DOD 7000.14-R

DEPARTMENT OF DEFENSE

FINANCIAL MANAGEMENT REGULATION

VOLUME 7A

MILITARY PAY POLICY AND PROCEDURES ACTIVE DUTY AND RESERVE PAY

FEBRUARY 1999

★ WITH CHANGES THROUGH FEBRUARY 2002 ★

UNDER SECRETARY OF DEFENSE (COMPTROLLER)

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INTRODUCTION TO THE DOD FINANCIAL MANAGEMENT REGULATION

GENERAL

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

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

AUTHORIZATION

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

PARAGRAPH NUMBERING SYSTEM

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

01	01	01	A.1.a.(1)(a)
CHAPTER 1	SECTION 1	PARAGRAPH 1	SUBPARAGRAPHS

DEPARTMENT OF DEFENSE
FINANCIAL MANAGEMENT REGULATION
VOLUME 7A

DEPARTMENT OF DEFENSE
WASHINGTON DC

INTRODUCTION TO DEPARTMENT OF DEFENSE FINANCIAL MANAGEMENT REGULATION

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

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

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

4. Arrangement of Text:

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

Chapters 01 through 21 -- Basic and Special Pay.
Chapters 22 through 24 -- Incentive Pay.
Chapters 25 through 31 -- Allowances.
Chapters 32 through 37 -- Miscellaneous Payments.
Chapters 38 through 40 -- Payment of Service Academy Cadets, Midshipmen, Academy Officials, and Aviation Cadet and Service Academy Preparatory School Students.
Chapters 41 through 43 -- Allotments of Pay.
Chapters 44 through 54 -- Deductions and Collections.
Chapters 55 through 64 -- Pay and Allowances for Members of the Reserve Components (Not on Extended Active Duty) and ROTC.

Supersedes DoD 7000.14-R, Volume 7, DoD Financial Management Regulation, 1 July 1996, Interim changes 5-96 thru 13-97.
No. of Printed Pages: 763

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

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

d. Numbering Paragraphs and Pages:

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

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

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

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

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

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

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

TABLE HEADING

RULE	**A**	**B**	**C**	**D**	**E**
	Column Heading	**Column Heading**	**Column Heading**	**Column Heading**	**Column Heading**
1					
2					
3					

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

(a) Table heading, to identify instructions.

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

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

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

5. Revisions:

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

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

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

6. Requests for Technical Assistance:

a. Send requests for technical assistance through channels of the Service concerned to:

(1) Army-Deputy Assistant Secretary of the Army for Financial Operations

(2) Navy-Office of the Assistant Secretary of the Navy (Financial Management and Comptroller)

(3) Air Force-Office of the Assistant Secretary of the Air Force (Financial Management and Comptroller)

(4) Marine Corps-Head, Liaison and Technical Services Division, Fiscal Division.

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

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DEFINITIONS

1. Absence Over Leave. Absent beyond the period for which leave was authorized.

2. Absent Without Leave (AWOL). Absence from a place of duty without permission or authorization and without the intention of deserting.

3. Academic School Year. Commences with the date required to report for courses of instruction for the member's chosen degree or naval or military science classes, whichever occurs first, and terminates upon completion of either of the above, whichever occurs later.

4. Active Duty. Full-time duty in the active service of a Uniformed Service, including full-time training duty, annual training duty, full-time National Guard duty, and attendance, while in the active service, at a school designated as a Military Service school by law or by the Secretary concerned.

5. Active Duty for a Period of More Than 30 Days. Active duty under a call or order that does not specify a period of 30 days or less.

6. Active Duty for Training. Full-time duty in the active military service of the United States for training purposes.

7. Active Duty List. A single list for the Army, Navy, Air Force, or Marine Corps which contains the names of all officers of that Armed Force who are serving on active duty, other than officers described in 10 U.S.C. 641 (reference (c)).

8. Active Service. Active service means service on active duty.

9. Advance Payment. Payment of pay (pay and allowances in certain cases) before it is earned.

10. Advanced Leave. Leave authorized in advance of that accrued.

11. Air National Guard of the United States. The part of the Air Force Ready Reserve whose members are also members of the Air National Guard.

12. Allotment. A definite portion of the pay and allowances of a person in the Military Service, which is authorized to be paid to a qualified allottee.

13. Allottee. The person or institution to whom the allotment is made payable.

14. Allotter. The person from whose pay the allotment is made.

15. Allowance. A monetary amount paid to an individual in lieu of furnished quarters, subsistence, or the like.

16. Appropriation. An amount of money specifically authorized by Congress against which

obligations may be incurred and from which payments may be made.

17. Armed Forces of the United States. Includes the Army, Navy, Air Force, Marine Corps, and Coast Guard, and all components thereof.

18. Army National Guard of the United States. The part of the Army Ready Reserve whose members are also members of the Army National Guard.

19. Aviation Service Career (Not on Extended Active Duty). An officer not on extended active duty who holds an aeronautical rating and is qualified for aviation service under regulations prescribed by the Secretary of the Military Department concerned, shall be considered to be performing aviation service on a career basis, as prescribed in 37 U.S.C. 301a (reference (aa)), so long as he or she is performing operational flying duty, or is assigned to a rated position in a Reserve Component or is considered by that component as an asset to the rated inventory and within the preceding 24 months was either on extended active duty as a rated officer or assigned to a rated position in a Reserve Component.

20. Basic Allowance for Quarters (BAQ). An amount of money prescribed and limited by law which an officer or enlisted member receives to pay for quarters not provided by the government.

21. Basic Allowance for Subsistence (BAS). A cash allowance, by law payable to officers at all times, to help reimburse them for the expense of subsisting themselves. For enlisted personnel, a cash allowance payable when rations in kind are not available; when permitted to ration separately; or when assigned to duty under emergency conditions where no messing facilities of the United States are available.

22. Basic Pay. The pay of an officer or enlisted member according to the rank and longevity before additional amounts are added for quarters, subsistence, flying status, overseas duty, etc.

23. Beneficiary. The recipient of certain benefits due as a result of relationship to or designation by a member.

24. Cadet or Midshipmen (ROTC). A member of the SROTC program under chapter 103 of Title 10, U.S.C. (reference (c)).

25. Captive Status. A missing status resulting from a member's involvement in a hostile action. Hostile action is determined by the Secretary of Defense.

26. Captivity-Related Offense. An offense, committed while in a captive status and related to the status, which is listed in 5 U.S.C. 8312(a) or (b) (reference (cl)), or which is listed in chapter 47 of the UCMJ (reference (i)) that is punishable by dishonorable discharge, dismissal, or confinement for a minimum of 1 year.

27. Cash Maintenance Allowance. Refers to the several types of clothing maintenance allowances paid by cash; for example: standard, basic, special, etc.

28. Certifying Officer. A person authorized to attest to the accuracy or legality of facts, especially those which support a demand for payment.

29. Commissioned Officer. Unless otherwise qualified, means a member of the Uniformed Services having rank or grade of second lieutenant, ensign, or above, either permanent or temporary, in any of the Uniformed Services.

30. Commuted Rations. The monetary allowance given in lieu of subsistence to entitled personnel on leave or otherwise authorized to mess separately.

31. Competent Orders. Orders issued by the Secretary concerned or such officer or officers as the Secretary may designate, to members of their respective Services or to members of other Services when such latter members are performing duty with a Service other than their own.

32. Continental United States. Unless otherwise qualified, means the 48 contiguous states and the District of Columbia.

33. Contingency Operation. Any military operation that:

a. Is designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or

b. Results in the call or order to, or retention on, active duty of members of the Uniformed Services under section 672(a), 673, 673b, 673c, 688, 3500, or 8500 of Title 10, U.S.C. (reference (c)); under chapter 15 of Title 10, U.S.C. (reference (c)); or under any other provision of law during a war or national emergency declared by the President or the Congress.

34. Critical Speciality. A medical speciality that is manned at, or is projected within two fiscal years to be manned at, less than 95 percent of budget authorized allowance with fully qualified physicians.

35. Currency-Blocked Country. A country, specified by the Treasury Department, to which dollar instruments may not be transmitted.

36. Dependent. With respect to a member of a Uniformed Service, dependent means:

a. Spouse;

b. Unmarried child under the age of 21, including an adopted child or a stepchild, but not after the divorce of the member from the stepchild's natural parent;

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

the natural mother of the child;

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

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

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

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

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

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

2. The person must be:

(a) Under 21 years of age;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45. Enlistment.

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

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

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

47. Erroneous Payment. A payment of pay and/or allowances to a member to which he/she is not entitled.

48. Excess Leave. Leave granted in excess of that accrued or advanced.

49. Exigencies of the Service. Urgent demands of a Military Service.

50. Expiration of Term of Service. The end of a required or contracted period of service.

51. Extension of Enlistment. Contracted agreement which extends an enlisted member's current enlistment for a stated period beyond normal expiration of that enlistment.

52. Federal Insurance Contribution Act (FICA) (reference (ci)). The federal statute that requires the withholding of tax from salaries of employees covered by the Social Security Act (reference (ca)) and the payment of employer's tax by federal agencies.

53. Field Duty. Serving with troops participating in maneuvers, war games, field exercises, or similar types of operations, and

a. The member is subsisted in a government mess or with an organization drawing field rations, and is quartered in accommodations normally associated with field exercises, or

b. Students are participating in survival training and forage for subsistence and improvise their own shelter.

Members furnished quarters and subsistence obtained by contract may also be considered as performing field duty when so declared by competent official.

54. Financial Organizations. Any bank, savings bank, savings and loan association or similar institution, or federal or state chartered credit union.

55. Flag Officer. A Navy term for an officer comparable to Army, Air Force and Marine Corps general officer.

56. Fleet Reserve or Fleet Marine Corps Reserve. A component of the Regular service to which members may be transferred and released from active duty after obtaining 20 or more years of active federal service.

57. Flight Requirement. The number of hours or minutes of flying time required to qualify for entitlement to incentive pay for a specific period of time.

58. Flying Status. The status of a member who is required by orders to participate in frequent and regular aerial flights.

59. Former Captive. A member who was held in a captive status.

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

States.

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

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

a. Any general or Military Service organizational mess, including messing facilities of a state-owned National Guard camp;

b. Any Army or Air Force officers' or student officers' field mess;

c. A Navy, Marine Corps, or Coast Guard officers' closed mess; or an officers' wardroom mess or warrant officers' and chief petty officers' mess afloat;

d. Box lunches, in-flight meals, or rations furnished by the government.

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

a. Any sleeping accommodations or family-type housing owned or leased by the United States Government;

b. Lodgings or other quarters obtained by United States Government contract;

c. Dormitories or similar facilities operated by cost-plus-a-fixed-fee contractors;

d. Any sleeping or housing facilities furnished by a foreign government on behalf of the United States Government;

e. Transient facilities such as guest houses, hostess houses, and hotel-type accommodations. (Accommodations built and operated by nonappropriated fund activities are considered to be rental quarters for the purpose of BAQ eligibility.) Payment of service charges for laundering of linens, janitorial services, etc., has no effect on whether the facilities are considered government quarters or housing facilities;

f. Quarters in a state-owned National Guard camp.

64. He, His, Him. "He," "his," and "him" include the terms "she," "her" and "hers."

65. Home. The place recorded as home when the member was ordered to active duty.

66. Inactive Duty Training

a. Duty prescribed for members of a Reserve Component by the Secretary concerned.

b. Special additional duties authorized for members of a Reserve Component by an authority designated by the Secretary concerned and performed by them on a voluntary basis in connection with prescribed training or maintenance activities of the units to which they are assigned.

c. This term also includes duties in a. and b. above when performed by members of the National Guard. Such duties include:

(1) Unit training assemblies.

(2) Training or other duty the member is required to perform, with or without member's consent. This includes, but is not limited to, appropriate duty or equivalent training and additional flying training periods.

d. This term does not include work or study for a correspondence course of a Uniformed Service.

e. For pay purposes, inactive duty training must be performed under orders, cover a specific assignment, and have a prescribed time limit.

67. Inductee. One who is inducted.

68. Induction. The act of taking a person into any of the Armed Services of the United States without voluntary action on his or her part, conscription.

69. Initial Residency Training. That period of time in residency training before formal completion of an officer's first residency that qualifies the officer to take the speciality board, which qualifies the officer for board certification equivalency.

70. In Loco Parentis. A person who stood in place of the natural parent(s) to the Military Service member. (See also "Parent.")

71. Issue in Kind. An issue in goods rather than in money.

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

a. Is issued by:

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

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

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

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

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

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

75. Medical or Osteopathic Internship and Residency Training

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

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

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

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

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

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

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

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

a. Either a land or an air force;

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

c. Organized, armed, and equipped wholly or partly at federal expense; and

d. Federally recognized.

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

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

83. Officer. A commissioned or warrant officer.

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

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

86. Parachute Accident. An accident which results in injury to a qualified parachutist or parachute rigger, or a member in training for such rating during a regular tour of duty. To be considered a parachute accident the injury must occur while the member is on board an aircraft incident to assigned duties, or as a result of jumping from, being thrown from, or being struck by an aircraft or any part or auxiliary thereof.

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

88. Permanent Change of Station. The assignment, detail, or transfer of a member or unit to a different duty station under competent orders which neither specify the duty as temporary, nor

provide for further assignment to a new station, nor direct return to the old station. (For more detailed definition, see volume 1, Joint Federal Travel Regulations, Appendix J (reference (d)).

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

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

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

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

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

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

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

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

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

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

99. Retired Reserves. Members of the Reserve Component of the Armed Forces who are or have been retired, or who have been transferred to the Retired Reserves upon their request, but are not necessarily eligible to begin receiving retired pay. Although in a retired status, Retired Reserves retain their status as Reserves.

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

101. Selected Reserves. That part of the Ready Reserves which consists of units and, as designated by the Secretary concerned, individual Reservists trained as prescribed in 10 U.S.C. 10147(a)(1) (reference (c)) or 32 U.S.C. 502(a) (reference (bq)). Most Selected Reserve

members are required to participate in a minimum of 48 scheduled drill or training periods annually and serve on active duty for training at least 12 days annually.

102. Separate Rations. See "Commuted Rations."

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

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

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

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

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

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

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

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

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

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

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CHAPTER 1

BASIC PAY

0101 CREDITABLE SERVICE

010101. 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 simply the pay date. This chapter will refer to this data element as the basic pay date, which is defined as reflecting all service that is creditable towards longevity.

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 the following guidance to compute the basic pay date when there has been a break in service of any kind or if there is a need to include constructive service.

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 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 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.

D. Other Creditable Service (With Restrictions Noted Below and in subparagraph 010102.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. See Table 1-1 to determine whether such service is creditable for commissioned and warrant officers.

5. Periods after December 11, 1941, when an enlisted member is retained after expiration of term of service of an Armed Force for medical care or hospitalization for disease or injury incident to service. Do not credit such periods of service if the underlying medical condition requiring medical care or hospitalization was due to the member's misconduct.

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, provided the member has concurrent Selected Reserve (drilling status) for duty performed on or after August 1, 1979. Also, see subparagraph 15 below.

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

13. 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 for training, 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 10 U.S.C. 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 active duty for training is not creditable.

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 before beginning active duty or an initial period of active duty for training.

(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.

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

15. Prior provisions of law excluded the Simultaneous Membership Program from creditable service for commissioned officers effective October 13, 1964. Public Law 104-201, section 507, September 23, 1996 (reference (el)), amended these provisions to provide service credit retroactive to August 1, 1979. These amendments, as referenced in subparagraph 010101.D.10, above, resulted in no increase in pay, retired or retainer pay before the date of enactment, September 23, 1996. Service in the program for enlisted members who retain that status remains creditable under all provisions.

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, the officer already had the constructive service credit; the credit is not lost if there is a break in service either before or after that date. This includes Public Health Service officers.

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

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

2. Medical and dental officers who meet the criteria in subparagraph 010101.E.1, above, are entitled to 4 years constructive service credit. Also, those medical officers who have completed medical internship or its equivalent, or who entered military status while serving such an internship, are entitled to a fifth year of constructive service credit.

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.

F. Examples

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

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

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

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

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

Maximum constructive service credit:	03	11	30
Less dual status time:	02	04	29
Constructive Credit:	01	07	01

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

3. The scenario is the same as in subparagraph F.2, above, except the member accepted a commission on July 12, 1974, after starting the internship. He was entitled to 5 years of constructive service credit instead of 4.

	YR	MO	DAY	
Date finished internship:	75	06	30	
Commission Date:	74	07	12	
Dual Status Period:	00	11	18+1	(inclusive day)

Maximum constructive service credit:	04	11	30 (5 years)
Less dual status time:	00	11	19
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.

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

First, compute dual status.

	YR	MO	DAY
Graduated:	74	05	28
Started School:	70	09	09
Dual Service:	70	09	19+1 (inclusive day)

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

	YR	MO	DAY
Maximum constructive service credit:	03	11	30 (4 years)
Less dual status time:	03	08	20
Constructive Credit:	00	03	10

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

010102. Service Not Creditable

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

1. Time served in an enlistment that is terminated, voided, or invalidated as fraudulent.

2. Time served as a commissioned officer in the Philippine Army.

3. The constructive time authorized by the Act of December 28, 1945 (59 Stat 664) (reference (b)), for determining grade and eligibility for promotion.

4. The period of time a member was on the Emergency Officers' Retired List.

5. Time an individual was a member of a state, home, or territorial guard.

6. For commissioned officers, any period of service performed after October 12, 1964 and prior to August 1, 1979, in the Reserve Officers' Training Corps, even if such member held concurrent Reserve status.

7. 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.

8. The time subsequent to September 14, 1981, a member serves while enrolled in the Armed Forces Health Professions Scholarship and Financial Assistance Programs, (reference (c)), or while a student at the Uniformed Services University of Health Sciences (USUHS). However, use any service creditable on the date of the officer's entry into USUHS to compute the officer's basic pay for longevity purposes while a USUHS student, not to exceed the maximum rate of O-1 pay in Table 1-7 or, if applicable, the maximum O-1E pay in Table 1-8 in this volume.

9. The time served in a Reserve Component before beginning active duty or an initial period of active duty for training for enlistment in a Reserve Component under 10 U.S.C. 12103 (b) or (d) entered into between January 1, 1985, and November 28, 1989.

10. 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 inactive duty training before beginning active duty or an initial period of active duty for training.

b. Service performed as an enlisted member in a Reserve Component under 10 U.S.C. 513, other than a period of active duty.

11. Prior provisions of law excluded the Simultaneous Membership Program from creditable service for commissioned officers effective October 13, 1964. Public Law 104-201, section 507, September 23, 1996 (reference (el)), amended those provisions to provide service credit retroactive to August 1, 1979. Those amendments, as referenced in subparagraph 010101.D.10 above, resulted in no increase in pay, retired or retainer pay, before the date of enactment, September 23, 1996. Service in the program for enlisted members who retained that status remained creditable under all provisions.

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 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 one day without proper authority, as determined by proper authority.

c. Confinement by military or civilian authorities for more than one day in connection with a trial, whether before, during, or after the trial.

d. The officer's inability for more than one 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.

010103. 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., active duty for training in enlisted or warrant officer status, annual Reserve training duty, and full time National Guard duty). Service on active duty or active duty for training for at least 4 years and 1 day satisfies the over 4 years of service requirement under this section. See subparagraphs 010102.A.8 and applicable notes to Tables 1-7 and 1-8 for student entitlement to basic pay for longevity purposes while attending the USUHS.

2. Creditable Prior Enlisted Service. Effective May 20, 1958, 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. Effective September 1, 1980, 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. 12732a(2) service as a warrant officer and/or enlisted member 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. 12732a(2) for service as a warrant officer and/or an enlisted member are entitled to the special rate of pay. For example: A former enlisted member with a 4 year enlistment, who is discharged at the end of active duty obligation and subsequently comes on active duty as a commissioned officer would not be entitled to the special rate of basic pay. He or she would not be to this special rate of basic pay under this subparagraph because he did not have more than 4 years of active duty.

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.

3. Except for periods of active duty service performed while a USUHS student, time served as a student at USUHS. See subparagraph 010102.8 and applicable notes to Tables 1-7 and 1-8.

010104 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 subparagraphs 010101.D.13 and 010102.A.9 and 10, above, for service under a delayed entry program.

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.

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 010104.A.3, below.

a. List beginning dates of service for each separate period of service, without changing any of them, then 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. Then add all ending dates together.

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

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

	YR	MO	DAY
Ending Day:	62	01	17
Less Beginning Day:	62	01	17
	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:
RA (enlisted)	Jan 1, 51	Feb 28, 54
AUS (Com)	Jun 1, 54	May 26, 61
AFUS (Com)	Aug 1, 63	Mar 31, 68
EASF (Com)	Apr 1, 68	Jun 4, 75

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

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

Subtract total of beginning dates from total of ending dates:

YR	MO	DAY	
190	13	60	(total of ending dates)
189	25	60	(borrowed 12 months from year column)
168	15	03	
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. Computations involving lost time. When a member has lost time, compute the creditable service for the period served separately, as shown below. Add the results to any creditable service computed separately under subparagraph 010104.A.2above.

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

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

Jul 28-31, 1973	03 days
Aug 1-30, 1973	30 days
Sep 1-3, 1973	03 days
Total	36 days

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

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

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

4. Adjusting basic pay date when member has lost time. Lost time does not change an officer's basic pay date. See paragraph 010102.B of this volume. When an enlisted person returns to duty after a period of lost time, add the number of days lost time to the member's basic pay date to reflect the lost time.

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

Compute lost time:

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

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

The new basic pay date is August 25, 1973.

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.

0102 COMPUTATION OF PAY

010201. Basic Pay Entitlements

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

1. On active duty in a pay status.

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

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

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. See Table 26-3, rule 24; Table 26-8, rule 2, for entitlement to BAH, and Table 25-1, rules 6 and 7, for BAS payments.

C. Formal Acceptance of Appointment-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 service has been continuous since the last oath.

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 010201.D.1, above, a Reserve member who is entitled to payments for earlier military service, and is called to active duty and is entitled to pay, may elect to receive either:

a. The payments for the earlier military service.

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.

010202. 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 the pay for 1 month (30 days), less the prorated amount for the number of days expired before entry on duty. If the service ends before the last day of February, pay the member only for the actual number of days served.

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 nonpay 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 020201.B, above.

3. Absence in a nonpay status on the 28th of February in a non-leap year results in loss of pay for 3 days. If member is absent only on the 28th day of February in a leap year, deduct the pay for 1 day for the 28th. If absence occurs on the 29th of February, deduct pay for 2 days. When payment is made under subparagraph 010202.A.2, above, on the basis of each day actually 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 above instructions for monthly pay also apply to annual salary.

D. Basic Pay Rates

Tables 1-7 through 1-10 contain monthly rates of basic pay.

010203. Saved Pay

A. Saved Pay and Allowances

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

a. 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.

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

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

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

b. 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.

c. In the case of an officer who was formerly an enlisted member, the pay and allowances to which entitled, under subparagraph 010203.A.3.c, above, before appointment as an officer.

3. Restrictions

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

b. The saved pay amount may be reduced when the member loses entitlement to specific items; however, these specific items shall be included in saved pay if the member again qualifies for such items. (See subparagraph 010203.A.3.g, below.)

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

d. 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.

e. For enlisted members, basic allowance for subsistence (BAS) is the alternative for subsistence in kind. Since officers are not authorized subsistence in

kind, a member eligible for saved pay is entitled to the appropriate BAS rate (including the "when permitted to mess separately rate" even when subsistence in kind otherwise would be provided or made available) under the conditions prevailing for enlisted members at their permanent station. Credit BAS at the "when permitted to mess separately rate" at all times except when the member would otherwise be entitled to a different rate. (See subparagraphs 250102.C and E.)

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

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

h. FSH may be continued as an item of saved pay under the same conditions as BAH. See subparagraph 010203.A.3.c, above. If the member was entitled to FSA due to enforced separation from the member's family at the time of appointment, the allowance may be included in the computation of saved pay until entitlement ends. FSA may be reinstated for future periods if the member again qualifies for FSA due to enforced separation from the family. Similarly, other items of overseas station allowance and/or special or incentive pay may be reinstated if a member again qualifies for them.

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

010204. Increased Basic Pay During Period of Service Essential to 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, 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 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.

e. Merely because it is desirable to continue their services, or some benefit may be derived therefrom.

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

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

D. 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.

4. Reenlistment bonus.

E. Termination of Increase in Basic Pay

1. The 25 percent increase in basic pay continues through:

a. Date of discharge, if the member is discharged within 30 days after arrival in CONUS.

b. Date of transfer to a hospital for treatment.

2. See Table 1-5, rule 19, for the date of termination of normal pay and allowances.

010205. 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 time allowed for necessary travel from:

a. Home to a first duty station.

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.

b. For periods of active duty of more than 30 days, be based upon the rules and provisions of the Joint Federal Travel Regulation, Vol I (reference (d)).

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 active duty training (ADT).

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

c. Receiving 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.

0103 ABSENCE FROM DUTY, EFFECT ON PAY AND ALLOWANCES

010301. 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. AR 630-5 (reference (e)).

2. Navy. MILPERSMAN (reference (f)).

3. Air Force. AFI 36-3003 (reference (h)).

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

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. Basic allowance for subsistence (enlisted leave rations).

e. Basic allowance for housing.

f. Personal money allowances.

g. Clothing maintenance allowances.

h. Family separation allowances.

i. Station allowances. (See Joint Federal Travel Regulations, Volume 1, Chapter 9 (reference (d).)

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, 1987. The member reenlists for 6 years on March 1, 1987, and has a 5.0-day advance leave balance. The 5.0-day advance leave balance can be carried into the new term of service.

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

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 010301.D.2.a, above, if applicable.

c. Relief from active duty.

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

e. Death.

f. Return from a period of leave that was in excess of the number of days leave and fractions thereof member will accrue before the normal expiration of current enlistment or term of active service. The term of an extension(s) will be considered

when determining the normal expiration of current enlistment or term of active service. Extension(s) will be considered from the date the member agrees to the extension(s). Excess leave properly charged before the date a member extends a term of service (reenlistment, appointment or agrees to extend voluntarily or is involuntarily extended) will not be affected and under no circumstances will pay and allowances previously collected be refunded. (See subparagraph 010301.E, below, when it is known at the time leave is granted that the member will be in excess leave status.)

Example 3: A member's current term of service ended on March 31, 1988. The member reenlisted for 6 years on January 1, 1987, and had a 35.5-day advance leave balance. The member carried 30.0 days of advance leave into the new term of service. The remaining 5.5-day advance leave balance changed to excess leave and required immediate collection of pay and allowances. Subparagraph 010301.E, below, applies.

Example 4: Same as example 2, except that the member took 34 days of leave between May 1, 1987, and September 30, 1987. Since a maximum of 30.0 days advance leave could be carried into the new term of service (12-month extension), immediate collection of pay and allowances for the remaining 4.0 days was required when the leave was used. Subparagraph 010301.E, below, applies.

3. Amount to be Collected. Compute collection under subparagraph 010301.D.2, above, on the basis of pay and allowances actually 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, except as provided by subparagraph 260501.C of this volume. Apply the above 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 are considered to have a rate of pay.

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

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

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 shall be charged as excess leave.

b. If the member elects to be paid for accrued leave, the entire period of leave shall be charged as excess leave and pay and allowances will not accrue for such period except under the provisions of subparagraph 010301.F.2, below.

2. A member required to take leave under Article 76a, UCMJ (reference (i)), whose sentence by court-martial to dismissal or dishonorable or bad-conduct discharge is set aside or disapproved on appellate review, shall accrue pay and allowances for the period of leave charged as excess leave (except for any day of accrued leave for which the member has been paid under subparagraph 010301.F.1.b, above), unless a rehearing or new trial is ordered and dismissal or dishonorable or bad-conduct discharge results from the rehearing or new trial and such dismissal or discharge is later executed.

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

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

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

(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 shall 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 shall 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 010301.F.3, below, the periods of time prescribed in this paragraph shall be extended until 30 days after the date on which the member provides the requested information.

3. In all cases where payment must be made under subparagraph 010301.F.2, above, the member solely is responsible for providing the information as to sources and amounts of income received by the member during periods of required appellate leave. Pay will be computed only on the basis of a written record. Information as to sources and amounts of income should include, at a minimum, copies of all pertinent income tax returns, employer statements of income earned from wages, salaries, tips, and documentation of other personal service income. In cases where the member has been unemployed, the required information shall include affidavits or written evidence of lack of employment and documentation to verify the duration of unemployment compensation and public assistance benefits received from any government agency.

010302. Unauthorized Absence and Other Lost Time

A. Effect on Pay and Allowances. The types of unauthorized absence and other lost time and their effect on pay and allowances are shown in Table 1-12. (Compute for forfeitures of pay and allowances as instructed in subparagraph 010202.B of this volume.)

B. Unauthorized Absence and Desertion

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

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 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 the absence 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.

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

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

a. Confined by military authorities, for civil authorities. See Table 1-12, rules 6 and 8.

b. Pay and allowances are forfeited by court-martial sentence. See Chapter 48 of this volume and Table 1-12, rule 10.

c. The term of enlistment expires. See subparagraph 010302.G, below.

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

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 fullduty status. A member, however, who is returned to military control and restored to full duty for the purpose of making good lost time before being confined to await

trial, continues in a pay status except to the extent that pay may be forfeited by court-martial, the same as during the regular enlistment period. This pay status terminates if the member is in confinement on the date the normal term of service as extended to make up lost time would have expired, even if he or she is restored to duty at a later date.

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 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.

0104 PAYMENT IN CASES OF VOID, VOIDABLE, OR REJECTED ENLISTMENTS OR INDUCTIONS

010401. 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.)

010402. 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.

010403. Donations and Travel Payments. See Chapter 35, of this volume.

010404. 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.

010405. 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.)

ABSENCE FROM DUTY IN ENLISTED STATUS

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

NOTES:

1. If the member is released without trial or acquitted, or if conviction is set aside on legal grounds (as distinguished from clemency), the period of absence is creditable. If the member is released upon agreement to make restitution or is later convicted by court-martial on the same facts, the period of absence is not creditable.
2. 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 010102.B
3. The period of absence is not creditable only if the confinement was under general court-martial sentence and/or while awaiting (and during) trial which resulted in a sentence by a general court-martial to confinement and total loss of pay and allowances.
4. Period spent in confinement is creditable when the member is acquitted or the sentence is set aside or disapproved.

Table 1-2. Absence From Duty In Enlisted Status

WHEN ACTIVE DUTY PAY BEGINS

RULE		B	C	D	E
				then active duty pay and allowances	
	When a person is	in the	and	begin on:	are authorized for:
1	originally appointed as a permanent officer	Regular Army, Navy, Marine Corps or Air Force (note 1)		date of formal acceptance of appointment (see subparagraph 010201.C.	
2	an enlisted member temporarily appointed to a warrant or commissioned officer grade	Navy or Marine Corps			
3	an enlisted member or warrant officer on active duty appointed to a commissioned officer grade under 10 U.S.C. 593	Reserve	continues on active duty in that commissioned officer grade		
4	enlisted, reenlisted, or inducted	Regular Army, Navy, Marine Corps, or Air Force		date of enlistment, reenlistment, or induction.	
5	service academy graduate commissioned as a second lieutenant or ensign	Regular Army or Air Force		date of graduation (note 2).	
6		Regular Navy or Marine Corps		date of formal acceptance of appointment.	
7	reserve or retired member called or recalled to active duty	Army, Navy, Marine Corps, or Air Force		date member necessarily complies with active duty order (note 3).	
8	AUS or USAF without component temporary officer called to active duty	Army or Air Force		date member necessarily complies with active duty orders (note 3).	
9	reserve or retired member ordered to active duty to take a physical examination incident to being ordered to active duty for more than 30 days	Navy, Marine Corps, Army, or Air Force			period of the examination, and allowable travel time in connection therewith (notes 3, 5, 6, and 7).
10	ARNG or ANG member called into federal service	Army or Air Force	the period of federal service is 30 days or less	date of reporting at place of rendezvous.	
11			the period of federal service is more than 30 days or an indefinite period	date member necessarily complies with active duty orders (notes 3 and 4).	

Table 1-3. When Active Duty Pay Begins

WHEN ACTIVE DUTY PAY BEGINS

RULE		B	C	D	E
				then active duty pay and allowances	
	When a person is	**in the**	**and**	**begin on:**	**are authorized for:**
12	separated Service academy cadet required to serve a period of enlisted active duty	regular Army, Navy, Marine Corps, or Air Force		date following date of approval of cadet's separation from the academy.	

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 010205 of this chapter 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. Pay status does not begin if the ARNG or ANG member is unable to respond to the call to active duty because of illness or other reason.
5. If member passes the physical examination, pay and allowances accrue for travel time to first duty station when later ordered to active duty for more than 30 days.
6. If the member fails the physical examination, pay and allowances accrue for period required for the examination and travel time to and from the examination.
7. If the member is ordered to active duty solely to take a physical examination, not incident to being ordered to active duty, then active duty pay and allowances do not accrue.

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

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

Table 1-4. Increases In Pay On Promotion or Restoration of Grade

INCREASES IN PAY ON PROMOTION OR RESTORATION OF GRADE					
RULE	**A**	**B**	**C**	**D**	**E**
	When member is a(n)	**and action is**	**in the**	**and**	**then effective date of increase in pay and allowances is**
11	enlisted member	advancement in rank or rating	Marine Corps	promotion is not effected by directive	date certificate of appointment is signed by issuing authority (note 4).
12		appointment or promotion to a higher grade	Army or Air Force		1. date cited in orders, or date of orders, whichever is later (note 5); or 2. date of oral appointment or promotion, if later confirmed in writing (note 4).
13		restoration of former grade		reason for reduction was nonjudicial punishment	may be retroactive to date of reduction.
14				reason for reduction was inefficiency	date of restoration orders.

NOTES:

1. If the officer's assignment is terminated because of:

a. Assignment to another position also designated a special assignment; the officer will continue to draw the pay rate of the terminated assignment through the day before assuming the new position.

b. Hospitalization, the officer will continue to draw the pay rate of the terminated assignment for the full period of hospitalization, but for not more than 180 days.

c. Retirement, the officer will continue to draw the pay rate of the terminated position through the day before retirement, but for not more than 90 days.

2. A retroactive amendment of active duty orders is authority to serve in the higher grade from date of the amendment only. Increased pay and allowances are authorized from that date. Such orders do not create entitlement to increased pay and allowances for the retroactive period.

3. A retroactive promotion date is to be used only for consideration of seniority and time in grade for future promotions. Such orders do not create entitlement to increased pay and allowances for the period between the eligibility date for promotion and the effective date of the promotion order or letter. The effective date of promotion for purposes of entitlement to increased pay and allowances must not be earlier than the date the officer is assigned to a position requiring a grade equal to or higher than the grade to which promoted.

4. An appointment, promotion, or advancement to a higher grade with an effective date beyond the expiration date of the current enlistment and which is contingent upon the member's extension of enlistment or reenlistment, entitles the member to increased pay and allowances from the effective date of extension or reenlistment, whichever is later. Payment for the higher rank or rating is not authorized for a period prior to date of current enlistment.

5. This restriction does not prevent payment to enlisted members for retroactive promotions or advancements that are made pursuant to 10 U.S.C. 1552(a) (2) (retroactive promotion or advancement without decision of the Board for Correction of Military Records), effective Oct 23, 1992.

Table 1-4. Increases In Pay On Promotion or Restoration of Grade (Continued)

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

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

TERMINATION OR REDUCTION OF ACTIVE DUTY PAY AND ALLOWANCES

RULE	A If member is in the	B and status is an	C and action is	D and reason for retention is	E then pay and allowances are authorized through date
16	Army, Navy, Marine Corps, or Air Force	enlisted member	retention in service after expiration of term of service (note 3)	convenience of the government	of the period of retention.
17				to make good lost time	of the period of retention, if retained in full duty status or if authorized to perform duty.
18				probation after confinement	of the probational period, if duty is performed during such period.
19				medical care or hospitalization (with member's consent)	of release from medical care or hospitalization (note 4).
20				service is essential to public interest (section 0204, this chapter)	of discharge (note 5).
21				court-martial action	see subparagraph 010302.G.
22			demotion (administrative)		before date of demotion orders at the higher rate; and at the reduced rate on and after date of demotion orders.
23		officer or enlisted member	death		of death.
24			revoking a promotion (erroneous promotion through administrative error)		before date of discovery at the higher rate; at the reduced rate on or after date of discovery (note 6).
25			retirement	late delivery of retirement orders	retirement orders are delivered or member is notified that retirement orders were issued.

NOTES:

1. Discharge orders do not of themselves relieve the government of its obligation to an officer. The officer must have received actual or constructive notice by the effective date, unless the officer willfully avoids notice of separation. If kept in Military Service without fault, in ignorance of an order of dismissal, the officer is entitled to all salaries and benefits of the office. If held in Military Service under orders after the date shown in separation orders, the officer is entitled to pay if there is nothing in the records showing non-entitlement.
2. Includes discharge for underage enlistment. Does not include discharge for fraudulent contract of enlistment. (See section 0104.)
3. A member whose enlistment is extended involuntarily by law comes under rule 15, not rules 16-21.
4. If medical care or hospitalization was due to member's misconduct, pay and allowances terminate on date of expiration of term of Military Service.
5. See subparagraph 010204.E for date of termination of the 25 percent increase in basic pay.
6. An erroneous promotion is later voided by revoking promotion orders (certificates of appointment or other documents used by the Military Service concerned to administratively effect promotions) from the original effective date. Payment of the pay and allowances of the higher grade through the date prior to the date of discovery is contingent, in each case, upon an administrative determination of the commander that service performed while serving in the higher grade may be regarded as service performed in a "de facto" status, that is, the member was promoted by competent authority and performed duties of the higher grade. (See procedural regulations of the Military Service concerned.)
7. A member who reverts from a temporary officer appointment to a permanent enlisted or warrant officer grade is entitled, if otherwise proper, to the active duty pay and allowances of the temporary officer grade through and including the date of reversion.

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

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

NOTES:

1. Travel is not expected to start or end between midnight and 0600.
2. Travel days will not exceed the computed travel time. In the computation of travel time, use existing commercial schedules to determine the latest departure time that would permit arrival at the duty station on the reporting date and hour. On release from active duty, use earliest schedule after release which would permit arrival home by fastest available means, without regard to actual performance of travel. A member of a Reserve Component who:
   a. is ordered to perform active duty training (ADT),
   b. performs authorized inactive duty training (IDT) immediately before or after ADT at or near the same site, and
   c. receives orders which direct performance of necessary travel to and from the ADT site immediately before and after combined ADT/IDT is entitled to active duty pay and allowances for allowable travel time per subparagraph 010205.B. The travel date will be specified in the active duty orders. Full retirement point credit is earned for the period of IDT performed.
3. When the air terminal is within 50 miles of the active duty station and direct or connecting flights are obtainable within 50 miles of the place from which ordered to active duty.
4. Additional time may be allowed when there is an actual delay in air travel. The delay must have been due to reasons beyond the control of the member, such as mechanical failure, adverse weather conditions, excess passenger load, cancelled flights, illness of other passengers, etc.

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

AUTHORIZED ABSENCE–EFFECT ON PAY AND ALLOWANCES

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

NOTES:

1. See subparagraph 010301.D for collection requirements when advance leave is changed to excess leave.
2. Members without dependents are entitled to BAH as prescribed in Table 1-5, rules 20 and 21.
3. Enlisted members are entitled to BAS at the rate shown in subparagraph 250406.B except for days of leave specifically authorized by the PCS orders. Pay BAS at the rate shown in subparagraph 250406.A for the PCS order-authorized leave period.

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

4. A negative leave balance which existed prior to the member being ordered home continues until separation or retirement and will be collected as excess leave.
5. Member is not entitled to special pay under section 1402 of this volume.
6. Under DoDD 1327.5, a member does not accrue leave during periods of excess leave (here referred to as "non-accrual"). Computation of the number of days involved in an excess leave balance which accounts for this nonaccrual may result in a total which includes a fraction. Effective with leave taken on or after Feb 1, 1987, the total is not rounded to eliminate the fraction when pay and allowances are collected for excess leave. The fractional one-half day is considered to occur on the first day of the excess leave involved. Collect pay and allowances for the number of days, to include fractional days, according to subparagraph 010301.D or 010301.E.
7. A member separating effective Mar 1 whose separation leave period through Feb 28 (or through Feb 29 during leap year) results in excess leave, is not entitled to pay and allowances for Feb 29 and 30 (or for Feb 30 during leap year). These days are not considered days of excess leave; however, the member is considered to be in a non-pay status through Feb 30. See subparagraph 010202.B.

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

UNAUTHORIZED ABSENCE AND OTHER LOST TIME–EFFECT ON PAY AND ALLOWANCES			
RULE	**A**	**B**	**C**
	When member is absent from duty	**and**	**then the member**
1	without authority (AWOL) or over leave, delays en route, pass or liberty	the absence is excused as unavoidable	is entitled to otherwise proper credits of pay and allowances (note 1).
2		the absence is not excused as unavoidable	is not entitled to pay and allowances.
3	for more than 24 consecutive hours as a result of a disease	the disease is caused by and immediately follows intemperate use of alcoholic liquors or habit forming drugs	is entitled to allowances but not to basic pay, special, or incentive pay (note 2).
4	in confinement by civil authorities	is being detained as a witness before a civil court	is entitled to otherwise proper credits of pay and allowances.
5		the absence is excused as unavoidable (see Table 1-13)	
6		the absence is not excused as unavoidable (see Table 1-13)	is not entitled to pay and allowances, except for that part of the period that is covered by authorized leave, liberty, or pass (note 5).
7	in confinement by military authorities for a foreign civil offense	is not considered "constructively absent" from duty (note 4)	is entitled to otherwise proper credits of pay and allowances.
8		is considered "constructively absent" from duty (note 7)	is not entitled to pay and allowances except for that part of the period that is covered by authorized leave, unless the absence is excused as unavoidable (see Table 1-13).
9	in military confinement (other than for civil authorities)	is awaiting trial by court-martial or serving a sentence of confinement which did not include a forfeiture of pay	is entitled to otherwise proper credits of pay and allowances.
10		is serving a court-martial sentence which includes a forfeiture of pay and allowances	is entitled to pay and allowances accruing before the date the sentence was approved by the convening authority and to any unforfeited pay and allowances accruing after that date.
11	as a deserter	is found guilty of deserting by court-martial or is administratively discharged for desertion or dies prior to return to military control or while awaiting trial by court-martial for the charge of desertion	forfeits all pay and allowances including that due on the first day of desertion (note 3).
12	without authority for 3 months while serving as an Army or Air Force officer	is dropped from the rolls by the President	forfeits all pay and allowances due or to become due (note 3).

NOTES:

1. Enlisted members are entitled to BAS at the rate prescribed when permission to ration separately is granted unless they were subsisted at government expense.
2. Member is not entitled to pay or allowances for period of hospitalization after expiration of enlistment.
3. Pay and allowances due on date of desertion and on date an officer was dropped from the rolls will be used to satisfy debts due the United States and its instrumentalities.

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

4. In any case where the commander of the military installation retains the discretionary authority to decide to incarcerate a member (or to merely restrict to the duty station and assign to perform useful and productive duties on a full-time basis), such member will not be considered as being "constructively absent" for the purposes of entitlement to pay and allowances.
5. A member is not entitled to pay and allowances if granted a pass or liberty to serve civil confinement.
6. See section 2605 for entitlement to basic allowance for housing in a non-pay status. See Chapter 10 for entitlement to hostile fire/imminent danger pay which is payable in full for each month in which qualification is made.
7. Under existing DoD policy and Status of Forces Agreements, the United States Commander always retains discretionary authority to incarcerate or restrict a Military Service member to the installation when such a member is pending civil charges, even in cases where incarceration or restriction is requested by foreign authorities. Such member is not considered as being "constructively absent" for the purpose of entitlement to pay and allowances.

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

RULES FOR DETERMINING WHETHER ABSENCE IS UNAVOIDABLE

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

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

COMPUTING PERIODS OF UNAUTHORIZED ABSENCE

RULE	A When a member	B and he/she is in the	C and the hour of expiration of leave, pass, or liberty, or authorized travel	D and the member	E 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	fails to report to the organization or post of duty on the last day of authorized leave, pass, or liberty		is not specified in leave orders	does not report before normal duty hours of the following day (note)	the day following the last day of leave, pass, or liberty is the first day of unauthorized absence.
5		Army or Air Force			
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.
7	is AWOL			returns to the place of duty, or organization, or otherwise to the jurisdiction of the Armed Forces	the day before the member's return is the last day of unauthorized absence.

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

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CHAPTER 8

★ SPECIAL PAY - SPECIAL DUTY ASSIGNMENT PAY - ENLISTED MEMBERS

0801 ENTITLEMENT PROVISIONS AND POLICY

080101. Entitlement

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

B. Certification. On an annual basis, the appropriate authorities review eligibility and payment authority for each member receiving special duty assignment pay. Payment stops automatically on the annual anniversary date if positive certification is not made that a member is still eligible for special duty assignment pay.

080102. Definitions

A. Military Specialty

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

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

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

★ 080103. Reserve Personnel. The Secretary of the Military Department concerned may deny entitlement of special duty assignment pay to Reserve members on active duty for less than 181 days. In the absence of such denial, enlisted members of the Reserve Components are eligible to receive special duty assignment pay when on active duty, if otherwise qualified. Under regulations prescribed by the Secretary of the Military Department, enlisted members are entitled to receive SDAP when performing duties as prescribed in this chapter while on inactive duty.

080104. Monthly Rates

A. Special Duty Assignment Pay. Special duty assignment pay is payable at one of the below listed rates.

★

Special Duty Assignment	Monthly Rate
SD-1	$75
SD-2	$150
SD-3	$225
SD-4	$300
SD-5	$375
SD-6	$450

B. Designations of military specialties for special duty assignment pay are in the applicable regulations of the Military Service concerned. The criteria for designation of military specialties are in Department of Defense Instruction 1304.27, "Award and Administration of Special Duty Assignment Pay," (reference (u)).

0802 CONDITIONS OF ENTITLEMENT

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

080202. Conditions Affecting Entitlement. Conditions affecting entitlement to special duty assignment pay are shown in Table 8-2.

080203. Date to Stop Special Duty Assignment Pay. Table 8-2 shows how to determine the last day on which special duty assignment pay accrues to a member. Stop special duty assignment pay on the date shown in this table, unless an earlier date is specified in the order terminating such pay status.

080204. Effect of Special Duty Assignment Pay on Other Computations. Special duty assignment pay is not used in the computation for enlistment bonus, severance pay, separation pay, or cash settlement of accrued leave.

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

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

080207. Tax. Special duty assignment pay is subject to the withholding of federal and state income taxes, but not subject to the withholding of Federal Insurance Contribution Act taxes.

ELIGIBILITY REQUIREMENTS FOR SPECIAL DUTY ASSIGNMENT PAY			
RULE	**A**	**B**	**C**
	When an enlisted member	**and**	**then**
1	is on active duty in a pay status, is serving in pay grade E-3 or higher, is qualified for and serving in the designated special duty assignment	meets other conditions of eligibility as prescribed by the Secretary of the Military Department	member may be awarded special duty assignment pay.
2	attains eligibility under rule 1 above, before the date of termination of award in any special duty assignment designated for termination of award		

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

CONDITIONS AFFECTING ENTITLEMENT TO SPECIAL DUTY ASSIGNMENT PAY				
RULE	**A**	**B**	**C**	**D**
	When a member receiving special duty assignment pay	**and**	**then special duty assignment status**	**and entitlement to special duty assignment pay**
1	has special duty assignment pay rating withdrawn for any reason		is withdrawn	continues through the date stated in the order withdrawing the special duty assignment pay rating.
2	fails to maintain the minimum level of qualification required for satisfactory performance in the military skill			stops on the date established by the authority determining that the level of qualification does not meet established standards.
3	is discharged or relieved from active duty	does not reenlist within 24 hours	is withdrawn on date of discharge	continues through the date of discharge (note 1).
4	is confined	confinement is result of court-martial sentence or non-judicial punishment	will be withdrawn on the date of confinement resulting from a court-martial sentence or non-judicial punishment	continues through the day prior to the date of confinement resulting from a court-martial sentence or non-judicial punishment.
5	is AWOL		continues	stops during all of AWOL.
6	is reported in a missing status		continues (note 2)	continues.
7	is in a patient status, including convalescence leave	patient status is due to disease resulting from intemperate use of alcohol or habit-forming drugs	continues	stops while member is in a patient status or convalescent leave status.
8		patient status is not due to disease resulting from intemperate use of alcohol or habit-forming drugs, but exists for more than 12 months	will be withdrawn on the first day of the 13th month when a patient status continues to exist (note 2)	continues through the last day of the 12th month.

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

CONDITIONS AFFECTING ENTITLEMENT TO SPECIAL DUTY ASSIGNMENT PAY				
RULE	A	B	C	D
	When a member receiving special duty assignment pay	**and**	**then special duty assignment status**	**and entitlement to special duty assignment pay**
9	is demoted	grade to which reduced is below that for which either pay is authorized	will be withdrawn on the date of demotion	continues through the day prior to the date of demotion.
10	is on temporary duty (TDY) or temporary additional duty (TAD)	is not performing duties requiring use of skills on which pay is based	continues for not more than 90 days	continues through 90th day of TDY or TAD.
11		is performing duties requiring use of the skills on which pay is based	continues during entire period of TDY or TAD	continues through entire period of TDY or TAD.
12	is reassigned permanent change of station (PCS) or permanent change of assignment without PCS or detailed to duty not requiring use of skills on which special duty assignment pay is based	commanding officer determines the reassignment or detail is permanent (over 90 days)	is withdrawn	continues through the day prior to the date of departure from special duty assignment.
13		commanding officer determines the reassignment or detail is less than 90 days but it exceeds 90 days	is terminated on the 91st day of the reassignment or detail	continues through the 90th day of the detail or reassignment.
14	enters retraining status	the military skill into which member is retraining is not designated for special duty assignment pay	is withdrawn	continues through the day prior to the date member enters retraining status.
15	is reclassified out of the military skill on which the pay is based	the military skill to which reclassified is not designated for an award of special duty assignment pay	is withdrawn on the date of reclassification	continues through the day prior to the date of reclassification.

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

CONDITIONS AFFECTING ENTITLEMENT TO SPECIAL DUTY ASSIGNMENT PAY				
RULE	A	B	C	D
	When a member receiving special duty assignment pay	**and**	**then special duty assignment status**	**and entitlement to special duty assignment pay**
16	is attending a course of instruction	the course of instruction is necessary for member's continued qualification in the special duty assignment	continues	continues.
17		the course of instruction is not necessary to qualify the member for special assignment in the military skill, but the member will be reassigned to the military skill on which the pay is based upon completion of the training	continues for no more than 90 days	continues through the 90th day.
18		the course of instruction is not necessary to qualify the member for a special assignment in the military skill and the member will not be reassigned to the military skill on which the pay is based upon completion of training	is withdrawn on the date of departure for training	continues through the date of departure for training.
19		the course of instruction leads to commission or warrant officer status	is withdrawn	stops on the date of departure for entry into training.
20	is on authorized leave		continues	continues.

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

CONDITIONS AFFECTING ENTITLEMENT TO SPECIAL DUTY ASSIGNMENT PAY				
RULE	A	B	C	D
	When a member receiving special duty assignment pay	**and**	**then special duty assignment status**	**and entitlement to special duty assignment pay**
21	is serving in military specialty designated for termination of award	member continues qualified and serves in the military specialty		★ continues at one-half rate for 1-year period following effective date of the termination (note 3).
22	is serving in military specialty designated for reduction of award			continues at rate for reduced award on the effective date of the reduction.
23	is reassigned PCS requiring use of skills on which pay is based	member continues qualified and performs the special duties		continues during leave enroute, for periods of allowable travel time between assignments and for duty at new permanent duty station.

NOTES:

1. If a Navy member fails to reenlist on board, special duty assignment pay continues through date of discharge or release from active duty.
2. Special duty assignment pay may be awarded, withdrawn, increased, or decreased while member, otherwise eligible, is in a patient or missing status.
3. ★ The Principle Deputy Under Secretary of Defense (Personnel and Readiness) may waive the SDAP termination limits and prescribe other rates and time limits for specific situations.

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CHAPTER 9

SPECIAL PAY - ENLISTMENT, REENLISTMENT AND RETENTION BONUS - ENLISTED MEMBERS

0901 ENLISTMENT BONUS

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

A. Enlists in the Armed Forces of the United States for a period of at least 2 years or more for the purpose of qualifying and serving in a military specialty designated as critical, as specified by the Secretary of the Military Department concerned (or designee).

B. Is one of the following:

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

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

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

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

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

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

090103. Time of Payment. An enlistment bonus may be paid upon completion of training. A bonus under this section may be paid in a single lump sum, or in periodic installments.

★ 090104. Expiration of Entitlement. No bonus may be paid under this paragraph with respect to any enlistment or extension of an initial period of active duty in the Armed Forces, after December 31, 2005.

090105. Determinations Affecting Enlistment Bonus Payments.

A. When a member enlists in a Reserve Component under the Delayed Enlistment Program (DEP), with a concurrent commitment to serve in a Regular Component for a period of at least 2 years in a skill designated as critical, the award level of the enlistment bonus is fixed on the date of enlistment in the DEP, rather than on the date of entry on active duty.

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

C. Unpaid installments of the enlistment bonus are payable to members separated prior to completion of enlistment when separated under conditions which do not require recoupment. (See section 0905, below.)

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

090201. Reenlistment Zones. There are three zones of consideration. Zone A is composed of those reenlistments falling between 17 months and 6 years of active service. Zones B and C are composed of those reenlistments or extensions falling between 6 and 14 years of active service.

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

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

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

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

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CHAPTER 10

SPECIAL PAY - DUTY SUBJECT TO HOSTILE FIRE OR IMMINENT DANGER

1001 ENTITLEMENT PROVISIONS

100101. 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. Hostile Fire Pay (HFP). This entitlement is payable when, as certified by the appropriate commander, a member is:

1. Subjected to hostile fire or explosion of a hostile mine, or

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 Service 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. Imminent Danger Pay (IDP). This entitlement is payable when a member is on official duty in a designated IDP area (Figure 10-1).

100102. Payment. Effective October 1, 2002, HF/IDP is payable at a monthly rate of $225. It is payable in addition to all other pays or allowances. Additionally, it is payable in the full amount without being prorated or reduced, for each month, during any part of which, a member qualifies. Active and Reserve Component members who qualify, at any time during a month, will receive the full amount of HFP/IDP regardless of the actual period of time served on active or inactive duty during that month.

1002 DETERMINATIONS OF FACT

100201. Eligibility. The appropriate commander shall certify that the member has met the requirements for entitlement to HFP/IDP for a given month, except when the member is under orders on official duty in one of the designated IDP areas listed in Figure 10-1.

A. Certification of entitlement shall be made at the lowest level of command that includes all the vessels, aircraft, or units subjected to the hostile fire or explosion of hostile mine incident. For example, in the case of a single vessel subjected to hostile fire or explosion of hostile mines, the vessel's commanding officer should certify payment for all Service members on board. If two or more vessels are involved, the commanding officer of the unit that includes all of the vessels should certify eligibility.

B. Certification shall include the name and social security number of each member entitled to the hostile fire pay, a short description of the incident, and when and where it occurred. The certification should be forwarded directly to the servicing financial support office, with a copy to the cognizant regional combatant commander.

C. When the airspace specifically is included in an IDP area designation, members who perform official duty while flying over the area are eligible for HFP/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 HFP/IDP unless they land in the area.

D. Members who perform duty on a vessel performing operational duty while in an area designated for IDP are eligible for HFP/IDP.

E. A death certificate or injury report may be substituted in place of the certification if the document establishes the cause of the death or injury was due to hostile fire or an explosion of a hostile mine.

F. A member is not considered to be on official duty in a designated IDP area and, therefore, is not eligible for HFP/IDP pay if the member is in the area:

1. On leave from a duty station outside the IDP area;

2. While merely transiting (as distinguished from performing official duty) by any means (including vessel, aircraft, and land conveyance) the IDP area as a consequence of traveling between two points, both outside the IDP; or

3. Solely for personal convenience.

100202. Administration. Any determinations of fact made by commanders in the certification of hostile fire are conclusive. Such determinations are not subject to review by any officer or agency of the government, unless there has been fraud or gross negligence. Such determinations, however, may be changed on the basis of new evidence or for other good cause.

1003 SPECIAL SITUATIONS

100301. Member Captured or Missing. A member entitled to HFP/IDP immediately before entering a status of missing, missing-in-action, interned in a foreign country or captured by a hostile force shall continue to be credited with HFP/IDP for each month while in such a status. (See Chapter 34 for more detailed instructions.)

100302. Hospitalization. A member entitled to HFP/IDP, who is hospitalized for a wound or injury incurred as a result of hostile action, is entitled to HFP/IDP for each month hospitalization continues, up to an additional 3 months after the month in which the wound or injury occurred.

100303. Absence. A member, otherwise entitled to HFP/IDP as a consequence of assignment to a designated IDP area, who is absent from the designated area for an entire calendar month, is not entitled to HFP/IDP for that month.

DESIGNATED HOSTILE FIRE OR IMMINENT DANGER PAY AREAS (notes 1 through 4)			
AREA	**INCLUDES**	**EFFECTIVE**	**TERMINATED**
Adriatic Sea	Sea area and airspace.	Apr 12, 1999	Sep 15, 1999
Afghanistan	Land area and airspace.	Nov 1, 1988	
Albania	Land area and airspace.	May 22, 1997	Mar 31, 2002
Algeria	Land area.	Mar 7, 1995	
Angola	(1) Land area and airspace.	Jun 22, 1992	Feb 28, 1998
	(2) Land area.	Mar 1, 1998	
Arabian Peninsula and adjacent sea areas that includes: See also: Bahrain, Oman, Kuwait, Qatar, Saudi Arabia, UAE, and Yemen	(1) Arabian Gulf area including the airspace thereover, and the countries of Bahrain and Kuwait, including the airspace thereover. The Arabian Gulf area is defined by the Arabian Gulf (Persian Gulf), the Strait of Hormuz, and that part of the Gulf of Oman which lies north of 25 degrees north latitude and west of 057-30 degrees east longitude.	Aug 25, 1987	Apr 1, 1989
	(2) The following locations including the airspace above such locations: Red Sea, Persian Gulf, the Gulf of Oman, the portion of the Arabian Sea that lies north of 10 degrees north latitude and west of 68 degrees east longitude, the Gulf of Aden, the total land areas of Oman, Saudi Arabia, Yemen, Bahrain, Qatar, and the United Arab Emirates.	Aug 2, 1990	Aug 31, 1993
	(3) The following locations including the airspace above such locations: Persian Gulf, the land areas of Saudi Arabia and Yemen.	Sep 1, 1993	Feb 28, 1998
	(4) The following locations including the airspace above such locations: Persian Gulf and land area of Saudi Arabia.	Mar 1, 1998	
	(5) 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	
Azerbaijan	Land area.	Jun 9, 1995	
Bahrain	(1) Total land area including airspace thereover.	Aug 25, 1987	Apr 1, 1989
	(2) Total land area including airspace thereover.	Aug 2, 1990	Aug 31, 1993
	(3) Land area and airspace.	Jun 13, 1997	
Bosnia-Herzegovina	Land area and airspace.	Jun 22, 1992	
Burundi	Land area.	Nov 29, 1996	

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

DESIGNATED HOSTILE FIRE OR IMMINENT DANGER PAY AREAS (notes 1 through 4)			
AREA	**INCLUDES**	**EFFECTIVE**	**TERMINATED**
Cambodia	(1) Land area and adjacent sea area from the juncture of the Cambodia and Vietnam border, southwest to coordinates 10-16N, 104-14E, thence to 10-28N, 104-06E, thence to 10-30N, 104-01E, thence to 10-28N, 103-55E, thence to 10-26N, 103-54E, thence to 10-23N, 103-49E, thence to 10-21N, 103-44E, thence to 10-16N, 103-38E, thence 12 miles seaward from the base line from which the territorial water of Cambodia is measured to a point 12 miles seaward from the border of Cambodia and Thailand, thence to the juncture of the border of Cambodia and Thailand and the airspace thereover.	Jan 1, 1971	Jul 14, 1997
	(2) Land area.	Jul 15, 1997	Oct 31, 2001
Chad	(1) Total land area and airspace. Coastal waters are excluded.	Jun 22, 1992	Jan 28, 1997
	(2) Land area.	Jan 29, 1997	Feb 28, 1998
Colombia	Land area.	Jun 1, 1985	
Cote D'Ivoire	Land area	Feb 27, 2003	
Croatia	Land area and airspace.	Jun 22, 1992	
Djibouti	Land area	Jul 31, 2002	
East Timor	(1) Land area.	Sep 30, 1999	Oct 28, 1999
	(2) Land area and the air space, up to 1,500 feet.	Oct 29, 1999	Oct 31, 2001
	(3) Land area	Nov 1, 2001	
Egypt	(1) Total land area, inland waters, coastal waters and the territorial airspace thereover	Feb 6, 1991	Dec 31, 1991
	(2) Land area.	Jan 29, 1997	
El Salvador	(1) Land area.	Oct 1, 1983	Jul 14, 1997
	(2) Land area, except Compalapa International Airport and Ilopango Air Base.	Jul 15, 1997	May 31, 2001
Eritrea	Land	Jul 31, 2002	
Ethopia	Land area.	Sep 13, 1999	
Georgia, Republic of	(1) Land area of Georgia and Abkhazia lying north of 42 degrees north latitude and west of 43 degrees east longitude.	Jan 28, 1997	Jul 30, 2002
	(2) Land area	Jul 31, 2002	

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

DESIGNATED HOSTILE FIRE OR IMMINENT DANGER PAY AREAS (notes 1 through 4)			
AREA	**INCLUDES**	**EFFECTIVE**	**TERMINATED**
Greece	(1) Land area within a 14-km radius from the center of Athens (37-58 N, 23-43 E).	Jan 29, 1997	
	(2) Land area of Souda Bay (all military installations and facilities including the port of Souda Bay); land area within a 25 km radius from the center of Thessaloniki (40degrees 27 minutes north, 22 degrees 59 minutes east), and the waters of Thermaikos Kolpos (Gulf of Salonika) north of 40 degrees 15 minutes north.	May 31, 1999	Sep 15, 1999
Haiti	(1) Total land area and airspace and the surround- ing seas inside the area of 16-30N, 71-40W to 18-00N, 71-45W; along the Haiti – Dominican Republic border to 20-00N, 71-44W to 21-00N, 71-40W to 21-25N, 73-00W to 21-25N, 74-00W to 20-00N, 74-00W to 19-45N, 75-00W to 19-00N, 76-00W.	Sep 16, 1994	Nov 22, 1994
	(2) Land area.	Nov 23, 1994	
Hungary	Land area within a 50 km radius of Taszar (46 degrees 23 minutes north, 17 degrees 55 minutes east).	May 31, 1999	Sep 15, 1999
Indonesia	Land area	Oct 31, 2001	
Ionian Sea	Those portions of the sea area and airspace that lie north of 39N.	Apr 12, 1999	Sep 15, 1999
Iran	Land area.	Nov 4, 1979	
Iraq	Land area and airspace.	Sep 17, 1990	
Israel	(1) Total land area, inland waters, coastal waters and the territorial airspace thereover.	Feb 6, 1991	Dec 31, 1991
	(2) Land area.	Jan 31, 2002	
Italy	Land areas of Aviano Air Base; Cervia Air Base; Gioia del Colle Air Base; Trapani Air Base; Vicenza (all military installations and facilities); San Vito Air Station; Brindisi (all military installations and facilities including the port of Naples); Sigonella; and August Bay (all military installations and facilities including the ports of Catania and Augusta Bay); Gaeta (all military installations and facilities including the port of Gaeta); and Bari (all military facilities).	May 31, 1999	Sep 15, 1999

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

DESIGNATED HOSTILE FIRE OR IMMINENT DANGER PAY AREAS (notes 1 through 4)			
AREA	INCLUDES	EFFECTIVE	TERMINATED
Jordan	(1) Total land area, inland waters, coastal waters and the territorial airspace thereover.	Feb 6, 1991	Dec 31, 1991
	(2) Land area.	Jan 29, 1997	
Kenya	Land area	Jul 31, 2002	
Kuwait	(1) Total land area, including airspace thereover.	Aug 25, 1987	Apr 1, 1989
	(2) Land area and airspace.	Aug 6, 1990	
Kyrgyzstan	Land area.	Sep 19, 2001	
Laos	Land area.	Dec 26, 1989	Jul 15, 1997
Lebanon	Land area.	Oct 1, 1983	
Liberia	Land area.	Aug 6, 1990	
Macedonia	Land area and airspace.	Jun 22, 1992	
Malaysia	Land area.	Oct 31, 2001	
★ Mediterranean Sea	(1) Those portions of the sea area that lie east of 30ºE. Only members assigned to duty in connection with Operation Iraqi Freedom qualify.	Mar 19, 2003	Apr 11, 2003
	(2) Those portions of the sea area that lie east of 30ºE.	Apr 11, 2003	Jul 31, 2003
Montenegro	Land area and airspace.	Jun 22, 1992	
Mozambique	(1) Total land area and airspace. Coastal waters are excluded.	Jun 22, 1992	Jan 28, 1997
	(2) Land area.	Jan 29, 1997	Feb 28, 1998
Oman	(1) Total land area and airspace.	Aug 2, 1990	Aug 31, 1993
	(2) Land area.	Sep 19, 2001	
Pakistan	(1) Total land area within 50 miles of Karachi (24-55 N, 67-00 E).	Oct 24, 1995	Nov 28, 1996
	(2) Land area.	Nov 29, 1996	
Panama	Total land area, including inland waters, coastal waters and the airspace thereover.	Dec 20, 1989	Jan 30, 1990
Peru	Land area.	Apr 1, 1987	Dec 31, 2001
Philippines	(1) Total land area, including inland and coastal waters. Airspace thereover is excluded. Effective June 1, 1990, inland and coastal waters are excluded.	May 15, 1990	Nov 30, 1991
	(2) Land area.	Oct 31, 2001	

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

DESIGNATED HOSTILE FIRE OR IMMINENT DANGER PAY AREAS (notes 1 through 4)			
AREA	**INCLUDES**	**EFFECTIVE**	**TERMINATED**
Qatar	(1) Total land area and airspace.	Aug 2, 1990	Aug 31, 1993
	(2) Land area and airspace.	Aug 7, 1997	
Rwanda	Land area.	Oct 6, 1997	
Saudi Arabia	Land area and airspace.	Aug 2, 1990	
Serbia	Land area and airspace (includes the provinces of Vojvodina and Kosovo).	Jun 22, 1992	
Sierra Leone	Land area.	Jul 18, 1997	
Slovenia	Total land area and airspace. Coastal waters are excluded.	Jun 22, 1992	Sep 29, 1995
Somalia	Land area and airspace.	Sep 28, 1992	
Sudan	Land area and airspace.	Oct 4, 1993	
Syria	(1) Total land area, inland waters, coastal waters and the territorial airspace thereover.	Feb 6, 1991	Dec 31, 1991
	(2) Land area.	Jul 31, 2003	
Tajikistan	Land area.	Mar 31, 1997	
Turkey	(1) Total land area, inland waters, coastal waters and the territorial airspace thereover.	Feb 6, 1991	Sep 29,1995
	(2) Total land area and inland waters. Airspace and coastal waters are excluded.	Sep 30, 1995	Jan 28, 1997
	(3) Land area, excluding the Turkish Straits (i.e., the Dardanelles, the Sea of Marmara, and the Bosporus Straits).	Jan 29, 1997	Feb 28, 1998
	(4) Land area, excluding the Turkish Straits (i.e., the Dardanelles, the Sea of Marmara, and the Bosporus Straits) and including the limited airspace south of 37-45N and east of 43-00E.	Mar 1, 1998	
Uganda	Land area.	Jan 19, 2000	
United Arab Emirates (UAE)	(1) Total land area and airspace.	Aug 2, 1990	Aug 31, 1993
	(2) Land area.	Sep 19, 2001	
Uzbekistan	Land area.	Sep 19, 2001	

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

DESIGNATED HOSTILE FIRE OR IMMINENT DANGER PAY AREAS (notes 1 through 4)			
AREA	**INCLUDES**	**EFFECTIVE**	**TERMINATED**
Vietnam	(1) Total land area of North and South Vietnam, including inland waters and the adjacent sea area west of a line from a point on the east coast of Vietnam at the juncture of North Vietnam and China southeastward to a point 12 miles seaward from the base line from which the breadth of the territorial sea is measured; then continuing on that 12 mile seaward line to 10-16N, 103-38E; thence northeast to 10-21N, 103-44E; thence on straight lines to 10-23N, 103-49E; 10-26N, 103-54E; 10-30N, 103-55E; 10-30N, 104-01E; 10-28N, 104-06E; 10-16N, 104-14E; thence northeast to the juncture of the Cambodia and Vietnam border, and the airspace thereover.	Oct 1, 1973	Jan 28, 1997
	(2) Land area and the adjacent sea area west of a line from a point on the east coast of Vietnam at the juncture of Vietnam and China southeastward to a point 12 miles seaward from the base line from which the breadth of the territorial sea is measured; then continuing on that 12 mile seaward line to 10-16N, 103-38E; thence northeast to 10-21N, 103-44E; thence on straight lines to 10-23N, 103-49E; 10-26N, 103-54E; 10-30N, 103-55E; 10-30N, 104-01E; 10-28N, 104-06E; 10-16N, 104-14E; thence northeast to the juncture of the Cambodia and Vietnam border.	Jan 29, 1997	Jul 15,1997
Yemen	(1) Land area and airspace.	Aug 2, 1990	Feb 28, 1998
	(2) Land area.	May 25, 1999	
Yugoslavia, Federal Republic of see also: Montenegro and Serbia	Land area and airspace of the republics of Montenegro and Serbia.	Jun 22, 1992	
Zaire	Land area.	Nov 29, 1996	

NOTES:

1. The designation of a land area encompasses all internal waters, unless otherwise noted. For HFP/IDP purposes, the term "internal waters" is defined as waters landward of the baseline drawn in accordance with international law.
2. The designation of a water area (such as the Persian Gulf) includes the territorial seas of those waters, but not the internal waters of the coastal lands. For example, all waters of the Persian Gulf seaward of the baseline of the coastal states, drawn in accordance with international law, would be included in the Persian Gulf designation.
3. Unless otherwise specifically indicated, airspace is NOT part of the included area. When airspace is specifically included, it will normally be that space directly vertically above the approved land or sea area
4. This figure reflects all designated areas, which were active within the last 10 years.

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

★CHAPTER 11

SPECIAL PAY–DIVING DUTY

1101 ENTITLEMENT

110101. Members entitled to basic pay are entitled to special pay for diving duty for periods during which they are:

A. Assigned by orders to diving duty;

B. Required to maintain proficiency as a diver by frequent and regular dives; and

C. They are either:

1. Actually performing diving duty while serving in an assignment for which diving is a primary duty; or

2. Meeting the requirements to maintain proficiency as described in subparagraph 110101.B while serving in an assignment that includes diving duty other than as a primary duty.

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

110103. Situations or conditions which further affect entitlement to diving duty pay are contained in section 1103 and Tables 11-1 through 11-9.

1102 QUALIFICATIONS FOR DIVING DUTY

110201. Army. Except as noted in Tables 11-1 and 11-2, an Army member must be a rated diver in accordance with AR 611-75 (reference (ab)) and be assigned to:

A. A Table of Organization and Equipment or Table of Distribution and Allowance position in Skill Classification/Military Occupational Specialty, Special Qualification Identifier, or Additional Skill Identifier specified in AR 611-75; or

B. A position designated as diving duty by the Deputy Chief of Staff Personnel.

110202. Navy and Marine Corps. Members must be designated divers, be assigned to diving duty under competent orders, and maintain their qualifications for diving.

110203. Air Force. Members must:

A. Successfully complete an approved DoD course for underwater swimmers,

B. Be under orders for diving duty as authorized by the major air command,

C. Meet the other qualification standards prescribed by current Air Force instructions.

1103 RATES PAYABLE

110301. Officers. Officers assigned to diving duty are entitled to special pay for diving duty at a rate of not more than $240 per month.

110302. Enlisted Members. Enlisted members assigned to diving duty are entitled to special pay for diving duty at a rate of not more than $340 per month.

110303. Specific Rates Payable. See Tables 11-1 through 11-8.

1104 CONDITIONS OF ENTITLEMENT

See Table 11-1.

1105 RESTRICTION ON PAYMENT

110501. Diving Duty Pay and Hazardous Duty Incentive Pay. When assigned by orders to both diving duty and hazardous duty for the same period, a member may be paid special pay for diving duty and not more than two incentive payments for hazardous duty from among those listed in Chapter 22, section 2201 and Chapter 24.

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

DIVING DUTY PAY RATES -- ARMY ENLISTED (note 1)		
RULE	A	B
	If an Army enlisted member is	**then the member is entitled to diving pay at the monthly rate of**
1	assigned to diving duty under instruction at an approved Armed Services diving school (note 2)	$110
2	master diver	$ 340
3	diver first class	$ 215
4	salvage diver	$ 175
5	diver second class	$ 150
6	combat diver (note 3)	$ 215

NOTES:
1. Except as otherwise noted, entitlement commences on the date of assignment to diving duty under a listed category after graduation from the requisite diving course.
2. Entitlement commences on the date of first dive and continues through the date dropped from the course or the date of graduation, whichever is earlier.
3. The combat diver rating applies to members serving primarily in Special Operations Forces (SOF) units who are assigned to positions that require Special Forces Underwater Operations Systems qualifications and who hold a combat diver rating in accordance with AR 611-75 (reference (ab)).

★Table 11-1. Diving Duty Pay Rates -- Army Enlisted

DIVING DUTY PAY RATES -- ARMY OFFICERS (note 1)			
RULE	A	B	C
	If an army officer is	**and has a special identifying code of**	**Then the officer is entitled to diving pay at the monthly rate of**
1	assigned to diving duty under instruction at an approved Armed Services diving school (note 2)		$110
2	marine diving officer	ASI 5V	$ 240
3	combat diver (note 3)		$ 215

NOTES:
1. Except as otherwise noted, entitlement commences on the date of assignment to diving duty under a listed category after graduation from the requisite diving course.
2. Entitlement commences on the date of first dive and continues through the date dropped from the course or the date of graduation, whichever is earlier.
3. The combat diver rating applies to members serving primarily in Special Operations Forces (SOF) units who are assigned to positions that require Special Forces Underwater Operations Systems qualifications and who hold a combat diver rating in accordance with AR 611-75 (reference (ab)).

★Table 11-2. Diving Duty Pay Rates -- Army Officers

DIVING DUTY PAY—CONDITIONS OF ENTITLEMENT

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

NOTES:

1. If the member is removed from diving duty, or the member's qualifications lapse during this period, the member's entitlement to diving duty pay terminates on the date removed from diving duty or the date qualifications lapse.
2. If a member is reassigned PCS and takes leave en route, diving duty pay will continue to accrue up to 30 days if the member has otherwise met the requirements for diving duty pay.

★Table 11-9. Diving Duty Pay--Conditions of Entitlement

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SPECIAL PAY - HARDSHIP DUTY

1701 Entitlement

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CHAPTER 17

SPECIAL PAY - HARDSHIP DUTY

1701 ENTITLEMENT

170101. General Provisions. Hardship Duty Pay (HDP) supersedes foreign duty pay (FDP). Hardship Duty Pay was established effective February 4, 1999, and FDP was terminated effective February 3, 1999. Hardship Duty Pay is payable to members entitled to basic pay, at a monthly rate not to exceed $300, while the member is performing duty designated by the Secretary of Defense as hardship duty. The Secretary of Defense has established that HDP shall be paid to members for performing a designated hardship mission, when assigned to a designated location and/or, when serving on a designated involuntary extension of duty. The approved HDP missions, locations, and involuntary extensions of duty requirements and the applicable HDP rates are provided in this chapter. Except as noted under restrictions, HDP rates are payable in addition to all other pays and allowances.

170102. Mission Assignment Entitlement. Hardship Duty Pay for Mission Assignment (HDP-M) is payable to members, both officer and enlisted, for performing designated hardship missions. Hardship Duty Pay for Mission Assignment is payable at the full monthly rate, without prorating or reduction, for each month, during any part of which, the member performs a specified mission. Active and Reserve Component members who qualify, at any time during a month, shall receive the full amount of HDP-M regardless of the period of time on active duty or the number of days they receive basic pay during the month. A member assigned to, on temporary duty with, or otherwise under the operational control of the Defense Prisoner of War/Missing Personnel Office, the Joint Task Force-Full Accounting, or the Central Identification Lab-Hawaii may qualify for HDP-M based on performance of a hardship mission. Members so assigned are entitled for each month in which they perform investigative or remains recovery duty in a remote, isolated area (including, but not limited to, areas in Laos, Cambodia, Vietnam and North Korea) for recovery of U.S. service member remains.

170103. Location Assignment Entitlement. Hardship Duty Pay for Location Assignment (HDP-L) is payable to members for either permanent change of station duty or temporary/deployed/attached duty of over 30 days duration in specified locations. Effective January 1, 2001, there are two mutually exclusive types of HDP-L.

A. Hardship Duty Location Pay for Designated Areas (HDP-L(DA)) is payable to both officer and enlisted members when assigned to duty in the locations designated in Figure 17-1, under the conditions set forth in Table 17-1.

B. Hardship Duty Location Pay for Certain Places (HDP-L(CP)) is payable only to enlisted members when assigned to duty in the locations designated in Figure 17-2, under the conditions set forth in Table 17-2.

170104. Involuntary Extension of Duty Entitlement. Hardship Duty Pay for involuntary extension of duty is payable only to members assigned or attached to specific units deployed to the Iraqi area of operations. The only qualifying units are those specifically

identified by the Combatant Commander for this purpose. Hardship Duty Pay for involuntary extension of duty is payable in addition to other HDP types as long as the total does not exceed a monthly rate of $300. There are two independent qualifying effective dates with criteria as follow:

A. Effective January 20, 2004, the Principal Deputy Under Secretary of Defense, Personnel and Readiness (PDUSD (P&R)) authorized HDP for members assigned or attached to specified units identified by the Combatant Commander as having been required to remain in Iraq beyond the normal 12-month rotation return date. Additionally, the individual member must have been deployed to Iraq (including staging time in Kuwait) and/or Afghanistan for 12 months within a 15-month period (365 days out of 450 days). NOTE: The authority issued on January 20, 2004, was rescinded. The policy was replaced, with no material changes, by PDUSD(P&R) policy memorandum dated April 12, 2004.

B. Effective April 22, 2004, the PDUSD(P&R) authorized HDP for members assigned to theater units not based in Iraq, who routinely conduct operations in Iraq or support units that conduct operations in Iraq. The only qualifying units are those specified by the Combatant Commander as having been involuntarily extended beyond the normal 12-month rotation return date. Additionally, the individual member must have been deployed to Iraq (including staging time in Kuwait) and/or Afghanistan and/or the location of the unit for 12 months within a 15-month period (365 days out of 450 days).

1702 RATES PAYABLE

170201. Mission Assignment Rates. Hardship Duty Pay-M is payable to all members at the rate of $150 per month regardless of pay grade.

170202. Location Assignment Rates. Hardship Duty Pay-L is payable as follows:

A. Hardship Duty Location Pay for Designated Areas is payable to all members, regardless of pay grade, at the rates shown in Figure 17-1.

B. Hardship Duty Location Pay for Certain Areas is payable only to enlisted members at the rates listed below.

Grade	Monthly Rates
E-9	$22.50
E-8	22.50
E-7	22.50
E-6	20.00
E-5	16.00
E-4	13.00
E-3	9.00
E-2	8.00
E-1	8.00

170203. Involuntary Extension of Duty Rates. Hardship Duty Pay for involuntary extension of duty is payable at a monthly rate of $200. It is not to be prorated for partial months, but will be payable in the full $200 amount for any month during which the member meets qualifying criteria.

1703 RESTRICTIONS ON PAYMENT

170301. General Restrictions

A The maximum total HDP (HDP-L, HDP-M and HDP for involuntary extension of duty) that may be paid to an individual member in any one month is $300.

B. The maximum total HDP-M that may be paid to an individual member in any one month is $150.

C. The maximum total HDP-L that may be paid to an individual member in any one month is $150.

D. The maximum total HDP for involuntary extension of duty that may be paid to an individual member in any one month is $200.

170302. Location Assignment Restrictions. Prorate or restrict payment of HDP-L in accordance with the following guidance.

A. Hardship Duty Pay-L entitlement ends:

1. On the day the member departs the station as a result of permanent change of station reassignment;

2. On the last day of the effective period as stated in Figures 17-1 and 17-2 (except as provided in subparagraph 170302.B, below); or

3. On the day specified in Tables 17-1 and 17-2 for specific situations.

B. Hardship Duty Pay-L(CP) entitlement began to phase out on January 1, 2002. On December 31, 2001, all locations in Figure 17-2 were closed. Only enlisted members assigned to those locations on that date individually will have rate protection. Within the rules of Table 17-2, those personnel will continue to receive HDP-L(CP) until they depart from the station as a result of permanent change of station reassignment.

C. Hardship Duty Pay-L(CP) is not payable to members who are residents of a designated hardship duty location while serving on otherwise qualifying duty within that state, possession, or foreign country. A member's residence shall be the same as the member's designated legal residence for income tax purposes.

D. Hardship Duty Pay-L(CP) is not payable to midshipmen, aviation cadets, or academy cadets.

E. Hardship Duty Pay-L(CP) is not payable to members receiving career sea pay for the same period of service.

F. Hardship Duty Pay-L(CP) is not payable for any period a member is in a non-pay status.

HARDSHIP DUTY LOCATION PAY FOR DESIGNATED AREAS-(notes 1 and 2)

Designated Location	Rates	Effective Dates	
		From	Through
Afghanistan	$100	November 1, 2001	
Alaska:			
Annette Island	$150	July 11, 2002	
Area above 66°33'N latitude	$150	January 1, 2001	
Attu	$150	November 1, 2001	
Eareckson AS	$150	July 1, 2002	
Fort Greely	$150	October 1, 2002	
Port Clarence	$150	November 1, 2001	
Shoal Cove	$150	November 1, 2001	
St. Paul	$150	November 1, 2001	
Tok	$150	November 1, 2001	
Unalaska	$150	November 1, 2001	
Other	$0	January 1, 2001	
Albania	$150	April 1, 2002	
Algeria	$50	April 1, 2005	
★American Samoa	$50	June 15, 2005	
Angola:			
Luanda	$100	July 1, 2003	
Other	$0	July 1, 2003	
Antarctic Region (below 60° S latitude)	$150	January 1, 2001	
Antigua AS	$50	April 18, 2002	
Arctic Region (above 66°33' N latitude)	$150	January 1, 2001	
Armenia	$150	January 1, 2001	
Ascension AAF	$150	April 18, 2002	
Australia:			
Alice Springs	$50	January 1, 2001	
Learmonth Solar Observatory (Western Australia)	$50	July 11, 2002	
Other	$0	January 1, 2001	
Azores, Portugal			
Lajes Field	$50	January 1, 2001	January 31, 2004
Ponta Delgada	$0	January 1, 2001	January 31, 2004
Other	$50	January 1, 2001	January 31, 2004
ALL	$50	February 1, 2004	
Bahamas:			
Andros Island	$50	January 1, 2001	
Other	$0	January 1, 2001	
Bangladesh	$150	January 1, 2001	
Barbados	$50	October 14, 2001	
Belarus	$150	January 1, 2001	
Belize:			
Belize City	$100	January 1, 2001	December 31, 2001
	$50	January 1, 2002	January 31, 2004
	$100	February 1, 2004	
Other	$150	January 1, 2001	December 31, 2001
	$100	January 1, 2002	January 31, 2004
	$150	February 1, 2004	

Figure 17-1. Hardship Duty Location Pay for Designated Areas

HARDSHIP DUTY LOCATION PAY FOR DESIGNATED AREAS-(notes 1 and 2)			
		Effective Dates	
Designated Location	Rates	From	Through
Benin	$100	January 1, 2001	
Bolivia:			
Cochabamba	$50	January 1, 2001	
La Paz	$100	January 1, 2001	
Santa Cruz	$50	January 1, 2001	
Other	$100	January 1, 2001	
Botswana:			
Gaborone	$0	January 1, 2001	November 30, 2004
Selebi Phikwe & Others	$50	January 1, 2001	November 30, 2004
ALL	$50	December 1, 2004	
Brazil:			
Brazilia	$50	February 1, 2004	
Fortaleza, Ceara; Recife, Pernambuco: and the states of Amazonas, Goias, Maranhao, Mato Grosso, Mato Grosso do Sul, Para, Piaui, Rondonia, & Roriama	$50	January 1, 2001	
Rio de Janiero	$50	February 1, 2004	
Sao Paulo	$50	October 14, 2001	
Other	$0	January 1, 2001	
Brunei	$100	January 1, 2001	
Bulgaria			
Burgas	$100	August 5, 2003	January 31, 2004
Sofia	$100	January 1, 2001	January 31, 2004
Other	$50	January 1, 2001	January 31, 2004
ALL	$150	February 1, 2004	
Burkina	$150	January 1, 2001	
Burma	$150	January 1, 2001	
Burundi	$100	May 10, 2005	
Cambodia	$150	October 11, 2001	
Cameroon:			
Dschang	$100	January 1, 2001	
Yaounde & Other	$150	January 1, 2001	
Canada:			
Northwest Territory	$150	January 1, 2001	
Other	$0	January 1, 2001	
Cape Verde	$150	January 1, 2001	
Central African Republic	$150	January 1, 2001	
Chad	$150	January 1, 2001	
Chagos Archipelago:			
Diego Garcia	$150	January 1, 2001	
Other	$50	January 1, 2001	

Figure 17-1. Hardship Duty Location Pay for Designated Areas (Continued)

HARDSHIP DUTY LOCATION PAY FOR DESIGNATED AREAS-(notes 1 and 2)			
		Effective Dates	
Designated Location	Rates	From	Through
China:			
Beijing, Shanghai, & Others	$100	January 1, 2001	January 31, 2004
Beijing & Others	$150	February 1, 2004	
Chengdu, Shenyang, Guangzhou	$150	January 1, 2001	
Hong Kong	$0	August 1, 2003	January 31, 2004
	$50	February 1, 2004	
Shanghai	$100	February 1, 2004	
Colombia	$50	December 1, 2001	
Congo:			
Brazzaville	$150	January 1, 2001	
Other	$100	January 1, 2001	
★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	January 1, 2001	November 30, 2004
Other	$50	January 1, 2001	November 30, 2004
ALL	$50	December 1, 2004	
Cote D'Ivoire	$150	January 1, 2001	May 31, 2003
	$100	June 1, 2003	
Cuba:			
Guantanamo Bay & Other	$50	January 1, 2001	
Havana	$150	January 1, 2001	
Cyprus:			
Nicosia	$0	January 1, 2001	
Other	$50	January 1, 2001	
Djibouti	$150	January 1, 2001	July 31, 2002
	$100	August 1, 2002	
Dominican Republic	$100	January 1, 2001	November 30, 2004
	$150	December 1, 2004	
East Timor	$150	October 11, 2001	October 31, 2001
	$100	November 1, 2001	
Ecuador	$100	January 1, 2001	
Egypt			
Cairo West Air Base	$100	August 5, 2003	
Other	$50	August 5, 2003	
ALL	$50	January 18, 2002	August 4, 2003
El Salvador:			
San Salvador	$150	June 1, 2001	
Other	$0	June 1, 2001	November 30, 2004
	$50	December 1, 2004	

Figure 17-1. Hardship Duty Location Pay for Designated Areas (Continued)

HARDSHIP DUTY LOCATION PAY FOR DESIGNATED AREAS-(notes 1 and 2)			
Designated Location	Rates	Effective Dates	
		From	Through
Eritrea	$150	January 1, 2001	July 31, 2002
	$100	★August 1, 2002	
Estonia	$50	January 1, 2001	
Ethiopia	$100	January 18, 2002	
Fiji	$50	January 1, 2001	January 31, 2004
	$100	February 1, 2004	
Gabon:			
Libreville	$100	January 1, 2001	
Other	$150	January 1, 2001	
Gambia	$150	January 1, 2001	
Georgia:			
Abkhazia region (land area of Georgia and Abkhazia north of 42°N. latitude and west of 43°E. longitude)	$0	January 1, 2001	July 30, 2002
Other	$150	January 1, 2001	July 30, 2002
ALL	$100	July 31, 2002	
Ghana	$150	January 1, 2001	
Greece:			
Kavala Relay Station	$50	January 1, 2001	November 30, 2004
	$100	December 1, 2004	
Other (includes Rhodes & Souda Bay, Crete)	$0	January 1, 2001	
Greenland	$150	January 1, 2001	
Grenada	$50	January 1, 2001	
Guatemala			
Guatemala City	$50	February 1, 2004	
Other	$100	February 1, 2004	
ALL	$50	January 1, 2001	January 31, 2004
Guinea	$150	January 1, 2001	
Guinea Bissau	$150	January 1, 2001	
Guyana	$150	January 1, 2001	
Haiti	$100	December 1, 2001	
Honduras	$100	January 1, 2001	
Hungary:			
Budapest	$0	January 1, 2001	
Other	$50	January 1, 2001	
Iceland:			
Keflavik-Grindavik & Other	$50	January 1, 2001	
Reykjavik	$0	January 1, 2001	

Figure 17-1. Hardship Duty Location Pay for Designated Areas (Continued)

HARDSHIP DUTY LOCATION PAY FOR DESIGNATED AREAS-(notes 1 and 2)			
		Effective Dates	
Designated Location	Rates	From	Through
India			
Calcutta, New Delhi & Other	$150	January 1, 2001	January 31, 2004
Chennai	$100	January 1, 2001	January 31, 2004
Mumbai	$100	January 1, 2001	October 13, 2001
	$150	October 14, 2001	January 31, 2004
ALL	$150	February 1, 2001	
Indonesia			
Jakarta	$50	January 1, 2001	October 13, 2001
	$150	October 14, 2001	October 31, 2001
Surabaya	$100	January 1, 2001	October 13, 2001
	$150	October 14, 2001	October 31, 2001
Other	$100	January 1, 2001	October 31, 2001
ALL	$100	November 1, 2001	
Iraq	$100	March 31, 2003	
Israel			
Jerusalem	$50	January 1, 2001	March 30, 2003
Tel Aviv	$50	October 14, 2001	March 30, 2003
Other	$0	January 1, 2001	March 30, 2003
ALL	$50	March 31, 2003	
Jamaica:			
Kingston	$50	January 1, 2001	
Other	$0	January 1, 2001	
Johnston Island	$150	January 1, 2001	
Jordan:			
King Faisal AirBase, Prince Hasan, Shaheed	$100	July 1, 2003	
Other	$50	January 18, 2002	
Kazakstan	$150	January 1, 2001	
Kenya:			
Nairobi	$150	January 1, 2001	December 31, 2001
	$100	January 1, 2002	May 22, 2002
Other	$50	January 1, 2001	May 22, 2002
ALL	$100	May 23, 2002	
Korea, Democratic Republic of	$150	January 1, 2001	

Figure 17-1. Hardship Duty Location Pay for Designated Areas (Continued)

HARDSHIP DUTY LOCATION PAY FOR DESIGNATED AREAS-(notes 1 and 2)

Designated Location	Rates	Effective Dates	
		From	Through
Korea, Republic of:			
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, Gimbols 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	
Kuwait			
Kuwait City	$0	January 18, 2002	March 30, 2003
Other	$50	January 18, 2002	March 30, 2003
ALL	$100	March 31, 2003	
Kyrgyzstan	$150	January 1, 2001	October 31, 2001
	$100	November 1, 2001	
Laos	$150	January 1, 2001	
Latvia	$50	January 1, 2001	
Lebanon	$50	February 14, 2002	November 30, 2004
	$100	December 1, 2004	
Lesotho	$100	January 1, 2001	November 30, 2004
	$150	December 1, 2004	
Liberia:			
Monrovia	$100	August 25, 2003	
Other	$0	August 25, 2003	
Lithuania	$50	January 1, 2001	
Madagascar	$150	January 1, 2001	
Malawi	$100	January 1, 2001	November 30, 2004
	$150	December 1, 2004	

Figure 17-1. Hardship Duty Location Pay for Designated Areas (Continued)

HARDSHIP DUTY LOCATION PAY FOR DESIGNATED AREAS-(notes 1 and 2)			
		Effective Dates	
Designated Location	Rates	From	Through
Malaysia	$50	October 14, 2001	
Mali	$150	January 1, 2001	
Marshall Islands:			
Kwajalein Atoll & Other	$50	January 1, 2001	
Majuro	$100	January 1, 2001	
Mauritania	$150	January 1, 2001	
Mauritius	$50	January 1, 2001	
Mexico:			
Ciudad Juarez	$50	October 14, 2001	
Matamoros (Tamaulipas State)	$50	December 1, 2004	
Merida	$50	January 1, 2001	
Mexico City	$50	January 1, 2001	January 31, 2004
	$100	February 1, 2004	
Monterrey	$50	January 1, 2001	April 30, 2004
	$0	May 1, 2004	
Nuevo Laredo	$50	February 1, 2004	
Tapachula	$100	January 1, 2001	
Tuxtia Gutierrez	$50	January 1, 2001	
Other	$0	January 1, 2001	
Micronesia, Federated States of:			
Chuuk, Pohnpei & Yap	$100	January 1, 2001	November 30, 2004
Kosrae	$150	January 1, 2001	November 30, 2004
Other	$50	January 1, 2001	November 30, 2004
ALL	$150	December 1, 2004	
Moldova	$150	January 1, 2001	
Mongolia	$150	January 1, 2001	
Mozambique	$150	January 1, 2001	
Namibia:			
Windhoek	$0	January 1, 2001	
Other	$50	January 1, 2001	
Nepal	$150	January 1, 2001	
Nicaragua			
Managua	$50	January 1, 2001	October 13, 2001
	$100	October 14, 2001	January 31, 2004
Other	$100	January 1, 2001	January 31, 2004
ALL	$150	February 1, 2004	
Niger	$150	January 1, 2001	
Nigeria	$150	January 1, 2001	
Oman:			
Muscat	$50	January 1, 2001	
Other	$150	January 1, 2001	March 31, 2002
	$100	April 1, 2002	

Figure 17-1. Hardship Duty Location Pay for Designated Areas (Continued)

HARDSHIP DUTY LOCATION PAY FOR DESIGNATED AREAS-(notes 1 and 2)			
Designated Location	Rates	Effective Dates	
		From	Through
Pakistan	$100	November 1, 2001	
Palau	$50	January 1, 2001	
Panama:			
Panama City	$0	January 1, 2001	
Other	$50	January 1, 2001	
Papua New Guinea	$150	January 1, 2001	
Paraguay	$50	January 1, 2001	
Peru	$150	January 1, 2002	
Philippines	$100	January 1, 2001	
Poland	$50	January 1, 2001	
Puerto Rico:			
Vieques Island	$50	December 10, 2002	
Other	$0	December 10, 2002	
Quatar:			
Al Udeid AB, Camp Snoopy and Camp As Syliyah	$50	April 1, 2002	
Other	$0	April 1, 2002	
Romania			
Bucharest	$150	January 1, 2001	April 30, 2004
Other	$100	January 1, 2001	April 30, 2004
ALL	$100	May 1, 2004	November 30, 2004
	$150	December 1, 2004	
Russia:			
Khabarovsk, Vladivostok & Yekaterinburg	$150	January 1, 2001	
Moscow, St. Petersburg & Other	$100	January 1, 2001	October 13, 2001
Moscow	$100	October 14, 2001	
St. Petersburg	$100	October 14, 2001	November 30, 2004
	$150	December 1, 2004	
Other	$150	October 14, 2001	
Rwanda	$100	April 1, 2005	
Samoa (formerly Western Samoa, does not include American Samoa)	$50	January 1, 2001	October 13, 2001
	$100	October 14, 2001	
Sao Tome and Principe	$150	January 1, 2001	
Saudi Arabia:			
Ar'ar Airport	$100	August 5, 2003	
Tabuk Air Base	$100	August 5, 2003	
Other	$0	August 5, 2003	
Senegal:			
Dakar	$100	January 1, 2001	
Other	$50	January 1, 2001	
Sierra Leone	$100	June 23, 2004	
Slovakia	$50	December 1, 2004	
Solomon Islands	$100	January 1, 2001	

Figure 17-1. Hardship Duty Location Pay for Designated Areas (Continued)

HARDSHIP DUTY LOCATION PAY FOR DESIGNATED AREAS-(notes 1 and 2)

Designated Location	Rates	Effective Dates	
		From	Through
South Africa			
Durban	$50	December 1, 2004	
Johannesburg	$50	December 1, 2004	
Pretoria	$50	December 1, 2004	
Other	$0	December 1, 2004	
Spain:			
El Ferrol	$50	January 1, 2001	
Other	$0	January 1, 2001	
Sri Lanka			
Colombo	$100	January 1, 2001	October 13, 2001
Other	$150	January 1, 2001	October 13, 2001
ALL	$150	October 14, 2001	
Suriname	$100	January 1, 2001	January 31, 2004
	$150	February 1, 2004	
Syria			
Damascus	$100	January 1, 2001	July 30, 2003
Other	$150	January 1, 2001	July 30, 2003
ALL	$100	July 31, 2003	
Taiwan			
Kaohsiung	$100	February 1, 2004	
Taipei	$100	February 1, 2004	
Other	$150	February 1, 2004	
ALL	$50	January 1, 2001	January 31, 2004
Tajikistan	$100	November 1, 2001	
Tanzania			
Dar es Salaam	$150	January 1, 2001	January 31, 2004
Other	$100	January 1, 2001	January 31, 2004
ALL	$150	February 1, 2004	
Thailand:			
Bangkok & Chiang Mai	$50	January 1, 2001	
Udorn & Other	$50	January 1, 2001	January 31, 2004
	$100	February 1, 2004	November 30, 2004
	$150	December 1, 2004	
Songkhla	$100	January 1, 2001	
Togo	$150	January 1, 2001	
Trinidad and Tobago:			
Port of Spain	$50	January 1, 2001	
Other	$0	January 1, 2001	
Tunisia	$50	January 1, 2001	

Figure 17-1. Hardship Duty Location Pay for Designated Areas (Continued)

HARDSHIP DUTY LOCATION PAY FOR DESIGNATED AREAS-(notes 1 and 2)			
		Effective Dates	
Designated Location	Rates	From	Through
Turkey:			
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	
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	$100	June 23, 2004	
Ukraine	$150	January 1, 2001	
United Arab Emirates:			
Dubai	$0	January 1, 2001	
Abu Dhabi	$50	January 1, 2001	
Other	$100	January 1, 2001	
Uzbekistan	$150	January 1, 2001	October 31, 2001
	$100	November 1, 2001	
Venezuela	$50	January 1, 2001	January 31, 2004
	$100	February 1, 2004	
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	$50	January 18, 2002	January 31, 2004
	$100	February 1, 2004	

Figure 17-1. Hardship Duty Location Pay for Designated Areas (Continued)

HARDSHIP DUTY LOCATION PAY FOR DESIGNATED AREAS-(notes 1 and 2)			
		Effective Dates	
Designated Location	Rates	From	Through
Zambia:			
Lusaka	$100	January 1, 2001	
Other	$150	January 1, 2001	
Zimbabwe:			
Harare	$0	January 1, 2001	October 13, 2001
	$50	October 14, 2001	July 31, 2003
	$150	August 1, 2003	
Other	$50	January 1, 2001	

NOTES:

1. All members on qualifying duty at places within the listed country, state, or region are entitled to HDP-L(DA). Only land areas are designated for hardship duty, except that any installations located on an ice shelf inside the Antarctic or Arctic Circle Regions is also included in the designation for that area.
2. The special pay is currently payable when ending date is not shown in "Through" column.

Figure 17-1. Hardship Duty Location Pay for Designated Areas (Continued)

HARDSHIP DUTY LOCATION PAY – CONDITIONS OF ENTITLEMENT FOR DUTY IN DESIGNATED AREAS				
RULE	**A**	**B**	**C**	**D**
	When an enlisted member or officer	**and**	**and**	**then hardship duty location pay for a designated area**
1	is assigned to permanent duty in a location designated by Figure 17-1 as a hardship duty area		reports PCS to the designated area	starts on day of arrival for duty (note 1).
2			leaves the designated area permanently	continues through day of departure (note 4).
3			is discharged and immediately re-enlists at the same duty station	continues to accrue.
4			is on authorized leave and remains within the designated area	
5		official status is accompanied	leaves the designated area temporarily to perform more than 30 days of operational flight duty, TDY/TAD, or for hospitalization in one or more designated areas	accrues at the higher area rate during the temporary assignment until return to the PDS (note 2).
6		official status is unaccompanied		accrues at the higher area rate during the first 30 days at the temporary assignment and then at the temporary area rate until return to the PDS (note 2).
7		official status is accompanied	leaves the designated area temporarily for reasons other than to perform more than 30 days of operational flight duty, TDY/TAD, or for hospitalization in one or more designated areas	continues to accrue.
8		official status is unaccompanied		continues for first 30 days.
9	is not assigned to permanent duty in a location designated by Figure 17-1 as a hardship duty area		is on operational flight duty, TDY/TAD, or hospitalized in one or more designated 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 3).
10	is entitled to hardship duty location pay for temporary assignment in an area designated by Figure 17-1 under rule 9 above		leaves the designated area temporarily to perform more than 30 days of operational flight duty, TDY/TAD, or for hospitalization in one or more designated 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 2 and 3).

Table 17-1. Hardship Duty Location Pay—Conditions of Entitlement for Duty in Designated Areas

HARDSHIP DUTY LOCATION PAY – CONDITIONS OF ENTITLEMENT FOR DUTY IN DESIGNATED AREAS				
RULE	**A**	**B**	**C**	**D**
	When an enlisted member or officer	**and**	**and**	**then hardship duty location pay for a designated area**
11	is entitled to hardship duty location pay for temporary assignment in an area designated by Figure 17-1 under rule 9 above		leaves the designated area temporarily for reasons other than to perform more than 30 days of operational flight duty, TDY/TAD, or for hospitalization in one or more designated areas	continues for first 30 days.
12			leaves the designated area permanently	continues through day of departure (note 4).
13	is otherwise entitled to hardship duty location pay for assignment in an area designated by 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.
14			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).
15			is in confinement as result of court-martial sentence	

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 and begins the count towards the 30-day entitlement criteria for those on temporary duty. Absences from a designated location of less than 24 hours do not break continuity. After March 30, 2003, for purposes of satisfying the requirement to perform more than 30 days of continuous duty in a designated location, a member on operational flight duty, temporary duty, 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. Any enroute TDY/TAD, travel time or leave will accrue hardship duty location pay at the PDS/prevailing area rate. Hardship Duty Pay 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.
3. 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.
4. Rule 2 applies when a medical evacuee has been reassigned on PCS from the designated area for medical treatment.
5. Non-judicial punishment does not result in loss of hardship duty pay.

Table 17-1. Hardship Duty Location Pay—Conditions of Entitlement for Duty in Designated Areas (Continued)

HARDSHIP DUTY LOCATION PAY—CONDITIONS OF ENTITLEMENT FOR DUTY AT CERTAIN PLACES			
RULE	**A**	**B**	**C**
	When an enlisted member	**and**	**then hardship duty location pay for duty at certain places**
1	is assigned to permanent duty in any of the certain places designated by Figure 17-2 as a hardship duty location	reports PCS to the designated place before January 1, 2002	starts on day of arrival for duty.
2		departs PCS from the designated place	continues through day of departure.
3		is discharged and immediately reenlists at the same duty station	continues to accrue.
4		is on authorized leave and remains in the vicinity of the PDS and within the designated place	
5		is on authorized leave outside the vicinity of the PDS whether within or outside a designated place	continues for first 30 days.
6		is on operational flight duty, TDY/TAD, or hospitalized in a location that is not a designated place (note 3)	
7		is on operational flight duty, TDY/TAD, or hospitalized in one or more designated places before January 1, 2002	continues to accrue (note 1).
8	is not assigned to permanent duty in any of the certain places designated by Figure 17-2 as a hardship duty location		accrues if the member remains for a continuous period of 8 days or more (including date of arrival and date of departure). Absences from designated locations of less than 24 hours do not break continuity.
9	is otherwise entitled to hardship duty pay for assignment in any of the certain places designated by Figure 17-2 as a hardship duty location	is in confinement awaiting trial by court-martial and is acquitted or has charges dismissed	accrues retroactive to first day of confinement.
10		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 2).
11		is in confinement as result of court-martial sentence	
12	is assigned to permanent duty in a ship whose primary mission is accomplished in port in any of certain places designated by Figure 17-2 as a hardship duty location	is receiving career sea pay	does not accrue.
13		is not receiving career sea pay and reports for duty at that place on or before December 31, 2001	accrues from date of reporting to the ship and continues or terminates under the same conditions enumerated in this table (note 4).

NOTES:

1. If, prior to January 1, 2002, a period of absence from the permanent duty station exceeds 30 days and the member has been ordered to duty at another designated location, hardship duty pay for certain places continues to accrue only if the member remains at the new location for 8 continuous days or more (including date of arrival and date of departure). Absences from a designated location of less than 24 hours do not break continuity.
2. Non-judicial punishment does not result in loss of hardship duty pay.
3. Rule 2 applies when a medical evacuee has been reassigned on PCS from the designated place for medical treatment.
4. When a ship's home port is first assigned or changed, hardship duty pay accrues from the date of ship's arrival at the home port which qualifies a member for such pay and terminates on date of ship's departure for new home port.

Table 17-2. Hardship Duty Location Pay—Conditions of Entitlement for Duty at Certain Places

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CHAPTER 18

SPECIAL PAY - CAREER SEA PAY

1801 GENERAL PROVISIONS

180101. Entitlement. A member who is entitled to basic pay is entitled to career sea pay (CSP) and career sea pay premium (CSP-P) while serving on sea duty under regulations prescribed by the Secretary concerned and the provisions of this chapter.

180102. Definitions

A. CSP. Career sea pay is special pay for recognition of the greater than normal rigors of assignment to sea duty.

B. CSP-P. Career sea pay premium is special pay that in addition to CSP and is paid for unusually long periods of continuous sea duty. A member entitled to career sea pay who has served 36 consecutive months of sea duty is also entitled to career sea pay premium for the 37th consecutive month and each subsequent consecutive month of sea duty served.

C. Sea Duty. For the purpose of entitlement to CSP and CSP-P, the term "sea duty" means duty performed by a member under orders meeting one of the following conditions:

1. While permanently assigned for duty to a ship, ship-based staff, or ship-based aviation unit and serving in a ship with a primary mission that is accomplished underway (includes ships designated as destroyer or submarine tenders). Periods when the member is on temporary duty, 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 in a ship with a primary mission that is accomplished underway (includes ships designated as destroyer or submarine tenders).

3. While permanently or temporarily assigned for duty to a ship or ship-based staff and serving in 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.

4. While serving as a member of the off-crew of a two-crewed submarine.

MONTHLY CAREER SEA PAY - EFFECTIVE OCTOBER 1, 2002 (ARMY MEMBERS)																		
Cumulative Years of Sea Duty (note)																		
Pay Grade	1 or less	Over 1	Over 2	Over 3	Over 4	Over 5	Over 6	Over 7	Over 8	Over 9	Over 10	Over 11	Over 12	Over 13	Over 14	Over 16	Over 18	Over 20
O-6				225	230		240	255	265	280	290	300	310		325	340	355	380
O-5				225				230	245	250	260	265			285	300	315	340
O-4				185	190	200	205	215	220		225		240		270	280	290	300
O-3				150	160	185	190	195	205	215	225		240		260	270	280	290
O-2				150	160	185	190	195	205	215	225		240		250	260	270	280
O-1				150	160	185	190	195	205	215	225		240		250	260	270	280
W-5	210			310	338	506	534				590	625	660		730			
W-4	210			310	338	506	534				590	625	660		730			
W-3	210			310	338	478	492	499	506	534	590	625	660		695			
W-2	210			310	338	464	471		478	534	576		625					
W-1	182	189	196	310	338	345	380	450	478	520	555							
E-9	130		156	328	347	425		458	477	490		503	516	555	588	620	646	
E-8	130		156	328	347	425		458	477	490		503	516	555	588	620	646	
E-7	130		156	328	347	425		458	477	490		503	516	555	588	620		
E-6	130		156	295	321	380	393	425		445			464	484	503	523	555	
E-5	65	78	156	295	321	380	393	425										
E-4	65	78	156	295	308													
E-3	50	60	120	150	160	170	190											
E-2	50	60	120	150	160	170												
E-1	50	60	120	150	160													

Note: If there is no amount under cumulative years of sea duty, the amount immediately to the left applies.

Table 18-3. Monthly Career Sea Pay Rates (Army Members) Effective October 1, 2002

MONTHLY CAREER SEA PAY - EFFECTIVE MAY 1, 1998 (AIR FORCE MEMBERS)																		
Cumulative Years of Sea Duty (note)																		
Pay Grade	1 or less	Over 1	Over 2	Over 3	Over 4	Over 5	Over 6	Over 7	Over 8	Over 9	Over 10	Over 11	Over 12	Over 13	Over 14	Over 16	Over 18	Over 20
O-6				225	230		240	255	265	280	290	300	310		325	340	355	380
O-5				225				230	245	250	260	265			285	300	315	340
O-4				185	190	200	205	215	220		225		240		270	280	290	300
O-3				150	160	185	190	195	205	215	225		240		260	270	280	290
O-2				150	160	185	190	195	205	215	225		240		250	260	270	280
O-1				150	160	185	190	195	205	215	225		240		250	260	270	280
E-9	100		120	175	190	350		375	390	400		410	420	450	475	520		
E-8	100		120	175	190	350		375	390	400		410	420	450	475	500	520	
E-7	100		120	175	190	350		375	390	400		410	420	450	475	500		
E-6	100		120	150	170	315	325	350		365			380	395	410	425	450	
E-5	50	60	120	150	170	315	325	350										
E-4	50	60	120	150	160													

Note: If there is no amount under cumulative years of sea duty, the amount immediately to the left applies.

★ Table 18-4. Monthly Career Sea Pay Rates (Air Force Members) Effective May 1, 1988

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AVIATOR RETENTION BONUS

★2001 ENTITLEMENT

An aviation officer, who makes a written agreement to remain on active duty in aviation service for at least 1 year, may be paid a retention bonus as provided in this chapter. The written agreement shall be executed during the period beginning January 1, 1989, and ending on December 31, 2005 and accepted by the Secretary of the Military Department concerned. An aviation officer eligible under this chapter is entitled to a retention bonus in addition to any other pay and allowances to which the officer is entitled.

2002 ELIGIBILITY REQUIREMENTS

200201. To qualify for an aviation bonus under this chapter, an officer shall:

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

B. Be in a pay grade below O-7 (although the Secretary of the Military Department concerned may establish more restrictive requirements);

C. Be qualified to perform operational flying duty; and

★ D. Have completed any active duty service commitment incurred for undergraduate aviator training, or be within one year of completing such commitment.

200202. Definitions of select terms used in this chapter are as follows:

A. Aviation Service. Aviation service is service performed by an officer (except a flight surgeon or other medical officer) while holding an aeronautical rating or designation or while in training to receive an aeronautical rating or designation.

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

2003 COMPUTATION

The amount of a retention bonus authorized under this chapter, for agreements submitted on or after October 1, 1999, may not be more than $25,000 for each year covered by the agreement to remain on active duty.

2004 TIME OF PAYMENT

200401. The term of the written agreement and the amount of payment may be prorated so long as an agreement does not extend beyond the date on which the officer would complete 25 years of aviation service.

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

200403. If a member dies before receiving the full amount of the bonus due (including contracted future year anniversary payments) and death is not caused by the member's misconduct, the remaining unpaid bonus balance is payable as a lump sum for inclusion in the settlement of the deceased member's final military pay account. If death is determined to be the result of the member's own misconduct, termination of future payments and proration or recoupment of the bonus, as applicable, shall be made in accordance with procedures established by the cognizant Military Department for members whose inability to complete a contracted period of service is voluntary or the result of misconduct.

2005 RECOUPMENT

200501. Recoupment of the unearned portion of the bonus is required on a pro rata basis if the officer who is receiving the payment fails to complete the total period of active duty specified in the agreement, as conditions and circumstances warrant.

200502. The amount established for recoupment is, for all purposes, a debt owed to the United States.

200503. A discharge in bankruptcy under Title 11 United States Code (U.S.C.) (reference (aj)), which is entered less than 5 years after the termination of an agreement under this section, does not discharge the member signing such agreement from a debt arising under such agreement or under section 2001.

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

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CHAPTER 22

AERIAL FLIGHTS

2201 HAZARDOUS DUTY INCENTIVE PAY (HDIP) FOR FLYING DUTY

220101. Entitlement. Members under competent orders to participate in regular and frequent aerial flights as crew or non-crew members, who otherwise meet the requirements of this chapter, are entitled to flying pay for that duty. Officers, including aviation cadets, entitled to aviation career incentive pay under section 2202, below, are not entitled to payments under this section.

220102. Rates.

★ A. Monthly HDIP rates for crew members covered by this section are shown in Table 22-1 except for the HDIP entitlement described in paragraph 220116, below. The monthly HDIP rate for non-crew members is $150.

B. Definitions.

1. Aerial Flights. This term mean flights in military aircraft or spacecraft, and also flights in nonmilitary aircraft when required by competent orders to fly in such aircraft. A flight begins when the aircraft or spacecraft takes off from rest at any point of support located on the surface of the earth and terminates when it next comes to a complete stop at a point of support located on the surface of the earth.

2. Aviation Accident. This term means an accident in which a member, who is required to participate frequently and regularly in aerial flights, is injured or otherwise incapacitated as the result. The injury or incapacitation, 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 duty 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.

220103. Flight Requirements. A member in a flying status shall perform the minimum aerial flights as specified in the following subparagraph 220103.A

A. Minimum Flying Time Each Month.

1. During 1 calendar month--4 hours of aerial flight. If a member does not fly 4 hours in any month, then 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 220103.A.1, above, have not been met--8 hours of aerial flight.

3. During 3 consecutive calendar months when the requirements of subparagraph 220103.A.2, above, have not been met--12 hours of aerial flight.

B. Fractions of a Calendar Month. For fractions of a calendar month, calculate the percentage that the period in question is of the calendar month. The flying time required is that same percentage of the aerial flight time required for a full calendar month. (See Table 22-2.)

C. Fractions of 2 Consecutive Calendar Months. For fractions of 2 consecutive calendar months, consider the whole period in question. Calculate the percentage that the period in question is of the calendar month. The flying time required is that same percentage of the aerial flight time required for a full calendar month. (See Table 22-2.)

D. Application of Hours Flown. Hours flown in any month apply to the extent of hours available:

1. First, to meet flight requirements for that month.

2. Next, if the member has entered a grace period for meeting flight requirements, to the prior month or months, as applicable.

3. Next, in order, to the first, second, third, fourth, and fifth succeeding months, but only to the extent that the member fails, during each such month, to fly the required 4 hours. (Such hours available to meet requirements of later months are referred to as “excess” flight time.) See examples in Tables 22-4 and 22-5.

E. Military Operations or Unavailability of Aircraft. When, under authority conferred by the Secretary of the Military Department concerned, the commanding officer certifies that a member is unable to meet normal flight requirements because of military operations (combat or otherwise) or the nonavailability of aircraft in order to complete those requirements, the member may comply with the minimum flight requirements by performing

24 ours of aerial flight over a period of 6 consecutive calendar months. The commanding officer shall 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 nonavailability prevents fulfillment of flight requirements, then the 6-calendar-month period for meeting the 24-hour flight requirement under this subparagraph begins on the first day of the grace period.

2. If the member is not in a 3-calendar-month grace period, then the first month in which military operations or aircraft nonavailability prevents fulfillment of flight requirements is the beginning of the 6-calendar-month period for meeting the 24-hour flight requirement under this subparagraph.

3. During the 6-calendar-month period, hazardous duty incentive pay for flying may be paid for any single month, or for multiple months, when minimum requirements have been met.

4. At the end of the 6-calendar-month period, hazardous duty incentive pay for flying may be paid for missed months in the period to the extent that the remaining hours flown are applicable. Excess hours are applied prospectively under subparagraph 220103.D, above, if the member continues to fly under the same orders.

220104. Determination of a 3-Calendar-Month Period.

A. When 3-Month Period Starts and Ends. The 3-calendar-month period in which flight requirements must be met begins with the first month in which flight requirements are not met. If the member flies enough time in the second month to cover the first and second months, then the period ends with the second month. If not, the period extends through the third month.

B. Deficiencies for Fraction of a Month. If a member fails to qualify for a fraction of a month (because flying status or active duty began on an intermediate day of the month), then the 3-month period ends on the last day of the second full month following the fractional month.

C. When Next 3-Month Period Starts. A new 3-month period starts with the first month in which flight requirements are not met following a month in which flight requirements were met. For a new 3-month period to begin immediately after a prior 3-month period, flight requirements must have been met for the entire prior 3-month period, not merely for the last month. If the requirements for the entire prior 3-month period were not met, a new period does not begin until flight requirements are met for at least 1 month after the prior 3–month period. After a month when flight requirements are met, any month in which flight requirements are not met begins a new 3-month period. A new period may not start with the

second or third month in which flight requirements are not met; nor may a new period start with the fourth month in which flight requirements are not met. There must be at least 1 month in which requirements are met before a new 3-month period begins. Tables 22-4 and 22-5 identify the application of the above rules.

220105. Entitlement to Pay When No Flights Performed in First Month of 3-Month Period. Assume, for the purposes of this paragraph that the member had no excess flight time from prior months.

A. Second Month. If a member performs no aerial flights during the first month of a 3-month period and, in the second month, performs at least 4 hours but less than 8 hours, 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. Flying 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 1 February to 30 April. 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 performs no aerial flights during the first month and, in the second month, performs only sufficient flights to qualify for the second month, then he or she must perform enough hours of flight to total 12 hours during the third month in order to qualify for the incentive pay for the first and third months of the 3-month period. For 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, then flying pay for January and March is payable. If only 6 hours are flown in March, then flying pay is payable only for March (the payment for February previously having been made) and incentive pay for January is lost.

220106. Injury or Incapacity Resulting From Performance of Hazardous Duty.

A. Flight Requirements. When a member in a flying status is injured or otherwise incapacitated as a result of performance of flying or other hazardous duty to which ordered, he or she is considered to have met flight requirements during the incapacity, but not for longer than 3 months. Appropriate medical authority determines the cause of the incapacity and the date of recovery. If the member has met flight requirements for the month in which the incapacity occurs, then the 3-month period begins the first day of the following month. If 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.

220116. HDIP for Duty as Air Weapons Controller Crew Members for Officers, Warrant Officers, and Enlisted Members. Effective February 10, 1996, a member under competent orders to participate in frequent and regular aerial flight as an air weapons controller crew member aboard airborne warning and control system aircraft (AWACS), is entitled to HDIP at a monthly rate stated in Table 22-7 when her or she meets the requirements specified in this section.

A. An officer entitled to Aviation Career Incentive Pay under section 2202, below, is not entitled to HDIP under this paragraph.

B. A member entitled to HDIP for AWACS duty is not entitled to HDIP for flying.

C. An officer entitled to aviation officer continuation pay is not entitled to HDIP under this paragraph.

2202 AVIATION CAREER INCENTIVE PAY (ACIP) FOR RATED OR DESIGNATED OFFICERS, AVIATION CADETS AND WARRANT OFFICERS

220201. Entitlement.

★ A. Entitlement to ACIP shall be restricted to regular and reserve officers who hold, or are in training leading to, an aeronautical rating or designation and who engage and remain in aviation service on a career basis. Entitlement to ACIP may be on a continuous or conditional (month to month) basis. Officers above pay grade O-6 with over 25 years of aviation service are not entitled to ACIP, either continuous or conditional.

1. Continuous ACIP. Qualification for entitlement to continuous ACIP is earned by completing a prescribed minimum number of operational flying years before reaching a specific control or gate year of aviation service. The detailed requirements are described below. Entitlement to continuous ACIP ceases for an officer (other than a warrant officer) upon completion of 25 years of aviation service. Flight surgeons and other medical officers are not entitled to continuous ACIP.

a. An officer qualified for aviation service (except a flight surgeon or medical officer) is entitled to continuous ACIP starting when he or she enters flight training leading to the original rating or when appointed as an officer, whichever is later, and continues until he or she completes 12 years of aviation service.

b. An officer qualified for aviation service (except a flight surgeon or other medical officer), who has performed at least 8 years of operational flying duty upon completion of 12 years of aviation service, is entitled to continuous ACIP for the first 18 years of aviation service.

c. An officer qualified for aviation service (except a flight surgeon or other medical officer), who has performed at least 10 (but less than 12) years of operational flying duty upon completion of 18 years of aviation service is entitled to continuous ACIP for the first 22 years of aviation service.

d. An officer qualified for aviation service (except a flight surgeon or other medical officer), who has performed at least 12 years of operational flying duty upon completion of 18 years of aviation service, is entitled to continuous ACIP for the first 25 years of aviation service.

e. The Secretary of the Military Department concerned may permit, on a case by case basis, an officer to continue to receive continuous monthly incentive pay despite the failure of the officer to perform the prescribed operational flying duty requirements during the prescribed periods of time, so long as the officer has performed those requirements for not less than 6 years of aviation service. The Secretary of the Military Department concerned may not delegate this approval authority.

2. Conditional ACIP. Qualification for entitlement to conditional ACIP is earned by completing a prescribed minimum number of operational or proficiency flying hours per month. The detailed flying hour requirements are described in paragraph 220203, below. Flight surgeons and other medical officers who have aeronautical ratings or designations and are qualified for aviation service, as well as other aviation officers who do not qualify for continuous ACIP because of missed gate year requirements or aviation duty in excess of 25 years, may qualify for entitlement to conditional ACIP.

B. A rated or designated officer qualified for aviation service, but not receiving continuous or conditional ACIP, may be required by competent orders to perform hazardous duty for flying as a crew member or non-crew member. When the minimum flight requirements are met under the provisions of section 2201, above, the officer is entitled to HDIP for flying. A member entitled to ACIP is not entitled to HDIP when flying as crew member or non-crew member.

C. The provisions of this paragraph apply to Reserve Component officers so long as the requirements are met for an aviation service career (not on extended active duty) defined in the definitions.

220202. Rates and Definitions.

★ A. Rates. The rates for continuous and conditional ACIP are identical and are listed in Table 22-6.

1. Warrant officers qualified for either continuous or conditional ACIP shall continue to receive the rate prescribed for officers with over 14 years of aviation service, without reduction, when aviation service exceeds 22 years.

2. An officer in pay grade O-7 may not be paid ACIP at a rate greater than $200 per month. An officer in pay grade O-8 or above may not be paid ACIP at a rate greater than $206 per month. An officer above pay grade O-6 with over 25 years of aviation service may not be paid ACIP, either continuous or conditional.

3. In time of war, the President may suspend the payment of ACIP.

B. Definitions.

1. The terms "aerial flights and aviation accident" are defined in subparagraph 220102.B, above.

★ 2. Aviation Service. This term means service performed by an officer (except a flight surgeon or other medical officer) while holding an aeronautical rating or designation or while in training to receive an aeronautical rating or designation. For the purposes of Table 22-6, aviation service as an officer begins on the day, month, and year the officer first reports under competent flight orders to the aviation facility having aircraft in which the officer receives flight training leading to the award of an aeronautical rating or designation, and continues to accumulate from that date, without exception, so long as the flight rating remains in effect.

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

★ 4. Proficiency Flying. This term means flying performed under competent orders by rated or designated members while serving in assignments in which such skills would normally not be maintained in the performance of assigned duties.

5. Aviation Cadet. This term applies to a member enlisted and designated as an aviation cadet under 10 U.S.C. 6911 (reference (c)). Service as an aviation cadet on or after November 14, 1986, counts for entitlement to ACIP. Where the term "aviation cadet" is not specified in section 2202, the term "officer" includes members so designated.

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

A. Minimum Flying Time Each Month.

1. During 1 calendar month--4 hours of aerial flight. If an officer does not fly 4 hours in any month, then the hours flown during the last 5 preceding months (which have not already been used to qualify for ACIP) may be applied to meet this 4-hour requirement.

2. During 2 consecutive calendar months when the requirements of subparagraph 220203.A.1, above, have not been met-- 8 hours of aerial flight.

3. During 3 consecutive calendar months when the requirements of subparagraph 220203.A.2, above, have not been met-- 12 hours of aerial flight.

B. Fractions of a Calendar Month. For fractions of a calendar month, calculate the percentage that the period in question is of the calendar month. The flying time required is that same percentage of the aerial flight time required for a full calendar month. (See Table 22-2.)

C. Fractions of 2 Consecutive Calendar Months. For fractions of 2 consecutive calendar months, consider the whole period in question. Calculate the percentage that the period in question is of a calendar month. The flying time required is that same percentage of the aerial flight time required for a full calendar month. (See Table 22-2.)

D. Application of Hours Flown. Hours flown in any month apply to the extent of hours available:

1. First, to meet flight requirements for that month.

2. Next, if the officer has entered a grace period for meeting flight requirements, to the prior month or months as explained in paragraph 220205, below.

3. Next, in order, to the first, second, third, fourth, and fifth succeeding months, but only to the extent that the officer fails, during each such month, to fly the required 4 hours. (Such hours available to meet requirements of later months are referred to as "excess" flight time.) (See examples in Tables 22-4 and 22-5.)

E. Military Operations or Unavailability of Aircraft. When an officer is unable to meet normal flight requirements because of military operations (combat or otherwise) or the nonavailability of aircraft, he or she may comply with the minimum flight requirements by performing 24 hours of aerial flight over a period of 6 consecutive calendar months. The commanding officer shall certify that only the conditions specified in this subparagraph 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 officer is in a 3-calendar-month grace period when military operations or aircraft nonavailability prevents fulfillment of flight requirements, then the 6-calendar-month period for meeting the 24-hour flight requirement under this subparagraph begins on the first day of the grace period.

2. If the officer is not in a 3-calendar-month grace period, then the first month in which military operations or aircraft nonavailability prevents fulfillment of flight requirements is the beginning of the 6-calendar-month period for meeting the 24-hour flight requirement under this subparagraph.

C. Officer Entitled to Monthly (Conditional) ACIP. Entitlement to monthly (conditional) ACIP, upon termination of the entire period of absence or the termination of any period, not to exceed 1 year, that is required for hospitalization and rehabilitation, is contingent upon continued eligibility under paragraph 220201, above. In addition, the officer must again meet minimum flight requirements subject to the following:

1. The 3-calendar-month grace period for meeting minimum flight requirements does not start with the end of the period authorized under subparagraph 220213.A, above. Instead, it starts with the first month of missing status in which the officer does not fly. Therefore, if the officer has met flight requirements for the month in which the missing status begins, the next calendar month is designated as the first month of a 3-calendar-month grace period. If the officer has not met flight requirements for the month in which the missing status begins, then that month is designated as the first month of a 3-calendar-month grace period for meeting minimum flight requirements. (This applies even though under later application of paragraph 220204, above, the month so designated is considered to be a month in which requirements are met based on performance-free entitlement due to missing status.)

2. If the missing status is terminated before the end of the 3-calendar-month period started according to subparagraph 220213.C.1, above, then the officer shall meet flight requirements for the month(s) not covered by performance-free entitlement. If the officer fails to complete requirements for this entire 3-calendar-month period, then the officer shall meet flight requirements for 1 month following that 3-calendar-month period before a new 3-calendar-month period may start.

3. If the missing status is terminated after or at the end of the 3–calendar-month period started according to subparagraph 220213.C.1, above, then the officer is considered to have met all flight requirements for the 3-calendar-month period plus any additional months of missing status by performance-free entitlement due to missing status. Therefore, a new 3–calendar-month period starts with the first month in which flight requirements are not met after the end of period authorized under subparagraph 220213.A, above.

D. Excess Flight Time. Excess flight time accumulated by the officer before having declared missing may be applied to months following the months covered by performance-free entitlement if the period authorized under 220213.A, above, is terminated within the 5–calendar-month period permitted by paragraph 220203, above.

★ 220214. An officer serving as an air battle manager, who is entitled to ACIP under this section and who, before becoming entitled to aviation career incentive pay, was entitled to HDIP as an air weapons controller under section 2201 of this chapter, shall be paid the monthly incentive pay at the higher of the following rates:

A. The ACIP rate otherwise applicable to the officer under this section, or

B. The rate at which the officer was receiving HDIP under section 2201, above, immediately before the officer's entitlement to ACIP under this section.

MONTHLY HAZARDOUS DUTY INCENTIVE PAY (HDIP) RATES FOR AIR CREW MEMBERS (EXCEPT FOR AWACS) (EFECTIVE 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 22-1. Monthly Hazardous Duty Incentive Pay (HDIP) for Air Crew Members (Except for AWACS) (Effective October 1, 1998)

TIME OF AERIAL FLIGHT REQUIRED FOR FRACTIONAL PART OF THE MONTH					
Days	**Hours of Aerial Flight**		**Days**	**Hours of Aerial Flight**	
	Active Duty	**Inactive Duty**		**Active Duty**	**Inactive Duty**
1	.2	.1	16	2.2	1.1
2	.3	.2	17	2.3	1.2
3	.4	.2	18	2.4	1.2
4	.6	.3	19	2.6	1.3
5	.7	.4	20	2.7	1.4
6	.8	.4	21	2.8	1.4
7	1.0	.5	22	3.0	1.5
8	1.1	.6	23	3.1	1.6
9	1.2	.6	24	3.2	1.6
10	1.4	.7	25	3.4	1.7
11	1.5	.8	26	3.5	1.8
12	1.6	.8	27	3.6	1.8
13	1.8	.9	28	3.8	1.9
14	1.9	1.0	29	3.9	2.0
15	2.0	1.0	30-31	4.0	2.0

Table 22-2. Time of Aerial Flight Required for Fractional Part of the Month

RIGHT TO FLYING PAY OR ACIP UNDER CERTAIN CONDITIONS

RULE	A When a member in flying status is	B and	C and	D then flying pay
1	sick in line of duty	flying status orders remain in effect	member meets or has met flight requirements or flight requirements do not apply	continue for the period of illness.
2	on authorized leave in pay status			continues for the period of leave (note 1).
3	on TDY			continues for the TDY period.
4	in a travel status (including authorized delay en route) on change of station			continues for the period of travel.
5	a Reservist released from active duty of more than 30 days	orders are not issued directing relief from all assigned duties	member has met flight requirements	continues for the period of allowable travel time home (note 2).
6	discharged and immediately reenlists at the same station without a break in service	flying status orders are not specifically terminated		entitlement is determined as if there had been no discharge.
7		flying status orders are specifically terminated		ceases on the date stated in orders.
8	incapacitated as a result of performance of flying duty			is payable as indicated in paragraphs 220106 or 220206.
9	an enlisted crew member whose flight orders include a termination date	is involuntarily removed from flying duty (note 3)	was given less than 120 days of advance notice of removal from flying duty (note 4)	continues either for 120 days after the date on which notified of such removal or until original flight orders termination date, whichever occurs first, without regard to the flight requirements of paragraph 220103.
10	an enlisted crewmember whose flight orders do not include a termination date		was given less than 120 days advance notice of removal from flying duty (note 4)	continues for 120 days after the date on which notified of such removal without regard to the flight requirements of paragraph 220103.

NOTES:
1. Do not count flights performed while on leave for pay purposes.
2. Do not pay flying pay beyond the last day of the calendar month for which requirements are met.
3. A member is not considered to be involuntarily removed from flying duty upon separation, confinement, relief for cause, reduction in grade, medical unfitness, absence without leave, or transfer to ground duty at own request.
4. Advance notice of removal from flying duty shall be issued by competent authority in writing. Advance notice may be provided verbally if a suitable memorandum for the record is made and is later followed by written notification.

Table 22-3. Right to Flying Pay or ACIP Under Certain Conditions

FLIGHT EXAMPLES INVOLVING BASIC 3-MONTH GRACE PERIODS

Month	Example 1		Example 2		Example 3		Example 4		Example 5		Example 6		Example 7	
	Hours	Entitled	Hours	Entitled	Hours	Entitled	Hours	Entitled	Hours	Entitled	Hours	Entitled	Hours	Entitled
January	4	Yes (note 1)	4	Yes (note 1)	4	Yes (note 1)	4	Yes (note 1)	4	Yes (notes 1 - 7)	2	Yes (notes 7 - 9)	0	Yes (note 5)
February	0	No (note 2)	0	No (note 2)	0	Yes (notes 2 - 5)	0	Yes (notes 2 - 6)	0	Yes (note 9)	0	Yes (note 9)	0	Yes (note 5)
March	4	Yes (note 1)	0	No	0	Yes (note 5)	8	Yes (note 1)	0	Yes (note 9)	0	Yes (note 9)	12	Yes (note 1)
April	0	No (note 3)	4	Yes (note 1)	12	Yes (note 1)	0	Yes (notes 2 - 5)	0	Yes (note 9)	0	No (note 2)	4	Yes (note 1)
May	0	No (note 4)	0	No (note 4)	0	Yes (notes 2 - 5)	0	Yes (note 5)	0	Yes (notes 2 - 5)	0	No (note 8)	0	No (notes 2 - 8)
June	4	Yes (note 1)	0	No	0	Yes (note 5)	12	Yes	0	Yes (note 5)	7	Yes (notes 1 - 11)	0	No (notes 2 - 8)
July	4	Yes (note 1)	4	Yes (note 1)	12	Yes (note 1)			12	Yes (note 1)			11	Yes (notes 1 - 11)
August	0	No (notes 2 - 8)	0	No (notes 2 - 8)	0	No (notes 2 - 8)							5	Yes (notes 1 - 11)

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 22-4. Flight Examples Involving Basic 3-Month Grace Periods

FLIGHT EXAMPLES INVOLVING 3-MONTH PERIODS AND EXCESS TIME

Month	Hours Flown	Entitle-ment	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
Feb	0	Yes	Jan 1.3, Mar 2.7	0	0	Jan 16
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
Jul	0	Yes	Jun 4	0	22	Jun 20
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
Nov	0	Yes	Jun 4	0	0 (note 3)	6 hours lost from Jun
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 22-5. Flight Examples Involving 3-Month Periods and Excess Time

MONTHLY AVIATION CAREER INCENTIVE PAY (ACIP) RATES FOR OFFICERS (EFFECTIVE OCTOBER 17, 1998) (notes)	
Years of Aviation Service (Including Flight Training) as an Officer	**Monthly Rate**
2 or less	$125
Over 2	156
Over 3	188
Over 4	206
Over 6	650
Over 14	840
Over 22	585
Over 23	495
Over 24	385
Over 25	250

NOTES:
1. A rated officer in pay grade O-7 may not be paid incentive pay at a rate greater than $200 per month.
2. A rated officer in pay grade O-8 or above may not be paid incentive pay at a rate greater than $206 per month.
3. A rated officer in pay grade above O-6 may not be paid incentive pay after completion of 25 years of aviation service.
4. A rated warrant officer with over 22, 23, 24, or 25 years of aviation service, will continue to receive the rate prescribed for officers with over 14 years of aviation service.

Table 22-6. Monthly Aviation Career Incentive Pay (ACIP) Rates for Officers (Effective October 17, 1998)

MONTHLY HAZARDOUS DUTY INCENTIVE PAY (HDIP) RATES FOR AIR WEAPONS CONTROLLER CREWMEMBERS (EFFECTIVE NOVEMBER 18, 1997)															
Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 25
O-7 & Above	$200	$200	$200	$200	$200	$200	$200	$200	$200	$200	$200	$200	$200	$200	$150
O-6	225	250	300	325	350	350	350	350	350	350	350	300	250	250	225
O-5	200	250	300	325	350	350	350	350	350	350	350	300	250	250	225
O-4	175	225	275	300	350	350	350	350	350	350	350	300	250	250	225
O-3	150	156	188	206	350	350	350	350	350	350	300	275	250	225	200
O-2	150	156	188	206	250	300	300	300	300	300	275	245	210	200	180
O-1	150	156	188	206	250	250	250	250	250	250	245	210	200	180	150
W-4	200	225	275	300	325	325	325	325	325	325	325	276	250	225	200
W-3	175	225	275	300	325	325	325	325	325	325	325	325	250	225	200
W-2	150	200	250	275	325	325	325	325	325	325	325	275	250	225	200
W-1	150	150	150	175	325	325	325	325	325	325	325	275	250	225	200
E-9	200	225	250	275	300	300	300	300	300	300	300	275	230	200	200
E-8	200	225	250	275	300	300	300	300	300	300	300	265	230	200	200
E-7	175	200	225	250	275	275	275	300	300	300	300	265	230	200	200
E-6	156	175	200	225	250	250	250	300	300	300	300	265	230	200	200
E-5	150	156	175	188	200	200	200	250	250	250	250	225	200	175	150
E-4 & below	150	156	175	188	200	200	200	200	200	200	200	175	150	150	150

Table 22-7. Monthly Hazardous Duty Incentive Pay (HDIP) Rates for Air Weapons Controller Crewmembers (Effective February 18, 1997)

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CHAPTER 24

★INCENTIVE PAY—HAZARDOUS DUTY OTHER THAN AERIAL FLIGHTS

2401 GENERAL PROVISIONS

240101. Entitlement. A Military Service member entitled to basic pay is, in addition, entitled to incentive pay for performing any of the hazardous duties listed in subparagraph 240101.C, below, when he or she performs the duty under competent orders, and otherwise meets the requirements of this chapter.

A. Member of the Regular Force. When the requirements have been met, entitlement to hazardous duty incentive pay commences on the date the member reports for and enters on duty in compliance with competent orders. Entitlement ceases on the effective date published in orders for termination of such duty or the date the member is detached from and no longer required to perform the hazardous duty, whichever occurs first. When a member commences hazardous duty on a date other than the first day of a month, or terminates that duty on a date other than the 30th day of a month (28th or 29th of February, as appropriate) and otherwise meets the requirements of this chapter for the month, then he or she is entitled to a prorated portion of the rate of pay for the month.

B. Member of the Reserve Components

1. A member of the Reserve Components on extended active duty (EAD), who is ordered to perform any of the hazardous duties listed in subparagraph 240106.C, below, is entitled to pay based on the terms of this chapter.

2. A member of the Reserve Components on active duty training (ADT), who is ordered to perform any of the hazardous duties listed below, is entitled to pay based on paragraphs 570302 and 570401 of this volume and the terms of this chapter as affected by Table 24-5, rules 9 through 13.

C. Hazardous Duties Listed

1. Duty involving parachute jumping as an essential part of military duty.

2. Duty involving frequent and regular participation in flight operation on the flight deck of an aircraft carrier or ship other than aircraft carrier from which aircraft are launched.

3. Duty involving the demolition of explosives as a primary duty, including training for such duty.

4. Duty inside a high- or low-pressure chamber.

5. Duty as a human acceleration or deceleration experimental subject.

6. Duty as a human test subject in thermal stress experiments.

7. Duty involving the servicing of aircraft or missiles with highly toxic fuels or propellants.

8. Duty involving fumigation tasks utilizing highly toxic pesticides.

9. Duty involving laboratory work utilizing live dangerous viruses or bacteria.

10. Duty involving handling of chemical munitions.

★ 11. Duty involving maritime visit, board, search and seizure operations.

★ 12. Duty involving use of ski-equipped aircraft on the ground in Antarctica or on the Arctic ice-pack.

240102. Rates (Effective November 18, 1997)

A. Except for a High Altitude-Low Opening (HALO) parachutist, a member who qualifies for hazardous duty incentive pay under this chapter is entitled to such pay at monthly rate of $150. The monthly rate for a HALO parachutist who qualifies under this chapter is $225. Only one type of parachute duty payment (regular or HALO) is authorized for a qualifying period. When a member qualifies for both types of parachute duty, the higher rate of pay is authorized.

B. In the case of a member required by competent orders to perform both regular and HALO parachute jumps (paragraph 240201, below), the following applies: Unless otherwise restricted by Military Service regulations (for example, restrictions on manning classification), the difference between the monthly rate of $150 and $225 is authorized for payment to a member who later qualifies for the HALO rate for a month in which the member earlier qualified for the regular rate of parachute pay.

★ 240103. Multiple Payments of Hazardous Duty Incentive Pay. Members, who qualify for incentive pay for more than one type of hazardous duty, may receive no more than two payments for the same period. Dual hazardous duty incentive pay is limited to those members required by orders to perform specific multiple hazardous duties necessary for successful accomplishment of the mission of the unit to which assigned. Members must meet minimum requirements for each hazardous duty, unless excepted as provided in subparagraph 240104.D, below.

A. Types of Duties That Qualify Member for Dual Payments of Hazardous Duty Incentive Pay. (See also subparagraph 220111.B of this volume.)

1. Members assigned to units who are required to perform parachute jumps in addition to and in connection with explosive ordnance demolition duties.

2. Air Force pararescue team members placed on orders to perform duties as both crew members and parachutists.

3. Other combinations of hazardous duties for which dual payment of incentive pay are authorized by the Secretary of the Military Department concerned.

B. Aviation Incentive Pays and Hazardous Duty Incentive Pay. Officers entitled to Aviation Career Incentive Pay (ACIP) and enlisted members entitled to Career Enlisted Flyer Incentive Pay (CEFIP), 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 ACIP or CEFIP), may receive not more than one other HDIP under the provisions of this chapter provided the conditions for entitlement have been independently met.

C. Restriction with Regard to Parachute Duty. Only one type of parachute duty payment (regular or HALO) is authorized for a qualifying period. When a member qualifies for both types of parachute duty, the higher rate of pay is authorized.

D. Restriction with Regard to Flight Deck Duty. See subparagraph 240301.D, below.

★ 240104. Injury or Incapacity Resulting From Performance of Hazardous Duty. When a member, who is required to perform hazardous duty, is injured or otherwise incapacitated as a result of performing such duty, he or she is considered to have met the requirements for that duty during the incapacity, but for not longer than 3 months. Appropriate medical authority determines the cause of the incapacity and the dates thereof.

A. When To Start the 3-Month Entitlement Period. (See Table 24-1.)

B. Hazardous Duty for Definite Period. When a member has been placed on hazardous duty for a definite period and is entitled to incentive pay while incapacitated as a result of performance of such duty, incentive pay may not normally be paid beyond the ending date of the duty period stated in the orders. When evidence, however, is furnished that the member would have continued in the hazardous duty status had it not been for the incapacity, incentive pay may be paid beyond the ending date of the duty stated in the orders.

C. Change of Station for Medical Treatment. See Table 24-2 for effect of permanent change of station. Temporary duty or temporary additional duty orders which specify a member's return to a permanent station do not affect assignment or attachment to the hazardous duty. A member ordered to a medical facility under such orders continues to be entitled to incentive pay during incapacity for no more than 3 months.

D. Injury or Incapacity While Performing Dual Hazardous Duties. If members, required to perform more than one hazardous duty, are injured or otherwise incapacitated as a result of either of those duties, they are entitled to dual incentive pay during the incapacity but for no longer than 3 months. If not entitled to dual incentive pay at the time of the incapacity, they are entitled to the type of incentive pay they were receiving at the time of the incapacitation. The beginning date of the 3-month period must be determined separately for each type of incentive pay. Use paragraph 220106 of this volume or Table 24-1, as applicable, to determine the 3-month period separately for each incentive pay.

240105. Incapacity Not Caused by Hazardous Duty. A member's right to incentive pay during incapacity, which is not the result of performing hazardous duty, depends on fulfillment of hazardous duty requirements.

240106. 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.

240107. Missing Status - Member's Entitlement. A member receiving incentive pay of a type listed in paragraph 240101, above, when declared by competent authority to be missing (as defined in subparagraph 340101.C of this volume), is entitled to such incentive pay during the period of absence and for any period, not to exceed 1 year, required for hospitalization and rehabilitation after termination of missing status. The member's entitlement to incentive pay of a type listed in paragraph 240101, above, upon termination of any required period of hospitalization and rehabilitation or the 1-year period after date of return from missing status, whichever is earlier, shall be contingent on a determination of continued eligibility under paragraph 240101 and the applicable incentive pay requirements of this chapter.

2402 PARACHUTE DUTY

240201. Entitlement

A. General. Qualified members are those who have received a designation as a parachutist or parachute rigger, or are undergoing training for such designations; who are required by competent orders to engage in parachute jumping from an aircraft in aerial flight, and who meet the minimum performance requirements of Table 24-3.

B. Military Free Fall or High Altitude-Low Opening (HALO)

1. Members must perform duty involving parachute jumping, as an essential part of such duty, in military free fall operations where parachute deployment by the jumper occurs without the use of a static line.

2. Qualifying members are those who have graduated from the United States Army Military Free Fall Course or a Military Service recognized equivalent course; have received a designation as a HALO parachutist, or are undergoing training for such designation; and are required by competent orders to engage in parachute jumping at high altitudes without use of a static line from an aircraft in aerial flight. Members shall meet the requirements of Table 24-3. Performance requirements must be satisfied by free fall jumps. The entitlement for qualified members to receive the HALO parachutist rate, specified in paragraph 240102, above, became effective on October 1, 1985.

240202. Parachute Jumps-Leave, Permanent Change of Station (PCS), Temporary Duty/Temporary Active Duty (TDY/ TAD), or Active Duty Training (ADT)

A. General. Qualifying jumps for entitlement to parachute pay shall be performed during a period of duty requiring parachute jumping as established by competent orders. Parachute jumps performed under the following circumstances do not qualify a member for entitlement to parachute pay:

1. Parachute jumps performed by any member while on leave or during PCS or TDY/TAD not requiring parachute jumping as an essential part of the duty.

2. Parachute jumps performed by a member of a Reserve Component while on ADT that does not require parachute jumping as an essential part of the duty.

B. Examples (Not All Inclusive)

1. Leave

a. Facts

(1) A member is placed on parachute jump status by competent orders effective January 15. Member performs a jump on March 15.

(2) The member is on leave for the period March 25 through April 25, and performs a jump on April 15 during the period of leave.

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

b. Entitlements

(1) The member is entitled to parachute pay from January 15 through March 30 based on the jump performed March 15 (see Table 24-3, rule 1 and note 1).

(2) The member is entitled to parachute pay for May, June, and July based on the jump performed July 15 (see Table 24-3, rule 1, and Table 24-5, rule 2).

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

2. Temporary Duty or Temporary Active Duty (TDY/TAD)

a. Facts

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

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

(3) A member returns to permanent duty station on July 3 and performs a jump on: July 6, July 13, and August 6.

b. Entitlements

(1) The member is entitled to parachute pay for January, February, and March based on jump performed January 15 (Table 24-3, rule 1, and Table 24-5, rule 3).

(2) The member is entitled to parachute pay for May, June, and July based on jump performed July 6. The jump performed on July 13 is not applied for entitlement because it is one of multiple jumps performed in the same month. Only one jump per month is used for qualification to parachute pay (Table 24-3, rule 1).

(3) The member is entitled to parachute pay for August, September, and October based on jump performed August 6 (Table 24-3, rules 1 and 2).

(4) The jump performed on June 10 during TDY/TAD is not a qualifying jump for parachute pay entitlement (subparagraph 240202.A.1, above); no entitlement exists for parachute pay for April.

3. Active Duty Training (ADT) Less Than 20 Weeks, Reserve Component Member Assigned to a Unit

a. Facts

(1) A Reserve Component member is placed on parachute jump status at unit of assignment by competent orders. At the unit of assignment, the member performs inactive duty training (IDT) drills on January 14-15, February 12-13, and March 15-16. The member performs a parachute jump on January 15.

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

(3) The member returns to parachute duty at the unit of assignment upon completion of ADT and performs IDT on drills May 24-25, June 8-9, and July 9-10. He or she performs a parachute jump on July 10.

b. Entitlements

(1) The member is entitled to parachute pay for IDT drills in January, February, and March based on the jump performed January 15 (see Table 24-3, rule 1).

(2) The member is entitled to parachute pay for allowable travel time to the ADT station and for ADT days, March 28-30, also based on jump performed January 15 (see paragraph 580204; Table 24-3, rule 1; Table 24-5, rule 13).

(3) The member is entitled to parachute pay for ADT May 1-22 plus allowable travel time from ADT station based on the jump performed July 10 (see paragraph 580204; Table 24-3, rule 2; Table 24-5, rule 13).

(4) Also based on jump performed July 10, the member is entitled to parachute pay for IDT drills performed in May, June, and July.

(5) The jump performed April 5 is not a qualifying jump for entitlement to parachute pay. Thus, no entitlement exists for April (see subparagraph 240202.A, above).

4. Active Duty Training (ADT) Any Number of Weeks, Reserve Component Member, With or Without Unit of Assignment

a. Facts

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

(2) The member is ordered to ADT, any number of weeks. He or she is placed on parachute jump status at the ADT station by competent orders.

(3) The member meets minimum performance requirements according to Table 24-3 by jumps performed during ADT.

b. Entitlements. The member is entitled to parachute pay for allowable travel time to and from the ADT station and for period of ADT (see Table 24-5, rules 9 and 11).

240203. Rates. See paragraph 240102, above.

240204. Performance Requirements. See Table 24-3.

240205. Table of Parachute Jumps. Table 24-4 gives examples of how minimum requirements are applied. This table does not necessarily cover all situations but is intended as a general guide. In each example, the member was required by orders to participate frequently and regularly in parachute jumps for the entire period. This table is not intended to show date of payment. In every case, the parachute duty requirements must be met before payment is made.

240206. Right to Pay Under Certain Conditions. See Table 24-5.

2403 FLIGHT DECK DUTY

240301. Entitlement

★ A. Conditions of Entitlement. A member is entitled to incentive pay for flight deck duty (flight deck hazardous duty incentive pay (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 Chief of Naval Operations (OPNAV). Instructions in the 7220.4 series (reference (al)).

★ C. Members on Temporary Duty or Temporary Additional Duty. Members on temporary duty or temporary additional duty in the crew of an eligible air capable ship or an aviation unit operating from such a ship may be ordered to flight deck hazardous duty billets (FDHDBs). When so ordered, they are entitled to FDHDIP 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. Dual Payments. Members receiving incentive pay for any other type of hazardous duty are not entitled to FDHDIP for the same period.

240302. 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 turnup and movement of aircraft preparatory to launch and the movement and shutdown of aircraft immediately following recovery.

C. Day of Flight Operations. One day of flight operations shall consist of a calendar day during which any combination of aircraft takeoffs and/or landings takes place, as specified for each ship by class in OPNAV Instruction 7220.4 series (reference (al)). Four days of such flight operations, or the equivalent thereof, shall constitute the basic calendar month qualification criteria.

D. Equivalent of 4 Days of Flight Operations. Any single day, or combination of days during a calendar month in which the number of aircraft take-offs and/or landing equals the monthly total requirement for that class ship in OPNAV Instruction 7220.4 series (reference (al)) shall constitute the equivalent of 4 days of flight operations.

E. Flight Deck Hazardous Duty Billet (FDHDB). A billet that requires frequent and regular participation in flight operations on the flight deck of an eligible air capable ship as promulgated in OPNAV Instruction in the 7220.4 series (reference (al)).

F. Participation. Presence, during flight operations, at an assigned station in an FDHDB on the flight deck of an aircraft carrier or a ship other than an aircraft carrier from which aircraft are launched and recovered during flight operations.

240303. Rates. See paragraph 240102, above.

240304. Commencement and Termination of FDHDIP. Eligibility for entitlement to FDHDIP begins on the date a member is ordered to duty in a FDHDIP. Entitlement eligibility ends on the date the orders to such billet are revoked, or when a member is permanently detached from the aircraft carrier or aviation unit, whichever occurs first. Orders may be terminated for other reasons but not for the sole purpose of providing FDHDIP for additional members.

★ 240305. Prorated FDHDIP. Personnel who otherwise 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 a FDHDIP billet aboard ship for the partial month.

240306. Right to Pay Under Certain Conditions. See Table 24-5.

2404 DEMOLITION DUTY

240401. Entitlement

A. Condition of Entitlement. A member entitled to basic pay, who is required by competent orders to perform duty involving the demolition of explosives, as prescribed by Military Service regulations, as a primary duty (including training for that duty), is entitled to incentive pay under the conditions stated in this section. Incentive pay is payable for any full month, or is prorated under paragraph 240101, above, for any portion of a calendar month during which a member under competent orders performs demolition duty by use of live explosives.

B. Duty Involving Demolition of Explosives. Duty involving the demolition of explosives is defined according to this subparagraph, which became effective December 6, 1984. Demolition duty is duty performed by members who engage in the following activities under competent orders and as a primary duty assignment:

1. Demolish by the use of explosives objects, obstacles, or other explosives, or recover and render harmless, by disarming or demolition, explosives that have failed to function as intended or which have become a potential hazard.

2. Participate as students or instructors in instructional training, including that in the field or fleet, for the duties described in subparagraph 240401.B.1, above, provided that live explosives are used in such training.

3. Participate in proficiency training, including that in the field or fleet, for the maintenance of skill in the duties described in subparagraph 240401.B.1, above, provided that live explosives are used in such training; or

4. Experiment with or develop tools, equipment, or procedures for the demolition and rendering harmless of explosives, provided that live explosives are used.

240402. Rates. See paragraph 240102, above.

240403. Performance Requirements. A member, who is assigned to demolition duty by competent orders and performs such duty during the month involved, is entitled to incentive pay for that duty provided live explosives are used. Local commanders are responsible for ensuring that the finance officer is informed when a member fails to perform the monthly demolition duty required for entitlement to the incentive pay.

240404. Right to Pay Under Certain Conditions. See Table 24-5.

2405 EXPERIMENTAL STRESS DUTY

240501. Entitlement

A. Condition of Entitlement. A member on active duty who is required by competent orders to perform experimental stress duty is entitled to incentive pay under the conditions stated in this section. Incentive pay is payable for any full month, or is prorated in accordance with paragraph 240101, above, for any portion of a calendar month, during which experimental stress duty is performed under competent orders.

B. Duty Involving Experimental Stress. Experimental stress duties are limited to the following:

1. Human Acceleration or Deceleration Experimental Subject. Duty performed as human acceleration or deceleration experimental subjects utilizing experimental acceleration or deceleration devices.

2. Thermal Stress Duty. Duty performed as human thermal experimental subjects in thermal stress experiments.

3. Low-Pressure Chamber Duty. Duty performed within a low pressure (altitude) chamber at physiological facilities as human test subject, inside instructor observer or inside observer-tender.

4. High-Pressure Chamber Duty

a. Duty performed within a high-pressure (hyperbaric or recompression) chamber or hyperbaric complex as a:

(1) Human test subject for approved protocols applicable to the research, development, testing and evaluation of diving, hyperybaric and underwater-related tools, systems, equipment and procedures.

(2) Recompression chamber/hyperbaric complex inside instructor-observer or inside observer-tender during the conduct of protocols involving the use of human test subjects.

(3) Recompression chamber/hyperbaric complex inside instructor-observer or inside observer-tender during the conduct of hyperbaric treatment or hyperbaric therapy procedures which include, but are not limited to, treatment of ailments incidental to diving and hyperbaric/hypobaric exposure.

b. Navy Personnel Only. For a Navy member to qualify for this incentive pay as a human test subject, inside instructor-observer or inside observer-tender in a recompression chamber/hyperbaric complex, all of the following conditions must be met. The member must:

(1) Possess a Navy Enlisted Classification/Navy Officer Billet Classification (NEC/NOBC) listed below and be assigned by competent orders to a billet utilizing that NEC/NOBC:

Enlisted:	**NEC**
Saturation Diver	5311
SEAL (Basic)	5320
Swimmer Delivery Vehicle	5323
SEAL	5326
Basic Explosive Ordnance Disposal (EOD) Technician	5332
Basic EOD Technician (Parachutist)	5333
Senior EOD Technician	5334
Senior EOD Technician (Parachutist)	5335
Master EOD Technician	5336
Master EOD Technician (Parachutist)	5337
Master Diver	5341
First Class Diver	5342
Second Class Diver	5343
Master Saturation Diver	5346
Salvage/Construction Demolition Diver	5375
Advanced Underwater Construction Technician	5931
Basic Underwater Construction Technician	5932
Special Amphibious Reconnaissance Independent Duty Corpsman	8403
Fleet Marine Force Reconnaissance Corpsman	8427
Special Operations Independent Duty Corpsman	8491
Special Operations Technician	8492
Medical Deep Sea Diving Technician	8493
Medical Deep Sea Diving Technician	8494

Officer	NOBC
Undersea Medical (Diving) Officer	0107
Medical Service Corps (Diving) Officer	0107
EOD Officer	9230
EOD Mobile Unit Officer	9231
SEAL Officer	9293
Diving Officer (General)	9312
Diving Officer (He02)	9313
Diving Officer (Salvage)	9314
Diving Officer (Saturation)	9315
Ship Salvage Diving Officer	9375

(2) Be ordered to perform additional duty as a human test subject, inside instructor-observer or inside observer-tender as described in subparagraphs 240501.B.4.a., b, or c, above, or by the commanding officer having cognizance over the recompression chamber or hyperbaric complex, and;

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

c. The following types of similar duties do not entitle Navy personnel to hazardous duty incentive pay as recompression chamber/hyperbaric complex inside instructor-observers or inside observer-tenders:

(1) Inside observer-tender and divers for surface decompression procedures incidental to the conduct of diving operations as this is considered a normal procedure related to the safe conduct of routine diving operations.

(2) Either under instruction inside instructor-observer, inside observer-tender or trainees. This includes saturation diving procedures and hyperbaric medical related training which is considered a normal requirement to establish or maintain proficiency and/or qualifications.

(3) Inside observer-tender or test candidates during conduct of pressure and/or oxygen tolerance tests.

(4) Inside observer-tender, technicians or others involved in recompression chamber or hyperbaric complex preventive or corrective maintenance or during the use of a chamber or complex for the purpose of conducting preventive or corrective maintenance procedures.

(5) Patients undergoing hyperbaric treatment or therapy.

C. Restriction. A member is entitled to only one payment of incentive pay for experimental stress duty during any 1 month.

240502. Rates. See paragraph 240102, above.

240503. Performance Requirements. A member is entitled to incentive pay for experimental stress duty when assigned to that duty by competent orders and performs such duty during the month involved. Competent medical authorities of the Military Service concerned must determine if the member is engaged in one or more stress experiments involving risk of experimental hazard.

240504. Right to Pay Under Certain Conditions. See Table 24-5.

2406 TOXIC FUELS (OR PROPELLANTS) DUTY

240601. Entitlement

A. A member is entitled to hazardous duty incentive pay (HDIP) for duty involving the servicing of aircraft or missiles with highly toxic fuels or propellants when this duty is performed as a primary duty according to the requirements set forth in subparagraphs 240602.A through D and G, below. This provision became effective October 1, 1981.

B. A member is entitled to HDIP for duty involving the servicing of aircraft or missiles with highly toxic fuels or propellants for the testing of aircraft or missile systems (or components of such systems) during which highly toxic fuels are used when this duty is performed as a primary duty according to the requirements below. This provision became effective October 1, 1983.

240602. Requirements. Primary duty under this section requires:

A. Removal, replacement, and servicing of the emergency power unit of an aircraft with H-70 propellant (30 percent water, 70 percent hydrazine).

B. Participation by those personnel performing duties in subparagraph 240602.A, above, who must also participate in an emergency response force, spill containment, or spill cleanup involving H-70 propellant (30 percent water, 70 percent hydrazine).

C. Handling and maintaining the liquid propellants (liquid oxidizer-nitrogen tetroxide; unsymmetrical dimethyl hydrazine) used in the Titan weapon system if such duty requires the qualification in the use of the rocket fuel handler's clothing outfit and involves:

1. Launch duct operations, including flow, pressurization, on-load, off-load, set-up, or tear down involving propellant transfer operations.

2. Set-up, installation, or tear down for fuel/oxidizer flow.

3. Decontamination of equipment, including but not limited to the rocket fuel handler's clothing outfit.

4. Venting or pressurizing missile fuel or oxidizer tanks.

5. Removing or replacing missile components while missile fuel and oxidizer tanks are loaded with such propellants.

6. Transferring propellants between commercial and military holding trailers; or between holding trailers and fuel/oxidizer pump rooms.

7. Normal preventive maintenance activities including but not limited to seal changes.

D. Handling and maintaining the propellants, unsymmetrical dimethyl hydrazine and inhibited red-fuming nitric acid used in the LANCE missile system.

E. Handling, transporting, or working with toxic fuels/propellants by members assigned to the Air Force Rocket Propulsion Lab (AFRPL) who:

1. Directly manage and inspect the activities of crew members conducting operations involving experimental rocket propulsion systems and components.

2. Directly monitor and set up measurement instruments in operational areas where contamination is suspected or may be physically present.

3. Install and remove instrumentation devices from propulsion systems and components.

4. Perform final test preparation and immediate safety inspection duties around pressurized, active systems during pre-run and post-run test periods.

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.

G. Involvement with other toxic substances contained in missile or aircraft weapon system fuels or propellants as determined by the Secretary concerned.

240603. Rates. See paragraph 240102, above.

240604. Restriction. The entitlement to the pay under this section is based upon the performance of such duty which has the potential for accidental or inadvertent exposure to

highly toxic fuels or propellants or related substances and not upon actual quantifiable exposure to such substances. Therefore, neither this construction of the term nor the receipt of the pay provided for in this section may be construed as indicating that any person entitled to such pay has been actually exposed to highly toxic fuels or propellants or related substances contrary to the provisions of any statute, executive order, rule, or regulation relating to health or safety which is applicable to the Uniformed Services.

2407 TOXIC PESTICIDES DUTY

240701. Entitlement. A member is entitled to HDIP for duty involving frequent and regular exposure to highly toxic pesticides when the member is assigned by competent orders to the entomology, pest control, pest management, or preventive medicine functions of a Uniformed Service for a period of 30 consecutive days or more. This provision became effective October 1, 1981.

240702. Requirements

A. Members must perform fumigation duties described below during a calendar month to receive HDIP for the month. Duty under this section covers any fumigation task utilizing: (1) phosphine, sulfuryl fluoride, hydrogen cyanide, methyl bromide, or (2) a fumigant of comparable high-acute toxicity and hazard potential.

B. Restrictions. Effective November 6, 1986, the use of solid fumigant formulations such as aluminum phosphide, magnesium phosphide, and calcium cyanide in the outdoor control of burrowing animals does not qualify a member for incentive pay under this section.

240703. Rates. See paragraph 240102, above.

2408 DANGEROUS VIRUSES (OR BACTERIA) LAB DUTY

240801. Entitlement. Effective October 1, 1981, a member is entitled to HDIP for duty involving laboratory work that utilizes live dangerous viruses or bacteria as a primary duty.

240802. Requirements. Under this section members must perform primary duty described below while assigned by competent orders for a period of 30 consecutive days or more to participate in or conduct applied or basic research that is characterized by a changing variety of techniques, procedures, equipment, and experiments. Duty under this section is primary duty performed by members who work with microorganisms:

A. That cause disease:

1. With a high potential for mortality; and

2. For which effective therapeutic procedures are not available.

B. For which no effective prophylactic immunization exists.

240803. Rates. See paragraph 240102, above.

2409 CHEMICAL MUNITIONS

240901. Entitlement. Effective October 1, 1985, a member is entitled to hazardous duty incentive pay (HDIP) for duty involving the handling of chemical munitions (or components of such munitions) as a primary duty.

240902. Requirements

A. Primary duty under this section requires direct physical handling of:

1. Toxic chemical munitions incident to storage, maintenance, testing, surveillance, assembly, disassembly, demilitarization, or disposal of said munitions;

2. Chemical surety material defined by the Secretary of the Military Department concerned, incident to manufacture, storage, testing, laboratory analysis, detoxification, or disposal of said material;

3. Toxic chemical munitions incident to the technical escort of shipments of said munitions; or

4. Chemical surety material, defined by the Secretary concerned, incident to technical escort of shipments of said material.

B. Restrictions. HDIP under this section does not include the following duties:

1. Handling of the individual components of binary chemical agents or munitions.

2. User handling incident to loading, firing, or otherwise launching the toxic chemical munitions, or field storage operations during hostilities.

3. Handling of research, development, testing, and evaluation dilute solutions of toxic chemicals as defined by the Secretary concerned.

4. Handling of riot control agents, chemical defoliants and herbicides, smoke, flame and incendiaries, and industrial chemicals.

240903. Rates. See paragraph 240102, above, for rates.

240904. Restriction. The entitlement to the pay under this section is based upon the performance of such duty that has the potential for accidental exposure to chemical agents

and not upon actual quantifiable exposure to such agents. Therefore, neither the construction of the term nor the receipt of pay provided for in this section may be construed as indicating that any person entitled to such pay actually has been exposed to chemical agents contrary to the provisions of any statute, executive order, rule, or regulation relating to health and safety which is applicable to the Uniformed Services.

★2410 MARITIME VISIT, BOARD, SEARCH AND SEIZURE (VBSS) DUTY

241001. Entitlement

A. Conditions of Entitlement. A member of a uniformed service who is entitled to basic pay is also entitled to incentive pay for hazardous duty involving regular participation as a member of a team conducting visit, board, search, and seizure operations aboard vessels in support of maritime interdiction operations.

B. Duty Involving Maritime VBSS. Navy has established that in order to qualify for HDIP for any month under this section a member must:

1. Be assigned for an entire month to a billet designated as requiring frequent and regular participation in visit, board, search and seizure operations.

2. Be properly trained for the VBSS billet.

3. Participate in a minimum of three boarding missions (excluding training exercises) during each month of qualification.

★2411 POLAR REGION FLIGHT OPERATIONS DUTY

241101. Entitlement. A member of a uniformed service who is entitled to basic pay is also entitled to incentive pay for hazardous duty involving use of ski-equipped aircraft on the ground in Antarctica or on the Arctic ice-pack.

241102. Requirements. A member shall be eligible in any calendar month beginning on or after October 1, 2003, during which that member participated in a take-off from or landing on the ground in Antarctica or the Arctic Ice-Pack, or the servicing of, or the handling of cargo in connection with such aircraft on the ground in such a polar region. The appropriate commander shall certify those members who under competent orders perform such duty in a calendar month.

241103. Rates. See paragraph 240102, above for rates.

WHEN TO START THE 3-MONTH ENTITLEMENT PERIOD FOR INCAPACITY RESULTING FROM PERFORMANCE OF HAZARDOUS DUTY			
RULE	**A**	**B**	**C**
	When the type of duty is	**and**	**then the 3-month period during which requirements are considered to have been met begins**
1	demolition, experimental stress, toxic fuels, toxic pesticides, dangerous viruses, or handling chemical munitions		the first day of the month following the month in which the incapacity occurred.
★2	parachute, flight deck, maritime visit, board, search and seizure, or polar region flight operations	performance requirements for the month of incapacity have been met	
3		performance requirements for the month of incapacity have not been met	the first day of the month in which the incapacity occurred.

Table 24-1. When to Start the 3-Month Entitlement Period for Incapacity Resulting from Performance of Hazardous Duty

WHEN INCENTIVE PAY FOR INCAPACITY RESULTING FROM HAZARDOUS DUTY STOPS ON PCS		
RULE	**A**	**B**
	When a member receiving incentive pay as a result of incapacity resulting from hazardous duty is ordered on permanent change of station to a medical facility for treatment during the 3-month entitlement period, and the hazardous duty involved is	incentive pay accrues
1	parachute	after PCS through the end of the 3-month entitlement period.
★2	flight deck, demolition, experimental stress, toxic fuels, toxic pesticides, dangerous viruses, handling chemical munitions, maritime visit, board, search and seizure, or polar region flight operations	through the date of departure from the old station.

Table 24-2. When Incentive Pay for Incapacity Resulting from Hazardous Duty Stops on PCS

PARACHUTE JUMPS-INCENTIVE PAY FOR PARACHUTE DUTY-PERFORMANCE REQUIREMENTS			
RULE	A	B	C
	When	in	then
1	a jump is performed	any calendar month	member qualifies for parachute duty pay for that month and one preceding and succeeding month; or that month and 2 preceding months; or that month and 2 succeeding months (note 1).
2	jumps are made	2 or more consecutive months	new 3-consecutive-calendar-month period starts with each month a jump is made, except when rule 3 applies.
3	a member is unable to perform a jump because of military operations of the command or the absence of jump equipment or aircraft	a 3-month period	member may qualify for parachute duty pay on a 12-month basis. He or she may qualify for the 3-month period plus the following 9 con-secutive-calendar-months by performing four jumps any time during the 9-month period (note 2).
4	a member is unable to perform a jump by reason of being engaged in combat operations in a hostile fire area		minimum jump requirements may be waived by the member's commanding officer (note 2).
5	a fractional part of a month	a fractional part of a month	month the training or duty begins becomes the first month of the 3-consecutive-calendar-month period (note 1).

NOTES:

1. Incentive pay for parachute duty may be paid, provided prescribed requirements are met, only from the date of reporting for duty or training. If that day is other than the first day of a month, then that month's rate of pay will be prorated in accordance with paragraph 240101.
2. Military operations, combat operations in a hostile fire area, or absence of jump equipment are the only authorized reasons for not complying with requirements over a 3-month period.

Table 24-3. Parachute Jumps-Incentive Pay for Parachute Duty-Performance Requirements

PARACHUTE JUMPS

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

NOTES:

1. Entitled to incentive pay for parachute duty based on jumps performed in 3 consecutive calendar months.
2. Entitled to incentive pay for parachute duty based on that month's jump.
3. No jumps performed because of absence of jump equipment or aircraft or on account of military operations.
4. Entitled to incentive pay for parachute duty based on jumps performed in 12 consecutive calendar months.
5. Incapacitated by reason of parachute accident.
6. No jumps performed because of incapacitation resulting from parachute accident.
7. Entitled to incentive pay for parachute duty-accident

Table 24-4. Parachute Jump Examples

INCENTIVE PAY FOR HAZARDOUS DUTY-ENTITLEMENT UNDER CERTAIN CONDITIONS				
RULE	**A**	**B**	**C**	**D**
	When a member under orders to perform hazardous duty is	**and the hazardous duty involved is**	**and**	**then incentive pay entitlement**
1	sick in line of duty	any type of hazardous duty listed in paragraph 240101	orders to perform the hazardous duty involved remain in effect and the member performs the duty involved during the month involved, or when appropriate, performs the minimum performance requirements for the duty involved	continues for the period of the illness.
2	on authorized leave			continues for the period of leave (note 1).
3	on temporary duty or temporary additional duty			continues for the period of TDY or TAD.
4	reassigned PCS including temporary duty in conjunction with PCS			is not affected by the PCS (note 2).
5	on temporary duty or temporary additional duty	any type of hazardous duty listed in paragraph 240101	orders to perform hazardous duty involved are in effect at the TDY station only. Member meets minimum performance requirements at the TDY station	begins on the date of reporting for duty at the temporary duty location and exists for the period of temporary duty.
6	discharged and immediately reenlisted at the same station without a break in service		orders to perform hazardous duty involved are not specifically terminated	is determined as though there had been no discharge.
7			orders to perform the hazardous duty involved are specifically terminated	ceases on effective date shown in orders.
8	removed from hazardous duty		removal is for cause, disqualification, or the member's own request	ceases on the date that cause or disqualification is determined to exist or the date the member is removed per request, which will be the effective date established in orders terminating the hazardous duty. (See note 2 for pay proration.)
9	a member of a Reserve Component being released from active duty performed either: a. while member is part of strength accountability of the active military establishment (EAD). b. while member is accountable to a Reserve Component (ADT) (note 5)	parachute	orders are not issued directing relief from assigned duties and requirements have been met for the period involved	continues for the period of allowable travel time (notes 3 and 5).

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

INCENTIVE PAY FOR HAZARDOUS DUTY-ENTITLEMENT UNDER CERTAIN CONDITIONS				
RULE	**A**	**B**	**C**	**D**
	When a member under orders to perform hazardous duty is	**and the hazardous duty involved is**	**and**	**then incentive pay entitlement**
★10	being released from active duty performed either: a. while member is part of strength accountability of the active military establishment (EAD). b. while member is accountable to a Reserve Component (ADT) (note 4	demolition, flight deck, experimental stress, toxic fuels, toxic pesticides, dangerous viruses, handling chemical munitions, maritime visit, board, search and seizure, 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.
11	on ADT for any number of weeks (with or without a unit of assignment) (note 4)	any type of hazardous duty listed in paragraph 240101	orders to perform the hazardous duty involved are in effect at the ADT station. Member meets minimum performance requirements at ADT station	1. exists for the period of ADT. Entitlement for ADT is terminated per rules 9 or 10. 2. for IDT is determined under note 6.
12	on ADT for 20 weeks or more away from unit of assignment (note 4)		member is not ordered to perform the hazardous duty at the ADT station	1. does not exist for the period of ADT. 2. for IDT is determined under note 6.
13	on ADT for less than 20 weeks away from unit of assignment (note 4)		orders to perform the hazardous duty involved remain in effect at unit of assignment. Member is not ordered to perform hazardous duty at ADT station. Member meets minimum performance requirements during inactive duty training (IDT) at unit of assignment	1. exists for the period of ADT. Entitlement for ADT is terminated per rules 9 or 10. 2. for IDT is determined under note 6.

NOTES

1. Performance of hazardous duty while on leave cannot be counted for pay purposes.
2. Orders to perform hazardous duty remain in effect when member is being reassigned PCS successively to hazardous duty. If the member cannot be immediately assigned to a hazardous duty position at a new station, orders to perform such duty will be terminated effective the date of arrival at new duty station and incentive pay stopped as of that date. When successive assignment does not require hazardous duty as an essential part of military duty at the new permanent duty station, orders to perform such duty will be terminated effective the date of departure from old duty station (or TDY point if performance of hazardous duty is required as an essential part of military duty at the TDY point) and incentive pay stopped as of that date. When effective date in the orders terminating hazardous duty is other than the last day of a calendar month and that month's performance requirements have been met, the month's hazardous duty pay will be prorated per subparagraph 240101.A.
3. Parachute pay may not be paid beyond the last day of the calendar month for which requirements are met.
4. ADT includes annual training, special tours of active duty for training, school tours, and the initial tour performed by enlistees without prior military service.
5. Hazardous duty incentive pay entitlement for ADT includes time allowed for necessary travel from home to first duty station (paragraph 020501).
6. Hazardous duty incentive pay for inactive duty training (IDT) is paid per Chapter 58 of this volume.

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CHAPTER 25

SUBSISTENCE ALLOWANCES

★2501 BASIC ALLOWANCE FOR SUBSISTENCE

250101. Entitlement. Except as otherwise provided by law, each member of a uniformed service entitled to basic pay is entitled to a Basic Allowance for Subsistence (BAS) subject to the conditions set forth in this chapter.

250102. Eligibility. Upon completion of initial basic military training, unless otherwise restricted as described in this chapter, 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 BAS rates listed below. Prior to January 1, 1998, enlisted members could have been subsisted-in-kind by the government in lieu of a BAS payment. From January 1, 1998 through December 31, 2001, enlisted members could have been subsisted-in-kind by the government with only a partial BAS payment. The BAS II rate was established October 6, 2003.

1. Enlisted BAS. This is the standard rate of BAS to be paid enlisted members unless they qualify for and proper authority approves a higher rate of BAS.

2. Enlisted BAS II. Enlisted 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, may be entitled to BAS II. The rate for BAS II is fixed at twice the rate for standard enlisted BAS. Currently BAS II has not been authorized by any of the Military Services.

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).

D. Enlisted BAS in Specific Situations. The following policy will be used in determining the rate of BAS to apply 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 concerned who shall confer to ensure uniform determinations on the authorized BAS rate.

2. Enlisted members on authorized leave (including proceed time, authorized delays en route 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 station.

3. Enlisted members performing permanent change of station (PCS) travel (including temporary duty travel or temporary additional duty (TDY/TAD 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 permanent station.

4. Enlisted members receiving BAS II at their permanent station who are hospitalized or performing regular or permissive TDY/TAD (including field duty, sea duty, essential unit messing, or group travel) under orders away from their permanent station will revert to standard enlisted BAS for the period of absence from the permanent station.

250103. Payment. The BAS entitlement is paid as a monthly rate. Effective January 1, 2006, the rates for BAS are as follows:

A. The monthly BAS rate for officers is $187.49 ($183.99 - January 1, 2005).

B. The monthly BAS rates for enlisted members are:

1. Enlisted BAS (standard) - $272.26 ($267.18 - January 1, 2005.)

2. BAS II - $$544.42 ($534.36 - January 1, 2005).

C. Prorated Subsistence Allowances. Military members may not be provided meals or rations at no charge by or on behalf of the government while entitled to BAS for the same period of service, except when a patient is in the hospital.

1. An enlisted member shall 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.

2. An enlisted member who changes BAS status at the direction or by permission of a commander, under blanket authority, or at the member's request shall have the entitlement change take effect at the beginning of the day specified in writing by the commander.

250104. Restrictions

A. Military members are not entitled to BAS under the following conditions:

1. When undergoing Basic Military Training, including initial officer training (Officer Candidate School, Officer Training School) unless they have continuous prior enlisted service (active or reserve) at the time they start such training. In such cases, the member will be subsisted-in-kind.

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.

6. When serving a court-martial sentence that includes confinement and total forfeiture of pay and allowances. BAS will be stopped on the date the sentence is adjudged and the member is confined or when total forfeitures become effective. In such cases, the member will be subsisted-in-kind.

B. Enlisted BAS II is not authorized when a government mess is temporarily closed for less than 14 days, or when a member is on leave, assigned temporary duty (TAD/TDY) away from the permanent station, or in the hospital.

C. Military members may not be provided meals or rations at no charge by or on behalf of the government while entitled to BAS for the same period of service, except when a patient is in a hospital.

250105. Special Provisions

A. Meal Collections. A military member being paid BAS must pay for all meals or rations received from a government mess or provided on behalf of the government (except when a patient in a hospital). This is a personal obligation of the individual. Meals or rations may be paid for with cash tendered to the government mess, by collection/reduction of otherwise entitled subsistence travel per diem (a member under orders for essential unit mission (EUM) has no entitlement to subsistence travel per diem), or through pay account collection. When payment is made through pay account collection, it is not considered a deduction from or reduction of the entitled BAS, it is a collection for debt owed to the government.

1. Members receiving BAS while in certain situations, may have the payment for government provided meals made by mandatory pay account collection. 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 collection, the pay account 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. Mandatory pay account collection may be required in the following situations:

a. Field duty.

b. Sea duty.

c. Group travel.

d. Accession Pipeline Military Training.

e. Essential unit messing.

f. Essential station messing.

2. Mandatory pay account collections for meals do not apply under the following conditions:

a. Members on official leave, in a permanent change of station status (including travel time and proceed time), in hospital, or on temporary duty (TAD/TDY) other than temporary duty to another situation requiring mandatory pay account collection for meals are exempt from mandatory collections. 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 individual for any meals served.

b. Members who have missed meals certified by the commanding officer/commanders or their designee are exempt from mandatory collections and pay account 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.

4. In circumstances other than those requiring mandatory pay account collection, members receiving BAS will pay for meals obtained from a government mess or

provided 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 TDY/TAD 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.

5. 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/disallowed as payment for the meals.

6. 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 collection for meals made through their pay account at the appropriate rate upon proper documentation for a debt owed to the government.

B. Meal Collection Disposition. 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.

C. Specialized Terms. The following definitions apply to specialized terms used in this chapter:

1. Essential Station Messing (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.

2. Essential Unit Messing (EUM). Any group messing that an appropriate authority declares essential for operational readiness, military operations or effective training where members are required to use a government mess or meals provided on behalf of the government. Members shall be in a travel status and are entitled to travel reimbursement for incidental expenses, but not for subsistence. Designation for essential unit messing shall 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.

3. Field Duty. Any maneuvers, war games, field exercises, or similar operations where a member is assigned to a unit being subsisted in a dining facility operated by or on behalf of the U.S. Government or with an organization drawing field rations. Members may be on per diem orders. All members on field duty will be charged for all meals made available whether eaten or not, subject to approved missed meals.

4. Government Mess. See the Definitions.

5. Sea Duty. Any 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 temporary duty. 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.

6. Subsisted on Behalf of the Government. Subsisted on behalf of the government is 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.

7. Subsisted-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.

D. Advance Payments. Advance payment of BAS is authorized under the circumstances specified in ***Chapter 32*** of this volume.

E. Effect on Overseas Station Allowances. BAS is in addition to the overseas cost-of-living allowances authorized by ***Joint Federal Travel Regulations*** Volume 1, (reference d)).

★2502 FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE (FSSA)

250201. General Provisions. FSSA is established effective May 1, 2001, and will terminate September 30, 2006. The purpose of the allowance is to supplement an individual's BAS to a level sufficient to remove that member's household from or obviate the need for benefits under the food stamp program. Officer and enlisted members entitled to BAS may also qualify for FSSA. FSSA is payable at a monthly rate not to exceed $500 as determined by the Military Service concerned under the guidance provided by the Secretary of Defense. FSSA is a non-taxable allowance payable in addition to all other pays and allowances.

250202. 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 gross household income that would make the member eligible for assistance under the United States Department of Agriculture (USDA) food stamp program for a given household size.

C. Has made application for and been certified, at a specific payment level, by the appropriate office.

250203. Entitlement. FSSA is a monthly entitlement payable in whole dollar amounts not to exceed $500. 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 gross 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 will be prorated at 1/30 for each day of entitlement.

C. If an eligible member is receiving food stamps, the amount of the entitlement will be equal to the calculated FSSA or the food stamp allotment, whichever is higher, not to exceed $500.

250204. Application and Certification. Individual members must make application to 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.

250205. Termination and Recertification. Certain events will cause the termination of entitlement unless reapplication and recertification are made. An eligible member may make reapplication up to 30 days prior to termination when an event that will require recertification is known in advance. Additionally, a member may make reapplication up to 30 days after an event that requires recertification without loss of continuity of entitlement. When reapplication is made within 30 days of an event that would cause termination, the recertification will have an effective date of the day following the event and any change in entitlement rate will be effective on that date. A reapplication will be treated as an initial application if more than 30 days lapse before the reapplication is made following the date of an event requiring recertification. In such cases, continuity of entitlement will be lost and the date for termination of the entitlement will be the date of the event requiring recertification. Each of the following events require reapplication and recertification or termination of entitlement:

A. When the monthly household income increases by $100 or more as compared to the household income used as the basis of the member's current certified entitlement.

B. When there is any decrease to household size.

C. When the member is promoted. In the case of a promotion, the entitlement ends the day prior to the effective date of promotion.

D. When executing PCS move. In the case of a PCS move, the entitlement ends the day prior to the date the member officially reports for duty at the new duty station.

E. Annually on February 1.

250206. Recoupment. The difference between the amount of the current entitlement and the amount being recertified (if less) will be recouped if, during recertification, it is determined that the member's gross household income increased by greater than $100 more than 30 days prior to reapplication. The amount to be recouped will be calculated on a pro rata basis for each day following the date the increased income exceeded $100 through the effective date of the recertification.

MEAL COLLECTION RATES (Effective January 1, 2006) (note 1)			
RULE	**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	**and the meal received is**	**then the collection rate is**
1	discount meal rate (note 2)	breakfast	$1.60
2		lunch	3.05
3		dinner	3.05
4		daily total	7.70
5	standard meal rate (note 3)	breakfast	1.95
6		lunch	3.55
7		dinner	3.55
8		daily total	9.05

NOTES:

1. Collections from a member's pay account will be made only when the member has not otherwise paid for meals provided by or on behalf of the government (i.e., by cash, personal check or charge, or by deduction/reduction of per diem). Collections from pay will be deducted from the member's pay account and credited to the appropriation specified by the Military Service concerned.
2. The discount meal rate applies to meals and rations provided by or on behalf of the U.S. Government to a member 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, in a group travel status, under essential unit messing or assigned essential station messing. The discount meal rate also applies to meals and rations provided to a member assigned to Joint Task Force operations (for other than training) at temporary U.S. installations, or through a temporary dining facility.
3. 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 2. Generally, when the standard meal rate is applicable, it will be collected, in cash from the member, by the dining facility.

★Table 25-1. Meal Collection Rates

MEAL COLLECTION RATES (Effective January 1, 2005) (note 1)			
RULE	**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	**and the meal received is**	**then the collection rate is**
1	discount meal rate (note 2)	breakfast	$1.55
2		lunch	3.00
3		dinner	3.00
4		daily total	7.55
5	standard meal rate (note 3)	breakfast	1.90
6		lunch	3.50
7		dinner	3.50
8		daily total	8.90

NOTES:

1. Collections from a member's pay account will be made only when the member has not otherwise paid for meals provided by or on behalf of the government (i.e., by cash, personal check or charge, or by deduction/reduction of per diem). Collections from pay will be deducted from the member's pay account and credited to the appropriation specified by the Military Service concerned.
2. The discount meal rate applies to meals and rations provided by or on behalf of the U.S. Government to a member 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, in a group travel status, under essential unit messing or assigned essential station messing. The discount meal rate also applies to meals and rations provided to a member assigned to Joint Task Force operations (for other than training) at temporary U.S. installations, or through a temporary dining facility.
3. 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 2. 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 26

BASIC ALLOWANCE FOR HOUSING (BAH)

2601 GENERAL PROVISIONS

260101. Basic Allowance for Housing (BAH) Entitlements. Effective January 1, 1998, in general, BAH provides members a monthly allowance for housing. This allowance is authorized for members with and without dependents. Basic Allowance for Housing is intended to pay only a portion of housing costs. Basic Allowance for Housing will consist of BAH, BAH-II, BAH Difference (BAH-DIFF), Partial BAH, Overseas Housing Allowance (OHA), and Family Separation Housing (FSH). Basic Allowance for Housing also consists of the former allowances known as basic allowance for quarters and variable housing allowance. Basic Allowance for Housing DIFF is the difference between the with and without dependents BAH rates as of December 31, 1997. Family Separation Housing is the former allowance known as family separation allowance Type I. See Web site for housing rates (https://www.dtic.mil/perdiem/).

A. Basic Allowance for Housing is payable to members on active duty and will vary according to the grade in which serving or appointed for basic pay purposes, dependency status, and the permanent duty station (PDS) assigned (except as otherwise provided in section 2605).

B. A member's old PDS is the PDS for BAH purposes from the day the member departs the old PDS through the day before the member reports to the new PDS in compliance with permanent change of station (PCS) orders (if the member had been residing in government quarters at the old PDS, the member is entitled to BAH the date of termination of government quarters). See Tables 26-9 and 26-11 for further guidance.

C. Basic Allowance for Housing is not payable to members who are assigned to quarters of the United States appropriate to the grade, rank, or rating of the member and adequate for the member and dependents, if with dependents. A member is not entitled to a basic allowance for housing except as provided in paragraphs 260106, 260201, 260202, 260301, 260302, or 260303.

D. All determinations of dependency and relationships are made by the Defense Finance and Accounting Service (DFAS) (secondary dependents and doubtful primary dependents), Secretary of the Department concerned (primary dependents) or by persons designated by the Secretary. The designee may redelegate this authority.

E. Basic Allowance for Housing II rates are established by the Secretary of Defense and are determined and set forth in paragraph 260107. Basic Allowance for Housing II is the housing allowance entitlement for members not specifically entitled to full BAH in some cases.

F. Overseas Housing Allowance rates are determined by the Per Diem Travel and Transportation Allowance Committee. See Web site for published OHA Rates (https://www.dtic.mil/perdiem/).

260102. Determining Dependency or Relationship for BAH Entitlements - Army and Air Force Personnel. Determinations are made by offices shown in Table 26-1.

260103. Determining Dependency or Relationship for BAH Entitlements - Navy and Marine Corps Personnel. Determinations are made by offices shown in Table 26-2.

260104. Fraudulent Claims. Any member who submits a claim for BAH which contains false statements is subject to court-martial or criminal prosecution. In addition, fraudulent acceptance of benefits may cause a civilian recipient to be subject to criminal prosecution. The law provides for severe penalties of imprisonment and a fine. For military personnel, it can include dishonorable separation, total forfeitures, and confinement.

260105. Government Quarters - Responsibility for Assignment or Termination of Assignment

A. Assignment of Government Quarters. The base or installation commander assigns and terminates quarters. The commander also determines when quarters are "adequate" and "suitable" for assignment. Government quarters or housing facilities under control of the Uniformed Services are considered assigned, suitable, and adequate whenever occupied by a member at the permanent station without payment of rental charges. This includes quarters furnished a member without charge:

1. By an organization or institution on behalf of the United States.

2. By a foreign government for the member's official use.

3. When jointly assigned to one or more members without dependents.

NOTES: (1) A member is still considered assigned to government quarters when the member voluntarily vacates assigned quarters without approval of the installation commander. (A member in pay grade E-7 and above, without dependents, may elect not to occupy assigned quarters unless denied permission by the Secretary concerned; see paragraph 260201.)

(2) Effective April 15, 2003, a member married to another member who is stationed at the same or adjacent installations that enable both members to reside in government family quarters assigned to one of the members, will both be considered assigned government quarters. However, if there is a separation agreement, pending divorce, or martial discord that requires one member to obtain alternative nongovernment housing, the member not occupying family quarters must obtain a statement of nonassignment from the installation housing officer to be entitled to BAH.

B. Basic Allowance for Housing for Date of Assignment of Quarters. Except when a member is entitled to BAH in accordance with Tables 26-3, 26-4, and 26-5, BAH continues to accrue through the day before the date a member is assigned government quarters or begins to occupy government quarters at the permanent station.

C. Basic Allowance for Housing for Date of Termination of Quarters. Basic Allowance for Housing accrues from the date the assignment to government quarters is terminated or the date that quarters are vacated as indicated in Tables 26-3 through 26-6.

260106. Occupancy of Rental Quarters at a Service Academy. A member is entitled to BAH while renting quarters in a hotel on the grounds of a Service Academy.

260107. Establishment of BAH Rates

A. Basic Allowance for Housing Rates

1. The Secretary of Defense (SECDEF) determines the costs of adequate housing in a Military Housing Area (MHA) for all members of the Uniformed Services entitled to BAH by location. The determination for housing allowances is based upon the costs of adequate rental housing for civilians with comparable income levels in the same area.

2. An adjustment in the rates of BAH as a result of the SecDef's redetermination of housing costs in a MHA shall take effect with the pay raise each year.

3. The amount paid for BAH the preceding year is adjusted to reflect changes during the year. This process accounts for the number of members, grade distribution, geographic distribution, base closures, unit/command movements, and dependency status of members of the uniformed services entitled to the allowance from the number of such members during the preceding year.

B. Basic Allowance for Housing Rate Protection, Low/No Cost Move and Short Term PCS (12 Months or Less)

1. Basic Allowance for Housing Rate Protection. The monthly BAH amount actually paid a member (i.e., BAH Rate Protection) shall not be reduced as a result of changes in housing costs in the MHA, changes in the national monthly cost of housing, or promotion of the member. If the member is demoted, or loses entitlement to BAH, then the member's BAH rate protection at the current amount will cease on the date the member's eligibility to BAH for a given MHA terminates. The current BAH rate at the current duty location becomes the member's new protected BAH rate.

2. Low/No Cost Moves. Effective July 1, 2001, the Secretary concerned may pay BAH based on the old station rate in situations involving low/no cost moves within the United States and for situations where the member and dependents are residing separately. The Secretary concerned determines if it is inequitable to pay BAH based on the new station rate.

3. Unaccompanied/Dependent Restricted OCONUS Assignments. Effective July 1, 2001, the Secretary concerned may pay BAH based on the old station rate in situations where members are making a PCS to a dependent restricted/unaccompanied OCONUS assignment and dependents are residing separately from the member. The Secretary concerned must determined if is more equitable to pay the member based on the old duty location rate.

4. Short Term PCS Assignment 12 Months or Less for Professional Military Training or Education. Effective June 26, 2003, where a member receives a PCS assignment of 12-months duration or less, for purposes of participating in professional military education or training classes, the circumstances of this assignment are unusual, including: (1) known in advance that the duration of this assignment, within the continental United States (CONUS), will be for a short term of 12 months or less; (2) member may return to previous duty location upon completion of education or training; and (3) assignment may not coincide with the academic school year, which may work a particular hardship on military families with school-aged children. Under these circumstances, it may be necessary for some members to leave their dependents in place rather than relocate them for the short duration of the assignment. If the Secretary concerned determines that the circumstances of the short-term assignment are unusual, the Secretary may pay BAH based on the dependents' location or the last duty station, whichever the Secretary determines to be most equitable.

260108. Allowance for Quarters to Surviving Dependents. For payment of basic allowance for housing to surviving dependents of members who die while on active duty, see section 3603 of this regulation.

260109. Advance of Housing Allowances

A. Entitlement. Effective April 20, 1999, when allowed by Service regulations, a member's commanding officer, the commanding officer's designated representative, or another designated official may authorize an advance payment of BAH to pay advance rent, security deposits, and/or initial expenses incident to occupying other than government housing. The advance may be made at any time during a member's tour at the station concerned. It also may be authorized when a member has relocated housing incident to PCS orders. Normally, the advance shall not be disbursed more than 3 working days before the date payment under the lease or rental agreement must be made. Officers listed herein may authorize disbursement, in extenuating circumstances, more than 3 working days before the date payment must be made. The member must request the advance payment within 30 days after incurring the expense(s). Housing expenses will be documented to include copies of the lease, utility company statement and any other pertinent documentation available. Expenses identified by a member that will be used in the purchase of any real estate or living accommodations shall not be considered as a basis for authorizing or determining the amount of the advance.

B. Amount. The amount to be advanced will be determined based on the member's current prescribed BAH rate. The member's ability to repay the advance, considering other advances of pay which may have been made and any recurring pay deductions, will be considered in determining the amount of the advance. In no case shall the advance payment of BAH exceed a total of 3 months BAH expected to be accrued by the member.

C. Liquidation. Liquidation of the advance should be at a rate of not less than equal monthly installments of one-twelfth of the amount advanced, per month for the next 12 months. Collection action should begin on the first day of the month after payment of the advance has been made. When justified by the member and authorized by the member's commanding officer, the commanding officer's designated representative, or another service designated official, the beginning of collection action may be postponed for up to 3 months after the advance is made. Repayment may be spread over a period of more than 1 year, but not to exceed 24 months of the member's tour at the station concerned. Action to recoup in a lump sum any advance made under this paragraph that has been returned to the member by the landlord must be taken immediately upon receipt of information that the member has vacated the housing for which the advance was made. Any balance of an advance not returned by the landlord may be liquidated in monthly installments, if desired by the member, for a period over the balance of the months remaining on the existing loan repayment schedule.

D. Administrative Instructions. Each Service concerned shall prepare regulations for the administration of the payment of an advance BAH to include the preparation and disposition of vouchers and supporting papers.

E. Special Circumstances. An advance payment of BAH is authorized in circumstances and conditions other than those under subparagraph A, when authorized by the Secretary concerned or designee. Liquidation procedures for advances under this subparagraph shall be prescribed by Service regulations.

F. Advances of Overseas Housing Allowance (OHA). Advances of OHA may be authorized under the terms and conditions in the Joint Federal Travel Regulations (JFTR), Chapter 9 (reference (d)).

2602 MEMBERS WITHOUT DEPENDENTS

260201. Entitlements

A. General. Members without dependents who are entitled to basic pay are entitled to BAH as set forth in Table 26-3. Members without dependents in pay grades E-7 and above may elect at any time not to occupy government quarters at the permanent station and become entitled to BAH unless the Secretary concerned or designee has determined that the member's exercise of this option would adversely affect a training mission, military discipline, or readiness. See Table 26-3, rules 6 through 8, for BAH entitlements while on field or sea duty.

B. Members in Pay Grade E-6 not on Sea Duty. Effective on or after July 1, 1996, a member without dependents who is in pay grade E-6 and who is assigned to quarters of the United States that do not meet the minimum adequacy standards established by the Department of Defense for members in such pay grade, or to a housing facility under the jurisdiction of a Uniformed Service that does not meet such standards, may elect not to occupy such quarters or facility and instead to receive the BAH prescribed for the member's pay grade. The Secretary concerned, or the designee, may deny BAH on determining that the member's exercise of this option would adversely affect a training mission, military discipline, or readiness.

C. Members on Sea Duty. See Table 26-3, rule 8, for BAH entitlements while on sea duty. In addition, see regulations promulgated by the Secretary concerned for members on sea duty.

1. Members without dependents in grade E-5 assigned to sea duty. On or after July 1, 1997, under Service regulations, the Secretary concerned may authorize the payment of BAH to a member without dependents who is serving in pay grade E-5 and is assigned to sea duty. In prescribing regulations under this subparagraph, the Secretary concerned shall consider the availability of quarters for members serving in pay grade E-5.

2. Members without dependents in grade E-4 assigned to sea duty. On or after October 31, 2002, under Service regulations, the Secretary concerned may authorize the payment of BAH to a member without dependents who is serving in pay grade E-4 and is assigned to sea duty. In prescribing regulations under this subparagraph, the Secretary concerned shall consider the availability of quarters for members serving in pay grade E-4.

3. Member married to member in grades E-5 and below and both are assigned to sea duty. On or after October 1, 2003, two members of the Uniformed Services in a pay grade E-5 and below who are married to each other, have no other dependents, and are simultaneously assigned to sea duty are each entitled to BAH at the without dependent rate applicable for their appropriate pay grades. In addition, Service regulations do not affect this entitlement.

260202. Uninhabitable Quarters Aboard Ship

A. A Navy officer may be reimbursed for expenses (not to exceed the total of the BAH-II of a member of the same grade without dependents) incurred in obtaining quarters when the Secretary of the Navy or designee certifies that:

1. Such an officer is prevented from occupying quarters assigned aboard a ship on which the officer is serving on sea duty because such quarters are uninhabitable due to repairs, overhaul, conversion, or other conditions;

2. Government quarters are not available; and

3. The hire of quarters is not practicable. An officer may not be reimbursed for expenses under the conditions of this paragraph when such officer is entitled to BAH or when the officer can reside with dependents who are living in the area of the ship's location. An officer's dependents are living in the area of the ship's location when the residence is within a distance of 50 miles (or 1-1/2 hours travel time), one-way, of such location or the officer actually commutes daily, regardless of distance. The term "commutes daily" excludes duty periods when the officer is required to remain aboard or within close proximity to the ship. See paragraph 270203 for application of the distance and travel time restriction.

B. Request for reimbursement for expenses in place of quarters must be approved by OPNAV (N130).

C. The certification may be signed by the supervisor of shipbuilding of any shipyard or drydock where United States naval ships are undergoing repair or conversion.

260203. Reserve Component Members

A. Duration of Orders. Reserve Component members called or ordered to active duty for 139 days or less are entitled to BAH-II, except as provided in subparagraph B below. However, if the member receives an order modification or extension of assignment, the prospective (new) period of active duty must be 140 days or more and BAH would start on the date of modification. Members called or ordered to active duty for 140 days or more are entitled to BAH. Do not add periods of active duty previously served to obtain the 140 day requirement. See Table 26-11 and Chapter 57.

B. Contingency Operations. When a Reserve Component member is called or ordered to active duty in support of a contingency operation and receives PCS authorized transportation of household goods orders, BAH will be paid on the new station. However, if the member is called or ordered to active duty and PCS orders are not issued, BAH rate will be based (paid) on primary residence rate at the time of call or order. For members of the Reserve Components without dependents called to active duty, see Chapter 57, paragraph 570502.E. The Secretary concerned shall issue regulations for the administration of the payment of BAH during contingency operations.

C. Member Married to Member. Unless subparagraph B above applies, a Reserve member married to another member on active duty, without dependents, not assigned to government quarters, is entitled to BAH-II at the without dependents rate, when called to active duty for 139 days or less. For such a Reserve member on active duty for 140 days or more, each member is entitled to BAH at the without dependents rate. If such members have dependents, see section 2603 for entitlement to BAH.

D. See Table 26-11 for the location rate of BAH payable for Reserve members entitled to BAH. In addition, see paragraph 570502 for Reserve members.

260204. Missing Status. Members without dependents carried in a missing status are entitled to BAH at the without dependent rate. (See paragraph 340302.)

260205. Partial BAH Entitlement

A. Partial Rates. A member without dependents who is assigned to single-type quarters or is on field or sea duty, and is not entitled to receive a BAH, is entitled to partial BAH at the rates provided in Table 26-12.

B. Conditions

1. A member without dependents assigned to single-type adequate government quarters at the permanent station and entitled to partial BAH who is subsequently sick in a hospital (no PCS involved), continues to be entitled to partial BAH while hospitalized.

2. Except as provided in subparagraphs 260201.B and C, a member without dependents in grade E-6 or below who is offered an assignment of adequate government quarters, or is assigned government quarters but elects not to occupy such quarters and resides in private quarters at own expense, is considered to be assigned to government quarters and not entitled to BAH. Therefore, such member is entitled to partial BAH.

3. Partial BAH is not authorized during proceed time, leave enroute, or travel time on PCS unless member is assigned to single-type government quarters and not entitled to BAH.

4. Member married to another member who has no dependents other than the spouse is entitled to partial BAH when assigned to single-type government quarters and is not entitled to BAH. However, such members assigned to family-type government quarters are not entitled to partial BAH.

5. A member occupying single-type government quarters whose dependents reside in family-type government quarters, is not entitled to BAH and therefore, is entitled to partial BAH, provided the family quarters are not assigned under the member's eligibility.

6. A single member without dependents is not entitled to partial BAH when assigned to family-type government quarters.

7. A Navy officer, without dependents on sea duty, being reimbursed under paragraph 260202 for the expense incurred for quarters, when the quarters aboard ship are uninhabitable, is entitled to partial BAH.

8. Member without dependents confined in a guardhouse, brig, or correctional barracks who was assigned to single-type, government quarters before confinement and remains assigned to such quarters during confinement is entitled to partial BAH unless forfeiture of allowances was directed.

9. Member without dependents who is restrained in a status of arrest in assigned single-type government quarters, and therefore not entitled to BAH, is entitled to partial BAH unless forfeiture of allowances was directed.

10. Member without dependents permanently assigned to a hospital for treatment and assigned quarters in the hospital is entitled to partial BAH.

11. Member married to another member, neither having other dependents, who is assigned to sea duty and occupies government family quarters assigned to the spouse when vessel is in port, is a member without dependents assigned to quarters on the vessel and is not entitled to BAH but is entitled to partial BAH.

12. Member without dependents who is ordered PCS to confinement in a guard-house, brig, correctional barracks, or to additional training in a retraining or rehabilitation facility, is assigned to certain quarters therein and not entitled to BAH. Such member is entitled to partial BAH unless forfeiture of allowances was directed.

13. Member without dependents assigned to single-type government quarters between permanent duty stations and not entitled to BAH is entitled to partial BAH. This includes periods of temporary occupancy of government quarters in excess of 30 days without entitlement to BAH.

14. Effective April 20, 1999, a member without dependents is not entitled to partial BAH when assigned to government single-type quarters (including government-leased quarters) that exceed the minimum standards of single quarters for the member's grade.

2603 MEMBERS WITH DEPENDENTS

260301. Entitlements

A. When Entitled To BAH. A member with dependents who is entitled to basic pay is entitled to BAH at the rates prescribed for members with dependents when:

1. Adequate government quarters are not furnished for the member and dependents without payment of rental charge.

2. Adequate government quarters are not furnished for the member's dependents, or all of the member's dependents are prevented by competent authority from occupying such quarters, even though quarters are assigned for the member's occupancy. This does not apply to the provisions of paragraph 260409.

3. Dependents are not enroute or do not accompany the member to the permanent duty station, or the vicinity thereof, so as to preclude assignment of family quarters. Under such circumstances, the mere availability of quarters which could have been assigned does not negate the right of a member to the BAH for dependents. See Table 26-9 for the location to be used in determining the member's BAH entitlement.

★ 4. Effective February 2, 2005, a single or divorced member who maintains legal and physical custody of child(ren) before receipt of PCS orders to an unaccompanied tour may continue to be paid BAH at the with dependents rate, for last PDS, or designated place for certain periods if the requirements of this subparagraph are met. The divorce decree must be specific on the period(s) of time the member has legal and physical custody. Basic Allowance for Housing at the with dependents rate will be payable only for the period of time the member would have the custody of the child(ren) if not serving on the unaccompanied tour. The member must, for military necessity, place the child(ren) in the physical custody of a relative or designated care giver by the member, to be entitled to BAH at the with dependents rate.

B. Naval Aviation Cadets. A naval aviation cadet with dependents is entitled to BAH under the conditions and at the rates prescribed for an enlisted member in grade E-4 (over 4 years' service) with dependents.

C. Limitation on Quarters Occupied by Member. Effective April 20, 1999, when adequate quarters are not furnished for a member's dependents, the member may not occupy, either at the permanent or TDY station, government quarters which exceed the minimum standards for the member's grade without dependents without affecting the right to BAH unless:

1. These quarters are the only quarters available, and

2. The quarters are not suitable for joint occupancy; or

3. If suitable for joint occupancy, the quarters are jointly occupied with other members permanently assigned to the PDS.

D. Quarters Occupied During Special Duty Assignment. Effective April 20, 1999, a member, not accompanied by dependents, serving outside the United States, its territories, or possessions, in a duty assignment having official or diplomatic responsibilities involving officials of foreign governments, may be assigned to quarters that exceed the minimum standards for the member's grade without dependents, without affecting the member's right to BAH. The local Commander in Chief or major unit commander is the appropriate authority to decide whether an assignment entails "official or diplomatic" responsibilities involving officials of foreign governments. However, such quarters shall not be available on a continuing basis for single occupancy, if they are adequate for assignment as family housing to members of similar grade.

E. Additional Room Assigned to Chaplain. Assignment of an additional room to a chaplain for spiritual purposes does not affect the member's right to BAH. The room must be used for official duties and not as living quarters.

260302. Government Quarters Assigned or Occupied

A. Adequacy of Government Quarters. The term "government quarters or housing facilities" is in the "Definitions." The base, post, or installation commander determines when government quarters are adequate and appropriate for assignment.

B. Quarters Not Designated as Family-Type Quarters. A member who is neither assigned to nor occupies government quarters is entitled to BAH or BAH-DIFF for dependents even though the dependents occupy government quarters not designated as family-type quarters. Examples of such quarters are:

1. One room occupied by a member's spouse incident to employment as a domestic servant in quarters of a commissioned officer.

2. Dormitory quarters occupied by a member's child at a school for dependents of military personnel.

3. A hospital room occupied by a dependent under the Dependents' Medical Care Act (reference (aq)). However, a member is not entitled to BAH or BAH-DIFF when a sole dependent is hospitalized in a government or civilian hospital under the Dependents' Medical Care Act (reference (aq)) and the member is assigned to and occupies government quarters (even though private quarters are maintained and occasionally occupied).

4. Off base housing, non-government quarters, occupied by member's civilian spouse incident to employment overseas with Department of Defense Dependent Schools as a schoolteacher. NOTE: Member is separated from spouse by competent orders.

C. Quarters Furnished on Behalf of the United States. A member is not entitled to BAH or BAH-DIFF for dependents if the member and dependents are furnished adequate family quarters on behalf of the United States without rental charge. Examples of such quarters are:

1. Family quarters furnished a member in an official capacity by a foreign government.

2. Family-type quarters furnished by a state, county, municipal, or privately owned hospital to an officer serving on active duty as an intern or resident physician.

3. Family-type quarters furnished by a college, university, or research facility as part of a fellowship, scholarship, or grant.

D. Quarters Occupied by Dependents. A member furnished single-type quarters is not entitled to BAH on behalf of:

1. A spouse who is a sole dependent and who is furnished quarters in kind as a civilian employee at a government hospital.

2. A spouse who is a sole dependent and who is furnished government quarters while serving with the American Red Cross overseas.

3. A sole dependent who is a student nurse in training at a government hospital. However, BAH is payable on behalf of a dependent who is a student nurse in training at a civilian hospital.

4. A civilian spouse who is a sole dependent and who is furnished government quarters while assigned overseas with the Department of Defense Dependent Schools as a schoolteacher.

5. Dependents evacuated from a danger area, who occupy government housing facilities at a safehaven. (See subparagraph 260302.G for exception when member must continue to pay for private housing.)

6. Dependents alone or when accompanied by the member, who occupy government quarters assigned to another member for more than 30 days at any one duty station. Occupancy for more than 30 days is of a permanent nature and BAH entitlement does not accrue for any portion of the period of such occupancy. Visits of 30 or less days are social visits and do not cause loss of BAH. Movement from one unit of quarters to another or in and out of the same unit, with or without a break, does not establish a new 30-day period.

7. Any dependent(s), if one or more of the member's dependents occupy the quarters with the member on a permanent basis or on a social visit in excess of 30 consecutive days, unless other dependents are precluded by competent orders from residing with the member.

E. Quarters Occupied by Dependents During Member's Sea Duty or Field Duty. Effective June 1, 2003, a member whose dependents temporarily occupy government quarters while the member is on sea duty or field duty is entitled to BAH for a period not to exceed 30 days. (See Table 26-5, rule 2.)

F. Rental Quarters (Other Than Inadequate Quarters). A member and dependents who occupy the following facilities on a rental basis are entitled to BAH. (See "Definitions" for "rental charge.")

1. Any housing facilities, including trailers, under the jurisdiction of the government other than government quarters constructed or designated for occupancy without charge. The member may sublease such quarters to a temporary subleasee with or without charge and neither the sublessor nor subleasee will lose their right to BAH.

2. A hotel on the grounds of a Service Academy.

3. Quarters furnished a member in connection with service in a capacity other than that of a member.

G. Quarters at Safehaven Temporarily Occupied by Dependents. A member is entitled to BAH for dependents when:

1. The member's dependents occupy government-provided housing at a safehaven area after emergency evacuation from private housing at the permanent station; and

2. Due to conditions beyond the member's control, member is required to continue payment of rent for the private housing in order to house furnishings and belongings and to have quarters available upon return of the dependents.

3. This entitlement will continue until such time as dependents are authorized to return to member's permanent duty station or arrive at a designated place as contemplated by JFTR, paragraph U5240-A (reference (d)).

H. Lease on Private Rental Quarters. Effective December 8, 1997, when a member makes a local move from private, leased quarters to government housing, BAH is not payable for the remainder of the lease on the private quarters even though the member is required to honor the lease.

260303. Quarters Designated as Inadequate

A. Entitlement to BAH-II. A member with dependents may be assigned quarters designated as inadequate on a rental basis without loss of BAH-II. This does not apply to bachelor officer quarters, visiting officer quarters, guest houses, and similar type facilities, or to assigned quarters undergoing ordinary repairs. Orders stating that quarters were inadequate while repairs were being made does not authorize BAH-II during the period involved.

B. Effect of Subleasing Inadequate Quarters. The member may share the quarters with others or permit occupancy by others while on leave. The member may also sublet the quarters on a rental basis without loss of BAH-II, the amount of rent being immaterial.

C. Rental Charge for Inadequate (Sub-standard) Quarters. Collect rent from the member at the fair rental value of the quarters, as established by base housing personnel. The rental charge for the quarters shall be the fair rental value of such quarters, not to exceed 75 percent of the member's with dependents BAH-II rate. Rental charge is independent of the amount and type of BAH-II being paid to the member. See also subparagraph 260303.G for assignment of inadequate quarters to members married to one another. A member's receipt of BAH-DIFF does not affect the rental charge.

D. Effective Date of BAH-II and Rental Charge. Basic Allowance for Housing II and rental charge begin on the date of the member's assignment to such quarters or on the date the determination of inadequacy is effective, whichever is later.

E. Computation of BAH-II and Rental Charge. Compute BAH-II and rental charge on a 30-day month basis and prorate at one thirtieth of the monthly rate for each day inadequate quarters are assigned. Do not pay BAH-II or charge rent for the 31st day of a month. Pay 3 days' BAH-II and charge 3 days' rent when inadequate quarters are assigned on the 28th of February. Do not charge rent for the day the assignment is terminated; however, BAH-II accrues for the day of termination.

F. Inadequate Quarters Redesignated Adequate. Rental charges and BAH-II cease on the date rehabilitated inadequate quarters are redesignated as adequate government quarters. If a member's assignment was continued during the period of rehabilitation, the redesignation of adequacy is effective as of the first day of the month following the month in which the rehabilitation was completed.

G. Husband and Wife Entitled to BAH-II. When a husband and wife are both members who jointly occupy inadequate family quarters on a rental basis, use Table 26-4 to determine their respective BAH-II entitlements. The rental charge for the quarters shall be the fair rental value of the assigned inadequate family-type quarters, but will never exceed 75 percent of the with dependents BAH-II rate which would be payable to a member of the same grade and rank as the member under whose eligibility the quarters are assigned. The BAH-II paid to the respective members does not affect the amount of rent charged, even where a member is receiving BAH-II at the with dependents rate. Collect BAH-II in accordance with Service regulations. For inter-Service marriages, the rental charge will be collected in accordance with the regulations of the Service furnishing the quarters.

260304. Dependent. The term "dependent" for BAH purposes is the same as defined in the "Definitions."

A. Member with Dependents. A member is not entitled to BAH on behalf of:

1. A minor child who is entitled to basic pay as a member on active duty in a Uniformed Service. This includes a minor child attending one of the Military Service academies where quarters are furnished by the United States.

2. A spouse who is on active duty in a Uniformed Service of the United States and entitled to basic pay and allowances. See Table 26-4 for guide to BAH entitlement when both spouses are in the Military Service and entitled to basic pay and allowances.

3. A dependent for whom the member has been absolved of the requirement to provide support; for example, desertion without cause.

4. A dependent whose whereabouts is unknown and whose absence or whereabouts remains unexplained.

5. A former spouse to whom the member is paying alimony.

6. A dependent who occupies government quarters as a permanent residence without payment of a rental charge. (See paragraph 260411 for exception.)

B. Dependent Spouse in Foreign Service. A member is entitled to BAH on behalf of a spouse in military service of a government other than the United States. This applies even though the member is furnished quarters or paid a monetary allowance in lieu of quarters by that government.

C. Dependency Approval. Dependency must be approved before entitlement to BAH is authorized. After initial approval, the Services must maintain adequate levels of internal audit to assure the legality, propriety, and correctness of all disbursements for BAH. See individual Service regulations for procedures.

D. Certification of Dependents Status. Effective April 20, 1999, each member who is entitled to BAH on behalf of dependents must provide recertification to the Secretary concerned indicating the status of each dependent of the member to support entitlement to BAH on behalf of dependents upon arrival at a new PDS. If a member fails to provide the certification in a timely manner, stop BAH on behalf of dependents at the end of the month in which the certification is due, but continue to pay BAH at the appropriate partial or without-dependent rate unless the member is not entitled to that allowance for some other reason. Resume paying BAH at the with-dependent rate effective the date the member provides proper certification. Do not pay the higher rate retroactively in the absence of certification from the member's commander that the failure to recertify timely was for reasons beyond control of the member.

E. Reserve Component Members. Effective April 20, 1999, after initial certification, Reserve Component members must recertify dependency status at least every third year from the previous certification or upon change in dependency status.

F. Dependency Redeterminations. Annual redetermination of dependency is required for members who claim BAH on behalf of:

1. Parents, parents-in-law, stepparents, parents-by-adoption, or in-loco-parentis.

2. Students 21 and 22 years of age.

3. Incapacitated children over 21 years of age.

4. Ward of a court.

260305. Entitlement During Leave, Travel Status, Separation, and Other Situations. See Table 26-5.

260306. Dates To Start and Stop BAH. See Tables 26-6, 26-7, and 26-8.

2604 RULES FOR DETERMINING RELATIONSHIP AND DEPENDENCY

260401. Application of Rules. In determining relationship or dependency for BAH entitlement, the appropriate officials must apply the rules in Table 26-1 or 26-2.

260402. Lawful Spouse and Legitimate, Unmarried, Minor Children. A member's lawful spouse and legitimate, unmarried, minor children are at all times considered dependents for BAH purposes, except under the situations shown below and in subparagraphs 260304.A or 260406. When both members are entitled to BAH or BAH-DIFF on behalf of a child(ren) from a previous relationship, when they marry and are stationed in the same area, all of the children are considered as one class of dependents. Therefore, only one BAH at the with dependents rate

(including BAH-DIFF) is payable. A determination of relationship is required, but usually a determination of dependency is not. In all instances of a member having a spouse on active duty, full details must be given showing full name, social security number, duty station, and branch of Service of that spouse.

A. When two members, with no other dependents, are married to each other, they may elect which member will receive BAH on behalf of their adopted children or children born of their marriage. Both members must agree to the election. If the members cannot agree, the senior member is entitled to BAH for their children. The members may subsequently elect to transfer BAH entitlement on behalf of adopted children and children born of the marriage from one member to the other. Such elections may not be applied retroactively.

B. When one of two members married to each other is already receiving BAH at the with dependents rate on behalf of an adopted child(ren), child(ren) from a previous marriage, or an illegitimate child(ren), then any child(ren) born of their marriage, or adopted by them, is within the same class of dependents for which the member is receiving BAH and the other member may not claim the children for BAH purposes. However, if the member elects to stop receiving BAH at the with dependents rate, then the other member may claim the child(ren) for BAH purposes.

C. Effective April, 15, 2003, when married members are assigned to different locations, pursuant to competent military orders, their entitlement to BAH at the with dependents rate or to government-furnished quarters should be determined separately, without regard to the general rule that all children and parents of the members are dependents of the same class for the purpose of determining BAH entitlements. Each member is required to have physical custody of a dependent if both members are claiming an entitlement to BAH at the with dependents rate.

D. When one of two members married to each other is receiving BAH at the with dependents rate, the class of dependents includes the parents of either member and only one member is entitled to BAH at the with dependents rate or BAH-DIFF on behalf of the common class of dependents when the members are assigned to the same or adjacent bases.

260403. Validity of Member's Marriage. Any case where the validity of a member's marriage is questioned is considered a case of doubtful relationship.

A. Remarriage Within Prohibited Period Following Divorce. Under the laws of some states, a marriage is not dissolved until a specified period has elapsed after granting of a divorce decree. Remarriage is prohibited within the specified period. Moreover, in all states that grant an interlocutory decree before they grant a final divorce decree, remarriage may not be contracted before the final decree is granted.

B. Marriage by Proxy. Proxy marriages are considered valid if performed in a jurisdiction which recognizes common-law marriages and has no statute or judicial determination prohibiting proxy marriages.

C. Marriage by Telephone. A marriage by telephone will be recognized as entitling a member to BAH on behalf of a "lawful spouse" only if a statute or court decision authorizes or recognizes telephone marriages in the jurisdiction where the marriage was performed.

D. Common-Law Marriages. Under laws of certain states, a common-law marriage may be entered into by persons who do not obtain a license to marry or go through certain other formalities. Common-law marriages entered into in those states are considered valid if they are contracted in accordance with state law.

E. Foreign Nation Divorce. A foreign nation divorce may or may not be recognized as valid in the United States depending on several factors. These factors include place of residence of the parties involved, whether they appeared in person to obtain the divorce, and applicable state laws. Any claim involving remarriage of a member following a foreign nation divorce and any claim by or on behalf of the spouse from whom the member has obtained a foreign nation divorce are cases of doubtful relationship. A claim based on a member's marriage to a person who has obtained a foreign nation divorce is also a doubtful case.

F. Purported Marriage

1. Void Marriage. If a member's marriage is void (because of a pre-existing marriage of the spouse, for example) the member has no lawful spouse and is not entitled to BAH as a result of the purported marriage. When invalidity of the marriage is discovered, no further BAH payments may be made for any period (see Table 26-7, rule 4). The member may retain payments already received if they are validated under section 5005 of this volume. When validity of a marriage is questionable, submit the case to the office shown in subparagraph 3 for a determination on validity of the marriage and, if necessary, validation of payments already made.

2. Annulled Marriage. If a member's marriage is annulled by court decree, no further BAH payments may be made for any period (see Table 26-7, rule 3). The member may retain payments received before the effective date of the decree. Since validation under section 5005 is required for retention of such payments in some annulment cases (based on legal factors), submit all annulment cases to the office shown in subparagraph 3 for review and, if necessary, validation of payments made.

3. Determination and Validations. Submit requests for determination on validity of a marriage (doubtful cases) or for validation of payments to the appropriate address shown below:

a. Army:
DFAS-PMTEC-C/IN
8899 East 56th Street
Indianapolis, IN 46249-0855

b. Navy:
DFAS-CL/PMMACB
1240 East 9th Street
Cleveland, OH 44199-2055

c. Air Force:
DFAS-PMJPD/DE
6760 East Irvington Place
Denver, CO 80279-3000

d. Marine Corps:
Commandant of the Marine Corps (MRP-1)
3280 Russell Avenue
Quantico, VA 22134

260404. Child of Legally Invalid Marriage. An unmarried minor child of an invalid marriage or a marriage annulled as void or voidable is considered a dependent for BAH purposes.

260405. Reserved

260406. Support of Dependent-General

A. Proof of Support. The statutory purpose of BAH on behalf of a dependent is to at least partially reimburse members for the expense of providing private quarters for their dependents when government quarters are not furnished, and not to pay BAH on behalf of a dependent as a bonus merely for the technical status of being married or a parent. Proof of support of a lawful spouse or unmarried, minor, legitimate child of a member is generally not required. However, when evidence (e.g., special investigation reports; record reviews; fraud, waste and abuse complaints; sworn testimony of individuals; statement by member) or complaints from dependents of nonsupport or inadequate support of dependents are received, proof of adequate support as stated in subparagraph E is required.

B. Nonsupport. A member who fails to support a dependent on whose behalf BAH is received is not entitled to BAH on behalf of that dependent. Recoup for periods of nonsupport or inadequate support. Unless a period of nonsupport or inadequate support was caused as a result of mission requirements of the Service concerned (e.g., remote assignment, deployed, limited access to administrative support and/or financial networks, etc.), or the actions of outside agencies (such as financial institutions, postal service, etc.) over which the member has no control, as determined by Service regulations, the subsequent payment of arrears of support does not entitle a member to BAH on behalf of the dependent for the period of nonsupport or inadequate support. If a member is not entitled to BAH for dependents under any of the subsequent subparagraphs, consider entitlement to without dependents or partial rate BAH under section 2602. NOTE: A member does not avoid the legal responsibility to comply with a court order for support by forfeiting BAH.

C. Legal Separation Agreement or Court Decree, Judgment or Order Silent on Support, Not Stating Amount of Support, or Absolving Member of Support Responsibility. A legal separation agreement, court decree, judgment, or order that is silent on dependent support, does not state the amount of dependent support, or absolves the member of dependent support responsibility does not of itself affect a member's BAH entitlement. This is true regardless of the jurisdiction in which the decree, agreement or order was issued or in which the dependent is domiciled. The member is entitled to BAH on behalf of a dependent if the member contributes to the support of the dependent in an amount that is not less than the applicable BAH-DIFF rate.

D. Legal Separation Agreement or Court Order Stating Amount of Support. If there is a court order or legal separation agreement stating the amount of support, a member must contribute to the support of the dependent the amount specified therein, but in no case may the support payments be less than the applicable BAH-DIFF rate.

1. When a member is divorced from a nonmember, and they share joint legal custody of a child, and the ex-spouse is awarded primary physical custody, then the member is considered a noncustodial parent for the purpose of entitlement to BAH. If the member's court-ordered child support is less than the applicable BAH-DIFF rate, and the member is not residing in, or assigned to, government quarters, the member is entitled only to BAH at the without dependents rate. However, members who pay additional support to the ex-spouse having primary custody of the child(ren) so that the total child support provided is equal to or more than the BAH-DIFF rate, and who are not assigned to government quarters, are entitled to BAH at the without dependents rate and BAH-DIFF.

2. When a member has temporary custody of a child and they reside in private quarters, then the cost of maintaining a residence is not a factor in determining entitlement to with dependents rate of BAH and may not be used instead of or in addition to child support to qualify for increased allowances. The dependent child must reside with the member on a nontemporary basis (e.g., for a continuous period of more than 90 consecutive days) to qualify for the with dependents rate BAH for the temporary period. The cost of maintaining a home may not be added to the child support amount to qualify for the increased allowances.

E. Adequate Support. If the support requirements are not established by court order or legal separation agreement, a member must provide support in an amount that is not less than the BAH-DIFF rate applicable to the member's grade. The amount of support required to retain or receive BAH on behalf of a dependent does not necessarily mean that such amount is adequate to meet the policy of the Service concerned as to what constitutes adequate support in the absence of a legal separation agreement or court order. See Table 26-12 for BAH-DIFF rates.

F. Increase in Support Required by Increase in BAH-DIFF Rates. Whenever there is an increase in BAH-DIFF rates, the minimum required support for BAH purposes increases to the new rate. Members receiving BAH on behalf of a dependent must increase the amount of support, when applicable, within 60 days of the increase in order to continue receiving the BAH on behalf of the dependent.

G. Voluntary Support Payments. Voluntary support payments will not be considered for purposes of determining BAH entitlement unless there is a mutual agreement between the member parents that the support payments will be accepted by the custodial member parent.

H. Settlement Agreement

1. Property settlements made under a court order or written agreement are not considered support for BAH purposes.

2. Payments made under a settlement in place of support are considered support for the period expressly provided in the written agreement or court order.

3. A lump-sum settlement in place of support made under written agreement or court order is considered support for the period the lump sum would reasonably cover support of the dependent.

I. Interlocutory Decree of Divorce. If an interlocutory decree of divorce does not provide for support to the spouse, the member is not entitled to BAH for the spouse after the date of the decree unless proof of support is furnished.

J. Doubtful Cases. Submit any doubtful cases involving support for determination to the offices listed in subparagraph 260403.F.

260407. Support of Dependent - Both Parents Are Members

A. Divorce or Legal Separation Effective or Amended Before July 1, 1992. In addition to the provisions of paragraph 260406, the following subparagraphs apply when divorced or legally separated parents are both members and the divorce or separation occurred prior to July 1, 1992. These rules apply only when neither member is assigned to family-type government quarters, unless otherwise specified.

1. The noncustodial parent is entitled to BAH on behalf of the child(ren), provided the noncustodial parent pays adequate child support.

2. If the noncustodial member does not pay the required amount of child support, the custodial member is entitled to BAH on behalf of the child(ren).

3. The custodial member is entitled to BAH on behalf of the child(ren) if the noncustodial member declines to claim the child(ren). Such declination should be in writing if possible, may be revoked at anytime, and may not be retroactive. If the noncustodial member is entitled to BAH on behalf of another dependent, the custodial member is entitled to BAH on behalf of the child(ren) of the marriage.

4. Only one parent is entitled to BAH on behalf of children of the marriage when all of the children reside in one household; this applies even if child support payments are specifically for support of only some of the children.

5. When the child(ren) of the marriage are in the custody of a third party, only one member is entitled to BAH on behalf of the children, even if both members are paying sufficient child support to qualify for the entitlement. The senior member is entitled to BAH on behalf of the child(ren) when the two members do not agree on which person will claim the entitlement. If the members are of equal rank, date of rank determines which one receives BAH on behalf of the child(ren).

6. When each member has legal and physical custody of one or more of the children of the marriage, each member is entitled to BAH on behalf of those child(ren). If one member is paying adequate child support on behalf of the child(ren) in the other member's custody, the custodial member is not entitled to BAH on behalf of the child(ren) in that member's custody.

7. In cases of joint legal custody, when physical custody changes from one parent to another, each parent is entitled to BAH on behalf of the child(ren) during those periods the child(ren) are actually in that parent's physical custody.

8. When a noncustodial member pays child support to the custodial parent who also has another dependent who makes the member eligible for BAH, there is a presumption that the custodial parent's entitlement is based on the dependent(s) other that the child(ren) of the marriage. The BAH entitlement for the custodial and noncustodial parents is determined individually.

B. Divorce or Legal Separation Effective or Amended After June 30, 1992. In addition to the provisions of paragraph 260406, the following subparagraphs apply when the divorced or separated parents are both members and the divorce or separation occurred, or the decree or agreement was amended after June 30, 1992. These rules apply only when neither member is assigned to family-type government quarters, unless otherwise specified.

1. Unless the members agree to the contrary, the custodial parent is entitled to BAH on behalf of the child(ren) regardless of the amount of child support received by that member. In addition to the court order, a separate notarized agreement between the members must be provided in order for the noncustodial member to receive BAH on behalf of the child(ren).

2. When the members each have legal and physical custody of one or more of the children of the marriage, they are each entitled to BAH on behalf of the children in their individual custody, regardless of child support payments from one member to the other.

3. When the child(ren) are in the custody of a third party, the rule in subparagraph 260407.A.5 applies.

4. In cases when there is joint legal custody, with physical custody changing from one parent to the other, the rule in subparagraph 260407.A.7 applies.

5. When the dependents are not a common class, the rule in subparagraph 260407.A.8 applies.

260408. Child Living With Former Spouse Remarried to Another Service Member

A. When a member's child resides in government quarters not assigned to the divorced member parent, that member is not entitled to BAH on behalf of the child.

B. Basic Allowance for Housing may not be paid on behalf of a child to both the stepparent and the natural parent at the same time. The natural parent has priority to BAH on behalf of that child if providing adequate support.

260409. Child(ren) Living With Former Spouse-Member Remarries

A. Subparagraph 260301.A.2 does not apply in the case of a member who is required to support a child in the custody of a former spouse when the member remarries and is assigned to or occupies government family quarters. The member is not entitled to BAH on behalf of the child living with the former spouse. This rule also applies when, upon remarriage, the member marries a member.

B. If a member is required to support a child in the custody of a former spouse and the noncustodial parent marries another member and children are born of this marriage, and the member paying child support vacates government quarters on PCS assignment with quarters being reassigned to the new spouse, the member reassigned PCS is entitled to BAH on behalf of the child(ren) of the former marriage.

260410. Child(ren) Living With Former Spouse or Estranged Spouse Who Is A Member Assigned Family Quarters. When the member parent having custody of the child(ren) is assigned to, or occupies, adequate family-type quarters with the child(ren) while receiving child support, the member parent paying child support is not entitled to BAH on behalf of the child(ren).

260411. Child Living With Former or Estranged Spouse in Family Quarters Visits Member. When a child(ren) who normally resides in government family quarters with a member's former or estranged spouse (custodial parent) visits the member in private quarters for more than 90 days, the visit is considered nontemporary and the member is entitled to BAH on behalf of the child(ren) from the first day of the visit. If the visit is 90 days or less, BAH on behalf of the child(ren) is not payable for any part of the visit.

260412. Adopted, Illegitimate, and Stepchild(ren). Adopted children, illegitimate children, and stepchild(ren) are primary dependents. As a result, dependency is no longer required for these dependents.

A. Proof of Parentage. A member who claims BAH on behalf of an adopted child, stepchild, or a child born out of wedlock (parents are not married to each other at the time of the child's birth) must provide proof of parentage as follows:

1. For an adopted child, document showing the member is the child's legal parent.

2. For a stepchild, a marriage license showing the member is married to the child's legal parent and documentation showing that the member's spouse is the parent of the child.

3. For a child born out of wedlock, a birth certificate with the member name cited is required. If the member name is not stated on the birth certificate, or a court-order, obtain a signed statement of parentage from the member. If the illegitimate child(ren) is (are) not in the custody of the member parent, the case is treated in accordance with the rules for BAH-DIFF. The same rules apply when applicable to a member-mother not having custody.

B. Support Requirements. The member-parent may claim a dependent child(ren), adopted child(ren), illegitimate child(ren), and stepchild(ren) for BAH purposes. Proof of support for dependents is generally not required. The provisions of subparagraph 260406.A will be applied. The member is entitled to BAH if the member contributes to the support of the dependent(s) and that support is not less than the BAH-DIFF. This includes members entitled to BAH-DIFF and members assigned to single type quarters when the child(ren) is in the physical custody of another person.

260413. In Fact Dependency Determinations for Secondary Dependents. An incapacitated child over age 21, a ward of the court, or an unmarried child over age 21 and under age 23 (fulltime in college), requires an in fact dependency in accordance with the regulations of the Service concerned. The child must be dependent upon the member for over one-half of the child's support. This means:

A. The child's income, not counting the member's contributions, must be less than one-half of the child's living expenses, and

B. The member's contribution must be more than one-half of the child's monthly living expenses.

260414. Dependent Child Adopted by a Third Party. A member is not entitled to BAH for a child after the child is adopted by a third party and final order or decree of adoption has been entered. Entitlement to BAH continues after an interlocutory decree has been entered if the decree does not change the legal relationship between the child and the member, and the member supports the child.

260415. Confinement in Penal or Correctional Institution

A. Basic Allowance for Housing Payable. Confinement of a member's spouse or unmarried minor child in a penal or correctional institution does not affect member's right to BAH on the dependent's behalf, unless:

1. The member refuses to support the dependent.

2. The member has been absolved from supporting the dependent.

3. The period of confinement may extend beyond 5 years.

4. The case is otherwise doubtful.

B. Doubtful Cases. Submit cases involving a sentence extending beyond 5 years, and doubtful cases to the addresses shown in subparagraph 260403.F.3. Do not pay BAH pending decision.

260416. Limitation on the Amount of BAH Payable to a Member Entitled to BAH Solely on the Basis of the Member's Payment of Child Support

A. Except as provided in subparagraph B, if a member is assigned to single-type quarters of the United States or a housing facility under the jurisdiction of a Uniformed Service and is authorized BAH solely by reason of the member's payment of adequate child support, the member is entitled to BAH-DIFF.

B. A member who was assigned to single-type government quarters and entitled to BAH at the with dependents rate solely on the basis of the member's payment of child support on December 4, 1991, is entitled to BAH-II at the with-dependent rate until such time as the member becomes entitled to receive BAH on behalf of a dependent for a reason other than, or in addition to, the member's payment of child support. If a member moves out of single-type government quarters, or has a PCS on or after January 1, 1998, the member is no longer entitled to BAH-II under the preceding sentence. Basic Allowance for Housing entitlement in such cases will be determined under the normal rules.

C. A member not assigned to government quarters, who is entitled to BAH on behalf of a dependent solely on the basis of payment of child support, is entitled to BAH at the without dependents rate and BAH-DIFF.

260417. Dependent Parent

A. Basis of Determination. Dependency of a parent is determined on the basis of an affidavit submitted by the parent, and any other evidence required under applicable regulations. Determination of dependency is made by applicable authority listed in subparagraph 260403.F.3. A legal guardian may complete the form for a mentally incompetent parent.

B. Dependency Requirement. A member is entitled to BAH on behalf of parents if the parents are dependent upon the member for over one-half of their support. This means:

1. The parents' income, not counting the member's contribution, must be less than one-half of their monthly living expenses, and

2. The member's contribution must be more than one-half of the parent's monthly living expenses.

C. Change in Status of Dependent. A member is entitled to BAH for any active duty period during which dependency of the parent is shown to exist, whether the dependency arose before or after the member entered service. If dependency arises because of changed circumstances, and the facts show the member has started to contribute over one-half of the parents' support, BAH is authorized from the date the contribution began.

D. Stepparent. A stepparent/stepchild relationship ends upon divorce from the blood parent, but not necessarily upon death of the blood parent. Basic allowance for housing on behalf of a stepparent may be established after death of the blood parent.

260418. Factors Used in Dependency Determinations for Parents

A. Family Unit Rule. In determining dependency of a parent, the total income and expenses of the family unit of which the parent is a member must be considered. Normally, the member's contribution to the expenses of the unit must exceed one-half of the unit's total expenses before any one person in the unit can be considered dependent on him or her. For example, a mother cannot be considered dependent if she is a member of a family unit in which her husband is supporting himself but is not providing sufficiently for the mother's individual needs.

B. Equity and Good Conscience. When application of the family unit rule results in manifest injustice, any other available evidence of dependency is considered, and determination made according to principles of equity and good conscience.

C. Charity. Effective April 20, 1999, contributions made to parents by charitable organizations are considered income of the parent.

D. Charitable Institution. Residence of a parent in a charitable institution, public or private, is not a bar to entitlement if the member claims BAH on behalf of the parent and other conditions of entitlement are met.

E. Social Security, Unemployment Compensation, and Pensions. Effective April 20, 1999, payments made to the parent from the Social Security Administration, unemployment compensation, and financial assistance from governmental agencies, are considered income. Pensions received by the parent are also considered income.

F. Capital Assets. Unliquidated capital assets are not considered income, and parents are not required to deplete their capital assets in order to establish dependency on a member for BAH purposes. However, proceeds derived from the liquidation of capital assets are considered income. Amounts placed in reserve for depreciation of property held for income normally are considered available for current living expenses of a parent, are therefore, income.

G. Rate of Return Rule. In determining dependency of parents who possess uninvested capital, compute the income return on the basis of 5.25 percent per annum.

2605 PAYMENT OF BAH, MEMBERS IN A NONPAY STATUS

260501. Entitlements

A. Unauthorized Absence. For a period not to exceed 2 months from the first day of absence, BAH at the rate being credited a member in grades E-1, E-2, E-3, and E-4 (4 years' or less service) at the time absence commenced may be paid to a dependent on whose behalf BAH was claimed prior to commencement of the absence, if all of the following conditions exist:

1. The member has been in an unauthorized absence status for more than 29 consecutive days.

2. The dependent applies for payment of BAH and the application is received by appropriate authority within 3 months after the date absence commenced.

3. If the Service concerned fails to provide timely notice to dependents of their right to apply for BAH, a waiver of the 3-month stipulation in subparagraph 260501.A.2, above, may be granted on a case-by-case basis by the authority specified in subparagraph 260501.B.1, below. If such a waiver is granted, payment may only be made on those applications received within 2 months after the dependents are properly notified of their right to submit such applications.

4. No positive information has been received that the dependent is residing with or has joined the member at the place of absence.

5. If a member is assigned government family-type quarters (adequate or inadequate), no payment of BAH may be made. Payment of BAH may not be made directly to the member on behalf of a dependent. Payment shall be made only to the dependents.

B. Pretrial Confinement in a Foreign Country. For a member in pretrial confinement in a foreign county, payment of BAH is authorized as follows:

1. Enlisted members in pay grades E-1, E-2, E-3, and E-4 (4 years' or less service). Payment is authorized for a period not to exceed 2 months under the conditions stated in subparagraph A above. For any subsequent months there must be showing of hardship on the dependent and approval on a case-by-case basis as follows:

a. Army:
Director, DFAS-PMTA/IN
8899 East 56th Street
Indianapolis, IN 46249-2301

b. Navy:
Deputy Chief of Naval Operation (N130)
2 Navy Annex
Washington, D.C. 20370-2000

c. Air Force:
HQ USAF/DPPC
1040 Air Force Pentagon
Washington, D.C. 20330-1040

d. Marine Corps:
Commandant of the Marine Corps (MRP-1)
3280 Russell Avenue
Quantico, VA 22134

2. Enlisted members in grades E-4 (over 4 years' service) and above (cases where there has been a showing of hardship on the dependent). The approval authority for the initial and any subsequent payments is as shown in 1, above. No payment may be made without the approval of such authority on a case-by-case basis. Payments are subject to the conditions stated in subparagraph 260501.B.1.a., above. See Service regulations for procedures on processing claims.

C. Excess Leave. BAH may continue to be paid to a member in grade E-4 (4 years' or less service) or below, with dependents, for a period not to exceed 2 months during which an excess-leave status exists unless it is anticipated that member will not return to duty, for example, appellate leave. The 2-month period shall be computed from the first day of excess leave.

WHO DETERMINES RELATIONSHIP OR DEPENDENCY FOR BAH ENTITLEMENT FOR ARMY AND AIR FORCE MEMBERS

	A	B	C	D	E	F	G	H	I	J
								then		
								determination is made by		a claim must be submitted through channels for determination, or submission to DOHA for decision
RULE	If dependent claimed is	and marriage is	and is under 21 years	and is	and certified court adoption papers are	and child has income from source other than member	and is incapable of self support	Army disbursing officer or designee	Air Force FSO or designee	
1	spouse	lawful						X (note 7)	X	
2		of questionable legality (note 1)							X (note 8)	X
3	child unmarried		yes	legitimate, or legitimated by marriage of blood parents				X (notes 3 and 7)	X (note 3)	
4				adopted (note 2)	available (note 3)	no				
5						yes			X (notes 3 and 8)	X (note 6)
6					not available (note 4)				X (notes 3 and 8))	
7				stepchild (notes 3 and 7)		no		X (notes 3 and 8)	X (note 3)	
8						yes			X (notes 3 and 8)	X (note 5)
9			yes	illegitimate child of member or legitimated by affidavit or court order					X (note 8)	X
10			no				yes (note 2)			

Table 26-1. Who Determines Relationship or Dependency for BAH Entitlement for Army and Air Force Members

WHO DETERMINES RELATIONSHIP OR DEPENDENCY FOR BAH ENTITLEMENT FOR ARMY AND AIR FORCE MEMBERS

	A	B	C	D	E	F	G	H	I	J
								then		
								determination is made by		a claim must be submitted through channels for determination, or submission to DOHA for decision
RULE	If dependent claimed is	and marriage is	and is under 21 years	and is	and certified court adoption papers are	and child has income from source other than member	and is incapable of self support	Army disbursing officer or designee	Air Force FSO or designee	
11	child, married	terminated by divorce, annulment, or death of spouse	yes						X (note 8)	X
12	parent (including "in loco parentis") (note 2)									

NOTES:

1. Includes common law spouse; those married by proxy or telephone or within a prohibited period following divorce, or a divorce granted by a foreign country; and purported marriages.
2. Must be in fact dependent on Service member for substantial portion of his or her support.
3. Applies also if child is in custody of someone other than Service member (divorced spouse, parent, etc.).
4. If this is interlocutory decree of adoption, case must be submitted to DFAS-IN or DFAS-DE for determination.
5. In case of an Army member, the claim will be sent to DFAS-IN only when determination cannot be made by disbursing officer under AR 37-104-3, Chapter 2, Part 3 or is not covered by note 8.
6. This includes an illegitimate child of the spouse, when the member is not the blood parent. See subparagraph 260412.F.
7. In the case of Army Reserve Component (RC) personnel, initial determinations for dependents listed in rules 1, 3, 4, and 7 can be made by the RC unit commander or servicing Military Personnel Officer.
8. Claim is sent to DFAS-PMJPD/DE as prescribed in DFAS-DEM 7073-1, Chapter 26.

Table 26-1. Who Determines Relationship or Dependency for BAH Entitlement for Army and Air Force Members (Continued)

BAH ENTITLEMENTS, MEMBERS WITHOUT DEPENDENTS, ENTITLED TO BASIC PAY			
RULE	A	B	C
	If member is	then BAH accrues	BAH does not accrue
1	assigned to a permanent station	if government quarters or housing facilities are not assigned (notes 1 and 2)	if member is assigned or occupies government quarters suitable and adequate for the member's grade (notes 3 and 4).
2		while on short period of special alert duty during which the member is furnished sleeping accommodations at the permanent station where government quarters are not available for assignment.	
3		while on short training periods not to exceed 45 days during which, due to military necessity, the member is furnished sleeping accommodations at the permanent station where government quarters are not available for assignment.	
4	ordered to report for TDY in connection with the fitting out or conversion of a vessel and permanent duty aboard when the vessel is placed in commission	if per diem allowance is not authorized for the period of TDY (note 5)	if quarters are available or member is entitled to per diem allowance for the period of such duty.
5	on sea duty	if member is grade E-6 or above and elects on or after July 1, 1996 not to occupy available quarters (note 6)	if member is grade E-5 or below (note 6).
6	on field duty, PCS not involved (note 7)	if receiving BAH at permanent station	if assigned or occupying government quarters at permanent station.
7	assigned PCS to a unit on field duty	if the commander certifies member was required to procure quarters at own expense at the initial field duty site	for the initial field duty in progress at time of PCS, unless member is required to procure quarters at own expense at field duty site.
8	on excess leave		for any period of time.
9	on authorized leave, accrued, advanced, or in connection with release from active duty or discharge (PCS not involved)	if receiving BAH at permanent station or assigned quarters are terminated incident to separation (notes 1 and 8)	if assigned quarters at permanent station.
10	sick in hospital, or on sick leave from a hospital (PCS not involved)	if receiving BAH at permanent station, (notes 1 and 8)	if assigned quarters at permanent station.
11	being treated at hospital TDY enroute PCS; or assigned PCS direct to hospital for treatment	if not assigned quarters.	if assigned quarters in the hospital.

Table 26-3. BAH Entitlements, Members Without Dependents, Entitled to Basic Pay

BAH ENTITLEMENTS, MEMBERS WITHOUT DEPENDENTS, ENTITLED TO BASIC PAY			
RULE	A	B	C
	If member is	**then BAH accrues**	**BAH does not accrue**
12	on TDY (PCS not involved), or TAD, including such duty on transport or under permissive orders (notes 2 and 7)	if receiving BAH at permanent station	if assigned quarters at permanent station.
13	in travel status on PCS , including travel under permissive orders, TDY enroute, leave enroute and proceed time; or is assigned PCS and is on authorized leave or duty at the old or new station	if member is not assigned government quarters, or for the first 30 days member temporarily occupies transient government quarters at any one location (notes 8, 9, and 10)	if member is assigned government quarters, or for any period in excess of 30 days member temporarily occupies government quarters at any one location (note 12).
14	assigned PCS and is on authorized leave or duty at the old or new station	for not more than 30 days that member temporarily occupies government transient quarters incident to the PCS at either old or new station (notes 8 and 10)	for period of occupancy of government quarters not incident to a PCS.
15	initially assigned to active duty and is performing temporary duty at other than indoctrination or basic training station pending receipt of orders designating a permanent duty station to which member will report upon completion of temporary duty	when government quarters are not available for assignment and per diem is not payable.	
16	in the accession pipeline	between initial TDY and initial permanent duty station (note 12).	
17	ordered home or to a place other than a military organization awaiting further orders in connection with Physical Evaluation Board proceedings	on and after day of departure from hospital or old station through day of discharge, or day prior to effective date of retirement.	
18	training for, attending or participating in Pan Am or Olympic games, or other international amateur sports competition	if not furnished quarters by the government or by an agency sponsoring the member's participation	if furnished quarters by the government, or by an agency sponsoring participation.
19	a medical officer on active duty in an intern or resident physician status at a state, county, municipal, or private hospital	if not furnished quarters without charge by the hospital	if furnished quarters without charge by the hospital. Such quarters are considered furnished on behalf of the United States.

Table 26-3. BAH Entitlements, Members Without Dependents, Entitled to Basic Pay (Continued)

BAH ENTITLEMENTS, MEMBERS WITHOUT DEPENDENTS, ENTITLED TO BASIC PAY			
RULE	**A**	**B**	**C**
	If member is	**then BAH accrues**	**BAH does not accrue**
20	a student training on a fellowship, scholarship or grant	if not furnished quarters by the college, university, or research facility	if furnished quarters by the college, university, or research facility. Such quarters are considered furnished on behalf of the United States.
21	a Nurse Corps officer or Nurse Corps candidate attending a course of instruction or affiliating with a state, county, municipal, or private hospital	if member is not furnished quarters without charge	if furnished quarters without charge by the hospital. Such quarters are considered furnished on behalf of the United States.
22	in confinement in a guardhouse or brig pursuant to a court-martial	if acquitted, the charges are withdrawn or the sentence is set aside or disapproved and member is otherwise entitled to BAH	while confined pursuant to a court-martial (includes awaiting trial and serving sentence) and the sentence is approved, or, if acquitted, etc., when the member was not receiving BAH on the day before the day of confinement and government quarters assignment was not terminated before or during confinement. Quarters termination must be certified by the commander under Military Service procedures.
23	a Reserve Component member ordered to active duty for training (see subparagraph 570502.D for active duty other than for training)	at permanent duty station and for authorized travel time from home to first duty station and from last duty station to home (note 11)	for any period government quarters are occupied (notes 3 and 4).
24		if the member was not assigned government quarters at the permanent duty station (note 11).	
25	a reservist in any pay grade called or ordered to active duty on or after August 2, 1990, in connection with Operation Desert Shield/Storm; a Reserve Component member in any grade called or ordered to active duty on or after December 5, 1991, in support of a contingency operation (other than for a member who is authorized transportation of household goods as part of the call or order)	if the member is unable to continue to occupy a primary residence which is maintained by the member and which is owned by the member, or for which the member is responsible for rental payments	if the member is assigned or occupies government quarters suitable and adequate for the member's grade and does not maintain and own a primary residence or is not responsible for rental payments on the member's primary residence (notes 3 and 4).

Table 26-3. BAH Entitlements, Members , Entitled to Basic Pay (Continued)

NOTES:

1. When not assigned to government quarters at the permanent station, BAH accrues for up to 30 consecutive days at one location where government quarters are temporarily occupied while in a duty or authorized leave status not incident to PCS. Basic Allowance for Housing for a 30-day period is not forfeited if occupancy exceeds 30 days. This note does not apply to Reserve Component members on active duty 139 days or less.
2. A member away from permanent station may occupy quarters of the United States designated for members without dependents at the member's temporary duty station without affecting the member's right to receive payment of basic allowances for quarters or assignment of quarters, if any, at the member's permanent station. Under such circumstances, a member may not occupy quarters of the United States which exceed the minimum standards for members of that grade without dependents, as prescribed by the Secretary concerned, unless the only quarters available (a) exceed the minimum standards, and (b) are made available for joint occupancy with other members.
3. Government quarters in fact occupied without payment of rental charges shall be deemed to have been assigned as appropriate and adequate quarters.
4. Does not apply to temporary occupancy of government quarters assigned to another member for 30 days or less at any one duty station. Occupancy for more than 30 days is considered to be of a permanent nature and BAH entitlement does not accrue for any portion of the period of such occupancy. Movement from one unit of quarters to another or in and out of the same unit, with or without a break, does not establish a new 30-day period.
5. Basic Allowance for Housing accrues from the date of reporting through the day before the date the ship is placed in full commission, reduced commission, or in service not in commission, whichever occurs first. See subparagraph 260201 and Service regulations for members on sea duty.
6. A member E-6 or above is entitled to receive BAH after reporting to a deployed vessel. Members on temporary additional duty (TAD) to the ship are also entitled to BAH after reporting to the deployed vessel if in receipt of BAH at the permanent duty station before being detached on TAD. Members in grade E-5, without dependents, assigned to sea duty may be authorized BAH if appropriate considering the availability of quarters for E-5s. Effective October 1, 2003, member married to member in grades E-5 and below are entitled to BAH at the without dependents rate applicable for their appropriate pay grades. In addition, Service regulations do not affect this entitlement. (See subparagraph 260201.C for requirements.)
7. For members below pay grade E-7, entitlement does not exist during TDY or TAD if quarters are assigned or furnished at the permanent station, even though the quarters are vacated at the beginning of the TDY or TAD.
8. The intent of these entitlements is that BAH continue for a maximum of 30 days at any one location. Movement from one unit of government quarters to another, or in and out of the same unit, at the same location, with or without a break in occupancy, does not break the consecutiveness and does not create new periods or extend the authorized 30 days without loss of BAH. Occupancy of government quarters at different locations creates a new 30-day period at each location. However, if government quarters at one location are considered to be occupied by a member at the same time the member occupies government quarters at a second location, a new 30-day period does not begin at the second location.
9. Entitlement to BAH for 30 days in government quarters applies only when occupancy of government quarters is of a temporary nature incident to the PCS as certified by the commander of the station involved. (For rule 14, the period of entitlement must be after receipt of PCS orders and before departure from old station and/or after arrival at new station.)
10. Installation commanders may, for reasons of military necessity or relief of hardship, authorize non-TDY members affected by PCS orders to temporarily occupy government quarters beyond 30 days with loss of BAH.
11. Basic Allowance for Housing and per diem may be credited for the same periods, when authorized in this Table.
12. Basic Allowance for Housing accrue to members in a travel status, leave enroute, or on proceed time when enroute to initial permanent duty station.

Table 26-3. BAH Entitlements, Members Without Dependents, Entitled to Basic Pay (Continued)

BAH ENTITLEMENT AT PERMANENT STATIONS FOR SPOUSES IN UNIFORMED SERVICE—FAMILY-TYPE QUARTERS NOT ASSIGNED (Notes 1-7 and Note 16)

RULE	A	B	C	D		E		F	
	When member A has dependents other than spouse	and member B has dependents other than spouse	and members acquire a child(ren) (note 8)	and single type government quarters is assigned to (note 9)		then member A is entitled to BAH as a member		and member B is entitled to BAH as a member	
				member A	member B	with dependent	without dependent (notes11 & 13)	with dependent	without dependent (notes11 & 13)
1	no	no	no				X		X
2	no	no	no	X	X				
3	no	no	no	X					X
4	no	no	no		X		X		
5	no	no	yes			X (note 10)			X
6	no	no	yes	X	X	X (note 10)			
7	no	no	yes	X		X (note 10)			X
8	no	no	yes		X	X (note 10)			
9	yes	no	no			X (note 12)			X
10	yes	no	no	X	X	X (note 12)			
11	yes	no	no	X		X (note 12)			X
12	yes	no	no		X	X (note 12)			
13	yes	no	yes			X			X
14	yes	no	yes	X	X	X			
15	yes	no	yes	X		X			X
16	yes	no	yes		X	X			
17	yes	yes	no			X (note 14)			X
18	yes	yes	no	X	X	X		X	
19	yes	yes	no	X		X		X	
20	yes	yes	no		X	X		X	
21	yes	yes	yes			X (note 14)			X
22	yes	yes	yes	X	X	X		X	
23	yes	yes	yes	X		X		X	
24	yes	yes	yes		X	X		X	

NOTES:

1. When family-type quarters are jointly occupied by the members, neither member is entitled to BAH, even though the dependents do not reside in the quarters, unless dependents are prevented by military orders from occupying quarters.
2. When husband-wife members are stationed at the same or adjacent military installations, both members are normally authorized BAH at the appropriate rate when family-type quarters are not assigned, notwithstanding the availability of adequate single quarters for either or both members.

Table 26-4. BAH Entitlement at Permanent Stations for Spouses In Uniformed Service - Family Type Quarters Not Assigned

3. Members may be considered to be stationed at the same or adjacent bases or shore installations when they are not precluded by distance from living together, or they actually commute on a regular basis, regardless of distance.
4. When husband-wife members have no other dependents and are precluded by distance from living together, they will normally be treated as members without dependents for purposes of entitlement to BAH (see Table 26-3).
5. When husband-wife members, who are both entitled to BAH at the same or adjacent military installation, are separated geographically by competent orders and one member remains assigned to the old duty station, that member normally will be authorized continuance of BAH notwithstanding the availability of adequate single quarters for assignment to either member.
6. BAH at the rate payable to members without dependents is authorized during travel status after departure from the old permanent station, or during a period of leave, delay enroute, or proceed time between permanent duty stations, provided the members are in pay grade E-4 (4 years' or more service), and above, are not in receipt of BAH for other dependents, and are not assigned to government quarters enroute or temporarily occupy government quarters for more than 30 days at any one location.
7. When not assigned to government quarters at the permanent station, BAH accrues for up to 30 consecutive days at one location where government quarters are temporarily occupied while in a duty or authorized leave status not incident to PCS. BAH for a 30-day period is not forfeited if occupancy exceeds 30 days.
8. Refer to paragraph 260402.
9. If either column in column D is blank, that member is not assigned to single-type government quarters.
10. For purposes of this table, the members have agreed that member A is to receive BAH at the with-dependent rate (subparagraph 260402.A).
11. See Table 26-3 for BAH entitlement when a member is on field or sea duty.
12. When the dependents in column A, rules 9 through 12, are children from a prior marriage or illegitimate children residing with member A, the members may elect for member B to receive BAH for stepchildren, in accordance with subparagraph 260412.B, and member A to receive without-dependent rate BAH when not occupying single quarters.
13. When one member enters a non-pay status, the other member may claim the member not entitled to pay and allowances as a dependent and be authorized to draw BAH at the with-dependent rate for the duration of the non-pay status if otherwise entitled (for exception, see paragraph 260415).
14. Members must elect which one is to receive the with-dependent rate BAH. If they cannot agree as to the election, the entitlement will rest with the senior member. Elections cannot be retroactive.
15. When one or both of the dependents in columns A and B are dependent parents of the members, both members may not receive with-dependent rate BAH, if otherwise entitled. Also, when married members no longer share a common residence due to competent military orders, their entitlement to increased allowances or to government-furnished quarters should be determined separately, without regard to the general rule that all dependents of members are members of the same class for the purpose of determining allowance entitlements. Refer to paragraphs 260406 and 260407 for BAH entitlement of divorced or legally separated members.
16. Members may temporarily occupy government quarters assigned to another member for 30 days or less at any one duty station without loss of BAH. Occupancy for more than 30 days is considered to be of a permanent nature and BAH entitlement does not accrue for any portion of the period of occupancy. Movement from one unit of quarters to another or in and out of the same unit, with or without a break, does not establish a new 30-day period.

Table 26-4. BAH Entitlement at Permanent Stations for Spouses in Uniformed Service—Family Type Quarters Not Assigned (Continued)

BAH ENTITLEMENT, MEMBERS WITH DEPENDENTS ENTITLED TO BASIC PAY					
	A	B	C	D	E
RULE	If member is	and is entitled to BAH at the permanent station	and the member and dependents temporarily occupy government quarters (note 1)	and if the member is an	then BAH entitlement
1	in a duty or authorized leave status not incident to PCS (includes accrued, advanced, or convalescent leave) (note 6)	yes	no		continues.
2			yes		continues, but not more than 30 consecutive days at one location where government quarters are temporarily occupied. BAH for the 30-day period is not forfeited even if occupancy exceeds 30 days (notes 2 and 3).
3		no			does not exist. However, if quarters assignment at the permanent station is terminated while on duty at the beginning of or during leave, rules 1 and 2 apply on and after date of termination.
4	on excess leave	yes		officer or enlisted member in pay grade E-4 (over 4 years' service), or higher	does not exist except as provided in subparagraph 260501.C for members in pay grade E-4 (4 years or less), and below (note 4).
5	in a duty, travel or leave status incident to PCS (includes TDY enroute) (notes 6 and 8)		no		exists unless permanent government quarters are assigned or occupied.
6			yes (note 5)		exists, but not more than 30 days at any location where government quarters are temporarily occupied. Entitlement does not exist if permanent government quarters are also assigned or occupied (notes 2, 3, and 7).
7	on TDY or TAD, not incident to PCS (notes 6 and 8)	yes	no		yes no continues as long as the permanent station remains unchanged, except as restricted by subparagraph 260301.C.
8			yes		continues, but not more than 30 consecutive days at one location where government quarters are temporarily occupied. BAH for the 30-day period is not forfeited even if occupancy exceeds 30 days (notes 2 and 3).
9		no			does not exist.
10	AWOL, not excused as unavoidable			officer or enlisted member	

Table 26-5. BAH Entitlement, Members With Dependents Entitled to Basic Pay

BAH ENTITLEMENT, MEMBERS WITH DEPENDENTS ENTITLED TO BASIC PAY					
	A	B	C	D	E
RULE	If member is	and is entitled to BAH at the permanent station	and the member and dependents temporarily occupy government quarters (note 1)	and if the member is an	then BAH entitlement
11	absent due to disease (as distinguished from injury) from alcohol or drugs, causing loss of pay	yes			continues.
12		no			does not exist. However, if quarters assignment at the permanent station is terminated during an absence, BAH accrues on and after date of termination.
13	home on PCS awaiting further orders in connection with physical evaluation board proceedings		no		continues until member's retirement or discharge.
14			yes		does not exist.

NOTES:

1. Does not apply to temporary occupancy of government quarters assigned to another member by a member and dependents, or dependents alone for a period of 30 days or less at any one duty station. Occupancy for more than 30 days is considered to be of a permanent nature and BAH entitlement does not accrue for any portion of the period of such occupancy. Movement from one unit of quarters to another or in and out of the same unit, with or without a break, does not establish a new 30-day period.
2. BAH credit continues if member has additional dependents who are precluded by competent authority from occupying government quarters or facilities furnished member and spouse, or spouse alone.
3. The intent of these entitlements (rules 2, 6, and 8) is that BAH continue for a maximum of 30 days at any one location. Movement from one unit of government quarters to another, or in and out of the same unit, at the same location, with or without a break in occupancy, does not break the consecutiveness and does not create new periods or extend the authorized 30 days without loss of BAH. Occupancy of government quarters at different locations creates a new 30-day period at each location. However, if government quarters at one location are considered to be occupied by a member at the same time the member occupies government quarters at a second location, a new 30 day period does not begin at the second location.
4. BAH does not accrue during excess leave if member is not to continue in service after leave expires. Example: A member released from the disciplinary barracks on commandant's parole, and placed in excess leave status until sentence is ordered to be executed.
5. Applies whether temporary occupancy of government quarters is at old station, while enroute, or at new station. However, occupancy is limited to guest houses or other transient facilities. Family housing is excluded from such use.
6. The phrase, "incident to PCS," refers to whether or not the member is enroute to a new permanent station under PCS orders.
7. Installation commanders may, for reasons of military necessity or relief from hardship, authorize non-TDY members affected by PCS orders to temporarily occupy government quarters beyond 30 days without loss of BAH.
8. Includes such status under permissive orders.

Table 26-5. BAH Entitlement, Members With Dependents Entitled to Basic Pay (Continued)

DATE TO START BAH—MEMBERS WITH DEPENDENTS		
RULE	**A**	**B**
	If member	**then BAH begins on**
1	enlists, or is called to EAD	date of enlistment or entry on active duty, if member is not assigned government quarters for member and dependents on that date.
2	is appointed to commissioned or warrant officer status	date active duty pay begins, if member is not assigned government quarters for member and dependents on that date.
3	occupies government quarters with dependents and quarters assignment is terminated or member and dependents physically depart permanent station pursuant to PCS orders	date of termination of quarters assignment or date of PCS departure, unless dependents continue to occupy the quarters. If definite assignment of quarters was not required, then BAH begins the date quarters are vacated.
4	occupies government quarters with dependents and the quarters are declared inadequate	date on which designation of inadequacy of quarters is effective, if member and dependents continue to occupy such quarters.
5	acquires a dependent (marriage, birth, adoption, etc.) (note 1)	date dependent is acquired, if member is not assigned government quarters for member and dependent(s) on that date (note 2).
6	acquires a dependent while in an unauthorized absence status	date member is returned to a pay status after apprehension or surrender, if member is not assigned government quarters for member and dependents on that date (note 3).
7	claims dependent parent	date determined or approved by authority shown in Table 26-1 or 26-2.
8	claims doubtful dependent	

NOTES:

1. Includes dependent acquired while member is on authorized leave.
2. a. Applies to sole dependent of officer or enlisted member.
   b. Applies to any dependent on whose behalf a member is entitled to increased BAH.
   c. BAH starts with date of member's marriage even though the marriage occurs on same day as divorce from another member.
   d. When blood parents of an illegitimate child marry, the child becomes a legitimate dependent for BAH purposes.
   e. In the case of Navy members, BAH will not be started more than 6 months before submission of the application without prior approval by the authority shown in Table 26-2.
3. If there has been any change in the status of dependents on whose behalf BAH existed on the date an unauthorized absence commenced, a member must reestablish the right to BAH.

Table 26-6. Date To Start BAH—Members With Dependents

DATE TO STOP BAH-CHANGES IN DEPENDENCY STATUS		
RULE	**A**	**B**
	If the sole dependent	**then stop BAH at 2400 hours of the day**
1	dies	of death.
2	is divorced (note 1)	of the final decree of divorce (note 1).
3	is a spouse in a voidable (not void) marriage which is dissolved by final annulment decree	before date of the decree. No payment of BAH may be made on or after date of the decree, regardless of credits accrued and not paid. BAH paid before the date of decree may be retained (note 2).
4	is a spouse in an invalid (void) marriage	before discovery of invalidity of the marriage. No payment of BAH may be made on or after date of discovery, regardless of credits accrued and not paid. Retention of BAH paid before that time depends on validation under Chapter 50, section 5005.
5	becomes of age (except a child who is incapable of self-support because of mental or physical incapacity)	before the child's 21st birthday.
6	marries (regardless of age, or mental or physical incapacity)	of the child's marriage. This applies even though child's marriage is to a Service member who is also entitled to BAH on child's behalf for that date.
7	is adopted by a third party by interlocutory order or decree which has effected a changed legal relationship	before date of adoption (note 3).
8	is adopted by a third party and a final order or decree has been entered	before date of adoption.
9	enters military service	before day of entry into service.
10	is one who must be "in fact" dependent on member, and such dependency ceases	before date dependency ceases.

NOTES:

1. Applies also when an affinitive relationship between a member and stepchild ceases because of divorce from the child's parent.
2. Applies also when affinitive relationship between a member and stepchild ceases because of annulment of marriage.
3. Case involving Army or Air Force member must be sent to DFAS-IN or DFAS-DE respectively, for determination as to whether order of decree effected a changed legal relationship. Cases involving Navy must be sent to DFAS-CL and Marines will send cases to Commandant of the Marine Corps, respectively.

Table 26-7. Date To Stop BAH-Changes In Dependency Status

DATE TO STOP BAH-OTHER THAN CHANGES IN DEPENDENCY STATUS		
RULE	A	B
	If member	**then stop BAH at 2400 hours of the day**
1	is furnished government quarters at the permanent station, adequate for the member and dependents	before the day quarters are assigned (or before day occupancy begins, if definite assignment not made) (note 1)).
2	is furnished quarters (cash or in kind) on behalf of the United States, adequate for the member and dependents	before day quarters are furnished.
3	and dependents occupy inadequate quarters which are rehabilitated and designated as adequate quarters	before effective date of redesignation as adequate quarters.
4	and dependents occupy government quarters at the permanent station during family's visit, not incident to PCS (note 2)	before commencing the eighth consecutive day of occupancy (note 3).
5	and dependents temporarily occupy government quarters while on leave (not incident to PCS), or while in a travel status incident to PCS, including delay enroute chargeable as leave	see Table 26-5.
6	is absent without leave	
7	is discharged or released from active duty	of discharge or release.
8	is retired	before effective date of retirement.
9	dies	of death.

NOTES:

1. When dependents are prevented from occupying the assigned quarters because of orders of competent authority, BAH continues until transportation is arranged for household goods and is available for the dependents (if prompt application is made), plus the normal travel time for dependents to the member's station.
2. Does not apply to temporary occupancy of government quarters assigned to another member by a member and/or dependents for a period of 30 days or less at any one duty station. Occupancy for more than 30 days is considered to be of a permanent nature and BAH entitlement does not accrue for any portion of the period of such occupancy.
3. BAH credit continues if the member has additional dependents who are precluded by competent orders from residing with the member.

Table 26-8. Date To Stop BAH-Other Than Changes In Dependency Status

LOCATION MEMBER'S BAH RATE IS BASED UPON—MEMBERS WITH DEPENDENTS			
	A	B	C
RULE	If member	and	then the payable BAH rate (for members entitled to (BAH) is that which is prescribed for (notes 3 and 4)
1	is assigned to a duty location within United States	dependents reside with or separately from the member	the member's permanent duty station (PDS) unless member has a Secretarial waiver (note 1).
2	is assigned to an unaccompanied tour at a PDS outside CONUS	dependents retain their permanent residence in the United States	the area within the United States where the dependents reside beginning on the date the member reports to the new PDS (note 2).
3		dependents relocate their permanent residence in the United States	the area within the United States where the dependents reside beginning when one or more dependents arrive at the location of the new residence, or when the member reports to the new PDS in connection with the transfer, whichever is later (BAH rate based on old PDS continues through the day before the day the rate applicable for the location of the new permanent residence begins) (note 2)).
4		dependents relocate their residence while the member is serving an unaccompanied tour	the area within the United States where the dependents reside for the location of the old permanent residence through the day before one or more dependents arrive at location of new permanent residence. Entitlement to BAH at the rate applicable to the location of the new permanent residence will begin on the day one or more dependents arrive at that location (note 2).
5	is assigned to an unaccompanied tour at a PDS outside CONUS and the member is required to perform a TDY inside or outside CONUS, incident to a transfer to another unaccompanied tour	dependents reside inside the United States	the location of the permanent residence of the dependents (note 2).
6	is assigned to an unaccompanied tour at a PDS outside CONUS and the member is required to perform a TDY incident to a transfer in the United States		the location of the permanent residence of the dependents through the day before the day the member reports to the new PDS. Entitlement to BAH at the rate for the new PDS will begin on the day the member reports at that duty station (note 2).
7	is assigned to an unaccompanied tour at a PDS outside CONUS	dependents establish a residence in the United States incident to the member's transfer from a accompanied tour at a PDS outside the United States to an unaccompanied tour	the location where the dependents establish a permanent residence beginning when one or more dependents arrive at the location of the new residence provided all dependents have departed the overseas location (note 2).

Table 26-9. Location Member's BAH Rate is Based Upon Members With Dependents

LOCATION MEMBER'S BAH RATE IS BASED UPON—MEMBERS WITH DEPENDENTS			
	A	B	C
RULE	If member	and	then the payable BAH rate (for members entitled to (BAH) is that which is prescribed for (notes 3 and 4)
8	is assigned in Alaska or Hawaii	dependents reside in, or during which all dependents return to, CONUS	the location of the permanent residence of the dependents, provided the member is entitled to FSH for during the assignment or following departure of dependents (in such case, the member is entitled to an FSH equal to BAH at the without dependent rate for the PDS, if government quarters are not assigned to the member, and BAH at the with dependents rate for the location of the dependents' permanent residence).
9	is assigned to a ship or afloat unit		the homeport of ship or other afloat unit to which a member is assigned (note 1).
10	is in leave status away from PDS awaiting final discharge	incident to a PCS in the United States	old PDS.
11	is processing for separation or retirement		old PDS unless the last PDS was outside the United States, in which case location for the processing station will be used.
12	is participating in the Educational Leave Program Relating to Continuing Public and Community Services		the designated unit of assignment during scheduled school breaks or periods of leave (only when member is entitled to BAH).
13	was not paid BAH at the old PDS because government quarters were assigned		the old PDS beginning the day the member becomes entitled to BAH and the new PDS the day the member reports to the new PDS (provided the member is entitled to BAH at the new PDS).
14	was assigned to a duty location outside the United States		PDS or the date the member reports at the TDY location if member reports there first; or the date the member reports to the TDY location if a new PDS is not named in the orders (provided the member is entitled to BAH at the new PDS).
15	was assigned in the United States	incident to a PCS in the United States, with a TDY enroute to a location	the new PDS on the day per diem has been stopped under the circumstances in the JFTR U5120-D.
16	in receipt of appropriate orders associated with a prolonged hospitalization determination	member was transferred from a PDS outside or inside the United States to a hospital in the United States for observation or treatment	the location of the hospital to which the member has been transferred.
17	dies on active duty while assigned to a PDS in the United States		the deceased member's PDS regardless of where dependents choose to reside (unless dependent's are in receipt of a Secretarial waiver).

Table 26-9. Location Member's BAH Rate is Based Upon Members With Dependents (Continued)

LOCATION MEMBER'S BAH RATE IS BASED UPON—MEMBERS WITH DEPENDENTS			
	A	B	C
RULE	If member	and	then the payable BAH rate (for members entitled to (BAH) is that which is prescribed for (notes 3 and 4)
18	dies on active duty while assigned to a PDS outside the United States		location where the dependents reside or choose to reside in the United States. If dependents stay overseas their housing allowance will be based on the OHA rate for the location the dependents reside and then revert to BAH at the location where the dependents later decide to reside in the United States, on the date one or more dependents arrive at the location where they choose to reside or the date all dependents have departed the PDS location, whichever is later. Entitlement exists for 180 days after member's death.
19	dies on active duty	dependents reside in government quarters	dependents location the day the housing facilities were vacated and continue for 180 days less the number of days the housing facilities were occupied following the date of the member's death.
20	is assigned to a duty location within CONUS	dependents are evacuated	the member's PDS (while member's PDS remains unchanged), if early return of the dependents to the vicinity of the member's PDS is anticipated; the member continue to maintain family type quarters at personal expense during the absence of the dependents; and the period for which such payment is made does not exceed 6 months (note 5).
21	is assigned to a duty location at a PDS outside CONUS	command sponsored dependents are residing at a designated place in the 50 United States or the District of Columbia incident to an evacuation	location the dependents name as their designated place beginning on the day after the day on which per diem at the designated place terminates.
22	is newly inducted, enlisted, reenlisted, or an officer candidate		location of the dependents (note 6).
23	is assigned to an unaccompanied OCONUS assignment or arduous sea duty	dependents are not OCONUS	is the dependent's location rate (note 7).

NOTES:

1. A member assigned to a PDS in the United States is entitled to BAH at the rate applicable to the location where their dependents maintain a permanent residence or the member's old duty station if the Service Secretary, or a designated representative, determines it is necessary for dependents to reside in a military housing area other than the one in which the PDS is located when member is:
   (a) Assigned to a PDS in an area where sufficient quantities of housing do not exist;
   (b) Assigned to unusually arduous sea duty and the dependents reside at or relocate to a designated place in the United States;
   (c) Assigned or is in receipt of PCS orders to a ship entering overhaul involving a homeport change and dependents are not relocated incident to the homeport change;
   (d) In receipt of PCS orders to a unit with a promulgated change of homeport and dependents relocate to the announced homeport before the effective date of the homeport (or designated place in the United States if appropriate) before the effective date of the homeport change;

Table 26-9. Location Member's BAH Rate is Based Upon Members With Dependents

(e) Disadvantaged as a result of reassignment for reasons of improving mission capability and readiness of the unit, in receipt of PCS orders between duty stations located in the same proximity, and disallowed movement of household goods (see JFTR U5355). The Secretary concerned or the Secretary's designated representative must issue a determination that a decision to implement this policy is in the interest of correcting an inequity incurred due to movement of the individual for purposes of improving mission capability and unit readiness; or

(f) Assigned to indeterminate temporary duty, or temporary duty pending further orders. In addition to these cases, the Secretary or designated representative may issue a determination if circumstances or conditions at the new PDS require the dependents to reside at a separate location. This determination is made only in cases where the necessity to reside separately is caused by conditions at the duty station. This does not cover a personal election of either a member or dependents as the reason for residing separately.

2. Applicable when dependents reside in, or during which all dependents return to, the United States to establish a permanent residence. None of these conditions are applicable when the dependents' residence and the member's new PDS are both in Alaska and Hawaii and the member is not entitled to FSH.
3. A member assigned to a PDS outside CONUS and authorized BAH on behalf of dependents residing separately from the member in the United States, is entitled to that allowance through the day before the day one or more command or noncommand sponsored dependents arrive at the member's overseas location to establish a residence. This does not apply when dependents establish a residence in the vicinity of the member's PDS outside CONUS if the primary residence of the remaining dependents is in the United States and the member is entitled to BAH on behalf of those dependents.
4. In instances of multiple dependent location, the member will designated the primary residence of dependents. Rate for BAH will be based on this primary residence.
5. Commanding officers will review each case on its own merits; they will encourage members to terminate their family-type quarters when it becomes apparent that dependents will not return.
6. If the dependents are OCONUS (does not include Alaska and Hawaii), the TDY location must be used to pay BAH. If dependents are CONUS, the BAH entitlement will continue to be the dependents' location until the member reports to the first duty station other than for training. This note only applies to new accessions.
7. If the member is authorized to move the family to a designated place, BAH will be paid on the dependents location. For payment of BAH at the old station rate, see paragraph 260107.

Table 26-9. Location Member's BAH Rate is Based Upon Members With Dependents (Continued)

LOCATION MEMBER'S BAH RATE IS BASED UPON—MEMBERS WITHOUT DEPENDENTS			
	A	B	C
RULE	If member	and	then the payable BAH rate (for members entitled to (BAH) is that which is prescribed for
1	is assigned to a duty location within CONUS		member's PDS unless the member has Secretarial waiver (note 1).
2	is assigned to a ship or afloat unit		the homeport of the ship or other afloat unit to which a member is assigned.
3	is in leave status away from PDS awaiting final discharge	incident to a PCS in the United States	old PDS.
4	is processing for separation or retirement		old PDS unless the last PDS was outside the United States, in which case location for the processing station will be used.
5	is participating in the Educational Leave Program Relating to Continuing Public and Community Services		the designated unit of assignment during scheduled school breaks or period of leave (only when member is entitled to BAH).
6	was not paid BAH at the old PDS because government quarters were assigned		the old PDS beginning the day the member becomes entitled to BAH and the new PDS the day the member signs into the new PDS (provided the member is entitled to BAH at the new PDS).
7	was assigned to a duty location outside the United States		the new PDS on the date the member reports to the new PDS or the date the member reports at the TDY location if member reports there first; or the date the member reports to the TDY location if a new PDS is not named in the orders (provided member is entitled to BAH at the new PDS).
8	was assigned in the United States	incident to a PCS in the United States, with a TDY enroute to a location to	the new PDS on the day per diem has been stopped under the circumstances in the JFTR, U5120-D (provided member is entitled to BAH at the new PDS).
9	in receipt of appropriate orders associated with a prolonged hospitalization determination	member was transferred from a PDS outside or inside the United States to a hospital in the United States for observation or treatment	the location of the hospital to which the member has been transferred (provided the member is entitled to BAH).

Table 26-10. Location Member's BAH Rate Is Based Upon Member Without Dependents

LOCATION MEMBER'S BAH RATE IS BASED UPON—MEMBERS WITHOUT DEPENDENTS			
	A	B	C
RULE	If member	and	then the payable BAH rate (for members entitled to (BAH) is that which is prescribed for
10	in any pay grade	is in a travel or leave status between PDSs, including time granted as delay enroute or proceed time and not assigned to government quarters	rate at last PDS (note 2).

NOTES:

1. A member assigned to a PDS in the United States is entitled to BAH at the rate applicable to the member's residence or old station rate if the Service Secretary, or a designated representative, determines that the PDS in which the member is located is disadvantaged as a result of reassignment for reasons of improving mission capability and readiness of the unit, in receipt of PCS orders between duty stations located in the same proximity, and disallowed movement of household goods (see JFTR U5355). The Secretary concerned or the Secretary's designated representative must issue a determination that a decision to implement this policy is in the interest of correcting an inequity incurred due to movement of the individual for purposes of improving mission capability and Unit readiness. In addition to these cases, the Secretary or designated representative may issue a determination of circumstances or conditions at the new or conditions at the new PDS that requires the member to reside at a different location. This determination is made only in cases where the necessity to reside separately is caused by conditions at the duty station. This does not cover a personal election of a member as the reason for residing separately.
2. BAH does not accrue to members in the accession pipeline except as provided in Table 26-3.

Table 26-10. Location Member's BAH Rate Is Based Upon Member Without Dependents (Continued)

DATE TO START BAH—RESERVE COMPONENTS

RULE	A If member is	B then the BAH rate payable is
1	called (or ordered) to active duty for 140 days or more	the location from which they are called (or ordered) to active duty beginning on the day the member is entitled to BAH (note 1).
2	called or ordered to active duty (other than for training) and a DoD retired member ordered to active duty for 140 days or more away from the principal place of residence at the time called or ordered to active duty, but not authorized transportation of household goods (in orders).	the principal place of residence beginning on the day the member is entitled to BAH (note 1).
3	called (or ordered) to active duty in support of a contingency operation (note 3)	the location of the members principal place of residence at the time called or ordered to active duty.
4	injured or physically disabled while on active duty/inactive duty training, authorized incapacitation pay (including BAH) under DoDD 1241.1 (note 4)	the member's principal place of residence beginning on the date the member becomes entitled to incapacitation pay. (note 5).

NOTES:

1. The member must be ordered to active duty "at one location" for 140 days or more. Therefore, members that do not meet the 140 days in one location will be paid BAH II.
2. The initial rate will terminate on the day before the day the member reports at the duty location prescribed in the active duty orders. Entitlement to BAH at the rate prescribed for the PDS location begins on the day the member reports to that location.
3. A contingency operation is a military operation:
   (a) Designated by the Secretary of Defense as an operation in which members of the armed forces are or may become involved in military actions, operations, or hostilities against an enemy of the United States or against an opposing military force; or
   (b) That result in the call or order to, or retention on, active duty of members of the Uniformed Services under 10 U.S.C., Ch 15, § 672(a), 673, 673b, 673c, 688, 3500, or 8500, or any other provision of law during a war or during a national emergency declared by the President or Congress.
4. The condition must be a result of an injury, illness, or disease incurred or aggravated:
   (a) In line of duty while performing active duty;
   (b) In line of duty while performing inactive-duty training (other than work or study in connection with a correspondence course of an armed force or attendance in an inactive status at an educational institution under the sponsorship of an armed force or the Public Health Service).
5. Entitlement for a BAH rate for an eligible reservist may not be paid for a period of more than 6 months except when, in the interest of fairness and equity, the Secretary concerned or the Secretary's designated representative extends incapacitation pay (see 37 U.S.C., § 204(g) and (h) and DoDD 1241.1 for entitlement offsets).

Table 26-11. Date to Start BAH - Reserve Components

MONTHLY RATES OF BAH-II, BAH-DIFF AND PARTIAL BAH — EFFECTIVE JANUARY 1, 2005				
Pay Grade	BAH-II (Without Dependent)	BAH-II (With Dependent)	BAH Differential	Partial BAH
O-10	1,096.80	1,349.70	269.10	50.70
O-9	1,096.80	1,349.70	269.10	50.70
O-8	1,096.80	1,349.70	269.10	50.70
O-7	1,096.80	1,349.70	269.10	50.70
O-6	1,006.20	1,215.00	222.90	39.60
O-5	968.70	1,171.20	215.40	33.00
O-4	897.60	1032.30	143.10	26.70
O-3	719.70	854.10	142.80	22.20
O-2	570.60	729.00	168.60	17.70
O-1	480.90	652.50	182.70	13.20
O-3E	777.00	918.00	150.30	22.20
O-2E	660.30	828.30	179.40	17.70
O-1E	568.20	765.60	210.30	13.20
W-5	912.00	996.90	89.40	25.20
W-4	810.00	913.50	110.10	25.20
W-3	681.00	837.60	166.50	20.70
W-2	604.20	769.80	175.80	15.90
W-1	506.40	666.00	170.10	13.80
E-9	665.10	876.90	225.00	18.60
E-8	610.80	808.80	210.60	15.30
E-7	521.40	750.60	244.20	12.00
E-6	471.90	693.60	235.80	9.90
E-5	435.30	624.00	200.40	8.70
E-4	378.60	542.10	173.70	8.10
E-3	371.40	504.60	141.90	7.80
E-2	301.80	480.90	190.20	7.20
E-1	269.40	480.90	225.00	6.90

Table 26-12. Monthly Rates of BAH-II, BAH-DIFF and Partial BAH—Effective January 1, 2005

MONTHLY RATES OF BAH-II, BAH-DIFF AND PARTIAL BAH—EFFECTIVE JANUARY 1, 2004				
Pay Grade	BAH-II (Without Dependents)	BAH-II (With Dependents)	BAH Differential	Partial BAH
O-10	1,050.60	1,292.70	260.10	50.70
O-9	1,050.60	1,292.70	260.10	50.70
O-8	1,050.60	1,292.70	260.10	50.70
O-7	1,050.60	1,292.70	260.10	50.70
O-6	963.90	1,163.70	215.40	39.60
O-5	927.90	1,121.70	208.20	33.00
O-4	859.80	988.80	138.30	26.70
O-3	689.40	818.10	138.00	22.20
O-2	546.60	698.40	162.90	17.70
O-1	460.50	624.90	176.40	13.20
O-3E	744.30	879.30	145.20	22.20
O-2E	632.40	793.50	173.40	17.70
O-1E	544.20	733.20	203.10	13.20
W-5	873.60	954.90	86.40	25.20
W-4	775.80	875.10	106.50	25.20
W-3	652.20	802.20	160.80	20.70
W-2	578.70	737.40	169.80	15.90
W-1	485.10	637.80	164.40	13.80
E-9	637.20	840.00	217.50	18.60
E-8	585.00	774.60	203.40	15.30
E-7	499.50	719.10	235.80	12.00
E-6	452.10	664.50	227.70	9.90
E-5	417.00	597.60	193.50	8.70
E-4	362.70	519.30	167.70	8.10
E-3	355.80	483.30	137.10	7.80
E-2	289.20	460.50	183.90	7.20
E-1	258.00	460.50	217.50	6.90

Table 26-12. Monthly Rates of BAH-II, BAH-DIFF and Partial BAH - Effective January 1, 2004

MONTHLY RATES OF BAH-II, BAH-DIFF AND PARTIAL BAH—EFFECTIVE JANUARY 1, 2003				
Pay Grade	BAH-II (Without Dependents)	BAH-II (With Dependents)	BAH Differential	Partial BAH
O-10	1,020.90	1,256.40	249.90	50.70
O-9	1,020.90	1,256.40	249.90	50.70
O-8	1,020.90	1,256.40	249.90	50.70
O-7	1,020.90	1,256.40	249.90	50.70
O-6	936.60	1,131.00	207.00	39.60
O-5	901.80	1,090.20	200.10	33.00
O-4	835.50	960.90	132.90	26.70
O-3	669.90	795.00	132.60	22.20
O-2	531.30	678.60	156.60	17.70
O-1	447.60	607.20	169.50	13.20
O-3E	723.30	854.40	139.50	22.20
O-2E	614.70	771.00	166.50	17.70
O-1E	528.90	712.50	195.00	13.20
W-5	849.00	927.90	83.10	25.20
W-4	753.90	850.50	102.30	25.20
W-3	633.90	779.70	154.50	20.70
W-2	562.90	716.70	163.20	15.90
W-1	471.30	619.80	157.80	13.80
E-9	619.20	816.30	208.80	18.60
E-8	568.50	752.70	195.30	15.30
E-7	485.40	698.70	226.50	12.00
E-6	439.50	645.90	218.70	9.90
E-5	405.30	580.80	186.00	8.70
E-4	352.50	504.60	161.10	8.10
E-3	345.90	469.80	131.70	7.80
E-2	281.10	447.60	176.70	7.20
E-1	250.80	447.60	208.80	6.90

Table 26-12. Monthly Rates of BAH-II, BAH-DIFF and Partial BAH - Effective January 1, 2003

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CHAPTER 27

FAMILY SEPARATION ALLOWANCE (FSA)

2701 ENTITLEMENT PROVISIONS

270101. Types Authorized. Family separation allowance is payable only to members with dependents. Two types of FSA are authorized: Type I and Type II. Both types are payable in addition to any other allowance or per diem to which a member may be entitled. A member may qualify for FSA-I and FSA-II for the same period. Therefore, concurrent payment of both types is authorized. A member, however, may not receive more than one payment of FSA-II for the same period, even though qualified for family separation allowance - restricted (FSA-R), family separation allowance – ship (FSA-S), and family separation allowance – temporary (FSA-T). The purpose of FSA and the conditions of entitlement are established in this chapter.

270102. Definitions

A. Dependents. The term "dependents" has the same meaning as defined in the Definitions and is categorized below:

1. Primary - spouse or children.

2. Secondary - parents.

NOTE: Generally, a member of a Uniformed Service may not be paid an allowance (including FSA) for a dependent during any period for which the dependent is entitled to active duty basic pay. However, this does not negate an entitlement to FSA-II to a couple comprised of a member married to another member with no other dependents. Such a couple is entitled to FSA-II under the conditions of this chapter. The couple is not entitled to FSA-I.

B. Duty Station. The term "duty station" is the same as defined in the Definitions.

C. Permanent Station. The term "permanent station" has the same meaning as defined in the Definitions.

D. Overseas. For the purpose of FSA-I, this term applies to a location outside the contiguous 48 states, the District of Columbia, and Hawaii. Alaska is considered to be overseas for this entitlement.

E. Household. This term means the same as "home" or "family." It applies to a collection of persons living under one roof, having one head or manager who controls and supervises the affairs of the family. For FSA-II purposes, this applies only to secondary dependents.

270103. Family Separation Allowance - I. The purpose of Type I FSA is to pay a member for added housing expenses resulting from enforced separation from dependents. It is not payable under any condition to a member permanently assigned to a duty station in Hawaii or to any duty station under permissive orders, except when subparagraph 270301.C, below, applies. It also is not payable to a member attached to the United States Truce Supervision Organization who is in receipt of the United Nations Mission Subsistence Allowance (mission per diem).

A. When Payable. Family Separation Allowance - I is payable to each member with dependents who is on permanent duty outside the United States or in Alaska who meets all of the following conditions:

1. Transportation of dependents to the permanent duty station or to a place near that station is not authorized at government expense.

2. Dependents do not live at or near the permanent duty station.

3. Adequate government quarters or housing facilities are not available for assignment to a member and inadequate government quarters or housing facilities are not assigned.

B. Amount Payable. Family Separation Allowance - I is payable in a monthly amount equal to basic allowance for housing (BAH) payable to a member without dependents in the same pay grade. (See BAH pay tables in Chapter 26.)

C. Conditions. For specific conditions of entitlement, see section 2703, below, and Tables 27-1 and 27-2.

D. Divorced or Legally Separated Members. Treat FSA-I cases involving a divorced or legally separated member, or such a member with a child in the legal custody of a former spouse or another person, the same as for FSA-II cases. (See subparagraph 270201.B.)

270104. Family Separation Allowance - II. Type II FSA provides compensation for added expenses incurred because of an enforced family separation under one of the conditions in subparagraphs 270104.A.1 through 3, below. FSA-II is payable to qualified members serving inside or outside the United States. It is not authorized when a member performs duty at any station under permissive orders (except when subparagraph 270301.C, below, applies).

A. When Payable. Through September 30, 1980, FSA-II was payable to a member serving in pay grade E-4 (over 4 years of service) or above as a member with dependents. Effective October 1, 1980, FSA-II became payable to a member serving in any grade as a member with dependents. A member must meet all general requirements and one of the following conditions:

1. Family Separation Allowance - II, Subcategory FSA-R

★ a. Transportation of dependents, including dependent acquired after effective date of orders (see Table 27-5, rules 8 and 9), is not authorized at government expense (see paragraph 270301, below); and the dependents do not live in the vicinity of the member's homeport/permanent duty station.

b. Effective January 1, 2002, 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/permanent station due to certified medical reasons, regardless of the date on which the member first made the election to serve an unaccompanied tour. Prior to January 1, 2002, FSA-R was payable in this situation only pursuant to a secretarial waiver (see subparagraph 270301.D, below).

2. Family Separation Allowance - II, Subcategory FSA-S. The member is on duty aboard a ship, and the ship is away from the homeport continuously for more than 30 days. NOTE: Effective June 20, 1994, a member was entitled to FSA-S for a redeployment if he or she returned to homeport after the original deployment for a period of 30 days or less and redeployed for a period of more than 30 days. During the period December 1, 1994, through February 9, 1996, dependents were required to live in the vicinity of the homeport. However, effective February 10, 1996, the dependents were no longer required to reside in the vicinity of the homeport.

3. Family Separation Allowance - II, Subcategory FSA-T. The member is on TDY (or temporary additional duty) away from the permanent station continuously for more than 30 days, and the member's dependents are not residing at or near the TDY station. This includes members who are required to perform a period of the TDY before reporting to their initial station of assignment. NOTE: Effective June 20, 1994, a member became entitled to FSA-T for a redeployment if he or she returned to the permanent duty station after the original deployment for a period of 30 days or less and redeployed for a period of more than 30 days. During the period December 1, 1994, through February 9 1996, dependents were required to live in the vicinity of the permanent duty station. Effective February 10, 1996, the dependents are no longer required to reside in the vicinity of the permanent duty station.

B. Amount Payable

1. Effective October 1, 1985, through January 14, 1991, FSA-Type II was payable in a monthly amount of $60.

2. Effective January 15, 1991, through December 31, 1997, FSA-Type II was payable in a monthly amount of $75.

★ 3. Effective January 1, 1998, through September 30, 2002, FSA-Type II is payable in a monthly amount of $100.

★ 4. Effective October 1, 2002, FSA-Type II is payable in a monthly amount of $250.

C. Conditions. For specific conditions of entitlement, see Tables 27-3 through 27-6.

D. Member Married to Member Couples. Effective January 1, 1998, FSA-II is payable to a member married to another member regardless of whether the member has any nonactive duty dependents, when all other general conditions are met and provided members were residing together immediately before being separated by reason of execution of military orders. Prior to January 1, 1998, but after September 22, 1996, a couple comprised of a member married to another member, with no other dependents, was entitled to FSA-II under the same general conditions as members with nonactive duty dependents, provided the couple was residing together immediately before being separated by reason of execution of military orders.

1. Not more than one monthly allowance may be paid with respect to a married military couple for any month. Each member may be entitled to FSA-II within the same month, but both cannot simultaneously be entitled. Payment shall be made to the member whose orders resulted in the separation. If both members receive orders requiring departure on the same day, then payment will go to the senior member.

2. If a member meets the requirements for credit of FSA-II, but entitlement is precluded by an existing entitlement status of the spouse, then the second member may, if still qualified, immediately become entitled to FSA-II upon termination of the spouse's status. The couple may qualify for sequential entitlements to FSA-II provided military orders keep them continuously separated.

3. In order to qualify for a subsequent entitlement to FSA-II, a married member couple, no longer separated by reason of military orders, shall reestablish a joint household and reside together.

2702 DEPENDENTS SEPARATION REQUIREMENTS

270201. Dependents. A member is not considered "a member with dependents" for FSA-II entitlement when:

A. The sole dependent is placed in an institution for a known period of over 1 year or for an indefinite period which may be expected to exceed 1 year.

B. The sole dependent is a spouse legally separated or child(ren) in the legal custody of another person. The exception occurs when the member has joint physical and legal custody of child(ren) and the child(ren) otherwise would reside with the member but for the current assignment, the member shall be considered as a "member with dependents" for FSA-II entitlement.

C. The member's dependent parent does not reside in a home, which the member controls, supervises, and maintains for mutual use when circumstances permit.

270202. Temporary Social Visits by Dependents

A. Family Separation Allowance (Types I and R). Credit continues to accrue while the member's dependents visit at or near his or her permanent station, but for no longer than 3 continuous months. Facts clearly must show that the dependents merely are visiting (not changing residence) and that the visit is temporary and not intended to exceed 3 months. If, for unforeseen reasons (due to illness or other emergency), a bona fide social visit extends beyond 3 months, stop credit for FSA at the end of the 3-month period. If the visit initially is intended to exceed 3 months, stop FSA credit the day before the dependents arrive at the member's permanent station. Credit is again authorized on and after the day that the dependents depart from the permanent station. A member is entitled to FSA-I and/or FSA-R, 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. Family Separation Allowance - T. Credit continues to accrue to a member whose dependents visit at or near the temporary duty station continuously for 30 days or less. Facts must show that the dependents are merely visiting. If the visit exceeds 30 days, the member is not entitled to FSA-T for any part of the period, unless the visit is extended because of illness or other emergency. Under such circumstances, payment of the allowance is limited to 30 days. Entitlement to FSA-T resumes on the day that the dependents depart the temporary duty station, if the member's TDY extends for more than 30 days from that date. Entitlement to FSA-T exists if one or more(but not all) of the dependents visit for longer than 30 days, if the member otherwise is entitled on behalf of the dependents who are not visiting the member.

C. Family Separation Allowance - S. Credit continues to accrue to the member whose dependents are visiting at or near the duty station (or any port) continuously for 30 days or less. Facts must show that the dependents merely are visiting. If the visit exceeds 30 days, entitlement to FSA-S ends on the day preceding the date of dependent arrival, unless the visit is extended because of illness or other emergency. Under such circumstances, payment of FSA-S is limited to 30 days. Entitlement to FSA-S exists if one or more (but not all) of the dependents visit for longer than 30 days, if the member otherwise is entitled to FSA-S on behalf of the dependents who are not visiting the member.

270203. Dependents Reside Near Duty Station. Family separation allowance does not accrue to a member if all of the dependents reside at or near the duty station. If some (but not all) of the dependents voluntarily reside near the duty station, FSA may accrue on behalf of those dependents who do not reside at or near the duty station. Consider dependents as residing near a duty station if the member actually commutes daily, regardless of distance. 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 a station. However, the 50-mile rule is not inflexible. Unusual conditions may permit a determination that dependents do not live within a reasonable commuting distance, even though the distance involved is less

than 50 miles one way. In a situation where the distance is less than 50 miles, but the time required to commute one way by commonly used route and method of transportation would exceed 1-1/2 hours, the dependents shall be considered as not residing near the member's duty station unless the member actually commutes daily. If dependents are authorized concurrent travel with the member to the duty station and are subsequently authorized to reside at a point over 50 miles from member's duty station for personal reasons, rather than as a result of military restriction on dependents' travel, FSA entitlement does not accrue. In questionable cases, commanders may submit requests for determination through channels to the appropriate office listed below:

A. Army: Deputy Chief of Staff, G-1
ATTN: DAPE-PRC
300 Army Pentagon
Washington, D.C. 20310

D. Navy: Chief of Naval Operations, (OP-134)
Washington, D.C. 20370-2020

E. Air Force: Commander, HQ AFPC
550 C Street West
Randolph AFB, TX 78150-6421

F. Marine Corps: Commandant of the Marine Corps
(Code FDD)
Washington, D.C. 20380

2703 CONDITIONS OF ENTITLEMENT

270301. Entitlement Incident to PCS Reassignments

A. Continental United States (CONUS) Assignments. This subparagraph applies to FSA entitlement incident to regular CONUS PCS reassignments and permissive PCS reassignments.

1. Entitlement to FSA upon regular PCS is authorized only when movement of a member's dependents to the new permanent duty station is not authorized at government expense.

2. Members who reported PCS anytime between December 1, 1994, and February 10, 1996, and subsequently performed duty on board a ship while the ship was away from the homeport for more than 30 continuous days, prior to February 10, 1996, were entitled to FSA-S only if their dependent(s) resided in the vicinity of the homeport of the ship. Effective February 10, 1996, members became entitled to FSA-S when performing duty on board a ship, if the ship is away from the homeport for more than 30 continuous days. If, however, the ship puts into a port other than the homeport, for a period of more than 30 days at a location where the member's dependents reside, payment of FSA-S is precluded if the member resides

270306. Member Married to Member with Dependent Child(ren). In the case of a member married to another member, and the couple has a child that either parent can claim for BAH, one parent may claim the child for entitlement to BAH and the other parent, when otherwise entitled, may claim the child for entitlement to FSA. The FSA entitlement may alternate between parents based on the same dependent; however, FSA may not be paid simultaneously to both members on behalf of the same dependent. (See subparagraph 270301.D, above.)

270307. Specific Conditions of Entitlement

A. Family Separation Allowance - I. See Tables 27-1 and 27-2.

B. Family Separation Allowance - II. See Tables 27-3, 27-4, 27-5, and 27-6.

FSA-I, CONDITIONS OF ENTITLEMENT

RULE	A If a member's overseas PCS assignment is to an area	B and he or she elects to serve	C and concurrent travel	D and the member changes election to	E and he or she	F then the member's entitlement to FSA-I (note 1)
1	where dependents are not permitted					exists for entire unaccompanied tour.
2	where concurrent travel is automatically authorized, or to an advance application area	the unaccompanied tour before departure from CONUS				exists for entire unaccompanied tour, including tour extensions.
3				"with command sponsored dependents" tour, and change is approved (note 2)		continues through day before dependents arrive at overseas station, not to exceed 60 days from date transportation of dependents is authorized, unless additional delay is caused by the government (note 3).
4		the "with command sponsored dependents" tour before departing CONUS	is authorized and performed			does not exist.
5			is authorized by area commander but not performed due to government reasons (note 4)			exists through day before date dependents arrive at overseas station.
6			is not authorized by area commander		complies with all area regulations for entry of dependents	continues through day before dependents arrive at overseas station, not to exceed 60 days from date transportation of dependents is authorized, unless additional delay is caused by the government (note 3).
7		the "with command sponsored dependents" tour before departing CONUS			fails to comply with area regulations for entry of dependents	stops at time member fails to take timely action according to area regulations.

Table 27-1. FSA-I, Conditions of Entitlement

FSA-I, CONDITIONS OF ENTITLEMENT

RULE	A	B	C	D	E	F
	If a member's overseas PCS assignment is to an area	**and he or she elects to serve**	**and concurrent travel**	**and the member changes election to**	**and he or she**	**then the member's entitlement to FSA-I (note 1)**
8	where concurrent travel is automatically authorized, or to an advance application area		is not performed for any reason	an unaccom-panied tour before dependents depart CONUS		continues for entire unaccom-panied tour, if otherwise eligible. If member is not drawing FSA-I, entitlement accrues on and after date reelection is officially approved.
9	covered by rules 1, 2, 3, 5, 6, 7, and 8				has an only dependent on active duty	does not exist.

NOTES:

1. Entitlement in all cases exists only if government quarters are not available for assignment to the member, and dependents do not reside at or near duty station.
2. Change in tour election from unaccompanied tour to "with command-sponsored dependents" tour shall be fully documented, and officially approved by the headquarters of the Military Service concerned. This also applies to elections (made after member arrives overseas) to serve the "with command-sponsored dependents" tour.
3. Delays due to government reasons include:
   a. Lack of transportation facilities.
   b. Disapproval by CONUS commanders.
   c. Disapproval for reasons of health (pregnancy of wife, etc.)
   d. Insufficient service retainability or time remaining in the overseas tour.
4. FSA credit accrues only if dependents are prevented from traveling with member for reasons caused by the government and the delay is more than 30 days. The period of more than 30 days begins date member departs from old station or first day of authorized travel time, whichever is later. It includes TDY enroute and leave taken while attached to TDY station. It does not include leave enroute.

Table 27-1. FSA-I, Conditions of Entitlement (Continued)

FSA-I, CONDITIONS AFFECTING ENTITLEMENT

RULE	A When an eligible member	B then FSA credit
1	arrives at permanent station (in Alaska or elsewhere outside United States)	starts on date of arrival.
2	departs upon reassignment from permanent station	continues through the date of departure.
3	no longer has eligible dependent	continues through the day before the date member no longer has an eligible dependent.
4	is assigned government quarters	continues through the day before the day government quarters become available for assignment.
5	enters non-pay status for any reason, except as provided in paragraph 030205	continues through the day before the date member enters non-pay status.
6	is discharged and immediately reenlists at same station	continues through discharge and immediate reenlistment.
7	acquires dependent after arrival at permanent station and meets requirements for FSA-I	starts date dependent is acquired.
8	is on TDY away from his permanent station, including TDY within the United States	continues for 60 days or less without certificate from member (note 1).
9	is hospitalized at or away from permanent station, including hospitalization within the United States	
10	is on authorized leave (accrued or advance) at, or away from, permanent station, including leave within the United States	
11	is in military confinement or otherwise restricted by military authority	
12	continues in status covered by rules 8 through 11 for more than 60 days	continues (note 2).
13	travels under PCS orders to and from a permanent station outside CONUS or in Alaska	does not accrue while enroute (see rules 1 and 2 for start and stop dates).
14	has dependent depart overseas duty station at government expense because of evacuation (other than medical), under determination of Secretary concerned (or designee) as being in national interest, or for other emergency reasons not personal or caused by dependent's misconduct (note 3)	starts on date of dependents' departure from member's duty station.

NOTES:

1. The member shall meet requirement of paragraph 270103.
2. Payment must be supported by member's certificate that member maintained private quarters at permanent station.
3. These circumstances are covered in JFTR, paragraphs U6000, U5240C, U5240-B. FSA-I does not accrue if evacuation under paragraph U5240-B was caused by the dependent's misconduct. Entitlement to FSA does not accrue if dependents are returned for reasons indicated under JFTR, paragraph U5240-D.

Table 27-2. FSA-I, Conditions Affecting Entitlement

FSA-II, CONDITIONS OF ENTITLEMENT

RULE	A	B	C	D
	If a member	**and**	**and**	**then**
1	is on TDY, including TDY within the United States	the member is entitled to FSA-R when entering such status (note 1)	the member's permanent station remains unchanged	FSA-R credit continues during TDY.
2	is hospitalized at or away from member's permanent station including hospitalization in the United States			FSA-R credit continues during period hospitalized.
3	is in military confinement or otherwise restricted by military authority			FSA-R credit continues during period confined or restricted.
4	is on authorized leave (accrued or advance) at or away from member's permanent station, including leave in the United States			FSA-R credit continues during leave.
5	is on authorized leave (accrued or advance) at residence where member's dependents reside		member's leave is followed by a period of temporary duty (any number of days) within commuting distance of residence where member's dependents reside (paragraph 270203)	FSA-R credit continues during leave but is suspended during period of TDY.
6	is on any status covered by rules 1 through 4, or enters such status		member's permanent station changes	FSA-R credit stops (note 2).
7	is reassigned PCS from a permanent station in 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 station	member continues to receive FSA-T

Table 27-3. FSA-II, Conditions of Entitlement

FSA-II, CONDITIONS OF ENTITLEMENT

RULE	A If a member	B and	C and	D then
9	is ordered to a hospital as a patient in attached status			the member is not entitled to FSA-T
10	is on TDY for more than 30 days from member's permanent station	the member does not qualify for FSA-R at permanent station	member's permanent station remains unchanged	the member is entitled to FSA-T for authorized travel time to and from TDY station and for duty at that station (note 4).
11	is performing recruit/basic training, school, Officer Candidate School (OCS), travel or TDY enroute to initial permanent duty assignment/station	the member is entitled to FSA-R at new permanent duty assignment/station (note 4)		the member is entitled to FSA-R for recruit/basic training, school, OCS, travel or TDY and authorized travel period (note 4).
12	is on TDY 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 station and for duty at that station (note 4).
13	is on temporary additional duty	the member is entitled to FSA-S when entering such status (note 1)	member remains assigned to duty aboard a ship which is away from its homeport	FSA-S accrues during the entire period of temporary additional duty (note 5).
14	is hospitalized away from the ship			FSA-S accrues during the period of hospitalization (note 5).
15	is on authorized leave			FSA-S accrues during period of leave (note 5).
16	is in military confinement on or away from the ship or otherwise restricted by military authority from performing duty			FSA-S accrues during the period that the member is confined or restricted.

Table 27-3. FSA-II, Conditions of Entitlement (Continued)

FSA-II, CONDITIONS OF ENTITLEMENT

RULE	A If a member	B and	C and	D then
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).
19			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 redeployment of more than 30 days	following earlier TDY deployment of more than 30 days which qualified member for FSA-T	period between deployments is 30 days or less	member's entitlement to FSA-T continues.
21	is on board a ship redeployed for more than 30 days	following earlier deployment of more than 30 days which qualified member for FSA-S	period between deployments is 30 days or less	member's entitlement to FSA-S continues.
22	meets the qualifying requirements of any of the rules 1 through 21	member is married to another active duty member	the couple was residing together immediately before being separated by reason of military orders	member is entitled to FSA-II under the specific rule (note 7).
23	executes PCS orders causing a separation from the member's spouse			member is entitled to FSA-R under the specific rule (note 7).

NOTES:

1. Must meet the requirements of paragraph 270104.
2. A new determination of entitlement is required if member's permanent station changes.
3. More than 90 days is prolonged hospitalization.
4. Members are not entitled to FSA-R or FSA-T during authorized leave enroute or proceed time (see Table 27-5, rules 1 and 2). See Table 27-6, rule 9 for date to stop FSA-II.
5. If the dependent's residence is within commuting distance of the place where member is in such status, FSA-S will continue for 30 days only.
6. Does not apply if member is detached and attached the same day to another ship away from its homeport (subparagraph 270304.B).
7. Not more than one monthly allowance may be paid with respect to a married military couple for any month. Each may be entitled to FSA-II within the same month, but both cannot be simultaneously entitled. Payment will be made to the member whose orders resulted in the separation.

Table 27-3. FSA-II, Conditions of Entitlement (Continued)

FSA-R, OVERSEAS ASSIGNMENT				
RULE	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 entire unaccompanied tour (notes 1 and 6).
2		elects the unaccompanied tour instead of the authorized accompanied tour		is not entitled to FSA-R for the length of such tour, including tour extensions (note 5).
3		elects the accompanied tour	concurrent travel is authorized and dependents travel with member	is not entitled to FSA-R.
4		is assigned to an automatic concurrent travel area or an advance application area	application for concurrent travel has been approved by the area commander	is entitled to FSA-R if dependents do not travel with the member for government reasons (notes 2 and 4).
5		in status covered by rule 4	dependents arrive at member's overseas station	FSA-R stops the day before date dependents arrive.
6	selected for PCS overseas to an advance application area	application for concurrent travel is disapproved by area commander		is entitled to FSA-R until dependents arrive at overseas station. (This rule is qualified by rules 7 and 8.)
7			member fails to comply with area regulations for entry of the dependents	FSA-R is stopped when timely action is not taken under applicable regulations (note 3).
8			there is a delay of more than 60 days in dependent's arrival (60-day period begins on date of orders)	entitlement to FSA-R continues through day before dependents arrive at overseas station, not to exceed 60 days from date transportation of dependents is authorized, unless additional delay is caused by the government (note 4).
9	assigned overseas	one or more of the dependents live at or near the overseas station	member qualifies for FSA-R for the dependents who are not authorized to travel to the overseas station	is entitled to FSA-R.
10		after arrival at overseas station, an accompanied tour 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 4).

Table 27-4. FSA-R, Overseas Assignment

FSA-R, OVERSEAS ASSIGNMENT				
RULE	A	B	C	D
	If an eligible member is	**and**	**and**	**then the member('s)**
11	assigned overseas	after arrival at overseas station, an accompanied tour is authorized (previously unavailable) and member does not elect the accompanied tour		entitlements to FSA-R continues based on original assignment under rule 1.
12		has previously elected the accompanied tour, but concurrent travel is not performed	reelects the unaccompanied tour before dependents depart CONUS	is not entitled to FSA-R on and after the date reelection is approved (note 5).
13		has failed to make a tour election before arrival at new duty station	makes unaccompanied tour election after arrival at the overseas station	is not entitled to FSA-R for the entire unaccompanied tour (note 5).
14			elects accompanied tour after arrival at the overseas station	period starting with the date the tour is approved through the day before dependents arrive at overseas station, not to exceed 60 days from date transportation of dependents is authorized, unless additional delay is caused by the government (note 4).

NOTES:

1. In all cases, entitlement exists only if dependents do not live at or near the duty station. (See paragraph 270203.) In areas where dependents are not permitted, member does not have to apply for transportation of dependents or to elect type of tour.
2. Where dependents' travel delay is not due to government reasons, but member is required to perform TDY enroute, family separation for period of TDY is considered to be due to military requirements and member is entitled to FSA-R under Table 27-3, rule 11.
3. FSA-R continues if member acted timely to apply for transportation of the dependents and the application was disapproved because of the lack of service retainability or time remaining in the overseas tour.
4. Delays due to government reasons include:
   a. Lack of transportation facilities.
   b. Disapproval by CONUS commanders.
   c. Disapproval for reasons of health (pregnancy of wife, etc.).
   d. Insufficient service retainability or time remaining in the overseas tour.
5. The Secretary of the Military Department concerned (or designee) may waive the provision in this rule to authorize FSA-R in cases where unusual family or operational circumstances exist for the member. See subparagraph 270301.D for conditions subject to waiver and individual Military Service regulations for procedures for requesting a waiver from the Secretary of the Military Department concerned.
6. This includes dependent-restricted tours and also situations where the member is not authorized to serve an accompanied-with-dependents tour in those locations where such tours are authorized.

Table 27-4. FSA-R, Overseas Assignment (Continued)

FSA-II, COMMENCEMENT DATES

RULE	A When an eligible member	B and he or she	C then FSA credit
1	departs the permanent station on PCS (not authorized FSA-R at old station), or TDY, including TDY in conjunction with PCS (note 1)	is not authorized proceed time or leave 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 permanent duty station (either the actual date of detachment plus days of authorized leave and/or proceed time, or the first day of authorized travel, whichever is later) (note 1).
3	departs 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 on board 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 6 and 7)	meets conditions of Table 27-4, rule 1	starts on the date that a member acquires a dependent or the constructive date of detachment from old station (Table 27-5, rule 2), whichever is later.
6		meets conditions of Table 27-4, rule 13, note 5, or rule 14	(if any) starts according to Table 27-4, rule 13, note 5, or rule 14.
7	acquires an initial dependent after the date of departure from old station 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 6)	is on TDY 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 starts on the date the member acquires dependent (FSA-T) (note 1)).
8	a. acquires a dependent after the effective date of the PCS order (note 6), but before member's date of departure on subsequent reassignment PCS, and b. dependent does not live at or near member's permanent duty station (FSA-R)	is not on TDY/TAD	starts on date member acquires dependent.
9		is on leave (co-resident with dependent or not)	
10		is on TDY/TAD not within commuting distance of dependent's residence	
11		is on TDY/TAD within commuting distance of dependent's residence	starts on member's date of return to permanent duty station.

Table 27-5. FSA-II, Commencement Dates

FSA-II, COMMENCEMENT DATES

RULE	A When an eligible member	B and he or she	C then FSA credit
12	a. acquires dependent after the effective date of the PCS orders (note 6), but before member's date of departure on subsequent reassignment PCS, and b. dependent does not live at or near the member's permanent duty station (where member is not entitled to FSA-R)	is on TDY/TAD with 30 days or more remaining after the date dependent is acquired, and not within commuting distance of dependent's residence	for the period of TDY starts on the date that the member acquires a dependent (FSA-T) (note 1).
13		remains away from 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 270202 (temporary social visit) or paragraph 270203 (change of residence).
15		relocates dependent away from duty station at member's expense	starts on the date of a dependent's departure from the duty station (note 5).
16	has dependent depart overseas duty station at government expense because of evacuation (other than medical), under determination of the Secretary concerned (or designee) as being in national interest, or for other emergency reasons not personal or caused by dependent's misconduct (note 3)		starts on the date of a dependent's departure from the duty station.
17	reports on board ship after a change of homeport has been declared	reports on board ship after a change of homeport has been declared	starts on the date the member reports on board ship (note 4).

NOTES:

1. Do not pay FSA-T or FSA-S until the member has been on TDY/TAD or on duty aboard ship away from homeport continuously for more than 30 days (or, if applicable, for more than 30 days after the date that a dependent is acquired). In computing the amount payable, the 31st day of any month should be excluded from the computation and February should be treated as if it actually had 30 days. (See paragraph 270304.)
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 270305.
3. These circumstances are covered in JFTR, volume 1, paragraphs U6000, U5240-C, U5240-B. FSA-II does not accrue if evacuation under paragraph U5240-B was caused by the dependent's misconduct. Entitlement to FSA does not accrue if dependents are returned for reasons indicated under JFTR, paragraph U5240-D.

Table 27-5. FSA-II, Commencement Dates (Continued)

4. FSA-R does not accrue if the member was on board ship when the change in homeport was declared, except under paragraph 270301.
5. If already started under paragraph 270202, entitlement continues upon departure of dependents from the duty station.
6. The effective date of PCS orders is the date a member is required to begin travel from the old permanent duty station (PDS) or the last temporary duty station, in order to arrive at the new PDS on the date authorized by the mode of transportation authorized. (JFTR, Appendix A, Effective Date of PCS Orders)
7. A member who acquired 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 JFTR, part C, chapter 5; therefore, the member is not entitled to FSA-R. (In this case, no tour election provision exists to overcome the travel provision.)

Table 27-5. FSA-II, Commencement Dates (Continued)

DATE TO STOP FSA-II

RULE	A If a member	B then FSA-II credit continues through
1	has dependents who arrive at the duty station with intent to establish a residence	the day before dependents arrive (note 1).
2	on next reassignment, arrives at a station where member does not qualify for FSA-II	the day before the date on which the member arrives at new station (note 5).
3	returns from TDY (TAD) of more than 30 days	the day before date of the member's return from TDY (TAD) (note 2).
4	is in a non-pay status for any period	the day before the date entering such status, except as provided in paragraph 030205.
5	has sole dependent in an institution, and if the stay in the institution continues	the day before 1 year from the date that the member's sole dependent entered an institution (note 3).
6	is on board a ship away from its homeport	the day before ship returns to homeport or date of detachment from ship, whichever is earlier (note 4).
7	reports on board a ship after a change of homeport has been declared	the effective date of the change of homeport.
8	has only secondary dependents who reside with relatives or friends	day before date dependents move to home of relatives or friends.
9	completes period of TDY of more than 30 days in conjunction with PCS	the day before the date the member arrives at the new station (note 2).

NOTES:

1. See paragraph 270202 for temporary social visits.
2. If delay enroute and/or proceed time is authorized, use the constructive date. (See subparagraph 270304.A.)
3. Applies when stay in the institution is initially not expected to exceed 1 year.
4. FSA-S continues if the member is detached and attached the same day to another ship away from its homeport.
5. 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.

Table 27-6. Date To Stop FSA-II

CHAPTER 28

★ STATION ALLOWANCES

★2801 STATION ALLOWANCES

See the JFTR, Volume 1 (reference (d)), and Military Service procedural instructions for entitlement provisions, payment procedures, and systems requirements for the following:

280101. Temporary Lodging Allowance.

280102. Cost of Living Allowance.

280103. Overseas Housing Allowance.

280104. Interim Housing Allowance.

★ 280105. Advance of Housing Allowances (OHA or BAH).

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CHAPTER 29

CLOTHING MONETARY ALLOWANCES

2901 GENERAL PROVISIONS

290101. Clothing Allowance Entitlement. By law and under Presidential Executive Order, the Secretary of Defense (or the Secretary's designee) annually may prescribe the quantity and kind of clothing to be furnished to an enlisted member of the Military Services, and may prescribe the amount of cash allowance to be paid if clothing is not so furnished. It is DoD policy that the quantities and kinds of items of individual clothing to be furnished shall be prescribed by the individual Service Secretary or the Commandant of the Marine Corps under the parameters set by the Assistant Secretary of Defense for Force Management Policy.

290102. Types of Allowances. There are three basic types of clothing allowances:

A. Initial Clothing Allowances are provided to enlisted members upon initial enlistment or upon other special qualification for entitlement to a prescribed outfitting of uniforms. The initial issue may be an in kind issue or a combination of in kind issue and cash payment.

B. Cash Clothing Replacement Allowances are provided to enlisted members upon the anniversary month each successive year following the provision of an initial clothing allowance. Cash clothing replacement allowances are for replacement of required uniform items based on a normal wear rate.

C. Extra Clothing Allowances are additional to initial and replacement allowances and do not reduce, replace or otherwise affect them. Extra clothing allowances provide for unusual circumstances when an enlisted member may require additional uniform items or when an officer (with a permanent duty station outside the United States) or enlisted member may require civilian clothes to perform their assigned duties.

290103. References. The following regulations detail the entitlements, policies, and procedures on the quantity and kind of clothing that must be provided, the cash allowance in lieu thereof, and the provisions for payment of clothing replacement allowances.

A. Army: AR 700-84 (reference (ax)). For rates payable, see DFAS-IN Military Pay Tables (Daily Rates) (reference (ay))

B. Navy: MILPERSMAN, BUPERS-INST 1020.11 series (reference (az)) and COM-NAVRESFORINST 1001.5 series (reference (ba))

C. Air Force: DFAS-DE 7073.1-M, DFAS-DE 7073.2-M (reference (ap)), and AFI 36-3014 (reference (be))

D. Marine Corps: Individual Clothing Regulations (MCO P10120.28 (reference (bb))

2902 INITIAL CLOTHING ALLOWANCES

290201. Standard Initial Clothing Allowance – General Provisions. The Standard Initial Clothing Allowance mainly is provided as an in kind issue, although a cash payment may be made for items not furnished in kind. Each Service, as approved by the Assistant Secretary of Defense (Force Management Policy), may prescribe cash payments for items specifically designated to be purchased by the member rather than to be furnished in kind. Additionally, if any of the items of clothing normally prescribed to be furnished in kind are not available for issuance, the initial allowance may be completed by paying the member the cash value of the balance remaining. The Standard Initial Clothing Allowance rates, including prescribed cash payments for personal purchase of specified items, are in Table 29-1.

A. The total monetary value of items furnished in kind, plus any cash payments, may not exceed the amounts for the total value of the applicable Standard Initial Clothing Allowance as established in Table 29-1.

B. If a Service member dies, is discharged, or is released from active duty within six months of entitlement to an initial allowance, the value of the initial allowance shall be reduced to the items of clothing already supplied or amount credited up to that date.

C. Army and Marine Corps. Enlisted members of the Army and Marine Corps entitled to a Standard Initial Clothing Allowance are furnished the allowance on an item or issue in kind basis without establishing a monetary credit. Payment of the amount prescribed in the initial allowance as a cash allowance may be made immediately. Shortages of items being furnished on an in kind basis shall be recorded and issued when available to the Service member.

D. Navy and Air Force. Enlisted members of the Navy and Air Force entitled to a Standard Initial Clothing Allowance are credited with the amount of the allowance against which the authorized clothing is furnished. Immediate payment of the amount prescribed in the initial allowance as a cash payment for personal purchase of specified items may be made. If any of the prescribed items of clothing to be furnished in kind against the established credit are not available for issuance by the conclusion of basic training period, or within a period the Service considers appropriate, the initial allowance may be completed by paying the individual the balance remaining in cash.

290202. Standard Initial Clothing Allowance – Entitlement Criteria. Enlisted personnel (except those entitled to a Special Initial Clothing Allowance) shall be furnished a Standard Initial Clothing Allowance, but only under the following circumstances:

A. Upon first enlistment in the Service, or reenlistment in the same branch of the regular Military Service if 3 months has expired from date of last discharge or release from active duty and the member is not reporting from a Reserve component that requires the member to maintain uniform clothing.

B. Upon enlistment or 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 shall be reduced to a partial Standard Initial Clothing Allowance under regulations of the appropriate Service, to account for clothing required to be in the person's possession upon call or recall to active duty.

D. Upon being restored to duty, after being sentenced to confinement and punitive discharge, to the extent needed to fill the individual's clothing requirement.

E. Upon 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, shall be the difference between the current initial clothing allowance and the current value of issued clothing that remained in the member's possession upon the date of last discharge or release from active duty, further reduced by any prior cash clothing payments toward the initial clothing allowance. For the purposes of determining entitlement to replacement allowances, issues or payments under this subparagraph are not considered to be the last authorization of an initial allowance.

F. Upon recall to active duty after 3 months from the date of last release from active duty or retired enlisted personnel (including Service members of the Fleet Reserve and the Fleet Marine Corps Reserve) recalled to active duty after 3 months from the date of last release from active duty or retirement. Only one such allowance shall be authorized during any period of four consecutive years.

G. Upon reversion to service on active duty commissioned officers or warrant officers under temporary appointments who enlisted or 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 four consecutive years.

H. Upon reversion to enlistment in or reenlistment in the regular Navy Naval officer candidates, and Naval Reserve Chief Petty Officers who revert to or are enlisted or reenlisted in the regular Navy in pay grade E-6 or below, except for purposes of retirement; provided they previously have not received a Standard Initial Clothing Allowance during their current period of continuous active duty.

290203. Special Initial Clothing Allowance – General Provisions. Enlisted members may be authorized a Special Initial Clothing Allowance if assigned to a tour of duty, or if they attain a status, requiring the wear of uniform clothing (other than special dress uniforms) of a style different from uniforms customary for most enlisted members of the same Service. Only one Special Initial Clothing Allowance is authorized during any period of continuous active duty. The Special Initial Clothing Allowance rates are in Table 29-2.

A. The Special Initial Clothing Allowance is provided in lieu of the Standard Initial Clothing Allowance when it is the first initial allowance qualified for and issued. The Special Initial Clothing Allowance supercedes and replaces the Standard Initial Clothing

Allowance and is considered to be the last authorization of an initial clothing allowance when a member who previously received a Standard Initial Clothing Allowance subsequently qualifies for and is provided a Special Initial Clothing Allowance. The Special Initial Clothing Allowance may be issued in kind, paid as a monetary payment, or provided as a combination, as established the Service concerned.

B. Examples of uses for Special Initial Clothing Allowance are when members in an enlisted status enter an officer training program, are advanced to Chief Petty Officer in the Navy, or are assigned to a military band with uniform styles different than those for others in their pay grade.

290204. Special Initial Clothing Allowance – Eligibility Criteria. Enlisted personnel shall be furnished a Special Initial Clothing Allowance only under the following circumstances:

A. Upon selection and acceptance for specified officer-training programs.

B. In pay grade E-6 or below, upon assignment to either the United States Navy Band, Washington, DC, or the United States Naval Academy Band or selection for temporary 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, provided no Special Initial Clothing Allowance has been previously paid.

D. Upon first reporting for active duty for a period of more than 6 months as a Chief Petty Officer of the Naval Reserve provided no Special Initial Clothing Allowance has been previously paid either on active or inactive duty.

E. Upon active duty reenlistment or receipt of orders to active duty as a Chief Petty Officer in the Navy, provided all of the following conditions are met:

1. Over 3 months has expired from 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 been paid a Special Initial Clothing Allowance within the last 4 years while on inactive duty.

F. A Chief Petty Officer of the Naval Reserve first reporting for active duty for a period of more than 6 months who has been previously paid a Special Initial Clothing Allowance while on inactive duty will receive a partial Special Initial Clothing Allowance.

290205. Partial Initial Clothing Allowances. Enlisted personnel shall be paid a reduced or partial initial allowance when payment of a full Standard Initial Clothing Allowance or full Special Initial Clothing Allowance is not warranted as described in subparagraphs 290202.C and 290204.F, above.

2903 CASH CLOTHING REPLACEMENT ALLOWANCES

290301. General. Cash Clothing Replacement Allowances for uniform items shall be paid to enlisted members to provide them funds for the replacement of military unique items required for wear. Enlisted members engaged in officer training programs or who are attending academy preparatory schools are not eligible for Cash Clothing Replacement Allowances. Specific entitlement rules are listed in Table 29-3. Cash Clothing Replacement Allowance rates are listed in Table 29-4.

290302. Basic Cash Clothing Replacement Allowance. This is a preliminary replacement allowance for uniform items. It is used during the first 3 years of active service subsequent to receipt of a Standard Initial Clothing Allowance or a reduced or partial Standard Initial Clothing Allowance.

A. It accrues to each enlisted member beginning with the first day of the month following the date of completion of 6 months of active duty without regard to time lost. The first payment shall be made at the end of the member's anniversary month completing 1 year of uninterrupted active military service in an amount equal to one-half the applicable fiscal year rate then in effect.

B. When authorized under regulations of the Service concerned, enlisted members of a Reserve component who received a reduced or partial Standard Initial Clothing Allowance, may be authorized to accrue the Basic Cash Clothing Replacement Allowance beginning with the first day of the month following the date of call or recall to active duty in a pay status.

C. The Basic Cash Clothing Replacement Allowance continues for the first 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.

290303. Standard Cash Clothing Replacement Allowance. This 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 also used as the preliminary replacement allowance during the first 3 years of active service subsequent to receipt of a Special Initial Clothing Allowance or a reduced or partial Special Initial Clothing Allowance.

A. When used as the follow on to the Basic Cash Clothing Replacement Allowance, the Standard Cash Clothing Replacement Allowance accrues beginning with the first day of the month following the date the member completes 36 months active duty without regard to time lost. It continues during the remaining period of continuous active duty and is payable annually at the end of the Service member's anniversary month using the applicable rate then in effect.

B. When used as the preliminary replacement allowance for the Special Initial Clothing Allowance, the Standard Cash Clothing Replacement Allowance accrues beginning with the first day of the month following the date the Special Initial Clothing Allowance or a reduced or partial Special Initial Clothing Allowance was authorized without regard to time lost. It is payable annually, for the first 3 years of continuous active duty, at the end of the Service member's anniversary month using the applicable rate then in effect.

290304. Special Cash Clothing Replacement Allowance. This allowance provides for replacement of uniform items after completion of 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.

2904 EXTRA CLOTHING ALLOWANCES

290401. General. Extra Clothing Allowances are provided in addition to any other entitled clothing allowance. Entitlement to or payment of an Extra Clothing Allowance does not replace or reduce any other clothing allowance.

290402. Supplementary Clothing Allowances. In addition to any other clothing allowance authorized, an enlisted member may become entitled to a Supplementary Clothing Allowance. Supplementary Clothing Allowances may be authorized only for an enlisted member assigned to duty in a special organization or detail where the nature of the duty necessitates that he or she have, as a military requirement, additional quantities or special items of individual uniform clothing normally not required for most enlisted members in the same Service. Except for maternity uniforms, Supplementary Clothing Allowances may not exceed 30 percent of the current value of the Standard Initial Clothing Allowance.

A. Entitlement

1. A Supplementary Clothing Allowance may be provided as an in kind issue, as a cash payment, or as a combination of an in kind issue and a cash payment. Generally, Navy and Air Force members are provided Supplementary Clothing Allowances as cash payments, whereas Army and Marine Corps members are normally provided Supplementary Clothing Allowances as in kind issues.

2. On the anniversary of receipt of an initial Supplementary Clothing Allowance, a subsequent Supplementary Clothing Allowance may be authorized for a member remaining in the qualifying assignment, provided the member is projected to remain in the assignment for at least 6 additional months. A Service member who has received a Supplementary Clothing Allowance may not be authorized a subsequent supplementary allowance for the same items upon reassignment to duty, if less than 12 months have elapsed since the last payment. However, the Service Secretary or Commandant of the Marine Corps (or designees) may waive this restriction under circumstances they deem appropriate.

3. As an exception to the above, an otherwise qualified member may not receive the Supplementary Clothing Allowance for maternity uniforms more often than once every 3 years.

B. Rates Payable

1. Army provides Supplementary Clothing Allowances as in kind issues that are described in the Army reference listed in paragraph 290103.

2. Navy and Air Force provide Supplementary Clothing Allowances as cash payments. The Navy Supplementary Clothing Allowance rates are listed in Table 29-5. The Air Force Supplementary Clothing Allowance rates are listed in Table 29-6.

3. Marine Corps provides Supplementary Clothing Allowances as a combination of in kind issues and cash payments. The portion of Marine Corps Supplementary Clothing Allowances provided as cash payments are listed in Table 29-7.

290403. Civilian Clothing Allowances for Officers and Enlisted Personnel. In addition to any other clothing allowance authorized, Service members (officer or enlisted) directed by competent authority to dress in civilian clothing more than half the time when performing official duty, as a military requirement, may be authorized a Civilian Clothing Allowance. By law, an officer is authorized a Civilian Clothing Allowance only if his or her permanent duty station is outside the United States. During any period in which an enlisted member is on an assignment requiring the wear of civilian clothing, the applicable replacement allowance for uniform items continues to accrue. The Service Secretary or Commandant of the Marine Corps may prescribe reduced civilian clothing allowances, as appropriate for their respective Service, for personnel serving under conditions where the full authorized Civilian Clothing Allowances in Table 29-8 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 shall not be paid more frequently than once in any 3-year period nor shall it be paid if the member has been out of a qualifying assignment for less than 12 months. If the member receives a follow-on permanent assignment requiring the wear of civilian clothing within 3 years of receiving an Initial Civilian Clothing Allowance, or within 12 months of occupying a qualifying assignment, he or she will receive the Replacement Civilian Clothing Allowance at the end of the original anniversary month.

2. Replacement Civilian Clothing Allowance. At the end of the anniversary month of the member commencing the qualifying assignment, a Replacement Civilian Clothing Allowance is payable if it is projected that he or she will serve at least 6 additional months in a qualifying assignment. The member becomes entitled upon authorization of the Service concerned. If it is projected that the member will remain in the assignment less than 6 months beyond the anniversary month, no Replacement Civilian Clothing Allowance will be authorized. However, if the member then actually serves 6 or more months in the assignment past the anniversary month, the replacement allowance will be paid.

3. Lump Sum Payments. A Service may be given authority to pay the Initial Civilian Clothing Allowance and up to two Replacement Civilian Clothing Allowance payments in an up-front lump sum to members when it is projected that they will continue to meet the eligibility criteria for a Civilian Clothing Allowance on a career basis. Such a lump-sum payment may be made only one time in a member's career and that is when the member first becomes eligible for the allowance. On the first or second anniversaries after a lump-sum initial payment, if it is determined the member actually will not be remaining in a qualifying position for at least the next 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 be paid the Replacement Civilian Clothing Allowance.

4. Prior Civilian Clothing Payments. A member assigned to duty for which a Permanent Duty Civilian Clothing Allowance is authorized will have that allowance reduced by the prevailing value of any Temporary Duty Civilian Clothing Allowance received within the preceding 12 months.

B. Temporary Duty Civilian Clothing Allowances. Generally, the Temporary Duty Civilian Clothing Allowance is for use when the Permanent Duty Civilian Clothing Allowance is not applicable. The Temporary Duty Civilian Clothing Allowance has two maximum rates, one for temporary duty of at least 15 days within any 30-day period and one for temporary duty of at least 30 days within any 36-month period. The total amount of all Temporary Duty Civilian Clothing Allowances payable in any 36-month period will not exceed the maximum allowed for temporary duty of at least 30 days. The amounts authorized by the Service concerned shall be within the maximum rates established in Table 29-8.

1. Temporary Duty of at Least 15 Days. When competent authority determines the member will be on temporary duty at least 15 consecutive or accumulative days within a 30-day period, the maximum amount payable is that found in Table 29-8. The 15-day threshold requirement does not apply to Explosive Ordnance Disposal and Explosive Detector

Dog Personnel on United States Secret Service Support Duty, Defense Courier Service couriers, or Defense Threat Reduction Agency military personnel. These personnel may be authorized up to the maximum payment for temporary duty of at least 30 days, upon their initial temporary duty assignment, regardless of the length of their temporary duty.

2. Temporary Duty of at Least 30 Days. When competent authority determines that a member will be on temporary duty at least 30 consecutive or accumulative days within a 36-month period, the maximum amount payable shall be that found in Table 29-8, less any amount paid within the past 36-month period.

3. Additional Temporary Duty Payments. In exceptional circumstances, the appropriate official, or the designated official, may make an exception to the maximum allowance permitted in a 36-month period and may authorize an additional payment of a 15- or 30-day allowance or some lesser amount. This authority may not be delegated below the level of an Assistant Secretary in the Army, Navy and Air Force, or the Deputy Chief of Staff for Manpower and Reserve Affairs in the Marine Corps.

2905 MISCELLANEOUS CLOTHING PROVISIONS

290501. Reserve Component Allowances. Generally, items of individual clothing required by Reserve Component personnel on active duty for periods of less than 6 months or while on inactive duty, are furnished as in kind issues. However, the prescribed cash portion of the Standard Initial Clothing Allowance may be paid to the Reserve member at the time that their initial allowance is issued for items designated to be personally purchased and not issued in kind. Members of Reserve components on active duty for periods of less than 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.

290502. Lost or Damaged Clothing. Service members shall be compensated for clothing items destroyed, damaged, lost, abandoned, captured, or otherwise rendered unusable, incident to military training or service, if the loss was not caused by any fault or negligence of the member. The Service concerned shall prescribe procedures for such compensation.

290503. Clothing Price Adjustments. Enlisted members of the Navy and Air Force entitled to an initial or partial initial clothing monetary allowance upon entering the Service may require adjustment to their pay records. When the entitlement date is on or before September 30, but all clothing items have not been issued prior to October 1, adjust the pay record to reflect the difference between old and new fiscal year prices of those items not issued.

290504. Settlement of Cash Clothing Allowances. Cash clothing replacement allowances always are paid on the last day of the anniversary month in which the member earned the entitlement, except when prorated as a result of discharge before the end of the anniversary month. Supplementary Clothing Allowances are paid when the entitlement is approved by the authorizing official. Other Cash Clothing Allowances will be settled as outlined in Table 29-9.

STANDARD INITIAL CLOTHING ALLOWANCES – EFFECTIVE OCTOBER 1, 2005					
	A	B	C	D	E
RULE	When an entitled enlisted member is	and is	then the total value of the Standard Initial Clothing Allowance is	and the prescribed cash payment portion for purchase of specified items is	and the Partial Initial cash allowance for a member of the Reserves or Guard called to active duty is
★1	Army	male	$1,283.49	$63.74	$0
★2		female	$1,551.49	$318.74	$0
★3	Navy (E1-E6)	male	$1,157.21	$166.56	$291.41
★4		female	$1,371.69	$373.04	$374.37
★5	Air Force	male	$1,235.51	$0	$0
★6		female	$1,445.25	$252.29	$0
★7	Marine Corps	male	$1,173.30	$0	$0
★8		female	$1,409.25	$222.75	$0

★Table 29-1. Standard Initial Clothing Allowances - Effective October 1, 2005

SPECIAL INITIAL CLOTHING ALLOWANCES - EFFECTIVE OCTOBER 1, 2005					
	A	B	C	D	E
RULE	When an entitled enlisted member is	and is	then the total value of the Special Initial Clothing Allowance is	and the prescribed cash payment portion to be paid is	and the Partial Initial cash allowance for a member of the Reserves or Guard called to active duty is
★1	in pay grade E-6 or below and assigned to the Navy Band, Washington, DC, or the US Naval Academy Band or selected for temporary appointment as a Limited Duty Officer in the Navy.	male	$1,008.59	$1,008.59	$0
★2		female	$891.28	$891.28	$0
★3	eligible to wear the uniform of a chief petty officer (E7-E9)	male	$1,008.59	$1,008.59	$504.29
★4		female	$891.28	$891.28	$445.64
★5	selected for officer training in the Navy and enters Officer Candidate School (OCS), the Broadened Opportunity for Officer Selection and Training (BOOST) Program, the Enlisted Commissioning Program (ECP), or the Seaman to Admiral Program	male	$1,250.52	$1,250.52	$0
★6		female	$1,385.32	$1,385.32	$0
7	a direct civilian accession student to the Air Force Officer Training School (OTS)	male	$ 706.20	$ 706.20	
8		female	$ 912.86	$ 912.86	
9	an enlisted accession student to the Air Force Officer Training School (OTS)	male	$ 295.00	$ 295.00	
10		female	$ 295.00	$ 295.00	
11	assigned to the United States Air Force Academy Preparatory School	male	$ 775.10	$ 775.10	
12		female	$ 776.11	$ 776.11	

★Table 29-2. Special Initial Clothing Allowances - Effective October 1, 2005

ENTITLEMENT TO CASH CLOTHING REPLACEMENT ALLOWANCES

RULE	A When a member	B and is not	C then the member is entitled to an annual
1	completes 6 months of active duty after last entitlement to a standard initial, partial standard initial or reduced standard initial clothing allowance (note 1)	missing, missing-in-action, captured, or detained in a foreign country; nor forfeiting total pay; nor in confinement under approved sentence providing a punitive discharge (note 2); nor assigned to a command where clothing is replaced by an in kind issue; nor undergoing training leading to a commission or attending an academy preparatory school; nor terminated from the status for which a special initial clothing monetary allowance was awarded	basic cash clothing replacement allowance, accruing from the first day of the month following the date of completion of 6 months' active duty through the end of the 36th month of active duty. On completion of the 12th month of uninterrupted active duty, payment will be made for one-half the annual rate and the full annual rate thereafter. Annual payments will be made at the end of the member's anniversary month of active duty (note 3).
2	completes 6 months of active duty as an officer candidate (note 1)		
3	becomes entitled to a special initial, partial special initial or reduced special initial clothing allowance		standard cash clothing replacement allowance accruing from the first day of the month following the date the special initial clothing allowance is awarded and continuing for the first 36 months of such active duty. Annual payments will be made at the end of the member's anniversary month of active duty (note 3).
4	completes 36 months of active duty after last entitlement to a standard initial, partial standard initial, or a reduced standard initial clothing allowance (note 1)		standard cash clothing replacement allowance accruing from the first day of the month following the date of completion of 36 months' active duty. Annual payments will be made at the end of the member's anniversary month of active duty (note 3).
5	completes 36 months of active duty after last entitlement to a special initial, partial special initial, or a reduced special initial clothing allowance (note 1)		special cash clothing replacement allowance accruing from the first day of the month following the date of completion of 36 months' active duty. Annual payments will be made at the end of the member's anniversary month of active duty (note 3).

NOTES:

1. The time period is computed without regard to lost time.
2. The term "approved sentence" means the date the sentence was approved by the convening authority.
3. If a member serves on this active duty less than 12 months or less than 12 months after the last annual payment, then a prorated amount will be paid, calculated at one-twelfth of the annual rate for each whole month or fractional month served. Example: A member on a 3-year enlistment leaves service after serving 2 years, 6 months, and 10 days. The final payment would be an amount equal to 7/12 of the annual amount.

Table 29-3. Entitlement to Cash Clothing Replacement Allowances

CASH CLOTHING REPLACEMENT ALLOWANCES – EFFECTIVE OCTOBER 1, 2005					
	A	B	C	D	E
RULE	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	$356.40	$511.20	$0
★2		female	$417.60	$594.00	$0
★3	Navy	male	$288.00	$410.40	$604.80
★4		female	$291.60	$414.00	$626.40
★5	Air Force	male	$291.60	$417.60	$0
★6		female	$324.00	$464.40	$0
★7	Marine Corps	male	$255.60	$367.20	$0
★8		female	$273.60	$392.40	$0

NOTE:

1. Members of the USNA and Washington DC Navy bands and all Navy Chief Petty Officers receive these allowances as follow-on to the Special Initial Clothing Allowances and the Basic Cash Clothing Replacement Allowance is not used.

★Table 29-4. Cash Clothing Replacement Allowances - Effective October 1, 2005

CIVILIAN CLOTHING ALLOWANCES FOR OFFICERS AND ENLISTED MEMBERS EFFECTIVE OCTOBER 1, 2005		
	A	**B**
RULE	**When an officer or enlisted member is entitled to a Civilian Clothing Allowance for**	**then the amount of payment is (notes 1 and 2)**
★**1**	permanent duty initial payment	$862.35
★**2**	permanent duty annual replacement payment	$287.45
★**3**	temporary duty of at least 15 days in a 30-day period (note 3)	$287.45
★**4**	temporary duty of at least 30 days in a 36-month period	$574.90

NOTES:

1. By law, an officer is authorized a civilian clothing allowance only if the officer's permanent duty station is outside the United States.
2. Unless exception is given, the maximum amount payable for all temporary duty performed in any 36-month period will not exceed the maximum prescribed for duty of at least 30 days.
3. The 15-day qualification requirement does not apply to explosive Ordnance Disposal and Explosive Detector Dog personnel on United States Secret Service support duty, Defense Courier Service couriers, or 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 29-8. Civilian Clothing Allowances for Officers and Enlisted Members – Effective October 1, 2005

SETTLEMENT OF CASH CLOTHING ALLOWANCES

RULE	A	B				C	D
	When member is entitled to	and is a member of the				and has	then
		Army	Navy	Marine Corps	Air Force		
1	a Standard Initial Clothing Allowance, a reduced or Partial Standard Initial Clothing Allowance		X			completed 6 months of active duty (note)	settle balance of allowance due.
2			X		X	drawn clothing equaling or exceeding the allowance	settle amount, collect amount due from member, if appropriate.
3					X	completed 30 days of active duty (note)	settle balance of allowance due.
4			X			completed recruit training	settle balance of allowance due.
5			X		X	reenlisted in the same branch of the Regular Service subsequent to expiration of 3 months from date of last discharge or release from active duty	pay or credit amount authorized immediately.
6	a Special Initial Clothing Allowance or a reduced or Partial Special Initial Clothing Allowance		X		X		pay or credit amount authorized immediately.
7	an initial cash allowance for personal purchase of specified items	X	X	X	X	established entitlement to an initial clothing allowance	pay or credit amount authorized immediately.
8	a civilian clothing allowance	X	X	X	X		pay or credit amount authorized immediately.

NOTE:
On discharge, release from active duty, or death, before completion of 6 months of active duty (Navy), or 30 days (Air Force), reduce the monetary clothing allowance to amount of clothing already supplied.

Table 29-9. Settlement of Cash Clothing Allowances

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CHAPTER 30

OFFICERS' UNIFORM AND EQUIPMENT ALLOWANCE

3001 ENTITLEMENT

300101. Officers may become entitled to an initial uniform allowance and/or an additional active duty uniform allowance as reimbursement for the purchase of required uniforms and equipment as prescribed by this chapter.

300102. Effective December 6, 2000, both the initial and the additional uniform allowances were increased.

3002 INITIAL UNIFORM ALLOWANCE

Officers of the Armed Forces of the United States are entitled to an initial uniform allowance as provided in this section.

300201. When Payable. Except as provided in the note, below, the initial uniform allowance is payable only once to an officer:

A. Upon first reporting for active duty (other than for training) for a period of more than 90 days. A member entering active duty as an officer in a Regular Component upon Reserve Officer Training Corps (ROTC) graduation after October 12, 1964, is considered to have entered on active duty for more than 90 days.

B. Upon completing at least 14 days of active duty or active duty for training as a member of a Reserve Component.

C. Upon 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.

D. Upon reporting for the first period of active duty required of a member of the Armed Forces Health Professions Scholarship Program.

NOTE: Upon transfer to another Reserve Component that requires a different uniform, a Reserve officer may receive another initial uniform allowance. Regular officers may not receive this allowance when transferring to another Military Service.

300202. 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 regardless of source of commission or previous enlisted status.

300203. Restrictions

A. If a member has received an initial uniform allowance in any amount as an officer under conditions other than those listed in subparagraphs 300201.A, B, C, or D, above, the member cannot again be entitled to the initial uniform allowance.

B. Only periods of duty that require wearing of the uniform are counted for entitlement to the initial uniform allowance.

C. An officer must be determined physically qualified for active duty before entitlement to an initial uniform allowance accrues.

3003 ADDITIONAL ACTIVE DUTY UNIFORM ALLOWANCE

Officers of Reserve Components, officers of the Army or Air Force of the United States, without component, and ROTC graduates appointed in the Regular Components are entitled to an additional active duty uniform allowance as provided in this section.

300301. When Payable

A. This allowance is payable each time of entry or reentry on active duty, or active duty for training (including authorized travel time) for more than 90 days. The period served may be under orders specifying active duty for more than 90 days, or under two or more orders requiring a continuous period of more than 90 days' active duty.

B. An officer commissioned in a Regular Component upon ROTC graduation after October 12, 1964, accrues entitlement to the allowance on commencement of duty as a regular officer. The officer is considered then to have entered on active duty for more than 90 days.

300302. Amount Payable. The additional active duty uniform allowance is payable to qualified officers in the amount of $200.

300303. Restrictions

A. Effective December 6, 2000, this 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 a period of 2 years before entering on that tour.

B. This allowance is not payable when the tour of duty for which payment is being considered began within 2 years after the end of a previous period of active duty, or active duty for training, of more than 90 days. This applies whether or not a uniform allowance was paid for the previous tour of duty. It applies only if the prior service was performed as a Reserve officer, as an officer of the Army or Air Force of the United States, without component, or as a Regular officer commissioned upon ROTC graduation after October 12, 1964.

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CHAPTER 32

ADVANCE, LOCAL, PARTIAL, AND EMERGENCY PARTIAL PAY

3201 ADVANCE PAYMENTS

320101. Advance Pay for Permanent Change of Station (PCS)

A. General Provisions. The purpose of an advance payment is to give funds to a member to meet extraordinary expenses incident to a government-ordered relocation. It is intended to assist with the out-of-pocket expenses, not typical of day-to-day military living, that precede or exceed reimbursements incurred in a member's change of duty locations. An advance of pay shall not be authorized for the specific out-of-pocket expenses covered by advances of other allowances and entitlements, if those advances are used (to include travel allowances and per diem, overseas station housing allowance, basic allowance for housing, and dislocation allowance). The member's commander has a responsibility to ensure that an advance of pay is used only to help with the financial burden of a PCS.

B. Entitlement. The conditions and amounts payable are contained in Table 32-2, rules 1 and 2.

C. Repayment. Advances are repaid per Table 32-3, rules 1 through 5.

D. Effect on Allotments. Do not pay an advance of pay in an amount that will require the stoppage of allotments for insurance or support of dependents. No allotment may be started after the advance is made if that allotment would prevent repayment of the advance of pay within the allowed period. If separation of the member from the Service is imminent, stop all allotments necessary to collect the advance.

E. Military Service Regulations. The following regulations provide additional guidance appropriate for the specified Military Service:

1. Army: AR 37-104-3 (reference (bh))

2. Navy: NAVMILPERSMAN para 2650100 (reference (an))

3. Air Force: DFAS-DE 7073.1-M (reference (ap))

4. Marine Corps: MCO 7220.21E (reference (bg))

320102. Advance of Pay and Allowances. The purpose of an advance of pay is to ease hardships imposed by the lack of regular payments when a member is mobilized, ordered to duty at distant stations, or deployed aboard ships for more than 30 days.

A. Entitlement. The conditions and amounts payable are contained in Table 32-2, rules 6 through 9.

B. Repayment. These advances are repaid per Table 32-3, rules 3 through 5 and rules 9 through 12.

320103. Advance of Basic Allowance for Subsistence (BAS)

A. Entitlement. An enlisted member may be paid an advance of BAS not to exceed 3 months if the member is entitled to BAS and the commanding officer authorizes the payment following a determination that it is necessary. Individual Military Service regulations may limit BAS advances to less than 3 months.

B. Repayment. This advance is repaid based on Table 32-3, rule 6.

320104. Advance Pay Upon Evacuation of Members or Dependents. The purpose of this advance is to give funds to evacuated members or dependents to cover costs of travel, food, and other needs.

A. Entitlement. The conditions and amounts payable are contained in Table 32-2, rule 4.

B. Repayment. The advances are repaid per Table 32-3, rule 7.

320105. Advance of Allotment(s) to Dependents. The purpose of this advance payment is to allow a member to be paid the amount of an allotment(s) to dependent(s) if the member is assigned or scheduled for assignment to sea duty or other duty with a unit or command deployed or to be deployed outside the United States and the allotment(s) is made by the member not more than 60 days before the scheduled date of the assignment of the member to this duty.

A. Entitlement. The conditions and amounts payable are contained in Table 32-2, rule 5.

B. Repayment. This advance is repaid per Table 32-3, rule 8.

320106. Advance Pay for Members of the Armed Forces Health Professions Scholarship Program (AFHPSP) on Active Duty

A. Entitlement. An advance of pay, not to exceed basic pay for 1 month, may be paid to a member of the AFHPSP when reporting for the annual 45-day active duty tour.

B. Repayment. Collect the advance in full by the end of the 45-day active duty tour.

320107. Military Paydays

A. Since September 1, 1987, and except for an authorized midmonth payroll, payday is the first calendar day of the month after the month in which the entitlement was earned.

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

C. For payrolls otherwise payable on October 1, the Secretary of Defense shall determine if the payroll may be dated in September.

D. If a member dies after receiving an advance payment under any of the above provisions, but before the last day of the pay period in which the payment is made, the U.S. government may not recover any part of the payment.

320108. Advance of Housing Allowances. An advance of Basic Allowance for Housing and overseas housing allowance may be authorized under the terms and conditions in the Joint Federal Travel Regulations, Volume 1, Chapters 8 and 9 (reference (d)).

320109. Advance Pay for Senior Reserve Officer Training Corps (SROTC) Cadets and Midshipmen Ordered to Field Training or Practice Cruises. An advance of pay, not to exceed the entitlement for 1 month, or the amount the SROTC member will accrue for the training, whichever is less, may be paid to an SROTC member who is ordered to perform field training or a practice cruise. Collect the advance in full from the member's field training or practice cruise entitlement.

3202 LOCAL, PARTIAL, AND EMERGENCY PARTIAL PAYMENTS

320201. Local and Partial Payments. These payments are authorized only for overseas areas where on-base military banking facilities are not readily available. Exceptions may be granted for members assigned to classified, or contingency operations where the exigencies of their assignments may require local cash or partial payments. In this circumstance, the member's commander may authorize immediate cash payments up to the amount of accrued entitlement to date, when deemed appropriate to the mission (see Table 32-1).

Interim Change 28-98 and 05-00 are incorporated in this change. Interim Change 28-98 also affects other chapters and will not be deleted from the interim changes cited in the web site.

CHAPTER 34

PAY ENTITLEMENT OF MEMBERS MISSING, MISSING IN ACTION, INTERNED, ETC., AND PAYMENTS TO DEPENDENTS

3401 DEFINITIONS

340101. Member. See the Definitions section of this volume (item 77, page lii).

340102. Dependent. See the Definitions section of this volume (item 36, page xlvi). In addition, for the purposes of this chapter, the term "dependent" also means a dependent designated in official records, or a person determined to be a dependent by the Secretary of the Military Service concerned or the Secretary's designee.

340103. Missing Status. See the Definitions section (item 80, page liii) of this volume.

3402 AUTHORITY TO MAKE OFFICIAL DETERMINATIONS UNDER THE MISSING PERSONS ACT (reference (aa))

See Table 34-1.

3403 ENTITLEMENT TO PAY AND ALLOWANCES WHILE IN A MISSING STATUS

340301. General. A member who enters a missing status is entitled to the pay and allowances to which entitled when the missing status began or to which the member later becomes entitled. The right to a certain pay or allowance is not affected by the fact that the member had not actually received payment before entering missing status. See Table 34-2 for items of entitlement.

340302. BAH and BAS Entitlement. Members without dependents are entitled to BAH at the without-dependent rate. Enlisted members are entitled to BAS at the rate payable when rations in kind are not available. Payments of these allowances are authorized from the beginning of the missing status, even though there was no housing or subsistence allowance entitlement before the missing status began.

3404 ALLOTMENTS FOR MEMBERS IN MISSING STATUS

Allotments in effect before a member enters a missing status may be continued. As directed by the Secretary of the Military Service concerned (or designee), allotments may be initiated, suspended, resumed, increased, decreased, or discontinued where circumstances so

3411 REFERENCES

341101. Army

A. Casualty accounting, reporting, and notification. See AR 600-10 (reference (bi))

B. Transportation of dependents, household goods, and personal effects. See JFTR, volume 1 (reference (d)), and AR 37-106 (reference (bj))

341102. Navy

A. Casualty accounting, reporting, and notification. See MILPERSMAN (reference (f))

B. Transportation of dependents, household goods, and personal effects. See JFTR, volume 1, and NTI (reference (d))

341103. Air Force

A. Casualty accounting, reporting, and notification. See AFI 36-3002 (reference (ea)), AFMPCI 36-9 (reference (eb)), and AFR 35-40 (reference (bn))

B. Transportation of dependents, household goods, and personal effects. See JFTR, volume 1 (reference (d)), AFR 75-25 (reference (bo)) and AFR 177-103 (reference (bp))

341104. Marine Corps

A. Casualty accounting, reporting, and notification. See MCO P-3040.4 (reference (bk))

B. Transportation of dependents, household goods, and personal effects. See JFTR, volume 1, NTI (reference (d)), and Marine Corps Transportation Manual (MCO P4600.7 (reference (bl))

AUTHORITY TO MAKE OFFICIAL DETERMINATIONS UNDER THE MISSING PERSONS ACT							
RULE	**A**	**B**	**C**	**D**	**E★**	**F**	**G**
	If missing member is	**authority to make all determinations is vested with the Secretary of the**	**who has delegated to**	**authority to make determinations of**	***and has delegated to the (note)*** ***(IC 05-00)***	**authority to make determinations**	**and all such determinations**
1	Army	Army	the Adjutant General, US Army, Washington DC 20310	status of members, of death, and of essential dates	Director, Defense Financing and Accounting Service-Indianapolis Center, Indianapolis IN 46249-0001	pertaining to facts of dependency and to the initiation, continuance, suspension, or resumption of allotments of pay	are conclusive in the absence of fraud or criminal intent
2	Navy	Navy	Bureau of Naval Personnel, ATTN: CODE PERS-6, Washington DC 20370-5156	status of members and their dependents, of death, of essential dates and facts of dependency			
3	Marine Corps		Head, Personal Affairs Branch, Human Resources Division Manpower Department US Marine Corps, Washington DC 20380-0001				
4	Air Force	Air Force	Cdr, HQ AFPC, 550 C Street West, Randolph AFB TX 78150	status of members and their dependents, of death, and of essential dates	Director, Defense Finance and Accounting Service-Denver Center, 6760 E. Irvington Place, Denver CO 80279-3000	pertaining to facts of dependency, starting, stopping, or changing allotments of pay, waiving recovery of erroneous payment or overpayment, and settling accounts of members affected	

★NOTE: The approving authority pertaining to the disposition of net pay or deposits to the Savings Deposit Program (SDP) for members held captive is the Secretary of the Military Service concerned (or designee). (IC 05-00)

★Table 34-1. Authority to Make Official Determinations Under the Missing Persons Act (IC 05-00)

PAY AND ALLOWANCES WHICH ACCRUE TO MISSING MEMBERS

RULE	A				B	C	D	E
	When member is							
	Army	Navy	Marine Corps	Air Force	who is	then member is	with accounts maintained in	and
1	X				missing, missing in action, interned in a foreign country, beleaguered or besieged by a hostile force, or detained in a foreign country against a member's will	entitled to receive or have credited to member's account the pay and allowances to which entitled when missing status began or to which member becomes entitled later, as follows: Basic pay Special pay Incentive pay for Hazardous duty BAH (note 7) BAS (note 7) FSA I FSA II (note 1) Station per diem Allowances for not more than 90 days (note 2) HFP if the member qualified Immediately before entry to a missing status (note 8)	DFAS-IN	payments continue through date of receipt by the Military Service concerned of evidence of death of the member or date of presumption of death made by the Secretary of the Military Department concerned or Secretary's designee, or date of return to Military Service jurisdiction (note 3)
2		X					DFAS-CL	
3			X				DFAS-KC	
4				X			DFAS-DE	
5	X	X	X	X	officially determined to be absent without authority rather than in a missing status	not entitled to pay and allowances for any such period (note 4)		
6	X	X	X	X	an officer, warrant officer or enlisted member who receives a promotion while in a missing status (note 5)	entitled to pay and allowances of the pay grade to which promoted from the date of orders announcing the promotion		
7	X	X	X	X	in a missing status has a change of conditions upon which pay and allowances are based	entitled to the pay and allowances based on the changed conditions (note 6)		

Table 34-2. Pay and Allowances Which Accrue to Missing Members

PAY AND ALLOWANCES WHICH ACCRUE TO MISSING MEMBERS

RULE	A				B	C	D	E
	When member is							
	Army	Navy	Marine Corps	Air Force	who is	then member is	with accounts maintained in	and
8	X	X	X	X	an enlisted member who continues in missing status after expiration of term of service	entitled to continuance of pay and allowances		
9	X	X	X	X	in receipt of or has placed to member's credit pay, wages, allowances, or other compensation from the hostile force	not charged or debited with any such amount against member's pay and allowances		

NOTES:

1. A member may qualify for FSA-T while in a missing status if the continuous period of more than 30 days is completed after entering the missing status. (See paragraphs 270303 and 270304.)
2. Travel per diem and clothing monetary allowances do not accrue during a missing status, even though member was entitled to them when missing status began.
3. When facts or events warrant, the Secretary of the Military Department concerned (or designee) may change or modify a prior determination.
4. See paragraph 260501 recontinuance of credit for BAH for 2 months following month of absence for members in pay grades E-1, E-2, E-3, or E-4 (4 years or less service) with dependents.
5. This applies even though the Secretary of the Military Department concerned (or designee) is later made that the member died before the date of promotion.
6. For example, if the sole dependent of a missing member dies, credit for BAH at the with-dependents rate ceases and any allotment in force in the dependent's favor is stopped and deductions cease.
7. Members without dependents are entitled to BAH at the without-dependent rate. Enlisted members are entitled to BAS at the rate payable when rations in kind are not available. See paragraph 340302.
8. See paragraph 440102 and subparagraph 440103.C.2 to determine possible Combat Zone Tax Exclusion implications.

Table 34-2. Pay and Allowances Which Accrue to Missing Members (Continued)

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CHAPTER 41

★GENERAL PROVISIONS GOVERNING ALLOTMENTS OF PAY (Other than Child and Spousal Support Allotments Required by Law)

4101 GENERAL

410101. Application. The provisions of this chapter do not apply to child and spousal support allotments required by law to be started when a member has failed to make periodic payments under a support order. See section 4304 of this volume for applicable provisions.

410102. Authority. Under instructions issued by the Secretary of Defense, the personnel identified in section 4104, below, may authorize allotments from their pay for the purposes set forth in Chapters 41 through 43.

410103. Policy. The allotment system is provided to help Military Service members adjust their personal and family finances to military service. It is a convenience and privilege not to be exploited or abused. Other than amount changes, administrative changes may be made at the request of the allotee without the member's consent. This includes address changes.

4102 SPECIALIZED TERMS

410201. Certifying Officer

A. Navy. The certifying officer for Navy allotments is the disbursing officer responsible for registering the allotment on the military pay record. On ships without disbursing officers, the certifying officer is commanding officer or such other officer who is designated in writing to be responsible for preparing, certifying, and forwarding allotment forms to the disbursing officer maintaining members' master pay account.

B. Marine Corps. Marine Corps allotment forms normally are prepared by the administrative office and certified by the disbursing officer.

410202. Allotment Officer (Navy and Marine Corps). This is the disbursing officer of the Defense Finance and Accounting Service-Cleveland, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199, or the Director, Defense Finance and Accounting Service-Kansas City, Centralized Pay Operations (JE), Kansas City, MO 64197.

410203. Definitions. See Definitions on page xliv for the following terms: active duty allotment, allottee, allotter, and financial organization.

4103 AUTHORIZED ALLOTMENTS

410301. General. Voluntary allotments of military pay and allowances by service members in active military service are limited to discretionary and non-discretionary allotments.

410302. Discretionary Allotments. Members are authorized no more than six discretionary allotments. The member shall certify that the allotment is within the limits of the law (e.g., allotments may not be used to repay gambling debts in a state where gambling is not permitted). Examples include, but are not restricted to, the following:

A. Payment of premiums for commercial life insurance on the life of the member, the member's spouse or children. This includes United States Government Life Insurance, Army Mutual Aid Insurance, Navy Mutual Aid Insurance, dental and health insurance for the benefit of family, and vehicle insurance.

B. Voluntary payment to a dependent or other relatives. This allotment may be made to a spouse, former spouse(s), other dependents, and to a relative(s) not legally designated as a dependent(s). Support allotments may be made payable directly to a court, a state agency, a court trustee, a welfare agency, or to a child's guardian or custodian. This allotment may be made payable to a financial organization for credit to the account of the allottee.

C. Deposits to a financial institution, mutual fund company, or investment firm.

D. Payment of car loans.

E. Payment of mortgage or rent.

F. Payment of a loan to repay consumer credit, e.g., a loan or finance company.

G. Deposits into the Savings Deposit Program.

H. Payments to the Air Force Enlisted Members Widow's Home for Air Force members only.

410303. Non-Discretionary Allotments. Non-discretionary allotments of military pay and allowances by members in active military service are limited to the following:

A. Purchase of U.S. savings bonds.

B. Repayment of loans to the Army Emergency Relief, Navy and Marine Corps Relief Society, Air Force Aid Society, and American Red Cross.

C. Voluntary liquidation of indebtedness to the United States that includes the following:

1. Indebtedness incurred due to defaulted notes insured by the Federal Housing Administration or guaranteed by the Department of Veterans Affairs.

2. Payment of amounts due under the Retired Serviceman's Family Protection Plan, in the case of retired Military Service members serving on active duty.

D. Any other indebtedness to any department or agency of the United States Government (except to the Military Department that pays the member).

E. Any repayment of debts owed to an organization for funds administered on behalf of the United States 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.

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. Once authorized by the Service member, the allotment must run a minimum of twelve consecutive months, unless the member suspends participation or disenrolls from the program because of personal hardship or release from active duty.

H. Payment of delinquent federal, state, or local income or employment taxes.

4104 ELIGIBLE ALLOTTERS

410401. Members on extended active duty who may make allotments of pay include commissioned and warrant officers, aviation cadets, and enlisted members.

410402. Allotments may be continued to retired status. To aid personnel in the transition from active duty to retired status, all existing authorized discretionary allotments of members on active duty may be continued as approved allotments.

4105 PAY AND ALLOWANCES WHICH MAY BE ALLOTTED

410501. Include the following items in computing the maximum amount of pay and allowances that may be allotted for members assigned within the continental United States:

A. Basic pay.

★ B. Basic allowance for housing for members with dependents and members without dependents including family separation housing.

★ C. Basic allowance for subsistence.

D. Career sea pay.

E. Diving pay.

F. Flying pay (all crew members).

G. Proficiency pay and special duty assignment pay.

H. Special pay for medical, dental, optometry, veterinary officers and pharmacy officers.

I. Submarine pay.

J. Personal money allowance.

K. Incentive pay for hazardous duty.

L. Foreign Language Proficiency Pay.

410502. For members assigned outside the continental United States, include the following pay and allowance items in addition to those listed in paragraph 410501, above:

A. Cost-of-Living Allowance.

B. Family Separation Allowance, Type II (FSA-R only).

★ C. Family separation for housing.

D. Hardship duty pay.

E. Special pay for overseas extensions.

F. Special pay for duty subject to hostile fire and imminent danger (applies only to members in a designated area)

G. Overseas housing allowance.

410503. 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

D. Montgomery GI Bill deduction.

410504. Commanders may restrict further the total amount a member may allot when necessary to help the member meet essential personal needs.

4106 PERIODS OF ALLOTMENTS

Allotments are made for indefinite periods except those:

410601. To Military Service relief organizations.

410602. To the American Red Cross.

410603. To the United States for:

A. Repayment of indebtedness.

B. Payment of delinquent federal income taxes.

410604. For CFC charity drive donations.

410605. For payment of delinquent state or local income or employment taxes.

4107 ALLOTMENT PAYMENT OFFICES

410701. Army. The Defense Finance and Accounting Service-Indianapolis, Military Pay Operations, Indianapolis, IN 46249, issues savings bonds and pays all Army allotments of pay except class X allotments, which are paid by local disbursing officers.

410702. Navy. The Defense Finance and Accounting Service-Cleveland, Anthony J. Celebrezze Federal Building, Cleveland, OH 44199, pays all Navy allotments of pay.

410703. Air Force. The Defense Finance and Accounting Service-Denver, Denver, CO 80279-8000, issues savings bonds and pays all Air Force allotments of pay except class X which are locally paid.

410704. Marine Corps. The Defense Finance and Accounting Service-Kansas City, Kansas City, MO 64197, issues savings bonds and pays all Marine Corps allotments of pay.

4108 RESTRICTIONS

410801. Establishment, Discontinuance, and Changes to Existing Allotments. A properly executed form (e.g., DD Form 2558, Authorization to Start, Stop or Change an Allotment) or a written request from a member (or from an agent acting under a specific power of attorney) or an automated data exchange (from specific organizations) may be used to establish, discontinue, or change an allotment. The DD Form 2558 is available in an electronic medium. Further, a service member's written signature is not required to effect an allotment from pay when automated data exchange is utilized. Automated computer programs that allow members to establish, discontinue, or change an allotment using a personal identification number (PIN) are permitted. Allotments will be established, discontinued or changed only after the member's identity has been validated.

410802. Minors. Allotments (except bonds) may not be made payable to children under 16 years of age. They may be made payable to the children's guardian or custodian. Spouses of members may be named as allottees regardless of age.

410803. Mental Incompetents. Allotments may not be made payable to mentally incompetent persons. Allotments may be made payable to a guardian or to the institution where a mentally incompetent person is confined.

410804. Power of Attorney. The holder of a member's special power of attorney may use that document to establish, change, or stop an allotment. The special power of attorney specifically must state the authority to establish, change, or stop allotments. A general power of attorney is not acceptable to establish, change, or stop an allotment.

410805. Member Awaiting Trial by Court Martial.

A. Members may not register allotments between the date that a Court Martial is ordered and the date of the approval or disapproval of the sentence.

B. Discontinue allotments whenever:

1. Necessary to permit collection of the forfeiture in the monthly amount specified and within the time limitation stated in the Court Martial sentence.

2. A member is sentenced to forfeit all pay and allowances due from the date the sentence is approved by the convening authority. This applies even though the convening authority defers the forfeitures and suspends the discharge when ordering the sentence into execution.

C. Allotments may be registered by a prisoner provided the amount of pay and allowances not forfeited is sufficient to cover allotment deductions.

410806. Returned Absentees, Deserters, and Prisoners. Allotments will not be registered for a returned absentee or deserter, unless the cognizant Defense Finance and Accounting Service (DFAS) has verified the member's pay status.

410807. Fraudulent Enlistment. Pay and allowances may not be allotted when pay is suspended pending final action on determination of fraudulent enlistment.

410808. Reduced Pay of Allotter. When a reduction in grade or stoppage of pay does not leave sufficient funds for allotments in force, allotments will be discontinued.

4109 RIGHT TO ALLOTMENT IN CASE OF DEATH

410901. Death of Allotter. All allotments are revoked upon the death of the allotter. No further allotment payments may be made by the paying allotment office after receipt of notice of the allotter's death. Deductions made from the allotter's pay, but not paid to the allottee, become part of the member's arrears of pay. Allotments paid after the allotter's death may not be collected from the allottee, with two exceptions:

A. Allotments erroneously established after notice of death of the allotter.

B. Unearned insurance premiums (insurance premiums paid 1 month in advance of the day payment is actually due). See Military Service procedural instructions for actions required by the disbursing officer maintaining the pay account. However, the issuance of a check for an allotment does not constitute payment until it is negotiated and the amount is collected by the payee. Accordingly, if a check is sent directly to an allottee and has not been negotiated, then recoupment action is appropriate.

410902. Death of Allottee. An allotment check, even though endorsed, does not become part of an allottee's estate if it is not cashed or negotiated before the allottee's death. It is not subject to any expense incurred by, or on behalf of, the allottee before or after death. All unnegotiated allotment checks will be returned to the office from which issued. Returned allotment checks shall be credited to the member's account or paid in accordance with Military Service instructions if the member has been separated from the Military Service.

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CHAPTER 42

DISCRETIONARY ALLOTMENTS

4201 RESTRICTIONS ON DISCRETIONARY ALLOTMENTS

A. General. Military Service members are authorized no more than six purely discretionary allotments. Discretionary allotments are considered as class D allotments and examples are indicated in sections 4202 through 4206, of this Chapter. Service members are authorized no more than one discretionary allotment to the same allottee.

B. Savings Provision. All existing approved registered allotments of military pay and allowances from active duty and retired members that were authorized previously by this part at the time registered may be continued as approved allotments. If any such allotments are discontinued, they may not be reestablished except as a new allotment in accordance with the requirements of this part. Any change in the allotment initiated by the member is considered to be a discontinuance, except those that are beyond the control of the member. Changes beyond the control of the member are administrative changes that are dictated by events incidental to the allotment, i.e., name and address changes, or mortgage payment changes because of a variable rate mortgage or changing escrow requirements. Although the changes in this paragraph do not constitute a discontinuance, such administrative changes that adjust the amount of the allotment shall be accepted only when the member initiates a new allotment request. Discontinuance occurs with any mortgage refinancing action.

C. Allotments to Non-Individuals. Allotments shall be sent by direct deposit/electronic fund transfer.

4202 ALLOTMENTS TO DEPENDENTS OR RELATIVES

420201. Authorized Allottee. Officers and enlisted members of the Military Services may authorize allotments of pay to their dependents, relatives, or divorced spouse. These allotments may be authorized by the member or administratively initiated under procedures established by the Military Service concerned. It may be made payable to an individual or to a financial organization for credit to the account of the allottee, or a joint account of the allotter and allottee. The member may request to stop a dependent allotment administratively started.

420202. Locally Paid Dependent Allotment (Class X)-Army and Air Force Only. This allotment is locally paid and is authorized only in emergency circumstances which prevent the member from supporting the member's dependent(s) by the usual means. It may be paid directly to the member’s dependent or made payable to a financial organization for credit to an account. This allotment is intended to be flexible enough to cope with the various types of emergencies that may arise. The following are examples where an Army or Air Force member may authorize a class X allotment:

Example 1: An Army member stationed overseas (including Alaska and Hawaii) with dependents residing in the same overseas area but in a different foreign country may authorize a class X allotment (Type I) for an indefinite period.

Example 2: An Army member, stationed anywhere, who is required to depart the permanent station in a timeframe which precludes normal arrangements for support of dependents may authorize a class X allotment (Type II) for a definite period not to exceed 6 months. If the member has not returned to the permanent station by the date the allotment is due to expire, the commander may extend the allotment for another 6 months.

Example 3: An Air Force member stationed overseas (including Alaska and Hawaii) with dependents residing in the same overseas area may authorize a class X allotment for an indefinite period during periods the member is away from the permanent station.

Example 4: An Air Force member, stationed anywhere, may authorize a class X allotment for a one-time emergency payment.

Example 5: An Air Force member, stationed anywhere, who is in a temporary duty status for more than 30 days may authorize a class X allotment for a period not to exceed 6 months. If the member has not returned to the permanent station by the date the allotment is due to expire, the accounting and finance officer or the appointed agent establishes a class D allotment to replace the class X allotment.

420203. Allotment or Deduction for Rent. An allotment or deduction of pay may be authorized by the appropriate Secretary of the Military Department concerned for the payment of rent of premises occupied for dwelling purposes by the spouse, children, or other dependents of a member. Such allotment or deduction will be processed in accordance with the procedural instructions of the Military Service concerned.

4203 INSURANCE ALLOTMENTS

420301. Purpose. Allotments are authorized to be made by all Military Service members for paying insurance premiums.

420302. Eligible Allottees

A. United States Government Life Insurance/National Service Life Insurance. The allottee for this allotment is:

Department of Veterans Affairs (VA)
Insurance Center
P.O. Box 8079
Philadelphia, PA 19101

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CHAPTER 43

NONDISCRETIONARY ALLOTMENTS

4301 ALLOTMENTS FOR THE PURCHASE OF SAVINGS BONDS

430101. Authorized Purchases by Allotment. Members may purchase United States savings bonds by class B allotment. Bond purchases in 1 calendar year may not exceed $15,000 (purchase price). See Table 41-1 for members who may purchase bonds by allotment.

A. Series EE. Purchase price is one-half of the maturity value. The Series EE bonds available through payroll deductions are $100, $200, $500, or $1,000.

B. Series I. These are par valued securities which means the maturity value is the same as the purchase price. The purchase prices available through payroll deduction are $50, $75, $100, $200, $500, and $1,000. A $5,000 and $10,000 bond is also available to purchase; however, not through payroll deduction.

430102. Mailing Bonds. Generally, savings bonds may only be sent to an address within the United States, its territories or possessions, or the Commonwealth of Puerto Rico.

430103. Bonds Allotments for Members in Missing or Captured Status (Army and Air Force Only). Army and Air Force members may authorize class B allotments to become effective only if they enter a status of missing, missing-in-action, interned in a foreign country, captured, beleaguered or besieged by a hostile force, or detained in a foreign country against their will.

430104. Administration of Allotments. Details covering the administration of savings bond allotments are in the procedural instructions of the Military Service concerned.

430105. Safekeeping of Bonds. Members on active duty who prefer not to have their bonds mailed upon issue may have them held in safekeeping in accordance with the procedural instructions of the Military Service concerned.

4302 CHARITABLE CONTRIBUTIONS

430201. General

A. Combined Federal Campaign (CFC). Annual solicitations for donations to various community charity drives have been coordinated into a single combined fund-raising campaign. The name of this campaign is the CFC (domestic areas) or the DoD Overseas CFC (overseas areas). Basic information on the CFC (domestic areas) is in the Manual on Fund-Raising Within the Federal Service for Voluntary Health and Welfare Agencies, and information for overseas areas is in appropriate Military Service regulations.

B. Service Relief Organizations. Members are authorized to make charitable contributions by allotment to the Army Emergency Relief, Navy and Marine Corps Relief Society, or affiliates of the Air Force Assistance Fund.

C. Allotment. Members meeting the requirements of this section may authorize a class C allotment for a charitable contribution to the CFC (domestic or overseas) or to any of the Military Service Relief Organizations (SRO) indicated in subparagraph 430201.B, above. All allotments authorized are paid centrally by the offices shown in section 4107 of this volume.

430202. Limitations. Allotments for CFC and SROs must be at least $1 per month and each allotter is authorized only one CFC and one SRO allotment.

430203. Discontinuance (CFC Only). Once an allotment is stopped it may not be reinstated during the current allotment period. (This does not apply to Navy or Marine Corps members when the allotment is stopped because of change in pay group.) Stop the allotment:

A. At the end of the authorized withholding period.

B. Upon member's written request.

C. Upon separation (except when discharged and immediately reenlisted at the same station without a break in service), release from active duty, transfer to the Fleet Reserve or Fleet Marine Corps Reserve, retirement, or death.

430204. Transfer. Continue the allotment when a member participating in a CFC campaign is transferred, unless the member submits a written discontinuance request.

430205. Administration of Allotment. Details covering charitable contributions allotments are in the procedural instructions of the Military Department concerned.

4303 POST-VIETNAM ERA VETERANS EDUCATIONAL ASSISTANCE PROGRAM

430301. General. The Post-Vietnam Era Veteran's Educational Assistance Program provides education assistance on a contributory basis to those eligible members entering the Armed Forces on or after January 1, 1977, and before July 1, 1985, who might otherwise be unable to obtain a higher education.

430302. Contributions. Contributions by the member will be by allotment, payroll deduction, or lump-sum payment. The amount of the allotment or payroll deduction (Marine Corps only) will be not less than $25 nor more than $100 and must be in $5 increments. Contributions by the participant are limited to a maximum of $2,700.

430303. Administration of Allotment or Payroll Deduction. Details covering the administration of this type of allotment or payroll deduction (Marine Corps only) and the method of remitting contributions to the Department of Veterans Affairs are contained in regulations

8. Other amounts required by law to be deducted (e.g., dental plan premium).

430405. Notice to Member and Member's Commanding Officer

A. Within 15 calendar days after the date of receipt of notice, the designated official shall send to the member, at his or her duty station, written notice:

1. That notice has been received from an authorized person, including a copy of the documents submitted.

2. Of the maximum percentages which can be withheld under subparagraph 430403.E, above, and a request that the member submit supporting affidavits or other documentation necessary for determining the applicable percentage.

3. That the member may submit supporting affidavits or other documentation as evidence that the information contained in the notice is in error.

4. That by submitting supporting affidavits or other necessary documentation, the member consents to the disclosure of such information to the party requesting the support allotment.

5. Of the amount or percentage that will be deducted if the member fails to submit the documentation necessary to enable the designated official to respond to the notice within the prescribed time limits.

6. That a consultation with a judge advocate or legal officer will be provided by the Military Department concerned, if possible, and that the member should immediately contact the nearest legal services office.

7. Of the date that the allotment is scheduled to begin.

B. The designated official shall notify the member's commanding officer, or designee, of the need for consultation between the member and a judge advocate or legal officer. The designated official shall provide the member's commanding officer, or designee, with a copy of the notice and other legal documentation received by the designated official.

C. The Military Department concerned shall give the member the following:

1. When possible, an in-person consultation with a judge advocate or legal officer of the Military Service concerned, to discuss the legal and other factors involved in the member's support obligation and failure to make payment.

2. Copies of any other documents submitted with the notice.

D. The member's commanding officer, or designee, shall confirm in writing to the designated official within 30 days of the date of notice that the member received a consultation concerning the member's support obligation and the consequences of failure to make payments, or when appropriate, of the inability to arrange such consultation, and the status of continuing efforts to fulfill the consultation requirement.

E. If, within 30 days of the date of notice, the member has furnished the designated official with affidavits or other documentation showing the information in the notice to be in error, the designated official shall consider the member's response. The designated official may return to the authorized person, without action, the notice for a support allotment required by law, together with the member's affidavit and other documentation, if the member submits substantial proof of error, such as:

1. The support payments are not delinquent.

2. The underlying support order in the notice has been amended, superseded, or set aside.

430406. Payments

A. Except as provided in subparagraph C, below, the cognizant DFAS Site Director (or designee) shall make the support allotment by the first end-of-month payday after the designated official is notified that the member has had a consultation with a judge advocate or legal officer, or that a consultation was not possible, but not later than the first end-of-month payday after 30 days have elapsed from the date of the notice to the member. DFAS Sites will not be required to vary their normal military allotment payment cycle to comply with the notice.

B. If several notices are sent with respect to the same member, payments shall be satisfied on a first-come, first-served basis within the amount limitations in subparagraph 430403.E, above.

C. When the member identified in the notice is found not to be entitled to money due from or payable by the DFAS Sites, the designated official shall return the notice to the authorized person and shall advise him or her that no money is due from or payable by the DFAS Site to the named individual. When it appears that amounts are exhausted temporarily or otherwise unavailable, the authorized person shall be told why and for how long any money is unavailable, if known. If the member separates from active duty, the authorized person shall be informed that the allotment is discontinued.

D. Payment of statutorily-required allotments shall be enforced over other voluntary deductions and allotments when the gross amount of pay and allowances is not sufficient to permit all authorized deductions and collections. Allow the member to choose which discretionary allotments to cancel. If the member refuses or is unable to advise which allotments to cancel, cancel in the following order:

1. Class C allotment for CFC.

2. Class B allotment for savings bonds.

3. Discretionary allotment payable to a financial organization for deposit to the member's account (includes allotments payable to a mutual fund or investment firm and allotments to pay for personal or car loans).

4. Allotment for Post-Vietnam Era Veterans Educational Assistance Program contributions.

5. Class L allotment to repay loans to Military Service relief agencies and the American Red Cross.

6. Discretionary allotments in the following order:

a. Payments to dependents/relatives.

b. Emergency payment to dependents (class X).

c. Repayment of home loans and payment of rent.

d. Commercial life, health, and dental insurance.

e. Navy Mutual Aid Insurance.

f. National Service Life Insurance or United Sates Government Life Insurance.

E. The authorized person or allottee shall notify the designated official promptly if the operative court order upon which the allotment is based is vacated, modified, or set aside. The designated official shall also be notified of any events affecting the allottee's eligibility to receive the allotment, such as the former spouse's remarriage if a part of the payment is for spousal support, and notice of a change in eligibility for child support payments under circumstances of death, emancipation, adoption, or attainment of majority of a child whose support is provided through the allotment.

F. An allotment established under this chapter shall be adjusted or discontinued upon notice from the authorized person.

G. Neither the Department of Defense, nor any officer or employee, shall be liable for any payment made from moneys due from, or payable by, the Department of Defense to any individual pursuant to notice regular on its face, if such payment is made in accordance with this section. If a designated official receives notice based on a support order which, on its face, appears to conform to the laws of the jurisdiction from which it was issued, the designated

430505. Notice to Member and Member's Commanding Officer

A. The designated agent immediately will mail one copy of the application package and DD Form 2654 (Involuntary Allotment Notice and Processing) to the member and two copies of the application package, along with DD Form 2654, to the member's commanding officer. The designated agent will provide notice to the member and the member's commanding officer that automatic processing of the involuntary allotment application will occur if a response is not received within 90 calendar days from the original date of mailing, unless the member has been granted an extension to respond (see subparagraph 450505.B, below).

B. If the member is temporarily unavailable to respond, the member's commanding officer may grant a reasonable extension of time for the member's response. The commanding officer will notify the designated agent that the member has been granted an extension to respond, the date the response is due, and the reason (s) for the extension. In the absence of any additional correspondence from the member's commanding officer, the involuntary allotment application may be automatically processed within 15 calendar days after the date a response was due, including any approved extension response date.

430506. Payments

A. Except as provided in subparagraph 450506.C, below, the cognizant DFAS Site Director (or designee) shall begin payment of an involuntary allotment within 30 days after the designated agent approved the application package. However, the DFAS Sites will not be required to vary their normal military allotment system to comply with the application package. Payment of the involuntary allotment will continue until the amount specified in the judgment is collected, or the allotment is canceled or suspended.

B. If several applications are sent with respect to the same member, payment shall be satisfied on a first-come first served basis within the limitations of subparagraphs 430503.E, and F, above.

C. When the member identified in the application package is not entitled to any monies from the Military Department concerned, the designated agent shall return the application package to the applicant, with an explanation that no money is due, or payable to, the member. When it appears that amounts are exhausted temporarily or otherwise unavailable, the applicant shall be told why and for how long any money is unavailable, if known. If the member separates from active duty, the applicant shall be informed that the allotment is discontinued.

D. Payment of statutorily-required involuntary allotments shall be enforced over other voluntary deductions and allotments when the gross amount of pay and allowances is not sufficient to permit all authorized deductions and collections. The member will be allowed to choose which discretionary allotments to cancel. If the member refuses or is unable to advise which allotments to cancel, the finance office will cancel discretionary allotments in the order listed in subparagraph 430406.D, above.

4306 NONDISCRETIONARY ALLOTMENT (SALARY OFFSET) FOR DELINQUENT TRAVEL CHARGE CARD DEBT

430601. 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 are delinquent. The Act states:

> "The term 'employee' means an individual employed in or under an agency, including a member of any of the uniformed services. For purposes of this subsection, a member of one of the uniformed services is an employee of that uniformed service."

430602. 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 shall follow the procedures contained in Volume 8, "Civilian Pay Policy and Procedures," Chapter 8, "Underpayments and Indebtedness," subparagraph 080602, "Salary Offset Requests From the Travel Charge Card Contractor," of this Regulation. Pay and allotment procedures are as provided in this chapter. Disposable pay shall be calculated in accordance with this chapter, subparagraph 430404 of the Chapter.

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WITHHOLDING OF INCOME TAX

4401 WITHHOLDING FROM CURRENT PAY

440101. Wages Subject to Withholding of Federal and State Income Tax. The taxable pay (Table 44-1) of all Servicemembers, except those listed in paragraph 440102, below, is subject to withholding of federal and state income tax. The taxable value of certain noncash fringe benefits, in excess of statutory limitations, that are provided to some members, is subject to federal and applicable state income taxes (see Table 44-1, rules 18 and 19).

440102. Wages Not Subject to Withholding of Federal and State Income Tax. Military pay of the following Service members is not subject to withholding of federal and state income tax:

A. Combat Zone Tax Exclusion

1. Prior to March 20, 1996. All of the compensation of members (officer or enlisted) for any month during any part of which such members performed active duty in a combat zone, which qualified them for the combat zone tax exclusion under subparagraph 440103.C, even though only $500 of the compensation of a commissioned officer (0-1 and above) was excluded from taxation.

2. Effective March 21, 1996. All of the compensation of an enlisted member or warrant officer for any month during any part of which such members perform active duty in a combat zone or qualified hazardous duty area (defined in subparagraph 440103.B), qualifying them for combat zone tax exclusion (generally referred to as CZTE) under subparagraph 440103.C. For commissioned officers, no more than an amount equal to the maximum CZTE (defined below) in effect for any month during any part of which such officers perform active duty in a combat zone or hazardous duty pay, qualifying them for combat zone or qualified hazardous duty area tax exclusion under subparagraph 440103.C.

★ 3. Maximum CZTE. The amount of the maximum CZTE in effect for a qualifying month equals the sum of the highest rate of enlisted basic pay payable under Table 1-10, Note 2, and the amount of hostile fire/imminent danger pay actually payable to the officer for the qualifying month. Also see Column B of rules 1 through 4 under Table 44-1 and Chapter 10 of this volume.

B. Missing Status. All active duty members for any month during any part of which the member is in a missing status as defined in the “Definitions” during the Vietnam conflict as a result of such conflict; except for periods for which it officially is determined that the member is absent from post of duty without authority. These provisions became effective on February 28, 1961, and were terminated on June 30, 1996.

C. Puerto Rico. For members who claim Puerto Rico as their state of legal residence, Federal income tax withholding (FITW) is precluded when military pay is properly subject to Puerto Rico tax withholding (when the member performs permanent duty outside the United States). Puerto Rico tax withholding is not required for military pay earned but unpaid at the date of death of a military member.

440103. Combat Zone Income Tax Exclusion for Active Service in a Combat Zone or Qualified Hazardous Duty Area

A. Combat Zone Defined

1. Effective January 1, 1964, Executive Order 11216 (reference (cc)) designated Vietnam, including the waters adjacent thereto within the following described limits as a combat zone: From a point on the east coast of Vietnam at the juncture of Vietnam with China southeastward to 21 degrees N. Lat., 108 degrees 15' E. Long.; thence southward to 18 degrees N. Lat., 108 degrees 15' E. Long.; thence southeastward to 17 degrees 30' N. Lat., 111 degrees E. Long.; thence southward to 11 degrees N. Lat., 111 degrees E. Long.; thence southwestward to 7 degrees N. Lat., 105 degrees E. Long.; thence westward to 7 degrees N. Lat., 103 degrees E. Long.; thence northward to 9 degrees 30' N. Lat., 103 degrees E. Long.; thence northeastward to 10 degrees 15' N. Lat., 104 degrees 27' E. Long.; thence northward to a point on the west coast of Vietnam at the juncture of Vietnam with Cambodia. The island of Phu Quoc is a part of the territory of Vietnam.

2. Effective January 17, 1991, Executive Order 12744 (reference (cd)) designated the following areas (including air space and adjacent waters) as combat zones: Persian Gulf; Red Sea; Gulf of Oman; Gulf of Aden; that portion of the Arabian Sea that lies north of 10 degrees N. Lat., and west of 68 degrees E. Long.; and the total land areas of Iraq, Kuwait, Saudi Arabia, Oman, Bahrain, Qatar, and the United Arab Emirates.

3. Per Executive Order 13002 (reference (eh)), signed May 13, 1996, the designation of Vietnam and waters adjacent thereto as a combat zone was terminated effective as of midnight on June 30, 1996.

4. Effective March 24, 1999, Executive Order 13119 designated the following areas (including the airspace above) as a combat zone: The Federal Republic of Yugoslavia (Serbia and Montenegro), Albania, the Adriatic Sea, and the Ionian Sea north of the 39th parallel.

5. Effective September 19, 2001, Executive Order 13239, December 12, 2001, designates Afghanistan, including the air space above, as an area in which Armed Forces of the United States are and have engaged in combat.

B. Qualified Hazardous Duty Area Defined. Effective November 21, 1995, Public Law 104-117 (reference (ei)) authorized tax benefits for members performing services in peacekeeping efforts in Bosnia-Herzegovina, Croatia, and Macedonia, hereinafter referred to as qualified hazardous duty areas, in the same way as if services were performed in a combat zone.

C. Qualification for Combat Zone Income Tax Exclusion for Active Service in a Combat Zone or Qualified Hazardous Duty Area. A member of the Armed Services is entitled to combat zone tax exclusion or qualified hazardous duty area exclusion for any month during any part in which he or she:

1. Performs active service in a combat zone or qualified hazardous duty area designated in subparagraph 440103.A., above. Periods in the zone or area during which a member is absent from his or her duty assignment in the zone or area on account of sickness, wounds, internment by the enemy, or other lawful cause are periods of active service.

2. Becomes a prisoner of war or missing in action while in active service in a combat zone or qualified hazardous duty area. (Note: Such personnel are deemed, for the purposes of this paragraph, to continue in active service in the combat zone or area for the period for which they are entitled to such status for military pay purposes.)

3. Is granted official leave, or is authorized to depart from assigned duty in a zone or qualified hazardous duty area for other lawful cause on or after November 21, 1995, and is directed to perform temporary duty, and the departure or return is on any day of the month. Exception: In instances when the absence on leave, temporary additional duty (TAD), or temporary duty (TDY) extends over a period which includes a full calendar month, the tax exclusion may not be allowed for that calendar month.

4. Is present, however briefly, in the combat zone or qualified hazardous duty area on official duty requiring presence in that zone or area. When the airspace over a combat zone or qualified hazardous duty area is included as part of the zone or area, a member who passes over or through the zone or area during the course of a trip between two points, both of which lie outside the zone or area, is entitled to an exclusion only if he or she is assigned to official temporary duty to the airspace of the zone or area, or qualifies for hostile fire or imminent danger pay as a result of the flight. If the airspace is not designated for imminent danger pay (but is part of the designated zone or area), a member must be assigned to perform duty in the airspace rather than flying over the zone or area as in an incidental part of the trip to qualify for the exclusion. The fact that most members are in an official duty status when flying through a designated airspace should not be construed to mean they are assigned to the airspace to perform duty and therefore entitled to the exclusion. The following examples apply:

Example 1. Member A is assigned as a navigator in an air unit stationed outside the combat zone. On June 4, during the course of a flight between his home base and another base outside the combat zone, the aircraft on which he serves as a navigator flies over a combat zone (given that the airspace is part of the designated combat zone). Member A is not on official temporary duty in the airspace of the combat zone and does not qualify for

hostile fire or imminent danger pay as a result of the flight. Accordingly, he is not deemed to have served in a combat zone since he passes through the zone without either being on official duty to the combat zone or qualifying for hostile fire or imminent danger pay.

Example 2. Same scenario as example 1, except that the airspace is not part of the designated zone and Member B is entitled to hostile fire or imminent danger pay as a result of the flight. Member B is deemed to have served in a combat zone and is entitled to the combat zone tax exclusion if his duties are determined to be in direct support of the military operation in the zone.

Example 3. Member C is a navigator in an air unit stationed outside a combat zone. On June 4, she is ordered to perform duty (execute a mission) in the airspace over the combat zone (which is part of the designated zone) and return to her home station outside the combat zone. Member C is not entitled to hostile fire or imminent danger pay as a result of the flight. She is, however, entitled to the combat zone tax exclusion for the month of June for performing official temporary duty in the airspace (combat zone) during the period.

5. Combat Zone Tax Relief for Personnel Serving in Direct Support of the Afghanistan Combat Zone. Effective September 19, 2001, the Under Secretary of Defense, Personnel and Readiness, certified (per memorandum dated December 14, 2001) that all military personnel in Pakistan, Tajikistan, and Jordan are eligible for all combat zone-related tax benefits for service in direct support of military operations in the Afghanistan combat zone. Because military personnel in Kyrgyzstan and Uzbekistan were not eligible for imminent danger pay on September 19, 2001, their certification of direct support could not be effective until October 1, 2001. The National Defense Authorization Act, Fiscal Year 2002, dated December 28, 2001, authorized imminent danger pay retroactively for members serving in Kyrgyzstan and Uzbekistan beginning on September 19, 2001. Consequently, the Under Secretary of Defense, Personnel and Readiness, modified the effective date (per memorandum dated February 5, 2002) of the combat zone tax relief for military personnel in Kyrgyzstan and Uzbekistan to make them eligible since September 19, 2001.

6. A member performs military duties in areas outside the combat zone or qualified hazardous duty area in direct support of military operations in the combat zone or qualified hazardous duty area and qualifies for hostile fire or imminent danger pay under Chapter 10 of this volume. (The hostile fire or imminent danger pay entitlement must be related to activities or circumstances in the combat zone or qualified hazardous duty area.) Unit commanders who believe that their personnel qualify for combat zone or qualified hazardous duty area treatment under this provision shall request certification from the applicable approval authority as designated by the Secretary of Defense.

a. When members are entitled to tax exclusion under this paragraph, entitlement continues for periods of absence, prisoner or missing status, and temporary duty as stated for service in the actual combat zone or qualified hazardous duty area in subparagraphs 440103.C.1, 2, 3, or 4, above.

TAXABILITY OF ITEMS OF MILITARY PAY AND ALLOWANCES

RULE	A	B		
		then item is (notes 5, 9, and 10)		
	If item is	**taxable and subject to federal/state income tax withholding**	**taxable but not subject to federal/ state income tax withholding**	**not taxable**
1	basic pay (note 1)	for any month combat zone or qualified hazardous duty area exclusions do not apply (notes 2 and 13).		for pay earned by an enlisted member or warrant officer (W-1 through W-5) and beginning November 21, 1995, commissioned officers (O-1 and above) amounts up to the highest rate of pay payable to any enlisted member plus the amount of hostile fire/imminent danger pay that is actually payable to the officer for any month combat zone or qualified hazardous duty area tax exclusion applies (notes 2 and 7); or, for any member while in a missing status and authorized tax exclusion under the provisions of subparagraph 440102.A. For periods on or before November 20, 1995, for commissioned officers (O-1 and above), up to $500 per month of such pay is not taxable for any month CZTE applies.
2	incentive pay for hazardous duty (see Chapters 22 through 24)			
3	special pay (see Chapters 5 through 21)			
4	lump-sum payment of accrued leave (basic pay portion)			
5	separation pay, readjustment pay, or severance pay (except for disability) (note 6)	remains taxable income subject to reporting and withholding if paid during any month the combat zone exclusion does not apply.		
6	contract cancellation pay			
7	selective or regular reenlistment bonus (including applicable installments)	if reenlistment or extension occurs in a month during which combat zone exclusion does not apply.		if reenlistment or extension occurs in a month during which combat zone or qualified hazardous duty area exclusion applies.
8	pay forfeited by court martial sentence or non-judicial punishment			for loss of entitlement to pay in the amount of the forfeiture; however, remaining pay is subject to tax withholding (note 3).

Table 44-1. Taxability of Items of Military Pay and Allowances

TAXABILITY OF ITEMS OF MILITARY PAY AND ALLOWANCES

RULE	A	B		
		then item is (notes 5, 9, and 10)		
	If item is	taxable and subject to federal/state income tax withholding	taxable but not subject to federal/ state income tax withholding	not taxable
9	payment(s) in excess of actual travel and transportation costs incurred while carrying on business of U.S. Government (includes any temporary lodging entitlements)		and will not be reported on TD Form W-2 (Wage and Tax Statement) or TD Form 1099-Misc. The member will account for such payment(s) on individual income tax return.	
10	incentive payment paid to member for do-it-yourself move per JFTR, part D, Chapter 5	at time of payment.		
11	muster duty allowance	at time of payment under the provisions of subparagraph 580106.C.		
12	funeral duty allowance	at time of payment.		
13	personal money allowance	and will be reported on TD Form W-2.		
14	an allowance (BAS, BAH, FSA, clothing and uniform allowances, and overseas station allowances) (note 8)			at any time.
15	death gratuity		effective August 21, 1996, through September 10, 2001, to the extent the total payment for any death exceeds $3,000 and reported on TD Form 1099-Misc (note 11).	effective September 11, 2001, total amount (note 11).

Table 44-1. Taxability of Items of Military Pay and Allowances (Continued)

TAXABILITY OF ITEMS OF MILITARY PAY AND ALLOWANCES

RULE	A	B		
		then item is (notes 5, 9, and 10)		
	If item is	**taxable and subject to federal/state income tax withholding**	**taxable but not subject to federal/ state income tax withholding**	**not taxable**
16	otherwise taxable item of pay earned by member but unpaid at death		but will be reported on TD Form 1099-Misc when paid to beneficiary (note 4).	if death occurs in month member was entitled to combat zone or qualified hazardous duty area exclusion.
17	special separation benefit (SSB) or voluntary separation incentive (VSI)	at the flat withholding rate (25 percent) for FITW and at appropriate SITW rate for SSB payments and initial VSI payments. Withhold taxes from VSI installment payments at the annual withholding rate contained in IRS Circular E (note 12).		
18	inactive duty training (IDT) pay	at time of the payment (CZTE does not apply to pay for IDTs).		
19	former captive payment (see Chapter 37)		if payment is for former captive status resulting from a lawful action. Payment will be reported on IRS Form W-2 (note 4).	if payment is for former captive status resulting from the deprivation of personal rights.
20	employer provided home-to-work transportation	even if transportation is provided for security reasons (note 14).		
21	employer-provided parking	to the extent that the value exceeds the monthly exclusion limit (note 14).		to the extent that the value is equal to or less than the monthly exclusion limit.

Table 44-1. Taxability of Items of Military Pay and Allowances (Continued)

TAXABILITY OF ITEMS OF MILITARY PAY AND ALLOWANCES

RULE	A	B		
		then item is (notes 5, 9, and 10)		
	If item is	**taxable and subject to federal/state income tax withholding**	**taxable but not subject to federal/ state income tax withholding**	**not taxable**
22	Thrift Savings Plan	deferred until contrbutions are withdrawn.		if TSP contribution is made from pay earned in a combat zone or qualified hazardous duty area (for commissioned officers, limited to maximum monthly CZTE amount).
23	waived portion of court martial forfeiture of taxable pay or pay and allowances (Chapter 48)	see subparagraph 480306.C.		

NOTES:

1. Excludes the reduction of basic pay for educational benefits under the "New Montgomery GI Bill" after December 31, 1985 (38 U.S.C. 1411).
2. 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 combat zone or qualified hazardous duty area tax exclusion. (See subparagraph 350103.B.)
3. This does not apply to fines imposed by court martial or non-judicial punishments. Withhold tax from the member's full pay credited before deducting the fine. Report the full amount of the pay credited, without deducting the fine, as taxable income.
4. Report any otherwise taxable item of pay earned by member but unpaid at death in Box 3 of TD Form 1099-Misc. Enter Federal income tax withheld or backup withholding in Box 4 of the TD Form 1099-Misc. Exception is pay earned for any month combat zone or qualified hazardous duty area exclusion applies. Combat zones and qualified hazardous duty areas are so designated by Executive Order or statute, respectively.
5. The susceptibility of items of military pay and allowances to state income taxes depends upon the law of the member's state of legal residence. However, items of pay and allowances, which are not subject to FITW 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.
6. See paragraph 350404 of this volume for exceptions to the normally taxable payment of disability severance pay.
7. Only pay and allowances actually earned during any month in which a combat zone or qualified hazardous duty area designation applies are excludable, even if paid in a later, non-qualifying month. Entitlements earned during any non-qualifying month, but paid in a month the exclusion applies, remain taxable. Accrued leave payments qualify only for that portion of days that were actually earned during a qualifying month.
8. Allowances considered nontaxable on September 9, 1986, remain nontaxable. Any allowance created after September 9, 1986, will be taxable for federal and state income tax purposes unless specified otherwise.
9. If a member receives an overpayment of a taxable pay item, then the overpayment should be reported in the year paid unless the combat zone or qualified hazardous duty area tax exclusion is applicable. If recovery of the overpayment is waived remitted, or canceled, there are no additional tax reporting requirements. If the overpayment consists of a nontaxable pay item, then the overpayment should not be reported as taxable income if the resulting debt is waived, remitted, or canceled.

Table 44-1. Taxability of Items of Military Pay and Allowances (Continued)

10. Taxable wages and withholding must reflect the debt in the year the payment was received. Collection action will reflect impact on taxable wages and withholding (if applicable) as collection is made, but only if made in the same year as the original payment.
11. The death gratuity payment in the amount of $12,000 is excluded from taxable income for members who died on or after September 11, 2001. For members who died between August 21, 1996 and September 10, 2001, the death gratuity amount that is excluded from taxable income may not exceed $3,000, regardless of the number of beneficiaries. If there are multiple beneficiaries, the $3,000 exclusion should be proportionally applied. For members who died on or before August 20, 1996, the maximum exclusion amount is $5,000.
12. SSB and VSI payments remain taxable even if a member signs the agreement to separate while serving in a combat zone or qualified hazardous duty area.
13. Effective April 1, 1996, for combat zone and qualified hazardous duty area tax exclusion for commissioned officers (O-1 and above), amounts over the highest enlisted grade (Sergeant Major of the Army Master Chief Petty Officer of the Navy, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps), (see Table 2-8, note 2, for clarification)) plus the amount of hostile fire/imminent danger pay that is actually payable to the officer for that month are taxable and subject to federal and state tax withholding.
14. Home-to-work provided transportation and employer provided parking.
    a. Per DoD 4500.36-R, "Management , Acquisition, and Use of Motor Vehicles," the USD(C) and USD (P&R) jointly will issue updated annual guidance concerning the valuation, on a monthly basis, of taxable government employer-provided home-to-work transportation fringe benefits provided to certain military members. The Armed Forces Tax Council service representatives annually will distribute the updated guidance to the Military Services.
    b. Each DoD Component will determine the value, to be calculated on a monthly basis, of government employer-provided taxable parking fringe benefits provided to military members.
    c. Determination must be accomplished utilizing the provisions of the IRS. See IRS Publication 15-B. Each member's Military Service shall:
        (1) Identify members receiving government employer-provided home-to-work transportation and/or parking fringe benefits.
        (2) Certify fringe benefit was authorized, calculate and certify the value of the taxable fringe benefits, and submit the appropriate taxable gross income amounts to the servicing DFAS site, no less often than once a year. Exception: When members receive taxable fringe benefits from active duty assignments outside their DoD Component, the agency providing the taxable fringe benefit (such as parking) calculates the value of the benefit provided, and the member's Service verifies the correctness of the calculation.
        (3) Keep members receiving such benefits advised of the tax liability annually accruing to them.
    d. Each member's certified taxable fringe benefit amount must be sent to the servicing DFAS site no less than annually and not later than December 15, each year, for processing to:
        (1) Include the taxable noncash benefit amounts in members' gross income.
        (2) Withhold and deduct appropriate federal and state income taxes, not Federal Insurance Contributions Act taxes.
        (3) Generate a TD Form 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 TD Form W-2.

Table 44-1. Taxability of Items of Military Pay and Allowances (Continued)

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CHAPTER 45

FEDERAL INSURANCE CONTRIBUTION ACT (FICA)

4501 GENERAL

The Federal Insurance Contribution Act (reference (ci)) requires federal agencies to withhold FICA (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. See Table 45-1 for the FICA tax component for old age, survivors, and disability insurance (OASDI) tax, also called Social Security tax, and the FICA tax component for hospital insurance tax, 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.

4502 REQUIREMENTS

450201. Members Subject to FICA. Any member appointed to, enlisted in, or inducted into any Military Service is subject to FICA tax. This includes members serving:

A. In the Military Service academies (excluding foreign nationals).

B. In an aviation cadet status.

C. In a combat zone.

450202. Taxable Wages. The following wages are subject to FICA withholding:

A. Basic pay (excluding reduction for educational benefits under the Montgomery G.I. Bill) (reference (aa)).

B. Active duty compensation.

C. Inactive duty compensation. (This applies to inactive duty training performed after December 1987.)

D. Taxable amounts earned but unpaid at the date of death (subject to the maximum earnings tax) if paid to the beneficiary during the same calendar year in which member's death occurs.

E. Basic pay or compensation earned when absence is because of injury, sickness, or hospitalization.

F. Taxable amounts received prior to the government's voidance of the member's enlistment contract.

G. Waived portions of forfeitures of basic pay payable to dependent(s) of confined member as prescribed in paragraph 480306.

4503 DEDUCTION OF FICA TAX

450301. Amount. See Table 45-1 for the withholding percentage rate and for the total maximum tax.

450302. Maximum Tax. Discontinue deductions when the member's total active duty basic pay plus inactive duty compensation equal the annual maximum earnings subject to FICA withholding and when the maximum tax has been deducted.

450303. Effect of Punishment, Absence, and Non-Pay Status. See Table 45-2.

450304. More Than One Employer. Deduct FICA tax regardless of any amounts previously or currently being deducted by another employer. Each Military Service is considered a separate employer, except that cross-servicing of a member's pay account between the Military Services does not constitute a change of 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 application of the above results in a withholding in excess of the maximum tax, the member may claim the excess from the Military Service concerned, and adjustments will be made accordingly.

450305. Retroactive Entitlements and Deductions. Adjustments will be considered as affecting the pay for the year in which made and will be reflected in the quarter in which paid. Do not consider any adjustments made for under or overpayments of inactive duty compensation received prior to January 1, 1988. Adjust in the quarter in which the retroactive entitlement or deduction of basic pay is entered in the member's pay account. All retroactive payments are subject to FICA withholding at the rates in effect at the time of payment. If the member has been discharged, separated, or retired, issue a TD Form W-2, Wage and Tax Statement.

450306. Indebtedness. Federal Insurance Contribution Act taxes previously withheld may not be used to offset any indebtedness.

FICA PERCENTAGES AND MAXIMUM TAXABLES WAGES AND MAXIMUM TAX							
Year	Social Security (OASDI) Tax	+	Medicare Hospital Insurance (HI) Tax	=	Total FICA Tax Rate	Maximum FICA Wages	Maximum Tax
1981	5.35		1.30		6.65	29,700	1,975.05
1982	5.40		1.30		6.70	32,400	2,170.80
1983	5.40		1.30		6.70	35,700	2,391.90
1984	5.40		1.30		6.70	37,800	2,532.60
1985	5.70		1.35		7.05	39,600	2,791.80
1986	5.70		1.45		7.15	42,000	3,003.00
1987	5.70		1.45		7.15	43,800	3,131.70
1988	6.06		1.45		7.51	45,000	3,379.50
1989	6.06		1.45		7.51	48,000	3,604.80
1990	6.20		1.45		7.65	51,300	3,924.45
1991	6.20					53,400	3,310.80
			1.45			125,000	1,812.50
1992	6.20					55,500	3,441.00
			1.45			130,200	1,887.90
1993	6.20					57,600	3,571.20
			1.45			135,000	1,957.50
1994	6.20					60,600	3,757.20
			1.45			unlimited	
1995	6.20					61,200	3,749.40
			1.45			unlimited	
1996	6.20					62,700	3,887.40
			1.45			unlimited	
1997	6.20					65,400	4,054.80
			1.45			unlimited	
1998	6.20					68,400	4,240.80
			1.45			unlimited	
1999	6.20					72,600	4,501.20
			1.45			unlimited	
2000	6.20					76,200	4,724.40
			1.45			unlimited	

Table 45-1. FICA Percentages and Maximum Taxable Wages and Maximum Tax

FICA PERCENTAGES AND MAXIMUM TAXABLES WAGES AND MAXIMUM TAX							
Year	Social Security (OASDI) Tax	+	Medicare Hospital Insurance (HI) Tax	=	Total FICA Tax Rate	Maximum FICA Wages	Maximum Tax
2001	6.20					80,400	4,984.80
			1.45			unlimited	
2002	6.20					84,900	5,263.80
			1.45			unlimited	
★2003	6.20					87,000	5,394.00
			1.45			unlimited	
★2004	6.20					87,900	5,449.80
			1.45			unlimited	
★2005	6.20					90,000	5,580.00
			1.45			unlimited	

Table 45-1. FICA Percentages and Maximum Taxable Wages and Maximum Tax (Continued)

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CHAPTER 47

SERVICEMEMBERS' GROUP LIFE INSURANCE (SGLI) PROGRAM

4701 DEFINITIONS

470101. Active Duty. Full time duty in the Armed Forces other than active duty for training and full time duty as a cadet or midshipman at a Military Service academy.

470102. Active Duty for Training. Full time duty in the Armed Forces for training purposes performed by members of a Reserve Component, full time National Guard duty and full time duty as a cadet or midshipman of the Reserve Officers Training Corps (ROTC) while attending field training or practice cruises.

★ 470103. Coverage. Servicemembers' Group Life Insurance is payable upon the death of the member, and family coverage is payable upon the death of the spouse or dependent child (insurable dependent).

470104. Inactive Duty Training. Duty (other than full time duty) prescribed or authorized for members of a Reserve Component that is scheduled in advance by competent authority with a specific time and place designated. This does not include work or study performed in connection with correspondence courses or attendance at educational institutions in an inactive status.

470105. Member. A person on active duty, active duty for training, or inactive duty training with the Uniformed Services in a commissioned, warrant, or enlisted rank or grade; a cadet or midshipman at a Military Service academy; or a cadet or midshipman of the ROTC while performing field training or practice cruises.

★ 470106. Insurable Dependent. The member's spouse (to include military spouse for family coverage) and children as defined in the first sentence of Title 38, United States Code (U.S.C.), section 101(4)(a).

4702 GENERAL

Members (defined in paragraph 470105, above) who receive basic pay for 1 or more days per month are responsible for SGLI premiums (coverage listed in section 4703, below) unless they waive coverage.

4703 FULL TIME COVERAGE

The SGLI Program is administered by the Department of Veterans Affairs (VA).

Military Pay E-message 06-078

SUBJECT: SGLI & FSGLI PREMIUM CHANGES

This message is to advise all Guard and Reserve sites, Active Duty sites and any Finance Office that services Active Duty and Reserve Forces personnel. SGLI & FSGLI PREMIUMS – will automatically change effective 1 July 2006.

This will be done by Mass Rate table change.

New premium rates are as follow:

SGLI Option	Coverage Amount	Premium New Rate	Plus T-SGLI
0	$ 0	$00.00	$ 0.00
5	50,000	03.50	04.50
A	100,000	07.00	08.00
F	150,000	10.50	11.50
K	200,000	14.00	15.00
Q	250,000	17.50	18.50
R	300,000	21.00	22.00
S	350,000	24.50	25.50
T	400,000	28.00	29.00

New Family SGLI rates:

AGE GROUP	**NEW RATES 07/01/2006**	**REVISED RATES FOR $100,000 COVERAGE**
Under 35	.055	$5.50
35-39	.07	$7.00
40-44	.09	$9.00
45-49	.14	$14.00
50-54	.27	$27.00
55-59	.40	$40.00
60 & Up	.52	$52.00

470301. Basic Coverage. Effective April 1, 2001, this program automatically insures eligible members against death in the amount of $250,000 when the member is performing active duty or active duty for training for an ordered period of more than 30 days, or while on full time duty as a cadet or midshipman at a Service Academy. All members of the Selected Reserve, as well as any other Ready Reserve members who are assigned or attached to a unit or position that may require performing active duty or active duty for training and that will be scheduled to perform at least 12 periods of inactive duty for training annually, also are covered full time (includes, but is not limited to training and retired categories A, B, C, D, F, H, L, P, Q, T, and U). Members may elect coverage for an amount less than $250,000, in $10,000 increments, or may elect to waive coverage.

470302. Changes in Coverage. A member who is covered for an amount less than maximum SGLI coverage later may apply for increased coverage in writing in an amount of up to maximum SGLI coverage with proof of good health. See Table 47-1, note 7, for the only exception to the proof of good health requirement.

4704 PERIODS OF COVERAGE

See Table 47-1.

4705 APPELLATE LEAVE (WHETHER OR NOT EXCESS)

Continue coverage when that coverage was never terminated prior to being placed on appellate leave (in a full duty status or never confined with loss of full pay and allowances). When placed on appellate leave following confinement with total forfeiture of pay and allowances (during which coverage had been properly stopped, see Table 47-1, rule 9), coverage is not reinstated. If appellate leave followed a restoration to duty with pay, coverage is reinstated on the date the member returns to a full duty status and continues during the period of excess leave. Coverage is reinstated at the amount in effect on the day prior to its stoppage.

4706 FORFEITURE OF COVERAGE

Any person guilty of mutiny, treason, spying, desertion, or who, because of conscientious objections, refuses to perform service in the Armed Forces of the United States, or refuses to wear the uniform of 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.

4707 DEDUCTIONS (SGLI PREMIUMS)

When a member is in a status referred to in section 4703, above (i.e., eligible for full time coverage), the monthly deduction (effective July 1, 1998) is $.80 for each $10,000 of coverage. (NOTE: Effective July 1, 1997, the monthly deduction was $.85 for each $10,000 of coverage.) For rules concerning starting and stopping deductions, see Table 47-1. Monthly deductions are

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CHAPTER 51

SAVINGS PROGRAMS

★5101 SAVINGS DEPOSIT PROGRAM (SDP)

For the purpose of this chapter, the following definitions apply:

★ 510101. Definitions

A. Geographic Areas

1. Persian Gulf Area. Arabian Gulf area as designated in Figure 10-1.

2. Operation Joint Endeavor Area. The area of operations is the total land area of Bosnia-Herzegovina, Croatia, Serbia, Montenegro, Slovenia, Macedonia, Hungary and the air space thereover, or the waters of the Adriatic Sea north of 40N; plus forces operational control/tactical control (OPCON/TACON) to Supreme Allied Commander, Europe (SACEUR) for the purpose of executing Operation Joint Endeavor (e.g., SOCIFOR, DECISIVE EDGE, and DETERMINED EFFORT).

3. Operation Joint Guard and Operating Joint Forge Area. The area of eligibility consists of the total land area of Bosnia-Herzegovina, Croatia, Serbia, Montenegro, Slovenia, Macedonia, Hungary, and the airspace thereover, or the waters of the Adriatic Sea north of 40 degrees N.

4. Operation Enduring Freedom. The area of eligibility consists of the total land area of Afghanistan, Pakistan, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan, the waters consisting of the Red Sea, Gulf of Aden, Gulf of Oman, and Arabian Sea (portion north of 10 degrees north latitude and west of 68 degrees east longitude), or in the air space there over. Effective February 1, 2003 the area of eligibility was expanded to any area that has been designated a combat zone or an area designated in direct support of a combat zone. See paragraph 510207.

B. Permanent Duty Assignment. For the purposes of this chapter only, effective July 1, 1991, any active duty assignment that contemplates duty in the designated area as a permanent change of station (PCS) or for more than 30 days on temporary additional duty (TAD) , temporary duty (TDY), or with a deployed ship or unit.

C. Unallotted Current Pay and Allowances. The amount of money a member is entitled to receive on the payday immediately before the date of deposit, less authorized deductions and allotments (e.g., for dependents or insurance). Pay and allowances include special continuation pay, reenlistment bonus, travel allowance on discharge, and pay and allowances for unused accrued leave. Advance pay and travel allowance on PCS and temporary duty may not be deposited.

D. Vietnam Conflict. The period beginning February 28, 1961, and ending on May 7, 1975.

E. Persian Gulf Conflict. The period beginning on January 16, 1991, and ending on the date thereafter prescribed by presidential proclamation or by law.

5102 AUTHORITY AND ELIGIBILITY

510201. Vietnam Conflict. The Act of August 14, 1966 (reference (cy)), authorized members of the Uniformed Services who were serving on a permanent duty assignment outside the United States, or its possessions, to deposit their "unallotted current pay and allowances" for savings purposes. Amounts up to $10,000 could be deposited with interest accrual at the rate of 10 percent per annum. This program was phased out effective June 30, 1974, with the exception of accounts of members continued in a missing status resulting from service during the Vietnam Conflict.

510202. Persian Gulf Conflict. Members of the Armed Forces (a) serving outside the United States or its possessions under arduous conditions (as determined by the Secretary of Defense) in connection with the Persian Gulf Conflict (e.g., Operation Desert Shield, including Desert Storm) or (b) on permanent duty assignment outside the United States or its possessions in support of a contingency operation (as defined in the Definitions) are authorized to make deposits of unallotted current pay and allowances and earn interest. For specific eligibility to make deposits see Table 51-1.

510203. Operation Joint Endeavor. Effective January 1, 1996, members serving outside the United States or its possessions on Operation Joint Endeavor became authorized to participate in the SDP by making deposits of unallotted pay and allowances payable after January 1, 1996. This includes units reassigned to the area of operations from outside the United States such as ships or mobile units.

510204. Operation Joint Guard. Effective January 1, 1997, members of the Armed Forces serving on Operation Joint Guard outside the United States or its possessions became authorized to make deposits of unallotted current pay and allowances payable after January 1, 1997.

510205. Operation Joint Forge. Effective June 20, 1998, any member assigned to Operation Joint Forge became authorized to participate in the SDP, provided that he or she had served for at least 30 consecutive days or at least 1 day in each of 3 consecutive months in the Operation Joint Forge area of eligibility.

★ 510206. Operation Enduring Freedom

A. Effective November 1, 2001, any member assigned to Operation Enduring Freedom became authorized to participate in the SDP, provided that he or she had served for at least 30 consecutive days or at least 1 day in each of 3 consecutive months in the Operation Enduring Freedom area of eligibility.

B. Effective February 1, 2003, any member serving in an assignment outside the United States or its possessions in support of Operation Enduring Freedom in an area that has been designated a combat zone or is in direct support of a combat zone is eligible to participate in the SDP after the member has served in that assignment for at least 30 consecutive days or at least one day for each of 3 consecutive months.

510207. Member In a Missing Status. The Secretary of the Military Department concerned (or designee) may, in the interest of a member who is in a missing status (as defined in the Definitions) or his dependents, initiate, stop, modify, and change allotments for deposit of unpaid pay and allowances accruing in a missing member's pay account, and authorize withdrawal of deposits made under this chapter, even though the member had an opportunity to make deposits and elected not to do so. Compute interest as prescribed by this chapter, from January 1, 1991, or the day the member enters a missing status, whichever is later. The $10,000 limitation on the amount that interest is payable does not apply to deposit accounts of members in a missing status.

Examples:

A. A member entered a missing status on February 1, 1991. Unpaid pay and allowances have been accruing in his pay account at the rate of $100 per month since that date. An account was opened for the member on May 1, 1991, with an initial deposit of $300 (February, March, and April). His account was credited with $10 per month on June 1, 1991, and the first day of each month thereafter while he remains in a missing status, or until modified, stopped, or repaid at the direction of the Secretary of the Military Department concerned (or designee). Interest accrued from February 1, 1991.

B. A member entered a missing status on February 18, 1991. The amount of unpaid pay and allowance due the member on the payday following February 18, 1991, determined the amount of the initial deposit. The member's account was opened on March 1, 1991, with the initial deposit and his account was credited with his unallotted pay and allowances monthly on the first day of each month thereafter as prescribed in example A, above. Interest accrued from February 18, 1991.

5103 LIMITATIONS ON AMOUNTS OF DEPOSITS

510301. Deposits may not be more than the amount defined as unallotted current pay and allowances in paragraph 510103, above. When, however, the member can establish to the satisfaction of his commanding officer that he or she was unable to make a deposit in the normal manner, unallotted pay in excess of current pay and allowances, may be deposited.

Members may not accumulate back pay prior to departure to a covered geographic area or on permanent duty assignment outside the United States or its possessions in support of a contingency operation (as defined in the definitions) for deposit after arrival in the area. When members arrive in a covered geographic area, or on permanent duty assignment outside the United States or its possessions in support of a contingency operation (as defined in the definitions), they may deposit the amount they could have, or did, accrue during the month of arrival, less authorized deductions. Members who are paid twice monthly may combine pay accrued at midmonth and pay accrued at end of month, or combine end-of-month pay with pay accrued on the following midmonth payday for a single deposit, provided the total amount deposited in a one month period does not exceed the amount they are entitled to be paid for one month. The maximum amount on which 10 percent interest is computed is $10,000 (principal and accrued interest combined). The $10,000 limitation on the amount that interest is payable does not apply to deposit accounts of members in a missing status.

510302. Active duty officers and enlisted members may make deposits into the SDP by allotment. Such allotment shall 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.

★ 510303. 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 unallotted pay and allowances for the period involved.

5104 INTEREST ON DEPOSITS

510401. Accrual of Interest. See Table 51-2.

510402. Computation of Interest. Deposits made on or before the 10th of the month accrue interest from the 1st of the month. Deposits made after the 10th of the month accrue interest from the first day of the following month. The effective date of deposit is the date the deposit is made to the disbursing officer, finance officer, or any other designated officer of the Uniformed Service. Compute interest at the rate of 10 percent per annum, compounded quarterly, according to calendar quarter. Compute quarterly interest on the average quarterly balance on deposit. Ten percent is compounded quarterly on amounts less than $10,000. Once $10,000 is on deposit, simple interest will be computed on the $10,000. No interest is paid on amounts exceeding $10,000, except on amounts in the case of a member who is in a missing status.

510403. Taxability of Interest Paid. Interest paid on the amounts deposited into the SDP is taxable.

510404. Computing Average Quarterly Balance

A. If there were no emergency withdrawals during the quarter, determine the average quarterly balance by adding amounts on deposit on the 10th day of each month of the quarter, and divide the total by three.

Example 1

Date	Deposits	Amount On Deposit	On 10th Day of
Jan 5	$20.00	$ 20.00	Jan
Feb 3	20.00	40.00	Feb
Feb 20	20.00		
Mar 10	20.00	80.00	Mar
		$140.00	

$140.00 divided by 3 = $46.67 average quarterly balance.

Example 2

Date	Deposits	Amounts On Deposit	On 10th Day of
Jan	$ 0.00	$ 0.00	Jan
Feb 3	20.00	20.00	Feb
Feb 20	20.00		
Mar 3	20.00	60.00	Mar
		$80.00	

$80.00 divided by 3 = $26.67 average quarterly balance.

B. Emergency withdrawals at any time during a quarter reduce the average quarterly balance on which interest accrues.

Example 1

Date	Deposits	With-drawals	Amount On Deposit	On 10th Day of
Apr 1	$147.12 (Bal Fwd)	$ 0.00		
Apr 3	20.00		$167.12	Apr
			167.12	May
May 15	10.00		--	
Jun 4	30.00		--	Jun
Jun 15		$80.00	127.12	Jun
			$461.36	

$461 divided by 3 = $153.79 average quarterly balance.

C. Except for amounts on deposit in the case of a member who is in a missing

status, the maximum amount upon which 10 percent interest is payable is $10,000 (principal and accrued interest combined).

Example 2

Date	Quarterly Interest	Amount on Deposit
Jan 10	-0-	$10,000.00
Apr 1	250.00	10,250.00
July	250.00	10,500.00

510405. Special Determinations. See Table 51-1.

5105 CONDITIONS UNDER WHICH DEPOSITS, PLUS INTEREST, ARE REPAID

See Table 51-3.

5106 PAYMENT OF INTEREST UPON FINAL SETTLEMENT OF DEPOSIT ACCOUNT

510601. General. Except when the 90-day limitation applies, interest will stop at the end of the month in which full repayment is made to the member or member's heirs.

510602. Ninety-Day Limitation Period After Eligibility to Make Deposits Terminates. In no case shall interest accrue for a period longer than 90 days (computed on a day-for-day basis of actual elapsed time) after the member's eligibility to make deposits terminates. For the Persian Gulf Conflict, the 90-day limitation period begins on the day after the member's entitlement terminates for Imminent Danger Pay (IDP) in the Persian Gulf area. Should the 90-day limitation period end on any day other than the last day of a month, interest will accrue through the last day of the preceding month. If the 90-day limitation period ends on the last day of a month, interest accrues for that month. In determining when the 90-day limitation period terminates, the last day of the month is February 28 (February 29 in leap year), the 30th of a 30-day month, or the 31st day of a 31-day month.

510603. Computation of Interest at 10 Percent Rate. Repay deposits, plus interest, under the conditions shown in Table 51-2. Compute interest at the rate of:

1 Month-1/12 of 10 percent or .00833
2 Months-2/12 of 10 percent or .01667
3 Months-(Full Quarter)-.025

510704. Accounts Which Have Reached $10,000. In situations where the member's principal and interest on deposit reaches $10,000, any amounts representing interest accruing in the account subsequent to that time which causes the $10,000 total to be exceeded, may be withdrawn quarterly at the member's request.

5108 APPLICATION TO INDEBTEDNESS OR FORFEITURE

Savings deposits and interest thereon are exempt from liability for member's debts except for levies issued by the Internal Revenue Service in problem cases. This includes any indebtedness to the U.S. Government or its agencies. Deposits are not subject to forfeiture by sentence of court-martial, and are not forfeited by desertion.

5109 LIABILITY OF DISBURSING OFFICERS

A disbursing officer who fails to properly process a deposit into his account is liable for the amount of the deposit, plus interest, from the effective date of the deposit to date of withdrawal or repayment.

★5110 THRIFT SAVINGS PLAN (TSP)

511001. General. TSP is a Government-sponsored retirement savings and investment plan. Congress established the plan as part of the Federal Employees' Retirement System Act (5 U.S.C. 8431-8440). Participation in the plan for military members was allowed by the National Defense Authorization Act for Fiscal Year 2000 as amended by the National Defense Authorization Act for Fiscal Year 2001. The plan offers tax deferral advantages similar to those offered by private corporations to their employees under 401(k) plans. The Federal Retirement Thrift Investment Board, which operates the plan solely for the benefit of the participants and their beneficiaries, administers the plan. The recordkeeper for the plan is the National Finance Center (NFC) in New Orleans, Louisiana. The NFC issues TSP bulletins providing necessary guidance relating to TSP operations.

511002. Definitions

A. Member means:

1. A member of the Uniformed Services serving on active duty.

2. A member of the Ready Reserve in any pay status.

B. Basic pay means basic pay payable under 37 U.S.C. 204 or inactive duty pay compensation payable under 37 U.S.C. 206, which is paid at the rate of 1/30 of the basic pay authorized to a member of a Reserve Component who is not entitled to basic pay under 37 U.S.C. 204.

C. Military Services refer to the Uniformed Services as defined (see Definitions, Item 109).

511003. Participation

A. When to Begin TSP Deductions. Any eligible member may elect to participate in this plan starting October 9, 2001. A member may make the first election during the initial 60-day period beginning October 9, 2001 through December 8, 2001. Deductions for elections made during this initial period will begin the January 1, 2002 pay period.

1. Members who do not enroll during this initial 60-day period; will have two "open seasons" per year to enroll thereafter. The first "open season" following the initial 60-day period is scheduled for December 9, 2001, through January 31, 2002. Members can elect to start or change their elections during open seasons held each year (November-January and May-July). An election form can be submitted at any time during an open season, but contributions will not begin before the last full month of open season (the last month of each open season is called the election period.)

2. Members Join or Rejoin on or After December 8, 2001. Members who join a uniformed service on or after December 8, 2001, as well as those who rejoin following a break in service on or after December 8, 2001, will be able to elect to participate in the TSP within 60-days of joining the uniformed service. A member shall be deemed to have joined the uniformed service on the date the member first becomes eligible (or becomes eligible again for those members who rejoin following a break in service) to receive basic pay. The second day a member becomes entitled to basic pay will be considered day one of this 60-day window. If a member decides to participate in the TSP during this 60-day window, the member's service must make the election effective no later than the first full pay period after the election is received.

3. Late Elections. When the Secretary concerned determines that a member was unable, for circumstances beyond the member's control, to make a TSP election within the time limits prescribed by the Federal Retirement Thrift Investment Board and the Department of Defense, the Service may accept the member's election within 30 calendar days after such circumstances have terminated. The member's service must make the election effective no later than the first full pay period after the election is received and approved.

4. Member Transfers. When members transfer between components or branches of the Uniformed Services, their TSP contributions may be continued. The member will notify their gaining servicing organization of their existing TSP contribution rates in order to continue TSP contributions and or loan payments without interruption.

a. For Active to Reserve Transfers. A member may make a new election within 60 days of the transfer. Otherwise, the existing TSP election can be presented to the member's gaining servicing office to continue TSP contributions and or loan payments without interruption.

b. For Reserve to Active Transfers. A member may make a

new election within 60 days of the transfer. Otherwise, the existing TSP election can be presented to the member's gaining organization to continue TSP contributions and or loan payments without interruption.

c. Transferring From One Branch of Service to Another Branch of Service. A member may make a new election within 60 days of the transfer.

B. The maximum amount a member may contribute may not exceed 7 percent of basic pay or inactive pay compensation for any pay period in calendar year 2002. No contribution for any given year may exceed the limitation under sections 402(g) and 415 of the Internal Revenue Code. The maximum amount a member may contribute out of basic pay in any pay period shall be increased in accordance with the following:

Pay Period in Year	Maximum Percentage Allowable
2002	7
2003	8
2004	9
2005	10
2006 and after	100

C. A member making contributions to TSP out of basic pay or compensation may also contribute any part of any special pay, incentive pay, or bonus that the member receives under 37 U.S.C. chapter 5. (See Figure 51-1.)

D. All TSP contributions must be made through payroll deduction. Lump-sum contributions for special, incentive and bonus payments are permitted only through payroll deductions. The member may elect a whole percentage between 1-100 percent for special, incentive and bonus entitlements. The total TSP contributions (to include basic pay) are not to exceed limitations under sections 402(g) and 415 (c) of the Internal Revenue Code.

E. The choice to stop contributing to TSP is permitted at any time. It 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 special, incentive and bonus pays will also be terminated with the same effective date.

511004. Matching Contributions. The Service Secretary may enter into an agreement with a member to make matching contributions to the Thrift Savings Plan for the benefit of the member if the member is in a specialty designated as critical to meet wartime or peacetime requirements. The member shall commit to serve on active duty in that specialty for a period of 6 years.

A. The Service Secretary will make these contributions for each pay period of the 6-year period that the member makes contributions.

B. Contributions are matched dollar for dollar for the first three percent of basic pay contributed per pay period, and the 50 cents on the dollar for the next two percent of

ELIGIBILITY FOR MAKING DEPOSITS IN THE SAVINGS DEPOSIT PROGRAM (SDP) (note 1)			
	A	**B**	**C**
RULE	**If the member is**	**and the member**	**then member is eligible to make deposits in the SDP**
1	serving outside the United States or its possessions under arduous conditions in connection with the Persian Gulf conflict (notes 2 and 3)	is serving on an active duty assignment for more than 90 days and is entitled to hostile fire pay/imminent danger pay (HFP/IDP) for the Persian Gulf area	(note 4).
2		is entitled to HFP/IDP for duty in the Persian Gulf area for 3 consecutive months (note 7)	for subsequent periods the member is also entitled to HFP/IDP for duty in the Persian Gulf area (notes 5 and 8).
3		is assigned to duty contemplating presence in the Persian Gulf area for a period of at least 30 days	for subsequent periods the member is entitled to HFP/IDP for duty in the Persian Gulf area (note 5).
4	serving outside the United States or its possessions in support of Operation Enduring Freedom	has served at least 30 consecutive days or at least 1 day in each of 3 consecutive months in the area of operations (see subparagraph 510101.D)	(note 12).
★5		has served at least 30 consecutive days or at least 1 day in each of 3 consecutive months in an area that has been designated as a combat zone or in direct support of a combat zone	for subsequent periods of service outside the United States or its possessions in support of a Operation Enduring Freedom. (note 13)
6	serving on permanent duty assignment (see paragraph 510101.B) outside the United States or its possessions in support of a contingency operation (as defined in Definitions) (notes 9, 10, and 11)	has served on an active duty assignment in the designated area for more than 30 days. (This includes units reassigned to the area of operations from outside the United States, such as ships or mobile units.)	for subsequent periods of service outside the United States or its possessions in support of a contingency operation (note 6).
7		is entitled HFP/IDP for duty in the designated area of the contingency operation for 3 consecutive months	for subsequent periods the member is also entitled to HFP/IDP for duty in the designated area of the contingency operation (note 6).

★Table 51-1. Eligibility for Making Deposits in the Savings Deposit Program (SDP)

ELIGIBILITY FOR MAKING DEPOSITS IN THE SAVINGS DEPOSIT PROGRAM (SDP) (note 1)			
	A	**B**	**C**
RULE	**If the member is**	**and the member**	**then member is eligible to make deposits in the SDP.**
8	in a missing status resulting from service during the Vietnam Conflict (note 2)		the member continues to be eligible for the SDP until the status ends.

NOTES:

1. Amounts deposited shall be accounted for in the same manner as public funds. The amount of the deposits is limited to "unallotted" current pay and allowances and will be in multiples of $5.
2. The period concerned is contained in section 5101.
3. Members eligible to make deposits may continue to do so when on TAD or TDY, provided the account was started while the member was in the Persian Gulf area.
4. Applicable to deposits made before July 1, 1991. The amount of the deposits will be in multiples of $5.
5. Applicable to deposits made on or after July 1, 1991.
6. Eligibility to make deposits will be determined on a month-by-month basis in accordance with guidelines issued by the Secretary of Defense.
7. See section 5101 regarding areas in the Persian Gulf Area that are no longer designated areas.
8. The amount of money that may be deposited will not be greater than the unallotted pay and allowances the member accrued on the paydays, during the month in which member qualified for hostile fire pay.
9. See subparagraph 510101.A.2 and paragraph 510203 for Operation Joint Endeavor effective date and eligibility criteria.
10. See subparagraph 510101.A.3 and paragraph 510204 for Operation Joint Guard eligibility criteria and effective date.
11. See subparagraph 510101.A.3 and paragraph 510205 for Operating Joint Forge effective date and eligibility criteria.
12. See subparagraph 510101.A.4 and paragraph 510206.A for Operation Enduring Freedom effective date and eligibility criteria.
13. ★See subparagraph 510101.A.4 and paragraph 510206.B for Operation Enduring Freedom effective date and eligibility criteria.

★Table 51-1. Eligibility for Making Deposits in the Savings Deposit Program (SDP)

SAVINGS DEPOSITS, CONDITIONS UNDER WHICH DEPOSITS, PLUS INTEREST ARE REPAID		
RULE	**A**	**B**
	When an eligible member has a savings account and member	**then all deposits, plus interest will be repaid upon**
1	departs the Persian Gulf area or is no longer on permanent duty assignment outside the United States or its possessions in support of a contingency operation (as defined in the definitions)	the member's request upon departure from the permanent duty assignment outside the United States or its possessions or 90 days after the permanent duty assignment in the area of operations terminates (see note). For the Persian Gulf area, all deposits, plus interest, will be repaid upon the member's request, 90 days after IDP for the Persian Gulf area terminates, or 90 days after permanent duty assignment in the Persian Gulf area terminates. For contingency operations, all deposits, plus interest, will be repaid upon the member's request 90 days after the permanent duty assignment outside the United States or its possessions terminates.
2	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.
3	is in a missing status	direction of the Secretary concerned or designee.
4	dies	settlement of member's unpaid pay and allowances as provided in chapter 36, of this Regulation (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, when hostile fire/imminent danger pay for the Persian Gulf area terminates, or when a member's permanent duty assignment outside the United States or its possessions in support of contingency operation (as defined in definitions) terminates, whichever is earlier. See Table 51-2, Rule 6, for death cases where a missing status is involved.

Table 51-3. Savings Deposits, Conditions Under Which Deposits, Plus Interest Are Repaid.

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CHAPTER 57

ACTIVE DUTY (NOT EXTENDED ACTIVE DUTY) ENTITLEMENTS

5701 GENERAL PROVISIONS

570101. Entitlements

A. Active Duty With Pay. A member of a Reserve Component serving on active duty with pay is entitled to receive pay according to the member's years of service and the grade in which the member is serving.

NOTE: As used in this chapter, the term active duty includes active duty training, active duty for training, full-time training duty, annual training duty and attendance while in active service at a school designated as a Service school by law or the Secretary of the Military Department concerned (or designee), temporary active duty when the pay is chargeable to a Reserve appropriation or, in the case of the National Guard, full-time training, and other full-time duty. It does not mean extended active duty. Extended active duty (EAD) is defined as active duty performed by a member of a Reserve Component when strength accountability passes from the Reserve Component to the active military establishment.

B. Active Duty Without Pay. A member of a Reserve Component may, with his or her consent, be ordered to active duty without pay when authorized by the Secretary of the Military Department concerned (or designee). See subparagraphs 570501.B and 570502.B, below, for entitlement to allowances.

C. Combination Active Duty and Inactive Duty. A member of a Reserve Component may be paid the equivalent total of more than 360 days of pay in a year, when so directed, if this total is based on a combination of active duty pay and inactive duty training pay.

D. Effective Date of Promotion for Increase in Pay and Allowances Reserve and National Guard Officers. See Table 57-1.

E. Effective Date of Promotion for Increase in Pay and Allowances, Enlisted Members of the Reserve Components. Table 1-2, rules 8 through 12 apply to these members.

570102. Saved Pay. The provisions of Chapter 1, paragraph 010203, apply to members of Reserve Components.

570103. Limitation. A member of a Reserve Component cannot be paid inactive duty pay on any day that he or she is entitled to active duty pay.

570104. Waiver of Benefits. A member of a Reserve Component who is drawing a pension, disability compensation, retainer pay, or retirement pay from the United States for prior military service, and who performs duty for which he or she is entitled to pay, may elect to receive either:

A. The payments for prior military service, or

B. If member specifically waives those payments, the pay and allowances authorized for the duty the member is currently performing.

1. Department of Veterans Affairs (VA) Disability Compensation. A reservist who is entitled to VA disability compensation must waive the equivalent VA compensation for one day for each Reserve active duty day or each inactive duty period. Thus, the performance of two inactive duty periods in 1 calendar day requires waiver of the equivalent VA compensation for 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 one day for each Reserve active duty day or inactive duty performance day. Thus, the performance of two inactive duty periods in 1 calendar day requires waiver of the equivalent retired or retainer pay. These waiver requirements apply for all days in a calendar month.

570105. Allotments of Pay. Except as prescribed in paragraph 570708, below, a member of a Reserve Component not on EAD may not have pay allotted. Members of Reserve Components serving on active duty, active duty for training, or full-time training duty under competent orders which specify periods of duty of more than 180 days, or upon involuntary recall under Title10 United States Code (U.S.C.), section 12302 (reference (c)), are excluded from this restriction when prescribed in Military Service regulations and may allot their pay, even though such pay is chargeable to Reserve or National Guard appropriations. Chapter 34, section 3404 of this volume applies should a member enter a missing status and paragraph 570604, below, applies should a member incur a disability.

570106. Leave. A member of a Reserve Component who serves on active duty with pay for periods of 30 consecutive days or more accrues leave at the rate of 2-1/2 calendar days for each month of active service, excluding periods of:

A. Absence from duty without leave.

B. Absence over leave.

C. Confinement as a result of a court-martial.

The member is entitled to lump-sum settlement of unused accrued leave upon completion of a tour per Table 57-2. When consecutive tours are involved, a member may be reimbursed for unused accrued leave or it may be carried forward, at the member's option, until completion of the final tour. When computing the length of a period of active duty, include allowable travel time. See also Chapter 35, paragraphs 350101 and 350102, and procedural instructions of the Military Services concerned. Refer to Tables 35-1 through 35-4 for specific entitlement criteria.

5702 ALLOWABLE TRAVEL TIME FOR PAY ENTITLEMENT PURPOSES

Entitlement. The provisions of Chapter 1, paragraph 010205, apply to members of the Reserve Components.

5703 COMPUTATION OF PAY

570301. Annual Salary. The provisions of paragraph 010203 apply to members of the Reserve Components.

570302. Computation of Monthly Pay

A. Active Duty for 30 Days or More. When a member is ordered to active duty for 30 days or more and the tour of duty starts on the first day or an intermediate day of a calendar month, the member is entitled to pay and allowances through the 30th day. Payment is not authorized for the 31st day of a calendar. This includes a member who is ordered to active duty for less than 30 days and is continued on active duty for 30 days or more by new orders or an amendment to the original orders. When computing the number of days for which pay is due, include the entire period the member actually serves on active duty, including allowable travel time. See Table 57-2, rules 1 and 2.

B. Active Duty for Less Than 30 Days. A member ordered to active duty for less than 30 days is entitled to pay and allowances at 1/30th the monthly rate for each day actually served, including the 31st day of a calendar month. This includes a member ordered to active duty for 30 days or more but released before performing at least 30 days of active duty, including allowable travel time. See Table 57-2, rule 3.

C. Active Duty During February. See Table 57-2, rules 4 through 11.

570303. Absence From Duty

A. Active Duty for Less Than 30 Days. Deduct 1/30th of pay for 1 month for each day of unauthorized absence.

B. Active Duty of 30 Days or More. The provisions of Chapter 1, subparagraph 010202.B applies to members of the Reserve Components.

570304. Basic Pay Rates. Tables 1-7 through 1-11 contain current monthly rates of basic pay.

APPENDIX A

COMPARABLE TERMS

ARMY	NAVY	MARINE CORPS	AIR FORCE
Secretary of the Army	Secretary of the Navy	Secretary of the Navy	Secretary of the Air Force
Chief of Staff, United States Army	Chief of Naval Operations	Commandant of the Marine Corps	Chief of Staff, United States Air Force
The Adjutant General	Chief of Naval Personnel	Deputy Chief of Staff for Manpower	Directorate of Administration
Army Audit Staff, US General Accounting Office	Navy Audit Staff, US General Accounting Office		Air Force Audit Staff, US General Accounting Office
Finance and Accounting Officer	Disbursing Officer	Disbursing Officer	Accounting and Finance Officer
Enlisted Member(s)	Enlisted Member(s)	Enlisted Member(s)	Airman (Airmen)
Official Army Register	Navy and Marine Corps Register-Naval Reserve and Marine Corps Reserve Register	Navy and Marine Corps Register-Naval Reserve and Marine Corps Reserve Register	Official Air Force Register
Regular Army	Regular Navy	Regular Marine Corps	Regular Air Force
Pay Entry Basic Date (PEBD)	Pay Entry Base Date (PEBD)	Pay Entry Base Date (PEBD)	Pay Date

APPENDIX B

		COMPARABLE GRADES		
PAY GRADE	**ARMY**	**NAVY**	**MARINE CORPS**	**AIR FORCE**
0-10	General	Admiral	General	General
0-9	Lieutenant General	Vice Admiral	Lieutenant General	Lieutenant General
0-8	Major General	Rear Admiral (UH)	Major General	Major General
0-7	Brigadier General	Rear Admiral (LH) or Commodore	Brigadier General	Brigadier General
0-6	Colonel	Captain	Colonel	Colonel
0-5	Lieutenant Colonel	Commander	Lieutenant Colonel	Lieutenant Colonel
0-4	Major	Lieutenant Commander	Major	Major
0-3	Captain	Lieutenant	Captain	Captain
0-2	1st Lieutenant	Lieutenant (JG)	1st Lieutenant	1st Lieutenant
0-1	2nd Lieutenant	Ensign	2nd Lieutenant	2nd Lieutenant
E-9	Sergeant Major Or Command Sergeant Major	Master Chief Petty Officer	Sergeant Major or Master Gunnery Sergeant	Chief Master Sergeant
E-8	First Sergeant or Master Sergeant	Senior Chief Petty Officer	First Sergeant or Master Sergeant	Senior Master Sergeant
E-7	Platoon Sergeant or Sergeant First Class	Chief Petty Officer	Gunnery Sergeant	Master Sergeant
E-6	Staff Sergeant	Petty Officer, 1st Class	Staff Sergeant	Technical Sergeant
E-5	Sergeant	Petty Officer, 2nd Class	Sergeant	Staff Sergeant

Appendix B - Comparable Grades

PAY GRADE	ARMY	NAVY	MARINE CORPS	AIR FORCE
E-4	Corporal or Specialist	Petty Officer, 3rd Class	Corporal	Sergeant or Senior Airman
E-3	Private First Class	Seaman	Lance Corporal	Airman, First Class
E-2	Private	Seaman Apprentice	Private First Class	Airman
E-1	Private	Seaman Recruit	Private	Airman, Basic

Appendix B - Comparable Grades (Continued)

APPENDIX C

BIBLIOGRAPHY

	Paragraph	Citation
Chapter 01—Creditable Service		
0101—Service Which is Creditable		37 U.S.C. 205
		27 Comp Gen 530
		24 Comp Gen 829
		25 Comp Gen 680
		10 U.S.C. 1038
		62 Stat 1082
		10 U.S.C. 507
		37 Comp Gen 838
		Public Law 86-197, 25 Aug 1959
		Public Law 77-230, Section 3, 21 Aug 1941
		Public Law 77-658, 8 July 1942
		1 Comp Gen 668
		45 Comp Gen 149
		MS Comp Gen B-195448, 3 Apr 1980
		42 Comp Gen 296
		10 U.S.C. 2106(c)
		10 U.S.C. 2107(g)
		45 Comp Gen 103
		Public Law 93-545, 26 Dec 1974
		OASD (MI&L) Memo, 24 Dec 1984
		37 U.S.C. 203(d)
		38 Comp Gen 68
		37 U.S.C. 201(e)
	★010104I	Public Law 104-201, Section 507, 23 Sep 1996
		10 U.S.C. 2107 (g)
	★010104K	Public Law 104-201, Section 507, 23 Sep 1996
		10 U.S.C. 2106 (c)
	★010104P	Public Law 104-201,

MILITARY PAY MESSAGES

Military Pay E-Message 05-33

This message will expire on March 17, 2006.

SUBJECT: Change in Housing Policy for Grade E-6

Effective 9 Mar 05, the Secretary of the Army has approved a change to the Army's mandatory assignment policy in the United States for single soldiers in the grade of E-6.

Single soldier's in the rank of E-6 and above stationed in the United States are authorized to move off post and receive BAH at the without dependent rate. Staff Sergeants may elect to remain in enlisted barracks for the duration of their current tour. Upon reassignment to a new duty station in the United States, SSG's will receive BAH at the without dependent rate and be required to reside off post at the new duty station.

Soldier's who currently reside in government quarters and elect to move off post at the current duty station will incur household goods movement at their own expense. A government paid move or reimbursement is not authorized.

This change in policy only applies to SSG's assigned within the United States to include Alaska and Hawaii.

The POC for this message is **DFAS-IN.SYSTEMS@DFAS.MIL**.

DEPARTMENT OF THE ARMY
ASSISTANT CHIEF OF STAFF FOR INSTALLATION MANAGEMENT
600 ARMY PENTAGON
WASHINGTON DC 20310-0600

DAIM-ZA

09 MAR 2005

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Authorization for Staff Sergeants (SSG) to Receive Basic Allowance for Housing (BAH) and Reside Off Post in the 50 United States

1. Effective immediately, the Secretary of the Army has approved a change to the Army's mandatory assignment policy in the United States for single Soldiers in the grade of Staff Sergeant (E6):

a. Single Soldier's at the rank of SSG and above stationed in the United States are authorized to move off post and receive BAH at the without dependent rate.

b. Single SSGs may compete for installation Senior Enlisted Bachelor Quarters previously identified for single Sergeant First Class (SFC) and above where assets exist on the installation.

c. Applicable personnel, housing, finance and installation regulations will be revised accordingly.

d. Adequate BAH, Basic Allowance for Subsistence (BAS), household goods movements, and dislocation allowances will be programmed in the Program Objective Memorandum for Single Staff Sergeant troop strength.

2. Exceptions to this policy are stated below:

a. Staff Sergeants may elect to remain in enlisted barracks for the duration of their current tour. Upon reassignment to a new duty station in the United States, SSG's will receive BAH at the without dependent rate and be required to reside off post at the new duty station.

b. Key and Essential personnel required to live on post will be determined by the local command.

3. Setting up household costs and household goods movement reimbursements:

a. Soldiers who currently reside in government quarters and elect to move off post at the current duty station will incur household goods movement at their own expense. A government paid move or reimbursement is not authorized.

b. If required to vacate government quarters at the directive of the Government (e.g., because of repairs or renovations of enlisted barracks, troop surges, etc.), Soldiers in the rank of SSG will remain off post for the duration of their tour and costs for moves directed at the convenience of the Government will be borne by the Government.

4. All affected Soldiers will plan accordingly and unit counseling should occur prior to moving off post or permanent change of station. Soldiers will process through their local Community Housing Relocation and Referral Services (CHRRS) office to locate suitable off post rentals or for home purchases, and the local finance and accounting support office for assistance.

5. The point of contact for this action is Mr. George Lloyd at (703) 601-2511 or email george.lloyd@hqda.army.mil.

GEOFFREY D. MILLER
Major General, GS
Assistant Chief of Staff
for Installation Management

DISTRIBUTION:
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MILITARY PAY E-MESSAGE 07-012

SUBJECT: 140 Day RC BAH/OHA Rule Change

This message is an update to E-MSG 06-056.

This message does not apply to contingency operations except where specifically mentioned. Please note this change in law does not apply to CONUS COLA.

Public Law 109-163 dated January 6, 2006 reduced the minimum number of days (from 140 to 31) a Reserve Component member must be called or ordered to active duty to receive the full housing allowance rate. This change is effective for any member called to duty on or after January 6, 2006. A member whose service is extended on or after January 6, 2006, through amended or modified orders, and serves more than 30 days from the extension order, is authorized allowances under the new rules effective the date of orders extending the duty.

BAH or OHA entitlement for a RC member called to duty for more than 30 days is now based on the principal place of residence of the member at the time called or ordered to active duty. This change in policy standardizes the location at which BAH is based in all situations, i.e. AT, ADT, ADSW etc. for members called to duty for more than 30 days. It is no longer based upon the place at which they are performing duty unless they receive PCS orders and are authorized shipment of household goods. This change of BAH/OHA law applies to both RC members without dependents as well as RC members with dependents.

RC members without dependents are required to show proof of housing costs to receive BAH when duty is in support of a contingency operation or in excess of 30 days. RC members without dependents called to duty in support of a contingency operation that cannot prove housing costs are not entitled to any BAH. RC members without dependents, on duty in excess of 30 days for other than a contingency operation, who cannot prove housing costs are entitled to RC BAH (BAH-II). RC members with dependents are not required to show proof of housing costs.

RC members with or without dependents who are PCS to a CONUS location, and provided a statement of non-availability, are not required to show proof of housing

costs to substantiate payment of BAH. The statement of non-availability will substantiate the payment of BAH. Active duty for training is considered a PCS move when orders are for 140 days or more, regardless of the authorization to move HHG. Active duty other than for training is considered a PCS move when orders are for more than 180 days and movement of HHG is authorized.

RC BAH (BAH-II) is payable to RC members with or without dependents called to duty for 30 days or less if the call to duty is not in support of a contingency operation. Availability of government housing is not a determining factor unless the member was residing in permanent government housing at the time of the call to duty. Documentation of housing costs is not required to substantiate payment of RC BAH (BAH-II).

Rules for implementation of the 30 day active duty threshold for RC members are as follows:

Rule 1: Reserve Component (RC) members called or ordered to active duty for 30 or fewer days receive BAH at the RC rate (BAH II).

Rule 2: RC members who are called or ordered to active duty for more than 30 days and begin to serve on active duty prior to January 6, 2006, even if their continuous service extends beyond January 6, 2006; Receive BAH at the RC rate using the 139 day threshold.

Rule 3: RC members who are called or ordered to active duty for more than 30 days and begin to serve on active duty on or after January 6, 2006, to include RC members whose service is extended on or after January 6, 2006, through amended or modified orders, and the member serves more than 30 days from the date of the orders. Pay BAH at the principal place of residence using the 31 day threshold. RC members called to active duty for training for 140 or more days, or called to duty for ADSW for 180 days or more, and authorized PCS HHG movement, will continue to receive housing allowances based on the duty location.

Examples of application of the new rules are as follows:

Example 1: Member lives in Dallas, and receives an order dated November 15, 2005 to begin active duty on January 3, 2006 for 45 days at Atlanta.

Answer: Member is subject to the old rules and gets the BAH-RC rate (old BAH II).

Example 2: The same member receives an order extending the active duty period by 15 days. Extension order is dated January 20, 2006.

Answer: Payment still subject to old rules through January 19, 2006 but changes to new rules on January 20, 2006. (BAH-RC rate through January 19, 2006; Dallas based BAH starting January 20, 2006).

Example 3: Member lives in Dallas, receives order dated November 15, 2005 to begin active duty for 50 days on January 8, 2006 in Naples, Italy.

Answer: The member is under the new rules since active duty begins on or after January 6, 2006, also using the policy of basing the housing allowance on the location where housing expenses are borne (member's principal place of residence), the member receives Dallas BAH starting January 8, 2006.

Example 4: Member without dependents lives in Dallas and receives an order dated November 15, 2005 to begin active duty on January 8, 2006 for 90 days at Fort Leavenworth where the member is assigned quarters in the barracks.

Answer: The member is under the new rules since active duty begins on or after January 6, 2006. The housing allowance is based on the location of the member’s principal place of residence at the time of the call or order to duty. The fact the member is assigned Government quarters at the duty location has no affect on the members BAH entitlement. The member is authorized BAH at the without dependents rate for Dallas if the member maintains a residence in Dallas and continues to be responsible for rent or owns the residence.

A synopsis of the approved change to JFTR par. U7150-H regarding this new policy as it pertains to OHA and OCONUS COLA is as follows:

H. Station allowances and OHA

1. General. A Reserve Component member, called/ordered from an OCONUS residence to active duty/ADT, is authorized the station allowances in Chapter 9, to include OCONUS COLA, and the OHA in Chapter 10 in the circumstances described in pars. U7150-H2, and U7150-H3. When a member is authorized station allowances and/or OHA at the with-dependent rate for the PLEAD, there are no command-sponsorship requirements. The member must reside permanently in the area concerned at the time called/ordered to active duty.

2. Called/Ordered to Active Duty for More Than 30 Days. A Reserve Component member called/ordered to active duty from an OCONUS location for 31 or more days is authorized station allowances and OHA for the principal residence location at the time called/ordered to active duty beginning on the first active duty day. This rate continues for the tour duration except as noted.

a. Called/Ordered to ADT for 140 or More Days. The initial CONUS rate terminates on the day before the day the member reports at the OCONUS duty location prescribed in the active duty order. Authorization for station allowances and OHA for the PDS location begins on the day the member reports at that location. A member called/ordered to ADT from a CONUS location for 140 or more days at one location is authorized station allowances and/or OHA in the same manner as a member already on active duty.

b. Called/Ordered to Active-Duty-for-Other-Than-Training for More Than 180 Days. Except as provided in par. U7150-H2c, the initial CONUS rate terminates on the day before the day the member reports at the OCONUS duty location prescribed in the active duty order. Authorization for station allowances and OHA for the PDS location begins on the day the member reports at that location. A member called/ordered to active-duty-for-other-than-training from a CONUS location for more than 180 days at one location is authorized station allowances and/or OHA in the same manner as a member already on active duty.

c. Called/Ordered to Active-Duty-for-Other-Than-Training for More Than 180 Days but Not Authorized HHG Transportation. Except when HHG transportation is authorized, a Reserve Component member called/ordered

to active-duty-for-other-than-training for more than 180 days at one location, away from the member’s OCONUS principal place of residence (at the time called/ordered to active duty) is paid station allowances and/or OHA at the location rate for the members principle place of residence.

3. Called/Ordered to Active Duty for 30 or Fewer Days: A Reserve Component member called/ordered to active duty from an OCONUS location for 30 or fewer days is:

a) not authorized station allowances under Chapter 9 except:

(1) if the call/order to active duty is in support of a contingency operation (see Appendix A for definition of "contingency operation") the member is authorized station allowances under Chapter 9; or

(2) Whenever there is no per diem authority the member is authorized station allowances under Chapter 9; and

b) not authorized OHA under Chapter 10 except if the call/order to active duty is in support of a contingency operation

When the member is authorized station allowances and/or OHA, it is at the rate prescribed for the member’s principal residence location at the time called/ordered to active duty (55 Comp. Gen. 135 (1975)).

POC for this message is DFAS-IN.SYSTEMS@DFAS.MIL.

MILITARY PAY E-MESSAGE 05-98

SUBJECT: New OHA, FSH, BAH and COLA Changes Message 2

This message will expire on January 30, 2006.

This message is intended to inform field finances offices of a change in implementation dates related to E-Message 05-78. There are four changes that will not be implemented until December 31, 2005.

1. Members in CONUS who live off-post and are drawing BAH at the without dependent rate and BAH-DIFF will have their BAH entitlement changed to BAH at the with dependent rate on December 31, 2005. Active Component accounts will be systemically converted. For Reserve Component members, field sites will need to make manual input to change these accounts.

2. Members OCONUS who reside off-post and are drawing OHA at the without dependent rate and BAH-DIFF will have their entitlement changed to OHA at the with dependent ceiling rate on December 31, 2005. Active Component accounts will be systemically converted. Reserve Component accounts will require manual changes by field sites.

3. Members in confinement who are drawing BAH-II at the with dependent rate will become entitled to BAH-I on December 31, 2005.

4. Members in inadequate quarters will have their BAH systemically converted to BAH-I on December 31, 2005.

There is one additional point that requires clarification. E-Message 05-78 stated members who separate directly from an OCONUS location would receive OHA computed at the zero rent amount while on terminal leave. It has now been determined members on terminal leave who terminate OCONUS housing will not receive any housing entitlement.

All other changes identified in E-Message 05-78 will occur on October 1, 2005. Also, for those members OCONUS who reside off-post without a rental agreement and are drawing BAH-II, DJMS personnel will systemically stop the BAH-II entitlement. The new intransit rates and their implementation dates will be provided in the near future.

In the interim, please continue paying intransit rates under current policy.

The POC for this message is DFAS-IN.SYSTEMS@DFAS.MIL.

Effective 13 December 2006
U10008 BAH DIFFERENTIAL (BAH-DIFF)

A. General. BAH-DIFF is the difference between the with- and without-dependents BAQ rates as of 31 December 1997 increased by the average pay raise percentage each year. For rates see ***https://secureapp2.hqda.pentagon.mil/perdiem/bah.html***.

B. Limitation on the Amount of BAH Payable to a Member Authorized BAH Solely on the Basis of the Member's Payment of Child Support

1. If a member is assigned to single-type Government quarters or a housing facility under the jurisdiction of a Uniformed Service and is authorized BAH solely by reason of the member's payment of adequate child support, the member is authorized only BAH-DIFF. A member is not authorized BAH-DIFF if the child support payment is less than the member's applicable pay grade BAH-DIFF amount.

2. A member not assigned to Government quarters, who is authorized BAH or OHA on behalf of a dependent solely on the basis of payment of child support, is authorized a with-dependent housing allowance (either BAH or OHA).

U10010 PARTIAL HOUSING ALLOWANCE (BAH-Partial)

A. Partial Rates. A member without dependents who is assigned to single-type quarters or is on field or sea duty, and is not authorized to receive a BAH or OHA at the full rate, is authorized BAH-Partial at the rates provided at ***https://secureapp2.hqda.pentagon.mil/perdiem/***.

B. Conditions

1. A member without dependents assigned to single-type adequate Government quarters at the permanent station and authorized BAH-Partial who is subsequently sick in a hospital (no PCS involved), continues to be authorized BAH-Partial while hospitalized.

2. Except as provided in pars. U10400-D and U10400-E, a member without dependents in grade E-6 or below who is offered an assignment of adequate Government quarters, or is assigned Government quarters but elects not to occupy such quarters and resides in private quarters at own expense, is considered to be assigned to government quarters and not authorized BAH or OHA. Therefore, such member is authorized BAH-Partial.

3. BAH-Partial is not authorized during proceed time, leave en route, or travel time on PCS unless the member is assigned to single-type Government quarters and not authorized BAH or OHA.

4. A member, married to another member, who has no dependents other than the spouse is authorized BAH-Partial when assigned to single-type Government quarters and is not authorized BAH or OHA at the full rate. However, such a member assigned to family-type Government quarters is not authorized BAH-Partial.

5. A member occupying single-type Government quarters whose dependents reside in family-type Government quarters, is not authorized BAH or OHA at the full rate and therefore, is authorized BAH-Partial, provided the family quarters are not assigned under the member's eligibility.