CHANGES TO CHAPTER 43**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.

| <b>Page</b> | <b>Paragraph</b>             | <b>Explanation of Change/Revision</b>   | <b>Effective Date</b> |
|-------------|------------------------------|---|-----------------------|
|             | Deleted paragraph 430404A.10 | IC 28-98 regards basic allowance for housing for missing members and miscellaneous paragraph changes. | Jan 1, 1998           |



*Interim Change 28-98 is incorporated in this change and will be deleted from the interim changes cited on the OUSD(C) web site.*

## CHAPTER 43

### NON-DISCRETIONARY ALLOTMENTS

#### 4301 ALLOTMENTS FOR THE PURCHASE OF SAVINGS BONDS

430101. Authorized Purchases by Allotment. Members may purchase United States savings bonds by class B allotment in denominations of \$100, \$200, \$500, and \$1,000. The purchase price of the bond is one-half of the face value. Bond purchases in 1 calendar year may not exceed \$15,000 (purchase price). See Table 41-1 for members who may purchase bonds by allotment.

430102. Mailing Bonds. Generally, savings bonds may only be sent to an address within the United States, its territories or possessions, or the Commonwealth of Puerto Rico.

430103. Bonds Allotments for Members in Missing or Captured Status (Army and Air Force Only). Army and Air Force members may authorize class B allotments to become effective only if they enter a status of missing, missing-in-action, interned in a foreign country, captured, beleaguered or besieged by a hostile force, or detained in a foreign country against their will.

430104. Administration of Allotments. Details covering the administration of savings bond allotments are in the procedural instructions of the Military Service concerned.

430105. Safekeeping of Bonds. Members on active duty who prefer not to have their bonds mailed upon issue may have them held in safekeeping in accordance with the procedural instructions of the Military Service concerned.

#### 4302 CHARITABLE CONTRIBUTIONS

##### 430201. General

A. Combined Federal Campaign. Annual solicitations for donations to various community charity drives have been coordinated into a single combined fund-raising campaign. The name of this campaign is the Combined Federal Campaign (domestic areas) or the DoD Overseas Combined Federal Campaign (overseas areas). Basic information on the Combined Federal Campaign (domestic areas) is in the Manual on Fund-Raising Within the Federal Service for Voluntary Health and Welfare Agencies, and information for overseas areas is in appropriate Military Service regulations.

B. Service Relief Organizations. Members are authorized to make charitable contributions by allotment to the Army Emergency Relief, Navy and Marine Corps Relief Society, or affiliates of the Air Force Assistance Fund.

C. Allotment. Members meeting the requirements of this section may authorize a class C (CFC) allotment for a charity contribution to the Combined Federal Campaign (domestic or overseas) or to any of the Military Service relief organizations (SRO) indicated in subparagraph 430201.B, above. All allotments authorized are paid centrally by the offices shown in section 4107 of this volume.

430202. Limitations. Allotments for CFC and SROs must be at least \$1 per month and each allotter is authorized only one CFC and one SRO allotment.

430203. Discontinuance (CFC Only). Once an allotment is stopped it may not be reinstated during the current allotment period. (This does not apply to Navy or Marine Corps members when the allotment is stopped because of change in pay group.) Stop the allotment:

A. At the end of the authorized withholding period

B. Upon member's written request

C. Upon separation (except when discharged and immediately reenlisted at the same station without a break in service), release from active duty, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, retirement, or death

430204. Transfer. Continue the allotment when a member participating in a CFC campaign is transferred, unless the member submits a written discontinuance request.

430205. Administration of Allotment. Details covering charitable contributions allotments are in the procedural instructions of the Military Department concerned.

#### 4303 POST-VIETNAM ERA VETERANS EDUCATIONAL ASSISTANCE PROGRAM

430301. General. The Post-Vietnam Era Veteran's Educational Assistance Program provides education assistance on a contributory basis to those eligible members entering the Armed Forces on or after January 1, 1977, and before July 1, 1985, who might otherwise be unable to obtain a higher education.

430302. Contributions. Contributions by the member will be by allotment, payroll deduction, or lump-sum payment. The amount of the allotment or payroll deduction (Marine Corps only) will be not less than \$25 nor more than \$100 and must be in \$5 increments. Contributions by the participant are limited to a maximum of \$2,700.

430303. Administration of Allotment or Payroll Deduction. Details covering the administration of this type of allotment or payroll deduction (Marine Corps only) and the method of remitting contributions to the Department of Veterans Affairs are contained in regulations issued by the Department of Defense, the Department of Veterans Affairs, and the Military Department concerned.

4304 ALLOTMENTS FOR CHILD AND SPOUSAL SUPPORT

430401. General. Upon proper notification from an authorized person, the cognizant DFAS Center will start a statutorily-required child or child and spousal support allotment from the pay and allowances of a member on extended active duty when the member has failed to make periodic payments, under a support order, in an amount equal to the support payable for 2 months or longer.

430402. Definitions

A. Authorized Person. Any agent or attorney of any state having in effect a plan approved under Title 42, United States Code, section 665 (reference (ca)). This agent or attorney has the duty or authority to seek recovery of any amounts owed as child or child and spousal support and the court has the authority to issue an order against a member for the support and maintenance of a child, or any agent of such court.

B. Child Support. Periodic payments for the support and maintenance of a child or children, subject to and in accordance with state or local law. This includes, but is not limited to, payments to provide for health care, education, recreation, and clothing, or to meet other specific needs of the child or children.

C. Designated Official. The cognizant DFAS Center Director (or designee) who is authorized to receive and to process notices under this chapter. See paragraph 430407, below, for a listing of designated officials.

D. Notice. A court order, letter, or similar documentation issued by an authorized person providing notification that a member has failed to make periodic support payments under a support order.

E. Spousal Support. Periodic payments for the support and maintenance of a spouse or former spouse, in accordance with state or local law. It includes, but is not limited to, separate maintenance, alimony while litigation continues, and maintenance. Spousal support does not include any payment for transfer of property or its value by an individual to his or her spouse or former spouse in compliance with any community property settlement, equitable distribution of property, or other division of property between spouses or former spouses.

F. Support Order. Any order providing for child or child and spousal support issued by a court of competent jurisdiction within any state, territory, or possession of the United States, including Indian tribal courts, or in accordance with administrative procedures established under state law that affords substantial due process and is subject to judicial review.

430403. Notice to Designated Official

A. An authorized person shall send to the appropriate designated official a signed notice that includes:

1. A statement that delinquent support payments equal or exceed the amount of support payable for 2 months under a support order, and a request that an allotment be established.

2. A certified copy of the support order.

3. The amount of the monthly support payment. Such amount may include arrearages, if a support order specifies the payment of such arrearages. The notice shall indicate how much of the amount payable shall be applied toward liquidation of the arrearages.

4. A statement that delinquent support payments are more than 12 weeks in arrears, if appropriate.

5. The following information that identifies the member:

a. Full name

b. Social security number

c. Military Service of the member.

6. The full name and address of the allottee. The allottee shall be an authorized person, or designee, or the recipient named in the support order.

7. Any limitations on the duration of the support allotment.

8. A certification that the official sending the notice is an authorized person.

B. The notice shall be sent by mail or delivered in person to the appropriate designated official. The designated official shall note the date and time of receipt on the notice.

C. The notice is effective when it is received in the office of the designated official.

D. When the notice does not sufficiently identify the member, it shall be returned directly to the authorized person with an explanation of the deficiency. However, before the notice is returned, if there is sufficient time, an attempt shall be made to inform the authorized person who sent the notice that it will not be honored unless adequate information is supplied.

E. Upon receipt of effective notice of delinquent support payments, together with all required supplementary documents and information, the designated official shall identify the member from whom moneys are due and payable. The allotment shall be established in the amount necessary to comply with the support order and to liquidate arrearages if provided by a support order, when the maximum amount to be allotted under this provision, together with any other moneys withheld for support from the member, does not exceed:

1. Fifty percent of the member's disposable earnings for any month in which the member asserts by affidavit or other acceptable evidence that he or she is supporting a spouse, dependent child, or both, other than a party in the support order. When the member submits evidence, copies shall be sent to the authorized person, together with notification that the member's support claim shall be honored. If the support claim is contested by the authorized person, that authorized person may refer this matter to the appropriate court or other authority for resolution.

2. Sixty percent of the member's disposable earnings for any month in which the member fails to assert by affidavit or other acceptable evidence that he or she is supporting a spouse, dependent child, or both.

3. Regardless of the limitations above, an additional 5 percent of the member's disposable earnings shall be withheld when the notice states that the total amount of the member's support payments is 12 or more weeks in arrears.

430404. Disposable Earnings

A. Include the following items in computing the disposable earnings for members assigned within the continental United States:

1. Basic pay (including Military Service academy cadet and midshipmen pay)
2. Basic allowance for housing (BAH) for members with dependents and members without dependents in the grade of E-7 or higher
3. Basic allowance for subsistence (BAS) for commissioned and warrant officers
4. Career sea pay
5. Diving pay
6. Flying pay (all crew members)
7. Proficiency pay and special duty assignment pay

8. Special pay for medical, dental, optometry, and veterinary officers
9. Submarine pay

B. Include the following additional items in computing the disposable earnings for members assigned outside the continental United States:

1. Family separation allowance, Type II (FSA-R only)
2. Foreign duty pay
3. Special pay for duty subject to hostile fire and imminent danger (applies only to members permanently assigned in a designated area)
4. Special pay for overseas extensions
5. Overseas housing allowance
6. Cost-of-living allowance

C. After including the items in subparagraphs 430404.A and B, above, subtract the following items to compute the final disposable earnings value:

1. Amounts the member owes the United States
2. Deductions for the Armed Forces Retirement Home
3. Fines and forfeitures
4. Federal and state employment and income taxes to the extent that the amount deducted is consistent with the member's tax liability
5. Deductions for Servicemembers' Group Life Insurance
6. Advances of pay the member received before the date the designated official received notice of the support allotment. (In computing future advance pay entitlement, deduct the amount of the allotment required by law.)
7. Other amounts required by law to be deducted (e.g., dental plan premium).

430405. Notice to Member and Member's Commanding Officer

A. Within 15 calendar days after the date of receipt of notice, the designated official shall send to the member, at his or her duty station, written notice:

1. That notice has been received from an authorized person, including a copy of the documents submitted.

2. Of the maximum percentages which can be withheld under subparagraph 430403.E, above, and a request that the member submit supporting affidavits or other documentation necessary for determining the applicable percentage.

3. That the member may submit supporting affidavits or other documentation as evidence that the information contained in the notice is in error.

4. That by submitting supporting affidavits or other necessary documentation, the member consents to the disclosure of such information to the party requesting the support allotment.

5. Of the amount or percentage that will be deducted if the member fails to submit the documentation necessary to enable the designated official to respond to the notice within the prescribed time limits.

6. That a consultation with a judge advocate or legal officer will be provided by the Military Department concerned, if possible, and that the member should immediately contact the nearest legal services office.

7. Of the date that the allotment is scheduled to begin.

B. The designated official shall notify the member's commanding officer, or designee, of the need for consultation between the member and a judge advocate or legal officer. The designated official shall provide the member's commanding officer, or designee, with a copy of the notice and other legal documentation received by the designated official.

C. The Military Department concerned shall give the member the following:

1. When possible, an in-person consultation with a judge advocate or legal officer of the Military Service concerned, to discuss the legal and other factors involved in the member's support obligation and failure to make payment.

2. Copies of any other documents submitted with the notice.

D. The member's commanding officer, or designee, shall confirm in writing to the designated official within 30 days of the date of notice that the member received a consultation concerning the member's support obligation and the consequences of failure to make payments, or when appropriate, of the inability to arrange such consultation, and the status of continuing efforts to fulfill the consultation requirement.

E. If, within 30 days of the date of notice, the member has furnished the designated official with affidavits or other documentation showing the information in the notice to be in error, the designated official shall consider the member's response. The designated official may return to the authorized person, without action, the notice for a support allotment required by law, together with the member's affidavit and other documentation, if the member submits substantial proof of error, such as:

1. The support payments are not delinquent.
2. The underlying support order in the notice has been amended, superseded, or set aside.

430406. Payments

A. Except as provided in subparagraph C, below, the cognizant DFAS Center Director (or designee) shall make the support allotment by the first end-of-month payday after the designated official is notified that the member has had a consultation with a judge advocate or legal officer, or that a consultation was not possible, but not later than the first end-of-month payday after 30 days have elapsed from the date of the notice to the member. DFAS Centers will not be required to vary their normal military allotment payment cycle to comply with the notice.

B. If several notices are sent with respect to the same member, payments shall be satisfied on a first-come, first-served basis within the amount limitations in subparagraph 430403.E, above.

C. When the member identified in the notice is found not to be entitled to money due from or payable by the DFAS Center, the designated official shall return the notice to the authorized person and shall advise him or her that no money is due from or payable by the DFAS Center to the named individual. When it appears that amounts are exhausted temporarily or otherwise unavailable, the authorized person shall be told why and for how long any money is unavailable, if known. If the member separates from active duty, the authorized person shall be informed that the allotment is discontinued.

D. Payment of statutorily-required allotments shall be enforced over other voluntary deductions and allotments when the gross amount of pay and allowances is not sufficient to permit all authorized deductions and collections. Allow the member to choose which discretionary allotments to cancel. If the member refuses or is unable to advise which allotments to cancel, cancel in the following order:



1. Class C allotment for Combined Federal Campaign
2. Class B allotment for savings bonds
3. Discretionary allotment payable to a financial organization for deposit to the member's account (includes allotments payable to a mutual fund or investment firm and allotments to pay for personal or car loans)
4. Allotment for Post-Vietnam Era Veterans Educational Assistance Program contributions
5. Class L allotment to repay loans to Military Service relief agencies and the American Red Cross
6. Discretionary allotments in the following order:
  - a. Payments to dependents/relatives
  - b. Emergency payment to dependents (class X)
  - c. Repayment of home loans and payment of rent
  - d. Commercial life, health, and dental insurance
  - e. Navy Mutual Aid Insurance
  - f. NSLI or U.S. Government Life Insurance

E. The authorized person or allottee shall notify the designated official promptly if the operative court order upon which the allotment is based is vacated, modified, or set aside. The designated official shall also be notified of any events affecting the allottee's eligibility to receive the allotment, such as the former spouse's remarriage if a part of the payment is for spousal support, and notice of a change in eligibility for child support payments under circumstances of death, emancipation, adoption, or attainment of majority of a child whose support is provided through the allotment.

F. An allotment established under this chapter shall be adjusted or discontinued upon notice from the authorized person.

G. Neither the Department of Defense, nor any officer or employee, shall be liable for any payment made from moneys due from, or payable by, the Department of Defense to any individual pursuant to notice regular on its face, if such payment is made in accordance with this section. If a designated official receives notice based on a support order which, on its face, appears to conform

to the laws of the jurisdiction from which it was issued, the designated official shall not be required to ascertain whether the authority that issued the order had obtained personal jurisdiction over the member.

430407.        Designated Official

Director  
DFAS-CL/L  
PO Box 998002  
Cleveland OH 44199-8002  
Telephone (216) 522-5301

430408.        Information Requirements. Information requirements contained in the notice of delinquent support payments from the authorized person are assigned Office of Management and Budget (OMB) (reference (cb)) approval number 0704-0180.

4305    ALLOTMENTS FOR COMMERCIAL DEBTS

430501.        General. Monies due from, or payable by, the United States to active duty members are subject to the involuntary allotment. The application for direct payment of an involuntary allotment to satisfy a judgment for commercial indebtedness from the pay of a member subject to involuntary allotment must be accompanied by a certified copy of a final judgment issued by a court of competent jurisdiction within any state, territory, or possession of the United States.

430502.        Definitions. The following definitions apply to this section:

Designated Agent:

Director  
DFAS-Cleveland Center  
DFAS-CL/L  
PO BOX 998002  
Cleveland OH 44199-8002

(216) 522-5301

B.        Active Duty Member. A Regular member or any member of a Reserve Component on active duty pursuant to Title 10, United States Code, section 12301, for a period in excess of 180 days at the time an application for involuntary allotment is received by DFAS, excluding members in a prisoner of war or missing in action status and retired members.

C.        Final Judgment. A valid, enforceable order or decree, by a court from which no appeal may be taken, or from which no appeal has been taken within the time allowed, or from

which an appeal has been taken and finally decided.

430503. Application to Designated Agent

A. To initiate an involuntary allotment, an applicant (creditor) shall send a copy of the final judgment certified by the clerk of the court, accompanied by DD Form 2653, Involuntary Allotment Application, and other supporting documents required by DoD Instruction 1344.12 (“application package”) (reference (ed)), to the designated agent.

B. The application package shall be sent by mail or delivered in person to the designated agent. The designated agent shall note the date and time of receipt of the application package.

C. When the application package does not sufficiently identify the member, it shall be returned directly to the applicant with an explanation of deficiency.

D. Once the application package is effectively served on the designated agent, the application package will be processed in accordance with DoD Directive 1344.9 (reference (ee)) and DoD Instruction 1344.12 (reference (ed)).

E. Upon receipt of a completed application, together with all required supporting documents and information, including a certified copy of the court order, the designated agent shall identify the member from whom the monies are payable, and the member’s commanding officer. Notice shall be sent to the member and the member’s commanding officer in accordance with DoD Instruction 1344.12 (reference (ed)), paragraph F.2.b. The involuntary allotment shall not exceed the lesser of 25 percent of a member’s pay subject to involuntary allotment or the maximum percentage of pay subject to garnishment proceedings under the applicable state law.

F. If the member’s pay is subject to a garnishment or statutory allotment for spousal or child support, in addition to the involuntary allotment application, the combined amounts deducted from the member’s pay shall not exceed the lesser of 25 percent of a member’s pay subject to involuntary allotment or the maximum percentage of pay subject to garnishment proceedings under the applicable state law. If the maximum percentage allowed for involuntary allotments would be exceeded by both deductions, garnishments and statutory allotments for spousal and child support take priority over the involuntary allotment.

G. If the designated agent is served with more than one involuntary allotment application, the applications will be processed on a first-come first served basis. After the first application is processed, additional applications shall be returned to the applicant in accordance with DoD Instruction 1344.12 (reference (ed)), paragraph F.2.b(5)(c)6, with a notice that a current involuntary allotment is being paid and no funds are available.

430504. Pay Subject to Involuntary Allotment. See paragraph 500302 of this volume.

430505. Notice to Member and Member's Commanding Officer

A. The designated agent immediately will mail one copy of the application package and DD Form 2654 (Involuntary Allotment Notice and Processing) to the member and two copies of the application package, along with DD Form 2654, to the member's commanding officer. The designated agent will provide notice to the member and the member's commanding officer that automatic processing of the involuntary allotment application will occur if a response is not received within 90 calendar days from the original date of mailing, unless the member has been granted an extension to respond (see subparagraph 450505.B, below).

B. If the member is temporarily unavailable to respond, the member's commanding officer may grant a reasonable extension of time for the member's response. The commanding officer will notify the designated agent that the member has been granted an extension to respond, the date the response is due, and the reason (s) for the extension. In the absence of any additional correspondence from the member's commanding officer, the involuntary allotment application may be automatically processed within 15 calendar days after the date a response was due, including any approved extension response date.

430506. Payments

A. Except as provided in subparagraph 450506.C, below, the cognizant DFAS Center Director (or designee) shall begin payment of an involuntary allotment within 30 days after the designated agent approved the application package. However, the DFAS Centers will not be required to vary their normal military allotment system to comply with the application package. Payment of the involuntary allotment will continue until the amount specified in the judgment is collected, or the allotment is canceled or suspended.

B. If several applications are sent with respect to the same member, payment shall be satisfied on a first-come first served basis within the limitations of subparagraphs 430503.E, and F, above.

C. When the member identified in the application package is not entitled to any monies from the Military Department concerned, the designated agent shall return the application package to the applicant, with an explanation that no money is due, or payable to, the member. When it appears that amounts are exhausted temporarily or otherwise unavailable, the applicant shall be told why and for how long any money is unavailable, if known. If the member separates from active duty, the applicant shall be informed that the allotment is discontinued.

D. Payment of statutorily-required involuntary allotments shall be enforced over other voluntary deductions and allotments when the gross amount of pay and allowances is not sufficient to permit all authorized deductions and collections. The member will be allowed to choose which

discretionary allotments to cancel. If the member refuses or is unable to advise which allotments to cancel, the finance office will cancel discretionary allotments in the order listed in subparagraph 430406.D, above.

E. The applicant shall notify the designated agent promptly if the operative court order upon which the allotment is based is vacated, modified, or set aside. The designated agent shall also be notified of any event affecting the applicant's eligibility to receive the allotment.

F. An allotment established under this chapter shall be discontinued upon notice from the applicant.

G. Neither the United States, nor any officer or employee, shall be liable for failure to make payment or for any payment made from monies due from, or payable by, the Military Services to any individual pursuant to an application package that is regular on its face, if such payment is made in accordance with this section and DoD Instruction 1344.12 (reference (ed)). If the designated agent receives an application package based on a final judgment, which on its face, appears to conform to the laws of the jurisdiction from which it was issued, the designated agent shall not be required to ascertain whether the authority that issued the order has obtained personal jurisdiction over the member.

H. The applicant will refund directly to the member any amounts overcollected within 30 days of discovery or notice of overpayment.

430507. References. The following source directives contain detail on entitlements, policies, and procedures for allotments for commercial debts:

- A. Army:  
AR 37-104-4 (reference (ef))
- B. Navy:  
DFAS PAY/PERSONNEL  
Procedures Manual (NAVY)  
DFAS-CL (NAVSOP) 3050-2
- C. Air Force:  
DFAS-DM 7073.1-M, DFAS-DE 7073.3-M  
(reference (ap)); and AFI 36-2906 (reference (eg))
- D. Marine Corps:  
Bond and Allotment Manual  
(B&A Manual) MCO p7220.45;  
Automated Pay Systems Manual  
(APSM), MCO p7220.31 (reference (em))

## Chapter 43—Non-Discretionary Allotments

## 4301—Allotments for the Purchase of Savings Bonds

|        |                      |
|--------|----------------------|
| 430101 | 31 C.F.R. 353.10 (a) |
| 430102 | 31 C.F.R. 351.6      |
| 430104 | 46 Comp Gen 340      |

## 4302—Charitable Contributions

|               |   |
|---------------|---|
| 430201.A      | EO 10927, Mar 18, 1961<br>DoD Directive 5035.1,<br>Sep 22, 1964   |
| 430202-430204 | DoD Instruction 5035.5,<br>Aug 23, 1978,<br>Chapter 4, para 4.13,<br>Manual on Fund-Raising<br>Within the Federal Service |

## 4303—Post-Vietnam Era Veterans Educational Assistance Program

|        |                |
|--------|----------------|
| 430301 | 38 U.S.C. 3221 |
| 430302 | 38 U.S.C. 3222 |

## 4304—Allotments For Child and Spousal Support

|        |               |
|--------|---------------|
| 430401 | 42 U.S.C. 665 |
|--------|---------------|

## 4305—Allotments For Commercial Debts

|        |   |
|--------|---|
| 430501 | Public Law 103-94,<br>Section 9, Oct 6, 1993<br>DoD Directive 1344.9,<br>Oct 27, 1994<br>DoD Instruction 1344.12,<br>Nov 18, 1994 |
|--------|---|

**SUMMARY OF MAJOR CHANGES TO CHAPTER 44**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES - ACTIVE DUTY AND RESERVE PAY**

**New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.**

| <b>Page</b>  | <b>Paragraph</b> | <b>Explanation of Change/Revision</b>  | <b>Effective Date</b> |
|--------------|------------------|--|-----------------------|
| 44-14        | Table 44-1       | Interim Change (IC) 24-97 revised Table 44-1 by adding a new rule 20 to Table 44-1.  | Apr 1, 1996           |
| 44-7 to 44-8 | 440106.D         | IC 14-98 renumbered subparagraph 440106.D as 440106.E and added a new subparagraph 440106.D regarding disclosure of withholding information.   | Feb 27, 1998          |
| 44-2         | 440103A.4        | IC 13-99 designated Federal Republic of Yugoslavia (Serbia and Montenegro), Albania, the airspace above, and adjacent waters as a combat zone. | Mar 24, 1999          |

*Interim Changes 24-97, 14-98, and 13-99 are incorporated in this chapter.*

## CHAPTER 44

### WITHHOLDING INCOME TAX

#### 4401 WITHHOLDING FROM CURRENT PAY

440101. Wages Subject to Withholding of Federal and State Income Tax. The taxable pay (Table 44-1) of all Service members, except those listed in paragraph 440102, below, is subject to withholding of federal and state income tax. The taxable value of certain noncash fringe benefits, in excess of statutory limitations, that are provided to some members, is subject to federal and applicable state income taxes (see Table 44-1, rules 18 and 19).

440102. Wages Not Subject to Withholding of Federal and State Income Tax. Military pay of the following Service members is not subject to withholding of federal and state income tax:

A. On or before March 31, 1996, the pay of all active duty members for any month during which they qualify for combat zone or qualified hazardous duty area exclusion, as prescribed in paragraph 440103, below. Beginning April 1, 1996, the pay of commissioned officers (O-1 and above) not subject to withholding was capped. Pay earned up to the highest rate of pay payable to any enlisted member plus the amount of hostile fire/imminent danger pay that actually is payable to commissioned officers for any month during which they qualify for combat zone or qualified hazardous duty area exclusion, as prescribed in paragraph 440103, below, is not subject to withholding of federal and state income tax.

B. All active duty members for any month during any part of which the member is in a missing status as defined in the Definitions during the Vietnam conflict as a result of such conflict; except for periods for which it officially is determined that the member is absent from post of duty without authority. These provisions became effective on February 28, 1961, and were terminated on June 30, 1996.

C. Federal income tax shall not be withheld from the military pay of legal residents of Puerto Rico. United States income tax withholding is precluded when military pay is properly subject to Puerto Rico withholding. Puerto Rico withholding is not required for military pay earned but unpaid at the date of death of a military member; consequently, federal income tax withholding is proper for such payments.

440103. Combat Zone Income Tax Exclusion for Active Service in a Combat Zone or Qualified Hazardous Duty Area



A. Combat Zone Defined

1. Effective January 1, 1964, Executive Order 11216 (reference (cc)) designated the following area as a combat zone: Vietnam, including the waters adjacent thereto within the following described limits: From a point on the east coast of Vietnam at the juncture of Vietnam with China southeastward to 21 degrees N. Lat., 108 degrees 15' E. Long.; thence southward to 18 degrees N. Lat., 108 degrees 15' E. Long.; thence southeastward to 17 degrees 30' N. Lat., 111 degrees E. Long.; thence southward to 11 degrees N. Lat., 111 degrees E. Long.; thence southwestward to 7 degrees N. Lat., 105 degrees E. Long.; thence westward to 7 degrees N. Lat., 103 degrees E. Long.; thence northward to 9 degrees 30' N. Lat., 103 degrees E. Long.; thence northeastward to 10 degrees 15' N. Lat., 104 degrees 27' E. Long.; thence northward to a point on the west coast of Vietnam at the juncture of Vietnam with Cambodia. The island of Phu Quoc is a part of the territory of Vietnam.

2. Effective January 17, 1991, Executive Order 12744 (reference (cd)) designated the following areas (including air space and adjacent waters) as combat zones: Persian Gulf; Red Sea; Gulf of Oman; Gulf of Aden; that portion of the Arabian Sea that lies north of 10 degrees N. Lat., and west of 68 degrees E. Long.; and the total land areas of Iraq, Kuwait, Saudi Arabia, Oman, Bahrain, Qatar, and the United Arab Emirates.

3. Per Executive Order 13002 (reference (eh)), signed May 13, 1996, the designation of Vietnam and waters adjacent thereto as a combat zone was terminated effective as of midnight on June 30, 1996.

★ 4. *Effective March 24, 1999, Executive Order 13119 designated the following areas (including the airspace above) as a combat zone: The Federal Republic of Yugoslavia (Serbia and Montenegro), Albania, the Adriatic Sea, and the Ionian Sea north of the 39th parallel. (IC13-99)*

B. Qualified Hazardous Duty Area Defined. Effective November 21, 1995, Public Law 104-117 (reference (ei)) authorized tax benefits for members performing services in peacekeeping efforts in Bosnia-Herzegovina, Croatia, and Macedonia, hereinafter referred to as qualified hazardous duty areas, in the same way as if services were performed in a combat zone.

C. Qualification for Combat Zone Income Tax Exclusion for Active Service in a Combat Zone or Qualified Hazardous Duty Area. A member of the Armed Services is entitled to combat zone tax exclusion or qualified hazardous duty area exclusion for any month during any part in which he or she:

1. Performs active service in a combat zone or qualified hazardous duty area designated in subparagraph 440103.A., above. Periods in the zone or area during which a member is absent from his or her duty assignment in the zone or area on account of sickness, wounds, internment by the enemy, or other lawful cause are periods of active service.

2. Becomes a prisoner of war or missing in action while in active service in a combat zone or qualified hazardous duty area. (NOTE: Such personnel are deemed, for the purposes of this paragraph, to continue in active service in the combat zone or area for the period for which they are entitled to such status for military pay purposes.)

3. Is granted official leave, or is authorized to depart from assigned duty in a zone or qualified hazardous duty area for other lawful cause on or after November 21, 1995, and is directed to perform temporary duty, and the departure or return is on any day of the month. Exception: In instances when the absence on leave, TAD, or TDY extends over a period which includes a full calendar month, the tax exclusion may not be allowed for that calendar month.

4. Is present, however briefly, in the combat zone or qualified hazardous duty area on official duty requiring presence in that zone or area. When the airspace over a combat zone or qualified hazardous duty area is included as part of the zone or area, a member who passes over or through the zone or area during the course of a trip between two points, both of which lie outside the zone or area, is entitled to an exclusion only if he or she is assigned to official temporary duty to the airspace of the zone or area, or qualifies for hostile fire or imminent danger pay as a result of the flight. If the airspace is not designated for imminent danger pay (but is part of the designated zone or area), a member must be assigned to perform duty in the airspace rather than flying over the zone or area as in an incidental part of the trip to qualify for the exclusion. The fact that most members are in an official duty status when flying through a designated airspace should not be construed to mean they are assigned to the airspace to perform duty and therefore entitled to the exclusion. The following examples apply:

Example 1. Member A is assigned as a navigator in an air unit stationed outside the combat zone. On June 4, during the course of a flight between his home base and another base outside the combat zone, the aircraft on which he serves as a navigator flies over a combat zone (given that the airspace is part of the designated combat zone). Member A is not on official temporary duty in the airspace of the combat zone and does not qualify for hostile fire or imminent danger pay as a result of the flight. Accordingly, he is not deemed to have served in a combat zone since he passes through the zone without either being on official duty to the combat zone or qualifying for hostile fire or imminent danger pay.

Example 2. Same scenario as example 1, except that the airspace is not part of the designated zone and Member B is entitled to hostile fire or imminent danger pay as a result of the flight. Member B is deemed to have served in a combat zone and is entitled to the combat zone tax exclusion if his duties are determined to be in direct support of the military operation in the zone.

Example 3. Member C is a navigator in an air unit stationed outside a combat zone. On June 4, she is ordered to perform duty (execute a mission) in the airspace over the combat zone (which is part of the designated zone) and return to her home station outside the combat zone. Member C is not entitled to hostile fire or imminent danger pay as a result of the flight. She is, however, entitled to the combat zone tax exclusion for the month of June for performing official temporary duty in the airspace (combat zone) during the period.

5. A member performs military duties in areas outside the combat zone or qualified hazardous duty area in direct support of military operations in the combat zone or qualified hazardous duty area and qualifies for hostile fire or imminent danger pay under Chapter 10 of this volume. (The hostile fire or imminent danger pay entitlement must be related to activities or circumstances in the combat zone or qualified hazardous duty area.) Unit commanders who believe that their personnel qualify for combat zone or qualified hazardous duty area treatment under this provision shall request certification from the applicable approval authority as designated by the Secretary of Defense.

a. When members are entitled to tax exclusion under this paragraph, entitlement continues for periods of absence, prisoner or missing status, and temporary duty as stated for service in the actual combat zone or qualified hazardous duty area in subparagraphs 440103.C.1, 2, 3, or 4, above.

b. Military service is considered to be in direct support if it has the effect of maintaining, upholding, or providing assistance for those involved in military operations in the combat zone or qualified hazardous duty area. The following examples are provided to assist in determining whether personnel qualify for combat zone or qualified hazardous duty area tax exclusion. In each case, personnel must be entitled to hostile fire pay or imminent danger pay.

(1) Since the act of transporting necessary supplies is a function included within the concept of providing direct support of military operations, services rendered on a supply vessel transporting supplies to a combat zone or qualified hazardous duty area are in direct support of military operations in the combat zone or qualified hazardous duty area.

(2) If an aircraft in a nearby country outside the combat zone or qualified hazardous duty area is used to transport supplies and personnel into the combat zone or qualified hazardous duty area, the members of the ground crews who load the aircraft and the maintenance personnel who maintain the aircraft all qualify for combat zone or qualified hazardous duty area tax exclusion. In addition, members who maintain and control the airstrip (e.g., as a meteorologist or air traffic controllers) are performing services in direct support of military operations in the combat zone or qualified hazardous duty area qualify for the tax exclusion.

(3) Members of a unit or installation who support and assist other members of that unit or installation who serve in direct support of military operations in a combat zone or qualified hazardous duty area are considered to be serving in direct support of military operations in the combat zone or qualified hazardous duty area. Generally, all members who serve in support of operations at an installation where some members serve in direct support of military operations in a combat zone or qualified hazardous duty area are considered to be serving in direct support of military operations in that combat zone or qualified hazardous duty area (e.g., unit or installation personnel for an airstrip would qualify).

6. A member is hospitalized or rehospitalized any place as a result of wounds, disease, or injury incurred while serving in a combat zone or qualified hazardous duty area or while serving in areas identified in subparagraph 440103.C.5, above. A member is considered as hospitalized or rehospitalized until such time as status as a hospital patient ceases by reason of discharge from the hospital. Combat zone or qualified hazardous duty area tax exclusion under this subparagraph shall not apply to any months beginning more than 2 years after the date of the termination of activities in the combat zone or qualified hazardous duty area.

D. Periods For Which Tax Exclusion Does Not Apply. Members who are in the combat zone or qualified hazardous duty area merely for their own convenience, e.g., while on leave from a duty station not in the zone or area, are not entitled to the exclusion.

E. Tax Abatement in Case of Death

1. A member who dies in a combat zone or qualified hazardous duty area, or as a result of wounds, disease, or injury incurred while serving in the combat zone or qualified hazardous duty area (including under subparagraph 440103.C.5, above) is exempt from income tax for:

- a. The taxable year in which death occurs
- b. Any prior taxable year ending on or after the first day served in a combat zone or qualified hazardous duty area
- c. Any such tax for prior years that remains unpaid at date of death.

2. For missing members, the date of death is not earlier than the date on which a determination of death is made. The preceding sentence does not cause abatement of taxes for any taxable year beginning:

- a. After January 2, 1978, for service in the combat zone designated for purpose of the Vietnam conflict, or
- b. More than 2 years after the date designated under 26 U.S.C. 112 (reference (ce)) as the date of termination of combatant activities in any combat zone other than that designated for purposes of the Vietnam conflict.

F. Termination Date Other than Cases of Hospitalization. In no case shall the tax exclusion authorized in subparagraph 440103.C.1 through C.6, above, for active duty members extend beyond the effective date specified in an executive order terminating the designation of the combat zone. In the case of qualified hazardous duty areas, the exclusion shall not extend beyond the effective date of the termination of imminent danger pay for the area.

440104. Tax Abatement for Death Caused by Terrorist or Military Action Overseas. A

member whose death was caused by terrorist or military action overseas (excluding training exercises) qualifies for federal tax abatement under the provisions of 26 U.S.C. 692(c) (reference (ce)). The law forgives the deceased member's tax liability for the year of death and for all prior tax year(s) for the period beginning with the tax year before the year the injuries or wounds were incurred. The deceased member's survivors, executor, or administrator should contact the Internal Revenue Service for necessary guidance in claiming the tax exemption.

440105. Rate of Withholding

A. General. The withholding of federal and state taxes shall be in accordance with Treasury Department Circular E (reference (cf)) and Treasury Department regulations governing state income tax withholding as implemented in Military Service directives.

B. Additional Federal and State Withholding Tax. Consistent with his or her tax planning needs, a member may authorize an additional amount to be withheld monthly even though entitled to combat zone tax exclusion. A member, who becomes entitled to combat zone exclusion while on temporary additional duty (TAD) or temporary duty (TDY), may authorize that regular withholding be continued. The member's pay account must be adjusted for the combat zone exclusion. See the applicable procedural instructions of the Military Service concerned for preparation of additional withholding tax requests and effective dates.

440106. State and Local Taxes

A. Tax Requirements. The state in which a member claims legal residence may tax compensation and other income regardless of the member's location. Compensation for Military Service, however, is not taxable by any state, territory, possession, political subdivision, or district that is not the member's legal residence.

B. Legal Residence. Each member must designate a legal residence and report any changes of legal residence. A member's legal residence does not change because of change of permanent station. Legal residence at the time of entry into the Armed Forces remains the same until changed by the member. Notification of a change of legal residence must be accomplished by the member using DD Form 2058 (State of Legal Residence Certificate).

C. Withholding. Compensation for military service that is subject to federal taxation also is subject to the mandatory withholding of income taxes on behalf of those states (including the District of Columbia) that have entered into an agreement for the purpose of such withholding with the Secretary of the Treasury. The following states have entered into such an agreement:

| <u>State</u>         | <u>Effective Date To<br/>Commence Withholding</u> |
|----------------------|---|
| Alabama              | July 1, 1977                                      |
| Arizona              | September 1, 1993                                 |
| Arkansas             | March 30, 1981                                    |
| California           | February 1, 1978                                  |
| Colorado             | August 1, 1977                                    |
| Connecticut          | January 1, 1992                                   |
| Delaware             | July 1, 1977                                      |
| District of Columbia | August 1, 1977                                    |
| Georgia              | January 1, 1979                                   |
| Hawaii               | December 1, 1977                                  |
| Idaho                | July 1, 1977                                      |
| Indiana              | August 1, 1977                                    |
| Iowa                 | July 1, 1977                                      |
| Kansas               | July 1, 1977                                      |
| Kentucky             | September 1, 1977                                 |
| Louisiana            | September 1, 1977                                 |
| Maine                | November 1, 1977                                  |
| Maryland             | August 1, 1977                                    |
| Massachusetts        | August 1, 1977                                    |
| Minnesota            | November 1, 1977                                  |
| Mississippi          | June 1, 1978                                      |
| Missouri             | January 1, 1993                                   |
| Nebraska             | September 1, 1977                                 |
| New Jersey           | July 1, 1977                                      |
| New Mexico           | July 1, 1977                                      |
| New York             | July 1, 1977                                      |
| North Carolina       | July 1, 1977                                      |
| North Dakota         | July 29, 1987                                     |
| Ohio                 | September 1, 1978                                 |
| Oklahoma             | September 1, 1977                                 |
| Oregon               | November 1, 1977                                  |
| Pennsylvania         | July 1, 1977                                      |
| Puerto Rico          | November 29, 1988                                 |
| Rhode Island         | August 1, 1977                                    |
| South Carolina       | July 1, 1977                                      |
| Utah                 | July 1, 1977                                      |
| Vermont              | January 1, 1990                                   |
| Virginia             | July 1, 1977                                      |
| Wisconsin            | August 1, 1977                                    |

D. Disclosure of Withholding Information. The furnishing of annual wage and tax information of military members to states (including the District of Columbia) that have a withholding agreement with the Treasury Department must comply with the Privacy Act of 1974. Based upon regulatory provisions pertaining to disclosure to the states, the wages of a member who claims exemption from withholding should not be reported to a state without the member's consent. In lieu of reporting the wages of members who claim exemption from state tax withholding, name, social security number, and the member's claimed basis for exemption shall be provided to the state. This rule applies to all Military Services and pay or personnel systems.

E. Delinquent Taxes. There is no authority for the involuntary collection of delinquent state tax liabilities of members.

440107. Nonresident Aliens

A. Definition. For the purpose of federal income tax withholding, a nonresident alien is an individual who neither is a citizen of the United States nor a resident of the United States. An alien (non-citizen) is a resident of the United States if he or she is admitted lawfully to the United States for permanent residence, meets the substantial presence test, or makes an election to be treated as a resident during the first year of presence in the United States, except as may be provided by tax treaty between the United States and the alien's country of residence.

1. Lawfully admitted for permanent residence. An alien is considered lawfully admitted for permanent residence when he or she first arrives in the United States after his or her immigration status is approved as a permanent residence. Status as lawfully admitted for permanent residence continues, regardless of the alien's location, until the alien is outside the United States after his or her immigration status as a permanent resident is revoked or is determined by a court or administrative body to have been abandoned. Nominal presence in the United States of 10 days or less after revocation or abandonment of permanent resident status will be disregarded if the alien is substantially connected to a foreign country during that time.

2. Substantial presence test. An alien meeting the substantial presence test is a resident from the first day of presence in the United States in a calendar year in which the test is met, except that nominal presence for less than 10 days while still substantially connected to a foreign country is disregarded, until the alien leaves the United States and establishes connections closer to a foreign country than to the United States. Nominal presence in the United States of 10 days or less after this point is disregarded. Also, days of presence in the United States during which the alien is unable to leave the United States due to a medical condition that arose while in the United States are disregarded in applying the substantial presence test. An alien meets the substantial presence test if:

a. He or she is present in the United States on at least 31 days of the calendar year; and

b. The sum of the days on which the individual was present in the United States during the current calendar year, 1/3 of the days on which the individual was present in the first preceding calendar year, and 1/6 of the days on which the individual was present in the second preceding calendar year, equals or exceeds 183. Individuals do not meet the substantial presence test for the current year if they are present on less than 183 days in the current year and have, in the current year, a tax home in a foreign country to which they have closer connections than to the United States, provided that they have not applied for an adjustment of immigration status or otherwise taken steps toward lawful permanent residence in the United States.

B. Tax Liability. A service member, who is a nonresident alien, is liable for United States income tax on pay attributable to service performed in the United States, even if such pay is not subjected to federal income tax withholding because of the provisions in subparagraph 440107.C., below. A nonresident alien member's pay attributable to service performed outside the United States is not subject to United States income tax. For purposes of this paragraph, service outside the United States means shore duty at a naval or other military installation outside the United States and the States of Alaska or Hawaii, or duty on board a seagoing vessel of the Navy (other than a vessel normally used only in coastal waters). Service in a possession of the United States is considered duty outside the United States. A nonresident alien member is not disqualified from eligibility for any of the income exclusions or withholding exemptions set forth in Chapters 44 and 45 of this volume because of a nonresident alien status.

C. Income Tax Withholding. The pay of a non resident alien for any period of service within the United States exceeding 60 calendar days is subject to federal income tax withholding. Such pay also may be subject to state income tax withholding, depending on the state residency status of the alien. Pay for periods of service within the United States of 60 calendar days or less, or for service outside the United States, is not subject to federal or state income tax withholding. The nonresident alien member nevertheless is subject to federal income taxation, and may be subject to state income taxation, on pay for all days of service within the United States and is responsible for reporting, and paying any tax due on, all such income. The fact that income tax is not withheld on pay attributable to a particular day does not prevent that day from being counted as a day of presence in the United States for purposes of subparagraph 440107.A., above.

440108. Advance Payment of Earned Income Credit Amounts. Members who can satisfy the Internal Revenue Service (IRS) tests for earnings and status of dependents qualify for the earned income credit and may elect to receive advance payments. Advance payments will be made after such members file an Earned Income Credit Advance Payment Certificate (TD Form W-5), which may be obtained from the IRS. Payments may be made to members under Treasury Department regulations as implemented in Military Service directives.

#### 4402 COLLECTION OF DELINQUENT FEDERAL TAXES BY LEVY

440201. Authority. When a member does not pay any federal income tax due within 30 days after the IRS has issued a notice and payment demand to the member, the IRS may collect the tax



by levy on the member's salary or other income. Receipt by the cognizant Military Service (or DFAS Center) of a levy notice is the legal authority to commence collection of the delinquent federal income taxes after taking into consideration the appropriate exemptions.

440202. Levy Processing Procedures

A. The IRS serves the tax levy by mail. The Notice of Levy on Wages, Salary, and Other Income, IRS Form 668-W(c) (a 5-part form), includes instructions for the employer (Military Service) and the employee (member).

B. Upon receipt of the levy, the disbursing officer immediately:

1. Completes part 3 and returns the levy to IRS if no funds are due the member (for example, higher precedence deductions (Table 52-1) or in a status described in paragraph 440203, below); or

2. Forwards parts 2 through 5 to the member if funds are due or soon will become due.

C. The member certifies his or her filing status and number of personal exemptions and returns parts 3 and 4 to the disbursing officer within 3 days (or other period authorized by the IRS in coordination with the Military Service concerned and as established within Military Service regulations). If the member does not return parts 3 and 4, the levy will be processed as if the member is "married filing a separate return with one personal exemption."

D. The levy will continue in effect until the amount due in the levy notice is collected or until the levy is released by the IRS.

E. Forward a misrouted levy notice or levy release to the member's cognizant DFAS Center.

440203. Effect on Members in a Combat Zone or Qualified Hazardous Duty Area

A. The disbursing officer immediately will complete part 3, with appropriate notations, and return the levy to the IRS if the member is:

1. Serving (performing official duties) in a designated combat zone or qualified hazardous duty area for any period of time;

2. Serving (performing official duties) outside a designated combat zone or qualified hazardous duty area, but in direct support of military operations in a combat zone or qualified hazardous duty area, and in receipt of hostile fire or imminent danger pay as a result of duties performed in direct support of designated combat zone or qualified hazardous duty area operations;

3. Continuously hospitalized as a result of service in a designated combat zone or qualified hazardous duty area (limited to 5 years of hospitalization in the United States); or

4. In a missing status.

B. Levy deferment remains in effect for 180 days after a member no longer meets any of the above criteria. Entitlement begins anew (including a new 180-day clock) when a member requalifies for deferment (again meets one of the above criteria), with one exception. Rehospitalization for a previously treated wound, illness, or injury does not requalify a member, nor does it stop/restart a 180-day clock.

440204. Attachment of Earnings and Payment to IRS

A. The member's "take home pay," minus exempt amounts claimed via the member's certified claim on part 3 of the levy, shall be attached and sent to the IRS until the levy is satisfied or released by the IRS. The member's usual pay deductions will continue while the levy is in effect.

B. When exemptions are equal to or exceed the member's "take home pay," the disbursing officer will so advise the IRS office that served the levy.

440205. Problem Cases. When the IRS determines that a member's delinquent income tax is a "problem case," that agency shall furnish with the levy notice:

A. A statement of amount of delinquent taxes, and

B. A statement that member's "take home pay" is not enough to pay the levy and all available accrued pay should be attached. In such cases, use all items of pay and allowances including travel allowances and accrued leave settlement paid upon discharge, less exemptions (refer to Form 668-W(c)) and deductions and collections in Table 52-1, rules 1 through 12. Discontinue the member's voluntary (non-discretionary) allotments (except for allotments for support of minor children that are authorized in compliance with court orders when entered prior to date of levy) as necessary to pay the levy. If the amount of the levy does not require stopping all voluntary allotments, the member may select any allotments to be stopped. If the member does not make that selection, the disbursing officer stops allotments as necessary, with insurance allotments the last to be stopped.

4403 INSTALLMENT COLLECTION OF DELINQUENT TAXES

440301. Agreement for Liquidation of Federal Tax Indebtedness by Payroll Deductions.

A member may arrange with the IRS to pay delinquent taxes by monthly deductions from pay. Agreements are made on IRS Form 2159. Once effected, a member may not cancel an agreement before the tax indebtedness is completely liquidated. The Military Services handle agreements as

follows:

A. Army. Collect and pay to IRS as prescribed for payment of indebtedness to instrumentalities and agencies of the government.

B. Navy and Marine Corps. Process the agreement as a T allotment if the period of liquidation is 3 months or longer. If the period is less than 3 months, the disbursing officer pays each month to IRS in the amount of the deduction.

C. Air Force. Process as class T allotment.

440302. Change of Member's Status During Liquidation Period. See Table 44-2.

| TAXABILITY OF ITEMS OF MILITARY PAY AND ALLOWANCES |   |   |   |  |
|--|---|---|---|--|
| R<br>U<br>L<br>E                                   | A   | B   | C   | D  |
|  | If item is  | then item is  |   |  |
|  |   | taxable and subject to federal/<br>state income tax withholding<br>(notes 5, 9, and 10)                                 | taxable but not subject to<br>federal/ state income tax<br>withholding (notes 5, 9, and 10)                                   | not taxable (notes 5, 9, and 10)   |
| <b>1</b>   | basic pay or inactive pay compensation (note 1)   | for any month combat zone or qualified hazardous duty area exclusions does not apply (notes 2 and 13).                  |   | for enlisted members or warrant officers (W-1 through W-5), and up to \$500 per month of such pay for commissioned officers (0-1 and above) for any month combat zone tax exclusion applies. Beginning November 21, 1995, for commissioned officers (0-1 and above) in amounts up to the highest rate of pay payable to any enlisted member plus the amount of hostile fire/imminent danger pay that is actually payable to the officer for any month combat zone or qualified hazardous duty area tax exclusion applies (notes 2 and 7); or, for any member while in a missing status authorized tax exclusion under the provisions of subparagraph 440102.B. |
| <b>2</b>   | incentive pay for hazardous duty (see Chapters 22-24)   |   |   |  |
| <b>3</b>   | special pay (see Chapters 5-21)   |   |   |  |
| <b>4</b>   | lump-sum payment of accrued leave (basic pay portion)   |   |   |  |
| <b>5</b>   | separation pay, readjustment pay, or severance pay (except for dis-ability)(see note 6)   | remains taxable income subject to reporting and withholding if paid during any month the combat zone exclusion applies. |   |  |
| <b>6</b>   | contract cancellation pay   | (same as rule 5)  |   |  |
| <b>7</b>   | selective or regular reenlistment bonus (including applicable installments)   | if reenlistment or extension occurs in a month during which combat zone exclusion does not apply.                       |   | if reenlistment or extension occurs in a month during which combat zone or qualified hazardous duty area exclusion applies.  |
| <b>8</b>   | pay forfeited by court-martial sentence or non-judicial punishment  |   |   | and is loss of entitlement to pay in the amount of the forfeiture (however, remaining pay is subject to tax withholding (note 3)).   |
| <b>9</b>   | payment(s) in excess of actual travel and transportation costs incurred while carrying on business of U.S. Government (includes any temporary lodging entitlements) |   | and will not be reported on TD Form W-2 or 1099. The member will account for such payment(s) on individual income tax return. |  |
| <b>10</b>  | incentive payment paid to member for do-it-yourself move per JFTR, part D, Chapter 5  | at time of payment.   |   |  |

Table 44-1. Taxability of Items of Military Pay and Allowances

| R<br>U<br>L<br>E | A   | B  | C  | D   |
|------------------|---|--|--|---|
|                  | If item is  | then item is   |  |   |
|                  |   | taxable and subject to federal/<br>state income tax withholding<br>(notes 5, 9, and 10)  | taxable but not subject to<br>federal/ state income tax<br>withholding (notes 5, 9, and 10)                                | not taxable (notes 5, 9, and 10)  |
| 11               | muster duty allowance   | at time of payment under the provisions of subparagraph 580106.C.  |  |   |
| 12               | personal money allowance  | and will be reported on IRS Form W-2.  |  |   |
| 13               | an allowance (BAS, BAH, FSA, clothing and uniform allowances, and overseas station allowances) (note 8) |  |  | at any time.  |
| 14               | death gratuity  |  | to the extent the total payment for any death exceeds \$3,000 (note 11).   |   |
| 15               | otherwise taxable item of pay earned by member but unpaid at death                                      |  | but will be reported on TD Form 1099-MISC when paid to beneficiary (note 4).   | if death occurs in month member was entitled to combat zone or qualified hazardous duty area exclusion. |
| 16               | special separation benefit or voluntary separation incentive  | at the flat withholding rate (currently 28 percent) for FITW and at appropriate SITW rate for SSB payments and initial VSI payments. Withhold taxes from VSI installment payments at the annual withholding rate contained in Table 7, IRS Circular E (note 12). |  |   |
| 17               | former captive payment (see Chapter 37)   |  | if payment is for former captive status resulting from a lawful action. Payment will be reported on IRS Form W-2 (note 4). | if payment is for former captive status resulting from the deprivation of personal rights.              |
| 18               | employer provided home-to-work transportation   | even if transportation is provided for security reasons (note 14).   |  |   |
| 19               | employer-provided parking   | to the extent that the value exceeds the monthly exclusion limit (note 14).  |  | to the extent that the value is equal to or less than the monthly exclusion limit.                      |
| 20               | waived portion of court martial forfeiture of taxable pay or pay and allowances (Chapter 48)            | see subparagraph 480306.C  |  |   |

## NOTES:

1. Excludes the reduction of basic pay for educational benefits under the "New G.I. Bill" after December 31, 1985 (38 U.S.C. 1411).
2. Add payments (rules 1 through 6) made currently or at a later date for commissioned officer service (O-1 and above) to other pay for the month of service (up to the highest rate of pay payable to any enlisted member) to determine the maximum amount to be applied for combat zone or qualified hazardous duty area exclusion. (See subparagraph 350103.B.)

Table 44-1. Taxability of Items of Military Pay and Allowances (Continued)

3. This does not apply to fines imposed by court-martial or non-judicial punishments. Withhold tax from the member's full pay credited before deducting the fine. Report the full amount of the pay credited, without deducting the fine, as earned income.
4. Exception is pay earned for any month combat zone or qualified hazardous duty area exclusion applies. Combat zones and qualified hazardous duty areas are so designated by Executive Order or statute, respectively.
5. The susceptibility of items of military pay and allowances to state income taxes depends upon the law of the member's state of legal residence. Items of pay and allowances, which are not subject to Federal Income Tax Withholding (FITW), however, will not be subject to State Income Tax Withholding (SITW). Items of pay and allowances subject to FITW will be subject to SITW if the member's state of legal residence has entered into a withholding agreement with the Secretary of the Treasury. The total or partial exclusion by states of military pay from income will be recognized in the computation of the amount of state income tax to be withheld.
6. See paragraph 350404 of this volume for exceptions to the normally taxable payment of disability severance pay.
7. Only pay and allowances actually earned during any month in which a combat zone or qualified hazardous duty area designation applies are excludable, even if paid in a later, non-qualifying month. Entitlements earned during any non-qualifying month, but paid in a month the exclusion applies, remain taxable. Accrued leave payments qualify only for that portion of days which were actually earned during a qualifying month.
8. Allowances considered nontaxable on September 9, 1986, remain nontaxable. Any allowance created after September 9, 1986, will be taxable for federal and state income tax purposes unless specified otherwise.
9. If a member receives an overpayment of a taxable pay item, then the overpayment should be reported in the year paid unless the combat zone or qualified hazardous duty area tax exclusion is applicable. If recovery of the overpayment is waived, remitted, or canceled, there are no additional tax reporting requirements. If the overpayment consists of a nontaxable pay item, then the overpayment should not be reported as taxable income if the resulting debt is waived, remitted, or canceled.
10. Taxable wages and withholding must reflect the debt in the year the payment was received. Collection action will reflect impact on taxable wages and withholding (if applicable) as collection is made, but only if made in the same year as the original payment.
11. The amount of death gratuity payments made to survivors of military members who died after August 20, 1996, that is excludable from income, may not exceed \$3,000, regardless of the number of beneficiaries. If there are multiple beneficiaries, the \$3,000 exclusion should proportionately be applied. Report all death gratuity payments separately, using TD Form 1099R. Report the gross amount of each payment in box 1 and 2A. Enter code 4 in box 7. For members who died on or before August 20, 1996, the maximum exclusion amount is \$5,000.
12. SSB and VSI payments remain taxable even if a member signs the agreement to separate while serving in a combat zone or qualified hazardous duty area.
13. For combat zone and qualified hazardous duty areas, effective April 1, 1996, for commissioned officers (O-1 and above), amounts over the highest enlisted grade (Sergeant Major of the Army, Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps; see Table 2-8, note 2, for clarification) plus the amount of hostile fire/imminent danger pay that is actually payable to the officer for that month are taxable and subject to federal and state tax withholding.
14. Home-to-work provided transportation and employer provided parking.
  - a. Per DoD 4500.36-R, the USD(C) and USD (P&R) jointly will issue updated annual guidance concerning the valuation, on a monthly basis, of taxable government employer-provided home-to-work transportation fringe benefits provided to certain military members. Armed Forces Tax Council service representatives annually will distribute the updated guidance to the Military Services.
  - b. Each DoD Component will determine the value, to be calculated on a monthly basis, of government employer-provided taxable parking fringe benefits provided to military members. The monthly exclusion amount for 1996 is \$165.
  - c. Determination must be accomplished utilizing the provisions of the Internal Revenue Code and Treasury Regulations and accordingly documented. Each member's Service shall:
    - (1) Identify members receiving government employer-provided home-to-work transportation and/or parking fringe benefits, certify that the fringe benefits were authorized, calculate and certify the value of the taxable fringe benefits, and submit the appropriate taxable gross income amounts to the servicing DFAS central site no less often than once a year. Exception: When members receive taxable fringe benefits from active duty assignments outside their DoD Component, the agency providing the taxable fringe benefit (such as parking) calculates the value of the benefit provided, and the member's Service verifies the correctness of the calculations;
    - (2) Keep members receiving such benefits advised of the tax liability annually accruing to them.
  - d. Members' certified taxable fringe benefit amounts must be sent to the supporting DFAS Center no less often than annually and not later than December 15, each year, for processing to:
    - (1) Include the taxable non-cash benefit amounts in members' gross income
    - (2) Withhold and deduct appropriate federal and state income taxes (not FICA taxes)
    - (3) Generate TD Forms W-2 that reflect the adjusted gross income and withholdings. Military Service field finance offices are not authorized to process taxable fringe benefits as additional taxable wages, to withhold applicable taxes, or to generate manual TD Forms W-2.

Table 44-1. Taxability of Items of Military Pay and Allowances (Notes Continued)

| COLLECTION OF DELINQUENT TAXES BY INSTALLMENT—CHANGE OF MEMBER'S STATUS |   |  |   |   |
|---|---|--|---|---|
| R<br>U<br>L<br>E  | A   | B  | C   | D   |
|   | When a member who has arranged with IRS for installment collection of delinquent taxes  | and  | then  | and   |
| 1   | is discharged or released from active duty  | immediately reenlists  | deduct from member's pay as agreed with IRS without interruption  |   |
| 2   |   | does not immediately reenlist  | deduct from final pay enough to liquidate the remaining indebtedness, or all available if the remaining indebtedness is more than is available  | notify IRS of the member's separation.  |
| 3   | enters a period of unauthorized absence for which pay and allowances are not payable  | is a member of the Army or Air Force   | deduct from member's pay and pay to IRS for the month the absence begins the amount agreed to or as much as is available if less than agreed to | suspend further deductions and payments for tax indebtedness until member is restored to a pay status. If deductions and payments are suspended at the time additional payment is due, so notify IRS. Remove suspension when member is restored to a pay status. Deduct and pay for the month of restoration as much as is available if less than the agreed to amount. |
| 4   |   | is a member of the Navy or Marine Corps and a T allotment has not been established |   |   |
| 5   |   | is a member of the Navy or Marine Corps and a T allotment has been established     | cancel the T allotment on the 15th day following the date absence began (or earlier if necessary to prevent allotment overpayment)              | stop as prescribed by Navy and Marine Corps allotment procedures.   |
| 6   | is retired from the Air Force   | a T allotment has been established   | allotment remains in effect   | deductions required by allotment are made from retired pay.   |
| 7   | is retired from the Army  | an E allotment has been established  |   |   |
| 8   |   | an E allotment has not been established  | deduct for the month of retirement or transfer, as agreed with the IRS  | notify member and the IRS that new agreement must be made.  |
| 9   | is a Navy or Marine Corps member and is transferred to the Fleet Reserve, Fleet Marine Corps Reserve or retired list and not immediately recalled to active service | a T allotment has not been established   |   |   |

Table 44-2. Collection of Delinquent Taxes by Installment—Change of Member's Status

| COLLECTION OF DELINQUENT TAXES BY INSTALLMENT—CHANGE OF MEMBER'S STATUS |   |                                    |  |   |
|---|---|------------------------------------|--|---|
| R<br>U<br>L<br>E  | A   | B                                  | C  | D   |
|   | When a member who has arranged with the IRS for installment collection of delinquent taxes  | and                                | then   | and   |
| 10  | is a Navy or Marine Corps member and is transferred to the Fleet Reserve, Fleet Marine Corps Reserve or retired list and not immediately recalled to active service | a T allotment has been established | the T allotment remains in effect                                    | deductions required by T allotment are made from retired pay or retainer pay. |
| 11  | has qualified for collection deferment because of service in a combat zone or enters hospitalized/missing status as a result of service in a combat zone (note)     |                                    | defer initiating collection effective the month entering such status | commence collection in accordance with paragraph 440203.                      |

NOTE: Includes direct support of combat zone operations.

**Table 44-2. Collection of Delinquent Taxes by Installment—Change of Member's Status (Continued)**



## Chapter 44—Withholding Income Tax

## 4401—Withholding from Current Pay

|                |  |
|----------------|--|
| 440101         | Treasury Regulation<br>1.162-1(b)(5) and<br>1.262-2(e)<br>IRS Notice 94-3  |
| 440102.A       | 26 U.S.C. 3401a(1)   |
| 440102.B       | 26 U.S.C. 112(d)   |
| 440102.C       | OASD(FM&P) Memo,<br>Sep 6, 1990  |
| 440103         | Public Law 104-117,<br>Mar 20, 1996,<br>109 Stat 827   |
| 440103.A and C | 26 U.S.C. 112  |
| 440103.A.3     | Executive Order 13002,<br>May 13, 1996   |
| ★ 440103.A.4   | 26 U.S.C. 112 (c) (3)<br><i>Executive Order 13119,<br/>Apr 13, 1999</i>  |
| 440103.C.4     | 26 C.F.R. 1.112-1(f)(2)  |
| 440103.C.5     | OASD(M&RA)MPP Memo,<br>Mar 26, 1974<br>Treasury Regulation<br>1.112-1(f)<br>SECDEF(FM&P) MSG<br>141656Z, Mar 1991<br>SECDEF(FM&P) MSG<br>282245Z, May 1991 |
| 440103.C.6     | 26 U.S.C. 112  |
| 440103.D       | Treasury Regulation<br>1.112-1(k)  |
| 440103.E       | 26 U.S.C. 692  |
| 440103.F       | 26 U.S.C. 112  |
| 440105.B       | 26 U.S.C. 3402i  |
| 440106         | TFM, Vol 1, Part 3,<br>Chapter 5000  |
| 440106.B       | 50 U.S.C. App 574  |

|   |  |
|---|--|
| 440106.C  | TFM, Part 3, Chapter 5000  |
| 440106.D  | TFM 3-5070   |
| 440107  | 26 U.S.C. 871  |
| 440107.A.2  | 26 CFR 301.7701(b)-1   |
| 440107.B and C                                      | IRS Ltr Ruling (CP:10:41)<br>Dec 17, 1971 and<br>Sep 26, 1968  |
| 440108  | 26 U.S.C. 3507<br>Public Law 95-600,<br>Nov 6, 1978  |
| 4402—Collection of Delinquent Federal Taxes by Levy |  |
| 440201  | 26 U.S.C. 6321(a)<br>26 U.S.C. 6331<br>Public Law 100-647,<br>Nov 10, 1988                                       |
| 440203  | 26 U.S.C. 7508<br>IR Manual, 53(10)6.1<br>Treasury Regulation<br>1.112-1(j)<br>Treasury Regulation<br>1.112-1(e) |
| 440204  | 26 U.S.C. 6331, 6334<br>Public Law 100-647,<br>Nov 10, 1988  |
| Table 44-1  | Public Law 104-117,<br>Mar 20, 1996,<br>109 Stat 827   |
| Rules 5 and 6                                       | Treasury Regulation<br>1.112-1   |
| Rule 7  | Public Law 104-117,<br>Mar 20, 1996,<br>109 Stat 827   |
| Rule 10   | Public Law 94-212,<br>Feb 9, 1976  |

|                 |  |
|-----------------|--|
| Rule 11         | Revised Rule 77-350, Int<br>Rev Bulletin No. 40,<br>Oct 3, 1977<br>Armed Forces Individual<br>Income Tax Council<br>Memo, Jan 3, 1978<br>Treasury Regulation 1.62-2<br>Treasury Regulation<br>31.3401(a)<br>31 CFR 215.8 |
| Rule 14         | Public Law 104-188,<br>section 1402,<br>Aug 20, 1996<br>10 U.S.C. 1475-1480<br>26 U.S.C. 134   |
| Rule 17         | OASD(FM&P) Memo,<br>Jan 15, 1987<br>IRS Ltr, June 24, 1988<br>OASD(FM&P) Memo,<br>Nov 18, 1991   |
| Rules 18 and 19 | Treasury Regulation<br>1.162-1(b)(5)<br>and 1.262-2(e)<br>IRS Notice 94-3<br>10 U.S.C. 2637  |
| Notes 2 and 4   | Public Law 104-117,<br>Mar 20, 1996,<br>109 Stat 827   |
| Note 5          | EO 11968, Jan 31, 1977   |
| Note 7          | 26 U.S.C. 112<br>IRS Rev. Rul. 71-343<br>as amended<br>by IRS Rev. Rul. 73-187   |
| Notes 9 and 10  | IRS Rev Rul 79-311<br>Treasury Regulation 1.61-12<br>IRS, Apr 18, 1960<br>DoD(C) Memo, Jan 28, 1984  |
| Note 11         | Public Law 104-188,<br>section 1402,<br>Aug 20, 1996<br>10 U.S.C. 1475-1480<br>26 U.S.C. 134   |

Note 14

Armed Forces Tax Council  
Memo, July 24, 1996  
ASD(ES) I Memo,  
Oct 3, 1994

Table 44-2

Rule 11

26 U.S.C. 7508

Note 1

IRS Notice 951 (Feb 1991)

**SUMMARY OF MAJOR CHANGES TO CHAPTER 45  
DOD 7000.14-R, VOLUME 7A  
MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE DUTY**

**New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.**

| <b>Page</b>   | <b>Paragraph</b>       | <b>Explanation of Change/Revision</b>   | <b>Effective Date</b> |
|---------------|------------------------|---|-----------------------|
| 45-3,<br>45-4 | 450202.G<br>Table 45-2 | IC 24-97 provides for FICA withholding from basic pay portion of waived forfeiture. | Apr 1, 1996           |

*Interim Changes 24-97 is incorporated in this change. Interim Changes 24-97 also affect other chapters and will not be deleted from the interim changes cited in the web site until all such chapters are updated.*

## CHAPTER 45

### **FEDERAL INSURANCE CONTRIBUTION ACT (FICA)**

#### 4501 GENERAL

The Federal Insurance Contribution Act (reference (ci)) requires the withholding of tax from wages of employees covered by the Social Security Act and the payment of employer's tax by federal agencies.

#### 4502 REQUIREMENTS

450201. Members Subject to FICA. Any member appointed to, enlisted in, or inducted into any Military Service is subject to FICA tax. This includes members serving:

- A. In the Military Service academies (excluding foreign nationals),
- B. In an aviation cadet status, or
- C. In a combat zone.

450202. Taxable Wages. The following wages are subject to FICA withholding:

A. Basic pay (excluding reduction for educational benefits under the Montgomery G.I. Bill) (reference (aa)).

B. Active duty compensation.

C. Inactive duty compensation. (This applies to inactive duty training performed after December 1987.)

D. Taxable amounts earned but unpaid at the date of death (subject to the maximum earnings tax) if paid to the beneficiary during the same calendar year on which member's death occurs.

E. Basic pay or compensation earned when absence is because of injury, sickness, or hospitalization.

F. Taxable amounts received prior to the government's voidance of the member's

enlistment contract.

G. Waived portions of forfeitures of basic pay payable to dependent(s) of confined members as prescribed in paragraph 480306.

#### 4503 DEDUCTION OF FICA TAX

450301. Amount. See Table 45-1 for the withholding percentage rate and for the total maximum tax.

450302. Maximum Tax. Discontinue deductions when the member's total active duty basic pay plus inactive duty compensation equal the annual maximum earnings subject to FICA withholding and when the maximum tax has been deducted.

450303. Effect of Punishment, Absence, and Non-pay Status. See Table 45-2.

450304. More Than One Employer. Deduct FICA tax regardless of any amounts previously or currently being deducted by another employer. Each Military Service is considered a separate employer, except that cross servicing of a member's pay account between the Military Services does not constitute a change of employers. A break in service of any length within the same Military Service does not constitute a change of employers. Consider all FICA tax withheld during the calendar year in determining the total amount withheld. If application of the above results in a withholding in excess of the maximum tax, the member may claim the excess from the Military Service concerned and adjustments will be made accordingly.

450305. Retroactive Entitlements and Deductions. Adjustments will be considered as affecting the pay for the year in which made and will be reflected in the quarter in which paid. Do not consider any adjustments made for under or overpayments of inactive duty compensation received prior to 1 January 1988. Adjust in the quarter in which the retroactive entitlement or deduction of basic pay is entered in the member's pay account. All retroactive payments are subject to FICA withholding at the rates in effect at the time of payment. If the member has been discharged, separated, or retired, issue a IRS Form W-2.

450306. Indebtedness. FICA taxes previously withheld may not be used to offset any indebtedness.

| FICA PERCENTAGES AND MAXIMUM TAXABLE WAGES AND MAXIMUM TAX |                 |   |      |   |       |               |             |
|--|-----------------|---|------|---|-------|---------------|-------------|
| Year   | Social Security | + | HI   | = | Total | Maximum Wages | Maximum Tax |
| 1981   | 5.35            |   | 1.30 |   | 6.65  | 29,700        | 1975.05     |
| 1982   | 5.40            |   | 1.30 |   | 6.70  | 32,400        | 2,170.80    |
| 1983   | 5.40            |   | 1.30 |   | 6.70  | 35,700        | 2,391.90    |
| 1984   | 5.40            |   | 1.30 |   | 6.70  | 37,800        | 2,532.60    |
| 1985   | 5.70            |   | 1.35 |   | 7.05  | 39,600        | 2,791.80    |
| 1986   | 5.70            |   | 1.45 |   | 7.15  | 42,000        | 3,003.00    |
| 1987   | 5.70            |   | 1.45 |   | 7.15  | 43,800        | 3,131.70    |
| 1988   | 6.06            |   | 1.45 |   | 7.51  | 45,000        | 3,379.50    |
| 1989   | 6.06            |   | 1.45 |   | 7.51  | 48,000        | 3,604.80    |
| 1990   | 6.20            |   | 1.45 |   | 7.65  | 51,300        | 3,924.45    |
| 1991   | 6.20            |   |      |   |       | 53,400        | 3,310.80    |
| 1991   |                 |   | 1.45 |   |       | 125,000       | 1,812.50    |
| 1992   | 6.20            |   |      |   |       | 55,500        | 3,441.00    |
| 1992   |                 |   | 1.45 |   |       | 130,200       | 1,887.90    |
| 1993   | 6.20            |   |      |   |       | 57,600        | 3,571.20    |
| 1993   |                 |   | 1.45 |   |       | 135,000       | 1,957.50    |
| 1994   | 6.20            |   |      |   |       | 60,600        | 3,757.20    |
| 1994   |                 |   | 1.45 |   |       | unlimited     |             |
| 1995   | 6.20            |   |      |   |       | 61,200        | 3,794.40    |
| 1995   |                 |   | 1.45 |   |       | unlimited     |             |
| 1996   | 6.20            |   |      |   |       | 62,700        | 3,887.40    |
| 1996   |                 |   | 1.45 |   |       | unlimited     |             |

NOTE:

1. Hospital Insurance (HI).

**Table 45-1. FICA Percentages and Maximum Taxable Wages and Maximum Tax**



| EFFECT OF PUNISHMENT, ABSENCE AND NON-PAY STATUS |   |   |
|--|---|---|
| R<br>U<br>L<br>E                                 | A   | B   |
|  | When a member   | then  |
| 1  | is fined by court-martial and the fine is deducted from pay                         | the amount of the fine is subject to FICA tax.  |
| 2  | is required to forfeit pay as the result of court-martial or nonjudicial punishment | the forfeiture is a loss of entitlement to the basic pay involved and the amount so lost is not subject to FICA tax. (note 1) |
| 3  | has pay detained under court-martial or nonjudicial punishment                      | the amount detained is not subject to FICA tax until it is actually paid to the member.                                       |
| 4  | is absent without leave   | the amount of basic pay deducted for the period is not subject to FICA tax.   |
| 5  | is confined by civil authorities under conditions which require loss of pay         |   |

## NOTE:

1. However, the waived portion of a forfeiture under paragraph 480306 is taxable income to the confined member and subject to FICA under subparagraphs 480306.C and 450202.G of this volume.

**Table 45-2. Effect of Punishment, Absence and Non-Pay Status**

## Chapter 45—Federal Insurance Contributions Act (FICA)

|                            |            |   |
|----------------------------|------------|---|
| 4501—General               |            | 42 U.S.C. 410(1)  |
| 4502—Requirements          |            |   |
|                            | 450201     | 42 U.S.C. 410(1)<br>26 U.S.C. 3121(m)                                       |
|                            | 450202     | 42 U.S.C. 409(d)  |
| 4503—Deduction of FICA Tax |            |   |
|                            | 450301     | 26 U.S.C. 3101; 3102  |
|                            | 450304     | 26 U.S.C. 3101  |
|                            | 450305     | 26 U.S.C. 3102<br>26 U.S.C. 6205  |
|                            | Table 45-1 |   |
|                            | Note 1     | 26 U.S.C. 3121  |
|                            | Table 45-2 |   |
|                            | Rule 2     | 36 Comp Gen 79  |
|                            | Rule 3     | 26 U.S.C. 451<br>Armed Forces Income Tax<br>Council Opinion,<br>Apr 1, 1963 |

## CHAPTER 46

**DEDUCTIONS FOR THE ARMED FORCES RETIREMENT HOMES**4601 **ARMED FORCES RETIREMENT HOME (AFRH OR "RETIREMENT HOME")**

The AFRH includes the United States Soldiers' and Airmen's Home and the Naval Home.

4602 **GENERAL**

Monthly deductions, up to a maximum of \$1.00, are set by the Secretary of Defense after consulting with the Armed Forces Retirement Home Board. Pay deductions are deposited in the Armed Forces Retirement Home Trust Fund. Do not prorate deductions for partial months of service.

4603 **APPLICABILITY**

460301. **Members Subject to Deductions.** Regular enlisted members, and warrant and limited duty officers (LDO) of the Armed Forces (includes the Coast Guard only when operating as a Military Service in the Navy) are subject to AFRH deductions.

460302. **Members Not Subject to Deductions**

- A. Reserve Component members,
- B. Commissioned officers other than LDOs,
- C. Selective trainees inducted into federal service, and
- D. Members in a non-pay status for the entire calendar month.

4604 **PRECEDENCE OVER OTHER DEDUCTIONS AND COLLECTIONS**

Retirement Home deductions apply only against pay. They take precedence over all other deductions and collections except forfeitures, "Montgomery G.I. Bill," and FICA taxes. See Chapter 52, the Precedence of Pay Deductions and Collections, Table 52-1.

**SUMMARY OF MAJOR CHANGES TO CHAPTER 47**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.

| <b>Page</b> | <b>Paragraph</b>         | <b>Explanation of Change/Revision</b>                                      | <b>Effective Date</b> |
|-------------|--------------------------|--|-----------------------|
|             | Complete chapter rewrite | IC 39-99 is a complete chapter rewrite                                     | Nov 9, 1999           |
| 47-4        | Table 47-1, column A     | IC 25-00 regards Funeral Honors Duty for members of the selected reserves. | Jan 1, 2000           |

*Interim Changes 19-97, 26-97, 25-98, 39-99, and 25-00 are incorporated in this change. Interim Change 39-99 is a complete chapter rewrite. Interim Change 26-97 also affects other chapters and will not be deleted from the interim changes cited on the OUSD(C) web site.*

**★CHAPTER 47 (IC 39-99)**

**SERVICEMEMBERS' GROUP LIFE INSURANCE (SGLI) PROGRAM**

**4701 DEFINITIONS**

*The following terms vary from the Definitions and are applicable to this chapter only.*

470101. Active Duty. *Full-time duty in the Armed Forces other than active duty for training and full-time duty as a cadet or midshipman at a Military Service academy.*

470102. Active Duty for Training. *Full-time duty in the Armed Forces for training purposes performed by members of a Reserve Components; full-time National Guard duty; and full-time duty as a cadet or midshipman of the Reserve Officers Training Corps (ROTC) while attending field training or practice cruises.*

470103. Coverage. *SGLI payable upon death while insured.*

470104. Inactive Duty Training. *Duty (other than full-time duty) prescribed or authorized for members of a Reserve Component that is scheduled in advance by competent authority with a specific time and place designated. This does not include work or study performed in connection with correspondence courses or attendance at educational institutions in an inactive status.*

470105. Member. *A person on active duty, active duty for training, or inactive duty training with the Uniformed Services in a commissioned, warrant, or enlisted rank or grade; a cadet or midshipman at a Military Service academy; or a cadet or midshipman of the ROTC while performing field training or practice cruises.*

**4702 GENERAL**

*Members (defined in paragraph 470105, above) who receive basic pay for 1 or more days per month are responsible for SGLI premiums (coverage listed in section 4703, below) unless they waive coverage.*

**4703 FULL-TIME COVERAGE**

*The SGLI Program is administered by the Department of Veterans Affairs (VA).*

470301. Basic Coverage. *Effective April 1, 1996, this program automatically insures eligible members against death in the amount of \$200,000 when the member is performing active duty or active duty for training for an ordered period of more than 30 days, or*

*while on full-time duty as a cadet or midshipman at a Service Academy. All Selected Reservists and any other Ready Reserve members who are assigned or attached to a unit or position that may require performing active duty or active duty for training and that will be scheduled to perform at least 12 periods of inactive duty for training annually are also covered full-time (includes, but is not limited to training and retired categories A, B, C, D, F, H, L, P, Q, T, and U). Members may elect coverage for an amount less than \$200,000, in \$10,000 increments, or may elect to waive coverage.*

470302. Changes in Coverage. *A member who is covered for an amount less than maximum SGLI coverage later may apply for increased coverage in writing in an amount of up to maximum SGLI coverage with proof of good health. See Table 47-1, note 7, for the only exception to the proof of good health requirement.*

#### 4704 PERIODS OF COVERAGE

*See Table 47-1.*

#### 4705 APPELLATE LEAVE (WHETHER OR NOT EXCESS)

*Continue coverage when that coverage was never terminated prior to being placed on appellate leave (in a full duty status or never confined with loss of full pay and allowances). When placed on appellate leave following confinement with total forfeiture of pay and allowances (during which coverage had been properly stopped, see Table 47-1, rule 9), coverage is not reinstated. If appellate leave followed a restoration to duty with pay, coverage is reinstated on the date the member returns to a full duty status and continues during the period of excess leave. Coverage is reinstated at the amount in effect on the day prior to its stoppage.*

#### 4706 FORFEITURE OF COVERAGE

*Any person guilty of mutiny, treason, spying, desertion, or who, because of conscientious objections, refuses to perform service in the Armed Forces of the United States, or refuses to wear the uniform of such force, forfeits all rights to any coverage. This insurance is not payable for death inflicted as a lawful punishment for crime or for military or naval offense, except when inflicted by an enemy of the United States.*

#### 4707 DEDUCTIONS (SGLI PREMIUMS)

*When a member is in a status referred to in section 4703, above (i.e., eligible for full-time coverage), the monthly deduction (effective July 1, 1998) is \$.80 for each \$10,000 of coverage (effective July 1, 1997, monthly deduction was \$.85 for each \$10,000 of coverage). For rules concerning starting and stopping deductions, see Table 47-1. Monthly deductions are not prorated for partial months of service. Deduct the full monthly premium for any month in which a member is covered for at least one day. During months in which coverage amounts change, deduct the full month's premium for the higher coverage rate.*

4708 REFUNDS

*Refunds will not be made of amounts deducted before the effective date of any election for reduced or waived coverage. When a request for reinstatement of coverage or for increased coverage is rejected by the Office of Servicemembers' Group Life Insurance (OSGLI), any increase in premiums withheld pending OSGLI rejection will be credited to the member's pay account.*

4709 EXTRA HAZARD COSTS

470901. Cost. *In addition to the deduction from the member's pay, each of the Military Service contributes from its appropriations an amount (determined by the Department of Veteran Affairs) attributable to the extra hazard cost of SGLI. This premium reflects the cost of death claims in excess of the level of death claims that would result from normal peacetime service.*

470902. Payment. *The Military Services centrally pay the premium for extra hazard costs, along with the member premiums to the Department of Veteran Affairs.*

4710 SETTLEMENT OF SGLI CLAIMS

*Death claims are filed with the OSGLI. The order of precedence for payment is the same as prescribed for arrears of pay (section 3602 of this volume). The OSGLI will reduce the insurance proceeds by the amount of any member premiums not paid.*

| <b>EFFECTIVE DATES OF SGLI COVERAGE AND DEDUCTIONS (FULL-TIME AND PART-TIME)</b> |  |   |  |
|--|--|---|--|
| <b>R<br/>U<br/>L<br/>E</b>   | <b>A</b>   | <b>B</b>  | <b>C</b>   |
|  | <b>★When a member required to perform duty described in section 4703, paragraph 580106, 580108, or 580702 (IC 25-00)</b>   | <b>then the effective date of</b>   | <b>and SGLI deduction (note 1)</b>   |
| <b>1</b>   | enters such duty   | coverage is the first day of entry on such duty (note 2). Maximum basic coverage is automatically in effect until the member elects reduced coverage or waives coverage (note 3). | starts the month of the date of entry.   |
| <b>2</b>   | resumes the obligation or reenters on such duty in the same Uniformed Service the day following termination of such period of obligation (note 4)  | insurance coverage (excluding elections of reduced or no coverage) is continuous (note 5).  | continues at the appropriate rate.   |
| <b>3</b>   | elects a reduced amount of coverage after entry on such duty   | coverage is the first day of the month following receipt by the Uniformed Service of the member's election, entered on VA Form SGLV 8286 or, if applicable, DA Form 41 (note 6)   | starts in the reduced amount the first day of the month following receipt of the member's election. For deduction refunds, see section 4708. |
| <b>4</b>   | applies for increase or reinstatement of coverage after entry on such duty   | coverage is the date of receipt by the Uniformed Service of the application with evidence of good health (note 7)   | starts the month of the date the application is received by the Military Service.  |
| <b>5</b>   | elects not to be covered (declines or cancels) after entry on such duty  | termination is the first day of the month following receipt by the Uniformed Service of the member's election, entered on VA Form SGLV 8286 (note 6)                              | stops at the end of the month in which the member's election is received by the Military Service. For deduction refunds, see section 4708.   |
| <b>6</b>   | is covered full-time and is separated and does not reenter active duty or immediately resumes part-time coverage   | termination is 120 days after separation (note 8)   | stop at the end of the month of separation.  |
| <b>7</b>   | is covered on a part-time basis and qualified period of duty ends  | termination is the day active duty or active duty for training ends, or the hour inactive duty ends (notes 3, 9, and 10)  | (See paragraph 580706.)  |
| <b>8</b>   | is a member of a Reserve Component not covered on a full-time basis and is called to active duty upon mobilization   | coverage is the first day of active duty (maximum basic coverage is automatic unless a member applies for reduced or no coverage).  |  |
| <b>9</b>   | is covered full-time and is AWOL, confined by civil authorities under a sentence adjudged by a civilian court, or confined by military authorities under a court-martial sentence involving total forfeiture of pay and allowances | termination is at the end of the 31st continuous day of such status (note 11)   | stops at the end of the month in which the 31 <sup>st</sup> day of such status is reached.   |
| <b>10</b>  | forfeits rights to SGLI under the provisions of section 4706 and paragraph 580705  | termination is the end of the day before the date of conviction, refusal to perform service, or refusal to wear the uniform (note 12)   | stops at the end of the month in which coverage is terminated.   |

Table 47-1. Effective Dates of SGLI Coverage and Deductions (Full-Time and Part-Time) (IC 25-00)



## NOTES:

1. *Members in an excess leave status normally remain eligible for coverage. (See section 4705 for the appellate leave exception.) Establish monthly premiums in such cases as deductions against member pay accounts or collect as cash according to procedures of the Military Service concerned.*
2. *First time enlistees in the Selected Reserves are eligible for coverage on the date of enlistment when assigned to a Ready Reserve unit that meets the requirements of 38 U.S.C. 1965(5)(B), regardless if they are or are not required to participate in periods of inactive duty training and have not yet been called to their initial active duty period. This does not apply to delayed entry active duty enlistees.*
3. *Elections made by Reserve Component members continue in effect during continuous obligation to perform duty in the same Uniformed Service. Reserve Component members are not required to reelect or reapply for their desired level of coverage each time they perform duty. For the exception, see rule 8.*
4. *A new period of coverage begins and new elections must be submitted when a member resumes an obligation to perform duty or reenters on duty in the same Uniformed Service more than 1 day following termination of previous obligation; or when a member assumes an obligation to perform duty and enters on duty in a different Uniformed Service at any time. A member entering active duty after a break in service is automatically covered by the maximum basic coverage, until the member elects otherwise, even though the member may have converted former SGLI coverage to an individual policy following last discharge or release from active duty. A former member, insured under the Veterans Group Life Insurance (VGLI) Program, who declines SGLI coverage solely to maintain VGLI coverage, upon termination of VGLI, shall be automatically insured under maximum basic coverage if the member otherwise is qualified.*
5. *Any previous election not to be insured or to be insured for less than \$200,000 is canceled. Maximum basic coverage is automatically in effect unless member again elects not to be insured or to be insured in a reduced amount.*
6. *For members covered on a part-time basis, an election for reduced or no coverage is effective at the end of the last day of the duty period being performed. If the election is made outside a duty period, the reduced or waived coverage is effective when the election is received by the Military Service.*
7. *Increase or reinstatement of coverage is contingent upon written application by the member on DVA Form SGLV 8285, Request for Insurance, and approval by the OSGLI.*
8. *In the case of members totally disabled on the date of separation from such duty, the insurance shall cease 1 year after the date of separation or on the date the insured ceases to be totally disabled, whichever is earlier, but in no event prior to the expiration of 120 days after separation.*
9. *Part-time coverage is in effect only on the days of active duty or active duty for training, or during the hours of inactive duty training, including periods of travel to and from such duty. Coverage resumes at the beginning of each such period. (IC 39-99).*
10. *Coverage continues for 120 days after the period of duty if the member, during that duty period, incurs or aggravates a disability and the disability renders the member uninsurable at standard premium rates according to good health standards approved by the VA and as determined by the OSGLI.*
11. *Members carried in an AWOL or confined status, except for an offense listed in section 4706, remain eligible for coverage. Insurance terminated under the provisions of rule 9, together with any elections made, will be automatically reinstated as of the date the member is restored to duty with pay. Start premium deductions at the appropriate rate on the month of the date the member is restored to duty with pay.*
12. *Members restored to duty under conditions which, in effect, result in a remission of sentence may apply for reinstatement of coverage under rule 4.*

**Table 47-1. Effective Dates of SGLI Coverage and Deductions (Full-Time and Part-Time) (Continued)**

## Chapter 47—Servicemembers' Group Life Insurance (SGLI) Program

|   |  |  |
|---|--|--|
|   |  | 38 U.S.C. 1965-1976<br>Public Law 102-568,<br>Oct 29, 1992<br>38 CFR Part 9<br>DoD Directive 1215.6,<br>Dec 18, 1990<br>DoD Directive 1341.3,<br>Aug 16, 1984<br><i>Public Law 104-276,<br/>Section 405, Oct 9, 1996</i> |
| ★ | 4703- Full-Time Coverage                     |  |
|   | 470301                                       | Public Law 104-106,<br>Section 646, Feb 10, 1996   |
|   | 4705—Appellate Leave (Whether or Not Excess) |  |
|   |  | OSGLI ltrs, Oct 31, 1988 and<br>Mar 24, 1989   |
| ★ | 4707—Deductions (SGLI Premiums)              |  |
| ★ |  | <i>Under Secretary of Veterans<br/>Affairs Memo<br/>March 27, 1998</i>   |
|   | Table 47-1                                   |  |
|   | Note 5                                       | Para 1.09, H-29-75-1<br>(VA Handbook)  |

**SUMMARY OF MAJOR CHANGES TO CHAPTER 48**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

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| <b>Page</b>   | <b>Paragraph</b>   | <b>Explanation of Change/Revision</b>   | <b>Effective Date</b> |
|---|--|---|-----------------------|
| 48-3,<br>48-3<br>through<br>48-5<br>48-5<br>through<br>48-6<br>48-6 | 480303<br>480306.A through D<br><br>480502.A through C<br><br>480701<br>Bibliography | IC 21-99 regards revised provisions for court-martial sentences including forfeitures | Apr 1, 1996           |

*Interim change 24-97 and 21-99 are incorporated in this change. Interim change 24-97 and 21-99 also affect other chapters will not be deleted from the interim changes cited in the OUSD(C) web site until all such chapters are updated.*

## CHAPTER 48

### COURTS-MARTIAL SENTENCES

#### 4801 EFFECT OF SENTENCES ON PAY AND ALLOWANCES

##### 480101. Forfeitures

A. A sentence to partial forfeiture of pay deprives a member of the amount of pay stated in the sentence. The sentence applies for the number of months or days expressly stated.

B. Forfeitures apply to pay (and allowances if total forfeitures of pay and allowances are specifically adjudged) becoming due on and after the date the sentence is approved by the convening authority, unless the convening authority suspends or remits the forfeiture.

480102. Fines. A fine is in the nature of a judgment. It makes a member pecuniarily liable to the United States for the amounts specified in the sentence. Fines are not self-executing. They are debts to the government until:

- A. Paid in cash by the member,
- B. Collected by deduction from the member's current pay, or
- C. Collected by deduction on settlement of a member's pay account at discharge.

480103. Forfeiture of Allowances. Allowances are forfeited only when a sentence by a general court-martial includes forfeiture of all pay and allowances.

480104. Application of Forfeitures. This means that forfeitures are withheld (as distinguished from collected) on and after the date a sentence is approved by the convening authority. It applies when a court-martial sentence, as approved by the convening authority, includes forfeiture and confinement, not suspended, or deferred, and the sentence is such that further appellate review is required before the sentence can be ordered executed.

480105. Execution of Forfeitures. This means actual collection of forfeitures when a sentence is ordered executed. The order of execution authorizes the collection of any monies withheld during the period specified in the convening authority's initial order to apply the forfeitures, and any monies remaining to be collected from current pay during the remainder of the period of the approved sentence. If any amount ordered forfeited is not actually withheld or collected during the period specified by the approved sentence, such amount may be collected involuntarily as an erroneous

payment as provided in Table 50-1, rule 3, at a rate not to exceed the maximum authorized by Table 50-6, rule 2. The collection rate, however, will not be less than that fixed by the approved sentence.

#### 4802 REQUIREMENT FOR REDUCTION IN GRADE UNDER CERTAIN COURTS-MARTIAL SENTENCES

Unless otherwise provided in regulations of the Military Service concerned, a court-martial sentence, as approved by the convening authority which includes dishonorable or bad conduct discharge, confinement, or hard labor without confinement, by operation of law requires reduction of an enlisted member to pay grade E-1 effective on the date of that approval. If the sentence of a member who is thus reduced in pay grade is set aside or disapproved, or, as finally approved, does not include any of the above punishment, all rights and privileges denied the member because of the reduction are restored. The member is entitled to the pay and allowances to which member would have been entitled, for the period the reduction was in effect, had the grade reduction not been applied. The Military Services apply reduction in this instance as follows:

480201. Army. An accused member may be retained in the grade held at the time of the sentence or in any intermediate grade if the convening or higher authority, taking initial action on the case, suspends all elements of the sentence which would otherwise require reduction to pay grade E-1 by operation of law and provides for retaining the member's present or intermediate grade as set forth in AR 600-200 (reference (v)). When the action set forth in AR 600-200 (reference (v)) is not taken, the member is reduced to pay grade E-1 effective on the date the sentence is approved by the convening authority.

480202. Navy and Marine Corps. Exercising sole discretion, the convening authority or supervisory authority may retain the accused member in the pay grade held at the time of sentence or an intermediate pay grade and suspend the automatic reduction to pay grade E-1 which would otherwise be effected. The automatic reduction may be suspended without regard to whether any part of the approved sentence was suspended. Additionally, the convening authority may direct that the accused serve in pay grade E-1 while in confinement but be returned to the pay grade held at the time of sentence or an intermediate pay grade upon release from confinement. If, however, the adjudged sentence included a reduction in pay grade, the reduction in pay grade should be suspended for the same period as the automatic reduction is suspended. Failure of the convening authority to address automatic reduction will result in the automatic reduction to pay grade E-1 on the date of the convening authority's action.

480203. Air Force. Effective with courts-martial sentences adjudged on and after May 1, 1975, involving enlisted members, an automatic reduction to pay grade E-1 is no longer prescribed by the Air Force. Any reduction in grade must be expressly stated in the court-martial sentence. If the sentence includes an approved reduction, as well as punitive discharge, confinement at hard labor, or hard labor without confinement, the member will be reduced under Article 58a, Uniform Code of Military Justice (UCMJ) (reference (i)), at the time of action by the convening authority. The reduction, if approved, will not be delayed until completion of appellate review under Article 71(c), UCMJ

(reference (i)).

480204. Effective Date of Automatic Reduction in Grade. If an enlisted member is reduced by operation of law to pay grade E-1, the effective date of the reduction is the date on which the sentence is approved by the convening authority.

480205. Reduction in Grade as a Result of Courts-Martial Sentence. Effective for court-martial sentences adjudged after March 31, 1996, a reduction in grade that is imposed as part of a court-martial sentence takes effect on the date the sentence is approved by the convening authority, or on the 14th day after the sentence is adjudged, whichever is earlier.

#### 4803 FORFEITURES

480301. Pay Subject to Forfeiture. Forfeitures, other than total forfeitures apply to:

- A. Basic pay, based on the member's years of service, and
- B. Career sea pay or foreign duty pay, provided such pay continues to accrue after the effective date of the sentence.
- C. An allotment made voluntarily.

480302. Pay Not Subject to Forfeiture. Forfeitures, other than total forfeitures, do not apply to special (other than sea or foreign duty pay) or incentive pay.

★ 480303. Taxes. *A forfeiture is a loss of entitlement to the pay involved. Consequently, forfeitures are not taxed. Compute the amount of pay to be forfeited before withholding for federal and state income and FICA taxes. Compute taxes from the remaining pay not forfeited. (IC 21-99)*

480304. Reduction in Grade. If a member's sentence includes or requires a reduction in grade, apply forfeitures to the pay of the grade to which reduced.

480305. Concurrent Forfeitures. When two or more sentences require forfeitures for a concurrent period, the amount stated in each sentence is forfeited only for the specified period. If each forfeiture results from a court-martial under which the maximum forfeiture which could be imposed is two-thirds of the pay subject to forfeiture, collect only two-thirds of the pay subject to forfeiture for the concurrent period. Following the concurrent period, pay is forfeited under the remaining sentence at the rate specified in the sentence for the time remaining in that sentence.

★ 480306. Forfeiture of Pay or Allowances During Certain Court-Martial Confinements. (IC 21-99)

★ A. General Court Martial. *Effective with general court-martial sentences, adjudged after March 31, 1996, for offenses committed after March 31, 1996, a member automatically forfeits all pay and allowances while in confinement or in a parole status when the member is sentenced to:*

1. *Death; or*
2. *Confinement for more than six months; or*
3. *Confinement of any length and either a dishonorable discharge, a bad conduct discharge, or a dismissal.*

*NOTE: A member who was court-martialed after March 31, 1996 for offenses committed before April 1, 1996, and whose sentence was adjudged after March 31, 1996, is not subject to automatic forfeitures. However, when a member's offense was committed during a period that began before April 1, 1996, and terminated on or after April 1, 1996, the automatic forfeiture provisions under 10 U.S.C. 858b apply. See subparagraphs 480502.A and B for effective date provisions. (IC 21-99)*

★ B. Special Court Martial. *The forfeiture provisions in subparagraph 480306A also apply for sentences adjudged by special courts-martial. However, automatic forfeitures are limited to two-thirds of all pay. (IC 21-99)*

C. Waiver of Forfeitures in Favor of Dependents. The convening authority or a person acting under 10 U.S.C. 860 may waive any or all of the forfeitures of pay and allowances that were imposed by operation of law ("automatically"). The portion waived is payable to the accused member's dependent(s) as directed by the convening authority or person taking action.

1. **Intent of Waiver and Taxability of Waived Forfeiture Amount.** Direct payments to dependents, of the waived portion of a forfeiture are intended to provide transitional compensation and direct financial assistance for a period not to exceed 6 months. Because the waived portion of the forfeiture remains wages generated by the member's military status, it is taxable income to the accused member, even though paid to the member's dependents. Therefore, after appropriate federal, state and FICA taxes are withheld from the taxable portion of the waived forfeiture amount, and the remaining (net) waived amount is paid to the member's dependent(s), as directed. Also, see Table 44-1, rule 8.

2. **Other Deductions and Collections.** The UCMJ contains no provisions for the deduction of any of the items appearing in Table 52-1 from the waived forfeiture of pay and allowances. Therefore, only applicable taxes listed in subparagraph 480305.C.1, above, may be

deducted from the waived portion of pay and allowances that would otherwise be forfeited, with the remaining amount paid to the member's dependent(s), as directed by the convening authority. See Table 44-1, rule 20, and Table 45-2, rule 2.

3. Effective Date of Payments. As directed by the convening authority or, if not specifically stated, the date the convening authority action on the waiver.

★ *D. Effect of Disapproval, Set aside, or Reduction of Punishment. If the sentence of a member who forfeits pay and allowances pursuant to this paragraph is set aside or disapproved or, as finally approved, does not provide for a punishment listed in subparagraph 480305.A, above, pay the member the pay and allowances that the member would have been paid except for the forfeiture, for the period during which the forfeiture was in effect. The payment to the member should be reduced by the amount of any payments made to the member's dependents under subparagraph 480305.C, above. NOTE: The net refundable automatic forfeiture amount to be paid to eligible members (see subparagraphs 480306.A and 480502.B) is current year taxable income subject to appropriate withholding of federal, state, and FICA taxes. (IC 21-99)*

480305. Concurrent Forfeitures. When two or more sentences require forfeitures for a concurrent period, the amount stated in each sentence is forfeited only for the specified period. If each forfeiture results from a court-martial under which the maximum forfeiture which could be imposed is two-thirds of the pay subject to forfeiture, collect only two-thirds of the pay subject to forfeiture for the concurrent period. Following the concurrent period, pay is forfeited under the remaining sentence at the rate specified in the sentence for the time remaining in that sentence.

#### 4804 EXECUTION OF COURTS-MARTIAL SENTENCES APPELLATE REVIEW REQUIREMENTS

See Table 48-1.

#### 4805 EFFECTIVE DATES OF FINES AND FORFEITURES

480501. Fines. Begin collection of fines on the date the convening authority orders execution of the sentence.

480502. Forfeitures

★ *A. For court-martial sentences adjudged before April 1, 1996, for offenses committed before April 1, 1996, begin forfeiture of pay or pay and allowances on the date the convening authority approves that part of the sentence establishing the forfeiture and orders it executed. (IC 21-99)*

*B. For court-martial sentences, adjudged after March 31, 1996, for offenses committed before April 1, 1996, the following applies: (IC 21-99)*



1. *Adjudged forfeitures of pay or pay and allowances are not effective until the date the convening authority approves that part of the sentence establishing the forfeiture. (IC 21-99).*

2. *Automatic forfeitures imposed under 10 U.S.C. 858b do not apply and, when applicable, retroactive pay adjustments must be made. When an automatic forfeiture being refunded to the member was waived in favor of the member's dependents, the retroactive pay adjustment must be reduced by the amount of the automatic forfeiture paid to the dependents. See subparagraph 480306.C for provisions regarding waivers of automatic forfeitures. (IC 21-99)*

★ C. *For court-martial sentences adjudged after March 31, 1996, for offenses committed after March 31, 1996, begin forfeitures of pay or pay and allowances on the date the convening authority approves that part of the sentence establishing the forfeiture, or on the 14th day after the date the sentence was adjudged, whichever is earlier. The convening authority, however, may defer the start of the forfeiture until the date the convening authority approves the sentence. The convening authority may revoke deferment at any time. (IC 21-99)*

D. Other deferrals. A convening authority may defer the execution of a forfeiture until a prior forfeiture is executed.

#### 4806 LOSS OF PAY AND ALLOWANCES WHEN CONFINED UNDER SENTENCE TO DISHONORABLE DISCHARGE, ARMY AND AIR FORCE

Pay and allowances of an enlisted member of the Army or Air Force who is in confinement under sentence of a dishonorable discharge, the execution of which has been suspended, accrue only until the affirmance of the discharge upon completion of the required appellate review under Article 71 of the UCMJ (reference (i)).

#### 4807 COLLECTION

★ 480701. Forfeitures. *Since courts-martial forfeitures constitute a loss of entitlement to the pay or pay and allowances concerned, they constitute a reduction of pay that takes precedence over all debts (see Table 52-1, rule 1, of this volume). (IC 21-99)*

480702. Fines. Fines constitute an indebtedness to the United States. Collect fines as follows:

A. Current Pay. Fines may be collected involuntarily from the current pay of all members. They are collected after all other prior indebtedness for the period involved has been collected. If prior deductions reduce the member's pay by two-thirds of gross pay for any month, no pay accrues against which fines may be applied. In such case, defer collection of fines until pay accrues

against which they may be applied.

B. Final Pay. Fines may be collected involuntarily from the final pay of all members. They are collected after all other indebtedness. Collections will not reduce pay received by enlisted members of the Army or Air Force to less than one-third of gross pay. Separation travel allowances and donations on discharge will not be used to liquidate an indebtedness for enlisted members. Otherwise, all final pay and amounts due the member at separation may be collected involuntarily. See Table 50-6, rule 2.

480703. Rate of Collection. Charge forfeitures of pay, as approved and ordered executed, against a member's pay at the rate required by the sentence until the sentence is fully satisfied. Forfeitures of pay are considered as collected from day to day as pay accrues. Prorate the monthly rate of forfeiture on a daily basis for a portion of a month. The amount of forfeiture or fine is governed by the language of the sentence. For example, a sentence to forfeit \$20 per month for 6 months means a forfeiture of \$120 to be collected at \$20 per month. Pay cannot be forfeited by implication. For example, a sentence reading "to be confined for 2 months and to forfeit \$60 of his or her pay for a like period," does not mean a forfeiture of \$60 per month for two months, or a total of \$120, but means a forfeiture of only \$60.

480704. Non-Pay Status. During periods when a member is in a non-pay status, pay does not accrue against which forfeitures or fines can apply. Do not count such periods in computing the time during which pay is forfeited for a specific period.

480705. Restoration to Duty. A member restored to duty following a non-pay status is again entitled to pay against which forfeitures or fines may apply.

480706. Service Beyond ETS for Medical Care. The pay and allowances of an enlisted member retained beyond ETS for medical care or hospitalization are subject to forfeitures and fines.

480707. Non-collection Due to Administrative Error. Collect courts martial forfeitures not collected due to administrative error when the error is discovered. Collection may be made for the court martial forfeiture or for erroneous payments made during the period covered by the sentence. Indebtedness of this type cannot be remitted under statutes authorizing remission of indebtedness.

480708. Pay Due or Accrued. Pay of a member subject to forfeiture by sentence of court-martial is pay which is earned on and after the effective date of the forfeiture. See section 4805, above.

480709. Forfeiture Based on Reserve Status in Certain Circumstances. All punishments (as the result of any offense committed on or after March 12, 1987) remaining unserved (A) at the time a member of a Reserve Component is released from active duty or (B) at the end of a period of active duty training or the end of any normal period of inactive duty training may be carried over to subsequent periods of inactive duty training or active duty. A forfeiture of pay may be collected from active duty

and inactive duty training pay during subsequent periods of duty. See section 4813, below.

#### 4808 REMISSION, SUSPENSION, AND CANCELLATION OF FORFEITURES

##### 480801. Death or Separation

A. The death or discharge of a member under a suspended sentence operates as a complete remission of any unexecuted or unremitted part of a sentence.

B. Discharge, release from active duty (except under paragraph 480709, above), or death of a member under an unsuspended sentence to forfeiture cancels any uncollected portion of the forfeiture which would extend beyond the date of discharge, release, or death.

480802. End of Term of Service, Unauthorized Absence, or Desertion. The end of term of service of a member in military confinement, the unauthorized absence, or desertion of a member, stops collections of uncollected forfeitures since no pay accrues against which forfeitures can operate. If an unauthorized absentee or deserter is restored to pay status, resume otherwise proper collections.

480803. Extension of Enlistment. When enlisted member begins to serve on a voluntary extension of enlistment, cancel any uncollected forfeitures the collection period of which would extend beyond the normal expiration of term of service. Involuntary extensions of enlistment do not interrupt collection of forfeitures.

480804. Restoration to Duty. A member under sentence to dishonorable or bad conduct discharge, total forfeiture, and confinement, released from confinement and restored to duty, is entitled to pay and allowances from the date restored to duty, and the forfeiture becomes inoperative thereafter. This applies even though no other action may have been taken to suspend, remit, or mitigate the sentence to total forfeiture. A restoration to duty to serve out an incomplete enlistment, from which an enlisted member has received a sentence of dishonorable or bad conduct discharge, revives partially unsatisfied forfeitures.

480805. Effective Date. Except when a later date is specified, an order remitting, mitigating, or suspending the unexecuted portion of a sentence is effective from and includes the date of the order. Such an order relieves the member of the unexecuted portion of the forfeiture or fine on and after the effective date.

480806. Results of Remission or Suspension. When an unexecuted portion of a sentence to forfeiture or fine is remitted or suspended, the member is no longer subject to the unexecuted forfeiture or fine. If forfeitures have been applied (as distinguished from collected), the member is relieved of such forfeitures.

480807. Vacation of Suspension. When a suspension of a forfeiture or fine is vacated, the uncollected forfeiture or fine is revived and proper for collection.

4809 SENTENCES DISAPPROVED OR SET ASIDE

480901. When New Trial or Rehearing Is Not Ordered. When a court martial sentence is set aside or disapproved and a new trial or rehearing is not ordered, all rights, privileges, and property affected by the executed part of the sentence are restored to the member. Such restoration includes any executed forfeiture and any pay and allowances lost as a result of an executed reduction in grade.

480902. New Trial or Rehearing Ordered

A. When an executed court martial sentence which includes a forfeiture is set aside or disapproved, and a new trial or rehearing is ordered that results in an approved sentence to forfeiture, credit the member with the amount of any forfeiture effected under the first sentence. When an unexecuted court-martial sentence which includes a forfeiture is set aside or disapproved and a rehearing is ordered, the member is entitled to full pay and allowances (subject to other proper deductions) for the period from the convening authority's action on the original sentence until the convening authority's action on the subsequent sentence. Entitlement to pay and allowances thereafter depends on the terms of the new sentence.

B. When a previously executed dishonorable or bad conduct discharge is not imposed by a new trial, the member is entitled to the pay and allowances which the member would have received had the dishonorable or bad conduct discharge not been executed. When a previously executed dismissal of an officer is not imposed by a new trial, an administrative discharge is substituted. The President may reappoint the officer to the grade and rank the officer would have attained if the officer had not been dismissed. The total time between the dismissal and reappointment is considered as actual service for all purposes, including pay and allowances.

4810 REIMBURSEMENT OF PAY WITHHELD UNDER ILLEGAL SENTENCES

A member is entitled to reimbursement for pay withheld under an illegal sentence of a court martial.

4811 PAY AND ALLOWANCES WHILE ON PAROLE

A member released on parole from a disciplinary barracks is considered to be in an authorized leave status and is entitled to pay and allowances to the extent the member has unused accrued leave to the member's credit, less any fines and forfeitures still remaining in effect. Once the member's accrued leave has been used, the member is considered to be in an excess leave or leave without pay status and is not entitled to pay and allowances during this period unless, upon appellate review, the conviction is completely overturned or set aside. If the member is subject to a new trial or rehearing, however, apply the provisions of paragraph 480902, above.

4812 DISPOSITION OF COURTS MARTIAL FORFEITURES AND FINES

Transfer courts martial forfeitures and fines of Armed Forces (regular and Reserve) enlisted members, warrant officers, and limited duty officers to the Armed Forces Retirement Home Trust Fund.

Transfer only those amounts that are in excess of any government indebtedness. For purposes of this paragraph only, the term “government indebtedness” refers to an amount due from the member for reimbursement to the government. For example, the repayment of an advance of pay is a reimbursement but, an amount due to the Internal Revenue Service, while considered a debt to the government, is not a “reimbursement” or “government indebtedness,” for purposes of this paragraph.

481201. Separation From Service Not Involved. When enlisted members, warrant officers or limited duty officers have been sentenced by court martial to forfeit all or part of their pay, no part of the forfeiture is creditable to Armed Forces Retirement Home Trust Fund until amounts equal to all outstanding indebtedness to the government have been withheld. Transfer only those amounts forfeited that are in excess of any government indebtedness or amounts owed any individuals. In addition, for the purposes of this paragraph, the term “amounts owed any individuals” refers to amounts owed from a member’s pay by direction of a commanding officer pursuant to Article 139 of the UCMJ (reference (i)).

481202. Members Who Are Being Separated From Service. A court martial forfeiture of a limited duty officer, warrant officer, or enlisted member is not credited to the Armed Forces Retirement Home Trust Fund when the member has unsatisfied indebtedness at date of separation, except as shown in paragraph 481203, below. Such forfeitures remain in the military personnel appropriation. If the unsatisfied debt at separation is less than the forfeiture, credit the difference between the aggregate unsatisfied debt and the forfeiture to the Armed Forces Retirement Home Trust Fund. (For example: If the uncollected indebtedness is \$500 and forfeiture is \$600, credit to the Armed Forces Retirement Home Trust Fund the difference of \$100 between the unsatisfied indebtedness and the forfeiture.) Transfer amounts collected afterward to counterbalance the indebtedness not to exceed the aggregate forfeiture, less amounts previously credited to the Armed Forces Retirement Home Trust Fund.

481203. Indebtedness After Forfeiture Becomes Effective. If debts occur to enlisted members, warrant officers or limited duty officers after a court martial has been executed and before credit of the forfeiture has been made to the Armed Forces Retirement Home Trust Fund, such debts will not affect the disposition of the forfeiture. Credit the forfeiture to the Armed Forces Retirement Home Trust Fund as if the indebtedness did not exist.

481204. Remission of Indebtedness. If a court martial forfeiture of enlisted members, warrant officers or limited duty officers is not credited to the Armed Forces Retirement Home Trust Fund due to outstanding debts, and the unliquidated portion of the debts are thereafter remitted or cancelled, do not credit the forfeiture that equals the amount of indebtedness remitted or cancelled to the Armed Forces Retirement Home Trust Fund. That amount remains in the military personnel appropriation.

481205. Commissioned Officers. Credit courts martial forfeitures and fines of commissioned officers (except limited duty officers and warrant officers) to the appropriation to which the member's pay is properly chargeable.

4813 FORFEITURE SENTENCES CARRIED OVER TO SUBSEQUENT RESERVE COMPONENT DUTY

481301. In the case of a forfeiture sentence carried forward according to paragraph 480709, above, convert the stated amount of forfeiture to a percentage using the monthly rate of basic pay in Table 2-5 through 2-8 for the member's grade and length of service on the date the forfeiture sentence is approved. Apply that percentage to the pay for every period of duty the member actually performs during the stated period of the forfeiture sentence.

481302. Example

A. A member, E-4 over 2, receives a sentence which includes a forfeiture (either nonjudicial punishment or court-martial sentence) of \$200 a month for two months (\$400).

B. The member's monthly rate of pay is \$912.60.

C. Convert the original forfeiture to a percentage,  $(200/912.60) = 21.92\%$ .

D. For each period of duty performed during the stated period of the sentence, collect 21.92% of the member's pay from active duty and inactive duty training pay.

481303. The forfeiture sentence is satisfied by collection from however few periods of duty the member performs during the stated period of forfeiture. With regard to collection, apply the following:

A. If a member performs periods of duty without forfeiture collection, the amount not collected on the basis of paragraph 481203, above, becomes an amount due the United States.

B. Otherwise, collect the forfeiture at the percentage rate computed according to paragraph 481301, above, from all periods of duty during the stated period of forfeiture.

481304. Note that the forfeiture sentence is satisfied by collection from duty performed during the stated period of forfeiture only. If a member performs no duty during the stated period of the forfeiture sentence, no further collection action is necessary.

| EXECUTION OF COURTS-MARTIAL SENTENCES, APPELLATE REVIEW REQUIREMENTS |  |   |  |
|--|--|---|--|
| R<br>U<br>L<br>E   | A  | B   | C  |
|  | When a court-martial sentence  | the sentence may  | who  |
| 1  | involves a general or flag officer or includes the death penalty   | not be executed until reviewed and approved by the President  | will approve the sentence or any part or commuted form of the sentence, as the President sees fit. The President may suspend execution of all or any part of the sentence which the President approves except a death sentence.    |
| 2  | involves dismissal of a commissioned officer (other than a general or flag officer) or a cadet or midshipman | not be executed until reviewed by the Secretary of the Military Department concerned or by an Under Secretary or Assistant Secretary designated by the cognizant Secretary. | will approve the sentence or any part or commuted form of the sentence, as the Secretary or designee sees fit. The Secretary or designee may suspend execution of any part of a sentence which the Secretary or designee approves. |
| 3  | includes, unsuspended, a dishonorable or bad conduct discharge, or confinement for 1 year or longer          | not be executed until affirmed by a Court of Military Review and, in cases reviewed by it, the Court of Military Appeals  | will affirm the sentence, or part of the sentence found to be correct in law and fact.   |
| 4  | does not include any of the conditions stated in rules 1, 2, and above                                       | be ordered executed by the convening authority  | may suspend or defer the execution of any sentence.  |
| 5  | includes a fine or forfeiture of pay   | not be executed with respect to such fine or forfeiture until approved by the convening authority   | orders the fine or forfeiture to be executed.  |

Table 48-1. Execution of Courts-Martial Sentences, Appellate Review Requirements

## Chapter 48—Courts-Martial Sentences

## 4801—Effect of Sentences on Pay and Allowances

MCM 1984, appendix 12  
MCM 1984, Part I, Chapter  
XI  
10 U.S.C. 857  
OP JAGA 1953/7287  
3 Dig. Ops, Sentence &  
Punishment Section 33.5  
1 Comp Gen 291 (1921)  
34 Comp Gen 65 (1954)  
41 Comp Gen 296 (1961)

## 4802—Requirement for Reduction in Grade Under Certain Courts-Martial Sentences

480205 10 U.S.C. 858a  
10 U.S.C. 857, as amended  
by Public Law 104-106,  
Section 1121,  
Feb 10, 1996

## 4803—Forfeitures

★

480306 10 U.S.C. 858B (Article 58B,  
UCMJ), as added by  
Public Law 104-106,  
Section 1122,  
Feb 10, 1996, and  
amended by  
Public Law 104-201,  
Section 1068(a) (1),  
Sep 23, 1996  
United States v. Gorski,  
47 M.J. 370 (1997)  
480306.A United States v. Carter,  
USCA Docket #98-5003/AF  
April 16, 1998



## 4804—Execution of Courts-Martial Sentences—Appellate Review Requirements

10 U.S.C. 871

## 4805—Effective Dates of Fines and Forfeitures

10 U.S.C. 857

42 Comp Gen 279

MCM 1984, appendix 12

480501

10 U.S.C. 857(a), as  
amended

480502

10 U.S.C. 857(a), as  
amended

★

*United States v. Gorski,*  
*47 M.J. 370 (1997)*

480502.C

42 Comp. Gen. 279

4806—Loss of Pay and Allowances When Confined Under Sentence to Dishonorable  
Discharge, Army and Air Force

37 U.S.C. 804

480601

10 U.S.C. 858b,  
Public Law 104-106,  
Section 1121,  
Feb 10, 1996

## 4807—Collection

36 Comp Gen 79

38 Comp Gen 788

MCM 1984, appendix 12

36 Comp Gen 755

10 U.S.C. 4837, 6161, and  
9837

41 Comp Gen 269

480702.A

37 U.S.C. 1007(c)

480702.B

37 U.S.C. 1007(d)

480709

Executive Order 12586,  
Mar 3, 1987

## 4808—Remission, Suspension, and Cancellation of Forfeitures

10 U.S.C. 509  
37 U.S.C. 906  
37 Comp Gen 591  
MS Comp Gen B-119220,  
Apr 19, 1954  
10 U.S.C. 872  
MCM 1984, Part I, Chapter  
XI  
EO 12586, Mar 3, 1987

## 4809—Sentences Disapproved or Set Aside

|          |                 |
|----------|-----------------|
| 480901   | 10 U.S.C. 875   |
| 480902.A | 36 Comp Gen 512 |
| 480902.B | 10 U.S.C. 875   |

## 4811—Pay and Allowances While on Parole

Comp Gen B-136919,  
Sep 17, 1958  
59 Comp Gen 12

## 4812—Disposition of Courts-Martial Fines and Forfeitures

24 U.S.C. 419 (a) (4)  
10 U.S.C. 2772  
38 Comp Gen 796  
42 Comp Gen 486

|        |                       |
|--------|-----------------------|
| 481201 | 24 U.S.C. 419 (a) (4) |
|        | 10 U.S.C. 2772        |
|        | 38 Comp Gen 796       |
|        | 42 Comp Gen 486       |
|        | 10 U.S.C. 939         |
|        | 3 Comp Gen 520, 522   |
|        | 8 Comp Gen 245        |

## 4813—Forfeiture Sentences Carried Over to Subsequent Reserve Component Duty

Table 48-1

|        |                  |
|--------|------------------|
| Rule 1 | 10 U.S.C. 871(a) |
| Rule 2 | 10 U.S.C. 871(b) |
| Rule 3 | 10 U.S.C. 871(c) |
| Rule 4 | 10 U.S.C. 871(d) |

**CHAPTER 49****NONJUDICIAL PUNISHMENT****4901 AUTHORITY**

Under authority of Article 15, Uniform Code of Military Justice (UCMJ) (10 U.S.C. 815) (reference (i)), authorized commanders may impose nonjudicial punishment for minor offenses without resorting to courts-martial.

**4902 AUTHORIZED PUNISHMENTS AFFECTING PAY**

Nonjudicial punishments which affect pay are forfeiture of pay, reduction in grade, or combinations of these. Except as provided in this chapter, provisions of Chapter 48 relating to forfeiture of pay and reduction in grade by courts-martial also apply when such penalties are imposed as nonjudicial punishment.

**4903 LIMITATIONS**

490301. Maximum Forfeiture of Pay. The maximum forfeiture of pay which may be imposed under Article 15, UCMJ (reference (i)), is outlined in the Manual for Courts-Martial, United States 1984, part V (reference (cj)) and appendix 2, section 815 (reference (i)).

490302. Concurrent Courts-Martial and Nonjudicial Forfeitures. When nonjudicial forfeitures run concurrently with partial courts-martial forfeitures which are subject to the two-thirds limitation, the maximum total amount collectible is two-thirds of the pay subject to forfeiture.

490303. Reduction in Grade. When punishment includes both reduction in grade, whether or not suspended, and forfeiture of pay, the forfeiture is based on the grade to which reduced.

**4904 SUSPENSION, REMISSION, AND MITIGATION**

See Table 49-1.

**4905 EXECUTION OF PUNISHMENT DURING APPEAL PROCEDURES**

A member who incurs nonjudicial punishment considered unjust or out of proportion to the offense may, through proper channels, appeal to the next higher authority. The member may be required to undergo the adjudged punishment pending determination of the appeal. (Air Force: See AFR 111-9 (reference (ck))).

**4906 EFFECTIVE DATES**

Forfeitures and reduction in grade, if unsuspended, are effective on the date the commander imposes the punishment. (For Navy and Marine Corps members, however, nonjudicial forfeitures do not run concurrently. If such forfeiture is imposed while a prior forfeiture is still in effect, it will not commence until the prior forfeiture is completed.) Pay accrued by a member before the imposition of the punishment is not subject to forfeiture. When a forfeiture of pay is suspended, the suspension takes effect on the date of the action. When a member is restored to a higher grade by suspension of a reduction, the member is entitled to pay of the higher grade only from the date of suspension. If, however, a reduction or forfeiture is set aside and all rights, privileges, and property affected by it are restored, the member is entitled to pay as though the reduction had never been imposed. When the suspension of a punishment is vacated, the effective date for pay purposes is the date of the vacation.

**4907 DISPOSITION OF FORFEITURES COLLECTED BY NONJUDICIAL PUNISHMENT**

Disposition of forfeitures as a result of non-judicial punishment is treated the same as those as a result of courts-martial action. Refer to Chapter 48, section 4812 for disposition policies/procedures.

| SUSPENSION, REMISSION, SETTING ASIDE, AND MITIGATION OF NONJUDICIAL PUNISHMENT |                                |                            |  |  |
|--|--------------------------------|----------------------------|--|--|
| R<br>U<br>L<br>E   | A                              | B                          | C  | D  |
|  | When nonjudicial punishment is | and the punishment has     | the officer imposing the punishment, or the successor in command, may suspend the punishment probationally | or   |
| 1  | reduction in grade             | not been executed (note 2) | at any time  | remit or set the reduction aside, or mitigate it to a forfeiture (note 1).                   |
| 2  | forfeiture of pay              |                            |  | remit or set the forfeiture aside (in whole or in part) or mitigate it to lesser forfeiture. |
| 3  | reduction in grade             | been executed              | only within 4 months after imposition  | set the punishment aside in whole or in part or mitigate it to forfeiture (note 1 and 3).    |
| 4  | forfeiture                     |                            |  | set the punishment aside in whole or in part (note 3).                                       |

## NOTES:

1. If mitigated, the amount of forfeiture or detention may not be greater than the amount that could have been imposed initially by the officer who imposed the reduction in grade.
2. An uncollected forfeiture of pay is considered to be unexecuted during the period for which it was imposed. Upon the expiration of the forfeiture period all unsuspended forfeitures, whether or not collected, are fully executed, but see section 4906.
3. Usually, this is done within 4 months after the punishment has been executed.

**Table 49-1. Suspension, Remission, Setting Aside, and Mitigation of Nonjudicial Punishment**

Interim Changes 20-97 and 28-98 are incorporated in this change. Interim Change 28-98 also affects another chapter and will not be deleted from the Interim Changes cited in the web site.

## CHAPTER 50

### STOPPAGES AND COLLECTIONS OTHER THAN COURTS MARTIAL FORFEITURES

#### 5001 VOLUNTARY AND INVOLUNTARY COLLECTIONS

500101. Collection With Member's Consent. Members indebted to the United States will be encouraged to discharge their indebtedness through lump-sum cash payment when possible. When the amount of the debt relative to the member's ability to repay indicates that lump-sum settlement would create financial hardship for the member, installment payments will be accepted. Members will be encouraged to voluntarily accept liability for their indebtedness and to agree to a repayment schedule which adequately protects the interests of both the United States and the member.

#### 500102. Collection Without Member's Consent

##### A. Current Pay

1. Current pay is available for repayment of an indebtedness without the member's consent only if such recovery is authorized expressly by statute.

2. Where Tables 50-1 through 50-5 authorize collection to be made "involuntarily," there is a statute authorizing such collection. When the indebtedness is a type for which there is no statute authorizing collection from pay, the Tables authorize collection "with member's consent."

B. Final Pay. When a member receives final pay on separation, indebtedness to the United States may be collected under the general rule of setoff without specific statutory authority. Under this rule, debts which may be collected from current pay only with the member's consent may be collected from final pay and allowances without the member's consent. Amounts owed to a Service relief society (i.e., Army Emergency Relief, the Navy Relief Society, the Air Force Aid Society, or the Coast Guard Mutual Assistance) also may be collected from final pay without the member's consent (37 U.S.C. 1007(c) and (h) (reference (aa))).

#### 500103. Limitation on Collections

A. Current Pay. Some of the laws authorizing collection of indebtedness from a member's pay impose restrictions on the amount that may be collected or on the items that may be collected or on the items of pay from which collection may be made. These limitations are shown in Tables 50-1 through 50-6. When a member voluntarily authorizes collection, a rate of collection agreeable to the member and the disbursing officer is determined within guidelines shown in the Tables; however, collection in greater amounts may be authorized or requested by

the member.

B. Final Pay. Table 50-6 shows which items of final pay and allowances are available for setoff of debts. The items shown as not available are specifically exempted by statute.

C. Gross Pay. Compute gross pay by adding together basic pay, all special and incentive pays, and all reenlistment bonuses. Gross pay does not include allowances or reductions in pay, such as forfeitures and MGIB.

D. Disposable Pay. Disposable pay when used to calculate maximum allowable deduction, is computed by deducting the following from gross pay of active duty members: FICA, Armed Forces Retirement Home, FITW, DDP, SGLI, SITW. For Reservists, the deductions to calculate disposable pay are: FICA, FITW, SITW, SGLI, SSLI, DDP.

500104. Installment Deduction for Indebtedness to the United States. Statutory authority to collect indebtedness to the United States by deductions from the member's pay exists under 37 U.S.C. 1007(c) (reference (aa)), 5 U.S.C. 5514 (reference (cl)). Other statutes authorize collection of specific classes of debts. It shall be the policy of the Military Departments to collect debts owed to the Department of Defense or any of its instrumentalities or other Uniformed Services under 37 U.S.C. 1007(c) (reference (aa)). Debts administratively determined to be owed the United States or any of its instrumentalities, other than the Department of Defense or other Uniformed Services, shall be collected under 5 U.S.C. 5514 (reference (cl)). Court judgments against a member in favor of the United States may not be collected under Public Law 97-276, 2 October 1982 (reference (cm)).

A. Collections Under 37 U.S.C. 1007(c) (reference (aa)). The law authorizes the deduction from a member's pay of amounts that the Secretary of the Military Department concerned (or designee) administratively determines to be owed the United States or any of its instrumentalities. Where a member of one Military Service owes a debt to another Military Service and the creditor Service makes an administrative determination of indebtedness, the creditor Service may forward that determination, along with a certification of compliance with the appropriate procedures set forth below, to the cognizant DFAS Center. That Center then may initiate collection action.

1. Categories of Debt

★a. All debts will be divided into three categories: Adjustments of \$100 or less, routine adjustments of greater than \$100, and debts requiring due process. A routine adjustment corrects an overpayment resulting from clerical or administrative errors, delays in processing pay documents, or an automated pay system error which is discovered and collected within no more than two monthly pay periods after the date of overpayment. The member shall be provided with notice of adjustment when it is made, or as soon thereafter as practicable.

b. Categories



(1) Adjustments of \$100 or less. Such adjustments regardless of when discovered or collected will be treated the same as routine adjustments for collection purposes. The member shall be provided with notice of adjustment when it is made, or as soon thereafter as practicable.

(2) Routine adjustments greater than \$100 will be processed for collection in the month in which the debt is discovered. The system will generate an advisory LES remark and management notice regarding an impending collection against the member's account. This notice provides an opportunity for the member to correct any errors or request a different repayment schedule. If the repayment schedules are not changed, the system automatically will collect the debt.

(3) Debts greater than \$100 that require formal notification to the member in the form of a due process letter from the servicing field office. The field office will initiate formal due process of the member after receipt of a management notice from the pay system and initiate debt collection based on an appropriate liquidation schedule.

c. Current Month Overpayments. Entitlement overpayments identified during the current month are not scheduled as debt when the member's current EOM pay is adequate to collect the overpayment using the 2/3rds rule. The member's pay will be automatically adjusted to eliminate the overpayment during the EOM payment processing.

d. "No Pay Due" Notice. As a precaution to prevent avoidable hardship to the member, a "no pay due" management notice will be generated to the servicing field office when a debt creates a "no pay due" situation for that member.

e. Separation. When a member is expected to be separated within the next ninety (90) days, the system will accelerate entitlement related debt schedules to collect all available funds prior to separation.

2. ★Due Process Debts. Before initiating any collection action other than adjustments as defined in subparagraph 500104.A.1., the member shall be given at least 30 days written notice of the following (the Secretary concerned may prescribe additional rights prior to administrative determination of indebtedness under 37 U.S.C. 1007(c)) (reference (aa)). These procedures do not apply when the member previously has consented to pay checkage for the debt. The notice shall stipulate:

a. The nature and amount of the debt due the United States, and the intent to commence collection through deductions from pay;

b. That the member has the opportunity to inspect and copy government records related to the debt;

c. That the member has an opportunity for review of all the decisions related to the debt;

d. That the member has an opportunity to enter into a written agreement with the Secretary of the Military Service concerned (or designee) under terms agreeable to both parties to establish a schedule for repayment of the debt;

e. That any portion of the debt remaining uncollected at the time of the member's separation shall be collected from the member's final pay and allowances; and

f. That the member has the right to seek waiver or remission of the debt, if appropriate.

3. The procedures specified in subparagraph 500104.A.2, above, need not be completed prior to commencement of collection action if the time remaining before the member's estimated date of separation is not sufficient to complete collection and the government would be substantially prejudiced in its ability to collect the debt.

4. The maximum monthly amount that may be collected under this subparagraph is an amount equal to  $\frac{2}{3}$  of the member's pay less: (a) amounts deducted in arriving at disposable pay plus: (b) amounts collected under subparagraph 500104.B, below.

B. Collections Under 5 U.S.C. 5514 (reference (cl))

1. The Secretary of the Military Service concerned (or designee) determines that a member is indebted to the United States under the authority of 5 U.S.C. 5514 (reference (cl)). The designated office listed below is responsible for receiving these collection request:

DFAS-CL/ABA  
1240 E. 9th Street  
Cleveland OH 44199-8002

2. Collections may be made in monthly installments or at established pay intervals not to exceed 15 percent of disposable pay for any pay period, unless a greater percentage is authorized by written consent of the member. Unsatisfied debts at discharge or retirement shall be deducted from subsequent payments of any nature due the member. The collection of a debt owned to departments and agencies other than the Department of Defense, its instrumentalities, or other Uniformed Services resulting from a court judgment is included under this authority.

★3. Due Process. Debts collected under 5 U.S.C. 5514 (reference (cl)) are those owed to departments or agencies other than the Department of Defense or other Uniformed Services. The creditor agency is responsible for providing due process to member debtors and for certifying to the Secretary of Defense that due process rights have been provided when requesting collection action. The requirement for due process does not apply to routine intra-agency adjustments of pay that are attributable to clerical or administrative errors or delays

in processing pay documents that have occurred within the four pay periods preceding the adjustment and to any adjustment that amounts to \$50 or less, if at the time of such adjustment, or as soon thereafter as practical, the individual is provided written notice of the nature and the amount of the adjustment and a point of contact for contesting such adjustments. Once the Secretary of the Military Department concerned (or designee) accepts the debt for collection, the member must be given written notice that identifies the nature and amount of the debt due the United States and the intent to commence collection through deductions from pay. The notice should provide a point of contact at the creditor agency for any questions or disputes the member may have.

500105. Interest, Penalties, and Administrative Costs

A. With respect to collections other than routine adjustments, the Secretary of the Military Department concerned shall charge a minimum annual rate of interest on an outstanding debt to the United States that is equal to the average investment rate for the Treasury tax and loan accounts for the 12-month period ending on September 30 of each year, rounded to the nearest whole percentage point.

B. Interest shall accrue from the date on which notice of debt and the interest requirements are first mailed or hand delivered to the debtor or such date as specified in the notice.

C. Interest may not be charged if the amount due on the claim is paid within 30 days after the date from which interest accrues in subparagraph 500105.B, above.

D. The Secretary concerned shall assess charges to cover administrative costs of processing and handling a delinquent debt.

E. A penalty charge not to exceed 6 percent a year shall be assessed for failure to pay a part of a debt more than 90 days past due. The charge will be calculated on the 91st day of delinquency, but shall accrue from the date the debt became delinquent.

F. Interest does not accrue on charges assessed under subparagraphs 500105.D and E; however, if the member defaults on a repayment agreement, uncollected interest, administrative costs, and penalty charges shall be added to the principal to be repaid.

G. The Secretary concerned may prescribe regulations identifying circumstances appropriate to waiving collection of interest and charges under subparagraphs 500105.A, D, and E.

500106. Collection From Retired Pay. Conditions for collection of active duty debts from retired pay are in Chapter 28, Volume 7B, of this Regulation (reference (cn)).

500107. Indebtedness Incurred in National Guard or Reserve. When a member reenters active military service, collect for unsatisfied indebtedness incurred in a National Guard or Reserve status.

500108. Early Payment. Payday payments made in advance in accordance with paragraph 320107 of this volume are not considered "indebtedness" if the member dies before the date through which the pay was computed and paid.

500109. Bankruptcy. A member may file a petition of bankruptcy under chapters 7, 11, or 13 of the Bankruptcy Code (reference (aj)):

A. When the amount of an indebtedness due the United States is incurred prior to the filing date of the petition, the debt is termed prepetition indebtedness. Such debt may be collected by setoff from the member's pay account only through the day prior to the date the bankruptcy petition is filed, except as provided below:

1. After the date the bankruptcy petition is filed, prepetition indebtedness due the United States may be collected by the filing of proofs of claim with the United States Bankruptcy Court.

2. After the date the bankruptcy petition is filed, prepetition indebtedness due the United States may be setoff from the member's pay account if the member reaffirms indebtedness due the United States. Reaffirmation agreements must be approved by the court.

3. If the court subsequently dismisses a bankruptcy case, collection is permitted by setoff if otherwise authorized.

B. An indebtedness due the United States, but incurred after the filing date of the petition of bankruptcy, is collected by setoff if otherwise authorized.

C. A member voluntarily may enter into a "Chapter 13 Plan" (formerly Wage Earner's Plan) under the Bankruptcy Code (reference (aj)). When required by a Chapter 13 Plan (reference (aj)), send the member's pay to the court-appointed trustee as ordered by the court.

D. Refer to Military Service regulations listed below for payment procedures required by the foregoing paragraphs:

1. Army: Chapter 13, AR 37-103 (reference (co))
2. Navy: DoD Financial Management Regulation, Volume 5
3. Air Force: AFR 177-108, and AFR 110-24 (reference (cq))
4. Marine Corps: DoD Financial Management Regulation, Volume 5

500110. Pay Not Affected by Civil Process. An officer or enlisted member may not be deprived of pay by civil process except as follows:

- A. Garnishment for child support or alimony (see section 5002, below)
- B. Levy for delinquent federal income taxes (see section 4402 of this volume)
- C. Levy for child support (see section 5002, below)
- D. Statutorily-required child or child and spousal support allotments (Chapter 43) of this volume
- E. Involuntary allotment of pay for enforcement of commercial debts (see paragraphs 430501-430507, above, and section 5004, below).

## 5002 LEGAL PROCESS FOR ENFORCEMENT OF CHILD SUPPORT AND ALIMONY OBLIGATIONS

### 500201. Garnishment of Pay for Enforcement of Child Support and Alimony Obligations

A. General. Moneys due from or payable by the United States to active duty members, members of the Reserve Components not on active duty, and retired members (including members of Fleet Reserve and Fleet Marine Corps Reserve) are subject to legal process issued by a state or federal court of competent jurisdiction to enforce a legal obligation to pay child support or alimony. Legal process issued by foreign courts may be honored under this authority if issued by a court of competent jurisdiction of a country with which the United States has an agreement which requires the United States to honor such process. Such an agreement has been reached with the Federal Republic of Germany. When the law of the state or foreign nation in which the issuing court is located conflicts with the federal law, the more restrictive law applies. The Code of Federal Regulations (5 CFR 581) (reference (cs)) takes precedence when in conflict with the contents of this paragraph.

B. Pay Subject to Garnishment. Except for amounts excluded under subparagraph 500201.D, below, all moneys due uniformed personnel, regardless of duty status or component, entitlement to which is based on remuneration for employment, are subject to legal process. The following items of pay and bonuses are subject to legal process:

1. Basic pay (including Military Service academy cadet, academy officials, and midshipmen pay) but excluding reduction for educational benefits under "New G.I. Bill " (38 U.S.C. 1411 (reference (bx)))
2. Special pay (including enlistment and reenlistment bonuses)
3. Incentive pay
4. Accrued leave payments (basic pay portion only)
5. Readjustment pay

6. Severance pay (including disability severance pay)
7. Lump-Sum Reserve bonus
8. Inactive duty training pay
9. Retired pay (including disability retired pay)
10. Retainer pay
11. Separation pay, Voluntary Separation Incentive (VSI), Special Separation Benefit (SSB), Reservists' Special Separation Pay (RSSP), and Reservists' Involuntary Separation Pay (RISP)

C. Pay and Allowances Not Subject to Garnishment. The following items of pay and allowances are not subject to legal process:

1. Basic allowance for subsistence
- ★2. Basic allowance for housing
3. Family separation allowance
4. Station allowances
5. Clothing allowances-enlisted
6. Uniform allowances-officer
7. Personal money allowance
8. Discharge gratuity
9. Position pay (Navy only)
10. ROTC subsistence allowance
11. Death gratuity
12. Allowance for recruiting expenses
13. Travel and transportation allowances
14. Armed Forces Health Professions Scholarship Program monthly

stipend

D. Other Amounts Not Subject to Garnishment. The amounts deducted from the pay of a Military Service member for the following purposes are not subject to legal process:

1. Federal income tax withholding (amount limited only to that which is necessary to fulfill member's tax liability)
2. FICA tax
3. Armed Services Retirement Homes
4. Servicemen's Group Life Insurance
5. Retired Serviceman's Family Protection Plan
6. Survivor Benefit Plan
7. State income tax withholding
8. Indebtedness to the United States
9. Other amounts required by law to be deducted (e.g., dental plan premium)

E. Maximum Amount of Pay Subject to Garnishment. The maximum part of disposable earnings to any pay period which is subject to legal process shall not exceed:

1. Fifty percent if the member concerned is supporting a spouse or dependent child (other than a spouse or dependent child with respect to whose support the legal process is issued);
2. Sixty percent if the member concerned is not supporting a spouse or dependent child within subparagraph 500201.E.1, above.

Disposable earnings is the pay subject to garnishment under subparagraph 500201.B, above, minus the amounts set forth in subparagraph 500201.D, above. If the member is in arrears for a period which is 12 weeks prior to the beginning of the pay period involved, the maximum percentage under subparagraph 500201.E.1, above, is 55 percent and under subparagraph 500201.E.2, above is 65 percent. In no case may the amount of pay diverted exceed the limits prescribed by the applicable state law.

F. Allotments To Be Discontinued. The following allotments of the items of pay listed in subparagraph 500201.B, above, are subject to legal process. When possible, allow the member to determine which allotments are to be stopped.

1. If the member involved refuses to or is unable to advise which

allotment should be stopped to permit compliance with the legal process, the allotments of such member shall be involuntarily stopped in the following order:

- a. Class C, CFC-Charity Drive
- b. Class B, BOND, Q-BOND-US Savings Bond
- c. Class D, FININ-Financial organizations
- d. Class S, EDSAV, E, V-Post-Vietnam Era Veterans Educational Assistance Program contributions
- e. Class L, AER, RED CR-Repay loans to Service Relief Agencies and Red Cross
- f. Class D, SPT-V-Payment to dependents/relatives
- g. Class X, Emergency payment to dependents
- h. Class D, HOME-Repay home loans
- i. Class D, INS-Commercial Life Insurance
- j. Class D, Navy-Mutual Aid Insurance
- k. Class D, NSLI-United States Government Life Insurance

2. The following allotments of pay are not subject to legal process and should not be stopped:

- a. Class T, RED-Repay indebtedness to the United States and repayment of delinquent federal taxes
- b. Class U, RSFPP-Remittance for RSFPP

G. Designated Official Responsible for Dealing With Legal Process. The official listed below, or his or her representatives as designated in Military Service regulations, is responsible for receiving and processing all legal process concerning active duty members, members of the Reserve Components not on active duty, and retired members (including members of the Fleet Reserve and Fleet Marine Corps Reserve):

1. Director  
DFAS-CL/L  
PO Box 998002  
Cleveland OH 44199-8002



Telephone (216) 522-5301

2. In the case of active duty members stationed in the Federal Republic of Germany, all legal process issued by German courts are to be served in the manner prescribed by German law on the appropriate liaison agency listed below for such members:

- a. Army, Navy and Marine Corps:  
Headquarters  
USAREUR and Seventh Army  
Attn: AEAJA-1A  
6900 Heidelberg 1  
Postfach, 10 43 23
- b. Air Force:  
HQ USAFE/JAIS  
Gebäude 527  
Ramstein-Flugplatz  
66877 Ramstein-Miesenbach

Legal process issued by German courts received by the liaison agencies listed above shall be reviewed to determine whether they comply with applicable German law. In addition, the liaison agencies listed above shall determine whether the member was served notice and certification of Service issued in accordance with the provisions of Article 32(1)(a) of the German Supplementary Agreement (reference (c)) in the prior German court proceeding which resulted in an order creating the member's obligation to pay child support or alimony. Once the appropriate liaison agency listed above determines that legal process issued by a German court is legally sufficient and that there has been compliance with the notice provisions of Article 32(1)(a), the legal process shall be forwarded to the appropriate official designated in clauses (1) through (4) above. Upon receipt by the appropriate official, the legal process shall be processed in the manner set forth in paragraphs 500201.H.1 through 8, below.

H. Action Required. Once legal process has been served on the United States, the appropriate designated official indicated in subsection 500201.G, above, shall take or cause to be taken the following actions:

- 1. Notify the member and, where appropriate, the member's commanding officer of the proceedings within 15 days after valid service. The written notification shall explain the potential effect of the legal process on the member's pay, including allotments, and advise the member that the burden to raise any available defenses in the appropriate court rests with the member. A copy of the legal process shall be included with the written notice. Further, the notice shall comply with any additional requirements for notice in the law of the state in which the proceeding is brought.
- 2. Determine the amount of pay due the member which is subject to the legal process.

3. Temporarily suspend payment of sufficient pay due the member named in the legal process so as to permit compliance with such process.

4. Examine the legal process to ensure that:

a. It was served in accordance with federal law and regulations by an official having authority, under the applicable law of the jurisdiction, to make service of process;

b. On its face, it complies with the applicable law;

c. It constitutes legal process; and

d. The designated official is satisfied that the process is for the enforcement of a legal obligation of the Military Service member for child support or alimony in the form and amount specified in the process, and that the underlying judgment is not void on its face.

5. Determine whether the applicable law provides an exemption that is more favorable to the member than the exemption stated in subparagraph 500201.E, above. Apply the exemption more favorable to the member.

6. Determine whether the member is indebted to the United States. If the member owes a specific amount, that amount will be setoff against the amount of pay determined to be subject to legal process. Money owed to a nonappropriated fund activity may not be setoff. The following kinds of indebtedness may be setoff:

a. Amounts required to satisfy prior advance of pay and allowances;

b. Amounts required to satisfy prior overpayments of pay and allowances;

c. Courts-martial and nonjudicial fines and forfeitures; and

d. Administratively determined indebtedness.

7. Where required, file an answer to the legal process with the court in which the proceeding was brought and answer any interrogatories regarding the pay and allowances due the member. In all cases, the designated official shall make an appropriate response to the issuing authority within 30 days or such longer period as may be allowed under the applicable state law.

8. Pay the amount determined to be due and subject to legal process as ordered by the court. Where notice is received that the member has appealed the issuance of a legal process, which meets the requirements of subparagraph 500201.H.4, above, the process

shall be honored nevertheless unless the issuing or appellate court orders otherwise or the applicable law of the jurisdiction provides otherwise. Where written notice is received, including copies of any appeal documents, that the member has appealed the underlying alimony and/or child support order, payment of moneys subject to the legal process shall be suspended until the governmental entity is ordered by a court, or other authority, to resume payments. No suspension action shall be taken, however, where the applicable law of the jurisdiction wherein the appeal is filed requires compliance with the legal process while an appeal is pending.

9. If the legal process is determined not to be legally sufficient, and after any coordination within the department required by applicable Military Service directives, advise the General Litigation Section, Civil Division, Department of Justice, and the United States Attorney for the district in which the proceeding was brought that the legal process will not be honored. Send all pertinent documentation to the following address:

General Litigation Section  
Civil Division  
Department of Justice  
Washington, DC 20530

I. Priority. The amount of pay being withheld pursuant to legal process may not be used to satisfy a notice of levy for unpaid federal taxes.

500202. Levy on Pay and Allowances for Enforcement of Child Support Obligations

A. Authority. Under the provisions of Public Law 93-647, effective July 1, 1975, (reference (cu)), the Secretary of the Treasury, upon receiving the certification of the Secretary of Health and Human Services, shall assess and collect the amount certified as unpaid child support in the same manner as if the amount were a delinquent federal tax, the collection of which would be jeopardized by delay. (See paragraphs 440201 and 440204 of this volume.)

B. Satisfaction of Levy. When the Secretary of the Treasury issues a notice of levy as described in subparagraph 500202.A, above, satisfy the levy in the manner prescribed in paragraph 440204 of this volume. However, in the case of a first assessment against an active duty, retired (including members of the Fleet Reserve and Marine Corps Fleet Reserve), or Reserve member for unpaid child support, satisfaction of the levy shall be stayed for a period of 60 days immediately following notice and demand. If a portion of such member's pay is being withheld in garnishment or attachment pursuant to a judgment entered by a court of competent jurisdiction for the support of minor children, the amount of pay withheld is exempt from the levy.

500203. Regulations

Detailed policies and procedures governing the administration of garnishment of pay for the enforcement of court-ordered child support and alimony and levy of pay and allowances for enforcement of court-ordered child support are contained in:

- A. Army: AR 37-104-3 (reference (bh))
- B. Navy: SECNAVNOTE 7200 of 20 May 1975 (reference (cv))
- C. Air Force: DFAS-DE 7073.1-M and DFAS-DE 7073.3-M  
(reference (ap))
- D. Marine Corps: MCO P7220.31 (reference (cw))

### 5003 INVOLUNTARY ALLOTMENT OF PAY FOR ENFORCEMENT OF COMMERCIAL DEBTS

500301. General. Monies due from, or payable by, the United States to active duty members (as defined in subparagraph 430502.B of this volume) are subject to the involuntary allotment to satisfy a judgment for commercial indebtedness. The involuntary allotment application must be supported by a final judgment. The allotment of pay shall not exceed the lesser of 25 percent of a member's pay subject to involuntary allotment or the maximum percentage of pay subject to garnishment proceedings under the applicable state law. (For further procedures, see section 4305 of this volume.)

500302. Pay Subject to Involuntary Allotment. Only the following types of pay are subject to the involuntary allotment process (subject to the amounts excluded under paragraphs 500303 and 500304, below):

- A. Basic pay (excluding the reduction for education benefits under 38 U.S.C. 1411 ("New GI Bill")) (reference (bx)).
- B. Special pay, to include:
  - 1. Health care professionals (Including optometrists, dental officers, psychologists and nonphysician health care providers, registered nurses, nurse anesthetists, nurse corps officers, medical officers)
  - 2. Veterinarians
  - 3. Diving Duty
  - 4. Foreign duty
  - 5. Career sea pay
  - 6. Responsibility pay
  - 7. International military headquarters

8. Proficiency pay and Special duty assignment pay for enlisted members
  9. Reenlistment bonus
  10. Enlistment bonus
  11. Prior service enlistment bonus
  12. Hostile fire or imminent danger pay
  13. Nuclear-qualified officers extending period of active duty
  14. Nuclear-trained and qualified enlisted members
  15. Nuclear career accession bonus
  16. Nuclear career annual incentive bonus
  17. Enlisted members extending duty at designated overseas locations
  18. Foreign language proficiency pay
  19. Officers in critical acquisition positions extending period of active duty
  20. Multi Year Special Pay (MSP)
  21. Aviation Retention Bonus
  22. Continuation Pay for Engineering & Scientific Career
  23. Selective Reenlistment Bonus (SRB)
- C. Incentive pay, including:
1. Hazardous duty
  2. Aviation career
  3. Submarine duty
- D. Accrued leave payments (basic pay portion only)
- E. Readjustment pay

F. Severance pay (Including disability severance pay)

500303. Pay and Allowances Not Subject to Involuntary Allotment. Separation pay, Voluntary Separation Incentive (VSI), and the Special Separation Benefit (SSB) are not subject to the involuntary allotment. In addition, allowances paid under Titles 10 and 37 of the United States Code, (references (c), (aa)), and other reimbursements for expenses incurred in connection with duty in the Military Service or allowances in lieu thereof, are not subject to the involuntary allotment.

500304. Other Amounts Not Subject to the Involuntary Allotment. After computing the pay subject to involuntary allotment (see paragraph 500302, above), the following items must be deducted to compute the final value of pay subject to involuntary allotment:

A. Federal and state income tax withholding (amount is limited to that which is necessary to fulfill the member's tax liability)

B. FICA tax

C. Armed Forces Retirement Home

D. Servicemen's Group Life Insurance

E. Indebtedness to the United States (including tax levies)

F. Fines and forfeitures ordered by a court-martial or a commanding officer

G. Amounts otherwise required by law to be deducted (e.g., dental plan premium) from a member's pay (except payments under 42 U.S.C. 659, 661, 662 and 665) (reference (ca)).

500305. Voluntary Allotments to be Discontinued. See subparagraph 430506.D of this volume.

500306. Designated Agent Responsible for Dealing With Involuntary Allotments. The designated agent listed below is responsible for receiving and processing the involuntary allotment application concerning active duty members (as defined in subparagraph 430502.B of this volume):

DFAS-Cleveland Center  
DFAS-CL/L  
PO Box 998002  
Cleveland OH 44199-8002

Telephone (216) 522-5301

500307. References. The following source directives contain detail on

entitlements, policies, and procedures for processing of involuntary allotment of pay for enforcement of commercial debts:

- A. Army: AR 37-104-4, ADSM (reference (bh))
- B. Navy: DFAS PAY/PERSONNEL Procedures Manual (Navy) DFAS-CL (NAVSOP) 3050-2 (reference (ej))
- C. Air Force: DFAS-DE 7073.1-M (reference ((ap))); DFAS-DE 7073.3-M (reference (ap)); and AFI 36-2906 (reference (eg))
- D. Marine Corps: Bond and Allotment Manual (B & A Manual) MCO p7220.45; Automated Pay Systems Manual (APSM), MCO p7220.31

#### 5004 REMISSION AND CANCELLATION OF INDEBTEDNESS-ENLISTED MEMBERS

##### 500401. Who May Apply

A. An enlisted member on active duty (including a Navy or Marine Corps temporary officer with permanent enlisted status) or member's commander may apply for remission of the enlisted member's indebtedness to the United States. The debt may not be remitted or cancelled after the member is discharged, retired, or released from active duty. An indebtedness arising in one period of active duty may, however, be remitted during a later period of active duty.

B. Remission action is not for application in the case of Reserve Component personnel performing inactive duty training or active duty for training except:

1. Army: An enlisted member of the Army National Guard who is charged with liability for government property that is lost, damaged, or destroyed on or after October 1, 1980, may have such liability remitted or cancelled under regulations prescribed by the Secretary of the Military Service concerned.

2. Air Force: Any member of the Air National Guard (officer or enlisted member) who is charged with liability for government property that is lost, damaged, or destroyed on or after October 1, 1980, may have such liability remitted or cancelled under regulations prescribed by the Secretary of the Military Service concerned.

##### 500402. Indebtedness Which May Be Remitted

A. Debts to United States. Generally, any indebtedness may be considered for remission (including those listed in Tables 50-1, 50-3, and 50-4). Debts for erroneous payments may be processed for remission if relief action has been denied under the appeal provisions of this section. However, debts arising from erroneous payment of basic pay due to noncollection of courts martial forfeitures may not be remitted or cancelled.

B. Debts Within Jurisdiction of Military Service Concerned. The debt must be one over which the Military Department concerned has jurisdiction. For example, a Secretary of one Military Department may not remit a member's indebtedness because of liability for damage to property of another Military Service. The member must have incurred the debt while serving as an officer or enlisted member of the Military Department in which the member currently serves.

500403. How To Apply. Process applicants for remission and cancellation of indebtedness as prescribed in procedural regulations of the Military Service concerned.

#### 5005 APPEALS

500501. Right of Appeal. When it is established that a member is indebted to the United States because of an erroneous payment made by any Military Service within the Department of Defense, the member has the right to appeal. A member may appeal the validity of the debt, the amount, or the liability for that debt. A member may also request review of the rate of stoppage on the basis of undue hardship, or upon proof that the rate of stoppage is inequitable.

500502. Processing Appeals. Process appeals as prescribed in procedural regulations of the Military Service concerned.

500503. Claim for Refund. A member may file a written claim for any amounts considered erroneously collected from the pay account. The claim is sent to the disbursing officer or, if separated, to the cognizant Defense Finance and Accounting Service Center. After an adverse ruling the member has the right to submit a claim to the General Counsel, Department of Defense (Personnel & Health Policy). An adverse ruling by that office may be appealed to the Comptroller General or a civil suit for recovery may be started.

#### 5006 VALIDATION OF PAYMENTS BASED ON PURPORTED MARRIAGES

500601. Authority for Validation. Payment of allowances based on a purported marriage and made under Title 37, United States Code (reference (aa)) or prior laws, before the marriage is annulled or terminated, are valid if:

A. A court of competent jurisdiction adjudges or decrees that the military member entered the marriage in good faith; or

B. In the absence of such judgment or decree, a finding of good faith is made by the Secretary of the Military Service concerned or a person designated by the Secretary of the Military Department concerned to investigate the matter.

500602. Responsibility for Validation. Findings of good faith under subparagraph 500501.B are made (or forwarded to the appropriate office) by the offices listed in subparagraph 260403.F of this volume. Purported marriages requiring such finding include those listed in paragraph 260403 of this volume.



500603. Payments Not Validated. Payments based on invalid marriages are considered erroneous payments or overpayments unless validated.

5007 WAIVER OF CLAIMS FOR ERRONEOUS PAYMENTS OF PAY AND ALLOWANCES. When a member applies for waiver of a claim of United States arising out of erroneous payments under 10 U.S.C. 2774 (reference (c)), forward such applications to the cognizant DFAS Center. Only the waiver application processing office, as designated by the Directors of the DFAS Centers, has authority to suspend collection action pending action on a waiver application under 10 U.S.C. 2774 (reference (c)).

| INDEBTEDNESS DUE TO ERRONEOUS PAYMENTS, GAO DISALLOWANCES, AND NOTICES OF EXCEPTION |                               |                       |  |   |   |  |
|---|-------------------------------|-----------------------|--|---|---|--|
| R<br>U<br>L<br>E  | A                             | B                     | C  | D   | E   | F  |
|   | If                            | of                    | Is indebted to the United States for   | and   | then collect from current pay                                       | at monthly rate not to exceed that shown below or in rule cited: |
| 1   | an officer or enlisted member | any Military Service  | Payment disallowed by General Accounting Office (GAO) or GC, DoD in accounts of a disbursing or certifying officer   |   | involuntarily (note 1)  | disposable pay (see subparagraph 500103.C)                       |
| 2   |                               |                       | Debt cited in GAO notice of exception or informal inquiries (note 2)   |   |   | Table 50-6, rule 2   |
| 3   |                               |                       | Erroneous payment (including allotments the member knew or reasonably should have known were erroneous) made to or on behalf of the member of any Uniformed Service (note 3) | the Secretary of the Military Department concerned or the Secretary's designee has determined the indebtedness is valid |   |  |
| 4   | an officer                    | a Military Department | Erroneous payment of allotment caused by failure to report, as required, the death of the allotter or any other fact making the allotment not payable                        | appropriate investigation is made, and the overpaid amount is not recovered from the allottee                           | with officer's consent; or with approval of the Secretary concerned | amount applicable  |

## NOTES:

1. This does not change rules on collections of indebtedness of accountable, certifying, or disbursing officers.
2. If notice of exception covers erroneous payment by a Uniformed Service, rule 3 will be applied.
3. When a member's pay is not promptly reduced to allow for court-marital forfeiture, the resulting indebtedness is considered an erroneous payment within this rule.

**Table 50-1. Indebtedness Due to Erroneous Payments, GAO Disallowances, and Notices of Exception**

| INDEBTEDNESS DUE TO LOSS OF PUBLIC FUNDS |  |                      |   |   |   |   |
|--|--|----------------------|---|---|---|---|
| R<br>U<br>L<br>E                         | A  | B                    | C   | D   | E   | F   |
|  | If                                       | of                   | Is indebted to the United States for  | and   | then withhold from current pay  | at monthly rate not shown below or in rule cited  |
| 1  | an accountable officer (note 1)          | the Armed Forces     | Arrears in accounts because of failure to account for funds entrusted to the member                         | debt is admitted by officer (note 4)  | Involuntarily   | Disposable pay (see subparagraph 500103.C)  |
| 2  |  |                      |   | debt is shown by the judgment of a court  |   |   |
| 3  |  |                      |   | debt is shown by special order issued by the Secretary of the Military Department concerned |   | rate directed by special order of Secretary of the Military Department concerned (all pay excluding allowances, or lesser amount) |
| 4  | an account-able enlisted member (note 2) | any Military Service | Public funds obtained or converted to own use through fraud, larceny, embezzlement, or other unlawful means |   | Involuntarily, or as prescribed by regulations of the Military Department concerned | disposable pay (see subparagraph 500103.C)  |
| 5  | an officer or enlisted member            |                      |   | the misappropriation of funds is admitted by the member                                     |   | Table 50-6, rule 2 (note 3)   |

## NOTES:

1. Applies to officers who hold in trust sums or balances of public money for which they are required to account, such as disbursing officers and deputies or agents to disbursing officers.
2. Applies to enlisted members who are entrusted with public funds. It includes military postal clerks and members who, though not bonded, are entrusted with public funds for small purchases.
3. If exact amount of debt is not known at the time the loss is discovered, establish the debt at the amount then known and adjust when investigation is completed.
4. A mere acknowledgment or report of a shortage in accordance with Military Service regulations is not an admission for the purpose of this rule. The phrase "debt is admitted" means either a written statement made by the accountable officer admitting indebtedness, acknowledged or witnessed before a person authorized to administer oaths or, another person designated by higher authority, or if the accountable officer refuses to sign a statement, a certification by a commissioned officer that the accountable officer clearly and unequivocally admitted the indebtedness is sufficient to authorize the withholding from officer's current pay.

**Table 50-2. Indebtedness Due to Loss of Public Funds**

| INDEBTEDNESS DUE TO LOSS OR DAMAGE TO PUBLIC PROPERTY OR SUPPLIES |  |                          |  |  |  |                               |  |
|---|--|--------------------------|--|--|--|-------------------------------|--|
| R<br>U<br>L<br>E  | A  | B                        | C  | D  | E  | F                             | G  |
|   | If   | of                       | is indebted to the United States for   | and  | and  | then collect from current pay | at monthly rate not to exceed that shown below or in rule cited  |
| 1   | an accountable officer                       | the Army or Air Force    | loss or damage to military supplies, upon final settlement of accounts of officer charged with issue of the supplies           | the officer fails to show satisfactorily that the loss or damage of property was not due to any fault on the officer's part  | the officer is found pecuniarily liable by a report of survey or by a board of officers, and findings are approved by the Secretary concerned                                | Involuntarily                 | disposable pay (see subparagraph 500103.C)   |
| 2   |  | the Navy or Marine Corps | loss or damage to public property entrusted to the officer, such as stores, supplies and receipts from sale of public property | the Commander, Naval Supply Systems Command or the Commandant of the Marine Corps (L) renders determination  | the Director, DFAS-Cleveland Center, or the Director, DFAS-Kansas City Center (L) issues instructions to the member's commanding officer on action to take to liquidate debt |                               | disposable pay (see subparagraph 500103.C) or lesser amount approved by the Assistant Secretary of the Navy (Financial Management and Comptroller) or the Commandant of the Marine Corps |
| 3   | an officer or enlisted member                | the Army or Air Force    | damage or cost of repairs to arms or equipment   | the member had the care of, or was using the property when damaged   | negligence or abuse in care or use of property is established by a board of officers or on a report of survey, and findings are approved by Secretary concerned              |                               | Disposable pay (see subparagraph 500103.C)   |
| 4   | a non-accountable officer or enlisted member | any Un-formed Service    | loss of or damage to government property   | liability is established under regulations of the Military Service concerned   | case is not within the scope of rule 3   |                               | Table 50-6, rule 2   |
| 5   | an officer or enlisted member                | Armed Forces             | damage to or failure to satisfactorily clean assigned housing or damage to or loss of equipment or furnishings of such housing | the damage, loss or requirement for cleaning was caused by the abuse or negligence of the member, the member's dependent(s) or a guest of either the member or the member's dependent(s) | the negligence or abuse is established by administrative determination under regulations of the Military Service concerned   |                               |  |

Table 50-3. Indebtedness Due to Loss or Damage to Public Property or Supplies

| MISCELLANEOUS INDEBTEDNESS TO UNITED STATES |                               |  |   |   |
|---|-------------------------------|--|---|---|
| R<br>U<br>L<br>E                            | A                             | B  | C   | D   |
|   | If                            | of any Military Service is indebted to the United States   | then collect from current pay                             | at monthly rate not to exceed that shown below or in rule cited |
| 1   | an enlisted member            | enlistment or reenlistment bonus for period unserved   | involuntarily   | Table 50-6, rule 2  |
| 2   | an officer or enlisted member | unpaid hospital bills for medical services furnished a dependent   | involuntarily or pursuant to Military Service regulations |   |
| 3   |                               | excess cost of shipment of household goods   |   |   |
| 4   | a medical officer             | compensation or stipend payments received from state, county, municipal, or privately owned hospitals for medical service                      |   |   |
| 5   | an officer or enlisted member | jury duty fees (as distinguished from expenses) from any court, except while on authorized leave, and receiving active duty pay and allowances | Involuntarily   |   |
| 6   |                               | amount due the DoD, its instrumentalities, or other Uniformed Services by reason of court judgment   |   | Table 50-6, rule 2  |
| 7   |                               | a debt determined valid from a federal agency outside DoD or other Uniformed Service including debts resulting from court judgments            |   | Table 50-6, rule 3  |
| 8   |                               | a travel advance in excess of entitlements (note)  |   | Involuntarily or pursuant to Military Service regulations       |

NOTE: If the member has not filed a claim on a timely basis as defined by Military Service regulations, the entire amount of the advance is considered to be in excess of entitlements.

**Table 50-4. Miscellaneous Indebtedness to United States**

| INDEBTEDNESS TO INDIVIDUALS AND GOVERNMENT INSTRUMENTALITIES AND AGENTS |                               |                          |   |   |   |   |   |
|---|-------------------------------|--------------------------|---|---|---|---|---|
| R<br>U<br>L<br>E  | A                             | B                        | C                                       | D   | E   | F   | G   |
|   | If                            | of                       | is indebted to                          | for   | and   | then collect from current pay                               | at monthly rate not to exceed that shown below or in rule cited                       |
| 1   | An officer or enlisted member | any Military Service     | any person                              | willfully damaging or wrongfully taking property of that person   | the commander has convened a board to investigate complaint, and board has assessed damages, and commander has approved an amount of assessment   | involuntarily   | amount approved by commander not to exceed disposable pay (see subparagraph 500103.C) |
| 2   |                               |                          | member's spouse, former spouse or child | court ordered child support or alimony  |   |   | (see Chapter 50, section 5002)  |
| 3   |                               | the Army or Air Force    | a commissary                            | uncollectible check which member or member's authorized agent has issued or endorsed to the commissary (note 1) |   |   | involuntarily or pursuant to Military Service regulations                             |
| 4   |                               | the Navy or Marine Corps |   | uncollectible check endorsed or issued by member or member's agent (note 1)                                     |   | Table 50-6, rule 2  |   |
| 5   |                               | the Armed Forces         |   | other appropriated fund activity or office  |   |   |   |
| 6   |                               | any Military Service     | a nonappropriated fund activity         | any indebtedness by member or member's agent  | the custodian of the nonappropriated fund instrumentality has tried all means for direct collection from member, and a request has been sent to member's commander for assistance in obtaining direct payment |   |   |
| 7   |                               |                          | the Internal Revenue Service            | delinquent income taxes or court ordered child support (note 2)   | IRS Notice of Levy is served  | (see Chapter 44, section 4002 and Chapter 50, section 5002) |   |
| 8   |                               |                          | a military banking facility overseas    | an uncollectible check endorsed or issued by the member or a defaulted loan made to the member                  | military banking facility overseas has complied with required procedures  | involuntarily   | Table 50-6, rule 2  |

## NOTES:

1. Generally, an agent is one who has been given a power of attorney by the member.
2. Upon certification from Department of Health and Human Services to the Department of the Treasury, an IRS Notice of Levy may be issued for delinquent child support. (See paragraph 500201.)

**Table 50-5. Indebtedness to Individuals and Government Instrumentalities and Agents**

| RATES OF COLLECTION |   |  |   |   |   |   |
|---------------------|---|--|---|---|---|---|
| R<br>U<br>L<br>E    | A   | B  | C   | D   | E   | F   |
|                     | If  | is indebted for  | and   | then the Military Service may authorize or approve liquidation by monthly installments that   | and if debt remains at time of separation, collect from final pay   | and if total debt is not liquidated from final pay, establish collection from   |
| 1                   | Officer or enlisted member of any Military Service    | court-ordered child support or alimony   | garnishment or attachment of pay is directed by court order | do not exceed limitations set forth in section 5002   | as directed by court order  | retired pay, retainer pay, or pay in new enlistment and limited by section 5002 |
| 2                   |   | an administratively determined indebtedness to the United States or its instrumentalities  |   | do not exceed maximum limitation specified in subparagraph 500104.A.4 unless member consents to collection of greater amount. Commander may authorize collection of a lesser amount when justified or as provided for in the regulations of the Military Service concerned (note 1) | unpaid pay and allowances, separation payments under Chapter 35, (except donation); Reservists' Involuntary Separation Payment; amounts deducted for United States savings bonds including undelivered bonds; separation travel allowance for officers; reimbursement for transportation of household goods, dislocation and trailer allowance (for enlisted members, do not collect from separation travel allowance, or donation on discharge). If member is retiring, see paragraph 500106 (notes 1, 2, 5 and 6) | Retired pay (see paragraph 500105) or pay in new enlistment                     |
| 3                   | An officer or enlisted member of the Armed Forces     | an administratively determined indebtedness to the United States excluding the DoD and its instrumentalities or other Uniformed Services   |   | do not exceed 15 percent of disposable pay for that month (see subparagraph 500104.B)   |   |   |
| 4                   | An officer or enlisted member of any Military Service | any indebtedness incurred on or after December 4, 1987, to a Service relief society, (Army Emergency Relief, Air Force Aid Society, Navy Relief Society, or Coast Guard Mutual Assistance) |   |   | involuntarily or pursuant to Military Service regulations ★(note 3)   |   |

★Table 50-6. Rates of Collection

## NOTES:

- ★1. For Army and Air Force enlisted members do not exceed the maximum limitation specified in subparagraph 500104.A.4. This limitation does not apply to enlisted members whose accounts are being settled on discharge for fraud, desertion, or because of mental incompetency.
2. For enlisted members, travel allowances remaining due after the completion of separation travel may be collected.
- ★3. Do not exceed maximum limitation specified in subparagraph 500104.A.4.
4. In unusual circumstances, the initiation of collection action of travel advances pursuant to a consent agreement may be delayed if the delay is approved by the Director, Defense Finance and Accounting Service (or designee). However, the repayment period shall, in all cases, be scheduled to repay the advance before the member's expected date of separation.
5. For members transferring to the Retired Reserve and receiving Reservists' Special Separation Pay (RSSP), the entire amount of the RSSP

- payment(s) is available for offset.
6. If indebtedness is a result of an unfulfilled bonus agreement, and separation is under the Special Separation Benefit (SSB) or Voluntary Separation Incentive (VSI) program, see subparagraph 350702.F for SSB or 350802.D for VSI.

**★Table 50-6. Rates of Collection (Continued)**



**SUMMARY OF MAJOR CHANGES TO CHAPTER 51  
DOD 7000.14-R, VOLUME 7A  
MILITARY PAY POLICY AND PROCEDURES - ACTIVE DUTY AND RESERVE PAY**

**New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.**

| <b>Page</b>                     | <b>Paragraph</b>                             | <b>Explanation of Change/Revision</b>   | <b>Effective Date</b> |
|---------------------------------|--|---|-----------------------|
| Deleted<br>51-2<br>51-8<br>51-9 | 510107<br>510204<br>Table 51-1<br>Table 51-2 | IC 14-97 – Savings Deposit Program for Operation Joint Guard                                | Jan 1, 1997           |
|                                 | Complete chapter rewrite                     | IC 15-99 is a complete rewrite of the Savings Deposit Program                               | May 12, 1999          |
| 51-4                            | Renumbered 510403 & 510404                   | IC 24-00 regards taxability of interest on amounts deposited in the Savings Deposit Program | Aug 14, 2000          |

*Interim changes 14-97, 15-99, and 24-00 are incorporated in this change and also affect other chapters. Consequently, they will not be deleted from the interim changes cited in the web site at this time.*

**★CHAPTER 51 (IC 15-99)**

**SAVINGS DEPOSIT PROGRAM**

**5101 DEFINITIONS**

*For the purpose of this chapter, the following definitions apply:*

**510101. Geographic Areas**

**A. Persian Gulf Area.** *Arabian Gulf area as designated in Figure 10-1.*

**B. Operation Joint Endeavor Area.** *The area of operations is the total land area of Bosnia-Herzegovina, Croatia, Serbia, Montenegro, Slovenia, Macedonia, Hungary and the air space thereover, or the waters of the Adriatic Sea north of 40N; plus forces operational control/tactical control (OPCON/TACON) to Supreme Allied Commander, Europe (SACEUR) for the purpose of executing Operation Joint Endeavor (e.g., SOCIFOR, DECISIVE EDGE, and DETERMINED EFFORT).*

**C. Operation Joint Guard and Operating Joint Forge Area.** *The area of eligibility consists of the total land area of Bosnia-Herzegovina, Croatia, Serbia, Montenegro, Slovenia, Macedonia, Hungary, and the airspace thereover, or the waters of the Adriatic Sea north of 40 degrees N.*

**510102. Permanent Duty Assignment.** *For the purposes of this chapter only, effective July 1, 1991, any active duty assignment that contemplates duty in the designated area as a PCS or for more than 30 days on TAD, TDY, or with a deployed ship or unit.*

**510103. Unallotted Current Pay and Allowances.** *The amount of money a member is entitled to receive on the payday immediately before the date of deposit, less authorized deductions and allotments (e.g., for dependents or insurance). Pay and allowances include special continuation pay, reenlistment bonus, travel allowance on discharge, and pay and allowances for unused accrued leave. Advance pay and travel allowance on PCS and temporary duty may not be deposited.*

**510104. Vietnam Conflict.** *The period beginning February 28, 1961, and ending on May 7, 1975.*

**510105. Persian Gulf Conflict.** *The period beginning on January 16, 1991, and ending on the date thereafter prescribed by presidential proclamation or by law.*

## 5102 AUTHORITY AND ELIGIBILITY

510201. *The Act of August 14, 1966 (reference (cy)), authorized members of the Uniformed Services who were serving on a permanent duty assignment outside the United States, or its possessions, to deposit their “unallotted current pay and allowances” for savings purposes. Amounts up to \$10,000 could be deposited with interest accrual at the rate of 10 percent per annum. This program was phased out effective June 30, 1974, with the exception of accounts of members continued in a missing status resulting from service during the Vietnam Conflict.*

510202. *Members of the Armed Forces (a) serving outside the United States or its possessions under arduous conditions (as determined by the Secretary of Defense) in connection with the Persian Gulf Conflict (e.g., Operation Desert Shield, including Desert Storm) or (b) on permanent duty assignment outside the United States or its possessions in support of a contingency operation (as defined in the Definitions) are authorized to make deposits of unallotted current pay and allowances and earn interest. For specific eligibility to make deposits see Table 51-1.*

510203. *Effective January 1, 1996, members serving outside the United States or its possessions on Operation Joint Endeavor became authorized to participate in the Savings Deposit Program (SDP) by making deposits of unallotted pay and allowances payable after January 1, 1996. This includes units reassigned to the area of operations from outside the United States such as ships or mobile units.*

510204. *Effective January 1, 1997, members of the Armed Forces serving on Operation Joint Guard outside the United States or its possessions became authorized to make deposits of unallotted current pay and allowances payable after January 1, 1997.*

510205. *Effective June 20, 1998, any member assigned to Operation Joint Forge became authorized to participate in the SDP, provided that he or she had served for at least 30 consecutive days or at least 1 day in each of 3 consecutive months in the Operation Joint Forge area of eligibility.*

510206. *The Secretary of the Military Department concerned (or designee) may, in the interest of a member who is in a missing status (as defined in the definitions) or his dependents, initiate, stop, modify, and change allotments for deposit of unpaid pay and allowances accruing in a missing member’s pay account, and authorize withdrawal of deposits made under this chapter, even though the member had an opportunity to make deposits and elected not to do so. Compute interest as prescribed by this chapter, from January 1, 1991, or the day the member enters a missing status, whichever is later. The \$10,000 limitation on the amount that interest is payable does not apply to deposit accounts of members in a missing status.*

Examples:

A. A member entered a missing status on February 1, 1991. Unpaid pay and allowances have been accruing in his pay account at the rate of \$100 per month since that date. An account was opened for the member on May 1, 1991, with an initial deposit of \$300 (February, March, and April). His account was credited with \$10 per month on June 1, 1991, and the first day of each month thereafter while he remains in a missing status, or until modified, stopped, or repaid at the direction of the Secretary of the Military Department concerned (or designee). Interest accrued from February 1, 1991.

B. A member entered a missing status on February 18, 1991. The amount of unpaid pay and allowance due the member on the payday following February 18, 1991, determined the amount of the initial deposit. The member's account was opened on March 1, 1991, with the initial deposit and his account was credited with his unallotted pay and allowances monthly on the first day of each month thereafter as prescribed in example A, above. Interest accrued from February 18, 1991.

5103 LIMITATIONS ON AMOUNTS OF DEPOSITS

Deposits may not be more than the amount defined as unallotted current pay and allowances in paragraph 510103, above. When, however, the member can establish to the satisfaction of his commanding officer that he or she was unable to make a deposit in the normal manner, unallotted pay in excess of current pay and allowances, may be deposited. Members may not accumulate back pay prior to departure to a covered geographic area or on permanent duty assignment outside the United States or its possessions in support of a contingency operation (as defined in the definitions) for deposit after arrival in the area. When members arrive in a covered geographic area, or on permanent duty assignment outside the United States or its possessions in support of a contingency operation (as defined in the definitions), they may deposit the amount they could have, or did, accrue during the month of arrival, less authorized deductions. Members who are paid twice monthly may combine pay accrued at midmonth and pay accrued at end of month, or combine end-of-month pay with pay accrued on the following midmonth payday for a single deposit, provided the total amount deposited in a one month period does not exceed the amount they are entitled to be paid for one month. The maximum amount on which 10 percent interest is computed is \$10,000 (principal and accrued interest combined). The \$10,000 limitation on the amount that interest is payable does not apply to deposit accounts of members in a missing status.

5104 INTEREST ON DEPOSITS

510401. Accrual of Interest. See Table 51-2.

510402. Computation of Interest. Deposits made on or before the 10th of the month accrue interest from the 1st of the month. Deposits made after the 10th of the month accrue interest from the first day of the following month. The effective date of deposit is the date the deposit is made to the disbursing officer, finance officer, or any other designated officer of

*the Uniformed Service. Compute interest at the rate of 10 percent per annum, compounded quarterly, according to calendar quarter. Compute quarterly interest on the average quarterly balance on deposit. Ten percent is compounded quarterly on amounts less than \$10,000. Once \$10,000 is on deposit, simple interest will be computed on the \$10,000. No interest is paid on amounts exceeding \$10,000, except on amounts in the case of a member who is in a missing status.*

★ 510403. *Taxability of Interest Paid. Interest paid on the amounts deposited into the Savings Deposit Program is taxable. (IC 24-00)*

★ 510404. *Computing Average Quarterly Balance (IC 24-00)*

A. *If there were no emergency withdrawals during the quarter, determine the average quarterly balance by adding amounts on deposit on the 10th day of each month of the quarter, and divide the total by three.*

Example 1

| <u>Date</u> | <u>Deposits</u> | <u>Amount<br/>On<br/>Deposit</u> | <u>On<br/>10th<br/>Day of</u> |
|-------------|-----------------|----------------------------------|-------------------------------|
| Jan 5       | \$20.00         | \$ 20.00                         | Jan                           |
| Feb 3       | 20.00           | 40.00                            | Feb                           |
| Feb 20      | 20.00           |                                  |                               |
| Mar 10      | 20.00           | <u>80.00</u>                     | Mar                           |
|             |                 | \$140.00                         |                               |

*\$140.00 divided by 3 = \$46.67 average quarterly balance.*

Example 2

| <u>Date</u> | <u>Deposits</u> | <u>Amounts<br/>On<br/>Deposit</u> | <u>On<br/>10th<br/>Day of</u> |
|-------------|-----------------|-----------------------------------|-------------------------------|
| Jan         | \$ 0.00         | \$ 0.00                           | Jan                           |
| Feb 3       | 20.00           | 20.00                             | Feb                           |
| Feb 20      | 20.00           |                                   |                               |
| Mar 3       | 20.00           | <u>60.00</u>                      | Mar                           |
|             |                 | \$80.00                           |                               |

*\$80.00 divided by 3 = \$26.67 average quarterly balance.*

B. *Emergency withdrawals at any time during a quarter reduce the average quarterly balance on which interest accrues.*

Example 3

| <u>Date</u> | <u>Deposits</u> | <u>With-<br/>drawals</u> | <u>Amount<br/>On<br/>Deposit</u> | <u>On<br/>10th<br/>Day of</u> |
|-------------|-----------------|--------------------------|----------------------------------|-------------------------------|
| Apr 1       | \$147.12        | \$ 0.00                  |                                  |                               |
|             | (Bal Fwd)       |                          |                                  |                               |
| Apr 3       | 20.00           |                          | \$167.12                         | Apr                           |
|             |                 |                          | 167.12                           | May                           |
| May 15      | 10.00           |                          | --                               |                               |
| Jun 4       | 30.00           |                          | --                               | Jun                           |
| Jun 15      |                 | \$80.00                  | 127.12                           | Jun                           |
|             |                 |                          | \$461.36                         |                               |

\$461 divided by 3 = \$153.79 average quarterly balance.

C. Except for amounts on deposit in the case of a member who is in a missing status, the maximum amount upon which 10 percent interest is payable is \$10,000 (principal and accrued interest combined).

Example 4

| <u>Date</u> | <u>Quarterly Interest</u> | <u>Amount on Deposit</u> |
|-------------|---------------------------|--------------------------|
| Jan 10      | -0-                       | \$10,000.00              |
| Apr 1       | 250.00                    | 10,250.00                |
| July        | 250.00                    | 10,500.00                |

★ 510405. Special Determinations. See Table 51-1. (IC 24-00)

5105 CONDITIONS UNDER WHICH DEPOSITS, PLUS INTEREST, ARE REPAYED

See Table 51-3.

5106 PAYMENT OF INTEREST UPON FINAL SETTLEMENT OF DEPOSIT ACCOUNT

510601. General. Except when the 90-day limitation applies, interest will stop at the end of the month in which full repayment is made to the member or member's heirs.

510602. Ninety-Day Limitation Period After Eligibility to Make Deposits Terminates. In no case shall interest accrue for a period longer than 90 days (computed on a day-for-day basis of actual elapsed time) after the member's eligibility to make deposits terminates. For the Persian Gulf Conflict, the 90-day limitation period begins on the day after the member's entitlement terminates for Imminent Danger Pay (IDP) in the Persian Gulf area. Should the 90-day limitation period end on any day other than the last day of a month, interest

*will accrue through the last day of the preceding month. If the 90-day limitation period ends on the last day of a month, interest accrues for that month. In determining when the 90-day limitation period terminates, the last day of the month is February 28 (February 29 in leap year), the 30th of a 30-day month, or the 31st day of a 31-day month.*

*510603. Computation of Interest at 10 Percent Rate. Repay deposits, plus interest, under the conditions shown in Table 51-2. Compute interest at the rate of:*

*1 Month-1/12 of 10 percent or .00833  
2 Months-2/12 of 10 percent or .01667  
3 Months-(Full Quarter)-.025*

*Example 1: Member's Request*

*A member has \$355 (principal plus compounded interest as of June 30, 1991) on deposit when IDP terminates on July 30, 1991. He requested repayment on August 12, 1991. The member was repaid \$355 plus interest of \$5.92 for the months of July and August (.01667 x \$355) or \$360.92.*

*Example 2: Ninety-Day Rule*

*Same example as 1, above, except the member requested repayment on October 15, 1991. The member was repaid \$355 plus interest of \$8.88 for the months of July, August, and September (.025 x \$355) or \$363.88. Interest for October 1-15, 1991, was not allowed since the 90-day limitation period ended on October 12, 1991 (a day other than the last day of the month).*

*Example 3: Member Discharged*

*Same example as 1, above, except the member was discharged overseas for his or her own convenience on July 15, 1991. The member was repaid \$355 plus interest of \$2.96 for the month of July (.00833 x \$355) or \$357.96, assuming full repayment was in effect in the month of July.*

*Example 4: Member Dies*

*On March 8, 1991, the member had on deposit the maximum amount of \$10,000 (principal plus simple interest) and made no new deposits. While in the Persian Gulf area, the member died on November 15, 1991, and settlement of unpaid pay and allowances was made to member's heir(s) on December 15, 1991. The amount repaid was \$10,000 plus simple interest of \$833.33 for period March 1 through December 31, 1991 (.00833 x 10), or \$10,833.33.*

*5107 WITHDRAWAL OF DEPOSITS*

*510701. Emergency Withdrawals. Withdrawals may be made in an emergency only when the health or welfare of a member or his dependent(s) would be jeopardized if the*

*withdrawal were not granted. Emergency withdrawals may be authorized by the member's commanding officer.*

510702. Members in a Missing Status. *Withdrawals may be made when directed by the Secretary of the Military Department concerned (or designee) when deemed in the best interest of the member, the member's dependent(s), or the U.S. Government.*

510703. Discharge While Eligible to Make Deposits. *Members eligible to make deposits who are discharged and immediately reenlist, extend their enlistments, or who are discharged to accept a commission may not withdraw their deposits.*

510704. Accounts Which Have Reached \$10,000. *In situations where the member's principal and interest on deposit reaches \$10,000, any amounts representing interest accruing in the account subsequent to that time which causes the \$10,000 total to be exceeded, may be withdrawn quarterly at the member's request.*

#### 5108 APPLICATION TO INDEBTEDNESS OR FORFEITURE

*Savings deposits and interest thereon are exempt from liability for member's debts except for levies issued by the Internal Revenue Service in problem cases. This includes any indebtedness to the U.S. Government or its agencies. Deposits are not subject to forfeiture by sentence of court-martial, and are not forfeited by desertion.*

#### 5109 LIABILITY OF DISBURSING OFFICERS

*A disbursing officer who fails to properly process a deposit into his account is liable for the amount of the deposit, plus interest, from the effective date of the deposit to date of withdrawal or repayment.*



| <i>ELIGIBILITY FOR MAKING DEPOSITS IN THE SAVINGS DEPOSIT PROGRAM (SDP) (Note 1)</i> |   |   |  |
|--|---|---|--|
| <i>R<br/>U<br/>L<br/>E</i>   | <i>A</i>  | <i>B</i>  | <i>C</i>   |
| <i>If</i>  | <i>and</i>  | <i>then</i>   |  |
| <i>1</i>   | <i>the member is serving outside the United States or its possessions under arduous conditions in connection with the Persian Gulf conflict (notes 2 and 3)</i>   | <i>the member is serving on an active duty assignment for more than 90 days and is entitled to hostile fire/imminent danger pay (HF/IDP) for the Persian Gulf area</i>  | <i>the member is eligible to may make deposits in the SDP (note 4).</i>  |
| <i>2</i>   |   | <i>the member is entitled to hostile fire/imminent danger pay for duty in the Persian Gulf area for 3 consecutive months (note 7)</i>   | <i>the member is eligible to make deposits in the SDP for subsequent periods the member is also entitled to hostile fire/ imminent danger pay for duty in the Persian Gulf area (notes 5 and 8).</i>                     |
| <i>3</i>   |   | <i>the member is assigned to duty contemplating presence in the Persian Gulf area for a period of at least 30 days</i>  | <i>the member is eligible to make deposits in the SDP for subsequent periods the member is entitled to hostile fire/ imminent danger pay for duty in the Persian Gulf area (note 5).</i>                                 |
| <i>4</i>   | <i>the member is serving on permanent duty assignment (see paragraph 510102) outside the United States or its possessions in support of a contingency operation (as defined in Definitions) (notes 9, 10, and 11)</i> | <i>the member has served on an active duty assignment in the designated area for more than 30 days. This includes units reassigned to the area of operations from outside the United States, such as ships or mobile units.</i> | <i>the member is eligible to make deposits in the SDP for subsequent periods of service outside the United States or its possessions in support of a contingency operation (note 6).</i>                                 |
| <i>5</i>   |   | <i>the member is entitled to hostile fire/imminent danger pay for duty in the designated area of the contingency operation for 3 consecutive months</i>   | <i>the member is eligible to make deposits in the SDP for subsequent periods the member is also entitled to hostile fire/ imminent danger pay for duty in the designated area of the contingency operation (note 6).</i> |
| <i>6</i>   | <i>the member is in a missing status resulting from service during the Vietnam Conflict (note 2)</i>  |   | <i>the member continues to be eligible for the SDP until the status ends.</i>  |

**NOTES:**

1. Amounts deposited shall be accounted for in the same manner as public funds. The amount of the deposits is limited to "unallotted" current pay and allowances and will be in multiples of \$5.
2. The period concerned is contained in section 5101.
3. Members eligible to make deposits may continue to do so when on TAD or TDY, provided the account was started while the member was in the Persian Gulf area.
4. Applicable to deposits made before July 1, 1991. The amount of the deposits will be in multiples of \$5.
5. Applicable to deposits made on or after July 1, 1991.
6. Eligibility to make deposits will be determined on a month-by-month basis in accordance with guidelines issued by the Secretary of Defense.
7. See section 5101 regarding areas in the Persian Gulf Area that are no longer designated areas.
8. The amount of money that may be deposited will not be greater than the unallotted pay and allowances the member accrued on the paydays, during the month in which member qualified for hostile fire pay.
9. See subparagraph 510101.B and paragraph 510203 for Operation Joint Endeavor effective date and eligibility criteria.
10. See subparagraph 510101.C and paragraph 510204 for Operation Joint Guard eligibility criteria and effective date.
11. See subparagraph 510101.C and paragraph 510205 for Operating Joint Forge effective date and eligibility criteria.

**Table 51-1. Eligibility for Making Deposits in the Savings Deposit Program (SDP)**

| <i>SAVINGS DEPOSITS, SPECIAL DETERMINATIONS ON ACCRUAL OF INTEREST</i> |  |   |  |
|--|--|---|--|
| <i>R<br/>U<br/>L<br/>E</i>   | <i>A</i>   | <i>B</i>  | <i>C</i>   |
|  | <i>When an eligible member has a savings deposit account in effect and member</i>  | <i>and</i>  | <i>then interest</i>   |
| <i>1</i>   | <i>was in a deserter status</i>  | <i>is returned to military control</i>  | <i>accrues to the end of the month before the month the member entered a deserter status and resumes the first of the month after the month the member returns to military control (note 1).</i> |
| <i>2</i>   | <i>returns to military control after desertion</i>   | <i>has personnel records corrected to remove a mark of desertion</i>  | <i>accrues during the period the member was originally considered to be a deserter (note 2).</i>   |
| <i>3</i>   | <i>is separated or discharged</i>  | <i>repayment of deposits is delayed for any reason (note 3)</i>   | <i>accrues to the end of the month in which repayment is made, not to exceed 90 days after eligibility to make deposits terminates.</i>  |
| <i>4</i>   | <i>does not request repayment after termination of eligibility to make deposits</i>  | <i>within 90 days is again entitled to make deposits</i>  | <i>continuously accrues.</i>   |
| <i>5</i>   | <i>is in a missing status</i>  | <i>the Secretary of the Military Department concerned (or designee) directs repayment of total amount of deposit</i>  | <i>accrues to the end of the month in which repayment is directed.</i>   |
| <i>6</i>   |  | <i>a finding of death is made</i>   | <i>accrues to the end of the month in which repayment is made not to exceed 90 days after the date pay and allowances terminate.</i>   |
| <i>7</i>   | <i>is assigned to duty in the Persian Gulf area or on permanent duty assignment outside the United States or its possessions in support of a contingency operation (as defined in Definitions) (notes 5, 6, and 7)</i> | <i>is on TDY or TAD away from (a) the Persian Gulf area or (b) permanent duty assignment outside the United States or its possessions in support of a contingency operation (as defined in Definitions) for a period of 90 days (notes 5, 6, and 7)</i> | <i>accrues for the first 90 days of TDY or TAD, but not after 90 days (note 4).</i>  |

## NOTES:

- Interest does not accrue on deposits during the period a member is in a desertion status.*
- Interest will be computed and retroactively credited.*
- Delays in repayment of deposits include withholding of issued discharge certificates pending release from confinement when sentenced to dishonorable discharge.*
- Interest would again accrue upon return to the Persian Gulf area or permanent duty assignment outside the United States or its possessions in support of a contingency operation (as defined in the definitions).*
- See subparagraph 510101.B and paragraph 510203 for Operation Joint Endeavor contingency operation designation, effective date, and eligibility criteria.*
- See paragraph 510101.C and paragraph 510204 for Operation Joint Guard contingency operation designation, effective date, and eligibility criteria.*
- See subparagraph 510101.C and paragraph 510205 for Operation Joint Forge contingency operation designation, effective date, and eligibility criteria.*

**Table 51-2. Savings Deposits, Special Determinations on Accrual of Interest**

| <b>SAVINGS DEPOSITS, CONDITIONS UNDER WHICH DEPOSITS, PLUS INTEREST ARE REPAYED</b> |  |   |
|---|--|---|
| <b>R<br/>U<br/>L<br/>E</b>  | <b>A</b>   | <b>B</b>  |
|   | <i>When an eligible member has a savings account and member</i>  | <i>then all deposits, plus interest will be repaid upon</i>   |
| <b>1</b>  | <i>departs the Persian Gulf area or is no longer on permanent duty assignment outside the United States or its possessions in support of a contingency operation (as defined in the definitions)</i> | <i>the member's request upon departure from the permanent duty assignment outside the United States or its possessions or 90 days after the permanent duty assignment in the area of operations terminates (see note). For the Persian Gulf area, all deposits, plus interest, will be repaid upon the member's request, 90 days after IDP for the Persian Gulf area terminates, or 90 days after permanent duty assignment in the Persian Gulf area terminates. For contingency operations, all deposits, plus interest, will be repaid upon the member's request for 90 days after the permanent duty assignment outside the United States or its possessions terminates.</i> |
| <b>2</b>  | <i>is discharged or separated overseas (not for reentry into the Military Service)</i>   | <i>discharge or separation from the Military Service or not to exceed 90 days thereafter.</i>   |
| <b>3</b>  | <i>is in a missing status</i>  | <i>direction of the Secretary concerned or designee.</i>  |
| <b>4</b>  | <i>dies</i>  | <i>settlement of member's unpaid pay and allowances as provided in chapter 36, of this Regulation (note).</i>   |

**NOTE:**

Interest on deposits stops at the end of the month in which full repayment is made. Do not continue interest beyond 90 days after: the date of the member's death, when hostile fire/imminent danger pay for the Persian Gulf area terminates, or when a member's permanent duty assignment outside the United States or its possessions in support of contingency operation (as defined in definitions) terminates, whichever is earlier. See Table 51-2, Rule 6, for death cases where a missing status is involved.

**Table 51-3. Savings Deposits, Conditions Under Which Deposits, Plus Interest Are Repaid.**

*Chapter 51—Savings Deposit Program*

|                                       |                 |  |
|---------------------------------------|-----------------|--|
| <i>5101—Definitions</i>               | <i>510101</i>   | <i>OASD Ltr, Feb 7, 1974</i><br><i>10 U.S.C. 1035</i>  |
|                                       | <i>510101.B</i> | <i>OASD(FM&amp;P) Memo,</i><br><i>Feb 23, 1996</i>   |
|                                       | <i>510101.C</i> | <i>OASD(FM&amp;P) Memo,</i><br><i>Mar 20, 1997</i><br><i>OASD(FM&amp;P) Memo,</i><br><i>Aug 14, 1998</i>   |
|                                       | <i>510102</i>   | <i>Public Law 101-510,</i><br><i>Nov 5, 1990</i><br><i>SECDEF Memo,</i><br><i>Jan 29, 1991</i><br><i>OASD(FM&amp;P) Memo,</i><br><i>Jul 30, 1991</i><br><i>Public Law 102-190,</i><br><i>Section 639,</i><br><i>Dec 5, 1991</i>  |
|                                       | <i>510103</i>   | <i>Public Law 102-25,</i><br><i>Section 310,</i><br><i>Apr 6, 1991</i>   |
|                                       | <i>510105</i>   | <i>Public Law 102-190,</i><br><i>Section 639,</i><br><i>Dec 5, 1991</i>  |
| <i>5102—Authority and Eligibility</i> |                 | <i>OASD(FM&amp;P) Memo,</i><br><i>Jan 29, 1991</i>   |
|                                       | <i>510202</i>   | <i>10 U.S.C. 1035</i><br><i>Public Law 102-190</i><br><i>Section 639,</i><br><i>Dec 5, 1991</i><br><i>OASD(FM&amp;P) Memo,</i><br><i>Jan 29, 1991</i><br><i>OASD(FM&amp;P) Memo,</i><br><i>Jul 30, 1991</i><br><i>Public Law 102-190,</i><br><i>Section 639,</i><br><i>Dec 5, 1991</i> |
|                                       | <i>510203</i>   | <i>OASD(FM&amp;P) Memo,</i><br><i>Jan 8, 1996</i>  |
|                                       | <i>510204</i>   | <i>OASD(FM&amp;P) Memo,</i><br><i>Mar 20, 1997</i>   |
|                                       | <i>510205</i>   | <i>OASD(FM&amp;P) Memo,</i><br><i>Aug 14, 1998</i>   |

|   |               |  |
|---|---------------|--|
|   | <i>510206</i> | <i>10 U.S.C. 1035(e)</i>                                   |
| <i>5103—Limitations on Amounts of Deposits</i>        |               | <i>Public Law 102-25,<br/>Section 310,<br/>Apr 6, 1991</i> |
| <i>5104—Interest on Deposits</i>                      | <i>510402</i> | <i>Public Law 102-25,<br/>Section 310,<br/>Apr 6, 1991</i> |
| <i>5108—Application of Indebtedness of Forfeiture</i> |               | <i>10 USC 1035(d)</i>                                      |

**CHAPTER 52**  
**PRECEDENCE OF PAY DEDUCTIONS AND COLLECTIONS**

| <b>PRIORITY OF DEDUCTIONS AND COLLECTIONS</b> |  |   |
|---|--|---|
| <b>R<br/>U<br/>L<br/>E</b>                    | <b>When the amounts due a member are not enough to cover authorized deductions or collections, collect applicable amounts shown in the following sequence:</b> |   |
| <b>1</b>                                      | Reduction of pay entitlement   | Losses of pay entitlement take precedence over all items for deduction or collection:<br>a. Forfeiture. (See note 1)<br>b. Reduction for educational benefit under "Montgomery G.I. Bill" (note 1)  |
| <b>2</b>                                      | Reimbursement to United States   | Amounts collected for deposit to the credit of the United States Treasury, in the following order:<br>a. FICA tax<br>b. Deductions for Armed Forces Retirement Homes<br>c. FITW (this includes any amounts voluntarily authorized by member in excess of the minimum withholding required)<br>d. TRICARE-Family Member Dental Plan<br>e. Deductions for SGLI  |
| <b>3</b>                                      | State income tax withholding   |   |
| <b>4</b>                                      | Involuntary repayment of indebtedness to United States   | a. Routine pay adjustment as defined in subparagraph 500104.A.1.<br>b. Repayment of advances of pay/allowances or advances of travel<br>c. Other collections (overpayments of pay or allowances outside the scope of a routine pay adjustment).<br>d. Repayment of public funds entrusted to an accountable member or funds obtained by any member through fraud, larceny, embezzlement, or other unlawful means<br>e. Clothing allowance charges<br>f. Transportation charges<br>g. Subsistence charges<br>h. Government property lost or damaged. (See note 2)<br>i. Telephone or telegraph charges<br>j. Damage to assigned housing due to negligence or abuse<br>k. Indebtedness to a Commissary, DoD contracted Military Banking Facility overseas, or other appropriated fund activity for an uncollectable check or defaulted loan<br>l. Unpaid hospital bills for medical services furnished a dependent<br>m. Compensation or stipend payments received by a medical officer from state, county, municipal, or privately owned hospitals for medical services<br>n. Jury duty fees received by a member<br>o. Amounts due other Uniformed Services or departments or agencies outside DoD, including court judgments |
| <b>5</b>                                      | Garnishment for alimony and child support payments   |   |
| <b>6</b>                                      | Statutorily-required child and spousal support allotments  |   |
| <b>7</b>                                      | Reimbursement to individuals and agencies  | Remittances to an individual or agency by disbursing officer making deductions as follows:<br>a. Deductions for rental of premises occupied by dependents<br>b. Deduction for payment for damages to private property   |

**Table 52-1. Priority of Deductions and Collections**

| <b>R<br/>U<br/>L<br/>E</b> | <b>When the amounts due a member are not enough to cover authorized deductions or collections, collect applicable amounts shown in the following sequence:</b>                 |   |
|----------------------------|--|---|
| <b>8</b>                   | Court-ordered bankruptcy payments under Chapter 13 of the revised Bankruptcy Act   | See note 3  |
| <b>9</b>                   | Indebtedness to a nonappropriated fund activity  |   |
| <b>10</b>                  | Amounts due Service relief society (Army Emergency Relief, Air Force Aid Society, Navy-Marine Corps Relief Society, or Coast Guard Mutual Assistance) only at final separation |   |
| <b>11</b>                  | Voluntary repayment of indebtedness to United States   | In order specified by the Military Service member (See note 4.)   |
| <b>12</b>                  | Involuntary Allotment for Commercial Debts   | See note 5  |
| <b>13</b>                  | Allotments   | Payments made to an allottee by the United States or when a savings bond has been issued before the date amounts due a member are to be disbursed in the following order: <ul style="list-style-type: none"> <li>a. Emergency support of dependent</li> <li>b. Government insurance (discretionary allotment)</li> <li>c. Repayment of individual indebtedness or for payment to an individual or financial organization for disposition as authorized by the allotter (discretionary allotment)</li> <li>d. Purchase of United States savings bonds</li> <li>e. Donation to charity drives</li> <li>f. Other discretionary allotments (See note 5.)</li> </ul> |
| <b>14</b>                  | IRS levy for delinquent Federal income taxes   | (See Chapter 44, section 4402) (See note 5.)  |
| <b>15</b>                  | Court-Martial Fines  |   |

## NOTES:

1. Gross pay to which the Military Service member would otherwise be entitled must be reduced by the amount of the forfeiture. The forfeiture is subtracted to determine a new, reduced gross pay amount. Deductions based on gross pay will be computed on the reduced gross pay.
2. This is a voluntary indebtedness for members of the Navy or Marine Corps who fall under Table 50-3, rule 5.
3. In cases where the United States Bankruptcy Court has mandated that a sum be deducted monthly, the court order will be followed as prescribed in Military Service regulations. The above order of precedence will apply unless otherwise specified in the court order in which case the court's order prevails.
4. Upon separation, these become involuntary and fall under rule 4.
5. If the date of a tax levy is earlier than the effective date of a voluntary allotment or an involuntary allotment for commercial debts, the tax levy should be collected before either allotment.

**Table 52-1. Priority of Deductions and Collections (Continued)**

**CHAPTER 53**

**VOLUNTARY PRIVATE HEALTH INSURANCE CONVERSION PROGRAM**

**5301 GENERAL**

Detailed policies and procedures governing the administration of the Voluntary Private Health Insurance Conversion Program are contained in:

530101. Army: Chapter 30, section V, AR 37-104-3 (reference (bh)), and AR 635-10 (reference (cz)).

530102. Navy: NAVMILPERSCOM 1760.1A (reference (da)).

530103. Marine Corps: MCO 1741 Series (reference (db)).

530104. Air Force: AFR 211-21 (reference (dc)).



**SUMMARY OF MAJOR CHANGES TO CHAPTER 54**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES - ACTIVE DUTY AND RESERVE PAY**

**New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.**

| <b>Page</b> | <b>Paragraph</b> | <b>Explanation of Change/Revision</b>  | <b>Effective Date</b> |
|-------------|------------------|--|-----------------------|
| 54-4        | 540105.A         | IC 30-99 revises the TRICARE-FMDP coverage to \$8.53 for individual coverage and \$21.33 for family coverage effective August 1, 1999 with deductions beginning July 1999. | August 1, 1999        |

*Interim change 30-99 is incorporated in this change.*

## CHAPTER 54

### TRICARE DENTAL PLANS

#### 5401 TRICARE FAMILY MEMBER DENTAL PLAN (TFMDP)

##### 540101. Enrollment Eligibility

A voluntary dental insurance program for spouses and children of active duty members was established on August 1, 1987. Eligibility for enrollment in the TFMDP is limited to dependent children and spouses of active duty members eligible for health benefits under the program administered by the Office of Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) who are enrolled in the Defense Enrollment and Eligibility Reporting System (DEERS). Family members may reside anywhere in the world, but must receive care in one of the 50 states, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, or Canada. The active duty member must intend to remain on active duty for the minimum period of enrollment at the time eligible dependents are enrolled. The minimum enrollment period is 24 months, during which a member may not disenroll voluntarily except under the conditions discussed in section 540104, below. Any member who does not have 24 months remaining on his or her period of active duty may enroll family members, if it is the intent of both the Military Service and the member to have the member remain on active duty for at least 24 months. All dependent family members (spouse and dependent children) age 4 and above residing in the family's household must be enrolled if any member of the family household is to be enrolled. If one or more family members are in an area where dental care is not available, but the other family members are in an area with military dental care, family members who do not have access to military dental care may be enrolled while the remaining family members are not. This may occur when:

- A. Children are attending college away from home
- B. Children are living with an ex-spouse
- C. Children are living with relatives away from the main family unit
- D. Children are in a foster home.

See DoD Directive 6410.3 (reference (dd)), August 16, 1989, for further information concerning enrollment eligibility. TFMDP is administered by the OCHAMPUS.

540102. Enrollment

A. Initial Enrollment. The member may enroll voluntarily in the TFMDP at any time. Procedures for enrolling or changing enrollment status are published in Military Service regulations. The DD Form 2494 is used to enroll in the TFMDP, or for effecting enrollment changes or terminations in the TFMDP. Enrollment shall be effective the first of the month following the month in which the DD Form 2494 is received by the applicable Military Service administrative office.

B. Voluntary Changes to Enrollment Status. Enrollment will be effective the first of the month following the month in which the DD Form 2494 is received by the applicable Military Service administrative office.

C. Involuntary Changes to Enrollment Status Due to Loss or Gain in Dependent Eligibility. Changes in enrollment status from family to individual as a result of loss of dependent eligibility are effective the first day of the month following the month in which the eligibility change occurs. An automatic enrollment status change occurs when an enrolled member's dependent child becomes 4 years of age, at which time the enrollment coverage shall change from individual to family if family coverage had not already been elected. This change in coverage shall be effected the first of the month after the child turns 4 years of age, and is supported by the DD Form 2494 already on file for the member.

540103. Disenrollment

A. Voluntary Disenrollment. The member may terminate enrollment voluntarily at any time after the minimum period of enrollment by completing the applicable procedures established in Military Service regulations. All voluntary terminations are effective on the last day of the month in which the member completes the DD Form 2494 electing termination of participation in the TFMDP.

B. Separation or Absence. Enrollment in the TFMDP is terminated automatically when the member terminates active duty service or when the member enters a non-pay status over 1 month in duration regardless of whether the member has completed the minimum enrollment period. Terminations in these 2 situations are automatic without completion of any additional procedures. When a member terminates active service, TFMDP coverage is terminated as of the last day of the month in which the member terminates active service. When a member enters a non-pay status of over 30 days, TFMDP coverage is terminated as of 11:59 p.m. of the day the Military Service member became ineligible for basic pay.

C. Loss of Eligibility. When a member no longer has dependents eligible to participate in the TFMDP, the member must complete disenrollment procedures established by the Military Service concerned; however, the TFMDP coverage will be terminated as of the last day of the month in which the member lost dependent eligibility. A member is considered to no longer have eligible dependents when:

1. The member becomes divorced and the only enrolled dependent was the spouse,
2. The member's only enrolled dependent was a child who is emancipated,
3. All enrolled dependents establish a permanent residence in an area not eligible for the TFMDP, or
4. All enrolled dependents die.

D. Other Dental Insurance. Members may not terminate enrollment immediately following enrollment of their family members in an employment-based dental insurance plan (i.e., spouse becomes entitled to another dental plan). To terminate enrollment on this basis, members first must complete the initial 24 month minimum enrollment requirement.

540104. Exceptions to the Minimum Enrollment Period

Under the following conditions, a member may elect to disenroll from the TRICARE-FMDP prior to the end of the minimum enrollment period.

A. Orders. Termination of enrollment following a PCS move in CONUS is permitted only in areas where family members have access to space available dental care. If member desires to terminate enrollment, it must be done within 90 days of the date following the date of arrival at the new permanent duty station.

B. Areas Where TFMDP Is Not Offered. Members may terminate enrollment following a change in permanent duty station resulting in a move of the family's residence to areas where the TRICARE-FMDP is not offered.

C. Orders From Overseas Area. Members who depart overseas areas on or after October 1, 1995 (with 12 to 23 months of service obligation remaining), may enroll their family members in the TRICARE-FMDP during their remaining service period, if the family members accompanied the member on the overseas assignment and are now returning to CONUS. These enrollments will be assigned unique enrollment codes and are an exception to the 24-month minimum enrollment contract. Use of these unique enrollment codes is authorized only for members who were assigned to a dependent accompanied overseas tour. There is no grandfather period prior to the October 1, 1995, effective date and enrollment elections must be made within 30 days of a member reporting for duty at the new duty station. Note: Calculate the months remaining on the service obligation by adding only the full months remaining on the service obligation as of the date of enrollment. The member must have 12 full months of service remaining on the date of enrollment. To ensure the maximum enrollment period, eligible members shall be encouraged to enroll their family members prior to departing their overseas duty station.

540105. Deductions for TFMDP

★ A. Monthly Premium. *The monthly premium for TRICARE-FMDP coverage (effective August 1, 1999) is \$8.53 for individual coverage and \$21.33 for family coverage; deductions began as of July 1999. The monthly premium is not prorated under any circumstances. Premiums are deducted from the member during the month preceding the effective date of the coverage. (IC 30-99)*

B. Retroactive Adjustment. When a notice of enrollment is received after the date the first premium collection was due, immediate collection shall be made of all past due premiums. When a notice of disenrollment is received, after premiums already have been collected or when TFMDP premiums were collected prior to notification of a loss of member or dependent eligibility, excess premiums shall be refunded to the member.

5402. TRICARE SELECTED RESERVE DENTAL PLAN (TSRDP)540201. General Provisions

A. Definitions. The following terms may vary from definitions used elsewhere in this Regulation and are applicable to this chapter only:

1. Covered Beneficiary. A member of a Uniformed Service (beneficiary) entitled under of Title 10, United States Code, Chapter 55, other than a beneficiary under section 10 U.S.C. 1074(a).

2. TRICARE Program. The managed health care program established by the Secretary of Defense under the authority of Title 10, United States Code, Chapter 55, principally 10 U.S.C. 1097, including the competitive selection of contractors to financially underwrite the delivery of health care services under the Civilian Health and Medical Program of the Uniformed Services.

540202. Entitlement

A. Members of the Selected Reserve voluntarily may enroll in the dental insurance plan. The plan will provide for premium sharing between the Department of Defense and the members enrolled in the plan.

B. The member's share may not exceed \$25 per month. The Secretary of Defense may reduce the monthly premium required to be paid by enlisted members if the Secretary determines that the reduction is appropriate in order to assist enlisted members to participate in the TSRDP. Interested eligible Selected Reservists may contact the dental contractor to obtain the premium cost for the current period.

C. The TSRDP provides benefits for basic dental care and treatment, including diagnostic services, preventative services, basic restorative services, and emergency oral examinations.

540203. Enrollment. Beginning on October 1, 1997, all eligible Selected Reservists have been identified to a contractor. The contractor is responsible for enrolling eligible members and collection of 4 months prepayment for premiums. After the initial enrollment and prepayment, the contractor will provide an electronic file, monthly, through the Defense Manpower Data Center to the supporting DFAS Centers and the United States Coast Guard (USCG) Finance Center to identify enrollees.

540204. Deductions. Beginning on November 1, 1997, all enrollees identified in the electronic file to DFAS and USCG Centers by the contractor have had the monthly premium deducted from any monies due. If the member is due no funds, or less than the entire amount of the premium, the contractor is responsible for billing the member directly for that premium.

540205. Failure to Make Premium Payments. Failure to make monthly premium payments shall result in disenrollment from the TSRDP and will subject the member to a 12-month lock out period. Following the lock out period, eligible members may reenroll if they so choose.

540206. Termination. TSRDP coverage shall terminate on the last day of the month in which the member is discharged; transfers to the Individual Ready Reserve, Standby Reserve, or Retired Reserve; or is ordered to active duty for a period of more than 30 days.

## 5401—TRICARE-Family Member Dental Plan

|   |                 |                           |
|---|-----------------|---------------------------|
|   |                 | 10 U.S.C. 1076a           |
|   |                 | DoD Directive 6410.3,     |
|   |                 | Aug 16, 1989              |
|   | 540101          | 10 U.S.C 1076A            |
|   |                 | DODD 6410.3, Aug 16, 1989 |
|   | 540103          | DoD (OCHAMPUS) Memo,      |
|   |                 | Mar 24, 1995              |
|   | 540104.C        | DoD (OCHAMPUS) Memo,      |
|   |                 | Mar 24, 1995              |
|   | 540105          | DoD (OCHAMPUS) Memo,      |
|   |                 | Apr 15, 1996              |
| ★ | <i>540105.A</i> | <i>OASD/TMA Memo,</i>     |
|   |                 | <i>May 5, 1999</i>        |

5402—TRICARE-Selected Reserve  
Dental Plan

|        |                 |
|--------|-----------------|
| 540201 | 10 U.S.C. 1076B |
|        | 32 CFR 199.21   |

Interim Change 39-98 is incorporated in this chapter.

## CHAPTER 55

### READY RESERVE MOBILIZATION INCOME INSURANCE PROGRAM

#### 5501 GENERAL PROVISIONS

550101. Definitions. The following terms may vary from definitions at the beginning of this manual and are applicable to this chapter only.

A. Active Duty (AD). Full-time with a Military Service including full-time duty with the National Guard.

B. Active Duty for Training (ADT). Full-time duty for training purposes with a Reserve Component or the Reserve Officers Training Corps.

C. Beneficiary/Designated Recipient. The person or agent that the insured member designates in writing to receive benefit payments. A spouse, child, parent, heir or other person with an insurable interest (e.g., business partner or friend) may be designated. In addition, a member may direct that payments of insurance benefits be deposited with a bank or other financial institution to the credit of the designated person. If no such designation has been made, and the member is deceased upon establishment of a valid claim, the amount shall be payable in accordance with the laws of the state of the member's domicile.

D. Covered Service. The term means AD performed by a member of a Reserve Component under an order to AD for a period of more than 30 days. The order must specify that the member's service is in support of:

1. An operational mission for which members of the Reserve Components have been ordered to AD without their consent; or

2. Forces activated during a period of war or national emergency declared by the President or the Congress.

E. Insured Member. The term means a member of the Ready Reserve who is enrolled for coverage under the insurance program in accordance with 10 U.S.C. 12524 (reference (c)).

F. Ready Reserve. Consists of the Selected Reserve, the Individual Ready Reserve, and the Inactive National Guard.

550102. Entitlement



A. An insured member (defined in subparagraph 550101.E, above) ordered into covered service (as defined in subparagraph 550101.D, above) is entitled to payment of a benefit for each month (and fraction thereof) after a 30-day period of covered service. The active duty order must specify that the member's service is covered service as defined in subparagraph 550101.D, above.

B. No member may be paid a benefit for more than 12 months during any period of 18 consecutive months.

C. Proof of loss of income or expenses incurred as a result of covered service is not required.

D. If, at any time, assets of the RRMIP Fund are insufficient to pay the benefits, the Secretary of Defense shall request the President to submit to the Congress a request for a special appropriation to cover the insufficiency. If such appropriation is not made, the Secretary of Defense shall reduce the amount of benefits paid to a total amount that does not exceed the assets of the Fund by the end of the fiscal year. Benefits that cannot be paid because of such a reduction shall be deferred and may be paid only after and to the extent that additional funds become available.

550103. Amount of Benefits

A. The amount of a member's monthly benefit under an automatic enrollment shall be the basic benefit amount of \$1,000 per month as adjusted annually to offset the effect of inflation and to maintain the constant dollar value of the benefit.

B. A member automatically enrolled or a member who is offered the opportunity to enroll may make an election within 60 days of the first day of the first full month after such automatic enrollment or of the member being offered the opportunity to enroll. Members may elect:

1. A reduced coverage amount equal to one-half the amount of the basic benefit amount.

2. An enhanced benefit in the amount of \$1,500, \$2,000, \$2,500, \$3,000, \$3,500, \$4,000, \$4,500, or \$5,000 per month as adjusted annually to offset the effect of inflation.

3. To decline enrollment.

C. Members who are enrolled or who are offered coverage may, at any time after their initial election, make an election to reduce coverage to a lesser amount in \$500 increments or cancel enrollment. They may not elect to increase coverage.

D. An election to decline insurance may not be revoked. EXCEPTION: A

member of the Ready Reserve, who is ineligible to enroll because the member is serving on active duty (or full-time National Guard duty) when the program of insurance is first offered, is eligible to enroll when released from active duty unless the member has previously declined coverage while a member of the Selected Reserve. A member of the Individual Ready Reserve who becomes a member of the Selected Reserve shall not be denied eligibility to purchase insurance upon becoming a member of the Selected Reserve unless the member previously declined to enroll while a member of the Selected Reserve. Also, a declination of insurance may be revoked when a member is discharged from the Ready Reserve or transfers to another Military Service. After being separated from the Military Service, an individual who rejoins the Ready Reserve is automatically enrolled in the insurance program (see subparagraph 550104.A, below).

E. Partial Months. The amount of insurance payable to an insured member for a period of covered service less than one month is 1/30th of the monthly benefit amount multiplied by the number of days served.

F. Adjustments. Benefit amounts shall be adjusted on an annual basis to offset the effect of inflation and maintain the constant dollar value of the benefit amounts. If the amount of a benefit adjustment is not evenly divisible by \$10, the amount shall be rounded to the nearest multiple of \$10. Except that an amount evenly divisible by \$5 (but not by \$10) shall be rounded to the next lower amount that is evenly divisible by \$10.

550104. Enrollment

A. On or after October 1, 1996, and upon first becoming a member of the Ready Reserve, a member is automatically enrolled for the basic benefit amount of \$1,000 per month or an amount as adjusted under subparagraph 550103.F, above.

B. Members of the Ready Reserve, as of September 30, 1996, other than members ineligible under subparagraph 550104.E, below, shall be offered an opportunity to enroll for coverage under the insurance program.

C. A member under paragraph 550104.A, above, who fails to complete the enrollment process within 60 days after being automatically enrolled or a member under paragraph 550104.B, above, who fails to complete the enrollment process within 60 days after being offered the opportunity to enroll, shall be considered as having declined to be insured under the insurance program.

D. A member of the Ready Reserve, ineligible to enroll under subparagraph 550104.E, below, shall be afforded an opportunity to enroll in accordance with subparagraphs 550104.B and C, above, upon being released from active duty, if the member has not previously declined to be insured under paragraphs 550104.A and B, above.

E. Members Ineligible to Enroll. Members of the Ready Reserve serving on full-time active duty in a Military Service, including full-time National Guard duty, are ineligible to enroll. Such duty includes full-time training duty, annual training duty, and attendance, while

in the active military service, at a school designated as a Service school by law or by the Secretary of the Military Department concerned. Also, ineligible to enroll are members of the Ready Reserve who are not subject to mobilization or those who are non-deployable in accordance with DoD Instruction 1235.12 (reference (ek)). The Secretary of Defense may define any additional category of members of the Ready Reserve to be included or excluded from eligibility to purchase insurance under this program.

550105. Deductions (RRMIIP Premiums)

A. Premium rates prescribed will be subject to change by the Secretary of Defense to reflect program administrative costs, program experience, or any other change in actuarial assumptions.

B. Premiums will be collected in accordance with procedures specified by the Secretary of Defense.

C. All premium payments must be paid in advance of the period for which the member is to be insured.

D. Premium liability for a member who is automatically insured is incurred on the first day of the month after the first full month of automatic coverage. For example: A member entering the Military Service during the month of April (1-30 day) will have premium liability beginning on June 1.

E. The Military Service concerned shall advance to any member who is "automatically" insured an amount equal to the first monthly insurance premium payment. The advance premium payment may be paid out of appropriations for military pay. Such advance payment shall be reimbursed by the member if the member elects coverage under the program.

F. A member who automatically is insured and who opts to decline the insurance coverage or who fails to complete the enrollment process at any time during the 60-day enrollment period, shall incur no liability for premium payment for any part of the 60-day period. The Military Service that has made an advance payment of premium on behalf of said member will incur no liability for the unearned premium payments and shall be allowed to recover such advance payment through an accounting adjustment.

G. Premium amounts collected shall be paid directly to and shall be credited monthly to the Fund not later than 10 working days after the end-of-month payday for the month.

H. A member under subparagraph 550104.A, above, who is called to active duty for covered service, and who commences active duty prior to completing the enrollment process is insured for the basic benefit amount of \$1,000.

550106. Termination, Forfeiture, Reinstatement

A. Termination. The coverage of a member under the insurance program shall be terminated without prior notice upon failure of a member to make the required payment of premiums for two consecutive months.

B. Forfeiture. A member convicted of mutiny, treason, spying or desertion, or who refuses to perform service in the Armed Forces, or refuses to wear the uniform of any Armed Force, forfeits all rights to insurance in accordance with 10 U.S.C. 12532 (reference (c)).

C. Reinstatement. When the Military Service determines that a member's insurance coverage has been revoked due to an administrative error deemed to be no fault of the member, the member's insurance may be reinstated when all premiums from the date of revocation are paid by the member.

★550107. Termination of Program

A. Termination of New Enrollments. The Secretary may not enroll a member of the Ready Reserve for coverage under this insurance program after November 18, 1997.

B. Termination of Coverage. Enrollment of insured members is terminated as of November 18, 1997. An insured member who, on November 18, 1997, is serving on covered service for a period of service or has been issued an order directing the performance of covered service that satisfied or would satisfy the entitlement-to-benefit provision of this chapter, is terminated as of the date of termination of the period of covered service of that member.

C. Termination of Payment of Benefits. The Secretary may not make any benefit payment under this program after November 18, 1997, other than to an insured member who on that date (1) is serving on an order to covered service, (2) has been issued an order directing performance of covered service, or (3) has served on covered service before that date for which benefits under the program have not been paid to the member.

D. Termination of Insurance Fund. The Secretary shall close the Fund not later than 60 days after the date on which the last benefit payment from the Fund is made. Any amount remaining when closed shall be paid into the U.S. Treasury as miscellaneous receipts.

**CHAPTER 56**

**SERVICE CREDITABLE**

5601 **GENERAL**

The provisions of Chapter 1 apply to members of the Reserve Components.

**SUMMARY OF MAJOR CHANGES TO CHAPTER 57**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

New and revised instructions are indicated by a ★ placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.

| Page                                     | Paragraph  | Explanation of Change/Revision  | Effective Date |
|--|--|---|----------------|
| 57-14,<br>57-14,<br>57-14                | 570505.C<br>570505.D.2<br>570505.D.3                       | IC 10-99 pertains to clothing monetary allowances.  | Oct 1, 1998    |
| 57-5,<br>57-6,<br>57-6,<br>57-8          | 570402.A<br>570403.A<br>570403.B<br>570404                 | IC 19-99 pertains to certain Selected Reserve bonuses and special pays                                    | Jul 9, 1999    |
| 57-5,<br>57-6,<br>57-6,<br>57-7,<br>57-8 | 570402.A<br>570403.A<br>570403.B<br>570403.C.1<br>570404   | IC 45-99 pertains to certain Selected Reserve bonuses and special pays.                                   | Dec 23, 1999   |
| 57-12,<br>57-12<br>&<br>57-13            | 570501.B.2<br>570502.B.2<br><br>Bibliography               | IC 03-00 pertains to per diem for military technicians for duty at other than the permanent duty station. | Feb 10, 1996   |
| 57-24<br>&<br>57-25                      | Table 57-3<br><br>Table 57-4<br>Table 57-5<br>Bibliography | IC 26-00 pertains to disability pay for Reservist after September 18, 1997.                               | Nov 18, 1997   |
| 57-4,<br>57-5,<br>57-12                  | 570401.B<br>570401.F<br>570502.A                           | IC 29-00 pertains to foreign language pay.  | Apr 1, 2000    |

*Interim changes 19-99, 03-00, 26-00, and 29-00 are incorporated in this change. Interim changes 19-99 and 29-00 also affect other chapters and will not be deleted from the interim changes cited in the web site until all such chapters are updated.*

## CHAPTER 57

### ACTIVE DUTY (NOT EXTENDED ACTIVE DUTY) ENTITLEMENTS

#### 5701 GENERAL PROVISIONS

##### 570101. Entitlements

A. Active Duty With Pay. A member of a Reserve Component serving on active duty with pay is entitled to receive pay according to the member's years of service and the grade in which the member is serving.

NOTE: As used in this chapter, the term active duty includes active duty training, active duty for training, full-time training duty, annual training duty and attendance while in active service at a school designated as a Service school by law or the Secretary of the Military Department concerned (or designee), temporary active duty when the pay is chargeable to a Reserve appropriation or, in the case of the National Guard, full-time training, and other full-time duty. It does not mean extended active duty. Extended active duty (EAD) is defined as active duty performed by a member of a Reserve Component when strength accountability passes from the Reserve Component to the active military establishment.

B. Active Duty Without Pay. A member of a Reserve Component may, with his or her consent, be ordered to active duty without pay when authorized by the Secretary of the Military Department concerned (or designee). See subparagraphs 570501.B and 570502.B, below, for entitlement to allowances.

C. Combination Active Duty and Inactive Duty. A member of a Reserve Component may be paid the equivalent total of more than 360 days of pay in a year, when so directed, if this total is based on a combination of active duty pay and inactive duty training pay.

D. Effective Date of Promotion for Increase in Pay and Allowances Reserve and National Guard Officers. See Table 57-1.

E. Effective Date of Promotion for Increase in Pay and Allowances, Enlisted Members of the Reserve Components. Table 2-2, rules 7 through 11 apply to these members.

570102. Saved Pay. The provisions of Chapter 2, section 0203, apply to members of Reserve Components.

570103. Limitation. A member of a Reserve Component cannot be paid inactive duty pay on any day that he or she is entitled to active duty pay.

570104. Waiver of Benefits. A member of a Reserve Component who is drawing a pension, disability compensation, retainer pay, or retirement pay from the United States for prior military service, and who performs duty for which he or she is entitled to pay, may elect to receive either:

- A. The payments for prior military service, or
- B. If member specifically waives those payments, the pay and allowances authorized for the duty the member is currently performing.

1. Department of Veterans Affairs (VA) Disability Compensation. A Reservist who is entitled to VA disability compensation must waive the equivalent VA compensation for one day for each Reserve active duty day or each inactive duty period. (Thus, the performance of two inactive duty periods in 1 calendar day requires waiver of the equivalent VA compensation for two days.) These waiver requirements apply for all days in a calendar month.

2. Retired or Retainer Pay. A Reservist who is entitled to retired or retainer pay must waive the equivalent of retired or retainer pay for one day for each Reserve active duty day or inactive duty performance day. (Thus, the performance of two inactive duty period in 1 calendar day requires waiver of the equivalent retired or retainer pay.) These waiver requirements apply for all days in a calendar month.

570105. Allotments of Pay. Except as prescribed in paragraph 570708, below, a member of a Reserve Component not on EAD may not have pay allotted. Members of Reserve Components serving on active duty, active duty for training, or full-time training duty under competent orders which specify periods of duty of more than 180 days, or upon involuntary recall under 10 U.S.C. 12302 (reference (c)), are excluded from this restriction when prescribed in Military Service regulations and may allot their pay, even though such pay is chargeable to Reserve or National Guard appropriations. Chapter 34, section 3404 of this Regulation applies should a member enter a missing status and paragraph 570604, below, applies should a member incur a disability.

570106. Leave. A member of a Reserve Component who serves on active duty with pay for periods of 30 consecutive days or more accrues leave at the rate of 2-1/2 calendar days for each month of active service, excluding periods of:

- A. Absence from duty without leave.
- B. Absence over leave.
- C. Confinement as a result of a court-martial.

The member is entitled to lump-sum settlement of unused accrued leave upon completion of a tour per Table 57-2. When consecutive tours are involved, a member may be reimbursed for



unused accrued leave or it may be carried forward, at the member's option, until completion of the final tour. When computing the length of a period of active duty, include allowable travel time. See also Chapter 35, paragraphs 350101 and 350102, and procedural instructions of the Military Services concerned; refer to Tables 35-1 through 35-4 for specific entitlement criteria.

#### 5702 ALLOWABLE TRAVEL TIME FOR PAY ENTITLEMENT PURPOSES

Entitlement. The provisions of Chapter 2, section 0205, apply to members of the Reserve Components.

#### 5703 COMPUTATION OF PAY

570301. Annual Salary. The provisions of paragraph 020203 apply to members of the Reserve Components.

##### 570302. Computation of Monthly Pay

A. Active Duty for 30 Days or More. When a member is ordered to active duty for 30 days or more and the tour of duty starts on the first day or an intermediate day of a calendar month, the member is entitled to pay and allowances through the 30th day. Payment is not authorized for the 31st day of a calendar month (except BAS for enlisted members). This includes a member who is ordered to active duty for less than 30 days and is continued on active duty for 30 days or more by new orders or an amendment to the original orders. When computing the number of days for which pay is due, include the entire period the member actually serves on active duty, including allowable travel time. (See Table 57-2, rules 1 and 2.)

B. Active Duty for Less Than 30 Days. A member ordered to active duty for less than 30 days is entitled to pay and allowances at 1/30th the monthly rate for each day actually served, including the 31st day of a calendar month. This includes a member ordered to active duty for 30 days or more but released before performing at least 30 days of active duty, including allowable travel time. (See Table 57-2, rule 3.)

C. Active Duty During February. (See Table 57-2, rules 4 through 11.)

##### 570303. Absence From Duty

A. Active Duty for Less Than 30 Days. Deduct 1/30th of pay for 1 month for each day of unauthorized absence.

B. Active Duty of 30 Days or More. The provisions of Chapter 2, paragraph 020202 applies to members of the Reserve Components.

570304. Basic Pay Rates. Tables 2-5 through 2-8 contain current monthly rates of basic pay.

## 5704 SPECIAL AND INCENTIVE PAY

570401. Entitlement

A. General. A member of a Reserve Component on active duty is entitled to special and incentive pays under the same conditions as a member on EAD. For exceptions, see subparagraphs 570401.B, C, D, and E, below, and paragraphs 570402 through 570408, below.

★ B. Career Sea Duty and Hardship Duty Pay. *For career sea duty and hardship duty pay, the ship or duty station at which a member is performing active duty is considered member's permanent duty station. (IC 29-00)*

C. Aviation Career Incentive Pay (ACIP); Hazardous Duty Incentive Pay (HDIP) for the Performance of Aerial Flights.

1. A Reserve Component officer is entitled to ACIP (continuous or conditional) while performing active duty as defined in subparagraph 570101.A, above, when the requirements of Chapter 22, section 2202 and the requirements for an Aviation Service Career (Not on Extended Active Duty nor on Active Guard and Reserve (AGR) Duty) as defined in the Definitions have been met. AGR aviators on full time active duty on a career basis shall be entitled to ACIP (continuous or conditional) under provisions of Chapter 22 on the same basis as officers on extended active duty.

2. Excess Flying Time. The excess flying time provisions in section 2202 of this regulation, for rated officers, flight surgeons, and rated or designated warrant officers entitled to ACIP, and in section 2201, of this regulation, for enlisted crew members entitled to flying pay, apply to a member of Reserve Component only if on continuous active duty for a period of 30 days or more.

3. Combined Flight Requirements. When a member performs both active and inactive duty with pay in the same month, designated flying time earned in that month may be combined to satisfy any ACIP or hazardous duty incentive pay (HDIP) flight requirements for that month. For specific details, see Chapter 58, paragraph 580202.

4. Flying Pay for Allowable Travel Time. A member on active duty for 30 days or less is entitled to flying pay (if otherwise entitled) for travel time from duty station to home, even though the period extends into the following calendar month. (See Table 22-3, rule 5.)

5. Entitlement to ACIP While on Active Duty for Training for Members Who Perform Inactive Duty Training Without Pay. An officer who performs inactive duty for training without pay is entitled to ACIP when performing active duty for training only if member is considered to be performing aviation service on a career basis. (See Definitions for "Aviation Service Career" (Not on Extended Active Duty nor on Active Guard and Reserve Duty.)

D. Parachute Duty Pay. Parachute jumps performed during periods of active duty for training or during inactive duty training periods, if performed per Chapter 24, section 2402, may be used to qualify the member for parachute pay for either type of training. Parachute jumps performed while on EAD do not qualify a Reservist for parachute pay in an inactive duty training status.

E. Special Duty Assignment Pay. An enlisted member on active duty for training is entitled to special duty assignment pay if otherwise entitled under Chapter 8.

★ F. Special Pay-Foreign Language Proficiency. *An officer or an enlisted member on active duty for training is entitled to special duty assignment pay if otherwise entitled under Chapter 19. (IC 29-00)*

570402. Selected Reserve Reenlistment or Voluntary Extension

★ A. Basic Condition of Entitlement. *A bonus may be awarded during the period of February 24, 1986 through December 31, 2000 to an enlisted member of a Reserve Component after all the conditions are met: (IC 45-99 supercedes 19-99)*

1. Reenlists or extends in a unit and/or a military occupational specialty approved by the Secretary concerned;
2. Has not previously received two 3-year reenlistment/extension bonuses or one 6 year reenlistment bonus for service in the Selected Reserve;
3. Is not reenlisting or extending to qualify for a civilian position (excluding temporary assignments) where membership in the Reserve Component is a condition of employment;
4. Holds rank or grade commensurate with the billet vacancy (within authorized substitution limits as prescribed by the Military Service concerned); and
5. Has been a satisfactory participant in the Selected Reserve for at least the last 3 months of his or her Selected Reserve service at the time of reenlistment or extension.

B. To Whom Payable. An enlisted member of a Reserve Component who has completed less than 14 years total military service and reenlists or voluntarily extends his or her enlistment for:

1. A period of 6 years may receive an amount not to exceed \$5,000.
2. An initial period of 3 years may receive an amount not to exceed \$2,500.

3. A second period of 3 years may receive an amount not to exceed \$2,000.

NOTE: A member may not be paid more than one 6-year reenlistment bonus or two 3-year reenlistment/extension bonuses.

C. Amounts Payable. The initial amount payable may not exceed one-half of the total amount of the bonus with subsequent partial payments in an amount and schedule established by the Secretary of the Military Department concerned.

570403. Selected Reserve Enlistment

★ A. Basic Condition of Entitlement. *A bonus may be awarded during the period February 24, 1986, through December 31, 2000, to an individual who enlists in the Selected Reserve of the Ready Reserve for a total Ready Reserve obligation of not more than 8 years and who meets the following criteria: (IC 45-99)*

1. Has not previously served in any component of the Armed Forces (Service non-prior service definitions apply);

2. Is classified in test score category I, II, or III;

3. Is a graduate of a secondary school;

4. Is not enlisting to qualify for a military technician position where membership in a Reserve Component is a condition of employment (persons on temporary assignment are excluded);

5. Is enlisting as a member of a unit and/or in a military specialty established as critical by the Secretary of the Military Department;

6. Is not selecting an optional enlistment program (that is, 3x3, 4x2, 5x1); and

7. Is not enlisting for voluntary assignment to full-time active duty or active duty for training in excess of 90 days in support of a Reserve program;

★ B. Prior Service Enlistments. *Effective February 24, 1986, through December 31, 2000, an enlistment bonus for prior Service personnel may be paid to an honorably discharged member who enlists in the Selected Reserve for a critical skill designated by the Secretary of the Military Department concerned for either a 3- or 6-year enlistment, executes an agreement, and: (IC 45-99)*

1. Has completed the service obligation but has less than 14 years of total military service;

2. Is not being released from active service for the purpose of enlisting in a Reserve Component; and

3. Has not previously been paid a bonus for enlistment, reenlistment or extension in a Reserve Component.

C. Amount and Time of Payment

★ 1. Nonprior Service. *The amount of the enlistment bonus may vary by military specialty, except that the amount may not exceed \$8,000. Payment may be an amount not to exceed one-half upon satisfactory completion of initial active duty for training (IADT), including military specialty qualification or sufficient training to be deployable. The remainder of the bonus may be paid in periodic installments or in a lump sum as determined by the Secretary concerned. (IC 45-99)*

2. Prior Service

a. A person who is a former enlisted member of an Armed Force and enlists in the Selected Reserve of the Ready Reserve in a skill designated as critical by the Secretary of the Military Department concerned, may be paid a bonus as follows:

(1) \$5,000 when the person enlists for a period of 6 years;

(2) \$2,500 when the person who never received a bonus under this section enlists or extends for a period of 3 years; and

(3) \$2,000 when the person who received a bonus under this section for a previous 3-year enlistment or extension, enlists or extends the enlistment for an additional period of 3 years.

(4) A member may not be paid more than one 6-year prior service enlistment bonus or two 3-year prior service enlistment bonuses.

b. Any bonus payable under this section shall be paid in one initial payment of an amount not to exceed one-half of the total amount of the bonus and subsequent periodic partial payments of the balance of the bonus. The Secretary of the Military Department concerned shall prescribe the amount of each partial payment and the schedule for making the partial payments.

NOTE: A member may not be paid a bonus under this paragraph unless the specialty associated with the position the member is projected to occupy is a specialty in which the member successfully served while on active duty and attained a level of qualification commensurate with the member's grade and years of service.

★ 570404. Affiliation Bonus. *A Reserve affiliation bonus is authorized during the period October 1, 1980 through September 30, 1985, and February 24, 1986, through December 31, 2000, to any person who: (IC 45-99)*

A. Is serving on active duty, is eligible for reenlistment or for an extension of the active duty status, has 180 days or less remaining on the active duty obligation and, upon discharge or release from active duty upon the completion of such active duty obligation, will have a Reserve service obligation under 10 U.S.C. 651 (reference (c)) or under section 6(d)(1) of the Military Selective Service Act (reference (bw)); or

B. Has served on active duty for any period of time, has completed satisfactorily any term of enlistment or period of obligated active duty service, was discharged or released from such active duty under honorable conditions, is serving a period of Reserve service obligation under 10 U.S.C. 651 (reference (c)) or section 6(d)(1) of the Military Selective Service Act (reference (bw)), and meets the following eligibility criteria:

1. Is affiliating with a unit and/or holds and is qualified in a military specialty designated by the Secretary of the Military Department concerned (or designee) for the purpose of this bonus;

2. Has a grade or rating and military occupational specialty for which there is a vacancy in the Reserve Component in which the person is to become a member; (Military Service grade and skill substitution rules apply);

3. Is not affiliating to qualify for a civilian position where membership in the Guard or Reserve is a condition of employment (persons on temporary assignment excluded);

4. Enters into a written agreement with the Secretary concerned to serve as an enlisted member of the Selected Reserve of the Ready Reserve of an Armed Force for the period of obligated Reserve service such person has remaining at the time of affiliation;

5. Has not enlisted under the IRR Direct Enlistment Program; and

6. Meets all other requirements established by the Reserve Components.

C. A person who meets the eligibility criteria outlined above may be awarded a bonus, calculated on a basis of up to \$50 a month, as determined by the Secretary of the Military Department concerned (or designee), for each month of remaining military service obligation or, if on active duty, that will remain at the time of discharge or release from active duty (only whole months will be counted).

1. If the person has 18 months or less remaining on the military service obligation, the entire amount may be paid upon the signing of a Selected Reserve agreement and affiliation with a Selected Reserve unit.

2. If the person has more than 18 months remaining, the bonus may be payable one-half upon the execution of a Selected Reserve agreement and affiliation with a Selected Reserve unit and one-half on the sixth anniversary of the date upon which statutory military obligation began (original enlistment contract or entry on active duty).

3. In lieu of the payment methods authorized in subparagraphs 570404.C1 and 2, above, the Secretary of the Military Department concerned (or designee) may authorize a bonus to be paid in monthly installments of an amount to be determined by the Secretary. In such cases, payments will begin upon the member's completion of the first month of satisfactory service and will be paid only for those months that he or she maintains satisfactory. "Satisfactory participation" will be determined in accordance with appropriate Service personnel guidance.

570405. Obligation. To be eligible for any incentive, a member must be contractually obligated to participate satisfactorily, as prescribed by Component regulations, in the Selected Reserve for the full term of the enlistment, reenlistment, extension or affiliation period. The member further must be obligated to continue to serve in the same component and in the same military occupational specialty unless excused for the convenience of the government.

570406. Termination of Incentive Entitlement for Enlistment, Reenlistment, or Affiliation Bonuses. Entitlement to further bonus payments will be terminated if a member:

A. Fails to participate satisfactorily in accordance with the Military Service in the Selected Reserve.

B. Accepts a civilian position where membership in the Reserve Component is a condition of employment (persons on temporary assignment excluded).

C. Is separated from the Selected Reserve as an enlisted person for any reason (including enlistment or voluntary recall into the active forces).

D. Becomes a simultaneous member of an authorized officer program drawing a stipend.

E. Moves out of a bonus-qualified military occupational specialty, unless at the express direction of the Military Service concerned.

F. Moves to a nonbonus eligible unit, unless at the express direction of the parent Component. (Exceptions: Provided they remain otherwise qualified, current bonus participants retain bonus entitlement if they either volunteer for active duty or active duty for

training in excess of 90 days in support of a Reserve Component, or accept a temporary military technician position where membership in a Reserve Component is a condition of employment.)

G. Fails to extend the contracted term of service for a period of authorized nonavailability.

570407. Relief From Termination of Bonuses. Members who move from one location to another may continue bonus eligibility if they remain in the Selected Reserve of the same Component and join a bonus-eligible unit or bonus-eligible military occupational specialty, as appropriate. Relocated members who remain eligible for continuation in the bonus program may not receive a payment before qualifying in the gaining unit position. Members whose military occupational specialty is changed at the convenience of the government or whose units are inactivated, relocated, reorganized, or converted may continue to be entitled to incentive payments provided they meet all other eligibility criteria.

570408. Nonavailability

A. Members who incur a period of authorized nonavailability (such as, temporary overseas residence, missionary obligation, overseas employment obligation, etc.) are not actually terminated from the incentive program. Such personnel will be assigned temporarily to the Standby Reserve or the Inactive National Guard, as appropriate, and be required to extend their enlistment, reenlistment, or extension period in the Ready Reserve in order to serve the full contract period in the Selected Reserve. During the period of nonavailability, the member will not be entitled to subsequent incentive payments. Entitlements to subsequent payments will resume on the adjusted anniversary date of satisfactory creditable Selected Reserve service.

B. Members who incur a period of authorized nonavailability of up to 1 year for valid personal reasons will be assigned temporarily to the Individual Ready Reserve (IRR) or the Inactive National Guard, as appropriate, and be required to extend their enlistment, reenlistment, or extension period in the Ready Reserve in order to serve the full contract period in the Selected Reserve. During a period of nonavailability, the member will not be entitled to subsequent incentive payments or any incentives available to members of the Ready Reserve not in the Selected Reserve. Entitlement to subsequent payments will resume on the adjusted anniversary date of satisfactory Selected Reserve service. (The date will be adjusted for that period of nonavailability.)

570409. Recoupment of Payments. Any refund made by a member does not affect the period of obligation of such member to serve as a Ready Reservist.

A. Recoupment of enlistment, reenlistment and affiliation bonuses will be effected for any member who:

1. Fails to participate satisfactorily in training with the Selected Reserve during the entire period of enlistment, reenlistment or extension, per the Selected Reserve written agreement, unless the failure to participate satisfactorily was due to reasons



beyond the control of the member (that is, death, injury, illness or other impairment not the result of the member's misconduct).

2. Accepts a civilian position where membership in the Reserve Component is a condition of employment, if less than one-half of the contract term for which a bonus is payable has been served (members on temporary assignment excluded).

3. Separates from the Selected Reserve as an enlisted person for any reason (including enlistment or voluntary recall into the active forces) other than by death or to accept an immediate appointment as an officer in the Ready Reserve (in which case, recoupment is required if less than 1 year of the term has been served).

4. Moves out of a bonus-eligible military occupational specialty, unless at the express direction of member's component.

5. Moves to a bonus-ineligible unit unless at the express direction of the Military Service concerned.

B. Recoupment of enlistment, reenlistment, and affiliation bonuses is calculated as follows:

1. The number of months served satisfactorily during the term for which a bonus was paid will be multiplied by the monthly rate authorized by the particular bonus.

2. That amount is subtracted from the total amount of bonus paid to the individual to date (initial and any subsequent payments).

3. If the calculation indicates overpayment to the individual, that amount is recouped. If the calculation indicates that the member has earned more than has been paid (total of initial and any subsequent payments) on the same prorata basis, that amount is paid in the final installment.

4. The amount to be recouped will be reduced by an amount equal to any reduction taken under Chapter 35, subparagraphs 350702.F or 350802.D.

## 5705 ALLOWANCES

### 570501. Basic Allowance for Subsistence (BAS)

A. Entitlement-Active Duty With Pay. A member of a Reserve Component ordered to active duty with pay is entitled to BAS as prescribed in Chapter 25.

B. Entitlement-Active Duty Without Pay. A member of a Reserve Component ordered to active duty without pay is entitled to subsistence in kind or commutation

thereof as stipulated for in subparagraphs 570501.B1 and 2, below. When a member is ordered to active duty “without pay and allowances,” no payment is authorized.

1. Duty at the Permanent Duty Station. BAS will be paid at the same rates and under the same conditions as provided for members on active duty with pay.

★

2. Duty at Other Than the Permanent Duty Station

a. *When a government mess is not available, reimbursement for meals is authorized at the rate of \$1.50 per meal (maximum \$4.50 per day).*

b. *If a military technician (dual status), as described in 10 U.S.C. 10216 (reference (c)) is performing active duty without pay, outside the United States, while on leave from technician employment, as authorized by 5 U.S.C. 6323(d) (reference c1)), the Secretary concerned may authorize the payment of a per diem allowance to the military technician in lieu of commutation for subsistence under subparagraph 570501.B.2a, above. (IC 03-00)*

570502. Basic Allowance for Housing (BAH)

★

A. Entitlement-Active Duty With Pay. *Members of a Reserve Component on active duty with pay are entitled to BAH under terms and conditions of Chapter 26. A member of a Reserve Component on active duty (other than for training) with pay are entitled to BAH under the same terms and conditions as members serving on full time active duty. A member who is receiving quarters allowance incident to civilian employment also may receive BAH as a result of military service, if otherwise entitled. See Chapter 26, paragraph 260203 for further guidance. (IC 29-00)*

B. Entitlement-Active Duty Without Pay. A member of a Reserve Component ordered to active duty without pay is entitled to quarters in kind or commutation thereof as provided for in subparagraphs 570502.B1 and 2, below. When a member is ordered to active duty “without pay and allowances,” payment is not authorized.

1. Duty at the Permanent Duty Station. BAH will be paid at the same rates prescribed in Table 26-9 and under the same conditions as provided for a member without dependents on active duty with pay.

★

2. Duty at Other Than the Permanent Duty Station

a. *When government quarters are not available, reimbursement for quarters is authorized at the rate of \$4.50 per day.*

b. *If a military technician (dual status), as described in 10 U.S.C. 10216 (reference (c)), is performing active duty without pay, outside the United States, while on leave from technician employment, as authorized by 5 U.S.C. 6323(d) (reference (c1)),*

*the Secretary concerned may authorize the payment of a per diem allowance to the military technician in lieu of commutation for quarters under subparagraph 570502.B.2a, above.*

*(IC 03-00)*

C. Permanent Duty Station-Active Duty For Training. For members of the Army National Guard, the Air National Guard, or Reserve Components of any of the Uniformed Services on active duty for training, the place where the training duty is being performed shall be deemed to be the permanent station of such members for BAH entitlement purposes. These rates payable are reflected in Table 26-9.

D. Permanent Duty Station-Active Duty Other Than For Training and No Permanent Change of Station (PCS) Orders. Effective August 2, 1990, the permanent duty station (PDS) for members of Reserve Components ordered to active duty (other than for training and no PCS orders issued) is their monthly drill/training station. The permanent duty station (PDS) for Reserve members who have no monthly drill/training station (i.e., Individual Ready Reserve (IRR), some individual mobilization augmentees (IMA), Standby Reservists, and Retired Reservists) is the place from which they were called/ordered to active duty. Any follow-on duty away from the PDS (to include involuntary reassignment to another Reserve Component unit for the purpose of cross-leveling members to support operational missions) is considered TDY/TAD. Therefore, when those members, without dependent, are not furnished government quarters at the PDS, they are entitled to without-dependent BAH under Table 26-3, rule 1, and the BAH will continue for the TDY/TAD periods under Table 26-3, rule 13, even though government quarters are furnished at the TDY/TAD location. See paragraph 260203 for further guidance. The rate payable is based on the locality rate at the permanent duty station of the member.

E. Contingency Operations. BAH is authorized to Reservists without dependents, under terms and conditions of Chapter 26, when called or ordered to active duty in connection with a contingency operation as defined in 10 U.S.C. 101(a)(13) (reference (c)), who because of the call or order are unable to continue to occupy their primary residence that is owned by the member, or for which the member remains responsible for rent payment. The rate payable is based on the locality rate at the permanent duty station of the member.

F. Annual Certification. See Chapter 26, paragraph 260304 for annual certification of dependency requirements.

570503. Family Separation Allowance (FSA)

A. The provision of Chapter 27, apply to a member of a Reserve Component on active duty with pay for periods of more than 30 days.

B. A member of a Reserve Component may be entitled to FSA-I or FSA-II (FSA-R, FSA-S, or FSA-T), depending on length of tour specified in orders and whether or not dependent travel is authorized at government expense under Joint Federal Travel Regulations (for example, tour length of over 20 weeks, etc).

570504. Station Allowances Outside the United States. The provisions of Chapter 28 apply to members of the Reserve Components.

570505. Clothing Monetary Allowances-Enlisted Members

A. Active Duty for Periods of 6 Months or Less. An enlisted member of a Reserve Component ordered to active duty for 6 months or less is not entitled to a clothing monetary allowance.

B. Active Duty for Periods of More Than 6 Months. See Chapter 29 for specific references to enlisted members of the Reserve Components ordered to active duty for periods of more than 6 months.

★ C. Initial Cash Allowance for Enlisted Member. *An enlisted member of a Reserve Component is entitled to an initial cash allowance for the purchase of items specifically designated by the military department concerned to be purchased by the member rather than to be furnished in kind. (See Chapter 29, paragraph 290201.) (IC 10-99)*

D. Maternity Clothing. Pregnant enlisted women of a Reserve Component are entitled to a supplemental maternity clothing allowance in accordance with the provisions of:

1. Army: AR 700-4 (reference (ax))

★ 2. Navy: DoDFMR, Volume 7A, Table 29-5 (IC 10-99)

★ 3. Air Force: AFR 39-23 (reference (bd)), DFAS-DE 7073.1-M and DFAS-DE 7073.3-M (reference (ap)) and DoDFMR, Volume 7A, Table 29-6 (IC 10-99)

4. Marine Corps: CO P10120.28 (reference (bb))

570506. Officers' Uniform and Equipment Allowances. See specific references to Reserve officers in Chapter 30.

5706 MISCELLANEOUS PAYMENTS

570601. Advance Pay

A. A member of a Reserve Component in receipt of orders for PCS movement (140 days or more) is entitled to advance pay per Chapter 32, paragraph 320101 of this volume. Nonprior-service Army and Air Force enlistees with no prior service may be paid an advance pay under the conditions set forth in Table 32-1, rule 4.

B. A member of a Reserve Component, the Fleet Reserve, or a military retiree who is mobilized or recalled to active duty for any period under the provisions of Title 10,

U.S.C 12302, 12303, or 12304 (reference (c)), is entitled to advance pay and allowances per Chapter 32, paragraph 320102 of this volume.

570602. Payments on Behalf of Mentally Incompetent Members

A. Active Duty (Not for Training). The provisions of Chapter 33 apply to these members.

B. Active Duty for Training. Except as provided in subparagraphs 570602.B1 and 2, below, a member of a Reserve Component who becomes mentally incompetent while performing active duty for training has no entitlement to pay and allowances beyond the expiration or termination (whichever is earlier) of the orders that called the member to active duty for training.

1. A member may qualify for disability pay and allowances under the provisions of paragraph 570604, below.

2. A member may be entitled to miscellaneous payments resulting from separation (that is, travel allowance, accrued leave, etc.).

570603. Pay Entitlement of Members Missing, Missing in Action, Interned, etc., and Payments to Dependents. The provisions of Chapter 34 apply to members of the Reserve Components.

570604. Disability Entitlements for the Reserve Forces

A. Entitlement. See Table 57-3 for disabilities incurred or aggravated after September 29, 1988; use Table 57-4 for disabilities incurred or aggravated between November 15, 1986, and September 29, 1988, inclusive; use Table 57-5 for disabilities incurred prior to November 15, 1986. Pay and allowances under these provisions generally may not be paid for a period of more than 6 months; however, the Secretary of the Military Department concerned may extend the period of entitlement beyond 6 months in the interest of fairness and equity.

B. Miscellaneous Provisions

1. Duty Without Pay. Duty without pay is considered for all purposes as if it were duty with pay. The rules in Tables 57-3, 57-4, and 57-5 apply equally to duty with and duty without pay. The rate of pay and allowances applicable is the rate the member would have been entitled to if in a pay status at the time the disability occurred.

2. Incentive Pay for Hazardous Duty. A member who is entitled to any of the incentive pays identified in Chapters 22 through 24 on the date of disability continues to be entitled through the ending date of the orders and for the disability period beyond, provided

the orders to perform the hazardous duty remain in effect, all performance requirements were met, and any other conditions in Chapters 22 through 24 are satisfied.

3. Special Pays. A member who is entitled to any of the special pays in chapters 5 through 21 on the date of disability continues to be entitled through the ending date of the orders and for the disability period beyond, provided the special conditions, if any, in Chapters 5 through 21 are satisfied.

4. Disability Not in Line of Duty. In the case of ordered active duty, not in the line of duty determinations cause pay and allowances to cease on the date of expiration of the ordered active duty plus allowable travel time, if any, or on the date member is relieved from active duty by competent authority. In the case of inactive duty performance, not in the line of duty determinations cause pay to cease on the day disability occurs.

5. Leave. Leave does not accrue to a member who is disabled and receiving pay and allowances beyond the ending date of the active duty orders, or the date of performance of inactive duty, as appropriate. If disability retirement or separation proceedings have begun, the period of time while awaiting orders will be first charged against the member's accrued leave.

C. Termination of Pay and Allowances. Subject to the provisions in Table 57-3, 57-4, or 57-5, a member's entitlement to pay and allowances while disabled terminates upon:

1. Retirement.
2. Separation for physical disability.
3. Determination by Military Service medical personnel that the member has recovered sufficiently to perform normal military duties, or when actually restored to normal military duties, whichever occurs first. A member must submit to timely Service medical examination(s) necessary for preparation of required medical certificate(s) in order to extend entitlement to pay and allowances beyond the ordered duty or training period. This provision does not apply to Table 57-3, rules 2, 5, and 8 since the member's entitlements therein are based upon lost civilian income. Likewise, this provision does not apply to Table 57-4, rules 3, 4, 6, 7, 9, and 10 since the member's entitlements therein are based upon lost civilian income whether or not fit for military duty. Civilian earned income does not include retirement income.

4. Discharge from the Reserve Component.

570605. Payments on Behalf of Deceased Members

A. Death Gratuity. The eligible beneficiaries of a member of a Reserve Component are entitled to payment of death gratuity under the provisions of the Chapter 36.

B. Settling Deceased Members Accounts. The provisions of Chapter 36, section 3602, apply to members of the Reserve Components.

C. Allowance for Housing to Surviving Dependents. The provisions of Chapter 36, section 3603 of this volume apply to the surviving dependents of members of the Reserve Components that were on active duty at the time of death.

570606. Disability Severance Pay

A. A member called or ordered to active duty (other than active duty for training under 10 U.S.C. 10148 (reference (c)) for more than 30 days and separated for a physical disability, which was the proximate result of the performance of such duty, is entitled to severance pay if otherwise qualified under appropriate personnel regulations.

B. A member on active duty for 30 days or less, or a member on active duty training for any period (including active duty for training under 10 U.S.C. 270(b)) (reference (c)) and separated for physical disability resulting from injury, is entitled to severance pay when injury was the proximate result of performance of such duty, if otherwise qualified under appropriate personnel regulations.

C. Computation of severance pay will be as prescribed in Chapter 35.

5707 DEDUCTIONS AND COLLECTIONS

570701. Income Tax Withholding

A. Federal Income Tax Withholding (FITW). The FITW provisions of Chapter 44 apply to members of the Reserve Components.

B. State Income Tax Withholding (SITW). A Reservist's taxable income for FITW purposes is also subject to state tax withholding providing the state has entered into a withholding agreement with the Secretary of the Treasury as published within the Treasury Financial Manual (reference (de)). See also Chapter 44, subparagraph 440106.C for states that have entered into such an agreement.

C. Legal Residence. Each member must designate a legal residence and report any change of legal residence. The provisions of Chapter 44, subparagraph 440106.B, apply to members of the Reserve Components.

D. Local Tax Withholding. Only localities having agreements with the Department of the Treasury, as published in the Treasury Financial Manual, are eligible for withholding as follows:

1. When the Reservist resides and performs duty in the same city or county covered by an agreement, withholding is mandatory.

2. When the Reservist performs duty in a city or county other than where he or she resides, but within the same state of legal residence, withholding is mandatory for all jurisdictions with agreements. This includes the Reservist's city and county of residence, as well as the city and county where duty is performed.

3. When a Reservist performs duty in a city or county located in a state where the Reservist does not maintain a residency, and assuming all localities have agreements, withholding is voluntary for the city or county of duty and the city or county of residence.

570702. Federal Insurance Contributions Act (FICA). The provisions of Chapter 45 apply to members of the Reserve Components.

570703. Deductions for Armed Forces Retirement Home (AFRH). The pay of a member of a Reserve Component is not subject to deductions for AFRH.

570704. Servicemembers' Group Life Insurance (SGLI)

A. Duty in Excess of 30 Days Specified. The provisions of Chapter 47 apply to members of the Reserve Components who are under a call or order to duty that does not specify a period of 30 days or less.

B. Duty of 30 Days or Less Specified. The provisions of section 5807 of this volume, apply to members of the Reserve Components who are under a call or order to duty that specifies a period of 30 days or less.

570705. Courts-Martial Sentences. The provisions of Chapter 48 apply to members of the Reserve Components.

570706. Nonjudicial Punishment. The provisions of Chapter 49 apply to members of the Reserve Components.

570707. Stoppages and Collections Other Than Courts-Martial Forfeitures. The provisions of Chapter 50 apply to members of the Reserve Components.

570708. Allotments for National Guard Members. Members of the National Guard who are not on extended active duty are authorized to make one allotment from pay for the payment of premiums under a group life insurance program sponsored by the state military department in which such member holds a National Guard membership or by the state associations of the National Guard. Details covering the administration of the allotment program for National Guard members are contained in the pay procedural instructions of the Military Services concerned.

570709. TRICARE-Family Member Dental Plan (TRICARE-FMDP). Reserve members on active duty with dependents, who meet the eligibility requirements under



Chapter 54, may enroll their dependents in the TRICARE-FMDP. Members must intend to be on active duty for the minimum period of enrollment set in Chapter 54.

570710. Savings Deposit Program (SDP). Members serving on active duty who meet the eligibility criteria as set forth in Chapter 51, sections 5101 and 5102 are eligible to participate in the SDP.

| INCREASE IN PAY ON PROMOTION—RESERVE AND NG OFFICERS |   |   |  |
|--|---|---|--|
| R<br>U<br>L<br>E                                     | A   | B   | C  |
|  | When a Reserve officer is   | in the                                      | the effective date of increase in pay and allowances is the                          |
| 1  | Promoted to a higher Reserve grade  | Army or Air Force Reserve or National Guard | effective date of the promotion stated in the orders (note 1).                       |
| 2  | Promoted under chapter 549 of Title 10 U.S.C. to a grade above lieutenant (jg)  | Naval Reserve                               | date on which member became eligible for promotion to the higher grade (see note 2.) |
| 3  | promoted under chapter 549 of Title 10 U.S.C. to a grade above first lieutenant | Marine Corps Reserve                        |  |
| 4  | promoted under section 5908 of Title 10 U.S.C. to the grade of lieutenant (jg)  | Naval Reserve                               | date given as date of rank.  |
| 5  | promoted under section 5908 of Title 10 U.S.C. to the grade of first lieutenant | Marine Corps Reserve                        |  |

## NOTES:

1. For officers serving on active duty, other than for training, who are not on the active duty list, see Table 2-2.
2. If an officer has not established the moral and professional qualifications prescribed by the Secretary of the Navy under 10 U.S.C. 5867 within 1 year after the date on which the President approved the selection board's recommendation for promotion, officer is entitled to the pay and allowances of the grade to which promoted only from the date appointed to that grade.

**Table 57-1. Increase in Pay on Promotion—Reserve and NG Officers**

| ENTITLEMENT TO PAY AND ALLOWANCES FOR VARIOUS PERIODS OF ACTIVE DUTY |   |                              |   |  |
|--|---|------------------------------|---|--|
| R<br>U<br>L<br>E   | A<br><br>If a member serves on active duty under competent orders for | B<br><br>during the period   | C   |  |
|  |   |                              | then the member is entitled to pay and allowances for |  |
|  |   |                              | active duty for                                       | and lump-sum settlement of accrued leave |
| 1  | 31 days   | May 1- 31                    | 30 days (note 1)                                      | yes                                      |
| 2  | 40 days   | Jan 2-Feb 10                 | 39 days (note 1)                                      | yes                                      |
| 3  | 29 days   | Jan 4-Feb 1                  | 29 days   | no                                       |
| 4  | 28 days   | Feb 1-28 (not leap year)     | 28 days   | no                                       |
| 5  | 28 days   | Feb 1-28 (leap year)         | 28 days   | no                                       |
| 6  | 29 days   | Feb 1-29 (leap year)         | 29 days   | no                                       |
| 7  | 33 days   | Feb 6-Mar 10                 | 35 days (note 2)                                      | yes                                      |
| 8  | 29 days   | Feb 2- Mar 2 (not leap year) | 29 days   | no                                       |
| 9  | 30 days   | Feb 2-Mar 2 (leap year)      | 31 days (note 3)                                      | yes                                      |
| 10   | 31 days   | Feb 1-Mar 2 (leap year)      | 32 days (note 3)                                      | yes                                      |
| 11   | 29 days   | Feb 1-Mar 1 (not leap year)  | 29 days   | no                                       |
| 12   | 30 days   | Jan 2-Jan 31                 | 29 days (note 1)                                      | yes                                      |

**NOTES:**

1. Member is not entitled to pay and allowances for the 31st day of the calendar month.
2. Member is entitled to pay and allowances (except BAS for enlisted members) for the constructive days of February 29 and 30.
3. Member is entitled to pay and allowances (except BAS for enlisted members) for the constructive day of February 30.

**Table 57-2. Entitlement to Pay and Allowances for Various Periods of Active Duty**

| DISABILITY ENTITLEMENTS FOR THE RESERVE FORCES (FOR DISABILITIES INCURRED OR AGGRAVATED AFTER SEPTEMBER 29, 1988) |  |                           |   |    |   |  |
|---|--|---------------------------|---|----|---|--|
| R<br>U<br>L<br>E  | A  | B                         |   |    | C   | D  |
|   | If a member is physically disabled in line of duty while   | and the member is         |   |    |   |  |
|   |  | not fit for military duty | fit for military duty and can show lost civilian income |    |   |  |
|   |  |                           | Yes   | No |   |  |
| 1   | serving on ordered active duty, or while traveling directly to or from such active duty (notes 1 and 10) | X                         |   |    | active duty pay and allowances for the period of the orders, plus authorized travel time. If the disability continues beyond this period, or if there is a subsequent recurrence of this disability, entitlement exists to pay and allowances, less the full amount of all civilian earned income received for the disability period, for not more than a total of six months. (notes 2, 4, 6, 7, and 11) | medical and dental care appropriate for the disability until it cannot be materially improved by further hospitalization or treatment. The member is entitled to travel and transportation, or a monetary allowance, for travel incident to medical and dental care. Member is also entitled to subsistence in kind during hospitalization when not entitled to BAS. (note 8). |
| 2   |  |                           | X   |    | active duty pay and allowances for the period of orders, plus authorized travel time. Thereafter, the member is entitled, upon request, to a portion of pay and allowances in an amount equal to lost civilian earned income or full pay and allowances, whichever is less, for not more than a total of 6 months. (notes 2, 3, 5, 6, and 7)  |  |

**Table 57-3. Disability Entitlements for the Reserve Forces (For Disabilities Incurred or Aggravated After September 29, 1988)**

| R<br>U<br>L<br>E | A   | B                         |   | C                              |   | D  |
|------------------|---|---------------------------|---|--------------------------------|---|--|
|                  | If a member is physically disabled in line of duty while  | and the member is         |   | then the member is entitled to |   | and  |
|                  |   | not fit for military duty | fit for military duty and can show lost civilian income |                                |   |  |
|                  |   |                           | Yes      No   |                                |   |  |
| 3                | serving on ordered active duty, or while traveling directly to or from such active duty (notes 1 and 10)                        | X                         |   |                                | active duty pay and allowances for the period of the orders, plus authorized travel time  | medical and dental care appropriate for the disability until it cannot be materially improved by further hospitalization or treatment. The member is entitled to travel and transportation, or a monetary allowance, for travel incident to medical and dental care. Member is also entitled to subsistence in kind during hospitalization when not entitled to BAS. (note 8). |
| 4                | performing inactive duty training or while, on the day of training, traveling directly to or from such training (notes 1 and 9) | X                         |   |                                | inactive duty training compensation for the day (both periods if two had been scheduled). If the disability continues beyond this period, or if there is a subsequent recurrence of this disability, entitlement exists to pay and allowances, less the full amount of all civilian earned income received for the disability period, for not more than a total of 6 months. (notes 2, 4, 6, 7, and 11) |  |

**Table 57-3. Disability Entitlements for the Reserve Forces (For Disabilities Incurred or Aggravated After September 29, 1988) (Continued)**

| R<br>U<br>L<br>E | A   | B                         |   |    | C  | D  |
|------------------|---|---------------------------|---|----|--|--|
|                  | If a member is physically disabled in line of duty while  | and the member is         |   |    | then the member is entitled to   | and  |
|                  |   | not fit for military duty | fit for military duty and can show lost civilian income |    |  |  |
|                  |   |                           | Yes   | No |  |  |
| 5                | performing inactive duty training or while, on the day of training, traveling directly to or from such training (notes 1 and 9)   |                           | X   |    | inactive duty training compensation for the day (both periods if two had been scheduled). Thereafter, the member is entitled, upon request, to a portion of pay and allowances in an amount equal to lost civilian earned income or full pay and allowances, whichever is less, for not more than a total of 6 months. (notes 2, 3, 5, 6, and 7) | medical and dental care appropriate for the disability until it cannot be materially improved by further hospitalization or treatment. The member is entitled to travel and transportation, or a monetary allowance, for travel incident to medical and dental care. Member is also entitled to subsistence in kind during hospitalization when not entitled to BAS. (note 8). |
| 6                |   |                           |   | X  | inactive duty training compensation for the day (both periods if two had been scheduled).  |  |
| 7                | traveling directly to or from inactive duty training on a day(s) other than the training day (notes 1 and 9)  | X                         |   |    | beginning on the day of disability, pay and allowances less the full amount of all civilian earned income received for the disability period, for not more than a total of 6 months. (notes 2, 4, 6, 7, and 11)  |  |
| 8                |   |                           | X   |    | beginning on the day of disability, and upon request, a portion of pay and allowances in an amount equal to lost civilian earned income or full pay and allowances, whichever is less, for not more than a total of 6 months. (notes 2, 3, 5, 6, and 7)  |  |
| 9                |   |                           |   | X  |  |  |
| ★10              | Remaining over-night immediately before the start of inactive duty training, or while remaining overnight between successive periods of inactive duty training, if the site is outside reasonable commuting distance from his or her residence (IC 26-00) | X                         |   |    | beginning on the day of disability, pay and allowances less the full amount of all civilian earned income received for the disability period, for not more than a total of 6 months. (notes 2,4,6,7, and 11)   |  |

★Table 57-3. Disability Entitlements for the Reserve Forces (For Disabilities Incurred or Aggravated After September 29, 1988) (Continued) (IC 26-00)

| R<br>U<br>L<br>E | A   | B                         |   |    | C  | D  |
|------------------|---|---------------------------|---|----|--|--|
|                  | If a member is physically disabled in line of duty while  | and the member is         |   |    | then the member is entitled to   | and  |
|                  |   | not fit for military duty | fit for military duty and can show lost civilian income |    |  |  |
|                  |   |                           | Yes   | No |  |  |
| ★11              | remaining over-night immediately before the start of inactive duty training, or while remaining overnight between successive periods of inactive duty training, if the site is outside reasonable commuting distance from his or her residence (IC 26-00) |                           | X   |    | Beginning on the day of disability, and upon request, a portion of pay and allowances in an amount equal to lost civilian earned income or full pay and allowances, whichever is less, for not more than a total of 6 months. (notes 2,3,5 6, and 7) | medical and dental care appropriate for the disability until it cannot be materially improved by further hospitalization or treatment. The member is entitled to travel and transportation, or a monetary allowance, for travel incident to medical and dental care. Member is also entitled to subsistence in kind during hospitalization when not entitled to BAS. (note 8). |
| ★12              |   |                           |   | X  |  |  |

★Table 57-3. *Disability Entitlements for the Reserve Forces (For Disabilities Incurred or Aggravated After September 29, 1988) (Continued) (IC 26-00)*

## NOTES:

1. A member is considered to be traveling to the duty or training site upon departing residence with the intention of going directly to such duty or training site. A member is considered to be traveling from the duty or training site upon direct return to residence after completion of the duty or training.
2. Failure of the member to provide current and sufficient information as established by administrative regulations of the Military Service concerned may result in discontinuation of pay and allowances.
3. Lost civilian earned income is the difference between the member's normal wages or salary or other earnings (including self-employment earnings) that would have been payable for the disability period had the member been fully engaged in civilian employment, less any payments the member received. Civilian earned income does not include retirement income. The member must report all income from an income protection plan, vacation pay or sick leave that is received during the disability period. If the sum of all these equals or exceeds the member's usual and customary earned income, no pay and allowances payments will be made. Any payments to the member will first be paid as the basic pay element and then, if necessary, as allowances (BAQ and BAS).
4. A member is entitled to compensation (but not point credit) at the rate of 1/30 of monthly basic pay for each scheduled inactive duty training period he or she is unable to attend because of the disability. However, there is no entitlement if, while traveling to or from the training or duty site, the member was disabled because of his or her gross negligence or misconduct. This entitlement will be factored into the pay and allowances payable so that total payments to the member for the disability period do not exceed the pay and allowances of a member of the Regular Component.
5. Any military duty which the member performs will be factored into the pay and allowances payable in note 3 so that the total payments to the member do not exceed the pay and allowances of a member of the Regular Component.
6. The Secretary of the Military Department concerned may extend the period of entitlement beyond 6 months in the interests of fairness and equity.
7. There is no entitlement to pay and allowances beyond the training or duty period if the disability resulted from the member's gross negligence or misconduct.
8. There is no entitlement to medical and dental care if the member is disabled because of gross negligence or misconduct and the disability occurred while traveling to or from the training or duty site.
9. Does not include work or study in connection with a correspondence course of an Armed Force or attendance in an inactive status at an educational institution under the sponsorship of an Armed Force or the Public Health Service.
10. A member who is called to active duty to undergo a physical examination, not incident to a call to active duty for more than 30 days, becomes entitled to provisions of rule 1, 2, or 3, as applicable, on the day of incurrence of disability.
11. Earned income is the total amount a member received from civilian employment or self-employment. It includes receipts from an income protection plan, vacation pay, or sick leave the member elects to receive.

**★Table 57-3. Disability Entitlements for the Reserve Forces (For Disabilities Incurred or Aggravated After September 29, 1988) (Continued) (IC 26-00)**



| DISABILITY ENTITLEMENTS FOR THE RESERVE FORCES (FOR DISABILITIES INCURRED OR AGGRAVATED BETWEEN NOVEMBER 15, 1986 AND SEPTEMBER 29, 1988 INCLUSIVE) |  |  |   |    |   |   |
|---|--|--|---|----|---|---|
| R<br>U<br>L<br>E  | A  | B  |   |    | C   | D   |
|   | If a member is physically disabled in line of duty while   | and he or she  |   |    |   |   |
|   |  | demonstrates lost civilian compensation but is fit for military duty | can demonstrate lost civilian compensation but is not fit for military duty |    |   |   |
|   |  |  | Yes   | No |   |   |
| 1   | serving on ordered active duty for more than 30 days or while traveling to or from such active duty (note 1)   |  |   |    | active duty pay and allowances for the period of the orders plus authorized travel time. If the disability continues beyond this period, or if there is a subsequent recurrence of this disability and the member is unfit to perform normal military duty per proper medical authority, entitlement exists to pay and allowances commensurate with the regular forces (notes 2 and 3)  | medical and dental care (including hospitalization), and other treatment appropriate for the disability which is commensurate for the regular forces.   |
| 2   | serving on ordered active duty undergoing a physical examination which is incident to an active duty assignment of more than 30 days, or while traveling to or from such physical examination (note 1) |  |   |    |   |   |
| 3   | Serving on ordered active duty for 30 days or less, or while traveling directly to or from such active duty (note 1)   | X  |   |    | active duty pay and allowances for the period of the orders plus authorized travel time. If the disability continues beyond this period, or if there is a subsequent recurrence of this disability, entitlement exists to disability pay and allowances for not more than 6 months, in an amount which equals the member's lost civilian compensation or full pay and allowances, whichever is less (notes 2, 4, 7, 8, and 9) | medical and dental care appropriate for the disability until it cannot be materially improved by further hospitalization or treatment. Member is also entitled to subsistence in kind while hospitalized when not otherwise entitled to BAS (notes 9 and 10). |
| 4   | serving on ordered active duty for 30 days or less, or while traveling directly to or from such active duty (note 1)   |  | X   |    | active duty pay and allowances for the period of the orders, plus authorized travel time. If the disability continues beyond this period, or if there is a subsequent recurrence of this disability, entitlement exists to pay and allowances for not more than 6 months, in an amount which equals the member's lost civilian compensation or full pay and allowances, whichever is less (notes 2, 4, 5, 8, and 9)           |   |
| 5   |  |  |   | X  | active duty pay and allowances for the period of the orders, plus authorized travel time (note 6)   |   |

**Table 57-4. Disability Entitlements for the Reserve Forces (For Disabilities Incurred or Aggravated Between November 15, 1986 and September 29, 1988 Inclusive)**

| R<br>U<br>L<br>E | A  | B  |   |    | C  | D   |
|------------------|--|--|---|----|--|---|
|                  | If a member is physically disabled in line of duty while   | and he or she  |   |    | then he or she is entitled to  | and   |
|                  |  | demonstrates lost civilian compensation but is fit for military duty | can demonstrate lost civilian compensation but is not fit for military duty |    |  |   |
|                  |  |  | Yes   | No |  |   |
| 6                | performing inactive duty training or while, on the day of training, traveling directly to or from such training (notes 1 and 11) | X  |   |    | inactive duty training compensation for the day (both periods if two had been scheduled). If the disability continues beyond this period, or if there is a subsequent recurrence of this disability, entitlement exists to pay and allowances for not more than 6 months, in an amount which equals the member's lost civilian compensation or full pay and allowances, whichever is less (notes 2, 4, 7, 8, and 9).                                     |   |
| 7                | performing inactive duty training or while, on the day of training, traveling directly to or from such training (notes 1 and 11) |  | X   |    | inactive duty training compensation for the day (both periods if two had been scheduled). If the disability continues beyond this period, or if there is a subsequent recurrence of this disability, entitlement exists to pay and allowances for not more than 6 months, in an amount which equals the member's lost civilian compensation or full pay and allowances, whichever is less (notes 2, 4, 7, 8, and 9)                                      | medical and dental care appropriate for the disability until it cannot be materially improved by further hospitalization or treatment. Member is also entitled to subsistence in kind while hospitalized when not otherwise entitled to BAS (notes 9 and 10). |
| 8                |  |  |   | X  | inactive duty training compensation for the day (both periods if two had been scheduled). (note 6)   |   |
| 9                | traveling directly to or from inactive duty training on a day(s) other than the training day (notes 1 and 11)                    | X  |   |    | an amount which equals the member's lost civilian compensation or pay and allowances, whichever is less, for the day disabled. If the disability continues beyond this period, or if there is a subsequent recurrence of this disability, entitlement exists to pay and allowances for not more than 6 months, in an amount which equals the member's lost civilian compensation or full pay and allowances, whichever is less (notes 2, 4, 7, 8, and 9) |   |
| 10               | traveling directly to or from inactive duty training on a day(s) other than the training day (notes 1 and 11)                    |  | X   |    | an amount which equals the member's lost civilian compensation or pay and allowances, whichever is less, for the day disabled. If the disability continues beyond this period, or if there is a subsequent recurrence of this disability, entitlement exists to pay and allowances for not more than 6 months, in an amount which equals the member's lost civilian compensation or full pay and allowances, whichever is less (notes 2, 4, 5, and 9)    | medical and dental care appropriate for the disability until it cannot be materially improved by further hospitalization or treatment. Member is also entitled to subsistence in kind while hospitalized when not otherwise entitled to BAS (notes 9 and 10). |
| 11               |  |  |   | X  | (note 6)   |   |

**Table 57-4. Disability Entitlements for the Reserve Forces (For Disabilities Incurred or Aggravated Between November 15, 1986 and September 29, 1988 Inclusive) (Continued)**

## NOTES:

1. A member is considered to be traveling to the duty or training site upon departing residence with the intention of going directly to such duty or training site. A member is considered to be traveling from the duty or training site upon direct return to residence after completion of the duty or training.
2. Failure of the member to provide current and sufficient information as established by administrative regulations of the Military Service concerned may result in discontinuation of disability pay and allowances.
3. Entitlement to pay and allowances for disability beyond the period of the ordered active duty tour is not affected by resumption of normal civilian occupation, including government civilian occupation.
4. Lost civilian compensation is the difference between member's normal wages or salary or other earnings that would have been payable for the disability period had the member been fully engaged in civilian employment, less any reduced payments made to the member. Civilian earned income does not include retirement income. The member must report all leave payments and income protection payments that are received during the disability period. If the sum of these income protection plan or sick leave payments equals or exceeds the member's lost civilian compensation, no pay and allowances payments will be made. Any payments to the member will first be paid as the basic pay element and then, if necessary, as allowances (BAQ and BAS).
5. A member is entitled to compensation (but not point credit) at the rate of 1/30 of monthly basic pay for each scheduled inactive duty training period he or she is unable to attend because of the disability. This entitlement will be factored into the pay and allowances payable in note 4 so that total payments to the member for the disability period do not exceed the pay and allowances of a member of the Regular Component.
6. A member is entitled to compensation (but not point credit) at the rate of 1/30 of monthly basic pay for each scheduled inactive duty training period he or she is unable to attend because of disability incurred in the line of duty while at the training or duty site. Additionally, the member is entitled to the compensation described in the preceding sentence if disabled while traveling to or from the training or duty site unless the disability resulted from the member's gross negligence or misconduct.
7. Any military duty which the member performs will be factored into the pay and allowances payable in note 4 so that the total payments to the member do not exceed the pay and allowances of a member of the Regular Component.
8. Entitlement to disability pay and allowances exists for a period not to exceed a total of 6 months unless the Secretary of the Military Department concerned determines otherwise.
9. There is no entitlement to disability pay and allowances or medical and dental care if the member is disabled because of gross negligence or misconduct and the disability occurred while traveling directly to or from the training or duty site.
10. The member is entitled to travel and transportation, or a monetary allowance, for travel incident to medical and dental care. Member is also entitled to subsistence and in kind during hospitalization when not entitled to BAS.
11. Does not include work or study in connection with a correspondence course of an Armed Force or attendance in an inactive status at an education institution under the sponsorship of an Armed Force or the Public Health Service.

**Table 57-4. Disability Entitlements for the Reserve Forces (For Disabilities Incurred or Aggravated Between November 15, 1986 and September 29, 1988 Inclusive) (Continued)**

| DISABILITY ENTITLEMENTS FOR THE RESERVE FORCES (FOR DISABILITIES INCURRED BEFORE NOV 15, 1986) |   |  |         |  |  |
|--|---|--|---------|--|--|
| R<br>U<br>L<br>E   | A   | B                                      |         | C  | D  |
|  | If a member of  | is disabled in the line of duty due to |         | while  | then the member is   |
|  |   | Injury                                 | disease |  |  |
| 1  | a Reserve Component   | X                                      |         | serving on active duty for any period of time, or while performing authorized travel to or from such duty or training (note 1)   | Entitled to active duty pay and allowances until the orders terminate. If disability continues beyond the termination of orders, or if there is a subsequent recurrence of the disability, and the member is unfit to perform normal military duty per medical authority, entitlement exists to active duty pay and allowances and medical benefits commensurate with the Regular forces (notes 2, 4, 5, and subparagraph 570604.B.5).                           |
| 2  |   |  | X       | serving on active duty for a period of more than 30 days (except for additional training of 45 days or less under 10 U.S.C. 270(b)) or while performing authorized travel to or from such duty |  |
| 3  |   | X                                      |         | ordered to temporary duty for physical examination incident to an active duty assignment and is disabled while traveling to or from the temporary duty station                                 |  |
| 4  |   | X                                      |         | performing inactive duty training (including additional flying training periods)   |  |
| 5  | a Reserve Component, other than Navy and Marine Corps Reserve |  | X       | performing additional training of 45 days or less under 10 U.S.C. 270(b)   | Entitled to the basic pay and allowances to which entitled at the time the disease was contracted. Such entitlement exists during periods of hospitalization or rehospitalization but not for more than a total of 6 months after the end of the member's prescribed tour of duty or training. He or she is entitled to subsistence during periods of hospitalization or rehospitalization past the period of entitlement to pay and allowances (notes 2 and 6). |
| 6  |   |  |         | serving on active duty for 30 days or less   |  |
| 7  | The Navy or   |  |         | serving on active duty for 30 days or less   | not entitled to pay and allowances beyond the date authorized by the orders (note 3).  |
| 8  | Marine Corps Reserve  |  |         | performing additional training of 45 days or less under 10 U.S.C. 270(b)   |  |
| 9  | a Reserve Component   |  |         | performing inactive duty training (including additional flying training periods)   | not entitled to pay and allowances beyond the date of performance of such inactive duty training.  |

## NOTES:

- For the purpose of medical and disability entitlements, a member is considered in a travel status upon departing residence with the intention of going directly to the place where ordered to perform duty and terminates upon direct return to residence upon completion of the tour of duty.
- Member is also entitled to hospitalization, rehospitalization, and medical and surgical care in a hospital or at home. Entitlement exists only until the disability cannot be materially improved by further hospitalization or treatment. Member is also entitled to necessary transportation to the hospital and return home.
- Member is entitled to receive medical, hospital, and other treatment appropriate for the disability at government expense. The treatment will be continued until the disability resulting from the illness or disease cannot be materially improved by further treatment. Such a member is also entitled to necessary transportation and subsistence incident to treatment and return to home upon discharge from treatment.
- Entitlement to active duty pay and allowances and medical benefits commensurate with the Regular forces is not affected by resumption of normal civilian occupation and includes government civilian occupation.
- Failure of the member to provide current and sufficient information as established by administrative regulations of the Military Service concerned may result in the discontinuance of active duty pay and allowances.
- The term "hospitalization or rehospitalization" is meant to include periods of disability while under medical treatment in an outpatient status. See paragraph 570604.

Table 57-5. Disability Entitlements for the Reserve Forces (For Disabilities Incurred Before Nov 15, 1986)

## Chapter 57—Active Duty (Not Extended Active Duty) Entitlements

|                         |  |   |
|-------------------------|--|---|
| 5701—General Provisions | 570101A  | 10 U.S.C. 12315<br>37 U.S.C. 204  |
|                         | 570101B  | 10 U.S.C. 12315<br>32 U.S.C. 502f<br>44 Comp Gen 613<br>37 U.S.C. 1002  |
|                         | 570101C  | MS Comp Gen B-207339,<br>Feb 8, 1983  |
|                         | 570101D  | 32 U.S.C. 308   |
|                         | 570102   | 37 U.S.C. 907   |
|                         | 570103   | 37 U.S.C. 206(a)  |
|                         | 570104   | 10 U.S.C. 12316<br>MS Comp Gen B-207370,<br>Mar 22, 1983<br>MS Comp Gen B-179882,<br>Dec 4, 1974<br>MS Comp Gen B-207913,<br>Apr 15, 1983 |
|                         | 570105   | MS Comp Gen B-70369,<br>Nov 14, 1947<br>MS Comp Gen B-176604,<br>Aug 28, 1972   |
|                         | 570106   | 10 U.S.C. 701<br>37 U.S.C. 501  |
|                         | 5702—Allowable Travel Time for Pay Entitlement Purposes                                  |   |
|                         | 570201   | EO 10153, Aug 17, 1950 as<br>amended by EO 10649,<br>Dec 28, 1955   |
|                         | 5703—Computation of Pay  |   |
|                         | 570301   | 5 U.S.C. 5505   |
| 570302A                 | 5 U.S.C. 5505<br>13 Comp Gen 75<br>20 Comp Gen 165<br>54 Comp Gen 952<br>45 Comp Gen 395 |   |
| 570302B                 | 37 U.S.C. 1004<br>54 Comp Gen 952  |   |
| 570302C                 | 47 Comp Gen 515<br>54 Comp Gen 952   |   |
| 570303                  | 13 Comp Gen 889<br>20 Comp Gen 867   |   |

23 Comp Gen 793  
 12 Comp Gen 452  
 5 U.S.C. 5505

## 5704—Special and Incentive Pay

|              |          |   |
|--------------|----------|---|
|              | 570401A  | 37 U.S.C. 301-310   |
|              | 570401C1 | DoDD 7730.57,<br>Feb 4, 1998, Change 3  |
|              | 570401C2 | EO 11157, June 22, 1964<br>EO 11728, July 12, 1973<br>Public Law 93-294,<br>May 31, 1974                    |
|              | 570401C3 | Public Law 93-294,<br>May 31, 1974<br>37 Comp Gen 121   |
|              | 570401C4 | DoD Directive 1340.4,<br>July 17, 1972<br>Public Law 93-294,<br>May 31, 1974                                |
| ★(IC 45-99)  | 570402   | 37 U.S.C. 308b(f)<br>Public Law 106-65,<br>Section 611(b),<br>Oct 5, 1999<br>OASD(RA) Memo,<br>Dec 10, 1997 |
|              | 570403   | OASD(RA) Memo,<br>Sep 29, 1994<br>Public Law 103-337,<br>Section 611(a),<br>Oct 5, 1994                     |
| ★ (IC 45-99) | 570403A  | 37 U.S.C. 308c(a), (e)<br>Public Law 106-65,<br>Section 611(c),<br>Oct 5, 1999                              |
| ★(IC 45-99)  | 570403B  | 37 U.S.C. 308i(f),<br>Public Law 106-65,<br>Section 611(g),<br>Oct 5, 1999                                  |
|              | 570403C  | OASD(RA) Memo,<br>Sep 29, 1994<br>Public Law 103-337,<br>Oct 5, 1994  |
| ★(IC 45-99)  | 570403C1 | 37 U.S.C. 308c<br>Public Law 106-65,<br>Section 620(b),<br>Oct 5, 1999                                      |

|                             |         |  |
|-----------------------------|---------|--|
|                             |         | <i>OASD(RA) Memo,<br/>Oct 14, 1999<br/>37 U.S.C. 308e(e)<br/>Public Law 106-65,<br/>Section 611(e),<br/>Oct 5, 1999</i>                          |
| ★(IC 45-99)                 | 570404  |  |
|                             | 570409B | Public Law 103-139,<br>Section 8127,<br>Nov 11, 1993   |
| 5705—Allowances             |         |  |
|                             | 570501A | 37 U.S.C. 402a<br>Part III, EO 11157,<br>Jun 22, 1964  |
| ★(IC 03-00)                 | 570501B | <i>37 U.S.C. 1002<br/>as amended by Public Law<br/>106-65, Section 672,<br/>Oct 5, 1999</i>  |
|                             | 570502A | 37 U.S.C. 403a<br>33 Comp Gen 328<br>OASD(FM&P) Memos,<br>Oct 31, 1990 and<br>Feb 25, 1991<br>Public Law 102-190,<br>Section 632,<br>Dec 5, 1991 |
| ★(IC 03-00)                 | 570502B | <i>37 U.S.C. 1002, as amended<br/>by Public Law 106-65,<br/>Section 672, Oct 5, 1999</i>   |
|                             | 570502C | Section 401(d), EO 11157,<br>June 22, 1964   |
|                             | 570502D | OASD(FM&P) Memos,<br>Oct 31, 1990 and<br>Feb 25, 1991<br>Public Law 102-190,<br>Section 632,<br>Dec 5, 1991                                      |
|                             | 570502E | Public Law 102-25,<br>Section 310A,<br>Apr 6, 1991   |
|                             | 570503  | 43 Comp Gen 651<br>37 U.S.C. 427(b)  |
|                             | 570505  | 37 U.S.C. 418  |
|                             | 570506  | 37 U.S.C. 415-417  |
| 5706—Miscellaneous Payments | 570601  | OASD(MRA&L) Memo,  |

|          |                             |
|----------|-----------------------------|
|          | May 14, 1981                |
| 570602   | 37 U.S.C. 601-604           |
| 570603   | 37 U.S.C. 551-557           |
| 570604A  | 37 U.S.C. 204(i)            |
| 570604B1 | 10 U.S.C. 12315             |
|          | 37 U.S.C. 1002              |
| 570604B4 | 37 U.S.C. 204(b)            |
|          | 9 Comp Gen 236              |
|          | MS Comp Gen B-146551,       |
|          | Dec 13, 1961                |
| 570604B5 | 32 Comp Gen 348             |
|          | 42 Comp Gen 689             |
| 570604C1 | 47 Comp Gen 531             |
| 570604C3 | 36 Comp Gen 692             |
|          | 70 Comp Gen 350             |
| 570605   | 10 U.S.C. 1475-1480         |
|          | 10 U.S.C. 2771              |
|          | 37 U.S.C. 501d              |
| 570606   | 10 U.S.C. 1203, 1206, 3687, |
|          | 6148, 8687                  |

## 5707—Deductions and Collections

|                   |                       |
|-------------------|-----------------------|
| 570701            | 5 U.S.C. 5517         |
|                   | 5 U.S.C. 5520         |
|                   | DoD(C)(MS) Memo,      |
|                   | Apr 16, 1990          |
| 570705 and 570706 | 10 U.S.C. 802         |
| 570708            | 37 U.S.C. 707         |
| 570709            | DoD Directive 6410.3, |
|                   | Aug 16, 1989          |

## Table 57-1

Rules 2 and 3 37 U.S.C. 905(a)

Rules 4 and 5 37 U.S.C. 905(b)

## Table 57-2

Rules 1, 2, 7,  
and 10 5 U.S.C. 5505Rules 3, 4, 5,  
8, 9, and 11 37 U.S.C. 1004

## Table 57-3

Rules 1, 4, 7 37 U.S.C. 204(g)

2,3,5,6,8,9 37 U.S.C. 204(h)

10 U.S.C. 1074; 1074a

★(IC 26-00)

10 11, 12

37 U.S.C. 204(g) and  
204(h)



|                   |  |
|-------------------|--|
| 1-9               |  |
| Column D          | 37 U.S.C. 402                          |
| Note 1            | 58 Comp Gen 232                        |
| 2                 | 52 Comp Gen 99                         |
|                   | MS Comp Gen B-195470,<br>Nov 14, 1979  |
| 3-6               | 37 U.S.C. 204(h) and (i)               |
| 7                 | 37 U.S.C. 204(i)                       |
| 8                 | 10 U.S.C. 1074a                        |
| Note 10           | 33 Comp Gen 551                        |
|                   | MS Comp Gen B-181762,<br>Jul 18, 1975  |
| Note 11           | 37 U.S.C. 204(g)                       |
| Table 57-4        | 37 U.S.C. 204(g)                       |
| Rules 1, 2        | 10 U.S.C. 1074                         |
| Rule 2            | 33 Comp Gen 551                        |
|                   | MS Comp Gen B-181762,<br>July 18, 1975 |
| Rules 3-11        | 37 U.S.C. 204(h)                       |
|                   | 10 U.S.C. 1074a                        |
| Note 1            | 58 Comp Gen 232                        |
| 2                 | 52 Comp Gen 99                         |
|                   | MS Comp Gen B-195470,<br>Nov 14, 1979  |
| 3                 | 47 Comp Gen 531                        |
|                   | 54 Comp Gen 431                        |
| 4, 5, 7, 8, 9, 11 | 37 U.S.C. 204(h)                       |
| Notes 5, 6        | 37 U.S.C. 206                          |
| 9                 | 10 U.S.C. 1074a                        |
| 10                | 10 U.S.C. 1074a                        |
|                   | 37 U.S.C. 204(i)                       |
|                   | 37 U.S.C. 402                          |

**SUMMARY OF MAJOR CHANGES TO CHAPTER 58**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

New and revised instructions are indicated by a ★ placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.

| Page  | Paragraph  | Explanation of Change/Revision   | Effective Date |
|---|--|--|----------------|
| 58-10   | 580401.C   | IC 10-99 regards clothing monetary allowances.                             | Oct 1, 1998    |
| 58-1,<br>58-1,<br>58-2,<br>58-3,<br>58-3,<br>58-3,<br>58-5,<br>58-5,<br>58-9,<br>58-9,<br>58-11,<br>58-15,<br>58-15,<br>58-19,<br>58-19,<br>58-20,<br>58-20 | 580101<br>580101.A.2.D<br>580101.C<br>580106.A<br>580106.D<br>580106.E<br>580201<br>580202<br>580202.B<br>5803<br>580401.C<br>580504.A<br>580504.A.2<br>580702.A<br>580702.A, Note<br>580706.A<br>580709 | IC 38-99 regards pay and allowances for inactive duty training.            | Oct 21, 1999   |
| 58-4,<br>58-21  | 580107.D<br>Bibliography   | IC 45-99 regards certain Selected Reserve bonuses and special pays.        | Dec 23, 1999   |
| 58-4,<br>58-5,<br>58-21   | 580108<br>580108<br>Bibliography   | IC 25-00 regards Funeral Honors Duty for members of the selected reserves. | Jan 1, 2000    |
| 58-2  | 580105.B   | IC 29-00 pertains to foreign language proficiency pay.                     | Apr 1, 2000    |

*Interim changes 38-99, 45-99, 25-00, and 29-00 are incorporated in this change and supersede interim changes 26-97, 13-98, 22-98, 10-99, and 19-99. Interim change 13-98 will be deleted from the interim changes cited in the web site. This change incorporated and supersedes the portions of interim changes 26-97, 22-98, 10-99, and 19-99 applicable to Chapter 58.*

## CHAPTER 58

### PAY AND ALLOWANCES FOR INACTIVE DUTY TRAINING

#### 5801 GENERAL PROVISIONS

★ 580101. Entitlement and Computation of Inactive Duty Training Pay and Special Pay (IC 38-99)

A. Inactive Duty Training With Pay. A member of a Reserve Component is entitled to compensation at the rate of one-thirtieth of the basic pay prescribed for grade and years of service for the performance of each authorized period of:

1. Regular inactive duty training (drill or unit training assembly (UTA));

2. Equivalent training, instruction, or duty;

b. Army: For details and exceptions, see AR 140-1 and NGR 350-1 (reference (df))

b. Navy: See BUPERS Instruction 1001.39(C) Series (reference (dg))

c. Air Force: See ANGM 50-01 and Table 11-1, AFR 35-41 (reference (dh))

★ d. Marine Corps: See MCO P1001R.1j (reference (di)). (IC 38-99)

3. Appropriate duty;

4. Additional flying training period (AFTP); or

5. Additional inactive duty training.

To qualify for pay for a period of inactive duty training, each member shall engage in such duty or training for the period (not less than 2 hours) prescribed by the Secretary of the Military Department concerned (or designee). Compensation will not accrue for periods of

inactive duty performed in excess of the number authorized by the appropriate regulations of the Military Service concerned. NOTE: A member cannot qualify for pay for more than two periods of inactive duty training during a single calendar day.

B. Inactive Duty Training Without Pay. Members of the Reserve Components may, with their consent, be ordered to inactive duty training without pay when authorized by the Secretary of the Military Department concerned (or designee).

★ C. Combination Active Duty and Inactive Duty. *A member of a Reserve Component may be paid the equivalent total of pay for more than 360 days in a year, when so directed based on actual entitlement, if this total is based on a combination of active duty pay and inactive duty training compensation. (IC 38-99)*

580102. Limitation. A member cannot accrue compensation for inactive duty training performed on a day on which also entitled to basic pay for active duty or active duty for training or on a day on which entitled to muster duty allowance.

580103. Waiver of Benefits. The provisions of Chapter 57, paragraph 570104, apply to members of the Reserve Components who perform inactive duty training in a pay status.

580104. Allotment of Pay. Except as prescribed in Chapter 57, paragraph 570708, members of the Reserve Components are not authorized to allot inactive duty training compensation.

580105. Special Pays

A. Members of the Reserve Components are not entitled to special pay for periods of inactive duty except as noted in the following subparagraphs.

★ B. *A member of a Reserve Component who meets the requirements of Chapter 19, section 1901 of this volume and any additional requirements of the Military Service concerned, is entitled to foreign language proficiency pay for each regular period of instruction or period of appropriate duty at which the member is engaged for at least 2 hours. See paragraph 190103 of this volume for the applicable rates payable. This includes instruction received or duty performed on a Sunday or holiday and each period of performance of such equivalent training, instruction duty, or appropriate duties as the Secretary of the Military Department concerned (or designee) may prescribe. (IC 29-00)*

C. A member under conditions cited in subparagraph 580105.B, above, is entitled to an increase in compensation equal to one-thirtieth of the monthly special pay authorized under Chapter 19, paragraph 190103, of this volume.

D. A member of a Reserve Component who meets the requirements of Chapter 11 of this volume, based on diving duty performed on and after April 1, 1988, is entitled to diving duty pay for each regular period of instruction, or period of appropriate duty at which

the member is engaged for at least 2 hours. This includes instruction received or duty performed on a Sunday or holiday and each period of performance of such equivalent training, instruction duty, or appropriate duties as the Secretary of the Military Department concerned (or designee) may prescribe.

E. A member under conditions cited in subparagraph 580105.D, above, is entitled to an increase in compensation equal to one-thirtieth of the monthly special pay authorized for performance of diving duty for the comparable diving classification under Chapter 11, section 1103 of this volume.

580106. Muster Duty Allowance (MDA) for Reservists

★ A. Entitlement. *A member of the Ready Reserve who is not a member of the National Guard or the Selected Reserve is entitled to an MDA for a minimum of 2 hours muster duty performed pursuant to 10 U.S.C. 12319 (reference (c)). An MDA is paid once during a calendar year. (IC 38-99)*

B. Amount Payable. Refer to Joint Federal Travel Regulations (JFTR), Volume 1, Chapter 7 (reference (d)), for MDA amount, established yearly, effective January 1 of each year. The MDA amount is payable effective January 1 of each year. The MDA amount is payable regardless of pay grade.

C. Collections. From the MDA, collect:

1. FITW at the rate for one-time payments.
2. SITW at the rate appropriate for one-time payments.
3. SGLI premium of \$.50 or \$1.00. Members who perform muster duty are covered part-time under the SGLI Program. Coverage is at the maximum basic coverage rate of \$100,000 with a \$.50 deduction unless the member elects to waive coverage or applies (elects) for SSGLI at the maximum additional rate of \$100,000 with a deduction of \$1.00. Members may be covered for either \$100,000 or \$200,000, or may decline coverage. See Table 47-1 for coverage effective dates.
4. Do not collect FICA taxes.

★ D. Payment. *The allowance may be paid to a Ready Reservist before, on, or after the date on which muster duty is performed, but not more than 30 days after that date. The Ready Reservist is not entitled to other payment of any kind, including inactive duty training compensation under paragraph 580101, above, for the performance of a muster duty. (IC 38-99)*

★ E. Retirement Point Credit. *Muster duty shall not be credited in determining entitlement to, nor computing, retired pay under 10 U.S.C., Chapter 1223 (reference (C)). (IC 38-99)*

580107. Designated Unit Pay

A. An enlisted member assigned to a unit designated as a high priority unit of the Selected Reserve by the Secretary of the Military Department concerned (or designee) is, while performing inactive duty training for compensation, entitled to a maximum of \$10 designated unit pay for the performance of each authorized period of:

1. Regular inactive duty training (drill or unit training assembly); or
2. Equivalent training, instruction, or duty, provided each authorized period is not less than 4-hours duration. Authorized periods may be performed on a Sunday or a legal holiday.

B. An enlisted member of designated unit is entitled to designated unit pay for authorized periods of drill or duty performed with a nondesignated unit, but enlisted members of a nondesignated unit may not receive designated unit pay for authorized periods of drill or duty performed with a designated unit.

C. Designated unit pay is subject to federal and state withholding, but is not subject to FICA taxation.

★ *D. No payment of designated unit pay may be made for any period before the date the Secretary of the Military Department concerned designates a unit as a high priority unit, nor may any payment be made for any period of drill or instruction performed after December 31, 2000. (IC 45-99)*

580108. *Funeral Honors Duty Allowance (FHDA)*

A. Entitlement. A member of the Ready Reserves, Individual Ready Reserve (IRR), or at the discretion of the Secretary concerned, a member of the Retired Reserve without pay, is entitled to a FHDA for a minimum of 2 hours funeral honors duty. A maximum of 1 FHDA may be earned and paid in 1 calendar day.

B. Amount Payable. Pay the member \$50 regardless of pay grade for each funeral honor duty period.

C. Collections. From the FHDA, collect:

1. FITW and SITW at the rate claimed on the member's W-4 or if a W-4 is not submitted, at the rate using the daily rate table for a single member with no dependent.

2. SGLI premium of \$.50 or \$1.00. IRR and retired reserves members who do not have SGLI coverage may elect part-time SGLI coverage when performing funeral honors duty. Coverage is at the maximum basic coverage rate of \$100,000 with a \$.50

deduction unless the member elects to waive coverage or applies (elects) for SSGLI at the maximum additional rate of \$100,000 with a deduction of \$1. Members may be covered for either \$100,000 or \$200,000, or may decline coverage. See Table 47-1 for coverage effective dates.

3. Do not collect FICA.

D. Restriction. Except for expenses reimbursed for travel and transportation incident to funeral honors duty, the FHDA is the only monetary compensation authorized to be paid to a member for the performance of funeral honors duty and shall constitute full payment to the member. (IC 25-00)

5802 INCENTIVE PAY

★ 580201. Entitlement. *Members of the Reserve Components who are in a pay status are entitled to incentive pay for hazardous duty performed during periods of inactive duty training if serving under competent orders and otherwise meeting the requirements of this section. Members entitled to incentive pay for hazardous duty are entitled to an increase in compensation equal to one-thirtieth the applicable monthly rate for each authorized period of inactive duty training of not less than 2 hours. (IC 38-99)*

★ 580202. ACIP (Continuous or Conditional) or HDIP. *Members of the Reserve Components who perform inactive duty training in a pay status are entitled to ACIP or incentive pay for flying under the conditions of Chapter 22, sections 2201 or 2202 of this volume. Effective July 12, 1973, the provision of Chapter 22, subparagraphs 220103.A.1 or 220203.A.1, regarding the use of hours flown during the preceding 5 months not already used to qualify for flight pay, are equally applicable to members otherwise eligible who are performing inactive duty training. Exception: Minimum flight requirements are one-half of those prescribed for a member on active duty, that is, 2 hours per month when the calendar month is the unit period. If a fraction of a calendar month is the unit period, flying time required for such period will be as shown in Table 22-2 under "Inactive Duty." A member who has performed less than the total number of regularly scheduled drills or unit training assemblies during a month or a fractional part of a month shall meet the minimum flight requirements for the month, or fraction thereof, in order to be entitled to any flying pay for the drills or unit training assemblies actually performed. When scheduled inactive duty training was not attended and performed in a subsequent month, flying pay for such period(s) is payable, provided the member met minimum flight requirements for each period involved. (IC 38-99)*

A. Combined Flight Requirements. When a member performs both active and inactive duty with pay in the same month, designated flying time earned in that month may be combined to satisfy any ACIP or Hazardous Duty Incentive Pay (HDIP) flight requirements for that month.

1. Active and inactive duty flying time may be combined for application to flight requirements only in the month in which the flying is performed. Combined

flying time that is in excess of the requirements of the month in which actually performed, or that otherwise cannot be used in the month earned, will be redistributed into active and inactive flying time categories. Combined flying time may be applied only to other monthly flight requirements (see Chapter 22) for the appropriate status category into which redistributed (i.e., active duty flying time for active duty requirements and inactive duty flying time for inactive duty requirements). Combined flying time will be applied and any excess or unused time will be divided and placed into appropriate categories as set forth below. Note: Unless the member is performing continuous active duty in excess of 30 days, or unless the active duty period extends unbroken over parts of two months, the excess/unused active flying duty hours may not be banked for potential application to other requirements.

a. When the hours flown while on active duty are in excess of the active duty flight requirement of the month and the hours flown during the inactive duty period are also in excess of the inactive duty flight requirement of the month; all excess hours will be retained in their respective categories for application to the requirements for other months, if otherwise allowable.

Example 1: A member performed 15 days active duty and was in an inactive duty training status 15 days in the same calendar month. The member performed 5.0 hours of flying duty while on active duty and 1.5 hours while on inactive duty. The 5.0 hours earned while on active duty are excess to the 2 hours required, and the 1.5 hours earned while on inactive duty are excess to the 1.0 hours required. The 3.0 hours that are in excess of the active duty requirement will be “banked” as active duty time, if the criteria of the note in subparagraph 580202.A.1, above, are met. The 0.5 hours excess to the inactive duty requirement will be banked as inactive duty time.

b. When the hours flown while on active duty are in excess of the active duty flight requirement of the month, and the hours flown during the inactive duty period are insufficient for the inactive duty flight requirement of the month, the excess active duty hours will be applied to the inactive duty requirement. Any remaining excess or unused active duty hours will be retained for application to the requirements for other months of active duty, if otherwise allowable. If the excess active duty hours applied to the inactive duty requirement are not sufficient to meet the inactive duty requirement for that month, then any banked inactive hours shall also be applied. If the inactive duty requirement is still not satisfied, all hours revert to their respective categories to be used in meeting the requirements for other months, as allowable.

Example 2: A member performed 15 days active duty and was in an inactive duty training status 15 days in the same calendar month. Member performed 5.0 hours of flying duty while on active duty and 0.5 hours while on inactive duty. The active duty flying time is in excess of the active duty requirement of 2.0 hours, while the inactive flying time is insufficient for the inactive duty requirement of 1.0 hours. Apply 0.5 of the excess active duty hours to the inactive requirement. The remaining 2.5 excess active duty hours may be banked as active duty time, if the criteria of the note in subparagraph 580202A.1, above, are met.



c. When the hours flown while on active duty are insufficient for the active duty flight requirement of the month, and the hours flown during the inactive duty period are in excess of the inactive duty flight requirement of the month, the excess inactive duty hours will be applied to the active duty requirement. Any remaining excess or unused inactive duty hours will be retained for application to inactive duty requirements in a subsequent month. If the excess inactive duty hours applied to the active duty requirement are not sufficient for the months' active duty requirement, then any banked active duty hours shall be applied. If the active duty requirement is still not satisfied, all hours revert to their respective categories for use in meeting requirements for other months, as allowable.

Example 3: A member performed 15 days active duty and was in an inactive duty training status 15 days in the same calendar month. The member performed 0.5 hours of flying duty while on active duty and 1.5 hours while on inactive duty. The member has 0.0 hours of active duty flying time and 3.0 of inactive flying time banked. The active duty flying time is insufficient for the active duty requirement of 2.0 hours and the inactive flying time is in excess of the inactive duty requirement of 1.0 hours. Apply the 0.5 excess inactive duty hours to the active duty requirement. Combined, the active duty and inactive duty flying time is short of the requirement by 1.0 hours. In this case, there are no banked active duty hour and the active duty requirement remains unfulfilled. Therefore, the 0.5 unused active duty hour may be banked as active duty time if the criteria of the note in subparagraph 580202.A.1, above, are met and the 0.5 hour of unused inactive duty time will be banked as inactive duty time.

d. When the hours flown while on active duty are insufficient for the active duty flight requirement of the month and the hours flown during the inactive duty period are also insufficient for the inactive duty flight requirement of the month, the hours will be applied in the following sequence. First, the inactive duty hours flown will be applied to the active duty requirement. If the combined active and inactive duty hours flown are not sufficient for the active duty requirement, then any banked active duty hours shall also be applied. If the active duty requirement is still not satisfied, the active duty hours flown will instead be applied to the inactive duty requirement. If the combined active and inactive duty hours flown are not sufficient for the inactive duty requirement, then any banked inactive duty hours shall also be applied. If the inactive duty requirement is still not satisfied, all hours revert to their respective categories use in meeting requirements for other months, as allowable.

Example 4: A member performed 15 days active duty and was in an inactive duty training status 15 days in the same calendar month. The member performed 0.3 hours of flying duty while on active duty and 0.4 hours while on inactive duty. The member has 0.1 hours of active duty flying time (as a result of a period of active duty that began near the middle of the previous month and was continuous into the present month) and 0.2 hours of inactive duty flying time banked. The active duty flying time is insufficient for the active duty requirement of 2.0 hours and the inactive flying time is insufficient for the inactive duty requirement of 1.0 hours. First, apply the 0.4 hours of the inactive duty flying time to the active duty requirement. Combined, the active duty and inactive duty flying time is short of the requirement by 1.3 hours. In this case, there are 0.1 of banked active duty hours, but that also is

insufficient and the active duty requirement remains unfulfilled. Next, apply the 0.3 hours of the active duty flying time to the inactive duty requirement. Again, the coverage is not sufficient, being 0.3 hours short of the inactive duty requirement. In this case, there are 0.2 hours of banked inactive duty hours, but that also is insufficient and the inactive duty requirement remains unfulfilled. Finally, since neither the active nor the inactive requirements could be fulfilled, the unused time will be banked as allowed. The unused 0.3 hours of active flying time may be banked as active duty time, if the criteria of the note in subparagraph 580202.A.1.d.1, above, is met and the unused 0.4 hours of inactive flying time will be banked as inactive duty time.

2. Active Duty of Less Than One Calendar Month Covering Parts of Two Calendar Months. When active duty of less than 1 month covers parts of 2 consecutive calendar months, flights performed on inactive duty training may be combined to satisfy requirements for the whole period of active duty if the inactive duty flight requirements for both months have been met.

Example 1: A member performed 3.4 hours of flying while on an inactive duty training status from April 1-23. The member did not fly during active duty for training period of April 24 -May 7, or while in an inactive duty training status May 8-31. A total of 1.1 excess flying hours were accumulated before April 1. Flying time of 3.4 hours is first applied to the inactive duty training flight requirements for April (1.6 hours) and then to active duty flight requirements for April (1.0 hours). The .8 excess flying hours during April added to the 1.1 excess flying hours accumulated before April results in 1.9 excess flying hours available to apply against May flight requirements. Flight time in May totals 2.6 hours (24 days inactive duty requires 1.6 hours; 7 days of active duty requires 1.0 hours; see Table 22-2.) Accumulated excess hours first are applied to the inactive duty training flight requirements. Do not credit pay for the period 1-7 May since only 0.3 unused hours available is less than the 1.0 hours requirement.

Example 2: A member performed the following flights while on active and inactive duty training during parts of 2 calendar months. No excess flying hours were available on March 1.

| <u>Periods</u>         | <u>Time<br/>Flown</u> | <u>Flight<br/>Requirements</u> |
|------------------------|-----------------------|--------------------------------|
| (Inactive) March 1     | 1.8 hrs               | 1 hr                           |
| (Active) March 16-31   | 1.2 hrs               | 2.2 hrs                        |
| (Active) April 1-9     | 1 hr                  | 1.2 hrs                        |
| (Inactive) April 10-30 | 1.6 hrs               | 1.4 hrs                        |

NOTE: The continuous period of active duty training (March 16-April 9) is a unit period of 25 days, which requires 3.4 hours flying time. For that reason, the 31st day of March imposes required flying time. Since this member is unable to meet the flight requirements for the active duty flight period which covers parts of 2 calendar months, it is necessary to determine if the member can meet the requirements for a single month. Entitlement for the month of March

requires a composite of only 3 hours of flying time, and the month of April requires 2.6 hours. Thus, the member qualifies for flying pay for each inactive duty period and for the active duty training periods.

★ *B. Additional Flying Training Periods. A member who performs an additional flying training period (AFTP) in a pay status, if otherwise qualified, is entitled to incentive pay for flying if he or she meets the flight requirements of this paragraph for the month in which the AFTP is performed. Flying time accumulated during an AFTP may be used to satisfy requirements for inactive duty training and under the provisions of subparagraphs 580202 A.1 and 2, above, may also be used for requirements for periods of active duty or active duty for training. (IC 38-99)*

C. Operational Flying. Flying duty required by competent orders and performed by members of a Reserve Component, irrespective of unit of assignment, is considered to be operational flying.

580203. Continuous ACIP. An officer of a Reserve Component who performs inactive duty training in a pay status is entitled to continuous ACIP so long as the requirements are met for an aviation service career (not on extended active duty) defined in the Definitions and the provisions of Chapter 22, section 2202 of this volume.

580204. Submarine Duty Pay. A member of a Reserve Component who participates in scheduled drills aboard a submarine during underway operations, while under competent orders, and in a pay status, is entitled to incentive pay for submarine duty.

580205. Parachute Duty Pay. A member of a Reserve Component who performs inactive duty training in a pay status is entitled to incentive pay for parachute duty under the provisions of Chapter 24, section 2402 of this volume.

A. Parachute jumps performed during periods of inactive duty training or active duty for training qualify a member for incentive pay for either type of duty.

B. Parachute jumps performed while on extended active duty do not qualify a member for incentive pay for inactive duty training. (See Chapter 57, paragraph 570101, note, in this volume.)

580206. Flight Deck Duty, Demolition Duty and Experimental Stress Duty. A member of a Reserve Component who performs inactive duty training in a pay status is entitled to incentive pay under provisions of Chapter 24 of this volume.

★5803 SPECIAL PAY FOR CRITICALLY SHORT WARTIME HEALTH SPECIALIST IN SELECTED RESERVES (IC 38-99)

580301. Entitlement. Beginning on and after February 10, 1996, an officer of a reserve component who executes a written agreement to serve in the Selected Reserve of an

Armed Force for a period of at least 1 year and not more than 3 years is entitled to Special Pay for Critically Short Wartime Specialists in Selected Reserves. Such individual shall be an officer in a health care profession who is qualified in a specialty designated by DoD regulations as a critically short wartime specialty. No agreement under this section may be entered into after December 31, 1999.

580302. Rates Payable. Special pay under this section shall be paid annually at the beginning of each 12-month period for which the officer has agreed to serve. The initial installment is payable.

580303. References

Army: None

Navy: None

Air Force: None

580304. Termination and Refund of Special Pay. If an officer voluntarily terminates service before the end of any 12-month period of the contract, recoup the full amount of the annual payment made at the beginning of that 12-month period. A discharge in bankruptcy that is entered less than 5 years after the termination of Special Pay for Critically Short Wartime Health Specialists agreement does not discharge the medical officer from a debt arising under the terminated additional special pay agreement.

5804 ALLOWANCES

580401. Clothing Monetary Allowances, Enlisted Members. Except as provided for in subparagraphs 580401.A through C, below, an enlisted member of a Reserve Component is not entitled to any cash clothing allowances when on inactive duty training.

A. Special Initial Clothing Monetary Allowance (Navy). Enlisted members of the Naval Reserve, who are assigned to Selected Reserve units or non-pay units, are entitled to a special initial clothing monetary allowance in the amount of one-half the special initial clothing monetary allowance prescribed for chief petty officers on active duty:

1. Upon first promotion to chief petty officer;
2. Upon joining a pay selected Reserve unit or non-pay unit, if in pay grade E-7 or above, provided they have not previously been paid a cash clothing allowance for an initial outfit of clothing.

B. Quarterly Maintenance Clothing Allowance (Navy). Chief petty officers of the Naval Reserve who are assigned to Selected Reserve units, or non-pay units, and who have participated in a minimum of 75 percent of the regularly scheduled drills in the quarter

concerned, are entitled to a Reserve quarterly maintenance clothing allowance (RMA) in the amount of \$9.00 per quarter. Participation in authorized equivalent drills and drills missed as a result of active duty for training will be considered participation in regularly scheduled drills for purposes of entitlement to an RMA. A chief petty officer who is advanced to that grade or who becomes a member of a pay unit in a pay or non-pay status on other than the first day of a quarter is not entitled to a quarterly allowance until the first day of the next quarter. The allowance will not be paid for a fractional part of a quarter.

★ *C. Initial Cash Allowance for Enlisted Members. An enlisted member of a Reserve Component is entitled to an initial cash allowance for the purchase of items specifically designated by the military department concerned to be purchased by the member rather than to be furnished in kind. (See Chapter 29, paragraph 290201 of this volume.) (IC 38-99)*

580402. Officers' Uniform and Equipment Allowances

A. Initial Uniform Allowance. An officer of a Reserve Component is entitled to an initial uniform allowance upon completing 14 periods of inactive duty training as an officer in the Ready Reserve, provided each period is of at least 2 hours duration. See also Chapter 30, section 3002 of this volume.

B. Repeal and Save Pay Provision of Uniform Maintenance Allowance. The authority (37 U.S.C. 416(a) (reference (aa)) for payment of the uniform maintenance allowance in subparagraph 580402.C, below, was repealed by the Congress effective November 29, 1989. However, a save pay provision was enacted which provides that an officer of a Reserve Component who, but for the repeal of the authority for the uniform maintenance allowance, would have become entitled to such allowance before the end of the one-year period beginning on November 29, 1989, shall be entitled (during such one-year period) to receive the allowance as in effect on November 28, 1989.

C. Uniform Maintenance Allowance. An officer of a Reserve Component who has not become entitled to a uniform allowance during the preceding 4 years is entitled to \$50.00 as reimbursement for the purchase of required uniforms and equipment upon completion of each period, after July 9, 1952, of 4 years of satisfactory federal service (SFS) in an active Reserve status in one or more Reserve Components, including at least 28 days of active duty or active duty for training. A year of SFS is any year in which member is credited with 50 points earned as a member of a Reserve Component of an Armed Force or in the Army or Air Force without component.

1. Restrictions. The following periods of service will not be included in the computation of 4 years of SFS:

a. Any period of active duty or active duty for training of more than 90 consecutive days.

b. Any period of duty during which the officer is not required to wear the uniform.

c. Any service as an enlisted member of the Reserve Components.

d. A 4-year period of SFS completed before October 3, 1964, if part of the service was performed in a different Reserve Component. However, a 4 year period of SFS completed on or after October 3, 1964 may include service in a different Reserve Component, even though such service was performed before October 3, 1964. (See Example 1.)

2. Examples of Uniform Maintenance Allowance (UMA) Conditions:

Example 1: An officer completed 2 years of SFS in the Air Force Reserve on March 3, 1965, at which time the Reserve unit was inactivated. On April 1, 1965, the officer transferred to an ANG unit and, thereafter earned points as follows:

|                                |           |
|--------------------------------|-----------|
| April 1, 1965 - March 31 1966  | 50 points |
| April 1, 1966 - March 31, 1967 | 50 points |

On April 1, 1967, it was determined that the officer had completed 2 years of SFS in the ANG as of March 31, 1967. This may be combined with the 2 years of SFS earned in the Air Force Reserve unit to qualify the officer for UMA of \$50.00 as of March 31, 1967.

Example 2: An officer completed 2 years of SFS in the Army Reserve on March 31, 1963, at which time the Reserve unit was inactivated. On April 1, 1963, the officer transferred to an ANG unit, and was paid an initial uniform allowance because a different uniform was required and, thereafter earned points as follows:

|                                |           |
|--------------------------------|-----------|
| April 1, 1963 - March 31, 1964 | 50 points |
| April 1, 1964 - March 31, 1965 | 50 points |
| April 1, 1965 - March 31, 1966 | 50 points |
| April 1, 1966 - March 31, 1967 | 50 points |

On April 1, 1966, it was determined that the officer had completed 2 years of SFS in the ANG as of March 31, 1966. This may be combined with the 2 years of SFS earned in the Army Reserve to give the officer a total of 4 years of SFS. However, a UMA was not payable until April 1, 1967, 4 years after the date the officer was paid the initial uniform allowance. Note that the required period of 4 years since entitlement to the last allowance (an initial allowance in this case) does not have to be 4 years of SFS.

Example 3: An officer completed 2 years of SFS in the Army Reserve on March 31, 1963, and transferred to the Marine Corps Reserve on April 1, 1963. The officer was immediately called to active duty for more than 90 days and qualified for both the initial and active duty allowances, thereafter earning points as follows:

|                             |           |
|-----------------------------|-----------|
| Apr 1, 1963 - July 30, 1963 | (Note 1)  |
| July 1, 1963 - Mar 31, 1964 | 30 points |
| Apr 1, 1964 - Mar 31, 1965  | 50 points |
| Apr 1, 1965 - July 15, 1965 | (Note 2)  |
| Apr 1, 1965 - Mar 31, 1966  | 30 points |
| Apr 1, 1966 - Mar 31, 1967  | 50 points |

## NOTES:

1. Active duty (shall be excluded).
2. Active duty (shall be excluded, officer did not qualify for active duty allowance).

On April 1, 1965, it was determined that the officer completed 1 year of SFS for UMA purposes as of June 30, 1964.

On April 1, 1966, it was determined that the officer had not completed another year of SFS for UMA purposes as of June 30, 1965, because the period of active duty, April 1 through July 15, 1965, had to be excluded. However, it was determined that the year of SFS was completed as of October 31, 1965. These 2 years may be combined with the 2 years of SFS earned in the Army Reserve to give the officer 4 years of SFS. However, payment of the \$50.00 UMA could not be made until April 1, 1967, 4 years after entitlement to last allowance.

Example 4: An officer began a 4-year period of federal service on July 1, 1949 and earned points as follows:

|                              |           |
|------------------------------|-----------|
| July 1, 1949 - June 30, 1950 | 50 points |
| July 1, 1950 - Sep 30, 1950  | (Note)    |
| July 1, 1950 - June 30, 1951 | 30 points |
| July 1, 1951 - June 30, 1952 | 50 points |
| July 1, 1952 - June 30, 1953 | 50 points |
| July 1, 1953 - June 30, 1954 | 50 points |

NOTE: Active duty (more than 90 days, shall be excluded; officer did not qualify for active duty allowance).

While this officer had completed the 4 years of SFS on September 30, 1953 to qualify for the \$50.00 UMA, this could not be determined until July 1, 1954, when the officer completed the year of SFS from July 1, 1953, to June 30, 1954, and was credited with the \$50.00 UMA on July 1, 1954.

Example 5: An officer began a 4-year period of federal service on July 1, 1949, and earned points as follows:

|                              |           |
|------------------------------|-----------|
| July 1, 1949 - June 30, 1950 | 50 points |
| July 1, 1950 - June 30, 1951 | 30 points |
| Oct 1, 1950 - Dec 31, 1950   | (Note)    |
| July 1, 1951 - June 30, 1952 | 50 points |
| July 1, 1952 - June 30, 1953 | 50 points |
| July 1, 1953 - June 30, 1954 | 50 points |
| July 1, 1954 - June 30, 1955 | 50 points |

NOTE: Active duty (more than 90 days, shall be excluded, officer qualified for active duty allowance of \$100).

On July 1, 1954, it was determined that the officer had completed 4 years of SFS as of October 2, 1953. However, the member was not entitled to the \$50.00 UMA until 4 years after date of entitlement to the last allowance, which was October 1, 1950. The member was credited with the \$50.00 UMA on October 1, 1954.

#### 5805 MISCELLANEOUS PAYMENTS

##### 580501. Pay and Allowances While Disabled

See Chapter 57, paragraph 570604 of this volume for entitlements when a member of a Reserve Component is disabled while performing inactive duty training.

##### 580502. Payment on Behalf of Deceased Members

A. Death Gratuity. The eligible beneficiaries of a member of a Reserve Component are entitled to payment of death gratuity, regardless of whether death occurred in the line of duty or was the result of the member's misconduct, if member dies:

1. While on inactive duty training.
2. While traveling directly to or from inactive duty training.
3. Within 120 days after discharge or release from inactive duty training, if the Department of Veteran's Affairs (VA) determines that death resulted from an injury or disease incurred or aggravated while performing, or traveling directly to or from such training.

B. Eligible Beneficiaries. The provisions of Table 36-1 apply to members of the Reserve Components.

C. Determining Eligible Beneficiaries. The provisions of Chapter 36, paragraph 360104 of this volume apply to members of the Reserve Components.



D. Determination Affecting Entitlement. The provisions of Chapter 36, paragraph 360105 of this volume apply to members of the Reserve Components.

E. Amounts Payable. The provisions of Chapter 36, paragraph 360106 of this volume apply to members of the Reserve Components.

F. Expediting Payments. The provisions of Chapter 36, paragraph 360107 of this volume apply to members of the Reserve Components.

G. Erroneous Payment. The provisions of Chapter 36, paragraph 360109 of this volume apply to members of the Reserve Components.

H. Settling Deceased Member's Accounts. The provisions of Chapter 36, section 3602 of this volume, apply to members of the Reserve Components.

580503. Disability Severance Pay

A. A member who performs inactive duty training and is separated for physical disability due to injury which was the proximate result of the performance of such duty, is entitled to severance pay if otherwise qualified under appropriate personnel regulations.

B. Computation of severance pay will be as prescribed in Chapter 35 of this volume.

580504. Reservists' Special Separation Pay (RSSP)

★ A. Eligibility. *Upon approval of the Secretary of the Military Department concerned and in accordance with Public Law 102-484, Sections 4411 through 4422, as amended, October 23, 1992 (reference (en)), pay RSSP to a Reservist who has served more than 20 years of service but who has not reached his/her 60th birthday and meets the following conditions: (IC 38-99)*

1. The member will apply for such pay and request transfer to the Retired Reserve on or after March 11, 1993.

★ 2. *The member shall have completed at least 20 years of service computed under 10 U.S.C. 12732 (reference (c)), and be qualified to receive nonregular retired pay (except for having reached the age of 60), not later than September 30, 2001. (IC 38-99)*

3. Members who are authorized to receive early (completed at least 15 but less than 20 years of service as computed under 10 U.S.C. 12732 (reference (c))) nonregular retired pay at age 60 are not authorized to receive RSSP.

4. Members are not eligible to receive RSSP if they are entitled to immediate payment of retired or retainer pay based solely on military service.

**B. Computation of Annual Payment**

1. Using an official statement of service, determine the member's total years of creditable service under 10 U.S.C. 12732 (reference (c)) as of the date of transfer to the Retired Reserve. (Do not pay RSSP if the member has less than 20 years of service.) Round total years down to the nearest whole year.

2. Using the total years determined above, determine the multiplier from the following Table:

| <u>Years of Service</u> | <u>Multiplier</u> |
|-------------------------|-------------------|
| 20                      | 5.0%              |
| 21                      | 5.5%              |
| 22                      | 6.0%              |
| 23                      | 6.5%              |
| 24                      | 7.0%              |
| 25                      | 7.5%              |
| 26                      | 8.0%              |
| 27                      | 8.5%              |
| 28                      | 9.0%              |
| 29                      | 9.5%              |
| 30 or more              | 10.0%             |

3. Compute annual RSSP installment by multiplying 12 times the monthly basic pay to which the member would be entitled if the member were serving on active duty on the date the member transfers to the Retired Reserve times the multiplier.

4. Subject to the exception set out below, pay the member a maximum of five installments, the number of installments being as determined by the Secretary of the Military Department concerned (or designee). Pay the first installment on the member's date of transfer to the Retired Reserve. Any additional installments are due on successive anniversary dates. Do not make any payments after a member reaches age 60. For transfers which occur after October 5, 1994, prorate any installment, including the initial payment, which is due the member after the member's 59th birthday but before the member's 60th birthday. See Example 2 below.

Example 1: A member who was born June 5, 1937, and who has 23 years 10 months of creditable service under 10 U.S.C. 12732 (reference (c)), and who has 28 years total service for pay purposes (includes service not creditable under 10 U.S.C. 12732 (reference (c))), transfers to the Retired Reserve on June 19, 1993, in the grade E-8, and the Secretary of the Military Department concerned approves payment of RSSP. Years of creditable service for RSSP purposes is 23 years (the 10 months are rounded down), with a multiplier of 6.5 percent basic pay for an E-8 with 28 years for pay purposes is \$2808.60. The member's RSSP is \$2190.71 (\$2808.60 X 12 X .065). Pay an initial installment of \$2190.71 on

June 19, 1993, with additional installments on June 19, 1994, June 19, 1995, and June 19, 1996. Since the member's 60th birthday will occur before the next installment date of June 19, 1997, no further payment will be made.

Example 2: On June 30, 1995, a member (who was born on December 5, 1936) transfers to the Retired Reserve with entitlement to two years of RSSP at the rate of \$6,000 per year, as determined by the Secretary of the Military Department concerned (or designee). The initial payment is in the full amount. The second installment, however, is due on June 30, 1996, which is after the member's 59th birthday but before his 60th birthday. Prorate for each full month between the due date and the member's 60th birthday. In this case, the second installment is 5/12ths of \$6,000, or \$2,500.

5. Withhold taxes from the initial payment at the rate appropriate for one-time payments for both federal and applicable state tax withholding purposes. Withhold taxes from any other RSSP installment payments at the rate appropriate for salaries paid on an annual basis, currently set forth for federal withholding purposes in of IRS Circular E, Table 7 (reference (cf)). When withholding taxes payments under Table 7, give appropriate consideration to any withholding exemptions claimed by the member on a Form W-4.

6. Receipt of these annual payments does not decrease or otherwise affect the retired pay to which the member is entitled at age 60.

7. In the event of the member's death, do not make any remaining annual payments.

580505. Reservists' Involuntary Separation Pay (RISP)

A. Payment. Upon approval by the Secretary of the Military Department concerned (or designee), and subject to the restrictions in this paragraph, pay RISP to a member the Selected Reserve who has at least 6 years but less than 15 years of service under 10 U.S.C. 12732 (reference (c)) as of the date of discharge from a Reserve Component or involuntary transfer from the Selected Reserve. Do not make payment if the separation occurs before March 11, 1993.

B. Computation

1. Using an official statement of service, determine years of service under 10 U.S.C. 12733 (reference (c)), computing to three decimal places and rounding to two decimal places. Do not include in the 10 U.S.C. 12733 (reference (c)) service any days or points for which the member previously received separation, severance, or readjustment pay.

2. Multiply the number of years of service under 10 U.S.C. 12733 (reference (c)) times 0.15 times 62 times the member's daily rate of basic pay if serving on active duty as of the date of separation or transfer from the Selected Reserve. The product is the RISP.

Example: A member who is an E-5 over 8 years total service for pay purposes (daily rate of pay \$47.55) and a total of 1,760 retirement points credit is approved for discharge on August 27, 1993, by the Secretary of the Military Department concerned (or designee). Compute RISP as follows: Divide total Retirement Points Credit 1,760 by 360 = 4.89 years (computing to 3 decimal places rounding to 2 decimal places) x 15% x 62 x \$47.55 (daily rate of pay) = \$2,162.43 RISP.

3. Withhold federal and state income taxes in accordance with Volume 7C, Chapter 5, paragraph 050503 of this regulation. RISP payments are not subject to FICA or Medicare taxes.

4. A recipient of RISP who later receives basic pay, inactive duty training compensation, or retired or retainer pay, shall have such pay, compensation, or retired pay reduced by 75 percent until the total reductions equal the total RISP received.

5. A member who has received RISP, who later receives disability compensation from the Department of Veterans Affairs, shall have deducted from such disability compensation the total amount of RISP. However, there shall be no such reduction if the disability compensation is for a disability incurred or aggravated after the period for which the RISP was paid.

6. Members are not authorized to receive RISP when they are authorized to receive early (completed at least 15 but less than 20 years of service as computed under 10 U.S.C. 12732 (reference (c))) nonregular retired pay at age 60.

#### 5806 DEDUCTIONS AND COLLECTIONS

580601. Income Tax Withholding. The provisions of Chapter 57, paragraph 570701 apply to members of the Reserve Components who are performing inactive duty training.

580602. Federal Insurance Contributions Act (FICA). See Chapter 45 of this volume.

580603. Courts-Martial Sentences. The provisions of Chapter 48 of this volume apply to members of the Reserve Components who are performing inactive duty training.

#### 580604. Nonjudicial Punishment

A. The provisions of Chapter 49 of this volume, except paragraph 490302, apply to members of the Reserve Components who are performing inactive duty training.

B. The maximum forfeiture to which a member of a Reserve Component is subject, while in an inactive duty status, is limited to one-half of the inactive duty training compensation to which entitled during the period of the sentence. This applies also to a member

who is on active duty for training when the nonjudicial punishment is imposed, and reverts to an inactive duty status during the period of the sentence.

580605. Stoppages and Collections Other Than Courts-Martial Forfeitures. The provisions of Chapter 50 of this volume apply to members of the Reserve Component who are performing inactive duty training. Remission of indebtedness is not applicable to members in an inactive duty status.

580606. Waiver of Claims for Erroneous Payment of Pay and Allowances. See Chapter 50, paragraph 500601 of this volume.

580607. Legal Process for the Enforcement of Child Support and Alimony Obligations. See Chapter 50, paragraphs 500201, 500202, and 500203 of this volume.

#### 5807 SERVICEMEMBERS' GROUP LIFE INSURANCE (SGLI) PROGRAM

580701. Definitions. See Chapter 47, section 4701 of this volume.

580702. Part-Time Coverage. The SGLI Program is administered by the VA.

★ *A. Basic Coverage. Effective April 1, 1996, this program automatically insures eligible members against death in the amount of \$200,000. Part-time coverage is available to certain eligible members of the Ready Reserve who do not qualify for full-time coverage while performing active duty or active duty for training under calls or orders specifying periods of less than 31 days. Members may elect coverage for less than \$200,000, in \$10,000 increments, or may elect to decline coverage. (IC 38-99)*

★ *NOTE: Selected Reservists, and any other Ready Reserve members who are assigned or attached to a unit or position where such member is scheduled to perform at least 12 periods of inactive duty for training annually, is eligible for full-time coverage. (See Chapter 47 of this volume for full-time coverage policy and procedures.) (IC 38-99)*

B. Changes in Coverage. A member who is covered for an amount less than maximum SGLI coverage may later apply for increased coverage in writing, in an amount of up to \$200,000 with proof of good health. See Table 47-1, note 7, for the only exception to the proof of good health requirement.

C. Any election made continues in effect during continuous obligation to perform duty in the same Uniformed Service, including any active duty for a period of more than 30 days. For mobilization, see Table 47-1, rule 8.

580703. Periods of Coverage. See Table 47-1.

580704. Appellate Leave. See Chapter 47, section 4705 of this volume.

580705.        Forfeiture of SGLI. See provisions of Chapter 47, section 4706 of this volume.

580706.        Deductions (SGLI Premiums)

★        A.        General. Amounts for premium deductions are \$1.00 for each \$10,000 of coverage per fiscal year. The premium due is for the entire fiscal year without regard for any portion served by a member. The annual premium is collected from the member's pay account during the first period of duty each year in which the member is in a pay status, or for those not in a pay status, by direct payment by the member to the appropriate Military Service. The premium is not prorated. (IC 38-99)

B.        Election Changes. Amounts deducted for coverage before the effective date of a waiver of coverage or before an election of a lesser amount of coverage are not refunded. Should a member elect increased coverage during a year in which a duty period has already been performed, collect the difference (between the higher annual premium and the premium previously collected) during the first period of duty in which the member is in a pay status that same year, if applicable.

580707.        Refunds. See Chapter 47, section 4708 of this volume.

580708.        Settlement of SGLI Claims. See Chapter 47, section 4710 of this volume.

★        580709.        Retired Reserve. Reservist with full-time coverage, will upon retirement, have the option of converting their SGLI coverage to Veterans Group Life Insurance (VGLI). On the day that a member is assigned to (or who upon application would be eligible for assignment to) the Retired Reserve, that member's SGLI coverage will remain in effect for 120 days after separation and/or retirement. A member also has 1 year and 120 days after separation and/or retirement to apply for conversion to VGLI. If the member applies for conversion to VGLI within 120 days after separation and/or retirement, medical proof of insurability is not required. (IC 38-99)

## Chapter 58—Pay and Allowances for Inactive Duty Training

## 5801—General Provisions

|              |          |  |
|--------------|----------|--|
|              | 580101A  | 37 U.S.C. 206  |
|              | 580101B  | 10 U.S.C. 12315  |
|              |          | 37 U.S.C. 1002   |
|              | 580101C  | MS Comp Gen B-207339,<br>Feb 8, 1983   |
|              | 580102   | 37 U.S.C. 206(a)   |
|              |          | 37 U.S.C. 433(d)   |
|              | 580103   | 10 U.S.C. 12316  |
|              |          | 62 Comp Gen 266  |
|              |          | MS Comp Gen B-179882,<br>Dec 4, 1974   |
|              |          | MS Comp Gen B-207913,<br>Apr 15, 1983  |
|              | 580105   | Public Law 99-661,<br>Nov 14, 1986   |
|              |          | DoD Instruction 7280.3,<br>Apr 15, 1987  |
|              |          | Public Law 100-180,<br>Dec 4, 1987   |
|              |          | 37 U.S.C. 316  |
|              | 580106   | 37 U.S.C. 433  |
|              |          | 10 U.S.C. 12319  |
|              |          | Public Law 101-189,<br>Section 502,<br>Nov 29, 1989                                    |
|              |          | JFTR, Vol 1  |
|              | 580106B  | JFTR, U7175  |
|              | 580106B3 | OASD(RA(G/RM&P))<br>Memo, undated  |
|              | 580106D  | Public Law 105-85,<br>Section 627<br>Nov 18, 1997                                      |
|              | 580107   | 37 U.S.C. 308d, as amended<br>by Public Law 102-190,<br>Section 612(b),<br>Dec 5, 1991 |
| ★ (IC 45-99) | 580107D  | Public Law 106-65,<br>Section 611(d),<br>Oct 5, 1999                                   |
| ★ (IC 25-00) | 580108   | 37 U.S.C. 308d (c)<br>37 U.S.C. 435  |

## 5802—Incentive Pay

|             |                             |
|-------------|-----------------------------|
| 580201      | 37 U.S.C. 301(b) and (f)    |
| 580202      | EO 11157, June 22, 1964     |
|             | EO 11292, Aug 1, 1966       |
|             | EO 11728, July 12, 1973     |
|             | Public Law 93-294,          |
|             | May 31, 1974                |
| 580202A     | EO 11157, June 22, 1964     |
| 580202A1    |                             |
| (Example 1) | 37 Comp Gen 121             |
| 580202A2    | EO 11157, June 22, 1964     |
|             | EO 11728, July 12, 1973     |
| 580202B     | 37 U.S.C. 206               |
|             | 37 U.S.C. 301(f)            |
|             | EO 11157, June 22, 1964     |
| 580203      | 37 U.S.C. 301(a)(2) and (3) |
|             | EO 11157, June 22, 1964     |

## 5803—Special Pay for Critically Short Wartime Health Specialist in Selected Reserves

37 U.S.C. 302(g)  
as amended,  
Public Law 105-261,  
Section 611, Oct 17, 1998  
DoD 1205.20, Jan 8, 1996  
DoD 1205.21, Mar 1, 1996

## 5804—Allowances

|         |                       |
|---------|-----------------------|
| 580401  | 32 U.S.C. 701         |
|         | 37 U.S.C. 418         |
| 580402  | 37 U.S.C. 415-417     |
| 580402B | 37 U.S.C. 416(a)      |
|         | 10 U.S.C. 12732(a)(2) |
|         | Public Law 101-189,   |
|         | Section 663,          |
|         | Nov 29, 1989          |

## 5805—Miscellaneous Payments

|                     |                     |
|---------------------|---------------------|
| 580502A             | 10 U.S.C. 1475-1476 |
|                     | 32 U.S.C. 321       |
| 580502B and 580502C | 10 U.S.C. 1477      |
| 580502D             | 10 U.S.C. 1480      |
| 580502E             | 10 U.S.C. 1478      |
| 580502F             | 10 U.S.C. 1479      |



|  |  |
|--|--|
| 580502G  | 37 Comp Gen 131  |
| 580502H  | 10 U.S.C. 2771   |
|  | 37 U.S.C. 501d   |
| 580503   | 10 U.S.C. 1206, 3687, 6148,<br>8687  |
| 580504   | Public Law 102-484,<br>Sections 4411-4418,<br>Oct 23, 1992<br>OASD(FM&P) Memo,<br>Mar 11, 1993<br>Public Law 103-160,<br>Section 561(f),<br>Nov 30, 1993 |
| 580504A2   | Public Law 103-160,<br>Section 561(f),<br>Nov 30, 1993   |
| 580504B4   | Public Law 103-337,<br>Section 518,<br>Oct 5, 1994   |
| 580505   | Public Law 102-484,<br>Sections 4411-4418,<br>Oct 23, 1992<br>OASD(FM&P) Memo,<br>Mar 11, 1993<br>Public Law 103-160,<br>Section 561(f),<br>Nov 30, 1993 |
| 5806—Deductions and Collections                          |  |
| 580601   | See Para 570601 references   |
| 580603   | 10 U.S.C. 802  |
| 580604   | 10 U.S.C. 815<br>MS Comp Gen B-165244,<br>Oct 2, 1968  |
| 580605   | 37 U.S.C. 1007<br>5 U.S.C. 5514<br>Dig Ops 1912 page 78<br>10 U.S.C. 9837d<br>Public Law 99-166,<br>Dec 3, 1985<br>Public Law 102-25,<br>Apr 6, 1991     |
| 5807—Servicemembers' Group Life Insurance (SGLI) Program |  |

|               |   |
|---------------|---|
| 580701-580703 | 38 U.S.C. 1965-1976<br>Public Law 102-568,<br>Oct 29, 1992<br>38 CFR Part 9<br>DoD Directive 1215.6,<br>Dec 18, 1990<br>Public Law 104-276,<br>Section 405, Oct 9, 1996 |
| 580702        | Public Law 104-106,<br>Section 646, Feb 10, 1996  |

**SUMMARY OF MAJOR CHANGES TO CHAPTER 59**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

**New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.**

| <b>Page</b>             | <b>Paragraph</b>                              | <b>Explanation of Change/Revision</b>  | <b>Effective Date</b> |
|-------------------------|---|--|-----------------------|
| 59-3,<br>59-4,<br>59-4, | 590105.C,<br>590403<br>590503                 | IC 18-00 pertains to the Air Force Reserve Officer Training Corps (ROTC) Subsistence and Uniform Commutation Program | Jun 5, 2000           |
| 59-1,<br>59-1,<br>59-2  | 590101.A,<br>590102,<br>5902,<br>Bibliography | IC 19-00 regards Midshipman or Scholarship Cadets Entitled to Monthly Subsistence.                                   | Oct 1, 1999           |

*Interim Changes 18-00 and 19-00 are incorporated in this change.*

## CHAPTER 59

### **PAYMENT OF MEMBERS OF THE SENIOR RESERVE OFFICERS' TRAINING CORPS (ROTC)**

#### 5901 SUBSISTENCE ALLOWANCE

##### 590101. First Two Years

★ A. Scholarship Cadets or Midshipmen. *Except while performing field training or at-sea training and for the period(s) between academic school years, a scholarship (10 U.S.C. 2107 (reference (c))) cadet or midshipman is entitled to subsistence allowance of \$200 per month effective October 1, 1999. Entitlement begins on the day the cadet or midshipman starts the first term of college work and continues through completion of the second year, except for the periods of any field/at-sea training and periods between academic school years, for a maximum of 20 months. The 20 months' limitation is based upon a 10-month academic school year. Individual cadet or midshipman entitlement will be based upon his or her actual academic school year, not to exceed 10 months per academic year. (IC 19-00)*

B. Non-scholarship Cadets or Midshipmen. Non-scholarship cadets and midshipmen are not entitled to subsistence allowance.

★ 590102. Advanced Training. *Except while performing field training or at-sea training, a cadet or midshipman who has been selected for advanced training is entitled to subsistence allowance of \$200 per month effective October 1, 1999. Entitlement begins on the day the cadet or midshipman starts the advanced training and continues uninterrupted except for the periods of any field/at-sea training until completion of instruction, but not for more than 20 months (30 months when the Secretary of the Military Service has authorized the individual extended entitlement for a 5-year program). (IC 19-00)*

590103. Accelerated Completion of Military Instruction. A cadet or midshipman participating in advanced training at an institution which is withdrawn from the program may complete the third and fourth year (or the fourth and fifth year of a 5-year program) of military training in the third year (or the fourth year of a 5-year program) and be paid subsistence allowance during the fourth academic year (or the fifth year of a 5-year program), as though enrolled for training in the fourth year (or the fifth year of a 5-year program).

##### 590104. Limitations

A. Deduction for Field Training and At-Sea Training. A cadet or midshipman is not entitled to the subsistence allowance while performing field training or at-sea training. During the period of field training or at-sea training, the cadet or midshipman is entitled to pay as specified in paragraph 590801, below.

B. Vacation Periods

1. A cadet or midshipman enrolled in the first 2 years of the program is not entitled to subsistence allowance for any period(s) between academic school years, for example, summer vacations between academic school years. (Holiday breaks do not interrupt the entitlement.)

2. A cadet or midshipman enrolled in the advanced course is entitled to subsistence allowance uninterrupted by any periods between academic school years (subject only to the overall 20 months (30 months in an approved 5-year program) entitlement limitation and subject to deduction for any periods of field training or at-sea training).

C. Government Meals Furnished Without Charge. ROTC members will have deducted from their subsistence allowance on a per meal basis the charge for government meals furnished without charge. The total deduction for any day will not exceed one-thirtieth of the subsistence allowance. This recoupment provision does not apply when meals are furnished during training events conducted during the academic year.

590105. Payment Procedures. Detailed instructions governing the payment of subsistence allowance to the respective ROTC members are contained in:

A. Army: AR 37-104-3 (reference (bh)).

B. Navy: Regulations for the administration and management of the Naval Reserve Officers' Training Corps (NROTC), CNET Instruction 1533.12 Series (reference (dj)).

★ C. Air Force: *AFOATSI 65-101 (reference (dk)) and AFOATSI 65-102 (reference (dl)). (IC 18-00)*

5902 SUBSISTENCE ALLOWANCE FOR MARINE CORPS PLATOON LEADERS CLASS

★ *Except while serving on active duty, a member of the Marine Corps Platoon Leaders Class program is entitled to subsistence allowance at the rate of \$200 per month effective October 1, 1999. Detailed instructions governing the payment of the subsistence allowance are in MCO P7220.31D (reference (cw)). (IC 19-00)*

5903 TRAVEL AND TRANSPORTATION ALLOWANCES

Joint Federal Travel Regulations (JFTR), Volume 1, paragraph U7150-F4 (reference (d)), governs the travel and transportation allowances of ROTC cadets and midshipman.

5904 COMMUTATION IN LIEU OF UNIFORMS

590401. Army: See AR 710-2 (reference (dm)).

590402. Navy: See Naval Reserve Officers' Training Corps Regulations, CNET Instruction 7220.2 Series (reference (dn)).

★ 590403. Air Force: *AFOATSI 65-101 (reference (dk)) and AFOATSI 65-102 (reference (dl)). (IC 18-00)*

#### 5905 TEXTBOOK ALLOWANCES, SCHOLARSHIP CADETS AND MIDSHIPMEN

590501. Army: No specific monetary entitlement. Required texts are issued by respective universities, which in turn are reimbursed with appropriated funds.

590502. Navy: See Naval Reserve Officers' Training Corps Regulation, CNET Instruction 7330.3 series (reference (do)).

★ 590503. Air Force: *AFOATSI 65-101 (reference (dk)) and AFOATSI 65-102 (reference (dl)). (IC 18-00)*

#### 5906 ALLOTMENTS

A member or applicant for membership in the ROTC program is not authorized to register allotments.

#### 5907 NONENTITLEMENT TO RESERVE DRILL PAY (NAVY)

Drill payments to NROTC members are authorized only for students selected for advanced training in their freshman and sophomore years and who specifically request continuation in a drill status.

#### 5908 FIELD TRAINING OR AT-SEA TRAINING

590801. Basic Pay. A member or applicant for membership in the ROTC program is entitled to pay at the monthly rate prescribed in Table 2-5. Pay status begins on the day of arrival at the training site or on the effective date of orders, whichever is later, and ends on the day the member or applicant is relieved from such training. Member is not entitled to basic pay while performing authorized travel to or from the training site.

NOTE: A member or applicant for membership in the ROTC program is not entitled to longevity increases.

590802. Special and Incentive Pay. A member or applicant for membership in the ROTC program is not entitled to special or incentive pay.

590803. Allowances. A member or applicant for membership in the ROTC program is not entitled to allowances while performing field training or at-sea training except as authorized in section 5903, above.

590804. Deductions. The basic pay of a member or applicant for membership in the ROTC program is income subject to withholding for federal income tax and Federal Insurance Contributions Act taxes (FICA). (See Treasury Circular E (reference (cf)) and paragraph 450306 for rates of deduction.)

590805. Servicemembers' Group Life Insurance (SGLI). Public Law 89-214, September 29, 1965, as amended by Public Law 91-291, effective June 25, 1970 and Public Law 93-289, effective May 24, 1974 (reference (dp)), provides for SGLI coverage to Reserve Officers' Training Corps members.

A. Chapter 47 applies to members, cadets or midshipmen of the Reserve Officers' Training Corps performing full-time duty while attending field training or practice cruises under calls or orders not limited to 30 days or less.

B. Chapter 58, section 5807, applies to members, cadets, or midshipmen of the Reserve Officers' Training Corps performing full-time duty while attending field training or practice cruises under calls or orders limited to 30 days or less.

C. Member, cadet, or midshipman is provided SGLI coverage while proceeding directly to or returning directly from the place where such duty is performed.

590806. Advance Pay. See Chapter 32, paragraph 320109.

#### 5909 DISABILITY BENEFITS

590901. Entitlements for Cadets and Midshipmen Disabled While Enroute to or From Field or At-Sea Training. A cadet or midshipman, who is disabled enroute to or from field or at-sea training and who is otherwise entitled to the subsistence allowance described in section 5901, is entitled to the subsistence allowance for the day of incurrence of the disability and continuing thereafter subject to the provisions of Chapter 59, section 5901. The cadet or midshipman may also be entitled to the compensation and other benefits of Title 38., U.S.C., Chapter 11 (reference (bx)).

590902. Entitlement for Cadets and Midshipmen Disabled While Attending Field or At-Sea Training. A cadet or midshipman who is disabled while attending field or at-sea training is entitled to the monthly cadet rate of pay prescribed in Table 2-5 through the last day of the ordered training period. If the disability continues beyond the ordered tour, the cadet or midshipman, if otherwise entitled, is entitled to the subsistence allowance described in section 5901. As in paragraph 590901, above, the cadet or midshipman may be entitled to the compensation and other benefits of Title 38, U.S.C., Chapter 11 (reference (bx)).

#### 5910 PAYMENTS ON BEHALF OF DECEASED MEMBERS

Beneficiaries of any member or applicant for membership in the ROTC program who dies under the conditions specified in paragraph 590902, above, are entitled to:

591001. Death gratuity under the provisions of Chapter 36, section 3601.

591002. Unpaid pay and allowances under the provisions of Chapter 36, section 3602.

5911 ROTC GRADUATES ORDERED TO ACTIVE DUTY

591101. Officers Ordered to Extended Active Duty. The provisions of Chapters 1 through 55 apply to these officers.

591102. Officers Performing Initial Periods of Active Duty Training Under 50 U.S.C. App 454(d) or 456(d) (reference (dq)). The provisions of Chapter 57 apply to these officers.



Chapter 59—Payment of Members of the Senior Reserve Officers' Training Corps  
(ROTC)

## 5901—Subsistence Allowance

|   |                          |   |
|---|--------------------------|---|
| ★ | 590101<br><i>590101A</i> | 37 U.S.C. 209<br><i>52 Comp Gen 496</i><br><i>Public Law 106-65,</i><br><i>section 546, Oct 5, 1999</i> |
| ★ | <i>590102</i>            | <i>37 U.S.C. 209</i><br><i>Public Law 106-65,</i><br><i>section 546, Oct 5, 1999</i>                    |
|   | 590103<br>590104C        | 49 Comp Gen 171<br>37 U.S.C. 209  |

★ *5902—Subsistence Allowance for Marine  
Corps Platoon Leaders Class*

*5902* *Public Law 106-65,*  
*section 546, Oct 5, 1999*

## 5903—Travel and Transportation Allowances

5903 37 U.S.C. 422  
ASD(P&R) Memo,  
Jul 23, 1993

## 5908—Field Training or At-Sea Training

590801 10 U.S.C. 2104  
10 U.S.C. 2109  
37 U.S.C. 209  
Public Law 95-79,  
July 30, 1977  
590804 MS Comp Gen A-92999,  
Dec 15, 1938

## 5909—Disability Benefits

590901 10 U.S.C. 2109  
5 U.S.C. 8117, 8140  
590902 34 Comp Gen 348  
5 U.S.C. 8117, 8140

5910—Payments on Behalf  
of Deceased Members

5910 10 U.S.C. 1475-1480

**SUMMARY OF MAJOR CHANGES TO CHAPTER 60**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

**New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.**

| <b>Page</b>   | <b>Paragraph</b>                       | <b>Explanation of Change/Revision</b>  | <b>Effective Date</b> |
|---------------|--|--|-----------------------|
|               | Complete chapter rewrite               | IC 28-99 is a complete chapter rewrite.  |                       |
| 60-1,<br>60-3 | 600102.A,<br>600202.A,<br>Bibliography | IC 21-00 increases the Armed forces Health Professionals scholarship and Financial Assistance Program. | July 1, 2000          |

*Interim Changes 21-97, 26-97, 19-98, 3-99, 28-99, and 21-00 are incorporated in this change. Interim change 28-99 is a complete chapter rewrite. Interim changes 21-97, 26-97, 19-98 and 3-99 also affect other chapters and will not be deleted from the interim changes cited in the OUSD(C) web site until those chapters are updated.*

**★CHAPTER 60 (IC 28-99)**

**PAYMENT OF MEMBERS OF THE ARMED FORCES HEALTH  
PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM  
(AFHPS/FAP)**

**6001 ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM**

600101. Authority. Public Law 92-426 (reference (dr)) established the Armed Forces Health Professions Scholarship Program. Under this program selected individuals are appointed commissioned officers in the Reserve Components and detailed to civilian institutions for training in a health profession.

600102. Pay Entitlement

★ A. Stipend. Except during periods of active duty (see subparagraph 600102.B, below), members enrolled in this program are entitled to a stipend of \$1,020 per month (effective July 1, 2000), including periods of absence. This rate shall be increased by the Secretary of Defense on July 1 of each year by an amount to be rounded to the next highest multiple of \$1 equal to the amount of the previous stipend, multiplied by the overall percentage of the increase in the rates of basic pay for members of the uniformed services made effective for the fiscal year in which the school year ends. (IC 21-00)

1. Payment. The stipend is payable during the course of study and during vacation periods when members are not on active duty. The stipend is prorated for portions of a month at the beginning and end of the course of study and at the beginning and end of any active duty period.

2. Termination. Some students complete their professional degree requirements several months before the formal graduation ceremony and conferral of the professional degree. In those cases where the actual award of the professional degree is a prerequisite to recommissioning into a professional corps or utilization in the profession, and a lapse of time occurs for administrative reasons, the payment of the stipend should be terminated. The date for termination of the stipend should be the completion of the academic training if this date precedes the date of graduation by more than 45 days.

3. Recoupment. Educational costs of the program are subject to recoupment when members of the program are dropped for deficiency in conduct or studies, or when members for other reasons fail to fulfill their contractual agreement as a result of action not initiated by the government.

B. Active duty. Members enrolled in this program will be ordered to active duty for a period of 45 days during each year of participation in the program. Such members may be paid an advance of pay when reporting for the 45-day active duty tour. (See paragraph 320106 of this volume.) During the active duty period, including allowable travel time under Table 2-4, members serve in pay grade O-1 and are entitled to full pay and allowances (see Chapter 57) for that grade. This applies even though a member may hold a higher Reserve grade under a different statute. Any creditable service before entering this program is includable in determining the rate of basic pay.

600103. Officer's Initial Uniform Allowance. A member of the Armed Forces Health Professions Scholarship Program is entitled to an initial uniform allowance upon reporting for the first period of active duty required by 10 U.S.C. 2121(c) (reference (c)). (See section 3002 of this volume.)

600104. Servicemembers' Group Life Insurance (SGLI). Members, while under this program, members are entitled to SGLI coverage for the 45-day active duty tour. (See sections 4701-4708 of this volume.) For deductions during active duty periods, see section 4705 of this volume.

600105. Tax Withholding

A. Active duty pay paid under this program is subject to federal income tax withholding (FITW) and Federal Insurance Contribution Act (FICA) in the same manner as prescribed in Chapters 44 and 45 of this volume.

B. Monthly stipends paid to students entering the program on and after January 1, 1981, are subject to FITW. The stipend for students enrolled before January 1, 1981, remained exempt through calendar year 1984. Monthly stipends are not subject to FICA withholding.

C. Amounts paid directly to schools on behalf of students for tuition, books, fees, and laboratory expenses and any reimbursements for such items paid to students participating at any time in the program are not subject to withholding for FITW or FICA.

600106. Settlement of Deceased Member's Accounts. See section 3602 of this volume for authority for payment of any unpaid pay and allowances (includes amount of unpaid stipend.)

6002 FINANCIAL ASSISTANCE PROGRAM

600201. Authority. Public Law 101-189, section 725 (reference (ds)), substantially modified the Armed Forces Health Professions Scholarship Program. Effective November 29, 1989, the law added a new Financial Assistance Program (FAP) which provides for the award of grants and stipends to eligible physician residents and fellows in specialized training who agree to active duty service obligations. As a member of the FAP, a physician is

*appointed as a Medical Corps officer under DoD Directive 6000.13 (reference (dy)).*

600202. Pay Entitlement

★ A. Grant. *A member of the FAP is paid an annual grant in addition to the authorized stipend (subparagraph 600202.B, below). Effective July 1, 2000, the annual grant is \$21,580. (IC 21-00)*

1. *A grant is paid annually based on the rate in effect on the date of entitlement.*

2. *A grant is pro-rated only for partial years of participation, to include the final payment. Subsequent installments are to be issued on the anniversary date of the initial payment.*

3. *The amount of each grant is reviewed and increased as appropriate in the same manner as provided for the stipend.*

B. Stipend. *Except when serving on active duty (see paragraph 600204, above), a member is entitled to a monthly stipend at a rate equal to that authorized for other AFHPS participants by paragraph 600102, above.*

1. *Payment starts effective on the date of execution of the oath of office, the date of execution of the FAP contract, or the date of commencement of specialized training, whichever is latest.*

2. *Payment normally continues until the date of completion of specialized training. If a member of the FAP is suspended or disenrolled from the designated course of specialized training, stipend payments terminate effective on that date.*

C. Dual Payments. *The authority to make the grant and stipend payments is not affected by any payments made to the member by the civilian training institution.*

600203. Recoupment. *A member of the FAP who fails to complete specialty training because of deficiency in conduct or studies, or who for other reasons fails to fulfill the contractual agreement as a result of action not initiated by the government, may be required to reimburse the government for all or portion of payments received while a member of the FAP. Recoupment is at the direction of the Secretary of the Military Service concerned. The requirement to recoup may be waived by the Secretary concerned as being in the best interest of the government.*

600204. Active Duty. *A member of the FAP is required to serve on active duty with full pay (including Reserve Medical Officer's special pay) and allowance in the member's grade for a period of 14 days each year of participation, or portion thereof. This active duty period may be served at the location where the person is receiving specialized training if it otherwise*

would interrupt the member's residency or fellowship training to serve elsewhere on active duty.

600205. Officer's Initial Uniform Allowance. A member of the FAP is entitled to an initial uniform allowance upon reporting for the first period of active duty required by 10 U.S.C. 2121(c) (reference (c)). (See section 3002 of this volume.)

600206. Servicemembers' Group Life Insurance (SGLI). A member of the FAP is eligible for SGLI with part-time coverage of the annual 14-day active duty tour discussed above. For part-time coverage deductions, see paragraph 580703 of this volume.

600207. Tax Withholding

A. Active duty pay under this program is subject to FITW and FICA in the same manner as prescribed in Chapters 44 and 45.

B. Monthly stipends are subject to FITW, but not subject to FICA withholding.

C. Annual grant is subject to FITW, but not subject to FICA withholding.

600208. Settlement of Deceased Member's Accounts. See section 3602 of this volume for authority for payment of any unpaid pay and allowances (include the amount of unpaid stipend).

## Chapter 60—Payment of Members of the Armed Forces Health Professions Scholarship and Financial Assistance Program (AFHPS/FAP)

## 6001—Armed Forces Health Professions Scholarship Program

|   |                                 |   |
|---|---------------------------------|---|
|   | 600101                          | Public Law 92-426,<br>Sep 21, 1972<br>37 U.S.C. 415   |
| ★ | <a href="#"><i>600102.A</i></a> | <a href="#"><i>10 U.S.C. 2121(d)</i></a><br><a href="#"><i>OASD(HA) Memo,</i></a><br><a href="#"><i>April 19, 2000</i></a>  |
|   | 600104                          | 38 U.S.C. 765, 767<br>26 U.S.C. 117<br>Public Law 94-455,<br>Section 2130,<br>Oct 4, 1976<br>Public Law 96-167,<br>Dec 29, 1979<br>Public Law 96-541,<br>Dec 17, 1980 |
|   | 600106                          | 10 U.S.C. 2771<br>37 U.S.C. 501(d)  |

## 6002—Financial Assistance Program

|   |                                 |   |
|---|---------------------------------|---|
|   | 600201-600208                   | OASD(MRAI&L) Memo,<br>Dec 20, 1989  |
| ★ | <a href="#"><i>600202.A</i></a> | <a href="#"><i>10 U.S.C. 2121 (e)</i></a><br><a href="#"><i>OASD(HA) Memo,</i></a><br><a href="#"><i>April 19, 2000</i></a> |
|   | 600202.A.2                      | OASD(P&R)(MPP) Memo,<br>Jun 13, 1995  |

**SUMMARY OF MAJOR CHANGES TO CHAPTER 61  
DOD 7000.14-R, VOLUME 7A  
MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

**New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.**

| <b>Page</b>           | <b>Paragraph</b> | <b>Explanation of Change/Revision</b>                                     | <b>Effective Date</b> |
|-----------------------|------------------|---|-----------------------|
| 61-1,<br>Bibliography | 6102             | IC 45-99 which regards certain selected reserve bonuses and special pays. | Dec 23, 1999          |



*Interim Change 45-99 is incorporated in this change. Interim Change 45-99 also affects other chapters and will not be deleted from the interim changes cited in the OUSD(C) web site until all such chapters are updated.*

## CHAPTER 61

### **BONUS PROGRAM FOR THE INDIVIDUAL READY RESERVE AND INACTIVE NATIONAL GUARD**

#### 6101 AUTHORITY

Title 37 U.S.C., section 308h (reference (aa)), authorizes a bonus for the Individual Ready Reserve (IRR) and Inactive National Guard (ING). Current or prior Military Service members must enlist, reenlist, or voluntarily extend an enlistment in the IRR or ING for 3 years or more to qualify for the bonus.

#### ★6102 BASIC CONDITIONS OF ENTITLEMENT

*An enlisted member of the IRR/ING is authorized a bonus during the period May 29, 1984 through September 30, 1985 and February 24, 1986 to December 31, 2000, under the following conditions: (IC 45-99)*

##### 610201. An individual must:

- A. Remain an enlisted member during the period of enlistment, reenlistment, or extension;
- B. Be qualified in and assigned a primary or secondary military occupational specialty (MOS) rate, specified Navy ratings or NEC's or Air Force Specialty Code (AFSC) in a combat or combat support skill designated by the Secretary of the Military Service concerned;
- C. Enlist, reenlist, or extend for 3 or 6 years beyond the military service obligation in accordance with Military Service regulations;
- D. Not have completed more than 14 years of total Military Service.

610202. An individual who completes obligation to one Military Service may be accepted by another Military Service for enlistment under this program, provided the individual possesses a skill approved by the gaining Military Service for the payment of the bonus.

610203. Army members who transfer from the ING to the IRR may continue to receive this bonus provided such members continue to serve satisfactorily.

**6103 AMOUNTS PAYABLE**

610301. An amount not to exceed \$1,500 may be paid to a person who enlists, reenlists, or extends for a period of 6 years or \$750 to a person who enlists, reenlists, or extends for a period of 3 years.

A. A bonus paid for a 6-year reenlistment or extension contract will be as follows: \$500 shall be paid at the time of the enlistment, reenlistment, or extension with the remainder paid in equal annual increments.

B. A bonus paid for a 3-year reenlistment or extension contract will be in equal annual increments.

610302. An additional amount of up to \$1,500 may be paid for a subsequent reenlistment or extension provided the individual meets the eligibility criteria of section 6102, above.

**6104 OBLIGATION**

A member must be contractually obligated to serve satisfactorily, as prescribed by the regulations of the Military Service concerned, in the IRR or ING for the full term of enlistment, reenlistment, or extension. As a condition of receipt of the bonus, recipients must agree to participate in an annual muster of the Reserve Component or in active duty for training as may be required by the Secretary of the Military Service concerned. The use of extensions in lieu of reenlistments is authorized and encouraged to reduce the administrative burden of the reenlistment process and to eliminate the need for the oath of enlistment or reenlistment. Participants must obligate themselves to continue to serve in the same MOS unless excused for the convenience of the government. A bonus recipient who later transfers to the Selected Reserve is not required to refund the IRR and ING bonus. Bonus recipients who transfer to the Selected Reserve are not eligible for a selected Reserve reenlistment bonus during the period for which an IRR or ING bonus was paid.

**6105 TERMINATION OF BONUS ENTITLEMENT**

Entitlement to the IRR and ING bonus will be terminated if a member:

610501. Fails to participate satisfactorily in the Ready Reserve in accordance with the regulations of the Military Service concerned;

610502. Accepts a civilian position where membership in the Reserve Component is a condition of employment (persons on temporary assignment excluded);

610503. Is separated from the Ready Reserve as an enlisted member for any reason (including enlistment or voluntary recall into the active forces);

610504. Becomes a simultaneous member of an authorized officer program drawing a stipend; or

610505. Moves to a nonbonus-qualified MOS, unless at the express direction of the Military Service concerned (through no fault of the member).

**6106 RECOUPMENT OF PAYMENTS**

610601. Any refund made by a member shall not affect the period of obligation of such member to serve as a Ready Reservist. Recoupment of unearned portions of the IRR and ING bonus is required when the member:

A. Fails to satisfactorily complete the designated term of enlistment, reenlistment, or extension of enlistment for which the bonus was paid unless the failure was due to reasons beyond the control of the member (for example, death, injury, illness, or other impairment not the result of member's misconduct);

B. Accepts a civilian position where membership in the Reserve Component is a condition of employment, if less than one-half of the contract term for which a bonus is payable has been served (persons on temporary assignment excluded);

C. Separates from the Ready Reserve as an enlisted member (including enlistment or voluntary recall into the active component) other than by death or to accept an appointment as an officer in the Ready Reserve;

D. Accepts an immediate appointment as an officer in the Ready Reserve, if less than 1 year of the term has been served; or,

E. Moves to a nonbonus-eligible MOS, unless at the express direction of the Military Service concerned (through no fault of the member).

610602. Recoupment will be the amount of bonus received multiplied by the quotient produced by dividing the number of whole months remaining unserved by the number of months in the term of the bonus. The product is the amount recouped.

Example: An individual reenlists in the IRR for 3 years and receives the maximum bonus of \$750. Five months later, the individual is disqualified from entitlement to the bonus:

|  |                |
|--|----------------|
| Amount of bonus received   | \$ 750.00      |
| Multiplied by:   |                |
| Number of whole months<br>remaining divided by term<br>of bonus: $31/36 = .8611$ | X <u>.8611</u> |
| Amount to be recouped  | \$ 645.83      |

610603. However, reduce the amount to be recouped by an amount equal to any reduction taken under Chapter 35, subparagraphs 350702.F or 350802.D.

Chapter 61—Bonus Program for the Individual Ready Reserve and Inactive National Guard

6101—Authority

Public Law 98-94,  
Sep 24, 1983

★ *6102—Basic Conditions of Entitlement*

*37 U.S.C. 308h(g)*  
*Public Law 106-65*  
*Section 611(f)*  
*Oct 6, 1999*

6106—Recoupment of Payments

610603

Public Law 103-139, Section  
8127, Nov 11, 1993

**SUMMARY OF MAJOR CHANGES TO CHAPTER 62**  
**DOD 7000.14-R, VOLUME 7A**  
**MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

**New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.**

| <b>Page</b>             | <b>Paragraph</b>         | <b>Explanation of Change/Revision</b>        | <b>Effective Date</b> |
|-------------------------|--------------------------|--|-----------------------|
| 62-1<br>through<br>62-6 | Complete chapter rewrite | IC 24-99 regards health professional stipend | Jul 1, 1999           |

*This is interim change 24-99. Interim Change 24-99 is a complete chapter rewrite. It incorporates and supercedes the portions of interim changes 21-97 and 3-99 applicable to Chapter 62.*

★CHAPTER 62 (IC 24-99)

HEALTH PROFESSIONAL STIPEND

6201 PRIOR STIPEND PROGRAM REPEALED WITH EXCEPTION

620101. Authority. Public Law 99-145 (reference (du)), November 8, 1985, authorized the Secretaries of the Military Departments concerned to provide financial assistance to commissioned officers of the Reserve Components engaged in specialized advanced training in the health professions. Effective December 4, 1987, the program under this section was repealed in favor of the program in section 6202 of this chapter. Repeal, however, does not affect an earlier agreement under which an officer receives the stipend authorized by this section. Payment of such stipend continues so long as the officer is otherwise entitled.

620102. Pay Entitlement

A. A commissioned officer in the Selected Reserve of a Reserve Component, who is engaged full-time in a course of specialized advanced training in a health profession, approved by the Secretary of the Military Department concerned, is entitled to a stipend of \$973.00 per month (effective July 1, 1999). This rate is subject to annual increases on July 1 each year, as determined by the Secretary of Defense.

B. The stipend is payable during the course of specialized advanced training, during vacation periods, and during periods when officers are participating in annual training with the Selected Reserve. The stipend is prorated for portions of a month at the beginning and end of the course of specialized advanced training.

C. When an officer's eligibility to the stipend program is terminated, the officer no longer is entitled to receive the stipend. The effective date of termination is set by program administrators and communicated to the paying activity. Termination is based on criteria set by the Department of Defense.

D. An officer terminated from the stipend program may be required, at the discretion of the Secretary of the Military Department concerned, to repay an amount equal to the total amount received under the program. The Secretary of the Military Department concerned may relieve an officer from the recoupment requirement.

620103. Nonavailability. Members of the Ready Reserve who incur a period of authorized nonavailability shall be suspended without recoupment from their incentive. If

*subsequently assigned to the Reserve status and skill originally contracted for, members may be reinstated in the incentive program, if they extend their term of service, or contract for service so as to be able to serve the full original incentive contract period. Entitlement to subsequent payments shall resume on the adjusted anniversary date of satisfactory and creditable Reserve Service, as appropriate. These members are assigned temporarily to the Standby Reserve or to the Inactive National Guard, as appropriate, during the period of authorized nonavailability and are required to extend their Selected Reserve service agreement for a period of time that equals the period of authorized non-availability.*

*A. Members of the Selected Reserve may incur a period of authorized non-availability for up to 1 year for valid personal reasons as determined by the Secretary of the Military Department concerned.*

*B. During the period of non-availability, a member is suspended without concurrent recoupment. The member shall not be entitled to subsequent payments or any other available incentives.*

*C. An officer again is entitled to stipend payments when the anniversary date of satisfactory and creditable Ready Reserve service is adjusted for the period of authorized non-availability.*

*620104. Tax Withholding*

*A. Monthly stipends are subject to federal income tax withholding (FITW).*

*B. Monthly stipends are not subject to Federal Insurance Contribution Act (FICA) (reference (ci)) withholding.*

*620105. Settlement of Deceased Members' Accounts. See section 3602 of this volume for authority for payment of any unpaid pay and allowances (includes amount of unpaid stipend).*

*6202 CURRENT STIPEND PROGRAM*

*620201. Authority. Public Law 100-180, December 4, 1987 (reference (dv)), authorizes the Secretary of the Military Department concerned to provide financial assistance to members of the Reserve Components engaged in specialized training in the health professions specialties critically needed in wartime.*

*620202. Pay Entitlement*

*A. A commissioned officer in the Ready Reserve of a Reserve Component of the Armed Forces, who is engaged in a program of professional training for physicians or*



*registered nurses in critical specialties designated by the Secretary of the Military Department concerned, is entitled to a monthly stipend of \$973.00 (effective July 1, 1999), except as noted in subparagraph 620202.A.2, below. This rate is subject to annual increases on July 1 of each year as determined by the Secretary of Defense. The amount is the same as that authorized each year in subparagraph 600102.A, above.*

*1. The officer described above must agree to serve, upon successful completion of the stipend program, 2 years in the Selected Reserve for each year, or part thereof, for which the stipend is provided. However,*

*2. If the officer agrees to serve, upon successful completion of the stipend program, 2 years in the Individual Ready Reserve (IRR) for each year, or part thereof, for which the stipend is provided, the officer is entitled to a monthly stipend at one-half the rate shown above in subparagraph 620202.A.*

*B. An enlisted member in the Ready Reserve of a Reserve Component of the Armed Forces engaged in training as described in this subparagraph is entitled to a monthly stipend of \$100 per month. The member must be enrolled or accepted for enrollment in the third or fourth year of an accredited baccalaureate nursing program or other accredited baccalaureate program leading to a degree in a health-care profession. Such profession is one designated by the Secretaries of the Military Department concerned as a profession critically needed by that Military Department in wartime. The stipend is payable for the period or the remainder of the period of the baccalaureate program in which the member enrolls or is enrolled. Under this subparagraph, the member must:*

*1. Be eligible upon completion of a baccalaureate program, for appointment, designation, or assignment as a Reserve officer for duty as a nurse or other health professional.*

*2. Agrees to serve, upon graduation from the baccalaureate program, 1 year in the Ready Reserve for each year, or part thereof, for which the stipend is paid.*

*C. The stipend is payable for the period, or the remainder of the period, of the member's specialized training or baccalaureate program. This includes vacation periods and periods of active duty while the member participates in the stipend program. The stipend is initially payable effective the first day of specialized training or baccalaureate training immediately following the date member completes the contract agreement. It is prorated for a partial month at the beginning of member's entitlement and for a partial month at the end of a member's specialized training or baccalaureate program.*

*D. A member of the stipend program who is dropped from the program for deficiency in training, or who fails to complete the program for other reasons, is no longer entitled to the stipend. Termination is based on criteria set by the Department of Defense.*

*E. A member terminated from the stipend program may be required, at the discretion of the Secretary of the Military Department concerned, to repay an amount equal to the total amount paid to the person under the program. The Secretary of the Military Department concerned may relieve a member from the recoupment requirement.*

*620203. Tax Withholding*

*A. Monthly stipends are subject to FITW.*

*B. Monthly stipends are not subject to FICA withholding (reference (ci)).*

*620204. Settlement of Deceased Members' Accounts. See section 3602 of this volume for authority for payment of any unpaid pay and allowances (includes amount of unpaid stipend). (IC 24-99)*

## Chapter 62—Health Professional Stipend

## 6201—Prior Stipend Program Repealed with Exception

|   |                 |  |
|---|-----------------|--|
|   | 620101          | Public Law 99-145,<br>Nov 8, 1985          |
| ★ | <i>620102.A</i> | <i>OASD(HA) Memo</i><br><i>Nov 9, 1998</i> |

## 6202—Current Stipend Program

|   |                 |   |
|---|-----------------|---|
|   |                 | <i>Public Law 105-85,</i><br><i>Section 612,</i><br><i>Nov 18, 1997</i> |
| ★ |                 | <i>Public Law 105-261,</i><br><i>Section 612, Oct 17, 1998</i>          |
|   | 620201          | OASD(HA) Memo,<br>Dec 22, 1987<br>10 U.S.C. 16201-16204                 |
| ★ | <i>620202.A</i> | <i>OASD(HA) Memo,</i><br><i>Nov 09, 1998</i>                            |

**SUMMARY OF MAJOR CHANGES TO CHAPTER 63  
DOD 7000.14-R, VOLUME 7A  
MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY**

**New and revised instructions are indicated by a star placed immediately before the new or revised section, paragraph, subparagraph, decision logic table, etc.**

| <b>Page</b> | <b>Paragraph</b> | <b>Explanation of Change/Revision</b> | <b>Effective Date</b> |
|-------------|------------------|---------------------------------------|-----------------------|
|             |                  | IC 35-98                              |                       |
|             |                  | IC 5-99                               |                       |

*Interim Changes 35-98 and 5-99 are incorporated in this change. These changes also affect Chapter 22 and will not be deleted from the interim changes cited in the OUSD(C) web site until all such changes are updated.*

## CHAPTER 63

### NURSE OFFICER CANDIDATE PROGRAM AUTHORIZING ACCESSION AND CONTINUATION BONUS

#### 6301 AUTHORITY

Public Law 101-189, November 29, 1989 (reference (ds)), authorizes the Secretaries of the Military Departments to provide financial assistance to full-time students enrolled in baccalaureate degree in nursing programs to assist in the completion of degree requirements and earn commissions as a nurse corps officers on the active duty list.

#### ★6302 BASIC CONDITIONS OF ENTITLEMENT

*The Accession and Continuation Bonus is authorized for nursing students who execute an agreement during the period November 29, 1989, through December 31, 2000, under the following conditions: (IC 43-99)*

630201. The student is enrolled as a full-time student in an accredited baccalaureate degree program in nursing at a civilian educational institution that does not have a Senior Reserve Officer's Training program established and will complete this nursing degree program.

630202. The student has completed the second year of an accredited baccalaureate degree program in nursing and has more than six months of academic work remaining before graduation.

630203. The student meets the qualifications for appointment as an officer of a Reserve Component of the Army, Navy, or Air Force as set forth in the regulations of the Military Department concerned.

#### 6303 WRITTEN AGREEMENT EXECUTED

The student described in section 6302, above, will execute a written agreement which must include the following:

630301. Agreement to complete the nursing degree program as stated in paragraph 630201, above.

630302. Agreement that, upon acceptance of the agreement by the Secretary of the Military Department concerned, the student will enlist in a Reserve Component of the Armed Forces.

630303. Agreement that the student will accept an appointment as an officer in the Nurse Corps of the Army or the Navy or as an officer designated as a nurse officer in the Air Force, as the case may be, upon graduation from the nursing degree program.

630304. Agreement that the individual will serve on active duty as an officer as follows:

A. For period of 4 years in the case of a person whose agreement was accepted by the Secretary concerned during that person's fourth year of the nursing degree program, or

B. For period of 5 years in the case of a person whose agreement was accepted by the Secretary concerned during that person's third year of the nursing degree program.

#### 6304 AMOUNTS PAYABLE

630401. Accession Bonus. An amount of not more than \$5,000 shall be paid in periodic installments, as determined by the Secretary of the Military Department concerned at the time the agreement is accepted, except that the first installment may not exceed \$2,500.

630402. Continuation Bonus. In addition to the accession bonus, the student shall be entitled to a monthly continuation bonus of not more than \$500 for each month that the individual is enrolled as a full-time student in an accredited baccalaureate degree program in nursing at a civilian educational institution that does not have a Senior Reserve Officers' Training Program established under 10 U.S.C. 2102 (reference (c)). The continuation bonus may be paid for not more than 24 months.

#### 6305 RECOUPMENT

630501. The nurse officer candidate shall refund the entire amount of the accession and continuation bonus upon failure to:

A. Complete a nursing degree program in which the person is enrolled in accordance with the agreement entered into with the Military Department;

B. Accept an appointment, if tendered, as an officer of the Nurse Corps of the Army or the Navy or as an officer designated as a nurse officer of the Air Force; or

C. Complete the period of obligated active service required under the agreement.

630502. Under the following circumstances no recoupment will be required; however, no further payments will be made:

A. Death or disability that is not the result of misconduct or willful neglect and not incurred during a period of unauthorized absence;

B. Separation from military service by operation of laws or regulations of the Department of Defense or Military Service regulations, when approved by the Secretary concerned;

C. In other cases, when the ASD(HA) determines recoupment is not in the best interest of the government.

630503. Effective November 29, 1989, a discharge in bankruptcy under Title 11, U.S.C. (reference (aj)) shall not release a person from an obligation to reimburse the United States required under the terms of a written agreement entered into for this accession bonus and continuation bonus, if the final decree of the discharge in bankruptcy was issued within a period of 5 years after the last day of a period that such person had served on active duty.

630504. An obligation to reimburse the United States imposed for the reasons stated above is for all purposes a debt owed to the United States.

#### 6306 TAX WITHHOLDING

630601. The accession and continuation bonus is subject to federal income tax withholding (FITW).

630602. The accession and continuation bonus is not subject to Federal Insurance Contribution Act (FICA) (reference (ci)) withholding.

Chapter 63—Nurse Officer Candidate Program Authorizing Accession and Continuation Bonus

6301—Authority

10 U.S.C. 16203

★ *6302—Basic Conditions of Entitlement*

*Public Law 106-65,  
Section 612,  
Oct 5, 1999  
10 U.S.C. 2130a (a) (1)*



## CHAPTER 64

**HEALTH CARE OFFICERS ON  
ACTIVE DUTY IN SUPPORT OF THE PERSIAN GULF CONFLICT**6401 AUTHORITY

Public Law 101-510, Section 1111, 5 November 1990 (reference (q)), authorizes special pay for Reserve medical and dental officers called to active duty in support of Operation Desert Shield (during fiscal years 1990 and 1991) in the same manner as Regular medical and dental officers. Public Law 102-25, Section 304, 6 April 1991 (reference (dw)), as amended by Public Law 102-190, Section 656, 5 December 1991 (reference (dx)), authorizes special pay for health care officers described in Section 302 (medical officers), 302a (optometrists), 302b (dentists), 302e (nurse anesthetists), or 303 (veterinarians) of Title 37, U.S.C. (reference (aa)) (whichever applies), notwithstanding any requirement in those sections that the call or order to active duty be for a period of not less than 1 year or that the officer execute a written agreement to remain on active duty for a period of not less than 1 year.

6402 DEFINITIONS

640201. Health Care Officer. An officer of the Armed Forces, including Reserve Components and National Guard, described in the following sections of Title 37, U.S.C. (reference (aa)):

A. Medical Officers (section 302 (reference (aa))). An officer of the Medical Corps of the Army or the Navy or an officer of the Air Force designated as a medical officer.

B. Optometrists (section 302a (reference (aa))). An officer of the Army, Navy, or Air Force designated as an optometry officer.

C. Dental Officers (section 302b (reference (aa))). An officer of the Dental Corps of the Army or the Navy or an officer of the Air Force designated as a dental officer.

D. Nurse Anesthetists (section 302e (reference (aa))). A qualified certified registered nurse anesthetist who is either an officer of the Army or Navy Nurse Corps or an officer of the Air Force designated as a nurse.

E. Veterinarians (section 303 (reference (aa))). An officer of the Veterinary Corps of the Army or an officer of the Air Force designated as a veterinary officer.

640202. Operation Desert Storm. Operations of United States Armed Forces conducted as a consequence of the invasion of Kuwait by Iraq including the operation known as Operation Desert Shield.

640203. Persian Gulf Conflict. Means the period beginning on 2 August 1990, and ending thereafter on the date prescribed by presidential proclamation or by law.

6403 ENTITLEMENT

640301. Health Care Officers who are otherwise eligible to receive special pay under 37 U.S.C. 302, 302a, 302b, 302e or 303 (reference (aa)) shall be eligible for such payments for all periods of active duty beginning on or after 1 August 1990 (other than for training) while:

A. A Reserve officer on active duty under a call or order to active duty for a period of less than 1 year in connection with the Persian Gulf Conflict, or

B. A retired officer recalled to active duty under 10 U.S.C. 688 (reference (c)), in connection with the Persian Gulf Conflict, or

C. An officer involuntarily retained on active duty under 10 U.S.C. 673c (reference (c)), or an officer who has voluntarily agreed to remain on active duty for a period of less than 1 year in support of the Persian Gulf Conflict.

640302. Health care officers voluntarily agreeing to remain on active duty are eligible for payments only for those periods served following the expiration of any previously existing active duty service obligations for education, training or special pay agreements as determined by the Secretary concerned or designee.

640303. Reserve medical and dental officers in either an active or inactive Reserve status who were called or ordered to active duty for a period of less than 1 year in connection with Operation Desert Shield are eligible for special pay effective 1 August 1990. For retired medical or dental officers called or ordered from an inactive status, their period of eligibility begins 1 August 1990.

640304. The provisions of this chapter will end on the first day of the first month beginning on or after the date 180 days after the end of the Persian Gulf Conflict.

6404 LIMITATIONS AND RECOUPMENT

640401. Any payments made for periods the health care officer subsequently fails to actually serve on active duty will be recouped on a pro-rata basis.

640402. Medical officers are not entitled to the \$450 per month special pay (see Chapter 5, section 0506) for the same period they receive the special pay provided by this chapter. Any payments made under 37 U.S.C. 302(h) (reference (aa)) are to be recouped for any period that special pay is received under this chapter.

640403. Health care officers on active duty for training are not eligible for the four types of special pay, as applicable (additional, board certified, incentive, and variable), even if they support the Persian Gulf Conflict.

6405 BOARD CERTIFICATION WAIVER (MEDICAL AND DENTAL OFFICERS)

640501. Medical and dental officers in categories eligible for board certification pay, who are unable to schedule or complete board certification examinations because of active duty service in connection with the Persian Gulf Conflict, may be eligible for board certification pay if the otherwise eligible officer:

A. Had completed all other requirements for board certification including all requisite graduate medical education prior to the effective date of the call or order to active duty, and

B. Successfully completes all required certification examinations within 180 days after release from the duty to which the officer was assigned in connection with the Persian Gulf Conflict.

640502. Secretaries of the Military Departments or their designees may waive the 180-day limitation for up to 1 year for those officers whose board examinations are not offered within the 180-day period or in other well-justified cases. Certification must be obtained before the medical or dental officer receives payment.

640503. Payments for periods of active duty pursuant to board certification waivers shall be made in lump sum when that officer successfully completes the first available board certification examination after the release from the duty assignment on which the waiver was based. Officers not successfully completing this first available examination shall only receive board certification pay after they become board certified.

6406 SPECIAL PROVISIONS

640601. All payments provided for in this chapter may be made on a monthly basis, notwithstanding the provisions of 37 U.S.C. 302(e), 302b(d) or 302e(e) (reference (aa)) that would require some payments to be made annually in advance.

640602. For medical and dental officers previously eligible for payments under Public Law 101-510, section 1111 (reference (q)), payments shall continue to be made effective the first day the eligible officer began active duty in connection with Operation Desert Storm. Retroactive payments are authorized for any period which the eligible officer actually served on active duty under the call or order to active duty described above.

6407 RATES PAYABLE

Any health care officer who meets the eligibility requirements, shall be paid special pay equivalent to their active duty counterpart for the period of time the officer is on active duty. Health care officers will be paid the following rates:

640701. Medical officers are paid the monthly rates in Chapter 5 for variable

special pay, board certified pay, incentive special pay and additional special pay, as applicable.

640702. Dental officers are paid the monthly rates in Chapter 6 for variable special pay, board certified special pay and additional special pay, as applicable.

640703. Veterinarians and optometrists are entitled to special pay at the monthly rate of \$100.

640704. Certified registered nurse anesthetists are entitled to incentive special pay at the monthly rate of \$500.

**APPENDIX A****COMPARABLE TERMS**

| <b>ARMY</b>                                    | <b>NAVY</b>  | <b>MARINE CORPS</b>  | <b>AIR FORCE</b>                                    |
|--|--|--|---|
| Secretary of the Army                          | Secretary of the Navy  | Secretary of the Navy  | Secretary of the Air Force                          |
| Chief of Staff, United States Army             | Chief of Naval Operations  | Commandant of the Marine Corps   | Chief of Staff, United States Air Force             |
| The Adjutant General                           | Chief of Naval Personnel   | Deputy Chief of Staff for Manpower   | Directorate of Administration                       |
| Army Audit Staff, US General Accounting Office | Navy Audit Staff, US General Accounting Office                                 |  | Air Force Audit Staff, US General Accounting Office |
| Finance and Accounting Officer                 | Disbursing Officer   | Disbursing Officer   | Accounting and Finance Officer                      |
| Enlisted Member(s)                             | Enlisted Member(s)   | Enlisted Member(s)   | Airman (Airmen)                                     |
| Official Army Register                         | Navy and Marine Corps Register-Naval Reserve and Marine Corps Reserve Register | Navy and Marine Corps Register-Naval Reserve and Marine Corps Reserve Register | Official Air Force Register                         |
| Regular Army                                   | Regular Navy   | Regular Marine Corps   | Regular Air Force                                   |
| Pay Entry Basic Date (PEBD)                    | Pay Entry Base Date (PEBD)   | Pay Entry Base Date (PEBD)   | Pay Date  |

**APPENDIX B**

|                      |  | <b><u>COMPARABLE GRADES</u></b> |   |                           |
|----------------------|--|---------------------------------|---|---------------------------|
| <b>PAY<br/>GRADE</b> | <b>ARMY</b>                                    | <b>NAVY</b>                     | <b>MARINE CORPS</b>                             | <b>AIR FORCE</b>          |
| 0-10                 | General  | Admiral                         | General   | General                   |
| 0-9                  | Lieutenant General                             | Vice Admiral                    | Lieutenant General                              | Lieutenant General        |
| 0-8                  | Major General                                  | Rear Admiral (UH)               | Major General                                   | Major General             |
| 0-7                  | Brigadier General                              | Rear Admiral (LH) or Commodore  | Brigadier General                               | Brigadier General         |
| 0-6                  | Colonel  | Captain                         | Colonel   | Colonel                   |
| 0-5                  | Lieutenant Colonel                             | Commander                       | Lieutenant Colonel                              | Lieutenant Colonel        |
| 0-4                  | Major  | Lieutenant Commander            | Major   | Major                     |
| 0-3                  | Captain  | Lieutenant                      | Captain   | Captain                   |
| 0-2                  | 1st Lieutenant                                 | Lieutenant (JG)                 | 1st Lieutenant                                  | 1st Lieutenant            |
| 0-1                  | 2nd Lieutenant                                 | Ensign                          | 2nd Lieutenant                                  | 2nd Lieutenant            |
| E-9                  | Sergeant Major<br>Or Command<br>Sergeant Major | Master Chief Petty Officer      | Sergeant Major or<br>Master Gunnery<br>Sergeant | Chief Master<br>Sergeant  |
| E-8                  | First Sergeant<br>or Master<br>Sergeant        | Senior Chief Petty Officer      | First Sergeant or<br>Master Sergeant            | Senior Master<br>Sergeant |
| E-7                  | Platoon Sergeant<br>or Sergeant First<br>Class | Chief Petty Officer             | Gunnery Sergeant                                | Master Sergeant           |
| E-6                  | Staff Sergeant                                 | Petty Officer, 1st Class        | Staff Sergeant                                  | Technical Sergeant        |
| E-5                  | Sergeant                                       | Petty Officer, 2nd<br>Class     | Sergeant  | Staff Sergeant            |

**Appendix B - Comparable Grades**

| <b>PAY<br/>GRADE</b> | <b>ARMY</b>                  | <b>NAVY</b>              | <b>MARINE CORPS</b> | <b>AIR FORCE</b>             |
|----------------------|------------------------------|--------------------------|---------------------|------------------------------|
| E-4                  | Corporal<br>or<br>Specialist | Petty Officer, 3rd Class | Corporal            | Sergeant or Senior<br>Airman |
| E-3                  | Private<br>First Class       | Seaman                   | Lance Corporal      | Airman, First Class          |
| E-2                  | Private                      | Seaman Apprentice        | Private First Class | Airman                       |
| E-1                  | Private                      | Seaman Recruit           | Private             | Airman, Basic                |

**Appendix B - Comparable Grades (Continued)**

APPENDIX CBIBLIOGRAPHY

| Paragraph                        | Citation  |
|----------------------------------|---|
| Chapter 01—Creditable Service    |   |
| 0101—Service Which is Creditable | 37 U.S.C. 205<br>27 Comp Gen 530<br>24 Comp Gen 829<br>25 Comp Gen 680<br>10 U.S.C. 1038<br>62 Stat 1082<br>10 U.S.C. 507<br>37 Comp Gen 838<br>Public Law 86-197,<br>25 Aug 1959<br>Public Law 77-230,<br>Section 3, 21 Aug 1941<br>Public Law 77-658,<br>8 July 1942<br>1 Comp Gen 668<br>45 Comp Gen 149<br>MS Comp Gen B-195448,<br>3 Apr 1980<br>42 Comp Gen 296<br>10 U.S.C. 2106(c)<br>10 U.S.C. 2107(g)<br>45 Comp Gen 103<br>Public Law 93-545,<br>26 Dec 1974<br>OASD (MI&L) Memo,<br>24 Dec 1984<br>37 U.S.C. 203(d)<br>38 Comp Gen 68<br>37 U.S.C. 201(e) |
| ★010104I                         | Public Law 104-201,<br>Section 507,<br>23 Sep 1996<br>10 U.S.C. 2107 (g)  |
| ★010104K                         | Public Law 104-201,<br>Section 507,<br>23 Sep 1996<br>10 U.S.C. 2106 (c)  |



|   |  |
|---|--|
| ★010104P                                | Public Law 104-201,<br>Section 507,<br>23 Sep 1996   |
| 0102—Service Not Creditable             | 36 Comp Gen 146<br>37 Comp Gen 237<br>Public Law 96-513, Section<br>402, 625, 12 Dec 1980<br>MS Comp Gen B-221944.2-<br>O.M., 24 Mar 1989<br>1 Comp Gen 511<br>1 Comp Gen 668<br>3 Comp Gen 61<br>22 Comp Gen 987<br>25 Comp Gen 718<br>37 U.S.C. 205(b)(d)(e)<br>45 Comp Gen 103<br>22 Comp Gen 907<br>23 Comp Gen 755<br>10 U.S.C. 2126<br>10 U.S.C. 2114(b)<br>Public Law 98-525,<br>Section 607, 19 Oct 1984<br>38 Comp Gen 553<br>38 Comp Gen 352 |
| ★010201F                                | Public Law 104-201,<br>Section 507,<br>23 Sep 1996<br>10 U.S.C. 2106 (c)   |
| ★010201K                                | Public Law 104-201,<br>Section 507,<br>23 Sep 1996   |
| 010202                                  | 38 Comp Gen 553<br>38 Comp Gen 352   |
| 0103—Computations of Creditable Service | 5 U.S.C. 5505<br>38 Comp Gen 824<br>37 Comp Gen 455<br>MPAC Action 1001,<br>23 Feb 1966  |
| Table 1-2<br>Rule 1<br>Rule 2, 3, 5,    | 55 Comp Gen 1244<br>10 U.S.C. 972  |

|                               |                       |   |
|-------------------------------|-----------------------|---|
|                               | 6, 8, and 9<br>Note 2 | 38 Comp Gen 553   |
|                               | 010301                | 5 U.S.C. 5505<br>38 Comp Gen 824<br>37 Comp Gen 455<br>MPAC Action 1001,<br>23 Feb 1966   |
|                               | 010302                | 5 U.S.C. 5505<br>38 Comp Gen 824<br>37 Comp Gen 455<br>MPAC Action 1001,<br>23 Feb 1966   |
| Chapter 02—Computation of Pay |                       |   |
| 0201—Basic Pay Entitlements   | 020102A               | 5 U.S.C. 5536<br>5 U.S.C. 5534a<br>3 Comp Gen 40<br>17 Comp Gen 1049<br>18 Comp Gen 213<br>46 Comp Gen 400<br>52 Comp Gen 471<br>MS Comp Gen B-214919,<br>22 Mar 85 |
|                               | 020102A2              | 22 U.S.C. 2385(d)   |
|                               | 020102B               | 10 U.S.C. 973<br>5 U.S.C. 5534a   |
|                               | 020103A               | 21 Comp Gen 819   |
|                               | 020103B               | 10 U.S.C. 3394, 5792, 8394,<br>8312, 8451   |
|                               | 020104                | 10 U.S.C. 12316   |
|                               | 020105                | 10 U.S.C. 1523<br>37 U.S.C. 552(a)  |
| 0202—Computing Monthly Pay    | 020201A               | 5 U.S.C. 5505<br>13 Comp Dec 75<br>4 Comp Gen 757<br>20 Comp Dec 165<br>45 Comp Gen 395<br>54 Comp Gen 952<br>5 Comp Gen 935<br>10 Comp Gen 11                      |
|                               | 020201B               | 37 U.S.C. 1004<br>46 Comp Gen 100   |

|   |                    |                                       |
|---|--------------------|---------------------------------------|
|   |                    | 54 Comp Gen 952                       |
|   |                    | 62 Comp Gen 266                       |
|   | 020202             | 5 U.S.C. 5505                         |
|   |                    | 37 U.S.C. 503                         |
|   | 020202B and 020203 | 5 U.S.C. 5505                         |
| 0203—Saved Pay  | 020301A            | 37 U.S.C. 907                         |
|   | 020301B            | MS Comp Gen B-232042,<br>7 July 1989  |
|   | 020301C            | 45 Comp Gen 763                       |
|   | 020301C2           | 46 Comp Gen 57                        |
|   | 020301C5           | 46 Comp Gen 804                       |
|   | 020301C8           | 46 Comp Gen 57                        |
|   | 020301D            | 61 Comp Gen 296                       |
| 0204—Increased Basic Pay During Period of Service Essential to Public Interests       |                    |                                       |
|   | 020401             | 10 U.S.C. 5540                        |
| 0205—Allowable Travel Time for Reserve Members Called to or Released From Active Duty |                    |                                       |
|   | 020501             | EO 12683, 21 July 1989                |
|   |                    | 37 U.S.C. 204(b)                      |
|   |                    | MS Comp Gen B-146551,<br>13 Dec 1961  |
|   | 020501B            | 37 U.S.C. 204(e)                      |
|   | 020502A            | 37 U.S.C. 204(b)                      |
|   |                    | EO 12683, 21 July 1989                |
|   | 020502B            | 48 Comp Gen 78                        |
| Table 2-1   |                    |                                       |
| Rule 5  |                    | 37 U.S.C. 204(f)                      |
| Rule 8  |                    | 37 U.S.C. 204(b)                      |
| Rule 9  |                    | MS Comp Gen B-181762,<br>18 July 1975 |
|   |                    | 19 Comp Gen 282                       |
| Rule 10   |                    | 37 U.S.C. 204(c)                      |
| Rule 11   |                    | 43 Comp Gen 293                       |
| Table 2-2   |                    |                                       |
| Rule 1  |                    | 10 U.S.C. 601(a)                      |
| Rule 2  |                    | 37 U.S.C. 905(a)                      |
| Rule 3  |                    | 37 U.S.C. 905(b)                      |
| Rule 4  |                    | 37 U.S.C. 1010                        |
| Rules 5 and 6   |                    | 10 U.S.C. 3380, 8380                  |

|                          |   |
|--------------------------|---|
| Rule 11                  | MS Comp Gen B-208043,<br>18 Jan 1983  |
| Rule 12                  | 10 U.S.C. 1552(a)(2)<br>amended by Public Law<br>102-484, Section<br>1052(19)   |
| Rule 13                  | 36 Comp Gen 137   |
| Note 1                   | 10 U.S.C. 601(b)  |
| Note 2                   | MS Comp Gen B-143510,<br>29 Sep 1960<br>42 Comp Gen 445   |
| Note 3                   | MS Comp Gen B-107486,<br>15 Nov 1966  |
| Note 5                   | 10 U.S.C. 1552(a)(2)<br>amended by<br>Public Law 102-484,<br>Section 1052(19)   |
| Table 2-3                |   |
| Rule 5                   | 61 Stat 795   |
| Rule 16                  | 37 Comp Gen 228   |
| Rule 19                  | 10 U.S.C. 507   |
| Rule 25                  | 49 Comp Gen 429   |
| Note 1                   | 27 Comp Dec 13  |
| Note 6                   | 55 Comp Gen 109   |
| Note 7                   | 49 Comp Gen 800   |
| Table 2-4                | EO 10153, 17 Aug 1950,<br>amended by EO 10649,<br>28 Dec 1955<br>EO 12683, 12 July 1989<br>MS Comp Gen B-146551,<br>13 Dec 1961 |
| Note 4                   | 41 Comp Gen 56  |
| Table 2-5<br>through 2-8 | 37 U.S.C. 203<br>37 U.S.C. 1009   |
| Table 2-5                | 37 U.S.C. 201(d)<br>37 U.S.C. 209(c)  |
| Note 1a                  | Public Law 100-180,<br>Section 1334(D)(3), 4 Dec<br>1987<br>37 U.S.C. 1009, Note  |
| ★Table 2-8<br>Notes      | 37 U.S.C. 1009<br>37 U.S.C. 210, added by<br>Public Law 102-190   |

Section 606, approved  
5 Dec 1991  
Public Law 104-201,  
Section 603,  
23 Sep 1996  
implemented by  
EO 13033,  
27 Dec 1996

## Chapter 03—Absence from Duty, Effect on Pay and Allowances

|                       |           |   |
|-----------------------|-----------|---|
| 0301—Authorized Leave | 030101    | 10 U.S.C. 701(a)  |
|                       | 030104B.9 | MS Comp Gen B-181710,<br>2 Apr 1975                             |
|                       | 030105A   | 37 U.S.C. 502(b)  |
|                       | 030105B   | 10 U.S.C. 701<br>Public Law 99-661, Section<br>506, 14 Nov 1986 |
|                       | 030105C   | 60 Comp Gen 51  |
|                       | 030106    | 50 U.S.C. App 2205<br>Public Law 93-64,<br>9 July 1973          |
|                       | 030107    | Public Law 97-81,<br>20 Nov 1981                                |
|                       | 030107B   | MS Comp Gen B-213883,<br>30 May 1984                            |
|                       | 030107B1  | 55 Comp Gen 507,  |

## 0302—Unauthorized Absence and Other Lost Time

|          |   |
|----------|---|
| 030202A  | 50 U.S.C. App 2205<br>MS Comp Gen B-147334,<br>6 Nov 1961 |
| 030202C  | 9 Comp Dec 517, 518                                       |
| 030202E  | 10 U.S.C. 2772  |
| 030204A  | MS Comp Gen B-169366,<br>8 Apr 1970                       |
| 030204B  | 52 Comp Gen 317   |
| 030204C  | MS Comp Gen B-194949,<br>7 Nov 1979                       |
| 030205A  | 14 Comp Gen 710   |
| 030205B1 | Op JAGA, 27 Sep 1934                                      |
| 030206A1 | MS Comp Gen B-169366,<br>8 Apr 1970                       |
| 030207A  | 54 Comp Gen 862   |

|           |  |
|-----------|--|
| 030207B   | 9 Comp Gen 323<br>MS Comp Gen B-23804,<br>21 Feb 1942<br>MS Comp Gen B-113109,<br>30 Jan 1953<br>9 Bul JAG 50<br>54 Comp Gen 862 |
| 030207C   | MS Comp Gen B-131446,<br>26 June 1957  |
| 030207D   | 30 Comp Gen 449  |
| 030207E   | 11 Comp Gen 342<br>54 Comp Gen 862   |
| 030207F   | 37 Comp Gen 488<br>47 Comp Gen 487   |
| 030207H   | 37 Comp Gen 380<br>9 Comp Gen 323<br>3 Comp Dec 676  |
| 030207I   | 33 Comp Gen 195  |
| 030207J   | 59 Comp Gen 12   |
| 030208    | MS Comp Gen B-171865,<br>25 Mar 1971   |
| Table 3-1 |  |
| Rule 4    | 32 Comp Gen 348  |
| Rule 6    | 10 U.S.C. 708  |
| Rule 7    | 10 U.S.C. 705  |
| Note 1    | 37 U.S.C. 402  |
| Note 2    | 10 U.S.C. 703  |
| Note 7    | 5 Comp Gen 935   |
| Table 3-2 |  |
| Rules 1&2 | 40 Comp Gen 366  |
| Rule 3    | 37 U.S.C. 802  |
| Rules 5&6 | 8 Comp Gen 80<br>36 Comp Gen 173   |
| Rules 7&8 | 36 Comp Gen 173<br>45 Comp Gen 766<br>MS Comp Gen B-169366,<br>8 Apr 1970<br>55 Comp Gen 186                                     |
| Rule 11   | <u>US v Landers</u> , 92 US 77   |
| Rule 12   | 37 U.S.C. 803  |
| Note 1    | 37 U.S.C. 402  |
| Note 2    | 19 Comp Gen 288, 290   |
| Note 3    | <u>US v Landers</u> , 92 US 77   |
| Notes 4&5 | 55 Comp Gen 186  |
| Note 5    | MS Comp Gen B-191301,  |

17 May 1978

## Table 3-3

|         |                                     |
|---------|-------------------------------------|
| Rule 2  | 7 Comp Gen 496                      |
| Rule 3  | 39 Comp Gen 781                     |
| Rule 4  | 10 Comp Dec 490                     |
| Rule 5  | Op JAG, 18 Mar 1909                 |
| Rule 7  | 11 Comp Dec 755                     |
| Rule 8  | 14 Comp Dec 116                     |
| Rule 9  | Op JAG, 15 Apr 1916                 |
| Rule 10 | MS Comp Gen B-194949,<br>7 Nov 1979 |

Rules 11 through 13 40 Comp Gen 366

## Chapter 04—Payment in Cases of Void, Voidable, or Rejected Enlistments or Inductions

|                              |  |
|------------------------------|--|
| 0401—Voidability of Contract | 12 Comp Dec 445<br>3 Comp Gen 61<br>9 Comp Gen 26<br>54 Comp Gen 291 |
|------------------------------|--|

|  |                                    |
|--|------------------------------------|
| 0404—Disbursing Officer Entitled to Credit | 11 Comp Dec 710<br>47 Comp Gen 671 |
|--|------------------------------------|

## 0405—Failure to Discover Physical Condition of Enlistee or Inductee

48 Comp Gen 377

## Table 4-1

|                   |   |
|-------------------|---|
| Rule 1            | 31 Comp Gen 562   |
| Rules 2 through 4 | 31 Comp Gen 562<br>11 Comp Dec 710<br>9 Comp Gen 26<br>39 Comp Gen 860<br>10 U.S.C. 505<br>47 Comp Gen 671<br>54 Comp Gen 291<br>55 Comp Gen 1421 |
| Rule 5            | 39 Comp Gen 860   |
| Rule 6            | 39 Comp Gen 860<br>10 U.S.C. 505  |
| Rule 7            | 10 U.S.C. 505<br>10 U.S.C. 6292   |
| Rule 8            | 39 Comp Gen 742   |
| Rule 9            | 39 Comp Gen 742   |
| Rule 10           | 48 Comp Gen 377   |

## Chapter 05—Special Pays for Medical Officers

## 0501—Variable Special Pay

|               |   |
|---------------|---|
| 050101        | 37 U.S.C. 302(a)(1)   |
| 050101C and D | ASD (HA) Memo,<br>19 Jan 1993<br>Public Law 102-190,<br>Section 634, 5 Dec 1991 |
| 050102        | 37 U.S.C. 302(a)(2)   |
| 050102J       | 37 U.S.C. 302(a)(3) amended<br>by Public Law 101-510,<br>5 Nov 1990             |
| 050104        | 37 U.S.C. 302(g)<br>DoD Directive 1340.13,<br>23 July 1988                      |

## 0502—Board Certified Pay

|        |  |
|--------|--|
| 050202 | 37 U.S.C. 302(a)(5)                    |
| 050205 | DoD Directive 1340.13,<br>23 July 1988 |

## 0503—Additional Special Pay

|         |  |
|---------|--|
| 050303  | 37 U.S.C. 302(a)(4)  |
| 050303C | 37 U.S.C. 302(c)(1)<br>ASD (HA) Memo,<br>19 Jan 1993<br>Public Law 102-190,<br>Section 634, 5 Dec 1991 |
| 050305  | 37 U.S.C. 302(a)(4)<br>ASD (HA) Memo,<br>19 Jan 1993<br>Public Law 102-190,<br>Section 634, 5 Dec 1991 |
| 050306  | 37 U.S.C. 302(e)<br>ASD (HA) Memo,<br>19 Jan 1993<br>Public Law 102-190,<br>Section 634, 5 Dec 1991    |
| 050307  | 37 U.S.C. 302(c)(2)  |
| 050307E | 37 U.S.C. 302(f)<br>ASD (HA) Memo,   |



19 Jan 1993  
Public Law 102-190,  
Section 634, 5 Dec 1991

## 0504—Incentive Special Pay

|         |   |
|---------|---|
| 050403  | 37 U.S.C. 302(b) & (c)<br>DoD Directive 1340.13,<br>23 July 1988  |
| 050403E | ASD (HA) Memo,<br>19 Jan 1993<br>Public Law 102-190,<br>Section 634, 5 Dec 1991   |
| 050404  | 37 U.S.C. 302(b)<br>Public Law 101-189,<br>29 Nov 1989<br>ASD (HA) Memo,<br>1 Sep 1992<br>ASD (HA) Memo,<br>19 Jan 1993<br>Public Law 102-190,<br>Section 634, 5 Dec 1991 |
| 050405  | 37 U.S.C. 302(e)<br>ASD (HA) Memo,<br>19 Jan 1993<br>Public Law 102-190,<br>Section 634, 5 Dec 1991   |
| 050406  | 37 U.S.C. 302(c)(2)<br>37 U.S.C. 302(f)   |
| 050406E | ASD (HA) Memo,<br>19 Jan 1993<br>Public Law 102-190,<br>Section 634, 5 Dec 1991   |

## 0505—InterService Transfers

|        |  |
|--------|--|
| 050501 | DoD Directive 1340.13,<br>23 July 1988 |
|--------|--|

## 0506—Special Pay for Active Duty of Reserve Medical Officers

|        |   |
|--------|---|
| 050601 | Public Law 101-189,<br>Section 702, 29 Nov 1989 |
| 050602 | 37 U.S.C. 302(h)<br>37 U.S.C. 302(h)            |

|   |  |
|---|--|
| 050603  | ASD (HA) Memo,<br>19 Jan 1993<br>Public Law 102-190,<br>Section 634, 5 Dec 1991  |
| 0507—Medical Officer Retention Bonus (MORB)                       |  |
| 050701-050705   | Public Law 100-456,<br>Section 612,<br>29 Sep 1988   |
| 0508—Multi-Year Special Pay (MSP)                                 |  |
| 050801  | Public Law 101-510,<br>5 Nov 1990<br>ASD (HA) Memo,<br>22 Jan 1991<br>ASD (HA) Memo,<br>1 Sep 1992   |
| 050803  | ASD (HA) Memo,<br>1 Sep 1992   |
| 050806  | Public Law 103-139,<br>Section 8127,<br>11 Nov 1993  |
| ★0509—Board Certified Pay for Non-Physician Health Care Providers |  |
| 050901  | OASD (HA) memos,<br>22 Sep 1994, 6 Sep 1995,<br>30 May 1996, and<br>10 July 1996<br>37 USC 302c(d) as amended<br>by Public Law 104-106,<br>Section 617, 10 Feb 1996<br>OASD (HA) Memo,<br>30 May 1996<br>OASD (HA) Memo,<br>10 July 1996 |
| 050904  | OASD (HA) Memo,<br>30 May 1996<br>Public Law 104-106,<br>Section 617, 10 Feb 1996<br>OASD (HA) Memo,<br>10 July 1996   |

## ★0510--Diplomate Pay for Psychologists

051001

OASD (HA) Memo,  
22 Sep 1994 and  
6 Sep 1995  
37 USC 302c (c)

## Chapter 06—Special Pays for Dental Officers

## ★0601—Accession Bonus

37 U.S.C. 302h  
OASD (HA) Memo,  
6 Jan 1997  
Public Law 104-201,  
Section 615, 23 Sep 1996

## ★0602—Variable Special Pay

060201  
060201C

37 U.S.C. 302b(a)(1)  
ASD (HA) Memo,  
19 Jan 1993  
Public Law 102-190,  
Section 634, 5 Dec 1991

060202

37 U.S.C. 302b(a)(2)  
OASD/HA Memo,  
28 Oct 1996

060204

37 U.S.C. 302b(g)  
DoD Directive 1340.8,  
21 Feb 1986

## 0603—Board Certified Pay

060302

37 U.S.C. 302b(a)(4)  
OASD/HA Memo,  
28 Oct 1996

060305

DoD Directive 1340.8,  
21 Feb 1986

## ★0604—Additional Special Pay

060403  
060403C

37 U.S.C. 302b(a)(4)  
ASD (HA) Memo,  
19 Jan 1993  
Public Law 102-190,

|  |  |   |
|--|--|---|
|  |  | Section 634, 5 Dec 1991                                 |
|  | 060405                                 | OASD (HA) Memo,<br>28 Oct 1996                          |
|  | 060405D                                | ASD (HA) Memo,<br>19 Jan 1993                           |
|  |  | Public Law 102-190,<br>Section 634, 5 Dec 1991          |
|  | 060406                                 | 37 U.S.C. 302b(d)<br>ASD (HA) Memo,<br>19 Jan 1993      |
|  |  | Public Law 102-190,<br>Section 634, 5 Dec 1991          |
|  | 060407                                 | 37 U.S.C. 302b<br>DoD Directive 1340.8,<br>21 Feb 1986  |
|  | 060407E                                | ASD (HA) Memo,<br>19 Jan 1993                           |
|  |  | Public Law 102-190,<br>Section 634, 5 Dec 1991          |
| ★0605—Transition (Savings) Provisions  |  |   |
|  | 060501                                 | DoD Directive 1340.8,<br>21 Feb 1986                    |
| ★0606—Special Pay for Active Duty of Reserve Dental Officers                                 |  |   |
|  |  | OASD (HA) Memo,<br>28 Oct 1996                          |
| Chapter 07—Special Pay for Veterinarians and Optometrists                                    |  |   |
|  | 0701—Entitlement                       |   |
|  | 070103                                 | 37 U.S.C. 302a and 303<br>ASD (HA) Memo,<br>19 Jan 1993 |
|  |  | Public Law 102-190,<br>Section 634, 5 Dec 1991          |
| Chapter 08—Special Pay, Proficiency Pay and Special Duty Assignment Pay—<br>Enlisted Members |  |   |
|  | 0801—Entitlement Provisions and Policy |   |
|  |  | 37 U.S.C. 307<br>DoD Directive 1304.21,                 |

2 Aug 1985  
DoD Instruction 1304.22,  
7 Aug 1985  
53 Comp Gen 184  
Public Law 104-106,  
Section 619, 10 Feb 1996

★080105B

## 0802—Conditions of Entitlement

DoD Directive 1304.21,  
2 Aug 1985  
37 U.S.C. 307

## Chapter 09—Special Pay, Enlistment and Reenlistment Bonus, Enlisted Members

## 0901—Enlistment Bonus

★090101F

37 U.S.C. 308a  
Public Law 104-106,  
Section 613, 10 Feb 1996

37 U.S.C. 308a (c)  
Public Law 104-201,  
Section 613, 23 Sep 1996

090102 and 090103

37 U.S.C. 308a (c), 308f (c)  
Public Law 101-189,  
Section 612, 29 Nov 1989

★090104

Public Law 104-106,  
Section 613, 10 Feb 1996

★090106

37 U.S.C. 308a (c)

★090107

58 Comp Gen 282

★090107A

37 U.S.C. 308f

★090107B

37 U.S.C. 308f (a)

★090107D

37 U.S.C. 308f (a)

37 U.S.C. 308f (c)

## 0902—Selective Reenlistment Bonus

37 U.S.C. 308  
Public Law 93-277,  
10 May 1974

090201

DoD Instruction 1304.22,  
7 Aug 1985

090202

Public Law 101-189,  
Section 611, 29 Nov 1989  
DoD Instruction 1304.22,

|          |  |
|----------|--|
|          | 7 Aug 1985   |
| 090202A4 | 55 Comp Gen 37   |
| 090202A5 | MS Comp Gen B-230360,<br>9 Nov 1990                                  |
| 090201B1 | ODASD(MPP)OEPM Memo,<br>9 Dec 1994                                   |
| 090205   | 58 Comp Gen 282  |
| 090205D  | 45 Comp Gen 379  |
| ★090206  | Public Law 104-201,<br>Section 613, 23 Sep 1996<br>37 U.S.C. 308 (g) |

## 0903—Regular Reenlistment Bonus

|                |   |
|----------------|---|
| 090301         | Public Law 93-277,<br>10 May 1974                                       |
| 090301A5       | 36 Comp Gen 786   |
| 090301A6       | MS Comp Gen B-123049,<br>1 July 1955                                    |
| 090301B1       | 34 Comp Gen 715   |
| 090301B2       | 42 Comp Gen 172<br>45 Comp Gen 561                                      |
| 090301B3       | 36 Comp Gen 439   |
| 090301C        | 30 Comp Gen 222<br>38 Comp Gen 333                                      |
| 090302C        | 35 Comp Gen 371   |
| 090302D        | 35 Comp Gen 664   |
| 090304         | 37 U.S.C. 906<br>45 Comp Gen 123<br>MS Comp Gen B-175846,<br>4 Oct 1972 |
| 090304A        | 34 Comp Gen 615<br>40 Comp Gen 14                                       |
| 090304B        | 40 Comp Gen 14  |
| 090305         | 35 Comp Gen 663<br>MS Comp Gen B-175846,<br>4 Oct 1972                  |
| 090306C        | JAGA, Dig Ops, Volume 3,<br>page 618                                    |
| 090306C3 and 4 | 42 Comp Gen 172   |
| 090306D        | 28 Comp Gen 460   |
| 090306F        | 36 Comp Gen 127   |

## 0904—Recoupment of Enlistment and Reenlistment Bonus

|               |   |
|---------------|---|
| 090403        | OASD (MRA&L) Memo,<br>13 Apr 1983<br>MS Comp Gen B-210827,<br>21 Sep 1983<br>MS Comp Gen B-206550,<br>27 Oct 1982 |
| 090403N       | 39 Comp Gen 377   |
| ★090403N10    | Navy Pers-20 Memo,<br>29 Nov 1995   |
| 090404        | Public Law 95-57,<br>29 June 1977   |
| 090405        | 10 U.S.C. 972<br>33 Comp Gen 513  |
| 090406        | 33 Comp Gen 513   |
| 090406D       | Public Law 103-139,<br>Section 8127,<br>11 Nov 1993   |
| Table 9-1     |   |
| Rules 4 and 5 | 45 Comp Gen 123<br>37 U.S.C. 906  |
| Note 4        | 36 Comp Gen 788   |

## Chapter 10—Special Pay—Duty Subject to Hostile Fire or Imminent Danger

## 1001—Entitlement Provisions

|             |   |
|-------------|---|
|             | 37 U.S.C. 310<br>DoD Instruction 1340.9,<br>10 Apr 1992 |
| 100103      | Public Law 102-190,<br>5 Dec 1991                       |
| Figure 10-1 | ASD (FMP) Memo,<br>7 Mar 1995                           |
| Afghanistan | ASD (FM&P) Memo,<br>20 Oct 1988                         |
| Algeria     | ASD(FMP) Memo,<br>7 Mar 1995                            |
| Angola      | ASD (FM&P) Memo,<br>22 June 1992                        |

## ★Arabian (Persian) Gulf Area

OASD (FM&P) Memos,  
25 Aug 1987  
and 20 Mar 1989  
SECDEF Memo,  
19 Sep 1990  
SECDEF Memo,  
10 Dec 1990, and  
ASD (P&R) Memo,  
23 Aug 1993  
Azerbaijan ASD(FMP) Memo,  
9 June 1995  
Bosnia ASD (FM&P) Memo,  
(Herzegovina, 22 June 1992  
Yugoslavia, ASD (FM&P) Memo,  
Macedonia) 22 June 1992 and  
ASD (P&R) Memo,  
23 Aug 1993  
Burundi ASD (FMP) Memo,  
29 Nov 1996  
Chad ASD (FM&P) Memo,  
22 June 1992, ASD (FMP)  
Memo, 29 Jan 1997  
Colombia ASD (MI&L) Memo,  
8 May 1985  
Croatia ASD (FM&P) Memo,  
22 June 1992  
★Egypt OSD Memo, 6 Feb 1991  
ASD (FMP) Memo,  
29 Jan 1997  
El Salvador ASD (MRA&L) Memo,  
30 Sep 1983  
★Georgia ASD (FMP) Memo,  
28 Jan 1997  
★Greece ASD (FMP) Memo,  
29 Jan 1997  
Haiti USD (P&R) Memo,  
16 Sep 1994  
CINCUSACOM Msg  
262133Z Sep 94  
USD (P&R) Memo,  
23 Nov 1994  
Iran OASD (MRA&L) (MPP)  
Memos, 4 May 1979  
and 23 Jan 1981



|             |  |
|-------------|--|
| Iraq        | OSD Memo, 17 Sep 1990  |
| Israel      | OSD Memo, 6 Feb 1991   |
| ★Jordan     | OSD Memo, 6 Feb 1991   |
|             | ASD (FMP) Memo,<br>29 Jan 1997   |
| Kuwait      | ASD (FM&P) Memo,<br>6 Aug 1990   |
| Lebanon     | ASD (MRA&L) Memo,<br>30 Sep 1990   |
| Liberia     | ASD (FM&P) Memo,<br>6 Aug 1990   |
| ★Macedonia  | ASD (FM&P) Memo,<br>22 Jun 1992 and<br>ASD (P&R) Memo,<br>23 Aug 1993                                    |
| ★Montenegro | ASD (FM&P) Memo,<br>22 Jun 1992  |
| ★Mozambique | ASD (FM&P) Memo,<br>22 June 1992<br>ASD (FMP) Memo,<br>29 Jan 97   |
| ★Pakistan   | ASD (FMP) Memo,<br>29 Nov 1996   |
| Panama      | ASD (FM&P) Memo,<br>20 Dec 1989  |
| Peru        | OASD (FM&P) Memos,<br>27 Mar 1987 and<br>29 Oct 1987   |
| Philippines | ASD (FM&P) Memos,<br>15 May 1990 and<br>22 Nov 1991  |
| ★Serbia     | ASD (FM&P) Memo,<br>22 Jun 1992  |
| Somalia     | ASD (FMP) Memo,<br>28 Sep 1992   |
| Slovenia    | ASD (FM&P) Memo,<br>22 June 1992<br>ASD (FM&P) Memo,<br>29 Sep 1995                                      |
| Sudan       | OASD (FM&P) Memos,<br>17 July 1986,<br>12 May 1987,<br>27 Nov 1987, and<br>ASD (P&R) Memo,<br>4 Oct 1993 |

|   |  |  |
|---|--|--|
|   | Syria  | ASD (FM&P) Memo,<br>26 Dec 1991  |
|   | ★Tajikistan  | OSD Memo, 6 Feb 1991<br>ASD (FMP) Memo,<br>31 Mar 1997                                     |
|   | ★Turkey  | ASD (FMP) Memo,<br>29 Sep 1995 and<br>ASD (FMP) Memo,<br>29 Jan 1997                       |
|   | Vietnam  | DEPSECDEF Memo,<br>26 Sep 1973<br>(MPAC Item 73-155) and<br>ASD (FMP) Memo,<br>29 Jan 1997 |
|   | ★Zaire   | ASD (FMP) Memo,<br>29 Nov 1996   |
|   | ★Notes 1, 2  | ASD (FMP) Memo,<br>29 Jan 1997   |
| Chapter 11—Special Pay—Diving Duty                    |  |  |
|   | 1101Entitlement  |  |
|   | 1105-Restriction on Payment  | 1101 and 1105<br>37 U.S.C. 304   |
| Chapter 12—Special Pay for Nuclear-Qualified Officers |  |  |
|   | ★1201—Nuclear Power Accession Bonus Program  |  |
|   | ★120101-120104   | 37 U.S.C. 312b<br>Public Law 104-106,<br>Section 613(f),<br>10 Feb 1996                    |
|   | ★120101A   | Public Law 104-201, Section<br>613, 23 Sep 1996<br>37 U.S.C. 312b (c)                      |
|   | 1202—Nuclear-Qualified Officer Extending Period of Active Service (Continuation Pay) |  |
|   | ★120201-120204   | 37 U.S.C. 312  |
|   | ★120201A   | Public Law 104-201, Section<br>613, 23 Sep 1996<br>37 U.S.C. 312 (e)                       |

## 1203—Nuclear Career Annual Incentive Bonus

★120301A

Public Law 104-201, Section  
613, 23 Sep 1996  
37 U.S.C. 312c (d)

## Chapter 13—Special Pay for Officers Serving In Positions of Unusual Responsibility and of a Critical Nature

## 1301—Entitlement

37 U.S.C. 306  
Public Law 102-587,  
Section 5205, 4 Nov 1992

## Chapter 14—Special Pay—Qualified Enlisted Members Extending Duty at Designated Locations Overseas

## 1401—Conditions of Entitlement

37 U.S.C. 314  
OASD(FM&P) Memo,  
18 Mar 1986

## 1404—Termination of Entitlement

DoD Directive 1315.7,  
9 Jan 1987

## Chapter 15—Special Continuation Pay for Aviation Career Officers

## 1501—Entitlement

37 U.S.C. 301b

## Chapter 16—Engineering and Scientific Career Continuation Pay

## 1601—Conditions of Entitlement

37 U.S.C. 315

## Chapter 17—Special Pay—Foreign Duty

## 1701—Entitlement

37 U.S.C. 305  
Part II, EO 11157,  
22 June 1964

## 1703—Restrictions on Payment

170301  
170303  
170304

38 Comp Gen 710  
24 Comp Gen 131  
37 U.S.C. 305(d)  
Sec 206(a), EO 11157,  
22 June 1964

|   |                          |   |
|---|--------------------------|---|
| 1704—Rates Payable                                  |                          | 37 U.S.C. 305(a)  |
| 1705—Foreign Duty Pay Areas                         |                          |   |
|   | 170502                   | OASD (FM&P) (MM&PP)<br>Memo, 18 July 1989<br>OASD Memo, 17 Sep 1990<br>OUSD (P&R) (MPP) Memo,<br>11 Aug 1994<br>★OASD (FM&P) (MPP)<br>Memo, 26 Nov 1996 |
|   | Table 17-1               |   |
|   | Rule 1                   | 44 Comp Gen 396   |
|   | Rule 2                   | 44 Comp Gen 396   |
|   | Rule 8                   | EO 11292, 1 Aug 1966  |
|   | Rule 13                  | OASD (MRA&L) Memo,<br>26 Jan 1983   |
| Chapter 18—Special Pay—Sea Duty                     |                          |   |
| 1801—Career Sea Pay                                 | 180101-180104<br>180105C | 37 U.S.C. 305a<br>37 U.S.C. 305(d)<br>Sec 206(a), EO 11157,<br>22 June 1964   |
| 1802—Career Sea Pay Premium                         | 180201-180202<br>180203  | 37 U.S.C. 305a<br>EO 12274, 16 Jan 1981   |
| Chapter 19—Special Pay—Foreign Language Proficiency |                          |   |
| 1901—Entitlement Provisions<br>and Policy           | 190101                   | Public Law 99-661<br>14 Nov 1986<br>DoD Instruction 7280.3,<br>15 Apr 1987  |
| Chapter 20—Aviator Retention Bonus                  |                          |   |
| ★2001—Entitlement                                   |                          | Public Law 104-201,<br>Section 613, 23 Sep 1996<br>37 U.S.C. 301b (a)   |
| 2002—Eligibility Requirements                       |                          | 37 U.S.C. 301b(b)   |
| 2003—Computation                                    |                          | 37 U.S.C. 301b(c)   |
| 2004—Time of Payment                                |                          | 37 U.S.C. 301b(d), (e)  |
| 2005—Recoupment                                     |                          | 37 U.S.C. 301b(g)   |

|  |   |
|--|---|
|  | Public Law 103-139,<br>Section 8127,<br>11 Nov 1993<br>Public Law 103-335,<br>Section 8106A,<br>30 Sep 1994   |
| 2006—Restriction                                 | Public Law 100-456,<br>Section 611(e),<br>29 Sep 1988   |
| ★2007—Coverage of Period of Lapsed Authority     | Public Law 103-160,<br>Section 613(i),<br>30 Nov 1993<br>Public Law 104-106,<br>Section 613(i),<br>10 Feb 1996  |
| Chapter 21—Special Pays for Nurse Corps Officers |   |
| 2101—Registered Nurse Accession Bonus            | 37 U.S.C. 302d<br>ASD (HA) Memo,<br>19 Dec 1989<br>Public Law 101-510,<br>Section 613, 5 Nov 1990   |
| ★210101  | Public Law 102-484,<br>Section 612(g),<br>23 Oct 1992<br>ASD (HA) Memo,<br>19 Dec 1994<br>Public Law 104-201,<br>Section 612, 23 Sep 1996<br>37 U.S.C. 302d (a) (1) |
| 210102   | ASD (HA) Memo,<br>19 Dec 1994<br>Public Law 103-337,<br>Section 612, 5 Oct 1994   |
| 210103   | Public Law 103-139,<br>Section 8127,<br>11 Nov 1993   |
| 210103A-C  | ASD (HA) Memo,<br>19 Dec 1994   |

## 2102—Incentive Special Pay for Certified Registered Nurse Anesthetists (CRNA)

|          |   |
|----------|---|
|          | 37 U.S.C. 302e<br>Public Law 103-160,<br>Section 611(c),<br>30 Nov 1993<br>ASD (HA) Memo,<br>19 Dec 1989<br>Public Law 101-510,<br>5 Nov 1990                       |
| 210201   | ASD (HA) Memo,<br>19 Dec 1994<br>Public Law 103-337,<br>Section 612, 5 Oct 1994   |
| ★210201A | Public Law 102-484,<br>Section 612(i),<br>23 Oct 1992<br>ASD (HA) Memo,<br>19 Dec 1994<br>Public Law 104-201,<br>Section 612, 23 Sep 1996<br>37 U.S.C. 302e (a) (1) |
| 210201B  | ASD (HA) Memo,<br>19 Dec 1994<br>Public Law 103-337,<br>Section 612, 5 Oct 1994   |
| 210201C  | ASD (HA) Memo,<br>19 Jan 1993<br>Public Law 102-190,<br>Section 634, 5 Dec 1991   |
| 210202E  | ASD (HA) Memo,<br>19 Dec 1994<br>ASD (HA) Memo,<br>19 Jan 1993<br>Public Law 102-190,<br>Section 634, 5 Dec 1991  |
| 210204   | ASD (HA) Memo,<br>19 Jan 1993,<br>Public Law 102-190,<br>Section 634, 5 Dec 1991  |

## Chapter 22—Aerial Flights

## 2201—Hazardous Duty Incentive Pay (HDIP) for Flying Duty

|                  |   |
|------------------|---|
| 220101           | 37 U.S.C. 301(a)(1)and(4)<br>Public Law 93-294,<br>31 May 1974              |
| 220102           | 37 U.S.C. 301(b) and (c)  |
| 220103           | EO 11157, 22 June 1964<br>EO 11292, 1 Aug 1966                              |
| 220104B          | 25 Comp Gen 534   |
| 220104C          | 37 Comp Gen 183<br>4 Comp Gen 975<br>9 Comp Gen 487                         |
| 220106A          | EO 11157, 22 June 1964  |
| 220106B          | 38 Comp Gen 83  |
| 220106C          | 22 Comp Gen 1038<br>Committee Action 1006,<br>8 Feb 1966<br>23 Comp Gen 267 |
| 220109A          | 2 Comp Gen 370  |
| 220109B          | 46 Comp Gen 776   |
| 220109C          | 37 Comp Gen 322   |
| 220109E          | 37 U.S.C. 552<br>23 Comp Gen 948<br>Public Law 92-482,<br>12 Oct 1972       |
| 220109F1         | 23 Comp Gen 449   |
| 220109F2         | 7 Comp Gen 476<br>36 Comp Gen 57  |
| 220110           | 9 Comp Gen 234<br>39 Comp Gen 604<br>41 Comp Gen 173<br>46 Comp Gen 776     |
| 220111           | 37 U.S.C. 301(e)  |
| 220111A          | 56 Comp Gen 983   |
| 220111B          | 56 Comp Gen 983   |
| 220111C          | MS Comp Gen B-153331,<br>11 Dec 1964  |
| 220112           | 37 U.S.C. 304(b)  |
| 220114           | Public Law 92-482,<br>12 Oct 1972   |
| ★220116          | Public Law 104-106<br>Section 615, 10 Feb 1996                              |
| Table 22-3       |   |
| Rules 1through 8 | EO 11157, 22 June 1964<br>37 U.S.C. 301                                     |
| Rule 9           | EO 11929, 26 July 1976  |
| Rule 10          | EO 11929, 26 July 1976  |

|               |   |
|---------------|---|
| Note 3        | EO 11929, 26 July 1976                            |
| Note 4        | EO 11929, 26 July 1976                            |
| Table 22-4    |   |
| Example 6 and |   |
| Note 10       | 46 Comp Gen 776                                   |
| Table 22-5    | 46 Comp Gen 776                                   |
| ★Table 22-8   | Public Law 104-106,<br>Section 615<br>10 Feb 1996 |

2202—Aviation Career Incentive Pay (ACIP) for Rated or Designated Officers,  
Aviation Cadets and Warrant Officers

|                    |   |
|--------------------|---|
| ★220201A2          | 37 U.S.C. 301a<br>ASD (FMP) Memo,<br>17 Jul 1996  |
| 220203             | EO 11157, 22 June 1964<br>EO 11292, 1 Aug 1966  |
| 220204B            | 25 Comp Gen 534   |
| 220204C            | 37 Comp Gen 183<br>4 Comp Gen 975<br>9 Comp Gen 487   |
| 220206             | EO 11157, 22 June 1964<br>DoD Directive 7730.57,<br>5 Feb 1976<br>OASD (M,I&L) Memo,<br>15 Feb 1985<br>ASD (FMP) Memo,<br>15 Dec 1994 |
| 220206B            | ASD (FMP) Memo,<br>15 Dec 1994  |
| 220206B2           | 38 Comp Gen 83  |
| 220206B3           | 22 Comp Gen 1038  |
| 220207             | DoD Directive 7730.57,<br>5 Feb 1976<br>OASD (M,I&L) Memo,<br>15 Feb 1985<br>ASD (FMP) Memo,<br>15 Dec 1994                           |
| 220209 and 220209A | 2 Comp Gen 370  |
| 220209B            | 46 Comp Gen 776   |
| 220209C            | 23 Comp Gen 449   |
| 5-7                | ASD (FMP) Memo,<br>15 Dec 1994  |
| 220209D            | 7 Comp Gen 476  |



|         |                        |
|---------|------------------------|
| 2,3     | 36 Comp Gen 57         |
|         | ASD (FMP) Memo,        |
|         | 15 Dec 1994            |
| 220210  | DoD Directive 7730.57, |
|         | 5 Feb 1976             |
|         | OASD(M,I&L) Memo,      |
|         | 15 Feb 1985            |
| 220210A | ASD (FMP) Memo,        |
|         | 15 Dec 1994            |
| 220211  | OASD (MRA&L) MPP       |
|         | Memo, 12 Aug 1981      |
| 220213  | 37 U.S.C. 552          |
|         | 23 Comp Gen 948        |
|         | Public Law 92-482,     |
|         | 12 Oct 1972            |

## Chapter 23—Submarine Duty Pay

## 2301—Incentive Pay for Operational Submarine Duty

|                   |                              |
|-------------------|------------------------------|
| 230101            | 37 U.S.C. 301c(a)(1) and (2) |
| 230103 and 230105 | 37 U.S.C. 301c(a)(5)         |
| 230107            | Public Law 92-482,           |
|                   | 12 Oct 1972                  |

## 2302—Continuous Monthly Submarine Duty Pay for Submarine Service Members

|        |                      |
|--------|----------------------|
| 230201 | 37 U.S.C. 301c(a)(3) |
| 230204 | 37 U.S.C. 301c(c)(2) |

## Chapter 24—Parachute Duty, Flight Deck Duty, Demolition Duty, Experimental Stress Duty, and Others Listed

|                         |         |                        |
|-------------------------|---------|------------------------|
| 2401—General Provisions | 240101  | 37 U.S.C. 301          |
|                         |         | EO 12394, 18 Nov 1982, |
|                         |         | amending               |
|                         |         | EO 11157, 22 June 1964 |
|                         |         | EO 12420, 11 May 1983, |
|                         |         | amending               |
|                         |         | EO 11157, 22 June 1964 |
|                         | 240102  | 37 U.S.C. 301(c)       |
|                         | 240103  | EO 11157, 22 June 1964 |
|                         | 240103C | 38 Comp Gen 83         |
|                         | 240105  | 37 U.S.C. 301(e)       |
|                         | 240105A | 56 Comp Gen 983        |

|  |         |  |
|--|---------|--|
|  | 240105D | MS Comp Gen B-15331,<br>11 Dec 1964  |
|  | 240106  | 37 U.S.C. 304(a)   |
|  | 240107  | EO 11157, 22 June 1964   |
|  | 240108  | Public Law 92-482,<br>12 Oct 1972  |
| 2402—Parachute Duty                    | 240201  | 37 U.S.C. 301(a)(3)<br>37 U.S.C. 301(c)(1)<br>Public Law 102-190,<br>5 Dec 1991<br>EO 11157, 22 June 1964<br>EO 11259, 3 Dec 1965<br>OASD (FM&P) Memo,<br>5 Mar 1992 |
|  | 240202  | MS Comp Gen B-112720,<br>3 Feb 1953  |
| 2403—Flight Deck Duty                  | 240301  | 37 U.S.C. 301(a)(12)<br>EO 11473, 14 June 1969   |
|  | 240302  | SECNAV Inst 7220.53  |
|  | 240303  | 37 U.S.C. 301(c)   |
| 2404—Demolition Duty                   | 240401  | 37 U.S.C. 301(a)(8)<br>EO 11157, 22 June 1964<br>EO 12494, 6 Dec 1984  |
|  | 240402  | 37 U.S.C. 301(c)   |
| 2405—Experimental Stress Duty          | 240501  | 37 U.S.C. 301(a)(9), (10),<br>(11)<br>EO 11157, 22 June 1964   |
|  | 240502  | 37 U.S.C. 301(c)   |
| 2406—Toxic Fuels (or Propellants) Duty |         |  |
|  | 240601  | EO 12394, 18 Nov 1982,<br>amending EO 11157,<br>22 June 1964<br>EO 12488, 27 Sep 1984,<br>amending<br>EO 11157, 22 June 1964   |
| 2407—Toxic Pesticides Duty             | 240701  | EO 12420, 11 May 1983,<br>amending EO 11157,<br>22 June 1964   |

EO 12573, 6 Nov 1986,  
amending EO 11157,  
22 June 1964

2408—Dangerous Viruses (or Bacteria) Lab Duty

240801 EO 12420, 11 May 1983,  
amending  
EO 11157, 22 June 1964

2409—Chemical Munitions

240901 EO 12573, 6 Nov 1986,  
amending  
EO 11157, 22 June 1964

Chapter 25—Basic Allowance for Subsistence (BAS)

2501—General Provisions

250101 37 U.S.C. 402(a)  
Part III, EO 11157,  
22 June 1964,  
as amended  
250101A 37 U.S.C. 402(b)  
250101B 37 U.S.C. 402(c)  
250102 EO 11157, 22 June 1964,  
as amended  
250102H EO 12935, 28 Oct 1994

2502—BAS Policy and Determinations Responsibility

250201B 37 U.S.C. 402(b)  
OASD Memo, 26 Aug 1981  
37 U.S.C. 402 (e)(2)  
37 U.S.C. 404 (b)(2)  
37 U.S.C. 404 (f)(3)  
37 U.S.C. 404 (g)  
250201C OASD (FM&P) (RM&S)  
Memo, 15 June 1989  
250201F 52 Comp Gen 23  
250203A 42 Comp Gen 558  
250204 OASD (FM&P) (RM&S)  
Memo, 15 June 1989  
OASD (MPP) Memo,  
14 Nov 1994  
250206 OUSD(C) Memo, 4 Apr 1995

|        |  |
|--------|--|
| 250207 | OUSD (P&R) Memo,<br>30 Sep 1994<br>OUSD(C) Memo, 4 Apr 1995<br>JFTR Vol 1 JD 94016 |
|--------|--|

## 2504—Enlisted Members Conditions of Entitlement

|             |  |
|-------------|--|
| 250401B4    | MS Comp Gen B-130033,<br>29 Jan 1957   |
| 250406      | 37 U.S.C. 402<br>37 U.S.C. 1009  |
| 250407B     | 32 Comp Gen 352  |
| Table 25-1  |  |
| Rule 1      | 37 U.S.C. 402(c)   |
| Rule 6      | 29 Comp Gen 163  |
| Rule 7      | 30 Comp Gen 246  |
| Rule 9      | 37 U.S.C. 419(c)   |
| Rule 12     | 2 Comp Dec 300<br>MS Comp Gen B-160588,<br>10 Mar 1967                             |
| Rule 13     | DoD Directive 1322.6,<br>4 Aug 1981<br>10 U.S.C. 2603, 4341, 9341<br>5 U.S.C. 5536 |
| Table 25-4  |  |
| Rule 8      | 32 Comp Gen 348  |
| Note 1      | 48 Comp Gen 301  |
| Table 25-5  |  |
| Rules 1 & 6 | 37 U.S.C. 402(b)<br>OASD Memo, 26 Aug 1981   |
| Rules 2 & 3 | 37 U.S.C. 419(c)   |
| Note 4      | OASD Memo, 26 Aug 1981   |
| Table 25-6  |  |
| Rules 1 & 2 | 37 U.S.C. 402(b)<br>OASD Memo, 26 Aug 1981   |

## Chapter 26—Basic Allowance for Quarters (BAQ)

## 2601—General Provisions

|                    |                                  |
|--------------------|----------------------------------|
| 260101B and 260102 | Public Law 93-64,<br>9 July 1973 |
| 260105             | Section 403, EO 11157,           |

|         |                                     |
|---------|-------------------------------------|
|         | June 1964,<br>as amended            |
| 260105B | 21 Comp Gen 1065                    |
|         | 27 Comp Gen 479                     |
| 260105C | MS Comp Gen B-7255,<br>13 Dec 1939  |
| 260106  | 40 Comp Gen 335                     |
| 260107C | MS Comp Gen B-213560,<br>3 Apr 1984 |
| 260108  | Public Law 99-227,<br>28 Dec 1985   |

## 2602—Members Without Dependents

|           |   |
|-----------|---|
| ★260201C  | 37 U.S.C 403(b)<br>Public Law 104-201,<br>Section 604,<br>23 Sep 1996<br>37 U.S.C., Section 403(c),<br>as amended |
| 260202    | 10 U.S.C. 7572  |
| 260202D   | 10 U.S.C. 7572(b)<br>as amended by<br>Public Law 102-190,<br>Section 607, 5 Dec 1991                              |
| 260202E   | 10 U.S.C. 7572(d) as added<br>by Public Law 102-190,<br>Section 607, 5 Dec 1991                                   |
| 260203    | Public Law 102-190,<br>Section 632, 5 Dec 1991  |
| 260204    | 52 Comp Gen 23  |
| 260205    | 37 U.S.C. 1009(c)<br>EO 11939, 30 Sep 1976<br>57 Comp Gen 194<br>56 Comp Gen 894                                  |
| ★260205B2 | Public Law 104-106,<br>Section 603, 10 Feb 1996<br>37 U.S.C. Section 403(b),<br>as amended                        |
| 260205B14 | 62 Comp Gen 37  |

## 2603—Members With Dependents

|          |                                     |
|----------|-------------------------------------|
| 260301A2 | 37 U.S.C. 403(d)<br>48 Comp Gen 216 |
|----------|-------------------------------------|

|                     |   |
|---------------------|---|
|                     | Section 404, EO 11157,<br>June 1964, as amended   |
| 260301A3            | 48 Comp Gen 216   |
| 260301C and 260301D | Part IV, EO 11157,<br>22 June 1964  |
| 260302B1            | MS Comp Gen B-96991,<br>19 Mar 1951   |
| 260302B2            | 39 Comp Gen 575   |
| 260302B3            | 40 Comp Gen 215   |
| 260302C1            | 21 Comp Gen 1065<br>27 Comp Gen 479   |
| 260302C2            | 29 Comp Gen 67<br>30 Comp Gen 246<br>32 Comp Gen 454  |
| 260302D1            | MS Comp Gen A-68837,<br>6 Jan 1942  |
| 260302D2            | 23 Comp Gen 856   |
| 260302D4            | 46 Comp Gen 869   |
| 260302D5            | OASD Memo, 1 Sep 1967<br>37 Comp Gen 517  |
| 260302D6            | EO 11157, 22 June 1964,<br>as amended<br>by EO 12762, 4 June 1991                                     |
| 260302E             | EO 11157,<br>22 June 1964, as amended<br>by EO 12762, 4 June 1991                                     |
| 260302F1            | 37 U.S.C. 403(e)<br>Public Law 83-765,<br>Section 408, 1 Sep 1954<br>25 Comp Gen 5<br>39 Comp Gen 401 |
| 260302F3            | MS Comp Gen A-8139,<br>27 June 1925   |
| 260302G             | 47 Comp Gen 355   |
| 260303A             | 10 U.S.C. 2830<br>18 Comp Gen 299   |
| 260303B             | 39 Comp Gen 401   |
| 260303C             | 10 U.S.C. 2830  |
| 260303G             | OASD (MRA&L) Memo,<br>27 Sep 1982   |
| 260303H             | OASD (MRA&L) (MPP)<br>Memos, 7 Apr 1978 and<br>29 Jan 1979  |
| 260304A1            | 37 U.S.C. 421   |
| 260304A2            | 37 U.S.C. 421   |

|          |  |
|----------|--|
|          | 47 Comp Gen 467  |
| 260304A4 | 43 Comp Gen 249  |
| 260304C  | 54 Comp Gen 92   |
|          | 55 Comp Gen 287  |
| 260304D  | 37 U.S.C. 403(a)(2), as added<br>by Section 604(a),<br>Public Law 102-190,<br>5 Dec 1991<br>DFAS-HQ/F Memo,<br>22 Apr 1993 |

## 2604—Rules for Determining Relationship and Dependency

|                |  |
|----------------|--|
| 260402A        | DoD Instruction 1338.1,<br>18 Apr 1974   |
| 260402B        | MS Comp Gen B-180328,<br>21 Oct 1974<br>MS Comp Gen B-249916,<br>30 Mar 1993                 |
| 260402C        | 51 Comp Gen 413  |
| 260403B        | 32 Comp Gen 144  |
| 260403E        | 36 Comp Gen 121  |
| 260403F        | 37 U.S.C. 423<br>37 Comp Gen 451   |
| 260404         | 26 Comp Gen 645  |
| 260406A        | <u>Robey vs U.S.</u> (71 Ct Cl 561)<br><u>Rawlin vs U.S.</u><br>(93 Ct Cl 231)               |
| 260406B        | 42 Comp Gen 642, 644<br>52 Comp Gen 454, 456<br>64 Comp Gen 333, 335                         |
| 260406C        | 23 Comp Gen 625<br>OASD (MRA&L) (MPP)<br>Memo, 7 Apr 1978                                    |
| 260406D        | OASD (MRA&L) (MPP)<br>Memo, 7 Apr 1978   |
| 260406D1 and 2 | MS Comp Gen B-240236,<br>12 Sep 1991   |
| 260406F and G  | 64 Comp Gen 609  |
| 260406H and I  | MS Comp Gen B-138091,<br>26 Jan 1959<br>26 Comp Gen 514<br>33 Comp Gen 308<br>34 Comp Gen 16 |
| 260407A        | ASD (FM&P) Memo,   |

|          |  |
|----------|--|
| 260407A1 | 19 May 1992<br>OASD (MRA&L) (MPP)<br>Memo, 11 Dec 1974<br>ASD (FM&P) Memo,<br>19 May 1992<br>ASD (FM&P) Memo,<br>28 Feb 1992<br>ASD (FM&P) Memo,<br>22 Jun 1992<br>60 Comp Gen 399 |
| 260407A2 | Public Law 102-190,<br>Section 602, 5 Dec 1991   |
| 260407A3 | 60 Comp Gen 399  |
| 260407A4 | 52 Comp Gen 602  |
| 260407A5 | 62 Comp Gen 666  |
| 260407A6 | 64 Comp Gen 121  |
| 260407A7 | 62 Comp Gen 315  |
| 260407A8 | 62 Comp Gen 350  |
| 260407B  | 37 U.S.C. 403  |
| 260407B1 | 52 Comp Gen 602<br>ASD (FM&P) Memo,<br>19 May 1992<br>ASD (FM&P) Memo,<br>19 May 1992<br>ASD (FM&P) Memo,<br>28 Feb 1992<br>ASD (FM&P) Memo,<br>22 Jun 1992                        |
| 260407B3 | 64 Comp Gen 121  |
| 260407B5 | 52 Comp Gen 602  |
| 260409A  | 48 Comp Gen 28<br>MS Comp Gen B-200946,<br>15 Dec 1980   |
| 260409B  | 59 Comp Gen 681  |
| 260409C  | 60 Comp Gen 399  |
| 260410   | 58 Comp Gen 100  |
| 260411   | 64 Comp Gen 224  |
| 260412   | Public Law 93-64,<br>9 July 1973<br>OASD Memo, 30 Aug 1973   |
| 260412B  | Public Law 102-190,<br>Section 602, 5 Dec 1991   |
| 260412F  | MS Comp Gen B-177061<br>B-177129, 13 Dec 1974  |
| 260415   | MPAC CA 146,   |



|   |   |
|---|---|
|   | MPAC CA 146A<br>Public Law 97-81,<br>20 Nov 1981<br>36 Comp Gen 199<br>47 Comp Gen 467<br>MS Comp Gen B-209744,<br>1 Feb 1983 |
| 260416  | Public Law 102-190,<br>Section 602, 5 Dec 1991  |
| 260417D   | 30 Comp Gen 144   |
| 260418E   | 33 Comp Gen 336   |
| 260418F   | 34 Comp Gen 672   |
| 260418G   | MPAC CA 78,<br>MPAC Items 70-80 and<br>83-85  |
| 2605—Payment of BAQ, Members in a Nonpay Status |   |
| 260501  | Public Law 93-64,<br>9 July 1973  |
| 260501A3  | OASD (MRA&L) (MPP)<br>Memo, 16 July 1973<br>OASD (MRA&L) (MPP)<br>Memo, 2 July 1976   |
| Table 26-1                                      |   |
| Note 3  | MS Comp Gen B-124149,<br>23 Dec 1955  |
| Note 4  | MS Comp Gen B-94657,<br>9 Feb 1951<br>34 Comp Gen 193, 547, 625<br>37 Comp Gen 451  |
| Note 5  |   |
| Table 26-3                                      |   |
| Rule 1  | 37 U.S.C. 403   |
| Rule 3  | OASD (MRA&L) (MPP)<br>Memo, 12 Apr 1978   |
| Rule 4  | 44 Comp Gen 105<br>47 Comp Gen 527  |
| Rules 6 and 7                                   | 37 U.S.C. 403(c)(1)   |
| ★Rule 8, note 14                                | Public Law 104-201,<br>Section 604, 23 Sep 1996<br>37 U.S.C. Section 403(c) as<br>amended                                     |
| Rule 14   | 37 U.S.C. 403(f)<br>MS Comp Gen B-164351,<br>2 Aug 1968   |

|         |   |
|---------|---|
|         | 48 Comp Gen 41,<br>Section 403(a)(2)(A),<br>EO 11157,<br>22 June 1964, as amended   |
| Rule 16 | 45 Comp Gen 347   |
| Rule 17 | 53 Comp Gen 740   |
| Rule 20 | 37 U.S.C. 403(f)<br>32 Comp Gen 348   |
| Rule 21 | 32 Comp Gen 348   |
| Rule 23 | 29 Comp Gen 67, 163<br>30 Comp Gen 246<br>32 Comp Gen 454   |
| Rule 25 | 29 Comp Gen 67, 163<br>30 Comp Gen 246<br>32 Comp Gen 454   |
| Rule 26 | 40 Comp Gen 169, 715<br>60 Comp Gen 74  |
| Rule 27 | 48 Comp Gen 301, 490, 517<br>EO 11157, 22 June 1964,<br>as amended<br>OASD (FM&P) Memo,<br>31 Oct 1990<br>OASD(FM&P) Memo,<br>25 Feb 1991 |
| Rule 28 | EO 11157, 22 June 1964,<br>as amended   |
| Rule 29 | Public Law 102-25,<br>Section 310A, 6 Apr 1991<br>Public Law 102-190,<br>Section 632, 5 Dec 1991  |
| Note 2  | 37 U.S.C. 403(c)(2)<br>Section 401(c), EO 11157,<br>22 June 1964, as amended  |
| Note 3  | Section 403(a)(2)(B),<br>EO 11157, 22 June 1964,<br>as amended by<br>EO 12762, 4 June 1991  |
| Note 6  | 51 Comp Gen 673   |
| Note 7  | 48 Comp Gen 301, 490, 517<br>45 Comp Gen 143  |
| Note 8  | MS Comp Gen B-169507,<br>27 May 1970  |
| Note 9  | Part IV, EO 11157,<br>22 June 1964  |

|                    |  |
|--------------------|--|
| Note 11            | EO 11157, 22 June 1964,<br>as amended<br>by EO 12762, 4 June 1991  |
| Note 12            | Section 405, EO 11157,<br>22 June 1964   |
| ★Note 14           | Public Law 104-201,<br>Section 604, 23 Sep 1996,<br>37 U.S.C. 403(c), as amended                                   |
| Note 15            | 45 Comp Gen 143  |
| Table 26-4         | DoD Instruction 1338.1,<br>18 Apr 1974   |
| Rules 17<br>and 21 | MS Comp Gen B-217665,<br>23 Aug 1985<br>62 Comp Gen 666  |
| Note 7             | Section 403, EO 11157,<br>22 June 1964,<br>as amended by EO 12762,<br>4 June 1991                                  |
| Note 8             | MS Comp Gen B-108328,<br>21 Oct 1974   |
| Note 13            | Public Law 97-81,<br>20 Nov 1981<br>47 Comp Gen 467  |
| Notes 14<br>and 15 | MS Comp Gen B-217665,<br>23 Aug 1985<br>62 Comp Gen 666<br>59 Comp Gen 681<br>MS Comp Gen B-249916,<br>30 Mar 1993 |
| Table 26-5         |  |
| Rule 2             | Section 403(a)(b), EO 11157,<br>22 June 1964, as amended<br>by EO 12762, 4 June 1991                               |
| Rule 6             | Section 403(a)(1)(A),<br>EO 11157, 22 June 1964,<br>as amended   |
| Rule 8             | Section 403(a)(1)(B),<br>EO 11157, 22 June 1964,<br>as amended by<br>EO 12762, 4 June 1991                         |
| Rules 13 and 14    | 32 Comp Gen 348  |
| Note 2             | 23 Comp Gen 761<br>37 Comp Gen 47  |
| Note 3             | EO 11157, 22 June 1964,<br>as amended  |

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|--|------------|--|
|  |            | by EO 12762, 4 June 1991   |
| Table 26-6                                   |            |  |
| Rule 3                                       |            | MS Comp Gen B-213560,<br>3 Apr 1984  |
| Note 2                                       |            | 37 Comp Gen 451  |
| Table 26-7                                   |            |  |
| Rules 2,3,4 and 6                            |            | 37 Comp Gen 451  |
| Table 26-9                                   |            | 37 U.S.C. 403(a)<br>Public Law 87-649,<br>Section 10, 7 Sep 1962<br>Public Law 87-531,<br>10 July 1962<br>Part IV, EO 11157,<br>22 June 1964<br>Public Law 102-190,<br>Section 601, 5 Dec 1991 |
| Note 3                                       |            | Public Law 99-190,<br>19 Dec 1985  |
| Chapter 27—Family Separation Allowance (FSA) |            |  |
| 2701—Entitlement Provisions                  | 270101     | 37 U.S.C. 427<br>47 Comp Gen 788   |
|  | ★270102A   | 51 Comp Gen 116<br>Public Law 104-201,<br>Section 607, 23 Sep 1996   |
|  | 270102E    | 37 U.S.C. 421<br>46 Comp Gen 148   |
|  | 270103     | 37 U.S.C. 427(a)   |
|  | 270103A3   | MS Comp Gen B-185813,<br>13 July 1976  |
|  | 270103D    | MS Comp Gen B-161781,<br>9 Aug 1967<br>49 Comp Gen 867<br>MS Comp Gen B-169522,<br>3 Aug 1971<br>56 Comp Gen 805   |
|  | 270104     | 37 U.S.C. 427(b)   |
|  | 270104A1-3 | Public Law 103-337,<br>Section 625, 5 Oct 1994   |
|  | ★270104A2  | Public Law 104-106,<br>Section 606, 10 Feb 1996  |
|  | ★270104A3  | Public Law 104-106,  |

|   |               |   |
|---|---------------|---|
|   |               | Section 606, 10 Feb 1996  |
|   | 270104B       | 37 U.S.C. 427(b)<br>Public Law 102-25,<br>Section 302, 6 Apr 1991<br>Public Law 102-190,<br>Section 625,<br>5 Dec 1991  |
|   | 270104B2      | Public Law 102-190,<br>Section 625, 5 Dec 1991  |
|   | ★270104D      | Public Law 104-201,<br>Section 607, 23 Sep 1996   |
| 2702—Dependents Separation Requirements |               |   |
|   | 270201A       | Public Law 91-529,<br>5 Dec 1970  |
|   | ★270201B      | 51 Comp Gen 97<br>43 Comp Gen 332<br>(Question 23)<br>MS Comp Gen B-213658,<br>26 June 1984<br>MS Comp Gen B-211693,<br>15 July 1983<br>MS Comp Gen B-179976,<br>7 Nov 1974 |
|   | 270201C       | 45 Comp Gen 170<br>46 Comp Gen 148  |
|   | 270202A       | 43 Comp Gen 596   |
|   | 270202B and C | 43 Comp Gen 332   |
|   | 270203        | 43 Comp Gen 332<br>(Question 26)<br>44 Comp Gen 572<br>44 Comp Gen 217<br>MS Comp Gen B-182098,<br>9 Oct 1975<br>52 Comp Gen 912<br>55 Comp Gen 991                         |
| 2703—Conditions of Entitlement          | ★270301A2     | ASD(FMP) Memo,<br>23 Nov 1994<br>Public Law 104-106,<br>Section 606, 10 Feb 1996<br>37 U.S.C. 427<br>43 Comp Gen 527  |
|   | ★270301A3     | ASD(FMP) Memo of<br>23 Nov 1994   |

|                          |   |
|--------------------------|---|
|                          | Public Law 104-106,<br>Section 606, 10 Feb 1996<br>37 U.S.C. 427                |
| ★270301B                 | OASD (FM&P) Memos,<br>10 Feb 1987 and<br>25 Sep 1987                            |
| ★270301C<br>(Example 2)  | 44 Comp Gen 434   |
| ★270301D                 | ASD (FMP) Memo<br>23 Nov 1994<br>Public Law 103-337,<br>Section 625, 5 Oct 1994 |
| ★270301E                 | 43 Comp Gen 332   |
| 270302                   | 43 Comp Gen 596   |
| 270303A                  | Public Law 91-534,<br>7 Dec 1970  |
| 270303B                  | 45 Comp Gen 633   |
| 270304A1                 | 43 Comp Gen 596<br>44 Comp Gen 537  |
| 270304A2                 | 44 Comp Gen 537   |
| 270304A2b<br>(Example 1) | 44 Comp Gen 537   |
| 270304A5                 | 43 Comp Gen 755<br>43 Comp Gen 748  |
| 270304B                  | 45 Comp Gen 838<br>43 Comp Gen 748  |
| 270304B1-3               | Public Law 103-337,<br>Section 625, 5 Oct 1994                                  |
| 270304D1-3               | Public Law 103-337,<br>Section 625, 5 Oct 1994                                  |
| 270305                   | 52 Comp Gen 912   |
|                          | 55 Comp Gen 991   |
| 270306                   | 60 Comp Gen 154   |
| Table 27-1               |   |
| Rule 9                   | 51 Comp Gen 116<br>37 U.S.C. 427  |
| Table 27-2               |   |
| Rule 7                   | 43 Comp Gen 596   |
| Rule 8                   | 43 Comp Gen 332   |
| Rules 9,10, & 11         | 43 Comp Gen 332   |
| Note 3                   | 43 Comp Gen 332   |
| ★Table 27-3              | 37 U.S.C. 427   |
| Rule 5                   | 47 Comp Gen 67  |
| Rule 7                   | 43 Comp Gen 596   |

|               |  |
|---------------|--|
| Rule 8        | 43 Comp Gen 332  |
| Rule 9        | 43 Comp Gen 596  |
| Rules 12-17   | 43 Comp Gen 332  |
| Notes 2 and 4 | 43 Comp Gen 332  |
| Note 6        | 45 Comp Gen 838  |
| Table 27-4    | Public Law 99-661,<br>Section 618,<br>14 Nov 1986<br>DoD Directive 1315.7,<br>9 Jan 1987 |
| Table 27-5    |  |
| Rule 1        | 43 Comp Gen 332  |
| Rule 5        | 43 Comp Gen 596  |
| Note 3        | 43 Comp Gen 332  |
| Table 27-6    |  |
| Note 4        | 45 Comp Gen 838  |

## Chapter 29—Clothing Monetary Allowances, Enlisted Members

## 2901-General

|                     |  |
|---------------------|--|
| 290101-290502       | DoD Instruction 1338.18,<br>29 July 1985 |
| Tables 29-1 & 29-7  | DoD Instruction 1338.18,<br>29 July 1985 |
| ★Table 29-6, Rule 1 | ASD (FMP) Memo,<br>26 Feb 1996           |

## Chapter 30—Officers' Uniform and Equipment Allowance

3001—Entitlement 37 U.S.C. 415-417

## 3002—Initial Uniform Allowance

|         |                  |
|---------|------------------|
| 300201E | 37 U.S.C. 417(b) |
| 300203A | 37 U.S.C. 415(b) |

## 3003—Additional Active Duty Uniform Allowance

|         |                 |
|---------|-----------------|
| 300301A | 33 Comp Gen 250 |
| 300302B | 43 Comp Gen 265 |
| 300302D | 33 Comp Gen 242 |
| 300303C | 42 Comp Gen 550 |

## 3004—Determinations

|        |                  |
|--------|------------------|
| 300403 | 37 U.S.C. 417(b) |
| 300404 | 43 Comp Gen 729  |

## 3005—Civilian Clothing Monetary Allowance

37 U.S.C. 419  
Public Law 100-180,  
4 Dec 1987  
OASD (FM&P)  
(MM&PP)(C)  
Memo, 1 Feb 1988

## Chapter 31—Personal Money Allowance

## 3101—Entitlement

37 U.S.C. 413-414,  
Public Law 482, Section 4,  
14 Dec 1944 (58 Stat 803)  
as amended by Public Law  
89-501, Section 302

## 3103—Taxability and Withholding Tax

Treas. Reg. 1.62-2  
Treas. Reg. 31.3401(a)  
31 CFR 215.8

## ★Chapter 32—Advance, Local, Partial, and Emergency Partial Pay

## 3201—Advance Payments

|        |   |
|--------|---|
| 320101 | 37 U.S.C. 1006(a)                                       |
| 320102 | 37 U.S.C. 1006(b)                                       |
| 320103 | 37 U.S.C. 402(b)  |
| 320104 | 37 U.S.C. 1006(c)<br>Public Law 102-484,<br>23 Oct 1992 |
| 320105 | 37 U.S.C. 1006(a)(2)                                    |
| 320106 | 37 U.S.C. 1006(i)                                       |
| 320107 | 37 U.S.C. 1006(h)<br>5 U.S.C. 6103                      |
| 320108 | 37 U.S.C. 403(a)  |
| 320109 | 37 U.S.C. 1006(j)                                       |



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|-------------------------|---|
| Table 32-1              |   |
| Rules 1, 2              | OASD (MR&L) Memo,<br>30 Oct 1980          |
| Table 32-1              | 37 U.S.C. 1006(c)                         |
| Rule 4                  | Public Law 102-484,<br>23 Oct 1992        |
| Table 32-2              |   |
| Rules 2, 3, 4,<br>And 5 | OASD (MI&L) Memo,<br>16 Apr 1985          |
| Rule 6                  | OASD (FM&P) (MM&PP)<br>Memo, 6 Nov 1985   |
| Table 32-2              | 37 U.S.C. 1006 (c)                        |
| Rule 7                  | Public Law 102-484,<br>23 Oct 1992        |
| Rule 15                 | OASD (FM&P) Memo,<br>14 Apr 1986          |
| Note 5                  | MS Comp Gen B-144839,<br>13 Dec 1966      |
| Note 9                  | 37 U.S.C. 1006 (c)                        |
| Note 12                 | DFAS General Counsel<br>Memo, 25 Sep 1992 |

## Chapter 33—Payments on Behalf of Mentally Incompetent Members

3301—Entitlement 37 U.S.C. 601-604

## Chapter 34—Pay Entitlement of Members Missing, Missing-in-Action, Interned, etc., and Payments to Dependents

3402—Authority to Make Official Determinations Under the Missing Persons Act

37 U.S.C. 556

3403—Entitlement to Pay and Allowances While in a Missing Status

340302 52 Comp Gen 23

3405—Tax Withholding for Members in a Missing Status

26 U.S.C. 112(d)

3406—Review of Case After 12 Months and Finding of Death

37 U.S.C. 555 and 556

|                                    |                          |
|------------------------------------|--------------------------|
| 3407—Conclusiveness of Settlements | 37 U.S.C. 557            |
| 3410—Accrued Leave                 |                          |
|                                    | 51 Comp Gen 391          |
|                                    | Public Law 92-596,       |
|                                    | 27 Oct 1972              |
| 341002B4                           | 51 Comp Gen 759          |
|                                    | Public Law 92-169,       |
|                                    | 24 Nov 1971              |
| Table 34-1                         | 37 U.S.C. 551-557        |
| Table 34-2                         | 23 Comp Gen 360          |
| Rule 1                             | 44 Comp Gen 657          |
| Rule 6                             | 37 U.S.C. 552(a)         |
| Rule 7                             | 23 Comp Gen 895          |
| Note 1                             | 45 Comp Gen 633          |
| Note 7                             | 52 Comp Gen 23           |
| Chapter 35—Separation Payments     |                          |
| 3501—Accrued Leave Pay             |                          |
| 350101                             | 37 U.S.C. 501            |
|                                    | Public Law 94-419,       |
|                                    | 22 Sep 1976              |
|                                    | Public Law 94-361,       |
|                                    | 14 July 1976             |
| 350101A                            | 37 U.S.C. 501            |
|                                    | Public Law 94-419,       |
|                                    | 22 Sep 1976              |
|                                    | Public Law 94-361,       |
|                                    | 14 July 1976             |
| 350101B1                           | Public Law 101-510,      |
|                                    | Section 1115, 5 Nov 1990 |
|                                    | OASD (FM&P) Memo,        |
|                                    | 15 Feb 1991              |
|                                    | Public Law 102-25,       |
|                                    | Section 314, 6 Apr 1991  |
|                                    | Public Law 102-190,      |
|                                    | Section 637, 5 Dec 1991  |
| 350101C                            | Public Law 98-525,       |
|                                    | 19 Oct 1983              |
|                                    | Public Law 97-81,        |

|                                     |  |
|-------------------------------------|--|
|                                     | 20 Nov 1981  |
| 350101D                             | Public Law 98-525,<br>19 Oct 1983<br>ODSD Memo, 8 Feb 1985<br>OASD (C-DFAS) Item A-16,<br>8 Apr 1991   |
| 350101E                             | 37 U.S.C. 501(e)(1)  |
| ★350101F                            | 37 U.S.C. 501(e)(1)<br>Public Law 104-106,<br>Section 641, 10 Feb 1996   |
| 350102                              | Public Law 94-361,<br>14 July 1976<br>OASD (C-DFAS) Item A-16,<br>8 Apr 1991   |
| ★350103                             | 26 U.S.C. 112<br>IRS Rev. Rule 73-343<br>as amplified by IRS Rev.<br>Rule 73-187<br>Public Law 104-117,<br>20 Mar 1996<br>26 CFR 1.112-1 (b) (2) |
| 350104                              | 5 U.S.C. 5514<br>34 Comp Gen 504   |
| 350105                              | 37 U.S.C. 501(d)<br>Public Law 102-25,<br>Section 309, 6 Apr 1991  |
| 350105B                             | Public Law 101-510,<br>Section 1115, 5 Nov 1990<br>OASD (FM&P) Memo,<br>15 Feb 1991<br>Public Law 102-25,<br>Section 314, 6 Apr 1991             |
| 3502—Separation Pay (Nondisability) |  |
| 350201-350203                       | DoD Instruction 1332.29,<br>20 June 1991   |
| 350201A/C and D                     | Public Law 103-160,<br>Section 501, 30 Nov 1993<br>10 U.S.C. 1174 (a) (1)  |
| 350201B3a(8)                        | OASD (FM&P) Memo,<br>10 Mar 1992<br>39 Comp Gen 223, 226   |
| 350204 and 350205                   | DoD Instruction 1332.29,<br>20 June 1991   |

★350205B

Public Law 104-201,  
Section 653, 23 Sep 1996

## 3503—Savings Provisions for Readjustment and Severance Pay (Other Than Disability)

|         |  |
|---------|--|
| 350301  | Public Law 96-513,<br>12 Dec 1980                                      |
| 350301B | Public Law 96-513,<br>12 Dec 1980<br>Public Law 98-525,<br>19 Oct 1984 |
| 350304A | 36 Comp Gen 390  |
| 350304B | 39 Comp Gen 223  |
| 350304C | 43 Comp Gen 240  |
| 350304D | 36 Comp Gen 129  |
| 350304E | 37 Comp Gen 357  |

## 3504—Disability Severance Pay

|          |  |
|----------|--|
| 350401   | 10 U.S.C. 1203, 1206   |
| 350402   | 34 Comp Gen 65   |
| 350403A  | 10 U.S.C. 1212   |
| 350403B  | 10 U.S.C. 1208, 1212<br>39 Comp Gen 291                      |
| 350403C  | 10 U.S.C. 1212   |
| 350403C2 | 38 Comp Gen 268  |
| 350403C3 | 46 Comp Gen 17   |
| 350404   | 26 U.S.C. 104<br><u>St. Clair v. U.S.</u><br>778 F. Supp 894 |
| 350406   | 10 U.S.C. 1212(c)  |
| 350407   | 10 U.S.C. 1213   |

## 3505—Contract Cancellation Pay and Allowances (Navy and Marine Corps Only)

|        |                 |
|--------|-----------------|
| 350501 | 10 U.S.C. 12312 |
|--------|-----------------|

## 3507—Special Separation Benefit

|         |   |
|---------|---|
| 350701A | 10 U.S.C. 1174a(c)(2), as<br>amended by Public Law<br>102-484, Section 4422(a),<br>23 Oct 1992<br>Public Law 103-160,<br>Section 502, 30 Nov 1993 |
|---------|---|

|         |   |
|---------|---|
| 350701B | 10 U.S.C. 1174(e)<br>10 U.S.C. 1174a(g)   |
| 350701C | 10 U.S.C. 1174a(c)(3) and<br>(4), as amended by Public<br>Law 102-484,<br>Section 4422(a),<br>23 Oct 1992         |
| 350701D | 10 U.S.C. 1174(e)(2)(D)<br>10 U.S.C. 1174a(g)   |
| 350701E | 10 U.S.C. 1174a(e)(5)<br>Atch to OASD (FM&P)<br>Memo, 2 Jan 1992,<br>para C1d                                     |
| 350701F | 10 U.S.C. 1174a(e)  |
| 350701G | 10 U.S.C. 1174(e)(1)(A)<br>10 U.S.C. 1174a(g)   |
| 350701H | 10 U.S.C. 1174(e)(2)(c)<br>10 U.S.C. 1174a(g)   |
| 350702  | 10 U.S.C. 1174a(b)(2)(A)<br>Public Law 103-139,<br>Section 8127,<br>11 Nov 1993                                   |
| 350702A | 10 U.S.C. 1174a(g)<br>10 U.S.C. 1174(f)<br>Atch to OASD(FM&P)<br>Memo, 3 Jan 1992,<br>para C4b(1)                 |
| 350702B | DoDPM Para 70104a   |
| 350702C | DoDPM para 70702b   |
| 350702D | DoDPM para 70202  |
| 350703A | 10 U.S.C. 1174(h)(1)<br>10 U.S.C. 1174a(g)  |
| 350703B | 10 U.S.C. 1174(h)(2)<br>10 U.S.C. 1174a(g)<br>Public Law 104-201,<br>Section 653,<br>23 Sep 1996                  |
| 350703C | Atch to OASD(FM&P)<br>Memo, 3 Jan 1992,<br>para C5c   |
| 350703E | Public Law 103-335,<br>Section 8106a,<br>30 Sep 1994, amended by<br>Public Law 104-6,<br>Section 105, 10 Apr 1995 |

ASD (FMP) Memo,  
6 Feb 1995

3508—Voluntary Separation Incentive

|          |  |
|----------|--|
| 350801A  | 10 U.S.C. 1175(b)(1), as amended by Public Law 102-484, Section 4422(b), 23 Oct 1992<br>Atch to OASD (FM&P) Memo, 3 Jan 1992, Para C1a |
| 350801A2 | Public Law 103-160, Section 502, 30 Nov 1993   |
| 350801B  | Atch to OASD (FM&P) Memo, 3 Jan 1992, Para C1a   |
| 350801C  | 10 U.S.C. 1175(b)(2), as amended by Public Law 102-484, Section 4422(b), 23 Oct 1992   |
| 350801D  | Atch to OASD (FM&P) Memo, 3 Jan 1992, Para C1c   |
| 350801E  | 10 U.S.C. 1175(b)(3)   |
| 350801F  | 10 U.S.C. 1175(d)(2)<br>Atch to OASD (FM&P) Memo, 3 Jan 1992, Para C2  |
| 350801G  | 10 U.S.C. 1175(a)  |
| 350802A  | 10 U.S.C. 1175(e)(1)<br>Atch to OASD (FM&P) Memo, 3 Jan 1992, Para C4a(1)  |
| 350802B  | OASD (FM&P) Memo, 3 Jan 1992, Para C4a(3)  |
| 350802C  | 10 U.S.C. 1175(e)(5) Atch to OASD (FM&P) Memo, 3 Jan 1992, Para C5b  |
| 350802D  | Public Law 103-139, Section 8127, 11 Nov 1993  |
| 350802E  | 26 U.S.C. 3402(i)  |

|            |  |
|------------|--|
| 350802F    | Public Law 100-180,<br>Section 633,<br>4 Dec 1987  |
| 350802G    | 42 U.S.C. 409(d)   |
| 350803A    | 10 U.S.C. 1175(e)(3)   |
| 350803B    | 10 U.S.C. 1175(e)(4)   |
| 350803C    | 10 U.S.C. 1175(e)(2), as<br>amended by Public Law<br>102-484, Section 4406,<br>23 Oct 1992   |
| 350803D    | 10 U.S.C. 1175(f)  |
| 350803F    | Public Law 103-335,<br>Section 8106a,<br>30 Sep 1994, amended by<br>Public Law 104-6,<br>Section 105, 10 Apr 1995<br>ASD (FMP) Memo,<br>6 Feb 1995 |
| Table 35-1 |  |
| Rule 7     | 37 U.S.C. 504  |
| Rule 8     | 37 U.S.C. 501(a)(1)(c)   |
| Note 2     | 32 Comp Gen 348  |
| Note 3     | 43 Comp Gen 802  |
| Note 7     | Public Law 92-596,<br>27 Oct 1972  |
| Note 8     | Public Law 94-361,<br>14 July 1976   |
| Table 35-2 |  |
| Rule 1     | 30 Comp Gen 328  |
| Rule 2     | 31 Comp Gen 387<br>Public Law 94-361,<br>14 July 1976  |
| Rule 3     | 10 U.S.C. 716<br>DoD Directive 1300.4,<br>2 Apr 1984   |
| Rule 4     | 31 Comp Gen 668  |
| Rule 6     | 35 Comp Gen 25   |
| Note 2     | MS Comp Gen B-176858,<br>12 Dec 1973   |
| Note 3     | Public Law 94-361,<br>14 July 1976   |
| Note 4     | OASD(FM&P) Memo,<br>10 Dec 1991  |
| Table 35-3 |  |
| Rule 1     | 30 Comp Gen 103  |

|            |   |
|------------|---|
|            | Public Law 94-361,<br>14 July 1976                      |
| Rule 7     | 36 Comp Gen 334   |
| Note 1     | Public Law 94-419,<br>22 Sep 1976                       |
|            | Public Law 101-510,<br>Section 1115,<br>5 Nov 1990      |
|            | OASD (FM&P)<br>Memo, 15 Feb 1991                        |
| Note 2     | 10 U.S.C. 1171<br>30 Comp Gen 280<br>42 Comp Gen 399    |
| Note 3     | 10 U.S.C. 1171<br>30 Comp Gen 280<br>42 Comp Gen 399    |
| Note 5     | 42 Comp Gen 399   |
| Note 6     | OASD(FM&P) Memo,<br>10 Dec 1991                         |
| Table 35-4 |   |
| Rule 2     | 37 U.S.C. 906<br>48 Comp Gen 127                        |
| Rule 4     | 30 Comp Gen 531   |
| Rule 5     | 42 Comp Gen 447<br>MS Comp Gen B-150737,<br>27 Mar 1963 |
| Rule 6     | 42 Comp Gen 447<br>MS Comp Gen B-150737,<br>27 Mar 1963 |
| Note 1     | Public Law 101-510,<br>Section 1115,<br>5 Nov 1990      |
|            | OASD (FM&P) Memo,<br>15 Feb 1991                        |
|            | Public Law 94-419,<br>22 Sep 1976                       |
| Note 2     | 48 Comp Gen 127   |
| Note 3     | 10 U.S.C. 1171<br>30 Comp Gen 280                       |
| Note 4     | 10 U.S.C. 1171<br>30 Comp Gen 280                       |
| Table 35-5 |   |
| Note 4     | 28 Comp Gen 423   |
| Table 35-6 |   |
| Rule 7     | 10 U.S.C. 1164, 3843, 3844,                             |



|                   |   |
|-------------------|---|
|                   | 3845, 6383(i), 6391, 8843,<br>8844, and 8845  |
| Note 6            | 10 U.S.C. 672(d) and 6392   |
| Table 35-7        |   |
| Rule 1            | Public Law 96-513,<br>Section 631, 12 Dec 1980  |
| Rules 5 and 10    | 36 Comp Gen 390   |
| Note 2            | Public Law 96-513,<br>Section 631, 12 Dec 1980  |
| Note 4            | Public Law 96-513,<br>Section 631, 12 Dec 1980<br>MS Comp Gen B-130744,<br>8 Apr 1957<br>36 Comp Gen 390  |
| Note 9            | Public Law 96-513,<br>Section 633, 12 Dec 1980,<br>as amended by<br>Public Law 98-525,<br>Section 531, 19 Oct 1984<br>10 U.S.C. 1174a<br>10 U.S.C. 6383 |
| Table 35-8        |   |
| Rule 1            | 37 Comp Gen 357   |
| Rules 2, 5, and 6 | 36 Comp Gen 403   |
| Rule 4            | 36 Comp Gen 129   |
| Rule 7            | MS Comp Gen B-144605,<br>27 Jan 1961<br>50 Comp Gen 229   |
| Table 35-9        |   |
| Rules 1, 2, and 3 | Public Law 96-513,<br>Section 631, 12 Dec 1980  |
| Table 35-10       |   |
| Rule 1            | 10 U.S.C. 3303, 6382 6383,<br>8303  |
| Rule 2            | 10 U.S.C. 6402  |
| Rule 3            | 10 U.S.C. 6401  |
| Rule 4            | 10 U.S.C. 5865  |
| Rule 5            | 10 U.S.C. Chapters 359 &<br>859   |
| Rule 6            | 10 U.S.C. 6384  |
| Rule 7            | 10 U.S.C. 6395  |
| Rule 8            | 10 U.S.C. Chapters 360 &<br>860   |
| Rule 9            | 10 U.S.C. 5864  |
| Rule 10           | 10 U.S.C. 564   |

|             |   |
|-------------|---|
| Rule 11     | 10 U.S.C. 1166  |
| Note 3      | 10 U.S.C. 3303, 3786, 3796,<br>6404, 8303, 8786, 8796   |
| Note 4      | 10 U.S.C. 5865  |
| Note 6      | Public Law 96-513,<br>Section 631, 12 Dec 1980,<br>as amended by<br>Public Law 98-525,<br>Section 531, 19 Oct 1984<br>10 U.S.C. 1174a<br>10 U.S.C. 6383 |
| Table 35-11 |   |
| Rule 1      | 10 U.S.C. 956   |
| Rule 2      | 10 U.S.C. 1048  |
| Rule 3      | 39 Comp Gen 860   |
| Rule 4      | 39 Comp Gen 742   |
| Rule 5      | 39 Comp Gen 860   |

## Chapter 36—Payments on Behalf of Deceased Members

|                     |               |  |
|---------------------|---------------|--|
| 3601—Death Gratuity | 360101        | 10 U.S.C. 1475-1480  |
|                     | 360104B5      | 38 Comp Gen 436<br>47 Comp Gen 209   |
|                     | 360104B6      | 24 Comp Gen 320  |
|                     | 360104E       | 21 Comp Gen 856  |
|                     | 360105B       | MS Comp Gen A-60953,<br>12 June 1935<br>MS Comp Gen B-115170,<br>16 July 1953                  |
|                     | 360105C1      | 29 Comp Gen 294<br>31 Comp Gen 645   |
|                     | 360106A       | Public Law 102-25,<br>Section 307, 6 Apr 1991<br>Public Law 102-90,<br>Section 652, 5 Dec 1991 |
|                     | 360106B       | MS Comp Dec 22681,<br>14 May 1913  |
|                     | 360109A and B | 37 Comp Gen 131  |

## 3602—Settling Deceased Members' Accounts

|        |                                    |
|--------|------------------------------------|
| 360201 | 10 U.S.C. 2771<br>37 U.S.C. 501(d) |
| 360202 | 10 U.S.C. 2771                     |

|   |  |
|---|--|
|   | MS Comp Gen B-187037,<br>22 Oct 1976   |
| 360204B and C                                       | MS Comp Gen B-91021,<br>6 Feb 1950   |
| 360204D   | MS Comp Gen B-84757,<br>22 June 1950   |
| Table 36-1<br>Note 3                                | 24 Comp Gen 46   |
| 3603—Allowance for Quarters to Surviving Dependents |  |
| 360301  | Public Law 99-227,<br>28 Dec 1985<br>37 U.S.C. 403 (1), as<br>amended by Public Law<br>103-337, section 604,<br>5 Oct 1994 |
| 360301A   | GAO Settlement Certificate<br>Z-2866096, 31 Mar 1989   |
| 360301C   | 55 Comp Gen 1033   |
| 360302  | Public Law 99-227,<br>28 Dec 1985<br>37 U.S.C. 403 (1),<br>as amended by Public Law<br>103-337, section 604,<br>5 Oct 1994 |
| 360302A   | GAO Settlement Certificate<br>Z-2866096, 31 Mar 1989   |
| 360303  | Public Law 99-227,<br>28 Dec 1985<br>37 U.S.C. 403 (1), as<br>amended by Public Law<br>103-337, section 604,<br>5 Oct 1994 |

## Chapter 37—Benefits for Members Held as Captives

## 3701—Former Captive Payment

5 U.S.C. 5569 (d)(2)  
 37 U.S.C. 551  
 37 U.S.C. 559(c)  
 Public Law 96-449,  
 14 Oct 1980

|  |  |
|--|--|
|  | EO 12598, 17 June 1987<br>OASD (FM&P) Memo,<br>18 Aug 1987<br>OASD (FM&P) Memo,<br>7 May 1991<br>OASD (FM&P) Memo,<br>6 May 1992 |
| 370103   | OASD (FM&P) Memo,<br>9 Aug 1991, as approved<br>on 21 Aug 1991   |
| 370105   | 37 U.S.C. 559(a)(1)  |
| 370106   | OASD (FM&P) Memo,<br>15 Jan 1987<br>IRS Ltr, 24 June 1988<br>OASD (FM&P) Memo,<br>18 Nov 1991                                    |
| 3702—Prisoner of War Compensation  | 50 U.S.C. App. 2005  |
| 3703—Savings Allotment   | 37 U.S.C. 559(b)   |
| Chapter 38—Service Academy Cadets, Midshipmen, and Service Academy Preparatory School Students |  |
| 3801—Entitlement Provisions  | 37 U.S.C. 203(c), 410(a), 422<br>Public Law 95-79,<br>30 July 1977   |
| 3802—Service Academy Preparatory School Students   | 37 U.S.C. 203(e),<br>Public Law 103-160, Section<br>603, 30 Nov 1993   |
| ★3803—Rations  | 43 Comp Gen 94<br>USD(C) Memo, 11 Jul 1996   |
| 3806—Foreign Cadets and Midshipmen, Pay and Allowances   |  |
|  | 10 U.S.C. 4344, 4345, 6957   |
| 3807—Incentive Pay and Special Pay   | 30 Comp Gen 31<br>47 Comp Gen 781  |
| 3808—Settlement for Unused Accrued Leave   | 37 U.S.C. 504  |
| 3811—Advance Pay for Clothing and Equipment Purchases  |  |

|  |                                    |
|--|------------------------------------|
|  | 10 U.S.C. 4350; 6960; 9350         |
| 3814—Death Benefits                              | 26 Comp Gen 373                    |
| 3815—Servicemembers' Group Life Insurance        | 38 U.S.C. 765                      |
| Table 38-1                                       |                                    |
| Rule 6   | 37 U.S.C. 204(f)                   |
| Rule 8   | 46 Comp Gen 261                    |
| Chapter 39—Pay of Service Academy Officials      |                                    |
| 3901—General Provisions                          | 37 U.S.C. 207(e),<br>37 U.S.C. 424 |
| 3903—Personal Money Allowances                   | 37 U.S.C. 414(b)                   |
| 3905—Leave of Absence—Faculty and Other Officers |                                    |
|  | 10 U.S.C. 4341<br>10 U.S.C. 9341   |
| Table 39-1                                       |                                    |
| Rule 1   | 10 U.S.C. 4334; 9334               |
| Rule 2   | 37 U.S.C. 414(b)                   |
| Rule 3   | 10 U.S.C. 4335(b)                  |
| Rule 4   | 10 U.S.C. 9335                     |
| Rule 5   | 10 U.S.C. 4334; 9334               |
| Rule 6   | 37 U.S.C. 414(b)                   |
| Rule 7   | 10 U.S.C. 4336(a); 9336(a)         |
| Rule 8   | 10 U.S.C. 4336(a); 9336(a)         |
| Rule 9   | 37 U.S.C. 203(b)                   |
| Rule 10  | 10 U.S.C. 4336(b); 9336(b)         |
| Rule 11  | 10 U.S.C. 4336(b); 9336(b)         |
| Rule 12  | 37 U.S.C. 207(b); 424(b)           |
| Rule 13  | 37 U.S.C. 207(e); 424(e)           |
| Rule 14  | 37 U.S.C. 207(e); 424(e)           |
| Note 1   | 10 U.S.C. 4336(a); 9336(a)         |
| Note 2   | 37 U.S.C. 203(b)                   |
| Note 3   | 10 U.S.C. 4336(c); 9336(c)         |
| Chapter 40—Pay of Aviation Cadets                |                                    |
| 4001—Authority                                   | 10 U.S.C. 6911                     |

|  |         |   |
|--|---------|---|
| 4002—Entitlement Provisions  |         | 37 U.S.C. 201(c) as amended<br>by Public Law 102-190,<br>Section 605, 5 Dec 1991,<br>37 U.S.C. 402(c)<br>10 U.S.C. 6912 |
| 4003—Basic Pay   |         | 37 U.S.C. 201(c)  |
| 4004—Basic Allowance for Subsistence   |         | 37 U.S.C. 402(c)  |
| 4005—Basic Allowance for Quarters  |         | 50 U.S.C. App 2208  |
| 4006—Aviation Career Incentive Pay (ACIP)  |         | 37 U.S.C. 301(b)  |
| Chapter 41—General Provisions Governing Allotments of Pay (Other Than Child and<br>Spousal Support Allotments Required by Law) |         |   |
| 4101—General   |         | 37 U.S.C. 701   |
| 4103 – Authorized Allotments   | 410303G | 38 U.S.C. 3201-3243   |
| 4109—Right to Allotment in Case of Death   |         | B-225873.2,<br>28 Mar 1991<br>B-225873, 25 Sep 1987<br>B-169453, 20 Apr 1970  |
| Chapter 42—Discretionary Allotments  |         |   |
| 4201—Restrictions on Discretionary Allotments  |         |   |
|  | 420101C | DoD(C) Memo, 22 Apr 1992<br>(DFAS Memo, 22 Jul 1992)  |
| 4203—Insurance Allotments  |         |   |
|  | 420302A | 37 U.S.C. 701, 702, 705   |
|  | 420302C | 26 U.S.C. 6321(a), 6331   |
|  | 420302C | DoD (C) Memo, 22 Apr 1992<br>(DFAS Memo, 22 Jul 1992)   |
| Chapter 43—Non-Discretionary Allotments  |         |   |

## 4301—Allotments for the Purchase of Savings Bonds

|        |                      |
|--------|----------------------|
| 430101 | 31 C.F.R. 353.10 (a) |
| 430102 | 31 C.F.R. 351.6      |
| 430104 | 46 Comp Gen 340      |

## 4302—Charitable Contributions

|               |  |
|---------------|--|
| 430201A       | EO 10927, 18 Mar 1961<br>DoD Directive 5035.1,<br>22 Sep 1964  |
| 430202-430204 | DoD Instruction 5035.5,<br>23 Aug 1978,<br>Chapter 4, para 4.13,<br>Manual on Fund-Raising<br>Within the Federal Service |

## 4303—Post-Vietnam Era Veterans Educational Assistance Program

|        |                |
|--------|----------------|
| 430301 | 38 U.S.C. 3221 |
| 430302 | 38 U.S.C. 3222 |

## 4304—Allotments For Child and Spousal Support

|        |               |
|--------|---------------|
| 430401 | 42 U.S.C. 665 |
|--------|---------------|

## 4305—Allotments For Commercial Debts

|        |  |
|--------|--|
| 430501 | Public Law 103-94,<br>Section 9, 6 Oct 1993<br>DoD Directive 1344.9,<br>27 Oct 1994<br>DoD Instruction 1344.12,<br>18 Nov 1994 |
|--------|--|

## Chapter 44—Withholding Income Tax

## 4401—Withholding from Current Pay

|         |   |
|---------|---|
| 440101  | Treasury Regulation<br>1.162-1(b)(5) and<br>1.262-2(e)<br>IRS Notice 94-3 |
| 440102A | 26 U.S.C. 3401a(1)  |

|               |   |
|---------------|---|
| 440102B       | 26 U.S.C. 112(d)  |
| 440102C       | OASD/FM&P Memo,<br>6 Sep 1990                               |
| ★440103       | Public Law 104-117,<br>20 Mar 1996,<br>109 Stat 827         |
| 440103A and C | 26 U.S.C. 112   |
| ★440103A3     | Executive Order 13002,<br>13 May 1996                       |
|               | 26 U.S.C. 112 (c) (3)                                       |
| 440103C4      | 26 C.F.R. 1.112-1(f)(2)                                     |
| 440103C5      | OASD(M&RA)MPP Memo,<br>26 Mar 1974                          |
|               | Treasury Regulation<br>1.112-1(f)                           |
|               | SECDEF//FM&P//MSG<br>141656Z, Mar 1991                      |
|               | SECDEF//FM&P//MSG<br>282245Z, May 1991                      |
| 440103C6      | 26 U.S.C. 112   |
| 440103D       | Treasury Regulation<br>1.112-1(k)                           |
| 440103E       | 26 U.S.C. 692   |
| 440103F       | 26 U.S.C. 112   |
| 440105B       | 26 U.S.C. 3402i   |
| 440106        | TFM, Vol 1, Part 3,<br>Chapter 5000                         |
| 440106B       | 50 U.S.C. App 574   |
| 440106C       | TFM, Part 3, Chapter 5000                                   |
| 440107        | 26 U.S.C. 871   |
| 440107A2      | 26 CFR 301.7701(b)-1  |
| 440107B and C | IRS Ltr Ruling (CP:10:41)<br>17 Dec 1971 and<br>26 Sep 1968 |
| 440108        | 26 U.S.C. 3507<br>Public Law 95-600,<br>6 Nov 1978          |

## 4402—Collection of Delinquent Federal Taxes by Levy

|        |   |
|--------|---|
| 440201 | 26 U.S.C. 6321(a)<br>26 U.S.C. 6331<br>Public Law 100-647,<br>10 Nov 1988 |
| 440203 | 26 U.S.C. 7508  |



|                |                            |
|----------------|----------------------------|
|                | IR Manual, 53(10)6.1       |
|                | Treasury Regulation        |
|                | 1.112-1(j)                 |
|                | Prop Treasury Regulation   |
|                | 1.112-1(e)                 |
| 440204         | 26 U.S.C. 6331, 6334       |
|                | Public Law 100-647,        |
|                | 10 Nov 1988                |
| Table 44-1     | ★Public Law 104-117,       |
|                | 20 Mar 1996,               |
|                | 109 Stat 827               |
| ★Rules 5 and 6 | Treasury Regulation        |
|                | 1.112-1                    |
| ★Rule 7        | Public Law 104-117,        |
|                | 20 Mar 1996,               |
|                | 109 Stat 827               |
| Rule 10        | Public Law 94-212,         |
|                | 9 Feb 1976                 |
| Rule 11        | Revised Rule 77-350, Int   |
|                | Rev Bulletin No. 40,       |
|                | 3 Oct 1977                 |
|                | Armed Forces Individual    |
|                | Income Tax Council         |
|                | Memo, 3 Jan 1978           |
|                | Treasury Regulation 1.62-2 |
|                | Treasury Regulation        |
|                | 31.3401(a)                 |
|                | 31 CFR 215.8               |
| Rule 14        | Public Law 104-188,        |
|                | Section 1402,              |
|                | 20 Aug 1996                |
|                | 10 U.S.C. 1475-1480        |
|                | 26 U.S.C. 134              |
| Rule 17        | OASD(FM&P) Memo,           |
|                | 15 Jan 1987                |
|                | IRS Ltr, 24 June 1988      |
|                | OASD(FM&P) Memo,           |
|                | 18 Nov 1991                |
| Rule 18,19     | Treasury Regulation        |
|                | 1.162-1(b)(5)              |
|                | and 1.262-2(e)             |
|                | IRS Notice 94-3            |
|                | 10 U.S.C. 2637             |
| ★Notes 2 and 4 | Public Law 104-117,        |

|   |  |
|---|--|
|   | 20 Mar 1996,<br>109 Stat 827   |
| Note 5  | EO 11968, 31 Jan 1977  |
| Note 7  | 26 U.S.C. 112<br>IRS Rev. Rul. 71-343<br>as amended<br>by IRS Rev. Rul. 73-187                         |
| Notes 9 and 10  | IRS Rev Rul 79-311<br>Treasury Regulation 1.61-12<br>IRS Ltr, 18 Apr 1960<br>DoD (C) Memo, 28 Jan 1984 |
| Note 11   | Public Law 104-188,<br>Section 1402,<br>20 Aug 1996<br>10 U.S.C. 1475-1480<br>26 U.S.C. 134            |
| Note 14   | Armed Forces Tax Council<br>Memo, 24 Jul 1996<br>ASD (ES) I Memo,<br>3 Oct 1994                        |
| Table 44-2  |  |
| Rule 11   | 26 U.S.C. 7508   |
| Note 1  | IRS Notice 951 (Feb 1991)  |
| Chapter 45—Federal Insurance Contributions Act (FICA) |  |
| 4501—General  | 42 U.S.C. 410(1)   |
| 4502—Requirements                                     |  |
| 450201  | 42 U.S.C. 410(1)<br>26 U.S.C. 3121(m)  |
| 450202  | 42 U.S.C. 409(d)   |
| 4503—Deduction of FICA Tax                            |  |
| 450301  | 26 U.S.C. 3101; 3102   |
| 450304  | 26 U.S.C. 3101   |
| 450305  | 26 U.S.C. 3102<br>26 U.S.C. 6205   |
| Table 45-1  |  |
| Note 1  | 26 U.S.C. 3121   |
| Table 45-2  |  |
| Rule 2  | 36 Comp Gen 79   |
| Rule 3  | 26 U.S.C. 451  |

Armed Forces Income Tax  
Council Opinion,  
1 Apr 1963

#### Chapter 46—Deductions for the Armed Forces Retirement Homes

24 U.S.C. Chapter 10  
37 U.S.C. 1007(i)

##### 4602—General

Public Law 103-337,  
Section 371, 5 Oct 1994

##### 4603—Applicability

JAG 002, 16 Sep 1940  
JAGA 1949/5344,  
15 Sep 1948

#### Chapter 47—Servicemembers' Group Life Insurance (SGLI) Program

38 U.S.C. 1965-1976  
Public Law 102-568,  
29 Oct 1992  
38 CFR Part 9  
DoD Directive 1215.6,  
18 Dec 1990  
DoD Directive 1341.3,  
16 Aug 1984

##### 4703- Full-Time Coverage

★470301

Public Law 104-106,  
Section 646, 10 Feb 1996

##### 4705—Appellate Leave (Whether or Not Excess)

OSGLI ltrs, 31 Oct 1988 and  
24 Mar 1989

##### 4707—Deductions (SGLI Premiums)

OASD Memo,  
25 Feb 1994

Table 47-1  
Note 5

Para 1.09, H-29-75-1  
(VA Handbook)

#### Chapter 48—Courts-Martial Sentences

## 4801—Effect of Sentences on Pay and Allowances

MCM 1984, appendix 12  
MCM 1984, Part I, Chapter  
XI  
10 U.S.C. 857  
OP JAGA 1953/7287  
3 Dig. Ops, Sentence &  
Punishment Section 33.5  
1 Comp Gen 291 (1921)  
34 Comp Gen 65 (1954)  
41 Comp Gen 296 (1961)

## 4802—Requirement for Reduction in Grade Under Certain Courts-Martial Sentences

★480205

10 U.S.C. 858a  
10 U.S.C. 857, as amended  
by Public Law 104-106,  
Section 1121, 10 Feb 1996

## 4803—Forfeitures

MCM 1984, Appendix 12  
36 Comp Gen 79  
36 Comp Gen 755

## 4804—Execution of Courts-Martial Sentences—Appellate Review Requirements

10 U.S.C. 871

## 4805—Effective Dates of Fines and Forfeitures

★480501  
★480502  
★480502C

10 U.S.C. 857  
42 Comp Gen 279  
MCM 1984, appendix 12  
10 U.S.C. 857(a), as amended  
10 U.S.C. 857(a), as amended  
42 Comp. Gen. 279

## 4806—Loss of Pay and Allowances When Confined Under Sentence to Dishonorable Discharge, Army and Air Force

37 U.S.C. 804

★480601

10 U.S.C. 858b,  
Public Law 104-106,  
Section 1121,  
10 Feb 1996

## 4807—Collection

36 Comp Gen 79  
38 Comp Gen 788  
MCM 1984, appendix 12  
36 Comp Gen 755  
10 U.S.C. 4837, 6161, and  
9837  
41 Comp Gen 269  
37 U.S.C. 1007(c)  
37 U.S.C. 1007(d)  
Executive Order 12586,  
3 Mar 1987

480702A

480702B

480709

## ★4808—Remission, Suspension, and Cancellation of Forfeitures

10 U.S.C. 509  
37 U.S.C. 906  
37 Comp Gen 591  
MS Comp Gen B-119220,  
19 Apr 1954  
10 U.S.C. 872  
MCM 1984, Part I, Chapter  
XI  
EO 12586, 3 Mar 1987

## ★4809—Sentences Disapproved or Set Aside

480901

480902A

480902B

10 U.S.C. 875  
36 Comp Gen 512  
10 U.S.C. 875

## ★4811—Pay and Allowances While on Parole

Comp Gen B-136919,  
17 Sep 1958  
59 Comp Gen 12

## 4812—Disposition of Courts-Martial Fines and Forfeitures

24 U.S.C. 419 (a) (4)  
10 U.S.C. 2772  
38 Comp Gen 796  
42 Comp Gen 486

481201

24 U.S.C. 419 (a) (4)

10 U.S.C. 2772  
 38 Comp Gen 796  
 42 Comp Gen 486  
 10 U.S.C. 939  
 3 Comp Gen 520, 522  
 8 Comp Gen 245

★4813—Forfeiture Sentences Carried Over to Subsequent Reserve Component Duty

Table 48-1

|        |                  |
|--------|------------------|
| Rule 1 | 10 U.S.C. 871(a) |
| Rule 2 | 10 U.S.C. 871(b) |
| Rule 3 | 10 U.S.C. 871(c) |
| Rule 4 | 10 U.S.C. 871(d) |

Chapter 49—Non-Judicial Punishment

4901—Authority  
 through

4905—Execution of Punishment During Appeal Procedures

10 U.S.C. 815  
 MCM 1984, part V  
 46 Comp Gen 880

4906—Effective Dates

10 U.S.C. 815  
 MCM 1969, Para 131e  
 46 Comp Gen 880

4907—Disposition of Forfeitures Collected by Non-Judicial Punishment

10 U.S.C. 2772

Table 49-1

|                  |
|------------------|
| 33 Comp Gen 443  |
| 10 U.S.C. 815    |
| MCM 1984, part V |
| 46 Comp Gen 880  |

Chapter 50—Stoppages and Collections Other Than Courts-Martial Forfeitures

5001—Voluntary and Involuntary Collections

500102A1

23 Comp Gen 555, 911  
 Dig Op JAG 1912-40,  
 Section 1520a, p715

|                    |   |
|--------------------|---|
|                    | 3 Dig Ops, Pay and Allowances,<br>Section 101.1   |
| 500102A2           | 37 U.S.C. 1007(c)                                 |
| 500102B            | Public Law 100-180,<br>Section 633,<br>4 Dec 1987 |
| 500103C            | 5 U.S.C. 5514                                     |
| 500104 and 500104A | MS Comp Gen B-230865,<br>17 Oct 1990              |
| 500104A2           | Public Law 100-180,<br>Section 633, 4 Dec 1987    |
| 500104B            | 5 U.S.C. 5514                                     |
| 500105             | 31 U.S.C. 3717                                    |
| 500106             | 5 U.S.C. 5514                                     |
| 500108             | 37 U.S.C. 1106(g)                                 |
| 500109             | Bankruptcy Reform Act of<br>1978                  |
| 500110             | Dig Ops 1912, p78<br>42 U.S.C. 659                |
| ★500110E           | Public Law 103-94,<br>Section 9, 6 Oct 1993       |

## 5002—Legal Process for Enforcement of Child Support and Alimony Obligations

|           |  |
|-----------|--|
| 500201    | 42 U.S.C. 659, 661, 662<br>5 CFR 581<br>15 U.S.C. 1673(b)(2)<br>57 Comp Gen 420<br>MS Comp Gen B-191592,<br>2 May 1978 |
| 500201B11 | 42 U.S.C. 662(f)(1)<br>10 U.S.C. 1174a<br>10 U.S.C. 1175   |
| 500201I   | 26 U.S.C. 6332(a)<br>26 U.S.C. 6334(a)(8)  |
| 500202    | 26 U.S.C. 6305(a)  |

## 5003—Involuntary Allotment of Pay for Enforcement of Commercial Debts

|        |   |
|--------|---|
| 500301 | Public Law 103-94,<br>Section 9, 6 Oct 1993<br>DoD Instruction 1344.12,<br>18 Nov 1994<br>DoD Directive 1344.9, |
|--------|---|

27 Oct 1994

## 5004—Remission and Cancellation of Indebtedness—Enlisted Members

|         |  |
|---------|--|
| 500401  | 10 U.S.C. 4837, 6161, 9837<br>13 Comp Gen 201<br>40 Comp Gen 460<br>JAGA 1953/1969<br>3 Dig Op JAGAF Pay 101.1<br>MS Comp Gen B-187078,<br>28 Mar 1977 |
| 500401B | Public Law 96-328,<br>8 Aug 1980<br>ASD (M&RA) Memo,<br>12 Mar 1982  |
| 500402A | 35 Comp Gen 421<br>41 Comp Gen 269   |
| 500402B | 37 Comp Gen 45<br>38 Comp Gen 788<br>43 Comp Gen 162<br>MS Comp Gen B-153635,<br>25 Mar 1964   |

5005—Appeals 500503 4 GAO 5.1

## 5006—Validation of Payments Based on Purported Marriages

500601 37 U.S.C. 423

## 5007—Waiver of Claims for Erroneous Payments of Pay and Allowances

|        |  |
|--------|--|
| 500701 | 10 U.S.C. 2774(a)(2)<br>as amended<br>by Public Law 102-190,<br>Section 657, 5 Dec 1991<br>32 U.S.C. 716 |
|--------|--|

## Table 50-1

|         |                                    |
|---------|------------------------------------|
| Rule 1  | 5 U.S.C. 5513                      |
| Rule 3  | 5 U.S.C. 5514                      |
| Rule 4  | 31 U.S.C. 3727<br>37 U.S.C. 701(d) |
| Rule 14 | IRS Ltr, 18 Feb 1993               |



|                 |  |
|-----------------|--|
| Notes 11, 12    | IRS Ltr, 18 Feb 1993   |
| Table 50-2      |  |
| Rules 1, 2, & 3 | 5 U.S.C. 5512<br>37 U.S.C. 1007(a)<br>Dig Op JAG 1912-40,<br>Section 1516(1), p711<br>42 Comp Gen 83 |
| Rule 4          | 5 U.S.C. 5512<br>37 Comp Gen 344   |
| Rule 5          | 37 U.S.C. 1007(c)  |
| Table 50-3      |  |
| Rule 1          | 37 U.S.C. 1007(f)  |
| Rule 2          | 31 U.S.C. 3531   |
| Rule 3          | 37 U.S.C. 1007(a)  |
| Rule 4          | 37 U.S.C. 1007(c)<br>DOD(C)/MS Memo,<br>28 Mar 1991<br>DoD 7200.10-M                                 |
| Rule 5          | 10 U.S.C. 2775   |
| Rule 6          | 10 U.S.C. 2775   |
| Table 50-4      |  |
| Rules 1 and 2   | 37 U.S.C. 1007(c)  |
| Rule 3          | 5 U.S.C. 5724  |
| Rule 4          | 30 Comp Gen 246<br>32 Comp Gen 454<br>37 Comp Gen 29   |
| Rule 5          | 62 Comp Gen 39   |
| Rule 6          | MS Comp Gen B-230865,<br>17 Oct 1990   |
| Rule 7          | 5 U.S.C. 5514  |
| Rule 8          | 37 U.S.C. 1007(c)  |
| Table 50-5      |  |
| Rule 1          | 10 U.S.C. 939  |
| Rule 2          | 42 U.S.C. 659  |
| Rule 3          | 37 U.S.C. 1007(b) & (g)  |
| Rule 5          | 37 U.S.C. 1007(c)  |
| Rule 6          | 26 U.S.C. 6305(a)  |
| Table 50-6      |  |
| Rule 1          | 42 U.S.C. 659  |
| Rule 2          | 37 U.S.C. 1007(c)<br>39 Comp Gen 46<br>34 Comp Gen 164   |
| Rule 3          | 5 U.S.C. 5514  |
| Rule 4          | Public Law 97-276,   |

|         |   |
|---------|---|
|         | Section 124,<br>2 Oct 1982                          |
| Rule 5  | Public Law 100-180,<br>Section 633, 4 Dec 1987      |
| Note 2  | 65 Comp Gen 497                                     |
| ★Note 4 | DFAS General Counsel<br>Memo, 25 Sep 1992           |
| ★Note 6 | Public Law 103-139,<br>Section 8127,<br>11 Nov 1993 |

## Chapter 51—Savings Deposit Program

|   |           |   |
|---|-----------|---|
| 5101—Definitions                        | 510101    | OASD Ltr, 7 Feb 1974<br>10 U.S.C. 1035  |
|   | ★510101.B | ASD (FM&P) Memo,<br>23 Feb 1996   |
|   | 510102    | Public Law 101-510, 5 Nov<br>1990<br>SECDEF Memo, 29 Jan 1991<br>OASD (FM&P) Memo,<br>29 Jan 1991<br>Public Law 102-190,<br>Section 639, 5 Dec 1991 |
|   | 510103    | Public Law 102-25,<br>Section 310, 6 Apr 1991   |
| 5102—Authority and Eligibility          |           | OASD (FM&P) Memo,<br>29 Jan 1991  |
|   | 510202    | Public Law 102-190,<br>Section 639, 5 Dec 1991  |
|   | ★510203   | SECDEF Memo, 8 Jan 1996   |
| 5103—Limitations on Amounts of Deposits |           | Public Law 102-25,<br>Section 310, 6 Apr 1991   |
| 5104—Interest on Deposits               | 510402    | Public Law 102-25,<br>Section 310, 6 Apr 1991   |

## Chapter 52—Precedence of Pay Deductions and Collections

|            |                         |
|------------|-------------------------|
| Table 52-1 |                         |
| Rule 1(a)  | 36 Comp Gen 79          |
| Rule 1(b)  | 38 U.S.C. 1411          |
| Rule 2(a)  | 26 U.S.C. 3102 and 3121 |
| Rule 2(b)  | 24 U.S.C. 44c           |
| Rule 2(c)  | 26 U.S.C. 3402          |

|           |   |
|-----------|---|
| Rule 2(d) | 10 U.S.C. 1076a                         |
| Rule 2(e) | 38 U.S.C. 769                           |
| Rule 3    | 5 U.S.C. 5517                           |
| Rule 4    | 37 U.S.C. 1007c                         |
|           | 5 U.S.C. 5514                           |
|           | 31 U.S.C. 3716                          |
| Rule 4(h) | 37 U.S.C. 1007(h)                       |
| Rule 4(i) | 37 U.S.C. 1007(h)                       |
| Rule 4(m) | 5 U.S.C. 5537                           |
| Rule 4(n) | Public Law 97-726                       |
|           | 5 U.S.C. 5514                           |
|           | 37 U.S.C. 1007(c)                       |
| Rule 5    | 42 U.S.C. 659 and 661(c)                |
| Rule 6    | 42 U.S.C. 665                           |
| Rule 7(a) | 50 U.S.C. App. 530                      |
| Rule 7(b) | 10 U.S.C. 939                           |
| Rule 8    | 11 U.S.C. 1325(c)                       |
| Rule 9    | 37 U.S.C. 1007(c)                       |
| Rule 12   | Public Law 103-94,<br>6 Oct 1993        |
|           | DoD Directive 1344.9,<br>27 Oct 1994    |
|           | DoD Instruction 1344.12,<br>18 Nov 1994 |
| Note 5    | IRS Letter, 25 Sep 1978                 |
| Rule 13   | 37 U.S.C. 701, 703, 704 &<br>706        |
| Rule 14   | 26 U.S.C. 6331 and 6334                 |

## Chapter 53—Voluntary Private Health Insurance Conversion Program

|              |                                     |
|--------------|-------------------------------------|
| 5301—General | DoD Directive 6000.3,<br>5 Jan 1988 |
|--------------|-------------------------------------|

## Chapter 54—TRICARE-Family Member Dental Plan (TRICARE-FMDP)

|                                  |                                      |
|----------------------------------|--------------------------------------|
| 5401—Enrollment Eligibility      | 10 U.S.C. 1076a                      |
|                                  | DoD Directive 6410.3,<br>16 Aug 1989 |
| 540403                           | DoD (OCHAMPUS) Memo,<br>24 Mar 1995  |
| 5405—Deductions for TRICARE-FMDP |                                      |
| ★540501                          | DoD (OCHAMPUS) Memo,<br>15 Apr 1996  |

## Chapter 55—Ready Reserve Mobilization Income Insurance Program

## 5501—General Provisions

|          |   |
|----------|---|
| ★550102  | 10 U.S.C. Chapter 1214 as added                     |
| ★550103D | DoDI 1341.10, 5 Jul 1996<br>10 U.S.C. Section 12524 |

## Chapter 56—Service Creditable

## 5601—General

37 U.S.C. 205

## Chapter 57—Active Duty (Not Extended Active Duty) Entitlements

## 5701—General Provisions

|         |  |
|---------|--|
| 570101A | 10 U.S.C. 12315<br>37 U.S.C. 204   |
| 570101B | 10 U.S.C. 12315<br>32 U.S.C. 502f<br>44 Comp Gen 613<br>37 U.S.C. 1002   |
| 570101C | MS Comp Gen B-207339,<br>8 Feb 1983  |
| 570101D | 32 U.S.C. 308  |
| 570102  | 37 U.S.C. 907  |
| 570103  | 37 U.S.C. 206(a)   |
| 570104  | 10 U.S.C. 12316<br>MS Comp Gen B-207370,<br>22 Mar 1983<br>MS Comp Gen B-179882,<br>4 Dec 1974<br>MS Comp Gen B-207913,<br>15 Apr 1983 |
| 570105  | MS Comp Gen B-70369,<br>14 Nov 1947<br>MS Comp Gen B-176604,<br>28 Aug 1972  |
| 570106  | 10 U.S.C. 701<br>37 U.S.C. 501   |

## 5702—Allowable Travel Time for Pay Entitlement Purposes

|        |  |
|--------|--|
| 570201 | EO 10153, 17 Aug 1950 as amended by EO 10649,<br>28 Dec 1955 |
|--------|--|

## 5703—Computation of Pay

|         |                 |
|---------|-----------------|
| 570301  | 5 U.S.C. 5505   |
| 570302A | 5 U.S.C. 5505   |
|         | 13 Comp Gen 75  |
|         | 20 Comp Gen 165 |
|         | 54 Comp Gen 952 |
|         | 45 Comp Gen 395 |
| 570302B | 37 U.S.C. 1004  |
|         | 54 Comp Gen 952 |
| 570302C | 47 Comp Gen 515 |
|         | 54 Comp Gen 952 |
| 570303  | 13 Comp Gen 889 |
|         | 20 Comp Gen 867 |
|         | 23 Comp Gen 793 |
|         | 12 Comp Gen 452 |
|         | 5 U.S.C. 5505   |

## 5704—Special and Incentive Pay

|           |                            |
|-----------|----------------------------|
| 570401A   | 37 U.S.C. 301-310          |
| 570401C2  | EO 11157, 22 June 1964     |
|           | EO 11728, 12 July 1973     |
|           | Public Law 93-294,         |
|           | 31 May 1974                |
| ★570401C3 | Public Law 93-294,         |
|           | 31 May 1974                |
|           | 37 Comp Gen 121            |
| 570401C4  | DoD Directive 1340.4,      |
|           | 17 July 1972               |
|           | Public Law 93-294,         |
|           | 31 May 1974                |
| ★570402   | Public Law 95-485,         |
|           | 20 Oct 1978                |
|           | OASD (RA) Memo             |
|           | 29 Sep 1994                |
|           | Public Law 104-201,        |
|           | Section 611, 23 Sep 1996   |
|           | 37 U.S.C. 308b(f)          |
| 570403    | OASD (RA) Memo             |
|           | 29 Sep 1994                |
|           | Public Law 103-337,        |
|           | Section 611(a), 5 Oct 1994 |
| ★570403A  | 10 U.S.C. 2131             |

|                 |  |
|-----------------|--|
|                 | 37 U.S.C. 308c(e)<br>OASD (MRA&L) Memo,<br>7 Nov 1978<br>Public Law 104-201,<br>Section 611,<br>23 Sep 1996  |
| ★570403B        | 37 U.S.C. 308i(i),<br>Public Law 104-201,<br>Section 611,<br>23 Sep 1996   |
| 570403C         | OASD (RA) Memo,<br>29 Sep 1994<br>Public Law 103-337,<br>5 Oct 1994  |
| ★570404         | Public Law 97-86,<br>1 Dec 1981<br>OASD (RA) Memo<br>29 Sep 1994<br>Public Law 103-337,<br>5 Oct 1994<br>37 U.S.C. 308e(e)<br>Public Law 104-201,<br>Section 611,<br>23 Sep 1996 |
| 570409B         | Public Law 103-139, Section<br>8127, 11 Nov 1993   |
| 5705—Allowances |  |
| 570501A         | 37 U.S.C. 402a<br>Part III, EO 11157,<br>22 June 1964  |
| 570501B         | 37 U.S.C. 1002   |
| 570502A         | 37 U.S.C. 403a<br>33 Comp Gen 328<br>OASD (FM&P) Memos,<br>31 Oct 1990 and<br>25 Feb 1991<br>Public Law 102-190,<br>Section 632,<br>5 Dec 1991                                   |
| 570502B         | 37 U.S.C. 1002   |
| 570502C         | Section 401(d), EO 11157,<br>22 June 1964  |

|                                 |                   |   |
|---------------------------------|-------------------|---|
|                                 | 570502D           | OASD (FM&P) Memos,<br>31 Oct 1990 and<br>25 Feb 1991<br>Public Law 102-190,<br>Section 632,<br>5 Dec 1991 |
|                                 | 570502E           | Public Law 102-25,<br>Section 310A,<br>6 Apr 1991   |
|                                 | 570503            | 43 Comp Gen 651<br>37 U.S.C. 427(b)   |
|                                 | 570505            | 37 U.S.C. 418   |
|                                 | 570506            | 37 U.S.C. 415-417   |
| 5706—Miscellaneous Payments     | 570601            | OASD(MRA&L) Memo,<br>14 May 1981  |
|                                 | 570602            | 37 U.S.C. 601-604   |
|                                 | 570603            | 37 U.S.C. 551-557   |
|                                 | ★570604A          | 37 U.S.C. 204(i)  |
|                                 | 570604B1          | 10 U.S.C. 12315<br>37 U.S.C. 1002   |
|                                 | 570604B4          | 37 U.S.C. 204(b)<br>9 Comp Gen 236<br>MS Comp Gen B-146551,<br>13 Dec 1961                                |
|                                 | 570604B5          | 32 Comp Gen 348<br>42 Comp Gen 689  |
|                                 | 570604C1          | 47 Comp Gen 531   |
|                                 | 570604C3          | 36 Comp Gen 692<br>70 Comp Gen 350  |
|                                 | 570605            | 10 U.S.C. 1475-1480<br>10 U.S.C. 2771<br>37 U.S.C. 501d   |
|                                 | 570606            | 10 U.S.C. 1203, 1206, 3687,<br>6148, 8687   |
| 5707—Deductions and Collections |                   |   |
|                                 | 570701            | 5 U.S.C. 5517<br>5 U.S.C. 5520<br>DoD (C)(MS) Memo,<br>16 Apr 1990  |
|                                 | 570705 and 570706 | 10 U.S.C. 802   |
|                                 | 570708            | 37 U.S.C. 707   |
|                                 | 570709            | DoD Directive 6410.3,   |

16 Aug 1989

|                                |                                       |
|--------------------------------|---------------------------------------|
| Table 57-1                     |                                       |
| Rules 2 and 3                  | 37 U.S.C. 905(a)                      |
| Rules 4 and 5                  | 37 U.S.C. 905(b)                      |
| Table 57-2                     |                                       |
| Rules 1, 2, 7,<br>and 10       | 5 U.S.C. 5505                         |
| Rules 3, 4, 5,<br>8, 9, and 11 | 37 U.S.C. 1004                        |
| Table 57-3                     |                                       |
| Rules 1, 4, 7                  | 37 U.S.C. 204(g)                      |
| 2,3,5,6,8,9                    | 37 U.S.C. 204(h)                      |
| 1-9                            | 10 U.S.C. 1074; 1074a                 |
| Column D                       | 37 U.S.C. 402                         |
| Note 1                         | 58 Comp Gen 232                       |
| 2                              | 52 Comp Gen 99                        |
|                                | MS Comp Gen B-195470,<br>14 Nov 1979  |
| 3-6                            | 37 U.S.C. 204(h) and (i)              |
| 7                              | 37 U.S.C. 204(i)                      |
| 8                              | 10 U.S.C. 1074a                       |
| Note 10                        | 33 Comp Gen 551                       |
|                                | MS Comp Gen B-181762,<br>18 July 1975 |
| Note 11                        | 37 U.S.C. 204(g)                      |
| Table 57-4                     | 37 U.S.C. 204(g)                      |
| Rules 1, 2                     | 10 U.S.C. 1074                        |
| Rule 2                         | 33 Comp Gen 551                       |
|                                | MS Comp Gen B-181762,<br>18 July 1975 |
| Rules 3-11                     | 37 U.S.C. 204(h)                      |
|                                | 10 U.S.C. 1074a                       |
| Note 1                         | 58 Comp Gen 232                       |
| 2                              | 52 Comp Gen 99                        |
|                                | MS Comp Gen B-195470,<br>14 Nov 1979  |
| 3                              | 47 Comp Gen 531                       |
|                                | 54 Comp Gen 431                       |
| 4, 5, 7, 8, 9, 11              | 37 U.S.C. 204(h)                      |
| Notes 5, 6                     | 37 U.S.C. 206                         |
| 9                              | 10 U.S.C. 1074a                       |
| 10                             | 10 U.S.C. 1074a                       |
|                                | 37 U.S.C. 204(i)                      |
|                                | 37 U.S.C. 402                         |



## Chapter 58—Pay and Allowances for Inactive Duty Training

## 5801—General Provisions

|          |  |
|----------|--|
| 580101A  | 37 U.S.C. 206  |
| 580101B  | 10 U.S.C. 12315<br>37 U.S.C. 1002  |
| 580101C  | MS Comp Gen B-207339,<br>8 Feb 1983  |
| 580102   | 37 U.S.C. 206(a)<br>37 U.S.C. 433(d)   |
| 580103   | 10 U.S.C. 12316<br>62 Comp Gen 266<br>MS Comp Gen B-179882,<br>4 Dec 1974<br>MS Comp Gen B-207913,<br>15 Apr 1983      |
| 580105   | Public Law 99-661,<br>14 Nov 1986<br>DoD Instruction 7280.3,<br>15 Apr 1987<br>Public Law 100-180,<br>4 Dec 1987       |
| 580106   | 37 U.S.C. 316<br>37 U.S.C. 433<br>10 U.S.C. 12319<br>Public Law 101-189,<br>Section 502,<br>29 Nov 1989<br>JFTR, Vol 1 |
| 580106B  | JFTR, U7175  |
| 580106B3 | OASD(RA(G/RM&P))<br>Memo, undated  |
| 580107   | 37 U.S.C. 308d, as amended<br>by Public Law 102-190,<br>Section 612(b),<br>5 Dec 1991                                  |
| ★580107D | Public Law 104-201,<br>Section 611,<br>23 Sep 1996<br>37 U.S.C. 308d (c)   |

## 5802—Incentive Pay

|                             |                      |   |
|-----------------------------|----------------------|---|
|                             | 580201               | 37 U.S.C. 301(b) and (f)  |
|                             | 580202               | EO 11157, 22 June 1964<br>EO 11292, 1 Aug 1966<br>EO 11728, 12 July 1973<br>Public Law 93-294,<br>31 May 1974 |
|                             | 580202A              | EO 11157, 22 June 1964  |
|                             | 580202A1             |   |
|                             | (Example 1)          | 37 Comp Gen 121   |
|                             | 580202A2             | EO 11157, 22 June 1964<br>EO 11728, 12 July 1973  |
|                             | 580202B              | 37 U.S.C. 206<br>37 U.S.C. 301(f)<br>EO 11157, 22 June 1964   |
|                             | 580203               | 37 U.S.C. 301(a)(2) and (3)<br>EO 11157, 22 June 1964   |
| 5804—Allowances             | 580401               | 32 U.S.C. 701<br>37 U.S.C. 418  |
|                             | 580402               | 37 U.S.C. 415-417   |
|                             | 580402B              | 37 U.S.C. 416(a)<br>10 U.S.C. 12732(a)(2)<br>Public Law 101-189,<br>Section 663,<br>29 Nov 1989               |
|                             | 580402C1d            | 37 U.S.C. 416(a)  |
|                             | Examples 1, 2, and 3 | 37 U.S.C. 416(a)  |
|                             | Examples 4 and 5     | 33 Comp Gen 242<br>33 Comp Gen 366  |
| 5805—Miscellaneous Payments |                      |   |
|                             | 580502A              | 10 U.S.C. 1475-1476<br>32 U.S.C. 321  |
|                             | 580502B and 580502C  | 10 U.S.C. 1477  |
|                             | 580502D              | 10 U.S.C. 1480  |
|                             | 580502E              | 10 U.S.C. 1478  |
|                             | 580502F              | 10 U.S.C. 1479  |
|                             | 580502G              | 37 Comp Gen 131   |
|                             | 580502H              | 10 U.S.C. 2771<br>37 U.S.C. 501d  |
|                             | 580503               | 10 U.S.C. 1206, 3687, 6148,<br>8687   |
|                             | 580504               | Public Law 102-484,<br>Sections 4411-4418,  |

|  |  |
|--|--|
|  | 23 Oct 1992<br>OASD (FM&P) Memo,<br>11 Mar 1993<br>Public Law 103-160,<br>Section 561(f),<br>30 Nov 1993   |
| 580504A2   | Public Law 103-160,<br>Section 561(f),<br>30 Nov 1993  |
| 580504B4   | Public Law 103-337,<br>Section 518,<br>5 Oct 1994  |
| 580505   | Public Law 102-484,<br>Sections 4411-4418,<br>23 Oct 1992<br>OASD (FM&P) Memo,<br>11 Mar 1993<br>Public Law 103-160,<br>Section 561(f), 30 Nov<br>1993 |
| 5806—Deductions and Collections                          |  |
| 580601   | See Para 570601 references   |
| 580603   | 10 U.S.C. 802  |
| 580604   | 10 U.S.C. 815<br>MS Comp Gen B-165244,<br>2 Oct 1968   |
| 580605   | 37 U.S.C. 1007<br>5 U.S.C. 5514<br>Dig Ops 1912 page 78<br>10 U.S.C. 9837d<br>Public Law 99-166,<br>3 Dec 1985<br>Public Law 102-25,<br>6 Apr 1991     |
| 5807—Servicemembers' Group Life Insurance (SGLI) Program |  |
| 580701-580703  | 38 U.S.C. 1965-1976<br>Public Law 102-568,<br>29 Oct 1992<br>38 CFR Part 9<br>DoD Directive 1215.6,<br>18 Dec 1990                                     |

★580702

Public Law 104-106,  
Sec 646, 10 Feb 1996Chapter 59—Payment of Members of the Senior Reserve Officers' Training Corps  
(ROTC)

## 5901—Subsistence Allowance

|         |                 |
|---------|-----------------|
| 590101  | 37 U.S.C. 209   |
| 590101A | 52 Comp Gen 496 |
| 590102  | 37 U.S.C. 209   |
| 590103  | 49 Comp Gen 171 |
| 590104C | 37 U.S.C. 209   |

5903—Travel and Transportation  
Allowances

|      |   |
|------|---|
| 5903 | 37 U.S.C. 422<br>ASD (P&R) Memo,<br>23 Jul 1993 |
|------|---|

5908—Field Training or  
At-Sea Training

|        |  |
|--------|--|
| 590801 | 10 U.S.C. 2104<br>10 U.S.C. 2109<br>37 U.S.C. 209<br>Public Law 95-79,<br>30 July 1977 |
| 590804 | MS Comp Gen A-92999,<br>15 Dec 1938  |

## 5909—Disability Benefits

|        |  |
|--------|--|
| 590901 | 10 U.S.C. 2109<br>5 U.S.C. 8117, 8140  |
| 590902 | 34 Comp Gen 348<br>5 U.S.C. 8117, 8140 |

5910—Payments on Behalf  
of Deceased Members

|      |                     |
|------|---------------------|
| 5910 | 10 U.S.C. 1475-1480 |
|------|---------------------|

Chapter 60—Payment of Members of the Armed Forces Health Professions Scholarship  
and Financial Assistance Program (AFHPS/FAP)

## 6001—Armed Forces Health Professions Scholarship Program

|   |  |
|---|--|
| 600101  | Public Law 92-426,<br>21 Sep 1972<br>37 U.S.C. 415   |
| ★600102A  | 10 U.S.C. 2121(d)<br>OASD(HA) Memo,<br>22 Mar 1996   |
| 600104  | 38 U.S.C. 765, 767<br>26 U.S.C. 117<br>Public Law 94-455,<br>Section 2130,<br>4 Oct 1976<br>Public Law 96-167,<br>29 Dec 1979<br>Public Law 96-541,<br>17 Dec 1980 |
| 600106  | 10 U.S.C. 2771<br>37 U.S.C. 501(d)   |
| 6002—Financial Assistance Program   |  |
| 600201-600208   | OASD (MRAI&L) Memo,<br>20 Dec 1989   |
| ★600202A  | 10 U.S.C. 2127 (e)<br>OASD (HA) Memo,<br>22 Mar 1996   |
| ★600202A.2  | OASD/(P&R)/MPP Memo,<br>13 Jun 1995  |
| Chapter 61—Bonus Program for the Individual Ready Reserve and Inactive National Guard |  |
| 6101—Authority  | Public Law 98-94,<br>24 Sep 1983   |
| ★6102—Basic Conditions of Entitlement   | 37 U.S.C. 308h(g)<br>Public Law 104-201,<br>Section 611,<br>23 Sep 1996  |
| 6106—Recoupment of Payments   |  |
| 610603  | Public Law 103-139, Section<br>8127, 11 Nov 1993   |
| Chapter 62—Health Professional Stipend  |  |

## 6201—Prior Stipend Program Repealed with Exception

|          |                                  |
|----------|----------------------------------|
| 620101   | Public Law 99-145,<br>8 Nov 1985 |
| ★620102A | OASD (HA) Memo,<br>22 Mar 1996   |

## 6202—Current Stipend Program

|          |   |
|----------|---|
| 620201   | OASD (HA) Memo,<br>22 Dec 1987<br>10 U.S.C. 16201-16204 |
| ★620202A | OASD (HA) Memo,<br>22 Mar 1996                          |

## Chapter 63—Nurse Officer Candidate Program Authorizing Accession and Continuation Bonus

|                |                 |
|----------------|-----------------|
| 6301—Authority | 10 U.S.C. 16203 |
|----------------|-----------------|

## ★6302—Basic Conditions of Entitlement

Public Law 104-201,  
Section 612,  
23 Sep 1996  
10 U.S.C. 2130a (a) (1)

## Chapter 64—Health Care Officers on Active Duty in Support of the Persian Gulf Conflict

|                |   |
|----------------|---|
| 6401—Authority | Public Law 101-510,<br>5 Nov 1990<br>Public Law 102-25,<br>6 Apr 1991<br>Public Law 102-190,<br>5 Dec 1991<br>OASD(HA) Memo,<br>20 Dec 1990<br>OASD(HA) Memo,<br>21 May 1991<br>OASD(HA) Memo,<br>19 Feb 1992 |
|----------------|---|