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**DEPARTMENT OF DEFENSE**

**FINANCIAL MANAGEMENT REGULATION**

**VOLUME 7A: “MILITARY PAY POLICY - ACTIVE  
DUTY AND RESERVE PAY”**

**UNDER SECRETARY OF DEFENSE  
(COMPTROLLER)**

**VOLUME 7A, CHAPTER 1: “BASIC PAY”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **June 2019** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
010201.E.3	Updated the dates in the examples to comply with Title 37, United States Code, section 205(a) and subparagraph 010201.E.	Revision

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**CHAPTER 1****BASIC PAY**

## 0101 GENERAL

## 010101. Purpose

This chapter prescribes the criteria for determining creditable service for military members; provides examples for computing valid creditable service; states periods of service that are not creditable for pay purposes; cites conditions for the payment of military pay entitlements; explains the computation of leave and conditions for leave accrual; and provides for situations where enlistments are not valid. Tables 1-1 through 1-15, outlining various conditions in which military pay is payable for all grades of military personnel, are at the end of this chapter. See the Joint Travel Regulations (JTR), [Chapter 10](#), for entitlement to Basic Allowance for Housing (BAH), and Chapter 25, subparagraph 250202.A, or the [Basic Allowance for Subsistence \(BAS\)](#) table for payments.

## 010102. Authoritative Guidance

The pay policies and requirements established by Department of Defense (DoD) in this chapter are derived primarily from, and prepared in accordance with the United States Code (U.S.C.). Due to the subject matter in this chapter, the list of authoritative sources is extensive. The specific statutes, regulations, and other applicable guidance that govern each individual section are listed in a reference section at the end of the chapter.

## 0102 CREDITABLE SERVICE

## \*010201. Service Which is Creditable

A. General

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

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

B. 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 subparagraphs 010201.C through E to compute the basic pay date when there has been a break in service of any kind or if there is a need to include constructive service.

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

1. Regular service in the Army, Air Force, Navy, Coast Guard, and Marine Corps;
  2. Army, Naval, Marine Corps, Air Force, and Coast Guard Reserve;
  3. Army of the United States (service without specification of a component);
  4. Army National Guard;
  5. Army National Guard of the United States;
  6. National Guard;
  7. National Guard of the United States;
  8. Air Force of the United States (service without specification of a component);
  9. Air National Guard;
  10. Air National Guard of the United States;
  11. Nurse Corps and Nurse Corps Reserve of the Public Health Service;
  12. Public Health Service and Reserve Corps of the Public Health Service.
- or

D. Other Creditable Service (with restrictions noted in this subparagraph and in subparagraph 010202.A). Include the following periods of service:

1. 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 U.S. Coast and Geodetic Survey;
2. 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;
3. Any period of service during which a member is entitled to retired, retirement, or retainer pay from any Uniformed Service;
4. Service as a cadet or midshipman at a military academy is always creditable service for an enlisted member who is not commissioned and reverts back to his/her enlisted status to complete their enlistment contract. See Table 1-1 to determine whether such service is creditable for commissioned and warrant officers;
5. Credit the time when an enlisted member is retained after the 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;
6. 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;
7. Active service performed as a temporary member of the U.S. Coast Guard Reserve;
8. Service terminated by desertion or dishonorable discharge unless the enlistment was fraudulent and was voided for that reason;
9. 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;
10. Service as a member of the Army, Navy, or Air Force Reserve Officers' Training Corps (ROTC), provided the member has concurrent Selected Reserve (drilling status) for duty performed on or after August 1, 1979;
11. Service as an officer, Army field clerk, flight officer, aviation midshipman, or enlisted member of a uniformed service;

12. Service as an enlisted member in a Reserve Component, including Ready Reserve service (inactive and active) under the Delayed Entry (Enlistment) Program (DEP), before beginning active duty or an initial period of Active Duty Training (ADT), provided the Reserve enlistment was entered into before January 1, 1985. As of January 1, 1985, the following restrictions went into effect as and when stated:

a. For enlistments in a Reserve Component under Title 10, U.S.C., [section 12103](#)(b) or (d), including enlistments under a DEP, that were entered into between January 1, 1985, and November 28, 1989, the period served in the Reserve Component before beginning active duty or an initial period of ADT is not creditable; or

b. For enlistments entered into on or after November 29, 1989:

(1) A period of enlisted service in a Reserve Component under 10 U.S.C. § 12103(b) or (d), including inactive service under a DEP, is creditable service only if the member performs Inactive Duty Training (IDT) before beginning active duty or an initial period of ADT; or

(2) Service performed as an enlisted member in a Reserve Component under 10 U.S.C. § [513](#), other than a period of active duty, is not creditable service; or

13. Any period of service which was creditable under any federal statute in effect on January 10, 1962.

\* E. Constructive Service

1. 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:

a. On or before September 15, 1981, if the officer already had the constructive service credit, then the credit is not lost if there is a break in service either before or after that date. This criteria is applicable to Public Health Service officers.

b. On or before September 14, 1981, if the individual was enrolled in either the Armed Forces Health Professions Scholarship Program (AFHPSP) or in the Doctor of Medicine (DOM) program at the Uniformed Services University of Health Sciences (USUHS), completed that program, and was appointed as a medical or dental officer.

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

2. Medical and dental officers, who meet the criteria in subparagraph 010201.E.1, are entitled to 4 years of constructive service credit. Also, those medical officers who



have completed a 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.

3. 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.

Example 1: An individual completed dental school on June 11, 1977, and accepted a commission as a dental officer on August 3, 1977. The member was credited with 4 years of constructive service and a basic pay date of August 3, 1973.

Example 2: An individual completed a medical internship on June 30, 1979, and accepted a commission as a medical officer on August 11, 1979. The member was credited with 5 years of constructive service and a basic pay date of August 11, 1974.

Example 3: An individual entered medical school in 1970 and accepted a commission on January 12, 1972. He graduated from medical school on June 10, 1974 and completed a civilian residency during the period from July 1, 1974 through June 30, 1975. Compute basic pay date as follows:

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

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

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

Maximum Constructive Service Credit:	03	11	30 (4 years)
Less Dual Status Time:	<u>02</u>	<u>04</u>	<u>29</u>
Constructive Credit:	01	07	01

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

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

	<u>YR</u>	<u>MO</u>	<u>DAY</u>
Date Finished Internship:	<u>75</u>	06	30
Commission Date:	<u>74</u>	<u>07</u>	<u>12</u>
Dual Status Period:	00	11	18+1 (inclusive day)
Maximum Constructive			
Service Credit:	04	11	30 (5 years)
Less Dual Status Time:	<u>00</u>	<u>11</u>	<u>19</u>
Constructive Credit:	04	00	11

The member's basic pay date was 4 years, no months, and 11 days before his commission date, or July 1, 1970.

Example 5: An officer commissioned on November 19, 1962, entered dental school on September 9, 1970, and graduated on May 28, 1974. To compute constructive service credit:

First, compute dual status.

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

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

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

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

010202. Service Not Creditable

A. General. Do not use any service that is not listed as creditable service to compute a basic pay date. The following list includes a few types of service that are not creditable:

1. The time served in an enlistment that is terminated, voided, or invalidated as fraudulent;
2. The time served as a commissioned officer in the Philippine Army;

- Retired List;
3. The period of time a member was on the Emergency Officers' Retired List;
  4. The time an individual was a member of a state, home, or territorial guard;
  5. The 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;
  6. The time, subsequent to September 14, 1981, a member serves while enrolled in the AFHPSP and Financial Assistance Program (FAP), or while a DOM student at the USUHS. Use any service creditable on the date of the officer's entry into DOM USUHS to compute the officer's basic pay for longevity purposes while a USUHS student, not to exceed the maximum rate of O-1 pay (Table 1-7) or O-1E pay (Table 1-8), as applicable; or the rate of pay of the member's former pay grade, if greater, as outlined in subparagraph 010303.A. For the most current pay rates, see the Military [Basic Pay](#) tables on DFAS.MIL;
  7. The time served in a Reserve Component before beginning active duty or an initial period of ADT for enlistment in a Reserve Component under 10 U.S.C. § 12103(b) or (d) that was entered into between January 1, 1985, and November 28, 1989;
  8. For enlistments entered into on or after November 29, 1989:
    - a. A period of enlisted service in a Reserve Component under 10 U.S.C. § 12103(b) or (d), including inactive service under a DEP, if the member does not perform IDT before beginning active duty or an initial period of ADT; or
    - b. Service performed as an enlisted member in a Reserve Component under 10 U.S.C. § 513, other than a period of active duty; or
  9. For an officer, the time served while attending a military service academy including the U.S. Merchant Marine Academy.

NOTE: The midshipmen attending the U.S. Merchant Marine Academy sign contracts to join the enlisted Navy Reserve on the day they enter the Academy. Students who attend one of the six state Merchant Marine college programs and who receive a Naval ROTC scholarship are treated the same as any Naval ROTC cadet or midshipmen. Students who attend one of the 6 state Merchant Marine college programs and who join the Navy after graduation from one of the programs are treated as any other member who joins the Navy.

B. Effect of Lost Time Absence From Duty on Creditable Service

1. Prior to February 11, 1996, a commissioned or warrant officer was entitled to credit for every day in a commissioned or warrant status, without regard to an 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 was creditable if the enlisted member also held a commission as a Reserve officer. After February 10, 1996, a commissioned or warrant officer may not count the following periods of absence for any purpose other than that of computing length of service for basic pay:

- a. Desertion;
- b. Absence from organization, station, or duty for more than 1 day without proper authority, as determined by proper authority;
- c. Confinement by military or civilian authorities for more than 1 day in connection with a trial, whether before, during or after the trial; or
- d. The officer's inability for more than 1 day, as determined by competent authority, to perform assigned duties because of the officer's intemperate use of drugs or alcoholic liquor, or because of disease or injury resulting from the officer's misconduct.

2. See Table 1-2 to determine the creditability for absence while in an enlisted status.

010203. Active Enlisted and/or Warrant Officer Service for Members in Basic Pay Grades O-1E, O-2E, or O-3E

A. Service Counted

1. General. Commissioned officers with over 4 years of prior active service as an enlisted member, warrant officer, or combined service in both grades are entitled to count such service for purposes of computing basic pay for longevity purposes. Such prior service includes all active service, in either the Regular or Reserve Component or both (i.e., ADT in enlisted or warrant officer status, annual Reserve training duty, and full-time National Guard duty). Service on active duty or ADT and IDT for at least 4 years and 1 day satisfy the over 4 years of service requirement under this section.

2. Creditable Prior Enlisted Service. Commissioned officers in pay grades O-1, O-2, or O-3 who are credited with over 4 years (i.e., at least 4 years and 1 day) of prior active service as an enlisted member are entitled to the special rate of basic pay for pay grade O-1E, O-2E, or O-3E.

3. Creditable Prior Warrant Officer Service. Commissioned officers in pay grades O-1, O-2, or O-3 who are credited with over 4 years (i.e., at least 4 years and 1 day)

of prior active service as a warrant officer are entitled to the special rate of basic pay for pay grade O-1E, O-2E, or O-3E.

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

5. Creditable Service for Certain Reserve Commissioned Officers. Effective January 1, 2002, commissioned officers in pay grades O-1, O-2, and O-3 who are paid from funds appropriated for Reserve personnel and credited with 1,460 points for retirement computed under 10 U.S.C. § [12732](#)(a)(2) service as a warrant officer and/or enlisted member, which requires a minimum of 50 points annually, are entitled to the special rate of basic pay for pay grade O-1E, O-2E, or O-3E.

6. Creditable Service for Certain Commissioned Officers. Effective November 24, 2003, the restriction that members must be paid from reserve appropriated funds to qualify for the special rate of basic pay for pay grades O-1E, O-2E, and O-3E based upon creditable service points is eliminated. Therefore, effective that date, commissioned officers in pay grades O-1 through O-3 with more than 1,460 points computed under 10 U.S.C. § 12732(a)(2) for service as a warrant officer and/or an enlisted member, which requires a minimum of 50 points annually, are entitled to the special rate of pay.

7. Leap Year. Reserve Component members who perform duty during a leap year earn a point for the extra day of duty in the month of February under 10 U.S.C. § 12732(a)(2). A leap year represents 1 year of service for basic pay purposes. Thus, the extra point does not qualify the member for having earned the equivalent of over 4 years of active service, and the member would not be eligible for the O-1E, O-2E, or O-3E rate of basic pay. The member would have to serve more than 4 years of active service to qualify for the special rate of basic pay.

8. Creditable Service While Graduate Students at USUHS. The Secretary of Defense shall establish such selection procedures, service obligations, and other requirements as the Secretary considers appropriate for graduate students (other than DOM students) in a postdoctoral, postgraduate, or technological institute established pursuant to 10 U.S.C. § [2113](#)(e). The subparagraph 010202.A.8, does not apply to graduate students.

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

1. Active service in a dual status (temporary officer/permanent enlisted) in the Navy or Marine Corps;

2. Service as a National Guard technician; or

3. Except for periods of active duty service performed while a USUHS DOM student, time served as a DOM student at USUHS. See subparagraph 010202.A.8 and applicable notes to Tables 1-7, 1-8 and the Basic Pay tables on DFAS.MIL.

## 010204. Computation of Creditable Service

A. Computing a Basic Pay Date

1. 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:

a. For enlisted members, the date of enlistment, but see subparagraph 010201.D.12, for service under a DEP;

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

c. 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.

2. After determining initial basic pay date, compute creditable service for all service prior to that date. Use the following to compute basic pay date. If the member had any periods of service during which there was lost time, do not use those periods here. Instead, compute according to subparagraph 010204.A.3.

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

b. List all ending dates. If the day is the 31st day of the month, change it to 30. If the day is February 28 in a non-leap year, change it to February 30 for computation purposes. If the day is February 29, change it to February 30 for computation purposes. Do not change February 28 of a leap year to February 30. Add all ending dates together.

c. Subtract the beginning day result from the ending day result.

d. For each non-continuous period of service, add 1 day to account for inclusive days. Explanation: Any period of service is at least one day. If, for example, the member had one day of service on January 17, 2016, the computation would look like this:

	<u>YR</u>	<u>MO</u>	<u>DAY</u>
Ending Day:	16	01	17
Less Beginning Day:	<u>16</u>	<u>01</u>	<u>17</u>
	00	00	00

It is necessary to add 1 day for inclusive days to avoid this erroneous answer.

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

EXAMPLE:

Member served as follows:

	From:	To:
Active Duty Army (Enlisted)	Jan 1, 93	Feb 29, 96
Army National Guard (Commissioned)	Jun 1, 96	May 26, 03
Air National Guard (Commissioned)	Aug 1, 05	Mar 31, 10
U.S. Air Force (Commissioned)	Apr 1, 10	Jun 4, 17

Beginning dates:

<u>YR</u>	<u>MO</u>	<u>DAY</u>
1993	01	01
1996	06	01
<u>2005</u>	<u>08</u>	<u>01</u>
5994	15	03

Ending Dates:

<u>YR</u>	<u>MO</u>	<u>DAY</u>
1996	02	30
2003	05	26
<u>2017</u>	<u>06</u>	<u>04</u>
6016	13	60

Convert February 29, 1996 to February 30, 1996, since 1996 was a leap year.

Convert March 31, 2010 to March 30, 2010 since the 31st day of a month does not count as an ending date, though it would count as a beginning date. The period from August 1, 2005 through June 4, 2017 is continuous, so it is all included in the third line of the computation.

Subtract total of beginning dates from the total of ending dates:

<u>YR</u>	<u>MO</u>	<u>DAY</u>	
6016	13	60	(total of ending dates)
6015	25	60	(borrowed 12 months from year column)
<u>5994</u>	<u>15</u>	<u>03</u>	
21	10	57	

Add 1 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.

3. Regarding computations involving lost time, if a member has lost time, compute the creditable service for the period served separately. Add the results to any creditable service computed separately under subparagraph 010204.A.2.

a. 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: A member enlisted for 4 years on July 18, 2012, but was absent without leave (AWOL) from February 10, 2015 through March 16, 2015. The member received a hardship discharge on August 10, 2015 without making up the lost time. The member reenlisted February 20, 2017. Compute creditable service and basic pay date as follows:

First compute the lost time.

	<u>YR</u>	<u>MO</u>	<u>DAY</u>
Ended AWOL:	15	03	16
Began AWOL:	<u>15</u>	<u>02</u>	<u>10</u>
Lost Time:	00	01	06+1 (inclusive day)

Then compute first period of service.

Discharged:	15	08	10
Entered Active Duty:	<u>-12</u>	<u>07</u>	<u>18</u>
Subtotal:	03	00	22+1 (inclusive day)
Deduct Lost Time:	<u>-00</u>	<u>01</u>	<u>07</u>
Creditable Service:	02	11	16

Subtract 2 years, 11 months, and 16 days from reenlistment date of February 20, 2017 to arrive at a new basic pay date of March 4, 2014.

b. A member who makes good the 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 advantageous to the member. To illustrate, if a member is AWOL on March 30 through April 1, it would be 3 days on the day-to-day basis but only 2 days on a 30-day month basis. Compute creditable service as follows (and separately from periods of service which do not have lost time):

(1) 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.

(2) Second step: Compute the gross amount of service during the period by subtracting the entry date from the discharge date and adding 1 day for inclusive day.



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

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

Example 1: Assume the member in the example in subparagraph 010204.A.3.a had not received a hardship discharge; instead, he or she had completed the enlistment contract, including making good the lost time. He made up the 35 days of lost time computed on a day-to-day basis. The days served to make good the lost time were July 18-31, 2016 (14 days) and August 1-21, 2016 (21 days).

When the member reenlists on February 20, 2017, compute creditable service as follows:

<u>YR</u>	<u>MO</u>	<u>DAY</u>	
16	08	21	(ending date of the last period of service)
-12	07	18	(beginning date of the last period of service)
04	01	03	+1(inclusive day)

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

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

The result is less than the enlistment contract of 4 years, but since the member completed the enlistment contract, he or she is entitled to credit for the entire 4 years. Set basic pay date at February 20, 2013, when the member reenlists on February 20, 2017.

Example 2: A member enlisted on July 18, 2012, for 4 years. She was AWOL from July 28, 2015 through September 3, 2015, which is 38 days on a day-to-day basis (July 28-31, 4 days; August 1-31, 31 days; and September 1-3, 3 days). She is discharged on August 24, 2016, after making good the 38 days of bad time by serving July 18-31 (14 days) and August 1-24 (24 days).

Step 1. When she reenlists on February 20, 2017, compute prior service as follows:

<u>YR</u>	<u>MO</u>	<u>DAY</u>	
16	08	24	(ending date of the last period of service)
-12	07	18	(beginning date of the last period of service)
04	01	06+1	(inclusive day)

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

Step 2. Lost time on a day-to-day basis was 38 days. Compute lost time on a 30-day month basis as:

July 28-31, 2015	03 days
August 1-30, 2015	30 days
September 1-3, 2015	<u>03 days</u>
Total	36 days

Step 3. Following the rule set out in step 2, deduct the lost time in the manner most beneficial to the member.

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

Step 4. Set the basic pay date at February 19, 2013, when the member reenlists on February 20, 2017.

4. Regarding adjusting the basic pay date when a member has lost time, lost time does not change an officer's basic pay date (See paragraph 010202.B). When an enlisted person returns to duty after a period of lost time, add the number of days lost time to the member's basic pay date to reflect the lost time."

Example: An enlisted member with no prior service enlisted on July 18, 2015. He was AWOL from February 10, 2017 through March 16, 2017. When member returns to duty status, change his basic pay date as follows:

Compute lost time:

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

<u>YR</u>	<u>MO</u>	<u>DAY</u>	
15	07	18	(original basic pay date)
+00	01	07	
15	08	25	

The new basic pay date is August 25, 2015.

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

### 0103 COMPUTATION OF PAY

#### 010301. Basic Pay Entitlements

A. When Entitled to Basic Pay. The pay of Military Service members is prescribed by law. Current basic pay rates are contained in Tables 1-7, 1-8, 1-9, 1-10, and on the Basic Pay tables on DFAS.MIL. Members are entitled to receive pay according to their pay grades and years of service if they are:

1. On active duty in a pay status; and
2. Not prohibited by law from receiving such pay.

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

##### 1. Employment Under the Government

a. 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, other than the pay and allowances that accrue by reason of the military status. A member may be employed, however, on a voluntary basis during off-duty hours in connection with non-appropriated fund activities.

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

## 2. Acceptance or Holding Civil Office

a. 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.

b. 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.

3. Medical Officers. Medical officers on active duty who receive any compensation or stipend payments for services they perform as interns or resident physicians in private or public institutions (state, county, municipal, or privately owned hospitals) receive such payments for the benefit of the United States. Collect these payments from medical officers for deposit to the U.S. Treasury.

## C. Formal Acceptance of Appointment by Officers

1. Pay and allowances generally accrue from the date of acceptance of appointment as an officer. The normal method of acceptance is taking the oath of office. Commencement of travel in compliance with an order is considered acceptance for pay purposes, but payment will not be made until formal signing of the oath of office. See Table 1-3 for specifics and for graduates of the academies.

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

Note: See Table 1-4 for other situations regarding effective dates for promotions or restoration of grade.

## D. Restriction Against Dual Payments

1. 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.

2. Except as prescribed in subparagraph 010301.D.1, 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:

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

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

010302. Computing Monthly Pay

A. Monthly Pay

1. 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 pay for 1 month (30 days), less the prorated amount for the number of days expired before entry on duty. If the service ends before the last day of February, pay the member only for the actual number of days served.

2. 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.

B. Absence Without Pay

1. Deduct 1/30 of 1 month's pay for each day's absence in a non-pay status.

2. 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 010302.A.2.

3. Absence in a non-pay status on the 28th of February in a non-leap year results in loss of pay for 3 days. If the member is absent only on the 28th day of February in a leap year, deduct the pay for 1 day for the 28th. If the absence occurs on the 29th of February, deduct pay for 2 days. When payment is made under subparagraph 010302.A.2, on the basis of each day served, deduct only for the actual period of unauthorized absence.

C. 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 instructions in subparagraph 010302.B, for monthly pay also apply to annual salary.

D. Basic Pay Rates. Tables 1-7 through 1-10 contain monthly rates of basic pay, and are listed on the Basic Pay tables on DFAS.MIL.

010303. 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;

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 010303.D.3, before appointment as an officer.

C. Prior Service Medical Students. Members selected to participate as DOM students at the USUHS or in the AFHPSP and FAP who have prior active service, including members who have had a break in service, in a pay grade with years of service greater than the rate of second lieutenant or ensign, will be authorized saved pay for the basic pay rate of the former grade. The former basic pay rate will be increased on January 1 of each year by the average percentage increase authorized for that year. The member will continue to receive the former pay rate until the date, occurring before or after graduation or participation in the program, that the member's actual grade and years of service basic pay rate exceeds the former grade rate. This saved pay provision applies only to basic pay. The member's other pay entitlements will be paid at the member's actual grade and years of service.

D. Restrictions

1. Except for prior service DOM students discussed in subparagraph 010303.C, 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 will be included in saved pay if the member again qualifies for such items. (See subparagraph 010303.D.7.)

3. In the case of the Navy or Marine Corps, a member in a temporary appointment is not entitled to saved pay because of a permanent promotion.

4. BAH may be continued as an item of saved pay and will be paid whenever it is not forfeited because the member is assigned to government quarters.

5. For enlisted members, BAS is the alternative for subsistence in kind. Since officers are not authorized subsistence in kind, a member eligible for saved pay is entitled to the appropriate BAS rate (including the “when permitted to mess separately rate” even when subsistence in kind otherwise would be provided or made available) under the conditions prevailing for enlisted members at their permanent station. Credit BAS at the “when permitted to mess separately rate” at all times, except when the member would otherwise be entitled to a different rate. (See Chapter 25, paragraph 250202.)

6. For appointments accepted before January 6, 2006, special duty assignment pay, incentive pay for hazardous duty, special pay for diving duty, special pay for sea duty, and hardship 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. For appointments accepted on or after January 6, 2006, in determining the amount of pay and allowances of a grade formerly held by an officer who was an enlisted member and accepted an appointment as an officer, the following special and incentive pays may be considered only so long as the officer continues to perform the duty that creates the entitlement to, or eligibility for, that pay and would otherwise be eligible to receive that pay in the former grade:

- a. Incentive pay for hazardous duty;
- b. Submarine duty pay;
- c. Special pay for diving duty;
- d. Hardship duty pay;
- e. Career sea pay;

- f. Special pay for service as a member of a Weapons of Mass Destruction Civil Support Team;
- g. Assignment incentive pay;
- h. Special pay for duty subject to hostile fire or imminent danger;
- i. Special pay or bonus for an extension of duty at a designated overseas location;
- j. Foreign language proficiency bonus; and
- k. Critical skill retention bonus.

8. The enlisted cash clothing allowances prescribed in Chapter 29 may not be included in the saved pay computation if the officer is entitled to the initial uniform allowance prescribed in Chapter 30, section 3002.

9. Family Separation for Housing (FSH) may be continued as an item of saved pay under the same conditions as BAH (See subparagraph 010303.D.4). If the member was entitled to FSH due to an enforced separation from the member's family at the time of appointment, the allowance may be included in the computation of saved pay until the entitlement ends. FSH may be reinstated for future periods if the member again qualifies for FSH due to an 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.

10. Effective January 6, 2006, the following special and incentive pays are dependent on a member being in an enlisted status and may not be considered in determining the amount of pay and allowances of a grade formerly held by an officer:

- a. Special duty assignment pay;
- b. Reenlistment bonus;
- c. Enlistment bonus; and
- d. Critical skill incentive pay (see Chapter 22, section 2205).

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



010304. Increased Basic Pay During a Period of Service Essential to the Public Interest

A. 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.

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

2. Pay and Allowances. During the period of retention, except in time of war, 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.

B. Members Not Eligible for Increase

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

- a. At shore stations;
- b. On ships on duty in waters in or around possessions and territories of the United States;
- c. On ships on duty in ports or waters within the sovereign jurisdiction of the United States;
- d. Due to lack of transportation; or
- e. Merely because it is desirable to continue their services or some benefit may be derived there from.

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

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

1. Cash settlement for unused leave on discharge;
2. Physical disability or temporary disability retired pay;
3. Disability severance pay; or

4. Reenlistment bonus.

D. Termination of Increase in Basic Pay. The 25-percent increase in basic pay continues through date of:

1. Discharge, if the member is discharged within 30 days after arrival in CONUS; or

2. Transfer to a hospital for treatment. (See Table 1-5, rule 19 for the date of termination of normal pay and allowances.)

010305. Allowable Travel Time for Reserve Members Called to or Released From Active Duty

A. Pay and Allowances Entitlement for Allowable Travel Time

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

- a. Home to a first duty station; or

- b. Last duty station to home (except when released from active duty for retirement or dismissal, when discharged, or upon resignation).

2. 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.

B. Terms and Special Conditions

1. 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:

- a. For periods of active duty of 30 days or less, be based upon the rules contained in Table 1-6; or

- b. For periods of active duty of more than 30 days, be based upon the rules and provisions in Chapter 57.

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

- a. Ordered to perform ADT;

b. Performing authorized IDT immediately before or after ADT at or near the same site; or

c. Receiving orders that direct performance of necessary travel to and from the ADT site immediately before and after combined ADT/IDT. The travel date will be specified in the active duty orders. Full retirement point credit is earned for the period of IDT performed.

#### 0104 ABSENCE FROM DUTY, EFFECT ON PAY, AND ALLOWANCES

##### 010401. Authorized Leave

A. Authority. All Military Service members on active duty for 30 consecutive days or more are entitled to accrue leave under applicable Military Service leave regulations. While on authorized leave, they are entitled to full pay and allowances except as otherwise provided in Table 1-11.

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

1. Army. [Army Regulation 600-8-10](#);
2. Navy. [Military Personnel Manual 1050-010](#);
3. Air Force. [Air Force Instruction 36-3003](#); and
4. Marine Corps. [Marine Corps Order 1050.3J](#).

C. Pay and Allowances During Leave

1. Entitlement. See Table 1-11.

2. Full Pay and Allowances Defined. This term means (includes) the following:

- a. Basic pay;
- b. Special pays;
- c. Incentive pay for hazardous duty;
- d. BAS (enlisted leave rations);
- e. BAH;
- f. Personal money allowances;

- g. Clothing maintenance allowances;
- h. Family separation allowances; and
- i. Station allowances (CONUS Cost of Living Allowance (See JTR, [Chapter 8](#)); and [Overseas](#) Cost of Living Allowance and Temporary Lodging Allowance (See JTR, [Chapter 9](#)).

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

1. 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:

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

Example 1: A member's current term of service ends April 30, 2015. The member reenlists for 6 years on March 1, 2015 and has a 5.0-day advance leave balance. The 5.0-day advance leave balance can be carried into the new term of service.

Example 2: A member's current term of service ends September 30, 2015. On May 1, 2015, the member agrees to serve a 12-month extension and has a 12.5-day advance leave balance that will be offset by leave accrual through September 30, 2015. Between May 1, 2015, and September 30, 2015, the member was charged for 30 days of leave. When the extension became operative (October 1, 2015), the member could elect to carry the 30.0-day advance leave balance into the new term of service (12-month extension).

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

- a. Discharge for the purpose of reenlisting, extending an enlistment, or accepting a warrant or commission, and advance leave exceeds 30 days;
- b. Advance leave balance exceeds that which will accrue in the new enlistment or term of service (for example, enlistment or extension(s)), including when an agreement to extend is cancelled by the Military Service. If an agreement to extend is cancelled by the member for the purpose of immediate reenlistment, collect the advance under subparagraph 010401.D.2.a, if applicable;
- c. Relief from active duty;

d. Appointment as a cadet or midshipman at a Service academy;

e. Death; or

f. Return from a period of leave that was in excess of the number of days of leave and fractions thereof that the 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 subparagraph 010401.E when it is known at the time leave is granted that the member will be in excess leave status.)

Example 3: A member's current term of service ended on March 31, 2016. The member reenlisted for 6 years on January 1, 2015 and had a 35.5-day advance leave balance. The member carried 30.0 days of advance leave into the new term of service. The remaining 5.5-day advance leave balance changes to excess leave and requires immediate collection of pay and allowances. Subparagraph 010401.E applies.

Example 4: Same as example 2, except that the member took 34 days of leave between May 1, 2015 and September 30, 2015. Since a maximum of 30.0 days of advance leave could be carried into the new term of service (12-month extension), immediate collection of pay and allowances for the remaining 4.0 days was required when the leave was used. Subparagraph 010401.E applies.

3. Amount to be Collected. Compute collection under subparagraph 010401.D.2 on the basis of pay and allowances received by the member during the period of leave involved.

E. Pay and Allowances During Excess Leave. Members on excess leave are not entitled to pay and allowances. Apply as follows:

1. 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.

2. 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 status are considered to have a rate of pay.

F. Leave Pending Review of Certain Court-Martial Convictions. Under regulations prescribed by the Secretary of the Military Department concerned, members sentenced to unsuspended dismissal or unsuspended dishonorable or bad conduct discharge by court-martial

may be required to take leave pending review of their conviction as provided by [Article 76a](#), Uniform Code of Military Justice (UCMJ).

1. Such leave will 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 Chapter 35, subparagraph 350201.B.

a. 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 will be charged as excess leave.

b. If the member elects to be paid for accrued leave, the entire period of leave will be charged as excess leave and pay and allowances will not accrue for such period except under the provisions of subparagraph 010401.F.2.

2. A member required to take leave under Article 76a, UCMJ, whose sentence by court-martial to dismissal or dishonorable or bad-conduct discharge is set aside or disapproved on appellate review, will 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 010401.F.1.b), 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.

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

(1) 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.

(2) 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.

b. Time of Payment

(1) Payment will 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.

(2) Payment will 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.

(3) 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 will be made within 60 days of the date of the announcement of the result of such rehearing or new trial.

(4) 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 will be made within 60 days of the date of the order which set aside, disapproved, or otherwise vacated such dismissal or discharge.

(5) If a member who is entitled to be paid under this section fails to provide sufficient information in a timely manner regarding his/her income when such information is requested under subparagraph 010401.F.3, the periods of time prescribed in this paragraph will be extended until 30 days after the date on which the member provides the requested information.

3. In all cases where payment must be made under subparagraph 010401.F.2, the member solely is responsible for providing the information as to all 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.

a. For periods where the member was employed, information as to all sources and amounts of income should include, at a minimum, copies of all pertinent:

- (1) Federal income tax returns;
- (2) Employer statements of income earned from wages, salaries, tips; and
- (3) Documentation of other personal service income.

b. For periods where the member has been unemployed, the member must submit an affidavit or written evidence of lack of employment and, at a minimum, copies of all pertinent:

- (1) Documentation to verify the duration of unemployment compensation;
- (2) Public assistance benefits received from any government agency;

(3) Federal income tax returns; and

(4) Any other documentation required by the Service concerned.

NOTE: The burden of proving the existence of a valid claim against the United States is on the member asserting the claim. A member must prove by clear and convincing evidence on the written record that the U.S. DoD is liable under the law for the amount claimed.

010402. Unauthorized Absence and Other Lost Time

A. Effect on Pay and Allowances. The types of unauthorized absences and other lost time and their effect on pay and allowances are shown in Table 1-12. (Compute forfeitures of pay and allowances as instructed in subparagraph 010302.B.)

B. Unauthorized Absence and Desertion

1. 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 AWOL.

2. Administrative Determination of Unauthorized Absence. When a member is in an unauthorized absence status, an administrative determination must be made as to whether the absence was unavoidable. Table 1-13 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.

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

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

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



C. 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 1-14 to determine the first and last day of the period of absence.

D. Absence in the Hands of Civil Authorities

1. General. Pay the member all pay and allowances earned through the day before the first day of unauthorized absence. If the member is delivered to civil authorities by military authorities, he or she is entitled to all pay and allowances earned through the day prior to the date of such delivery. For entitlement to pay and allowances during confinement, see Table 1-12, rules 4, 5, and 6.

2. Finding of Insanity. An administrative determination under the rules contained in Table 1-13 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 1-12 contains rules for determining the effect of absences on pay and allowances.

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

E. Absence Due to Disease

1. When Pay Is Forfeited. See Table 1-12, rule 3.

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

a. An injury;

b. A disease, except under Table 1-12, rule 3;

c. Simple drunkenness, if not coupled with chronic alcoholism or intemperate use of habit-forming drugs; or

d. Venereal disease, whether or not due to misconduct.

3. Personal Expense Money. A member whose pay is forfeited under Table 1-12, rule 3 for more than 1 month is entitled to \$5 for personal expenses for each full month

that he or she forfeits pay. This payment will be made even though the member is indebted to the United States. The term “full month” is the period from a date in 1 month through the preceding date in the following month. For example, July 3 through August 2 is 1 month.

F. Military Confinement. Pay and allowances accrue to a member in military confinement except when:

1. Confined by military authorities, for civil authorities. See Table 1-12, rules 6 and 8;
2. Pay and allowances are forfeited by court-martial sentence. See Chapter 48 and Table 1-12, rule 10; and
3. The term of enlistment expires. See subparagraph 010402.G.

G. Term of Enlistment Expires

1. 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.

2. 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 the 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.

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

4. 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.

5. Confined Serving Court-Martial Sentence. If a member is confined serving a 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 Chapter 48. Pay and allowances will not accrue again until the date the member is restored to a full-duty status.

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

7. 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.

8. Absentee Confined Upon Return to Military Control. An enlisted member whose term of enlistment has expired while in a status of absence without leave or desertion is not entitled to pay and allowances upon return to military control while confined awaiting trial and disposition of the case if the conviction becomes final and the member has not been returned to a full-duty status. A member, however, who is returned to military control and restored to full duty for the purpose of making good the 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 is extended to make up lost time would have expired, even if he or she is restored to duty at a later date.

9. 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.

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

H. 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.

## 0105 PAYMENT IN CASES OF VOID, VOIDABLE, OR REJECTED ENLISTMENTS OR INDUCTIONS

### 010501. 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 1-15.)

## 010502. 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 1-15.

## 010503. Travel Payments

See JTR, Chapter 5, [Paragraph 051007](#).

## 010504. 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.

## 010505. 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 1-15.)

## 0106 FINANCIAL INSTITUTION CHARGES

## 010601. Reimbursement

Reimbursement of financial institution charges may be authorized. Authorized reimbursements are limited to overdraft charges or minimum balance or average balance charges levied by the financial institution because of an administrative or mechanical error on the part of the government that causes pay to be deposited late, or in an incorrect manner or amount.

## 010602. Non Reimbursement

Charges by financial institutions resulting from erroneous information provided by the member or the financial institution to a military pay office are not the liability of the government and will not be reimbursed.

## 010603. Definitions

A. Financial Institutions. For the purpose of this section a financial institution is defined as a bank, savings and loan association, or similar institution or a credit union chartered by the United States or a state.

B. Pay. For the purpose of this section pay is defined as basic pay, allowances, bonuses, special and incentive pays.

## 0107 MILITARY PAYDAYS

## 010701. Payday

The payday is the first calendar day of the month after the month in which the entitlement was earned.

## 010702. Exception

Except for payrolls otherwise payable on October 1, if the payday falls on a Saturday, Sunday, or federal legal holiday, payment is authorized on the preceding workday, but not more than 3 days before the scheduled payday. This exception applies to foreign holidays recognized abroad by U.S. Forces. It also applies to payments made to members upon separation from the Military Service through retirement or discharge when the last day of active duty falls on a Saturday, Sunday, or federal legal holiday.

## 010703. Determination

For payrolls otherwise payable on October 1, the DoD Comptroller will determine if the payroll may be dated in September.

Table 1-1. Service as Cadet or Midshipman - Officers

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>R U L E</b>	<b>When a member currently serving as an officer has had service as a cadet or midshipman in</b>	<b>to which appointed</b>	<b>and member</b>	<b>then the period involved is</b>
<b>1</b>	any of the military academies		held no concurrent enlisted and/or Reserve status	not creditable.
<b>2</b>		after June 25, 1956	had an enlistment contract or period of obligated service that was not terminated	
<b>3</b>			concurrently retained a commission or warrant in the Army or Air Force Reserve	creditable.
<b>4</b>		on or after January 1, 1953	concurrently retained a commission or warrant in the Naval Reserve	

Table 1-2. Absence From Duty in Enlisted Status

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>
	<b>When the absence is</b>	<b>and</b>	<b>then the period of absence is</b>
<b>1</b>	authorized leave or authorized excess leave		creditable.
<b>2</b>	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	
<b>3</b>		is not administratively excused as unavoidable	not creditable (note 1).
<b>4</b>	civil detention of a Navy or Marine Corps member	occurred before July 24, 1956, and the member was not acquitted or released without trial, and without making restitution	
<b>5</b>		occurred on or after July 24, 1956, and the member was absent under sentence or awaiting (and during) trial which resulted in conviction (note 2)	
<b>6</b>	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		
<b>7</b>	Desertion		
<b>8</b>	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 3)	the member was a member of the Army or Air Force	
<b>9</b>	absence of a Navy or Marine Corps member because of confinement of more than 1 day (24 consecutive hours) while awaiting trial (if the trial results in conviction) or confinement as the result of a court-martial sentence	the confinement occurred on or after July 24, 1956 (note 3)	
<b>10</b>		the confinement occurred before July 24, 1956	(note 4).

Table 1-2. Absence From Duty in Enlisted Status (Continued)

**NOTES:**

1. Prior to February 11, 1996, absence during which a member was serving on active duty as an enlisted member and was also a Reserve officer is creditable. After February 10, 1996, a commissioned or warrant officer may not count the periods of absence for any purpose other than for computing length of service for basic pay. Also, see subparagraph 010202.B.
2. 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.
3. Period spent in confinement is creditable when the member is acquitted or the sentence is set aside or disapproved.
4. The period of absence is not creditable only if the confinement was under general court-martial sentence and/or while waiting (and during) trial which resulted in a sentence by a general court-martial to confinement and total loss of pay and allowances.



Table 1-3. When Active Duty Pay Begins

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
	<b>When a person is</b>	<b>in the</b>	<b>and</b>	<b>begin on:</b>	<b>are authorized for:</b>
<b>1</b>	originally appointed as a permanent officer	Regular Army, Navy, Air Force, or Marine Corps (note 1)		the date of formal acceptance of appointment (see subparagraph 010301.C.).	
<b>2</b>	an enlisted member temporarily appointed to a warrant or commissioned officer grade	Navy or Marine Corps			
<b>3</b>	an enlisted member or warrant officer on active duty appointed to a commissioned officer grade under 10 U.S.C. § <a href="#">12201</a>	Reserve	continues on active duty in that commissioned officer grade		
<b>4</b>	enlisted, reenlisted, or inducted	Regular Army, Navy, Air Force, or Marine Corps		the date of enlistment, reenlistment, or induction.	
<b>5</b>	a service academy graduate commissioned as a second lieutenant or ensign	Regular Army or Air Force		the date of graduation (note 2).	
<b>6</b>		Regular Navy or Marine Corps		the date of formal acceptance of appointment.	
<b>7</b>	a reserve or retired member called or recalled to active duty	Regular Army, Navy, Air Force, or Marine Corps		the date member necessarily complies with active duty order (note 3).	

Table 1-3. When Active Duty Pay Begins (Continued)

R U L E	A	B	C	D	E
	When a person is	in the	and	then active duty pay and allowances	
				begin on:	are authorized for:
8	a temporary officer (without component) called to active duty	Army or Air Force		the date member necessarily complies with active duty orders (note 3).	
9	a 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	Regular Army, Navy, Air Force, or Marine Corps			period of the examination, and allowable travel time in connection therewith (notes 3, 4, 5, and 6).
10	an Army National Guard or Air National Guard member called into federal service	Army or Air Force	the period of federal service is 30 days or less	the date on which the member, in person or by authorized telephonic or electronic means, contacts the member's unit.	
11			the period of federal service is more than 30 days or an indefinite period	the date member necessarily complies with active duty orders (notes 3 and 7).	
12	a separated Service academy cadet required to serve a period of enlisted active duty	Regular Army, Navy, Air Force, or Marine Corps		the date following date of approval of cadet's separation from the academy.	

Table 1-3. When Active Duty Pay Begins (Continued)

**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 paragraph 010305 and Table 1-6 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. 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.
5. 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.
6. If the member is ordered to active duty solely to take a physical examination, not incident to being ordered to active duty, active duty pay and allowances do not accrue.
7. Pay status does not begin if the Army National Guard or Air National Guard member is unable to respond to the call to active duty because of illness or other reason.

Table 1-4. Increases in Pay on Promotion or Restoration of Grade

R U L E	A	B	C	D	E
	When member is a(n)	and action is	in the	and	then effective date of increase in pay and allowances
1	officer	designation of special assignment under 10 U.S.C. § <a href="#">601(a)</a>	Army, Air Force, or Marine Corps as General or Lt General; or Navy as Admiral or Vice Admiral		is the 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		is the date officer becomes eligible for promotion to the higher grade.
3		promotion to grade O-2			is the date of rank.
4	officer	promotion to grade above O-1	Uniformed Services		is the 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	is the 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	is the effective date of orders or letter announcing promotion (note 3).
7		temporary promotion to a higher Reserve grade		is the 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	is the effective date as stated, or date of the letter, whichever is later (note 4).

Table 1-4. Increases in Pay on Promotion or Restoration of Grade (Continued)

R U L E	A	B	C	D	E
	When member is a(n)	and action is	in the	and	then effective date of increase in pay and allowances
9	enlisted member	advancement in rank or rating	Navy	effective date is not stated in letter	is the date advance was actually affected, 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	is the effective date as stated in the directive or date of the directive, whichever is later (note 4).
11				promotion is not effected by directive	is the date certificate of appointment is signed by issuing authority (note 4).
12		appointment or promotion to a higher grade	Army or Air Force		1. is the date cited in orders, or date of orders, whichever is later (note 5); or 2. is the 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
14				reason for reduction was inefficiency	is the date of restoration orders.

Table 1-4. Increases in Pay on Promotion or Restoration of Grade (Continued)

**NOTES:**

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

Table 1-5. Termination or Reduction of Active Duty Pay and Allowances

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
	<b>If member is in the</b>	<b>and status is an</b>	<b>and action is</b>	<b>and reason for retention is</b>	<b>then pay and allowances are authorized through date</b>
<b>1</b>	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).
<b>2</b>			officer holding temporary appointment or promotion		discharge or dismissal from permanent status
<b>3</b>		resignation			before date placed on the retired list.
<b>4</b>		transfer to Fleet Reserve, or Fleet Marine Corps Reserve (note 2)			
<b>5</b>		involuntary retirement under Officer Personnel Act of 1947			
<b>6</b>		retirement on last day of month after month member completed 30 years of active service			
<b>7</b>		retirement, other than as shown in rules 5 and 6; includes physical disability retirement			
<b>8</b>		permanent appointment as an officer	before date of acceptance of permanent appointment.		

Table 1-5. Termination or Reduction of Active Duty Pay and Allowances (Continued)

R U L E	A	B	C	D	E
	If member is in the	and status is an	and action is	and reason for retention is	then pay and allowances are authorized through date
9	Regular Army, Navy, Marine Corps, or Air Force	officer holding temporary appointment or promotion	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 1-6).
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 3).
16			retention in service after expiration of term of service (note 4)	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.



Table 1-5. Termination or Reduction of Active Duty Pay and Allowances (Continued)

R U L E	A	B	C	D	E
	If member is in the	and status is an	and action is	and reason for retention is	then pay and allowances are authorized through date
18	Army, Navy, Marine Corps, or Air Force	enlisted member		probation after confinement	of the probational period, if duty is performed during such period.
19				medical care or hospitalization (with member's consent)	of release from medical care or hospitalization (note 5).
20				service is essential to public interest (see paragraph 010304)	of discharge (note 6).
21				court-martial action	see subparagraph 010402.G.
22		officer or enlisted member	demotion (administrative)		before date of demotion orders at the higher rate; and at the reduced rate on and after date of demotion orders.
23			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 7).
25		retirement	late delivery of retirement orders	retirement orders are delivered or member is notified that retirement orders were issued.	

Table 1-5. Termination or Reduction of Active Duty Pay and Allowances (Continued)

**NOTES:**

1. Discharge orders do not of themselves relieve the government of its obligation to an officer. The officer must have received actual or constructive notice by the effective date, unless the officer willfully avoids notice of separation. If kept in Military Service without fault, in ignorance of an order of dismissal, the officer is entitled to all salaries and benefits of the office. If held in Military Service under orders after the date shown in separation orders, the officer is entitled to pay if there is nothing in the records showing non-entitlement.
2. 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.
3. Includes discharge for underage enlistment. Does not include discharge for fraudulent contract of enlistment. (See section 0105.)
4. A member whose enlistment is extended involuntarily by law comes under rule 15, not rules 16-21.
5. If medical care or hospitalization was due to member's misconduct, pay and allowances terminate on date of expiration of term of Military Service.
6. See subparagraph 010304.D for date of termination of the 25 percent increase in basic pay.
7. An erroneous promotion is later voided by revoking promotion orders (certificates of appointment or other documents used by the Military Service concerned to administratively effect promotions) from the original effective date. Payment of the pay and allowances of the higher grade through the date prior to the date of discovery is contingent, in each case, upon an administrative determination of the commander, that service performed while serving in the higher grade may be regarded as service performed in a "de facto" status, that is, the member was promoted by competent authority and performed duties of the higher grade. (See procedural regulations of the Military Service concerned.)

Table 1-6. Allowable Travel Time – Travel Between Places Within the United States

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
	<b>If order to active duty is for</b>	<b>and travel by (note 1)</b>	<b>then travel time allowed is</b>	<b>using (notes 3 and 4).</b>
<b>1</b>	30 days or less	all transportation is reasonably available	computed on the basis of air transportation (not more than 1 day for travel between places within the CONUS) (note 2)	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).
<b>2</b>		air transportation is not reasonably available for entire travel	computed as if actually performed by public surface transportation	actual schedules of fastest available mode.

**NOTES:**

1. 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.
2. 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, or other circumstances.
3. Travel is not expected to start or end between midnight and 0600.
4. Travel days will not exceed the computed travel time. In the computation of travel time, use existing commercial schedules to determine the latest departure time that would permit arrival at the duty station on the reporting date and hour. On release from active duty, use earliest schedule after release which would permit arrival home by fastest available means, without regard to actual performance of travel. A member of a Reserve Component is entitled to active duty pay and allowances for allowable travel time per subparagraph 010305.B when member:
  - a. is ordered to perform ADT;
  - b. performs authorized 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. The travel date will be specified in the active duty orders. Full retirement point credit is earned for the period of IDT performed.

Table 1-7. Monthly Rates of Basic Pay – Commissioned Officers, Academy Cadets and Midshipmen and ROTC Members - Effective January 1, 2019

For the most current rates, see [Basic Pay](#) table on DFAS.MIL.

Notes 1 through 6

Cumulative Years of Service											
Pay Grade (note 7)	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18
O-10											
O-9											
O-8	10,668.90	11,018.70	11,250.60	11,315.40	11,604.90	12,088.20	12,200.70	12,659.70	12,791.70	13,187.10	13,759.50
O-7	8,865.30	9,276.90	9,467.70	9,619.20	9,893.40	10,164.60	10,477.80	10,790.10	11,103.60	12,088.20	12,919.20
O-6	6,722.70	7,385.70	7,870.50	7,870.50	7,900.50	8,239.20	8,283.90	8,283.90	8,754.30	9,586.80	10,075.20
O-5	5,604.30	6,313.50	6,750.00	6,832.50	7,105.50	7,268.40	7,627.20	7,890.90	8,230.80	8,751.30	8,998.50
O-4	4,835.40	5,597.40	5,971.20	6,054.00	6,400.80	6,772.80	7,236.00	7,596.30	7,846.50	7,990.50	8,073.90
O-3	4,251.60	4,819.20	5,201.40	5,671.50	5,943.60	6,241.50	6,434.40	6,751.20	6,916.80	6,916.80	6,916.80
O-2	3,673.50	4,183.80	4,818.30	4,981.20	5,083.80	5,083.80	5,083.80	5,083.80	5,083.80	5,083.80	5,083.80
O-1	3,188.40	3,318.90	4,011.90	4,011.90	4,011.90	4,011.90	4,011.90	4,011.90	4,011.90	4,011.90	4,011.90

Cumulative Years of Service											
Pay Grade (note 7)	Over 20	Over 22	Over 24	Over 26	Over 28	Over 30	Over 32	Over 34	Over 36	Over 38	Over 40
O-10	16,025.10	16,025.10	16,025.10	16,025.10	16,025.10	16,025.10	16,025.10	16,025.10	16,025.10	16,025.10	16,025.10
O-9	15,078.60	15,296.40	15,610.20	16,025.10	16,025.10	16,025.10	16,025.10	16,025.10	16,025.10	16,025.10	16,025.10
O-8	14,287.20	14,639.40	14,639.40	14,639.40	14,639.40	15,006.00	15,006.00	15,380.70	15,380.70	15,380.70	15,380.70
O-7	12,919.20	12,919.20	12,919.20	12,985.50	12,985.50	13,245.30	13,245.30	13,245.30	13,245.30	13,245.30	13,245.30
O-6	10,563.30	10,841.40	11,123.10	11,668.20	11,668.20	11,901.30	11,901.30	11,901.30	11,901.30	11,901.30	11,901.30
O-5	9,243.60	9,521.40	9,521.40	9,521.40	9,521.40	9,521.40	9,521.40	9,521.40	9,521.40	9,521.40	9,521.40
O-4	8,073.90	8,073.90	8,073.90	8,073.90	8,073.90	8,073.90	8,073.90	8,073.90	8,073.90	8,073.90	8,073.90
O-3	6,916.80	6,916.80	6,916.80	6,916.80	6,916.80	6,916.80	6,916.80	6,916.80	6,916.80	6,916.80	6,916.80
O-2	5,083.80	5,083.80	5,083.80	5,083.80	5,083.80	5,083.80	5,083.80	5,083.80	5,083.80	5,083.80	5,083.80
O-1	4,011.90	4,011.90	4,011.90	4,011.90	4,011.90	4,011.90	4,011.90	4,011.90	4,011.90	4,011.90	4,011.90

Table 1-7. Monthly Rates of Basic Pay – Commissioned Officers, Academy Cadets and Midshipmen and ROTC Members - Effective January 1, 2019 (Continued)

**NOTES:**

1. Basic pay rate for Academy Cadets/Midshipmen and ROTC members/applicants is \$1,116.30.
2. The amount of the maximum combat zone tax exclusion in effect for a qualifying month equals the sum of the basic pay for the senior enlisted member payable (Table 1-10 note 3) and the maximum amount of hostile fire or imminent danger pay actually payable to the officer for the qualifying month.
3. Basic pay is limited to the rate of basic pay for level II of the Executive Schedule in effect during calendar year 2019, which is \$16,025.10 per month for officers at pay grades O-7 through O-10. This includes officers serving as:
  - a. Chairman or Vice Chairman of the Joint Chiefs of Staff;
  - b. Chief of Staff of the Army;
  - c. Chief of Naval Operations;
  - d. Chief of Staff of the Air Force;
  - e. Commandant of the Marine Corps;
  - f. Commandant of the Coast Guard;
  - g. Chief of the National Guard Bureau; or
  - h. Commander of a unified or specified combatant command (as defined in [10 U.S.C. 161\(c\)](#)).
4. Basic pay for pay grades O-6 and below is limited to the rate of basic pay for Level V of the Executive Schedule during calendar year 2019, which is \$12,999.90.
5. O-1, O-2, and O-3 rates do not apply to commissioned officers who have been credited with over 4 years (i.e., at least 4 years and 1 day) of active duty service as an enlisted member or as a warrant officer or as both an enlisted member and a warrant officer.
6. These rates or, when applicable, the O-1E rates in Table 1-8 apply during periods of active service while as a DOM student of the USUHS. Also see subparagraph 010202.A.6.
7. For rank titles, see Volume 7A Comparable Grades.

Table 1-8. Monthly Rates of Basic Pay – Commissioned Officers Credited With Over 4 Years of Active Duty Enlisted and/or Warrant Officer Service - Effective January 1, 2019

For the most current rates, see [Basic Pay](#) table on DFAS.MIL.

Notes 1 and 2

<i>Cumulative Years of Service</i>											
Pay Grade (note 3)	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18
O-3E				5,671.50	5,943.60	6,241.50	6,434.40	6,751.20	7,018.80	7,172.70	7,381.80
O-2E				4,981.20	5,083.80	5,245.50	5,518.80	5,730.00	5,887.20	5,887.20	5,887.20
O-1E (note 4)				4,011.90	4,284.00	4,442.40	4,604.40	4,763.40	4,981.20	4,981.20	4,981.20

<i>Cumulative Years of Service</i>											
Pay Grade (note 3)	Over 20	Over 22	Over 24	Over 26	Over 28	Over 30	Over 32	Over 34	Over 36	Over 38	Over 40
O-3E	7,381.80	7,381.80	7,381.80	7,381.80	7,381.80	7,381.80	7,381.80	7,381.80	7,381.80	7,381.80	7,381.80
O-2E	5,887.20	5,887.20	5,887.20	5,887.20	5,887.20	5,887.20	5,887.20	5,887.20	5,887.20	5,887.20	5,887.20
O-1E (note 4)	4,981.20	4,981.20	4,981.20	4,981.20	4,981.20	4,981.20	4,981.20	4,981.20	4,981.20	4,981.20	4,981.20

#### NOTES:

1. The amount of the maximum combat zone tax exclusion in effect for a qualifying month equals the sum of the basic pay for the senior enlisted member payable (Table 1-10 note 3) and the maximum amount of hostile fire or imminent danger pay actually payable to the officer for the qualifying month.
2. Creditable service to be taken into account for purposes of this table is active service as an enlisted member or as a warrant officer or as both an enlisted member and a warrant officer, in the case of a commissioned officer on active duty who is paid from funds appropriated for active-duty personnel; or a commissioned officer on active Guard and Reserve duty. Creditable service to be taken into account for purposes of this table in the case of a commissioned officer is service as an enlisted member or as a warrant officer, or as both an enlisted member and a warrant officer, for which more than 1,460 points have been credited to the officer for the purposes of [10 U.S.C. § 12732\(a\)\(2\)](#).
3. For rank titles, see Volume 7A Comparable Grades.
4. These rates do not apply to DOM students of the USUHS who do not have over 4 years (i.e., at least 4 years and 1 day) of active duty service as an enlisted member or as a warrant officer or as both an enlisted member and a warrant officer. See Table 1-7 for applicable rates. DOM USUHS students with over 4 years of prior enlisted and/or warrant officer service are entitled to the O-1E rate of basic pay in this table during such active duty periods. Also see subparagraph 010202.A.6.

Table 1-9. Monthly Rates of Basic Pay – Warrant Officers - Effective January 1, 2019  
 For the most current rates, see [Basic Pay](#) table on DFAS.MIL.

<i>Cumulative Years of Service</i>											
Pay Grade (Note)	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18
W-5											
W-4	4,393.80	4,726.20	4,861.80	4,995.30	5,225.10	5,452.80	5,683.20	6,029.10	6,333.00	6,621.90	6,858.60
W-3	4,012.50	4,179.60	4,351.20	4,407.60	4,586.70	4,940.40	5,308.50	5,482.20	5,682.90	5,889.00	6,261.00
W-2	3,550.50	3,886.20	3,989.70	4,060.50	4,290.90	4,648.80	4,826.10	5,000.40	5,214.00	5,381.10	5,532.00
W-1	3,116.40	3,452.10	3,542.10	3,732.60	3,957.90	4,290.30	4,445.10	4,662.00	4,875.30	5,043.30	5,197.50

<i>Cumulative Years of Service</i>											
Pay Grade (Note)	Over 20	Over 22	Over 24	Over 26	Over 28	Over 30	Over 32	Over 34	Over 36	Over 38	Over 40
W-5	7,812.60	8,208.60	8,503.80	8,830.50	8,830.50	9,272.70	9,272.70	9,735.60	9,735.60	10,223.40	10,223.40
W-4	7,089.30	7,428.00	7,706.40	8,024.10	8,024.10	8,184.00	8,184.00	8,184.00	8,184.00	8,184.00	8,184.00
W-3	6,511.80	6,661.80	6,821.10	7,038.60	7,038.60	7,038.60	7,038.60	7,038.60	7,038.60	7,038.60	7,038.60
W-2	5,713.20	5,832.00	5,926.20	5,926.20	5,926.20	5,926.20	5,926.20	5,926.20	5,926.20	5,926.20	5,926.20
W-1	5,385.30	5,385.30	5,385.30	5,385.30	5,385.30	5,385.30	5,385.30	5,385.30	5,385.30	5,385.30	5,385.30

**NOTE:**

For rank titles, see Volume 7A Comparable Grades.

Table 1-10. Monthly Rates of Basic Pay – Enlisted Members - Effective January 1, 2019  
 For the most current rates, see [Basic Pay](#) table on DFAS.MIL.

NOTES 1 - 4

<i>Cumulative Years of Service</i>											
Pay Grade (note 2)	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18
<b>E-9</b> (notes 3 & 4)							5,308.20	5,428.50	5,580.30	5,758.20	5,938.80
<b>E-8</b>						4,345.50	4,537.50	4,656.60	4,798.80	4,953.60	5,232.30
<b>E-7</b>	3,020.70	3,296.70	3,423.30	3,590.10	3,720.90	3,945.00	4,071.60	4,295.70	4,482.60	4,609.80	4,745.40
<b>E-6</b>	2,612.70	2,875.20	3,002.10	3,125.40	3,254.10	3,543.30	3,656.40	3,874.80	3,941.40	3,990.00	4,046.70
<b>E-5</b>	2,393.40	2,554.80	2,678.10	2,804.40	3,001.50	3,207.00	3,376.20	3,396.60	3,396.60	3,396.60	3,396.60
<b>E-4</b>	2,194.50	2,307.00	2,431.80	2,555.40	2,664.00	2,664.00	2,664.00	2,664.00	2,664.00	2,664.00	2,664.00
<b>E-3</b>	1,981.20	2,105.70	2,233.50	2,233.50	2,233.50	2,233.50	2,233.50	2,233.50	2,233.50	2,233.50	2,233.50
<b>E-2</b>	1,884.00	1,884.00	1,884.00	1,884.00	1,884.00	1,884.00	1,884.00	1,884.00	1,884.00	1,884.00	1,884.00
<b>E-1 &gt; 4 mos.</b>	1,680.90	1,680.90	1,680.90	1,680.90	1,680.90	1,680.90	1,680.90	1,680.90	1,680.90	1,680.90	1,680.90
<b>E-1 &lt; 4 mos.</b>	1,554.00										

<i>Cumulative Years of Service</i>											
Pay Grade (note 2)	Over 20	Over 22	Over 24	Over 26	Over 28	Over 30	Over 32	Over 34	Over 36	Over 38	Over 40
<b>E-9</b>	6,226.50	6,470.70	6,726.60	7,119.30	7,119.30	7,474.80	7,474.80	7,848.90	7,848.90	8,241.90	8,241.90
<b>E-8</b>	5,373.60	5,613.90	5,747.40	6,075.60	6,075.60	6,197.70	6,197.70	6,197.70	6,197.70	6,197.70	6,197.70
<b>E-7</b>	4,797.60	4,974.30	5,068.80	5,429.10	5,429.10	5,429.10	5,429.10	5,429.10	5,429.10	5,429.10	5,429.10
<b>E-6</b>	4,046.70	4,046.70	4,046.70	4,046.70	4,046.70	4,046.70	4,046.70	4,046.70	4,046.70	4,046.70	4,046.70
<b>E-5</b>	3,396.60	3,396.60	3,396.60	3,396.60	3,396.60	3,396.60	3,396.60	3,396.60	3,396.60	3,396.60	3,396.60
<b>E-4</b>	2,664.00	2,664.00	2,664.00	2,664.00	2,664.00	2,664.00	2,664.00	2,664.00	2,664.00	2,664.00	2,664.00
<b>E-3</b>	2,233.50	2,233.50	2,233.50	2,233.50	2,233.50	2,233.50	2,233.50	2,233.50	2,233.50	2,233.50	2,233.50
<b>E-2</b>	1,884.00	1,884.00	1,884.00	1,884.00	1,884.00	1,884.00	1,884.00	1,884.00	1,884.00	1,884.00	1,884.00
<b>E-1 &gt; 4 mos.</b>	1,680.90	1,680.90	1,680.90	1,680.90	1,680.90	1,680.90	1,680.90	1,680.90	1,680.90	1,680.90	1,680.90
<b>E-1 &lt; 4 mos.</b>											



Table 1-10. Monthly Rates of Basic Pay – Enlisted Members - Effective January 1, 2019  
(Continued)

**NOTES:**

1. Basic pay rate for Academy Cadets/Midshipmen and ROTC members/applicants is \$1,116.00.
2. For rank titles, see Volume 7A Comparable Grades.
3. Basic pay for senior enlisted member (grade E-9) is \$8,578.50 regardless of years of service while serving as:
  - a. Senior Enlisted Advisor of the Chairman, Joint Chiefs of Staff;
  - b. Sergeant Major of the Army;
  - c. Master Chief Petty Officer of the Navy;
  - d. Chief Master Sergeant of the Air Force;
  - e. Sergeant Major of the Marine Corps;
  - f. Master Chief Petty Officer of the Coast Guard; or
  - g. Senior Enlisted Advisor to the Chief of the National Guard Bureau.
4. 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, the member is entitled to the higher senior enlisted pay \$8,578.50 up to a maximum of 60 days. If a member is hospitalized, and during or immediately before such hospitalization, completed service as the senior enlisted member of that Military Department's Armed Force, the member will continue to be entitled, for not more than 180 days while so hospitalized, to the rate of basic pay authorized for a senior enlisted member.

Table 1-11. Authorized Absence - Effect on Pay and Allowances

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
	<b>When member is absent from duty</b>	<b>and</b>	<b>then the member is</b>	<b>and the period of absence is</b>
<b>1</b>	on authorized leave	such leave is: a. ordinary accrued leave; b. emergency leave; c. reenlistment leave; or d. delay en route	entitled to otherwise proper credit of full pay and allowances during the period of absence	charged as leave.
<b>2</b>		such leave is advanced accrued leave		charged against leave as it accrues (note 1).
<b>3</b>		such leave is: a. graduation leave; b. sick or convalescent leave; c. pass or liberty; or d. proceed time		not chargeable against leave.
<b>4</b>	at home on Permanent Change of Station (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 for officers and enlisted (as applicable) (note 2); d. BAH (note 3); and e. clothing maintenance allowance	chargeable to leave to the extent possible (note 4).
<b>5</b>	on excess leave		not entitled to pay and allowances (note 5)	not chargeable to accrued leave (note 6).

Table 1-11. Authorized Absence - Effect on Pay and Allowances (Continued)

R U L E	A	B	C	D
	When member is absent from duty	and	then the member is	and the period of absence is
6	on authorized educational leave of absence not to exceed 2 years, or 3 years if pursuing a program of education in the health care profession		entitled to basic pay (member is not entitled to BAH, BAS, or any other pay and allowance to which member might otherwise be entitled for period of leave of absence)	not chargeable to accrued leave.
7	on authorized rest and recuperative absence for not more than 30 days for extending duty under Chapter 14, section 1403		entitled to otherwise proper credit of full pay and allowances during the period of absence (note 7)	not chargeable to accrued leave.

**NOTES:**

1. See subparagraph 010401.D for collection requirements when advance leave is changed to excess leave.
2. Enlisted members are entitled to BAS at the rate shown in Chapter 25, subparagraph 250202.A.2 or the [Basic Allowance for Subsistence \(BAS\)](#) table except for days of leave specifically authorized by the PCS orders. Pay BAS at the rate shown in Chapter 25, subparagraph 250202.B.3 for the PCS order-authorized leave period.
3. Members without dependents are entitled to BAH as prescribed in subparagraph 010401.C.2.e.
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. A member separating effective Mar 1, whose separation leave period through February 28 (or through February 29 during leap year) results in excess leave, is not entitled to pay and allowances for February 29 and 30 (or for February 30 during leap year). These days are not considered days of excess leave; however, the member is considered to be in a non-pay status through February 30. See subparagraph 010302.B.

Table 1-11. Authorized Absence - Effect on Pay and Allowances (Continued)

**NOTES (continued):**

6. Under DoD Instruction (DoDI) 1327.06, "Leave and Liberty Policy and Procedures," a member does not accrue leave during periods of excess leave (here referred to as "nonaccrual"). Computation of the number of days involved in an excess leave balance which accounts for this nonaccrual may result in a total which includes a fraction. Effective with leave taken on or after Feb 1, 1987, the total is not rounded to eliminate the fraction when pay and allowances are collected for excess leave. The fractional one-half day is considered to occur on the first day of the excess leave involved. Collect pay and allowances for the number of days, to include fractional days.
7. Member is not entitled to special pay under Chapter 14, section 1402.

Table 1-12. Unauthorized Absence and Other Lost Time - Effect on Pay and Allowances

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>
	<b>When member is absent from duty</b>	<b>and</b>	<b>then the member</b>
<b>1</b>	without authority, (AWOL) or excess 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).
<b>2</b>		the absence is not excused as unavoidable	is not entitled to pay and allowances (note 2).
<b>3</b>	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 3).
<b>4</b>	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.
<b>5</b>		the absence is excused as unavoidable (see Table 1-13)	
<b>6</b>		the absence is not excused as unavoidable (see Table 1-13)	
<b>7</b>	in confinement by military authorities	is not considered “constructively absent” from duty (note 5)	is entitled to otherwise proper credits of pay and allowances.
<b>8</b>	for a foreign civil offense	is considered “constructively absent” from duty (note 6)	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 1-13).
<b>9</b>	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.
<b>10</b>		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.

Table 1-12. Unauthorized Absence and Other Lost Time – Effect on Pay and Allowances (Continued)

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>
	<b>When member is absent from duty</b>	<b>and</b>	<b>then the member</b>
<b>11</b>	as a deserter	is found guilty of deserting by court-martial or is administratively discharged for desertion or dies prior to return to military control or while awaiting trial by court-martial for the charge of desertion	forfeits all pay and allowances including that due on the first day of desertion (note 7).
<b>12</b>	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 7).

**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. See JTR, Chapter 10, for entitlement to BAH in a non-pay status. See Chapter 10 for entitlement to Hostile Fire Pay which is payable in full for each month in which qualification is made.
3. A member is not entitled to pay or allowances for period of hospitalization after expiration of enlistment.
4. A member is not entitled to pay and allowances if granted a pass or liberty to serve civil confinement.
5. 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.
6. Under existing DoD policy and Status of Forces Agreements, the U.S. Commander always retains discretionary authority to incarcerate or restrict a Military Service member to the installation when such a member is pending civil charges, even in cases where incarceration or restriction is requested by foreign authorities. Such member is not considered as being “constructively absent” for the purpose of entitlement to pay and allowances.
7. 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.

Table 1-13. Rules for Determining Whether Absence Is Unavoidable

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
	<b>When member is absent from duty</b>	<b>and</b>	<b>and</b>	<b>then absence may</b>
<b>1</b>	in confinement	is tried and acquitted		be excused as unavoidable.
<b>2</b>	by civil authorities or by military authorities for	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	
<b>3</b>	civil authorities	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	
<b>4</b>		is admitted to bail and trial is postponed indefinitely	it is apparent that the case will not be prosecuted	
<b>5</b>		was released because the case was discontinued by the prosecutor or plaintiff or because the jury failed to agree		
<b>6</b>		is tried and convicted		not be excused as unavoidable.
<b>7</b>		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	
<b>8</b>		is discharged because of imprisonment or conviction by a civil court		
<b>9</b>		confinement is due to failure to obey a decree of a civil court		
<b>10</b>	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.
<b>11</b>	without authority, (AWOL) or excess 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.
<b>12</b>	over pass or liberty	the absence could not have been avoided by the member or by military authorities	the absence was not due to member's misconduct	be excused as unavoidable.
<b>13</b>		the absence could have been prevented by member or by military authorities		not be excused as unavoidable.

Table 1-14. Computing Periods of Unauthorized Absence

R U L E	A	B	C	D	E
	When a member	and he/she is in the	and the hour of expiration of leave, pass, or liberty, or authorized travel	and the member	then
1	leaves the post of duty, place of service, or organization without authority	Army, Air Force, Navy or Marine Corps		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	Navy, or Marine Corps	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 5		fails to report to the organization or post of duty on the last day of authorized leave, pass, or liberty	Army or Air Force	is not specified in leave orders	does not report before normal duty hours of the following day (note)
6	fails to report to the organization or post of duty by 2400 hours on the last day of authorized travel time	Army, Air Force, Navy, or Marine Corps	is not specified in orders		the day following the last day of authorized travel time is the first day of unauthorized absence.



Table 1-14. Computing Periods of Unauthorized Absence (Continued)

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
	<b>7</b>	<b>When a member</b> is AWOL	<b>and he/she is in the</b> Army, Air Force, Navy, or Marine Corps	<b>and the hour of expiration of leave, pass, or liberty, or authorized travel</b>	<b>and the member</b> returns to the place of duty, or organization, or otherwise to the jurisdiction of the Armed Forces

**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 1-15. Void, Voidable, or Rejected Enlistments or Inductions – Pay and Allowances

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>
	<b>When an individual</b>	<b>and</b>	<b>then pay and allowances</b>
<b>1</b>	is under investigation for a fraudulent enlistment or induction		will continue to be paid until a determination of fraud is made.
<b>2</b>	is determined to be serving under a fraudulent enlistment or induction; or enlists in the Army or Air Force before 17, and the government discovers the defect after the member reaches minimum age; or enlists in the Army or Air Force while 17 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.
<b>3</b>		the government voids the enlistment or induction	will not be paid (note 1).
<b>4</b>		the government waives the fraud (or defect)	continue and the service is as valid as that of any other member.
<b>5</b>	enlists in the Army or Air Force before 17, 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).
<b>6</b>	enlists in the Army or Air Force while 17, without parent's or guardian's consent	is discharged upon application of parent or guardian	accrue to include the date of discharge or release.
<b>7</b>	enlists in the Navy or Marine Corps while under the minimum statutory age (17)		
<b>8</b>	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).

Table 1-15. Void, Voidable, or Rejected Enlistments or Inductions – Pay and Allowances (Continued)

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>
	<b>When an individual</b>	<b>and</b>	<b>then pay and allowances</b>
<b>9</b>	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.
<b>10</b>	enlisted or inducted into the Military Service is discovered by Military Service medical authorities to have been medically unfit for induction at the time of entrance into the Military Service		accrue from the time of entry on active duty through the date of release from military control.

**NOTES:**

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

## REFERENCES

## CHAPTER 1 – BASIC PAY

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010202	36 Comp Gen 146 37 Comp Gen 237 37 U.S.C. §§ 205, 205(b) (d) (e) Comp Gen B-221944.2 1 Comp Gen 511 1 Comp Gen 668 3 Comp Gen 61 22 Comp Gen 987 25 Comp Gen 718 45 Comp Gen 103 22 Comp Gen 907 23 Comp Gen 755 10 U.S.C. §§ 2114(b), 2126 38 Comp Gen 553 38 Comp Gen 352
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010203	37 U.S.C. § 203(d) 38 Comp Gen 68
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010203.A.3	37 U.S.C. § 907
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010203.A.8	10 U.S.C. §2114
010203.B	32 U.S.C. § 709
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010402.G.9	33 Comp Gen 195
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010501	12 Comp Dec 445
	3 Comp Gen 61
	9 Comp Gen 26
	54 Comp Gen 291
010504	11 Comp Dec 710
	47 Comp Gen 671
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0106 – FINANCIAL INSTITUTION CHARGES

10 U.S.C. § 1035

0107 – MILITARY PAYDAYS

10 U.S.C. § 1006(h)

Table 1-1 – SERVICE AS CADET OR MIDSHIPMAN – OFFICERS

Rule 1	10 U.S.C. § 971(b) 30 Comp Gen 228
Rule 2	10 U.S.C. §§ 516, 971(a)
Rules 3 and 4	32 Comp Gen 548

Table 1-2 – ABSENCE FROM DUTY IN ENLISTED STATUS

Rule 1	55 Comp Gen 1244
Rule 2, 3, 5, 6, 8 and 9	10 U.S.C. § 972
Note 2	38 Comp Gen 553

Table 1-3 – WHEN ACTIVE DUTY PAY BEGINS

Rule 5	37 U.S.C. § 204(f)
Rule 8	37 U.S.C. § 204(b)
Rule 9	Comp Gen B-181762, July 18, 1975 19 Comp Gen 282
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Table 1-4 – INCREASES IN PAY ON PROMOTION OR RESTORATION OF GRADE

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Rule 2	37 U.S.C. § 905(a)
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Table 1-5 – TERMINATION OR REDUCTION OF ACTIVE DUTY PAY AND ALLOWANCES

Rule 5	61 Stat 795
Rule 16	7 Comp Gen 228
Rule 19	10 U.S.C. § 507
Rule 25	49 Comp Gen 429
Note 1	27 Comp Gen 13



Note 6	55 Comp Gen 109
Note 7	49 Comp Gen 800

Table 1-6 – ALLOWABLE TRAVEL TIME – TRAVEL BETWEEN PLACES WITHIN THE UNITED STATES

EO 10153, August 17, 1950  
 EO 10649, December 28, 1955  
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Table 1-7 – MONTHLY RATES OF BASIC PAY – COMMISSIONED OFFICERS, ACADEMY CADETS AND MIDSHIPMEN AND ROTC MEMBERS

37 U.S.C. §§ 203, 1009  
 EO 13856, December 28, 2018  
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Table 1-8 – MONTHLY RATES OF BASIC PAY – COMMISSIONED OFFICERS CREDITED WITH OVER 4 YEARS OF ACTIVE DUTY ENLISTED AND/OR WARRANT OFFICER SERVICE

37 U.S.C. §§ 203, 1009  
 EO 13856, December 28, 2018

Table 1-9 – MONTHLY RATES OF BASIC PAY – WARRANT OFFICERS

37 U.S.C. §§ 203, 1009  
 EO 13856, December 28, 2018

Table 1-10 – MONTHLY RATES OF BASIC PAY – ENLISTED MEMBERS

	37 U.S.C. §§ 203, 1009
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Note 3	37 U.S.C. § 210

Table 1-11 – AUTHORIZED ABSENCE - EFFECT ON PAY AND ALLOWANCES

Rule 4	32 Comp Gen 348
Rule 6	10 U.S.C. § 708
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Rule 7	10 U.S.C. § 705
Note 1	37 U.S.C. § 402
Note 2	10 U.S.C. § 703
Note 7	5 Comp Gen 935

Table 1-12 – UNAUTHORIZED ABSENCE AND OTHER LOST TIME - EFFECT ON PAY AND ALLOWANCES

Rules 1 & 2	40 Comp Gen 366
Rule 3	37 U.S.C. 802
Rules 5 & 6	8 Comp Gen 80
	36 Comp Gen 173
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Rule 1	31 Comp Gen 562
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Rule 6	39 Comp Gen 860
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Rule 8	39 Comp Gen 742
Rule 9	39 Comp Gen 742
Rule 10	48 Comp Gen 377

**VOLUME 7A, CHAPTER 2: “REPAYMENT OF UNEARNED PORTION OF BONUSES AND OTHER BENEFITS”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **July 2016** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated formatting and hyperlinks to comply with current administrative instructions.	Revision
020202	Added paragraph 020202 “Use of Separation Program Designator Codes (SPD) in Effecting the Repayment of Unearned Portion of Bonuses and Other Benefits” and renumbered subsequent paragraphs.	Addition
020304.B	Updated subparagraph 020304.B for clarity.	Revision
Bibliography	Updated statutes and references.	Revision

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## CHAPTER 2

**REPAYMENT OF UNEARNED PORTION OF BONUSES AND OTHER BENEFITS**

## 0201 GENERAL

## 020101. Purpose

This chapter establishes policy pertaining to the repayment of unearned portions of bonuses and other benefits. A member, who enters into a written agreement with specified service conditions for receipt of a bonus, special or incentive pay, educational benefits, stipend, or similar payment (hereinafter referred to as “pay or benefit”) is entitled to the full amount of the pay or benefit if the member fulfills the required conditions. Failure to fulfill the conditions specified in the written agreement may result in termination of the agreement and the member may be required to repay the unearned portion of the pay or benefit. Such repayment will be pursued unless the member’s failure to fulfill the specified conditions is due to circumstances determined reasonably beyond the member’s control. Conditions under which repayment will not be sought are set forth in section 0203.

## 020102. Authoritative Guidance

The bibliography at the end of this chapter lists the authoritative references.

## 0202 POLICY

## 020201. Payment Disposition

The Secretary of the Military Department concerned may establish, by regulation, procedures for determining the amount of the repayment required. Service regulations will apply the rules in Table 2-1 for disposition of unearned portions of the pay or benefit.

**\*020202. Use of Separation Designator Codes (SPD) in Effecting the Repayment of Unearned Portion of Bonuses and Other Benefits**

SPD codes are used to track and analyze the reasons that Service members separate from military service and to assist in the review, development, and monitoring of separation policies and programs. Additionally, SPD codes are used to ensure standardized pay actions are consistent with separation policies. While automated processes are critical, it is also important to recognize and allow Secretaries of the Military Departments to exercise their delegated authority to change pay actions on a case-by-case basis. Therefore, when the Secretary of a Military Department concerned wishes to exercise delegated authority to change a pay action for the designated SPD code assigned to the member’s Department of Defense (DD) Form 214, the Secretary concerned submits the requested exception to policy (ETP) to the Director of Military Compensation in the Office of the Assistant Secretary of Defense (OASD) for Manpower and Reserve Affairs (M&RA) for approval. The approved ETP is submitted to the Defense Finance and Accounting Service (DFAS) for processing. It is important for the Military Departments to treat Service members

similarly at separation, so this authority to change the designated pay action should be used sparingly.

020203. Definition

The term “service,” as used in this chapter, refers to an obligation willingly undertaken by a member of the uniformed services in exchange for a pay or benefit offered by the Secretary of Defense or the Secretary of the Military Department concerned to do one or more of the following:

- A. Remain on active duty;
- B. Remain in an active status in a Reserve Component;
- C. Perform duty in a specified skill, with or without a specified qualification or credential;
- D. Perform duty at a specified location; or
- E. Perform duty for a specified period of time.

020204. Bankruptcy

An obligation to repay a pay or benefit to the United States is, for all purposes, a debt owed to the United States. A discharge in bankruptcy does not discharge a person from such debt if the discharge order is entered less than 5 years after:

- A. The date of the termination of the agreement or contract on which the debt is based; or
- B. The date of the termination of service on which the debt is based, in the absence of such agreement or contract.

0203 REPAYMENT AND NON-REPAYMENT CONDITIONS

020301. Conditions Under Which Repayment Will Be Sought

A. When the conditions of a written agreement are not fulfilled and repayment is determined appropriate, the member will be required to repay the United States the unearned portion of a pay or benefit. In cases other than death of a member, the Secretary of the Military Department concerned will advise DFAS of the disposition of any unearned portion of a pay or benefit.

B. Repayment will be sought, and any unpaid balances may not be paid to members who incur a disability because of their misconduct.

## 020302. Delegation of Authority

The Secretary of the Military Department concerned may, through regulation, delegate the authority to make repayment determinations consistent with the criteria set forth in section 0203, but not below the O-6 or equivalent level. If delegated, then the Military Departments will specify the level and the scope of the authorized delegation in implementing regulations.

## 020303. Conditions Under Which Repayment Will Not Be Sought

As a general rule, repayment action [may](#) not be pursued in situations in which the member's inability to fulfill specified service conditions related to a pay or benefit is due to circumstances determined reasonably beyond the member's control. Payment of any unpaid portion of pay or benefit will be subject to the rules in Table 2-1, which in appropriate circumstances provide discretion to the Secretary of the Military Department concerned to pay unearned portions based on case-by-case determinations.

A. Repayment will not be sought, and any remaining unpaid portion of a pay or benefit due to a member under a written agreement that existed at the time of the member's death, which was not the result of the member's misconduct, is payable as a lump sum in the settlement of the decedent's final military pay entitlements.

B. Repayment will not be sought, and any remaining unpaid portion of a pay or benefit due to a member under a written agreement will be paid at the time of separation or retirement for a disability incurred in the line of duty in a combat zone designated by the President of the United States or the Secretary of Defense, or in a combat-related operation designated by the Secretary of Defense, and/or for a combat-related disability. In such case, any remaining unpaid portion of a pay or benefit due to a member will be paid to the member upon separation from service.

C. Subject to the enlistment authorities, and the relevant regulations of the Secretary of the Military Department concerned, a member who was paid a bonus or special pay for a period of enlistment in a Military Department, who is discharged for immediate reenlistment or appointment in a Military Department for which no bonus or special pay is paid, may be considered to have completed the full term of service specified in the former enlistment contract, provided the term of the latter reenlistment or appointment includes the remaining period of service from the former enlistment. The member's enlistment bonus or special pay entitlements will be addressed prior to discharge from a Military Department.

D. Repayment will not be sought, and the Secretary of the Military Department concerned will not pay any remaining unpaid portion of a pay or benefit under the following circumstances, unless otherwise authorized by the Secretary of the Military Department concerned under subparagraph 020304.B:

1. The member's employment in another military specialty or assignment rotation is directed;



2. The member's military specialty or assignment is phased out or eliminated;

3. The member's military specialty or assignment is otherwise affected by force structure or other mission essential requirements; or

4. The member is separated from service under a hardship separation or sole survivor discharge.

E. Pursuant to [Title 10, United States Code \(U.S.C.\), section 1171](#), enlisted members who are discharged within 12 months before the expiration of an enlistment, reenlistment, or extension of enlistment are considered to have completed the terms of the enlistment, reenlistment, or extension of enlistment for which the bonus was paid. Thus, recoupment is not required for the unearned portion of the pay or benefit arising from the early discharge. The Military Departments are responsible for determining whether a member's early discharge is made pursuant to 10 U.S.C. § 1171 and advising DFAS of the determination.

020304. Conditions Under Review by the Secretary of the Military Department

A. In instances involving a member's separation for medical reasons, which were not the result of the member's misconduct, the Secretary of the Military Department concerned has the discretion to determine whether to require repayment of the unearned portion of pay or benefit, or to pay an unpaid balance of a pay or benefit.

\* B. Under circumstances not specifically mentioned in this chapter, the Secretary of the Military Department concerned has the discretion to, at some point in the process, render a case-by-case determination [that the member's repayment of, or the Military Department's full payment of an unpaid portion of, a pay or benefit is appropriate based on the following:](#)

1. [Contrary to a personnel policy or management objective;](#)
2. [Against equity and good conscience; or](#)
3. [Contrary to the best interest of the United States.](#)

Table 2-1. Disposition of Unearned Portions of Bonuses, Special Pay, Educational Benefits, or Stipends

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>R U L E</b>	<b>If a member under a written agreement for a pay or benefit</b>	<b>and</b>	<b>then repayment of the unearned portion of the pay or benefit</b>	<b>and</b>	<b>any unpaid portion of the bonus, special pay, or student loan repayment under 10 U.S.C. or 37 U.S.C.</b>
<b>1</b>	Dies, through no misconduct of the member		will not be sought		will be paid in the member's final pay.
<b>2</b>	Incur an injury or illness, through no misconduct of the member, that precludes the member from fulfilling the service conditions specified in the written agreement	the member is separated or retired for disability under 10 U.S.C., Chapter 61.	will not be sought	if such separation or retirement is for a disability incurred in the line of duty in a combat zone designated by the President of the United States or the Secretary of Defense, or in a combat-related operation designated by the Secretary of Defense, and/or involves a combat-related disability as defined in 10 U.S.C § 1413a(e)	will be paid to the member upon separation.
<b>3</b>		the member is separated, other than as described in Rule 2, for medical reasons as a result of an injury or illness	will not be sought, unless the Secretary of the Military Department concerned determines that repayment of the unearned portion is appropriate due to a personnel policy or management objective, equity or good conscience, or it is in the best interest of the United States		will not be paid, unless the Secretary of the Military Department concerned makes a determination consistent with Rule 9, Column E.
<b>4</b>		the member continues in service in another capacity	will not be sought if the Secretary of the Military Department concerned determines that to recoup the unearned portion would be contrary to a personnel policy or management objective, equity or good conscience, or contrary to the best interest of the United States		will not be paid, unless the Secretary of the Military Department concerned makes a determination consistent with Rule 9, Column E.

Table 2-1. Disposition of Unearned Portions of Bonuses, Special Pay, Educational Benefits, or Stipends (Continued)

<b>R U L E</b>	<b>A</b> <b>If a member under a written agreement for a pay or benefit</b>	<b>B</b> <b>and</b>	<b>C</b> <b>then repayment of the unearned portion of the pay or benefit</b>	<b>D</b> <b>and</b>	<b>E</b> <b>any unpaid portion of the bonus, special pay, or student loan repayment under 10 U.S.C. or 37 U.S.C.</b>
<b>5</b>	Is an enlisted member paid a bonus or special pay and is discharged for immediate reenlistment or appointment in a Military Department for which no bonus or special pay is paid	the term of the latter reenlistment or appointment includes the remaining period of service from the former enlistment	will not be sought if the Secretary of the Military Department concerned determines that to recoup the unearned portion would be contrary to a personnel policy or management objective, against equity or good conscience, or contrary to the best interest of the United States		will not be paid unless the Secretary of the Military Department concerned makes a determination consistent with Rule 9, Column E. <i>(In this case, the member may be considered to have completed the full term of service on the former enlistment contract.)</i>
<b>6</b>	Is directed by the Service concerned to transfer into another military specialty or assignment rotation		will not be sought		will not be paid, unless the Secretary of the Military Department concerned makes a determination consistent with Rule 9, Column E.
<b>7</b>	Is in a military occupational specialty or assignment that is phased out or eliminated, or otherwise affected by a force structure or other mission essential requirement		will not be sought		will not be paid, unless the Secretary of the Military Department concerned makes a determination consistent with Rule 9, Column E.
<b>8</b>	Is separated from service under a hardship separation or a sole survivor discharge		will not be sought		will not be paid, unless the Secretary of the Military Department concerned makes a determination consistent with Rule 9, Column E.

Table 2-1. Disposition of Unearned Portions of Bonuses, Special Pay, Educational Benefits, or Stipends (Continued)

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
<b>R U L E</b>	<b>If a member under a written agreement for a pay or benefit</b>	<b>and</b>	<b>then repayment of the unearned portion of the pay or benefit</b>	<b>and</b>	<b>any unpaid portion of the bonus, special pay, or student loan repayment under 10 U.S.C. or 37 U.S.C.</b>
<b>9</b>	Does not fulfill the service conditions for the pay or benefit under any other circumstances		will be sought, unless the Secretary of the Military Department concerned, at some point in the process makes a case-by-case determination that to require repayment of an unearned portion of the pay or benefit would be contrary to a personnel policy or management objective, against equity or good conscience, or contrary to the best interest of the United States		will not be paid unless the Secretary of the Military Department concerned, at some point in the process, makes a case-by-case determination that to refrain from paying an unpaid portion of the pay, benefit, or student loan would be contrary to a personnel policy or management objective, against equity or good conscience, or <b>contrary to</b> the best interest of the United States.

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Rule 2 10 U.S.C., Chapter 61  
 10 U.S.C. § 1413a(e)

**VOLUME 7A, CHAPTER 3: “SPECIAL PAY – OFFICERS ONLY”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **July 2016** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated hyperlinks and formatting to comply with current administrative instructions.	Revision
030101	Updated the “Purpose” paragraph in accordance with Department of Defense Instruction (DoDI) 1304.34, dated July 11, 2016.	Revision
0302	Added the “General Bonus Authority for Officers” section per DoDI 1304.34 and renumbered subsequent sections and paragraphs.	Addition
0303	Added the “Accession Bonus” section per DoDI 1304.34 and renumbered subsequent sections and paragraphs.	Addition
0304	Added the “RC Affiliation Bonus” section per DoDI 1304.34 and renumbered subsequent paragraphs.	Addition
0305	Added the “Retention Bonus” section per DoDI 1304.34 and renumbered subsequent paragraphs.	Addition
0306	Added the “Transfer Bonuses” section and renumbered subsequent paragraphs.	Addition
030701.D	Extended “Duration of Authority” to December 31, 2018 per Public Law (P.L.) 115-91, December 12, 2017.	Revision
030702 030702.E	Updated the paragraph in accordance with Chief of Naval Operations Instruction (OPNAVINST) 7220.11F and extended the “Duration of Authority” to December 31, 2018 per P.L. 115-91, December 12, 2017.	Revision
030704	Added the “Prototype Shift Engineer Incentive Pay” paragraph in accordance with OPNAVINST 7220.11F.	Addition
0308	Added the “Command Pay” section.	Addition
Table 3-1 Table 3-2	Added the “Intra-Service Transfers” and “Inter-Service Transfers” tables in accordance with DoDI 1304.34.	Addition
Bibliography	Updated statutes and references.	Revision

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## CHAPTER 3

SPECIAL PAY – OFFICERS ONLY

## 0301 GENERAL

## \*030101. Purpose

The Secretaries of the Military Departments may pay a bonus or special pay to persons or officers, as appropriate, to support accession and retention efforts for a designated military specialty, career field, unit, grade, or to meet some other condition or conditions of service imposed by the Secretary of the Military Department concerned. This chapter establishes policy pertaining to the payments of bonuses or special pay in support of accession and retention efforts.

## 030102. Authoritative Guidance

The bibliography at the end of this chapter lists the authoritative references.

## \*0302 GENERAL BONUS AUTHORITY FOR OFFICERS

## 030201. Authority

Title 32, United States Code (U.S.C.), section 332 and the Department of Defense (DoD) Instruction (DoDI) 1304.34, General Bonus Authority for Officers, dated July 11, 2016, provides the general bonus authority for bonuses referenced in sections 0303, 0304, 0305, and 0306. The Secretaries concerned may pay these bonuses to a person, member, or officer in the Military Services who:

- A. Accepts a commission or appointment as an officer in a Military Service;
- B. Affiliates as an officer with a Reserve Component (RC) of a Military Service;
- C. Agrees to remain on active duty (AD) or in an active status for a specified period as an officer in a Military Service;
- D. Transfers between the Regular Component and the Ready Reserve of the same Military Service, or vice versa; or
- E. Transfers from a Regular Component or the Ready Reserve of a Military Service to a Regular Component or the Ready Reserve of another Military Service, subject to the approval of the Secretary with jurisdiction over the Military Service to which the member is transferring.

## 030202. Eligibility

In accordance with paragraph 030201, the Secretary concerned may only pay a bonus to a person or officer who:

A. Signs a written agreement with the Secretary concerned to serve for a specified period in a designated career field, skill, unit, or grade, or meets some other condition or conditions of service imposed by the Secretary;

B. Successfully completes training and becomes qualified in a designated skill or career field, if completion of such training and technical qualification forms the basis for which the bonus is paid;

C. Qualifies pursuant to any additional criteria prescribed by the Secretary concerned;

D. Meets any additional eligibility criteria outlined in sections 0303, 0304, 0305, and 0306;

E. Is not in receipt of an accession, retention, reserve affiliation, or transfer bonus, in accordance with 37 U.S.C., Chapter 5, Subchapter I, for the same activity, skill, or period of service;

F. Will not exceed the mandatory retirement or high-year tenure date during the specified period of obligated service for which the bonus is paid; and

G. Is not serving a service obligation, except as noted in paragraph 030208.

## 030203. Additional Guidelines

A. An officer is not eligible for a bonus, under DoDI 1304.34, if previously discharged or released from AD or military service in an active status based on a determination of misconduct, substandard duty performance, or moral or professional dereliction.

B. In accordance with 37 U.S.C. § 371, an officer may not receive a bonus or incentive pay under 37 U.S.C., Chapter 5, Subchapter I and Subchapter II, for the same activity, skill, or period of military service.

C. An officer may receive only one bonus pursuant to paragraph 030201 for the duration of the service obligation period, unless explicitly exempt in statute or DoDI 1304.34.

D. An officer may not receive more than \$300,000 (or \$150,000, in the case of a non-Active Guard Reserve officer in the RC) in combined bonus payments authorized under DoDI 1304.34 during the course of the officer's career. The Military Service may not exceed these payment caps unless specifically authorized by the Assistant Secretary of Defense for Manpower and Reserve Affairs (ASD (M&RA)).

E. An officer receiving pre-commissioning compensation in accordance with 10 U.S.C. §§ 2106, 2107, and 2107a, or financial assistance through a loan repayment program under 10 U.S.C. §§ 16201, 16301, 16302, or 16303, is not eligible for a bonus pursuant to DoDI 1304.34 until the military service obligation (MSO) is completed.

F. An officer receiving a bonus in accordance with 37 U.S.C. §§ 333 and 334, is not eligible for a bonus pursuant to DoDI 1304.34 for the same skill and period of service.

G. An officer receiving a bonus in accordance with 37 U.S.C. § 335, is not eligible for a bonus pursuant to DoDI 1304.34 for the same period of obligated service.

H. Existing bonus contracts under 37 U.S.C., Chapter 5, Subchapter I, will remain in effect through the preexisting termination dates.

030204. Amount

The bonus amount paid by the Secretary concerned will be fixed on acceptance of the agreement by the Secretary, and may only be paid prospectively. The bonus paid may not exceed the following amounts, unless otherwise approved by the ASD (M&RA):

A. \$60,000 for a minimum 4-year service obligation for an officer or person who accepts a commission or appointment as an officer in a Military Service, as described in subparagraph 030201.A;

B. \$10,000 for a minimum 3-year service obligation for an officer, as described in subparagraph 030201.B;

C. \$25,000 for each year of obligated service as an officer in a Regular Component for retention, as described in subparagraph 030201.C;

D. \$12,000 for each year of obligated service as an officer in an RC for retention, as described in subparagraph 030201.C; or

E. \$10,000 for a transfer, as described in subparagraphs 030201.D and 030201.E.

030205. Payment Method

A. The Secretary concerned will establish the method of payment for the bonus (i.e., lump sum or periodic installments).

B. The Secretary concerned may make payment based on training milestones, proportional length of service, or lump sum. However, the Secretary will not pay an officer any portion of a skill bonus before awarding of the military skill specialty, if completion of such training and technical qualification forms the basis for which the bonus is paid.

C. Officers will receive their initial bonus payments based on the terms and conditions of their bonus agreements.

030206. Specific Rule for Designated Military Skills or Career Fields

The following are specific procedures, requirements, and conditions related to an accession, affiliation, retention, or transfer bonus paid to an officer for a period of obligated service in a designated military skill or career field:

A. The period of obligated service will include normal skill progression, as defined by the Secretary concerned (e.g., attending courses in professional military education) and any other advanced training or education related to a designated military skill.

B. The Secretary concerned may pay a conversion bonus to an officer who agrees to convert to a designated military skill in which there is a shortage of trained and qualified officers. The bonus may be payable in a lump sum upon approval and completion of the conversion training by the Secretary concerned.

1. The officer must agree to serve for not less than 3 years on AD or in an active status in the Selective Reserve (SELRES) in that military skill or career field.

2. The officer must serve in the pay grade of O-3 or below with no more than 8 years of commissioned military service at the time the officer enters into the conversion contract, as computed in accordance with 37 U.S.C. § 205.

3. The officer must have completed all service obligations previously incurred for receipt of an accession or retention bonus, in accordance with 37 U.S.C. § 332, or critical skills retention bonus, in accordance with 37 U.S.C. § 355, at the time the officer begins training for conversion to the new skill.

4. The bonus amount may not exceed the retention bonus amounts listed in paragraph 030504.

C. Officers receiving skill-based bonuses are expected to serve in an assignment for which the skill is required. For service obligations of at least 36 months, the Secretary concerned may curtail the assignment requirements to a period of 2 years based on the needs of the Military Service. The Secretary concerned will establish assignment criteria and procedures that limit the circumstances in which such a period of obligated military service may be curtailed and will specify such other appropriate conditions of military service, consistent with 37 U.S.C. § 332(b)(2) and paragraph 030202. Additionally, the Secretary will:

1. Ensure that military personnel centers identify, monitor, and review such obligated military service curtailments;

2. Approve any curtailment of the assignment criteria that involves more than one consecutive assignment in a military skill other than that which was designated for

purposes of the bonus. This responsibility may be delegated no lower than the grade of major general or rear admiral (upper half); and

3. Ensure that any request for curtailment is:
  - a. Clearly justified based on the needs of the Military Department concerned; and
  - b. Not granted on a routine basis.

030207. Repayment

A person or officer who receives a bonus in accordance with 37 U.S.C. § 332, and fails to complete the period of obligated service or other conditions of service specified in the written agreement for which the bonus is paid, must repay any unearned portion of the bonus in accordance with the provisions of 37 U.S.C. § 373 and Chapter 2.

030208. Service Obligations

A. An officer who has a service obligation is not eligible for a bonus under DoDI 1304.34, except when the officer:

1. Serves his or her initial service obligation incurred at time of commissioning or appointment in accordance with DoDI 1304.25, “Fulfilling the Military Service Obligation (MSO);”
2. Incurs a service obligation due to a permanent change in duty station or promotion;
3. Incurs a service obligation for attending and completing professional military education or government-funded education courses (this exception does not apply to undergraduate education); or
4. Incurs a service obligation as a result of transferring Post 9-11 GI Bill benefits.

B. For the situations described in subparagraphs 030208.A.1 through 030208.A.3, the service obligations may run concurrently for bonuses offered under DoDI 1304.34. For subparagraph 030208.A.4, the Secretary concerned will determine if the service obligation is concurrent or consecutive.

C. Excluding the situations described in subparagraph 030208.A:

1. The Military Department may offer a bonus under DoDI 1304.34 up to 1 year from completion of an officer’s service obligation.

2. The bonus may not be paid until completion of the previous service obligation.

3. The service obligation for a new bonus will begin on the date of the agreement or completion of a previous service obligation, whichever date is later.

030209. Non-Availability

A. Officers of the SELRES who incur a period of authorized absence approved by the Secretary concerned, or are transferred to the Standby Reserve in accordance with DoD Directive 1200.7, will have their bonuses suspended during this period and will not be entitled to bonus payments. The Secretary concerned will determine this period of time on a case by case basis.

B. The Secretary concerned may reinstate RC officers in the bonus program who are subsequently reassigned in the SELRES to a skill for which they had previously contracted, if they extend their MSO so they are able to serve the full original bonus agreement period.

C. Officers' entitlement to subsequent payments will resume on the adjusted anniversary date of satisfactory and creditable SELRES service, as appropriate. The Secretary concerned will adjust the anniversary date for periods of authorized absence. Failure to meet reinstatement criteria in a capacity that was previously agreed on will result in termination of the bonus and in repayment, as appropriate.

\*0303 ACCESSION BONUS

030301. General

An accession bonus offers a monetary incentive for a person (including a Service member) to accept a commission or appointment as an officer and serve for a specified period on AD or in an active status in a Military Service.

A. An accession bonus is authorized when an individual executes a written agreement and agrees to serve for a minimum 4-year period in:

1. A designated military skill or career field;
2. A unit;
3. A grade; or
4. Some other role that meets a condition or conditions imposed by the Secretary concerned.

B. The procedures described in sections 0302 and 0303, as well as any additional conditions and requirements prescribed by the Secretary concerned, govern the award and administration of an accession bonus.

030302. Additional Accession Bonus Eligibility Requirements

In addition to meeting the minimum eligibility requirements listed in paragraph 030202, an eligible person must:

A. Meet the qualification standards listed in DoDI 1304.26 for a commission or appointment;

B. Be an initial recipient of a commission or appointment in a Regular Component or RC;

C. Have completed all previous service obligations incurred as a result of receiving a bonus or special pay while serving as an enlisted Service member or Reserve Officer Training Course cadet or midshipmen;

D. Not have received:

1. Pre-commissioning compensation under 10 U.S.C. §§ 2106, 2107, and 2107a;

2. Financial assistance through a loan repayment program in accordance with 10 U.S.C. §§ 16201, 16301, 16302, or 16303; or

3. An accession bonus in accordance with 37 U.S.C. §§ 324 and 330; and

E. Accept a service obligation on AD or in the SELRES for at least 4 years.

030303. Restrictions

A. An officer may receive only one officer accession bonus during a career. An officer accessed from the enlisted ranks is eligible for an accession bonus as an officer or warrant officer.

B. An officer reappointed in a Military Service after resignation or termination of a commission or appointment from an earlier period of military service is not eligible for an accession bonus.

C. An officer may not receive an accession bonus and a transfer bonus for the same period of military service.

D. An officer may not receive an accession bonus and an affiliation bonus for the same period of military service.

030304. Amount

The amount of an accession bonus under DoDI 1304.34 may not exceed \$60,000 for a minimum 4-year period of obligated service, nor may it exceed an annual amount of \$15,000.

030305. Payment Method

The method of payment will be consistent with paragraph 030205.

030306. Non-Availability

In the event an RC officer becomes unavailable, the provisions in paragraph 030209 will apply.

030307. Duration of Authority

Unless authorized by the Congress, no agreement under section 0303 may be entered into after December 31, 2018.

\*0304 RC AFFILIATION BONUS

030401. General

The RC affiliation bonus offers a monetary incentive for an officer to affiliate with the SELRES of a Military Service.

A. The bonus is authorized when an officer affiliates with the SELRES of a Military Service and agrees to serve for a specified period of not less than 3 years of obligated service in a military skill designated critical by the Secretary concerned or not less than 3 years of obligated service in a specific SELRES unit or officer pay grade to meet manpower shortages in the specific SELRES unit or officer pay grade. Additionally, the Secretary concerned may, with the officer's consent, convert the officer to a designated career field or military skill in which there is a shortage of trained and qualified personnel.

B. The procedures described in sections 0302 and 0304, as well as any additional conditions and requirements prescribed by the Secretary concerned, govern the award and administration of an RC affiliation bonus.

030402. Additional RC Affiliation Bonus Eligibility Requirements

In addition to meeting the minimum eligibility requirements in paragraph 030202, an eligible officer must execute an agreement to serve as an officer in the SELRES for a service



obligation of at least 3 years and have fewer than 15 years of qualifying military service towards a regular or non-regular retirement, in accordance with DoDI 1215.07. The officer must also:

- A. Be serving in the Ready Reserve or Standby Reserve of a Military Service;
- or
- B. Be serving or have served in the Regular Component for a period of more than 30 days and have been released under honorable conditions.

030403. Additional Guidelines

- A. Individuals may receive more than one affiliation bonus in a career, though not for the same military skill, grade, or unit.
- B. An officer may receive an affiliation bonus and transfer bonus as long as the officer serves the service obligations for each bonus consecutively. See section 0306 for additional information on transfer bonuses.
- C. Officers signing up for an affiliation bonus and a transfer bonus at the same time will incur an additional 12-month service obligation rather than an additional 24-month service obligation, as otherwise prescribed. The minimum service obligation for an officer receiving both bonuses is 4 years.

030404. Amount

The maximum affiliation bonus may not exceed \$10,000 for a minimum 3-year service obligation.

030405. Payment Method

- A. The method of payment will be consistent with paragraph 030205.
- B. An affiliation bonus begins to accrue on the date the eligible officer is assigned to a unit or position in the SELRES.

030406. Non-Availability

In the event an RC officer becomes unavailable, the provisions in paragraph 030209 will apply.

030407. Duration of Authority

Unless authorized by the Congress, no agreement under section 0304 may be entered into after December 31, 2018.

**\*0305 RETENTION BONUS****030501. General**

A retention bonus under DoDI 1304.34 provides a monetary incentive that may be offered by the Military Department to retain adequate numbers of qualified officers.

A. Specifically, the bonus may be used by the Military Department to obtain the voluntary extension of an officer's service in exchange for an agreement to serve for a specified period in a designated military skill, career field, unit, or grade or to meet some other condition or conditions imposed by the Military Department concerned.

B. The procedures described in sections 0302 and 0305, as well as additional conditions and requirements prescribed by the Secretary concerned, govern the award and administration of the retention bonus.

C. In order to meet the designated military skill or career field criteria, the Secretary concerned may, with the officer's consent, convert the officer to a designated career field or military skill in which there is a shortage of trained and qualified personnel.

D. Officers appointed into a Military Service after a period of disenrollment, discharge, or separation who meet the eligibility requirements in paragraphs 030202 and 030502 may be eligible for a retention bonus.

**030502. Additional Retention Bonus Eligibility Requirements**

In addition to the eligibility requirements in paragraph 030202, an eligible officer must:

A. Have completed a minimum of 4 years of active commission service or qualifying service for an RC officer, in accordance with DoDI 1215.07; and

B. Agree to remain on AD or in an active status for a period of at least 2 years.

**030503. Restrictions**

A. An officer is not eligible for a retention bonus if, at the start of the period of additional obligated service, the officer:

1. Has between 16 and 19 years of active commissioned service or qualifying service, in accordance with DoDI 1215.07 for an RC officer; or

2. Is retirement eligible with more than 22 years of active commissioned service or qualifying service in accordance with DoDI 1215.07.

B. The service obligation for a retention bonus may not extend an officer's service beyond 25 years of active commissioned service or qualifying service, in accordance with DoDI 1215.07 for an RC officer.

C. Officers who have transferred their Post-9/11 GI Bill or Montgomery GI Bill – SELRES education benefits to a dependent or spouse in accordance with DoDI 1341.13 and 10 U.S.C. § 16132a, are eligible for a retention bonus as specified in DoDI 1304.34. The Secretary concerned will determine if the service obligation for both the retention bonus and GI Bill transfer is served concurrently or consecutively.

030504. Amount

The Secretary of the Military Department may prorate bonus amounts for retention requests greater than 2 years. The additional service time will be calculated on a monthly basis at a rate equal to 1/12<sup>th</sup> the annual amount. The maximum retention bonus may not exceed:

- A. \$25,000 for each year of obligated service in a Regular Component; or
- B. \$12,000 for each year of obligated service in an RC.

030505. Payment Method

The method of payment will be consistent with paragraph 030205.

030506. Non-Availability

In the event an RC officer becomes unavailable, the provisions of paragraph 030209 will apply.

030507. Duration of Authority

Unless authorized by the Congress, no agreement under section 0305 may be entered into after December 31, 2018.

\*0306 TRANSFER BONUSES

030601. Intra-Service Transfer

The Intra-Service transfer bonus provides a monetary incentive for an officer to transfer from the Regular Component of a Military Service to the Ready Reserve (and vice versa, however mobilization does not constitute an intra-service transfer) of the same Service to meet manning requirements. The Secretaries concerned may pay a bonus to an officer who agrees to transfer from the Regular Component to the Ready Reserve (and vice versa) and agrees to serve for a specified period in a designated military skill, career field, unit, or grade, or to meet other conditions imposed by the Secretary concerned.

A. The procedures described in section 0302 and paragraph 030601, as well as any additional conditions and requirements prescribed by the Secretary of the Military Department concerned, govern the award and administration of the transfer bonus.

B. All transfers among Military Service components will be conducted in accordance with DoDI 1205.05.

C. To be eligible for an intra-service transfer bonus, an officer must meet the following additional eligibility requirements:

1. The officer has fulfilled all service obligations satisfactorily within the officer's current Regular Component or RC;

2. The officer meets the qualification criteria for the transfer bonus of the Regular Component or RC of the Military Service to which the officer is transferring;

3. The officer must agree to remain in the component of the Military Service for which the transfer bonus is offered for a minimum of 2 years; and

4. The officer must have fewer than 15 years of active time.

D. Affiliation and Transfer Bonus

1. The Secretaries concerned may offer an intra-service transfer bonus in conjunction with an affiliation bonus.

2. Officers receiving both bonuses incur an additional 12-month service obligation for a minimum service obligation of 4 years.

3. Table 3-1 lists the intra-service transfers for which the Military Departments may offer a bonus.

030602. Inter-Service Transfer

The Inter-Service transfer bonus provides a monetary incentive for an officer to transfer to another Military Service to meet manning requirements of that Military Service. The Secretaries concerned may pay a bonus to an officer who agrees to transfer to and serve in another Military Service for a specified period in a designated military skill, career field, unit, or grade or to meet some other condition(s) imposed by the Secretary of the gaining Military Department.

A. The procedures described in section 0302 and paragraph 030602, as well as any additional conditions and requirements prescribed by the Secretary of the Military Department concerned, govern the award and administration of the transfer bonus.

B. Transfers between Military Services include officers transferring from the Regular Component or the Ready Reserve of a Military Service to the Regular Component or the Ready Reserve of a different Military Service.

C. Officer transfers between Military Services will be conducted in accordance with DoDI 1205.05 and DoDI 1300.04.

D. In order to successfully transfer, an officer must:

1. Qualify for retention in the Military Service to which the officer is transferring;

2. Have fulfilled all MSOs satisfactorily within the officer's current Regular Component or RC;

3. Meet the qualification criteria established by the Secretary of the Military Department with jurisdiction over the Military Service to which the officer is transferring;

4. Agree to sign a written agreement to remain in the Military Service for which the transfer bonus is offered for a minimum 3-year period; and

5. Have fewer than 15 years of active service time.

E. Affiliation and Transfer Bonus

1. The Secretary concerned may offer an inter-service transfer bonus in conjunction with an affiliation bonus.

2. Officers receiving both bonuses incur an additional 12-month service obligation for a minimum MSO of 4 years.

3. Table 3-2 lists the inter-service transfers for which a bonus may be offered.

030603. Restrictions

An officer receiving separation pay in accordance with 10 U.S.C., Chapter 59, is not eligible for a transfer bonus.

030604. Amount

A transfer bonus may not exceed \$10,000.

030605. Payment Method

The method of payment will be consistent with paragraph 030205.

## 030606. Non-Availability

In the event an RC officer becomes unavailable, the provisions of paragraph 030209 will apply.

## 030607. Duration of Authority

Unless authorized by the Congress, no agreement under section 0306 may be entered into after December 31, 2018.

## 0307 SPECIAL PAYS FOR NUCLEAR-QUALIFIED OFFICERS (NAVY ONLY)

## 030701. Nuclear Power Accession Bonus Program

A. Eligibility

1. Nuclear Officer Accession Bonus. An accession bonus is payable to officers or prospective officers who are selected for officer naval nuclear propulsion 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 propulsion plants. **Payment is authorized upon acceptance of the written agreement.**

2. Nuclear Career Accession Bonus. Officers who are on AD and who successfully complete the nuclear propulsion-training program, leading to qualification for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants, are eligible for payment of the nuclear career accession bonus.

B. Payment. Under 37 U.S.C. § 333(d)(1), Nuclear Officer Bonuses may not exceed \$50,000 for each 12-month period. Bonus rates for this program are contained in Chief of Naval Operations Instruction (OPNAVINST 7220.11F).

C. Repayment. An officer, who receives an accession bonus and does not commence or **satisfactorily** complete the nuclear power training, will be subject to the repayment provisions of 37 U.S.C. § 373, and Chapter 2.

\* D. Duration of Authority. **Unless authorized by the Congress, no agreement under paragraph 030701 may be entered into after December 31, 2018.**

## \*030702. Nuclear Officer Continuation Bonus (COBO)

A. Entitlement. The Secretary of the Navy may pay Nuclear Officer COBO to nuclear-qualified officers who agree to remain on AD for a specified period beyond their existing service obligation.

B. Eligibility. Officers who meet the criteria defined in OPNAVINST 7220.11F are eligible to receive COBO upon acceptance of their written agreement to remain on AD in connection with supervision, operation, and maintenance of naval nuclear propulsion plants.

C. Payment. The amount payable may not exceed \$35,000 for each year of the active service agreement. The rates and effective dates are contained in the governing regulation, OPNAVINST 7220.11F.

D. Repayment. An officer who receives a bonus and fails to complete the period of obligated service or other conditions of service specified in the written agreement for which the bonus is paid, may be subject to repayment of any unearned portion of the bonus in accordance with the provisions of 37 U.S.C. § 373, Chapter 2, and OPNAVINST 7220.11F.

\* E. Duration of Authority. Unless authorized by the Congress, no agreement under paragraph 030702 may be entered into after December 31, 2018.

030703. Nuclear Career Annual Incentive Pay (AIP)

A. Purpose. The Secretary of the Navy may pay Nuclear Career AIP to nuclear-trained and nuclear-qualified officers who are on AD and who complete their initial service requirement, and to nuclear-trained and nuclear-qualified limited duty and warrant officers who serve in an assignment with duties in connection with direct supervision, operation, or maintenance of naval nuclear propulsion plants.

B. Eligibility. AIP is paid annually to nuclear-trained and qualified officers who remain on AD for a specified period and who meet the eligibility criteria set forth in OPNAVINST 7220.11F.

1. Warrant Officers in pay grades W-2 through W-5 and Officers in pay grades O-1 through O-6 are eligible for AIP. Officers serving in a period of obligated service associated with paragraph 030702 are not eligible for AIP during that period of their obligated service.

2. In order to be eligible for AIP for any nuclear service year, a qualified officer must have been on AD on the last day of that nuclear service year. For the purpose of this section, a “nuclear service year” is any fiscal year beginning before December 31, 2018.

C. Payment. Under 37 U.S.C. § 333(d)(1)(B), Nuclear Career Annual AIP may not exceed \$25,000 for each 12-month period of qualifying service. The current rates and payment procedures are contained in the governing regulation, OPNAVINST 7220.11F.

NOTE: An officer of the U.S. Navy who is not on AD on the last day of a nuclear service year may be paid AIP on a pro rata basis if otherwise qualified, unless termination of AD or loss of qualifications was voluntary or was the result of his own misconduct.

\*030704. Prototype Shift Engineer Incentive Pay (SEIP)

A. Entitlement. The Secretary of the Navy may pay SEIP to nuclear-trained and nuclear-qualified officers who have completed their initial service requirement and remain on AD for a specified period while maintaining current technical qualifications, as approved by the Secretary, for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

B. Eligibility. Nuclear-trained submarine and surface warfare officers who meet the criteria defined in OPNAVINST 7220.11F, are eligible to receive SEIP while assigned to a qualifying billet and qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

C. Payment. Officers who meet the eligibility criteria in OPNAVINST 7220.11F are entitled to SEIP at the start of their shift-engineer tour at the monthly rate of \$500. The monthly portion of SEIP will be paid at the end of the month on a pro-rata basis for the period the officer meets the payment criteria in OPNAVINST 7220.11F. SEIP is paid on a 30-day month. Officers who receive COBO are eligible for SEIP. Officers who receive AIP are eligible for SEIP provided they do not exceed the \$25,000 payment limit authorized under 37 U.S.C. § 333(d)(1)(B), when combined with Nuclear Career AIP for each 12-month period of qualifying service. An officer who is serving in a qualifying assignment for a portion of a year may be paid SEIP on a pro rata basis. Current rates and payment procedures are contained in the governing regulation, OPNAVINST 7220.11F.

D. Repayment. An officer, who fails to commence or satisfactorily complete a shift engineer tour will be subject to the repayment provisions of 37 U.S.C. § 373 and Chapter 2. Specific exclusions from recoupment are listed in OPNAVINST 7220.11F.

\*0308 COMMAND PAY

030801. Purpose

Command pay is designed to recognize officers assigned as commanding officers in operational leadership positions of unusual responsibility which are of a critical nature to a Military Service. The Secretary concerned may designate positions under his or her jurisdiction that are authorized command pay.

030802. Eligibility

Secretaries concerned will establish eligibility criteria based on Service-specific needs but will consider paygrade, level of responsibility, and the operational nature of the assignment.



## 030803. Amount

Secretaries of the Military Departments concerned will establish monthly rates but the amount of command pay per month will not exceed \$150.

## 030804. Restrictions

A. No more than 10 percent of the number of officers on AD in a Military Service in paygrades O-4 through O-6 may be paid command pay.

B. Command pay is not authorized for more than one officer per unit, except for the dates of assumption of and relief from command.

\*Table 3-1. Intra-Service Transfers that Allow Bonuses

Intra-Service Transfer			Bonus		Service Obligation
FROM	TO	YOS	Transfer	Affiliation	Years
AC	IRR	>8	Yes	No	2
AC	IRR	<8	No	No	N/A
AC	SELRES	N/A	Yes	Yes	4
IRR	SELRES	N/A	No	Yes	3
IRR	AC	N/A	Yes	No	2
SELRES	AC	N/A	Yes	No	2
SELRES	IRR	Any	No	No	N/A
SELRES	SELRES	N/A	No	Yes	3

AC – Active Component

IRR – Individual Ready Reserve

YOS – Total Years of military service

\*Table 3-2. Inter-Service Transfers that Allow Bonuses

Inter-Service Transfer			Bonus		Service Obligation
FROM	TO	YOS	Transfer	Affiliation	Years
AC	AC	<15	Yes	No	3
AC	IRR	>8	Yes	No	3
AC	IRR	<8	No	No	N/A
AC	SELRES	N/A	Yes	Yes	4
IRR	SELRES	N/A	Yes	Yes	4
IRR	AC	N/A	Yes	No	3
SELRES	AC	N/A	Yes	No	3
SELRES	IRR	Any	No	No	N/A
SELRES	SELRES	N/A	Yes	Yes	4

AC – Active Component

IRR – Individual Ready Reserve

YOS – Total Years of military service

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## CHAPTER 03 – SPECIAL PAY – OFFICERS ONLY

## \*0301 – GENERAL

- \* 37 U.S.C. § 332
- \* Public Law (P.L.) 115-91, December 12, 2017

## \*0302 – GENERAL BONUS AUTHORITY FOR OFFICERS

- \* 37 U.S.C. § 332
- \* P.L. 115-91, December 12, 2017
- \* DoDI 1304.34, July 11, 2016

## \*0303 – ACCESSION BONUS

- \* 37 U.S.C. § 332
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- \* DoDI 1304.34, July 11, 2016

## \*0304 – RC AFFILIATION BONUS

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## \*0305 – RETENTION BONUS

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- \* 37 U.S.C. § 355
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- \* Assistant Secretary of the Navy (M&RA),  
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## \*0306 – TRANSFER BONUSES

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- \* 37 U.S.C. § 332(a)(4) & (5)
- \* DoDI 1304.34, July 11, 2016
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- \* DoDI 1300.04, December 27, 2006
- \* 10 U.S.C., Chapter 59
- \* 37 U.S.C. § 373
- \* P.L. 115-91, December 12, 2017

**\*0307 – SPECIAL PAYS FOR NUCLEAR-QUALIFIED OFFICERS**

- \* 37 U.S.C. § 333
- \* 37 U.S.C. § 373
- \* P.L. 115-91, December 12, 2017
- \* OPNAVINST 7220.11F, May 18, 2017
  
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- \* 030704 37 U.S.C. § 333(b) & (c)
- \* OPNAVINST 7220.11F, May 18, 2017

**\*0308 – COMMAND PAY**

- \* 37 U.S.C. § 352
- \* DoDI 1340.26, September 25, 2017
  
- \*Table 3-1 DoDI 1304.34, July 11, 2016
  
- \*Table 3-2 DoDI 1304.34, July 11, 2016



**VOLUME 7A, CHAPTER 5: “HEALTH PROFESSIONS OFFICER (HPO) SPECIAL AND INCENTIVE PAY”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **September 2017** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Added hyperlink to DFAS.MIL for the Health Profession Special and Incentive tables.	Addition
050905	Added a subparagraph for the “Duration of Authority.”	Addition
Table 5-1; Table 5-2; Table 5-5; Table 5-7; Table 5-8	Updated to reflect the current rates established in the Assistant Secretary of Defense – Health Affairs Memo, September 26, 2018 for Fiscal Year 2019.	Revision
Table 5-6	Updated and renamed to Biomedical Services, Medical Services, Specialists, and Veterinary Corps Incentive Pay & Retention Bonus.	Revision
Table 5-9	Updated and renamed to Dental Reserve Corps Accession and Retention Bonus.	Revision
Table 5-10; Table 5-11; Table 5-12	Inserted tables for Reserve Component Accession and Retention Bonuses for Medical, Nurse and Biomedical Services, Medical Services, Specialists, and Veterinary Corps.	Addition
References	Renamed “Bibliography” to “References” and updated statutes and supporting references.	Revision

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## CHAPTER 5

**HEALTH PROFESSIONS OFFICER (HPO) SPECIAL AND INCENTIVE PAY**

## 0501 GENERAL

## 050101. Purpose

The purpose of this chapter is to establish policy pertaining to Health Professions Special & Incentive (HPS&I) Pay.

## 050102. Authoritative Guidance

The pay policies and requirements established by the Department of Defense (DoD or DD) in this chapter are derived primarily from, and prepared in accordance with the DoD Instruction (DoDI) 6000.13. Due to the subject matter in this chapter, the list of authoritative sources is extensive. The specific statutes, regulations, and other applicable guidance that govern each individual section are listed in a reference section at the end of the chapter.

## 0502 PROVISIONS

Each HPS&I pay is in addition to any other pay or allowance to which an HPO is eligible except as specified in sections 0503 through 0508.

## 050201. Legacy Special Pays

A. HPOs who entered into a written agreement for receipt of a special pay (Multiyear Special Pay; Incentive Special Pay; Additional Special Pay) on or before January 27, 2018 will, if otherwise qualified, continue to receive payments until completion of the written agreement. Effective January 28, 2018, all new agreements for special pays will be administered in accordance with [paragraph 050202](#). The criteria for legacy pays can be found in the archived Chapters 5, 6, 7, and 21.

B. Subject to acceptance by the Secretary concerned, an HPO who entered into a written agreement in accordance with the legacy special pay authorities may request termination of that agreement to enter into a new agreement with an equal or longer obligation at the annual rate in effect at the time of execution of the new agreement. The new obligated period will not retroactively cover any portion or period that was executed under the old agreement.

## 050202. Consolidated Special Pays (CSP)

HPOs may be paid special pay at the rate for the specialty for which they are fully qualified. The specialty or subspecialty must be the same for all pays received. The HPO may only receive Incentive Pay (IP) and a Retention Bonus (RB) for one specialty, even if the HPO holds qualifications in two or more specialties. The IP and RB must be effective on the same date. The eligibility for each HPS&I pay is described in sections 0504 through 0508.

## 050203. Restrictions

A. The amount of HPS&I pay is not included in computing the amount of any increase in pay or in computing retired, separation, severance, or readjustment pays.

B. An HPO may not receive Special pays pursuant to paragraphs 050201 and 050202 simultaneously. Once an HPO receives a Special pay pursuant to paragraph 050202, the HPO cannot revert back to Special pays in paragraph 050201.

## 050204. Eligibility

To be eligible to participate in the CSP, an HPO must:

A. Not have reached the mandatory retirement or removal date due to age or years of service and will complete any additional service obligation incurred before the individual's mandatory retirement or removal date, unless granted a waiver;

B. Have a current, valid, and unrestricted license or approved waiver;

C. Maintain all licensing, credentialing, and specialty qualifications;

D. Meet privileging requirements; and

E. Sign a service agreement indicating:

1. The amount of bonus or pay;

2. The method of payment of the bonus or pay;

3. The period of obligated service for the bonus or pay;

4. Whether the service will be performed on Active Duty (AD) or in active status in a Reserve Component (RC);

5. The type or conditions of the service; and

6. The circumstances that may result in termination of the agreement and repayment of any unearned portion of the bonus or pay if the officer fails to fulfill the conditions of the bonus or pay, to include an unfulfilled service obligation or eligibility requirement.

## 0503 ACCESSION BONUS (AB)

## 050301. Eligibility

To be eligible for an AB, an individual must:

- A. Meet the eligibility criteria itemized in paragraph 050204;
- B. Be a graduate of an accredited school in a health profession;
- C. Be qualified for an appointment as a commissioned officer in a regular or RC of a Uniformed Service (an individual must accept an appointment as an HPO before the bonus will be paid);
- D. Execute a written agreement to accept an appointment as an HPO of the Army, Navy or Air Force to serve on AD in a regular component or in an active status in an RC in a health profession for a specified period;
- E. When appointed, have completed the service obligation for receipt of financial assistance from the DoD to pursue a course of study in a health profession. This includes, but is not limited to, participants and former participants of the:
  - 1. Reserve Officers' Training Corps;
  - 2. Armed Forces Health Professions Scholarship Program;
  - 3. Financial Assistance Program;
  - 4. Uniformed Services University of the Health Sciences; and
  - 5. Other commissioning programs;
- F. Have been honorably discharged or released from any prior service;
- G. Be qualified in the specialty to which appointed; and
- H. Have been discharged from any Uniformed Service at least 24 months before execution of the written agreement to receive an AB, and no longer hold an appointment, if a former HPO.

## 050302. Amounts

AB amounts are listed in Table 5-1. For the most current rates, see the [HPO AB](#) table on [DFAS.MIL](#).

## 0504 CRITICALLY SHORT WARTIME SKILLS ACCESSION BONUS (CSWSAB)

## 050401. Eligibility

To be eligible for CSWSAB, an individual must:

- A. Meet the eligibility criteria itemized in subparagraphs 050301.A through F;
- B. Be fully qualified in the critically short wartime specialty to which appointed; and
- C. Have been discharged from any Uniformed Service at least 24 months before execution of the written agreement to receive a CSWSAB, and no longer hold an appointment, if a former HPO.

## 050402. Amounts

CSWSAB amounts are listed in Table 5-2. For the most current rates, see the [CSWSAB table on DFAS.MIL](#).

## 0505 BOARD CERTIFICATION PAY (BCP)

## 050501. Eligibility

- A. HPOs must:
  1. Meet the eligibility criteria itemized in paragraph 050204;
  2. Be serving in an Active Component (AC) or an RC of a Military Service and entitled to basic pay under Title 37, United States Code (U.S.C.), [section 204](#) or compensation pursuant to 37 U.S.C. § [206](#);
  3. Be serving on AD or in an active Reserve status in a designated health professional clinical specialty;
  4. Have a post-baccalaureate degree in a clinical specialty (a post Master's certificate acceptable to the Secretary concerned can satisfy this requirement); and
  5. Be certified by a professional board in a designated health profession clinical specialty.
- B. All Officers, to include General/Flag officers at the rank of O-7 and above, are eligible for the BCP.

050502. Amount

The annual amount payable is \$6,000, to be prorated monthly.

0506 IP

050601. General Provisions

A. IP When Not Participating in an RB Agreement. Subject to acceptance by the Secretary concerned, an HPO who is eligible for and not in an existing RB agreement, and who is no longer obligated pursuant to a previous IP agreement, may enter into a new 1-year IP agreement at the rate in the HPS&I pay plan. IP agreements must be for at least 1 year and cannot be prorated. If, during the IP agreement, the HPO becomes eligible for a higher IP, the HPO may terminate and renegotiate at that higher rate, obligating for at least a year from the date of renegotiation.

B. IP When Participating in an RB Agreement. An HPO who enters into an RB contract may also be eligible for IP for the same specialty at the amount in the HPS&I pay plan. An HPO who elects this option will continue IP eligibility, at the rate in effect at the time the RB agreement is effective, for each active year of the RB contract. Any renegotiation of either the RB or IP will require signing a new RB contract at the annual rate in effect at the time of signature, with an obligation that ends after the obligation of the original agreement.

C. Effective Date. The effective date of the IP agreement will be calculated from the date the member completes the qualifying training plus 3 months.

050602. Eligibility

A. To be eligible for IP, an HPO must be:

1. Serving in an AC or RC of a Military Service and entitled to basic pay under 37 U.S.C. § 204 or compensation pursuant to 37 U.S.C. § 206;
2. Serving on AD or in an active Reserve status in a designated health professional specialty; and
3. Eligible as prescribed in paragraph 050204;

B. Medical Corps and Dental Corps Officers at the rank of O-7 and above are eligible for the HPO IP at the General Medical Officer (GMO) or General Dental Officer rate, respectively. All other General/Flag officers are authorized the HPO IP rate for their credentialed specialty.

## 050603. Amounts

Annual payment amounts for IP contracts are listed in Tables 5-3 through 5-6 and paid in equal monthly payments. For the most current IP rates, see the [Dental Corps](#), [Medical Corps](#), [Nurse Corps](#), [Biomedical Services](#), [Medical Services](#), [Specialists](#), and [Veterinary Corps](#) tables on DFAS.MIL.

## 0507 RB

## 050701. General Provisions

A. Subject to acceptance by the Secretary concerned, an HPO with an existing multiyear special pay pursuant to 37 U.S.C. Chapter 5, [Subchapter I](#), or with an RB contract pursuant to 37 U.S.C. Chapter 5, [Subchapter II](#), may request termination of that contract to enter into a new RB contract with an equal or longer obligation at the RB annual rate in effect at the time of execution of the new contract. The new obligation period will not retroactively cover any portion or period that was executed in accordance with the prior contract.

B. The Secretary concerned may pay an RB to HPOs based on their clinical specialty or subspecialty regardless of their ability to spend appropriate time in a clinical setting.

## 050702. Eligibility

To be eligible for an RB, an HPO must:

- A. Meet the eligibility criteria itemized in paragraph 050204;
- B. Have completed qualifications for the specialty or subspecialty for which the RB is being paid before the beginning of the fiscal year during which a written agreement is executed;
- C. Enter into a written agreement, accepted by the Secretary concerned, to remain on AD or in an active status in an RC as an HPO for 2, 3, or 4 years;
- D. Be below the grade of O-7; and
- E. Meet one of the following requirements:
  1. Have completed any AD or reserve duty service commitment incurred for any and all pre-commissioning education and training; or
  2. Have completed the service obligation for an AB (an individual eligible for an AB may decline the AB and accept the RB).

## 050703. Amounts

Annual payment amounts for AC RB contracts are listed in Tables 5-5 through 5-8. For the most current AC RB rates, see the [Dental Corps, Medical Corps, Nurse Corps, Biomedical Services, Medical Services, Specialists, and Veterinary Corps](#) tables on DFAS.MIL.

## 0508 RC

## 050801. AB

## A. To be eligible for an AB, an RC participant must:

1. Execute a written agreement to remain a satisfactory participant in the Selected Reserves (SELRES) in accordance with DoDI 1215.13;

2. Be qualified in a critical skill identified on the RC HPS&I Pay Plan;  
and

3. Meet the provisions outlined in paragraphs 050204 and 050301.

NOTE: An HPO in the SELRES who transfers to the Individual Ready Reserve or Standby Ready Reserve is not eligible for payments and will have the special pay suspended during this period.

B. Payment amounts for RC AB contracts are listed in Tables 5-9, 5-10, 5-11 and 5-12. For the most current RC AB rates, see the [Dental Corps, Medical Corps, Nurse Corps, Biomedical Services, Medical Services, Specialists, and Veterinary Corps](#) tables on DFAS.MIL.

## 050802. Affiliation Bonus for RC (AFBRC)

A. Eligibility

To be eligible for an AFBRC, an HPO must:

1. Meet the eligibility criteria itemized in paragraph 050204;

2. Be serving on AD or have served on AD and have a DD Form 214, "Certificate of Release or Discharge from Active Duty," that verifies an honorable discharge or release;

3. Provide the original DD 214 (copy 1 or copy 4) or a reproduction with a certified true-copy stamp and the appropriate Federal Government authenticating seal imprinted for each period of service;

4. Be qualified to hold an appointment as an HPO;

5. Be qualified in the specialty in which they agree to serve;

6. Execute a written agreement to serve 3 years in the SELRES; and

7. Not have previously received an AB in the SELRES, unless granted a waiver.

B. Amount

The Secretary concerned may pay an AFBRC up to \$10,000 to eligible officers.

050803. BCP

A. Eligibility

An HPO must meet the provisions outlined in paragraph 050501.

B. Payment

If eligible, an RC member will be paid at the daily rate of one-thirtieth of the BCP monthly rate as defined in paragraph 050502 for any period in which the member is entitled to basic pay under 37 U.S.C. § 204 or compensation pursuant to 37 U.S.C. § 206.

050804. IP

A. Eligibility

An HPO must meet the provisions outlined in paragraph 050602.

B. Payment

If eligible, an RC member will be paid at the daily rate of one-thirtieth of the IP monthly rate for any period in which the member is entitled to basic pay under 37 U.S.C. § 204 or compensation pursuant to 37 U.S.C. § 206. See paragraph 050603.

050805. RB

A. Eligibility

To be eligible for an RB, an HPO must meet the provisions outlined in paragraph 050702.

B. Payment

Payment amounts for RC RB contracts are listed in Tables 5-9, 5-10, 5-11 and 5-12. For the most current RC RB rates, see the [Dental Corps](#), [Medical Corps](#), [Nurse Corps](#), [Biomedical Services](#), [Medical Services](#), [Specialists](#), and [Veterinary Corps](#) tables on DFAS.MIL



## 0509 TERMINATION

## 050901. Reasons

The Secretary concerned may terminate at any time an HPO special pay agreement. The Secretary concerned will establish regulations that specify the conditions and procedures for termination, and they will be included in the written service agreement for the specific special pay. Reasons for termination may include, but are not necessarily limited to:

- A. Loss of privileges;
- B. Court-martial conviction;
- C. Failure to maintain a current, valid, and unrestricted license or approved waiver; or
- D. Reasons that are in the best interest of the Military Department.

## 050902. Proration

If an agreement for one or more special pays is terminated, the HPO will be paid on a pro-rata basis for the portion served until the official date of termination.

## 050903. Repayment

An HPO who fails to maintain the eligibility requirements for a special pay, does not complete the obligation period for the pay, or whose pay is terminated by the Secretary concerned, as described in paragraph 050801, will be subject to the repayment provisions of 37 U.S.C. § [373](#) and Chapter 2. These repayment authorities will be stipulated in the written service agreement.

## 050904. Reinstatement

If an HPO's special pay is terminated due to failure to maintain a valid license, the member can become eligible for special pays again. Once the HPO's license is reinstated and eligibility is re-established, the HPO may negotiate new contractual special pay agreements. Regardless of whether the HPO receives special pays, the HPO will be held responsible for the original contracted special pay service obligation until completed or until involuntary separation from military service occurs.

[\\*050905. Duration of Authority](#)

An HPS&I may not be paid to any person for an AB, CSWSAB, BCP, IP, or RB after the date on the [Duration of Authority](#) table. No payments will be made after the termination date unless the person's entitlement to the HPS&I commenced prior to that date.

\*Table 5-1. AB

For the most current rates, see the [Health Professions Accession Bonus](#) table on DFAS.MIL.

NURSE	AB	
3 Year Obligation (Any Specialty)	\$20,000	
4 Year Obligation (Any Specialty)	\$30,000	
*4 Year Obligation (Certified Registered Nurse Anesthetist)	\$250,000	
SPECIALTY	AB	
	3-Year Obligation	4-Year Obligation
*Dietician	\$0	\$30,000
*Medical Lab Technologist	\$0	\$30,000
Pharmacist	\$0	\$30,000
*Physical Therapist	\$0	\$30,000
Physician Assistant	\$37,500	\$60,000
Public Health Officer (Air Force)	\$22,500	\$40,000
Social Worker	\$18,750	\$30,000
Veterinary Officer	\$0	\$20,000

\*Table 5-2. CSWSAB

For the most current rates, see the [CSWSAB](#) table on DFAS.MIL.

<b>DENTAL SPECIALTY</b>	<b>CSWSAB 4-YEAR OBLIGATION</b>	
Comprehensive Dentistry	\$300,000	
Endodontics	\$300,000	
General Dentistry	\$150,000	
Oral and Maxillofacial Surgery	\$300,000	
Prosthodontics	\$300,000	
<b>MEDICAL SPECIALTY</b>	<b>CSWSAB 4-YEAR OBLIGATION</b>	
*Aerospace Medicine	\$200,000	
*Anesthesia	\$400,000	
*Cardiology	\$325,000	
*Cardio-Thoracic Surgery	\$400,000	
*Diagnostic Radiology	\$375,000	
*Emergency Medicine	\$300,000	
*Family Practice	\$275,000	
General Surgery	\$400,000	
*Internal Medicine	\$250,000	
*Infectious Diseases	\$200,000	
Neurosurgery	\$400,000	
*Ophthalmology	\$225,000	
*Orthopedics	\$400,000	
*Preventive Medicine	\$225,000	
*Psychiatry	\$275,000	
*Pulmonary Medicine	\$300,000	
*Trauma/Critical Care Surgery	\$400,000	
*Urology	\$300,000	
Vascular Surgery	\$400,000	
<b>*SPECIALTY CSWSAB</b>	<b>3-Year Obligation</b>	<b>4-Year Obligation</b>
*Clinical Psychologist	\$37,500	\$60,000

Table 5-3. Dental Corps IP

For the most current rates, see the [Dental Corps IP](#) table on DFAS.MIL.

<b>DENTAL CORPS</b>	<b>FULLY QUALIFIED IP ONLY 1-YEAR RATE (PRORATED MONTHLY)</b>	<b>OR</b>	<b>FULLY QUALIFIED IP RATE PAID WITH A 2-, 3-, OR 4-YEAR RB (PRORATED MONTHLY)</b>
Advance Clinical Practice: Endodontics; Exodontia; General Dentistry; Periodontics; and Prosthodontics	\$25,000		\$25,000
Comprehensive/Operative Dentistry	\$25,000		\$25,000
Dental Research	\$25,000		\$25,000
Endodontics	\$25,000		\$25,000
General Dentistry	\$20,000		\$20,000
Oral: Diagnosis; Medicine; Pathology	\$25,000		\$25,000
Oral Maxillofacial Surgery	\$55,000		\$75,000
Orthodontics	\$25,000		\$25,000
Pedodontics	\$25,000		\$25,000
Periodontics	\$25,000		\$25,000
Prosthodontics	\$25,000		\$25,000
Public Health Dentistry	\$25,000		\$25,000
Temporomandibular Dysfunction/Orofacial Pain	\$25,000		\$25,000

Table 5-4. Medical Corps IP

For the most current rates, see the [Medical Corps IP](#) table on DFAS.MIL.

MEDICAL CORPS	IP ONLY 1-YEAR RATE (PRORATED MONTHLY)	
General Medical Officer	\$20,000	
Initial Residency	\$8,000	
Internship	\$1,200	
POST RESIDENT OR FELLOW GRADUATE	FULLY QUALIFIED IP ONLY 1-YEAR RATE (PRORATED MONTHLY)	OR FULLY QUALIFIED IP RATE PAID WITH A 2-, 3-, OR 4-YEAR RB (PRORATED MONTHLY)
Aerospace Medicine	\$43,000	\$43,000
Anesthesiology	\$59,000	\$73,000
Cardiology-Adult/Pediatric	\$59,000	\$64,000
Dermatology	\$43,000	\$43,000
Emergency Medicine	\$49,000	\$53,000
Family Practice	\$43,000	\$43,000
Gastroenterology <a href="#">Adult/Pediatrics</a>	\$49,000	\$52,000
General Internal Medicine	\$43,000	\$43,000
General Surgery	\$52,000	\$73,000
Neurology <a href="#">Adult/Pediatrics</a>	\$43,000	\$43,000
Neurosurgery	\$59,000	\$83,000
<a href="#">Obstetrics-Gynecology (OB-GYN)</a>	\$54,000	\$54,000
Ophthalmology	\$51,000	\$53,000
Orthopedics	\$59,000	\$73,000
Otolaryngology	\$53,000	\$58,000
Pathology	\$43,000	\$43,000
Pediatrics	\$43,000	\$43,000
Physiatrist/Physical Medicine	\$43,000	\$43,000
Preventative/Occupational Medicine	\$43,000	\$43,000
Psychiatry <a href="#">Adult/Pediatrics</a>	\$43,000	\$43,000
Pulmonary/Critical Care Medicine	\$46,000	\$49,000
Radiology <a href="#">Diagnostic/Therapeutic</a>	\$59,000	\$65,000
Subspecialty Category I (Note 1)	\$59,000	\$80,000
Subspecialty Category II (Note 2)	\$51,000	\$51,000
Subspecialty Category III (Note 3)	\$46,000	\$49,000
Subspecialty Category IV (Note 4)	\$43,000	\$43,000
Subspecialty Category V (Note 5)	\$59,000	\$64,000
Urology	\$51,000	\$51,000

Table 5-4. Medical Corps IP (Continued)

## NOTES:

1. Requires primary specialty in General Surgery or as listed:
  - a. Cardio Thoracic Surgery;
  - b. Colon Rectal Surgery;
  - c. Fellowship trained Orthopedic Surgeons;
  - d. Oncology Surgery;
  - e. Organ Transplant;
  - f. Pediatric Surgery;
  - g. Plastic Surgery;
  - h. Trauma/Critical Care Surgery; or
  - i. Vascular Surgery.
2. Nuclear Medicine Internists only.
3. Internal Medicine/Pediatric Fellowship subspecialties in:
  - a. Allergy/Immunology;
  - b. Hematology/Oncology;
  - c. Neonatology; or
  - d. Nephrology.
4. All internal medicine and pediatric subspecialties not listed in subspecialty category 1 and 3 listed separately:
  - a. Clinical Pharmacology;
  - b. Developmental Pediatrics;
  - c. Endocrinology;
  - d. Geriatrics Fellowship training;
  - e. Infectious Disease; or
  - f. Rheumatology.
5. Physicians who Fellowship trained in:
  - a. OB/GYN;
  - b. Ophthalmology;
  - c. Otolaryngology; or
  - d. Urology.

\*Table 5-5. Nurse Corps IP and RB

For the most current rates, see the [Nurse Corps IP and RB](#) table on DFAS.MIL.

NURSE CORPS	FULLY QUALIFIED IP ONLY 1 YEAR RATE (PRORATED MONTHLY)	*RB Rate PAID ANNUALLY			
		2-Year	3-Year	4-Year	*6- Year
*Any Nurse Practitioner	\$0	\$10,000	\$15,000	\$20,000	\$35,000
*Certified Registered Nurse Anesthetist	\$15,000	\$10,000	\$20,000	\$35,000	\$50,000
Community/Public Health Nursing	\$0	\$10,000	\$15,000	\$20,000	\$0
*Critical Care Nursing	\$0	\$10,000	\$15,000	\$20,000	\$35,000
*Emergency Nursing	\$0	\$10,000	\$15,000	\$20,000	\$35,000
*Flight Nursing	\$0	\$10,000	\$15,000	\$20,000	\$35,000
Medical-Surgical Nursing	\$0	\$10,000	\$15,000	\$20,000	\$0
Neonatal Intensive Care	\$0	\$10,000	\$15,000	\$20,000	\$0
Nurse Midwife	\$0	\$10,000	\$15,000	\$20,000	\$0
OB/GYN Nursing	\$0	\$10,000	\$15,000	\$20,000	\$0
Pediatric Nursing	\$0	\$10,000	\$15,000	\$20,000	\$0
*Perioperative Nursing	\$0	\$10,000	\$15,000	\$20,000	\$35,000
*Psychiatric/Mental Health Nursing	\$0	\$10,000	\$15,000	\$20,000	\$35,000

\*Table 5-6. Biomedical Services, Medical Services, Specialists, and Veterinary Corps IP & RB  
For the most current rates, see the Biomedical Services, Medical Services, Specialists, and Veterinary Corps **IP & RB** table on DFAS.MIL.

SPECIALTY	PAID ANNUALLY				
	FULLY QUALIFIED IP RATE/YEAR (WITH OR WITHOUT RB)	RB Rate			
		2-Year	3-Year	4-Year	*6-Year
Optometrist	\$1,200	\$5,000	\$8,000	\$10,000	\$0
Pharmacist	\$0	\$15,000	\$15,000	\$15,000	\$0
*Physician Assistant	\$5,000	\$10,000	\$15,000	\$20,000	\$35,000
*Psychologist	\$5,000	\$10,000	\$15,000	\$20,000	\$35,000
Public Health Officer (Air Force)	\$5,000	\$5,000	\$6,250	\$7,500	\$0
Social Worker	\$0	\$5,000	\$8,000	\$10,000	\$0
Veterinary	\$5,000	\$2,500	\$3,750	\$5,000	\$0



\*Table 5-7. Dental Corps RB

For the most current rates, see the [Dental Corps RB](#) table on DFAS.MIL.

DENTAL CORPS	PAID ANNUALLY			
	2-Year Rate	3-Year Rate	4-Year Rate	*6-Year Rate
Advance Clinical Practice: Endodontics; Exodontia; General Dentistry; Periodontics; and Prosthodontics	\$18,000	\$27,000	\$35,000	\$0
*Comprehensive/Operative Dentistry	\$25,000	\$38,000	\$50,000	\$65,000
Dental Research	\$25,000	\$38,000	\$50,000	\$0
Endodontics	\$25,000	\$38,000	\$50,000	\$0
General Dentistry	\$13,000	\$19,000	\$25,000	\$0
Oral: Diagnosis; Medicine; Pathology	\$25,000	\$38,000	\$50,000	\$0
*Oral Maxillofacial Surgery	\$25,000	\$38,000	\$50,000	\$65,000
Orthodontics	\$25,000	\$38,000	\$50,000	\$0
Pedodontics	\$25,000	\$38,000	\$50,000	\$0
*Periodontics	\$25,000	\$38,000	\$50,000	\$65,000
*Prosthodontics	\$25,000	\$38,000	\$50,000	\$65,000
Public Health Dentistry	\$25,000	\$38,000	\$50,000	\$0
Temporomandibular Dysfunction/Orofacial Pain	\$25,000	\$38,000	\$50,000	\$0

\*Table 5-8. Medical Corps RB

For the most current rates, see the [Medical Corps RB](#) table on DFAS.MIL.

POST RESIDENT OR FELLOW GRADUATE	PAID ANNUALLY			
	2-Year	3-Year	4-Year	*6-Year
Aerospace Medicine	\$13,000	\$19,000	\$25,000	\$0
*Anesthesiology	\$25,000	\$40,000	\$60,000	\$75,000
Cardiology-Adult/Pediatric	\$21,000	\$34,000	\$51,000	\$0
Dermatology	\$17,000	\$25,000	\$38,000	\$0
*Emergency Medicine	\$17,000	\$26,000	\$40,000	\$55,000
*Family Practice	\$17,000	\$25,000	\$38,000	\$50,000
Gastroenterology Adults/Pediatrics	\$22,000	\$33,000	\$50,000	\$0
General Internal Medicine	\$13,000	\$23,000	\$35,000	\$0
*General Surgery	\$25,000	\$40,000	\$60,000	\$75,000
Neurology Adults/Pediatrics	\$13,000	\$19,000	\$25,000	\$0
Neurosurgery	\$25,000	\$40,000	\$60,000	\$0
OB-GYN	\$17,000	\$25,000	\$35,000	\$0
Ophthalmology	\$13,000	\$19,000	\$25,000	\$0
*Orthopedics	\$17,000	\$33,000	\$50,000	\$70,000
Otolaryngology	\$17,000	\$25,000	\$33,000	\$0
Pathology	\$13,000	\$20,000	\$30,000	\$0
Pediatrics	\$13,000	\$20,000	\$30,000	\$0
Physiatrist/Physical Medicine	\$12,000	\$13,000	\$20,000	\$0
Preventative/Occupational Medicine	\$13,000	\$20,000	\$30,000	\$0
*Psychiatry Adults/Pediatrics	\$17,000	\$28,000	\$43,000	\$58,000
*Pulmonary/Critical Care Medicine	\$21,000	\$31,000	\$45,000	\$60,000
Radiology Diagnostic/Therapeutic	\$25,000	\$40,000	\$60,000	\$0
*Subspecialty Category I (Note 1)	\$23,000	\$36,000	\$55,000	\$75,000
Subspecialty Category II (Note 2)	\$12,000	\$18,000	\$27,000	\$0
Subspecialty Category III (Note 3)	\$12,000	\$17,000	\$25,000	\$0
Subspecialty Category IV (Note 4)	\$13,000	\$19,000	\$25,000	\$0
Subspecialty Category V (Note 5)	\$21,000	\$31,000	\$45,000	\$0
Urology	\$20,000	\$30,000	\$45,000	\$0

\*Table 5-8. Medical Corps RB (Continued)

NOTES:

1. Requires primary specialty in General Surgery or as listed:
  - a. Cardio Thoracic Surgery;
  - b. Colon Rectal Surgery;
  - c. Fellowship trained Orthopedic Surgeons;
  - d. Oncology Surgery;
  - e. Organ Transplant;
  - f. Pediatric Surgery;
  - g. Plastic Surgery;
  - h. Trauma/Critical Care Surgery; or
  - i. Vascular Surgery.
2. Nuclear Medicine Internists only.
3. Internal Medicine/Pediatric Fellowship subspecialties in:
  - a. Allergy/Immunology;
  - b. Hematology/Oncology;
  - c. Neonatology; or
  - d. Nephrology.
4. All internal medicine and pediatric subspecialties not listed in subspecialty category 1 and 3 listed separately:
  - a. Clinical Pharmacology;
  - b. Developmental Pediatrics;
  - c. Endocrinology;
  - d. Geriatrics Fellowship training;
  - e. Infectious Disease; or
  - f. Rheumatology.
5. Physicians who Fellowship trained in:
  - a. OB/GYN;
  - b. Ophthalmology;
  - c. Otolaryngology; or
  - d. Urology.

\*Table 5-9. Dental RC AB and RB

For the most current rates, see the [Dental RC AB and RB](#) table on DFAS.MIL.

DENTAL CORPS	AB (Note)	RB (Note)
Dental Officer, Clinical/General	\$25,000	\$25,000
Dentist, Comprehensive	\$25,000	\$25,000
Endodontist	\$25,000	\$25,000
*Oral & Maxillofacial Surgeon	\$30,000	\$30,000
Periodontist	\$25,000	\$25,000
Prosthodontist	\$25,000	\$25,000
*Public Health Dentist	\$20,000	\$20,000

NOTES:

The amount listed for AB and RB represents the annual amount authorized for new agreements signed during the period of the pay plan. The length of the contracts will be subject to the current law, DoDI 6000.13, and service policy existing at the time the contracts were signed. These amounts are paid annually.

\*Table 5-10. Medical RC AB and RB

For the most current rates, see the [Medical RC AB and RB](#) table on DFAS.MIL.

MEDICAL CORPS	AB (Note)	RB (Note)
*Aerospace Medicine	\$30,000	\$30,000
*Anesthesiology	\$40,000	\$40,000
*Critical Care Pulmonary Disease	\$50,000	\$50,000
*Emergency Medicine	\$40,000	\$40,000
Family Medicine/ Family Practice	\$25,000	\$25,000
Field Surgeon	\$25,000	\$25,000
*Flight Surgeon; Aviation/Aerospace GMO; Aviation/Aerospace; Residence Trained	\$30,000	\$30,000
*Gastroenterology	\$25,000	\$25,000
Infectious Disease	\$25,000	\$25,000
Internist	\$25,000	\$25,000
*Nephrology	\$25,000	\$25,000
*Neurologist	\$25,000	\$25,000
OB-GYN	\$25,000	\$25,000
Ophthalmology	\$25,000	\$25,000
Otolaryngologist	\$25,000	\$25,000
Pediatrician	\$25,000	\$25,000
Preventive Medicine	\$25,000	\$25,000
Psychiatrist	\$25,000	\$25,000
*Radiologist, Diagnostic	\$45,000	\$45,000
*Radiologist, Special Procedures	\$50,000	\$50,000
*Surgeon Colon Rectal	\$50,000	\$50,000
*Surgeon Critical Care Trauma	\$50,000	\$50,000
*Surgeon, General	\$50,000	\$50,000
*Surgeon, Neurological	\$50,000	\$50,000
*Surgeon Orthopedic	\$50,000	\$50,000
*Surgeon Plastic	\$50,000	\$50,000
*Surgeon, Thoracic Cardiovascular	\$50,000	\$50,000
*Surgeon Vascular Peripheral	\$50,000	\$50,000
Undersea Medicine	\$25,000	\$25,000
*Urologist	\$45,000	\$45,000

\*Table 5-10. Medical RC AB and RB (Continued)

NOTE:

The amount listed for AB and RB represents the annual amount authorized for new agreements signed during the period of the pay plan. The length of the contracts will be subject to the current law, DoDI 6000.13, and service policy existing at the time the contracts were signed. These amounts are paid annually.

## \*Table 5-11. Nurse Corps RC AB and RB

(See Note)

For the most current rates, see the [Nurse Corps RC AB and RB](#) table on DFAS.MIL.

NURSE CORPS	AB (Note)	RB (Note)
Anesthetist	\$25,000	\$25,000
*Clinical, Critical Care	\$20,000	\$20,000
*Clinical, Obstetrics	\$15,000	\$15,000
*Flight	\$20,000	\$20,000
*Mental Health	\$17,500	\$17,500
Midwife	\$15,000	\$15,000
*Operating Room	\$20,000	\$20,000
*Practitioner, Acute Care	\$20,000	\$20,000
*Practitioner, Family	\$20,000	\$20,000
*Practitioner, Mental Health	\$20,000	\$20,000
Practitioner, Pediatric	\$15,000	\$15,000
*Practitioner, Women's Health	\$15,000	\$15,000
*Public Health	\$15,000	\$15,000
*Trauma/Emergency	\$15,000	\$15,000

## NOTE:

The amount listed for AB and RB represents the annual amount authorized for new agreements signed during the period of the pay plan. The length of the contracts will be subject to the current law, DoDI 6000.13, and service policy existing at the time the contracts were signed. These amounts are paid annually.

\*Table 5-12. Biomedical Services, Medical Services, Specialists, and Veterinary Corps RC AB & RB

(See Note)

For the most current rates, see the Biomedical Services, Medical Services, Specialists, and Veterinary Corps RC AB and RB table on DFAS.MIL.

<b>SPECIALTIES</b>	<b>AB (Note)</b>	<b>RB (Note)</b>
*Aeromedical Evacuation	\$10,000	\$10,000
*Audiologist	\$15,000	\$15,000
*Clinical Laboratory/ Biomedical Laboratory Science	\$10,000	\$10,000
*Clinical Psychologist	\$20,000	\$20,000
*Entomologist	\$15,000	\$15,000
Health Service Administration	\$10,000	\$10,000
*Microbiologist	\$10,000	\$10,000
Optometrist	\$20,000	\$20,000
*Patient Administration	\$10,000	\$10,000
*Physical Therapist	\$20,000	\$20,000
Physician Assistant	\$25,000	\$25,000
Plans/Operations/Medical Intelligence	\$15,000	\$15,000
*Public Health	\$15,000	\$15,000
*Social Worker	\$15,000	\$15,000
<b>VETERINARY CORPS</b>	<b>AB</b>	<b>RB</b>
*Clinical Medicine	\$15,000	\$15,000
*Laboratory Animal Medicine	\$15,000	\$15,000
*Pathology	\$15,000	\$15,000
*Preventive Medicine	\$15,000	\$15,000
*Service Officer	\$15,000	\$15,000

NOTE:

The amount listed for AB and RB represents the annual amount authorized for new agreements signed during the period of the pay plan. The length of the contracts will be subject to the current law, DoDI 6000.13, and service policy existing at the time the contracts were signed. These amounts are paid annually.



\*REFERENCES

**CHAPTER 5: - HEALTH PROFESSIONS OFFICER (HPO) SPECIAL AND INCENTIVE PAY**

0502 – PROVISIONS

DoDI 6000.13, December 30, 2015, Incorporating Change 1, Effective May 3, 2016

0503 – AB

DoDI 6000.13, December 30, 2015, Incorporating Change 1, Effective May 3, 2016

0505 – BCP

DoDI 6000.13, December 30, 2015, Incorporating Change 1, Effective May 3, 2016

050502

[Assistant Secretary of Defense Health Affairs \(ASD HA\) Memo, September 27, 2016](#)

0506 – IP

DoDI 6000.13, December 30, 2015, Incorporating Change 1, Effective May 3, 2016

0507 – RB

DoDI 6000.13, December 30, 2015, Incorporating Change 1, Effective May 3, 2016

0508 – RC

DoDI 6000.13, December 30, 2015, Incorporating Change 1, Effective May 3, 2016

0509 – TERMINATION

DoDI 6000.13, December 30, 2015, Incorporating Change 1, Effective May 3, 2016

050905

[37 U.S.C. §§ 332, 335, 353](#)

Table 5-1 – AB

[ASD HA Memo, September 26, 2018](#)

Table 5-2 – CSWSAB

ASD HA Memo, September 26, 2018

Table 5-3 – DENTAL CORPS IP

ASD HA Memo, September 27, 2016

Table 5-4 – MEDICAL CORPS IP

ASD HA Memo, September 26, 2018

Table 5-5 – NURSE CORPS IP AND RB

ASD HA Memo, September 26, 2018

Table 5-6 – BIOMEDICAL SERVICES, MEDICAL SERVICES, SPECIALISTS, AND VETERINARY CORPS INCENTIVE PAY & RETENTION BONUS

ASD HA Memo, September 26, 2018

Table 5-7 – DENTAL CORPS RB

ASD HA Memo, September 26, 2018

Table 5-8 – MEDICAL CORPS RB

ASD HA Memo, September 26, 2018

Table 5-9 – DENTAL RC AB AND RB

ASD HA Memo, September 26, 2018

Table 5-10 – MEDICAL RC AB AND RB

ASD HA Memo, September 26, 2018

Table 5-11 – NURSE CORPS RC AB AND RB

ASD HA Memo, September 26, 2018

Table 5-12 – BIOMEDICAL SERVICES, MEDICAL SERVICES, SPECIALISTS, AND VETERINARY CORPS RC AB AND RB

ASD HA Memo, September 26, 2018



**VOLUME 7A, CHAPTER 8: “SPECIAL PAY - SPECIAL DUTY ASSIGNMENT PAY”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [bold, italic, blue, and underlined font](#).

The previous version dated [August 2017](#) is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated hyperlinks and formatting to comply with current administrative instructions.	Revision
080101	Updated the “Purpose” paragraph in accordance with Department of Defense Instruction (DoDI) 1340.26.	Revision
080102	Updated the “Authoritative Guidance” paragraph to comply with current administrative instructions.	Revision
0802	Deleted the Special Duty Assignment Pay definitions and updated the section in accordance with DoDI 1340.26. Renumbered subsequent paragraphs.	Revision
080301 080303 080304	Deleted the “Rates,” “Department of Defense Designations,” and the “Special Operations Forces (SOF)” paragraphs in accordance with DoDI 1340.26. Renumbered subsequent paragraphs.	Deletion
080302	Added the “Written Agreement” paragraph to comply with DoDI 1340.26.	Addition
0804	Deleted obsolete content in the “Conditions of Entitlements” section in accordance with DoDI 1340.26. Renumbered subsequent paragraphs.	Revision
Table 8-1 Table 8-2	Deleted obsolete tables to comply with DoDI 1340.26.	Deletion
References	Renamed “Bibliography” to “References” and updated supporting statutes and references.	Revision

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## CHAPTER 8

**SPECIAL PAY - SPECIAL DUTY ASSIGNMENT PAY**

## \*0801 GENERAL

## 080101. Purpose

Special Duty Assignment Pay (SDAP) is awarded to Service members for the performance of duty in an assignment, location, or unit designated, where the assigned duties are determined to be extremely demanding, involving an unusual degree of responsibility or difficulty, or requiring special qualifications.

## 080102. Authoritative Guidance

The pay policies and requirements established by the Department of Defense (DoD) in this chapter are derived primarily from, and prepared in accordance with the United States Code (U.S.C.), Title 37. Due to the subject matter in this chapter, the list of authoritative sources is extensive. The specific statutes, regulations, and other applicable guidance that govern each individual section are listed in a reference section at the end of the chapter.

## \*0802 SDAP

## 080201. Eligibility

The Secretaries of the Military Departments concerned will establish eligibility criteria based on Service-specific needs and will consider paygrade, level of responsibility, and the operational nature of the assignment.

A. Army. See the Department of the Army Memorandum, Corrected 3-Special Duty Assignment Pay Biennial Review and Recertification, dated November 14, 2018.

B. Navy. See Chief of Naval Operations Instructions (OPNAVINST) 1160.6C.

C. Air Force. See Air Force Instruction (AFI) 36-3017.

D. Marine Corps. See Marine Corps Order (MCO) 7220.12R.

## 080202. Additional Guidelines

A. The Secretary of the Military Department may pay a special duty pay to a member of the Active or Reserve Component of the Uniformed Service who is entitled to basic pay under 37 U.S.C., section 204, or compensation under 37 U.S.C. § 206.

B. The Secretary concerned may pay SDAP to a Service member who performs duties in an assignment, location, or unit designated, and under the conditions of service specified by the Secretary concerned.

C. SDAP will be in addition to any other pay or allowances a Service member may be receiving, except where otherwise stated.

D. Awarding new agreements for assignment and special duty pays under 37 U.S.C., Chapter 5, Subchapter I, was discontinued after October 1, 2017. Existing agreements under 37 U.S.C., Chapter 5, Subchapter I, will remain in effect and payments may continue through the agreed-upon date.

080203. Restrictions

A. A member of a Reserve Component entitled to pay under 37 U.S.C. § 206 and authorized for special duty pay may be paid an amount of SDAP that is proportionate to the compensation received by the member for inactive duty training. The member may be awarded an amount at 1/30<sup>th</sup> of the prescribed monthly rate of the special duty pay for the performance of each authorized period of inactive duty training with pay.

B. The Secretary of the Military Department concerned may increase, decrease, or abolish SDAP for any skill or assignment at any time and will establish restrictions and limitations to the pay through Service regulations.

C. Assignment and special duty pays are not to be continuous in nature and should be for a specified period. However, back-to-back assignment and special duty pays are authorized as long as the Service member continues to meet Service regulations and perform duties in assignments designated for the pay.

D. A member may receive multiple assignment and special duty pays. However, a Service member may not receive multiple pays for the same purpose and period of service.

080204. Amount

A. Assignment and special duty pays may be paid in monthly, installment, or lump sum amounts, but may not exceed the amount listed in subparagraph 080204.B. The combination of assignment and special duty pays may not exceed an average monthly amount of \$3,500, unless otherwise authorized by the Assistant Secretary of Defense for Manpower and Reserve Affairs.

B. The Secretaries of the Military Departments concerned will establish monthly rates, but the maximum amount of SDAP per month will not exceed \$750.

080205. Repayment

A member who receives SDAP in accordance with 37 U.S.C. § 352, and fails to fulfill the eligibility requirements for receipt of such pay, will be subject to the repayment provisions of 37 U.S.C. § 373.

0803 ENTITLEMENT

080301. Service Designations

Designations of military specialties and assignments for SDAP are in the applicable regulations of the Military Service concerned.

\*080302. Written Agreement

A. Discretionary for Monthly Payments. The Secretary of the Military Department concerned may require a Service member to enter into a written agreement with the Secretary in order to qualify for the payment of assignment pay or special duty pay on a monthly basis. If used, the written agreement will specify the period for which the assignment pay or special duty pay will be paid and the monthly rate.

B. Non-discretionary for Installment or Lump Sum Payments. The Secretary of the Military Department concerned will require a Service member to enter into a written agreement with the Secretary in order to qualify for installment or lump sum payments of assignment pay or special duty pay. The written agreement will specify the period for which the Service member will receive assignment pay or special duty pay, the amount of each periodic installment or lump sum, and the repayment policy under paragraph 080205.

\*0804 CONDITIONS OF ENTITLEMENT

080401. Effect of SDAP on Other Computations

SDAP is not used in the computation for an enlistment bonus, severance pay, separation pay, or cash settlement of accrued leave.

080402. Tax

SDAP is subject to withholding of income tax, but not subject to withholding of Federal Insurance Contributions Act taxes.



**\*REFERENCES****CHAPTER 8 - SPECIAL PAY - SPECIAL DUTY ASSIGNMENT PAY****\*0801 - GENERAL**

37 U.S.C. § 352

DoD Instruction (DoDI) 1340.26, September 25, 2017,  
Incorporating Change 1, Effective January 11, 2019

**\*0802 - SDAP**

080201

DoDI 1340.26, September 25, 2017, Incorporating  
Change 1, Effective January 11, 2019

080201.A

Department of the Army Memo, November 14, 2018

080201.B

OPNAVINST 1160.6C, October 5, 2017

080201.C

AFI 36-3017, September 20, 2018

080201.D

MCO 7220.12R, June 13, 2017

**\*0803 - ENTITLEMENT**

080301

DoDI 1340.26, September 25, 2017, Incorporating  
Change 1, Effective January 11, 2019

080302

DoDI 1340.26, September 25, 2017, Incorporating  
Change 1, Effective January 11, 2019

**VOLUME 7A, CHAPTER 9: “ACTIVE DUTY ENLISTED MEMBERS  
ENLISTMENT, REENLISTMENT, AND RETENTION BONUSES”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **May 2017** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
090307.A	Updated to reflect current Department policy.	Revision
090206 090309 090406 090505 090605 090704 090804	Updated the “Duration of Authority” to December 31, 2018 in accordance with Public Law 115-91.	Revision
References	Renamed “Bibliography” to “References” and updated statutes and supporting references.	Revision

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## CHAPTER 9

**ACTIVE DUTY ENLISTED MEMBERS ENLISTMENT, REENLISTMENT AND  
RETENTION BONUSES**

## 0901 GENERAL

## 090101. Purpose

This chapter establishes [Department of Defense \(DoD\)](#) policy guidance pertaining to active duty enlistment, reenlistment, and retention bonuses.

## 090102. Authoritative Guidance

[The authoritative references are listed at the end of this chapter.](#)

## 0902 ENLISTMENT BONUS

The enlistment bonus criteria contained in this section reflect the transition to Title 37, United States Code (U.S.C.), Chapter 5, Subchapter II, effective October 1, 2013. Any contracts executed on or before September 30, 2013 should be paid under 37 U.S.C., Chapter 5, Subchapter I until the expiration of those respective contracts. Entitlement criteria for 37 U.S.C., Chapter 5, Subchapter I are outlined in the August 2012 version of Chapter 9.

## 090201. Eligibility

An enlistment bonus is authorized for individuals who enlist in a Military Service for a specific period and, if applicable, for service in a military skill that is experiencing critical personnel shortages as designated by the Secretary of the Military Department concerned. The individual must meet the qualifications listed in subparagraphs 090201.A-H:

A. Possess a high school diploma, a completion or attendance certificate in lieu of a high school diploma, or a General Educational Development program certificate;

B. The individual must be an initial enlistee, a prior Military Service enlistee, or a reservist not on active duty who enlists in a Regular Component of the Military Service as defined in subparagraphs 090201.B.1 and 2.

1. Initial/Non-prior Service Enlistee. An Initial or Non-prior Service Enlistee is a person who has either never served or has served, and was released from such service before completing the basic training requirements of the Service of which the person was a member and the service was characterized as either honorable or uncharacterized.

2. Prior Military Service Enlistee. A Prior Military Service Enlistee is a person who has prior military experience but has not previously received an enlistment or reenlistment bonus or who currently is not entitled to a Selective Retention Bonus (SRB) under

section 0903, or a Critical Skill Retention Bonus (CSRB) under section 0904, or a Prior Service Enlistment Bonus under section 0905;

C. Enlist for at least 2 years or extend an initial period of obligated service to a total of at least 2 years in a Regular Component of a Military Service and serve for a specified period of obligated service in at least one of the following categories:

1. A designated military skill,
2. Career field,
3. Unit,
4. Grade, or
5. Other condition or conditions imposed by the Secretary of the Military Department concerned;

D. Execute a written agreement with the Secretary of the Military Department concerned that specifies the:

1. Amount of the bonus;
2. Method of bonus payment - lump sum amount or periodic installments;
3. Period of obligated service; and
4. Designated military skill or specialty, career field, unit, grade, or such other condition or conditions of service imposed by the Secretary of the Military Department concerned;

E. Not have previously received an enlistment or reenlistment bonus, a retention bonus, an affiliation bonus, or a transfer bonus for the same period of service;

F. Not have previously received and not be eligible to receive an SRB under section 0903 or a CSRB under section 0904;

G. Successfully complete training and become technically qualified in a designated skill if completion of such training and technical qualification forms the basis under which the bonus is paid; and

H. Meet any additional military service specific eligibility criteria and quality standards established by the Secretary of the Military Department [concerned](#).

## 090202. Amount

The Secretary of the Military Department concerned will determine the amount of the enlistment bonus awarded for a designated military skill. The bonus payment for a designated military skill or cumulative amount of enlistment bonuses to any individual is not to exceed \$40,000.

## 090203. Computation

The Secretaries of the Military Departments are required to establish rules of computation for enlistment bonuses.

## 090204. Method of Payment

A. The bonus may be paid either in periodic installments or a single lump sum. The timing of the initial payment is at the discretion of the Secretary of the Military Department concerned, except that it must not be paid before the member completes basic recruit training. For individuals enlisted for specialties requiring formal training, the Service concerned may withhold the initial payment until the individual completes the training and qualifies in the military skill, so the bonus serves as an incentive to complete the training needed to qualify in the skill.

B. Members, with prior military service who do not require formal training to be technically qualified in the skill for which the bonus is paid, must be paid the first installment no earlier than 30 days after arrival at the first permanent duty station following re-entry to active duty.

C. If paid in installments, after the initial payment, the remainder of the bonus must be paid in equal periodic installments.

## 090205. Repayment

A. A member, who does not complete the term of enlistment, or extension of enlistment, or who is not technically qualified in the skill for which the bonus was paid, will be subject to the repayment provisions of Chapter 2.

B. A member, who is discharged 12 months or less before the expiration of enlistment or extension of enlistment, may be considered to have completed the terms of enlistment or extension of enlistment for which the bonus was paid. The Military Departments will determine and advise when repayment is required, since this 12-month rule is not applicable to all early discharges.

## \*090206. Duration of Authority

Unless authorized by Congress, no agreement under this section may be entered into after [December 31, 2018](#).

## 0903 SRB

The SRB criteria contained in this section reflect the transition to 37 U.S.C., Chapter 5, Subchapter II, effective October 1, 2013. Any contracts executed on or before September 30, 2013 should be paid under 37 U.S.C., Chapter 5, Subchapter I until the expiration of those respective contracts. Entitlement criteria for 37 U.S.C., Chapter 5, Subchapter I are outlined in the August 2012 version of Chapter 9.

## 090301. Eligibility

The Secretary of the Military Department concerned may designate a unit, grade, or impose such other condition or conditions of service with respect to the SRB, as determined necessary to mitigate a significant current or projected personnel shortage or changing force structure requirements. An SRB based on unit, grade, or such other condition or conditions of service are subject to Under Secretary of Defense Personnel & Readiness (USD (P&R)) approval. The member must:

- A. Serve in a pay grade E-3 or higher;
- B. Reenlist for a period of at least 3 years or voluntarily extend an enlistment for a period of at least 1 year on active duty;
- C. Execute a written agreement with the Secretary of the Military Department concerned that specifies the:
  1. Amount of the bonus;
  2. Method of bonus payment - lump sum amount or periodic installments;
  3. Period of obligated service; and
  4. Designated military skill, career field, unit, or grade, or such other condition or conditions of service imposed by the Secretary of the Military Department concerned;
- D. Agree to serve for a specified period in at least one of the following reenlistment or extension categories:
  1. A designated military skill,
  2. Career field,
  3. Unit,
  4. Grade, or



5. Other condition or conditions imposed by the Secretary of the Military Department concerned;

E. Meet skill qualification prior to payment of the SRB for a member transferring into a designated military skill;

F. Qualify under any additional eligibility criteria prescribed by the Secretary of the Military Department concerned;

G. Not be in receipt of an enlistment bonus, a retention bonus, an affiliation bonus, or a transfer bonus for the same period of service; and

H. Meet any additional military service specific eligibility criteria and quality standards established by the Secretary of the Military Department [concerned](#).

090302. Limitations

A. A re-entry or reenlistment must occur no later than 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.

B. Veterans with more than a 3-month but less than a 4-year break in active duty may qualify for a broken service, or a prior service re-entry, SRB program in accordance with regulations prescribed by the Secretary of the Military Department concerned. The 24-hour period begins on the day following the date of discharge or separation. For reenlistees reentering active duty with a break in active duty greater than 24 hours, only the original [DoD](#) (DD) Form 214, Certificate of Release or Discharge from Active Duty, (copy 1 or copy 4) or a reproduction of the DD 214, with a certified true-copy stamp and appropriate Federal Government authenticating seal imprinted thereon, is acceptable documentation and identification.

C. Members with prior enlisted service and subsequent service as an officer, who were discharged or released from active duty and who, within 3 months after discharge or release from active duty as an officer, reenlist in the same Regular Component of a Military Service in which they previously served as an enlisted member may be eligible for an SRB. The individual must meet all other requirements established in paragraphs 090301 and 090302.

D. Two or more extensions may not be combined to gain eligibility for [an](#) SRB. Additionally, eligibility gained through an extension may not be increased by future extensions.

E. Members who reenlist or voluntarily extend an enlistment to obtain sufficient obligated service to participate in a program leading to commissioned or warrant officer status are not eligible for [an](#) SRB.

F. A member is not eligible for an SRB if the member was discharged or released from active duty or service in an active status based upon a determination of misconduct, substandard duty performance, or moral or professional dereliction.

G. An SRB may not be paid to an enlisted member who has completed more than 20 years of active duty or service in an active status, or who will complete a total of 24 years of service before the end of the period of active duty or active status for which the bonus is offered.

H. Generally, a member may not use any preexisting period of obligated service to satisfy an obligated service requirement under an SRB agreement, unless such service is determined by the Secretary of the Military Department concerned to be consistent with the requirements of [37 U.S.C., section 371](#) and:

1. Such preexisting period of obligated service is necessary for the member to qualify for continuous submarine duty incentive pay and is service for which no bonus was previously authorized or payable; or

2. Such preexisting period of obligated service includes no more than a 2-year period of an unserved voluntary extension of enlistment for which no bonus was previously authorized or payable, and the member agrees to an additional 2-year period of obligated service in connection with the SRB.

090303. Amount

The SRB may not exceed \$25,000 for each year of obligated service in a Regular Component. The maximum amount for an SRB is \$100,000.

A. The Secretary of the Military Department concerned must determine the amount of the SRB based on a business case model that targets the retention of adequate levels of enlisted personnel in a reenlistment or extension category.

B. Members may receive more than one SRB for a career, but the total combined SRB payments over a career must not exceed \$200,000.

C. SRB amounts may be prorated for extension requests greater than one year and reenlistments greater than 3 years. The additional service time will be calculated on a monthly basis at a rate equal to 1/12th the annual amount. Total bonus amounts are limited to \$100,000.

090304. Computation

The Secretaries of the Military Departments are required to establish and publish the rules for computing the SRB.

090305. Method of Payment

The bonus may be paid either in periodic installments or a single lump sum. If the Secretary of the Military Department concerned elects to pay SRBs in installments:

A. The installment amount will be at the discretion of the Secretary of the Military Department concerned, and may be paid at the time of reenlistment, or at the beginning

of the member's service commitment for the voluntary extension of enlistment. All payments must be made before the member completes a total of 24 years of service.

B. An initial installment to a member who reenlists after a break in active duty service greater than 24 hours is to be made no earlier than 30 days after arrival at the first permanent duty station following reenlistment.

C. Where there is lost time, the subsequent installment payments will be delayed by the number of days of lost time.

D. Discharge for the purpose of immediate reenlistment does not affect a member's entitlement to subsequent SRB installment payments.

090306. Additional Obligated Service

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, and reenlistments.

\*090307. [Changes](#) and Termination of Awards

\* A. [The Military Departments will notify USD \(P&R\) of any changes to a Military Department's SRB guidance under the enlisted bonus program. The Secretary of the Military Department concerned will issue an announcement that fully describes the change along with an effective date. The amount of the SRB offered after the date of such change may not exceed that authorized under 37 U.S.C. § 331\(c\).](#)

B. A member who agrees to train and reenlist for military service in a skill, that at the time of that agreement is designated for an award of an SRB, may be paid a bonus for that skill at the award level in effect at the time of agreement or the award level in effect at the time of reenlistment, whichever is higher, on completion of qualification training and reenlistment in that skill. The bonus would still be payable if the member otherwise qualifies for the bonus, even if that skill is no longer designated for an award of the SRB at the time the member becomes eligible for payment of the bonus.

090308. Repayment

A. A member, who does not complete the term of reenlistment, or extension of reenlistment, or who is not technically qualified in the skill for which the bonus was paid, will be subject to the repayment provisions of Chapter 2.

B. A member, who is discharged 12 months or less before the expiration of reenlistment or extension of reenlistment, may be considered to have completed the terms of reenlistment or extension of enlistment for which the bonus was paid. The Military Departments will determine and advise when repayment is required, since this 12-month rule is not applicable to all early discharges.

\*090309. Duration of Authority

Unless authorized by Congress, no agreement under this section may be entered into after [December 31, 2018](#).

0904 CSRB

090401. Eligibility

An enlisted member of the Armed Forces, who is serving on active duty in a Regular Component and is qualified in a critical military skill designated by the Secretary of Defense, may be paid a retention bonus as provided in this section, if the member is not serving on an indefinite enlistment and reenlists or voluntarily extends the enlistment for at least 1 year.

NOTE: The member will not be paid a retention bonus if the member received a bonus or incentive pay under 37 U.S.C., Chapter 5, Subchapter I and Subchapter II for the same activity, skill, or period of service.

090402. Limitations

A. A retention bonus may not be given under paragraph 090401 to a member of the Armed Forces who has completed more than 25 years of active duty or who will complete the 25th year before the end of the period of active duty or active status for which the bonus is offered. This limitation does not apply with respect to a member who is qualified in a skill related to special operations forces.

B. The USD (P&R) or the Principal Deputy, USD (PDUSD) (P&R) may waive the 25-year service limitation on eligibility with respect to a member who, during a period of active duty or service in an active status in a Reserve Component for which the bonus is being offered, is assigned duties in a skill designated as critical.

C. CSRB payments may not be made before the start of the active duty service period for which the CSRB is being awarded, unless specifically authorized by the PDUSD (P&R).

090403. Amount

A. A member may enter into an agreement, reenlist, or voluntarily extend enlistment more than once [in order](#) to receive a bonus under this section. However, a member may not receive a total of more than \$200,000 in payments under this section.

B. A CSRB amount may not exceed \$30,000 unless PDUSD (P&R) has granted an exception.

NOTE: The combined total of CSRB and SRB, in accordance with [DoD Directive \(DoDD\) 1304.21](#), during an individual's career, shall not exceed \$200,000, unless the PDUSD (P&R) authorizes it for the skill concerned as an exception to policy.

## 090404. Method of Payment

A bonus under this section may be paid in a single lump sum or periodic installments.

## 090405. Repayment

A. A member, who does not complete the terms of the retention bonus or who is not technically qualified in the skill for which the bonus was paid, will be subject to the repayment provisions of Chapter 2.

B. A member, who is discharged 12 months or less before the expiration of the terms of the retention bonus, may be considered to have completed the terms of the retention bonus for which the bonus was paid. The Military Departments will determine and advise when repayment is required, since this 12-month rule is not applicable to all early discharges.

## \*090406. Duration of Authority

Unless authorized by Congress, no agreement under this section may be entered into after [December 31, 2018](#).

## 0905 PRIOR SERVICE ENLISTMENT BONUS

## 090501. Eligibility

The Secretary of the Military Department concerned may pay an individual with prior military service who reenlists in a Regular Component of a Military Service after a break in active duty. The individual must:

- A. Enlist in a Regular Component of a Military Service;
- B. Reenlist for a period of at least 3 years or extend the initial period of obligated service to a total of 3 years;
- C. Execute a written agreement with the Secretary of the Military Department concerned that specifies the:
  1. Amount of the bonus;
  2. Method of bonus payment - lump sum amount or periodic installments;
  3. Period of obligated service; and
  4. Designated military skill or specialty, career field, unit, grade, or such other condition or conditions of service imposed by the Secretary of the Military Department concerned;

D. Agree to serve for a specified period in at least one of the following reenlistment or extension categories:

1. A designated military skill,
2. Career field,
3. Unit,
4. Grade, or
5. Other condition or conditions imposed by the Secretary of the Military Department concerned;

E. Successfully complete training or re-training and become technically qualified in a designated military skill, when additional training is required;

F. Not be in receipt of an enlistment bonus, a retention bonus, an affiliation bonus, or a transfer bonus for the same period of service;

G. Provide the original DD 214 (copy 1 or copy 4), "Certificate of Release or Discharge from Active Duty," or a reproduction of the DD 214 with a certified true-copy stamp and the appropriate Federal Government authenticating seal imprinted thereon for any period of prior military service, or other official documentation verifying member's satisfactory participation for all periods of prior service in the Regular Component;

H. Qualify under any additional eligibility criteria prescribed by the Secretary of the Military Department concerned; and

I. Meet any additional military service specific eligibility criteria and quality standards established by the Secretary of the Military Department [concerned](#).

090502. Amount

The Prior Service Enlistment Bonus or the cumulative amount of enlistment bonuses will not exceed \$40,000.

090503. Method of Payment

A. The Secretary of the Military Department concerned must establish a method of payment for the bonus (lump sum or periodic installments). Payment should be disbursed based on training milestones, amounts, and length of enlistment. The Secretary of the Military Department concerned must not pay a person or member any portion of the bonus prior to completion of basic recruit training.

B. Members with prior military service, who do not require formal training to be technically qualified in the skill for which the bonus is being paid, will receive their first installment no earlier than 30 days after arrival at the first permanent duty station following entry on active duty.

090504. Repayment

A. A member, who does not complete the term of enlistment or who is not technically qualified in the skill for which the bonus was paid, will be subject to the repayment provisions of Chapter 2.

B. A member, who is discharged 12 months or less before the expiration of enlistment, may be considered to have completed the terms of enlistment for which the bonus was paid. The Military Departments will determine and advise when repayment is required, since this 12-month rule is not applicable to all early discharges.

\*090505. Duration of Authority

Unless authorized by Congress, no agreement under this section may be entered into after December 31, 2018.

0906 MILITARY OCCUPATIONAL SPECIALTY (MOS) CONVERSION BONUS

090601. Eligibility

The Secretary of the Military Department concerned may pay a conversion bonus to a member of the Armed Forces, who agrees to execute a written agreement to convert to, and serve for a period of not less than three years in, a MOS for which there is a shortage of trained and qualified personnel. The member must:

A. At the time the agreement is executed, be serving in a pay grade E-6, with not more than 10 years of service, or be serving in a pay grade E-5 or below, regardless of years of service;

B. Have completed all service obligations incurred for receipt of an enlistment bonus as prescribed in section 0902, a retention bonus as prescribed in section 0903, or CSRB as prescribed in section 0904;

C. Meet all eligibility requirements prescribed in section 090201;

D. Execute a written agreement with the Secretary of the Military Department concerned that specifies the:

1. Amount of the bonus;

installments;

2. Method of bonus payment - lump sum amount or periodic
3. Period of obligated service; and
4. Designated military skill, career field, unit, grade, or such other condition or conditions of service imposed by the Secretary of the Military Department concerned; and

E. Not be in receipt of an enlistment bonus, a retention bonus, an affiliation bonus, or a transfer bonus for the same period of service.

090602. Amount

The bonus payment will not exceed \$4,000.

090603. Method of Payment

The bonus will be disbursed in one lump sum when the member's conversion to the MOS is approved by the chief personnel officer of the member's Armed Force.

090604. Repayment

A. A member, who does not complete the terms of the conversion bonus or who is not technically qualified in the skill for which the bonus was paid, will be subject to the repayment provisions of Chapter 2.

B. A member, who is discharged 12 months or less before the expiration of the terms of the conversion bonus, may be considered to have completed the terms of the conversion bonus for which the bonus was paid. The Military Departments will determine and advise when repayment is required, since this 12-month rule is not applicable to all early discharges.

\*090605. Duration of Authority

Unless authorized by Congress, no agreement under this section may be entered into after [December 31, 2018](#).

## 0907 BONUS FOR TRANSFER BETWEEN MILITARY SERVICES

090701. Eligibility

The Secretary of the gaining Military Department may pay a bonus to an enlisted member who agrees to transfer and serve in another Military Service, for a specified period in a designated military skill, career field, unit, grade, or to meet some other condition or conditions imposed by the Secretary of the gaining Military Department. The member must:



A. Execute a written agreement with the Secretary of the Military Department concerned that specifies the:

1. Amount of the bonus;
2. Method of bonus payment - lump sum amount or periodic installments;
3. Period of obligated service; and
4. Designated military skill, career field, unit, grade, or such other condition or conditions of service imposed by the Secretary of the Military Department concerned;

B. Agree to serve for a specified period in at least one of the following reenlistment or extension categories:

1. A designated military skill,
2. Career field,
3. Unit,
4. Grade, or
5. Other condition or conditions imposed by the Secretary of the Military Department concerned;

C. Not have failed to satisfactorily complete any term of enlistment in a Military Service;

D. Qualify for reenlistment in the Regular Component of the Military Service to which the member is transferring;

E. Prior to the transfer, fulfill the requirements established by the Secretary with jurisdiction over the Military Service to which the member is transferring;

F. Not be in receipt of an enlistment bonus, retention bonus, an affiliation bonus, or a transfer bonus for the same period of service; and

G. Meet any additional military service specific eligibility criteria and quality standards established by the Secretary of the Military Department to which the member is transferring.

## 090702. Amount and Method of Payment

The Secretary of the gaining Military Department may pay the transfer bonus in one \$10,000 lump sum amount upon approval of the transfer by the Secretary of that Military Department. Alternatively, the bonus may be paid in annual installments, the total of which may not exceed \$10,000.

## 090703. Repayment

A. A member, who does not complete the terms of the transfer bonus or who is not technically qualified in the skill for which the bonus was paid, will be subject to the repayment provisions of Chapter 2.

B. A member, who is discharged 12 months or less before the expiration of the terms of the transfer bonus, may be considered to have completed the terms of the transfer bonus for which the bonus was paid. The Military Departments will determine and advise when repayment is required, since this 12-month rule is not applicable to all early discharges.

## \*090704. Duration of Authority

Unless authorized by Congress, no agreement under this section may be entered into after [December 31, 2018](#).

## 0908 BONUS FOR TRANSFER BETWEEN COMPONENTS OF A MILITARY SERVICE

## 090801. Eligibility

The Secretary of the Military Department concerned may pay a bonus to an enlisted member who agrees to transfer from the Regular Component to the Ready Reserve or vice versa of the same service. The member must:

A. Execute a written agreement with the Secretary of the Military Department concerned that specifies the:

1. Amount of the bonus;
2. Method of bonus payment - lump sum amount or periodic installments;
3. Period of obligated service; and
4. Designated military skill, career field, unit, grade, or such other condition or conditions of service imposed by the Secretary of the Military Department concerned;

B. Agree to serve for a specified period in at least one of the following reenlistment or extension categories:

1. A designated military skill,
  2. Career field,
  3. Unit,
  4. Grade, or
  5. Other condition or conditions imposed by the Secretary of the Military Department concerned;
- C. Not be in receipt of an enlistment bonus, retention bonus, an affiliation bonus, or a transfer bonus for the same period of service;
- D. Satisfactorily complete all terms of enlistment within their current component;
- E. Qualify for reenlistment in the Regular Component of the Military Service to which the member is transferring; and
- F. Meet any additional military service specific eligibility criteria and quality standards established by the Secretary of the Military Department [concerned](#).

090802. Amount and Method of Payment

The Secretary of the Military Department concerned must establish the amount and method of payment for the bonus (lump sum or periodic installments). The bonus for transfer between components of a Military Service may not exceed \$10,000 and is payable upon approval of the Secretary concerned.

090803. Repayment

- A. A member, who does not complete the terms of the transfer bonus or who is not technically qualified in the skill for which the bonus was paid, will be subject to the repayment provisions of Chapter 2.
- B. A member, who is discharged 12 months or less before the expiration of the terms of the transfer bonus, may be considered to have completed the terms of the transfer bonus for which the bonus was paid. The Military Departments will determine and advise when repayment is required, since this 12-month rule is not applicable to all early discharges.

\*090804. Duration of Authority

Unless authorized by Congress, no agreement under this section may be entered into after [December 31, 2018](#).

**\*REFERENCES****CHAPTER 9 – ACTIVE DUTY ENLISTED MEMBERS ENLISTMENT,  
REENLISTMENT, AND RETENTION BONUSES**

## 0902 – ENLISTMENT BONUS

090201	<a href="#">DoD Instruction (DoDI) 1304.31, March 12, 2013</a> <a href="#">37 U.S.C. § 331(h)</a>
090202	<a href="#">DoDI 1304.31, March 12, 2013</a>
<a href="#">090203</a>	<a href="#">DoDI 1304.31, March 12, 2013</a>
<a href="#">090204</a>	<a href="#">DoDI 1304.31, March 12, 2013</a>
090205.A	<a href="#">37 U.S.C. § 373</a>
090205.B	<a href="#">10 U.S.C. § 1171</a>
* 090206	<a href="#">Public Law 115-91, section 614(1), December 12, 2017</a>

## 0903 – SRB

090301	<a href="#">DoDI 1304.31, March 12, 2013</a> <a href="#">37 U.S.C. § 331(h)</a>
090301.H	<a href="#">DoDI 1304.31, March 12, 2013</a>
<a href="#">090302</a>	<a href="#">DoDI 1304.31, March 12, 2013</a>
090303	<a href="#">DoDI 1304.31, March 12, 2013</a>
090304	<a href="#">DoDI 1304.31, March 12, 2013</a>
090305	<a href="#">DoDI 1304.31, March 12, 2013</a>
090306	<a href="#">DoDD 1304.21, January 31, 2005</a>
* 090307.A	<a href="#">DoDI 1304.31, March 12, 2013</a>
090307.B	<a href="#">DoDI 1304.29, December 15, 2004</a>
090308.A	<a href="#">37 U.S.C. § 373</a>
090308.B	<a href="#">10 U.S.C. § 1171</a>
* 090309	<a href="#">Public Law 115-91, § 614(1), December 12, 2017</a>

## 0904 – CSRFB

090401	<a href="#">DoDD 1304.21, January 31, 2005</a>
090402	<a href="#">DoDI 1304.29, December 15, 2004</a> <a href="#">37 U.S.C. § 355(h)</a>
<a href="#">090403</a>	<a href="#">DoDI 1304.31, March 12, 2013</a>
<a href="#">090404</a>	<a href="#">DoDI 1304.31, March 12, 2013</a>
090405.A	<a href="#">37 U.S.C. § 373</a>
090405.B	<a href="#">10 U.S.C. § 1171</a>
* 090406	<a href="#">Public Law 115-91, § 614(10), December 12, 2017</a>

## 0905 – PRIOR SERVICE ENLISTMENT BONUS

090501	DoDI 1304.31, March 12, 2013 37 U.S.C. § 331(h)
090502	DoDI 1304.31, March 12, 2013
<a href="#">090503</a>	<a href="#">DoDI 1304.31, March 12, 2013</a>
090504.A	37 U.S.C. § 373
090504.B	10 U.S.C. § 1171
* 090505	<a href="#">Public Law 115-91, § 614(1), December 12, 2017</a>

## 0906 – MILITARY OCCUPATIONAL SPECIALTY (MOS) CONVERSION BONUS

090601	37 U.S.C. § 326(g)
<a href="#">090602</a>	<a href="#">DoDI 1304.31, March 12, 2013</a>
<a href="#">090603</a>	<a href="#">DoDI 1304.31, March 12, 2013</a>
090604.A	37 U.S.C. § 373
090604.B	10 U.S.C. § 1171
* 090605	<a href="#">Public Law 115-91, § 615(7), December 12, 2017</a>

## 0907 – BONUS FOR TRANSFER BETWEEN MILITARY SERVICES

090701	DoDI 1304.31, March 12, 2013 37 U.S.C. § 331
<a href="#">090702</a>	<a href="#">DoDI 1304.31, March 12, 2013</a>
090703.A	37 U.S.C. § 373
090703.B	10 U.S.C. § 1171
* 090704	<a href="#">Public Law 115-91, § 615(8), December 12, 2017</a>

## 0908 – BONUS FOR TRANSFER BETWEEN COMPONENTS OF A MILITARY SERVICE

090801	DoDI 1304.31, March 12, 2013 37 U.S.C. § 331
<a href="#">090802</a>	<a href="#">DoDI 1304.31, March 12, 2013</a>
090803.A	37 U.S.C. § 373
090803.B	10 U.S.C. § 1171
* 090804	<a href="#">Public Law 115-91, § 614(1), December 12, 2017</a>

**VOLUME 7A, CHAPTER 10: “SPECIAL PAY - DUTY SUBJECT TO HOSTILE FIRE  
OR IMMINENT DANGER”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **November 2018** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated formatting to comply with current administrative instructions.	Revision
100301.B	Clarified the procedure for reporting a Hostile Fire event.	Revision
1005	Added a section on the “Duration of Authority.”	Addition
Figure 10-1	Added a hyperlink to the Defense Finance and Accounting Service website (DFAS.MIL) for the current Imminent Danger Pay areas.	Addition
References	Updated statutes and references.	Revision

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## CHAPTER 10

**SPECIAL PAY - DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER**

## 1001 GENERAL

## 100101. Purpose

This chapter establishes Department of Defense (DoD) policy for payment of Hostile Fire Pay (HFP) and Imminent Danger Pay (IDP) and lists the areas where members are authorized to receive these entitlements.

## 100102. Authoritative Guidance

The HFP and IDP policies and requirements established by DoD in this chapter are derived primarily from, and prepared in accordance with Title 37, United States Code (U.S.C.), section [351](#). Due to the subject matter in this chapter, the list of authoritative sources is extensive. The specific statutes, regulations, and other applicable guidance that govern each individual section are listed in a reference section at the end of the chapter.

## 1002 ENTITLEMENT PROVISIONS

## 100201. Policy

A member may be paid special pay for duty subject to hostile fire or imminent danger for any month when the member, while entitled to basic pay for active duty or compensation for inactive duty, also meets the qualifying criteria of this chapter. A member is not authorized to receive concurrent payments for hostile fire and imminent danger duty.

A. **HFP.** This entitlement is paid at the rate of \$225 per month when, as certified by the appropriate commander, a member is:

1. Subjected to hostile fire or explosion of a hostile mine;
2. On duty in an area in close proximity to a hostile fire incident and the member is in danger of being exposed to the same dangers actually experienced by other members subjected to hostile fire or explosion of hostile mines; or
3. Killed, injured, or wounded by hostile fire, explosion of a hostile mine, or any other hostile action.

B. **IDP.** This entitlement is paid on a daily prorated basis, not to exceed \$225 per month, when a member is on official duty in a designated IDP area. IDP may be paid to a service member who is subject to the threat of physical harm or imminent danger on the basis of civil insurrection, civil war, terrorism, or wartime conditions in a designated foreign area. See Figure 10-1, or for the most current listings [Imminent Danger Pay](#) table on DFAS.MIL.



## 100202. Payment

IDP is payable on a prorated daily basis not to exceed a monthly rate of \$225. It is payable in addition to all other pays or allowances, except when receiving HFP, as stated in paragraph 100201. The proration does not apply to the 31st of a month for Active and Reserve component members who are on active duty for 30 days or more. HFP will not be prorated. Members will receive the maximum monthly rate of special pay for the month in which the hostile fire or hostile fire mine explosion event occurred. Payment will be made for the full month, if a member is exposed to hostile fire or a hostile mine explosion on the 31st day of a month, and the member has not already received credit for the full monthly allowance. The following examples for payment on the 31st are provided:

Example 1: A member, on active duty for more than 30 days in an IDP area for the period March 31 through April 29, will receive IDP only for the period April 1 through 29.

Example 2: A member, on active duty for more than 30 days in an IDP area for the period March 31 through April 29, and is exposed to hostile fire or a hostile mine explosion on March 31, will be entitled to HFP for the entire month of March and IDP for the period April 1 through 29.

Example 3: A member, on active duty for less than 30 days in an IDP area for the period March 29 through April 20, will be entitled to IDP for the period March 29 through 31 and April 1 through 20 for a total of 23 days.

Example 4: A member, on active duty for less than 30 days in an IDP area for the period March 29 through April 20, and is exposed to hostile fire or a hostile mine explosion on March 31, will be entitled to the full monthly amount of HFP of \$225 for the month of March, and daily IDP for the period April 1 through 20.

## 1003 DETERMINATIONS OF FACT

## \*100301. Eligibility

The appropriate commander will certify that the member has met the requirements for entitlement to HFP for a given month.

A. Certification of entitlement will be made at the lowest level of command that includes all the vessels, aircraft, or units subjected to the hostile fire or explosion of hostile mine incident. For example, in the case of a single vessel subjected to hostile fire or explosion of hostile mines, the vessel's commanding officer should certify payment eligibility for all members on board. If two or more vessels are involved, then the commanding officer of the unit that includes all of the vessels should certify eligibility.

\* B. Certification will include the name and [appropriate payroll identification](#) number of each member entitled to the HFP, a short description of the incident, and when and

where it occurred. The certification should be forwarded directly to the servicing financial support office, [via the geographic Combatant Commander exercising operational control over the Service member\(s\) at the time of the hostile fire event.](#)

C. When the airspace is specifically included in an IDP area designation, members who perform official duty while flying over the area are eligible for IDP, even if they do not land in the area. When airspace is not specifically designated, members who perform duty over the area are not entitled to IDP unless they land in the area.

D. A member who performs duty on a vessel performing operational duty while in an area designated for IDP is eligible for IDP payments.

E. A death certificate or injury report may be substituted in place of the certification, if the document establishes the cause of the death or injury was due to hostile fire or an explosion of a hostile mine.

F. A member is not considered to be on official duty in a designated IDP area, and therefore, is not eligible for IDP pay, if the member is in the area:

1. While on leave from a duty station outside the IDP area, even if the outside location is another IDP area;

2. While merely transiting (as distinguished from performing official duty) by any means (including vessel, aircraft, and land conveyance) the IDP area as a consequence of traveling between two points, both outside the IDP [area](#); or

3. Solely for personal convenience.

#### 100302. Administration

Any determinations of fact made by commanders in the certification of hostile fire 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.

### 1004 SPECIAL SITUATIONS

#### 100401. Member Captured or Missing

A member entitled to HFP and/or IDP immediately before entering a status of missing, missing-in-action, interned in a foreign country or captured by a hostile force will continue to be credited with HFP and/or IDP for each month while in such a status. See Chapter 34 for additional information.

## 100402. Hospitalization

A member entitled to HFP and/or IDP, who is hospitalized for a wound or injury incurred as a result of hostile action, or while in the line of duty, incurs a wound, injury, or illness in a combat operation or combat zone designated by the Secretary of Defense, and is hospitalized outside of the theater of the combat operation or the combat zone for the treatment of the wound, injury, or illness, is entitled to HFP and/or IDP for each month hospitalization continues, up to an additional 3 months after the month in which the wound, injury, or illness occurred. Members may be entitled to HFP and/or IDP for up to 12 months from the date of hospitalization under the Pay and Allowance Continuation (PAC) Program. See Chapter 13 for PAC entitlement eligibility.

## 100403. Absences

The following examples are provided for absences from the IDP area:

A. A member, who takes leave in the IDP designated area that the member is assigned for duty, remains entitled to the payment of IDP.

B. A member, who takes leave in an IDP area that the member is not assigned for duty, is not eligible for the payment of IDP. See subparagraph 100301.F.1.

C. A member, who takes leave in an area not designated as an IDP area, is not eligible for the payment of IDP for the period of the absence.

D. A member, assigned for duty in an IDP area that performs temporary duty in an area not designated as an IDP area, is not eligible for the payment of IDP for the period of absence.

\*1005 Duration of Authority

HFP or IDP may not be paid to any person after the date on the [Duration of Authority](#) table. No payments will be made after the termination date unless the person's entitlement to the HFP or IDP commenced prior to that date.

\*Figure 10-1. IDP Areas

For the most current listings, see the [IDP](#) table on DFAS.MIL.

NOTES 1, 2, and 3

Area	Includes	Effective Dates	
		From	Through
Afghanistan	Land area and airspace	Nov 1, 1988	
Algeria	Land area	Mar 7, 1995	
Arabian Peninsula (Sea Area Adjacent to)	The surface area of the following sea boundaries: - Red Sea; - Gulf of Aden; - Gulf of Oman; and - Arabian Sea: north of 10° 00'N Latitude; and west of 68° 00'E Longitude	Sep 19, 2001	May 31, 2014
Azerbaijan	Land area	June 9, 1995	
*Bahrain	Land area and airspace	June 13, 1997	May 31, 2014
Burundi	Land area	Nov 29, 1996	
Cameroon			
- Far North	Land area	June 7, 2017	
- North	Land area	June 7, 2017	
Chad	Land area	Aug 11, 2008	
Colombia	Land area	June 1, 1985	
Congo, Democratic Republic of (formerly Zaire)	Land area	Nov 29, 1996	
Cote D'Ivoire	Land area	Feb 27, 2003	
Cuba	Limited to Service members performing duties within the Joint Task Force Guantanamo Bay Detention Facilities	Dec 26, 2006	
Djibouti	Land area	July 31, 2002	
East Timor	Land area	Oct 31, 2001	May 31, 2014
Egypt	Land area	Jan 29, 1997	
Eritrea	Land area	July 31, 2002	
Ethiopia	Land area	Sep 13, 1999	
Greece	Land area within a 20-km radius from the center of Athens (38° 01' N, 23° 44' E)	Mar 27, 2007	Dec 1, 2017
Haiti	Land area	Nov 23, 1994	May 31, 2014

\*Figure 10-1. IDP Areas (Continued)

For the most current listings, see the [IDP](#) table on DFAS.MIL.

NOTES 1, 2, and 3

Area	Includes	Effective Dates	
		From	Through
Indonesia City of Jakarta Provinces of: Central Java, East Kalimantan, Central Sulawesi, Papua Region of Aceh	Land area	Oct 31, 2001 June 1, 2014  June 1, 2014 June 1, 2014 June 1, 2014 June 1, 2014 June 1, 2014	May 31, 2014
Iran	Land area	Nov 4, 1979	
Iraq	Land area and airspace	Sep 17, 1990	
Israel	Land area	Jan 31, 2002	
Jordan	Land area	Jan 29, 1997	
Kenya	Land area	July 31, 2002	
Kosovo	Land area and airspace	June 22, 1992	
Kuwait	Land area and airspace	Aug 6, 1990	May 31, 2014
Kyrgyzstan	Land area	Sep 19, 2001	May 31, 2014
Lebanon	Land area	Oct 1, 1983	
Liberia	Land area	Aug 6, 1990	May 31, 2014
Libya	Land area and airspace	Mar 19, 2011	
Malaysia State of Sabah	Land area	Oct 31, 2001 June 1, 2014	May 31, 2014
*Mali	Land area	Feb 5, 2013 June 7, 2017	Sep 30, 2013
Mediterranean Sea	Water area of the Mediterranean Sea extending from the North African Coast northward into Mediterranean Sea, bounded on the east at 26° 00' E longitude; extending north to: 34° 35' N latitude; and extending west to: the East Coast of Tunisia	Mar 19, 2011	
Montenegro	Land area and airspace	June 22, 1992	May 31, 2014
*Niger	Land area	June 7, 2017	
Oman	Land area	Sep 19, 2001	May 31, 2014
Pakistan	Land area	Nov 29, 1996	

\*Figure 10-1. IDP Areas (Continued)

For the most current listings, see the [IDP](#) table on DFAS.MIL.

NOTES 1, 2, and 3

Area	Includes	Effective Dates	
		From	Through
Persian Gulf	Water area and airspace	Mar 1, 1998	May 31, 2014
Philippines * Mindanao, Island of * Sulu Archipelago Island of	Land area Land Area Land Area	Oct 31, 2001 Oct 5, 2017 Oct 5, 2017	Dec 31, 2015
Qatar	Land area and airspace	Aug 7, 1997	May 31, 2014
Rwanda	Land area	Oct 6, 1997	May 31, 2014
Saudi Arabia	Land area and airspace	Aug 2, 1990	May 31, 2014
Serbia	Land area and airspace (includes the province of Vojvodina)	June 22, 1992	May 31, 2014
Somalia	Land area and airspace	Sep 28, 1992	
Somalia Basin	Water area of the Somalia Basin with coordinates: - 11°10'N-51°15'E; - 06°00'N-48°30'E; - 05°00'N-50°30'E; - 11°30'N-53°34'E; - 05°00'N-50°30'E; - 01°00'N-47°00'E; - 03°00'S-43°00'E; - 01°00'S-41°00'E; and - 06°00'N-48°30'E	Dec 26, 2006	
South Sudan	Land area and airspace	July 9, 2011	
Sudan	Land area and airspace	Oct 4, 1993	
Syria	Land area Airspace	July 31, 2003 Sep 21, 2014	
Tajikistan	Land area	Mar 31, 1997	May 31, 2014
Tunisia	Land area and airspace	Mar 19, 2011	

\*Figure 10-1. IDP Areas (Continued)

For the most current listings, see the [IDP](#) table on DFAS.MIL.

NOTES 1, 2, and 3

Area	Includes	Effective Dates	
		From	Through
Turkey	- Land area excluding the Turkish Straits (i.e., the Dardanelles; the Sea of Marmara; and the Bosphorus Straits).	Jan 29, 1997	
Izmir	- Airspace south of 37°45'N and east of 43°00'E  - Geographic area encompassing a 40 mile radius from the center of Izmir	Mar 1, 1998  Jan 29, 1997	Oct 24, 2014
Uganda	Land area	Jan 19, 2000	
United Arab Emirates	Land area	Sep 19, 2001	May 31, 2014
Uzbekistan	Land area	Sep 19, 2001	May 31, 2014
Yemen	Land area	May 25, 1999	

**NOTES:**

1. The designation of a land area encompasses all internal waters, unless otherwise noted. For HFP and/or IDP purposes, the term “internal waters” is defined as waters landward of the baseline, drawn in accordance with international law.
2. The designation of a water area (such as the Persian Gulf) includes the territorial seas of those waters, but not the internal waters of the coastal lands. For example, all waters of the Persian Gulf seaward of the baseline of the coastal states, drawn in accordance with international law, would be included in the Persian Gulf designation.
3. Unless otherwise specifically indicated, airspace is NOT part of the included area. When airspace is specifically included, it will normally be that space directly vertically above the approved land or sea area.

## \*REFERENCES

**CHAPTER 10 - SPECIAL PAY - DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER**

## 1002 – ENTITLEMENT PROVISIONS

[37 U.S.C. § 351](#)DoD Instruction ([DoDI](#)) 1340.09, January 26, 2018

100202

[37 U.S.C. § 351](#)[Under Secretary of Defense \(USD\) Personnel and Readiness \(P&R\) Memo, January 31, 2012](#)

## 1003 – DETERMINATIONS OF FACT

[DoDI 1340.09, January 26, 2018](#)

100301.B

[DoDI 1340.09, January 26, 2018, paragraph 3.2.b.\(2\)](#)

## 1004 – SPECIAL SITUATIONS

100402

[37 U.S.C. § 372](#)

## 1005 – DURATION OF AUTHORITY

[37 U.S.C. § 351](#)

## Figure 10-1

Afghanistan

[DoD Office of General Counsel Memo, October 25, 1988](#)  
[Office of the USD \(OUSD\) \(P&R\) Memo, March 27, 2007](#)  
[USD \(P&R\) Memo, December 31, 2013](#)

Algeria

[Assistant Secretary of Defense \(ASD\) Force Management Policy \(FMP\) Memo, March 7, 1995](#)  
[OUSD \(P&R\) Memo, March 27, 2007](#)  
[USD \(P&R\) Memo, December 31, 2013](#)

Arabian Peninsula and Adjacent Seas

[Secretary of Defense Memo, September 19, 1990](#)  
[Secretary of Defense Memo, December 10, 1990](#)  
[OUSD \(P&R\) Memo, March 27, 2007](#)  
[USD \(P&R\) Memo, December 31, 2013](#)

Azerbaijan

[ASD \(FMP\) Memo, June 9, 1995](#)  
[OUSD \(P&R\) Memo, March 27, 2007](#)



	USD (P&R) Memo, December 31, 2013
Bahrain	ASD (FMP) Memo, June 13, 1997 OUSD (P&R) Memo, March 27, 2007 USD (P&R) Memo, December 31, 2013
Burundi	ASD (FMP) Memo, November 29, 1996 OUSD (P&R) Memo, March 27, 2007 USD (P&R) Memo, December 31, 2013
Cameroon	
Far North	USD (P&R) Memo, March 5, 2018
North	USD (P&R) Memo, March 5, 2018
Chad	OUSD (P&R) Memo, August 11, 2008 USD (P&R) Memo, December 31, 2013
Colombia	<a href="#">ASD Manpower Installations and Logistics Memo, May 8, 1985</a> OUSD (P&R) Memo, March 27, 2007 USD (P&R) Memo, December 31, 2013
Congo, Democratic Republic of	ASD (FMP) Memo, November 29, 1996 OUSD (P&R) Memo, March 27, 2007 USD (P&R) Memo, December 31, 2013
Cote D'Ivoire	<a href="#">USD (P&amp;R) Memo, February 27, 2003</a> OUSD (P&R) Memo, March 27, 2007 USD (P&R) Memo, December 31, 2013
Cuba	USD (P&R) Memo, December 31, 2013
Djibouti	<a href="#">ASD (FMP) Memo, July 31, 2002</a> OUSD (P&R) Memo, March 27, 2007 USD (P&R) Memo, December 31, 2013
East Timor	<a href="#">ASD (FMP) Memo, October 31, 2001</a> USD (P&R) Memo, December 31, 2013
Egypt	<a href="#">ASD (FMP) Memo, January 29, 1997</a> OUSD (P&R) Memo, March 27, 2007 USD (P&R) Memo, December 31, 2013
Eritrea	<a href="#">ASD (FMP) Memo, July 31, 2002</a> OUSD (P&R) Memo, March 27, 2007

USD (P&R) Memo, December 31, 2013

Ethiopia [ASD \(FMP\) Memo, September 13, 1999](#)  
OUSD (P&R) Memo, March 27, 2007  
USD (P&R) Memo, December 31, 2013

Greece OUSD (P&R) Memo, March 27, 2007  
USD (P&R) Memo, December 31, 2013  
ASD Manpower & Reserve Affairs (M&RA) Memo,  
September 1, 2017

Haiti [USD \(P&R\) Memo, September 16, 1994](#)  
[ASD \(FMP\) Memo, November 23, 1994](#)  
OUSD (P&R) Memo, March 27, 2007  
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Kuwait	<a href="#">ASD (FMP) Memo, August 6, 1990</a> OUSD (P&R) Memo, March 27, 2007 USD (P&R) Memo, December 31, 2013
Kyrgyzstan	OUSD (P&R) Memo, March 27, 2007 USD (P&R) Memo, December 31, 2013
Lebanon	OUSD (P&R) Memo, March 27, 2007 USD (P&R) Memo, December 31, 2013
Liberia	<a href="#">ASD (FMP) Memo, August 6, 1990</a> OUSD (P&R) Memo, March 27, 2007 USD (P&R) Memo, December 31, 2013
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Oman	OUSD (P&R) Memo, March 27, 2007 USD (P&R) Memo, December 31, 2013
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Qatar	ASD (FMP) Memo, August 7, 1997 OUSD (P&R) Memo, March 27, 2007 USD (P&R) Memo, December 31, 2013
Rwanda	ASD (FMP) Memo, October 6, 1997 OUSD (P&R) Memo, March 27, 2007 USD (P&R) Memo, December 31, 2013
Saudi Arabia	OUSD (P&R) Memo, March 27, 2007 USD (P&R) Memo, December 31, 2013
Serbia	<a href="#">ASD (FMP) Memo, June 22, 1992</a> OUSD (P&R) Memo, March 27, 2007 <a href="#">OUSD (P&amp;R) Memo, March 26, 2009</a> USD (P&R) Memo, December 31, 2013
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Tajikistan	<a href="#">ASD (FMP) Memo, March 31, 1997</a> OUSD (P&R) Memo, March 27, 2007 USD (P&R) Memo, December 31, 2013
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## VOLUME 7A, CHAPTER 11: “SPECIAL PAY – DIVING DUTY”

### SUMMARY OF MAJOR CHANGES

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [bold, italic, blue, and underlined font](#).

The previous version dated [September 2017](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Updated hyperlinks and formatting to comply with current administrative instructions.	Revision
110102	Updated the “Authoritative Guidance” paragraph to comply with administrative instructions.	Revision
1102	Renamed “Entitlements” to “Diving Duty Hazardous Duty Incentive Pay” and updated the section in accordance with the Department of Defense Instruction 1340.09, dated January 26, 2018. Renumbered subsequent paragraphs.	Revision
110206	Updated the “Rates Payable” paragraph with information on proration of HDIP.	Revision
110207	Updated the paragraph to reference the “Diving Duty Pay Rates” table on DFAS.MIL. Added a hyperlink to the table.	Revision
110209	Added the “Duration of Authority” paragraph in accordance with Title 37, United States Code (U.S.C.), section 351. Added a hyperlink to the “Duration of Authority” table on DFAS.MIL.	Addition
1103	Added the “Master Diver Skill Incentive Pay” section per the Under Secretary of Defense (Personnel and Readiness) Memorandum, Master Diver Skill Incentive Pay, dated January 26, 2018.	Addition
110307	Added the “Duration of Authority” paragraph in accordance with 37 U.S.C. § 353. Added a hyperlink to the “Duration of Authority” table on DFAS.MIL.	Addition
Table 11-4 Table 11-7	Updated the Navy Enlisted and Marine Corps Officers “Diving Duty Pay Rates” table.	Revision
References	Renamed “Bibliography” to “References” and updated supporting statutes and references.	Revision

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## CHAPTER 11

SPECIAL PAY - DIVING DUTY

## 1101 GENERAL

## 110101. Purpose

This chapter provides the policy governing special pay entitlements applicable to diving duty for all of the Military Services.

## \*110102. Authoritative Guidance

The pay policies and requirements established by Department of Defense in this chapter are derived primarily from, and prepared in accordance with Title 37, United States Code (U.S.C.). Due to the subject matter in this chapter, the list of authoritative sources is extensive. The specific statutes, regulations, and other applicable guidance that govern each individual section are listed in a reference section at the end of the chapter.

## \*1102 DIVING DUTY HAZARDOUS DUTY INCENTIVE PAY (HDIP)

## 110201. Entitlement

The Secretary concerned may pay HDIP to Service members required by competent orders to participate in diving duty as part of their primary duty.

## 110202. Requirements

Service members entitled to basic pay may be eligible for HDIP for diving duty for periods during which they are:

- A. Assigned by competent orders to the duty of diving,
  - B. Required to maintain proficiency as a diver by frequent and regular dives,
- and
- C. They are either:
    1. Actually performing diving duty while serving in an assignment for which diving is a primary duty, or
    2. Meeting the requirements to maintain proficiency as a diver by frequent and regular dives while serving in an assignment that includes diving other than as a primary duty.

## 110203. Suspension

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

## 110204. Conditions

See Table 11-1 for conditions which further affect entitlement to diving duty pay. Additional conditions of service may be imposed by the Secretary concerned.

## 110205. Qualifications for Diving Duty

A. Army

Except as noted in Tables 11-2 and 11-3, an Army member must be a rated diver in accordance with [Army Regulation \(AR\) 611-75](#) and be assigned to:

1. A Table of Organization and Equipment or Table of Distribution and Allowance position in Skill Classification/Military Occupational Specialty, Special Qualification Identifier, or Additional Skill Identifier (ASI) specified in AR 611-75; or

2. A position designated as diving duty by the Deputy Chief of Staff Personnel.

B. Navy and Marine Corps

Members must be designated divers, assigned to diving duty under competent orders, and maintain their qualifications for diving.

C. Air Force

Service members must:

1. Successfully complete an approved Department of Defense course for underwater swimmers,

2. Be under orders for diving duty as authorized by their Major Command, and

3. Meet the other qualification standards prescribed by current Air Force Instructions.

\*110206. Rates Payable

Service members who meet the eligibility criteria, but who do not participate in a full calendar month of dive duty, will receive a prorated HDIP payment.

A. Officers assigned to diving duty are entitled to special pay for diving duty at a rate of not more than \$240 per month.

B. Enlisted members assigned to diving duty are entitled to special pay for diving duty at a rate of not more than \$340 per month.

110207. Specific Rates Payable

See Tables 11-2 through 11-9. The most current rates are in the [Diving Duty Pay Rates](#) table on DFAS.MIL.

110208. Restrictions on Payment

A. When assigned by orders to both diving duty and hazardous duty for the same period, a member may be paid special pay for diving duty and not more than three incentive payments for hazardous duty from among those listed in Chapter 22 and Chapter 24.

B. No member is entitled to receive special pay for performing diving duty after diving qualifications have lapsed. Upon requalification, no payments will be made for the period of the lapsed qualification.

\*110209. Duration of Authority

Unless authorized by Congress, no diving duty HDIP payment may be paid after the termination date on the [Duration of Authority](#) table.

\*1103 MASTER DIVER SKILL INCENTIVE PAY (MDSIP)

110301. Authority

Title 37, U.S.C. § [353](#) and the Under Secretary of Defense (Personnel and Readiness) (USD(P&R)) Memorandum, Master Diver Skill Incentive Pay, dated January 26, 2018, provides the authority for the Secretaries of the Military Departments to offer MDSIP to Service members who:

- A. Are qualified in a critical diving specialty, and
- B. Maintains proficiency as a diver through frequent and regular dives.

## 110302. Eligibility

The Secretaries of the Military Departments may pay MDSIP to qualified Service members serving in critical diving specialties designated by the Secretary concerned. Qualifying Service members must be proficient in performance of one of the following critical diving skill areas:

- A. Supervision and training of members who are qualified in the full spectrum of diving apparatus and gas mixtures;
- B. Diving, salvage, and ship underwater repair operations;
- C. Surface and under water demolition operations for salvage, ship husbandry, or underwater construction operations;
- D. Operation, maintenance, and certification of deep dive systems and equipment; or
- E. Operation of special operations underwater vehicles requiring the use of an underwater breathing apparatus.

## 110303. Additional Guidelines

A. In addition to being qualified in one of the critical skill areas listed in paragraph 110302, a Regular or Reserve Component Service member must meet the eligibility criteria for diving duty (HDIP) outlined in section 1102, and any additional criteria prescribed by the Secretary concerned.

B. Service members qualified solely in the use of a self-contained underwater breathing apparatus are not authorized MDSIP.

C. Reserve Component members entitled to compensation pursuant to 37 U.S.C. § 206 are eligible for MDSIP at the discretion of the Secretary of the Military Department concerned. The amount authorized will be equal to 1/30th of the monthly MDSIP authorized by the Military Department concerned for each period of inactive duty training.

## 110304. Payment Method and Amount

A. Rates. In accordance with paragraph 110301, the Military Departments may pay monthly MDSIP to qualified Service members who meet the MDSIP eligibility requirements. The amount may not exceed:

- 1. \$340 per month for enlisted members, or
- 2. \$240 per month for officers.

B. Multiple Payments.

1. Under the provisions of 37 U.S.C. § 353, a Service member may not be paid more than one skill incentive pay in any month for the same period of service or skill.

2. A member may not be paid a skill incentive pay under 37 U.S.C. § 353, and hazardous duty pay under 37 U.S.C. § 351, for the same period of service in the same career field or skill for which the payment is made.

C. Proration. If a Service member does not satisfy the eligibility requirements for MDSIP for an entire month, the Secretary concerned will prorate the payment to reflect the duration of the member's actual qualifying service during the month.

D. Repayment. Repayment of any unearned portion or overpayment will be in accordance with the provisions of Chapter 2; Volume 16, Chapter 3; and 37 U.S.C. § 373.

110305. Restrictions

A. Service members temporarily unable to perform diving duty due to a physical or medical condition, not the result of the member's own misconduct, may continue to receive MDSIP for up to 6 months. After 6 months, MDSIP will be terminated and may not be reinstated until the condition resulting in the physical or medical restriction is corrected and the member is again certified for diving duty by a competent Medical Officer.

B. Service members permanently disqualified or otherwise determined to be no longer eligible to perform diving duty are not eligible for MDSIP in accordance with paragraph 110301 or any additional criteria prescribed by the Military Departments concerned.

C. Service members are not authorized MDSIP for any period of unauthorized absences.

D. Service members who receive MDSIP and fail to satisfy the eligibility requirements for receipt of pay will be subject to having the pay terminated.

110306. Written Agreement

The Secretary of the Military Department concerned will establish Service specific instructions for the administration of MDSIP in accordance with paragraph 110301. The instructions may require a member to enter into a written agreement in order to qualify for MDSIP. The written agreement must specify the period for which the Service member will receive the skill incentive pay and the monthly rate of the pay.

\*110307. Duration of Authority

Unless authorized by Congress, no MDSIP payment may be entered into after the date on the *Duration of Authority* table.

Table 11-1. Diving Duty Pay - Conditions of Entitlement

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>
	<b>When a member entitled to diving duty pay</b>	<b>and</b>	<b>then diving duty pay</b>
<b>1</b>	is removed from diving duty or the member's diving qualifications lapse		ceases on the date of removal or lapse.
<b>2</b>	is hospitalized as a result of a diving accident		accrues for not more than 90 days while hospitalized.
<b>3</b>	is hospitalized not as a result of a diving accident		accrues for the first 30 days.
<b>4</b>	is on leave in a pay status		
<b>5</b>	is on Temporary Additional Duty (TAD)/Temporary Duty (TDY) other than diving duty		
<b>6</b>	is on TAD/TDY for diving duty purposes		continues to accrue (note 1).
<b>7</b>	is in confinement awaiting trial by court-martial	is subsequently acquitted or charges are dismissed	accrues retroactively to date of confinement.
<b>8</b>		is subsequently convicted	does not accrue from first day of confinement through the day before the date restored to a full duty status.
<b>9</b>	is in confinement under sentence of a court-martial		
<b>10</b>	is reassigned Permanent Change of Station (PCS) and no TAD/TDY is required enroute 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).
<b>11</b>	is reassigned PCS and no TAD/TDY is required enroute 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.
<b>12</b>	is reassigned PCS and TAD/TDY is required enroute to the new duty station	PCS orders require diving duty at the TAD/TDY station and new duty station, and actually performs diving duty	continues to accrue (notes 1 and 2).
<b>13</b>		PCS orders require diving duty at the TAD/TDY station but not the new duty station	continues to accrue through the date of detachment from the TAD/TDY station (notes 1 and 2).

Table 11-1. Diving Duty Pay - Conditions of Entitlement (Continued)

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>
	<b>When a member entitled to diving duty pay</b>	<b>and</b>	<b>then diving duty pay</b>
<b>14</b>	is reassigned PCS and TAD/TDY is required enroute to the new duty station	PCS orders do not require diving duty at TAD/TDY station	accrues through the date of detachment from the old duty station.
<b>15</b>	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.
<b>16</b>	is discharged and immediately reenlists at the same station without a break in service	diving duty orders are not specifically terminated	continues to accrue.
<b>17</b>		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, then 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 enroute, then diving duty pay will continue to accrue up to 30 days, if the member has otherwise met the requirements for diving duty pay.



Table 11-2. Diving Duty Pay Rates - Army Enlisted

<b>R U L E</b>	<b>A</b>	<b>B</b>
	<b>If an Army enlisted member is (note 1)</b>	<b>then the member may receive diving duty pay at the monthly rate of</b>
<b>1</b>	assigned to diving duty under instruction at an approved Armed Services diving school (note 2)	\$110
<b>2</b>	Master Diver	\$340
<b>3</b>	Diver First Class	\$215
<b>4</b>	Salvage Diver	\$175
<b>5</b>	Diver Second Class	\$150
<b>6</b>	Combat Diver (note 3)	\$215

**NOTES:**

1. Except as otherwise noted, eligibility commences on the date of assignment to diving duty under a listed category after graduation from the requisite diving course.
2. Eligibility commences on the date of first dive and continues through the date dropped from the course or the date of graduation, whichever is earlier.
3. The combat diver rating applies to members serving primarily in Special Operations Forces (SOF) units who are assigned to positions that require Special Forces Underwater Operations Systems qualifications and hold a combat diver rating in accordance with AR 611-75.

Table 11-3. Diving Duty Pay Rates - Army Officers

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>
	<b>If an Army officer is (note 1)</b>	<b>and has a special identifying code</b>	<b>then the officer may receive diving duty pay at the monthly rate of</b>
<b>1</b>	assigned to diving duty under instruction at an approved Armed Services diving school (note 2)		\$110
<b>2</b>	Marine Diving Officer	ASI 5V	\$240
<b>3</b>	Combat Diver (note 3)		\$215
<b>4</b>	Diving Medical Officer		\$215

**NOTES:**

1. Except as otherwise noted, eligibility commences on the date of assignment to diving duty under a listed category after graduation from the requisite diving course.
2. Eligibility commences on the date of first dive and continues through the date dropped from the course or the date of graduation, whichever is earlier.
3. The combat diver rating applies to members serving primarily in SOF units who are assigned to positions that require Special Forces Underwater Operations Systems qualifications and hold a combat diver rating in accordance with AR 611-75.

\*Table 11-4. Diving Duty Pay Rates - Navy Enlisted

<b>R</b>	<b>A</b>	<b>B</b>	<b>C</b>
<b>U</b>	<b>If a Navy enlisted member is</b>	<b>with an Navy</b>	<b>then the member may receive</b>
<b>L</b>	<b>(note 1)</b>	<b>Enlisted</b>	<b>diving duty pay at the monthly</b>
<b>E</b>		<b>Classification</b>	<b>rate of</b>
		<b>of</b>	
<b>1</b>	assigned to diving duty under instruction at an approved Armed Services diving school (note 2)		\$150
<b>2</b>	Master Diver	MMDV	\$340
<b>3</b>	Master Underwater Construction Diver	B18A	\$340
<b>4</b>	First Class Diver	M1DV	\$315
<b>5</b>	Underwater Construction Technician Advanced	B16A	\$215
<b>6</b>	Underwater Construction Technician Basic	B17A	\$150
<b>7</b>	Second Class Diver	M2DV	\$215
<b>8</b>	Self-Contained Underwater Breathing Apparatus (SCUBA) Diver	840A	\$150
<b>9</b>	Fleet Marine Force (FMF) Reconnaissance Independent Duty Corpsman	L02A	\$215
<b>10</b>	FMF Reconnaissance Corpsman	L11A	\$215
<b>11</b>	Medical Deep Sea Diving Technician	L27A	\$215
<b>12</b>	Deep Sea Diving Technician Independent Duty Corpsman	L27A	\$215
<b>13</b>	Explosive Ordnance Disposal (EOD) Mobile Unit Apprentice	M06A	\$150
<b>14</b>	Basic EOD Technician	M02A	\$215
<b>15</b>	Special Warfare Operator	O26A	\$215
<b>16</b>	Special Warfare Operator (SEAL) Candidate	O20A	\$150
<b>17</b>	Senior EOD Technician	M03A	\$215
<b>18</b>	Master EOD Technician	M04A	\$215
<b>19</b>	SEAL Delivery Vehicle Operator	O23A	\$340

**NOTES:**

1. Except as otherwise noted, eligibility commences on the date of graduation from the requisite diving course, with assignment to diving duty under a listed category.
2. Eligibility commences on the date of first dive.

Table 11-5. Diving Duty Pay Rates - Navy Officers

R U L E	A	B	C
	If a Navy officer is	and has a designator of	then the officer may receive diving duty pay at the monthly rate of
1	assigned to diving duty under instruction at an approved Armed Services diving school (note 1)	various	\$150
2	Diving Officer (SCUBA) (note 2)	various	\$150
3	Diving Officer (note 3)	various	\$240
4	EOD Officer (note 4)	114X, 119X, 648X, 748X	\$240
5	Special Warfare Officer (note 5)	113X, 615X, 715X	\$240
6	Special Warfare Officer – Student (note 1)	118X	\$150
7	Medical (Diving Undersea) Officer (note 4)	210X	\$240
8	Diving Chief Warrant Officer (note 5)	720X	\$240

**NOTES:**

1. Eligibility commences on the date of first dive.
2. Must have completed SCUBA course of instruction, Course Identification Number A 433-0023.
3. Eligibility commences in accordance with paragraph 110201.
4. Except as otherwise noted, entitlement commences on the date of graduation from the requisite diving course, with assignment to diving duty under a listed category.
5. Eligibility commences on assignment of the designator.

Table 11-6. Diving Duty Pay Rates - Marine Corps Enlisted

R U L E	A	B	C
	If a Marine Corps enlisted member is (note 1)	and has a special identifying code of	then the member may receive diving duty pay at the monthly rate of
1	assigned to diving duty under instruction at an approved Armed Services diving school (note 2)		\$150
2	Combatant Diver	0324/0326/8024/ 8026	\$215

**NOTES:**

1. Except as otherwise noted, eligibility commences on the date of assignment to diving duty under a listed category after graduation from the Combatant Diver course.
2. Eligibility commences on the date of first dive and continues through the date dropped from the course or the date of graduation, whichever is earlier.

\*Table 11-7. Diving Duty Pay Rates - Marine Corps Officers

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>
		<b>If a Marine Corps officer is (note 1)</b>	<b>and has a special identifying code of</b>
<b>1</b>	assigned to diving duty under instruction at an approved Armed Services diving school (note 2)		\$150
<b>2</b>	Combatant Diver	8024/8026	<b>\$215</b>

**NOTES:**

1. Except as otherwise noted, eligibility commences on the date of assignment to diving duty under a listed category after graduation from the Combatant Diver course.
2. Eligibility commences on the date of first dive and continues through the date dropped from the course or the date of graduation, whichever is earlier.

Table 11-8. Diving Duty Pay Rates - Air Force Enlisted

<b>R U L E</b>	<b>A</b>	<b>B</b>
		<b>If an Air Force enlisted member is</b>
<b>1</b>	SCUBA Diver	\$110
<b>2</b>	Para rescue Diver	\$150

Table 11-9. Diving Duty Pay Rates - Air Force Officers

<b>R U L E</b>	<b>A</b>	<b>B</b>
		<b>If an Air Force Officer is</b>
<b>1</b>	assigned to diving duty	\$150

## \*REFERENCES

## SPECIAL PAY - DIVING DUTY

## 1101 - GENERAL

37 U.S.C. § 304

## 1102 - DIVING DUTY HDIP

Department of Defense Instruction 1340.09,  
January 26, 2018

37 U.S.C. § 351

110206

37 U.S.C. § 304(b)

110209

37 U.S.C. § 351

## 1103 - MASTER DIVER SKILL INCENTIVE PAY

USD (P&amp;R) Memorandum, January 26, 2018

37 U.S.C. § 353

37 U.S.C. § 351

110304

USD (P&amp;R) Memorandum, January 26, 2018

110307

37 U.S.C. § 353

## Table 11-3

## Rule 4

Department of the Army (DA), Office of the Deputy  
Chief of Staff (ODCS) G-1 Memo, May 10, 2007  
DA ODCS G-1 Memo, May 24, 2007  
AR 611-75, [October 16, 2015](#)

## Table 11-5

Department of the Navy, Bureau of Naval Personnel  
(BUPERS), 7220 Series BUPERS - 3/377,  
June 18, 2009[Naval Military Personnel Manual 1220-260 CH-64,](#)  
[August 2, 2018](#)

## Table 11-7

[Marines Administrative Message 449/18,](#)  
[August 22, 2018](#)

**VOLUME 7A, CHAPTER 12: “PURPORTED MARRIAGES”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

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<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
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120102	Updated the “Authoritative Guidance” paragraph to comply with current administrative instructions.	Revision
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## CHAPTER 12

**PURPORTED MARRIAGES**

## 1201 GENERAL

## 120101. Purpose

The purpose of this chapter is to establish policy for purported marriages and the related impact to military pay.

## \*120102. Authoritative Guidance

The pay policies and requirements established by the Department of Defense in this chapter are derived primarily from, and prepared in accordance with Title 37, United States Code (U.S.C.), section [423](#).

## 1202 VALIDATION OF PAYMENTS BASED ON PURPORTED MARRIAGES

## 120201. Authority for Validation

A payment of an allowance based on a purported marriage that is made under 37 U.S.C. [§ 423](#) or prior laws, before the marriage is annulled or terminated is 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, the Secretary of the Military Department concerned or a person designated by the Secretary of the Military Department concerned makes a finding of good faith.

## 120202. Responsibility for Validation

Findings of good faith under subparagraph 120201.B are submitted to the offices listed in Chapter [26, Table 26-11](#). Purported marriages requiring such findings are listed in Chapter [26](#).

## 120203. Payments Not Validated

Payments based on invalid marriages are erroneous payments or overpayments unless validated.



\*REFERENCES

**CHAPTER 12 – PURPORTED MARRIAGES**

1202 – VALIDATION OF PAYMENTS BASED ON PURPORTED MARRIAGES

37 U.S.C. § 423

**VOLUME 7A, CHAPTER 13: “ILLNESS OR INJURY PAYMENT PROGRAMS”****SUMMARY OF MAJOR CHANGES**

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## CHAPTER 13

## ILLNESS OR INJURY PAYMENT PROGRAMS

## 1301 GENERAL

## 130101. Purpose

This chapter describes the payment programs authorized for military personnel, who, while serving in the line of duty, are either injured, wounded, or became ill, or who have a permanent catastrophic injury or illness and require a caregiver.

## 130102. Authoritative Guidance

The bibliography at the end of this chapter lists the authoritative references.

## 1302 PAY AND ALLOWANCE CONTINUATION (PAC) PROGRAM

## 130201. General

Effective May 15, 2008, the Secretary of Defense authorized the PAC Program for Service members of the Regular or Reserve Components (RC).

## 130202. Eligibility

To be eligible, Service members must have been wounded, ill, or injured in a combat zone, a hostile fire area, or while exposed to a hostile fire event, and hospitalized for treatment of such wound, injury, or illness. Service members may be considered hospitalized if their orders indicate attachment or assignment to a medical/patient unit for duty. The phrase “medical or patient unit” may be subject to refinement, consistent with statute, by the Military Department concerned.

## 130203. Entitlement

A. Service members of the Regular or RC who incur a wound, injury, or illness in the line of duty while serving in a combat operation or a combat zone, while serving in a hostile fire area, or while exposed to a hostile fire event (regardless of location), and are hospitalized for treatment of the wound, injury, or illness, will continue to receive the pay and allowances the member was receiving at the time of hospitalization. These pay and allowances include special and incentive pays, bonuses, and the daily incidental expense portion of the temporary duty allowance authorized for members deployed in a combat operation or combat zone.

B. For purposes of Hardship Duty Pay – Location (HDP-L), Service members serving on a temporary deployment, or attached duty of more than 30 days in a designated hardship duty location, and who are wounded, injured, or become ill within the first 30 days of serving in the designated area, will be considered eligible for HDP-L at the time the wound, injury or illness is incurred.

## 130204. Commencement of Payment

Continuation of pay and allowances under the PAC Program begins on May 15, 2008, or the date of the member's eligibility, whichever occurs later.

## 130205. Termination of Entitlement

The pay and allowances for Service members that meet the PAC Program eligibility requirements will continue until the end of the first month beginning after the earliest of the following dates:

A. The date on which the Service member is returned for assignment to other than a medical or patient unit for duty;

B. The date on which the Service member is discharged, separated, or retired (including temporary disability retirement) from the uniformed services; or

C. One year after the date on which the Service member is first hospitalized for the treatment of the wound, injury, or illness. The Principal Deputy Under Secretary of Defense (USD) for Personnel and Readiness (P&R) may extend the termination date in 6-month increments under extraordinary circumstances.

## 1303 SPECIAL COMPENSATION FOR ASSISTANCE WITH ACTIVITIES OF DAILY LIVING (SCAADL)

## 130301. General

The provisions of the SCAADL Program apply only to those Service members with qualifying injuries or illnesses incurred on or after August 31, 2011. The Secretary concerned may pay special compensation to eligible Service members of the Active or RC who have incurred or aggravated a permanent catastrophic illness or injury in the line of duty, and require a caregiver who provides non-medical care, support, and assistance to the member. The Department of Defense (DoD) Instruction (DoDI) 1341.12, "Special Compensation for Assistance with Activities of Daily Living Program," August 10, 2015 contains detailed instructions and procedures for initiating the SCAADL entitlement.

## 130302. Eligibility

In order to receive the SCAADL compensation, the Service member must:

A. Have a determination made, by a licensed DoD physician or a Veterans Affairs (VA)-licensed physician, that the member has a permanent catastrophic injury and needs assistance from another person to perform the personal functions required in everyday living, or requires constant supervision to avoid harm to self or others;

B. Have a determination made, by a DoD or a VA-licensed physician, that the member requires hospitalization, nursing home care, or other residential institutional care in the absence of such assistance;

C. Be an outpatient and no longer an inpatient at a military treatment facility, VA medical center, civilian hospital, nursing home, or other residential institutional care facility. Although individuals may be temporarily placed in an inpatient status for tests, examinations, or treatment, they remain eligible for the full monthly SCAADL payment if they are an outpatient at least 16 cumulative days a month. If the Service member is admitted as an inpatient for a period of at least 16 cumulative days in a month, then payment should be suspended until a post-discharge re-evaluation occurs to determine SCAADL eligibility;

D. Have a designated primary caregiver who provides assistance with at least one of the following Activities of Daily Living (ADL) due to the Service member's:

1. Inability to dress or undress;
2. Inability to bathe or groom in order to stay clean and presentable;
3. Frequent need of adjustment of any special prosthetic or orthopedic appliances, which by reason of the particular disability, cannot be done without aid. This does not include the adjustment of appliances that routinely require assistance for another person, such as supports, belts, and lacing at the back;
4. Inability to attend to toileting without assistance;
5. Inability to eat meals through loss of coordination of upper extremities or through extreme weakness or inability to swallow; or
6. Inability to guard against hazards or dangers incident to a regular, daily environment;

E. In addition to meeting at least one of the criteria in subparagraph 130302.D.1 through 6, the Service member must:

1. Require continual medical management or be at high risk for personal safety and unable to live independently in the community without caregiver support;
2. Require hospitalization, nursing home, or other residential institutional care, unless caregiver support provides personal care services at home in an ongoing manner;
3. Receive no concurrent services by another federal entity; or
4. Not be returned to duty by a physical evaluation board;

- F. Be unable to perform the duties of their office, grade, rank or rating; and
- G. Receive final eligibility certification from the unit commander or service designated representative.

130303. Restrictions

The following restrictions apply:

- A. Service members will not designate another military member in a pay status as their primary caregiver for the purpose of receiving SCAADL. All primary caregivers, with the exception of the Service member's spouse, must be at least 18 years of age.
- B. SCAADL is not paid to a Service member:
  - 1. If any other federal agency is providing outpatient or in-home services to assist the member with ADL or with supervision to avoid the Service member from harming themselves or others;
  - 2. If the Service member receives aid and attendance allowance from the VA in accordance with Title 38, United States Code (U.S.C.), section 1114(r)(2);
  - 3. If the Service member's primary caregiver receives a monthly caregiver stipend from the VA's Comprehensive Assistance for Family Caregivers Program;
  - 4. If the Service member qualifies for and accepts in-home assistance with ADL (custodial care), paid with supplemental health care program funds and provided by a TRICARE-authorized home health agency; or
  - 5. If the Service member is found fit by a Service physical evaluation board, or otherwise returned to duty status as unfit, but retained on active duty. The Service member will be removed from the SCAADL program in accordance with the Military Department's regulations.
- C. Service members or their designated representatives may appeal disapproval to receive SCAADL in accordance with respective Military Service appeal guidelines.
- D. Qualifying payments to Service members who receive SCAADL, in accordance with paragraph 130203, will terminate as detailed in subparagraph 130305.C.
- E. Service members must complete a re-evaluation every 6 months to validate dependency level and assure uninterrupted payment of the SCAADL benefit.
- F. Pursuant to 37 U.S.C. § 373, Service members no longer satisfying SCAADL eligibility requirements will repay any SCAADL allowances received after the member is returned to duty or removed from the SCAADL program.

G. Service members in receipt of SCAADL will recertify compensation upon a change in clinical status or geographical location.

H. All Service members hospitalized for 16 cumulative days or more of a month will be required to recertify upon release from the hospital.

#### 130304. Monthly Compensation

An online [SCAADL Calculator](#) is available to compute the approximate monthly SCAADL compensation. The military services will use the DoD [\(DD\) Form 2948](#), Special Compensation for Assistance with Activities of Daily Living (SCAADL) Eligibility, to document the Service member's eligibility for SCAADL. The following guidelines apply:

A. Monthly compensation is computed based on the Bureau of Labor Statistics (BLS) wage rate for a home health aide, using the 75th percentile of the hourly wage rate in the Service member's geographic area of residence. The BLS wage rates are updated annually and published effective January of each year. The amount of monthly compensation is calculated using the zip code of the geographic location where the Service member currently resides and the Service member's dependence level.

B. A three-tier system recognizing the variation in complexity of care required by the Service member and provided by the caregiver determines the monthly compensation. The member's Primary Care Manager (PCM) will assess the Service member's dependency level and assign a point value corresponding to the number of hours of care the member requires each week.

1. High Tier. It is presumed that a Service member who scores 21 or higher will require at least 40 hours per week of caregiver assistance.

2. Medium Tier. It is presumed that a Service member who scores 13-20 will require at least 25 hours per week of caregiver assistance.

3. Low Tier. It is presumed that a Service member who scores 1-12 will require at least 10 hours per week of caregiver assistance.

C. Service members or their designated representatives may appeal a PCM's determination of dependency level to their Service headquarters. The dependency level may also change if the Service member's condition changes and a reevaluation of the member's level of dependency is conducted.

#### 130305. Payment Period

The following guidelines apply to the period that the SCAADL entitlement may be paid:

A. Service members become eligible for the SCAADL entitlement on the date a licensed DoD or VA physician certifies that the member meets the eligibility criteria. If the certification is not on the first of the month, and the entitlement is continuous for more than



1 month, the first month will be prorated based on a 30-day month computation. The 31st day of the first month will be excluded.

B. Service members entitled to SCAADL for a continuous period of less than 1 month will receive payment for the actual number of days at the rate of 1/30th of the monthly amount. The 31st day of a calendar month may not be excluded from this computation.

C. SCAADL entitlement stops on:

1. The last day of the month in which a 90-day period ends after the date the Service member separates or retires. (For example, March 15 (separation date) plus 90 days equals June 13 (last day of entitlement is June 30));

2. The last day of the month during which a Service member dies (See Note);

3. The last day of the month a physician determines that a Service member no longer meets the eligibility requirements for SCAADL; or

4. The last day of the month preceding the month during which the Service member begins receiving aid and attendance from the VA under 38 U.S.C. § 1114(r)(2), or the Service member's primary caregiver begins receiving a monthly caregiver stipend from the VA under 38 U.S.C. § 1720G.

Note: This last SCAADL payment should be paid to the beneficiary in the unpaid pay and allowances [described in Chapter 36, section 3603](#).

\*BIBLIOGRAPHY

**ILLNESS OR INJURY PAYMENT PROGRAMS**

1302 - PAY AND ALLOWANCE CONTINUATION (PAC) PROGRAM

- \* 37 U.S.C. § 372  
Office of the USD (P&R) Memo, July 16, 2009

1303 - SPECIAL COMPENSATION FOR ASSISTANCE WITH ACTIVITIES OF DAILY LIVING (SCAADL)

- \* 37 U.S.C. § 439  
37 U.S.C. § 373  
DoDI 1341.12, August 10, 2015  
DoD Manual 1341.12, August 10, 2015

**VOLUME 7A, CHAPTER 14: “INCENTIVE FOR QUALIFIED MEMBERS  
EXTENDING DUTY AT DESIGNATED LOCATIONS OVERSEAS”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

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## CHAPTER 14

**INCENTIVE FOR QUALIFIED MEMBERS EXTENDING DUTY AT DESIGNATED LOCATIONS OVERSEAS**

## 1401 GENERAL

## 140101. Purpose

This chapter establishes policy pertaining to the incentive for qualified members extending duty at designated locations overseas.

## 140102. Authoritative Guidance

The bibliography at the end of this chapter lists the authoritative references.

## 1402 SPECIAL PAY OR BONUS

## 140201. Eligibility

Members of the Armed Forces may be entitled to a special pay or bonus if they:

- A. Are entitled to basic pay;
- B. Have a specialty that is designated by the Secretary of the Military Department concerned for the purposes of this entitlement;
- C. Have completed a tour of duty (as defined in accordance with regulations prescribed by the Secretary concerned) at a location outside the Continental United States (CONUS) that is designated by the Secretary of the Military Department concerned for the purposes of this entitlement; and
- D. Have completed that tour of duty and then execute an agreement to extend that tour for a period of not less than 1 year.

## 140202. Amount

When the Secretary of the Military Department concerned accepts the member's agreement to extend the tour of duty, the member becomes entitled, subject to the restrictions identified in paragraph 140205, to receive one of the following benefits:

- A. Special pay in monthly installments in an amount prescribed by the Secretary, but not to exceed \$80 per month; or
- B. An annual bonus in an amount prescribed by the Secretary, but not to exceed \$2,000 per year. The Secretary may pay a bonus in either a lump sum or monthly installments.

## 140203. Selection

Not later than the date the Secretary of the Military Department concerned accepts the agreement described in subparagraph 140201.D providing for the extension of a member's tour of duty, the Secretary of the Military Department concerned will notify the member regarding whether the member will receive special pay or bonus. The payment rate for the special pay or bonus will be fixed at the time of the agreement and may not be changed during the period of the extended tour of duty.

## 140204. Repayment

A member who, having entered into a written agreement to extend a tour of duty described in subparagraph 140201.D, and who receives a bonus payment but does not complete the obligated service in accordance with the agreement will be subject to the repayment provisions of Chapter 2.

## 140205. Restriction

A member, who elects to receive one of the benefits specified in section 1403 as part of the extension of a tour of duty, is not entitled to the special pay or bonus authorized in this section for the period of extension of duty for which the benefit is provided.

## 1403 SPECIAL REST AND RECUPERATIVE (SR&amp;R) ABSENCE

## 140301. Eligibility

A member who meets the eligibility requirements defined in paragraph 140201 may, in lieu of receiving the special pay or bonus, elect to receive one of the entitlements described in paragraph 140302.

## 140302. Entitlement

A member may elect, in lieu of a special pay or bonus, either:

A. A period of SR&R absence for not more than 30 days; or

B. A period of SR&R absence for not more than 15 days for members whose qualifying tour of duty is 12 months or less, and round-trip transportation at Government expense from the location of the extended tour of duty to the nearest port in the 48 contiguous States and return, or to an alternative destination and return at a cost not to exceed the cost of round-trip transportation from the location of the extended tour of duty to such nearest port; or

C. A period of SR&R absence for not more than 20 days for members whose qualifying tour of duty is longer than 12 months, and round-trip transportation at Government expense from the location of the extended tour of duty to the nearest port in the 48 contiguous States and return, or to an alternative destination and return at a cost not to exceed the cost of round-trip transportation from the location of the extended tour of duty to such nearest port.

NOTE: The provisions of SR&R are not effective unless the Secretary concerned determines that the application will not adversely affect combat or unit readiness.

140303. Travel Time

Travel time from the CONUS port, or alternate destination, to the SR&R absence point, and return is included in the 15-day or 20-day SR&R absence. This period will begin the day after the member arrives at the aerial port of debarkation and continue until the day before the member returns to the designated port. The non-chargeable leave period will continue until the day before the date of return to the designated port. Travel time to or from the CONUS port, or alternate destination, and overseas location is non-chargeable and not included in the 15-day or 20-day SR&R.

140304. Limitations

The 15-day or 20-day SR&R absence and round-trip transportation option may not be combined with any temporary duty or transportation entitlement that would result in the cost of the round-trip portion of the option exceeding the round-trip cost from the member's tour of duty station to the nearest CONUS port.

1404 SERVICE REGULATIONS

The following paragraphs provide hyperlinks for service entitlements, policies, and procedures for the previous prescribed incentives:

140401. Army

[\*Army Regulation 614-30\*](#), Chapter 6, section 6-3

140402. Navy

[\*Naval Military Personnel Manual 1306-300\*](#)

140403. Air Force

[\*Air Force Instruction 36-2110\*](#), Chapter 3

140404. Marine Corps

[\*Marine Corps Order 1300.8\*](#), Chapter 6, section 13

\*BIBLIOGRAPHY

**CHAPTER 14 - INCENTIVE FOR QUALIFIED MEMBERS EXTENDING DUTY AT DESIGNATED LOCATIONS OVERSEAS**

1402 – SPECIAL PAY OR BONUS

- \* Title 37, United States Code (U.S.C.), section [352](#)  
Department of Defense Instruction (DoDI) 1327.06,  
June 16, 2009, Incorporating Change 3, May 19, 2016
- \* [DoDI 1340.26, September 25, 2017](#)

1403 – SPECIAL REST AND RECUPERATIVE (SR&R) ABSENCE

10 U.S.C. § 705  
DoDI 1327.06, June 16, 2009, Incorporating Change 3,  
May 19, 2016



**VOLUME 7A, CHAPTER 15: “SPECIAL PAY – ASSIGNMENT INCENTIVE PAY (AIP)”**

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150201 150202	Updated the “Entitlement” and “Eligibility” paragraphs to comply with Title 37, United States Code, section 352 and Department of Defense Instruction 1340.26, dated September 25, 2017.	Revision
150203	Added the “Written Agreement” paragraph.	Addition
150204 150205.A 150205.B	Updated the “Payment” paragraph and “Limitations and Restrictions” subparagraphs and renumbered subsequent paragraphs.	Revision
150301.C 150302	Updated the termination dates of the Navy “Pilot Programs” and “Sea Duty Incentive Pay (SDIP) Program” and moved them to the Duration of Authority table. Added hyperlinks to the table.	Revision
1504	Removed the restriction for Reserve Component members.	Revision
150401.D 150401.E	Added the “Written Agreement” and the “Termination” paragraphs for the “Korea AIP (KAIP) Program.”	Addition
150402	Added the “Security Force Assistance Brigade (SFAB) AIP” paragraph.	Addition
150402 150405 150406 150407 150408	Deleted terminated AIP programs and renumbered subsequent paragraphs. Deleted “Exception to Policy (ETP) to KAIP,” “780 <sup>th</sup> Military Intelligence Brigade AIP,” “Special Mission Units (SMU) AIP,” “Army Special Operations Aviation AIP,” and “Career Management Field 18 Program.”	Deletion
150403.D 150404.D	Updated the termination dates of the “Asymmetric Warfare Group (AWG) AIP” and “Joint Special Operations Command (JSOC) Special Mission Unit (SMU) AIP Program” and moved them to the Duration of Authority table. Added hyperlinks to the table.	Revision

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
150405.D 150405.E	Updated the content and termination date for the “U.S. Army Special Operations Command (USASOC) AIP.” Moved the termination date to the Duration of Authority table. Added a hyperlink to the table.	Revision
150406.C 150406.D 150406.E	Updated the content and termination date for the “Army Cyber (ARCYBER) Command AIP Program.” Moved the termination date to the Duration of Authority table. Added a hyperlink to the table.	Revision
150407.D.2	Updated the termination date for the “14th Missile Defense Battery (MDB) AIP” and moved it to the Duration of Authority table. Added a hyperlink to the table.	Revision
150408	Added the “AIP for Operational Deployments (OD)” paragraph.	Addition
150409	Added the “AIP – Drill Sergeant (DS) and Advanced Individual Training (AIT) Platoon Sergeant (PSG) Tour Extension Program” paragraph.	Addition
150501.A.2 150502 150505 150506	Updated the termination dates for the “KAIP,” “724th Special Tactics Group Incentive Program,” “Headquarters Air Force Special Operations Command (AFSOC), BP0VFX3H Program,” and the Intercontinental Ballistic Missile Field Operations Program” and moved them to the Duration of Authority table. Added hyperlinks to the table.	Revision
150507.A 150507.E	Updated the content and termination date for the “AIP for Kingsley Field, Klamath Falls, Oregon.” Moved the termination date to the Duration of Authority table and added a hyperlink to the table.	Revision
150508	Added the “Turkey AIP” paragraph.	Addition
150509	Added the “AIP for Extended Training Service Specialists (ETSS)” paragraph.	Addition
150601.A	Updated the termination date for the “Marine Corps SMU-Operators” and moved it to the Duration of Authority table. Added a hyperlink to the table.	Revision
150602	Added the “Marine Corps SMU – Direct Support” paragraph.	Addition
1507	Updated the termination date for the “AIP Programs for Involuntary Extensions in Afghanistan or Certain Theaters Units.” Moved the termination date to the Duration of Authority table and added a hyperlink to the table.	Revision
References	Renamed “Bibliography” to “References” and updated supporting references.	Revision

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## CHAPTER 15

SPECIAL PAY – ASSIGNMENT INCENTIVE PAY (AIP)

## 1501 GENERAL

## 150101. Purpose

This chapter prescribes guidance applicable to the payment of AIP.

## 150102. Authoritative Guidance

The pay policies and requirements established by the Department of Defense (DoD) in this chapter are derived primarily from, and prepared in accordance with the United States Code (U.S.C.), including Titles 10 and 37. Due to the subject matter in this chapter, the list of authoritative sources is extensive. The specific statutes, regulations, and other applicable guidance that govern each individual section are listed in a reference section at the end of the chapter.

## 1502 DEPARTMENT OF DEFENSE (DoD) AIP CRITERIA

## \*150201. Entitlement

The DoD may give AIP to eligible Active/Regular and Reserve Component (RC) Service members in accordance with 37 U.S.C., section 352, the DoD Instruction (DoDI) 1340.26, “Assignment and Special Duty Pays,” and regulations published by the Secretary of the Military Department concerned. The ability of the Secretary of the Military Department concerned to enter into a new agreement with a Service member for AIP is subject to the extension of such authority under 37 U.S.C. § 352.

## \*150202. Eligibility

The Secretary of the Military Department concerned may pay AIP to a member of an Active/Regular or RC who is entitled to basic pay under 37 U.S.C. § 204, or compensation under 37 U.S.C. § 206. The Secretaries of Military Departments will establish eligibility criteria based on Service-specific needs. Personnel shortages and the ability of a unit to meet mission requirements should be given primary consideration.

## \*150203. Written Agreement

A. Discretionary for Monthly Payments. The Secretary concerned may require a Service member to enter into a written agreement with the Secretary in order to qualify for the AIP payment on a monthly basis. If used, the agreement will specify the period for which the AIP will be paid and the monthly rate of the AIP.

B. Non-discretionary for Installment or Lump Sum Payments. The Secretary concerned will require a Service member to enter into a written agreement with the Secretary in

order to qualify for installment or lump sum payments of AIP. The written agreement will specify the period for which the Service member will receive AIP, the amount of each periodic installment or lump sum, and the repayment policy cited in 37 U.S.C. § 373.

\*150204. Payment

Incentive pay paid under this section is in addition to any other pay or allowance to which the Service member is entitled, except where otherwise stated in DoDI 1340.26 and 37 U.S.C. The Secretary of the Military Department concerned will establish payment levels to be either monthly payments, installments, or a lump sum amount not to exceed a maximum monthly average of \$1,500.

150205. Limitations and Restrictions

The following limitations and restrictions, which affect the entitlement to AIP, apply to all programs listed in this chapter.

\* A. The Secretary of the Military Department concerned may increase, decrease, or abolish AIP for any assignment, location, or unit at any time and will establish restrictions and limitations to the pay through Military Service regulations. Payment of AIP in combination with other special duty pays may not exceed an average monthly amount of \$3,500 unless authorized by the Assistant Secretary of Defense (ASD) for Manpower and Reserve Affairs (M&RA).

\* B. AIP agreements, awarded under 37 U.S.C., Chapter 5, Subchapter 1, are discontinued as of October 1, 2017. Agreements awarded under 37 U.S.C., Chapter 5, Subchapter 1 prior to October 1, 2017, will remain in effect and payments may continue through the agreed-upon date.

C. A member is not entitled to AIP during a period of terminal leave which ends upon discharge or release of the member from Active Duty (AD).

D. Service members are not authorized to receive more than one AIP simultaneously for the same period of service. If a Service member is eligible for more than one AIP, the higher dollar value AIP will be paid.

E. RC members are not authorized AIP for assignments at their permanent duty station.

150206. Special Provisions

The service of a member in a designated assignment will be considered continuous in any period of temporary absence during which the member is performing temporary duty pursuant to orders or on authorized leave other than transition leave.

## 1503 NAVY AIP PROGRAMS

## 150301. Pilot Programs

A. On May 29, 2003, the Navy was authorized a Pilot Program for AIP. The entitlement conditions are:

1. Entitlement begins upon reporting to the assigned duty and terminates when permanently detached from the assigned duty;

2. The Service member and the Navy negotiate to determine the payment rates, which may be different for members in the same location. For partial months served in a designated assignment, payment will be prorated;

3. Payment for AIP may not be made to Navy members receiving a Selective Reenlistment Bonus for Location for the same assignment; and

4. This program will remain in effect until the Assistant Secretary of the Navy (ASN) (M&RA) rescinds the program or higher authority cancels the program.

B. On February 9, 2007, the Navy announced the Naval Special Warfare Development Group (NSWDG) AIP program. The entitlement conditions are:

1. Enlisted personnel must successfully complete the required NSWDG training;

2. Enlisted personnel must be assigned to NSWDG designated billets;

3. Enlisted personnel will sign an agreement or accept orders to voluntarily remain in an NSWDG billet for an additional 12 months from the date of the agreement or date of the first AIP payment, whichever is later;

4. Personnel who have been assigned to a designated NSWDG billet for:

a. less than 3 years since completion of the required training will receive AIP at \$750 per month; or

b. 3 years or more since completion of the required training will receive AIP at \$1000 per month;

5. Payment of the AIP will terminate when the member permanently detaches from the assigned duty at NSWDG. AIP will not be paid to members in a disciplinary or not fit for operational duty status; and

6. This program will remain in effect until the ASN (M&RA) rescinds the program or higher authority cancels the program.

\* C. On October 1, 2013, the Navy announced a new AIP for NSWWDG personnel assigned to Combat Support (CS) positions. Effective December 21, 2017, the ASN (M&RA) reauthorized the continuance of AIP for qualified personnel assigned to NSWWDG CS positions. Unless extended by the authority of the Congress, no agreement may be entered into after the termination date on the Duration of Authority table. The requirement conditions are:

1. Qualified NSWWDG CS personnel are eligible to receive an AIP flat-rate of \$500 or \$750 (for Explosive Ordnance Disposal personnel with more than 3 consecutive years of NSWWDG service) per month.

2. Sailors in receipt of AIP – NSWWDG CS will serve in their billets 48 months, with 24-month extension options.

\*150302. Sea Duty Incentive Pay (SDIP) Program

On March 15, 2007, the Navy implemented the SDIP program. Since then, there have been multiple reauthorizations of the program by the Navy. Effective December 21, 2017, the ASN (M&RA) reauthorized the continuance of the SDIP program subject to the requirements in 37 U.S.C. § 352 and the conditions specified in DoDI 1340.26. Unless extended by the authority of the Congress, no agreement may be entered into after the termination date on the Duration of Authority table.

A. Programs

1. SDIP – Extension (SDIP-E). SDIP-E is authorized for Sailors who sign a written agreement to voluntarily extend their sea duty assignments on ships, submarines, or aviation squadrons by a minimum of 12 months and a maximum of 48 months (36 months for an assignment outside the continental United States (OCONUS), including Hawaii).

2. SDIP – Curtailment (SDIP-C). SDIP-C is authorized for Sailors who voluntarily curtail their shore duty assignments a minimum of 6 months prior to their original planned rotation date, and return to sea duty assignments on a ship, submarine, or to an aviation squadron for a minimum of 12 months and a maximum of 48 months (36 for an OCONUS assignment, including Hawaii).

3. SDIP – Back-To-Back (SDIP-B). SDIP-B is authorized for Sailors who voluntarily extend their sea duty when assigned to a Type 2/4 command for rotational purposes upon transfer to ships, submarines, or aviation squadrons by a minimum of 12 months and a maximum of 48 months, based upon the DoD area or minimum activity tour length requirements.



B. Eligibility. To be eligible for SDIP, the Service member must:

1. Be serving in or selected for advancement (including frocked members) in one of the eligible ratings, skills, and pay grades listed in the SDIP Eligibility [Chart](#);

2. Be serving:

a. In a permanent duty assignment on a ship, submarine, or aviation squadron designated as sea duty for the purpose of rotation, and home ported in CONUS, Hawaii, or overseas for SDIP-E. Members considered assigned as excess of authorized billets are ineligible for SDIP-E;

b. In a permanent shore duty assignment at an activity located in CONUS, Hawaii, Alaska, or overseas that is designated as shore duty for purposes of rotation for SDIP-C. Members currently receiving AIP for their shore duty assignment are not eligible for SDIP-C; or

c. In a permanent duty assignment on a Type 2/4 sea duty for purposes of rotation and transfer to a ship, submarine, or aviation squadron and home ported in CONUS, Hawaii, or overseas for SDIP-B. Ships under construction that have not yet been delivered and commissioned are not eligible for SDIP; and

3. Incur sufficient obligated service to fulfill the service time required by the SDIP-E, SDIP-C, or SDIP-B agreement. Additional obligated service will be incurred prior to payment of SDIP-E and SDIP-B, and prior to detachment from the shore duty unit/command for SDIP-C.

C. Restrictions

1. RC Sailors are not eligible for SDIP.

2. Sailors are not eligible for SDIP and any other AIP allowance simultaneously.

D. Payment. The Department of the Navy (DON) determines the SDIP rates, which change frequently and vary by pay grade and skill/rating. The SDIP Eligibility Chart in subparagraph 150302.B.1 contains the current monthly entitlement rates for the SDIP program.

E. Recoupment and Repayment. Recoupment of unearned portions of the SDIP lump sum payment will be as follows:

1. Sailors who fail to complete the full period of additional sea duty service as required by their SDIP agreement will be required to repay the percentage of the SDIP lump sum payment representing the unexecuted portion of their required service. Situations requiring recoupment include, but are not limited to:

a. Approved request for voluntary release from the written agreement if, due to unusual circumstances, it is determined that such release would clearly be in the best interests of both the Navy and the sailor;

b. Approved voluntary request for relief from an SDIP assignment;

c. Disability resulting from misconduct, willful neglect, or incurrence during a period of unauthorized absence;

d. Removal from the SDIP assignment for cause, including misconduct;

e. Separation for cause, including misconduct; or

f. Separation for weight control and/or failure of a physical readiness test.

2. Recoupment of payments already received will not be required if a sailor becomes ineligible for SDIP for any of the following reasons:

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

b. Separation from the naval service by operation of laws or regulations independent of misconduct;

c. Death; or

d. Where the Secretary of the Navy determines repayment would be against equity and good conscience, or contrary to the best interests of the United States.

3. In the event a sailor dies before the SDIP is received or before the sailor completes the sea duty assignment/extension for which SDIP is payable (and death is not caused by the sailor's misconduct), the unpaid /unearned balance of the SDIP will be payable in the settlement of the deceased sailor's final military pay account. The unpaid SDIP will be payable in a lump sum. If death is determined to be voluntary or the result of the sailor's own misconduct, termination of any future payment and proration or recoupment of the SDIP, as applicable, will be made in accordance with procedures established for sailors whose inability to complete a contracted period of service is voluntary or the result of misconduct.

## \*1504 ARMY AIP PROGRAMS

The Department of the Army (DA), Office of the Deputy Chief of Staff (ODCS) G-1 authorizes AIP programs for Army personnel in amounts of \$1,500 per month or less. All Head Quarters DA (HQDA) authorized programs have a termination date. No new agreements may be entered into without DA reauthorization of the programs. The programs listed in paragraphs 150401 through 150409 are DA programs and fall under these guidelines.

## 150401. Korea AIP (KAIP) Program

A. Eligibility

1. Soldiers must be permanently assigned to Korea in the grades of O-3 and below.
2. Soldiers must not be serving in command select list positions.
3. Soldiers must be in good standing and not be under Uniform Code of Military Justice (UCMJ) action at the time of approval, and must remain in good standing throughout the AIP tour.
4. Soldiers assigned to Korea for more than 40 months at the end of their current tour are not eligible to apply.
5. Soldiers serving on their initial assignment after graduating from initial entry training or newly appointed officers are not authorized to apply. Soldiers must be in a documented and authorized position by Military Occupational Specialty and skill level and must remain in that position for the duration of the extension in order to qualify for KAIP.

B. Payment

1. The maximum monthly rate payable is \$500. Payment will be made in a lump sum, payable upon approval of the AIP agreement extending the Soldier's assignment.
2. Soldiers are limited to a maximum 24-month extension under this AIP program. Payment for an extension beyond 24 months or a subsequent extension when combined with a previous extension(s) that exceeds 24 months is not authorized.
3. The commander determines the payment rate based on the needs of the Army and may be different for Soldiers serving in the same location, but will not exceed the monthly rate of \$500.
4. Lump sum payments will not exceed the maximum monthly rate authorized by the Commander at the time the Soldier enters into the written agreement multiplied by the number of continuous months in the period for which the AIP is authorized. Lump sum payments will be paid on the approval of the AIP agreement.

C. Restrictions

Soldiers are not authorized to receive more than one AIP for the same period of service. If the Soldier is eligible for more than one AIP program, the Soldier will receive the higher of these AIPs.

\* D. Written Agreements

1. Approval authorities will require a Soldier to enter into a written agreement in order to qualify for AIP. The agreement will specify the period for which the AIP will be paid and the amount of the lump sum AIP payment.

2. New AIP written agreements must adhere to this policy. Any approved AIP agreement in existence prior to October 1, 2018, will remain valid under its terms until the effective termination date of the agreement.

\* E. Termination

The KAIP program is subject to annual budget constraints; therefore, unless reauthorized by HQDA, no agreement may be entered into after the termination date on the Duration of Authority table.

## \*150402. Security Force Assistance Brigade (SFAB) AIP

On August 22, 2017, the Assistant Secretary of the Army (ASA) (M&RA) approved AIP for Soldiers agreeing to serve at least 12 months in an SFAB.

A. Eligibility

1. Enlisted Soldiers, who are fully trained and certified, are authorized AIP for assignments at their permanent duty stations.

2. Soldiers must be in good standing and not under the UCMJ process at the time of approval and must remain in good standing throughout the AIP tour.

3. Soldiers must enter into a written agreement to serve one to three years in an SFAB approved billet.

B. Payment

The maximum payment under this program is \$5,000 for a minimum 12-month assignment to an SFAB.

C. Repayment

Soldiers, with the exception of sole survivor discharges and those who die or are retired or separated with a combat-related disability, will repay an amount equal to the unearned portion of AIP if the Soldier fails to complete the AIP period. Soldiers who fail to complete the AIP period will not receive any unpaid AIP amounts.

D. Restrictions

Soldiers are not authorized to receive the benefit of more than one incentive for the same period of service. If the Soldier is eligible for more than one AIP, the Soldier will receive the higher of these AIPs.

E. Written Agreements

Approval authorities will require a Soldier to enter into a written agreement in order to qualify for AIP. AIP agreements must include the period for which the AIP will be paid, the amount of the lump sum AIP payment, and comply with other written agreement requirements directed by the DA ODCS.

F. Termination

The SFAB AIP program is subject to annual budget constraints; therefore, unless reauthorized by HQDA, no agreement may be entered into after the termination date on the Duration of Authority table.

\*150403. Asymmetric Warfare Group (AWG) AIP

A. Eligibility

1. Soldiers must be permanently assigned to an AWG in grades E-5 to E-9, W-2 to W-4, and O-2 to O-4, and assigned to an authorized Operational Advisor position within the group or operational support billet in an operational squadron.

2. Soldiers must have completed the appropriate training and have been awarded an additional skill identifier of “U9” (Operational Advisor) or “U8” (Operational Support).

3. Soldiers must be in good standing and not be under UCMJ action at the time of approval and must remain in good standing throughout the AIP tour.

4. Soldiers must enter into a written agreement to serve 1 to 2 years in an AWG approved billet. The written agreement will specify the period for which the AIP will be paid and the monthly amount of AIP.

B. Payment

1. Eligible Soldiers serving in an Operational Advisor (U9) billet may be paid \$400 per month.
2. Eligible Soldiers serving in an Operational Support (U8) billet in an operational squadron may be paid \$300 per month.

C. Restrictions

Soldiers are not authorized to receive more than one AIP simultaneously for the same period of service. If the Soldier is eligible for more than one AIP, he or she will receive the higher of these AIPs.

\* D. Termination

The AWG AIP program was terminated. See the [Duration of Authority](#) table for the termination date.

\*150404. Joint Special Operations Command (JSOC) Special Mission Unit (SMU) AIP Program

A. Eligibility

1. Soldiers, including RC, must be permanently assigned to a JSOC SMU Operator billet.
2. Soldiers must be in good standing and not be under UCMJ action at the time of approval and must remain in good standing throughout the AIP tour.
3. Soldiers must have less than 35 years of active federal service in order to qualify for continued payment.
4. Soldiers must sign a written agreement to serve 1 to 3 years in a JSOC SMU Operator assignment.

B. Payment

1. SMU Operators with less than 25 years of active federal service may apply for the following:
  - a. SMU Operators with less than 3 years of service in a SMU Operator billet may be paid \$750 per month; or
  - b. SMU Operators with 3 years or more of service in a SMU Operator billet may be paid \$1,000 per month.

2. SMU Operators with 25 years or more of active federal service may apply for the following:

a. SMU Operators with 3 years or more of service in a SMU Operator billet may be paid \$500 per month. Agreements will terminate at 28 years of active federal service; or

b. SMU Operators serving in a specified Key Leadership/Development position may be paid \$1,000 per month. Agreements will terminate at 35 years of active federal service.

C. Restrictions

Soldiers are not authorized to receive more than one AIP simultaneously for the same period of service. If the Soldier is eligible for more than one AIP, he or she will receive the higher of these AIPs.

\* D. Termination

The JSOC SMU AIP program is subject to annual budget constraints; therefore, *unless reauthorized by HQDA, no agreement may be entered into after the termination date on the Duration of Authority table.*

150405. U.S. Army Special Operations Command (USASOC) AIP

A. Eligibility

1. Soldiers must be permanently assigned to an authorized Major Force Protection-11 billet in the grade of E-5 and above.

2. Soldiers must be in good standing and not be under UCMJ action at the time of approval and must remain in good standing throughout the AIP tour.

3. Soldier must have less than 35 years of active federal service in order to qualify for continued payment.

B. Payment

1. The maximum monthly rate payable to any Soldier in this AIP program is \$1,250. *This payment may be made in a lump sum or monthly payments.*

2. The Commander determines the monthly entitlement rate based on the needs of the Army and it may be different for Soldiers serving in similar positions at the same location, but will not exceed the monthly rate of \$1,250.

3. Lump sum payments will not exceed the maximum monthly rate authorized by the commander at the time the Soldier enters into the written agreement, multiplied by the number of continuous months in the period for which the AIP will be paid, pursuant to the agreement. Lump sum payment will be paid on the approval of the AIP agreement.

C. Restrictions

Soldiers are not authorized to receive more than one AIP simultaneously for the same period of service. If the Soldier is eligible for more than one AIP, he or she will receive the higher of these AIPs.

\* D. Written Agreements

Approval authorities will require a Soldier to enter into a written agreement in order to qualify for AIP. The agreement will specify the period for which the AIP will be paid and the amount of the lump sum AIP payment.

\* E. Termination

The USASOC AIP program is subject to annual budget constraints; therefore unless reauthorized by HQDA, no agreement may be entered into after the termination date on the Duration of Authority table.

150406. Army Cyber (ARCYBER) Command AIP Program

Effective September 2, 2017, the DA, ODCS G-1, extended the ARCYBER AIP program.

A. Eligibility

1. Enlisted Soldiers, Warrant Officers, and Commissioned Officers must be fully trained and certified in a U.S. Cyber Command or ARCYBER work role.

2. Soldiers must have completed the appropriate training and have been awarded the appropriate certifications located inside the Cyber Mission Force (CMF) or those directly executing strategic to tactical level cyber missions required outside of the CMF.

3. Soldiers must be in good standing and not be under UCMJ action at the time of approval and must remain in good standing throughout the AIP tour.

4. Soldiers must enter into a written agreement to serve 1 to 3 years in an ARCYBER approved billet.

B. Payment

1. The maximum monthly rate payable to any Soldier serving as a Basic under the AIP program will not exceed \$200.



2. The maximum monthly rate payable to any Soldier serving as a Senior under the AIP program will not exceed \$300.

3. The maximum monthly rate payable to any Soldier serving as a Master under the AIP program will not exceed \$500.

\* C. Restrictions

Soldiers are not authorized to receive more than one AIP simultaneously for the same period of service. If the Soldier is eligible for more than one AIP, he or she will receive the higher of these AIPs.

\* D. Written Agreements

Approval authorities will require a Soldier to enter into a written agreement in order to qualify for AIP. The agreement will specify the period for which the AIP will be paid and the amount of the lump sum AIP payment.

\* E. Termination

The ARCYBER AIP program is subject to annual budget constraints; therefore, unless reauthorized by HQDA, no agreement may be entered into after the termination date on the Duration of Authority table.

150407. 14<sup>th</sup> Missile Defense Battery (MDB) AIP

On January 13, 2015, the ASA (M&RA) approved the payment of AIP to Soldiers assigned to the 14<sup>th</sup> MDB at Kyogamisaki, Japan. Effective September 27, 2018, the DA ODCS G-1 reauthorized the payment.

A. Eligibility

1. Soldiers must be permanently assigned to the 14<sup>th</sup> MDB at Kyogamisaki, Japan.

2. Soldiers must be in good standing and not be under UCMJ action at the time of approval and must remain in good standing throughout the AIP tour.

3. Soldiers must sign a written agreement acknowledging the limitations and restrictions as a condition to receive AIP. The agreement will specify the period for which the AIP will be paid and the amount of the monthly rate.

B. Payment

The maximum monthly rate payable to Soldiers serving in an approved assignment will not exceed \$1,500. This amount will be adjusted if the request for Basic

Allowance for Subsistence II (see Chapter 25, subparagraphs 250201.B.2 and 250202) is approved for enlisted Soldiers, and/or the Soldiers are furnished meals or rations at no charge from an appropriated fund dining facility or are subsisted at no charge on behalf of the Government.

C. Restrictions. The following restrictions apply:

Soldiers are not authorized to receive more than one AIP simultaneously for the same period of service. If the Soldier is eligible for more than one AIP, he or she will receive the higher of these AIPs.

D. Termination

1. The 14<sup>th</sup> MDB will terminate once the Life Support Area is established or Soldiers are being subsisted by or on behalf of the Government.

\* 2. The AIP program is subject to annual budget constraints; therefore, unless reauthorized by HQDA, no agreement may be entered into after the termination date on the Duration of Authority table.

\*150408. AIP for Operational Deployments (OD)

AIP-OD is a pilot program to further develop and justify a financial incentive for specifically identified OD. The intent of a future incentive is to provide a vital distribution tool for the Army as well as provide a special payment in recognition of the greater than normal rigors of the arduous duty involving long deployments and the repetitive nature of operational force rotational (OFR) assignments. Effective January 1, 2018, AD Soldiers who physically deploy and perform duties as part of a rotational force away from their permanent duty stations to U.S. Army Europe (USAREUR) and U.S. Army Pacific (USARPAC) areas of responsibility may be entitled to AIP-OD, subject to the criteria outlined in subparagraphs 150408.A through 150408.G.

A. Payment

1. AIP-OD will be paid in monthly installments (lump sums are not authorized).

2. AIP-OD will be prorated for Soldiers who do not satisfy the eligibility requirement for an entire month to reflect the duration of the Soldier's actual qualifying service during the month. For Soldiers eligible to receive AIP-OD, proration will not apply to the 31<sup>st</sup> day of a month with more than 30 days.

3. Atlantic Resolve, Joint Multi-National Training Group Ukraine, and other qualifying deployments for a Soldier who is serving on OFR in a field duty status are authorized \$195 per month. Soldiers serving on OFR in a regular temporary duty status are not authorized AIP-OD.

4. Korea Rotational Force Soldiers serving on OFR in a field duty status are authorized \$195 per month. Soldiers serving on OFR in a regular temporary duty status are not authorized AIP-OD.

B. Restrictions

1. AIP-OD is authorized in addition to any other AIP program for which the Soldier may be eligible; however, a Soldier may not receive more than two simultaneous AIP payments and the total may not exceed the maximum AIP of \$1,500 per month.

2. A Soldier's eligibility to receive AIP-OD will terminate if/when the Army is required to pay high deployment allowance or implements a similar deployment incentive pay or allowance.

3. USARPAC AIP-OD payments are based on a Soldier's eligibility. However, no payment will be authorized for any period prior to October 1, 2016.

4. USAREUR AIP-OD payments are based on a Soldier's eligibility. However, no payment will be authorized for any period prior to December 31, 2016.

C. Absences

1. AIP-OD for USARPAC and USAREUR will continue when a Soldier is on authorized leave, other than leave authorized for a period ending upon the Soldier's discharge or release from AD.

2. When a Soldier entitled to AIP-OD is absent without leave (AWOL), AIP-OD payments will stop on the first day of AWOL through the day before the date the Soldier is restored to full duty, provided the Soldier remained eligible for AIP-OD.

D. Hospitalization

1. A Soldier who is deployed and requires hospitalization away from the permanent duty station is still considered operationally deployed and remains entitled to AIP-OD.

2. A Soldier who is deployed and requires hospitalization at the permanent duty station is not eligible for payment of AIP-OD for the period of hospitalization, unless otherwise qualified to receive the pay under 37 U.S.C. § 372.

3. If a line of duty investigation determines that the Soldier's injuries are due to his or her own misconduct, AIP-OD payments will stop on the first day of hospitalization through the day before the date the Soldier is restored to full duty, provided the Soldier remained otherwise eligible for AIP-OD.

4. If the member is wounded/injured/ill from a combat zone, combat operation, hostile fire pay area, or as a result of hostile fire, reference Chapter 13.

E. Confinement

1. When a Soldier entitled to AIP is confined awaiting trial by court-martial, AIP-OD payments stop on the first day of confinement through the day before the date the Soldier is restored to full duty, provided the Soldier remained eligible for AIP-OD.

2. When a Soldier confined awaiting trial by court-martial is acquitted, or has charges dismissed, the Soldier will be entitled to AIP-OD retroactive to the first day of confinement, provided the Soldier remained eligible for AIP-OD.

F. Captured or Missing Status

A Soldier entitled to AIP-OD immediately before entering a status of missing, missing-in-action, interned in a foreign country, or captured by a hostile force will continue to be credited with AIP-OD for each month while in such a status.

G. Termination

The AIP-OD program is subject to congressional annual reauthorization of 37 U.S.C. § 352; therefore, no orders will be issued to start an AIP-OD payment after the termination date on the *Duration of Authority* table.

\*150409. AIP – Drill Sergeant (DS) and Advanced Individual Training (AIT) Platoon Sergeant (PSG) Tour Extension Program

Effective October 1, 2017, a DS or AIT PSG whose tour is extended beyond the normal tour of 24 months is eligible for AIP, provided the Soldier meets the eligibility requirements.

A. Eligibility

1. The Soldier must be permanently assigned to the Training and Doctrine Command as:

a. A DS in a Basic Combat Training or One Station Unit Training company; or

b. An AIT PSG in an AIT company.

2. The Soldier must be scheduled and fully eligible to PCS between October 1, 2017 and December 31, 2019.

3. The Soldier must be recommended for and selected for extension by their Battalion and Brigade Chain of Command.

4. The Soldier must be in good standing and not be under UCMJ action at the time of approval and must remain in good standing throughout the AIP tour.

5. The Soldier must complete a Periodic Health Assessment.

B. Payment

1. The maximum monthly rate payable to a DS or an AIT PSG will not exceed \$500.

2. AIP is only payable for the period of the extension. Payments begin on the first day of the month following the Soldier's original tour ending date.

3. Soldiers are not authorized to receive more than 12 monthly payments under this program.

4. AIP payments will terminate on the day prior to an authorized leave period that ends with the Soldier's discharge or release from AD.

5. In the event of misconduct, AIP payments will terminate on the day the Soldier loses qualification to perform the duty to which he or she is receiving AIP.

C. Repayment

Soldiers, with the exception of sole survivor discharges and those who die or are retired or separated with a combat-related disability, will repay an amount equal to the unearned portion of AIP if the Soldier fails to complete the extension period. Soldiers who fail to complete the extension period will not receive any unpaid AIP amounts.

D. Restrictions

Soldiers are not authorized to receive more than one AIP simultaneously for the same period of service. If the Soldier is eligible for more than one AIP, he or she will receive the higher of these AIPs.

E. Termination

The AIP program is subject to annual budget constraints; therefore, unless reauthorized by the HQDA, no orders will be issued after the termination date on the Duration of Authority table.

## 1505 AIR FORCE AIP PROGRAMS

## 150501. KAIP

On April 27, 2004, the Air Force was authorized KAIP. On June 30, 2008, the Principal Deputy Under Secretary of Defense (USD) Personnel and Readiness (P&R) provided permanent approval of this program and on April 6, 2009, the USD P&R modified the eligibility requirements based on tour length changes for Korea. All changes are subject to congressional reauthorization of 37 U.S.C. § 352.

A. Secretary of the Air Force (SAF) Memorandum, Dated October 20, 2015. In accordance with DoDI 1340.26, and subject to the availability of appropriated funds, enlisted and officer personnel [are eligible](#) to receive KAIP [under 37 U.S.C. § 352](#). Members will continue to receive their AIP payments until the end-date specified in their agreements or their departure from Korea.

## 1. Airmen who are:

a. Selected for a 12-month unaccompanied tour [in the Republic of Korea](#), and who [execute a written agreement](#) to serve either an additional 12- or 24-month unaccompanied tour, [will](#) receive \$300.00 per month regardless of rank or Air Force Specialty Code (AFSC); or

b. Offered and have accepted a Command Sponsorship Program billet [in the Republic of Korea](#), and [execute a written agreement](#) to serve the 36-month accompanied tour, will receive \$300.00 per month regardless of rank or AFSC.

\* 2. [The SAF reauthorized the continuance of KAIP through the termination date on the Duration of Authority table.](#)

3. The AIP will be stopped upon termination of the contract or curtailment of the agreed tour of duty for any reason, either voluntary or involuntary. The entitlement to AIP will be terminated if the member is AWOL or enters confinement.

4. Airmen who elect AIP for Korea will not be eligible for Home Basing, Follow-on Assignment, or concurrent Overseas Tour Extension Incentive Program or In-Place Consecutive Overseas Tour.

B. USD (P&R) Memorandum, Dated April 6, 2009. The memorandum establishes three categories of assignments applicable for AIP payments. All categories require a written agreement by the member. The categories are:

1. Members who volunteer for a 36-month initial assignment to Pyeongtaek, Osan, Daegu, Chinhae, or Seoul may be paid \$300 per month in AIP, to be paid on a monthly basis, upon commencement of the assignment.

2. Members who volunteer for a 24-month initial assignment to Uijongbu or Dongducheon may be paid \$300 per month in AIP, to be paid on a monthly basis, upon commencement of the assignment.

3. Members who accept an initial tour to Korea in any location and later elect to extend their assignment length for 12 or 24 months may be paid \$300 per month, to be paid on a monthly basis, upon commencement of the tour with an extension agreement, or entering the extension, whichever is earlier.

C. Restrictions. At any time during the authorized period, the SAF (M&RA) may terminate the KAIP program if it is no longer required.

\*150502. 724th Special Tactics Group Incentive Program

On December 30, 2011, the SAF established this program with a monthly payment of \$1,000 being authorized to eligible personnel. The program terminated on September 30, 2012, and reestablished on October 17, 2012. Any payments made for the period October 1 through October 16, 2012 are considered invalid. Effective December 22, 2014, the SAF reauthorized this program [through the termination date on the Duration of Authority table](#).

A. Eligibility

Enlisted SMU members are eligible for this program.

B. Payment

1. SMU Operators who have a cumulative assignment time of less than 48 months will be paid \$750 per month.

2. SMU Operators who have a cumulative assignment time of 48 months or more will be paid \$1,000 per month.

C. Restrictions. At any time during the authorized period, the SAF (M&RA) may terminate the 724th Special Tactics Group Incentive program if it is no longer required.

150503. [Unmanned Aerial System](#) - Aviation Incentive Pay

See Chapter 22, section 2203.

150504. [Critical Skill Incentive Pay](#) - CSIP

See Chapter 22, section 2205.

\*150505. Headquarters Air Force Special Operations Command (AFSOC), BP0VFX3H, Program

On September 4, 2014, the SAF established an AIP program for enlisted and officers when assigned to the AFSOC unit designated by the Personnel Accounting Symbol (PAS) code BP0VFX3H. The SAF authorized the program for a period of 5 years [subject to annual congressional approval of the pay authority, Title 37 U.S.C § 352](#). No AIP will be initially awarded (initial eligibility start date) after this date unless the program is officially extended/authorized beyond the date on the [Duration of Authority](#) table by an appropriate approving authority.

A. Eligibility Requirements

1. Officers and enlisted members must be assigned to operator positions within the PAS code BP0VFX3H.

2. Members must have successfully completed the unit's required operator training and certification.

B. Payment. Eligible personnel will be paid:

1. \$750 per month for personnel who have a post-training cumulative unit assignment time of less than 36 months; or

2. \$1,000 per month for personnel who have a post-training cumulative unit assignment time of 36 months or more.

\*150506. Intercontinental Ballistic Missile Field Operations Program

On September 29, 2014, the SAF established an AIP program for officers assigned to Minot Air Force Base (AFB), Malmstrom AFB, or F.E. Warren AFB. [Subject to reauthorization by Congress, this AIP program is authorized through the date on the Duration of Authority table.](#)

A. Eligibility Requirements

1. Missile and Nuclear Operations (13N), Missile Maintenance (21M), and Security Forces (31P) officers who are qualified to perform nuclear position duties are eligible.

2. Officers [who are](#) assigned to qualifying positions at Minot AFB, Malmstrom AFB, or F.E. Warren AFB and regularly perform duties in missile fields at these locations [are eligible](#).

3. Officers whose [“regular performance of duties”](#) requires dispatch on orders to a missile field for a minimum number of hours within a 90-day calendar quarter (example: 210 hours out of a 90-day period) are eligible. This pay is not intended for those who go to the missile field sporadically.



B. Payment

Officers meeting the requirements will receive \$300 per month. The unit commander will sign the AIP roster certifying the officer has met all the requirements.

150507. AIP for Kingsley Field, Klamath Falls, Oregon

\* A. In accordance with DoDI 1340.26, and subject to the availability of appropriated funds, regular Air Force and Active Guard Reserve (AGR) Airmen permanently assigned to the 173rd Fighter Wing, Kingsley Field, Klamath Falls, Oregon will be eligible to receive AIP under 37 U.S.C. § 352. Air Force and AGR Airmen assigned to the 173<sup>rd</sup> Fighter Wing in a student status are not eligible for AIP.

B. Members who meet the eligibility provisions outlined in 150507.A, will be authorized \$400 AIP per month.

C. AIP shall be terminated immediately if the member is AWOL, placed in confinement, or removed from field duties by the commander for cause. For officers the termination is effective the day prior to promotion to the grade of Major. The effective date of termination is the last day the Airman met the requirements before removal.

D. AIP shall terminate upon PCS to a location other than the 173rd Fighter Wing, Kingsley Field, Klamath Falls, Oregon or upon starting permissive leave in conjunction with terminal leave status.

\* E. The AIP for Kingsley Field, Klamath Falls, Oregon is authorized through the termination date on the Duration of Authority table.

\*150508. Turkey AIP

A. In accordance with DoDI 1340.26, AD Airmen assigned to Turkey serving a 15-month unaccompanied tour, who agree to serve an additional 9 months for a total of 24 months in Turkey, are eligible to receive Turkey AIP. Turkey AIP does not apply to AD Airmen assigned to Turkey serving a 24-month accompanied tour.

B. Members who meet the eligibility provisions outlined in 150508.A will receive Turkey AIP at a rate of \$300 per month effective on:

1. the date they arrive at the duty station, if electing AIP at the losing station; or

2. the date they sign the agreement, if electing AIP after arriving in Turkey but prior to entering the Date Eligible to Return from Over Seas forecast window, or appearing on the Vulnerable to Move List, as applicable.

C. Effective August 18, 2016, the SAF authorized Turkey AIP. This program is extended through the termination date on the *Duration of Authority* table.

\*150509. AIP for Extended Training Service Specialists (ETSS)

A. In accordance with DoDI 1340.26, and subject to annual congressional authorization and the availability of appropriated funds, Airmen assigned to identified hard-to-fill billets in the ETSS program support to Foreign Military Sales activities are eligible to receive AIP.

B. Airmen filling these billets will receive AIP at a rate of \$1,500 per month, subject to the AIP rate ceiling established by the Deputy ASD for Military Personnel Policy.

C. Effective March 22, 2017, the AIP for ETSS program is authorized. The AIP for ETSS is authorized through the termination date on the *Duration of Authority* table.

1506 MARINE CORPS SMU AIP PROGRAMS

150601. Marine Corps SMU – Operators

\*A. General

AIP for SMU Operators was established for Marine Corps personnel on November 28, 2007. The ASN (M&RA) reauthorized the continuance of this program through the termination date on the *Duration of Authority* table.

B. Payment

Qualified SMU Operators are eligible to receive a flat-rate AIP of \$750 per month (for personnel with less than three years of SMU service) or \$1,000 per month (for personnel with three or more years of SMU service) for each month after completing qualification requirements. Marines in receipt of this AIP will serve in their billets for 12- to 48-month periods.

\*150602. Marine Corps SMU – Direct Support

A. General

Effective December 18, 2017, the ASN authorized the Marine Corp to offer AIP to enlisted Marines serving as direct support personnel assigned to an SMU. The program is extended through the termination date on the *Duration of Authority* table.

B. Payment

Qualified SMU Direct Support personnel are eligible to receive a flat-rate AIP of \$500 per month for each month after completing qualification requirements. Marines in receipt of this AIP will serve in their billets for 12- to 48-month periods.

\*1507 AIP PROGRAMS FOR INVOLUNTARY EXTENSIONS IN AFGHANISTAN OR CERTAIN THEATER UNITS

The AIP program for involuntary extensions beyond 12-months Boots on the Ground (BoG) in Iraq, Afghanistan, or certain theater units was terminated. See the [Duration of Authority table for the termination date](#).

1508 AIP IN LIEU OF POST-DEPLOYMENT MOBILIZATION RESPITE ABSENCE (PDMRA) PROGRAM

The Secretary of Defense directed on January 19, 2007 that a program be established to recognize members who mobilize or deploy more frequently than established rotation policy goals. The PDMRA program was established to allow a member to earn days of administrative absence, not chargeable to the member's accrued leave account, dependent on the length of time the member deployed beyond the rotation policy goals. Effective May 24, 2007, the program also allowed members to receive monetary compensation in lieu of administrative absence days in certain situations. The authority to pay monetary compensation terminated October 1, 2014. Paragraphs 150801 – 150806 are included for historical information only.

150801. USD (P&R) Memorandum, May 24, 2007

The USD (P&R) authorized the Secretary concerned to offer the option of payment of AIP in lieu of taking administrative absence under the PDMRA program in certain situations. RC members (as described in subparagraph 150801.A) may elect to receive AIP for PDMRA days earned instead of taking the administrative absence. The programs are not effective until the Services publish their implementation instructions.

A. Eligible Members. RC members who are also federal, state, or local government civilian employees and precluded by law from being paid by two entities for simultaneously serving in an RC status and in their civilian government jobs may elect the payment of AIP instead of taking administrative absence.

B. Requirement. The member must elect to receive the AIP instead of the PDMRA administrative absence days before the PDMRA days are earned.

C. Payment. Members electing to be paid the AIP will receive \$200 for each PDMRA day earned. Members are not authorized to be paid for any PDMRA days earned before an election is made.

D. Restrictions

1. Payment of the AIP will not exceed the monthly limit of \$1,500.
2. The PDMRA payment benefit is not eligible for combat zone tax exclusion (CZTE).

E. Service Instructions. Effective dates for the implementation are:

1. Marine Corps: July 27, 2007;
2. Navy: August 2, 2007;
3. Army: August 7, 2007; and
4. Air Force: October 1, 2007.

150802. Authority

Public Law 111-84, section 604, dated October 28, 2009, authorized the Secretary of Defense to prescribe regulations allowing the Secretary concerned to provide current and former members with payment for administrative absence days earned under the PDMRA program during the period January 19, 2007 through the date the Service implemented their respective PDMRA program. The USD (P&R) issued guidance on February 1, 2010, authorizing the Secretary concerned to issue implementing guidance. The authority expired on October 28, 2010.

A. Eligible Members

1. Former members who were discharged or released from the Armed Forces under honorable conditions are eligible.
2. Current Active Component (AC) and RC members, who qualified for PDMRA days during the period described in paragraph 150802, are eligible.

B. Payment

1. Former members may receive \$200 for each PDMRA day earned.
2. Current members, who earned PDMRA days during the period of January 19, 2007, through the date the member's Service implemented the PDMRA benefits as stated in subparagraph 150801.E, may receive either one day of administrative absence for each PDMRA day earned or payment of \$200 per day during that time frame as directed by the Secretary concerned.
3. Payment may be paid in a lump sum or installments, at the election of the Secretary concerned.

C. Restrictions

1. Payment of the AIP will not exceed the monthly limit of \$1,500.
2. The PDMRA payment benefit is not eligible for CZTE.

## 150803. Qualifying Deployments and Mobilizations on or After January 19, 2007

The following is the program guidance for qualifying deployment and mobilizations on or after January 19, 2007, but before October 1, 2011.

A. Frequency Thresholds

1. AC members deployed in excess of 12 months during the most recent 36-month period qualify for PDMRA.

2. RC members mobilized in excess of 12 months during the most recent 72-month period qualify for PDMRA.

B. Creditable Time

1. Creditable time for AC members includes the day of the member's arrival at the deployed location through departure of BoG.

2. Creditable time for RC members includes mobilizations under 10 U.S.C. §§ 12301(a), 12302, or 12304. Mobilization for this purpose includes the day the member is mobilized through the date the mobilization is terminated.

3. The Secretary concerned may include other deployments or mobilizations in conjunction with an expanded program for the Service concerned.

4. For AC members, computation of creditable time commences 36 months prior to the member's deployment and continues during the deployment.

5. For RC members, computation of creditable time commences 72 months prior to the member's mobilization and continues during the deployment.

6. The Secretary concerned will establish policy on the crediting of time when court-martial or other adverse administrative actions have been initiated.

7. PDMRA days are authorized for each month or portion of a month that a member is deployed (AC) or mobilized (RC) beyond the frequency thresholds at subparagraph 150803.A. The number of PDMRA days awarded to AC and RC members are:

a. One day of administrative absence per month in excess of 12 months during the qualifying period;

b. Two days of administrative absence per month in excess of 18 months during the qualifying period; or

c. Four days of administrative absence per month in excess of 24 months during the qualifying period.

8. The Secretary concerned may develop supplementary tables, including other non-monetary recognition programs, delivering comparable or greater benefits to members meeting the frequency thresholds at subparagraph 150803.A.

9. RC members must be on AD during the days they take their earned PDMRA days.

C. Payment

1. Under current law, RC members who are also federal, state, or local government civilian employees are not permitted to receive their civilian pay on the same days they are serving on AD. Affected members may elect to receive AIP at \$200 for each day of absence that otherwise would have been authorized, not to exceed \$1,500 monthly, in lieu of being awarded administrative absence days.

2. There is no option to cash in administrative absence days already earned. The AIP election must be made by the affected RC member prior to the days being earned.

150804. Qualifying Deployments and Mobilizations on or After October 1, 2011

The following is program guidance for qualifying deployments and mobilizations on or after October 1, 2011, including that portion of an ongoing deployment or mobilization that occurs on or after October 1, 2011.

A. Deployment and Mobilization Frequency Requirements and/or Thresholds

1. AC members, who on the first day of their current deployment, had deployed in excess of 12 months out of the previous 36 months, and who meet the other eligibility criteria contained in this section, qualify for PDMRA days.

2. RC members, who on the first day of their current qualifying mobilization, had been mobilized pursuant to 10 U.S.C. §§ 12301(a), 12302, or 12304 in excess of 12 months out of the previous 72 months, and who meet the other eligibility criteria contained in this section, qualify for PDMRA days. The 12-month qualifying period may include service pursuant to section 10 U.S.C. § 12301(d) when designated by the Secretary concerned.

3. The Secretary concerned may utilize the deployment-to-dwell ratio of 1:2 for AC members or mobilization-to-dwell ratio of 1:5 for RC members as the qualifying threshold for providing PDMRA benefits, as opposed to the requirements contained in subparagraphs 150803.A and 150803.B.

B. Two Days PDMRA Accrual Conditions

1. AC Service members accrue 2 administrative absence days per month when the deployment threshold established in subparagraph 150804.A is exceeded, and the AC member is:

- a. Deployed to Iraq or Afghanistan; or
- b. Deployed to a CZTE area when the area has been designated as a 2-day per month PDMRA accrual location by the Secretary concerned.

2. RC Service members accrue 2 administrative absence days per month when the mobilization threshold established in subparagraph 150804.A is exceeded, and the RC member is serving:

- a. In Iraq or Afghanistan pursuant to 10 U.S.C. §§ 12301(a), 12302, or 12304;

- b. In Iraq or Afghanistan pursuant to 10 U.S.C. § 12301(d) when designated by the Secretary concerned; or

- c. In a CZTE area under the authority of 10 U.S.C. §§ 12301(a), 12301(d), 12302, or 12304 when the CZTE area has been designated as a 2-day per month PDMRA accrual location by the Secretary concerned.

C. One Day PDMRA Accrual Conditions

1. AC members accrue 1 administrative absence day per month when the deployment threshold established in subparagraph 150804.A is exceeded for deployments to a qualifying CZTE area when the CZTE area has been designated as a 1-day per month PDMRA accrual location by the Secretary concerned.

2. RC members accrue 1 administrative absence day per month when the mobilization threshold established in subparagraph 150804.A is exceeded, and the RC member is serving:

- a. Outside of the United States pursuant to 10 U.S.C. §§ 12301(a), 12302, or 12304;

- b. Outside of the United States pursuant to 10 U.S.C. § 12301(d) when designated by the Secretary concerned; or

- c. In a CZTE area pursuant to 10 U.S.C. § 12301(d) when the CZTE area has been designated as a 1-day per month PDMRA accrual location by the Secretary concerned.

D. PDMRA Accrual Conditions

1. Service members, at a minimum, must meet PDMRA eligibility criteria contained in paragraphs 150803 and 150804 for 30 consecutive days in order to begin accruing PDMRA days.

a. PDMRA accrual for AC members includes the day that the member arrives at the deployed location through the day that the member redeploys.

b. PDMRA accrual for RC members includes the day that the member is ordered to duty pursuant to 10 U.S.C. §§ 12301(a), 12302, or 12304 through the date that the member's service is terminated under that same authority.

2. When designated as qualifying for PDMRA by the Secretary concerned pursuant to subparagraphs 150804.B.2.b, 150804.B.2.c, 150804.C.2.a, or 150804.C.2.b, include the day that the member enters service pursuant to 10 U.S.C. § 12301(d) through the date that the member's service is terminated under that same authority.

E. Extensions of Mobilization Orders to Utilize Accrued PDMRA Days. The Secretary concerned may extend the mobilization orders of RC Service members, within statutory limitations, to allow these members to utilize PDMRA days accrued during the mobilization. RC members do not accrue PDMRA days during the time that mobilization orders are extended for the purpose of utilizing PDMRA days.

F. Election of Payment for PDMRA Days

1. Under current law, RC members who are also federal, state, or local government civilian employees are not permitted to receive their civilian pay while on AD utilizing accrued PDMRA days.

2. To resolve this pay restriction, the Secretary concerned may offer such RC members a special PDMRA payment, which permits such members to elect to receive AIP in lieu of being awarded PDMRA administrative absence days.

3. If this option is offered, the AIP election must be made by the RC Service member prior to earning PDMRA days. The AIP would be valued at a rate of \$200 for each day of administrative absence that otherwise would have been authorized under the PDMRA program, not to exceed the \$1,500 monthly maximum limit of AIP. This option may not be used to cash in administrative absence days already earned.

G. Crediting PDMRA Time. The Secretary concerned will establish policy on crediting PDMRA time when court-martial or other adverse administrative actions have been initiated.

H. RC Use of Administrative Absence Days. RC members must be serving pursuant to 10 U.S.C. §§ 12301(a), 12301(d), 12302, or 12304 in order to utilize the administrative absence days accrued under the PDMRA program.

150805. Public Law 112-120, Dated May 25, 2012

A. Public Law 112-120 clarified the entitlement to PDMRA days for RC members. The law allows for the Secretary of Defense to determine that provisions of entitlement



outlined in DoDI 1327.06 will not apply to RC members whose qualified mobilization commenced before October 1, 2011 and continued on and after that date until the date the mobilization terminated.

B. The USD (P&R) issued implementation guidance for Public Law 112-120 on July 11, 2012. The guidance stipulated that:

1. Each Secretary **concerned** will publish implementing guidance and establish an application process to allow qualifying current and former RC members to apply for benefits authorized by Public Law 112-120.

2. Benefits are only authorized for RC members who deployed OCONUS and whose qualified mobilization commenced before October 1, 2011.

3. Each Secretary **concerned** will provide qualifying applicants with a PDMRA day, or a payment of \$200 for each PDMRA day that the individual would have qualified for had the October 1, 2011 guidance changes not applied to the individual.

4. Each **Service's** application for benefits will require qualifying RC members to elect to receive either a PDMRA day or payment of \$200 for each qualifying PDMRA day. The application will caution members who are no longer mobilized in a status where they can use the PDMRA days and elect PDMRA days in lieu of payment that:

a. The PDMRA days will be banked and cannot be used until the next qualifying period of service; and

b. Banked PDMRA days will be lost if the member is separated from the military prior to using the PDMRA days. Banked PDMRA days cannot be subsequently sold.

5. Qualifying former RC members will only receive \$200 per day for each PDMRA day.

6. Former RC members who were discharged or released from the Armed Forces under other than honorable conditions are not eligible for benefits.

7. Each Secretary **concerned** may elect to pay qualifying individuals a lump sum payment or installments.

8. The authority to provided benefits under **Public Law** 112-120 expires on October 1, 2014. This expiration does not affect PDMRA days earned prior to but used or paid for after October 1, 2014. The member must have elected the payment option before October 1, 2014.

150806. Public Law 112-239, Dated January 2, 2013

A. Public Law 112-239 allows for the payment of \$200 per day to individuals who were eligible to participate as a member of the Armed Forces in the PDMRA program, but who did not participate in 1 or more days in the program due to Government error. Those individuals must apply for payment of PDMRA days with an application for the correction of their military records pursuant to [10 U.S.C. § 1552](#), or other process as prescribed by the Secretary concerned.

B. A claim for a deceased individual, who would have been authorized to apply for the payment of \$200 in subparagraph 150806.A, may be submitted by the deceased individual's legal representative. Payment for a deceased member will be made pursuant to 10 U.S.C. § 1552 (c)(2), or other process as determined by the Secretary concerned.

## \*REFERENCES

## CHAPTER 15 – SPECIAL PAY – ASSIGNMENT INCENTIVE PAY (AIP)

## \*1502 – DEPARTMENT OF DEFENSE (DoD) AIP CRITERIA

- \* National Defense Authorization Act for Fiscal Year 2019,  
Public Law 115-232, section 611(d)(7),  
August 13, 2018
- \* DoDI 1340.26, September 25, 2017
- \* 37 U.S.C. § 352

## 1503 – NAVY AIP PROGRAMS

- \* 150301.A NAVAL Administration (NAVADMIN) 290/04  
DON, Office of the Assistant  
Secretary (M&RA) Memo, February 17, 2012
- \* 150301.C ASN (M&RA) Memo, December 21, 2017
- \* ASN (M&RA) Memo, December 21, 2018  
37 U.S.C. § 352
- \* 150302 NAVADMIN 070-07  
ASN (M&RA) Memo, December 21, 2017  
ASN (M&RA) Memo, December 21, 2018  
37 U.S.C. § 352  
DON, Office of the Chief Naval Operations Memo,  
May 3, 2017

## 1504 – ARMY AIP PROGRAMS

- \* 150401 DA, ODCS, G-1 Memo, August 28, 2017  
DA, ODCS, G-1 Memo, September 25, 2018
- \* 150402 DA, ODCS, G-1 Memo, August 22, 2017  
DA, ODCS, G-1 Memo, February 15, 2018  
DA, ODCS, G-1 Memo, September 24, 2018
- \* 150403 DA, ODCS, G-1 Memo, September 22, 2016  
DA, ODCS, G-1 Memo, August 30, 2017
- \* 150404 DA, ODCS, G-1 Memo, September 26, 2016  
DA, ODCS, G-1 Memo, September 21, 2018
- \* 150405 DA, ODCS, G-1 Memo, August 23, 2017  
DA, ODCS, G-1 Memo, September 28, 2018
- \* 150406 DA, ODCS, G-1 Memo, September 2, 2017  
DA, ODCS, G-1 Memo, September 22, 2018
- \* 150407 DA, ODCS, G-1 Memo, September 5, 2017  
DA, ODCS, G-1 Memo, September 27, 2018
- \* 150408 DA, ODCS, G-1, Memo, December 18, 2017  
DA, ODCS, G-1, Memo, December 15, 2017

- \* 150409 DA, ODCS, G-1, Memo, December 30, 2018  
DA, ODCS, G-1, December 31, 2018  
DA, ODCS, G-1, Memo, August 31, 2017  
DA, ODCS, G-1, Memo, September 23, 2018

## 1505 – AIR FORCE AIP PROGRAMS

- \* 150501 Under Secretary of the Air Force (USAF) Memo,  
December 28, 2017  
SAF Memo, October 20, 2015  
DoDI 1340.26, September 25, 2017  
37 U.S.C. § 352
- 150502 SAF Memo, December 22, 2014
- 150505 SAF Memo, September 4, 2014  
SAF Memo, October 31, 2014
- \* 150506 SAF Memo, March 15, 2018  
DoDI 1340.26, September 25, 2017  
37 U.S.C. § 352
- \* 150507 USAF Memo, July 27, 2018  
USAF Memo, December 28, 2017  
DoDI 1340.26, September 25, 2017  
37 U.S.C. § 352
- \* 150508 SAF Memo, August 18, 2016  
SAF Memo, August 22, 2018
- \* 150509 SAF Memo, March 22, 2017  
SAF Memo, October 11, 2018  
37 U.S.C. § 352

## 1506 – MARINE CORPS SMU AIP PROGRAMS

- \* 150601 ASN (M&RA) Memo, December 19, 2017  
ASN (M&RA) Memo, December 13, 2018  
DoDI 1340.26, September 25, 2017  
37 U.S.C. § 352
- \* 150602 ASN (M&RA) Memo, December 18, 2017  
ASN (M&RA) Memo, December 20, 2018  
DoDI 1340.26, September 25, 2017  
37 U.S.C. § 352

## \*1507 – AIP PROGRAM FOR INVOLUNTARY EXTENSIONS IN AFGHANISTAN OR CERTAIN THEATER UNITS

Office of the ASD (M&RA) Memo, November 27, 2017

1508 – AIP IN LIEU OF POST-DEPLOYMENT/MOBILIZATION RESPITE ABSENCE  
(PDMRA)

*	150801	USD (P&R) Memo, April 18, 2007 USD (P&R) Memo, May 24, 2007 <a href="#">DoDI 1340.26, September 25, 2017</a>
*	150802	<a href="#">USD (P&amp;R) Memo, February 1, 2010</a>
	150803	DoDI 1327.06, Change 3, May 2016
*	150803.C	37 U.S.C. § 352
	150804	DoDI 1327.06, Change 3, May 2016
	150805	Public Law 112-120, May 25, 2012 USD (P&R) Memo, July 11, 2012
*	150806	Public Law 112-239, section 605, January 2, 2013 <a href="#">10 U.S.C. § 1552</a>



**VOLUME 7A, CHAPTER 17: “SPECIAL PAY – HARDSHIP DUTY”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **December 2016** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
170201 170202 170203	Updated Hardship Duty Pay-Location, Hardship Duty Pay-Mission, and Hardship Duty Pay-Tempo in accordance with Department of Defense Instruction 1340.26. Incorporated the rates payable information from previous paragraphs 170301, 170302, and 170303.	Revision
170203.C.3	Extended the authorization for Hardship Duty Pay-Tempo to October 1, 2020.	Revision
Figure 17-1	Updated locations and corresponding rates in accordance with the Assistant Secretary of Defense Manpower and Reserve Affairs memorandum, dated September 26, 2017.	Revision
References	Renamed “Bibliography” to “References” and updated statutes and supporting references.	Revision

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## CHAPTER 17

SPECIAL PAY – HARDSHIP DUTY

## 1701 GENERAL

## 170101. Purpose

This chapter prescribes the policy for payment of Hardship Duty Pay (HDP) and lists the areas where members are authorized to receive these entitlements.

## 170102. Authoritative Guidance

The authoritative references are listed at the end of this chapter.

## 1702 HDP

## \*170201. HDP-Location (HDP-L)

A. Purpose. HDP-L is designed to recognize service at locations where living conditions are substantially below those normally found within the continental United States and to provide equity across Department of Defense (DoD) for Service members assigned to these locations. See Figure 17-1.

B. Eligibility. All Service members permanently assigned or serving in a temporary additional duty/temporary duty (TAD/TDY), deployed, or attached status for over 30 consecutive days in a designated area, will receive HDP-L. Service members on permanent reassignment to the area are eligible for HDP-L from the day of arrival at the new station. The conditions for HDP-L are set forth in Table 17-1. The Assistant Secretary of Defense – Manpower and Reserve Affairs (ASD (M&RA)) will promulgate any additional eligibility criteria by issuing a policy decision memorandum.

C. Locations and Amounts. The ASD (M&RA) will promulgate locations and specific amounts for HDP-L at the rates shown in Figure 17-1.

D. Restrictions. Service members performing duty temporarily in a designated area are not eligible for HDP-L during the first 30 days of consecutive duty in the area. On the 31st day, HDP-L is payable to the member retroactive to the date the member reported for duty at the location. The ASD (M&RA) will promulgate any additional restrictions for HDP-L.

E. Termination. HDP-L entitlement ends on:

1. The day the member departs the station as a result of Permanent Change of Station (PCS) reassignment; or

2. The last day of the effective period as stated in Figure 17-1; or

3. The day specified in Table 17-1 for specific situations.

\*170202. HDP- Mission (HDP-M)

A. Purpose. HDP-M is designed to recognize permanent or temporary assignment of Service members when conditions are deemed particularly arduous or require Service members to perform duties outside of normal military operations.

B. Eligibility. Eligibility criteria will be established by the ASD (M&RA) for Service members permanently or temporarily assigned to a designated mission. A member assigned to, on TAD/TDY with, or otherwise under the operational control of the Defense Prisoner of War/Missing Personnel Office, the Joint Task Force-Full Accounting, or the Central Identification Lab-Hawaii, may qualify for HDP-M based on performance of a hardship mission. Eligible members are entitled to receive HDP-M for each month in which they perform investigative or remains recovery duty in a remote, isolated area (including, but not limited to, areas in Laos, Cambodia, Vietnam, and North Korea) in the recovery of U.S. Service member remains.

C. Maximum Amount. HDP-M is payable to all members at the rate of \$150 per month. HDP-M is payable at the full monthly rate, without prorating or reduction, for each month, during any part of which, the member performs a specified mission.

\*170203. HDP-Tempo (HDP-T)

A. Purpose. HDP-T is designed to recognize extended or excessive amounts of time outside of a Service member's permanent duty station (PDS).

B. Eligibility. Secretaries of the Military Departments concerned will establish eligibility criteria based on Service-specific needs but will consider retention, quality of life, family separation, and other factors that contribute to a Service member's dissatisfaction when spending extended or excessive amounts of time away from the Service member's PDS.

C. Amount. Secretaries of the Military Departments concerned will establish monthly rates, but the maximum amount of HDP-T per month will not exceed \$500. The Department of the Navy:

1. Received approval to pay Service members HDP-T at the monthly rate of \$495 for Sailors and Marines deployed beyond the 220th day of a consecutive operational deployment. Sailors and Marines will receive prorated HDP-T based on the number of days in the month that they are eligible, subject to the provisions of Chapter 1, paragraph 010302;

2. May make payments for HDP-T commencing on September 17, 2014, but members who are on a qualifying operational deployment/mobilization on September 17, 2014 may count the consecutive number of days of deployment/mobilization prior to September 17, 2014 for the purpose of being eligible for the payment of HDP-T; and

\* 3. Has authorized payments for HDP-T until October 1, 2020.

D. Restrictions. The Secretary of the Military Departments concerned will prorate the monthly amount of HDP-T for a member who does not satisfy the eligibility requirements for an entire month.

NOTE: For periods of absence, consult with Service regulations to determine eligibility.

### 1703 RESTRICTIONS ON PAYMENT

#### 170301. General Restrictions

When a member is in receipt of Imminent Danger Pay (IDP) or Hostile Fire Pay (HFP), then the maximum amount of HDP-L is \$100. The total entitlement of HDP-L plus HFP or IDP in any 1 month may not exceed \$325.

#### 170302. Concurrent Payments

A member is authorized concurrent payment of HDP-M, HDP-L, and HDP-T during any 1 month, provided the amount does not exceed the monthly statutory maximum rate of \$1,500 for HDP.

\*Figure 17-1. Hardship Duty Location Pay Areas  
Notes 1 and 2

Designated Location	Monthly Rates	Effective Dates	
		From	Through
Afghanistan (Note 3)	\$100	November 1, 2001	
Albania	\$150	April 1, 2002	
Algeria (Note 3)	\$100	September 1, 2007	
American Samoa	\$50	June 15, 2005	
Angola	\$150	September 1, 2007	
Antarctic Region (below 60° S latitude)	\$150	January 1, 2001	
Antigua AS	\$50	April 18, 2002	
Arctic Circle Region (above 66°33' N latitude)	\$150	January 1, 2001	
*Argentina			
Buenos Aires	\$50	October 1, 2017	
Other	\$0	October 1, 2017	
Armenia	\$150	January 1, 2001	
Ascension AAF	\$150	April 18, 2002	
Australia:			
Alice Springs	\$50	January 1, 2001	
Other	\$0	January 1, 2001	
Azerbaijan (Note 3)	\$100	October 31, 2007	
*Azores, Portugal (includes Lajes Field)	\$50 \$0	February 1, 2004 January 1, 2018	December 31, 2017
*Bahamas:	\$50	October 1, 2017	
*Andros Island	\$50	January 1, 2001	September 30, 2017
*Other	\$0	January 1, 2001	September 30, 2017
*Bahrain	\$50 \$100	June 1, 2014 October 1, 2017	September 30, 2017
Bangladesh	\$150	January 1, 2001	
*Barbados	\$50	October 1, 2017	
*Belarus	\$150 \$100	January 1, 2001 January 1, 2018	December 31, 2017
*Belize:	\$150	October 1, 2017	
Belize City	\$100	February 1, 2004	September 30, 2017
Other	\$150	February 1, 2004	September 30, 2017
Benin	\$150	January 1, 2001	
*Bolivia:			
Cochabamba	\$50	January 1, 2001	
*La Paz	\$150	September 1, 2007	December 31, 2017
Santa Cruz	\$50	June 1, 2012	
Other	\$150	September 1, 2007	
*Bosnia-Herzegovina	\$150 \$100	April 1, 2012 January 1, 2018	December 31, 2017

\*Figure 17-1. Hardship Duty Location Pay Areas (Continued)  
Notes 1 and 2

Designated Location	Monthly Rates	Effective Dates	
		From	Through
Botswana:			
Selebi Phikwe	\$150	April 1, 2012	
Other	\$50	April 1, 2012	
*Brazil			
States:			
Amazonas	\$50	January 1, 2001	
Goias	\$50	January 1, 2001	
Maranhao	\$50	January 1, 2001	
Mato Grosso	\$50	January 1, 2001	
Mato Grosso Do Sul	\$50	January 1, 2001	
Para	\$50	January 1, 2001	
Pernambuco	\$50	January 1, 2001	
Piaui	\$50	January 1, 2001	
Rondonia	\$50	January 1, 2001	
Roraima	\$50	January 1, 2001	
Cities:			
Belo Horizonte	\$50	October 1, 2017	
Brasilia	\$50	February 1, 2004	
Fortaleza	\$50	January 1, 2001	
Porto Alegre	\$50	October 1, 2017	
Recife	\$50	January 1, 2001	
Rio de Janeiro	\$50	February 1, 2004	
Sao Paulo	\$50	October 14, 2001	
Other	\$0	January 1, 2001	
*Brunei	\$100 \$50	January 1, 2001 January 1, 2018	December 31, 2017
Bulgaria	\$50	June 1, 2012	
Burkina Faso	\$150	January 1, 2001	
Burma (Myanmar)	\$150	January 1, 2001	
Burundi	\$100	May 10, 2005	
Cambodia	\$150	October 11, 2001	
*Cameroon			
*Far North Regions (note 3)	\$100	June 7, 2017	
*North Region (note 3)	\$100	June 7, 2017	
Other	\$150	September 1, 2007	
Canada:			
Northwest Territory	\$150	January 1, 2001	
Other	\$0	January 1, 2001	
Cape (Cabo) Verde	\$150	January 1, 2001	
Central African Republic	\$150	January 1, 2001	

\*Figure 17-1. Hardship Duty Location Pay Areas (Continued)  
Notes 1 and 2

Designated Location	Monthly Rates	Effective Dates	
		From	Through
Chad (Note 3)	\$100	August 11, 2008	
Chagos Archipelago:			
Diego Garcia	\$150	January 1, 2001	
Other	\$50	January 1, 2001	
*China:			
Beijing	\$100	December 1, 2007	
Chengdu	\$150	January 1, 2001	December 31, 2017
*Guangzhou	\$150	January 1, 2001	December 31, 2017
	\$100	January 1, 2018	
*Hong Kong	\$50	February 1, 2004	December 31, 2017
	\$0	January 1, 2018	
*Kunming	\$0	January 1, 2018	
*Shanghai	\$100	April 1, 2012	December 31, 2017
	\$50	January 1, 2018	
Shenyang	\$150	January 1, 2001	December 31, 2017
Other	\$150	February 1, 2004	
*Colombia	\$50	December 1, 2001	September 30, 2017
Barranquilla	\$50	October 1, 2017	
Other	\$100	October 1, 2017	
Congo, Republic of	\$150	April 1, 2012	
Congo, Democratic Republic of (formerly Zaire)	\$100	June 7, 2005	
Cook Islands:			
Rarotonga	\$50	January 1, 2001	
Other	\$100	January 1, 2001	
Costa Rica			
San Jose	\$0	December 1, 2007	
Other	\$50	January 1, 2001	
Cote D'Ivoire (Note 3)	\$100	June 1, 2003	
Cuba:			
Guantanamo Bay (Other)	\$100	October 4, 2006	
Guantanamo Bay, Joint Task Force	\$150	October 4, 2006	
Guantanamo Bay, Joint Task Force –when required to perform duties within the detention facility (note 3)	\$100	December 26, 2006	
Havana	\$150	January 1, 2001	
Other	\$50	January 1, 2001	
Djibouti (Note 3)	\$100	August 1, 2002	
Dominican Republic	\$100	June 1, 2012	

\*Figure 17-1. Hardship Duty Location Pay Areas (Continued)  
Notes 1 and 2

Designated Location	Monthly Rates	Effective Dates	
		From	Through
East Timor (Timor-Leste)	\$100 \$150	November 1, 2001 June 1, 2014	May 31, 2014
*Ecuador: Guayaquil Quito *Other	\$100 \$100 \$50 \$50	October 1, 2017 January 1, 2001 June 1, 2012 June 1, 2012	September 30, 2017 September 30, 2017 September 30, 2017
Egypt (Note 3)	\$100	April 1, 2012	
El Salvador	\$100	June 1, 2012	
Equatorial Guinea	\$150	September 1, 2007	
Eritrea (Note 3)	\$100	August 1, 2002	
Estonia	\$50	January 1, 2001	
Ethiopia (Note 3)	\$100	January 18, 2002	
*Fiji	\$150 \$100	April 1, 2012 January 1, 2018	December 31, 2017
*Gabon: *Libreville *Other	\$150 \$100 \$150	October 1, 2017 June 1, 2012 January 1, 2001	September 30, 2017 September 30, 2017
Gambia	\$150	January 1, 2001	
*Georgia	\$150 \$100	November 1, 2007 January 1, 2018	December 31, 2017
Ghana	\$150	January 1, 2001	
*Greece: Athens Elefsis Ellinikon *Kavala Relay Station Mt. Parnis Mt. Pateras Nea Makri Piraeus Tanagra Other (includes Iraklion & Souda Bay, Crete)	\$50 \$50 \$50 \$100 \$50 \$50 \$50 \$50 \$50 \$50 \$0	April 1, 2012 April 1, 2012 April 1, 2012 December 1, 2004 April 1, 2012 April 1, 2012 April 1, 2012 April 1, 2012 April 1, 2012 April 1, 2012 January 1, 2001	December 31, 2017
Greenland	\$150	January 1, 2001	
Grenada	\$50	January 1, 2001	
Guatemala: Guatemala City Other	\$100 \$150	April 1, 2012 April 1, 2012	
Guinea	\$150	January 1, 2001	

\*Figure 17-1. Hardship Duty Location Pay Areas (Continued)  
Notes 1 and 2

Designated Location	Monthly Rates	Effective Dates	
		From	Through
Guinea Bissau	\$150	January 1, 2001	
Guyana	\$150	January 1, 2001	
Haiti	\$100 \$150	December 1, 2001 June 1, 2014	May 31, 2014
*Honduras	\$100 \$150	June 1, 2012 October 1, 2017	September 30, 2017
Hungary: Budapest	\$0	January 1, 2001	
Other	\$50	January 1, 2001	
*Iceland:	\$50	October 1, 2017	
*Keflavik-Grindavik	\$0	December 1, 2007	September 30, 2017
*Reykjavik	\$50	September 1, 2007	September 30, 2017
*Other	\$50	April 1, 2012	September 30, 2017
India	\$150	February 1, 2004	
*Indonesia (Note 3):	\$100	November 1, 2001	September 30, 2017
Jakarta	\$100	October 1, 2017	
Provinces of:			
Central Java	\$100	October 1, 2017	
East Kalimantan	\$100	October 1, 2017	
Central Sulawesi	\$100	October 1, 2017	
Papua	\$100	October 1, 2017	
Region of Aceh	\$100	October 1, 2017	
Other	\$150	October 1, 2017	
Iraq (includes the Al Basra Oil Terminal) (Note 3)	\$100	August 23, 2010	
*Israel	\$50	October 1, 2017	
*Jamaica:			
*Kingston	\$100 \$150	September 1, 2007 October 1, 2017	September 30, 2017
Other	\$0	January 1, 2001	
Jordan (Note 3):	\$100	June 28, 2016	
Other	\$50	January 18, 2002	June 27, 2016
*Kazakhstan	\$150	January 1, 2001	December 31, 2017
*Almaty	\$100	January 1, 2018	
*Other	\$150	January 1, 2018	
Kenya (Note 3)	\$100	May 23, 2002	
Kiribati, Republic of, Kiritimati (Christmas Island)	\$50	February 8, 2011	
Other	\$0	February 8, 2011	
Korea, Democratic Republic of (North Korea)	\$150	January 1, 2001	



\*Figure 17-1. Hardship Duty Location Pay Areas (Continued)  
Notes 1 and 2

Designated Location	Monthly Rates	Effective Dates	
		From	Through
Korea, Republic of (South Korea) Area 1 (includes: Camp Edwards, Bull's Eye #1 & #2, Warrior Base, Camp Howze, Camp Garry Owen North, Camp Giant, Camp Bonifas, Stanton (H-112), Camp Greaves, Charlie Block, Freedom Bridge, Liberty Bell, Papyonsan ATC, DMZ South Half, Joint Security Area Swiss-Swede Camp, Alamo ASA (Det L), Bayonet Training Area, Camp Casey, Camp Hovey, Camp Nimble, Gimbolds Gun Training Area, Mobile, Camp Castle, Shinbuk Relay (Hill 754), Watkins Range, Yongpyong (Indian Head TC), Kamaksan ASA (Det M), H220 Heliport, Camp Essayons, Camp Page, Camp Red Cloud, Camp Stanley, Camp Falling Water, Concord, Camp Kyle, La Guardia, Hwaakson Evn ATC, Camp Jackson, Camp Sears, Camp Kwang Sa-Ri)	\$150	January 1, 2001	
Camp Yongin	\$100	February 1, 2003	
Gwang Ju AB	\$100	October 1, 2004	
Pohang	\$100	November 1, 2003	
Other	\$50	January 1, 2001	
Kosovo (Note 3)	\$100	September 1, 2007	
Kuwait	\$50	June 1, 2012	
Kyrgyzstan	\$100 \$150	November 1, 2001 June 1, 2014	May 31, 2014
Laos	\$150	January 1, 2001	
Latvia	\$50	January 1, 2001	
Lebanon (Note 3)	\$100	December 1, 2004	
*Lesotho	\$150 \$100	December 1, 2004 January 1, 2018	December 31, 2017
Liberia: Monrovia	\$150 \$100	June 1, 2014 August 25, 2003	May 31, 2014
Other	\$100	April 1, 2012	May 31, 2014
Libya (Note 3)	\$100	April 26, 2011	

\*Figure 17-1. Hardship Duty Location Pay Areas (Continued)  
Notes 1 and 2

Designated Location	Monthly Rates	Effective Dates	
		From	Through
Lithuania	\$50	April 1, 2012	
Macedonia	\$50	June 1, 2012	
Madagascar	\$150	January 1, 2001	
Malawi	\$150	December 1, 2004	
Malaysia	\$50	October 14, 2001	
*Mali (Note 3)	\$150 \$100 \$150 \$100	January 1, 2001 February 5, 2013 October 1, 2013 June 7, 2017	February 4, 2013 September 30, 2013 June 6, 2017
Malta	\$50	September 1, 2007	
Marshall Islands:			
Majuro	\$150	April 1, 2012	
Other	\$50	January 1, 2001	
Mauritania	\$150	January 1, 2001	
Mauritius	\$50	January 1, 2001	
*Mexico:			
*Ciudad Juarez	\$50 \$150	April 1, 2012 October 1, 2017	September 30, 2017
*Guadalajara	\$50 \$100	April 1, 2012 October 1, 2017	September 30, 2017
Hermosillo	\$100	April 1, 2012	
*Matamoros	\$50 \$150	April 1, 2012 October 1, 2017	September 30, 2017
Mazatlan	\$50	April 1, 2012	
Merida	\$100	April 1, 2012	
Metapa	\$100	September 1, 2007	
Mexico City D.F.	\$100	February 1, 2004	
*Monterrey	\$50 \$100	September 1, 2007 October 1, 2017	September 30, 2017
*Nogales	\$50 \$100	September 1, 2007 October 1, 2017	September 30, 2017
*Nuevo Laredo	\$50 \$150	February 1, 2004 October 1, 2017	September 30, 2017
*Reynosa	\$50 \$100	April 1, 2012 October 1, 2017	September 30, 2017
Tapachula	\$100	January 1, 2001	
*Tijuana	\$50 \$100	September 1, 2007 October 1, 2017	September 30, 2017
Tuxtia Gutierrez	\$50	January 1, 2001	
Other	\$0	January 1, 2001	
Micronesia, Federated States of	\$150	December 1, 2004	

\*Figure 17-1. Hardship Duty Location Pay Areas (Continued)  
Notes 1 and 2

Designated Location	Monthly Rates	Effective Dates	
		From	Through
*Moldova	\$150 \$100	January 1, 2001 January 1, 2018	December 31, 2017
Mongolia	\$150	January 1, 2001	
*Montenegro: *Podgorica	\$100 \$150 \$100	September 1, 2007 June 1, 2014 January 1, 2018	May 31, 2014 December 31, 2017
Other	\$50	June 1, 2012	
*Morocco Casablanca	\$50	April 1, 2012	
*Rabat	\$50	October 1, 2017	
*Sale	\$50	October 1, 2017	
Other	\$0	April 1, 2012	
Mozambique	\$150	January 1, 2001	
Namibia	\$50	September 1, 2007	
Nepal	\$150	January 1, 2001	
*Nicaragua: *Managua	\$150 \$100	October 1, 2017 December 1, 2007	September 30, 2017
Other	\$150	February 1, 2004	September 30, 2017
*Niger (Note 3)	\$150 \$100	January 1, 2001 June 7, 2017	June 6, 2017
Nigeria	\$150	January 1, 2001	
*Oman: *Muscat	\$0 \$50	June 1, 2012 October 1, 2017	September 30, 2017
*Salalah	\$100	April 1, 2012	December 31, 2017
*Other	\$150 \$100	April 1, 2012 January 1, 2018	December 31, 2017
Pakistan (Note 3)	\$100	November 1, 2001	
Palau	\$50	January 1, 2001	
*Panama: *Panama City	\$50 \$0	October 1, 2017 January 1, 2001	September 30, 2017
*Other	\$50	January 1, 2001	September 30, 2017
Papua New Guinea	\$150	January 1, 2001	
Paraguay	\$50	January 1, 2001	
Peru	\$100	June 1, 2012	
*Philippines *Davao City	\$100 \$0	January 1, 2001 January 1, 2018	December 31, 2017
*Other	\$100	January 1, 2018	

\*Figure 17-1. Hardship Duty Location Pay Areas (Continued)  
Notes 1 and 2

Designated Location	Monthly Rates	Effective Dates	
		From	Through
*Qatar:			
Al Udeid AB	\$50	April 1, 2002	
Camp Snoopy	\$50	April 1, 2002	September 30, 2017
Camp As Syliyah	\$50	April 1, 2002	
*Doha	\$50	October 1, 2017	
*Other	\$50	April 1, 2012	September 30, 2017
	\$100	October 1, 2017	
Romania	\$50	June 1, 2012	
*Russia:	\$150	October 1, 2017	
*Moscow	\$100	June 1, 2012	September 30, 2017
*St. Petersburg	\$100	June 1, 2012	September 30, 2017
Other	\$150	October 14, 2001	September 30, 2017
*Rwanda	\$100	April 1, 2005	May 31, 2014
	\$150	June 1, 2014	December 31, 2017
	\$100	January 1, 2018	
Samoa	\$150	April 1, 2012	
Sao Tome and Principe	\$150	January 1, 2001	
Saudi Arabia	\$100	September 1, 2007	May 31, 2014
	\$150	June 1, 2014	
Senegal	\$150	April 1, 2012	
*Serbia	\$100	September 1, 2007	May 31, 2014
*Belgrade	\$50	January 1, 2018	
*Other	\$150	June 1, 2014	December 31, 2017
	\$100	January 1, 2018	
Sierra Leone	\$150	November 1, 2007	
*Slovakia	\$50	December 1, 2004	December 31, 2017
Solomon Islands	\$100	January 1, 2001	
Somalia (Note 3)	\$100	April 1, 2012	
South Africa	\$50	September 1, 2007	
South Sudan (Note 3)	\$100	April 1, 2012	
*Sri Lanka	\$150	October 14, 2001	December 31, 2017
	\$100	January 1, 2018	
Sudan (Note 3)	\$100	April 1, 2012	
*Suriname	\$150	February 1, 2004	December 31, 2017
	\$100	January 1, 2018	
Swaziland	\$100	April 1, 2012	

\*Figure 17-1. Hardship Duty Location Pay Areas (Continued)  
Notes 1 and 2

Designated Location	Monthly Rates	Effective Dates	
		From	Through
Syria (Note 3)	\$100	July 31, 2003	
*Taiwan:			
*Kaohsiung	\$50	June 1, 2012	December 31, 2017
*Taipei	\$50	December 1, 2007	December 31, 2017
	\$0	January 1, 2018	
*Other	\$100	June 1, 2012	December 31, 2017
	\$50	January 1, 2018	
Tajikistan	\$100	November 1, 2001	May 31, 2014
	\$150	June 1, 2014	
Tanzania	\$150	February 1, 2004	
*Thailand:			
Bangkok	\$50	January 1, 2001	
Chiang Mai	\$50	January 1, 2001	
*Songkhla	\$150	September 1, 2007	December 31, 2017
*Other	\$150	December 1, 2004	December 31, 2017
	\$100	January 1, 2018	
Togo	\$150	January 1, 2001	
Trinidad and Tobago	\$50	June 1, 2012	
*Tunisia	\$50	January 1, 2001	September 30, 2017
	\$100	October 1, 2017	
*Turkey (Note 3):			
Afyon	\$100	August 5, 2003	
Batman	\$100	August 5, 2003	
Corlu	\$100	August 5, 2003	
Diyarbakir	\$100	August 5, 2003	
Eskisehir	\$50	May 23, 2002	
Gaziantep	\$100	August 5, 2003	
Iskendrun	\$100	August 5, 2003	
Konya	\$100	August 5, 2003	
*Kurecik (Kepez)	\$100	October 1, 2017	
Mardin	\$100	August 5, 2003	
Mersin	\$100	August 5, 2003	
Nusaybin	\$100	August 5, 2003	
Oguzeli	\$100	August 5, 2003	
Pirinclik	\$100	August 5, 2003	
Sabiha Gokcen	\$100	August 5, 2003	
Sanliurfa	\$100	August 5, 2003	
Tasucu	\$100	August 5, 2003	
Other	\$0	May 23, 2002	
Turkmenistan	\$150	January 1, 2001	
Uganda (Note 3)	\$100	June 23, 2004	

\*Figure 17-1. Hardship Duty Location Pay Areas (Continued)  
Notes 1 and 2

Designated Location	Monthly Rates	Effective Dates	
		From	Through
Ukraine	\$150	January 1, 2001	
*United Arab Emirates:			
*Abu Dhabi	\$0 \$50	December 1, 2007 October 1, 2017	September 30, 2017
*Dubai	\$0 \$50	January 1, 2001 October 1, 2017	September 30, 2017
*Other	\$100 \$150	January 1, 2001 October 1, 2017	September 30, 2017
United States of America:			
Alaska:			
Annette Island	\$150	July 11, 2002	
Areas above 66°33' N latitude	\$150	January 1, 2001	
Clear	\$150	July 28, 2008	
Cordova	\$150	February 23, 2006	
Eareckson AS	\$150	July 1, 2002	
Fort Greely	\$150	October 1, 2002	
Unalaska	\$150	November 1, 2001	
Other	\$0	November 1, 2001	
Uzbekistan	\$100 \$150	November 1, 2001 June 1, 2014	May 31, 2014
Vanuatu	\$100	September 1, 2007	
Venezuela	\$150	November 28, 2008	
Vietnam	\$150	January 1, 2001	
Western Sahara (Disputed Territory):			
Laayoune	\$150	December 1, 2001	
MINURSO UN Team Site locations	\$150	December 1, 2001	
Other	\$0	December 1, 2001	
Yemen (Note 3)	\$100	February 1, 2004	
Zambia:			
Lusaka	\$100	June 1, 2012	
Other	\$150	January 1, 2001	
Zimbabwe:	\$150	September 1, 2007	
Harare	\$150	August 1, 2003	August 31, 2007

\*Figure 17-1. Hardship Duty Location Pay Areas (Continued)

**NOTES:**

1. All members on qualifying duty at places within the listed country, state, or region are entitled to HDP-L. Only land areas are designated for hardship duty, except that any installations located on an ice shelf inside the Antarctic or Arctic Circle Regions are also included in the designation for that area.
2. The special pay is currently payable when ending date is not shown in “Through” column.
3. The HDP-L monthly entitlement decreases to a maximum payment of \$100 when Service members are authorized a concurrent payment of \$225 for [HFP](#) or [IDP](#). See paragraph 170301.

Table 17-1. Hardship Duty Location Pay - Conditions of Entitlement

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
	<b>When a member</b>	<b>and</b>	<b>and</b>	<b>then hardship duty location pay</b>
<b>1</b>	is assigned to permanent duty in a location listed in Figure 17-1 as a hardship duty area		reports PCS to the area	starts on day of arrival for duty (note 1).
<b>2</b>			leaves the area permanently	continues through day of departure (note 2).
<b>3</b>			is discharged and immediately re-enlists at the same duty station	continues to accrue.
<b>4</b>			is on authorized leave and remains within the area	
<b>5</b>			is also entitled to payment of HFP/IDP during the same month	is limited to a maximum entitlement of \$100 for that month.
<b>6</b>		official status is accompanied	leaves the area temporarily to perform more than 30 days of operational flight duty, TAD/TDY, or for hospitalization in one or more HDP-L areas	accrues at the higher area rate during the temporary assignment until return to the PDS (note 3).
<b>7</b>		official status is unaccompanied		accrues at the higher area rate during the first 30 days at the temporary assignment and at the temporary area rate until return to the PDS (note 3).
<b>8</b>		official status is accompanied		continues to accrue.
<b>9</b>		official status is unaccompanied	leaves the area temporarily for reasons other than to perform more than 30 days of operational flight duty, TAD/TDY, or for hospitalization in one or more HDP-L areas	continues for first 30 days.



Table 17-1. Hardship Duty Location Pay - Conditions of Entitlement (Continued)

R U L E	A	B	C	D
	When a member	and	and	then hardship duty location pay
10	is not assigned to permanent duty in a location listed in Figure 17-1 as a hardship duty area		is on operational flight duty, TAD/TDY, or hospitalized in one or more HDP-L areas for a continuous period of more than 30 days (including date of arrival and date of departure)	accrues at the applicable area rate retroactive from the date of arrival (notes 1 and 4). Entitlement is limited to \$100 when HFP or IDP is payable during the same month.
11	is entitled to hardship duty location pay for temporary assignment in an area listed in Figure 17-1		leaves the area temporarily to perform more than 30 days of operational flight duty, TAD/TDY, or for hospitalization in one or more HDP-L areas	accrues at the higher area rate during the first 30 days at the follow-on assignment and then continues at the follow-on area rate until return to the original temporary area or through day of departure, if not returning (notes 3 and 4).
12	is entitled to hardship duty location pay for temporary assignment in an area listed in Figure 17-1		leaves the area temporarily for reasons other than to perform more than 30 days of operational flight duty, TAD/TDY, or for hospitalization in one or more HDP-L areas	continues for first 30 days.
13			leaves the area permanently	continues through day of departure (note 2).
14	is otherwise entitled to hardship duty location pay for assignment in an area listed in Figure 17-1 as a hardship duty area		is in confinement awaiting trial by court-martial and is acquitted or has charges dismissed	accrues retroactive to first day of confinement.
15			is in confinement awaiting trial by court-martial and is convicted	does not accrue from first day of confinement through the day before the date restored to full duty (note 5).
16			is in confinement as result of court-martial sentence	

Table 17-1. Hardship Duty Location Pay - Conditions of Entitlement (Continued)

**NOTES:**

1. If already in a location when it is designated a hardship duty area, the day of designation starts pay for those on permanent duty. Absences from an HDP-L area of less than 24 hours do not break continuity. A member, on operational flight duty, TAD/TDY, or hospitalized in an area on the date it becomes designated for HDP-L, may count the number of consecutive days already served in that area immediately preceding the date of designation. Additionally, the member may count the number of consecutive days served in a different designated area or areas, if the member served in such area(s) immediately preceding arrival in the newly designated area. In any case, entitlement to payment for HDP-L cannot accrue for any area prior to the date it is designated.
2. Rule 3 applies when a medical evacuee has been reassigned on PCS from the designated area for medical treatment.
3. Any enroute TAD/TDY, travel time, or leave will accrue HDP-L at the PDS/prevaling area rate. HDP terminates if more than 30 days pass before a member (other than a member with accompanied status at an HDP-L PDS) reports for duty in another designated area.
4. If time from more than one designated area is combined to meet the 30 day qualifying criteria, pay the rate for the area at which the greatest time was earned during the first 30 days. After the first 30 days pay the applicable rate for the area in which duty is served, prorated if necessary.
5. Non-judicial punishment does not result in loss of HDP.

## \*REFERENCES

## CHAPTER 17 - SPECIAL PAY - HARDSHIP DUTY

## 1702 ENTITLEMENT

- Title 37, United States Code, section 352
- \* DoD Instruction (DoDI) 1340.26, September 25, 2017
- \* ASD (M&RA) Memo, September 26, 2017
- \* 170202.B.3 ASD Force Management Policy (FMP) Memo, May 14, 1999
- \* 170203.C.3 Assistant Secretary of the Navy (M&RA) Memo, September 28, 2017

## 1703 RESTRICTIONS ON PAYMENT

- \* 170301 ASD (M&RA) Memo, September 26, 2017
- \* 170302 DoDI 1340.26, September 25, 2017

## Figure 17-1 – HARDSHIP DUTY LOCATION PAY AREAS

Afghanistan	ASD (FMP) Memo, October 31, 2001
Albania	ASD (FMP) Memo, March 13, 2002
Algeria	Office of the Under Secretary of Defense (USD) Personnel and Readiness (OUSD (P&R)) Memo, August 29, 2007
American Samoa	OUSD (P&R) Memo, June 15, 2005
Angola	OUSD (P&R) Memo, March 27, 2007 OUSD (P&R) Memo, August 29, 2007
Antarctic Region	ASD (FMP) Memo, December 21, 2000
Antigua Air Station	ASD (FMP) Memo, April 18, 2002
Arctic Circle Region	ASD (FMP) Memo, December 21, 2000
* Argentina	ASD (M&RA) Memo, September 26, 2017
Armenia	ASD (FMP) Memo, December 21, 2000
Ascension AAF	ASD (FMP) Memo, April 18, 2002

Australia	ASD (FMP) Memo, December 21, 2000 ASD (FMP) Memo, July 11, 2002 USD (P&R) Memo, March 7, 2012
Azerbaijan	OUSD (P&R) Memo, October 31, 2007
* Azores, Portugal	ASD (FMP) Memo, December 21, 2000 ASD (FMP) Memo, October 14, 2001 OUSD P&R Memo, January 28, 2004 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
* Bahamas	ASD (FMP) Memo, December 21, 2000 USD (P&R) Memo, March 7, 2012 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
* Bahrain	USD (P&R) Memo, December 31, 2013 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
Bangladesh	ASD (FMP) Memo, December 21, 2000
* Barbados	ASD (FMP) Memo, October 14, 2001 OUSD (P&R) Memo, August 29, 2007 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
* Belarus	ASD (FMP) Memo, December 21, 2000 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
* Belize	ASD (FMP) Memo, December 21, 2000 ASD (FMP) Memo, October 14, 2001 OUSD (P&R) Memo, January 28, 2004 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
Benin	ASD (FMP) Memo, December 21, 2000
* Bolivia	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, August 29, 2007 USD (P&R) Memo, March 7, 2012 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
* Bosnia-Herzegovina	USD (P&R) Memo, March 7, 2012 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
Botswana	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, November 17, 2004 OUSD (P&R) Memo, August 29, 2007 USD (P&R) Memo, March 7, 2012

*	Brazil	ASD (FMP) Memo, December 21, 2000 ASD (FMP) Memo, October 14, 2001 OUSD (P&R) Memo, January 28, 2004 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
*	Brunei	ASD (FMP) Memo, December 21, 2000 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
	Bulgaria	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, August 5, 2003 OUSD (P&R) Memo, January 28, 2004 USD (P&R) Memo, March 7, 2012
	Burkina Faso	ASD (FMP) Memo, December 21, 2000 USD (P&R) Memo, March 7, 2012
*	Burma	ASD (FMP) Memo, December 21, 2000 ASD (FMP) Memo, October 14, 2001 ASD (FMP) Memo, December 28, 2001 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
	Burundi	OUSD (P&R) Memo, May 10, 2005
	Cambodia	ASD (FMP) Memo, October 11, 2001 <a href="#">ASD (FMP) Memo, October 14, 2001</a>
*	Cameroon	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, August 29, 2007 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a> <a href="#">USD (P&amp;R) Memo, March 5, 2018</a>
	Canada	ASD (FMP) Memo, December 21, 2000
	Cape Verde	ASD (FMP) Memo, December 21, 2000
	Central African Republic	ASD (FMP) Memo, December 21, 2000
	Chad	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, August 11, 2008
	Chagos Archipelago	ASD (FMP) Memo, December 21, 2000 <a href="#">ASD (FMP) Memo, October 14, 2001</a>

* China	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, April 10, 2003 OUSD (P&R) Memo, January 28, 2004 OUSD (P&R) Memo, August 29, 2007 USD (P&R) Memo, March 7, 2012 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
* Colombia	USD (P&R) Memo, November 30, 2001 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
Congo, Democratic Republic of	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, June 7, 2005 USD (P&R) Memo, March 7, 2012
Cook Islands	ASD (FMP) Memo, December 21, 2000
Costa Rica	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, November 17, 2004 OUSD (P&R) Memo, August 29, 2007
Cote d'Ivoire	ASD (FMP) Memo, December 21, 2000 <a href="#">OUSD (P&amp;R) Memo, March 21, 2003</a>
Cuba	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, October 4, 2006
Djibouti	ASD (FMP) Memo, December 21, 2000 ASD (FMP) Memo, July 31, 2002
Dominican Republic	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, November 17, 2004 USD (P&R) Memo, March 7, 2012
East Timor	ASD (FMP) Memo, October 11, 2001 ASD (FMP) Memo, October 14, 2001 ASD (FMP) Memo, October 31, 2001 USD (P&R) Memo, December 31, 2013
* Ecuador	ASD (FMP) Memo, December 21, 2000 USD (P&R) Memo, March 7, 2012 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
Egypt	ASD (FMP) Memo, January 18, 2002 OUSD (P&R) Memo, August 5, 2003 OUSD (P&R) Memo, August 29, 2007 USD (P&R) Memo, March 7, 2012

El Salvador	ASD (FMP) Memo, May 30, 2001 OUSD (P&R) Memo, November 17, 2004 OUSD (P&R) Memo, August 29, 2007 USD (P&R) Memo, March 7, 2012
Equatorial Guinea	OUSD (P&R) Memo, August 29, 2007
Eritrea	ASD (FMP) Memo, December 21, 2000 ASD (FMP) Memo, July 31, 2002
Estonia	ASD (FMP) Memo, December 21, 2000
Ethiopia	ASD (FMP) Memo, January 18, 2002
* Fiji	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, January 28, 2004 USD (P&R) Memo, March 7, 2012 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
* Gabon	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, August 29, 2007 USD (P&R) Memo, March 7, 2012 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
Gambia	ASD (FMP) Memo, December 21, 2000
* Georgia	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, March 27, 2007 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
Ghana	ASD (FMP) Memo, December 21, 2000
* Greece	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, November 17, 2004 USD (P&R) Memo, March 7, 2012 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
Greenland	ASD (FMP) Memo, December 21, 2000
Grenada	ASD (FMP) Memo, December 21, 2000
Guatemala	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, January 28, 2004 USD (P&R) Memo, March 7, 2012
Guinea	ASD (FMP) Memo, December 21, 2000

Guinea Bissau	ASD (FMP) Memo, December 21, 2000
Guyana	ASD (FMP) Memo, December 21, 2000
Haiti	USD P&R Memo, November 30, 2001 USD (P&R) Memo, December 31, 2013
* Honduras	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, November 28, 2008 USD (P&R) Memo, March 7, 2012 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
Hungary	ASD (FMP) Memo, December 21, 2000
* Iceland	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, August 29, 2007 USD (P&R) Memo, March 7, 2012 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
India	ASD (FMP) Memo, December 21, 2000 ASD (FMP) Memo, October 14, 2001 OUSD (P&R) Memo, January 28, 2004 USD (P&R) Memo, March 7, 2012
* Indonesia	ASD (FMP) Memo, December 21, 2000 ASD (FMP) Memo, October 14, 2001 ASD (FMP) Memo, October 31, 2001 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
Iraq	OUSD (P&R) Memo, March 31, 2003 USD (P&R) Memo, August 23, 2010
* Israel	ASD (FMP) Memo, December 21, 2000 ASD (FMP) Memo, October 14, 2001 OUSD (P&R) Memo, March 31, 2003 USD (P&R) Memo, March 7, 2012 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
* Jamaica	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, August 29, 2007 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
Jordan	ASD (FMP) Memo, January 18, 2002 OUSD (P&R) Memo, June 30, 2003 <a href="#">ASD (M&amp;RA) Memo, June 28, 2016</a>



* Kazakstan	ASD (FMP) Memo, December 21, 2000 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
Kenya	ASD (FMP) Memo, December 21, 2000 ASD (FMP) Memo, October 14, 2001 ASD (FMP) Memo, May 23, 2002
Kiribati, Republic of	OUSD (P&R) Memo, February 8, 2011
Korea, Democratic Republic of ( <a href="#">North Korea</a> )	ASD (FMP) Memo, December 21, 2000
Korea, Republic of ( <a href="#">South Korea</a> )	ASD (FMP) Memo, December 21, 2000 <a href="#">OUSD (P&amp;R) Memo, January 15, 2003</a> OUSD (P&R) Memo, October 23, 2003 OUSD (P&R) Memo, September 29, 2004
Kosovo	<a href="#">OUSD (P&amp;R) Memo, August 29, 2007</a> OUSD (P&R) Memo, March 26, 2009
Kuwait	ASD (FMP) Memo, January 18, 2002 OUSD (P&R) Memo, March 31, 2003 USD (P&R) Memo, March 7, 2012
Kyrgyzstan	ASD (FMP) Memo, December 21, 2000 ASD (FMP) Memo, October 31, 2001 USD (P&R) Memo, December 31, 2013
Laos	ASD (FMP) Memo, December 21, 2000
Latvia	ASD (FMP) Memo, December 21, 2000
Lebanon	OUSD (P&R) Memo, November 17, 2004
* Lesotho	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, November 17, 2004 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
Liberia	OUSD (P&R) Memo, August 25, 2003 USD (P&R) Memo, March 7, 2012 USD (P&R) Memo, December 31, 2013
Libya	OUSD (P&R) Memo, April 26, 2011

Lithuania	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, August 29, 2007 USD (P&R) Memo, March 7, 2012
Macedonia	OUSD (P&R) Memo, March 27, 2007 USD (P&R) Memo, March 7, 2012
Madagascar	ASD (FMP) Memo, December 21, 2000
Malawi	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, November 17, 2004
Malaysia	ASD (FMP) Memo, October 14, 2001
* Mali	ASD (FMP) Memo, December 21, 2000 USD (P&R) Memo, February 19, 2014 <a href="#">USD (P&amp;R) Memo, March 5, 2018</a>
Malta	OUSD (P&R) Memo, August 29, 2007
Marshall Islands	ASD (FMP) Memo, December 21, 2000 USD (P&R) Memo, March 7, 2012
Mauritania	ASD (FMP) Memo, December 21, 2000
Mauritius	ASD (FMP) Memo, December 21, 2000
* Mexico	ASD (FMP) Memo, December 21, 2000 ASD (FMP) Memo, October 14, 2001 OUSD (P&R) Memo, January 28, 2004 OUSD (P&R) Memo, November 17, 2004 OUSD (P&R) Memo, August 29, 2007 USD (P&R) Memo, March 7, 2012 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
Micronesia	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, November 17, 2004
* Moldova	ASD (FMP) Memo, December 21, 2000 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
Mongolia	ASD (FMP) Memo, December 21, 2000

*	Montenegro	OUSD (P&R) Memo, August 29, 2007 OUSD (P&R) Memo, March 26, 2009 USD (P&R) Memo, March 7, 2012 USD (P&R) Memo, December 31, 2013 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
*	Morocco	USD (P&R) Memo, March 7, 2012 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
	Mozambique	ASD (FMP) Memo, December 21, 2000
	Namibia	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, August 29, 2007
	Nepal	ASD (FMP) Memo, December 21, 2000
*	Nicaragua	ASD (FMP) Memo, December 21, 2000 ASD (FMP) Memo, October 14, 2001 OUSD (P&R) Memo, January 28, 2004 OUSD (P&R) Memo, August 29, 2007 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
*	Niger	ASD (FMP) Memo, December 21, 2000 <a href="#">USD (P&amp;R) Memo, March 5, 2018</a>
	Nigeria	ASD (FMP) Memo, December 21, 2000
*	Oman	ASD (FMP) Memo, December 21, 2000 ASD (FMP) Memo, January 18, 2002 USD (P&R) Memo, March 7, 2012 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
	Pakistan	ASD (FMP) Memo, October 31, 2001
	Palau	ASD (FMP) Memo, December 21, 2000
*	Panama	ASD (FMP) Memo, December 21, 2000 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
	Papua New Guinea	ASD (FMP) Memo, December 21, 2000
	Paraguay	ASD (FMP) Memo, December 21, 2000

Peru	ASD (FMP) Memo, December 19, 2001 OUSD (P&R) Memo, January 28, 2004 OUSD (P&R) Memo, April 21, 2004 USD (P&R) Memo, March 7, 2012
* Philippines	ASD (FMP) Memo, December 21, 2000 USD (P&R) Memo, March 7, 2012 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
* Qatar	ASD (FMP) Memo, March 28, 2002 USD (P&R) Memo, March 7, 2012 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
Romania	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, January 28, 2004 OUSD (P&R) Memo, November 17, 2004 OUSD (P&R) Memo, August 29, 2007 USD (P&R) Memo, March 7, 2012
* Russia	ASD (FMP) Memo, December 21, 2000 ASD (FMP) Memo, October 14, 2001 OUSD (P&R) Memo, November 17, 2004 OUSD (P&R) Memo, August 29, 2007 USD (P&R) Memo, March 7, 2012 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
* Rwanda	OUSD (P&R) Memo, March 30, 2005 USD (P&R) Memo, December 31, 2013 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
Samoa (formerly Western Samoa)	ASD (FMP) Memo, December 21, 2000 ASD (FMP) Memo, October 14, 2001 USD (P&R) Memo, March 7, 2012
Sao Tome and Principe	ASD (FMP) Memo, December 21, 2000
Saudi Arabia	OUSD (P&R) Memo, August 5, 2003 OUSD (P&R) Memo, August 29, 2007 USD (P&R) Memo, December 31, 2013
Senegal	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, August 29, 2007 USD (P&R) Memo, March 7, 2012

*	Serbia	<a href="#">OUSD (P&amp;R) Memo, March 10, 2006</a> <a href="#">OUSD (P&amp;R) Memo, August 29, 2007</a> <a href="#">OUSD (P&amp;R) Memo, March 26, 2009</a> <a href="#">USD (P&amp;R) Memo, December 31, 2013</a> <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
	Sierra Leone	<a href="#">OUSD (P&amp;R) Memo, June 23, 2004</a> <a href="#">OUSD (P&amp;R) Memo, March 27, 2007</a>
*	Slovakia	<a href="#">OUSD (P&amp;R) Memo, November 17, 2004</a> <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
	Solomon Islands	<a href="#">ASD (FMP) Memo, December 21, 2000</a>
	Somalia	<a href="#">USD (P&amp;R) Memo, March 7, 2012</a>
	South Africa	<a href="#">OUSD (P&amp;R) Memo, August 29, 2007</a>
	South Sudan	<a href="#">Office of the ASD (M&amp;RA) Memo, July 31, 2015</a>
*	Sri Lanka	<a href="#">ASD (FMP) Memo, December 21, 2000</a> <a href="#">ASD (FMP) Memo, October 14, 2001</a> <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
	Sudan	<a href="#">USD (P&amp;R) Memo, March 7, 2012</a>
*	Suriname	<a href="#">ASD (FMP) Memo, December 21, 2000</a> <a href="#">OUSD (P&amp;R) Memo, January 28, 2004</a> <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
	Swaziland	<a href="#">OUSD (P&amp;R) Memo, August 29, 2007</a> <a href="#">USD (P&amp;R) Memo, March 7, 2012</a>
	Syria	<a href="#">ASD (FMP) Memo, December 21, 2000</a> <a href="#">OUSD (P&amp;R) Memo, July 31, 2003</a>
*	Taiwan	<a href="#">ASD (FMP) Memo, December 21, 2000</a> <a href="#">OUSD (P&amp;R) Memo, January 28, 2004</a> <a href="#">OUSD (P&amp;R) Memo, August 29, 2007</a> <a href="#">USD (P&amp;R) Memo, March 7, 2012</a> <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
	Tajikistan	<a href="#">ASD (FMP) Memo, October 31, 2001</a> <a href="#">USD (P&amp;R) Memo, December 31, 2013</a>

Tanzania	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, January 28, 2004
* Thailand	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, January 28, 2004 OUSD (P&R) Memo, November 17, 2004 OUSD (P&R) Memo, August 29, 2007 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
Togo	ASD (FMP) Memo, December 21, 2000
Trinidad and Tobago	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, August 29, 2007 OUSD (P&R) Memo, November 28, 2008 USD (P&R) Memo, March 7, 2012
* Tunisia	ASD (FMP) Memo, December 21, 2000 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
* Turkey	ASD (FMP) Memo, May 23, 2002 OUSD (P&R) Memo, August 5, 2003 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
Turkmenistan	ASD (FMP) Memo, December 21, 2000
Uganda	OUSD (P&R) Memo, June 23, 2004
Ukraine	ASD (FMP) Memo, December 21, 2000
* United Arab Emerites	ASD (FMP) Memo, December 21, 2000 OUSD (P&R) Memo, August 29, 2007 <a href="#">ASD (M&amp;RA) Memo, September 26, 2017</a>
<a href="#">United States of America</a>	
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Table 17-1 – [HARDSHIP DUTY LOCATION PAY - CONDITIONS OF ENTITLEMENT](#)

Rule 5	OUSD (P&R) Memo, February 15, 2007
Rule 10	OUSD (P&R) Memo, February 15, 2007
Notes 1 & 3	OUSD (P&R) Memo, March 31, 2003

**VOLUME 7A, CHAPTER 18: “SPECIAL PAY – CAREER SEA PAY (CSP)”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **July 2016** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated formatting to comply with current administrative instructions.	Revision
Bibliography	Updated statutes and references.	Revision



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## CHAPTER 18

SPECIAL PAY – CAREER SEA PAY (CSP)

## 1801 GENERAL

## 180101. Purpose

This chapter establishes policy pertaining to CSP and CSP-Premium (CSP-P).

## 180102. Authoritative Guidance

The bibliography at the end of this chapter lists the authoritative references.

## 1802 PROVISIONS

## 180201. Entitlement

A member who is entitled to basic pay is entitled to CSP and CSP-P while serving on sea duty under regulations prescribed by the [Office of the Secretary of Defense](#), Secretary of the [Military Department](#) concerned, and the provisions of this chapter.

## 180202. Definitions

A. CSP. CSP is special pay for recognition of the greater than normal rigors of assignment to sea duty.

B. CSP-P. CSP-P is special pay that is in addition to CSP and is paid for unusually long periods of continuous sea duty. A member entitled to CSP who has served 36 consecutive months of sea duty is also entitled to CSP-P for the 37th consecutive month and each subsequent consecutive month of sea duty served.

C. Sea Duty. Sea duty, for the purpose of entitlement to CSP and CSP-P, is duty performed by a member under orders;

1. While permanently assigned for duty to a ship, ship-based staff, or ship-based aviation unit and serving on a ship with a primary mission that is accomplished underway (includes ships designated as destroyers or submarine tenders). Periods when the member is on temporary duty (TDY), on leave, hospitalized, or otherwise temporarily absent under orders, not to exceed the first 30 consecutive days of each occurrence, are also counted;

2. While temporarily assigned for duty to a ship, ship-based staff, or ship-based aviation unit and serving on a ship with a primary mission that is accomplished underway (includes ships designated as destroyers or submarine tenders);

3. While permanently or temporarily assigned for duty to a ship or ship-based staff and serving on a ship with a primary mission that is accomplished in port, but only during that period while the ship is away from its homeport. A ship is considered to be away from its homeport whenever it is at sea or is in a port that is more than 50 miles from its homeport; or

4. While serving as a member of the off-crew of a two-crewed submarine.

D. Cumulative Sea Duty (CSD). CSD is the total time a member has been assigned to qualifying sea duty during their service career, regardless of pay grade. Additionally, it will include all time during which a member is assigned to a ship or ship-based staff and actually served on a ship with a primary mission that is accomplished in port, regardless of whether the ship is at sea or away from homeport.

E. Ship. Ship, for the purpose of entitlement to CSP and CSP-P, means a self-propelled vessel in an active status, in commission, or in-service.

## 1803 CONDITIONS OF ENTITLEMENT

### 180301. General Conditions

The general conditions of entitlement to CSP are listed in Table 18-1. Additionally, entitlement to and the rate of CSP is dependent upon the branch of service, pay grade, and total CSD applicable to the member. All members in pay grades E-1 through O-6 are eligible for payment of CSP, except commissioned officers of the Army and Air Force with 3 or less years of CSD and enlisted members of the Air Force in pay grades below E-4.

### 180302. CSP-P Conditions

The conditions of entitlement to CSP-P require the member to first be entitled to CSP. The CSP-P is in addition to CSP; however, for certain pay grades, it has been included in the CSP rate tables and is not payable as a separate item. When payable as a separate item, CSP-P accrues from the first day following the completion of the 36th month of consecutive sea duty and will be prorated if beginning on other than the first day of a calendar month.

**Example:** A member beginning a period of sea duty on January 15, 2011 would accrue CSP-P beginning January 15, 2014. The CSP-P is payable for the 37th and each subsequent consecutive month of sea duty regardless of the member's pay grade when the sea duty began, provided the member is concurrently entitled to CSP.

A. The following members of the Navy and Marine Corps may become entitled to CSP-P as a separate item of pay:

1. All officers in pay grades O-1 through O-6;

2. All warrant officers;
3. All enlisted members in pay grades E-1 through E-4; and
4. All enlisted members in pay grades E-5 through E-9 with not over 8 years of CSD.

B. The following members of the Army may become entitled to CSP-P as a separate item of pay:

1. All officers in pay grades O-1 through O-6; and
2. All enlisted members in pay grades E-1 through E-3.

C. The following members of the Air Force may become entitled to CSP-P as a separate item of pay:

1. All officers in pay grades O-1 through O-6;
2. All enlisted members in pay grade E-4; and
3. All enlisted members in pay grades E-5 through E-9 with not over 5 years of CSD.

D. Members not addressed in subparagraphs 180302.A, B, and C have CSP-P already included in their applicable CSP rate table or are otherwise not eligible to receive a separate CSP-P payment.

#### 1804 RATES PAYABLE

##### 180401. CSP

The Secretary concerned will prescribe the monthly rates for special pay applicable to members of each Military Service under the Secretary's jurisdiction. The monthly rate may not exceed \$750.

- A. The monthly rates of CSP for members of the Army are in Table 18-2.
- B. The monthly rates of CSP and CSP-P (for E-5 through E-9 with over 8 years of CSD) for members of the Navy and Marine Corps are listed in Table 18-3.
- C. The monthly rates of CSP for members of the Air Force are listed in Table 18-4.

## 180402. CSP-P

The Secretary concerned will prescribe the monthly rate for CSP-P applicable to members of each Military Service under the Secretary's jurisdiction. The monthly rate may not exceed \$350.

## 1805 RESTRICTIONS

## 180501. Enroute and Transport Restrictions

Do not credit time for sea duty and do not pay CSP or CSP-P to members enroute to or from ships outside the Continental United States or onboard a ship for transportation, regardless of the length of the period. This restriction applies to the periods prior to a member reporting for permanent duty and after being permanently detached from duty onboard a ship.

## 180502. Midshipmen and Cadet Members

Do not credit time for sea duty and do not pay CSP or CSP-P to midshipmen, aviation cadets, or academy cadets.

## 180503. Navy and Marine Corps Members

Do not pay CSP-P to Navy and Marine Corps members entitled to CSP in Table 18-3 for duty if in pay grades E-5 through E-9 with over 8 years of CSD.

## 180504. Army Members

Do not pay CSP-P to Army members entitled to CSP in Table 18-2 for duty:

- A. Between October 1, 2002 and June 30, 2003 if in pay grades E-5 through E-9; or
- B. On or after July 1, 2003 if in pay grades E-4 through E-9 or W-1 through W-5.

## 180505. Air Force Members

Do not pay CSP-P to Air Force members entitled to CSP in Table 18-4 for duty if in pay grades E-5 through E-9 with over 5 years of CSD.

Table 18-1. CSP – Conditions of Entitlement

R U L E	A	B	C	D	E
	When an eligible member	is serving on a ship whose primary mission is accomplished	underway	in port	and
1	reports for permanent duty defined as sea duty and	X			starts on reporting date.
2			X	member is onboard when ship departs from homeport	accrues from departure date.
3			X	member reports onboard while ship is away from homeport	accrues from reporting date.
4	is detached from permanent duty defined as sea duty and	X	X		terminates on detachment date, provided member is otherwise entitled on that date.
5	is discharged while on sea duty and	X	X	immediately reenlists onboard	continues to accrue, provided member is otherwise entitled.
6	on sea duty is entitled to CSP and		X	ship returns to homeport	accrues through the date the ship returns to homeport.
7	on sea duty	X		is on TDY, temporary additional duty (TAD), temporarily based ashore, under orders, or hospitalized ashore (note 1)	accrues during the first 30 days member is in such status.
8			X		
9	on sea duty is on authorized leave and	X	X		accrues for the first 30 days of leave if otherwise entitled. There is no accrual during terminal leave.
10	is based on or stationed ashore and	X		the type of duty is TAD or TDY	accrues from reporting date through detachment date (note 3).

Table 18-1. CSP – Conditions of Entitlement (Continued)

R U L E	A	B	C	D	E
	When an eligible member	is serving on a ship whose primary mission is accomplished underway	in port	and	then CSP
11	is based on or stationed ashore and		X		accrues as indicated in rules 2 and 3, as applicable, and terminates when the ship returns to homeport or detachment date if ship remains away from homeport.
12	is suspended or otherwise removed from duty or confined awaiting trial by court-martial and	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 day prior to date of return to duty (note 4).
14	is confined as a result of court-martial and	X	X		does not accrue beginning first day of confinement through day prior to date of release from confinement (note 4).
15	is permanently or temporarily assigned to duty on a ship which is undergoing alterations or repairs and	X	X (note 5)	ship remains in an active status (in commission or in-service) (note 6)	continues to accrue.

Table 18-1. CSP – Conditions of Entitlement (Continued)

R U L E	A	B	C	D	E
	When an eligible member	is serving on a ship whose primary mission is accomplished underway	in port	and	then CSP
16	is permanently or temporarily assigned to duty on a ship undergoing inactivation processing and	X	X		stops when the ship reverts to inactive status.
17	is assigned to a Fleet Marine Force unit based on or stationed ashore and	X		the type of duty is TAD or TDY	accrues from the embarkation date through the debarkation date (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 homeport.
3. Further TAD/TDY ashore from ship will not interrupt CSP 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, CSP is resumed. Nonjudicial punishment does not result in loss of CSP.
5. Entitlement accrues only when the ship is away from the homeport.
6. Chief of Naval Operations Instruction (OPNAVINST) 4700.8K series defines ship status assignments for U.S. Naval ships.



Table 18-2. Monthly CSP Rates – Army  
Effective October 1, 2002

Pay Grade	<i>Cumulative Years of Sea Duty</i>								
	1 or less	Over 1	Over 2	Over 3	Over 4	Over 5	Over 6	Over 7	Over 8
<b>O-6</b>				225	230	230	240	255	265
<b>O-5</b>				225	225	225	225	230	245
<b>O-4</b>				185	190	200	205	215	220
<b>O-3</b>				150	160	185	190	195	205
<b>O-2</b>				150	160	185	190	195	205
<b>O-1</b>				150	160	185	190	195	205
<b>W-5</b>	210	210	210	310	338	506	534	534	534
<b>W-4</b>	210	210	210	310	338	506	534	534	534
<b>W-3</b>	210	210	210	310	338	478	492	499	506
<b>W-2</b>	210	210	210	310	338	464	471	471	478
<b>W-1</b>	182	189	196	310	338	345	380	450	478
<b>E-9</b>	130	130	156	328	347	425	425	458	477
<b>E-8</b>	130	130	156	328	347	425	425	458	477
<b>E-7</b>	130	130	156	328	347	425	425	458	477
<b>E-6</b>	130	130	156	295	321	380	393	425	425
<b>E-5</b>	65	78	156	295	321	380	393	425	425
<b>E-4</b>	65	78	156	295	308	308	308	308	308
<b>E-3</b>	50	60	120	150	160	170	190	190	190
<b>E-2</b>	50	60	120	150	160	170	170	170	170
<b>E-1</b>	50	60	120	150	160	160	160	160	160

**NOTES:**

1. Do not pay CSP-P to Army members entitled to CSP for duty between October 1, 2002 and June 30, 2003 if in pay grades E-5 through E-9.
2. Do not pay CSP-P to Army members entitled to CSP for duty on or after July 1, 2003 if in pay grades E-4 through E-9 or W-1 through W-5.

Table 18-2. Monthly CSP Rates – Army (Continued)  
Effective October 1, 2002

Pay Grade	<i>Cumulative Years of Sea Duty</i>								
	Over 9	Over 10	Over 11	Over 12	Over 13	Over 14	Over 16	Over 18	Over 20
<b>O-6</b>	280	290	300	310	310	325	340	355	380
<b>O-5</b>	250	260	265	265	265	285	300	315	340
<b>O-4</b>	220	225	225	240	240	270	280	290	300
<b>O-3</b>	215	225	225	240	240	260	270	280	290
<b>O-2</b>	215	225	225	240	240	250	260	270	280
<b>O-1</b>	215	225	225	240	240	250	260	270	280
<b>W-5</b>	534	590	625	660	660	730	730	730	730
<b>W-4</b>	534	590	625	660	660	730	730	730	730
<b>W-3</b>	534	590	625	660	660	695	695	695	695
<b>W-2</b>	534	576	576	625	625	625	625	625	625
<b>W-1</b>	520	555	555	555	555	555	555	555	555
<b>E-9</b>	490	490	503	516	555	588	620	646	646
<b>E-8</b>	490	490	503	516	555	588	620	646	646
<b>E-7</b>	490	490	503	516	555	588	620	620	620
<b>E-6</b>	445	445	445	464	484	503	523	555	555
<b>E-5</b>	425	425	425	425	425	425	425	425	425
<b>E-4</b>	308	308	308	308	308	308	308	308	308
<b>E-3</b>	190	190	190	190	190	190	190	190	190
<b>E-2</b>	170	170	170	170	170	170	170	170	170
<b>E-1</b>	160	160	160	160	160	160	160	160	160

**NOTES:**

1. Do not pay CSP-P to Army members entitled to CSP for duty between October 1, 2002 and June 30, 2003 if in pay grades E-5 through E-9.
2. Do not pay CSP-P to Army members entitled to CSP for duty on or after July 1, 2003 if in pay grades E-4 through E-9 or W-1 through W-5.

Table 18-3. Monthly CSP and CSP-P – Navy and Marine Corps  
Effective May 1, 2014

Pay Grade	<i>Cumulative Years of Sea Duty</i>								
	1 or less	Over 1	Over 2	Over 3	Over 4	Over 5	Over 6	Over 7	Over 8
<b>O-6</b>	100	100	100	394	400	400	419	450	463
<b>O-5</b>	100	100	100	394	394	394	394	400	431
<b>O-4</b>	100	100	100	325	331	350	356	375	388
<b>O-3</b>	100	100	100	263	281	325	331	344	356
<b>O-2</b>	100	100	100	263	281	325	331	344	356
<b>O-1</b>	100	100	100	263	281	325	331	344	356
<b>W-5</b>	210	210	210	263	300	506	544	544	544
<b>W-4</b>	210	210	210	263	300	506	544	544	544
<b>W-3</b>	210	210	210	263	300	475	494	500	506
<b>W-2</b>	210	210	210	263	300	456	463	463	475
<b>W-1</b>	180	190	195	263	300	306	350	438	475
<b>E-9</b>	135	135	160	381	400	438	438	469	688
<b>E-8</b>	135	135	160	381	400	438	438	469	688
<b>E-7</b>	135	135	160	381	400	438	438	469	688
<b>E-6</b>	135	135	160	350	375	394	406	438	638
<b>E-5</b>	70	80	160	350	375	394	406	438	638
<b>E-4</b>	70	80	160	350	363	363	363	363	488
<b>E-3</b>	50	60	100	125	125	125	125	125	125
<b>E-2</b>	50	60	75	94	94	94	94	94	94
<b>E-1</b>	50	50	50	63	63	63	63	63	63

**NOTE:** CSP-P is \$200 per month. Do not pay CSP-P to pay grades E5 through E9 with over 8 years of CSD. CSP-P is included in their CSP.

Table 18-3. Monthly CSP and CSP-P – Navy and Marine Corps (Continued)  
Effective May 1, 2014

Pay Grade	<i>Cumulative Years of Sea Duty</i>								
	Over 9	Over 10	Over 11	Over 12	Over 13	Over 14	Over 16	Over 18	Over 20
<b>O-6</b>	494	506	525	544	544	569	594	625	669
<b>O-5</b>	438	456	463	463	463	500	525	550	594
<b>O-4</b>	388	394	394	419	419	475	494	506	525
<b>O-3</b>	375	394	394	419	419	456	475	494	506
<b>O-2</b>	375	394	394	419	419	438	456	475	494
<b>O-1</b>	375	394	394	419	419	438	456	475	494
<b>W-5</b>	544	613	656	700	700	750	750	750	750
<b>W-4</b>	544	613	656	700	700	750	750	750	750
<b>W-3</b>	544	613	656	700	700	744	744	750	750
<b>W-2</b>	544	594	594	656	656	700	700	700	700
<b>W-1</b>	525	569	569	594	594	631	656	656	656
<b>E-9</b>	700	700	713	725	750	750	750	750	750
<b>E-8</b>	700	700	713	725	750	750	750	750	750
<b>E-7</b>	700	700	713	725	750	750	750	750	750
<b>E-6</b>	656	656	656	675	694	713	731	750	750
<b>E-5</b>	638	638	638	638	638	638	638	638	638
<b>E-4</b>	488	488	488	488	488	488	488	488	488
<b>E-3</b>	125	125	125	125	125	125	125	125	125
<b>E-2</b>	94	94	94	94	94	94	94	94	94
<b>E-1</b>	63	63	63	63	63	63	63	63	63

**NOTE:** CSP-P is \$200 per month. Do not pay CSP-P to pay grades E5 through E9 with over 8 years of CSD. CSP-P is included in their CSP.

Table 18-4. Monthly CSP Rates – Air Force  
Effective May 1, 1988

Pay Grade	<i>Cumulative Years of Sea Duty (See Note)</i>								
	1 or less	Over 1	Over 2	Over 3	Over 4	Over 5	Over 6	Over 7	Over 8
O-6				225	230	230	240	255	265
O-5				225	225	225	225	230	245
O-4				185	190	200	205	215	220
O-3				150	160	185	190	195	205
O-2				150	160	185	190	195	205
O-1				150	160	185	190	195	205
E-9	100	100	120	175	190	350	350	375	390
E-8	100	100	120	175	190	350	350	375	390
E-7	100	100	120	175	190	350	350	375	390
E-6	100	100	120	150	170	315	325	350	350
E-5	50	60	120	150	170	315	325	350	350
E-4	50	60	120	150	160	160	160	160	160

Table 18-4. Monthly CSP Rates – Air Force (Continued)  
Effective May 1, 1988

Pay Grade	<i>Cumulative Years of Sea Duty (See Note)</i>								
	Over 9	Over 10	Over 11	Over 12	Over 13	Over 14	Over 16	Over 18	Over 20
O-6	280	290	300	310	310	325	340	355	380
O-5	250	260	265	265	265	285	300	315	340
O-4	220	225	225	240	240	270	280	290	300
O-3	215	225	225	240	240	260	270	280	290
O-2	215	225	225	240	240	250	260	270	280
O-1	215	225	225	240	240	250	260	270	280
E-9	400	400	410	420	450	475	520	520	520
E-8	400	400	410	420	450	475	500	520	520
E-7	400	400	410	420	450	475	500	500	500
E-6	365	365	365	380	395	410	425	450	450
E-5	350	350	350	350	350	350	350	350	350
E-4	160	160	160	160	160	160	160	160	160

**NOTE:** Do not pay CSP-P to Air Force members in pay grades E-5 through E-9 with over 5 years of CSD.

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## CHAPTER 18 – SPECIAL PAY – CAREER SEA PAY (CSP)

## \*1802 – PROVISIONS

- \* 180201 Title 37, United States Code, section 352
- \* Department of Defense Instruction (DoDI) 1340.26, September 25, 2017

## \*1804 – RATES PAYABLE

- \* 180402 DoDI 1340.26, paragraph 4.9.c, September 25, 2017

## \*1805 – RESTRICTIONS

- \* 180501 DoDI 1340.26, paragraph 4.9.d, September 25, 2017

Table 18-2 Assistant Secretary of the Army Manpower and Reserve Affairs (M&RA) Memo, September 20, 2002

Table 18-3 OPNAVINST 7220.14, December 24, 2005  
Secretary of the Navy Memo, March 4, 2014  
Assistant Secretary of the Navy (M&RA) Memo, April 11, 2014

Table 18-4 Public Law 100-180, section 621, December 4, 1987

**VOLUME 7A, CHAPTER 19: “FOREIGN LANGUAGE PROFICIENCY BONUS”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by ***bold, italic, blue, and underlined font***.

The previous version dated **July 2017** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated nonworking hyperlinks.	Revision
190305	Updated the duration of authority date and moved it to the “Duration of Authority” table on DFAS.MIL. Added a hyperlink to the table.	Revision
Table 19-1	Moved the “FLPB Installment Rates” to a table on DFAS.MIL. Added a hyperlink to the table.	Deletion
References	Renamed “Bibliography” to “References” and updated supporting statute.	Revision

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## CHAPTER 19

**FOREIGN LANGUAGE PROFICIENCY BONUS**

## 1901 GENERAL

## 190101. Purpose

This chapter establishes policy pertaining to Foreign Language Proficiency Bonus (FLPB) for members of an Active Component (AC) or Reserve Component (RC) of the uniformed services.

## 190102. Authoritative Guidance

[The authoritative references are listed at the end of this chapter.](#)

## 1902 ENTITLEMENT

## 190201. General Provisions

A. The Secretary of the Military Department concerned will pay FLPB to a member of an AC or RC, that has been certified as proficient in one or more foreign languages, or dialects identified on the Department of Defense (DoD) Strategic Language List (SLL) in the Immediate and Emerging Payment (see [the FLPB Installment Rates table](#), Payment Category A).

B. The Secretary may pay FLPB to a member of an AC or RC of the uniformed services who has been certified as proficient in one or more foreign languages or dialects:

1. Identified on the DoD or Service Secretary SLL in the Enduring category (Service Secretaries may choose to pay or not pay FLPB, see [the FLPB Installment Rates table](#), Payment Category B); or

2. Not identified on the DoD SLL, but designated by the Secretary concerned as a foreign language or dialect for which proficient personnel are required to accomplish DoD Component specific missions (see [the FLPB Installment Rates table](#), Payment Category B).

C. The Secretary may not vary the criteria or rates for the proficiency bonus paid to officers and enlisted members.

[Note: FLPB Installment Rates are set pursuant to DoD Instruction \(DoDI\) 1340.27.](#)

## 190202. AC Eligibility

A. The Secretary concerned **may** pay FLPB to a member of an AC of the uniformed services who meets at least one of the following conditions:

1. Is qualified in a military career specialty requiring proficiency in a foreign language or dialect and is certified proficient in that foreign language or dialect;

2. Has received training, in accordance with regulations prescribed by the Secretary, designed to develop proficiency in a foreign language or dialect;

3. Is assigned to military duties requiring a proficiency in a foreign language or dialect for which the DoD or the Secretary concerned has identified a need; or

4. Is certified proficient in a foreign language or dialect in accordance with paragraph 190204 for which the DoD or the Secretary has identified a critical need.

B. The member must execute a written agreement with the Secretary concerned that specifies the:

1. Amount of FLPB awarded;

2. Period for which the FLPB will be paid;

3. Initial certification or recertification necessary for the FLPB payment; and

4. Repayment provision of the unearned portion of any remaining FLPB if the member does not satisfy the eligibility and certification requirements for the length of the written agreement.

C. The member must achieve a minimum of Interagency Language Roundtable (ILR) skill level 2/2 (ILR skill level 1/1 if authorized by the Secretary concerned) or higher in any two modalities on a DoD or Service Secretary SLL, Service-approved foreign language or dialect in order to receive FLPB, except as outlined in paragraphs 190206 and 190207.

## 190203. RC Eligibility

A. In order to receive FLPB in a similar fashion as a member of the AC, a member of the RC must:

1. Meet the eligibility certification requirements outlined in paragraph 190202, 190204, 190206, and 190207; and

2. Fulfill the minimum annual service requirements for retirement eligibility, as defined in [Title 10, United States Code \(U.S.C.\), section 12732](#) unless waived by the Secretary of the Military Department concerned.

B. An RC member must earn a minimum of 50 retirement points, regardless of the RC source, in each full anniversary year to have that year **count as** creditable towards verification of the total years of qualifying service for non-regular retired pay and payment of FLPB.

1. A partial qualifying year is any period of less than 12 full months during which the RC member earns a prorated share of 50 retirement points and an identical prorated share (or smaller percentage of full FLPB annual payment) of FLPB.

2. An RC member who performs a partial qualifying year of less than 12 full months and earns less than 50 retirement points in a year will have their FLPB prorated at a value of 2 percent for each retirement point less than 50 points.

C. The total of FLPB paid to an RC member in good standing, and who has not been adjudicated as an unsatisfactory performer in the previous 12 months, must equal the annual FLPB paid to an AC member with the same certified language proficiency.

D. For RC members, the requirement to attain 50 points during a separation year is waived for FLPB calculation if the member separates before 12 months in the anniversary year. The RC member will be paid the standard FLPB monthly allotment for months in good standing, with the last month prorated if separation occurs before the last day of the month. RC members in a separation year, which are no longer in good standing, will have their FLPB terminated in the month in which they **are determined to be no longer “in good standing.”** The exception to the 50-point standard in a separation year is an RC member who serves the entire anniversary year. The individual must earn 50 points to collect the last month of FLPB prior to separation.

#### 190204. Certification

A. A member must be eligible and certified by the Secretary concerned as being proficient in a foreign language or dialect for which the bonus is offered.

B. The certification of a member's foreign language or dialect proficiency will expire at the end of the 1-year period beginning on the first day of the first month after the certification date. A member must test annually in each foreign language or dialect in order to continue receiving FLPB, unless recertified under the conditions stipulated in paragraphs 190206 and 190207. The Secretary concerned may retest a member no earlier than 6 months from the last administration of a test in that foreign language or dialect unless the member has completed a significant language education or training event (at least 150 hours of immersion training or 6 consecutive weeks of 5-hour-a-day classroom training) in that foreign language or dialect.

C. A member must be certified as proficient in any combination of two of the three modalities (reading (R), listening (L), and speaking (S)) to receive FLPB, except as referred to in the [FLPB Installment Rates table](#), Note 2.

190205. Amount and Method of Payment

A. The bonus rate of FLPB may not exceed \$12,000 per 1-year certification period. The Secretary of the Military Department concerned may pay a bonus in monthly installments or a lump sum during the certification period.

B. The monthly rate will not exceed \$500 per month for a single foreign language or dialect, or \$1,000 per month for two or more foreign languages or dialects. The total annual FLPB amount may not exceed \$12,000 for each 1-year period of certification.

C. To receive the maximum monthly bonus installment allowed in any payment category (A or B), a member must acquire 3/3/3 proficiency in all three modalities or achieve an ILR skill level 4/4 or above in any two modalities (see the [FLPB Installment Rates table](#)).

D. The Secretary concerned:

1. May authorize FLPB at either Payment A or B rates (see the [FLPB Installment Rates table](#)) for DoD-approved languages not on the SLL and where there is a need to ensure a sufficient number of proficient personnel to accomplish DoD Component specific missions;

2. May, in the case of foreign languages considered prevalent in the [Service](#), limit the payment of FLPB to those Service members whose duties require proficiency in such languages or as determined by the Secretary of the Military Department concerned; or

3. May authorize the payment of FLPB to Service members whose duties require an ILR skill below level 2 in the L, R, or S modalities.

Note: Hospitalized members may be entitled to FLPB under the Pay and Allowance Continuation (PAC) Program. See Chapter 13 for PAC entitlement eligibility.

190206. Waiver of Recertification of Proficiency

A. The Secretary concerned may waive the certification requirement and pay FLPB to a member who:

1. Is assigned to duty in connection with a contingency operation;
2. Is unable to schedule or complete the test for certification because of that assignment; and

3. Except for the lack of such certification, satisfies the eligibility requirements cited in paragraphs 190202 or 190203.

B. The Secretary may treat the date the member was assigned to duty in connection with a contingency operation as equivalent to a certification date.

C. When a member whose certification will expire during a contingency operation assignment or within 6 months following return to the continental United States or to an overseas permanent duty station, the Secretary concerned will authorize the Service member those 6 months after returning as a mandatory grace period to recertify for FLPB.

D. If a member fails to obtain the required certification by the end of the 6-month period, then the Secretary may require the Service member to repay all or a portion of the FLPB received in accordance with paragraph 190303.

E. The Secretary may waive the annual certification in subparagraph 190204.B and the duration of certification requirements in paragraphs 190206 and 190207, if the Service FLPB regulation addresses the specific circumstances under which the Service Secretary may waive either or both of these certification requirements.

#### 190207. Exceptions to Recertification

The Secretary concerned may elect to recertify a member's foreign language or dialect proficiency using their last recorded DoD Language Proficiency Test (DLPT) scores when:

A. A member is assigned to duty outside the continental United States (excluding Alaska and Hawaii) at a location where web-delivered testing facilities are not available or accessible. In such cases, the member may complete the recertification requirements provided in paragraph 190204, no later than 6 months after the date released from the duty assignment. The Secretary is responsible for determining which locations qualify for this recertification and the duration (not to exceed 6 months) of the Service recertification grace period;

B. A member's certification expires while attending a significant language education or training event (at least 150 hours of immersion training or 6 consecutive weeks of 5-hour-a-day classroom training) or other significant events as defined by the Secretaries of the Military Departments, Defense Agencies, and DoD Field Activities heads. The next 1-year certification period will begin when they retest after they complete the significant language education or training event. The member's FLPB will continue while in training up until completion of the course retest event. Further FLPB entitlement will be based on the results from that event; or

C. A member who initially certifies or recertifies proficient through the DLPT system, at or above ILR skill levels 3/3 or 3/3/3 in a foreign language or dialect, must take an approved test within the DLPT system no less frequently than every 2 years for recertification, in which case recertification in the off year may be accomplished using a method selected by the Secretary of the Military Department.

## 1903 CONDITIONS OF ENTITLEMENT

## 190301. Requirements

A member must qualify under any additional eligibility requirements prescribed by the Secretaries concerned, and is subject to Service specific certification requirements and amount of payment restrictions as outlined in:

- A. DoD: [DoDI 1340.27](#), Military Foreign Language Skill Proficiency Bonuses and [DoDI 5160.71](#), DoD Language Testing Program;
- B. Army: Army Regulation [11-6](#);
- C. Navy: Chief of Naval Operations Instruction [7220.7H](#);
- D. Air Force: Air Force Instruction [\(AFI\) 36-2605](#), Attachment 10 and 14, and [AFI 36-4002](#); or
- E. Marine Corps: Marine Corps Order [7220.52F](#).

NOTE: Pay authorizing officials must access the current DoD SLL and the Component's unique foreign language bonus pay authorizations, additional eligibility rules, and certification requirements in order to ensure the correct FLPB payment is authorized.

## 190302. Tax

FLPB is an item of pay subject to federal withholding tax. It is not subject to the Federal Insurance Contributions Act tax.

## 190303. Repayment

A member, who receives FLPB but does not satisfy eligibility and certification requirements specified in section 1902, may be subject to repayment in accordance with Chapter 2.

## 190304. Relationship to Other Pay and Allowances

A member may not be paid more than one Skill Incentive Pay or Proficiency Bonus in any month for the same period of service and skill. A member may be paid skill incentive pay or the proficiency bonus, in addition to any other pay and allowances to which the member is entitled, except that a member may not be paid skill incentive pay or a proficiency bonus and hazardous duty pay, in accordance with Chapter 24, for the same period of service in the same career field or skill.

\*190305. Duration of Authority

Unless authorized by Congress, no FLPB agreement may be entered into after the date on the *Duration of Authority* table.

**\*REFERENCES****CHAPTER 19 – FOREIGN LANGUAGE PROFICIENCY BONUS****1902 – ENTITLEMENT**

190201	DoDI 1340.27, May 21, 2013 37 U.S.C. § 353(b)(1) and (c)(2)
190202	DoDI 1340.27, May 21, 2013
190203	DoDI 1340.27, May 21, 2013
190204	37 U.S.C. § 353(d)(1) and (2)
190205	37 U.S.C. § 353(c)
Note	37 U.S.C. § 372 Public Law (P.L.) 110-181, section 661, January 28, 2008
190206	37 U.S.C. § 353(d)(3)
190207	DoDI 1340.27, May 21, 2013

**1903 – CONDITIONS OF ENTITLEMENT**

190303	37 U.S.C. § 353(g)
190304	37 U.S.C. § 353(h)
190305	37 U.S.C. § 353(i)
*	<a href="#">P.L. 115-232, section 611 (8), August 13, 2018</a>



**VOLUME 7A, CHAPTER 20: “AVIATION BONUS (AvB)”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by ***bold, italic, blue, and underlined font***.

The previous version dated **January 2018** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
200102	Updated the “Authoritative Guidance” paragraph to comply with current administrative instructions.	
2002	Updated section to include a hyperlink to DFAS.MIL for the duration of authority for Aviation Bonus.	Revision
References	Renamed “Bibliography” to “References” and updated statutes and supporting references.	Revision

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## CHAPTER 20

AVIATION BONUS (AvB)

## 2001 GENERAL

## 200101. Purpose

The Secretaries of the Military Departments may offer an Aviation Bonus (AvB) to increase their respective Department's ability to attract and retain officers in a military aviation career. An AvB paid to an eligible officer is in addition to any other pay and allowance to which the officer is entitled, except that an officer may not receive a payment for the same skill and period of service.

## \*200102. Authoritative Guidance

The AvB policies and requirements established by the Department of Defense (DoD) in this chapter are derived primarily from, and prepared in accordance with Title 37, United States Code (U.S.C.), section 334. Due to the subject matter in this chapter, the list of authoritative sources is extensive. The specific statutes, regulations, and other applicable guidance that govern each individual section are listed in a reference section at the end of the chapter.

## \*2002 DURATION OF AUTHORITY

An AvB may not be paid to any officer after the date on the Duration of Authority table. No payments will be made after the termination date unless the entitlement to the AvB commenced prior to that date.

## 2003 ELIGIBILITY REQUIREMENTS

## 200301. General

The Military Departments may offer an AvB on a selective basis when there is a shortage or a projected shortage of Regular or Reserve Component (RC) officers qualified in critical aviation specialties. AvBs will be limited to those periods in an officer's aviation career in which AvBs can be expected to affect retention trends for the Military Service concerned.

## 200302. Qualifications

To qualify for an AvB, an officer, on active duty (AD) or in an active status, must:

A. Be eligible for Aviation Incentive Pay at the time of incurring the initial AvB contractual obligation;

B. Be in a pay grade of O-5 or below at the time of incurring the initial AvB contractual obligation;

C. Serve in an aviation specialty or skill designated as critical by the Secretary of the Military Department concerned;

D. Have completed or is within one year of completing any service obligation incurred for undergraduate aviator training. In accordance with [10 U.S.C. § 653](#), the minimum service obligation of any Service member who successfully completes training in the Armed Forces as a pilot is 8 years if the member is trained to fly fixed-wing jet aircraft, or 6 years if the member is trained to fly any other type of aircraft;

E. Execute a written agreement to remain on AD in the Regular Component or to serve in an active status in the selected reserve for at least one year; and

F. Meet such other additional criteria as the Secretary of the Military Department concerned may prescribe.

#### 2004 PAYMENT METHODS AND AMOUNTS

##### 200401. Payment Method

The Secretary of the Military Department concerned may pay an AvB to Regular or RC officers of a Uniformed Service who meet the qualification criteria in paragraph 200302 in a lump sum or in periodic installments, as determined by the Secretary concerned.

##### 200402. Amounts

The AvB amount, covered by the written agreement, described in paragraph 200501, between the Regular or RC officer and the Secretary of the Military Department concerned, for each 12-month period of obligated service specified in 37 U.S.C. § 334(c)(1)(B), will not exceed the following, unless otherwise updated by the Assistant Secretary of Defense (ASD) (Manpower and Reserve Affairs (M&RA)):

A. \$35,000 per year for Regular Component officers or RC Active Guard and Reserve officers performing qualified flying duty;

B. \$35,000 per year for Regular Component officers or RC Active Guard and Reserve officers performing qualified flying duty related to Unmanned Aerial System (UAS) operators; or

C. \$18,000 per year for all other RC officers performing qualified duty, to include UAS operators.

Note: The ASD (M&RA) may update the AvB amounts, in accordance with the [DoD Instruction \(DoDI\) 7730.67](#), October 20, 2016, paragraph 2.1.b.

## 200403. Relationship to Other Pay and Allowances

Aviation pays and bonuses paid in accordance with DoDI 7730.67 will be in addition to any other pay or allowances to which the member is entitled, except as specified in the limitations and restrictions in DoDI 7730.67, paragraph 3.1.b.

## 2005 TERMS AND CONDITIONS

## 200501. Written Agreements

A. To receive an AvB, an officer must execute a written agreement with the Secretary of the Military Department concerned that specifies the amount of the AvB, the method of payment (lump sum or periodic installments), the period of obligated service (at least 1 year), and the type or conditions of service. No agreement may be executed that would take an officer beyond 25 Years of Aviation Service.

B. The Secretary of the Military Department concerned will not exceed the AvB amount covered by the written agreement for any 12-month period of obligated service specified in paragraph 200402 or 37 U.S.C. § 334(c).

C. Bonus agreements awarded under [37 U.S.C. § 301b](#), that were approved before October 1, 2017, will remain in effect, and payments may continue through the agreed-upon date in the written agreement.

## 200502. Acceptance

Upon acceptance of the written AvB agreement by the Secretary of the Military Department concerned, the period of obligated service and the total amount of AvB the Department will pay pursuant to the agreement will be fixed, unless otherwise renegotiated for a higher bonus amount in return for additional obligated service.

## 200503. Death of a Member

If a member dies before receiving the full amount of the bonus due (including contracted future year anniversary payments) and death is not caused by the member's misconduct, the remaining unpaid bonus balance is payable as a lump sum for inclusion in the settlement of the deceased member's final military pay account. If death is determined to be the result of the member's own misconduct, termination of future payments and proration or repayment of the bonus, as applicable, must be made in accordance with procedures established by the Military Department concerned.

## 2006 REPAYMENT

An officer, who fails to fulfill the service conditions specified in the written agreement for the retention bonus, will be subject to the repayment provisions of [37 U.S.C. § 373](#) and Chapter 2.

**\*REFERENCES**

**CHAPTER 20 - AVIATION BONUS (AvB)**

**2002 – DURATION OF AUTHORITY**

37 U.S.C. § 334(i)

**2003 – ELIGIBILITY REQUIREMENTS**

37 U.S.C. § 334(b)  
DoDI 7730.67, October 20, 2016  
10 U.S.C. § 653

**2004 – AMOUNT**

Note

37 U.S.C. § 334(c)(1)(B)  
DoDI 7730.67, October 20, 2016  
ASD Memo, April 26, 2017  
DoDI 7730.67, October 20, 2016

**2005 – PAYMENT**

200502

37 U.S.C. § 334(c)(1)(B)  
DoDI 7730.67, October 20, 2016  
ASD Memo, April 26, 2017

**2006 – REPAYMENT**

37 U.S.C. §§ 334(g), & 373



**VOLUME 7A, CHAPTER 22: “AVIATION INCENTIVE PAYS”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **November 2016** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated formatting to comply with current administrative instructions.	Revision
2203	Replaced previous section on Aviation Career Incentive Pay (ACIP) with content regarding Aviation Incentive Pay (AvIP) per Department of Defense Instruction (DoDI) 7730.67, October 20, 2016. ACIP was discontinued October 1, 2017.	Revision
2204	Replaced previous section on Career Enlisted Flyers Incentive Pay (CEFIP) with content regarding AvIP per DoDI 7730.67. CEFIP was discontinued October 1, 2017.	Revision
2205	Replaced previous section on Remote Piloted Aircraft with content regarding Critical Skill Incentive Pay (CSIP) per DoDI 7730.67.	Revision
Table 22-6	Updated table to remove the ACIP and CEFIP conditions per DoDI 7730.67.	Revision
Table 22-8 Table 22-9	Updated tables to reflect the Air Force monthly rates for AvIP and CSIP effective October 1, 2017 per Department of the Air Force Memos, July 1, 2017 and August 29, 2017.	Revision
Table 22-10 Table 22-11	Removed tables due to the discontinuance of CEFIP.	Deletion
Bibliography	Updated statutes and references.	Revision



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## CHAPTER 22

AVIATION INCENTIVE PAYS

## 2201 GENERAL

## 220101. Purpose

The purpose of this chapter is to describe the policies for Hazardous Duty Incentive Pay (HDIP), Aviation Incentive Pay (AvIP), and Critical Skill Incentive Pay (CSIP).

Note: Aviation Career Incentive Pay (ACIP) and Career Enlisted Flyers Incentive Pay (CEFIP), in accordance with Title 37, United States Code (U.S.C.), sections 301a, 301b, and 320, were discontinued after October 1, 2017.

## 220102. Authoritative Guidance

The bibliography at the end of this chapter lists the authoritative references.

## 2202 HDIP FOR FLYING DUTY

## 220201. General

Members required by competent orders to participate in regular and frequent aerial flights as crew or non-crewmembers, who otherwise meet the requirements of this section, are entitled to HDIP for flying duty.

A. Officers, including aviation cadets entitled to AvIP under section 2203, are not entitled to payments under this section for the same period of service.

B. Enlisted members receiving CSIP under section 2205 are not entitled to payments under this section for the same period of service.

## 220202. Monthly Rates

A. Rates

1. Crewmembers, except air weapons controller crewmembers, are shown in Table 22-1.

2. Air weapons controller crewmembers are shown in Table 22-2.

3. Non-crewmembers are \$150.

B. Definitions

1. Aerial Flights. Aerial flights are flights in military aircraft or spacecraft, and also flights in nonmilitary aircraft when members are required by competent orders to fly in such aircraft. A flight begins when the aircraft or spacecraft takes off from rest at any point of support located on the surface of the earth and terminates when it next comes to a complete stop at a point of support located on the surface of the earth.

2. Aviation Accident. Aviation accident is an accident in which a member, who is required to participate frequently or regularly in aerial flights, is injured or otherwise incapacitated as the result. The injury or incapacitation, as certified by the appropriate medical authority of the Uniformed Service concerned, may result from:

a. Jumping from, being thrown from, or being struck by an aircraft or spacecraft, or any part or auxiliary thereof; or

b. Participation in any duly authorized aerial flight or other aircraft or spacecraft operations. This 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.

220203. Flight Requirements

To be eligible for HDIP, a member must be required by competent orders to participate frequently and regularly in aerial flights, other than glider flights, and generally must complete 4 hours of aerial flight each month. Hours that are flown in excess of this requirement may be banked for application of up to 5 subsequent months where there may be deficiencies of flying hours. Additionally, a member who still has a shortage of flying hours after application of banked excess hours may, under certain conditions, enter a 3-month grace period wherein hours earned in future months may be retroactively applied to prior month requirements.

A. Minimum Flying Time Each Month

1. During 1 calendar month, 4 hours of aerial flight are required. If a member does not fly 4 hours in any month, any hours flown during the last 5 preceding months (which have not already been used to qualify for flight pay) may be applied to meet this 4-hour requirement.

2. During 2 consecutive calendar months when the requirements of subparagraph 220203.A.1, have not been met, 8 hours of aerial flight are required.

3. During 3 consecutive calendar months when the requirements of subparagraph 220203.A.2, have not been met, 12 hours of aerial flight are required.

B. Fractions of a Calendar Month. For fractions of a calendar month, calculate the percentage that the period in question is of the calendar month. The flying time required is that same percentage of the aerial flight time required for a full calendar month (see Table 22-3).

C. Fractions of 2 Consecutive Calendar Months. For fractions of 2 consecutive calendar months, consider the whole period in question. Calculate the percentage that the period in question is of the calendar month. The flying time required is that same percentage of the aerial flight time required for a full calendar month (see Table 22-3).

D. Application of Hours Flown. To the extent of hours available, hours flown in any month apply as follows:

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; and
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 month, to fly the required 4 hours. (Hours available to meet requirements of later months are referred to as “excess” flight time.) See examples in Tables 22-4 and 22-5.

E. Military Operations or Unavailability of Aircraft. When under authority conferred by the Secretary of the Military Department concerned, the commanding officer certifies that a member is unable to meet normal flight requirements **due to** military operations (combat or otherwise), or the non-availability of aircraft in order to complete those requirements. The member may, **however**, comply with the minimum flight requirements by performing 24 hours of aerial flight over a period of 6 consecutive calendar months. The commanding officer will certify that only those conditions specified in this subparagraph prevented completion of normal flight requirements. The 24-hour flight requirement may be met at any time during the 6-calendar-month period and in any combination of flights.

1. If the member is in a 3-calendar-month grace period when military operations or aircraft non-availability 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 aircraft non-availability 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, HDIP 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, HDIP for flying may be paid for missed months in the period to the extent that the remaining hours flown are applicable. Excess hours are applied prospectively under subparagraph 220203.D if the member continues to fly under the same orders.

220204. 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 a 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

1. 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.

2. 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.

3. 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.

4. After a month when flight requirements are met, any month in which flight requirements are not met begins a new 3-month period. A new period may not start with the second or third month in which flight requirements are not met; nor may a new period start with the fourth month in which flight requirements are not met. There must be at least 1 month in which requirements are met before a new 3-month period begins. See Tables 22-4 and 22-5 for application of the rules listed in paragraph 220204.

220205. Entitlement to Pay When No Flights are Performed in the First Month of a 3-Month Period

Assume, for the purposes of this paragraph that the member had no excess flight time from prior months.

A. Second Month. If a member performs no aerial flights during the first month of a 3-month period and, in the second month, performs at least 4 hours but less than 8 hours, he or she is entitled to pay only for the second month. For example: In January, no aerial

flights are performed; in February, 5 hours of aerial flight are performed. Flight pay is payable only for February.

B. Third Month. If a member performs no aerial flights during the first 2 months of a 3-month period, he or she must perform 12 hours of aerial flight in the third month to be entitled to incentive pay for all 3 consecutive months. For example: If flight requirements are met for January and a member performs no flights during the months of February and March, he or she must perform at least 12 hours in April to be entitled to receive the incentive pay for the period February 1 to April 30. If the member performs 4 or more hours, but less than 12 hours in April, he or she is entitled to incentive pay only for April.

C. First and Third Months. If a member **does not** perform aerial flights during the first month and in the second month performs only sufficient flights to qualify for the second month, he or she must perform enough hours of flight during the third month to total 12 hours in order to qualify for the incentive pay for the first and third months of the 3-month period.

Example: In January, no aerial flights are performed; in February, 5 hours of aerial flight are performed. The deficiency in January must be made up in March; that is if at least 7 hours are accomplished in March, flight pay for January and March is payable. If only 6 hours are flown in March, flight pay is payable only for March (the payment for February previously having been made) and incentive pay for January is lost.

#### 220206. Injury or Incapacity Resulting From Performance of Hazardous Duty

A. Flight Requirements. When a member in a flying status is injured or otherwise incapacitated as a result of performance of flying or other hazardous duty to which ordered, he or she is considered to have met flight requirements during the incapacity, but not for longer than 3 months. An 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 the 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 flight pay, under the terms of subparagraph 220206.A, is ordered to a medical facility on permanent change of station, Temporary Duty (TDY), or Temporary Additional Duty (TAD) orders, he or she is entitled to flight pay for the period of incapacity, but not longer than 3 months, notwithstanding the change of station, provided his or her 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 an appropriate medical authority. The 3-month period is determined under the provisions of subparagraph 220206.A. See also subparagraph 220202.B.

D. Hazardous Duty for a Stated Period. If a member has been placed on flying status for a definite period and is entitled to flight pay while incapacitated as a result of performance of flying duty, flight pay is not normally payable beyond the ending date of the duty period stated in the orders. If evidence is furnished that the member would have continued in a flying status, had it not been for the incapacity, flight pay may be paid beyond the ending date of the duty.

220207. Incapacity Not the Result of Performance of Hazardous Duty

The right of a member on flying status to flight pay during an incapacity, which is not the result of performing hazardous duty, depends on fulfillment of flight requirements under paragraph 220203.

220208. Right to Flight Pay Under Certain Conditions

See Table 22-6.

220209. Determinations Affecting Entitlement to Flight Pay

A. Flight Pay From Date of Reporting for Duty. A member is entitled to flight pay on and after the date that he or she reports for and enters on duty under competent orders, subject to meeting flight requirements. A member in a non-duty status (such as on leave or sick) at the time that flying status orders are issued is not entitled to flight pay for any period before he or she reports for and enters on duty under such orders.

B. Excess Flight Time. When authorized under paragraph 220203, flight time in excess of the time required or insufficient to qualify for a particular month may be applied to 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-Crewmember to Crewmember or Vice Versa. A member whose status changes from non-crewmember to crewmember (or vice versa) within a month or other qualifying period may not combine time flown in both categories for pay purposes. The member is entitled to flight pay as a non-crewmember for the period of time member held that status if he or she met the pro rata requirements as a non-crewmember. The member is entitled to flight pay as a crewmember for the period of time he or she held that status if he or she met the pro rata requirements as a crewmember.

D. Change From One Crewmember Status to Another Crewmember Status. Flights as one type of crewmember may be combined with flights as another type of crewmember if the member remains on continuous active duty and continuous flying status. Total requirements may be met in either crewmember status or a portion may be met in each status.

Example: An aviation cadet is given a rating as a navigator and issued new flying status orders immediately following termination of his or her former orders.



E. Missing or Missing-in-Action

1. A member assigned to flying duty, who is declared missing by competent authority, is entitled to [AvIP](#) during the entire period of absence, and is entitled to [AvIP](#) for hospitalization and rehabilitation after termination of missing status, for an additional period, not to exceed one year.

2. Upon return from a missing status and completion of any required period of hospitalization and rehabilitation (not to exceed 1 year), entitlement to HDIP for flying duty will be contingent on a determination of continued eligibility under paragraph 220201 and the applicable flight requirement provisions of paragraph 220203.

3. A new 3-month grace period does not start when the missing status and hospitalization ends. [The new 3-month grace period](#) starts with the first month of deficiency, after entering a missing status.

4. If the missing status and hospitalization goes beyond the 3-month grace period, the member must meet flight requirements for at least 1 month to become entitled to flight pay again.

5. If the member does not meet flight requirements upon the completion of an authorized missing and hospitalization period, he or she is entitled to pro rata HDIP for flying duty through the date of such authorized period.

F. Death

1. Death Due to Aviation Accident. If death occurs on the date of an aviation accident, flight pay accrues to include the date of death. If, however, death occurs after the 3-month period has expired, flight pay is not authorized for any day after the expiration of that period. Flight 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, flight 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.

220210. Suspensions from Flying Status, Effect on Flight Pay

A. Flight Pay for a Period of Suspension. Except under subparagraphs 220210.B and C, members are not entitled to flight pay for any period while suspended from flying status. Members are considered suspended on the effective date of suspension. Members are considered to be in a flying status on the day that the suspension is removed or terminated. Payment for a period of suspension cannot be made in any case until the suspension has been removed or terminated.

B. Suspension for Other Than Physical Incapacity for Members Required to Perform Minimum Flight Requirements. Members are entitled to flight 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 220203. If the member has excess flights performed before suspension, the grace period specified in paragraph 220203 begins on the first month of the period of suspension not covered by excess flights.

Example: A member was suspended from flying status on February 1. He had 16 hours excess flying time as of January 31. Flight pay is stopped on January 31. The suspension subsequently is removed (or terminated) on June 30. He flew 12 hours in the month of July. After removal of the suspension, pay flight pay for February 1 through May 31 on the basis of the 16 excess hours accumulated in the 5 months before February 1. The grace period, authorized as stated in paragraph 220203, started on June 1. The hours that were flown in July qualify the member for flight pay for June and July.

C. Suspension for Physical Incapacity of Members Subject to Minimum Flight Requirements. A member is entitled to flight pay during a period of grounding due to physical incapacity if he or she meets the flight requirements stated in paragraph 220203. The member also is entitled to flight pay 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 220206.

D. Suspension Removed or Terminated. If a suspension is removed or terminated after the member can no longer qualify for flight pay under subparagraphs 220210.B or C, there is loss of pay for any period that is not covered by paragraph 220203. Flight 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.

#### 220211. Payment of Flight Pay and Incentive Pay for Other Hazardous Duty

A member who qualifies for flight pay and incentive pay for one or more other types of hazardous duty may receive the flight pay and incentive pay only for one other hazardous duty for the same period. Dual HDIP is limited to those members required by orders to perform specific multiple hazardous duty necessary for successful accomplishment of the mission of the unit to which assigned.

A. Conditions of Entitlement. The hazardous duties for which dual incentive pay is payable must be an integral part of the member's assigned mission. Accomplishment of the assigned mission must require the member to perform specific multiple hazardous duties. A member must meet minimum requirements for each of the hazardous duties, except for injury or incapacity that results from the performance of hazardous duty.

B. Types of Duties That Qualify Member for Dual Payment of HDIP. See Chapter 24, subparagraph 240205.A.

1. Air Force pararescue team members placed on orders to perform duties as both crewmembers and parachutists.

2. Other combinations of hazardous duties for which dual payments of incentive pay are authorized by the Military Services concerned.

C. Injury or Incapacity as a Result of Performance of Hazardous Duty or Dual Hazardous Duties. If a member, who is required to perform more than one hazardous duty, becomes injured or otherwise incapacitated as a result of any of the duties, he or she is 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, the member is entitled to the type of incentive pay that he or she was receiving at the time of the incapacity. The beginning date of the 3-month period will be determined separately for each type of incentive pay. See paragraph 220206 or Chapter 24, Table 24-2, as applicable, to determine the 3-month period separately for each incentive pay.

220212. Restriction on Payment of Flight Pay and Diving Duty Pay

See Chapter 11, paragraph 110501.

220213. Authority to Issue Orders

Authority to issue orders requiring the performance of flying duty, granting waivers of performance requirements, or extending time periods during which requirements may be met is delegated by the Secretary of the Military Department concerned to specific commanders within each Military Service. Such delegations are contained in the personnel administrative regulations of the respective Military Services.

**\*2203 AvIP FOR AVIATORS IN OPERATIONAL FLYING DUTY (OFD) OR PROFICIENCY FLYING DUTY (PFD) POSITIONS**

220301. General

The Secretaries of the Military Departments may offer AvIP(s) under 37 U.S.C. § 334(a) to increase their respective Department's ability to retain officers in a military aviation career and support the recruiting and retention of individuals with military aeronautical ratings or designations.

220302. Eligibility

The Secretary concerned may pay AvIP to aviation officers performing in OFD or PFD positions. AvIP may only be paid to an officer who:

A. Is entitled to basic pay pursuant to 37 U.S.C. § 206;

- B. Maintains, or is in training to receive, an aeronautical rating or designation that qualifies the officer for OFD or PFD;
- C. Engages in, or is in training to receive, frequent and regular performance of OFD or PFD;
- D. Engages in or remains in aviation service for a specified period of time;
- E. Achieves the minimum flight requirements of 4 hours during 1 calendar month or 24 hours during 6 consecutive months (the minimum flight hour requirement for Reserve Component (RC) officers not on active duty for a period of more than 30 consecutive days is 2 hours during 1 calendar month or 12 hours during 6 consecutive months). A certified flight simulator may be used to meet this requirement. The Secretary concerned may waive the minimum flight requirements:
  - 1. For officers (except flight surgeons or medical officers) who meet the AvIP eligibility requirements in paragraph 220402 while assigned to OFD or PFD positions; or
  - 2. In extreme circumstances (e.g., military operations (combat or otherwise) or non-availability of aircraft), when the Secretary concerned may authorize a commanding officer to certify that an officer is unable to meet minimum flight requirements; and
- F. Meets all applicable eligibility requirements and such other criteria, as the Secretary concerned determines appropriate.

220303. Payments and Amounts

- A. The National Defense Authorization Act for Fiscal Year 2017 authorized an increase to the maximum amount of monthly AvIP in 37 U.S.C. § 334 not to exceed the rate of \$1,000 per month to officers while serving in an OFD or PFD assignment. Unless otherwise updated by the Assistant Secretary of Defense (ASD) in accordance with Department of Defense Instruction (DoDI) 7730.67, paragraph 2.1.b, officers performing qualifying duty or performing qualifying duty relating to unmanned aerial systems (UAS) may receive up to \$1,000.
- B. The Service Secretaries are authorized to create their own Service-specific AvIP rate tables, with their own years of aviation service (YAS), up to the maximum amounts in Table 22-7.
- C. Under the provisions in subparagraphs 220303.A and B, the Department of the Air Force authorized an increase to the Air Force AvIP rates. The AvIP eligibility will be in accordance with Air Force Instructions (AFI) 11-401, AFI 11-402, and AFI 11-421. The Air Force monthly AvIP rates are calculated based upon YAS established by the Aviation Service Date and are reflected in Table 22-8.

D. The following are exceptions to the amounts in subparagraph 220303.B:

1. Warrant Officers with over 22 YAS may continue to receive AvIP at the over 10 YAS rate until retirement.

2. Officers performing OFD or PFD while piloting UASs with over 14 YAS may receive AvIP up to \$1,000 per month up to 22 YAS, at which time the amounts in Table 22-7 will take effect.

E. AvIP for officers in aviation training will begin on the later of these two dates and will be prorated based on the number of days remaining in the month:

1. The date when the officer first reports to the aviation activity in which he or she will receive flight training in a specific aircraft leading to an aeronautical rating, and is placed on aeronautical orders; or

2. The date of commission.

F. AvIP payments for all other aviators will begin the day an officer signs in to an OFD or PFD assignment. The initial payment amount will be prorated based on the number of days remaining in the month.

G. At the discretion of the Secretary of the Military Department concerned, RC officers entitled to compensation under 37 U.S.C. § 206 are eligible for AvIP. The amount authorized will be equal to 1/30<sup>th</sup> of the monthly AvIP authorized by the Military Department concerned for each period of inactive duty training.

#### \*2204 AvIP FOR AVIATORS NOT IN OFD OR PFD POSITIONS

##### 220401. General

The Secretaries concerned may pay AvIP to an officer who is otherwise qualified but who is not currently engaged in the performance of OFD or PFD, who meets each of the following three conditions:

A. The officer meets the eligibility criteria listed in subparagraphs 220402.A through D;

B. The officer is assigned to a position listed in paragraph 220403; and

C. The AvIP payment is in the best interest of the Military Service.

## 220402. Eligibility

The Secretary concerned may pay AvIP to officers with an aeronautical rating (except flight surgeons or medical officers) with fewer than 25 YAS who are in non-OFD or PFD assignments and:

- A. Are eligible for AvIP continuously through 12 YAS;
- B. Have performed at least 96 creditable months of OFD or PFD upon completion of 12 YAS. These officers are eligible for up to 18 YAS as long as they are assigned to a non-OFD or non-PFD assignment;
- C. Have performed at least 120 creditable months of OFD or PFD upon completion of 18 YAS. These officers are eligible for AvIP for up to 22 YAS as long as they are assigned to a non-OFD or non-PFD assignment; or
- D. Have performed at least 144 creditable months of OFD or PFD upon completion of 18 years of aviation service. These officers are eligible for AvIP for up to 25 YAS as long as they are assigned to a non-OFD or non-PFD assignment. Aviation warrant officers may continue to receive AvIP beyond 25 YAS as long as they are assigned to an assignment in paragraph 220403.

## 220403. Non-OFD or Non-PFD Assignments

Qualified aviation officers (except flight surgeons or other medical officers) who meet the eligibility criteria in paragraph 220402 may receive AvIP when assigned to any of the following non-OFD or non-PFD assignments:

- A. A Joint assignment or position on the Joint Duty Assignment List;
- B. Attending resident professional military education or a fully-funded graduate education program authorized by the Secretary of the Military Department concerned;
- C. Aviation-specific positions that must be filled by officers with an aeronautical rating; or
- D. Career-enhancing assignments outside of aviation or based on the needs of the Military Services for a period not to exceed 48 consecutive months.

## 220404. Transition Period

Upon publication of Service regulation, officers in receipt of continuous ACIP pursuant to 37 U.S.C. § 301a may receive AvIP for the remaining period of aviation service as specified in 37 U.S.C. § 301a(a)(4)(5), or 48 months, whichever is less. After this time, an aviator must be assigned to a position in accordance with section 2203 or subparagraphs 220403.A through C.

## 220405. Payments and Amounts

A. The Secretaries concerned may pay monthly AvIP to aviators who meet the YAS criteria in paragraph 220402 and are serving in positions listed in paragraph 220403. The maximum AvIP rates are in Table 22-7.

B. At the discretion of the Secretary of the Military Department concerned, RC officers entitled to compensation under 37 U.S.C. § 206 are eligible for AvIP. The amount authorized will be equal to 1/30<sup>th</sup> of the monthly AvIP authorized by the Military Department concerned for each period of inactive duty training.

## \*2205 CRITICAL SKILL INCENTIVE PAY (CSIP)

## 220501. General

The Secretary concerned may designate a career field or skill as critical for the purposes of offering a skill incentive pay. The following specialties are designated as critical and are eligible for CSIP:

A. Qualified career enlisted Service members who meet the eligibility requirements in paragraph 220502; or

B. Enlisted UAS operators who meet the eligibility requirements in paragraph 220502.

Note: Once a Military Department offers CSIP payments under 37 U.S.C. § 353, CEFIP pay under 37 U.S.C. § 320 is no longer authorized.

## 220502. Eligibility

CSIP is payable on a monthly basis in accordance with 37 U.S.C. § 353 to a Regular or RC enlisted Service member who:

A. Is entitled to basic pay pursuant to 37 U.S.C. § 204 or to compensation under 37 U.S.C. § 206;

B. Serves in a military career enlisted aviation occupational specialty or rating designated as critical by the Secretary of the Military Department concerned;

C. Qualifies for aviation service under regulations prescribed by the Secretary of the Military Department concerned; and

D. Meets other criteria as the Secretary concerned determines appropriate.

220503. Terms and Conditions of CSIP Written Agreements

The Secretary concerned may require a Service member to enter into a written agreement in order to qualify for a CSIP payment. The agreement must specify the period for which the member will receive CSIP and the monthly rate of pay.

220504. Payments and Amounts

A. The Secretaries of the Military Departments concerned may pay monthly CSIP to eligible Service members who meet the CSIP requirements in an amount not to exceed \$600 per month.

B. If a member does not satisfy the eligibility requirements specified in paragraph 220502 for an entire month, the Secretary concerned may prorate the payment amount to reflect the duration of the member's actual qualifying service during the month.

C. RC members entitled to compensation under 37 U.S.C. § 206 are eligible for CSIP at the discretion of the Secretary concerned. The amount will be equal to 1/30<sup>th</sup> of the monthly CSIP authorized by the Military Department concerned for each period of inactive duty training.

220505. Relationship to Other Pay and Allowances

A Service member may not be paid more than once under 37 U.S.C. § 353 in any month for the same period of service and skill. Members may be paid CSIP in addition to any other pay and allowance to which they are entitled, except that they may not be paid CSIP and HDIP under 37 U.S.C. § 351 for the same period of service in the same career field or skill.



Table 22-1. Monthly HDIP for Aircrew Members (Except for Air Weapons Controller Crewmembers)  
(Effective October 1, 1998)

Pay Grade	Amount	Pay Grade	Amount	Pay Grade	Amount
O-10	\$150	W-5	\$250	E-9	\$240
O-9	150	W-4	250	E-8	240
O-8	150	W-3	175	E-7	240
O-7	150	W-2	150	E-6	215
O-6	250	W-1	150	E-5	190
O-5	250			E-4	165
O-4	225			E-3	150
O-3	175			E-2	150
O-2	150			E-1	150
O-1	150				

Table 22-2. Monthly HDIP Rates for Air Weapons Controller Crewmembers  
(Effective February 18, 1997)

Pay Grade	2 or Less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10
<b>O-7 &amp; Above</b>	\$200	\$200	\$200	\$200	\$200	\$200	\$200
<b>O-6</b>	225	250	300	325	350	350	350
<b>O-5</b>	200	250	300	325	350	350	350
<b>O-4</b>	175	225	275	300	350	350	350
<b>O-3</b>	150	156	188	206	350	350	350
<b>O-2</b>	150	156	188	206	250	300	300
<b>O-1</b>	150	156	188	206	250	250	250
<b>W-5</b>	0	0	0	0	0	0	0
<b>W-4</b>	200	225	275	300	325	325	325
<b>W-3</b>	175	225	275	300	325	325	325
<b>W-2</b>	150	200	250	275	325	325	325
<b>W-1</b>	150	150	150	175	325	325	325
<b>E-9</b>	200	225	250	275	300	300	300
<b>E-8</b>	200	225	250	275	300	300	300
<b>E-7</b>	175	200	225	250	275	275	275
<b>E-6</b>	156	175	200	225	250	250	250
<b>E-5</b>	150	156	175	188	200	200	200
<b>E-4 &amp; Below</b>	150	156	175	188	200	200	200

Table 22-2. Monthly HDIP Rates for Air Weapons Controller Crewmembers  
(Effective February 18, 1997) (Continued)

Pay Grade	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 25
<b>O-7 &amp; Above</b>	\$200	\$200	\$200	\$200	\$200	\$200	\$200	\$150
<b>O-6</b>	350	350	350	350	300	250	250	225
<b>O-5</b>	350	350	350	350	300	250	250	225
<b>O-4</b>	350	350	350	350	300	250	250	225
<b>O-3</b>	350	350	350	300	275	250	225	200
<b>O-2</b>	300	300	300	275	245	210	200	180
<b>O-1</b>	250	250	250	245	210	200	180	150
<b>W-5</b>	0	0	0	0	0	0	0	0
<b>W-4</b>	325	325	325	325	276	250	225	200
<b>W-3</b>	325	325	325	325	325	250	225	200
<b>W-2</b>	325	325	325	325	275	250	225	200
<b>W-1</b>	325	325	325	325	275	250	225	200
<b>E-9</b>	300	300	300	300	275	230	200	200
<b>E-8</b>	300	300	300	300	265	230	200	200
<b>E-7</b>	300	300	300	300	265	230	200	200
<b>E-6</b>	300	300	300	300	265	230	200	200
<b>E-5</b>	250	250	250	250	225	200	175	150
<b>E-4 &amp; Below</b>	200	200	200	200	175	150	150	150

Table 22-3. Time of Aerial Flight Required for Fractional Part of the Month

Days	Hours of Aerial Flight		Days	Hours of Aerial Flight	
	Active Duty	Inactive Duty		Active Duty	Inactive Duty
1	.2	.1	16	2.2	1.1
2	.3	.2	17	2.3	1.2
3	.4	.2	18	2.4	1.2
4	.6	.3	19	2.6	1.3
5	.7	.4	20	2.7	1.4
6	.8	.4	21	2.8	1.4
7	1.0	.5	22	3.0	1.5
8	1.1	.6	23	3.1	1.6
9	1.2	.6	24	3.2	1.6
10	1.4	.7	25	3.4	1.7
11	1.5	.8	26	3.5	1.8
12	1.6	.8	27	3.6	1.8
13	1.8	.9	28	3.8	1.9
14	1.9	1.0	29	3.9	2.0
15	2.0	1.0	30-31	4.0	2.0

Table 22-4. Flight Examples Involving Basic 3-Month Grace Periods

Month	Example 1		Example 2		Example 3		Example 4	
	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)
February	0	No (note 2)	0	No (note 2)	0	Yes (notes 2 - 5)	0	Yes (notes 2 - 6)
March	4	Yes (note 1)	0	No	0	Yes (note 5)	8	Yes (note 1)
April	0	No (note 3)	4	Yes (note 1)	12	Yes (note 1)	0	Yes (notes 2 - 5)
May	0	No (note 4)	0	No (note 4)	0	Yes (notes 2 - 5)	0	Yes (note 5)
June	4	Yes (note 1)	0	No	0	Yes (note 5)	12	Yes
July	4	Yes (note 1)	4	Yes (note 1)	12	Yes (note 1)		
August	0	No (notes 2 - 8)	0	No (notes 2 - 8)	0	No (notes 2 - 8)		

Table 22-4. Flight Examples Involving Basic 3-Month Grace Periods (Continued)

Month	Example 5		Example 6		Example 7	
	Hours	Entitled	Hours	Entitled	Hours	Entitled
January	4	Yes (notes 1 - 7)	2	Yes (notes 7 - 9)	0	Yes (note 5)
February	0	Yes (note 9)	0	Yes (note 9)	0	Yes (note 5)
March	0	Yes (note 9)	0	Yes (note 9)	12	Yes (note 1)
April	0	Yes (note 9)	0	No (note 2)	4	Yes (note 1)
May	0	Yes (notes 2 - 5)	0	No (note 8)	0	No (notes 2 - 8)
June	0	Yes (note 5)	7	Yes (notes 1 - 11)	0	No (notes 2 - 8)
July	12	Yes (note 1)			11	Yes (notes 1 - 9 and 11)
August					5	Yes (notes 1 - 9 and 11)

**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. Excess hours available for application in 5 succeeding months as required.

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

Month	Hours Flown	Entitlement	Based on Hours Flown During	End of Month Excess and Unused Hours		Pertinent Factors
				That Month	Accumulated	
16-31	Jan 3.3	Yes	Jan	1.3	1.3	Placed on flying status Jan 16
	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	7	1 hour lost from Aug
	Feb 0	Yes	Oct 1, Jan 3	0	3	
	Mar 0	Yes	Jan 3, May 1	0	0	
	Apr 0	Yes	May 4	0	0	
	May 10	Yes	May	1	1	
	Jun 0	Yes	May 1, Aug 3	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 (note 3)	0	4	Suspended Dec 1
	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	
	May 4	Yes	May	0	0	Suspension ended May 1
	Jun 30	Yes	Jun	26	26	Physically incapacitated Jun 20
	Jul 0	Yes	Jun 4	0	22	
	Aug 0	Yes	Jun 4	0	18	
	Sep 0	Yes	Jun 4	0	14	
	Oct 0	Yes	Jun 4	0	10 (note 3)	Suspended Oct 1 6 hours lost from Jun
	Nov 0	Yes	Jun 4	0	0 (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 Apr 1

**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 22-6. Entitlement to HDIP Under Certain Conditions

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
	<b>When a member in flying status is</b>	<b>and</b>	<b>and</b>	<b>then flight pay</b>
<b>1</b>	sick in line of duty	flying status orders remain in effect	member meets or has met flight requirements or flight requirements do not apply	continues for the period of illness.
<b>2</b>	on authorized leave in pay status			continues for the period of leave (note 1).
<b>3</b>	on TDY or TAD			continues for the TDY or TAD period.
<b>4</b>	in a travel status (including authorized delay en route) on change of station			continues for the period of travel.
<b>5</b>	a Reservist released from active duty of more than 30 days	orders are not issued directing relief from all assigned duties	member has met flight requirements	continues for the period of allowable travel time home (note 2).
<b>6</b>	discharged and immediately reenlists at the same station without a break in service	flying status orders are not specifically terminated		entitlement is determined as if there had been no discharge.
<b>7</b>		flying status orders are specifically terminated		ceases on the date stated in orders.
<b>8</b>	incapacitated as a result of performance of flying duty			is payable as indicated in paragraphs 220206 or 220207.

\*Table 22-6. Entitlement to HDIP, Under Certain Conditions (Continued)

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
	<b>When a member in flying status is</b>	<b>and</b>	<b>and</b>	<b>then flight pay</b>
<b>9</b>	an enlisted crewmember 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 220203.
<b>10</b>	an enlisted crewmember whose flight orders do not include a termination date		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 220203.

**NOTES:**

1. Do not count flights performed while on leave for pay purposes.
2. Do not pay flight 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 will be issued by a competent authority in writing. Advance notice may be provided verbally if a suitable memorandum for the record is made and later followed by written notification.

Table 22-7. Monthly [Army, Navy, and Marine Corps AvIP](#) Rates for Officers  
(Effective October 17, 1998)

<b>YAS</b>	<b>Monthly Rate</b>
<b>2 or less</b>	\$125
<b>Over 2</b>	156
<b>Over 3</b>	188
<b>Over 4</b>	206
<b>Over 6</b>	650
<b>Over 14</b>	840
<b>Over 22</b>	585
<b>Over 23</b>	495
<b>Over 24</b>	385
<b>Over 25</b>	250

\*Table 22-8. Monthly Maximum Air Force AvIP Rates  
(Effective October 1, 2017)

<b>YAS</b>	<b>Monthly Rate</b>
<b>2 or less</b>	\$150
<b>Over 2</b>	250
<b>Over 6</b>	700
<b>Over 12</b>	1000
<b>Over 22</b>	700
<b>Over 24</b>	450

\*Table 22-9. Monthly CSIP Rates for Air Force Enlisted Flyers  
(Effective October 1, 2017)

<b>YAS</b>	<b>Monthly Rate</b>
<b>4 or less</b>	\$225
<b>Over 4</b>	350
<b>Over 8</b>	500
<b>Over 14</b>	600



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## CHAPTER 22 – AVIATION INCENTIVE PAYS

## \*2201 – GENERAL

\* 220101 DoDI 7730.67, October 20, 2016

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220202	37 U.S.C. § 301(b) and (c)
220203	Executive Order (EO) 11929, July 26, 1976
220204.B	25 Comptroller General (Comp Gen) 534
220204.C	37 Comp Gen 183
	4 Comp Gen 975
	9 Comp Gen 487
220206.A	EO 11929, July 26, 1976
220206.C	22 Comp Gen 1038
	23 Comp Gen 267
220209.A	2 Comp Gen 370
220209.B	46 Comp Gen 776
220209.C	37 Comp Gen 322
220209.E	37 U.S.C. § 552
	23 Comp Gen 948
	Public Law (P.L.) 92-482, October 12, 1972
220209.F.1	23 Comp Gen 449
220209.F.2	7 Comp Gen 476
	36 Comp Gen 57
220210	9 Comp Gen 234
	39 Comp Gen 604
	41 Comp Gen 173
	46 Comp Gen 776
220211	37 U.S.C. § 301(e)
220211.A	56 Comp Gen 983
220211.B	56 Comp Gen 983
220211.C	Comp Gen B-153331, December 11, 1964
220212	37 U.S.C. § 304(b)

## 2203 – AvIP FOR AVIATORS IN OPERATIONAL FLYING DUTY (OFD) OR PROFICIENCY FLYING DUTY (PFD) POSITIONS

\* 220301 P.L. 114-328, § 614, December 23, 2016

\* 37 U.S.C. § 334(a)

\* 220302 P.L. 114-328, § 614, December 23, 2016

\* DoDI 7730.67, October 20, 2016

\* 220303 37 U.S.C. § 334(a)  
 \* 220303.C Department of the Air Force (DAF) Memo,  
 July 1, 2017  
 \* DoDI 7730.67, October 20, 2016

\*2204 – AvIP FOR AVIATORS NOT IN OFD OR PFD POSITIONS

\* DoDI 7730.67, October 20, 2016

\*2205 – CRITICAL SKILL INCENTIVE PAY (CSIP)

\* 37 U.S.C. § 353  
 \* DoDI 7730.67, October 20, 2016

Table 22-1

37 U.S.C. § 301

Table 22-2

37 U.S.C. § 301(c)(2)(A)

Table 22-4

46 Comp Gen 776

Table 22-5

46 Comp Gen 776

Table 22-6

Rules 1 through 8	EO 11157, June 22, 1964 37 U.S.C. § 301
Rule 9	EO 11929, July 26, 1976
Rule 10	EO 11929, July 26, 1976
Note 3	EO 11929, July 26, 1976
Note 4	EO 11929, July 26, 1976

Table 22-7

\* P.L. 114-328, § 616(a), December 23, 2016  
 \* 37 U.S.C. § 334(c)(1)(A)

\*Table 22-8

\* 37 U.S.C. § 334  
 \* DAF Memo, July 1, 2017  
 \* DAF Memo, August 29, 2017

\*Table 22-9

\*

37 U.S.C. § 353

\*

DAF Memo, August 29, 2017

**VOLUME 7A, CHAPTER 23: “SUBMARINE DUTY PAY”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [bold, italic, blue, and underlined font](#).

The previous version dated [January 2018](#) is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated hyperlinks and formatting to comply with current administrative instructions.	Revision
230102	Updated the “Authoritative Guidance” paragraph to comply with current administrative instructions.	Revision
230201 230202 230203	Added the “Purpose,” “Eligibility,” and “Amount” paragraphs to comply with the DoD Instruction (DoDI) 1340.26. Renumbered subsequent paragraphs.	Addition
230203.A 230203.B 230203.C	Updated the subparagraphs to reference the “Submarine Duty Pay Rates” table on DFAS.MIL. Added a hyperlink to the tables.	Revision
230209	Updated the “Restriction” paragraph in accordance with DoDI 1340.26.	Revision
2303 230301 230302 230303 230306	Updated the “Continuous Submarine Duty Skill Incentive Pay for Submarine Service Members” section and applicable paragraphs in accordance with the Assistant Secretary of the Navy for Manpower & Reserve Affairs Memo, dated January 26, 2018. Renumbered subsequent paragraphs.	Revision
Table 23-1 Table 23-2 Table 23-3	Added hyperlink to DFAS.MIL for the Submarine Duty Pay Rates.	Addition
References	Renamed “Bibliography” to “References” and updated statutes and references.	Revision

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## CHAPTER 23

SUBMARINE DUTY PAY

## 2301 GENERAL

## 230101. Purpose

The purpose of this chapter is to provide policy pertaining to Submarine Duty Pay for members of the Navy, as authorized by law. A member of the Navy who is entitled to basic pay, [may be paid](#) submarine duty incentive pay for the frequent and regular performance of operational submarine duty required by orders (including [on](#) a submarine of a foreign nation).

## \*230102. Authoritative Guidance

The pay policies and requirements established by the DoD in this chapter are derived primarily from, and prepared in accordance with the United States Code (U.S.C.), including Title 37. Due to the subject matter in this chapter, the list of authoritative sources is extensive. The specific statutes, regulations, and other applicable guidance that govern each individual section are listed in a reference section at the end of the chapter.

## 2302 INCENTIVE PAY FOR OPERATIONAL SUBMARINE DUTY

## \*230201. Purpose

Incentive pay for operational submarine duty is designed to recognize the arduous nature of submarine duty assignments. The Secretaries of the Military Departments concerned may establish an operational submarine duty incentive pay program to encourage volunteerism for submarine duty assignments.

## \*230202. Eligibility

The Secretaries of the Military Departments concerned will establish eligibility criteria based on Service-specific needs for submarine duty assignments.

## \*230203. Amount

The Secretaries of the Military Departments concerned will establish monthly rates, based on level of responsibility and time of submarine service. The maximum amount of operational submarine duty incentive pay per month will not exceed \$1,000.

A. The monthly rates of submarine duty pay for commissioned officers are in Table 23-1. The most current rates are in the [Submarine Duty Pay Rates](#) table on DFAS.MIL.

B. The monthly rates of submarine duty pay for warrant officers are in Table 23-2. The most current rates are in the [Submarine Duty Pay Rates](#) table on DFAS.MIL.

C. The monthly rates of submarine duty pay for enlisted members are in Table 23-3. The most current rates are in the [Submarine Duty Pay Rates](#) table on DFAS.MIL.

230204. Definition of Terms for “Operational Submarine Duty”

A. “Operational submarine duty” means duty performed:

1. While assigned under competent orders to a submarine;
2. While serving as an operator or crew member of an operational submersible (including an undersea exploration or research vehicle);
3. While undergoing initial submarine training prior to assignment to a nuclear-powered submarine;
4. While undergoing rehabilitation training after assignment to a nuclear-powered submarine;
5. In the case of members qualified for the submarine service, while assigned 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, except that 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 of subparagraph 230204.A.5.a have not been met: 96 hours; or
  - c. During any 3 consecutive calendar-months when requirements of subparagraph 230204.A.5.b have not been met: 144 hours;
6. While receiving training and instructions for assignment to a submarine of advanced design; or
7. While receiving instructions to prepare a submariner for a position of increased responsibility on a submarine.

B. The term “submarine service” means the service performed by a member under regulations prescribed by the Secretary of the Navy. The years of submarine service are computed beginning with the effective date of the initial order to perform submarine service.

230205. Submarine Duty Pay Start and Stop Dates

See Table 23-4.

230206. 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 Chapter 22.)

B. For the fractional part of a calendar month, or fractional parts of 2 consecutive calendar months (duty begins in 1 month and ends in the following month), the underway time required, based on the requirement of 48 hours for a calendar month, will be determined from Table 23-5.

230207. Temporary Additional Duty or Authorized Leave

A member, who is entitled to submarine duty pay, retains entitlement during periods of temporary additional duty or authorized leave. 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 2303.

230208. Missing Status - Member's Entitlement

A member receiving submarine duty pay when declared missing by a competent authority 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 period of eligibility, will be contingent on a determination of continued eligibility.

\*230209. Restriction

A. 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.

B. A Service member cannot receive both continuous submarine duty pay (CONSUBPAY) and operational submarine duty incentive pay at the same time for the same period of service. When CONSUBPAY eligibility is not met, personnel may be eligible for operational submarine duty incentive pay for any period attached under orders to operational submarine duty, whether temporarily or permanently assigned.



**\*2303 CONTINUOUS SUBMARINE DUTY SKILL INCENTIVE PAY FOR SUBMARINE SERVICE MEMBERS**

**\*230301. Purpose**

The Navy may offer CONSUBPAY to active duty Service members who volunteer to serve in, and remain serving in, the submarine service on a career basis in a submarine duty designation or designator.

**\*230302. Eligibility**

A member of the submarine service (as defined in subparagraph 230204.B) may be eligible for CONSUBPAY if they meet the following requirements:

A. Hold a submarine duty designation or designator, or are in training to receive a submarine duty designation or designator;

B. Have a valid submarine service entry date and have obtained the prescribed amount of total operational submarine service (TOSS) at the completion of 12 and/or 18 years of submarine service. Prior to 12 years of service, there is no minimum TOSS requirement for CONSUBPAY;

C. Enlisted members serving ashore must maintain a sufficient period of obligated service as specified in the Office of Chief of Naval Operations Instruction (OPNAVINST) 7220.15 (including any extension of enlistment) to be able to be reassigned to submarine duty. Officers must remain qualified for follow-on submarine service while serving ashore;

D. Maintain physical qualifications for submarine service;

E. Have less than 26 years of service; and

F. Meet other applicable requirements outlined by the Secretary of the Navy.

**\*230303. Additional Eligibility Requirements**

A. To remain eligible for CONSUBPAY through 26 years of service (excluding, in the case of an officer, any period of service as an enlisted member) a member must accumulate at least 6 years of TOSS in the first 12 years of submarine service, and at least 10 years of TOSS in the first 18 years of submarine service. However, if a member accumulates at least 8 but less than 10 years of TOSS after 18 years of submarine service, the member remains eligible for CONSUBPAY through 22 years of service (excluding, in the case of an officer, any period of service as an enlisted member).

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, the [eligibility for continuous monthly submarine duty pay ceases](#). If continuous monthly submarine duty pay ceases upon completion of 12 years of submarine service, [a member may be eligible to re-qualify for the pay if after the completion of 18 years of submarine service, the minimum operational submarine duty requirements have been met. At which time, the pay may resume 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 Chapter 1, section 0102), such member will [only be eligible for operational submarine duty pay in the amount specified in section 2302 for the performance of submarine duties while assigned to a submarine during underway operations.](#)

NOTE: In the case of an officer, any period as an enlisted member, before initial appointment as an officer, is excluded.

230304. Rates

The monthly rates of submarine duty pay are the same as indicated in Tables 23-1 through 23-3.

230305. Missing Status - Member's Entitlement

The provisions of paragraph 230208 are applicable to submarine duty pay entitlement under this section.

\*230306. Restriction

A. Pursuant to 37 U.S.C., section [353\(h\)](#), a Service member may not be paid more than one pay under the section in any month for the same period of service and skill.

B. Service members temporarily unable to perform submarine duty due to a physical or medical condition, not the result of the member's own misconduct, may continue to receive CONSUBPAY for a period of up to 6 months. After 6 months, CONSUBPAY will be terminated and may not be reinstated until the condition resulting in the physical or medical restriction is corrected and the member is again certified for submarine duty by a competent Undersea Medical Officer.

C. Service members permanently disqualified or otherwise determined to be no longer eligible to perform submarine duty, are ineligible for CONSUBPAY.

D. In accordance with the Memorandum for Assistant Secretary of the Navy (ASN) for Manpower and Reserve Affairs (M&RA), dated January 26, 2018 a Service member, who receives CONSUBPAY and fails to satisfy the eligibility requirements for receipt of the pay, will be subject to having the pay terminated. Repayment of any unearned portion or overpayment will be in accordance with the provisions of 37 U.S.C. § [373](#), Chapter 2, and Volume 16, Chapter 3.

\*Table 23-1. Monthly Submarine Duty Pay - Commissioned Officers Effective October 1, 2004  
For the most current rates, see the [Submarine Duty Pay Rates](#) table on DFAS.MIL.

<i>Years of Service Computed Under Title 37 U.S.C. § 205</i>														
<b>Pay Grade</b>	<b>2 or less</b>	<b>Over 2</b>	<b>Over 3</b>	<b>Over 4</b>	<b>Over 6</b>	<b>Over 8</b>	<b>Over 10</b>	<b>Over 12</b>	<b>Over 14</b>	<b>Over 16</b>	<b>Over 18</b>	<b>Over 20</b>	<b>Over 22</b>	<b>Over 26</b>
<b>O-10</b>	355	355	355	355	355	355	355	355	355	355	355	355	355	355
<b>O-9</b>	355	355	355	355	355	355	355	355	355	355	355	355	355	355
<b>O-8</b>	355	355	355	355	355	355	355	355	355	355	355	355	355	355
<b>O-7</b>	355	355	355	355	355	355	355	355	355	355	355	355	355	355
<b>O-6</b>	595	595	595	595	595	595	595	595	595	595	835	835	835	835
<b>O-5</b>	595	595	595	595	595	595	595	595	790	835	835	835	835	835
<b>O-4</b>	365	365	365	525	595	705	705	705	790	790	790	790	790	790
<b>O-3</b>	355	355	355	510	595	705	705	705	705	705	705	705	705	705
<b>O-2</b>	305	305	305	305	305	305	425	425	425	425	425	425	425	425
<b>O-1</b>	230	230	230	230	230	230	425	425	425	425	425	425	425	425

\*Table 23-2. Monthly Submarine Duty Pay Rates - Warrant Officers Effective October 1, 2002  
For the most current rates, see the [Submarine Duty Pay Rates](#) table on DFAS.MIL.

<i>Years of Service Computed Under 37 U.S.C. § 205</i>														
<b>Pay Grade</b>	<b>2 or less</b>	<b>Over 2</b>	<b>Over 3</b>	<b>Over 4</b>	<b>Over 6</b>	<b>Over 8</b>	<b>Over 10</b>	<b>Over 12</b>	<b>Over 14</b>	<b>Over 16</b>	<b>Over 18</b>	<b>Over 20</b>	<b>Over 22</b>	<b>Over 26</b>
<b>W-5</b>	285	375	375	425	425	425	425	425	425	425	425	425	425	425
<b>W-4</b>	285	375	375	425	425	425	425	425	425	425	425	425	425	425
<b>W-3</b>	285	375	375	425	425	425	425	425	425	425	425	425	425	425
<b>W-2</b>	285	375	375	425	425	425	425	425	425	425	425	425	425	425
<b>W-1</b>	285	375	375	425	425	425	425	425	425	425	425	425	425	425

\*Table 23-3. Monthly Submarine Duty Pay Rates - Enlisted Members Effective October 1, 2011  
For the most current rates, see the [Submarine Duty Pay Rates](#) table on DFAS.MIL.

<i>Years of Service Computed Under 37 U.S.C. § 205</i>														
<b>Pay Grade</b>	<b>2 or less</b>	<b>Over 2</b>	<b>Over 3</b>	<b>Over 4</b>	<b>Over 6</b>	<b>Over 8</b>	<b>Over 10</b>	<b>Over 12</b>	<b>Over 14</b>	<b>Over 16</b>	<b>Over 18</b>	<b>Over 20</b>	<b>Over 22</b>	<b>Over 26</b>
<b>E-9</b>	425	425	425	425	425	425	425	425	425	425	600	600	600	600
<b>E-8</b>	415	415	415	415	415	415	415	415	415	415	550	550	550	550
<b>E-7</b>	405	405	405	405	405	405	405	405	405	405	405	405	405	405
<b>E-6</b>	155	170	175	300	325	375	375	375	375	375	375	375	375	375
<b>E-5</b>	140	155	155	250	275	275	275	275	275	275	275	275	275	275
<b>E-4</b>	80	95	100	245	245	245	245	245	245	245	245	245	245	245
<b>E-3</b>	80	90	95	95	90	90	90	90	90	90	90	90	90	90
<b>E-2</b>	75	90	90	90	90	90	90	90	90	90	90	90	90	90
<b>E-1</b>	75	75	75	75	75	75	75	75	75	75	75	75	75	75

Table 23-4. Submarine Duty Pay - Start and Stop Dates

R U L E	A	B	C	D
	If member under orders for submarine duty is	and	then credit for incentive pay begins on	continues
1	assigned to a submarine		the day of reporting for duty, and	through day of detachment.
2	assigned as prospective crewmember of submarine under construction			
3	assigned to a nuclear-powered submarine manned by two crews or a crew and an augment crew (notes 1 and 2)		the day of reporting for duty as on-ship or off-ship crew, and	
4	undergoing instruction to qualify for duty on a submarine of advanced design or for duty with increased responsibility (note 3)		the day class convenes, and	
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 duty orders for treatment, rehabilitation or medical board review		for not more than 6 months after date of incapacity, as determined by medical authorities.
7		is reassigned to limited duty for treatment or rehabilitation		for not more than 6 months after date of assignment to Limited Duty or until disqualifying condition is determined to be permanent, whichever is earlier.

**NOTES:**

- Attachment to a submarine means duty as a crew member either on board the submarine, or on duty ashore during periods of rehabilitation after reporting for permanent duty as a crew member, whether to the on-ship or off-ship crew.
- When an off-ship crew member, in a training and rehabilitation status, performs travel in connection with a change of home port of the member's submarine by means other than the submarine, member's entitlement to submarine pay continues during period in transit.
- This rule also applies to officers, who previously qualified in submarines as enlisted members, while attending the following:
  - Submarine Officers' Basic Course or Submarine Officers' Indoctrination Course, for the specific purpose of preparing for a position in a nuclear-powered submarine; or
  - A course of instruction listed in the OPNAVINST 7220.15, December 28, 2005, specifically preparing them for positions of increased responsibility in nuclear-powered submarines.

Table 23-5. Submarine Operational Command Staff Members Underway Time Required for Fractional Part of Month

<b>SUBMARINE OPERATIONAL COMMAND STAFF MEMBERS UNDERWAY TIME REQUIRED FOR FRACTIONAL PART OF MONTH</b>					
<b>Days</b>	<b>Underway Time</b>		<b>Days</b>	<b>Underway Time</b>	
	<b>Hours</b>	<b>Minutes</b>		<b>Hours</b>	<b>Minutes</b>
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

**\*REFERENCES****CHAPTER – 23 SUBMARINE DUTY PAY**

## 2301 – GENERAL

37 U.S.C. § 352

37 U.S.C. § 353

## 2302 – INCENTIVE PAY FOR OPERATIONAL SUBMARINE DUTY

37 U.S.C. § 352

DoD Instruction 1340.26, September 25, 2017,  
Incorporating Change (CH) 1, Effective  
January 11, 2019

OPNAVINST 7220.15, CH-1, January 26, 2012

230208

37 U.S.C. § 552

2303 – CONTINUOUS SUBMARINE DUTY **SKILL INCENTIVE** PAY FOR SUBMARINE SERVICE MEMBERS

ASN (M&amp;RA) Memo, January 26, 2018

230301

37 U.S.C. § 353

230304

37 U.S.C. § 352

37 U.S.C. § 353

37 U.S.C. § 372

Table 23-1

OPNAVINST 7220.15, December 28, 2005

OPNAVINST 7220.15, CH-1, January 26, 2012

Table 23-2

OPNAVINST 7220.15, December 28, 2005

OPNAVINST 7220.15, CH-1, January 26, 2012

Table 23-3

OPNAVINST 7220.15, December 28, 2005

OPNAVINST 7220.15, CH-1, January 26, 2012

ASN (M&amp;RA) Memo, August 30, 2011

Table 23-4

OPNAVINST 7220.15, December 28, 2005

OPNAVINST 7220.15, CH-1, January 26, 2012

Table 23-5

OPNAVINST 7220.15, December 28, 2005

OPNAVINST 7220.15, CH-1, January 26, 2012

**VOLUME 7A, CHAPTER 24: “INCENTIVE PAY - HAZARDOUS DUTY OTHER THAN AERIAL FLIGHTS”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [bold, italic, blue, and underlined font](#).

The previous version dated [June 2017](#) is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
240101	Updated the “Purpose” paragraph in accordance with the Department of Defense (DoD) Instruction (DoDI) 1340.09, dated January 26, 2018.	Revision
2402	Updated the “Entitlement” section in accordance with DoDI 1340.09.	Revision
240203.A	Updated the “Rates” subparagraph, to reference the “Hazardous Duty Incentive Pay (HDIP) Rates” table on DFAS.MIL. Added a hyperlink to the table.	Revision
240208	Added a “Duration of Authority” paragraph, updated the “Duration of Authority” table on DFAS.MIL. Added a hyperlink to the table.	Addition
2403	Updated the “Parachute Duty” performance requirements and rates in accordance with DoDI 1340.09. Included the rates on the “Hazardous Duty Incentive Pay (HDIP) Rates” table and added a hyperlink to the table.	Revision
240403	Updated the “Flight Deck Duty” rate per DoDI 1340.09. Included the rate on the “Hazardous Duty Incentive Pay (HDIP) Rates” table and added a hyperlink to the table.	Revision
2405	Updated the “Demolition Duty” performance requirements and the rate in accordance with DoDI 1340.09. Included the rate on the “Hazardous Duty Incentive Pay (HDIP) Rates” table and added a hyperlink to the table.	Revision
240601.B 240602	Updated the “Navy Enlisted Classification/Navy Officer Billet Classification” list and the “Rates” paragraph. Included the rate on the “Hazardous Duty Incentive Pay (HDIP) Rates” table and added a hyperlink to the table.	Revision



PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
240703 240803 240903 241003 241103 241203	Updated the “Rates” paragraphs for the HDIP programs in accordance with DoDI 1340.09. Included the rates on the “Hazardous Duty Incentive Pay (HDIP) Rates” table and added hyperlinks to the table.	Revision
2413	Added the “Weapons of Mass Destruction Civil Support Team” section per DoDI 1340.09.	Addition
2414	Added the “Diving Duty” section per DoDI 1340.09.	Addition
Table 24-2 Table 24-3 Table 24-4 Table 24-5	Deleted the obsolete Tables 24-2 through 24-5.	Deletion
References	Renamed “Bibliography” to “References” and updated supporting statutes and references.	Revision

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## CHAPTER 24

**INCENTIVE PAY - HAZARDOUS DUTY OTHER THAN AERIAL FLIGHTS**

## 2401 GENERAL

## \*240101. Purpose

The Secretaries of the Military Departments may offer hazardous duty incentive pay (HDIP) payments to Service members who under competent orders are required to perform duties designated as hazardous, based upon the inherent dangers of the duty and the risks of physical injury. This chapter establishes the policy pertaining to the monetary incentive to Service members who perform these duties.

## 240102. Authoritative Guidance

The pay policies and requirements established by the Department of Defense (DoD) in this chapter are derived primarily from, and prepared in accordance with the United States Code (U.S.C.), Title 37. Due to the subject matter in this chapter, the list of authoritative sources is extensive. The specific statutes, regulations, and other applicable guidance that govern each individual section are listed in a reference section at the end of the chapter.

## \*2402 ENTITLEMENT

## 240201. Eligibility

In order to receive HDIP, a Regular or Reserve Component Service member must:

- A. Be entitled to basic pay under 37 U.S.C., section 204 or 206;
- B. Be serving under competent orders to perform the hazardous duty; and
- C. Be in training, or have completed qualifying training and meet eligibility criteria for the performance of the hazardous duty.

## 240202. Member of the Reserve Components (RC)

A. A member of the RC on extended active duty (EAD), who is ordered to perform any of the hazardous duties listed in sections 2403 through 2413, is entitled to pay based on the terms of this chapter.

B. A member of the RC on active duty training (ADT), who is ordered to perform any of the hazardous duties listed in sections 2403 through 2413 is entitled to pay based on Chapter 57, paragraphs 570302 and 570401 and Table 24-1, rules 9 through 13.

## 240203. Payment Method and Amounts

A. Rates. A member who qualifies for HDIP under this chapter is entitled to the rate prescribed for the type of duty performed. The most current rates are in the *Hazardous Duty Incentive Pay (HDIP) Rates* table on DFAS.MIL.

B. Proration. In the case of a member of the Regular Component, HDIP commences on the date the member reports for, and begins performing an eligible duty in compliance with competent orders. Entitlement ceases on the effective date published in orders for termination of such duty or the date the member is detached from and no longer required to perform the hazardous duty, whichever occurs first. When a member commences hazardous duty on a date other than the first day of a month, or terminates that duty on a date other than the 30th of a month (28th or 29th of February, as appropriate) and otherwise meets the requirements of this chapter for the month, he or she is entitled to a prorated portion of rate of pay for the month. In the case of an RC member, see subparagraph 240202.B

## 240204. Multiple Payments of HDIP

Service members performing multiple hazardous duties may receive a maximum of three HDIP payments per month. Multiple HDIP 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 hazardous duty, unless excepted as provided in paragraph 240206.

A. Aviation Incentive Pay (AvIP) and HDIP. Officers entitled to AvIP and enlisted members entitled to Critical Skill Incentive Pay (CSIP), may receive not more than two types of HDIP under the provisions of this chapter provided the conditions for entitlement have been independently met. Officers and enlisted members entitled to HDIP for flying duty (in lieu of AvIP or CSIP), may receive not more than two other HDIPs under the provisions of this chapter provided the conditions for entitlement have been independently met.

B. Restriction With Regard to Parachute Duty. Only one type of parachute duty payment (regular or military free fall) is authorized for a qualifying period. When a member qualifies for both types of parachute duty, the higher rate of pay is authorized. Unless otherwise restricted by Military Service regulations (for example, restrictions on manning classification), a member who qualifies for a military free fall rate for a month in which the member earlier qualified for the regular rate of parachute pay will be entitled to the difference between the monthly rate of \$150 and \$225.

## 240205. Injury or Incapacity Resulting From Performance of Hazardous Duty

Service members qualified for HDIP who are temporarily unable to perform a hazardous duty due to an injury or illness that is not the result of the Service member's own misconduct may continue to receive HDIP for up to 6 months. Appropriate medical authority determines the cause of the incapacity and the dates thereof.

A. Case-by-Case Exception. On a case by case basis, the Secretary concerned, or designee, may authorize an extension of HDIP payments for up to an additional 6-months, based on the recommendation of the appropriate medical authority. Under no circumstance may HDIP payments continue beyond 12 months from the date of injury or illness.

B. Termination of HDIP. HDIP will be terminated for Service members permanently disqualified or otherwise determined to be no longer eligible to perform hazardous duty by a competent medical authority.

C. Reassignment or Reclassification. Service members reassigned to a new duty assignment or specialty not eligible for HDIP will have their HDIP payments terminated on the date of reassignment or reclassification.

D. Combat Zone. If the injury or illness occurred while serving in a combat zone, hostile fire area, or imminent danger area, the Service member may continue to receive HDIP during his or her hospitalization and rehabilitation in accordance with 37 U.S.C. § 372. See Chapter 13, section 1302 for additional details.

## 240206. Authority to Issue Orders

Authority of the Military Departments to issue orders requiring performance of hazardous duty is delegated by the Secretaries to specific commanders within each Military Service. These delegations are contained in personnel administrative regulations of the respective Military Services.

## 240207. Missing Status - Member's Entitlement

A member, receiving an HDIP listed in sections 2403 through 2414, when declared by competent authority to be missing (as defined in the Definitions Chapter), is entitled to HDIP during the period of absence and for any period, not to exceed 1 year, required for hospitalization and rehabilitation after termination of the missing status. The member's entitlement to HDIP, upon termination of any required period of hospitalization and rehabilitation or the 1-year period after date of return from missing status, whichever is earlier, will be contingent on a determination of continued eligibility under section 2402 and the applicable requirements.

## 240208. Duration of Authority

Unless authorized by Congress, no HDIP payment may be paid after the termination date on the [Duration of Authority](#) table.

## \*2403 PARACHUTE DUTY

## 240301. Entitlement

A. General. Qualified members are those who have received a designation as a parachutist, including those undergoing training for such designation; who is required by competent orders to engage in parachute jumping from an aircraft in aerial flight, and who meet the minimum performance requirements.

B. Performance Requirements. To qualify for parachute duty pay for a 3-month period the Service member is required to jump at least once during the 3-month period. If a Service member is not able to perform at least one jump in a 3-month period due to reasons beyond the Service member's control, the Service member may jump twice during a 6-month period, including two jumps within the same month, to maintain pay eligibility for 2 consecutive 3-month periods. The following exceptions are waivers to the 3-month jump rule:

1. Non-availability of jump equipment or aircraft, attendance at military education or training of less than 179 days, or inclement weather. Commanding officers, in the pay grade of O-5 or above, may waive the jump requirement for one jump during a 12-month period. Service members must maintain their proficiency through refresher training in lieu of jumping in order to retain eligibly for parachute duty pay during the waived period;

2. The appropriate commander, grade O-7 or above, may waive the minimum jump requirement when a Service member is unable to perform a jump due to combat operations or being operationally deployed. Upon returning from deployment, the Service member must complete airborne refresher training and jump within 3 months; or

3. Service members must maintain their eligibility for parachute pay through the actual performance of a parachute jump unless the minimum jump requirement is waived. If the Service member does not have a waiver and fails to meet the minimum jump requirement, the parachute duty pay will be discontinued and any overpayment or unearned portion of pay will be subject to repayment in accordance with 37 U.S.C. §§ 373 and 1007.

C. Military Free Fall

1. Service members who qualify for military free fall duty, must perform duty involving parachute jumping, as an essential part of their military duties, 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 received a designation as a **military free fall** parachutist, **including those** undergoing training for such designation; **who** are required by competent orders to engage in parachute jumping from an aircraft in aerial flight; **and who** meet the requirements of **paragraph 240301**. Performance requirements must be satisfied by **military free fall jumps**.

240302. Parachute Jumps-Leave, **Permanent Change of Station (PCS)**, **Temporary Duty Travel (TDY)/Temporary Additional Duty (TAD)**, or ADT

Qualifying jumps for entitlement to parachute pay will 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:

A. Parachute jumps performed by any member while on leave or during PCS or TDY/TAD not requiring parachute jumping as an essential part of the duty; and

B. Parachute jumps performed by a member of an RC while on ADT that does not require parachute jumping as an essential part of the duty.

240303. Rates

The HDIP rates for parachute duty are:

A. HDIP for static line parachute jumping is \$150 per month (see the **Hazardous Duty Incentive Pay (HDIP) Rates** table for the most current rate).

B. HDIP for a military freefall parachutist is \$225 per month (see the **Hazardous Duty Incentive Pay (HDIP) Rates** table for the most current rate).

C. HDIP for parachute duty may be paid, provided prescribed requirements are met, only from the date of reporting for duty or training. Service members who arrive after the first day of the month or depart prior to the end of the month and are not on competent orders for a full calendar month will receive a prorated HDIP payment for these months.

#### 2404 FLIGHT DECK DUTY

240401. Entitlement

A. **Conditions of Entitlement**. A member is entitled to flight deck **HDIP** (FDHDIP) when the member:

1. Serves on the crew of an eligible air capable ship or an aviation unit operating from such a ship, fixed-wing-aircraft carrier or an aviation unit operating from that type of carrier;

2. Is ordered by competent authority to duty in a billet which requires frequent and regular participation in flight operations; and

3. Participates, within a calendar month, in 4 days of flight operations or their equivalent on the flight deck of eligible air capable ships.

B. Quotas and Billets. The number of members entitled to FDHDIP 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 the Chief of Naval Operations (OPNAV) Instruction 7220.4 series.

C. Members on TDY or TAD. Members on TDY or TAD in the crew of an aircraft carrier or other eligible air capable ship or an aviation unit operating from such a ship may be ordered to flight deck hazardous duty (FDHD) billets. When so ordered, they are eligible for HDIP 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.

D. Multiple Payments. Members receiving HDIP for any other type of hazardous duty are not entitled to FDHDIP for the same period.

240402. Specialized Terms

A. Eligible Air Capable Ship. A ship having a flight deck that has been certified to launch or land aircraft under Chief of Naval Operations ship or helicopter facility certification program.

B. Flight Operations. The period of time during which launch and recovery of aircraft are in progress on the flight deck of an eligible air capable ship. It includes the turn-up and movement of aircraft preparatory to launch and the movement and shutdown of aircraft immediately following recovery.

C. Day of Flight Operations. One day of flight operations will 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. Four days of such flight operations, or the equivalent thereof, will 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 takeoffs and/or landings equals the monthly total requirement for that class ship in OPNAV Instruction 7220.4 series will constitute the equivalent of 4 days of flight operations.

E. FDHD Billet. A billet that requires frequent and regular participation in flight operations on the flight deck of an eligible (certified) ship as promulgated in the OPNAV Instruction 7220.4 series.

F. Participation. Service members must be present, during flight operations, at an assigned station 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.

\*240403. Rates

FDHDIP is paid to eligible members at a rate of \$150 per month (see the Hazardous Duty Incentive Pay (HDIP) Rates table for the most current rate). Service members who meet entitlement criteria, but who do not participate in a full calendar month of flight operations will receive a prorated FDHDIP payment. The prorated amount will be determined by multiplying 1/30th of the monthly FDHDIP rate by the number of days the member actually performed in an FDHD billet aboard ship for the partial month.

240404. Commencement and Termination of FDHDIP

Eligibility for entitlement to FDHDIP begins on the date a member is ordered to duty in an FDHD billet. Entitlement eligibility ends on the date the orders to such billet are revoked, or when a member is permanently detached from the aircraft carrier, other eligible air capable ship, or aviation unit, whichever occurs first. Orders may be terminated for other reasons but not for the sole purpose of providing FDHDIP for additional members.

240405. Right to Pay Under Certain Conditions

See Table 24-1.

\*2405 DEMOLITION DUTY

240501. Entitlement

A. Condition of Entitlement. A member entitled to basic pay, who is required by competent orders to perform duty involving the demolition of explosives, as prescribed by Military Service regulations, as a primary duty (including training for that duty), is entitled to HDIP under the conditions stated in this section.

B. Duty Involving Demolition of Explosives. 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 explosive objects, obstacles, or other explosives, or recover and render harmless, by disarming or demolishing, explosives that have failed to function as intended or which have become a potential hazard;

2. Participate as students or instructors in instructional training, including that in the field or fleet, for the duties described in subparagraph 240501.B.1 provided that live explosives are used in such training;

3. Participate in proficiency training, including that in the field or fleet, for the maintenance of skill in the duties described in subparagraph 240501.B.1 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.

240502. Rates

HDIP for demolition duty is \$150 per month (see the [Hazardous Duty Incentive Pay \(HDIP\) Rates](#) table for the most current rate). HDIP is payable for any full calendar month, provided the prescribed requirements are met at least one time during the calendar month, or is prorated under subparagraph 240203.B for any portion of a calendar month during which a member under competent orders performs demolition duty.

240503. Performance Requirements

A member, who is assigned to demolition duty by competent orders and performs such duty during the month involved, is eligible for HDIP for that duty provided live explosives are used. Service members failing to meet the monthly minimum requirement for demolition duty HDIP will have their pay discontinued and any overpayment or unearned portion of the pay will be subject to repayment. 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 HDIP.

240504. Right to Pay Under Certain Conditions

See Table 24-1.

2406 EXPERIMENTAL STRESS DUTY

\*240601. Entitlement

A. Condition of Entitlement. A member on active duty who is required by competent orders to perform experimental stress duty is entitled to HDIP under the conditions stated in this section.

B. Duty Involving Experimental Stress. Experimental stress duties are included in subparagraphs 240601.B.1 through 240601.B.4.

1. Human Acceleration or Deceleration Experimental Subject. Duty performed as human acceleration or deceleration experimental subjects utilizing experimental acceleration or deceleration devices.

2. Thermal Stress Duty. Duty performed as human thermal experimental subjects in thermal stress experiments.

3. Low-Pressure Chamber Duty. Duty performed within a low-pressure (altitude) chamber at physiological facilities as human test subjects, inside instructor-observer or inside observer-tender.

4. High-Pressure Chamber Duty

a. Duty performed within a high-pressure (hyperbaric or recompression) chamber or hyperbaric complex as a:

(1) Human test subject for approved protocols applicable to the research, development, testing and evaluation of diving, hyperbaric and underwater-related tools, systems, equipment and procedures;

(2) Human test subject in a recompression chamber/hyperbaric complex inside instructor-observer or inside observer-tender during the conduct of protocols; or

(3) Human test subject in a recompression chamber/hyperbaric complex inside instructor-observer or inside observer-tender during the conduct of hyperbaric treatment or hyperbaric therapy procedures which include, but are not limited to, treatment of ailments incidental to diving and hyperbaric/hypobaric exposure.

b. For a Navy member to qualify as a human test subject, inside instructor-observer or inside observer-tender in a recompression chamber/hyperbaric complex, all of the following conditions must be met. The member must:

(1) Possess one of the Navy Enlisted Classification/Navy Officer Billet Classification (NEC/NOBC) codes listed and be assigned by competent orders to a billet utilizing the following NEC/NOBC classifications:

**Enlisted:**

Special Warfare Operator (SEAL) Candidate  
 SEAL Delivery Vehicle (SDV) Operator  
 Special Warfare Operator (SEAL)  
 Basic Explosive Ordnance Disposal (EOD) Technician  
 Senior EOD Technician  
 Master EOD Technician  
 Master Diver  
 First Class Diver  
 Second Class Diver  
 Underwater Construction Technician Advanced  
 Underwater Construction Technician Basic  
 Master Underwater Construction Diver  
 Fleet Marine Force Reconnaissance Independent Duty Corpsman  
 Fleet Marine Force Reconnaissance Corpsman

**NEC**

O20A  
 O23A  
 O26A  
 M02A  
 M03A  
 M04A  
 MMDV  
 M1DV  
 M2DV  
 B16A  
 B17A  
 B18A  
 L02A  
 L11A

Medical Deep Sea Diving Technician	L27A
Deep Sea Diving <a href="#">Independent Duty Corpsman</a>	L28A
<b><u>Officer</u></b>	<b><u>NOBC</u></b>
Undersea Medical (Diving) Officer	0107
EOD Officer	9230
EOD Mobile Unit Officer	9231
SEAL Officer	9293
Diving Officer (General)	9312;

(2) Be ordered to perform additional duty as a human test subject, inside instructor-observer or inside observer-tender as described in subparagraphs 240601.B.4.a., b, or c, or by the commanding officer having cognizance over the recompression chamber or hyperbaric complex; and

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

c. The following types of similar duties do not entitle Navy personnel to HDIP as recompression chamber/hyperbaric complex inside instructor-observers or inside observer-tenders:

(1) Inside observer-tender and divers for surface decompression procedures incidental to the conduct of diving operations as this is considered a normal procedure related to the safe conduct of routine diving operations;

(2) Under instruction either inside instructor-observer, inside observer-tender, or trainees that includes saturation diving procedures and hyperbaric medical related training which is considered a normal requirement to establish or maintain proficiency and/or qualifications;

(3) Inside observer-tender or test candidates during pressure and/or oxygen tolerance tests;

(4) Inside observer-tender, technicians or others involved in recompression chamber or hyperbaric complex preventive or corrective maintenance or during the use of a chamber or complex for the purpose of conducting preventive or corrective maintenance procedures; and

(5) Patients undergoing hyperbaric treatment or therapy.

C. Restriction. A member is entitled to only one payment of HDIP for experimental stress duty during any 1 month.

\*240602. Rates

HDIP for experimental stress duty is \$150 per month (see the [Hazardous Duty Incentive Pay \(HDIP\) Rates](#) table for the most current rate). HDIP is payable for any full month, or is prorated in accordance with subparagraph 240203.B for any portion of a calendar month, during which experimental stress duty is performed under competent orders.

240603. Performance Requirements

A member is entitled to HDIP for experimental stress duty when assigned to that duty by competent orders and performs such duty during the month involved. Competent medical authorities of the Military Service concerned must determine if the member is engaged in one or more stress experiments involving risk of experimental hazard.

240604. Right to Pay Under Certain Conditions

See Table 24-1.

2407 TOXIC FUELS (OR PROPELLANTS) DUTY

240701. Entitlement

A. A member is [eligible for](#) HDIP for duty involving the servicing of aircraft or missiles with highly toxic fuels or propellants when this duty is performed as a primary duty according to the requirements set forth in subparagraphs 240702.A – D and G.

B. A member is [eligible for](#) HDIP for duty involving the servicing of aircraft or missiles with highly toxic fuels or propellants for the testing of aircraft or missile systems (or components of such systems) during which highly toxic fuels are used when this duty is performed as a primary duty according to the requirements listed in paragraph 240702.

240702. [Performance](#) Requirements

Primary duty [requirements for this HDIP](#) consist of:

A. Removal, replacement, and servicing of the emergency power unit of an aircraft with H-70 propellant (30 percent water, 70 percent hydrazine);

B. Participation by those personnel performing duties in subparagraph 240702.A, 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) 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;
- E. Handling, transporting, or working with toxic fuels/propellants by members assigned to the Air Force Rocket Propulsion Lab 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.



\*240703. Rates

HDIP for handling of toxic fuels and propellants is \$150 per month (see the [Hazardous Duty Incentive Pay \(HDIP\) Rates](#) table for the most current rate). Service members who meet the eligibility criteria, but who do not participate in a full calendar month of duty involving toxic fuels and propellants, will receive a prorated HDIP payment.

240704. Restriction

[Authorization](#) is based upon the performance of [this primary duty that](#) 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 may be construed as indicating that any [Service member eligible for](#) 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.

2408 TOXIC PESTICIDES DUTY

240801. Entitlement

A member is [eligible for](#) 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.

240802. [Performance](#) Requirements

A. [Fumigation Duties](#). Members must perform fumigation duties during a calendar month to receive HDIP for the month. Fumigation duty 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](#). 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 HDIP.

\*240803. Rates

HDIP for duty involving exposure to toxic pesticides is \$150 per month (see the [Hazardous Duty Incentive Pay \(HDIP\) Rates](#) table for the most current rate). Service members who meet the eligibility criteria, but who do not participate in a full calendar month of duty involving exposure to highly toxic pesticides will receive a prorated HDIP payment.

## 2409 DANGEROUS VIRUSES (OR BACTERIA) LAB DUTY

## 240901. Entitlement

A member is [eligible for](#) HDIP for duty involving laboratory work that utilizes live dangerous viruses or bacteria as a primary duty.

240902. [Performance](#) Requirements

[Eligible](#) members must perform [their](#) primary duty 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. [This](#) duty [requires](#) members [to](#) work [directly](#) with microorganisms:

A. That cause diseases with a high potential for mortality and for which effective therapeutic procedures are not available; and

B. For which no effective prophylactic immunization exists.

## \*240903. Rates.

HDIP for laboratory duty involving dangerous viruses or bacteria is \$150 per month (see the [Hazardous Duty Incentive Pay \(HDIP\) Rates](#) table for the most current rate). [Service members who meet the eligibility criteria, but who do not participate in a full calendar month of laboratory duty utilizing live viruses or bacteria will receive a prorated HDIP payment.](#)

## 2410 CHEMICAL MUNITIONS DUTY

## 241001. Entitlement

A member is [eligible for](#) HDIP for duty involving the handling of chemical munitions (or components of such munitions) as a primary duty.

241002. [Performance](#) Requirements

A. Primary duty 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; or

4. Chemical surety material, defined by the Secretary concerned, incident to technical escort of shipments of said material.

B. The following duties **are not eligible for** HDIP:

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; and

4. Handling of riot control agents, chemical defoliants and herbicides, smoke, flame and incendiaries, and industrial chemicals.

\*241003. Rates

HDIP for handling of chemical munitions is \$150 per month (see the [Hazardous Duty Incentive Pay \(HDIP\) Rates](#) table for the most current rate). Service members who meet the eligibility criteria, but who do not participate in a full calendar month of duty handling chemical weapons will receive a prorated HDIP payment.

241004. Restriction

The Secretary concerned is authorized to pay HDIP for the performance of this primary 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 eligible for 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.

2411 MARITIME VISIT, BOARD, SEARCH, SEIZURE (VBSS) DUTY

241101. Entitlement

The Secretary concerned may offer an HDIP to members who under competent orders perform duty in VBSS billets that require frequent and regular participation in VBSS operations aboard vessels in support of maritime interdiction operations.

241102. [Performance](#) Requirements

The Navy has established that in order to qualify for HDIP [duty involving maritime VBSS](#) for any month a member must:

- A. Be assigned for an entire month to a billet designated as requiring frequent and regular participation in VBSS operations;
- B. Be properly trained for the VBSS [operations](#); and
- C. Participate in a minimum of three boarding missions (excluding training exercises) during each month of qualification.

## \*241103. Rates

HDIP for VBSS is a monthly rate of \$150.00 (see the [Hazardous Duty Incentive Pay \(HDIP\) Rates](#) table for the most current rate). Service members are eligible for HDIP for VBSS operations and may be paid a full month's VBSS HDIP during any calendar month in which the Service member serves in such a billet and conducts the minimum number of boarding operations.

## 2412 POLAR REGION FLIGHT OPERATIONS DUTY

## 241201. Entitlement

A member is [eligible for HDIP for duty](#) involving [the](#) use of ski-equipped aircraft on the ground in Antarctica or on the Arctic Ice-Pack.

241202. [Performance](#) Requirements

A member [may](#) be eligible in any calendar month during which that member participated in a takeoff from or landing on the ground in Antarctica or the Arctic Ice-Pack, or the servicing or the handling of cargo in connection with such aircraft on the ground in such a polar region. The appropriate commander will certify those members who under competent orders perform such duty in a calendar month.

## \*241203. Rates

HDIP for polar region flight operations duty is \$150.00 per month (see the [Hazardous Duty Incentive Pay \(HDIP\) Rates](#) table for the most current rate).

\*2413 WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT (WMDCS) TEAM

241301. Entitlement

The Secretary concerned may pay HDIP to RC Service members assigned to WMDCS teams.

241302. Performance Requirements

In order to be eligible for WMDCS HDIP, a Service member must be:

- A. Entitled to basic pay under 37 U.S.C. § 204;
- B. Assigned by competent orders to duty as a member of a WMDCS team;
- C. Fully qualified for WMDCS team operations; and
- D. Serving on an approved active duty tour in excess of 139 days in a DoD designated and certified WMDCS team position.

241303. Rates

HDIP for RC Service members assigned to a WMDCS team is \$150 per month (see the *Hazardous Duty Incentive Pay (HDIP) Rates* table for the most current rate). Service members who meet the eligibility criteria, but who do not participate in a full calendar month as a WMDCS team member, will receive a prorated HDIP payment.

\*2414 DIVING DUTY HDIP

See Chapter 11 for diving duty eligibility criteria, requirements, and rates.

Table 24-1. IP for Hazardous Duty-Entitlement Under Certain Conditions

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
	<b>When a member under orders to perform hazardous duty is</b>	<b>and the hazardous duty involved is</b>	<b>and</b>	<b>then IP entitlement</b>
<b>1</b>	sick in the line of duty	any type of hazardous duty listed in this chapter	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.
<b>2</b>	on authorized leave			continues for the period of leave (note 1).
<b>3</b>	on TDY or TAD			continues for the period of TDY or TAD.
<b>4</b>	reassigned PCS including TDY in conjunction with PCS			is not affected by the PCS (note 2).
<b>5</b>	on TDY or TAD	any type of hazardous duty listed in this chapter	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 TDY location and exists for the period of TDY.
<b>6</b>	discharged and immediately reenlisted at the same station	any type of hazardous duty listed in this chapter	orders to perform hazardous duty involved are not specifically terminated	is determined as though there had been no discharge.
<b>7</b>	without a break in service		orders to perform the hazardous duty involved are specifically terminated	ceases on effective date shown in orders.

Table 24-1. IP for Hazardous Duty-Entitlement Under Certain Conditions (Continued)

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
	<b>When a member under orders to perform hazardous duty is</b>	<b>and the hazardous duty involved is</b>	<b>and</b>	<b>then IP entitlement</b>
<b>8</b>	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.)
<b>9</b>	a member of an RC being released from active duty performed either: a. while member is part of strength accountability of the active military establishment (EAD); or b. while member is accountable to an RC (ADT) (note 5)	parachute	orders are not issued directing relief from assigned duties and requirements have been met for the period involved	continues for the period of allowable travel time (notes 3 and 5).

Table 24-1. IP for Hazardous Duty-Entitlement Under Certain Conditions (Continued)

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
	<b>When a member under orders to perform hazardous duty is</b>	<b>and the hazardous duty involved is</b>	<b>and</b>	<b>then IP entitlement</b>
<b>10</b>	being released from active duty performed either: a. while member is part of strength accountability of the active military establishment (EAD); or b. while member is accountable to an RC (ADT) (note 4)	demolition, flight deck, experimental stress, toxic fuels, toxic pesticides, dangerous viruses, handling chemical munitions, maritime VBSS, or polar region flight operations	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.
<b>11</b>	on ADT for any number of weeks (with or without a unit of assignment) (note 4)	any type of hazardous duty listed in this chapter	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. for IDT is determined under note 6.
<b>12</b>	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 is determined under note 6.



Table 24-1. IP for Hazardous Duty-Entitlement Under Certain Conditions (Continued)

R U L E	A	B	C	D
	When a member under orders to perform hazardous duty is	and the hazardous duty involved is	and	then IP entitlement
13	on ADT for less than 20 weeks away from unit of assignment (note 4)		orders to perform the hazardous duty involved remain in effect at unit of assignment. Member is not ordered to perform hazardous duty at ADT station. Member meets minimum performance requirements during IDT at unit of assignment	<ol style="list-style-type: none"> <li>exists for the period of ADT. Entitlement for ADT is terminated per rules 9 or 10.</li> <li>for IDT is determined under note 6.</li> </ol>

**NOTES:**

- Performance of hazardous duty while on leave cannot be counted for pay purposes.
- Orders to perform hazardous duty remain in effect when member is being reassigned PCS successively to hazardous duty. If the member cannot be immediately assigned to a hazardous duty position at a new station, orders to perform such duty will be terminated effective the date of arrival at new duty station and HDIP 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 HDIP 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 240203.B.
- Parachute pay may not be paid beyond the last day of the calendar month for which requirements are met.
- ADT includes annual training, special tours of ADT, school tours, and the initial tour performed by enlistees without prior military service.
- HDIP entitlement for ADT includes time allowed for necessary travel from home to first duty station (See Chapter 1).
- HDIP for IDT is paid per Chapter 58.

## \*REFERENCES

**CHAPTER 24 - INCENTIVE PAY - HAZARDOUS DUTY OTHER THAN AERIAL FLIGHTS**

## 2401 - GENERAL

240101 DoD Instruction (DoDI) 1340.09,  
January 26, 2018

## 2402 - ENTITLEMENT

240201 Executive Order 13294, March 28, 2003  
DoDI 1340.09, January 26, 2018  
37 U.S.C. § 351

240202 37 U.S.C. § 301(c)

240203 DoDI 1340.09, January 26, 2018  
37 U.S.C. § 351

240204 DoDI 1340.09, January 26, 2018

240205 DoDI 1340.09, January 26, 2018  
37 U.S.C. § 372

240208 38 Comptroller General Decision 83  
37 U.S.C. § 351

## 2403 - PARACHUTE DUTY

240303 DoDI 1340.09, January 26, 2018  
37 U.S.C. § 351(a)(2)  
37 U.S.C. § 301(c)(1)(3)

## 2404 - FLIGHT DECK DUTY

240402 DoDI 1340.09, January 26, 2018  
37 U.S.C. § 351(a)(2)  
OPNAV Instruction 7220.4 series

240403 37 U.S.C. § 301(c)(1)

240405 OPNAV Instruction 7220.4 series

## 2405 - DEMOLITION DUTY

240502 DoDI 1340.09, January 26, 2018  
37 U.S.C. § 351(a)(2)  
37 U.S.C. § 301(c)(1)

## 2406 - EXPERIMENTAL STRESS DUTY

DoDI 1340.09, January 26, 2018

240602 37 U.S.C. § 351(a)(2)  
37 U.S.C. § 301(c)(1)

2407 - TOXIC FUELS (OR PROPELLANTS) DUTY

240703 DoDI 1340.09, January 26, 2018  
37 U.S.C. § 351(a)(2)  
37 U.S.C. § 301(c)(1)

2408 - TOXIC PESTICIDES DUTY

240803 DoDI 1340.09, January 26, 2018  
37 U.S.C. § 351(a)(2)  
37 U.S.C. § 301(c)(1)

2409 - DANGEROUS VIRUSES (OR BACTERIA) LAB DUTY

240903 DoDI 1340.09, January 26, 2018  
37 U.S.C. § 351(a)(2)  
37 U.S.C. § 301(c)(1)

2410 - CHEMICAL MUNITIONS DUTY

241003 DoDI 1340.09, January 26, 2018  
37 U.S.C. § 351(a)(2)  
37 U.S.C. § 301(c)(1)

2411 - MARITIME VBSS DUTY

241103 DoDI 1340.09, January 26, 2018  
37 U.S.C. § 351(a)(2)  
37 U.S.C. § 301(c)(1)

2412 - POLAR REGION FLIGHT OPERATIONS DUTY

241203 DoDI 1340.09, January 26, 2018  
37 U.S.C. § 351(a)(2)  
37 U.S.C. § 301(c)(1)

2413 - WMDCS TEAM HDIP

241303 DoDI 1340.09, January 26, 2018  
37 U.S.C. § 351(a)(2)  
37 U.S.C. § 301(c)(1)

**VOLUME 7A, CHAPTER 25: “SUBSISTENCE ALLOWANCES”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **April 2016** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
250202	Updated the Basic Allowance for Subsistence rates effective January 1, 2018.	Revision
Table 25-1	Updated the meal collection rates effective January 1, 2018.	Revision
Bibliography	Updated references.	Revision

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## CHAPTER 25

SUBSISTENCE ALLOWANCES

## 2501 GENERAL

## 250101. Purpose

Each member of a uniformed service entitled to basic pay is entitled to Subsistence Allowances subject to the conditions set forth in this chapter.

## 250102. Authoritative Guidance

The bibliography at the end of this chapter lists the authoritative references.

## 2502 BASIC ALLOWANCE FOR SUBSISTENCE (BAS)

## 250201. Eligibility

Upon completion of initial basic military training, unless otherwise restricted as described in [paragraph 250203](#), a member becomes entitled to one of the following monthly BAS rates based upon their rank and circumstances.

A. Officer BAS. A single rate of BAS applies to all officers.

B. BAS for Enlisted Members. Enlisted members are entitled to one of the following BAS rates.

1. Enlisted BAS. [Enlisted BAS](#) is the monthly standard rate [that is payable to](#) enlisted members unless they qualify for, and proper authority approves, [BAS II](#).

2. Enlisted BAS II. [Enlisted BAS II](#) is the monthly rate [that may be payable to members](#) on duty at a permanent station and assigned to single (unaccompanied) Government quarters, which do not have adequate food storage or preparation facilities, and where a Government mess is not available, and the Government cannot otherwise make meals available. The BAS II rate is twice the rate of standard enlisted BAS. [BAS II may be paid to enlisted members of the Navy assigned to vessels in a pre-commissioning status or who otherwise meet criteria set forth in the Military Personnel Manual \(MILSPERMAN\) 7220-182](#). Effective October 1, 2010, the Air Force authorized payment of BAS II to members at specific locations.

C. Continuity of Enlisted BAS Entitlement

1. Enlisted members continue their existing BAS entitlement without interruption upon discharge or retirement, if reenlistment or recall to active duty is completed at the same station within 24 hours.

2. Enlisted members continue their existing BAS entitlement without interruption during weekends, holidays, administrative absence, pass, or liberty (not including leave).

\*250202. Payment

A. Effective [January 1, 2018](#), the rates for BAS are as follows:

1. [Officers](#). The monthly BAS rate for officers is [\\$254.39](#).
2. [Enlisted](#). The monthly BAS rates for enlisted members are:
  - a. Enlisted BAS (standard) – [\\$369.39](#); and
  - b. BAS II – [\\$738.78](#).

B. [Enlisted BAS in Specific Situations](#). The following policy will be used in determining [whether BAS or BAS II applies](#) in specific situations:

1. Enlisted BAS rates will be applied uniformly for all enlisted members under similar conditions permanently assigned to the same installation, station, base, or ship. The installation commander/commanding officer will ensure the uniform application of BAS rates for members under similar conditions, whether from a single Service or more than one Service. If there is conflict between Service directives that prevent uniform application of BAS, the commander/commanding officer will report the differences, through appropriate channels, to the Secretaries of the Military Departments concerned, who will confer to ensure uniform determinations on the authorized BAS rate.

2. Enlisted members on authorized leave (including proceed time, authorized delays enroute between duty stations chargeable as leave, and convalescent leave) are entitled to the standard enlisted BAS rate, regardless of the BAS rate authorized at their [Permanent Duty Station \(PDS\)](#).

3. Enlisted members performing Permanent Change of Station (PCS) travel (including Temporary Additional Duty or Temporary Duty (TAD/TDY)) enroute under orders away from their designated post of duty are entitled to the standard enlisted BAS rate, regardless of the BAS type authorized at their previous or subsequent [PDS](#).

4. Enlisted members receiving BAS II at their [PDS](#) who are hospitalized or performing regular or permissive TAD/TDY (including field duty, sea duty, Essential Unit Messing (EUM), or members traveling together with limited or no per diem travel) under orders away from their [PDS](#) will revert to standard enlisted BAS for the period of hospitalization or absence from the [PDS](#).

5. Enlisted members will be entitled to the standard enlisted BAS rate for any day they are under orders for leave or PCS travel. This includes the day of commencement and day of termination of the status under those orders.

6. Enlisted members who change BAS status at the direction or by permission of a commander, under blanket authority, or at the member's request will have the entitlement change take effect at the beginning of the day specified in writing by the commander.

C. Advance Payments. Specific circumstances for advance payment of BAS are contained in Chapter 32, section 320205.

D. Effect on Overseas Station Allowances. BAS is paid in conjunction with the overseas Cost-Of-Living Allowances (COLA) authorized by the Joint Travel Regulations.

250203. Restrictions

A. Military members are not entitled to BAS of any type under the following conditions:

1. When undergoing Basic Military Training, including initial officer training (Officer Candidate School, Officer Training School), except when the member has continuous prior enlisted service (active or reserve). Members will be subsisted-in-kind while attending initial basic military training;

2. When in an excess leave status;

3. When in an absent-without-leave status, in excess of 24 hours, unless the absence is excused as unavoidable;

4. When on an approved educational leave of absence not exceeding 2 years;

5. When a member with no dependents is training for, attending, or participating in Pan American games, Olympic games, or other specifically authorized international amateur sport competitions and the sponsoring agency subsists them during that period; or

6. When a court-martial sentence imposes forfeiture of pay and allowances.

B. Enlisted members are not authorized BAS II when a government mess is temporarily closed for less than 14 days



## 250204. Government Provided Meals

A. A military member being paid BAS must pay for all meals or rations **provided by** or on behalf of the Government, except **as provided** in subparagraph 250204.B. This is a personal obligation of the individual. Meals or rations may be paid for with cash tendered to the Government mess, by **the member or, under certain circumstances, the amount owed may be collected/deducted from the member's** travel per diem (a member under orders for EUM has no entitlement to subsistence travel per diem), or **from the member's** pay account. When payment is made from a pay account, the payment is not considered a deduction from or reduction of the entitled BAS; rather it is a collection for a debt owed to the Government (see Table 25-1).

B. A member is not required to pay for meals provided while the member undergoes medical recuperation or therapy, or is otherwise in the status of continuous care, including outpatient care, at a military treatment facility for an injury, illness or disease incurred while the member was on active duty in:

## 1. Support of:

- a. Operation Enduring Freedom;
- b. Operation Iraqi Freedom; or
- c. Operation New Dawn; or

2. Any other operation designated by the Secretary of Defense as a combat operation or in an area designated by the Secretary as a combat zone.

C. **Mandatory pay account collection may be imposed for enlisted members in certain situations.** These are circumstances where it is not feasible to control dining access or collect cash due to operational constraints or where efficiency of operation requires collection for all meals. When a commander/commanding officer requires mandatory **pay account** collection, the collection will be made for all meals available, whether the meals are actually eaten or not. Mandatory collections are made day-for-actual-day, not a 30-day month basis. Unless the member is receiving a per diem for subsistence, the collection will be at the discount meal rate.

1. Mandatory pay account collection may be required in the following situations:

- a. Field duty;
- b. Sea duty;
- c. Members traveling together with limited or no per diem travel;
- d. Accession Pipeline Military Training;

- e. EUM; or
  - f. Essential Station Messing (ESM).
2. Mandatory pay account collection for meals does not apply to the following:
- a. Members, on official leave, in a PCS status, (including travel time and proceed time), in a military treatment facility, or on TAD/TDY other than TAD/TDY to another situation requiring mandatory pay account collection for meals. In these instances, pay account collections will be suspended or adjusted with a credit and the Government mess will be responsible for collecting from the member for any meals served.
  - b. Members, who have missed meals, as certified by the commanding officer/commander or their designee. Collections will be suspended or adjusted with a credit.
3. Pay account collections will be at 25-percent of the discount meal rate for the first and last day of assignment in situations requiring mandatory collection. A member transitioning directly between two mandatory meal collection situations will be treated as though the collection period were continuous and will not receive the 25-percent reduced charge for the transition. The 25-percent reduced meal charge does not apply for leave periods. Full collections will be made on the duty days before and after the leave period.
- D. In circumstances other than those requiring mandatory pay account collection, members receiving BAS will pay for meals provided by or on behalf of the Government by using cash or by collection/reduction of subsistence per diem from their travel claims. Members on Joint Task Force operations, under per diem travel orders, usually will have the subsistence portion of their per diem withheld or deducted from their travel reimbursement as payment for meals provided in theater. Members deployed on regular TAD/TDY travel, who receive deductible meals (meals at “no cost”), will have the subsistence portion of their per diem reduced as payment for meals provided by or on behalf of the Government.
- E. The standard meal rate applies unless there is a specific exception allowing application of the discount meal rate. Members actually paid subsistence per diem for meals must pay the standard meal rate unless the per diem is withheld or disallowed as payment for the meals.
- F. Members being subsisted by or on behalf of the Government, where no other collection means exists or where normal collections were not made, may have a collection for meals made through their pay account at the appropriate rate upon proper documentation for a debt owed to the Government.
- G. Collections from individual pay accounts for meals and rations provided by the Government or on behalf of the Government will be credited to the appropriation specified by each Military Service.

## 250205. Specialized Terms

A. ESM. Messing declared by the installation, base, or station commander responsible for single Government quarters that is essential to operate the Government mess efficiently and economically, or that is necessary for the health and safety of enlisted personnel permanently assigned to single quarters. Those categories of enlisted members included in ESM will be charged for all meals made available whether eaten or not, except for approved missed meals.

B. EUM. Group messing that is declared by an appropriate authority to be necessary for operational readiness, military operations, or effective training where members are required to eat Government-furnished meals. Members will be in a travel status and are entitled to travel reimbursement for incidental expenses, but not for subsistence. Designation for EUM will apply only to organizational units and to operational elements and detachments, not to individual Service members. All members on duty under circumstances where EUM has been declared will be charged for all meals made available whether eaten or not, except for approved missed meals.

C. Sea Duty. Service performed in a self-propelled vessel with berthing and messing facilities that is in an active status, in commission, or in service. This term applies to members who are either permanent party or aboard for TAD/TDY. All members on sea duty, not a member of an authorized private mess, will be charged for all meals made available whether eaten or not, subject to approved missed meals.

D. Subsisted on Behalf of the Government. A condition in which meals or rations are furnished without charge by a Government contractor or a foreign government, or through a fellowship, grant, or intern program, while a member is receiving basic pay, either under the terms of a contract or agreement or on a complimentary basis. Unless a member is entitled to be subsisted-in-kind, subsistence provided on behalf of the Government must be charged to the member.

E. Subsisted-in-Kind. Meals or rations furnished at no charge to members not entitled to BAS from a Government Mess or who are subsisted at no charge on behalf of the Government.

## 2503 FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE (FSSA)

## 250301. General Provisions

The FSSA program was established to supplement a member's BAS to a level sufficient to remove the member's household from or eliminate the need for benefits under the U.S. Department of Agriculture (USDA) Supplemental Nutrition Assistance Program (SNAP), formerly known as the food stamp program. FSSA is payable at a monthly rate as determined by the Military Service concerned under the guidance provided by the Secretary of Defense, and may not exceed \$1,100 per month. FSSA is a nontaxable allowance payable in addition to, all other pays and allowances.

## 250302. Eligibility

FSSA is payable to any officer or enlisted member of the Armed Forces who meets all of the following criteria:

- A. Is serving on active duty and receiving BAS;
- B. Has a household income, [including military income of the member and any other household income](#), that would make the member eligible for assistance under the USDA SNAP program for a given household size;
- C. [Has at least one person in the member's household who](#) is a military dependent;
- D. Has made an application for and been certified, at a specific payment level, by the appropriate office; [and](#)
- E. After September 30, 2016, is serving outside the United States, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, or Guam.

## 250303. Entitlement

FSSA is a monthly entitlement payable in whole dollar amounts not to exceed \$1,100. It is not payable to any member, otherwise entitled, during periods in a non-pay status.

- A. FSSA is payable in an amount that would bring the member's household income to 130 percent of the Federal poverty line as established by the USDA.
- B. For periods of less than a full month of entitlement, the FSSA is payable at 1/30 of the [monthly](#) amount for [eligible day served](#).
- C. If an eligible member is receiving SNAP benefits, the amount of the FSSA entitlement will be equal to the calculated FSSA or the SNAP allotment, whichever is higher, not to exceed \$1,100 per month.

## 250304. Military Income

- A. For the FSSA Program, the [following](#) sources of revenue will be counted as military income:
  - 1. [Basic Pay](#);
  - 2. [BAS](#);
  - 3. [Basic Allowance for Housing](#) or cash equivalent for those [who](#) are living in [Government-provided housing](#);

4. Overseas Housing Allowance (OHA). When a Service member lives in Government quarters while stationed overseas, the amount of the housing allowance to count as income for that member is the OHA ceiling for the local area;

5. All bonuses. The monthly amount of military income attributable to a bonus will be the amount of the bonus, prorated over the period of time to which bonus is applicable;

6. All special and incentive pays except those excluded in subparagraph 250304.B.

B. The following sources of revenue will not be counted as military income:

1. Hostile Fire Pay;
2. Imminent Danger Pay;
3. Continental United States COLA;
4. Overseas COLA;
5. Family Separation Allowance;
6. Clothing Allowances; and
7. All travel and transportation related allowances and entitlements.

250305. Application and Certification

Members must apply for the FSSA Program with the appropriate organizational element as designated by their respective Service. The appropriate Service organization will make all decisions regarding eligibility and the amount of entitlement and will provide final certification for payment to include the entitlement start date.

250306. Recertification and Termination

A. When any of the following events occurs, in order to avoid termination of FSSA, a member receiving FSSA must report the event to the Service certifying organization within 30 days for recertification of FSSA eligibility:

1. Member's monthly household income increases by \$100 or more;
2. Member's household size decreases;
3. Member is promoted. The certification ends the day prior to the effective date of promotion;

4. Member executes a PCS move. The certification ends the day prior to the date the member officially reports for duty at the new duty station; and

5. Annually on February 1.

B. Recertification must be completed in 30 days or less, before or after one of the events listed in subparagraph 250306.A, to maintain continuous qualification for the FSSA Program.

C. The effective date of recertification will be the day following the last day of the previous certification period.

D. If during recertification it is determined that the member's gross household income increased by an amount greater than \$100 more than 30 days prior to reapplication, the difference between the amount of the current entitlement and the amount being recertified (if less) will be recouped. The recoupment amount is calculated on a pro rata basis for each day, following the date the increased income exceeded \$100 through the effective date of the recertification.

E. When a member's eligibility is not timely recertified, eligibility for FSSA will be lost, and the date for termination of the entitlement will be the date of the event requiring recertification. An untimely recertification will be treated as an initial application.

\*Table 25-1. Meal Collection Rates

Effective January 1, 2018 (Notes 1 &amp; 2)

R U L E	A	B	C
	When a member receiving BAS also receives subsistence (meals or rations) from a Government mess or provided on behalf of the Government at the	and the meal received is	then the collection rate is (note 2)
1	discount meal rate (note 3)	breakfast	\$2.60
*2		lunch	4.25
3		dinner	3.65
*4		daily total	\$10.50
5	standard meal rate (note 4)	breakfast	\$3.45
*6		lunch	5.60
7		dinner	4.85
*8		daily total	\$13.90

**NOTES:**

1. Collections from an **enlisted** member's pay account will be made when the member has not otherwise paid for meals provided by or on behalf of the Government (i.e., by cash, a personal check or charge, or by deduction/reduction of per diem). Collections from pay will be deducted from the member's pay account and credited to the appropriation specified by the Military Service concerned.
2. For the prior year rates, see: Office of Secretary of Defense (Comptroller) website.
3. The discount meal rate applies to meals and rations provided by or on behalf of the U.S. Government to a member not paid per diem or other travel reimbursement for subsistence who is performing duty in a U.S. Government vessel, a U.S. Government aircraft, on maneuvers, war games, field exercises, or similar operations, **or to** members traveling together with limited or no per diem travel status under EUM or assigned ESM. The discount meal rate also applies to meals and rations provided to a member assigned to Joint Task Force operations (for other than training) at temporary U.S. installations, or through a temporary dining facility.
4. The standard meal rate applies to meals and rations provided to any member not authorized the discount meal rate. This includes any member being paid per diem for subsistence, except those on Joint Task Force operations as described in note 3. Generally, when the standard meal rate is applicable, it will be collected in cash from the member by the dining facility.

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**CHAPTER 25 – SUBSISTENCE ALLOWANCES**

## 2501 – GENERAL

Title 37, United States Code (U.S.C.), section 402

## 2502 – BASIC ALLOWANCE FOR SUBSISTENCE (BAS)

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* 250201.B.1	37 U.S.C. § 402(d)
250201.B.2	MILSPERMAN 7220-182, March 17, 2006 Office of the Assistant Secretary of the Air Force Financial Management Memo, June 8, 2010
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250203.C	37 U.S.C. § 402(h)
250204	37 U.S.C. § 1011 DoDD 1418.05, October 6, 2003 10 U.S.C. § 2603

## 2503 – FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE (FSSA)

	37 U.S.C. § 402a
	DoD Instruction 1341.11, March 4, 2008
250302.E	37 U.S.C. § 402a(b)(4)
*Table 25-1	Office of Under Secretary of Defense (Comptroller) Memo, December 4, 2017



**VOLUME 7A, CHAPTER 26: “HOUSING ALLOWANCES”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by ***bold, italic, blue, and underlined font***.

**Blue font** This is the initial publication.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	This is a new chapter. The policy for Housing Allowances was relocated from the Joint Travel Regulations, Chapter 10.	New Chapter

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## \*CHAPTER 26

HOUSING ALLOWANCES

## 2601 GENERAL

## 260101. Purpose

This chapter establishes policy pertaining to housing allowances. Housing allowances include Basic Allowance for Housing (BAH), Overseas Housing Allowance (OHA), and Family Separation Housing (FSH) Allowance. Entitlement eligibility is subject to the conditions set forth in this chapter.

## 260102. Authoritative Guidance

This chapter transitions policy previously cited in the Joint Travel Regulations (JTR), Chapter 10. Title 37, United States Code (U.S.C.), section 403 provides the statutory requirements for this chapter.

## 2602 INTRODUCTION

A Service member on active duty entitled to basic pay is authorized a housing allowance based on his or her grade, rank, location, and whether he or she has any dependents. A housing allowance generally is not authorized for a Service member who is assigned to appropriate and adequate Government quarters (see Section 2608 for Government quarters). If a Service member is on excess leave, neither BAH nor OHA accrues for any excess-leave period. If a Service member is absent without leave which is not excused as unavoidable, neither BAH nor OHA is authorized.

Table 26-1. Types of Housing Allowances

	<b>Allowance</b>	<b>Description</b>
<b>1</b>	BAH	Paid for housing in the United States. The BAH rate is based on median housing costs and is paid independently of a Service member's actual housing costs.
<b>2</b>	BAH Differential (BAH-Diff)	Paid to a Service member assigned to single-type Government quarters and who qualifies for a BAH solely due to paying sufficient child support.
<b>3</b>	Partial Housing Allowance (BAH-Partial)	Paid to offset the raise that was reallocated from basic pay to housing between 1980 and 1981. It is paid when a Service member without a dependent is assigned to single-type quarters, or is on either field or sea duty, and not authorized to receive a BAH or an OHA. BAH-Partial is not authorized during proceed time, leave en route, and travel time on a permanent change of station (PCS) move unless the member is assigned to single type Government quarters and not authorized BAH or OHA. The rate is fixed from those years and does not change.

Table 26-1. Types of Housing Allowances (Continued)

Allowance	Description
4	<p>Transit Housing Allowance (BAH-Transit)</p> <p>Paid while a Service member is in travel or leave status between permanent duty stations (PDS), provided the Service member is not assigned Government quarters. The BAH-Transit rate is paid during proceed time and authorized delays en route, including a temporary duty (TDY) en route.</p>
5	<p>BAH for Reserve Component (RC) Member (BAH-RC)</p> <p>Paid when authorized for an RC member called or ordered to active duty for 30 or fewer days, except when called to active duty for a contingency. When an RC member is called to active duty for a contingency, even for tours of 30 or fewer days, he or she is authorized the BAH or OHA rate. The Secretary of Defense establishes BAH-RC rates.</p>
6	<p>OHA</p> <p>Paid monthly to help offset housing expenses for a Service member or dependent authorized to live in private-sector leased or owned housing at an assigned overseas location outside the United States. OHA is based on cost reimbursement. The amount of OHA paid considers factors, such as whether the housing is shared, the appropriate utilities (see Section 2606), and whether the Service member owns or rents the housing. OHA cannot be paid if there is no rent or purchase expense for housing.</p>
7	<p>FSH</p> <p>Paid to a Service member with a dependent for added housing expenses resulting from one of the following:</p> <ol style="list-style-type: none"> <li>a. Separation from the dependent when a Service member is assigned to a PDS Outside Continental United States (OCONUS).</li> <li>b. An assignment in the Continental United States (CONUS) when dependent travel is delayed or restricted.</li> </ol>

## 260201. Definitions for Housing Allowances

A. Sharer. A sharer includes a Service member authorized an OHA or FSH-O allowance or any of the following individuals who reside with a Service member:

1. A civilian employee, including any dependents, authorized a Living Quarters Allowance (LQA). Department of State Standardized Regulations (DSSR), Section 130 (DSSR §130) or cost of living allowance (COLA) in a non-foreign location OCONUS (see OCONUS COLA).

2. Any other person, excluding a Service member's dependent, who contributes money toward the payment of rent, mortgage, or utilities.

B. Owner-Owned Multiple Occupancy Dwelling. This is a duplex, triplex, or other type of multiple occupancy dwelling that is designed for separate private-sector housing units for more than one household. The units within the dwelling ordinarily have separate addresses or entrances. For OHA or FSH-O purposes, it would include a dwelling where the Service member and any dependents occupy a single separate unit within the dwelling and the other units are rented out.

C. Vicinity. The vicinity is the entire country, U.S. territory or possession, or state when in Alaska or Hawaii where the Service member's PDS is located. When a Service member resides with a dependent and commutes to the PDS, the dependent is considered to be residing at or in the vicinity of the PDS even if in an adjacent country or state. However, if the Service member has to maintain separate households and maintaining separate households is authorized or approved through the Secretarial Process, a dependent is not residing in the PDS vicinity for FSH purposes. A commander may submit a request for determination through the appropriate channels to the applicable office listed in Table 26-2.

Table 26-2. Offices That Determine PDS Vicinities

Service or Agency		Appropriate Channel
1	Army	Through appropriate personnel and command channels to: HQDA, DCS, G-1, ATTN: DAPE-PRC, Army Military Advisory Panel Member, Room 2B453, 300 Army Pentagon, Washington, DC 20310-0300.
2	Navy	Through appropriate command channels to: Chief of Naval Personnel (N-130C), Building 12, Room 3R180, 701 South Courthouse Road, Arlington, VA 22204-2472.
3	Air Force (USAF)	Through appropriate command channels to: HQ USAF/A1PA, 1500 West Perimeter Road, Suite 4790, Joint Base Andrews NAF, MD 20762-6604.
4	Marine Corps (USMC)	Through appropriate command channels to: Headquarters U.S. Marine Corps, Manpower and Reserve Affairs (MPO), 3280 Russell Road, Quantico, VA 22134-5143.
5	Coast Guard (CG)	Directly to: Commandant (CG-1332), U.S. Coast Guard, STOP 7907, 2703 Martin Luther King Jr. Avenue, SE, Washington, DC 20593-7907.
6	National Oceanic and Atmospheric Administration (NOAA)	Directly to: Director, Commissioned Personnel Center, NOAA Corps (ATTN: Military Advisory Panel Member(MAP)), (CPC1), 8403 Colesville Road, Suite 500, Silver Spring, MD 20910-6333.
7	U.S. Public Health Service (USPHS)	Directly to: Director, Division of Commissioned Corps Personnel and Readiness (ATTN: MAP Member), 1101 Wootton Parkway, Plaza Level, Suite 100, Rockville, MD 20852-1061.



D. Government Quarters

1. Government quarters include:

- a. U.S. Government owned or leased sleeping accommodations or family-type housing.
- b. Lodging or other quarters obtained by U.S. Government contract.
- c. Dormitories or similar facilities operated by a cost-plus-a-fixed-fee contract.
- d. Sleeping or housing facilities furnished by a foreign government on the Government's behalf.
- e. Quarters in a state-owned National Guard camp.

2. For BAH purposes, the term does not include privatized housing or transient facilities, such as temporary lodging facilities, guesthouses, hostess houses, or hotel-type accommodations built or operated by non-appropriated fund activities. Government quarters converted to privatized housing are no longer Government quarters.

E. Rental Charge. A rental charge is a fee for occupancy and does not include service charges for linens, cleaning, maintenance, or similar costs.

F. Primary Residence for RC Member. For an RC member ordered to active duty, the primary residence is the dwelling (e.g., house, townhouse, apartment, condominium, mobile home, houseboat, vessel) where the RC member resides before being ordered to active duty.

260202. Housing-Allowance Rates and Applicable Dates

A. Rates. The housing-allowance rates are each determined as specified in

Table 26-3. Housing Allowances Rate Determinations

<b>Type</b>		<b>Applicable Rate Determination</b>
<b>1</b>	BAH	<p>a. The Office of the Under Secretary of Defense for Personnel and Readiness (OUSD (P&amp;R)) determines adequate housing costs in a military housing area (MHA) for all Service members authorized BAH. OUSD (P&amp;R) bases the determination for housing allowances upon the cost of adequate rental housing for civilians with comparable income levels in the same area.</p> <p>b. An adjustment in the BAH rates due to an OUSD (P&amp;R) redetermination of housing costs in an MHA takes effect with the pay raise each year.</p> <p>c. An MHA is defined geographically by ZIP Code within the United States. Major military population areas are further identified by a combination of a two-digit code for the state and a three-digit numerical designation within the state. For small military population areas, ZIP Codes are aggregated into areas of similar housing cost and designated as county cost groups.</p>
<b>2</b>	BAH-Diff	The BAH-Diff is a fixed rate and is the difference between the with-dependent Basic Allowance for Quarters (BAQ) rate and the without-dependent BAQ rate as of December 31, 1997 based on the Service member's grade and increased each year by the average pay raise percentage.
<b>3</b>	BAH-Partial	The BAH-Partial rate is the difference in basic pay between the 1980 and 1981 reallocated pay raises and what those basic pay rates would have been without the raise reallocation. The rate is statutory and does not change.
<b>4</b>	BAH-Transit	The BAH-Transit rate varies depending on the old PDS location and the housing allowance type received, unless a location-specific rate is payable. The default BAH-Transit rate is a fixed rate, which is the amount of BAQ on December 31, 1997, incremented by the average housing allowance increase each year.
<b>5</b>	BAH-RC	The BAH-RC rate for a period of active duty for a non-contingency operation of 30 or fewer days is a fixed rate, which is the BAQ amount on December 31, 1997, incremented by the average housing allowance increase each year.
<b>6</b>	OHA	<p>a. OUSD (P&amp;R) determines adequate housing costs in a locality for all Service members authorized OHA by location.</p> <p>b. OHA rate ceilings are calculated based on data provided by commanders OCONUS and actual rent data derived from pay systems.</p> <p>c. The PDS geographic location governs the OHA rate payable unless otherwise specified. See Overseas Housing Allowance (<u><i>OHA</i></u>) for how geographic locations are determined.</p>
<b>7</b>	FSH	<p>a. FSH-B is payable in a monthly amount equal to the without-dependent BAH rate for the same location applicable to the Service member's grade and PDS.</p> <p>b. FSH-O is payable in a monthly amount up to the without-dependent OHA rate for the same location applicable to the Service member's grade and PDS, and is computed under the same rules and conditions as OHA.</p>

B. Housing Allowance Start and Stop Dates. The authorizing document for OHA is the Department of Defense (DoD) DD Form 2367, OHA Report. Table 26-4 specifies the date to start BAH or OHA for a Service member with a dependent. Table 26-5 specifies the date to stop housing allowances based on changes in the status of a sole dependent. Table 26-6 specifies the date to stop BAH or OHA for reasons other than a change in the status of a dependent. Situations not covered in these tables are contained elsewhere in this chapter.

1. Start. Unless specifically authorized elsewhere in this Chapter, PDS housing allowance eligibility starts on a Service member's reporting day to a new PDS. OHA starts on the day a Service member obtains private-sector housing. If the Service member is authorized a monetary allowance in lieu of transportation (MALT) plus per diem (MALT Plus) on the reporting day, OHA eligibility starts on the day after the Service member's reporting day. When a home port change is involved, ordinarily a housing allowance based on the rate for the new home port starts on the effective date of the home port change.

Table 26-4. Date to Start BAH or OHA for a Service Member with a Dependent

If a Service member...		Then BAH or OHA at the with-dependent rate begins on the date...
<b>1</b>	enlists, or is called to extended active duty and is not assigned Government quarters for his or herself and any dependents on that date,	of enlistment or entry on active duty.
<b>2</b>	is appointed to commissioned or warrant officer status and is not assigned Government quarters on that date,	active-duty pay begins.
<b>3</b>	occupies Government quarters with a dependent and quarters assignment ends,	the quarters assignment ends, unless a dependent continues to occupy the quarters. If definite quarters assignment was not required, then BAH or OHA begins the date that quarters are vacated.
<b>4</b>	occupies Government quarters with a dependent and the Service member and dependent depart the PDS pursuant to a PCS order,	the PCS departure date, unless a dependent continues to occupy the quarters. If definite quarters assignment was not required, then BAH or OHA begins the date that quarters are vacated.
<b>5</b>	continues to occupy Government quarters with a dependent after the quarters are declared inadequate,	the quarters are designated inadequate.
<b>6</b>	acquires a dependent, including a dependent acquired while on authorized leave, and is not assigned Government quarters on that date,	the dependent is acquired.*

Table 26-4. Date to Start BAH or OHA for a Service Member with a Dependent (Continued)

If a Service member...		Then BAH or OHA at the with-dependent rate begins on the date...
7	acquires a dependent while in an unauthorized absence status and is not assigned Government quarters for his or herself and dependents on that date,	the Service member returns to a pay status after apprehension or surrender. If a change occurs to the status of a dependent on whose behalf BAH or OHA existed on the date an unauthorized absence commenced, a Service member must reestablish the right to BAH or OHA.
8	claims a dependent parent,	determined or approved by authority specified in subparagraph 260302.B, as applicable.
9	claims an individual who has not yet been determined to be a dependent,	
*This applies to the sole dependent of a Service member. It applies to any dependent on whose behalf a Service member is authorized increased BAH or OHA. BAH or OHA starts with date of the Service member's marriage even if the marriage occurs on same day as a divorce. When the biological parents of an illegitimate child marry, the child becomes a legitimate dependent for BAH or OHA purposes. Refer also to Table 26-28 and Table 26-29 for rules on when BAH and OHA start and stop when a Service member acquires a dependent.		

2. Stop. Unless an extension is authorized or approved under paragraph 261002, or the PCS move is a close proximity move as specified in paragraphs 261001 and 261002, the OHA and the FSH-B or FSH-O allowances stop on any of the following:

a. The day the Service member's OHA, FSH-O, or FSH-B lease ends.

b. The day before the Service member departs due to a PCS order.

c. The day before the effective date a Service member's assigned ship or unit changes its home port from OCONUS. However, a Service member without a dependent is authorized a housing allowance based on the old home port until the day the Service member moves back aboard the ship under all of the following conditions:

(1) The Service member is undergoing a home port change.

(2) The ship does not depart from the old home port before or on the home port change effective date.

(3) Quarters on board the ship are not available (for example, because the ship is dry-docked).

## d. Assignment to Government quarters.

Table 26-5. Date to Stop Housing Allowances Based on Change in Dependent's Status

<b>If the sole dependent...</b>		<b>Then stop the with-dependent housing allowance at midnight of the day...</b>
<b>1</b>	is divorced,	of the final decree of divorce. This also applies when an affinitive relationship between a Service member and stepchild ceases due to divorce from the child's parent.
<b>2</b>	is a spouse in a voidable, but not void marriage, which is dissolved by final annulment decree,	before the date of the decree. No BAH or OHA payment may be made on or after date of the decree, regardless of credits accrued and not paid. BAH or OHA paid before the date of decree may be retained. This also applies when an affinitive relationship between a Service member and stepchild ceases due to annulment of a marriage.
<b>3</b>	is a spouse in an invalid or void marriage,	before discovery of marriage invalidity. No housing allowance payment may be made on or after the date of discovery, regardless of credits accrued and not paid. Retention of BAH or OHA paid before that time depends on validation specified under Chapter 12.
<b>4</b>	becomes of age, except a child who is incapable of self-support due to mental or physical incapacity,	before the child's 21st birthday or the 23rd birthday if a full-time student. See paragraph 260301 regarding dependents over age 21.
<b>5</b>	marries, regardless of age, or mental or physical incapacity,	of the dependent's marriage. This applies even when a dependent's marriage is to a Service member who is also authorized BAH or OHA on the dependent's behalf for that date.
<b>6</b>	is adopted by a third party by interlocutory order or decree that changed the legal relationship,	before date of adoption.*
<b>7</b>	is adopted by a third party and a final order or decree has been entered,	before the date of adoption.
<b>8</b>	enters military service,	before the day of entry into military service.
<b>9</b>	stops being dependent on the Service member,	before the date that dependency ceases.

Table 26-5. Date to Stop Housing Allowances Based on Change in Dependent's Status  
(Continued)

If the sole dependent...		Then stop the with-dependent housing allowance at midnight of the day...
<b>10</b>	dies,	of death.
*For determination as to whether the order or decree caused a changed legal relationship, an Army or Air Force case must be sent to Defense Finance and Accounting Service-Indianapolis (DFAS-IN), a Navy case to Defense Finance and Accounting Service-Cleveland (DFAS-CL), and a USMC case to Commandant of the Marine Corps. A case involving a USPHS member must be sent to the Director, Division of Commissioned Corps Personnel and Readiness, to the attention of "Defense Enrollment Eligibility Reporting System (DEERS) Determination."		

Table 26-6. Date to Stop BAH or OHA—Other Changes

If a Service member...		Then stop BAH or OHA at midnight the day...
<b>1</b>	is furnished Government quarters at the PDS, adequate for the Service member and any dependents,	before quarters are assigned or, if definite assignment was not made, the day before occupancy begins.*
<b>2</b>	is furnished quarters, whether by cash or in kind, on behalf of the United States, adequate for the Service member and any dependents,	before quarters are furnished.
<b>3</b>	and a dependent occupies rehabilitated Government quarters that were inadequate but are now designated as adequate,	before the effective date of re-designation as adequate Government quarters.
<b>4</b>	is discharged or released from active duty,	of discharge or release.
<b>5</b>	retires,	before the retirement effective date.
<b>6</b>	dies,	of death.
*When a dependent is prevented from occupying the assigned quarters due to an order from an appropriate authority, BAH or OHA continues until transportation is arranged for Household Goods (HHG) and is available for the dependent (if prompt application is made) plus the normal travel time for a dependent to reach the Service member's station using a direct route.		

## 2603 DETERMINING DEPENDENCY

### 260301. Dependent

#### A. Eligibility

1. A Service member's lawful spouse and legitimate, unmarried, minor children are always dependents for housing allowance purposes, except as specified in this Section.

2. An unmarried minor child of an invalid marriage, or a marriage annulled as void or voidable, is a dependent for housing allowance purposes.

3. An incapacitated child over age 21, a ward of the court, or an unmarried child over age 21 and under age 23 who is attending college full time requires an “in-fact dependency,” as specified in Service regulations. The child is a secondary dependent and must be dependent upon the Service member for over one-half of the child’s support. The child’s income, not counting the Service member’s contributions, must be less than one-half of the child’s living expenses and the Service member’s contribution must be more than one-half of the child’s monthly living expenses.

B. No Authority on Dependent’s Behalf. A Service member is not authorized a housing allowance for any of the following:

1. A minor child entitled to basic pay as a uniformed Service member on active duty. This includes a minor child attending a military Service academy where the United States furnishes quarters.

2. A spouse on active duty in a Uniformed Service entitled to basic pay and allowances. See Section 2604 for housing allowances when two Service members married to each other are both entitled to basic pay and allowances.

3. A dependent for whom the Service member is no longer required to provide support.

4. A dependent for whom the Service member has not provided required proof of adequate support, when necessary as specified in paragraph 260303.

5. A dependent whom the Service member fails to support (see paragraph 260303).

6. A dependent whose whereabouts are unknown and whose absence and whereabouts remain unexplained.

7. A former spouse to whom the Service member is paying alimony.

8. A dependent who occupies Government quarters as a permanent residence without payment of a rental charge. See paragraph 260307 for an exception when the child is living with the Service member’s former or estranged spouse.

9. A child for whom the Service member pays child support and the following conditions exist:

a. The child is in another active-duty Service member’s custody, including a former spouse, as specified in this Section.

b. The Service member with custody of the child is assigned to Government or Government-leased family quarters, or receives a with-dependent housing allowance on behalf of the child. This does not include privatized housing.

10. A child after adoption by a third party and the final adoption order or decree has been entered. When the Service member supports the child pending a final decree, authority for a housing allowance continues after an interlocutory decree of adoption has been entered if the decree does not change the legal relationship between the child and the Service member.

C. Spouse in Foreign Military. A Service member is authorized a housing allowance for a spouse in the military service of a government other than the United States. The Service member is authorized a housing allowance even if the foreign government furnishes a residence or pays a monetary allowance in lieu of a residence for the spouse.

#### 260302. Determinations and Fraudulent Claims

Dependency must be determined before a housing allowance is authorized. After initial approval, the Services must maintain adequate levels of internal audit to assure the legality, propriety, and correctness of all housing allowance payments. See individual Service regulations for procedures.

A. Determinations. In determining relationship or dependency for housing allowance eligibility, the appropriate officials must apply the rules in this section. The Service Secretary or designee makes all determinations of relationships or dependency for a primary dependent. The designee may re-delegate. Otherwise, the Army disbursing officer or designee, the USAF Financial Services Office (FSO) or designee, and offices specified in this Section for the Navy and the USMC make determinations. The Defense Finance and Accounting Service (DFAS) determines relationships and dependency for secondary dependents and individuals whose status as a primary dependent is questionable for the Army, USAF, or Navy. The Commandant of the Marine Corps (CMC-MFP-1) determines relationships and dependency for secondary dependents and individuals whose status as a primary dependent is questionable for the USMC. Determinations for relationships or dependency for non-DoD Services is per Service regulations.

1. Dependent Status Certification. Upon arrival at a new PDS, each Service member authorized a housing allowance for a dependent must recertify the status of the dependent to the Secretary concerned to support a housing allowance on the dependent's behalf. If a Service member fails to provide the certification, the housing allowance on the dependent's behalf stops at the end of the month in which the certification is due. A housing allowance at the appropriate partial or without-dependent rate is paid unless the Service member is not authorized that allowance for some other reason. A housing allowance at the with-dependent rate is authorized effective the date the Service member provides proper certification. The higher rate is not retroactive unless the Service member's commander certifies that the failure to recertify promptly was for reasons beyond the Service member's control.



2. Dependency Re-determinations. Annual re-determination of dependency is required for a Service member who claims a housing allowance for any of the following dependents:

- a. A parent, parent in-law, stepparent, parent by adoption, or a person who serves in loco parentis.
- b. A student 21 and 22 years of age.
- c. An incapacitated child over age 21.
- d. A ward of a court.
- e. Any dependent of an RC member. The RC member must recertify the dependent's status at least every 3rd year from the previous certification or when a dependent's status changes.

B. Determining Dependency Relationship for Service Member's Child.

1. Army. Submit requests for determinations in accordance with this paragraph and Table 26-7.

Table 26-7. Army: Unmarried Child Claimed as Dependent

	<b>If the child is...</b>	<b>Then...</b>
<b>1</b>	under age 23 and a full-time student	student determinations are made by the Personnel Officer.
<b>2</b>	under age 21, even if in the custody of someone other than the Service member (divorced spouse, parent) and either of the following apply: <ol style="list-style-type: none"> <li>a. is legitimate or legitimized by marriage of blood parents,</li> <li>b. is adopted, the certified court adoption papers are available, and the child has no income from a source other than the Service member and is dependent on the Service member for a substantial portion of his or her support</li> </ol>	the Disbursing officer or designee makes the determination. In the case of an Army Reserve Component member, the initial determination can be made by the Reserve Component unit commander or servicing Military Personnel Officer.

Table 26-7. Army: Unmarried Child Claimed as Dependent (Continued)

If the child is...		Then...
<b>3</b>	a step child under age 21, even if in the custody of someone other than the Service member (divorced spouse, parent), and the Service member is a Reserve Component member	the initial determination can be made by the Reserve Component unit commander or servicing Military Personnel Officer. If the Reserve Component unit commander or servicing Military Personnel Office cannot make a determination, the claim is sent electronically to DFAS-IN, Military Pay Operations, (ATTN: JFLAKA), 8899 East 56th Street, Indianapolis, IN 46249-0855.
<b>4</b>	a step child under age 21, even if in the custody of someone other than the Service member (divorced spouse, parent), and both of the following apply, the: <ul style="list-style-type: none"> <li>a. child does not have income from a source other than the Service member;</li> <li>b. Service member is not a Reserve Component member</li> </ul>	the Disbursing officer or designee makes a determination, and sends the claim electronically to DFAS through the <u>Ask DFAS</u> website, and go to the Secondary Dependency Claims (SDC) location. Only if electronic submission is unavailable may requests be submitted to the U.S mail address: DFAS-IN, Military Pay Operations (ATTN: JFLAKA), 8899 East 56th Street, Indianapolis, IN 46249-0855
<b>5</b>	any other child claimed as a dependent	the claim should be sent electronically to DFAS through the Ask DFAS website, and go to the Secondary Dependency Claims (SDC) location. Only if electronic submission is unavailable may requests be submitted to the U.S mail address: DFAS-IN, Military Pay Operations (ATTN: JFLAKA), 8899 East 56th Street, Indianapolis, IN 46249-0855.

2. Navy. The Disbursing Officer makes the determination for any person who can qualify as a dependent of a Service member in the Navy. Submit all doubtful cases through channels to the Defense Office of Hearings and Appeals (DOHA). Table 26-8 specifies the rules for determining the dependency relationship for a Service member in the Navy for the purposes of a housing allowance when the dependent claimed is an unmarried child.

Table 26-8. Navy: Unmarried Child Claimed as Dependent

If the child is a dependent...		Then...
<b>1</b>	age 21 or older,	DFAS-CL makes the determination or DFAS-CL submits the case to the Defense Office of Hearings and Appeals (DOHA). Student determinations are made at the local Personnel Support Detachment or by the Personnel Officer for the Navy.

Table 26-8. Navy: Unmarried Child Claimed as Dependent (Continued)

<b>If the child is a dependent...</b>		<b>Then...</b>
<b>2</b>	under age 21 and is a stepchild or adopted child and the child's dependency relationship is not questionable,	the Disbursing Officer makes the determination.
<b>3</b>	under age 21 and is a child born out of wedlock (in other words, whose parents were not married to each other at the time of the child's birth) and the child's dependency relationship is not questionable,	
<b>4</b>	under age 21,	the Disbursing Officer or the commanding officer of a battalion squadron or separate detached command makes the determination. Submit questionable cases to the Commandant of the Marine Corps.
<b>5</b>	under age 21 and is of the present or former spouse,	

3. USAF. If the dependent claimed is an unmarried child over age 21 and is incapable of self-support, then the USAF FSO or designee makes the determination. In this case, the dependent must actually be dependent on Service member for a substantial portion of support. Submit requests for determinations in accordance with Table 26-9.

Table 26-9. Air Force: Unmarried Child Claimed as Dependent

<b>If the child is unmarried and...</b>		<b>Then determinations are made by the...</b>
<b>1</b>	a dependent under age 23 and a full-time student,	USAF FSO or his or her designee and the claim must be sent to DFAS-IN/JFLTBA or the Defense Office of Hearings and Appeals (DOHA)* for decision.
<b>2</b>	under age 21, even if in the custody of someone other than the Service member, such as a divorced spouse or parent, and the child is legitimate or legitimated by marriage of biological parents,	USAF FSO or his or her designee.

Table 26-9. Air Force: Unmarried Child Claimed as Dependent (Continued)

If the child is unmarried and...		Then determinations are made by the...
<b>3</b>	under age 21, even if in the custody of someone other than the Service member, such as a divorced spouse or parent, and the child: <ul style="list-style-type: none"> <li>a. is adopted, the certified court adoption papers are available,</li> <li>b. has <i>no</i> income from a source other than the Service member, and</li> <li>c. is dependent on the Service member for a substantial portion of his or her support,</li> </ul>	USAF FSO or his or her designee.
<b>4</b>	under age 21, even if in the custody of someone other than the Service member, such as a divorced spouse or parent, and the child: <ul style="list-style-type: none"> <li>a. is adopted, the certified court adoption papers are available,</li> <li>b. has income from a source other than the Service member, and</li> <li>c. is dependent on the Service member for a substantial portion of his or her support,</li> <li>d. is an illegitimate child of the spouse, when the Service member is not the biological parent,</li> </ul>	USAF FSO or his or her designee and the claim must be sent to DFAS-IN/JFLTBA or the Defense Office of Hearings and Appeals (DOHA)* for decision.
<b>5</b>	under age 21, even if in the custody of someone other than the Service member, such as a divorced spouse or parent, and the child is: <ul style="list-style-type: none"> <li>a. adopted, the certified court adoption papers are <i>unavailable</i>, and</li> <li>b. dependent on the Service member for a substantial portion of his or her support,</li> </ul>	USAF FSO or his or her designee and the claim must be sent to DFAS-IN/JFLTBA or the Defense Office of Hearings and Appeals (DOHA)* for a decision. If this is an interlocutory decree of adoption, case must be submitted to DFAS-IN for determination.
<b>6</b>	under age 21, even if in the custody of someone other than the Service member, such as a divorced spouse or parent, and the child does <i>not</i> have income from a source other than the Service member,	USAF FSO or his or her designee.
<b>7</b>	under age 21, even if in the custody of someone other than the Service member, such as a divorced spouse or parent, and the child has income from a source other than the Service member,	USAF FSO or his or her designee and the claim must be sent to DFAS-IN/JFLTBA or onward to the Defense Office of Hearings and Appeals (DOHA)* for a decision.

Table 26-9. Air Force: Unmarried Child Claimed as Dependent (Continued)

If the child is unmarried and...		Then determinations are made by the...
<b>8</b>	incapable of self-support and is dependent on Service member for substantial portion of support,	USAF FSO or his or her designee and the claim must be sent to DFAS-IN/JFLTBA or onward to the Defense Office of Hearings and Appeals (DOHA)* for a decision.
*See Defense Office of Hearings and Appeals ( <a href="#">DOHA</a> )		

4. USMC. For any determination concerning a combination of a spouse and an unmarried legitimate child, and the dependent child is under age 21, the commanding officer of a battalion, squadron or separate detached command makes the decision. Table 26-10 specifies the rules for determining the dependency relationship for a Service member in the USMC for the purposes of a housing allowance when the dependent claimed is an unmarried child.

Table 26-10. USMC: Unmarried Child Claimed as Dependent

If the Service Member is...		And...	Then...
<b>1</b>	an officer	the dependent is a legitimate child,	the commanding officer of a battalion, squadron or separate detached command, or the Disbursing Officer makes the determination. Submit questionable cases to the Commandant of the Marine Corps.
		the dependent is a child out of wedlock,	
<b>2</b>	an officer or is enlisted	the child is age 21 or over,	the Commandant of the Marine Corps makes the determination, including if the dependent is a student.
		the dependent is a stepchild or adopted child and the child's dependency relationship is not doubtful,	either the commanding officer of a battalion, squadron or separate detached command, the Commandant of the Marine Corps, or the Disbursing Officer makes the determination.
<b>3</b>	is enlisted	the dependent is a child out of wedlock and the child's dependency relationship is not doubtful,	the Commandant of the Marine Corps or the Disbursing Officer makes the determination.

C. Fraudulent Claims. Any Service member who submits a claim for a housing allowance that contains a false statement is subject to court-martial or criminal prosecution. Fraudulent acceptance of benefits may cause a civilian recipient to be subject to criminal prosecution. The law provides for severe penalties of imprisonment and a fine. For military personnel, it may include a punitive separation, total forfeitures, and confinement.

D. Marriage Status Determination. Any case in which the validity of a Service member's marriage is questionable is a case of a doubtful relationship. This paragraph outlines different types of relationships where validity is doubtful for housing allowance purposes. Submit requests for determination on validity of a marriage in doubtful cases or for validation of payments as specified in Table 26-11.

1. Remarriage Within Prohibited Period Following Divorce. Under the laws of some states, a marriage is not dissolved until a specified period has elapsed after a divorce decree is granted, and remarriage is prohibited within the specified period. In all states that grant an interlocutory decree before granting a final divorce decree, remarriage may not occur before the final decree is granted.

2. Marriage by Proxy. Proxy marriages are valid if performed in a jurisdiction that recognizes common law marriages and has no statute or judicial determination prohibiting proxy marriages.

3. Marriage by Telephone. A marriage by telephone is recognized only if a statute or court decision authorizes or recognizes telephone marriages in the jurisdiction where the marriage was performed.

4. Common Law Marriages. Under laws of certain states, persons who do not obtain a license to marry or go through certain other formalities may enter into a common law marriage. Common law marriages entered into in those states are valid if they are contracted in accordance with state law.

5. 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 the remarriage of a Service member following a foreign nation divorce and any claim by, or on behalf of, the spouse from whom the Service member has obtained a foreign nation divorce are cases of doubtful relationship. A claim based on a Service member's marriage to a person who has obtained a foreign nation divorce is also a doubtful case.

6. Void Marriage. If a Service member's marriage is void, for example, due to a preexisting marriage of the spouse, the Service member has no lawful spouse and is not authorized a housing allowance at the with-dependent rate due to the purported marriage. When marriage invalidity is discovered, no further housing allowance payments at the with-dependent rate may be made. See Table 26-5 to determine when to stop housing allowance payments. The Service member may retain payments already received if they are validated under Chapter 12, for DoD Services or Service written material for non DoD Services. When validity

of a marriage is questionable, submit the case to the office specified in Table 26-11 for a determination on the validity of the marriage and, if necessary, validation of payments already made.

7. Annulled Marriage. If a Service member's marriage is annulled by a court decree, no further housing allowance payments may be made. The Service member may retain payments received before the effective date of the decree. Retention of payment in some annulment cases based on legal factors must be validated under Chapter 12, for DoD Services or Service written material for non-DoD Services. Submit all annulment cases to the office specified in Table 26-11 for review and, if necessary, validation of payments made.

Table 26-11. Determination of Marriage Validity

Service or Agency		Appropriate Channel
1	Army and USAF	Submit requests electronically to DFAS through the Ask DFAS website, and go to the Secondary Dependency Claims (SDC) location. Only if electronic submission is unavailable may requests be submitted to the U.S. mail address: DFAS-IN, Military Pay Operations (ATTN: JFLAKA), 8899 E. 56th Street, Indianapolis, IN 46249-0855.
2	Navy	DFAS-IN, Office of General Counsel, Military & Civilian Pay, 8899 E. 56th Street, Indianapolis, IN 46249-0160.
3	USMC	Commandant of the Marine Corps (MFP-1), 2008 Elliot Road, Quantico, VA 22134-5143.
4	Coast Guard	Commanding Officer (LGL), Coast Guard Pay and Personnel Center, Federal Building, 444 S.E. Quincy Street, Topeka, KS 66683-3591.
5	NOAA	Director, Commissioned Personnel Center, 8403 Colesville Road, Suite 500, Silver Spring, MD 20910-6333.
6	USPHS	Office of Commissioned Corps Support Services, Attention: Compensation Branch, 5600 Fishers Lane, Room 4-50, Rockville, MD 20857-0001.

E. Spousal Dependency Determination. Table 26-12 specifies who determines a dependency relationship for the purposes of a housing allowance when the dependent claimed is a spouse. Unless otherwise specified, the rules for the Navy and the USMC apply regardless of a Service member's rank.

Table 26-12. Spouse is the Dependent Claimed

Service	If the marriage is...	Then...
1 Army	lawful,	the Army disbursing officer or designee makes the determination. In the case of an Army RC member, the RC unit commander or servicing Military Personnel Officer can make the initial determination.

Table 26-12. Spouse is the Dependent Claimed (Continued)

Service	If the marriage is...	Then...
Army	legally questionable, which includes a common law spouse, those married by proxy or telephone or within a prohibited period following a divorce, or a divorce granted by a foreign country, and purported marriages,	a claim must be submitted through the chain of command to DFAS-IN for determination or to the Defense Office of Hearings and Appeals (DOHA)*.
2	Navy	lawful,
	of doubtful legality,	the Disbursing Officer makes the determination. a claim must be submitted through the chain of command to DFAS-IN, Office of General Counsel, Military and Civilian Pay Division, for determination or to the Defense Office of Hearings and Appeals (DOHA)*.
3	USAF	lawful,
	legally questionable, which includes a common law spouse, those married by proxy or telephone or within a prohibited period following a divorce, or a divorce granted by a foreign country, and purported marriages,	the USAF FSO or designee makes the determination. a claim must be submitted through the chain of command to the USAF FSO or designee for determination; and also through the chain of command to DFAS-IN for determination or to the Defense Office of Hearings and Appeals (DOHA)*for a decision.
4	USMC	contracted with states or territories by a legal, civil, or religious ceremony and neither has been previously married, or one spouse has been previously married and that marriage was dissolved by death, final decree of divorce, or by annulment that did not prohibit remarriage,
	legally questionable, which includes a common law spouse, those married by proxy or telephone or within a prohibited period following a divorce, or a divorce granted by a foreign country, and purported marriages,	the commanding officer of a battalion squadron or separate detached command makes the determination. the Commandant of the Marine Corps makes the determination.

\*See Defense Office of Hearings and Appeals ([DOHA](#))



## 260303. Providing Support for Dependent

A. Proof of Support. Proof of support of a lawful spouse or unmarried, minor, legitimate child of a Service member is generally not required. However, when an appropriate office receives evidence or a complaint from a dependent of nonsupport or inadequate support, proof of adequate support is required as specified in this paragraph.

B. Non-support. A Service member who fails to support a dependent on whose behalf a housing allowance is received is not authorized a housing allowance on that dependent's behalf. A Service member does not avoid the legal responsibility to comply with a court order for support by forfeiting a housing allowance. Housing allowances must be recouped for nonsupport or inadequate support periods. Subsequently paying support arrears does not authorize a Service member a housing allowance for the dependent unless one of the following caused the nonsupport or inadequate support:

1. The Service's mission requirements.
2. Outside agencies' actions determined by Service regulations to be beyond the Service member's control.

C. Unstated Support Amount or Release from Support Responsibility. A legal separation agreement, court decree, judgment, or order that is silent on dependent support, does not state the dependent support amount, or absolves the Service member of dependent support responsibility does not affect a Service member's housing allowance. This is true regardless of the jurisdiction in which the decree, agreement, or order was issued or of the dependent's domicile. The Service member is authorized a housing allowance on behalf of a dependent if the Service member contributes to the dependent's support in an amount that is not less than the applicable BAH-Diff rate.

D. Legal Separation Agreement or Court Order Stating Support Amount. When there is a court order or legal separation agreement stating the support amount, a Service member must contribute to the dependent's support the amount specified. In no case may the support payments be less than the applicable BAH-Diff rate.

E. Joint Legal Custody. When a Service member is divorced from a person who is not a Service member, they share joint legal custody of a child, and the former spouse is awarded primary physical custody, then the Service member is a non-custodial parent for housing allowance purposes.

1. When the Service member's court-ordered child support is less than the applicable BAH-Diff rate and the Service member is not residing in, or assigned to, Government quarters, the Service member is only authorized a housing allowance at the without-dependent rate.

2. When a Service member not assigned to Government quarters pays additional support to the former spouse who has primary custody of the child so that the total child support provided is equal to or more than the BAH-Diff rate, he or she is authorized a housing allowance at the with-dependent rate.

F. Temporary Custody. When a Service member has temporary custody of a child and they reside in a private-sector residence, the cost of maintaining the residence is not a factor in determining authority for the with-dependent housing allowance rate and may not be used instead of, or in addition to, child support to qualify for increased allowances. The dependent child must reside with the Service member on a non-temporary basis, which is a period of 91 or more consecutive days, for the Service member to qualify for the with-dependent housing allowance rate for the temporary period. The cost of maintaining a home may not be added to the amount of child support to qualify for the increased allowances.

G. Adequate Support. When a court order or legal separation agreement does not establish support requirements, a Service member must provide a support amount that is at least equal to the BAH-Diff rate applicable to the Service member's grade. The support amount required to retain or receive a housing allowance for a dependent is not necessarily adequate to meet Service policies. The Service concerned may have additional requirements for support in the absence of a legal separation agreement or court order.

H. Increase in Support Required by Increase in BAH-Diff Rates. Whenever BAH-Diff rates increase, the minimum amount of dependent support required for housing allowance purposes increases to the new rate. A Service member receiving a housing allowance on behalf of a dependent must increase the amount of support within 60 days of the increase to continue receiving the housing allowance.

I. Settlement Agreement.

1. Property settlements made under a court order or written agreement are not considered support for housing allowance purposes.

2. Payments made under a settlement in place of support are considered support only for the period specified in the written agreement or court order.

3. A lump-sum settlement in place of support made under written agreement or court order is support for the period the lump sum would reasonably cover the dependent's support.

J. Interlocutory Decree of Divorce. If an interlocutory decree of divorce does not provide for support to the former spouse, the Service member is not authorized a housing allowance for the former spouse after the date of the decree unless the Service member provides proof of support.

## 260304. Dependent Parent

A. Determination. A parent's dependency is determined based on an affidavit submitted by the parent and any other evidence required under applicable regulations. A legal guardian may complete the form for a mentally incompetent parent. Table 26-13 specifies who determines a dependency relationship for the purposes of a housing allowance when the dependent claimed is a parent, including a person acting in loco parentis. If there is a question on whether the parent is or is not a dependent, then the authority in Table 26-13 submits a request through the appropriate chain of command to the authority in Table 26-11 or a dependency determination. When necessary, a request may be submitted through the appropriate chain of command to the Defense Office of Hearings and Appeals (DOHA) for a decision.

Table 26-13. Dependent Claimed is a Parent

Service		Authority Who Determines Dependency
1	Army	Army disbursing officer or designee
2	Navy	DFAS-CL
3	USAF	USAF FSO or designee
4	USMC	Commandant of the Marine Corps

B. Dependency Requirement. A Service member is authorized a housing allowance on behalf of a parent who depends on the Service member for more than one-half of the parent's support. The parent's income, not counting the Service member's contribution, must be less than one-half of the parent's monthly living expenses and the Service member's contribution must be more than one-half of the parent's monthly living expenses. A parent's residence in a charitable institution, public or private, does not prohibit the Service member from receiving a housing allowance for the parent when the following conditions are met as well as any other Service requirements:

1. Family Unit Rule. In determining a parent's dependency, consider the total income and expenses of the family unit that includes the parent. Ordinarily, the Service member's contribution to the expenses of the family unit must exceed one-half of its total expenses before any one person in the family unit can be considered dependent on the Service member. When application of the family unit rule results in manifest injustice, consider any other available evidence of dependency, and determination made according to principles of equity and good conscience.

2. Income. Unliquidated capital assets are not income, and parents are not required to deplete their capital assets to establish dependency on a Service member for housing allowance purposes. However, the following are considered income when determining whether a parent is dependent on the Service member:

- a. Proceeds derived from the liquidation of capital assets.
- b. Amounts placed in reserve for depreciation of property held for income ordinarily are available for a parent's current living expenses.

- c. Contributions made to a parent by a charitable organization.
- d. Payments made to the parent from the Social Security Administration, unemployment compensation, and financial assistance from governmental agencies.
- e. Pensions received by the parent.
- f. Uninvested capital. If a parent has capital that is not invested, compute the income return at 5.25% a year.

C. Change in Dependent Status. If the parent becomes a dependent due to changed circumstances, and the Service member contributes over one-half of the parents' support, a housing allowance is authorized from the date the contribution began. A Service member is authorized a housing allowance for any active-duty period when the parent is a dependent, whether the dependency occurred before or after the Service member entered service.

D. Stepparent. A stepparent or stepchild relationship ends upon divorce from the biological parent, but not necessarily upon the biological parent's death. A housing allowance for a stepparent may be established after the biological parent's death.

#### 260305. Adopted Child, Stepchild, or Child Born out of Wedlock

An adopted child, a stepchild, and a child born out of wedlock are all considered primary dependents. As a result, a dependency determination is not required for these dependents.

A. Proof of Parentage. A Service member who claims a housing allowance for an adopted child, stepchild, or a child born out of wedlock must provide proof of parentage as follows:

1. For an adopted child, document showing the Service member is the child's legal parent.
2. For a stepchild, a marriage license showing the Service member is married to the child's legal parent and documentation showing that the Service member's spouse is the child's parent.
3. For a child born out of wedlock, a birth certificate with the Service member's name cited is required. If the Service member's name is not stated on the birth certificate or on a court order, obtain a signed affidavit of parentage (signed and sworn by a notary) from the Service member. If the child is not in the custody of the Service member parent, the case is treated as specified in the rules for BAH-Diff.

B. Support Requirements. A Service member may claim a dependent child, adopted child, stepchild, or out of wedlock child, for housing allowance purposes. The Service member is authorized a housing allowance if the Service member contributes to the dependent's support and that support is at least equal to the applicable BAH-Diff. This includes a Service member authorized BAH-Diff and a Service member assigned to single-type Government quarters when the child is in the physical custody of another person.

260306. Child Living with Service Member's Former Spouse

A. Former Spouse Married to Another Service Member

1. Child in Government Quarters. When a Service member's child resides in Government quarters not assigned to the divorced Service member parent, that Service member is not authorized a housing allowance for the child.

2. Child not in Government Quarters. A housing allowance may not be paid for a child to both the stepparent and the natural parent at the same time. The natural parent has priority to a housing allowance for that child if providing adequate support.

B. Service Member Marries Someone Other than a Service Member. The Service member is not authorized a housing allowance for the child living with the former spouse. Subparagraph 261002.A.2 does not apply in the case of a Service member who is required to support a child in the custody of a former spouse when the Service member remarries and is assigned to or occupies family Government quarters.

C. Service Member Marries Another Service Member

1. The Service member is not authorized a housing allowance for the child living with the former spouse when the Service member remarries another Service member and is assigned to or occupies Government family type quarters. Subparagraph 261002.A.2 does not apply in the case of a Service member who is required to support a child in the custody of a former spouse when the Service member remarries another Service member and is assigned to or occupies family Government quarters.

2. A Service member is authorized a housing allowance for a child for whom the Service member is paying child support (59 Comp. Gen. 681 (1980)) if all of the following conditions are met:

a. The Service member is required to support a child in the custody of a former spouse.

b. He or she is married to another Service member with children born of this marriage.

c. The Service member lived in family-type Government quarters with the Service member spouse and children.

d. The Service member is assigned a permanent change of station (PCS) to a different PDS outside commuting distance.

e. The Service member's current spouse—who is also a Service member—and children remain in Government quarters.

f. The Government quarters' assignment is in or transferred to the remaining Service member's name.

**Note:** This is based on the rule that a Service member's housing allowances is determined independently of the uniformed spouse when the Service members are separated by orders and do not reside in the same household.

260307. Child Living with Service Member's Former or Estranged Spouse

A. Former or Estranged Spouse is Service Member Assigned Family Government Quarters. When the Service member with custody of the child is assigned to, or occupies, adequate family-type Government quarters with the child while receiving child support, the Service member paying child support is not authorized a housing allowance for the child.

B. Former or Estranged Spouse in Family Government Quarters Visits Service Member. When a child who normally resides in family Government quarters with a Service member's former or estranged spouse who is the custodial parent visits the Service member in a private-sector residence for 91 or more days, the visit is considered non-temporary. The Service member is then authorized a housing allowance for the child from the first day of the visit. If the visit is 90 or fewer days, a housing allowance for the child is not payable for any part of the visit.

260308. Dependent Confined in Penal or Correctional Institution

A. Housing Allowance Payable. Confinement of a Service member's spouse or unmarried minor child in a penal or correctional institution does not affect the Service member's authority for a housing allowance on the dependent's behalf, unless any of the following conditions apply:

1. The Service member refuses to support the dependent.
2. The Service member has been relieved from supporting the dependent.
3. The period of confinement may extend beyond 5 years.
4. The case is otherwise doubtful.

B. Doubtful Cases. Submit doubtful cases or cases involving a sentence extending beyond 5 years to the addresses specified in Table 26-11. Do not pay a housing allowance on behalf of the dependent pending a decision.

## 2604 SERVICE MEMBER MARRIED TO ANOTHER SERVICE MEMBER

A. Dependent on Active Duty in a Uniformed Service. In accordance with 37 U.S.C. §421, a dependent who is on active duty in a Uniformed Service and is entitled to basic pay cannot be considered a dependent for housing allowance purposes.

B. One Service Member Enters a Non-Pay Status. When one Service member enters a non-pay status, the other Service member may claim the Service member not entitled to pay and allowances as a dependent and be authorized to draw BAH or OHA at the with-dependent rate for the duration of the non-pay status, if otherwise authorized, unless a dependent is confined in a penal or correctional institution (see paragraph 260308). A Service member may claim as a dependent a Service member on inactive duty for training (Reserve drills).

C. Service Member Serving on Sea Duty. See paragraph 261001 for two Service members married to each other when one or both are serving on sea duty.

D. BAH or OHA at the With-dependent Rate. When two Service members have a dependent, the Service members must choose which one will receive BAH or OHA at the with-dependent rate. If they cannot agree, then the senior Service member receives the with-dependent rate. The Service members may subsequently elect to transfer BAH authorization from one Service member to the other for any reason. Changes are effective as of the election date and may not be applied retroactively.

E. Child From a Prior Marriage or the Service Member's Child Born out of Wedlock. When the dependent is a child from a prior marriage or the Service member's child born out of wedlock, the two Service members may elect for the Service member with a dependent to receive BAH or OHA at the without-dependent rate when not occupying single-type Government quarters and the other Service member to receive BAH or OHA for stepchildren as specified in paragraph 260305. A Service member in a TDY status would maintain the BAH in effect at the PDS while in single-type Government quarters at the TDY location.

F. Other Housing Allowances. Other housing allowance paragraphs in this chapter (e.g., FSH, Service member on unaccompanied tour, BAH rate protection) also apply to a Service member married to another Service member.

## 260401. Both Service Members Married to Each Other Entitled to Basic Pay

A. Family-Type Quarters. When Service members married to each other jointly occupy family-type quarters, neither Service member is authorized BAH or OHA, even if no dependent resides in the quarters, unless a dependent is prevented by a military order from occupying quarters.

B. Separate Households. When both Service members maintain separate households at or in the vicinity of their PDS or PDSs, each is individually authorized BAH or OHA. Only one Service member may receive BAH or OHA at the with-dependent rate. When both Service members no longer share a common residence due to military orders, their authorization for increased allowances or assignment to Government quarters should be

determined separately without regard to the general rule that all dependents of Service members are in the same class for the purpose of determining housing allowance authorizations. Each member is required to have physical custody of a dependent if both members are claiming a housing allowance authorization at the with-dependent rate. See paragraphs 260303 and 260403 for BAH or OHA for divorced or legally separated Services members.

C. Same or Adjacent Military Installations. Both Service members are considered to be stationed at the same or adjacent bases, or shore installations, when they are not prevented by distance from living together or they actually commute on a regular basis regardless of distance.

1. Each Service member is usually authorized BAH or OHA at the appropriate rate when family-type quarters are not assigned, notwithstanding the availability of adequate single quarters for either or both Service members.

2. When both Service members are authorized BAH or OHA at the same or adjacent military installation and are then separated geographically by orders, the Service member remaining at the old PDS ordinarily is authorized BAH or OHA continuation regardless of the availability of adequate single quarters.

D. Without-dependent. When neither Service member has other dependents and both are prevented by distance from living together, each is usually treated as a Service member without a dependent for BAH or OHA.

#### 260402. Other Dependents

A. Dependent Parent. When one of the two married Service members is receiving a housing allowance at the with-dependent rate, the class of dependents includes either Service member's parent. Only one Service member is authorized a housing allowance at the with-dependent rate or BAH-Diff for the one class of dependents when the Service members are assigned to the same or adjacent bases.

B. Dependent Parent or Child from Previous Relationship. When one or both Service members are authorized housing allowances for a child from a previous relationship or on behalf of a dependent parent, and the Service members marry and are stationed in the same area, all children and dependent parents of either Service member are the same class of dependents. Therefore, only one housing allowance at the with-dependent rate (including BAH-Diff) is payable. Any child born of their marriage, or adopted by them, is within the same class of dependents for housing allowances purposes.

1. If one Service member elects to stop receiving a housing allowance at the with-dependent rate, then the other Service member may claim the children for housing allowance purposes. A relationship determination is required, but ordinarily a dependency determination is not. In all instances of a Service member having a spouse on active duty, full details must be given showing the spouse's full name, Social Security number, duty station, and branch of Service.



2. This does not apply to two Service members living together but not married. Two unmarried Service members living together are each authorized a housing allowance based on each Service member's dependents.

260403. Dependent Custody Effects on Housing Allowances

A. Divorce or Legal Separation. The following rules apply when a divorce or separation occurred, or a decree or agreement was amended and the divorced or separated parents are both Service members. These rules apply in addition to those in paragraph 260303 and only when neither Service member is assigned to family-type Government quarters, unless otherwise specified.

1. Unless both Service members agree to the contrary, the custodial parent is authorized a housing allowance for the child, regardless of the child-support amount received by that Service member. In addition to the court order, a separate notarized agreement between the Service members must be provided for the non-custodial Service member to receive a housing allowance for the child.

2. When each Service member has legal *and* physical custody of one or more of the children of the marriage, each Service member is authorized a housing allowance for the children in their individual physical custody, regardless of child-support payments from one Service member to the other.

3. When a child of the marriage is in a third party's custody, only one Service member is authorized a housing allowance for the child, even if both Service members are paying sufficient child support to qualify for the housing allowance. The senior Service member is authorized a housing allowance for the child when the two Service members do not agree on which person claims the authorization. If the Service members are of equal rank, date of rank determines which one receives a housing allowance for the child.

4. In joint legal custody cases, when physical custody changes from one parent to another, each parent is authorized a housing allowance for the child during those periods the child is actually in that parent's physical custody.

5. When a non-custodial Service member pays child support to the custodial parent who also has another dependent who makes the Service member eligible for a housing allowance, there is a presumption that the custodial parent's authorization is based on the dependent other than the child of the marriage. The housing allowance authorization for the custodial and non-custodial parents is determined individually.

6. When the dependent is no longer in one class, the housing allowance authorization for the custodial and non-custodial parents is determined individually. For example, if the non-custodial parent pays child support to a non-active duty parent for a child from a previous marriage or non-marriage relationship, the non-custodial parent may qualify for a housing allowance based solely on the basis of the Service member's child support for the child (see paragraph 260301).

B. Voluntary Support Payments. Voluntary support payments must not be considered to determine housing allowance authorization unless there is a mutual agreement between the Service-member parents that the custodial Service member parent accepts the support payments.

## 2605 BASIC ALLOWANCE FOR HOUSING (BAH)

### 260501. BAH Rate Protection

The monthly BAH amount paid to a Service member must not be reduced due to changes in housing costs in the MHA, changes in the national monthly housing cost, or a Service member's promotion. The BAH rate for an RC member is also protected, provided the RC member does not have a break in active service of 1 or more calendar days. This includes transitions in service status from Active Guard Reserve (AGR) duty to other active duty and back to AGR duty, or beginning a new active duty order or order extension without a break in active service. If the Service member is demoted or loses authority for BAH, then the Service member's BAH rate protection at the current amount stops when the eligibility to BAH for a given MHA or County Cost Group (CCG) ends. The current BAH rate at the current duty location becomes the Service member's new protected BAH rate.

### 260502. BAH Advance

A. Authority. Each Service must set regulations for advance BAH payment administration to include the preparation and disposition of vouchers and supporting papers. When allowed by Service regulations, a Service member's commanding officer, his or her designee, or another designated official may authorize an advance BAH payment to pay advance rent, security deposits, or initial expenses due to occupying other than Government housing. An advance may also be authorized at any time during a Service member's tour at the location concerned or when a Service member has relocated due to a PCS order. The Secretary concerned or the Secretary's designee may authorize an advance BAH payment in circumstances and conditions other than those specified in this paragraph. Service regulations must set repayment procedures for advances made under special circumstances.

B. Timing. Ordinarily, the advance should not be disbursed more than 3 working days before the date payment under the lease or rental agreement must be made. In extenuating circumstances, the officials listed in this Chapter may authorize disbursement more than 3 working days before the date payment must be made. The BAH advance may be paid before or after the expenses occur. A Service member must request the advance payment within 30 days after incurring the expense.

C. Requirements. Housing expenses must be documented. Required documentation includes copies of the lease, utility company statement, and any other pertinent documentation necessary to support the housing expenses.

D. Amount. The advance amount is determined by the Service member's current BAH rate, his or her ability to repay the advance, other advances of pay that may have been made, and any recurring pay deductions. The BAH advance is limited to a total of 3 months BAH that the Service member is expected to accrue. Expenses identified by a Service member used to purchase any real estate or living accommodations must not serve as a basis for authorizing or determining the amount of the advance.

E. Repayment. Repayment of the advance should be at a rate of at least one-twelfth of the amount advanced in equal monthly installments for the next 12 months. Collection action should begin on the 1st day of the month after the advance payment has been made.

1. When justified by the Service member and authorized by the Service member's commanding officer, his or her designee, or another Service-designated official, start of collection action may be postponed for up to 3 months after the advance is made. Repayment may be spread over a period of more than 12 months, but must be limited to 24 months or the Service member's scheduled tour at the location concerned, whichever is shorter.

2. Action must be taken immediately to recoup in a lump sum any BAH advance that the landlord has returned to the Service member upon receipt of information that the Service member has vacated the housing for which the advance was made. If the Service member chooses, he or she may repay in monthly installments any balance of an advance not returned by the landlord. The balance must be repaid during the months remaining on the existing loan repayment schedule.

260503. Partial Housing Allowance (BAH-Partial)

A. Conditions. Table 26-14 specifies the conditions for BAH-Partial.

Table 26-14. Conditions for BAH-Partial

If a Service member...		Then the Service member...
1	without a dependent assigned to single-type adequate Government quarters at the PDS and authorized BAH-Partial is subsequently sick in a hospital with no PCS involved,	continues to be authorized BAH-Partial while he or she is hospitalized.
2	in grade E-6 or below without a dependent is offered an assignment of adequate Government quarters, or is assigned Government quarters but elects not to occupy such quarters and resides in private quarters at own expense,	<p>a. is considered to be assigned to Government quarters.</p> <p>b. is not authorized BAH or OHA.</p> <p>c. is authorized BAH-Partial.*</p>

Table 26-14. Conditions for BAH-Partial (Continued)

If a Service member...		Then the Service member...
<b>3</b>	is occupying single-type Government quarters while a dependent resides in family-type Government quarters,	a. is not authorized BAH or OHA at the full rate. b. is authorized BAH-Partial, provided the family quarters are not assigned under the Service member's eligibility.
<b>4</b>	married to another Service member, who has no dependents other than the spouse, is assigned to single type Government quarters and is not authorized BAH or OHA,	is authorized BAH-Partial
<b>5</b>	married to another Service member with no dependents other than the spouse is assigned to family-type Government quarters, without a dependent is single and is assigned to family-type Government quarters,	is not authorized BAH-Partial.
<b>6</b>	without a dependent is assigned to Government single-type quarters (including Government leased quarters) that exceed the minimum standards of single quarters for the Service member's grade,**	
<b>7</b>	without a dependent is 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 authorized BAH-Partial unless forfeiture of allowances was directed.
<b>8</b>	without a dependent is restrained in a status of arrest in assigned single-type Government quarters, without a dependent is ordered to PCS to confinement in a guardhouse, brig, correctional barracks, or to additional training in a retraining or rehabilitation facility and is assigned to certain quarters therein,	a. is not authorized BAH or OHA; or b. is authorized BAH-Partial unless forfeiture of allowances was directed.
<b>9</b>	without a dependent is permanently assigned to a hospital for treatment and is assigned quarters in the hospital, without a dependent is assigned to single-type Government quarters between PDSs and not authorized BAH or OHA,	is authorized BAH-Partial.
<b>10</b>	married to another Service member, and neither has other dependents, is assigned to sea duty and occupies Government family quarters assigned to the spouse when the ship is in port,	a. is not authorized BAH or OHA. b. is authorized BAH-Partial.
<b>11</b>	is paying child support and receiving BAH-Diff,	a. is not a Service member without a dependent. b. is not authorized BAH-Partial.

Table 26-14. Conditions for BAH-Partial (Continued)

If a Service member...	Then the Service member...
<p>*See subparagraphs 261005-A and 261001-D for exceptions.</p> <p>**This limitation does not apply to members on medical hold or holdover personnel receiving outpatient medical treatment who have been designated as requiring a live-in non-medical attendant. The Service determines the housing standards for such personnel based on medical condition, treatment, non-medical attendant, and other relevant factors.</p>	

B. Navy Barracks Privatization Test. Under the authority in 10 U.S.C. §2881a, the Navy is conducting a limited test of barracks privatization. The privatized barracks are defined as Government quarters for the purposes of the test. For a Service member occupying privatized barracks, a special BAH-Partial rate equal to a percentage of the PDS locality BAH at the without-dependent rate for the Service member's grade is established. Table 26-15 specifies the applicable locations and percentages.

Table 26-15. Special BAH-Partial for Navy Barracks Privatization Test

Starting Date		Location	Housing Type Occupied	Special BAH-Partial Percentage
1	October 1, 2006	San Diego, California	existing dormitory-style unaccompanied housing:	
			a. double occupancy	34
			b. single occupancy	68
2	October 1, 2013		Pacific Beacon market-style housing:	
			a. double occupancy	41
			b. single occupancy	82
3	April 1, 2007	Hampton Roads, Virginia*	existing unaccompanied housing	66
			new construction, privatized housing (two bedroom, two bath market style)	74
*Including Hampton/Newport News and Norfolk/Portsmouth MHAs				

#### 260504. BAH Differential (BAH-Diff)

A Service member assigned to single-type Government quarters or a single-type housing facility under a uniformed Service's jurisdiction is not usually authorized more than BAH Partial. However, if the Service member is authorized BAH solely due to paying child support and the Service member is paying an amount equal to or greater than BAH-Diff, then he or she is authorized BAH-Diff. A Service member is not authorized BAH-Diff if the child support payment is less than the Service member's applicable pay grade BAH-Diff amount. See paragraphs 260306, 260307, and 260403 if child is in the custody of another active duty member.

260505. Temporary BAH Increase

The Secretary of Defense may prescribe a temporary increase in BAH rates in an area the President declared as a major disaster area or at an installation that experienced a sudden increase in the number of assigned Service members. Payment of the higher BAH is only effective for an MHA or specified ZIP Codes within a county cost group. This authority expires December 31, 2019.

A. Eligibility. A temporary increase in BAH rates results in two different BAH rates for Service members assigned to the same ZIP Code. To receive the higher of the two BAH rates, a Service member must certify to the Secretary concerned that he or she incurred higher housing costs in an approved area due to a major disaster or sudden increase of military personnel assigned to an installation. The certification must be in a form acceptable to the approval authority. The Service member’s certification must document rent, or mortgage expense in the case of a homeowner, and utility expenses.

B. Approval. The approval authority is at a level specified through the Secretarial Process. If the total housing expense—rent or mortgage plus utility expenses—from the Service member’s certification is less than the existing BAH rate, no increase is authorized. If the total housing expense from the Service member’s certification is higher than the BAH rate during that time, then the Service member is authorized the increased rate effective the approval date of the MHA for an increased rate or the date the Service member started incurring the increased expenses, whichever is later.

C. Locations. Locations approved for a temporary BAH rate increase are listed in Table 26-16.

Table 26-16. Locations Approved for a Temporary BAH Rate Increase

	Authorized Location	Effective Date	Termination Date
1	None Listed		

D. Effect of Changes. Table 26-17 specifies how changes during the temporary rate increase period affect the BAH paid.

Table 26-17. Effect of Changes During Temporary Rate Increase Period on BAH

	If a Service member receiving a temporary BAH rate increase...	Then the Service member must...
1	is promoted,	certify that housing costs exceed the standard BAH rate for the higher grade. Without certification, the standard BAH rate for the higher grade applies.
2	is demoted,	certify that housing costs exceed the standard BAH rate for the lower grade. Without certification, the standard BAH rate for the lower grade applies.

Table 26-17. Effect of Changes During Temporary Rate Increase Period on BAH (Continued)

	If a Service member receiving a temporary BAH rate increase...	Then the Service member must...
3	has a dependency change,	recertify housing costs to compare applicable rates.

E. Termination. The increased allowance is paid through the day before the effective date of the next standard BAH rate change for the area. The new standard BAH rate applies on the effective date. There is no rate protection for temporarily increased rates.

## 2606 OVERSEAS HOUSING ALLOWANCE (OHA)

### 260601. OHA Overview

OHA is designed to cover actual rental costs for 80% of the assigned Service members. A Service member is reimbursed actual rental costs, limited to the maximum OHA rate for each locality and grade. OHA is not intended and must not be used for the personal enrichment of a Service member by including costs incurred for procuring or adapting a residence to accommodate renters or for vacation purposes. Disciplinary action may apply when housing allowances are used for other than the purpose intended.

A. OHA Types. There are two housing-allowance types paid under OHA—an upfront, lump sum (MIHA) for those who qualify and a monthly OHA, which includes a utility and recurring maintenance allowance.

B. Requirements. A Service member authorized to live in private-sector leased or owned housing is authorized OHA provided a DD 2367 is completed and approved. Payment of OHA requires a lease agreement or a verifiable purchase price. The senior officer of the Uniformed Services in the country concerned, or the individuals or offices designated for that purpose by the senior officer has approval authority.

1. The reported housing must be the actual residence that the Service member occupies and from which the Service member commutes to and from work daily. If a Service member is assigned on an unaccompanied tour or has a Secretarial waiver and is authorized OHA for a dependent who lives separately, the reported housing must be the actual residence that the Service member's dependent occupies.

2. When a Service member is required to pay monthly rent at a specified fixed-exchange rate (dollar equivalency contract) for the lease duration because it is required by law or local custom, the Service member's commanding officer, or designee, must enter the following statement in DD 2367 (Part C Remarks: "Dollar equivalency contract required. No other housing option available to the Service member." The Service member must enter the monthly rent equivalent in U.S. dollars into DD 2367 block 5b.

C. Monthly OHA Allowance. An OHA paid monthly includes the rental allowance and the utility and recurring maintenance allowance as specified in paragraphs 260602 and 260603.

D. MIHA. See (MIHA). The MIHA/Miscellaneous is an upfront, lump sum payment based on the average move-in costs for a Service member. The four payment types of MIHA are specified in Table 26-23.

E. Allowance Payable. OHA rates are based on a Service member's PDS except as otherwise indicated in this chapter. OHA is not payable on the arrival day when MALT Plus is paid. Unless a special determination jointly issued by the Secretary concerned and the OUSD (P&R) authorizes a different rate due to special circumstances, the amount of OHA payable is as specified in this chapter.

F. OHA Unique Expenses. In some locations OCONUS, Service members incur housing expenses for items that are not incurred in the CONUS. Since not every Service member incurs these expenses and they vary in amount, do not occur monthly, and are significant, such expenses cannot be made a part of the utility and recurring maintenance allowance calculation. For these expenses, payment is a dollar for dollar reimbursement for a specifically authorized expense at designated authorized locations. Only the locations and expenses specified in Table 26-18 are authorized OHA unique expense reimbursement.

1. Criteria. A mandatory and excessive housing expense incurred periodically must meet all of the criteria mentioned to be authorized as an OHA unique expense eligible for reimbursement. The Secretary concerned or Secretarial Process, at Service discretion, may reimburse OHA unique expenses for the locations and specific expenses specified under this criteria. Each individual mandatory and excessive expense must meet all of the following criteria and be:

- a. Incurred by Service members receiving OHA at a duty station.
- b. An item or expense that exceeds 1% of spendable income for the typical Service member.
- c. An item or expense that is not purchased or paid by Service members based in the CONUS.
- d. Required by law.
- e. Authorized or approved by the Service Compensation representatives for reimbursement. These expenses must be verified by a valid receipt and paid on or after the effective date for the specific locations in Table 26-18. No expenses paid before this date can be reimbursed.



Table 26-18. OHA Unique Expense Locations

Location		Expense	Effective Date
1	France	Mandatory Habitation Tax, excluding late payment fees	August 16, 2016
2	Denmark	Mandatory expenses associated with completely refurbishing quarters upon departure	October 10, 2017

2. Submission. OUSD (P&R) does not accept requests from individual members for OHA unique expense authorization. All requests for specific expenses at specific locations must be forwarded through the Major Command level, then through the applicable Service representative to OUSD (P&R).

G. OHA Responsibilities. Commanders OCONUS, or their designees, must periodically provide data required for authorizing, changing, and terminating OHA for each locality OCONUS within their jurisdictions as specified by the OUSD (P&R). See Station Allowance Reporting Procedures and Responsibilities for the responsibilities of the Overseas Command or Commander, Senior Officer, and Country Allowance Coordinator.

#### 260602. OHA Determining Monthly Rent

Monthly rent is the amount paid each month by a Service member for possession and use of private-sector housing, to include a mobile home or boat.

A. Determine Rent. The rent stated in the lease, or as otherwise agreed to by the landlord and the tenant in a written document, must be used in computing the OHA. The cost of parking at the duty location is not included in rent. The following rules apply for determining rent:

1. A recurring condominium or homeowner association fee paid by the Service member is prorated to a monthly charge and incorporated into the Service member's rent.

2. A sharer's monthly rent is determined by dividing the total monthly rent by the number of sharers occupying the dwelling.

3. In an arrangement by which a Service member pays rent in advance and the landlord agrees to reimburse the Service member all or substantially all of the rental money at the end of the lease agreement, the amount of rent used in computing a Service member's OHA is zero.

4. If a Service member or dependent jointly occupy a dwelling with relatives or friends who own the dwelling, the rent amount is zero, even if there is a lease or written document. This restriction does not apply when the Service member or dependent leases lodging from a relative or friend with a bona fide, standard written lease, when the relative or friend concerned does not jointly occupy the leased dwelling and the relative or friend regularly rents the lodging involved. There is no authority to pay MIHA or the utility and recurring maintenance allowance when living with relatives or friends.

5. The cost of a separate lease for parking at or in the vicinity of the private-sector housing is added to the housing lease amount in determining his or her total rent.

6. See subparagraph 260602.C for a dwelling owned by a Service member.

B. Sharers. A sharer is authorized up to the maximum rental allowance set for a Service member without a dependent unless accompanied by one or more dependents (see Table 26-19). A sharer accompanied by a dependent is authorized up to the maximum rental allowance set for a Service member with-dependents.

1. Compute the authorized OHA for each sharer by adding the sharer's prorated share of the rent paid or the maximum rental established for the sharer's grade and locality, whichever is less, and the prorated monthly utility and recurring maintenance allowance.

2. A Service member authorized MIHA/Miscellaneous (see paragraph 260605) receives a full rather than prorated allowance. Only one sharer may claim reimbursement for any individual rent, security, or infectious-disease related expense.

3. A renter living in a completely separate unit of an owner-occupied multiplex dwelling owned by another Service member is not a "sharer," and OHA is determined as if the renter occupied an unattached unit.

C. Private-Sector Housing Owned

1. Divide the actual purchase price—not an appraised value—of the private-sector housing by 120 to derive the monthly calculated "rent" for a private-sector dwelling owned by a Service member. Settlement costs, fees for title search, other legal and related costs are not included in determining the actual purchase price.

2. The amount of any personal installment-type loans and real estate equity loans obtained for renovating or repairing the current dwelling place are added to the actual purchase price before determining the rent.

a. For this purpose, renovating means restoring to a previous condition, as by remodeling, and repairing means restoring to a sound condition after damage or injury, including fixing, setting right, renewing, or refreshing.

b. A loan used to furnish or decorate the home—including such things as the addition of a hot tub or pool to a home purchased without such an amenity—or a loan for personal reasons, including a credit card or line of credit loan must not be used.

c. To determine the monthly OHA rental equivalency when adding a loan described in this paragraph, add the loan amount to the original verifiable purchase price, divide the new total by 120, and the new "rental equivalency" starts from the loan start date.

d. The Service concerned must adjudicate loans. The Service member's command should submit the request with all documentation through the appropriate channel specified in Table 26-2.

3. If a Service member or the Service member's dependent inherits a dwelling or residence or otherwise receives it without purchasing it, the dwelling or residence purchase price is \$0. In this case, the Service member is authorized to receive the utility and recurring maintenance allowance. If a Service member obtains a mortgage on the inherited dwelling or residence specifically for home improvements or takes out a loan to pay inheritance taxes on the residence or dwelling, the mortgage or loan cost may be used as an OHA housing cost.

4. If the dwelling is a multiplex unit owned by a Service member, the allowance claimed is based on the percentage of the multiplex unit's square footage occupied by the Service member and dependent. The allowance equals the purchase price multiplied by that percentage and divided by 120. Renters of other units within the multiplex unit are not sharers.

5. If the Service member-owned dwelling place is a mobile home or boat, the monthly lot rental or berthing fee paid is added to this amount.

D. Maximum Rental Allowance. Use the Overseas Housing Allowance Calculator (OHA Calculator) to obtain the maximum amount of monthly rent considered. Maximum OHA rental allowances for each locality are based on reported actual rental cost data for Service members with-dependents residing in private-sector housing. If utilities are included in the rent, see paragraph 260603. See the OHA computation steps for calculation examples.

Table 26-19. Maximum OHA Rental Allowance

<b>Rent Eligibility</b>		<b>Allowable Rent</b>
<b>1</b>	Service member with-dependent	the amount is the lesser of the Service member's reported rent or the maximum allowable rent for the Service member's grade at the PDS locality.
<b>2</b>	Service member without-dependent	the amount is the lesser of the Service member's reported rent or 90% of the maximum allowable rent for the Service member's grade at the PDS locality.

E. Rent Changes. Re-compute OHA if and when the rent changes.

260603. OHA Utility or Recurring Maintenance Allowance

A. Monthly Allowance. When rent does not include utilities or the Service member is a homeowner, the Service member is authorized the utility and recurring maintenance allowance. The utility and recurring maintenance allowance for each OHA locality is based on the with-dependent reported expenses for Service members who pay all or a majority of their utilities. It covers the utility costs for 80% of the Service members assigned to an area. It is paid to sharers on a prorated amount of the net allowance. It is paid to a Service member without a dependent, who is not a sharer, at 75% of the with-dependent rate.

B. Rent Includes All or Some Utilities. If any or all of the OHA utility component is included in the rent, then the amount is withheld from the utility and recurring maintenance allowance and then added to the Rental Allowance component before comparison with the Service member's actual rent.

1. A Service member is not authorized the utility and recurring maintenance allowance when rent includes all utilities. However, when computing the OHA, the appropriate utility and recurring maintenance allowance is added to the Service member's rental allowance.

2. When rent includes some utilities, the utility and recurring maintenance allowance is paid on a percentage basis. The locality climate code and the utility point score determine the percentage of the utility and recurring maintenance allowance that the Service member is authorized. However, when computing OHA, the amount for which the Service member is not authorized is added to the appropriate rental allowance ceiling.

a. Locality climate codes are specified on each OHA locality table. The three climate codes are:

(1) Code 1 (Cold). Long-term mean temperature of 45 °F or colder.

(2) Code 2 (Moderate). Neither Code 1 nor Code 3.

(3) Code 3 (Hot). Long-term mean temperature of 69 °F or warmer, except when the long-term mean for 1 or more months of the year drops to 45 °F or colder. In such instances, a climate code of 2 is assigned.

b. Table 26-20 specifies the correct climate code to credit the Service member with appropriate points for each utility or service that is not included in the rent. Add the numbers to get the Service member's total utility point score.

Table 26-20. Climate Code Utility Points

Utility	Code 3 – Hot	Code 2 – Moderate	Code 1 – Cold
Electricity	3	3	3
Heating	1	2	3
Air Conditioning	3	2	1
Water	1	1	1
Trash Disposal	1	1	1

c. Table 26-21 specifies the correct percentage of the utility and recurring maintenance allowance to be paid after determining the total utility point score.

Table 26-21. Utility and Recurring Maintenance Allowance Payment Percentage

Total Utility Points	Applicable Percentage
0	0
1-2	25
3-4	65
5-9	100

## 260604. OHA Computation Steps

Follow steps one through four in Table 26-22 to determine a Service member's OHA.

Table 26-22. OHA Computation Procedure

<b>Directions</b> (See DD 2367) and <u><i>utility and recurring maintenance allowance</i></u>	
<b>1</b>	Determine the Service member's monthly rent as specified in the paragraph 260602.
<b>2</b>	Using the appropriate locality table, find the rental allowance for the Service member's specific locality code and grade. For a Service member without-dependent, multiply the with-dependent rate by 90 percent. If rent includes: <ul style="list-style-type: none"> <li>a. all utilities (block 7b checked on DD 2367), add the full utility and recurring maintenance allowance to the maximum rental allowance.</li> <li>b. some but not all utilities (block 7c checked on DD 2367), add the amount computed in Step 3 to the maximum rental allowance.</li> </ul>
<b>3</b>	Locate the utility and recurring maintenance allowance from the locality table. Use the rules specified in paragraph 260603 to determine the utility amount allowed based on the amount of utilities included in the rent, if any. Rent includes: <ul style="list-style-type: none"> <li>a. all utilities (block 7b checked on DD 2367). The Service member receives no separate utility and recurring maintenance allowance; however, this allowance is added to the rental allowance determined in Step 2.</li> <li>b. no utilities (block 7a checked on DD 2367). A Service member with a dependent who is not a sharer receives the full utility and recurring maintenance allowance. A Service member without-dependent who is not a sharer receives 75% of the with-dependent utility and recurring maintenance allowance. A sharer, with or without a dependent, receives a prorated share of the utility and recurring maintenance allowance.</li> <li>c. some utilities (block 7c checked on DD 2367). Determine the "Climate Code" from the applicable OHA locality table. Use the "Climate Code" and "Utility Point Score" tables to determine the percentage of utility and recurring maintenance allowance payment. The amount the Service member does not receive is added to the maximum rental allowance determined in Step 2.</li> </ul>

Table 26-22. OHA Computation Procedure (Continued)

<b>Directions</b> (See DD 2367) and <u><a href="#">utility and recurring maintenance allowance</a></u>	
<b>4</b>	Compare the monthly rent computed in Step 1 with the rental allowance determined in steps 2 and 3. If the rent in Step 1 is: <ol style="list-style-type: none"> <li>a. less than the rental allowance in steps 2 and 3, then rent in Step 1 is used to compute OHA.</li> <li>b. greater than the rental allowance calculated in steps 2 and 3, then the rental allowance calculated in steps 2 and 3 is used to compute OHA.</li> </ol>
See <u><a href="#">OHA computation examples</a></u>	

## 260605. Move-in Housing Allowance (MIHA)

A. General. MIHA exists to defray the move-in costs associated with occupying private-sector housing covered under the OHA program, whether leased or owned. MIHA is not payable to a Service member occupying Government or Government-leased housing. MIHA does not cover move-out costs. In most cases, a Service member authorized OHA is authorized MIHA. See [\(MIHA\)](#) for how to complete [DD Form 2556](#), MIHA Claim. That form must accompany MIHA/Rent, MIHA/Security, or MIHA/Infectious Disease-related expenses. Various [OHA Surveys](#) are sent to Service members in private-sector leased housing to document utility and move-in expenses.

B. Rules and Information

1. To be authorized a MIHA, a Service member must be eligible for OHA.

2. An eligible Service member is authorized MIHA for one dwelling during a tour at a PDS unless a Government-funded local move occurs and the Service member occupies another dwelling covered by OHA.

3. There is no MIHA under any of the following circumstances:

- a. A local move would otherwise initiate a second or subsequent MIHA payment request unless that move is Government funded.

- b. A Service member complies with a PCS order but remains in the same dwelling, including an RC member called or ordered to active duty who is authorized OHA based on the primary residence at the time called or ordered to active duty.

- c. A Service member moves from Government quarters to private-sector housing for separation or retirement (see JTR, Chapter 5, Section 0519).

4. The four MIHA payment types are described in Table 26-23. See [\(MIHA\)](#) for qualifying areas and additional rules.

Table 26-23. Types of MIHA Payments

Payment Type		Description
1	MIHA/Miscellaneous	The MIHA/Miscellaneous amount indicated on the <u>OHA locality tables</u> is based on expenses a Service member typically incurs associated when moving into privately leased or owned dwellings. MIHA specifies reportable and non-reportable MIHA/Miscellaneous expenses. The <u>OHA Calculator</u> specifies the amount payable. Only one payment is authorized at a PDS unless otherwise specified in this paragraph.
2	MIHA/Rent	Homeowners are ineligible. MIHA/Rent covers all reasonable rent-related expenses. These are fixed, one-time, nonrefundable charges levied on behalf of the landlord or a foreign government that the Service member must pay before or upon occupying a dwelling. All unreasonable expenditures, as determined by the AO, must be disallowed. The following are not included in MIHA/Rent: <ul style="list-style-type: none"> <li>a. Expenses deferred until lease termination, such as a real estate agent fee, a redecoration fee if paid up-front, or a one-time lease tax.</li> <li>b. Advance rental payments, refundable deposits, or recurring costs.</li> </ul>
3	MIHA/Security	MIHA/Security covers reasonable security related expenses for a Service member assigned to an area where dwellings require modification to minimize terrorist or criminal threat. See <u>MIHA-Security locations</u> .
4	MIHA/Infectious Disease	Effective December 7, 2016, MIHA/Infectious Disease covers reasonable upgrades to the physical dwelling to prevent the spread of infectious disease, such as window or door screens, when the dwelling requires modification to minimize exposure to medical threats related to mosquito-transmitted diseases. See <u>MIHA</u> for MIHA Infectious Disease locations.

5. Sharer Eligibility. Each Service member classified as a sharer and authorized MIHA is authorized the full MIHA/Miscellaneous allowance. Only one sharer may claim the individual expense for MIHA/Rent, MIHA/Security, and MIHA/Infectious Disease. Acceptable claims for MIHA/Rent, MIHA/Security, or MIHA/Infectious Disease must include DD 2556 proper documentation, and detailed receipts for all expenditures.

C. MIHA/Miscellaneous Expenses. The purchase price of an item included in Table 26-24 is generally authorized for the MIHA/Miscellaneous component of the OHA unless an item is purchased with the intent to ship it from the present PDS. An item intended to be shipped is not reportable. These expenses are associated with items necessary to make housing habitable. Table 26-24 lists the vast majority of reportable expenses, and also lists certain expense items that are not reportable. These lists are not exhaustive, but contain the vast majority of items commonly contained in each group.

Table 26-24. MIHA/Miscellaneous Expense Items

1	Reportable MIHA/Miscellaneous Expense Item	<ul style="list-style-type: none"> <li>a. Cabinets (for example, kitchen, medicine, bathroom).</li> <li>b. Plumbing and plumbing installation, hookups.</li> <li>c. Gas or electrical installation.</li> <li>d. Supplementary heating equipment.</li> <li>e. Painting, papering, and plastering (upon arrival only).</li> <li>f. Light fixtures, permanently installed.</li> <li>g. Wardrobes.</li> <li>h. Shelving.</li> <li>i. Telephone installation.</li> <li>j. Range, refrigerator, freezer, washer, or dryer.</li> <li>k. Air conditioners, dehumidifiers, fans.</li> <li>l. Screening.</li> <li>m. Transformers and voltage regulators.</li> <li>n. Commodes and sinks, when ordinarily not furnished.</li> <li>o. Burglar alarm, security bars, and supplementary door locks, when locally required.</li> <li>p. Water purification filters, when locally required.</li> <li>q. Pest fumigation, if required when housing is first occupied, otherwise include in</li> <li>r. Recurring maintenance expenses.</li> <li>s. Repair of drain pipes and gutters.</li> </ul>
2	Non-Reportable MIHA/Miscellaneous Expense Items	<ul style="list-style-type: none"> <li>a. Rugs, carpets, curtains, and drapes.</li> <li>b. Lawn and gardening maintenance expenses.</li> <li>c. Dishwashers, microwave ovens, and other small, personal appliances.</li> <li>d. Televisions, cable TV installation, antennas, and similar expenses.</li> <li>e. Any recoverable deposit, such as a security deposit.</li> <li>f. Lightbulbs.</li> <li>g. Taxes of any kind, unless specifically required by the lease.</li> <li>h. Fencing, yard-related items.</li> <li>i. Any personal labor costs.</li> </ul>

260606. OHA Advance Payment

See [Rental Advances](#) for detailed information on areas with rental advance protection under OHA. Rental payments should be made on a month-to-month basis whenever possible to avoid the need for rental advances.

A. [Authority](#)

1. [Advance Rent of Fewer than 4 Months, Security Deposits, or Initial Expenses](#). The Senior Officer in-country, or his or her designee, may authorize an advance OHA payment to pay advance rent, security deposits, or MIHA-related expenses due to occupying private-sector housing. The advance may be made at any time during the Service member's tour. It also may be authorized when a Service member has located housing due to a PCS order.



Personal preference is not grounds for authorizing advance rent payment. Advance OHA is not authorized for lease arrangements in which the Service member lives rent free after making a one-time payment to the landlord with the anticipation that the rental amount is to be completely or substantially refunded at lease termination.

2. Advance Rent of 4 or More Months

a. Rental advances of at least 4 months, but no more than 12 months, may be made only for the locations authorized by OUSD (P&R). Once OUSD (P&R) authorizes and lists a location for Rental advances, the Senior Officer in-country, or his or her designee, may authorize individual requests. Requests for approval are considered if the requirement for the advance rent exists for any of the following reasons:

(1) Law.

(2) Local custom for everyone, including local nationals.

(3) Economic or market conditions preclude availability of secure housing, as confirmed by the U.S. Embassy.

b. Requests to add locations must be submitted through the Country Senior Officer or Command as instructed in the Station Allowance Reporting Procedures and Responsibilities.

B. Amount. The amount to be advanced must be determined based on housing expenses, including advance rent and a security deposit, and the authorized OHA. Housing expenses must be documented. Expenses identified by a Service member for purchase of real estate or living accommodations must not be considered. The Service member's ability to repay the advance must be considered in determining the advance amount. While the amount to be advanced should not exceed the estimated OHA total for 1 year, a larger amount may be authorized if needed to cover anticipated housing expenses. In no case may the advance payment exceed either of the following, whichever is less.

1. Anticipated housing expenses.

2. OHA anticipated to accrue for the Service member's tour at that PDS.

C. Repayment

1. Repayment Within 12 Months. Monthly repayment installments should be at a rate of one-twelfth of the amount advanced over 12 months. Collection action should begin on the 1st day of the month after payment of the advance.

2. Postpone Collection Start. When justified by the Service member and authorized by an official designated by the Service concerned, the collection start may be postponed for up to 3 months after the advance. Repayment may be spread over a period of more than 1 year, but must be limited to the Service member's tour at the PDS.

3. Advance Rent Repayment Postponement Until the Service Member Vacates Housing. An official designated by the Service concerned may postpone repayment of advance rent until the Service member vacates the housing for which the advance rent was paid if earlier repayment would create an excessive economic burden.

4. Security Deposit Repayment Postponement Until the Service Member Vacates Housing. An official designated by the Service concerned may postpone repayment of the entire amount of a security deposit of \$500 or more until the Service member vacates the housing for which the security deposit was paid if earlier repayment would create an excessive economic burden.

5. Recouping Lump Sum Returned by Landlord. Action to recoup in a lump sum of any OHA advance that has been returned to the Service member by the landlord must be taken immediately upon receipt of information that the Service member has vacated the housing for which the advance was made. Any balance of an advance not returned by the landlord may be repaid in monthly installments, if desired by the Service member, over the balance of the months remaining on the Service member's existing loan repayment schedule.

6. Currency Fluctuation Effects. The Service concerned absorbs any loss due to currency fluctuations when liquidating advance security deposits. The Service member must pay to the Service any gains due to currency fluctuations. These currency protection procedures for security deposits apply without regard to the provisions for protection of rent advances in subparagraph 260606.D.

7. Pay System Reporting of Monthly Rent. In countries in which rate protection for advance rent has not been implemented the monthly rent entered in the respective pay system should be entered in U.S. dollars when a Service member has taken an advance for rent.

D. Advance Rent Currency Rate Protection. Rate protection may be provided for certain countries that have undergone a significant currency fluctuation. Countries previously authorized OHA Rental Advance Protection continue to have rent protected locality codes in the OHA Calculator until all previously protected Service members either permanently change stations or change quarters. Currency rate protection for additional advances is calculated using the exchange rate in effect at the time the new advance is paid. In countries in which rate protection for advance rent has been implemented, monthly rents for an advance rent are processed in dollars. See Service regulations for currency fluctuation loss or gain procedures. Rate protection is accomplished by comparing the OHA rate with the exchange rate in effect at the time the Service member received the advance with the greater of either of the following:

1. The rental allowance in effect at the time of the advance.

2. Any higher rental allowance implemented during the repayment period of the advance.

260607. Service Member Occupying a Government Trailer or Rental Guarantee Housing and OHA

Unless otherwise specified in this chapter, no housing allowance is payable to a Service member occupying housing constructed under the Rental Guarantee Housing Program as authorized in Section 302 of the Act of July 14, 1952, (66 Stat. 622) or Government trailers purchased under Section 408 of the Act of September 1, 1954, (68 Stat. 1126), or any other statute.

260608. OHA and Living Quarters Allowance (LQA) (DSSR §130) Paid Concurrently

A Service member is entitled to OHA at the with-dependent rate even if the Service member's dependent spouse receives a LQA. Direct questions pertaining to LQA to the spouse's Civilian Personnel Office (CPO) or Civilian Personnel Advisory Center (CPAC). Volume 7A has no authority to determine or control eligibility or entitlement of LQA for a civilian employee. See DSSR §130, and the Department of Defense Instruction (DoDI) 1400.25, Vol. 1250, Civilian Employee Overseas Allowances and Differentials.

260609. Observer to a UN Peacekeeping Organization

A Service member permanently assigned as an observer to a UN peacekeeping organization who receives a UN mission subsistence allowance, known as mission per diem, is also authorized a housing allowance under this Chapter. The housing allowance amount, when added to the UN mission subsistence allowance, cannot exceed the housing allowance of a Service member permanently assigned to other than a UN Peacekeeping Organization in the same area. This paragraph does not authorize a reduction in the UN mission subsistence allowance.

## 2607 FAMILY SEPARATION HOUSING (FSH) ALLOWANCE

FSH is payable to a Service member with a dependent for added housing expenses resulting from separation from the dependent. The separation must be caused by a Service member's assignment on military or uniform orders to either a PDS OCONUS on an unaccompanied or dependent-restricted tour or a PDS in the CONUS to which concurrent travel has been denied.

260701. Administration of FSH Allowance

A. Eligibility. For FSH to be payable, all of the following conditions must be met:

1. Dependent transportation to the PDS is not authorized at Government expense under 37 U.S.C. §476.

2. Dependent does not reside in the PDS vicinity.

3. Government quarters are not available for assignment to the Service member.

B. Allowances

1. There are two types of FSH: FSH-B and FSH-O.

a. FSH-B is payable for an assignment at a PDS in Alaska or Hawaii or to a PDS in the CONUS to which concurrent travel has been denied. FSH-B is payable in a monthly amount equal to the without-dependent BAH rate applicable to the Service member's grade and PDS. Payment starts upon submission of proof that Government quarters are not available and that the Service member has obtained private-sector housing.

b. FSH-O is payable for an assignment at a PDS outside the United States. FSH-O is payable in a monthly amount up to, and under the same conditions as, the without-dependent OHA rate applicable to the Service member's grade and PDS. OHA rules for determining monthly rent, utility and recurring maintenance allowance, MIHA, and advances apply to FSH-O.

2. A Service member may not be paid FSH-B or FSH-O in any of the following situations:

a. The Service member's only dependent is entitled to active duty basic pay.

b. The Service member has no dependents other than a dependent for whom he or she is paying child support, but the Service member does not have legal custody and control of that child. This situation is fundamentally different from a Service member who has a spouse or children. A Service member with a spouse or any children is authorized transportation of any dependents, but the nature of the tour or the PDS location prevents dependent transportation to the PDS. A Service member who has a dependent solely due to child support is not eligible for transportation of that dependent under 37 U.S.C. §476, because the Service member does not have custody and control. The ineligibility for transportation, as opposed to a tour or location denial, prevents payment of FSH.

c. The Service member is assigned to a PDS in the CONUS where concurrent travel is authorized.

d. The Service member elects to not occupy available assigned Government quarters and resides in a private-sector residence for personal convenience.

e. FSH-O or FSH-B is not authorized if all of the Service member's dependents reside in the PDS vicinity. If some, but not all, of the dependents voluntarily reside near the PDS, FSH-O or FSH-B continues.

3. FSH-O or FSH-B continues uninterrupted while a Service member's dependent visits at or near the Service member's PDS, but not to exceed 90 continuous days.

Circumstances must clearly show that the dependent is not changing residence and that the visit is temporary and not intended to exceed 90 days.

a. If, for unforeseen reasons, such as due to illness or other emergency, a bona fide social visit lasts 91 or more days, FSH-O or FSH-B stops at the end of the 90-day period. FSH-O or FSH-B is authorized again on the day that the dependent departs from the PDS.

b. If one or more, but not all, dependents visit for longer than 90 days and the Service member is authorized a with-dependent housing allowance on behalf of the dependents who are not visiting or do not reside in the vicinity of the Service member's PDS, then he or she is authorized FSH-O or FSH-B.

Table 26-25 Conditions Affecting FSH

When an eligible Service member...		Then FSH...
1	arrives at a PDS outside the CONUS,	starts when private-sector housing is acquired.
2	departs upon reassignment from a PDS OCONUS,	continues through whichever day occurs first, the day: <ul style="list-style-type: none"> <li>a. before the Service member departs on a PCS.</li> <li>b. the Service member's lease ends.</li> </ul>
3	no longer has an eligible dependent,	continues through the day before the date that the Service member no longer has an eligible dependent.
4	is assigned Government quarters,	continues through the day before the day that Government quarters become available for assignment.
5	enters a non-pay status,	continues through the day before the date that the Service member enters the non-pay status.
6	is in one of the following statuses for 60 or fewer days: <ul style="list-style-type: none"> <li>a. on a TDY away from the Service member's PDS, including a TDY in the United States,</li> <li>b. hospitalized at or away from PDS, including hospitalization in the United States,</li> <li>c. on authorized leave, whether accrued or advance, at or away from the PDS, including leave in the United States,</li> <li>d. military confinement or otherwise restricted by military authority,</li> </ul>	continues for 60 or fewer days without a certificate from the Service member that he or she maintained private-sector housing at the PDS.

Table 26-25 Conditions Affecting FSH (Continued)

	When an eligible Service member...	Then FSH...
7	is in one of the following statuses for 61 or more days: <ol style="list-style-type: none"> <li>a. on a TDY away from the Service member's PDS, including a TDY in the United States,</li> <li>b. hospitalized at or away from PDS, including hospitalization in the United States,</li> <li>c. on authorized leave, whether accrued or advance, at or away from the PDS, including leave in the United States,</li> <li>d. in military confinement or otherwise restricted by military authority,</li> </ol>	continues if payment is supported by the Service member's certification that the Service member maintained private-sector housing at the PDS.

## 2608 GOVERNMENT QUARTERS

Assignment to Government quarters affects a Service member's eligibility for BAH. A housing allowance, other than BAH-Partial or BAH-Diff, is not authorized for a Service member who is assigned to Government quarters appropriate to the Service member's grade, rank, or rating and adequate for the Service member and dependents, if any.

### 260801. Responsibility for Assignment or Termination

A. Assignment or Termination of Government Quarters. The commander responsible for the Government quarters has the authority to assign and terminate the assignment. The commander also determines when quarters are adequate and suitable for assignment based on appropriate directives. Government quarters or housing facilities under the Uniformed Services' control are considered to be assigned, suitable, and adequate whenever occupied by a Service member at the PDS without payment of rental charges. This includes under any of the following conditions:

1. When an organization or institution furnishes quarters to a Service member without charge on behalf of the United States.
2. When a foreign government furnishes quarters to a Service member without charge for the Service member's official use.
3. When the quarters, furnished to a Service member without charge, are jointly assigned to one or more Service members without a dependent.

B. Voluntarily Vacating Assigned Quarters. A Service member is still considered to be assigned to Government quarters when he or she voluntarily vacates assigned quarters without the installation commander's approval. A Service member in pay grade E-7 and above, without a dependent, may elect not to occupy assigned quarters unless denied permission by the Secretary Concerned.

C. Family Type Quarters

1. A Service member married to another Service member are both considered assigned to Government quarters when all of the following apply:

- a. Both are stationed at the same or adjacent installations.
- b. Both are able to reside in Government family quarters.
- c. Government family quarters are assigned to one of the Service members.

2. However, if there is a separation agreement, pending divorce, or marital discord that requires one Service member to obtain alternative private-sector housing, to be authorized a housing allowance the Service member not occupying family quarters must obtain a statement from the installation housing officer that Government housing is not assigned.

D. Quarters Assignment Date for Housing Allowance. A housing allowance continues to accrue through the day before a Service member is assigned Government quarters or begins to occupy Government quarters at the PDS.

E. Quarters Termination Date for Housing Allowance. Housing allowance accrues from the date the assignment to Government quarters ends or the date that quarters are vacated.

260802. Government Quarters Assigned or Occupied

A. Government Quarters Adequacy. The Commander responsible for the Government quarters determines their adequacy and appropriateness for assignment.

B. Quarters not Designated as Family-Type Quarters. A Service member who is not assigned to and does not occupy Government quarters is authorized a housing allowance for a dependent even if the dependent occupies Government quarters not designated as family-type quarters. Examples of such quarters include:

1. Dormitory quarters occupied by a Service member's child at a school for dependents of military personnel.

2. A hospital room occupied by a dependent under 10 U.S.C. §1077, Dependents Medical Care Act. However, a Service member is not authorized a housing allowance when the dependent is hospitalized under the Dependent's Medical Care Act and the Service member is assigned to and occupies Government quarters while the dependent is hospitalized even though private quarters are retained.

3. Off-base housing or private-sector housing occupied by the Service member's civilian spouse due to employment overseas with the DoD Education Activity (DoDEA) as a schoolteacher. The Service member must be separated from the spouse by official orders.

C. Quarters Furnished on Behalf of the United States. A Service member is not authorized a housing allowance for a dependent if the Service member and dependent is furnished adequate family-type quarters without rental charge. Examples of such family-type quarters include:

1. Quarters furnished to a Service member in an official capacity by a foreign government.
2. 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. Quarters furnished by a college, university, or research facility as part of a fellowship, scholarship, or grant.

D. Quarters Occupied by Dependent. A Service member furnished single-type quarters is *not* authorized a housing allowance for any of the following:

1. A spouse who is a sole dependent and is furnished quarters in kind as a civilian employee at a Government hospital.
2. A spouse who is a sole dependent and 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, a housing allowance 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 is furnished Government quarters while assigned overseas with DoDEA as a schoolteacher.
5. A dependent who occupies Government housing facilities and is evacuated to a safe haven. See subparagraph 260802.F for an exception when the Service member must continue to pay for private-sector housing.
6. Any dependent, if one or more of the Service member's dependents occupy the quarters with the Service member on a permanent basis for more than 90 days, unless another dependent is officially prevented from residing with the Service member.

E. Rental Quarters (Other than Inadequate Quarters). A Service member and a dependent who occupy the following facilities on a rental basis are authorized a housing allowance.



1. Any housing facilities, including trailers, under the Government's jurisdiction other than Government quarters constructed or designated for occupancy without charge. The Service member may sublease such quarters with or without charge to a temporary sublessee and neither the sublessor nor a Service member sublessee loses the right to a housing allowance.

2. A hotel on the grounds of a Service Academy. A Service member is authorized BAH while renting quarters in a hotel on the grounds of a Service Academy.

3. Quarters furnished to a Service member for service in a capacity other than that of a Service member.

F. Quarters at Safe Haven Temporarily Occupied by Dependents

1. A Service member is authorized a housing allowance for a dependent when both of the following occur:

a. The Service member's dependent occupies Government provided housing at a safe haven area after emergency evacuation from private-sector housing at the PDS.

b. Due to conditions beyond the Service member's control, the Service member is required to continue rent payment for the private-sector housing to keep the furnishings and belongings in the private-sector housing and to have housing available upon the dependent's return.

2. This authority continues until a dependent is authorized to return to the Service member's PDS or the dependent arrives at a designated place as specified in the JTR, Chapter 6.

G. Lease on Private-sector Rental or Leased Housing. When a Service member makes a local move from private-sector rented or leased housing to Government housing, a housing allowance is not payable for the remainder of the lease on the private-sector housing even though the Service member is required to honor the lease.

H. Limitation on Quarters Occupied by Service Member

1. When adequate quarters are not furnished for a Service member's dependent, the Service member is not authorized BAH or OHA if the Service member occupies Government quarters that exceed the minimum standards for his or her grade "without-dependent." This applies either at the PDS or TDY location unless the quarters are the only quarters available and either of the following conditions apply:

a. The quarters are not suitable for joint occupancy.

b. If suitable for joint occupancy, the quarters are jointly occupied with another Service member permanently assigned to the PDS.

2. This limitation does not apply to a Service member on medical hold or holdover personnel receiving outpatient medical treatment who have been designated as requiring a live-in non-medical attendant. The Service determines the housing standards for such personnel based on medical condition, treatment, non-medical attendant, and other relevant factors.

I. Additional Room Assigned to Chaplain. Assignment of an additional room to a chaplain for spiritual purposes does not affect the Service member's authority for BAH or OHA. The chaplain must use the room for official duties and not as living quarters.

#### 260803. Government Quarters Designated as Inadequate

A. Housing Allowance Authority. A Service member with dependents may be assigned Government quarters designated as inadequate on a rental basis without loss of BAH. This does not apply to bachelor officer quarters, visiting officer quarters, guesthouses, and similar type facilities, or to assigned Government quarters undergoing ordinary repairs. An order stating that quarters were inadequate while repairs were being made cannot serve to authorize BAH during the period involved.

B. Effect of Subleasing Inadequate Government Quarters. The Service member may share the Government quarters with others or permit occupancy by others while on leave. The Service member may also sublet the Government quarters on a rental basis without loss of BAH, regardless of the amount of rent.

C. Rental Charge for Inadequate Government Quarters. The authority controlling the inadequate Government quarters establishes the procedures for collecting rent from the Service member at the Government quarters' fair rental value. The rental charge for the Government quarters must be its fair rental value, limited to 75% of the Service member's with-dependent BAH rate (see 10 U.S.C. §2830). The rental charge is independent of the amount and type of BAH paid to the Service member.

D. Effective Date of BAH and Rental Charge. BAH and rental charge begin on the date of the Service member's assignment to such Government quarters or on the date the determination of inadequacy is effective, whichever is later.

E. Computation of BAH and Rental Charge. BAH and the rental charge are computed on a 30-day month basis and prorated at one thirtieth of the monthly rate for each day inadequate Government quarters are assigned. BAH is not paid for, nor is rent charged, for the 31st day of a month. When inadequate Government quarters are assigned on February 28, pay 3 days' BAH and charge 3 days' rent. Rent is not charged for the day the assignment ends; however, BAH accrues for the termination day.

F. Inadequate Government Quarters Re-designated Adequate. Rental charges and BAH end on the date rehabilitated inadequate Government quarters are re-designated as adequate Government quarters. If the Service member's assignment to inadequate Government quarters continued during the rehabilitation period, the adequacy re-designation is effective the 1st day of the month following the month in which the rehabilitation was completed.

G. Two Service Members Married to Each Other—Each Authorized BAH.

When two Service members married to each other jointly occupy inadequate family quarters on a rental basis, see section 2604 to determine their respective BAH rates. The rental charge for the Government quarters must be the assigned inadequate family-type Government quarters' fair rental value, but must never exceed 75% of the with-dependent BAH rate that would be payable to a Service member of the same grade and rank as the Service member under whose eligibility the Government quarters are assigned. The BAH paid to the respective Service members does not affect the rent amount charged, even if a Service member is receiving BAH at the with-dependent rate. BAH is collected as specified in Service procedures. For inter-Service marriages, the rental charge is collected as specified in the procedures of the Service furnishing the Government quarters.

## 2609 PRIVATIZED HOUSING

“Privatized housing” is defined as housing units on or near a military facility in the United States or its territories and possessions that are acquired by or constructed by private persons under the authority of 10 U.S.C. §2871-§2885. The Service Secretary determines which privatized housing is suitable for use as military family housing. Each Service member occupying privatized housing is authorized a housing allowance in the same manner as a Service member not assigned to Government quarters. See subparagraph 260503.B for the Navy Barracks Privatization Test.

## 2610 ASSIGNMENT SITUATIONS

### 261001. Service Member Without-dependent

A Service member without a dependent entitled to basic pay is authorized BAH or OHA in the situations specified in Table 26-26 and as otherwise specified in this paragraph. Ordinarily BAH or OHA is based on the service member's PDS and paid when adequate Government quarters are not provided at the PDS.

A. Service Member Away from PDS. A Service member away from the assigned PDS may occupy Government quarters designated for a Service member without-dependent at the TDY location without affecting the Service member's authority to receive BAH or OHA or to be assigned quarters at the Service member's PDS. Under such circumstances, a Service member may not occupy Government quarters that exceed the minimum standards specified for a Service member of that grade “without-dependent,” unless they are the only quarters available and are available for joint occupancy with other Service members. This limitation does not apply to a Service member who is on medical hold or is receiving outpatient medical treatment and has been designated as requiring a live-in non-medical attendant. The Service determines the housing standards for these personnel based on medical condition, treatment, non-medical attendant, and other relevant factors.

B. Government Quarters. A Service member is not authorized BAH or OHA if assigned or occupies Government Quarters suitable and adequate for the member's grade at the PDS. Government Quarters occupied without payment of rental charges are deemed assigned as appropriate and adequate quarters. When not assigned to Government quarters at the PDS, BAH or OHA accrues while in a duty or authorized leave status not due to PCS. BAH or OHA continues if temporary Government quarters are occupied.

C. Service Member TDY. A Service member on TDY (including permissive travel) when no PCS is involved, is authorized to continue to receive BAH or OHA if authorized prior to the TDY. For a Service member below grade E-7 on a TDY without a PCS involved, authority for BAH or OHA does not exist during the TDY if quarters are assigned or furnished at the PDS, even if the quarters are vacated at the beginning of the TDY. BAH or OHA does not accrue if assigned quarters at the PDS.

D. PCS Between PDSs in Proximity. Ordinarily a housing allowance is paid based on the Service member's PDS or the home port for a Service member assigned to a ship or afloat unit.

1. The Service may instead pay a housing allowance based on the old PDS rate in a situation involving a low or no-cost move. The determination of whether to base the housing allowance on the old PDS because it is inequitable to base it on the new PDS is made by the Secretary concerned or through the Secretarial Process.

2. When a Service member is ordered on a PCS between PDSs located in proximity to each other, housing allowances continue when the Service member continues to commute from the residence occupied while at the old PDS. The housing allowance continues from the time between the Service member's detachment from the old PDS and reporting to the new PDS, unless otherwise prohibited in this Chapter.

3. If a Service member is reassigned under the conditions of a low-cost or no-cost PCS and is not authorized an HHG move, the housing allowance is based on the old PDS under the following conditions:

a. The Service member requested the old PDS housing allowance.

b. The Service-selected decision process determines that it would be inequitable to base the Service member's allowances on the housing cost in the Service member's new PDS area.

E. Service Member in Grade E-7 or Above *not* on Sea Duty. A Service member without a dependent in grade E-7 or above may elect at any time not to occupy Government quarters at the PDS and is authorized BAH or OHA unless the Secretary concerned or designee has determined that the Service member's exercise of this option would adversely affect a training mission, military discipline, or readiness.

F. Service Member in Grade E-6 *not* on Sea Duty. A Service member without a dependent in grade E-6 assigned to inadequate Government quarters or to a housing facility under the jurisdiction of a Uniformed Service that does not meet DoD adequacy standards, may elect to not occupy such quarters and receive BAH or OHA instead. The Secretary concerned, or the designee, may deny BAH or OHA on determining that the Service member's exercise of this option would adversely affect a training mission, military discipline, or readiness.

G. Service Member on Sea Duty. A Service member assigned on permanent duty to a ship ordinarily has Government Quarters available aboard that ship. The Secretary Concerned may determine that a ship or class of ships is inadequate for berthing a member in home port, in which case the ship or class of ships is not available as Government Quarters for housing allowance purposes. When quarters aboard a ship, deemed adequate for berthing, become temporarily unavailable due to maintenance or damage, Government Quarters are no longer available onboard the ship. The Service concerned provides guidance on payment of housing allowances or alternate berthing procedure for ships that become temporarily unavailable for berthing.

1. A Service member without a dependent in grade E-6 or above assigned to permanent sea duty aboard a ship may elect to not occupy assigned shipboard Government quarters and receive BAH or OHA. A Service member in pay grade E-6 or above is authorized to receive BAH or OHA after reporting to a deployed ship or afloat unit.

2. A Service member without a dependent in grade E-5 assigned to permanent sea duty aboard a ship cannot elect to not occupy assigned shipboard Government quarters and receive BAH or OHA. Under Service regulations, the Secretary concerned may authorize BAH or OHA to a Service member without a dependent who is serving in grade E-5 and is assigned to sea duty. When preparing regulations under this paragraph, the Secretary concerned must consider Government quarters availability for a Service member serving in grade E-5.

3. A Service member without a dependent in grade E-4 assigned to permanent sea duty aboard a ship cannot elect to not occupy assigned shipboard Government quarters and receive BAH or OHA. Under Service regulations, the Secretary concerned may authorize BAH or OHA to a Service member without a dependent who is serving in grade E-4 and is assigned to sea duty. When preparing regulations under this paragraph, the Secretary concerned must consider Government quarters availability for a Service member serving in grade E-4.

4. A Service member married to another Service member who is in a pay grade below E-6 is authorized BAH or OHA if assigned to permanent sea duty.

Table 26-26. BAH or OHA Accrual for Service Member Without-dependent Entitled to Basic Pay

	<b>If a Service member is...</b>	<b>Then BAH or OHA accrues...</b>
<b>1</b>	assigned to a PDS,	<p>a. while on a short period of special alert duty during which the Service member is furnished sleeping accommodations at the PDS where Government quarters are unavailable for assignment.</p> <p>b. while on a short training period during which, due to military necessity, the Service member is furnished sleeping accommodations at the PDS where Government quarters are unavailable for assignment.</p>
<b>2</b>	initially assigned to active duty and is on a TDY at other than indoctrination or basic training location pending receipt of an order designating a PDS to which the Service member is to report upon TDY completion,	when Government quarters are not available for assignment and per diem is not payable.
<b>3</b>	in the accession pipeline,	between the initial TDY and the initial PDS. An RC member is authorized BAH or OHA based on the primary residence location at the time called or ordered to active duty while attending accession training. See paragraph 261010 for transit rules.
<b>4</b>	ordered home or to a place other than a military organization awaiting another order in connection with Physical Evaluation Board proceedings,	on and after the departure day from the hospital or old PDS through the discharge day, or day before retirement effective date.
<b>5</b>	ordered to report for a TDY in connection with the fitting out or conversion of a ship, then to permanent duty aboard the same ship when placed in commission,	if the Service member is not assigned to Government quarters at the old PDS or aboard ship (the new PDS), but BAH or OHA does <i>not</i> accrue if the Service member is assigned to Government quarters at the old PDS or aboard ship (the new PDS).
<b>6</b>	on field duty and no PCS is involved,	if the Service member is receiving BAH or OHA at the PDS, but BAH or OHA does <i>not</i> accrue if assigned or occupying Government quarters at the PDS.

Table 26-26. BAH or OHA Accrual for Service Member Without-dependent Entitled to Basic Pay (Continued)

	<b>If a Service member is...</b>	<b>Then BAH or OHA accrues...</b>
<b>7</b>	assigned to PCS to a unit on field duty,	if the commander certifies that the Service member was required to procure Government quarters at personal expense at the initial field duty site, but BAH or OHA does <i>not</i> accrue for the initial field duty in progress at the time of the PCS, unless the Service member is required to procure quarters at personal expense at the field duty site.
<b>8</b>	being treated at hospital TDY en route during a PCS,	if the Service member is not assigned Government quarters, but BAH or OHA does <i>not</i> accrue if the Service member is assigned Government quarters in the hospital.
<b>9</b>	assigned to PCS directly to a hospital for treatment,	
<b>10</b>	in travel status during a PCS, including a non-travel status under a permissive travel authorization, a TDY en route, leave en route, and proceed time,	if the Service member is <i>not</i> assigned Government quarters while at the old or new PDS, but BAH or OHA does <i>not</i> accrue if the Service member is assigned Government quarters while at the old or new PDS.
<b>11</b>	assigned PCS and is on authorized leave or duty at the old or new PDS,	
<b>12</b>	assigned PCS and is on authorized leave or duty at the old or new PDS,	if the Service member is not assigned Government quarters while at the old or new PDS, but BAH or OHA does <i>not</i> accrue for the Government quarters occupancy period not due to a PCS.
<b>13</b>	training for, attending, or participating in Pan Am or Olympic games, or any other international amateur sports competition,	if not furnished quarters by the Government or by an agency sponsoring the Service member's participation, but BAH or OHA does not accrue if furnished quarters by the Government or by an agency sponsoring participation.
<b>14</b>	a medical officer on active duty in an intern or resident physician status at a state, county, municipal, or private hospital,	if <i>not</i> furnished Government quarters without charge, but BAH or OHA does <i>not</i> accrue if furnished quarters without charge by the hospital. Such Government quarters are considered furnished on behalf of the United States.
<b>15</b>	a Nurse Corps officer or Nurse Corps candidate attending a course of instruction or affiliating with a state, county, municipal, or private hospital	

Table 26-26. BAH or OHA Accrual for Service Member Without-dependent Entitled to Basic Pay (Continued)

	<b>If a Service member is...</b>	<b>Then BAH or OHA accrues...</b>
<b>16</b>	a student training on a fellowship, scholarship, or grant,	if <i>not</i> furnished Government quarters by the college, university, or research facility, but BAH or OHA does <i>not</i> accrue if furnished Government quarters by the college, university, or research facility. Such quarters are considered furnished on behalf of the United States.
<b>17</b>	in a hospital or on sick leave from a hospital and a PCS is not involved,	continues if the Service member is receiving BAH or OHA at the PDS.

## 261002. Service Member With-dependent

A. Authorized BAH or OHA. Except for a Service member paying child support and assigned to Government quarters, a Service member with a dependent, who is entitled to basic pay is authorized BAH or OHA at the with-dependent rate when any of the following conditions are met:

1. Adequate Government quarters are not furnished for the Service member and dependent without a rental charge payment.

2. Adequate Government quarters are not furnished for the Service member's dependent, or not all of the Service member's dependents are authorized to occupy Government quarters assigned to the Service member. This does not apply when the child is living with the former spouse and the Service member has remarried.

3. A dependent is not en route or does not accompany the Service member to the PDS, or the PDS vicinity, which prevents assignment of family quarters. This situation does not prevent the Service member from receiving BAH or OHA for a dependent.

4. A single or divorced Service member who maintains legal and physical custody of a child before receipt of a PCS authorization or order to an unaccompanied tour may continue to be paid BAH at the with-dependent rate for the last PDS, or designated place, as specified in this paragraph. The divorce decree must state the specific period during which the Service member has legal and physical custody. BAH at the with-dependent rate is authorized only for the period the Service member would have the custody of the child if not serving on the unaccompanied tour. The Service member must, for military necessity, place the child in the physical custody of a relative or caregiver designated by the Service member, to be authorized BAH or OHA at the with-dependent rate.

5. A Service member, classified as with-dependent for housing purposes solely because the Service member is paying child support, is not authorized a housing allowance other than BAH-Diff if he or she is assigned to Government quarters or both of the following apply:



a. The Service member is assigned to sea duty in a grade above E-3.

b. The Service member is authorized to and does not occupy the assigned, unaccompanied Government quarters by choice.

B. Location Rate. Ordinarily a housing allowance is based on the Service member's PDS, or the home port for a Service member assigned to a ship or afloat unit. However, the Service may determine that a Service member's assignment to a PDS, or the circumstances of that assignment, requires a dependent to reside separately. Authorization or approval of a housing allowance based on the dependent's location or old PDS is through the Service Secretary or through the Secretarial Process.

1. Low or No-Cost Moves. A Service member may pay BAH or OHA based on the old PDS rate in situations involving low or no-cost moves and for situations in which the Service member and dependent are residing separately. The determination of whether it is inequitable to pay BAH or OHA based on the new PDS is through the Secretarial process. When a Service member is ordered on a PCS between PDSs located in proximity to each other and continues to commute from the residence occupied while at the old PDS, BAH or OHA continues from the time between the Service member's detachment from the old PDS and reporting to the new PDS, unless otherwise prohibited in this Chapter. A Service member ordered on PCS with TDY, or leave en route is authorized BAH or OHA based on the old PDS during that period. If a Service member is reassigned under the conditions of a low-cost or no-cost PCS and is not authorized an HHG move, BAH or OHA may be based on the rate for the old PDS if both the following conditions are met:

a. It was requested by the Service member.

b. The decision of whether it would be inequitable or not to base the allowance on the housing cost in the new PDS area to which the Service member is reassigned, is determined through the Secretarial Process.

2. Unaccompanied or Dependent-Restricted Assignment OCONUS

a. BAH or OHA is based on the old PDS in a situation in which the Service member is making a PCS to a dependent-restricted or unaccompanied assignment OCONUS and the dependent remains at the Service member's old PDS.

b. If the dependent of a Service member assigned to an unaccompanied tour moves to a designated place, the Service member is authorized BAH or OHA based on the dependent's location. Payment based on the old PDS is not authorized.

3. Location Rate Changes. Location rate changes may be routinely authorized or approved when a Service member is:

a. Assigned to a PDS in an area at which sufficient housing quantities do not exist.

b. In receipt of a PCS order to a unit with a promulgated change of home port and dependents relocate to the announced home port (or authorized designated place in the United States) before the effective date of the home port change.

c. Assigned to “unusually arduous sea duty” and a dependent resides at or relocates to a designated place in the United States.

d. Assigned to or is in receipt of a PCS authorization or order to a ship entering overhaul involving a home port change and his or her dependent is not relocated due to the home port change.

e. Disadvantaged due to reassignment for reasons of improving mission capability and readiness of the unit, in receipt of a PCS authorization or order between PDSs located in the same proximity, and disallowed HHG movement. A determination must be issued through the Secretarial Process that implementing this policy in the interest of correcting an inequity incurred due to movement of the Service member for purposes of improving mission capability and unit readiness.

f. Assigned to an intermittent TDY or a TDY pending further orders.

g. Assigned to a Professional Military Education or training course that is scheduled for a duration of 1 year or less.

4. Multiple Dependent Locations. In instances when dependents are in multiple locations, the Service member must designate the dependent’s primary residence. The housing allowance rate is based on this primary residence.

5. Ship or Home Port

a. A Service member assigned to duty aboard a ship or other afloat unit is authorized a with-dependent allowance when supported by a statement of the Service member’s commanding officer, or an officer designated by the commanding officer. The statement must specify that the dependent has established a residence at or in the home port vicinity. The applicable with-dependent allowance is payable even though the Service member is quartered in kind aboard a ship with his or her afloat unit. The rate payable is the rate applicable to the ship’s or afloat units’ home port.

b. Change the housing allowance to the new home port rate on the effective date of the home port change if the Service member is currently assigned to, or is in receipt of a PCS order to a ship or other afloat unit with an announce home port change and his or her dependent is authorized travel to the new home port.

6. Other Circumstances. The Secretary concerned may determine that other circumstances may require a dependent to reside separately from the Service member and authorize or approve a housing allowance payment based on either the dependent's location or the old PDS. If the Secretary concerned determined that an additional reason for a BAH or OHA waiver was acceptable, the Secretarial Process may then be used to authorize or approve individual cases based on that determination.

C. During Leave, Travel Status, Separation, and Other Situations. Table 26-27 and paragraph 261010 specify BAH or OHA accrual for a Service member entitled to basic pay with a dependent. In Table 26-27, the phrase "due to a PCS" refers to whether or not the Service member is en route to a new PDS under a PCS authorization or order.

Table 26-27. BAH or OHA for a Service Member Entitled to Basic Pay With-dependent

If a Service member is...		Then BAH or OHA...
<b>1</b>	in a duty status or on authorized leave status not due to a PCS (includes accrued, advanced, or convalescent leave),	a. authorization continues when he or she is authorized BAH or OHA at the PDS. b. is <i>not</i> authorized when he or she is <i>not</i> authorized BAH or OHA at the PDS.
<b>2</b>	not authorized BAH or OHA at the PDS,	is <i>not</i> authorized.
<b>3</b>	in a duty, travel, or leave status due to a PCS, including a TDY en route, and such status is under a permissive travel authorization, *	is authorized unless permanent Government quarters are assigned or occupied.
<b>4</b>	on a TDY <i>not</i> due to a PCS, including when the status is under a permissive travel authorization,*	authorization continues as long as the PDS remains unchanged when he or she is authorized BAH or OHA at the PDS, except as restricted by paragraph 260802.
<b>5</b>	absent due to disease (as distinguished from injury) from alcohol or drugs, causing loss of pay	a. authorization continues when he or she is authorized BAH or OHA at the PDS. b. is <i>not</i> authorized when he or she is <i>not</i> authorized BAH or OHA at the PDS. However, if quarters assignment at the PDS ends during an absence, BAH or OHA accrues on and after the end date.

Table 26-27. BAH or OHA for a Service Member Entitled to Basic Pay With-dependent (Continued)

If a Service member is...		Then BAH or OHA...
<b>6</b>	home on a PCS awaiting further orders in connection with physical evaluation board proceedings,	authorization continues until the Service member's retirement or discharge.
*Includes status under a permissive travel authorization.		

## 261003. Service Member with Acquired Dependent

When a Service member acquires a dependent, for example, through marriage, birth, or adoption, a with-dependent housing allowance is authorized as of the date the dependent is acquired.

A. PDS in the CONUS. When the Service member is assigned to a PDS in the CONUS, the housing allowance is authorized based on the PDS. He or she may request through the Secretarial Process a housing allowance based on the dependent's residence location. Table 26-28 specifies the changes in BAH or OHA when a Service member acquires a dependent while assigned in the CONUS.

Table 26-28. Changes in BAH or OHA when a Service Member Assigned in the CONUS Acquires a Dependent

	If a dependent is located...	And Government quarters are...	Then...
<b>1</b>	in the CONUS, Alaska, or Hawaii (BAH area) and at or near the PDS	a. available for the Service member,	start BAH at the with-dependent rate based on the PDS as of the date the dependent is acquired.
		b. not available for the Service member,	(1) stop BAH at the without-dependent rate the day before the dependent is acquired. (2) start BAH at the with-dependent rate based on the PDS as of the date the dependent is acquired.
<b>2</b>	in the CONUS, Alaska, or Hawaii (BAH area) and <i>not</i> at or near the PDS	a. available for the Service member,	start BAH at the with-dependent rate based on the PDS as of the date the dependent is acquired.
		b. not available for the Service member,	(1) stop the allowance at the without-dependent rate the day before the dependent is acquired. (2) start BAH at the with-dependent rate based on the PDS as of the date the dependent is acquired.

Table 26-28. Changes in BAH or OHA when a Service Member Assigned in the CONUS Acquires a Dependent (Continued)

	<b>If a dependent is located...</b>	<b>And Government quarters are...</b>	<b>Then...</b>
<b>3</b>	outside the CONUS, Alaska, or Hawaii (OHA area) and at or near the PDS	a. available for the Service member,	start BAH at the with-dependent rate based on the PDS as of the date the dependent is acquired.
		b. not available for the Service member,	(1) stop the allowance at the without-dependent rate the day before the dependent is acquired. (2) start BAH at the with-dependent-rate based on the PDS as of the date the dependent is acquired.
<b>4</b>	outside the CONUS, Alaska, or Hawaii (OHA area) and <i>not</i> at or near the PDS	a. available for the Service member,	start BAH at the with-dependent rate based on the PDS as of the date the dependent is acquired.
		b. not available for the Service member,	(1) stop the allowance at the without-dependent rate the day before the dependent is acquired. (2) start BAH at the with-dependent rate based on the PDS as of the date the dependent is acquired.

B. PDS OCONUS. When a Service member is assigned at a PDS OCONUS and the dependent does not reside at or near the PDS OCONUS, the housing allowance is based on the dependent's location. If the dependent does reside at or near the PDS OCONUS, the housing allowance is based on the PDS OCONUS.

Table 26-29. Changes in BAH or OHA when a Service Member Assigned OCONUS Acquires a Dependent

	<b>If a dependent is located...</b>	<b>And Government quarters are...</b>	<b>Then...</b>
<b>1</b>	in the CONUS, Alaska, or Hawaii (BAH area) and at or near the PDS	a. available for the Service member,	start BAH at the with-dependent rate based on the PDS as of the date the dependent is acquired.
		b. not available for the Service member,	(1) stop BAH at the without-dependent rate as of the day before the dependent is acquired. (2) start BAH at the with-dependent rate based on the PDS as of the date the dependent is acquired.
<b>2</b>	in the CONUS, Alaska, or Hawaii (BAH area) and <i>not</i> at or near the PDS	a. available for the Service member,	start BAH at the with-dependent rate based on the dependent's location as of the date the dependent is acquired.
		b. not available for the Service member,	(1) stop BAH at the without-dependent rate the day before the dependent is acquired. (2) start BAH at the with-dependent rate based on the dependent's location on the date the dependent is acquired. (3) start FSH-B or FSH-O based on the PDS on the date the dependent is acquired.
<b>3</b>	outside the CONUS, Alaska, or Hawaii (OHA area) and at or near the PDS	a. available for the Service member,	start OHA, based on the PDS the date the dependent is acquired.
		b. not available for the Service member,	(1) start OHA at the with-dependent rate based on the PDS the date the dependent is acquired. (2) stop the without-dependent allowance on the day before the dependent is acquired.
<b>4</b>	outside the CONUS, Alaska, or Hawaii (OHA area) and <i>not</i> at or near the PDS	a. available for the Service member,	start OHA at the with-dependent rate based on the dependent's location on the date the dependent is acquired.
		b. not available for the Service member,	(1) start OHA at the with-dependent rate based on the dependent's location on the date the dependent is acquired. (2) stop the without-dependent allowance on the day before the dependent is acquired. (3) start FSH-B or FSH-O based on the PDS on the date the dependent is acquired.

C. FSH Eligibility. Table 26-30 specifies FSH authorization for a Service member assigned to a PDS OCONUS. FSH eligibility is effective the date the dependent is acquired.

Table 26-30. FSH Eligibility—Service Member Assigned to a PDS OCONUS

	<b>If...</b>	<b>Then...</b>
<b>1</b>	the dependent resides in the PDS vicinity OCONUS,	an FSH is <i>not</i> authorized and the Service member is only authorized the with-dependent housing allowance based on the PDS OCONUS.
<b>2</b>	single-type Government quarters are not available for a Service member assigned to a PDS OCONUS and the dependent does not reside in the PDS vicinity,	FSH is also authorized.
<b>3</b>	a Service member assigned to a PDS OCONUS is residing in private-sector quarters, and single-type Government quarters are available at the Service member's PDS OCONUS,	FSH is <i>not</i> authorized.
<b>4</b>	a Service member is assigned to a PDS in the CONUS,	FSH is <i>not</i> authorized unless the Service member is assigned to a PDS to which dependent travel is delayed or restricted (see JTR, Chapter 5).
<b>5</b>	a dependent visits a Service member at a PDS OCONUS for 90 or fewer days,	there are no changes to allowances.
<b>6</b>	a dependent visits a Service member at a PDS OCONUS for 91 or more days,	it is no longer a visit, but a change of the dependent's permanent residence. The with-dependent allowance is then based on the PDS location. FSH, if being paid, stops.
<b>7</b>	a dependent's permanent residence had changed due to a visit exceeding 90 days and the dependent departs the PDS area after with-dependent allowances are changed and FSH stopped,	the with-dependent allowance and FSH previously authorized are reinstated as of the dependent's departure date.

261004. Service Member With-dependent Serves Unaccompanied or Dependent-Restricted Tour or "Unusually Arduous Sea Duty"

A Service member with a dependent who serves an unaccompanied or dependent-restricted tour OCONUS or "unusually arduous sea duty" outside the United States is authorized a with-dependent housing allowance based on the dependent's location. The housing allowance may be based on the old PDS if the dependent remained in the residence shared with the Service member before the PCS, did not relocate, and is not in Government quarters. The housing allowance for the dependent's location may be authorized or approved to be effective on the date of the lease.

A. FSH Authorization. If the Service member is serving an unaccompanied or dependent-restricted tour and single-type Government quarters are not available for assignment at the PDS OCONUS, and the dependent does not reside at or near the PDS, then FSH-O or FSH-B is also authorized. A Service member assigned to "unusually arduous sea duty" is not authorized FSH since Government quarters are available for assignment.

B. Dependent Visit. Table 26-31 specifies changes made to allowances when a dependent visits a Service member serving an unaccompanied or dependent-restricted tour. If the Service member is in a BAH area, in Alaska or Hawaii, then the allowance specified in Table 26-30 is either BAH or FSH-B, as applicable. If the Service member is outside the United States, then the allowance is either OHA or FSH-O, as applicable. If all of a Service member's dependents arrive at his or her PDS OCONUS and stay beyond 90 days, the Service member is not authorized OHA simply because the dependent is present. To be paid OHA the Service member must provide the required documentation (a completed and approved DD 2367) for private-sector leased or owned housing.

Table 26-31. Dependent Visits Service Member who is Serving an Unaccompanied or Dependent-Restricted Tour

<b>If Government quarters are available and the dependent visits...</b>		<b>Then...</b>
<b>1</b>	for 90 or fewer days,	there is no change to the allowance.
<b>2</b>	for 91 or more days,	<ul style="list-style-type: none"> <li>a. stop the with-dependent allowance based on the dependent's location on the 90th day.</li> <li>b. start the with-dependent allowance based on the PDS on the 91st day.</li> </ul>
<b>3</b>	for 91 or more days, and later departs the PDS after the 91st day to take up residence elsewhere,	<ul style="list-style-type: none"> <li>a. stop the with-dependent allowance based on the dependent's location on the 90th day.</li> <li>b. start the with-dependent allowance based on the PDS on the 91st day.</li> <li>c. stop the with-dependent allowance based on the PDS on the day before the dependent departs.</li> <li>d. reinstate the with-dependent allowance based on the dependent's location as of the departure day.</li> </ul>
<b>If Government quarters are not available and the dependent visits...</b>		<b>Then...</b>
<b>4</b>	or 90 or fewer days,	start FSH based on the PDS as of the date private-sector housing is acquired at the PDS.
<b>5</b>	for 91 or more days,	<ul style="list-style-type: none"> <li>a. stop the with-dependent allowance based on the dependent's location on the 90th day.</li> <li>b. stop FSH on the 90th day.</li> <li>c. start with-dependent BAH or OHA based on the PDS on the 91st day.</li> </ul>



Table 26-31. Dependent Visits Service Member who is Serving an Unaccompanied or Dependent-Restricted Tour (Continued)

<b>If Government quarters are not available and the dependent visits...</b>	<b>Then...</b>
<p><b>6</b> for 91 or more days, and later departs the PDS after the 91st day to take up residence elsewhere,</p>	<p>a. stop the with-dependent allowance based on the dependent's location on the 90th day.  b. stop FSH on the 90th day.  c. start with-dependent BAH or OHA based on the PDS on the 91st day.  d. stop BAH or OHA based on the PDS on the day before the dependent departs.  e. reinstate the with-dependent allowance based on the dependent's location and FSH as of the departure day.</p>

C. Initial Tour of Duty. When a Service member serves an unaccompanied or dependent-restricted tour at the first PDS, in other words, the initial PDS when coming on active duty, payment of a with-dependent housing allowance is based on one of the designated locations specified in the JTR, Chapter 5, paragraph 050814 if the dependent has been authorized or approved to reside at one of those locations.

D. Transfer Between Unaccompanied or Dependent-Restricted Tours. A Service member transferred between unaccompanied or dependent-restricted tours, whose dependent does not move, continues to be authorized a with-dependent rate based on the dependent's location. A Service member is authorized a with-dependent rate based on the dependent's new location if the Service member is transferred between unaccompanied or dependent-restricted tours and the dependent moves from either:

1. The Service member's old PDS (the PDS before the Service member was assigned on the first unaccompanied or dependent-restricted tour) to a designated place.
2. A designated place to another designated place if the move is authorized or approved.

E. Dependent Relocates to Other OHA Location. If a dependent relocates from a designated place at personal expense to any other OHA location that is not in the vicinity of the Service member's PDS, start OHA based on the new location effective the date private-sector housing is obtained once the required documentation is provided. If the dependent departed from an OHA area, stop the with-dependent allowance based on the designated place effective the day before the dependent departed that location. If the dependent departed from a BAH area, stop the with-dependent allowance the day before the dependent arrives at the new location.

F. Dependent Relocates to Other BAH Location. If the dependent relocates at personal expense from a designated place in a BAH area to a different location in a BAH area that is not at or near the Service member's PDS, continue BAH based on the previously authorized

location (either the old PDS or dependent location before the move). If the dependent relocates from a designated place in an OHA area to a location in a BAH area, start BAH based on the new location on the dependent's arrival date and stop the OHA the day before dependent's departure.

G. Situation-Based Rate for Housing Allowance. Table 26-32 specifies situation-based rate information. A housing allowance must not be paid if a Service member is assigned adequate family-type Government quarters at the PDS. Do not start the housing allowance until the Service member terminates the family-type Government quarters assignment.

1. If a Service member is assigned to an unaccompanied or dependent-restricted tour at a PDS OCONUS and he or she is required to perform a TDY anywhere in the world, due to a transfer to another unaccompanied or dependent-restricted tour, and the dependent continues to reside at the same location then continue to pay the housing allowance based on the dependent's permanent residence.

2. If a Service member is assigned to an unaccompanied or dependent-restricted tour at a PDS OCONUS and the Service member is required to perform a TDY due to a transfer to the United States, and the dependent continues to reside at the same location then continue to pay a housing allowance based on the dependent's permanent residence location through the day before the Service member's reporting day to the new PDS. Start BAH or OHA based on the new PDS, the day the Service member reports at that PDS.

3. If a Service member is assigned to "unusually arduous sea duty" in the United States and the dependent is not residing with the Service member at the unit's home port then pay BAH based on the unit's home port. The Service member may request a waiver through the Secretarial process for BAH or OHA to be based on the old PDS if the dependent remained in the residence shared with the Service member before the PCS, or based on the dependent's current location.

Table 26-32. Dependent Retains Permanent Residence when Service Member Assigned to Unaccompanied or Dependent-Restricted Tour at a PDS OCONUS or "Unusually Arduous Sea Duty" Outside the United States

<b>If the dependent retains the permanent residence in the United States and ...</b>		<b>Then...</b>
<b>1</b>	remains at the Service member's old PDS,	continue to pay BAH based on the old PDS.
<b>2</b>	is at a U.S. location other than the old PDS, and the Service member is receiving BAH based on a Secretarial waiver,	continue the BAH previously being paid.

Table 26-32. Dependent Retains Permanent Residence when Service Member Assigned to Unaccompanied or Dependent-Restricted Tour at a PDS OCONUS or “Unusually Arduous Sea Duty” Outside the United States (Continued)

<b>If the dependent retains the permanent residence in the United States and ...</b>		<b>Then...</b>
<b>3</b>	is at a U.S. location other than the old PDS that is <i>not</i> a location for which the Service member had a Secretarial waiver,	stop old PDS-based BAH the day before the Service member’s departure. Pay BAH-Transit starting on the Service member’s departure day until the day before the Service member’s reporting day at the new PDS. Start BAH based on the dependent’s location the day the Service member arrives at the new PDS.
<b>If the dependent retains the permanent residence outside the United States and...</b>		<b>Then...</b>
<b>4</b>	remains at the Service member’s old PDS,	continue to pay OHA based on the old PDS.
<b>5</b>	is at a location OCONUS other than the old PDS and the Service member is receiving OHA based on a Secretarial waiver,	continue the OHA previously paid.
<b>6</b>	is at a location OCONUS other than the old PDS that is <i>not</i> a location for which the Service member had a Secretarial waiver,	stop OHA the day before the Service member’s departure. Pay BAH-Transit starting on the Service member’s departure day until the day before the Service member’s reporting day at the new PDS. Start OHA based on the dependent’s location the day the Service member arrives at the new PDS.

Table 26-33. Dependent Relocates when Service Member Assigned to Unaccompanied or Dependent-Restricted Tour at a PDS OCONUS or “Unusually Arduous Sea Duty” Outside the United States

<b>If the dependent.</b>	<b>And...</b>	<b>Then...</b>
<b>1</b> relocates the permanent residence from the United States to another location in the United States at Government expense	travels with the Service member,	start BAH based on the dependent’s location, the day one or more dependents arrive at the new residence location and stop BAH-Transit the day before the dependent arrives.

Table 26-33. Dependent Relocates when Service Member Assigned to Unaccompanied or Dependent-Restricted Tour at a PDS OCONUS or “Unusually Arduous Sea Duty” Outside the United States (Continued)

<b>If the dependent.</b>		<b>And...</b>	<b>Then...</b>
<b>2</b>	relocates the permanent residence from the United States to another location in the United States at Government expense	travels after the Service member,	<ul style="list-style-type: none"> <li>a. Stop BAH based on the old PDS the day before the Service member departs.</li> <li>b. Start BAH-Transit the day the Service member departs and pay it through the day before the Service member’s reporting day at the new PDS.</li> <li>c. Start BAH based on the old PDS, the day the Service member reports to the new PDS and continue it until the day before the dependent arrives at the new residence location.</li> <li>d. Start BAH based on the dependent’s location, the day one or more dependents arrive at the new residence location.</li> </ul>
<b>3</b>	relocates the permanent residence at Government expense from outside the United States to the United States	travels in advance of the Service member,	start BAH based on the dependent’s location, the day one or more dependents arrive at the new residence location. OHA based on the old PDS or BAH-Transit continues through the day before the dependent arrives.
<b>4</b>	relocates the permanent residence from outside the United States to the United States	travels with the Service member,	<ul style="list-style-type: none"> <li>a. Stop OHA the day before the Service member departs.</li> <li>b. Start BAH-Transit on the day the Service member departs and continue it through the day before the dependent arrives at the new location.</li> <li>c. Start BAH based on the dependent’s location, the day one or more dependents arrive at the new residence location.</li> </ul>
<b>5</b>		travels after the Service member,	<ul style="list-style-type: none"> <li>a. Stop OHA based on the old PDS, the day before the Service member departs.</li> <li>b. Start BAH-Transit the day the Service member departs and continue it through the day before the Service member’s reporting date at the new PDS.</li> <li>c. Start OHA based on the old PDS, the day the Service member reports to the new PDS and continue it until the day before the dependent departs.</li> <li>d. Start BAH based on the dependent’s location, the day one or more dependents arrive at the new residence location.</li> </ul>

Table 26-33. Dependent Relocates when Service Member Assigned to Unaccompanied or Dependent-Restricted Tour at a PDS OCONUS or “Unusually Arduous Sea Duty” Outside the United States (Continued)

<b>If the dependent.</b>	<b>And...</b>	<b>Then...</b>
<b>6</b> relocates the permanent residence at Government expense from a location outside the United States to another location outside the United States	travels in advance of the Service member,	start OHA based on the dependent’s location, the day the dependent incurs permanent lodging costs at the new residence. OHA based on the old PDS or BAH-Transit continues through the day before OHA based on the dependent’s location begins.
<b>7</b> relocates the permanent residence at Government expense from a location outside the United States to another	travels with the Service member,	a. Stop OHA based on the old PDS the day before the Service member departs. b. Start BAH-Transit the day the Service member departs the old PDS. c. Start OHA based on the dependent’s location, the day the dependent incurs permanent lodging costs at the new residence location. d. Stop BAH-Transit the day before OHA based on the dependent’s location begins.
<b>8</b> location outside the United States	travels after the Service member,	a. Stop OHA based on the old PDS, the day before the Service member departs. b. Start BAH-Transit the day the Service member departs and continue it through the day before the Service member’s reporting day at the new PDS. c. Start OHA based on the old PDS, the day the Service member reports to the new PDS and continue it until the day before the dependent departs. d. Start OHA based on the dependent’s location, the day the dependent starts incurring permanent lodging costs at the new residence location.

Table 26-33. Dependent Relocates when Service Member Assigned to Unaccompanied or Dependent-Restricted Tour at a PDS OCONUS or “Unusually Arduous Sea Duty” Outside the United States (Continued)

If the dependent.		And...	Then...
<b>9</b>	relocates the permanent residence at Government expense from the United States to a location outside the United States	travels in advance of the Service member,	start OHA based on the dependent’s location, the day the dependent incurs permanent lodging costs at the new residence location. BAH based on the old PDS, or BAH-Transit continues through the day before OHA based on the dependent’s location begins.
<b>10</b>	relocates the permanent residence at Government expense from the United States to a location outside the United States	travels with the Service member,	<ul style="list-style-type: none"> <li>a. Stop BAH based on the old PDS, the day before the Service member departs.</li> <li>b. Start BAH-Transit the day the Service member departs the old PDS.</li> <li>c. Start OHA based on the dependent’s location, the day the dependent incurs permanent lodging costs at the new residence location.</li> <li>d. Stop BAH-Transit the day before OHA based on the dependent’s location begins.</li> </ul>
<b>11</b>	relocates the permanent residence at Government expense from the United States to a location outside the United States	travels after the Service member,	<ul style="list-style-type: none"> <li>a. Stop BAH based on the old PDS, the day before the Service member departs.</li> <li>b. Start BAH-Transit on the day the Service member departs and continue it through the day before the Service member’s reporting day at the new PDS.</li> <li>c. Start BAH based on the old PDS, the day the Service member reports to the new PDS.</li> <li>d. Start OHA based on the dependent’s location, the day the dependent starts incurring permanent lodging costs at the new residence location.</li> <li>e. Stop BAH based on the old PDS, the day before OHA based on the dependent’s location begins.</li> </ul>

Table 26-33. Dependent Relocates when Service Member Assigned to Unaccompanied or Dependent-Restricted Tour at a PDS OCONUS or “Unusually Arduous Sea Duty” Outside the United States (Continued)

<b>If the dependent.</b>	<b>And...</b>	<b>Then...</b>
<b>12</b> relocates the residence at personal expense while the Service	moves to an OHA area,	pay the rate for where the dependent retains the permanent residence (in or outside the United States) through the day before a dependent arrives at the new permanent residence location. OHA authority at the rate applicable to the new permanent residence location begins the day a dependent arrives at that location.
<b>13</b> member is serving an unaccompanied or	relocates between BAH locations,	continue BAH based on the rate for the previously authorized location—either the old PDS or the dependent’s location—before the move.
<b>14</b> dependent restricted tour,	relocates from a designated place outside the United States (OHA area) to a U.S. location,	discontinue OHA based on the previously authorized location the day before the dependent departs. Start BAH based on the new permanent residence location, the day a dependent arrives at that location.

261005. Reserve Component (RC) Member

A DoD retired Service member ordered to active duty is authorized the same housing allowances as an RC member. A lease agreement or verifiable purchase price is required before OHA payment.

A. Order Duration. An RC member called or ordered to active duty for 30 or fewer days is authorized the **RC rate (BAH-RC)**, except for contingency operations or for an AGR member. A Service member called or ordered to active duty for 31 or more days, except a Service member without a dependent during initial entry training, is authorized BAH or OHA. An RC member initially on a tour of 30 or fewer days who receives an order modification or assignment extension with a prospective, new active-duty period of 31 or more days receives BAH or OHA on the modification date. If the new period is 31 or more days, BAH-RC stops the day before the amendment or modification and BAH or OHA based on the primary residence starts on the modification date. Periods of active duty previously served may not be added together to meet the requirement for BAH or OHA that active duty exceeds 30 days. See paragraph 261010 for the rate for a Service member in accession pipeline travel.

1. Called or Ordered to Active Duty for 30 or Fewer Days. If the RC member is called or ordered to active duty for 30 or fewer days and the duty is not in support of a contingency operation, then start BAH-RC on the first day of active duty. If the duty is in support of a contingency operation, then start BAH or OHA based on the primary residence at the time called or ordered to active duty beginning on the first day of active duty.

2. Called or Ordered to Active Duty for Other than Training or Active Duty for Training (ADT) for 31 or More Days. An RC member called or ordered to ADT for a period lasting between 31 and 139 days, receives BAH or OHA based on the primary residence at the time called or ordered to ADT beginning on the first day of active duty. An RC member called or ordered to active duty for other than training for a period lasting between 31 and 180 days, except if he or she is without a dependent during initial entry training, is authorized BAH or OHA based on the primary residence beginning on the first day of active duty. This rate continues for the tour duration except as otherwise specified in this chapter.

3. Called or Ordered to ADT for 140 or More Days or Other than Training for 181 or More Days and Authorized HHG Transportation. Except when supporting a contingency operation, the initial rate ends on the day before the RC member reports at the duty location specified in the active-duty order. Whether or not the duty is in support of a contingency operation, BAH or OHA based on the primary residence starts at the time called or ordered to active duty for training, beginning on the first day of active duty and continues through the day before arrival at the PDS. BAH or OHA based on the PDS location begins on the day the RC member reports at that location. An RC member called or ordered to ADT for 140 or more days at one location or other than training for 181 or more days is authorized BAH or OHA in the same manner as a Service member already on active duty. OHA or BAH is not authorized for an RC member assigned adequate Government quarters to his or her grade and dependency status at the PDS.

4. Called or Ordered to ADT for 140 or More Days but not Authorized HHG Transportation. If the RC member is not authorized HHG transportation (e.g., duty is not performed for 140 or more days at one location), he or she receives BAH or OHA based on the primary residence at the time called or ordered to active duty, except as specified for an RC member OCONUS without a dependent. An RC member without a dependent authorized PCS allowances but not HHG transportation to a location OCONUS and Government quarters are not available, receives BAH or OHA based on the primary residence, unless the rate at the PDS is authorized or approved through the Secretarial Process.

5. Called or Ordered to Active Duty Other than Training for 181 or More Days but not Authorized HHG Transportation. An RC member called or ordered to active duty for other than training for 181 or more days who is not authorized HHG transportation for a PCS receives BAH or OHA based on the primary residence, except as specified for an RC member OCONUS without a dependent in subparagraph 261005.A.6. The member must be residing at any of the following locations at the time called or ordered to active duty:

a. At locations outside the local commuting distance of the RC member's primary residence and the duty is not for more than 180 consecutive days at one location.



b. At a location other than the RC member's primary residence but authorized TDY allowances as specified in the JTR, Chapter 3.

c. At a location to which the RC member commutes from his or her primary residence.

d. At a location OCONUS for a prospective period of less than 12 months.

6. RC Member Without-dependent OCONUS. An RC member without a dependent—or who has no dependents other than for whom he or she is paying child support—and who is not authorized FSH as specified in Section 2607 receives BAH or OHA based on the primary residence. If the following conditions apply:

a. The RC member is authorized PCS allowances to a location OCONUS.

b. The RC member is not authorized PCS HHG transportation because the prospective period is less than 12 months. HHG transportation under a TDY order, as specified in the JTR, Chapter 2, does not affect this housing allowance authority.

c. Government quarters are *not* available at the PDS.

Then the Service may determine that it is inequitable to pay a housing allowance based on the primary residence. A housing allowance based on the PDS may be authorized or approved through the Secretarial Process. If Government quarters are available for assignment to the RC member at the PDS, he or she receives only BAH or OHA based on the primary residence.

7. Called or Ordered to Active Duty for Contingency. An RC member called or ordered to active duty in support of a contingency operation is authorized BAH or OHA based on the primary residence beginning on the first day of active duty. This rate is authorized even for duty of 30 or fewer days. This rate continues for the duration of the tour unless the RC member is authorized PCS HHG transportation, in which case the rate for the PDS would apply on the day the RC member reports to the PDS.

8. Injured or Physically Disabled While on Active Duty or on Inactive-Duty Training

a. An RC member injured or physically disabled due to an injury, illness, or disease incurred or aggravated in the line of duty during any of the following is authorized BAH or OHA:

(1) Performing active duty.

(2) While on inactive-duty training, other than work or study in connection with a correspondence course of an armed force, or attendance in an inactive status at an education institution under the sponsorship of an armed force or the USPHS.

(3) While authorized incapacitation pay, which may include BAH or OHA under DoDI 1241.01 (RC Line of Duty Determination for Medical and Dental Treatments and Incapacitation Pay Entitlements).

b. BAH or OHA is based on the primary residence and is paid beginning on the date the RC member becomes entitled to incapacitation pay. BAH or OHA for an eligible RC member may not be paid for more than 6 months except when, in the interest of fairness and equity, the Secretary concerned or the Secretary's designee extends incapacitation pay. For offsets, see 37 U.S.C. §204(g) and (h), and DoDI 1241.01 (RC Line of Duty Determination for Medical and Dental Treatments and Incapacitation Pay Entitlements).

9. Order Modification or Amendment. When an RC member receives an order modification or amendment extending his or her assignment, the prospective new active-duty period determines the authority for housing allowances. If the prospective period is 140 or more days for training or 181 or more days and HHG are authorized for the PCS, the BAH-RC or BAH or OHA based on the primary residence stops the day before the modification or amendment and BAH or OHA based on the PDS begins on the modification date.

B. Contingency Operation. An RC member called or ordered to active duty in support of a contingency operation is authorized BAH or OHA for the duration of the tour. If the RC member receives a PCS order authorizing HHG transportation, BAH or OHA is based on the new PDS. However, if the Service member is called or ordered to active duty and a PCS order is not issued, BAH or OHA is based and paid on the primary residence location at the time called or ordered to active duty except for an AGR member.

C. AGR Member. An AGR member's BAH or OHA is based on the PDS, even when the Service member is mobilized for active duty other than for AGR duty, provided the Service member does not have a break in service. The rate based on the PDS applies for the duration of the tour. If the AGR member receives a PCS order authorizing HHG transportation, BAH or OHA is based on the new PDS. However, if the Service member is called or ordered to active duty without a break in service and a PCS order authorizing HHG transportation is not issued, BAH or OHA is based and paid on the PDS location at the time called or ordered to active duty. A break in service occurs when 1 or more calendar days between active-duty service periods do not qualify as active-duty service. If an AGR member has a break in service when called to active duty for other than AGR duty, then the Service member is paid a housing allowance as for any other RC member (for example, the primary-residence rate).

D. RC Member Married to Service Member. Unless an RC member is assigned to a contingency operation or is an AGR member when he or she is called to active duty for 30 or fewer days, the RC member is authorized the RC rate (BAH-RC) without-dependent rate if he or she is not assigned to Government quarters and is married to another Service member on active duty without a dependent. For such an RC member on active duty for 31 or more days, each Service member is authorized BAH or OHA at the without-dependent rate. If a Service member in this situation has a dependent, BAH or OHA is paid as for an active-duty member.

## 261006. Government Defers Dependent Travel

A. When the Government defers dependent travel at Government expense to a Service member's new PDS pending housing availability, in the CONUS or OCONUS, a with-dependent housing allowance continues to be paid at the old PDS rate, or at the rate for the dependent's location if the dependent relocated there at Government expense. In a case in which the Secretarial Process previously authorized a housing allowance based on the dependent's location, that rate continues.

B. FSH-O or FSH-B for the Service member's location starts when the Service member obtains private-sector housing.

C. The payment of the with-dependent allowance and FSH-O or FSH-B continues for 60 days after dependent travel is authorized. If the 60-day time period expires, a dependent has not arrived at the Service member's PDS, and an extension to the 60-day period has not been granted through the Secretarial Process, a housing allowance is not authorized for the dependent's location. However, the Service member is authorized a with-dependent allowance based on the PDS location.

D. Table 26-34 specifies changes to a housing allowance when the Government defers a dependent's travel to a duty station OCONUS.

Table 26-34. Changes when Government Defers Dependent Travel to Duty Station OCONUS

	<b>If...</b>	<b>And...</b>	<b>Then...</b>
<b>1</b>	the expected travel delay is at least 61 days but less than 20 weeks, the dependent did not relocate at Government expense,	arrives within 60 days of being given authorization to travel to the PDS OCONUS,	<ul style="list-style-type: none"> <li>a. Continue the with-dependent allowance based on the old PDS upon the Service member's departure.</li> <li>b. Start FSH-O or FSH-B the day private-sector housing is acquired at the new PDS.</li> <li>c. Stop FSH the day before the dependent arrives.</li> <li>d. Stop the with-dependent allowance based on the old PDS the day before the dependent arrives.</li> <li>e. Start OHA or BAH in Alaska or Hawaii at the with-dependent rate on the dependent's arrival date.</li> </ul>
<b>2</b>		does <i>not</i> arrive within 60 days of being given authorization to travel to the PDS OCONUS,	<ul style="list-style-type: none"> <li>a. Continue the with-dependent allowance, based on the old PDS upon the Service member's departure.</li> <li>b. Start FSH-O or FSH-B the day private-sector housing is acquired at the new PDS.</li> <li>c. Stop FSH at 24:00 on the 60th day from the date travel is authorized to begin.</li> <li>d. Change the with-dependent allowance to the rate based on the new PDS on the 61st day.</li> </ul>

Table 26-34. Changes when Government Defers Dependent Travel to Duty Station OCONUS (Continued)

	<b>If...</b>	<b>And...</b>	<b>Then...</b>
<b>3</b>	the expected travel delay is 20 or more weeks, the dependent did not relocate at Government expense,	arrives within 60 days of being given authorization to travel to the PDS OCONUS	<ul style="list-style-type: none"> <li>a. Continue the with-dependent allowance based on the old PDS upon the Service member's departure.</li> <li>b. Start FSH-O or FSH-B the day private-sector housing is acquired at the new PDS.</li> <li>c. Stop FSH and the with-dependent allowance the day before the dependent arrives.</li> <li>d. Start OHA, or BAH in Alaska or Hawaii, at the with-dependent rate the day the dependent arrives at the Service member's PDS.</li> </ul>
<b>4</b>		does <i>not</i> arrive within 60 days of being given authorization to travel to the PDS OCONUS,	<ul style="list-style-type: none"> <li>a. Continue the with-dependent allowance based on the old PDS, upon the Service member's departure.</li> <li>b. Start FSH-O or FSH-B the day private-sector housing is acquired at the new PDS.</li> <li>c. Stop FSH-O or FSH-B at 24:00 on the 60th day from the date travel is authorized to begin.</li> <li>d. Change the with-dependent allowance to the rate based on the new PDS on the 61st day.</li> </ul>
<b>5</b>	the dependent is relocated at Government expense	arrives within 60 days of being given authorization to travel to the PDS OCONUS,	<ul style="list-style-type: none"> <li>a. Change the rate of the with-dependent allowance from the rate of the old PDS to the rate of the designated location, the day the dependent arrives at the designated location.</li> <li>b. Start FSH-O or FSH-B the day private-sector housing is acquired at the PDS.</li> <li>c. Stop FSH the day before the dependent arrives.</li> <li>d. Stop the with-dependent allowance, based on the dependent's location, the day before the dependent arrives at the Service member's PDS.</li> <li>e. Start OHA, or BAH in Alaska or Hawaii, at the with-dependent rate the day the dependent arrives at the Service member's PDS.</li> </ul>

Table 26-34. Changes when Government Defers Dependent Travel to Duty Station OCONUS (Continued)

6	If...	And...	Then...
		does <i>not</i> arrive within 60 days of being given authorization to travel to the PDS OCONUS,	<ul style="list-style-type: none"> <li>a. Change the rate of the with-dependent allowance from the rate of the old PDS to the rate of the designated location, the day the dependent arrives at the designated location.</li> <li>b. Start FSH-O or FSH-B the day private-sector housing is acquired at the new PDS.</li> <li>c. Stop FSH-O or FSH-B at 24:00 on the 60th day from the date travel is authorized to begin.</li> <li>d. Change the with-dependent allowance from the rate of the old PDS to the rate of the new PDS on the 61st day.</li> </ul>

E. Tables 26-35 and 26-36 specify changes, based on location and expected travel delay, when the Government defers dependent travel to a duty station in the CONUS when the area has been declared a concurrent dependent travel application area (see JTR, Chapter 5, paragraph 051205).

Table 26-35. Government Defers Dependent's Travel to PDS in the CONUS for 139 or Fewer Days and Old PDS is in the United States

If the dependent is not relocated at Government expense and...		Then...
1	arrives within 60 days of travel authorization,	<ul style="list-style-type: none"> <li>a. Upon the Service member's departure, continue the with-dependent allowance based on the old PDS.</li> <li>b. Start FSH-B the day private-sector housing is acquired at the new PDS.</li> <li>c. Stop FSH the day before the dependent arrives.</li> <li>d. Stop the with-dependent allowance based on the old PDS the day before the dependent arrives.</li> <li>e. Start BAH at the with-dependent rate the day the dependent arrives at the Service member's PDS.</li> </ul>
2	does <i>not</i> arrive within 60 days of travel authorization,	<ul style="list-style-type: none"> <li>a. Upon the Service member's departure, continue the with-dependent allowance based on the old PDS.</li> <li>b. Start FSH-B the day private-sector housing is acquired at the new PDS.</li> <li>c. Stop FSH at 24:00 on the 60th day from the date travel is authorized to begin.</li> <li>d. Change the with-dependent allowance from being based on the old PDS to being based on the new PDS on the 61st day.</li> </ul>

Table 26-36. Government Defers Dependent's Travel to PDS in the CONUS when the Old PDS is Outside the United States *or* the Old PDS is in the United States and the Expected Travel Delay is 140 or More Days (20 Weeks)

<b>If the dependent is not relocated at Government expense, and...</b>		<b>Then...</b>
<b>1</b>	arrives within 60 days of travel authorization	<ul style="list-style-type: none"> <li>a. Upon the Service member's departure, continue the with-dependent allowance based on the old PDS.</li> <li>b. Start FSH-B on the day private-sector housing is acquired at the new PDS.</li> <li>c. Stop FSH on the day before dependent arrival.</li> <li>d. Stop the with-dependent allowance based on the old PDS on the day before the dependent arrives.</li> <li>e. Start BAH at the with-dependent rate as of the day the dependent arrives at the Service member's PDS.</li> </ul>
<b>2</b>	does <i>not</i> arrive within 60 days of travel authorization	<ul style="list-style-type: none"> <li>a. Upon the Service member's departure, continue the with-dependent allowance based on the old PDS.</li> <li>b. Start FSH-B on the date private-sector housing is acquired at the PDS.</li> <li>c. Stop FSH-B at 24:00 on the 60th day from the date travel is authorized to begin.</li> <li>d. Change the with-dependent allowance from being based on the old PDS to being based on the new PDS on the 61st day.</li> </ul>
<b>3</b>	Arrives within 60 days of travel authorization	<ul style="list-style-type: none"> <li>a. Change the rate of the with-dependent allowance from the rate of the old PDS to the rate of the designated location, the day the dependent arrives at the designated location.</li> <li>b. Start FSH-B the day private-sector housing is acquired at the new PDS.</li> <li>c. Stop FSH-B at 24:00 on the 60th day from the date travel is authorized to begin.</li> <li>d. Stop the with-dependent allowance based on the dependent's location, the day before the dependent arrives at the Service member's PDS.</li> <li>e. Start BAH at the with-dependent rate for the Service member's PDS the day the dependent arrives at the Service member's PDS.</li> </ul>

Table 26-36. Government Defers Dependent's Travel to PDS in the CONUS when the Old PDS is Outside the United States *or* the Old PDS is in the United States and the Expected Travel Delay is 140 or More Days (20 Weeks) (Continued)

If the dependent is not relocated at Government expense, and...	Then...
4 does <i>not</i> arrive within 60 days of travel authorization	a. Change the rate of the with-dependent allowance from the rate of the old PDS to the rate of the designated location, the day the dependent arrives at the designated location. b. Start FSH-B the day private-sector housing is acquired at the new PDS. c. Stop FSH-B at 24:00 on the 60th day from the date travel is authorized to begin. d. Change the with-dependent allowance from being based on the dependent's location to being based on the new PDS on the 61st day.

261007. Dependent Travels Before or After Service Member

When a PCS order has been issued, the Service member's family may perform PCS travel at a different time than the Service member.

A. Housing Allowance Based on Dependent's Location or Old PDS. Unless otherwise authorized or approved, a Service member's housing allowance is based on the PDS. If authorized or approved through the Secretarial Process, a Service member may be authorized a housing allowance based on the location at which a dependent maintains a permanent residence or the old PDS. Situations that are routinely authorized or approved at a lower level than the Service Secretary are listed in subparagraph 261002.B. An example of advance travel is the member's family travels ahead to get settled before school starts. An example of delayed travel is the family remains at the old PDS until the school year ends.

B. Secretarial Determinations. The Secretary concerned may determine that other circumstances may require a dependent to reside separately from the Service member and authorize or approve a housing allowance payment based on either the dependent's location or the old PDS. If the Secretary concerned determined that an additional reason for a BAH or OHA waiver was acceptable, the Secretarial Process may then be used to authorize or approve individual cases based on that determination.

C. Rates Applicable

1. If a dependent relocates, the rate applicable to the dependent's new residence location is effective on the date the dependent arrives.

2. If the dependent does *not* relocate, the with-dependent allowance is based on the higher of the rates for the dependent's location or the Service member's old PDS and continues until the dependent departs the authorized or approved location.

3. A Service member is generally authorized BAH-Transit while on leave and travel between PDSs. However, in situations in which the Secretary concerned has authorized or approved an advance or delayed travel situation, the authorized or approved allowance at the with-dependent rate applies. In delayed travel situations, when the dependent departs the authorized or approved location, the allowance changes to the new PDS if the Service member has already arrived there or to the BAH-Transit if the Service member is still in transit.

D. Advance Travel. In all cases of advance travel, if the Service member is assigned Government quarters at the old PDS and a housing allowance has not been approved by the Secretarial process for the dependent's location, do not start either BAH or OHA.

1. Table 26-37 specifies changes to housing allowances when the old PDS and new PDS are in the BAH area.

Table 26-37. Advance Dependent Travel when Service Member's Old PDS and New PDS Are in the United States (BAH Area)

If the Service member...		And a housing allowance...	Then...
1	is assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location,	Start BAH at the with-dependent rate based on the dependent's location on whichever is later: <ol style="list-style-type: none"> <li>a. The Arrival date.</li> <li>b. The date Government quarters assignment terminates.</li> <li>c. The effective date specified by the authorizing or approving document.</li> </ol>
2	is not assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location,	<ol style="list-style-type: none"> <li>a. Start BAH at the with-dependent rate based on the dependent's location on whichever is later:               <ol style="list-style-type: none"> <li>(1) The arrival date.</li> <li>(2) The effective date specified by the authorizing or approving document.</li> </ol> </li> <li>b. Stop BAH based on the current PDS as of the day before BAH starts based on the dependent's location.</li> </ol>
3	is not assigned Government quarters at the old PDS	has <i>not</i> been approved through the Secretarial Process for the dependent's location,	continue BAH based on the current PDS until the Service member's departure.

2. Table 26-38 specifies changes to housing allowances when the old PDS is in the BAH area and the new PDS is outside the OHA area.



Table 26-38. Advance Dependent Travel when Service Member's Old PDS is in the United States (BAH Area), New PDS is Outside the United States (OHA Area)

	<b>If the Service member...</b>	<b>And a housing allowance...</b>	<b>Then...</b>
<b>1</b>	is assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location,	start OHA at the with-dependent rate based on the dependent's location on whichever is later: <ol style="list-style-type: none"> <li>a. The date private-sector housing is obtained at the new PDS.</li> <li>b. The date Government quarters assignment terminates.</li> <li>c. The effective date specified by the authorizing or approving document.</li> </ol>
<b>2</b>	is not assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location,	<ol style="list-style-type: none"> <li>a. Start OHA at the with-dependent rate based on the dependent's location on whichever is later:               <ol style="list-style-type: none"> <li>(1) The date private-sector housing is obtained at the new PDS.</li> <li>(2) The effective date specified by the authorizing or approving document.</li> </ol> </li> <li>b. Stop BAH based on the current PDS, the day before OHA starts based on the dependent's location.</li> </ol>
<b>3</b>	is not assigned Government quarters at the old PDS	has <i>not</i> been approved through the Secretarial Process for the dependent's location,	continue BAH based on the current PDS until the Service member's departure.

3. Table 26-39 specifies changes to housing allowances when the old PDS is outside the OHA area and the new PDS is in the BAH area.

Table 26-39. Advance Dependent Travel when Service Member's Old PDS is Outside the United States (OHA Area), New PDS is in the United States (BAH Area)

	<b>If the Service member...</b>	<b>And a housing allowance...</b>	<b>Then...</b>
<b>1</b>	is assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location,	Start BAH at the with-dependent rate based on the dependent's location on whichever is later: <ol style="list-style-type: none"> <li>The Arrival date.</li> <li>The date Government quarters assignment terminates.</li> <li>The effective date specified by the authorizing or approving document.</li> </ol>
<b>2</b>	is not assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location,	<ol style="list-style-type: none"> <li>Start BAH at the with-dependent rate based on the dependent's location on whichever is later:               <ol style="list-style-type: none"> <li>The arrival date.</li> <li>The effective date specified by the authorizing or approving document.</li> </ol> </li> <li>Stop OHA based on the current PDS, the day before BAH starts based on the dependent's location.</li> </ol>
<b>3</b>	is not assigned Government quarters at the old PDS	has <i>not</i> been approved through the Secretarial Process for the dependent's location,	continue OHA based on the current PDS, until the Service member's departure.

4. Table 26-40 specifies changes to housing allowances when both the old and new PDS are outside the OHA area.

Table 26-40. Advance Dependent Travel when Service Member's Old and New PDS are Outside the United States (OHA Area)

	<b>If the Service member...</b>	<b>And a housing allowance...</b>	<b>Then...</b>
<b>1</b>	is assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location,	start OHA at the with-dependent rate based on the dependent's location on whichever is later: <ol style="list-style-type: none"> <li>The date private-sector housing is obtained at the new PDS.</li> <li>The date Government quarters assignment terminates.</li> <li>The effective date specified by the authorizing or approving document.</li> </ol>

Table 26-40. Advance Dependent Travel when Service Member's Old and New PDS are Outside the United States (OHA Area) (Continued)

If the Service member...		And a housing allowance...	Then...
2	is not assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location,	a. Start OHA at the with-dependent rate based on the dependent's location on whichever is later: <ol style="list-style-type: none"> <li>(1) The date private-sector housing is obtained at the new PDS.</li> <li>(2) The effective date specified by the authorizing or approving document.</li> </ol> b. Stop OHA based on the current PDS, the day before OHA starts based on the dependent's location.
3	is not assigned Government quarters at the old PDS	has <i>not</i> been approved through the Secretarial Process for the dependent's location,	continue OHA based on the current PDS until the Service member's departure.

E. Delayed Travel

1. Table 26-41 specifies changes to housing allowances when the old PDS and new PDS are in the BAH area.

Table 26-41. Delayed Dependent Travel when Service Member's Old PDS and New PDS Are in the United States (BAH area)

If the Service member...		And a housing allowance...	Then...
1	is assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location,	a. start BAH based on the higher of either the old PDS or the dependent's location on whichever is later: <ol style="list-style-type: none"> <li>(1) The day Government quarters assignment terminates.</li> <li>(2) The effective date specified by the authorizing or approving document.</li> </ol> b. base the allowance on the new PDS the day the dependent departs if the Service member has arrived at the new PDS or change it to BAH-Transit if the Service member is still in transit.

Table 26-41. Delayed Dependent Travel when Service Member's Old PDS and New PDS Are in the United States (BAH area) (Continued)

If the Service member...		And a housing allowance...	Then...
2	is assigned Government quarters at the old PDS	has <i>not</i> been approved through the Secretarial Process for the dependent's location,	start BAH based on the new PDS, the day Government quarters assignment terminates if the Service member has arrived at the new PDS or start BAH-Transit if the Service member is still in transit.
3	is <i>not</i> assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location,	<ul style="list-style-type: none"> <li>a. continue BAH based on the higher of either the old PDS or on the dependent's location on whichever is later: <ul style="list-style-type: none"> <li>(1) The day the Service member departs from the old PDS.</li> <li>(2) The effective date specified by the authorizing or approving document.</li> </ul> </li> <li>b. base the allowance on the current PDS the day the dependent departs if the Service member has arrived at the new PDS or change it to BAH-Transit if the Service member is still in transit.</li> </ul>
4		has <i>not</i> been approved through the Secretarial Process for the dependent's location,	stop BAH as of the day before the Service member's departure.

2. Table 26-42 specifies changes to housing allowances when the old PDS is in the BAH area and the new PDS is outside the OHA area.

Table 26-42. Delayed Dependent Travel when Service Member's Old PDS in the United States (BAH Area), New PDS Outside the United States (OHA Area)

If the Service member...		And a housing allowance...	Then...
1	is assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location,	<ul style="list-style-type: none"> <li>a. start BAH based on the highest of either the old PDS or the dependent's location on whichever is later: <ul style="list-style-type: none"> <li>(1) The day Government quarters assignment terminates.</li> <li>(2) The effective date specified by the authorizing or approving document.</li> </ul> </li> <li>b. base the allowance on the new PDS the day the dependent departs if the Service member has arrived to the new PDS or change it to BAH-Transit if the Service member is still in transit.</li> </ul>

Table 26-42. Delayed Dependent Travel when Service Member's Old PDS in the United States (BAH Area), New PDS Outside the United States (OHA Area) (Continued)

If the Service member...		And a housing allowance...	Then...
2	is assigned Government quarters at the old PDS	has <i>not</i> been approved through the Secretarial Process for the dependent's location,	<ul style="list-style-type: none"> <li>a. start OHA based on the new PDS, the day Government quarters assignment terminates if the Service member has arrived at the new PDS.</li> <li>b. start BAH-Transit if the Service member is still in transit.</li> </ul>
3	is <i>not</i> assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location,	<ul style="list-style-type: none"> <li>a. start BAH based on the highest of either the old PDS or the dependent's location on whichever is later: <ul style="list-style-type: none"> <li>(1) The day the Service member departs from the old PDS.</li> <li>(2) The effective date specified by the authorizing or approving document.</li> </ul> </li> <li>b. base the allowance on the new PDS the day the dependent departs if the Service member has arrived at the new PDS or change it to BAH-Transit if the Service member is still in transit.</li> </ul>
4		has <i>not</i> been approved through the Secretarial Process for the dependent's location,	stop BAH the day before the Service member's departure.

3. Table 26-43 specifies changes to housing allowances when the old PDS is outside the OHA area and the new PDS is in the BAH area.

Table 26-43. Delayed Dependent Travel when Service Member's Old PDS Outside the United States (OHA Area), New PDS in the United States (BAH Area)

If the Service member...		And a housing allowance...	Then...
1	is assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location and the dependent moves to the new PDS after Government quarters terminates,	start BAH based on the new PDS, if the Service member has arrived at the new PDS, or start BAH-Transit if the Service member is in transit.

Table 26-43. Delayed Dependent Travel when Service Member's Old PDS Outside the United States (OHA Area), New PDS in the United States (BAH Area) (Continued)

If the Service member...		And a housing allowance...	Then...
2	is assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location and the dependent moves to private-sector housing at the old PDS after Government quarters terminates,	a. start OHA based on the old PDS on whichever is later: <ol style="list-style-type: none"> <li>(1) The day Government quarters terminates.</li> <li>(2) The date private-sector housing is obtained.</li> <li>(3) The effective date specified by the authorizing or approving document.</li> </ol> b. change to BAH based on new PDS, the day the dependent departs if the Service member has arrived to the new PDS or to BAH-Transit if the Service member is still in transit.
3	is assigned Government quarters	has <i>not</i> been approved by the Secretarial Process for the dependent's location	start BAH based on the new PDS when Government quarters terminates, if the Service member has arrived at the new PDS or start BAH-Transit if the Service member is still in transit.
4	is <i>not</i> assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location,	a. continue OHA based on the old PDS on whichever is later: <ol style="list-style-type: none"> <li>(1) The day the Service member departs from the old PDS.</li> <li>(2) The effective date specified by the authorizing or approving document.</li> </ol> b. change to BAH based on new PDS, the day the dependent departs if the Service member has arrived to the new PDS or to BAH-Transit if the Service member is still in transit.
5		has <i>not</i> been approved through the Secretarial Process for the dependent's location,	stop OHA the day before the Service member's departure.

4. Table 26-44 specifies changes to housing allowances when the old PDS and new PDS are outside the OHA area.

Table 26-44. Delayed Dependent Travel when Service Member's Old and New PDS are Outside the United States (OHA Area)

If the Service member...	And a housing allowance...	Then...
<b>1</b> is assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location and the dependent moves to the new PDS after Government quarters terminates,	start OHA based on the new PDS if the Service member has arrived, or BAH-Transit if in transit.
<b>2</b>	has been approved through the Secretarial Process for the dependent's location and the dependent moves to private-sector housing after Government quarters terminates,	a. start OHA based on the old PDS on whichever is later: <ol style="list-style-type: none"> <li>(1) The date Government quarters terminates.</li> <li>(2) The date private-sector housing is obtained.</li> <li>(3) The effective date specified by the authorizing or approving document.</li> </ol> b. change to OHA based on new PDS, the day the dependent departs if the Service member has arrived to the new PDS or to BAH-Transit if the Service member is in transit.
<b>3</b>	has <i>not</i> been approved through the Secretarial Process for the dependent's location	start OHA based on new PDS if the Service member has arrived, or BAH-Transit if in transit, when the Government quarters assignment terminates.
<b>4</b> is <i>not</i> assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location	a. continue OHA based on old PDS on whichever is later: <ol style="list-style-type: none"> <li>(1) The Service member's departure date from the old PDS.</li> <li>(2) The effective date specified by the authorizing or approving document.</li> </ol> b. change to OHA based on new PDS, the day the dependent departs if the Service member has arrived to the new PDS or to BAH-Transit if the Service member is in transit.
<b>5</b>	has <i>not</i> been approved by the Secretarial Process for the dependent's location	stop OHA on the day before the Service member's departure.

## 261008. Early Return of Dependent

A. Early Return at Government Expense

1. When *all* of a Service member's dependents are returned from a PDS OCONUS at Government expense not due to a PCS, regardless of the reason for the return, the Service member is authorized a housing allowance at the with-dependent rate based on the dependent's permanent residence location effective on the arrival day. If the dependent's location is in an OHA area, start OHA on the date private-sector housing is acquired.

2. OHA, or BAH in Alaska or Hawaii, at the with-dependent rate for the Service member's PDS OCONUS stops on the day before the day the rate for the dependent's permanent residence starts. If the Service member resides in private-sector housing after the dependent's departure and single-type Government quarters are not available, FSH-O or FSH-B for the Service member's PDS location is authorized effective on the day the rate for the dependent's permanent residence location begins. If Government quarters are assigned or made available to the Service member following a dependent's departure, no housing allowance is payable for the Service member's PDS.

3. Whether or not a Service member is assigned family Government quarters:

a. If the dependent's location is in a BAH area, start with-dependent BAH based on dependent residence location as of the dependent's arrival date.

b. If the dependent's location is in an OHA area, start OHA on the date private-sector housing is acquired for the dependent (based on the paperwork).

4. When a Service member assigned to Government family-type quarters terminates the quarters assignment and single-type Government quarters are not available, start FSH effective on the termination date or the date private-sector housing for the Service member is acquired (based on the paperwork for OHA), whichever is later.

5. If a Service member is not assigned to Government family-type quarters then stop the with-dependent rate based on the PDS on the day before the allowance rate based on the dependent's location starts. If single-type Government quarters are not available, start FSH-O or FSH-B the day the allowance based on the dependent's location starts.

B. Early Return at Personal Expense. When *all* of a Service member's dependents returned early from a PDS OCONUS at personal expense, the Service member is not authorized a second housing allowance and the housing allowance at the with-dependent rate based on the Service member's PDS continues without change, unless there is an OHA-related paperwork change. If the Service member vacates family-type Government quarters that were occupied by the dependent before the dependent's departure, the Service member is authorized an allowance at the with-dependent rate for the Service member's PDS. If a Service member assigned family Government quarters at the PDS OCONUS terminates a Government quarters assignment:



1. If in a BAH area, start with-dependent BAH based on the PDS as of the termination date.

2. If in an OHA area, start with-dependent OHA based on the PDS as of the date (based on the paperwork) private-sector housing is acquired or the termination date, whichever is later.

261009. Evacuation of a Service Member's PDS

A. Service Member with a Dependent

1. PDS OCONUS-Command-Sponsored Dependent (see Chapter 67)

a. A Service member, whose command-sponsored dependent is evacuated and who was authorized a with-dependent housing allowance on the evacuation date, continues to be paid that allowance while the Service member's PDS remains unchanged and the Service member continues to maintain private-sector housing, as long as the command-sponsored dependent is receiving evacuation allowances.

b. If a dependent, command sponsored for OCONUS COLA, is authorized to return to the PDS after being evacuated, no housing allowance actions are required, whether or not the Service member is assigned quarters at the PDS.

c. If a dependent's return to the PDS is not authorized or approved, then the dependent must select a designated place and will continue to receive evacuation allowances as specified in the JTR, Chapter 6. A Service member is authorized a with-dependent allowance based on the location of the designated place beginning the day after the evacuation allowance ends, whether or not the Service member is assigned Government quarters at the PDS.

(1) If the Service member is not assigned Government quarters at the PDS, OHA or BAH based on the PDS OCONUS stops on the day before the allowance based on the designated place starts.

(2) If Government quarters are not available for the Service member at a PDS OCONUS, start FSH-O or FSH-B based on the PDS on the same day as the with-dependent allowance based on the designated place starts.

2. PDS OCONUS—Non-Command Sponsored Dependent

a. If the evacuation occurs 89 or fewer days after a dependent arrived at the Service member's PDS OCONUS and the Service member is still being paid a with-dependent allowance based on the dependent's permanent residence or designated place as well as FSH-O or FSH-B based on the PDS OCONUS rate, then no changes in housing allowances are required. Whether the Service member is assigned Government quarters at the PDS is not a factor.

b. If the evacuation occurs 90 or more days after a dependent arrived at the Service member's PDS OCONUS and the Service member is now being paid a with-dependent allowance based on the PDS, reinstate OHA or BAH based on the dependent's prior permanent residence or designated place on the dependent's departure day from the PDS. Stop the with-dependent OHA or BAH allowance based on the PDS the day before the dependent departs. If after the dependent departs and Government quarters are not available for the Service member, then start FSH based on the PDS on the day the dependent departs the PDS.

### 3. PDS in the CONUS

a. A Service member who was authorized a with-dependent BAH on the date the dependent was evacuated continues to be paid BAH as long as the dependent is receiving evacuation allowances when both of the following conditions apply:

(1) The Service member's PDS remains unchanged.

(2) The Service member continues to maintain private-sector housing.

b. If a dependent is authorized to return to the PDS after being evacuated, no housing allowance actions are required. Whether the Service member is assigned Government quarters at the PDS is not a factor.

c. If the return of a dependent to the PDS is not authorized or approved, the dependent is directed to select a designated place and continue to receive evacuation allowances as provided in the JTR, Chapter 6 until he or she establishes a permanent residence. A Service member is authorized a with-dependent allowance based on the designated place beginning the day after evacuation allowances end. BAH based on the PDS stops the day before evacuation allowances end.

B. Service Member Without-Dependent. A Service member without a dependent, who was authorized OHA or BAH at the PDS on the date an evacuation is ordered or authorized, and who continues to maintain a private-sector residence, continues to be authorized the allowance even though the Service member temporarily may be required to occupy Government quarters or be sent on a TDY. When the commanding officer believes the Service member will not be permitted to return to the private-sector housing in the foreseeable future, the commander must encourage the Service member to end the private-sector housing at the earliest practical date and end OHA or BAH concurrent with the private-sector housing termination.

## 261010. Service Member in Transit

BAH-Transit is a temporary housing allowance paid while a Service member is in a travel or leave status between PDSs, provided the Service member is not assigned Government quarters while at the old or new PDS. If the Service member performs a TDY en route at the new PDS, BAH or OHA for the new PDS begins the day of arrival in a TDY status at the new PDS. If the Service member performs a TDY en route at a location near, but outside the limits of, the new PDS or to the home port of a ship, afloat staff, or afloat unit, per diem stops as specified in the JTR, Chapter 5. BAH or OHA for the new PDS begins the day per diem stops.

A. Old PDS in the United States. A Service member's old PDS is the PDS for BAH purposes from the day the Service member departs the old PDS through the day before the Service member reports to the new PDS in compliance with a PCS order. If the Service member had been residing in Government quarters at the old PDS, the Service member is authorized BAH as of the Government quarters termination date.

B. Old PDS Outside the United States. When a Service member's old PDS is outside the United States, and the Service member is not assigned Government quarters, the Service member is authorized OHA through the day before departing the PDS outside the United States. The day the Service member departs, OHA is no longer authorized and the Service member is authorized BAH-Transit if the Service member is not receiving a with-dependent housing allowance for a dependent residing separately. If the Service member is being paid BAH at the with-dependent rate for a dependent residing separately, that BAH rate continues until the Service member arrives at the new PDS. If the Service member is being paid OHA at the with-dependent rate for a dependent residing separately, that OHA rate continues provided the dependent remains at the location outside the United States. If the dependent also performs PCS travel, BAH-Transit applies.

C. New Accession. A Service member in the accession pipeline includes a Service member who is undergoing initial entry training, including an RC member, a student—includes Reserve Officer Training Corps (ROTC) and Officer Candidate School—without prior military Service, or a Service academy graduate upon graduation, until arrival at the first PDS. The Service member remains in the accession pipeline until the Service member arrives at a PDS, including a training location of 20 or more weeks. An RC member remains in the accession pipeline until he or she completes entry-level training or arrives at a PDS, whichever occurs first.

1. Service Member Without-dependent. A Service member in the accession pipeline without a dependent is authorized BAH-Transit when in a travel, leave en route, or proceed time status while transferring from the initial entry training location, between training locations, and to the first PDS. For BAH authorization only (not locality rate), the training sites are defined as a PDS except for an RC member without a dependent. A Service member without a dependent is not authorized BAH (except BAH-Partial) while at the training locations since Government quarters are assigned at the PDS. An RC member without a dependent attending accession training is authorized BAH or OHA based on the primary residence location at the time called or ordered to active duty if the Service member maintains a residence and continues to be responsible for rent, or owns the residence.

2. Service Academy or ROTC Graduate Without-dependent. A Service academy or ROTC graduate without a dependent is authorized a housing allowance at the without-dependent rate for the graduation or commissioning location through the day before departure en route to the training location, if he or she:

a. Remains on active duty at the graduation or commissioning location following graduation and commissioning before proceeding to another duty station.

b. Is not assigned Government quarters.

3. Service Member with a Dependent. The BAH rate for a new accession with a dependent is based on the dependent's location if the location is in the United States. If dependent is located outside the United States, BAH is based on the training site location. If an officer who was previously authorized a housing allowance at the without-dependent rate for the graduation or commissioning location specified in subparagraph 261010.C.2 acquires a dependent, the officer's housing allowance at the with-dependent rate becomes based on the dependent's location effective the date the dependent is acquired.

D. Retirement or Separation

1. From a PDS in the United States. A Service member's old PDS is the PDS for BAH purposes from the day the Service member departs the old PDS through the separation or retirement date. If the Service member had been residing in Government quarters at the old PDS, the Service member is authorized BAH beginning the date Government quarters are terminated provided the Service member is still on active duty.

2. From a PDS Outside the United States

a. Establishes Residence Outside the United States. A Service member at a PDS outside the United States, who is processing for retirement or separation or on leave after processing, and who intends to establish a residence in an OHA-based area after retirement or separation, is eligible for OHA. To be paid OHA under any of the circumstances listed, the Service member must provide a lease and a completed and approved 2367.

(1) If the Service member continues to occupy private-sector leased or owned housing at or in the PDS vicinity, OHA continues until the date of separation or retirement.

(2) If the Service member occupies private-sector leased or owned housing after vacating Government quarters or moves to different private-sector housing in the same country, OHA starts on the date the Service member obtains private-sector housing and stops on the date of separation or retirement.

(3) If a Service member at a PDS outside the United States moves to a different country that is an OHA area to establish a residence after separation or retirement, the Service member is eligible for a housing allowance based on the residence location. OHA starts on the day the Service member obtains private-sector housing and stops on the date of

separation or retirement. However, if the Service member is being paid OHA at the with-dependent for dependents residing separately, that OHA rate continues provided the dependents remain at the location OCONUS.

b. Returns to a U.S. Processing Station. If not assigned Government quarters, a Service member separating or retiring at a PDS outside the United States, who returns to the United States for retirement or separation processing, is authorized OHA through the day before departing the PDS outside the United States. The day the Service member departs that PDS, OHA is no longer authorized. The Service member is authorized the BAH rate for the retirement or separation processing location if he or she is not receiving a with-dependent housing allowance for a dependent residing separately. If the Service member is being paid a with-dependent BAH rate for a dependent residing separately, that BAH rate continues until the Service member separates or retires. NOAA's Marine and Aviation Operations and Commissioned Personnel Centers are the processing stations for NOAA.

c. Returns to the United States After Completing Separation or Retirement Processing Overseas. If not assigned Government quarters, a Service member retiring or separating at a PDS outside the United States, who returns to the United States after completing retirement or separation processing at the overseas PDS, and who does not have a processing location within the United States, is authorized OHA through the day before departing the PDS outside the United States. The day the Service member departs that PDS, OHA is no longer authorized. The Service member is authorized the BAH rate for the leave address provided as part of the final processing if he or she is not receiving a housing allowance at the with-dependent rate for a dependent residing separately. If the Service member is being paid a BAH at the with-dependent rate for a dependent residing separately, that BAH rate continues until the Service member separates or retires.

E. Decision Process for a Service Member in Transit

1. In all cases for a Service member in transit:

a. If a Service member is assigned Government quarters adequate for the Service member and the dependent, if applicable, the Service member is not authorized BAH or OHA. Start BAH or OHA effective the date of quarters termination, if applicable.

b. If the Service member has a Secretarial waiver to pay BAH based on the previous PDS, or BAH based on the dependent's location, then continue that rate until the Service member arrives at the new PDS. If a Secretarial waiver is for an OHA location, continue the OHA rate if the dependent remains at the OHA location.

c. Payment of OHA requires a lease agreement or a verifiable purchase price.

2. If a Service member is participating in the Educational Leave Program Relating to Continuing Public and Community Services, and the Service member is authorized BAH or OHA, start BAH or OHA based on the designated unit of assignment during scheduled school breaks or leave periods.

3. If a Service member receives an appropriate authorization or order associated with a prolonged hospitalization determination and is transferred from any PDS to a hospital in the United States for observation or treatment, pay BAH based on the hospital location if the Service member is authorized BAH.

4. Table 26-45 specifies housing allowances for a Service member in transit on a PCS. Table 26-46 specifies housing allowances for a Service member who is a new accession. Table 26-47 specifies housing allowances for a Service member awaiting final discharge or in processing for separation or retirement.

Table 26-45. Housing Allowance for Service Member in Transit on a PCS

If the Service member is en route...		And...	Then...
<b>1</b>	from a PDS in the United States,	Government quarters at the old PDS were not assigned	a. continue BAH based on the old PDS, through the day before the Service member reports to the new PDS, to include TDY en route. b. start BAH or OHA based on the new PDS, the day the Service member reports to the new PDS.
<b>2</b>	from a PDS outside the United States,		a. start BAH-Transit the day the Service member departs the OHA area through the day before the Service member reports to the new PDS, to include TDY en route. b. start BAH or OHA based on the new PDS, the day the Service member reports to the new PDS.
<b>3</b>	from a PDS in the United States,	was not paid BAH or OHA at the old PDS because Government quarters were assigned,	a. start BAH based on the old PDS, the day the Service member terminates Government quarters. b. start the new PDS rate the day the Service member reports to the new PDS.
<b>4</b>	from a PDS outside the United States,		a. start BAH-Transit the day the Service member departs the old PDS through the day before the Service member reports to the new PDS. b. start BAH or OHA based on the new PDS, the day the Service member reports to the new PDS.

Table 26-46. Housing Allowance for Service Member in Transit for New Accession

If the Service member is...		And the Service member ...	Then...
<b>1</b>	newly inducted, enlisted, reenlisted, or an officer candidate	has a dependent located in the United States,	<ul style="list-style-type: none"> <li>a. start BAH based on the dependent's location beginning the date of enlistment, entry on active duty, or the date active duty pay begins through the day before the day the Service member reports to the first PDS, including a training location for 20 or more weeks.</li> <li>b. start BAH or OHA based on the PDS on the day the Service member reports to the first PDS.</li> </ul>
<b>2</b>	newly inducted, enlisted, reenlisted, or an officer candidate	has a dependent located outside the United States,	<ul style="list-style-type: none"> <li>a. start BAH based on the training location beginning the date of enlistment, entry on active duty, or the date active duty pay begins through the day before the day the Service member reports to the first PDS, including a training location for 20 or more weeks.</li> <li>b. start BAH or OHA based on the PDS on the day the Service member reports to the first PDS.</li> </ul>
<b>3</b>	in the pipeline in a travel, leave en route, or proceed time status while transferring from the initial training location,	has no dependents,	<ul style="list-style-type: none"> <li>a. start BAH-Transit when the Service member is in a travel status between duty or training stations and start the new BAH or OHA based on the PDS the day the Service member reports to the new PDS, including a training location for 20 or more weeks.</li> <li>b. for an RC member, pay BAH or OHA based on the primary residence location at the time called or ordered to active duty for the accession training duration, if the Service member maintains a residence and continues to be responsible for rent or owns the residence.</li> </ul>
<b>4</b>	between training locations, and to the first PDS	has a dependent in the United States,	<ul style="list-style-type: none"> <li>a. continue BAH based on the dependent's location in the United States through the day before the Service member reports to the new PDS.</li> <li>b. start BAH or OHA based on the first PDS the day the Service member reports to the first PDS.</li> </ul>
<b>5</b>		has a dependent outside the United States,	<ul style="list-style-type: none"> <li>a. continue BAH based on the training site through the day before the Service member reports to the new PDS.</li> <li>b. start BAH or OHA based on the first PDS the day the Service member reports to the first PDS.</li> </ul>

Table 26-46. Housing Allowance for Service Member in Transit for New Accession (Continued)

If the Service member is...		And the Service member ...	Then...
<b>6</b>	an Academy or ROTC graduate remaining at the graduation or commission location awaiting follow-on training and not assigned Government quarters	has no dependents,	<p>a. pay BAH based on the graduation or commission location through the day before departure en route to the training location.</p> <p>b. apply BAH-Transit thereafter. See rule above for a Service member in the pipeline in a travel, leave en route, or proceed time status while transferring from the initial training location, between training locations, to the first PDS, and has no dependents.</p>

Table 26-47. Housing Allowance for Service Member in Transit for Final Discharge, Separation, or Retirement

If the Service member is...		From...	Then...
<b>1</b>	in a leave status away from the PDS awaiting final discharge	a PDS in the United States,	continue BAH based on the old PDS through the date of discharge.
<b>2</b>	is processing for	a PDS in the United States,	continue BAH based on the old PDS through the date of separation or the day before the effective date of retirement.
<b>3</b>	separation or retirement	a PDS outside the United States with a processing location in the United States,	<p>a. start BAH based on the retirement or separation processing location beginning the day the Service member departs the PDS through the date of separation or the day before the effective date of retirement.</p> <p>b. continue BAH based on a dependent's location, if applicable, through the separation or retirement date.</p>



Table 26-47. Housing Allowance for Service Member in Transit for Final Discharge, Separation, or Retirement

If the Service member is...	From...	Then...
4	a PDS outside the United States and returns to the United States after processing OCONUS,	<ul style="list-style-type: none"> <li>a. start BAH based on the leave address provided as part of the final out-processing, beginning the day the Service member departs the PDS through the date of separation or day before effective date of retirement.</li> <li>b. continue BAH based on a dependent's location, if applicable, through the separation or retirement date.</li> </ul>
5	is processing for separation or retirement	a PDS outside the United States and remains at the PDS,
6	a PDS outside the United States and the Service member remains OCONUS but moves to a different country,	<ul style="list-style-type: none"> <li>a. stop OHA based on the PDS when the Service member stops paying rent or when the Service member departs the PDS area.</li> <li>b. start OHA based on the location OCONUS the Service member moves to establish a residence on the day the Service member obtains private-sector housing.</li> <li>c. continue OHA through the date of separation or day before effective date of retirement.</li> <li>d. continue OHA based on a dependent's location, if applicable, through the separation or retirement date provided the dependents remain at the location OCONUS.</li> </ul>

## 261011. Service Member in a Missing Status

A. Service Member Without-dependent. A Service member without a dependent carried in a missing status is authorized without-dependent BAH. Pay BAH at the without-dependent rate based on the PDS for a Service member whose PDS is in the United States. If the Service member had a Secretarial waiver to receive BAH based on the former PDS due to a low-cost or no-cost PCS, then that BAH rate continues. Pay BAH at the without-dependent rate based on the home of record (HOR) location for a Service member whose PDS is outside the United States. If the Service member's HOR and PDS are outside the United States then pay the without-dependent BAH-Transit rate. See Chapter 34 (Pay Entitlement of Members Missing, Missing in Action, Interned, and Payments to Dependents).

B. Service Member With-dependent. A Service member with a dependent continues to receive the housing allowance authorized upon entering the missing status. If the dependent relocates, pay the housing allowance at the with-dependent rate based on the dependent's location.

## 261012. Service Member in Confinement

Pretrial confinement, restraint other than confinement, or an adjudged sentence of restriction alone does not affect a Service member's BAH authority.

A. Transferred to a Confinement Facility. When a Service member who is serving a court-martial sentence to confinement is transferred to a confinement facility, then the BAH or OHA rate is based on the dependent's location if the Service member is authorized a housing allowance, other than BAH partial, while confined. A Service member is not authorized a housing allowance unless authorized basic pay. All rules concerning whether a Service member in civil or foreign confinement, including pre-trial, is authorized basic pay are covered in Chapter 1 (Creditable Service). This rule does not address a Service member's authority for a housing allowance when civil or foreign authorities confine the Service member.

B. In Confinement

1. BAH or OHA does not accrue while the Service member is confined pursuant to a court-martial and the sentence is effective or approved or when the Service member was not receiving BAH or OHA on the day before confinement and Government quarters assignment was not terminated before or during confinement. Service procedures must specify how and by whom Government quarters termination must be certified. Confinement imposed pursuant to a court-martial sentence begins the date the sentence is adjudged (10 U.S.C. §857(a), (b)).

a. If a Service member is in confinement in a guardhouse, brig, or correctional barracks pursuant to a court-martial—not including pretrial confinement, restraint other than confinement, or an adjudged sentence of restriction alone—then the Service member's BAH or OHA accrues if the sentence is set aside or disapproved. The Service member must be otherwise authorized to receive BAH or OHA.

b. A Service member without-dependents who is confined in a guardhouse, brig, or correctional barracks, was assigned to single-type, Government quarters before confinement, and remains assigned to such quarters during confinement is authorized BAH-Partial unless forfeiture of allowances was directed. If he or she is restrained in a status of arrest in assigned single-type Government quarters, and therefore not authorized BAH or OHA, then the Service member is authorized BAH-Partial unless forfeiture of allowances was directed.

2. For FSH, a Service member in military confinement or otherwise restricted by military authority continues FSH for 60 or fewer days without certificate from the Service member. The FSH may continue for more than 60 days, but payment must be supported by the Service member's certification that he or she maintained private-sector housing at the PDS.

## 261013. Housing Allowance Following Service Member's Death

BAH or OHA continuation or payment to the surviving dependent of a Service member who dies on active duty is authorized for 365 days. It is paid to the dependent when, on the date of the Service member's death, the dependent either does not occupy Government quarters, is occupying Government quarters on a rental basis, or vacates Government quarters within 365 days of the Service member's death.

A. Not Payable. The housing allowance is not payable to a dependent who killed the Service member, unless there is evidence that clearly absolves the dependent of any felonious intent. It also is not payable to a surviving dependent of an RC member if that RC member dies while on inactive duty.

B. Payment Priority. Payments to a surviving dependent are made first to the current spouse. If there is no current spouse, the housing allowance is divided equally among the dependents on whose behalf the deceased Service member was receiving a with-dependent housing allowance.

C. Payment Amount and Method. The housing allowance is paid in the same amount and in the same manner as the deceased Service member would have been paid. The housing allowance may be paid quarterly as an advance payment, but must be reconciled. Housing allowance payments to the dependent are not subject to collection of any debts owed by the deceased Service member to the United States.

D. Surviving Service Member Spouse. (37 U.S.C. §403(I)) The allowance in this paragraph may be paid to a deceased Service member's spouse even if the spouse is also a Service member entitled to basic pay. The allowance is paid to the surviving Service member spouse in addition to any other pay and allowances to which the surviving Service member spouse is authorized as a Service member. The following payment rules apply:

1. Dual housing-allowance payments are authorized for a surviving Service member spouse.

2. When any dependents other than a surviving Service member spouse are involved, the housing allowances are paid in the same manner that was provided for before the Service member's death. If the surviving Service member spouse was drawing the without-dependent housing allowance on the Service member's date of death, that rate would continue for 365 days. On day 366, the surviving Service member spouse's housing allowance could change to the with-dependent rate.

3. If the family vacates Government quarters, the surviving Service member spouse is paid the housing allowance that would have been paid to the deceased Service member, as well as the housing allowance to which the surviving Service member spouse is authorized. In this case, the surviving Service member spouse may determine on whose behalf the with-dependent and the without-dependent housing allowances are paid.

4. If the deceased Service member was receiving a with-dependent housing allowance solely for a dependent who may not be claimed by the surviving Service member spouse, the surviving Service member spouse is only authorized housing allowance continuation at the without-dependent rate. The remainder—the difference between the with-dependent and without-dependent rates—is divided equally among the dependents on whose behalf the deceased Service member was receiving the with-dependent rate.

E. Rate Defining Location

1. If a Service member with a dependent dies on active duty while assigned to a PDS in the United States, then the housing allowance for the dependent is based on the deceased Service member's PDS, regardless of the location where the dependent chooses to reside unless the dependent is in receipt of a Secretarial waiver.

2. If a Service member with a dependent dies on active duty while assigned to a PDS outside the United States, then the housing allowance for the dependent is based on the location where the dependent resides, or chooses to reside, in the United States. If the dependent stays overseas, the housing allowance is based on the OHA rate—and the documented cost—for the location where the dependent resides. It then changes to BAH based on the United States location where the dependent later decides to reside on the date that any dependent arrives there or the date that all dependents have departed the PDS location, whichever is later. Authority exists for 365 days after the Service member's death.

3. If a Service member with a dependent dies on active duty and a dependent resides in Government quarters, then the housing allowance for the dependent is based on the dependent's location the day that the Government housing facilities were vacated. That rate continues for 365 days, less the number of days the Government housing facilities were occupied following the date of the Service member's death. If the Government housing was outside the United States, pay the housing allowance based on the location where the dependent chooses to reside.

261014. Housing Flexibility for Certain Armed Forces Members With-dependents, Permanent Change of Station (PCS) Within the United States ([37 USC §403a](#)). *Effective for PCS departures on or after October 1 2018.*

A. General. An eligible Armed Forces member with-dependents may be permitted certain housing flexibility while under a PCS order within the United States during a covered relocation period (DoDI [1315.18, Encl 3, paragraph 10](#)).

B. Eligibility. An Armed Forces member with-dependents with PCS orders within the United States that may be authorized housing flexibility under this paragraph is an Armed Forces member who has one of the following:

1. A spouse who is gainfully employed or enrolled in a degree, certificate or license granting program at the beginning of the covered relocation period.

2. One or more dependents attending an elementary or secondary school at the beginning of the covered relocation period.

3. One or more dependents enrolled in the Exceptional Family Member Program.

4. An immediate family member with a chronic or long-term illness at the beginning of the covered relocation period for whom the member is caring.

C. Covered Relocation Period. The covered relocation period begins 180 days before the date of the PCS, which is the date the Armed Forces member leaves the current PDS and ends 180 days after the date of the PCS. The Secretary concerned may lengthen or shorten the covered relocation period through the Secretarial process based on the needs of the Armed Forces. See the *decision support tools*.

D. Expiration. If the Armed Forces member's eligibility expires for any reason during the covered relocation period, that period is terminated and housing is paid at the PDS where the Armed Forces member is assigned at that time. If the Armed Forces member departs the old PDS, and the persons that are the basis of the eligibility do not arrive at the new PDS within the covered relocation period, housing allowances are paid at new PDS location rate beginning the day after the relocation period ends.

E. Authority. The dependents of an Armed Forces member may perform PCS travel at a different time than the Armed Forces member once the PCS order has been issued. Unless otherwise authorized or approved, the Armed Forces member's housing allowance is based on the PDS. However, an eligible Armed Forces member may request a housing allowance based on the dependents location. If authorized or approved through the Secretarial Process for dependents who relocate in advance or after the Armed Forces member, a housing allowance under this paragraph may be based on one of the following:

1. The new PDS.

2. The location the dependents reside when the Armed Forces member departs for the new PDS (only for the time the dependents reside in that area).

3. The area of the Armed Forces member's former PDS, but only if different than the area the dependent resides.

**VOLUME 7A, CHAPTER 27: “FAMILY SEPARATION ALLOWANCE (FSA)”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [bold, italic, blue, and underlined font](#).

The previous version dated [November 2017](#) is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated formatting and hyperlinks to comply with current administrative instructions.	Revision
References	Renamed “Bibliography” to “References” and updated statutes and supporting references.	Revision

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## CHAPTER 27

FAMILY SEPARATION ALLOWANCE (FSA)

## 2701 GENERAL

## 270101. Purpose

The chapter provides policy for FSA. FSA provides compensation for added expenses incurred because of an enforced family separation under one of the conditions in subparagraphs 270203.A.1 through 3. FSA 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 270401.C applies).

## 270102. Authoritative Guidance

The pay policies and requirements established by the Department of Defense (DoD) in this chapter are derived primarily from, and prepared in accordance with Title 37, United States Code (U.S.C.), section 427. Due to the subject matter in this chapter, the list of authoritative sources is extensive. The specific statutes, regulations, and other applicable guidance that govern each individual section are listed in a reference section at the end of the chapter.

## 2702 ENTITLEMENT PROVISIONS

## 270201. Types Authorized

FSA is payable to members with dependents. FSA is payable in addition to any other allowance or per diem, to which a member may be entitled. The member, however, may not receive more than one payment of FSA for the same period, even though qualified for FSA - Restricted (FSA-R), FSA - Ship (FSA-S), and FSA - Temporary (FSA-T).

## 270202. Definitions

A. Dependents. The term “dependents” has the same meaning as defined in the Volume 7A, Definitions and is further defined in subparagraphs 270202.A.1 through 270202.A.3:

1. Child. A dependent child(ren) is an unmarried child(ren) of the member who is in the legal custody of the member. Legal custody includes a circumstance in which the member has been awarded joint physical and legal custody of a dependent child(ren) as a result of a court ordered custody agreement or finalized divorce decree, which provides that the child(ren) physically reside with the member on an equal basis (no less than 14 days during a month) as compared to the time the child(ren) reside(s) with the former spouse, and the member’s actual physical custody of the child(ren) is precluded due to an enforced family separation described under paragraph 270203. Such a custody arrangement must be stipulated in the signed



court order or divorce decree, subject to the verification by the Secretary of the Military Department concerned. See subparagraph 270301.C.

2. Parents. The term “Parents” is defined in the Volume 7A, Definitions.

3. Spouse. An individual who is legally married to the Service member.

B. Duty Station. The term “duty station” is defined in the Volume 7A, Definitions.

C. Permanent Duty Station (PDS). The term “PDS” is defined in the Volume 7A, Definitions.

D. Household. The term “household” 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 purposes, this applies only to secondary dependents.

270203. FSA

A. When Payable. FSA is payable to a member serving in any grade as a member with dependents. The member must meet all general requirements and one of the following conditions:

1. FSA - R

a. The member’s dependents, including dependents acquired after the effective date of [Permanent Change of Station \(PCS\)](#) orders (see Table 27-1 (FSA Commencement Dates), rules 8 and 9), do not live in the vicinity of the member’s homeport/PDS, and their transportation to or near the PDS is not authorized at government expense (see paragraph 270401).

b. Transportation of dependents is authorized at government expense, but member elects an unaccompanied tour of duty because a dependent cannot accompany the member to, or at that homeport/PDS due to certified medical reasons, regardless of the date on which the member first made the election to serve an unaccompanied tour.

2. FSA - S. The member is on duty aboard a ship, and the ship is away from the homeport continuously for more than 30 days.

NOTE: The dependents are not required to reside in the vicinity of the homeport.

3. FSA - T. The member is on Temporary Duty (TDY) or Temporary Assigned Duty (TAD) away from the PDS continuously for more than 30 days, and the member’s

dependents do not reside at or near the TDY or TAD station. This includes members who are required to perform a period of the TDY or TAD before reporting to their initial station of assignment. Members on an unaccompanied tour are entitled to FSA-T for TDY or TAD periods of over 30 continuous days if the member's dependents do not reside at or near the TDY or TAD station and they do not reside near the PDS as defined in paragraph 270303.

B. Amount Payable

Effective October 1, 2002, FSA is payable in a monthly amount of \$250.

C. Conditions:

1. For specific commencement dates, see Table 27-1;
2. For overseas eligibility, see Table 27-2;
3. For specific dates to stop FSA, see Table 27-3; and
4. For specific conditions of entitlement, see Table 27-4.

D. Member Married to Member

1. FSA is payable to a member married to another member regardless of whether the member has any non-active duty dependents, when all other general conditions are met, and provided members were residing together immediately before being separated by reason of execution of military orders.

a. Except as provided in subparagraph 270203.D.2, not more than one monthly FSA may be paid with respect to a married military couple for any month. Each member may be entitled to FSA within the same month, but both cannot simultaneously be entitled. Payment will be made to a member whose orders resulted in the separation. If both members receive orders requiring departure on the same day, then payment will go to the senior member.

b. If a member meets the requirements for credit of FSA, but entitlement is precluded by an existing entitlement status of the spouse, then the second member may, if still qualified, immediately become entitled to FSA upon termination of the spouse's status. The couple may qualify for sequential entitlements to FSA, provided military orders keep them continuously separated.

c. In order to qualify for a subsequent entitlement to FSA, a married member couple, no longer separated by reason of military orders, must reestablish a joint household and reside together.

2. FSA is payable to both married members when they reside together with their dependents immediately before being separated from dependents, by competent orders to assignments prescribed in subparagraphs 270203.A.1 through 3. Each member's entitlement is

determined individually based on assignment and separation from dependents. The dual allowance will continue until one of the members is no longer assigned to one of those duty assignments. The other member will continue to receive the allowance until no longer assigned to one of those duty assignments. This is true even when both members are assigned to the same duty location away from their dependents.

3. In the case of a member married to another member, and the couple has a child, one member may claim the child for entitlement to Basic Allowance for Housing and the other member, when otherwise entitled, may claim the child for entitlement to FSA. The FSA entitlement may alternate between members based on the same dependent. However, FSA may not be paid simultaneously to both members on behalf of the same dependent, except as provided in subparagraph 270203.D.2. See subparagraph 270401.D.

## 2703 DEPENDENTS SEPARATION REQUIREMENTS

### 270301. Dependents

A member is not considered “a member with dependents” for FSA 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. An exception occurs when the member has joint physical and legal custody of the child(ren) and the child(ren) otherwise would reside with the member at least 14 days each month, for the current assignment. In such assignment, the member will be considered as a “member with dependents” for FSA entitlement;

C. The member has been awarded joint legal and physical custody of the child(ren) as a result of a court ordered custody agreement or finalized divorce decree, which provides that the child(ren) physically reside with the member less than 14 days during the month;

D. The member’s dependent parent does not reside in the home, which the member controls, supervises, and maintains for mutual use when circumstances permit; or

E. A dependent is entitled to active duty basic pay. This does not negate an entitlement to FSA to a couple comprised of a member married to another member with no other dependents. Such a couple is entitled to FSA.

### 270302. Temporary Social Visits by Dependents

A. FSA-R. Credit continues to accrue while the member’s dependents visit at or near the member’s PDS, but for no longer than 3 continuous months. Facts clearly must show that the dependents merely are visiting (not changing residence) and that the visit is temporary and not intended to exceed 3 months. If, for unforeseen reasons (due to illness or other emergency), a bona fide social visit extends beyond 3 months, then stop credit for FSA at the end of the 3-month

period. If the visit initially is intended to exceed 3 months, then stop FSA credit the day before the dependents arrive at the member's PDS. Credit is again authorized on and after the day that the dependents depart from the PDS. A member is entitled to 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 are not visiting the member.

B. FSA-S. Credit continues to accrue to the member whose dependents are visiting at or near the duty station (or any port) continuously for 30 days or less. Facts must show that the dependents merely are visiting. If the visit exceeds 30 days, then entitlement to FSA-S ends on the day preceding the date of dependent arrival, unless the visit is extended because of illness or other emergency. Under such circumstances, payment of FSA-S is limited to 30 days. Entitlement to FSA-S exists if one or more (but not all) of the dependents visit for longer than 30 days if the member otherwise is entitled to FSA-S on behalf of the dependents who are not visiting the member.

C. FSA-T. Credit continues to accrue to a member whose dependents visit at or near the TDY or TAD continuously for 30 days or less. Facts must show that the dependents are merely visiting. If the visit exceeds 30 days, then the member is not entitled to FSA-T for any part of the period, unless the visit is extended because of illness or other emergency. Under such circumstances, payment of the allowance is limited to 30 days. Entitlement to FSA-T resumes on the day that the dependents depart the TDY or TAD, if the member's TDY or TAD extends for more than 30 days from that date. Entitlement to FSA-T exists if one or more (but not all) of the dependents visit for longer than 30 days if the member otherwise is entitled on behalf of the dependents who are not visiting the member.

#### 270303. Dependents Reside Near Duty Station

A. 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, then FSA may accrue on behalf of those dependents who do not reside at or near the duty station. Consider dependents as residing near a duty station if the member actually commutes daily, regardless of distance. Also, 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 the station, but the 50-mile rule is not inflexible.

B. 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 one and a half hours, the dependents will be considered as not residing near the member's duty station, unless the member actually commutes daily.

C. 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 the member's duty

station for personal reasons, rather than as a result of military restriction on dependents' travel, then FSA entitlement does not accrue.

D. In questionable cases, commanders may submit requests for determination through channels to the appropriate office listed:

1. Army: Deputy Chief of Staff, G-1  
ATTN: DAPE-PRC  
300 Army Pentagon  
Washington, DC 20310
2. Navy: Chief of Naval Operations, (N130)  
701 South Courthouse Rd  
Arlington, VA 22204-2472
3. Air Force: Commander, Air Force Personnel Center  
550 C Street West  
Randolph AFB, TX 78150-6421
4. Marine Corps: Commandant of the Marine Corps (RFF)  
James W. Marsh Center  
3280 Russell Road  
MCB Quantico, VA 22134

## 2704 CONDITIONS OF ENTITLEMENT

### 270401. Entitlement Incident to Permanent Change of Station (PCS) Reassignments

A. Continental United States (CONUS) Assignments. Conditions of FSA entitlement incident to regular CONUS PCS reassignments and permissive PCS reassignments are detailed in subparagraphs 270401.A.1 through 270401.A.4.

1. Entitlement to FSA upon regular PCS is authorized only when movement of a member's dependents to the new PDS is not authorized at government expense.

2. Members are entitled to FSA-S when performing duty onboard a ship if the ship is away from the homeport for more than 30 continuous days. If, however, the ship arrives and remains at a port other than the homeport for a period of more than 30 days at a location where the member's dependents reside, then payment of the FSA-S is precluded if the member resides with the dependents. A member is entitled to FSA-S for redeployment if the member returned to the homeport after the original deployment for a period of 30 days or less and redeployed for a period of more than 30 continuous days.

3. A member who is otherwise entitled to transportation of dependents at government expense, but whose dependent cannot accompany the member to or at that homeport/PDS due to certified medical reasons, is entitled to FSA under this subparagraph.

4. A member who otherwise is authorized movement of dependents at government expense to PDS is not so authorized when he or she is voluntarily reassigned on PCS under permissive orders. Separation from dependents under these circumstances is not an enforced separation due to government requirements. The member, therefore, is not entitled to FSA under this subparagraph.

B. Waiver Provision. See subparagraph 270401.D. for circumstances in which waivers may be granted.

C. Overseas Assignments. Dependents are permitted in some areas overseas and not permitted in others (dependent-restricted areas). A member selected for PCS overseas to an area where his or her dependents are permitted must elect to serve either an unaccompanied or an accompanied tour.

1. Except as waived by the Secretary of the Military Department concerned, a member electing to serve an unaccompanied tour, in lieu of an accompanied tour at a PDS where his or her dependents are permitted, is not entitled to FSA-R for such a tour. A member who is in receipt of accompanied tour orders, and subsequently requests to serve an unaccompanied tour, to include a dependents-restricted tour, in lieu of an accompanied tour at a PDS where his or her dependents are permitted, is not entitled to FSA-R for such a tour. Secretarial waiver of this policy may be granted in situations where it would be inequitable to deny FSA-R to a member because of the unusual family or operational circumstances.

2. See applicable procedures for tour elections and secretarial waiver in the appropriate individual Military Service regulation.

3. Refer to Table 27-2 (FSA-R, Overseas Assignment) for FSA entitlement for otherwise eligible members assigned PCS overseas.

4. A member who voluntarily is reassigned PCS (overseas) under permissive orders from the station where he or she already is entitled to FSA-R remains entitled if reassigned to an area overseas where dependents are not permitted (dependent-restricted tour) or under circumstances authorized by secretarial waiver.

D. Unusual Family or Operational Circumstances Defined. Unusual family or operational circumstances are defined as those in which the Secretary of the Military Department concerned determines that it is in the best interest of the government to permit payment of FSA to members who, through no fault of their own, must relocate in an unaccompanied status under certain circumstances.

1. The Military Services may waive provisions of subparagraphs 270401.A.1, 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 in an unaccompanied status for reasons of equity in the 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. Combatant commands and Service major commands.
2. 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 terrorist activity would make it inappropriate for dependents to accompany the member; or
    - b. When ships in overhaul make temporary homeport changes.
  4. Provided the requirements of subparagraph 270203.A are met, other than the requirement that the member's dependents reside at the homeport or PDS, a waiver issued by the Secretary of the Military Department concerned will apply to the entire period of the deployment, an interim period, and redeployment.

E. Delays Caused by the Government (Table 27-2, Note 4). The following are examples of delays in transportation of dependents due to government reasons:

Example 1: On July 1, a member's advance application for concurrent travel of dependents to the overseas station was disapproved by the CONUS commander due to lack of available government-owned transportation facilities. The commander's disapproval contained a statement that the anticipated delay for movement of dependents is more than 60 days. The member departed the old station on July 6 and arrived at the overseas station on July 7 where government quarters were not available. Dependents joined the member on September 26 having performed travel under orders dated September 10. The member was entitled to FSA for the period July 6 through September 25.

Example 2: The member applied for a dependency determination for his or her dependent mother on June 3 and was transferred overseas on September 14. After arrival overseas, the member received approval of the dependency application for his or her dependent mother retroactive to May 1. The mother was not authorized concurrent travel to the member's PDS because the determination of dependency had not been made on the effective date of those orders. Delay in processing the dependency application was caused by the government. Before the transfer overseas, the member had maintained quarters to be shared with his or her mother. An enforced separation resulted upon transfer overseas. Credit for FSA accrues from the date the member departed from the PDS or the first day of authorized travel time, whichever is later, through the day before the date that his or her dependent mother arrived at the overseas station.

F. Changes in Tour Elections. See Table 27-2, rules 12 and 13.



G. Dependents Evacuated. A member is entitled to FSA if separated from dependents as a result of either an authorized evacuation or an ordered evacuation, provided that the requirements for FSA are otherwise met. Payment does not begin until the 31<sup>st</sup> day of an ordered evacuation. FSA is not payable when evacuation is due to member or dependent misconduct.

H. Dependents' Travel Prohibited Under Immigration Laws. No entitlement to FSA-R accrues if a dependent is authorized transportation at government expense but is not eligible under immigration laws for entry into the United States before a member reports to the new PDS. (Entitlement to FSA-T or FSA-S is not affected by this subparagraph.)

270402. 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.

270403. FSA 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 27-3 (Date to Stop FSA). 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 270404.

Example: A member departed the PDS on TDY or TAD August 9, was downed by hostile fire while flying over enemy territory on September 2, remained in a missing status until November 4, and returned to PDS on November 10. The member qualified for FSA-T on September 8. If otherwise qualified, then entitlement exists for FSA-T for the period August 9 to November 9.

270404. 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 PDS 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 PDS on TDY or TAD and the day of return to the PDS. Include the 31<sup>st</sup> day of the month in this computation, even though payment is made on a 30-day month basis, as prescribed in Chapter 1, section 0102.

2. Include days of authorized travel time to and from the TDY or TAD station. When there is no delay enroute chargeable as leave, count the day of departure from the PDS and the day of return to the PDS. When delay enroute chargeable as leave is authorized, count the constructive day of departure and the constructive day of return. Compute these days as follows:



a. Constructive day of departure from the PDS either is the actual date of detachment plus days of authorized leave, proceed time, and permissive travel days used or the first day of authorized travel, whichever is later.

b. Constructive day of return to the PDS is the actual date of return minus number of days leave authorized and used, minus the number of permissive travel days actually used.

Example 1: The member permanently stationed at site A is ordered TDY or TAD to site B for training of approximately 30 days. Training is to begin June 1. The member is authorized travel by privately owned conveyance (POC) as more advantageous to the government, and 5 days of leave enroute. The member departs from site A on May 25 and uses 5 days of leave enroute to site B. The member completes the training on June 27, departs from site B on June 28, and returns to duty at site A on June 30. Constructive day of departure is May 30. The period of absence is 32 days (May 30 - June 30). If a member qualifies under paragraph 270203, then entitlement exists to FSA-T for 30 days (i.e., there is no entitlement for May 31 and June 30).

Example 2: Circumstances are the same as in Example 1, except that the member uses 5 days of leave after completion of training. The member departs from site A on May 30, completes training on June 27, departs from site B on June 28, and returns to duty at site A on July 5. The constructive day of return is June 30. The period of absence is 32 days, computed as in Example 1. If the member otherwise qualifies, then entitlement exists to FSA-T for 30 days.

3. When TDY or TAD is authorized in conjunction with PCS, include days of authorized travel time to the TDY or TAD station and from the TDY or TAD station to the new duty station. When there is no delay enroute or proceed time involved, count the day of departure from the old duty station and the day of arrival at the new duty station. When delay enroute 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 subparagraphs 270404.A.2.a and b. Proceed time authorized and used will be included with the delay when making the computation. Consecutive assignments to TDY or TAD in conjunction with PCS may be combined in determining the 30-day period.

4. Under specific circumstances, when travel in connection with TDY or TAD is performed by POC for the convenience of the traveler, payment based on actual travel expenses may be more economical to the government than payment based on constructive travel time over a usually traveled route. In that case, the Joint Travel Regulations (JTR) authorizes travel payment based on the actual mode of transportation. In computing the more than 30 days required for entitlement to FSA-T under these circumstances, ensure that the computation is based on the mode of transportation, which governed payment of a particular member's travel allowance. Computation for FSA-T entitlement under this subparagraph is not necessarily based on constructive travel time.

5. If a member's TDY or TAD status is interrupted, then 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 PDS do not interrupt the period unless the member is relieved from the attachment to the TDY or TAD station. A member who returns to the PDS to assume a duty status (such as participation in official flights) does interrupt a period of TDY or TAD. If leave enroute is authorized after detachment from the TDY or TAD station, then add constructive travel time from the TDY or TAD station to the PDS to the period of TDY or TAD in determining the 30-day period.

B. FSA-T for Multiple Periods of Deployment. Provided the conditions of subparagraph 270203.A.3 are met, the periods of FSA-T eligibility for multiple periods of TDY or TAD deployment, including the periods between such deployments, are calculated as follows:

1. Count. Although payment is made on a 30-day month basis, count the actual number of days in each applicable month, to include the 31st day of the month, as one of the actual days.

2. Computation. Calculate the FSA-T period of the initial TDY or TAD deployment to determine the initial deployment period as described in subparagraph 270404.A.

3. Interim and Redeployment Period

a. The interim period begins on the day after the initial deployment through the day prior to redeployment. The interim period must be 30 days or less.

b. The redeployment period begins the day that the member departs the PDS and ends upon return to the PDS. The redeployment period must be more than 30 days and will be added to the interim period.

Example 1: The member permanently stationed at site A is ordered to perform TDY or TAD at site B for 45 days, with departure from PDS on January 2 and return to PDS on February 15. The member departs from PDS on March 18 for redeployment of 35 days. Since the member qualified for FSA-T for the initial deployment, he or she is eligible for continued FSA-T for the total 65 days of interim/redeployment period (actual interim period of 30 days and redeployment of 35 days).

Example 2: The member permanently stationed at site A is ordered to perform TDY or TAD at site B for 60 days, with departure from PDS on March 1 and return to PDS on April 29. The member departs from PDS on May 31 for redeployment of 40 days. Although the member qualified for the initial 60-day period deployment, he or she is ineligible for the interim period. The actual interim period is 31 days (April 30 - May 30). The member would be entitled to FSA-T for the actual redeployment period (40 days).

Example 3: The member permanently stationed at site A is ordered to perform TDY or TAD at site B for 31 days, with departure from PDS on June 1 and returns to the PDS on July 1. The member departs from PDS on July 2 for redeployment of 41 days. Since the member qualified for FSA-T for the initial deployment of 31 days, he or she is eligible for the continued FSA-T for the interim/redeployment period (actual interim period is 0 days, actual redeployment period is 41 days).

C. FSA-S for Single Periods. Credit for FSA-S may not be applied until the member has been on duty onboard a ship away from the homeport of the ship for a continuous period of more than 30 days. Periods of leave, TAD, hospitalization, military confinement in a pay status, or short visits by the member (not the ship) to the homeport of the ship do not interrupt the qualifying period unless the member is detached (PCS) from the ship. Consecutive assignments to duty onboard two or more ships away from the homeport may be combined to meet this requirement. See Example 5. In computing the continuous period of more than 30 days, count the actual number of calendar days (including the 31st day of the month) that the member was on duty onboard a ship while it was away from its homeport. Include in this computation the day of departure onboard a ship from its homeport (or the day the member joins or rejoins a ship away from its homeport, if applicable) and the day of return onboard a ship to its homeport. The following examples show how to compute the more-than-30-day period and the related amount of FSA-S payable.

Example 1: A member onboard a ship that departs its homeport on June 15 and returns on July 15 is entitled to FSA-S in the amount of \$250 (actual period of 16 days in June and 15 days in July = 31 days; 16 days in June and 14 days in July = 30 days for payment).

Example 2: A member onboard a ship that departs its homeport on October 5 and returns on November 4 is entitled to FSA-S in the amount of \$241.83 (actual period of 27 days in October and 4 days in November = 31 days; 26 days in October and 3 days in November = 29 days for payment).

Example 3: A member onboard a ship that departs from its homeport on February 25 (non-leap year) and returns on March 26 is not entitled to FSA-S since the absence is not more than 30 days (actual period of 4 days in February and 26 days in March).

Example 4: A member who reports onboard a ship on May 25 while it is away from the homeport and returns with the ship to the homeport on June 30 is entitled to FSA-S in the amount of \$291.67 (actual period of 7 days in May and 30 days in June = 37 days; 6 days in May and 29 days in June = 35 days for payment).

Example 5: A member onboard a ship A that departed from its homeport on August 2 was transferred (PCS) to ship B on August 18 (detached and attached the same day) while ship B was away from its homeport. The member remains aboard ship B until it returns to the homeport on September 6. The member is entitled to FSA-S in the amount of \$283.33 (actual period of 30 days in August and 6 days in

September = 36 days; 29 days in August and 5 days in September = 34 days for payment).

D. FSA-S for Multiple Periods of Deployment. Provided the conditions of subparagraph 270203.A.2 are met, the periods of FSA-S eligibility for multiple periods of TDY or TAD deployment aboard a ship, including the period between such deployments, are calculated as follows:

1. Count. 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. Computation. Calculate the FSA-S period of the initial deployment aboard a ship as described in subparagraph 270404.C.

3. Interim and Redeployment Period

a. The interim period begins on the day after the initial deployment through the day prior to redeployment. The interim period must be 30 days or less.

b. The redeployment period begins on the day that the member departs the ship's homeport and ends upon returning to the homeport. The redeployment period must be more than 30 days and will be added to the interim period.

Example 1: A member is onboard a ship that departed from the homeport on January 2 and returned to the homeport on February 15. The same member is onboard a ship that departed from the homeport on March 18 for a redeployment of 35 days. Since the member qualified for FSA-S for the initial deployment, the member is eligible for continued FSA-S for the total 65 days of interim/redeployment period (actual interim period of 30 days and redeployment of 35 days).

Example 2: A member is onboard a ship that departed from the homeport on March 1 and returned to the homeport on April 29. The member also was onboard a ship that departed the homeport on May 31 for a redeployment of 40 days. Although the member qualified for the initial 60-day deployment, the member is ineligible for the interim period. Consequently, the actual interim period is 31 days (April 30 through May 30). The member would be entitled to FSA-S for the actual redeployment (40 days).

Example 3: A member is onboard a ship that departed from the homeport on June 1 and returned to the homeport on July 1. The same member was onboard a ship that departed the homeport July 2 for a redeployment of 41 days. Since the member qualified for FSA-S for the initial deployment of 31 days, the 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 subparagraphs 270404.A and B:

1. There are separate 30-day requirements to qualify for FSA-T or FSA-S, and periods of TDY or TAD and duty aboard ship while away from homeport may not be combined for the purpose of FSA entitlement.

2. Periods of hospitalization or TDY or TAD for more than 30 days by the member at a place residing with his or her dependents may not be included when calculating whether the 30-day requirement was met.

#### 270405. Ship Moves from Homeport

When a ship moves from its homeport to another port within 50 miles of the homeport (or one and a half hours travel time as prescribed in paragraph 270303), those members attached to the ship, whose dependents do not reside at or near such homeport under the criteria of paragraph 270303, 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-mile (or one and a half hours travel time) limit from the homeport of the ship. When the movement of the ship is less than 50 miles (or one and a half hours travel time) from the homeport, FSA-S is not payable to those members. If, however, the ship moves more than 50 miles (or one and a half hours travel time) from the homeport, then FSA-S is payable if members otherwise are entitled.

Example 2: A member, upon reassignment to a ship, moves the family to a location outside the current 50-mile (or one and a half hours) limit of the ship's homeport of the ship. Subsequently, the ship moves from the homeport and, on the 29th day, docks at a port inside the 50-mile (or one and a half hours travel time) limit of the homeport for 5 days. The ship then returns to the homeport. The docking of the ship within the 50-mile limit would, for purposes of this example, have the same consequence as if the ship had returned to its homeport since (a) the member's dependents do not reside at or near the homeport, and (b) the ship did not move to a location more than 50 miles (or one and a half hours travel time) from the port. Therefore, entitlement to FSA-S does not accrue.

Example 3: A member, upon reassignment to a ship, moves the family to a location outside the current 50-mile (or one and a half hours) limit of the homeport of the ship, but actually commutes. The movement of the ship from the homeport results in the member being unable to commute. In this example, the member's dependents would be considered as being in the area of the homeport. Since, after movement of the ship to a new location, the member is unable to commute, the member would meet the requirement for FSA-S, provided the dependents resided more than 50 miles (or one and a half hours travel time) from the new location.

Example 4: A member, upon reassignment to a ship, moves the family to a location within the 50-mile (or one and a half hours travel time) limit, the movement of the ship resulting in the residence being located outside the 50-mile (or one and a half hours travel time) limit for some of the members, but not all. Those members whose dependents reside more than 50 miles (or one and a half hours travel time) from the ship's new location and who do not commute, would fulfill the vicinity requirement for entitlement to FSA-S. Those members whose dependents reside within 50 miles (or one and a half hours travel time) of the ship's new location of the ship would not become entitled to FSA-S by virtue of the ship's movement.

270406. Specific Conditions of Entitlement to FSA

See Tables 27-1, 27-2, 27-3, and 27-4.

Table 27-1. FSA - Commencement Dates

R U L E	A	B	C
	When an eligible member	and the member	then FSA credit
1	departs the PDS on PCS (not authorized FSA-R at old station), or TDY or TAD, including TDY or TAD in conjunction with PCS (note 1)	is not authorized proceed time or leave enroute	starts on date of detachment from old station (note 1).
2		is authorized proceed time or leave enroute	starts on the constructive date of detachment from the old PDS (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 homeport 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 homeport	remains on duty onboard a ship away from its homeport continuously for more than 30 days	starts on first day that member boards ship away from its homeport (note 2).
5	acquires an initial dependent after the date of departure from old station enroute to PCS overseas, but no later than the effective date of the PCS order (FSA-R) (notes 3 and 4)	meets conditions of Table 27-2, rule 1	starts on the date that a member acquires a dependent or the constructive date of detachment from old station (Table 27-2, rule 2), whichever is later.
6		meets conditions of Table 27-2, rule 13, note 3, or rule 14	(if any) starts according to Table 27-2, rule 13, note 3, or rule 14.
7	acquires an initial dependent after the date of departure from old station enroute to PCS overseas (member is not entitled to FSA-R, at the overseas station), but no later than the effective date of the PCS order (note 3)	is on TDY or TAD enroute 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 or TAD starts on the date the member acquires dependent (FSA-T) (note 1).



Table 27-1. FSA - Commencement Dates (Continued)

R U L E	A	B	C
	When an eligible member	and the member	then FSA credit
8	a. acquires dependent after the effective date of the PCS orders (note 3), but before member's date of departure on subsequent reassignment PCS, and	is not on TDY or TAD	starts FSA-R on date member acquires dependent.
9	b. dependent does not live at or near the member's PDS (where member is not entitled to FSA-R)	is on leave (co-resident with dependent or not)	
10		is on TDY or TAD not within commuting distance of dependent's residence	starts FSA-T on date member acquires dependent.
11		is on TDY or TAD within commuting distance of dependent's residence (paragraph 270303)	starts FSA-R on member's date of return to PDS.
12		is on TDY or 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 or TAD starts on the date that the member acquires a dependent (FSA-T) (note 1).
13		remains away from homeport aboard ship for more than 30 days after the date the dependent is acquired	starts on the date that the member acquires a dependent (FSA-S) (note 1).
14	has newly acquired dependent who joins member at duty station at member's expense	confirms whether dependent is making change of residence or temporary social visit	is based on paragraph 270302 or subparagraph 270303.C.
15		relocates dependent away from duty station at member's expense	starts FSA-R on the date of a dependent's departure from the duty station (note 5).



Table 27-1. FSA - Commencement Dates (Continued)

R U L E	A	B	C
	When an eligible member	and the member	then FSA credit
16	has dependent depart overseas duty station at government expense because of evacuation (other than medical), under determination of the Secretary concerned as being in national interest, or for other emergency reasons not personal or caused by dependent's misconduct		starts on the 31st day of a dependent's departure from the duty station.
17	reports onboard a ship after a change of homeport has been declared	does not reside with dependents at or near the current homeport of the ship	starts on the date the member reports onboard a ship (note 6).

## NOTES:

1. Do not pay FSA-T or FSA-S until the member has been on TDY or TAD or on duty aboard ship away from homeport continuously for more than 30 days (or, if applicable, for more than 30 days after the date that a dependent is acquired). In computing the amount payable, the 31st day of any month should be excluded from the computation and February should be treated as if it actually had 30 days. (See paragraph 270404.)
2. Does not apply if the ship is in a port (other than its homeport) located within commuting distance of the residence of the member's dependents continuously for more than 30 days. Also, see paragraph 270405.
3. The effective date of PCS orders is the date a member is required to begin travel from the old PDS or the last TDY or TAD, in order to arrive at the new PDS on the date authorized by the mode of transportation authorized. (JTR, Appendix A, Effective Date of PCS Order)
4. A member who acquired an initial dependent after the date of departure from old station enroute PCS to CONUS from overseas or enroute 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 JTR, Chapter 5. Therefore, the member is not entitled to FSA-R. (In this case, no tour election provision exists to overcome the travel provision.)
5. If already started under paragraph 270302, the entitlement continues upon departure of dependents from the duty station.
6. FSA-R does not accrue if the member was onboard a ship when the change in homeport was declared, except under paragraph 270401.

Table 27-2. FSA-R - Overseas Assignment

R U L E	A	B	C	D
	If an eligible member is	and	and	then the member('s)
1	selected for PCS overseas	the accompanied tour is not authorized		is entitled to FSA-R for the entire unaccompanied tour (notes 1 and 2).
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 3).
3		elects the accompanied tour	concurrent travel is authorized and dependents travel with member	is not entitled to FSA-R.
4		is assigned to an automatic concurrent travel area or an advance application area	application for concurrent travel has been approved by the area commander	is entitled to FSA-R if dependents do not travel with the member for government reasons (notes 4 and 5).
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 6).
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 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 5).

Table 27-2. FSA-R - Overseas Assignment (Continued)

R U L E	A	B	C	D
	If an eligible member is	and	and	then the 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		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 5).
11	assigned overseas	after arrival at overseas station, an accompanied tour is authorized (previously unavailable) and member does not elect the accompanied tour		entitlements to FSA-R continues based on original assignment under rule 1.
12		has previously elected the accompanied tour, but concurrent travel is not performed	the member reelects the unaccompanied tour before dependents depart CONUS	is not entitled to FSA-R on and after the date reelection is approved (note 3).
13	assigned overseas	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 3).

Table 27-2. FSA-R - Overseas Assignment (Continued)

R U L E	A	B	C	D
14	If an eligible member is assigned overseas	and has failed to make a tour election before arrival at new duty station	and elects accompanied tour after arrival at the overseas station	then the member(s) 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 5).

## NOTES:

1. In all cases, entitlement exists only if dependents do not live at or near the duty station. (See paragraph 270303.) In areas where dependents are not permitted, member does not have to apply for transportation of dependents or to elect type of tour.
2. These tours include dependent restricted tours and situations where the member is not authorized to serve an accompanied-with-dependents tour in those locations where such tours are authorized.
3. The Secretary of the Military Department 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 270401.D for conditions subject to waiver and individual Military Service regulations for procedures for requesting a waiver from the Secretary of the Military Department concerned.
4. Where dependents' travel delay is not due to government reasons, but member is required to perform TDY or TAD enroute, family separation for period of TDY or TAD is considered to be due to military requirements and member is entitled to FSA-R under Table 27-4, rule 11.
5. Delays due to government reasons include:
  - a. lack of transportation facilities,
  - b. disapproval by CONUS commanders,
  - c. disapproval for reasons of health (i.e., pregnancy of wife), and
  - d. insufficient service retainability or time remaining in the overseas tour.
6. 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.

Table 27-3. Date to Stop FSA

R U L E	A	B
		If a member
1	has dependents who arrive at the duty station with intent to establish a residence	day before dependents arrive (note 1).
2	on next reassignment, arrives at a station where member does not qualify for FSA	day before the date on which the member arrives at new station (note 2).
3	returns from TDY or TAD of more than 30 days	day before date of the member's return from TDY or TAD (note 3).
4	is in a non-pay status for any period	day before the date entering such status, except as provided in Chapter 1, subparagraph 010402.E.
5	has a sole dependent in an institution, and if the stay in the institution continues	day before 1-year from the date that the member's sole dependent entered an institution (note 4).
6	is onboard a ship away from its homeport	day before ship returns to homeport or date of detachment from ship, whichever is earlier (note 5).
7	reports onboard a ship after a change of homeport has been declared	effective date of the change of homeport.
8	has only secondary dependents who reside with relatives or friends	day before the date the dependents move to home of relatives or friends.
9	completes period of TDY or TAD of more than 30 days in conjunction with PCS	day before the date the member arrives at the new station (note 3).
10	has dependent(s) who return to the PDS after departing in conjunction with authorized or ordered evacuation	day before the date dependent(s) return.

## NOTES:

1. See paragraph 270302 for temporary social visits.
2. If a delay enroute 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.
3. If delay enroute and/or proceed time is authorized, then use the constructive date. (See subparagraph 270404.A.)
4. Applies when stay in the institution is initially not expected to exceed 1-year.
5. FSA-S continues if the member is detached and attached the same day to another ship away from its homeport.

Table 27-4. FSA - Conditions of Entitlement

R U L E	A	B	C	D
	If a member	and	and	then
1	is on TDY or TAD, including TDY or TAD within the United States	the member is entitled to FSA-R when entering such status (note 1)	the member's PDS remains unchanged	FSA-R credit continues during TDY or TAD.
2	is hospitalized at or away from member's PDS 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 PDS, 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 TDY or TAD (any number of days) within commuting distance of residence where member's dependents reside (paragraph 270303)
6	is on any status covered by rules 1 through 4, or enters such status		member's PDS changes	FSA-R credit stops (note 2).

Table 27-4. FSA - Conditions of Entitlement (Continued)

R U L E	A	B	C	D
	If a member	and	and	then
7	is reassigned PCS from a PDS in the United States to a hospital for observation or treatment	the member's application for transportation of dependents to the hospital is disapproved by the hospital commander upon determination that prolonged treatment is not expected (note 3)	member meets requirements in note 1	the member is entitled to FSA-R.
8	enters any status covered by rules 2, 3, and 4	the member is entitled to FSA-T when entering such status	member is not relieved from attachment to the TDY or TAD station	member continues to receive FSA-T.
9	is ordered to a hospital as a patient in attached status			the member is not entitled to FSA-T.
10	is on TDY or TAD for more than 30 days from member's PDS	the member does not qualify for FSA-R at PDS	member's PDS remains unchanged	the member is entitled to FSA-T for authorized travel time to and from TDY or TAD station and for duty at that station (note 4).
11	is performing recruit/basic training, pipeline school, Officer Candidate School (OCS), travel or TDY or TAD enroute to initial PDS	the member is entitled to FSA-R at new PDS (notes 1 and 4)		the member is entitled to FSA-R for recruit/basic training, pipeline school, OCS, travel or TDY or TAD and authorized travel period (note 4).

Table 27-4. FSA - Conditions of Entitlement (Continued)

R U L E	A	B	C	D
	If a member	and	and	then
12	is on TDY or TAD for more than 30 days enroute to a new permanent assignment	the member does not qualify for FSA-R at this new station		the member is entitled to FSA-T for authorized travel time to and from the TDY or TAD station and for duty at that station (note 4).
13	is on TAD	the member is entitled to FSA-S when entering such status (note 1)	member remains assigned to duty aboard a ship which is away from its homeport	FSA-S accrues during the entire period of TDY or TAD (note 5).
14	is hospitalized away from the ship			FSA-S accrues during the period of hospitalization (note 5).
15	is on authorized leave			FSA-S accrues during period of leave (note 5).
16	is in military confinement on or away from the ship or otherwise restricted by military authority from performing duty			FSA-S accrues during the period that the member is confined or restricted.
17	is in any status covered by rules 13 through 16		the ship returns to homeport	entitlement to FSA-S ends on the day before ship returns to homeport.
18			member is detached from the ship while it is away from homeport	entitlement to FSA-S ends on date of detachment from ship (note 6).



Table 27-4. FSA - Conditions of Entitlement (Continued)

R U L E	A	B	C	D
	If a member	and	and	then
19	is in any status covered by rules 13 through 16		member is detached from ship while it is away from homeport and is later reassigned to ship while it is away from its homeport	FSA-S accrues from date of reassignment to ship provided ship does not return to homeport in less than 31 days (note 6).
20	is on TDY or TAD redeployment of more than 30 days	current TDY or TAD follows earlier TDY or TAD of more than 30 days which qualified member for FSA-T	period between deployments is 30 days or less	member's entitlement to FSA-T continues.
21	is onboard a ship redeployed for more than 30 days	redeployment follows earlier deployment of more than 30 days which qualified member for FSA-S	period between deployments is 30 days or less	member's entitlement to FSA-S continues.
22	meets the qualifying requirements of any of the rules 1 through 21	member is married to another active duty member	the couple was residing together immediately before being separated by reason of military orders	member is entitled to FSA under the subparagraph 270203.A.3.
23	executes PCS orders causing a separation from the member's spouse			member is entitled to FSA-R under subparagraph 270203.A.1.
24	meets the qualifying requirements of any of the rules 1 through 21	the member is married to another active duty member and the couple has dependents	the couple and dependents were residing together immediately before each member is separated by reason of military orders	each member is entitled to FSA under the specific rule. (note 7)

Table 27-4. FSA - Conditions of Entitlement (Continued)

## NOTES:

1. Must meet the requirements of paragraph 270203.
2. A new determination of entitlement is required if member's PDS changes.
3. More than 90 days is prolonged hospitalization.
4. Members are not entitled to FSA-R or FSA-T during authorized leave enroute or proceed time (see Table 27-1, rules 1 and 2). See Table 27-3, rule 9 for date to stop FSA.
5. If the dependent's residence is within commuting distance of the place where member is in such status, then 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 homeport (subparagraph 270404.B).
7. Not more than one monthly allowance may be paid with respect to each member of a married military couple for any month. The dual allowance will continue until one of the members is no longer assigned to one of those duty assignments. The other member will continue to receive the allowance until no longer assigned to one of those duty assignments.

## \*REFERENCES

**CHAPTER 27: - FAMILY SEPARATION ALLOWANCE (FSA)**

## 2702 - ENTITLEMENT PROVISIONS

270201	37 U.S.C. § 427 DoD Instruction, 1340.24, September 17, 2009 47 Comptroller General (Comp Gen) 788
270202.A	51 Comp Gen 116 37 U.S.C. §§ 401, 421
270202.D	46 Comp Gen 148
270203.A	37 U.S.C. § 427
270203.B	37 U.S.C. § 427(b)
270203.B.3	37 U.S.C. § 427(a)
270203.D	37 U.S.C. § 427(d)
270203.D.3	60 Comp Gen 154

## 2703 - DEPENDENTS SEPARATION REQUIREMENTS

270301.A	51 Comp Gen 97
270301.B	43 Comp Gen 332, (Question 23) MS Comp Gen B-213658, June 26, 1984 MS Comp Gen B-211693, July 15, 1983 MS Comp Gen B-179976, November 7, 1974
270301.C	45 Comp Gen 170 46 Comp Gen 148
270302.A	43 Comp Gen 596
270302.B and C	43 Comp Gen 332
270303	43 Comp Gen 332, (Question 26) 44 Comp Gen 572 44 Comp Gen 217 MS Comp Gen B-182098, October 9, 1975 52 Comp Gen 912 55 Comp Gen 991

## 2704 - CONDITIONS OF ENTITLEMENT

270401	37 U.S.C. § 427(d)
270401.A.2	37 U.S.C. § 427 43 Comp Gen 527
270401.A.3	37 U.S.C. § 427
270401.A.4	37 U.S.C. § 427(c)
270401.C (Example 2)	44 Comp Gen 434
270401.D.3	37 U.S.C. § 427(c)
270401.E	43 Comp Gen 332

270401.G	43 Comp. Gen. 332
270402	43 Comp Gen 596
270403.B	45 Comp Gen 633
270404.A.1	43 Comp Gen 596
	44 Comp Gen 537
270404.A.2	44 Comp Gen 537
270404.A.2.b (Example 1)	44 Comp Gen 537
270404.A.5	43 Comp Gen 755
	43 Comp Gen 748
270404.B	45 Comp Gen 838
	43 Comp Gen 748
	52 Comp Gen 912
	55 Comp Gen 991
Table 27-1	37 U.S.C. § 427
Rule 5	47 Comp Gen 67
Rule 7	43 Comp Gen 596
Rule 8	43 Comp Gen 332
Rule 9	43 Comp Gen 596
Rules 12-17	43 Comp Gen 332
Notes 4 and 5	43 Comp Gen 332
Table 27-3	
Rule 1	43 Comp Gen 332
Rule 5	43 Comp Gen 596
Rule 10	43 Comp Gen 332
Note 3	43 Comp Gen 332
Table 27-4	
Note 4	45 Comp Gen 838



**VOLUME 7A, CHAPTER 29: “CLOTHING MONETARY ALLOWANCES”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [bold, italic, blue, and underlined font](#).

The previous version dated [February 2017](#) is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
Tables 29-1, 29-2, 29-4, 29-6, 29-7, 29-8	Updated the Clothing Monetary Allowances effective October 1, 2017.	Revision
Bibliography	Updated references.	Revision

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**CHAPTER 29****CLOTHING MONETARY ALLOWANCES**

## 2901 GENERAL

## 290101. Purpose

The Secretary of Defense (SecDef) may, on an annual basis by law and under Presidential Executive Order, prescribe the quantity and kind of clothing to be furnished to an enlisted member of the Military Services and may prescribe the amount of cash allowance to be paid if the clothing is not furnished. It is Department of Defense (DoD) policy that the quantities and kinds of items of individual clothing to be furnished will be prescribed by the Service Secretary or the Commandant of the Marine Corps, under the parameters set by the Deputy Under Secretary of Defense – Military Personnel Policy (DUSD MPP).

## 290102. Authoritative Guidance

The bibliography at the end of this chapter lists the authoritative references.

## 2902 ALLOWANCES

## 290201. Initial Clothing Allowance

Enlisted members receive the initial clothing allowance upon initial enlistment or upon other special qualification for entitlement to a prescribed outfitting of uniforms. The initial issue may be an in-kind issue or a combination of in-kind issue and cash payment.

## 290202. Cash Clothing Replacement Allowance

Enlisted members receive the cash clothing replacement allowance, upon the anniversary month, each successive year following the provision of an initial clothing allowance. Cash clothing replacement allowances are for replacement of required uniform items based on a normal wear rate.

## 290203. Extra Clothing Allowances

Extra clothing allowances are additional to initial and replacement allowances and do not reduce, replace or otherwise affect them. Extra clothing allowances provide for unusual circumstances when:

- A. An enlisted member may require additional uniform items; or
- B. An officer (with a permanent duty station outside the United States) or enlisted member may require civilian clothes to perform their assigned duties.

## 2903 INITIAL CLOTHING ALLOWANCES

## 290301. Standard Initial Clothing Allowance – General Provisions

The standard initial clothing allowance is an in-kind issue, although a cash payment may be made for items not furnished in-kind. Each Service, as approved by the DUSD MPP, may prescribe cash payments for items specifically designated to be purchased by the member, rather than to be furnished in-kind. Additionally, if any of the items of clothing normally prescribed to be furnished in-kind are not available for issuance, then the initial allowance may be completed by paying the member the cash value of the balance remaining. The standard initial clothing allowance rates, including prescribed cash payments for personal purchase of specified items, are in Table 29-1.

A. The total monetary value of items furnished in-kind, plus any cash payments, may not exceed the amounts for the total value of the applicable standard initial clothing allowance as established in Table 29-1.

B. If a Service member dies, is discharged, or is released from active duty within 6 months of entitlement to an initial allowance, then the value of the initial allowance must be reduced to the items of clothing already supplied or amount credited up to that date.

C. Army and Marine Corps members, entitled to a standard initial clothing allowance, are furnished the allowance on an item or issue in-kind basis without establishing a monetary credit. Payment of the amount prescribed in the initial allowance as a cash allowance may be made immediately. Shortages of items being furnished on an in-kind basis must be recorded and issued when available to the Service member.

D. Navy and Air Force members, entitled to a standard initial clothing allowance, are credited with the amount of the allowance against which the authorized clothing is furnished. A member will receive the amount prescribed in the initial allowance as a cash payment for personal purchase of specified items. At the conclusion of the basic training period or within a period the Service considers appropriate, if any of the prescribed items of clothing to be furnished in-kind against the established credit are not available for issuance, then the initial allowance may be completed by paying the member the remaining balance in cash.

## 290302. Standard Initial Clothing Allowance – Entitlement Criteria

Enlisted personnel (except those entitled to a special initial clothing allowance) must be furnished a standard initial clothing allowance under one or more of the following circumstances:

A. Upon first enlistment in the Service, or reenlistment in the same branch of the regular Military Service, if 3 months has expired from the date of last discharge or release from active duty and the member is not reporting from a Reserve component that requires the member to maintain uniform clothing;

B. Upon enlistment or reenlistment in a Service, other than the one from which last discharged;

C. Upon reporting for or upon recall to active duty for more than 6 months, after 3 months have expired from the date of last discharge or release from active duty with the clothing required for service in a Reserve Component. In these cases, the initial allowance must be reduced to a partial standard initial clothing allowance under regulations of the appropriate Service, to account for clothing required to be in the person's possession upon call or recall to active duty;

D. Upon being restored to duty, after being sentenced to confinement and punitive discharge, to the extent needed to fill the individual's clothing requirement;

E. Upon reenlisting within 3 months of last discharge or release from active duty, when the Service member did not receive the complete initial allowance or was required to turn in issued clothing. The amount allowed, will be the difference between the current initial clothing allowance and the current value of issued clothing that remained in the member's possession upon the date of last discharge or release from active duty, further reduced by any prior cash clothing payments toward the initial clothing allowance. The entitlement of replacement allowances, issues or payments are not considered the last authorization of the initial allowance;

F. Upon recall to active duty after 3 months from the date of the last release from active duty, or retired enlisted personnel (including Service members of the Fleet Reserve and the Fleet Marine Corps Reserve) recalled to active duty after 3 months from the date of the last release from active duty or retirement. Only one such allowance will be authorized during any period of four consecutive years;

G. Upon reversion to service on active duty for commissioned officers, or warrant officers, under temporary appointments who enlisted or reenlisted, or who reverted to service on active duty in an enlisted (other than Chief Petty Officer) status, except for purposes of retirement. Only one such allowance is authorized in any period of 4 consecutive years; or

H. Upon reversion to enlistment in or reenlistment in the regular Navy, Naval officer candidates, and Naval Reserve Chief Petty Officers, who revert to or are enlisted or reenlisted in the regular Navy in pay grade E-6 or below, except for purposes of retirement, provided they previously have not received a standard initial clothing allowance during their current period of continuous active duty.

#### 290303. Special Initial Clothing Allowance – General Provisions

Enlisted members assigned to a tour of duty, or who attain a status, requiring the wear of uniform clothing (other than special dress uniforms), may be authorized a special initial clothing allowance. Special initial clothing allowance is authorized only once during any period of continuous active duty. The special initial clothing allowance rates are in Table 29-2.

A. The special initial clothing allowance is provided in lieu of the standard initial clothing allowance when it is the first initial allowance qualified for and issued. The special initial clothing allowance supersedes and replaces the standard initial clothing allowance and is considered the last authorization of an initial clothing allowance for a member who previously received a standard initial clothing allowance and subsequently qualifies for and is provided a special initial clothing allowance. The special initial clothing allowance may be issued in-kind, paid as a monetary payment, or provided as a combination, as established by the Service concerned.

B. Examples of uses for special initial clothing allowance are when members in an enlisted status enter an officer training program, are advanced to Chief Petty Officer in the Navy, or are assigned to a military band with uniform styles different than those for others in their pay grade.

#### 290304. Special Initial Clothing Allowance – Eligibility Criteria

Enlisted members will be furnished a special initial clothing allowance under one or more of the following circumstances:

A. Upon selection and acceptance for specified officer-training programs;

B. In pay grade E-6 or below, upon assignment to either the U.S. Naval Academy Band, U.S. Navy Band, Washington, DC, or selection for appointment as a Limited Duty Officer in the Navy;

C. Upon first advancement to or first enlistment as a Chief Petty Officer in the Navy, while serving on active duty, unless special initial clothing allowance was previously paid. Effective October 1, 2009, Chief Petty Officers of the Naval Reserve assigned to Selected Reserve and Voluntary Training Units are entitled to a full special initial clothing allowance upon first advancement to Chief Petty Officer;

D. For Chief Petty Officers in the Naval Reserve who were advanced before October 1, 2009, upon first reporting for active duty for a period of 6 months or greater as a Chief Petty Officer of the Naval Reserve, provided no special initial clothing allowance has been previously paid either on active or inactive duty. If a special initial clothing allowance has been previously paid on inactive duty, then the Chief Petty Officer is entitled to a partial special initial clothing allowance in accordance with the Note at Table 29-2; or

E. Upon active duty reenlistment or receipt of orders to active duty as a Chief Petty Officer in the Navy, provided all of the following requirements are met:

1. Over 3 months has expired from the date of last discharge, release from active duty or retirement;

2. The enlistment or reenlistment period is for a period of more than 6 months;

3. Appointment to temporary officer status is not coincident with the enlistment or reenlistment; and

4. The member has not received a special initial clothing allowance within the last 4 years while on inactive duty.

#### 290305. Partial Initial Clothing Allowances

Enlisted members will be paid a reduced or partial initial clothing allowance when payment of a full standard initial clothing allowance or full special initial clothing allowance is not warranted, due to an enlisted member reporting for or being recalled to active duty for more than 6 months, after 3 months have expired from the date of last discharge or release from active duty with the clothing required for service in a Reserve component.

### 2904 CASH CLOTHING REPLACEMENT ALLOWANCES

#### 290401. General

Enlisted members receive cash clothing replacement allowances for uniform items for the replacement of military unique items required for wear. Enlisted members engaged in officer training programs or who are attending academy preparatory schools are not eligible for cash clothing replacement allowances. See Table 29-3 for specific entitlement rules. See Table 29-4 for the cash clothing replacement allowance rates.

#### 290402. Basic Cash Clothing Replacement Allowance

Basic cash clothing replacement allowance is a preliminary replacement allowance for uniform items. It is used during the first 3 years of active service subsequent to receipt of a standard initial clothing allowance or a reduced or partial standard initial clothing allowance.

A. Basic cash clothing replacement allowance accrues to each enlisted member, beginning the first day of the month following the date of completion of 6 months of active duty without regard to time lost. At the end of the member's anniversary month completing 1-year of uninterrupted active military service, the first payment is equal to one-half the applicable fiscal year rate then in effect.

B. When authorized under regulations of the Service concerned, enlisted members of a Reserve Component who received a reduced or partial standard initial clothing allowance may be authorized to accrue the basic cash clothing replacement allowance, beginning with the first day of the month following the date of call or recall to active duty in a pay status.

C. The basic cash clothing replacement allowance continues for the first 3 years of continuous active duty. It is payable for the second and third years at the end of the member's anniversary month, using the applicable rate then in effect.

## 290403. Standard Cash Clothing Replacement Allowance

Standard cash clothing replacement allowance provides for replacement of uniform items after completion of 3 years of active service subsequent to receipt of a standard initial clothing allowance or a reduced or partial standard initial clothing allowance. It is the preliminary replacement allowance during the first 3 years of active service, subsequent to receipt of a reduced or partial or special initial clothing allowance.

A. When used as the follow-on to the basic cash clothing replacement allowance, the standard cash clothing replacement allowance accrues beginning with the first day of the month following the date the member completes 36 months active duty, without regard to time lost. It continues during the remaining period of continuous active duty and is payable annually at the end of the Service member's anniversary month, using the applicable rate then in effect.

B. When used as the preliminary replacement allowance for the special initial clothing allowance, the standard cash clothing replacement allowance accrues, beginning with the first day of the month following the date the special initial clothing allowance or a reduced or partial special initial clothing allowance was authorized without regard to time lost. It is payable annually, for the first 3 years of continuous active duty, at the end of the Service member's anniversary month, using the applicable rate then in effect.

## 290404. Special Cash Clothing Replacement Allowance

Special cash clothing replacement allowance provides for replacement of uniform items, after completion of 3 years of active service, subsequent to receipt of a special initial clothing allowance. It accrues beginning with the first day of the month following the date the member completes 36 months active duty, subsequent to receiving a special initial clothing allowance or a reduced or partial special initial clothing allowance, without regard to time lost, and continues during the remaining period of continuous active duty. It is payable annually at the end of the Service member's anniversary month, using the applicable fiscal year rate then in effect. During the period for which the special cash clothing replacement allowance is payable, the Service member is not entitled to any other cash clothing replacement allowance.

## 2905 EXTRA CLOTHING ALLOWANCES

## 290501. General

Members may receive extra clothing allowances, in addition to any other entitled clothing allowance. Entitlement to or payment of an extra clothing allowance does not replace or reduce any other clothing allowance.

## 290502. Supplementary Clothing Allowances

In addition to any other clothing allowance authorized, an enlisted member may become entitled to a supplementary clothing allowance. Supplementary clothing allowances may be

authorized only for an enlisted member, assigned to duty in a special organization or detail, where the nature of the duty necessitates that he or she have, as a military requirement, additional quantities or special items of individual uniform clothing normally not required for most enlisted members in the same Service. Except for maternity uniforms, supplementary clothing allowances may not exceed 30 percent of the current value of the standard initial clothing allowance.

A. Entitlement

1. A supplementary clothing allowance may be issued in-kind, as a cash payment, or as a combination of issued in-kind and a cash payment. Generally, supplementary clothing allowances are cash payments to Navy and Air Force members, while Army and Marine Corps members receive in-kind issues.

2. A member scheduled to serve in a qualifying assignment for at least 6 additional months, may receive a subsequent supplementary clothing allowance, on the anniversary of the initial supplementary clothing allowance. A Service member who has received a supplementary clothing allowance may not be authorized a subsequent supplementary allowance for the same items upon reassignment to duty if less than 12 months have elapsed since the last payment. Under circumstances deemed appropriate, the Service Secretary or the Commandant of the Marine Corps may waive this restriction.

3. As an exception to subparagraph 290502.A.2, an otherwise qualified member may not receive the supplementary clothing allowance for maternity uniforms more often than once every 3 years.

B. Rates Payable

1. The Army provides supplementary clothing allowances as in-kind issues as described in Army Regulation 700-84.

2. See Table 29-5 for the Navy supplementary clothing allowance rates.

3. See Table 29-6 for the Air Force supplementary clothing allowance rates.

4. The Marine Corps provides supplementary clothing allowances as a combination of in-kind issues and cash payments. See Table 29-7 for the Marine Corps supplementary clothing allowance cash payments.

290503. Civilian Clothing Allowances for Officers and Enlisted Personnel

In addition to any other clothing allowance authorized, Service members (officer or enlisted) directed by competent authority to dress in civilian clothing more than half the time when performing official duty, as a military requirement, may be authorized a civilian clothing allowance. By law, an officer is authorized a civilian clothing allowance only if his or her



permanent duty station is outside the United States. During any period in which an enlisted member is on an assignment requiring the wear of civilian clothing, the applicable replacement allowance for uniform items continues to accrue. The Service Secretary or the Commandant of the Marine Corps may prescribe reduced civilian clothing allowances, as appropriate for their respective Service, for personnel serving under conditions where the full authorized civilian clothing allowances in Table 29-8 are not required.

A. Permanent Duty Civilian Clothing Allowances. The permanent duty civilian clothing allowance has two parts: the initial civilian clothing allowance; and the replacement civilian clothing allowance. The initial civilian clothing allowance is payable upon assignment to qualifying permanent duty when authorized by the Service concerned. When entitled, the replacement civilian clothing allowance is payable annually at the end of the service member's anniversary month using the applicable rate then in effect. The rates payable for the permanent duty civilian clothing allowances are in Table 29-8.

1. Initial Civilian Clothing Allowance. An initial civilian clothing allowance is paid only once in any 3-year period. It is not paid if the member has been out of a qualifying assignment for less than 12 months. If the member receives a follow-on permanent assignment requiring the wear of civilian clothing within 3 years of receiving an initial civilian clothing allowance, or within 12 months of occupying a qualifying assignment, then he or she will receive the replacement civilian clothing allowance at the end of the original anniversary month.

2. Replacement Civilian Clothing Allowance. At the end of the anniversary month of the member commencing the qualifying assignment, a replacement civilian clothing allowance is payable if it is projected that he or she will serve at least 6 additional months in a qualifying assignment. The member becomes entitled, upon authorization of the Service concerned. A replacement civilian clothing allowance is not payable if it is projected the member will remain in the assignment less than 6 months beyond the anniversary month. A replacement civilian clothing allowance is payable, if the member actually serves 6 or more months in the assignment past the anniversary month.

3. Lump-Sum Payments. A member who will continue to meet the eligibility criteria for a civilian clothing allowance, on a career basis, may receive the initial civilian clothing allowance, and up to two replacement civilian clothing allowance payments, in an up-front lump-sum payment. The member may receive payment at the time of eligibility and only once in their career. During the member's first or second anniversaries after a lump-sum initial payment, if it is determined the member actually will not be remaining in a qualifying position for at least the next 6 months, the annual unearned portion for the year(s) not served will be recouped from the member. At the end of the anniversary months for the third and subsequent years of eligibility, the member will receive their replacement civilian clothing allowance payment.

4. Prior Civilian Clothing Payments. A member, authorized to receive permanent duty civilian clothing allowance, will have that allowance reduced by the prevailing value of any temporary duty civilian clothing allowance received within the preceding 12 months.



B. Temporary Duty Civilian Clothing Allowances. Generally, the temporary duty civilian clothing allowance is used when the permanent duty civilian clothing allowance is not applicable. The total amount of all temporary duty civilian clothing allowances payable in any 36-month period will not exceed the maximum allowed for temporary duty of at least 30 days. The amounts authorized by the Service concerned will be within the rates established in Table 29-8. The temporary duty civilian clothing allowance has two maximum rates [based on the number of days the member is on temporary duty.](#)

1. 15-Days. When competent authority determines the member will be on temporary duty at least 15 consecutive or accumulative days within a 30-day period, the maximum amount payable is found in Table 29-8. The 15-day threshold requirement does not apply to Explosive Ordnance Disposal and Explosive Detector Dog Personnel on U.S. Secret Service Support Duty, Defense Courier Service couriers, or Defense Threat Reduction Agency military personnel. These personnel may receive the maximum payment for temporary duty of at least 30 days, upon their initial temporary duty assignment, regardless of the length of their temporary duty.

2. 30 Days. When competent authority determines that a member will be on temporary duty at least 30 consecutive or accumulative days within a 36-month period, the maximum amount payable will be found in Table 29-8, less any amount paid within the past 36-month period.

C. Additional Temporary Duty Payments. In exceptional circumstances, the appropriate official, or the designated official, may make an exception to the maximum allowance permitted in a 36-month period and may authorize an additional payment of a 15-day or 30-day allowance or some lesser amount. The Assistant Secretaries of the Army, Navy and Air Force for Manpower and Reserve Affairs (M&RA), or the Deputy Chief of Staff for M&RA in the Marine Corps, may approve the additional allowance. They cannot delegate their authority.

## 2906 MISCELLANEOUS CLOTHING PROVISIONS

### 290601. Reserve Component Allowances

Reserve Component personnel on active duty for periods of less than 6 months, or while on inactive duty, are generally furnished the required individual clothing items as in-kind issues. Reserve Component personnel may receive the standard initial clothing allowance cash portion for items designated to be personally procured and not issued in-kind. Members of Reserve Components on active duty for periods of less than 6 months or on inactive duty are not entitled to any civilian clothing allowances. Further guidance for payment of clothing allowances for Reserve members is set forth in Chapters 57 and 58.

## 290602. Lost or Damaged Clothing

The Service concerned will compensate an enlisted member for clothing items destroyed, damaged, lost, abandoned, captured, or otherwise rendered unusable, by an incident to military training or service, not caused by any fault or negligence of the member.

## 290603. Clothing Price Adjustments

Enlisted members of the Navy and Air Force, entitled to an initial or partial initial clothing monetary allowance upon entering the Service, may require an adjustment to their pay records. A member's pay record is adjusted to reflect the difference between the old and the new fiscal year prices for items not issued, if the entitlement date is on or before September 30, for all clothing items not issued prior to October 1.

## 290604. Settlement of Cash Clothing Allowances

A member will receive the cash clothing replacement allowance on the last day of their anniversary month. A member will receive a prorated cash clothing replacement allowance when discharged before the end of their anniversary month. The authorizing official approves payment for supplementary clothing allowances. See Table 29-9 for settlement of other cash clothing allowances.

\*Table 29-1. Standard Initial Clothing Allowances  
Effective October 1, 2017

R U L E	A	B	C	D	E
	When an entitled enlisted member is	and is	then the total value of the Standard Initial Clothing Allowance is	and the prescribed cash payment portion for purchase of specified items is	and the Partial Initial Clothing Allowance for a member of the Reserves or Guard called to active duty is
1	Army	male	\$1,581.51	\$7.50	\$0
2		female	\$1,553.31	\$314.67	\$0
3	Navy (E1-E6)	male	\$2,023.31	\$171.90	\$0
4		female	\$2,153.92	\$356.87	\$0
5	Air Force	male	\$1,431.20	\$0	\$0
6		female	\$1,638.98	\$297.75	\$0
7	Marine Corps	male	\$1,923.34	\$0	\$0
8		female	\$1,859.57	\$175.00	\$0

\*Table 29-2. Special Initial Clothing Allowances  
Effective October 1, 2016

R U L E	A	B	C	D	E
	When an entitled enlisted member is	and is	then the total value of the Special Initial Clothing Allowance is	and the prescribed cash payment portion to be paid is	and the Partial Initial Clothing Allowance for a member of the Reserves or Guard called to active duty is
1	in pay grade E-6 or below and assigned to the U.S. Navy Band, Washington, DC, or the U.S. Naval Academy Band, or selected for appointment as a Limited Duty Officer in the Navy	male	\$1,044.13	\$1,044.13	\$0
2		female	\$1,095.12	\$1,095.12	\$0
3	eligible to wear the uniform of a chief petty officer (E7-E9) (See Note)	male	\$1,044.13	\$1,044.13	\$522.07
4		female	\$1,095.12	\$1,095.12	\$547.56
5	selected for officer training in the Navy and enters Officer Candidate School, the Enlisted Commissioning Program, or the Seaman to Admiral Program	male	\$1,862.21	\$1,862.21	\$0
6		female	\$2,030.48	\$2,030.48	\$0
7	a direct civilian accession student to the Air Force Officer Training School (OTS)	male	\$928.00	\$928.00	\$0
8		female	\$1,201.41	\$1,201.41	\$0
9	an enlisted accession student to the OTS	male	\$388.92	\$388.92	\$0
10		female	\$388.92	\$388.92	\$0
11	assigned to the U.S. Air Force Academy Preparatory School	male	\$1,020.43	\$1,020.43	\$0
12		female	\$1,020.43	\$1,020.43	\$0

**NOTE:**

Navy Reserve personnel advanced to Chief Petty Officer on or after October 1, 2009 are entitled to the full special initial clothing allowance. Chief Petty Officers in the Navy Reserve who were advanced before October 1, 2009, were only paid a partial special initial clothing allowance and are entitled to a partial initial clothing allowance when called to active duty for 6 months or more.

Table 29-3. Entitlement to Cash Clothing Replacement Allowances

R U L E	A	B	C
	When a member	and is not	then the member is entitled to an annual
1	completes 6 months of active duty after last entitlement to a standard initial, partial standard initial or reduced standard initial clothing allowance (Note 1)	missing, missing-in-action, captured, or detained in a foreign country; nor forfeiting total pay; nor in confinement	basic cash clothing replacement allowance, accruing from the first day of the month following the date of completion of 6 months active duty through the end of 36 months of active duty. On completion of 12 months of uninterrupted active duty, payment will be made for one-half the annual rate and the full annual rate thereafter. Annual payments will be made at the end of the member's anniversary month of active duty (Note 3).
2	completes 6 months of active duty as an officer candidate (Note 1)	under approved sentence providing a punitive discharge (Note 2); nor assigned to a command where clothing is replaced by an in-kind issue; nor undergoing training leading to a commission or attending an academy preparatory school; nor terminated from the status for which a special initial clothing monetary allowance was awarded	
3	becomes entitled to a special initial, partial special initial or reduced special initial clothing allowance		standard cash clothing replacement allowance accruing from the first day of the month following the date the special initial clothing allowance is awarded and continuing for the first 36 months of such active duty. Annual payments will be made at the end of the member's anniversary month of active duty (Note 3).
4	completes 36 months of active duty after last entitlement to a standard initial, partial standard initial, or a reduced standard initial clothing allowance (Note 1)		standard cash clothing replacement allowance accruing from the first day of the month following the date of completion of 36 months active duty. Annual payments will be made at the end of the member's anniversary month of active duty (Note 3).
5	completes 36 months of active duty after last entitlement to a special initial, partial special initial, or a reduced special initial clothing allowance (Note 1)		special cash clothing replacement allowance accruing from the first day of the month following the date of completion of 36 months active duty. Annual payments will be made at the end of the member's anniversary month of active duty (Note 3).

**NOTES:**

1. The time period is computed without regard to lost time.

Table 29-3. Entitlement to Cash Clothing Replacement Allowances (Continued)

2. The term “approved sentence” means the date the sentence was approved by the convening authority.
3. If a member serves on this active duty less than 12 months or less than 12 months after the last annual payment, then a prorated amount will be paid, calculated at one-twelfth of the annual rate for each whole month or fractional month served. Example: A member on a 3-year enlistment leaves service after serving 2 years, 6 months, and 10 days. The final payment would be an amount equal to  $7/12$  of the annual amount.

\*Table 29-4. Cash Clothing Replacement Allowances  
 (See Note)  
 Effective October 1, 2016

R U L E	A	B	C	D	E
	When an entitled enlisted member is	and is	then the value of the Basic Cash Clothing Replacement Allowance is	and the value of the Standard Cash Clothing Replacement Allowance is	and the value of the Special Cash Clothing Replacement Allowance is
1	Army	male	\$331.86	\$474.08	\$0
2		female	\$347.91	\$497.02	\$0
3	Navy	male	\$482.40	\$687.60	\$860.40
4		female	\$471.60	\$673.20	\$781.20
5	Air Force	male	\$252.22	\$360.32	\$0
6		female	\$252.81	\$361.15	\$0
7	Marine Corps	male	\$439.20	\$630.00	\$0
8		female	\$432.00	\$619.20	\$0

**NOTE:**

Members of the U.S. Naval Academy Band, the U.S. Navy Band, Washington, DC, and all Navy Chief Petty Officers receive special cash clothing replacement allowances as follow-on to the special initial clothing allowances.

Table 29-5. Navy Supplementary Clothing Allowances  
Effective October 1, 2016

R U L E	A	B	C
		When a Navy enlisted member is assigned to	then the Supplementary Clothing Allowance to be paid in cash is
1	shore duty in a Bureau of Personnel (BUPERS) controlled recruiting billet or a recruiting support billet (Note 2)	\$220.00	annual.
2	the U.S. Navy Ceremonial Guard	\$200.00	only upon assignment.
3	the Ceremonial Guard Unit, Naval Air Facility, Washington DC	\$120.00	
4	duty in the executive part of the Department of the Navy located at the seat of government (field activities excluded)	\$15.00	
5	duty in the Office of the SecDef including the Office of the Joint Chiefs of Staff	\$15.00	
6	duty as a recruit company commander at Naval training centers or Naval Air Reserve training unit (Memphis) and meets eligibility requirements (Note 3)	\$220.00	annual.
7	duty as a recruit drill instructor at naval training centers and meets eligibility requirements (Note 3)	\$220.00	
8	duty with Naval Administrative Unit, Washington, DC	\$125.00	only upon assignment.
9	the USS CONSTITUTION	\$220.00	only upon assignment.
10	a unit of the Armed Forces police or permanent shore patrol	\$50.00	only upon assignment.
11	duty as a member assigned to: Transient Monitoring Unit, Enlisted Personnel Management Center, New Orleans; Personnel and Administrative Assistance Team, Atlantic; Personnel and Administrative Assistance Team, Pacific; or Reserve Personnel Management Assistance Team	\$185.00	



Table 29-5. Navy Supplementary Clothing Allowances (Continued)  
Effective October 1, 2016

R U L E	A	B	C
		When a Navy enlisted member is assigned to	then the Supplementary Clothing Allowance to be paid in cash is
12	duty as the Master Chief Petty Officer of the Navy or a Master Chief Petty Officer of a Fleet or Force	\$220.00	annual.
13	active duty or Selected Reserve duty and the individual's condition requires the wearing of a maternity uniform	\$350.35	once in 3 years.
14	duty as a musician with a Fleet/Area Band, U.S. Navy Band, Washington, DC or Naval Academy Band	\$220.00	annual.
15	duty as a midshipmen company advisor in pay grade E7 – E9 at the U.S. Naval Academy	\$220.00	

**NOTES:**

1. The supplementary clothing allowances listed are, unless otherwise noted, payable upon initial assignment to a normal tour of the duties described at the frequency specified in this table. Annual allowances will be paid upon assignment and upon each subsequent anniversary date of the initial assignment or entitlement, provided the member is projected to remain in the assignment for at least 6 additional months. Allowances to be paid as once in 3-year allowances, will be paid after 36 months from the date of any prior payment provided the individual's condition/duties continue to require the supplementary allowance, and they are projected to remain in the assignment for at least 6 additional months. Members will be paid allowances only when first assigned to specified duty. A supplementary allowance may not be paid more frequently than once per year for similar duty, even if at different locations or commands or for subsequent recalls to active duty within 1-year, except by special authority of the Service Secretary or designee.
2. Recruiting or recruiting support duty means active duty assignment to: Navy recruiting areas, Navy recruiting districts, Navy recruiting "A" stations, Navy recruiting stations, Military Entrance Processing Stations, or to Naval Reserve activities. It also includes Naval aviation cadet procurement teams at Naval Air Reserve activities. It is payable to recruiters after reporting to the enlisted Navy Recruiter Orientation Course or upon completion of the Veteran Recruiter Orientation. It is payable to recruiting support personnel upon receipt of orders to such duty. It is payable to members in BUPERS controlled recruiting billets or a recruit support billet upon initial assignment, when specialized training is not required prior to the recruiting assignment.
3. Eligibility requires completion of Recruit Company Commander or Recruit Drill Instructor School.

\*Table 29-6. Air Force Supplementary Clothing Allowances  
Effective [October 1, 2016](#)

R U L E	A	B	C
		When an Air Force enlisted member is assigned to	then the Supplementary Clothing Allowance to be paid in cash is
1	duty as an in-flight passenger service steward	\$204.09	annual.
2	Detachment 1, 4950th Test Wing	\$204.09	
3	89th Air Wing Presidential Aircrew	\$204.09	
4	Headquarters U.S. Air Force/Chief of Staff as member of the security police	\$138.62	only upon assignment.
5	89th Air Wing as a member of the security police	\$138.62	annual.
6	the U.S. Air Force Band, the Air Force Band of the Rockies, or a numbered Air Force Band	\$204.09	once in 3 years.
7	Hammer Ace	\$204.09	only upon assignment.
8	duty as a basic military training instructor or manager	\$261.84	annual.
9	duty as a cadet military training advisor at the U.S. Air Force Academy	\$204.09	
10	duty as a basic military training instructor at the U.S. Air Force Academy Preparatory School	\$204.09	
11	a recruiting group or squadron	\$261.84	
12	represent the Air Force as one of the 12 Outstanding Airmen of the Year	\$261.84	only upon assignment.
13	duty as a professional military education instructor	\$261.84	annual.
14	duty at a Major Command as a member of the security police Elite Guard	\$138.62	only upon assignment.
15	duty as a member of the security police Elite Gate Guards	\$138.62	
16	duty as a student at the Security Forces Specialist Course (Law Enforcement & Security Specialist Students)	\$111.67	
17	duty as the Chief Master Sergeant of the Air Force	\$261.84	annual.
18	duty as the Chief Master Sergeant of the Air Force Staff	\$261.84	only upon assignment.
19	duty as a U.S. Air Force Academy radio maintenance work center technician	\$169.42	once in 3 years.

\*Table 29-6. Air Force Supplementary Clothing Allowances (Continued)  
Effective [October 1, 2016](#)

R U L E	A	B	C
		When an Air Force enlisted member is assigned to	then the Supplementary Clothing Allowance to be paid in cash is
20	a military entrance processing station	\$169.42	annual.
21	active duty and the individual's condition requires the wearing of a maternity uniform (Note 2)	\$373.50	once in 3 years.
22	active duty and the individual's condition requires the wearing of a maternity uniform when the individual is provided, as government issue, maternity working uniforms (e.g., hospital workers, Note 2)	\$134.77	
23	duty as a Military Training Leader (Technical Training Schools)	\$261.84	annual.

**NOTES:**

1. The supplementary clothing allowances listed are, unless otherwise noted, payable upon initial assignment to a normal tour of the duties described and at the frequency specified in this table. Annual allowances will be paid upon assignment and upon each subsequent anniversary date of the initial assignment or entitlement, provided the member is projected to remain in the assignment for at least 6 additional months. Allowances to be paid as once in 3-year allowances, will be paid after 36 months from the date of any prior payment provided the individual's condition/duties continue to require the supplementary allowance, and they are projected to remain in the assignment for at least 6 additional months. Members will be paid allowances only when first assigned to specified duty. A supplementary allowance may not be paid more frequently than once per year for similar duty, even if at different locations or commands or for subsequent recalls to active duty within 1-year, except by special authority of the Service Secretary or designee.
2. When the reduced maternity uniform allowance has been paid and the member subsequently qualifies for a full maternity uniform allowance within 3 years of the reduced payment, the member will receive only the difference between the two allowances. A member may not receive more than the full maternity uniform allowance value within any 36-month period. A reduced maternity uniform allowance may not be paid within 36 months of a full maternity uniform allowance.

\*Table 29-7. Marine Corps Supplementary Clothing Allowances  
Effective October 1, 2016

R U L E	A	B	C
		When a Marine Corps enlisted member is assigned to	then the Supplementary Clothing Allowance to be paid in cash is
1	male Staff Non-Commissioned Officer (SNCO) White Trousers (note 2)	\$58.00	only upon assignment.
2	female SNCO White Skirt (note 2)	\$72.00	
3	female SNCO White Slacks (note 2)	\$64.00	
4	duty as a male student at the Naval Academy Preparatory School	\$1,348.38	
5	duty as a female student at the Naval Academy Preparatory School	\$1,370.10	
6	Sergeant Major of the Marine Corps	\$247.07	

**NOTES:**

1. The supplementary clothing allowances listed are, unless otherwise noted, payable upon initial assignment to a normal tour of the duties described and at the frequency specified in this table. Annual allowances will be paid upon assignment and upon each subsequent anniversary date of the initial assignment or entitlement, provided the member is projected to remain in the assignment for at least 6 additional months. Allowances to be paid as once in 3-year allowances, will be paid after 36 months from the date of any prior payment provided the individual's condition/duties continue to require the supplementary allowance, and they are projected to remain in the assignment for at least 6 additional months. Members will be paid allowances only when first assigned to specified duty. A supplementary allowance may not be paid more frequently than once per year for similar duty, even if at different locations or commands or for subsequent recalls to active duty within 1-year, except by special authority of the Service Secretary or designee.
2. Required for all SNCO whose approved duty assignment requires the white Skirt, Slacks, and Trousers.

\*Table 29-8. Civilian Clothing Allowances for Officer and Enlisted Members  
Effective [October 1, 2017](#)

R	A	B
U		
L	When an officer or enlisted member is entitled to a	then the amount of payment is
E	Civilian Clothing Allowance for	(Notes 1 and 2)
1	permanent duty initial payment	\$1,062.00
2	permanent duty annual replacement payment	\$354.24
3	temporary duty of at least 15 days in a 30-day period (Note 3)	\$354.24
4	temporary duty of at least 30 days in a 36-month period	\$708.12

**NOTES:**

1. By law, an officer is authorized a civilian clothing allowance only if the officer's permanent duty station is outside the United States.
2. Unless exception is given, the maximum amount payable for all temporary duty performed in any 36-month period will not exceed the maximum prescribed for duty of at least 30 days.
3. The 15-day qualification requirement does not apply to Explosive Ordnance Disposal and Explosive Detector Dog personnel on U.S. Secret Service support duty, Defense Courier Service couriers, or Defense Threat Reduction Agency military personnel. These personnel may be authorized up to the maximum temporary duty civilian clothing allowance for 30 days upon their initial temporary duty travel requirement.

Table 29-9. Settlement of Cash Clothing Allowances  
(See Note)

R U L E	A	B				C	D
	When member is entitled to	and is a member of the				and has	then
		Army	Navy	Marine Corps	Air Force		
1	a standard initial clothing allowance, a		X			completed 6 months of active duty (Note)	settle balance of allowance due.
2	reduced or partial standard initial clothing allowance		X		X	drawn clothing equaling or exceeding the allowance	settle amount, collect amount due from member, if appropriate.
3					X	completed 30 days of active duty (Note)	settle balance of allowance due.
4			X			completed recruit training	settle balance of allowance due.
5			X		X	reenlisted in the same branch of the Regular Service subsequent to expiration of 3 months from the date of last discharge or release from active duty	pay or credit amount authorized immediately.
6	a special initial clothing allowance or a reduced or partial special initial clothing allowance		X		X		pay or credit amount authorized immediately.
7	an initial cash allowance for personal purchase of specified items	X	X	X	X	established entitlement to an initial clothing allowance	pay or credit amount authorized immediately.
8	a civilian clothing allowance	X	X	X	X		pay or credit amount authorized immediately.

Table 29-9. Settlement of Cash Clothing Allowances (Continued)

**NOTE:**

On discharge, release from active duty, or death, before completion of 6 months of active duty (Navy), or 30 days (Air Force), reduce the monetary clothing allowance to amount of clothing already supplied.

## \*BIBLIOGRAPHY

## CHAPTER 29—CLOTHING MONETARY ALLOWANCES

## 2901 – GENERAL

290101 Title 37, United States Code (U.S.C.), section 418

## 2902 – CLOTHING ALLOWANCE ENTITLEMENT

37 U.S.C. § 418  
DoD Directive 1338.05, [January 12, 2005](#)  
DoD Instruction (DoDI) 1338.18, January 7, 1998  
Office of the Under Secretary of Defense Personnel and  
Readiness (OUSD (P&R)) Memo, April 18, 2008

## 2903 – INITIAL CLOTHING ALLOWANCES

290304.B Department of the Navy Chief of Naval Operations Memo,  
March 12, 2002

## 2904 – CASH CLOTHING REPLACEMENT ALLOWANCES

290402.A DoDI 1338.18, January 7, 1998  
290403.A DoDI 1338.18, January 7, 1998

## 2905 – EXTRA CLOTHING ALLOWANCES

290502 Assistant Secretary of Defense – Force Management &  
Personnel (ASD (FMP)) Memo, March 31, 1998  
OUSD (P&R) Memo, March 25, 2003  
290503 37 U.S.C. § 419

## 2906 – MISCELLANEOUS CLOTHING PROVISIONS

290602 DoDI 1338.18, January 7, 1998

## \*Table 29-1

DoDI 1338.18, January 7, 1998  
[Assistant Secretary of the Army \(ASA\), Acquisition,  
Logistics, and Technology \(ALT\) Memo,  
October 18, 2017](#)  
[Assistant Secretary of the Navy \(ASN\), M&RA Memo,  
September 13, 2017](#)  
[Department of the Air Force \(DAF\) Headquarters Air Force  
\(HQ AF\)/A1 Memo, August 24, 2017](#)



*Table 29-2	ASN M&RA Memo, September 13, 2017 DAF HQ AF/A1 Memo, August 24, 2017
*Table 29-4	ASA ALT Memo, October 18, 2017 ASN M&RA Memo, September 13, 2017 DAF HQ AF/A1 Memo, August 24, 2017
*Table 29-5	ASN M&RA Memo, September 13, 2017
*Table 29-6 Rule 1	DAF HQ AF/A1 Memo, August 24, 2017 ASD (FMP) Memo, February 26, 1996
*Table 29-7	ASN M&RA Memo, September 13, 2017
*Table 29-8	DoDI 1338.18, January 7, 1998 ASD M&RA Memo, September 11, 2017

**VOLUME 7A, CHAPTER 30: “OFFICERS’ UNIFORM AND EQUIPMENT ALLOWANCE”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by ***bold, italic, blue, and underlined font***.

The previous version dated **May 2017** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
ALL	Updated formatting to comply with current administrative instructions.	Revision
References	Renamed “Bibliography” to “References.”	Revision

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## CHAPTER 30

OFFICERS' UNIFORM AND EQUIPMENT ALLOWANCE

## 3001 GENERAL

## 300101. Purpose

In accordance with guidance contained in this chapter, officers of the Armed Forces of the United States may be entitled to an initial uniform allowance and/or an additional active duty uniform allowance as reimbursement for the purchase of required uniforms and equipment.

## 300102. Authoritative Guidance

[The authoritative references are listed at the end of this chapter.](#)

## 3002 INITIAL UNIFORM ALLOWANCE

## 300201. General

Officers of the Armed Forces of the United States are entitled to an initial uniform allowance as provided in this section.

## 300202. When Payable

A. Except as provided in subparagraph 300202.B, the initial uniform allowance is payable only once to an officer upon:

1. First reporting for active duty (other than for training) for a period of more than 90 days. A member entering active duty as an officer in a Regular Component or upon Reserve Officer Training Corps (ROTC) graduation is considered to have entered into active duty for more than 90 days;

2. Completing at least 14 days of active duty or active duty for training as a member of a Reserve Component;

3. Completing 14 periods of inactive duty training as a member of the Ready Reserve. Each period of inactive duty training must be of at least 2 hours duration; or

4. Reporting for the first period of active duty required of a member of the Armed Forces Health Professions Scholarship Program.

B. In the case where a Reserve officer transfers to another Reserve Component that requires a different uniform, that Reserve officer may receive another initial uniform allowance.

## 300203. Amount Payable

All officer personnel, commissioned or appointed in the Regular or Reserve Components of the Army, Navy, Air Force, and Marine Corps, are authorized \$400 as reimbursement for the purchase of uniforms and equipment, regardless the source of commission or previous enlisted status.

## 300204. Restrictions

A. If a member has received an initial uniform allowance in any amount as an officer, under conditions other than those listed in subparagraph 300202.A, then the member cannot again be entitled to the initial uniform allowance.

B. Regular officers may not receive this allowance when transferring to another Military Service.

C. Only periods of duty that require wearing of the uniform are counted for entitlement to the initial uniform allowance.

D. An officer must be determined physically qualified for active duty before entitlement to an initial uniform allowance accrues.

## 3003 ADDITIONAL ACTIVE DUTY UNIFORM ALLOWANCE

## 300301. General

Officers of Reserve Components, officers of the Army or Air Force of the United States without specification of component, and ROTC graduates appointed in the Regular Components are entitled to an additional active duty uniform allowance as provided in this section.

## 300302. When Payable

A. The additional active duty uniform allowance is payable for each instance of entry or reentry into active duty, or active duty for training (including authorized travel time) for more than 90 days. The period served may be under orders specifying active duty for more than 90 days, or under two or more orders requiring a continuous period of more than 90 days active duty.

B. An officer commissioned in a Regular Component, upon ROTC graduation, accrues entitlement to the allowance on commencement of duty as a Regular officer. The officer is considered to have entered on active duty for more than 90 days.

## 300303. Amount Payable

The additional active duty uniform allowance is payable, to qualified officers in the amount of \$200, as reimbursement for the purchase of required uniforms and equipment.

## 300304. Restrictions

A. The additional active duty uniform allowance is not payable if the officer has received an initial uniform allowance of more than \$400 during the current tour of active duty, or within 2 years prior to entering the current tour.

B. The additional active duty uniform 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 specification of component, or as a Regular officer commissioned upon ROTC.

C. An officer of a Reserve Component or of the Army or Air Force of the United States, without specification of component, is not due this allowance solely because of appointment in or transfer to the Army, Air Force, or another Reserve Component.

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 allowance prescribed in this paragraph.

F. To be entitled under this paragraph, an officer must be determined physically qualified for active duty.

## 300305. Computation of 2-Year Period

Compute the 2-year period during which no active duty or active duty for training was performed as follows:

A. When an officer is ordered to active duty, or active duty for training, for a period of more than 90 days, the 2-year period begins on the day following the day of release from active duty or active duty for training.

Example 1: A Reserve officer was ordered to active duty for training under orders specifying a 92-day tour of duty to begin March 1, 2016, and to end May 31, 2016. The officer actually was released from active duty for training May 31, 2016. The 2-year period began on June 1, 2016. Entitlement to the next additional active duty uniform allowance accrues if the officer is called to active duty, or active duty for training, for a period of more than 90 days on or after June 1, 2018.

Example 2: If the officer in Example 1 served 35 days of a tour of active duty under orders specifying duty of more than 90 days, and was released from active duty for training April 4, 2016, then the 2-year period started April 5, 2016. Entitlement to

the next additional active duty uniform allowance accrues if the officer is called to active duty, or active duty for training for a period of more than 90 days, on or after April 5, 2018. 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.

B. When an officer is ordered to active duty for training for an indefinite period, and serves more than 90 days, the 2-year period begins on the day following the day of release from active duty.

Example 1: A Reserve officer was ordered to active duty for training for an indefinite period to begin March 1, 2016. The officer was released from active duty July 1, 2016. On the 91st day of duty (May 30, 2016), the officer was entitled to the allowance as of the first day of duty (March 1, 2016) if other conditions of entitlement were met. The 2-year period starts July 2, 2016. Entitlement to the next additional active duty uniform allowance accrues if the officer is called to active duty, or active duty for training, for a period of more than 90 days on or after July 2, 2018.

Example 2: If the Reserve officer in Example 1 (subparagraph 300305.B) was released from active duty on April 4, 2016 after serving only 35 days, then he or she would not be entitled to the 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 as 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 300304.B does not apply. Exception: Regular officers appointed upon completion of ROTC training after October 12, 1994, are subject to the 2-year restriction.

Example: An officer was separated from a Regular Component on June 30, 2016, and was appointed an officer in a Reserve Component on July 1, 2016. The member reported for active duty for more than 90 days on May 1, 2018. The member was entitled to the 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. First Time Reporting for Active Duty and Allowances

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 subject to the restrictions of paragraphs 300204 and 300304.

## 300402. Received Initial Uniform Allowance

An officer who receives, or has previously received, an initial uniform allowance as an officer, under any conditions other than those listed in subparagraph 300202.A, is not eligible to receive the initial uniform allowance upon transfer to, or appointment in, another Reserve Component or the Army or Air Force of the United States, without specification of component.

## 300403. Reserve Officers' Uniform Allowance Entitlements

A Reserve officer who receives, or has previously received, an initial uniform allowance, under the conditions listed in subparagraph 300202.A, and again qualifies for the initial uniform allowance and/or the additional active duty uniform allowance by meeting the basic requirements, is eligible to receive the initial and/or the additional allowance upon transfer to, or appointment in, another Reserve Component or the Army or Air Force of the United States, without specification of component, if the wearing of a different uniform is required.

## 300404. Reserve Officers' Additional Allowance Entitlement

If otherwise eligible, a Reserve officer is entitled to be paid the additional active duty uniform allowance, even if the member has not received an initial uniform allowance.

## 3005 CIVILIAN CLOTHING MONETARY ALLOWANCE

## 300501. Officers' Civilian Clothing 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 allowance for civilian clothing.

## 300502. Entitlement and Rate for Civilian Clothing Allowance

Entitlement criteria for civilian clothing allowances are specified in Chapter 29, paragraph 290503 and allowance rates are at [DFAS.MIL](#).



**\*REFERENCES****CHAPTER 30 – OFFICERS’ UNIFORM AND EQUIPMENT ALLOWANCE****3002 – INITIAL UNIFORM ALLOWANCE**

300202.B	Title 37, United States Code (U.S.C.), section 417(b)
300204.A	37 U.S.C. § 415(b)

**3003 – ADDITIONAL ACTIVE DUTY UNIFORM ALLOWANCE**

300302.A	33 Comptroller General (Comp Gen) 250
300303	37 U.S.C. § 416(b)(1)
300304.A	37 U.S.C. § 416
300304.B	43 Comp Gen 265
300304.D	33 Comp Gen 242
300305	42 Comp Gen 550

**3004 – DETERMINATIONS**

300403	37 U.S.C. § 417(b)
300404	43 Comp Gen 729

**3005 – CIVILIAN CLOTHING MONETARY ALLOWANCE**

37 U.S.C. § 419

**VOLUME 7A, CHAPTER 31: “PERSONAL MONEY ALLOWANCE”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

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<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
310102	Updated the “Authoritative Guidance” paragraph to comply with current administrative instructions.	Revision
310202	Deleted the “Allowance for Certain Naval Officers” paragraph to comply with Public Law 115-232, section 601, dated August 13, 2018 and renumbered subsequent paragraph.	Deletion
Table 31-1	Deleted rules 5-9 pertaining to personal money allowance for Navy officers in accordance with Public Law 115-232, section 601, dated August 13, 2018.	Deletion
References	Renamed “Bibliography” to “References” and updated supporting statutes and references.	Revision

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## CHAPTER 31

PERSONAL MONEY ALLOWANCE

## 3101 GENERAL

## 310101. Purpose

This chapter establishes policy pertaining to Personal Money Allowance.

## \*310102. Authoritative Guidance

The pay policies and requirements established by the Department of Defense in this chapter are derived primarily from, and prepared in accordance with the United States Code (U.S.C.), including Title 37. Due to the subject matter in this chapter, the list of authoritative sources is extensive. The specific statutes, regulations, and other applicable guidance that govern each individual section are listed in a reference section at the end of the chapter.

## 3102 ENTITLEMENT

## 310201. Officers

Officers, in the capacities listed in Table 31-1 (Personal Money Allowance - Amounts Payable), 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.

## 310202. Enlisted Members

An enlisted member, serving as the Senior Enlisted member of his or her Military Service, is also entitled to receive a Personal Money Allowance. This allowance is in addition to any other pay or allowance authorized.

## 3103 MONTHLY AMOUNTS PAYABLE

See Table 31-1.

## 3104 TAXABILITY AND WITHHOLDING TAX

Personal Money Allowance is subject to federal and state income tax withholding.

\*Table 31-1. Personal Money Allowance — Amounts Payable

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>
	<b>If the member is serving</b>	<b>then the annual amount payable is</b>	<b>and is paid monthly at the rate of</b>
<b>1</b>	as Chairman of the Joint Chiefs of Staff, Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army or Air Force, Chief of Naval Operations, Commandant of the Marine Corps, Commandant of the Coast Guard, or Chief of the National Guard Bureau (note 1)	\$4,000 (note 2)	\$333.33
<b>2</b>	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 (note 1)	\$2,200 plus \$500 authorized in rule 4	\$225.00
<b>3</b>	in the grade of general or admiral	\$2,200	\$183.33
<b>4</b>	in the grade of lieutenant general or vice admiral	\$500	\$41.67
<b>5</b>	as the Senior Enlisted Advisor for the Chairman of the Joint Chiefs of Staff, Sergeant Major of the Army, the Master Chief Petty Officer of the Navy, the Chief Master Sergeant of the Air Force, the Sergeant Major of the Marine Corps, the Master Chief Petty Officer of the Coast Guard, or the Senior Enlisted Advisor to the Chief of the National Guard Bureau (note 1)	\$2,000	\$166.67

**NOTES:**

1. This allowance is based on a specific duty assignment, and it does not accrue before the date member starts or after the date member is released from such duty assignment.
2. This amount is in place of any other Personal Money Allowance authorized.

\*REFERENCES

**CHAPTER 31 – PERSONAL MONEY ALLOWANCE**

3102 – ENTITLEMENT

37 U.S.C., [sections](#) 413-414

3104 – TAXABILITY AND WITHHOLDING TAX

Title 26, Code of Federal Regulations, part 1.62-2  
26 CFR 31.3401(a)-1  
31 CFR 215.8

Table 31-1

37 U.S.C. §§ 413-414  
[Public Law 115-232, section 601, August 13, 2018](#)

**VOLUME 7A, CHAPTER 32: “ADVANCE, LOCAL, PARTIAL, AND EMERGENCY  
PARTIAL PAY”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

The previous version dated [July 2016](#) is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated formatting and hyperlinks to comply with current administrative instructions.	Revision

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## CHAPTER 32

ADVANCE, LOCAL, PARTIAL, AND EMERGENCY PARTIAL PAY

## 3201 GENERAL

## 320101. Purpose

This chapter establishes policy pertaining to advance, local, partial, and emergency partial pay for members of the active and reserve components.

## 320102. Authoritative Guidance

The bibliography at the end of this chapter lists the authoritative references.

## 3202 ADVANCE PAYMENTS

## 320201. Advance Pay for Permanent Change of Station (PCS)

A. Commander's Responsibility. The member's commander has a responsibility to ensure that the advance of pay is used only to help with the financial burden of a PCS.

1. This financial burden can be complicated when a member files for bankruptcy. Commanders should be aware when a member has filed for bankruptcy and then makes a request for an advance pay. Some bankruptcy court jurisdictions hold that a creditor does not have the authority to recoup any post-petition debt, including advance pay, without permission from the bankruptcy court. This is true in cases when a member has filed a Chapter 13 bankruptcy.

2. In such instances, the government may not be able to collect any amount of the advance pay unless the Defense Finance and Accounting Service (DFAS) receives approval from the court or after the bankruptcy is discharged or terminated. Additionally, in situations when DFAS has withheld funds for repayment of the advanced pay, DFAS will have to return the funds to the member. Accordingly, commanders should approach such advance pay requests fully aware that the government may not be able to collect the advance pay from the member even though the advanced pay was issued after the member filed for bankruptcy.

B. Entitlement. The [eligibility](#) and amounts payable are contained in Table 32-1.

C. Repayment. Advances are repaid per Table 32-2.

D. Effect on Allotments. Do not pay an advance of pay in an amount that will require the stoppage of allotments for insurance or support of dependents. No allotment may be started after the advance is made if that allotment would prevent repayment of the advance of pay

within the allowed period. If the separation of a member from the Service is imminent, then stop all allotments necessary to collect the advance.

320202. Advance of Pay and Allowances

An advance of pay is to ease hardships imposed by the lack of regular payments when a member is mobilized, ordered to duty at a distant station, or deployed aboard ship for more than 30 days.

A. Entitlement. The [eligibility](#) and amounts payable are contained in Table 32-1.

B. Repayment. These advances are repaid per Table 32-2.

320203. Advance Pay for Assignment of 1 Year or More to [Hazardous Duty](#) Pay Area

A. Entitlement. A member may be paid an advance of basic pay not to exceed 3 months less deductions. The conditions and amounts payable are contained in Table 32-1, rule 3.

B. Repayment. This advance is repaid based on Table 32-2, rule 11; however, advance pays not fully collected prior to the death of a member will not be collected against the estate of a deceased member.

320204. Advance Pay When Ordered to Indoctrination Center

A. Entitlement. A member may be paid an advance of basic pay not to exceed 15 days. The conditions and amounts payable are contained in Table 32-1, rule 4.

B. Repayment. Collect the advance in full from the member's next available payday.

320205. Advance of Basic Allowance for Subsistence (BAS)

A. Entitlement. An enlisted member may be paid an advance of BAS not to exceed 3 months if the member is entitled to BAS and the Commanding Officer (CO) authorizes the payment following a determination that it is necessary. Individual Military Service regulations may limit BAS advances to less than 3 months.

B. Repayment. This advance is repaid based on Table 32-2, rule 12.

320206. Advance Pay Upon Evacuation of Members or Dependents

The purpose of this advance is to give funds to evacuated members or dependents to cover costs of travel, food, and other needs.

A. Entitlement. The [eligibility](#) and amounts payable are contained in Table 32-1, rule 5.

B. Repayment. The advances are repaid per Table 32-2, rule 13.

320207. 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 [eligibility](#) and amounts payable are contained in Table 32-1, rule 6.

B. Repayment. This advance is repaid per Table 32-2, rule 14.

320208. Advance Pay for Members of the Armed Forces Health Professions Scholarship Program (AFHPSP) on Active Duty

A. Entitlement. An advance of pay, not to exceed basic pay for 1 month, may be paid to a member of the AFHPSP when reporting for the annual 45-day active duty tour.

B. Repayment. Collect the advance in full by the end of the 45-day active duty tour.

320209. Advance of Housing Allowances

An advance of Basic Allowances for Housing and overseas housing allowance may be authorized under the terms and conditions in the Joint Travel Regulations (JTR), Chapter 10.

320210. Advance Pay for Senior Reserve Officer Training Corps (SROTC) Cadets and Midshipmen Ordered to Field Training or Practice Cruises

A. Entitlement. An advance of pay, not to exceed the entitlement for 1 month, or the amount the SROTC member will accrue for the training, whichever is less, may be paid to an SROTC member who is ordered to perform field training or a practice cruise.

B. Repayment. Collect the advance in full from the member's field training or practice cruise entitlement.

320211. Military Paydays

A. Payday is the first calendar day of the month after the month in which the entitlement was earned.

B. Except for payrolls otherwise payable on October 1, if the payday falls on a Saturday, Sunday, or federal legal holiday, payment is authorized on the preceding workday, but not more than 3 days before the scheduled payday. This exception applies to foreign holidays recognized abroad by U.S. Forces. It also applies to payments made to members upon separation from the Military Service through retirement or discharge when the last day of active duty falls on a Saturday, Sunday, or federal legal holiday.

C. For payrolls otherwise payable on October 1, the [Department of Defense \(DoD\) Comptroller](#) will determine if the payroll may be dated in September.

### 3203 LOCAL, PARTIAL, AND EMERGENCY PARTIAL PAYMENTS

#### 320301. Local and Partial Payments

Local and partial payments are authorized only for overseas areas where on-base military banking facilities are not readily available. Exceptions may be granted for members assigned to classified or contingency operations where the exigencies of their assignments may require local cash or partial payments. In this circumstance, the member's commander may authorize immediate cash payments up to the amount of accrued entitlement to date, when deemed appropriate to the mission (see Table 32-3).

#### 320302. Emergency Partial Payment

A. For members residing or assigned within the United States (including Alaska and Hawaii), this is a payment deemed time sensitive and required within 24 hours due to an unforeseen set of circumstances or the resulting state that calls for immediate action (see Table 32-3). Payment will be made in an expeditious manner, e.g., Direct Deposit or check payment. The supporting DFAS site may be able to affect overnight Electronic Funds Transfer (EFT) payment if circumstances warrant.

B. The member's commander, in coordination with the supporting finance office, may authorize emergency payments, up to the amount of accrued entitlement to date in the following circumstances:

1. Emergency pay and allowances earned to date as reflected on the member's pay account, when no pay was received on a regular payday or when there is a major medical emergency or death in the member's immediate family and payment is needed within 24 hours;

2. Emergency travel advance, when a traveler does not have a government travel charge card;

3. Discharge gratuity (as required by Chapter 35, Table 35-7), when payment is needed within 24 hours;

4. Payment of military death gratuity benefit to a beneficiary, when payment is needed within 24 hours;

5. Payment to military member of advance pay and allowances and/or evacuation allowance, when dependents must be evacuated as a result of a natural disaster or life threatening situations; or

6. Payment to dependents, when forfeiture of pay and allowances is waived under conditions defined in Chapter 48, subparagraph 480307.C.

Table 32-1. Advance Payments - Eligibility and Amounts Payable

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
<b>R U L E</b>	<b>A member in receipt of orders for (to)</b>	<b>and</b>	<b>when approved in writing by</b>	<b>may be paid an</b>	<b>in an amount</b>	<b>to be paid by the supporting DFAS site (note 1)</b>
<b>1</b>	a PCS move, to include (note 2): a. between stations; b. to new station upon reenlistment (following a break in service); c. commencement of active duty by newly commissioned regular officer; d. change of home port; e. Reserve forces member in receipt of orders to active duty of 140 days or more; or f. extended active duty (Reserve or retired members)	the member signs a form confirming that the intended use 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 Noncommissioned Officer (NCO) Academy) for grades E-3 and below (except as more restrictively prescribed in regulations of the Military Service concerned)	advance of basic pay	of 1 month of basic pay, less deductions (note 3)	to member's financial institution not earlier than 30 days prior to departure (note 4); en route; first duty station or after beginning travel to first duty station after completion of physical examination; or within 60 days after arrival at new/first duty station (home port, note 4) (note 5).
<b>2</b>			the member's commanding or recruiting officer (including enlisted commandant of the NCO Academy)		not to exceed 3 months of basic pay, less deductions, if warranted and justified (notes 3 and 6)	

Table 32-1. Advance Payments - Eligibility and Amounts Payable (Continued)

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
<b>R U L E</b>	<b>A member in receipt of orders for (to)</b>	<b>and</b>	<b>when approved in writing by</b>	<b>may be paid an</b>	<b>in an amount</b>	<b>to be paid by the supporting DFAS site (note 1)</b>
<b>3</b>	assignment for duty (permanent or temporary) for 1 year or more (or extended beyond 1 year) to an area where the member would receive <a href="#">hazardous duty</a> pay under Title 37, United States Code (U.S.C.), section <a href="#">351</a>		the member's commanding or recruiting officer (including enlisted commandant of the NCO Academy)	advance of basic pay	of 1 month of basic pay, not to exceed 3 months, less deductions (notes 3 and 7)	to member's financial institution (note 8).
<b>4</b>	a training or indoctrination center on induction or enlistment		the center commander (including enlisted commandant of the NCO academy)		not to exceed 15 days of basic pay (notes 9 and 10)	advances will be deposited, via <a href="#">Direct Deposit</a> /EFT to the basic trainee's account at the designated financial institution.

Table 32-1. Advance Payments - Eligibility and Amounts Payable (Continued)

R U L E	A	B	C	D	E	F
	A member in receipt of orders for (to)	and	when approved in writing by	may be paid an	in an amount	to be paid by the supporting DFAS site (note 1)
5	evacuation of member or dependents from a place outside the United States or other place as the Secretary of Defense designates (note 11)	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 the member or to the member's dependents, in one or more installments	as designated by the member, in a total amount of not more than 2 months of basic pay (net of any forfeiture and Montgomery G.I. Bill; no other deduction considered)	as an emergency local payment at permanent station or any military disbursing office either overseas or in the United States.
6	assignment to sea duty or other duty with a unit or command deployed or to be deployed outside the United States (note 12)			advance of an allotment(s) for dependent(s)	equal to amount of the allotment(s) for 1 month (note 13)	
7	the call or order to, or retention on, active duty of members of the uniformed services under 10 U.S.C. §§ 688, 12301(a), 12302, 12304, 12304(a), 12304(b), 12305, 12406; 10 U.S.C. Chapter 15; or 14 U.S.C. § 712	has reported for duty but cannot be paid pay and allowances due within 14 days of reporting for that duty	the member's commander (including enlisted commandant of the NCO academy)	advance of pay and allowances	not to exceed 3 months of pay and allowances less deductions (notes 3 and 4)	to member's financial institution or mailed from DFAS central site to an address.



Table 32-1. Advance Payments - Eligibility and Amounts Payable (Continued)

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
<b>R U L E</b>	<b>A member in receipt of orders for (to)</b>	<b>and</b>	<b>when approved in writing by</b>	<b>may be paid an</b>	<b>in an amount</b>	<b>to be paid by the supporting DFAS site (note 1)</b>
<b>8</b>	assignment to a distant duty station	pay and allowances cannot be paid regularly	the member's commander (including enlisted commandant of the NCO academy)	advance of pay and allowances	of not more than 3 months of basic pay and allowances, less deductions (note 3)	to member's financial institution or mailed from DFAS central site to an address.
<b>9</b>	assignment to a distant duty station	pay and allowances cannot be paid regularly	the member's commander (including enlisted commandant of the NCO academy)	advance of pay and allowances	of not more than 3 months of basic pay and allowances, less deductions, when approved by: Army or Air Force-Major Command; Navy-Office of Comptroller; USMC-Commandant of the Marine Corps (note 3)	to member's financial institution or mailed from DFAS central site to an address.

Table 32-1. Advance Payments - Eligibility and Amounts Payable (Continued)

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
<b>R U L E</b>	<b>A member in receipt of orders for (to)</b>	<b>and</b>	<b>when approved in writing by</b>	<b>may be paid an</b>	<b>in an amount</b>	<b>to be paid by the supporting DFAS site (note 1)</b>
<b>10</b>	deployment aboard ship for more than 30 days (Navy-Marine Corps only)	pay and allowances cannot be paid regularly	the member's commander (including enlisted commandant of the NCO academy.)	advance of pay and allowances	of 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 3).	to member's financial institution or mailed from supporting DFAS site to an address.

**NOTES:**

1. For emergency payment exceptions, see paragraph 320302.
2. Temporary duty en route does not preclude payment. An advance payment for a PCS move in the same geographical area of the member's prior duty station or home port, or place from which ordered to active duty, is authorized only when movement of the member's household at government expense is authorized per JTR, Chapter 5, Part C.
3. Deductions:
  - a. For advance pay computation (rules 1 and 2), the following deductions will be made:
    1. Forfeitures;
    2. Montgomery G.I. Bill;
    3. Federal/state income tax;
    4. Federal Insurance Contribution Act;
    5. Servicemembers Group Life Insurance;
    6. Armed Forces Retirement Home;
    7. Dependent Dental Plan;

Table 32-1. Advance Payments - Eligibility and Amounts Payable (Continued)

**NOTES: (Continued)**

8. TRICARE;
  9. Monthly repayment of a prior advance;
  10. Indebtedness to the United States or its instrumentalities, whether scheduled (monthly debt installment) or unscheduled (one-time collection);
  11. Garnishments;
  12. Statutorily-required support allotments in force;
  13. Court-ordered bankruptcy payments; and
  14. Thrift Savings Plan (TSP) (basic pay designation only).
- b. For advance of pay and allowances computation (rules 6, 7, 8, 9), include total of all allotments in force and TSP designations, i.e., special pays, incentive pays, and bonuses (if paid monthly).
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 and approved by the member’s commander (including enlisted commandant of the NCO academy). The member must provide written justification indicating the specific circumstances requiring the early or late advance payment.
  5. The request for an advance of pay must be made 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.
  6. 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.
  7. Upon request, the member will be granted an advance payment equaling 1 month of basic pay. The Secretary concerned, at his discretion, may grant a request for up to 2 or 3 months of advanced basic pay if member can justify financial hardship.
  8. The member may request the advance at any time during the period of assignment. The earliest that the member may apply and receive the advance is the effective or start date of the assignment, as specified in the member’s orders. This is generally when the member is authorized to begin travel to comply with the assignment order.
  9. This advance is collected in full when the member receives their first regular pay.
  10. For Army members only. Advances will be paid using Service’s Stored Value Cards. An exception to the 15-day limit is authorized and an Army member may be advanced up to 21 days of basic pay for the purpose of paying the cost of round trip travel to the member’s home during annual holiday leave period (mid-December through early January). Collection of the advance will be made in the January processing cycle.
  11. This advance is not payable for evacuation of individual dependents.
  12. The advance payment may not be made more than 60 days before the scheduled date of the duty assignment.
  13. Establish an allotment(s) for dependents in the member’s pay record simultaneous to paying the advance.

Table 32-2. Repayment of Advances

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
	<b>When a member was paid an</b>	<b>and</b>	<b>begin collecting (note 1)</b>	<b>and when approved in writing by</b>	<b>at the rate of</b>
<b>1</b>	advance(s) of pay incident to a PCS		the first day of the month following payment of advance(s)		1/12 of the amount(s) advanced each month for the next 12 months (notes 2, 3, and 4).
<b>2</b>		when justified by the member that repayment within 12 months would create severe hardship (note 5)			the member's commander (including enlisted commandant of the NCO academy)
<b>3</b>		member's separation is imminent (includes members unexpectedly forced to retire under the Selected Early Retirement Board (SERB) (note 8)	immediately the remaining outstanding advance prorated over the remaining months of service		all unpaid pay and allowances, except enlisted separation advanced travel allowance (notes 9, and 10).
<b>4</b>		member's orders are revoked/cancelled	immediately the outstanding balance in full.		
<b>5</b>		member dies			

Table 32-2. Repayment of Advances (Continued)

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
	<b>When a member was paid an</b>	<b>and</b>	<b>begin collecting (note 1)</b>	<b>and when approved in writing by</b>	<b>at the rate of</b>
<b>6</b>	advance(s) of pay and allowances (for duty at a distant station or deployed aboard ships for more than 30 days)		the first day of the month following payment of advance(s)		1/12 of the amount(s) advanced each month for the next 12 months (notes 2, 3, and 4).
<b>7</b>		duty ends earlier than expected			equal monthly installments of not less than 1/12 of the unliquidated amount advanced per month for 12 months (notes 2 and 3).
<b>8</b>		member's separation is imminent (includes members unexpectedly forced to retire under the SERB (note 8))	immediately the remaining outstanding advance prorated over the remaining months of service		all unpaid pay and allowances, except enlisted advanced travel allowance (notes 9 and 10).
<b>9</b>		member's orders are revoked/cancelled	immediately the outstanding balance in full.		
<b>10</b>		member dies			

Table 32-2. Repayment of Advances (Continued)

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
	<b>When a member was paid an</b>	<b>and</b>	<b>begin collecting (note 1)</b>	<b>and when approved in writing by</b>	<b>at the rate of</b>
<b>11</b>	advance of basic pay when deployed in a combat zone for 1 year or more		the advance on the first day of the first month beginning on or after the date on which the member receives the advance pay		1/12 of the amount(s) advanced each month for the next 12 months (notes 2, 11, and 12).
<b>12</b>	advance of BAS (enlisted members)		the first day of the first month beginning after the payment of the advance		the amount of BAS accruing to the member's credit. If entitlement to BAS ends before repayment, then collect the balance due as an overpayment.
<b>13</b>	advance pay for evacuation of member or dependents		the first day of the month following payment of advance(s) (note 13)		1/12 of the amount(s) advanced (or remaining amounts if waiver applies) each month for the next 12 months (notes, 2, 11, 13, and 14).
<b>14</b>	advance payment in the amount of an allotment(s) to dependents		the advance in the month following the month payment was made		1/6 of the amount(s) advanced each month for the next 6 months (notes 2 and 3).

Table 32-2. Repayment of Advances (Continued)

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
	<b>When a member was paid an</b>	<b>and</b>	<b>begin collecting (note 1)</b>	<b>and when approved in writing by</b>	<b>at the rate of</b>
<b>15</b>	advance because of a call or order to, or retention on, active duty of members of the uniformed services under 10 U.S.C. §§ 688, 12301(a), 12302, 12304, 12304(a), 12304(b), 12305, 12406; 10 U.S.C. Chapter 15; or 14 U.S.C. § 712		the advance on the first day of the month after the payment of the advance		1/3 of the amount advanced each month for 3 months, or at the rate needed to repay the advance by the scheduled termination date of the orders, whichever is earlier.

**NOTES:**

1. In unusual circumstances, the initiation of collection action may be delayed if the delay is approved by the [Secretary of the Military Department concerned](#), or designee. The repayment period will, in all cases, be scheduled to repay the advance before the member's expected date of separation.
2. Upon the member's request, repayment may be made in lump-sum or increased monthly amounts.
3. The repayment period will 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.
4. When executing PCS orders of less than 12 months, Reserve Component recipients of advance pay must accept a repayment schedule that provides for repayment by termination date of orders.
5. The member must provide written justification clearly showing that a 12-month repayment schedule would create severe financial hardship. The request must be approved in writing by the member's commander (including enlisted commandant of the NCO academy).
6. When request is disapproved, collection will be at the rate specified in rule 1.
7. When the repayment period is extended after the repayment schedule of less than 24 months is operating, repayment will be prorated per Military Service regulations, not to exceed the 24 months from the initial collection month.

Table 32-2. Repayment of Advances (Continued)

**NOTES: (Continued)**

8. If the member immediately reenlists, then repayment of the advance pay may be continued into the new enlistment. To extend repayment of an advance into retired pay, projected SERB retirees must submit a written request to extend repayment into retired pay that clearly demonstrates the circumstances of their hardship. The requests will be submitted via the member's chain of command to the [Secretary of the Military Department concerned, or designee for a decision](#). [If the request is approved, this approval document will be forwarded by the Service, as a part of the member packet, to DFAS Retired and Annuitant Pay to ensure the collection of the Advance pay.](#)
9. Uncollected advances are treated as accounts receivable in the accounts of the disbursing officer. Such amounts remain a debt owed the United States by the member.
10. If a member is entitled to separation payment under 10 U.S.C. §§ 1174, 1174a, 1175, or 1175a and has a separation payment pending equal to or greater than the outstanding advance pay balance at separation, then the member may request that the repayment rate not be accelerated and the existing rate continue. That portion of the advance not collected prior to separation will be deducted from the separation payment.
11. The repayment period will, in all cases, be scheduled to repay the advance before the member's expected date of separation.
12. The estate of a deceased member will not be required to repay any portion of the advanced pay paid to the member [that is](#) not repaid before the death of the member.
13. The Secretary of the Military Service concerned is authorized to waive recovery of an advance of not more than basic pay for 1 month when such recovery would be against equity and good conscience or against the public interest.
14. The Secretary of the Military Service concerned is authorized to extend repayment period up to a 24 month schedule.



Table 32-3. Payment Procedures

R U L E	A	B	C
	then the payment practice for		
	If payment type is a/an	Overseas Command is (note 1)	Continental United States (includes Alaska and Hawaii) is
1	local partial payment (note 2)	to pay bonuses, annual special pays, separation pay, death gratuity, unpaid pay and allowances, health and comfort, waiver of forfeitures for dependents.	not authorized.
2	emergency partial payment		no local payment is made (note 3).
3	advance PCS	paid centrally via Direct Deposit/EFT, all pay grades 1 month pay (E-3 and below with CO's approval), max 3 months pay (E-4 and above) with CO's approval.	paid centrally via Direct Deposit/EFT.
4	advance basic pay	not applicable	to pay not more than 15 days basic pay at training or indoctrination center or centrally via Direct Deposit/EFT as systems become available (see paragraph 320204).
5	advance BAS	a maximum of 3 months entitlement (note 2).	paid centrally via Direct Deposit/EFT a maximum of 3 months entitlement (note 2).
6	advance dependent evacuation allowance	a maximum of 2 months entitlement (note 2).	to pay a maximum of 2 months of basic pay paid locally as an emergency partial payment.
7	advance for an AFHPSP participant	not applicable	to pay a maximum of 1 month of basic pay when reporting for 45 days active duty tour; paid centrally via Direct Deposit/EFT.
8	advance for a person in the SROTC	not applicable	to pay 1-month entitlement or the amount the member will accrue for the training; paid centrally via Direct Deposit/EFT.

Table 32-3. Payment Procedures (Continued)

R U L E	A	B	C
	then the payment practice for		
	If payment type is a/an	Overseas Command is (note 1)	Continental United States (includes Alaska and Hawaii) is
9	advance overseas housing allowance	to pay 1 year accrued allowances determined on the basis of housing expenses, and the authorized overseas housing allowance and interim housing allowance may be paid locally if required.	not applicable
10	advance basic allowance for housing	not applicable	paid centrally via Direct Deposit/EFT.
11	advance for mobilization deployment of a member	to pay centrally via Direct Deposit/EFT a maximum of 3 months pay.	paid centrally via Direct Deposit/EFT a maximum of 3 months pay.
12	advance for shipboard deployment of a member	to pay all pay due for Navy and Marine Corps members centrally via Direct Deposit/EFT. Not applicable to Army and Air Force members.	not applicable
13	advance for distant duty	to pay centrally via Direct Deposit/EFT a maximum of 3 months basic pay and allowances.	not applicable

**NOTES:**

1. Payments may be paid locally when consistent with mission requirements and nonavailability of DoD military banking facilities.
2. Local payments are authorized with commander's approval.
3. Emergency partial payment may be made when approved by the member's commander and coordinated with the local finance office for the following circumstances:
  - a. Pay and allowances earned to date on the Master Military Pay Account when no pay was received on regular payday or when there is a major medical emergency or death in the immediate family of the member;
  - b. Emergency travel advance when the traveler does not have a government travel charge card;
  - c. Discharge gratuity (as required by Chapter 35 Table 35-7);
  - d. Payment of death gratuity benefit to beneficiary;
  - e. Payment to military member of advanced pay and allowances and/or evacuation allowance to evacuate dependents as a result of a natural disaster or life threatening situation; or
  - f. Payment to dependents when a member's forfeiture is waived in favor of those dependents.

## BIBLIOGRAPHY

## CHAPTER 32 – ADVANCE, LOCAL, PARTIAL AND EMERGENCY PARTIAL PAY

## 3202 – ADVANCE PAYMENTS

320201	37 U.S.C. § 1006(a) <a href="#">Department of Defense Instruction (DoDI) 1340.18, September 11, 2012</a>
320202	37 U.S.C. § 1006(b)
320203	37 U.S.C. § 212
320205	37 U.S.C. § 402(c)
320206	37 U.S.C. § 1006(c)
320207	37 U.S.C. § 1006(a) (2)
320208	37 U.S.C. § 1006(i)
320209	5 U.S.C. § 6103 37 U.S.C. § 1006(h)
320210	37 U.S.C. § 403(a)
320211	37 U.S.C. § 1006(j)

## Table 32-1

Rule 3	37 U.S.C. § 212
Rule 5	37 U.S.C. § 1006(c)
Note 13	37 U.S.C. § 212

## Table 32-2

Rule 5	37 U.S.C. § 1006(c)
Rule 10	37 U.S.C. § 1006(c)
Rule 11	37 U.S.C. § 212
Rule 13	37 U.S.C. § 1006
<a href="#">Note 1 &amp; 8</a>	<a href="#">DoDI 1340.18, September 11, 2012</a>
Note 6	Comptroller General B-144839, December 13, 1966
Note 12	37 U.S.C. § 212(d)
Note 13	37 U.S.C. § 1006(c)

**VOLUME 7A, CHAPTER 33: “PAYMENTS ON BEHALF OF MENTALLY INCOMPETENT MEMBERS”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

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<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
References	Renamed “Bibliography” to “References.”	Revision

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**CHAPTER 33****PAYMENTS ON BEHALF OF MENTALLY INCOMPETENT MEMBERS**

## 3301 GENERAL

## 330101. Purpose

This chapter establishes policy for members entitled to active duty pay and allowances while serving on active duty even though mentally incapable of managing their own affairs. This includes miscellaneous payments authorized on separation from the Military Service. See Chapter 35, section 3507.

## 330102. Authoritative Guidance

[The authoritative references are listed at the end of this chapter.](#)

## 3302 PAYMENT

The appointment of a guardian, trustee, or other legal representative is a prerequisite to payment. For the 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, the member is not entitled to pay and allowances. See Chapter 1, paragraph 010505, and Table 1-15, rule 8.

## 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.

Table 33-1. Payment of Mentally Incompetent Members

R U L E	A	B	C	D
	When	and member is in the	then the trustee is	and payment is made by
1	a court of competent jurisdiction has not appointed a guardian, committee, or other legal representative	Army or Air Force	designated by the Director, Defense Finance and Accounting Service (DFAS) - Cleveland	DFAS-Indianapolis.
2		Navy or Marine Corps		DFAS-Cleveland.
3	a court of competent jurisdiction has appointed a guardian, committee, or other legal representative	Army, Air Force Navy, or Marine Corps	not required	the appropriate office shown in rules 1 or 2, except as indicated in the note.

**NOTE:** Army Only: Local disbursing officer servicing the member's financial record may make payments.

\*REFERENCES

**CHAPTER 33: PAYMENTS ON BEHALF OF MENTALLY INCOMPETENT MEMBERS**

3301 - GENERAL

Title 37, United States Code, sections 601-604

Table 33-1

Deputy Secretary of Defense Memo,  
January 29, 1991

Comptroller of the Department of Defense Memo,  
February 1, 1991

DFAS Memo, August 26, 2010

DFAS Memo, September 9, 2010

DFAS Memo, August 29, 2011



**VOLUME 7A, CHAPTER 34: “PAY ENTITLEMENT OF MEMBERS MISSING, MISSING IN ACTION (MIA), INTERNED, AND PAYMENTS TO DEPENDENTS”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **January 2017** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated hyperlinks and formatting to comply with current administrative instructions.	Revision
3403	Updated to include the information contained in Table 34-1.	Revision
3405	Updated the authority for allotments for members in a missing status from the Secretary of the Military Service concerned to the Director of the Defense Finance and Accounting Service.	Revision
Previous 3408	Removed obsolete section on Conclusiveness of Settlements.	Deletion
Table 34-1	Removed table and renumbered subsequent table accordingly.	Deletion
References	Renamed “Bibliography” to “References” and updated statutes and supporting references.	Revision

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## CHAPTER 34

**PAY ENTITLEMENT OF MEMBERS MISSING, MISSING IN ACTION (MIA),  
INTERNEED, AND PAYMENTS TO DEPENDENTS**

## 3401 GENERAL

## 340101. Purpose

This chapter establishes policy regarding pay entitlements of service members missing, MIA, interned, and payments to dependents. A member in a missing status is entitled to the pay and allowances to which the member was entitled when the missing status began, or to which the member later becomes entitled. The fact that the member did not receive payment before entering a missing status does not affect the right to a certain pay or allowance.

## 340102. Authoritative Guidance

The authoritative references are listed at the end of this chapter.

## 3402 DEPENDENT

See Volume 7A, Definitions for the general definition of a dependent. For the purposes of this chapter, the term dependent also means a person designated as a dependent in the “missing” member’s official records, or a person determined to be a dependent of the “missing member” by the Secretary of the Military Service concerned.

**\*3403 MISSING PERSONS’ PAY ACCOUNTS UNDER THE MISSING PERSONS ACT**

The Secretary of the Military Service concerned makes official determinations on missing status or death. The Director of the Defense Finance and Accounting Service (DFAS) makes determinations necessary for the administration of missing persons’ accounts under the Missing Persons Act. These include determinations of facts of dependency, starting, stopping, or changing allotments of pay, waiving recovery of erroneous payment or overpayment, and settling accounts.

## 3404 ENTITLEMENT TO PAY AND ALLOWANCES WHILE IN A MISSING STATUS

## 340401. General

See Table 34-1 for a list of all pay and allowances.

## 340402. Basic Allowance for Housing (BAH) and Basic Allowance for Subsistence (BAS) Entitlement

Members without dependents are entitled to BAH at the without-dependent rate. Enlisted members are entitled to BAS. Payments of these allowances are authorized from the beginning of

the missing status, even though there was no housing or subsistence allowance entitlement before the missing status began.

#### \*3405 ALLOTMENTS FOR MEMBERS IN MISSING STATUS

Allotments in effect before a member enters a missing status may be continued. As directed by [the Director of DFAS](#), 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.

#### 3406 TAX WITHHOLDING FOR MEMBERS IN MISSING STATUS

See Chapter 44 [for tax withholding for members in missing status](#).

#### 3407 REVIEW OF CASE AFTER 12 MONTHS AND FINDING OF DEATH

##### 340701. Review of Case After 12 Months

When a 12-month period (starting from the date of the member's absence) is about to end and the member has not been reported officially as dead, imprisoned or interned, the case is fully reviewed. After this review and when the 12-month period has ended, or following any later review warranted by information received, or other circumstances, the Secretary of the Military Service concerned:

A. Directs continuance of the member's missing status, if the member reasonably may be presumed to be living; or

B. Makes a finding of death.

##### 340702. Continuance of Member's Missing Status

When a member continues in a missing status under subparagraph 340701.A, credit pay and allowances to his or her account. Allotments are continued, discontinued, increased, or initiated as provided in Chapters 40 through 43. When the Secretary of the Military Service concerned officially reports that a missing member is alive and in the hands of a hostile force, or is interned in a foreign country, allotment payments are authorized. These payments on the member's behalf continue through the date on which the Secretary of the Military Department concerned receives evidence that the member is dead. When a member returns to Military Service control, the member resumes control of allotments.

##### 340703. Finding of Death

A finding of death includes the date upon which death is presumed to have occurred for the purposes of stopping pay and allowances, settlement of accounts, and payment of death gratuities. This date is the day following the day the member has been absent 12 months, unless

the missing status continues beyond that day. In this case, the date of death is the date determined by the Secretary of the Military Department concerned.

340704. 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, then the account is reopened and settled on the basis of the later date.

3408 PAYMENT OF DEATH GRATUITY

See Chapter 36 for payments when a member in a missing status is reported dead, or for whom a finding of death is made.

3409 ACCRUED LEAVE

340901. Accumulation

Members, while in a missing status, can accumulate leave without regard to any leave accrual limitations stated in Chapter 35. However, a member whose death is determined under section 3407 may, in addition to leave accrued before entering a missing status, accrue not more than 150 days of leave during the period of a missing status, unless the actual date of death is found to have occurred on a date when the member had accrued leave in excess of 150 days. Leave accumulated while in a missing status may not be taken, but shall be paid.

340902. Settlement

Leave accumulated while in a missing status will be accounted for separately and settled according to subparagraphs 340902.A and B.

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 Chapter 35, paragraphs 350202 and 350203. Computation will be based on the rates to which the member was entitled on the date that his or her name was removed from the missing status.

B. Death in a Missing Status. Notwithstanding the death of a member while in a missing status, leave will continue to accrue to his or her account through the date that the Secretary of the Military Department concerned (or designee) receives evidence that the member is dead or through the date of death as prescribed or determined under section 3407. 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 the member's credit while in a missing status is for 150 days, providing that he or she

was continued in a missing status for 5 or more years. Payment for 150 days is made even though it later is found that member's actual death occurred within the first 5 years after entry into missing status or upon entry into such status. Settlement for accrued leave is based on the amount of leave accrued to the member's credit before entering the missing status and the 150 days of leave described in paragraph 341001. Items to be included in the accrued leave payment are identified in [Chapter 35, paragraphs 350202 and 350203](#). Computation is based on the rates to which the member was entitled on the date of death.

2. Death Subsequent to Fifth Year MIA Status. When it is found that the member's actual death occurred subsequent to the fifth year after entry into a missing status, payment for unused leave accrued to his or her credit while in a missing status is for the total accrued until death. Settlement for accrued leave is based on the amount of leave accrued to the member's credit before entering the missing status plus the accrual until death described herein. Items to be included in the accrued leave payment are identified in [Chapter 35, paragraphs 350202 and 350203](#). Computation is based on the rates to which the member was entitled on the date of death.

3. Death, MIA Status Less Than 5 Years. Payment for unused leave accrued to a member's credit while in a missing status, when he or she was continued in a missing status for less than 5 years, is for the total accrued through the date that the Secretary of the Military Department concerned makes a finding of death. Settlement for accrued leave is based on the amount of leave accrued to the member's credit before entering the missing status plus the accrual until finding of death described herein. Items to be included in the accrued leave payment are identified in [Chapter 35, paragraphs 350202 and 350203](#). Computation is based on the rates to which the member was entitled on the date of death.

4. Special Conditions of Entitlement. Settlement of accrued leave for a deceased member who was promoted while in a missing status is based on the amount of leave accrued to his or her credit before entering the missing status and the amount of leave accumulated in a missing status as provided in the applicable provisions of subparagraphs 340902.B.1, 2, or 3. Computation is based on the grade to which promoted and rate of pay in effect on the date of the presumed finding or the date of the determination of death. This will apply even though the Secretary of the Military Department concerned later determines that the member died before the date of promotion. See Table 34-1, rule 6.

#### 3410 SERVICE GUIDANCE

##### 341001. Army

A. See Army Regulation [638-8](#) for casualty accounting, reporting, and notification.

B. See [Joint Travel Regulation \(JTR\)](#) for transportation of dependents, household goods, and personal effects.

[341002.](#) Navy

A. See Military Personnel Management (MILPERSMAN) [1770](#) series for casualty accounting, reporting, and notification.

B. See MILPERSMAN [4050](#) and [4650](#) series, and the JTR for transportation of dependents, household goods, and personal effects.

[341003.](#) Air Force

A. See Air Force Instruction [36-3002](#) for casualty accounting, reporting, and notification.

B. See the JTR for transportation of dependents, household goods, and personal effects.

[341004.](#) Marine Corps

A. See Marine Corps Order (MCO) [3040.4](#) for casualty accounting, reporting, and notification.

B. See MCO [P4600.7C](#), Marine Corps Transportation Manual, and the JTR for transportation of dependents, household goods, and personal effects.

Table 34-1. Pay and Allowances Which Accrue to Missing Members

R U L E	A	B	C	D	E
	When the member is	and is	then the member is	with accounts maintained in or administered by	and
1	Army	missing, MIA, interned in a foreign country, beleaguered or besieged by a hostile force, or detained in a foreign country against the member's will	entitled to receive or have credited to the member's account the pay and allowances to which entitled when missing status began or to which the member becomes entitled later, as follows: Basic pay, Special pay, Incentive pay for hazardous duty, BAH (note 1), BAS (note 1), Family Separation Allowance (FSA) (note 2), Family Separation Housing, Per diem allowances for not more than 90 days (note 3), and Hostile Fire Pay if the member qualified immediately before entry to a missing status (note 4)	DFAS- Indianapolis (IN)	payments continue through the date the Military Service concerned receives evidence of death of the member, or date of presumption of death made by the Secretary of the Military Department concerned, or date of return to Military Service jurisdiction (note 5).
2	Navy			DFAS- Cleveland (CL)	
3	Air Force			DFAS-IN	
4	Marine Corps			DFAS-CL	



Table 34-1. Pay and Allowances Which Accrue to Missing Members (Continued)

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
	<b>When the member is</b>	<b>and is</b>	<b>then the member is</b>	<b>with accounts maintained in or administered by</b>	<b>and</b>
<b>5</b>	Army, Navy, Air Force, or Marine Corps	officially determined to be absent without authority rather than in a missing status	not entitled to pay and allowances for any such period.		
<b>6</b>		an officer, warrant officer, or enlisted member who receives a promotion while in a missing status (note 6)	entitled to pay and allowances of the pay grade to which promoted from the date of orders announcing the promotion.		
<b>7</b>		in a missing status and has a change of conditions upon which pay and allowances are based	entitled to the pay and allowances based on the changed conditions (note 7).		
<b>8</b>		an enlisted member who continues in missing status after expiration of term of service	entitled to continuance of pay and allowances.		
<b>9</b>		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 34-1. Pay and Allowances Which Accrue to Missing Members (Continued)

**NOTES:**

1. Members without dependents are entitled to BAH at the without-dependent rate. Enlisted members are entitled to BAS. See paragraph 340402.
2. A member may qualify for FSA-Temporary while in a missing status if the continuous period of more than 30 days is completed after entering the missing status. (See Chapter 27, paragraphs 270403 and 270404.)
3. 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.
4. See Chapter 44 to determine possible Combat Zone Tax Exclusion implications.
5. When facts or events warrant, the Secretary of the Military Department concerned may change or modify a prior determination.
6. This applies even though the Secretary of the Military Department concerned is later made aware that the member died before the date of promotion.
7. For example, if the sole dependent of a missing member dies, credit for BAH at the with-dependent rate ceases, and any allotment in force in the dependent's favor is stopped and deductions cease.



**VOLUME 7A, CHAPTER 35: “SEPARATION PAYMENTS”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

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<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
350504	Clarified the “Taxability and Withholding” paragraph for Disability Severance Pay.	Revision
350801	Extended the authority for Voluntary Separation Pay to December 31, 2025.	Revision
3509	Removed the terminated program on “Retroactive Stop Loss Special Pay Compensation” and renumbered subsequent sections accordingly.	Deletion
Table 35-5	Removed the obsolete “Computation of Accrued Leave Payment” table and renumbered subsequent tables accordingly.	Deletion
References	Renamed “Bibliography” to “References” and updated statutes and supporting references.	Revision

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## CHAPTER 35

SEPARATION PAYMENTS

## 3501 GENERAL

## 350101. Purpose

This chapter prescribes the policy for entitlements that members may receive when separating from military service.

## 350102. Authoritative Guidance

[The authoritative references are listed at the end of this chapter.](#)

## 3502 ACCRUED LEAVE PAY

## 350201. General Entitlement

A. A member who is discharged or separated under honorable conditions is entitled to payment of unused accrued leave unless the member continues on active duty under conditions that require accrued leave to be carried forward, or in the case of a Reserve Component member, the member elects to have the leave carried forward to the member's next period of active service. An enlisted member who voluntarily extends their enlistment for the first time is also entitled to payment for unused accrued leave.

1. Conditions for Payment of Unused Accrued Leave. See Tables 35-1 through 35-4 for specific rules governing whether a member may be paid for unused accrued leave.

2. Career Leave Payment Limitation of 60 days

a. A Service member is entitled to receive payment for no more than 60 days of accrued leave during a military career. Payments for unused accrued leave made before that date will be excluded from this 60-day limitation.

b. A Service member eligible for an unused accrued leave settlement is authorized an election with regard to payment or carryover of the leave. The member may elect to receive payment for a portion of the unused leave, not to exceed a career total of 60 days, and to have the remaining accrued leave carried forward to a new or extended enlistment. The total of paid and carried forward leave may exceed 60 days.

3. One-Time Leave Payment. An enlisted member of the Armed Forces who would lose accumulated leave in excess of the 120 days in subparagraph 350202.B.2 may elect to be paid for such leave up to 30 days. This election can only be taken once during a career. This leave payment does apply against the 60 days of leave paid during a career as stated in subparagraph 350201.A.2. This one-time payment exception applies to members who:



- a. Serve on active duty for a continuous period of at least 120 days in an area in which the member is entitled to hostile fire pay/imminent danger pay;
- b. Are assigned to a deployable ship or mobile unit, or to other duty designated by the Secretary of the Military Department concerned as qualifying;
- c. Are performing duty designated by the Secretary of Defense (SecDef) as qualifying duty; or
- d. Serve on active duty in a duty assignment in support of a contingency operation.

4. Exceptions to the 60-Day Career Leave Payment Limitation

a. Contingency Operations. The 60-day leave payment limitation does not apply with respect to leave accrued by a member of a Reserve Component or retired Reserve; a retired member of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps; or a member of the Fleet Reserve or Fleet Marine Corps Reserve during any period while the member also is:

(1) Serving on active duty in support of a contingency operation on or after December 5, 1991; or

(2) Serving on active duty in connection with the Persian Gulf conflict (other than for training) under authority of Title 10, United States Code (U.S.C.), sections [688](#), [12301](#), [12302](#), [12304](#), [12306](#), or [12307](#), on or after August 2, 1990.

b. Active Duty of 31 to 365 Days. The 60-day leave payment limitation does not apply to leave accrued by a member of a Reserve Component while serving on active duty, full-time National Guard duty, or active duty for training during a period of more than 30 days, but not in excess of 365 days, beginning on or after October 1, 2001.

c. Death on Active Duty. The 60-day leave payment limitation does not apply to leave accrued by a member who dies while on active duty (or a member or former member who dies after retirement or discharge, but before receiving payment of accrued leave). Payment of accrued leave for a deceased member is based upon the unused accrued leave that he or she carried forward into the leave year in which deceased, plus the unused leave that accrued during that leave year, beginning on or after February 10, 1996.

d. Career Leave Payment Total. Unused leave accrued specifically under the conditions of subparagraphs 350201.A.4.a through 350201.A.4.c is in addition to the member's career leave payment limitation of 60 days. Such unused leave may be carried forward into a new contract period of active duty and later be eligible for payment in addition to other leave to which the 60-day career ceiling applies. See paragraph 350202 for rules that apply to accounting for accrued and used leave, and subparagraph 350203.B for calculating the payment amount and the possible application of the Combat Zone (CZ) Tax Exclusion (CZTE).

Example: On January 1, 2018, a National Guard member on active duty, under Title 32, is mobilized for 3 years with his unit under 10 U.S.C. § 12301. Although previously paid for career leave of 48 days, the member elected to carry forward all 32 days of accrued unused leave from the pre-mobilization period.

On April 6, 2018, he was discharged and immediately ordered to active duty for another period of 3 years. The member used leave from April 2 through April 5, 2018 (4 days). He has 36 days accrued unused leave at discharge (32 days from his balance brought forward, plus 8 days accrued under the mobilization, minus the 4 days of leave used). He may elect to be paid for a maximum of 16 days of leave at discharge, which includes the 12 days up to the 60-day limitation, plus 4 days of excepted leave (earned 8 days excepted leave less the 4 days used).

The remaining balance of 20 days (or more, if he takes payment for less than the full 16 days of leave) may be carried forward into the new active duty period. If a payment is made for 12 days or less, then 4 days of the carryover are an exception to the 60-day payment limitation and may be paid in the future if they remain unused.

B. Under regulations prescribed by the Secretary of the Military Department concerned, a member sentenced to unsuspended dismissal or unsuspended dishonorable or bad-conduct discharge by court-martial may be required to take leave pending review of the conviction (for example, appellate leave) as provided by 10 U.S.C. § [876a](#). Such member may elect to be paid in a lump sum for the leave accrued to his or her credit as of the day before the day the leave begins. Otherwise, each day of appellate leave will be charged as a day of leave and the member paid accordingly until all of the member's accrued leave is used. Payment will be based on the rate of basic pay to which the member was entitled on the day before the day leave is to begin.

C. A member who is discharged under other than honorable conditions forfeits all accrued leave at the time of discharge and is not entitled to payment for accrued leave, regardless of the length of time the separated member has served.

D. Except as provided in subparagraph 350201.E, a member who receives an uncharacterized discharge before completing 6 months of active duty will be considered as having received an honorable discharge with payment of accrued leave being authorized.

E. A member, who is discharged before completing 6 months of active duty because of failure to serve satisfactorily, forfeits all accrued leave at the time of discharge. Such forfeiture also applies to any member with prior military service who had a break in service of 90 or more consecutive days. The following constitute reasons for failure to serve satisfactorily.

1. Enlisted reasons include:
  - a. Defective enlistment and induction (minority and fraudulent entry only);

- b. Entry-level performance and conduct;
  - c. Unsatisfactory performance;
  - d. Drug and/or alcohol abuse rehabilitation failure;
  - e. Misconduct, moral, and/or professional dereliction;
  - f. Separation in lieu of trial by court-martial; or
  - g. Security (unless the member receives an honorable discharge).
2. Officer reasons include:
- a. Separation for cause (e.g., officers separated for substandard performance of duty);
  - b. Dropped from the rolls;
  - c. Misconduct, moral, and/or professional dereliction;
  - d. Separation in lieu of trial by court-martial; or
  - e. Security (unless the member receives an honorable discharge).

#### 350202. Leave Accounting

A. Accrued leave must be carefully accounted for and accurately identified as to the time and circumstances under which it was earned. The number of days accrued and value of unused leave that is to be sold depends upon the timeframe and circumstances under which it was earned.

- 1. Leave earned is valued using only basic pay.
- 2. Leave accrued in a CZ or Qualified Hazardous Duty Area (QHDA), or while hospitalized as a result of action in such a zone or area, is generally known as CZTE leave. See Chapter 44, paragraph 440203 for full descriptions of the circumstances under which such leave accrues. CZTE leave for enlisted members is exempt from federal and state income tax. CZTE leave for officers is exempt from federal and state income tax up to a specified limit. See subparagraph 350203.B for a discussion of tax exclusion limits. All leave earned during a month in which a member serves for any period of time in a CZ or QHDA area is CZTE leave. A single day of qualifying service in such circumstance qualifies all leave accrued in that month as CZTE leave.

3. A member of a Reserve Component who accumulates leave during a period of active service may carry over any accumulated leave to the member's next period of active service without regard to separation or release from active service if the separation or release is under honorable conditions. This accumulated leave is subject to fiscal year carry forward limitations (75 days during the period October 1, 2008 to September 30, 2015, and 60 days otherwise).

B. Leave accrues to a Service member serving on active duty for 30 days or more. It accrues at the rate of 2½ days for each month of active service, excluding periods of absence from duty without leave, periods of confinement resulting from a court-martial, and periods of leave required to be taken pending review of a court-martial conviction. For partial months, it accrues at the rate of ½ day for any period of 6 days or less.

1. A member may not carry forward a leave balance of more than 60 days into a new fiscal year, except during the period October 1, 2008 through September 30, 2015, when 75 days may be carried forward or when entitled to Special Leave Accrual (SLA), as outlined in 350202.B.1, 350202.B.2, and 350202.B.3. Members with 75 days of leave under this provision will need to use 45 days of leave during the period from October 1, 2014 to September 30, 2015; otherwise, leave in excess of 60 days on September 30, 2015 will be lost.

2. A member who serves on active duty while entitled to hostile fire/imminent danger pay for a continuous period of at least 120 days may carry forward up to 120 days of SLA into the new fiscal year. Under this exemption, unused leave may be carried forward until the end of the third fiscal year following the fiscal year in which the service in the qualifying hostile fire/imminent danger area is terminated. If the 120 days of SLA were earned during the period October 1, 2008 through September 30, 2015, then unused leave may be carried forward until the end of the fourth fiscal year following the fiscal year in which the service in the qualifying hostile fire/imminent danger area is terminated.

3. A member not qualifying for SLA for service in a hostile fire/imminent danger area may qualify and carry forward up to 120 days of unused leave when assigned to a designated deployable ship, mobile unit, or other similar prescribed duty. On or after August 29, 2005, a member may also qualify and carry forward up to 120 days of unused leave if he or she is performing qualifying duties as designated by the Secretary of the Military Department concerned.

a. The duty assignment must be under conditions where operational mission requirements prohibit normal leave utilization as determined by the military service concerned or designated commander. Under this exemption, unused SLA leave may be carried forward until the end of the third fiscal year following the fiscal year in which the qualifying service is terminated.

b. If the 120 days of leave were accumulated during the period October 1, 2008 through September 30, 2015, then unused leave may be carried forward until the end of the fourth fiscal year following the fiscal year in which the service in the qualifying assignment or other similar prescribed duty is terminated.

4. The maximum amount of SLA leave that may be carried forward is the leave balance at the end of the fiscal year following the end of the SLA period not to exceed 120 days. The maximum amount will be reduced to a new level whenever the leave balance drops below the previously set level. If at any time the leave balance drops to or goes below 60 days, or 75 days during the period October 1, 2008 to September 30, 2014, then there is no longer any SLA protected leave. If the leave balance is over 60 days, but is below 75 days between October 1, 2014, and September 30, 2015, then the SLA is protected. Subject to this rule, if on October 1, 2015, a member had between 60 and 75 leave days and those leave days were entitled to SLA protection, the member will retain their SLA protected leave in accordance with 10 U.S.C. § [701](#).

a. Therefore, the actual maximum leave that can be carried forward into succeeding fiscal years is the lowest leave balance achieved following the completion of the SLA duty or the usual 60 days, or 75 days during the period October 1, 2008 to September 30, 2015, whichever is greater. If the SLA qualifying period crosses a fiscal year, then the entire leave balance (not to exceed 120 days) will be carried forward and the leave accrued from the beginning of the new fiscal year through the end of the SLA qualifying period will be added to establish the maximum.

b. Any portion of a leave balance in excess of 60 days that could have been taken before the end of the fiscal year had the member not been assigned to SLA qualifying duty will not be included in the carryover amount.

Example 1: On August 31, [2011](#), a member had a leave balance of 80 days. On September 15, [2011](#), he was assigned to duty qualifying for SLA as described in subparagraph 350202.B.1. Had the member not been assigned to SLA duty, he could have possibly taken 15 days leave from September 16 through September 30. If the member had taken leave during this period, then there would still have been a loss of 7.5 days (82.5 days accrued through September 30, less the 15 days potentially taken and the normal 60-day carryover restriction) at the end of the fiscal year. Therefore, since only the portion that potentially could have been taken is protected, the member may carry forward 75 days and will lose 7.5 days of leave.

Example 2: The member in example 1 continued on SLA duty until September 15, [2012](#). No leave was permitted during this period, and the member's accrued leave totaled 105 days at the end of September. If the leave balance does not drop at any time below 105 days, then it may be carried forward for 3 fiscal years, until September 30, [2015](#).

If the member took 30 days of leave from April 1 through April 30, [2013](#), then this would result in a leave balance of 92.5 days (105 days accrued through September, plus 17.5 days accrued from October through April, less the 30 days of leave taken) and a new maximum amount of leave that may be carried forward. If no further SLA is earned and the leave balance is not further reduced to a new lower level, then the maximum leave the member may carry forward into succeeding fiscal years (until September 30, [2015](#)) is 92.5 days.

Example 3: On September 30, 2014, a member had a leave balance of 74 days. On October 1, 2014, the member's leave balance is still 74 days. This is because, on October 1, 2014, the authorized leave carry-over amount for all leave was 75 days. On the same date, October 1, 2014, the member was assigned to duty qualifying for SLA as described in subparagraph 350202.B.1. He remains on duty there for the entire fiscal year, earning 30 days of leave. On September 30, 2015, he has 104 days of leave. Since he has 104 days at the end of the fiscal year and is entitled to SLA protection, then on October 1, 2015, he still has 104 days.

5. Active duty members who serve in duty assignments in support of a contingency operation are authorized to accumulate annual leave in excess of 60 days, or 75 days for the period October 1, 2008 through September 30, 2015, as shown on the end of month September Leave and Earnings Statement. These members are authorized to retain up to 120 days until the end of the second fiscal year after the fiscal year in which such service on active duty is terminated.

C. Leave will be accounted for by crediting it sequentially in the chronological order in which it is accrued. Generally, when used, leave will be charged with the most recently accrued leave charged first. This method is known as Last In, First Out. As an exception, CZTE leave will be charged first regardless of when it was earned. Saved leave, described in subparagraph 350202.A.1, will be charged last.

Example: On August 31, 2014, a member had accrued 75.5 days of unused leave, of which 7.5 days of accrued unused CZTE leave. The CZTE leave had been earned for two separate periods, 5 days for active service from January 2 through February 6, 2012 in a CZ and 2.5 days for active service from August 7 through August 30, 2014 in a QHDA. The member took leave from September 5 through September 24, 2014, a period of 20 days. The leave taken is first applied to the 7.5 days of CZTE leave. This leaves 12.5 days to be applied to the non-CZTE leave earned, reducing that balance to 55.5 days as of September 24, 2014.

### 350203. Leave Payments and Taxability

A. Payments for accrued leave are normally subject to taxation and income tax withholding.

B. Payments for CZTE leave are tax-exempt from federal taxation and not subject to federal or state income tax withholding up to the monthly limit specified by the Internal Revenue Service (IRS). That limit is different for enlisted members and officers. The limit is fully described in Chapter 44, subparagraph 440202.A and summarized as follows:

1. Enlisted members (E-1 and above) and warrant officers (W-1 through W-5) have no limitation or ceiling on the value of payments exempt from federal or state taxes and federal tax withholding for any month in which they qualify for an exemption.



2. Officers (O-1 and above) are subject to a limit on the value of federal tax-exempt payments and exemption from federal and state tax withholding for each month in which they qualify for an exemption. The exemption amount for officers is set at the value of the highest rate of enlisted basic pay plus the value of any hostile fire or imminent danger pay the officer may have been entitled to in that qualifying month. The applicable rate of enlisted basic pay would be that listed in Chapter 1, Table 1-10, Note 3 for the corresponding qualifying month. To determine whether the limitation will apply to a payment for accrued unused leave, the leave must be allocated to the months in which earned and for which the officer qualified for CZTE status.

a. The value of the leave for each individual month must be added to any payments the officer has received for that tax-exempt month and the total compared to the monthly limitation amount.

b. Tax exemption may only be given for the value of the portion of the CZTE leave that does not exceed the limitation available. Any payments for CZTE leave value that exceed the limitation available will be treated as taxable income.

Example: A Reserve Component O-6 with over 12 years of service began active duty on March 25, 2018, and reported temporary additional duty to a designated CZ on March 26, 2018. He departed the zone on May 2, 2018, and was separated from active duty and paid for unused accrued leave on May 4, 2018. The officer was entitled to monthly basic pay of \$8,073.90 and to imminent danger pay of \$225. The monthly basic pay for the most senior enlisted member in each military service is \$8,361.00 per month during that period. The officer has been paid for his active duty service and is awaiting payment for his earned leave. He had previously sold back 58 days of leave at the end of other active duty periods.

The officer earned .5 days of leave in March and in May and 2.5 days for April. The total of 3.5 days leave when added to the 58 days previously sold would exceed the maximum of 60 days that may be sold in a career. This leave, however, is exempt from payment limitation since the Reserve officer was on active duty for a period of more than 30 but less than 365 days. Payment of the .5 days of leave for both March and May is fully exempt from income tax and income tax withholding since the prior tax-free payments for his basic pay and hostile fire/imminent danger pay in those 2 months was well below the tax exemption limitation value of \$8,586.00 (senior enlisted basic pay of \$8,361.00 and hostile fire/imminent danger pay of \$225).

However, only a portion of the 2.5 days of unused accrued leave attributable to April is exempt from income tax and income tax withholding. The officer has already received tax-exempt treatment of his April salary and imminent danger pay using all but \$287.10 of his available exemption (exemption equals \$8,586.00 and the amount used was the officer's base pay of \$8,073.90 plus the hostile fire/imminent danger pay of \$225, equal to \$8,298.90). The 2.5 days of leave is

valued at \$672.83, leaving \$385.73 of the leave payment subject to tax and tax withholding.

350204. Leave Payments and Debts

Payments for accrued leave may be used to satisfy debts to the U.S. Government without restriction.

350205. Leave Payment to Beneficiaries

Payments for accrued leave owed at death will be paid to the eligible beneficiary or beneficiaries under the provisions of Chapter 36, section 3603.

A. If a member dies while on active duty of 30 days or more, then the accrued leave is payable along with all other unpaid pay and allowances to the eligible beneficiary.

B. If a member or former member dies after retirement or discharge, but before receiving any or all compensation for accrued leave, then the balance is payable to the eligible beneficiary and claims for payment must be submitted to the appropriate following address:

**Army and Air Force Members:**

Director – [Military Pay Operations Indianapolis](#)  
[Defense Finance and Accounting Service \(DFAS\)](#)-Indianapolis  
DFAS-JFL/IN  
8899 E. 56th Street  
Indianapolis, IN 46249-0845

**Navy Members:**

Director– [Military Pay Operations Navy](#)  
DFAS-Cleveland  
DFAS-JFLADA  
1240 E. 9th Street  
Cleveland, OH 44199-2055

**Marine Corps Members:**

Director– [Military Pay Operations Marine Corps](#)  
DFAS-Cleveland  
MPO-JFLT  
1240 E. 9th Street  
Cleveland, OH 44199-2055



## 3503 SEPARATION PAY (NON-DISABILITY)

## 350301. Entitlement

A. Full Separation Pay. Full payment of non-disability separation pay is authorized to Service members of the Regular and Reserve Components who have been involuntarily separated from active duty and have met each of the following four conditions:

1. The member has met one of the following criteria for active military service:

a. The member is on active duty or full-time National Guard duty and has completed at least 6 years, but less than 20 years, of 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; or

b. A member who is a Regular officer and is separated under 10 U.S.C., [Chapter 36](#) (except under §§ 630(1)(A), 643, 580, or 6383) must have completed at least 6 years, but less than 20 years, of active service;

2. The member's separation must be characterized as "honorable" and none of the conditions apply that are listed in paragraph 350302;

3. A member who is separated involuntarily, through either the denial of reenlistment or the denial of continuation on active duty or full-time National Guard duty, must meet one of the following four specific conditions:

a. The member must be fully qualified for retention but denied reenlistment or continuation. This includes a Service member who is eligible for promotion as established by the Secretary of the Military Department concerned, but is denied reenlistment or continuation on active duty under established promotion or high year of tenure policies;

b. The member must be fully qualified for retention but involuntarily separated under a Reduction in Force by authority designated by the Secretary of the Military Department concerned;

c. The member, if a Regular officer, commissioned or warrant, must be separated under 10 U.S.C. §§ [580](#), [1165](#), [6383](#), or Chapter 36; if a Reserve commissioned officer other than a commissioned warrant officer, must be separated or transferred to the retired Reserve under 10 U.S.C., Chapters [573](#) or [861](#); or if a Reserve commissioned officer on the active duty list or a Reserve warrant officer must be separated for similar reasons under military service policies; or

d. The member must be denied reenlistment or continuation on active duty or full-time National Guard duty under subparagraphs 350301.A.3.a through 350301.A.3.c, and have accepted an earlier separation from active duty; and

4. The member must have entered into a written agreement with the military service concerned to serve in the Ready Reserve in 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 is qualified for service in the Ready Reserve will, upon separation from active duty, be enlisted or appointed, as appropriate, as a Reserve member by the military service concerned. If the person has a service obligation under 10 U.S.C. § [651](#) or any other law that is not completed at the time of separation from active duty, then the 3-year obligation begins on the day after the day the member completes the prior obligation.

b. A member who enters into this written agreement and is not qualified for enlistment or appointment in the Ready Reserve need not be enlisted or appointed by the military service concerned to be considered to have met this condition of eligibility for separation pay.

#### B. Sole Survivorship Discharge

1. A sole survivorship discharge is the separation of a member from the Armed Forces at the member's request when the member is the only surviving child in a family in which:

a. The father, mother, or one or more siblings served in the Armed Forces, and was killed; died as a result of wounds, accident, or disease; is in a captured or missing in action status; or is permanently 100 percent disabled or hospitalized on a continuing basis (and is not [gainfully](#) employed because of the disability or hospitalization); and

b. The death, status, or disability did not result from the intentional misconduct or willful neglect of the parent or sibling and was not incurred during a period of unauthorized absence.

2. A member who receives a sole survivorship discharge will be entitled to full separation pay, even though the member completed less than 6 years of active service immediately before that discharge.

3. The amount of the full separation pay to be paid will be based on the years of active service actually completed by the member before the member's discharge.

4. These sole survivorship discharge provisions will apply to any sole survivorship discharge granted after September 11, 2001.

5. Effective October 28, 2009, members who receive a sole survivorship discharge will not be required to repay any unearned bonus, incentive pay, or similar benefit previously paid to the member.

6. Effective October 28, 2009, the Secretary of the Military Department concerned may grant an exception to the requirement to terminate the payment of any unpaid amounts of a bonus, incentive pay, or similar benefit if he determines that termination of the payment of the unpaid amounts would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.

C. Half Separation Pay. Half Separation Pay of non-disability separation pay is authorized to members of the Regular and Reserve Components who are involuntarily separated from active duty and have met each of the following four conditions:

1. The member must meet one of the criteria for active service specified in subparagraph 350301.A.1;

2. The member's separation must be characterized as "honorable" or "general," and none of the conditions apply that are listed in paragraph 350302;

3. The member must be separated involuntarily by the military service concerned through either the denial of reenlistment or the denial of continuation on active duty or full-time National Guard Duty under one of the following specific conditions:

a. 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) Drug abuse rehabilitation failure;
- (5) Alcohol abuse rehabilitation failure;
- (6) Security; or
- (7) Weight control failure;

b. Separated under a military service specific program established as a half separation pay level by the Secretary of the Military Department concerned;  
or

c. Denied reenlistment or continuation on active duty or full-time National Guard duty under subparagraphs 350301.C.3.a and 350301.C.3.b, and accept an earlier separation from active duty; and

4. The member must have entered into a written agreement with the military service concerned to serve in the Ready Reserve for a minimum period of 3 years following separation from active duty.

a. A member who enters into this written agreement and is qualified for the Ready Reserve will, upon separation from active duty, be enlisted or appointed, as appropriate, as a Reserve member by the military service concerned. If the person has a service obligation under 10 U.S.C. § 651 or any other law that is not completed at the time of separation from active duty, then the 3-year obligation begins on the day after the day the member completes the prior obligation.

b. A member who enters into this written agreement and is not qualified for enlistment or appointment in the Ready Reserve need not be enlisted or appointed by the military service concerned to be considered to have met this condition of eligibility for separation pay.

NOTE: In extraordinary instances, the Secretary of the Military Department 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.

#### 350302. 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 Military Department concerned as provided for in Department of Defense (DoD) [Instructions](#) (DoDI) [1332.14](#) and [1332.30](#); or

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 of the Military Department concerned;

B. The member is separated from active duty during an initial term of enlistment or an initial period of obligated service. The initial term of enlistment or initial period of obligated service is the active service obligation that the member incurred upon initial enlistment or upon enrollment in a commissioning program. This limitation also applies to a member who desires to reenlist or continue at the conclusion of the initial term of enlistment or an initial period of obligation and is denied by the military service concerned;

C. The member is released from active duty for training or from full-time National Guard duty for training;

D. The member is immediately eligible at separation for retired or retainer pay based upon his or her military service;

E. The member is a warrant officer whose appointment is terminated and who then elects to enlist;

F. The member is separated as a result of the execution of a court-martial sentence;

G. The member is being dropped from the rolls of the military service concerned;

H. The member is being separated under other than honorable conditions;

I. The member is an enlisted member who is separated for unsatisfactory performance or misconduct, as set forth in DoDI 1332.14, except when half separation pay is authorized in subparagraph 350301.C;

J. The member is an officer who is separated for substandard performance or acts of misconduct or moral or professional dereliction, except when half separation pay is authorized in subparagraph 350301.C;

K. The member is separated under a military service-specific program established as a no-payment level by the Secretary of the Military Department concerned;

L. A determination is made by the Secretary of the Military Department concerned in an extraordinary case that the conditions under which the member is separated do not warrant a separation payment. This authority is not to be delegated. It is intended that only sparing use will be made of this discretionary authority to deny payment;

M. A Regular officer having twice failed for selection for promotion to the next higher grade is not entitled to separation pay if that officer, after such second failure of selection for promotion, is selected for and declines continuation on active duty for a period that is equal to or more than the amount of service required to qualify the officer for retirement; or

N. A Reserve officer who, is not selected for promotion to the next higher grade for the second time and is to be discharged or released from active duty, and after such failure of promotion, is selected for and declines continuation on active duty:

1. If the period of time for which the officer was selected for continuation on active duty is less than the amount of service that would be required to qualify the officer for retirement, then the officer's discharge or release from active duty will be considered involuntary; or

2. If the period of time for which the officer was selected for continuation on active duty is equal to or more than the amount of service that would be required to qualify the officer for retirement, then the officer's discharge or release from active duty will not be considered involuntary.

### 350303. Computation of Active Service

Compute active service time as follows:

A. Qualifying years, except as noted in subparagraph 350301.A.1, 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. Fractions of years will be computed by counting each full month of active service, in addition to the number of full years of active service, as 1/12 of a year. Disregard any remaining fractional part of a month;

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 periods of active duty for training;

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 on duty. Count time in service to make up for lost time; and

F. Do not include service as a cadet or midshipman while in a military service academy or a Reserve Officer Training Program.

### 350304. Computation of Separation Pay

A. Compute full separation pay at 10 percent of 12 months of basic pay multiplied by years and fractions of a year based on additional full months of active service. Table 35-5 also contains information related to computation of full separation pay.

B. Compute half separation pay at 50 percent of what the full separation pay would have been.

350305. Recoupment of Separation Pay From Retired Pay, Retainer Pay, or Department of Veterans Affairs (VA) Disability Compensation

Service members who receive separation pay under any provisions of law based on service in the Armed Forces, and, subsequently, either qualify for retired or retainer pay under 10 U.S.C. or 14 U.S.C., or become eligible for disability compensation administered by the VA, are subject to the recoupment of the gross taxable separation pay they received. Recoupment from retired pay, retainer pay, or VA disability compensation will be completed as follows:

A. If the Service member received either Retired or Retainer Pay, then recoupment will be accomplished through monthly deductions from each payment of retired or retainer pay payable to the retired member until the total amount of the deductions equals the gross taxable amount of separation pay received by the member. See Volume 7B, Chapter 4 for guidance on the calculation of the recoupment.

B. If the Service member received VA disability compensation, then recoupment will be accomplished through a deduction from the VA disability compensation payable to the retired member in an amount that is equal to the gross taxable amount of separation pay made after September 30, 1996. The amount to be deducted from the VA disability compensation will be equal to the gross taxable amount of such separation pay, less the amount of federal income tax withheld from such pay at the flat withholding rate for supplemental payments prescribed under Publication 15, Department of the Treasury, IRS. This reduction, however, will not apply to disability compensation for 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 was received. See Volume 7B, Chapter 4 for guidance on the calculation of the recoupment.

3504 READJUSTMENT AND SEVERANCE PAY (OTHER THAN DISABILITY) PROVISIONS

350401. Repay Readjustment or Severance Pay

Members, who received readjustment or severance pay before September 15, 1981, and who, on or after September 15, 1981, became entitled to retired or retainer pay under 10 U.S.C. or 14 U.S.C., are required to repay the readjustment or severance pay, in accordance with the laws in effect on September 14, 1981.

350402. Refund Upon Retirement

A Reserve member who received a readjustment payment on separation after June 28, 1962, and before September 15, 1981, and who later qualifies for retired or retainer pay under 10 U.S.C. or 14 U.S.C. (upon completing 20 years of active service), must refund 75 percent of the gross readjustment pay, without interest, by immediate deduction from retired or retainer

pay. This is not required if readjustment pay had been waived or refunded under subparagraph 350403.

350403. Waiver or Refund Before Retirement

A member may waive entitlement to readjustment pay. Also, the full amount of readjustment 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.

350404. VA Disability Compensation

When a member who receives readjustment pay before September 15, 1981, becomes entitled to VA disability compensation, the VA deducts 75 percent of the readjustment payment from future VA compensation. The VA does not make a deduction when VA disability compensation is based on a later period of service. A member who elected, on or before June 27, 1962, to receive readjustment pay in lieu of VA disability compensation may have been awarded disability compensation effective on and after June 28, 1962. The VA reduces the disability compensation by 75 percent of the readjustment payment, unless readjustment pay was waived or refunded.

3505 DISABILITY SEVERANCE PAY

350501. Entitlement

A member separated from the military service for physical disability is entitled to severance pay, if qualified, as prescribed in personnel regulations of the military service concerned. When a member is entitled to disability severance pay, separation orders specify this entitlement. Academy cadets and midshipmen may be entitled to severance pay if it is determined that they have a qualifying disability, and they have separated as a result of that disability.

350502. Disability Incurred During Non-pay Status

A member who incurs a disability while in a total pay forfeiture status is not entitled to disability severance pay. This is true even though the Secretary of the Military Department concerned remits the unexecuted portion of the sentence, including all uncollected forfeitures.

350503. Computation

A. Formula. To compute disability severance pay, multiply the sum of basic pay for 2 months by the number of combined years (but not over 19) of active service and inactive duty points. 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 will specify the total combined years of active service and inactive duty points to be counted in computing severance pay. Round this total to the nearest whole year, with 6 months or more rounded up. The maximum number of years of service for computing the disability severance pay will be 19 years. The minimum number of years for computation purposes will be:

1. Six years in the case of a member separated from the Armed Forces for a disability incurred in the line of duty in a CZ (as designated by the SecDef) or incurred during the performance of duty in combat-related operations as (designated by the SecDef); or

2. Three years in the case of any other member.

C. Grade at Which Disability Severance Pay is Computed. Compute severance pay on basic pay of the following highest grade or rank described:

1. The grade or rank in which the member is serving at separation;

2. The permanent Reserve grade held at separation;

3. The highest temporary or permanent grade or rank in which member served satisfactorily as determined by the Secretary of the Military Department concerned; or

4. For those selected for promotion, if the disability is found during a physical examination, then the grade or rank to which the member would have been promoted if there was no disability.

Example: An E-6 has 11 years, 4 months, and 9 days of active service and 76 inactive duty training periods (points) on the date of separation for physical disability. Compute the entitlement as follows:

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 or equal to .5, round the total upward to 12 years.

12 years times 2 months of basic pay of an E-6 over 10 equals the amount of disability severance pay.

NOTE: For purposes of this calculation, the number of points that may be considered may not exceed 60 points for any anniversary year that closed before September 23, 1996; 75 points for anniversary years that closed on or after September 23, 1996; 90 points for anniversary years that close on or after October 30, 2000; and 130 points for anniversary years that close on or after October 30, 2007.

\*350504. 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 two conditions exists:

1. The entitlement resulted from combat-related injury or illness, as determined by the Secretary of the Military Department concerned, which happens as a result of any of the following activities:

- a. As a direct result of armed conflict;
- b. While 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

2. The member is entitled to disability compensation as determined by the VA or has received a proposed disability rating from the VA at the time of separation through the Integrated Disability Evaluation System.

B. Withholding Taxes. Income taxes are withheld from all payments of disability severance pay unless the member qualifies for an exemption under subparagraph 350504.A.

C. Entitlement to VA Disability Compensation After Payment of Disability Severance Pay

1. A member's disability severance pay may still qualify for an exemption from taxation under subparagraph 350504.A.2 after disability severance pay has been paid if the VA determines that the member is entitled to VA disability compensation.

2. Depending upon when a member receives notification of disability compensation, refund of the income taxes withheld may be requested from DFAS or the IRS.

D. Receipt of Official Notification of VA Disability Compensation in the Same Tax Year of the Disability Severance Pay Payment

1. A member may request refund of taxes withheld from the gross taxable amount of their disability severance pay payment from DFAS if notification of disability compensation from the VA is received in the same tax year in which the member received disability severance pay. See subparagraph 350205.B for the addresses of the DFAS sites.

2. A refund request must include documentation evidencing the VA's award of disability compensation and must be received and processed by DFAS on or before December 31<sup>st</sup> of the year in which the disability severance pay payment was paid. If a refund is processed before December 31<sup>st</sup>, but after the Military Payroll Systems end of year cut off (typically around December 20<sup>th</sup>), a corrected IRS Form W2c may be issued by DFAS.

Example: Member received disability severance pay on January 2, 2018. On December 1, 2018, the VA issues an award letter to member authorizing disability compensation. Member may submit a request for refund to DFAS for processing before December 31, 2018.

E. VA Disability Compensation Awarded in a Tax Year Subsequent to the Year of the Disability Severance Pay Payment

1. A member must obtain a refund for income taxes withheld from their disability severance pay payment from the IRS in accordance with their procedures when the date of the VA's award of disability compensation is in a tax year subsequent to the year in which the member received disability severance pay.

2. DFAS will not issue a corrected W-2 to a member as a result of a VA determination in a year subsequent to the year in which the disability severance payment was paid. The member may claim a reduction in the year of payment's taxable income from the IRS in accordance with their procedures.

Example: Member received disability severance pay on January 2, 2018. On June 1, 2019, the VA issues an award letter to member authorizing disability compensation. Member may request a refund only from the IRS.

350505. Availability to Liquidate Debts

Disability severance pay may be used to liquidate debts to the U.S. Government.

350506. Recoupment From VA Compensation

The VA deducts disability severance compensation from any VA compensation for the same disability to which the member or member's dependents become entitled. There are two exceptions:

A. No deduction will be made in the case of disability severance pay received by a member for a disability incurred in the line of duty in a CZ or incurred during performance of duty in combat-related operations (as designated by the SecDef); or

B. No deduction will be made from any death compensation to which a member's dependents become entitled after the member's death.

## 350507. Other Benefits and Claims

A member paid disability severance pay is not entitled to any payment from the military service for, or arising out of, service before separation. This does not prohibit payment if an amount is due the member on the date of separation or if a claim is allowed under law.

## 3506 CONTRACT CANCELLATION PAY AND ALLOWANCES

## 350601. Entitlement

Reserve members released from active duty (other than for training) without their consent before the end of their active duty agreement made under 10 U.S.C. § [12311](#)(a) are entitled to a special payment under 10 U.S.C. § [12312](#). This payment is in addition to any pay and allowances to which the member is otherwise entitled.

## 350602. Computation

To compute the amount payable, multiply the number of years and fraction of years of the unexpired period of service under the contract, by the sum of basic pay, special pay, and allowances for 1 month to which the member is entitled on the day of release. Count a fraction of a month that is 15 days or more as a whole month and disregard a fraction of a month that is less than 15 days. Separation orders show the number of years and months of unexpired service for which contract cancellation pay and allowances are payable.

## 350603. 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, separation 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.

## 350604. Withholding Tax

Contract cancellation pay is subject to withholding tax.

## 350605. Availability to Liquidate Debts

Contract cancellation pay may be used to liquidate debts to the U.S. Government.

## 3507 MISCELLANEOUS SEPARATION PAYMENTS

## 350701. Discharge Gratuity

See Table 35-6.

## 350702. Travel Allowance on Separation

See [Joint Travel Regulations \(JTR\)](#), Chapter 5 and Volume 9.

## 3508 VOLUNTARY SEPARATION PAY (VSP)

## \*350801. Entitlement

A member who separates voluntarily may, under conditions prescribed by the Secretary of the Military Department concerned, be paid VSP. The authority to separate a member in conjunction with VSP applies through December 31, 2025.

## 350802. Eligibility

The Secretary of the Military Department concerned, may offer a member the opportunity to apply for VSP if the member:

A. Has served on active duty or full-time National Guard for more than 6 years but less than 20 years;

B. Has served at least 5 years of continuous active duty or full-time National Guard duty immediately preceding the date of separation from active duty;

C. Upon separation, is not immediately eligible for retired or retainer pay based upon his/her military service;

D. Meets such other requirements as the Secretary of the Military Department concerned, may prescribe, which may include requirements relating to years of service; skill; rating; military specialty; competitive category, grade or rank; remaining period of obligated service; or any combination of these factors; or

E. Requests separation from active duty or full-time National Guard duty.

## 350803. Initial Term of Obligated Service

Effective January 1, 2009, the member is required to complete the initial term of obligated service in addition to meeting requirements in paragraph 350802 prior to separation. Prior to January 1, 2009, a member's obligation to complete an initial term of obligated service before separation will be subject to the discretion of the Secretary of the Military Departments concerned. For the purpose of this section, "initial term of obligated service" means the initial period of required active-duty service incurred upon commissioning or enlistment, together with any additional period of required active-duty service incurred during the initial period of required active-duty service.

## 350804. Ineligible for VSP

The Secretary of the Military Department concerned, will not offer a member the opportunity to apply for VSP if a member:

- A. Does not meet any of the eligibility requirements of paragraph 350802;
- B. Is discharged with disability severance pay under section 3505 (10 U.S.C. § [1212](#));
- C. Is transferred to the temporary disability retired list under 10 U.S.C. §§ [1202](#) or [1205](#);
- D. Is being evaluated for disability retirement under 10 U.S.C., Chapter [61](#);
- E. Has previously been discharged with VSP; or
- F. Is subject to pending disciplinary action or is subject to administrative separation or mandatory discharge under any other provision of law or regulation.

## 350805. Application for VSP

A member may request and subsequently enter into a written agreement with the Secretary of the Military Department concerned to separate from active duty or full-time National Guard duty and accept an appointment or enlistment in, or transfer to, the Ready Reserve of a Reserve Component for a period of not less than 3 years, as a condition of receipt of VSP and benefits.

## 350806. Approval for VSP

The Secretary of the Military Department concerned will determine each year the number of Service members to be separated, and provided separation pay and benefits during the fiscal year beginning in such year. Eligible members will not be automatically entitled to receive VSP based solely upon request. The Secretary of the Military Department concerned will review all applications for voluntary separation and approve only those that meet the needs of the Military Departments. A member whose request is approved will be separated from active duty.

## 350807. Computation of VSP

A. The Secretary of the Military Department concerned will specify the amount of VSP to be paid to an individual, but the amount may not be greater than four times the full amount of separation pay that a member of the same pay grade and years of service would receive for an involuntary separation under 10 U.S.C. § [1174](#).

B. Compute years of active service according to the formula in subparagraphs 350303.B, D, E, and F. Do not count any period of prior military service for which the member has received separation pay under any provision of law relating to members of the [Armed Forces](#). When computing partial years of service, round the fractional parts of a year to the nearest 1/10 of 1 percent or 3 decimal points.

Example: If the officer has 10 years and 7 months of service, then the multiplier would be 10.583.

## 350808. Payment

VSP will be paid in a lump sum payment in the amount computed in paragraph 350807.

## 350809. Repayment of VSP When a Member Qualifies for and Receives Retired Pay

A. A member who is paid VSP and later qualifies to receive retired pay will have deducted from each payment of such retired pay a monthly installment as specified by the Secretary of the Military Department concerned. The total amount of retired pay deductions will equal the gross VSP amount paid to the member. More information can be found in Volume 7B, Chapter 4, section 0409.

B. The requirement to repay VSP following retirement from the Armed Forces does not apply to a member who is eligible to retire at the time the member applied for and was accepted for VSP benefits.

C. The Secretary of the Military Department concerned, may waive the requirement to repay VSP if it is determined that recovery would be against equity and good conscience and would be contrary to the best interests of the United States.

D. For exception, see paragraph 350811.

## 350810. VA Disability Compensation

A member who received the VSP and subsequently qualifies for disability compensation from the VA is subject to recoupment of the gross amount of VSP paid, less federal income taxes withheld from such pay. The VA administers the recoupment program for affected members. If the disability for which the member receives VA compensation was incurred or aggravated during a period of later active duty, then no recoupment of VSP is required, regardless of when it was paid. In individual cases, the Secretary of the Military Department concerned, may waive the

requirement to repay the VSP if it is determined that recovery would be against equity and good conscience and would be contrary to the best interests of the United States. A blanket waiver for multiple members within a service signed by a Secretary of the Military Department concerned is not authorized.

350811. Members Returned to Active Duty

A. Except for the provisions in subparagraphs 350811.B and 350811.C, members who return to active duty in a Regular or Reserve Component for 180 days or more will have deducted from each payment of basic pay a monthly installment amount specified by the Secretary of the Military Department concerned. The total amount of basic pay deduction will equal the gross amount of VSP paid to the member.

B. Recoupment will not be required for a member who is involuntarily recalled to active duty or full-time National Guard in accordance with 10 U.S.C. §§ 12301(a), (b), and (g); 12302; [12303](#); [12304](#); or 32 U.S.C. § [502](#)(f)(1).

C. Recoupment will not be required for a member who is recalled or performs active duty or full-time National Guard duty, so long as the period of active duty is less than 180 consecutive days with consent of the member in accordance with 10 U.S.C. §§ [101](#)(d)(1), (2), and (5); 12301(d); [12319](#); [12503](#); or 32 U.S.C. §§ [114](#); [115](#); or 502(f)(2).

D. The SecDef may waive, in whole or in part, repayment required under subparagraph 350811.A if the SecDef, determines that recovery would be against equity and good conscience or contrary to the best interest of the United States. Requests for waiver under this authority should be forwarded to the Under Secretary of Defense for Personnel and Readiness (USD (P&R)).

3509 VOLUNTARY RETIREMENT INCENTIVE (VRI)

350901. Authority

The SecDef may authorize the Secretary of a Military Department to provide a VRI payment to an officer of the Armed Forces under that Secretary's jurisdiction. Any authority provided the Secretary of a Military Department concerned, will expire as specified by the SecDef, but not later than December 31, 2018. The total number of officers who may be provided a VRI payment may not exceed 675 officers.

350902. Eligible Officers

An officer of the Armed Forces is eligible for a VRI payment under this section if the officer:

A. Has served on active duty for more than 20 years, but not more than 29 years, on the approved date of retirement;



B. Meets the minimum length of commissioned service requirement for voluntary retirement as a commissioned officer in accordance with 10 U.S.C. §§ [3911](#), [6323](#), or [8911](#);

C. On the approved date of retirement, has 12 months or more remaining on active duty service before reaching the maximum retirement years of active service for the member's grade as specified in 10 U.S.C. §§ [633](#) or [634](#);

D. On the approved date of retirement, has 12 months or more remaining on active duty service before reaching the maximum retirement age under any other provision of law; and

E. Meets any additional requirements for such eligibility as is specified by the Secretary of the Military Department concerned, including any requirement relating to years of service; skill; rating; military specialty; competitive category, grade, or rank; remaining period of obligated service; or any combination thereof.

#### 350903. Ineligible Officers

The following officers are not eligible for a VRI payment under this section:

- A. An officer being evaluated for disability under 10 U.S.C., Chapter 61;
- B. An officer projected to be retired under 10 U.S.C. §§ [1201](#) or [1204](#);
- C. An officer projected to be discharged with disability severance pay under 10 U.S.C. § 1212;
- D. A member transferred to the temporary disability retired list under 10 U.S.C. §§ 1202 or 1205;
- E. An officer subject to pending disciplinary action or subject to administrative separation or mandatory discharge under any other provision of law or regulation; or
- F. Any member serving a service related commitment due to an accession or retention bonus program.

#### 350904. Payment

The amount of the VRI payment will be an amount determined by the Secretary of the Military Department concerned, not to exceed an amount equal to 12 times the amount of the officer's monthly basic pay at the time of the officer's retirement. The amount may be paid in a lump sum at the time of retirement.

350905. Members Returning to Active Duty

A. An officer, who after having received all or part of a VRI under this section, returns to active duty, will have deducted from each payment of basic pay, in such schedule of monthly installments as the Secretary of the Military Department concerned will specify, until the total amount deducted equals the total **gross** amount of the VRI received.

B. The SecDef may waive, in whole or in part, repayment required under subparagraph 350905.A if the Secretary of the Military Department concerned, determines that recovery would be against equity and good conscience or would be contrary to the best interest of the United States. This authority may be delegated only to the USD (P&R) and the Principal Deputy USD (P&R).

C. Members who are involuntarily recalled to active duty or full-time National Guard duty under any provision of law will not be subject to repayment of this incentive.

Table 35-1. PAYMENT OF ACCRUED LEAVE – OFFICERS AND ENLISTED MEMBERS – SEPARATION WITHOUT IMMEDIATE REENTRY ON ACTIVE DUTY

(Note 1)

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>
	<b>If a member has been on active duty for 30 or more consecutive days and</b>	<b>and</b>	<b>then accrued leave is</b>
<b>1</b>	is discharged (including as a result of resignation)	separation is under honorable conditions (note 2)	payable (notes 3 and 4).
<b>2</b>	is released from active duty (note 5)		payable (notes 3, 4, 6, and 7).
<b>3</b>	retires		payable (notes 3, 4, and 8).
<b>4</b>	is transferred to Fleet Reserve or Fleet Marine Corps Reserve		
<b>5</b>	is discharged for fraudulent enlistment after completing 6 months of active duty	discharge characterization is under other than honorable conditions	not payable (note 9).
<b>6</b>	is released from duty because of void enlistment or void induction due to erroneous enlistment or defective enlistment after completing 6 months of active duty	discharge characterization is under other than honorable conditions	
<b>7</b>	is discharged from service as a cadet or midshipman at a military service academy, or as a midshipman elsewhere		
<b>8</b>	dies while on active duty	member was 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 Chapter 36, section 3603 (notes 4 and 10).
<b>9</b>	receives a discharge that is not characterized before completing 6 months of active duty	separation is for failure to serve satisfactorily for any reason set forth in subparagraph 350201.E	not payable.

Table 35-1. PAYMENT OF ACCRUED LEAVE – OFFICERS AND ENLISTED MEMBERS – SEPARATION WITHOUT IMMEDIATE REENTRY ON ACTIVE DUTY (Continued)

(Note 1)

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>
	<b>If a member has been on active duty for 30 or more consecutive days and</b>	<b>and</b>	<b>then accrued leave is</b>
<b>10</b>	receives a discharge that is not characterized before completing 6 months of active duty	separation is not for unsatisfactory performance or misconduct for any reason set forth in subparagraph 350201.E	payable.

**NOTES:**

1. Any member who is discharged under other than honorable conditions forfeits all accrued leave.
2. 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, then accrued leave may be paid.
3. 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. Authorized absence under these circumstances in excess of accrued leave is not chargeable as leave.
4. A member may be paid for a maximum of 60 days accrued leave during a military career. See subparagraph 350201.A.3 for exceptions.
5. 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.
6. If a Reserve member is entitled to pay and allowances during a disability period after a specified tour of active duty has expired, then the period after that expiration date is not included in the period for which accrued leave is paid.
7. Reserve members may elect to carry forward unused accrued leave to their next period of active duty.
8. A member may not take accrued leave in lieu of payment beyond the effective date of retirement.
9. These rules do not apply when an individual inducted or enlisted into the military service is discovered by military service medical authorities to have been medically unfit for induction at the time of entrance into the military service and such individual is released from military control for such reason.

**Table 35-1. PAYMENT OF ACCRUED LEAVE – OFFICERS AND ENLISTED MEMBERS – SEPARATION WITHOUT IMMEDIATE REENTRY ON ACTIVE DUTY (Continued)**

(Note 1)

**NOTES:**

10. Accrued leave is payable retroactive to February 28, 1961, for a member in a missing status whose death is prescribed under Chapter 34, section 3407. Payment is made according to Chapter 34, section 3410.

Table 35-2. PAYMENT OF ACCRUED LEAVE – OFFICERS – SEPARATION WITH IMMEDIATE REENTRY ON ACTIVE DUTY

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
	<b>If</b>	<b>has been on active duty for 30 or more consecutive days and is</b>	<b>and</b>	<b>then accrued leave is</b>
<b>1</b>	an officer of any military service	retired	immediately reenters on active duty	not payable.
<b>2</b>		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 <a href="#">Armed Force</a> (note 1)		
<b>3</b>		transferred to a different <a href="#">military service</a> by separation and immediate reappointment	immediately enters on active duty with the other military service	
<b>4</b>		separated for having failed selection to a higher grade	immediately reenters on active duty in an enlisted status	
<b>5</b>	a Reserve officer of any military service	released from active duty under honorable conditions under 10 U.S.C. § <a href="#">12313</a> 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).
<b>6</b>		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 1 and 4)	immediately reenters on active duty (note 1)	payable (notes 3 and 5).

Table 35-2. PAYMENT OF ACCRUED LEAVE – OFFICERS – SEPARATION WITH IMMEDIATE REENTRY ON ACTIVE DUTY (Continued)

R U L E	A	B	C	D
	If	has been on active duty for 30 or more consecutive days and is	and	then accrued leave is
7	a commissioned officer of any military service, who simultaneously holds a warrant officer appointment	released from active duty as a commissioned officer	reverts to warrant officer status and continues on active duty	not payable.
8	a temporary officer of the Navy or Marine Corps whose enlistment has expired	reverted to enlisted status and simultaneously discharged	immediately reenlists	payable at rate of pay of rank held at time of reversion (note 3).

**NOTES:**

1. A National Guard member serving on active duty under Title 10 or Title 32, who is ordered to active duty under the other title (Title 10 or Title 32), 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.
2. 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.
3. A member may be paid for a maximum of 60 days of accrued leave during a military career. See subparagraph 350201.A.3 for exceptions.
4. A Reserve officer, who remains on active duty beyond ETS 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.
5. Reserve members may elect to carry forward unused accrued leave to their next period of active duty.

Table 35-3. PAYMENT OF ACCRUED LEAVE – ENLISTED MEMBERS – SEPARATION WITH IMMEDIATE REENTRY ON ACTIVE DUTY

R U L E	A	B	C	D
	If an enlisted member	has been on active duty for 30 or more consecutive days and	and	then accrued leave is (note 1)
1	of any military service	on or after October 5, 1999, is discharged for the specific purpose of enlisting or reenlisting (note 2)	immediately reenlists or immediately reenters on active duty	payable.
2		prior to October 5, 1999, is separated under honorable conditions upon expiration of enlistment or is released from active duty under honorable conditions at the end of a specified period of time or was obligated to serve (notes 3, 4, and 5)		
3		prior to October 5, 1999, is separated before ETS or obligated period of duty for the specific purpose of enlisting or reenlisting (notes 5 and 6)		not payable.
4		is discharged for the purpose of accepting a commission or appointment as a warrant officer in any <b>military</b> service		
5		enlistment is extended		
6		extension of enlistment is canceled before or during service under the extension		is contingent on rules in Table 35-4.
7		is retired		continues on or is recalled to active duty
8	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 was discharged on day before date appointment was accepted.	



Table 35-3. PAYMENT OF ACCRUED LEAVE – ENLISTED MEMBERS – SEPARATION WITH IMMEDIATE REENTRY ON ACTIVE DUTY (Continued)

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
	<b>If an enlisted member</b>	<b>has been on active duty for 30 or more consecutive days and</b>	<b>and</b>	<b>then accrued leave is (note 1)</b>
<b>9</b>	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.
<b>10</b>	of the Army or Air Force, who has more than 20 but less than 30 years of service,	is retired and transferred to the Reserve Component of the member's military service	is immediately ordered into active service	not payable.
<b>11</b>	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. **A** member may be paid for a maximum of 60 days of accrued leave during a military career. See subparagraph 350201.A.3 for exceptions.
2. For these purposes, the term “discharge” means separation or release from active duty under honorable conditions, or termination of an enlistment in conjunction with the commencement of a successive enlistment (without regard to the date of the expiration of the term of the enlistment being terminated).
3. A member is considered as discharged upon expiration of enlistment if discharged not more than 1 year before the normal expiration date of the enlistment. The date of normal expiration of enlistment is excluded in computing the 1-year period.
4. An extension of the active duty obligation does not create an entitlement under this rule.
5. A National Guard member serving on active duty under Title 10 or Title 32, who is ordered to active duty under Title 10 or Title 32, 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.
6. A member is not considered as having been discharged for the purpose of enlisting or reenlisting if discharge occurs not more than 12 months before the normal expiration of the extension period. 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

R U L E	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 military service	enlistment is involuntarily extended	continues on active duty in extension period	not payable until discharge.
2		voluntarily 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 military 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 military service, who has voluntarily extended enlistment	prior to October 5, 1999, extension is canceled before service under it begins and member is discharged under honorable conditions at normal expiration of enlistment		not payable.
6		prior to October 5, 1999, extension is canceled after service under it begins and member is discharged under honorable conditions, for purpose of reenlisting		

Table 35-4. PAYMENT OF ACCRUED LEAVE – ENLISTED MEMBERS – EXTENSION OF ENLISTMENT: DISCHARGE AND REENLISTMENT BEFORE EXTENSION IS COMPLETED (Continued)

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
	<b>If an enlisted member of</b>	<b>has been on active duty for 30 or more consecutive days and</b>	<b>and member</b>	<b>then accrued leave is (note 1)</b>
<b>7</b>	any military service, who has voluntarily extended enlistment	on or after October 5, 1999, extension is canceled after service under it begins and member is discharged under honorable conditions, for purpose of reenlisting		payable.

**NOTES:**

1. **A** member may be paid for a maximum of 60 days of accrued leave during a military career. See subparagraph 350201.A.3 for exception.
2. No payment can be made on second or subsequent extensions.

Table 35-5. SEPARATION PAY ENTITLEMENT AND COMPUTATION

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>
	<b>If a member is</b>	<b>and is involuntarily discharged or released from active duty because of (note 1)</b>	<b>then compute separation pay at</b>
<b>1</b>	an officer (notes 2 and 3)	failure to be selected for promotion (note 4)	10 percent of 12 months of basic pay multiplied by years and fractions of a year based on additional full months of active service.
<b>2</b>	a warrant officer separated during the 3-year probationary period	failure to be selected for promotion	
<b>3</b>	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	
<b>4</b>	a Reserve member	non-selection for an additional tour of active duty for which the member volunteered unconditionally	
<b>5</b>	a chaplain	failure to maintain professional qualifications	
<b>6</b>	a Reserve member	separation at any time prior to the completion of a specified period of active duty or indefinite period of active duty	
<b>7</b>	a warrant officer or Reserve officer	age (notes 5 and 6)	

**NOTES:**

1. Includes member's acceptance of an earlier release before the scheduled involuntary separation date, as directed by the Secretary of the military service concerned.
2. Includes a Regular commissioned officer with more than 6 years of commissioned service.
3. Includes a Regular officer continued on active duty pursuant to 10 U.S.C. § [637a](#) 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 Junior Grade.
5. Includes members separated after expiration of Secretarial retention period.
6. If the member is eligible for voluntary retirement, then the member is not entitled to separation pay even though the member does not apply for retirement concurrently with release from active duty.

Table 35-6. ENTITLEMENT TO DISCHARGE GRATUITY

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
	<b>If</b>	<b>is</b>	<b>and</b>	<b>and</b>	<b>and</b>	<b>then</b>
<b>1</b>	an enlisted member of any military service	a prisoner released from confinement in a military or contract prison to parole, appellate review leave, or expiration of sentence			has less than \$25 in possession	pay the member the difference between funds in possession and \$25 (note).
<b>2</b>		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		
<b>3</b>		discharged under other than honorable conditions				
<b>4</b>		discharged from active duty because of void enlistment	enlistment is void because it was contracted when member was under age			

Table 35-6. ENTITLEMENT TO DISCHARGE GRATUITY (Continued)

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
	<b>If</b>	<b>is</b>	<b>and</b>	<b>and</b>	<b>and</b>	<b>then</b>
<b>5</b>	an enlisted member of any military service	discharged from active duty because of void enlistment	enlistment is void because it was contracted when member was mentally incompetent			do not pay a discharge gratuity.
<b>6</b>		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.

**\*REFERENCES****CHAPTER 35 – SEPARATION PAYMENTS****3502 – ACCRUED LEAVE PAY**

350201.A	37 U.S.C. § 501
350201.A.3	10 U.S.C. § 701(d) Office of the USD (OUSD)(P&R) Memo, June 24, 2008
350201.A.4	37 U.S.C. § 501(b)(5)
350201.B	10 U.S.C. § 706
350201.C	37 U.S.C. § 501(e)(1)
350201.D	DoDI 1327.06, June 16, 2009, Incorporating Change 3, <a href="#">May 19, 2016</a>
350201.E	37 U.S.C. § 501(e)(1) DoDI 1327.06, June 16, 2009, Incorporating Change 3, <a href="#">May 19, 2016</a>
350202.A.3	DoDI 1327.06, June 16, 2009, Incorporating Change 3, <a href="#">May 19, 2016</a>
350202.B	37 U.S.C. § 501(b)(5) OUSD(P&R) Memo, June 24, 2008
350202.B.1	10 U.S.C. § 701(d) OUSD(P&R) Memo, June 24, 2008
350202.B.2	10 U.S.C. § 701(f)
350202.B.4	DoDI 1327.06, June 16, 2009, Incorporating Change 3, <a href="#">May 19, 2016</a>
350202.C	DoDI 1327.06, June 16, 2009, Incorporating Change 3, <a href="#">May 19, 2016</a>
350203	26 U.S.C. § 112
350204	5 U.S.C. § 5514
350205	34 Comptroller General (Comp Gen) 504 37 U.S.C. § 501(d)

**3503 – SEPARATION PAY (NON-DISABILITY)**

350301-350303	DoDI 1332.29, <a href="#">March 3, 2017</a>
350301.A	10 U.S.C. § 1174
350301.B	10 U.S.C. § 1174(i)
350302.M	10 U.S.C. § 1174(a)(4)
350302.N	10 U.S.C. § 1174(c)(4) 39 Comp Gen 223 39 Comp Gen 226
350304 and 350305	DoDI 1332.29, <a href="#">March 3, 2017</a>
350305.B	10 U.S.C. § 1174(h)

## 3505 – DISABILITY SEVERANCE PAY

350501	10 U.S.C. § 1203 10 U.S.C. § 1206 10 U.S.C. § 1217
350502	34 Comp Gen 65
350503.A	10 U.S.C. § 1212
350503.B	10 U.S.C. § 1208 10 U.S.C. § 1212 39 Comp Gen 291
350503.C	10 U.S.C. § 1212
350503.C.2	38 Comp Gen 268
350503.C.3	46 Comp Gen 17
350503.C.4	10 U.S.C. § 1212
350503 NOTE	DoDI 1215.07, January 24, 2013, Incorporating Change 2, <a href="#">May 24, 2016</a>
350504	26 U.S.C. § 104 St. Clair v. U.S. 778 F. Supp 894
350506	10 U.S.C. § 1212(d)
350506.B	10 U.S.C. § 1212(d)(3)
350507	10 U.S.C. § 1213

## 3506 – CONTRACT CANCELLATION PAY AND ALLOWANCES

350601	10 U.S.C. § 12312
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## 3508 – VOLUNTARY SEPARATION PAY (VSP)

	<a href="#">OUSD (P&amp;R) Memo, January 8, 2007</a> 10 U.S.C. § 1175a DoDI 1332.43, <a href="#">November 28, 2017</a>
350801	10 U.S.C. § 1175a(a) 10 U.S.C. § 1175a(k)
350802	10 U.S.C. § 1175a(b)
350804	10 U.S.C. § 1175a(b)(2)
350805	10 U.S.C. § 1175a(d)
350806	10 U.S.C. § 1175a(d)
350807	10 U.S.C. § 1175a(f)
350808	10 U.S.C. § 1175a(g)
350809	10 U.S.C. § 1175a(h)
350810	10 U.S.C. § 1175a(h)(2)
350811	10 U.S.C. § 1175a(j)



## 3509 – VOLUNTARY RETIREMENT INCENTIVE (VRI)

10 U.S.C. § 638b

Table 35-1 – PAYMENT OF ACCRUED LEAVE – OFFICERS AND ENLISTED MEMBERS  
– SEPARATION WITHOUT IMMEDIATE REENTRY ON ACTIVE DUTY

Rule 7	37 U.S.C. § 504
Rule 8	37 U.S.C. § 501(a)
Rule 9	DoDI 1332.14, January 27, 2014, Incorporating Change 3, March 22, 2018
Note 3	43 Comp Gen 802
Note 4	DoDI 1327.06, June 16, 2009, Incorporating Change 3, May 19, 2016
Note 9	37 U.S.C. § 501
Note 10	37 U.S.C. § 501

Table 35-2 – PAYMENT OF ACCRUED LEAVE – OFFICERS – SEPARATION WITH  
IMMEDIATE REENTRY ON ACTIVE DUTY

Rule 1	30 Comp Gen 328
Rule 2	31 Comp Gen 387
	37 U.S.C. § 501
Rule 3	10 U.S.C. § 716
Rule 4	31 Comp Gen 668
Rule 6	35 Comp Gen 25
Note 3	37 U.S.C. § 501
Note 4	Comp Gen B-176858, December 12, 1973
Note 5	DoDI 1327.06, June 16, 2009, Incorporating Change 3, May 19, 2016

Table 35-3 – PAYMENT OF ACCRUED LEAVE – ENLISTED MEMBERS – SEPARATION  
WITH IMMEDIATE REENTRY ON ACTIVE DUTY

Rule 1	37 U.S.C. § 501
Rule 2	10 U.S.C. § 1171
Rule 8	36 Comp Gen 334
Note 1	37 U.S.C. § 501
Note 3	10 U.S.C. § 1171
	30 Comp Gen 280
	42 Comp Gen 399
Note 6	10 U.S.C. § 1171
	30 Comp Gen 280
	42 Comp Gen 399

Table 35-4 – PAYMENT OF ACCRUED LEAVE – ENLISTED MEMBERS – EXTENSION OF ENLISTMENT: DISCHARGE AND REENLISTMENT BEFORE EXTENSION IS COMPLETED

Rule 2	37 U.S.C. § 906
	48 Comp Gen 127
Rule 4	30 Comp Gen 531
Rule 5	42 Comp Gen 447
	Comp Gen B-150737, March 27, 1963
Rule 6	42 Comp Gen 447
	Comp Gen B-150737, March 27, 1963
Rule 7	Public Law 106-65, section 671, October 5, 1999
Note 1	37 U.S.C. § 501
Note 2	48 Comp Gen 127

Table 35-5 – SEPARATION PAY ENTITLEMENT AND COMPUTATION

Rule 7	10 U.S.C. § 1164
	10 U.S.C. § 6383(i)
Note 6	10 U.S.C. § 1174(c)

Table 35-6 – ENTITLEMENT TO DISCHARGE GRATUITY

Rule 1	10 U.S.C. § 956
Rule 2	10 U.S.C. § 1048
Rule 3	39 Comp Gen 860
Rule 4	39 Comp Gen 742
Rule 5	39 Comp Gen 860

**VOLUME 7A, CHAPTER 36: “PAYMENTS ON BEHALF OF DECEASED MEMBERS”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

The previous version dated [February 2016](#) is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated formatting and hyperlinks to comply with current administrative instructions.	Revision
360201.E	Clarified the subparagraph in accordance with Title 10, United States Code, section 1475(a)(3).	Revision
Bibliography	Updated statutes and references.	Revision

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## CHAPTER 36

PAYMENTS ON BEHALF OF DECEASED MEMBERS

## 3601 GENERAL

## 360101. Purpose

The purpose of this chapter is to provide policy pertaining to the processing of payments on behalf of deceased military members.

## 360102. Authoritative Guidance

The bibliography at the end of this chapter lists the authoritative references.

## 3602 DEATH GRATUITY

## \*360201. Members for Whom Payable

Death gratuity will be paid, regardless of whether death occurred in the line of duty or as the result of a member's misconduct, to eligible beneficiaries of the following (except a temporary member of the Coast Guard Reserve):

A. A member who dies while on active duty or while traveling to or from such duty;

B. A former member who dies during the 120-day period beginning on the day following date of discharge or release, under honorable conditions, from active duty (including retirement for either disability or length of service). In this case, the Secretary of Veterans Affairs must determine that death resulted from disease or injury incurred or aggravated while the member was on active duty or while in authorized travel status to or from such duty;

C. Any person who dies either while traveling to, from, or while at a place for final acceptance or for entry upon active duty (other than for training) in the Military Service; who has been ordered or directed to go to that place, and who has been:

1. Provisionally accepted for that duty; or

2. Selected, under the Military Selective Service Act, for duty in that Military Service;

D. A member whose death is determined by administrative finding under the Missing Persons Act;

\* E. A National Guard or Reserve member who dies while traveling directly to or from:

1. Active duty for training;
2. Inactive duty training (other than work or study in connection with a correspondence course of an Armed Force; or attendance, in an inactive status, at an educational institution under the sponsorship of an Armed Force or the Public Health Service);
3. Inactive duty training while studying in connection with a correspondence course of an Armed Force or attendance, in an inactive status, at an educational institution, under the sponsorship of an Armed Force or the Public Health Service); or
4. Inactive duty training while staying at the National Guard or Reserve member's residence when so authorized by proper authority, during the period of such inactive duty training or between successive days of inactive duty training; or

F. Any member of a Reserve Officers' Training Corps (ROTC) 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 an ROTC 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.

#### 360202. 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, or attendance, while in the active service, at a school designated as a Military Service school by law or by the Secretary concerned). (The exception to this definition is noted in subparagraphs 360201.B and 360201.C.)

B. Member. A member of the Military Service is a person appointed, enlisted, or inducted into a branch of the Military Services, including Reserve Components and cadets or midshipmen of the Military Service Academies.

C. Reserve Components. The Reserve Components consist of the U.S. Army National Guard, Army Reserve, Navy Reserve, Marine Corps Reserve, U.S. Air National Guard, and the Air Force Reserve.

#### 360203. Beneficiaries

A. Designation. A member may designate one or more persons, to receive a portion of the amount payable under paragraph 360206. If a member provides conflicting information regarding designation of beneficiaries and their proportionate shares of the death gratuity in blocks 11 and 14 of the Department of Defense (DD) Form 93, Record of Emergency Data, then payment will be made only to the extent that there are unambiguous designations.

**Example:** If a member completes block 11 by designating his mother to receive 100 percent of the death gratuity, and also completes block 14 by designating his mother and his sister to each receive 50 percent of the death gratuity, there are conflicting designations. In this situation, 50 percent of the death gratuity would be payable to the mother and the remaining 50 percent would be paid in accordance with subparagraph 360203.B. The amount payable to the designee must be specified in 10 percent increments. The balance of the amount of the death gratuity, if any, will be paid in accordance with subparagraph 360203.B. Effective January 28, 2008, if a member has a spouse, but designates a person other than the spouse to receive a portion of the amount payable, then the Secretary concerned will provide notice of the member's designation to the spouse.

1. Effective May 25, 2007 through June 30, 2008, a member may designate another person other than those on the survivor precedent list mandated by law at that time to receive up to 50 percent of the amount payable under paragraph 360206.

2. Effective July 1, 2008, a member may designate one or more persons to receive all or a portion of the amount payable under paragraph 360206.

**B. Distribution.** If a member does not make a designation under subparagraph 360203.A, or designates only a portion of the amount payable, then the remaining amount of the death gratuity not covered by a designation will be paid as follows:

1. To the surviving spouse of a member;

2. If no surviving spouse, then the child or children of the member and descendants of deceased children, by representation;

3. If no [survivor in accordance with subparagraphs 360203.B.1 or 2](#), then the parents of the member, in equal shares, or to the surviving parent;

4. If no [survivor in accordance with subparagraphs 360203.B.1 through 3](#), then the duly appointed legal representative of the member's estate; or

5. If no [survivor in accordance with subparagraphs 360203.B.1 through 4](#), then the person(s) determined to be entitled under the laws of the state in which the member was domiciled.

**C. Treatment of Parents.** For the purpose of subparagraph 360203.B.3, only one father and one mother may be recognized in any case, and preference will be given to those who exercised a parental relationship on the date or most nearly before the date on which the member died.

D. Death of Eligible Survivor. If an eligible survivor dies before receipt of the death gratuity, it will be paid to the living survivor next in the order of precedence (see subparagraph 360203.B).

360204. Determining Eligible Beneficiaries

When officially notified that a member of his or her command has died, the commanding officer (CO) maintaining the member's personnel or service records determines if an eligible death gratuity beneficiary exists in accordance with paragraph 360203 or the categories shown in Table 36-1. Legal assistance officers will aid in cases involving a question of law.

A. Lawful Spouse. If a decedent is survived by a spouse, the following evidence will be used to determine whether an eligible beneficiary exists:

1. Entitlement to Basic Allowance for Housing (BAH) or evidence of assignment of government quarters to a member and spouse; or
2. 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 is not survived by a spouse, the following evidence will be used to determine whether an eligible beneficiary exists:

1. Documentary evidence must show termination of any marriage, including a certified copy of the spouse's death certificate, divorce, or annulment decree.
2. Evidence must show entitlement to BAH for a child or children, or evidence of occupation of government quarters with the member before member's death.
3. 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 must be provided if a guardian of a minor child, or children, has been appointed by a court (as distinguished from being awarded physical custody).
5. If the death gratuity is \$10,000 or less, then 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 (and the parent provides a notarized statement attesting to all of these conditions):

- a. A legal guardian has not been appointed;
- b. The parent has custody of the minor child;
- c. The parent will hold the payment for the sole use and benefit of the minor until the minor reaches adulthood;
- d. The parent will account to the minor for such amount when the minor reaches adulthood; and
- e. The parent will hold the government harmless in the event the minor, when he/she reaches adulthood, brings any legal action challenging the government's payment to the minor's parent.

6. If the death gratuity is in excess of \$10,000, then payment may only be made to the guardian or conservator appointed by a court to receive such payments for the minor's benefit, thereby providing the government a means of obtaining a good acquittance.

7. The relationship between a member and his or her stepchild can survive the end of the marriage from which it arose. If the marriage that created the relationship ended by death, then the relationship continues, absent evidence to the contrary. If the marriage ended by divorce, as distinguished from death, then the relationship ends unless clear and convincing evidence is furnished showing continuance of close family ties and intention to continue the prior relationship.

C. Parents. If the decedent is not survived by a spouse or child and has not officially designated any other individual(s) to receive the full death gratuity, then the parent beneficiary 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.

D. In Loco Parentis. A person who stood in loco parentis (in the place of a parent) does not qualify for the death gratuity as a "parent" of the member. A member must designate such a person in order for that person to qualify as an eligible beneficiary.

E. Mentally Incompetent Beneficiary. If the beneficiary is mentally incompetent, then a photostatic or certified copy of the court order appointing a guardian, trustee, committee, or other such person is required.

F. Effect of a Will. A will does not constitute a legal designation for death gratuity since such payment is not money or debt due the member and thus cannot become part of the member's estate.

360205. Determinations Affecting Entitlement

A. Death as Lawful Punishment. No death gratuity is payable in the case of a member whose death is the result of a lawful punishment for a crime or military offense, except when such death was inflicted by any hostile force with which the Armed Forces of the United States had engaged in armed conflict.

B. Member Killed by Beneficiary. No death gratuity is payable to a beneficiary or survivor who kills a member unless there is evidence that clearly absolves such beneficiary or survivor of any felonious intent.

C. Unauthorized Absence or Desertion

1. Absence Without Leave (AWOL) or Absence Over Leave (AOL). A death gratuity is payable in the case of a member whose death occurs while he or she is in an unauthorized absence status, either AWOL or AOL, including being in custody of civil authorities, provided the date of death is prior to the normal expiration of contracted duty.

2. Desertion. No death gratuity is payable in the case of a member who is a declared deserter at the time of his or her death unless it is later found that the declaration was in error.

360206. Amounts Payable and Exemptions

A. The amount of death gratuity is \$100,000.

B. Death gratuity payments may not be used to satisfy indebtedness (including overpayments).

C. The death gratuity amount is excluded from gross income for tax purposes. Also, see Chapter 44, Table 44-1, Rule 16.

360207. Expediting Payments

Immediate payment of a death gratuity (within 24 hours, if possible) will be made when the eligible beneficiary can be determined, and there is no doubt as to the propriety of payment.

360208. Responsibility for Payment of Death Gratuity

See Tables 36-2 through 36-6.

## 360209. Erroneous Payment

An erroneous payment of death gratuity is one made to a person clearly not entitled to it because of administrative error and not because of statements of record made by the member.

A. Make a second payment to the rightful beneficiary when the error resulted from improper maintenance of records or administrative negligence. Do not delay this payment pending recovery of the erroneous payment from the ineligible recipient.

B. Do not make a second payment of death gratuity to a different person if the original payment was based on statements of record made by the member, and the government has no reason to doubt that the beneficiary's status was as stated.

## 3603 SETTling DECEASED MEMBERS' ACCOUNTS

## 360301. General

Payment of any unpaid pay and allowances due on behalf of a deceased member of the Armed Forces will be made to the designated or non-designated beneficiary as defined in paragraphs 360303 or 360304. Unpaid pay and allowances include:

A. Pay and allowances due and unpaid at death, including settlement of accrued leave (subject to limitation in Chapter 35, subparagraph 350201.A.4.c). Entitlement restrictions apply.

1. Family Separation Allowance (FSA). If a member dies within the first 30-days of qualifying duty, then the member is not entitled to FSA-**Ship (S)** (Chapter 27, subparagraph 270203.A.2) or FSA-**Temporary (T)** (Chapter 27, subparagraph 270203.A.3). **FSA-S and FSA-T** will be excluded from the final settlement of the member's military pay account.

2. Hardship Duty Pay – Location (HDP-L). If a member dies within the first 30-days of qualifying duty, then the member is not entitled to HDP-L (Chapter 17, paragraph 170202). **HDP-L** will be excluded from the final settlement of the member's military pay account;

B. Amounts due for travel, per diem, transportation of dependents, and shipment of household goods;

C. Member's savings deposits and interest thereon;

D. If a member dies before receiving the full amount of the bonus due (including contracted future year anniversary payments) and if death is not caused by the member's misconduct, then the remaining unpaid bonus balance is payable as a lump sum for inclusion in the settlement of the deceased member's final military pay account. If death is determined to be the result of the member's own misconduct, then termination of future payments and proration or recoupment of the bonus, as applicable, will be made in accordance with procedures established

for members whose inability to complete a contracted period of service is voluntary or the result of misconduct; or

E. Proceeds of any checks for items in subparagraphs 360301.A through D, un-negotiated by the member before death.

360302. Entitlement

A. Upon official notification of the death or finding of death, any amounts due the decedent are paid to the person(s) determined to be the eligible beneficiary or beneficiaries.

B. Any payments made under this section prohibit recovery of those payments by any other person.

C. When a minor child, otherwise eligible, is a designated or non-designated beneficiary, payment will be made according to the provisions of subparagraphs 360204.B.5 and 360204.B.6.

360303. Designated Beneficiary

Current laws allow a member to designate anyone, related or not, to receive the 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, then payment will be divided equally among designated beneficiaries.

360304. Non-designated 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 surviving spouse of a member;
2. If no surviving spouse, then the child or children of the member and descendants of deceased children, by representation;
3. If no [survivor in accordance with subparagraphs 360304.A.1 or 2](#), then the parents of the member, in equal shares, or to the surviving parent;
4. If no [survivor in accordance with subparagraphs 360304.A.1 through 3](#), then the duly appointed legal representative of the member's estate; or
5. If no [survivor in accordance with subparagraphs 360304.A.1 through 4](#), then 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, then the child is a beneficiary only in those states where an adopted child inherits from the child's natural parent.

C. Stepchild. A stepchild is not an eligible beneficiary unless adopted by the deceased member.

D. Illegitimate Child. An illegitimate child may be paid the unpaid pay and allowances of a deceased member when:

1. The child has been acknowledged in writing, and signed by the decedent;
2. The child has been judicially determined, before the decedent's death, to be the member's child;
3. The child has been otherwise proved, by evidence satisfactory to the Secretary of Veterans Affairs, to be child of the decedent; or
4. The decedent had been judicially ordered to contribute support.

#### 360305. Responsibility for Settlement of Accounts

Accounts of deceased members are settled as prescribed in the procedural instructions of the Military Service concerned.

#### 360306. Tax Abatement

See Chapter 44, paragraph 440204 if the member's death was caused by terrorist or military action overseas.

#### 360307. Bonuses and Special Pays

If the decedent was receiving any bonuses and/or special pays, then the provisions of Chapter 2 will apply.

#### 360308. Advance of Pay

The following applies to a deceased member's final pay computation:

A. Except for an advanced pay paid under the provisions of Chapter 32, paragraph 320203, when a member is in a combat zone and receiving imminent danger or hostile fire pay, advance pays that have not been repaid prior to the death of the member remain a debt to the United States for the unliquidated amount. Advance pays paid under paragraph 320203 and not fully collected at the time of death will not be collected against the estate of a deceased member.

B. A member may receive an early payment of pay and allowances due to a regular payday falling on a weekend or legal holiday. If the member dies before the last day of that pay period, then no collection will be taken for any extra days of pay received.

Table 36-1. Eligible Beneficiaries - Death Gratuity

	A	B
<b>R U L E</b>	<b>Death gratuity is payable to the following living survivor(s), of the deceased member as listed (note 1)</b>	<b>which is defined as</b>
<b>1</b>	lawful spouse	a man or woman legally married to a member at the time of death.
<b>2</b>	child, or children, without regard to age or marital status, in equal shares (note 2)	a legitimate child.
<b>3</b>		a legally adopted child.
<b>4</b>		a stepchild if such child was a member of the decedent's household. If the marriage that gave rise to the stepparent-stepchild relationship has ended, see subparagraph 360204.B.7 for guidance.
<b>5</b>		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.
<b>6</b>	surviving parent(s) in equal shares (note 3)	the natural father or mother.
<b>7</b>		the father or mother through adoption.
<b>8</b>	other person(s)	any next of kin of the member entitled under the laws of the domicile of the member at the time of the member's death.

**NOTES:**

1. A member may elect to designate one or more persons instead of or in addition to his/her spouse as beneficiary as defined in paragraph 360203. Unless a specific percentage is shown, payment is divided equally among all designated beneficiaries. If no designation was made, then the death gratuity is to be paid to the living survivor(s) first listed in column A. See paragraph 360203.
2. If any of the member's children are deceased at the time of payment, payment is made to the descendants of deceased children, by representation. See subparagraph 360203.B.
3. Only one father or mother is recognized in any case. Give preference to those who exercised a parental relationship on the date, or most nearly before the date, on which the member died.

Table 36-2. Responsibility for Payment of Death Gratuity - General

R U L E	A	B
	If the deceased	then payment is made by
1	was a member of the Army, Army National Guard, or Army Reserves (note 1)	the Defense Finance and Accounting Service (DFAS) Indianapolis (IN) or the member's servicing finance center as specified in Table 36-3.
2	was a member of the Navy or Navy Reserves (note 1)	DFAS Cleveland (CL) or the designated disbursing officer as specified in Table 36-4.
3	was a member of the Air Force, Air National Guard, or Air Force Reserves (note 1)	DFAS-IN or the finance office located nearest the beneficiary as specified in Table 36-5.
4	was a member of the Marine Corps or Marine Corps Reserve (note 1)	DFAS-CL as specified in Table 36-6.
5	is retired and dies within 120-days of retirement (note 2)	DFAS-CL, Retired and Annuitant Pay
6	was discharged under honorable conditions, and dies within 120-days of separation (note 2)	the DFAS site responsible for servicing the deceased member's military pay account.
7	is a member whose death is determined by administrative finding under the Missing Persons Act	
8	was a member of a Senior ROTC (SROTC) (note 3)	
9	is a person who dies while traveling to, from, or while at a place for final acceptance or for entry upon active duty (other than for training) in the Military Service; who has been ordered or directed to go to that place, and who has been provisionally accepted for that duty; or selected, under the Military Selective Service Act, for duty in that Military Service	the DFAS site that would have maintained the individual's military pay account.

**NOTES:**

1. Includes a National Guard or Reserve member who dies while traveling directly to or from active duty for training or inactive **duty** training.
2. Includes a former member who dies during the 120-day period beginning on the day following date of discharge or release, under honorable conditions, from active duty (including retirement for either disability or length of service). In this case, the Secretary of Veterans Affairs must determine that death resulted from disease or injury incurred or aggravated while the member was on active duty or while in authorized travel status to or from such duty.
3. Any member of a SROTC 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 an ROTC 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.



Table 36-3. Responsibility for Payment of Death Gratuity - Army

<b>R U L E</b>	<b>A</b>	<b>B</b>
	<b>If the beneficiary is a(n)</b>	<b>then death gratuity is settled by</b>
<b>1</b>	Adult	the deceased members' servicing finance office. (note 1)
<b>2</b>	Minor	DFAS-IN.
<b>3</b>	Doubtful case (note 2)	DFAS-IN.

**NOTES:**

1. The deceased member's servicing finance office will be responsible for making payment for all adult beneficiaries who fall within the established guides of paragraph 360203.
2. Doubtful cases include:
  - a. All cases coming under subparagraphs 360205.A, B, C, or any questionable cases under paragraph 360204;
  - b. Common law widow or widower; or
  - c. A member's minor child, an adopted child without properly certified court adoption papers, and an illegitimate child.

Table 36-4. Responsibility for Payment of Death Gratuity - Navy

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>R U L E</b>	<b>When eligibility of beneficiary or propriety of payment is</b>	<b>and determination is made that eligible beneficiary is</b>	<b>and</b>	<b>then death gratuity is paid by</b>
	not doubtful	a lawfully designated beneficiary	Navy Casualty Assistance (N135C) certifies beneficiary and payment amount,	DFAS-CL upon authorization from N135C.
<b>2</b>			beneficiary requests local payment, <b>after</b> N135C certifies beneficiary <b>and</b> payment amount,	the disbursing officer authorized by N135C to make payment.
<b>3</b>	doubtful (notes 1, 2, and 3)	required to be determined by N135C	N135C certifies beneficiary and payment amount,	DFAS-CL upon authorization from N135C.

**NOTES:**

1. Doubtful cases include “common law widow or widower.”
2. All cases coming under subparagraph 360204.F and paragraph 360205 are doubtful cases.
3. Doubtful cases include a member’s minor child, adopted child without properly certified court adoption papers, and an illegitimate child.

Table 36-5. Responsibility for Payment of Death Gratuity - Air Force

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
	<b>When eligibility of beneficiary or propriety of payment is</b>	<b>and determination is made that eligible beneficiary is</b>	<b>and</b>	<b>then death gratuity is settled by</b>
<b>1</b>	not doubtful	a lawful spouse (notes 1 and 2); or adult child or children (notes 2 and 3); or a designated relative (notes 2, and 4). Minor children are paid by DFAS along with those identified in rule 3	upon receipt of notification of death (note 5)	the finance officer located nearest the residence of the beneficiary.
<b>2</b>		a designated non-relative		
<b>3</b>	doubtful	one of those listed in notes 1, 2, and 3		DFAS-IN.

**NOTES:**

1. DFAS-IN settles death gratuity payment to “common-law widow or widower.”
2. DFAS-IN settles all cases coming under subparagraphs 360205.A, B, or C, and any questionable cases under subparagraph 360204.F.
3. DFAS-IN settles doubtful cases, including: all minor children, all adopted children without properly certified court adoption papers, and all illegitimate children.
4. Relatives consist of a member’s parents, brothers, sisters, or any combination thereof.
5. If death occurs while a member is on a Permanent Change of Station move, then the “losing” home installation notifies.

Table 36-6. Responsibility for Payment of Death Gratuity - Marine Corps

R U L E	A	B	C	D	E
		When the CO determines that the eligible beneficiary is	and eligibility of beneficiary or propriety of payment is	and	and
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	DFAS-CL upon Commandant of the Marine Corps Casualty Section authorization.
2				payment is requested by the CO of an activity located in an outlying area	
3				member's unit is deployed, and the CO of the deployed unit requests by message that payment be made	
4	a lawful spouse, child or children, designated, or non-designated relatives (note1)	doubtful (notes 2, 3, and 4)	the relative did not reside with the member at or near member's duty station or home port	payment is requested by the CO of an activity located near residence of the designated beneficiary	
5		not doubtful			
6					

**NOTES:**

1. Relatives consist of a member's parents, brothers, sisters and other next of kin of the member entitled under the laws of domicile of the member at the time of the member's death.
2. Doubtful cases include "common law widow or widower."
3. All cases coming under subparagraph 360204.F and paragraph 360205.
4. Doubtful cases include a member's minor child, an adopted child without properly certified court adoption papers, and an illegitimate child.

## \*BIBLIOGRAPHY

## CHAPTER 36 – PAYMENTS ON BEHALF OF DECEASED MEMBERS

## 3602 – DEATH GRATUITY

360201	Title 10, United States Code (U.S.C.), sections 1475-1480
* 360201.E	10 U.S.C. § 1475(a)(3)
360203	10 U.S.C. § 1477
360204.B.6	24 Comptroller General (Comp Gen) 320
360205.B	34 Comp Gen 103
360205.C.1	29 Comp Gen 294
	31 Comp Gen 645
360206	10 U.S.C. § 1478
360209	37 Comp Gen 131

## 3603 – SETTLING DECEASED MEMBERS' ACCOUNTS

360301	10 U.S.C. § 2771
	37 U.S.C. § 501(d)
360301.A.1	37 U.S.C. § 427(a)(2)
360301.A.2	Assistant Secretary of Defense Force Management Policy Memo, December 21, 2000
360302	10 U.S.C. § 2771
	Comp Gen B-187037, October 22, 1976
360304.B and C	Comp Gen B-91021, February 6, 1950
360304.D	10 U.S.C. § 1477(d)(5)
360308.A	37 U.S.C. § 212(c)
	37 U.S.C. § 1006(d)
360308.B	37 U.S.C. § 1006 (h)
Table 36-3	Military Pay E-Message 09-020
* Table 36-4	Military Personnel Manual 1770-280, August 4, 2014

**VOLUME 7A, CHAPTER 37: “BENEFITS FOR MEMBERS HELD AS CAPTIVES”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [bold, italic, blue, and underlined font](#).

The previous version dated [December 2016](#) is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
References	Renamed “Bibliography” to “References.”	Revision

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## CHAPTER 37

**BENEFITS FOR MEMBERS HELD AS CAPTIVES**

## 3701 GENERAL

## 370101. Purpose

This chapter describes the policy provisions for benefits for members who are held as captives as determined by the Secretary of Defense.

## 370102. Authoritative Guidance

[The authoritative references are listed at the end of this chapter.](#)

## 3702 FORMER CAPTIVE PAYMENT

## 370201. Entitlement Provisions

A former captive is a member who was held in a captive status. Entitlement may only be authorized by the [Secretary of Defense](#). Once the [Secretary of Defense](#) makes a "hostile action" determination, which is the authority for former captive payments, the Military Service Secretaries will provide the names and dates of entitlements to their respective Defense Finance and Accounting Services (DFAS) Center. Entitlement dates may not include any of the following without specific case-by-case approval of the [Secretary of Defense](#):

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 that are doubtful that the missing status was the result of hostile action or was the result of membership in the Uniformed Services. Commanders will forward any request with justification via the appropriate Military Service chain of command. When authorized, the DFAS Center concerned will make payment.

## 370202. Rates

A. For each day a member was held in a captive status, payment [shall be](#) 50 percent of the [then-current](#) world-wide average per diem rate. 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. Rates will be obtained from the Office of the Under Secretary of Defense (Personnel and Readiness) (Military Personnel Policy/Compensation), 1500 Defense Pentagon, Washington, D.C. 20301-1500.



B. Former captives may receive more than the 50 percent rate when specifically approved by the [Secretary of Defense](#). Recommendations justifying a higher percentage will be forwarded through command channels via the appropriate Military Service Secretary.

370203. 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.

370204. Exceptions

A. The [Secretary of Defense](#) 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 [in a court of competent jurisdiction](#). If convicted, whether or not payment has been made, commanders will forward the case to the [Secretary of Defense](#) with justified recommendations for payment determination. Payments previously made and later denied must be collected.

B. No payment is authorized when the Congress specifically provides for prisoner of war (POW) compensation for captivity periods. See section 3703.

370205. Taxability

Payments to former captives generally are not taxable if the captive status resulted from the deprivation of personal rights, such as terrorist activity. However, if the captive status resulted from an engagement with another nation's armed forces, then payment may be taxable and reported as taxable income. See Chapter 44, Table 44-1 for possible applicability of the combat zone tax exclusion.

### 3703 POW COMPENSATION

Payment authorized by the Congress, for a specific period of captivity as a POW, is made by the Secretary of the Treasury, and is not considered to be a Uniformed Services pay and allowances entitlement. DFAS is not involved in this payment procedure or its tax reporting consequences.

### 3704 SAVINGS ALLOTMENT

Military Service Secretaries may allot part or all of a captive's pay and allowances (except what is already allotted) to an interest-bearing savings fund that is maintained by the Secretary of the Treasury. The Secretary of the Treasury establishes the withdrawal procedures for this savings fund.

\*REFERENCES

**CHAPTER 37 - BENEFITS FOR MEMBERS HELD AS CAPTIVES**

3702 Former Captive Payment

Title 5, United States Code (U.S.C.),  
section 5569(d)(2)

37 U.S.C. § 551

37 U.S.C. § 559(c)

370204

37 U.S.C § 559(a)(1)

3704 Savings Allotment

37 U.S.C. § 559(b)

**VOLUME 7A, CHAPTER 38: “SERVICE ACADEMY CADETS, MIDSHIPMEN, AND SERVICE ACADEMY PREPARATORY SCHOOL STUDENTS”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

The previous version dated [April 2016](#) is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
Table 38-1	Updated the rations rate for the calendar year 2018 in accordance with the “Food Service Charges at Appropriated Fund Dining Facilities and the Military Academies” as listed on the Office of the Under Secretary of Defense (Comptroller) website.	Revision
Bibliography	Updated references.	Revision

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## CHAPTER 38

**SERVICE ACADEMY CADETS, MIDSHIPMEN, AND  
SERVICE ACADEMY PREPARATORY SCHOOL STUDENTS**

## 3801 GENERAL

## 380101. Purpose

This chapter establishes policy pertaining to the pay and allowances for cadets at the U. S. Military Academy, the U.S. Air Force Academy, the Coast Guard Academy, and midshipmen at the U.S. Naval Academy.

## 380102. Authoritative Guidance

The bibliography at the end of this chapter lists the authoritative references.

## 3802 ENTITLEMENTS

## 380201. Monthly Pay

Cadets at the U.S. Military Academy, the U.S. Air Force Academy, [the Coast Guard Academy](#), and midshipmen at the U.S. Naval Academy are entitled to pay at the monthly rate of 35 percent of the basic pay of a commissioned officer in the pay grade O-1 with less than 2 years of service. This monthly rate is prescribed in Chapter 1, Table 1-7.

## 380202. Rations

Cadets and midshipmen are entitled to commuted rations at the daily rate established by the Office of the Under Secretary of Defense (Comptroller) as prescribed in Table 38-1.

## 380203. Incentive and Special Pays

Cadets and midshipmen are not entitled to incentive pay for hazardous duty or special pay for duty subject to hostile fire or imminent danger.

## 380204. Start and Stop Dates

See Table 38-2.

## 380205. Continuance of Pay and Allowances

Pay and allowances continue to accrue to cadets or midshipmen while they are absent in an official missing or missing-in-action status. See Chapter 34. Cadets and midshipmen also are entitled to full pay while traveling under orders.

## 380206. Death Benefits

Death gratuity entitlement and settlement of unpaid pay and allowances instructions are contained in Chapter 36.

## 380207. Settlement for Unused Accrued Leave

Cadets and midshipmen do not earn leave; therefore, they are not entitled to lump-sum leave benefits.

## 3803 OTHER STUDENTS

## 380301. Service Academy Preparatory School Students

A. A student at the U.S. Military Academy Preparatory School, the U.S. Naval Academy Preparatory School, or the U.S. 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. A student at the U.S. Military Academy Preparatory School, the U.S. Naval Academy Preparatory School, or the U.S. Air Force Academy Preparatory School, who, at the time of the student's selection to attend the preparatory school, was an enlisted member of the [uniformed services](#), will receive the monthly basic pay at the rate prescribed for the student's pay grade and years of service as an enlisted member or at the rate provided for cadets and midshipmen under section 3802, whichever is greater.

## 380302. Foreign Cadets and Midshipmen

Persons from a foreign nation, who are receiving instruction at the Military Service academies are entitled to the same pay, commuted rations, and travel and transportation allowances as are authorized for U.S. cadets and midshipmen.

## 3804 DEDUCTIONS FROM MONTHLY PAY

## 380401. Allotments

The Military Department concerned determines whether cadets and midshipmen may register allotments of pay.

## 380402. Collections of Indebtedness

For general policies and requirements relating to the collection of indebtedness, see Volume 16. Private indebtedness for services (e.g., laundry, dry cleaning, shoe repair) is not an indebtedness collectible under Volume 16.

## 380403. Servicemembers' Group Life Insurance (SGLI)

Academy cadets and midshipmen are eligible for SGLI coverage while on full-time duty as a cadet or midshipman at a Service academy. See Chapter 47. Details covering the administration of the SGLI program for cadets or midshipmen are contained in the pay procedural instructions of the Military Service academy concerned.

## 380404. Taxes

The basic pay of cadets and midshipmen is subject to federal and state withholding tax (Chapter 44) and Federal Insurance Contribution Act tax (Chapter 45).

## 3805 ADVANCE PAY FOR CLOTHING AND EQUIPMENT PURCHASES

## 380501. General

The Secretary of the Military Department concerned prescribes the amount to be advanced each new cadet or midshipman to cover the cost of initial clothing and equipment. The amount advanced is deducted in regular installments from the cadet's or midshipman's monthly pay until fully collected. Any cadet or midshipman who is discharged (whether voluntarily or involuntarily) before graduation and before the total amount has been repaid, must turn in as much of the clothing and equipment of a distinctive military nature as is necessary to liquidate the balance owed.

## 380502. Discharge

If a cadet or midshipman is discharged and the value of the turned-in clothing and equipment does not cover the balance owed, then the value of the turned-in clothing and equipment is applied to the balance owed and the remainder of the advance owed is cancelled, regardless of reason for discharge.

## 3806 TRAVEL AND TRANSPORTATION ALLOWANCES

The travel and transportation allowances payable to cadets and midshipmen are prescribed in [the Joint Travel Regulations, Chapter 3](#).

\*Table 38-1. Ration Rates

<b>Effective</b>	<b>Breakfast</b>	<b>Lunch</b>	<b>Dinner</b>	<b>Total</b>
October 1, 1999	\$1.05	2.15	2.15	\$5.35
October 1, 2000	\$1.05	2.20	2.20	\$5.45
October 1, 2001	\$1.10	2.25	2.25	\$5.60
October 1, 2002	\$1.15	2.30	2.30	\$5.75
October 1, 2003	\$1.20	2.35	2.35	\$5.90
October 1, 2004	\$1.25	2.55	2.55	\$6.35
October 1, 2005	\$1.30	2.60	2.60	\$6.50
October 1, 2006	\$1.30	2.65	2.65	\$6.60
October 1, 2007	\$1.35	2.80	2.80	\$6.95
October 1, 2008	\$2.10	3.85	3.85	\$9.80
January 1, 2009	\$2.30	4.25	4.25	\$10.80
January 1, 2010	\$2.30	4.25	4.25	\$10.80
January 1, 2011	\$2.30	4.25	4.25	\$10.80
January 1, 2012	\$2.45	4.55	4.55	\$11.55
January 1, 2013	\$2.50	4.60	4.60	\$11.70
January 1, 2014	\$2.55	4.65	4.65	\$11.85
January 1, 2015	\$3.45	5.55	4.85	\$13.85
January 1, 2016	\$3.05	4.90	4.30	\$12.25
January 1, 2017	\$3.05	4.90	4.30	\$12.25
January 1, 2018	\$3.05	4.95	4.30	\$12.30

**NOTE:** If current year is not listed, see [Reimbursable Rates](#) in Tab G at the Office of the Under Secretary Defense (Comptroller) website.



Table 38-2. Dates to Start and Stop Pay and Allowances

<b>R U L E</b>	<b>A</b>	<b>B</b>
	<b>When a cadet or midshipman</b>	<b>then pay and allowances</b>
<b>1</b>	has been admitted officially to one of the Service academies	start on the day of admission (note 1).
<b>2</b>	has been discharged and later reappointed to one of the Service academies	are stopped on date of discharge, and start again on day of reappointment (note 1).
<b>3</b>	has been dismissed by sentence of court-martial	stop on the date of termination of service as specified in orders directing dismissal.
<b>4</b>	has been dismissed from the academy by other than court-martial action before graduating	stop on date of dismissal.
<b>5</b>	dies before graduation	stop on the date of death.
<b>6</b>	is appointed a second lieutenant in the Army or Air Force upon graduation	stop on the day before the date of graduation.
<b>7</b>	is commissioned in the Regular Navy or Marine Corps	stop on the day before the date of formal acceptance of appointment.
<b>8</b>	is placed voluntarily in a leave without pay status	stop on the day before the member enters a leave without pay status. If the member is readmitted to the academy, then the pay and allowances start again, on the day of readmission.
<b>9</b>	is not appointed a second lieutenant in the Army immediately upon graduation	continue until the member is appointed a second lieutenant or is discharged (note 2).

**NOTES:**

1. An Oath of Allegiance must be taken before first payment is made.
2. In case of appointment, active duty pay is payable from date of graduation ([Chapter 1](#), Table 1-3, Rule 5); therefore, an adjustment is necessary between cadet pay received and active duty pay due.

## \*BIBLIOGRAPHY

**CHAPTER 38 – SERVICE ACADEMY CADETS, MIDSHIPMEN, AND SERVICE ACADEMY PREPARATORY SCHOOL STUDENTS**

## 3802 – ENTITLEMENTS

380201	Title 37, United States Code (U.S.C.), section 203(c)
380202	37 U.S.C. § 422(b) 43 Comptroller General (Comp Gen) 94
380203	30 Comp Gen 31 47 Comp Gen 781
380206	26 Comp Gen 373
380207	37 U.S.C. § 504

## 3803 – OTHER STUDENTS

380301.A	37 U.S.C. § 203(e)(1)
380301.B	37 U.S.C. § 203(e)(2)
380302	10 U.S.C. § 347

## 3804 – DEDUCTIONS FROM MONTHLY PAY

380403	38 U.S.C. §§ 1965, 1967
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## 3805 – ADVANCE PAY FOR CLOTHING AND EQUIPMENT PURCHASES

10 U.S.C. §§ 4350, 6960, 9350  
[Defense Finance and Accounting Service - Denver Memo](#),  
 May 21, 2002

\*Table 38-1 [Office of Under Secretary of Defense \(Comptroller\) Memo](#),  
 December 4, 2017

## Table 38-2

Rule 6	37 U.S.C. § 204(f)
Rule 8	46 Comp Gen 261

**VOLUME 7A, CHAPTER 39: “PAY OF SERVICE ACADEMY OFFICIALS”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [bold, italic, blue, and underlined font](#).

The previous version dated [October 2016](#) is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated formatting to comply with current administrative instructions.	Revision
References	Renamed “Bibliography” to “References.”	Revision

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## CHAPTER 39

PAY OF SERVICE ACADEMY OFFICIALS

## 3901 GENERAL

## 390101. Purpose

This chapter establishes policy guidance pertaining to the pay of Military Service academy officials.

## 390102. Authoritative Guidance

[The authoritative references are listed at the end of this chapter.](#)

## 3902 PROVISIONS

A commissioned officer serving as an appointed official at a Military Service academy is entitled to the pay grade, pay, and allowances held by law for the position. A commissioned officer detailed as an official at a Military Service academy is not entitled to an increase in pay and allowances because of such detail, except as provided. The leader of the Naval Academy Band has the pay grade prescribed for such positions by the Secretary of the Navy.

## 3903 PAY AND ALLOWANCES

The pay and allowances authorized for academy officials are indicated in Table 39-1 (Pay and Allowances - Academy Officials).

## 3904 PERSONAL MONEY ALLOWANCES

The personal money allowances authorized for the Superintendent of the U.S. Naval Academy and the Commandant of Midshipmen may be spent at their discretion for the contingencies of their positions. See Chapter 31.

## 3905 LIBRARIAN

An officer of the Regular Army retired from active service may be detailed on active duty to serve as librarian of the U.S. Military Academy. While serving as librarian, the officer is entitled to the pay and allowances prescribed for the officer's grade and cumulative years of service. Include the time spent in retirement in the computation of the officer's cumulative years of service.

**3906 LEAVE OF ABSENCE - FACULTY AND OTHER OFFICERS**

Professors, assistant professors, instructors, and other officers at either the U.S. Military Academy or the U.S. Air Force Academy may be granted a leave of absence for the period of suspension of the ordinary academic studies. Such leave is allowed to be granted by the superintendent concerned without deduction of pay and allowances.

**3907 TRAVEL AND TRANSPORTATION ALLOWANCES**

Members serving as officials at Military Service academies are entitled to travel and transportation allowances.

Table 39-1. Pay and Allowances — Academy Officials

R U L E	A	B			C	D
	When an officer is serving as	at the U.S.				
		Military Academy	Naval Academy	Air Force Academy		
1	Superintendent	X		X		the officer's military grade and cumulative years of service.
2			X			the officer's military grade and cumulative years of service, plus a personal money allowance of \$5,200 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	X		X		the officer's military grade and cumulative years of service.
6	Commandant of Midshipmen		X			the officer's military grade and cumulative years of service, plus a personal money allowance of \$800 per year (note 1).
7	Permanent Professor	X		X		is serving as head of a department or has been a permanent professor for more than 6 years
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 2).

Table 39-1. Pay and Allowances — Academy Officials (Continued)

R U L E	A  When an officer is serving as	B			C  and	D  then the officer is entitled to the pay and allowances prescribed for
		at the U.S.				
		Military Academy	Naval Academy	Air Force Academy		
9	Permanent Professor	X	X	X	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 3).
10	Director of Admissions	X		X	has served as Director of Admissions for more than 6 years	a colonel using the officer's cumulative years of service (note 4).
11					has served as Director of Admissions for 6 years or less	a lieutenant colonel using the officer's cumulative years of service (notes 2 and 4).
12	Naval Academy Band Leader		X			the grade prescribed by the Secretary of the Navy (note 5).
13	Second Naval Academy Band Leader		X			a warrant officer W-1 using the officer's cumulative years of service.
14	Librarian	X			has retired from active service may be detailed on active duty to serve as librarian	the officer is entitled to the pay and allowances prescribed for the officer's grade and cumulative years of service. Include the time spent in retirement in the computation of the officer's cumulative years of service.



Table 39-1. Pay and Allowances — Academy Officials (Continued)

**NOTES:**

1. See Chapter 31, Table 31-1, rule 8.
2. A person appointed from the Regular Army or the Regular Air Force as a permanent professor or the Director of Admissions, who has served in that position for 6 years or less, is entitled to the pay of a colonel after the date on which he or she would have been promoted had he or she been selected for promotion from among officers in the promotion zone.
3. Do not use the additional pay in computation of retired pay.
4. An officer detailed to serve as Director of Admissions, 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.
5. Compute the applicable number of cumulative years of service as outlined in Chapter 1.

## \*REFERENCES

## CHAPTER 39 – PAY OF SERVICE ACADEMY OFFICIALS

## 3902 – PROVISIONS

Title 37, United States Code (U.S.C.), section 207  
37 U.S.C. § 424

## 3904 – PERSONAL MONEY ALLOWANCES

37 U.S.C. § 414(b)(4)

## 3906 – LEAVE OF ABSENCE - FACULTY AND OTHER OFFICERS

10 U.S.C. §§ 4341, 9341

## Table 39-1 – PAY AND ALLOWANCES — ACADEMY OFFICIAL

Rule 1	10 U.S.C. §§ 4334, 9334
Rule 2	37 U.S.C. § 414(b)(4)
Rule 3	10 U.S.C. § 4335(b)
Rule 4	10 U.S.C. § 9335
Rule 6	37 U.S.C. § 414(b)(2)
Rule 7 & 8	10 U.S.C. §§ 4336(a), 9336(a)
Rule 9	37 U.S.C. § 203(b)
Rule 10 & 11	10 U.S.C. §§ 4336(b), 9336(b)
Rule 12 & 13	37 U.S.C. §§ 207(d), 424(d)
Note 2	10 U.S.C. §§ 4336(a), 9336(a)
Note 3	37 U.S.C. § 203(b)
Note 4	10 U.S.C. §§ 4336(b), 9336(b)

**VOLUME 7A, CHAPTER 40: “GENERAL PROVISIONS GOVERNING ALLOTMENTS OF PAY (OTHER THAN CHILD AND SPOUSAL SUPPORT ALLOTMENTS REQUIRED BY LAW)”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

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The previous version dated [May 2016](#) is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated hyperlinks and formatting to comply with current administrative instructions.	Revision

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## CHAPTER 40

**GENERAL PROVISIONS GOVERNING ALLOTMENTS OF PAY**  
**(OTHER THAN CHILD AND SPOUSAL SUPPORT ALLOTMENTS REQUIRED BY**  
**LAW)**

## 4001 GENERAL

## 400101. Purpose

This chapter prescribes the general policy for all allotments authorized for deduction from a member's pay account. Military personnel identified in section 4004 may authorize allotments from their pay for the purposes set forth in Chapters 40, 42, and 43. The provisions of this chapter do not apply to child and spousal support allotments started as required by law when a member fails to make periodic payments under a support order. See Chapter 41 for applicable provisions under those circumstances.

## 400102. Authoritative Guidance

The bibliography at the end of this chapter lists the authoritative references.

## 4002 ADMINISTRATION OF ALLOTMENTS

## 400201. Establishment, Discontinuance, and Changes to Existing Allotments

An allotment may be established, discontinued, or changed using a properly executed Department of Defense [Form 2558](#), commonly referred to as [DD Form 2558](#), Authorization to Start, Stop or Change an Allotment, a written request from a member (or from an agent acting under a specific power of attorney), or an automated data exchange system (from specific organizations). A Service member's written signature is not required to effect an allotment from pay when automated data exchange is utilized. Members are permitted to use automated computer programs that allow using a personal identification number to establish, discontinue, or change an allotment. Allotments will be established, discontinued, or changed only after the member's identity has been validated.

## 400202. Administrative Changes

An allottee may make administrative changes without the member's consent. Administrative changes are changes to a financial institution name, address, account number, or routing transit number. Administrative changes will only be made after validation of the allottee's identity.

## 400203. Administrative Stoppage

When a financial institution notifies the member's servicing allotment payment office that the member's account has been canceled or terminated, the payment office will administratively

stop the allotment. The servicing allotment payment office will immediately credit any monies it receives from the financial institution to the member's account and notify the member of the allotment stoppage.

#### 4003 AUTHORIZED ALLOTMENTS

##### 400301. General

Voluntary allotments of military pay and allowances by Service members in active Military Service are limited to discretionary and non-discretionary allotments.

##### 400302. Discretionary Allotments

Members are authorized no more than six discretionary allotments. To start a discretionary allotment on and after January 1, 2015, members will certify that, "Under the penalty of the Uniform Code of Military Justice, I certify that this allotment is NOT for the purchase, lease, or rental of personal property or payment toward personal property." Authorized discretionary allotments include:

A. Deposits to a financial institution, mutual fund company, or investment firm (for other than the prohibited purposes listed in subparagraph 400303.A);

B. Voluntary payment to a dependent or other relative. (Members may designate discretionary allotments to a spouse, former spouse(s), other dependents, and/or relative(s) not legally designated as a dependent(s). Support allotments may be made payable directly to a court, a state agency, a court trustee, a welfare agency, or to a child's guardian or custodian. This allotment may be made payable to a financial organization for credit to the allottee's account);

C. Payment of premiums for insurance;

D. Payment of mortgage or rent for real property; and

E. Deposits into the Savings Deposit Program.

##### 400303. Discontinuance and Grandfathering of Discretionary Allotments

###### A. Discontinuance

Effective January 1, 2015, members are not authorized to start allotments for the purchase, lease, or rental of personal property. Personal property includes vehicles (e.g., automobiles, motorcycles, or boats), appliances or household goods (e.g., a washer, dryer, furniture), electronics (e.g., a laptop, tablet, cellphone, or television), and other consumer items that are tangible and movable.

B. Grandfathering

Allotments described in subparagraph 400303.A that exist on a member's pay account prior to January 1, 2015, may continue, and members may change the amount of these existing allotments.

## 400304. Non-Discretionary Allotments

Non-discretionary allotments of military pay and allowances by members in active [Military Service](#) are limited to the following:

- A. Purchase of U.S. savings bonds through [TreasuryDirect®](#);
- B. Repayment of loans to the Army Emergency Relief, Navy and Marine Corps Relief Society, Air Force Aid Society, and American Red Cross;
- C. Voluntary liquidation of indebtedness to the United States that includes the following:
  1. Indebtedness incurred due to defaulted notes insured by the Federal Housing Administration or guaranteed by the Department of Veterans Affairs; [and](#)
  2. Payment of amounts due under the Retired Serviceman's Family Protection Plan, in the case of retired Military Service members serving on active duty;
- D. Any other indebtedness to any department or agency of the U.S. Government (except to the Military Department that pays the member);
- E. Any repayment of debts owed to an organization for funds administered on behalf of the U.S. Government and any such debts assigned to a collection agency;
- F. Payment for pledges for charitable contributions to the following:
  1. Combined Federal Campaign (CFC); only one such allotment is authorized for any Military Service member; [and](#)
  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 Military Service member;
- G. Allotments to the Department of Veterans Affairs for deposit to the Post-Vietnam Era Veterans Educational Assistance Program. The allotment must be divisible by \$5 and with a minimum amount of \$25 and not more than \$100. Upon the Service member's authorization, the allotment must run a minimum of twelve consecutive months, unless the member suspends participation or terminates enrollment due to personal hardship or release from active duty;



H. Payment of delinquent federal, state, or local income or employment taxes;  
and

I. Lease payments when members are assigned to privatized housing units under the Military Housing Privatization Initiative. See Chapter 43, section 4304.

#### 4004 ELIGIBLE ALLOTTERS

##### 400401. Members on Extended Active Duty

Commissioned and warrant officers, and enlisted members on extended active duty may make pay allotments.

##### 400402. Allotments Continued to Retired Status

To aid members in the transition from active duty to retired status, members on active duty may transfer all existing authorized discretionary allotments to the retired pay system as approved allotments.

#### 4005 PAY AND ALLOWANCES WHICH MAY BE ALLOTTED

##### 400501. Maximum Amount for Allotment

For members assigned within the continental United States, include the following items in computing the maximum amount of pay and allowances that may be allotted:

- A. Basic Pay;
- B. Basic allowance for housing for members with dependents and members without dependents including family separation housing;
- C. Basic allowance for subsistence;
- D. Incentive Pays:
  - 1. Aviation Incentive Pay;
  - 2. [Critical Skills](#) Incentive Pay;
  - 3. Hazardous Duty Pay; and
  - 4. Submarine Duty Pay; and
- E. Special Pays:
  - 1. Assignment Incentive Pay;

2. **Health Professions Officers Special and Incentive Pays to include:**
  - a. Board Certification Pay; and
  - b. Incentive Pay;
3. Career Sea Pay;
4. Career Sea Pay Premium;
5. Continuation Pays for Nuclear-Qualified, Engineering and Scientific, Judge Advocate, and Surface Warfare Officers;
6. Designated Unit Pay;
7. Diplomat Pay for Psychologists;
8. Diving Duty Pay;
9. Enlisted Members Extending at Designated Overseas Locations;
10. Officers Holding Position of Unusual Responsibility and of a Critical Nature; and
11. Special Duty Assignment Pay.

400502. Members Assigned Outside the Continental United States

Include the following pay and allowance items in addition to those listed in paragraph 400501:

- A. Cost-of-Living Allowance;
- B. Family Separation Allowance – Restricted only;
- C. Family Separation for Housing Allowance;
- D. Hardship Duty Pay;
- E. Hostile Fire/Imminent Danger Pay (applies only to members in designated areas); and
- F. Overseas Housing Allowance.

## 400503. Amounts Withheld from Pay and Allowances

The following amounts must be withheld from the maximum amount of pay and allowances that may be allotted:

- A. Federal, state, and Federal Insurance Contributions Act taxes;
- B. The repayment of debts properly chargeable against a member's pay account (does not include repayments of advance pay);
- C. Premiums of Servicemembers' Group Life Insurance (SGLI) and Family SGLI; and
- D. Montgomery GI Bill deduction.

## 400504. Commander's Restriction

Commanders may further restrict the total amount a member may allot when necessary to help the member meet essential personal needs.

## 4006 PERIODS OF ALLOTMENTS

Allotments will deduct for indefinite periods except those made to Military Service relief organizations; to the American Red Cross; to the U.S. Government for either repayment of indebtedness or payment of delinquent federal income taxes; for CFC charity drive donations; or for payment of delinquent state or local income or employment taxes.

## 4007 ALLOTMENT PAYMENT OFFICES

## 400701. Air Force and Army

Defense Finance and Accounting Service (DFAS)-Indianapolis pays all Army and Air Force allotments.

## 400702. Marine Corps and Navy

DFAS-Cleveland pays all Marine Corps and Navy allotments.

## 4008 SPECIAL SITUATIONS

## 400801. Minors

Allotments may not be made payable to children under 16 years of age, but may be made payable to the children's guardian or custodian. Members' spouses are authorized allottees regardless of their age.

## 400802. Mentally Incompetent Persons

Allotments may not be made payable to mentally incompetent persons. However, they may be made payable to a guardian or to the institution where a mentally incompetent person is confined.

## 400803. Power of Attorney

The holder of a member's special power of attorney may use that document to establish, change, or stop an allotment. The special power of attorney must specifically state the authority to establish, change, or stop allotments. A general power of attorney is not acceptable to establish, change, or stop an allotment.

## 400804. Member Awaiting Trial by Court Martial.

A. Members may not register allotments between the date that a Court Martial is ordered and the date of the approval or disapproval of the sentence, except when the convening authority has instructed a member to establish an allotment for deferred forfeitures.

## B. Discontinue allotments whenever:

1. It is necessary to permit collection of the forfeiture in the monthly amount specified and within the time limitation stated in the Court Martial sentence; or

2. A member is sentenced to forfeit all pay and allowances due from the date the convening authority approves the sentence. This applies even though the convening authority defers the forfeitures and suspends the discharge when ordering the sentence into execution.

C. A prisoner may register allotments provided the amount of pay and allowances not forfeited is sufficient to cover allotment deductions.

## 400805. Returned Absentees, Deserters, and Prisoners

Allotments will not be registered for a returned absentee or deserter, unless the paying DFAS site has verified the member's pay status.

## 400806. Fraudulent Enlistment

When pay is suspended pending final action on the determination of fraudulent entitlement, pay and allowances are not eligible for allotment.

## 400807. Reduced Pay of Allotter

Allotments are discontinued when a reduction in grade or stoppage of pay results in insufficient funds for allotments in effect.

## 4009 RIGHT TO ALLOTMENT IN CASE OF DEATH

## 400901. Death of Allotter

Upon the death of the member, all allotments are revoked. After receipt of notice of the member's death, the paying allotment office will not make further allotment payments. Deductions made from the member's pay, but not paid to the allottee, become part of the member's arrears of pay. The issuance of a check for an allotment does not constitute payment until it is negotiated and the payee collects the amount. Consequently, an amount for which an allotment check was issued becomes part of the member's arrears of pay when the allotment check is not negotiated. Allotments paid after the member's death may not be collected from the allottee, with two exceptions:

A. Allotments established erroneously after notice of the member's death; and

B. Unearned insurance premiums (insurance premiums paid 1 month in advance of the day payment is due). See Military Service procedural instructions for actions required by the disbursing officer maintaining the pay account.

## 400902. Death of Allottee

When an allottee does not cash or negotiate an allotment check prior to the allottee's death, the check, even if it has been endorsed, does not become part of an allottee's estate. It is not subject to any expense incurred by, or on behalf of, the allottee before or after death. Unnegotiated allotment checks will be returned to the office from which they were issued. Allotment checks that have been returned will be credited to the member's account or paid in accordance with Military Service instructions if the member has been separated from the Military Service.

## 4010 ALLOTMENT OVERPAYMENT RESPONSIBILITIES

Reference Volume 5, Chapter 5, section 0507 for determination of liability for disbursing officers. For collections of debts owed to the Department of Defense, refer to Volume 16.

## BIBLIOGRAPHY

**CHAPTER 40 - GENERAL PROVISIONS GOVERNING ALLOTMENTS OF PAY  
(OTHER THAN CHILD AND SPOUSAL SUPPORT ALLOTMENTS  
REQUIRED BY LAW)**

## 4001 - GENERAL

Title 37, United States Code (U.S.C.), section 701

## 4003 - AUTHORIZED ALLOTMENTS

400302

Office of the Under Secretary of Defense (OUSD)  
Comptroller (C) Memo, November 21, 2014

400303

OUSD (C) Memo, November 21, 2014

400304.G

38 U.S.C. §§ 3201-3243

## 4009 - RIGHT TO ALLOTMENT IN CASE OF DEATH

[Comptroller General Decision \(Comp. Gen.\)](#)

B-225873.2, March 28, 1991

[Comp. Gen. B-225873](#), September 25, 1987[Comp. Gen. B-169453](#), April 20, 1970

**VOLUME 7A, CHAPTER 41: “GARNISHMENTS AND OTHER INVOLUNTARY ALLOTMENTS”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

The previous version dated [January 2017](#) is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated hyperlinks and formatting to comply with current administrative instructions.	Revision
All	Updated the title of the Garnishment Organization from “Director, Garnishment Operations” to “Garnishment Law Directorate.”	Revision
All	Removed references to Title 32, Code of Federal Regulations, part 54 as it is being repealed.	Deletion
References	Renamed “Bibliography” to “References.”	Revision

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## CHAPTER 41

**GARNISHMENTS AND OTHER INVOLUNTARY ALLOTMENTS**

## 4101 GENERAL

## 410101. Purpose

This chapter establishes policy for garnishments assessed against members, allotments for child and spousal support, levies against member's pay and allowances for child support obligations, and involuntary allotments of pay for debt collections other than child or spousal support.

## 410102. Authoritative Guidance

[The authoritative references are listed at the end of this chapter.](#)

## 4102 GARNISHMENT OF PAY FOR ENFORCEMENT OF CHILD SUPPORT AND ALIMONY OBLIGATIONS

## 410201. General

A. The processing of garnishment orders for child support and/or alimony from the pay of individuals receiving remuneration for employment from the United States is governed by Title 42, United States Code (U.S.C.), section [659](#) and Title 5, Code of Federal Regulations (CFR), part [581](#). The purpose of this section is to provide information unique to the collection of child support and/or alimony from the pay of active duty members and members of the Reserve Components (RC). The provisions of 42 U.S.C. § 659 and 5 CFR 581 take precedence when in conflict with this chapter.

B. Moneys due from or payable by the United States to active duty members and members of the RC not on active duty are subject to legal process 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, requiring the United States to honor such process. Such an agreement has been reached with the Federal Republic of Germany for cases where active duty members are stationed in the Federal Republic of Germany (see paragraph 410208 for additional information). 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.

## 410202. Legal Process Defined

Legal process is any writ, order, summons, or other similar process in the nature of a garnishment action. Legal process may be issued by:

A. A court of competent jurisdiction within any state, territory, or possession of the United States;

B. A court of competent jurisdiction in any foreign country with which the United States has entered into an agreement that obligates the United States to honor such process; or

C. An authorized official according to an order of such a court of competent jurisdiction or pursuant to state or local law.

#### 410203. Pay Subject to Garnishment

Except for amounts excluded under paragraph 410204, all moneys due uniformed personnel, regardless of duty status or component, which are considered to be based upon remuneration for employment, are subject to garnishment. The items of pay and bonuses subject to legal process include the following:

A. Basic pay (including Military Service academy cadet, academy officials, and midshipmen pay), but excluding reduction for educational benefits under the Montgomery G.I. Bill (MGIB);

B. Special pay (including enlistment and reenlistment bonuses);

C. Incentive pay;

D. Accrued leave payments (basic pay portion only);

E. Readjustment pay;

F. Severance pay (including disability severance pay);

G. Lump-Sum Reserve bonus;

H. Inactive duty training pay; and

I. Separation pay.

#### 410204. Pay and Allowances Not Subject to Garnishment

The following items of pay and allowances are not subject to legal process:

A. Basic allowance for subsistence;

B. Basic allowance for housing;

C. Family separation allowance;

- D. Station allowances;
- E. Clothing allowances-enlisted;
- F. Uniform allowances-officers;
- G. Personal money allowance;
- H. Discharge gratuity;
- I. Position Pay (Navy only);
- J. Reserve Officer Training Corps subsistence allowance;
- K. Death gratuity;
- L. Allowance for recruiting expenses;
- M. Travel and transportation allowances; and
- N. Armed Forces Health Professions Scholarship Program monthly stipend.

410205. Disposable Earnings

Disposable earnings are a member's gross pay subject to garnishment less deductions for the following items, which are not subject to legal process:

A. Amounts withheld in payment of debts owed to the United States, except that an indebtedness based on a levy for income tax under 26 U.S.C. § [6331](#) will not be excluded in complying with legal process for the support of minor children if the legal process was entered prior to the date of the levy;

B. Regular federal income tax withholding (FITW) and state income tax withholding:

1. When required or authorized by law; or
2. When amounts withheld are not greater than would be the case if the individual claimed all dependents to which he/she were entitled.

A deduction for additional FITW is authorized when the individual presents evidence of a tax obligation which supports the additional withholding;

C. Federal Insurance Contribution Act (FICA) tax;

D. Armed Services Retirement Home;

- E. Servicemember's Group Life Insurance premiums;
- F. Retired Serviceman's Family Protection Plan premiums;
- G. Survivor Benefit Plan premiums;
- H. Thrift Savings Plan contributions; and
- I. Other amounts required by law to be deducted (e.g., fines and forfeitures ordered by a court-martial or a commanding officer).

#### 410206. Maximum Amount of Pay Subject to Garnishment

Unless a lower maximum garnishment limitation is provided by applicable state or local law, the maximum part of disposable earnings for any pay period which is subject to legal process will not exceed:

A. Fifty percent of disposable earnings if the member concerned asserts by affidavit or other acceptable evidence that he or she is providing over half of the support for a spouse or dependent child (other than a spouse or dependent child with respect to whose support the legal process is issued);

B. Sixty percent if the member concerned is not supporting a spouse or dependent child; or

C. If it appears from the face of the legal process that the member is in arrears for a period which is 12 weeks prior to the beginning of that pay period, then the maximum percentage under subparagraph 410206.A, is 55 percent and under subparagraph 410206.B, is 65 percent.

#### 410207. Allotments to Be Discontinued

A. The following allotments are subject to legal process. When possible, allow the member to determine which allotments are to be stopped. If the member refuses or is unable to advise which allotment should be stopped to permit compliance with the legal process, then the allotments will be involuntarily stopped in the following order:

1. Combined Federal Campaign (CFC) - Charity Drive;
2. U.S. Savings Bond;
3. Financial organizations;
4. MGIB contributions;
5. Repay loans to Service Relief Agencies and Red Cross;

6. Payment to dependents/relatives;
7. Emergency payment to dependents;
8. Repay home loans;
9. Commercial life, health, and dental insurance;
10. Navy-Mutual Aid Insurance; and
11. U.S. Government Insurance.

B. The allotments of pay for the repayment of indebtedness to the United States and repayment of delinquent federal taxes are not subject to legal process and should not be stopped.

410208. Agents Designated to Accept Legal Process

A. The [Defense Finance and Accounting Service \(DFAS\) Garnishment Law Directorate](#), or designated representatives, are responsible for receiving and processing all legal processes concerning active duty members and members of the RC not on active duty. Any legal process for the purpose of enforcing an obligation to pay child support and/or alimony served on Department of Defense (DoD) entities, other than those served in accordance with subparagraph 410208.B, will be forwarded to the following designated address for processing.

[DFAS Cleveland Garnishment Law Directorate](#)  
PO Box 998002  
Cleveland, OH 44199-8002  
[Telephone: 1-888-332-7411](#)  
[Toll-free Fax: 1-877-622-5930](#)

B. In the case of active duty members stationed in the Federal Republic of Germany, all legal processes issued by German courts are to be served in the manner prescribed by German law to the appropriate liaison agency listed for such members.

1. Army, Navy and Marine Corps  
Office of the Judge Advocate  
HQ USAREUR  
Postfach 42 02 24  
65103 Wiesbaden

2. Air Force  
HQ USAFE/JAIS  
Gegaude 527  
Ramstein-Flugplatz  
66877 Ramstein-Miesenbach

Legal processes issued by German courts, and received by the liaison agencies listed in paragraph 410208.B, will be reviewed to determine whether they comply with applicable German law. In addition, the liaison agencies will 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 in paragraph 410208.B determines that legal process issued by a German court is legally sufficient and in compliance with the notice provisions of Article 32(1)(a), the legal process will be implemented or forwarded to the appropriate official designated in subparagraph 410208.A for appropriate processing. The legal process terminates when the active member is no longer stationed in the Federal Republic of Germany, or if the liaison agencies receive a termination order.

#### 410209. Implementing Legal Process

Once a legal process has been served in the United States, the designated agent indicated in subparagraph 410208.A, will take, or initiate the following actions:

A. Review the legal process to determine whether it is regular on its face, appears to conform to the laws of the jurisdiction from which it was issued, was issued to enforce a member's legal obligation to provide child support and/or alimony, and contains sufficient information to accurately identify the member;

B. Notify the member within 15 calendar days after valid service of legal process. The written notification will explain the potential effect of the legal process on the member's pay, including allotments, and advise the member that the member has the burden of raising any available defenses, such as lack of personal jurisdiction or failure to comply with the Servicemembers Civil Relief Act, in the appropriate court. A copy of the legal process will be included with the written notice. The notice will be sent to the member's address of record in the military pay system. Where the designated agent has the capability to make notification through electronic means, such as E-mail, the notice will be made using those electronic means;

C. Within 30 calendar days of effective service, or such longer period as may be allowed by applicable State law:

1. Determine the amount of the member's disposable earnings;
2. 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. The designated agent may use its standard answer form for this purpose; and

3. Pay the amount due pursuant to legal process. Governmental agencies, including DoD agencies, are not required to vary their pay or disbursing cycles to comply with legal process;

D. If the designated official is served with legal process concerning more than one legal obligation owed by the same member, then the legal obligations will be satisfied from the available funds in the following order of priority:

1. Legal process to enforce current support will have priority over legal process to enforce support arrearages;

2. Legal process to enforce current child support will have priority over legal process to enforce current alimony;

3. Legal process to enforce a child support and/or alimony obligation will have priority over involuntary allotments of pay to enforce commercial debts (see section 4105); and

4. If the legal process is to enforce more than one child support obligation, and there are not enough funds available to fully satisfy all legal processes served, then the available funds will be allocated among the obligations in proportion to the amounts of current child support due. All other obligations will be satisfied on a first-come, first-served basis; and

E. Where notice is received that the member has appealed either the legal process or the underlying alimony and/or child support order, payments of money subject to the legal process will be suspended (continue to be withheld), and will be retained by the Government until DFAS is ordered by a court, or other authority, to resume payments or otherwise disburse the suspended amounts. Pending the outcome of the appeal, payments will comply with the applicable laws of the jurisdiction where the appeal is filed.

#### 410210. Indemnification

A. Neither the DoD, nor any officer or employee, will be liable for any payment made from moneys due from, or payable by, the DoD to any individual pursuant to legal process regular on its face, if such payment is made in accordance with 42 U.S.C. § 659, 5 CFR 581, and section [4102](#).

B. Neither the United States, nor any disbursing officer or any governmental entity, will be liable under this part to pay monetary damages for failure to comply with a legal process.



## 4103 STATUTORY ALLOTMENTS FOR CHILD AND SPOUSAL SUPPORT

## 410301. General

A. The processing of statutory allotments for child support and/or alimony from the pay of active duty military members is governed by 42 U.S.C. § [665](#). This authority takes precedence when in conflict with this section.

B. Upon proper notification from an authorized person, DFAS will start a statutory 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.

## 410302. Definitions

The following definitions apply to section 4103.

A. Authorized Person. [An authorized person is](#) any agent or attorney of a state having in effect a plan approved under 42 U.S.C. § [665](#), who has the duty or authority to seek recovery of any amounts owed by a member as child or child and spousal support; and the court that has the authority to issue an order against a member for the support and maintenance of a child, or any agent of such court.

B. Child Support. [Child support is](#) 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 designated official is the DFAS Site Director or designee authorized to receive and to process notices under this chapter. The DFAS designated official and address is:

[DFAS Cleveland Garnishment Law Directorate](#)  
PO Box 998002  
Cleveland, OH 44199-8002  
[Telephone: 1-888-332-7411](#)  
[Toll-free Fax: 1-877-622-5930](#)

D. Notice. A notice is 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. [Spousal support is](#) 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. A support order is 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.

410303. Disposable Earnings

A. Include the following items in computing the disposable earnings for members assigned within the continental United States:

1. Basic pay (including Military Service academy cadet and midshipmen pay);
  2. Basic allowance for housing for members with dependents, and for members without dependents in the grade of E-7 or higher;
  3. Basic allowance for subsistence for commissioned and warrant officers;
  4. Career sea pay;
  5. Diving pay;
  6. Flying pay (all crew members);
  7. Proficiency pay or special duty assignment pay;
  8. Special pay for medical, dental, optometry, and veterinary officers;
- and
9. Submarine pay.

B. Include the following additional items in computing the disposable earnings for members assigned outside the continental United States:

1. Family Separation Allowance - Restricted;
2. Hardship duty pay – location;
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; and
6. Cost-of-living allowance.

C. After including the items in subparagraphs 410303.A and B, subtract the following items to compute the final disposable earnings value:

1. Amounts the member owes the United States;
2. Deductions for the Armed Forces Retirement Home;
3. Fines and forfeitures;
4. Federal and state employment and income taxes to the extent that the amount deducted is consistent with the member's tax liability;
5. Deductions for Servicemembers' Group Life Insurance;
6. Advances of pay the member received before the date the designated official received notice of the support allotment. (In computing future advance pay requests, deduct the amount of the allotment required by law. See Chapter 32, Table 32-1);
7. Amount of salary offset for travel charge card debt; and
8. Other amounts required by law to be deducted.

410304. Notice to Designated Official

A. An authorized person will send to the 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. If the support order, on its face, appears to conform to the laws of the jurisdiction from which it was issued, then the designated official will not be required to ascertain whether the authority that issued the order had obtained personal jurisdiction over the member;
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 will indicate how much of the amount payable will 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; and
- c. Military Service of the member;

6. The full name and address of the allottee. The allottee will be an authorized person, or designee, or the recipient named in the support order;

7. Any limitations on the duration of the support allotment; and

8. A certification that the official sending the notice is an authorized person.

B. The notice will be sent by mail or delivered in person to the designated official. The designated official will 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.

#### 410305. Notice to Member and Member's Commanding Officer

A. Upon receipt of a notice of delinquent support payments, together with all required supplementary documents and information, the designated official will review the notice in order to identify the member from whom moneys are due and payable.

B. If the notice does not sufficiently identify the member, or if the member identified in the notice is not currently entitled to receive military pay, then the notice will be returned directly to the authorized person with an explanation of the reason for its return.

C. In cases where the designated official is able to identify the member, then as soon as possible, but not later than 15 calendar days after the date of receipt of the notice, the designated official will send to the member, at his or her duty station, a copy of the notice and other legal documentation served on the designated official, along with a letter informing the member of the following:

1. That notice has been received from an authorized person;

2. That the maximum limitations provided in 15 U.S.C. § [1673](#), apply, and a request that the member submit supporting affidavits or other documentation necessary for determining the applicable percentage limitation;

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. The amount or percentage that will be deducted if the member fails to submit the documentation necessary to enable the designated official to respond to the notice within the prescribed time limits;

6. That a consultation with a judge advocate or legal officer will be provided by the Military Department concerned, if possible, and that the member should immediately contact the nearest legal services office; and

7. The date that the allotment is scheduled to begin.

D. The designated official will provide the member's commanding officer, or designee, with a copy of the notice and other legal documentation served on the designated official. The designated official will notify the member's commanding officer, or designee, of the need for consultation between the member and a judge advocate or legal officer.

E. The member's commanding officer, or designee, will confirm in writing to the designated official within 30 days 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.

F. If, within 30 days of the date of the notice, the member has furnished the designated official affidavits or other documentation showing the information in the notice to be in error, then the designated official will consider the member's response. The designated official will return to the authorized person, without action, the notice for a statutory support allotment 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; or
2. The underlying support order in the notice has been amended, superseded, or set aside.

#### 410306. Payments

A. The designated official will establish a statutory allotment in an amount necessary to comply with the support order and to liquidate arrearages, if provided by a support order by the first end-of-month payday after the designated official is notified that the member has consulted with a judge advocate or legal official, 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 notice to the member. However, the military pay offices will not be required to vary their normal pay and disbursement cycles to comply with notice under this section.

B. The maximum amount to be allotted under this section, together with any other moneys withheld for support from the member, will 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 will be sent to the authorized person, together with notification that the member's support claim will be honored. If the authorized person contests the support claim, then that person may refer the 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; or

3. Regardless of the limitations in subparagraphs 410306.B.1 and 410306.B.2, an additional 5 percent of the member's disposable earnings will be withheld when the notice states that the total amount of the member's support payments is 12 or more weeks in arrears.

C. If several notices are sent with respect to the same member, then payments will be satisfied on a first-come, first-served basis within the amount limitations in subparagraph 410306.B.

D. Payment of statutory allotments will be enforced over other voluntary deductions and allotments when the member's gross pay and allowances are 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, then voluntary allotments will be cancelled in the following order:

1. CFC allotment;
2. Savings Bond allotment;
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. MGIB contributions;
5. Allotment to repay loans to Military Service relief agencies and the American Red Cross; and

6. Discretionary allotments in the following order:
  - a. Payments to dependents/relatives;
  - b. Emergency payment to dependents;
  - c. Repayment of home loans and payment of rent;
  - d. Commercial life, health, and dental insurance;
  - e. Navy Mutual Aid Insurance; and
  - f. U.S. Government Insurance.

E. The authorized person or allottee will 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 will 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. A statutory allotment established under section 4103 will be adjusted or discontinued upon notice from the authorized person.

410307. Indemnification

Neither the DoD, nor any of its officers or employees, will be liable for any payment made from moneys due from, or payable by, the DoD to any individual pursuant to notice regular on its face, if such payment is made in accordance with 42 U.S.C. § 659 and section 4103.

4104 LEVY ON PAY AND ALLOWANCES FOR ENFORCEMENT OF CHILD SUPPORT OBLIGATIONS

410401. Authority

The Secretary of the Treasury, upon receiving the certification of the Secretary of Health and Human Services, will 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 Chapter 44.)

410402. Satisfaction of Levy

When the Secretary of the Treasury issues a notice of levy, satisfy the levy in the manner prescribed in Chapter 44. 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 will 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, then the amount of pay withheld is exempt from the levy.

#### 4105 INVOLUNTARY ALLOTMENT OF PAY FOR DEBT COLLECTION OTHER THAN CHILD OR SPOUSAL SUPPORT

##### 410501. General

A. The processing of involuntary allotments of pay for debt collection other than child or spousal support is governed by 5 U.S.C. § [5520a\(k\)](#), 32 CFR [112](#), and 32 CFR [113](#). These authorities take precedence when in conflict with this section.

B. Moneys due from, or payable by, the United States to an active duty member are subject to involuntary allotment to satisfy a judgment for a debt for other than child or spousal support owed to a third party and issued by a court of competent jurisdiction within any state, territory, or possession of the United States.

##### 410502. Definitions

The following definitions apply to section 4105.

A. Designated Agent. A designated agent is an agent responsible for receiving and processing the involuntary allotment application for active duty members;

B. Active Duty Member. An active duty member is a regular member or any member of an RC on active duty pursuant to a call or order 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. Exigency of Military Duty. The exigency of military duty is a military assignment or mission-essential duty that, because of its urgency, importance, duration, location, or isolation, necessitates the absence of a member of the Military Services from appearance at a judicial proceeding or prevents the member from being able to respond to a notice of application for an involuntary allotment. Exigency of military duty is normally presumed during periods of war, national emergency, or when the member is deployed; and

D. Final Judgment. The final judgment is a valid, enforceable order or decree, issued 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.

##### 410503. Service Directives

The following source directives contain detail on entitlements, policies, and procedures for allotments for commercial debts:



- A. Army: Army Regulation [37-104-4](#), Military Pay and Allowances Policy and Procedures-Active Component;
- B. Air Force: Air Force Instruction [36-2906](#), Personnel Personal Financial Responsibility; and
- C. Marine Corps: Headquarters Marine Corps - Personnel & Readiness (Resources, Fiscal and Finance) [7220.31S](#), Automated Pay Systems Manual.

410504. Involuntary Allotment Application

A. Designated Agent. The designated agent [responsible to receive and process the involuntary allotment applications concerning active duty members may be contacted](#) at the following address:

DFAS [Cleveland Garnishment Law Directorate](#)  
P.O. Box 998002  
Cleveland, OH 44199-8002  
Telephone 1-888-332-7411  
[Toll-free Fax: 1-877-622-5930](#)

B. Creditor's Application. The creditor initiates the [involuntary allotment process by mailing a completed application package, which includes the original and three copies of the "Involuntary Allotment Application," DoD \(DD\) Form 2653, and a certified copy of the final judgment to the designated agent named in subparagraph 410504.A. The imaging date of the documents is used as the date of service.](#)

C. Review of Application

1. The designated agent will first identify the pertinent member, and determine whether the member has any funds available for the involuntary allotment. If the designated agent is unable to identify the member, then the designated agent will return the application package directly to the applicant with an explanation of the deficiency.

2. If the member does not have funds available, then the designated agent will stop any further legal processing, and notify the creditor in writing of the reason why no funds are available, and that the creditor must re-serve the involuntary allotment application at a later date. The reasons that no funds are available may include the following:

a. The member has separated from military service and is no longer receiving military pay;

b. Involuntary allotments are honored on a first-come, first-served basis. If the designated agent is already implementing a previously-served involuntary allotment against the member's pay, then no funds will be available until the previous involuntary allotment amount is satisfied; or

c. If the member's pay is subject to a previously-served garnishment or statutory allotment for spousal or child support, and the amount of the spousal or child support deduction exceeds the maximum amount of pay subject to involuntary allotment (see subparagraph 410508.D.2), then no funds will be available for the involuntary allotment until the child support deduction is reduced to an amount that is less than the maximum amount of pay subject to involuntary allotment.

3. If the member has funds available for the involuntary allotment, then the designated agent will conduct a legal review of the application to ensure that it complies with the requirements of 32 CFR 112 and 113, to include compliance with the Servicemembers Civil Relief Act in the judicial proceeding resulting in the final judgment, and determining that the member's pay could be garnished under applicable state law.

4. When the designated agent receives an application package based upon a final judgment, which on its face, appears to conform to the laws of the jurisdiction from which it was issued, the designated agent will not be required to ascertain whether the court that issued the judgment had obtained personal jurisdiction over the member.

5. If the designated agent rejects the creditor's application after the legal review, then the designated agent will provide the creditor with a written notice of any deficiencies.

410505. Notice to Member and Member's Commanding Officer

A. Notice Package

1. The designated agent will send a notification letter, along with a copy of the application package and a DD [2654](#), "Involuntary Allotment Notice and Processing," to the pertinent member, and two copies to the member's commanding officer, in care of the member's unit address of record in the military pay system.

2. The notice letter to the member and the member's commanding officer will state that the involuntary allotment will be established against the member's pay 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 410506.A.2).

3. The DD 2654 itself provides step-by-step instructions for completing the form and returning it to the designated agent. Paragraph 410506 is a summary of the response process.

B. Final Notification Letter. If the designated agent has not received a response to the [notice package](#) within 60 days of the date the package was mailed, then the designated agent will send a letter to the member and the member's commanding officer stating that if no response is received or request for extension granted within 90 calendar days from the original date the notice package was mailed, then the involuntary allotment will be established against the member's pay.

410506. Response by Member and Member's Commanding Officer to Notice of Involuntary Allotment

A. Commanding Officer's Initial Actions

1. Upon receipt of the notice and accompanying documentation, the commander will determine whether the member is assigned to the commander's unit and available to respond to the involuntary allotment application.

2. If the member is temporarily unavailable to respond, then 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, by completing Section II of the DD 2654 and returning a copy of the form to the designated agent, that the member has been granted an extension of time to respond, the date the response is due, and the reason(s) for the extension. The commanding officer should provide appropriate documentation supporting the determination. 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.

3. If the member is available for counseling, within 5 days of receipt of the application package and the DD 2654, then the commanding officer will notify the member of the application, provide the member with a copy of the entire application package, and counsel the member using and completing Section III of the DD 2654. The commanding officer's counsel will include notifying the member that he or she has 15 calendar days from receipt of the commanding officer's notice to complete Section IV of the DD 2654 and return it to the commanding officer.

B. Member's Response

1. After receiving the commanding officer's notification, the member completes Section IV of the DD 2654. In Section IV, the member may acknowledge either that the applicant's judgment is valid and consent to the establishment of an involuntary allotment, or contest the involuntary allotment by asserting any of the following defenses, which the member must support with appropriate evidence:

a. That the member's rights under the Servicemembers Civil Relief Act were not complied with during the judicial proceeding upon which the application is based;

b. That exigencies of military duty caused the member's absence from appearance in a judicial proceeding forming the basis for the judgment upon which the application is sought;

c. That information contained in the application is false or erroneous in material part;

d. That the judgment has been fully satisfied, superseded, or set aside;

e. That the judgment has been materially amended, or partially satisfied; or

f. That there is a legal impediment to the establishment of the involuntary allotment. For example, the judgment debt has been discharged in bankruptcy, or the automatic stay of enforcement of debts applies because the member has filed for bankruptcy protection, or that the applicant is not the judgment creditor or a proper successor in interest to the creditor.

2. After completing Section IV, the member returns the DD 2654 to his or her commanding officer.

C. Commanding Officer's Completion and Return of DD 2654

1. The member's commanding officer completes Section V of the DD 2654 and returns it to the designated agent, along with any supporting evidence provided by the member. In Section V, the commanding officer indicates one of the following:

a. The member refused to respond by the authorized suspense date, and the form is returned without Section IV being completed by the member; or

b. The member has completed Section IV, and the form is returned for appropriate action.

2. If the member has asserted an "exigencies of military duty" defense in Section IV of the DD 2654, then the commanding officer must determine whether the member has validly asserted this defense, and note his or her determination in Section V of the form.

3. If the commanding officer supports the member's "exigencies of military duty" defense, then the commanding officer must provide the title and address of an appeal authority in Section V in case the applicant wishes to appeal the commanding officer's determination. The appeal authority is the commander immediately superior to the commanding officer who made the determination. If the commanding officer does not designate an appeal authority, then the designated agent will return the DD 2654 to the commanding officer with instructions that this information must be provided in order to complete the form and support the member's "exigencies" defense.

410507. Review of Completed DD 2654 and Supporting Documentation

A. Member Did Not Complete Section IV of DD 2654. If the member refused to complete Section IV of the DD 2654, then the designated agent will honor the application and implement deductions against the member's pay to satisfy the judgment against the member.

B. Member Completes Section IV of DD 2654

1. If the member completes Section IV of [the](#) DD 2654 and has asserted the “exigencies” defense, and the member’s commanding officer has confirmed the “exigencies” defense and provided an appeal authority in Section V of the form, then the designated agent will reject the involuntary allotment application, and provide the applicant with written notice advising the applicant of the following:

- a. The reason for rejecting the application;
- b. The name and address of the appeal authority;
- c. The applicant has 60 days from the date of the designated agent’s notice to appeal the commanding officer’s “exigencies” determination to the appeal authority;
- d. The appeal must be in writing and contain sufficient evidence to overcome the presumption that the commander’s exigency determination was correct;
- e. The appeal authority will decide an appeal within 30 days of its receipt, and promptly notify the applicant of the decision. The 30-day decision period may be extended in times of deployment, war, national emergency or other similar situations;
- f. If the appeal is successful, then the applicant must submit a written request along with a copy of the appeal authority’s decision to the designated agent within 15 days of receipt of the decision; and
- g. Upon receiving notice of the successful appeal, the designated agent will continue the review of the application package and [the](#) DD 2654.

2. If the member has completed Section IV of the form, and has not asserted the “exigencies” defense, or has asserted it but the member’s commanding officer did not confirm it, or if the applicant has successfully appealed an “exigencies” determination, then the designated agent will determine whether the member has successfully asserted any other defenses against the involuntary allotment.

a. If the designated agent determines that the member has successfully asserted one or more defenses against the involuntary allotment application, then the designated agent will reject the application, and notify the applicant in writing of the reason(s) for the rejection.

b. If the designated agent determines that the member has not successfully asserted any defenses against the involuntary allotment, then the designated agent will implement deductions against the member’s pay to satisfy the judgment against the member.

410508. Pay Subject to Involuntary Allotment

A. Types of Pay Subject to Involuntary Allotment. Only the following types of pay are subject to the involuntary allotment process:

1. Basic pay (excluding the reduction for education benefits under the MGIB;

2. Special pay, to include:

a. Health care professionals (Including optometrists, dental officers, psychologists, nonphysician health care providers, registered nurses, nurse anesthetists, nurse corps officers, and medical officers);

b. Veterinarians;

c. Diving duty;

d. Foreign duty;

e. Career sea pay;

f. [Command](#) pay;

g. International military headquarters;

h. Proficiency pay and special duty assignment pay for enlisted members;

i. Reenlistment bonus;

j. Enlistment bonus;

k. Prior service enlistment bonus;

l. Hostile fire or imminent danger pay;

m. Nuclear officer [continuation bonus](#);

n. Nuclear career accession bonus;

o. Nuclear career annual incentive [pay](#);

p. Enlisted members extending duty at designated overseas locations;

- active duty;
- q. Foreign language proficiency pay;
  - r. Officers in critical acquisition positions extending period of
  - s. [Aviator Bonus](#);
  - t. Selective Reenlistment Bonus;
3. Incentive pay, including:
- a. Hazardous duty;
  - b. Aviation [incentive pay](#); and
  - c. Submarine duty;
4. Accrued leave payments (basic pay portion only);
5. Readjustment pay; and
6. Severance pay, including disability severance pay.

B. Pay and Allowances Not Subject to Involuntary Allotment. Separation pay is not subject to involuntary allotment. In addition, allowances paid under U.S.C. Titles 10 and 37, 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.

C. Other Amounts Not Subject to Involuntary Allotment. After computing the pay subject to involuntary allotment, the following items must be deducted to compute the amount of disposable pay subject to involuntary allotment:

- 1. Federal and state income tax withholding (amount is limited to that which is necessary to fulfill the member's tax liability);
- 2. FICA tax;
- 3. Armed Forces Retirement Home;
- 4. Servicemember's Group Life Insurance;
- 5. Indebtedness to the United States (including tax levies);
- 6. Fines and forfeitures ordered by a court-martial or a commanding officer; and

7. Amounts otherwise required by law to be deducted from a member's pay (except payments for garnishments for child support, alimony or mandatory allotments for child or spousal support).

D. Maximum Amount of Pay Subject to Involuntary Allotment

1. The involuntary allotment will 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.

2. 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, then the combined amounts deducted from the member's pay will 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, then garnishments and statutory allotments for spousal and child support take priority over the involuntary allotment.

E. Voluntary Allotments to be Discontinued. Payment of an involuntary allotment will be enforced over other voluntary deductions and allotments when the member's net pay is not sufficient to permit all authorized deductions and collections. If necessary, voluntary allotments will be cancelled in the following order:

1. CFC;
2. Savings bonds;
3. Payment 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. MGIB Program contributions;
5. Repay loans to Military Service relief agencies and the American Red Cross; and
6. Discretionary allotments in the following order:
  - a. Payments to dependents/relatives;
  - b. Emergency payment to dependents;
  - c. Repayment of home loans and payment of rent;
  - d. Commercial life, health, and dental insurance;



- e. Navy Mutual Aid Insurance; and
- f. U.S. Government Insurance.

410509. Starting Involuntary Allotment Payments

A. The designated agent will begin involuntary allotment payments within 30 days after the designated agent has approved the application package. The designated agent will not be required to vary the normal military pay and disbursement cycles to comply with the application package.

B. Payment of involuntary allotments will be enforced over other voluntary deductions and allotments when the member's net pay 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, then allotments will be cancelled in accordance with subparagraph 410508.E.

410510. Stopping Involuntary Allotment Payments

A. Involuntary allotment payments will continue until the amount specified in the judgment is collected, including interest as annotated by the applicant in Section I of DD 2653, "Involuntary Allotment Application."

B. The designated agent will stop involuntary allotment payments prior to satisfying the judgment amount if one of the following conditions applies:

1. The member separates from active duty at which time the applicant will be informed that the allotment is discontinued because the member is no longer receiving military pay;

2. The applicant notifies the designated agent that the operative court order upon which the allotment is based has been vacated, modified, or set aside, or the designated agent is notified of an event affecting the applicant's eligibility to receive the allotment; or

3. The applicant requests that the involuntary allotment be discontinued.

C. The applicant will refund directly to the member any amounts overpaid within 30 days of discovery or notice of overpayment.

410511. Final Interest

A. Within 30 days following collection of the amount of the judgment, including interest annotated in Section I of the DD 2653, the applicant may submit one final statement showing any unpaid balance due to interest that accrued during the payment period.

B. The final statement must be accompanied by a statement of account showing how the remaining interest was calculated.

410512. Indemnification

Neither the DoD, nor any officer or employee thereof, will be liable for failure to make payment or for any payment made from moneys 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 32 CFR 112 and 113.

**\*REFERENCES****CHAPTER 41: GARNISHMENTS AND OTHER INVOLUNTARY ALLOTMENTS****4102- GARNISHMENT OF PAY FOR ENFORCEMENT OF CHILD SUPPORT AND ALIMONY OBLIGATIONS**

410201	42 U.S.C. § 659 5 CFR 581
410204.I	5 CFR 581.104(h)(2)(i)
410205	26 U.S.C. § 6331
410209	5 CFR 581.302 5 CFR 581.305(f)
410210	42 U.S.C. § 659

**4103- STATUTORY ALLOTMENTS FOR CHILD AND SPOUSAL SUPPORT**

410301	42 U.S.C. § 665
410302	42 U.S.C. § 665
410303	15 U.S.C. § 1672
410305	15 U.S.C. § 1673
410307	42 U.S.C. § 659

**4104- LEVY ON PAY AND ALLOWANCES FOR ENFORCEMENT OF CHILD SUPPORT OBLIGATIONS**

410401	26 U.S.C. § 6305
--------	------------------

**4105- INVOLUNTARY ALLOTMENT OF PAY FOR DEBT COLLECTION OTHER THAN CHILD AND OR SPOUSAL SUPPORT**

410501	5 U.S.C. § 5520a(k) 32 CFR 112 and 113
410508	32 CFR 113.3
410508.C.7	42 U.S.C. § 659 42 U.S.C. § 665

**VOLUME 7A, CHAPTER 42: “DISCRETIONARY ALLOTMENTS”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **March 2016** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated formatting to comply with current administrative instructions.	Revision
420502.A 420502.B 420502.C	Removed unusable hyperlinks.	Deletion
Bibliography	Updated references.	Revision

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## CHAPTER 42

DISCRETIONARY ALLOTMENTS

## 4201 GENERAL

## 420101. Purpose

This chapter prescribes the policy for Military Service members having discretionary allotments. Members are authorized no more than six discretionary allotments. Additionally, members are authorized no more than one discretionary allotment to the same allottee. To start a discretionary allotment on and after January 1, 2015, members will certify that, "Under the penalty of the Uniform Code of Military Justice, I certify that this allotment is NOT for the purchase, lease, or rental of personal property or payment toward personal property." See sections 4203 through 4207 for examples of allowable allotments.

## 420102. Authoritative Guidance

The bibliography at the end of this chapter lists the authoritative references.

## 4202 ADMINISTRATION OF DISCRETIONARY ALLOTMENTS

## 420201. Discontinuance

Effective January 1, 2015, members are not authorized to start allotments for the purchase, lease, or rental of personal property. Personal property includes vehicles (e.g., automobiles, motorcycles, or boats), appliances or household goods (e.g., a washer, dryer, furniture), electronics (e.g., a laptop, tablet, cellphone, or television), and other consumer items that are tangible and movable.

## 420202. Grandfathering

Allotments described in paragraph 420201 that exist on a member's pay account prior to January 1, 2015 may continue, and members may change the amount of these allotments. If, for any reason, an allotment described in paragraph 420201 is stopped, the allotment is not authorized to be restarted.

## 420203. Other Provisions

See Chapter 40, section 4003 for other administrative provisions regarding allotments.

## 4203 ALLOTMENTS TO FINANCIAL INSTITUTIONS

Members may have an allotment to a financial institution, mutual fund company, or investment firm where the member is the owner of the account. If there are multiple accounts at the same financial institution, the payments must be combined into one allotment amount.

## 4204 ALLOTMENTS TO DEPENDENTS OR RELATIVES

Members may authorize allotments of pay to their dependents, relatives, or former spouse(s). The allotment may be 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.

## 4205 INSURANCE ALLOTMENTS

## 420501. General

Members may have an allotment for the payment of insurance premiums.

## \*420502. Commercial Insurers

Commercial insurers are eligible allottees. All new allotments for paying premiums on commercial insurance must be approved under the following Military Service regulations:

- \* A. Army: Army Regulation (AR) 37-104-4, [Chapter 24](#) and AR 210-7;
- \* B. Navy and Marine Corps: Secretary of the Navy Instruction (SECNAVINST) 1740.2E Series; or
- \* C. Air Force: Air Force Instruction (AFI) 36-2925.

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 is not authorized to establish an insurance allotment to a financial institution where the allotment is established for and/or controlled by the insurance company. A member may have more than one allotment for commercial insurance. If the member has more than one insurance policy with the same company, then premium payments must be combined into one allotment to that company.

## 420503. 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, then the payments must be combined into one allotment.

## 420504. Effective Dates for Starting, Changing, and Stopping Allotments

Tables 42-1, 42-2, and 42-3 prescribe effective dates to start, change, or stop allotments.

## 4206 ALLOTMENTS FOR PAYMENT OF MORTGAGE OR RENT

Members may authorize allotments of pay for mortgage or rent payment to a financial institution, mortgage company, realtor, or to a landlord.

## 4207 ALLOTMENT FOR THE SAVINGS DEPOSIT PROGRAM

Members may authorize an allotment into the Savings Deposit Program. Such allotment will be processed in accordance with the procedural instructions of the Military Service concerned. The restrictions in Chapter 51 are applicable when starting this type of allotment.



Table 42-1. Dates to Start Insurance Allotments

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>
	<b>If a member of</b>	<b>authorizes a/an</b>	<b>then start allotment effective the first day of the month</b>
<b>1</b>	the Army or Air Force	insurance allotment	specified by the member, if authorization will reach the allotment office before the date specified in Military Service procedural regulations. <b>The allotment 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 as a warrant officer.</b>
<b>2</b>	the Navy or Marine Corps	commercial insurance or a Navy Mutual Aid allotment	specified by the member, if authorization will reach the allotment office before the date specified in Military Service procedural regulations.

Table 42-2. Dates to Change Insurance Allotments

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
	<b>If a member of</b>	<b>has a</b>	<b>and the</b>	<b>then start allotment effective the first day of the month</b>	<b>and start new allotment effective the first day of the month</b>
<b>1</b>	the Army or Air Force	commercial insurance	member or accounting and finance officer requests a change in the allotment	specified in the allotment document, if authorization will reach the allotment office before the date specified in Military Service regulations	following the month old allotment is stopped.
<b>2</b>	the Navy or Marine Corps	commercial insurance or a Navy Mutual Aid allotment			

Table 42-3. Dates to Stop Insurance Allotments

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
	<b>If a member of the</b>	<b>authorizes a</b>	<b>and</b>	<b>then stop allotment effective the first day of the</b>
<b>1</b>	Army or Air Force	commercial insurance allotment	the member requests the allotment to be stopped	month specified by the member, if authorization will reach the allotment office before the date specified in Military Service procedural regulations.
<b>2</b>	Navy or Marine Corps	commercial insurance or a Navy Mutual Aid allotment		
<b>3</b>	Army or Air Force	commercial insurance allotment	is absent without leave (AWOL) for 10 days or more	latest month in which enough pay accrues to satisfy deduction.
<b>4</b>	Navy or Marine Corps	commercial insurance or Navy Mutual Aid allotment	is AWOL for 15 days (or less, if allotment discontinuance is necessary to prevent overpayment)	month before the month in which absence began if authorization will reach allotment office before the date specified in Military Service procedural regulations; otherwise, the month absence began.
<b>5</b>	Army or Air Force	commercial insurance allotment	the convening authority approves a court-martial sentence imposing total forfeiture of pay and allowances	latest month in which enough pay accrues to satisfy deduction.
<b>6</b>	Navy or Marine Corps	commercial insurance or Navy Mutual Aid allotment		month prior to the date in which the convening authority approves the court-martial sentence.
<b>7</b>	Army or Air Force	commercial insurance allotment	has insufficient “take home” pay to satisfy Internal Revenue Service (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.)
<b>8</b>	Navy or Marine Corps	commercial insurance, or Navy Mutual Aid allotment		

Table 42-3. Dates to Stop Insurance Allotments (Continued)

<b>R U L E</b>	<b>If a member of the</b>	<b>authorizes a</b>	<b>and</b>	<b>then stop allotment effective the first day of the</b>
<b>9</b>	Army or Air Force	commercial 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.
<b>10</b>	Air Force, Army, Navy or Marine Corps	commercial insurance or a Navy Mutual Aid allotment	is separated, retires, or dies	(See procedural regulations of Military Service concerned.)

## \*BIBLIOGRAPHY

## CHAPTER 42 - DISCRETIONARY ALLOTMENTS

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Title 37, United States Code, section 701

- \* 420201 Office of the Under Secretary of Defense (OUSD)  
Memo, November 21, 2014

## \*4205 - INSURANCE ALLOTMENTS

- \* 420502.A AR 37-104-4, June 8, 2005  
AR 210-7, October 18, 2007
- \* 420502.B SECNAVINST 1740.2E, July 12, 2008
- \* 420502.C AFI 36-2925, August 28, 2013

## \*4206 - ALLOTMENTS FOR PAYMENT OF MORTGAGE OR RENT

OUSD Memo, November 21, 2014

**VOLUME 7A, CHAPTER 43: “NONDISCRETIONARY ALLOTMENTS”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

The previous version dated [November 2017](#) is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated formatting and hyperlinks to comply with current administrative instructions.	Revision
430102	Updated the “Authoritative Guidance” paragraph to comply with administrative instructions.	Revision
References	Renamed “Bibliography” to “References” and updated supporting statutes and references.	Revision

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## CHAPTER 43

NONDISCRETIONARY ALLOTMENTS

## 4301 GENERAL

## 430101. Purpose

The purpose of this chapter is to provide the policies for members of the Armed Forces to initiate nondiscretionary allotment deductions from their pay accounts.

## \*430102. Authoritative Guidance

The pay policies and requirements established by the Department of Defense (DoD) in this chapter are derived primarily from, and prepared in accordance with the United States Code (U.S.C.), including Titles 5, 10, and 37. Due to the subject matter in this chapter, the list of authoritative sources is extensive. The specific statutes, regulations, and other applicable guidance that govern each individual section are listed in a reference section at the end of the chapter.

## 4302 ALLOTMENTS FOR THE PURCHASE OF SAVINGS BONDS

The U.S. Department of the Treasury (Treasury) discontinued the purchase of paper savings bonds through federal payroll deduction effective October 1, 2010. Military members may purchase electronic savings bonds by establishing a personal TreasuryDirect account with the Treasury and then initiating a nondiscretionary allotment made payable to the Treasury at their TreasuryDirect account. Members are authorized one nondiscretionary allotment for the purchase of bonds.

## 430201. Establishment of Allotment

Members electing to purchase electronic savings bonds will first create an account in [TreasuryDirect](#). This account can be used to purchase multiple bonds. Once created, members must either log into myPay or contact their servicing finance office to establish an allotment to the TreasuryDirect account. The following information is required to initiate the allotment:

- A. The routing transit number for TreasuryDirect is 051736158,
- B. The TreasuryDirect account number provided by the Treasury, and
- C. The specific dollar amount (as opposed to a percentage of pay) to be deducted monthly.

NOTE: The myPay system also requires that the member designate an account type either checking or savings, even though that designation is inapplicable to an allotment to a TreasuryDirect account.

## 430202. Change or Cancellation of Allotments

Members may change or cancel their allotments through myPay, or through their servicing finance office.

## 430203. Administration of Allotments

Details covering the administration of savings bond allotments are contained in the procedural instructions of the Military Service concerned.

## 430204. Safekeeping of Bonds

The Federal Reserve Bank printed and mailed all U.S. Savings Bonds previously stored in safekeeping by the Defense Finance and Accounting Service to members. Members who did not receive all their savings bonds will need to file a claim with the U.S. Treasury Bureau of Fiscal Services through TreasuryDirect. To file a claim, members need to follow the instructions found on the TreasuryDirect website. Members must create a TreasuryDirect account, as the reissued bonds will be deposited to the account electronically.

## 4303 CHARITABLE CONTRIBUTIONS

## 430301. General

A. Combined Federal Campaign (CFC). In accordance with Title 5, Code of Federal Regulations, part [950](#), annual solicitations for donations to various community charity drives have been coordinated into a single combined fund-raising campaign. Basic information on the CFC and the DoD CFC Overseas Campaign is contained in the DoD Instruction (DoDI) [5035.01](#).

B. Service Relief Organizations (SROs). Members are authorized to make charitable contributions by allotment to the Army Emergency Relief, Navy and Marine Corps Relief Society, or affiliates of the Air Force Assistance Fund.

C. Allotment. Members meeting the requirements of this section may authorize a class C allotment for a charitable contribution to the CFC (domestic or overseas) or to any of the Military SROs indicated in subparagraph 430301.B. All allotments authorized are paid centrally by the offices shown in Chapter 40, section 4007.

## 430302. Limitations

Allotments for CFC and SROs must be at least \$1 per month, and each allotter is authorized only one CFC and one SRO allotment.



## 430303. Discontinuance (CFC Only)

Once an allotment is stopped, it may not be reinstated during the current allotment period. (This limitation 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; or
- 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.

## 430304. Transfer

Continue the allotment when a member participating in a CFC campaign is transferred, unless the member submits a written discontinuance request.

## 430305. Administration of Allotment

Details covering charitable contribution allotments are in the procedural instructions of the Military Department concerned.

## 4304 NONDISCRETIONARY ALLOTMENT FOR PRIVATIZED HOUSING PAYMENT

## 430401. General

The Military Housing Privatization Initiative (MHPI) authorizes assignment of Service members to privatized housing units. Service members assigned to privatized housing units are entitled to Basic Allowance for Housing (BAH). The member may be required to make lease payments for such housing in the form of an allotment. A member is authorized to initiate a nondiscretionary allotment for this payment.

## 430402. Restrictions

A. A member is authorized only one nondiscretionary allotment for the privatized housing payment.

B. A change to the member's BAH amount due to promotion, demotion, administrative, or legislative action may require a change to the allotment amount. Under these or other circumstances, the Service member is responsible for ensuring the allotment amount is changed.

C. The Service member is responsible for reconciling overpayments or underpayments with the property manager.

D. The nondiscretionary allotment is restricted to lease payments to entities participating in the MHPI. An allotment to private individuals, corporations, firms, partnerships, companies, state or local government, or housing authority of a state or local government, not associated with the MHPI, is not authorized.

#### 4305 NONDISCRETIONARY ALLOTMENT (SALARY OFFSET) FOR DELINQUENT TRAVEL CHARGE CARD DEBT

##### 430501. Authority

Under the provisions of the “Travel and Transportation Reform Act of 1998,” heads of agencies may, upon written request of a federal contractor, collect, by deduction from the amount of pay owed to an employee of the agency, any undisputed amount of funds the employee owes to the travel charge card contractor that is delinquent. The Act defines the term ‘employee’ as an individual employed in or under an agency, including a member of any of the [Uniformed Services](#). A member of one of the [Uniformed Services](#) is an employee of that [Uniformed Service](#).

##### 430502. Procedures

The due process procedures applicable to military members are the same as for civilian employees of the Department. Therefore, salary offset for a military member’s undisputed delinquent travel charge card debt must follow the procedures contained in [Volume 16, Chapter 2 and Chapter 3](#). The amount deducted from a member’s pay for any pay period may not exceed 15 percent of disposable pay for the pay period, unless the member consents in writing to the deduction of a greater percentage of pay. Disposable pay will be calculated in accordance with [Chapter 41](#).

\*REFERENCES

**CHAPTER 43 - NONDISCRETIONARY ALLOTMENTS**

## 4302 - ALLOTMENTS FOR THE PURCHASE OF SAVINGS BONDS

430201	31 CFR 363
430203	37 U.S.C., section 553(a)

## 4303 - CHARITABLE CONTRIBUTIONS

	5 CFR 950
	DoDI 5035.01, June 6, 2017, <a href="#">Change 1</a> ,
	<a href="#">February 16, 2018</a>
430301.A	Executive Order 13743, October 13, 2016

## 4304 - NONDISCRETIONARY ALLOTMENT FOR PRIVATIZED HOUSING PAYMENT

10 U.S.C. § 2882

## 4305 - NONDISCRETIONARY ALLOTMENT (SALARY OFFSET) FOR DELINQUENT TRAVEL CHARGE CARD DEBT

430501	5 U.S.C. § 5520a(k)(2)
	Public Law 105-264, section 2(d), October 19, 1998
	5 U.S.C. § 5520a
	DoDI 1344.09, December 8, 2008
430502	5 U.S.C. § 5514

**VOLUME 7A, CHAPTER 44: “WITHHOLDING OF INCOME TAX”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **July 2016** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
440202.A.1	Removed subparagraph on “Combat Zone Tax Exclusion (CZTE) Prior to March 20, 1996” and renumbered subsequent subparagraphs.	Deletion
440203.A	Updated locations in Figure 44-1.	Revision
440203.D.4	Added clarifying language for claiming tax abatement.	Addition
440206.D	Removed the previous Figure 44-2 on “States and Territories That Entered Withholding Agreements With Treasury” and added a hyperlink to the Treasury Financial Manual.	Deletion Addition
440207.A	Removed the subparagraph on the definition of Non-Resident Alien.	Deletion.
440208	Removed the obsolete paragraph on “Advance Payment of Earned Income Credit Amounts.”	Deletion
Figure 44-1	Added Turkey as a “Designated Direct Support Area of a Combat Zone.”	Addition
Figure 44-2	Replaced previous Figure 44-2 with a list of the “Designated Combat Zone Areas.”	Addition
Figure 44-3	Added figure to list the “Qualified Hazardous Duty Areas.”	Addition
Table 44-1 Rule 9	Added a note for waived forfeitures.	Addition
Table 44-1, Rule 16	Added death gratuity as a non-taxable benefit.	Addition
Table 44-1, Rule 18	Updated the federal flat rate withholding tax.	Revision
References	Renamed “Bibliography” to “References” and updated statutes and supporting references.	Revision

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## CHAPTER 44

WITHHOLDING OF INCOME TAX

## 4401 GENERAL

## 440101. Purpose

The purpose of this chapter is to describe the Federal Income Tax Withholding (FITW) and State Income Tax Withholding (SITW) requirements and procedures for Service member wages.

## 440102. Authoritative Guidance

The authoritative references are listed at the end of this chapter.

## 4402 WITHHOLDING FROM CURRENT PAY

## 440201. Wages Subject to FITW and SITW

The taxable pay of all Service members is subject to FITW and SITW, [except as listed in paragraph 440202](#). See Table 44-1. The taxable value of certain non-cash fringe benefits is also subject to federal and applicable state income taxes. See Table 44-1, rules [21](#) and [22](#).

## \*440202. Wages Not Subject to FITW and SITW

A. Combat Zone (CZ) Tax Exclusion (CZTE)

1. Effective November 21, 1995. All compensation of an enlisted member or warrant officer received [for](#) a month in which the enlisted member or warrant officer performed active duty in a CZ or Qualified Hazardous Duty Area (QHDA) ([referenced](#) in subparagraph 440203.A) qualifies for [the](#) CZTE under subparagraph 440203.B. For commissioned officers, no more than an amount equal to the maximum CZTE in effect for any month during any part of which such officers perform active duty in a CZ or QHDA, qualifies for [the](#) CZ or QHDA tax exclusion under subparagraph 440203.B.

2. Maximum CZTE. The amount of the maximum combat zone tax exclusion in effect for a qualifying month equals the sum of the [basic pay for the senior enlisted member](#) ([see Chapter 1](#)) and the amount of hostile fire or imminent danger pay actually payable to the officer for the qualifying month. Also see Table 44-1, rules 1 through 4.

B. Puerto Rico and Commonwealth of Northern Mariana Islands (CNMI)

The U.S. Treasury Department has entered into an agreement with Puerto Rico and CNMI that requires the withholding of U.S. territorial income taxes instead of U.S. federal income tax for Service members who claim Puerto Rico or CNMI as their state of legal residence [or domicile](#) (as

determined by applicable territorial laws and the Servicemembers Civil Relief Act under Title 50, United States Code (U.S.C.), [section 4001](#)) and are serving:

1. On active duty in the regular or reserve components of the:
  - (a) Army;
  - (b) Navy;
  - (c) Air Force;
  - (d) Marine Corps; or
  - (e) Coast Guard;
2. In the National Guard and participating in exercises or performing duty under [32 U.S.C. § 502](#); or
3. In the Ready Reserve and participating in scheduled drills or training periods or are serving on active duty for training under [10 U.S.C. § 10147](#).

\*440203. CZTE for Active Service in a CZ, QHDA or in Direct Support of a CZ or QHDA

\* A. [Locations.](#)

1. [Designated Direct Support Areas of a CZ.](#) Figure 44-1 contains the CZ designated direct support areas as of September 19, 2016. For the most current areas, see the [Designated Direct Support Areas of a Combat Zone \(CZ\)](#) table.
2. [Designated CZ Areas.](#) Figure 44-2 contains the designated CZ areas and the Executive orders authorizing the designations, as of September 19, 2001. For the most current CZ areas, see the [Combat Zone Tax Exclusion \(CZTE\)](#) table.
3. [QHDA.](#) Figure 44-3 contains the QHDAs and the public laws authorizing the QHDAs, as of December 22, 2017. For the most current QHDAs, see the [Qualified Hazardous Duty Areas](#) table.

B. [Qualification for CZTE for Active Service in a CZ, QHDA or in Direct Support of a CZ or QHDA.](#) A Service member is entitled to CZ or QHDA tax exclusion for any month during any part in which:

1. [Active Service.](#) The member performs active service in a CZ or QHDA designated area. Periods in the zone or area during which a member is absent from the duty assignment because of sickness, wounds, internment by the enemy, or other lawful cause are periods of active service.

2. Prisoner Of War (POW) or Missing In Action (MIA). The member becomes a **POW** or **MIA** while in active service in a CZ or QHDA. Such personnel are deemed, to continue in active service in the CZ or **QHDA** for the period for which they are entitled to a **POW** or **MIA** status for military pay purposes.

3. Absence. The member is granted official leave, or is authorized to depart from assigned duty in a CZ or QHDA for other lawful cause, and is directed to perform Temporary Additional Duty or Temporary Duty (**TAD/TDY**), unless the member is absent for the entire calendar month for leave or **TAD/TDY**.

4. Airspace. The member is present, however briefly, in the CZ or QHDA on official duty. When the airspace over a CZ or QHDA is included as part of the zone or area, a member who passes over or through the zone or area during the course of a trip between two points, both of which lie outside the zone or area, is entitled to an exclusion only if the member is assigned to official **TAD/TDY** to the airspace of the zone or area, or qualifies for hostile fire or imminent danger pay as a result of the flight. If the airspace is not designated for hostile fire or imminent danger pay (but is part of the designated zone or area), then a member must be assigned to perform duty in the airspace rather than flying over the zone or area as in an incidental part of the trip to qualify for the exclusion. The fact that most members are in an official duty status when flying through a designated airspace should not be construed to mean they are assigned to the airspace to perform duty and are therefore entitled to the exclusion. The following examples apply:

Example 1. Member A is assigned as a navigator in an air unit stationed outside the CZ. On June 4, during the course of a flight between his home base and another base outside the CZ, the aircraft on which he serves as a navigator flies over a CZ (given that the airspace is part of the designated CZ). Member A is not on official **TAD/TDY** in the airspace of the CZ and does not qualify for hostile fire or imminent danger pay as a result of the flight. Accordingly, he is not deemed to have served in a CZ since he passes through the zone without either being on official duty to the CZ or qualifying for hostile fire or imminent danger pay.

Example 2. Same scenario as example 1, except that the airspace is not part of the designated zone and Member B is entitled to hostile fire or imminent danger pay as a result of the flight. Member B is deemed to have served in a CZ and is entitled to the CZTE if his duties are determined to be in direct support of the military operation in the zone.

Example 3. Member C is a navigator in an air unit stationed outside a CZ. On June 4, she is ordered to perform duty (execute a mission) in the airspace over the CZ (which is part of the designated zone) and return to her home station outside the CZ. Member C is not entitled to hostile fire or imminent danger pay as a result of the flight. She is, however, entitled to the CZTE for the month of June for performing official **TAD/TDY** in the airspace (CZ) during that period.



5. **Direct Support.** The member performs military duties in areas outside the CZ or QHDA in direct support of military operations in the CZ or QHDA and qualifies for hostile fire or imminent danger pay under [37 U.S.C. § 351](#). (The hostile fire or imminent danger pay entitlement must be related to activities or circumstances in the CZ or QHDA.) Unit commanders who believe that their personnel qualify for CZTE treatment under this provision must request the appropriate designation. The Principal Deputy Under Secretary of Defense (USD) for Personnel and Readiness (P&R) is responsible for designating direct support areas in accordance with (IAW) Department of Defense (DoD) Instruction (DoDI) 1340.25, paragraph 4(b)(3). Once the area has been designated as a direct support area, all members serving in that area, who also receive hostile fire or imminent danger pay will qualify for CZTE benefits, unless otherwise specified.

a. When members are entitled to tax exclusion under this paragraph, entitlement continues for periods of absence, prisoner or missing status, and TAD/TDY as stated for service in the actual CZ or QHDA in subparagraphs 440203.B.1, 2, 3, or 4.

b. Military service is considered to be in direct support if it has the effect of maintaining, upholding, or providing assistance for those involved in military operations in the CZ or QHDA. The following examples are provided to assist in determining whether personnel qualify for CZ or QHDA tax exclusion. In each case, personnel must also be entitled to hostile fire pay or imminent danger pay:

Example 1. Services rendered on a supply vessel transporting supplies to a CZ or QHDA are in direct support of military operations in the CZ or QHDA, **because the act of transporting necessary supplies is a function included within the concept of providing direct support of military operations.**

Example 2. If an aircraft in a nearby country outside the CZ or QHDA is used to transport supplies and personnel into the CZ or QHDA, then the members of the ground crews who load the aircraft and the maintenance personnel who maintain the aircraft all qualify for CZ or QHDA 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 CZ or QHDA **and** qualify for the tax exclusion.

Example 3. Members of a unit or installation who support and assist other members of that unit or installation who serve in direct support of military operations in a CZ or QHDA are considered to be serving in direct support of military operations in the CZ or QHDA. Generally, all members who serve in support of operations at an installation where some members serve in direct support of military operations in a CZ or QHDA are considered to be serving in direct support of military operations in that CZ or QHDA (e.g., unit or installation personnel for an airstrip would qualify).

6. Hospitalization. The member is hospitalized or re-hospitalized in any location as a result of wounds, disease, or injury incurred while serving in a CZ or QHDA or while serving in areas identified in subparagraph 440203.B.5. A member is considered as hospitalized or re-hospitalized until such time as status as a hospital patient ceases by reason of discharge from the hospital. CZ or QHDA tax exclusion under this subparagraph will not apply to any months beginning more than 2 years after the date specified by the President in an Executive order as the date of the termination of combatant activities in the CZ.

C. Periods for Which Tax Exclusion Does Not Apply. Members who are in the CZ or QHDA merely for their own convenience, e.g., while on leave from a duty station not in the zone or area, are not entitled to the exclusion.

\* D. Tax Abatement in Case of Death

1. A member who dies in a CZ or QHDA or as a result of wounds, disease, or injury incurred while serving in the CZ or QHDA is exempt from federal income tax for:

- a. The tax year in which death occurs, and
- b. Any prior tax year ending on or after the first day served in a CZ or QHDA.

2. Income tax liability is forgiven for any federal income tax owed for a prior year that remains unpaid on the date of death.

3. If an individual in a CZ or a QHDA is in missing status and is declared dead by Secretarial determination, for purposes of the tax abatement rules stated in subparagraph 440203.D.1, the date of death is the date of the determination and not earlier. The tax abatement rules in subparagraph 440203.D.1 do not apply for any taxable year that begins more than 2 years after it is determined that the area in which the Service member went missing is no longer a CZ or QHDA under 26 U.S.C. § 112.

\* 4. The deceased member's survivors, executor, or administrator may contact the Internal Revenue Service (IRS) for guidance in claiming the tax abatement.

E. Termination Date Other Than Cases of Hospitalization. In no case will the tax exclusion authorized in subparagraphs 440203.B.1 through B.6, for active duty members, extend beyond the effective date specified in an Executive order terminating the designation of the CZ. In the case of QHDAs, the exclusion will not extend beyond the effective date of the termination of hostile fire or imminent danger pay for the area.

440204. 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) qualifies for federal tax abatement under the provisions of 26 U.S.C. § 692(c). No

[federal income tax liability is imposed on](#) the deceased member for the year of death and for prior tax year(s) beginning with the tax year before the injuries or wounds occurred. The deceased member's survivors, executor, or administrator [may](#) contact the IRS for guidance in claiming the tax [abatement](#).

440205. Rate of Withholding

A. General. The FITW/SITW will be IAW Treasury Department Circular E and Treasury Department regulations governing [SITW](#) as implemented in Military Service directives.

B. Additional FITW and SITW. A member, entitled to CZTE while TAD or TDY, may authorize that regular withholding be continued. A member entitled to CZTE may authorize an additional amount to be withheld. The member's pay account will be adjusted for the CZTE. See the applicable procedural instructions of the Military Service concerned for preparation of additional tax withholding requests and effective dates.

\*440206. State and Local Taxes

A. Tax Requirements. The state in which a member claims legal residence (i.e., domicile) may tax compensation and other income regardless of the member's location. Compensation for Military Service, however, is not taxable by any state, territory, possession, political subdivision, or district that is not the member's legal residence.

B. Legal Residence. Each member must designate a legal residence and report any changes of legal residence. A member's legal residence does not change [solely](#) because of a change of permanent station. Legal residence at the time of entry into the Armed Forces remains the same until changed by the member. A member makes notification of legal residence or change of legal residence by submitting a [DoD](#) (DD) Form 2058, State of Legal Residence Certificate.

C. Native Americans. Native American Service members who claim a federally recognized tribal reservation as their state of legal residence [are](#) not subject to state taxes. A Native American Service member makes notification of a federally recognized tribal reservation as a state of legal residence by submitting a DD 2058-2, Native American SITW Exemption Certificate.

\* D. Withholding. Compensation for military service that 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) that have entered into an agreement for the purpose of such withholding with the Secretary of the Treasury. See [the current States/Territories withholding agreements with the Treasury Department from the Treasury Financial Manual or DFAS.mil](#).

E. Disclosure of Withholding Information. The furnishing of annual wage and tax information of military members to states (including the District of Columbia) that have a withholding agreement with the Treasury Department must comply with the Privacy Act of 1974. Based upon regulatory provisions pertaining to disclosure to the states, the wages of a member

who claims exemption from withholding should not be reported to a state without the member's consent. In lieu of reporting the wages of members who claim exemption from state tax withholding, name, social security number, and the member's claimed basis for exemption will be provided to the state. This rule applies to all Military Services and pay systems.

F. Delinquent Taxes. DoD has no authority to involuntarily collect delinquent state tax liabilities of members.

440207. Nonresident Aliens

A. Tax Liability. A Service member, who is a nonresident alien, is liable for U.S. income tax on pay attributable to service performed in the United States, even if such pay is not subjected to FITW because of the provisions in subparagraph 440207.B. A nonresident alien member's pay attributable to service performed outside the United States is not subject to U.S. income tax. Service in a possession of the United States is considered duty outside the United States. A nonresident alien member is not disqualified from eligibility for any of the income exclusions or withholding exemptions set forth in Chapters 44 and 45 because of a nonresident alien status.

B. Income Tax Withholding. The pay of a nonresident alien for any period of service within the United States exceeding 60 calendar days is subject to FITW. Such pay also may be subject to SITW, 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 FITW or SITW. The nonresident alien member nevertheless is subject to federal income taxation, and may be subject to state income taxation, on pay for all days of service within the United States, and is responsible for reporting and paying any tax due on, all such income.

4403 COLLECTION OF DELINQUENT FEDERAL TAXES BY LEVY

440301. Authority

When a member does not pay any federal income tax due within 30 days after the IRS has issued a notice and payment demand to the member, the IRS may collect the tax by levy on the member's salary or other income. Receipt by the cognizant Military Service (or Defense Finance and Accounting Service (DFAS) Site) of a levy notice is the legal authority to commence collection of the delinquent federal income taxes after taking into consideration the appropriate exemptions.

440302. Levy Processing Procedures

A. The IRS serves the tax levy by mail. The IRS Form 668-W(c), Notice of Levy on Wages, Salary, and Other Income, includes instructions for the employer (Military Service) and the employee (member).

B. Upon receipt of the levy, the disbursing officer immediately:

1. Completes part 3 and returns the levy to the IRS if no funds are due the member (for example, higher precedence deductions (Chapter 52, Table 52-1) or if the member is in a status described in paragraph 440303); or

2. Forwards parts 2 through 5 to the member if funds are due or soon will become due.

C. The member certifies his or her filing status and number of personal exemptions and returns parts 3 and 4 to the disbursing officer within 3 days (or other period authorized by the IRS in coordination with the Military Service concerned and as established within Military Service regulations). If the member does not return parts 3 and 4, then 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 released by the IRS.

E. Forward a misrouted levy notice or levy release to the member’s servicing DFAS Site.

#### 440303. Effect on Members in a CZ or QHDA

A. The disbursing officer immediately will complete part 3, with appropriate notations, and return the levy to the IRS if the member is:

1. Serving (performing official duties) in a designated CZ or QHDA for any period of time;

2. Serving (performing official duties) outside a designated CZ or QHDA, but in direct support of military operations in a CZ or QHDA, and in receipt of hostile fire or imminent danger pay as a result of duties performed in direct support of designated CZ or QHDA operations;

3. Continuously hospitalized as a result of service in a designated CZ or QHDA (limited to 5 years of hospitalization in the [United States](#)); or

4. In a missing status.

B. Levy deferment remains in effect for 180 days after a member no longer meets any of the criteria listed in [subparagraph 440303.A](#). [The levy deferment](#) begins again (including a new 180-day clock) when a member re-qualifies for deferment (again meets one of the criteria listed in [subparagraph 440303.A](#)), with one exception. Re-hospitalization for a previously treated wound, illness, or injury does not re-qualify a member, nor does it stop/restart a 180-day clock.

## 440304. 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 the levy is in effect.

B. When exemptions are equal to or exceed the member's "take home pay," the disbursing officer will so advise the IRS office that served the levy.

## 4404 INSTALLMENT COLLECTION OF DELINQUENT TAXES

## 440401. Agreement for Liquidation of Federal Tax Indebtedness by Payroll Deductions

A member may arrange with the IRS to pay delinquent taxes by monthly deductions from pay using IRS 2159, Payroll Deduction Agreement. A member may not cancel an agreement once it is in effect. The Military Services handle agreements [in accordance with subparagraphs 440401.A through C.](#)

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, then the disbursing officer pays each month to IRS in the amount of the deduction.

C. Air Force. Process as a Class T allotment.

## 440402. Change of Member's Status During Liquidation Period

See Table 44-2.

\*Figure 44-1. Designated Direct Support Areas of a CZ

The most current listing is on the Designated Direct [Support Areas of a Combat Zone \(CZ\)](#) table.  
Note 1

Location	Effective Dates	
	From	Through
Djibouti – Personnel serving in Djibouti due to their service in direct support of military operations in the Afghanistan CZ (note 2)	July 1, 2002	
Jordan – Personnel serving in Jordan due to their service in direct support of military operations in the Afghanistan CZ (note 2)	September 19, 2001	
Jordan – Personnel serving in direct support of military operations in the Arabian Peninsula CZ (note 3)	March 19, 2003	
Kyrgyzstan – Personnel serving in Kyrgyzstan due to their service in direct support of military operations in the Afghanistan CZ (note 2)	September 19, 2001	May 31, 2014 (note 2)
Lebanon – Personnel serving in direct support of military operations in the Arabian Peninsula CZ (note 3)	February 12, 2015	February 11, 2020
Pakistan – Personnel serving in Pakistan due to their service in direct support of military operations in the Afghanistan CZ (note 2)	September 19, 2001	
Philippines – Personnel deployed in conjunction with Operation Enduring Freedom based on their service in direct support of military operations in the Afghanistan CZ (note 2)	January 9, 2002	September 30, 2015
Somalia – Personnel serving in: <ol style="list-style-type: none"> <li>1. Somalia due to their service in direct support of military operations in the Afghanistan CZ;</li> <li>2. Somalia airspace; or</li> <li>3. Water area of the Somali Basin including the following coordinates: <ul style="list-style-type: none"> <li>- 11°10'N-51°15'E;</li> <li>- 06°00'N-48°30'E;</li> <li>- 05°00'N-50°30'E;</li> <li>- 11°30'N-53°34'E;</li> <li>- 05°00'N-50°30'E;</li> <li>- 01°00'N-47°00'E;</li> <li>- 03°00'S-43°00'E;</li> <li>- 01°00'S-41°00'E; and</li> <li>- 06°00'N-48°30'E (note 2)</li> </ul> </li> </ol>	January 1, 2004  January 1, 2007 January 1, 2007	

\*Figure 44-1. Designated Direct Support Areas of a CZ (Continued)

The most current listing is on the Designated Direct [Support Areas of a Combat Zone \(CZ\)](#) table.  
Note 1

Location	Effective Dates	
	From	Through
Syria – Personnel serving in Syria due to their service in direct support of military operations in the Afghanistan CZ (note 2)	January 1, 2004	
Tajikistan – Personnel serving in Tajikistan due to their service in direct support of military operations in the Afghanistan CZ (note 2)	September 19, 2001	May 31, 2014 (note 2)
*Turkey – Personnel serving east of the 33.51 degrees East Longitude due to their service in direct support of military operations in the Arabian Peninsula CZ (note 3)	September 19, 2016	September 18, 2021
Uzbekistan – Personnel serving in Uzbekistan due to their service in direct support of military operations in the Afghanistan CZ (note 2)	September 19, 2001	May 31, 2014 (note 2)
Yemen – Personnel serving in Yemen due to their service in direct support of military operations in the Afghanistan CZ (note 2)	April 10, 2002	

**NOTES:**

1. In order to have CZTE treatment of wages for services performed in a designated direct support area, a member must be entitled to hostile fire or imminent danger pay while performing service in the designated direct support area.
2. The Afghanistan CZ is the area designated by Executive Order 13239.
3. The Arabian Peninsula CZ is the area designated by Executive Order 12744.



\*Figure 44-2. Designated CZ Areas

The most current listing is on the [Combat Zone Tax Exclusion \(CZTE\)](#) table.

Authority	Location(s)	Effective Dates	
		From	Through
Executive Order 12744 (The Arabian Peninsula Areas)	Arabian Sea North of 10 degrees North Latitude; and West of 68 degrees East Longitude; Bahrain; Gulf of Aden; Gulf of Oman; Persian Gulf; Iraq; Kuwait; Qatar; Oman; Red Sea; Saudi Arabia; and United Arab Emirate	January 17, 1991	
Executive Order 13119	Albania; The Adriatic Sea; The Federal Republic of Yugoslavia (Serbia/Montenegro); and The Ionian Sea north of the 39 <sup>th</sup> parallel	March 24, 1999	
Executive Order 13239	Afghanistan	September 19, 2001	

\*Figure 44-3. QHDA

The most current listing is on the *Qualified Hazardous Duty Areas* table.

See Note

Authority	Location(s)	Effective Dates	
		From	Through
Public Law 104-117	Bosnia; Croatia; Herzegovina; and Macedonia	November 21, 1995	
Public Law 106-21	Albania; The Adriatic Sea; The Federal Republic of Yugoslavia (Kosovo/Serbia/Montenegro); and The Ionian Sea north of the 39 <sup>th</sup> parallel	March 24, 1999	
Public Law 115-97	Egypt (Sinai Only)	June 9, 2015	

**NOTE:**

In order to have CZTE treatment of wages for services performed in a QHDA, a member must be entitled to hostile fire or imminent danger pay while performing service in the QHDA.

\*Table 44-1. Taxability of Items of Military Pay and Allowances

R U L E	A	B		
	If item is	then item is (notes 1, 2, and 3)		
		taxable and subject to FITW/SITW	taxable but not subject to FITW/SITW	not taxable
1	basic pay (note 4)	for any month that CZ or QHDA exclusions do not apply (notes 5 and 6).		when earned in a CZ or QHDA. For limits applicable to commissioned officers' (O-1 and above) pay, see subparagraph 440202.A.2 (notes 5, 6 and 7); for members in a missing status, see subparagraph 440203.B.2.
2	incentive pay or hazardous duty pay (see Chapters 22 through 24)			
3	special pay (see Chapters 3, 5, 8, 10, 11, 15, 17, and 18)			
4	lump-sum payment of accrued leave (basic pay portion)			
5	a bonus entitlement (including installments)	if earned (reenlists, extends, signs agreement) in a month during which CZTE does not apply.		(reenlists, extends, signs agreement) in a month during which CZ or QHDA exclusion applies, regardless of whether the member fulfills the bonus contract service requirement before entering or after returning from the CZ or QHDA.
6	National Call to Service Bonus (NCSB) or Education Loan Repayment Program (ELRP)			for the NCSB for the actual months that are served in a CZ or QHDA during the initial 15 months of service following initial entry training; and for the ELRP for the actual month served in a CZ or QHDA out of the 12-month period. (note 6 and note 8)

Table 44-1. Taxability of Items of Military Pay and Allowances (Continued)

R U L E	A	B		
	If item is	then item is (notes 1, 2, and 3)		
		taxable and subject to FITW/SITW	taxable but not subject to FITW/SITW	not taxable
7	separation pay, readjustment pay, or severance pay (except for disability) (note 9)	and remains taxable income subject to reporting and withholding, even if paid during any month in which the CZ exclusion applies.		
8	contract cancellation pay			
*9	pay forfeited by court martial sentence or non-judicial punishment (note 10)			and is loss of entitlement to pay in the amount of the forfeiture (however, remaining pay is subject to tax withholding (note 11)).
10	payment(s) of travel and transportation costs incurred while carrying on business of U.S. Government (includes any temporary lodging entitlements)	if assignments are over 1 year. All travel reimbursement expenses are taxable, regardless of whether the reimbursements exceed the traveler's expenses IAW Internal Revenue Code 162(a) and Revenue Rule 99-7.	if the amounts received are in excess of actual travel and transportation costs incurred while carrying on business of U.S. Government. The amount will not be reported on IRS W-2 or 1099, but the member will account for such payment(s) on applicable individual income tax returns.	in temporary assignments lasting a year or less, if members receive the government per diem rate (or an amount less than the per diem rate). The amount received is not taxable, because the members' expenses are deemed to be substantiated IAW Revenue Procedure 2011-47.

Table 44-1. Taxability of Items of Military Pay and Allowances (Continued)

R U L E	A	B		
	If item is	then item is (notes 1, 2, and 3)		
		taxable and subject to FITW/SITW	taxable but not subject to FITW/SITW	not taxable
11	an incentive payment paid to member for do-it-yourself move per Volume 9, Chapter 6, paragraph 060302	at time of payment.		
12	muster duty allowance	at time of payment under the provisions of <a href="#">Chapter 58</a> , subparagraph 580205.B.		
13	funeral duty allowance	at time of payment.		
14	personal money allowance	and will be reported on <a href="#">IRS W-2</a> .		
15	an allowance (Basic Allowance for Subsistence, Basic Allowance for Housing, Family Separation Allowance, clothing and uniform allowances, and overseas station allowances) (note 12)			at any time.

Table 44-1. Taxability of Items of Military Pay and Allowances (Continued)

R U L E	A	B		
	If item is	then item is (notes 1, 2, and 3)		
		taxable and subject to FITW/SITW	taxable but not subject to FITW/SITW	not taxable
<b>*16</b>	death gratuity			at any time.
<b>17</b>	an otherwise taxable item of pay earned by member but unpaid at death		and will be reported on IRS 1099-MISC when paid to beneficiary (note 13).	if the pay was subject to the CZ or QHDA exclusion. See Rules 1-4.
<b>*18</b>	special separation bonus or voluntary separation incentive (VSI)	at the flat withholding rate (currently 22 percent) for FITW and at the appropriate SITW rate for Special Separation Bonus payments and initial VSI payments. Withhold taxes from VSI installment payments at the annual withholding rate contained in IRS Circular E (note 14).		
<b>19</b>	inactive duty training (IDT) pay	at time of payment (CZTE does not apply to pay for IDTs).		
<b>20</b>	former captive payment (see Chapter 37)		if payment is for former captive status resulting from a lawful action. Payment will be reported on IRS W-2 (note 13).	if payment is for former captive status resulting from the deprivation of personal rights.

Table 44-1. Taxability of Items of Military Pay and Allowances (Continued)

R U L E	A	B		
	If item is	then item is (notes 1, 2, and 3)		
		taxable and subject to FITW/SITW	taxable but not subject to FITW/SITW	not taxable
21	employer provided home-to-work transportation	even if transportation is provided for security reasons (note 15).		
22	employer-provided parking	to the extent that the value exceeds the monthly exclusion limit (note 15).		to the extent that the value is equal to or less than the monthly exclusion limit.
23	Thrift Savings Plan (TSP)	for Roth TSP contributions, since Roth contributions are after-tax contributions.	For traditional TSP contributions, taxes are deferred until contributions are withdrawn.	if TSP contributions are made from pay earned in a CZ or QHDA (for commissioned officers, limited to maximum monthly CZTE amount).
24	waived portion of court martial forfeiture of taxable pay or pay and allowances (Chapter 48)	see Chapter 48.		

**NOTES:**

- Whether military pay and allowances are subject to state income taxes depends upon the law of the member's state of legal residence. Items of pay and allowances that are not subject to FITW, however, will not be subject to SITW. Items of pay and allowances subject to FITW will be subject to SITW if the member's state of legal residence has entered into a withholding agreement with the Secretary of the Treasury. The total or partial exclusion by states of military pay from income will be recognized in the computation of the amount of state income tax to be withheld.
- If a member receives an overpayment of a taxable pay item, the overpayment should be reported in the year paid unless the CZ or QHDA tax exclusion applies. If recovery of the overpayment is waived, remitted, or canceled, then 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.

Table 44-1. Taxability of Items of Military Pay and Allowances (Continued)

3. Taxable wages and withholding must reflect the debt in the year the overpayment was received. Collection action will impact taxable wages and withholding (if applicable) as collection is made, but only if made in the same year as the original payment.
4. Excludes the reduction of basic pay for educational benefits under the “New Montgomery GI Bill” after December 31, 1985. Members wishing to increase their Montgomery G.I. Bill benefits may contribute up to \$600, IAW [38 U.S.C. § 3011\(e\)](#). This contribution is not a reduction in basic pay and therefore, does not reduce a member’s taxable wages.
5. Add the payments (rules 1 through 6) made currently or at a later date for a commissioned officer (O-1 and above) to other pay for the month (up to the highest rate of pay payable to any enlisted member) to calculate the maximum amount to be applied for CZ or QHDA tax exclusion. (See [Chapter 35](#), subparagraph 350203.B.)
6. For commissioned officers (O-1 and above), the amount of the maximum CZTE in effect for a qualifying month equals the sum of the basic pay for the senior enlisted member (grade E-9) payable (Basic Pay – Enlisted, Note 3) plus the amount of hostile fire or imminent danger pay actually payable to the officer for the qualifying month.
7. Only pay and allowances actually earned during any month in which a CZ or QHDA designation applies are excludable, even if paid in a later, non-qualifying month. Entitlements earned during any non-qualifying month, but paid in a month the exclusion applies, remain taxable. Accrued leave payments qualify only for that portion of days that were actually earned during a qualifying month.
8. The tax exempt computation for the NCSB and ELRP will be the number of months in the CZ/QHDA divided by 15 months for the NCSB or 12 months for the ELRP. The resulting percentage will be multiplied against the bonus or loan amount. The result will be the tax exempt amount for the member.
9. See Chapter 35, paragraph 350504 for exceptions to taxation of disability severance pay.
- \*10. This does not apply to waived forfeitures, which are subject to FITW and FICA withholding. See Chapter 48.
11. This does not apply to fines imposed by courts-martial or non-judicial punishments. Withhold tax from the member’s full pay credited before deducting the fine. Report the full amount of the pay credited, without deducting the fine, as taxable income.
12. Allowances considered nontaxable on September 9, 1986 remain nontaxable. Any allowance created after September 9, 1986 will be taxable for federal and state income tax purposes unless specified otherwise.
13. Exception is pay earned for any month CZ or QHDA exclusion applies. CZs and QHDAs are so designated by Executive order or statute, respectively.
14. Special Separation Bonus and VSI payments remain taxable even if a member signs the agreement to separate while serving in a CZ or QHDA.



Table 44-1. Taxability of Items of Military Pay and Allowances (Continued)

15. Home-to-work provided transportation and employer provided parking.
- a. Per the DoD Manual 4500.36-R, the USD Comptroller and USD (P&R) jointly will issue updated annual guidance concerning the valuation, on a monthly basis, of taxable government employer-provided home-to-work transportation fringe benefits provided to certain military members. Armed Forces Tax Council service representatives **will** annually distribute the updated guidance to the Military Services.
  - b. Each DoD Component will determine the value, to be calculated on a monthly basis, of government employer-provided taxable parking fringe benefits provided to military members.
  - c. **Valuation** must be accomplished utilizing the provisions of the Internal Revenue Code (See IRS Publication 15-B) and Treasury Regulations. Each member's Service will:
    - (1) Identify members receiving government employer-provided home-to-work transportation and/or parking fringe benefits;
    - (2) Certify fringe benefits **are** authorized, calculate and certify the value of the taxable fringe benefits, and submit the appropriate taxable gross income amounts to the servicing DFAS central site, no less often than once a year. Exception: When members receive taxable fringe benefits from active duty assignments outside their DoD Component, the agency providing the taxable fringe benefits (such as parking) calculates the value of the benefit provided, and the member's Service verifies the correctness of the calculation; **and**
    - (3) Keep members **who receive** such benefits advised of the tax liability annually accruing to them.
  - d. Each member's certified taxable fringe benefits amount must be sent to the servicing DFAS central site no less often than annually and not later than December 15, each year, for processing to:
    - (1) Include the taxable non-cash benefit amounts in member's gross income;
    - (2) Withhold and deduct appropriate federal and state income taxes (not FICA taxes); and
    - (3) Generate an IRS W-2 that reflects the adjusted gross income and withholding amounts. The military services' field finance offices are not authorized to process taxable fringe benefits as additional taxable wages, to withhold applicable taxes, or to generate a manual IRS W-2.

Table 44-2. Collection of Delinquent Taxes by Installment - Change of Member's Status

R U L E	A	B	C	D
	When a member who has arranged with the 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, then notify IRS. Remove suspension when member is restored to a pay status. Deduct and pay for the month of restoration as much as is available if less than the agreed to amount.

\*Table 44-2. Collection of Delinquent Taxes by Installment - Change of Member's Status  
(Continued)

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>
<b>R U L E</b>	<b>When a member who has arranged with the IRS for installment collection of delinquent taxes</b>	<b>and</b>	<b>then</b>	<b>and</b>
<b>4</b>	enters a period of unauthorized absence for which pay and allowances are not payable	is a member of the Navy or Marine Corps and a T allotment has not been established	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	notify IRS of the member's separation.
<b>5</b>		is a member of the Navy or Marine Corps and a T allotment has been established	cancel the T allotment on the 15th day following the date absence began (or earlier if necessary to prevent allotment overpayment)	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, then notify IRS. Remove suspension when member is restored to a pay status. Deduct and pay for the month of restoration as much as is available if less than the agreed to amount.
<b>6</b>	has qualified for collection deferment because of service in a CZ or enters hospitalized/missing status as a result of service in a CZ (see note)		defer initiating collection effective the month entering such status	commence collection IAW paragraph 440203 B.6.

**NOTE:** Includes direct support of CZ operations and QHDAs.

## \*REFERENCES

## CHAPTER 44 - WITHHOLDING INCOME TAX

## 4402 - WITHHOLDING FROM CURRENT PAY

440201	Treasury Regulation 1.162-1(b)
440202.A	26 U.S.C. § 112 IRS Publication 3 (2017)
440202.B	IRS Publication 80 (2017) Title 31, Code of Federal Regulations (CFR), part 215 Treasury Financial Manual (TFM), Volume 1, Part 3, Chapter 5000
440203.A and C	26 U.S.C. § 112
440203.B	IRS Publication 3 (2017)
440203.B.5	IRS Notice 2002-17, Question and Answer 6 37 U.S.C. § 351 DoDI 1340.25
* 440203.E.3	IRS Publication 3 (2017)
* 440204	26 U.S.C. § 692(C)
440205.B	26 U.S.C. § 3402I
440206	TFM, Volume 1, Part 3, Chapter 5000
440206.B	50 U.S.C. § 4001
440206.C	TFM, Volume 1, Part 3, Chapter 5000
440206.D	TFM Volume 1, Part 3, section 5070 TFM, Part 3, Chapter 5000
440206.E	Defense Finance and Accounting Service-Denver DGM Memo, March 18, 1993
440207	26 U.S.C. § 871
440207.A.2	26 CFR 301.7701(b)-1
440208	26 U.S.C. § 3507

## 4403 - COLLECTION OF DELINQUENT FEDERAL TAXES BY LEVY

440301	26 U.S.C. § 6321(a) 26 U.S.C. § 6331
440303	26 U.S.C. § 7508
440304	26 U.S.C. §§ 6331, 6334

## \*Figure 44-1 – DESIGNATED DIRECT SUPPORT AREAS OF A CZ

Djibouti	Office of the USD (OUSD) (P&R) Memo, November 21, 2002
Federal Republic of Yugoslavia (Serbia, Kosovo, and Montenegro)	OUSD (P&R) Memo, March 26, 2009

Jordan	USD (P&R) Memo, December 14, 2001
Kyrgyzstan	USD (P&R) Memo, December 14, 2001 USD (P&R) Memo, December 31, 2013 26 CFR, section 1.112-1 (e)
Lebanon	USD (P&R) Memo, October 21, 2015
Pakistan	USD (P&R) Memo, December 14, 2001
Philippines	Assistant Secretary of Defense (ASD) Force Management & Personnel (FM&P) Memo, October 31, 2002 ASD Manpower and Reserve Affairs Memo, December 31, 2015
Somalia	OUSD (P&R) Memo, October 17, 2006
Syria	OUSD (P&R) Memo, January 7, 2005
Tajikistan	USD (P&R) Memo, December 14, 2001 USD (P&R) Memo, December 31, 2013 26 CFR, section 1.112-1 (e)
*	
Turkey	OUSD (P&R) Memo, April 13, 2017
Uzbekistan	USD (P&R) Memo, December 14, 2001 USD (P&R) Memo, December 31, 2013 26 CFR, section 1.112-1 (e)
Yemen	ASD (FM&P) Memo, August 13, 2002

\*Figure 44-2 – DESIGNATED CZ AREAS

Executive Order 12744, January 17, 1991  
Executive Order 13119, March 24, 1999  
Executive Order 13239, September 19, 2001

\*Figure 44-3 – QHDA

Public Law 104-117, March 20, 1996  
Public Law 106-21, April 19, 1999  
Public Law 115-97, section 11026, December 22, 2017

\*Table 44-1 – TAXABILITY OF ITEMS OF MILITARY PAY AND ALLOWANCES  
26 U.S.C. § 112

Rules 5 and 6	IRS Publication 3 (2017)
Rule 7	Treasury Regulation 1.112-1 26 U.S.C. § 112 Waterman v. Commissioner, 179 F.3d 123 (4th Circuit. 1999)
Rule 10	Public Law 94-212, February 9, 1976
Rule 11	Treasury Regulation 1.62-2 Treasury Regulation 31.3401(a) 31 CFR 215.8
* Rule 16	26 U.S.C. §134(b)
* Rule 18	IRS Notice 1036 (December 2018)
Rule 20	Assistant Secretary of Defense (ASD) Force Management and Personnel (FM&P) Memo, January 15, 1987 Department of the Treasury Office of Chief Counsel Memo June 24, 1988 Office ASD(FM&P) Memo, November 18, 1991
Rules 21 and 22	Treasury Regulation 1.162-1(b) (5) and 1.262-2(e) IRS Notice 94-3 10 U.S.C. § 2637
Notes 2 and 3	Treasury Regulation 1.61-12
Note 4	38 U.S.C. § 3011
Notes 5 and 12	Public Law 104-117, March 20, 1996
Note 6	26 U.S.C. § 112
Note 7	26 U.S.C. § 112
Note 11	26 U.S.C. § 134
Note 15	IRS Publication 15-B

Table 44-2 – COLLECTION OF DELINQUENT TAXES BY INSTALLMENT - CHANGE OF MEMBER'S STATUS

Rule 6	26 U.S.C. § 7508
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**VOLUME 7A, CHAPTER 45: “FEDERAL INSURANCE CONTRIBUTIONS ACT (FICA)”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **March 2017** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
450301 Table 45-1	Updated and moved the “FICA Percentages Rates” to a table on DFAS.MIL. Added a hyperlink to the table.	Revision
Table 45-2	Renamed “Table 45-2” to “Table 45-1.”	Revision
References	Renamed “Bibliography” to “References.”	Revision

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## CHAPTER 45

FEDERAL INSURANCE CONTRIBUTIONS ACT (FICA)

## 4501 GENERAL

## 450101. Purpose

This chapter establishes policy pertaining to the FICA requirement for Federal Agencies to withhold Social Security and Medicare taxes from the basic pay of military members covered by the Social Security Act, and to pay matching FICA taxes to the Social Security Administration. The FICA tax component for Old Age, Survivors, and Disability Insurance (OASDI) tax, is also called Social Security tax, and the FICA tax component for Hospital Insurance tax, is also called Medicare tax. The OASDI tax rate applies only to those basic pay payments that do not exceed the annually variable OASDI wage base. There is no cap on wages subject to the withholding of Medicare tax.

## 450102. Authoritative Guidance

The authoritative references are listed at the end of this chapter.

## 4502 REQUIREMENTS

## 450201. Members Subject to FICA

Any member appointed to, enlisted in, or inducted into any Military Service is subject to FICA tax. This includes members serving in:

- A. The Military Service Academies (excluding foreign nationals);
- B. An aviation cadet status; or
- C. 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);
- B. Inactive duty compensation;
- C. 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 in which the member's death occurs;

D. Basic pay or compensation earned when absence is the result of injury, sickness, or hospitalization;

E. Taxable amounts received prior to the Government's voidance of the member's enlistment contract; and

F. Waived portions of forfeitures of basic pay payable to dependent(s) of a confined member as prescribed in Chapter 48.

#### 4503 DEDUCTION OF FICA TAX

##### \*450301. Amount

See the ["Contribution and Benefit Base"](#) on the Social Security website or the [FICA Percentages, Maximum Taxable Wages, and Maximum Tax](#) table on DFAS.MIL for the withholding percentage rate and the total maximum tax.

##### 450302. Maximum Tax

Discontinue deductions when the member's total active duty basic pay plus inactive duty compensation equals 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 45-1.

##### 450304. More Than One Employer

Deduct FICA taxes regardless of any amounts previously or currently being deducted by another employer. Each Military Service is considered a separate employer; however, cross-servicing of a member's pay account between the Military Services does not constitute a change of employer. A break in service of any length within the same Military Service does not constitute a change of employer. Consider all FICA tax withheld during the calendar year in determining the total amount withheld. If this amount is in excess of the maximum tax, then the member may claim the excess from the Military Service concerned, and adjustments will be made accordingly.

##### 450305. Retroactive Entitlements and Deductions

Retroactive entitlements and deductions will adjust the pay for the year in which they are made and will be reflected in the tax reporting for the quarter in which [they are](#) paid. 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, then issue an Internal Revenue Service (IRS) Form W-2, Wage and Tax Statement.

450306. Indebtedness

FICA taxes previously withheld may not be used to offset any indebtedness.

\*Table 45-1. Effect of Punishment, Absence, and Non-Pay Status

<b>R U L E</b>	<b>A</b>	<b>B</b>
	<b>When a member</b>	<b>then</b>
<b>1</b>	is fined by court-martial and the fine is deducted from pay	the amount of the fine is subject to FICA tax.
<b>2</b>	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 lost amount is not subject to FICA tax. (Note)
<b>3</b>	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.
<b>4</b>	is absent without leave	the amount of basic pay deducted for the period is not subject to FICA tax.
<b>5</b>	is confined by civil authorities under conditions that require loss of pay	

**NOTE:** The waived portion of a forfeiture is taxable income to the confined member and is subject to FICA under subparagraph 450202.F and Chapter 48.

**\*REFERENCES****CHAPTER 45 - FEDERAL INSURANCE CONTRIBUTIONS ACT (FICA)**

## 4501 – GENERAL

Title 42, United States Code (U.S.C.), section  
410(1)

## 4502 – REQUIREMENTS

450201	42 U.S.C. § 410(1)
	26 U.S.C. § 3121(m)
450202	42 U.S.C. § 409(d)

## 4503 – DEDUCTION OF FICA TAX

450301	26 U.S.C. §§ 3101; 3102
	42 U.S.C. § 430
	IRS Notice 1036
450304	26 U.S.C. § 3101
450305	26 U.S.C. § 3102
	26 U.S.C. § 6205
Table 45-1	
Rule 2	36 Comptroller General 79
Rule 3	26 U.S.C. § 451

**VOLUME 7A, CHAPTER 46: “DEDUCTIONS FOR THE ARMED FORCES  
RETIREMENT HOMES”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **July 2016** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
Bibliography	Updated statutes and references.	Revision

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## CHAPTER 46

**DEDUCTIONS FOR THE ARMED FORCES RETIREMENT HOMES**

## 4601 GENERAL

## 460101. Purpose

The Armed Forces Retirement Home (AFRH) is an independent establishment in the executive branch. The purpose of the Retirement Home is to provide residences and related services for retired and former members of the Armed Forces who meet the eligibility requirements of the AFRH. The AFRH includes the AFRH – Washington (Soldiers' and Airmen's Home) and the AFRH – Gulfport (Naval Home).

## 460102. Authoritative Guidance

The bibliography at the end of this chapter lists the authoritative references.

## 4602 AMOUNT

The Secretary of Defense sets the monthly deduction from pay in an amount not to exceed \$1.00. The deductions of pay, which are not prorated for partial months of service, are deposited in the AFRH Trust Fund.

## 4603 APPLICABILITY

## 460301. Members Subject to Deductions

The following members are subject to deductions:

- A. Regular enlisted members,
- B. Warrant officers,
- C. Limited duty officers of the Armed Forces, and
- D. Coast Guard members (when it is operating as a Military Service in the Navy).

## 460302. Members Not Subject to Deductions

The following members are not subject to deductions:

- A. Reserve Component members,



- B. Commissioned officers, and
- C. Members in a non-pay status for the entire calendar month.

\*BIBLIOGRAPHY

**CHAPTER 46 - DEDUCTIONS FOR THE ARMED FORCES RETIREMENT HOMES**

4601 - GENERAL

Title 24, United States Code (U.S.C.), Chapter 10

\* 460101

24 U.S.C., section 411(a) & (b)

4602 - AMOUNT

37 U.S.C. § 1007(i)(1) & (2)

4603 - APPLICABILITY

\* 460301

37 U.S.C. § 1007(i)(3)

\* 460302

37 U.S.C. § 1007(i)(4)

**VOLUME 7A, CHAPTER 47: “SERVICEMEMBERS’ GROUP LIFE INSURANCE (SGLI) PROGRAM”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

The previous version dated [September 2016](#) is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated formatting to comply with current administrative instructions.	Revision
471201	Updated “Reimbursement Allowance for SGLI Premium Deduction” for members serving in a designated duty assignment effective December 23, 2016.	Revision
Bibliography	Updated references.	Revision

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## CHAPTER 47

**SERVICEMEMBERS' GROUP LIFE INSURANCE (SGLI) PROGRAM**

## 4701 GENERAL

## 470101. Purpose

The SGLI Program is administered by the Department of Veterans Affairs (VA). Eligible members, who receive basic pay for 1 or more days per month or members of the Ready Reserves who drill for points, are responsible for the payment of SGLI and [Family SGLI \(FSGLI\)](#) premiums, unless the eligible member elects to waive coverage. Coverage and premiums are discussed in sections 4702 and 4705, respectively.

## 470102. Authoritative Guidance

The bibliography at the end of this chapter lists the authoritative references.

## 4702 COVERAGE

## 470201. Full-and Part-Time Coverage

A. Full-Time Coverage. Full-time coverage automatically insures eligible members against death in the amount of \$400,000 when a 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 members of the Ready Reserve and National Guard, who are assigned or attached to a unit or position that may require performing active duty or active duty for training, and will be scheduled to perform at least 12 periods of inactive duty for training annually, are also [eligible for full-time SGLI coverage](#). Members may elect coverage for an amount less than \$400,000, in \$50,000 increments, or may elect to waive coverage.

B. Part-Time Coverage. Part-time coverage is provided for the following members while performing active duty or active duty for training for an ordered period of less than 31 days:

1. Commissioned, warrant, or enlisted members of the Army, Navy, Air Force, Marine Corps and Coast Guard Reserves;
2. Members of the Individual Ready Reserve during 1-day call-ups;
3. Members of the Army and Air National Guard performing duty at:
  - a. Rifle ranges for the training of civilians in the use of military arms;
  - b. Required drills;

- c. Field exercises;
  - d. National Guard Schools; and
  - e. Small arms competitions; and
4. Cadets, or midshipmen of the Senior Reserve Officers Training Corps while attending field training or practice cruises.

The eligible member is insured during the days of actual duty performed and becomes eligible for full-time coverage when the member performs active duty or active duty for training for an ordered period of more than 30 days.

C. Changes in Coverage. A member, who is covered for an amount less than maximum SGLI coverage, may apply later in writing for increased coverage, to an amount of up to maximum SGLI coverage, with proof of good health.

470202. Periods of Coverage

See Table 47-1.

470203. Forfeiture of Coverage

Any person guilty of mutiny, treason, spying, desertion, or who, because of conscientious objections, refuses to serve in the Armed Forces of the [United States](#), or refuses to wear the uniform of the Armed Forces, 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](#).

#### 4703 MARRIED MEMBER'S DESIGNATION OF A BENEFICIARY OTHER THAN THE SPOUSE

When a member designates a beneficiary for SGLI coverage other than his or her current lawful spouse or child(ren), or makes an election for reduced or no coverage, the Secretary concerned will notify the spouse in writing, at the last address of record. The advisory must be made as quickly as possible or within 30 days from the date of such election. The notification will not include the name(s) of the actual designated beneficiary(ies).

#### 4704 APPELLATE LEAVE

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 is followed by a restoration to duty with pay, then coverage is reinstated on the date the member returns to 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.

## 4705 SGLI PREMIUMS

## 470501. Premium Rates

The premium rates effective July 1, 2014 are included in subparagraphs 470501.A and B.

A. Full-Time Coverage. For members who meet the requirements for full-time coverage, the premium rate is 7 cents per month per \$1,000 of coverage, \$3.50 monthly for each \$50,000, or \$28.00 monthly for \$400,000 of coverage. An additional \$1 is charged each month for Traumatic Injury Protection SGLI (TSGLI). TSGLI coverage is automatic for those insured under basic SGLI and can be declined only by refusing basic SGLI coverage. When a member no longer meets the requirements for full-time SGLI coverage, the member's Service must notify the member of the pending termination of benefits. For rules concerning starting and stopping deductions, see Table 47-1. Monthly deductions are not prorated for partial months of service. Deduct the full monthly premium for any month in which a member is covered for at least 1 day. During months in which coverage amounts change, deduct the full month's premium for the higher coverage rate.

B. Part-Time Coverage. The premium rate for part-time coverage is \$28.00 per year for \$400,000 of coverage. An additional \$1 is charged for TSGLI. The annual premium is collected from the member's pay account during the first period of duty in which the member is in a pay status. Members of the Individual Ready Reserve will be charged \$1.00 for \$400,000 of coverage for 1-day call-ups.

## 470502. Non-Pay Status

During any month in which a member is assigned to the Ready Reserve of a Uniformed Service, and is insured under a policy of insurance purchased by the Secretary concerned, the Uniformed Service concerned will contribute from the appropriation for active duty pay, the share of the cost attributable to insuring such member under this policy. Any amounts contributed on behalf of the member will be collected by deduction from the member's pay or otherwise, which may include establishing a debt against the member's pay account, and will be credited to the appropriation from which the contribution was made.

## 470503. Direct Remitters

Each Service must have clearly established programs to identify members who are required to make a direct remittance of premiums. Services must notify members at least 30 days in advance of the date the direct remittance is due. The notice will include the amount of the payment, the date it is due, and the Service's address to which the payment should be sent. The member must make remittance within 30 days from the date of the notice.

## 470504. Failure to Make Remittance within 60 Days

When the Secretary concerned determines that a member has failed to make direct remittance within 60 days of the due date, the Secretary concerned will send a "Notice of SGLI



Termination” to the member’s official address. The notice must clearly state that effective 60 days from the date of such notice, the member’s SGLI will be terminated. Termination of the insurance may be vacated if, before the expiration of 60 days from the date of the “Notice of SGLI Termination,” the member remits all amounts past due for SGLI coverage and can justify the failure to make timely remittance to the Secretary concerned.

#### 4706 REFUNDS

Refunds will not be made [in the case](#) of amounts deducted before the effective date of any election for reduced or waived coverage. When the Office of [SGLI](#) (OSGLI) rejects a request for reinstatement of coverage or increased coverage, any increase in premiums withheld pending OSGLI rejection will be credited to the member's pay account.

#### 4707 EXTRA HAZARD COSTS

##### 470701. Cost

In addition to a deduction from the member’s pay, each Military Service 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.

##### 470702. Payment

The Military Services centrally pay the premium for extra hazard costs, along with the member premiums to the VA.

#### 4708 SETTLEMENT OF SGLI CLAIMS

Death claims are filed with the OSGLI. The order of precedence for payment is the same as prescribed in subparagraph 471010.C. The OSGLI will reduce the insurance proceeds by the amount of any member premiums not paid. Effective July 1, 2011, the SGLI Form ([commonly named and referred to as SGLV](#)) 8283, Claim for Death Benefits, and SGLV Form 8283A, Claim for Family Coverage Death Benefits, were updated to reflect electronic funds transfer as a settlement payment option for the beneficiaries.

#### 4709 FSGLI

##### 470901. Eligibility

FSGLI automatically covers spouses and dependent children (insurable dependents) of Uniformed Service members. In order for the spouse and children to be eligible for family coverage, the service member will be enrolled in the full-time SGLI coverage. Enrollment for members of the Uniformed Services is based on dependent information in the Defense Enrollment Eligibility Reporting System (DEERS). For Marine Corps members, enrollment is based on dependent information in the Marine Corps Total Force System (MCTFS).

NOTE: Effective October 10, 2008, coverage was expanded to include the member's stillborn child.

470902. Spousal Coverage

The spouse of an eligible member automatically is covered for \$100,000. Coverage of a spouse, however, cannot exceed the member's SGLI coverage if such coverage is less than \$100,000. For example, if the member's SGLI coverage is \$50,000, then the coverage for the spouse cannot exceed \$50,000.

470903. Cost

The premiums are based on the age and the amount of coverage. The premium rates for the spouse are as follows:

**Effective July 1, 2010**

<b>Age</b>	<b>Monthly Rate (Per \$1,000)</b>	<b>Monthly Cost (Per \$100,000)</b>
Under 35	\$0.05	\$5.00
35 – 39	\$0.065	\$6.50
40 – 44	\$0.085	\$8.50
45 – 49	\$0.13	\$13.00
50 – 54	\$0.25	\$25.00
55 – 59	\$0.37	\$37.00
60 and Over	\$0.50	\$50.00

470904. Children's Coverage

Each child is covered in the amount of \$10,000 at no cost to the member. The member may not decline coverage or elect to insure any child for less than \$10,000. In the case of a member married to another member, a child may not be insured by more than one member. The child will be insured by the coverage of the member whose eligibility for insurance occurred first, except in cases where the senior member does not have legal custody of the child. In such cases, the child will be insured under the coverage of the member who has custody of the child.

470905. Member Married to Member

A member married to another member is eligible for coverage under this program. Members who were married on or before January 1, 2013 were automatically enrolled for FSGLI when their marriage was reported to DEERS/MCTFS. Members married on and after January 2, 2013, who want the FSGLI coverage, must complete the FSGLI enrollment documentation through their servicing personnel offices.

## 470906. Effective Date

Family coverage under SGLI is effective with regard to dependents of a member on the latest of the following dates:

- A. The date member enrolled in SGLI;
- B. In the case of the spouse, the date of marriage; or
- C. In the case of the child, the date of birth. If a child is not a natural child of the member, then the date in which the child acquires status as dependent of the member.

## 470907. Reinstatement or Increase in Coverage

The member must complete the SGLV 8286A, [Spouse Coverage Election and Certificate](#), to increase or reinstate FSGLI if coverage was previously reduced or declined. Proof of good health is required. If the good health requirement is met, then the effective date of reinstatement or increase of coverage is the date the application is received by the member's branch of service.

## 470908. Termination of Coverage

Family coverage under SGLI will stop:

- A. On the last day of the member's SGLI coverage; or
- B. 120 days after:
  1. The date of an election made in writing by the member to terminate the coverage (a premium is due for the month in which the election is received; no further premiums are due);
  2. Date of the member's death;
  3. [Date the member separates from the Service](#); or
  4. [Date of termination of the dependent status of an insurable dependent of the member.](#)

## 470909. Refunds

See section 4706.

## 470910. Beneficiary

The member is the primary beneficiary for family coverage. For the settlement of a claim, refer to section 4708.

## 4710 TSGLI

## 471001. Definitions

The following definitions are applicable only to this section.

A. Traumatic Event. A traumatic event occurs during the application of external force, violence, chemical, biological, or radiological weapons, or accidental ingestion of a contaminated substance causing damage to a living being. A traumatic event does not include cases involving adverse reactions to vaccinations, surgical trauma, or adverse outcomes of medical procedures.

B. Traumatic Injury Protection. Traumatic injury protection provides for the payment of a specified benefit amount to a member insured by SGLI who sustains a traumatic injury directly resulting in a scheduled loss.

## 471002. Eligibility

The TSGLI under the auspices of the SGLI program provides payments to severely injured members who suffer a scheduled loss as a direct result of serious trauma incurred under conditions in subparagraph 471001.A, such as loss of an arm or leg. If a member suffers more than one such qualifying loss as a result of traumatic injury from the same traumatic event, then payment will be made for a single loss providing the highest payment. This monetary assistance helps the member and his/her family through an often long and arduous treatment and rehabilitation period. In order for a member to be eligible for TSGLI benefits, the member must meet the following requirements:

A. Be a member of the Uniformed Services and insured by SGLI under paragraph 470201 on the date of the traumatic event. For this purpose, the member will be considered a member of the Uniformed Services until midnight on the date of termination of the member's duty status in the Uniformed Services that established eligibility for SGLI, notwithstanding an extension of SGLI coverage under Table 47-1;

B. Must suffer a scheduled loss (e.g., an arm, a leg) as a direct result of a traumatic injury and no other cause;

C. Must survive a period of not less than 7 full days from the date of the traumatic injury. The 7-day period begins on the date and Zulu (Greenwich Meridian) time of the traumatic injury and ends 168 full hours later; and

D. Must suffer a scheduled loss (e.g., an arm, a leg) within 2 years of the traumatic injury.

## 471003. Limitations

A benefit will not be paid if a scheduled loss is due to a traumatic injury caused by:

- A. The member's attempted suicide, while sane or insane;
- B. An intentionally self-inflicted injury or an attempt to inflict such injury;
- C. Medical or surgical treatment of an illness or disease; or
- D. Willful use of illegal or controlled substance, unless administered or consumed on the advice of a medical doctor.

471004. Other Limitations

A benefit will not be paid for a scheduled loss resulting from:

- A. A physical/mental illness or disease, whether or not caused by a traumatic injury, other than a pyogenic infection or physical illness or disease caused by biological, chemical, or radiological weapons or accidental ingestion of a contaminated substance; or
- B. A mental disorder whether or not caused by a traumatic injury.

471005. Exclusion

For the purposes of this section, if the member is insured under SGLI only as an insurable dependent of another service member, then the insurable dependent will not be considered a member insured under TSGLI.

471006. Effective Date

All members covered by the SGLI program will be automatically covered under TSGLI. Members must decline SGLI coverage in order to cancel TSGLI.

471007. Amount of Coverage

Members who suffer a loss from a traumatic injury are eligible to receive monetary compensation of not less than \$25,000 and not more than \$100,000.

471008. TSGLI Premium

Deduct a monthly premium of \$1.00 in addition to SGLI premium from the member's pay the month the member's SGLI coverage begins. There is no cost for TSGLI coverage for a member while performing funeral honors and muster duties.

471009. Termination of TSGLI

- A. TSGLI coverage terminates at midnight of the last day of the month that the member is no longer covered under SGLI, or at midnight of the date of the member's separation from service, whichever occurs first.

B. TSGLI coverage is not in effect during the 120-day post-separation period or during the 2-year SGLI disability extension.

C. TSGLI cannot be converted to Veterans' Group Life Insurance (VGLI) or commercial coverage.

#### 471010. Payment of Traumatic Injury Protection Benefit

The payment of traumatic injury protection benefit will be paid to the member who suffered the scheduled loss, except under the following circumstances:

A. If the member is legally incapacitated, then the member's legal guardian, agent, or attorney acting under a valid Power of Attorney, will be paid the benefit on behalf of the member.

B. If no guardian, agent, or attorney is authorized to act as the member's legal representative, then a military trustee who has been appointed will be paid the benefit on behalf of the member. The military trustee will report the receipt of the traumatic injury benefit payment and any disbursements from that payment to the Department of Defense (DoD) per subparagraph 471103.D.

C. If a member who is eligible for payment of TSGLI benefits dies before payment is made, then the beneficiary or beneficiaries will be paid the benefit in the following order of precedence:

1. Beneficiary designated by the member in writing, if the designation is received by the Military Department concerned before the member's death;

2. Surviving spouse;

3. Children and their descendants, by representation. The term "children" includes the following:

a. Legitimate Children;

b. Legally Adopted Children; and

c. Illegitimate Children. The illegitimate child of a female member is an eligible beneficiary. An illegitimate child of a male member is an eligible beneficiary only if:

(1) The member acknowledges the child, in writing, with a signature;

(2) The member has been judicially ordered to contribute to the child's support;

(3) The member has been, before his death, judicially decreed to be the father of such child;

(4) Proof of paternity is established by a certified copy of the public record of birth or church record of baptism showing that the insured was the informant and was named as father of the child; or

(5) Proof of paternity is established from service department or other public records, such as school or welfare agencies, which show that with his knowledge the insured was named as father of the child;

NOTE: A stepchild is not an eligible beneficiary unless adopted by the deceased member.

4. Father and mother in equal parts or, if either is dead, then the survivor;

5. Legal representative of the deceased member's estate; or

6. Person entitled under the law of the domicile of the deceased member.

#### 471011. Taxability

All benefits paid under any law administered by the VA are exempt from taxation. SGLI is a benefit administered by the VA; therefore, all benefits paid are not taxable. If an overpayment occurs and the overpayment is not returned, then the benefit may be taxable.

#### 471012. Settlement of Claims

The member must complete [SGLV 8600, Servicemembers' Group Life Insurance Traumatic Injury Protection Program \(TSGLI\)](#), Part A of the Application for TSGLI Benefits Form, sign and submit the form to his/her Service representative for review and certification. Once the claim is approved, the Service representative will forward the claim to OSGLI for payment.

#### 471013. Appeal of Eligibility Determination

To appeal the denial of a claim for TSGLI benefits, an appeal of eligibility determination must be submitted in writing by the member or member's legal representative, or by the beneficiary or the beneficiary's legal representative, within 1 year of the date of the denial of eligibility. The appeal must be submitted to the office of the Uniformed Service identified in the decision regarding the member's eligibility for the benefit.

## 4711 DESIGNATION OF FIDUCIARY OR TRUSTEE UNDER TSGLI

## 471101. Authority

The Secretary concerned, in consultation with the Secretary of VA, will develop a process for the designation of a fiduciary or trustee of a member of the Uniformed Services who is insured against traumatic injury under section 4710. The trustee will receive payment for a qualifying loss under section 4710 in the event that the member becomes medically incapacitated or experiences an extended loss of consciousness.

## 471102. Appointment of Fiduciary or Trustee

If a member is legally incapacitated and has no legal guardian, agent, or attorney acting on his or her behalf, then a fiduciary or trustee may be appointed to act on the member's behalf. The authority to appoint military trustees has been delegated to the Director, Defense Finance and Accounting Service (DFAS) Cleveland.

A. The fiduciary or trustee appointed by the Director, DFAS Cleveland, has the authority to receive, expend, and account for monies received from the military and, specifically under this section, TSGLI benefits. The trustee must use the monies received for the benefit of the incompetent member.

B. All applications to appoint a trustee and related documentation should be submitted to:

Defense Finance and Accounting Service  
Retired Pay Department  
P.O. Box 998021, Room 1579  
Cleveland, OH 44199-8021

C. The Director, DFAS Cleveland, may designate one of the following persons as trustee for an incompetent military member, if the person (except for a lawful spouse) is 21 years of age or over:

1. Lawful spouse (not subject to age requirement);
2. Children:
  - a. Legitimate Child; or
  - b. Adopted Child;
3. Father and mother;
4. Head of an institution, if member is a patient; or



5. Any other person or persons, if determined to be in the best interest of the member.

471103. Authority of Fiduciary or Trustee

The fiduciary or trustee:

A. Will submit a DoD (DD) Form 2827, Application for Trusteeship, as verification of appointment as trustee of the member;

B. Has the ability to gain access to the Prudential's Alliance Account after providing written confirmation of his or her appointment of fiduciary or trustee by DFAS;

C. Can access the Prudential's Alliance Account and choose how to disburse the member's TSGLI benefit payment. The designated trustee must furnish a suitable bond when the amount received may exceed \$1,000. The required bond must have as the surety, a company approved by the U.S. Government, and be in an amount stipulated by the Director, DFAS Cleveland. If a bond is required, then only the premium fee charged by the bonding company may be paid from funds received on behalf of the member. Other expenses incurred when securing the bond will not be paid with member funds; and

D. Must provide an annual accounting of any disbursements, including the TSGLI payments, to the Director, DFAS Cleveland. The report must show all funds received, all expenditures made on behalf of the member, and a statement of the condition of the trustee's account at the time the report is submitted. Upon request, the trustee may be required to provide receipts, cancelled checks, voucher accounts, savings account passbook, and other supporting financial documents of the trustee account.

4712 REIMBURSEMENT ALLOWANCE FOR SGLI PREMIUM DEDUCTION

\*471201. General

Effective December 23, 2016, the Secretary concerned will pay an allowance to a member of the Armed Forces based on the SGLI premium of the SGLI coverage held by a member while serving in a designated duty assignment at any time during the month. For the purpose of reimbursement allowance for SGLI deduction, the term "designated duty assignment" means a permanent or temporary duty assignment outside the United States or its possessions in support of a contingency operation in an area that:

A. Has been designated a combat zone; or

B. Is in direct support of an area that has been designated a combat zone.

## 471202. Premiums

The reimbursement is the monthly premium for the first \$150,000 of SGLI coverage plus the cost for TSGLI of \$1.00, which is automatically extended to any member covered under the SGLI program. The allowance is equal to the SGLI premium for the SGLI coverage the member elected, not to exceed \$400,000 plus TSGLI of \$1.00. The member must complete a SGLV 8286, [Servicemembers' Group Life Insurance Election and Certificate](#), to increase or decrease SGLI coverage. See the following example to determine the amount of the allowance.

Example: A member, deployed in August 2014 [to a designated duty assignment](#), chooses to retain coverage of \$400,000. That member's August 2014 premium would be \$29.00 (\$3.50 for \$50,000 of coverage times 8, plus \$1.00 for TSGLI). If a member chooses to retain coverage of \$400,000, then the allowance reimbursement would equal the premium of \$29.00.

## 471203. Tax Implication

The premium amount for the first \$50,000 of coverage is excluded from taxable income. Therefore, and based on the example in paragraph 471202, the member's taxable amount is \$25.50 (\$29.00 less \$3.50). The \$25.50 amount may also be excludable from taxable income if the amount is earned while serving in a Combat Zone Tax Exclusion (CZTE) area. For officers, however, the exclusion of the allowance from taxable income is subject to application of the monthly maximum CZTE. See Chapter 44, paragraph 440202.

Table 47-1. Effective Dates of SGLI Coverage and Deductions (Full-Time and Part-Time)

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>
	<b>When a member required to perform duty described in section 4702, or Chapter 58, paragraphs 580205, or 580206</b>	<b>then the effective date of</b>	<b>and SGLI deduction (note 1)</b>
<b>1</b>	enters such duty	coverage is the first day of entry on such duty (note 2). Maximum basic coverage is automatically in effect until the member elects reduced coverage or waives coverage (note 3)	starts the month of the date of entry.
<b>2</b>	resumes the obligation or reenters on such duty in the same Uniformed Service the day following termination of such period of obligation (note 4)	coverage (excluding elections of reduced or no coverage) is continuous (note 5)	continues at the appropriate rate.
<b>3</b>	elects a reduced amount of coverage after entry on such duty	coverage is the first day of the month following receipt by the Uniformed Service of the member's election, entered on SGLV 8286 (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 4706.
<b>4</b>	applies for increase or reinstatement of coverage after entry on such duty	coverage is the date of receipt by the Uniformed Service of the application with evidence of good health (note 7)	starts the month of the date the application is received by the Military Service.
<b>5</b>	elects not to be covered (declines or cancels) after entry on such duty	termination is the first day of the month following receipt by the Uniformed Service of the member's election, entered on SGLV 8286 (note 6)	stops at the end of the month in which the member's election is received by the Military Service. For deduction refunds, see section 4706.
<b>6</b>	is covered full-time and is separated and does not reenter active duty or immediately resumes part-time coverage	termination is 120 days after separation (note 8)	stops at the end of the month of separation.

Table 47-1. Effective Dates of SGLI Coverage and Deductions (Full-Time and Part-Time)  
(Continued)

R U L E	A	B	C
	When a member required to perform duty described in section 4702, or Chapter 58, paragraphs 580205, or 580206	then the effective date of	and SGLI deduction (note 1)
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 Chapter 58, paragraph 580805.
8	is a member of a Reserve Component not covered on a full-time basis and is called to Extended Active Duty, Active Duty for Special Work, or mobilization	coverage is the first day of active duty (maximum basic coverage is automatic unless a member applies for reduced or no coverage).	
9	is covered full-time and is Absent Without Leave, 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 4702 and Chapter 58, paragraph 580807	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:**

- Members in an excess leave status normally remain eligible for coverage. (See section 4704 for the appellate leave exception.) Establish monthly premiums in such cases as deductions against member pay accounts or collect as cash according to procedures of the Military Service concerned.
- First-time enlistees in the Ready Reserves are eligible for coverage on the date of enlistment when assigned to a Ready Reserve unit, regardless if they are or are not required to participate in periods of inactive duty training and have not yet been called to their initial active duty period. This does not apply to delayed entry active duty enlistees.

Table 47-1. Effective Dates of SGLI Coverage and Deductions (Full-Time and Part-Time)  
(Continued)

3. Elections made by Reserve Component members continue in effect during continuous obligation to perform duty in the same Uniformed Service. Reserve Component members are not required to reelect or reapply for their desired level of coverage each time they perform duty. For the exception, see rule 8.
4. A new period of coverage begins and new elections must be submitted when a member resumes an obligation to perform duty or reenters on duty in the same Uniformed Service more than 1 day following termination of previous obligation; or when a member assumes an obligation to perform duty and enters on duty in a different Uniformed Service at any time. A member entering active duty after a break in service is automatically covered by the maximum basic coverage, until the member elects otherwise, even though the member may have converted former SGLI coverage to an individual policy following last discharge or release from active duty. A former member, insured under the VGLI Program, who declines SGLI coverage solely to maintain VGLI coverage, upon termination of VGLI, will be automatically insured under maximum basic coverage if the member otherwise is qualified.
5. Any previous election for less than \$400,000 is canceled. Maximum basic coverage is automatically in effect unless member again chooses a reduced amount.
6. For members covered on a part-time basis, an election for reduced or no coverage is effective at the end of the last day of the duty period being performed. If the election is made outside a duty period, then the reduced or waived coverage is effective when the election is received by the Military Service.
7. Increase or reinstatement of coverage is contingent upon written application by the member on SGLV 8286, [Servicemembers' Group Life Insurance Election and Certificate](#), and approval by the OSGLI.
8. In the case of members totally disabled on the date of separation from such duty, the insurance will 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:
  - a. active duty;
  - b. active duty for training;
  - c. inactive duty training, if the site is outside reasonable commuting distance from the member's residence, and includes the time-period of travel to and from such duty, while remaining:
    1. overnight immediately before the commencement of inactive duty training;
    2. overnight between successive periods of inactive duty training; or
    3. in the vicinity of the site of the inactive duty training.
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.

Table 47-1. Effective Dates of SGLI Coverage and Deductions (Full-Time and Part-Time)  
(Continued)

11. Members carried in an [absent without leave](#) or confined status, except for an offense listed in [paragraph 470203](#), 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.

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**VOLUME 7A, CHAPTER 48: “COURT-MARTIAL SENTENCES”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by ***bold, italic, blue, and underlined font***.

The previous version dated **February 2014** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated chapter in accordance with the 2019 Manual for Courts-Martial.	Revision
4801	Inserted “General” section with “Purpose” and “Authoritative Guidance” paragraphs, and renumbered remaining sections, paragraphs, and subparagraphs accordingly.	Addition
480202 480203 4803 480405 480501 480502 480703 480705 480802 480803 4810	Updated to reflect the current policy on courts-martial effective January 1, 2019.	Revision
4804 480703 4809 Table 48-1	Deleted content per current policy on courts-martial effective January 1, 2019.	Deletion
References	Renamed “Bibliography” to “References” and updated statutes and supporting references.	Revision

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## CHAPTER 48

COURT-MARTIAL SENTENCES

## \*4801 GENERAL

## 480101. Purpose

The purpose of this chapter is to establish policy regarding the impact of court-martial sentences on military pay. This chapter provides policy applicable to cases in which charges are referred to trial by court-martial on or after January 1, 2019. See the previous version of this chapter, dated February 2014, for policy applicable to cases in which the charges were referred to trial by court-martial prior to January 1, 2019.

## 480102. Authoritative Guidance

The pay policies and requirements established by Department of Defense in this chapter are derived primarily from, and prepared in accordance with the United States Code (U.S.C.), including Titles 10, 24, and 37. Due to the subject matter in this chapter, the list of authoritative sources is extensive. The specific statutes, regulations, and other applicable guidance that govern each individual section are listed in a reference section at the end of the chapter.

## 4802 EFFECT OF SENTENCES ON PAY AND ALLOWANCES

## 480201. 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 adjudged **or imposed by law**) becoming due on and after the date forfeitures are effective (see paragraph 480601), unless the convening authority defers, suspends or remits the forfeitures.

## \*480202. Fines

A fine is in the nature of a judgment. Fines are effective upon entry of judgment in general and special courts-martial and upon convening authority approval in summary courts-martial. A fine makes a member liable to the United States for the amounts specified in the sentence.

## \*480203. Forfeiture of Allowances

A general court-martial sentence that includes forfeiture of pay does not include allowances unless it states that it is a forfeiture of all pay and allowances.

## \*4803 REDUCTIONS IN GRADE

### 480301. Automatic Reduction in Grade

A court-martial sentence, as set forth in the judgment of the court-martial entered into the record, that includes a dishonorable or bad conduct discharge, confinement, or hard labor without confinement, by operation of law, reduces an enlisted member to pay grade E-1 effective the date the judgment is entered into the record. If the sentence of a member who is thus reduced in pay grade is set aside or disapproved, or, as finally affirmed, does not include any of the above punishments, all rights and privileges denied the member because of the reduction are restored. The member is entitled to the pay and allowances to which the member would have been entitled, for the period the reduction was in effect, had the grade reduction not been applied.

### 480302. Reduction in Grade Adjudged in Court-Martial Sentence

A reduction in grade that is adjudged in a court-martial sentence takes effect 14 days after the sentence is announced, except in a summary court-martial. In a summary court-martial, an adjudged reduction in grade is effective the date the sentence is approved by the convening authority, or on the 14th day after the sentence is announced, whichever is earlier.

## 4804 FORFEITURES

### 480401. 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 hardship duty pay, provided such pay continues to accrue after the effective date of the sentence.

NOTE: Pay allotted voluntarily is subject to forfeiture.

### 480402. Pay Not Subject to Forfeiture

Forfeitures, other than total forfeitures of pay and allowances, do not apply to special (other than sea or hardship duty pay) or incentive pay.

### 480403. 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 Federal Insurance Contribution Act (FICA) taxes. Compute taxes from the remaining pay not forfeited. See subparagraph 480407.C.1 for taxation of forfeitures waived for the benefit of dependents.

480404. 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.

\*480405. Concurrent Forfeitures

Forfeitures resulting from multiple court-martial sentences can run concurrently. However, the forfeitures, when combined, cannot exceed the applicable jurisdictional limit. For example, if two or more forfeitures result from courts-martial under which the maximum forfeiture which could be imposed is two-thirds of the pay subject to forfeiture, then collect no more than 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.

480406. Non-Collection of Ordered Forfeitures

If any amount ordered forfeited is not actually withheld or collected during the period specified by the approved sentence, such amount may be collected involuntarily as an erroneous payment as provided in Volume 16.

480407. Automatic Forfeiture During Certain Court-Martial Confinements and Periods of Parole

A. General Court-Martial. A member automatically forfeits all pay and allowances while in confinement or in a parole status when the member's sentence includes:

1. Death;
2. Confinement for more than six months; or
3. Confinement of any length and either a dishonorable discharge, a bad conduct discharge, or a dismissal.

B. Special Court-Martial. The forfeiture provisions in subparagraph 480407.A also apply for sentences adjudged by special court-martial. However, automatic forfeitures are limited to two-thirds of all pay. Allowances are not subject to automatic forfeiture in special courts-martial.

C. Waiver of Forfeitures in Favor of Dependents. The convening authority or a person acting under 10 U.S.C., section 860a or 860b may waive any or all of the forfeitures of pay and allowances that were imposed by operation of law ("automatically") for a period not to exceed six months. The portion waived is payable to the accused member's dependent(s) as directed by the convening authority or person taking action.

1. Intent of Waiver and Taxability of Waived Forfeiture Amount.

Direct payments to dependents, of the waived portion of a forfeiture are intended to provide transitional compensation and direct financial assistance. Because the waived portion of the forfeiture remains wages generated by the member's military status, it is taxable income to the accused member, even though paid to the member's dependents. Therefore, after appropriate federal, state, and FICA taxes are withheld from the taxable portion of the waived forfeiture amount, the remaining (net) waived amount is paid to the member's dependent(s), as directed. See [Chapter 44, Table 44-1](#).

2. Other Deductions and Collections. The [Uniformed Code of Military Justice \(UCMJ\)](#) contains no provisions for the deduction of any of the items appearing in [Chapter 52, Table 52-1](#) from the waived forfeiture of pay and allowances. Therefore, only applicable taxes listed in subparagraph [480407.C.1](#), may be deducted from the waived portion of pay and allowances that would otherwise be forfeited, with the remaining amount paid to the member's dependent(s), as directed by the convening authority. See [Chapter 44, Table 44-1](#) and [Chapter 45, Table 45-1](#).

D. Effect of Disapproval, Set Aside, or Reduction of Punishment. If the sentence of a member who forfeits pay and allowances [under paragraph 480407](#) is set aside, disapproved or, as finally approved, does not provide for a punishment listed in subparagraph [480407.A](#), then pay the member the pay and allowances the member would been paid, except for the [automatic](#) forfeiture, for the period during which the [automatic](#) forfeiture was in effect. The payment to the member should be reduced by the amount of any payments made to the member's dependents under subparagraph [480407.C](#).

NOTE: [Amounts paid to a member under subparagraph 480407.D, when a punishment has been disapproved, set aside, or reduced, are taxable income in the year they are paid to the member and are subject to appropriate withholding of federal and state taxes.](#)

[480408.](#) No Collection of Forfeitures of Pay During Appellate Leave

A member who has accrued leave before entering an appellate leave status will use his/her accrued leave for the period of appellate leave, unless the member elects to be paid for such accrued leave in a lump sum. Forfeitures will not be deducted from these leave payments in either situation.

4805 EFFECTIVE DATES OF FINES AND FORFEITURES

[\\*480501.](#) Fines

[A fine that is adjudged in a general or special court-martial takes effect when the judgment is entered into the record. A fine adjudged in a summary court-martial takes effect when the convening authority acts on the sentence.](#)

\*480502. Forfeitures

A. Forfeitures of pay or pay and allowances begin 14 days after the sentence is announced, except in the case of a summary court-martial. Forfeitures imposed by a summary court-martial begin on the date the convening authority approves the part of the sentence establishing the forfeiture.

B. Upon application by the accused, the convening authority may defer the start of the forfeiture any time after the adjournment of the court-martial and before the entry of the judgment. Deferment of a sentence to forfeiture ends when the judge enters the judgment into the record, except in a summary court-martial. In a summary court-martial, the deferment ends when the convening authority acts on the sentence. The convening authority may rescind a deferment at any time.

4806 COLLECTION

480601. Forfeitures

Since court-martial forfeitures constitute a loss of entitlement to the pay or pay and allowances concerned, they constitute a reduction of pay that takes precedence over all debts. (See Chapter 52, Table 52-1, rule 1).

480602. Fines

Fines constitute 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 a member's final pay after all other indebtedness is collected. 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 Volume 16.

C. Appellate Leave. Members on appellate leave are subject to the collection of fines from any lump sum payment of accrued leave paid at the commencement of appellate leave.



## 480603. Rate of Collection

Charge forfeitures of pay against a member's pay at the rate required by the sentence until the sentence is fully satisfied. Prorate the monthly rate of forfeiture on a daily basis for a portion of a month. **The language of a sentence determines the amount of the fine or forfeiture. Pay cannot be forfeited by implication.** For example, a sentence stating, "forfeiture of \$20 per month for 6 months" means a forfeiture of \$120 to be collected at \$20 per month. **Conversely, a sentence stating, "forfeiture of \$20 for 6 months" means a total forfeiture of \$20 is to be collected.**

## 480604. Non-Pay Status

During periods when a member is in a non-pay status, pay does not accrue against which forfeitures can apply. Do not count such periods in computing the time during which pay is forfeited for a specific period.

## 480605. Restoration to Duty

A member restored to duty following a non-pay status is again entitled to pay against which forfeitures may apply.

## 480606. Service Beyond Estimated Term of Service (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.

## 480607. 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.

## 480608. Pay Due or Accrued

**Forfeitures apply to pay earned on and after the effective date of the forfeiture.**

480609. **Collection From Members in a Reserve Status**

All punishments remaining unserved at the time a member of a Reserve Component is released from active duty or a normal period of **inactive duty training** may be carried over to subsequent periods of inactive-duty training or active duty.

## 4807 REMISSION, SUSPENSION, AND CANCELLATION OF FORFEITURES

## 480701. 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 480609), 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.

## 480702. End of Term of Service, Unauthorized Absence, or Desertion

The end of term of service of a member in military confinement, 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, then resume otherwise proper collections.

## \*480703. Restoration to Duty

If a member who was sentenced to total forfeitures and confinement is released from confinement **after serving the sentence** and **is** restored to duty, **the member** is entitled to pay and allowances from the date restored to duty, and the forfeiture becomes inoperative thereafter **unless the sentence expressly includes partial post-confinement forfeitures**. This applies even though no other action may have been taken to suspend, remit, or mitigate the sentence to total forfeiture.

## 480704. Effective Date

An order remitting, mitigating, or suspending the unexecuted portion of a sentence is effective from the date of the order, except when a later date is specified. **An order remitting a sentence to fine or forfeiture** relieves the member of the unexecuted portion of the forfeiture or fine on and after the effective date.

## \*480705. Suspension of a Sentence

**Suspension of a sentence grants the accused a probationary period during which the suspended part of the sentence is not executed.**

A. Remission

**Upon successful completion of the probationary period, the suspended part of the sentence is remitted. Remission cancels the unexecuted part of the sentence to which it applies. When an unexecuted portion of a sentence to forfeiture or fine is remitted, the member is no longer subject to the unexecuted forfeiture or fine.**

B. Vacation of Suspension

Suspensions can be vacated if the accused does not successfully complete the probationary period. When a suspension of a forfeiture or fine is vacated, the uncollected forfeiture or fine is revived and proper for collection.

4808 SENTENCES DISAPPROVED OR SET ASIDE

480801. When New Trial or Rehearing Is Not Ordered

When a court-martial sentence is set aside or disapproved and a new trial or rehearing is not ordered, all rights, privileges, and property affected by the executed part of the sentence are restored to the member. Such restoration includes any pay and allowances lost as a result of an adjudged or automatic forfeiture and an adjudged or automatic reduction in grade.

\*480802. New Trial or Rehearing Ordered

A. Pay Entitlements While Awaiting New Trial or Rehearing

In accordance with regulations established by the Secretary concerned, for the period after the date on which an executed part of a court-martial sentence is set aside, an accused who is pending a rehearing, new trial, or other trial shall receive the pay and allowances due at the restored grade.

B. Pay Entitlements After Rehearing or New Trial is Completed

1. An accused member is entitled to restoration of all rights, privileges, and property affected by an executed portion of a court-martial sentence that has been set aside or disapproved by proper authority, unless a new trial, other trial, or rehearing is ordered and such executed part is included in the sentence imposed at the new trial, other trial, or rehearing.

2. When a previously executed dishonorable or bad conduct discharge is not imposed by a new trial, the member is entitled to the pay and allowances which the member would have received had the dishonorable or bad conduct discharge not been executed. When a previously executed dismissal of an officer is not imposed by a new trial, an administrative discharge is substituted. The President may reappoint the officer to the grade and rank the officer would have attained if the officer had not been dismissed. The total time between the dismissal and reappointment is considered as actual service for all purposes, including pay and allowances.

\*480803 Limits on New Trial or Rehearing Sentences

Generally, a member may not receive a sentence in a new trial or rehearing in excess of or more severe than the approved sentence that was subsequently set aside.

#### 4809 PAY AND ALLOWANCES WHILE ON PAROLE

A member released on parole from a disciplinary barracks is considered to be in an authorized leave status and is entitled to pay and allowances to the extent the member has unused accrued leave to the member's credit, less any fines and forfeitures still remaining in effect. Once the member's accrued leave has been used, the member is considered to be in an excess leave or leave without pay status and is not entitled to pay and allowances during this period unless, upon appellate review, the conviction is completely overturned or set aside. If the member is subject to a new trial or rehearing, however, apply the provisions of paragraph 480802.

#### \*4810 DISPOSITION OF COURT-MARTIAL FORFEITURES AND FINES

Armed Forces (regular and Reserve) court-martial forfeitures and fines of enlisted members, warrant officers, and limited duty officers in excess of government indebtedness **and amounts owed any individuals** will be transferred to the Armed Forces Retirement Home Trust Fund. For purposes of this **section** 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 **section**. **For the purposes of this section, 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.**

##### 481001. Separation From Service Not Involved

When enlisted members, warrant officers or limited duty officers have been sentenced by court-martial to forfeit all or part of their pay, no part of the forfeiture is creditable to the Armed Forces Retirement Home Trust Fund until amounts equal to all outstanding indebtedness to the government **and amounts owed any individuals** have been withheld. Transfer only those amounts forfeited that are in excess of any government indebtedness or amounts owed any individuals.

##### 481002. Members Who Are Being Separated From Service

A court-martial forfeiture of a limited duty officer, warrant officer, or enlisted member is not credited to the Armed Forces Retirement Home Trust Fund when the member has unsatisfied indebtedness at date of separation, except as shown in paragraph 481003. Such forfeitures remain in the military personnel appropriation. If the unsatisfied debt at separation is less than the forfeiture, credit the difference between the aggregate unsatisfied debt and the forfeiture to the Armed Forces Retirement Home Trust Fund. (For example: If the uncollected indebtedness is \$500 and forfeiture is \$600, credit to the Armed Forces Retirement Home Trust Fund the difference of \$100 between the unsatisfied indebtedness and the forfeiture.) Transfer amounts collected afterward to counterbalance the indebtedness not to exceed the aggregate forfeiture, less amounts previously credited to the Armed Forces Retirement Home Trust Fund.

**481003. 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.

**481004. Remission of Indebtedness**

If a court-martial forfeiture of an enlisted member, warrant officer or limited duty officer is not credited to the Armed Forces Retirement Home Trust Fund due to outstanding debts, and the unliquidated portion of the debts is thereafter remitted or cancelled, do not credit the forfeiture that equals the amount of indebtedness remitted or cancelled to the Armed Forces Retirement Home Trust Fund. That amount remains in the military personnel appropriation.

**481005. Commissioned Officers**

Credit court-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.

**4811 FORFEITURE SENTENCES CARRIED OVER TO SUBSEQUENT RESERVE COMPONENT DUTY****481101. General**

In the case of a forfeiture sentence carried forward according to paragraph 480609, convert the stated amount of forfeiture to a percentage using the monthly rate of basic pay in Chapter 1, Tables 1-7 through 1-10 for the member's grade and length of service on the date the forfeiture sentence is entered into the record. Apply that percentage to the pay for every period of duty the member actually performs during the stated period of the forfeiture sentence.

**481102. Time Restriction**

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.

Example: A. A member, E-4, receives a sentence which includes a forfeiture (either nonjudicial punishment or court-martial sentence) of \$200 a month for 2 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 (2 months), collect 21.92% of the member's pay from active duty and inactive duty training pay.

\*REFERENCES

**CHAPTER 48 – COURT-MARTIAL SENTENCES****4802 – EFFECT OF SENTENCES ON PAY AND ALLOWANCES**

Manual for Courts-Martial (MCM) 2019, Appendix 2,  
Subchapter IX  
1 Comptroller General (Comp Gen) 291 (1921)  
41 Comp Gen 296 (1961)

**4803 – REDUCTIONS IN GRADE**

480301	10 U.S.C. § 858a MCM 2019, Part II, Chapter XI, Rule 1102(b)(1)
480302	MCM 2019, Part II, Chapter XI, Rule 1102(b)(1)

**4804 – FORFEITURES**

	MCM 2019, Appendix 2, Subchapter IX 36 Comp Gen 79 36 Comp Gen 755
480401.B	MCM 2019, Part II, Chapter X, Rule 1003(b)(2)
480407.A & B	10 U.S.C. § 858b
480407.C	U.S. v. Gorski
480408	63 Comp Gen 341, 344 (1984) 10 U.S.C. § 706(a)

**4805 – EFFECTIVE DATES OF FINES AND FORFEITURES**

	10 U.S.C. § 857
480501	MCM 2019, Part II, Chapter XI, Rule 1102
480502.B	MCM 2019, Part II, Chapter XI, Rule 1103
480502.C	42 Comp Gen. 279

**4806 – COLLECTION**

	36 Comp Gen 79 38 Comp Gen 788 36 Comp Gen 755 41 Comp Gen 269
480602.A	37 U.S.C. § 1007(c)
480602.B	37 U.S.C. § 1007(d)
480603	U.S. v. Johnson, 32 C.M.R. 127 (C.M.A. 1962)
480609	MCM 2019, Part II, Rule 204

## 4807 – REMISSION, SUSPENSION, AND CANCELLATION OF FORFEITURES

480701	MCM 2019, Part II, Chapter XI, Rule 1107(e)
480703	10 U.S.C. § 509 37 U.S.C. § 906
480704	U.S. v. Stewart, 62 M.J. 291, (C.A.A.F. 2006)
480707	10 U.S.C. § 872

## 4808 – SENTENCES DISAPPROVED OR SET ASIDE

	10 U.S.C. § 875 10 U.S.C. § 858b(c)
480802	MCM 2019, Part II, Chapter XI, Rule 1208
480803	10 U.S.C. § 863 MCM 2019, Part II, Chapter VIII, Rule 810(d)

## 4809 – PAY AND ALLOWANCES WHILE ON PAROLE

59 Comp Gen 12

## 4810 – DISPOSITION OF COURT-MARTIAL FORFEITURES AND FINES

24 U.S.C. 419 (a) (4)  
10 U.S.C. 2772

## 4811 – FORFEITURE SENTENCES CARRIED OVER TO SUBSEQUENT RESERVE COMPONENT DUTY

MCM 2019, Part II, Chapter II, Rule 204



**VOLUME 7A, CHAPTER 49: “NON-JUDICIAL PUNISHMENT”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **July 2016** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
490302	Removed paragraph due to insufficient support.	Deletion
490303	Renamed and updated previous paragraph 490303 to reflect current policy on forfeitures of pay and renumbered to 490302.	Revision
Table 49-1 Note 2	Inserted note to update current policy and renumbered subsequent notes.	Addition
Table 49-1 Note 4	Updated to reflect current policy.	Revision
Bibliography	Updated references.	Revision

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## CHAPTER 49

NON-JUDICIAL PUNISHMENT

## 4901 GENERAL

## 490101. Purpose

This chapter describes the impact and limitations of non-judicial punishment on a member's pay.

## 490102. Authoritative Guidance

The bibliography at the end of this chapter lists the authoritative references.

## 4902 AUTHORIZED PUNISHMENTS AFFECTING PAY

Non-judicial punishments which affect pay are forfeiture of pay, reduction in grade, or a combination of these. Except as provided in this chapter, provisions of Chapter 48 relating to forfeiture of pay and reduction in grade by courts-martial also apply when such penalties are imposed as non-judicial punishment.

## 4903 LIMITATIONS

## 490301. Maximum Forfeiture of Pay

The maximum forfeiture of pay which may be imposed under Article 15, Uniform Code of Military Justice, is outlined in the Manual for Courts-Martial (MCM), United States (2016 Edition), Part V and Title 10, United States Code (U.S.C.), section 815.

**\*490302. Forfeiture of Pay**

When punishment includes both a reduction in grade, whether or not suspended, and a forfeiture of pay, the forfeiture of pay is based on the grade to which reduced. **The amount to be forfeited must be expressed in whole dollar amounts only and not in a number of day's pay or fractions of monthly pay. If the forfeiture is to be applied for more than 1 month, the amount to be forfeited per month and the number of months should be stated. Forfeiture of pay may not extend to any pay accrued before the date of its imposition.**

## 4904 SUSPENSION, REMISSION, SET ASIDE, AND MITIGATION

See Table 49-1.

## 4905 EXECUTION OF PUNISHMENT DURING APPEAL PROCEDURES

A member who incurs non-judicial punishment [that the member](#) considers 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.

## 4906 EFFECTIVE DATES

Forfeitures of pay and reductions in grade, if unsuspended, are effective on the date the commander imposes the punishment. (For Navy and Marine Corps members, however, non-judicial forfeitures of pay do not run concurrently. If a forfeiture of pay is imposed by a non-judicial punishment while a prior forfeiture of pay is still in effect, it will not commence until the prior forfeiture of pay 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 in grade, the member is entitled to pay of the higher grade only from the date of suspension. If, however, a reduction in grade or forfeiture of pay is set aside and all rights, privileges, and property affected by it are restored, then the member is entitled to pay as though the reduction in grade 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 OF PAY COLLECTED BY NON-JUDICIAL PUNISHMENT

Disposition of pay forfeited as a result of a non-judicial punishment is treated similar to pay forfeited by court-martial action. Refer to Chapter 48, section 4811 for disposition policies.

\*Table 49-1. Suspension, Remission, Setting Aside, and Mitigation of Non-Judicial Punishment

R U J U L E	A	B	C	D
	When non-judicial punishment is	and the punishment has	then the officer imposing the punishment, or the successor in command, may suspend the punishment probationally	or
1	forfeiture of pay	not been executed (note 1)	at any time	remit or set the forfeiture of pay aside (in whole or in part), or mitigate it to lesser forfeiture of pay (note 2).
2	reduction in grade	not been executed		remit or set the reduction in grade aside, or mitigate it to a forfeiture of pay (note 2 and 3).
3	forfeiture of pay	been executed	only within 4 months after execution	set the forfeiture of pay aside (in whole or in part) (note 4).
4	reduction in grade			set the reduction in grade aside in whole or in part, or mitigate it to forfeiture of pay (note 3 and 4).

**NOTES:**

1. 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 of pay, whether or not collected, are fully executed.
- \*2. The unexecuted portion of a forfeiture or reduction in grade can be remitted at any time.
3. If mitigated, the amount of forfeiture of pay may not be greater than the amount that could have been imposed initially by the officer who imposed the reduction in grade.
- \*4. The power to set aside an executed punishment should ordinarily be exercised only within a reasonable time after the punishment has been executed. Four months is a reasonable time in the absence of unusual circumstances.

## \*BIBLIOGRAPHY

## CHAPTER 49 – NON-JUDICIAL PUNISHMENT

## 4901 – GENERAL

10 U.S.C. § 815

## 4902 – AUTHORIZED PUNISHMENTS AFFECTING PAY

10 U.S.C. § 815

## 4903 – LIMITATIONS

\* 490303 MCM, United States (2016 Edition), Part V

## 4904 – SUSPENSION, REMISSION, AND MITIGATION

10 U.S.C. § 815

## 4905 – EXECUTION OF PUNISHMENT DURING APPEAL PROCEDURES

10 U.S.C. § 815

## 4906 – EFFECTIVE DATES

10 U.S.C. § 815

MCM, United States (2016 Edition), Part V

\* Army Regulation 27-10, Chapter 3, section IV,  
paragraph 3-21\* Navy Judge Advocate General Instruction 5800.7F,  
Part B, section 0113\* Air Force Instruction 51-202, Chapter 3, section 3C,  
paragraph 3.184907 – DISPOSITION OF FORFEITURES OF PAY COLLECTED BY NON-JUDICIAL  
PUNISHMENT

10 U.S.C. § 2772

## Table 49-1

MCM, United States (2016 Edition), Part V, paragraph 6

10 U.S.C. § 815

\* Notes 3 and 4 MCM, United States (2016 Edition), Part V

**VOLUME 7A, CHAPTER 50: “BANKRUPTCY”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

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The previous version dated **February 2016** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated formatting and references to comply with current administrative instructions.	Revision

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## CHAPTER 50

BANKRUPTCY

## 5001 GENERAL

## 500101. Purpose

This chapter prescribes the policies to be followed when a [Service member](#) files a petition of bankruptcy under Title 11, United States Code (U.S.C.), Chapter 7 or 13.

## 500102. Authoritative Guidance

The bibliography at the end of this chapter lists the authoritative references.

## 5002 BANKRUPTCIES

## 500201. General Information

A. [Filing](#). A member may file a petition of bankruptcy under 11 U.S.C., Chapter 7 or 13 of the Bankruptcy Code. The law waives the U.S. Government's sovereign immunity for purposes of compliance with payroll deduction orders issued by the bankruptcy courts. Accordingly, the Defense Finance and Accounting Service (DFAS) will honor the bankruptcy withholding orders.

B. [Automatic Stay Provisions](#). An amount of indebtedness owed to the [United States](#) that was incurred prior to the filing date of the petition, is described as a pre-petition debt. Collecting debts by offset from the member's pay account is authorized only through the day prior to the date the bankruptcy petition is filed. Continuing deductions from the member's pay after the filing of a petition in a bankruptcy is improper and violates the automatic stay provisions of the bankruptcy statute. Amounts withheld after the date the bankruptcy petition is filed must be refunded to the member.

C. [Proof of Claim](#). Upon notice or actual knowledge of the filing of a bankruptcy petition, when the member has listed the U.S. Government as a creditor, the military pay office will file a proof of claim with the bankruptcy court concerned for all Chapter 13 filings and if requested by the bankruptcy trustee in a Chapter 7 case. The proof of claim is filed with the bankruptcy court on [Official Form 410](#).

D. [Post-Petition Debt](#). If the bankruptcy is completed and the debtor receives a discharge, then, generally, the listed indebtedness to the [United States](#) is discharged with few exceptions. Any new debt that was incurred after the filing of the bankruptcy petition is known as a post-petition debt. The bankruptcy proceedings do not affect post-petition debts. However, prior to taking any collection action on post-petition debts, the matter should be coordinated with the DFAS Office of General Counsel, Garnishment [Law Directorate](#).

E. [Dismissal](#). If the court subsequently dismisses a bankruptcy case, then collection is permitted by offset if otherwise authorized.

500202. Procedures

A. All Bankruptcy Notices and Chapter 13 withholding orders should be submitted or faxed to:

DFAS Cleveland  
Garnishment [Law Directorate](#)  
P.O. Box 998002  
Cleveland, OH 44199-8002  
Commercial Fax: (877) 622-5930  
(216) 367-3675

**NOTE:** DFAS Cleveland Garnishment [Law Directorate](#) is the designated agent for service of process for all military members' bankruptcy notices and bankruptcy withholding orders.

B. The following information should be included with the bankruptcy order full name, [and](#) full Social Security number.

C. The bankruptcy notice is effective when it is [filed with](#) the court and the provisions of the automatic stay are effective with that date.

D. When the notice does not sufficiently identify the member, it will be returned directly to the person who submitted the order, with an explanation of the deficiency.

E. Upon receipt of an effective bankruptcy order, together with all the required information, the Garnishment [Law Directorate](#) (office of the designated official) will review the case to determine if there are any involuntary allotments or garnishments that need to be terminated as a result of the automatic stay (child support, alimony, child support arrears, and alimony arrears are not terminated unless the bankruptcy order specifically states so). The Garnishment [Law Directorate](#) will then establish the withholding against the member's pay to comply with the bankruptcy order within 30 days. Withholdings will continue until the amount specified in the order is collected, or the order is cancelled or suspended.

1. Within 30 calendar days after the date of receipt of the order, the designated official will send notice to the member stating this fact.

2. The letter will inform the member of the date that the withholding is scheduled to begin and the amount or percentage that will be deducted.

3. When the member identified in the order is found not to be entitled to money due from, or payable by, DFAS, the designated official will return the order to the person who submitted it and advise him or her that no money is due from, or payable by, DFAS to the named individual. When it appears that amounts are exhausted temporarily or are otherwise unavailable, the authorized person will be told why and for how long any money is unavailable, if known.

500203. Chapter 13, Adjustment of Debts of an Individual With Regular Income -  
The Plan

A. A member may file a petition with the court to enter into a “Chapter 13 Plan” under the Bankruptcy Code. Under Chapter 13, a member must submit a proposed repayment plan to the bankruptcy court that provides, among other things, that all or a specified amount of future income as is necessary to pay claims under the plan will be sent to the control of the bankruptcy trustee.

B. When the plan is confirmed by the court, its provisions are binding upon the member and all creditors of the member, regardless of whether they are affected by the plan or have been included in the plan.

C. Once the bankruptcy court confirms a plan, it usually orders the employer to pay a specific amount of a member’s income to the trustee named in the order.

D. The pay of a member is subject to payment to the trustee appointed by the court, pursuant to Chapter 13 of the Bankruptcy Act. The payment by DFAS of part of the member’s pay in response to a court order issued under a Chapter 13 Wage Earner’s Plan case does not conflict with 31 U.S.C., [section 3713](#) (Priority of Government Claims). Compliance with such a court order gives the Government a valid acquittance against the member since the court order is binding on the member.

E. If the United States is both the employer and creditor when the member files a Chapter 13 Plan, then the Government’s priority under 31 U.S.C. § 3713 (Priority of Government Claims) may be asserted in the absence of a judicial determination to the contrary. This is done through a filing of the proof of claim by the appropriate pay office.

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CHAPTER 50 – BANKRUPTCY

5001 – GENERAL

11 U.S.C. §§ 101 – 1330 (Bankruptcy Reform Act of 2005)

5002 – BANKRUPTCIES

500203.D

31 U.S.C. § 3713

500203.E

31 U.S.C. § 3713

**VOLUME 7A, CHAPTER 51: “SAVINGS PROGRAMS”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

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Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

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<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
510201	Inserted a paragraph on Savings Deposit Program (SDP) eligibility and renumbered the subsequent paragraphs.	Addition
510202.B	Inserted a definition for SDP area.	Addition
510205.A.3	Clarified information on deposits after a member has served in a covered geographic area for at least 30 consecutive days.	Revision
5103	Updated "TSP Guidelines."	Revision
5104	Inserted information on TSP as it applies to the Blended Retirement System (BRS) in a section on “TSP for BRS Members.”	Addition
5105	Inserted information on “TSP for Members not under BRS.”	Addition
Figure 51-1	Updated "Pay Entitlements Available for TSP Contributions.”	Revision
Table 51-3	Added a new table for “Automatic and Matching Contributions.”	Addition
References	Renamed “Bibliography” to “References” and updated statutes and supporting references.	Revision

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## CHAPTER 51

SAVINGS PROGRAMS

## 5101 GENERAL

## 510101. Purpose

The chapter provides policy for the Savings Deposit Program (SDP) and the Thrift Savings Plan (TSP) to include TSP under the Blended Retirement System (BRS).

## 510102. Authoritative Guidance

The authoritative references are listed at the end of this chapter.

## 5102 SDP

As prescribed by the Secretaries concerned, a member of the Armed Forces, who is serving in a designated SDP area outside the United States, its possessions, or the Commonwealth of Puerto Rico, may deposit during that tour of duty, not more than the member's un-allotted current pay and allowances in amounts of \$5 or more, with any branch, office, disbursing officer, finance officer, or any other designated officer of the Armed Forces. Amounts so deposited will be deposited in the Treasury and kept as a separate fund, and must be accounted for in the same manner as public funds.

## \*510201. Eligibility

A. Effective May 1, 2016, any member, serving in an assignment outside of the United States, its possessions, or the Commonwealth of Puerto Rico for at least 30 consecutive days or 1 day for each 3 consecutive months is eligible to participate in SDP if serving:

1. In a Combat Zone (CZ); or
2. While qualified to receive hostile fire or imminent danger pay while  
in a:
  - a. Qualified Hazardous Duty Area (QHDA); or
  - b. Designated direct support area of a CZ.

B. Members already contributing to the SDP on May 1, 2016, will be allowed to continue to contribute to the SDP until they depart from the member's SDP-eligible assignment.

NOTE: See Chapter 44 for designated direct support areas of a CZ, designated CZs, and QHDAs. For the most current listings, see [designated direct support areas of a CZ](#), [designated CZs](#), and [QHDA](#)s on DFAS.mil.



\*510202. Definitions

A. Designated Duty Assignment. A designated duty assignment is a permanent duty or temporary additional duty/temporary duty (TAD/TDY) assignment in an SDP area.

\* B. SDP area. An SDP area is an area outside the United States, its possessions, or the Commonwealth of Puerto Rico, in a CZ or an area in which members are entitled to receive hostile fire or imminent danger pay while serving in a QHDA or in a designated direct support area of a CZ.

C. Un-allotted Current Pay and Allowances. The amount of money a member is entitled to receive on the payday immediately before the date of deposit, less authorized deductions and allotments (e.g., for dependents or insurance). Pay and allowances include special continuation pay, reenlistment bonus, travel allowance on discharge, or pay and allowances for unused accrued leave. Advance pay and travel allowance for permanent change of station and TAD or TDY travel may not be deposited.

510203. Allotments

Active duty officers and enlisted members may make deposits into the SDP by allotment. Such allotment must be processed in accordance with the procedural instructions of the Military Service concerned. However, the restrictions of this chapter are applicable when starting this type of allotment.

510204. Member in a Missing Status

For a member who is in a missing status (see Definitions), the Secretary of the Military Department concerned may, in the interest of a member or the member's 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 the SDP, even though the member had an opportunity to make deposits and elected not to do so. Interest may be computed from the day the member entered into a missing status, or January 1, 1991, whichever is later. The \$10,000 limitation on the amount that interest is payable does not apply to the deposit account of a member in a missing status.

Example 1. A member entered into a missing status on February 1, 2012. Unpaid pay and allowances have been accruing in the member's pay account at the rate of \$100 per month since that date. An account was opened for the member on May 1, 2012, with an initial deposit of \$300 (February, March, and April). The member's account was credited with \$100 per month on June 1, 2012, and the first day of each month thereafter while he remains in a missing status, or until modified, stopped, or repaid at the direction of the Secretary of the Military Department concerned. Interest accrued from February 1, 2012.

Example 2. A member entered into a missing status on February 18, 2012. The amount of unpaid pay and allowance due to the member on the payday following February 18, 2012, determined the amount of the initial deposit. The member's account was opened on March 1, 2012, with the initial deposit, and the member's account was credited with the member's un-allotted pay and allowances monthly on the first day of each month thereafter as prescribed in example 1. Interest accrued from February 18, 2012.

\*510205. Deposits

A. Amounts. Amounts up to \$10,000 may be deposited with interest accrual at the rate of 10 percent per annum.

1. The maximum amount on which 10 percent interest is computed is \$10,000 (principal and accrued interest combined). Deposits may not be more than the amount defined as un-allotted current pay and allowances in subparagraph 510202.C. When, however, the member can establish to the satisfaction of the commanding officer that the member was unable to make a deposit in the normal manner, un-allotted pay in excess of current pay and allowances may be deposited.

2. Members may not accumulate back pay prior to departing for a designated duty assignment in an SDP area in order to deposit the back pay once the member becomes eligible for the SDP.

\* 3. After a member has served in a covered geographic area or duty assignment for at least 30 consecutive days or at least 1 day for each 3 consecutive months, the member is qualified to begin making deposits, see subparagraph 510202.C. The initial deposit is limited to the amount earned beginning with the first day after the 30 consecutive days of arrival in a covered geographic area or duty assignment.

Example 1. A member arrives in Pakistan (a designated direct support area as defined in Chapter 44, Figure 44-1 and an Imminent Danger Pay (IDP) location as defined in Chapter 10, Figure 10-1) on April 1, 2018. The member is authorized to make an initial deposit on June 1, 2018, for the amount accrued beginning May 1, 2018. The member may make additional deposits until departure from Pakistan.

Example 2. A member arrives in Albania (a designated CZ area as defined in Chapter 44, Figure 44-2) on June 19, 2018. The member is authorized to make an initial deposit on August 1, 2018, for the amount accrued beginning July 19, 2018. The member may make additional deposits until departure from Albania.

Example 3. A member is TDY to the Sinai Peninsula of Egypt (a QHDA as defined in Chapter 44, Figure 44-3 and an IDP location as defined in Chapter 10, Figure 10-1) on April 17, May 2, and June 19, 2018. The member is authorized to make

their initial deposit on August 1, 2018 for the amount accrued in the Sinai Peninsula of Egypt beginning June 20, 2018.

4. Members who are paid twice monthly may combine pay accrued at midmonth and pay accrued at end-of-month, or combine end-of-month pay with pay accrued on the following midmonth payday for a single deposit, provided the total amount deposited in a one month period does not exceed the amount they are entitled to be paid for 1 month.

B. Power of Attorney. An agent with a power of attorney from the member may make deposits, either by allotment or by cash, into the SDP on behalf of the member, if the power of attorney states the authority to establish, change, or stop allotments. When accepting a cash deposit from the agent on the member's behalf, the disbursing officer must ensure that the amount deposited does not exceed the member's un-allotted pay and allowances for the period involved.

510206. Interest

A. Accrual of Interest. See Table 51-1.

B. Conditions Under Which Deposits, Plus Interest, Are Repaid.  
See Table 51-2.

C. 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 the calendar quarter. Compute the 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 for a member who is in a missing status.

D. Taxability of Interest Paid. Interest paid on the amounts deposited into the SDP is taxable.

510207. Computation

A. Computing Average Quarterly Balance

1. 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.		Amount	On
		On	10 <sup>th</sup>
<u>Date</u>	<u>Deposits</u>	<u>Deposits</u>	<u>Day of</u>
Jan 5	\$20.00	\$20.00	Jan
Feb 3	20.00	40.00	Feb
Feb 20	20.00		
Mar 10	20.00	<u>80.00</u>	Mar
		\$140.00	

\$140.00 divided by 3 = \$46.67 average quarterly balance.

Example 2.		Amount	On
		On	10 <sup>th</sup>
<u>Date</u>	<u>Deposits</u>	<u>Deposit</u>	<u>Day of</u>
Jan 1	\$0.00	\$ 0.00	Jan
Feb 3	20.00	20.00	Feb
Feb 20	20.00		
Mar 3	20.00	<u>60.00</u>	Mar
		\$80.00	

\$80.00 divided by 3 = \$26.67 average quarterly balance.

2. Emergency withdrawals at any time during a quarter reduce the average quarterly balance on which interest accrues.

Example.		Amount	On
		On	10 <sup>th</sup>
<u>Date</u>	<u>Deposits</u>	<u>With- drawals</u>	<u>Deposit</u>
Apr 1	\$147.12	\$0.00	(BAL FWD)
Apr 3	20.00		Apr
			167.12
May 15	10.00		May
Jun 4	30.00		--
Jun 15		\$80.00	Jun
			<u>127.12</u>
			\$461.36

\$461.00 divided by 3 = \$153.79 average quarterly balance.

3. The maximum amount upon which 10 percent interest is payable is \$10,000 (principal and accrued interest combined), [except for amounts on deposit in the case of a member who is in a missing status. See paragraph 510204.](#)

Example.	<u>Date</u>	<u>Quarterly Interest</u>	<u>Amount on Deposit</u>
	Jan 10	-0-	\$10,000.00
	Apr 1	250.00	10,250.00
	July 1	250.00	10,500.00

B. Computation of Interest at 10 Percent Rate

Repay deposits, plus interest, under the conditions shown in Table 51-1. Compute interest at the rate of:

- 1 Month-1/12 of 10 percent or .00833
- 2 Months-2/12 of 10 percent or .01666
- 3 Months-(Full Quarter) .025

**Example 1. Member's Request.** A member has \$355 on deposit (principal plus compounded interest as of June 30, 2009). The member requested repayment of the SDP deposit on August 12, 2009. The member was repaid the \$355 deposit plus interest of \$5.92 for the months of July and August (.01666... x \$355) or \$360.92.

**Example 2. Member Discharged.** A member has \$355 on deposit (principal plus compounded interest as of June 30, 2009). The member was discharged overseas for the member's convenience on July 15, 2009. The member was repaid the \$355 deposit plus interest of \$2.96 for the month of July (.00833... x \$355) or \$357.96, assuming full repayment was in effect in the month of July.

**Example 3. Member Dies.** On March 8, 2009, the member had on deposit the maximum amount of \$10,000 (principal plus simple interest) and made no new deposits. On November 15, 2009, while assigned in the Operation Enduring Freedom area the member dies, and settlement of unpaid pay and allowances was made to member's heir(s) on December 15, 2009. The amount of deposit repaid was \$10,000 plus simple interest of \$833.33 for period March 1 through December 31, 2009 (.00833... x 10), or \$10,833.33.

510208. Payment of Interest Upon Final Settlement of Deposit Account

A. Except when the 90-day limitation discussed in paragraph 510213 applies, interest will stop at the end of the month in which full repayment is made to the member or member's heirs.

B. 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. Should the 90-day limitation period end on any day other than the last day of the month, interest will accrue through the last day of the preceding month. If the 90-day limitation period ends on the last day of the month, interest accrues for that month. In determining when the 90-day limitation period terminates, the last day of the month is February 28 (February 29 in leap year), the 30th of a 30-day month, or the 31st day of a 31-day month.

**Example. Ninety-Day Rule.** A member has \$355 on deposit (principal plus compounded interest as of June 30, 2009). The member requested repayment of the deposit on October 15, 2009. The member was repaid \$355 plus interest of \$8.88

for the months of July, August, and September (.025 x \$355) or \$363.88. Interest for October 1-15, 1991, was not allowed since the 90-day limitation period ended on October 12, 2009 (a day other than the last day of the month).

510209. Withdrawal of Deposits - Emergency

Withdrawals may be made in an emergency only when the health or welfare of a member or [the member's](#) dependent(s) would be jeopardized if the withdrawal [was](#) not granted. Emergency withdrawals may be authorized by the member's commanding officer.

510210. Withdrawal of Deposits - Members in a Missing Status

Withdrawals may be made when directed by the Secretary of the Military Department concerned when deemed in the best interest of the member, the member's dependent(s), or the U.S. Government.

510211. Discharge While Eligible to Make Deposits

Members eligible to make deposits, [who](#) are discharged [in order to](#) immediately reenlist or [extend their](#) enlistments, or are discharged to accept a commission, may not withdraw [their](#) deposits.

510212. 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.

510213. Automatic Refund

Accounts will accrue interest no more than 90 days after a member leaves [an SDP](#) area. Members should withdraw [all](#) funds after the 90-day period. If no withdrawal is made within 120 days after the qualifying duty terminates, the Defense Finance and Accounting Service will automatically transfer the funds to the military pay account of the [SDP](#) account owner.

510214. Application to Indebtedness or Forfeiture

Savings deposits and accrued interest are exempt from collection for members' debts, including debts owed to the U.S. Government or its agencies, except for levies issued by the Internal Revenue Service ([IRS](#)). Deposits are not subject to forfeiture by sentence of a court-martial and are not forfeited by desertion.

## 510215. Liability of Disbursing Officers

A disbursing officer who fails to process a deposit properly into [the Savings Deposit Fund account](#) is liable for the amount of the deposit, plus interest, from the effective date of the deposit to date of withdrawal or repayment.

**\*5103 TSP GUIDELINES**

TSP is a Government-sponsored retirement savings and investment plan operated by the Federal Retirement Thrift Investment Board (FRTIB). Members of the Uniformed Services participating in TSP will be governed by statutes and regulations applicable to TSP as set forth by the FRTIB and the IRS. Specific TSP rules for BRS members are discussed in section 5104. Specific TSP rules for members not under BRS are discussed in section 5105. The TSP guidelines under this section apply to both BRS members and members not under BRS.

## 510301. Contributions

A. A member may make traditional or Roth TSP contributions. Traditional TSP offers tax deferral advantages similar to those offered to employees by private corporations under 401(k) plans. The Roth TSP option offers a member the option of making after-tax contributions.

B. All TSP contributions, traditional or Roth, must be made through payroll deduction.

C. A member may choose to stop contributing to TSP at any time. Any change is effective at the end of the pay period in which that election is accepted by the member's servicing activity. If basic pay contributions are terminated, TSP deductions for bonuses, incentive pays, or special pays will also be terminated with the same effective date.

D. A member may choose the percentage of basic pay to contribute. A member's contribution election may be limited by the priority of pay deductions set forth in Chapter 52.

E. In order for a member to contribute bonuses, incentive pays, or special pays to TSP, the member must also be contributing a minimum of 1 percent of the member's basic pay or inactive duty pay. See Figure 51-1.

## 510302. Contribution Limits

A. Annual Elective Deferral Contribution Limit. Total annual elective deferral contributions, for both Roth and traditional may not exceed the annual limits set forth by the IRS in accordance with [Title 26, United States Code \(U.S.C.\), section 402\(g\)](#). The annual limits are available on the [TSP](#) website.

B. TSP Contributions in a CZ Tax Exclusion (CZTE) Area

1. Roth Contributions. Roth contributions to the TSP are limited to the annual elective contribution deferral limit even if the member is contributing from pay earned in a CZTE Area. See TSP website for annual limits.

2. Traditional Contributions. A member serving in a CZTE area who reaches the annual elective deferral contribution limit may still elect to make traditional contributions from their tax-excludable pay to their TSP fund, which will count against the annual additions limit for the tax year.

3. Annual Additions CZ Limit. Total contributions, including agency (1 percent) contributions, agency matching contributions and individual contributions, for members serving in a CZ may not exceed the annual addition limit set forth by the IRS pursuant to 26 U.S.C. § 415(g). See TSP website for annual limits.

4. Agency Automatic (1 percent) Contributions and Agency Matching Contributions (BRS Participants Only). Agency automatic (1 percent) contributions and agency matching contributions do not count against the annual elective deferral contribution limit, but both agency automatic (1 percent) and agency matching contributions count against the annual additions limit. A member not serving in a CZ who has met the total annual individual elective deferral contribution limit will continue to receive agency automatic (1 percent) contributions. For a member serving in a CZ, all contributions must stop when the total amount of individual and agency contributions reaches the annual additions limit.

510303. TSP Funds

A. Choice of TSP Funds. A member may indicate his or her choice of TSP Funds for the investment of deposits to TSP by making a contribution allocation among the TSP Funds at any time. A BRS Opt-In Member may maintain his or her previous contribution allocation to TSP Funds, but the BRS Opt-In Member is ultimately responsible for ensuring TSP contributions are being properly allocated under BRS.

B. Default Allocation

1. BRS Members

a. New Accessions. All newly enrolled Uniformed Services TSP members first enrolled in the TSP on or after January 1, 2018, and covered by BRS will have their TSP contributions invested in an age-appropriate Lifecycle Fund (L Fund) until they make a contribution allocation with the TSP.

b. BRS Opt-In Members. Members who were enrolled in the TSP prior to January 1, 2018 and who do not have a contribution allocation in effect at the time of the election, will have all deposits made after the date of such election invested in the age-



appropriate TSP Lifecycle Fund. Deposits made prior to the date of the election will retain their previous contribution allocations.

c. BRS Members Who Reenter Service On or After January 1, 2018. A BRS Member who reenters service on or after January 1, 2018, who:

1. Has \$0.00 balances in their TSP accounts from their previous period of service, will have their TSP contributions invested in an age-appropriate L Fund;

2. Has an existing TSP account with a balance greater than \$0.00, will retain the last contribution allocation on file with the TSP; or

3. Has no contribution allocation on file, and who reenters service with a positive account balance will have their future TSP contributions invested in an age-appropriate L Fund.

2. TSP for Members Not Under BRS. If the member does not opt into BRS or was not auto-enrolled in BRS, the default investment fund will remain the Government Securities Fund (G Fund).

NOTE: Members may change the member's investment elections by contacting TSP.

#### 510304. Default Traditional Individual Contributions

A member's individual contributions to TSP are treated by default as traditional tax-deferred contributions. A member may elect to designate all or part of his or her individual contributions as Roth. Agency automatic (1 percent) contributions and agency matching contributions are always tax-deferred traditional contributions.

#### 510305. Roth TSP

Members may elect to contribute to a Roth TSP account instead of, or in addition to, a traditional TSP account. Any member eligible to contribute to a traditional TSP account may also contribute to a Roth TSP account. However, traditional TSP contributions will be deducted before Roth TSP if there is a conflict in regard to which contribution has priority.

A. Payroll Deductions. Roth TSP contributions are taken after-tax. However, members serving in a CZ, or in direct support of a CZ, may contribute tax-exempt pay to the member's Roth TSP account. In the same manner as with the traditional TSP account, payroll deductions will begin the first full pay period after the service accepts the Thrift Savings Plan Election (TSP-U-1). Roth TSP contributions must be made through payroll deductions. Lump-sum contributions for bonuses, incentive pays, or special pays are permitted only through payroll deductions.

\* B. Maximum Contribution Limits. The same maximum contribution limits that apply to traditional TSP also apply to Roth TSP. If a member elects to contribute to both traditional TSP and Roth TSP, the maximum contribution limits apply to the combined accounts, not to each account separately. See the [TSP website for contribution limits](#).

#### 510306. TSP Loan Program

A member may apply for a TSP loan or hardship withdrawal in accordance with TSP regulations and guidance. Information on loans and hardship withdrawals may be found on the [TSP website](#).

#### 510307. Catch-Up Contributions

A. General. A TSP participant age 50 years or older may make catch-up contributions to both Roth and traditional TSP accounts. Contributions must be made from basic pay. The amount of the catch-up cannot exceed the annual limit established by the IRS. A member must self-certify on the [Thrift Savings Plan Catch-Up Contribution Election Form \(TSP-U-1-C\)](#) that the member expects to contribute the annual IRS limit to the TSP or other eligible employer plans. If a member elects to contribute catch-up contributions to both Roth TSP and traditional TSP, the maximum catch-up contribution limits apply to the combined accounts, not to each account separately. See the [TSP website for the IRS catch-up contribution limits](#).

B. Catch-up Contributions and CZTE. Members may not make traditional catch-up contributions from pay subject to CZTE. However, members may make Roth catch-up contributions from pay subject to CZTE.

#### 510308. Make-Up Contributions

Make-up contributions are individual contributions that should have been deducted from a member's basic pay, inactive duty pay, bonuses, incentive pays, or special pays; or agency contributions that should have been charged to the agency on an earlier date, but were not deducted or charged and, consequently, are being deducted or charged currently.

A. Make-up Contributions and CZTE. If, while the member was in a CZTE area, contributions were not deducted that should have been deducted, the member may be able to make up those contributions in accordance with FRTIB regulations. If make-up contributions are made when the member is no longer subject to the CZTE, the contributions will be tax-deferred, but not tax-free. No CZTE tax-free contributions may be made from taxable pay.

B. Payroll Deductions. Make-up contributions from basic pay, bonuses, incentive pays, or special pays are permitted only through payroll deductions

#### 510309. Breakage (Lost TSP Earnings) Due to Agency Error

A. Detailed Information on Breakage. Breakage is the loss incurred or the gain realized on makeup or late contributions. It is the difference between the value of the shares of

the applicable investment fund(s) that would have been purchased had the contribution been made on the “as of” date and the value of the shares of the same investment fund(s) on the date the contribution is posted to the account. For detailed information concerning the breakage, refer to TSP regulations in [Title 5, Code of Federal Regulations \(CFR\), part 1605](#) or TSP Bulletins. TSP bulletins are available on the [TSP Agency/Service Representatives](#) page on the TSP website.

B. Conditions. If a member receives [earnings](#) from which member contributions should have been deducted, but as a result of agency error, all or any part of those deductions were not made, even if the member makes up those member contributions, the belated member contributions will not require payment of breakage, [except under the following circumstances](#).

1. Delayed or Erroneous Contributions When Member Received [Earnings](#)

a. If a member receives [earnings](#), but as a result of an agency error all or any part of the agency matching contribution associated with the [earnings](#) are not timely received by the TSP record keeper, the agency belated contributions will be subject to breakage.

b. If a member receives [earnings](#) where contributions were properly deducted but, as a result of an agency error, all or any part of the associated agency matching contributions were not timely received by the TSP record keeper, the belated contributions will be subject to breakage.

c. If a member receives [earnings](#) where contributions were properly deducted but, as a result of an agency error all or any part of those member contributions were not timely received by the TSP record keeper, the belated contributions will be subject to breakage.

2. Agency Delay in Basic Pay, Special Pay, Incentive Pay, and Bonus. Where, as the result of an agency error, a member does not timely receive all or any part of pay to which entitled, all such belated member contributions and agency matching contributions will be subject to breakage.

3. Late Payroll Submissions. All contributions contained in a payroll submission received by the TSP record keeper more than one pay period after the pay date associated with that payroll submission will be subject to breakage.

4. Loan Allotments. Loan allotments deducted from the member's pay but not timely received by the TSP record keeper due to agency error will be subject to breakage.

C. Minimum Dollar Amount. Breakage on loan allotments and late contributions will be calculated by the TSP system only for those contributions and loan allotments that are \$1 or more.

D. Agency Responsibility. The employing agency [that caused the error, or](#) late or erroneous investment of money in the TSP is responsible for payment of any breakage resulting

from that error. The paying office that submitted payment records or loan allotments that are subject to breakage is also responsible for submitting the appropriate payment records relating to those submissions. The amount of breakage that is calculated will be charged to the TSP [Deposit Fund Account](#) of the submitting paying office. Where another employing agency caused the late or erroneous submission by the submitting paying office, the paying office that was charged for the amount of breakage calculated should seek reimbursement from the other employing agency.

\* E. [Member Election](#). Agency error does not result when TSP contributions are made pursuant to a member's election, but the member then subsequently elects not to continue/start contributions.

#### 510310. Member Transfers

A. When members transfer between components or branches of the Uniformed Services, [the member's](#) TSP contributions may be continued. The member must notify [the member's](#) gaining servicing organization of [his or her](#) existing TSP contribution election in order to continue TSP contributions and/or loan repayments without interruption.

B. If a member separates from the service and rejoins after a break in service of 31 days or more, the member may sign up immediately to contribute to TSP.

C. If a member separates from the service and rejoins after a break in service of less than 31 days, and the member had been contributing to TSP, contributions to TSP will resume the first pay period after rejoining the service.

D. A member of the Uniformed Service who is also a [federal civilian employee](#) may contribute under both programs to the TSP. The [annual](#) contribution limitations in subparagraph 510301.F apply to the combined accounts and not to each account separately.

#### \*5104. TSP FOR BRS MEMBERS

##### 510401. Eligibility

A. This section describes policy related to TSP changes under the BRS. The BRS is effective January 1, 2018. The Deputy Secretary of Defense memorandum, "Implementation of the Blended Retirement System," dated January 27, 2017, and Volume 7B, provide comprehensive policy and guidance regarding retirement under the BRS.

B. A member, defined in this section, applies to both Auto-Enrolled and Opt-In Members.

1. [Auto-Enrolled BRS Member](#). A member who is enrolled in BRS by virtue of the member's Date of Initial Entry into Military Service (commonly referred to as DIEMS) on or after January 1, 2018.

2. BRS Opt-In Member. A member who elected to enroll in BRS in accordance with procedures outlined in the Deputy Secretary of Defense Memo, dated January 27, 2017.

510402. Participation and Initial TSP Contribution

The Secretary concerned will establish a TSP account, if one does not already exist, for both Auto-Enrolled BRS Members and BRS Opt-In Members. The initial individual and agency contributions to TSP will occur no later than as specified in accordance with subparagraphs 510402.A. and B.

A. Auto-Enrolled BRS Members. Contributions will begin the pay period following the member's 60th day of service as calculated from Pay Entry Base Date (PEBD).

B. BRS Opt-In Members. Contributions will begin the pay period that begins on or after the date of the member's election to enroll in BRS. When an election is made on the first day of the month, which is the first day of the pay period, initial individual and agency contributions will be in effect for that month.

Example. BRS Opt-In Member submits election on January 1st. The member will receive matching and individual contributions for the January pay period. A member who elects any other day of the January pay period will have contributions begin for the February pay period.

510403. BRS Opt-In Member Individual TSP Contribution

A. Prior Participation in TSP and Carry Over. If a BRS Opt-In Member previously contributed to TSP, the balance of any prior TSP contributions will carry over following enrollment in BRS. Individual TSP contributions made prior to BRS will not be matched.

B. Contribution Election as a BRS Opt-In Member. BRS Opt-In Members will not be automatically enrolled in TSP. BRS Opt-In Members must affirm their prior contribution election or make a new contribution election. A BRS Opt-In Member may contribute to TSP at the individual contribution percentage or dollar amount the member elects at the time of enrollment in BRS. A contribution election may be changed any time in accordance with TSP regulations.

510404. Auto-Enrolled BRS Member Individual TSP Contribution

A. Default Contribution. Auto-Enrolled BRS Members will be automatically enrolled in TSP with an individual contribution election of 3 percent of the member's monthly basic pay or inactive duty pay. This amount will be contributed to the member's TSP account beginning with the first pay period following the member's 60<sup>th</sup> day of service as calculated from the PEBD.

B. Contribution Changes. Auto-Enrolled BRS Members may change the individual TSP contribution amount at any time before or after the initial deduction. All members

must follow regulations prescribed by the IRS and the FRTIB when requesting a refund or changing the amount of individual contributions.

C. Annual Re-Enrollment in TSP for Auto-Enrolled BRS Members

1. Annual Re-Enrollment Requirement. Annual TSP re-enrollment, or “annual re-enrollment,” is required for any Auto-Enrolled BRS Member who has stopped his or her automatic TSP contribution by reducing the individual contribution to 0 percent or \$0 per pay period. If an Auto-Enrolled BRS Member has stopped TSP contributions and the member’s individual contribution from his or her pay in the final full pay period of the year is 0 percent or \$0, the member will be re-enrolled in TSP on January 1 of the following calendar year. The re-enrollment individual contribution rate will be 3 percent of the member’s basic pay. The individual contribution will be deducted in the first full pay period of the year of re-enrollment.

2. Exception. This provision does not apply if the member’s individual contribution is at a percentage or amount greater than zero, but whose contributions may have stopped during the previous year because the member reached the maximum annual contribution limit allowed under IRS regulations.

D. Non-Contribution Periods. Auto-Enrolled Members who are in a non-TSP contribution status at the end of a year will not be auto re-enrolled in TSP in January. However, if the member does not resume contributions when eligible to do so, the member will be auto re-enrolled in TSP in January of the following year.

Example. An Auto-Enrolled BRS Member takes a hardship withdrawal in November 2018. The member should not be re-enrolled in TSP in January 2019 because the member may not contribute to TSP for a period of 6 months after the hardship withdrawal is processed. The member may restart contributions again in May 2019 (6 months after the hardship withdrawal is processed). If the member does not elect to restart TSP contributions by the final pay period of 2019, he or she must be auto re-enrolled in January 2020.

E. No Expiration of Annual Re-Enrollment. Annual re-enrollment in accordance with paragraph 510404 will occur each year of a member’s career in which the criteria are met.

F. Deadline for Declining Annual Re-Enrollment. A member may decline the annual re-enrollment described in paragraph 510404 for the following year no earlier than December 1<sup>st</sup> of the year in which the member is determined to be subject to annual re-enrollment.

510405. Agency Contributions for Auto-Enrolled BRS Members

A. Agency Automatic (1 percent) Contributions

1. Start Date. Commencing with the pay period that begins on or after the member’s 60<sup>th</sup> day of service, as calculated from the PEBD, the agency will automatically

contribute to that member's TSP account, at no cost to the member and without relation to the amount the member contributes, an amount equal to:

a. The equivalent of 1 percent of basic pay earned by that member during that pay period for active service; or

b. The equivalent of 1 percent of inactive duty pay earned by that member during that pay period for Inactive Duty Training (IDT).

2. End Date. The agency (1 percent) contribution will continue for each pay period in which a member is entitled to receive either basic pay or inactive duty pay, or both, through the end of the pay period during which the member attains 26 years of service, as calculated from the PEBD.

B. Agency Matching Contributions

1. Start Date. Commencing with the pay period that follows a member's completion of 24 months of service, as calculated from the PEBD, the agency will contribute an amount that matches the member's individual contribution to TSP (up to 4 percent) as prescribed in Table 51-3.

2. End Date. No agency matching contributions will be made to a member's TSP account after the pay period during which the member attains 26 years of service, as calculated from the PEBD.

510406. Agency Contributions for BRS Opt-In Members

A. Agency Automatic (1 percent) Contributions

1. Start Date. Commencing with the pay period that begins on or after the date a member opts into BRS, the agency will automatically contribute to that member's TSP account, at no cost to the member and without regard to the amount the member contributes, an amount equal to:

a. The equivalent of 1 percent of basic pay earned by that member during that pay period for active service; or

b. The equivalent of 1 percent of inactive duty pay earned by that member during that pay period for IDT.

2. End Date. The agency (1 percent) contribution will continue for each pay period in which a member receives either basic pay or inactive duty pay, or both, through the end of the pay period during which the member attains 26 years of service, as calculated from the PEBD.

B. Agency Matching Contributions

1. Start Date. Commencing with the pay period that begins on or after the date a member opts into BRS, the agency will contribute an amount that matches the member's individual contribution to TSP (up to 4 percent) in accordance with Table 51-3.

2. End Date. No matching agency contributions will be made to a member's TSP account after the pay period during which the member attains 26 years of service, as calculated from the PEBD.

510407. Vesting of Individual TSP Contributions

Individual contributions made by an Auto-Enrolled BRS Member or a BRS Opt-In Member are immediately vested upon payment to TSP. Subsequent earnings on those contributions are also immediately vested when the earnings accrue.

510408. Vesting of Agency Contributions

The two types of agency contributions to TSP are subject to different vesting rules. The following vesting rules apply to both Auto-Enrolled BRS Members and BRS Opt-In Members:

A. Agency (1 percent) Contributions. The agency automatic (1 percent) contributions described in subparagraphs 510405.A or 510406.A, become fully vested on the first day of the 25th month of service, as calculated from a member's PEBD. Members who separate from a Uniformed Service before this date forfeit the agency automatic (1 percent) contributions and any earnings on those contributions.

B. Agency Matching Contributions. Any agency matching contributions, as described in subparagraphs 510405.B or 510406.B, are fully vested upon receipt in the member's TSP account, regardless of accrued service. Any earnings on the agency matching contributions are immediately vested when they accrue.

510409. Carry-Over of Individual TSP Elections for All BRS Members

A. Reenrollment in TSP After Separation. A member covered under the BRS who separates from a component of the Uniformed Services, and later re-affiliates with any component of a Uniformed Service following a break in service, will be re-enrolled in TSP at an individual contribution of 3 percent of the member's monthly basic pay or 3 percent of inactive duty pay regardless of any previous contribution elections made prior to separation.

B. Start Date for Individual Contributions. A reentrant will be automatically enrolled and the 3 percent individual contribution will begin no later than the first pay period following re-entry.

C. Agency (1 percent) Contributions. A member covered under the BRS who re-enters service after a break in service and who previously qualified for the agency automatic (1



percent) contribution, in subparagraphs 510405.A or 510406.A will resume receiving the agency 1 percent contribution into the member's TSP account no later than the first pay period after re-entry.

D. Agency Matching Contributions. A member covered under the BRS who re-enters service after a break in service and who previously qualified for agency matching contributions in subparagraphs 510405.B or 510406.B will resume receiving agency matching contributions into the member's TSP account concurrent with re-enrollment.

#### 510410. TSP Elections for Transitioning Reserve Component (RC) Members

Members of the RC enrolled in the BRS are considered continuous participants in the BRS while they remain in a paid status. Payroll offices should not submit TSP separation codes for RC members. RC members will not be re-enrolled at the automatic 3 percent individual contribution level each time they transition from a paid status in the Selected Reserve (SELRES) to active duty or from active duty back to a paid status in SELRES. The member's previously-elected TSP contribution levels will carry-over through transitions related to activation and deactivation, unless and until the member elects to modify the member's own contribution level. Loan payments, if any, will also carry through. Such RC members are subject to annual auto re-enrollment as set out in paragraph 510404.

#### 510411. BRS Erroneous Enrollment and TSP

BRS enrollment will be voided for any member who is found to be ineligible to be enrolled or to elect to enroll in BRS under the provisions outlined in the Deputy Secretary of Defense Memo, dated January 27, 2017. Such members will be placed under the correct retirement system upon discovery of the error. Any erroneous agency TSP contributions made to the member's TSP account will be subject to correction in accordance with FRTIB regulations.

#### 510412. Hardship Extension of Enrollment Periods and TSP

If an agency concerned extends the BRS period in accordance with the guidance on hardship extensions of enrollment periods in Service regulations and in accordance with Public Law 114-92, this will not allow for retroactive TSP contributions.

### \*5105. TSP FOR MEMBERS NOT UNDER BRS

#### 510501. Participation

Any member of the Uniformed Services, not enrolled in BRS as prescribed in section 5104, may elect to participate in TSP. A member choosing to participate in TSP is required to contribute at least 1 percent of the member's basic pay or inactive duty pay. Members participating, not under BRS, are not eligible for agency automatic and matching contributions. These members, otherwise, remain subject to the contribution limits outlined in section 5103.

NOTE: In order for a member to contribute bonuses, incentive pays, or special pays to TSP, the

member must also be contributing a minimum of 1 percent of the member's basic pay or inactive duty pay.

510502. Start Date

The payroll deduction for individual TSP contributions will commence the first full pay period after the Service concerned accepts the Thrift Savings Plan Election Form (TSP-U-1).

\*Figure 51-1. Pay Entitlements Available For TSP Contributions

<b>Bonuses</b>	<b>Chapter, section, paragraph, or subparagraph</b>
*Accession Bonus for Health Professions	*0503
*Accession Bonus (Officer)	*0303
Active Duty Enlisted Members Enlistment, Reenlistment, and Retention Bonuses: -- Bonus for Transfer between Military Services; -- Bonus for Transfer between Components of a Military Service -- Critical Skill Retention Bonus; -- Enlistment Bonus; -- Prior Service Enlistment Bonus; -- Military Occupation Specialty Conversion Bonus; and -- Selective Retention Bonus	09
Aviation Bonus	20
Bonus Program for the Individual Ready Reserve and Inactive National Guard	61
*Career Status Bonus/Continuation Pay	66
*Critical Wartime Skills Accession Bonus	*0504
Foreign Language Proficiency Bonus	19
*Incentive for Qualified Members Extending Duty at Designated Locations Overseas	14
*Nuclear Career Accession Bonus	*03
Nuclear Officer Accession Bonus	*03
*Nuclear Officer Continuation Bonus	*03
*Ready Reserve Accession, Affiliation, Enlistment, And Retention Bonuses: - Officer Accession and Affiliation Bonus; - Enlistment Bonus; - Enlisted Affiliation Bonus; - Military Occupation Specialty Conversion Bonus; - Prior Service Enlistment Bonus; - Selective Retention Bonus; - Transfer between Components of a Military Service Bonus; and - Transfer between Military Services Bonus.	56
*Retention Bonus (Health Professions)	*0507
*Retention Bonus (Officer)	*0305
*RC Affiliation Bonus	*0304
*Transfer Bonus (Officer)	*0306

Figure 51-1. Pay Entitlements Available For TSP Contributions (Continued)

	Chapter, section, paragraph, or subparagraph
<b>Incentive Pays</b>	
Assignment Incentive Pay	15
Aviation Incentive Pays (AvIP): -- AvIP for Aviators in Operational Flying Duty or Proficiency Flying Duty Positions; -- AvIP for Aviators not in Operational Flying Duty or Proficiency Flying Duty Positions; -- Critical Skill Incentive Pay; and -- Hazardous Duty Incentive Pay for Flying	22
*Board Certification Pay	*0505
Hazardous Duty Incentive Pays: -- Chemical Munitions Duty; -- Dangerous Viruses (or Bacteria) Lab Duty; -- Demolition Duty; -- Experimental Stress Duty; -- Flight Deck Duty; -- Maritime Visit, Board, Search and Seizure; -- Parachute Duty; -- Polar Region Flight Operations Duty; -- Toxic Fuels (or Propellants) Duty; and -- Toxic Pesticides	24
*Incentive Pay (Health Professions)	*0506
Submarine Duty	23

	Chapter, section, paragraph, or subparagraph
<b>Special Pays</b>	
Career Sea Pay	18
Career Sea Pay Premium	18
Combat-Related Injury Rehabilitation Pay	13
*Command Pay	*0308
Designated Unit Pay	580208
Diving Duty Pay	11
Hardship Duty Pay	17
Hostile Fire or Imminent Danger Pay	10
Nuclear Career Annual Incentive Pay	*030703
Prototype Shift Engineer Incentive Pay	*030704
*Special Duty Assignment Pay	*08
Weapons of Mass Destruction Civil Support Team Pay	*570405

Table 51-1. Savings Deposits, Special Determinations on Accrual of Interest

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>
	<b>When an eligible member has a saving deposit account in effect and the member</b>	<b>And</b>	<b>then interest</b>
<b>1</b>	was in a deserter status	is returned to military control	accrues to the end of the month before the month the member entered a deserter status and resumes the first of the month after the month the member returns to military control (note 1).
<b>2</b>	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).
<b>3</b>	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.
<b>4</b>	does not request repayment after termination of eligibility to make deposits	within 90 days is again entitled to make deposits	continuously accrues.
<b>5</b>	is in a missing status	the Secretary of the Military Department concerned (or designee) directs repayment of total amount of deposit	accrues to the end of the month in which repayment is directed.
<b>6</b>		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.
<b>7</b>	goes on official TDY or TAD away from the SDP authorized duty assignment or SDP authorized area for a period of 90 days or more		accrues for the first 90 days of TDY or TAD, but not after 90 days (note 4).

Table 51-1. Savings Deposits, Special Determinations On Accrual Of Interest (Continued)

**NOTES:**

1. Interest does not accrue on deposits during the period a member is in a desertion status.
2. Interest will be computed and retroactively credited.
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 SDP authorized duty assignment or the authorized SDP area.

Table 51-2. Savings Deposits, Conditions under Which Deposits, Plus Interest Are Repaid

<b>R</b>	<b>A</b>	<b>B</b>
<b>U</b>	<b>When an eligible member has a savings deposit</b>	<b>then all deposits, plus interest</b>
<b>E</b>	<b>account and the member</b>	<b>will be repaid upon</b>
<b>1</b>	permanently departs the authorized SDP area or has departed the authorized area for more than 90 days	the member's request after departure from the SDP authorized duty assignment or the SDP authorized location. If no request is received after 120 days from the departure from the authorized SDP area, all deposits, plus interest will be automatically repaid to the member.
<b>2</b>	is discharged or separated overseas (not for reentry into the Military Service)	discharge or separation from the Military Service or not to exceed 90 days thereafter.
<b>3</b>	is in a missing status	direction of the Secretary concerned or designee.
<b>4</b>	dies	settlement of member's unpaid pay and allowances as provided in Chapter 36 (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 a member's SDP authorized duty assignment terminates, whichever is earlier. See Table 51-1, Rule 6, for death cases where a missing status is involved.

\*Table 51-3. Automatic and Matching Contributions

<b>Individual Contributions</b>	<b>Agency Automatic Contribution (Note)</b>	<b>Agency Matching Contribution (Note)</b>	<b>Total TSP Monthly Contribution</b>
0%	1%	0%	1%
1%	1%	1%	3%
2%	1%	2%	5%
3%	1%	3%	7%
4%	1%	3.5%	8.5%
5%	1%	4%	10%

## Note:

The rules for agency automatic contributions and agency matching contributions differ between Auto-Enrolled and Opt-In Members. Specific rules are located in paragraphs 510405 and 510406.



## \*REFERENCES

## CHAPTER 51 – SAVINGS PROGRAMS

## 5102 – SDP

- \* 510201 10 U.S.C. § 1035(a)  
Assistant Secretary of Defense Manpower and Reserve  
Affairs Memo, April 28, 2016
- 510204 10 U.S.C. § 1035(e)
- 510213 Office of the Under Secretary of Defense Comptroller  
Memo, April 16, 2008

## \*5103 – TSP GUIDELINES

- 510302 Deputy Secretary of Defense Memo, January 27, 2017  
5 U.S.C. §§ 8432b-8441  
IRS Notice 2018-83  
Treasury Regulation 1.402(g)-1
- 510302.B.3 & 4 26 CFR 1.415(c)-1(b)
- 510303 5 CFR 1600.14
- 510305 5 U.S.C. § 8432d
- \* 510307 26 U.S.C. § 402(g)  
5 CFR 1600.23(e) and (f)
- 510309 5 U.S.C. 8432a  
5 CFR 1605

## \*5104 – TSP FOR BRS MEMBERS

- Deputy Secretary of Defense Memo, January 27, 2017
- 5 U.S.C. §§ 8432b-8441

## \*5105 – TSP FOR MEMBERS NOT UNDER BRS

- 5 U.S.C. §§ 8432b-8441

## \*Table 51-3 – Automatic and Matching Contributions

- Deputy Secretary of Defense Memo, January 27, 2017

**VOLUME 7A, CHAPTER 52: “PRIORITY OF PAY DEDUCTIONS AND COLLECTIONS”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **February 2018** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
520102	Updated the “Authoritative Guidance” paragraph to comply with current administrative instructions.	Revision
References	Renamed “Bibliography” to “References.”	Revision

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## CHAPTER 52

**PRIORITY OF PAY DEDUCTIONS AND COLLECTIONS**

## 5201 GENERAL

## 520101. Purpose

This chapter guides military service central site pay operations and field military finance/disbursing offices, henceforth referred to as “finance offices”, concerning the sequence order for processing deductions and debt collections from a member’s military pay entitlements when the member does not have sufficient pay. Finance offices must review a member’s military pay entitlements to determine if the member has sufficient pay to offset all deductions and debt collections. If a member does not have enough pay, Table 52-1, Priority of Deductions and Collections, states which deduction/collection will collect first from the current pay. If a member has voluntary deductions for Thrift Savings Plan (TSP) contributions and/or discretionary allotments that prevent the finance office from collecting debts due the United States, or to other entities listed in Table 52-1, the finance office has the authority to stop those voluntary deductions and process the debt collection. The finance office will notify the member that he/she has 30 days to voluntarily change, their TSP contribution, or discretionary allotment amounts. If they fail to make the changes, the finance office will initiate stoppages and specify when the changes will appear on the member’s military pay account. These actions will not substitute for, but may be included in, any indebtedness notification required by Volume 16.

## \*520102. Authoritative Guidance

The pay policies and requirements established by the DoD in this chapter are derived primarily from, and prepared in accordance with the United States Code (U.S.C.), including Titles 5, 10, 11, 26, 31, 37, 38 and 42. Due to the subject matter in this chapter, the list of authoritative sources is extensive. The specific statutes, regulations, and other applicable guidance that govern each individual section are listed in a reference section at the end of the chapter.

Table 52-1. Priority of Deductions and Collections

<b>R U L E</b>	<b>When the amounts due to a member are not enough to cover authorized deductions or collections, collect applicable amounts shown in the following sequence:</b>	
<b>1</b>	Reduction of pay entitlement	Losses of pay entitlement take precedence over all items for deduction or collection: <ul style="list-style-type: none"> <li>a. Forfeiture (note 1)</li> <li>b. Reduction for educational benefit under the "Montgomery G.I. Bill" (note 1)</li> </ul>
<b>2</b>	Reimbursement to the United States	Collected amounts for deposit to the credit of the U.S. Treasury, in the following order: <ul style="list-style-type: none"> <li>a. Federal Insurance Contribution Act tax</li> <li>b. Deductions for Armed Forces Retirement Homes</li> <li>c. Federal Income Tax Withholding (this includes any amounts voluntarily authorized by member in excess of the minimum withholding required)</li> <li>d. Deductions for Servicemembers' Group Life Insurance (SGLI), Family SGLI, and Traumatic SGLI</li> </ul>
<b>3</b>	State income tax withholding	
<b>4</b>	Involuntary repayment of indebtedness to the United States	<ul style="list-style-type: none"> <li>a. Routine pay adjustment as referenced in Volume 16, Chapter 3, subparagraph 030306.D</li> <li>b. Repayment of advances of pay/allowances or advances of travel</li> <li>c. Other collections (overpayments of pay or allowances outside the scope of a routine pay adjustment)</li> <li>d. Repayment of public funds entrusted to an accountable member or funds obtained by any member through fraud, larceny, embezzlement, or other unlawful means</li> <li>e. Clothing allowance charges</li> <li>f. Transportation charges</li> <li>g. Subsistence charges</li> <li>h. Government property lost or damaged (note 2)</li> <li>i. Telephone or telegraph charges</li> <li>j. Damage to assigned housing due to negligence or abuse</li> <li>k. Indebtedness to a Commissary, DoD contracted Military Banking Facility overseas, or other appropriated fund activity for an uncollectable check or defaulted loan</li> <li>l. Unpaid hospital bills for medical services furnished to a dependent</li> <li>m. Compensation or stipend payments received by a medical officer from state, county, municipal, or privately owned hospitals for medical services</li> <li>n. Jury duty fees received by a member</li> <li>o. Amounts due to other Uniformed Services or departments or agencies outside DoD, including court judgments</li> </ul>
<b>5</b>	Garnishment for alimony and child support payments	

Table 52-1. Priority of Deductions and Collections (Continued)

<b>R U L E</b>	<b>When the amounts due to a member are not enough to cover authorized deductions or collections, collect applicable amounts shown in the following sequence:</b>	
<b>6</b>	Statutorily-required child and spousal support allotments	
<b>7</b>	Reimbursement to individuals and agencies	Remittances to an individual or agency by disbursing officer making deductions as follows: a. Deductions for rental of premises occupied by dependents b. Deduction for payment for damages to private property
<b>8</b>	Court-ordered bankruptcy payments under Chapter 13 of the revised Bankruptcy Act	(note 3)
<b>9</b>	Indebtedness to a nonappropriated fund activity	
<b>10</b>	Amounts due Service relief society (Army Emergency Relief, Air Force Aid Society, Navy-Marine Corps Relief Society, or Coast Guard Mutual Assistance) only at final separation	
<b>11</b>	Voluntary repayment of indebtedness to the United States	In order specified by the Military Service member (note 4)
<b>12</b>	Involuntary allotment for commercial debts	(note 5)
<b>13</b>	TSP	Payments to TSP in the following order: a. TSP loan repayments b. TSP catch-up deductions c. TSP deductions d. Roth TSP deductions

Table 52-1. Priority of Deductions and Collections (Continued)

<b>R U L E</b>	<b>When the amounts due to a member are not enough to cover authorized deductions or collections, collect applicable amounts shown in the following sequence:</b>	
<b>14</b>	Allotments	Payments made to an allottee by the United States will 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 U.S. Savings bonds e. Donation to charity drives f. Other discretionary allotments (note 5)
<b>15</b>	Internal Revenue Service paper levy for delinquent Federal income taxes	(See Chapter 44, section 4403 and Table 52-1, note 5)
<b>16</b>	Court-Martial fines	

**NOTES:**

1. Gross pay to which the Military Service member would otherwise be entitled must be reduced by the monthly amount of the forfeiture or educational benefit under the Montgomery G.I. Bill. The forfeiture or educational benefit is subtracted to determine a new, reduced monthly 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 Volume 16, Chapter 3, Table 3-3, Rule 5.
3. In cases where the U.S. Bankruptcy Court has mandated that a sum be deducted monthly, the court order will be followed as prescribed in Military Service regulations. The order of precedence in Table 52-1 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, then the tax levy should be collected before either allotment.

## \*REFERENCES

## CHAPTER 52 – PRIORITY OF PAY DEDUCTIONS AND COLLECTIONS

Table 52-1

Rule 1(a)	36 Comptroller General 79
Rule 1(b)	38 U.S.C. section 3011(b)(3)
Rule 2(a)	26 U.S.C. §§ 3102, 3121
Rule 2(b)	37 U.S.C. § 1007(i)
Rule 2(c)	26 U.S.C. § 3402
Rule 2(d)	38 U.S.C. § 1969
Rule 3	5 U.S.C. § 5517
Rule 4	37 U.S.C. § 1007(c) 5 U.S.C. § 5514 31 U.S.C. § 3716
Rule 4(n)	5 U.S.C. § 5537
Rule 5	42 U.S.C. § 659
Rule 6	42 U.S.C. § 665
Rule 7(b)	10 U.S.C. § 939
Rule 8	11 U.S.C. § 1325(c)
Rule 9	37 U.S.C. § 1007(c)
Rule 13	5 U.S.C. § 5520a DoD Instruction 1344.9, December 8, 2008
Rule 14	37 U.S.C. §§ 701, 703, 704, 706 5 U.S.C. § 8432d
Rule 15	26 U.S.C. §§ 6331, 6334





**VOLUME 7A, CHAPTER 54: “TRICARE DENTAL PROGRAM”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [bold, italic, blue, and underlined font](#).

The previous version dated [February 2016](#) is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated formatting and hyperlinks to comply with current administrative guidance.	Revision
540101	Updated paragraph to reflect “United Concordia Companies, Inc.” as the current Tricare Dental Program administrator.	Revision
540208	Updated paragraph with hyperlink to premium rates.	Revision
Bibliography	Updated statutes and references.	Revision

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## CHAPTER 54

TRICARE DENTAL PROGRAM

## 5401 GENERAL

## \*540101. Purpose

The TRICARE Dental Program (TDP), administered by [United Concordia Companies, Inc.](#), is a worldwide dental care plan offered to eligible beneficiaries by the Department of Defense through the [Defense Health Agency](#).

## 540102. Authoritative Guidance

The bibliography at the end of this chapter lists the authoritative references.

## 5402 TDP

## 540201. Enrollment Eligibility

The TDP is a voluntary dental plan available to eligible family members of all Active Duty Uniformed Service personnel and to Selected Reserve (SELRES) and Individual Ready Reserve (IRR) members and/or their eligible family members. To be eligible for the TDP, the sponsor must have at least 12 months remaining on his or her [Service](#) commitment with the parent Service at the time of enrollment. Individuals eligible to enroll in the TDP include the following:

A. SELRES and IRR [Service](#) members; and

B. Family members of active duty, SELRES, and IRR [Service](#) members. This includes spouses and unmarried children (including stepchildren, adopted children, and wards) under the age of 21. Family members will be eligible up to the end of the month in which they turn 21. Family members may be eligible after 21 if:

1. They are enrolled full-time at an accredited college or university and are more than 50 percent dependent on the sponsor for their financial support. These students are eligible to the end of the month in which they turn age 23. If the student terminates his or her education prior to turning 23, then eligibility ends at the end of the month in which education terminates; or

2. They have a disabling illness or injury that occurred before their 21st birthday or between the ages of 21 and 23 [if](#) enrolled as a full-time student at the time of illness or injury, and they were more than 50 percent dependent on the sponsor for financial support.

## 540202. Individuals Who Are Not Eligible for TDP Coverage

Active duty Service members are not eligible for the TDP. In addition, former spouses, parents, parents-in-laws, disabled veterans, foreign military personnel, Service members in the Transitional Assistance Management Program following activation for a contingency operation, and retirees and their families are not eligible for TDP benefits.

## 540203. Enrollment Period

All new enrollees must remain enrolled in the TDP for at least 12 months. Enrollment may continue on a month-to-month basis after completing the 12-month minimum enrollment lock-in period. Anyone who fails to pay premiums or disenrolls for other than a valid disenrollment reason is prohibited from reenrolling in the program for 12 months.

## 540204. Enrollment Form

The sponsor must initiate enrollment by completing a TDP Enrollment Form. If the sponsor is not available to complete and sign the form, an individual with a Power of Attorney (POA) can initiate enrollment, provided the POA allows the individual to enter into contracts. TDP Enrollment Forms are available at the local military dental treatment facility, TRICARE Service Center, Health Benefits Advisor/installation point of contact, or on [TRICARE Dental](#).

## 540205. Effective Date of Coverage

In most cases, coverage is effective the first day of the month after the month in which the TDP contractor receives the completed form and 1 month's premium payment. TDP Enrollment Forms must be received by the 20th of the month for coverage to begin on the first day of the next month. For applications received after the 20th of the month, coverage will not become effective until the first day of the second month.

## 540206. Disenrollment

New enrollees must remain enrolled in the TDP for a minimum of 12 months. Anyone who fails to pay premiums during the 12-month lock-in period or disenrolls for other than valid reasons, will be locked-out of the program for 12 months. The following are valid reasons for disenrolling from the TDP prior to completion of the mandatory 12-month enrollment:

A. When a sponsor or family member loses Defense Enrollment Eligibility Reporting System (commonly referred to as DEERS) eligibility due to death, divorce, marriage of a child, end of entitlement, or when a family member reaches age 21 (or 23 if enrolled full-time at an accredited college or university);

B. When TDP-enrolled members relocate outside the continental United States service area, the Service members may elect (within 90 calendar days of the relocation) to disenroll their family members and/or themselves from the TDP;

C. When an active duty member transfers with enrolled family members to a duty station where space-available dental care for the enrolled members is readily available at the local Uniformed Service dental treatment facility, the active duty member may elect (within 90 days of the transfer) to disenroll his/her family members from the TDP; or

D. When an active duty, SELRES or IRR member is transferred to the Standby Reserve or Retired Reserve.

540207. Other Disenrollment Situations

The TDP contractor will notify the sponsor of the disenrollment and explain the enrollment/disenrollment options and any associated premium changes and time limitations for the following situations:

A. If one member in a marriage of two Service members leaves the Uniformed Services and has family members assigned to him, then the family members can be reenrolled to the other Service member without incurring a new 12-month lock-in period;

B. When an Active Component member transfers to the Reserve Component (SELRES, Guard/Reserves on active duty, or IRR), the enrolled family members are disenrolled from the TDP;

C. When a member of the Reserve Component transfers to an Active Component, the enrolled member, and/or family members are disenrolled from the TDP;

D. When the sponsor changes from one branch of service to another;

E. When a member of the SELRES or IRR (Special Mobilization Category) changes status to IRR (other than Special Mobilization Category), the enrolled member, and/or family members are disenrolled from their current plan and automatically reenrolled into the appropriate plan. The reenrolled member/family members may elect to disenroll from the TDP if desired; or

F. When a member of the SELRES or IRR is called to active duty for more than 30 consecutive days, the member is disenrolled effective on the first day of the active duty orders. Enrolled family members remain enrolled in the current TDP plan until the last day of the month in which the sponsor changes status. Family members are automatically reenrolled in the program as active duty family members with the lower premium rate under the existing lock-in period.

\*540208. Premium Amounts

The TDP premium rate period runs from May 1 through April 30 of each year. Premium rates are available at [TRICARE Dental Costs](#).

## 540209. Premium Billing Allotments

If the member has a payroll account, and there are sufficient funds available at the time of collection, then the Government will collect the member's share of the premium, in advance, through a Uniformed Service finance office, or on the TRICARE Dental website under the "Monthly Premiums" section, "Ongoing Recurring Payments" paragraph. Members must verify monthly that the correct dental allotment appears on their Leave and Earnings Statement.

## 540210. Direct Billing Process

If there are insufficient funds or no payroll account is available at the time of collection, then the member must pay the premium costs by means of direct billing. When this occurs, premium collection will transfer, from the Uniformed Service finance office or site payroll allotment, to direct billing by the TDP contractor. Once the TDP contractor direct bills, this payment process will continue, until the member requests the TDP contractor to restart the payroll allotment. The TDP contractor will immediately direct bill for premiums due from IRR Service members and from SELRES and IRR family members.

\*BIBLIOGRAPHY

CHAPTER 54 – TRICARE DENTAL PROGRAM (TDP)

5401 – GENERAL

\* [540101](#) TDP Benefit Booklet, [May 2017](#)

5402 – TDP

[Title 10, United States Code, section 1076a](#)



**VOLUME 7A, CHAPTER 55: “RESERVE INCOME REPLACEMENT PROGRAM”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **July 2017** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
550201 550202 550205	Removed obsolete definitions and renumbered subsequent paragraphs accordingly.	Deletion
550302	Clarified the current eligibility.	Revision
550503	Updated the termination of payment date to reflect the amendment to Title 37, United States Code, section 910(g) and moved it to the “Duration of Authority” table on the Defense Finance and Accounting Service website (DFAS.MIL). Added a hyperlink to the table.	Revision
References	Renamed “Bibliography” to “References” and updated statutes and supporting references.	Revision

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## CHAPTER 55

**RESERVE INCOME REPLACEMENT PROGRAM**

## 5501 GENERAL

## 550101. Purpose

This chapter establishes policy pertaining to the Reserve Income Replacement Program (RIRP) for members of the Reserve Components (RC) as defined in Volume 7A Definitions.

## 550102. Authoritative Guidance

[The authoritative references are listed at the end of this chapter.](#)

## 5502 DEFINITIONS

[550201.](#) Involuntary Active Duty

For the purposes of this chapter, involuntary active duty is defined as an order to duty under Title 10, United States Code (U.S.C.), sections [688](#), [12301\(a\)](#), [12301\(g\)](#), [12302](#), [12304](#), [12304a](#), [12304b](#), or [14 U.S.C. § 3713](#) without the consent of the member, or is defined as an order to full-time National Guard duty under 10 U.S.C. § [251](#), [252](#), [12406](#), or [32 U.S.C. § 502\(f\)\(1\)](#) without the consent of the member.

[550202.](#) Monthly Active Duty Income Differential

This differential is the difference between the average monthly civilian income of the member and the member's total monthly military compensation (TMMC), when the member's average monthly civilian income exceeds the TMMC.

[550203.](#) TMMC

The TMMC is the amount computed on a monthly basis, using the member's [regular military compensation](#) and the amount of any special pays, incentive pays, and allowances (not included in [regular military compensation](#)) that are paid on a monthly basis (e.g., Foreign Language Proficiency annual bonus that may be paid in monthly installments). Bonuses paid in a lump sum or anniversary installments, such as enlistments, reenlistment, and affiliation bonuses, will not be included in the TMMC. Cost of living allowances will be included in [the](#) TMMC. Per Diem, to include meals and incidental expenses, will not be included in [the](#) TMMC.

## 5503 RIRP ELIGIBILITY

## 550301. Eligibility

An RC member currently serving on involuntary active duty is eligible for RIRP payments for any entire month of involuntary active duty (referred to in this chapter as a “service month”) that is served after the member completes the requisite eligibility period and for which the member realizes a monthly active duty income differential.

\*550302. Eligibility

A member of a reserve component is entitled to a payment under this section for any full month of active duty of the member, when the total monthly military compensation of the member is less than the average monthly civilian income of the member, while the member is on active duty under an involuntary mobilization order, following the date on which the member:

A. Completes 547 continuous days of service on active duty under an involuntary mobilization order;

B. Completes 730 cumulative days on active duty under an involuntary mobilization order during the previous 1,826 days; or

C. Is involuntarily mobilized for service on active duty for a period of 180 days or more within 180 days after the date of the member's separation from a previous period of active duty for a period of 180 days or more.

Example: If continuous service on active duty began on February 1, 2016, the 547 days to establish eligibility would end at midnight on July 31, 2017. The member would meet the eligibility requirement for RIRP on August 1, 2017, and would be entitled to RIRP payment on September 1, 2017, for the month of August 2017, if the member serves on active duty for the entire month of August.

550303. RIRP Entitlement

Payment for RIRP is based on each full month of active duty following the date on which the member meets the eligibility criteria in paragraph 550302. RIRP payments are based on full months of service only. Partial payments are not authorized. Changes in pay grade, longevity, number of dependents, and special pays will be taken into account in calculating the RIRP payment in the month following the change.

550304. Special Conditions

Effective January 29, 2008, the entitlement of an RC member to a RIRP payment will commence, or if previously commenced, will continue if the member satisfies the required number of days on active duty specified in paragraph 550302, or is, following an involuntarily mobilization, retained on active duty under 10 U.S.C. § 12301(h)(1)(A) or (B) because of an injury or illness incurred, or aggravated while assigned to duty in an area for which special pay under [37 U.S.C. § 310](#) is available.

## 5504 RESTRICTIONS

A civilian employee of the Federal Government who is also a member of an RC is not entitled to a payment of RIRP for any period for which the employee is entitled to a civilian pay differential payment under [5 U.S.C. § 5538](#) or Volume 8, Chapter 3, paragraph 030509; or a comparable civilian pay benefit under an administratively established program for civilian employees absent from a position of employment with the Federal Government in order to perform active duty in the Uniformed Services.

## 5505 PAYMENT

## 550501. Frequency

After an RC member has completed the requisite eligibility period, the member is entitled to RIRP payment on the first day of the calendar month after performing a preceding full calendar month of involuntary active duty service. See the example in subparagraph 550302.A.1.

## 550502. Limitation

A member who realizes a monthly active duty income differential greater than \$50 is entitled to RIRP. The maximum RIRP payment will not exceed \$3,000 per month.

## \*550503. Termination of Payment

Payment will terminate when one of the conditions in Table 55-1 is met. Unless authorized by Congress, authorization to RIRP will terminate after the date on the [Duration of Authority table](#). No payments will be made after the termination date unless the member's entitlement to RIRP commenced prior to that date.

## 5506 TAXABILITY

## 550601. Federal and State Tax Deduction

RIRP payments are subject to federal and state income tax withholding.

## 550602. Federal Insurance Contribution Act (FICA)

RIRP payments are not subject to FICA withholding.

Table 55-1. Date to Terminate RIRP Payment

<b>DATE TO TERMINATE RIRP PAYMENT</b>		
<b>R</b>	<b>A</b>	<b>B</b>
<b>U</b>		
<b>L</b>		
<b>E</b>	When the	then RIRP payment is terminated
<b>1</b>	member is released from a qualifying period of active duty	effective the last full month of service. A partial month is not pro-rated.
<b>2</b>	member no longer meets eligibility requirements due to changes in <a href="#">the TMMC</a>	
<b>3</b>	member's monthly active duty income differential decreases to \$50 or less due to changes in current military compensation	
<b>4</b>	member's orders change his or her duty status from involuntary to voluntary	

**\*REFERENCES****CHAPTER 55 – RESERVE INCOME REPLACEMENT PROGRAM**

## 5501 – GENERAL

Department of Defense Instruction (DoDI) 1241.05

May 15, 2018

37 U.S.C. § 910

550101

37 U.S.C. § 101(24)

## 5502 – DEFINITIONS

DoDI 1241.05

550201

10 U.S.C. §§ 251, 252, 688, 12301(a), 12301(g), 12302,  
12304a, 12304b, 12406

14 U.S.C. § 3713

32 U.S.C. § 502(f)(1)

550202

37 U.S.C. § 910(b)

550203

DoDI 1241.05

## 5503 – RIRP ELIGIBILITY

37 U.S.C. § 910(b)

DoDI 1241.05

## 5504 – RESTRICTIONS

37 U.S.C. § 910(b)(3)

5 U.S.C. § 5538

## 5505 – PAYMENT

550502

37 U.S.C. § 910(c)

DoDI 1241.05

\* 550503

37 U.S.C. § 910(g)

**VOLUME 7A, CHAPTER 56: “READY RESERVE (RR) ACCESSION,  
AFFILIATION, ENLISTMENT, AND RETENTION BONUSES”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **November 2016** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated formatting to comply with current administrative instructions.	Revision
560201 560202	Defined the paragraphs in accordance with Department of Defense Instruction (DoDI) 1304.34, July 11, 2016.	Revision
5603	Removed section on “Critically Short Wartime Health Specialist In The SELRES” as this bonus is now included in Chapter 5, section 0504; renumbered the subsequent sections accordingly.	Deletion
560304 560404 560506 560706 560805 560904 561004	Extended “Duration of Authority” to December 31, 2017, per Public Law 114-328, section 614(1), December 23, 2016.	Revision
560502	Defined the “Limitations” paragraph in accordance with DoDI 1304.31.	Revision
560601	Defined the paragraph in accordance with DoDI 1304.31.	Revision
5607	Defined the section in accordance with DoDI 1304.31.	Revision
560702.H 560704.A	Defined the subparagraphs in accordance with DoDI 1304.31.	Revision
560801 560801.A 560801.B	Defined the paragraph and subparagraphs in accordance with DoDI 1304.31.	Revision
Bibliography	Updated statutes and references.	Revision



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## CHAPTER 56

**READY RESERVE (RR) ACCESSION, AFFILIATION, ENLISTMENT, AND RETENTION BONUSES**

## 5601 GENERAL

## 560101. Purpose

The purpose of this chapter is to provide policy guidance pertaining to the accession, affiliation, enlistment, and retention bonuses for members of the RR.

## 560102. Authoritative Guidance

The bibliography at the end of this chapter lists the authoritative references.

## 5602 OFFICER ACCESSION AND AFFILIATION BONUS

## \*560201. Officer Accession Bonus

\* A. Conditions of Entitlement. Pursuant to Title 37, United States Code (U.S.C.), section 332(a)(1), and implemented by Department of Defense (DoD) Instruction (DoDI) 1304.34, July 11, 2016, the Secretary concerned may pay an accession bonus to an eligible officer who enters into an agreement with the Secretary:

1. To accept an appointment as an officer in the **Armed Forces**; and
2. To serve in the Selected Reserve (SELRES) of the RR in a designated skill for the period specified in the agreement.

B. Skills Designation. The Secretary will designate the officer skills to which the bonus authority is to be applied. A skill may be designated if it is critical to increase the number of members accessed who are qualified in that skill or are to be trained in that skill, or to mitigate a current or projected significant shortage of personnel who are qualified in that skill.

## \*560202. Officer Affiliation Bonus

\* A. Conditions of Entitlement. In accordance with 37 U.S.C. § 332(a)(2) and DoDI 1304.34, the Secretary may pay an affiliation bonus to an eligible officer in any of the **Armed Forces** who enters into an agreement with the Secretary to serve, for the specified period in the agreement, in the SELRES of the RR. The officer must enter into an agreement:

1. To serve in a critical officer skill designated by the Secretary; or
2. To meet a manpower shortage in:

- a. A unit of that SELRES; or
  - b. A particular pay grade in that Armed Force.
- B. Eligibility Criteria. An officer is eligible for an affiliation bonus if the officer either:
1. Is serving on active duty for a period of more than 30 days; or
  2. Is a member of a Reserve Component (RC) not on active duty (if the member formerly served on active duty but was released from active duty under honorable conditions); and
  3. Is not entitled to retired or retainer pay.
- C. Critical Skills Designation. The Secretary concerned will designate the critical officer skills to which the bonus authority is to be applied. A skill may be designated as a critical officer skill if it is critical to have a sufficient number of officers who are qualified in that skill.

560203. Period of Obligated Service

An agreement entered into with the Secretary concerned will require the person entering into that agreement to serve in the SELRES for a specified period. The period specified in the agreement will be any period not less than 3 years that the Secretary determines appropriate to meet the needs of the RC in which the service is to be performed.

560204. Bonus Amounts

- A. The maximum accession bonus may not exceed \$60,000 for a minimum 4-year period of obligated service, nor may it exceed an annual amount of \$15,000.
- B. The maximum affiliation bonus may not exceed \$10,000 for a minimum 3-year service obligation.

560205. Payment

- A. Upon acceptance of a written agreement by the Secretary, the total amount of the bonus payable under the agreement becomes fixed. The agreement will specify whether the bonus is to be paid in one lump sum or installments.
- B. A person entitled to a bonus who is called or ordered to active duty will be paid, during that period of active duty, any amount of the bonus that becomes payable to the member during that period of active duty.

## 560206. Relation to Other Accession Bonus

A person may not receive an affiliation bonus, accession bonus, and financial assistance for the same period of service.

**\*5603 ENLISTMENT BONUS**

The Secretaries concerned may pay a bonus under 37 U.S.C. § 331(a)(2) to encourage a person or member to enlist in the RC or affiliate with the SELRES of an Armed Force. The bonus is authorized when the person enlists in or affiliates with the SELRES and agrees to serve for a specified period of obligated service in a designated skill, unit, or pay grade, or to meet some other condition or conditions imposed by the Secretary concerned.

## 560301. Eligibility

An enlistment bonus is authorized for individuals who enlist in an RC for a specific period and, if applicable, for service in a skill that is experiencing critical personnel shortages as designated by the Secretary concerned. The individual must:

A. Possess a high school diploma, a completion or attendance certificate in lieu of a high school diploma, or a General Educational Development (GED) program certificate;

B. Be an initial enlistee, a prior Service enlistee, or a reservist not on active duty who enlists in the RC of an Armed Force, as defined in subparagraphs 560301.B.1 and 2.

1. Initial/Non-prior Service Enlistee. An Initial or Non-prior Service Enlistee is a person who has either never served or has served, but was released from such service before completing the basic training requirements of the Service of which the person was a member and the service was characterized as either honorable or uncharacterized.

2. Prior Service Enlistee. A Prior Service Enlistee is a person who has prior experience but has not previously received an enlistment or retention bonus, or who currently is not entitled to a Selective Retention Bonus (SRB) under section 5607;

C. Enlist for at least 2 years in an RC of an Armed Force and serve for a specified period of obligated service in at least one of the following categories:

1. A designated skill;
2. Career field;
3. Unit; or
4. Grade;

- D. Execute a written agreement with the Secretary concerned that specifies the:
1. Amount of the bonus;
  2. Method of bonus payment;
  3. Period of obligated service; and
  4. Designated skill or specialty, career field, unit, or grade, or such other condition or conditions of service imposed by the Secretary concerned;
- E. Not be in receipt of an enlistment bonus, a retention bonus, an affiliation bonus, or a transfer bonus for the same period of service;
- F. Not have previously received or be eligible to receive an SRB under section 5607 or a Critical Skills Retention Bonus (CSRB);
- G. Successfully complete training and become technically qualified in a designated skill if completion of such training and technical qualification forms the basis under which the bonus is paid; and
- H. Meet any additional service specific eligibility criteria and quality standards established by the Secretary concerned.

NOTE: Reservists currently obligated to Military Service under the delayed entry program are not eligible for an enlistment bonus from another Military Service.

560302. Amount

The bonus amount to be paid will:

- A. Be fixed upon acceptance of the agreement by the Secretary concerned;
- B. Be paid in a lump sum or in periodic installments; and
- C. Not exceed \$20,000 for a minimum 2-year period of obligated service for an enlistment described in paragraph 560301.

560303. Repayment

A member who enters into an agreement and receives all or part of the bonus under the agreement, but who does not commence to serve in the SELRES or does not satisfactorily participate in the SELRES for the total period of service specified in the agreement, will be subject to the repayment provisions of 37 U.S.C. § 373 and the DoD FMR Volume 7A, Chapter 2.

\*560304. Duration of Authority

Unless authorized by the Congress, no agreement under this section may be entered into after [December 31, 2017](#).

5604 ENLISTED AFFILIATION BONUS

560401. Eligibility

The Secretary concerned may pay an affiliation bonus to an enlisted member who:

A. Is currently serving on active duty or has served on active duty and is discharged or released under honorable conditions;

B. Has less than 20 years of total [uniformed](#) service;

C. Provides the original [DoD \(DD\) Form 214, Certificate of Release or Discharge from Active Duty](#) (copy 1 or copy 4), or a reproduction with a certified true-copy stamp and the appropriate Federal Government authenticating seal imprinted thereon for each period of prior military service;

D. Executes an agreement to serve as an enlisted member in the SELRES of the RR of an [Armed Force](#) for a period of not less than 2 years as specified in [subparagraph 560301.B, in a](#):

1. Skill;

2. Unit; or

3. Pay grade designated after being discharged or released from active duty under honorable conditions;

E. Executes a written agreement with the Secretary concerned that specifies the:

1. Amount of the bonus;

2. Method of bonus payment;

3. Period of obligated service; and

4. Designated skill or specialty, career field, unit, or grade, or such other condition or conditions of service imposed by the Secretary concerned;

F. Is not in receipt of an enlistment, retention, or transfer bonus for the same period of time as an affiliation bonus; and

G. Has not previously received an affiliation bonus in the SELRES.

560402. Amount

The bonus amount to be paid will:

A. Be fixed upon acceptance of the agreement by the Secretary concerned;

B. Be paid in a lump sum or in periodic installments; and

C. Not exceed \$20,000 for a minimum 2-year period of obligated service for an affiliation described in paragraph 560401.

560403. Repayment

A member who enters into an agreement and receives all or part of the bonus under the agreement, but who does not commence to serve in the SELRES or does not satisfactorily participate in the SELRES for the total period of service specified in the agreement, will be subject to the repayment provisions of 37 U.S.C. § 373 and the DoD FMR Volume 7A, Chapter 2.

\*560404. Duration of Authority

Unless authorized by the Congress, no agreement under this section may be entered into after December 31, 2017.

## 5605 PRIOR SERVICE ENLISTMENT BONUS

560501. Eligibility

The Secretary concerned may pay an individual with prior military service who reenlists in an RC of an Armed Force after a break in reserve duty. The individual must:

A. Enlist in an RC of an Armed Force;

B. Reenlist for a period of at least 2 years or extend the initial period of obligated service;

C. Execute a written agreement with the Secretary concerned to serve as an enlisted member in an RC that specifies the:

1. Amount of the bonus;

2. Method of bonus payment;

3. Period of obligated service; and



4. Designated skill or specialty, career field, unit, or grade, or such other condition or conditions of service imposed by the Secretary concerned;

D. Agree to serve for a specified period in at least one of the following reenlistment or extension categories:

1. A designated skill;
2. Career field;
3. Unit; or
4. Grade;

E. Successfully complete training or retraining and become technically qualified in a designated military skill, when additional training is required;

F. Provide the original DD 214 (copy 1 or copy 4), or a reproduction of the DD 214 with a certified true copy stamp and the appropriate Federal Government authenticating seal imprinted thereon for any period of prior [uniformed](#) service, or other official documentation verifying member's satisfactory participation for all periods of prior service in the Regular Component;

G. Qualify under any additional eligibility criteria prescribed by the Secretary concerned;

H. Possess a high school diploma, a completion or attendance certificate in lieu of a high school diploma, or a GED program certificate; and

I. Be an initial enlistee, a prior Service enlistee, or a reservist not on active duty who enlists in a SELRES of [an Armed Force](#) in [subparagraph 560501.B](#).

[\\*560502](#). Limitations

A member may not be paid a Prior Service Enlistment Bonus if he/she:

A. Has previously received an enlistment bonus;

\* B. Has previously received or is currently entitled to an SRB per [DoDI 1304.31](#) or a CSRB under [37 U.S.C. § 355](#);

C. Has more than 16 years of total [uniformed](#) service [and received a less than honorable discharge at the conclusion of any of the prior periods of service](#);

D. Was released or is being released from active duty for the purpose of enlistment in [an RC](#);

E. Is not projected to occupy a position for which the member previously served successfully and has completed training or retraining in the critical specialty for the position;

F. Does not execute an agreement to serve in the SELRES of the RR for a period of not less than 2 years as specified in subparagraph 560501.D; or

G. Fails to provide the original DD 214 as specified in subparagraph 560501.F.

560503. Amount

The bonus amount to be paid will:

A. Be fixed upon acceptance of the agreement by the Secretary concerned; and

B. Not exceed \$40,000.

560504. Method of Payment

A. The Secretary concerned must establish the method of payment for the bonus (lump sum or periodic installments). Payment should be disbursed based on training milestones, amounts, and length of enlistment. The Secretary concerned must not pay a person or member any portion of the bonus prior to completion of basic recruit training.

B. Members with prior **uniformed** service who do not require formal training to be technically qualified in the skill for which the bonus is being paid will receive their first installment no earlier than 30 days after arrival at the first permanent duty station following entry on active duty.

560505. Repayment

A member who **receives all or part of the bonus under the agreement**, who does not complete the term of enlistment or who is not technically qualified in the skill for which the bonus was paid, will be subject to the repayment provisions of **37 U.S.C. § 373 and the DoD FMR Volume 7A, Chapter 2**.

\*560506. Duration of Authority

Unless authorized by the Congress, no agreement under this section may be entered into after **December 31, 2017**.

## 5606 NONAVAILABILITY

## \*560601. RR

Members of the RR who incur a period of authorized [absence](#) (such as temporary overseas residence, missionary obligation, or overseas employment obligation) will have their incentive suspended, [and](#) will not be entitled to incentive payments. [The period of authorized absence may be up to 1 year for valid personal reasons as determined by the Secretary concerned.](#) If subsequently assigned to the Reserve status and skill that they had previously contracted for, members may be reinstated in the incentive program if they extend their term of service, or service [obligation](#), to be able to serve the full original incentive contract period. Entitlement to subsequent payments will resume on the adjusted anniversary date of satisfactory and creditable Reserve Service, as appropriate. The date will be adjusted for periods of [authorized absence](#). Failure to meet reinstatement criteria will result in termination of the incentive and recoupment, as appropriate.

## 560602. SELRES

Members of the SELRES may incur a period of authorized [absence](#) of up to 1 year for valid personal reasons as determined by the Secretary concerned. These members will be:

A. Transferred to the Individual [RR](#) or the Inactive National Guard, as appropriate, during the period of [authorized absence](#), and will be suspended from their incentive. During the period of [authorized absence](#), the member will not be entitled to subsequent incentive payments or any incentives available to members of the RR, not in the SELRES; and

B. If, within 1 year, members are subsequently reassigned to a SELRES skill or unit type that they had previously contracted for, then the members may be reinstated in the incentives program if they extend their term of service, or contract for service, to be able to serve the full original incentive contract period. Entitlement to subsequent payments will resume on the adjusted anniversary date of satisfactory creditable SELRES service. The date will be adjusted for that period of [authorized absence](#). Failure to meet reinstatement criteria will result in termination of the incentive and recoupment, as appropriate.

## \*5607 SRB

[An SRB authorized under 37 U.S.C. § 331\(a\)\(3\) and implemented in DoDI 1304.31, provides a monetary incentive that may be offered to retain adequate numbers of qualified enlisted personnel in certain reenlistment categories. The bonus may be used to obtain the reenlistment or voluntary extension of an enlistment in exchange for a member's agreement to serve for a specified period.](#)

## 560701. Eligibility

[The Secretary concerned may pay an SRB to a person, including a member of the Armed Forces who reenlists in a Military Service for a specific period and, if applicable, for service in a](#)

military skill that is experiencing critical personnel shortages as designated by the Secretary concerned. The individual must:

- A. Serve in pay grade E-3 or higher;
- B. Reenlist for a period of at least 3 years or voluntarily extend an enlistment for a period of at least 1 year in an active status [in the SELRES in a Military Service](#);
- C. Execute a written agreement with the Secretary concerned that specifies the:
  1. Amount of the bonus;
  2. Method of bonus payment (lump sum amount or periodic installments);
  3. Period of obligated service; and
  4. Designated skill or specialty, career field, unit, or grade, or such other condition or conditions of service imposed by the Secretary concerned;
- D. Agree to serve for a specified period in at least one of the following reenlistment or extension categories:
  1. A designated military skill;
  2. Career field;
  3. Unit; or
  4. Grade;
- E. Meet skill qualification prior to payment of [an SRB](#) for a member transferring into a designated skill; and
- F. Qualify under any additional eligibility criteria prescribed by the Secretary concerned.

[\\*560702](#). Limitations

- A. A re-entry or reenlistment must occur no later than 3 months after the date of discharge or release from active duty.
- B. Veterans with more than a 3-month but less than a 4-year break in active status may qualify for [reentry after a break in service](#) or prior service reentry, [subject to the regulations](#) prescribed by the Secretary concerned.

C. The original DD 214 (copy 1 or copy 4), a reproduction of the DD 214 with a certified true-copy stamp and appropriate Federal Government authenticating seal imprinted thereon, or other official documentation verifying the member's satisfactory participation for all periods of prior service in the active component and SELRES are acceptable documentation of prior active duty service for a break in active duty service greater than 24 hours.

D. **Individuals** with prior enlisted service and subsequent service as officers who were discharged or released from active duty and who, within 3 months after discharge or release from active duty as an officer, reenlist in the same RC of a **uniformed** service in which they previously served as an enlisted member may be eligible for an SRB. The individual must meet all other requirements established in paragraph 560701.

E. Members who reenlist or voluntarily extend an enlistment to gain sufficient obligated service to participate in a program leading to commissioned or warrant officer status are not eligible for an SRB.

F. A member is not eligible for an SRB if the member was discharged or released from active duty, or service in an active status based upon a determination of misconduct, substandard duty performance, or moral or professional dereliction.

G. Generally, a member may not use any preexisting period of obligated service to satisfy an obligated service requirement under an SRB agreement, unless such service is determined by the Secretary concerned to be consistent with the requirements of 37 U.S.C. § 371.

1. A preexisting period of obligated service is necessary for the member to qualify for continuous submarine duty incentive pay and is service for which no bonus was previously authorized or payable.

2. A preexisting period of obligated service includes no more than a 2-year period of an unserved voluntary extension of enlistment for which no bonus was previously authorized or payable, and the member agrees to an additional 2-year period of obligated service in connection with an SRB.

\* H. An SRB may not be paid to an enlisted member who has completed more than 20 years of active duty or service in an active status, or who will complete a total of 24 years of service before the end of the period of active duty or active status for which the bonus is offered. The Deputy Assistant Secretary of Defense for Military Personnel Policy may waive this restriction based upon a request and justification submitted by the Secretary concerned.

560703. Amount

An SRB may not exceed \$10,000 for each year of obligated service in an RC. The maximum amount for an SRB is \$40,000.

A. The Secretary concerned must determine the amount of an SRB based on a business case model that targets retention of adequate levels of enlisted personnel in a reenlistment or extension category.

B. RC members may receive more than one SRB at a time, but the total combined SRB payments over a career must not exceed \$80,000.

C. SRB amounts may be prorated for extension requests greater than 1 year and reenlistments greater than 3 years. The additional service time will be calculated on a monthly basis at a rate equal to 1/12th the annual amount. Total bonus amounts are limited to \$40,000 per SRB and \$80,000 over a career.

\*560704. Method of Payment

An SRB may be paid either in installments or in a lump sum. If an SRB is paid in periodic installments:

\* A. The installment amount will be at the discretion of the Secretary concerned and may be paid at the time of reenlistment, or at the beginning of the member's service commitment for the voluntary extension of enlistment. All payments must be made before the member completes a total of 24 years of service.

B. The initial payment to a Service member who reenlists after a break in active duty service greater than 24 hours is to be made no earlier than 30 days after arrival at the first permanent duty station following reenlistment.

C. Where there is lost time, the subsequent installment payments will be delayed by the number of days of lost time.

D. Discharge for the purpose of immediate reenlistment does not affect a member's entitlement to subsequent SRB installment payments.

560705. Repayment

A member who does not complete the term of enlistment within the element of the SELRES for which the bonus was paid to the member under this section will be subject to the repayment provisions of 37 U.S.C. § 373 and the DoD FMR Volume 7A, Chapter 2.

\*560706. Duration of Authority

Unless authorized by the Congress, no agreement under this section may be entered into after December 31, 2017.

## 5608 MILITARY OCCUPATIONAL SPECIALTY (MOS) CONVERSION BONUS

## \*560801. Eligibility

Consistent with 37 U.S.C. § 331 the, Secretaries concerned may pay a conversion bonus to a member who agrees to convert to a designated military skill in which there is a shortage of trained and qualified personnel and to serve for a period of not less than 3 years on active duty, or in an active status in the SELRES in that military skill or specialty. In addition to other enlisted bonus program eligibility requirements specified in DoDI 1304.31, a member must:

\* A. Be serving in a pay grade E-6 or below with no more than 12 years of service as computed in accordance with 37 U.S.C. § 205;

\* B. Have completed all service obligations incurred for receipt of an enlistment or retention bonus, in accordance with 37 U.S.C. §§ 331 or 355 for a CSRB at the time of conversion.

## 560802. Amount

The bonus payment will not exceed \$4,000 for a reenlistment or conversion that involves an agreement to convert to a designated military skill.

## 560803. Payment

The bonus may be payable in a lump sum, upon approval and completion of the conversion training.

## 560804. Repayment

A member who does not convert and complete the period of service in the MOS specified in the agreement will be subject to the repayment provisions of 37 U.S.C. § 373 and the DoD FMR Volume 7A, Chapter 2.

## \*560805. Duration of Authority

Unless authorized by the Congress, no agreement under this section may be entered into after December 31, 2017.

## 5609 TRANSFER BETWEEN COMPONENTS OF A MILITARY SERVICE BONUS

## 560901. Eligibility

The Secretary concerned may pay a bonus in accordance with 37 U.S.C. § 331(a)(4) to an enlisted member who agrees to transfer from the Regular Component to the RR or vice versa of the same service. The member must:

- A. Execute a written agreement with the Secretary concerned that specifies the:
1. Amount of the bonus;
  2. Method of bonus payment (lump sum amount or periodic installments);
  3. Period of obligated service; and
  4. Designated military skill or specialty, career field, unit, or grade, or such other condition or conditions of service imposed by the Secretary concerned;
- B. Agree to serve for a specified period in at least one of the following reenlistment or extension categories:
1. A designated skill;
  2. Career field;
  3. Unit; or
  4. Grade;
- C. Not be in receipt of an enlistment bonus, retention bonus, an affiliation bonus, or a transfer bonus for the same period of service;
- D. Satisfactorily complete all terms of enlistment within their current component; and
- E. Qualify for reenlistment in the Regular Component or RC of the [Armed Force](#) to which the member is transferring.

**560902. Amount and Method of Payment**

The Secretary concerned must establish the method of payment for the bonus (lump sum or periodic installments). The bonus [amount](#) may not exceed \$10,000 and [is](#) payable upon approval of the Secretary concerned.

**560903. Repayment**

A member who does not complete the terms of the transfer bonus or who is not technically qualified in the skill for which the bonus was paid will be subject to the repayment provisions of [37 U.S.C. § 373](#) and the [DoD FMR Volume 7A](#), Chapter 2.



\*560904. Duration of Authority

Unless authorized by the Congress, no agreement under this section may be entered into after [December 31, 2017](#).

5610 TRANSFER BETWEEN MILITARY SERVICES BONUS

561001. Eligibility

The Secretary [concerned](#) may pay a bonus [in accordance with 37 U.S.C. § 331\(a\)\(5\)](#) to an enlisted member who agrees to transfer and serve in another [uniformed service](#) for a specified period in a designated skill, career field, unit, or grade, or to meet some other condition or conditions imposed by the Secretary [concerned](#). The member must:

- A. Execute a written agreement with the Secretary [concerned](#) that specifies the:
  1. Amount of the bonus;
  2. Method of bonus payment;
  3. Period of obligated service; and
  4. Designated skill, career field, unit, or grade, or such other condition or conditions of service imposed by the Secretary [concerned](#);
- B. Agree to serve for a specified period in at least one of the following reenlistment or extension categories:
  1. A designated skill;
  2. Career field;
  3. Unit; or
  4. Grade;
- C. Not have failed to satisfactorily complete any term of enlistment in a Military Service;
- D. Qualify for reenlistment in the [Regular](#) Component of the [Armed Force](#) to which the member is transferring;
- E. Prior to the transfer, have fulfilled the requirements established by the Secretary with jurisdiction over the [Armed Force](#) to which the member is transferring; and

F. Not be in receipt of an enlistment bonus, a retention bonus, an affiliation bonus, or a transfer bonus for the same period of service.

561002. Amount and Method of Payment

The Secretary of the gaining [Service](#) may pay the transfer bonus in one \$10,000 lump sum amount upon approval of the transfer by the Secretary [concerned](#). Alternatively, the bonus may be paid in annual installments, the total of which may not exceed \$10,000.

561003. Repayment

A member who does not complete the terms of the transfer bonus or who is not technically qualified in the skill for which the bonus was paid will be subject to the repayment provisions of [37 U.S.C. § 373 and the DoD FMR Volume 7A, Chapter 2](#).

\*561004. Duration of Authority

Unless authorized by the Congress, no agreement under this section may be entered into after [December 31, 2017](#).

## \*BIBLIOGRAPHY

**CHAPTER 56 – READY RESERVE (RR) ACCESSION, AFFILIATION, ENLISTMENT, AND RETENTION BONUSES**

## 5602 – OFFICER ACCESSION AND AFFILIATION BONUS

- \* DoDI 1304.34, July 11, 2016
- \* 560201 37 U.S.C. § 332(a)(1)
- \* 560202 37 U.S.C. § 332(a)(2)
- \* 560204 DoDI 1304.34, July 11, 2016

## 5603 – ENLISTMENT BONUS

- \* DoDI 1304.31, March 12, 2013
- 560401 37 U.S.C. § 331
- \* 560404 Public Law (PL) 114-328, section 614(1),  
December 23, 2016

## 5604 – ENLISTED AFFILIATION BONUS

- 560501 DoDI 1304.31, March 12, 2013
- \* 560504 37 U.S.C. § 331  
PL 114-328, section 614(1), December 23, 2016

## 5605 – PRIOR SERVICE ENLISTMENT BONUS

- 560601 DoDI 1304.31, March 12, 2013
- \* 560606 37 U.S.C. § 331  
PL 114-328, section 614(1), December 23, 2016

## 5606 – NONAVAILABILITY

- \* DoDI 1304.31, March 12, 2013

## 5607 – SRB

- 560801 DoDI 1304.31, March 12, 2013
- \* 560806 37 U.S.C. § 331  
PL 114-328, section 614(1), December 23, 2016

## 5608 – MILITARY OCCUPATIONAL SPECIALTY (MOS) CONVERSION BONUS

- 560901 DoDI 1304.31, March 12, 2013
- \* 560905 37 U.S.C. § 331  
PL 114-328, section 614(1), December 23, 2016

5609 – TRANSFER BETWEEN COMPONENTS OF A MILITARY SERVICE BONUS

		DoDI 1304.31, March 12, 2013
	561001	37 U.S.C. § 331
*	561004	PL 114-328, section 614(1), <a href="#">December 23, 2016</a>

5610 – TRANSFER BETWEEN MILITARY SERVICES BONUS

		DoDI 1304.31, March 12, 2013
	561101	37 U.S.C. § 331
	561104	PL 114-328, section 614(1), <a href="#">December 23, 2016</a>

**VOLUME 7A, CHAPTER 57: “RESERVE ENTITLEMENTS FOR ACTIVE DUTY  
(AD) (NOT EXTENDED)”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [bold, italic, blue, and underlined font](#).

The previous version dated [October 2016](#) is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated hyperlinks and formatting to comply with current administrative instructions.	Revision
570604 570604.A 570604.B 570604.D	Updated and consolidated the previous paragraphs 570604 and 570607 to comply with Title 37, United States Code, section 204 and the Department of Defense Instruction 1241.01. Renumbered subsequent paragraphs.	Revision
References	Renamed “Bibliography” to “References.”	Revision

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## CHAPTER 57

**RESERVE ENTITLEMENTS FOR ACTIVE DUTY (AD) (NOT EXTENDED)**

## 5701 GENERAL

## 570101. Purpose

This chapter establishes the policy guidance pertaining to reserve entitlements for AD (not extended).

## 570102. Authoritative Guidance

[The authoritative references are listed at the end of this chapter.](#)

## 5702 PROVISIONS

## 570201. Entitlements

A. AD With Pay. A member of a Reserve Component (RC) serving on AD 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: The term AD, as used in this chapter includes; AD training, AD for training (ADT), full-time training duty, annual training duty for operational support and attendance while in active service at a school designated as a Service school by law or the Secretary of the Military Department concerned, temporary AD when the pay is chargeable to a Reserve appropriation, or in the case of the National Guard, full-time training, and other full-time duties. It does not mean extended AD (EAD). EAD is defined as AD performed by an RC member when strength accountability passes from the RC to the active military establishment.

B. AD Without Pay. An RC member may, with his or her consent, be ordered to AD without pay when authorized by the Secretary of the Military Department concerned. See section 5705 for entitlement to allowances.

C. Combination AD and Inactive Duty. An RC member may be paid the equivalent total of more than 360 days of pay in a year, when so directed, if this total is based on a combination of AD pay and inactive duty training (IDT) pay.

D. Effective Date of Promotion for Increase in Pay and Allowances, Reserve and National Guard Officers. See Table 57-1.

E. Effective Date of Promotion for Increase in Pay and Allowances, Enlisted Members of the RC. Chapter 1, Table 1-4, rules 8 through 14 apply to these members.



## 570202. Saved Pay

The provisions of Chapter 1, paragraph 010303 apply to RC members.

## 570203. Limitation

An RC member cannot be paid inactive duty pay on any day that he or she is entitled to AD pay.

## 570204. Waiver of Benefits

An RC member 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 a member specifically waives those payments, then the pay and allowances authorized for the duty the member is currently performing.

1. Department of Veterans Affairs (VA) Disability Compensation. A reservist who is entitled to VA disability compensation must waive the equivalent VA compensation for 1 day for each Reserve AD day or each inactive duty period. Thus, the performance of two inactive duty periods in 1 calendar day requires waiver of the equivalent VA compensation for 2 days. These waiver requirements apply for all days in a calendar month.

2. Retired or Retainer Pay. A reservist who is entitled to retired or retainer pay must waive the equivalent of retired or retainer pay for 1 day for each Reserve AD day or inactive duty performance day. Thus, the performance of two inactive duty periods in 1 calendar day requires waiver of the equivalent retired or retainer pay. These waiver requirements apply for all days in a calendar month.

## 570205. Allotments of Pay

Except as prescribed in paragraph 570708, an RC member, not on EAD, may not have pay allotted. Members of the RC serving on AD, ADT, or full-time training duty under competent orders that specify periods of duty of more than 180 days, or upon involuntary recall, are excluded from this restriction when prescribed in Military Service regulations and may allot their pay, even though such pay is chargeable to Reserve or National Guard appropriations. Chapter 34, section 3405 applies should a member enter a missing status, and paragraph 570604 applies should a member incur a disability.

NOTE: Due to the Defense Joint Military Pay System – RC (DJMS-RC) system limitations, members of an RC on DJMS-RC are not able to make allotments from their pay.

## 570206. Leave

An RC member who serves on AD with pay for periods of 30 consecutive days or more accrues leave at the rate of 2.5 calendar days for each month of active service, excluding periods of:

- A. Absence from duty without leave;
- B. Absence over leave; or
- C. Confinement, as a result of a court-martial.

NOTE: The member is entitled to lump-sum settlement of unused accrued leave upon completion of a tour per Table 57-2. When consecutive tours are involved, a member may be reimbursed for unused accrued leave or it may be carried forward, at the member's option, until completion of the final tour. When computing the length of a period of AD, include allowable travel time. See also Chapter 35, paragraphs 350201 and 350202, and procedural instructions of the Military Services concerned. Refer to Tables 35-1 through 35-4 for specific entitlement criteria.

## 570207. Allowable Travel Time for Pay Entitlement Purposes

The provisions of Chapter 1, paragraph 010305 apply to RC members.

## 5703 COMPUTATION OF PAY

## 570301. Annual Salary

The provisions of Chapter 1, paragraph 010302.C apply to RC members.

## 570302. Computation of Monthly Pay

A. AD for 30 Days or More. When a member is ordered to AD for 30 days or more, and a tour of duty starts on the first day or an intermediate day of a calendar month, the member is entitled to pay and allowances through the 30th day. Payment is not authorized for the 31st day of a calendar month. This includes a member who is ordered to AD for less than 30 days and is continued on AD 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 AD, including allowable travel time. See Table 57-2, rules 1 and 2.

B. AD for Less Than 30 Days. A member ordered to AD for less than 30 days is entitled to pay and allowances at 1/30 of the monthly rate for each day actually served, including the 31st day of a calendar month. This includes a member ordered to AD for 30 days or more, but released before performing at least 30 days of AD, including allowable travel time. See Table 57-2, rule 3.

C. AD During February. See Table 57-2, rules 4 through 11.

570303. Absence From Duty

A. AD for Less Than 30 Days. Deduct 1/30 of the monthly rate of pay for each day of unauthorized absence.

B. AD of 30 Days or More. The provisions of Chapter 1, subparagraph 010302.A apply to RC members.

570304. Basic Pay Rates

Reference the [Military Pay Tables](#) for the current monthly rates of basic pay.

#### 5704 SPECIAL AND INCENTIVE PAYS

570401. Entitlement

Members of [the RC](#) on AD are generally entitled to special and incentive pays under the same conditions as members on EAD and members of the [Regular Component](#). For exceptions, see paragraphs 570402 through 570407.

570402. Career Sea Duty and Hardship Duty Pay

For career sea duty and hardship duty pay, the ship or duty station at which a member is performing AD is considered the member's permanent duty station.

570403. Aviation Incentive Pay (AvIP) and Hazardous Duty Incentive Pay (HDIP) for the Performance of Aerial Flights

A. Entitlement. An RC officer is entitled to AvIP (continuous or conditional) while performing AD, as defined in subparagraph 570201.A, when the requirements of Chapter 22, section 2203 have been met. AGR aviators on full-time AD on a career basis will be entitled to AvIP (continuous or conditional) under provisions of Chapter 22 on the same basis as officers on EAD.

B. Excess Flying Time. The excess flying time provisions in Chapter 22, for rated officers, flight surgeons, and rated or designated warrant officers entitled to AvIP, and [for enlisted crewmembers entitled to Critical Skill Incentive Pay](#), apply to an RC member only if on continuous AD for a period of 30 days or more.

C. Combined Flight Requirements. When a member performs both AD and inactive duty with pay in the same month, designated flying time earned in that month may be combined to satisfy any AvIP or HDIP flight requirements for that month, as defined in Chapter 58, paragraph 580302.

D. Flying Pay for Allowable Travel Time. A member on AD 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 Chapter 22, Table 22-6, Rule 5.

E. Entitlement to AvIP While on ADT for Members Who Perform IDT Without Pay. An officer who performs IDT without pay is entitled to AvIP when performing ADT only if member is considered to be performing aviation service on a career basis.

570404. Parachute Duty Pay

Parachute jumps performed during periods of ADT or during IDT periods, if performed per Chapter 24, section 2403, 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 IDT status.

570405. Weapons of Mass Destruction Civil Support Team Pay

When determined necessary to address recruitment and retention concerns, the Secretary of the Military Department concerned may pay up to \$150 per month in special pay to RC members assigned to Weapons of Mass Destruction Civil Support Teams. In order to be eligible for Weapons of Mass Destruction Civil Support Team pay, a member must be:

- A. Entitled to basic pay for full-time duty in the National Guard;
- B. Fully qualified for Weapons of Mass Destruction Civil Support Team operations; and
- C. Serving on an approved AD tour in excess of 139 days in the Department of Defense (DoD) designated and certified Weapons of Mass Destruction Civil Support Team position.

570406. Foreign Language Proficiency Bonus

An officer or enlisted member on ADT is entitled to Foreign Language Proficiency Bonus if otherwise entitled under Chapter 19.

570407. Assignment Incentive Pay (AIP)

An RC member may be authorized to receive AIP. See Chapter 15 for current programs.

5705 ALLOWANCES

570501. Basic Allowance for Subsistence (BAS)

A. Entitlement – AD With Pay. An RC member ordered to AD with pay is entitled to BAS as prescribed in Chapter 25.

B. Entitlement – AD Without Pay. An RC member ordered to AD without pay is entitled to subsistence in kind or commutation thereof. When a member is ordered to AD without pay and allowances, no payment is authorized.

1. If commutation of subsistence in kind is authorized, then the commutation will be paid at the rate of BAS specified in Chapter 25 that is applicable to the situation.

2. If a military technician (dual status) is performing AD outside the United States without pay while on leave from technician employment as authorized under Title 5, United States Code (U.S.C.), section [6323](#), then the Secretary of the Military Department concerned may authorize a per diem allowance in lieu of the commutation for subsistence.

570502. Basic Allowance for Housing (BAH)

The provisions of the [Joint Travel Regulation \(JTR\)](#), Chapter 10 apply to members of the RC.

570503. Family Separation Allowance (FSA)

A. The provisions of Chapter 27 apply to a member of an RC on AD with pay for periods of more than 30 days.

B. An RC member may be entitled to FSA or Family Separation Housing, depending on the length of tour specified in orders and whether or not dependent travel is authorized at government expense under the JTR, Chapter 10 (for example, tour length of over 20 weeks).

570504. Station Allowances Outside the United States

The provisions of the JTR, Chapter 9 apply to members of the RC.

570505. Clothing Monetary Allowances – Enlisted Members

A. AD for Periods of 6 Months or Less. An enlisted member of the RC ordered to AD for 6 months or less is not entitled to a clothing monetary allowance, except as specified in 570505.C and 570505.D.

B. AD for Periods of More Than 6 Months. See Chapter 29 for specific references to enlisted members of the RC ordered to AD for periods of more than 6 months.

C. Initial Cash Allowance for Enlisted Member. An enlisted RC member is entitled to an initial cash allowance for the purchase of items specifically designated by the Secretary of the Military Department concerned to be purchased by the member rather than to be furnished in kind. See Chapter 29, paragraph 290201.

D. Maternity Clothing. Pregnant enlisted women of an RC are entitled to a supplemental maternity clothing allowance in accordance with the provisions of:

1. Army: [Army Regulation 700-84](#), Chapter 4, section 4-9;
2. Navy: Chapter 29, Table 29-5;
3. Air Force: [Air Force Instruction 36-3014](#), and Chapter 29, Table 29-6; and
4. Marine Corps: [Marine Corps Order P10120.28G](#).

570506. Officers' Uniform and Equipment Allowances

See specific references to Reserve officers in Chapter 30.

#### 5706 MISCELLANEOUS PAYMENTS

570601. Advance Pay

A. An RC member in receipt of orders for Permanent Change of Station movement (140 days or more) is entitled to advance pay per Chapter 32, paragraph 320201. Army and Air Force enlistees, with no prior service, may be paid an advance pay under the conditions set forth in Table 32-1, rule 4.

B. A member of an RC, the Fleet Reserve, or military retiree who is mobilized or recalled to AD for any period is entitled to advance pay and allowances per Chapter 32, paragraph 320202.

570602. Payments on Behalf of Mentally Incompetent Members

A. AD (Not for Training). The provisions of Chapter 33 apply to these members.

B. ADT. Except as provided in subparagraphs 570602.B.1 and 570602.B.2, a member of an RC who becomes mentally incompetent while performing ADT has no entitlement to pay and allowances beyond the expiration or termination (whichever is earlier) of the orders that called the member to ADT.

1. A member may qualify for disability pay and allowances under the provisions of paragraph 570604.

2. A member may be entitled to miscellaneous payments resulting from separation (that is, travel allowance and accrued leave).

570603. Pay Entitlement of Members Missing, Missing in Action, Interned, and Payments to Dependents

The provisions of Chapter 34 apply to members of the RC.

\*570604. Incapacitation Pay/Disability Entitlements for RC Service Members

\* A. RC Service Member Unable to Perform Military Duties

1. Entitlement. In accordance with 37 U.S.C. 204(g) and DoD Instruction (DoDI) 1241.01, an RC member is entitled to the pay and allowances (incapacitation pay) provided by law or regulation for a member of a Regular Component of corresponding grade and length of service whenever such member is physically disabled as the result of an injury, illness, or disease incurred or aggravated in the line of duty (LOD) while:

- a. Performing AD;
- b. Performing IDT (other than work or study in connection with a correspondence course of an Armed Force or attendance in an inactive status at an educational institution under the sponsorship of an Armed Force or the Public Health Service);
- c. Traveling directly to or from such duty or training;
- d. Remaining overnight immediately before the commencement of IDT, or while remaining overnight between successive periods of IDT, at or in the vicinity of the site of the IDT;
- e. Serving on funeral honors duty;
- f. Traveling to or from the place at which the funeral honors duty was to be performed; or
- g. Remaining overnight at or in the vicinity of the place at which funeral honors duty was to be performed immediately before serving on such duty, if the place is outside reasonable commuting distance from the member's residence.

## 2. Special Considerations

a. In the case of a member who receives earned income from nonmilitary employment or self-employment performed in any month in which the member is otherwise entitled to pay and allowances under subparagraph 570604.A.1, the total pay and allowances shall be reduced by the amount of such income. In calculating such earned income, income from an income protection plan, vacation pay, or sick leave which the member elects to receive shall be considered.

b. The total amount of pay and allowances (incapacitation pay) for any period may not exceed the amount of pay and allowances provided by law or regulation for a member of a Regular Component of corresponding grade and length of service.

c. Pay and allowances may not be paid for a period of more than 6 months. The Secretary concerned may extend such period in the interest of fairness and equity.

d. A member is not entitled to benefits if the injury, illness, disease, or aggravation of an injury, illness, or disease is the result of the gross negligence or misconduct of the member.

NOTE: Reference Table 57-3 for specific rules regarding disability entitlements for Reserve Forces.

\* B. RC Service Member Able to Perform Military Duties

1. Entitlement. In accordance with 37 U.S.C. 204(h) and DoDI 1241.01, an RC member who is physically able to perform military duties is entitled, upon request, to a portion of the monthly pay and allowances provided by law or regulation for a member of a Regular Component of corresponding grade and length of service for each month for which the member demonstrates a loss of earned income from nonmilitary employment or self-employment as a result of injury, illness, or disease incurred or aggravated in the LOD while:

- a. Performing AD;
- b. Performing IDT (other than work or study in connection with a correspondence course of an Armed Force or attendance in an inactive status at an educational institution under the sponsorship of an Armed Force or the Public Health Service);
- c. Traveling directly to or from such duty or training;
- d. Remaining overnight immediately before the commencement of IDT, or while remaining overnight between successive periods of IDT, at or in the vicinity of the site of the IDT;
- e. Serving on funeral honors duty;
- f. Traveling to or from the place at which the funeral honors duty was to be performed; or
- g. Remaining overnight at or in the vicinity of the place at which funeral honors duty was to be performed immediately before serving on such duty, if the place is outside reasonable commuting distance from the member's residence.



## 2. Special Considerations

a. The monthly entitlement may not exceed the member's demonstrated loss of earned income from nonmilitary or self-employment. In calculating such loss of income, income from an income protection plan, vacation pay, or sick leave that the member elects to receive will be considered earned income from nonmilitary or self-employment.

b. The total amount of pay and allowances for any period may not exceed the amount of pay and allowances provided by law or regulation for a member of a Regular Component of a uniformed service of corresponding grade and length of service for that period.

c. Pay and allowances may not be paid for a period of more than 6 months. The Secretary of the Military Department concerned may extend such period in the interest of fairness and equity.

d. A member is not entitled to benefits if the injury, illness, disease, or aggravation of an injury, illness, or disease is the result of the gross negligence or misconduct of the member.

### C. Miscellaneous Provisions

1. Duty Without Pay. Duty without pay is considered for all purposes as if it were a duty with pay. The rules in Table 57-3 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 injury, illness, or disease was incurred or aggravated.

2. Incentive Pay for Hazardous Duty. A member who is entitled to any of the incentive pays identified in Chapters 22 through 24 on the date of disability continues to be entitled through the ending date of the orders and for the disability period beyond, provided the orders to perform the hazardous duty remain in effect, all performance requirements were met, and any other conditions in Chapters 22 through 24 are satisfied.

3. Special Pays. A member who is entitled to any special pays 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 are met.

#### 4. Disability Not in LOD

a. In the case of ordered to AD, not in LOD determinations will cause pay and allowances to cease on the date of expiration of the ordered AD plus allowable travel time, if any, or on the date the member is relieved from AD by competent authority.

b. In the case of inactive duty performance, not in LOD determinations cause pay to cease on the day disability occurs.

\* D. Termination of Pay and Allowances. Subject to the provisions in Table 57-3, a member's entitlement to pay and allowances while disabled terminates upon:

1. Retirement;
2. Separation for physical disability;
3. Discharge from the RC;
4. For members receiving pay and allowances under paragraph 570604.A, determination by the Military Service medical personnel that the member has recovered sufficiently to perform normal military duties, or when actually restored to normal military duties, whichever occurs first. The member must submit to timely Service medical examination(s) necessary for the preparation of required medical certificate(s) in order to extend entitlement to pay and allowances beyond the ordered duty or training period; or
5. For members receiving pay and allowances under 570604.B, when a member can no longer demonstrate a loss of earned income from nonmilitary employment or self-employment as a result of an in LOD condition.

570605. Payments on Behalf of Deceased Members

A. Death Gratuity. The eligible beneficiaries of a member of an RC are entitled to payment of death gratuity under the provisions of Chapter 36.

B. Settling Deceased Members Accounts. The provisions of Chapter 36, section 3603 apply to members of the RC.

C. Allowance for Housing to Surviving Dependents. The provisions of the JTR, Chapter 10 apply to the surviving dependents of RC members, who were on AD at the time of death.

570606. Disability Severance Pay

A. A member called or ordered to AD (other than ADT) 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 **disability** severance pay if otherwise qualified under appropriate personnel regulations.

B. A member on AD for 30 days or less, or a member on AD training for any period (including ADT) and separated for physical disability resulting from injury, is entitled to **disability** severance pay when injury was the proximate result of performance of such duty, if otherwise qualified under appropriate personnel regulations.

C. Computation of **disability** severance pay will be as prescribed in Chapter 35.

## 5707 DEDUCTIONS AND COLLECTIONS

## 570701. Income Tax Withholding

A. Federal Income Tax Withholding (FITW). The FITW provisions of Chapter 44 apply to members of the RC.

B. State Income Tax Withholding. 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 (TFM). See also Chapter 44, Figure 44-2 for states that have entered into such an agreement.

C. Legal Residence. Each member must designate a legal residence and report any change of legal residence. The provisions of Chapter 44, subparagraph 440206.B apply to members of the RC.

D. Local Tax Withholding. Only localities having agreements with the Department of the Treasury, as published in the TFM, are eligible for withholding as follows:

1. When the reservist resides and performs duty in the same city or county covered by the agreement, withholding is mandatory.

2. When the reservist performs duty in a city or county other than where he or she resides, but within the same state of legal residence, withholding is mandatory for all jurisdictions with agreements. This includes the reservist's city and county of residence, as well as the city and county where duty is performed.

3. When a reservist performs duty in a city or county located in a state where the reservist does not maintain a residency, and assuming all localities have agreements, withholding is voluntary for the city or county of duty and the city or county of residence.

## 570702. Federal Insurance Contributions Act

The provisions of Chapter 45 apply to members of the RC.

## 570703. Deductions for Armed Forces Retirement Home (AFRH)

An RC member's pay is not subject to deductions for AFRH.

## 570704. Servicemembers' Group Life Insurance

A. Duty in Excess of 30 Days Specified. The provisions of Chapter 47 apply to members of the RC, who are under a call or order to duty that does not specify a period of 30 days or less.

B. Duty of 30 Days or Less Specified. The provisions of Chapter 58, section 5808 apply to members of the RC, who are under a call or order to duty that specifies a period of 30 days or less.

570705. Court-Martial Sentences

The provisions of Chapter 48 apply to members of the RC.

570706. Non-judicial Punishment

The provisions of Chapter 49 apply to members of the RC.

570707. Stoppages and Collections Other Than Court-Martial Forfeitures

The provisions of Volume 16, Chapter 3, section 0303 apply to members of the RC.

570708. Allotments for National Guard Members

Members of the National Guard who are not on EAD are authorized to make one allotment from pay for the payment of premiums under a group life insurance program sponsored by the state military department in which such member holds a National Guard membership or by the state associations of the National Guard. Details covering the administration of the allotment program for National Guard members are contained in the pay procedural instructions of the Military Services concerned.

NOTE: Due to the DJMS-RC system limitations, members of the RC on DJMS-RC are not able to make allotments from their pay.

570709. TRICARE Dental Program (TDP)

Reserve members on AD with dependents, who meet the eligibility requirements under Chapter 54, paragraph 540201 may enroll their dependents in the TDP. Enrollment forms are available at the local military dental treatment facility or TRICARE Service Center, with the Health Benefits Advisor or installation point of contact, or on [TRICARE Dental](#). Members must intend to be on AD for the minimum period of enrollment set in Chapter 54, paragraph 540203.

570710. Uniformed Services Savings Deposit Program (USSDP)

Members serving on AD who meet the eligibility criteria as set forth in Chapter 51, section 5102 are eligible to participate in the USSDP.

Table 57-1. Increase in Pay on Promotion – Reserve and National Guard Officers

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>
	<b>When a Reserve officer is</b>	<b>in the</b>	<b>then the effective date of increase in pay and allowances is the</b>
<b>1</b>	promoted to a higher Reserve grade	Army or Air Force Reserve or National Guard	effective date of the promotion stated in the orders (note 1).
<b>2</b>	promoted to a grade above lieutenant (junior grade)	Naval Reserve	date on which member became eligible for promotion to the higher grade (see note 2).
<b>3</b>	promoted to a grade above first lieutenant	Marine Corps Reserve	
<b>4</b>	promoted to the grade of lieutenant (junior grade)	Naval Reserve	date given as date of rank.
<b>5</b>	promoted to the grade of first lieutenant	Marine Corps Reserve	

**NOTES:**

1. For officers serving on AD (other than for training) which is not on the AD list, see Chapter 1, Table 1-4.
2. If an officer has not established the moral and professional qualifications prescribed by the Secretary of the Navy within 1 year after the date on which the President approved the selection board's recommendation for promotion, the officer is entitled to the pay and allowances of the grade to which promoted only from the date appointed to that grade.

Table 57-2. Entitlement to Pay and Allowances for Various Periods of AD

<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	
	<b>If a member serves on AD under competent orders for</b>	<b>during the period</b>	<b>AD for</b>	<b>then the member is entitled to pay and allowances for and lump-sum settlement of accrued leave</b>
<b>1</b>	31 days	May 1- 31	30 days (note 1)	yes
<b>2</b>	40 days	Jan 2-Feb 10	39 days (note 1)	yes
<b>3</b>	29 days	Jan 4-Feb 1	29 days	no
<b>4</b>	28 days	Feb 1-28 (not leap year)	28 days	no
<b>5</b>	28 days	Feb 1-28 (leap year)	28 days	no
<b>6</b>	29 days	Feb 1-29 (leap year)	29 days	no
<b>7</b>	33 days	Feb 6-Mar 10 (not leap year)	35 days (note 2)	yes
<b>8</b>	29 days	Feb 2- Mar 2 (not leap year)	29 days	no
<b>9</b>	30 days	Feb 2-Mar 2 (leap year)	31 days (note 3)	yes
<b>10</b>	31 days	Feb 1-Mar 2 (leap year)	32 days (note 3)	yes
<b>11</b>	29 days	Feb 1-Mar 1 (not leap year)	29 days	no
<b>12</b>	30 days	Jan 2-Jan 31	29 days (note 1)	yes

**NOTES:**

1. Member is not entitled to pay and allowances for the 31st day of the calendar month.
2. Member is entitled to pay and allowances for the constructive days of February 29 and 30.
3. Member is entitled to pay and allowances for the constructive day of February 30.

Table 57-3. Disability Entitlements for the Reserve Forces

R U L E	A	B			C	D
	If a member is physically disabled in LOD while	and the member is		then the member is entitled to	and	
		not fit for military duty	fit for military duty and can show lost civilian income			
		Yes	No			
1	serving on AD, or while traveling directly to or from such AD (notes 1 and 2)	X			AD 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 6 months (notes 3, 4, 5, 6, and 7)	medical and dental care appropriate for the disability until it cannot be materially improved by further hospitalization or treatment. The member is entitled to travel and transportation, or a monetary allowance, for travel incident to medical and dental care. Member is also entitled to subsistence in kind during hospitalization when not entitled to BAS. (note 8).
2			X		AD 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 3, 5, 6, 9, and 10)	
3				X		
4	performing IDT or while, on the day of training, traveling directly to or from such training (notes 1 and 11)	X			IDT 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 3, 4, 5, 6, and 7)	

Table 57-3. Disability Entitlements for the Reserve Forces (Continued)

R U L E	A	B		C	D	
	If a member is physically disabled in LOD while	and the member is		then the member is entitled to	and	
		not fit for military duty	fit for military duty and can show lost civilian income			
		Yes	No			
5	performing IDT or while, on the day of training, traveling directly to or from such training (notes 1 and 11)		X		IDT 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 3, 5, 6, 9, and 10)	medical and dental care appropriate for the disability until it cannot be materially improved by further hospitalization or treatment. The member is entitled to travel and transportation, or a monetary allowance, for travel incident to medical and dental care. Member is also entitled to subsistence in kind during hospitalization when not entitled to BAS. (note 8)
6				X	IDT compensation for the day (both periods if two had been scheduled)	
7	traveling directly to or from IDT on a day(s) other than the training day (notes 1 and 11)	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 3, 4, 5, 6, and 7)	



Table 57-3. Disability Entitlements for the Reserve Forces (Continued)

R U L E	A	B		C	D	
	If a member is physically disabled in LOD while	and the member is		then the member is entitled to	and	
		not fit for military duty	fit for military duty and can show lost civilian income			
		Yes	No			
8	traveling directly to or from IDT on a day(s) other than the training day (notes 1 and 11)		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 3, 5, 6, 9, and 10)	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)
9			X			
10	remaining overnight immediately before the start of IDT, or while remaining overnight between successive periods of IDT, if the site is outside reasonable commuting distance from his or her residence	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 3, 4, 5, 6, and 7)	

Table 57-3. Disability Entitlements for the Reserve Forces (Continued)

R U L E	A	B		C	D	
	If a member is physically disabled in LOD while	and the member is		then the member is entitled to	and	
		not fit for military duty	fit for military duty and can show lost civilian income			
		Yes	No			
11	remaining overnight immediately before the start of IDT, or while remaining overnight between successive periods of IDT, if the site is outside reasonable commuting distance from his or her residence		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 3, 5, 6, 9, and 10)	medical and dental care appropriate for the disability until it cannot be materially improved by further hospitalization or treatment. The member is entitled to travel and transportation, or a monetary allowance, for travel incident to medical and dental care. Member is also entitled to subsistence in kind during hospitalization when not entitled to BAS. (note 8)
12				X		

Table 57-3. Disability Entitlements for the Reserve Forces (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. A member who is called to AD to undergo a physical examination, not incident to a call to AD for more than 30 days, becomes entitled to provisions of rules 1, 2, or 3, as applicable, on the day of incurrence of disability.
3. Failure of the member to provide current and sufficient information as established by administrative regulations of the Military Service concerned may result in discontinuation of pay and allowances.
4. A member is entitled to compensation (but not retirement point credit) at the rate of 1/30 of monthly basic pay for each scheduled IDT 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 of a uniformed service of corresponding grade and length of service for that period.
5. The Secretary of the Military Department concerned may extend the period of entitlement beyond 6 months in the interest of fairness and equity.
6. 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.
7. 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.
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. 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, then 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 (BAH and BAS).
10. Any military duty, which the member performs, will be factored into the pay and allowances payable in note 2 so that the total payments to the member do not exceed the pay and allowances of a member of the Regular Component of a uniformed service of corresponding grade and length of service for that period.
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 educational institution under the sponsorship of an Armed Force or the Public Health Service.

## \*REFERENCES

**CHAPTER 57 – RESERVE ENTITLEMENTS FOR ACTIVE DUTY (AD) (NOT EXTENDED)**

## 5702 – GENERAL PROVISIONS

570201.A	10 U.S.C. § 12315 37 U.S.C. § 204
570201.B	10 U.S.C. § 12315 44 Comptroller General Decision (Comp Gen) 613
570201.C	Comp Gen B-207339, February 8, 1983
570202	37 U.S.C. § 907
570203	37 U.S.C. § 206
570204	10 U.S.C. § 12316 Comp Gen B-207370, March 22, 1983 Comp Gen B-179882, December 4, 1974 Comp Gen B-207913, April 15, 1983
570205	Comp Gen B-176604, August 28, 1972
570206	10 U.S.C. § 701 37 U.S.C. § 501
570207	Executive Order (EO) 10153, August 17, 1950, as amended by EO 10649, December 28, 1955

## 5703 – COMPUTATION OF PAY

570302.A	5 U.S.C. § 5505 54 Comp Gen 952 45 Comp Gen 395
570302.B	37 U.S.C. § 1004 54 Comp Gen 952
570302.C	47 Comp Gen 515 54 Comp Gen 952
570303	12 Comp Gen 452 5 U.S.C. § 5505

## 5704 – SPECIAL AND INCENTIVE PAY

570401	37 U.S.C. §§ 301-310
570405	37 U.S.C. § 305b Deputy Secretary of Defense Memo, March 19, 2005

## 5705 – ALLOWANCES

570501	37 U.S.C. § 1002
570503	37 U.S.C. § 427(b)

570505	37 U.S.C. § 418
570506	37 U.S.C. §§ 415-417

## 5706 – MISCELLANEOUS PAYMENTS

570604	DoD Instruction 1241.01, April 19, 2016
570604.A	37 U.S.C. § 204(g)
570604.B	37 U.S.C. § 204(h)
570604.C.1	10 U.S.C. § 12315
	37 U.S.C. § 1002
570604.C.4	37 U.S.C. § 204(b)
	9 Comp Gen 236
	Comp Gen B-146551, December 13, 1961
570604.D.1	47 Comp Gen 531
570604.D.4	36 Comp Gen 692
	70 Comp Gen 350
570606	10 U.S.C. §§ 1203, 1206, 1212

## 5707 – DEDUCTIONS AND COLLECTIONS

570701	5 U.S.C. § 5517
	5 U.S.C. § 5520
570708	37 U.S.C. § 707

## Table 57-1

Rules 2, 3	37 U.S.C. § 905(a)
	10 U.S.C., Chapter 1405
Rules 4, 5	37 U.S.C. § 905(b)
	10 U.S.C. § 14308
Note 2	10 U.S.C. § 624

## Table 57-2

Rules 1, 2, 7, 10	5 U.S.C. § 5505
Rules 3, 4, 5, 8, 9, 11	37 U.S.C. § 1004

## Table 57-3

Rules 1, 4, 7	37 U.S.C. § 204(g)
Rules 2, 3, 5, 6, 8, 9	37 U.S.C. § 204(h)
	10 U.S.C. §§ 1074 and 1074a
Rules 10, 11, 12	37 U.S.C. § 204(g) and (h)
Column D	37 U.S.C. § 402
Note 1	58 Comp Gen 232

Note 2	33 Comp Gen 551 Comp Gen B-181762, July 18, 1975
Note 3	Comp Gen B-195470, November 14, 1979
Notes 4, 5, 9, 10	37 U.S.C. § 204(h) and (i)
Note 6	37 U.S.C. § 204(i)
Note 7	37 U.S.C. § 204(g)
Note 8	10 U.S.C. § 1074a

**VOLUME 7A, CHAPTER 58: “PAY AND ALLOWANCES FOR INACTIVE DUTY TRAINING (IDT)”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

The previous version dated [June 2017](#) is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated hyperlinks and formatting to comply with current administrative instructions.	Revision
580205.B Table 58-1	Updated the Muster Duty Allowance (MDA) rates and added the “MDA Rates” to a table on DFAS.MIL. Added a hyperlink to the table.	Revision
580208.D	Updated the Designated Unit Pay termination date and moved it to the “Duration of Authority” table on DFAS.MIL. Added a hyperlink to the table.	Revision
References	Renamed “Bibliography” to “References” and updated supporting statutes and references.	Revision

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    580203. Waiver of Benefits ..... 5

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## CHAPTER 58

**PAY AND ALLOWANCES FOR INACTIVE DUTY TRAINING (IDT)**

## 5801 GENERAL

## 580101. Purpose

This chapter establishes policy pertaining to the pay and allowances for IDT for members of the National Guard and Reserve Component. For the purpose of this chapter, the term “Reserve Component” includes both National Guard and Reserve members unless stated otherwise.

## 580102. Authoritative Guidance

[The authoritative references are listed at the end of this chapter.](#)

## 5802 PROVISIONS

## 580201. Entitlement

A. IDT with Pay. A member of a Reserve Component is entitled to compensation at the rate of one-thirtieth of the basic pay prescribed for grade and years of service for the performance of each authorized period of:

1. Regular IDT (drill or Unit Training Assembly (UTA));
2. Equivalent training, instruction, or duty [is specified in Service regulations.](#)
  - a. Army. For details and exceptions, see [Army Regulation 140-1](#) and [Army Regulation 350-1](#).
  - b. Navy. See Bureau of Navy Personnel Instruction [1001.39F Series](#).
  - c. Air Force. See [Air National Guard Instruction 36-2001](#) and [Air Force Instruction 36-2254 VI](#).
  - d. Marine Corps. See [Marine Corps Order 1001R.1K](#);
3. Appropriate duty;
4. Additional flying training period (AFTP);
5. Additional IDT; and

6. Duty or training that resulted in the successful completion of a course of instruction undertaken by the member, using electronic-based distributed learning methodologies, to accomplish training requirements related to unit readiness or mobilization, as directed for the member by the Secretary of the Military Department concerned.

NOTE: To qualify for pay for a period of IDT, each member must engage in such duty or training for the period (not less than 2 hours) as prescribed by the Secretary of the Military Department concerned. Compensation will not accrue for periods of inactive duty performed in excess of the number authorized by the appropriate regulations of the Military Service concerned. A member cannot qualify for pay for more than two periods of IDT during a single calendar day.

B. IDT Without Pay. The Secretary of the Military Department concerned may authorize members of a Reserve Component, with their consent, to IDT without pay.

C. Combination Active Duty (AD) and Inactive Duty. Members of a Reserve Component may be paid the equivalent total of pay for more than 360 days in a year, when so directed based on the actual entitlement if the total is based on a combination of AD pay and IDT compensation.

580202.        Limitation

A member cannot accrue compensation for IDT performed on a day on which he or she is also entitled to basic pay for AD or Active Duty for Training (ADT), or on a day on which entitled to Muster Duty Allowance (MDA).

580203.        Waiver of Benefits

The provisions of Chapter 57, paragraph 570204 apply to members of a Reserve Component who perform IDT in a pay status.

580204.        Allotment of Pay

Except as prescribed in Chapter 57, paragraph 570205, there is no authorization for members of a Reserve Component to allot IDT compensation.

\*580205.        MDA for Reservists

A. Entitlement. The Secretary of Defense may order a member of the Ready Reserve who is not a member of the National Guard or Selected Reserve (SELRES), without the member's consent, to muster duty one-time each year. A member ordered to muster duty will be required to perform a minimum of 2 hours muster duty, as determined by the Secretary of the Military Department concerned, on the day of muster.

\* B. Amount Payable. The General Services Administration Office of Government-wide Policy, Office of Travel, and Relocation Policy calculates the Average Domestic Per Diem Rate to establish the MDA rate. The MDA is 125 percent of the average per diem rate in effect on September 30 of the calendar year preceding the calendar year in which the muster duty is performed. See Table 58-1 or for the most current rates, see the [Muster Duty Allowance](#) table on DFAS.MIL.

C. Payment. A Ready Reservist may be paid the MDA before, on, or after the date on which he or she performs muster duty, but not more than 30 days after that date. The Ready Reservist is not entitled to other payment of any kind, including IDT compensation under paragraph 580201, for the performance of muster duty.

D. Retirement Point Credit. Muster duty will not be credited in determining entitlement to, nor computing, retired pay.

E. Collections. From the MDA, collect:

1. Federal Income Tax Withholdings (FITW) at the authorized rate for one-time payments;
2. State Income Tax Withholdings (SITW) at the authorized rate for one-time payments; and
3. The premium for Servicemembers' Group Life Insurance (SGLI) program. See Chapter 47, section 4705 for the premium rates and Table 47-1 for coverage effective dates.

NOTE: MDA is not subject to collection of the Federal Insurance Contributions Act (FICA) taxes.

580206. Electronic Screening Allowance (ESA) stipend for Reservists

A. Entitlement. The Secretary of the Military Department concerned may authorize payment of an ESA stipend to a member of the Individual Ready Reserve (IRR) for participating in the screening performed by electronic means. Electronic screening may be performed in lieu of muster duty performed. A maximum of one ESA is paid during a calendar year. The ESA stipend authorized may not be disbursed in kind. Payment of a stipend to a member of the IRR for participation in screening will be made on or after the date of participation in such screening, but not later than 30 days after such date.

B. Maximum Amount Payable. The aggregate amount of the ESA stipend paid to an IRR member, in any calendar year, may not exceed \$50, regardless of pay grade.

C. Restriction. ESA stipend is the only monetary compensation authorized to be paid to a member for the performance of electronic screening and will constitute full payment to the member, regardless of the grade or rank in which the member is serving.

D. Collections. From the ESA stipend, collect:

1. FITW at the authorized rate for one-time payments;
2. SITW at the authorized rate for one-time payments; and
3. The premium for SGLI program. See Chapter 47, section 4705 for the premium rates and Table 47-1 for coverage effective dates.

NOTE: ESA stipend is not subject to collection of FICA taxes.

580207. Funeral Honors Duty Allowance (FHDA)

A. Entitlement. The Secretary of the Military Department concerned may authorize payment of FHDA to members of the Ready Reserves and the Retired Reserves. A member is entitled to FHDA for a minimum of 2 hours of funeral honors duty (FHD). A maximum of 1 FHDA may be earned and paid in 1 calendar day.

B. Amount Payable. FHDA is payable at \$50 for each FHD period regardless of pay grade, or one-thirtieth of the member's basic pay rate for each FHD period.

C. Restriction. Except for expenses reimbursed for travel and transportation incident to FHD, the FHDA is the only monetary compensation authorized to be paid to a member for the performance of FHD and will constitute full payment to the member.

D. Collections. From the FHDA, collect:

1. FITW at the rate claimed on the member's Internal Revenue Service (IRS) Form W-4, "Employee's Withholding Allowance Certificate." When a W-4 is not submitted, collect at the rate authorized for one-time payments;
2. SITW at the rate claimed on the member's W-4. When a W-4 is not submitted, collect at the rate authorized for one-time payments; and
3. The premium for SGLI coverage, if elected by Retired Reserve members when performing FHD. See Chapter 47, section 4705 for the premium rates and Table 47-1 for coverage effective dates.

NOTE: FHDA is not subject to collection of FICA taxes.

\*580208. Designated Unit Pay

A. A member assigned to a unit designated as a high priority unit of the SELRES by the Secretary of the Military Department concerned is, while performing IDT for compensation, entitled to a maximum of \$50 Designated Unit Pay for the performance of each authorized period of:

1. Regular IDT (drill or UTA); 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. A member of a designated unit is entitled to Designated Unit Pay for authorized periods of drill or duty performed with a non-designated unit, but members of a non-designated unit may not receive Designated Unit Pay for authorized periods of drill or duty performed with a designated unit.

C. From the Designated Unit Pay, collect:

1. FITW at the rate claimed on the member's W-4. When a W-4 is not submitted, collect at the rate authorized for one-time payments; and

2. SITW at the rate claimed on the member's W-4. When a W-4 is not submitted, collect at the rate authorized for one-time payments.

NOTE: Designated Unit Pay is not subject to collection of FICA taxes.

\* D. No payment of Designated Unit Pay may be made for any period before the date the Secretary of the Military Department concerned designates a unit as a high priority unit, nor may any payment be made for any period of drill or instruction performed after [the date on the Duration of Authority table](#).

### 5803 INCENTIVE PAY (IP)

#### 580301. Entitlement

Members of a Reserve Component who are in a pay status [and](#) under competent orders are entitled to IP for hazardous duty performed during IDT periods [if they](#) otherwise meet the requirements of this section. Members entitled to IP for hazardous duty are entitled to an increase in compensation equal to one-thirtieth the applicable monthly rate for each authorized period of IDT of not less than 2 hours.

580302. [Aviation IP \(AvIP\)](#), Continuous or Conditional, or Hazardous Duty [IP \(HDIP\)](#) for Flying Duty

#### A. Entitlement

1. Members of a Reserve Component who perform IDT in a pay status are entitled to [AvIP](#) or [HDIP](#) for flying under the conditions of Chapter 22, sections 2202 or 2203. The provisions of Chapter 22, subparagraphs 220203.A.1 or 220302.E, 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 IDT. Exception: Minimum flight

requirements are one-half of those prescribed for a member on AD - 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, then flying time required for such period will be as shown in Chapter 22, Table 22-3 under "Inactive Duty."

2. A member, who has performed less than the total number of regularly scheduled drills or UTAs 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 UTAs actually performed. When scheduled IDT 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.

B. Combined Flight Requirements. When a member performs both active and inactive duty with pay in the same month, designated flying time earned in that month may be combined to satisfy any AvIP or HDIP flight requirements for that month.

1. Active and inactive duty flying time may be combined for application to flight requirements only in the month in which the flying is performed. The combined flying time that is in excess of the requirements of the month in which it was performed, or that otherwise cannot be used in the month earned, will be redistributed into active and inactive flying time categories. Combined flying time may be applied only to other monthly flight requirements (see Chapter 22) for the appropriate status category into which redistributed (i.e., AD flying time for AD requirements and inactive duty flying time for inactive duty requirements). Combined flying time will be applied and any excess or unused time will be divided and placed into appropriate categories as set forth in subparagraph 580302.B.1.a-d.

NOTE: Unless the member is performing continuous AD in excess of 30 days, or unless the AD period extends unbroken over parts of 2 months, the excess/unused active flying duty hours may not be banked for potential application to other requirements.

a. When the hours flown while on AD are in excess of the AD flight requirement of the month, and the hours flown during the inactive duty period are also in excess of the inactive duty flight requirement of the month, all excess hours will be retained in their respective categories for application to the requirements for other months, if otherwise allowable.

Example 1: A member performed 15 days of AD and was in an IDT status 15 days in the same calendar month. The member performed 5.0 hours of flying duty while on AD and 1.5 hours while on inactive duty. The 5.0 hours earned while on AD are in excess to the 2 hours required, and the 1.5 hours earned while on inactive duty are in excess to the 1.0 hour required. The 3.0 hours that are in excess of the AD requirement will be "banked" as AD time if the criteria of the note in subparagraph 580302.A.1 are met. The 0.5 hour in excess of the inactive duty requirement will be banked as inactive duty time.

b. When the hours flown while on AD are in excess of the AD flight requirement of the month, and the hours flown during the inactive duty period are insufficient for the inactive duty flight requirement of the month, the excess AD hours will be applied to the inactive duty requirement. Any remaining excess or unused AD hours will be retained for application to the requirements for other months of AD, if otherwise allowable. If the excess AD hours applied to the inactive duty requirement are not sufficient to meet the inactive duty requirement for that month, then any banked inactive hours will also be applied. If the inactive duty requirement is still not satisfied, then all hours revert to their respective categories to be used in meeting the requirements for other months, as allowable.

Example 2: A member performed 15 days of AD and was in an IDT status for 15 days in the same calendar month. The member performed 5.0 hours of flying duty while on AD and 0.5 hour while on inactive duty. The AD flying time is in excess of the AD requirement of 2.0 hours, while the inactive flying time is insufficient for the inactive duty requirement of 1.0 hour. Apply 0.5 of the excess AD hours to the inactive requirement. The remaining 2.5 excess AD hours may be banked as AD time, if the criteria of the note in subparagraph 580302.A.1 are met.

c. When the hours flown while on AD are insufficient for the AD flight requirement of the month, and the hours flown during the inactive duty period are in excess of the inactive duty flight requirement of the month, the excess inactive duty hours will be applied to the AD requirement. Any remaining excess or unused inactive duty hours will be retained for application to inactive duty requirements in a subsequent month. If the excess inactive duty hours applied to the AD requirement are not sufficient for a month's AD requirement, then any banked AD hours will be applied. If the AD requirement is still not satisfied, then all hours revert to their respective categories for use in meeting requirements for other months, as allowable.

Example 3: A member performed 15 days of AD and was in an IDT status 15 days in the same calendar month. The member performed 0.5 hour of flying duty while on AD and 1.5 hours while on inactive duty. The member has 0.0 hour of AD flying time and 3.0 hours of inactive flying time banked. The AD flying time is insufficient for the AD requirement of 2.0 hours and the inactive flying time is in excess of the inactive duty requirement of 1.0 hour. Apply the 0.5 excess inactive duty hours to the AD requirement. Combined, the AD and inactive duty flying time is short of the requirement by 1.0 hour. In this case, there are no banked AD hours, and the AD requirement remains unfulfilled. Therefore, the 0.5 unused AD hour may be banked as AD time if the criteria of the note in subparagraph 580302.A.1 are met and the 0.5 hour of unused inactive duty time will be banked as inactive duty time.

d. When the hours flown while on AD are insufficient for the AD flight requirement of the month, and the hours flown during the inactive duty period are also insufficient for the inactive duty flight requirement of the month, the hours will be applied in the following sequence. First, the inactive duty hours flown will be applied to the AD requirement. If the combined active and inactive duty hours flown is not sufficient for the AD requirement, then any banked AD hours will also be applied. If the AD requirement is still not satisfied, then the



AD hours flown will instead be applied to the inactive duty requirement. If the combined active and inactive duty hours flown is not sufficient for the inactive duty requirement, then any banked inactive duty hours will also be applied. If the inactive duty requirement is still not satisfied, then all hours revert to their respective categories for use in meeting requirements for other months, as allowable.

Example 4: A member performed 15 days of AD and was in an IDT status 15 days in the same calendar month. The member performed 0.3 hour of flying duty while on AD and 0.4 hours while on inactive duty. The member has 0.1 hour of AD flying time (because of a period of AD that began near the middle of the previous month and was continuous into the present month) and 0.2 hours of inactive duty flying time banked. The AD flying time is insufficient for the AD requirement of 2.0 hours and the inactive flying time is insufficient for the inactive duty requirement of 1.0 hour.

First, apply the 0.4 hour of the inactive duty flying time to the AD requirement. Combined, the AD and inactive duty flying time is short of the requirement by 1.3 hours. In this case, there is 0.1 of banked AD hours, but that also is insufficient and the AD requirement remains unfulfilled.

Next, apply the 0.3 hour of the AD flying time to the inactive duty requirement. Again, the coverage is not sufficient, being 0.3 hours short of the inactive duty requirement. In this case, there is 0.2 hour of banked inactive duty hours, but that also is insufficient and the inactive duty requirement remains unfulfilled.

Finally, since neither the active nor the inactive requirements could be fulfilled, the unused time will be banked as allowed. The unused 0.3 hour of active flying time may be banked as AD time if the criterion of the note in subparagraph 580302.A.1 is met and the unused 0.4 hour of inactive flying time will be banked as inactive duty time.

2. When AD of less than 1 month covers parts of 2 consecutive calendar months, flights performed on IDT may be combined to satisfy requirements for the whole period of AD if the inactive duty flight requirements for both months have been met.

Example 1: A member performed 3.4 hours of flying while on an IDT status from April 1-23. The member did not fly during AD for the training period of April 24 to May 7, or while in an IDT status May 8-31. A total of 1.1 excess flying hours was accumulated before April 1. Flying time of 3.4 hours is first applied to the IDT flight requirements for April (1.6 hours) and then to AD flight requirements for April (1.0 hour). The 0.8 excess flying hours during April added to the 1.1 excess flying hours accumulated before April results in 1.9 excess flying hours available to apply against May flight requirements. Flight time in May totals 2.6 hours (24 days of inactive duty requires 1.6 hours; 7 days of AD requires 1.0 hour).

See Chapter 22, Table 22-3. Accumulated excess hours first are applied to the IDT flight requirements. Do not credit pay for the period of May 1-7 since only 0.3 unused hour available is less than the 1.0 hour requirement.

Example 2: A member performed the following flights while on active and IDT during parts of 2 calendar months. No excess flying hours were available on March 1.

<u>Periods</u>	<u>Time Flown</u>	<u>Flight Requirements</u>
(Inactive) March 1	1.8 hours	1.0 hour
(Active) March 16-31	1.2 hours	2.2 hours
(Active) April 1-9	1.0 hour	1.2 hours
(Inactive) April 10-30	1.6 hours	1.4 hours

NOTE: The continuous period of ADT (March 16 to April 9) is a unit period of 25 days, which requires 3.4 hours flying time. For that reason, the 31st day of March imposes required flying time. Since this member is unable to meet the flight requirements for the AD flight period, which covers, parts of 2 calendar months, it is necessary to determine if the member can meet the requirements for a single month. Entitlement for the month of March requires a composite of only 3 hours of flying time, and the month of April requires 2.6 hours. Thus, a member qualifies for flying pay for each inactive duty period and for the ADT periods.

C. AFTP. A member, who performs an AFTP in a pay status, if otherwise qualified, is entitled to IP for flying if he or she meets the flight for the month in which the AFTP is performed. Flying time accumulated during an AFTP may be used to satisfy requirements for IDT and the provisions of subparagraphs 580302.A.1 and A.2 may also be used for requirements for periods of AD or ADT.

D. 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.

580303. AvIP

An officer of a Reserve Component who performs IDT in a pay status is [eligible for AvIP under the provisions of Chapter 22, section 2203](#).

580304. 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 IP for Submarine Duty.

## 580305. HDIP for Parachute Duty

A member of a Reserve Component who performs IDT in a pay status is entitled to IP for Parachute Duty under the provisions of Chapter 24, section 2403.

A. Parachute jumps performed during periods of IDT or ADT qualify a member for IP for either duty.

B. Parachute jumps performed while on EAD do not qualify a member for IP in an IDT status (see Chapter 57, paragraph 570404).

## 580306. HDIP for Flight Deck Duty, Demolition Duty, and Experimental Stress Duty

A member of a Reserve Component who performs IDT in a pay status is entitled to IP under provisions of Chapter 24.

## 580307. Unmanned Aerial Systems IP and Career Skills IP

A member of the Air Force Reserve Component who performs IDT in a pay status is entitled to IP under provisions of Chapter 22.

## 5804 SPECIAL PAY

## 580401. Entitlement

Members of a Reserve Component are not entitled to special pay for periods of inactive duty except as noted in the following paragraphs.

## 580402. Foreign Language Proficiency Bonus (FLPB)

The Secretary of the Military Department concerned may pay FLPB to a member of a Reserve Component who is proficient in at least two of the three language modalities of reading, listening and speaking with respect to foreign languages identified on the Strategic Language List. A member of a Reserve Component, who meets the requirements of Chapter 19, section 1902; and any additional requirements of the Military Service concerned, (see applicable Service FLPB Instructions) is entitled to FLPB for each regular period of instruction or period of appropriate duty at which the member is engaged for at least 2 hours. This includes instruction received or duty performed on a Sunday or holiday and each period of performance of such equivalent training, instruction duty, or appropriate duties as the Secretary of the Military Department concerned may prescribe. The total of FLPB for reservists must equal the annual FLPB paid to an AD member with the same certified language proficiency.

## 580403. Diving Duty Pay

The Secretary of the Military Department concerned may pay a member of a Reserve Component who is entitled to basic pay, a special pay in the amounts set forth in Chapter 11, Tables 11-2 through 11-9 for which the member:

- A. Is assigned by orders to the duty of diving;
  - B. Is required to maintain proficiency as a diver by frequent and regular dives;
- and
- C. Is either:
    - 1. Actually performing diving duty while serving in an assignment for which diving is a primary duty; or
    - 2. Meeting the requirements to maintain proficiency as described in Chapter 11, subparagraph 110201.B while serving in an assignment that includes diving duty other than as a primary duty.

NOTE: A member of a Reserve Component who meets the requirements of Chapter 11 and any additional requirements of the Military Service concerned is entitled to diving duty pay for each regular period of instruction or period of appropriate duty at which the member is engaged for at least 2 hours. This includes instruction received or duty performed on a Sunday or holiday and each period of performance of such equivalent training, instruction duty, or appropriate duties as the Secretary of the Military Department concerned may prescribe. The compensation for each such period will be equal to one-thirtieth of the monthly special pay authorized under Chapter 11, section 1104.

## 580404. Special Duty Assignment Pay (SDAP)

A. An enlisted member of a Reserve Component who is entitled to basic pay may qualify for SDAP when a member performs duties designated by the Secretary of the Military Department concerned as extremely difficult or involving an unusual degree of military skill. A member entitled to SDAP may receive such pay in addition to any other pay or allowances to which entitled. SDAP status is awarded according to the applicable regulations of the Military Service concerned.

B. An enlisted member of a Reserve Component who meets the requirements of Chapter 8 and any additional requirements of the Military Service concerned is entitled to SDAP for each regular period of instruction or period of appropriate duty at which the member is engaged for at least 2 hours. This includes instruction received or duty performed on a Sunday or holiday and each period of performance of such equivalent training, instruction duty, or appropriate duties as the Secretary of the Military Department concerned may prescribe. The compensation for each such period will be equal to one-thirtieth of the monthly special pay authorized under Chapter 8, paragraph 080301.

580405. [Command Pay](#)

The Secretary of the Military Department concerned may designate positions of unusual responsibility that are of a critical nature to an Armed Force under his or her jurisdiction and authorize special pay to officers performing the duties of such a position. An officer of a Reserve Component, who meets the requirements of Chapter 3, section 0308, and any additional requirements of the Military Service concerned, is entitled to [command](#) pay for each day of the performance of duties in a designated position. This applies to days on which regular periods of instruction or periods of appropriate duty are performed, including periods of instruction received or duty performed on a Sunday or holiday and duties as the Secretary of the Military Department concerned may prescribe. The compensation for each such day will be equal to one-thirtieth of the monthly special pay authorized under Chapter 3, paragraph 030803.

NOTE: This is a departure from the usual compensation practice of paying one-thirtieth of a special pay for each inactive duty drill period.

## 580406. Hostile Fire Pay (HFP) or Imminent Danger Pay (IDP)

See Chapter 10.

## 580407. Assignment IP (AIP)

The Secretary of the Military Department concerned may pay AIP to a member of a uniformed service who performs service, while entitled to basic pay, in an assignment designated by the Secretary of the Military Department concerned under the provisions of Chapter 15.

## 5805 ALLOWANCES

## 580501. Clothing Monetary Allowances, Enlisted Members

Except as provided for in subparagraphs 580501.A through C, an enlisted member of a Reserve Component is not entitled to any cash clothing allowances when on IDT.

A. [Special Initial Clothing Monetary Allowance \(Navy\)](#). Effective October 1, 2009, Chief Petty Officers of the Naval Reserve who are assigned to SELRES and Voluntary Training Units (VTU) are entitled to a special initial clothing monetary allowance upon first advancement to Chief. [Payment will be made in one full prescribed cash portion payment](#). See Chapter 29, paragraph 290304 and the [Military Clothing Allowances](#) table on DFAS.MIL.

B. [Quarterly Maintenance Clothing Allowance \(Navy\)](#). Effective October 1, 2009, Chief Petty Officers of the Naval Reserve who are assigned to SELRES and VTU and who maintain satisfactory reserve participation per current Bureau of Naval Personnel policy in the quarter concerned, are entitled to an [annual](#) Reserve Maintenance Clothing Allowance (RMA) in the [equivalent](#) amount of [18 percent of the Special Cash Clothing Replacement Allowances](#) (see DFAS.MIL). 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. New Chiefs are not entitled to the RMA until the first day of the following fiscal year after advancement.

C. Initial Cash Allowance for Enlisted Members. An enlisted member of a Reserve Component is entitled to an initial cash allowance for the purchase of items specifically designated by the Military Department concerned to be purchased by the member rather than to be furnished in kind. See Chapter 29, paragraph 290201.

580502. Officers' Initial Uniform Allowance

An officer of a Reserve Component is entitled to an initial uniform allowance upon completing 14 periods of IDT as an officer in the Ready Reserve, provided each period is of at least 2 hours duration. See Chapter 30, section 3002.

580503. Basic Allowance for Subsistence (BAS)

Enlisted members of a Reserve Component may receive subsistence in kind or a cash commutation for meals when not entitled to basic pay if the member's period of instruction or duty totals at least 8 hours in 1 day. This entitlement is at the discretion of the Secretary of the Military Department concerned who will issue written instructions specifying eligibility criteria. When a cash commutation is authorized, it will be paid at one-thirtieth of the applicable monthly BAS rate from Chapter 25 for each such day authorized, further pro-rated by meal. Breakfast will be prorated at 20 percent of the daily BAS rate; lunch and dinner will each be prorated at 40 percent of the daily BAS rate.

5806 MISCELLANEOUS PAYMENTS

580601. Pay and Allowances While Disabled

See Chapter 57, paragraph 570604 for entitlements when a member of a Reserve Component is disabled while performing IDT.

580602. 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 the member dies:

1. While on IDT;
2. While traveling directly to or from IDT; or
3. Within 120 days after discharge or release from IDT, if the Department of Veterans Affairs (VA) determines that the 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 Chapter 36, Table 36-1 apply to members of a Reserve Component.

C. Determining Eligible Beneficiaries. The provisions of Chapter 36, paragraph 360204 apply to members of a Reserve Component.

D. Determination Affecting Entitlement. The provisions of Chapter 36, paragraph 360205 apply to members of a Reserve Component.

E. Amounts Payable. The provisions of Chapter 36, paragraph 360206 apply to members of a Reserve Component.

F. Expediting Payments. The provisions of Chapter 36, paragraph 360207 apply to members of a Reserve Component.

G. Erroneous Payment. The provisions of Chapter 36, paragraph 360209 apply to members of a Reserve Component.

H. Settling Deceased Member's Accounts. The provisions of Chapter 36, section 3603, and Chapter 2 apply to members of a Reserve Component.

580603. Disability Severance Pay

A. A member who performs IDT, and is separated for physical disability due to injury, which was the proximate result of the performance of such duty, is entitled to severance pay, if otherwise qualified under appropriate personnel regulations.

B. Computation of severance pay will be as prescribed in Chapter 35.

580604. Reservists' Special Separation Pay (RSSP)

A. Eligibility. The Secretary of the Military Department concerned may 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 has applied for such pay and requests transfer to the Retired Reserve; and

2. The member will have completed at least 20 years of service, and be qualified to receive non-regular retired pay (except for having reached the age of 60), not later than December 31, 2001.



B. Limitations

1. Members who are authorized to receive early (completed at least 15 but less than 20 years of service) non-regular retired pay at age 60, are not authorized to receive RSSP.

2. Members are not eligible to receive RSSP if they are entitled to immediate payment of retired or retainer pay based solely on military service.

C. Computation of Annual Payment

1. Using an official statement of service, determine the member's total years of creditable service 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 down total years to the nearest whole year.

2. Using the total years as determined in 580604.C.1, determine the multiplier from the following table:

<u>Years of Service</u>	<u>Multiplier</u>
20	5.0%
21	5.5%
22	6.0%
23	6.5%
24	7.0%
25	7.5%
26	8.0%
27	8.5%
28	9.0%
29	9.5%
30 or more	10.0%

Example 1: A member who was born June 5, 1961, and who has 23 years, 10 months of creditable service, and who has 28 years total service for pay purposes (includes service not creditable), transfers to the Retired Reserve on June 19, 2017, in the grade of E-8, and the Secretary of the Military Department concerned approves payment of RSSP. Years of creditable service for RSSP purposes is 23 years (the 10 months are rounded down), with a multiplier of 6.5 percent basic pay for an E-8 with 28 years for pay purposes is \$2,808.60. The member's RSSP is \$2,190.71 ( $\$2,808.60 \times 12 \times .065$ ). Pay an initial installment of \$2,190.71 on June 19, 2017, with additional installments on June 19, 2018, June 19, 2019, and June 19, 2020. Since the member's 60th birthday will occur before the next installment date of June 19, 2021, no further payment will be made.

Example 2: On June 30, 2017, a member (who was born on December 5, 1958) transfers to the Retired Reserve with entitlement to two years of RSSP at the rate of \$6,000 per year, as determined by the Secretary of the



Military Department concerned. The initial payment is in the full amount. The second installment, however, is due on June 30, 2018, which is after the member's 59th birthday but before his 60th birthday. Prorate for each full month between the due date and the member's 60th birthday. In this case, the second installment is 5/12ths of \$6,000, or \$2,500.

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 AD on the date the member transfers to the Retired Reserve times the multiplier.

4. Pay the member a maximum of five installments, or the number of installments as determined by the Secretary of the Military Department 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, that occur after October 5, 2013, prorate any installments, including the initial payment, which is due the member after the member's 59th birthday but before the member's 60th birthday. Prorate for each full month between the due date and the member's 60<sup>th</sup> birthday. See Example 2.

5. Collect FITW and SITW at the appropriate one-time rate from the initial payment. Withhold taxes from any other RSSP installment payments at the rate appropriate for salaries paid on an annual basis, currently set forth for federal withholding purposes in the [IRS Publication 15](#). Give appropriate consideration to any withholding exemptions claimed by the member on the W-4 when withholding tax payments.

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.

#### 580605. Reservists' Involuntary Separation Pay (RISP)

A. Payment. Upon approval by the Secretary of the Military Department concerned, and subject to the restrictions in this paragraph, pay RISP to a member of the SELRES who has at least 6 years but less than 15 years of service as of the date of discharge from a Reserve Component or involuntary transfer from the SELRES.

#### B. Computation

1. Using an official statement of service, determine years of service, computing to three decimal places and rounding to two decimal places. Do not include in the service any days or points for which the member previously received separation, severance, or readjustment pay.

2. Multiply the number of years of service times 15 percent times 62 times the member's daily rate of basic pay if serving on AD as of the date of separation or transfer from the SELRES. The product is the RISP.

Example: A member who is an E-5 over 8 years total service for pay purposes (daily rate of pay \$47.55) and a total of 1,760 retirement points credit is approved for discharge on August 27, 2016, by the Secretary of the Military Department concerned. Compute RISP as follows: Divide total Retirement Points Credit 1,760 by 360 = 4.89 years (computing to 3 decimal places rounding to 2 decimal places) x 15 percent x 62 x \$47.55 (daily rate of pay) = \$2,162.43 RISP.

3. Withhold federal and state income taxes. RISP payments are not subject to FICA or Medicare taxes.

4. A recipient of RISP who later receives basic pay, IDT compensation, or retired or retainer pay will have such pay, compensation, or retired pay reduced by 75 percent until the total reductions equal the total RISP received.

5. A member who has received RISP, who later receives disability compensation from the Department of VA, will have deducted from such disability compensation the total amount of RISP. However, there will be no such reduction if the disability compensation is for a disability incurred or aggravated after the period for which the RISP was paid.

6. Members are not authorized to receive RISP when they are authorized to receive early (completed at least 15 but less than 20 years of service) non-regular retired pay at age 60.

## 5807 DEDUCTIONS AND COLLECTIONS

### 580701. Income Tax Withholding

See Chapter 44, paragraph 440201 for provisions for members of a Reserve Component who are performing IDT.

### 580702. FICA

See Chapter 45.

### 580703. Courts-Martial Sentences

The provisions of Chapter 48 apply to members of a Reserve Component who are performing IDT.

## 580704. Non-judicial Punishment

A. The provisions of Chapter 49 apply to members of a Reserve Component who are performing IDT.

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 IDT compensation to which entitled during the period of the sentence. This applies also to a member who is on ADT when the non-judicial punishment is imposed, and reverts to an inactive duty status during the period of the sentence.

## 580705. Stoppages and Collections Other Than Courts-Martial Forfeitures

The provisions of Volume 16 apply to members of a Reserve Component who are performing IDT.

## 580706. Waiver of Claims for Erroneous Payment of Pay and Allowances

See Volume 16.

## 580707. Legal Process for the Enforcement of Child Support and Alimony Obligations

See Chapter 41, section 4103.

## 5808 SGLI PROGRAM FOR RESERVE COMPONENTS

## 580801. Basic Coverage

SGLI automatically insures eligible members against death for \$400,000, unless the member elects a reduced coverage or declines coverage. SGLI is payable upon the member's death while insured.

## 580802. Periods of Coverage

See Chapter 47, Table 47-1.

## 580803. Changes in Coverage

See Chapter 47, Table 47-1. A member who is covered for an amount less than the maximum coverage may later apply for increased coverage in writing, with proof of good health, [up to the maximum coverage stated in paragraph 580801.](#)

## 580804. Full-Time Coverage

All members of the Ready Reserve and National Guard, who are assigned or attached to a unit or position that requires performing AD or ADT, and who will be scheduled to perform at least 12 periods (monthly) of IDT annually that is creditable for retirement purposes, are automatically insured for full-time SGLI coverage, unless the member elects in writing to decline the insurance. Additionally, members of the IRR are automatically insured for full-time SGLI coverage, unless the member elects in writing to decline the insurance, if they volunteer to be mobilized involuntarily and if they are selected by the Secretary concerned, based upon the needs of the service and the grade and military skills of the member. These IRR members may not be carried in this status, and therefore will not be entitled to full time coverage, beyond 24 months from their separation date from active duty. Services' SGLI procedures must provide for timely determination of the effective start dates for eligible members and stop dates whenever a member does not meet the eligibility criteria. When a member ceases to meet the conditions of eligibility for full-time SGLI coverage, the Service must notify the member of the pending termination of benefits. Also, see Chapter 47, paragraph 470201.

A. Member in a Pay Status. SGLI premiums will be collected from the member's AD pay or drill pay whenever possible. This should apply to members who drill regularly, even if they are not scheduled to drill every month. Even though a member may not drill on a particular month and may not receive any pay, premium due is still included in the monthly transfer of funds to the Department of VA and must be collected from the member as quickly as possible. This can be done by deduction either from pay or direct payment from the member. The Defense Finance and Accounting Service (DFAS) will establish a debt on the member's pay account and collect the total premium due when pay is due. When a member ceases to meet the conditions of eligibility for SGLI coverage, the member's parent Service must inform DFAS in a timely manner to allow any final premium liability to be deducted from final pay and to preclude further overpayments.

B. Member in a Non-Pay Status. When a member is insured under an insurance policy purchased by the VA, the Secretary concerned will contribute from the appropriation for AD pay, the share of the cost attributable to insuring the member under this policy during any month in which:

1. The member is in a non-pay status; and
2. The member is assigned to the Ready Reserve of a Uniformed Service which requires the member to perform at least 12 periods of IDT annually that is creditable for retirement purposes. This includes Direct Remitters who are scheduled to drill but don't attend, in addition to those drilling for points.

Note: Any amounts contributed on behalf of the member must be collected by DoD via direct remittance, if the member has been identified by the Service concerned as a Direct Remitter. Collection may include establishing a debt against the member's pay account and monies collected must be credited to the appropriation from which the contribution was made.

C. Direct Remitters. Each Service must have clearly established programs to identify members who are required to make a direct remittance of premiums. Services must notify members at least 30 days in advance of the date the direct remittance is due. The notice will include the amount of the payment, the date it is due, and the Service's address to which the payment should be sent. The member must make remittance within 30 days from the date of the notice.

1. Failure to Make Remittance Within 60 Days. When a member fails to make the direct remittance within 60 days from the due date, the Secretary of the Military Department concerned must notify the member of termination of SGLI coverage unless the member justifies the delinquency to the satisfaction of the Secretary of the Military Department concerned.

2. Termination of SGLI Coverage. When the Secretary of the Military Department concerned determines that the member failed to make direct remittance within 60 days of the due date, the Secretary will send a "Notice of SGLI Termination" to the member's official address. The notice must clearly state that effective 60 days from the date of such notice, the member's SGLI will be terminated. If a member fails to justify the delinquency within 60 days, then the Secretary of the Military Department concerned will send the "Final Notice of SGLI Termination" by certified mail to the member's official address. The Secretary of the Military Department concerned must notify DFAS of the member's effective date of termination. Once SGLI coverage is terminated, it will remain terminated with reinstatement only as approved by the Secretary of VA.

3. Continuation of Coverage. SGLI coverage may be continued if, and only if, the member remits all required premiums within 60 days from the "Notice of SGLI Termination" and justifies the reason for the late payment (subject to approval by the Secretary of the Military Department concerned). A copy of all requests for continuation of SGLI coverage and the Service's final determination will be forwarded within 30 days to:

Director of Compensation  
Attn: Termination of SGLI Coverage  
ODASD(FMP)(MPP)(Comp)  
Washington, DC 20301-4000

580805. Part-Time Coverage

Part-time coverage is available to certain eligible members of a Reserve Component who do not qualify for full-time coverage while performing AD or ADT under calls or orders of specified periods of 30 days or less. Members may elect coverage of \$400,000 or less in \$50,000 increments, or decline coverage. See Chapter 47, section 4705 for premium rates.

A. 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. When a member elects 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. A proof of good health is required for any increase of coverage. A member may use the [SGLI On-Line Enrollment System](#) or electronic [SGLV 8286](#) if permitted, to make election changes.

B. Continuation of Coverage. Any election made continues in effect during continuous obligation to perform duty in the same Uniformed Service, including any AD for a period of more than 30 days. For mobilization, see Chapter 47, Table 47-1, rule 8.

580806. Appellate Leave

See Chapter 47, section 4704.

580807. Forfeiture of Coverage

See Chapter 47, paragraph 470203.

580808. Refunds

See Chapter 47, section 4706.

580809. Settlement of SGLI Claims

See Chapter 47, section 4708.

580810. Retired Reserve

Reservists with full-time coverage [have 240 days to apply to](#) convert their SGLI coverage to Veterans Group Life Insurance (VGLI) [without proof of insurability](#). Reservists [have a total of 1 year and 120 days to apply for VGLI following separation, but must meet good health requirements if they apply more than 240 days following separation.](#)

580811. Family Coverage Under SGLI

See Chapter 47, section 4709.

\*Table 58-1. MDA

<b>MDA</b>	
<b>Effective</b>	<b>Amount</b>
January 1, 2009	\$197.86
January 1, 2010	\$205.00
January 1, 2011	\$215.63
January 1, 2012	\$207.28
January 1, 2013	\$209.71
January 1, 2014	\$210.90
January 1, 2015	\$216.25
January 1, 2016	\$211.25
January 1, 2017	\$230.00
January 1, 2018	\$241.25
January 1, 2019	\$241.25

**\*REFERENCES****CHAPTER 58 – PAY AND ALLOWANCES FOR INACTIVE DUTY TRAINING (IDT)****5802 - PROVISIONS**

580201.A	37 U.S.C. § 206
580201.B	10 U.S.C. § 12315 37 U.S.C. § 1002
580201.C	Comptroller General (Comp Gen) B-207339, February 8, 1983 37 U.S.C. § 204
580202	37 U.S.C. § 433(d)
580203	10 U.S.C. § 12316 Comp Gen B-179882, December 4, 1974 Comp Gen B-207913, April 15, 1983
580205.A	10 U.S.C. § 12319 37 U.S.C. § 433
580205.B	37 U.S.C. § 433
580205.D	10 U.S.C. § 12319(d)
580206	10 U.S.C. § 10149 10 U.S.C. § 12319 37 U.S.C. § 433a
580207	37 U.S.C. § 495
580208	37 U.S.C. § 355 37 U.S.C. § 206(d)(2)
* 580208.D	<a href="#">Public Law 115-232, section 611(9), August 13, 2018</a>

**5803 – INCENTIVE PAY (IP)**

580301	37 U.S.C. § 301(b) and (f)
580302	Executive Order (EO) 11157, June 22, 1964
580302.A	EO 11157, June 22, 1964
580302.A.1	Comp Gen B-132283, August 21, 1957 (Example 1)
580302.A.2	EO 11157, June 22, 1964
580302.B	37 U.S.C. § 206 37 U.S.C. § 301(f) EO 11157, June 22, 1964
580303	37 U.S.C. §301(a)(2) and (3) 37 U.S.C. § 206 EO 11157, June 22, 1964
580304	37 U.S.C. § 301c(a)(2)
580305	37 U.S.C. § 301(a)(3) 37 U.S.C. § 301(c)(1)



580306	37 U.S.C. § 301(a)(8)
	37 U.S.C. § 301(c)
* 580307	37 U.S.C. § 353
*	DoD Instruction (DoDI) 7730.67, October 20, 2016

## 5804 – SPECIAL PAY

*	37 U.S.C. § 353
	37 U.S.C. § 352
* 580402	37 U.S.C. § 353
	DoDI 1340.27, May 21, 2013
580403	37 U.S.C. § 304(d)
580404	37 U.S.C. § 307
580405	37 U.S.C. § 306
580406	37 U.S.C. § 310
580407	37 U.S.C. § 307a

## 5805 – ALLOWANCES

580501	37 U.S.C. § 418
580502	37 U.S.C. §§ 415-417
580503	37 U.S.C. § 402(e)

## 5806 – MISCELLANEOUS PAYMENTS

580602.A	10 U.S.C. §§ 1475-1476
580602.B	10 U.S.C. § 1477
580602.C	10 U.S.C. § 1477
580602.D	10 U.S.C. § 1480
580602.E	10 U.S.C. § 1478
580602.F	10 U.S.C. § 1479
580602.G	Comp Gen B-132407, August 22, 1957
580602.H	10 U.S.C. § 2771
	37 U.S.C. § 501(d)
580603	10 U.S.C. § 1206
* 580604	10 U.S.C. § 12731
*	10 U.S.C. § 12681 Notes
580605	10 U.S.C. § 12732
	10 U.S.C. § 12733
*	10 U.S.C. § 12681 Notes

## 5807 – DEDUCTIONS AND COLLECTIONS

580701	10 U.S.C. § 12315
580703	10 U.S.C. § 802

580704	10 U.S.C. § 815 Comp Gen B-165244, October 2, 1968
580705	37 U.S.C. § 1007 10 U.S.C. § <a href="#">8271</a> 10 U.S.C. § 9837(a)
5808 – SGLI PROGRAM FOR RESERVE COMPONENTS	
580801 – 580802	38 U.S.C. §§ 1965-1976 Title 38, Code of Federal Regulations, PART 9
* <a href="#">580804</a>	10 U.S.C. § 10144
* <a href="#">580804</a>	10 U.S.C. § 12304
* 580804.B.2	DoDI 1341.14, January 19, 2017 Office of Assistant Secretary of Defense Force Management Policy Memo, September 1, 1998
Table 58-1	37 U.S.C. § 433

**VOLUME 7A, CHAPTER 59: “PAYMENT TO MEMBERS OF THE SENIOR RESERVE OFFICERS’ TRAINING CORPS (SROTC)”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

The previous version dated [May 2017](#) is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
590409	Updated and moved the duration of authority date to the “Duration of Authority” table on DFAS.MIL. Added a hyperlink to the table.	Revision
Table 59-1	Moved the “SROTC Monthly Subsistence Allowance” table to DFAS.MIL. Added a hyperlink to the table.	Revision
References	Renamed “Bibliography” to “References.”	Revision

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## CHAPTER 59

**PAYMENT TO MEMBERS OF THE SENIOR RESERVE  
OFFICERS' TRAINING CORPS (SROTC)**

## 5901 GENERAL

## 590101. Purpose

This chapter establishes policy pertaining to the pay and allowances for members of the SROTC.

## 590102. Authoritative Guidance

The authoritative references are listed at the end of this chapter.

## 5902 ENTITLEMENTS

## 590201. Pay While Attending Training

Under Title 37, United States Code (U.S.C.), section [203\(c\)](#), pay for cadets and midshipmen at the U.S. Military, Naval, and Air Force Academies is authorized at a prescribed rate. The rate for a cadet or midshipman, who is a member of the regular component of an Armed Force, will be at the rate of basic pay applicable to the member. These rates apply for:

A. A cadet or midshipman in the SROTC, while attending training or practice cruises, if the training or cruise is of at least four weeks duration and is completed before the cadet or midshipman is commissioned; or

B. An applicant for membership in the SROTC program, while attending field training or practice cruises to satisfy the requirements for admission to advanced training.

NOTE: A member or applicant for membership in the SROTC program is not entitled to longevity increases or basic pay while performing authorized travel to or from a training site.

## 590202. Advance Pay

See Chapter 32, paragraph 320210.

## 590203. SROTC Graduates Ordered to Active Duty

A. Officers Ordered to Extended Active Duty. The provisions of Chapters 1 through 55 apply to these officers.

B. Officers Performing Initial Periods of Active Duty Training Under [Title 50, War and National Defense](#). The provisions of Chapter 57 apply to these officers.

## 590204. Commutation In Lieu Of Uniforms

A. Army. See Army Regulation (AR) [710-2](#), Chapter 2, Section V, paragraph 2-27.

B. Navy. See Regulations for Officer Development, Naval Service Training Command (NSTC) Manual [NSTC M-1533.2C](#) Series.

C. Air Force. See Holm Center Instructions 65-101.

NOTE: The Air Force ROTC Cadet Payment Programs (Holm Center Instructions 65-101), is available via the Air Force Portal.

## 590205. Textbook Allowances, Scholarship Cadets, and Midshipmen

A. Army. The Commander, U.S. Army Cadet Command prescribes the rates.

B. Navy. See Naval ROTC (NROTC), NSTC Manual 1533.2C Series.

C. Air Force. See Holm Center Instructions 65-101.

NOTE: The Air Force ROTC Cadet Payment Programs (Holm Center Instructions 65-101), is available via the Air Force Portal.

## 590206. Restrictions

A. Travel Allowances. A member or applicant for membership in the SROTC program is not entitled to travel allowances while performing field training or at-sea training, except as authorized in section 5908.

B. Special and Incentive Pay. A member or applicant for membership in the SROTC program is not entitled to special or incentive pay, except as provided in section 5904.

C. Navy Reserve Drill Pay. Drill payments to Navy SROTC 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.

## 5903 SUBSISTENCE ALLOWANCE

## 590301. Scholarship Cadets or Midshipmen

Except as prescribed in paragraph 590307, a member of the SROTC program, selected for advanced training, is entitled to a monthly subsistence allowance, [see the SROTC Monthly Subsistence Allowance Table](#). Entitlement begins on the day the cadet or midshipman starts advanced training and ends upon the completion of their instruction. In no event, however, will any member receive such pay for more than 30 months.

## 590302. SROTC Members Appointed In Reserves

Except as prescribed in paragraph 590307, a member of the SROTC, enrolled in the first two years of a four-year program, is entitled to a monthly subsistence allowance as provided in [the SROTC Monthly Subsistence Allowance Table](#) when appointed for a maximum of 20 months. A member, enrolled in the advanced course, is entitled to subsistence as prescribed in paragraph 590301.

## 590303. Non-scholarship SROTC Members Not In Advanced Training

A member of the SROTC, who has entered into an agreement under 10 U.S.C. § [2103a](#), is entitled to a monthly subsistence allowance at the rate provided in [the SROTC Monthly Subsistence Allowance Table](#). That allowance may be paid to the member by reason of such agreement for a maximum of 20 months.

## 590304. Non-scholarship Cadets or Midshipmen

Non-scholarship cadets and midshipmen are not entitled to subsistence allowance, except as noted in paragraph 590407.

## 590305. Subsistence Allowance for Marine Corps Platoon Leaders Class

Except while serving on active duty, members of the Marine Corps Platoon Leaders Class program are entitled to subsistence allowance at the rates provided in [the SROTC Monthly Subsistence Allowance Table](#). Only members in the sophomore, junior, and senior class (Levels II, III, and IV) are entitled to a subsistence allowance. Members of the freshman class are not entitled to a subsistence allowance. Detailed instructions, governing the payment of the subsistence allowance, are in the Marine Corps Total Force System Personnel Reporting Instructions Manual.

## 590306. Accelerated Completion of Military Instruction

A cadet or midshipman participating in advanced training, at an institution that has withdrawn from the program, may complete the third and fourth year (or the fourth and fifth year of a five-year program) of military training in the third year (or the fourth year of a five-year program) and be paid subsistence allowance during the fourth academic year (AY) (or the fifth year of a five-year program), as though enrolled for training in the fourth year (or the fifth year of a five-year program).

## 590307. Limitations

A. Deduction for Field Training and At-Sea Training. A cadet or midshipman is not entitled to 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 basic pay as specified in paragraph 590201.



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, such as for 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 five-year program) of entitlement limitation and subject to deduction for any periods of field training or at-sea training.

C. Government Meals Furnished Without Charge. SROTC 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 1/30th of the subsistence allowance. This recoupment provision does not apply, when meals are furnished, while participating in training events conducted during the AY.

## 590308. Payment Procedures

Detailed instructions governing the payment of subsistence allowance to the respective SROTC members are contained in:

- A. Army. See AR [145-1](#);
- B. Navy. See NROTC, NSTC Manual 1533.2A Series; and
- C. Air Force. See Holm Center Instructions 65-101.

NOTE: The Air Force ROTC Cadet Payment Programs (Holm Center Instructions 65-101), is accessible via the Air Force Portal.

## 5904 SROTC SKILL PROFICIENCY BONUS (SPB)

## 590401. Eligibility

The Secretary of the Military Department concerned may pay an SROTC SPB under this section and the Department of Defense (DoD) Instruction (DoDI) [1340.27](#), Military Foreign Language SPB, to a cadet or midshipman of SROTC who:

- A. Is enrolled as a cadet or midshipman of SROTC, as determined in accordance with regulations prescribed by the Secretary of Defense;
- B. Participates in a language immersion program approved for the purposes of SROTC, or in study abroad, or is enrolled in an academic course that involves instruction in a foreign language of strategic interest. A foreign language of strategic interest includes a language

listed on the DoD Strategic Language List, or other foreign language of strategic interest, which may be designated by the Secretary of the Military Department concerned as critical for purposes of foreign language SPB to the DoD, as designated by the Secretary of Defense for purposes of this section;

- C. Enters into a written agreement under paragraph 590403;
- D. Pursues a course of study to acquire a critical foreign language as defined by the Secretary of the Military Department concerned; and
- E. Satisfactorily completes the course. To satisfactorily complete the course, a contracted cadet or midshipmen must attain a letter grade of “B” or higher to warrant the SPB payment.

NOTE: An SROTC member may be paid an SROTC SPB if the student is enrolled in SROTC, even though the student may not have completed the first year of a four-year SROTC course or has become an obligated member under the SROTC program.

590402. Limitations

- A. SROTC SPB will not be paid retroactively for courses completed at another institution in the event a newly contracted cadet or midshipman transfers from that institution to a ROTC affiliated college, university, or ROTC consortium.
- B. SROTC SPB will not be paid to cadets or midshipmen who take the College Level Examination Program test, distance learning, or on-line courses to receive college credit for foreign language or cultural studies classes.

590403. Written Agreement

The Secretary of the Military Department concerned will require a contracted cadet or midshipmen to enter into a written agreement. The written agreement will specify:

- A. The required SROTC SPB critical skill course of study;
- B. The amount of the SROTC SPB;
- C. The academic period(s) in which the SROTC SPB will be paid;
- D. The required SROTC SPB course of study; and
- E. That the cadet or midshipman will be paid the SPB after satisfactory completion of the SROTC SPB course.

## 590404. Amounts

A. An SROTC SPB will not exceed \$3,000 for each 12-month period that follows a qualifying academic period in which a cadet or midshipmen satisfactorily completes a course of study to develop an SROTC SPB critical skill.

B. Any SROTC SPB payments for summer language immersion or study abroad programs, combined with any previous SPB payments for that AY, must not exceed the 12-month (full AY) SROTC SPB entitlement (summer immersion payment plus previous SPB payments) limit of \$3,000.

NOTE: The Secretary of the Military Department concerned may change the start and end dates of this 12-month period, to accommodate different schedules, for their ROTC affiliated colleges, universities, and ROTC consortiums, provided that the newly defined 12-month period reflects a minimum of 365 consecutive days.

## 590405. Method of Payment

The SROTC SPB, for a qualifying course(s) or immersion training, will only be paid in a lump sum payment, following the satisfactory completion of that course or immersion training.

## 590406. Certification of Proficiency and Waiver

The DoD may waive the annual proficiency certification requirement for an SPB. In order for the DoD to waive this requirement, the contracted cadet or midshipman must satisfactorily complete the course of study, during the qualifying academic period or year, preceding the payment of the SPB.

## 590407. Monthly Subsistence Allowance

During the period covered by the SROTC SPB, the student is entitled to a monthly subsistence allowance as detailed in section 5903, even though the student has not entered into an agreement under 10 U.S.C. § 2103a. If paid, the monthly subsistence allowance will be as authorized in [the SROTC Monthly Subsistence Allowance Table](#). An SROTC cadet may only receive a single monthly subsistence allowance.

## 590408. Repayment

A member, who is paid a proficiency bonus under this section but does not satisfactorily complete participation in the language program or study as described in paragraph 590401 (or does not complete the requirements of the SROTC, as applicable), may be subject to the repayment provisions of Chapter 2. SROTC SPB must not be calculated in the cost of advanced education, should the Secretary of the Military Department concerned choose to exercise his/her written agreement option to seek reimbursement of the cost of a former student's advanced education.

\*590409. Duration of Authority

Unless extended by the authority of the Congress, no agreement may be entered into for the SROTC SPB under this section after [the date on the Duration of Authority Table](#).

5905 DEDUCTIONS

590501. General

The basic pay of a member or applicant for membership in the SROTC program is subject to Federal Income Tax Withholding and Federal Insurance Contributions Act taxes. See the Department of the Treasury Internal Revenue Service Publication [15-A](#) and Chapter 45, Table 45-1, for tax withholding rates.

590502. Servicemembers' Group Life Insurance (SGLI)

SGLI is authorized for SROTC members. Cadets and midshipmen are provided SGLI coverage while proceeding directly to or returning from the place where duty is performed. The following duty conditions apply:

A. Chapter 47 applies to members, cadets, or midshipmen of SROTC performing full-time duty while attending field training or practice cruises under calls or orders for 30 days or more.

B. Chapter 58, section 5808 applies to members, cadets, or midshipmen of SROTC performing full-time duty while attending field training or practice cruises under calls or orders for 30 days or more.

590503. Allotments

A member or applicant for membership in the SROTC program is not authorized to register allotments.

5906 DISABILITY BENEFITS

590601. Entitlements for Cadets and Midshipmen Disabled While En Route To or From Field or At-Sea Training

A cadet or midshipman, who is disabled en route to or from field or at-sea training, and is otherwise entitled to a subsistence allowance described in section 5903, is entitled to a subsistence allowance for the day of incurrence of the disability and continuing thereafter, subject to the provisions of section 5903.

590602. 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 the [Military Pay Tables](#) 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 a subsistence allowance described in section 5903.

#### 5907 PAYMENTS ON BEHALF OF DECEASED MEMBERS

Beneficiaries, of any member or applicant for membership in the SROTC program who dies under the conditions specified in paragraph 590602, are entitled to Death Gratuity under the provisions of Chapter 36, section 3602, and unpaid pay and allowances under section 3603.

#### 5908 TRAVEL AND TRANSPORTATION ALLOWANCES

The travel and transportation allowances payable to SROTC cadets and midshipmen are prescribed in the [Joint Travel Regulations](#).

\*REFERENCES

CHAPTER 59 – PAYMENT TO MEMBERS OF THE SENIOR RESERVE OFFICERS’  
TRAINING CORPS (SROTC)

5902 – ENTITLEMENTS

590201	37 U.S.C. § 203(c) 10 U.S.C., Subtitle A, Part III, Chapter 103 10 U.S.C. § 2104(b)(6)(A) and (B)
590201.A & B	37 U.S.C. § 209(d)
590204	DoDI 1215.08, January 19, 2017, <a href="#">Incorporating Change 1, effective March 7, 2018</a> , paragraph 3.9

5903 – SUBSISTENCE ALLOWANCE

590301	37 U.S.C. § 209(a) Assistant Secretary of Defense Memo, July 24, 2001 Office of the Under Secretary of Defense (Personnel & Readiness) Memo, August 22, 2005
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5904 – SROTC SPB

590401	37 U.S.C. § 353(i) DoDI 1340.27, May 21, 2013
590408	10 U.S.C. § 2005(a)(3)
590409	Public Law <a href="#">115-232</a> , section 611(d)(8), <a href="#">August 13, 2018</a>

5906 – DISABILITY BENEFITS

590601	10 U.S.C. § 2109
590602	5 U.S.C. § 8140

5907 – PAYMENTS ON BEHALF OF DECEASED MEMBERS

10 U.S.C. §§ 1475-1480

5908 – TRAVEL AND TRANSPORTATION ALLOWANCES

37 U.S.C. § 422

**VOLUME 7A, CHAPTER 60: “HEALTH PROFESSIONS SCHOLARSHIP PROGRAM FOR ACTIVE SERVICE”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

The previous version dated [November 2017](#) is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
600101	Updated in accordance with the DoD Instruction 6000.13.	Revision
600102	Updated the “Authoritative Guidance” paragraph to comply with current administrative instructions.	Revision
600202	Updated in accordance with Title 10, United States Code, section 2121(a)(2).	Revision
600403	Increased the stipend amount to \$2,391.60 effective July 1, 2019 in accordance with the Office of the Assistant Secretary of Defense Health Affairs Memo, dated April 4, 2019.	Revision
References	Renamed “Bibliography” to “References” and updated statutes and supporting references.	Revision

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## CHAPTER 60

**HEALTH PROFESSIONS SCHOLARSHIP PROGRAM FOR ACTIVE SERVICE**

## 6001 GENERAL

## \*600101. Purpose

The purpose of this chapter is to establish policy pertaining to the Health Professions Scholarship Program for Active Service. The Secretary of the Military Department concerned may provide for the payment of all educational expenses incurred by a member of the Armed Forces Health Professions Scholarship Program (AFHPSP), including tuition, fees, books, and laboratory expenses. Such payments, however, will be limited to those educational expenses normally incurred by students at the institution and in the health profession concerned. An educational institution cannot charge the government for educational costs that it does not charge to ALL students attending their University in pursuit of the degree in question.

## \*600102. Authoritative Guidance

The pay policies and requirements established by the Department of Defense (DoD) in this chapter are derived primarily from, and prepared in accordance with the United States Code (U.S.C.), including Titles 10, 26, 37, and 38. Due to the subject matter in this chapter, the list of authoritative sources is extensive. The specific statutes, regulations, and other applicable guidance that govern each individual section are listed in a reference section at the end of the chapter.

## 6002 AFHPSP

## 600201. Purpose

The purpose of the AFHPSP is to obtain adequate numbers of commissioned officers on active duty who are qualified in the various health professions, including health professionals with specific skills to assist in providing mental health care to members of the Armed Forces.

## \*600202. Responsibility

The Secretary of the Military Department concerned, under regulations prescribed by the Secretary of Defense, may establish and maintain a Health Professions Scholarship and Financial Assistance Program (FAP) for their department. The Secretary of the Military Department concerned will allocate a portion of the total number of scholarships available in their department to health professionals with specific skills in mental health care. This is to assist such members in pursuing a degree at the master and doctoral level, with obligatory periods of military training, in any of the following disciplines:

- A. Social work;
- B. Clinical psychology;

C. Psychiatry; or

D. Other disciplines that contribute to mental health care programs in that Military Department.

600203. Eligibility

To be eligible for participation in the AFHPSP, a person must be a citizen of the United States and must:

A. Be accepted for admission to, or enrolled in, an institution in a course of study or selected to receive specialized training, or, if offered, agree to accept residency training in a health profession skill which has been designated by the Secretary of the Military Department concerned as a critically needed wartime skill;

B. Sign an agreement to:

1. Complete the educational phase of AFHPSP;

2. Accept an appropriate reappointment or designation within his or her military service, if tendered, based upon his or her health profession, following satisfactory completion of AFHPSP;

3. Participate in the intern program of his or her service, if selected for such participation;

4. Participate in the residency program of his or her service, if selected, or be released from active duty for the period required to undergo civilian residency, if selected for such training; or

5. Participate in military training while in AFHPSP, under regulations prescribed by the Secretary of Defense; and

C. Meet the requirements for appointment as a commissioned officer.

600204. Active Duty Obligation

A member of AFHPSP incurs an active duty obligation based upon the following conditions:

A. The period of obligation, as prescribed under regulations by the Secretary of Defense, may not be less than 1 year for each year of participation in AFHPSP.

B. A period spent as a military intern or in residency training will not be creditable in satisfying the active duty obligation.

C. A member of AFHPSP, who is dropped from AFHPSP for deficiency in conduct or studies or for other reasons, may be required to perform active duty in an appropriate military capacity in accordance with the active duty obligation imposed in this program.

D. The Secretary of the Military Department concerned may relieve a member of AFHPSP, who is dropped from AFHPSP, from an active duty obligation, but such relief will not relieve the member from any military obligation imposed by any other law.

E. A member of AFHPSP, who is relieved of the member's active duty obligation before the completion of that active duty obligation, may be given, with or without the consent of the member, any of the following alternative obligations, as determined by the Secretary of the Military Department concerned:

1. A service obligation in another Armed Force for a period of time not less than the member's remaining active duty service obligation;

2. A service obligation in a component of the Selected Reserve for a period not less than twice as long as the member's remaining active duty service obligation; or

3. Repayment of a percentage of the total cost incurred pursuant to the repayment provisions of Chapter 2.

F. If a member is relieved of an active duty obligation by reason of separation because of a physical disability, then the Secretary of the Military Department concerned may give the member a service obligation as a civilian employee. The member may be employed as a health care professional, in a facility of the uniformed services, for a period equal to the member's remaining active duty service obligation.

### 6003 ACCESSION BONUS (AB)

#### 600301. Eligibility

To be eligible for AFHPSP, an individual must meet the requirements of paragraph 600203.

#### 600302. Amount

The Secretary of Defense may offer a member, who enters into an agreement under subparagraph 600203.B, an AB not to exceed \$20,000.

#### 600303. Relationship to Other Payments

An AB paid to a member is in addition to any other amounts payable under the AFHPSP.

## 600304. Repayment

A member who receives an AB under this section, but fails to comply with the agreement under subparagraph 600203.B, or fails to commence or complete the active duty obligation discussed in paragraph 600204, will be subject to the repayment provisions of Chapter 2.

## 6004 PAY ENTITLEMENTS

## 600401. Active Duty

A. Members participating in AFHPSP will be commissioned officers in the Reserve Component of the Armed Forces and will be ordered to active duty for a period of 45 days during each year of participation.

B. Members pursuing a course of study will serve on active duty in pay grade O-1 with full pay and allowances of that grade.

C. Members pursuing specialized training will serve on active duty in a pay grade commensurate with their educational level, as determined by appointment, with full pay and allowances of that grade for a period of 14 days during each year of participation in AFHPSP.

D. Members will be detailed as students at accredited civilian institutions, located in the United States or Puerto Rico, for the purpose of acquiring knowledge or training in a designated health profession. This active duty period may be served at the location where the member is receiving specialized training, if it would otherwise interrupt the member's residency or fellowship training to serve elsewhere on active duty.

## 600402. Prior Active Service

Effective January 28, 2008, a member, who has been selected as a medical student and who has prior military service at a pay grade with years of service credited for pay, will be paid basic pay at such prior pay grade and years of service, if this rate of basic pay exceeds the rate of basic pay to which he would be entitled as a medical student. The amount of the basic pay will be increased on January 1 of each year by [the percentage of increase established by executive order](#). The member will continue to receive the higher basic pay of his or her prior pay grade until the basic pay for the member's actual grade and years of service credited for pay exceeds the basic pay he or she is receiving, regardless of whether this occurs before or after the conclusion of his or her participation as a medical student.

## \*600403. Stipend

Except during periods of active duty (see paragraph 600401), members enrolled in this program are entitled to a monthly stipend of \$2,391.60 per month, effective [July 1, 2019](#). These rates are payable during periods of absence. [For the most current rates, see the Armed Forces Health Professions Stipend & Financial Assistance Program Grant table on DFAS.MIL.](#)

A. Payment. Payment starts on the date of execution of the oath of office, the date of execution of AFHPSP contract, or the date of commencement of the academic curriculum, whichever is latest. Payment normally continues until the date of graduation or completion of specialized training. 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 the beginning and end of any active duty period.

B. Termination. If a member of AFHPSP is suspended or disenrolled from the designated course of training, stipend payments terminate on that date. 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 a professional degree is a prerequisite to re-commissioning 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.

C. Recoupment. Educational costs of AFHPSP and stipends are subject to recoupment when members of AFHPSP 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. [Recoupment is subject to the repayment provisions of Chapter 2.](#)

600404. Advance Pay

Members may be paid an advance pay when reporting for the 45-day active duty tour. (See Chapter 32, paragraph 320208.)

600405. Travel Time

During the active duty period, including allowable travel time under Chapter 1, Table 1-6, members serve in pay grade O-1 and are normally entitled to full pay and allowances (see Chapter 57) for that grade.

600406. Officer's Initial Uniform Allowance

A member of the AFHPSP is entitled to an initial uniform allowance upon reporting for the first period of active duty. (See Chapter 30, section 3002.)

600407. Servicemembers' Group Life Insurance (SGLI)

Members, while under this program, are entitled to SGLI coverage for the 45-day active duty tour. For deductions during active duty periods, see Chapter 47, section 4705.

## 600408. Tax Withholding

A. Active duty pay paid under this program is subject to federal income tax withholding (FITW), state income tax withholding (SITW) (if applicable), and federal insurance contribution act (FICA) withholding in the same manner as prescribed in Chapters 44 and 45.

B. Monthly stipends paid to students entering AFHPSP are subject to FITW and SITW.

C. Monthly stipends are not subject to FICA.

D. Amounts paid directly to schools on behalf of students for tuition, books, fees, laboratory expenses, and any reimbursements for such items paid to students participating at any time in AFHPSP are not subject to withholding for FITW, SITW, or FICA.

## 600409. Settlement of Deceased Member's Accounts

See Chapter 36, section 3603 for authority for payment of any unpaid pay and allowances (includes the amount of unpaid stipend).

## 600410. Creditable Service

A. Except as provided in subparagraph 600410.B, service performed while a member of AFHPSP will not be counted in:

1. Determining eligibility for retirement, other than by reason of physical disability incurred while on active duty as a member of AFHPSP; or

2. Computing years of service creditable.

B. The Secretary of the Military Department concerned may authorize service performed by a member of AFHPSP, in pursuit of a course of study under this section, to be counted as creditable service, if the member:

1. Completes the course of study;

2. Completes the active duty obligation; and

3. Possesses a specialty designated by the Secretary of the Military Department concerned as critically needed in wartime.

C. Service credited under subparagraph 600410.B counts only for the award of retirement points for the computation of years of service and retired pay.

D. The number of points credited to a member under subparagraph 600410.B.1 for a year of participation in the course of study is 50. The points will be credited to the member

at the end of each year after the completion of the course of study, when the member serves in the Selected Reserve and is credited with at least 50 points.

E. Service may not be counted under subparagraph 600410.B for more than 4 years of participation in the course of study as a member of AFHPSP.

F. A member is not entitled to any retroactive award of, or increase in, pay or allowances by reason of an award of service credit under subparagraph 600410.B.

#### 6005 FAP

##### 600501. Grant

Effective July 1, 2008, a member participating in the AFHPSP specialized training will be paid an annual grant in an amount not to exceed \$45,000, in addition to the stipend under paragraph 600403. [For the most current rates, see the Armed Forces Health Professions Stipend & Financial Assistance Program Grant table on DFAS.MIL.](#)

A. A grant is paid annually based on the rate in effect on the date of entitlement.

B. A grant is prorated only for partial years of participation, to include the final payment. Subsequent installments are to be issued on the anniversary date of the initial payment.

C. The amount of the grant is reviewed and increased as appropriate in the same manner as provided for the stipend.

D. Payment starts on the date of execution of the oath of office, the date of execution of the FAP contract, or the date of commencement of the academic curriculum, whichever is latest.

E. Payment will continue until the date of graduation or completion of specialized training, unless the program participant is suspended or disenrolled from the designated course of study or specialized training or fails to comply with terms of the program agreement, Service policy, or regulation.

F. The authority to make the grant and stipend payments is not affected by any payments made to the member by the civilian training institution.

##### 600502. Recoupment

A member of the FAP who fails to complete specialty training because of a 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 a portion of payments received during participation in FAP. Recoupment is subject to the repayment provisions of Chapter 2.

**\*REFERENCES****CHAPTER 60 – HEALTH PROFESSIONS SCHOLARSHIP PROGRAM FOR ACTIVE SERVICE**

## 6002 – AFHPSP

600201	10 U.S.C. § 2121(a)(1)
600202	10 U.S.C. § 2121(a)(2)
600203	10 U.S.C. § 2122
600204	10 U.S.C. § 2123

## 6003 – ACCESSION BONUS (AB)

600301	Assistant Secretary of Defense Health Affairs (ASD (HA)) Memo, April 25, 2011
600302	10 U.S.C. § 2128(a)
600303	10 U.S.C. § 2128(b)
600304	10 U.S.C. § 2128(c)

## 6004 – PAY ENTITLEMENTS

600401	10 U.S.C. § 2121(c)(1)
600401.C	10 U.S.C. § 12207
600402	10 U.S.C. § 2121(c)(2) <a href="#">37 U.S.C. § 1009</a>
600403	10 U.S.C. § 2121(d) <a href="#">Office of the ASD (OASD) (HA) Memo, April 4, 2019</a>
600404	37 U.S.C. § 1006(i)
600406	37 U.S.C. § 415 10 U.S.C. § 2121(c)
600407	38 U.S.C. §§ 1965-1976
600408	26 U.S.C. § 117
600409	10 U.S.C. § 2771
600410	10 U.S.C. § 2126
600410.A.2	37 U.S.C. § 205
600410.B.1.b	10 U.S.C. § 2123(a)
600410.B.2	10 U.S.C. §§ 12732 and 12733
600410.B.3	10 U.S.C. § 12732(a)(2)
600410.B.5	10 U.S.C. §§ 12732(a) and 12733



6005 – FAP

600501

DoD Instruction 6000.13 December 30, 2015,  
Incorporating Change 1, May 3, 2016  
10 U.S.C. § 2127(e)  
OASD (HA) Memo, April 4, 2019

**VOLUME 7A, CHAPTER 61: “BONUS PROGRAM FOR THE INDIVIDUAL READY RESERVE (IRR) AND INACTIVE NATIONAL GUARD (ING)”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **June 2017** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
6102	Updated the “Duration of Authority” date to reflect the amendment to Title 37, United States Code (U.S.C.), section 331(h) and moved it to the “Duration of Authority” table on the DFAS.MIL website. Added a hyperlink to the table.	Revision
610301	Updated the eligibility criteria to reflect 37 U.S.C. § 331.	Revision
610305	Removed the obsolete “Critically Short Wartime Skill” paragraph.	Deletion
610306	Removed the eligibility waiver while serving in Afghanistan.	Deletion
6104	Updated to reflect the current authorization in Department of Defense Instruction 1304.31, March 12, 2013.	Revision
6107	Updated obsolete recoupment information.	Revision
References	Renamed “Bibliography” to “References” and updated statutes and supporting references.	Revision

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## CHAPTER 61

**BONUS PROGRAM FOR THE INDIVIDUAL READY RESERVE (IRR)  
AND INACTIVE NATIONAL GUARD (ING)**

## 6101 GENERAL

## 610101. Purpose

The Secretary concerned may pay a bonus to an eligible member who enlists, reenlists, or voluntarily extends an enlistment in a Reserve Component (RC) of an Armed Force for assignment to (other than the Selected Reserve (SELRES)) the IRR or the ING.

## 610102. Authoritative Guidance

The pay policies and requirements established by the Department of Defense (DoD) in this chapter are derived primarily from, and prepared in accordance with Title 37, United States Code (U.S.C.), section 331. Due to the subject matter in this chapter, the list of authoritative sources is extensive. The specific statutes, regulations, and other applicable guidance that govern each individual section are listed in a reference section at the end of the chapter.

**\*6102 DURATION OF AUTHORITY**

A bonus may not be paid to any person for a reenlistment, enlistment, or voluntary extension of an enlistment after the date on the Duration of Authority table. No payments will be made after the termination date unless the person's entitlement to the bonus commenced prior to that date.

## 6103 ELIGIBILITY

**\*610301. Criteria**

The Secretary concerned may pay a bonus to a person, including a member of the IRR or ING, who:

- A. Enlists in or affiliates with the IRR or ING;
- B. Transfers from a regular component of an Armed Force to an RC of that same Armed Force;
- C. Transfers from a regular component or RC of an Armed Force to a regular component or RC of another Armed Force, subject to the approval of the Secretary with jurisdiction over the Armed Force to which the member is transferring; or

D. Reenlists, voluntarily extends an enlistment, or otherwise agrees to serve for a specified period in a designated career field, skill, or unit of an Armed Force; or under other conditions of service in an Armed Force.

610302. Transfers to Another Military Service

An individual who completes his/her obligation to one Military Service may be accepted by another Military Service for enlistment, provided the individual possesses a skill approved by the gaining Military Service for the payment of the bonus.

610303. Army

Army members who transfer from the ING to the IRR may continue to receive the bonus, provided such members continue to serve satisfactorily.

610304. Called or Ordered to Active Duty

A person entitled to a bonus, who is called or ordered to active duty, will be paid during that period of active duty any amount of the bonus that becomes payable to the member.

\*6104 MAXIMUM AMOUNTS PAYABLE AND METHOD OF PAYMENT

\*610401. Maximum Amount

The Secretary concerned shall determine the amount of a bonus to be paid under this section, except that:

A. A bonus paid under subparagraph 610301.A may not exceed \$20,000 for a minimum two-year period of obligated service;

B. A bonus paid under subparagraphs 610301.B and C may not exceed \$10,000; and

C. A bonus paid under subparagraph 610301.D may not exceed \$10,000 for each year of obligated service in an RC.

\*610402. Lump Sum or Installments

A bonus under this section may be paid in a lump sum or in periodic installments, as determined by the Secretary concerned.

\*610403. Fixing Bonus Amount

Upon acceptance by the Secretary concerned of the written agreement, the total amount of the bonus to be paid under the agreement shall be fixed.

## 6105 OBLIGATION

A member must be contractually obligated to serve satisfactorily, as prescribed by the regulations of the Military Service concerned, in the IRR or ING for the full term of enlistment, reenlistment, or extension. As a condition of receipt of the bonus, recipients must agree to participate in an annual muster of the RC or on active duty for training, as may be required by the Secretary concerned.

## 610501. Extensions

The use of extensions, in lieu of reenlistments, is authorized and encouraged to:

- A. Reduce the administrative burden of the reenlistment process; and
- B. Eliminate the need for the oath of enlistment or reenlistment.

## 610502. Service

Participants must obligate themselves to continue to serve in the same Military Occupation Specialty (MOS) unless excused for the convenience of the Government.

## 610503. Transfers

A bonus recipient who later transfers to the SELRES is not required to refund the IRR or ING bonus. Bonus recipients who transfer to the SELRES are not eligible for a SELRES reenlistment bonus during the period for which an IRR or ING bonus was paid.

## 6106 TERMINATION OF BONUS ENTITLEMENT

Entitlement to the IRR and ING bonus will be terminated under the following conditions in paragraphs 610601 through 610605.

## 610601. Participation

The member fails to participate satisfactorily in the IRR or ING in accordance with the regulations of the Military Service concerned.

## 610602. Civilian Position

The member accepts a civilian position where membership in the RC is a condition of employment (persons on temporary assignment excluded).

## 610603. Separation

The member is separated from the IRR or ING as an enlisted member for any reason (including enlistment or voluntary recall into the active forces).

610604. Officer Commissioning Program

The member becomes a simultaneous member of an authorized officer program drawing a stipend.

610605. Non-Qualified MOS

The member moves to a non-bonus-qualified MOS unless at the express direction of the Military Service concerned (through no fault of the member).

**\*6107 RECOUPMENT OF PAYMENTS**

[See Chapter 2.](#)

**\*REFERENCES****CHAPTER 61 – BONUS PROGRAM FOR THE INDIVIDUAL READY RESERVE (IRR)  
AND INACTIVE NATIONAL GUARD (ING)****\*6102 – DURATION OF AUTHORITY**

- \* 37 U.S.C. § 331(h)
- \* Public Law 115-232, section 611(d)(1), August 13, 2018

**6103 – ELIGIBILITY**

- \* 610301 37 U.S.C § 331(a)

**\*6104 – MAXIMUM AMOUNTS PAYABLE AND METHOD OF PAYMENT**

- \* 37 U.S.C. § 331(c)
- \* DoD Instruction (DoDI) 1304.31, March 12, 2013

**6105 – OBLIGATION**

- \* DoDI 1205.21, September 20, 1999
- \* DoDI 1304.31, March 12, 2013

**6106 – TERMINATION OF BONUS ENTITLEMENT**

- \* DoDI 1205.21, September 20, 1999
- \* DoDI 1304.31, March 12, 2013



**VOLUME 7A, CHAPTER 62: “HEALTH PROFESSIONS STIPEND PROGRAM FOR  
SELECTED RESERVE SERVICE”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

The previous version dated [November 2017](#) is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
620201	Increased the stipend amount to \$2,391.60 effective July 1, 2019 in accordance with the Office of the Assistant Secretary of Defense Health Affairs Memo, dated April 4, 2019.	Revision
References	Renamed “Bibliography” to “References” and updated statutes and supporting references.	Revision

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## CHAPTER 62

**HEALTH PROFESSIONS STIPEND PROGRAM FOR SELECTED RESERVE SERVICE**

## 6201 GENERAL

## 620101. Purpose

The chapter establishes policy guidance pertaining to the Health Professions Stipend Program for Selected Reserve service.

## 620102. Authoritative Guidance

The pay policies and requirements established by the Department of Defense (DoD) in this chapter are derived primarily from, and prepared in accordance with the United States Code (U.S.C.), including Titles 10, 26, 37, and 38. Due to the subject matter in this chapter, the list of authoritative sources is extensive. The specific statutes, regulations, and other applicable guidance that govern each individual section are listed in a reference section at the end of the chapter.

## 6202 PAY COMPUTATION

## \*620201. Stipend

When a participant has agreed to serve in the Selected Reserve, the amount of a stipend effective [July 1, 2019](#) will be [\\$2,391.60 per month](#), or one-half of that rate if the participant has agreed to serve in the Individual Ready Reserve. [For the most current rates, see the \*Armed Forces Health Professions Stipend & Financial Assistance Program Grant\* table on DFAS.MIL.](#)

A. **Payment.** The stipend is payable during 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.

B. **Termination.** When an officer's eligibility for the stipend program is terminated, the officer no longer is entitled to receive a 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 [DoD](#).

C. **Recoupment.** A member of the program who, under regulations prescribed by the Secretary of Defense, is dropped from the program for deficiency in training, or for other reasons, [will](#) be required:

1. To perform 1 year of active duty for each year (or part thereof) for which such person was provided financial assistance under this section; or

2. To comply with the repayment provisions of [37 U.S.C., section 373](#) and Chapter 2.

NOTE: The Secretary of the Military Department concerned may relieve a member who is dropped from the program from any requirement that may be imposed under subparagraph 620201.C, but such relief **will** not relieve the member from any military obligation imposed by any other law.

D. Prohibition of Duplicate Benefits. Financial assistance may be provided under this section to a member receiving financial assistance under [10 U.S.C. § 2107](#).

620202. Servicemembers' Group Life Insurance

For coverage, see Chapter 47, section 4702. For deductions during active duty periods, see Chapter 47, section 4705.

620203. Tax Withholding

A. Active duty pay paid under this program is subject to Federal Income Tax Withholding (FITW) and Federal Insurance Contribution Act (FICA) withholding in the same manner as prescribed in Chapters 44 and 45.

B. Monthly stipends paid to students entering the program are subject to FITW.

C. Monthly stipends are not subject to FICA withholding.

620204. Settlement of Deceased Members' Accounts

See Chapter 36, section 3603 for authority for payment of any unpaid pay and allowances (includes the amount of unpaid stipend).

6203 REQUIRED ACTIVE DUTY TRAINING

620301. Selected Reserve

A person who is required under the agreements described in sections 6204 through 6208 to serve in the Selected Reserve **will** serve not less than 12 days of active duty for training each year during the period of service required by the agreement.

620302. Nonavailability

Members of the Ready Reserve, who incur a period of authorized nonavailability, **will** be suspended without recoupment from their incentive. If subsequently assigned to the Reserve status and skill originally contracted for, then members may be reinstated in the incentive program if they extend their term of service or contract for service to be able to serve the full original incentive contract period. Entitlement to subsequent payments **will** resume on the adjusted anniversary date

of satisfactory and creditable Reserve service, as appropriate. These members are assigned temporarily to the Standby Reserve or to the Inactive National Guard, as appropriate, during the period of authorized nonavailability and are required to extend their Selected Reserve service agreement for a period that equals the period of authorized nonavailability.

A. Members of the Selected Reserve may incur a period of authorized nonavailability for up to 1 year for valid personal reasons as determined by the Secretary of the Military Department concerned.

B. During the period of nonavailability, a member is suspended without concurrent recoupment. A member **will** not be entitled to subsequent payments or any other available incentives.

C. An officer is entitled to stipend payments when the anniversary date of satisfactory and creditable Ready Reserve service is adjusted for the period of authorized nonavailability.

#### 6204 MEDICAL AND DENTAL SCHOOL STUDENTS

##### 620401. Eligibility

The Secretary of the Military Department concerned may enter into an agreement with a person who:

- A. Is eligible to be appointed as an officer in a Reserve Component (RC);
- B. Is enrolled or has been accepted for enrollment in an institution in a course of study that results in a degree in medicine or dentistry;
- C. Signs an agreement that, unless **sooner** separated, the person will:
  1. Complete the educational phase of the program;
  2. Accept a re-appointment or re-designation within the person's RC, if tendered, based upon the person's health profession, following satisfactory completion of the educational and intern programs; and
  3. Participate in a residency program; and
- D. **If required by regulations prescribed by the Secretary of Defense**, agrees to apply for (if eligible) and accept (if offered), residency training in a health profession skill, which has been designated by the Secretary of Defense as a critically needed wartime skill.

## 620402. Agreement

A. The Secretary of the Military Department concerned shall agree to pay the participant a stipend, in the amount contained in paragraph 620201, for the period or the remainder of the period that the student is satisfactorily progressing toward a degree in medicine or dentistry while enrolled in an accredited medical or dental school.

B. The participant shall not be eligible to receive such stipend before appointment, designation, or assignment as an officer for service in the Ready Reserve.

C. The participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Ready Reserve.

D. The participant shall agree to serve in the Selected Reserve, upon successful completion of the program, for the period of 1 year for each 6 months, or part thereof, for which the participant is provided a stipend pursuant to the agreement.

NOTE: In the case of a participant who enters into a subsequent agreement under section 6205 and successfully completes residency training in a specialty designated by the Secretary of Defense as a specialty critically needed by the Military Department in wartime, the requirement to serve in the Selected Reserve may be reduced to 1 year for each year, or part thereof, for which the stipend was provided while enrolled in medical or dental school.

## 6205 PHYSICIANS AND DENTISTS IN CRITICAL WARTIME SPECIALTIES

## 620501. Eligibility

Under the stipend program, the Secretary of the Military Department concerned may enter into an agreement with a person who:

A. Is a graduate of a medical school or dental school; and

B. Is eligible for appointment, designation, or assignment as a medical officer or dental officer in the RC of the Armed Force concerned or has been appointed as a medical or dental officer in the RC of the Armed Force concerned; or

C. Is enrolled or has been accepted for enrollment in a residency program for physicians or dentists in a medical or dental specialty designated by the Secretary of the Military Department concerned as a specialty critically needed by that Military Department in wartime.

## 620502. Agreement

A. The Secretary of the Military Department concerned shall agree to pay the participant a stipend, in the amount contained in paragraph 620201, for the period or the remainder of the period of the residency program in which the participant enrolls or is enrolled.

B. The participant shall not be eligible to receive such stipend before appointment, designation, or assignment as a medical officer or dental officer for service in the Ready Reserve.

C. The participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Ready Reserve.

D. The participant shall agree to serve, upon successful completion of the program, 1 year in the Selected Reserve for each 6 months, or part thereof, for which the stipend is provided.

#### 6206 REGISTERED NURSES IN CRITICAL SPECIALTIES

##### 620601. Eligibility

Under the stipend program, the Secretary of the Military Department concerned may enter into an agreement with a person who:

- A. Is a registered nurse;
- B. Is eligible for appointment as a Reserve Officer for service in an RC as a nurse; and
- C. Is enrolled or has been accepted for enrollment in an accredited program in nursing in a specialty designated by the Secretary of the Military Department concerned as a specialty critically needed by that Military Department in wartime.

##### 620602. Agreement

A. The Secretary of the Military Department concerned shall agree to pay the participant a stipend, in the amount contained in paragraph 620201, for the period or the remainder of the period of the nursing program in which the participant enrolls or is enrolled.

B. The participant shall not be eligible to receive such stipend before being appointed as a Reserve Officer for service in the Ready Reserve as a nurse.

C. The participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Ready Reserve.

D. The participant shall agree to serve, upon successful completion of the program, 1 year in the Selected Reserve for each 6 months, or part thereof, for which the stipend is provided.

## 6207 BACCALAUREATE STUDENTS IN NURSING OR OTHER HEALTH PROFESSIONS

## 620701. Eligibility

Under the stipend program, the Secretary of the Military Department concerned may enter into an agreement with a person who:

A. Will, upon completion of the program, be eligible to be appointed, designated, or assigned as a Reserve officer for duty as a nurse or other health professional; and

B. Is enrolled, or has been accepted for enrollment, in the third or fourth year of:

1. An accredited baccalaureate nursing program; or

2. Any other accredited baccalaureate program leading to a degree in a health profession designated by the Secretary of the Military Department concerned as a profession critically needed by that Military Department in wartime.

## 620702. Agreement

A. The Secretary of the Military Department concerned shall agree to pay the participant a monthly stipend in the amount contained in paragraph 620201 for the period or the remainder of the period of the baccalaureate program in which the participant enrolls or is enrolled.

B. The participant shall not be eligible to receive such stipend before enlistment in the Ready Reserve.

C. The participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Ready Reserve.

D. The participant shall agree to serve, upon graduation from the baccalaureate program, 1 year in the Selected Reserve for each year, or part thereof, for which the stipend is paid.

## 6208 MENTAL HEALTH PROFESSIONALS IN CRITICAL WARTIME SPECIALTIES

## 620801. Eligibility

Under the stipend program, the Secretary of the Military Department concerned may enter into an agreement with a person who:

A. Is eligible to be appointed as an officer in an RC;

B. Is enrolled or has been accepted for enrollment in an institution in a course of study that results in a degree in clinical psychology or social work;



- C. Signs an agreement that, unless earlier separated, the person will:
1. Complete the educational phase of the program;
  2. Accept a re-appointment or re-designation within the person's RC, if tendered, based upon the person's health profession, following satisfactory completion of the educational and intern programs; and
  3. Participate in a residency program if required for clinical licensure in a mental health profession skill; and
- D. If required by regulations prescribed by the Secretary of Defense, agrees to apply for, if eligible, and accept, if offered, residency training in a mental health profession skill that has been designated by the Secretary of the Military Department concerned as a critically needed wartime skill.

620802. Agreement

- A. The Secretary of the Military Department concerned shall agree to pay the participant a stipend, in the amount contained in paragraph 620201, for the period or the remainder of the period that the student is satisfactorily progressing toward a degree in clinical psychology or social work while enrolled in a school accredited in the designated mental health discipline.
- B. The participant shall not be eligible to receive such stipend before appointment, designation, or assignment as an officer for service in the Selected Reserve.
- C. The participant shall be subject to such active duty requirements as may be specified in the agreement and to active duty in time of war or national emergency as provided by law for members of the Selected Reserve.
- D. The participant shall agree to serve, upon successful completion of the program, 1 year in the Selected Reserve for each 6 months, or part thereof, for which the stipend is provided.

\*REFERENCES

**CHAPTER 62: HEALTH PROFESSIONS STIPEND PROGRAM FOR SELECTED RESERVE SERVICE**

6202 – PAY COMPUTATION

	10 U.S.C. § 16201(g)
	10 U.S.C. § 16203
	10 U.S.C. § 2121(d)
620201	Office of the Assistant Secretary of Defense Health Affairs Memo, April 4, 2019
620202	38 U.S.C. §§ 1965-1976
620203	26 U.S.C. § 117
620204	10 U.S.C. § 2771
	37 U.S.C. § 501(d)

6203 – REQUIRED ACTIVE DUTY TRAINING

620301	10 U.S.C. § 16202 DoD Instruction (DoDI) 6000.13, December 30, 2015, Incorporating Change 1, May 3, 2016
620302	DoDI 1205.21, September 20, 1999

6204 – MEDICAL AND DENTAL SCHOOL STUDENTS

10 U.S.C. § 16201(b)(2)

6205 – PHYSICIANS AND DENTISTS IN CRITICAL WARTIME SPECIALTIES

10 U.S.C. § 16201(c)(2)

6206 – REGISTERED NURSES IN CRITICAL SPECIALTIES

10 U.S.C. § 16201(d)(2)

6207 – BACCALAUREATE STUDENTS IN NURSING OR OTHER HEALTH PROFESSIONS

10 U.S.C. § 16201(e)(2)

6208 – MENTAL HEALTH PROFESSIONALS IN CRITICAL WARTIME SPECIALTIES

10 U.S.C. § 16201(f)(2)

**VOLUME 7A, CHAPTER 63: “ACCESSION AND CONTINUATION BONUSES FOR NURSE OFFICER CANDIDATES”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

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Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **November 2017** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
630102	Updated the “Authoritative Guidance” paragraph to comply with current administrative instructions.	Revision
630401	Added hyperlink to DFAS.MIL for the duration of authority for “Accession Bonus.”	Revision
630402	Increased the stipend amount to \$2,391.60 effective July 1, 2019 in accordance with the Office of the Assistant Secretary of Defense Health Affairs Memo, dated April 4, 2019.	Revision
References	Renamed “Bibliography” to “References” and updated statutes and supporting references.	Revision

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## CHAPTER 63

**ACCESSION AND CONTINUATION BONUSES FOR NURSE OFFICER  
CANDIDATES**

## 6301 GENERAL

## 630101. Purpose

The Secretary of the Military Department concerned is authorized to provide financial assistance to full-time students enrolled in an accredited baccalaureate degree program in nursing to assist in the completion of degree requirements and acceptance of an appointment as a nurse officer. For the purpose of this chapter, “continuation bonus” and “monthly stipend” are synonymous.

## \*630102. Authoritative Guidance

The Health Professions Scholarship Program for Active Service policies and requirements established by the Department of Defense in this chapter are derived primarily from, and prepared in accordance with the United States Code (U.S.C.), including Titles 10 and 37. Due to the subject matter in this chapter, the list of authoritative sources is extensive. The specific statutes, regulations, and other applicable guidance that govern each individual section are listed in a reference section at the end of the chapter.

## 6302 ELIGIBLE STUDENTS

The Accession and Continuation Bonuses are authorized for nursing students who execute an agreement under each of the following conditions:

## 630201. Senior Reserve Officers Training Corps (SROTC)

The student is enrolled full-time in an accredited nursing baccalaureate degree program at a civilian educational institution that either does not have an SROTC program established by the Secretary of the Military Department concerned who is selecting the student or has an SROTC for which the student is ineligible.

## 630202. Baccalaureate Degree Program

The student has completed the second year of an accredited baccalaureate degree program in nursing and has more than 6 months of academic work remaining before graduation.

## 630203. Officer Appointment

The student meets the qualifications for appointment as an officer of a Reserve Component (RC) of the Army, Navy, or Air Force as set forth in [10 U.S.C., section 12201](#) and the regulations of the Military Department concerned.

## 6303 AGREEMENT

The student described in section 6302 will execute a written agreement in which the student agrees to the following four provisions:

## 630301. Degree Completion

The student will complete the nursing degree program described in paragraphs 630201 and 630202.

## 630302. Reserve Enlistment

The student will, upon acceptance of the agreement by the Secretary of the Military Department concerned, enlist in an RC of the Armed Forces.

## 630303. Officer Appointment

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, upon graduation from the nursing degree program.

## 630304. Active Duty Obligation

The member will serve on active duty as an officer described in paragraph 630303 as follows:

A. For a period of 4 years in the case of a person whose agreement was accepted by the Secretary of the Military Department concerned during that person's fourth year of the nursing degree program; or

B. For a period of 5 years in the case of a person whose agreement was accepted by the Secretary of the Military Department concerned during that person's third year of the nursing degree program.

## 6304 AMOUNTS PAYABLE

## \*630401. Accession Bonus (AB)

The Secretary of the Military Department concerned may, upon acceptance of a written agreement, pay an AB to an eligible person in an amount not to exceed \$20,000. The AB will be paid in periodic installments, as determined by the Secretary of the Military Department concerned at the time the agreement is accepted, except that the first installment may not exceed \$10,000. Unless authorized by the Congress, no agreement may be entered into after [the date on the \*Duration of Authority\* table](#).

\*630402. Monthly Stipend

In addition to the AB, a person selected into the program shall be entitled to a monthly stipend in an amount not to exceed \$2,391.60 (effective July 1, 2019, for the 2019-2020 school year). The stipend is payable 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 approved by the Secretary of the Military Department concerned who selected the individual. The continuation bonus may be paid for not more than 24 months. For the most current rates, see the Armed Forces [Health Professions Stipend & Financial Assistance Program Grant](#) table on DFAS.MIL.

NOTE: Accession and continuation bonuses are subject to Federal income tax withholding but not subject to Federal Insurance Contributions Act.

6305 REPAYMENT

A person will be subject to the repayment provisions of Chapter 2, section 0203, under any of the following conditions:

630501. Withdraws From Program

The student does not complete a nursing degree program in which the student is enrolled in accordance with section 6303.

630502. Commissioning

Having completed a nursing degree program, the student does not become an officer in the Nurse Corps of the Army or the Navy or an officer designated as a nurse officer of the Air Force.

630503. Fails to Complete Service Obligation

The member does not complete the period of obligated active service required under the agreement.







**VOLUME 7A, CHAPTER 65: “HIGH-DEPLOYMENT ALLOWANCE”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

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The previous version dated [October 2016](#) is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated formatting to comply with current administrative instructions.	Revision
References	Renamed “Bibliography” to “References.”	Revision

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## CHAPTER 65

HIGH-DEPLOYMENT ALLOWANCE

## 6501 GENERAL

## 650101. Purpose

A high-deployment allowance may be paid to members who perform lengthy or numerous deployments or frequent mobilizations. However, in a memorandum dated October 8, 2001, the Deputy Secretary of Defense indefinitely suspended the accumulation of deployment days for purposes of determining eligibility for high-deployment allowance due to national security issues.

## 650102. Authoritative Guidance

The authoritative references are listed at the end of this chapter.

## 6502 ENTITLEMENT CRITERIA

## 650201. General

The Secretary of the Military Department concerned may pay a high-deployment allowance to a member for each month during which the member is:

## A. Deployed and at any time during that month:

1. Has been deployed for 191 or more consecutive days; or
2. Has been deployed 401 or more days out of the preceding 730 days;

or

## B. A Reserve member who is on active duty:

1. Under a call or order to active duty for a period of more than 30 days that is the second (or later) such call or order to active duty for that member in support of the same contingency operation; or

2. For a period of more than 30 days under a provision of law referred in Title 10, United States Code (U.S.C.), section 101(a)(13)(B), if such period begins within one year after the date on which the member was released from previous service on active duty for a period of more than 30 days under a call or order issued under such provision of law.

## 650202. Payment

- A. A member may be paid a monthly rate as determined by the Secretary of the Military Department concerned, not to exceed \$1,000 per month.

B. Generally, the high-deployment allowance is taxable income. If the high-deployment allowance is earned while the member is serving within a combat zone, then the allowance is eligible for the Combat Zone Tax Exclusion (CZTE). For more information on CZTE, refer to Chapter 44.

650203. Deployment

There are five categories of deployments that must be tracked and counted towards the established management and pay thresholds. See Figure 65-1 for categories of Personnel Tempo (PERSTEMPO) events.

A. Operations. Operations is a military action or the carrying out of a strategic, tactical, service, training, or administrative military mission; providing support to domestic civil, humanitarian, or counter-drug military mission; and the process of carrying on combat, including movement, supply, attack, defense, and maneuvers needed to gain the objectives of any battle or campaign. Operations are generally named by the Joint Staff.

B. Exercise. An exercise is a named military maneuver or simulated wartime operation involving planning, preparation, and execution. It is carried out for the purpose of training or evaluation. It may be a combined, joint, or single-Service exercise, depending on participating organizations.

C. Unit Training. Unit training consists of all or part of a unit accomplishing a training objective at a location other than the permanent duty location. Unit training includes exercises that have not received an official designation.

D. Home Station Training/Local Operating Area of a Ship or Vessel. Home station training/local operating area of a ship or vessel training is conducted within the limits of an installation/base/local operating area of a ship or vessel. The area must have been predetermined and documented by appropriate authorities.

E. Mission Support Temporary Duty (TDY). Mission support TDY consists of duties that include meetings, conferences, staff visits, staff augmentation, and medical appointments.

650204. Nondeployment

For the purpose of this chapter, a member is not deployed or in a deployment when the member is:

- A. A student or trainee at a school (including any government school);
- B. Performing administrative, guard, or detail duties in garrison at the member's permanent duty station; or
- C. Unavailable because of:

1. Hospitalization of the member at the member's permanent duty station or homeport or in the immediate vicinity of the member's permanent residence; or

2. Disciplinary action taken against the member.

650205. Exceptions to Deployment Time

A. Suspension. Pursuant to [10 U.S.C. § 991\(d\)](#), the Secretary of the Military Department concerned may suspend the management of the PERSTEMPO program when such a suspension is in the "national security interests."

B. Day Away. A day away begins on one day and ends on another day. A day away does not require a full 24 hours to be considered a PERSTEMPO day, and the day of return will not count as a day away. For example, if a member departs on Monday afternoon and returns on Tuesday morning, only Monday counts as a PERSTEMPO day.

C. Leave While Deployed. Leave in conjunction with a deployment will not count as deployed time away from home. Exceptions to this may be granted at the discretion of the Secretary of the Military Department concerned for those circumstances under which personnel are required to take chargeable leave in order to be exempted from duty requirements or watch standing requirements. In general, leave that would extend the actual or projected deployed time away from home will not be counted as deployed time.

D. Hospitalization When Deployed. When a member is deployed and requires hospitalization away from the permanent duty station, the member is still considered deployed. If a member is deployed and requires hospitalization at the permanent duty station, then the member is no longer considered deployed. If a line of duty investigation determines injuries are due to member's misconduct, then deployment days do not accrue in the hospital.

Figure 65-1. PERSTEMPO Events

PERSTEMPO Event Type	PERSTEMPO Event Category	PERSTEMPO Event Purpose
Deployment	Operations (includes TDY)	Contingency Operations
		National Emergency
		War
		Counter-Drug
		Law Enforcement Operations
		U. S. Domestic Civil
		Humanitarian Assistance
		Peacekeeping
		Surveillance
		Forward Presence
	Hospitalization	
	Named Exercise (includes TDY)	Joint/Combined Service
		North Atlantic Treaty Organization ( <a href="#">commonly referred to as NATO</a> )
		Hospitalization
	Unit Training (includes TDY)	Combined Training Center
Training Area		
Hospitalization		
Home Station Training/Local Operating Area of a Ship or Vessel		
Mission Support TDY (includes meetings, conferences, staff visits, staff augmentation, and medical appointments)		
Non-Deployment (note)	Individual Training/School TDY	
	Duty in Garrison (home station/home port duty)	
	Hospitalization (except deployed)	
	Discipline	
	Inactive Duty Training (if away from permanent training site (PTS))	
	Muster Duty (if away from PTS)	
	Funeral Honors Duty (if away from PTS)	

**Note:**

Reporting of these data elements has been suspended due to current limitations of Service personnel data systems.

**\*REFERENCES**

**CHAPTER 65 – HIGH-DEPLOYMENT ALLOWANCE**

6501 – GENERAL

Deputy Secretary of Defense Memo, October 8, 2001

6502 – ENTITLEMENT CRITERIA

10 U.S.C. § 991

37 U.S.C. § 436



**VOLUME 7A, CHAPTER 66: “CAREER STATUS BONUS (CSB)/CONTINUATION PAY (CP)”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **February 2015** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Formatted chapter to comply with current administrative instructions.	Revision
Title	Changed chapter title to incorporate Continuation Pay (CP) per Public Law 114-328, section 633, December 23, 2016.	Revision
660101 660102	Added the “Purpose” and “Authoritative Guidance” paragraphs to comply with current administrative instructions.	Addition
6602 660201	Changed section title to “CSB Entitlement” and added note to paragraph 660201 referring to section 6605 for “Discontinuation of CSB.”	Revision
660202	Changed paragraph title to “Eligibility.”	Revision
6605	Added the “Discontinuation of CSB” section and subsequent paragraphs.	Addition
6606	Added the “CP” section and subsequent paragraphs.	Addition
Bibliography	Updated statutes and references.	Revision

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## CHAPTER 66

\*CAREER STATUS BONUS (CSB)/CONTINUATION PAY (CP)

## 6601 GENERAL

## \*660101. Purpose

The purpose of this chapter is to provide policy pertaining to Career Status Bonus (CSB) as well as the Continuation Pay (CP) bonus, payable only to members who are in the Blended Retirement System (BRS).

## \*660102. Authoritative Guidance

The bibliography at the end of this chapter lists the authoritative references.

## \*6602 CSB ENTITLEMENT

## \*660201. General

The Military Retirement Reform Act of 1986, (henceforth referred to as REDUX), covered Uniformed Service members who first became a member **beginning** on or after August 1, 1986 and before January 1, 2018. These members could elect, upon completion of 15 years of Active Duty (AD) in the Uniformed Services, to either retire under the High-3 retirement system or receive a \$30,000 CSB and remain under the REDUX retired pay system. For details on the REDUX retirement plan, see Title 10, United States Code (U.S.C.), section 1409.

\*Note: After December 31, 2017, CSB could not be elected. See section 6605 for discontinuance of the CSB.

## \*660202. Eligibility

To be eligible for the **opportunity to elect the CSB/REDUX**, when the member completes 15 years of AD service, the member **must** simultaneously **meet** all the criteria **for eligibility**. A member who does not meet all criteria, but subsequently does, may not be given the opportunity to make a CSB/REDUX election, unless otherwise stated or approved by the Secretary of the Military Department concerned. A Uniformed Service **member** is eligible to make a CSB/REDUX Retirement election only when that member:

- A. Is serving on AD, and
- B. First became a Uniformed Service **member** on or after August 1, 1986 (has a Date of Initial Entry to Military/Uniformed Service (DIEMS)/Date Initial Entry Uniformed Service (DIEUS) of August 1, 1986 or later), and
- C. Has completed 15 years of AD in the Uniformed Service, and

D. Is otherwise eligible, as determined by the Secretary of the Military Department concerned, to serve continuously on AD until the completion of 20 years of AD service.

#### 660203. CSB/REDUX Eligibility Notification

The Secretary of the Military Department concerned was required to notify all members with a DIEMS/DIEUS between August 1, 1986 and December 31, 2002, whether they were eligible to make a CSB/REDUX election. Notification letters were to be sent on or shortly before the date individuals completed 14 years and 6 months of AD. If a member was not eligible for the CSB/REDUX election, then the notification was to explain why, and inform the member whether, there was an opportunity to make an election in the future under exceptions established in guidance promulgated by the Secretary of the Military Department concerned if the member's impediment to eligibility was subsequently eliminated. The Secretary of the Military Department concerned promptly notified members who subsequently became eligible to make a CSB election. Effective July 1, 2017, letters notifying members serving on AD of their eligibility to make a CSB election were discontinued. See section 6605.

#### 660204. CSB/REDUX Election

To make a CSB/REDUX election, a member was required to submit a Department of Defense (DD) Form 2839, Career Status Bonus (CSB) Election Form or Service equivalent form, and any other Service required forms as directed in the eligibility notification no later than the date the member attained 15 years of active military service or 6 months after the eligibility notification was sent, whichever was later. After December 31, 2017, CSB could not be elected.

### 6603 CSB PAYMENT

#### 660301. Payments

Eligible members may elect to receive the CSB under one of the following options:

- A. One payment of \$30,000;
- B. Two annual installments of \$15,000 each;
- C. Three annual installments of \$10,000 each;
- D. Four annual installments of \$7,500 each; or
- E. Five annual installments of \$6,000 each.

## 660302. Timing of Payment

A. Initial Payment. The initial CSB payment must be paid not earlier than the date the member attains 15 years of active service and not later than the end of the first month that begins on or after the date that is 60 days after the date the election is effective.

Example: A member who will attain 15 years of AD service on October 10, 2002, should be sent the CSB/REDUX notification no later than April 10, 2002. The member may complete the necessary forms and return them as directed by the Service concerned, but the election is not effective until October 10, 2002. The Secretary concerned will pay the member the initial payment no earlier than October 10, 2002, and no later than January 31, 2003. The latter date is determined as follows: the date that is 60 days after the effective date of the election is December 9, 2002 so the first month that begins on or after that date is January 2003 – the member must be paid no later than the end of January 2003.

B. Second and Subsequent Payments. Subsequent annual installments will be paid on or about January 15th of each year following the calendar year of the initial payment. All CSB payments qualify for deposit to the Uniformed Services Thrift Savings Plan (TSP). For more information regarding TSP, see Chapter 51.

## 660303. Tax Consideration

The CSB, if taxable, is income as of the date on which the payment is made to the member. The CSB/REDUX is considered tax exempt if the effective date of the election falls within the month in which the member is entitled to combat zone tax exclusion. See Chapter 44, paragraph 440203, for more information.

## 6604 CSB RECOUPMENT

## 660401. Recoupment Computation

A CSB recipient who fails to serve continuously on AD until the completion of 20 years of AD must repay a comparable portion of the CSB received. This amount is calculated by multiplying \$30,000 by a factor that is determined by dividing the uncompleted period of AD by the total period of continuous AD required as a result of the CSB/REDUX election. In making the calculation, months and days must be expressed as decimal fractions of a year (to the nearest .00000001). Each month is 1/12<sup>th</sup> of a year, and each day is 1/360<sup>th</sup> of a year, rounded to the eighth decimal place. (See Figure 66-1 for computation decimals.) See Examples 1 and 2. Use this same formula to compute the installment repayment amount, except use the completed (vice the uncompleted) time served to determine the bonus amount earned, and deduct the figure from the installment totals to determine the overpayment (See Example 3).

Example 1: A member's CSB/REDUX election is effective upon attaining 15 years of active service on October 10, 2001. The member is obligated to serve through October 10, 2006 (5 full years). If the member's last day of AD is

December 31, 2002, then the member will have failed to complete 3 years, 9 months and 10 days of required service. The member's repayment is computed as follows:

The period of agreed additional service is: 5 full years.

The service not completed is: 3 years, 9 months, and 10 days, or  
 $3 + .75 + .02777778 = 3.77777778$  years.

The required repayment is:  
 $(3.77777778 / 5) \times \$30,000 = .75555556 \times \$30,000 = \$22,666.67.$

Example 2: A member not initially notified of eligibility for a CSB, was later notified and made a CSB/REDUX election that was effective upon attainment of 16 years, 6 months, and 23 days of service. The member thus agreed to complete an additional 3 years, 5 months, and 7 days of service, but later separated, failing to complete 2 years, 3 months, and 11 days of that time. This member's repayment is computed as follows:

The period of agreed additional service is:  
 $3 + .41666667 + .01944444 = 3.43611111$  years.

And the service not completed is:  
 $2 + .25 + .03055556 = 2.28055556$  years.

The required repayment is:  $(2.28055556 / 3.43611111) \times \$30,000$   
 $= .66370251 \times \$30,000 = \$19,911.08.$

Example 3. A member's CSB/REDUX election is effective after attaining 15 years of active service on October 10, 2002 and the member received the first installment of \$15,000. The member is obligated to serve through October 9, 2007 (5 full years). The member's last day on AD is December 31, 2003, after completing only 1 year, 2 months and 20 days of required service. The member's repayment is computed as follows:

The period of agreed additional service is: 5 full years.

The service completed is:

1 year, 2 months, and 20 days, or  $1 + .16666667 + .05555556 = 1.22222223$  years.

The amount earned is:  $(1.22222223/5) \times \$30,000 = .24444444 \times \$30,000 = \$7,333.33.$

The required repayment is: \$15,000 less \$7,333.33 = \$7,666.67.

## 660402. Waiver of CSB Recoupment

The Secretary of the Military Department concerned may waive, in whole or in part, the required CSB refund if the Secretary determines that recovery would be against equity and good conscience or contrary to the best interests of the United States.

A. The Secretary of the Military Department **concerned** will waive the required refund if the member:

1. Dies;
2. Is separated or retired as a result of a physical disability under 10 U.S.C., Chapter 61; or
3. Is separated under a Service offer for early retirement such as Temporary Early Retirement Authority (**commonly referred to as** TERA) or **other** separation program.

B. The Secretary of the Military Department concerned **will** not waive repayment if the member's separation is due to misconduct or if a waiver of repayment would be inconsistent with other prescribed law, regulation, or policy.

**\*6605 DISCONTINUATION OF CSB**

## 660501. General

In accordance with section 631 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2016, Public Law (P.L.) 114-92, 37 U.S.C. § 354 was amended to discontinue authorization of any new CSB agreements after December 31, 2017.

## 660502. Limitations

An agreement to elect a reduced retirement multiplier in exchange for a CSB made on or prior to December 31, 2017, will remain in effect. Any payments pursuant to a CSB agreement entered into on or before December 31, 2017, may continue to be made on or after January 1, 2018. December 31, 2002 is the last date a member could have the qualifying DIEMS date and achieve 15 years of active military service required for CSB eligibility and be able to enter into an agreement for CSB.

**\*6606 CP**

## 660601. General

Public Law 114-92, as amended by P.L.114-328 (section 633), established CP as a bonus payable on or after January 1, 2018. CP is a one-time, mid-career bonus payment for members of the Uniformed Services covered by the BRS, in exchange for an agreement to perform additional

obligated service. CP is only payable to members in the BRS. A CP payment is in addition to any other career field-specific incentives or retention bonuses.

Note: The Deputy Secretary of Defense (DepSecDef) memo, January 27, 2017; the DoD Financial Management Regulation 7000.14-R, Volume 7B; and Service regulations provide comprehensive policy and guidance regarding retirement under the BRS.

660602. Eligibility

A. The following Active Component members are eligible to receive CP. Any Active Component (AC) member who:

1. Is covered under the BRS;
2. Has completed not less than 8 and not more than 12 years of service (YOS), as computed from the member's Pay Entry Base Date (PEBD); and
3. Is eligible to enter into an agreement to serve not less than an additional 3 years in the AC.

B. The following Reserve Component (RC) members are eligible to receive CP. Any RC member who:

1. Is covered under the BRS;
2. Has completed not less than 8 and not more than 12 YOS as computed from the member's PEBD;
3. Is a member of the Selected Reserve (SELRES), or otherwise a member of the Ready Reserve in a status in which the member is eligible to receive basic pay or inactive duty pay;
4. Is eligible in accordance with criteria published by the Secretary of the Department concerned; and
5. Is eligible to enter into an agreement to serve not less than an additional 3 years in the SELRES.

660603. CP Amount

The Secretary concerned determines the CP amount, the timing of when CP is offered, and the duration of the associated additional obligated service. The amount of CP payable depends on whether a member is AC or RC.

A. For an AC member, CP will be not less than 2.5 times and not more than 13 times the monthly basic pay of an AC member based on the member's current paygrade and YOS.



B. For an RC member, CP will be an amount not less than 0.5 times and not more than 6 times the monthly basic pay of a member of the same grade and YOS on AD. An RC member performing active Guard and Reserve service, as defined in 10 U.S.C. § 101(d)(6), will be paid CP at the rate of an AC member subject to agreement to continue serving not less than an additional 3 years in active service as defined in 10 U.S.C. § 101(d)(3).

660604. Obligated Service

A. A Service member who accepts CP and enters into an agreement will serve not less than 3 years of additional service, the length of mandatory service to be determined by the Secretary concerned in the component they were serving in at the time of agreement, commencing upon acceptance by the Secretary concerned of the agreement to continue serving.

B. The obligated service will run concurrently with any other service obligations, unless other service obligations incurred specifically preclude concurrent obligations.

C. RC members will perform obligated service in the SELRES, subject to the conditions and requirements prescribed by the Secretary concerned.

D. RC members performing active Guard and Reserve service, as defined in 10 U.S.C. § 101(d)(6), who receive CP at the rate of an AD member, will perform obligated service on AD unless otherwise prescribed by the Secretary concerned.

660605. Payment

A member who qualifies for CP may elect to receive the payment in a single lump sum or elect a series of equal installment payments, not to exceed four annual payments over 4 consecutive years.

660606. Timing

A. Full TSP Members. In accordance with 37 U.S.C. § 356, the Secretary concerned will pay CP to full TSP members (as defined in 5 U.S.C. § 8440e(a)) who meet the eligibility requirements in paragraph 660602 and who have completed not less than 8 and not more than 12 YOS.

B. CP Multiple. The CP multiple used in calculating is the actual paygrade and YOS of a member on the day CP is authorized. See subparagraphs 660603.A and B for the AC and RC multiples for calculating CP.

C. YOS Rate. For CP payments, the following rates apply:

1. A member with at least 8 YOS but less than 10 YOS will be paid at the rate of over 8 YOS;

2. A member with at least 10 YOS but less than 12 YOS will be paid at the rate of over 10 YOS;

3. A member with exactly 12 YOS but no more than 12 YOS will be paid at the rate of over 12 YOS.

660607. Non-availability

Service members who incur a period of extended absence, subject to the approval of the Secretary concerned, which precludes meeting the terms of obligated service shall have installment payments suspended during this period. If subsequently re-assigned to the member's previous status, or a new status at the discretion of the Secretary concerned, CP installment payments may resume and the term of service extended accordingly to ensure fulfillment of the original agreement period. The date of completion of the obligated service shall be adjusted for periods of authorized absence. Failure to meet reinstatement criteria will result in termination of the CP and repayment, as appropriate.

660608. Repayment

A. A Service member who received CP but who fails to complete the period of obligated service described in paragraph 660604, or fails to maintain the skills for which an amount greater than the minimum amount specified in paragraph 660603 was paid, is subject to full or partial repayment in accordance with 37 U.S.C. § 373, and the repayment provisions in Chapter 2.

B. A Service member who received CP but is later discovered to be ineligible to enroll or whose enrollment is determined to be erroneous will have their enrollment voided. Such members will be placed under the correct retirement system upon discovery of the error. The Secretary concerned will initiate action to obtain repayment of CP, in accordance with 37 U.S.C. § 373 and Chapter 2.

C. The Secretary concerned may grant an exception to the repayment requirement and requirement to terminate the payment of unpaid amounts of CP if the Secretary concerned determines that the imposition of the repayment and termination requirements with regard to a member of the uniformed services would be contrary to a personnel policy or management objective, would be against equity and good conscience, or would be contrary to the best interests of the United States.

Note: The Secretary of the Military Department concerned will not grant the exception for repayment if the member's separation is due to misconduct or if a waiver of repayment would be inconsistent with other prescribed law, regulation, or policy.

Figure 66-1. Recoupment Computational Factors of Fractional Years

Months (Mos)	Days	Fractional Years	Mos	Days	Fractional Years	Mos	Days	Fractional Years	Mos	Days	Fractional Years
0	1	0.00277778	1	17	0.13055555	3	2	0.25555556	4	18	0.38333333
0	2	0.00555556	1	18	0.13333333	3	3	0.25833333	4	19	0.38611111
0	3	0.00833333	1	19	0.13611111	3	4	0.26111111	4	20	0.38888889
0	4	0.01111111	1	20	0.13888889	3	5	0.26388889	4	21	0.39166666
0	5	0.01388889	1	21	0.14166666	3	6	0.26666667	4	22	0.39444444
0	6	0.01666667	1	22	0.14444444	3	7	0.26944444	4	23	0.39722222
0	7	0.01944444	1	23	0.14722222	3	8	0.27222222	4	24	0.4
0	8	0.02222222	1	24	0.15	3	9	0.275	4	25	0.40277777
0	9	0.025	1	25	0.15277777	3	10	0.27777778	4	26	0.40555555
0	10	0.02777778	1	26	0.15555555	3	11	0.28055556	4	27	0.40833333
0	11	0.03055556	1	27	0.15833333	3	12	0.28333333	4	28	0.41111111
0	12	0.03333333	1	28	0.16111111	3	13	0.28611111	4	29	0.41388889
0	13	0.03611111	1	29	0.16388889	3	14	0.28888889	4	30	0.41666667
0	14	0.03888889	1	30	0.16666667	3	15	0.29166667	5	0	0.41666667
0	15	0.04166667	2	0	0.16666667	3	16	0.29444444	5	1	0.41944444
0	16	0.04444444	2	1	0.16944445	3	17	0.29722222	5	2	0.42222222
0	17	0.04722222	2	2	0.17222223	3	18	0.3	5	3	0.42499999
0	18	0.05	2	3	0.175	3	19	0.30277778	5	4	0.42777777
0	19	0.05277778	2	4	0.17777778	3	20	0.30555556	5	5	0.43055555
0	20	0.05555556	2	5	0.18055556	3	21	0.30833333	5	6	0.43333333
0	21	0.05833333	2	6	0.18333334	3	22	0.31111111	5	7	0.43611111
0	22	0.06111111	2	7	0.18611111	3	23	0.31388889	5	8	0.43888888
0	23	0.06388889	2	8	0.18888889	3	24	0.31666667	5	9	0.44166666
0	24	0.06666667	2	9	0.19166667	3	25	0.31944444	5	10	0.44444444
0	25	0.06944444	2	10	0.19444445	3	26	0.32222222	5	11	0.44722222
0	26	0.07222222	2	11	0.19722223	3	27	0.325	5	12	0.44999999
0	27	0.075	2	12	0.2	3	28	0.32777778	5	13	0.45277777
0	28	0.07777778	2	13	0.20277778	3	29	0.33055556	5	14	0.45555555
0	29	0.08055556	2	14	0.20555556	3	30	0.33333333	5	15	0.45833333
0	30	0.08333333	2	15	0.20833334	4	0	0.33333333	5	16	0.46111111
1	0	0.08333333	2	16	0.21111111	4	1	0.33611111	5	17	0.46388888
1	1	0.08611111	2	17	0.21388889	4	2	0.33888889	5	18	0.46666666
1	2	0.08888889	2	18	0.21666667	4	3	0.34166666	5	19	0.46944444
1	3	0.09166666	2	19	0.21944445	4	4	0.34444444	5	20	0.47222222
1	4	0.09444444	2	20	0.22222223	4	5	0.34722222	5	21	0.47499999
1	5	0.09722222	2	21	0.225	4	6	0.35	5	22	0.47777777
1	6	0.1	2	22	0.22777778	4	7	0.35277777	5	23	0.48055555
1	7	0.10277777	2	23	0.23055556	4	8	0.35555555	5	24	0.48333333
1	8	0.10555555	2	24	0.23333334	4	9	0.35833333	5	25	0.48611111
1	9	0.10833333	2	25	0.23611111	4	10	0.36111111	5	26	0.48888888
1	10	0.11111111	2	26	0.23888889	4	11	0.36388889	5	27	0.49166666
1	11	0.11388889	2	27	0.24166667	4	12	0.36666666	5	28	0.49444444
1	12	0.11666666	2	28	0.24444445	4	13	0.36944444	5	29	0.49722222
1	13	0.11944444	2	29	0.24722223	4	14	0.37222222	5	30	0.5
1	14	0.12222222	2	30	0.25	4	15	0.375			
1	15	0.125	3	0	0.25	4	16	0.37777777			
1	16	0.12777777	3	1	0.25277778	4	17	0.38055555			

See next page for 6 months or more.

Figure 66-1. Recoupment Computational Factors of Fractional Years (Continued)

Mos	Days	Fractional Years	Mos	Days	Fractional Years	Mos	Days	Fractional Years	Mos	Days	Fractional Years
6	0	0.5	7	17	0.63055555	9	2	0.75555556	10	18	0.88333333
6	1	0.50277778	7	18	0.63333333	9	3	0.75833333	10	19	0.88611111
6	2	0.50555556	7	19	0.63611111	9	4	0.76111111	10	20	0.88888889
6	3	0.50833333	7	20	0.63888889	9	5	0.76388889	10	21	0.89166666
6	4	0.51111111	7	21	0.64166666	9	6	0.76666667	10	22	0.89444444
6	5	0.51388889	7	22	0.64444444	9	7	0.76944444	10	23	0.89722222
6	6	0.51666667	7	23	0.64722222	9	8	0.77222222	10	24	0.9
6	7	0.51944444	7	24	0.65	9	9	0.775	10	25	0.90277777
6	8	0.52222222	7	25	0.65277777	9	10	0.77777778	10	26	0.90555555
6	9	0.525	7	26	0.65555555	9	11	0.78055556	10	27	0.90833333
6	10	0.52777778	7	27	0.65833333	9	12	0.78333333	10	28	0.91111111
6	11	0.53055556	7	28	0.66111111	9	13	0.78611111	10	29	0.91388889
6	12	0.53333333	7	29	0.66388889	9	14	0.78888889	10	30	0.91666667
6	13	0.53611111	7	30	0.66666667	9	15	0.79166667	11	0	0.91666667
6	14	0.53888889	8	0	0.66666667	9	16	0.79444444	11	1	0.91944445
6	15	0.54166667	8	1	0.66944445	9	17	0.79722222	11	2	0.92222223
6	16	0.54444444	8	2	0.67222223	9	18	0.8	11	3	0.925
6	17	0.54722222	8	3	0.675	9	19	0.80277778	11	4	0.92777778
6	18	0.55	8	4	0.67777778	9	20	0.80555556	11	5	0.93055556
6	19	0.55277778	8	5	0.68055556	9	21	0.80833333	11	6	0.93333334
6	20	0.55555556	8	6	0.68333334	9	22	0.81111111	11	7	0.93611111
6	21	0.55833333	8	7	0.68611111	9	23	0.81388889	11	8	0.93888889
6	22	0.56111111	8	8	0.68888889	9	24	0.81666667	11	9	0.94166667
6	23	0.56388889	8	9	0.69166667	9	25	0.81944444	11	10	0.94444445
6	24	0.56666667	8	10	0.69444445	9	26	0.82222222	11	11	0.94722223
6	25	0.56944444	8	11	0.69722223	9	27	0.825	11	12	0.95
6	26	0.57222222	8	12	0.7	9	28	0.82777778	11	13	0.95277778
6	27	0.575	8	13	0.70277778	9	29	0.83055556	11	14	0.95555556
6	28	0.57777778	8	14	0.70555556	9	30	0.83333333	11	15	0.95833334
6	29	0.58055556	8	15	0.70833334	10	0	0.83333333	11	16	0.96111111
6	30	0.58333333	8	16	0.71111111	10	1	0.83611111	11	17	0.96388889
7	0	0.58333333	8	17	0.71388889	10	2	0.83888889	11	18	0.96666667
7	1	0.58611111	8	18	0.71666667	10	3	0.84166666	11	19	0.96944445
7	2	0.58888889	8	19	0.71944445	10	4	0.84444444	11	20	0.97222223
7	3	0.59166666	8	20	0.72222223	10	5	0.84722222	11	21	0.975
7	4	0.59444444	8	21	0.725	10	6	0.85	11	22	0.97777778
7	5	0.59722222	8	22	0.72777778	10	7	0.85277777	11	23	0.98055556
7	6	0.6	8	23	0.73055556	10	8	0.85555555	11	24	0.98333334
7	7	0.60277777	8	24	0.73333334	10	9	0.85833333	11	25	0.98611111
7	8	0.60555555	8	25	0.73611111	10	10	0.86111111	11	26	0.98888889
7	9	0.60833333	8	26	0.73888889	10	11	0.86388889	11	27	0.99166667
7	10	0.61111111	8	27	0.74166667	10	12	0.86666666	11	28	0.99444445
7	11	0.61388889	8	28	0.74444445	10	13	0.86944444	11	29	0.99722223
7	12	0.61666666	8	29	0.74722223	10	14	0.87222222	11	30	1
7	13	0.61944444	8	30	0.75	10	15	0.875	12	0	1
7	14	0.62222222	9	0	0.75	10	16	0.87777777			
7	15	0.625	9	1	0.75277778	10	17	0.88055555			

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**VOLUME 7A, CHAPTER 67: “COST OF LIVING ALLOWANCE (COLA) IN THE CONTINENTAL UNITED STATES (CONUS)”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

**This is the initial publication.**

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	This is a new chapter. The policy for Cost of Living Allowance in the Continental United States was relocated from the Joint Travel Regulations, Chapter 8.	New Chapter

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**\*CHAPTER 67****COST OF LIVING ALLOWANCE (COLA) IN THE CONTINENTAL UNITED STATES (CONUS)**

## 6701 GENERAL

## 670101 Purpose

This chapter identifies the eligibility requirements for a Service member to receive a cost of living allowance (COLA) for an assignment in the continental United States (CONUS). This chapter specifies the rates payable and the effect that a dependent has upon those rates.

## 670102 Authoritative Guidance

This chapter transitions policy previously cited in the *Joint Travel Regulations* (JTR), Chapter 8. *Title 37, United States Code, section 403b* provides the statutory requirements for this chapter.

## 6702 DEFINITIONS SPECIFIC TO CONUS COLA

## 670201 Base Period

The 1-year period beginning July 1 and ending the following June 30, during which time data is gathered to provide the basis for designating a location a high-cost area.

## 670202 Threshold Percentage

The threshold percentage is the limit for determining whether a location is a high-cost area. The Secretary of Defense, in consultation with the other Administering Secretaries, establishes the amount, which by law may not be less than 8%. It must be adjusted when necessary to ensure the total amount of *CONUS COLA* payments does not exceed the amount available to the Department of Defense (DoD) for paying CONUS COLA that fiscal year.

## 670203 High-Cost Area

A high-cost area is a location where a Service member's cost of living is at least 8% higher than the average cost of living in the CONUS. The data gathered during the base period is used to determine the cost of living at that location for the following fiscal year. When a location exceeds the threshold percentage, the CONUS COLA for that area begins on the first day of the new calendar year immediately following the base period.

## 670204 Service Member With a Dependent

A Service member is with a dependent if he or she is authorized the basic allowance for housing (BAH) or would be authorized BAH at the with dependent rate if Government quarters

were not occupied. This does not include a Service member authorized BAH at the with dependent rate solely based on paying child support. A spouse who is also a Service member on active duty may not be a dependent for CONUS COLA purposes. See Chapter 26 for BAH.

670205 Service Member Without a Dependent

A Service member is considered without a dependent if any of the following conditions are met:

- A. The Service member is authorized BAH at the without dependent rate.
- B. The Service member would be authorized the without dependent BAH rate if Government quarters were not occupied.
- C. The Service member is authorized the with dependent BAH rate solely based on paying child support.

670206 Primary Dependent

A primary dependent is either the Service member's spouse or, for an unmarried Service member, a dependent as defined in Volume 7A, "Definitions," excluding the following:

- A. A dependent transported outside the CONUS (OCONUS) at Government expense who then returns at Government expense after he or she no longer qualifies as a dependent.
- B. A Service member's or spouse's parent, stepparent, parent by adoption, or any other person (including a former stepparent) authorized as a dependent.
- C. A Service member's former spouse, former dependents, or former dependent children authorized return transportation to the CONUS.

670207 Unaccompanied Status

A Service member is considered to be in an unaccompanied status during any portion of an assignment to a permanent duty station (PDS) OCONUS while a dependent resides in, or returns to, a location in the CONUS to establish a permanent residence.

670208 PDS for Service Member Assigned to Ship or Afloat Staff

The homeport of the ship or afloat staff to which a Service member is assigned is his or her PDS for CONUS COLA purposes.

## 6703 CONUS COLA ELIGIBILITY

Table 67-1. CONUS COLA Eligibility

1	CONUS COLA Eligible	<ul style="list-style-type: none"> <li>a. A Service member is assigned to a high-cost area in the CONUS.</li> <li>b. A Service member is in an unaccompanied status OCONUS, if the Service member's primary dependent resides in a high-cost area in the CONUS.</li> <li>c. A new Service member is ordered to active duty to a high-cost area through accession.</li> <li>d. A Service member is married to another Service member. Each is authorized CONUS COLA. This authority exists whether the married Service members maintain a joint residence or separate residences.</li> <li>e. A Service member is assigned to duty in the CONUS and the primary dependent does not reside at the PDS in the CONUS and it is determined through the Secretarial Process that both of the following conditions apply:</li> <li>f. The Service member's primary dependent resides in a high-cost area in the CONUS because of the Service member's PDS or other circumstances.</li> <li>g. It would be inequitable for the allowance to be determined on the basis of the Service member's PDS.</li> <li>h. A Reserve Component (RC) member is authorized CONUS COLA only when the call to active duty is for a period of 140 or more days or is in support of a contingency operation.</li> </ul>
2	CONUS COLA Ineligible	<ul style="list-style-type: none"> <li>a. During the travel days a Service member is authorized for a permanent change of station (PCS) between the old PDS and new PDS. If the Service member is receiving CONUS COLA before the PCS, then the CONUS COLA payments stop on the first travel day.</li> <li>b. During the travel days a Service member (including an RC member) is authorized for a PCS (see the JTR) from the place last entered (or called to) active duty (PLEAD) to the first PDS. If the Service member is receiving CONUS COLA before the PCS, then the CONUS COLA payments stop on the day before the first travel day.</li> <li>c. For an RC member on active duty under an order for 139 or fewer days, unless the duty is in support of a contingency operation (see Section 6706).</li> <li>d. For more than one location at a time.</li> </ul>

## 670301. CONUS COLA Rates Payable

A. Rates Based upon Location. CONUS COLA rates are based on the Service member's PDS, his or her homeport, a designated place, or the primary dependent's location when authorized or approved through the Secretarial Process or authorized in this chapter. The CONUS COLA rate paid to the Service member does not change when the Service member is on leave.

1. CONUS COLA based on the PDS begins on the day the Service member reports to the new PDS and ends the day before reporting to the next PDS. The CONUS COLA rate applicable to the primary dependent's permanent residence starts on either the date the primary dependent arrives at the new residence or the date the Service member reports to the new PDS in connection with the transfer, whichever is later. When a Service member is departing from a PDS OCONUS and the new PDS is in the CONUS, then the Service member is authorized CONUS COLA for the new PDS starting on his or her reporting date at the new PDS.

a. The CONUS COLA rate payable based on the primary dependent's old permanent residence or the Service member's old PDS continues through the day before the Service member reports to the new PDS or the rate for the new permanent residence begins. CONUS COLA at the old rate ends the day before the rate based on the new permanent residence begins.

b. When a Service member is stationed OCONUS, but the primary dependent is in the CONUS, see paragraph 670407 for exceptions.

2. The Service member may be authorized through the Secretarial Process CONUS COLA at the rate for the dependent's location instead of the rate for the new PDS when it is necessary for the Service member and dependent to maintain separate residences.

a. If the primary dependent does not relocate, CONUS COLA would continue to be based on the rate payable for the primary dependent's permanent residence or the Service member's old PDS.

b. When the primary dependent's permanent residence is at a location different than the old PDS, and the Service member was paid based on the rate for the old PDS, the rate payable for the primary dependent's residence begins on the service member's reporting day to the new PDS.

3. If two married Service members maintain a joint residence with a dependent, CONUS COLA is paid to one spouse at the with dependent rate and to the other spouse at the without dependent rate.

4. When a Service member is on a PCS to a new PDS in the CONUS and has a Temporary Duty (TDY) in route, CONUS COLA at the new PDS rate begins the day after per diem stops provided both of the following occur:

a. The TDY is near but not at the PDS.

b. The Service member commutes to the TDY location from what will become the permanent quarters after reporting to the new PDS.

B. Service Member Assigned to a Ship or Afloat Staff Homeport. Regardless of BAH eligibility, a Service member assigned to a ship or afloat staff is eligible for CONUS COLA unless the Service member is already drawing CONUS COLA for a dependent at another location.

1. The CONUS COLA rate is based on the homeport of the Service member's assigned ship or afloat staff.

2. For CONUS COLA related to a homeport change:

a. The CONUS COLA rate for the old homeport stops on the day before the effective date of the homeport change, and the rate for the new homeport begins on the effective date of the homeport change.

b. A Service member without a dependent who ordinarily resides onboard the ship is authorized the CONUS COLA rate for the old homeport until the day he or she moves back aboard the ship, under all of the following conditions:

(1) Quarters on board the ship are not available, such as when a ship is in dry-dock.

(2) The ship or afloat staff is delayed at the old homeport after the effective date of the homeport change.

C. Accessions. A new Service member is authorized CONUS COLA at the rate based upon whether he or she has a dependent.

1. The without dependent rate is based on the duty location. The rate changes on the Service member's arrival day at each duty location until the Service member arrives at the first PDS.

2. A Service member may elect the with dependent rate for either the duty location or the primary dependent's location. If the Service member selects the primary dependent's location, the rate is based on the primary dependent's location until the day before the Service member's arrival day at the first PDS.

D. Service Member Processing for Separation or Retirement. CONUS COLA is paid during separation or retirement processing based on one of the following:

1. The last PDS rate.

2. The primary dependent's location immediately before separation processing, if previously authorized that rate instead of the PDS rate.

3. The separation or retirement processing station in the CONUS for a Service member who separates in the CONUS from a PDS OCONUS.

670302. Secretarial Waiver When the Primary Dependent Does not Reside at the PDS in the CONUS

Ordinarily, CONUS COLA is paid based on the Service member's PDS or a ship or afloat unit's homeport. However, the Service may determine through the Secretarial Process that a Service member's assignment to a PDS or the circumstances of that assignment requires the dependent to reside separately and authorize or approve CONUS COLA payment based on the dependent's location. If the Secretarial Process determines that it is necessary for the primary dependent to maintain a permanent residence in the CONUS at a location other than the Service

member's PDS, the Service member may be authorized CONUS COLA at the rate for the primary dependent's permanent residence instead of for the Service member's PDS.

670303. Concurrent Payment of OCONUS COLA and CONUS COLA

A Service member assigned to a PDS OCONUS may be paid OCONUS COLA at the without dependent rate and a CONUS COLA at the with dependent rate applicable for the high-cost area in the CONUS where the primary dependent resides only if no command-sponsored dependent is residing OCONUS with the Service member.

A. Service Member Departs. If, after a Service member departs, the Service member is authorized an extension of OCONUS COLA for a dependent residing OCONUS through the Secretarial Process, the Service member may be paid OCONUS COLA at the with dependent rate, and CONUS COLA at the without dependent rate based on the new PDS. The specified COLA continues through the date the OCONUS COLA extension ends.

B. Dependent Leaves Residence OCONUS. Beginning the day the dependent permanently leaves the residence OCONUS, the Service member may be paid CONUS COLA at the with dependent rate for the PDS in the CONUS.

6704 CONUS COLA AND DEPENDENT CIRCUMSTANCES

670401. Service Member Paying Child Support

A Service member is authorized CONUS COLA at the without dependent rate when he or she is authorized BAH at the with dependent rate or BAH Differential (see Chapter 26) based solely on child-support payment.

670402. Effect of Physical Custody of a Child on CONUS COLA

Ordinarily, a divorced or legally separated Service member who is not identified as the full-time legal custodial parent of a child in the divorce decree or legal separation agreement is not authorized CONUS COLA at the with dependent rate.

A. Service Member has Physical Custody but not Legal Custody. A Service member parent who has physical custody, but not legal custody, of at least one child is authorized CONUS COLA at the with dependent rate if both of the following conditions are met:

1. The Service member is authorized BAH.
2. Physical custody is for a minimum of 90 consecutive days. A break of 5 or fewer days is not considered an interruption of the 90-day period, even if there are multiple breaks of 5 or fewer days.

B. Two Service Members Divorce or Separate. When the divorce or separation is between two Service members, it is possible for both Service members to be authorized CONUS

COLA at the with dependent rate if each Service member has physical custody of one or more children at the same time.

C. Service Member Paying Child Support has Physical Custody. If a Service member paying child support has physical custody of a child for 91 or more consecutive days, excluding any breaks for 5 or fewer days, the Service member does not receive BAH at the with dependent rate solely because of child support payments.

670403. Service Member Acquires a Dependent

A. General Rules. When a Service member acquires a primary dependent, CONUS COLA is paid based on the PDS if the Service member is assigned to a PDS in the CONUS and when he or she meets the conditions in Table 67-2.

Table 67-2. Service Member Acquires a Dependent who is in the CONUS

Location of Service Member's PDS		Basis for CONUS COLA
1	In the CONUS	<p>a. If the dependent is located at or near the PDS, change CONUS COLA to the with dependent rate based on the PDS as of the date the Service member gained the dependent.</p> <p>b. If the dependent is not located at or near the PDS, change CONUS COLA to the with dependent rate based on the Service member's PDS as of the date the Service member gained the dependent or, if the Service member requested and received a Secretarial waiver, based on the dependent's location as of that date (see par. 670302).</p>
2	OCONUS	<p>a. The dependent's location if the dependent does not reside at or near the PDS OCONUS.</p> <p>b. Start CONUS COLA at the with dependent rate based on the dependent's location as of the date he or she became a dependent.</p>

B. Dependent Visits or Moves to the PDS. A dependent may visit the Service member for 90 or fewer days at the PDS without changes to the CONUS COLA. When the visit exceeds 90 days, the CONUS COLA rate changes to the rate for the Service member's PDS location on the 91st day. If the dependent leaves the PDS area after the CONUS COLA changes, the CONUS COLA previously authorized for the dependent's location is reinstated as of the departure date.

670404. Advance and Delayed Dependent Travel to a PDS OCONUS

When a PCS order is issued, the Service member's family may perform PCS travel at a different time than the Service member. See paragraph 670302 when a dependent is required to reside away from the Service member's PDS.

A. CONUS COLA Based on a Dependent's Location or Old PDS

1. Unless otherwise authorized or approved, a Service member's CONUS COLA is based on the PDS.

2. If authorized or approved through the Secretarial Process, a Service member may be authorized CONUS COLA based on the dependent's permanent residence or the old PDS.

B. Applicable Rates. If a dependent relocates, the rate for the dependent's location starts on the date the primary dependent arrives at the new residence. If the dependent does not relocate, CONUS COLA is based on the primary dependent's location and continues until the primary dependent departs the authorized or approved location.

Table 67-3. Dependent Performs PCS Travel Before the Service Member

If...		And the CONUS COLA for the dependent's location...	Then...
1	the old PDS was in the CONUS and the new PDS is in the CONUS,	a. was authorized or approved through the Secretarial Process,	(1) stop CONUS COLA based on the old PDS the day before the primary dependent arrives. (2) Start CONUS COLA based on the primary dependent's location on the arrival date or the date specified by the authorizing or approving document, whichever is later.
		b. was not authorized or approved through the Secretarial Process,	(1) continue CONUS COLA based on the current PDS until the Service member arrives at the new PDS.* (2) Start CONUS COLA based on the new PDS the day the Service member arrives at the new PDS.
2	the old PDS was in the CONUS and the new PDS is OCONUS	a. was authorized or approved through the Secretarial Process,	(1) continue CONUS COLA based on the current PDS until the Service member arrives at new PDS.* (2) Start OCONUS COLA based on the dependent's location on the arrival date, or the date specified by the authorizing or approving document, whichever is later.
		b. was not authorized or approved through the Secretarial Process,	continue CONUS COLA based on the current PDS until the Service member arrives at new PDS.*
3	the old PDS was OCONUS and the new PDS is in the CONUS	a. was authorized or approved through the Secretarial Process,	start CONUS COLA based on the primary dependent's location on the arrival date, or the date specified by the authorizing or approving document, whichever is later.
		b. was not authorized or approved through the Secretarial Process,	start CONUS COLA based on the new PDS the day the Service member arrives at the new PDS.*
*COLA is not payable on authorized days of travel.			



Table 67-4. Dependent Travel After a Service Member

If...	And the CONUS COLA for the dependent's location...	Then...
1 the old PDS was in the CONUS and the new PDS is in the CONUS	a. was authorized or approved through the Secretarial Process,	(1) continue the CONUS COLA based on the old PDS or the primary dependent's location, whichever has a higher rate.* (2) Start CONUS COLA based on the new PDS as of the date the primary dependent departs provided the Service member has arrived at the new PDS.
	b. was not authorized or approved through the Secretarial Process,	(1) continue CONUS COLA based on the current PDS until the Service member arrives at the new PDS.* (2) Start CONUS COLA based on the new PDS the day the Service member arrives at the new PDS.
2 the old PDS was in the CONUS and the new PDS is OCONUS	a. was authorized or approved through the Secretarial Process,	(1) continue the CONUS COLA based on the old PDS or the primary dependent's location, whichever has a higher rate.* (2) Stop CONUS COLA on the day before the primary dependent departs.
	b. was not authorized or approved through the Secretarial Process,	continue the CONUS COLA based on the current PDS until the Service member arrives at the new PDS.*

\*COLA is not payable on authorized days of travel.

## 670405. Government Defers Dependent Travel

A. Government Defers Dependent Travel to a PDS OCONUS. Table 67-5 specifies the decision process for CONUS COLA when the Government defers a dependent's travel to a PDS OCONUS, pending housing availability at the PDS.

Table 67-5. Government Defers Dependent's Authorized Travel to a PDS OCONUS

If the expected travel delay is...	And...	Then...
1 at least 61 days but less than 20 weeks and the dependent did not relocate at Government expense,	a. the dependent arrives within 60 days of being given permission to travel to the PDS OCONUS,	(1) continue CONUS COLA based on the old PDS upon the Service member's departure.* (2) start CONUS COLA for the authorized dependent's location upon the Service member's arrival date. (3) Stop CONUS COLA on the day before the primary dependent arrives at the new PDS.
	b. the dependent does not arrive within 60 days of being given permission to travel to the PDS OCONUS,	(1) continue CONUS COLA based on the old PDS upon the Service member's departure.* (2) start CONUS COLA for the authorized dependent's location upon the Service member's arrival date. (3) Stop CONUS COLA on the 60th day.
2 20 or more weeks and the dependent did not relocate at Government expense,	a. the dependent arrives within 60 days of being given permission to travel to the PDS OCONUS,	(1) continue CONUS COLA based on the old PDS upon the Service member's departure.* (2) start CONUS COLA for the authorized dependent's location upon the Service member's arrival date. (3) Stop CONUS COLA on the day before the primary dependent arrives at the new PDS.
	b. the dependent does not arrive within 60 days of being given permission to travel to the PDS OCONUS,	(1) continue CONUS COLA based on the old PDS upon the Service member's departure.* (2) start CONUS COLA for the authorized dependent's location upon the Service member's arrival date. (3) Stop CONUS COLA on the 60th day.
3 20 or more weeks and the dependent relocates at Government expense,	a. the dependent arrives within 60 days of being given permission to travel to the PDS OCONUS,	(1) change the CONUS COLA rate on the date the primary dependent arrives at the designated location from the rate based on the old PDS to the rate based on the designated location.* (2) Stop CONUS COLA on the day before the primary dependent arrives at the new PDS.
	b. the dependent does not arrive within 60 days of being given permission to travel to the PDS OCONUS,	(1) change the CONUS COLA rate on the date the primary dependent arrives at the designated location from the rate based on the old PDS to the rate based on the designated location.* (2) Stop CONUS COLA on the 60th day.
*COLA is not payable on authorized days of travel.		

B. Government Defers Dependent Travel to a PDS in the CONUS. CONUS COLA payment based on the primary dependent's location or old PDS continues for up to 60 days after dependent travel is authorized. If the dependent has not arrived at the Service member's PDS by the end of 60 days, and an extension to, or a waiver of, the 60-day limit has not been granted through the Secretarial Process, CONUS COLA based on the dependent's location changes to CONUS COLA based on the PDS location.

1. If a dependent is not relocated at Government expense, then Table 67-6 specifies the decision process for CONUS COLA when the Government delays the dependent’s travel to a PDS in the CONUS and the expected travel delay is 139 or fewer days (20 weeks).

Table 67-6. Government Defers Dependent’s Travel to a PDS in the CONUS when the Old PDS is in the U.S. and the Expected Travel Delay is 139 or Fewer Days (20 Weeks)

If the dependent...		And the CONUS COLA for the dependent’s location ...	Then upon the Service member’s departure, continue CONUS COLA based on the old PDS*
1	arrives within 60 days of travel authority,	was authorized or approved through the Secretarial Process,	(1) Upon the Service member’s arrival date, start CONUS COLA for the authorized dependent’s location through the day before the primary dependent arrives at the new PDS. (2) Beginning on the primary dependent’s arrival date at the PDS, start CONUS COLA based on the new PDS.
2	does not arrive within 60 days of travel authority,		(1) Upon the Service member’s arrival date, start CONUS COLA for the authorized dependent’s location for up to 60 days. (2) Beginning on the 61st day, base CONUS COLA on the new PDS.
3	does not travel	was not authorized or approved through the Secretarial Process,	and beginning on the arrival date, start CONUS COLA based on the new PDS.*
*COLA is not payable on authorized days of travel.			

2. Table 67-7 specifies the decision process for CONUS COLA when the Government delays a dependent’s travel to a PDS in the CONUS and the expected travel delay is 140 or more days (20 weeks).

Table 67-7. Government Defers Dependent's Travel to a PDS in the CONUS when the Old PDS is Outside the U.S. or the Old PDS is in the U.S. and the Expected Travel Delay is 140 or More Days (20 Weeks)

If the dependent...		And the CONUS COLA for the dependent's location ...	Then...
1	arrives within 60 days of travel authority and he or she is relocated at Government expense,	was authorized or approved through the Secretarial Process,	(1) change the CONUS COLA basis on the date the primary dependent arrives at the designated location and continue it through the day before the primary dependent arrives at the PDS.* (2) Beginning on the primary dependent's arrival date at the PDS, change the basis for CONUS COLA to the PDS.
2	arrives within 60 days of travel authority and he or she is not relocated at Government expense,		(1) continue CONUS COLA through the day before the primary dependent arrives at the new PDS and base it on the old PDS as of the Service member's departure.* (2) Beginning on the primary dependent's arrival date at the PDS, change the basis for CONUS COLA to the new PDS.
3	does not arrive within 60 days of travel authority and he or she is relocated at Government expense,		(1) change the CONUS COLA basis on the date the primary dependent arrives at the designated location from the old PDS to the designated location through the 60th day after travel is authorized to begin.* (2) Beginning on the 61st day after travel is authorized to begin, change the basis for CONUS COLA from the dependent's location to the new PDS.
4	does not arrive within 60 days of travel authority and he or she is not relocated at Government expense,		(1) continue CONUS COLA through the 60th day after travel is authorized to begin based on the old PDS. (2) Beginning on the 61st day after travel is authorized to begin, change the basis for CONUS COLA from the old PDS to the new PDS.
5	does not travel	was not authorized or approved through the Secretarial Process,	start CONUS COLA based on the new PDS as of the Service member's arrival date.
*COLA is not payable on authorized days of travel.			

## 670406. Early Return of Dependents

A. Early Return at Government Expense. When all of a Service member's dependents are returned from a PDS OCONUS at Government expense for circumstances other than for a PCS (regardless of the reason for the return) the Service member is authorized CONUS COLA based on the primary dependent's permanent residence starting on the arrival day at that location.

B. Early Return at Personal Expense. When all of a Service member's dependents are returned early from a PDS OCONUS at personal expense, the Service member is not authorized CONUS COLA.

## 670407. Service Member Serving in an Unaccompanied Status OCONUS

If a Service member serving in an unaccompanied status OCONUS has dependents in multiple locations, CONUS COLA authority is based on the primary dependent's residence.

A. Eligibility. When the primary dependent establishes a residence or resides in the CONUS due to a Service member's transfer to, or while assigned at, an unaccompanied PDS OCONUS, CONUS COLA is authorized in any of the following situations:

1. The primary dependent relocates in the CONUS from a PDS in the CONUS.

2. The primary dependent resides in the CONUS and the Service member is required to perform TDY incident to a transfer to an unaccompanied PDS in the CONUS.

3. The primary dependent establishes a residence in the CONUS due to the Service member's transfer from an accompanied status at a PDS OCONUS to an unaccompanied status.

B. Allowances. Table 67-8 specifies CONUS COLA for a Service member with a dependent assigned to an unaccompanied tour at a PDS OCONUS.

Table 67-8. Service Member (with a Dependent) Assigned to an Unaccompanied Tour at a PDS CONUS

See CONUS COLA		
If the Service member's dependent...	And...	Then...
1 retains a permanent residence in the CONUS	a. the primary dependent remains at the old PDS,	continue to pay CONUS COLA, based on the old PDS.
	b. the primary dependent is at a location in the CONUS other than the old PDS and the Service member is receiving CONUS COLA based on a Secretarial waiver,	continue the CONUS COLA previously paid.
	c. the primary dependent is at a location in the CONUS other than either the old PDS or location for which the Service member had a Secretarial waiver,	continue to pay CONUS COLA, based on the old PDS and start CONUS COLA the day the Service member arrives at the new PDS based on the primary dependent's location.
2 relocates the permanent residence from the CONUS to another location in the CONUS at Government expense	a. the primary dependent either travels with or in advance of the Service member,	(1) stop the old CONUS COLA rate the day before the dependent's arrival day. (2) Start CONUS COLA the day the primary dependent arrives at the new residence location based on the dependent's location.*
	b. a dependent travels after the Service member,	(1) continue CONUS COLA based on the Service member's old PDS through the day before the primary dependent's arrival at the new residence location. (2) Start CONUS COLA on the arrival day based on the dependent's location.*
3 relocates the permanent residence from OCONUS to the CONUS at Government expense	a dependent travels in advance of, with, or after the Service member,	start CONUS COLA based on the dependent's location the day the primary dependent arrives at the new residence.*
4 relocates permanent residence from the CONUS to a location OCONUS at Government expense	a. a dependent travels in advance of the Service member or with the Service member,	continue CONUS COLA based on the old PDS through the day before the Service member's arrival at the new PDS.
	b. a dependent travels after the Service member,	continue CONUS COLA based on the old PDS through the day before the primary dependent's arrival.*

Table 67-8. Service Member (with a Dependent) Assigned to an Unaccompanied Tour at a PDS CONUS (Continued)

See CONUS COLA			
If the Service member's dependent...		And...	Then...
5	relocates the residence at personal expense	a. CONUS COLA is authorized through the Secretarial Process,	continue CONUS COLA based on the rules in this table. *
		b. CONUS COLA based on the new location is not authorized through the Secretarial Process,	continue CONUS COLA based on the rules in this table through the day before the primary dependent's arrival.*
6	is not OCONUS	a. the Service member is assigned to an unaccompanied assignment OCONUS or unusually arduous sea duty,	(1) pay CONUS COLA based on the old PDS rate if the dependent does not relocate. (2) pay CONUS COLA based on the dependent's location if the dependent does relocate.
7	continues to reside at same location	a. the Service member is required to perform a TDY, inside or outside the CONUS, due to a transfer to another unaccompanied tour,	continue CONUS COLA based on the primary dependent's permanent residence.
		b. the Service member is required to perform a TDY due to a transfer in the U.S.,	(1) continue CONUS COLA based on the primary dependent's permanent residence through the day before the day the Service member reports to the new PDS. (2) Start CONUS COLA at the rate for the new PDS on the day the Service member reports at that PDS.
*COLA is not payable on authorized days of travel.			

## 6705 CONUS COLA AND UNUSUAL CIRCUMSTANCES

## 670501. Service Member in a Missing Status

A. Service Member without a Dependent. A Service member without a dependent who's PDS is in the CONUS and is in a missing status receives CONUS COLA based on the PDS location.

B. Service Member with a Dependent. A Service member with a dependent continues to receive CONUS COLA at the rate paid when they were placed in a missing status. Pay CONUS COLA based on the dependent's location when a dependent relocates.

## 670502. Service Member in Confinement

If a Service member in confinement is authorized allowances, he or she receives the same CONUS COLA rate paid immediately before confinement. If a Service member with a dependent is transferred to a confinement facility, then the CONUS COLA is based on the dependent's location.

## 670503. Service Member Requires Prolonged Hospitalization

The hospital where a Service member is transferred becomes his or her PDS for CONUS COLA purposes when he or she requires prolonged hospitalization and is issued an appropriate order. This applies when a Service member is transferred from any PDS to a hospital in the CONUS for observation and treatment.

## 670504. Service Member Whose PDS is Evacuated

A. Service Member With a Dependent1. CONUS COLA Continuation at the Service Member's PDS

a. A Service member who is authorized CONUS COLA at the with dependent rate based on his or her PDS, and whose dependent is evacuated, continues to receive CONUS COLA on the effective date of the evacuation unless the Service member's PDS changes.

b. When a determination is made through the Secretarial Process that it is necessary for a dependent to maintain a permanent residence in an area other than where the PDS is located, CONUS COLA at the with dependent rate is based on the designated place for the primary dependent. The CONUS COLA starts the day after per diem at the designated place ends.

2. CONUS COLA at a Designated Place. When a Service member's command-sponsored dependent resides at a designated place in the CONUS due to an evacuation from a location OCONUS, the Service member is authorized CONUS COLA at the with dependent



rate starting the day after per diem at the designated place ends. The rate is based on the designated place for the primary dependent.

B. Service Member Without a Dependent. A Service member without a dependent who was authorized CONUS COLA at the PDS on the date an evacuation is ordered is authorized CONUS COLA through the day before the Service member reports at the new PDS.

6706 RESERVE COMPONENT (RC) MEMBER

670601. RC Member Called or Ordered to Active Duty

A. Called or Ordered to Active Duty. Table 67-9 specifies CONUS COLA for an RC member called or ordered to active duty for a period of 140 or more days or in support of a contingency operation. A DoD or U.S. Coast Guard retired Service member called or ordered to active duty is authorized the same CONUS COLA as an RC member.

Table 67-9. RC Member CONUS COLA Determination

If an RC member is called or ordered to active duty ...		And PCS HHG transportation ...	Then...
1	for 140 or more days	a. is authorized,	(1) start CONUS COLA on the first active-duty day based on the primary residence at the time called or ordered to active duty through the day before arrival at the PDS. (2) Starting the day the Service member reports to the PDS, change the basis for CONUS COLA to the PDS location.
		b. is not authorized,	start CONUS COLA on the first active-duty day based on the primary residence at the time called or ordered to active duty.
2	for 139 or fewer days for a contingency operation	is not authorized,	(1) start CONUS COLA on the first active-duty day of an assignment that supports a contingency operation and base it on the primary residence at the time called or ordered to active duty. (2) There is no authority to pay CONUS COLA when the assignment is not in support of a contingency operation.

B. Modified or Amended Order. If an RC member receives an order modification or amendment that extends the original assignment, the modification or amendment determines the CONUS COLA.

Table 67-10. RC Member's Order is Modified or Amended

See CONUS COLA		
If an RC member's order is modified or amended...	And PCS HHG transportation ...	Then...
1 and the days remaining on the existing order plus the number of days added by the extension total 140 or more days	a. is not authorized,	CONUS COLA based on the primary residence continues or would start on the modification or amendment date.
	b. is authorized,	CONUS COLA based on the primary residence, if currently authorized, would stop the day before the modification or amendment in CONUS COLA based on the PDS rate would begin on the modification or amendment date or CONUS COLA based on the PDS would continue.

**VOLUME 7A, CHAPTER 68: “COST OF LIVING ALLOWANCE OUTSIDE THE CONTINENTAL UNITED STATES (OCONUS COLA) AND TEMPORARY LODGING ALLOWANCE (TLA)”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by ***bold, italic, blue, and underlined font***.

**This is the initial publication.**

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	This is a new chapter. The policy for Cost of Living Allowance Outside the Continental United States and Temporary Lodging Allowance was relocated from the Joint Travel Regulation, Chapter 9.	New Chapter

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**\*CHAPTER 68****COST OF LIVING ALLOWANCE OUTSIDE THE CONTINENTAL UNITED STATES  
(OCONUS COLA) AND TEMPORARY LODGING ALLOWANCE (TLA)**

## 6801 GENERAL

## 680101. Purpose

The **OCONUS COLA** is a non-taxable allowance that offsets the higher prices of goods and services, excluding housing, in foreign countries, U.S. territories, Alaska, and Hawaii. OCONUS COLA equalizes purchasing power so that a Service member can purchase the same level of goods and services OCONUS as he or she could if stationed inside the continental United States (CONUS). In addition to OCONUS COLA, station allowances in Chapter 68 include the Temporary Lodging Allowance (TLA). The TLA partially offsets the cost of lodging and meals and incidental expenses incurred while occupying temporary lodgings OCONUS.

## 680102. Authoritative Guidance

This chapter transitions policy previously cited in the Joint Travel Regulations (**JTR**), Chapter 9. Title 37, United States Code (U.S.C.), **section 475** provides the statutory requirements for the chapter.

## 6802 STANDARD ALLOWANCES

## 680201. Definitions Specific to OCONUS COLA and TLA

A. **Vicinity**. The “vicinity” is the entire country, U.S. territory or possession, or state when in Alaska or Hawaii where the Service member’s permanent duty station (PDS) is located. When a Service member resides with a dependent and commutes to the PDS, the dependent is considered to be residing at or in the vicinity of the PDS even if in an adjacent country or state. If the Service member transfers to a new PDS in the same country, state, or U.S. territory or possession as the designated place, and the Service member is required to maintain two separate households (for example, the Service member cannot commute daily from the dependent’s location to the PDS), then a second station allowance may be authorized or approved through the Secretarial Process. In this case, the dependent is not considered at or in the vicinity of the Service member’s PDS even though located in the same country, state, or U.S. territory or possession.

B. **Government Dining Facility**. Government dining facilities operate using appropriated funds and provides meals to Service members with or without charge under an agreement between the facility and the Government. Common terms for Government dining facilities include: Government mess, general mess, dining hall, dining activity, mess hall, galley, field kitchen, flight kitchen, or similar terms. Activities operated by non-appropriated funds, such as an officer’s mess, club, organized mess and other similar terms are not considered Government dining facilities.

C. Government Quarters. “Government quarters” include individual quarters provided with or without charge under agreement with the Government. For COLA purposes, barracks are considered Government quarters, including dormitory and quarters aboard a ship. See Definitions for more information.

D. OCONUS COLA Index. The OCONUS COLA index represents how much more expensive it is to purchase goods and services OCONUS compared to the same level of goods and services available in an average location within the CONUS. For example, an OCONUS COLA index of 110 indicates that the prices in the area OCONUS are overall 10% more expensive than in the CONUS. An index of 100 indicates that the overall cost of the goods and services surveyed is approximately the same at the location OCONUS as in the CONUS and no COLA is warranted.

E. Service Member with Dependent. A Service member is considered with-dependent if any of the following criteria apply:

1. The Service member is authorized to have a dependent reside at or in the vicinity of the Service member’s PDS OCONUS and the dependent resides there.

2. The Service member was married to another Service member on effective date of the permanent change of station (PCS) order. If one Service member is later released from active duty or separated or retired from the Service, then he or she becomes a dependent if he or she remains near the active duty Service member’s former PDS.

3. The Service member is joined by a dependent or acquires a dependent while serving OCONUS and the dependent is one of the following:

a. Command sponsored dependents reside with a Service member at an OCONUS location at which an “accompanied by dependents” tour is authorized, the Service member is authorized to serve that tour, and the dependents are authorized by the appropriate authority to be at the Service member's PDS.

b. A bona fide resident of the same area as the Service member’s non-foreign PDS OCONUS.

c. An Officer or Civilian employee of the United States stationed in the same area as the Service member’s non-foreign PDS OCONUS.

F. Service Member without Dependent. A Service member is considered to be without dependent if any of the following criteria apply:

1. The Service member has no dependents.

2. The Service member does not have a dependent who resides at or in the PDS vicinity.

3. The Service member is joined by a dependent or acquires a dependent while serving OCONUS and the Service member is not a Service member with dependent as defined in subparagraph 680201.E.

4. The Service member has a dependent residing at or in the PDS vicinity who is not command sponsored.

5. The Service member does not have legal custody and control of a dependent (*B-131142, June 3, 1957*). For the purposes of COLA or TLA, a Service member paying child support is without a dependent unless the Service member has a command sponsored dependent at the PDS other than the dependent on whose behalf the Service member pays child support.

680202. Eligibility for OCONUS COLA and TLA

A. Service Member Married to Another Service Member. When a Service member is married to another Service member who is on active duty, the spouse on active duty is not considered a dependent.

B. Unaccompanied Tour and “Unusually Arduous Sea Duty.” When a Service member is assigned to an unaccompanied tour or “unusually arduous sea duty” and a dependent remains at the Service member’s old PDS OCONUS or is at an approved designated place OCONUS, then the Service member is not considered to have a dependent at the unaccompanied or sea-duty PDS. The Service member is eligible for OCONUS COLA or TLA at the with-dependent rate for the dependent’s location.

C. Command Sponsored. A dependent must be command sponsored for the Service member to receive OCONUS COLA or TLA based on the dependent’s presence unless the Service member is eligible for these allowances as specified under subparagraphs 680201.E.2, 680201.E.3 and/or the JTR, Chapter 5, Part B, paragraphs 050809, 050814, 050903, or 050907.

680203. Special Circumstances Affecting OCONUS COLA or TLA

A. Dependents Travel Before or After the Service Member Travels. Authorization or approval by either the Secretary concerned or the Secretarial Process may be made for the following:

1. Advance Travel. When dependents are command sponsored and authorized to travel before the Service member and arrive at the new PDS OCONUS before the Service member, housing allowance changes can be based on the advance arrival at the PDS OCONUS under Chapter 26, paragraph 261007. If advance travel of dependents has been authorized or approved by the selected process, COLA payment is also authorized or approved, without separate action based on the number of dependents at the new PDS.



2. Delayed Travel. When dependents are authorized (or required) to travel after the Service member and arrive at the new PDS OCONUS after the Service member, housing allowance continuation can be based on delayed dependents' travel from the old PDS OCONUS under Chapter 26, paragraph 261007 and also authorizes continuation of COLA for the same time period without separate action.

3. Deferred Travel. When dependent travel to the new PDS OCONUS is deferred pending housing availability, COLA at the old PDS OCONUS or designated place continues until the dependents depart or for 60 days after dependent travel to the new PDS is authorized. The Secretarial Process may extend the 60-day period (see Chapter 26, paragraph 261006).

4. Other Circumstances. Authorization or approval of housing allowance continuation under Chapter 26, paragraph 261002 (e.g., training or a Service member's pending retirement), authorizes COLA continuation for the same time period without separate action.

B. Foreign-Born Dependent Returned to Country of Origin. If the Secretary concerned authorizes the return of a foreign-born dependent to the country of the dependent's origin, as specified in the JTR, Chapter 5, Part B, paragraph 050804, including when the Service member is stationed in the same country, the Service member is authorized OCONUS COLA or TLA, as appropriate, at the with-dependent rate based on the dependent's location OCONUS. OCONUS COLA or TLA payments on behalf of the dependent's location begin on the day a dependent arrives at that location. See DoDI 1315.18 (Military Personnel Assignments) for the return of foreign-born dependents.

C. Observer to United Nations (UN) Peacekeeping Organization on a PCS. A Service member assigned on a PCS as an observer to a UN peacekeeping organization who receives a UN mission subsistence allowance is also authorized OCONUS COLA or TLA as specified in this chapter. The OCONUS COLA and TLA amount combined with the UN mission subsistence allowance is limited to the OCONUS COLA and TLA of a Service member permanently assigned to other than a UN Peacekeeping Organization in the same area. This paragraph does not authorize a reduction in the UN mission subsistence allowance.

D. Service Member Assigned to Unaccompanied Tour or "Unusually Arduous Sea Duty." The OCONUS COLA or TLA payment for the dependent's location begins on the day he or she arrives at that location.

1. Requirements. Table 68-1 specifies OCONUS COLA and TLA when a Service member with a dependent serves an unaccompanied tour or is on "unusually arduous sea duty."

a. If the location is a designated place in a non-foreign area OCONUS and the Service member is assigned to an unaccompanied tour, a dependent-restricted tour, or "unusually arduous sea duty," one of the following conditions must apply:

- before entering active duty.
- (1) The Service member was a legal resident of that area
- that area when they married.
- (2) The Service member's spouse was a legal resident of
- that area.
- (3) The Service member was called to active duty from
- that area.
- (4) It is the Service member's home of record.
- (5) The relocation of the Service member's dependent was authorized or approved through the Secretarial Process.
- (6) The dependent remained at his or her current location prior to the Service member's assignment.

b. If the Service member is scheduled to serve an accompanied tour immediately after completing an unaccompanied tour or "unusually arduous sea duty," OCONUS COLA or TLA for a location OCONUS may be authorized. The Service member must have sufficient time in Service remaining as specified in the JTR, Chapter 5, Part B, paragraph 050806 for an unaccompanied tour or as specified in the JTR, Chapter 5, Part B, paragraph 050814 for a dependent-restricted tour or "unusually arduous sea duty."

c. If the Service member is serving a dependent-restricted tour or "unusually arduous sea duty," a location OCONUS may be justified under unusual conditions or circumstances if authorized or approved by the Secretary concerned.

Table 68-1. OCONUS COLA and TLA for a Service Member with a Dependent Serving an Unaccompanied Tour or on "Unusually Arduous Sea Duty"

	<b>If...</b>	<b>And...</b>	<b>Then the applicable station allowance is authorized...</b>
<b>1</b>	station allowances are authorized or approved by the same level of Secretarial approval as required for dependent travel,	a dependent relocates in connection with the Service member's PCS,	at the with-dependent rate based on the dependent's location OCONUS.
<b>2</b>		a dependent does not relocate in connection with the PCS,	at the with-dependent rate based on the old PDS.
<b>3</b>	it is the Service member's first PDS,	the dependent's location is approved through the Secretarial Process,	for the dependent's location.

Table 68-1. OCONUS COLA and TLA for a Service Member with a Dependent Serving an Unaccompanied Tour or on “Unusually Arduous Sea Duty” (Continued)

	<b>If...</b>	<b>And...</b>	<b>Then the applicable station allowance is authorized...</b>
<b>4</b>	a Service member is transferred between unaccompanied tours or	a dependent remains at the Service member’s prior PDS OCONUS or previously designated place and is authorized station allowances,	during the second tour.
<b>5</b>	“unusually arduous sea duty” assignments,	a dependent relocates to a new designated place in connection with the Service member’s transfer,	for the new designated place as otherwise specified in this table.
<b>6</b>	a dependent is residing at or in the Service member’s PDS vicinity (home port for	a dependent moves to a designated place,	as otherwise specified in this table.
<b>7</b>	“unusually arduous sea duty”) when the PDS is declared an unaccompanied tour area,	the dependent’s initial move from the PDS was under evacuation conditions,	as specified in paragraph 680303-D.
<b>8</b>		the new PDS (or home port for “unusually arduous sea duty”) is declared an unaccompanied tour area,	based on the place to which the dependent is diverted, starting on the dependent’s arrival date and stopping on the dependent’s departure date from that location. A statement from the Service member’s commanding officer, or an officer designated by the commanding officer, should support that the dependent was notified that permission to complete travel was withdrawn and that the dependent was directed to proceed to a specified place to await further instructions.
<b>9</b>	a dependent is en route to a Service member’s PDS OCONUS or to a designated place to which transportation at Government expense has been authorized,	an amendment to the initial order or a new PCS order is issued assigning the Service member to another unaccompanied tour area or “unusually arduous sea duty” assignment,	

2. Payment of Allowances to Service Member at Unaccompanied Tour or “Unusually Arduous Sea Duty” Station. While a Service member is authorized station allowances for a dependent’s location, the Service member is also authorized the OCONUS COLA and TLA, if any, at the “without dependent” rate at the new PDS.

3. Subsequent Reassignment to an Accompanied Tour Area. Upon a subsequent PCS order to an accompanied tour area to which dependent transportation is authorized, OCONUS COLA and TLA stop the day before the Service member departs due to the PCS order or the day before the effective date of the home port change from OCONUS. See paragraph 680302 for OCONUS COLA exceptions.

4. Dependent Relocates from a Designated Place at Personal Expense. If a dependent relocates from a designated place at personal expense, station allowances must stop or be reduced by the number of dependents departing the day before the dependent departs the designated place. Station allowances are not authorized at the dependent's new location because that location is not a designated place.

#### 6803 OCONUS COLA

An OCONUS COLA is authorized for a Service member assigned to a PDS OCONUS to help maintain the equivalent purchasing power of the discretionary portion of spendable income as the Service member's counterparts based in the CONUS. This allowance compensates for the higher cost of goods and services OCONUS. To calculate the OCONUS COLA, the goods and services purchased in an area OCONUS, excluding housing, are compared to the cost of goods and services purchased in the CONUS. See paragraph 680203 for special circumstances affecting OCONUS COLA.

#### 680301. Factors That Affect OCONUS COLA Rates

A. Geographic Location. The geographic location of the PDS governs the COLA index payable unless otherwise authorized or approved through the Secretarial Process. See COLA Information for current geographic information.

B. COLA Indexes. See COLA index for specific locations OCONUS. COLA rates are based on a Service member's PDS. Paragraph 680303 provides the rates when any of the following occur:

1. A ship's home port is the PDS for OCONUS COLA purposes.

2. A dependent resides at a location other than the PDS in connection with an unaccompanied assignment.

3. A dependent is evacuated.

C. Calculating OCONUS COLA Indexes. See Calculation of Overseas COLA Index.

D. Surveys. The two surveys conducted to determine prices OCONUS are the Living Pattern Survey (LPS) and the Retail Price Schedule (RPS). See Survey Instruments for more detailed information about the LPS and RPS data surveys. Data from these surveys help determine the OCONUS COLA indexes.

E. Foreign Currency Exchange Rates. The Office of the Undersecretary of Defense, Personnel and Readiness (OUSD-PR) reviews and adjusts exchange rates when necessary for countries where Service members are assigned. OUSD-PR adjusts OCONUS COLA based on currency fluctuations as frequently as twice monthly. See currency adjustment for more information.

F. COLA Unique Expenses. In some areas OCONUS, a Service member or dependent incurs mandatory and excessive expenses that a Service member based in the CONUS never incurs. Since the expenses are not incurred in the CONUS, they cannot be a part of the ordinary COLA index calculation. For these expenses, payment is a dollar-for-dollar reimbursement for a specifically authorized expense at a designated authorized location.

1. Submit Requests. All requests to authorize a new COLA Unique Expense must be submitted through the Major Command level, then to OUSD-PR through the applicable Service representative listed at feedback reporting. OUSD-PR does not accept requests from individual Service members for COLA Unique Expense authorization. The Secretary concerned may reimburse a COLA Unique Expense if Table 68-2 authorizes the location and expense. Alternatively, the expense may be reimbursed at the Service's discretion through the Secretarial Process. The Service concerned is not required to recover any amount refunded to a Service member by a foreign government agency involved. For a Service member to be reimbursed, the expense must be verified by a valid receipt. The expense must meet all of the following criteria to be authorized as a "COLA Unique Expense":

- a. A clear majority of Service members assigned at a duty station incur the expense.
- b. The item or expense exceeds 1% of spendable income for the typical Service member.
- c. Service members based in the CONUS do not incur the expense.
- d. OUSD-PR specifically authorizes or approves the expense for reimbursement.

2. Authorized Locations and Expenses. Table 68-2 specifies the authorized locations and expenses for a COLA-Unique Expense reimbursement.

Table 68-2. Authorized Locations and Expenses for COLA Unique Expense Reimbursement

Location	Expense
Singapore	1. Mandatory and excessive road tax for one POV.
	2. Mandatory and excessive registration and transfer fees for one POV.

G. OCONUS COLA Report Submission. See Part 2 of the DoD Overseas Station and Housing Allowance Process Guide.

## 680302. Start and Stop OCONUS COLA

A. Start OCONUS COLA. Generally, OCONUS COLA starts on the day a Service member reports to a new PDS, the effective day of a home port change, or the day his or her dependent arrives before the Service member at either the new PDS or the new home port, as specified in paragraph 680303. However, if the Service member is authorized a monetary allowance in lieu of transportation (MALT) plus per diem (MALT Plus) on the reporting day, OCONUS COLA starts on the day after the Service member's reporting day.

B. Stop OCONUS COLA. OCONUS COLA stops the day before a Service member departs from OCONUS on a PCS order or the day before the effective date of a ship's or unit's home port change unless any of the following occur:

1. An extension is authorized through the Secretarial Process.
2. OCONUS COLA is authorized during a PCS between PDSs in close proximity, when at the new PDS the member continues to commute from the residence occupied at the old PDS. OCONUS COLA continues during temporary duty (TDY) en route. If the COLA rate differs, the rate for the old PDS is paid through the day prior to the member's report date. COLA for dependents is paid as specified in paragraph 680303.
3. A Service member without a dependent undergoes a home port change. In that circumstance, the Service member is authorized OCONUS COLA based on the old home port until the day he or she moves back aboard the ship under the following conditions:
  - a. The ship does not depart from the old home port before or on the effective date of the home port change and;
  - b. Quarters on board the ship are not available, such as when the ship is in dry dock.

## 680303. OCONUS COLA for Service Member with a Dependent

A Service member with a dependent is authorized OCONUS COLA based on the number of command sponsored dependents at the PDS vicinity, regardless of Government dining facility availability. This includes when the Service member has a dining facility aboard ship available. Table 68-3 specifies exceptions. A Service member is authorized OCONUS COLA for all command sponsored dependents, including a Federal employee who is a spouse or child and eligible for a post allowance in his or her own right. Paragraph 680305 specifies OCONUS COLA authority for a Service member married to another Service member.

Table 68-3. OCONUS COLA for a Service Member with a Dependent

	<b>If...</b>	<b>Then...</b>
<b>1</b>	a Service member is on leave away from the PDS vicinity for 31 or more days and is accompanied by all command sponsored dependents,	OCONUS COLA is not authorized beginning on the 31st day.
<b>2</b>	a command sponsored dependent departs the PDS vicinity for a period of 31 or more consecutive calendar days,	OCONUS COLA payment beginning on the 31st day is reduced to the rate for the number of command sponsored dependents remaining at the PDS.
<b>3</b>	a command sponsored dependent departs the PDS vicinity to attend school,	OCONUS COLA payment is reduced the day after the dependent's departure to the rate for the number of command sponsored dependents remaining.
<b>4</b>	one or more, but not all, command sponsored dependents depart the PDS vicinity for early or advance return,	
<b>5</b>	all the command sponsored dependents depart the PDS vicinity for early or advance return,	the Service member becomes a Service member "without a dependent" and the OCONUS COLA at the with-dependent rate terminates the day before the command sponsored dependent departs the Service member's PDS.*
<b>6</b>	a Service member is in a confinement status due to disciplinary action,	OCONUS COLA is authorized only at the rate for the number of command sponsored dependents who continue to reside in the PDS vicinity.
*See paragraph 680203 for early or advance return of a foreign-born, command sponsored dependent authorized to travel to his or her native country.		

A. Home Port Change. If a Service member is currently assigned to a ship or other fleet unit with an announced home port change (or receives a PCS order to a ship or other fleet unit with an announced home port change) and a dependent is authorized to travel to the new home port, the new home port is the Service member's PDS for COLA purposes (*65 Comp. Gen. 888 (1986)*).

B. PCS Order Amendment Changes the PDS. When a Service member receives a PCS order amendment that names a different PDS before he or she joins a dependent who has already arrived at or in the vicinity of a new PDS OCONUS, and on whose behalf OCONUS COLA was authorized, OCONUS COLA at the original PDS rate ends on the dependent's departure day for the newly designated PDS. OCONUS COLA at the initial PDS can extend more than 60 days after the amended order effective date only if specifically authorized or approved through the Secretarial Process. OCONUS COLA at the new PDS rate based on the number of command sponsored dependents begins on the dependent's arrival day.

C. OCONUS COLA Due to Evacuation of the Service Member's PDS. If a Service member's PDS is evacuated, OCONUS COLA at the with-dependent rate stops on the dependent's departure date due to the evacuation. Until the dependent returns to the Service member's PDS, the Service member is considered "without a dependent" for OCONUS COLA purposes. When a dependent is evacuated from OCONUS or from a location in the CONUS to reside at an authorized or approved designated place OCONUS, the Service member is authorized OCONUS COLA at the with-dependent rate for the designated place beginning the day after per diem stops. Station allowances are not payable for a dependent who is not command sponsored at the Service member's PDS OCONUS.

680304. OCONUS COLA for Service Member without a Dependent

A. Reduced OCONUS COLA. When both Government quarters and a Government dining facility are available, a Service member is paid a reduced OCONUS COLA. Reduced OCONUS COLA is calculated using a fixed percentage of the COLA rate for a Service member with no dependents living in private-sector housing.

B. Government Dining Facility Availability. The decision to authorize OCONUS COLA for a Service member without a dependent is based on whether the dining facility is actually available to the Service member, whether he or she is expected to purchase food for preparation in Government quarters, and whether the Government quarters have facilities to keep and prepare meals.

1. For OCONUS COLA purposes, if a permanently assigned Service member purchases meals or receives meals at no cost at a Government dining facility, or receives meals using a Government-provided meal card, then a Government dining facility is available.

2. Table 68-4 specifies the conditions for determining OCONUS COLA authorization for a Service member without a dependent.

Table 68-4. Determining OCONUS COLA for a Service Member without a Dependent

	<b>If...</b>	<b>Then...</b>
<b>1</b>	a Service member has Government quarters available but does not have a Government dining facility available for three meals a day at the PDS,	the Service member is authorized OCONUS COLA at the "0 dependent" rate.
<b>2</b>	the commander authorizing OCONUS COLA expects the Service member to cook and eat meals in Government quarters,	
<b>3</b>	a Service member has Government quarters available, but the commanding officer, installation commander, or delegated designee, provides a statement that using the Government dining facility is impractical due to mission or operational needs,*	
<b>4</b>	an enlisted Service member does not have Government quarters available and is authorized to mess separately,	



Table 68-4. Determining OCONUS COLA for a Service Member without a Dependent (Continued)

	If...	Then...
5	a Service member is authorized to mess separately and maintains a joint residence with a spouse who also is a Service member,	the Service member is authorized OCONUS COLA at the "0 dependent" rate.
6	a Service member in grade E-7 or higher who has no dependent chooses to occupy private-sector housing instead of Government quarters,	
7	a Service member in grade E-6 who has no dependent chooses to occupy private-sector housing instead of inadequate Government quarters,	
8	a Service member has no dependent, is assigned to permanent duty aboard a ship, and occupies private-sector housing,**	
9	each Service member of a married Service member couple is in grade E-5 or below, has no other dependent, is assigned to permanent duty aboard a ship, and chooses to occupy private-sector housing instead of assigned Government quarters aboard a ship,	
10	the Service member has Government quarters available and eats, or is expected to eat, the majority of meals in a Government dining facility because meal preparation in the Government quarters is not expected or permitted,	the Service member is authorized the reduced OCONUS COLA rate.
11	a Service member has both a Government dining facility and Government quarters available at the PDS, including aboard a ship,	
12	a Service member has Government quarters available and routinely eats two or more meals a day in a dining facility,	the Service member is authorized to receive only the reduced OCONUS COLA rate, not the "0 dependent" rate.
13	a Service member has Government quarters available but his or her non-command sponsored dependents live at or near the PDS,	
14	a Service member without a dependent is in a confinement status and serving a sentence due to disciplinary action,	the Service member is not authorized OCONUS COLA.
<p>*Personal convenience is not a determining factor.</p> <p>**If the Service member is in grade E-6 or above, he or she may choose not to occupy assigned Government quarters aboard a ship. A member in grade E-4 or E-5 may be authorized to not occupy assigned Government quarters aboard a ship.</p>		

C. Leave Periods. If a Service member without a dependent takes leave away from the PDS vicinity OCONUS, OCONUS COLA continues for the first 30 days and stops on day 31. If OCONUS COLA is stopped, it starts again the day the Service member returns to the PDS from leave.

## 680305. Service Member Married to Another Service Member

Table 68-5 specifies OCONUS COLA for a Service member married to another Service member. See Table 68-4 for COLA when both Service members are grade E-5 or below, are serving on sea duty, and have no other dependents.

Table 68-5. OCONUS COLA for Two Service Members Married to Each Other

If two Service members married to each other...		Then...
1	maintain separate households at or in the vicinity of their PDS or PDSs OCONUS,	each Service member is authorized OCONUS COLA, based on whether the Service member concerned has a dependent at or in the vicinity of the PDS OCONUS.
2	maintain a joint household at or in the vicinity of their PDS OCONUS,	one Service member is authorized to receive OCONUS COLA at a rate based on the number of dependents present, if any. The other Service member is authorized to receive OCONUS COLA at the "0 dependent" rate.

## 680306. Non-Command Sponsored Dependent in PDS Vicinity

A Service member who is serving an unaccompanied tour at a PDS OCONUS is not authorized with-dependent OCONUS COLA when a non-command sponsored dependent accompanies or joins the Service member, even if the Service member chooses not to use an available Government dining facility. The Service member is authorized the same OCONUS COLA as any other Service member without a dependent under the same conditions (see subparagraph 680304-A). If the Service member changes the tour election and agrees to serve the tour as accompanied, with-dependent, OCONUS COLA as specified in paragraph 680303 starts on the day the dependent becomes command sponsored.

## 680307. Fractional Cost of Living Allowance for a Service Member Without a Dependent

A. Eligibility. This paragraph applies only to a Service member receiving the reduced OCONUS COLA. The PDS includes a ship or other unit having an assigned home port OCONUS as opposed to an assigned PDS OCONUS.

1. The Service member's duty, as distinguished from a travel status, must require his or her absence from the PDS during one or more meals.

2. The commanding officer, or an officer designated by the commanding officer for that purpose, must validate that the meals are not furnished.

B. Allowances

1. The COLA is for the PDS, or in the case of a Service member assigned to a ship or other unit having an assigned home port OCONUS, the place where the Service member takes meals. Calculate the fractional COLA amount payable by applying the percentages specified in Table 68-6 for the meals involved to the daily COLA at the “0 dependent” rate for the PDS.

Table 68-6. Fractional COLA Rates by Meal

	<b>Meal</b>	<b>Applicable Percentage</b>
<b>1</b>	Morning	7
<b>2</b>	Noon	15
<b>3</b>	Evening	15

2. A Service member without a dependent receiving the reduced OCONUS COLA rate is authorized a percentage of the “0 dependent” COLA rate for each meal not provided in a Government dining facility in addition to the reduced OCONUS COLA.

## 680308. Service Member Assigned to Ship or Fleet Unit

A. Delayed Travel. Secretarial authorization or approval of the housing allowance for a dependent continuing during the delayed departure from a PDS OCONUS, as specified in Chapter 26, also authorizes COLA continuation for the same time period without a separate authorization or approval. Subparagraph 680408.C applies whether the Service member’s new PDS is in the CONUS or OCONUS.

B. Service Member Assigned to Duty Aboard a Two-Crew Nuclear Submarine. The ship’s home port is the Service member’s PDS for station allowances.

1. When a Service Member Reports to the Home Port before Reporting Aboard. When a Service member is assigned to a two-crew nuclear submarine and reports to the ship’s home port before reporting aboard because the ship is deployed, the Service member is authorized station allowances the day after he or she arrives at the home port, and no further travel is required by the order before reporting aboard the submarine (57 Comp. Gen. 178 (1977)).

2. Service Member without a Dependent Ordered to a TDY at Home Port (OCONUS COLA Only). OCONUS COLA is authorized for a Service member without a dependent while the Service member is performing a TDY ashore if all of the following conditions are met:

a. The Service member is assigned to a two-crew nuclear submarine.

b. The Service member has reported aboard.

c. The training and rehabilitation is for a period of 16 or more days at the ship's home port OCONUS.

680309. Reserve Component (RC) Member

A. Eligibility. An RC member called or ordered from a residence OCONUS to active duty or active duty for training (ADT) may be authorized OCONUS COLA. Command sponsorship is not required when a Service member is authorized OCONUS COLA at the with-dependent rate for the place last entered (or called to) active duty (PLEAD). The Service member must reside permanently in the area concerned at the time called or ordered to active duty (55 Comp. Gen. 135 (1975)).

B. Allowances. An RC member is authorized OCONUS COLA for the tour duration as specified in Table 68-7 unless he or she is called or ordered to active duty for any of the following reasons:

1. Training for 140 or More Days. The initial OCONUS COLA rate ends on the day before the Service member reports at the duty location specified in the active-duty order. Authority for OCONUS COLA for the PDS location begins the day the Service member reports at that location. A Service member called or ordered to ADT from a location in the CONUS for 140 or more days at one location is authorized OCONUS COLA in the same manner as a Service member already on active duty.

2. Other than Training for 181 or More Days with PCS Allowances. A Service member called or ordered to active duty for other than training from a location in the CONUS for 181 or more days at one PDS location OCONUS is authorized OCONUS COLA as of the day he or she reports at that location except as in subparagraph 680309-B3. The initial rate for the primary residence OCONUS stops the day before the Service member reports at the PDS duty location specified in the active-duty order. OCONUS COLA authority for the PDS location begins the day the Service member reports at that location.

3. Other than Training for 181 or More Days but not Authorized HHG Transportation. When HHG transportation is not authorized, an RC member called or ordered to active duty for other than training for 181 or more days at one location, away from his or her primary place of residence OCONUS at the time called or ordered to active duty, is assigned to duty at that residence and paid OCONUS COLA at that location rate. HHG transportation under a TDY order does not affect this authority. OCONUS COLA authority begins on the first active-duty day.

Table 68-7. OCONUS COLA for RC Member Called or Ordered to Active Duty from OCONUS

Number of Days Called or Ordered to Active Duty		OCONUS COLA
1	31 or More	OCONUS COLA for the primary residence OCONUS at the time called or ordered to active duty, whether for a TDY or a PCS, beginning on the first active-duty day.
2	30 or Fewer	OCONUS COLA if the call or order to active duty is in support of a contingency operation or whenever there is no per diem authority. The Service member is authorized OCONUS COLA at the rate for his or her principal place of residence at the time called or ordered to active duty (55 Comp. Gen. 135 (1975)).

## 680310. Calculations for OCONUS COLA

Calculate a Service member's OCONUS COLA payment using data from three individual sources and tables: the Annual Compensation Table, the Spendable Income Table, and the COLA Index Table. OCONUS COLA is specified as a daily rate. The annual COLA is calculated by multiplying the Service member's annual spendable income by the authorized COLA index. For OCONUS COLA, spendable income is that portion of the Service member's annual compensation used to purchase items in the RPS. Use Table 68-8 to calculate annual OCONUS COLA and Table 68-9 to calculate monthly OCONUS COLA. See OCONUS COLA computation example.

Table 68-8. Calculate Annual OCONUS COLA

Step	Procedure
1	Determine the Service member's annual compensation.
2	Determine the Service member's average annual spendable income: <ol style="list-style-type: none"> <li>Locate the dollar range for the appropriate annual compensation amount, as determined in Step 1.</li> <li>Find where this dollar range intersects with the number of command sponsored dependents on the annual spendable income table.</li> <li>This number is the Service member's average annual spendable income.</li> </ol>
3	Find the Service member's COLA index based on the PDS.
4	Subtract 100 from the prescribed COLA index. Divide the difference by 100 to change it to a percentage (for example, 20 becomes 0.20 or 20%).
5	Multiply the Service member's average annual spendable income, in Step 2, by the percentage in Step 4. The result is the Service member's annual OCONUS COLA.

Table 68-9. Calculate Monthly OCONUS COLA

Step	Procedure
1	Divide the annual OCONUS COLA amount by 360 (days) (see Table 68-8).
2	Carry the result to five digits to the right of the decimal to get the daily amount.
3	Multiply the result by the number of days in the month for which the allowance is payable.
4	Round the amount to the nearest cent to get the monthly OCONUS COLA.

#### 6804 TEMPORARY LODGING ALLOWANCE

TLA is intended to partially pay a Service member for higher than normal expenses incurred by a Service member or dependent while occupying temporary lodging OCONUS. OCONUS TLA is available when it is necessary for a Service member or dependent to occupy temporary lodging upon arrival at, or immediately before leaving, a PDS OCONUS, or during other periods as specified in this section. Personal inconvenience to a Service member or dependent is never a determining factor. TLA is not intended, and must not be used, for the personal enrichment of a Service member, including authorization or approval of TLA Special (see paragraph 680410).

**Note:** Organization are expected to take appropriate disciplinary action when TLA is provided for inappropriate reasons.

##### 680401. TLA Authority

The senior commander of the Service in the country or area is the TLA Authority. In countries or areas where more than one Service is represented, the senior commander of all of the Services is the TLA Authority. The TLA Authority may delegate authority as determined appropriate to judiciously administer TLA. TLA may be authorized when a Service member or dependent needs to occupy temporary lodging at personal expense. The TLA Authority authorizes or approves TLA only for the number of days needed to prevent undue financial hardship to the Service member during that period.

##### 680402. TLA Authority Responsibilities

The TLA Authority must issue written TLA guidance for the country or area under his or her responsibility. Effective guidance and management at all levels should minimize TLA costs by preventing the need for TLA, shortening the authorized period, and reducing the amount payable.

A. Submit Written Guidance. An electronic (Word) copy of the required written guidance and changes to or re-issuances of the written material implementing this authority must be provided, via the Service Compensation Chief, to the Allowances Branch, OUSD-PR. This written material must be coordinated with the Uniformed Services present in the country or area, consistent with the general payment conditions listed in this chapter, and designed to uniformly authorize TLA to each Service member.

B. Establish Efficient Policies. To ensure economical TLA administration, the OCONUS TLA Authority's written guidance to help the Service member locate permanent quarters should emphasize all of the following:

1. A Service member and any dependents should use existing Government transient facilities to the fullest extent possible upon PDS arrival or departure. The Service member must be advised of and encouraged to use recommended temporary lodging.

2. A Service member in a TLA status should be given priority over other potential occupants of transient facilities.

3. A Service member uses, when practical, leased quarters furnished and equipped for temporary occupancy by a family.

4. Promote the use of temporary lodging with facilities for preparing and consuming meals.

5. Maintain contact with the local, private-sector market for permanent housing and provide incoming families with reliable, realistic, and current information concerning location, availability, description, and cost.

6. Maintain an up-to-date list of approved, regularly inspected temporary lodging.

7. Inform the Service member of Government furniture available upon arrival at the new PDS for temporary loan while occupying permanent Government quarters or private-sector housing before the household goods (HHG) arrive. Before departure from the PDS, inform the Service member of Government furniture available for temporary loan after the HHG has been picked up for shipment.

8. The Service member should occupy permanent Government quarters or private-sector housing as soon as possible upon arrival and should not vacate sooner than necessary upon departure on a PCS order. This should ensure that TLA ends the day before the Service member could reasonably occupy permanent Government quarters or private sector housing upon arrival at the PDS OCONUS, even if he or she does not occupy permanent Government quarters or private-sector housing.

9. Requirements for dependent travel should contain advice to the Service member about appropriate household items to include in unaccompanied baggage.

10. Any additional TLA period will not be authorized or approved when a Service member is not expected to incur any excess costs or suffer undue financial hardship.

C. Advise Service Members. It is the TLA Authority's responsibility to ensure that a Service member is advised of all of the following responsibilities and requirements:

1. The Service member must aggressively seek permanent Government quarters or private-sector housing upon arrival. When the Service member will be assigned Government quarters, the provision to seek private-sector housing is not applicable.
2. The Service member must register with an official upon arrival and keep that official informed of progress in obtaining permanent Government quarters or private-sector housing at intervals of 15 or fewer days, as determined by the TLA Authority.
3. The Service member must provide a statement to the official indicating the beginning and end of TLA.
4. The limitations on the number of authorized TLA days for arrival or departure and of any requirement for a written justification to extend TLA to the maximum number of days.
5. The requirement to relocate as soon as practical to other permanent Government quarters or private-sector housing, or to reoccupy the Government quarters or private-sector housing formerly occupied.
6. The amount of the TLA payment depends on the expenses incurred at the temporary lodging.
7. The Service member must obtain and keep receipts for lodging expenses to support TLA payment.
8. Lodging expenses are not allowed while staying with friends or relatives, but the meal and incidental expense rate (M&IE) is payable for the eligible TLA period.

680403. Applicable Situations for a TLA

A. Situations That Require Temporary Housing. TLA may be authorized during any of the following periods:

1. Upon initial arrival or reporting at a PDS OCONUS either while waiting for Government quarters or while completing arrangements for other private-sector housing when Government quarters are not available. This includes reporting for a TDY at an activity within the limits of the new PDS OCONUS (*B-208740, January 31, 1983*).
2. Immediately preceding departure for a PCS from a PDS OCONUS after a Service member vacates Government quarters or private-sector housing in connection with a PCS order. This includes reporting for a TDY at a location within the limits of the old PDS OCONUS (*B-208740, January 31, 1983*).
3. When the appropriate official determines that TLA is necessary for a Service member, once he or she is established in, must vacate, or is waiting to reoccupy permanent Government quarters, private-sector housing, or privatized housing for reasons beyond



the Service member's control. This does not include a ship entering any type of maintenance availability. The appropriate official must base the determination on the OCONUS TLA Authority's written guidance.

a. TLA begins the day temporary lodging is first used and ends on the day before permanent Government quarters, private-sector housing, or privatized housing is reoccupied, or when the OCONUS TLA Authority determines TLA is no longer justified.

b. TLA does not include any expenses incurred before the TLA period begins or after it ends, except for extra lodging charges authorized as specified in section 6806.

c. TLA ends if the OCONUS TLA Authority determines that TLA is no longer necessary due to any of the following reasons:

(1) There are no excess costs.

(2) The Service member failed to accept adequate permanent Government quarters.

(3) The Service member stopped diligently searching for permanent private-sector housing.

4. While a Service member without a dependent is seeking permanent Government quarters or private-sector housing following a TDY assignment of 90 or more days when he or she vacated permanent Government quarters or private-sector housing before beginning the TDY (*59 Comp. Gen. 486 (1980)*).

5. During a Service member's hospitalization when a dependent must use temporary lodging OCONUS because the Service member was hospitalized en route between PDSs.

6. While house hunting after the Service member arrives at the new PDS and reports for duty in connection with a PCS.

#### B. Additional TLA

1. In addition to the responsibilities in paragraph 680402, the OCONUS TLA Authority's written guidance is used to determine whether undue financial hardship can result if an additional TLA period is not authorized or approved. The guidance must be used before authorizing or approving additional TLA periods upon initial arrival, delayed departure, or early termination of either permanent Government quarters or private-sector housing.

2. Applications for additional TLA periods must establish the need for TLA.

3. The OCONUS TLA Authority must direct consideration of the daily amount of all of the following payments and expenses before authorizing additional TLA:

- a. The amount of TLA the Service member has received or will receive.
- b. Current and estimated expenses for temporary lodging.
- c. The housing allowance for a Service member. However, the housing allowance is not considered when paid for a dependent at a place other than the Service member's PDS, or for a Service member receiving TLA at the with-dependent rate for the Service member only.
- d. Family Separation Housing.

680404. General Payment Conditions

A. Service Member Responsibilities. The Service member must either meet the requirements in subparagraph 680402.C or submit acceptable reasons for noncompliance before TLA payment. TLA payment or further TLA authority must be denied if the Service member has not complied with those TLA requirements in accordance with the OCONUS TLA Authority's written guidance or if he or she failed to submit acceptable reasons for noncompliance.

B. Government Quarters. When Government quarters are available and other lodging is used, lodging reimbursement is limited to the cost of Government quarters as specified in the JTR, Chapter 2, subparagraph 020303.C. If Government quarters are not available, the Service member should provide written certification to support any voucher documentation submitted to comply with finance regulations.

C. Non-Occupancy. If the temporary lodging is not occupied during a portion of the TLA period, reimbursement is allowed for the other days when it is occupied during the authorized TLA period.

D. TLA Periods. There may be a break between an initial TLA period and any additional authorized TLA period.

E. Unaccompanied Tour. A Service member serving an unaccompanied tour is not authorized TLA when he or she chooses not to use an available Government dining facility or available Government quarters because a non-command sponsored dependent is in the PDS vicinity.

F. PCS Order Canceled or Revoked. When the Service member's PCS order is canceled or revoked after he or she occupies temporary lodging, the Service member may receive TLA reimbursement up to the maximum number of days allowed by the OCONUS TLA Authority.

G. Advance Payment. An advance may be paid for the number of authorized TLA days, after authority is provided, based on the appropriate directive issued as specified in the OCONUS TLA Authority's guidance.

H. Old and New PDS in Close Proximity or in the Same Country. When a Service member's old and new PDSs are in close proximity to each other or in the same country, the TLA authority does not change. However, when a Service member's new PDS is within commuting distance of the Government quarters or private-sector housing occupied while at the old PDS, the Service member may not be authorized TLA unless the Service member's commanding officer approves temporary lodging based on a necessary residence change for reasons beyond the Service member's control.

I. Certification Confirming Military Necessity. The following situations require that a Service member's order be annotated with or include an attached certification that retaining TLA lodging was due to military necessity and not due to the Service member's personal choice or convenience:

1. When a Service member receiving TLA is ordered on a TDY while away from the PDS.

2. When a Service member receiving TLA before his or her PCS departure is ordered on deployment from the PDS, including the home port or permanent duty location of a ship, staff, or afloat unit.

3. When a Service member receiving TLA is hospitalized after arrival at a new PDS or before a PCS departure.

680405. Receipt of Multiple Allowances

Duplicate payment for the same expense is not authorized.

A. COLA and Housing Allowances. A Service member may be paid a COLA, a Basic Allowance for Housing, or an Overseas Housing Allowance (OHA), if applicable, when paid TLA.

B. Evacuation Allowances. TLA is not payable due to an evacuation.

C. Temporary Quarters Subsistence Expenses (TQSE) or Temporary Quarters Subsistence Allowances (TQSA). A Service member married to a civilian employee may be authorized TLA while the civilian employee receives TQSE or TQSA, (see JTR, Chapter 5, Section 0542) as long as the TLA and TQSE or TQSA payments cover different expenses.

D. Dependent Receives Basic Pay. A Service member may not be paid allowances on behalf of a dependent for any period while that dependent is entitled to basic pay as specified in 37 U.S.C. § 204 and 37 U.S.C. § 421.

## 680406. TLA for Initial Assignment

A. Authorization Period. TLA authorization for a PDS assignment OCONUS requiring a residence change ordinarily should not exceed 60 days, which do not have to be consecutive. The initial 60-day period begins on the same date as the COLA. The OCONUS TLA Authority's AO may authorize or approve a period in addition to the initial 60-day maximum to follow immediately after the first 60 days or begin at some later date after the initial period expires. The additional period may be authorized or approved in increments of 15 or fewer days for any of the following reasons beyond the Service member's or dependent's control:

1. HHG does not arrive.
2. Service requirements cause a delay in the availability of or assignment to Government quarters.
3. Acts of God, fire, flood, earthquake, riot, civil unrest, or other disturbances that make normally available or anticipated Government quarters or private-sector housing temporarily or permanently uninhabitable or unavailable.
4. A landlord withdraws the private-sector housing from the market.
5. The Service member is unable to secure private-sector housing that the housing officer considers suitable to the Service member's needs, in an acceptable location, and comparable to and within the price range of housing that other Service members in the area are currently using. The lease cost for housing can exceed the OHA ceiling.
6. Either the Service member or dependent is hospitalized or the Service member's duties require the Service member to be away from the PDS (or home port, if attached to a ship) limiting opportunities to arrange for permanent Government quarters or private-sector housing.

B. Review of Effort to Find Permanent Housing. At the end of the first TLA period of 15 or fewer days, or a longer period authorized under extenuating circumstances, the OCONUS TLA Authority's AO should review the Service member's progress in obtaining permanent housing.

1. If the Service member's efforts appear deficient, the OCONUS TLA Authority's Authorizing Official (AO) must remind the Service member of his or her responsibilities. A Service member who does not comply, without an acceptable reason, will lose authorization for TLA unless the Service member is awaiting assignment to Government quarters.

2. The Service member's absence from the PDS due to a TDY, maneuvers, being aboard ship, sickness, hospitalization, serious illness of dependents, or other acceptable reasons, excuses the Service member from aggressively seeking permanent housing during the absence and postpones the date for submitting the required information. This applies when evaluating the Service member's progress toward obtaining permanent Government quarters or private-sector housing and in determining TLA authorization or approval during each succeeding period.

C. TLA Authorization. TLA authorization that starts upon initial arrival continues until a Service member occupies permanent Government quarters or private-sector housing unless TLA is terminated earlier for an acceptable reason specified in this chapter. The allowance stops accruing on the day before a Service member occupies the permanent housing. With the exception of allowed extra lodging charges, no expenses incurred on the permanent Government quarters or private-sector housing occupancy day are used in computing TLA (see section 6806). In any case, TLA must stop the day HHG is delivered.

680407. TLA for Initial Assignment when New PDS is a Ship

A. Reporting Day. On the actual reporting day aboard a ship, the lodging cost for lodging jointly occupied by the Service member and a dependent is not divided between the Service member and the dependent. The entire lodging cost is included as a TLA expense.

B. Period while Awaiting the Ship's Arrival

1. When a Service member is in a TDY status at the home port OCONUS awaiting arrival of his or her assigned ship, he or she is eligible for per diem. Therefore, the Service member is ineligible for TLA during the waiting period. The waiting period begins on the arrival day at the home port and continues through the day before the actual reporting day aboard the ship. During this waiting period, the ship is the Service member's new PDS for personal travel. For TLA purposes, the Service member has not reached the new PDS until reporting to the ship. TLA can begin after the Service member reports to the ship and meets the other criteria in this chapter.

2. The number of dependents occupying temporary lodging in the PDS area—or the home port when the new PDS is a ship—determines the amount to authorize for meals, which is used to compute the TLA rate payable on behalf of any dependents for days when a Service member is authorized per diem.

3. When a Service member receiving per diem is also receiving TLA for a dependent, and both are at the home port, lodging costs for jointly occupied lodging are apportioned 50% for the Service member and 50% for all dependents combined for all days except on the reporting day to the ship, regardless of the number of family members.

C. TLA during Home Port Change for Initial Assignment. If a Service member is currently assigned to a ship or other fleet unit with an announced home port change, or is in receipt of a PCS order to a ship or other fleet unit with an announced home port change, and the dependent is authorized to travel to the new home port as the new home port is the Service member's PDS for TLA purposes (65 Comp. Gen. 888 (1986)).

680408. Service Member Arrives or Departs at a Different Time than a Dependent

A. Service Member Arrives before Dependent. When a Service member arrives at a PDS OCONUS before a dependent, the Service member may be authorized TLA if the conditions specified in section 6804 are met. Upon the dependent's arrival, TLA may also be authorized or approved for the Service member and dependent. If the dependent arrives after the initial 60-day period expires, an additional TLA period may be authorized as specified in subparagraph 680408.C whether or not TLA was paid during the initial 60-day period.

B. Dependent Arrives at or in the PDS Vicinity OCONUS before the Service Member. Authorization or approval through the Secretarial Process is required for the dependent's arrival in advance of the Service member as specified in Chapter 26 before TLA payment. Once advance travel is authorized or approved, and a dependent arrives at or in the PDS vicinity OCONUS, the dependent's TLA starts the day TLA is authorized for the Service member provided the dependent is command sponsored.

C. Dependent Departs the PDS Vicinity OCONUS after the Service Member. Before TLA payment, authorization or approval through the Secretarial Process is required for the dependent's delayed travel as specified in Chapter 26. Once delayed travel is authorized or approved, TLA for the dependent is authorized under the same conditions as applicable to a Service member when a dependent departs the PDS vicinity OCONUS after the Service member.

680409. TLA upon Departure

A. Time Limitation. The TLA period cannot start more than 10 days before the Service member leaves the PDS in compliance with a PCS order, except in the following situations:

1. One or more dependents remain in the old PDS vicinity as specified in Table 68-10. TLA may be authorized up to 10 days immediately preceding the day the last dependent leaves the PDS. This is regardless of the effective date of the PCS order from that PDS.

2. A longer TLA period is authorized due to delayed departure or the early termination of permanent Government quarters or private-sector housing.

3. The Service member or dependent is hospitalized or the Service member's duties require the Service member to be away from the PDS or home port, if attached to a ship.

B. Departure from PDS. Table 68-10 specifies the TLA authorization upon departure from a PDS under certain circumstances.

Table 68-10. TLA when Departing a PDS

Departure		TLA Authorization
1	Dependent Departs before the Service Member	When a dependent departs a PDS OCONUS before the Service member, TLA may be authorized for the Service member and dependent when eligible. TLA due to the dependent's departure is limited to 10 days immediately preceding the day the last dependent departs, and must not begin earlier than the issue date of the PCS order or official alert notice. Upon departure of the Service member at a later date, TLA may again be authorized or approved for the Service member.
2	Delayed Departure	When the authorized TLA period has begun and actual departure is delayed through no fault of the Service member or dependent, TLA may be authorized or approved by the AO, in increments of 10 or fewer days, for the entire period that temporary lodging is required. This includes a dependent's delay due to the Service member's death.
3	Early Permanent Housing Termination	When, for reasons beyond the control of the Service member or dependent, permanent Government quarters or private-sector housing must be relinquished more than 10 days before the estimated departure date, the AO may authorize or approve TLA beginning the day the permanent Government quarters or private-sector housing is relinquished. Acceptable reasons include: <ul style="list-style-type: none"> <li>a. The Transportation Officer determines it necessary to ship HHG after considering anticipated leave; necessary travel time; HHG shipment transit times; compliance with requirements of local packing, crating, and shipping agencies; meeting shipping schedules; and other requirements related to HHG shipments.</li> <li>b. Expiration or termination of lease or rental agreement occurs after a Service member receives the PCS order or alert notice.</li> <li>c. A landlord withdraws the private-sector housing from the market.</li> <li>d. The AO determines that an Act of God, civil unrest, or other disturbance makes occupancy of permanent housing inadvisable.</li> <li>e. The Service member is required by lease, custom, or law to surrender housing at a fixed date more than 10 days before the scheduled departure or before a lease's expiration to permit inspection, finalization of utility bills and deposits, redecoration, or adjudication of damage claims.</li> <li>f. Housing authorities require the Service member to vacate permanent Government quarters for the Government's convenience.</li> <li>g. The OCONUS TLA Authority determines that permanent Government quarters or private-sector housing must be relinquished.</li> </ul>

Table 68-10. TLA when Departing a PDS (Continued)

Departure		TLA Authorization
4	Service Member Detaches from a Ship Away from Home Port	When a Service member detaches on a PCS from a ship in a home port OCONUS while the ship is away from its home port and he or she returns to the home port, then TLA may be authorized unless he or she receives per diem. If per diem is authorized at the home port, the Service member can receive TLA only if a dependent occupies temporary lodging at the home port.
5	TLA before PCS Order Issuance	A Service member may be authorized TLA before a PCS order is issued. The PCS AO, or the designated representative, must provide a written statement that the Service member was advised that the order would be issued before the PCS order is actually issued. The Service member must provide this statement if required by finance procedures. Information, such as the date of eventual release from active duty, expiration of term of service, retirement eligibility, or expected rotation from duty OCONUS, is not notification of intent to issue an order ( <u>52 Comp. Gen. 769 (1973)</u> ). The length of time between when the Service member receives written advice that a PCS order will be issued and when the order is issued may not exceed the relatively short period between when a PCS order determination is made and when the order is actually issued.

## 680410. Special TLA Requests (TLA Special)

TLA requests for a higher lodging factor (TLA Special) under special or unusual circumstances may be authorized only before the dates required and by the Allowances Branch Chief's issued determination. See TLA Special computation example 1, TLA Special computation example 2, TLA Special computation example 3, and TLA Special computation example 4.

A. TLA Special Warranted. When lodging costs escalate due to a special event and TLA is insufficient for lodging, a TLA Special may be warranted for a specific period.

B. Request Requirements. Commands must submit requests before the days that the higher rate is needed. The request must include all of the following:

1. The event dates and the dates when a TLA Special is required.
2. Hotel prices before the event and anticipated prices during the event stated in U.S. currency from at least five and preferably seven different hotels located in the affected area.
3. The number of authorized travelers and the ages of any dependents.
4. Locations affected.



5. Recommended lodging amount.

6. Documentation indicating when the forthcoming special event will occur ([47 Comp. Gen. 127 \(1967\)](#) and [B-161396, May 3, 1976](#)).

C. Submission Process. The Service member's command may request TLA Special authority before the requested dates by email, U.S. mail, or fax to:

Chief, Allowances Branch  
4800 Mark Center Drive  
Suite 04J25-01  
Alexandria, VA 22350-9000

Fax: 571-372-1301

E-Mail: [dodhra.mc-alex.dtmo.mbx.allowances-branch](mailto:dodhra.mc-alex.dtmo.mbx.allowances-branch)

D. Limitations. Allowances Branch, OUSD-PR will *not* take action on a TLA Special request received after the dates the TLA Special rate was needed, regardless of the circumstances.

1. TLA Special is *not* authorized for a Service member who is in a TDY status and receiving per diem at a home port OCONUS awaiting arrival of the assigned ship. The Allowances Branch Chief may authorize TLA Special for an accompanying dependent.

2. TLA Special stops the day after a Service member voluntarily refuses adequate Government quarters for personal convenience.

3. TLA Special for a member who has no dependents is limited to 65% of the lodging rate.

## 6805 OTHER SITUATIONS FOR TLA

### 680501. Service Member Married to Another Service Member

If two Service members married to each other maintain separate households at or in the vicinity of their PDS or PDSs OCONUS, each Service member is authorized TLA based on whether the Service member concerned has a dependent at or in the vicinity of the PDS OCONUS. See [TLA computation example 4](#), [TLA computation example 5](#), [TLA computation example 6](#), and [TLA Special computation example 3](#).

## 680502. Period of TDY or Deployment while away from PDS

A Service member receiving TLA who is ordered on a TDY (whether after arrival at the new PDS or before his or her PCS departure) or who is ordered on deployment from the home port of a ship, staff, or afloat unit, is authorized to continue to receive TLA on his or her own behalf. The temporary lodgings must be retained because of the Service member's military assignment. This may include the lodging cost at the TLA location while the Service member is on TDY.

## 680503. Converted Tour

A Service member whose tour is converted to an accompanied tour may be eligible for TLA for him or herself and any command sponsored dependent who was a dependent on the effective date of the PCS order to the PDS OCONUS if the conditions specified in the TLA Authority's written guidance are met. The Service member must make every reasonable effort to find suitable permanent Government quarters or private-sector housing for a dependent before the dependent arrives. TLA may be authorized or approved for the Service member and dependent only if the Service member is unable to find suitable housing before the dependent arrives for reasons beyond the Service member's control.

## 680504. Service Member Acquires a Dependent

A Service member serving a tour OCONUS who has no dependents on arrival but who acquires a dependent during that tour is ineligible for TLA for the dependent when the dependent arrives at the PDS because the Service member was without a dependent on the effective date of the PCS order (*B-186628, September 17, 1976*). A Service member may be authorized TLA for him or herself, when eligible, or for a dependent acquired while serving at a PDS OCONUS if the dependent is command sponsored at the PDS from which the dependent departs.

## 680505. Hospitalization Period

A Service member receiving TLA who is hospitalized after arrival at a new PDS or before a PCS departure may continue to receive TLA on his or her own behalf. This may include the Service member's share of the temporary lodging cost as a TLA expense when, due to the hospitalization, temporary lodging must be retained at the PDS. The Service member's order must be annotated or have certification attached that states the TLA lodging was retained due to military necessity and not due to the Service member's personal choice or convenience.

## 680506. Leave or Permissive Travel

A. Leave or Permissive Travel in the PDS Vicinity. After a Service member has reported for duty, TLA may be paid for any day he or she is on leave or permissive travel in the PDS vicinity and seeking private-sector housing or awaiting assignment to Government quarters. This enables a Service member to complete PCS travel and be placed on leave so that station-allowance eligibility is established by reporting to the new PDS.

B. Leave or Permissive Travel Away from the PDS Vicinity. TLA is not payable for any day a Service member is on leave or permissive travel away from the PDS vicinity unless one or more dependents remain in the PDS vicinity to continue to seek private-sector housing or while awaiting assignment to Government quarters. In that case, the number of dependents who continue to occupy temporary lodging determines the rate payable. In either case, postponement of TLA pending return is not authorized. This provision helps ensure that TLA is paid only in connection with the PDS.

680507. Dependent Assigned to Government Quarters

When a dependent is assigned to Government quarters in connection with advance arrival at a Service member's PDS OCONUS, during delayed departure from a Service member's PDS OCONUS, or "other circumstances" as specified in Chapter 26, a decision is made by either the Secretary concerned or through the Secretarial Process at the Service's discretion to pay or continue station allowances. When a dependent resides in Government quarters, a housing allowance is not authorized.

680508. TLA for RC Member

An RC member called or ordered to ADT for 140 or more days or active duty for other than training for 181 or more days who is authorized PCS allowances is authorized TLA as specified in this chapter. When an RC member is authorized TLA at the with-dependent rate for the PLEAD, command sponsorship is not required. The RC member must reside permanently in the area concerned at the time called or ordered to active duty (55 Comp. Gen. 135 (1975)). COLA authorization begins on the first active-duty day.

680509. Retirement or Separation from Service

A Service member who retires or separates from service, stays in the PDS area, and then moves at a later date or moves OCONUS to either a home of record or home of selection chosen by the Service member is ineligible for TLA or TLA Special.

6806 TLA CALCULATIONS

680601. TLA Rates Payable and Calculation Procedures

A. TLA Computation. Apply TLA accrual provisions for the standard TLA computation specified in paragraph 680602 when computing TLA upon arrival and departure. Expenses incurred on the departure day are not considered. However, when lodging expenses are incurred on the day of departure, calculate TLA as specified in this section. See TLA and TLA Special computation examples.

B. Extra Room-Charge Payment. When the Service member or a dependent checks into or out of temporary lodging at a time of day that results in the payment of room charges for an extra day, calculate the lodging rate at 1.5 times the percentage rates specified in Table 68-11 for that extra day, except as specified in paragraph 680603-A. M&IE remains at the specified percentages.

C. Number of Persons Occupying Temporary Lodging. When determining the number of persons occupying temporary lodging, do not count the Service member for any day that he or she is not authorized TLA on his or her own behalf.

D. TLA Authorized on the Reporting Day

1. When TLA is authorized on the reporting day, per diem is 75% of the locality M&IE rate for the new PDS OCONUS as determined in the JTR, Chapter 2, paragraph 020310 when the Service member or dependent travels on a PCS order by commercial air, train, bus, ship, Government transportation, or Government-procured transportation. See the JTR, Chapter 5, paragraph 050202 for reimbursement for commercial transportation and per diem. The lodging expense on the reporting day is reimbursed as TLA. See TLA computation example 8 and TLA computation example 10.

2. TLA is not payable on the reporting day when MALT Plus is payable. The Service member may be authorized TLA when he or she, or a dependent, occupies temporary lodging on the reporting day to the new PDS and MALT Plus is not payable.

680602. Standard TLA Computation

A. Time Limit. TLA is calculated in increments of 15 days, except when more than one TLA rate applies within the computation period. If, after all 15-day increments are computed, fewer than 15 days still remain, compute the remaining days as one period.

B. Currency Conversion Fees. When determining the lodging expense in connection with TLA, add the International Transaction Fees, also known as currency conversion fees, charged by the Government Travel Charge Card (GTCC) to the actual daily lodging cost along with any lodging tax or value-added tax (VAT) relief certificate cost, and other authorized lodging costs. When using a personal charge card instead of the GTCC while not formally exempt from having a GTCC, International Transaction Fees charged by the credit card company are not part of the calculation.

C. TLA Calculation. Steps 1-3 explain how to calculate standard TLA using Table 68-11. When calculating TLA, use the actual amount without rounding.

Table 68-11. Daily M&amp;IE and Lodging Percentages

	<b>Number of Eligible Persons Occupying Temporary Lodging</b>	<b>Percentage Applicable</b>
1	Service member or one dependent (total one person)	65
2	Service member and one dependent, or two dependents (total 2 persons)	100
3	Each additional dependent age 12 and older	35
4	Each additional dependent under age 12	25

1. Step 1: Calculate the daily M&IE and lodging ceiling by multiplying the percentage specified in Table 68-11 by the applicable locality *per diem rate*. Exceptions to this ceiling are specified in paragraph 680603. Use the percentages specified in Table 68-11 for both lodging and M&IE except when any of the following circumstances apply:

- a. A TLA Special has been authorized for lodging.
- b. Temporary lodging is not available at the PDS.
- c. Permanent Government quarters are being renovated or lack adequate cooking and eating facilities.
- d. Temporary quarters contain adequate cooking facilities.
- e. The Service member or dependent stays with friends or relatives. In that case, reimbursement of lodging cost is not authorized, but the TLA M&IE is paid.
- f. A Service member is authorized a temporary lodging cost at the new PDS as specified in paragraph 680502 as a TLA expense during a TDY or deployment period. In that case, the Service member is included in the number of persons for lodging, but not for M&IE. Determine the TLA amount payable by subtracting the Service member's share of the meal allowance from the total M&IE. To calculate the Service member's share, divide the M&IE amount by the total number of persons in the Service member's family, including the Service member, occupying the temporary lodging.
- g. The applicable percentage is 100% for the Service member and spouse. Add the percentage in Table 68-11 for the rest of the dependents. When calculating the percentage for a family without the spouse, use the Service member and one (the oldest) dependent at the 100% rate. Add the percentages in Table 68-11 for the rest of the dependents.

2. Step 2: Determine the payable lodging cost by comparing the actual daily lodging cost, including lodging tax or VAT relief certificate cost, International Transaction Fees charged by the GTCC, and other authorized lodging costs, as specified in subparagraph 680602.B, with the lodging cost ceiling calculated using Table 68-11. Select the lesser amount.

a. Itemized lodging receipts, invoices, or vendor statements are required to verify lodging expenses.

b. When the Service member is in a TDY status at the TLA location—regardless of the per diem amount received—reduce the lodging expense by the lodging cost used to determine the Service member’s per diem rate.

3. Step 3: Determine the daily TLA amount by adding the payable lodging to the M&IE rate calculated as specified in Table 68-11. See TLA computation examples.

#### 680603. TLA Computation in Non-Standard Circumstances

A. TLA for Lodging Contracted by the Government or under Government Jurisdiction. When the Service member or a dependent checks into or out of lodging at a time of day that results in the payment of a lodging, rental, or service charge for an extra day, add the extra amount paid to the daily TLA amount for the check in day or the day before check out. TLA is computed according to standard TLA computations in either of the following situations:

1. A Government contractor furnishes temporary lodging.
2. The temporary lodging is a guesthouse, exchange hotel, temporary lodging facility, or transient facility (such as visiting officer’s quarters) under Government jurisdiction, whether operated with appropriated or non-appropriated funds.

B. Temporary Lodging not Available at PDS. When neither Government nor commercial temporary lodging is available at the PDS and the Service member must obtain lodging nearby, determine the maximum daily TLA amount by multiplying the lodging location per diem rate by the percentage in Table 68-11. If the per diem rate for the lodging location is lower than that for the PDS, use the PDS locality per diem rate. Finance regulations may require a statement from the Service member’s commanding officer or designee that the lodging used was the nearest suitable accommodations available to the Service member’s PDS.

#### C. TLA Authorized for Limited Kitchen Facilities

1. A Service member may be authorized TLA to cover the cost of restaurant meals when kitchen facilities are limited and any of the following apply:

a. The Service member or dependent occupies Government quarters while the kitchen is being renovated.

b. The Service member or dependent occupies Government quarters or private-sector housing during utility loss.

c. The Service member or dependent initially occupies permanent Government quarters or private-sector housing without a stove or refrigerator and meals cannot be prepared.

2. Calculate TLA for meals by multiplying the applicable percentage in Table 68-11 by the meals portion of the locality M&IE per diem rate.

D. Temporary Quarters Contain Facilities for Preparing and Consuming Meals. The presence of a stove and oven, work area, refrigerator, sink, water, table, chairs, and cooking and eating utensils is evidence of adequate cooking and eating facilities.

1. When temporary lodging has adequate cooking and eating facilities, the daily TLA rate for lodging does not change, but the M&IE amount is reduced by one half. That reduced M&IE amount based on adequate cooking facilities does *not* apply when a friend or relative provides lodging or to the first and last days of TLA.

2. When the Service member shows the official designated in the local TLA regulations that the facilities for preparing and consuming meals are inadequate or, for other reasons, may not be used for all or part of the period involved, the Service member may be authorized TLA without the M&IE reduction.

**VOLUME 7A, APPENDIX A: “REIMBURSEMENT OF ADOPTION EXPENSES”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by ***bold, italic, blue, and underlined font***.

The previous version dated **July 2017** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
A00502	Inserted guidance on “Secretaries of the Military Departments Responsibilities” and renumbered subsequent paragraphs accordingly.	Addition
A00602.B	Inserted items for “Unqualified Expenses.”	Addition
Bibliography	Updated references.	Revision



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## APPENDIX A

**REIMBURSEMENT OF ADOPTION EXPENSES**

## A001 GENERAL

## A00101. Purpose

The purpose of this appendix is to prescribe the [Department of Defense \(DoD\) policy for the reimbursement](#) of adoption expenses to qualified members, as authorized by law.

## A00102. Authoritative Guidance

The bibliography at the end of this appendix lists the authoritative references.

## A002 APPLICABILITY AND SCOPE

This appendix applies to the Defense Finance and Accounting Service ([DFAS](#)) Cleveland (CL) site, each Military Service personnel activity, and Service members serving on continuous active duty for at least 180 days. This appendix also applies to full-time Active Guard/Reserve members on active duty orders for at least 180 days.

## A003 POLICY

The members specified in section A004, whose adoption of a child under 18 years of age has been finalized, may be reimbursed a maximum of \$2,000 per child for qualified expenses related to the adoption. In the event of multiple adoptions, the maximum reimbursable amount is \$5,000 per calendar year. A benefit may not be paid for any expense paid to or for a member of the Armed Forces under any other adoption benefits program administered by the Federal Government or under any such program administered by a state or local government. The DFAS-CL site is responsible for paying all approved adoption reimbursement claims. DFAS-CL is also responsible for providing primary guidance concerning adoption expense reimbursement procedures. The date the claim is received by DFAS-CL determines the creditable calendar year for determining the maximum reimbursable amount for multiple adoptions.

## A004 ELIGIBILITY REQUIREMENTS

## A00401. Active Duty Requirements

Service members must serve on continuous active duty for at least 180 days. In addition, members are not entitled to reimbursement expenses if they separate from active duty before the adoption is final. Members are eligible for reimbursement expenses if the adoption is finalized before separation from active duty, the claim form has been signed and certified by the member's commanding officer, and the claim is submitted to the DFAS-CL site prior to discharge. Members may request a voluntary extension of assignment beyond their normal expiration of term of service to complete the adoption process.

## A00402. Period of Eligibility

A. A member described in paragraph A00401, who incurs expenses when adopting a child under 18 years of age, must have the adoption finalized while on active duty to be eligible for reimbursement. Prior to separation from active duty, members must submit an application for reimbursement no later than:

1. 2 years after finalization of the adoption; or
2. 2 years after date that documentation of U.S. citizenship is issued (in the case of a foreign adoption).

B. If deployment responsibilities impact the member's ability to comply with the 2-year deadline, DFAS can make exceptions. In these cases, the verifying official who signs the DoD (DD) Form 2675, Reimbursement Request for Adoption Expenses, will submit a letter stating that the member's deployment impacted the member's ability to comply with the 2-year deadline.

## A00403. Eligible Members

Adoption expense reimbursements may be paid to married or single members. If both parents are military members (including members of the Coast Guard when operating as a Military Service in the Navy), then only one member may be reimbursed for expenses related to the adoption of the same child.

## A00404. Qualifying Adoptions

A. Adoption expenses that may be reimbursed include:

1. Adoption of a child under the age of 18;
2. Adoption by a single person;
3. Infant adoption;
4. Inter-country adoption;
5. Adoption of a child with special needs; and
6. Adoption of stepchildren.

B. Adoptions qualify for reimbursement only if the adoption is arranged by:

1. A qualified adoption agency; or

2. Other source authorized to place children for adoption under state or local law.

C. A qualified adoption agency means **any of the following**:

1. **State or local government agency which has** responsibility under state or local law for child placement through adoption;

2. A nonprofit, voluntary adoption agency that is authorized by state or local law to place children for adoption; or

3. Any other source authorized by a state to provide adoption placement, if the adoption is supervised by a court under state or local law. (As used in this appendix, “state or local” refers to a state or locality in the United States.)

D. A qualified adoption agency for inter-country adoptions would be a foreign government or an agency authorized by a foreign government to place children for adoption, in any case which:

1. The adopted child is entitled to automatic citizenship **in accordance with Title 8, United States Code (U.S.C.), section 1431, also known as** the Immigration and Nationality Act; or

2. A certificate of citizenship has been issued for such child under **8 U.S.C. § 1433**.

NOTE: In either case, documentation that describes the mission of the foreign agency and the authority delegated from the foreign government should be provided.

## A005 RESPONSIBILITIES

### A00501. Member Responsibilities

A. A member must submit requests for reimbursement of qualified adoption expenses using a separate **DD 2675** for each qualifying adoption. **Application assistance is available through Military One Source or installation personnel designated by the Military Service.** The completed DD 2675 and substantiating documentation must be submitted no later than:

1. 2 years after finalization of the adoption; or

2. 2 years after date **that documentation of U.S. citizenship is issued (in the case of a foreign adoption).**

B. A member must manually or digitally sign a thoroughly completed application for reimbursement and have it verified by the member’s commander or designated verifying official.

1. When the DD 2675 is manually signed, the member's command **must** submit the application via postal mail, or DoD Enterprise (encrypted) email **to**:

Defense Finance and Accounting Service - Cleveland  
Special Actions Team/JFLADA  
ATTN: Adoption Reimbursement  
1240 East Ninth Street  
Cleveland, OH 44199

Email: [dfas.cleveland-oh.jfl.mbx.adoption-reimbursement-cle@mail.mil](mailto:dfas.cleveland-oh.jfl.mbx.adoption-reimbursement-cle@mail.mil)

2. When the completed DD 2675 is digitally signed, either the member's command or the member **must** submit a copy of the application via postal mail or DoD Enterprise (encrypted) email (see subparagraph A00501.B.1).

NOTE: The member must retain the original application, including all supporting documents and proof (e.g., postal tracking receipt or email message) that the application was submitted by the 2-year deadline.

C. If neither the member nor the spouse is able to appear personally at the servicing personnel activity, then the completed claim forms may be mailed to the personnel activity. The spouse of a Service member, who is unable to complete a claim package due to military duty, can sign a claim form under a power of attorney. All claims signed by a spouse must include the power of attorney as a part of the claims package.

D. Service members must substantiate all expenses with documentation. **Documentation must include** receipts marked "PAID" or canceled checks.

1. If the receipts are from a foreign entity, then they should list the U.S. currency equivalency.

2. Reconstruction of expense records is permissible when the original records are unavailable, and the member submits a notarized affidavit stating the costs.

3. The member must submit a full English translation of any foreign language document, to include the translator's certification that he or she is competent to translate the foreign language into English, and that his or her translation is complete and correct.

4. The member is responsible for providing the appropriate documentation that **establishes** the adoption is final and that it was arranged by a qualified adoption agency, as defined in paragraph A00404.

5. With respect to documents originating from a state or other authorized adoption agency, copies of those documents must be certified as true copies of the original by the state or adoption agency. If the original document is filed with the court, then the member must submit a copy of the adoption order certified by the clerk of courts.

NOTE: These documents will not be returned to the member.

E. In determining whether an adoption of a child in a foreign country is final, the member must submit a copy of the final court documents, as well as proof of U.S. citizenship for the child. The following documents are acceptable forms of proof of U.S. citizenship:

1. A copy of a U.S. court order that recognizes foreign adoption or documents the “re-adopting” of the child in the United States, granting the child U.S. citizenship;
2. A letter from the U.S. Citizenship and Immigration Services which states the status of the child’s adoption, granting the child U.S. citizenship;
3. A copy of a U.S. passport (page with personal information only); or
4. A copy of a U.S. Certificate of Citizenship.

F. The member is responsible for maintaining a file for the reimbursement claim. This file should contain copies of all paperwork related to the claim, including the receipts, agency documentation, and court papers associated with the adoption proceedings or court-certified copies until the claim is paid or denied.

G. The member will submit only one reimbursement claim per adoption.

**\*A00502. Secretaries of the Military Departments Responsibilities**

Each Service Secretary will designate personnel as reviewing officials to evaluate and approve submission of payment claims for reimbursement by Service members under the jurisdiction of the Military Department concerned; accept and maintain a copy of claims for reimbursement; and forward the authorization for payment of the adoption reimbursement claim to DFAS for final approval and payment. See subparagraphs A00501.B.1 and 2 for instructions on how the application should be submitted.

**A00503. DFAS-CL Responsibilities**

The DFAS-CL site is the central site location for review, certification, and payment of adoption expense reimbursement payments. DFAS-CL is the primary source for guidance concerning the adoption expense reimbursement program. DFAS-CL will also maintain data on expenditures on a fiscal year basis. The contact information for DFAS-CL adoption expense reimbursement program is:

DFAS-CL  
(Code JFLADA)  
Commercial phone: 216-522-5576/6701  
DSN: 580-5576/6701

Email: [dfas.cleveland-oh.jfl.mbx.adoption-reimbursement-cle@mail.mil](mailto:dfas.cleveland-oh.jfl.mbx.adoption-reimbursement-cle@mail.mil)

#### A00504. Military Services' Adoption Expense Reimbursement Funding Responsibilities

The Military Services provide funding authorization to DFAS-CL by memorandum each fiscal year. The DFAS-CL site charges the applicable Military Service provided appropriations according to standard cross-disbursing operating procedures.

#### A006 ADOPTION REIMBURSEMENT PROCEDURES

##### A00601. Authorized Reimbursable Expenses

The DFAS-CL site will pay documented, reasonable, and necessary adoption expenses, up to \$2,000 per adoptive child. Not more than \$5,000 will be paid per calendar year to any member. In the case of two married members (including the Coast Guard when operating as a Military Service in the Navy), only one member may claim expenses for each adopted child and the couple is limited to the \$5,000 per calendar year maximum. The calendar year is determined by the date the claim is received by DFAS-CL for payment. Reasonable and necessary expenses include the following:

- A. Public and private agency fees, including adoptive fees charged by an agency in a foreign country;
- B. Placement fees, including fees charged adoptive parents for counseling;
- C. Legal fees, including court costs, for services that are unavailable to a member for the Military Services;
- D. Medical expenses, including hospital expenses, of the biological mother of the child to be adopted and of a newborn infant to be adopted; and
- E. Temporary foster care charges when payment of such charges is required to be made before the adoptive child's placement.

##### \*A00602. Unqualified Expenses

The term "reasonable and necessary expenses" does not include:

- A. Travel [expenses](#);

- \* B. Items such as clothing, bedding, toys, and books; or
- C. Any costs associated with an adoption arranged in violation of Federal, state, or local law.

A00603. Payment Processing Requirements

- A. A separate DD 2675 must support each claim.
- B. Eligibility for reimbursement is supported by the documentation submitted. If the eligibility for reimbursement cannot be determined from the documents provided or claimed expenses are not properly supported by receipts, then the DFAS-CL [site](#) will retain the claim and request the necessary information or documentation.
- C. The DFAS-CL site will issue the reimbursement by Electronic Funds Transfer (EFT) to the member's EFT account as designated on the DD 2675 within 30 days of receipt of a properly prepared and supported claim package. A member without access to an EFT method of payment must submit a request for EFT waiver to receive a check.
- D. If the claim is denied, then DFAS-CL will send a letter to the member stating this fact. DFAS-CL will not return documents to the members.

A00604. Appeals

If a member receives a claim denial, they can request reconsideration in writing and add additional explanation or documentation. If, upon reconsideration, the member receives a notice of final action regarding the denial of the claim, the member may appeal to the Defense Office of Hearings and Appeals, in accordance with DoD Instruction (DoDI) 1340.21, Enclosure 7. The request for appeal should include copies of all relevant court documents and statements of the member or other persons in support of the claim and be sent to DFAS at the address listed in subparagraph A00501.B.1.



## \*BIBLIOGRAPHY

## APPENDIX A – REIMBURSEMENT OF ADOPTION EXPENSES

## A003 – POLICY

DoDI 1341.09, July 5, 2016

## A004 – ELGIBILITY REQUIREMENTS

DoDI 1341.09, July 5, 2016

A00404.A 10 U.S.C. § 1052(g)(3)(D)(i)

A00404.B 10 U.S.C. § 1052(g)(3)(D)(ii)

\* A00404.D.1 8 U.S.C. § 1431

\* A00404.D.2 8 U.S.C. § 1433

## A005 – RESPONSIBILITIES

A00501 DoDI 1341.09, July 5, 2016

\* A00502 DoDI 1341.09, July 5, 2016

## A006 – ADOPTION REIMBURSEMENT PROCEDURES

A00601 DoDI 1341.09, July 5, 2016

A00602 DoDI 1341.09, July 5, 2016

A00604 DoDI 1340.21, May 12, 2004

**VOLUME 7A, APPENDIX B: “DISPOSITION OF FORFEITURES AND FINES AS A RESULT OF COURTS-MARTIAL, NONJUDICIAL PUNISHMENT, AND DESERTION”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [bold, italic, blue, and underlined font](#).

The previous version dated [August 2017](#) is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated formatting to comply with current administrative instructions.	Revision
References	Renamed “Bibliography” to “References” and updated statutes and supporting references.	Revision

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## APPENDIX B

**DISPOSITION OF FORFEITURES AND FINES AS A RESULT OF COURTS-MARTIAL, NONJUDICIAL PUNISHMENT, AND DESERTION**

## B001 GENERAL

## B00101. Purpose

This appendix describes the transfer of certain forfeitures and fines as a result of courts-martial, nonjudicial punishment, and desertion to the Armed Forces Retirement Home Trust Fund (AFRHTF).

## B00102. Authoritative Guidance

The policy prescribed in this appendix was prepared in accordance with applicable statutes, regulations, and other guidance referenced throughout the appendix. The primary authoritative source is [Title 10, United States Code \(U.S.C.\), section 2772](#). To ensure accuracy and completeness, a reference page listing the authoritative sources that support this appendix is provided at the end of the appendix. The references are listed in the order they appear in the appendix.

## B002 SCOPE

This appendix applies to each Defense Finance and Accounting Service (DFAS) Site that maintains a military pay system and to limited-duty officers, regular and Reserve warrant officers, and regular and Reserve enlisted members of the Army, Navy, Air Force, and Marine Corps.

## B003 GENERAL POLICY

The Chief Operating Officer (COO) for the Armed Forces Retirement Home (AFRH) determines, on the basis of the financial needs of the AFRH, a percentage of forfeitures and fines adjudged by courts-martial and nonjudicial punishment, and amounts forfeited on account of desertion against limited-duty officers, warrant officers, and enlisted members to be transferred to the AFRHTF. The COO has determined that 100 percent of all forfeitures and fines will be transferred to the AFRHTF. Transfer only those amounts that are in excess of any indebtedness to the United States and amounts owed to individuals. For the purpose of this appendix, the term “indebted” or “debt” refers to amounts due from the member for reimbursement to the United States.

Example: An amount due the Internal Revenue Service pursuant to a tax levy, which may ordinarily be thought of as a “debt” to the United States, is not a “reimbursement” or “debt” for purposes of this appendix. The term “amounts owed to individuals” refers to amounts owed from a member’s pay by direction of a commanding officer, pursuant to [10 U.S.C. § 939](#), or Article 139 of the Uniform Code of Military Justice.

## B004 PROCEDURES

## B00401. Transfer of Fines

When a limited-duty officer, warrant officer, or enlisted member is sentenced by a court-martial or nonjudicial punishment to pay a fine, the DFAS Site will transfer the amount to the AFRHTF within 30 days from the end of the month in which the fine was collected.

## B00402. Transfer of Courts-Martial and Nonjudicial Punishment Forfeitures

When a limited-duty officer, warrant officer, or enlisted member is sentenced to forfeit all or part of his/her pay, the DFAS Site will transfer the amount to the AFRHTF within 30 days from the end of the month in which the forfeiture is collected. Multiple-month forfeitures, or forfeiture amounts which are collected over 2 or more months, will be transferred on a monthly basis to the AFRHTF. Do not wait until the entire amount of the forfeiture has been collected before making such transfers.

Example: A member is sentenced to forfeiture of pay of \$500 per month for 2 months, and the effective date of the forfeiture is November 29. The transfer would be \$33.33 (\$500 divided by 30 days, times 2 days left in the month) no later than December 30; \$500 (\$500 divided by 30 days times 30 days) no later than January 30; and \$466.67 (\$500 divided by 30 days times 28 days left uncollected) no later than March 2, into the AFRHTF.

## B00403. Transfer of Courts-Martial and Nonjudicial Punishment Forfeitures When Indebted to the Government

When a limited-duty officer, warrant officer, or enlisted member is sentenced to forfeit all or part of his/her pay, and the member is indebted to the Government, the DFAS Site will not transfer any amounts to the AFRHTF until all known debts have been established. Any forfeiture amounts exceeding the uncollected indebtedness will be transferred to the AFRHTF. All amounts collected thereafter, not to exceed the total amount of the forfeiture, will be transferred to the AFRHTF.

Example 1: A member has a forfeiture of \$200 per month for 2 months, with outstanding debts totaling \$300. Transfer \$100 to the AFRHTF only after the first \$300 of forfeitures has been collected.

Example 2: If the debt is \$500 and forfeiture is \$600, then the DFAS Site will transfer the difference of \$100 to the AFRHTF.

Example 3: If the debt is \$800 and forfeiture is \$500, then no amounts will be transferred to the AFRHTF at this time. If subsequent collection recovers \$700, then the first \$300 (\$800 indebtedness minus \$500 forfeiture) collected will be credited to the applicable military personnel appropriation, and the next \$400 received will be credited to the AFRHTF.

**B00404. Indebtedness After Forfeiture Becomes Effective**

Debts incurred by a limited-duty officer, warrant officer, or enlisted member after a sentence has been executed, and before credit of the forfeiture to the AFRHTF, do not affect the disposition of the forfeiture. The forfeiture will be credited to the AFRHTF as if the indebtedness did not exist.

**B00405. Remission of Indebtedness**

If a forfeiture of a limited-duty officer, warrant officer, or enlisted member is not credited to the AFRHTF due to outstanding debts, and the unliquidated portion of the debts is thereafter remitted or canceled, then the DFAS Site will not credit the forfeiture that equals the amount of indebtedness remitted or canceled to the AFRHTF. It remains in the military personnel appropriation.

**B00406. Commissioned Officers**

The DFAS Site will credit forfeitures and fines of Regular and Reserve commissioned officers (except warrant and limited-duty officers), to the appropriation to which the member's pay is properly chargeable.

**B00407. Forfeitures as a Result of Desertion**

When a limited-duty officer, warrant officer, or enlisted member is declared a deserter, the amount of forfeitures on account of the desertion will be credited to the AFRHTF. For the purpose of this paragraph, the phrase "forfeitures on account of the desertion" refers to all pay and allowances due and unpaid at the time of a member's desertion that are automatically forfeited when a member is determined to be a deserter.

**B00408. Transfer of Desertion Forfeitures**

The DFAS Site will transfer desertion forfeitures according to the procedures in paragraph B00402.

\*REFERENCES

**APPENDIX B - DISPOSITION OF FORFEITURES AND FINES AS A RESULT OF COURTS-MARTIAL, NONJUDICIAL PUNISHMENT, AND DESERTION**

B003 GENERAL POLICY

10 U.S.C. § 2772(b)

B004 – PROCEDURES

B00401

10 U.S.C. § 2772

B00407

10 U.S.C. § 2772(a)(2)

United States v. Landers, 92 U.S. 77 (1876)

Comptroller General B-145618, May 11, 1961

**VOLUME 7A, APPENDIX C: “IMPLEMENTING PROCEDURES FOR  
MANDATORY ELECTRONIC FUNDS TRANSFER (EFT) OF MILITARY PAY”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

The previous version dated [September 2017](#) is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	Updated formatting to comply with current administrative instructions.	Revision
C00102	Updated the “Authoritative Guidance” paragraph to comply with current administrative instructions.	Revision
References	Renamed “Bibliography” to “References.”	Revision



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## APPENDIX C

**IMPLEMENTING PROCEDURES FOR MANDATORY ELECTRONIC FUNDS  
TRANSFER (EFT) OF MILITARY PAY**

## C001 GENERAL

## C00101. Purpose

This appendix provides the policy for the administration and delivery of payments to military members, retirees, and annuitants through the EFT method of payment.

## \*C00102. Authoritative Guidance

The pay policies and requirements established by the Department of Defense (DoD) in this chapter are derived primarily from, and prepared in accordance with the United States Code (U.S.C.), Title 31. The specific statutes, regulations, and other applicable guidance that govern each individual section are listed in a reference section at the end of the chapter.

## C002 POLICY

## C00201. DoD Method of Payment

The prescribed method of payment within the DoD is the EFT method of payment. DoD considers the requirement to participate in the EFT method of payment as a reasonable condition of service or benefit for personnel including enlistments, commissions, promotions, reenlistments, retirements, and for survivor benefit annuitant recipients. This policy requires payments by the EFT method of payment on all new Active Duty (AD), reserve, retired, and annuitant payments unless the recipient of the new payment certifies in writing that he/she does not have a financial institution or authorized payment agent.

Example: I certify that I do not have a financial institution or authorized payment agent. Signature \_\_\_\_\_ Date \_\_\_\_\_

## C00202. Applicability and Scope

A. All payments to AD members, reservists, retirees, survivor annuitants, and allotments are paid by the EFT method of payment.

B. Emergency payments (defined in Chapter 32, section 3203) and certification of no account with a financial institution, as described in paragraph C00201, are the only exceptions to the requirement for delivery by the EFT method of payment. All pay for which an exception to the EFT method of payment requirement has not been granted, and for which the

payee has not designated an account for receipt, is held at the servicing Defense Finance and Accounting Service (DFAS) central site until the required financial institution information is provided. Check payments are mailed on payday from the servicing DFAS central site to the member's mailing address.

### C003 PERSONNEL SUBJECT TO EFT PARTICIPATION

#### C00301. AD Military

AD military personnel and personnel entering or reentering the military service must provide the EFT method of payment information or certify in writing that they do not have a financial institution upon arrival at their respective military processing station. Personnel currently on AD but not enrolled in the EFT method of payment are required to submit EFT method of payment information when they perform Temporary Duty Travel, Permanent Change of Station travel, are promoted, reenlist, become eligible for a new payment, or certify in writing that they do not have a financial institution.

#### C00302. Reserve and National Guard (NG)

Reserve and NG personnel entering or reentering a Reserve Component, upon processing into their respective component, or upon mobilization or recall to AD must provide the EFT method of payment information or certify in writing that they do not have a financial institution. Mobilized or recalled personnel are also required to continue participation after demobilization or deactivation. Personnel currently affiliated with a Reserve or NG unit, but not enrolled in the EFT method of payment, are required to submit the EFT method of payment information when they become eligible for any new payment, or certify in writing that they do not have a financial institution.

#### C00303. Military Retirees and Annuitants

All retirees, separated military personnel, and Survivor Benefit Plan annuitants who become eligible for new payments or annuities **must** provide the EFT method of payment information or certify in writing that they do not have a financial institution. NOTE: Personnel currently receiving payments at a financial institution or address in a foreign country where the EFT method of payment is not available are exempt from this policy until the EFT method of payment becomes available.

#### C00304. Academy and Reserve Officer Training Corps (ROTC) Cadets and Midshipmen

Military Service Academy, ROTC cadets, and midshipmen are required to participate in the EFT method of payment. Personnel not presently enrolled **must** enroll immediately or certify in writing that they do not have a financial institution.

## C00305. Individual Ready Reservist (IRR)

IRRs and annual muster participants are required to participate in the EFT method of payment. Personnel not presently enrolled **must** enroll immediately or certify in writing that they do not have a financial institution.

## C004 PERSONNEL EXEMPT FROM EFT PARTICIPATION

## C00401. Personnel

AD military, retirees, or survivor annuitants receiving payments in an overseas area where the EFT method of payment is not available are exempt from this policy until the EFT method of payment becomes available at a financial institution in their area or until they relocate to an area, where the EFT method of payment is available.

## C00402. Written Certification Waiver

Individuals **must** certify in writing that they do not have a financial institution as follows:

A. For AD members and reservists, certifications will be submitted in writing to the Unit Commander.

B. For military retirees, certifications will be submitted in writing to:

DFAS, U.S. Military Retired Pay  
8899 E. 56<sup>th</sup> Street  
Indianapolis, IN 46249-1200

C. For survivor annuitants, certifications will be submitted in writing to:

DFAS, U.S. Military Annuitant Pay  
8899 E. 56<sup>th</sup> Street  
Indianapolis, IN 46249-1300

## C005 REIMBURSEMENT FOR DISHONORED CHECK CHARGES

## C00501. Reimbursements

Charges resulting from erroneous information provided by the individual or the financial institution to the servicing financial office are not the liability of the government and are not reimbursed. Reimbursement for dishonored check charges is authorized when an administrative or mechanical error on the part of the government causes the pay of a military member to be deposited late or in an incorrect manner or amount. Such reimbursements are limited to overdraft charges, minimum balance, or average balance charges levied by the financial institution.

## C00502. DFAS Procedures

The servicing DFAS site contacts the financial institution to explain the error and requests that charges levied against the account holder be reversed. If the financial institution declines to reverse the charges, then government reimbursement of the charges is made via the EFT method of payment, directly to the applicable account involved. Such charges are funded from the appropriation available for the pay of the member concerned.

## C006 ALLOTMENTS

## C00601. General

The EFT method of payment is the preferred method for paying all allotments and should be used whenever possible. It is DoD's intention to work with recipients of all allotments, such as courts receiving child support and/or alimony payments, dependents, spouses, insurance companies, and mortgage companies, to accept allotment payment by the EFT method of payment when systems become available for third party EFT method of payment.

## C00602. Savings Allotments

The EFT method of payment is required for all savings allotments sent to financial institutions participating in the Federal Reserve System.

## C00603. Allotments to Non-Individuals

The EFT method of payment is required for all discretionary allotments to non-individuals.

\*REFERENCES

**APPENDIX C - IMPLEMENTING PROCEDURES FOR MANDATORY ELECTRONIC FUNDS TRANSFER (EFT) OF MILITARY PAY**

C001 – GENERAL

31 U.S.C. § 3332

Title 31, Code of Federal Regulation, parts 205, 206, 208, 210, and 212

**VOLUME 7A: “COMPARABLE GRADES”**

**SUMMARY OF MAJOR CHANGES**

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

The previous version dated [September 2016](#) is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	This chapter is certified as current. No revision necessary.	Current

COMPARABLE GRADES

PAY GRADE	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)	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	1 <sup>st</sup> Lieutenant	Lieutenant (JG)	1 <sup>st</sup> Lieutenant	1 <sup>st</sup> Lieutenant
O-1	2 <sup>nd</sup> Lieutenant	Ensign	2 <sup>nd</sup> Lieutenant	2 <sup>nd</sup> Lieutenant
W-5	Chief Warrant Officer	Chief Warrant Officer	Chief Warrant Officer 5	
W-4	Chief Warrant Officer	Chief Warrant Officer	Chief Warrant Officer 4	
W-3	Chief Warrant Officer	Chief Warrant Officer	Chief Warrant Officer 3	
W-2	Chief Warrant Officer	Chief Warrant Officer	Chief Warrant Officer 2	
W-1	Warrant Officer		Warrant Officer	
E-9	Sergeant Major of the Army	Master Chief Petty Officer of the Navy	Sergeant Major of the Marine Corps	Chief Master Sergeant of the Air Force
E-9	Command Sergeant Major or 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	Sergeant First Class	Chief Petty Officer	Gunnery Sergeant	Master Sergeant
E-6	Staff Sergeant	Petty Officer, 1 <sup>st</sup> Class	Staff Sergeant	Technical Sergeant
E-5	Sergeant	Petty Officer, 2 <sup>nd</sup> Class	Sergeant	Staff Sergeant
E-4	Corporal or Specialist	Petty Officer, 3 <sup>rd</sup> Class	Corporal	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



**VOLUME 7A, “DEFINITIONS”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by ***bold, italic, blue, and underlined font***.

The previous version dated **September 2016** is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
Air National Guard; Army National Guard; Aviation Service; Aviation Skills; and Separation	Updated to reflect current policy.	Revision
Aviation Service Career and Flight Status	Removed obsolete definitions.	Deletion
Operational Deployment; and Spouse	Inserted definition to reflect current policy.	Addition

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## DEFINITIONS

### A. General

The following list defines general terms of significance or importance relating to military pay entitlement policies for the Department of Defense (DoD) that are discussed in various chapters in Volume 7A. This list of definitions provides general information. It is by no means an exhaustive list of all financial management terms, and it does not define terms when standard dictionary definitions apply. Authoritative guidance with more detailed explanations or nuances may be found in Volume 7A specific chapters.

### B. List of Definitions

#### Absence Over Leave

Absent beyond the period for which leave was authorized.

#### Absent Without Leave

Absence from a place of duty without permission or authorization and without the intention of deserting.

#### Active Duty

Full-time duty in the active service of a **uniformed service**, including full-time training duty, annual training duty, full-time National Guard duty, and attendance, while in the active service, at a school designated as a Military Service school by law or by the Secretary concerned.

#### 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.

#### Active Duty for Training

Full-time duty in the active Military Service of the United States for training purposes.

#### Active Duty List

A single list for the Army, Navy, Air Force, or Marine Corps which contain the names of all officers of that Armed Force who are serving on active duty, other than officers described in Title 10, United States Code (U.S.C.), section 641.

#### Active Service

Active service means service on active duty.

Advance Payment

Payment of pay (pay and allowances in certain cases) before it is earned.

Advanced Leave

Leave authorized before it is accrued.

Aerial Flights

Flights in military aircraft or spacecraft, and also flights in nonmilitary aircraft when required by competent orders to fly in such aircraft. A flight begins when the aircraft or spacecraft takes off from rest at any point of support located on the surface of the earth and terminates when it next comes to a complete stop at a point of support located on the surface of the earth.

\*Air National Guard

The part of the organized militia of several states, Puerto Rico, Guam, the Canal Zone, the Virgin Islands, and the District of Columbia, active and inactive, that:

- (a) is an air force;
- (b) is trained, and has its officers appointed, under the sixteenth clause of section 8, article I, of the Constitution;
- (c) is organized, armed, and equipped wholly or partly at Federal expense; and
- (d) is federally recognized.

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.

Allottee

The person or institution to whom the allotment is made payable.

Allotter

The person from whose pay the allotment is made.

Allowance

A monetary amount paid to an individual for specific needs, such as food or housing.

Appropriation

An amount of money specifically authorized by Congress against which obligations may be incurred and from which payments may be made.

Armed Forces of the United States

Includes the Army, Navy, Air Force, Marine Corps, and Coast Guard, and all components thereof.

\*Army National Guard

The part of the [organized militia of several states, Puerto Rico, Guam, the Canal Zone, the Virgin Islands, and the District of Columbia, active and inactive, that:](#)

- (a) is a land force;
- (b) is trained, and has its officers appointed, under the sixteenth clause of section 8, article I, of the Constitution;
- (c) is organized, armed, and equipped wholly or partly at Federal expense; and
- (d) is federally recognized.

Aviation Accident

An accident in which a member, who is required to participate frequently or regularly in aerial flights, is injured or otherwise incapacitated as the result. The injury or incapacitation, as certified by the appropriate medical authority of the [uniformed service concerned](#), may result from:

- a. Jumping from, being thrown from, or being struck by an aircraft or spacecraft, or any part or auxiliary thereof; or
- b. Participating in any duly authorized aerial flight or other aircraft or spacecraft operations. This 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.

\*Aviation Service and Aviation Skills

[Service or skills identified by the Secretary of the Military Department concerned that require the knowledge, skills, or ability to fly or operate flight capable machines.](#)

Basic Allowance for Housing (BAH)

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.

Basic Allowance for Subsistence (BAS)

An allowance payable to officers and enlisted members for the purpose of subsisting themselves. BAS is payable at all times when entitled to basic pay after completion of initial military training, except as otherwise prohibited by law.

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, and/or overseas duty.

Beneficiary

The recipient of certain benefits due as a result of relationship to or designation by a member.

Captive Status

A missing status resulting from a member's involvement in a hostile action. Hostile action is determined by the Secretary of Defense.

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(b) or (c) or 10 U.S.C., Chapter 47, that is punishable by dishonorable discharge, dismissal, or confinement for a minimum of 1 year.

Certifying Officer

An individual appointed in writing to attest to the correctness of statements, facts, accounts, and amounts appearing on a voucher, and to certify that voucher for payment.

Clothing Monetary Allowance

Refers to the several types of clothing maintenance allowances paid by cash; (for example: standard, basic, or special).



### Combat Operation

A military action that may involve carrying out a strategic, operational, or tactical mission against a hostile or unfriendly force, to include carrying on combat and any related movement, supply, attack, defense, and maneuvers needed to gain the objectives of a battle or campaign.

### Combat Zone

An area designated by Executive Order under 26 U.S.C. § 112 as an area in which U.S. Armed Forces are or have engaged in combat. Generally, an area becomes a combat zone or ceases to be a combat zone on the dates designated by Executive Order.

### Commissioned Officer

Unless otherwise qualified, 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](#).

### Commuted Rations

The value of in-kind government subsistence (rations) converted to a cash equivalent payment.

### Competent Orders

Orders issued by the Secretary concerned, or such officer or officers as the Secretary may designate, to members of their respective Service or to members of other Services when such latter members are performing duty with a Service other than their own.

### Continental United States

Unless otherwise qualified, means the 48 contiguous states and the District of Columbia.

### Contingency Operation

Any military operation that:

a. Is designated by the Secretary of Defense as an operation in which members of the U.S. 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 10 U.S.C. §§ 688, 12301(a), 12302, 12304, 12304a, 12305, or 12406; 10 U.S.C., Chapter 15; 14 U.S.C. § 712; or any other provision of law during a war or national emergency declared by the President or the Congress.

Critical Specialty

A medical specialty that is manned at, or is projected within two fiscal years to be manned at, less than 95 percent of budget authorized allowance with fully qualified physicians.

Dependent

The term 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, 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; and
- h. Effective July 1, 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:
    - (a) either permanently; or

- (b) for a period which lasts at least 12 months from the date of the order;
2. The person must be:
    - (a) Under 21 years of age;
    - (b) At least 21 years of age, but under 23, years of age who meets the criteria for a student set forth in item “e” of the dependent definition; 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 prescribe;
  5. The person may not be a dependent of any member under any other part of this definition; and
  6. The person is considered to be in the same class of dependents as a member's other children for the purpose of determining entitlement.

#### Desertion

Absence without leave with intent to remain away permanently.

#### Disbursing Officer

A military member or a civilian employee of a DoD Component designated to disburse monies and render accounts according to laws and regulations governing the disbursement of public money. Disbursing officers must be U.S. citizens.

#### Dual Status

Enlisted members of the Navy or Marine Corps Reserve on duty as temporary officers under 10 U.S.C. § 5596.

#### Duty Station

The place at which the member is assigned for regular duty. Also, the place at which the member performs an assigned duty.

Enforced Separation

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

Enlisted Member

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

Enlistee

A person who has voluntarily enlisted for Military Service.

Enlistment

The term enlistment refers to:

- a. A voluntary entrance into Military Service under enlisted status, as distinguished from induction through Selective Service; or
- b. A period of time, contractual or prescribed by law, which enlisted members serve between enrollment and discharge.

Entitlement

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

Erroneous Payment

A payment of pay and/or allowances to a member to which he/she is not entitled.

Excess Leave

Leave granted in excess of that accrued or advanced.

Exigencies of the Service

Urgent demands of a Military Service.

Expiration of Term of Service

The end of a required or contracted period of service.

Extension of Enlistment

Contractual agreement which extends an enlisted member's current enlistment for a stated period beyond normal expiration of that enlistment.

Federal Insurance Contribution Act

The federal statute that requires the withholding of tax from salaries of employees covered by the Social Security Act and the payment of employer's tax by federal agencies.

Field Duty

The term Field Duty refers to:

- a. Duty performed by troops participating in:
  1. Maneuvers;
  2. War games;
  3. Field exercises; or
  4. Similar types of operations; and
- b. 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
- c. 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 a competent official.

Financial Organizations

Any bank, savings and loan association or similar institution, or federal or state chartered credit union.

Flag Officer

A Navy term for an officer comparable to Army, Air Force, and Marine Corps general officer.

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.

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.

Former Captive

A member who was held in a captive status.

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, as a member of the National Guard of a state or territory, Puerto Rico, or the District of Columbia under 32 U.S.C. §§ 316, 502, 503, 504, or 505, for which the member is entitled to (or has waived entitlement to) pay from the United States.

Fully Qualified

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

Government Mess

A dining facility supported wholly with appropriated funds that provide meals or rations to military members subsisted in-kind or sold at food cost. The term includes the following activities: general mess, wardroom mess, officer's mess, chief petty officer's mess, field mess, dining hall, dining activity, dining facility, mess hall, galley, field kitchen, flight kitchen, or similar terms used to describe dining facilities funded totally by appropriated funds. It does not include activities operated with non-appropriated funds such as officer's club, enlisted club, squadron mess, organized mess, or similar terms, except when those activities provide meals or rations under contract or agreement with the applicable operating and food costs borne by appropriated funds.

Government Quarters or Housing Facilities

These terms include the following:

- a. Any sleeping accommodations or family-type housing owned or leased by the U.S. Government;
- b. Lodgings or other quarters obtained by U.S. 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 U.S. 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 BAH eligibility.) Payment of service charges

for laundering of linens or janitorial services has no effect on whether the facilities are considered government quarters or housing facilities; or

- f. Quarters in a state-owned National Guard camp.

### He, His, Him

"He," "his," and "him" include the terms "she," "her," and "hers."

### Home

The place recorded as home of record when the member was ordered to active duty.

### Hostile Fire

An event including hostile fire, an explosion of a hostile explosive device, or any other hostile action that involves an attack or other use of force perpetrated by a foreign individual(s) or entity against the United States or a member of its [uniformed services](#), or other designated persons or property. It also includes force used directly to impede the mission and/or duties of the [uniformed services](#), such as the recovery of U.S. personnel or vital U.S. Government property.

### Inactive Duty Training

The term "[inactive duty training](#)" describes:

- a. Duty prescribed for members of a Reserve Component by the Secretary concerned under 37 U.S.C. § 206 or any other law;
- 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; and
- c. Duties when performed by members of a Reserve Component in their status as members of the National Guard, but (except as provided in 37 U.S.C. § 206) does not include work or study in connection with a correspondence course of a [uniformed service](#).

NOTE: For pay purposes, inactive duty training may be documented on a Service-prescribed form or order covering a specific assignment and prescribed time limit.

### Inductee

One who is inducted.

Induction

The act of taking a person into any of the U.S. Armed Services without voluntary action on his or her part.

Initial Residency Training

The period of time spent by an officer in residency training prior to the officer first becoming eligible to take a specialty board examination to qualify for board certification.

In Loco Parentis

A person who stood in place of the natural parent(s) to the Military Service member. (See also "Parent.")

Issue in-Kind

An issue in goods rather than in money.

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

Lost Time

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



### Medical Officer

An officer of the Medical Corps of the Army or 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.

### 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.

### Medical or Osteopathic Residency

A formal program of medical or osteopathic specialty or subspecialty training.

### Medical or Osteopathic Specialty

Any specialty for which there is a specialty skill identifier number, a naval officer billet classification number, or an Air Force specialty code number.

### Member

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

### Military Specialty

An element of the enlisted classification structure Military Occupational Specialty, Air Force Specialty Code, 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 group of closely related positions on the basis of the similarity of the duties involved. It is also the primary identifier of members who possess the ability, knowledge and other occupational qualifications required for effective performance in such positions.

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; and provides a normal career progression pattern for members within that military specialty.

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.

National Guard

The National Guard includes the Army and the Air National Guard.

Nurse Corps Officer

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

Officer

A commissioned or warrant officer.

\*Operational Deployment

An operational deployment begins when the majority of a unit or detachment, or an individual not attached to a unit or detachment, departs homeport, station, base or departs from an enroute training location to meet a Secretary of Defense-approved operational requirement.

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 concerned. This duty includes flying performed by members in training that leads to the award of an aeronautical rating or designation.

Overpayment

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

Parachute Accident

An accident which results in injury to a qualified parachutist or parachute rigger, or to 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.

Parent

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

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 a more detailed definition, see the Joint Travel Regulations (JTR), Appendix A.)

Permanent Duty Station

In general, the post of duty or official station to which the member is assigned for permanent duty. (For a more detailed definition, see the JTR, Appendix A.)

Prisoner of War

A member who was **or** 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).

Punitive Discharge

A dishonorable or bad conduct discharge ordered as punishment under the Uniform Code of Military Justice (UCMJ).

Rations in-Kind

Meals or rations furnished by or on behalf of the government at no charge when BAS or commuted rations are not otherwise payable to a member in a pay status.

Ready Reserve

The Ready Reserve is comprised of Service members of the Reserve and National Guard, organized in units or as individuals, or both. These Service members are accessible for involuntary order to active duty in time of war or national emergency pursuant to 10 U.S.C. §§ 12301 or 12302 and 14 U.S.C. § 712 in the case of members of the Coast Guard Reserve. The Ready Reserve consists of three sub-categories: the Selected Reserve, the Individual Ready Reserve, and the Inactive National Guard.

Reenlistment Bonus

A monetary incentive offered to an enlisted member who reenlists under provisions of 37 U.S.C. § 308.

### Reserve Components

The U.S. Army National Guard, Army Reserve, Navy Reserve, Marine Corps Reserve, U.S. Air National Guard, Air Force Reserve, Coast Guard Reserve, and the Reserve Corps of the Public Health Service.

### Reserve Officers' Training Corps (ROTC)

A student who is enrolled in the senior ROTC of an Armed Force, under 10 U.S.C., Chapter 103.

### Retired List

Any one of several lists of military members retired from the Regular or Reserve Components of the U.S. Armed Forces.

### Retired Reserve

The Retired Reserve consists of:

- a. Reserves who are or have been retired under 10 U.S.C. §§ 3911, 6323, or 8911, or 14 U.S.C. § 291; or
- b. Reserves who have been transferred to the Retired Reserve and retain their status as Reserves, if otherwise qualified.

### 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.

### Selected Reserves

Within the Ready Reserve of each of the Reserve Components there is a Selected Reserve. The Selected Reserves consists of units and, as designed by the Secretary concerned, are trained as prescribed in 10 U.S.C. § 10147(a)(1) or 32 U.S.C. § 502(a), as appropriate.

### \*Separation

A general term that includes discharge, release from active duty or active service, release from custody and control of the Military Services, transfer to the Individual Ready Reserve, and similar changes in Active or Reserve status.

Service Academy Cadet or Midshipman

A person in training at one of the Service academies to become a commissioned officer.

\*Spouse

A husband or wife is an individual lawfully married to a Service member. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into in a foreign country, if the marriage is valid in the place where entered into and could have been entered into in at least one state. This definition includes an individual in a same-sex or common law marriage that either:

- a. Was entered into in a state that recognizes such marriages; or
- b. If entered into in a foreign country, is valid in the place where entered into and could have been entered into in at least one state.

NOTE: State means any state of the United States or the District of Columbia or any Territory or possession of the United States.

Statutory Limitations

The legal limits or restrictions as provided by law.

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.

Temporary Officer Status

A member of the Navy or Marine Corps appointed as a temporary officer under the provisions of 10 U.S.C. § 5596.

Total Forfeiture

Forfeiture of all pay and allowances as punishment under the UCMJ.

Uniformed Services

The Army, Navy, Air Force, Marine Corps, Coast Guard, National Oceanic and Atmospheric Administration, and Public Health Service.

United States

The 48 contiguous states, the District of Columbia, the states of Alaska and Hawaii, Puerto Rico, and U.S. territories.

Warrant Officer

A person who is designated an officer by a warrant, as distinguished from a commissioned officer who is designated an officer by a commission, and a non-commissioned officer who is designated an officer, often by virtue of seniority.