DOD 7000.14-R

DEPARTMENT OF DEFENSE

FINANCIAL MANAGEMENT REGULATION

VOLUME 7A

MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY

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JULY 1996

UNDER SECRETARY OF DEFENSE (COMPTROLLER)

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1100 DEFENSE PENTAGON
WASHINGTON, DC 20301-1100

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," 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, nonappropriated, 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 two Volumes: Volume 7A, "Military Pay Policy and Procedures Active Duty and Reserve Pay," and Volume 7B, "Military Pay Policy and Procedures for Retired Pay." Volume 7A concerns active duty and reserve component military pay and allowances entitlements. Volume 7B covers entitlements of retired military personnel and their annuitants. This issue, Volume 7A, incorporates material previously issued under Volume 7A, "Military Pay Policy and Procedures Active Duty and Reserve Pay," dated December 12, 1994.

This Volume of the Regulation is applicable to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Unified 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 the provisions of this Volume are adhered to in day-to-day operations and in the design, modification, and maintenance of their Component's financial management and reporting system or systems. The Heads of DoD Components shall not issue supplementary directives and/or regulations without the 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.

Forward recommended changes to this Volume of the Regulation through channels to the address below. Submit requests for deviations from or exceptions to specific standards, with justification, to:

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

The Defense Finance and Accounting Service will provide copies of this Volume of the Regulation through its normal publication channels. Other Federal Agencies and the public may obtain copies of this Volume from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161; telephone (703) 487-4650.

John J. Hamre

INTRODUCTION
TO THE
DoD FINANCIAL MANAGEMENT REGULATION

GENERAL

The DoD Financial Management Regulation provides all DoD Components with the policy, regulation, and procedures within the area of responsibility of the Comptroller of the Department of Defense. The regulation consists of the following 15 volumes:

1. General Financial Management Information, Systems, and Requirements
2. Budget Formulation
3. Budget Execution
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. Reimbursables Policy and Procedures
12. Special Accounts Policy and Procedures
13. Nonappropriated Funds Policy and Procedures
14. Financial Management Education and Training
15. Security Assistance Policy and Procedures

AUTHORIZATION

This Regulation is issued by the Comptroller of the Department of Defense under authority of DoD Instruction 7000.14, "DoD Financial Management Policy and Procedures," November 15, 1992.

PARAGRAPH NUMBERING SYSTEM

The paragraph numbering system of this Regulation is consistent for all 15 Volumes. The 6 digit paragraph number and its subparagraph designators are formulated as follows:

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DEPARTMENT OF DEFENSE
FINANCIAL MANAGEMENT REGULATION
VOLUME 7A

DEPARTMENT OF DEFENSE
WASHINGTON DC
1 APRIL 1996

1. Effective Date. As shown below.

2. Explanation and Purpose of Major Changes (paragraph numbers shown):

a. Armed Forces Health Professions Scholarship and Financial Assistance Program (AFHPS/FAP). Subparagraphs 590102A, 610102A and 610202A revised, reflects increased monthly stipend rates for HPSP Students effective 1 July 1994. Subparagraph 590202A revised, reflects increased annual grant amount for FAP Students, effective 1 July 1994. Interim change 29-94.

b. Advance Payments, Repayment of Advances, and Permission to Mess Separately. Subparagraph 250201C and tables 32-1 and 32-2 changed to add the enlisted Commandant of the Non-Commissioned Officer (NCO) Academy as an authorizing authority. Effective 24 October 1994. Interim change 30-94.

c. Cadet and Midshipmen Ration Rate. Section 3803 reflects increased ration rate of $4.91 per day at all times (1 Oct 1994). Effective 1 October 1994. Interim change 31-94.

d. Disposition of Courts-Martial Forfeitures and Fines. Paragraph 481101 added, subparagraphs 481101A, 481101B, 481101C, 481101D and 481101E revised, requires forfeitures and fines from both regular and Reserve enlisted members and Warrant Officers be sent to the Trust Fund. Also clarifies the term "Government indebtedness". Effective 14 November 1994. Interim change 32-94.

e. Family Separation Allowance (FSA). Subparagraphs 270301A(1) through 270301A(2) amended, clarifies members entitlement to FSA incident to temporary duty and permanent change of station. Effective 1 December 1994. Interim change 33-94.

f. Imminent Danger Pay (IDP). Figure 10-1 amended, excludes the coastal waters around and the air space over Haiti. Effective 23 November 1994. Interim change 34-94.

g. Basic Allowance for Quarters (BAQ). Subparagraphs 360301A, 360301A(3) and 360303B revised, establishes new time frame for which BAQ will be paid to surviving dependents of deceased members. Effective 30 November 1994. Interim change 35-94.

h. Special or Supplemental Clothing Monetary Allowance (CAX) (Navy only). Table 29-7 amended, reflects new CAX rates for active duty and Selective Reserves (E-1 through E-9) requiring the wearing of a maternity uniform. Effective 3 November 1994. Interim change 36-94.

i. Basic Allowance for Subsistence (BAS). Paragraph 250204 revised, expands automatic blanket authorization to mess separately to include members authorized single rate BAQ. Effective 21 December 1994. Interim change 37-94.

j. Reenlistment or Voluntary Extension Bonus. Subparagraphs 560402A, 560402B and 560403C revised; establishes the monetary amount of the bonus to be paid to members who enlist in, reenlist in, or extend a tour in the Selected Reserve of the Ready Reserve. Effective 27 December 1994. Interim change 1-95.

k. Legal Process for Enforcement of Commercial Debts. Section 5003 added; governs the process of collection of commercial debts by involuntary allotment. Effective 1 January 1995. Interim change 2-95.

l. Allotments for Commercial Debts. Section 4305 added; defines an allotment for commercial debts and establishes the criteria that determines if a commercial debt is subject to collection by involuntary allotment. Effective 1 January 1995. Interim change 3-95.

m. Taxability of Death Gratuity. Table 44-1, Rule 14 amended; clarifies the amount of death benefit payments that are excludable from income. Effective 1 January 1994. Interim change 4-95.

n. Armed Forces Retirement Home. Section 4602 revised; increases the maximum monthly amount that can be deducted from a members pay. Effective 1 January 1995. Interim change 5-95.

o. Imminent Danger Pay. Figure 10-1 amended; clarifies the Persian Gulf areas (and the air space above these areas). Effective 31 August 1993. Interim change 6-95.

Supersedes DoD 7000.14-R, Volume 7, Part A, DoD Financial Management Regulation (DoDFMR), 1 December 1994, IMCs 29-94 thru 4-96
No. of Printed Pages: 556
Distribution: (Same as Basic)

p. Rations. Section 3803 changed; reflects the commuted rations rate of $4.75 per day at all times for Service Academy Cadets and Midshipmen. Effective 1 October 1994. Interim change 7-95.

q. Aviator Retention Bonus. Section 2001 revised; extends the ending date (time period) for entitlement to Aviator Retention Bonus. Effective 1 October 1994. Interim change 8-95.

r. Reservists' Special Separation Pay (RSSP). Subparagraph 570504B4 revised; includes legislative and policy changes to the RSSP. Subparagraph 570504B5 amended; cites the policy for computing withholding tax on all RSSP disbursed. Effective 6 October 1994. Interim change 9-95.

s. Combat Zone Tax Exclusion (CZTE). Subparagraph 440103B4 amended; cites qualifying factors that entitles a member to CZTE when flying over or through the air space of a designated combat zone. Effective 13 February 1995. Interim change 10-95.

t. Increase in Monthly Rates of Basic Pay (BP), Basic Allowance for Quarters (BAQ), and Basic Allowance for Subsistence (BAS). Tables 2-5, 2-6, 2-7, and 2-8 revised; reflects 1995 BP amounts. Paragraph 350406 and subparagraphs 250407C1 and 2, 250407D1 and 2, 250407E1 and 2, and 250408B1 and 2 revised; reflects 1995 BAS rates. Table 26-9 revised; reflects 1995 BAQ rates. Effective 1 January 1995. Interim changes 11-95.

u. Allotments for Commercial Debts. In order to accommodate all necessary changes required by Interim Changes 2-95 and 3-95, interim change 12-95 is issued changing the General Contents Index along with re-numbering various paragraphs. Effective 1 January 1995. Interim Change 12-95.

v. Involuntary Allotment for Commercial Debt. Table 52-1 amended; adds Rule 12 (Involuntary Allotment for Commercial Debt) to the order of precedence for pay deductions and collections. Effective 1 January 1995. Interim change 13-95.

w. Special Pays for Nurse Corps Officers. Paragraph 210101; subparagraphs 210103A, 210103B, 210103C, and 210201A revised; subparagraphs 210101D, 210201C, and 210202C added; includes legislative and policy changes to special pays for Nurse Corps Officers. Effective 5 October 1994. Interim change 14-95.

x. Forfeiture Deposits to the Armed Forces Retirement Home Trust Fund (AFRHTF). Subparagraph 030202E, Section 481201, and Section 4907 amended; sets forth the regulatory changes for paying over or forfeitures to the AFRHTF. Effective 2 March 1995. Interim change 15-95.

y. Family Separation Allowance (FSA). Revised paragraph 270304, subparagraphs 270301E, 270104A1, 270104A2, 270104A3, 270304A, and 270304C; renumber subparagraph 270304B as 270304C and 270304C as 270304E; add subparagraphs 270301E, 270304B, 270304C, and Rules 21 and 22 to Table 27-3 to add conditions for entitlement to computation of additional FSA-T and FSA-R for periods of less than 30 days between deployments when FSA-T or FSA-S entitlement existed for initial deployment. Effective 20 June 1995. Interim change 16-95.

z. Aviation Career Incentive Pay (ACIP). Paragraphs 220206, 220207, subparagraphs 220206B, 220209C5, 220209C6, 22020209D2, 220209D3, and 220210A amended; states the period of time a member can be medically incapacitated before the member is disqualified for receipt of ACIP. Effective 15 December 1994. Interim change 17-95.

aa. Pay and Allowances While on Parole. Sections 4812 and 4813, and paragraphs 480709 and 030207J revised; New paragraph provides guidance for paying pay and allowance if confined or placed on parole after a conviction by a court martial. Effective 13 March 1995. Interim change 18-95.

ab. Imminent Danger Pay. Figure 10-1 amended; declares Algeria (total land area only) an imminent danger area designated for imminent danger pay. Effective 7 March 1995. Interim change 19-95.

ac. Armed Forces Health Professions Scholarship and Financial Assistance Program (AFHPS/FAP). Subparagraphs 590102A, 610102A and 610202A revised, reflects increased monthly stipend rates for HPSP Students effective 1 July 1995. Subparagraph 590202A revised, reflects increased annual grant amount for FAP Students, effective 1 July 1995. Interim change 20-95.

ad. Officer's Clothing Allowance. Paragraphs 290102A, 290102C, and 300507C revised; new notes 2 and 3 added to table 29-3. Effective 30 March 1995. Interim change 21-95.

ae. Extending Entitlement to Special Pay for Nuclear Qualified Officers. Paragraphs 120102A, 120202C, and 120301 revised; various changes to bibliography. Effective 1 October 1994. Interim change 22-95.

af. Selective Reenlistment Bonus - Marine Corps. Paragraph 090201B changed computation of years of service. Effective 9 December 1994. Interim change 23-95.

ag. Bibliography. Various changes. Effective 14 January 1995. Interim change 24-95.

ah. Taxability of Disability Severance Pay. Paragraphs 350404B and 350404C revised and new

paragraph 350404D added advising members they can apply for refund of certain taxes withheld. Effective 1 January 1995. Interim change 25-95.

ai. Fraudulent Enlistment and Accrued Leave Payments. Revision of paragraph 350101D clarifies no entitlement to payment for accrued leave. Effective 24 April 1995. Interim change 26-95.

aj. Field Duty - Definition. Paragraphs 250102H and 250206 revised and new paragraph 250207 added; table 25-1 revised regarding entitlement to Basic Allowance for Subsistence; new tables 25-7 and 25-8. Effective 28 October 1994. Interim change 27-95.

ak. Taxability of Non-Resident Alien Income. Paragraphs 440107A and 440107B revised. Effective 9 May 1995. Interim change 28-95.

al. Involuntary Allotment for Commercial Debts. Table 52-1 revised to reflect priority of certain tax levies. Effective 6 June 1995. Interim change 29-95.

am. Civilian Clothing Allowance. Table 29-3 (note 1) revised. Effective 6 June 1995. Interim change 30-95.

an. Voluntary Separation Incentive and Special Separation Benefit. Paragraphs 350703A, 350802A, 350802E, 350803A, 350803B, and 350803D revised; new paragraphs 350703D, 350803E, 350804, and 350805 added to clarify entitlements. Effective 13 June 1995. Interim change 31-95.

ao. Imminent Danger Pay. Adds Azerbaijan to Figure 10-1. Effective 9 June 1995. Interim change 32-95.

ap. Voluntary Separation Incentive and Special Separation Benefit. Paragraphs 350703E and 350803F added, forfeiture of entitlement when appointed to DoD civilian position within 180 days. Effective 1 October 1994. Interim change 33-95.

aq. Pen and Ink Changes. Typographic corrections. Effective 26 June 1995. Interim change 34-95.

ar. Forfeitures. Paragraph 480101 revised clarifying effective date. Effective 7 June 1995. Interim change 35-95.

as. Effective 18 August 1995. Revises table 44-1 for tax withholding. Interim change 36-95.

at. Effective 1 October 1995. Revises various clothing allowance rates in Tables 29-1, 29-2, 29-3, and 29-6. Interim change 37-95.

au. Special Pay for duty subject to Imminent Danger. Table 10-1 amended; terminates imminent danger pay for Turkey's air space and coastal water. Effective 29 September 1995. Table 10-1 amended; terminates imminent danger pay for Solvenia. Effective 29 September 1995. Interim change 38-95.

av. Special Pay for duty subject to Imminent Danger. Table 10-1 amended; designates Karachi, Pakistan and the surrounding land area as being subject to imminent danger pay. Effective 24 October 1995. Interim change 39-95.

aw. Multi-Year Special Pay (MSP) and Incentive Special Pay (ISP). Paragraphs 050406, 050801, and 050802 amended; Paragraphs 050407F, 05080B, and 050806B added; establishes guidance for the administration MSP and ISP for medical officers for fiscal year of 1996. Effective 1 October 1995. Interim change 40-95.

ax. Basic allowance for Subsistence (BAS). Paragraph 580101A, 580101B, 580102, and Section 5802 changed; establishes BAS rates effective 1 September 1995 Interim change 41-95.

ay. Basic Pay (BP) and Basic Allowance for Quarters (BAQ). Table 2-5 amended; establishes BP for commissioned officers, aviation cadets, academy cadets, midshipman and ROTC members. Table 2-6 amended; establishes BP for commissioned officers credited with over 4 years of active duty as an enlisted member or warrant-officer. Table 2-7 amended; establishes BP for warrant-officers. Table 2-8 amended; establishes BP for enlisted members. Paragraphs 250301, 250406, 250407, and 250408 amended establishes BAQ for all members. Effective 1 January 1995. Interim change 1-96.

az. Tricare-Family Member Dental Plan (TRICARE-FMDP). Section 5401, 5404, and 5405 revised; Paragraph 540304 added; clarifies the guidelines governing the implementation, administration and termination of TRICARE-FMDP. Effective 17 January 1996. Interim change 2-96.

aaa. Basic Pay (BP) and Basic Allowance for Quarters (BAQ). The following tables were amended to correct the rates initiated by Interim change 1-96: Table 2-5 amended; establishes BP for commissioned officers, aviation cadets, academy cadets, midshipman and ROTC members. Table 2-6 amended; establishes BP for commissioned officers credited with over 4 years of active duty as an enlisted member or warrant-officer. Table 2-7 amended; establishes BP for warrant-officers. Table 2-8 amended; establishes BP for enlisted members. Paragraphs 250301, 250406, 250407, and 250408 amended establishes BAQ for all members. Effective 1 January 1995. Interim change 3-96.

aab. Special Pay for Diving Duty. Paragraph 110302B1 amended; adds 2 new categories to diving duty pay. Effective 1 March 1996. Interim change 4-96.

3. Grammatical and Format Corrections. Elimination of sex-based terminology and corrections of certain publication errors in punctuation, spelling, DLT structures, etc. have been made.

4. New and Revised Material. New and revised instructions are indicated by a star placed immediately before the new or revised paragraph, subparagraph, DLT, etc.

DEPARTMENT OF DEFENSE
FINANCIAL MANAGEMENT REGULATION
VOLUME 7A

DEPARTMENT OF DEFENSE
WASHINGTON DC
1 APRIL 1996

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 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 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 eight parts:

Part One-Basic and Special Pay.
Part Two-Incentive Pay.
Part Three-Allowances.
Part Four-Miscellaneous Payments.
Part Five-Payment of Service Academy Cadets, Midshipmen, Academy Officials, and Aviation Cadet and Service Academy Preparatory School Students
Part Six-Allotments of Pay.
Part Seven-Deductions and Collections.
Part Eight-Pay and Allowances for Members of the Reserve Components (Not on Extended Active Duty) and ROTC.

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, follows the introduction.

Supersedes DoD 7000.14-R, Volume 7, Part A, DoD Financial Management Regulation (DoDFMR), 1 December 1994, and ICs 29-94 thru 4-96.
No. of Printed Pages: 556

DISTRIBUTION:
Air Force: F; X
Army: Distribution in accordance with DA Form 12-9 requirements for AR, Financial Administration:
Active Army–B (Quan Rqr Block No. 93)
ARNGA (Quan Rqr Block No. 92)
USARA (Quan Rqr Block No. 92)
Navy and Marine Corps: Distribution to activities having military personnel

d. **Numbering Paragraphs and Pages:**

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

(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 080104A."

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:

TABLE HEADING

RULE	A	B	C	D	E
	Column Heading	**Column Heading**	**Column Heading**	**Column Heading**	**Column Heading**
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 to "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 changes to the regulation. Changes will be dated and numerically identified beginning with number one. A brief resume will be stated on each change cover sheet which will be inserted, in order, in 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.

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, #3, Room 404, Arlington, VA 22240-5291.

7. **Approval.** The Under Secretary of Defense (Comptroller) approved this regulation under procedures prescribed by the Secretary of Defense in DoD Instruction 7000.14, "DoD Financial Management Policy and Procedures," dated November 15, 1992.

8. **Source of Procurement.** Request copies of this regulation, and changes thereto, through the publication supply channel of the appropriate Service.

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(dv) Public Law 100-180, 4 Dec 1987
(dw) Public Law 102-25, Section 304, 6 Apr 1991
(dx) Public Law 102-190, 5 Dec 1991
(dy) 16th clause of section 8, article I of the Constitution

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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 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 Congress.

34. Critical Speciality. A medical speciality that is manned at, or is projected within 2 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 either:

(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; and

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

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 2 academic years, but desires to participate in the advance portion of the program during the 2 remaining academic years (or 3 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 the 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 the 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 which 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. 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 sections 316, 502, 503, 504, or 505 of title 32, U.S.C. (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 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 non-appropriated 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 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 part four, 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

a. Is either a land or an air force;

b. Is trained, and has its officers appointed under the 16th clause of section 8, article I of the Constitution (reference (dy));

c. Is organized, armed, and equipped wholly or partly at Federal expense; and

d. Is 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. 270(a)(1) (reference (c)) or 32 U.S.C. 502(a) (reference (bq)). Most Selected Reserves are required to participate in a minimum of 48 scheduled drill or training periods annually and serve on active duty for training at least 14 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.

PART ONE

BASIC AND SPECIAL PAY

★CHAPTER 01

CREDITABLE SERVICE

0101 SERVICE WHICH IS CREDITABLE

010101. General

A. The military pay and personnel systems use a variety of dates to determine various entitlements. Among them is the date which 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 it as the basic pay date, which is defined as reflecting all service which is creditable towards longevity.

B. The member's servicing personnel office is responsible for providing, when necessary, a statement of service which 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 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 to compute 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. Air Force, Army, Naval, Marine Corps, and Coast Guard Reserves.

B. Air Force of the United States (service without specification of component).

C. Air National Guard.

D. Air National Guard of the United States.

E. Army of the United States (service without specification of component).

F. Army National Guard.

G. Army National Guard of the United States.

H. National Guard.

I. National Guard of the United States.

J. Nurse Corps and Nurse Corps Reserve of the Public Health Service.

K. Public Health Service and Reserve Corps of the Public Health Service.

L. Regular service in the Army, Air Force, Navy, Coast Guard, and Marine Corps.

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 11 December 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 at a military service academy is always creditable service for an enlisted member. See table 1-1 to determine whether such service is creditable for commissioned and warrant officers.

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. Do not credit such service after 13 October 1964, for commissioned or warrant officers.

L. Effective 26 December 1974, service as an aviation midshipman under the Act of 13 August 1946, 60 Stat. 1057, (reference (a)).

M. Service as an enlisted member in the Reserves before beginning active duty in a Regular component, provided the member enlisted in the Reserve component before 1 January, 1985. This is frequently referred to as the delayed enlistment program.

N. Inactive service as an enlisted member in the Reserves 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 28 November 1989. If the enlistment began after 27 November 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 a law in effect on 10 January 1962.

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 15 September 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 14 September 1981, the individual was enrolled in either the Armed Forces Health Professions Scholarship Program or the Uniformed Services University of Health Sciences, completes such program, and is appointed as a medical or dental officer.

3. On 14 September 1981, the individual was participating in a program which credits years of service and leads 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 paragraph 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 completes dental school on 11 June 1977, and accepts commission as a dental officer on 3 August 1977. Credit the member with 4 years of constructive service and set basic pay date at 3 August 1973.

B. An individual completes medical internship on 30 June 1979, and accepts commission as a medical officer on 11 August 1979. Credit the member with 5 years constructive service and set basic pay date at 11 August 1974.

C. An individual enters medical school in 1970, and accepts a commission on 12 January 1972; he graduates from medical school on 10 June 1974, and completes a civilian residency during the period from 1 July 1974, through 30 June 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.

	YR	MO	DAY
Graduated:	74	06	10
Commission Date:	72	01	12
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:	02	04	29
Constructive Credit:	01	07	01

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

D. The scenario is the same as in C above, except the member accepts the commission on 12 July 1974, after starting the internship, so he is entitled to 5 years of constructive service credit instead of 4.

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

The member's basic pay date is 4 years, no months, and 12 days before his commission date, or 1 July 1970.

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

First, compute dual status:

	YR	MO	DAY
Graduated:	74	05	28
Started School:	70	09	09
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.

	YR	MO	DAY	
Maximum constructive service credit:	03	11	30	(4 years)
less Dual Service:	03	08	20	
Constructive credit:	00	03	10	

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

0102 SERVICE NOT CREDITABLE

010201. In general, do not use any service which is not listed as creditable service to compute a basic

pay date. The following list includes a few types of service which are not creditable:

A. Time served in an enlistment which 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 28 December 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 after 13 October 1964, in the Reserve Officers' Training Corps, even if such member held 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 during which the individual had dual status, enlisted or commissioned, in the inactive National Guard and the National Guard of the United States is creditable.

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 time creditable on the date the member enters USUHS to compute basic pay for longevity purposes while a student, not to exceed the limit of grade O-1 as shown in table 2-5 or O-1E as shown in table 2-6.

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 31 December 1984.

J. For Reserve enlistments after 27 November 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.

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 is also a Reserve officer.

B. See table 1-2 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. However, 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 COMPUTATIONS OF CREDITABLE SERVICE

010301. 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 paragraphs 010104.M and N, and 010201.I and J 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 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 paragraph 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 28 February in a non-leap year, change it to 30 February for computation purposes. If the day is 29 February, change it to 30 February for computation purposes. Do not change 28 February of a leap year to 30 February. 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 17 January 1962, the computation would look like this:

	YR	MO	DAY
Ending Day:	62	01	17
Less Beginning Day:	62	01	17
	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:

	From:	To:
RA (enlisted)	1 Jan 51	28 Feb 54
AUS (Com)	1 Jun 54	26 May 61
AFUS (Com)	1 Aug 63	31 Mar 68
ESAF (Com)	1 Apr 68	4 June 75

Beginning dates:			Ending Dates:		
YR	MO	DAY	YR	MO	DAY
51	01	01	54	02	30
54	06	01	61	05	26
63	08	01	75	06	04
168	15	03	190	13	60

Convert 28 February 1954, to 30 February 1954, since 1954 was not a leap year. Convert 31 March 1968, to 30 March 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 1 August 1963, through 4 June 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:

YR	MO	DAY
190	13	60 (total of ending dates)
189	25	60 (borrowed twelve months from year column)
-168	15	03
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 paragraph 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; but, if the lost time 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: Member enlisted for 4 years on 18 July 1970, but was absent without leave (AWOL) from 10 February 1973, through 16 March

1973. Member received a hardship discharge on 10 August 1973, without making up the lost time. Member reenlisted 20 February 1975. Compute creditable service and basic pay date as follows:

First compute the lost time:

	YR	MO	DAY	
Ended AWOL:	73	03	16	
Began AWOL:	73	02	10	
Lost Time:	00	01	06+1	(inclusive day)

Then compute first period of service.

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

Subtract 2 years, 11 months, and 16 days from reenlistment date of 20 February 1975, to arrive at a new basic pay date of 4 March 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 30 March through 1 April, 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 this 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 18-31 July 1974 (14 days), and 1-21 August 1974 (21 days).

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

YR	MO	DAY	
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)

Result: 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.

YR	MO	DAY
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 20 February 1971, when the member reenlists on 20 February 1975.

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

good the 38 days of bad time by serving 18-31 July (14 days) and 1-24 August (24 days).

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

YR	MO	DAY	
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)

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:

28-30 Jul 1973	03 days
1-30 Aug 1973	30 days
1-3 Sep 1973	03 days
Total	36 days

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

YR	MO	DAY	
04	01	07	(service before deducting lost time)
-00	01	06	(lost time)
04	00	01	

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

D. Adjusting Basic Pay Date when Member has Lost Time. Lost time does not change an officer's basic pay date. However, 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 18 July 1973. He was AWOL from 10 February 1975, through 16 March 1975. When member returns to duty status change his basic pay date as follows:

Compute lost time:

10-30 February	21 days
1-16 March	16 days
	37 days lost time

YR	MO	DAY	
73	07	18	(original basic pay date)
+00	01	07	
73	08	25	

New basic pay date is 25 August 1973.

010302. Procedure when basic pay date falls on 29 February. When basic pay date falls on 29 February, entitlement to longevity increases begins on 1 March in non-leap years and on 29 February in leap years.

SERVICE AS CADET OR MIDSHIPMAN—OFFICERS				
RULE	A	B	C	D
	When a member currently serving as an officer has had service as a cadet or midshipman in	to which appointed	and member	the period involved is
1	any of the military academies		held no concurrent enlisted and/or Reserve status	not creditable.
2		after 25 Jun 1956	had an enlistment contract or period of obligated service that was not terminated	
3		as a permanent midshipman before 26 Jun 1956		
4			concurrently retained a commission or warrant in the Army or Air Force Reserve	creditable.
5		on or after 1 Jan 1953	concurrently retained a commission or warrant in the Naval Reserve	
6		before 26 Jun 1956	concurrently held an enlisted status in the Army or Air Force Reserve	
7		on or after 1 Jan 1953 and before 26 Jun 1956	concurrently held an enlisted status in the Naval Reserve	creditable.
8		as a temporary midshipman or Naval Reservist before 26 Jun 1956		
9	an aviation cadet program	in the grade of aviation cadet	performed active service	
10		as an enlisted aviation cadet on or after 3 Jun 1941		
11	a U.S. Merchant Marine or State Maritime Academy	under the Naval Reserve Act of 1938	concurrently held an inactive Naval Reserve status	not creditable.
12	NROTC program	as a temporary midshipman before 26 Jun 1956	concurrently held a Reserve status in a Uniformed Service	creditable through 13 Oct 1964.
13		as a contract student		
14	AROTC and AFROTC program	before 14 Oct 1964		

Table 1-1. Service As Cadet Or Midshipman—Officers

ABSENCE FROM DUTY IN ENLISTED STATUS			
RULE	A When the absence is	B and	C 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 24 Jul 1956 and the member was not acquitted or released without trial, and without making restitution	
5		occurred on or after 24 Jul 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 24 Jul 1956 (note 4)	
10		the confinement occurred before 24 Jul 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 1-2. Absence From Duty In Enlisted Status

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CHAPTER 02

COMPUTATION OF PAY

0201 BASIC PAY ENTITLEMENTS

020101. When Entitled to Basic Pay. The pay of Service members is prescribed by law. Members are entitled to receive pay according to their pay grades and years' 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 which 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), 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 question, not by the 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 the officer for deposit in the Treasury of the United States. See table 26-3, rule 24; table 26-8, rule 2; and table 25-1, rules 6 and 7, for BAQ and BAS payments.

020103. Formal Acceptance of Appointment-Officers

A. Pay and allowances generally accrue from the date of acceptance of appointment as an officer. The normal methods 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 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 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 be promoted posthumously. 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 Secretarial determination is subsequently made 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 1 month's (30 days') pay, 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 1 month's pay for each day's 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 020201B.

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 on only the 28th day of February in a leap year, deduct 1 day's pay for the 28th. If absence occurs on the 29th of February, deduct 2 days' pay. When payment is made under paragraph 020201B 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. Tables 2-5 through 2-8 contain monthly rates of basic pay.

0203 SAVED PAY

020301. 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 was formerly an enlisted member, the pay and allowances to which entitled, under subparagraph A1 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 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. BAQ 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.

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 would otherwise 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 250102C and E.)

6. Special duty assignment pay, incentive pay for hazardous duty, special pay for diving duty, and sea and foreign duty pay 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.

7. The enlisted cash clothing allowances prescribed in part three, chapter 29, may not be included in the saved pay computation if the officer is entitled to the initial uniform allowance prescribed in section 3002.

8. FSA-I may be continued as an item of saved pay under the same conditions as BAQ. See 4 above. If the member was entitled to FSA-II 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-R, FSA-S, or FSA-T may be reinstated for future periods if the member again qualifies for FSA-II 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.

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 determines this.

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.

1. Due to lack of transportation.

2. 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:

1. From home to a first duty station; and

2. From 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 will:

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 if 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 who:

1. is ordered to perform active duty training (ADT);

2. performs authorized inactive duty training (IDT) immediately before or after ADT at or near the same site; and

3. receives orders which direct performance of necessary travel to and from the ADT site immediately before and after combined ADT/IDT, is entitled to active duty pay and allowances for allowable travel time, if any. 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					
RULE	A	B	C	D	E
				then active duty pay and allowances	
	When a person is	in the	and	begin on:	are authorized for:
1	originally appointed as a permanent officer	Regular Army, Navy, Marine Corps or Air Force (note 1)		date of formal acceptance of appointment (see paragraph 020103).	
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	continues on active duty in the commissioned officer grade		
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			period of the examination, and allowable travel time in connection therewith (notes 3, 5, 6, and 7).
10	ARNG or ANG member called into Federal Service	Army or Air Force	the period of Federal Service is 30 days or less	date of reporting at place of rendezvous.	
11			the period of Federal Service is more than 30 days or an indefinite period	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.	

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

INCREASES IN PAY ON PROMOTION OR RESTORATION OF GRADE					
RULE	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	officer	promotion to grade above O-1	Uniformed Services		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).
12		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 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.

Table 2-2. Increases In Pay On Promotion Or Restoration Of Grade

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 an 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 23 Oct 1992.

Table 2-2. Increases In Pay On Promotion Or Restoration Of Grade (Continued)

TERMINATION OR REDUCTION OF ACTIVE DUTY PAY AND ALLOWANCES					
RULE	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	resignation, discharge, or dismissal		1. shown as official date of separation in official notice; or 2. officer receives official notice, if no official date of separation is shown (note 1).
2		officer holding temporary appointment or promotion	discharge or dismissal from permanent status		of termination of appointment.
3			resignation		
4			transfer to Fleet Reserve, or Fleet Marine Corps Reserve (note 7)		before date placed on the retired list.
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).
16			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.

Table 2-3. Termination Or Reduction Of Active Duty Pay And Allowances

RULE	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
19				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			demotion (administrative)		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 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 service under orders after the date shown in separation orders, the officer is entitled to pay if there is nothing in the records showing nonentitlement.
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 service.
5. See subparagraph 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 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 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					
RULE	A	B	C	D	E
	If ordered active duty is for	and travel by	and total distance is	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:

1. Travel is not expected to start or end between midnight and 0600.

2. 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 woul permit arrival home by fastest available means, without regard to actual performance of travel. A member of a Reserve component who:

   a. is ordered to perform active duty training (ADT),

   b. performs authorized inactive duty training (IDT) immediately before or after ADT at or near the same site, and

   c. receives orders which direct performance of necessary travel to and from the ADT site immediately before and after combined ADT/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.

3. 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.

4. 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, illness of other passengers, etc.

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 1 JAN 1996 (Notes 1 and 5)										
Rank	Pay Grade		Cumulative Years of Service							
			2 or Less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
Gen-ADM	O-10 (note 2)	BP	$7145.70	$7397.10	$7397.10	$7397.10	$7397.10	$7681.20	$7681.20	$8106.80
Lt Gen-VADM	O-9	BP	6333.30	6498.90	6637.50	6637.50	6637.50	6806.10	6806.10	7089.30
Maj Gen-RADM (UH)	O-8	BP	5736.00	5908.20	6048.30	6048.30	6048.30	6498.90	6498.90	6806.10
Brig Gen-RADM (LH)	O-7	BP	4766.10	5090.40	5090.40	5090.40	5318.70	5318.70	5626.80	5626.80
Col-Capt	O-6	BP	3532.50	3881.10	4135.50	4135.50	4135.50	4135.50	4135.50	4135.50
Lt Col-CDR	O-5	BP	2825.40	3317.40	3546.90	3546.90	3546.90	3546.90	3654.00	3851.10
Maj-LCDR	O-4	BP	2381.40	2900.10	3093.60	3093.60	3150.90	3289.80	3514.50	3711.90
Capt-Lt	O-3	BP	2213.10	2474.40	2645.40	2926.80	3066.90	3176.70 (Note 3)	3348.90	3514.50
1st Lt-LT(JG)	O-2	BP	1929.90	2107.50	2532.30	2617.20	2671.50 Maximum			
2nd Lt-ENS	O-1 (notes 3 & 4)	BP	1675.50	1743.90	2107.50	2107.50	2107.50 Maximum			
Aviation Cadets (see sec 4002) (note 5)		BP	1081.20 Maximum							
Academy Cadets/ Midshipmen		BP	558.04 Maximum							
ROTC Members/ ROTC Applicants (see para 580801)		BP	558.04 Maximum							

★Table 2-5. Monthly Rates Of Basic Pay--Commissioned Officers, Aviation Cadets, Academy Cadets, Midshipmen, and ROTC Members—Effective 1 Jan 1996 (Notes 1 and 5)

Rank	Pay Grade		Cumulative Years of Service						
			Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 26
Gen-ADM	O-10 (note 2)	BP	$8106.80	$8686.50	$8686.50	9268.20	$9268.20	$9268.20	$9845.40
Lt Gen-VADM	O-9	BP	7089.30	7681,20	7681.20	8106.60	8106.60	8106.60	8686.50 Maximum
Maj Gen-RADM (UH)	O-8	BP	6806.10	7089.30	7397.10	7681.20	7870.50 Maximum	7870.50	7870.50
Brig Gen-RADM (LH)	O-7	BP	5908.20	6498.90	6945.90 Maximum	6945.90	6945.90	6945.90	6945.90
Col-capt	O-6	BP	4276.20	4952.40	5205.00	5318.70	5626.80	5817.00	6102.60 Maximum
Lt Col-CDR	O-5	BP	4109.10	4416.60	4669.50	4811.40	4979.40 Maximum	4979.40	4979.40
Maj-LCDR	O-4	BP	3881.10	4051.80	4163.10 Maximum				
Capt-Lt	O-3 (note 3)	BP	3600.60	3600.60 Maximum					

NOTES:

1. Basic pay is limited to the rate of basic pay for Level V of the Executive Schedule, which is $9,016.80.
2. Basic pay for pay grade O-10 is $9,016.80 regardless of years of service when they are serving as:
   a. Chairperson or Vice Chairperson (effective 1 Oct 1986) of the Joint Chiefs of Staff
   b. Chief of Staff of the Army
   c. Chief of Naval Operations
   d. Commandant of the Marine Corps
   e. Chief of Staff of the Air Force
3. These rates do not apply to officers credited with over 4 years of active enlisted and/or warrant officer service. See table 2-6 for applicable rates.
4. These rates apply while a student of the Uniformed Services University of Health Sciences.
5. Basic pay rates for:
   a. Aviation Cadets - $1081.20.
   b. Academy Cadets/Midshipmen - $558.04.
   c. ROTC members/applicants - $558.04.

★Table 2-5. Monthly Rates Of Basic Pay—Commissioned Officers, Aviation Cadets, Academy Cadets, Midshipmen, and ROTC Members—Effective 1 Jan 1996 (Notes 1 and 5) (Continued)

MONTHLY RATES OF BASIC PAY—COMMISSIONED OFFICERS CREDITED WITH OVER 4 YEARS' ACTIVE DUTY ENLISTED AND/OR WARRANT OFFICER SERVICE—EFFECTIVE 1 JAN 1996 (Note)								
Rank	Pay Grade		Cumulative Years of Service					
			Over 4	Over 6	Over 8	Over 10	Over 12	Over 14
Capt-Lt	O-3E	BP	$2926.60	$3066.90	$3176.70	$3348.90	$3514.50	$3654.00 Maximum
1st Lt-Lt (JG)	O-2E	BP	2617.20	2671.50	2756.10	2900.10	3011.10	3093.60 Maximum
2nd Lt-ENS	O-1E	BP	2107.50	2251.80	2334.60	2419.20	2503.20	2617.20 Maximum

NOTE: These rates apply while a student of the Uniformed Services University of Health Sciences.

★Table 2-6. Monthly Rates Of Basic Pay —Commissioned Officers Credited With Over 4 Years' Active Duty Enlisted And/Or Warrant Officer Service—Effective 1 Jan 1996

MONTHLY RATES OF BASIC -COMMISSIONED OFFICERS CREDITED WITH OVER 4 YEARS' ACTIVE DUTY ENLISTED AND/OR WARRANT OFFICER SERVICE--EFFECTIVE 1 JAN 1996 (NOTE)								
Rank	Pay Grade		Cumulative Years Service					
			Over 16	Over 18	Over 20	Over 22	Over 24	Over 26
Cap-Lt	O-3E	BP	$3654.00	$3654.00	$3654.00	$3654.00	$3654.00	$3654.00
lst-Lt (JG)	O-2E	BP	3093.60	3093.60	3093.60	3093.60	3093.60	3093.60
2nd Lt-ENS	O-1E	BP	2617.20	2617.20	2617.20	2617.20	2617.20	2617.20

★Table 2-6. Monthly Rates Of Basic Pay —Commissioned Officers Credited With Over 4 Years' Active Duty Enlisted And/Or Warrant Officer Service—Effective 1 Jan 1996 (continued)

MONTHLY RATES OF BASIC PAY—WARRANT OFFICERS— EFFECTIVE 1 JAN 1996									
			Cumulative Years of Service						
Rank	Pay Grade		2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
Chief Warrant Officer	W-5									
Chief Warrant Officer	W-4	BP	$2254.80	$2419.20	$2419.20	$2474.40	$2586.90	$2700.90	$2814.30	$3011.10
Chief Warrant Officer	W-3	BP	2049.30	2223.00	2223.00	2251.80	2277.90	2444.70	2586.90	2671.50
Chief Warrant Officer	W-2	BP	1794.90	1941.90	1941.90	1998.30	2107.50	2223.00	2307.30	2391.90
Warrant Officer	W-1	BP	1495.20	1714.50	1714.50	1857.60	1941.90	2025.00	2107.50	2194.50

			Cumulative Years of Service							
Rank	Pay Grade		Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 26	
Chief Warrant Officer	W-5	BP				$3848.10	$3993.90	$4109.40	$4282.50	
Chief Warrant Officer	W-4	BP	$3150.90	$3261.60	$3348.90	3456.90	3572.70	3684.00	3851.10 Maximum	
Chief Warrant Officer	W-3	BP	2756.10	2838.60	2926.80	3041.10	3150.90	3150.90	3261.60 Maximum	
Chief Warrant Officer	W-2	BP	2474.40	2561.40	2645.40	2728.50	2838.60 Maximum	2838.60	2838.60	
Warrant Officer	W-1	BP	2277.90	2362.80	2444.70	2532.30 Maximum	2532.30	2532.30	2532.30	

★Table 2-7. Monthly Rates of Basic Pays—Warrant Officers—Effective 1 Jan 1996

MONTHLY RATES OF BASIC PAY —ENLISTED MEMBERS—EFFECTIVE 1 JAN 1996									
Pay Grade (note 1)		Cumulative Years of Service							
		2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12
E-9 (note 2)	BP							$2623.20	$2682.00
E-8	BP						$2199.60	2262.90	2322.30
E-7	BPA	$1535.70	$1658.10	$1719.00	$1779.60	$1840.20	1898.70	1959.60	2020.80
E-6	BP	1321.20	1440.30	1500.00	1563.90	1622.70	1680.90	1742.70	1832.40
E-5	BP	1159.50	1262.10	1323.30	1380.90	1471.80	1531.80	1592.10	1650.90
E-4	BP	1081.20	1142.10	1209.30	1302.60	1354.20 Maximum			
E-3	BP	1019.10	1074.90	1117.50	1161.90 Maximum	1161.90			
E-2	BP	980.70 Maximum	980.70	980.70	980.70	980.70			
E-1 (4 months or more active duty)	BP	874.80 Maximum	874.80	874.80	874.80	874.80			
E-1 (Less than 4 months' active duty	BP	809.10 Maximum							

Pay Grade (note 1)			Cumulative Years of Service						
		Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 26	
E-9 (note 2)	BP	$2742.60	$2805.60	$2868.60	$2924.10	$3077.40	$3197.40	$3377.10 Maximum	
E-8	BP	2382.60	2445.60	2501.40	2562.90	2713.50	2834.40	3015.90 Maximum	
E-7	BP	2112.00	2172.00	2232.00	2261.40	2413.20	2533.20	2713.50 Maximum	
E-6	BP	1890.00	1950.90						
E-5	BP	1680.90 Maximum	1680.90						

NOTES:

1. For rank titles, see Appendix 2, Comparable Terms
2. Basic pay for grade E-9 is $4104.90 regardless of years of service while serving as:
   a. Sergeant Major of the Army.
   b. Master Chief Petty Officer of the Navy.
   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 ($4104.90) up to a maximum of 60 days.

★Table 2-8. Monthly Rates of Basic Pay—Enlisted Members—Effective 1 Jan 1996

CHAPTER 03

ABSENCE FROM DUTY—EFFECT ON PAY AND ALLOWANCES

0301 AUTHORIZED LEAVE

030101. Authority. All Service members on active duty for 30 consecutive days or more are entitled to accrue leave under applicable 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 Service leave regulations are:

A. Army. AR 630-5 (reference (e)).

B. Navy. MILPERSMAN (reference (f)).

C. Marine Corps. MCO P1050.3 (reference (g)).

D. Air Force. AFR 35-9 (reference (h)).

030103. Reserved

030104. Pay and Allowances During Leave

A. Entitlement. See table 3-1.

B. Full Pay and Allowances Defined This term means:

1. Basic pay.

2. Special pays.

3. Incentive pay for hazardous duty.

4. Basic allowances for subsistence (enlisted leave rations) and quarters.

5. Personal money allowances.

6. Clothing maintenance allowances.

7. Family separation allowances.

8. Station allowances. (See Joint Federal Travel Regulations, volume 1, chapter 9.)

030105. Advance Leave Carryover or Change to Excess Leave (Effective 14 November 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: Member's current term of service ends 870430. Member reenlists for 6 years on 870301 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: Member's current term of service ends 870930. On 870501 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 870930. Between 870501 and 870930 the member was charged for 30 days' leave. When the extension becomes operative (871001), the member may elect to carry the 30.0-day advance leave balance into the new term of service (12-month extension).

B. 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 Service. If an agreement to extend

is cancelled by the member for the purpose of immediate reenlistment, collect under subparagraph 030105B1, 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 which 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 when it is known at the time leave is granted that the member will be in excess leave status.)

Example 3: Member's current term of service ends 880331. Member reenlists for 6 years on 870101 and has a 35.5-day advance leave balance. The member can carry 30.0 days of advance leave into the new term of service. The remaining 5.5-day advance leave balance will change to excess leave and will require immediate collection of pay and allowances. Paragraph 030106 applies.

Example 4: Same as example 2 except the member takes 34 days of leave between 870501 and 870930. Since a maximum of 30.0 days advance leave can be carried into the new term of service (12-month extension), the remaining 4.0 days would require immediate collection of pay and allowances when the leave was used. Paragraph 030106 applies.

C. Amount To Be Collected. Compute collection under subparagraph 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 part 3, chapter 26, section 2605, subparagraph 260501C. 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 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 350101C.

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 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 A2 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. However, the total gross income described above 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 subsection c of this paragraph, 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 subsection b of this paragraph, the member is solely 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 part one, chapter 2, paragraph 020202.)

030202. Unauthorized Absence and Desertion

A. Determination by Court-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 administra-tive 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. However, pay and allowances due at the time the officer is dropped from the rolls 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. However, do not 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 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, member 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 are generally 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 member 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, 3 July through 2 August is 1 month.

030206. Military Confinement

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

1. When confined by military authorities, for civil authorities. See table 3-2, rules 6 and 8.

2. When pay and allowances are forfeited by court-martial sentence. See part seven, chapter 48, and table 3-2, rule 10.

3. When 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 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. They 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 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. However, a member 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 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/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

RULE	A When member is absent from duty	B and	C then member is	D and the period of absence is
1	on authorized leave	such leave is: a. ordinary accrued leave b. emergency leave c. reenlistment leave 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: a. graduation leave b. sick or convalescent leave c. pass or liberty 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: a. basic pay b. special pay (if a health professional officer) c. BAS officers and enlisted (note 3) d. BAQ (note 2) e. clothing maintenance allowance	chargeable to leave to the extent possible (note 4).
5	on excess leave		not entitled to pay and allowances except BAQ as provided in subparagraph 260501C (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 BAQ, 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 DoDFMR, Volume 7A, sections 1401-1403		entitled to otherwise proper credit of full pay and allowances during the period of absence (note 5)	not chargeable to accrued leave.

NOTES:

1. See paragraph 030105 for collection requirements when advance leave is changed to excess leave.
2. Members without dependents are entitled to BAQ as prescribed in table 2-3, rules 20 and 21.
3. Enlisted members are entitled to BAS at the rate shown in subparagraph 250406B except for days of leave specifically authorized by the PCS orders. Pay BAS at the rate shown in subparagraph 250406A for the PCS order-authorized leave period.
4. 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.
5. Member is not entitled to special pay under DoDFMR, Volume 7A, section 1402.
6. 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 1 Feb 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.
7. A member separating effective 1 Mar whose separation leave period through 28 Feb (or through 29 Feb during Leap Year) results in excess leave, is not entitled to pay and allowances for 29 and 30 Feb (or for 30 Feb 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 30 Feb. See paragraph 020202.

Table 3-1. Authorized Absence-Effect On Pay And Allowances

UNAUTHORIZED ABSENCE AND OTHER LOST TIME-EFFECT ON PAY AND ALLOWANCES			
RULE	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 administra- tively 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 quarters in a non-pay status.
7. Under existing DoD policy and Status of Forces Agreements, the United States Commander always retains discretionary authority to incarcerate or restrict a 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				
RULE	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			
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

RULE	A			B	C	D
	When a member of the					
	Army/ Air Force	Navy/ Marine Corps		and the hour of expiration of leave,	and the member	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 04

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 part four, chapter 35, this manual.

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			
RULE	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 Service is discovered by service medical authorities to have been medically unfit for induction at the time of entrance into the 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

CHAPTER 05

SPECIAL PAYS FOR MEDICAL OFFICERS

0501 VARIABLE SPECIAL PAY

050101. Entitlement

A. Active Duty for at Least One 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 one year is entitled to special pay as provided in this section and sections 0502 through 0504.

B. Active Duty Less than One 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 Part 8, Chapter 63, Health Care Officers on Active Duty in Support of the Persian Gulf Conflict, to determine eligibility and entitlement.

C. Effective 5 December 1991, the following categories of medical officers on active duty less than one 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.

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 one 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 050101C 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' creditable service and is not an intern . . . 416.66

C. If the officer has 6 but less than 8 years' creditable service 1000.00

D. If the officer has 8 but less than 10 years' creditable service. 958.33

E. If the officer has 10 but less than 12 years' creditable service. 916.66

F. If the officer has 12 but less than 14 years' creditable service. 833.33

G. If the officer has 14 but less than 18 years' creditable service. 750.00

H. If the officer has 18 but less than 22 years' creditable service. 666.66

I. If the officer has 22 or more years' 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 one year is amended to require continuous active duty for one year or more. Entitlement begins on the date the amending orders are issued to extend the tour to one year or more.

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

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 010501 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' creditable service $208.33

B. If the officer has 10 but less than 12 years' creditable service 291.66

C. If the officer has 12 but less than 14 years' creditable service 333.33

D. If the officer has 14 but less than 18 years' creditable service 416.66

E. If the officer has 18 or more years' 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 0105); and

2. Board certified (paragraph 050205).

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.

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 are entitled to additional special pay when they meet the requirements of this section and the requirements of the administrative regulations of the 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 (l)).

C. Air Force: AFR 36-4 (reference (j)).

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 one additional year from the effective date of the agreement. For medical officers on active duty less than one year in support of the Persian Gulf Conflict, see part 8, chapter 63 to determine eligibility and entitlement.

C. Effective 5 December 1991, the following categories of medical officers on active duty less than one 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 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 remian on active duty for less than one 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.

050305. Rates Payable

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

B. If eligible under subparagraph 050303C, a medical officer is entitled to a monthly pro rata protion 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 050303C, 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 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 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 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 Service regulations, when approved by the Secretary of the military department concerned; 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 1 October 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 one 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 may be authorized incentive special pay when they meet the requirements of the administrative regulations of the Service concerned.

★050402. References

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

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

C. Air Force: HQ AFMPC letter, 16 Aug 1995 (reference (m)).

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 one year. For medical officers on active duty less than one year in support of the Persian Gulf Conflict, see part 8, chapter 63 to determine eligibility and entitlement. The effective date of the agreement will be as prescribed in regulations issued by the Secretary concerned 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 concerned or the Secretary's designee.

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

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 one 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.

050405. Amount Payable

A. Effective 1 October 1992, an officer authorized incentive special pay may be paid an amount not to exceed $36,000 per year.

B. For medical officers eligible under the provisions of subparagraph 050403E, pay a monthly pro rata portion of the applicable annual amount, under regulations prescribed by the Secretary concerned. 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 paragraph 050403E. 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 cylce completion is not the fault of the medical officer, the Surgeon General 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 1 October 1995, may enter into an ISP contract during FY 96 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.

★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 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 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 DoD or Service regulations, when approved by the Secretary of the military department concerned; 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 1 October 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 050403E 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 Service concerned, or designee, a medical officer with an existing single-year ISP contract may terminate that contract on or after 1 October 1995, 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.

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 Service will determine the special pay status of the transferred officer.

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

C. Gaining and losing 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 of the Army or Navy in the Medical Corps or a Reserve officer of the Air Force designated as a medical officer who is on active duty for less than 1 year is entitled to special pay at the monthly rate of $450.

050602. Active Duty of 1 Year or More. A Reserve medical officer who is 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) is entitled to the special pays provided in sections 0501 through 0504 of this chapter, if otherwise qualified.

050603. Active Duty for More Than 30 Days But Less Than One 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 of this chapter. 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 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 speical pay under this paragraph is authorized.

0507 MEDICAL OFFICER RETENTION BONUS (MORB)

050701. Entitlement. For the period 1 January 1989 through 30 September 1990 only, 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 medical officer retention bonus (MORB). A medical officer who enters into a MORB agreement and who also enters into an incentive special pay (ISP) agreement under section D 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 (l)).

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 creditable service as defined in paragraph 050104 or have completed any active duty service commitment incurred for medical education and training;

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

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 050703C must understand that they might receive one or more MORB installments before their MORB active duty commitment begins. See also subparagraph 050703D.

C. The officer's specialty group and the length of the MORB agreement determine the amounts payable. DoD Instruction 1340.13, "Medical Officer Retention Bonus (reference (r))," lists the specialties and the amounts.

050705. Recoupment of Unearned MORB. The provisions of paragraph 050406 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 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 1 October 1992.

★050802. References

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

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

C. Air Force: HQ AFMPC letter, 16 Aug 1995 (reference (m)).

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 eight 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 1 October 1995); and

C. Executes a written agreement to remain on active duty for two, three, or four years, that is accepted by the Secretary of the military department concerned (or designee).

★D. The Secretary 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 four 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 two, three, or four 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 by the military departments in conjunction with DoD Directive 1340.13, "Special Pay for Medical Corps Officers (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 are currently credentialed; however, the MSP and ISP specialty must the the same.

★B. Payment is due upon acceptance of the agreement by the Secretary of 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., two, three, or four years).

C. The Assistant Secretary of Defense for Health Affairs, in consultation with the military departments, will reassess the assignment of specialties to each category every two years and direct changes as appropriate to support desired staffing levels.

050806. Recoupment.

A. The provisions of paragraph 050406 apply to unserved portions of MSP agreements. However reduce the amount to be recouped by an amount equal to any reduction taken under subparagraphs 350702F or 350802D.

★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.

CHAPTER 06

SPECIAL PAYS FOR DENTAL OFFICERS

0601 VARIABLE SPECIAL PAY

060101. Entitlement

A. Active Duty for at Least One 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 one year is entitled to special pay as provided in this section and sections 0602 through 0604.

B. Active Duty Less Than One 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 part 8, chapter 63, Health Care Officers on Active Duty in Support of the Persian Gulf Conflict, to determine eligibility and entitlement.

C. Effective 5 December 1991, the following categories of dental officers on active duty less than one 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. Reservists called to active duty for more than 30 days but less than one 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 one 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)).

060102. Rates Payable

A. If the officer is an intern or has less than 3 years' creditable service $100.00

B. If the officer has 3 but less than 6 yrs' creditable service and is not an intern 166.66

C. If the officer has 6 but less than 10 years' creditable service. 333.33

D. If the officer has 10 but less than 14 years' creditable service. 500.00

E. If the officer has 14 but less than 18 years' creditable service. 333.33

F. If the officer has 18 or more years' creditable service 250.00

G. If the officer is serving in a pay grade above O-6, regardless of years of creditable service. 83.33

060103. Special Provisions

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

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

060104. Creditable Service Defined. Use creditable service to compute the dental 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 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.

0602 BOARD CERTIFIED PAY

060201. Entitlement. Dental officers as defined in paragraph 060101 are entitled to board certified pay for active duty when they meet the requirements of this section.

060202. Rates Payable

A. If the officer has less than 12 years' creditable service $166.66

B. If the officer has 12 but less than 14 years' creditable service. 250.00

C. If the officer has 14 or more years' creditable service 333.33

060203. Special Provisions

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

1. Entitled to variable special pay (section 0601); and

2. Board certified (paragraph 060205).

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

060204. Creditable Service Defined. See paragraph 060104.

060205. Board Certified Defined. A dental officer is considered board certified if:

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 post-graduate training program of not less than 2 academic years in a military dental specialty for which there is a documented requirement.

0603 ADDITIONAL SPECIAL PAY

060301. Entitlement. Dental officers as defined in paragraph 060101 are entitled to additional special pay when they meet the requirements of this section and the requirements of the Service concerned.

060302. References

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

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

C. Air Force: AFR 36-4 (reference (j)).

060303. Eligibility Criteria. To qualify for additional special pay under this section, a dental officer who is entitled to variable special pay under section 0601 must:

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

B. Sign an agreement to remain on active duty for at least one additional year from the effective date of the agreement. For dental officers on active duty less than one year in support of the Persian Gulf conflict, see part 8, chapter 63, to determine eligibility and entitlement.

C. Effective 5 December 1991, dental officers on active duty for less than one year, other than active duty for training, under the provisions of subparagraph 060101C, receive additional special pay provided under this section.

060304. Creditable Service Defined. See paragraph 060104.

060305. Rates Payable. If eligible under paragraph 060303, a dental officer with:

A. At least 3, but less than 14 years' creditable service, is entitled to additional special pay of $6,000 for each 12 month period.

B. At least 14, but less than 18 years' creditable service, is entitled to additional special pay of $8,000 for each 12 month period.

C. Eighteen or more years' creditable service is entitled to additional special pay of $10,000 for each 12 month period.

D. If eligible under subparagraph 060303C, 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.

060306. 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 060303C, 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.

060307. 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 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 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 Service regulations, when approved by the Secretary of the military department concerned; 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. A discharge in bankruptcy that is entered within 5 years after the last day of a terminated additional special pay agreement which 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 one 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.

0604 TRANSITION (SAVINGS) PROVISIONS

060401. Entitlement

A. Effective 1 October 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 30 September 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 30 September 1985) only if the officer enters into an additional special pay agreement under section 0603 of this chapter. Otherwise, only the officer's monthly special pay for active duty (under previous law in effect on 30 September 1985) will be included.

C. The DoD regulation in effect 30 September 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 2 months' basic pay at the rates in effect on 1 October 1979. When an officer was in a training status on 30 September 1985, the officer's continuation pay entitlement (2 months' basic pay) is the amount which will be used to calculate the officer's saved pay. Effective

14 November 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 30 September 1985.

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

0605 INTERSERVICE TRANSFERS

060501. Entitlement Policy. The provisions of paragraph 050501 apply to dental officers.

CHAPTER 07

SPECIAL PAY FOR VETERINARIANS AND OPTOMETRISTS

0701 ENTITLEMENT

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

070102. Active Duty Less Than One 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 Part 8, Chapter 63, Health Care Officers on Active Duty in Support of the Persian Gulf Conflict, to determine eligibility and entitlement.

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

A. Reservists called to active duty for more than 30 days but less than one 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 one 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.

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

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CHAPTER 08

SPECIAL PAY—PROFICIENCY PAY AND SPECIAL DUTY ASSIGNMENT PAY—ENLISTED MEMBERS

0801 ENTITLEMENT PROVISIONS AND POLICY

080101. 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 the DoDFMR, Vol 7A, table 2-8, note 2. 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 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 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. Definitions

A. 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 the DoDFMR, Vol 7A, subparagraph 090301C.

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 560101A (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:

Proficiency Rating	Monthly Rate
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:

Special Duty Assignment	Monthly Rate
SD-1	$55
SD-2	110
SD-3	165
SD-4	220
SD-5	275

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

D. Designations of military specialties for proficiency pay and special duty assignment pay are in the applicable regulations of the Service concerned. The criteria for designation of military specialties are in DoD Instruction 1304.22, 7 August 1985 (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 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 tells 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. 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			
RULE	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 080102D) (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 080102A) ; 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 section 651, title 10 U.S.C .
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 a ward 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, part 1.)
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					
	A	B	C	D*	E
RULE	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	is withdrawn on date of discharge	continues through the date of discharge (note 1).
4	is confined		confinement is result of court-martial sentence or non-judicial punishment	will be withdrawn on the date of approval of court-martial sentence or date of confinement resulting from 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

RULE	A When a member receiving proficiency pay or special duty assignment pay	B and the pay is	C and	D then proficiency pay status or special duty assignment pay status	E 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 duty			
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)

RULE	A When a member receiving proficiency pay or special duty assignment pay	B and the pay is	C and	D then proficiency pay status or special duty assignment pay status	E 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)

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CHAPTER 09

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 an enlistee 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.

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 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 is not currently entitled to a reenlistment bonus; or

3. Reservist not on active duty who enlists in the Regular component of the Service concerned and has not previously received an enlistment or reenlistment bonus or is not currently entitled to a reenlistment bonus. (A Reservist who has received an enlistment or reenlistment bonus under the Selected Reserve Incentive Program (SRIP) retains eligibility for the Regular component enlistment bonus if the Reservist 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.

090102. Amount of the Enlistment Bonus. The enlistment bonus is an amount prescribed by the Secretary concerned, but not more than $12,000.

090103. Time of Payment. An enlistment bonus may be paid upon completion of training and award of the designated military specialty in periodic installments, as determined by the appropriate Secretary, except that the first installment may not exceed $7,000 and the remainder shall be paid in equal periodic installments which may not be paid less frequently than once every 3 months. 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.

090104. 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 awards 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.

090105. 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. When a member dies before receiving the full amoun t of the enlistment bonus due, the remaining unpaid balance is payable as a lump sum for inclusion in the settlement of the deceased member's final military pay account.

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.)

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

090201. Reenlistment Zones. Three zones of consideration are established. Zone A is composed of those reenlistments falling between 21 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.

A. General Eligibility. Enlisted members are eligible to receive a selective reenlistment bonus (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 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) after the date of their discharge or release from compulsory or voluntary active duty (other than for training) (see subparagraph 090301C 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) 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.

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.

6. An exception to 1 and 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 Service concerned 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 is no longer designated for award of the SRB. The bonus may be paid at the award level in effect at the time the agreement to train 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 21 months of continuous active duty (other than active duty for training as a Reserve) 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 Reserve), 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 9 December 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. However, this exclusion does not apply to the 14-year service cap on Marine Corps members' eligibility which considers a member's total active service.

2. Reenlist or voluntarily extend an enlistment in the Regular component of the 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 have previously received a Zone A SRB.

4. Except for members serving in the Navy 6-YO Program, not have previously 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 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 have previously 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 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 have previously received a Zone C SRB.

E. Special Conditions

1. Members with exactly 6 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 A bonus if otherwise eligible and they have not previously received a Zone A bonus. If members have received a Zone A SRB or no Zone A bonus is designated, they are entitled to a Zone B bonus 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 bonus if otherwise eligible and they have not previously received a Zone B bonus. If they have received a Zone B bonus or no Zone B bonus is designated, they are entitled to a Zone C bonus if all other eligibility requirements are met. Members with exactly 14 years of active duty at 2400 on the date before the date of reenlistment or beginning of an extension of enlistment will be entitled to a Zone C bonus 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 a selective reenlistment bonus and of computing the amount of that bonus, under regulations prescribed by the Secretary of the Service concerned, 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 part two, chapter 23, section 2302, 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 Uniformed Services who reenlist in the Service concerned within 3 m onths 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 Service immediately before serving as an officer and meet all other eligibility criteria. Pay grade for bonus 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, following a discharge from a Reserve component, during or at the completion of the period of active duty for training.

8. A member who is also eligible for the Regular reenlistment bonus is paid either bonus, whichever the member elects. (See subparagraph 090303B.)

9. Members receiving nuclear petty officer continuation pay are not eligible to receive an SRB.

090202. Amount of Payment. Bonus payments are based on multiples, not to exceed ten, of the member's monthly basic pay at the time of discharge, release from active duty, or the day before beginning of extension, multiplied by years of additional obligated service.

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. However, members who entered into an extension agreement before 10 May 1974, and who cancel the extension before it becomes operative to immediately reenlist 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 Service concerned before becoming operative is not considered as previously obligated service for SRB computation purposes. This applies only to cancellations initiated by the Service concerned and not to cancellations initiated by the member. Service-initiated cancellations occur when the basis for the extension no longer exists. An example of a Service-initiated cancellation would be a member who extends an enlistment for a special duty assignment and before the extension becomes operative the Service denies the member the assignment.

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 10 May 1974, and who cancel the extension before it becomes operative to immediately reenlist 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 is specifically for the purpose of immediate reenlistment.

Example 1: Member discharged 30 June 1982 from an enlistment which expires 29 October 1982 and reenlisted 1 July 1982 for 4 years, 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 Service concerned, is considered to have completed current enlistment for SRB computation.)

Example 2: Member discharged 2 months and 3 days before expiration of enlistment, and immediately reenlisted for 4 years, could not receive an SRB for 3 months of the reenlistment period.

5. Members discharged involuntarily before expiration of enlistment or operative extension in connection with 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 Service 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 selective reenlistment bonus (SRB)

1. Is paid in the amount of 1 month's basic pay times the multiple assigned to the military specialty (not to exceed ten), 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 090201E5.)

2. Is not paid for obligated active service (including active duty for training) in excess of 16 years.

Example: Member with 13 years, 3 months, and 15 days active duty; 3 months, 5 days active duty for training; and 2 months, 15 days of existing obligated service, who reenlists for 4 years, can be paid an SRB (Zone C) based on 2 years, 2 months as follows:

	YR	MO	DAY
Active duty:	13	3	15
Active duty for training:		3	5
Existing obligated service:		2	15
Total:	13	8	35
or:	13	9	5
Maximum SRB years:	16	0	0

3. Does not exceed a maximum amount of $45,000 per bonus. However, no more than 10 percent of the bonuses awarded during any fiscal year shall exceed $20,000. (See maximum SRB years in example above.)

	YR	MO	DAY
Less obligated active service (partial months count as a whole month):	13	10	0
Time for which SRB (Zone C) is payable:	2	2	0

4. Is 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 1 June 1983 is unaffected.

2. Any member with a class start date on or after 1 June 1983, bonus payments are suspended.

Example 1: Assume member reenlisted 820404 for 4 years. SRB Due: $16,000. Member was paid first installment of $8,000 (50 percent) 820404, and second installment of $2,666.66 on 830404. Total SRB paid to date: $10,666.66.

Member entered officer training school (OTS) with class start date of 830601. 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 OTS 830906 (30-day basis))
New No. Days Paid:	1344 (1440-96)
New SRB Entitlement:	$14,933.32 (1344x$11.1111)

Balance to be paid over remaining two (2) installments: $4,266.66 ($14,933.32 - $10,666.66 paid to date)
Due Final Two (2) Installments: $2,133.33 ($4,266.66 divided by 2).

Example 2: Assume member reenlisted 811229 for 4 years. SRB Due: $8,000. Member was paid first installment of $4,000 (50 percent) 811229, and second and third installments 821229 and 831229 of $1,333.33 each installment. Total SRB paid to date: $6,666.66.

Member entered education and commissioning program (ECP) with class start date of 840101. Member's fourth installment would be suspended pending completion of ECP and commissioning. Given successful completion, the member would forfeit the remaining installments. However, had the member washed out of the program and returned to the 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 ECP program. Computation is as follows:

Initial Bonus Information:	
SRB Entitlement	$8,000
No. Days Paid:	1440
Daily Rate:	$5.5555
No. Days in ECP:	430 (member washed out of ECP 850310 (use 30-day basis))
New No. Days Paid:	1010 (1440 - 430)
New SRB Entitlement:	$5,611.06 (1010 x $5.5555)

Balance to be paid over remaining installment: 0. (Member due $5611.06; paid previously $6,666.66). No overpayment exists, however, for recoupment purposes. Member is permitted to keep payments received before entrance in ECP.

Example 3: Assume member reenlisted 820604 for 4 years. SRB Due: $16,000. Member was paid first installment of $8,000 (50 percent) 820604, and second installment is due 830604.

Member entered OTS with class start date of 830610. Member's acceptance in OTS was granted 830310. Under this set of circumstances, the member would be due the second installment as it fell due before the class start date. Member should be paid the second installment, but the third and fourth installments would be suspended pending completion of the commissioning program.

Example 4: Assume member reenlisted 820604 for 4 years. SRB Due: $16,000. Member was paid first installment of $8,000 (50 percent) 820604, and second installment is due 830604.

Member entered ECP with class start date of 830602. Member's acceptance in ECP was granted 830310. Under this set of circumstances, the member would not be due the second installment as it fell due after the class start date. The member's second, third, and fourth installments would be suspended pending the completion of the commissioning program.

Example 5: Assume member enlisted 830101 for 4 years. Member completed training 830331, and was awarded military specialty, entitled to enlistment bonus (EB) of $6,000. Paid first installment of $5,000, 830401.

Member entered OTS with class start-date 830601. Member washed out of the commissioning program 831130. Computation is as follows:

Initial Bonus Information:	
EB Entitlement:	$6,000
No. Days Paid:	1440
Daily Rate	$4.1666 ($6,000 / 1440)
No. Days in OTS:	180 (member washed out of OTS 831130 (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. Selective reenlistment bonus (SRB) payments are paid by installments. Under regulations prescribed by the Secretary concerned, up to 50 percent of the total bonus 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 will normally be made on the day of reenlistment or the date a member begins serving in the extension. Initial payment of selective reenlistment bonus 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 Zones A and B SRB are payable on the anniversary date in each year of the reenlistment. Later installments of Zone C SRB are payable on the anniversary dates of the reenlistment 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 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 090201A6 and 090205C, all awards on and after the effective date in 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. When a member dies before receiving the full amount of the SRB due, the remaining unpaid balance is payable as a lump sum for inclusion in the settlement of the deceased member's final military pay account.

B. Once a member establishes a right to SRB upon reenlistment on or before 30 June 1977, the member 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 bonus is authorized. SRB payments for reenlistments on and after 1 July 1977 are subject to recoupment when a member is not technically qualified in the skill for which a bonus was paid as provided in section 0904 of this chapter.

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 SRB are payable to members separated prior to completion of enlistment when separated under conditions which do not require recoupment. (See section 0904.)

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 1 June 1974.

A. To determine the number of reenlistments for which regular reenlistment bonuses (RRB) are payable, count the following:

1. An enlistment in the Regular component of the Service concerned within 3 months from date of discharge or separation, on or after 1 October 1949, after compulsory or voluntary active duty (except active duty for training) in the Service concerned. See C below for computation of 3-month period.

2. A reenlistment between 1 October 1949 and 15 July 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.)

4. An enlistment or reenlistment on or after 1 October 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 16 July 1954, within 3 months after release from active duty as a commissioned or warrant officer under an appointment made on or after 12 October 1949. The commissioned or warrant service must have immediately followed active enlisted service in the same branch of Service.

B. Do not count:

1. Any enlistment or reenlistment entered into before 1 October 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) 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: Member discharged 3 September 1978; period of computation begins 4 September 1978 and ends 3 December 1978.

2. If members are kept in the Service beyond the date their term of service would normally end for the purpose other than rendering service (retained for purposes of trial by court-martial, etc.) the 3-month period begins on the day following their normal expiration of term of service instead of the actual date of separation. (Example: Member's ETS date is 3 September 1978; member is retained for trial by court-martial 4 September 1978 and discharged 3 November 1978; period of computation begins on 4 September 1978.) There is no authority to waive the 3-month limitation on eligibility to receive an RRB or SRB.

090302. To Whom Payable. A regular reenlistment bonus (RRB) may be paid to an enlisted member who was on active duty on 1 June 1974, and who:

A. Enlists or reenlists in the Regular component of the same 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 090301A6. See paragraph 090301C for computation of 3-month period.

B. Was paid a reenlistment bonus under a prior law for a reenlistment on or after 16 July 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 who before the expiration of required service, was discharged in order to immediately enlist in the Regular component of the same Service.

D. Was inducted into the Armed Forces, completed required service, and enlists in the Regular component of the same Service within a 3-month period.

090303. Computing Regular Reenlistment Bonus

A. Compute RRB as provided in table 9-1. (See paragraph 090304 for restrictions.)

B. Members who also are eligible for the selective reenlistment bonus (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 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. Members who were paid an RRB when they first extended their enlistment for at least 2 years, but less than 4 years, are 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 at pay rate applicable on 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 members reenlist and qualify for RRB after completing an extension, compute the bonus at the rate of basic pay they received on the date of actual discharge. If extensions entered into total 2 years or more, they constitute a reenlistment as provided in A and B below.

Example 1: Members who extend for 20 months, and subsequently for 6 months, are entitled to a bonus on the day they start 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: Members who extend their enlistment for 11 months, and then for 6 additional months, and then for 12 months are entitled to a bonus on the day they start serving the third extension.

A. Army and Air Force. Before 2 January 1968, Army and Air Force members could not combine extensions of enlistment to get an RRB. Two or more extensions entered into on or after 2 January 1968 are treated as a single extension. If the extensions total 2 years or more, they constitute a reenlistment. For the purpose of combining extensions of an enlistment, an extension entered into prior to 2 January 1968 may not be combined with extensions entered into on or after 2 January 1968.

B. Navy and Marine Corps. Two 1-year extensions of an enlistment before 10 August 1956 did not constitute a reenlistment. On or after 10 August 1956, extensions of 1 year or less which, when combined, equals 2 years or more, constitute one reenlistment for entitlement to RRB.

090305. Time of Payment. Payment of regular reenlistment bonus is normally made on the day the member reenlists. Members who extend their enlistment for 2 years or more are not paid the bonus for the extension until they actually begin serving the extension. Members who become 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 they actually begin 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. Members in pay grade E-1 on date of last discharge or release from active duty are entitled to a regular reenlistment bonus for a first reenlistment computed on the basis of only two-thirds of their 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 a bonus 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 a bonus for a third or subsequent reenlistment.

B. Length of Service. 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 greater than 3 months subsequent to 1 June 1974. However, this is not a bar to entitlement for a subsequent reenlistment within 3 months of separation.

C. Cumulative Amount. The cumulative amount of 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 (no entitlement to bonus existed) or overpayment (amount in excess of that authorized) made under this section, which is later 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 1 October 1949 are not included in the $2,000 cumulative amount limitation.

D. Discharge From Another Service 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 was later 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, following 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. The RRB is payable for only the number of years, months, and days needed to complete 20 years' active Federal service.

0904 RECOUPMENT OF ENLISTMENT AND REENLISTMENT BONUS

090401. Legal Requirements. Recoupment of unearned portions of enlistment bonus 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 090403N 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 2 January 1968. In computing the period "3 months or less," the date of normal expiration of enlistment is excluded.

B. When a member is not technically qualified 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 30 June 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 reenlisted 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 recoupment of 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' 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 Service in lieu of trial by court-martial).

D. As a result of a writ of habeas corpus.

E. Reduction to permanent grade member voluntarily separated, or transferred 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. Homosexuality.

J. Defective enlistment (includes erroneous and fraudulent enlistments).

K. Entry level performance and conduct.

L. Unsatisfactory performance.

M. Drug and alcohol rehabilitation failure.

N. As directed by the Secretary of the Service concerned 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:

1. To permit attendance at a civilian school.

2. To permit enlistment in another 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 Service; entitlement to additional unpaid bonus is suspended and will terminate upon commissioning or appointment. However, the entitlement to additional unpaid bonus will be reinstated and paid on a pro rata basis 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) Service academy preparatory schools to obtain educational requirements for entrance to Service academy, or

(3) 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 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.

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.

O. Reasons established by military departments (reasons will be approved by ASD (MI&L)). The decision to recoup will be made by DASD (MP and FM).

P. See the individual Services procedural instructions for a list of separation reasons and the corresponding separation program designator (SPD) codes.

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 30 June 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 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 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 (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 a reenlistment bonus 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 reenlists for 4 years on 16 July 1973. Monthly basic pay on discharge was $390.60; $390.60 x 4 = $1,562.40, the total amount of the reenlistment bonus paid. The amount per month is 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 30 June 1976 for a reason requiring recoupment. One year and 15 days were not served. Twelve and one-half months x $32.55 = $406.88—the amount to be collected from the member.

B. Selective Reenlistment Bonus. The same principle that is applied to the recoupment of the regular bonus applies to SRB. However, a member who received SRB did not receive an RRB for the same reenlistment. Also, the recoupment of SRB is based on the period of additional obligated service and not on the entire enlistment period. Further, the total amount of 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. Member qualified for an SRB totaling $6,000. 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 bonus 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). One-hundred twenty-five dollars per month x 6 months = $750 earned. Since the member was paid a total of $3,000 in initial and anniversary payment, $2,250 is due the United States.

Example 2: A member reenlisted for 4 years with additional obligated service of 3 years 9 months. 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 service was $1,285.35 (13-20/30 months x $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 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 350702F or 350802D.

COMPUTATION OF REGULAR REENLISTMENT BONUS—37 U.S.C. 308 (Note 1)					
RULE	A When	B compute reenlistment bonus by using	C at pay rate applicable	D multiplied by	E to obtain amount payable as
1	an enlisted member reenlists on or after 16 Jul 1954	1 month's basic pay (1st reenlist- ment); or two-thirds of 1 month's basic pay (2nd reenlistment); or one-third of 1 month's basic pay (3rd reenlistment); or one-sixth of 1 month's basic pay (4th and subsequent reenlistments) (note 2)	on date of discharge or release from active duty	number of years for which member reenlists	1st reenlistment bonus; 2nd reenlistment bonus; 3rd reenlistment bonus; or 4th or subsequent reenlistment bonus, as applicable (note 3).
2	an officer or warrant officer qualified under subparagraph 090301A6, reenlists on or after 16 Jul 1954		to grade in which enlisted (including cumulative years service) (note 4)		
3	an enlisted member's reenlistment or extension extends the active service beyond 20 years		on date of discharge or release from active duty	number of years, months, and days needed to complete 20 years' active Federal service	
4	an enlisted member extends the enlistment for 2 years or more (note 5)		on day before the day member begins serving on the extension	number of full years and fractions thereof (not to exceed 4) for which member extended enlistment	
5	an enlisted member of the Navy or Marine Corps, on or after 10 Aug 1956, or of the Army or Air Force, on or after 2 Jan 1968, has combined enlistment extensions totaling 2 years or more (note 5)		on day before the day member begins serving on first extension		

NOTES:
1. Applicable only to members on active duty on 1 June 1974.
2. Navy and Marine Corps—exclude the 25 percent increase in basic pay provided under section 0204, part one, chapter 2.
3. See subparagraph 090306 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 2 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 10

SPECIAL PAY—DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER

1001 ENTITLEMENT PROVISIONS

100101. Requirements. A member who is entitled to basic pay is entitled to one hostile fire or imminent danger pay (hereinafter referred to as hostile fire/IDP) for any month during any part in which the member either is:

A. On official duty in a hostile fire/IDP area (see figure 10-1),

B. Subject 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.

100102. Relationship to other entitlements. This pay is in addition to any other pay and allowances to which entitled. See table 10-1 for specific conditions of entitlement.

100103. Monthly Rates. Prior to 1 August 1990, $110. Effective 1 August 1990 - $150.

1002 DETERMINATIONS OF FACT

Determinations of fact regarding qualification for hostile fire/IDP will be made per administrative regulations of the respective services and are conclusive. Such determinations are not subject to review by any officer or agency of the government, unless there has been fraud or gross negligence. Such 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 who has qualified for hostile fire/IDP will continue to be credited with hostile fire/IDP while in a missing status. (See part 4, chapter 34 for more detailed instructions.)

100302. Member in Nonpay Status. If a member enters a nonpay status during a month, prorate hostile fire/IDP for the number of days the member was in a basic pay status. A member's basic pay status ends on:

A. Date of discharge or separation from the service,

B. Date of death,

C. Day before the beginning date of certain specified types of absences from duty. (See chapter 03, this part.)

100303. Reserve member. See paragraph 560401F for an explanation of entitlement for Reserve members.

100304. Member not entitled to basic pay from the first day of a month. Members who are not in receipt of basic pay from the first day of a month in which they qualify for IDP, are only entitled to IDP from the date the member became entitled to basic pay.

DESIGNATED HOSTILE FIRE OR IMMINENT DANGER PAY AREAS

AREA	INCLUDES	EFFECTIVE	TERMINATED
Afghanistan	Total land area, including inland waters and the airspace there-over.	1 Nov 1988	
★Algeria	Total land area only.	7 Mar 1995	
Angola	Total land area and airspace. Coastal waters are excluded.	22 June 1992	
Arabian Gulf Area	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.	25 Aug 1987	1 Apr 1989
★Azerbaijan	Total land area only.	9 Jun 1995	
Bosnia-Herzegovina and the remaining land area within the former country of Yugoslavia (to include the former Yugoslav Republic of Macedonia)	Total land area and airspace. Coastal waters are excluded.	22 June 1992	
Cambodia	Total land area, including inland waters, 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 there-over.	1 Jan 1971	
Chad	Total land area and airspace. Coastal waters are excluded.	22 June 1992	
Colombia	Total land area, including inland waters. Airspace there-over and adjacent sea areas are excluded.	1 June 1985	
Croatia	Total land area and airspace. Coastal waters are excluded.	22 June 1992	
Egypt	Total land area, inland waters, coastal waters and the territorial airspace there-over.	6 Feb 1991	31 Dec 1991
El Salvador	Total land area only, including inland waters. Airspace there-over and adjacent sea areas are excluded.	1 Oct 1983	
★Haiti	(1) Total land area and air space and the surrounding seas in the area of 16-30N/71-40W, 18-00N/71-45W, along the Haiti - Dominican Republic border to: 20-00N/71-44W, 21-00N/71-40W, 21-25N/73-00W, 21-25N/74-00W, 20-00N/74-00W, 19-45N/75-00W, 19-00N/76-00W. (2) Total land area only. Excludes coastal waters and corresponding air space.	16 Sep 94 23 Nov 94	22 Nov 94

★Figure 10-1. Designated Hostile Fire or Imminent Danger Pay Areas

AREA	INCLUDES	EFFECTIVE	TERMINATED
Iran	Land area only.	8 Dec 1978 4 Nov 1979	23 Feb 1979
Iraq	Territory and territorial waters and the airspace above them.	17 Sep 1990	
Israel	Total land area, inland waters, coastal waters and the territorial airspace there-over.	6 Feb 1991	31 Dec 1991
Jordan	Total land area, inland waters, coastal waters and the territorial airspace there-over.	6 Feb 1991	31 Dec 1991
Kuwait	Total land area, including the coastal waters and airspace there over	6 Aug 1990	
Laos	Total land area, including inland waters.	26 Dec 1989	
Lebanon	Total land area only, including inland waters. Airspace there-over and adjacent sea areas are excluded.	1 Oct 1983	
Liberia	Total land area, including the airspace there-over. Coastal waters are excluded.	6 Aug 1990	
★Middle East Area	(1) 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. (2) The following locations including the airspace above such locations: Persian Gulf, the total land areas of Saudi Arabia and Yemen.	2 Aug 1990 1 Sep 1993	31 Aug 1993
Mozambique	Total land area and airspace. Coastal waters are excluded.	22 June 1992	
★Pakistan	Total land area within 50 miles of 24-55 North and 67-00 East, the center of Karachi, Pakistan	24 Oct 1995	
Panama	Total land area, including inland waters, coastal waters and the airspace there-over.	20 Dec 1989	30 Jan 1990
Peru	Total land area, including inland waters. Airspace there-over and adjacent coastal waters are excluded. (This designation, which originally contained a termination date of 31 Oct 1987, was extended indefinitely 29 Oct 1987.)	1 Apr 1987	
Philippines	Total land area, including inland and coastal waters. Airspace there over is excluded. Effective 1 Jun 1990, inland and coastal waters are excluded.	15 May 1990	30 Nov 1991
Somalia	Total land area and air space. Excludes coastal waters	28 Sep 1992	
★Slovenia	Total land area and airspace. Coastal waters are excluded.	22 June 1992	29 Sep 1995
Sudan	Total land area, including inland waters. Airspace there-over and adjacent sea areas are excluded. Total land area, including airspace above. Coastal waters are excluded.	21 Apr 1986 1 June 1987 4 Oct 1993	31 Oct 1986 15 Dec 1987
Syria	Total land area, inland waters, coastal waters and the territorial airspace there-over.	6 Feb 1991	31 Dec 1991

★Figure 10-1. Designated Hostile Fire or Imminent Danger Pay Areas (Continued)

AREA	INCLUDES	EFFECTIVE	TERMINATED
★Turkey	Total land area, inland waters, coastal waters and the territorial airspace there-over.	6 Feb 1991	29 Sep 1995
Vietnam	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 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 there-over.	1 Oct 1973	

★Figure 10-1. Designated Hostile Fire or Imminent Danger Pay Areas (Continued)

HOSTILE FIRE OR IMMINENT DANGER PAY			
RULE	A	B	C
	When a member who is entitled to basic pay	and	then hostile fire/IDP accrues
1	is permanently assigned to a designated area or performs assigned duties in a designated area (notes 1 and 2)	member is entitled to basic pay for the entire month	for the entire month (note 3 and paragraph 011005B).
2		the area designation for that country is terminated on a date other than the last day of the month	for the entire month in which termination of the designation became effective.
3	is on duty in a non-designated area	is subject to hostile fire or explosion of hostile mines while on duty (notes 4, 5 and 6)	for the entire month in which the hostile fire occurred.
4	is killed	death, injury, or hospitalization results from hostile fire, explosion of a hostile mine, or other hostile action (notes 7 and 8)	from the first day of the month to and including the date of death.
5	is wounded or injured		for the entire month in which the wound or injury occurred.
6	is hospitalized outside a designated area		through the date hospitalization is terminated or for 3 months after the month in which the wound or injury occurred, whichever is earlier.
7	is confined in a designated area as a result of court-martial sentence	member's pay is subject to total forfeiture	through the day before the effective date of the non-pay status.

NOTES:

1. Includes a Reserve component member on active duty. For Reserve component members on active duty, see paragraph 011005B and paragraph 560401F.
2. When airspace is specifically included in the area designation, personnel who only fly through the space are eligible for payment. When airspace is excluded in the area designation, personnel who only fly through the airspace are not eligible for payment (They must land in the designated area to be eligible). Service members who are present in a designated area for their own personal convenience (such as leave) shall not be considered to have "performed duty" in a designated area and are not eligible for payment.
3. A member who is absent from the designated area for an entire calendar month is not entitled to hostile fire/imminent danger pay for that month.
4. Consider a member as having been "subject to hostile fire" if close enough to the trajectory or point of impact or explosion of hostile ordinance to have been in danger of being wounded, injured, or killed.
5. Eligibility for payment includes all members serving on the same vessel or aircraft which was the subject of hostile fire or explosion of hostile mines and those serving on a vessel or aircraft that was in such close proximity that members were in danger of being wounded, injured, or killed. In the case of land forces, only those of the unit (patrol, squad, platoon, or larger unit) which were in the immediate vicinity of the trajectory or point of impact or explosion of hostile ordinance and were placed in danger of being wounded, injured, or killed from such causes are entitled to payment.
6. The certification of eligibility for payment shall be made at the lowest level of command that includes all of the vessels, aircraft, or units that are subject to hostile fire or explosion of hostile mines. For example, in the case of a single vessel that is subject to hostile fire or explosion of hostile mines, the vessel's commanding officer is authorized to certify payment for all members on board the vessel. If two or more vessels are involved in the hostile action, the commanding officer of the lowest echelon unit that includes all of the vessels should certify eligibility for payment.
7. It is not necessary that death, injury, or wound occur in a designated area.
8. Members are casualties as the result of hostile action if they have been so defined under applicable casualty regulations (AR 600-10, Marine Corps Order 3040.4, AFR 30-25, NAVMILPERSMAN).

Table 10-1. Special Pay For Duty Subject To Hostile Fire Or Imminent Danger

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CHAPTER 11

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. Actually performing diving duty. Situations or conditions which further affect a member's entitlement to diving duty pay are contained in section 1103 and table 11-1.

110102. In time of war the President may suspend diving duty pay.

1102 QUALIFICATIONS FOR DIVING DUTY

110201. Army. Except as noted in section 1103, an Army member must be a rated diver in accordance with AR 611-75 (reference (ab)) and be assigned to:

A. A TOE or TDA position in SC/MOS, SQI, or ASI specified in table 1-1, AR 611-75; or

B. A position designated 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 $200 per month.

A. Navy Officers

1. Navy officers assigned to diving duty are entitled to special pay for diving duty at the monthly rates specified below. Entitlement commences on the date of graduation from the requisite diving course or, for the UDT/SEAL officer (113X designator) rate, on assignment of the naval special warfare officer (113X) designator.

Diving Officer (SCUBA)	$110
Diving Officer	200
EOD Officer	200
UDT/SEAL Officer (113X designator)	200
UDT/SEAL Officer (118X designator)	110
Undersea Medical (Diving) Officer	200
Medical Service Corps (Diving)Officer	200
Ship Salvage Operations Officer	200

(effective 1 February 1983)

2. Navy officers assigned to and performing diving duty under instruction (DUINS, TEMDUINS, TEMADDUINS) in a diving curriculum will be paid at the rate of $110. Entitlement commences the date of the officer's first dive. However, if the officer is entitled to a higher rate prescribed in subparagraph 110301A1 above, the entitlement to the higher rate will continue.

B. Marine Corps Officers

1. Marine Corps officers assigned to and performing initial diving duty under instruction (at an approved armed services diving school) will be paid special pay for diving duty at the rate of $110 per month. The period of entitlement will be the date of the first dive under instruction through the date dropped from the course or the date of graduation, whichever is earlier.

2. After initial training, Marine Corps officers assigned to duty involving the use of SCUBA equipment are entitled to special pay for diving duty at the rate of $150 per month. Marine officers assigned to billets designated as combatant swimmers are entitled to special pay for diving duty at the rate of $200.00 per month.

3. See subparagraph 110302C3 concerning the limitation on Marine Corps members assigned to diving duty for pay purposes.

C. Air Force Officers. Air Force officers assigned to diving duty are entitled to receive special pay for diving duty at the rate of $150 per month.

D. Army Officers

1. Army officers assigned to and performing initial diving duty under instruction (at an approved Armed Services diving school) will be paid diving duty pay at the rate of $110. The period of entitlement will be the date of first dive under instruction through the date dropped from the course or the date of graduation, whichever is earlier.

2. After initial training, Army officers assigned to diving duty are entitled to receive special pay for diving duty at the following monthly rates:

Marine Diving Officers (ASI 5V)	$200
Combat Diver	$175

The combat diver rating applies to officers 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)).

110302. Enlisted Members. Enlisted members assigned to diving duty are entitled to special pay for diving duty at a rate of not more than $300 per month.

A. Army

1. Army enlisted members assigned to and performing initial diving duty under instruction (at an approved armed forces diving school) will be paid diving duty pay at the rate of $110. The period of entitlement will be the date of first dive under instruction through the date dropped from the course or the date of graduation, whichever is earlier.

2. After initial training, Army enlisted members assigned to diving duty are entitled to receive special pay for diving duty at the following monthly rates:

Master Diver	$300
Diver First Class	175
Salvage Diver	135
Diver Second Class	110
Combat Diver	175

The combat diver rating applies to enlisted 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)).

B. Navy

1. Navy enlisted members assigned to diving duty are entitled to receive special pay for diving duty at the following monthly rates:

Master Diver (SNEC 5341, 5346)	$300
Saturation Diver (SNEC 5311)	275
Diver First Class (SNEC 5342)	175
Advanced Underwater Construction Technician (PNEC 5931)	175
Basic Underwater Construction Technician (PNEC 5932)	110
Diver Second Class (SNEC 5343)	110
SCUBA Diver (SNEC 5345)	110
★Special Amphibious Reconnaissance Independent Duty Corpsman, (HM 8403)	175
★FMF Reconnaissance Corpsman (HM 8427)	175
Medical Deep-Sea Diving Technician (HM8493)	175
Medical Deep-Sea Diving Technician (Saturation) HM8493, 5311)	275
Medical Special Operations Technician (HM8492)	175

EOD Technician (SNEC 5332, 5333)	175
EOD Assistants (SNEC 5331) . . .	110
EOD Mobile Unit Diver(SNEC 5339)	110
Combatant Swimmer (SNEC 5321, 5322, 5325, 5326, 5327)	175
Basic Combatant Swimmer (SNEC 5320)	110
Senior EOD Diver (PNEC 5334). .	175
Senior EOD Diver/Parachutist (PNEC 5335)	175
Master EOD Diver (PNEC 5336) .	175
Master EOD Diver/Parachutist (PNEC 5337)	175
SEAL Delivery Vehicle Pilot/ Navigator (SNEC 5323)	300
SEAL Delivery Vehicle Pilot/ Navigator (EOD Qualified) (SNEC 5324)	300

2. Navy enlisted members assigned to and performing diving duty under instruction (DUINS, TEMDUINS, TEMADDUINS) in a diving curriculum will be paid at the rate of $110. Entitlement commences the date of the member's first dive. However, if the member is entitled to a higher rate prescribed in subparagraph 110302B1 above, entitlement to the higher rate will continue.

C. Marine Corps

1. Marine Corps enlisted members assigned to and performing initial diving duty under instruction (at an approved armed services diving school) will be paid special pay for diving duty at the rate of $110 per month. The period of entitlement will be the date of first dive under instruction through the date dropped from the course or the date of graduation, whichever is earlier.

2. After initial training, Marine Corps enlisted members assigned to diving duty as SCUBA divers are entitled to receive special pay for diving duty at the rate of $110 per month. Enlisted Marines assigned to billets designated as combatant swimmers are entitled to receive special pay for diving duty at a rate of $175.00 per month.

3. The number of Marine Corps members entitled to receive special pay for diving may not exceed the total number of officer and enlisted divers authorized for an activity by the commandant of the Marine Corps.

D. Air Force. Air Force enlisted members assigned to diving duty are entitled to receive special pay for diving duty at the following monthly rates:

SCUBA	$110
Pararescue	150

1104 CONDITIONS OF ENTITLEMENT

See table 11-1.

1105 RESTRICTION ON PAYMENT

110501. Diving Duty Pay and Hazardous Duty Incentive Pay. When assigned by orders to both diving duty and hazardous duty, a member may be paid special pay for diving duty and one payment of hazardous duty incentive pay under part two, chapter 22, section 2201 or chapter 23 for the same period.

110502. Lapsed Qualifications. No member is entitled to receive special pay for performing diving duty after diving qualifications have lapsed. Upon requalification, payments will not be made for the period of lapsed qualification.

DIVING DUTY PAY—CONDITIONS OF ENTITLEMENT			
RULE	A	B	C
	When a member entitled to diving duty pay under section 1101 and	**and**	**then diving pay**
1	is removed from diving duty or the member's diving qualifications lapse		ceases on the date of removal or lapse. (See paragraph 110502.)
2	is hospitalized as a result of a diving accident		accrues for not more than 90 days while hospitalized.
3	is hospitalized not as a result of a diving accident		accrues for the first 30 days.
4	is on leave in a pay status		
5	is on TAD/TDY other than diving duty		
6	is on TAD/TDY for diving duty purposes		continues to accrue (note 1).
7	is in confinement awaiting trial by court-martial	is subsequently acquitted or charges are dismissed	accrues retroactively to date of confinement.
8		is subsequently convicted	does not accrue from first day of confinement through the day before the date restored to a full duty status.
9	is in confinement under sentence of a court-martial		
10	is reassigned PCS and no TDY is required en route to the new duty station	is ordered to and actually performs diving duty at the new duty station	continues to accrue (notes 1 and 2).
11	is reassigned PCS and no TDY is required en route to the new duty station	is not ordered to diving duty at the new duty station	accrues through the date of detachment from the old duty station.
12	is reassigned PCS and TDY is required en route to the new duty station	PCS orders require diving duty at the TDY station *and* new duty station, and actually performs diving duty	continues to accrue (notes 1 and 2).
13		PCS orders require diving duty at the TDY station but *not* the new duty station	continues to accrue through the date of detachment from the TDY station (notes 1 and 2).
14		PCS orders do not require diving duty at TDY station	accrues through the date of detachment from the old duty station.
15	is a member of a Reserve component	is released from active duty	ceases not later than the date the member departs for home from the last duty station.
16	is discharged and immediately reenlists at the same station without a break in service	diving duty orders are not specifically terminated	continues to accrue.
17		diving duty orders are specifically terminated	ceases on the date stated in the orders.

NOTES:

1. 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.

2. 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 11-1. Diving Duty Pay—Conditions Of Entitlement

CHAPTER 12

SPECIAL PAY FOR NUCLEAR-QUALIFIED OFFICERS

1201 NUCLEAR CAREER ACCESSION BONUS

120101. Entitlement. Naval officers or prospective naval officers accepted for training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants are entitled to an accession bonus when they meet the requirements of this chapter and the requirements of SECNAV Instruction 7220.65 series (reference (ac)).

120102. Eligibility Requirements. To qualify for the accession bonus under this section unrestricted line officers must:

A. Have been accepted for training leading to qualification for duty involving the supervision, operation, and maintenance of naval nuclear propulsion plants, subject to the following limitations:

★1. For Regular Navy (USN) unrestricted line officers accepted on or after 1 August 1976 and before 1 October 1996;

★2. For Naval Reserve (USNR) unrestricted line officers accepted on or after 15 March 1977 and before 1 October 1996; and

B. Have, as a commissioned officer, successfully completed training and have been designated qualified for duty involving the supervision, operation, and maintenance of naval nuclear propulsion plants.

120103. Computation

A. Unrestricted line officers, or prospective officers who are scheduled to receive an unrestricted line officer commission, who apply for training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants, will be entitled to the accession bonus as follows:

1. Upon selection for officer naval nuclear power training; and

2. Upon successful completion, as a commissioned officer, of training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

B. The amount payable is determined by the Secretary of the Navy and prescribed in SECNAV Instruction 7220.65 series (reference (ac)). The amount may not exceed $2,000. When an officer is accepted into the nuclear power training program, the amount payable becomes fixed at that time.

120104. Time of Payment. Upon successful completion of the nuclear power training program, the commanding officer of the nuclear power training unit will certify the eligibility of each officer.

1202 NUCLEAR-QUALIFIED OFFICER EXTENDING PERIOD OF ACTIVE SERVICE (CONTINUATION PAY)

120201. Entitlement. Certain nuclear-qualified naval officers are entitled to continuation pay when they meet the requirements of this section and the requirements of SECNAV Instruction 7220.65 series (reference (ac)).

120202. Eligibility Requirements. To qualify for continuation pay under this section an officer of the naval service must:

A. Have the current technical qualification for duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants; and

B. Have completed less than 23 years' commissioned service on applications; and

★C. On or before 30 September 1996, execute 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. Multiple co-pay contracts may also be used through the full period of eligibility so long as the final contract does not extend past the 26th year of commissioned service.

120203. Computation. The amount payable is determined semiannually by the Secretary of the Navy. When an officer's agreement is accepted, the total amount payable becomes fixed at that time. Effective 23 December 1987, the amount may not exceed $10,000 for each year of the active service agreement.

120204. Time of Payment

A. When an officer's agreement is accepted before the end of an existing service obligation, continuation pay may be paid in a:

1. Number of installments equal to 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, and the remaining payments annually (12-month intervals), thereafter. (Note: this provision only applies to the first continuation pay contract.)

2. Number of annual installments equal to the number of years covered by the contract; the first upon expiration of existing obligated service and the remaining payments annually thereafter.

B. 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 and the remaining payments annually thereafter.

120205. Recoupment of Unearned Continuation Pay. An officer 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 SECNAV Instruction 7220.65 series (reference (ac)), an officer must 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 that the officer has not served. See SECNAV Instruction 7220.65 series (reference (ac)) for recoupment criteria.

1203 NUCLEAR CAREER ANNUAL INCENTIVE BONUS

★120301. Entitlement. Certain nuclear-qualified naval officers are entitled to an annual incentive bonus when they meet the requirements of this section and the criteria prescribed in SECNAV Instruction 7220.65 series (reference (ac)). The entitlement provisions of this section expire on 30 September 1996.

120302. Eligibility Requirements. To qualify for the annual incentive bonus under this section, an officer of the naval service must:

A. Be entitled to basic pay; and

B. Not be above pay grade O–6; and

C. Not be selected for and not have assumed the rank of rear admiral; and

D. Be currently qualified for duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants in accordance with the provisions of BUPERS Instruction 1540.1 series (reference (ad)); and

E. Not be serving in a period of obligated service incurred as a result of the acceptance of nuclear officer continuation pay. (This does not preclude pro rata payment in accordance with SECNAV Instruction 7220.65 series (reference (ac))).

F. When receiving aviation career incentive pay, those officers must be serving in a billet requiring them to be:

1. Technically qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants; and

2. Qualified for the performance of operational flying duties.

120303. Computation. The amount payable is determined by the Secretary of the Navy and prescribed in SECNAV Instruction 7220.65 series (reference (ac)). The amount may not exceed

$7,200 for unrestricted line officers and $3,600 for limited-duty officers and warrant officers.

120304. Time of Payment. The nuclear officer annual incentive bonus will be paid annually on 30 September to all eligible officers on active duty as of that date. SECNAV Instruction 7220.65 series (reference (ac)) contains provisions applicable to officers who meet the eligibility requirements for a portion of a preceding year.

1204 NUCLEAR OFFICER ACCESSION BONUS

120401. Entitlement. Naval officers or prospective naval officers with less than 5 years' commissioned service who are selected for officer naval nuclear power training and execute a written agreement to participate in a program of training for duty in connection with the supervision, operation, and maintenance of naval nuclear power propulsion plants are entitled to a nuclear officer bonus of not more than $4,000.

120402. Payment. Payment of the nuclear power accession bonus will be in accordance with SECNAV Instruction 7220.65 series (reference (ac)).

120403. Recoupment.

A. A naval officer or prospective naval officer who has received a nuclear power accession bonus and fails to commence or satisfactorily complete the nuclear power training specified in the agreement with the Secretary of the Navy, for any of the reasons listed below, will be required to refund the entire bonus:

1. Approved request for voluntary release from the written agreement if, due to unusual circumstances, it is determined by the bureau of Naval Personnel, that such release would be clearly in the best interest of both the Navy and the officer concerned.

2. Disqualification that results from nuclear power or submarine physical examinations completed after payment of the bonus.

3. Disability resulting from misconduct, willful neglect, or incurred during a period of unauthorized absence.

4. Separation from the naval service pursuant to an approved court-martial sentence.

5. Unfitness or misconduct (including misconduct falling under the provisions of SECNAV Instruction 1900.7G and 1920.6A series.

B. However, reduce the amount to be recouped by an amount equal to any reduction taken under subparagraphs 350702F or 350802D.

120404. Recoupment Exception. If, for any reason other than stated above, the officer fails to maintain eligibility for the nuclear power accession bonus, recoupment of payments already made will not be required. Examples of reasons within the meaning of this paragraph include:

A. Disability, not the result of misconduct, willful neglect, or not incurred during a period of unauthorized absence.

B. Death.

C. Separation from the naval service by operation of laws independent of misconduct.

D. Physical disqualification occurring after satisfactory completion of nuclear power or submarine physical examinations.

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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:

Pay Grade	Amount
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.

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CHAPTER 14

SPECIAL PAY--QUALIFIED ENLISTED MEMBERS EXTENDING DUTY AT DESIGNATED LOCATIONS OVERSEAS

1401 CONDITIONS OF ENTITLEMENT

Enlisted members entitled to basic pay are entitled to this special pay if they:

140101. Have a specialty designated by the Secretary concerned; and

140102. Have completed a tour of duty (as defined by the Secretary concerned) at a location outside the continental United States designated by the Secretary concerned; and

140103. At the end of the tour of duty execute an agreement to extend that tour for a period of at least 1 year.

1402 AMOUNT

An enlisted member is entitled, after acceptance of the agreement, to special pay for duty performed during an extension executed before, on, or after 1 January 1981 at a rate prescribed by the Secretary concerned of not more than $50 per month, provided that no payments may be made for any period of the extension served before 1 January 1981. Members agreeing to extend on or after 1 April 1986 are entitled to a rate prescribed by the Secretary concerned of not more than $80 per month.

1403 RESTRICTION

An enlisted member who elects to receive rest and recuperative absence or transportation at government expense, or any combination thereof, under title 10, section 705 (reference(c)), is not entitled to the special pay authorized by this chapter for the period of extension of duty for which the rest and recuperative absence or transportation is authorized.

1404 TERMINATION OF ENTITLEMENT

140401. Voluntary early departure from overseas theater. An enlisted 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.

140402. Involuntary early departure from overseas theater. An enlisted 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.

1405 SERVICE REGULATIONS

The following individual Service regulations provide additional information:

140501. Army: Army Regulation 614-200 (reference (ah))

140502. Navy: OPNAVINST 1306. 1 (reference (ag))

140503. Air Force: AFM 177-373, Vol I (reference (ap))

140504. Marine Corps: MCO 7220.41 (reference (af))

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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 220202B3;

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.

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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 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.

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.

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CHAPTER 17

SPECIAL PAY—FOREIGN DUTY

1701 ENTITLEMENT

Foreign duty pay is payable to enlisted members otherwise entitled to basic pay who are assigned to duty at certain places outside the 48 contiguous states and the District of Columbia, as designated by the Secretary of Defense.

1702 CONDITIONS OF ENTITLEMENT

See table 17–1 for specific items pertaining to entitlement.

1703 RESTRICTIONS ON PAYMENT

170301. Foreign duty pay is not authorized for enlisted members who are residents of a designated foreign duty pay area while serving on permanent duty within that state, possession, orforeign country. A member's residence shall be the same as the member's designated legal residence for income tax purposes.

170302. Foreign duty pay is not payable to midshipmen, aviation cadets, or academy cadets.

170303. Foreign duty pay is not payable for the 31st day of the month.

170304. An enlisted member may not receive both foreign duty pay and career sea pay for the same period of service.

1704 RATES PAYABLE

Grade	Monthly Rates
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

1705 FOREIGN DUTY PAY AREAS

170501. The commander of the major command in which a designated place is located will issue a local directive to all concerned to:

A. Identify the perimeter of the designated area, and

B. List the units or installations included therein.

170502. Enlisted members assigned to duty in the places listed below are entitled to foreign duty pay.

FOREIGN DUTY PAY AREAS
(Notes 1 through 7)

Designated Area	Effective Dates	
	From	Through
Afghanistan	1 Oct 63	31 May 82
Kabul	1 May 84	
Alaska	1 Oct 83	
Algeria:		
Algiers	1 Feb 79	31 May 82
Algeria	1 Dec 83	
Andros Island (Bahamas)	1 Jan 66	
Antarctica	1 Oct 63	
Antigua Island (West Indies)	1 Oct 63	31 Mar 86 (note 6)
Argentina	1 Feb 64	31 May 82
Aruba Island (Netherlands Antilles)	1 Oct 63	
Ascension Island (United Kingdom)	22 Nov 63	
Australia:		
Alice Springs	1 Oct 63	
North West Cape	1 Feb 64	
Woomera City	1 Jul 70	
Azores Island	1 Oct 63	
Bahrain Island	1 Oct 63	
Bangladesh	1 Jan 73	
Barbados Island (West Indies)	1 Oct 63	31 Mar 86 (note 6)
Belgium:		
Baraque Fraiture (AFCENT Microwave Radio/ NATO Station)	1 Mar 78	31 May 82
Flobecq	1 Feb 64	31 May 82
Florennes	1 May 84	
Kleine-Brogel	1 Feb 64	31 May 82
Ostende	1 Jul 73	31 May 82
Belize:		
Belize City	1 Aug 89	
Bolivia	1 Oct 63	
Botswana:		
Gaberone	1 Feb 79	31 May 82
Brazil:		
Brasilia	1 Aug 89	
Fortaleza	1 Oct 63	
Recife	1 Oct 63	
Salvadore	1 Oct 63	
Santa Cruz	1 Oct 63	
All Other Areas of Brazil (except Rio de Janeiro and Sao Paulo)	1 Feb 64	31 May 82
Bulgaria	1 Oct 63	
Burma	1 Oct 63	
Burundi:		
Bujumbura	1 Apr 87	
Cambodia	1 Oct 63	
Cameroon	1 Oct 63	
Canada (except metropolitan areas and St Johns)	1 Oct 63	31 May 82 (see Canada entry next page after 31 May 82)

FOREIGN DUTY PAY AREAS—Continued

Designated Area	Effective Dates	
	From	Through
Canada:		
British Columbia, Province of (Masset only)	1 May 85	
Yukon Territory	1 Jun 82	
Northwest Territory	1 Jun 82	
Labrador, Province of	1 Jun 82	
Newfoundland, Province of	1 Jun 82	
New Brunswick, Province of (St Margarets only)	1 Jun 82	
Quebec, Province of (Senneterre and Bagotville only)	1 Jun 82	
Cape Verde:		
Praia	1 Feb 79	
Central African Republic:		
Bangui	1 Jun 82	
Ceylon	1 Oct 63	
Chad	1 Jan 66	
Chile	1 Feb 64	31 May 82
China (Peking-1 Jul 73)	1 Jul 80	
Colombia	1 Oct 63	
Congo	1 Jul 80	
Costa Rica	1 Oct 63	
Crete	1 Oct 63	
Cuba	1 Oct 63	
Cyprus	1 Oct 63	
Czechoslovakia	1 Oct 63	
Denmark:		
Aalborg	1 Jul 80	31 May 82
Christiansfeld	1 Jul 72	31 May 82
Esbjerg	1 Jul 72	31 May 82
Holstebro	1 Jul 72	31 May 82
Karup Air Station	1 Oct 63	31 May 82
Kolding	1 Jul 72	31 May 82
Odense	1 Jul 72	31 May 82
Vejle	1 Jul 72	31 May 82
Viborg	1 Jul 72	31 May 82
Diego Garcia Island (Chagos Archipelago)	1 Jun 72	
Djibouti:		
Djibouti	1 Feb 79	
Dominican Republic	1 Oct 63	
Ecuador	1 Oct 63	
Egypt	1 Oct 63	
Eleuthera Island (Bahamas)	1 Oct 63	
El Salvador	1 Feb 64	
Epiwetok (Marshall Islands)	23 May 77	
England:		
Flyingdale Moors	1 Feb 64	31 May 82
Great Bromley	1 Jun 66	31 May 82
RAF Barkway	1 Jun 66	31 May 82
RAF Daventry	1 Jun 66	31 Mar 87 (note 7)
RAF Spadeadam	1 Mar 78	31 May 82
RAF Swingate	1 Jun 65	31 Mar 87
St Mawgan	1 Jan 66	(note 7)
Ethiopia	1 Oct 63	
Finland	1 Feb 64	
Gabon Republic:		
Libreville	1 Feb 76	

FOREIGN DUTY PAY AREAS—Continued

Designated Area	Effective Dates	
	From	Through
German Democratic Republic	1 Oct 82	
Germany:		
Ahlhorn	1 Jul 80	31 May 82
Allenbach (Radio Terminal 71)	1 Feb 76	31 May 82
Altmansdorf (Radio Relay Site Buick)	1 Jan 75	31 May 82
Alzey	1 Jun 65	31 May 82
Amberg	1 Feb 64	31 May 82
Auerbach	1 Jan 73	31 May 82
Bad Bergzabern	1 Jan 73	31 May 82
Baden Soellingen	1 Jul 75	31 May 82
Bad Neustadt an der Saale	1 Jul 78	31 May 82
Balesfeld	1 Jan 69	31 May 82
Barme	1 Jan 74	31 May 82
Barnstorf	1 Jun 65	31 May 82
Bischofsgruen	1 Jul 79	31 May 82
Blankenheim	1 Jan 73	31 May 82
Bocksberg	1 Feb 64	31 May 82
Boerfink	1 Jul 79	31 May 82
Borgholzhausen	1 Feb 76	31 May 82
Bosserode (OP Romeo)	1 Jan 73	31 May 82
Bottingen	1 Jan 66	31 Jan 77
Brand by Marktrewitz	1 Jan 73	31 May 82
Brandhof	1 Feb 64	31 May 82
Braunlage	1 Feb 76	31 May 82
Breungeshain	1 Jan 73	31 May 82
Brome-Radenbeck	1 Jan 71	31 May 82
Brueke-bei Soest	1 Jan 73	31 May 82
Bruggen	1 Feb 64	31 May 82
Brurn	1 Jan 73	31 May 82
Buchel	1 Feb 64	31 May 82
Burbach Kreis Siegen	1 Jan 73	31 May 82
Buren	1 Oct 63	31 May 82
Camp Wollbach	1 Jan 74	30 Jun 81
Cham	1 Jul 74	31 May 82
Clausen	1 Jul 70	31 May 82
Coburg	1 Jul 70	31 May 82
Dallau	1 Jan 66	31 May 82
Dannenfels	1 Feb 64	31 May 82
Datteln	1 Jan 66	31 May 82
Deilingenhofen	1 Jan 73	31 May 82
Dichtelbach	1 Jan 66	31 May 82
Doebra (Doebraberg)	1 Feb 64	31 May 82
Donnersberg	1 Feb 64	31 May 82
Dornum	1 Feb 76	31 May 82
Dulmen	1 Jun 67	31 May 82
Duren-Drove	1 Feb 64	31 May 82
Edewecht	1 Jul 78	31 May 82
Eibensbach	1 Feb 76	31 May 82
Eichenberg (OP Oscar)	1 Jan 73	30 Jun 81
Emmerich	1 Jul 73	31 May 82
Erbeskopf	1 Feb 76	31 May 82
Erding Air Station	1 Jun 67	31 May 82
Eschwege	1 Jul 78	30 Jun 81
Euskirchen	1 Jan 73	31 May 82
Feldberg (Schwarswald)	1 Jul 74	31 May 82
Flensburg	1 Jan 81	31 May 82

FOREIGN DUTY PAY AREAS—Continued

Designated Area	Effective Dates	
	From	Through
Flensburg-Weiche	1 Mar 78	31 May 82
Freising	1 Jun 66	31 May 82
Garlstedt	1 May 68	31 May 82
Gartow	1 Feb 64	31 May 82
Grefath	1 Jan 73	31 May 82
Grossengsteingen	1 Jan 68	31 May 82
Gross Gusborne	1 Jan 71	31 May 82
Grunstadt	1 Feb 64	31 May 82
Hamminkeln	1 Jan 66	31 May 82
Handorf	1 Oct 63	31 May 82
Hardheim	1 Jan 66	31 May 82
Heidenheim	1 Jul 75	31 May 82
Hemau	1 Apr 70	31 May 82
Hemer-Menden	1 Feb 64	31 May 82
Hepberg	1 Jul 73	31 May 82
Hesselburg	1 Jul 78	31 May 82
Hinsbeck	1 Jan 69	31 May 82
Hofan der Saale	1 Jul 78	31 May 82
Hoherbogen-Rimbach	1 Jan 71	31 May 82
Hohenkirchen	1 Feb 76	31 May 82
Hohenpeissenberg	1 Feb 64	31 May 82
Hohenstadt	1 Feb 64	31 May 82
Holzwicheda-Opherdicke	1 Jan 73	31 May 82
Hontheim	1 Jan 69	31 May 82
Horinsgrinde	1 Jan 69	31 May 82
Inneringen	1 Jan 66	31 May 82
Itzehoe-Nordoe (formerly Itzehoe)	1 Jan 66	31 Jan 76
Jever	1 Oct 63	30 Jun 75
Kalkar	6 Jul 77	30 Jun 84 (note 5)
Keltenbronn	1 Jun 65	31 May 82
Kappelen-Erft	1 Jan 68	31 May 82
Kappeln/Ellenburg	1 Jan 81	31 May 82
Kaster	1 Jan 73	31 May 82
Kellinghusen	1 Jan 65	31 May 82
Kingsley Kaserne	1 Jan 74	31 May 82
Konigshofen/Baden (Lauda Bunker)	1 Jan 69	31 May 82
Kriegsfeld	1 Feb 64	31 May 82
Kronach	1 Jul 78	31 May 82
Lahn	1 Oct 63	31 May 82
Lahr	1 Feb 64	31 May 82
Landsberg	1 Feb 64	31 May 82
Langendamm	1 Jan 73	31 May 82
Langerkopf	1 Feb 64	31 May 82
Lehmgrube	1 Feb 77	31 May 82
Linderhofe	1 Jun 65	31 May 82
Lipperhohe	1 Feb 64	31 May 82
Lohne	1 Feb 76	31 May 82
Lohnfeld (Receiver Site)	1 Jan 68	31 May 82
Luederbach (OP India)	1 Jan 73	31 May 82
Marienheide	1 Jan 66	31 May 82
Memmingen	1 Feb 64	31 May 82
Messtetten	26 May 64	31 May 82
Monchberg	1 Jan 65	31 May 82
Montabaur	1 Jun 67	31 May 82
Morbach	1 Jan 73	31 May 82
Mt. Meissner	1 Oct 63	31 May 82
Muehl-Zuesch	1 Jan 74	31 May 82
Norvenich	1 Feb 64	31 May 82
Oberdachstetter (Relay Mercury)	1 Jan 68	31 May 82
Oedingen	1 Jan 73	31 May 82

FOREIGN DUTY PAY AREAS—Continued

Designated Area	Effective Dates	
	From	Through
Paderborn	1 Jan 70	31 May 82
Passau	1 Jul 78	31 May 82
Pfullendorf	1 Oct 63	31 May 82
Potsdam	13 Apr 64	31 May 82
Pruem (Schonfeld)	1 Feb 64	31 May 82
Rasdorf (OP Alpha)	1 Jan 73	31 May 82
Regen	1 Jan 66	31 May 82
Reihwarzhofen	1 Feb 64	31 May 82
Reisenbach	6 Jul 77	31 May 82
Reisenberg	1 Feb 64	31 May 82
Rendsberg	1 Jul 73	31 May 82
Reitscheid	1 Jan 66	31 May 82
Rodenkirchen	1 Feb 76	31 May 82
Rotz	1 Jan 66	31 May 82
Schleswig	1 Jan 68	31 May 82
Schonborn	1 Jul 79	31 May 82
Schoppingen	1 May 68	31 May 82
Schoppingerberg	1 Jul 69	31 May 82
Schotten	1 Jan 73	30 Jun 81
Schwanberg	1 Feb 64	31 May 82
Sennelager	1 Feb 64	31 May 82
Siegenberg	1 Feb 64	31 May 82
Soegel	1 Jan 73	31 May 82
Station Hohne, Bergen/Belsen	1 Jul 79	31 May 82
Stein	1 Jun 66	31 May 82
Thum Duren	1 Jan 73	31 May 82
Todendorf	1 Feb 64	31 May 82
Treysa	1 Oct 63	31 May 82
Varrelbusch	1 Feb 76	31 May 82
Vorden	1 Jul 69	31 May 82
Wagenfeld	1 Feb 76	31 May 82
Waldbrol	1 Jan 73	31 May 82
Weiden	1 Feb 64	31 May 82
Weierhof	1 Jan 65	31 May 82
Werl-Westphalen	1 Feb 64	31 May 82
Westerburg	1 Jan 68	31 May 82
Westkirchen	1 Jan 66	31 May 82
Weyher	1 Jan 73	31 May 82
Wiesmoor	1 Feb 76	31 May 82
Woebeck	1 Jan 65	31 May 82
Ghana	1 Oct 63	
Gibraltar, B.C.C.	1 Feb 64	31 Mar 86 (note 6)
Grand Bahama Island (Bahamas)	1 Oct 63	
Greece (except Athens including Hellenikon Airport Formerly Athenia Apt)	1 Oct 63	31 May 82 (see Greece entry below after 31 May 82)
Greece (except Nea Makri)	1 Jun 82	31 Mar 87 (note 7)
Greece (except Nea Makri, Athens, Hellenikon Airport, and Tanagra)	1 Apr 87	
Greenland	1 Oct 63	
Grenada	1 Dec 83	
Guam (Mariana Islands)	1 Oct 63	
Guatemala	1 Oct 63	31 May 82
Guatemala City	1 May 84	

FOREIGN DUTY PAY AREAS—Continued

Designated Area	Effective Dates From	Through
Guinea:		
Bissau	1 Feb 79	
Conarky	1 Feb 79	
Guyana		
Haiti	1 Jul 73	
Honduras	1 Oct 63	
Hungary	1 Oct 63	
Iceland	1 Oct 63	
India	1 Oct 63	
Indonesia	1 Oct 63	
Iran	1 Oct 63	
Iraq:	1 Oct 63	
Baghdad		
Iraq	1 Dec 86	16 Sep 90
Ireland:	17 Sep 90	
Londonderry		
Israel	1 Oct 63	
Italy:	1 Oct 63	
Bovolone		
Catron	1 Oct 63	31 May 82
Ceggia	1 Oct 63	31 Jan 76
Chioggia	1 Oct 63	31 May 82
Cima Gallina	1 Oct 63	31 May 82
Codogne	13 Apr 64	
Conselve	1 Oct 63	31 May 82
Cordovado	1 Oct 63	31 May 82
Finale Ligure	1 Oct 63	31 May 82
Ghedi Torre	1 Jul 73	
La Maddalena (Saradinia)	26 May 64	
Martina Franca	1 Jan 74	
Mount Clavarina	1 Jan 65	
Mount Cimone	1 Oct 63	31 May 82
Mount Corna	13 Apr 64	
Mount Paganella	13 Apr 64	
Mount Venda	13 Apr 64	
Mount Vergine	13 Apr 64	
Oderzo	1 Jan 65	
Portogruaro	1 Oct 63	31 May 82
Ravenna	1 Oct 63	31 May 82
Reggio (Monte Nardello)	1 Feb 64	31 May 82
Rimini	1 Jan 65	
San Vito (Including Brindisi)(see San Vito entry below)	1 Jan 65	
San Vito	22 Nov 63	31 Mar 86 (note 6)
Sciaves	1 Apr 86	31 Mar 87 (note 7)
Sicily (Sigonella)(see Sicily entry below)	1 Jan 73	
Sicily (Sigonella and Comiso)(see Sicily entry below)	1 Oct 63	30 Sep 82
Sicily (Comiso)	1 Oct 82	31 Mar 86 (note 6)
Verona Area (to include AFFI, Grezzana and Verona itself)	1 Apr 86	
Zello	19 Jul 79	31 May 82
Ivory Coast	1 Oct 63	31 May 82
Jamaica:	1 Oct 63	
Kingston		
Kingston	1 Jan 70	31 May 82
	1 Aug 89	

FOREIGN DUTY PAY AREAS—Continued

Designated Area	Effective Dates	
	From	Through
Japan:		
Akizuki-Kire Area	13 Apr 64	
Fuji Maneuver Area	1 Oct 63	
Fukuoka	1 Jul 80	
Hokkaido Island (Chitose)	1 Oct 63	
Iwakuni	1 Feb 64	31 May 82
Kashiwa	1 Jan 70	
Kisarazu	1 Jan 65	31 May 82
Misawa	1 Oct 63	31 May 87 (note 7)
Ryukyu Islands (includes Okino Erabu Shima and Okinawa).	1 Oct 63	31 May 82 (see Ryukyu Islands entry below after 31 May 82)
Ryukyu Islands:		
Kume-Shima only	1 Jun 82	
Seburiyama	1 Jul 80	
Johnston Island	1 Oct 63	
Jordan	1 Oct 63	
Kenya	1 Oct 63	
Korea	1 Oct 63	
Kosrae Island (Caroline Islands, Federated States of Micronesia)	1 Dec 87	
Kuwait:		
Kuwait City	1 Jan 71	16 Sep 90
Kuwait	17 Sep 90	
Kwajalein (Marshall Islands)	1 Oct 63	
Laos	1 Oct 63	
Lebanon	1 Oct 63	
Liberia	1 Oct 63	
Mahe Island (Seychelles Islands)	1 Oct 63	
Malagasy Republic	1 Oct 63	
Malawi	1 Jan 66	
Malaysia Federation	1 Oct 63	
Mali	1 Oct 63	
Malta	1 Oct 63	
Mariana Islands:		
All areas except Guam and Saipan (see separate listing for Guam and Saipan)	1 Jun 65	
Maui (Hawaiian Islands)	1 Jul 80	31 May 82
Mauritania	1 Jul 80	31 May 82
Mauritius:		
Port Louis	1 Feb 79	31 May 82
Port Louis	1 May 84	
Mexico:		
Mexico City	1 Aug 89	
Midway Islands	1 Oct 63	
Morocco	1 Oct 63	
Mozambique:		
Maputo	1 Feb 79	31 May 82
Maputo	1 Aug 89	
Nambia:		
Windhock	1 Aug 89	
Nepal	1 Oct 63	31 May 82
Nepal	1 Dec 83	

FOREIGN DUTY PAY AREAS—Continued

Designated Area	Effective Dates	
	From	Through
Netherlands:		
Den Helder	1 Mar 78	31 May 82
Havelte	1 Jan 73	31 May 82
Hoek Van Holland	1 Jan 73	31 May 82
Hoogbuul (MR LOGAEUR BENELUX Activity)	1 Mar 78	31 May 82
Tilberg	1 Jul 72	31 May 82
T'Harde	1 Oct 63	31 May 82
Vokel	1 Feb 64	31 May 82
New Zealand:		
Timaru	1 Jan 73	31 May 82
Woodburne RNZAF Station, Blenheim	1 Jan 68	31 May 82
Nicaragua	1 Oct 63	
Niger	1 Jul 80	
Nigeria	1 Oct 63	
Norway:		
Oslo	1 Aug 89	
Oman:		
Muscat	1 May 84	16 Sep 90
Thumrait	1 Dec 83	16 Sep 90
Oman	17 Sep 90	
Pakistan	1 Oct 63	
Panama	1 Oct 63	
Paraguay	1 Oct 63	
Peru	1 Oct 63	
Philippine Islands	1 Oct 63	
Phoenix Islands	1 Jun 65	
Poland	1 Oct 63	
Ponape (East Carolina Islands)	1 Jan 82	
Puerto Rico:		
Culebra Island	1 Jul 73	31 May 82
Vieques Island	1 Oct 63	
Qatar	17 Sep 90	
Romania	1 Oct 63	
Rwanda:		
Kigali	1 Feb 79	10 Aug 94
Rwanda	11 Aug 94	
Saipan (Mariana Islands)	1 Oct 63	
Samoa Islands	1 Jun 65	
Sardinia Island:		
Decimonannu	1 Jul 72	
Monte Limbara	1 Jan 65	
Saudi Arabia	1 Oct 63	
Scotland:		
Edzell	1 Oct 63	31 May 82
Glen Douglas	1 Jan 75	31 May 82
Holy Loch Area (including Dunoon, Greenock, and Prestwick)	1 Feb 64	31 Mar 86 (note 6)
Holy Loch Area (Afloat Activities only)	1 Apr 86	
Machrihanish	1 Jun 67	31 Mar 87 (note 7)
RAF Mormond Hill	1 Jan 68	31 Mar 86 (note 6)
Thurso	1 Feb 64	31 Mar 86 (note 6)
Senegal	1 Oct 63	
Sierra Leone:		
Freetown	1 Dec 86	
Singapore	1 Jan 66	
Somalia	1 Oct 63	

FOREIGN DUTY PAY AREAS—Continued

Designated Area	Effective Dates	
	From	Through
South Africa, Republic of:		
Capetown	1 Feb 76	31 May 82
Pretoria	1 Jan 71	31 May 82
Spain:		
Balearic Islands	22 Nov 63	
Cartagena	1 Oct 63	31 Mar 87 (note 7)
Elizondo (including Gorramendi CMF)	22 Nov 63	
Estaca De Vares	1 Jan 74	
Guardamar del Segura	6 Jul 77	
Inoges	22 Nov 63	31 May 82
Moron AB	1 Jan 80	
Sonseca	1 Oct 63	
Sudan	1 Oct 63	
Suriname	1 Dec 83	
Swaziland:		
Mbabane	1 Feb 79	31 May 82
Sweden:		
Stockholm	1 Aug 89	
Syria:		
Damascus	1 Feb 77	31 May 82
Damascus	1 Jan 84	
Taiwan	1 Oct 63	
Tanzania:		
Dar Es Salaam	6 Jul 77	
Thailand	1 Oct 63	31 Mar 87 (note 7)
Thailand:		
Bangkok	1 Aug 89	
Chiang-Mai	30 Jan 91	
Togo	1 Jul 80	
Truk Atol (Caroline Islands)	1 Jul 80	
Tunisia	1 Oct 63	
Turkey	1 Oct 63	
Turks and Caicos Islands	1 Oct 63	
Uganda	1 Jul 73	
United Arab Emirates:		
Abu Dhabi	1 May 84	16 Sep 90
United Arab Emirites	17 Sep 90	
Upper Volta	1 Jul 80	
Uruguay	1 Feb 64	31 May 82
U.S.S.R.	1 Oct 63	
Venezuela	1 Oct 63	
Vietnam	1 Oct 63	
Wake Island	1 Oct 63	
Wales:		
Brawdy	1 Feb 76	31 Mar 86 (note 6)
Yemen, Arab Republic of	1 Feb 76	
Yugoslavia (includes the countries of Slovenia, Croatia, Bosnia-Hercegovina, Serbia, and the remaining land area within the former country of Yugoslavia)	1 Oct 63	
Zaire:		
Kinshasa	1 Feb 64	10 Aug 94
Zaire	11 Aug 94	
Zambia:		
Lusaka	1 Jul 78	
Zimbabwe:		
Harare (formerly Salisbury)	1 Jul 81	

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: Cape Verde: Praia).
3. The special pay is currently payable when ending date is not shown in "Through" column.
4. Enlisted members who were receiving foreign duty pay on 31 May 1982, and who were assigned to places that no longer qualified them for this pay on 1 Jun 1982, shall continue to be eligible for such pay until permanently reassigned out of that geographical area.
5. Enlisted members who were receiving foreign duty pay on 30 Jun 1984 shall continue to be eligible for such pay until permanently reassigned from this location.
6. Enlisted members who were receiving foreign duty pay for these areas on 31 Mar 1986 will continue to receive the pay until permanently reassigned out of the geographical area. Members arriving or extending their tours at these areas after 31 Mar 1986 will not be eligible for foreign duty pay.
7. Enlisted members who were receiving foreign duty pay for these areas on 31 Mar 1987 will continue to receive the pay until permanently reassigned out of the geographical area. Members arriving or extending their tours at these areas after 31 Mar 1987 will not be eligible for foreign duty pay.

FOREIGN DUTY PAY—CONDITIONS OF ENTITLEMENT

RULE	A When enlisted member	B and	C then foreign duty pay
1	arrives at permanent duty station listed in section 1705		starts on day of arrival for duty (note 1).
2	departs PCS from foreign duty station		continues through day of departure.
3	is discharged	immediately reenlists at the same foreign duty station	continues to accrue.
4	is permanently assigned to duty at place designated in section 1705	is hospitalized, on authorized leave, operational flight, TDY, or TAD at that place	
5		is on authorized leave away from that place	continues for first 30 days.
6		is on operational flight, TDY, TAD, or hospitalized at a non-designated place (note 4)	
7		is on TDY, TAD (including hospitalization) or on operational flight at one or more designated places	continues to accrue (note 2).
8	is not permanently assigned to designated foreign duty station	is on TDY, TAD (including hospitalization) or on operational flight at one or more designated places	accrues if continuous period of 8 days or more occurs (including date of arrival and date of departure). Absences from a designated place of less than 24 hours does not break continuity.
9	is in confinement awaiting trial by court-martial	is acquitted or charges dismissed	accrues retroactive to first day of confinement.
10		is convicted	does not accrue from first day of confinement until date restored to full duty (note 3).
11	is confined as result of court-martial sentence		
12	is receiving career sea pay		does not accrue.
13	is assigned to and serving on a ship whose primary mission is accomplished in port and such ship is home ported in an area listed in section 1705	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, foreign 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. Foreign Duty Pay—Conditions Of Entitlement

CHAPTER 18

SPECIAL PAY—SEA DUTY

1801 CAREER SEA PAY

180101. Entitlement. Effective 1 January 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.

180102. Conditions of Entitlement
See table 18-1.

180103. Definitions. Sea duty, for the purpose of entitlement to career sea pay, is service performed by a member under orders issued by competent authority:

A. 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.

B. While temporarily assigned for duty to a vessel, ship-based staff, or ship-based aviation unit and serving in a ship whose primary mission is accomplished underway.

C. While permanently or temporarily assigned for duty to a vessel or ship-based staff and serving in a ship whose primary mission is 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 it is in port that is more than 50 miles away from the home port.

D. While serving as a member of the off crew of a two-crewed submarine (effective 14 October 1981).

E. The following changes are effective 1 January 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.

F. 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 apply to:

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 1 October 1987 and 31 December 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 1 January 1988 and 30 April 1988 and who were not on sea duty for any period of time between 1 October 1987 and 31 December 1987 are entitled to the CSP rates in table 18-4A.

c. Members reporting to sea duty on or after 1 May 1988 who were not on sea duty for any period of time between 1 October 1987 and 31 December 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' sea duty on 1 January 1988 are entitled to the CSP rates in tables 18-4/18-4A. The entitlement to saved CSP in these tables terminates when members are permanently reassigned to duty for which the member would no longer qualify for CSP.

b. Members assigned to sea duty with over 5 years' sea duty on 1 May 1988 are entitled to either 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' consecutive sea duty on 1 May 1988, then only the CSP rates in table 18-4B apply.

(2) When a member has more than 3 years' consecutive sea duty immediately prior to 30 April 1988, and was on sea duty anytime during the period 1 February 1988 to 30 April 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 foreign duty pay for the same period of service.

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 Comptroller of the Navy via the Chief of Naval Personnel.

1802 CAREER SEA PAY PREMIUM

180201. Entitlement

A. All officers, warrant officers and E-4s who are entitled to career sea pay and 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 (E-5 to E-9) with at least 3 years, but less than 5 years of sea duty 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 member.

C. Enlisted members (E-5 to E-9) with over 5 years of sea duty and who were on sea duty at anytime between 1 February 1988 and 30 April 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 will 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

RULE	A	B		C	D
		and is serving on a ship whose primary mission is accomplished			
	When an eligible member	underway	in port	and	then career sea pay
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	who 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 appli-cable, and terminates as indicated in rule 6 or date of detachment if ship remains away from home 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).

Table 18-1. Career Sea Pay—Conditions Of Entitlement

RULE	A	B		C	D
		and is serving on a ship whose primary mission is accomplished			
	When an eligible member	underway	in port	and	then career sea pay
14	is confined as a result of court-martial	X	X		does not accrue beginning first day of confinement through date prior to date or release from confinement (note 4).
15	is permanently or temporarily assigned to duty on a ship which is undergoing alterations or repairs	X	X (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 1 OCT 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 1 Oct 1985

MONTHLY CAREER SEA DUTY PAY RATES—WARRANT OFFICERS—EFFECTIVE 1 JAN 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 1 Jan 1988

MONTHLY CAREER SEA DUTY PAY RATES—ENLISTED MEMBERS—EFFECTIVE 1 OCT 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 1 Oct 1984 through 31 Dec 1987

MONTHLY CAREER SEA DUTY PAY RATES—ENLISTED MEMBERS WHO REPORT TO SEA DUTY ON OR AFTER 1 JAN 1988 AND PRIOR TO 1 MAY 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 1 Jan 1988 And Prior To 1 May 1988

MONTHLY CAREER SEA DUTY PAY RATES—ENLISTED MEMBERS—EFFECTIVE 1 MAY 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 1 May 1988

CHAPTER 19

SPECIAL PAY—FOREIGN LANGUAGE PROFICIENCY

1901 ENTITLEMENT PROVISIONS AND POLICY

190101. Entitlement

A. An officer or enlisted member of the Armed Forces entitled to basic pay, who has been certified by the Secretary concerned in accordance with Service regulations 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 military specialty requiring a foreign language; or

2. Has received training under regulations prescribed by the Secretary concerned assigned to develop such proficiency; or

3. Is assigned to military duties requiring such proficiency; or

4. Is proficient in foreign language for which the Department of Defense may have a critical need (as determined by the Secretary of Defense).

B. Certification. The Secretaries of the military departments will annually certify member's level of proficiency.

C. Foreign language proficiency pay may be paid in addition to other pay and allowances to which a member may be entitled.

190102. Definitions

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 (Command, Control, Communications and Intelligence) 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 concerned.

190103. Amount of Payment

A. The monthly rate of foreign language proficiency pay shall be determined by the Secretary concerned as prescribed in this paragraph:

Foreign Language Proficiency	Monthly Rate
FLPP–1	$ 25
FLPP–2	$ 50
FLPP–3	$ 75
FLPP–4	$ 100

B. Foreign language proficiency pay may be awarded for proficiency in multiple foreign languages; however, the monthly rate may not exceed $100 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.

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CHAPTER 20

AVIATOR RETENTION BONUS

★2001 ENTITLEMENT

An aviation officer entitled to aviation career incentive pay (ACIP) 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 1 January 1989 and ending on 30 September 1995 and accepted by the Secretary 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

To qualify for an aviation bonus under this chapter, an officer must:

200201. Be entitled to aviation career incentive pay (ACIP);

200202. Be in a pay grade O–5 or below for Air Force officers and be in pay grade O–4 and below for Navy officers;

200203. Be qualified to perform operational flying duty;

200204. Have completed at least 6, but less than 13 years of active duty;

200205. Have completed any active duty service commitment incurred for undergraduate aviator training; and

200206. Be in an aviation specialty designated as critical by the Secretary concerned and approved.

2003 COMPUTATION

The amount of the bonus authorized under this chapter is no more than:

200301. $12,000 for each year covered by the agreement, if the officer agrees to remain on active duty to complete 14 years of commissioned service; or

200302. $6,000 for each year covered by the agreement, if the officer agrees to remain on active duty for 1 or 2 years.

2004 TIME OF PAYMENT

Subject to regulations of the Secretary concerned, the following applies:

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 14 years of commissioned service.

200402. Upon the officer's acceptance of the agreement, the total amount payable becomes fixed and may be paid in either a lump sum or in installments.

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. This paragraph applies to any case commenced under title 11, United States Code (reference (aj)), after 1 January 1989.

200504. However, reduce the amount to be recouped by an amount equal to any reduction taken under subparagraphs 350702F or 350802D.

2006 RESTRICTION

After 31 December 1988, agreements for special pay under this chapter supersede the acceptance of agreements for special continuation pay for aviation career officers under the DoDFMR, chapter 15.

2007 COVERAGE OF PERIOD OF LAPSED AUTHORITY

During the 90-day period 30 November 1993 through 27 February 1994, officers who met eligibility requirements of this chapter any time during the period 1 October 1993 through 29 November 1993, may execute agreements. Such agreements may be accepted and deemed to have been executed by the Secretary concerned on the first date on which the officer qualified during the period of lapsed authority, 1 October 1993 through 29 November 1993.

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 29 November 1989 and ending on 30 September 1996, 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.

★210102. Special Provisions

A. An individual who received financial assistance from the Department of Defense to pursue a baccalaureate degree is not eligible for the accession bonus.

B. An individual who holds an appointment as a nurse corps officer is not eligible.

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 eighteen 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 Service regulations, when approved by the Secretary of the military department concerned;

3. In other cases, when the 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 after 1 October 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. However, reduce the amount to be recouped by an amount equal to any reduction taken under subparagraphs 350702F or 350802D.

210104. Coverage of Period of Lapsed Authority During the 90-day period 30 November 1993 through 27 Febuary 1994, officers who met eligibility requirements of this section any time during the period 1 October 1993 through 29 November 1993, may execute agreements. Such agreements may be accepted and deemed to have been executed by the Secretary 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 5 October 1994 through 30 September 1996, 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.

★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 Part 8, Chapter 63, Health Care Officers on Active Duty in Support of the Persian Gulf Conflict, to determine eligibility and entitlement.

E. Effective 5 December 1991, the following categories of CRNA Nurse Corps officers on active duty less than one 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. Reservists 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 one 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 issued by the Secretary concerned 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 Assistant Secretary of Defense (Health Affairs) (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 Service agreement. The Secretary of the military department concerned, or designee, may terminate at any time 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 O-7.

★E. CRNA Nurse Corps officers eligible under subparagraph 210201C 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 210103B, C, and D apply to a CRNA who executes an incentive special pay agreement.

210204. Refund. CRNA Nurse Corps officers paid under subparagraph 210202E 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 30 November 1993 through 27 February 1994, officers who met eligibility requirements of this section any time during the period 1 October 1993 through 29 November 1993, may execute agreements. Such agreements may be accepted and deemed to have been executed by the Secretary concerned on the first date on which the officer qualified during the period of lapsed authority.

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PART TWO

INCENTIVE PAY

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 such duty. Officers, including aviation cadets, entitled to aviation career incentive pay under section 2202 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 under paragraph 220116. Monthly HDIP rate for non-crew members is $110.

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 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, as attested by the appropriate medical authority of the Uniformed Service concerned, of:

(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 in A below:

A. Minimum Flying Time Each Month

1. During 1 calendar month–4 hours of aerial flight. However, if a member does not fly 4 hours in any month, 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 1 above have not been met—8 hours of aerial flight.

3. During 3 consecutive calendar months when the requirements of 2 above have not been met—12 hours of aerial flight.

B. Fractions of a Calendar Month. For fractions of a calendar month, figure what percentage 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 period in question as a unit. Figure what percentage 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 concerned, the commanding officer certifies a member is unable to meet normal flight requirements because military operations (combat or otherwise) or unavailability of aircraft prevents the completion of 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 must certify that only conditions under 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 unavailability of aircraft prevents fulfillment of flight requirements, 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, the first month in which military operations or unavailability of aircraft 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 the remaining hours flown are applicable. Excess hours are applied prospectively under subparagraph D above if 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, 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), 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 such a month when flight requirements are met, a 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 show how the above rules apply.

220105. Entitlement to Pay When No Flights Performed in First Month of 3-Month Period Assume for the purposes of subparagraph A, B, and C below 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, member is entitled to pay for the second month only. For example: in January no aerial flights were performed; in February, 5 hours of aerial flights were 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, 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, member 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 member performs 4 or more hours, but less than 12 hours in April, the member 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, member must perform enough hours of flights 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, flying pay is payable for March only (payment for February having previously 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, member is considered to have met flight requirements during the incapacity, but for not 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, 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 A above is ordered to a medical facility on permanent change of station, temporary duty, or temporary additional duty orders, member 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 A above. See also subparagraph 220102B.

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, flying pay is not normally payable beyond the ending date of duty period stated in the orders. However, when evidence is furnished 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.

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 member reports for and enters upon duty under competent orders, subject to meeting flight requirements. A member in a non-duty status (such as leave, sick, etc.) at the time member's flying status orders are issued, is not entitled to flying pay for any period before the member reports for and enters on duty under such orders.

B. Excess Flight Time. When authorized under paragraph 220103, 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/unit 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 member 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 member held that status if member met the pro rata requirements as a crew member.

★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: Aviation cadet who is given a rating as 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 and for the period of required hospitalization and rehabilitation, not to exceed 1 year, after termination of member's missing status. (See paragraph 220115.) 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 220103A. 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 1 month's flight requirements 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, 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 the aviation accident, flying pay accrues to include the date of death. However, if death occurs after the 3-month period has expired, flying pay is not authorized for any day after the expiration of such 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, 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 B and C below, members are not entitled to flying pay for a 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 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. Such 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. If such members have excess flights performed before suspension, the grace period in paragraph 220103 would begin the first month of the period of suspension not covered by excess flights.

Example: Members suspended from flying status 1 February. They had 16 hours excess flying time 31 January. Flying pay is stopped 31 January. Suspension is removed (or terminated) 30 June. They flew 12 hours 1–31 July. After removal of suspension, pay flying pay for 1 February through May on basis of the 16 excess hours accumulated in the 5 months before 1 February. Grace period authorized by paragraph 220103 started 1 June. Hours flown in July qualified members 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 flight requirements of paragraph 220103 are met. They are also entitled during a period of suspension, if the suspension is removed or terminated and flight requirements are actually 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.)

D. Suspension Removed or Terminated. If a suspension is removed or terminated after the member can no longer qualify for flying pay under B or C above, there is loss of pay for any period that is not covered by paragraph 220103. 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 for only 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 made must be an integral part of the member's assigned mission. Accomplishment of the assigned mission must require members to per-form specific multiple hazardous duties. Members must meet minimum requirements for each of the hazardous duties except when injury or incapacity as the result of performance of hazardous duty is involved.

B. Types of Duties That Qualify Member for Dual Payment of Hazardous Duty Incentive Pay: (See also subparagraph 240105B.)

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 respective Services.

C. Injury or Incapacity as a Result of 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 incapacity. The beginning date of the 3-month period must be determined separately for each type of incentive pay. Use paragraph 220106 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 performances of flying duty, granting waivers of performance requirements, and/or extending unit periods during which requirements may be met, as appropriate, is delegated by the Secretaries to specific commanders within each Service. Such delegations are contained in personnel administrative regulations of the individual Services.

220115. Missing Status—Member's Entitlement A member receiving flying pay when entering a missing 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 and the applicable flight requirement provisions of this chapter.

220116. HDIP for Duty as Air Weapons Controller Crew Member. Effective 1 October 1981, an officer in pay grades O-1 through O-10 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 in table 22-8 when requirements of this section are met.

A. An officer entitled to ACIP under section B 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. Effective 1 June 1974, officers qualified for aviation service under regulations prescribed by the Secretary concerned are entitled to ACIP under the conditions prescribed by this section. (Current rates are shown in tables 22-6 and 22-7.) However, an officer qualified for aviation service, except a flight surgeon or other medical officer, who had more than 12 or more than 18 years of aviation service on 31 May 1974 is entitled to continuous ACIP as prescribed by 2 or 4 below, without regard to the operational flying requirements stated therein.

1. An officer qualified for aviation service (except a flight surgeon or medical officer) is entitled to continuous ACIP starting when the officer enters flight training leading to the original rating or when appointed an officer, whichever is later, and continues until the officer completes 12 years of aviation service, subject to the 25-year officer service limitation indicated in 4 below.

2. An officer qualified for aviation service (except a flight surgeon or other medical officer) who has performed at least 6 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, subject to the 25-year officer service limitation indicated in 4 below.

3. An officer qualified for aviation service (except a flight surgeon or other medical officer) who has performed 9 or more years but less than 11 years of operational flying duty upon completion of 18 years of aviation service is entitled to continuous ACIP for the first 22 years of officer service.

4. An officer qualified for aviation service (except a flight surgeon or other medical officer) who has performed at least 11 years of operational flying duty upon completion of 18 years of aviation service, is entitled to continuous ACIP for the first 25 years of officer service. Such entitlement ceases after 25 years of officer service except for warrant officers who are otherwise qualified.

5. An officer qualified for aviation service who is not entitled to continuous ACIP under 1, 2, 3, or 4 above is entitled to monthly ACIP (otherwise called conditional ACIP) under certain conditions. The officer must be required by competent orders to perform operational flying duties and must meet the minimum flight requirements under paragraph 220203. This subparagraph applies to flight surgeons and other medical officers qualified for aviation service. Entitlement to monthly ACIP is subject to the 25-year officer service limitation except as shown in 6 below.

6. An officer (other than a warrant officer) below pay grade O-7 with over 25 years of officer service who is qualified for aviation service and required by competent orders to perform operational flying duties is entitled to monthly (conditional) ACIP for the performance of the minimum flight requirements prescribed in paragraph 220203. A rated officer aviator in pay grade O-7 or higher with over 25 years of officer service (as computed in section 0101) is not authorized conditional or continuous ACIP under any conditions.

B. A rated or designated officer qualified for aviation service but not receiving continuous or conditional ACIP under subparagraphs 2, 3, 4, 5, or 6 above may be required by competent orders to perform hazardous duty for flying, as a crew member or non-crew member, subject to policy of each military service. When the minimum flight requirements are met under the provisions of section 2201, this chapter, 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 as 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 ACIP on a continuous basis and the rates for ACIP on a monthly (conditional) basis are the same.

1. See table 22-6 for commissioned officers' and aviation cadets' ACIP rates.

2. See table 22-7 for warrant officers' ACIP rates.

B. Definitions

1. The terms "aerial flights and aviation accident" are defined in this chapter, section 2201, subparagraph 220102B.

2. Aviation service as an officer (including aviation cadets). For purposes of tables 22-6 and 22-7, 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 exceptions as long as the flight rating remains in effect.

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. Officer Service. Officer service is all active and inactive service as a commissioned, warrant, and flight officer.

5. Aviation Cadet. Aviation cadet is a 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 14 November 1986 counts for entitlement to ACIP. Where aviation cadet is not specified in section 2202 of this chapter, the term "officer" includes member so designated.

220203. Flight Requirements for Monthly (Conditional) ACIP. An officer covered by subparagraph 220201A must meet the minimum flight requirements of this subparagraph to be entitled to monthly (conditional) ACIP.

A. Minimum Flying Time Each Month

1. During 1 calendar month—4 hours of aerial flight. However, if an officer does not fly 4 hours in any month, 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 1 above have not been met—8 hours of aerial flight.

3. During 3 consecutive calendar months when the requirements of 2 above have not been met—12 hours of aerial flight.

B. Fractions of a Calendar Month. For fractions of a calendar month, figure what percentage 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 period in question as a unit. Figure what percentage 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.

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 unavailability of aircraft prevents the completion of 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 must certify that only conditions under 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 unavailability of aircraft prevents fulfillment of flight requirements, 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, the first month in which military operations or unavailability of aircraft 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 the remaining hours flown are applicable. Excess hours are applied prospectively under subparagraph D above if 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 part eight, chapters 56 and 57.

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 D below.

B. Second and Third Month. If the officer flies enough hours in the second month to cover the first and second months, 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, 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. However, 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 whether or not 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 of subparagraphs A, B, and C below 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: 0 hours flown in January; 7 hours flown in February. 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, the officer must fly at least 12 hours in the third month to be entitled to conditional ACIP for more than the third month. For example: 0 hours flown in January; 0 hours flown in February; 12 hours flown in March. Conditional ACIP is due for January, February, and March. Otherwise: 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, the officer 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. For example: 0 hours flown in January; 5 hours flown in February; 7 hours flown in March. Conditional ACIP is due for January, February, and March. Otherwise: 0 hours flown in January; 5 hours flown in February; 6 hours flown in March. Conditional ACIP is due for February and March only. 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 will be considered qualified for aviation service until disqualified for aviation service. Effective 15 December 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 subparagraphs that follow:

A. Officer Entitled to Continuous ACIP. When an officer 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 such officer is injured or otherwise incapacitated as a result of the performance of flying duty to which ordered, the officer 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, 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, 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 B1 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 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 does not normally extend beyond the ending date of the duty period stated in orders. However, when evidence is furnished 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 will 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. (Officer is not entitled to 3-month grace period under subparagraph 220206B1.)

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 the officer 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 leave, sick, etc.) at the beginning date for a period of flying under competent orders is not entitled to monthly (conditional) ACIP for any period before the officer reports for and enters on duty under such orders.

B. Excess Flight Time (Not Applicable to Continuous ACIP). When authorized under paragraph 220203, 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, ACIP (either continuous or conditional) is payable for the month of death through the date of death. Note also the following subparagraph 2.

2. Entitlement to continuous ACIP for the period before the month in which an aviation accident occurs is continuous. However, entitlement to monthly (conditional) ACIP for the period before the month in which an aviation accident occurs is subject to minimum flight requirements. Therefore, a situation may exist in which monthly (conditional) ACIP is payable according to 1, 3, or 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 under paragraph 220206, 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 and before the first day following the incapacitation period described in paragraph 220206, 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 and before the first day following the incapacitation period described in paragraph 220206, monthly (conditional) ACIP is payable through the 3-month period; it 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, 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, 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 is also the date of medical incapacitation, 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, 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, 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 regulation of the Service concerned. (In the case of disqualification for medical reasons, the following applies for all 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 is again qualified for aviation service. (For example, officer requalified on the 20th—is entitled to 11/30 of ACIP for a month.)

2. Officer Entitled to Monthly (Conditional) ACIP. Minimum flight requirements must be met beginning with the date the officer is again qualified for aviation service. (For example, officer requalified on the 16th and flies 2 or more hours—is entitled to 15/30 of ACIP for 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 is suspended by competent orders to permit temporary termination of aviation service when the status of future aviation service is uncertain.

2. When the officer's status as suspended is removed, the officer is either 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 would otherwise be entitled is stopped during a 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, 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 (contin-

uous or conditional) to which an officer would otherwise be entitled is stopped during a 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, entitlement to ACIP is based on 1 and 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 the officer is again qualified for aviation service.

2. Officer Entitled to Monthly (Conditional) ACIP. Subject to the minimum flight requirements of paragraphs 220203 and 220204, the officer is entitled to monthly (conditional) ACIP beginning with the date the officer is again qualified for aviation service.

220211. Concurrent Entitlement to ACIP and Hazardous Duty Incentive Pay (HDIP). Officers who are entitled to ACIP may also be entitled to HDIP under the provisions of chapter 24 of this part if the conditions for entitlement have been met independently. Entitlement to HDIP is limited to no more than two payments for the same period of time 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, and/or extending unit periods during which requirements may be met, as appropriate, is delegated by the Secretaries to specific commanders within each Service. Such delegations are contained in personnel administrative regulations of the individual Services.

220213. Missing, Missing-in-Action, Officer's Entitlement

A. General. An officer receiving ACIP at the beginning of a period of missing status is entitled to ACIP during the entire period of absence and also (if applicable) for the 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 (if applicable) termination of the period, not to exceed 1 year, required for hospitalization and rehabilitation is contingent only upon continued eligibility under paragraph 220201.

C. Officer Entitled to Monthly (Conditional) ACIP. Entitlement to monthly (conditional) ACIP upon termination of the entire period of absence or (if applicable) termination of the period, not to exceed 1 year, required for hospitalization and rehabilitation is contingent upon continued eligibility under paragraph 220201. 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 when the period authorized under A above ends; 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, 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; 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 1 above, the officer must 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, the officer must meet flight requirements for 1 month following such 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 1 above, 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 period authorized under A above ends.

D. Excess Flight Time. Excess flight time accumulated by the officer before a missing status may be applied to months following the months covered by performance-free entitlement if the period authorized under A above is terminated within the 5-calendar-month period permitted by paragraph 220203.

CREWMEMBER (EXCEPT FOR AWACS) RATES (Effective 1 Oct 1985)					
Pay Grade		Pay Grade		Pay Grade	
O-10	110	O-2	150	E-9	200
O-9	110	O-1	125	E-8	200
O-8	110	W-5	250	E-7	200
O-7	110	W-4	250	E-6	175
O-6	250	W-3	175	E-5	150
O-5	250	W-2	150	E-4	125
O-4	225	W-1	125	E-3	110
O-3	175			E-2	110
				E-1	110

Table 22-1. Crewmember (Except For AWACS) Rates (Effective 1 Oct 1985)

TIME OF AERIAL FLIGHT REQUIRED FOR FRACTIONAL PART OF THE MONTH					
	Hours of Aerial Flight			Hours of Aerial Flight	
Days	Active Duty	Inactive Duty	Days	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

RIGHT TO FLYING PAY OR ACIP UNDER CERTAIN CONDITIONS				
RULE	A	B	C	D
	When a member in flying status is	and	and	then flying pay
1	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.
2	on authorized leave in pay status			continues for the period of leave (note 1).
3	on TDY			continues for the TDY period.
4	in a travel status (including authorized delay en route) on change of station			continues for the period of travel.
5	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).
6	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.
7		flying status orders are specifically terminated		ceases on the date stated in orders.
8	incapacitated as a result of performance of flying duty			is payable as indicated in paragraphs 220106 or 220206.
9	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.
10	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:

1. Do not count flights performed while on leave for pay purposes.
2. Do not pay flying pay beyond the last day of the calendar month for which requirements are met.
3. 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.
4. 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	
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 (1 Aug lost)	
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	Suspended 1 Dec
Jan	0	Yes	Nov 4 (note 3)	0	0	
Feb	0	No	(note 4)	0	0	
Mar	0	No		0	0	
Apr	0	No		0	0	Suspension ended
May	4	Yes	May	0	0	1 May
Jun	30	Yes	Jun	26	26	Physically incapacitated 20 Jun
Jul	0	Yes	Jun 4	0	22	
Aug	0	Yes	Jun 4	0	18	
Sep	0	Yes	Jun 4	0	14	Suspended 1 Oct
Oct	0	Yes	Jun 4	0	10 (note 3)	(6 hours lost)
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

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.

Table 22-5. Flight Examples Involving 3-Month Periods And Excess Time

MONTHLY INCENTIVE PAY RATES (EFFECTIVE 29 NOV 1989)—RATED OFFICERS, AVIATION CADETS, FLIGHT SURGEONS, AND OTHER DESIGNATED MEDICAL OFFICERS (Notes)	
PHASE I **Years of Aviation Service (Including Flight Training) as an Officer**	
Monthly Rate	
$125	2 or less.
$156	Over 2.
$188	Over 3.
$206	Over 4.
$650	Over 6.
PHASE II **Years of Service as an Officer as Computed Under 37 U.S.C. 205**	
Monthly Rate	
$585	Over 18.
$495	Over 20.
$385	Over 22.
$250	Over 25.

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. (See subparagraph 220201A6 for specific restrictions.)
3. Officer with more than 18 years of officer service and less than 6 years' aviation service is entitled to Phase I rates. (See subparagraph 220201A6 for specific restrictions.)

Table 22-6. Monthly Incentive Pay Rates (Effective 29 Nov 1989)—Rated Officers, Aviation Cadets, Flight Surgeons, And Other Designated Medical Officers

MONTHLY INCENTIVE PAY RATES (EFFECTIVE 29 NOV 1989)—RATED OR DESIGNATED WARRANT OFFICERS	
	Years of Aviation Service as an Officer
Monthly Rate	
$125	2 or less
$156	Over 2.
$188	Over 3.
$206	Over 4.
$650	Over 6.

Table 22-7. Monthly Incentive Pay Rates (Effective 29 Nov 1989)—Rated Or Designated Warrant Officers

AIR WEAPONS CONTROLLER CREWMEMBER INCENTIVE PAYS (Effective 1 Oct 1981)								
	Years of Service as an Air Weapons Controller							
Pay Grade	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	125	156	188	206	350	350	350	350
O-2	125	156	188	206	250	300	300	350
O-1	125	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	$110
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

Table 22-8. Air Weapons Controller Crewmember Incentive Pay Rates (Effective 1 Oct 1981)

CHAPTER 23

SUBMARINE DUTY PAY

2301 INCENTIVE PAY FOR OPERATIONAL SUBMARINE DUTY

230101. Entitlement. Effective 1 January 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 of this chapter, 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 1 January 1988, this paragraph includes members of the Naval Service.

230102. Rates

A. The monthly rates of submarine duty pay for commissioned officers are in table 23-3.

B. The monthly rates of submarine duty pay for warrant officers are in table 23-4.

C. The monthly rates of submarine duty pay for enlisted members are 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:

a. During 1 calendar month-48 hours. However, hours 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 the service performed under regulations prescribed by the Secretary of the Navy by a member, and 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, are substantially the same as those for flying pay. (See part two, chapter 22.)

B. For 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 from 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 author-ized leave. However, a submarine operational command staff member 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 chapter.

230107. Missing Status—Member's Entitlement. A member receiving submarine duty pay when entering a missing status as defined in the Definitions is entitled to submarine duty 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 submarine duty 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 230101.

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 1 January 1981, a member of the submarine service (as defined in paragraph 230103B) 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 in the case of an officer, periods as an enlisted member before initial appointment as an officer are 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. However, if a member performs the prescribed operational submarine duties for at least 8 but less than 10 of the first 18 years of submarine service, such 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 periods of time, entitlement to continuous monthly submarine duty pay ceases. If entitlement to continuous monthly submarine duty pay ceases upon completion of 12 years of submarine service, entitlement to that pay may again 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. However, if 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 in the case of an officer, periods as an enlisted member before initial appointment as an officer are excluded), such member shall be entitled to that pay in the amount set forth in section 2301 of this chapter for the performance of service as a member of a submarine operational command staff, if such member's 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.

230203. Missing Status—Member's Entitlement The provisions of paragraph 230107 are also 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 AND STOP DATES				
RULE	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		is transferred to a medical facility on temporary additional duty orders for treatment		for not more than 5 months after date of the incapacity, as determined by medical authorities.
7		is reassigned PCS to a medical activity for treatment during the 5-month period		through day of detachment only.

NOTES:

1. 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.

2. 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.

3. This rule also applies to officers who previously qualified in submarines as enlisted members while attending the following: (a) Submarine Officers' Basic Course or Submarine Officers' Indoctrination Course, for the specific purpose of preparing for a position in a nuclear-powered submarine, or (b) 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 Stop Dates

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 1 JAN 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 1 Jan 1988

MONTHLY SUBMARINE DUTY PAY RATES—WARRANT OFFICERS—EFFECTIVE 1 JAN 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 1 Jan 1988

MONTHLY SUBMARINE DUTY PAY RATES—ENLISTED MEMBERS—EFFECTIVE 1 JAN 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 1 Jan 1988

CHAPTER 24

PARACHUTE DUTY, FLIGHT DECK DUTY, DEMOLITION DUTY, EXPERIMENTAL STRESS DUTY, AND OTHERS LISTED

2401 GENERAL PROVISIONS

240101. Entitlement. A service member entitled to basic pay is, in addition, entitled to incentive pay for performing any of the hazardous duties listed in C below when the member 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 such duty on a date other than the first day of a month, or terminates such 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, the member 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) ordered to perform any of the hazardous duties listed in C, is entitled to pay based on the terms of this chapter.

2. A member of the Reserve components on active duty training (ADT) ordered to perform any of the hazardous duties listed below, is entitled to pay based on paragraphs 560302 and 560401 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

A. Except for a HALO parachutist, a member who qualifies for hazardous duty incentive pay under this chapter is entitled to such pay at monthly rate of $110. Effective 1 October 1985, the monthly rate for a HALO parachutist who qualifies under this chapter is $165. 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), the following applies: Unless otherwise restricted by Service regulations (for example, restrictions on manning classification), the difference between the monthly rate of $110 and $165 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 required to perform hazardous duty is injured or otherwise incapacitated as a result of performing such duty, the member 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. However, when evidence 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 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 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 110105 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 paragraph 220111B.)

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 respective Services.

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 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 may also be entitled to HDIP under the provisions of this chapter if the conditions for entitlement have been met independently. 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.

240107. Restriction on Payment of HDIP and Diving Duty Pay. See paragraph 110105.

240108. Restriction on Payment of HDIP and Aviation Officer Continuation Pay (AOCP). See paragraph 110506.

240109. Authority To Issue Orders. Authority to issue orders requiring performance of hazardous duty is delegated by the Secretaries to specific commanders within each Service. Such delegations are contained in personnel administrative regulations of the individual Services.

240110. Missing Status—Member's Entitlement A member receiving incentive pay of a type listed in paragraph 240101 when entering a missing status, as defined in subparagraph 340101C, is entitled to such incentive 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 incentive pay of a type listed in paragraph 240101 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 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 Service recognized equivalent course; have received a designation as a HALO parachutist, or are undergoing training for such designation; 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 must meet the requirements of table 24-3. Performance requirements must be satisfied by free fall jumps. Effective 1 October 1985, qualified members receive HALO parachutist's rate under paragraph 240102.

240202. Parachute Jumps—Leave, PCS, TDY/TAD, or ADT

A. General. Qualifying jumps for entitlement to parachute pay must 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 PCS or TDY/TAD not requiring parachute jumping as an essential part of the duty; or while on leave.

2. Parachute jumps performed by a member of a Reserve component while on active duty training not requiring parachute jumping as an essential part of the duty.

B. Examples (Not All Inclusive)

1. Leave

a. Facts

(1) A member is placed on parachute jump status by competent orders

effective 15 January. Member performs a jump on 15 March.

(2) Member is on leave for the period 25 March–25 April. Member performs a jump on 15 April during the period of leave.

(3) Member returns to the permanent duty station 26 April and performs a jump on 15 July.

b. Entitlements

(1) Member is entitled to parachute pay from 15 January through 30 March based on the jump performed 15 March (table 24–3, rule 1 and note 1).

(2) Member is entitled to parachute pay for May, June, and July based on the jump performed 15 July (table 24–3, rule 1, and table 24–5, rule 2).

(3) The jump performed on 15 April is not a qualifying jump for parachute pay entitlement so member is not entitled to parachute pay for April.

2. TDY or TAD

a. Facts

(1) Member is placed on parachute jump status by competent orders at permanent duty station. Member performs a jump on 15 January.

(2) For the period 25 January through 2 July, member is assigned TDY/TAD where parachute jumping is not required by competent orders. Member performs a parachute jump on 10 June while on TDY/TAD.

(3) Member returns to permanent duty station on 3 July and performs a jump on each date—6 July, 13 July, and 6 August.

b. Entitlements

(1) Member is entitled to parachute pay for January, February, and March based on jump performed 15 January (table 24–3, rule 1, and table 24–5, rule 3).

(2) Member is entitled to parachute pay for May, June, and July based on jump performed 6 July. The jump performed on 13 July 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) Member is entitled to parachute pay for August, September, and October based on jump performed 6 August (table 24–3, rules 1 and 2).

(4) Jump performed on 10 June during TDY/TAD is not a qualifying jump for parachute pay entitlement (subparagraph 240202A1); 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, member performs inactive duty training (IDT) drills on 14–15 January, 12–13 February, 15–16 March. Member performs a parachute jump on 15 January.

(2) Member is ordered to active duty training (ADT) for the period 28 March–22 May (less than 20 weeks). Member is not placed on parachute jump status at ADT station. Member performs a jump on 5 April while on ADT.

(3) Member returns to parachute duty at unit of assignment upon completion of ADT. Performs IDT drills 24–25 May, 8–9 June, and 9–10 July. Performs a parachute jump on 10 July.

b. Entitlements

(1) Member is entitled to parachute pay for IDT drills in January, February,

and March based on the jump performed 15 January (table 24-3, rule 1).

(2) Further, member is entitled to parachute pay for allowable travel time to ADT station and for ADT days, 28-30 March, also based on jump performed 15 January (paragraph 570204; table 24-3, rule 1; table 24-5, rule 13).

(3) Member is entitled to parachute pay for ADT 1-22 May plus allowable travel time from ADT station based on jump performed 10 July (paragraph 570204; table 24-3, rule 2; table 24-5, rule 13).

(4) Member is entitled to parachute pay for IDT drills performed in May, June, and July; also based on jump performed 10 July.

(5) Jump performed 5 April is not a qualifying jump for entitlement to parachute pay; no entitlement exists for April (paragraph 240202A).

4. ADT Any Number of Weeks, Reserve Component Member, With or Without Unit of Assignment

a. Facts

(1) Reserve component member, if assigned to a unit, is not placed on parachute jump status at unit.

(2) Member is ordered to ADT, any number of weeks. Member is placed on parachute jump status at ADT station by competent orders.

(3) Member meets minimum performance requirements according to table 24-3 by jumps performed during ADT.

b. Entitlements. Member is entitled to parachute pay for allowable travel time to and from ADT station and for period of ADT (table 24-5, rules 9 and 11).

240203. Rates. See paragraph 240102.

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 member:

1. Is a member of a 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 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 turnup 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 Chief of Naval Operation Instructions 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.

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 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 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 6 December 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 explosives, or recover and render harmless, by disarming or demolition, explosives which 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 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 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.

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 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. High– or Low–Pressure Chamber Duty

a. Duty within a high-pressure (hyperbaric) or a low-pressure (altitude) chamber at physiological facilities as human test subject, research technician, or inside instructor-observer.

b. Navy personnel only. For a Navy member to qualify for this incentive pay as an inside instructor-observer in a hyperbaric chamber, all of the following conditions must be met. The member must:

(1) Be qualified to perform instructor-observer duties by possessing one of the following NECs if enlisted, or be qualified in one of the following categories if an officer:

Enlisted:

	NEC
Master Diver	5341
Diver First Class	5342
Medical Deep Sea Diving Technician	8493
Deep Sea Diving	8494
Master Saturation Diver	5346
Saturation Diver	5311

Officer:

Diving Officer
Undersea Medical (Diving) Officer
Medical Service Corps (Diving) Officer

(2) Be physically inside a hyperbaric chamber with another person during required chamber operations, and

(3) Either be observing the other individual(s) for symptoms of diving injuries/illnesses and providing appropriate treatment; or instructing or operating Navy approved underwater breathing equipment, support systems, and recompression chambers as ordered by competent authority.

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.

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 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 1 October 1981, a member is entitled to hazardous duty incentive pay 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 240602A through D and G.

B. Effective 1 October 1983, a member is entitled to hazardous duty incentive pay 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 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 for rates.

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 1 October 1981, a member is entitled to hazardous duty incentive pay (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 6 November 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 for rates.

2408 DANGEROUS VIRUSES (OR BACTERIA) LAB DUTY

240801. Entitlement. Effective 1 October 1981, a member is entitled to hazardous duty incentive pay (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 for rates.

2409 CHEMICAL MUNITIONS

240901. Entitlement. Effective 1 October 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 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;

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 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			
RULE	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 PCS		
RULE	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			
RULE	A	B	C
	When	in	then
1	a jump is performed	any calendar month	member qualifies for parachute duty pay for that month and 1 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:

1. 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.

2. 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[1]	0[3]	Yes[4]	0	Yes[1]	0	Yes[1]	0	Yes[1]	0	Yes[1]	0	Yes[1]
November	0	Yes[1]	0[3]	Yes[4]	1	Yes[2]	0	Yes[1]	0	Yes[1]	0	Yes[1]	0	Yes[1]
December	1	Yes[2]	0[3]	Yes[4]	0	Yes[1]	1	Yes[2]	1	Yes[2]	1	Yes[2]	1[5]	Yes[2]
19--														
January	0	Yes[1]	0[3]	Yes[4]	0[3]	Yes[4]	0[3]	Yes[4]	0[3]	Yes[4]	0[3]	Yes[4]	0[6]	Yes[7]
February	1	Yes[2]	0[3]	Yes[4]	0[3]	Yes[4]	0[3]	Yes[4]	0[3]	Yes[1]	0[3]	Yes[4]	0[6]	Yes[7]
March	0	Yes[1]	0[3]	Yes[4]	0[3]	Yes[4]	0[3]	Yes[4]	0[3]	Yes[1]	0[3]	Yes[4]	0[6]	Yes[7]
April	0	No	0[3]	Yes[4]	0[3]	Yes[4]	0[3]	Yes[1]	2	Yes[2]	0[3]	Yes[4]	0[6]	No
May	0	Yes[1]	0[3]	Yes[4]	0[3]	Yes[4]	0[3]	Yes[1]	0[3]	Yes[4]	0[3]	Yes[4]	0[6]	No
June	0	Yes[1]	0[3]	Yes[4]	0[3]	Yes[4]	2	Yes[2]	0[3]	Yes[1]	0[3]	Yes[4]	0[6]	No
July	2	Yes[2]	0[3]	Yes[4]	0[3]	Yes[4]	0[3]	Yes[4]	0[3]	Yes[1]	0[3]	Yes[1]	0[6]	No
August	0	No	0[3]	Yes[4]	0[3]	Yes[4]	0[3]	Yes[4]	1	Yes[2]	0[3]	Yes[1]	1	Yes[2]
September	0	No	4	Yes[2]	0[3]	Yes[1]	0[3]	Yes[4]	0[3]	Yes[1]	3	Yes[2]	0	Yes[1]
October	0	Yes[1]	0	Yes[1]	0[3]	Yes[1]	0[3]	Yes[1]	0[3]	Yes[1]	1	Yes[2]	0	Yes[1]
November	0	Yes[1]	1	Yes[2]	3	Yes[2]	0[3]	Yes[1]	1	Yes[2]	0[3]	Yes[4]	0	No
December	1	Yes[2]	0	Yes[1]	1	Yes[2]	2	Yes[2]	0[3]	Yes[4]	0[3]	Yes[4]	0	No
19--														
January	0	No	0	No	0	No	0	No	0	No	0	Yes[1]	0	No
February	0	No	0	No	0	No	0	No	0	No	0	Yes[1]	0	No
March	0	No	0	No	0	No	0	No	0	No	1	Yes[2]	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 Jumps

INCENTIVE PAY FOR HAZARDOUS DUTY—ENTITLEMENT UNDER CERTAIN CONDITIONS				
RULE	A When a member under orders to perform hazardous duty is	B and the hazardous duty involved is	C and	D 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: a. while member is part of strength accountability of the active military establishment (EAD). 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).
10	a member of a Reserve component being released from active duty performed either: a. while member is part of strength accountability of the active military establishment (EAD). 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.

Table 24-5. Incentive Pay for Hazardous Duty-Entitlement Under Certain Conditions

RULE	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
11	a member of a Reserve component 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. 2. if IDT involved, see note 6.
12	a member of a Reserve component 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. 2. for IDT, see note 6.
13	a member of a Reserve component 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. 2. for IDT, 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 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 240101A.
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 part 8, chapter 57.

Table 24-5. Incentive Pay for Hazardous Duty-Entitlement Under Certain Conditions (Continued)

PART THREE

ALLOWANCES

CHAPTER 25

BASIC ALLOWANCE FOR SUBSISTENCE (BAS)

2501 GENERAL PROVISIONS

250101. Authority. 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.

A. Enlisted Members. These members may become entitled to one of the following types of BAS on a daily basis:

1. When rations in kind are not available;

2. When permission to mess separately is granted; or

3. When assigned to duty under emergency conditions where no messing facilities of the United States are available.

B. Officers. Officers entitled to basic pay are entitled to BAS at all times on a monthly basis. (See paragraph 250301.)

C. Advance Payments. Advance payment of BAS is authorized under the circumstances specified in part four, chapter 32.

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 (JFTR), volume 1, part B, chapter 9 (reference (d)).

250102. Specialized Terms. Apply the following terms to BAS determinations:

A. Government Mess. See the Definitions.

B. Subsisted at Government Expense. Applies to enlisted members:

1. Subsisted in kind by the government; or

2. Furnished meals by a government contractor or a foreign government at their permanent station, either under the terms of a contract or agreement or on a complimentary basis without charge.

C. "When Rations in Kind Are Not Available." Applies when a government mess is, in fact, not available. It also applies to situations where it has been determined that it is impracticable for the government to furnish subsistence in kind.

D. "When Permission To Mess Separately is Granted." This term applies to enlisted members authorized to subsist themselves independently while on duty at a permanent station where a messing facility is available for subsisting them. The term also applies to enlisted members during periods of hospitalization, authorized leave (including proceed time), authorized delays en route between duty stations chargeable as leave, and travel status under orders away from their post of duty (to include TDY/TAD, PCS, and travel in connection with hospitalization or convalescent leave). This term does not apply when an enlisted member in a travel status is not entitled to the subsistence portion of per diem because such member is required to subsist at no cost in a government mess. (See paragraph 250201B.)

E. When Assigned to Duty Under Emergency Conditions Where No Government Mess Is Available. Applies to enlisted members assigned to duty under conditions requiring extraordinary expenses for subsistence as determined per paragraph 250202 and table 25-3.

F. Prorated Subsistence Allowance Applies to enlisted members being subsisted in kind at their permanent station:

1. Whose assigned duties in a non-travel status require them to be absent from their permanent station and their working hours or duties prevent them from eating certain meals in a government mess.

2. When authorized BAS at their permanent station, who enter a travel or hospitalized status and are entitled to BAS for part of a day or at different rates for parts of a day.

3. When proper authority determines that a government mess is in fact not available for part of a day. (Example: Mess is closed for reasons beyond the control of the installation commander, such as equipment failure.)

G. Supplemental Subsistence Allowance. Applies to enlisted members granted permission to mess separately at a permanent station:

1. Whose assigned duties in a non-travel status require them to be absent from their permanent station and their working hours or duties require them to buy a meal or meals from other than a government mess.

2. When proper authority has determined that a government mess is in fact not available for certain meals. (Example: Mess is closed for reasons beyond the control of the installation commander, such as equipment failure.)

★H. Field Duty. (Defined);

1. Effective 28 October 1994, the term "Field Duty" shall mean service by a member when the member is subsisted in a government mess or with an organization drawing field rations and the member is serving with troops on maneuvers, war games, field exercises, or similar types of operations.

2. Prior to 28 October 1994, members under orders with troops operating against an enemy, actual or potential, were considered to be in a field duty status. After 28 October 1994, it is NOT considered FIELD DUTY for those members under orders (TDY/TAD) with troops operating against an enemy, actual or potential.

I. Sea Duty. This term means service performed by a member in a self-propelled vessel that is in an active status, in commission or in service, and is equipped with berthing and messing facilities.

2502 BAS POLICY AND DETERMINATIONS RESPONSIBILITY

250201. BAS-Policy

A. Normally, enlisted members are subsisted in kind. For uniformity in making determinations, government messes available in the geographical area must be used to the fullest extent compatible with economy and efficiency.

B. Effective 15 September 1981, enlisted members on authorized leave, hospitalized, or performing travel (TDY/TAD or PCS) under orders away from their designated post of duty are entitled to BAS at the "when permitted to mess separately" rate for the duration of the leave, hospitalization, or travel status, regardless of the BAS rate authorized members at their permanent stations. (Enlisted members on TDY/TAD at a station where proper authority has approved authorization for the emergency ration rate may receive BAS at that rate.) Enlisted members are not entitled to BAS while in a travel status when not entitled to the meal portion of per diem because they are provided subsistence at no cost by the government (field duty, sea duty, group travel, essential unit messing, undergoing processing, and annual training duty for Reserves). However, if the member becomes entitled to per diem or actual expenses because subsistence was not provided by the government at no cost, then the member regains entitlement to BAS. Determinations of essential unit messing made by the Secretary concerned are in individual Service regulations. A member is not considered to be performing travel (TDY/TAD or PCS) under orders away from his/her designated post of duty (undergoing 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.

NOTE: A member who has, under travel orders, departed (or been detached from) the station where the member received orders designating his/her first permanent duty station is considered to be actually traveling and is, therefore, entitled to BAS. This includes periods of TDY/TAD en route to the first permanent duty station.

★C. Separate Service regulations may permit commanders (including enlisted commandant of the non-commissioned officer (NCO) Academy) to grant authorization to mess separately to enlisted members, not included in paragraph 250204, based on two 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 enlisted commandant of the non-commissioned officer (NCO) Academy) may also be considered. Each application should be considered on its own merit.

D. When members of one or more 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.

E. When members of more than one Service perform duty at an installation, the installation commander makes the BAS determinations. Such determinations are binding on all personnel of the DoD performing duty at that installation.

F. Enlisted members carried in a missing status are entitled to BAS at the rate payable when rations in kind are not available. (See subparagraph 340103B.)

250202. Determinations of Duty Under Emergency Conditions. Authorizations for BAS rate for members "assigned to duty under emergency conditions where no government messing facilities are available," may be granted only with the approval of the Secretary of the department concerned, or Secretary's 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. (See table 25-3.)

B. Request for Approval. Requests for authorization approvals are submitted through channels to the applicable office below:

1. OASA, Deputy Chief of Staff for Personnel (ATTN: DAPE-MBB-C) Washington DC 20310-0300.

2. Bureau of Naval Personnel, (ATTN: PERS-20) Washington DC 20370-2020.

3. HQ USAF/DPPC, Washington DC 20330-5060.

4. Commandant of the Marine Corps (MPP) Washington DC 20380-0001.

250203. Determinations of Nonavailability

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 will determine when the location of a government mess, in relation to members' posts of duty, makes its use impracticable. See paragraph 250201 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 concerned or the Secretary's 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 office listed in subparagraph 250202B.

D. When Duty Prevents Use of Mess Commanders or their designees may determine if members' assigned duties or unusual work hours prevent the members from eating certain meals in a government mess. See table 25–4, rules 5 and 6 for criteria.

★250204. Authorization To Mess Separately Separate 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 BAQ are authorized to mess separately. Such authorizations are in effect continuously except as provided in paragraph 250401 or in the Service regulations.

A. Army Members. Authorization to mess separately will be made in accordance with AR 210–10 (reference (am)).

B. 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)).

C. Air Force Members. Authorization to mess separately will be made in accordance with AFM 177–373, volumes I and II (reference (ap)).

250205. Review of Determinations. Review of all determinations, except those pertaining to members who have been authorized to mess separately, must be made annually or when conditions to entitlement change, or more frequently if necessary pursuant to paragraph 250202 and subparagraphs 250203A and B. Review is to ensure compliance with the policies outlined in this section. When review shows that existing determinations fail to meet requirements, they will be cancelled.

★250206. Determination of BAS During Contingency Operations. When members of one or more military Service perform duty under similar conditions within the same area of operations, as defined by the Joint Staff or Theater Commander in Chief, or are assigned to activities within the same area, the Joint Theater Commander will make a uniform determination on the authorization of basic allowance for subsistence. For uniformity considera-- tions, government mess available in the geographic area must be used to the fullest extent compatible with mission, economy, and efficiency. The impact on BAS during contingency operations depends on the type of orders issued and whether the member is assigned to a unit on land or afloat. The types of orders are outlined in table 25-7.

★250207. Determination of BAS During Non-Contingency Operations. When members are temporarily assigned to a Joint Task Force (JTF) performing duty under similar conditions within the same area of operations, the CINC, or the JTF commander will determine the appropriate type of temporary duty and TDY/TAD orders to be issued by all Military Servicess, after consultation with the Service component commanders. BAS entitlement for members on TDY/TAD during non-contingency operations is shown in table 25-8.

2503 OFFICERS CONDITIONS OF ENTITLEMENT

★250301. Officers. Except as indicated in table 25-1, officers are entitled to BAS at the rate of $149.67 per month (effective 1 January 1996), 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.

2504 ENLISTED MEMBERS CONDITIONS OF ENTITLEMENT

250401. When Authorized To Mess Separately Enlisted members authorized to mess separately (subparagraph 250102D and paragraph 250204) are entitled to BAS at the rates and under the conditions shown in tables 25–4, 25–5, & 25–6.

A. Limitation. Authorization to mess separately cannot cover retroactive periods. However, this does not prevent payment of BAS 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. Duration of Authorization To Mess Separately. Once approved, these authorizations remain in full force under the following conditions unless sooner terminated by approving authority:

1. While the member's permanent, temporary duty, or temporary additional duty station, as applicable, remains unchanged.

2. While member is on leave or hospitalized.

3. While performing travel under orders in connection with TDY/TAD, PCS, hospitalization, or convalescent leave.

4. Upon discharge or retirement and reenlistment or recall to active duty at the same station within 24 hours.

C. Termination of Authorization To Mess Separately. Authorizations to mess separately terminate:

1. On date and hour travel (TDY/TAD or PCS) or hospitalization status ends unless continuation is authorized by proper authority at member's permanent station.

2. As of midnight of date of detachment from duty station when discharged or released from active duty if reenlistment at the same station does not occur within 24 hours after date of discharge.

3. When directed by the commander or commander's designee.

4. Upon request of the member concerned.

5. As of midnight on the date leave status ends.

250402. When Government Mess Is Not Available. Enlisted members on duty where a government mess is not available are entitled to BAS at the rate shown in paragraph 250406 and under the conditions shown in tables 25–4, 25–5, and 25–6. Entitlement to BAS under this paragraph continues during weekends, holidays, administrative absence, pass, or liberty. See paragraph 250407 for conditions requiring BAS to be prorated.

250403. When Use of Government Mess Is Impracticable. Enlisted members on duty where use of an available government mess is impracticable are entitled to BAS at the rate shown in paragraph 250406 and under the conditions shown in tables 25–4, 25–5, and 25–6.

250404. Duty Under Emergency Conditions. For rate payable and conditions of entitlement, see paragraphs 250202 and 250406; table 25–3 and table 25–4, rule 7.

250405. Subsistence Allowance–Shore Patrol Duty. Navy and Marine Corps commanders may authorize payment of the shore patrol subsistence allowance to members on shore patrol duty, in a non-travel status, when government messing facilities are not available. Such authorizations are made in accordance with administrative regulations of the Service concerned. A member performing shore patrol duty, in a non-travel status, may elect to continue to receive BAS instead of the shore patrol subsistence. When the shore patrol subsistence allowance is elected, prorate BAS otherwise payable as in paragraph 250407 below.

★250406. BAS Rates (Effective 1 January 1996)

★A. When permitted to mess separately:

E–1 (less than 4 months' active duty) . . . . . $6.59 per day.

E–1 (4 months' or more active duty) through E–9 . . . . . $7.15 per day.

★B. When rations in kind are not available:

E–1 (less than 4 months' active duty) . . . . . $7.43 per day.

E–1 (4 months' or more active duty) through E–9 . . . . . $8.06 per day.

★C. When assigned to duty under emergency conditions within United States (except

Alaska and Hawaii) where government messing facilities are not available:

E-1 (less than 4 months' active duty) . . . . . $9.86 per day.

E-1 (4 months' or more active duty) through E-9 . . . . . $10.67 per day.

★250407. Prorating Subsistence Allowance

A. When To Prorate BAS. Enlisted members may receive prorated BAS for that part of a day:

1. Before beginning or after end of shore patrol duty (not in travel status) at the BAS rate authorized at the permanent station when shore patrol subsistence allowance is elected.

2. Before beginning or after end of travel (TDY/TAD or PCS) or hospitalized status at the BAS rate authorized at the permanent station. Proration not required when authorized to mess separately at the permanent station.

3. Before beginning or after end of TDY/TAD to field or sea duty, at the BAS rate authorized at the permanent station, when no travel time is required before reporting to and subsequent to detaching from such duty.

4. After beginning or before end of travel (TDY/TAD or PCS) or hospitalized status at the "when permitted to mess separately" BAS rate (or "emergency ration rate," where authorized). Proration not required when authorized to mess separately at the permanent station.

5. During which proper authority has determined that a government messing facility is in fact not available at the permanent station. Prorate at the "when rations in kind are not available" rate. (Applies to table 25-4, rule 3.) (Example: Mess is closed for reasons beyond the control of the installation commander, such as equipment failure.)

6. During which their assigned duties in a non-travel status require them to be absent from their permanent station and their working hours or duties prevent them from eating certain meals in a government mess when they are normally subsisted in kind.

B. Divisions of the Day. The following hours are established as reasonable divisions of the day for the purpose of prorating BAS. Prorate BAS at the authorized rate for times at or before and after these hours as applicable:

0700	Breakfast
1200	Lunch
1800	Dinner

★C. Prorated Subsistence Allowance. The prorated BAS applicable for each meal at the "when permitted to mess separately" rate is as follows:

1. E-1 (less than 4 months' active duty) (Effective 1 January 1996):

a.	Breakfast	$1.31
b.	Lunch	2.64
c.	Dinner	2.64
Total per day		6.59

2. E-1 (4 months' or more active duty) through E-9 (Effective 1 January 1996):

a.	Breakfast	$1.43
b.	Lunch	2.86
c.	Dinner	2.86
Total per day		7.15

★D. Prorated Subsistence Allowance The prorated BAS applicable for each meal at the "when rations in kind are not available" rate is as follows:

1. E-1 (less than 4 months' active duty) (Effective 1 January 1996):

a.	Breakfast	$1.49
b.	Lunch	2.97
c.	Dinner	2.97
Total per day		7.43

2. E-1 (4 months' or more active duty) through E-9 (Effective 1 January 1996):

a. Breakfast	$1.62
b. Lunch.	3.22
c. Dinner	3.22
Total per day	8.06

★E. Prorated Subsistence Allowance
The prorated BAS applicable for each meal at the "emergency rations" rate is as follows:

1. E-1 (less than 4 months' active duty) (Effective 1 January 1996):

a. Breakfast	$1.98
b. Lunch.	3.94
c. Dinner	3.94
Total per day	9.86

2. E-1 (4 months' or more active duty) through E-9 (Effective 1 January 1996):

a. Breakfast	$2.13
b. Lunch.	4.27
c. Dinner	4.27
Total per day	10.67

★250408. Supplemental Subsistence Allowance

A. Enlisted members granted permission to mess separately at their permanent station may receive the supplemental allowance at the amounts allowable for each meal as shown in subparagraph B below when:

1. Their assigned duties in a nontravel status require them to be absent from their permanent station and their working hours or duties require them to buy a meal or meals from other than a government mess.

2. Proper authority has determined that a government mess is in fact not available for certain meals. (Example: Mess is closed for reasons beyond the control of the installation commander, such as equipment failure.)

★B. Rates applicable:

1. E-1 (less than 4 months' active duty) (Effective 1 January 1996):

a. Breakfast	$0.16
b. Lunch.	0.34
c. Dinner	0.34

2. E-1 (4 months' or more active duty) through E-9 (Effective 1 Jan 1996):

a. Breakfast	$0.19
b. Lunch.	0.36
c. Dinner	0.36

SPECIFIC CONDITIONS OF ENTITLEMENT AND NON-ENTITLEMENT (BAS)—OFFICERS				
RULE	A	B	C	D
	When a member is	and member has	and member	then member is
1	in a travel status		is entitled to mileage, travel per diem allowance, or to other monetary allowances	entitled to BAS.
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 "(other than field duty)"			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	dependents	subsists separately with the dependents and does not eat meals available without charge at the hospital (note 3)	entitled to BAS.
7		no dependents	is furnished meals without charge or meals are available without charge	not entitled to BAS.
8	training for, attending, or participating in Pan-American games, Olympic games, or other specifically authorized international amateur sports competition	dependents	is subsisted during that period by the sponsoring agency	entitled to BAS.
9		no dependents		not entitled to BAS.
10	at home or other non-military place awaiting orders in connection with Physical Evaluation Board proceedings			entitled to BAS.
11	absent without authority for more than 24 hours at any one time		the absence is not excused as unavoidable	not entitled to BAS (note 4).
12	in confinement; awaiting trial by 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 (paragraph 480109B1)			entitled to BAS (note 1).
13	a student training on a fellowship, scholarship, grant, or a professor granted an award to teach at a university, etc.		is furnished subsistence by the fellowship, grant, or award	not entitled to BAS.
★14	serving on field duty, including field exercises and simulated combat		is furnished meals	entitled to BAS (notes 2 and 5).

NOTES:

1. Collection for meals furnished will be prescribed by the regulations of the Service concerned.
2. Officers will pay for their meals at the prescribed rates either by cash or by collection from pay. For officers' daily rate see DoD Manual 1338.10-M.
3. Member is not entitled to BAS if furnished meals without charge.
4. Not entitled to BAS for the same number of days that basic pay is forfeited.
5. Under field duty conditions, officers are charged for all meals that are available whether or not eaten. Available meals include prepared meals, meals ready to eat (MRE), or meals contracted by the Government.

★Table 25-1. Specific Conditions of Entitlement and Non-Entitlement (BAS)—Officers

DETERMINATIONS OF IMPRACTICABILITY FOR USE OF A GOVERNMENT MESS BY ENLISTED MEMBERS				
RULE	A If	B and	C and	D then
1	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).
2	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 will normally 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).
3	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 Secretary's designee, irrespective of other factors. Limit BAS to that authorized by table 25-4, rule 4. See subparagraph 250203C.
4	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.
5	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). For amounts payable, see subparagraphs 250407D or 250408B.

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

ESTABLISHING ENTITLEMENT TO THE EMERGENCY RATION RATE					
RULE	A	B	C	D	E
	If	and	and	and	then
1	an enlisted member's duty assignment is under unusual or emergency conditions, of limited duration and in an out-of-the-way place in the United States (notes 1, 2, 3, and 4)	Government dining facilities are not available	quarters do not have cooking facilities and member is required to purchase all meals from a commercial restaurant or contract mess	the member incurs extraordinary expense in obtaining meals	request authorization of the ERR (subparagraph 250202B) (note 5).

NOTES:

1. ERR is not authorized outside the United States or in Alaska or Hawaii.
2. Unusual or emergency conditions are unforeseen and/or uncontrollable circumstances affecting normal duty conditions.
3. Limited duration is when anticipated assignment is for 180 days or less.
4. The duty location will be considered "out-of-the-way" when the distance or traveling time to the nearest Government facilities is such that the use of those facilities would adversely affect performance of the member's duties.
5. The approving authority will use, as a standard, the national urban average cost for procuring three meals per day from commercial sources. Approval will be based upon the average cost as determined by the Runzheimer survey of major United States cities.

Table 25-3. Establishing Entitlement To The Emergency Ration Rate

BAS ENTITLEMENT—ENLISTED MEMBERS—PERMANENT STATION

RULE	A When enlisted member is	B and rations in kind are	C and proper authority has	D and member is	E then, daily rate of BAS is (see paragraph 250406 for rates)
1	at permanent station (note 5)	furnished by the government without charge to member			none.
2		available but not furnished	granted permission to mess separately		when permitted to mess separately rate.
3		in fact not available	made determination of non-availability		rations in kind not available rate (to prorate, see subparagraph 250407A5) (notes 1 and 7).
4		available but impracticable to furnish (note 2)	made determination of impracticability		rations in kind not available rate (note 1).
5	assigned to duty requiring the member to be absent from permanent station and working hours or duties 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 allowances	rations in kind not available rate prorated for each such meal (paragraph 250407).
6	assigned to duty requiring the member to be absent from permanent station and working hours or duties 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		when permitted to mess separately rate plus supplemental allowance for each meal (paragraph 250408) (notes 1 and 3).
7	assigned to duty under emergency conditions with extraordinary subsistence expense (table 25-3)	in fact not available	approved authorization for emergency ration rate		emergency rations rate.
8	at home or other non-military place awaiting orders in connection with Physical Evaluation Board proceedings	not available			rations in kind not available rate (notes 1 and 4).
9	serving on shipboard	available in a shore mess but not furnished	granted permission to mess separately		when permitted to mess separately rate.
10		available and furnished			none.
11		not available (note 6)			rations in kind not available 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, hospitalization, or travel status (TDY/TAD or PCS).
2. This rule applies only to those cases where the impracticability determination is made under table 25-2, rule 3.
3. BAS at the rations in kind not available rate is not authorized for periods of absence, pass, or liberty. BAS at the when permitted to mess separately rate should be paid for these off-duty periods if permission to mess separately has been granted.
4. 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.)
5. 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.)
6. Applies when shipboard mess is closed while undergoing alterations, repairs or inactivation of ship, and rations are also not available in a shore mess.
7. 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)

BAS ENTITLEMENT—ENLISTED MEMBERS—TRAVEL STATUS, SHORE PATROL DUTY, PROCEED TIME, ATHLETIC TRAINING, OR FIELD/SEA DUTY				
RULE	A	B	C	D
	When enlisted member is	and member is	and member has	then, daily rate of BAS is (see paragraph 250406 for rates)
1	in a travel status on TDY, TAD or PCS (notes 1, 2, and 3)	not required by regulation to be subsisted in kind at no cost (see subparagraph 250201B)		when permitted to mess separately rate (prorated when applicable) (note 4).
2	training for, attending or participating in Pan American games, Olympic games, or other specifically authorized international amateur sports competition	subsisted by sponsoring agency (not at Government expense)	dependents	rations in kind not available rate.
3			no dependents	none.
4	on shore patrol duty (in non-travel status)	paid shore patrol subsistence allowance		none (see paragraph 250407).
5	on proceed time (note 3)			when permitted to mess separately rate.

NOTES:

1. Members are entitled to BAS at the rate authorized when permission to mess separately is granted for the periods of authorized travel in connection with hospitalization and convalescent leave.
2. Includes TDY, TAD, or PCS under permissive orders.
3. Members will pay for meals eaten in a Government mess either by cash or by collection from pay in accordance with Service regulations.
4. Enlisted members on TDY/TAD at a station where proper authority has approved authorization for the emergency ration rate may receive BAS at that rate.

Table 25-5. BAS Entitlement—Enlisted Members—Travel Status, Shore Patrol Duty, Proceed Time, Athletic Training, Or Field/Sea Duty

BAS ENTITLEMENT—ENLISTED MEMBERS—LEAVE, HOSPITALIZATION, UNAUTHORIZED ABSENCE, OR CONFINEMENT		
RULE	A	B
	When enlisted member is	then daily rate of BAS is (see paragraph 250406 for rates)
1	on authorized leave, including delay en route chargeable as leave	when permitted to mess separately rate (notes 1 and 3).
2	sick in hospital	when permitted to mess separately rate (prorate when applicable) (note 3).
3	in excess leave status	none.
4	in an unauthorized absence status	none (note 2).
5	confined in a guardhouse, brig, correctional barracks, or penal institution	none (note 4).

NOTES:

1. Members receiving overseas station per diem allowance may continue to receive such in addition to BAS while on leave outside the United States, or in Alaska, or Hawaii.
2. Enlisted members receiving BAS forfeit 1 day's BAS for each day of unauthorized absence.
3. 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.
4. If sentence to confinement is later disapproved or set aside, BAS is not payable for the period of confinement because the member was subsisted at Government expense.

Table 25-6. BAS Entitlement—Enlisted Members—Leave, Hospitalization, Unauthorized Absence, Or Confinement

BAS ENTITLEMENT DURING CONTINGENCY OPERATIONS							
RULE	If the orders	and member is an OFF	and member is an ENL	and subsists from	then the member is entitled to BAS	then the member is entitled to PER DIEM	Remarks
1	are regular TDY/TAD orders	X	X	a commercial dining facility	yes	M&IE	All members pay for meals at commercial source
2		X	X	a government operated or contracted mess	yes	M&IE	All members pay for government meals (See notes 1,2 & 3 for rates)
3	require Essential Unit Messing		X		no	IE only	Enlisted pays nothing for meals
4		X			yes	IE only	Officer pays for government meals at discounted rate (note 3)
5	assign or embark the member on a Navy ship or other U.S. government vessel		X	an enlisted dining facility or meals are provided to member	no	no	Enlisted pays nothing for meals
6		X			yes	no	Officer pays discounted rate (note 3) for meals
7		X		private officers' wardroom mess	yes	no	Officer pays for meals at private mess rate

NOTE:

1. Effective 25 Apr 1995, all members pay for meals at the discounted rate if the dining facility is a temporary mess and the JTF operation is for a purpose other than for training. During JTF training operations or when personnel subsist from permanent dining facilities, members must pay the full meal rate.

2. The full meal rate is the charge for both food costs and related services. Rates are established annually by the DoD Comptroller.

3. The discounted rate is the charge for food costs only. The rate is established annually by the DoD Comptroller and published by each Service's Food Service chain of command.

★Table 25-7. BAS Entitlement During Contingency Operations

BAS ENTITLEMENT DURING NON-CONTINGENCY OPERATIONS							
RULE	If the orders	and member is an		and subsists from	then the member is entitled to		Remarks
		OFF	ENL		BAS	PER DIEM	
1	are regular TDY/TAD orders	X	X	a commercial dining facility	yes	M&IE	All members pay for meals
2		X	X	a government operated or contracted mess	yes	M&IE	All members pay for government meals (See notes 1,2 & 3)
3	require Essential Unit Messing for Training and Readiness Purposes		X		no	IE only	Enlisted pays nothing for meals
4		X			yes	IE only	Officer pays for government meals at discounted rate (note 3)
5	place the member in Field Duty		X	government operated or contracted mess (including meals, ready to eat (MREs))	no	no incidentals are provided	Enlisted pays nothing for meals
6		X			yes		Officer pays for government meals at discounted rate (note 3)
7	assign or embark the member on a Navy ship or other U.S. government vessel		X	enlisted dining facility or meals are provided to member	no	no	Enlisted pays nothing for meals
8		X			yes	no	Officer pays discounted rate (note 3) for meals
9		X		private officers' wardroom mess	yes	no	Officer pays for meals at private mess rate

NOTE:

1. Effective 25 Apr 1995, all members pay for meals at the discounted rate if the dining facility is a temporary mess and the JTF operation is for a purpose other than for training. During JTF training operations or when personnel subsist from permanent dining facilities, members must pay the full meal rate.

2. The full meal rate is the charge for both food costs and related services. Rates are established annually by the DoD Comptroller.

3. The discounted rate is the charge for food costs only. The rate is established annually by the DoD Comptroller and published by each Service's Food Service chain of command.

★Table 25-8. BAS Entitlement During Non-Contingency Operations

CHAPTER 26

BASIC ALLOWANCE FOR QUARTERS (BAQ)

2601 GENERAL PROVISIONS

260101. Entitlements

A. BAQ is payable to members on active duty according to the pay grade in which serving or appointed for basic pay purposes, as set forth in this chapter. See table 26-9 for monthly rate.

B. In all cases involving enlisted members and in the cases of officers claiming BAQ for their parents, all waivers and determinations, including determination of dependency and relationships, are made by the Secretary of the department concerned or by persons designated by the Secretary. The designee may redelegate this authority.

260102. Determining Dependency or Relationship for BAQ Entitlements—Army and Air Force Personnel. Determinations are made by offices shown in table 26-1.

260103. Determining Dependency or Relationship for BAQ 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 BAQ which contains false statements is subject to court-martial or criminal prosecution. In addition, fraudulent acceptance of benefits may cause the 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 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 will be considered as assigned, suitable, and adequate whenever occupied by a member at the permanent station without payment of rental charges. This applies also to quarters furnished a member without charge:

A. By an organization or institution on behalf of the United States; or

B. By a foreign government for the member's official use; and

C. When jointly assigned to one or more single members.

D. When 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.)

260106. Occupancy of Rental Quarters at United States Military Academy. A member is entitled to BAQ while renting quarters in the hotel on the grounds of the United States Military Academy.

260107. Computation

A. Computing BAQ. BAQ is computed in the same way as basic pay.

B. BAQ for Date of Assignment of Quarters. Except when a member is entitled to BAQ in accordance with tables 26-3, 26-4, and 26-5, BAQ continues to accrue through the day before the date a member is assigned Government quarters or begins to occupy (unassigned quarters on a non-rental basis up to 90 days) Government quarters at the permanent station.

C. BAQ for Date of Termination of Quarters. BAQ begins to accrue (except as indicated in tables 26-3, 26-4, and 26-5) on the date the assignment to Government quarters is terminated, the date that quarters are vacated, or on the permanent change of station (PCS) departure date of the member and his/her dependents. (See table 26-6.)

260108. Allowance for Quarters to Surviving Dependents. For payment of allowance for

quarters to surviving dependents of members who die in the line of duty, see part four, chapter 36, section 3603 of this regulation.

260109. Advance of Housing Allowances. Advances of BAQ, overseas housing allowance, and variable housing allowance may be authorized under the terms and conditions in the JFTR, volume 1, chapters 8 and 9 (reference (d)).

2602 MEMBERS WITHOUT DEPENDENTS

260201. Entitlements. Members without dependents who are entitled to basic pay are entitled to BAQ at rates prescribed in table 26-9, under conditions contained in table 26-3. Except when assigned PCS to a unit already on field duty, or to a unit already on sea duty that has a different permanent station than the unit to which previously assigned, members without dependents in pay grades above E-6, may elect at any time not to occupy assigned Government quarters at the permanent duty station and become entitled to BAQ unless the Secretary of the Service concerned, or the Secretary's 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 for BAQ entitlement while on field or sea duty.

260202. Uninhabitable Quarters Aboard Ship

A. A member may be reimbursed for expenses (not to exceed the total of the BAQ of a member of the same grade without dependents and the variable housing allowance that could be paid to a member of the same pay grade in accordance with the JFTR, volume 1 (reference (d))) incurred in obtaining quarters when the official certifies that:

1. Such a member is prevented from occupying quarters assigned aboard a ship on which the member is serving on sea duty because such quarters are uninhabitable due to repairs, overhaul, conversion, or other conditions; and

2. Government quarters are not available; and

3. The hire of quarters is not practicable. A member entitled to BAQ may not be reimbursed for expenses under the conditions of this paragraph when such member can reside with dependents who are living in the area of the ship's location. A member's dependents are considered to be 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 member actually commutes daily, regardless of distance. The term "commutes daily" excludes duty periods when the member 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 CNO (OP-134).

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.

D. These provisions are effective through 30 September 1992.

E. The provisions of subparagraph A through D expire after 30 September 1992 with respect to enlisted members and apply thereafter to officers only. The reimbursement, however, is limited to an amount equal to the basic allowance for quarters of an officer of that officer's grade. This provision shall not apply to an officer who is entitled to basic allowance for quarters.

260203. Reserve Component Members (See Definitions). A Reserve component member without dependents who is called or ordered to active duty on or after 5 December 1991, 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 BAQ at the without-dependent rate, if the member is unable to continue to occupy his/her 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.

260204. Missing Status. Members without dependents carried in a missing status are entitled

to BAQ at the without dependent rate. (See paragraph 350103B.)

260205. Partial BAQ Entitlement

A. 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 basic allowance for quarters, is entitled to partial BAQ at the rates provided in table 26-9.

B. Conditions

1. Member without dependents assigned to single-type Government quarters at the permanent station and entitled to partial BAQ who is subsequently sick in a hospital (no PCS involved), continues to be entitled to partial BAQ while hospitalized.

2. Member grade E-6 or below without dependents who is offered an assignment of Government quarters, or is assigned Government quarters but elects not to occupy such quarters and resides in private quarters at own expense, is considered assigned to Government quarters and not entitled to BAQ. Therefore, such member is entitled to partial BAQ.

3. Partial BAQ is not authorized during proceed time, leave en route, and/or travel time on PCS unless member is assigned to single-type Government quarters and not entitled to BAQ.

4. Member married to another member who has no dependents other than his or her spouse, is entitled to partial BAQ when assigned to single-type Government quarters and not entitled to BAQ. However, such members assigned to family-type Government quarters are not entitled to partial BAQ.

5. A member occupying single-type Government quarters whose dependents reside in family-type Government quarters, is not entitled to BAQ and therefore, is entitled to partial BAQ, provided the family quarters are not assigned under the member's eligibility.

6. A single member without dependents is not entitled to partial BAQ when assigned to family-type Government quarters.

7. A member 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 BAQ.

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 BAQ unless forfeiture of allowance 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 BAQ, is entitled to partial BAQ unless forfeiture of allowances was directed.

10. Member without dependents being treated at a hospital (PCS involved) and assigned quarters in the hospital is entitled to partial BAQ.

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 considered a member without dependents assigned to quarters on the vessel and is not entitled to BAQ, but is entitled to partial BAQ.

12. Member without dependents who is ordered PCS to confinement in a guardhouse, brig, correctional barracks, or to additional training in a retraining or rehabilitation facility, is assigned to certain quarters therein and not entitled to BAQ, is entitled to partial BAQ unless forfeiture of allowances was directed.

13. Member without dependents assigned to single-type Government quarters between permanent duty stations and not entitled to BAQ is entitled to partial BAQ. This includes periods in excess of 30 days' Government quarters are temporarily occupied without entitlement to BAQ.

14. Member without dependents is not entitled to partial BAQ when assigned to Government single-type quarters (including Govern-

ment-leased quarters) that substantially exceed the minimum standards of single quarters for the member's grade.

2603 MEMBERS WITH DEPENDENTS

260301. Entitlements

A. When Entitled To BAQ. A member with dependents who is entitled to basic pay is entitled to BAQ 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 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 basic allowance for quarters for dependents.

B. Naval Aviation Cadets. A naval aviation cadet with dependents is entitled to BAQ under the conditions and at the rates prescribed for an enlisted member in pay grade E-4 (over 4 years' service) with dependents.

C. Limitation on Quarters Occupied by Member. 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 BAQ, unless the only quarters available:

1. Exceed the minimum standards; and

2. Are made available for joint occupancy with other members.

D. Quarters Occupied During Special Duty Assignment. 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 BAQ. 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 BAQ. 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 is neither assigned to nor occupies Government quarters is entitled to BAQ 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 BAQ 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 BAQ 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 BAQ 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, BAQ 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 260302G 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 considered to be of a permanent nature and BAQ entitlement does not accrue for any portion of the period of such occupancy. Visits of 90 days or less are considered temporary social visits and do not cause loss of BAQ. 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 30 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 occupy public quarters while the member is on sea duty or field duty is entitled to BAQ for a period not to exceed 30 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 BAQ. (See Definitions for "rental charge.")

1. Any housing facilities, including trailers, under the jurisdiction of the Government other than public quarters constructed or designated for occupancy without charge. The member may sublease such quarters to a tempo-

rary sublessee with or without charge and neither the sublessor nor sublessee will lose their right to BAQ.

2. The hotel on the grounds of the United States Military Academy.

3. Quarters furnished a member in connection with service in a capacity other than that of a member; for example, while serving under Panama Canal employment.

G. Quarters at Safehaven Temporarily Occupied by Dependents. A member is entitled to otherwise proper credit of BAQ 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 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, volume 1, part C, chapter 5, paragraph U5240A (reference (d)).

H. Lease on Private Rental Quarters When a member is ordered to make a local move from private, leased quarters to Government housing, BAQ is payable for the remainder of the lease on the private quarters, up to a maximum of 30 days, provided the member is required to honor the lease.

260303. Quarters Designated as Inadequate Quarters

A. Entitlement to BAQ. A member with dependents may be assigned designated inadequate quarters on a rental basis without loss of BAQ. 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 BAQ 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 of absence. The member may also sublet the quarters on a rental basis without loss of BAQ, the amount of rent being immaterial.

C. Rental Charge for Inadequate (Substandard) 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 will be the fair rental value of such quarters, not to exceed 75 percent of the member's with dependent BAQ rate. Rental charge is completely independent of the amount and type of BAQ being paid to the member. See also subparagraph 260302G for assignment of inadequate quarters to members married to one another. A member's receipt of BAQ-DIFF will not directly affect the rental charge.

D. Effective Date of BAQ and Rental Charge. BAQ 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 BAQ and Rental Charge. Compute BAQ 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 BAQ or charge rent for the 31st day of a month. Pay 3 days' BAQ 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. BAQ accrues for the day of termination if Government quarters are not occupied on that day.

F. Inadequate Quarters Redesignated Adequate. Rental charges and BAQ cease on and after the date rehabilitated inadequate quarters are redesignated as adequate public quarters. If a member's assignment was continued during the period of rehabilitation, the redesignation of adequacy will be made effective as of the first day of the month following the month in which the rehabilitation was completed.

G. Husband and Wife Entitled To BAQ. 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 BAQ entitlements just as if they were residing off base with appropriate permission. The rental charge for the quarters will be the fair rental value of the assigned inadequate family-type quarters, but will never exceed 75 percent of the with dependent BAQ 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 amount of BAQ being paid to the respective members does not affect the amount of rent charged, even where a member is receiving BAQ-W/O as well as BAQ-DIFF. Collect as follows:

1. Army and Air Force members Compute the applicable rent as a percentage of the with-dependent BAQ rate for the member to whom the quarters are assigned and collect one half of the rent from each member, without regard to the fact that the members may be of different grades or ranks.

2. Navy and Marine Corps Collect the entire rental charge from pay account of the member to whom the quarters are assigned. Do not collect any rent from the other member. This may mean that the rental charge may exceed the BAQ being paid to the member to whom the quarters are assigned. For inter-Service marriages, the rental charge will be collected in accordance with the policy of the Service furnishing the quarters.

H. Rental Charge for One Member Entitled to BAQ at the Without Dependent Rate When one member, entitled to BAQ at the without-dependent rate, occupies inadequate family quarters, the rental charge is based on the with-dependents BAQ rate of the member and computed as in subparagraph 260303C. Situations contemplated by this paragraph may arise when in the case of a member married to a member, there is a divorce, legal separation, or separation resulting from military orders.

260304. Dependent. The term "dependent" for BAQ purposes is the same as defined in the Definitions.

A. A member is not entitled to BAQ 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 in own right. When both spouses are in the Military Service and entitled to basic pay and allowances. (See table 26-4 for guide to BAQ entitlement.)

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 ordered by a divorce decree.

6. A dependent who occupies Government quarters as a permanent residence without payment of a rental charge. (See paragraph 260411 for exception.)

B. A member is entitled to BAQ 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 must be approved before entitlement to BAQ 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 BAQ. See individual Service regulations for procedures.

D. Each member (includes Reserve component members) who is entitled to BAQ on behalf of dependents must, when called upon, provide an annual certification to the Secretary concerned indicating the status of each dependent

of the member to support entitlement to BAQ on behalf of dependents. If a member fails to provide the certification in a timely manner, stop the BAQ on behalf of dependents at the end of the month in which the certification is due, but continue to pay BAQ at the appropriate partial or without-dependent rate unless the member is not entitled to that allowance for some other reason. Resume paying BAQ at the with-dependent rate effective the date the member provides proper certification of entitlement. Do not pay the higher rate retroactively in the absence of certification from the member's commander that the failure to certify timely was for reasons beyond control of the member.

260305. Entitlement During Leave, Travel Status, etc. See table 26-5.

260306. Effective Dates To Start and Stop BAQ See tables 26-6, 26-7, and 26-8.

2604 RULES FOR DETERMINING RELATIONSHIP AND DEPENDENCY

260401. Application of Rules. This section includes rules and factors used in determining relationship or dependency for BAQ entitlement. It is to be used:

A. By applicable officers in determining relationship or dependency for those classes of dependents for which they are authorized in tables 26-1 or 26-2 to decide.

B. To guide applicable officers in counseling members about their rights to BAQ on behalf of dependents.

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 BAQ purposes, except under the situations shown below and in subparagraphs 260304A or 260406. 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 BAQ on behalf of their adopted children or children born of their marriage. Such election must be agreed to by both members. If the members cannot agree as to the election, entitlement to BAQ for their children will rest with the senior member. Entitlement may later be transferred to the other member in the event of promotion or similar change of circumstances which would merit such transfer. When only a stepchild is involved, either the stepparent or the natural parent may claim that child for BAQ purposes. The stepparent must meet the requirements of paragraph 260409 to be entitled to BAQ on behalf of the stepchild. However, if the natural parent objects to the other member claiming the stepchild, then BAQ entitlement rests with the natural parent.

Elections to transfer BAQ entitlement on behalf of adopted children, stepchildren, and children born of the marriage from one member to the other can only be applied to BAQ entitlement from the date of the election. Such elections cannot be applied retroactively.

B. When one of two members married to each other is already receiving BAQ 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 considered to be within the class of dependents for which the member is receiving BAQ, and the other member may not claim the children for BAQ purposes. However, if the member elects to stop receiving BAQ at the with-dependent rate, then the other member may claim the child(ren) of their marriage or adopted by them for BAQ purposes. 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 of the members are dependents of the same class for the purpose of determining allowance entitlements. (See table 26-4.)

C. When one of two members married to each other is receiving BAQ at the with- dependent rate on behalf of a dependent parent(s), then the other member would be entitled to BAQ at the with-dependent rate on behalf of child(ren) born of their marriage, their adopted child(ren), child(ren) of a previous marriage, or an illegitimate

child(ren), provided Government family quarters are not assigned or occupied and no other member is entitled to the BAQ on behalf of the child(ren) of a previous marriage or an illegitimate child(ren).

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. Cases in this category include:

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 which 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 BAQ 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, an informal (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 BAQ as a result of the purported marriage. When invalidity of the marriage is discovered, no further BAQ 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 part seven chapter 50, 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 BAQ 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 part seven, chapter 50, 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 or for validation of payments to the appropriate address shown below:

a. Army:
Director
DFAS-IN
Indianapolis IN
46249-0855

b. Navy:
Director
Navy Family Allowance Activity
Anthony J. Celebrezze Federal Building
Cleveland OH 44199

c. Air Force:
DFAS-DE/FJPD
6760 E. Irvington Place
Denver CO 80279-7000

d. Marine Corps:
Commandant of the
Marine Corps
(Code MHP-82)
Wash DC 20380

260404. Child of Marriage Null in Law. An unmarried minor child of a ceremonial marriage null in law, or annulled as void or voidable, is an eligible dependent for BAQ purposes unless and until a court finds such child is illegitimate. See paragraph 260408 concerning entitlement to BAQ for an illegitimate child.

260405. Reserved

260406. Support of Dependent-General

A. 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, below, will be required. Failure to support a dependent, on whose behalf BAQ is being received, will result in nonentitlement to BAQ and recoupment 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 with-dependent rate BAQ for the period of non-support or inadequate support. If a member is not entitled to BAQ for dependents under any of the subsequent subparagraphs, consider entitlement to without-dependent or partial-rate BAQ under section 2602, this chapter.

B. Member Refuses or Does Not Provide Support. A member is not entitled to BAQ on behalf of a dependent the member refuses to support or does not support. The statutory purpose of with-dependent rate BAQ is to at least partially reimburse service members for the expense of providing private quarters for their dependents when Government quarters are not furnished, and not to grant the with-dependent rate of BAQ as a bonus merely for the technical status of being married or a parent. Unless a period of non-support 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 with-dependent rate BAQ for the period of nonsupport or inadequate support.

NOTE: A member does not avoid the legal responsibility to comply with a court order for support by forfeiting BAQ.

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 absolve the member of dependent support responsibility, does not of itself deprive the member of BAQ for a lawful dependent(s) (as defined in the Definitions). This is true regardless of the jurisdiction in which the decree, agreement or order was issued or in which the dependent(s) are domiciled. The member is entitled to BAQ if he or she contributes to the support of the dependent(s) in the full amount of the BAQ, or a reasonable amount requested by or on behalf of the dependent(s), whichever is less, but in no case may the support contributions be less than the difference between the member's applicable "with-" and "without-" dependent BAQ rates. If satisfactory evidence is received that the member has not provided the support specified above, action will be taken to recoup BAQ from the member for any period such support was not provided.

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, the member must contribute to the support of the dependent the amount

specified therein, or the full amount of BAQ, whichever is less, but in no case may the support payments be less than the difference between the applicable BAQ at the "with-" and "without-" dependent rate. If satisfactory evidence is received that the member has not provided the support specified above, action will be taken to recoup BAQ from the member for any period adequate support has not been provided.

1. When a member is divorced from a nonmember, and they share legal custody of a legitimate 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 BAQ. If the member's court-ordered support is less than the difference between the BAQ at the "with-" and "without-dependent" rate for his/her grade, then member is entitled to the BAQ at the rate for members without dependents only if he/she is not residing in Government quarters. However, if the ex-spouse having primary custody of the child agrees to accept an additional support amount in order for the member paying support to qualify for BAQ at the "with-dependent" rate, member would be entitled to BAQ accordingly.

2. When the member has temporary custody of the child and they reside in private quarters, then the cost of maintaining a residence is not a factor in determining entitlement to BAQ with dependents and cannot 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 BAQ "with-dependent" rate for the nontemporary period. The cost of maintaining a home cannot be added to the child support amount to qualify for the increased allowances.

E. Evidence or Complaints of Nonsupport or Inadequate Support. When support requirements are established as in subparagraphs C and D above, they will apply. If the support requirements are not established by court order or mutual agreement as in those subparagraphs, the member must provide proof of support in an amount that is at least the lesser of (1) the BAQ received on behalf of the claimed dependent(s), or (2) a reasonable amount requested by or on behalf of the dependent(s); however, in no case may the support contributions be less than the difference between the "with-" and "without-" dependent BAQ rates applicable to the member's grade. 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 with dependent rate BAQ for the period of nonsupport or inadequate support. The amount of support required for entitlement to retain or receive BAQ on behalf of dependent(s) does not necessarily mean that such amount is deemed adequate to meet the policy of the Service concerned as to what constitutes adequate support in the absence of a written mutual agreement or court order.

F. Increase in Support Required by Increase in BAQ Rates. Whenever there is an increase in BAQ rates, the minimum required support under subparagraphs C, D, and E, increase to the difference between the "with-" and "without-" dependent BAQ rates. The non-custodial member will continue to be entitled to the "with-dependent" BAQ rate only if the support order (if any) is modified to require increased support in the appropriate amount, or if there is a mutual agreement between the parents that the custodial parent will accept such increased support.

G. Voluntary Support Payments Voluntary support payments will not be considered for purposes of determining BAQ entitlement unless there is a mutual agreement between the parents that the support payments will be accepted by the custodial parent.

H. Settlement Agreement

1. Property settlements made under a court order or written agreement are not considered support for BAQ 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 BAQ 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 by authority shown in tables 26-1 or 26-2.

260407. Support of Dependent—Both Parents Are Members

A. Divorce or Legal Separation Effective or Amended Before 1 July 1992. In addition to the provisions of paragraph 260406, the following subparagraphs apply when the divorced or legally separated parents are both members and the divorce or separation occurred prior to 1 July 1992. All of the situations set forth apply only when neither member is assigned to family-type Government quarters, unless otherwise specified.

1. The non-custodial parent is entitled to BAQ at the with-dependent rate through 4 December 1991, on behalf of the child(ren), provided the payment of child support is an amount that is at least equal to the difference between the applicable BAQ-with and BAQ-without dependent rates. During the period 5 December 1991 through 30 June 1992, the non-custodial parent living in single-type Government quarters will only be entitled to BAQ-DIFF for child support (unless "grandfathered," as described in paragraph 260502). If not residing in single-type Government quarters, the non-custodial parent may also be entitled to BAQ at the without-dependent rate as described in paragraph 260201. If the non-custodial parent does not provide the required child support and resides in single-type quarters, then the member's BAQ entitlement is partial rate BAQ. The custodial parent is also entitled to BAQ in his or her own right at the without-dependent rate.

2. If the non-custodial member does not pay the required amount of child support (at least equal to that member's DIFF rate), the custodial member is entitled to BAQ at the with-dependent rate on behalf of the child(ren).

3. The custodial member is entitled to the with-dependent rate on behalf of the child(ren) if the non-custodial member declines to claim the child(ren) for BAQ purposes. Such declination should be in writing, if possible, and may be revoked at any time. Such revocation may not be retroactive. If the non-custodial member is entitled to the with-dependent rate of BAQ on behalf of another dependent, the custodial member is entitled to the with-dependent rate on behalf of the child(ren) of the marriage, provided the custodial member is providing substantial support to the child(ren).

4. Only one parent is entitled to BAQ 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 BAQ on behalf of the child(ren), even though both members are paying sufficient child support to qualify for the entitlement. The member senior in rank will receive BAQ on behalf of the child(ren) when the two members cannot agree on which person will claim the entitlement. If the members are of equal rank, date of rank will determine which one receives BAQ on behalf of the child(ren).

6. When each member has legal custody of one or more of the children of the marriage, then each member who is not assigned to Government quarters is entitled to the with-dependents rate of BAQ in behalf of the child(ren) in his/her custody. Occupancy of family-type Government quarters by the other child(ren) of the marriage does not affect a member's entitlement. If, however, one member is paying child support in an amount at least equal to that member's DIFF rate on behalf of the child(ren) in the other member's custody, the member not paying child support is not entitled to

BAQ 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 the with-dependent rate of BAQ during those periods the child(ren) are actually in their physical custody, except when there is a payment of child support to one of the parents, in which case the member paying child support is at all times entitled to BAQ on behalf of the child(ren), provided the amount of child support is at least equal to that member's DIFF rate.

8. In cases when a non-custodial member is paying child support to a member who also has another dependent who would make that member eligible for the with-dependent rate of BAQ, there is a presumption that the custodial member's entitlement is based on the dependent(s) other than the child(ren) of the marriage. Both the custodial and non-custodial members are entitled to the with-dependent rate of BAQ in such circumstances, provided neither member is assigned to Government quarters.

B. Divorce or Legal Separation Effective or Amended After 30 June 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 after 30 June 1992. All of the situations set forth apply only when neither member is assigned to family-type Government quarters, unless otherwise specified.

1. Unless the members agree between themselves to the contrary, and provided the child(ren) of the marriage do not reside in Government quarters, the member having custody of the child(ren) is entitled to with-dependents rate BAQ on their behalf, regardless of the amount of child support received by that member. An order of a court in a divorce decree is not considered an agreement between the members. An order of a court will only be used to verify court-awarded custody. 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 BAQ on behalf of the child(ren). The non-custodial member is entitled to partial BAQ ifassigned to single-type Government quarters, or BAQ at the without-dependent rate if not assigned to Government quarters.

2. When the members each have sole custody of one or more of the children of the marriage, they are each entitled to the with-dependent rate of BAQ on behalf of the child(ren) in their individual custody, regardless of any child support payments to one member by the other.

3. When the child(ren) are in the custody of a third party, the rule in subparagraph 260407A5 applies.

4. In cases when there is joint legal custody, with physical custody changing from one parent to the other, each parent is entitled to BAQ on behalf of the child(ren) during those months in which that parent maintained the principal residence and extended physical custody of the child(ren), regardless of any child support payments made to one member by the other. In cases when it cannot be determined which parent maintained the principal residence during a particular month, the senior member will be entitled to receive BAQ on behalf of the child(ren).

5. The rule in subparagraph 260407A8 applies without regard to the date of divorce or separation.

260408. Child Living With Former Spouse Remarried to Another Service Member

A. When the child's stepparent is assigned public quarters and the child occupies such quarters, then the divorced member parent paying child support is entitled to BAQ under section 2602 of this chapter as a member without dependents.

B. If the child's stepparent is not assigned public quarters, but is paid BAQ, the divorced member is entitled to BAQ on behalf of the child, if otherwise eligible, even if assigned to or occupying single-type Government quarters. However, BAQ may not be paid to both the stepparent and natural parent at the same time for the same dependent. The natural parent has priority to BAQ if supporting the child.

260409. Child Living With Former Spouse-Member Remarries

A. The provisions of subparagraph 260301A2 are not for application 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 and/or occupies Government family quarters. The member is not entitled to basic allowance for quarters on behalf of the child living with the former spouse. This is equally applicable when, upon remarriage, the member marries a member.

B. If in A above the remarriage is member to member with child(ren) born of marriage, and the member paying child support vacates Government family quarters on PCS assignment with quarters being reassigned to spouse and child(ren), then member reassigned PCS is entitled to with-dependent BAQ for child(ren) of former marriage when such member or child(ren) do not reside in Government family quarters.

C. When the former spouse with child custody in A above is also a member, the former spouse may claim the child(ren) for BAQ purposes if not assigned to Government family quarters and the member paying support has made a declination in accordance with subparagraph 260407B2.

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, then the member parent paying child support is entitled to BAQ under section 2602 of this chapter as a member without dependents.

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 custodial spouse visits with the member in private quarters for more than 90 days, the visit is considered non-temporary and the member may claim BAQ for the child(ren) from the first day of the visit. If the visit is 90 days or less, BAQ is not payable for any part of the visit.

260412. Illegitimate Child. Public Law 93-64, 9 July 1973, as amended 37 U.S.C. 401 (reference (ar)) to include in the definition of a dependent, an unmarried illegitimate child whose alleged member-father has been judicially decreed to be the father of the child or judicially ordered to contribute to the child's support, or whose parentage has been admitted in writing by the member-father or mother. Such a dependent must be either under 21 years of age or, because of a mental or physical incapacity, incapable of self-support and in fact dependent on the member. A member may claim basic allowance for quarters (BAQ) on behalf of an illegitimate child within the following guidelines:

A. General. A member who claims BAQ on behalf of an illegitimate child must show proof of parentage. In cases involving foreign court decrees, parentage must also be admitted in writing and under oath. Proof of in-fact dependency is required in all cases and will be recertified annually. This requires documentary evidence to substantiate that support has been provided in an amount not less than that specified in subparagraph B or C below. A voluntary allotment payable to or on behalf of a child in the applicable amount is adequate evidence to show proof of intent to provide continued support.

B. Illegitimate Child is in Physical Custody of Another Person and Member is Assigned Single-Type Government Quarters. The member-parent may claim such child as a dependent for BAQ purposes provided the amount of support paid is at least equal to the amount of BAQ received because of the dependency of the child. If a member is entitled to BAQ-DIFF, child support paid must equal or exceed member's BAQ-DIFF rate. Likewise, if the member is in Government single-type quarters, and entitled to BAQ at the with-dependent rate on behalf of the child, the requirement for support must equal or exceed the member's BAQ-DIFF rate.

C. Illegitimate Child is in Physical Custody of Member-Parent or Another Person and Member is Not Assigned Government Quarters. The member-parent may claim such child as a dependent if proof is shown that monthly support is provided in an amount the greater of:

1. over one-half of the child's support, or

2. the difference between the applicable BAQ at the "with-" and "without-" dependent rates.

In any case where 1 above exceeds the applicable BAQ at the "with-dependent" rate, support in at least the amount of the BAQ at the "with-dependent" rate will be considered adequate.

D. When Both Parents Are in the Service. When both parents are members of the Armed Forces, the one having physical custody of the illegitimate child is the only one authorized BAQ on behalf of that child. If neither has physical custody, the member providing chief support of the illegitimate child is considered to be the only member with a dependent for entitlement to BAQ on behalf of such child. In either case, the member-parent must meet the applicable guidelines furnished above. If the parents are subsequently married to each other, the child is then considered a legitimate child of the marriage and paragraph 260302 applies.

E. When Illegitimate Child is Adopted by Another Person. BAQ does not accrue to the natural father or mother of an illegitimate child when such child has been adopted by another person.

F. When Member Marries Mother of Illegitimate Child. The member may claim the illegitimate child of his spouse as a dependent, although he is not the father of the child. The child qualifies as a dependent, in the same manner as any other stepchild, when the member has accepted full responsibility for that child by marriage to the child's mother.

260413. Adopted Child or Stepchild

A. Adopted Child. A child adopted by a member is an eligible dependent for BAQ entitlement if a final decree of adoption has been entered and the child is, in fact, dependent upon the member. In cases involving interlocutory decrees, and those where the child receives support from other sources, see tables 26-1 and 26-2.

B. Stepchild. A stepchild is an eligible dependent for BAQ entitlement if the child is in fact dependent on the member. This includes an illegitimate child of the spouse, when the member is not the blood parent (see subparagraph 260412F). A member is not entitled to BAQ for a stepchild if the child is receiving support from the natural parent, who receives BAQ for the child. A stepparent-stepchild relationship ends upon divorce from the blood parent, but not upon death of the blood parent. Hence, entitlement to BAQ for a stepchild may be established after death of the blood parent.

C. In Fact Dependency. An adopted child or a stepchild is considered in fact dependent if the member contributes a substantial portion of the child's support, and if the child's welfare would be affected without this contribution. Residence in the member's household does not of itself establish dependency, nor is a child in fact dependent if the member's contributions merely improve the child's living conditions.

260414. Dependent Child Adopted by a Third Party. A member is not entitled to BAQ for a child after the child is adopted by a third party and final order or decree of adoption has been entered. Entitlement to BAQ continues after an interlocutory decree has been entered if the decree does not change the legal relationship between the child and adopting parent, and the member supports the child.

260415. Spouse or Child Confined in Penal or Correctional Institution

A. BAQ Payable. Confinement of a member's lawful spouse or unmarried minor child in a penal or correctional institution does not affect member's right to BAQ on the dependent's behalf, unless:

1. The member refuses to support the dependent; or

2. The member has been absolved from supporting the dependent; or

3. The period of confinement may extend beyond 5 years; or

4. The case is otherwise doubtful.

B. Doubtful Cases. Submit cases involving sentence extending beyond 5 years, and any other doubtful cases, as follows:

1. Officer's Dependent. Request advance decision of the Comptroller General of the United States. Do not credit BAQ pending decision.

2. Enlisted Member's Dependent Send case to addresses shown in subparagraph 260403F3 for determination. Do not credit BAQ pending determination if sentence provides for confinement beyond 5 years.

260416. Limitation on the Amount of BAQ Payable to a Member Entitled to BAQ Solely on the Basis of the Member's Payment of Child Support The provisions of this paragraph are effective 5 December 1991.

A. Except as provided in subparagraph 260416B or C, below, in the case of a member of a Uniformed Service who is assigned to single-type quarters of the United States or a housing facility under the jurisdiction of a Uniformed Service and who is authorized a basic allowance for quarters solely by reason of the member's payment of child support, the amount of the BAQ to which the member is entitled shall be equal to the difference between the with-dependent and without-dependent rates for the member's grade, rank, or rating. This difference shall be referred to as BAQ-DIFF.

B. A member shall not be entitled to BAQ-DIFF solely on the basis of the member's payment of child support if the monthly rate of that child support is less than the BAQ-DIFF rate identified in subparagraph 260416A.

C. A member who was assigned to single-type Government quarters and entitled to BAQ solely on the basis of the member's payment of child support on 4 Dec 1991, shall continue to be entitled to BAQ at the with-dependent rate until such time as that member becomes entitled to receive BAQ at the with-dependent rate for a reason other than, or in addition to, the member's payment of child support.

D. A member not assigned to Government quarters, who is entitled to BAQ on behalf of a dependent solely on the basis of payment of child support, is entitled to BAQ at the without-dependent rate plus BAQ-DIFF, if the amount of the child support is equal to or greater than BAQ-DIFF.

E. The requirement to pay child support and the amount thereof will be documented either by a court order or by a statement signed by both the member and the custodian of the child on whose behalf support is paid. Such a signed statement will be notarized and will indicate the custodian's willingness to accept such support payments from the member.

260417. Dependent Parent. The term "parent" is defined in the Definitions. The term "dependent" as applied to father or mother means two dependents, if applicable.

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 regulations prescribed by the Secretary concerned. Upon receipt of the member's application, the authority designated in tables 26-1 or 26-2 sends a form to the parent for completion (thus delaying notification to the disbursing officer of final action on the member's application). A custodian or legal guardian may complete the form for a mentally incompetent parent. If a parent dies before completing the affidavit, payment of BAQ is precluded.

B. Dependency Requirement. A member does not qualify for BAQ on behalf of parents because of relationship alone. The additional factor of dependency must be met. The parents must be 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.

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 may be paid BAQ 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, BAQ is authorized from the date the contribution began. No waiting period is required.

D. Stepparent. A stepparent-stepchild relationship ends upon divorce from the blood parent, but not upon death of the blood parent. Hence, BAQ entitlement because of a stepparent may be established after death of the blood parent.

260418. Factors Used in Parent Determinations

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. Contributions made to parents by charitable organizations are not considered income.

D. Parents in a Charitable Institution Residence of a parent in a charitable institution, public or private, is not a bar to entitlement if the member claims BAQ on behalf of the parent and other conditions of entitlement are met.

E. Social Security, Unemployment Compensation, and Pensions. Payments made to the parent from Social Security and unemployment compensation 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 BAQ 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, and 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 5-1/4 percent per annum.

2605 PAYMENT OF BAQ, MEMBERS IN A NON-PAY STATUS

260501. Entitlements. BAQ for members in pay grades E-1, E-2, E-3, or E-4 (4 years' or less service) with-dependent is authorized under the same conditions as specified for other enlisted members except that during periods such members are in a non-pay status as specified below, entitlement shall be as follows:

A. Unauthorized Absence or in Hands of Civil Authorities. For a period not to exceed 2 months from the first day of absence, BAQ at the rate being credited a member at the time absence commenced may be paid to a dependent on whose behalf BAQ was claimed prior to commencement of the absence, under the following conditions:

1. The member has been in an unauthorized absence status for more than 29 consecutive days.

2. The dependent applies for payment of BAQ 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 BAQ, 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 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 BAQ may be made.

6. Payment of BAQ will not be made directly to the member on behalf of a dependent. Payment shall be made only to dependents residing in the home of the member, that is, members of the family unit whom member would ordinarily control and supervise as the head of the family. This includes dependents who were not, by reason of separation pursuant to competent orders, actually residing with the member at the time absence commenced.

B. Pretrial Confinement in a Foreign Country. Payment of BAQ is authorized as follows:

1. For 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
ATTN: SAFM-FAA-EC
Indianapolis IN
46249-2201

b. Navy:
Commander
Naval Military Personnel
Command (NMPC-64)
Wash DC 20370

c. Air Force:
HQ USAF/DPPC
Wash DC 20330-5000

d. Marine Corps:
Commandant of the
Marine Corps
(Code MHP)
Wash DC 20380

2. For enlisted members in pay 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 A1, 2, 3, 5, and 6 above. See Service regulations for procedures on processing claims.

C. Excess Leave. BAQ will continue to be paid to a member in pay 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 BAQ ENTITLEMENT FOR ARMY AND AIR FORCE MEMBERS

	A	B	C	D	E	F	G	H	I	J
								then -		
								determination is made by		
RULE	If dependent claimed is	and marriage is	and is under 21 years	and is	and certified court adoption	and child has income from	and is incapable of self-support	Army disbursing officer or designee	Air Force AFO or designee	send a claim to DFAS-IN for deter-
1	spouse	lawful						X (note 8)	X	
2		of questionable legality (note 1)							X (note 9)	X
3	child, unmarried		yes	legitimate, or legitimated by marriage of blood parents				X (notes 4 and 8)	X (note 4)	
4			yes	adopted (note 3)	available (note 5)	no		X (notes 4 and 8)	X (note 4)	
5			yes	adopted (note 3)	available (note 5)	yes			X (notes 4 and 9)	X (note 6)
6			yes	adopted (note 3)	not available				X (notes 4 and 9)	X (note 6)
7			yes	stepchild (notes 3 and 7)		no		X (notes 4 and 8)	X (note 4)	
8						yes			X (notes 4 and 9)	X (note 6)
9			yes	illegitimate child of member or legitimated by affidavit or court order					X (note 9)	X
10			no				yes (note 2)		X (note 9)	X
11	child, married	terminated by divorce, annulment, or death of spouse	yes						X (note 9)	X
12	parent (incliding "in loco parentis") (note 2)								X (note 9)	X

Table 26-1. Who Determines Relationship or Dependency For BAQ 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. Must be in fact dependent on service member for substantial portion of support.
4. Applies also if child is in custody of someone other than service member (divorced spouse, parent, etc.).
5. If this is interlocutory decree of adoption, case must be submitted to DFAS-IN or DFAS-DE for determination or submission to the Comptroller General.
6. In case of Army member, 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.
7. This includes an illegitimate child of the spouse, when the member is not the blood parent. See paragraph 260412F.
8. 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.
9. 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, or when requesting submission to Comptroller General.

Table 26-1. Who Determines Relationship or Dependency For BAQ Entitlement For Army and Air Force Members (Continued)

WHO DETERMINES RELATIONSHIP OR DEPENDENCY FOR NAVY OR MARINE CORPS MEMBERS														
	A	B	C				D	E	F					
			and member is a						then determination is made by					
RULE	If dependent claimed is	and	Navy Officer	Marine Corps Officer	Navy Enlisted Member	Marine Corps Enlisted Member	and	and	Navy Family Allowance Activity	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
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

RULE	A If dependent claimed is	B and	C and member is a Navy Officer	Marine Corps Officer	Navy Enlisted Member	Marine Corps Enlisted Member	D and	E and	F then determination is made by Navy Family Allowance Activity	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 (note 4)		
10	an unmaried 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	an unmarried illigitimate child		X		X				X				
18						X				X			
19											X		
20	a parent (including "in loco parentis")								X				
21										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 birthdate of the child must be after the date of the marriage concerned.
4. Submit quastionable cases to the Commandant of the Marine Corps.

Table 26-2. Who determines Relationship or Dependency For Navy or Marine Corps Members (Continued)

BAQ ENTITLEMENTS, MEMBERS WITHOUT DEPENDENTS, ENTITLED TO BASIC PAY			
RULE	A	B	C
	Member is	then: BAQ accrues	BAQ 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 BAQ 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-7 or higher while aboard ship in homeport or overhaul and elects after 30 Sep 1980 not to occupy available quarters (notes 13 and 14).	if member is grade E-6 or lower.
9	on authorized leave, accrued, advanced, or in connection with release from active duty or discharge (PCS not involved)	if receiving BAQ 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 BAQ 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.

Table 26-3. BAQ Entitlements, Members Without Dependents, Entitled To Basic Pay

RULE	A Member is	B then: BAQ accrues	C BAQ does not accrue
13	on TDY (PCS not involved), or TAD, including such duty on transport or under permissive orders (notes 6, 12, and 15)	if receiving BAQ at permanent station	if assigned quarters at permanent station.
14	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.
15	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.
16	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.
17	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	
18	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.	
19	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.	
20	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	

Table 26-3. BAQ Entitlements, Members Without Dependents, Entitled To Basic Pay (Continued)

RULE	A	B	C
	Member is	then: BAQ accrues	BAQ does not accrue
21	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.
22	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.
23	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.
24	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.
25	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.
26	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 BAQ.	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 BAQ 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 Service procedures.
27	a Reserve member in pay grade E-4 (4 or more years' service), or above, ordered to active duty for training (See subparagraph 560502D 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).
28	a Reserve member in pay grade E-4 (less than 4 years' service), or lower, ordered to active duty for training (See subparagraph 560502D for active duty other than for training)	if the member was not assigned Government quarters at the permanent duty station (note 7).	
29	a Reservist in any pay grade called or ordered to active duty on or after 2 Aug 1990, in connection with Operation Desert Shield/ Storm; a reserve component member in any grade called or ordered to active duty on or after 5 Dec 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).

Table 26-3. BAQ Entitlements, Members Without Dependents, Entitled To Basic Pay (Continued)

NOTES:

1. BAQ 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 BAQ 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 BAQ 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, BAQ 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. BAQ for a 30-day period is not forfeited if occupancy exceeds 30 days.
4. Entitlement to BAQ 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.)
6. Also applies to members entitled to pay and allowances while attending school under Operation Bootstrap.
7. BAQ 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 BAQ 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 BAQ 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 BAQ. 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-7, or above, who are assigned to an off-ship crew of a nuclear powered submarine, are entitled to BAQ 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 BAQ after reporting to a deployed vessel, if the homeport of that ship is the same as the previous assignment and the member was receiving BAQ at the homeport. Members TAD to the ship are also entitled to BAQ after reporting to the deployed vessel if in receipt of BAQ at the permanent duty station before being detached on TAD.
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 BAQ.

Table 26-3. BAQ Entitlements, Members Without Dependents, Entitled To Basic Pay (Continued)

BAQ ENTITLEMENT AT PERMANENT STATIONS FOR SPOUSES IN UNIFORMED SERVICE – FAMILY-TYPE QUARTERS NOT ASSIGNED (Notes 1-7 and Note 16)									
	A	B	C	D		E		F	
RULE	When member A has depen-dents other than spouse	and member B has depen-dents 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 BAQ as a member		and member B is entitled to BAQ as a member (note 15)	
				member A	member B	with dependent	without dependent (notes 11 & 13)	with dependent	without dependent (notes 11 & 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 (note 10)			X
6	No	No	Yes	X	X	X (note 10)			
7	No	No	Yes	X		X (note 10)			X
8	No	No	Yes		X	X (note 10)			
9	Yes	No	No			X (note 12)			X
10	Yes	No	No	X	X	X (note 12)			
11	Yes	No	No	X		X (note 12)			X
12	Yes	No	No		X	X (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	No	No			X (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 (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. BAQ 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 BAQ, 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 BAQ 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 BAQ (see table 26-3).
5. When husband-wife members, who are both entitled to BAQ at the same or adjacent military installation, are geographically separated by competent orders and one member remains assigned to the old duty station, that member will normally be authorized continuance of BAQ notwithstanding the availability of adequate single quarters for assignment to either member.
6. BAQ 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 BAQ 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, BAQ 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. BAQ 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 BAQ at the with-dependent rate (subparagraph 260402A).
11. See table 26-3 for BAQ 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 BAQ for stepchildren, in accordance with subparagraph 260413B, and member A to receive without-dependent rate BAQ 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 BAQ 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 BAQ. 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 BAQ, 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 BAQ 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 BAQ. Occupancy for more than 90 days is considered to be of a permanent nature and BAQ 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. BAQ Entitlement at Permanent Stations For Spouses In Uniformed Service – Family-Type Quarters Not Assigned (Continued)

BAQ ENTITLEMENT, MEMBERS WITH DEPENDENTS					
RULE	A If member is	B and is entitled to BAQ at the permanent station	C and the member and dependents temporarily occupy Government quarters (note 1)	D and if the member is an	E then BAQ 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. BAQ 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 260501C 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 260301C.
8			Yes		continues, but not more than 30 consecutive days at one location where Government quarters are temporarily occupied. BAQ for the 30-day period is not forfeited even if occupancy exceeds 30 days (notes 2 and 3).
9		No			does not exist.

Table 26-5. BAQ Entitlement, Members With Dependents

RULE	A If member is	B and is entitled to BAQ at the permanent station	C and the member and dependents temporarily occupy Government quarters (note 1)	D and if the member is an	E then BAQ entitlement
10	AWOL, not excused as unavoidable			officer or enlisted member	does not exist.
11	absent due to disease (as distinguished from injury) from alcohol or drugs, causing loss of pay	Yes			continues.
12		No			does not exist. However, if quarters assignment at the permanent station is terminated during an absence, BAQ accrues on and after date of termination.
13	home on PCS awaiting further orders in connection with physical evaluation board proceedings		No		continues until member's retirement or discharge.
14			Yes		does not exist.

NOTES:

1. 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 BAQ 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.
2. BAQ 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.
3. The intent of these entitlements (rules 2, 6, and 8) is that BAQ 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 BAQ. 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.
4. BAQ does not accrue during excess leave if member is not to continue in service after leave expires. Example: Member released from disciplinary barracks on commandant's parole, and placed in excess leave status until sentence is ordered executed.
5. 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.
6. The phrase, "incident to PCS," refers to whether or not the member is en route to a new permanent station under PCS orders.
7. 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 BAQ.
8. Includes such status under permissive orders.

Table 26-5. BAQ Entitlement, Members With Dependents (Continued)

DATE TO START BAQ—MEMBERS WITH DEPENDENTS		
RULE	A	B
	If member	then BAQ 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 BAQ 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 BAQ.

c. BAQ starts with date of member's marriage even though 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 BAQ purposes.

e. In the case of Navy members, BAQ 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 BAQ existed on the date an unauthorized absence commenced, a member must reestablish the right to BAQ.

Table 26-6. Date To Start BAQ—Members With Dependents

DATE TO STOP BAQ—CHANGES IN DEPENDENCY STATUS		
RULE	A	B
	If the sole dependent	then stop BAQ 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 BAQ may be made on or after date of the decree, regardless of credits accrued and not paid;BAQ 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 BAQ may be made on or after date of discovery, regardless of credits accrued and not paid. Retention of BAQ paid before that time depends on validation under part seven, 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 BAQ 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 for determination as to whether order of decree effected a changed legal relationship. Cases involving Navy or Marine Corps members should be forwarded to the Navy Family Allowance Activity or the Commandant of the Marine Corps, respectively.

Table 26-7. Date To Stop BAQ—Changes In Dependency Status

DATE TO STOP BAQ—OTHER THAN CHANGES IN DEPENDENCY STATUS		
RULE	A	B
	If member	then stop BAQ 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:

1. When dependents are prevented from occupying the assigned quarters because of orders of competent authority, BAQ 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.
2. 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 BAQ 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.
3. BAQ 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 BAQ—Other Than Changes In Dependency Status

★MONTHLY RATES OF BAQ EFFECTIVE 1 JAN 1996

Pay Grade	BAQ-P	BAQ-Diff	BAQ-WO	BAQ-W
O-10	50.70	182.10	788.40	970.50
O-9	50.70	182.10	788.40	970.50
O-8	50.70	182.10	788.40	970.50
O-7	50.70	182.10	788.40	970.50
O-6	39.60	150.60	723.30	873.90
O-5	33.00	145.80	696.60	842.40
O-4	26.70	96.90	645.60	742.50
O-3	22.20	96.90	517.50	614.40
O-2	17.70	114.30	410.40	524.70
O-1	13.20	123.30	345.60	468.90
O-3E	22.20	101.70	558.60	660.30
O-2E	17.70	120.90	474.90	595.80
O-1E	13.20	142.20	408.30	550.50
W-5	25.20	60.90	655.80	716.70
W-4	25.20	74.40	582.60	657.00
W-3	20.70	112.50	489.60	602.10
W-2	15.90	119.10	434.70	553.80
W-1	13.80	115.20	363.90	479.10
E-9	18.60	152.10	478.50	630.60
E-8	15.30	142.20	439.20	581.40
E-7	12.00	164.70	375.00	539.70
E-6	9.90	159.30	339.60	498.90
E-5	8.70	135.30	313.20	448.50
E-4	8.10	117.60	272.40	390.00
E-3	7.80	95.70	267.30	363.00
E-2	7.20	128.40	217.20	345.60
E-1	6.90	152.10	193.50	345.60

★Table 26-9. Monthly Rates Of BAQ Effective 1 Jan 1996

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 such cases, concurrent payment of both types is authorized. A member may not, however, 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" is defined as:

1. Primary. Spouse or children as defined in the Definitions.

2. Secondary. Parents as defined in the Definitions.

NOTE: A person on active duty and entitled to basic pay is not a dependent for FSA purposes.

B. Permanent Station. The term "permanent station" has the same meaning as defined in the Definitions.

C. Duty Station. The term "duty station" is the same 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.

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 this FSA is to pay a member for added housing expenses caused by 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 270301B applies. It 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 part three, chapter 26.)

C. Conditions. For specific conditions of entitlement, see section 2703 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 FSA-II cases. See subparagraph 270201B.

270104. FSA-II. This FSA provides compensation for added expenses incurred because of an

enforced family separation under one of the conditions in A1 through 3 below. It 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 270301B applies).

A. When Payable. Through 30 September 1980, FSA–II is payable to a member serving in pay grade E–4 (over 4 years' service) or above as a member with dependents. Effective 1 October 1980, FSA–II is 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 the dependents is not authorized at Government expense (see paragraph 270301) 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 which is continuously away from the home port for more than 30 days, and the dependents reside in the vicinity of the home port. Effective 20 June 1994, a member is entitled to FSA-S for a redeployment if the member returned to home port after the original deployment for a period of 30 days or less and redeployed for a period of more than 30 days provided that the dependents reside in the vicinity of the home port. See paragraph 270301B for those dependents whose location is other than the permanent duty station/home port.

★3. FSA-II, Subcategory FSA-T. The member is on continuous temporary duty (TDY), or a period of TDY required before reporting to his initial station of assignment, or on temporary additional duty (TAD) away from his permanent duty station, each of which is for more than 30 days, and the dependents live in the vicinity of the permanent duty station, not in the vicinity of the TDY/TAD station. Effective 20 June 1994, a member is entitled to FSA-T for a redeployment if the member 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 provided that the dependents reside in the vicinity of the permanent duty station. See paragraph 270301B for those dependents whose location is other than the permanent duty station.

B. Amount Payable

1. Effective 1 October 1985 through 14 January 1991, FSA-Type II is payable in a monthly amount of $60.

2. Effective 15 January 1991, FSA-Type II is payable in a monthly amount of $75.

C. Conditions. For specific conditions of entitlement, see tables 27–3 through 27–6.

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.

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 member's permanent station, but for no longer than 3 continuous months. Facts must clearly show that the dependents are merely 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 is initially 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 dependents depart from the permanent station. How-

ever, a member is entitled to FSA-I and/or FSA-R 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 do not visit.

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 are merely visiting. If the visit exceeds 30 days, a 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 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 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 are merely visiting. If the visit exceeds 30 days, entitlement to FSA-S ends on the day preceding the date of their 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 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 the 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 (FA) Attn: SAFM-FAA-EC, Indianapolis IN 46249-2201.

B. Navy. Bureau of Naval Personnel (OP-134), Washington DC 20370-2020.

C. Air Force. USAF Military Personnel Center, Randolph AFB TX 78150-6421.

D. Marine Corps. Commandant of the Marine Corps (Code FDD), Wash 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. Entitlement to FSA-S upon regular PCS is authorized only when the ship leaves the home port for more than 30 days and the

dependents reside in the vicinity of the home port of the ship.

★3. Entitlement to FSA-T upon regular PCS is authorized only when the member departs the PDS for more than 30 days and the dependents reside in the vicinity of the PDS.

★4. A member who is otherwise authorized movement of dependents at Government expense to permanent duty station is not so authorized when the member is voluntarily reassigned to 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. Effective 1 December 1994, for all members reporting PCS on and after this date, the provisions in paragraph 270301A2 and 3 apply.

★C. Waiver Provision. See subparagraph 270301E for circumstances in which waivers may be granted.

★D. 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 the member's dependents are permitted must elect to serve either an unaccompanied or accompanied tour.

1. Effective 14 November 1986, except as waived by the Secretary concerned, when a member elects to serve an unaccompanied tour in lieu of an accompanied tour at a permanent station where the member's dependents are permitted, the member 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.) The following subparagraphs are applicable to the transition period:

a. A member who on 30 September 1986 was entitled to FSA-R based on an elected unaccompanied tour (formerly, "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 as long as the member's dependents do not live at or near the duty station.

(1) Under table 27-5, rules 1 and 2, member's date of detachment or constructive date of detachment from old permanent station must be 30 September 1986 or earlier. Note the following subparagraph:

(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 1 October 1986, is entitled to FSA-R (versus FSA-T) under table 27-3 rule 11.

b. A member with an elected unaccompanied tour election (formerly "all others" tour) who was initially entitled to FSA-R during the period 1 October 1986 through 13 November 1986, under table 27-5, rules 1 and 2, remains entitled to FSA-R through 13 November 1986. Entitlement may be extended by Secretarial waiver.

(1) Under table 27-5, rules 1 and 2, member's date of detachment from the old permanent duty station must be during the period 1 October 1986 through 13 November 1986. Note the following subparagraph:

(2) A member with an elected unaccompanied tour (formerly "all others" tour) who departed the permanent duty station with TDY enroute to the new permanent duty station on any date, 1 October 1986 through 13 November 1986, and the period of TDY ends before 14 November 1986, is entitled to FSA-R (versus FSA-T) under table 27-3, rule 11.

c. A member with an elected unaccompanied tour (formerly "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, 1 October through 13 November 1986, and the period of TDY ends after 13 November is entitled to FSA-T under table 27-3 rule 12. Such member becomes entitled to FSA-R at the new permanent duty station only by Secretarial waiver.

2. See procedures for tour elections and Secretarial waiver in individual service regulations: 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 is voluntarily reassigned PCS (overseas) under permissive orders from a station where the member is already entitled to FSA-R, remains entitled if reassigned to an area overseas where dependents are not permitted (dependents-restricted tour) or under circumstances authorized by Secretarial waiver.

5. A member already entitled to FSA-R based on assignment to station where no accompanied tour is authorized, who is voluntarily reassigned PCS (overseas) during the period 1 October 1986 through 13 November 1986 under permissive orders to an area overseas where dependents are permitted, remains entitled to FSA-R through 13 November 1986. Entitlement may be extended by Secretarial waiver.

★E. 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 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 unaccompanied under certain circumstances.

1. Services may waive provisions of paragraph 270301A1,2, and 3 when it is in the best interest of the government to permit payment to members who, through no fault of their own, must relocate unaccompanied 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, or

b. Service Major Commands and Unified 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.

b. When ships in overhaul make temporary home port changes, or

c. When married military couples with dependents are involuntarily separated by military orders (inside or outside CONUS), or when married military couples with dependents are separated by voluntary acceptance of unaccompanied tours in unrestricted areas.

★4. Provided the requirements of subparagraph 270104A are met other than the requirement that the member's dependents must reside at the home port or permanent duty station, a Secretarial waiver will apply for the entire period of deployment, interim period, and redeployment.

★F. 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 1 July, 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 the statement that the anticipated delay for movement of dependents is more than 60 days. Member departed old station on 6 July and arrived at the overseas station on 7 July where Government quarters were not available. Dependents joined member on 26 September having performed travel under orders dated 10 September. Member was entitled to FSA-I for period 7 July through 25 September, and FSA-II for period 6 July through 25 September.

Example 2: Member applied for dependency determination for a dependent mother on 3 June and was transferred overseas on 14 September.

After arrival overseas, member received approval of the dependency application for a dependent mother retroactive to 1 May. The mother was not authorized concurrent travel to member's permanent station because a determination of dependency had not been made on the effective date of the orders. Delay in processing the dependency application was caused by the government. Before transfer overseas, member had maintained quarters to be shared with the 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 the dependent mother arrived at the overseas station.

G. Changes in Tour Elections. See table 27–1, rules 3 and 8, and table 27–4, rules 12 and 13.

H. Dependents Evacuated. See table 27–2 rule 14, and table 27–5, rule 8. A member is entitled to otherwise proper credit of FSA–II when the dependents are evacuated from a danger area and they temporarily occupy Government quarters at a safe haven area under conditions outlined in subparagraph 270302G.

I. Dependents' Travel Prohibited Under Immigration Laws. If a dependent is otherwise 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–R does not accrue. (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 enters a missing status is entitled to a family separation allowance in the amount of $60 per month while in a missing status during the Vietnam conflict. These provisions apply only to members who do not qualify for FSA–II under subparagraph 270104A prior to entering a missing status. Entitlement begins on the date the member is reported in a missing status and continues for the period the member 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.)

Example: Member departed the permanent station on TDY 9 August; was downed by hostile fire while flying over enemy territory on 2 September; remained in a missing status until 4 November and returned to permanent station on 10 November. Member qualified for FSA–T on 8 September. If otherwise qualified, entitlement exists to FSA–T for period 9 August to 9 November.

★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 part one, chapter 2, section 0202.

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 permanent duty station (either 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: Member permanently stationed at A is ordered TDY to B for training of approximately 30 days; training is to begin 1 June. Member is authorized travel by POC as more advantageous to the government, and 5 days' leave en route. Member departs from A 25 May and uses 5 days' leave en route to B. Member completes the training 27 June, departs from B 28 June, and returns to duty at A 30 June. Constructive day of departure is 30 May. Period of absence is 32 days (30 May–30 June). If member qualifies under paragraph 270104 entitlement exists to FSA–T for 30 days (pay does not accrue for 31 May and 30 June).

Example 2: Circumstances are the same as in Example 1, except member uses 5 days of leave after completion of training. Departs from A 30 May, completes training 27 June, departs from B 28 June, and returns to duty at A 5 July. Constructive day of return is 30 June. Period of absence is 32 days, computed as in example 1. If 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 and/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 will be constructed in the manner indicated in 2a and b above (proceed time authorized and used to be included with delay in 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 such case, the Joint Federal Travel Regulations (JFTR) authorize 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 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. However, a member 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 20 June 1994, and provided the conditions of subparagraph 270104A3 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 by including 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 A, above.

3. Interim and Redeployment Period:

a. The interim period starts 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 will begin the day the member departs the permanent duty station and end upon return to the permanent duty station. The redeployment period must be more than 30 days and will be added to the interim period.

Example 1: Member permanently stationed at A is ordered TDY to B for 45 days with departure from PDS on 2 January and return to PDS on 15 February. Member departs from PDS on 18 March for redeployment of 35 days. Since member qualified for FSA-T for the initial deployment, member 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: Member permanently stationed at A is ordered TDY to B for 60 days with departure from PDS on 1 March and returns to PDS on 29 April. Member departs from PDS on 31 May for redeployment of 40 days. Although member qualified for the initial 60-day period deployment, member is ineligible for the interim period, actual interim period is 31 days, (30 April - 30 May). The member would be entitled to FSA-T for the actual redeployment period (40 days).

Example 3: Member permanently stationed at A is ordred TDY to B for 31 days with departure from PDS on 1 June and returns to the PDS on 1 July. Member departs from PDS on 2 July for redeployment of 41 days. Since member qualified for FSA-T for the initial deployment of 31 days, member 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 home port 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 home port 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 home port 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) the member was on duty on board a ship while it was away from its home port. Include in this computation the day of departure on board a ship from its home port (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 on board ship departing its home port on 15 June and returning on 15 July 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 on board ship departing its home port on 5 October and returning on 4 November 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 on board ship departing from its home port on 25 February (non-leap year) and returning on 26 March 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 on board a ship on 25 May while it's away from the home port and returns with the ship to the home port on 30 June 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 on board ship A departing from its home port on 2 August was transferred (PCS) to ship B on 18 August (detached

and attached the same day) while ship B was away from its home port. Member remains aboard ship B until it returns to the home port on 6 September. 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 Period of Deployment. Effective 20 June 1994, and provided the conditions of subparagraph 270304A2 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 C, above.

3. Interim and Redeployment Period:

a. The interim period starts 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 will begin the day the member departs the ship's home port and end upon returning to the home port. The redeployment period must be more than 30 days and will be added to the interim period.

Example 1: A member on board ship departing from the home port on 2 January and ship returns to the home port on 15 February. Same member on board ship departing from the home port 18 March for redeployment of 35 days. Since member qualified for FSA-S for the initial deployment, 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 on board ship departing from the home port on 1 March and ship returns to the home port on 29 April. Same member on board ship that departs the home port 31 May for redeployment of 40 days. Although member qualified for the initial 60-day period deployment, member is ineligible for the interim period, actual interim period is 31 days, (30 April - 30 May). The member would be entitled to FSA-S for the actual redeployment (40 days).

Example 3: A member on board ship departing from the home port on 1 June and ship returns to the home port on 1 July. Same member on board ship that departs the home port 2 July for redeployment of 41 days. Since member qualified for FSA-S for the initial deployment of 31 days, member 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 A and B above:

1. The 30-day requirements to qualify for FSA-T or FSA-S are separate, and periods of temporary duty and duty aboard ship while away from home port 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 the dependents may not be included in arriving at the 30-day requirement.

270305. Ship Moves From Home Port. When a ship moves from its home port to another port within 50 miles (or 1-1/2 hours travel time as prescribed in paragraph 270203) of the home port, those members attached to the ship whose dependents do not reside at or near such home port 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 home port, FSA-S is not payable to those members. However, if the ship moves more than 50 miles (or 1-1/2 hours

travel time) from the home port FSA-S is payable if otherwise entitled.

Example 2: A member upon reassignment to a ship, moves the family to a location outside the current 50 mile/1-1/2 hour limit of the home port of the ship. Subsequently, the ship moves from the home port and on the 29th day docks at a port inside the 50 mile (1-1/2 hour travel time) limit of the home port for 5 days. The ship then returns to the home port. 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 home port since the member's dependents do not reside at or near the home port and since the ship did not move to a location more than 50 miles (or 1-1/2 hours travel time) from the port, that is, 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/1-1/2 hour limit of the home port of the ship, but actually commutes. A movement of the ship from the home port 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 home port. Therefore, since after movement of the ship to the new location the member is unable to commute, member would meet the requirement for FSA-S, if 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/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 new location of the ship and 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 new location of the ship would not become entitled to FSA-S, by virtue of the ship's movement.

270306. Member Married to Member. In the case of member married to member, and they have a child that either parent can claim for BAQ, one parent may claim the child for BAQ purposes and the other parent, when otherwise entitled, may claim the child for FSA. FSA 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 270301C.)

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

RULE	A If member's overseas PCS assignment to	B and member elects to serve	C and concurrent travel	D and member changes election to	E and member	F then member's entitlement to FSA-I (note 1)
1	area where dependents are not permitted					exists for entire unaccompanied tour.
2	an area 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 prior to 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	an area where concurrent travel is automatically authorized, or to an advance application area	the "with command sponsored dependents" tour before departing CONUS	is not authorized by area commander		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	an area covered by rules 1, 2, 3, 5, 6, 7, and 8				has an only dependent on active duty	does not exist.

NOTES:

1. Entitlement in all cases exists only if Government quarters are not available for assignment to 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 must be fully documented, and officially approved by the headquarters of the 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

FSA–I—CONDITIONS AFFECTING ENTITLEMENT		
RULE	A When eligible member	B FSA credit
1	arrives at permanent station (outside United States or in Alaska)	starts on date of arrival.
2	departs upon reassignment from permanent station	continues through the date of departure.
3	no longer has eligible dependent	continues through the day before the date member no longer has an eligible dependent.
4	is assigned Government quarters	continues through the day before the day Government quarters become available for assignment.
5	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.
6	is discharged and immediately reenlists at same station	continues through discharge and immediate reenlistment.
7	acquires dependent after arrival at permanent station and meets requirements for FSA-I	starts date dependent is acquired.
8	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).
9	is hospitalized at or away from permanent station, including hospitalization within the United States	
10	is on authorized leave (accrued or advance) at, or away from, permanent station, including leave within the United States	
11	is in military confinement or otherwise restricted by military authority	
12	continues in status covered by rules 8 through 11 for more than 60 days	continues (note 2).
13	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).
14	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. Member must meet requirement of paragraph 270403.
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

FSA-II—CONDITIONS OF ENTITLEMENT

RULE	A If member	B and	C and	D then
1	is on TDY, including TDY within the United States	member is entitled to FSA-R when entering such status (note 1)	member's permanent station remains unchanged	FSA-R credit continues during TDY.
2	is hospitalized at or away from member's permanent station including hospitalization in the United States			FSA-R credit continues during period hospitalized.
3	is in military confinement or otherwise restricted by military authority			FSA-R credit continues during period confined or restricted.
4	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.
5	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 030203)	FSA-R credit continues during leave but is suspended during period of TDY.
6	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).
7	is reassigned PCS from a permanent station in United States to a hospital for observation or treatment	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	member is entitled to FSA-R.
8	enters any status covered by rules 2, 3, and 4	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.
9	is ordered to a hospital as a patient in attached status			member is not entitled to FSA-T.
10	is on TDY for more than 30 days from member's permanent station	member does not qualify for FSA-R at permanent station	member's permanent station remains unchanged	member is entitled to FSA-T for authorized travel time to and from TDY station and for duty at that station (note 4).
11	is performing travel or TDY en route to new or first permanent duty station on PCS or initial permanent duty assignment	is entitled to FSA-R at new permanent duty station (note 4)		member is entitled to FSA-R for TDY and authorized travel period (note 4).
12	is on TDY for more than 30 days en route to a new permanent assignment	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).

★Table 27-3. FSA-II—Conditions of Entitlement

RULE	A	B	C	D
	If member	and	and	then
13	is on temporary additional duty	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 home port	FSA-S accrues during entire period of temporary additional duty (note 5).
14	is hospitalized away from the ship			FSA-S accrues during 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 period member is confined or restricted.
17	is in any status covered by rules 13 through 16		the ship returns to home port	entitlement to FSA-S ends on day before ship returns to home port.
18			member is detached from ship while it is away from home port	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	enters any status covered by rules 1 through 19		member's only dependent is on active duty	member is not entitled to any type of FSA.
★21	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
★22	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

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. Includes members in the recruit training/OCS pipeline. 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 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 270304B).

★Table 27-3. FSA-II—Conditions of Entitlement (Continued)

FSA–R—OVERSEAS ASSIGNMENT

RULE	A	B	C	D
	If eligible member is	**and**	**and**	**then member('s)**
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 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).

Table 27-4. FSA–R—Overseas Assignment

RULE	A	B	C	D
	If eligible member is	and	and	then member('s)
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 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).
11		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 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 concerned 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 270301C for conditions subject to waiver and individual Service regulations for procedures for requesting Secretarial waiver.
6. This includes dependent-restricted tours and also situations where the member is not authorized to serve an accompanied-by-dependents tour in those locations where such tours are authorized.

Table 27-4. FSA–R—Overseas Assignment (Continued)

FSA-II—COMMENCEMENT DATES			
RULE	A When eligible member	B and member	C 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 constructive date of detachment from 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 initial dependent after the date of departure from old station en route 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 date member acquires dependent or 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 initial dependent after the date of departure from old station en route 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 dependent after the effective date of the PCS order (note 6), but before member's date of departure on subsequent reassignment PCS b. and 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.
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 b. and 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 date member acquires 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 date member acquires 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); paragraph 270203 (change of residence).
15		relocates dependent away from duty station at member's expense	starts on date of dependent's departure from duty station (note 5).

Table 27-5. FSA-II–Commencement Dates

RULE	A	B	C
	When eligible member	and member	then FSA credit
16	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 dependent's departure from duty station.
17	reports on board ship after a change of home port has been declared	does not reside with dependents at or near the current home port of the ship	starts on the date member reports on board ship (note 4).

NOTES:

1. Do not pay FSA-T or FSA-S until member has been on TDY/TAD or on duty aboard ship away from home port continuously for more than 30 days (or, if applicable, for more than 30 days after date 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.)
2. Does not apply if ship is in a port (other than its home port) located within commuting distance of the residence of member's dependents continuously for more than 30 days. Also see paragraph 270305.
3. These circumstances are covered in JFTR, volume 1, 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.
4. FSA-R does not accrue if member was on board ship when the change in home port was declared, except under paragraph 270301.
5. If already started under paragraph 270202, entitlement continues upon departure of dependents from duty station.
6. 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)
7. 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, such 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

RULE	A	B
	If 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 date member arrives at new station (note 5).
3	returns from TDY (TAD) of more than 30 days	the day before date of 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 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 home port 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 home port.
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 constructive date. See subparagraph 270304A.
3. Applies when stay in the institution is initially not expected to exceed 1 year.
4. FSA-S continues if 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

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CHAPTER 28

STATION ALLOWANCES AND VARIABLE HOUSING ALLOWANCE

2801 STATION ALLOWANCES AND VARIABLE HOUSING ALLOWANCE

See the JFTR, volume 1 (reference (d)), and 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. Variable Housing Allowance

280106. Advance of Housing Allowance (OHA or VHA and BAQ)

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CHAPTER 29

CLOTHING MONETARY ALLOWANCES—ENLISTED MEMBERS

2901 GENERAL

290101. Clothing Allowance Entitlement

A. Army and Marine Corps. Enlisted members of these Services on extended active duty are furnished the initial clothing allowance on an item or issue-in-kind basis. A cash allowance may be immediately provided in lieu of items not planned to be furnished in kind. An annual cash replacement allowance will be authorized for repair and replacement of clothing and will be paid at the end of the member's anniversary month of active duty.

B. Navy and Air Force. Enlisted members of these Services on extended active duty are credited with the amount of the initial clothing allowance against which the authorized clothing is furnished. Payment of those amounts prescribed in the initial allowance as cash allowances may be made immediately. An annual cash replacement allowance will be authorized for repair and replacement of clothing and will be paid at the end of the member's anniversary month of active duty.

290102. References. The following source directives contain detail on 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, BUPERSINST 1020.11 series (reference (az)) and COMNAVRESFORINST 1001.5 series (reference (ba)).

★C. Air Force—DFAS-DEM 177-373 volume I, DFAS-DEM 177-373 volume II (reference (ap)), and AFI 36-3014 (reference (be)).

D. Marine Corps—Individual Clothing Regulations (MCO P10120.28 (reference (bb))).

2902 INITIAL AND CONTINUING CLOTHING MONETARY ALLOWANCES

290201. Initial Clothing Monetary Allowance (Navy and Air Force)

A. Enlisted members are entitled to an initial clothing monetary allowance under the following conditions:

1. Upon first enlistment or induction in the Service, or upon reenlistment in the same branch of the Regular Service after 3 months from date of last discharge or release from active duty.

2. Upon enlistment in the Navy or the Air Force following last discharge from another service.

3. Enlisted members of the Reserve components (except chief petty officers), upon first reporting for or upon recall to active duty, for more than 6 months, after 3 months from date of last discharge or release from active duty.

a. Navy members are not entitled to the initial clothing monetary allowance if they have been issued clothing in kind while on inactive duty.

b. Air Force members will return to active duty with the clothing required for service in the Reserve forces.

4. Upon restoration of a prisoner to duty after being sentenced to confinement and punitive discharge, to the extent necessary to fill clothing allowances.

5. Upon reenlistment within 3 months after last discharge or release from active duty if the complete initial allowance was not received or the turn-in of clothing was required. Reduce the amount of the initial allowance authorized in these cases by the monetary value of the clothing the member retained upon date of last

discharge or release from active duty. This initial allowance will not be considered as the last authorization to an initial allowance when determining entitlement to a cash clothing replacement allowance.

6. Retired enlisted members (including members of the Fleet Reserve) upon recall to active duty after 3 months from date of last release from active duty or date of retirement. Only one such allowance shall be authorized during any period of 4 consecutive years.

7. Commissioned officers or warrant officers serving on active duty under temporary appointments who revert to active duty in an enlisted status for other than immediate retirement. Only one such allowance will be authorized during any 4 consecutive years. This provision does not apply to commissioned or warrant officers reverting to chief petty officer status.

8. Upon reenlistment in the regular Service after the expiration of 3 months from the date of transfer to the temporary disability retired list and release to inactive duty, if appointment to temporary officer status is not coincident with such reenlistment.

9. Chief petty officers of the Naval Reserve who are discharged and enlisted or reenlisted in the regular Navy in pay grade E-6 or below.

10. Naval aviation cadets and officer candidates upon reverting to enlisted status to serve for more than 6 months provided they have not previously received an initial clothing monetary allowance under any of the above provisions during their current period of continuous active duty.

B. For rates payable for initial clothing monetary allowances for Army, Marine Corps, and Air Force, see Service directives listed in subparagraphs 290102A, C, and D. For Navy rates, see table 29-1.

290202. Partial-Initial Clothing Monetary Allowance (Navy Only)

A. A partial-initial clothing monetary allowance is payable to enlisted members of the Naval Reserves in pay grade E-6 or below when:

1. First reporting for or upon recall to extended active duty of more than 6 months except members who have previously received as an issue-in-kind, clothing items listed in both tables A and B for male members or C and D for female members, promulgated in the current BUPERSINST 1020.11 series (reference (az)).

2. Discharged while on inactive duty for immediate reenlistment in the regular Navy, upon the date that they enlist and report for active duty in the regular Navy.

B. A partial-initial clothing monetary allowance is not payable to enlisted members of the Naval Reserve in pay grade E-6 and below:

1. Who have drawn the partial-initial clothing monetary allowance during the current period of continuous active or inactive service.

2. Who are discharged while on inactive duty to immediately reenlist in the regular Navy if they have previously drawn the partial-initial clothing monetary allowance during their current period of continuous active or inactive service.

C. Rates payable are provided in table 29-1.

290203. Reduced or Adjusted Initial Clothing Monetary Allowance (Navy and Air Force Only)

A. Compute this allowance by deducting the current value of items authorized to be retained by the member upon last discharge, from the current initial clothing monetary allowance. Enlisted members are entitled to a reduced or adjusted initial clothing monetary allowance when:

1. They did not receive the complete initial clothing monetary allowance during their last enlistment in a regular or Reserve component of the Services concerned.

2. They enlist or reenlist in a regular component within 3 months from date of discharge or release from active duty from a regular or Reserve component of the same Service (includes Coast Guard for Navy), if they were required to turn in a portion or all of their uniforms upon discharge or release from active duty.

B. A reduced or adjusted initial clothing monetary allowance is not considered as the "last authorization to an initial allowance" when determining entitlement to a cash clothing replacement allowance.

290204. Clothing Allowance, Special Initial (Navy only)

A. This allowance is prescribed for enlisted members who are required to wear individual clothing of a type not customarily required for the majority of enlisted members of the Navy. The clothing allowance, special initial, is in lieu of the initial or partial-initial clothing monetary allowance.

B. The rates and conditions under which clothing allowances, special initial are payable are contained in tables 29-1 and 29-2.

290205. Initial Cash Allowance for Female Enlisted Members. Female enlisted members of all Services are authorized a cash allowance for the purchase of underclothing and personal items, in addition to initial clothing allowances. The rate of this cash allowance is determined annually. For rates payable for this allowance, Army, Marine Corps, and Air Force, see Service directives listed in subparagraphs 290102A, C, and D. For Navy rates, see table 29-1.

290206. Civilian Clothing Monetary Allowances

A. Special-Initial Allowance. Enlisted personnel who are required by competent authority to wear civilian clothing in the performance of official duty may be authorized an initial allowance for civilian clothing.

B. Extension or Consecutive Tour

1. Enlisted members who voluntarily extend their tours or who are directed to remain in the assignment requiring the wearing of civilian clothing for at least an additional 6 months are authorized 20 percent of the initial tour length payment at the current fiscal year rate.

2. Enlisted members who voluntarily extend their tours or who are directed to remain in the assignment requiring the wearing of civilian clothing for at least an additional 12 months are authorized 30 percent of the initial tour length payment at the current fiscal year rate.

3. Enlisted members who have received an initial civilian clothing allowance for duties performed at a permanent duty station and who are ordered to a consecutive permanent assignment requiring the wearing of civilian clothing are authorized 50 percent of the allowance for the latter tour assignment at the current fiscal year rate.

C. Continuing Allowance. Enlisted members who are required to wear civilian clothing on a continuing basis and who are not eligible for an allowance on the basis of tour extensions or consecutive assignments are authorized a continuing civilian clothing allowance. This allowance is authorized for members who remain in the assignment for which they received an initial clothing allowance and is payable on or after each 3-year anniversary date of the initial allowance. The amount shall be 50 percent of the current maximum initial allowance.

D. Replacement Allowance. A member is entitled to an appropriate cash clothing replacement allowance as prescribed in table 29-5 during periods assigned to duty requiring the wearing of civilian clothing.

E. Temporary Duty Allowance. Enlisted members are authorized a temporary duty civilian clothing monetary allowance when they are assigned to a temporary duty tour (as specified by the Service directives listed in paragraph 290102) where civilian clothing is required. An enlisted member who has not received the maximum amount payable for temporary duty due to the length of the first assignment, who later performs additional temporary duty that qualifies for a larger payment, is authorized payment of the difference between the two amounts. Prorated payments will be based on the maximum fiscal year rate in effect at the time of payment. Total

payments during a three year period may not exceed the maximum temporary duty allowance reflected in table 29–3. Reenlistment within 3 months after separation is considered as continuous active duty.

F. Rates Payable. The rates payable for civilian clothing monetary allowances may not exceed those in table 29–3. These are the maximum rates authorized.

G. Allowance Adjustment (for the period 1 October 1988 thru 30 September 1989) Enlisted members who received a lesser initial allowance in the past 12 months than currently authorized by this paragraph and shown in table 29–3, and who are still assigned to duty requiring the wearing of civilian clothing are authorized an amount that equals the difference between the amount previously paid and the new rate.

290207. Settlement of Initial Clothing Monetary Allowances. See table 29–4.

2903 CLOTHING REPLACEMENT ALLOWANCES

290301. Basic Replacement Allowance. This allowance provides for replacement of uniquely military items which would normally require replacement during the first 3 years of active duty. See tables 29–5 and 29–6.

290302. Standard Replacement Allowance. This allowance provides for continued replacement of uniquely military items which would normally require replacement after completion of 3 years of active duty. See tables 29–5 and 29–6.

290303. Clothing Replacement Allowance, Special (Navy Only). This allowance accrues to each enlisted member, male or female, entitled to a clothing allowance, special initial. The conditions under which this replacement allowance is payable are contained in table 29–5.

290304. Payment Restrictions—Clothing Replacement Allowance. See table 29–5.

290305. Rates Payable. Cash clothing replacement allowances are payable annually at the end of the member's anniversary month of active duty at the rates specified in table3–29–6.

290306. Entitlement. Enlisted members may be authorized special or supplemental clothing allowances, in cash or "issue–in–kind," when assigned to duty requiring additional quantities or special items of individual uniform clothing not normally required for enlisted members in the same Service. No replacement allowance is prescribed for this clothing monetary allowance.

290307. References. For rates and conditions under which allowances are payable for Army, Marine Corps and Air Force, see Service directives listed in subparagraphs 290102A, C, and D. For Navy, see table 29–7.

2904 MISCELLANEOUS CLOTHING PROVISIONS

290401. Clothing Lost or Damaged. An enlisted member will be paid for items of individual clothing damaged, lost, destroyed, abandoned, captured, or otherwise rendered unserviceable, incident to service, not by reason of normal wear and tear, if the loss was not caused in whole or in part by any fault or negligence of the member. Compensate in accordance with the regulations of the Service concerned.

290402. Clothing Price Adjustments (Navy and Air Force). Adjust pay records of enlisted members, who were entitled to an initial or partial initial clothing monetary allowance on entering the Service on or before 30 September to reflect the difference between old and new fiscal year prices of those clothing items they have not drawn prior to 1 October.

SPECIAL INITIAL CLOTHING MONETARY ALLOWANCE—1 OCT 1995 (Navy Only)		
RULE	A Members of the Navy are authorized	B in the amount of
1	an initial clothing monetary allowance for enlisted men (notes 1 and 3)	$ 894.08
2	an initial clothing monetary allowance for enlisted women (notes 1 and 2)	$ 1269.67
3	a partial initial clothing monetary allowance for enlisted members of Naval Reserves: a. Male: b. Female: (note 1)	 $ 162.65 $ 282.06
4	a special initial clothing monetary allowance for Naval officer candidates; to include officer candidates attending aviation officer's candidate school, Pensacola, and officer's candidate school, Newport, and limited duty officer (LDO) aviation candidates. a. Male: b. Female:	 $ 1017.40 $ 1330.10
5	a special initial clothing allowance for Naval aviation cadets: a. Male: b. Female:	 $ 1017.40 $ 1330.10

NOTES:

1. Members receiving special initial clothing monetary allowance under table 29-2 do not receive this allowance.
2. This amount includes the $235.86 cash allowance authorized female members for the purchase of lingerie, stockings, and underwear, or shoes, as needed. (Lingerie, stockings, underwear–$150.00; deck shoes–$15.26; pumps–$39.32; swimsuit–$21.28; ballcaps-$10.00)
3. This amount includes the $25.26 cash allowance authorized male members for the purchase of deck shoes and ball caps.

★Table 29-1. Special Initial Clothing Monetary Allowance—1 Oct 1995 (Navy Only)

ENTITLEMENT TO CLOTHING ALLOWANCE, SPECIAL INITIAL (CASI)—1 OCT 1995 (Navy Only)							
	A	B	C	D			
RULE	When a Chief Petty Officer (CPO)	and	and	then a clothing allowance, special initial (CASI) is authorized in the amount of			
				Male $720.35	Female $853.05	Male $360.17	Female $426.52
1	first enlists in that rating			X	X		
2	reenlists in that rating	more than 3 months have elapsed from date of last discharge or release from active duty		X	X		
3	is first advanced to that rating while on active duty (note 1)	had not previously received this allowance as a member of the United States Navy band in Wash DC or Naval Academy band (note 2)		X	X		
4	reenlists in that rating	more than 3 months have elapsed from the date of transfer to the temporary disability retired lists and released to inactive duty	appointment to temporary officer status is not coincident with reenlistment	X	X		
5	of the Naval Reserve first reports for active duty or active duty for training	the period of duty is more than 6 months	such member has not drawn the CASI upon first enlistment in the rating of CPO	X	X		
6			is assigned or associated with a selected Reserve unit in a pay or non-pay status and who has drawn a CASI while on inactive duty			X	X
7			is assigned to or associated with a selected Reserve unit in a pay or non-pay status and who has not drawn a CASI while on inactive duty	X	X		

★Table 29-2. Entitlement To Clothing Allowance, Special Initial (CASI)—1 Oct 1995 (Navy Only)

RULE	A	B	C	D			
				then a clothing allowance, special initial (CASI) is authorized in the amount of			
	When a Chief Petty Officer (CPO)	and	and	Male $720.35	Female $853.05	Male $360.17	Female $426.52
8	of the Naval Reserve is ordered to active duty or active duty for training for a period of more than 6 months	the first day of active duty is more than 3 months after the date of discharge or release from a period of active duty of more than 6 months	is assigned to or associated with a selected Reserve unit in a pay or non-pay status and who has drawn a CASI while on inactive duty			X	X
9			is assigned to or associated with a selected Reserve unit in a pay or non-pay status and who has not drawn a CASI while on inactive duty	X	X		
10			is assigned to or associated with a selected Reserve unit in a pay or non-pay status and who previously has drawn the CASI for a CPO outfit	X (note 3)	X		
11	of the Fleet Reserve or retired list of the Navy or Naval Reserve first reports for a period of active duty or active duty for training of more than 6 months (note 3)			X	X		

NOTES:
1. This applies to enlisted members of the Regular or Reserve components and members of the Fleet Reserve or retired list.
2. Members of the United States Navy band, in Wash DC or Naval Academy Band in pay grade E-6and below, are authorized this allowance upon assignment in the band. The restriction in sub- paragraph 290204A is not applicable.
3. CASI is authorized only once during any period of 4 consecutive years.

★Table 29-2. Entitlement To Clothing Allowance, Special Initial (CASI)—1 Oct 1995 (Navy Only) (Continued)

OFFICER AND ENLISTED CIVILIAN CLOTHING ALLOWANCES—RATES PAYABLE—1 OCT 1995				
RULE	A	B		C
	When a member is required to have	Length of assignment and amounts payable		Amounts payable for temporary duty
1	both winter and summer clothing	Up to 12 months	$ 721.00	
		12-24 months	$ 962.00	
		Over 24 months	$ 1217.00 (maximum)	
2	either winter or summer clothing	Up to 12 months	$ 482.00	
		12-24 months	$ 632.00	
		Over 24 months	$ 787.00	
★3	civilian clothes for temporary duty in excess of 15 days (but less than 30) (notes 1,2 and 3)			$ 240.00
★4	civilian clothes for temporary duty over 30 days (notes 2 and 3)			$ 449.00

NOTES:

★1. Fifteen day limitation does not apply to explosive ordnance disposal (EOD) and explosive detector dog (EDD) personnel. EOD and EDD personnel receive maximum allowance regardless of the number of days of TDY/TAD.

★2. Applies to officers only when assigned to a permanent duty station outside the United States (see section 3005).

★3. Applies to enlisted members when assigned to a temporary duty tour (see paragraph 290206E).

★Table 29-3. Officer and Enlisted Civilian Clothing Allowances—Rates Payable—1 Oct 1995

SETTLEMENT OF INITIAL MONETARY CASH CLOTHING ALLOWANCES							
RULE	A	B				C	D
		and is a member of the					
	When member is entitled to	Army	Navy	Marine Corps	Air Force	and has	then
1	initial clothing allowance, partial initial clothing allowance, or reduced initial clothing allowance		X			completed 6 months of active duty (note 1)	settle balance of allowance due.
2			X		X	drawn clothing equalling 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 or NAVOCS training, if applicable	settle balance of allowance due.
5					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	settle allowances immediately by cash payment to member.
6	special initial clothing allowance		X				pay amounts due on the date status for which special initial clothing allowance authoriza-tion is awarded.
7	initial cash allowance (for female enlisted members) (note 2)	X	X	X	X	established entitlement to initial clothing allowance	pay amount authorized for personal items of clothing.
8	initial or TDY civilian clothing allowance	X	X	X	X	been assigned permanent or temporary duty requiring the wearing of civilian clothes	Army: members will obtain clothing as prescribed in AR 700-84; Air Force: members will obtain clothing as prescribed in AFR 35-52; Navy and Marine Corps: pay member amount authorized for purchase of clothing.

NOTES:

1. On discharge, release from active duty, or death, before completion of 6 months' active duty (Navy), or 30 days (Air Force), reduce the monetary clothing allowance to amount of clothing already supplied.

2. This monetary allowance is in addition to clothing allowance provided in rules 1 through 5.

Table 29-4. Settlement of Initial Monetary Cash Clothing Allowances

ENTITLEMENT TO CLOTHING REPLACEMENT ALLOWANCES			
RULE	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 an initial, or partial initial clothing allowance (notes 1 and 2)	receiving any other clothing allowance; or missing, missing-in-action, captured, or detained in a foreign country; or forfeiting total pay; or in confinement under approved sentence providing a punitive discharge (note 5); or assigned to a command where clothing is replaced by an in-kind issue; or undergoing training in the Marine Corps leading to a commission and requiring clothing not required for other members of the Corps; or terminated from the status for which the special initial-clothing monetary allowance was awarded	basic 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 (note 6).
2	completes 6 months of active duty as a Naval aviation cadet or Naval aviation officer candidate (notes 1 and 3)		
3	is required to wear a uniform not customarily worn by the majority of Naval enlisted members		standard clothing replacement allowance accruing from the date the special initial clothing allowance is awarded and continuing for the first 36 months of such active duty (note 6).
4	receives a reduced or adjusted initial clothing allowance		basic or standard clothing replacement allowance accruing from the first day of active duty in a pay status. Annual payments will be made at the end of the member's anniversary month of last entitlement to an initial clothing monetary allowance (notes 4 and 6).
5	completes 36 months of active duty after last entitlement to an initial, partial initial, or special initial, clothing allowance (notes 1 and 2)		standard or special clothing replacement allowance accruing from the day following 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 6).

NOTES:

1. The time period is computed without regard to lost time.
2. Partial initial and special initial clothing monetary allowances apply to Navy only.
3. The basic replacement allowance continues during the member's entire service as an aviation cadet or aviation officer candidate.
4. The replacement allowance to be paid these members depends on the period that has elapsed since the member's last entitlement to an initial monetary clothing allowance (that is, before completion of 36 months' active duty–basic, after completion of 36 months' active duty–standard).
5. The term "approved sentence" means the date the sentence was approved by the convening authority.
6. 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 fraction thereof actually served. Example: If a member on a 3-year enlistment leaves Service after serving 2 years, 6 months, and 10 days, the member will receive a final payment in an amount equal to seven/twelfths the annual amount.

Table 29-5. Entitlement To Clothing Replacement Allowances

CLOTHING REPLACEMENT ALLOWANCES—ANNUAL RATES PAYABLE— 1 OCT 1995						
RULE	A	B				C
	When a member of the	is entitled to clothing replacement allowance then the rate payable is				or is entitled to other special allowance
		Male		Female		
		Basic	Standard	Basic	Standard	Special (Men and Women)
1	Army	$194.40	$277.20	$234.00	$334.80	
2	Navy	$205.20 (note 1)	$291.60 (note 2)	$259.20	$370.80 (note 2)	Male: $396.00 Female: $540.00
3	Marine Corps	$216.00	$309.60	$198.00	$284.40	
4	Air Force	$172.80	$248.40	$219.60	$313.20	

NOTES:

1. Naval aviation cadets are entitled to basic and standard replacement allowance (special initial, CMAB) as follows:
Male: Basic—$190.80; Standard—$270.00
Female: Basic—$244.80; Standard—$349.20

2. Upon advancement to E-7 member continues to receive the standard replacement allowance of an E-6 until eligible for the special replacement allowance in accordance with table 3-29-5, rule 5.

★Table 29-6. Clothing Replacement Allowances—Annual Rates Payable—1 Oct 1995

ENTITLEMENT TO SPECIAL OR SUPPLEMENT CLOTHING MONETARY ALLOWANCES (CAX)—(NAVY ONLY)—1 OCT 1990

RULE	A When a member is assigned to	B then the CAX is authorized in the amount of (note 1)	
1	a normal tour of shore duty in a BUPERS-controlled recruiting billet or a recruiting support billet (notes 2, 5, 6, and 7)	E-7 and above (male) E-7 and above (female) E-1 through E-6 (female) E-1 through E-6 (male) NEC-9585 (Recruiter) and NEC-2186 CRF Recruiter) (note 10)	$300.00 300.00 282.95 276.00 300.00
2	US Navy Ceremonial Guard	All grades	132.00
3	Ceremonial Guard Unit, Naval Air Facility, Wash DC	CPOs E-6 and below	80.00 40.00
4	duty in the executive part of the Department of the Navy located at the seat of government (field activities excluded)	E-6 and below	9.95
5	duty in the Office of the Secretary of Defense including the Office of the Joint Chiefs of Staff		
6	duty as a recruit company commander at naval training centers or Naval Air Reserve training unit (Memphis) and meets eligibility requirements (note 3)	E-5 and E-6 (male) E-5 and E-6 (female) E-7 and above (male and female)	276.00 282.95 300.00
7	duty as a recruit drill instructor at naval training centers and meets eligibility requirements (note 3)		
8	duty with Naval Administrative Unit, Wash DC	E-6 and below (except Public Quarters Mess Management Specialists	82.94
9	CNO Retention Team	CPOs	300.00
10	armed forces police or permanent shore patrol upon completion of 6 months' continuous duty with these detachments (note 4)	all grades	33.00
11	duty as a member assigned to (1) Transient Monitoring Unit, Enlisted Personnel Management Center, New Orleans; (2) Personnel and Administrative Assistant Team, Atlantic; (3) Reserve Personnel Management Assistance Team (RPMAT); or (4) Personnel and Administrative Assistance Team, Pacific	all grades	122.00
12	duty as master chief petty officer of the Navy or master chief petty officer of the Fleet or Force	MCPON AND MCPOFs	300.00
★13	active duty and Selected Reserves (E-1 through E-9) which requires the wearing of a maternity uniform (note 8)	enlisted women. (note 11)	207.00
14	duty as a musician with fleet/area band	E-7 and above (male) E-7 and above (female. E-6 and below (female) E-6 and below (male)	300.00 300.00 282.95 276.00 (note 9)

NOTES:

1. The CAX for enlisted members assigned to any of the duties, rules 1 through 14, is payable only once during an assignment to such duty. The allowance is not payable upon reassignment to the same type of duty during a period of continuous active duty, unless 3 years or more have elapsed between such assignments. (Exception: Notes 9 and 10.)

2. A normal tour of recruiting or recruiting support duty includes active duty assignment for such duty to:

a. Navy recruiting areas, Navy recruiting districts, Navy recruiting "A" stations, Navy recruiting stations, Military Entrance Processing Stations, or to Naval Reserve activities.

★Table 29-7. Entitlement To Special Or Supplement Clothing Monetary Allowances (CAX)—(Navy Only)—1 Oct 1990

b. Naval aviation cadet procurement teams on duty at Naval Air Reserve activities.

3. Eligibility requirements are:

a. Have successfully completed recruit company commander's or Recruit Drill Instructor's school.

b. Can be expected to perform recruit company commander or drill instructor duty at their present station for at least 1 additional year.

4. Effective date is 14 Jan 1969. Members serving with these detachments on that date and who have already completed the required 6 months are also entitled.

5. Pay 50 percent of CAX to Reservist recalled to active duty as recruiter or recruiting support personnel for 1 year or more after serving on active duty as a recruiter for 1 year. Count shorter periods that accumulate to 12 consecutive months if breaks between active duty periods are no more than 7 days during preceding 12 months. Pay remaining 50 percent after completion of 18 months active duty provided that any breaks between active service periods are no more than 7 days during preceding 6-month period. Service before 14 July 1973 cannot be used in computing time served to establish eligibility for payment of full or partial CAX.

6. This allowance is payable to recruiters after reporting to the Enlisted Navy Recruiter Orientation Course at Orlando, FL or San Diego, CA, or upon completion of the Veteran Recruiter Orientation (VETRO) course at New Orleans, LA and 3 weeks on-the-job training (OJT); such OJT may be either prior to or after completion of VETRO.

7. This allowance is payable to recruiting support personnel upon receipt of orders to such duty.

8. Payment of the maternity uniform allowance is neither a one-time entitlement nor payable for each pregnancy. Subsequent payments of the allowance shall be authorized every 3 years, based on the date the member received the first maternity uniform allowance, and wearing of such uniform is required.

9. This supplementary allowance is payable to musicians upon initial assignment, and on every third anniversary while assigned to such duty with a fleet/area band. The following applies to fleet/area band members:

a. Members reporting to fleet/area bands after 1 Oct 1990 would become entitled to this allowance upon reporting, and every third anniversary thereafter while assigned to fleet/area bands.

b. Members who are currently assigned to and have served continuously in any of the fleet/area bands for three years or more are entitled to this supplementary allowance on 1 Oct 1990. The anniversary date for these members will now become 1 Oct 1990. For the purpose of this allowance, members attending Musician "C" school (UIC 30636) are considered continuously serving in a fleet/area band.

c. Members who are currently assigned to and have served continuously in any of the fleet/area bands for less than three years on 1 Oct 1990, are entitled to this supplementary allowance when three years have elapsed since receiving the initial supplementary allowance.

10. This supplementary allowance is payable to members with NEC 2186 (CRF Recruiter) upon initial assignment and on every three-year anniversary date. Members who are currently assigned to this duty are entitled to this supplementary allowance on 1 Oct 1990, provided three years have elapsed since receiving the initial supplementary allowance. Members reporting after 1 Oct 1990 will have the anniversary date established as the reporting date.

★11. Effective date for this rate change is 3 Nov 1994.

Table 29-7. Entitlement To Special Or Supplement Clothing Monetary Allowances (CAX)—(Navy Only)—1 Oct 1990 (Continued)

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CHAPTER 30

OFFICERS' UNIFORM AND EQUIPMENT ALLOWANCE

3001 ENTITLEMENT

Effective 15 September 1981, officers are 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 are entitled to an initial uniform allowance under the conditions shown below:

300201. When Payable. Except as provided in E, 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' active duty or active duty for training as a member of a Reserve component.

C. When an officer commissioned in a Regular component after 12 October 1964 upon ROTC graduation, 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; or

E. 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 Service.

300202. Amounts Payable. Air Force, Army, Navy and Marine Corps—All officer personnel commissioned or appointed in the Regular or Reserve components 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 300201A, B, C or D above, the member cannot again be entitled to the initial uniform allowance.

B. Only periods of duty which 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 components, and ROTC graduates appointed in the Regular components after 12 October 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 after 12 October 1964 upon ROTC graduation 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 12 October 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 1 March 1965, and to end 31 May 1965. Member was actually released from active duty for training 31 May 1965. The 2-year period begins 1 June 1965. 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 1 June 1967.

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 4 April 1965, the 2-year period starts 5 April 1965. 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 5 April 1967. 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 28 June 1965, the 2-year period starts 29 June 1965. 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 29 June 1967, 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 4: A Reserve officer was ordered to active duty for training for an indefinite period to begin 1 March 1965. Member was released from active duty 1 July 1965. On the 91st day of duty (30 May 1965), member was entitled to the $100 allowance as of the first day of duty (1 March 1965), if other conditions of entitlement were met. The 2-year period starts 2 July 1965. 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 2 July 1967.

Example 5: If the Reserve officer in Example 4 has been released from active duty 4 April 1965,

after serving only 35 days, member 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 300302B does not apply. Exception: Regular officers appointed upon completion of ROTC training after 12 October 1964.

Example 6: An officer is separated from a Regular component on 30 June 1965 and is appointed an officer in a Reserve component on 1 July 1965. Then member reports for active duty for more than 90 days on 1 May 1967. Member would be 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 300201A, B, C or D 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 300201A, B, C, or D 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. Special Initial Allowance. 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 initial allowance for civilian clothing.

300502. Extension of Overseas Consecutive Tour

A. Officers who voluntarily extend their tours or who are directed to remain in the assignment requiring the wearing of civilian clothing for at least an additional 6 months, are authorized 20 percent of the initial tour length payment at the current fiscal year rate.

B. Officers who voluntarily extend their tours or who are directed to remain in the assignment requiring the wearing of civilian clothing for at least an additional 12 months, are authorized 30 percent of the initial tour length payment at the current fiscal year rate.

C. Officers who have received an initial civilian clothing allowance for duties performed at an overseas permanent duty station and who are ordered to a consecutive permanent overseas assignment requiring the wearing of civilian clothing, are authorized 50 percent of the allowance for the latter tour assignment at the current fiscal year rate.

300503. Continuing Allowance. Officers who are required to wear civilian clothing on a continuing basis and who are not eligible for an allowance on the basis of tour extensions or consecutive assignments, are authorized a continuing civilian clothing allowance. This allowance is authorized for officers who remain in the assignment for which he or she received an initial clothing allowance and is payable on or after each 3-year anniversary date of the initial allowance. The amount shall be 50 percent of the current maximum initial allowance.

300504. Temporary Duty Allowance. Officers assigned to a permanent duty station outside the United States may be authorized a temporary duty civilian clothing allowance when assigned to temporary duty outside the United States where the wearing of civilian clothing is required all or a substantial portion of the time in the performance of official duty. An officer who has not received the maximum amount payable for temporary duty due to the length of his or her first assignment, who later performs additional temporary duty that qualifies for a larger payment, is authorized payment of the difference between the two amounts. Prorated payments will be based on the maximum fiscal year rate in effect at the time of payment. Total payments during a three year period may not exceed the maximum temporary duty allowance reflected in table 29-3.

300505. Definition. The phrase "substantial portion of the time" shall be defined in accordance with Service regulations but may not be defined as less than 50 percent of the time.

300506. Rates payable. The rates payable for civilian clothing monetary allowances may not exceed those in table 29-3. These are the maximum rates authorized. Original entitlement was effective 4 December 1987. Officers were not authorized these allowances for any period prior to such dates.

300507. References. The following Service directives contain detail on entitlement policy, procedures, and rates payable:

A. Army—AR 700-84 (reference (ax))

B. Navy—NAVMILPERSMAN (reference (an))

★C. Air Force—DFAS-DEM 177-373 volume I (reference (ap)), DFAS-DEM 177-373 volume II (reference (ap)), and AFI 36-3014 (reference (be)).

D. Marine Corps—MCO-10120 (reference (bf))

300508. Allowance Adjustment (1 October 1988 through 30 September 1989). Officers who received a lesser initial allowance for this period than currently authorized by this paragraph, and shown in the table 29-3 and who are still assigned to duty requiring the wearing of civilian clothing, are authorized an amount that equals the difference between the amount previously paid and the new rate.

CHAPTER 31

PERSONAL MONEY ALLOWANCE

3101 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 or 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 Air Force or Army; 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:

Rank	Monthly Rates
Chairman or Vice Chairman of the Joint Chiefs of Staff or Chief of Staff	$333.33
Senior Member of the Military Staff Committee of the United Nations.	$225.00
General or Admiral.	$183.33
Lieutenant General or Vice Admiral	$41.67

3103 TAXABILITY AND WITHHOLDING TAX

Personal money allowance is subject to Federal and state income tax and withholding.

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PART FOUR

MISCELLANEOUS PAYMENTS

CHAPTER 32

ADVANCE, CASUAL, AND PARTIAL PAY

3201 ADVANCE PAYMENTS

320101. Advance Pay for Permanent Change of Station (PCS)

A. General Provisions. The purpose of this advance payment is to provide a member with funds to meet extraordinary expenses incident to a government-ordered relocation. It is intended to assist with the out-of-pocket expenses that exceed or precede reimbursements incurred in a duty location change, and are expenses not typical of day-to-day military living. An advance of pay shall not be authorized for the specific out-of-pocket expenses covered by advances of other pays and entitlements, if such 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 oversight responsibility to ensure that the advance of pay is only used to help with the financial burden of a PCS.

B. Entitlement. The conditions and amounts payable are contained in table 32-1, rules 1 and 2.

C. Repayment. Advances are repaid per table 32-2, 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 allotments may be started after the advance is made if it will prevent repayment within the allowed period. If separation is imminent, stop all allotments necessary to collect the advance.

E. Service Regulations. The following individual Service regulations provide additional guidance:

1. Army: AR 37-104-3 (reference (bh))

2. Navy: NAVMILPERSMAN para 2650100 (reference (an))

3. Air Force: AFM 177-373, Vol I (reference (ap))

4. Marine Corps: MCO 7220.21E (reference (bg)).

320102. Advance of Pay and Allowances. The purpose of the advance payment is to ease hardships imposed by the lack of regular payments when members are ordered to duty at distant stations, mobilized, or deployed aboard ships for more than 30 days.

A. Entitlement. The conditions and amounts payable are contained in table 32-1, rules 6 through 9.

B. Repayment. These advances are repaid per table 4--2, rules 3 through 5 and 9 through 12.

320103. Advance of Basic Allowance for Subsistence. Pay an advance of BAS when the commanding officer determines it to be necessary.

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. Individual Service regulations may limit BAS advances to less than 3 months.

B. Repayment. This advance is repaid based on table 32-2, rule 6.

320104. Advance Pay Upon Evacuation of Members or Dependents. The purpose of this advance is to furnish 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 32-1, rule 4.

B. Repayment. The advances are repaid per table 32-2, 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 32-1, rule 5.

B. Repayment. This advance is repaid per table 32-2, 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 1 month's basic pay 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. Effective September 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 1 October, 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 by United States forces abroad. It also applies to payments made to members upon separation from the 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 1 October, 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 which the payment is made, the United States may not recover any part of the payment.

320108. Advance of Housing Allowances. Advances of BAQ, 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 SROTC Cadets and Midshipmen Ordered to Field Training or Practice Cruises. An advance of pay not to exceed 1 month's entitlement, 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 TRANSIENT, LOCAL, CASUAL AND PARTIAL PAYMENTS

320201. Transient, Local, or Casual Payments These are payments made to members away from their home stations. See procedural instructions of the Service concerned.

320202. Local or Partial Payments. These are payments made to individual members (or groups when approved by organization commander) at their home stations. See procedural instructions of the Service concerned.

ADVANCE PAYMENTS—ELIGIBILITY AND AMOUNTS PAYABLE

RULE	A A member in receipt of orders for (to)	B and	C when approved in writing by	D may be paid an	E in an amount	F at the
1	a permanent change of station move, to include (note 1): –between stations –to new station upon reenlistment (following 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; and 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 non-commissioned officer Academy) for grades E–3 and below (except as more restrictively prescribed in regulations of the Service concerned)	advance of basic pay	of 1 month's basic pay, less deductions (note 2)	old station (or home port), point of reenlistment or acceptance of commission, 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 non-commissioned officer (NCO) academy)		not to exceed 3 months' 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 non-commissioned officer (NCO) academy)	advance of basic pay	not to exceed 8 days' basic pay (note 6)	training or indoctrination center.
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' basic pay (net of any forfeiture and Montgomery G.I. Bill; no other deduction considered)	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)	

★Table 32-1. Advance Payments—Eligibility and Amounts Payable

RULE	A	B	C	D	E	F
	A member in receipt of orders	and	when approved in writing by	may be paid an	in an amount	at the
★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 non-commissioned officer (NCO) academy)	advance of pay and allowances	not to exceed 3 months' pay and allowances less deductions (note 2 and rule 5)	military disbursing office of the mobilization site or first training or duty station in the United States or overseas.
7	assignment to a distant duty station	pay and allowances cannot be paid regularly			not more than 3 months' basic pay and allowances, less deductions (note 2)	old station, en route, or while on duty at the distant station.
★8	assignment to a distant duty station	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	more than 3 months' basic pay and allowances, less deductions, when approved by: Army and Air Force-Major Command; Navy-Office of Comptroller; Marines-Commandant of the Marine Corps (MPP) (note 2)	old station, en route, or while on duty at the distant station.
9	deployment aboard ship for more than 30 days (Navy-Marine Corps only)				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).	

NOTES:

1. TDY en route does not preclude payment. Advance payments 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, are authorized only when movement of the member's household at government expense, per JFTR, chapter 5, part D, is authorized.
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, (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 non-commissioned officer (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 member receives first regular pay.
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 32-1. Advance Payments—Eligibility and Amounts Payable (Continued)

REPAYMENT OF ADVANCES

RULE	A When a member was paid an	B and	C begin collection (note 12)	D and when approved in writing	E at the rate of
1	advance(s) of pay incident to a PCS		the first day of the month following payment of advance(s)		one-twelfth of the amounts 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) accademy)	one-twenty-fourth of the amounts 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 are used to collect the outstanding advance (note 7).
4		member's separation is imminent (note 8)			all unpaid pay and allowances, except enlisted separation advanced travel allowance, are used to collect the outstanding advance (notes 7, 13).
★5		member's orders are revoked/cancelled	immediately in the full amount	the member's commander (including enlisted commandant of the non- commissioned officer (NCO) accademy)	one-sixth of the amounts 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)		one-twelfth of the amounts 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		one-sixth of the amount advanced each month for the next 6 months (notes 1, 2).

★Table 32-2. Repayment of Advances

RULE	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		one-third 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			equal monthly installments of not less than one-twelfth of the unliquidated amount advanced per month 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:

1. Upon member's request, repayment may be made in lump-sum or increased monthly amounts.
2. 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.
3. When executing PCS orders of less than 12 months, Reserve component recipients of advance pay must accept a repayment schedule which provides for repayment by termination date of orders.
★4. The member must provide written justification clearly showing that a 12-month repayment schedule would create severe financial hardship; requires written approval of the member's commander (including enlisted commandant of the non-commissioned officer (NCO) academy.)
5. When request is disapproved, collection will be at the rate specified in rule 1.
6. When the repayment period is extended after the repayment schedule of less than 24 months is operating, repayment will be prorated per Service regulations, not to exceed the 24 months from the initial collection month.
7. Uncollected advances are passed to credit in the accounts of the disbursing officer. Such amounts remain a debt owed the United States by the member or member's estate.
8. If the member immediately reenlists, repayment of the advance pay may be continued into the new enlistment.
9. Service Secretaries are authorized to waive recovery of not more than 1 month's basic pay advanced when such recovery would be against equity and good conscience or against the public interest.
10. Service Secretaries, or designees, are authorized to extend repayment period up to a 24-month schedule.
11. The repayment period shall, in all cases, be scheduled to repay the advance before the member's expected date of separation.
12. In unusual circumstances, the initiation of collection action may be delayed if the delay is approved by the Director, Defense Finance and Accounting Service, or his designee. However, the repayment period shall, in all cases, be scheduled to repay the advance before the member's expected date of separation.
13. 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 acceler-ated and the existing rate continue. That portion of the advance not collected prior to separation will be deducted from the separation payment.

★Table 32-2. Repayment of Advances (Continued)

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 Service. See part four, chapter 35, this manual.

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 part one, 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						
	A	B			C	D
RULE	When	and member is in the Army	Navy, Marine Corps	Air Force	the trustee is designated by	and payment is made by
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 having custody of member's Personal Financial Record may make payments.

Table 33-1. Payment of Mentally Incompetent Members

CHAPTER 34

PAY ENTITLEMENT OF MEMBERS MISSING, MISSING IN ACTION, INTERNED, ETC., AND PAYMENTS TO DEPENDENTS

3401 DEFINITIONS

340101. Member. The term "member" is the same as defined in the Definitions.

340102. Dependent. The term "dependent" is the same as defined in the Definitions. 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 Service concerned or the Secretary's designee.

340103. Missing Status. The term "missing status" is the same as defined in the Definitions.

3402 AUTHORITY TO MAKE OFFICIAL DETERMINATIONS UNDER THE MISSING PERSONS ACT

See table 34-1.

3403 ENTITLEMENT TO PAY AND ALLOWANCES WHILE IN A MISSING STATUS

340301. General. A member listed in section 3401 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 becomes entitled later. 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. BAQ and BAS Entitlement. Members without dependents are entitled to BAQ at the without-dependent rate. Enlisted members are entitled to BAS at the rate payable when rations in kind are not available. Payment of these allowances are authorized from the beginning of the missing status, even though there was no quarters 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 Service concerned or the Secretary's 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 440102B.

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 absence of a member missing, etc.) is about to end and the member has not been officially reported 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 Service concerned or the Secretary's designee:

A. Directs continuance of the member's missing status, if the member may reasonably 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 340601A above, credit pay and allowances to the member's account. Allotments are continued, discontinued, increased, or initiated as provided in part six. When the Secretary of the 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 member's behalf continue through the date the Secretary (or designee) receives evidence that the member is dead. When a member returns to 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. Such 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 (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 Service concerned 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 authorizing any payment under this chapter in the absence of fraud or criminal intent on the part of the 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 entitled to it 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, this part, 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 may, in addition to leave accrued before entering a missing status, accrue not more than 150 days 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 the member's 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 the member's account through the date the Secretary concerned (or designee) receives evidence that the member is dead or through the date of death as prescribed or determined under section 3406. 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 member was continued in a missing status for 5 or more years. Payment for 150 days is made even though it is later 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 this subparagraph 1. Items to be included in the accrued leave payment are provided 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 a member's 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 and the accrual described in this subparagraph 2. Items to be included in the accrued leave payment are provided 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, and the member was continued in a missing status for less than 5 years, is for the total accrued through the date the Secretary (or designee) of the Service concerned 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 and the accrual described in this subparagraph 3. Items to be included in the accrued leave payment are provided 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 the member's credit before entering the missing status and the amount of leave accumulated in a missing status as provided in the applicable provisions of 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 a Secretarial determination is later made that the member died before the date of promotion. See table 34–2, rule 6.

3411 REFERENCES

341101. 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 AFRs 30-25 (reference (bm)) and 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							
	A	B	C	D	E	F	G
RULE	If missing member is	authority to make all determinations is vested with the Secretary of the	who has delegated to	authority to make determinations	and has delegated to the	authority to make determinations	and all such determinations
1	Army	Army	the Adjutant General, US Army, Wash DC 20310	of status of members, of death, and of essential dates	Director, Defense Financing and Accounting Service-Indianapolis Center, Indianapolis IN 46249-0001	pertaining to facts of dependency and to the initiation, continuance, suspension, or resumption of allotments of pay	are conclusive in the absence of fraud or criminal intent.
2	Navy	Navy	Bureau of Naval Personnel, ATTN: CODE PERS-6, Washington DC 20370-5156	of status of members and their dependents, of death, of essential dates and facts of dependency			
3	Marine Corps		Head, Personal Affairs Branch, Human Resources Division Manpower Department US Marine Corps, Wash DC 20380-0001				
4	Air Force	Air Force	Assistant DCS/ Military Center, Randolph AFB TX 78150	of status of members and their dependents, of death, and of essential dates	Director, Defense Finance and Accounting Service-Denver Center, 6760 E. Irvington Place, Denver CO 80279-1500	pertaining to facts of dependency, starting, stopping, or changing allotments of pay, waiving recovery of erroneous payment or overpayment, and settling accounts of members affected.	

Table 34-1. Authority to Make Official Determinations Under The Missing Persons Act

PAY AND ALLOWANCES WHICH ACCRUE TO MISSING MEMBERS

RULE	A: When member is Army	Navy	Marine Corps	Air Force	B: who is	C: then member is	D: with accounts maintained in	E: and
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 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: Basic pay Special pay Incentive pay for hazardous duty BAQ (note 7) BAS (note 7) FSA I FSA II (note 1) Station per diem allowances for not more than 90 days (note 2) HFP if the member qualified immediately before entry to a missing status	DFAS-IN	payments continue through date of receipt by the Service concerned of evidence of death of the member or date of presumption of death made by the Secretary concerned or Secretary's designee, or date of return to 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).		
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.		

Table 34-2. Pay and Allowances Which Accrue to Missing Members

NOTES:

1. 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 Service concerned or Secretary's designee may change or modify a prior determination.
4. See paragraph 260501 recontinuance of credit for BAQ 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 a Secretarial determination 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 BAQ for a member with dependents ceases and any allotment in force in the dependent's favor is stopped and deductions cease.
7. Members without dependents are entitled to BAQ 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.

Table 34-2. Pay and Allowances Which Accrue to Missing Members (Continued)

CHAPTER 35

SEPARATION PAYMENTS

3501 ACCRUED LEAVE PAY

350101. Entitlement

A. Except as provided in subparagraph 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. Effective on 10 February 1976, a military member can be paid for no more than 60 days of accrued leave during a military career. Payments for accrued leave made before such date will be excluded from this 60-day limitation. Effective 14 July 1976, a member eligible for an accrued leave settlement may elect 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 2 August 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 sections 672, 12302, 12304, 12306, 12307, or 688 of title 10, U.S.C. (reference (c)), may be paid for more than 60 days unused leave.

b. Other. Effective 5 December 1991, the categories of members identified in subparagraph A above who serve on active duty in support of a contingency operation may be paid for more than 60 days unused leave.

c. Payment Limitation. Payment for more than 60 days under subparagraphs A and B above may only include the unused leave which accrued on and after 2 August 1990 specifically during the Persian Gulf Conflict or which accrued on and after 5 December 1991 specifically during a contingency operation active duty period. See paragraph 350102 for rules that apply to accounting for accrued and used leave and paragraph 350103 for the possible applicability of the combat zone tax exclusion. For a computation example, see subparagraph D below.

d. Career Leave Total

(1) Unused leave accrued specifically during the Persian Gulf Conflict or a contingency operation active duty period which is paid under the authority of subparagraph 350101B1a or subparagraph 350101B1b is not added to the members career leave total. For example:

Example 1: Eligible member accrues 12 days leave during a contingency operation period of active duty. Member does not use these days of leave. Member is separated from active duty and is immediately reordered to active duty for other than a contingency operation under the authority of title 10, U.S.C (reference (c)). Member elects payment of the 12 days accrued, unused leave. Member had previously received payment for a total of 35 days leave. Member's career total remains 35 days. Member's future entitlements are limited to a total of 25 days unless member again qualifies for payment under subparagraph B above.

Example 2: On 1 January 1991, a National Guard member on title 32, U.S.C., (reference (bq)) active duty (other than for training) is mobilized with his/her unit under section 672 of title 10, U.S.C. (reference (c)). Although career total leave sold is only 48 days, member elects to carry forward all 32 current accrued, unused leave days. (Leave balance does not include any unused leave accrued before 10 February 1976.) On 6 April 1991,

member is again discharged and immediately ordered to active duty under title 32, U.S.C. (reference (bq)), for a period of 3 years. Member used leave from 2 April 1991 through 5 April 1991 (4 days). Member may elect to sell 16 days (or less) leave at discharge. 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 the days member elects to sell, only 4 may be applied to the 60-day ceiling waiver (because last leave earned is the first leave used) and the remaining 12 days, if sold, would result in a new career leave total of 60 days (or less if fewer than 16 days are sold 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, it may be carried forward into a new contract period of active duty and later be sold in addition to other leave to which the 60-day career ceiling applies. See subparagraph 350102A for rules that apply to accounting for accrued and used leave. For example:

Example 1: Using member from Example 1 above, member 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. However, since the last leave earned is the first leave used, member may only sell 25 days (60 - 35 = 25) at a later separation if the 12 days accrued during the contingency operation are used during a later active duty period.

Example 2: Using member in Example 2 above, on 6 Apr 1991, member could have elected to carry forward the original 32 days plus the (net) 4 title 10, U. S.C. (reference (c)), days, intending to be paid for 16 days at a later separation. However, member would be limited to selling 12 days leave (60 - 48 = 12) at a later separation if the (net) 4 days accrued during the Persian Gulf Conflict are used during a later active duty period.

2. Death

a. Persian Gulf Conflict. Effective 5 November 1990, the 60-day career ceiling does not apply to payment for unused leave accrued by a member who dies as a result of injury or illness incurred while serving on active duty during the Persian Gulf Conflict (death does not have to be in connection with the Persian Gulf Conflict). The 60-day limitation waiver applies to unused leave accrued during Fiscal Years 1990 and 1991.

b. Contingency Operation Effective 5 December 1991, the 60-day career ceiling does not apply to payment for unused leave accrued by a member during a contingency operation who dies as a result of injury or illness incurred while serving on active duty in support of the contingency operation.

C. Under regulations prescribed by the Secretary 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 accrued leave to member's credit on the day before the day 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 member's 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 Service members enlisted or commissioned on or after 19 October 1984, including those prior Service members with breaks in service of 93 or more consecutive days, who are involuntarily discharged after 1 March 1985, before completing 6 months of active duty, shall forfeit all accrued leave at the time of discharge if the basis of their discharge is unsatisfactory performance or misconduct under any of the following reasons:

1. Enlisted Members

a. Defective enlistments and inductions (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).

350102. Computation of Payment

A. Settlement for leave accrued as of 31 August 1976, will include basic pay, BAQ, BAS, and PMA as appropriate. Settlement for leave accrued on or after 1 September 1976, will include basic pay only. Account for leave used as follows: the last leave earned is the first leave used.

Example: On 31 August 1990, a member has 65 days of accrued leave, 55 of which was accrued prior to 1 September 1976 and remain unused. The member takes leave from 5 through 24 September 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 accordingly.

B. Leave accrual and use for combat zone-earned leave will also be computed as above. For each month in which a member serves for any period of time in a designated zone, the total month's accrual is identified as combat zone-earned leave.

NOTE: Service accounting (tracking) for combat zone-earned leave was not required until leave accrual commencing on 1 January 1991.

C. Payment will 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 that accrued while serving in a designated combat zone which remain unused at separation is excluded from Federal taxation (and state taxation where applicable) under the conditions set forth by 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. However, a commissioned officer's exclusion may not exceed the monthly limitation which was not previously used by monthly exclusions that were attributable to the same periods of service.

Example: An O-3 (over 3 years service) commences active duty on 25 January 1991 and reports TAD to a designated combat zone on 26 January 1991. He departs the zone on 2 March 1991 and is separated from active duty on 4 March 1991. The officer earns $456.00 basic pay and $18.33 hostile fire/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) may 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 had previously 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 United States 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 (exceeding 60 day ceiling only when authorized in accordance with subparagraph 350101B2), the balance is paid to beneficiaries designated in chapter 36, section 3602, of this part. Submit claims for accrued leave under this subparagraph to the appropriate address below:

1. Army
Director,
DFAS-Indianapolis Ctr
DFAS-I-JEC-I
Indianapolis, IN 46249-0845

2. Navy
Director,
DFAS-Cleveland Ctr. (JJCS)
Anthony J Celebrezze Fed Bldg
Cleveland, OH 44199-2055

3. Air Force
Director,
DFAS-Denver Center
DFAS-DE-FJS
6760 E. Irvington Pl.
Denver, CO 80279-7000

4. Marine Corps
Director,
DFAS-Kansas City Center
DFAS-KC-EYC
1500 E. 95th St.
Kansas City, MO 64197-0001

3502 SEPARATION PAY (NONDISABILITY)

350201. Entitlement

A. Full Separation Pay. Effective 20 June 1991, full payment of nondisability separation pay is authorized to Service members of the Regular and Reserve components who are involuntarily separated from active duty and who meet each of the following four conditions:

1. The member meets 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 5 November 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 1 December 1993, the member is a Regular officer who is being 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 sections 580 or 6383 of 10 U.S.C. (reference (c)) and has completed at least 6 years, but less than 20 years, of active service.

d. The member is a Regular officer, who is being 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 sections 580 or 6383 of 10 U.S.C. (reference (c)), who had 5 or more years, but less than 6 years, of active service on 30 Nov 1993.

2. The member's separation is characterized as "honorable" and none of the conditions in paragraph 350202 apply.

3. The member is being involuntarily separated 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 four specific conditions:

a. The member is fully qualified for retention but is denied reenlistment or continuation. This includes a Service member who is eligible for promotion as established by the Secretary of the Service concerned, but is denied reenlistment or continuation on active duty under established promotion or high year of tenure policies.

b. The member is fully qualified for retention, but is being involuntarily separated under a Reduction in Force (RIF) by authority designated by the Secretary of the Service concerned.

c. The member is a Regular officer, commissioned or warrant, who is being separated under chapter 36 or sections 564, 1165, or 6383 of 10 U.S.C. (reference (c)); is a Reserve commissioned officer, other than a commissioned warrant officer, separated or transferred to the retired Reserve under chapters 361, 363, 573, 861, or 863 of 10 U.S.C. (reference (c)); or is a Reserve commissioned officer on the active duty list or a Reserve warrant officer who is separated for similar reasons under Service policies.

d. The member is denied reenlistment or continuation on active duty or full-time National Guard duty under subparagraph A3a through C above, and accepts an earlier separation from active duty.

4. The member has 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 the Ready Reserves 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 section 651 of 10 U.S.C. (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. Effective 20 June 1991, half payment of nondisability separation pay is authorized to Service members of the Regular and Reserve components who are involuntarily separated from active duty and who meet each of the following four conditions: (In extraordinary instances, the Secretary of the 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 meets one of the criteria for active service specified in subparagraph A1, above.

2. The member's separation is characterized as "honorable" or "general", and none of the conditions in paragraph 350202 apply.

3. The member is being involuntarily separated 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 is being separated under a Service-specific program established as a half payment level by the Secretary of the Service concerned.

c. The member is denied reenlistment or continuation on active duty or full-time National Guard duty under subparagraphs B3a and b above, and accepts an earlier separation from active duty.

4. The member has 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 Reserves 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 section 651 of 10 U.S.C. (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.

C. Separation Pay from 5 November 1990, through 19 June 1991. Members (including regular enlisted members) on active duty (other than for training) on 5 November 1990, who were involuntarily separated from active duty before 20 June 1991, are entitled to receive any separation pay to which they are entitled to under 10 U.S.C., as amended by Public Law No. 101-510, Section 501 (reference (c)), in accordance with the DoD policies and procedures in effect before 20 June 1991 (DoD Directive 1332.29, 20 July 1985 (reference (br)), and table 35-6), 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, 20 July 1985 (reference (br)), and table 35-6, do not apply.

3. In addition to the disqualifying circumstances listed in DoD Directive 1332.29, 20 July 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 350201A1.

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 350201A4.

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 350202B.

350202. Limitations of Eligibility. 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 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 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 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 350201B.

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 350201B.

K. The member is separated under a Service-specific program established as a no payment level by the Secretary concerned.

L. A determination is made by the Secretary concerned in an extraordinary case that the conditions under which the member is separated do not warrant separation payment. This authority is not to be delegated. It is intended that this discretionary authority to deny payment will be used sparingly.

350203. Computation of Active Service. Compute active service time as follows:

A. Qualifying years, except as noted in subparagraph 350201A1 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. Effective 24 September 1983, count each full month of military service that is in addition to the number of full years of active service as one-twelfth of a year. Disregard any remaining fractional part of a month.

2. Readjustment or Severance Pay. Count 6 months or more 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 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 10 August 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 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. 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)) will have deducted 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 DoDFMR Volume 7, part B for the calculation of recoupment.)

B. 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 will have deducted from such disability compensation an amount equal to the total gross amount of separation pay, severance pay, or readjustment pay received. However, this reduction will 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 A and B above, members who received readjustment or severance pay before 15 September 1981, and who, on or after 15 September 1981, become entitled to retired or retainer pay under 10 U.S.C. (reference (c)) or 14 U.S.C. (reference (bu)) are required to repay that readjustment pay or severance pay in accordance with the laws in effect on 14 September 1981.

350206. Availability To Liquidate Debts. Separation pay under this section may be used to liquidate debts to the United States 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 14 September 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 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 19 October 1984, the member is not entitled to readjustment or severance pay if the Secretary concerned determines that the conditions under which the member is discharged or separated do not warrant such pay. It is intended that this discretionary authority to deny payment be used sparingly. 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 for procedures when readjustment or severance pay is received after 14 September 1981.

B. Refund upon Retirement. A Reserve member who has received a readjustment

payment on separation after 28 June 1962 and before 15 September 1981 and who later qualifies 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), refunds 75 percent of the gross readjustment pay, without interest, by immediate deduction from retired or retainer pay. This is not required if readjustment pay has been waived or refunded under 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 will 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 15 September 1981 is entitled to VA disability compensation, VA will deduct 75 percent of the readjustment payment from future VA compensation. VA does not deduct when VA disability compensation is based on a later period of service. A member who elected on or before 27 June 1962 to receive readjustment pay in lieu of VA disability compensation may be awarded disability compensation effective on and after 28 June 1962. 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). However, the time covered by such breaks 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 10 August 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 years' 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.

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 United States Government.

3504 DISABILITY SEVERANCE PAY

350401. Entitlement. A member separated from the Service for physical disability is entitled to severance pay if qualified as prescribed in personnel regulations of the 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 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 2 months' basic pay 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 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' 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 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' active service and 76 inactive duty training periods ("points") on the date of separation for physical disability.

Compute the entitlement as follows:

11 years, 4 months, 9 days =	11.3583 years
76 "points" / 360 =	.2111 years
Total Service =	11.5694 years

Since it is a decimal greater than .5, round the total upward to 12 years. 12 years x 2 months' 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. However, it is not subject to tax withholding or reporting if at least one of the following three conditions exists:

1. On 24 September 1975, the individual was either a member of an Armed Force 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 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; or

3. The member would be entitled to receive disability compensation by the Department of Veterans Affairs (VA) for the same illness or injury which caused the member's entitlement if he/she applied for it.

★B. Withholding Taxes. Withhold income taxes on all payments of disability severance pay unless the member qualifies for an exemption under subparagraph A of this paragraph. Finance officers should advise members that payments of disability severance pay could become non-taxable if the Department of Veterans Affairs (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 C and D of this paragraph.

★C. VA Compensation Awarded in the Tax Year of Payment. Advise members that a refund of taxes withheld may be obtained from the servicing 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 DFAS, requests must be submitted by December 31st of the year in which a disability severance pay payment is paid. In addition, members who request refunds 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. Advise members that refunds 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. These members should also 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 United States Government.

350406. Deduction From VA Compensation. 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 Services 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. 12311(a) (reference (c)) are entitled to a special payment under 10 U.S.C. 680 (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 1 month's basic pay, special pay, and allowances 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 United States 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 travel regulations of the Service concerned.

3507 SPECIAL SEPARATION BENEFIT

350701. Entitlement. A member who separates voluntarily from Service before 1 October 1999 may, under conditions prescribed by the Secretary concerned, elect to receive a special separation benefit (SSB). Such a member must meet each of the following conditions:

A. Time in service requirements

1. Member separating prior to 30 November 1993, must have served for more than 6 years on active duty, full-time National Guard duty, or any combination thereof, before 5 December 1991, but have less than 20 years of service creditable for retirement.

2. Members separating on or after 30 November 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 immediately eligible for retired or retainer pay because of Military Service.

E. The Secretary of the Service, or designee, concerned must approve the member's application for voluntary separation before the member may receive payment.

F. The member must enter into a written agreement to serve in the Ready Reserve for a period of not less than 3 years following separation. If the member has any other service obligation remaining unfulfilled at the time of separation, the new 3-year period of obligated service shall begin on the day after the day the member completes such period of prior obligated service.

G. The member's separation must not be because of a release from a period of active duty for training.

H. The member has not been approved for payment of VSI. (See section 3508 of this chapter.)

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 350203B1, D, E, and F. 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 one-time payments.

C. Deduct from the remaining balance any debt owed the United States.

D. Do not collect FICA taxes.

E. Payment will be made on, but in no cases prior to, date of separation.

F. For separations after 11 November 1993, reduce the gross amount of the SSB payment by 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 SSB:

1. Multi-year special pay, part one, chapter 5, section 0508

2. Enlistment/reenlistment bonus of any type, part one, chapter 9, section 0901 and paragraphs 560402, 560403, and 560404;

3. Nuclear officer career accession bonus, part one, chapter 12, section 1201;

4. Nuclear career annual incentive bonus, part one, chapter 12, section 1201;

5. Nuclear officer accession bonus, part one, chapter 12, section 1204;

6. Aviators retention bonus, part one, chapter 20;

7. Registered nurse accession bonus, part one, chapter 21, section 2101;

8. Bonus for critical acquisition positions (37 U.S.C. 317);

but do not make such a 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 1 March 1993, the member reenlists for 4 years with entitlement to SRB in the amount of $18,000. The member receives one-half of the bonus at reenlistment, with the remainder to be paid in three annual installments, $3,000 each on 1 March 1994, 1995, and 1996. The member separates under the SSB program on 31 December 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, reduce the member's gross SSB entitlement 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 is required.

Example 2: The facts are the same except member separates on 30 September 1996. Since the separation event occurs within one year of the date of termination of the bonus period, do not make a reduction from the SSB payment. However, since the member did not complete five months of the period for which he received the bonus, he is indebted to the United States in the amount of $1,875 (unearned bonus for 5 months at $375 per month). This amount may be collected 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 31 December 1994. Since the member separates during a year in which she had received an SRB installment, the first action is to reduce her SSB entitlement by the amount of the 1 March 1994, $3,000 installment. This reduces 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 is $12,000 minus $8,250, or $3,750. That debt is 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 member who has received SSB and who later qualifies for retired or retainer pay shall have deducted a portion of such retired or retainer pay until an amount equal to the gross amount of such SSB has been deducted. See DoDFMR, Volume 7B, Part One, Chapter 4, Section F, for details of the recoupment formula.

B. A member who has received SSB and who qualifies for benefits under laws administered by the Department of Veterans Affairs shall have deducted from such benefits the gross amount of the SSB paid to the member, except that there shall be no such deduction 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 a forfeiture of 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 the member's failure to maintain Reserve affiliation through the date of the 3-year commitment. The member's Reserve Personnel Activity will certify when members do not complete the Reserve commitment through fault of their own.

Example: A member separates on 30 June 1995, with an SSB entitlement of $64,000, and a commitment to serve in the Ready Reserve through 29 June 1998. Effective 17 December 1997, member is separated from his Reserve unit, through fault of the member as certified by the servicing Personnel activity. Credit the member 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):

YR	MO	DAY	
97	12	17	
- 95	06	30	
02	05	17	
		+ 01	(inclusive day)
02	05	18	

The unearned portion of the SSB is 6/36ths of $64,000, or $10,667. Establish a debt against the member in that amount.

★E. A member whose application for separation with entitlement to SSB was approved by competent authority after 30 September 1994 forfeits all entitlement to the SSB 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 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, institute collection action 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 Service before 1 October 1999 may, under conditions prescribed by the Secretary concerned, elect to receive a voluntary separation incentive (VSI). Such a member must meet each of the following conditions:

A. Time in service requirements

1. Members separating prior to 30 November 1993, must have served more than 6 years on active duty, full-time National Guard duty, or any combination thereof before 5 December 1991, but have less than 20 years of service creditable for retirement.

2. Members separating on or after 30 November 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 be immediately eligible for retired or retainer pay because of Military Service.

E. The Secretary of the 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 becomes ineligible to continue to serve in the Ready Reserve due to medical, age, failure to select for promotion, or other reasons determined to be no fault of the member concerned, the member will be transferred to the Standby Reserve or the Retired Reserve of a Reserve component. The member will continue to receive annual VSI payments for the remaining period authorized.

G. The member has not been approved for payment of SSB. (See section 3507 of this chapter.)

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 this formula:

★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 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 30 June 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) or $10,652.51. The member is due a total of 22-1/2 years of such payments (11-3/12 times 2). Make 21 more payments of $10,652.51, the last such full payment being due on 30 June 2013. On 30 June 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 11 November 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, part one chapter 5, section 0508;

2. Enlistment/reenlistment bonus of any type, part one, chapter 9 and paragraphs 560402, 560403, and 560404;

3. Nuclear officer accession bonus, part one, chapter 12, section 1201;

4. Nuclear officer career accession bonus, part one, chapter 12, section 1203;

5. Nuclear officer accession bonus, part one, chapter 12, section 1204;

6. Aviators retention bonus, part one, chapter 20;

7. Registered nurse accession bonus, part one, chapter 21, section 2101;

8. Bonus for critical acquisition positions (37 U.S.C. 317);

but do not make such a 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. 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 reenlists for 4 years on 3 January 1994, and receives a SRB payment in the gross amount of $12,000. She separates on 31 December 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. However, the member is still liable for the unearned portion of the bonus, which can be collected from any payments otherwise due the member, including any future VSI installment payments.

Example 2: The facts are the same except member B separates under the VSI program on 31 January 1995. Since he did not receive a bonus during the calendar year 1995, there is no reduction in the amount of his VSI entitlement. However, the member is still liable for the unearned portion of the bonus, which can be collected from any payments otherwise due the member, including the initial and any future VSI installments.

Example 3: Member C reenlists for 4 years on 1 October 1994, with entitlement to SRB in the total amount of $12,000. She receives $6,000 at reenlistment, with the remainder to be paid in $2,000 installments on 1 October 1995, 1996, and 1997. On 31 December 1995, she separates 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, reduce the gross VSI installment by the $2,000 received 1 October 1995. Also, the member had only earned $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 is $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. Use all final pay, including the remaining initial net VSI entitlement of $1,453, to liquidate the debt.

Example 4: The facts are the same as above except member D separates on 31 October 1996. Since the separation event occurs within one year of the date of the termination of the bonus period, do not make a reduction from the VSI payment. (This includes the initial and all annual payments.) However, since the member did not complete 11 months of the period for which he received the bonus, he is indebted to the United States for $2,750. This amount may 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 one-time payments.

G. Deduct from the payment any debt owed the United States.

H. Do not collect FICA taxes.

I. Payment will be made on, but in no cases prior to, date of separation.

350803. Forfeiture and Recoupment

★A. A member who has received VSI may later qualify for retired or retainer pay through additional military service. See DoDFMR, Volume 7B, Part One, Chapter 4, Section E, 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 paragraph 350802E.

Example: Member separates on 30 June 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 drills with a Reserve unit and authorizes a reduction in VSI of $5,000 per year because of the Reserve training compensation the member receives. Thereafter, the member receives seven more VSI anniversary payments in the full amount of $8,000 per year. When the member becomes 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 are equal to the gross amount received by the member, 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 Department of Veterans Affairs (VA) will have the amount of disability compensation payable to the member offset from next VSI payment.

1. The annual VSI payment will 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 30 September 1992, and received an initial VSI payment in the amount of $7,000. On the VSI anniversary date of 30 September 1993, an annual payment of $7,000 was made. On 15 April 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 30 September 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 15 April 1994, and $500 per month thereafter. The 30 September 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 30 September 1994 payment is $7,000. No collection action is required on the remaining $1,500, nor will it be carried forward to the 30 September 1995 payment.

Example 3: Same as in example 1 above except, through administrative oversight, $2,300 was not offset from the 30 September 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 30 September 1995 payment.

Example 4: Same as in example 2 above except, due to administrative oversight, $7,000 was not offset from the 30 September 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 30 September 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

paragraph 350801F, 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: Member separates on 31 July 1995 with VSI entitlement of $7,500 annually. Effective 30 November 1995, the member is separated from his Reserve unit because of usage of illegal drugs. The unearned portion of the VSI (see subparagraph 350703D 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. However, retired/retainer pay is offset according to subparagraph A above.

★F. A member whose application for separation with entitlement to VSI was approved by competent authority after 30 September 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).

★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.

PAYMENT OF ACCRUED LEAVE—OFFICERS AND ENLISTED MEMBERS—SEPARATION WITHOUT IMMEDIATE REENTRY ON ACTIVE DUTY			
RULE	A	B	C
	If a member has been on active duty for 30 or more consecutive days and	**and**	**then accrued leave is**
1	is discharged (including as a result of resignation)	separation is under honorable conditions (note 1)	payable (notes 2 and 8).
2	is released from active duty (note 3)		payable (notes 2, 4 and 8).
3	retires		payable (notes 2, 4 and 8).
4	is transferred to Fleet Reserve or Fleet Marine Corps Reserve		
5	is discharged for fraudulent enlistment		not payable (note 6).
6	is released from duty because of void enlistment or void induction		
7	is discharged from service as a cadet or midshipman at a Service academy, or as a midshipman elsewhere		
8	dies on or after 28 Aug 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 part four, chapter 36, section 3602 (notes 7 and 8).
9	dies on or after 2 Aug 1990, while on active duty	dies as a result of injury or illness incurred during the Persian Gulf Conflict but not necessarily incurred in conjunction with the Persian Gulf Conflict	payable to beneficiary in accordance with subparagraph 350101B2.
10	incurs an injury or illness while on active duty in support of a contingency operation	dies on or after 5 Dec 1991 as a result of that injury or illness	payable to beneficiary in accordance with subparagraph 350101B2.
11	dies after retirement or discharge		(See subparagraph 350105B.) (note 8)
12	is discharged before completing 6 months' active duty	separation is for unsatisfactory performance or misconduct for any reason set forth in subparagraph 350101C	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 Service is discovered by service medical authorities to have been medically unfit for induction at the time of entrance into the Service and such individual is released from military control for such reason.
7. Accrued leave is payable retroactive to 28 Feb 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 10 Feb 1976, a member may be paid for a maximum of 60 days accrued leave during a military career. See subparagraph 350101B for exception.

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				
RULE	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 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 Service	
4		separated for having failed selection to a higher grade	immediately reenters on active duty in an enlisted status	payable (notes 1 and 3).
5	a Reserve officer of any 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 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 10 Feb 1976, a member may be paid for a maximum for 60 days of accrued leave during a military career. See subparagraph 350101B 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				
RULE	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	of any Service	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)	immediately reenlists or immediately reenters on active duty	payable.
2		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)		not payable.
3		is discharged for the purpose of enlisting or accepting a commission or appointment as a warrant officer in any Uniformed Service		
4		enlistment is extended		go to table 35-4.
5		extension of enlistment is canceled before or during service under the extension		
6		is retired	continues on or is recalled to active duty	not payable.
7		accepts an appointment as a cadet or midshipman without being discharged from enlisted status	enters on duty as a cadet or midshipman	payable as though member were discharged on day before date appointment was accepted.
8	inducted under the Universal Military Training and Service Act, or enlisted in the Regular Army under that Act	is separated under honorable conditions at the end of the period member is required to serve	immediately enlists or reenlists	payable.
9	of the Army or Air Force who has more than 20 but less than 30 years' service	is retired and transferred to the Reserve component of member's Service	is immediately ordered into active service	not payable.
10	of the Navy or Marine Corps	is transferred to the Fleet Reserve or Fleet Marine Corps Reserve	continues on active service without a break in active service	

NOTES:

1. On or after 10 Feb 1976, a member may be paid for a maximum of 60 days of accrued leave during a military career. See subparagraph 350101B1 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 2 Jan 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 2 Jan 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. A Reserve member who is discharged for the purpose of immediately reenlisting in the Regular component or Reserve component of the same Service before the end of a specified period of time member agreed to serve or was obligated to serve, is considered as discharged upon expiration of enlistment only if the date of release is not more than 3 months before the normal expiration date of the Reserve enlistment under which the active service is being performed (effective 2 Jan 1968). The date of normal expiration of enlistment is excluded in computing the 3-month period.
6. A National Guard member serving on active duty under title 10 or title 32, U.S.C., who is ordered to active duty under the other title 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 35-3. Payment of Accrued Leave—Enlisted Members—Separation With Immediate Reentry on Active Duty

PAYMENT OF ACCRUED LEAVE—ENLISTED MEMBERS—EXTENSION OF ENLISTMENT: DISCHARGE AND REENLISTMENT BEFORE EXTENSION IS COMPLETED				
RULE	A	B	C	D
	If an enlisted member of	has been on active duty for 30 or more consecutive days and	and member	then accrued leave is (note 1)
1	any Service	enlistment is involuntarily extended	continues on active duty in extension period	not payable until discharge.
2		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).
3	any Service, whose enlistment has been involuntarily extended	is separated under honorable conditions upon expiration of the involuntary extension of enlistment	immediately reenlists	payable.
4		is separated under honorable conditions, before extension period expires, for purpose of reenlisting		
5	any Services, who has voluntarily extended enlistment	extension is canceled before service under it begins and member is discharged under honorable conditions at normal expiration of enlistment (note 3)		
6		extension is canceled after service under it begins and member is discharged under honorable conditions, for purpose of reenlisting (note 4)		not payable.

NOTES:

1. On and after 10 Feb 1976, a member may be paid for a maximum of 60 days of accrued leave during a military career. See subparagraph 350101B1 for exception.
2. No payment can be made on second or subsequent extensions.
3. 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 2 Jan 1968). The date of normal expiration of enlistment is excluded in computing the 3-month period.
4. A member is not considered as having been discharged for the purpose of reenlisting if discharge occurs not more than 3 months before the normal expiration date of the extension period (effective 2 Jan 1968). The date of normal expiration of the extension period is excluded in computing the 3-month period.

Table 35-4. Payment of Accrued Leave—Enlisted Members—Extension of Enlistment: Discharge and Reenlistment Before Extension is Completed

COMPUTATION OF ACCRUED LEAVE PAYMENT (Note 6)						
	A	B	C			
			the complete payment for the number of days accrued leave, but not more than 60 in a military career, to include: (note 1)			
RULE	If member is entitled to accrued leave payment under table 35-1, 35-2, 35-3, or 35-4, and is an	and member has	Basic Pay (note 2)	BAS (note 6)	BAQ (note 6)	Personal Money Allowances (note 6)
1	enlisted member in pay grades E-5 to E-9	dependents (note 3)	at rate applicable on date of separation (note 4)	70 cents per pay	$1.25 per day	none.
2		no dependents			none	
3	enlisted member in pay grades E-1 to E-4					
4	officer	dependents (note 3)		at rate applicable on date of separation (prorate for number of days of accrued leave)	at rate applicable for member with dependents on date of separation (notes 4 and 5)	if officer was receiving this allowance on date of separation (limited to allowances listed in part three, chapter 31). Compute at rate payable on that date (note 4).
5		no dependents			at rate applicable for member without dependents on date of separation (notes 4 and 5)	

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 BAQ.
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 BAQ even though the member is not receiving BAQ on date of separation because public quarters are occupied or available.
6. Cash settlement of leave accrued as of 31 Aug 1976 will be on the basis of basic pay, BAS, BAQ, and PMA as appropriate. Case settlement of leave accrued on and after 1 Sep 1976 will be on the basis of basic pay only for all grades, officer and enlisted. See subparagraph 350102A for example.

Table 35-5. Computation of Accrued Leave Payment

SEPARATION PAY ENTITLEMENT AND COMPUTATION (Note 8)				
RULE	A If a member is	B and is involuntarily discharged or released from active duty because of (note 1)	C then compute separation pay at	D but not more than
1	an officer (notes 2 and 3)	failure to be selected for promotion (note 4)	10 percent of 12 months' 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 350203A10 through 13		
7	a warrant officer or Reserve officer	age (notes 6 and 7)		
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	one half of 10 percent of 12 months' basic pay multiplied by years and fractions of a year based on additional full months of active service	$15,000.
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 Service concerned.
2. Includes a Regular commissioned officer with less than 5 years' 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 19 Jun 1991. The limitations in column D were removed effective 5 Nov 1990. See subparagraph 350201C for additional eligibility requirements for the period of 5 Nov 1990 through 19 Jun 1991.

Table 35-6. Separation Pay Entitlement and Computation

ENTITLEMENT TO READJUSTMENT PAY (Note 1)				
RULE	A **If a Reserve member or a member of the USA or USAF without component (temporary) who has completed immediately before separation at least 5 years of continuous active duty, is (notes 2 and 8)**	B **and**	C **and**	D **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)		
4		is eligible for VA disability compensation		payable but VA will deduct from future VA compensation (subparagraphs 350205B and 350302D).
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

1. Members entitled to readjustment pay under section C and separation pay under section B may not receive both, but shall elect which they will receive.
2. A period of active duty is continuous if it is not interrupted by a break in service of more than 30 days. Paragraph 350205 tells how to compute the 5-year active duty period.
3. "Separation pay" means an amount paid in connection with separation from the Service when the person's military status is terminated. This includes payments under sections 3502, 3503, 3504, and 3506.
4. 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.
5. A member dismissed or discharged as a result of trial by court-martial, dropped from the rolls of the 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 Service concerned determines it to be such. Do not pay readjustment pay until character of discharge is determined.
6. If eligible for voluntary retirement under 10 U.S.C. 8911, 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.
7. 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.
8. Readjustment pay is not payable upon release from active duty for training or full-time training duty.
9. With respect to members discharged or released on or after 19 Oct 1984, the member is not entitled to readjustment pay if the Secretary 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

RULES FOR DETERMINING WHETHER SEPARATION IS INVOLUNTARY RELEASE FROM ACTIVE DUTY (Note 1)				
RULE	A	B	C	D
	If a Reserve member is	and	then separation is	and
1	involuntarily released from active duty as a Reserve officer	immediately enlists in the Regular component of any Service, or enters on active duty as a regular or Reserve officer in the same or a different Service	an actual involuntary release from active duty, regardless of reentry on active duty	entitlement to readjustment pay is determined under table 35-7.
2	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.
3	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		
4	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	
5	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.
6		offer to serve another tour of active duty is denied		
7	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 Comptroller General's decisions on 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

RULE	A If readjustment pay is authorized under table 35-7 and separation is	B compute readjustment pay on basis of	C multiplied by years of active service	D but do not pay more than	E and reduce by
1	for any reason other than stated in rules 2 and 3 below	2 months' basic pay of grade in which member is serving when separated	but not over 12 computed under paragraph 350203	2 years' 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 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 Service concerned to determine whether separation is in this category.

Table 35-9. Computation of Readjustment Pay

SEVERANCE PAY ENTITLEMENT (OTHER THAN DISABILITY) AND HOW TO COMPUTE IT (Note 1)					
RULE	A	B	C	D	E
	If a member is	and is discharged because	then compute severance pay at (note 6)	multiply by (note 2)	but do not pay more than
1	a Regular commissioned officer of any Service	of failure of selection for promotion to grade O-3 or above	2 months' basic pay of grade held at time of discharge	years of service, but not more than 12 (note 3)	2 years' basic pay or $15,000 whichever is less.
2	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)	
3	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' basic pay or $15,000, whichever is less.
4	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's basic pay.
5	a Regular commissioned officer of the Army or Air Force	of substandard performance of duty	1 month's basic pay of the grade held at time of discharge	years of active commissioned service but not more than 12 (note 3)	
6	an officer of the Navy or Marine Corps with less than 20 years' service	of unsatisfactory performance of duty, as determined by selection board	2 months' basic pay of grade held at time of discharge	years of service, but not more than 12 (note 3)	2 years' basic pay or $15,000, whichever is less.
7		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's basic pay.
8	a Regular commissioned officer of the Army or Air Force	of moral or professional dereliction or in the interests of national security	1 month's basic pay of the grade held at time of discharge	years of active commissioned service, but not more than 12 (note 3)	1 year's basic pay.
9	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	

Table 35-10. Severance Pay Entitlement (Other Than Disability) and How to Compute It (Note 1)

RULE	A If a member is	B and is discharged because	C then compute severance pay at (note 6)	D multiply by (note 2)	E but do not pay more than
10	a Regular warrant officer of any 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' basic pay of grade held at time of discharge	years of active service, but not more than 12 (note 3)	2 years' basic pay or $15,000 whichever is less.
11	a Regular warrant officer of any Service, who has more than 3 years' 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's basic pay of grade held at time of discharge		1 year's basic pay.

NOTES:
1. Members entitled to severance pay under section C and separation pay under section B may not receive both, but shall elect which they will receive.
2. Service administrative regulations govern computations of years' 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.
6. With respect to members discharged or released on or after 19 Oct 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 How to Compute It (Note 1) (Continued)

ENTITLEMENT TO DISCHARGE GRATUITY

RULE	A	B	C	D	E	F
	If	is	and	and	and	then
1	an enlisted member of any Service	a prisoner released from confinement in military or contract prison to parole pending completion of appellate review			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 Service	discharged from active duty because of void enlistment	enlistment is void because contracted when member was mentally incompetent			do not pay a discharge gratuity.
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

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. Member who dies while on active duty or while traveling to or from such duty.

B. 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 Administrator 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:

1. Has been provisionally accepted for that duty; or

2. Has been selected, under the Military Selective Service Act (reference (bw)), for duty in that Military Service.

D. Member whose death is determined by administrative finding under the Missing Persons Act (reference (aa)).

E. Reserve member who dies while traveling directly to or from active duty.

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 Service school by law or by the Secretary concerned). (Exception to this definition is noted in the pertinent paragraph of 360101.)

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 Service academies.

C. Reserve Components. 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/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 BAQ or evidence of assignment of Government quarters to a member and spouse, or

2. In the absence of 1 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 BAQ 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 2 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 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/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 BAQ for that person is sufficient evidence. If this relationship has not been established, the DFAS Center for the Service concerned 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. Will Not a Designation. A will is not 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. Death gratuity is not 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. Death gratuity is not 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). Death gratuity is payable in the case of a member whose death occurs while the member 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. Death gratuity is not payable in the case of a member who is a declared deserter at the time of the member's death, unless it is later found that the declaration was in error.

360106. Amounts Payable

A. For deaths on or after 2 August 1990, the amount of death gratuity is $6,000.

1. Pay the amount above on behalf of members specified in subparagraph 360101C, who died on 2 August 1990 or later.

2. If a death gratuity payment was made on behalf of members described in 1 above at the rate effective before 2 August 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).

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. Death gratuity is payable on behalf of members who die 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 DFAS Center for the Service concerned pays death gratuity under circumstances described in subparagraph 360101B, C, and D.

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 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.

360110. Special Death Gratuity Payments. A special death gratuity to the Servicemen's Group Life Insurance (SGLI) beneficiary of each member of a Uniformed Service who died after 1 August 1990, and before 6 April 1991, is payable in the amount equal to the SGLI payment paid or payable to such beneficiary under subchapter III, chapter 19, title 38, United States Code (reference (bx)), by reason of death of the member. Payment is made provided the member's death was in conjunction with or in support of Operation Desert Storm, or attributable to hostile action in regions other than the Persian Gulf. Claims for payment of this gratuity must be filed not later than 5 April 1992.

3602 SETTLING DECEASED MEMBERS' ACCOUNT

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 unless

paragraph 341001 applies) when death occurs on or after 28 August 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. Any remaining installments of an enlistment bonus or selective reenlistment bonus payable under paragraphs 090105 and 090205; and

E. Proceeds of any checks for items 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 their recovery 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 descendents 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 Service concerned.

360206. Tax Abatement. See paragraph 440104 if member's death was caused by terrorist or military action overseas.

3603 ALLOWANCE FOR QUARTERS TO SURVIVING DEPENDENTS.

360301. Eligibility

★A. Effective 1 October 1993, an allowance for quarters 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 BAQ.

B. The allowance terminates 180 days after the date of the member's death.

C. When member is killed by a dependent(s), BAQ is not payable to that dependent, unless there is evidence which clearly absolves said dependent of any felonious intent.

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 quarters allowances 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-dependents BAQ.

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 BAQ payable, see table 26-9. For payment of VHA/OHA, see Joint Federal Travel Regulations, volume 1 (reference (d)).

★B. Examples are:

1. Member dies 5 January 1994, and dependents vacate non-rental government quarters on 12 February 1994. Pay BAQ to the dependents at the appropriate monthly rate for 12 February through 4 July 1994, which is the 180th calendar day after the date of death. Had the member died 5 January 1996, the termination date for BAQ entitlement would have been 3 July 1996, because of the extra calendar day for leap year.

2. Member dies 16 March 1994, and the member's dependents do not occupy government family-type quarters. Pay BAQ to the dependents for the period from 17 March through 12 September 1994, 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 against debts due the United States from the deceased member.

ELIGIBLE BENEFICIARIES—DEATH GRATUITY		
RULE	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

RULE	A If the member is permanently assigned	B and eligible beneficiary	C and the beneficiary is located in	D 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 FAO who has custody of the member's PFR or is the first to receive it after member's death, or 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 FAO 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 AFO 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 360105A, B, C, or any questionable cases under 360104E.
   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 BAQ purposes.

Table 36-2. Responsibility For Payment of Death Gratuity—Army

RESPONSIBILITY FOR PAYMENT OF DEATH GRATUITY—MARINE CORPS

RULE	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 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).
2				payment is requested by the CO of an activity located in an outlying area	the disbursing officer servicing the activity.
3				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.
4	a lawful spouse, child or children, designated, or nondesignated relatives (note 2)	doubtful (notes 3, 4, 5, 6)			DFAS-KC upon CMC (MHP-10) authorization (note 7).
5		not doubtful	the relative did not reside with the member at or near member's duty station or home port		
6				payment is requested by the CO of an activity located near residence of the designated beneficiary	the DO 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 360104E.
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 BAQ 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				
RULE	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 FSO 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 360105A, B, or C, and any questionable cases under 360104E.
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 BAQ 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 PFR custodian for pay data to make supple-mental payment, if necessary.

Table 36-4. Responsibility for Payment of Death Gratuity—Air Force

RESPONSIBILITY FOR PAYMENT OF DEATH GRATUITY—NAVY					
RULE	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 COMNAVMILPERSCOM authorization.

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 360104E 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 BAQ purposes was not made.

Table 36-5. Responsibility for Payment of Death Gratuity—Navy

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, 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 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 of the OASD (FM&P). 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 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 part.

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 Congress specifically provides for prisoner of war (POW) compensation for captivity periods. See section 3702.

370106. Taxability. Former captive payments are generally 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 Congress for a specific period of captivity as a POW is made by the Secretary of the Treasury (TREASSEC) 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

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 TREASSEC. Withdrawal procedures are established by the TREASSEC.

PART FIVE

PAYMENT OF SERVICE ACADEMY CADETS, MIDSHIPMEN, ACADEMY OFFICIALS, AVIATION CADETS, AND SERVICE ACADEMY PREPARATORY SCHOOL STUDENTS

CHAPTER 38

SERVICE ACADEMY CADETS, MIDSHIPMEN, AND SERVICE ACADEMY PREPARATORY SCHOOL STUDENTS

3801 ENTITLEMENT PROVISIONS

Service Academy cadets and midshipmen. Cadets at the United States Military Academy, the United States Air Force Academy or 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 by the Secretary concerned.

3802 SERVICE ACADEMY PREPARATORY SCHOOL STUDENTS

A. Effective 30 November 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.

B. Effective 30 November 1993, a student at a preparatory school referred to in subparagraph A 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 $4.75 per day at all times (1 October 1994). This includes periods while they are at the academies, on authorized leave, sick in hospitals, and in a travel status for which a per diem is payable.

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, part A, chapter 7 (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 instructions at the Service academies are entitled to the same pay, commuted rations, and travel and transportation allowances as are authorized for United States cadets and midshipmen. However, the mileage allowance 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/State withholding tax and FICA tax. Part seven, chapters 1 and 2, are applicable.

3810 ALLOTMENTS

The Service concerned determines whether cadets and midshipmen may register allotments of pay.

3811 ADVANCE PAY FOR CLOTHING AND EQUIPMENT PURCHASES

381101. General. Service Secretaries prescribe 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. For a cadet or midshipman who 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. In the case of a cadet or midshipman who 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 appropriate finance center as a debt owed to the United States.

3812 COLLECTION OF INDEBTEDNESS

For general policies and requirements relating to collection of indebtedness, see part seven, chapter 50. Private indebtedness for services (laundry, dry cleaning, shoe repair, etc.) is not an indebtedness collectable under part seven, 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 part four, chapter 34. Cadets and midshipmen are also 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 part four, chapter 36.

3815 SERVICEMEN'S GROUP LIFE INSURANCE (SGLI)

Effective 20 June 1972, cadets and midshipmen are eligible for SGLI coverage while on full-time duty as a cadet or midshipman at a Service academy. See part seven, chapter 47. Details covering the administration of the SGLI program for cadets or midshipmen are contained in the pay procedural instructions of the Service academy concerned.

DATES TO START AND STOP PAY AND ALLOWANCES		
RULE	A	B
	When a cadet or midshipman	then pay and allowances
1	has been officially admitted 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 voluntarily placed 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. 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

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CHAPTER 39

PAY OF SERVICE ACADEMY OFFICIALS

3901 GENERAL PROVISIONS

A commissioned officer serving as an appointed official at a 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 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 Section 1251, Revised Statutes (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						
	A	B			C	D
RULE	When officer is serving as	at the US Military Academy	at the US Naval Academy	at the US Air Force Academy	and	then the officer is entitled to the pay and allowances prescribed for
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).
12	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).
13	Band Leader		X			the grade prescribed by the Secretary of the Navy (note 4).
14	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 part one, 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 part one, chapter 2, section 0202.

4004 BASIC ALLOWANCE FOR SUBSISTENCE

Pay aviation cadets at the monthly rate prescribed in 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 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 paragraph 290204 of this manual.

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, part A, chapter 7 (reference (d)).

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PART SIX

ALLOTMENTS OF PAY

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 chapter 43, section 4304, this part, for applicable provisions.

410102. Authority. Under instructions issued by the Secretary of Defense, the personnel identified in section 4104 may authorize allotments from their pay for the purposes set forth in this part.

410103. Policy. The allotment system is provided to help Service members adjust their personal and family finances to military service. It is a convenience and privilege not to be exploited or abused.

4102 SPECIALIZED TERMS

410201. Certifying Officer

A. Navy. The disbursing officer responsible for registering an allotment on the military pay record. On ships without disbursing officers, the commanding officer or such other officer as designated in writing, who is responsible for preparing, certifying, and forwarding allotment forms to the disbursing officer maintaining members' master pay account.

B. Marine Corps. Marine Corps allotment forms are normally prepared by the administrative office and certified by the disbursing officer.

410202. Allotment Officer (Navy and Marine Corps). The disbursing officer of the Defense Finance and Accounting Service–Cleveland Center, Anthony J. Celebrezze Federal Bldg, Cleveland, OH 44199, or the Director, Defense Finance and Accounting Service–Kansas City Center, Centralized Pay for Operations (JE) Kansas City, MO 64197.

410203. Definitions. See Definitions for active duty, allotment, allottee, allotter, and financial organization.

4103 AUTHORIZED ALLOTMENTS

410301. General. Voluntary allotments of military pay and allowances of service members in Active Military Service are limited to discretionary and non-discretionary allotments.

410302. Discretionary Allotments. Members are authorized no more than six (6) purely 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 premium for commercial life insurance on the member, the member's spouse or children. This includes United States Government Life Insurance, Navy Mutual Aid Insurance, Army Mutual Aid Insurance, dental and health insurance for the benefit of family, and payment of vehicle insurance.

B. Voluntary payment to a dependent and 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 the children'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. Household Finance, Beneficial, etc.

410303. Non-Discretionary Allotments. Non-discretionary allotments of military pay and allowances of members in Active Military Service are limited to the following:

A. Purchase of U.S. savings bonds.

B. Repayment of loans to the Navy and Marine Corps Relief Society, Army Emergency Relief, 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 Service members serving on active duty.

D. Any other indebtedness to any department or agency of the United States Government (except to the Department paying the Service 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 one such allotment is authorized for any Service member.

2. Army Emergency Relief, Navy and Marine Corps Relief Society, or affiliates of the Air Force Assistance Fund. Only one such allotment is authorized for any Service member.

G. Allotments to the VA 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 twelve consecutive months, unless the Service 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; however, once any such allotment is discontinued by the retiree, it cannot be reestablished. Changes are permitted only when they are beyond the member's control and are of an administrative nature dictated by events incidental to the purpose of the allotment. Discontinuance occurs with any mortgage refinancing action.

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 quarters (BAQ) 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. Variable housing allowance (VHA) for members with dependents and members without dependents in the grade of E-7 or higher.

K. Personal money allowance.

L. 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. Foreign 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 must be withheld from the maximum amount of pay and allowances that may be allotted:

A. Federal, state and FICA taxes.

B. To repay debts properly chargeable against a member's pay account (does not include repayments of advance pay).

C. Premiums of SGLI.

D. Montgomery GI Bill deduction.

410504. Commanders may further restrict 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 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. Air Force. The Defense Finance and Accounting Service-Denver Center, Denver, CO 80279-8000, issues savings bonds and pays all allotments of pay except class X which are paid locally.

410702. Army. The Defense Finance and Accounting Service-Indianapolis Center, Military Pay Operations, Indianapolis, IN 46249, issues savings bonds and pays all allotments of pay except class X allotments, which are paid by local disbursing officers.

410703. Marine Corps. The Defense Finance and Accounting Service-Kansas City Center, Kansas City, MO 64197, issues savings bonds and pays all allotments of pay.

410704. Navy. The Defense Finance and Accounting Service-Cleveland Center, Anthony J. Celebrezze Federal Buildingg., Cleveland, OH 44199, pays all allotments of pay.

4108 RESTRICTIONS

410801. Limitations. Members may have up to six (6) discretionary allotments as outlined in paragraph 410302.

410802. 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.

410803. Mental Incompetents. Allotments may not be made payable to mentally incompetent persons. They may be made payable to a guardian or to the institution where confined.

410804. Power of Attorney. A power of attorney is not acceptable to establish, change, or stop an allotment.

410805. Member Awaiting Trial by Court-Martial

A. Members may not register an allotment between the date 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. 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.

410806. Returned Absentees, Deserters, and Prisoners. Allotments will not be registered for a returned absentee or deserter, unless the appropriate Defense Finance and Accounting Service Center has verified the member's pay status.

410807. Fraudulent Enlistment. Pay and allowances may not be allotted when pay is suspended pending final action on determination of fraudulent enlistment.

410808. 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 by death of the allotter. No further allotment payments may 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 two exceptions:

A. Allotments erroneously established after notice of death of the allotter, and

B. Unearned insurance payment premiums (insurance premiums paid 1 month in advance of the day payment is actually due). See Service procedural instructions for actions required by the disbursing officer maintaining the pay account. However, the issuance of a check for an allotment 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 will be returned to the office that issued them. They will be credited to the member's account or paid in accordance with Service instructions if member has been separated from the 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 officer 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 which 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 must be returned immediately to the office which issued it. 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 should be required to submit a complete and detailed explanation. Liability determination will then be made.

411002. Navy and Marine Corps

A. Commanding Officer. The commanding officer is responsible for informing the disbursing officer of any facts which warrant the stoppage of an allotment and for any required follow-up action. The commanding officers of units or ships without disbursing officers have the same responsibility as disbursing officers to initiate any necessary follow-up action regarding unacknowledged allotment requests.

B. 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 field 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

RULE	A	B		C		D			E	F		G	
	When the purpose of an allotment is	and Service letter designation is		and member on active duty is		and is an			allotments which may be continued 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	Aviation Cadet		indefinite	definite	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 Navy and Marine Corps Relief Society, Army Emergency Relief, 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 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 delin-quent taxes (Fe-deral, state local, or employment taxes)												
7	emergency payment to a dependent	X		X		X	X			X			X
8	remmittance 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 42

DISCRETIONARY ALLOTMENTS

4201 RESTRICTIONS ON DISCRETIONARY ALLOTMENTS

420101. Restrictions

A. General. 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.

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 must be sent by Direct Deposit/Electronic Fund Transfer (DD/EFT).

NOTE: If the services of a financial institution are not available, a composite or blanket check shall be sent to the home office or a branch office named by the home office of the firm (Examples of non-individual: Mutual Fund Company, Insurance Company, Finance Company, etc.).

4202 ALLOTMENTS TO DEPENDENTS OR RELATIVES

420201. Authorized Allottee. Officers and enlisted members of the 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 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 Air Force or Army 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.

420203. Allotment or Deduction for Rent. An allotment or deduction of pay may be authorized by the appropriate Service Secretary 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 Service concerned.

4203 INSURANCE ALLOTMENTS

420301. Purpose. Allotments are authorized to be made by all 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:

The Veterans Administration
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 United States 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 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 of the Services 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.

NOTE: DD/EFT is required for all discretionary allotments to non-individuals. If the services of a financial institution are not available, a composite or blanket check shall be sent to the home office or a branch office named by the home office of the firm.

4205 ALLOTMENTS FOR PAYMENT OF MORTGAGE OR RENT

420501. Authorized Allottee. Officers and enlisted members of the Services may authorize allotments of pay for mortgage or rent payment to a financial institution, mortgage company, realtor or to a landlord. See paragraph 420101 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 section 4108 are applicable when starting this type of allotment.

DATES TO START INSURANCE ALLOTMENTS				
RULE	A	B	C	D
	If a member of	authorizes a/an	and	then start allotment effective the first day of the month
1	any 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 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 Service procedural regulations.

NOTES:

1. A United States Government, 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 1 June.

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					
RULE	A If a member of	B has a	C and the	D then stop present allotment effective the last day of the month	E 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 Service regulations (stop retroactively if requested by VA 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 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 VA. (Allotment office adjusts premium payments with VA.)

Table 42-2. Dates to Change Insurance Allotments

DATES TO STOP INSURANCE ALLOTMENTS

RULE	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 Service procedural regulations.
2	the Navy or Marine Corps	commercial insurance, National Servicemen's Life Insurance, or a Navy Mutual Aid allotment		
3	any 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 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.
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 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 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

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 (Air Force and Army Only) Air Force and Army 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 pay procedural instructions of the Service concerned.

430105. Safekeeping of Bonds. Members who prefer not to have their bonds mailed upon issue may have them held in safekeeping in accordance with the procedural regulations of the respective Services.

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 Service regulations.

B. Service Relief Organizations. Members are authorized to make charitable contributions to the Army Emergency Relief, Navy and Marine Corps Relief Society, or affiliates of the Air Force Assistance Fund by allotment.

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 Service relief organizations indicated in subparagraph B above. All allotments authorized are paid centrally by the offices shown in section 4107.

430202. Limitations. Allotments for CFC and Service relief organizations (SRO) 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 combined Federal fund-raising campaign is transferred, unless the member submits a written discontinuance request.

430205. Administration of Allotment. Details covering charitable contributions allotments are in the pay procedural instructions of the Service 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 1 January 1977 and before 1 July 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 Service concerned.

4304 ALLOTMENTS FOR CHILD AND SPOUSAL SUPPORT

430401. General. Upon proper notification from an authorized person, the appropriate Defense Finance and Accounting Service 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 part D of title IV of the Social Security Act (42 U.S.C. 651-665) (reference (ca))who has the duty or authority to seek recovery of any amounts owed as child or child and spousal support (including, when authorized under the state plan, any official of a political subdivision); and the court that has 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 appropriate Director of the Defense Finance and Accounting Service Center or designee who is authorized to receive and to process notices under this chapter. See paragraph 430407 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 (Air Force, Army, Marine Corps, or Navy).

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 five 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 quarters (BAQ) 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.

10. Variable housing allowance (VHA) for members with dependents and members without dependents in the grade of E-7 or higher.

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 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 Servicemen's 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.

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 430403E 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 Service, 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 Services shall provide the member with 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 appropriate Defense Finance and Accounting Service Center, 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. The Defense Finance and Accounting Service 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 430403E above.

C. When the member identified in the notice is found not to be entitled to money due from or payable by the Defense Finance and Accounting Service 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 Defense Finance and Accounting Service 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 CFC.

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 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 Officials

A. Army:
Director
DFAS-Indianapolis Center
ATTN: DFAS-IN-G
Indianapolis, IN 46249-0865
(317) 542-2155

B. Navy:
Director
DFAS-Cleveland Center
DFAS-CL-DG
Anthony J. Celebrezze Federal Bldg
Cleveland, OH 44199-2055
(216) 522-5301

C. Air Force:
Director
DFAS-Denver Center
DFAS-DE-DGG
6760 E. Irvington Pl.
Denver, CO 80279-1500
(303) 676-7524

D. Marine Corps:
Director
DFAS-Kansas City Center
ATTN: DFAS-KC-DG
Kansas City, MO 64197-0001
(816) 926-7103

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:

A. 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 10 U.S.C. 672 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"), 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. When the application package is effectively served on the designated agent, the application package will be processed in accordance with DoD Directive 1344.9 and DoD Instruction 1344.12.

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, 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, 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 the DoDFMR, volume 7A.

430505. Notice to Member and Member's Commanding Officer

A. The designated agent will immediately 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 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 C, below, the appropriate DFAS Center, 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 paragraph 430503E, F, above.

C. When the member identified in the application package is not entitled to any monies from the Military Services, 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 paragraph 430406D.

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. 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

B. Navy:
DFAS PAY/PERSONNEL Procedures Manual (NAVY) DFAS-CL (NAVSOP) 3050-2

C. Air Force:
DFAS-DEM 177-373, volume 1 (1 Nov 1994); AFM 177-373, volume 3; and AFI 36-2906

D. Marine Corps:
Bond and Allotment Manual (B&A Manual) MCO p7220.45; Automated Pay Systems Manual (APSM), MCO p7220.31

PART SEVEN

DEDUCTIONS AND COLLECTIONS

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.

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. All active duty members for any month during which they qualify for combat zone exclusion, as prescribed in paragraph 440103.

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 is officially determined that the member is absent from post of duty without authority. These provisions are effective from 28 February 1961.

C. Federal income tax will not be withheld upon military wages of legal residents of Puerto Rico. United States income tax withholding is precluded upon military wages properly subject to Puerto Rico withholding. Puerto Rico withholding is not required on wages earned but unpaid at the date of death of a military member. Federal income tax withholding is proper on these wages.

440103. Combat Zone Exclusion

A. Combat Zone Defined

1. Effective 1 January 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 17 January 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.

B. Qualification for Combat Zone Exclusion. A member is entitled to combat zone tax exclusion for any month during any part in which:

1. A member performs active service in a combat zone designated in subparagraph A above. Periods in the zone during which members are absent from their duty assignments in the zone on account of sickness, wounds, internment by the enemy, or other lawful cause are periods of active service.

2. A member of the armed forces in active service in the combat zone who becomes

a prisoner of war or missing in action is deemed, for the purposes of this paragraph, to continue in active service in the combat zone for the period for which member is entitled to such status for military pay purposes.

3. A member assigned to duty in the combat zone who is directed to perform temporary duty, granted official leave, or authorized to depart from the zone for other lawful cause, and whose departure or return is on any day of the month may receive the combat zone exclusion for that month. (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. A member who is present, however briefly, in the combat zone on official duty requiring presence in that zone, including the airspace of a combat zone, qualifies for combat zone exclusion for that month. When the airspace over a combat zone is included as part of the zone, members who pass over or through the combat zone during the course of a trip between two points, both of which lie outside the zone, are entitled to an exclusion only if the members are assigned to official temporary duty to the airspace of the combat zone or qualify for hostile fire/imminent danger pay as a result of the flight. If the airspace is not designated for imminent danger pay, members must be assigned to perform duty in the airspace rather than flying over the zone as 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 to an air unit stationed outside the combat zone. On June 4, during the course of a flight between A's home base and another base outside the combat zone, the aircraft on which A serves as a navigator flies over the combat zone. Member A is not on official temporary duty in the airspace of the combat zone and does not qualify for hostile fire/imminent danger pay as a result of the flight. Accordingly, A is not deemed to have served in a combat zone since A passes over the combat zone without either being on official duty to the combat zone or qualifying for hostile fire/imminent danger pay.

★Example 2. Same scenario as example 1, except that Member B is entitled to hostile fire/imminent danger pay as a result of the flight. Member B is deemed to have served in the combat zone and entitled to the combat zone tax exclusion.

★Example 3. Member C is a navigator of an air unit stationed outside a combat zone. On June 4, Member C is ordered to perform duty (execute a mission) in the airspace over the combat zone and return to his home station outside the combat zone. Member C is not entitled to hostile fire/imminent danger pay as a result of the flight. Member C is deemed to have served in the combat zone and is entitled to the combat zone tax exclusion for the month of June for performing official temporary duty in the airspace during the period.

5. A member performs military duties in areas outside the combat zone in direct support of military operations in the combat zone and qualifies for hostile fire/imminent danger pay under part one, chapter 10. (The hostile fire/imminent danger pay entitlement must be related to activities or circumstances in the combat zone.) Commanders/commanding officers who feel members of their unit qualify for combat zone treatment under this provision should request certification from the applicable approval authority as designated by the Secretary of Defense.

a. When members are entitled to tax exclusion under this subparagraph, entitlement continues for periods of absence, prisoner or missing status, and temporary duty as stated for service in the actual combat zone in B(1), (2) or (3) above.

b. Service is in direct support of military operations in a combat zone if it has the effect of maintaining, upholding, or providing assistance for those involved in military operations in the combat zone. The following examples are provided to assist in determining whether or not personnel qualify for combat zone tax exclusion.

In each case personnel must be entitled to hostile fire pay/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 are in direct support of military operations in the combat zone.

(2) If an airship in a nearby country outside the combat zone is used to transport supplies and personnel into the combat zone, the ground crews who load the aircraft and the maintenance personnel who maintain the aircraft all qualify for combat zone 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 and would also qualify.

(3) Members of a unit or installation who support and assist other members of the unit or installation who serve in direct support of military operations in a combat zone are considered as serving in direct support of military operations in the combat zone. Generally, all members serving in support of operations at an installation where some members serve in direct support of military operations in a combat zone are serving in direct support of military operations in that combat zone (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 while serving under B5 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 tax exclusion under this subparagraph shall not apply to any months beginning more than 2 years after the date of the termination of combat activities in the combat zone.

C. Periods For Which Tax Exclusion Does Not Apply. Members who are in the combat zone merely for their own convenience, e.g., while on leave from a duty station not in the zone, are not entitled to the exclusion.

D. Tax Abatement in Case of Death

1. A member who dies in a combat zone, or as a result of wounds, disease, or injury incurred while serving in the combat zone (including under B5 above) is exempt from any 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.

c. Any such tax for prior years which 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 2 January 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 combatants' activities in any combat zone other than that designated for purposes of the Vietnam conflict.

E. Termination Date Other than Cases of Hospitalization. In no case will the tax exclusion authorized in B1 through B5 above for active duty members extend beyond the effective date specified in an executive order terminating the designation of the combat zone.

440104. Tax Abatement for Death Caused by Terrorist or Military Action Overseas. A member whose death was caused by terrorist or military action (excluding training exercises) overseas 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. Federal and State withholding will be in accordance with Treasury Department Circular E (reference (cf)) and Treasury Department regulations governing State income tax withholding as implemented in Service directives.

B. Additional Federal and State Withholding Tax. A member may authorize an additional amount to be withheld monthly to meet the income tax needs while entitled to combat zone tax exclusion, or for other reasons. A member who becomes entitled to combat zone exclusion while on TAD or TDY may authorize that regular withholding be continued. Member's pay account must be adjusted currently, however, for the combat zone exclusion. See procedural instructions of the 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 which is not the legal residence of the member.

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 Service remains the same until changed by the member. Notification of a change of legal residence must be accomplished by DD Form 2058, State of Legal Residence Certificate.

C. Withholding. Compensation for military service which is subject to Federal taxation is also subject to the mandatory withholding of income taxes on behalf of those states (including the District of Columbia) which 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:

State	Effective Date To Commence Withholding
Alabama	1 July 77
Arizona	1 Sep 93
Arkansas	30 Mar 81
California	1 Feb 78
Colorado	1 Aug 77
Connecticut	1 Jan 92
Delaware	1 July 77
District of Columbia	1 Aug 77
Georgia	1 Jan 79
Hawaii	1 Dec 77
Idaho	1 July 77
Indiana	1 Aug 77
Iowa	1 July 77
Kansas	1 July 77
Kentucky	1 Sep 77
Louisiana	1 Sep 77
Maine	1 Nov 77
Maryland	1 Aug 77
Massachusetts	1 Aug 77
Minnesota	1 Nov 77
Mississippi	1 June 78
Missouri	1 Jan 93
Nebraska	1 Sep 77
New Jersey	1 July 77
New Mexico	1 July 77
New York	1 July 77
North Carolina	1 July 77
North Dakota	29 July 87
Ohio	1 Sep 78
Oklahoma	1 Sep 77
Oregon	1 Nov 77
Pennsylvania	1 July 77
Puerto Rico	29 Nov 88
Rhode Island	1 Aug 77
South Carolina	1 July 77
Utah	1 July 77
Vermont	1 Jan 90
Virginia	1 July 77
Wisconsin	1 Aug 77

D. 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 is neither 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 lawfully admitted 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 first present in the United States after being lawfully admitted for 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 ten days while still substantially connected to a foreign country is disregarded, until the alien leaves the United States and establishes closer connections to a foreign country than to the United States. Nominal presence in the United States of ten 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 which arose while in the United States are disregarded in applying the substantial presence test. An alien meets the substantial presence test if:

a. 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, except that

c. 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 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 sea-going vessel of the Navy (other than a vessel normally used in coastal waters only). 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 part seven because of a nonresident alien status.

C. Income Tax Withholding. A nonresident alien member's pay for any period of service within the United States exceeding 60 calendar days is subject to Federal income tax withholding. Such pay may also 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 is nevertheless 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 A, above.

440108. Advance Payment of Earned Income Credit Amounts. Members who can satisfy the Internal Revenue Service (IRS) earnings and status of dependents' tests qualify for the earned income credit and may elect to receive advance payments. Advance payment will be made after such members file an Earned Income Credit Advance Payment Certificate (TD Form W-5) obtained from IRS. Payments may be made to members under Treasury Department regulations as implemented in 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. A Service's (or DFAS Center's) receipt 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 (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); or

2. Forwards parts 2 through 5 to the member if funds are due or will soon become due.

C. The member certifies 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 Service concerned and as established within Service regulations). If the member does not return these parts, 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 appropriate DFAS Center.

440203. Effects on Members in a Combat Zone or in a Missing Status

A. The disbursing officer will immediately 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 for any period of time;

2. Serving (performing official duties) outside a designated combat zone, but in direct support of military operations in a combat zone, and in receipt of hostile fire or imminent danger pay as a result of duties performed in direct support of designated combat zone operations.

3. Continuously hospitalized as a result of service in a designated combat zone (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 Service 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, will 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 levy is in effect.

B. When exemptions are equal to or exceed the member's "take home pay," advise the IRS office that served the levy.

440205. Problem Cases. When IRS determines a member's delinquent income tax is a "problem case," it furnishes with the levy notice:

A. Statement of amount of delinquent taxes, and

B. 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 which 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 selects any allotments to be stopped. If the member does not select, the disbursing officer stops allotments as necessary. Stop insurance allotments last.

4403 INSTALLMENT COLLECTION OF DELINQUENT TAXES

440301. Agreement for Liquidation of Federal Tax Indebtedness by Payroll Deductions. A member may arrange with IRS to pay delinquent taxes by monthly deductions from pay. Agreements are made on IRS Form 2159. A member may not cancel an agreement before the tax indebtedness is completely liquidated. The 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

RULE	A If item is	B then item is taxable and subject to Federal/State income tax withholding (notes 5, 9, and 10)	C then item is taxable but not subject to Federal/State income tax withholding (notes 5, 9, and 10)	D then item is not taxable (notes 5, 9, and 10)
1	basic pay or inactive pay compensation (note 1)	for any month combat zone exclusion does not apply	in amounts of over $500 per month for commissioned officers (O-1 and above) for any month combat zone exclusion applies (note 2).	for enlisted members or warrant officers (W-1 through W-5), and up to $500 per month of such pay for commissioned officers (O-1 and above) for any month combat zone exclusion applies (notes 2 and 7); or, for any member while in a missing status authorized tax exclusion under the provisions of subparagraph 440102B.
2	incentive pay for hazardous duty (see part two)			
3	special pay (see part one)			
4	lump-sum payment of accrued leave (basic pay portion)			
5	separation pay, readjustment pay, or severance pay (except for disability) (see note 6)			
6	contract cancellation pay			
7	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 exclusion applies.
8	pay forfeited by CM sentence NJ punishment			and is loss of entitlement to pay in the amount of the forfeiture (however, remaining pay is subject to tax withholding (note 3)).
9	payment(s) in excess of actual travel and transportation costs incurred while carrying on business of United States Government (includes any temporary lodging entitlements)		and will not be reported on TD Form W-2 or 1099. Member will account for such payment(s) on individual income tax return	
10	incentive payment paid to member for do-it-yourself move per chapter 5, part D, JFTR	at time of payment		
11	Muster duty allowance	at time of payment under the provisions of subparagraph 570306C		
12	Personal money allowance	and will be reported on IRS Form W-2		
★13	an allowance (BAS, BAQ, FSA, VHA, clothing and uniform allow ances, and overseas station allowances) (note 8)			at any time.

★Table 44-1. Taxability of Items of Military Pay and Allowances

RULE	A If item is	B then item is taxable and subject to Federal/State income tax withholding (notes 5, 9, and 10)	C then item is taxable but not subject to Federal/State income tax withholding (notes 5, 9, and 10)	D then item is not taxable (notes 5, 9, and 10)
★14	death gratuity		to the extent the total payment for any death exceeds $5,000 (notes 11, 12)	
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 exclusion.
★16	special separation benefit or voluntary separation incentive	at the flat withholding rate (currently 28 percent) for Federal (FITW) withholding and at appropriate State (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 13).		
17	Former Captive Payment (see part 4, 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.

NOTES:

1. Excludes the reduction of basic pay for educational benefits under the "New G.I. Bill" after 31 Dec 1985. (38 U.S.C. 1411)
2. Add payments (rules 1 through 6) made currently or at a later time for commissioned officer service (O-1 and above) to other pay for the month of service to determine the $500 exclusion. (See subparagraph 350103B).
3. This does not apply to fines imposed by CM or NJ 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 exclusion applies. Combat zones are so designated by Executive Order.
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 member's state of legal residence has entered into a withholding agreement with the Secretary of Treasury. 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 for exceptions to the normally taxable payment of disability severance pay.
7. Only pay and allowances actually earned during any month a combat zone designation applies are excludable, even if paid in 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 9 Sep 1986 remain nontaxable. Any allowance created after 9 Sep 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 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 total amount of death benefit payments paid by an employer(s) in connection with a member's death that are excludable from income, may not exceed $5,000, regardless of the number of employers or the number of beneficiaries. The $5,000 exclusion is allocated among the beneficiaries. 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.
12. Special Death Gratuity payments made in accordance with paragraph 360110 are totally non-taxable.
★13. SSB and VSI payments remain taxable even if a member signs the agreement to separate while serving in a combat zone.

★Table 44-1. Taxability of Items of Military Pay and Allowances (Continued)

COLLECTION OF DELINQUENT TAXES BY INSTALLMENT—CHANGE OF MEMBER'S STATUS				
	A	B	C	D
RULE	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 agreed to.
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 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 IRS	notify member and 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		
10		a T allotment has been established	T allotment remains in effect	deductions required by T allotment are made from retired pay or retainer pay.
11	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

★CHAPTER 45

FEDERAL INSURANCE CONTRIBUTIONS ACT (FICA)

4501 GENERAL. The Federal Insurance Contributions 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 Service is subject to FICA tax. This includes members serving:

A. In the 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 5).

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.

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 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 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 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	

Table 45-1. FICA Percentages and Maximum Taxable Wages and Maximum Tax

EFFECT OF PUNISHMENT, ABSENCE AND NON-PAY STATUS

RULE	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.
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	

Table 45-2. Effect of Punishment, Absence and Non-Pay Status

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 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 the Precedence of Pay Deductions and Collections, Table 52-1 of this Volume.

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CHAPTER 47

SERVICEMEN'S 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 Service academy.

470102. Active Duty for Training. Full-time duty in the Armed Forces for training purposes performed by Reserves; 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 Service academy; or a cadet or midshipman of the ROTC while performing field training or practice cruises.

4702 GENERAL

Members (defined in paragraph 470105) who receive basic pay for 1 or more days per month are responsible for SGLI premiums (coverage listed in section 4703) unless they waive coverage.

4703 FULL-TIME COVERAGE

The SGLI Program is administered by the Department of Veterans Affairs (VA).

470301. Basic Coverage. Effective 6 April 1991, this program automatically insures eligible members against death in the amount of $100,000 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 require at least 12 scheduled 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 basic coverage for an amount less than $100,000, in $10,000 increments, or may elect to waive coverage.

470302. Supplemental Coverage (SSGLI). Effective 1 December 1992, eligible members may apply (elect) for increased coverage beyond basic coverage, in $10,000 increments, up to $100,000. Maximum SGLI coverage (basic coverage plus SSGLI) is $200,000.

470303. 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 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)

Where 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), continue coverage. 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 conscien-tious 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 (eligible for full-time coverage), the monthly deduction (effective 1 July 1994) is $.90 for each $10,000 of coverage. The deduction will be made even though the member may have paid the yearly premium as a Reservist covered on a part time basis (paragraph 570702). For rules concerning starting and stopping deductions, see table 47-1. Monthly deductions are not prorated for partial months of service. Deduct the full month's 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 Servicemen's 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 Services contributes from its appropriations an amount (determined by the VA) 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 Services centrally pay the premium for extra hazard costs along with the member's premiums to the VA.

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 (part 4, chapter 36, section 3602). The OSGLI will reduce the insurance proceeds by the amount of any member premiums not paid.

EFFECTIVE DATES OF SGLI COVERAGE AND DEDUCTIONS (FULL-TIME AND PART-TIME)			
RULE	A When a member required to perform duty described in section 4703, paragraph 570106, or 570702	B then the effective date of	C and SGLI deduction (note 1)
1	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, waives coverage, or applies for SSGLI (note 3)	starts the month of the date of entry.
2	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). Any previously elected SSGLI coverage is also continuous	continues at the appropriate rate.
3	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.
4	applies for increase (including SSGLI) 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 Service.
5	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 Service. For deduction refunds, see section 4708.
6	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.
7	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 570706.)
8	is a Reservist 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 the member applies for reduced or no coverage, or applies for SSGLI).	
9	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 31st day of such status is reached.
10	forfeits rights to SGLI under the provisions of section 4706 and paragraph 570705	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.

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 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

Table 47-1. Effective Dates of SGLI Coverage and Deductions (Full-Time and Part-Time)

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. Reserves 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 is otherwise qualified.

5. Any previous election not to be insured or to be insured for less than $100,000 is canceled. Maximum basic coverage is automatically in effect unless member again elects not to be insured, to be insured in a reduced amount, or applies for SSGLI.

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 Service.

7. Increase or reinstatement of coverage is contingent upon written application by the member of VA Form SGLV 8285, Request for Insurance, and approval by the OSGLI. Members eligible for SGLI coverage on 30 Nov 1992, who applied for SSGLI before 1 Apr 1993, are not required to submit the 8285 form with their first application for increased coverage.

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.

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 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 involuntarily collected 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. However, the collection rate will not be less than that fixed by the approved sentence.

4802 REQUIREMENT FOR REDUCTION IN GRADE UNDER CERTAIN COURT-MARTIAL SENTENCES

Unless otherwise provided in regulations of the 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. 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 individual Services apply reduction in this instance as follows:

480201. Army. An accused 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 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 court-martial sentences adjudged on and after 1 May 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)).

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 on the gross pay remaining after deductions of the forfeiture.

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 con-current 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 COURT-MARTIAL SENTENCES APPELLATE REVIEW REQUIREMENTS

See table 48-1.

4805 EFFECTIVE DATES OF FINES AND FORFEITURES

480501. Date to Start Fines and Forfeitures Regardless of the nature of the sentence, do not collect any fine or impose any forfeiture arising out of a court martial until directed to do so by the convening authority. A member convicted by a court martial remains entitled to pay and allowances until the date the convening authority orders execution of that part of the sentence establishing a fine or forfeiture. This applies even if the member goes into immediate confinement as a result of the sentence of the court martial. Do not hold pay while awaiting the action of the convening authority.

480502. Deferral of Forfeitures. A convening authority may defer to start 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 court-martial forfeitures constitute a loss of entitlement of the pay concerned, they take precedence over all debts.

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 forfeiture 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 court-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.

★480709. Forfeiture Based on Reserve Status in Certain Circumstances. All punishments (as the result of any offense committed on or after 12 March 1987) remaining unserved (1) at the time a member of a Reserve component is released from active duty or (2) 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.)

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), 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 enlistments 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 forfeitures. 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 partial 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 effected 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 rehear-ing 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 which 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 dis-

charge 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/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. However, if the member is subject to a new trial or rehearing, the provisions of paragraph 480902, above, apply.

★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 a 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.

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 481203 below. It remains 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 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. It 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, convert the stated amount of forfeiture to a percentage using the monthly rate of basic pay in table 2–5 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 the duty above without forfeiture collection, the amount not collected on the basis of paragraph 481203 above becomes an amount due the U.S.

B. Otherwise, collect forfeiture at the percentage rate computed according to subparagraph 481203 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 COURT-MARTIAL SENTENCES—APPELLATE REVIEW REQUIREMENTS			
RULE	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 department concerned or by an Under Secretary or Assistant Secretary designated by the 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 Court-Martial Sentences—Appellate Review Requirements

APPLICATION AND EXECUTION OF COURTS-MARTIAL SENTENCES INVOLVING DISHONORABLE DISCHARGE										
	A	B	C	D	E	F	G	H	I	J
		and the convening authority approves the sentence				then pay and allowances		and forfeitures are		
RULE	When a court-martial sentence to dishonorable discharge also includes	as adjudged	and defers forfeiture until the sentence is ordered	and suspends the dishonorable discharge	and suspends the dishonorable discharge and orders the sentence executed	accrue until	and are	applied (withheld) on and after the date of approval by the convening authority	executed (collected) on and after the date: of approval by the convening authority	executed (collected) on and after the date: the sentence is finally approved and ordered executed
1	total forfeiture and confinement for 1 year or longer	X				sentence is finally approved an ordered executed	not paid to the member	X		X
2			X				paid to the member			X (note 1)
3				X		(note 2)	(note 2)	X		X
4	total forfeiture, confinement for less than 1 year	X				sentence is finally approved and ordered executed (note 2)	not paid to the member	X		X
5			X				paid to the member			X (note 1)
6					X		(note 2)		X	
7	partial forfeiture, confinement for 1 year or longer	X				sentence is finally approved and ordered executed	paid to the member subject to partial forfeiture	X		X
8			X				paid to member			X (note 1)
9				X		(note 2)	(note 2)	X		X
10	partial forfeiture, confinement for less than 1 year	X				sentence is finally approved and ordered executed	paid to the member subject to partial forfeiture	X		X
11			X				paid to member			X (note 1)
12					X	(note 2)	(note 2)		X	

Table 48-2. Application and Execution of Courts-Martial Sentences Involving Dishonorable Discharge

RULE	A	B	C	D	E	F	G	H	I	J
		and the convening authority approves the sentence				then pay and allowances		and forfeitures are		
	When a court-martial sentence to dishonorable discharge also includes	as adjudged	and defers forfeiture until the sentence is ordered	and suspends the dishonorable discharge	and suspends the dishonorable discharge and orders the sentence executed	accrue until	and are	applied (withheld) on and after the date of approval by the convening authority	executed (collected) on and after the date: of approval by the convening authority	executed (collected) on and after the date: the sentence is finally approved and ordered executed
13	forfeiture	X				sentence is finally approved and ordered executed	paid to member			X (note 1)
14					X	suspension of dishonorable discharge is vacated and dishonorable discharge is ordered executed	paid to the member subject to forfeiture (note 3)		X	
15	confinement for 1 year or longer	X				sentence is finally approved and ordered executed	paid to member			
16				X		(note 2)	(note 2)			
17	confinement for less than 1 year	X				sentence is finally approved and ordered executed	paid to member			
18					X	(note 2)	(note 2)			

NOTES:

1. Although sentence to forfeiture is ordered executed, pay and allowances against which forfeitures may operate do not accrue after the discharge is ordered executed.
2. Pay and allowances accrue to all members until the sentence is approved and ordered executed (or affirmed, as appropriate). After completion of appelate review, any amounts accrued in excess of applied or executed forfeitures are paid to the member. For Army and Air Force enlisted members, pay and allowances do not accrue beyond the date the sentence is approved and ordered executed (or affirmed) while the member is in confinement under suspended dishonorable discharge (see section 4806). For all other members, pay and allowances continue to accrue after the sentence is approved and ordered executed (or affirmed) while the member is in confinement under suspended dishonorable discharge and any amounts in excess of executed forfeitures are paid to the member.
3. When total forfeiture is involved, no payment is made to the member after the order of execution by the convening authority.

Table 48-2. Application and Execution of Courts-Martial Sentences Involving Dishonorable Discharge (Continued)

APPLICATION AND EXECUTION OF COURTS-MARTIAL SENTENCES INVOLVING BAD CONDUCT DISCHARGE (BCD)

RULE	A	B	C	D	E	F	G	H	I	J
	When a court-martial sentence to bad conduct discharge (BCD) also includes	and the convening authority approves the sentence				then pay and allowances		and forfeitures are		
		as adjudged	and defers forfeiture until the sentence is ordered	and suspends the BCD	and suspends the dishonorable discharge and orders the sentence executed	accrue until	and are	applied (withheld) on and after the date of approval by the convening authority	executed (collected) on and after the date of approval by the convening authority	executed (collected) on and after the date the sentence is finally approved and ordered executed
1	total forfeiture and confinement for 1 year or longer	X				sentence is finally approved an ordered executed	not paid to the member	X		X
2			X				paid to the member			X (note 1)
3				X		suspension of BCD is vacated and BCD is ordered executed	not paid to the member	X		X
4	total forfeiture, confinement for less than 1 year	X				sentence is finally approved and ordered executed	not paid to the member	X		X
5			X				paid to the member			X (note 1)
6					X	suspension of BCD is vacated and BCD is ordered executed	not paid to the member		X	
7	partial forfeiture, confinement for 1 year or longer	X				sentence is finally approved and ordered executed	paid to the member subject to partial forfeiture	X		X
8			X				paid to member			X (note 1)
9	partial forfeiture, confinement for less than 1 year	X				suspension of BCD is vacated and BCD is ordered executed	paid to the member subject to partial forfeiture	X		X
10		X				sentence is finally approved and ordered executed		X		X
11			X				paid to member			X (note 1)
12					X				X	

Table 48-3. Application and Execution of Courts-Martial Sentences Involving Bad Conduct Discharge (BCD)

RULE	A	B	C	D	E	F	G	H	I	J
	When a court-martial sentence to bad conduct discharge (BCD) also includes	and the convening authority approves the sentence				then pay and allowances		and forfeitures are		
		as adjudged	and defers forfeiture until the sentence is ordered	and suspends the BCD	and suspends the dishonorable discharge and orders the sentence executed	accrue until	and are	applied (withheld) on and after the date of approval by the convening authority	executed (collected) on and after the date of approval by the convening authority	executed (collected) on and after the date the sentence is finally approved and ordered executed
13	forfeiture	X				sentence is finally approved and ordered executed	paid to member			X (note 1)
14					X	suspension of BCD is vacated and BCD is ordered executed	paid to the member subject to forfeiture (note 2)		X	
15	confinement for 1 year or longer	X				sentence is finally approved and BCD is ordered executed	paid to member			
16				X		suspension of BCD is vacated and BCD is ordered executed	paid to member			
17	confinement for less than 1 year	X				sentence is finally approved and ordered executed				
18					X	suspension of BCD is vacated and BCD is ordered executed				

NOTES:

1. Although sentence to forfeiture is ordered executed, pay and allowances against which forfeitures may operate do not accrue after the discharge is ordered executed.

2. When total forfeiture is involved no payments are made to the member.

Table 48-3. Application and Execution of Courts-Martial Sentences Involving Bad Conduct Discharge (BCD) (Continued)

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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, this part, 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 and appendix 2, section 815 (reference (cj)).

490302. Concurrent Court-Martial and Nonjudicial Forfeitures. When nonjudicial forfeitures run concurrently with partial court-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 from the date of suspension only. 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 court-martial action. Refer to section 4812 for disposition policies/procedures.

SUSPENSION, REMISSION, SETTING ASIDE, AND MITIGATION OF NONJUDICIAL PUNISHMENT				
	A	B	C	D
RULE	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

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 expressly authorized 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 (Army Emergency Relief, the Air Force Aid Society, the Navy Relief Society, or the Coast Guard Mutual Assistance) may also 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 concerned (or designee) administratively determines to be owed the United States or any of its instrumentalities. Where a member of one Service owes a debt to another Service and the creditor Service makes an administrative determination of indebtedness, the creditor agency may forward such determination, along with certification that appropriate procedures set forth below have been complied with, to the applicable servicing DFAS Center. That Center may then initiate collection action.

1. Routine Adjustment. 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 and shall be told whom to contact for additional information.

2. Other Collections. Before initiating any collection action other than a routine adjustment, the member shall be provided with 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 has previously consented to pay checkage for the debt.

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 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 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 2/3 of the member's pay less: (a) amounts deducted in arriving at disposable pay plus: (b) amounts collected under subparagraph B.

B. Collections Under 5 U.S.C. 5514 (reference (cl))

1. When the Secretary of the Service concerned or the Secretary's designee determines that a member is indebted to the United States under the authority of 5 U.S.C. 5514 (reference (cl)), collection 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 owed 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.

2. Due Process. Debts collected under 5 U.S.C. 5514 (reference (cl)) are those owed to departments and agencies other than the Department of Defense or other Uniformed Services. The creditor agency is responsible for providing due-process rights to member debtors and for certifying to the Secretary of Defense that required due-process rights have been provided when requesting collection action. Once the Secretary of the Service concerned or the Secretary's designee has accepted the debt for collection, members must be

provided written notice informing the member of 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 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 30 September 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 B.

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 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 A, D, and E.

500106. Collection From Retired Pay. Conditions for collection of active duty debts from retired pay are in part six, chapter 28 of the Department of Defense Financial Management Regulation, Volume 7, Part B (DoDFMR, Vol 7B) (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 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 in this part.

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 by this part.

C. A member may voluntarily 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 Service regulations listed below for payment procedures required by the foregoing paragraphs:

1. Army: Chapter 13, AR 37-103 (reference (co)).

2. Navy: Navy Comptroller Manual, Volume IV, Chapter 1 (reference (cp)).

3. Air Force: AFR 177-108, and AFR 110-24 (reference (cq)).

4. Marine Corps: MCO 7220-13G (reference (cr)).

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, this chapter).

B. Levy for delinquent Federal income taxes (see section 4402, chapter 44, this part).

C. Levy for child support (see section 5002, this chapter).

D. Statutorily-required child or child and spousal support allotments.

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 Regulation (5 CFR 581) (reference (cs)) takes precedence when in conflict with the contents of paragraph 500201.

B. Pay Subject to Garnishment. Except for amounts excluded under 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 Service academy cadet, academy officials, and midshipmen pay) but excluding reduction for educational benefits under "New G.I." (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 quarters.
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 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.

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 1 above.

Disposable earnings is the pay subject to garnishment under B above, minus the amounts set forth in 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 1 above is 55 percent and under 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 B above are subject to legal process. When possible, allow the member to determine which allotments are to be stopped. 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:

1. Class C, CFC–Charity Drive.
2. Class B, BOND, Q–BOND–US Savings Bond.
3. Class D, FININ–Financial organizations.
4. Class S, EDSAV, E, V–Post–Vietnam Era Veterans Educational Assistance Program contributions.
5. Class L, AER, RED CR–Repay loans to Service Relief Agencies and Red Cross.
6. Class D, SPT–V–Payment to dependents/relatives.
7. Class X, Emergency payment to dependents.
8. Class D, HOME–Repay home loans.
9. Class D, INS–Commercial Life Insurance.
10. Class D, Navy–Mutual Aid Insurance.
11. Class D, NSLI–United States Government Life Insurance.

The following allotments of pay are not subject to legal process and should not be stopped:

12. Class T, RED–Repay indebtedness to the United States and repayment of delinquent Federal taxes.
13. Class U, RSFPP–Remittance for RSFPP.

G. Official Responsible for Dealing With Legal Process. The officials listed below, or their representatives designated by Service regulations, have been designated as the official 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) of their departments:

1. Army:
Director
DFAS-Indianapolis
Indianapolis IN 46249–0160

2. Air Force:
Director
DFAS-Denver Center
Attn: DFAS-DE-DG
Denver CO 80279-8000

3. Navy:
Director
DFAS-Cleveland
Anthony J. Celebrezze Federal
Building, Room 967
Cleveland OH 44199

4. Marine Corps:
Director
DFAS-Kansas City
Kansas City MO 64197

5. 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:
Commander-in-Chief
US Air Forces in Europe
Attn: Judge Advocate,
Director of Civil Law
Ramstein AB GE

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 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 the notice provisions of Article 32(1)(a) were complied with, 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 70711h(1)-(8).

H. Action Required. Once legal process has been served on the United States, the appropriate designated official indicated in 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 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 paragraph 500201E. Apply the greater exemption.

6. Determine whether the member is indebted to the United States. If such member owes a specific amount, such 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 (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. However, no suspension action shall be taken 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 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
Wash 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 1 July 1975, 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.)

B. Satisfaction of Levy. When the Secretary of the Treasury issues a notice of levy as described in a above, satisfy the levy in the manner prescribed in paragraphs 440204. 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.

B. Navy: SECNAVNOTE 7200 of 20 May 1975.

C. Air Force: AFM 177-373, volumes I and III.

D. Marine Corps: MCO P7220.31.

★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 paragraph 430502B) 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 part six, chapter 43, section 4305.

★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):

A. Basic pay (excluding the reduction for education benefits under 38 U.S.C. section 1411 ("New GI Bill"))

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, 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 (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 from a member's pay (except payments under 42 U.S.C. sections 659, 661, 662 and 665)

★500305. Voluntary Allotments to be Discontinued. See paragraph 430506D.

★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 paragraph 430502B):

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

B. Navy: DFAS PAY/PERSONNEL Procedures Manual (Navy) DFAS-CL (NAVSOP) 3050-2

C. Air Force: DFAS-DEM 177-373, Volume 1 (1 Nov 1994); AFM 177-373, Volume 3; and AFI 36-2906

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:

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 1 October 1980, may have such liability remitted or cancelled under regulations prescribed by the Secretary of the Service concerned.

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 detroyed on or after 1 October 1980, may have such liability remitted or cancelled under regulations prescribed by the Secretary of the 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 (section 5004). 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 Service Concerned. The debt must be one over which the military department concerned has jurisdiction. For example, a Secretary may not remit a member's indebtedness because of liability for damage to property of another 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 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 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 it. 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 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 Defense Finance and Accounting Service-Indianapolis Center; Defense Finance and Accounting Service-Cleveland Center; Defense Finance and Accounting Service-Kansas City Center; or Defense Finance and Accounting Service-Denver Center, as applicable. After an adverse ruling the member has the right to submit claim to the United States General Accounting Office, Claims Group, Room 5451, FGMS, Wash DC 20548. 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 U.S.C. (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 Service concerned or a person designated by the Secretary to investigate the matter.

500602. Responsibility for Validation. Findings of good faith under subparagraph 500501B are made (or forwarded to the appropriate office) by the offices listed in subparagraph 260403F. Purported marriages requiring such finding include those listed in paragraph 260403.

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

500701. Applications for Waiver Under 10 U.S.C. 2774 of Claims of United States Arising Out of Erroneous Payments. When a member applies for waiver of a claim under 10 U.S.C. 2774, forward such applications to the servicing 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. See DFAS Regulation No. 005 and implementing instructions of the DFAS Center.

INDEBTEDNESS DUE TO ERRONEOUS PAYMENTS, GAO DISALLOWANCES, AND NOTICES OF EXCEPTION						
RULE	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 Service	payment disallowed by General Accounting Office (GAO) in accounts of a disbursing or certifying officer		involuntarily (note 1)	disposable pay (see subparagraph 500103C).
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 Service 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

RULE	A If	B of	C is indebted to the United States for	D and	E then withhold from current pay	F 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 500103C).
2				debt is shown by the judgment of a court		
3				debt is shown by special order issued by the Secretary of the Service concerned		rate directed by special order of Secretary of Service concerned (all pay excluding allowances, or lesser amount).
4	an accountable enlisted member (note 2)	any Service				disposable pay (see subparagraph 500103C).
5	an officer or enlisted member		public funds obtained or converted to own use through fraud, larceny, embezzlement, or other unlawful means	the misappropriation of funds is admitted by the member	involuntarily, or as prescribed by regulations of the Service concerned	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 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							
	A	B	C	D	E	F	G
RULE	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 500103C).
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 500103C) or lesser amount approved by the Comptroller of the Navy 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 500103C).
4	a non-accountable officer or enlisted member	any Uniformed Service	loss of or damage to Government property	liability is established under regulations of the 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 Service concerned		

Table 50-3. Indebtedness Due To Loss Or Damage To Public Property Or Supplies

MISCELLANEOUS INDEBTEDNESS TO UNITED STATES

RULE	A If	B of any Service is indebted to the United States	C then collect from current pay	D 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 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		amount received.
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 Service regulations	table 50-6, rule 2.

NOTE: If the member has not filed a claim on a timely basis as defined by 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							
	A	B	C	D	E	F	G
RULE	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 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 500103C).
2			member's spouse, former spouse or child	court ordered child support or alimony			(see part 7, 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)			disposable pay (see subparagraph 500103C).
4		the Navy or Marine Corps		uncollectible check endorsed or issued by member or member's agent (note 1)		involuntarily or pursuant to Service regulations	table 50-6, rule 2.
5		the Armed Forces	other appropriated fund activity or office				
6		any 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 part 7, 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 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

RULE	A If	B is indebted for	C and	D then the Service may authorize or approve liquidation by monthly installments that	E and if debt remains at time of separation, collect from final pay	F and if total debt is not liquidated from final pay, establish collection from
1	officer or enlisted member of any 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, chapter 50, part 7	as directed by court order	retired pay, retainer pay, or pay in new enlistment and limited by part 7, chapter 50, section 5002.
2		an administratively determined indebtedness to the United States or its instrumentalities		do not exceed maximum limitation specified in subparagraph 500104A.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 Service concerned (note 5)	unpaid pay and allowances, separation payments under part 4, 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, 6 and 7)	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 Department of Defense and its instrumentalities or other Uniformed Services		do not exceed 15 percent of disposable pay for that month (see subparagraph 500104B)		
4	an officer or enlisted member of the Armed Forces	amount due United States as determined by a Federal court		do not exceed 25 percent of disposable pay for that month (see subparagraph 500104C) (note 3)		
5	an officer or enlisted member of any Service	any indebtedness incurred on or after 4 Dec 87 to a Service relief society, (Army Emergency Relief, Air Force Aid Society, Navy Relief Society, or Coast Guard Mutual Assistance)			involuntarily or pursuant to Service regulations (note 4)	

NOTES:

1. For Army and Air Force enlisted members do not exceed maximum limitation specified in subparagraph 500104A.4. This limitation does not apply to enlisted members whose accounts are being settled on discharge for fraud, desertion, discharge because of mental incompetency.
2. For enlisted members, travel allowances remaining due after the completion of separation travel may be collected.
3. The limitation does not apply when deduction of a greater amount is necessary to complete the collection within the period of anticipated service and is required by court order. 4. Do not exceed maximum limitation specified in subparagraph 500104A.4.
5. 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 his designee. However, the repayment period shall, in all cases, be scheduled to repay the advance before the member's expected date of separation.
6. 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.
7. 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 paragraph 350702F for SSB or 350802D for VSI.

★Table 50-6. Rates of Collection

CHAPTER 51

SAVINGS DEPOSIT PROGRAM (Effective 1 January 1991)

5101 DEFINITIONS

For the purpose of this chapter, the following definitions apply:

510101. Persian Gulf Area. Arabian Gulf area as designated in subparagraphs 100201N, P, Q, R and S.

510102. Permanent Duty Assignment. An active duty assignment which contemplates duty in the designated area for more than 90 days on PCS, 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 for dependents, insurance, etc. 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 28 February 1961 and ending on 7 May 1975.

510105. Persian Gulf Conflict. The period beginning on 16 January 1991 and ending on the date thereafter prescribed by Presidential proclamation or by law.

5102 AUTHORITY AND ELIGIBILITY

510201. The Act of 14 August 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 30 June 1974, with the exception of accounts of members continued in a missing status resulting from service in the Vietnam conflict.

510202. Members of the Armed Forces (1) 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 (2) on permanent duty assignment outside the U.S. 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. The Secretary 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 1 January 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. Member enters a missing status 1 February 1991. Unpaid pay and allowances have been accruing in his pay account at the rate of $100 per month since that date. Account is opened for member 1 May 1991, with an initial deposit of $300 (February, March, and April). His account is credited with $10 per month on 1 June 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 (or designee) concerned. Interest accrues from 1 February 1991.

B. Member enters a missing status 18 February 1991. The amount of unpaid pay and allowance due the member on the payday following 18 February 1991, would determine the amount of the initial deposit. Member's account is opened 1 Mar 1991, with the initial deposit and his account is credited with his unallotted pay and allowances monthly on the first day of each month

thereafter as prescribed in Example 1 above. Interest accrues from 18 February 1991.

5103 LIMITATIONS ON AMOUNTS OF DEPOSITS

Deposits may not be more than the amount defined as unallotted current pay and allowances in paragraph 510203. However, when the member can establish to the satisfaction of his commanding officer that he 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 backpay prior to departure to the Persian Gulf area or on temporary duty assignment outside the U.S. or its possessions in support of a contingency operation (as defined in the Definitions) for deposit after arrival in the area. When a member arrives in the Persian Gulf area, or on temporary duty assignment outside the U.S. or its possessions in support of a contingency operation (as defined in the Definitions), he or she may deposit the amount he or she 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 he is 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. Computing Average Quarterly Balance

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

Date	Deposits	Amount on Deposit	On 10th Day of
5 Jan	$20.00	$ 20.00	Jan
3 Feb	20.00	40.00	Feb
20 Feb	20.00		
10 Mar	20.00	80.00	Mar
$140.00			

$140.00 divided by 3 = $46.67 average quarterly balance.

Example 2

Date	Deposits	Amounts on Deposit	On 10th Day of
Jan	$ 0.00	$ 0.00	Jan
3 Feb	20.00	20.00	Feb
20 Feb	20.00		
3 Mar	20.00	60.00	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

Date	Deposits	With-drawals	Amount on Deposit	On 10th Day of
1 Apr	$147.12 (Bal Fwd)	$ 0.00		
3 Apr	20.00		$167.12	Apr
			167.12	May
15 May	10.00		—	

4	Jun	30.00		—	Jun
15	Jun		$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

Date	Quarterly Interest	Amount on Deposit
10 Jan		$10,000.00
1 Apr	$250.00	10,250.00
1 July	250.00	10,500.00

510404. Special Determinations. See table 51-1.

5105 CONDITIONS UNDER WHICH DEPOSITS, PLUS INTEREST, ARE REPAID

(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 will 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 (e.g. Operation Desert Shield, including Desert Storm), the 90-day limitation period begins on the day after the member's entitlement to IDP for the Persian Gulf area terminates. 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 28 February (29 February 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

Member has $355 (principal plus compounded interest as of 30 June 1991) on deposit when IDP terminates on 30 July 1991. He requests repayment on 12 August 1991. Repay deposit $355 plus interest for month of July and August (.01667 x $355) $5.92 or $360.92.

Example 2: Ninety-Day Rule

Same example as 1, except member requests repayment on 15 October 1991. Repay deposit $355 plus interest for month of July, August, and September (.025 x $355) $8.88 or $363.88. Interest for 1-15 October 1991, is not allowed since 90-day limitation period ended 12 October 1991 (a day other than the last day of the month).

Example 3: Member Discharged

Same example as 1, except member is discharged overseas for his/her own convenience on 15 July 1991. Repay deposit $355 plus interest for month of July (.00833 x $355) $2.96 or $357.96, assuming full repayment is in effect in the month of July.

Example 4: Member Dies

On 8 March 1991, the member has on deposit the maximum amount of $10,000 (principal plus simple interest) and makes no new deposits. While in the Persian Gulf area, member dies 15 November 1991, and settlement of unpaid pay and allowances is made to member's heir(s) 15 December 1991. Repay deposit of $10,000 and simple interest for period 1 March through 31 December 1991 - (.00833 x 10) = $833.33, 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 concerned (or designee) when deemed in the best interest of the member, 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.

ELIGIBILITY FOR MAKING DEPOSITS IN THE SAVINGS DEPOSIT PROGRAM (SDP) (Note 1)			
RULE	A	B	C
	If	and	then
1	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)	the member is serving on permanent duty assignment and entitled to hostile fire/imminent danger pay (HF/IDP) for the Persian Gulf area	the member may make deposits in the SDP (note 4).
2		the member is entitled to HF/IDP for duty in the Persian Gulf area for 3 consecutive months as of 30 Jun 1991	the member is eligible to make deposits in the SDP for subsequent periods the member is also entitled to HF/IDP for duty in the Persian Gulf area (note 5).
3		the member is serving on an active duty assignment for more than 90 days on PCS, TAD, TDY, or with a deployed ship or unit, and is entitled to Hostile Fire Pay on a month-by-month basis for the Persian Gulf area (note 7).	the member is eligible to make deposits in the SDP for periods that the member was entitled to HFP for duty in the Persian Gulf area (note 8).
4	the member is on permanent duty assignment outside the U.S. or its possessions in support of a contingency operation designated by the Secretary of Defense	the member has served at least 30 consecutive days or at least one day in each of three consecutive months	the member is eligible to make deposits in the SDP for subsequent periods of temporary duty assignments outside the U.S. or its possessions in support of a contingency operation (note 6).
5	the member is in a missing status resulting from service during the Vietnam conflict (note 2)		the member continues to be eligible for the SDP until the status ends.

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 1 July 1991. The amount of the deposits will be in multiples of $5.
5. Applicable to deposits made on or after 1 July 1991.
6. Eligibility to make deposits will be determined on a month-by-month basis in accordance with guidelines provided 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 HFP.

Table 51-1. Eligibility for Making Deposits in the Savings Deposit Program (SDP)

SAVINGS DEPOSITS—SPECIAL DETERMINATIONS ON ACCRUAL OF INTEREST			
RULE	A	B	C
	When an eligible member has a savings deposit account in effect and member	and	then interest
1	was in a desertion status	is returned to military control	accrues to the end of the month before the month the member entered a desertion status and resumes the first of the month after the month the member returns to military control (note 1).
2	returns to military control after desertion	has personnel records corrected to remove a mark of desertion	accrues during the period the member was originally considered to be a deserter (note 2).
3	is separated or discharged	repayment of deposits is delayed for any reason (note 3)	accrues to the end of the month in which repayment is made, not to exceed 90 days after eligibility to make deposits terminates.
4	does not request repayment after termination of eligibility to make deposits	within 90 days is again entitled to make deposits	accrues continuously.
5	is in a missing status	the Secretary concerned (or designee) directs repayment of total amount of deposit	accrues to the end of the month in which repayment is directed.
6		a finding of death is made	accrues to the end of the month in which repayment is made not to exceed 90 days after the date pay and allowances terminate.
7	is assigned to duty in the Persian Gulf area or on permanent duty assignment outside the U.S. or its possessions in support of a contingency operation (as defined in the Definitions)	is on TDY or TAD away from (1) the Persian Gulf area or (2) permanent duty assignment outside the U.S. or its possessions in support of a contingency operation (as defined in the Definitions) for a period of 90 days	accrues for the first 90 days of TDY or TAD, but not after 90 days (note 4).

NOTES:
1. Interest does not accrue on deposits during the period a member is in a desertion status.
2. Interest will be computed and credited retroactively.
3. Delays in repayment of deposits include withholding of issued discharge certificates pending release from confinement when sentenced to dishonorable discharge.
4. Interest would again accrue upon return to the Persian Gulf area or permanent duty assignment outside the U.S. or its possessions in support of a contingency operation (as defined in the Definitions).

Table 51-2. Savings Deposits—Special Determinations on Accrual of Interest

SAVINGS DEPOSITS—CONDITIONS UNDER WHICH DEPOSITS, PLUS INTEREST ARE REPAID		
RULE	A	B
	When an eligible member has a savings account and member	**then all deposits, plus interest will be repaid upon**
1	departs the Persian Gulf area or is no longer on permanent duty assignment outside the U.S. or its possessions in support of a contingency operation (as defined in the Definitions)	the member's request for 90 days after IDP for the Persian Gulf area terminates or 90 days after permanent duty assignment outside the U.S. or its possessions in support of a contingency operation (as defined in the Definitions) terminates.
2	is discharged or separated overseas (not for reentry into the Service)	discharge or separation from the Service or not to exceed 90 days thereafter.
3	is in a missing status	direction of the Secretary concerned or designee.
4	dies	settlement of member's unpaid pay and allowances as provided in part four, chapter 36, of this manual (note).

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 or when IDP for the Persian Gulf area or when on permanent duty assignment outside the U.S. or its possessions in support of a contingency operation (as defined in the 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

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CHAPTER 52

PRECEDENCE OF PAY DEDUCTIONS AND COLLECTIONS

PRIORITY OF DEDUCTIONS AND COLLECTIONS		
RULE	**When the amounts due a member are not enough to cover authorized deductions or collections, collect applicable amounts shown in the following sequence:**	
1	Reduction of pay entitlement	Losses of pay entitlement take precedence over all items for deduction or collection: a. Forfeiture. See note 1 b. Reduction for educational benefit under "Montgomery G.I. Bill" (note 1)
2	Reimbursement to United States	Amounts collected for deposit to the credit of Treasurer of the United States, in the following order: a. FICA tax b. Deductions for Armed Forces Retirement Homes c. FITW (this includes any amounts voluntarily authorized by member in excess of the minimum withholding required) d. Delta Dental Plan e. Deductions for SGLI
3	State income tax withholding	
4	Involuntary repayment of indebtedness to United States	a. Routine pay adjustment as defined in paragraph 500104A1. b. Repayment of advances of pay/allowances or advances of travel c. Other collections (overpayments of pay or allowances outside the scope of a routine pay adjustment). d. Repayment of public funds entrusted to an accountable member or funds obtained by any member through fraud, larceny, embezzlement, or other unlawful means e. Clothing allowance charges f. Transportation charges g. Subsistence charges h. Government property lost or damaged. See note 2 i. Telephone or telegraph charges j. Damage to assigned housing due to negligence or abuse k. Indebtedness to a Commissary, Military Banking Facility, or other appropriated fund activity for an uncollectable check or defaulted loan l. Unpaid hospital bills for medical services furnished a dependent m. Compensation or stipend payments received by a medical officer from state, county, municipal, or privately owned hospitals for medical services n. Jury duty fees received by a member o. Amounts due other Uniformed Services or departments or agencies outside DoD, including court judgments
5	Garnishment for alimony and child support payments	
6	Statutorily-required child and spousal support allotments	
7	Reimbursement to individuals and agencies	Remittances to an individual or agency by disbursing officer making deductions as follows: a. Deductions for rental of premises occupied by dependents b. Deduction for payment for damages to private property

★Table 52-1. Priority of Deductions and Collections

RULE	When the amounts due a member are not enough to cover authorized deductions or collections, collect applicable amounts shown in the following sequence:	
8	Court-ordered bankruptcy payments under Chapter 13 of the revised Bankruptcy Act	See note 3
9	Indebtedness to a nonappropriated fund activity	
10	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	
11	Voluntary repayment of indebtedness to United States	In order specified by the Service member (see note 4)
★12	Involuntary Allotment for Commercial Debts	See note 5
13	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: a. Emergency support of dependent b. Government insurance (discretionary allotment) c. Repayment of individual indebtedness or for payment to an individual or financial organization for disposition as authorized by the allotter (discretionary allotment) d. Purchase of United States savings bonds e. Donation to charity drives f. Other discretionary allotments (note 5)
14	IRS levy for delinquent Federal income taxes	(See part seven, chapter 44, section 4402) (note 5)
15	Court-Martial Fines	

NOTES:

1. Gross pay to which the 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 7-50-3, rule 5.
3. In cases where the United States Bankruptcy Court has mandated that a sum be deducted monthly, the Court's order will be followed as prescribed in 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)).

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CHAPTER 54

DEPENDENT DENTAL PLAN (DDP)

★5401 ENROLLMENT ELIGIBILITY

A voluntary dental insurance program for spouses and children of active duty members was established on 1 August 1987. Eligibility for enrollment in the DDP is limited to dependent children and spouses of active duty members eligible for health benefits under 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, 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 voluntarily disenroll except under the conditions discussed in section 5404, below. Any member who does not have 24 months remaining on his/her assignment to active duty may enroll their family members, if it is the intent of both the Service and the member to have the member remain on active duty for at least 24 months. All dependent family members age 4 and above (spouse and dependent children) 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)), 16 August 1989, for further information concerning enrollment eligibility. DDP is administered by the OCHAMPUS.

5402 ENROLLMENT

540201. Initial Enrollment. The member may voluntarily enroll in the DDP at any time. Procedures for enrolling or changing enrollment status are published within Service regulations. DD Form 2494 is used for enrolling in the DDP, or for effecting enrollment changes or terminations in the DDP. Enrollment will be effective the first of the month following the month in which the DD Form 2494 is received by the applicable Service's administrative office.

540202. 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 Service's administrative office.

540203. 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 will change from individual to family if family coverage had not already been elected. This change in coverage will 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.

5403 DISENROLLMENT

540301. Voluntary Disenrollment. The member may voluntarily terminate enrollment at any time after the minimum period of enrollment by completing the applicable procedures established within 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 DDP.

540302. Separation or Absence. Enrollment in the DDP is automatically terminated 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 two situations are automatic without completion of any additional procedures. When a member terminates active service, DDP 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, DDP coverage is terminated as of 11:59 p.m. of the day the Service member became ineligible for basic pay.

540303. Loss of Eligibility. When a member no longer has dependents eligible to participate in the DDP, the member must complete disenrollment procedures established by the Service concerned; however, the DDP 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:

A. The member gets a divorce and the only enrolled dependent was the spouse,

B. The member's only enrolled dependent was a child who is emancipated,

C. All enrolled dependents establish a permanent residence in an area not eligible for the DDP, or,

D. All enrolled dependents die.

★540304. 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 must complete the initial 24 month minimum enrollment requirement.

★5404 EXCEPTIONS TO THE MINIMUM ENROLLMENT PERIOD

Under the following conditions, a member may elect to disenroll from the DDP prior to the end of the minimum enrollment period.

★540401. 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.

★540402. Areas Where FMDP 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 FMDP is not offered.

★540403. Orders From Overseas Area. Members who depart overseas areas on or after 1 Oct 1995 (with 12 to 23 months of service obligation remaining) may enroll their family members in 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 1 Oct 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 on the date of enrollment. The member must have 12 full months of service remaining on the date of enrollment. To ensure maximum enrollment period, please encourage eligible members to enroll their family members prior to departing their overseas duty station.

★5405 DEDUCTIONS FOR DDP

★540501. Monthly Premium. The monthly premium for TRICARE-FMDP coverage (effective 1 June 1995) is $6.77 for individual coverage and $16.92 for family coverage. The monthly premium is not prorated under any circumstance. DDP premiums are deducted from the member during the month preceding the effective date of the coverage.

540502. Retroactive Adjustment. When a notice of enrollment is received after the date the first premium collection was due, immediate collection will be made of all past due premiums. When a notice of disenrollment is received after premiums have already been collected or when DDP premiums were collected prior to notification of a loss of member or dependent eligibility, excess premiums will be refunded to the member.

PART EIGHT

PAY AND ALLOWANCES FOR MEMBERS OF THE RESERVE COMPONENTS (NOT ON EXTENDED ACTIVE DUTY) AND ROTC

CHAPTER 55

SERVICE CREDITABLE

5501 GENERAL

The provisions of part one, chapter 1, apply to members of the Reserve components.

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CHAPTER 56

ACTIVE DUTY (NOT EXTENDED ACTIVE DUTY) ENTITLEMENTS

5601 GENERAL PROVISIONS

560101. 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 concerned, 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 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 consent, be ordered to active duty without pay when authorized by the Secretary of the Service concerned. See subparagraphs 560501B and 560502B 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' 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 NG Officers. See table 56-1.

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.

560102. Saved Pay. The provisions of part one, chapter 2, section 0203, apply to members of Reserve components.

560103. 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.

560104. 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 of 1 day's VA compensation 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 of 2 days' VA compensation.) 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 1 day's retired or retainer pay for each Reserve active duty day or inactive duty performance day. (Thus, the performance of two inactive duty periods in 1 calendar day requires waiver of the equivalent of 1 day's retired or retainer pay.) These waiver requirements apply for all days in a calendar month.

560105. Allotments of Pay. Except as prescribed in paragraph 560708, 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 Service regulations and may allot

their pay, even though such pay is chargeable to Reserve or National Guard appropriations. Section 3404 applies should a member enter a missing status and paragraph 560604 applies should a member incur a disability.

560106. 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 56-2. 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 paragraphs 350101 and 350102, and procedural instructions of the Services concerned; refer to tables 35-1 through 35-4 for specific entitlement criteria.

5602 ALLOWABLE TRAVEL TIME FOR PAY ENTITLEMENT PURPOSES

560201. Entitlement. The provisions of part one, chapter 2, section 0105, apply to members of the Reserve components.

5603 COMPUTATION OF PAY

560301. Annual Salary. The provisions of paragraph 020203 apply to members of the Reserve components.

560302. Computation of Monthly Pay

A. Active Duty for 30 Days or More When 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. 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 56-2, 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 56-2 rule 3).

C. Active Duty During February. (See table 56-2, rules 4 through 11.)

560303. Absence From Duty

A. Active Duty for Less Than 30 Days Deduct 1/30th of 1 month's pay for each day of unauthorized absence.

B. Active Duty of 30 Days or More The provisions of paragraph 020202 apply to members of the Reserve components.

560304. Basic Pay Rates. Tables 2-5 through 2-8 contain current monthly rates of basic pay.

5604 SPECIAL AND INCENTIVE PAY

560401. 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 B, C, D, E, and F below, and paragraphs 560402 through 560408.

B. Career Sea Duty and Foreign Duty Pay. For career sea duty and foreign duty pay, the ship or duty station at which a member is performing active duty is considered member's permanent duty station.

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 560101A, when the requirements of part two, chapter 22, section 2202 and the requirements for an aviation Service career (not on extended active duty) defined in the Definitions have been met.

2. Excess Flying Time. The excess flying time provisions in part two, chapter 22, section 2202, for rated officers, flight surgeons, and rated or designated warrant officers entitled to ACIP, and in part two, chapter 22, section 2201, 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. Flying time accumulated during periods of inactive duty training which is in excess of inactive duty flight requirements may be applied to active duty flight requirements for ACIP or flying pay entitlement. For specific details, see subparagraph 570202A.

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 definition "Aviation Service Career" (Not on Extended Active Duty) in the Definitions.)

D. Parachute Duty Pay. Parachute jumps performed during periods of active duty for training or during inactive duty training periods, if performed per part two, 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 part one, chapter 8.

F. Hostile Fire or Imminent Danger Pay. Reserve component members who serve in an imminent danger area for any part of a calendar month are entitled to hostile fire or imminent danger pay for that month provided they remain entitled to active duty basic pay. If, during a calendar month, the Reserve component member serves in an imminent danger area, and during the same month loses entitlement to active duty basic pay, the imminent danger pay will be prorated for the number of days the member received active duty basic pay. Members are not entitled to hostile fire or imminent danger pay for inactive duty training. A Reserve component member is entitled to special pay for duty subject to hostile fire or imminent danger, if otherwise entitled under part one, chapter 10.

560402. Reenlistment or Voluntary Extension

★A. Basic Condition of Entitlement. A bonus may be awarded during the period of 24 February 1986 through 30 September 1996 to an enlisted member of a Reserve component after all the following conditions are met:

1. Reenlists or extends in a unit and/or a military occupational specialty approved by the Secretary concerned;

2. Has not previously received a reenlistment or extension 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 is a condition of employment;

4. Holds rank or grade commensurate with the billet vacancy (within authorized substitution limits as prescribed by the component); 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 and Amounts Payable. An enlisted member of a Reserve Component who has completed less than ten years total military service and reenlists or voluntarily extends his enlistment for a period of three years or for a period of six years in a designated military skill, or in a designated unit as determined by the Secretary concerned, in the Selected Reserve of the Ready Reserve may be paid a bonus as follows:

1. an initial payment not to exceed $1250 for a person who reenlists or voluntarily extends his enlistment for a three year period or an amount not to exceed $2500 for a person who reenlists or voluntarily extends his enlistment for a period of six years;

2. a subsequent payment of an amount not to exceed $416.66 upon the completion of each year of the obligation during which the member has satisfactorily participated.

★NOTE: Total years of service at current expiration of term of service (ETS) is defined as the difference between the ETS of the current enlistment contract and the pay entry base date (PEBD). Members of the Selected Reserve who had a period of nonavailability and were assigned temporarily to the Standby Reserve or the Inactive National Guard (that is, temporary overseas residence, missionary obligation, or overseas employment obligation) were required to extend their enlistment period in the Ready Reserve in order to be able to serve the full-contractual obligation in the Selected Reserve. For these members, total years of service at current expiration of term of service is defined as the difference between ETS of the current enlistment contract and the PEBD, less the time spent in the inactive National Guard or the Standby Reserve.

560403. Enlistment

★A. Basic Condition of Entitlement. A bonus may be awarded during the period 24 February 1986 through 30 September 1996 to an individual who enlists in the Selected Reserve of the Ready Reserve for a term of not less than 6 years and a total Ready Reserve obligation of not more than 8 years and who meets the following criteria:

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 24 February 1986 through 30 September 1996, 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 Service Secretary for either a 3- or 6-year enlistment who executes an agreement and who:

1. Has completed the Service obligation but has less than 10 years 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 $5,000. 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.

★2. Prior Service. A person who is a former enlisted member of an Armed Force who enlists in the Selected Reserve of the Ready Reserve for a period of three or six years in a skill designated as critical by the Secretary concerned, may be paid a bonus as follows:

(a) an initial payment not to exceed $1250 for a person who enlists for a three year period or an amount not to exceed $2500 for a person who enlists for a period of six years;

(b) a subsequent payment of an amount not to exceed $416.66 upon completion of each year of the obligation during which the member has satisfactorily participated.

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.

560404. Affiliation Bonus. A Reserve affiliation bonus is authorized during the period 1 October 1980 through 30 September 1985 and 24 February 1986 through 30 September 1996 to any person who:

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 section 651 of title 10 (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, and is serving a period of Reserve service obligation under section 651 of title 10 (reference (c)) or section 6(d)(1) of the Military Selective Service Act (reference (bw)), and who 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 concerned 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; (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 concerned, for each month of remaining Military Service obligation or, if on active duty, will have remaining 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 the Selected Reserve agreement and affiliation with the Selected Reserve unit.

2. If the person has more than 18 months remaining, the bonus may be payable one-half upon the execution of the Selected Reserve agreement and affiliation with the 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 1 and 2, the Secretary

concerned may authorize the bonus be paid in monthly installments of an amount to be determined by the Secretary. In such cases, payments will begin upon completion of the first month of satisfactory service of the person and will be paid only for those months in which the person serves satisfactorily. "Satisfactory service" will be determined in accordance with appropriate personnel guidance.

560405. Obligation. To be eligible for any of the incentives, a person must be contractually obligated to serve satisfactorily, as prescribed by component regulations, in the selected Reserve for the full term of the enlistment, reenlistment, extension or affiliation period. The member must further 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.

560406. 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 the Selected Reserve per component regulations.

B. Accepts a civilian position where membership in the Reserve 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 member's component.

F. Moves to a nonbonus eligible unit, unless at the express direction of the component. (Exceptions: Provided they remain otherwise qualified, current bonus participants who 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, retain bonus entitlement.)

G. Fails to extend the contracted term of service for a period of authorized nonavailability.

560407. 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 Military Department 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. Persons whose military occupational specialty is changed at the convenience of the government or whose unit is inactivated, relocated, reorganized, or converted, may continue to be entitled to incentive payments provided they meet all other eligibility criteria.

560408. Nonavailability

A. Members who incur a period of authorized nonavailability (that is, temporary overseas residence, missionary obligation, overseas employment obligation, etc.) are not actually terminated from the incentive program. These persons 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 be able 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 the 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.)

560409. 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 affected for a 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 own misconduct).

2. Accepts a civilian position where membership in the Reserve 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 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 nonbonus-eligible unit unless at the express direction of member's component.

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. However, reduce the amount to be recouped by an amount equal to any reduction taken under subparagraph 350702F or 350802D.

5605 ALLOWANCES

560501. 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 part three, 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 provided for in subparagraphs 1 and 2. When a member is ordered to active duty "without pay and allowances," payment is not 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 with pay.

2. Duty at Other Than the Permanent Duty Station. 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).

560502. Basic Allowance for Quarters (BAQ)

A. Entitlement-Active Duty With Pay Members of a Reserve component on active duty with pay are entitled to BAQ under terms and conditions of part three, chapter 26. Members of a Reserve component on active duty (other than for training) with pay are entitled to BAQ 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 may also receive BAQ as a result of military service, if otherwise entitled. See paragraph 260203 for further guidance.

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 subparagraph 1 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. BAQ will be paid at the same rates 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. When government quarters are not available, reimbursement for quarters is authorized at the rate of $4.50 per day.

C. Permanent Duty Station—Active Duty For Training. For members of the 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 BAQ entitlement purposes.

D. Permanent Duty Station—Active Duty Other Than For Training and No Permanent Change of Station (PCS) Orders. Effective 2 August 1990, the permanent duty station (PDS) for members of Reserve components ordered to active duty (other than for training and no PCS orders issued) will be 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 BAQ under table 26–3, rule 1, and the BAQ 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.

E. Contingency Opetations
BAQ is authorized to reservists without dependents, under terms and conditions of part three, 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), 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.

F. Annual Certification. See paragraph 260304 for annual certification of dependency requirements.

560503. Family Separation Allowance (FSA)

A. The provision of part three, 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.).

560504. Station Allowances Outside the United States. The provisions of part three, chapter 28, apply to a member of a Reserve component.

560505. 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 part three, 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 Female Enlisted Member. A female enlisted member of a

Reserve component is entitled to an initial cash allowance for the purchase of underclothing and personal items not available in the Defense Supply System as determined by the Secretary of the military department concerned. (See paragraph 290205).

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 700–84 (reference (ax))

2. Navy–DoDFMR, volume 7, part A, table 29–7

3. Air Force–AFR 39–23 (reference (bd)), AFM 177–373, volumes I and III (reference (ap))

4. Marine Corps–MCO P10120.28 (reference (bb)).

560506. Officers' Uniform and Equipment Allowances. See specific references to Reserve officers in part three, chapter 30.

5606 MISCELLANEOUS PAYMENTS

560601. 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 paragraph 320101. Non–prior–service Army and Air Force enlistees 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 sections 12301, 12302, 12303, 12304, or 688 of title 10, U.S.C. (reference (c)), is entitled to advance pay and allowances per paragraph 320102.

560602. Payments on Behalf of Mentally Incompetent Members

A. Active Duty (Not for Training). The provisions of part four, chapter 33, apply to these members.

B. Active Duty for Training. Except as provided in 1 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. Member may qualify for disability pay and allowances under the provisions of paragraph 560604.

2. Member may be entitled to miscellaneous payments resulting from separation (that is, travel allowance, accrued leave, etc.).

560603. Pay Entitlement of Members Missing, Missing in Action, Interned, etc., and Payments to Dependents. The provisions of part four, chapter 34, apply to members of the Reserve components.

560604. Disability Entitlements for the Reserve Forces

A. Entitlement. See table 56–3 for disabilities incurred or aggravated after 29 September 1988; use table 56–4 for disabilities incurred or aggravated between 15 November 1986 and 29 September 1988 inclusive; use table 56–5 for disabilities incurred prior to 15 November 1986.

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 56–3, 56–4, and 56–5 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 of part two 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 part two are satisfied.

3. Special Pays. A member who is entitled to any of the special pays of part one 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 part one 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 56–3, 56–4, or 56–5, a member's entitlement to pay and allowances while disabled terminates upon:

1. Retirement.

2. Separation for physical disability.

3. Determination by 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 56–3, 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 56–4, 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.

560605. 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 part four, chapter 36.

B. Settling Deceased Members Accounts. The provisions of part four, chapter 36, section 3602, apply to a member of a Reserve component.

C. Allowance for Quarters to Surviving Dependents. The provisions of part 4, chapter 36, section 3603, apply to the surviving dependents of members of the Reserve components that were on active duty at the time of death.

560606. Disability Severance Pay

A. A member called or ordered to active duty (other than for training under 10 U.S.C. 270(b))(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 part four, chapter 35.

5607 DEDUCTIONS AND COLLECTIONS

560701. Income Tax Withholding

A. Federal Income Tax Withholding (FITW). The FITW provisions of part seven, chapter 44 apply to a member of a Reserve component.

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 subparagraph 440106C for states which have entered into such an agreement.

C. Legal Residence. Each member must designate a legal residence and report any changes of legal residence. The provisions of subparagraph 440106B apply to members of a Reserve component.

D. Local Tax Withholding. Only localities having agreements with the Treasury, as published within 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 performing 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.

560702. Federal Insurance Contributions Act (FICA). The provisions of part seven, chapter 45, apply to members of the Reserve components.

560703. Deductions for Armed Forces Retirement Home (AFRH). The pay of a member of a Reserve component is not subject to deductions for AFRH.

560704. Servicemen's Group Life Insurance (SGLI)

A. Duty in Excess of 30 Days Specified
The provisions of part seven, chapter 47, apply to a member of a Reserve component who is 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 part eight, chapter 57, section 5707, apply to a member of a Reserve component who is under a call or order to duty that specifies a period of 30 days or less.

560705. Courts-Martial Sentences. The provisions of part seven, chapter 48, apply to a member of a Reserve component.

560706. Nonjudicial Punishment. The provisions of part seven, chapter 49, apply to a member of a Reserve component.

560707. Stoppages and Collections Other Than Courts-Martial Forfeitures. The provisions of part seven, chapter 50, apply to a member of a Reserve component.

560708. 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 Services concerned.

560709. Dependent Dental Plan (DDP). Reserve members on active duty with dependents who meet the eligibility requirements under part seven, chapter 54, may enroll their dependents in the DDP. Members must intend to be on active duty for the minimum period of enrollment set in chapter 54.

INCREASE IN PAY ON PROMOTION—RESERVE AND NG OFFICERS			
RULE	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 NG	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 section 5867 of title 10 within 1 year after the date o 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 56-1. Increase in Pay on Promotion—Reserve and NG Officers

ENTITLEMENT TO PAY AND ALLOWANCES FOR VARIOUS PERIODS OF ACTIVE DUTY				
RULE	A	B	C	
	If a member serves on active duty under competent orders for	during the period	then the member is entitled to pay and allowances for	
			active duty for	and lump-sum settlement of accrued leave
1	31 days	1-31 May	30 days (note 1)	yes
2	40 days	2 Jan-10 Feb	39 days (note 1)	yes
3	29 days	4 Jan-1 Feb	29 days	no
4	28 days	1-28 Feb (not leap year)	28 days	no
5	28 days	1-28 Feb (leap year)	28 days	no
6	29 days	1-29 Feb (leap year)	29 days	no
7	33 days	6 Feb-10 Mar	35 days (note 2)	yes
8	29 days	2 Feb-2 Mar (not leap year)	29 days	no
9	30 days	2 Feb-2 Mar (leap year)	31 days (note 3)	yes
10	31 days	1 Feb-2 Mar (leap year)	32 days (note 3)	yes
11	29 days	1 Feb-1 Mar (not leap year)	29 days	no
12	30 days	2 Jan-31 Jan	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 29 and 30 February.
3. Member is entitled to pay and allowances (except BAS for enlisted members) for the constructive day of 30 February.

Table 56-2. Entitlement to Pay and Allowances For Various Periods of Active Duty

DISABILITY ENTITLEMENTS FOR THE RESERVE FORCES (FOR DISABILITIESINCURRED OR AGGRAVATED AFTER 29 SEP 1988)						
	A	B			C	D
		and the member is				
RULE	If a member is physically	not fit for military duty	fit for military duty but can show lost civilian income	fit for military duty and can't show lost civilian income	then the member is entitled to	and
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)	
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).

Table 56-3. Disability Entitlements for the Reserve Forces (For Disabilities Incurred or Aggravated After 29 Sep 1988)

RULE	A	B			C	D
		and the member is				
	If a member is physically	not fit for military duty	fit for military duty but can show lost civilian income	fit for military duty and can't show lost civilian income	then the member is entitled to	and
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)	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).
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)	
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		

Table 56-3. Disability Entitlements for the Reserve Forces (For Disabilities Incurred or Aggravated After 29 Sep 1988) (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 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 56-3. Disability Entitlements for the Reserve Forces (For Disabilities Incurred or Aggravated After 29 Sep 1988) (Continued)

DISABILITY ENTITLEMENTS FOR THE RESERVE FORCES (FOR DISABILITIES INCURRED OR AGGRAVATED BETWEEN 15 NOV 1986 AND 29 SEP 1988 INCLUSIVE)						
	A	B			C	D
		and the member				
RULE	If a member is physically disabled in line of duty while	demonstrates lost civilian compensation but is fit for military duty	demonstrates lost civilian compensation but is not fit for military duty	cannot demonstrate lost civilian compensation and is not fit for military duty	then the member is entitled to	and
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)				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 (including hospitalization), and other treatment appropriate for the disability which is commensurate for the regular forces.

Table 56-4. Disability Entitlements for the Reserve Forces (For Disabilities Incurred or Aggravated Between 15 Nov 1986 and 29 Sep 1988 Inclusive)

RULE	A	B			C	D
		and the member				
	If a member is physically disabled in line of duty while	demonstrates lost civilian compensation but is fit for military duty	demonstrates lost civilian compensation but is not fit for military duty	cannot demonstrate lost civilian compensation and is not fit for military duty	then the member is entitled to	and
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)	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).
5				X	active duty pay and allowances for the period of the orders, plus authorized travel time (note 6)	
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 members's lost civilian compensation or full pay and allowances, whichever is less (notes 2, 4, 7, 8, and 9)	

Table 56-4. Disability Entitlements for the Reserve Forces (For Disabilities Incurred or Aggravated Between 15 Nov 1986 and 29 Sep 1988 Inclusive) (Continued)

RULE	A	B			C	D
		and the member				
	If a member is physically disabled in line of duty while	demonstrates lost civilian compensation but is fit for military duty	demonstrates lost civilian compensation but is not fit for military duty	cannot demonstrate lost civilian compensation and is not fit for military duty	then the member is entitled to	and
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)	

Table 56-4. Disability Entitlements for the Reserve Forces (For Disabilities Incurred or Aggravated Between 15 Nov 1986 and 29 Sep 1988 Inclusive) (Continued)

RULE	A	B			C	D
		and the member				
	If a member is physically disabled in line of duty while	demonstrates lost civilian compensation but is fit for military duty	demonstrates lost civilian compensation but is not fit for military duty	cannot demonstrate lost civilian compensation and is not fit for military duty	then the member is entitled to	and
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	(notes 6)	

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 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.

   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 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 56-4. Disability Entitlements for the Reserve Forces (For Disabilities Incurred or Aggravated Between 15 Nov 1986 and 29 Sep 1988 Inclusive) (Continued)

DISABILITY ENTITLEMENTS FOR THE RESERVE FORCES (FOR DISABILITIES INCURRED BEFORE 15 NOV 1986)					
	A	B		C	D
RULE	If a member of	is disabled in the line of duty due to injury	is disabled in the line of duty due to disease	while	then the member is
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 560604B5)
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)	entitled to inactive duty training compensation for the day member is disabled. If disability continues beyond the inactive duty training date, or if there is a subsequent recurrence of this 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 force (notes 2, 4, and 5).
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. The member 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 Marine Corps Reserve		X	serving on active duty for 30 days or less	not entitled to pay and allowances beyond the date authrized by the orders (note 3).
8				performing additional training of 45 days or less under 10 U.S.C. 270(b)	
9	a Reserve component		X	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:

1. 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.
2. 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.
3. 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.
4. 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.
5. Failure of the member to provide current and sufficient information as established by administrative regulations of the Service concerned may result in the discontinuance of active duty pay and allowances.
6. The term "hospitalization or rehospitalization" is meant to include periods of disability while under medical treatment in an outpatient status. See paragraph 560604.

Table 56-5. Disability Entitlements for the Reserve Forces (For Disabilities Incurred before 15 Nov 1986)

CHAPTER 57

PAY AND ALLOWANCES FOR INACTIVE DUTY TRAINING

5701 GENERAL PROVISIONS

570101. Entitlement and Computation of Basic and Special Pay

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' 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;

a. Army—For details and exceptions, see AR 140-1 and NGR 350-1 (reference (df)).

b. Navy—See BUPERS Instruction 1001.39 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.43 (reference (di)).

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 must engage in such duty or training for the period (not less than 2 hours) prescribed by the Secretary of the Service concerned. Compensation will not accrue for periods of inactive duty performed in excess of the number authorized by the appropriate regulations of the 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 Service concerned.

C. Combination Active Duty and Inactive Duty. A member of a Reserve component may be paid the equivalent total of more than 360 days' pay in a year, when so directed, if this total is based on a combination of active duty pay and inactive duty training compensation.

570102. 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.

570103. Waiver of Benefits. The provisions of paragraph 560104 apply to a member of a Reserve component who performs inactive duty training in a pay status.

570104. Allotment of Pay. Except as prescribed in paragraph 560708 a member of a Reserve component is not authorized to allot inactive duty training compensation.

570105. Special Pays

A. A member of a Reserve component is 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 part 1, chapter 19, section 1901, and any additional requirements of the 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. 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 concerned may prescribe.

C. A member under B above is entitled to an increase in compensation equal to one-thirtieth of the monthly special pay authorized under paragraph 190103.

D. A member of a Reserve component who meets the requirements of part 1, chapter 11, based on diving duty performed on and after 1 April 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 concerned may prescribe.

E. A member under 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 section 1103

570106. 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 a MDA for a minimum of 2 hours muster duty performed pursuant to 10 U.S.C. 687 (reference (c)). MDA is paid once during a calendar year.

B. Amount Payable. Refer to Joint Federal Travel Regulations (JFTR), Volume 1, chapter 7 for MDA amount, established yearly, effective 1 January of each year. The MDA amount is payable effective 1 January of each year. The MDA amount is payable regardless of pay grade.

C. 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. Pay the allowance on or before the date muster duty is performed. The Ready Reservist is not entitled to other payment of any kind, including inactive duty training compensation under 570101 for the performance of a muster duty.

570107. Designated Unit Pay

A. An enlisted member assigned to a unit designated as a high priority unit of the Selected Reserve of the Ready Reserve by the Secretary concerned 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 concerned designates a unit as a high priority unit, nor may any payment be made for any period of drill or instruction performed after 30 September 1996.

5702 INCENTIVE PAY

570201. Entitlement. A member of a Reserve component who is in a pay status is entitled to incentive pay for hazardous duty performed during periods of inactive duty training if serving under competent orders and otherwise meets 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.

570202. ACIP (Continuous or Conditional) or HDIP. A member of a Reserve component who performs inactive duty training in a pay status is entitled to ACIP or incentive pay for flying under the conditions of part two, chapter 22, sections 2201 or 2202. Effective 12 July 1973 the provision of subparagraphs 220103A1 or 220203A1 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 must 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.

A. Combined Flight Requirements Flying time accumulated during periods of active duty or active duty for training may not be used to satisfy inactive duty flight requirements.

1. Active Duty During One Calendar Month. Flying time accumulated during periods of inactive duty training which is in excess of inactive duty flight requirements may be applied to active duty or active duty for training flight requirements. However, requirements for the inactive duty training portion of the month must be satisfied before flying time can be applied to the active duty or active duty for training portion.

Example 1: Member performs 15 days active duty and is in an inactive duty training status 15 days in the same calendar month. Member must perform 3 hours of flying to qualify for incentive pay for that month; 2 hours for the active duty (15/30ths of 4 hours) and 1 hour (15/30ths of 2 hours) for the inactive duty training. Excess flying hours accumulated during inactive duty training under subparagraphs 220103A1 or 220203A1 may be used to meet the requirements for this entire period, if available.

Example 2: Member reported for active duty for training for the period 1-15 January. Member completed 4 hours of flying during this time. Member performed no flights on inactive duty training 16-31 January. Credit flying pay for the period 1-15 January only, unless the member has excess flying hours accumulated from prior periods of inactive duty training under subparagraphs 220103A1 or 220203A1. In such case member may also receive flying pay credit for the period 16-31 January.

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: Member performed 3.4 hours of flying while on an inactive duty training status from 1-23 April. Member did not fly during active duty for training period of 24 April-7 May or while in an inactive duty training status 8-31 May. 1.1 excess flying hours were accumulated before 1 April. 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. May flight requirements total 2.6 hours (24 days inactive duty requires 1.6 hours; 7 days' active duty requires 1.0 hours; see

table 22-2.) Accumulated excess hours are first 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: 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 1 March.

Periods	Time Flown	Flight Requirements
(Inactive)		
1-15 Mar	1.8 hrs	1 hr
(Active)		
16-31 Mar	1.2 hrs	2.2 hrs
(Active)		
1-9 Apr	1 hr	1.2 hrs
(Inactive)		
10-30 Apr	1.6 hrs	1.4 hrs

NOTE: The continuous period of active duty training (16 March-9 April) is a unit period of 25 days requiring 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 single month's requirements. The month of March standing alone 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 member 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. Flying time accumulated in excess of inactive duty flight requirements may be used to satisfy flight requirements for periods of active duty or active duty for training under the provisions of subparagraphs A1 and 2.

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.

570203. Continuous ACIP. An officer of a Reserve component who performs inactive duty training in a pay status is entitled to continuous ACIP as long as the requirements are met for an aviation service career (not on extended active duty) defined in the Definitions and the provisions of part 2, chapter 22, section 2202.

570204. 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.

570205. 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 part 2, chapter 24, section 2402.

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 paragraph 560101, note.)

570206. 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 part 2, chapter 24.

5703 RESERVED

5704 ALLOWANCES

570401. Clothing Monetary Allowances—Enlisted Members. Except as provided for in subparagraphs 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, and 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 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 a 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 Female Enlisted Member. A female enlisted member of a Reserve component is entitled to an initial cash allowance for the purchase of underclothing and personal items not available in the defense supply system as determined by the Secretary of the Service concerned. (See paragraph 290205.)

570402. 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 section 3002.

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 C, below, was repealed by Congress effective 29 November 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 29 November 1989, shall be entitled (during such one-year period) to receive the allowance as in effect on 28 November 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 as reimbursement for the purchase of required uniforms and equipment upon completion of each period, after 9 July 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 3 October 1964 if part of the service was performed in a different Reserve component. However, a 4 year period of SFS completed on or after 3 October 1964 may include service in a different Reserve component, even though such service was performed before 3 October 1964. (See example 1.)

2. Examples—Uniform Maintenance Allowance (UMA):

Example 1: An officer completed 2 years of SFS in the Air Force Reserve on 3 March 1965, at which time the Reserve unit was deactivated. On 1 April 1965, the officer transferred to an ANG unit thereafter earning points as follows:

1 Apr 1965—31 Mar 1966	50 points
1 Apr 1966—31 Mar 1967	50 points

On 1 April 1967, it was determined that the officer had completed 2 years of SFS in the ANG as of 31 March 1967. This may be combined with the 2 years of SFS earned in the Air Force Reserve unit to qualify the officer for a $50 UMA as of 31 March 1967.

Example 2: An officer completed 2 years of SFS in the Army Reserve on 31 March 1963, at which time the Reserve unit was deactivated. On 1 April 1963, the officer transferred to an ANG unit, and was paid an initial uniform allowance because a different uniform was required, thereafter earning points as follows:

1 Apr 1963—31 Mar 1964	50 points
1 Apr 1964—31 Mar 1965	50 points
1 Apr 1965—31 Mar 1966	50 points
1 Apr 1966—31 Mar 1967	50 points

On 1 April 1966, it was determined that the officer had completed 2 years of SFS in the ANG as of 31 March 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 1 April 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 31 March 1963 and transferred to the Marine Corps Reserve on 1 April 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:

1 Apr 1963—30 July 1963	(Note 1)
1 July 1963—31 Mar 1964	30 points
1 Apr 1964—31 Mar 1965	50 points
1 Apr 1965—15 July 1965	(Note 2)
1 Apr 1965—31 Mar 1966	30 points
1 Apr 1966—31 Mar 1967	50 points

NOTES:
1. Active duty (must be excluded).
2. Active duty (must be excluded, officer did not qualify for active duty allowance).

On 1 April 1965, it was determined that the officer completed 1 year of SFS for UMA purposes as of 30 June 1964. On 1 April 1966, it was determined that the officer had not completed another year of SFS for UMA purposes as of 30 June 1965 because the period of active duty, 1 April—15 July 1965, had to be excluded. However, it was determined that the year of SFS was completed as of 31 Oct 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 UMA could not be made until 1 April 1967—4 years after entitlement to last allowance.

Example 4: An officer began a 4-year period of Federal service on 1 July 1949, and earned points as follows:

1 July 1949—30 June 1950	50 points
1 July 1950—30 Sep 1950	(Note)
1 July 1950—30 June 1951	30 points
1 July 1951—30 June 1952	50 points
1 July 1952—30 June 1953	50 points
1 July 1953—30 June 1954	50 points

NOTE: Active duty (more than 90 days, must be excluded; officer did not qualify for active duty allowance).

While this officer had completed the 4 years of SFS on 30 September 1953 to qualify for the $50 UMA, this could not be determined until 1 July 1954, when the officer completed the year of SFS from 1 July 1953–30 June 1954, and was credited with the $50 UMA on 1 July 1954.

Example 5: An officer began a 4-year period of Federal service on 1 July 1949, and earned points as follows:

1 July 1949—30 June 1950	50 points
1 July 1950—30 June 1951	30 points
1 Oct 1950—31 Dec 1950	(Note)

1 July 1951—30 June 1952	50 points
1 July 1952—30 June 1953	50 points
1 July 1953—30 June 1954	50 points
1 July 1954—30 June 1955	50 points

NOTE: Active duty (more than 90 days, must be excluded, officer qualified for active duty allowance of $100).

On 1 July 1954, it was determined that the officer had completed 4 years of SFS as of 2 October 1953. However, the member was not entitled to the $50 UMA until 4 years after date of entitlement to the last allowance, which was 1 October 1950. The member was credited with the $50 UMA on 1 October 1954.

5705 MISCELLANEOUS PAYMENTS

570501. Pay and Allowances While Disabled
See paragraph 560604 for a member of a Reserve component who is disabled while performing inactive duty training.

570502. 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 a member of a Reserve component.

C. Determining Eligible Beneficiaries
The provisions of paragraph 360104 apply to a member of a Reserve component.

D. Determination Affecting Entitlement. The provisions of paragraph 360105 apply to a member of a Reserve component.

E. Amounts Payable. The provisions of paragraph 360106 apply to a member of a Reserve component.

F. Expediting Payments. The provisions of paragraph 360107 apply to a member of a Reserve component.

G. Erroneous Payment. The provisions of paragraph 360109 apply to a member of a Reserve component.

H. Settling Deceased Member's Accounts. The provisions of part 4, chapter 36, section 3602, apply to members of a Reserve component.

570503. 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 part 4, chapter 35.

570504. Reservists' Special Separation Pay (RSSP)

A. Eligibility. Upon approval of the Secretary concerned, 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:

1. The member must apply for such pay and request transfer to the Retired Reserve on or after 11 March 1993.

2. The member must have completed at least 20 years of service computed under 10 U.S.C. section 12732 (reference (c)), and qualified to receive nonregular retired pay (except for having reached the age of 60), not later than 30 September 1999.

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. section 12732 (reference (c)) nonregular retired pay at age 60 are not authorized to receive RSSP.

4. Members are not eligible to receive RSSP if the member is 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:

Years of Service	Multiplier
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 concerned. 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 5 October 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 5 June 1937, and who has 23 years 10 months of creditable service under 10 U.S.C. Section 12732 (reference (c)), and who has 28 years total service for pay purposes (includes service not creditable under 10 U.S.C. Section 12732 (reference (c)), transfers to the retired reserve on 19 June 1993, in the grade E-8, and the Secretary 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 19 June 1993, with additional installments on 19 June 1994, 19 June 1995, and 19 June 1996. Since the member's 60th birthday will occur before the next installment date of 19 June 1997, no further payment will be made.

★Example 2: On 30 June 1995, a member who was born on 5 December 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 concerned. The initial payment is in the full amount. The second installment, however, is due on 30 June 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 sixtieth birthday. In this case, this means a payment of 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 at Table 7 of IRS Circular E. 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.

570505. Reservists' Involuntary Separation Pay (RASP)

A. Payment. Upon approval by the Secretary concerned, and subject to the restrictions in this paragraph, pay RASP to a member of a 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 11 March 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 RASP.

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 27 August 1993, by the Secretary concerned. Compute RASP 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 RASP.

3. Withhold Federal and State income taxes in accordance with Defense Finance and Accounting Service Headquarters guidance. RASP payments are not subject to FICA or Medicare taxes.

4. A recipient of RASP 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 RASP received.

5. A member who has received RASP who later receives disability compensation from the Department of Veterans Affairs shall have deducted from such disability compensation the total amount of RASP, except there shall be no such reduction if the disability compensation is for a disability incurred or aggravated after the period for which the RASP was paid.

6. 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. section 12732 (reference (c))) nonregular retired pay at age 60 are not authorized to receive RASP.

5706 DEDUCTIONS AND COLLECTIONS

570601. Income Tax Withholding. The provisions of paragraph 560701 equally apply to a member of a Reserve component who is performing inactive duty training.

570602. Federal Insurance Contributions Act (FICA). See part seven, chapter 45.

570603. Courts-Martial Sentences. The provisions of part seven, chapter 48, apply to a member of a Reserve component who is performing inactive duty training.

570604. Nonjudicial Punishment

A. The provisions of part seven, chapter 49, except paragraph 490302, apply to a member of a Reserve component who is 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.

570605. Stoppages and Collections Other Than Courts-Martial Forfeitures. The provisions of part seven, chapter 50, apply to a member of a Reserve

component who is performing inactive duty training. Remission of indebtedness is not applicable to a member in an inactive duty status.

570606. Waiver of Claims for Erroneous Payment of Pay and Allowances. See paragraph 500601.

570607. Legal Process for the Enforcement of Child Support and Alimony Obligations. See paragraphs 500201, 500202, and 500203.

5707 SERVICEMEN'S GROUP LIFE INSURANCE (SGLI) PROGRAM

570701. Definitions. See section 4701.

570702. Part-Time Coverage. The SGLI Program is administered by the VA.

A. Basic Coverage. Effective 6 April 1991, this program automatically insures eligible members against death in the amount of $100,000 while the member is performing active duty or active duty for training for an ordered period of 30 days or less, or is performing inactive duty training. Members may elect basic coverage for an amount of less than $100,000 in $10,000 increments, or may elect to decline coverage.

NOTE: 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 require at least 12 scheduled periods of inactive duty for training annually are covered full-time. (See part 7, chapter 47 for full-time coverage policy and procedures.)

B. Supplemental Coverage (SSGLI) Effective 1 December 1992, eligible members may apply (elect) for increased coverage beyond basic coverage, in $10,000 increments, up to $100,000. Maximum SGLI coverage (basic coverage plus SSGLI) is $200,000.

C. Changes in Coverage. A member who is covered for an amount less than maximum SSGLI 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.

D. 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.

570703. Periods of Coverage. See table 47-1.

570704. Appellate Leave. See section 4705.

570705. Forfeiture of SGLI. See provisions of section 4706.

570706. 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 of which a member serves. 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. The premium is not prorated.

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.

570707. Refunds. See section 4708.

570708. Settlement of SGLI Claims. See section 4710.

570709. Retired Reserves. SGLI coverage terminates on the day a member is assigned to (or who upon application would be eligible for assignment to) the Retired Reserve. These members may apply for and receive retired coverage until they receive their first increment of retired pay or until they reach 61 years of age, whichever occurs first. Anyone on medical hold must apply directly to the Office of Servicemen's Group Life Insurance (OSGLI) for coverage. Members are covered on a full-time basis and must pay their own premiums directly to the OSGLI.

CHAPTER 58

PAYMENT OF MEMBERS OF THE SENIOR RESERVE OFFICERS' TRAINING CORPS (ROTC)

5801 SUBSISTENCE ALLOWANCE

580101. 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 $150 per month effective 1 September 1995. 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.

B. Non-scholarship Cadets or Midshipmen. Nonscholarship cadets and midshipmen are not entitled to subsistence allowance.

★580102. 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 $150 per month effective 1 September 1995. 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 Service Secretary has authorized the individual extended entitlement for a 5-year program).

580103. 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 years (or the fourth and fifth years 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).

580104. 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 580801.

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.

580105. Payment Procedures. Detailed instructions governing the payment of subsistence allowance to the respective ROTC members are contained in:

A. Army: AR 37-1043 (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: AFR 45-25 (reference (dk)) and AFROTC Regulation 170-1 (reference (dl)).

★5802 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 $150 per month effective 1 September 1995. Detailed instructions governing the payment of the subsistence allowance are in MCO P7220.31D (reference (cw)).

5803 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

5804 COMMUTATION IN LIEU OF UNIFORMS

580401. Army: See AR 710-2 (reference (dm)).

580402. Navy: See Naval Reserve Officers Training Corps Regulations, CNET Instruction 7220.2 Series (reference (dn)).

580403. Air Force: See AFROTC Manual 170-1(reference (dl)) and AFR 45-25 (reference (dk)).

5805 TEXTBOOK ALLOWANCES—SCHOLARSHIP CADETS AND MIDSHIPMEN

580501. Army: No specific monetary entitlement. Required texts are issued by respective universities, which in turn are reimbursed with appropriated funds.

580502. Navy: See Naval Reserve Officers Training Corps Regulation, CNET Instruction 7330.3 series (reference (do)).

580503. Air Force: See AFROTC Manual 170-1(reference (dl)) and AFR 45-25 (reference (dk)).

5806 ALLOTMENTS

A member or applicant for membership in the ROTC program is not authorized to register allotments.

5807 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.

5808 FIELD TRAINING OR AT-SEA TRAINING

580801. 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.

580802. Special and Incentive Pay. A member or applicant for membership in the ROTC program is not entitled to special or incentive pay.

580803. 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 5803.

580804. 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.)

580805. Servicemen's Group Life Insurance (SGLI). Public Law 89-214, 29 September 1965, as amended by Public Law 91-291, effective 25 June

1970 and Public Law 93-289, effective 24 May 1974 (reference (dp)), provides for SGLI coverage to Reserve Officer Training Corps members.

A. Part seven, 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. Part eight, chapter 57, section 5707, applies to members, cadets, or midshipmen of the Reserve Officer 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.

580806. Advance Pay. See paragraph 320109.

5809 DISABILITY BENEFITS

580901. 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 5801, is entitled to the subsistence allowance for the day of incurrence of the disability and continuing thereafter subject to the provisions of section 5801. The cadet or midshipman may also be entitled to the compensation and other benefits of chapter 11 of title 38 U.S.C. (reference (bx)).

580902. 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 5801. As in a above, the cadet or midshipman may be entitled to the compensation and other benefits of chapter 11 of title 38 U.S.C. (reference (bx)).

5810 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 580902 are entitled to:

581001. Death gratuity under the provisions of part four, chapter 36, section 3601.

581002. Unpaid pay and allowances under the provisions of part four, chapter 36, section 3602.

5811 ROTC GRADUATES ORDERED TO ACTIVE DUTY

581101. Officers Ordered to Extended Active Duty. The provisions of parts one through seven apply to these officers.

581102. Officers Performing Initial Periods of Active Duty Training Under 50 U.S.C. App 454(d) or 456(d) (reference (dq)). The provisions of part eight, chapter 56, apply to these officers.

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CHAPTER 59

PAYMENT OF MEMBERS OF THE ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP AND FINANCIAL ASSISTANCE PROGRAM (AFHPS/FAP)

5901 ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM

590101. 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.

590102. Pay Entitlement

★A. Stipend. Except during periods of active duty (see B below), members enrolled in this program are entitled to a stipend of $865 per month (effective 1 July 1995) including periods of absence. This rate is subject to annual increases on 1 July of each year as determined by the Secretary of Defense.

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. Effective 25 September 1980, the stipend ceased to be part of educational costs and is, therefore, not subject to recoupment.

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). 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 56, this part) of 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.

590103. 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.)

590104. Servicemen's Group Life Insurance (SGLI). While under this program members are entitled to SGLI coverage for the 45-day active duty tour. (See section 4701–4708.) For deductions during active duty periods, see section 4705.

590105. 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 part 7, chapters 44 and 45.

B. Monthly stipends paid to students entering the program on and after 1 January 1981 are subject to FITW. The stipend of students enrolled before 1 January 1981 remains 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 either FITW or FICA withholding.

590106. Settlement of Deceased Member's Accounts. See part four, chapter 36, section 3602, for authority for payment of any unpaid pay and allowances (includes amount of unpaid stipend.)

5902 FINANCIAL ASSISTANCE PROGRAM

590201. Authority. Public Law 101-189, Section 725 (reference (ds)), substantially modified the Armed Forces Health Professions Scholarship Program. Effective 29 Nov 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, in return for an active duty service obligation. As a member of the FAP, a physician is appointed as a medical corps officer under DoDD 1320.7 (reference (dt)).

590202. Pay Entitlement

★A. Grant. A member of the FAP is paid an annual grant in addition to the authorized stipend (B below). Effective 1 July 1995, the annual grant is $18,330.

1. A grant is paid annually on an anniversary date.

2. A grant is paid on a pro-rata basis for partial years of participation.

3. The amount of grant is reviewed and increased as appropriate in the same manner as provided for the stipend.

B. Stipend. Except when serving on active duty (paragraph 590204), a member is entitled to a monthly stipend at a rate equal to that authorized for other AFHPS participants by paragraph 590102.

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.

590203. 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 discretion of the individual Service Secretary. The requirement to recoup may be waived by the Service Secretary as being in the best interest of the Government.

590204. 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 allowances in the member's appointed 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 would interrupt the member's residency or fellowship training to serve on active duty elsewhere.

590205. 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.)

590206. Servicemen's 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 above. For part-time coverage deductions, see paragraph 570703.

590207. Tax Withholding

A. Active duty pay under this program is subject to Federal income tax withholding (FITW) and the Federal Insurance Contribution Act (FICA) in the same manner as prescribed in part seven, 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.

590208. Settlement of Deceased Member's Accounts. See part four, chapter 36, section 3602, for authority for payment of any unpaid pay and allowances (includes amount of unpaid stipend).

CHAPTER 60

BONUS PROGRAM FOR THE INDIVIDUAL READY RESERVE AND INACTIVE NATIONAL GUARD

6001 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 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.

6002 BASIC CONDITIONS OF ENTITLEMENT

An enlisted member of the IRR/ING is authorized a bonus during the period 29 May 1984 through 30 September 1985 and 24 February 1986 to 30 September 1996 under the following conditions:

600201. 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 Service concerned;

C. Enlist, reenlist, or extend for 3 or 6 years beyond the military service obligation in accordance with Service regulations;

D. Not have completed more than 14 years of total Military Service.

600202. 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 Service for the payment of the bonus.

600203. Army members who transfer from the ING to the IRR may continue to receive this bonus provided such members continue to serve satisfactorily.

6003 AMOUNTS PAYABLE

600301. 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.

600302. 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 paragraph 6002.

6004 OBLIGATION

A member must be contractually obligated to serve satisfactorily, as prescribed by the regulations of the 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 Reserves or in active duty for training as may be required by the Secretary of the 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.

6005 TERMINATION OF BONUS ENTITLEMENT

Entitlement to the IRR and ING bonus will be terminated if a member:

600501. Fails to participate satisfactorily in the Ready Reserve in accordance with the regulations of the Service concerned;

600502. Accepts a civilian position where membership in the Reserve is a condition of employment (persons on temporary assignment excluded);

600503. Is separated from the Ready Reserve as an enlisted member for any reason (including enlistment or voluntary recall into the active forces);

600504. Becomes a simultaneous member of an authorized officer program drawing a stipend; or

600505. Moves to a nonbonus-qualified MOS, unless at the express direction of the Service concerned (through no fault of the member).

6006 RECOUPMENT OF PAYMENTS

600601. 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 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 Service concerned (through no fault of the member).

600602. 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
Multiplied by:	
Number of whole months remaining divided by term of bonus: 31/36 = .8611 X	.8611
Amount to be recouped	$ 645.83

600603. However, reduce the amount to be recouped by an amount equal to any reduction taken under subparagraphs 350702F or 350802D.

CHAPTER 61
HEALTH PROFESSIONAL STIPEND

6101 PRIOR STIPEND PROGRAM REPEALED WITH EXCEPTION

610101. Authority. Public Law 99-145 (reference (du)), 8 November 1985, authorizes the Secretaries of each military department to provide financial assistance to commissioned officers of the Reserve components engaged in specialized advanced training in the health professions. Effective 4 December 1987, the program under this section is repealed in favor of the program in section 6102 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 while officer is otherwise entitled.

610102. Pay Entitlement

★A. A commissioned officer in the Selected Reserve of a Reserve who is engaged full-time in a course of specialized advanced training approved by the Secretary concerned, in a health profession, is entitled to a stipend of $865 per month (effective 1 July 1995). This rate is subject to annual increases on 1 July 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 is no longer 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 concerned, to repay an amount equal to the total amount received under the program. The Secretary concerned may relieve an officer from the recoupment requirement.

610103. Nonavailability. Members of the Ready Reserve may have periods of authorized nonavailability, in accordance with Service regulations, of not more than 30 months (that is, members transferred from the Ready Reserve because of temporary overseas residence, hardship, or disability, key employees, and theological students). 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 nonavailability.

A. Although not terminated from the stipend program during an authorized period of nonavailability, an officer is not entitled to a monthly stipend during such period of nonavailability.

B. An officer is again entitled to stipend payments when the anniversary date of satisfactory and creditable Ready Reserve Service is adjusted for the period of authorized nonavailability.

610104. 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.

610105. Settlement of Deceased Members' Accounts. See part four, chapter 36, section 3602, for authority for payment of any unpaid pay and allowances (includes amount of unpaid stipend).

6102 CURRENT STIPEND PROGRAM

610201. Authority. Public Law 100-180, 4 December 1987 (reference (dv)), authorizes the Secretaries of each military department to provide financial assistance to members of the Reserve components engaged in specialized training in the health professions.

610202. 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 concerned, is entitled to a monthly stipend of $865, except as noted in subparagraph 2. This rate is subject to annual increases on 1 July of each year, as determined by the Secretary of Defense. The amount is the same as that authorized each year in subparagraph 590102A.

1. The officer described above must agree to serve, upon successful completion of the stipend program, two 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, two 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 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 Secretary 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.

1. The member in subparagraph B must 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. The member in subparagraph B agrees to serve, upon graduation from the baccalaureate program, one 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 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 concerned, to repay an amount equal to the total amount paid to the person under the program. The Secretary concerned may relieve a member from the recoupment requirement.

610203. 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.

610204. Settlement of Deceased Members' Accounts. See part four, chapter 36, section 3602, for authority for payment of any unpaid pay and allowances (includes amount of unpaid stipend).

CHAPTER 62

NURSE OFFICER CANDIDATE PROGRAM AUTHORIZING ACCESSION AND CONTINUATION BONUS

6201 AUTHORITY

Public Law 101-189, 29 November 1989 (reference (ds)), authorizes the Secretaries of each military department to provide financial assistance to full-time students enrolled in a baccalaureate degree in nursing program to assist in the completion of degree requirements and earn a commission as a nurse corps officer on the active duty list.

6202 BASIC CONDITIONS OF ENTITLEMENT

The Accession and Continuation Bonus are authorized for nursing students who execute an agreement during the period 29 November 1989 through 30 September 1995 under the following conditions:

620201. Are 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.

620202. Have completed the second year of an accredited baccalaureate degree program in nursing and have more than six months of academic work remaining before graduation.

620203. Meet 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 Secretary concerned.

6203 EXECUTES A WRITTEN AGREEMENT

The student described in section 6202 will execute a written agreement which must include the following:

620301. Agree to complete the nursing degree program as stated above in paragraph 620201.

620302. That upon acceptance of the agreement by the Secretary concerned the student will enlist in a Reserve component of an Armed Force.

620303. 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.

620304. That the individual will serve on active duty as such 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.

6204 AMOUNTS PAYABLE

620401. Accession Bonus. An amount of not more than $5,000 shall be paid in periodic installments, as determined by the Secretary concerned at the time the agreement is accepted, except that the first installment may not exceed $2,500.

620402. 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 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.

6205 RECOUPMENT

620501. 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.

620502. 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 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.

620503. Effective 29 November 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.

620504. An obligation to reimburse the United States imposed for the reasons stated above is for all purposes a debt owed to the United States.

6206 TAX WITHHOLDING

620601. The accession and continuation bonus is subject to Federal income tax withholding (FITW).

620602. The accession and continuation bonus is not subject to Federal Insurance Contribution Act (FICA) (reference (ci)) withholding.

CHAPTER 63

HEALTH CARE OFFICERS ON ACTIVE DUTY IN SUPPORT OF THE PERSIAN GULF CONFLICT

6301 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 90 and 91) 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 4) (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.

6302 DEFINITIONS

630201. 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.

630202. 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.

630203. Persian Gulf Conflict. Means the period beginning on 2 August 1990, and ending thereafter on the date prescribed by Presidential proclamation or by law.

6303 ENTITLEMENT

630301. Health Care Officers who are otherwise eligible to receive special pay under sections 302, 302a, 302b, 302e or 303 of title 37, U.S.C. (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 section 688 of title 10, U.S.C. (reference (c)), in connection with the Persian Gulf Conflict, or

C. An officer involuntarily retained on active duty under section 12305 of title 10, U.S.C. (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.

630302. 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.

630303. 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.

630304. 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.

6304 LIMITATIONS AND RECOUPMENT

630401. 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.

630402. Medical officers are not entitled to the $450 per month special pay (see part one, chapter 5, section 0506) for the same period they receive the special pay provided by this chapter. Any payments made under section 302(h) of title 37 U.S.C. (reference (aa)) are to be recouped for any period that special pay is received under this chapter.

630403. 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.

6305 BOARD CERTIFICATION WAIVER (MEDICAL AND DENTAL OFFICERS)

630501. 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. The officer 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.

630502. 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.

630503. 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.

6306 SPECIAL PROVISIONS

630601. All payments provided for in this chapter may be made on a monthly basis, notwithstanding the provisions of sections 302(e), 302b(d) or 302e(e) of title 37 U.S.C. (reference (aa)) that would require some payments to be made annually in advance.

630602. 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.

6307 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:

630701. Medical officers are paid the monthly rates in part one, chapter 5, for variable special pay, board certified pay, incentive special pay and additional special pay, as applicable.

630702. Dental officers are paid the monthly rates in part one, chapter 6, for variable special pay, board certified special pay and additional special pay, as applicable.

630703. Veterinarians and optometrists are entitled to special pay at the monthly rate of $100.

630704. Certified registered nurse anesthetists are entitled to incentive special pay at the monthly rate of $500.

COMPARABLE TERMS			
ARMY	NAVY	MARINE CORPS	AIR FORCE
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

	COMPARABLE GRADES		
ARMY	NAVY	MARINE CORPS	AIR FORCE
O-10 General	Admiral	General	General
O-9 Lieutenant General	Vice Admiral	Lieutenant General	Lieutenant General
O-8 Major General	Rear Admiral (UH)	Major General	Major General
O-7 Brigadier General	Rear Admiral (LH) or Commodore	Brigadier General	Brigadier General
O-6 Colonel	Captain	Colonel	Colonel
O-5 Lieutenant Colonel	Commander	Lieutenant Colonel	Lieutenant Colonel
O-4 Major	Lieutenant Commander	Major	Major
O-3 Captain	Lieutenant	Captain	Captain
O-2 1st Lieutenant	Lieutenant (JG)	1st Lieutenant	1st Lieutenant
O-1 2nd Lieutenant	Ensign	2nd Lieutenant	2nd Lieutenant
E-9 Sergeant Major or Command Sergeant Major	Master Chief Petty Officer	Sergeant Major or Master Gunnery Sergeant	Chief Master Sergeant
E-8 First Sergeant or Master Sergeant	Senior Chief Petty Officer	First Sergeant or Master Sergeant	Senior Master Sergeant
E-7 Platoon Sergeant or Sergeant First 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 Class	Sergeant	Staff Sergeant
E-4 Corporal or Specialist Four	Petty Officer, 3rd Class	Corporal	Sergeant or Senior Airman
E-3 Private 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

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Chapter 01—Service Creditable		
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, 25 Aug 1959 Public Law 77-230, Section 3, 21 Aug 1941 Public Law 77-658, 8 July 1942 1 Comp Gen 668 45 Comp Gen 149 MS Comp Gen B-195448, 3 Apr 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, 26 Dec 1974 OASD (MI&L) Memo, 24 Dec 1984
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