

VOLUME 7A, CHAPTER 50: “STOPPAGES AND COLLECTIONS OTHER THAN COURTS-MARTIAL FORFEITURES”

SUMMARY OF MAJOR CHANGES

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

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

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

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

The previous version dated January 2010 is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
5005 Bibliography	Added mailing address for submission of waivers of claim arising from erroneous payments, and clarified language related to waiver submission.	Update

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CHAPTER 50

**STOPPAGES AND COLLECTIONS OTHER THAN COURTS-MARTIAL
FORFEITURES**

5001 VOLUNTARY AND INVOLUNTARY COLLECTIONS

500101. Collection With Member's Consent

Members indebted to the United States will be encouraged to discharge their indebtedness through lump-sum cash payment when possible. When the amount of the debt relative to the member's ability to repay indicates that lump-sum settlement would create financial hardship for the member, installment payments will be accepted. Members will be encouraged to voluntarily accept liability for their indebtedness and to agree to a repayment schedule which adequately protects the interests of both the United States and the member.

500102. Collection Without Member's Consent

A. Current Pay

1. Current pay is available for repayment of an indebtedness without the member's consent only if such recovery is authorized expressly by statute.

2. Where Tables 50-1 through 50-5 authorize collection to be made "involuntarily," there is a statute authorizing such collection. When the indebtedness is a type for which there is no statute authorizing collection from pay, the tables authorize collection "with member's consent."

B. Final Pay. When a member receives final pay on separation, indebtedness to the United States may be collected under the general rule of offset without specific statutory authority, subject to the limitations in paragraph 500104.A.2 and Table 50-6. Under this rule, debts which may be collected from current pay only with the member's consent may be collected from final pay and allowances without the member's consent. Amounts owed to a Service relief society (i.e., Army Emergency Relief, the Navy Relief Society, the Air Force Aid Society, or the Coast Guard Mutual Assistance) also may be collected from final pay without the member's consent ([Title 37, United States Code \(U.S.C.\), section 1007\(c\) and \(h\)](#)).

500103. Limitation on Collections

A. Current Pay. Some of the laws authorizing collection of indebtedness from a member's pay impose restrictions on the amount that may be collected, on the items that may be collected, or on the items of pay from which collection may be made. These limitations are shown in Tables 50-1 through 50-6. When a member voluntarily authorizes collection, a rate of collection agreeable to the member and the disbursing officer is determined within guidelines shown in the referenced tables; however, collection in greater amounts may be authorized or requested by the member.

B. Final Pay. Table 50-6 shows which items of final pay and allowances are available for offset of debts. The items shown as not available are specifically exempted by statute.

C. Gross Pay. Compute gross pay by adding together basic pay, all special and incentive pays, and all reenlistment bonuses. Gross pay does not include allowances or reductions in pay, such as forfeitures and the Montgomery GI Bill.

D. Disposable Pay. Disposable pay, when used to calculate maximum allowable deduction, is computed by deducting the following from gross pay of active-duty members: Federal Insurance Contributions Act (FICA); Armed Forces Retirement Home; Federal Income Tax Withholdings (FITW); Servicemembers' Group Life Insurance (SGLI) (including Family SGLI (FSGLI) and Traumatic SGLI (TSGLI)); and State Income Tax Withholdings (SITW). For reservists, the deductions to calculate disposable pay are: FICA; FITW; SITW; and SGLI (including FSGLI and TSGLI).

500104. Installment Deduction for Indebtedness to the United States

Statutory authority to collect indebtedness to the United States by deductions from the member's pay exists under [37 U.S.C. 1007\(c\)](#) and [5 U.S.C. 5514](#). Other statutes authorize collection of specific classes of debts. Debts administratively determined to be owed the United States or any of its instrumentalities, other than the Department of Defense (DoD), shall be collected under [5 U.S.C. 5514](#). Court judgments against a member in favor of the United States may not be collected under [Public Law 97-276](#), October 2, 1982.

A. Collections Under 37, U.S.C., section 1007(c). This statute authorizes the deduction from a member's pay of amounts that the Secretary of the Military Department concerned administratively determines to be owed the United States or any of its instrumentalities. Pursuant to this section, two-thirds of the member's disposable pay is the maximum amount that may be deducted from his/her monthly pay. Where a member of one Military Service owes a debt to another Military Service and the creditor Service makes an administrative determination of indebtedness, the creditor Service may forward that determination, along with a certification of compliance with the appropriate procedures set forth in this section, to the cognizant finance/disbursing activity servicing the member for collection action.

1. Categories of Debt

a. Due Process Debt. Administrative debts greater than \$50 and any non-administrative debt regardless of amount requiring formal notification in the form of a due process letter from the servicing finance/disbursing office will be processed pursuant to subparagraph 500104.A.3.

(1) Fault of the Member. An overpayment of pay or allowances determined to be caused by fault of the member will be recovered in monthly installments not to exceed two-thirds of the member's disposable monthly pay. The field office

will initiate formal due process notification to the member after receipt of a management notice from the pay system and initiate debt collection based on an appropriate liquidation schedule. A greater percentage may be deducted with the member's consent.

(2) No Fault by the Member. An overpayment of pay or allowances determined to be through no fault of the member will be recovered in monthly installments. For overpayments described in this subparagraph that are made on or after October 29, 2009, the Secretary concerned is required to provide a reasonable opportunity for the member to request a delay in the imposition of the repayment requirement to recover the overpayment. Before beginning collection efforts, the Secretary concerned shall consider the reasons provided by the member for the requested delay, including the financial ability of the member to repay the indebtedness, and the hardship that immediate collection would impose on the member and the member's dependents.

(a) If overpayment was made to member on or before October 28, 2009, then the overpayment will be recovered in monthly installments not to exceed 20 percent of the member's disposable pay for each month.

(b) If overpayment was made to member on or after October 29, 2009, then the overpayment will be recovered in monthly installments not to exceed 15 percent of the member's disposable pay for each month.

NOTE: The field office will initiate formal due process notification to the member after receipt of a management notice from the pay system, and initiate debt collection based on an appropriate liquidation schedule. A greater percentage may be deducted with the member's consent.

b. Combat Zone/Combat Operation Debts. If a member of the Uniformed Services, through no fault of the member, incurs a wound, injury, or illness while in the line of duty in a combat operation or combat zone designated by the President or the Secretary of Defense, then any overpayment of pay or allowances made to the member while the member recovers from the wound, injury, or illness may not be deducted from the member's pay until:

(1) The member is notified of the overpayment; and

(2) The later of the following occurs:

(a) The end of the 180-day period beginning on the date of the completion of the tour of duty of the member in the combat operation or combat zone.

(b) The end of the 90-day period beginning on the date of the reassignment of the member from a military treatment facility or other medical unit outside of the theater of operations.

However, after receiving notification of the overpayment, a member may request initiation of collection action at an earlier date. The field finance/disbursing office will determine the

appropriate rate of collection pursuant to subparagraph 500104.A.1.a.(2). See subparagraph 500104.A.3 for due process procedures.

2. Collecting Debt from Final Separation Pay

a. An amount due from an enlisted member of the Army or Air Force may be deducted from their final separation pay. The appropriate rate of collection in subparagraph 500104.A.1.a applies to collection from the member's final separation payment.

b. There is no limitation on the amount that may be deducted from an officer of any service or an enlisted member of the Navy or Marine Corps from their final separation pay.

3. Due Process Procedures. Before initiating any collection action other than routine adjustments as defined in subparagraph 500104.B.3, the member shall be given at least 30 days written notice of the indebtedness. These procedures do not apply when the member has previously consented to collection of the debt. The notice shall stipulate:

a. The nature and amount of the debt due the United States, and the intent to commence collection through deductions from pay.

b. That the member has the opportunity to inspect and copy government records related to the debt.

c. That the member has an opportunity for review of all the decisions related to the debt.

d. That the member has an opportunity to enter into a written agreement with the Secretary of the Military Service concerned under terms agreeable to both parties to establish a schedule for repayment of the debt.

e. That any portion of the debt remaining uncollected at the time of the member's separation shall be collected from the member's final pay and allowances.

f. That the member has the right to seek waiver or remission/cancellation of the debt, if appropriate.

NOTE: The procedures specified in subparagraph 500104.B.3 need not be completed prior to commencement of collection action if the time remaining before the member's estimated date of separation is not sufficient to complete collection and the Government would be substantially prejudiced in its ability to collect the debt.

B. Collections Under 5 U.S.C. 5514

1. Heads of Federal Agencies. A Federal agency, other than the DoD, may determine that a military member is indebted to the United States and that collection

action against the member's monthly pay under the authority of [5 U.S.C. 5514](#) is warranted. In such cases, the agency should forward the collection request to the following office:

Defense Finance and Accounting Service (DFAS)-Cleveland
DFAS-CL/JDCBB
1240 E. 9th Street
Cleveland, OH 44199-8002

2. Collections. Collections may be made in monthly installments or at established pay intervals not to exceed 15 percent of disposable pay for any pay period, unless a greater percentage is authorized by written consent of the member. Unsatisfied debts at discharge or retirement shall be deducted from subsequent payments of any nature due the member. The collection of a debt owed to departments and agencies, other than DoD, its instrumentalities, or other Uniformed Services resulting from a court judgment, is included under this authority. The creditor agency is responsible for providing due process to member debtors and for certifying to the Secretary of Defense that due process rights have been provided when requesting collection action.

3. Routine Administrative Adjustment. Routine administrative adjustments consist of administrative adjustments that correct overpayments resulting from clerical or administrative errors, delays in processing pay documents, or an automated pay system error, which is discovered and collected within no more than 2 monthly pay periods after the date of overpayment, or adjustments of \$50 or less (regardless of when discovered or collected).

a. The requirement for due process does not apply to routine administrative adjustments of pay. However, the member shall be provided with notice of adjustment when it is made, or as soon thereafter as practicable. The notice should provide a point of contact at the creditor agency for any questions or disputes the member may have.

b. "No Pay Due" Notice. To prevent hardship to the member, a "no pay due" management notice will be generated to the servicing field office when a debt creates a "no pay due" situation for that member.

500105. Interest, Penalties, and Administrative Costs

A. With respect to collections other than routine adjustments, the Secretary of the Military Department concerned shall charge a minimum annual rate of interest on an outstanding debt to the United States that is equal to the average investment rate for the Treasury tax and loan accounts for the 12-month period ending on September 30 of each year, rounded to the nearest whole percentage point.

B. Interest shall accrue from the date on which notice of debt and the interest requirements are first mailed or hand delivered to the debtor or such date as specified in the notice.

C. Interest may not be charged if the amount due on the claim is paid within 30 days after the date from which interest accrues in subparagraph 500105.B.

D. The Secretary concerned shall assess charges to cover administrative costs of processing and handling a delinquent debt.

E. A penalty charge not to exceed 6 percent a year shall be assessed for failure to pay a part of a debt more than 90 days past due. The charge will be calculated on the 91st day of delinquency, but shall accrue from the date the debt became delinquent.

F. Interest does not accrue on charges assessed under subparagraphs 500105.D and 500105.E. However, if the member defaults on a repayment agreement, then uncollected interest, administrative costs, and penalty charges shall be added to the principal to be repaid.

G. The Secretary concerned may prescribe regulations identifying circumstances appropriate to waiving collection of interest and charges under subparagraphs 500105.A, 500105.D, and 500105.E.

500106. Collection From Retired Pay

Conditions for collection of active-duty debts from retired pay are in Volume 7B, Chapter 28.

500107. Indebtedness Incurred in National Guard or Reserve

When a member reenters active military service, collect for unsatisfied indebtedness incurred in a National Guard or Reserve status.

500108. Early Payment

Payday payments made in advance in accordance with paragraph 320107 are not considered "indebtedness" if the member dies before the date through which the pay was computed and paid.

500109. Pay Not Affected by Civil Process

An officer or enlisted member may not be deprived of pay by civil process, except as follows:

- A. Garnishment for child support or alimony (see Chapter 41).
- B. Levy for delinquent Federal income taxes (see section 4102).
- C. Levy for child support (see Chapter 41).

D. Statutorily required child or child-and-spousal support allotments (see Chapter 41).

5002 CENTRALIZED PROCESSING OF INVOLUNTARY WITHHOLDING OF MEMBER PAY FOR THE SERVICES' EXCHANGE COMMANDS

500201. General Provisions

A. Authority. Under [37 U.S.C. 1007\(c\)](#) and regulations prescribed by the Secretary of the Military Department concerned, an amount that a member of the Uniformed Services is administratively determined to owe the United States or any of its instrumentalities may be deducted from the member's pay in monthly installments. After the deduction of pay forfeited by the sentence of a court-martial, if any, or otherwise authorized by law to be withheld, the deductions authorized by this section may not reduce the pay actually received for any month to less than one-third of the pay.

B. Purpose. This section provides the policy and procedures for collecting in-service debts for the Army and Air Force Exchange Service (AAFES), the Navy Exchange Command (NEXCOM), and the Marine Corps Exchange Command (referred to collectively as "The Exchange Commands"). It applies when active-duty, Reserve, and retired military members are delinquent in repayment of a dishonored check or in their credit plan. Through an automated DD Form 139 (Pay Adjustment Authorization) process, DFAS deducts payment from these members.

C. Policy. When a member is indebted to a service exchange, under the authority of [37 U.S.C. 1007\(c\)](#), the creditor agency (AAFES, NEXCOM, and Marine Corps Exchange) may forward to DFAS such determination. DFAS shall honor the request based on certification from the creditor that it complied with appropriate debt collection procedures noted in subparagraph 500104.B. Under debt collection procedures, if the debt has not been paid within 60 days after the date that the first notice is sent to the member, then the crediting agency may submit the debt for collection action to DFAS. The initiation of the pay deduction by DFAS will be in accordance with the rules of precedence of pay deductions and collections noted in Table 52-1.

500202. Applicability and Scope

A. These procedures apply to the pay of Army, Navy, Air Force, and Marine Corps members serviced by the Defense Joint Military Pay System or the Marine Corps Total Force System.

B. DFAS shall collect the amounts requested on monthly submissions, as long as the total monthly amount collected, including the amounts collected under [5 U.S.C. 5514](#), does not exceed two-thirds of the member's disposable pay. Monthly collection amounts are reduced when the pay due a member is insufficient to cover authorized deductions or collections. Debt collection is subject to the priority of deductions and collections presented in Table 52-1.

500203. General Procedures

A. Exchange Commands must certify that the member was provided due process in accordance with subparagraph 500104.A.3 and Table 50-5. Exchange Commands shall maintain “due process” documentation (demand letters) on individual delinquent debt accounts.

B. Collection of any portion of the debt remaining uncollected at the time of a member’s separation shall be subject to subparagraph 500104.A.2.

C. Exchange Commands may collect delinquent debts at a maximum deduction rate of two-thirds of the disposable pay.

D. When a member enrolls in a credit plan, the Exchange Command shall advise the member of the maximum deduction for delinquent accounts. DFAS or field finance/disbursing offices are responsible for ensuring that collections do not exceed two-thirds of the member’s disposable monthly pay.

E. DFAS or the field finance/disbursing office shall override the debt amount by inputting a transaction to change the deduction. This applies in cases where the repayment amount exceeds the maximum deduction limitation.

F. DFAS or the field finance/disbursing office shall answer inquiries from the member on how exchange debt transactions are reflected on the Leave and Earning Statement.

500204. Certification

A. Exchange Commands will handle telephone inquiries from a member concerning his or her debts and deduction amounts.

B. Exchange Commands may not deduct from a member’s pay account money for a dishonored check written by a dependent without consent of the member.

C. Exchange Commands use a listing of basic pay rates plus income data received from the member to determine the amount that is equal to or less than two-thirds of the member’s pay.

D. If a member separates from active duty or if retired pay is suspended, then any uncollected amount is returned to the Exchange Commands for collection.

E. Exchange Commands are responsible for overpaid debts. When a member has overpaid a debt, the Exchange Commands shall issue a refund immediately to the member for the overpayment.

F. Exchange Commands will honor an agreement in which a member

voluntarily agrees to repay the debt. If the member voluntarily repays the debt (off-line), then the Exchange Command cancels the offset request and notifies DFAS immediately.

G. For audit purposes, Exchange Commands will maintain and ensure the availability of all documentation pertaining to these debts.

500205. System Overview

A. Once a collection action is deemed necessary, the determining Exchange Command will transmit a monthly update transaction requesting a pay deduction. The input should be applied to the pay account in the appropriate sequence (see Table 52-1).

B. DFAS provides new basic pay rates or other pay data to the Exchange Command as it becomes available.

C. During a processing month, Exchange Commands submit the electronic pay-adjustment transaction, with name, Social Security Number, total debt, and the deduction amount for the month. Exchange Commands electronically submit the information in time to adjust in the payment processing update.

D. The Exchange Command input identifies the balance due and the monthly collection amounts. If the debt is collected off-line after submitting the input, then the exchange is responsible for the refund.

E. If the deduction amount input by the Exchange Command is greater than two-thirds, then DFAS or field finance/disbursing offices either change the deduction amount or return the debt to the Exchange Command to process. After the deduction is processed, DFAS notifies the Exchange Command of any adjustments.

F. The Exchange Command manages the entire debt amount internally. Exchange Commands are responsible for notifying the member of the debt balance and encouraging the member to voluntarily submit payments. DFAS provides management notices (listing) to the servicing finance/disbursing office, if applicable, which identifies the member's pay account to which the deduction is charged.

G. Rejects are downloaded to the Exchange Commands after each update. Exchange Commands are required to work rejects on a daily basis.

H. At the end of each processing month, DFAS sites wire-transfer the amounts deducted via electronic funds transfer to a central processing location for each Exchange Command identifying the affected members.

5003 REMISSION/CANCELLATION OF INDEBTEDNESS

500301. Authority

If the Secretary of the Military Department considers it to be in the best interest of the United States, then the Secretary may remit or cancel any part of the indebtedness of a military member, to the United States, or any instrumentality of the United States that was incurred while the member was serving on active duty as a member of the applicable Military Department. This authority may be exercised with respect to any debt incurred on or after October 7, 2001.

500302. Restriction for Reserve Component Personnel

Remission/cancellation of indebtedness is not applicable for Reserve Component personnel performing inactive duty training or active duty for training, except as stated in subparagraph 500302.A and B.

A. Army. An enlisted member of the Army National Guard who is charged with liability for government property that is lost, damaged, or destroyed on or after October 1, 1980, may have such liability remitted or cancelled under regulations prescribed by the Secretary of the Military Service concerned.

B. Air Force. Any member of the Air National Guard (officer or enlisted member) who is charged with liability for government property that is lost, damaged, or destroyed on or after October 1, 1980, may have such liability remitted or cancelled under regulations prescribed by the Secretary of the Military Service concerned.

500303. Indebtedness Which May Be Remitted

A. Debts to United States. Generally, any indebtedness may be considered for remission/cancellation (including those listed in Tables 50-1, 50-2, 50-3, and 50-4). Debts for erroneous payments may be processed for remission/cancellation if relief action has been denied under the appeal provisions referenced in section 5004 of this chapter; however, debts arising from erroneous payment of basic pay due to noncollection of courts-martial forfeitures may not be remitted or cancelled.

B. Debts Within Jurisdiction of Military Service Concerned. The debt must be one over which the Military Department concerned has jurisdiction. For example, a Secretary of one Military Department may not remit a member's indebtedness because of liability for damage to property of another Military Service.

500304. How to Apply

Process applicants for remission/cancellation of indebtedness as prescribed in procedural regulations of the Military Service concerned.

5004 APPEALS

500401. Right of Appeal

When it is established that a member is indebted to the United States because of an

erroneous payment made by any Military Service within DoD, the member has the right to appeal. A member may appeal the validity of the debt, the amount, or the liability for that debt. A member may also request review of the rate of collection on the basis of undue hardship, or upon proof that the rate of collection is inequitable.

500402. Processing Appeals

Process appeals as prescribed in procedural regulations of the Military Service concerned.

500403. Claim for Refund

A member may file a written claim for any amounts considered erroneously collected from the pay account. The claim is sent to the disbursing officer or, if separated, to the cognizant DFAS site. If the claim is denied, in whole or in part, then an appeal should be submitted to Defense Office of Hearings and Appeals under the procedures set forth at [Title 32, Code of Federal Regulations \(C.F.R.\), Part 282, Appendix E](#).

***5005 WAIVER OF CLAIMS FOR ERRONEOUS PAYMENTS OF PAY AND ALLOWANCES**

When a member applies for waiver of a claim by the United States arising out of erroneous payments under 10 U.S.C. 2774, forward such applications through the member's servicing finance office to DFAS-IN, Department 3300 (Waiver/Remission), 8899 East 56th Street, Indianapolis, IN 46249-3300. Requests to suspend collection pending action on a waiver request will be processed under Volume 5, Chapter 28, subparagraph 281304 of this Regulation.

5006 VALIDATION OF PAYMENTS BASED ON PURPORTED MARRIAGES

500601. Authority for Validation

Payment of allowances based on a purported marriage and made under [Title 37](#), United States Code, or prior laws, before the marriage is annulled or terminated, are valid if:

A. A court of competent jurisdiction adjudges or decrees that the military member entered the marriage in good faith.

B. In the absence of such judgment or decree, a finding of good faith is made by the Secretary of the Military Service concerned or a person designated by the Secretary of the Military Department concerned to investigate the matter.

500602. Responsibility for Validation

Findings of good faith under subparagraph 500601.B are submitted to the DFAS offices listed in the Joint Federal Travel Regulation (JFTR), subparagraph [U10104.G.3](#), Member's Marriage Status Determination. Purported marriages requiring such findings as listed in the JFTR, paragraph, [U10104.G](#).

500603. Payments Not Validated

Payments based on invalid marriages are considered erroneous payments or overpayments unless validated.

5007 BOARD OF CORRECTION OF MILITARY RECORDS OFFSET

Earnings received from civilian employment, self-employment, or any income protection plan for such employment during any period for which active-duty pay and allowances are payable shall be deducted from the settlement. To the extent authorized by law and regulation, amounts found due shall be reduced by the amount of any existing indebtedness to the Government arising from military service.

5008 BANKRUPTCIES

500801. General Information

A. A member may file a petition of bankruptcy under [11 U.S.C., Chapters 7](#) or [13](#) of the Bankruptcy Code. The law waives the United States Government's sovereign immunity for purposes of compliance with payroll deduction orders issued by the bankruptcy courts. Accordingly, DFAS will honor the bankruptcy orders.

B. When the amount of indebtedness owed to the United States is incurred prior to the filing date of the petition, the debt is termed pre-petition indebtedness. Such debt may be collected by offset from the member's pay account only through the day prior to the date the bankruptcy petition is filed.

C. Continuing deductions from the member's pay after the filing of a petition in a bankruptcy is improper and violates the automatic stay provisions of the bankruptcy statute. All voluntary deductions to liquidate the listed indebtedness must be discontinued promptly upon notice or actual knowledge of the filing of the bankruptcy petition. Amounts withheld after the date the bankruptcy petition is filed must be refunded to the member.

D. Upon notice or actual knowledge of the filing of a bankruptcy petition, when the member has listed the U.S. Government as a creditor, the military pay office will file a proof of claim with the Federal court concerned.

E. If the bankruptcy petition is approved and the list of debts discharged, then the listed indebtedness to the United States is discharged. The bankruptcy proceedings have no bearing on the liquidation of any new item of indebtedness discovered after the filing of a petition in bankruptcy and not included in the petition.

F. If the court subsequently dismisses a bankruptcy case, then collection is permitted by offset if otherwise authorized.

500802. [Chapter 7](#), Bankruptcy

A. Upon notice or actual knowledge of the filing of a bankruptcy petition, when the debtor has listed the U.S. Government as a creditor, the DFAS-Cleveland Site, Garnishment Operations, will request that the appropriate pay office file a claim with the Federal court concerned, or

B. If the bankruptcy petition is approved for discharge of debts, then the debts listed as indebtedness to the United States may be discharged. The bankruptcy proceedings usually will have no bearing on the liquidation of any new item of indebtedness incurred after the filing of a petition in bankruptcy and not included in the original bankruptcy petition.

500803. [Chapter 13](#), Wage Earner's Plan Under the Bankruptcy Act

A. A member may file a petition with the court to enter into a "Chapter 13 Plan" under the Bankruptcy Code. Under [Chapter 13](#), a member must submit a proposed repayment plan to the bankruptcy court that provides, among other things, that all or a specified amount of future income as is necessary to pay priority claims under the plan will be sent to the control of the bankruptcy trustee.

B. When the plan is confirmed by the court, its provisions are binding upon the member and all creditors of the member, regardless of whether they are affected by the plan or have been included in the plan.

C. Once the bankruptcy court confirms a plan, it usually orders the employer to pay a specific amount of a member's income to the trustee named in the order.

D. The pay of a member is subject to payment to the trustee appointed by the court, pursuant to [Chapter 13](#) of the Bankruptcy Act. The payment by DFAS of part of the member's pay in response to a court order issued under a [Chapter 13](#) Wage Earner's Plan case does not violate [31 U.S.C. 3713](#) (Priority of Government Claims). Compliance with such a court order gives the Government a valid acquittance against the member since the court order is binding on the member.

E. If the United States is both the employer and creditor when the member files a [Chapter 13](#) Wage Earner's Plan, then the Government's priority under [31 U.S.C. 3713](#) (Priority of Government Claims) may be asserted in the absence of a judicial determination to the contrary. This is done through a filing of the proof of claim by the appropriate pay office.

500804. Procedures

A. Bankruptcy withholding orders should be submitted or faxed to:

DFAS-Cleveland
Garnishment Operations

P.O. Box 998002
Cleveland, OH 44199-8002
Commercial Fax: (877) 622-5390
(216) 522-6960
DSN Fax: 580-6960

B. The following information should be included with the bankruptcy order:

1. Full name.
2. Full Social Security number.

C. The bankruptcy notice is effective when it is signed by the court and the provisions of the automatic stay are effective with that date.

D. When the notice does not sufficiently identify the member, it will be returned directly to the person who submitted the order, with an explanation of the deficiency.

E. Upon receipt of an effective bankruptcy order, together with all the required information, the Garnishment Operations (office of the designated official) will review the case to determine if there are any involuntary allotments or garnishments that need to be terminated as a result of the automatic stay (child support, alimony, and child-support arrears are not terminated unless the bankruptcy order specifically states so). The Garnishment Operations will then establish the withholding against the member's pay to comply with the bankruptcy order within 30 days. Withholdings will continue until the amount specified in the order is collected or the order is cancelled or suspended.

1. Within 30 calendar days after the date of receipt of the order, the designated official will send notice to the member stating this fact.

2. The letter will inform the member of the date that the withholding is scheduled to begin and the amount or percentage that will be deducted.

3. When the member identified in the order is found not to be entitled to money due from, or payable by, DFAS, the designated official will return the order to the person who submitted it and advise him or her that no money is due from, or payable by, DFAS to the named individual. When it appears that amounts are exhausted temporarily or are otherwise unavailable, the authorized person shall be told why and for how long any money is unavailable, if known.

F. Proof of claims will be submitted by the appropriate pay office when the Government has a debt that can be properly collected under proof of claim.

Table 50-1. Indebtedness Due to Erroneous Payments, GAO Disallowances, and Notices of Exception

INDEBTEDNESS DUE TO ERRONEOUS PAYMENTS, GAO DISALLOWANCES, AND NOTICES OF EXCEPTION							
R U L E	A	B	C	D	E	F	
	If an	of	is indebted to the United States for	and	then collect from current pay	at monthly rate not to exceed that shown in this table or in rule cited	
1	officer or enlisted member	any Military Service	payment disallowed by Government Accountability Office (GAO) in accounts of a disbursing or certifying officer		involuntarily (note 1)	disposable pay (see subparagraph 500103.D).	
2			debt cited in GAO notice of exception or informal inquiries (note 2)				Table 50-6, rule 2.
3			erroneous payment (including allotments the member knew or reasonably should have known were erroneous) made to or on behalf of the member of any Uniformed Service (note 3)			the Secretary of the Military Department concerned or the Secretary's designee has determined the indebtedness is valid	
4	officer or enlisted member recovering from a wound, injury or illness incurred through no fault of the member in the line of duty in a combat operation or zone		an overpayment of pay or allowances through no fault of the member incurred on or before October 28, 2009	the Secretary of the Military Department concerned or the Secretary's designee has determined the indebtedness is valid	after a 90 day delay or member's consent (see subparagraph 500104.A.1. b)	Table 50-6, rule 5.	

Table 50-1. Indebtedness Due to Erroneous Payments, GAO Disallowances, and Notices of Exception (Continued)

INDEBTEDNESS DUE TO ERRONEOUS PAYMENTS, GAO DISALLOWANCES, AND NOTICES OF EXCEPTION						
RULE	A	B	C	D	E	F
			is indebted to the United States for	and	then collect from current pay	at monthly rate not to exceed that shown in this table or in rule cited
5	officer or enlisted member recovering from a wound, injury or illness incurred through no fault of the member in the line of duty in a combat operation or zone	of any Military Service	an overpayment of pay or allowances through no fault of the member incurred on or after October 29, 2009	the Secretary of the Military Department concerned or the Secretary's designee has determined the indebtedness is valid	after a 180 day delay or member's consent (see subparagraph 500104.A.1. b	Table 50-6, rule 6.
6	an officer	a Military Department	erroneous payment of allotment caused by failure to report, as required, the death of the allotter or any other fact making the allotment not payable	appropriate investigation is made, and the overpaid amount is not recovered from the allottee	with officer's consent; or with approval of the Secretary concerned	amount applicable.

NOTES:

1. This does not change rules on collections of indebtedness of accountable, certifying, or disbursing officers.
2. If notice of exception covers erroneous payment by a Uniformed Service, then rule 3 will be applied.
3. When a member's pay is not promptly reduced to allow for court-marital forfeiture, the resulting indebtedness is considered an erroneous payment within this rule.

Table 50-2. Indebtedness Due to Loss of Public Funds

INDEBTEDNESS DUE TO LOSS OF PUBLIC FUNDS						
R U L E	A	B	C	D	E	F
	If an	of	is indebted to the United States for	and	then withhold from current pay	at monthly rate not to exceed that shown in this table or in rule cited
1	accountable officer (note 1)	the Armed Forces	arrears in accounts because of failure to account for funds entrusted to the member	debt is admitted by officer (note 4)	involuntarily	disposable pay (see subparagraph 500103.D).
2				debt is shown by the judgment of a court		
3				debt is shown by special order issued by the Secretary of the Military Department concerned		
4	accountable enlisted member (note 2)	any Military Service				disposable pay (see subparagraph 500103.D).
5	officer or enlisted member		public funds obtained or converted to own use through fraud, larceny, embezzlement, or other unlawful means	the misappropriation of funds is admitted by the member	involuntarily, or as prescribed by regulations of the Military Department concerned	Table 50-6, rule 2 (note 3).

NOTES:

1. Applies to officers who hold in trust sums or balances of public money for which they are required to account, such as disbursing officers and deputies or agents to disbursing officers.
2. Applies to enlisted members who are entrusted with public funds. It includes military postal clerks and members who, though not bonded, are entrusted with public funds for small purchases.
3. If exact amount of debt is not known at the time the loss is discovered, then establish the debt at the amount then known and adjust when investigation is completed.
4. A mere acknowledgment or report of a shortage in accordance with Military Service regulations is not an admission for the purpose of this rule. The phrase "debt is admitted" means either a written statement made by the accountable officer admitting indebtedness, acknowledged or witnessed before a person authorized to administer oaths or, another person designated by higher authority, or if the accountable officer refuses to sign a statement, then a certification by a commissioned officer that the accountable officer clearly and unequivocally admitted the indebtedness is sufficient to authorize the withholding from officer's current pay.

Table 50-3. Indebtedness Due to Loss or Damage to Public Property or Supplies

INDEBTEDNESS DUE TO LOSS OR DAMAGE TO PUBLIC PROPERTY OR SUPPLIES							
R U L E	A	B	C	D	E	F	G
	If	of	is indebted to the United States for	and	and	then collect from current pay	at monthly rate not to exceed that shown in this table or in rule cited
1	an account-able officer	the Army or Air Force	loss or damage to military supplies, upon final settlement of accounts of officer charged with issue of the supplies	the officer fails to show satisfactorily that the loss or damage of property was not due to any fault on the officer's part	the officer is found pecuniarily liable by a report of survey or by a board of officers, and findings are approved by the Secretary concerned	involuntarily	disposable pay (see subparagraph 500103.D).
2		the Navy or Marine Corps	loss or damage to public property entrusted to the officer, such as stores, supplies and receipts from sale of public property	the Commander, Naval Supply Systems Command or the Commandant of the Marine Corps (Installation and Logistics) renders determination	the Director, DFAS-Cleveland Site issues instructions to the member's commanding officer on action to take to liquidate debt		disposable pay (see subparagraph 500103.D) or lesser amount approved by the Assistant Secretary of the Navy (Financial Management and Comptroller) or the Commandant of the Marine Corps.
3	an officer or enlisted member	the Army or Air Force	damage or cost of repairs to arms or equipment	the member had the care of, or was using the property when damaged	negligence or abuse in care or use of property is established by a board of officers or on a report of survey, and findings are approved by Secretary concerned		disposable pay (see subparagraph 500103.D).
4	a non-accountable officer or enlisted member	any Uni-formed Service	loss of or damage to government property	liability is established under regulations of the Military Service concerned	case is not within the scope of rule 3		Table 50-6, rule 2.
5	an officer or enlisted member	Armed Forces	damage to or failure to satisfactorily clean assigned housing or damage to or loss of equipment or furnishings of such housing	the damage, loss or requirement for cleaning was caused by the abuse or negligence of the member, the member's dependent(s) or a guest of either the member or the member's dependent(s)	the negligence or abuse is established by administrative determination under regulations of the Military Service concerned.		

Table 50-4. Miscellaneous Indebtedness to United States

MISCELLANEOUS INDEBTEDNESS TO UNITED STATES					
R U L E	A	B	C	D	
	If	of any Military Service is indebted to the United States	then collect from current pay	at monthly rate not to exceed that shown in this table or in rule cited	
1	an enlisted member	enlistment or reenlistment bonus for period unserved	involuntarily	Table 50-6, rule 2.	
2	an officer or enlisted member	unpaid hospital bills for medical services furnished a dependent	involuntarily or pursuant to Military Service regulations	amount received.	
3		excess cost of shipment of household goods			
4	a medical officer	compensation or stipend payments received from state, county, municipal, or privately owned hospitals for medical service			
5	an officer or enlisted member	jury duty fees (as distinguished from expenses) from any court, except while on authorized leave, and receiving active duty pay and allowances	involuntarily	Table 50-6, rule 2.	
6		amount due the DoD, its instrumentalities, or other Uniformed Services by reason of court judgment			
7		a debt determined valid from a federal agency outside DoD or other Uniformed Service including debts resulting from court judgments			Table 50-6, rule 3.
8		a travel advance in excess of entitlements (note)			involuntarily or pursuant to Military Service regulations

NOTE:

If the member has not filed a claim on a timely basis as defined by Military Service regulations, then the entire amount of the advance is considered to be in excess of entitlements.

Table 50-5. Indebtedness to Individuals and Government Instrumentalities and Agents

INDEBTEDNESS TO INDIVIDUALS AND GOVERNMENT INSTRUMENTALITIES AND AGENTS							
R U L E	A	B	C	D	E	F	G
	If	of	is indebted to	for	and	then collect from current pay	at monthly rate not to exceed that shown in this table or in rule cited
1	an officer or enlisted member	any Military Service	any person	willfully damaging or wrongfully taking property of that person	the commander has convened a board to investigate complaint, and board has assessed damages, and commander has approved an amount of assessment	involuntarily	amount approved by commander not to exceed disposable pay (see subparagraph 500103.D).
2			member's spouse, former spouse or child	Court-ordered child support or alimony			(see Chapter 41, section 4102).
3		the Army or Air Force	a commissary	an uncollectible check which member or member's authorized agent has issued or endorsed to the commissary (notes 1 and 3)		involuntarily or pursuant to Military Service regulations	disposable pay (see subparagraph 500103.D).
4		the Navy or Marine Corps					Table 50-6, rule 2.
5		the Armed Forces	other appropriated fund activity or office	an uncollectible check endorsed or issued by member or member's agent (note 1)			
6		any Military Service	a nonappropriated fund activity	any indebtedness by member or member's agent	the custodian of the nonappropriated fund instrumentality has tried all means for direct collection from member, and a request has been sent to member's commander for assistance in obtaining direct payment		
7			the Internal Revenue Service	delinquent income taxes or court-ordered child support (note 2)	IRS Notice of Levy is served		(see Chapter 41, section 4103 and Chapter 41, section 4102).

Table 50-5. Indebtedness to Individuals and Government Instrumentalities and Agents (Continued)

INDEBTEDNESS TO INDIVIDUALS AND GOVERNMENT INSTRUMENTALITIES AND AGENTS							
R U L E	A	B	C	D	E	F	G
	If	of	is indebted to	for	and	then collect from current pay	at monthly rate not to exceed that shown in this table or in rule cited
8	an officer or enlisted member	any Military Service	a military banking facility overseas	an uncollectible check endorsed or issued by the member or a defaulted loan made to the member	military banking facility overseas has complied with required procedures	involuntarily	Table 50-6, rule 2.

NOTES:

1. Generally, an agent is one who has been given a power of attorney by the member.
2. Upon certification from Department of Health and Human Services to the Department of the Treasury, an Internal Revenue Service Notice of Levy may be issued for delinquent child support. (See Chapter 41, section 4103 of this volume)
3. Effective February 1, 1999, collection of dishonored checks written by the member or the person who presented the check based upon their status and relationship to the member as well as costs associated with that check may be collected involuntarily.

Table 50-6. Rates of Collection

RATES OF COLLECTION					
R U L E	A	B	C	D	E
	If	is indebted for	then the Military Service may authorize or approve liquidation by monthly installments that	and if debt remains at time of separation, collect from final pay	and if total debt is not liquidated from final pay, establish collection from
1	officer or enlisted member of any Military Service	court-ordered child support or alimony and garnishment or attachment of pay is directed by court order	do not exceed limitations set forth in chapter section 4102	as directed by court order	retired pay, retainer pay, or pay in new enlistment and limited by Chapter 41, paragraph 410106.
2		an administratively determined indebtedness to the United States or its instrumentalities	do not exceed maximum limitation specified in subparagraph 500104.A unless member consents to collection of greater amount. Commander may authorize collection of a lesser amount when justified or as provided for in the regulations of the Military Service concerned (note 1)	unpaid pay and allowances, separation payments under Chapter 35, (except donation); Reservists' Involuntary Separation Payment; amounts deducted for United States savings bonds including undelivered bonds; separation travel allowance for officers; reimbursement for transportation of household goods, dislocation and trailer allowance (for enlisted members, do not collect from separation travel allowance, or donation on discharge). If member is retiring, then see paragraph 500106 (notes 1, 2, 5 and 6)	retired pay (see paragraph 500105) or pay in new enlistment.
3		an administratively determined indebtedness to the United States excluding the DoD and its instrumentalities or other Uniformed Services	do not exceed 15 percent of disposable pay for that month (see subparagraph 500104.B)		

Table 50-6. Rates of Collection (Continued)

RATES OF COLLECTION					
R U L E	A	B	C	D	E
	If	is indebted for	then the Military Service may authorize or approve liquidation by monthly installments that	and if debt remains at time of separation, then collect from final pay	and if total debt is not liquidated from final pay, then establish collection from
4	an officer or enlisted member of any Military Service	any indebtedness incurred on or after December 4, 1987, to a Service relief society, (Army Emergency Relief, Air Force Aid Society, Navy Relief Society, or Coast Guard Mutual Assistance)	do not exceed 15 percent of disposable pay for that month (see subparagraph 500104.B)	involuntarily or pursuant to Military Service regulations (note 3)	retired pay (see paragraph 500105) or pay in new enlistment.
5		an overpayment of pay or allowances through no fault of the member (for overpayments made on or after October 17, 2006 through October 28, 2009)	do not exceed 20 percent of disposable pay for that month	involuntarily or pursuant to Military Service regulations (note 3)	retired pay (see paragraph 500106) or pay in a subsequent period of military service.
6		an overpayment of pay or allowances through no fault of the member (for overpayments made on or after October 29, 2009)	do not exceed 15 percent of disposable pay for that month.		

NOTES:

1. For Army and Air Force enlisted members do not exceed the maximum limitation specified in subparagraph 500104.A. This limitation does not apply to enlisted members whose accounts are being settled on discharge for fraud, desertion, or because of mental incompetence.
2. For enlisted members, travel allowances remaining due after the completion of separation travel may be collected.
3. Do not exceed maximum limitation specified in subparagraph 500104.A.1.a.
4. In unusual circumstances, the initiation of collection action of travel advances pursuant to a consent agreement may be delayed if the delay is approved by the Director, Defense Finance and Accounting Service (or designee). However, the repayment period shall, in all cases, be scheduled to repay the advance before the member's expected date of separation.
5. For members transferring to the Retired Reserve and receiving Reservists' Special Separation Pay (RSSP), the entire amount of the RSSP payment(s) is available for offset.
6. If indebtedness is a result of an unfulfilled bonus agreement, and separation is under the Special Separation Benefit (SSB) or Voluntary Separation Incentive (VSI) program, then see subparagraph 350702.F for SSB or [350802.D](#) for VSI.

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