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Homeland Security

United States
Coast Guard



Military Civil and Dependent Affairs

COMDTINST M1700.1

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COMMANDANT INSTRUCTION M1700.1

Subj: MILITARY CIVIL AND DEPENDENT AFFAIRS

Ref: (a) Coast Guard Voting Assistance Program, COMDTINST 1742.3 (series)
(b) United States Coast Guard Regulations 1992, COMDTINST M5000.3 (series)

1. PURPOSE. This Manual establishes Coast Guard policy on civil matters and dependent welfare and special benefits for military personnel.
2. ACTION. All Coast Guard unit commanders, commanding officers, officers-in-charge, deputy/assistant commandants, and chiefs of headquarters staff elements shall comply with the provisions of this Manual. Internet release is authorized.
3. DIRECTIVES AFFECTED. Chapters 16, 18, and 21 of the Personnel Manual, COMDTINST M1000.6 (series), are hereby cancelled. The Coast Guard Personnel Manual is being eliminated and reissued as a set of manuals (including this one) which will allow for more expedited review of updates and promulgation of policy changes.
4. DISCLAIMER. This document is intended to provide operational requirements for Coast Guard personnel and is not intended to nor does it impose legally-binding requirements on any party outside the Coast Guard.
5. PROCEDURES. No paper distribution will be made of this Manual. Official distribution will be via the Coast Guard Directives (CGDS) DVD. An electronic version will be located on the following Commandant (CG-612) web sites. Intranet: <http://cgweb.comdt.uscg.mil/CGDirectives/Welcome.htm>, Internet: <http://www.uscg.mil/directives/>, and CGPortal: <https://cgportal.uscg.mil/delivery/Satellite/CG612>.

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NON-STANDARD DISTRIBUTION:

6. BACKGROUND. This Manual promulgates policy for the handling of civil and dependent matters for military personnel. These policies were previously contained in Chapters 16, 18, and 21 of the Coast Guard Personnel Manual, COMDTINST M1000.6. References to commands and Headquarters offices have been updated to reflect the current Coast Guard organizational structure. Changes to policy in previously issued ALCOAST messages have been incorporated as well as legislatively mandated changes. References to other elements of the legacy Personnel Manual have been updated to reflect the newly promulgated Manuals.
7. DISCUSSION. Citation of the word ‘article’ as used in this Manual is in general terms of reference, e.g. to denote paragraph or section, and is not citing CFR, USC, UCMJ, etc except where so noted.
8. RECORDS MANAGEMENT CONSIDERATIONS. This Manual has been evaluated for potential records management impacts. The development of this Manual has been thoroughly reviewed during the directives clearance process, and it has been determined there are no further records scheduling requirements, in accordance with Federal Records Act, 44 U.S.C. 3101 et seq., National Archives and Records Administration (NARA) requirements, and the Information and Life Cycle Management Manual, COMDTINST M5212.12 (series). This policy does not have any significant or substantial change to existing records management requirements.
9. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS.
 - a. The development of this Manual and the general policies contained within it have been thoroughly reviewed by the originating office in conjunction with the Office of Environmental Management, and are categorically excluded (CE) under current USCG CE # 33 from further environmental analysis, in accordance with Section 2.B.2. and Figure 2-1 of the National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series). Because this Manual contains guidance on, and provisions for, compliance with applicable environmental mandates, Coast Guard categorical exclusion #33 is appropriate.
 - b. This directive will not have any of the following: significant cumulative impacts on the human environment; substantial controversy or substantial change to existing environmental conditions; or inconsistencies with any Federal, State, or local laws or administrative determinations relating to the environment. All future specific actions resulting from the general policies in this Manual must be individually evaluated for compliance with the National Environmental Policy Act (NEPA), Council on Environmental Policy NEPA regulations at 40 CFR Parts 1500-1508, DHS and Coast Guard NEPA policy, and compliance with all other environmental mandates.
10. FORMS/REPORTS. The forms referenced in this Manual are available in USCG Electronic Forms on the Standard Workstation or on the Internet: <http://www.uscg.mil/forms/>; CGPortal at <https://cgportal.uscg.mil/delivery/Satellite/uscg/References>; and Intranet at <http://cgweb.comdt.uscg.mil/CGForms>.

R. T. HEWITT /s/
Assistant Commandant for Human Resources

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CHAPTER 1 CIVIL MATTERS

1.A. Soldiers' and Sailors' Civil Relief Act

1.A.1. Purpose

The Soldiers' and Sailors' Civil Relief Act of 1940, as amended, authorizes civil courts to protect U. S. Armed Forces members' interests by temporarily suspending the enforcement of certain of their civil liabilities if their military service impairs their ability to meet their obligations or assert their rights. The paragraphs below outline the Soldiers' and Sailors' Civil Relief Act's major provisions and more important protections. The articles in parentheses cite where in the Act the material under discussion appears. (Members desiring further information or advice should see the Legal Assistance Officer.)

1.A.2. General Provisions (Article I)

1.A.2.a. Civil Rights and Obligations

It is important to emphasize the fact that subject Act applies to civil rights and obligations only and in no way relieves persons in the Service from the eventual payment of debts or other obligations incurred by them before entering such Service. The subject Act will, when invoked in appropriate cases, defer the payment of such debts and obligations. It will defer the collection of taxes in certain cases regardless of when the same became due and payable. It is further important to observe that, with the exception mentioned as to taxes, subject Act affords no relief to persons in the Service against the collection of debts or other obligations contracted or assumed by them after entering such Service.

1.A.2.b. Impact of Service on Debt

The courts are vested with wide latitude of discretion under the Act. In determining whether or not persons in the Service are entitled to the relief sought, the courts will in each case inquire into and ascertain whether or not the ability of such persons to pay their debts or obligations has been materially impaired by reason of their service. The court will then determine the proper relief to be given.

1.A.2.c. Proper Application

Many of the benefits of the subject Act do not flow automatically to persons in the Service, but will be extended to them only if a proper application for said relief is made to a court having jurisdiction in the matter.

1.A.2.d. Definition of "Service"

For the purpose of this section, the term "persons in the Service" includes the following

persons and no others: All members of the United States Coast Guard, Coast Guard Reserve, and all officers of the Public Health Service detailed by proper authority for duty with the Coast Guard. The term "service" means Federal service on active duty with any branch of the Service heretofore mentioned as well as training and education under the supervision of the United States preliminary to induction into the Service. The term "active service" includes the period during which a person in service is absent from duty on account of sickness, wounds, leave, or other lawful cause.

1.A.2.e. Length of Service

The term "period of service" as used herein shall include the time between the following dates: For persons in active service from 17 October 1940, the date of the approval of the Act, it begins with that date; for persons entering active service after that date, with the date of entering active duty. It shall terminate with the date of discharge from active service, but in no case later than the date when the Act ceases to be in force.

1.A.2.f. Definition of "Person"

The term "person," when used with reference to the holder of any right alleged to exist against a person in the Service or against a person secondarily liable under such right, shall include individuals, partnerships, corporations, and any other form of business association.

1.A.2.g. Definition of "Court"

The term "court" includes any court of competent jurisdiction of the United States or of any State, whether or not a court of record.

1.A.2.h. Applicability to Others

Whenever pursuant to the Act the enforcement of any obligation or the performance of any other Act may be stayed, postponed, or suspended as to a person in the Service, the court in its discretion may also stay, postpone, or suspend said action insofar as it applies to the accommodation makers, sureties, guarantors, and endorsers thereon.

1.A.2.i. When Service Prevents a Member's Court Appearance

Whenever by reason of the service of a principal upon a criminal bail bond the surety is prevented from enforcing the attendance of said principal, the court may discharge such surety and exonerate the bail. A waiver of the rights afforded to persons who are secondarily liable in such cases is permitted under subject Act provided it is executed in writing by a separate instrument from the obligation itself, and provided that the person so executing it has not entered the Service subsequent to the execution thereof.

1.A.3. How the Act Affects Military Members

1.A.3.a. Temporary Suspension of Some Civil Obligations

The primary purpose of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, is to relieve military service members from worry over their inability to meet their civil obligations by temporarily suspending enforcement of certain civil liabilities if such military service impairs their ability to meet such obligations. The Act does not free a Service member from obligations or impose any automatic moratorium on them. It does, however, contain provisions designed to afford protection to those in service with regard to debts, leases, evictions, interest rates, income taxes, personal property taxes, real estate taxes, installment purchases, conditional sales, repossessions, foreclosures, mortgages, storage charges, life insurance, suits, judgments, attachments, executions, garnishments, penalties, statutes of limitation, homesteads, and mining claims. Protection is also provided under certain circumstances and in certain cases for dependents, sureties, endorsers, and persons jointly obligated with service members, and persons under orders to report for induction. The interpretation and application of the provisions of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, in particular cases involve the determination of issues of fact and the exercise of judicial discretion, and are functions of the civil courts. It should be noted that the construction which the courts of the several States have place on certain provisions of the Act is not uniform. In some States it seems to be the policy of the courts to stay an action whenever the defendant is in military service unless he or she files an appearance or a waiver of the benefits of the act, whereas in other States a stay is not ordinarily granted in the absence of a showing that the ability of the Service member or defendant to conduct his or her defense is materially affected by his or her military service. It would be difficult to list those States whose courts do or do not give a liberal construction to the provisions of the Act since in determining whether a service member is entitled to relief each case stands upon its factual circumstances and its own merits.

1.A.3.b. Service Member's Right to an Attorney

Where an action is commenced in any court, if it is brought to the attention of the court that a default in the appearance of the defendant is a result of his or her being a member of the Service the court shall not enter a judgment against such person until it shall have first appointed an attorney to represent the member. No attorney so appointed has the power to waive any right of the person for whom appointed or bind him or her by his or her acts. The court may in such cases require bond of the plaintiff to protect the absent defendant in case the judgment should be later set aside, or may make such further order to enter judgment as in its opinion may be necessary to protect the rights of the defendant. If the court does render judgment against an absent defendant in the Service and it appears that such person was prejudiced thereby, the judgment may, upon a proper application made not later than 90 days after the termination of service, be opened by the court ordering the same and the defendant permitted to defend, provided it appears that the defendant has a meritorious or legal defense.

1.A.3.c. Staying a Civil Action Due to Member's Service

At any stage of any action or proceeding in which a person in the Service (or a person separated from such Service for a period of not longer than 60 days) is either a plaintiff or a defendant the court may on its own motion, or shall on application to it by such person or someone in his or her behalf, stay said proceedings as provided in subject Act unless in the opinion of the court the ability of the plaintiff to prosecute the action or the defendant to conduct his or her defense is not materially affected by reason of his or her service. Where, upon bringing of any action which has for its purpose the enforcement of the terms of any contract, such action is stayed pursuant to the provisions of subject Act, no fine or penalty shall accrue by reason of such stay.

1.A.3.d. Staying a Judgment Against a Service Member

The subject Act provides that in any action commenced in any court against a person in the Service, the court may stay in the execution of any judgment or order entered against such persons; or may vacate or stay any attachment or garnishment of property, or money, or debts against such person in the hands of another whether it be before or after judgment. A stay of proceedings when ordered by the court under the provisions of subject Act may be for the period of service and for three months thereafter (or for any part of such period) and subject to such terms as may be just, whether it be as to payments in installments of such amounts and at such times as the court may fix or otherwise.

1.A.3.e. Service Time not Computed in Statute of Limitations

The period of service will not be counted in computing the time limited by any law for the bringing of any action or proceeding by or against a person in the Service nor shall time be counted against a person in the Service in computing the time in which real property which has been sold or forfeited for any obligation, tax, or assessment may be redeemed.

1.A.3.f. Interest Limited to Six Percent

No obligation or liability which bears interest at a rate in excess of six percent and which was incurred by a person in the Service prior to entry, shall, during his or her period of such service which occurs after 6 October 1942, bear interest at a rate greater than 6 percent unless a court upon application made thereto by the obligee, determines that the ability of the person in service to pay a rate greater than 6 percent is not materially affected by reason of his or her said service. The term "interest" shall be construed in such event to include service charges, renewal charges or fees, or any other charges (except bona fide insurance) in respect to such obligations or liabilities.

1.A.4. Rent, Installment Contracts, Mortgages, Liens, Assignments, and Leases (Article III)

1.A.4.a. Dependents' Eviction Protection

The dependents of a person in the Service cannot be evicted during the term of service from premises occupied by them chiefly for dwelling purposes where the agreed rent is not more than \$150 a month, except by leave of court granted upon application or in legal proceedings affecting the right of possession. The court shall in such cases, upon application, stay said proceedings for not more than three months as provided in the Act unless it appears that the ability of the person to pay the agreed rent is not materially affected by reason of his/her service, or it may make such other order as may be just. The Secretary is empowered to order an allotment of the pay of a person in the Service in a reasonable proportion to discharge rent on premises occupied by the dependents of such person.

1.A.4.b. Real Estate Payments While in the Service

No person who has received a deposit or installment under a contract for the purchase of real or personal property from a person, after the date of payment of said installment, has entered the Service, shall exercise any right or option under such contract to terminate the contract or resume possession of the property for nonpayment of any installment or for any other breach of said contract during the period of such person's service, unless it be done by an action for that purpose in a competent jurisdiction. The court may order a repayment of prior installments or deposits as a condition of terminating the contract or resuming possession of the property, and shall on an application to it by such person in the Service, or by someone on his or her behalf, order a stay of the proceedings as provided in subject Act, if in the opinion of the court the ability of the defendant to comply with the terms of the contract is materially affected by reason of his or her service; or the court may make such other disposition of the case as will, in its judgment, conserve the interests of all parties.

1.A.4.c. Protections for Mortgage-Holders

The provisions of this paragraph apply only to obligations secured by mortgage, trust deed, or other security in the nature of a mortgage upon real or personal property owned by the person in the Service at the commencement of his or her period of service and still owned by the person, which obligations originated prior to such person's period of service. In any proceeding commenced in any court during the period of service to enforce such obligation arising out of nonpayment of any sum due or out of any other breach of the terms thereof occurring prior to or during the period of such service the court may, after hearing, in its discretion, on its own motion, and shall, on application to it by such person in service or some person on his/her behalf, unless in the court's opinion the ability of the defendant to comply with the terms of the obligation is not materially affected by reason of his or her service: (1) Stay the proceedings as provided in subject Act; or (2) make such other disposition of the case as may be equitable to

conserve the interest of all parties. No sale, foreclosure, or seizure shall be made of the property of a person in the Service for said person's nonpayment of any obligation thereon, whether it be under a power of sale, judgment, or otherwise after 6 October 1942 and during the period of service or within three months thereafter, unless such sale is an agreement between the parties as provided in subject Act or upon an order previously granted by the court. Said sale to be valid must also be approved by the court. When a proceeding to foreclose a mortgage, to resume possession of personal property, or to rescind or terminate a contract for the purchase thereof, has been stayed by the court, the court may, unless it would result in an undue hardship to the dependents of such service member, have the property appraised by three disinterested parties appointed by it, and based upon said appraisal order such sum as may be just paid to the person in the Service, or to the service member's dependents, as a condition of foreclosing the mortgage, resuming possession of the property or rescinding or terminating the contract.

1.A.4.d. Lessors' Protections

A lease involving a Service member may be terminated by a notice in writing to that effect, delivered to the lessor at any time following the date of the beginning of such person's service, provided: (1) Such lease covers premises occupied for dwelling, professional, business, agricultural, or similar purposes; (2) such lease was executed by such person or designated agent prior to this entry into the Service; (3) the premises so leased have been occupied for such purposes by such person or by the person and dependents. The delivery of the notice terminating the lease may be accomplished by mailing the same to the lessor or the lessors agent. Where the lease called for monthly payments, the termination shall not become effective until 30 days after the first date on which the next rental payment is due and payable subsequent to the date when such notice is delivered and mailed. The lessor may obtain a modification of the above provisions regarding the termination of a lease where the same is justified in the opinion of the court.

1.A.4.e. Model Lease Clause

The Act does not relieve the service member from the obligations of a lease entered into after entrance into the Service. It is therefore suggested that wide publicity be given to the desirability of including a military clause in every lease of real property. The following language is recommended as accomplishing the desired protection for service personnel. The language is, of course, subject to modification dictated by local conditions.

The said LESSOR covenants and agrees that in the event the said LESSEE shall be transferred from, or be required to occupy Government quarters then, in either of such events, said LESSEE has and shall have the right to terminate this lease before its expiration date by delivering to the LESSOR a thirty (30)-day written notice of such transfer of assignment, and its effective date, said notice to be sent to the LESSOR by registered mail.

1.A.4.f. Foreclosure Protection

Persons in the Service and dependents of persons in service are protected against foreclosure or the enforcement of any lien for storage of household goods, furniture, and personal effects during such person's service for three months thereafter, in the same manner as is hereinabove set forth for the protection of a service member's mortgaged property.

1.A.4.g. Insurance as Collateral

Where any life insurance policy upon the life of a person in the Service has been assigned before he or she entered the Service to secure the payment of any obligation of such person, the assignee of such policy (except the insurer in connection with a policy loan) shall not during the period of such person's service nor within one year thereafter exercise any right of option by virtue of such assignment, unless it be with the consent of the insured in writing made during such period of service or when the premiums thereon are due and unpaid, or upon the death of the insured, or upon leave of court granted on an application made therefore by the assignee.

1.A.5. Insurance (Article IV)**1.A.5.a. Definitions**

For the purpose of this paragraph the following definitions shall apply:

- (1) Insured. The term "insured" includes any person (male or female) on active duty with the Armed Forces of the United States except personnel performing an initial period of active duty for training of three to six months under the provisions of section 262 (c) of the Armed Forces Reserve Act of 1952, as amended, who is the insured and the owner and holder of a policy.
- (2) Policy. The term "policy" includes any contract of life insurance on a life or endowment, or term plan, and any benefit in the nature of life insurance arising out of a membership in any fraternal or beneficial association, which was made and a premium paid before 6 October 1942, or not less than 180 days before the date the insured entered into the military service. A policy is not eligible for protection if it contains any provision excluding or restricting liability for death arising from or in connection with military service or any activity which the insured may be called upon to perform in connection with military service or requires the payment of an additional premium because of military service. A policy must be in force on a premium-paying basis at the time of application for benefits under the Act. Policies of United States Government Life Insurance and National Service Life Insurance are not included within the provisions of the Act.
- (3) Premium. The term "premium" includes that amount specified in the policy as a stipend to be paid by the insured at regular intervals during the period therein stated,

and membership dues and assessments in an association.

- (4) Insurer. The term "insurer" includes any firm, corporation, partnership, or association which is chartered or authorized to engage in the insurance business and to issue a policy by the laws of a State of the United States or the United States.

1.A.5.b. Applicability

The provisions of the Act are not available except upon application made by the insured, by a person designated by the insured, or by the beneficiary if the insured is outside the continental United States, Alaska, and the Panama Canal Zone. Any writing signed by the insured designating a person, firm, or corporation to make application for benefits under the Act shall be sufficient authority for the making of such application for the insured by such agent. When application is made by a person designated by the insured, the instrument or other writing authorizing such action must be attached to the application executed by the agent.

1.A.5.c. Protection Maximum

The provisions of the Act are not applicable to insurance in excess of \$10,000 on the life of an insured, and a policy (or policies) for a face amount exceeding that amount will be divided into two policies at the request of the Veterans Administration. If applications are made by an insured on policies exceeding a face amount of \$10,000 (one or more policies with one or more insurers), without indicating a preference, the Veterans Administration will select the policy (or policies) which affords the best security to the Government.

1.A.5.d. Failure to Pay Premiums

A policy which has been brought within the provisions of the Act shall not lapse or otherwise terminate for the nonpayment of a premium or the nonpayment of any indebtedness or interest, during the period of military service of the insured and two years thereafter, but this guarantee shall not extend for more than two years after the date when the Act ceases to be in force. Premiums may be paid by the insured direct to the insurer when due even though a policy has been placed under the protection of the Act; also after an indebtedness has been established under authority of the Act payments may be made from time to time to reduce the indebtedness. It is also the insured's privilege to withdraw the policy from protection of the Act at any time during the period of protection by making such a request over the insured's signature either to the insurance company or the Veterans Administration.

1.A.5.e. Obtaining VA Approval

Before any dividend is paid, or any loan or settlement made on a policy while protected by the provisions of the Act, the written consent of the Veterans Administration must be obtained. The United States will guarantee payment of premiums and interest thereon at

the rate specified in the policy for policy loans. If the amount guaranteed by the United States is not paid to the insurer prior to the expiration of the period of protection under the Act, the amount due will be treated by the insurer as a policy loan. If the cash surrender value of the policy is less than the amount then due, the policy shall cease and terminate and the United States shall pay the insurer the difference between the amount guaranteed and the cash surrender value. The amount paid by the United States to an insurer shall become a debt to the United States by the insured on whose account payment was made.

1.A.5.f. Paying Death Claims

In the event a policy protected by the provisions of the Act matures as a death claim, the insurer will deduct the amount of any unpaid premiums, with interest at the rate provided for policy loans, from the proceeds of the policy and report the amount so deducted to the Veterans Administration.

1.A.5.g. Act's Provisions Extended

Under the provisions of section 14 of the Selective Service Act of 1948 (Public Law 759, 80th Cong., 62 Stat. 623) the provisions of the Soldiers' and Sailors' Civil Relief Act, as amended, were extended until such time as the Act is repealed or otherwise terminated by a subsequent act of Congress.

1.A.6. Taxes (Article V)

1.A.6.a. Relieving Tax Obligations

Under certain conditions subject Act relieves against any unpaid taxes or assessments, whether general or special (other than taxes on income), whether falling due prior to or during the period of service, respecting personal property, money, or credits, or real property owned and occupied for dwelling, professional, business, or agricultural purposes by a person in the Service or the individuals dependents at the commencement of the member's period of service and still so occupied by his or her dependents or employees. The Act does not prohibit selling such property for delinquent taxes, but provides that a tax collector must first apply to obtain a court's permission to do so. If said property is sold, as aforesaid, the Service member has a right to begin an action to redeem the same within six months after the termination of the member's service, but not later than six months after the termination of the war. Said delinquent taxes or assessments during the period of service shall bear interest at six percent per annum and no other penalty shall be added.

1.A.6.b. Deferring Paying Taxes

Collecting income tax from Service members whose service materially impairs their ability to pay such taxes, may, where application is made therefore, be deferred for a period of time extending not more than six months after the termination of such person's

service, but not later than six months after termination of the war. The relief afforded by the subject Act applies whether the tax becomes due prior to or during the person's term of service, and where such deferment is granted, no interest or penalty will be charged thereon. The above provisions do not provide for deferment in the filing of income tax returns. The collector may also require a financial statement from the person requesting deferment of payment.

1.A.6.c. Maintaining Residence

For the purposes of taxation of a person, the persons personal property, or income by any State, territory, possession, or political subdivision thereof, or the District of Columbia, subject Act provides that no person in the Service shall be deemed to have lost residence or domicile in any of the foregoing solely by reason of being absent therefrom in compliance with military or naval orders, nor to have become a resident of any other State, territory, possession, political subdivision, or the District of Columbia while and solely by reason of being so absent. The compensation for military or naval service shall not be deemed income for services performed within, or from sources within, such State, territory, possession, political subdivision, or District, and personal property shall not be deemed to be located or present in, or have a situs for taxation in, any State, territory, or other jurisdiction of which the person is not a resident, or in which the person is not domiciled. This Act does not prevent taxation by any State, territory, possession, or political subdivision of any of the foregoing, or the District of Columbia in respect of personal property used in or arising from a trade or business if it otherwise has jurisdiction. When used in this section, "personal property" includes tangible and intangible property (including motor vehicles); "taxation" includes (but is not limited to) licenses, fees, or excises imposed in respect to motor vehicles or the use thereof, provided the license, fee, or excise required by the State, territory, possession, or District of Columbia, of which the person is a resident or in which the person is domiciled has been paid.

1.A.6.d. Model Statement

Below is the general form of statement of a member of the Armed Forces to the State or local taxing claiming exemption from personal property tax or income tax under the Soldiers' and Sailors' Civil Relief Act, as amended. The form of statement can be changed to cover the specific tax involved and may be altered to fit the facts as to place of duty station and domicile:

Exception from the tangible personal property tax (income tax) of the State of _____ is hereby claimed under the provisions of Section 514 of the Soldiers' and Sailors' Civil Relief Act, as amended. The undersigned, whose permanent residence is in the State of _____ is a member of the Armed Forces and is residing in the State of _____ solely in compliance with military orders requiring the members presence in this area.

(Name and grade or rating)

(Local residence)

(Service number) USCG

1.A.7. Further Relief (Article VII)

A person may, at any time during his or her period of service or within six months thereafter, apply to a court for relief in respect to any obligation or liability incurred by such person prior to his or her period of service or in respect of any tax or assessment, whether falling due prior to or during such service. The court, after appropriate notice and hearing, unless in its opinion the ability of the applicant to comply with the terms of such obligation or liability or to pay such tax or assessment has not been materially affected by reason of his or her service, may grant the following relief:

1.A.7.a. Installment Contract to Purchase Real Estate

If the obligation is an installment contract to purchase real estate, or is secured by a mortgage on real estate, stay its enforcement during the period of service, and from the date of the member's release from active duty or the date of application for relief, if made after such service, for a period equal to the remainder of the life of the instrument, plus the time in service of the applicant, or any part of such combined period, subject to the payment of the unpaid principal and interest in equal installments during the combined period, with interest thereon at the rate provided in the instrument for installments paid when due.

1.A.7.b. Other Obligations, liabilities, taxes, or Assessments

A court similarly may stay other obligations, liabilities, taxes, or assessments for a period of time equal to the applicant's period of service or any part thereof. The member must pay principal and interest due in equal periodic installments during the extended period, with interest at the rate prescribed in the obligation, liabilities, tax or assessment, as if the member had paid when due.

1.B. Voting

1.B.1. Purpose

This section establishes policies and fixes responsibility for administering absentee voting for every person, in the following categories, who is absent from their place of voting residence and is eligible to vote under the laws and procedures of their State of voting residence. These policies apply to Coast Guard members; other Armed Services members serving with the Coast Guard, while in active service; their spouses and dependents; U. S. civilian employees administered by the Coast Guard serving outside U. S. territorial limits; and their spouses and dependents residing with or accompanying them. This eligibility is not dependent upon the employee being subject to the civil service laws and the Classification Act of 1949 or being paid from appropriated funds.

1.B.2. Authority

By Executive Order 12642, June 8, 1988, the President designated the Secretary of Defense to coordinate and facilitate actions required to discharge Federal voting responsibilities. The current legislative mandate is the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (42 USC 1973). The Secretary of Defense has further delegated this responsibility to the Director, Administration and Management, Office of the Secretary of Defense, who has appointed the Director, Federal Voting Assistance Program to manage this program. Commandant (CG-1221) coordinates the Coast Guard's Voting Assistance Program.

1.B.3. Definitions

For the purposes of this section, the following definitions apply:

1.B.3.a. Armed Forces

The Uniformed Services, including the Regular and Reserve (on active duty) components of the United States Army, United States Navy, United States Air Force, United States Marine Corps, United States Coast Guard, uniformed members of the National Oceanic and Atmospheric Administration, United States Public Health Service, and the cadets of the United States Coast Guard Academy.

1.B.3.b. Dependent

Any person who is in fact dependent on the member listed above. In the event of controversy, 37 USC 401 shall apply.

1.B.3.c. State Absentee Ballot

Any ballot provided by a State or political subdivision thereof for absentee voting.

1.B.3.d. Voting Residence.

The residence where an individual would vote if circumstances permitted.

1.B.4. Policy**1.B.4.a. Voting Assistance Program Objectives**

Every eligible person shall be afforded an opportunity to vote by absentee ballot in any election for which their State of voting residence has been established enabling laws and procedures. The Coast Guard Voting Assistance Program shall be administered to ensure that:

- (1) Members of the Coast Guard and members of other Armed Forces serving with the Coast Guard are advised of their rights, privileges, and responsibilities regarding voting. Other individuals cited in Article 1.B.1. of this Manual shall receive as much advice as can be provided to meet their individual desires.
- (2) Reference (a), Coast Guard Voting Assistance Program, COMDTINST 1742.3 (series), will be used to provide current absentee voting information for individual states. The Guide will be supplemented throughout the election cycle with Voting News Releases issued by the Director, Federal Voting Assistance Program, message address SECDEF WASHINGTON DC //OSD:ADMIN/FVAP//.
- (3) Individuals shall be permitted to vote in such a manner to safeguard the integrity and secrecy of their ballots. They must be provided assistance in establishing and understanding voting procedures as well as the services of an officer or other official authorized to attest the required oaths.
- (4) The Coast Guard will conform to Department of Defense guidance and direction with respect to the Voting Assistance Program.

1.B.4.b. Command's Authority

The determination of what, under existing circumstances, is practical and compatible with military operations is a military command responsibility. The command's decision, made in good faith, is conclusive. In general, the voting opportunities referred to in these sections should be compatible with military operations whenever local conditions permit individuals to prepare, send, and receive personal mail.

1.B.5. General**1.B.5.a. Information Sources**

General instructions on absentee voting by members of the Armed Forces and their dependents are contained in reference (a), Coast Guard Voting Assistance Program,

COMDTINST M1742.3 (series). Additional information is published for the current voting cycle by the Federal Voting Assistance Program, COMDTINST 1743.3 (series), Commandant Notices, the Commandant's Bulletin, and by periodic Voting News Release messages.

1.B.5.b. Command Assistance

All available means should be used to carry out the spirit and intent of the Voting Assistance Program. Individual and group assistance and instruction sessions as well as employing the full use of normal communications/information channels, such as unit newspapers, Plans of the Day and Week, bulletins, and public address system announcements should be used. A list of materials, including posters, pamphlets, and videotapes, available to support local programs will be published prior to each general election.

1.B.5.c. Armed Forces Voters Day and Week

Armed Forces Voters Day and Week will be designated each year of a general election to provide an opportunity to concentrate efforts on encouraging eligible personnel to complete and mail absentee ballot applications. All Coast Guard units are encouraged to plan special events and programs for Armed Forces Voters Day and Week and publicize the date and planned activities widely.

1.B.6. Responsibilities

1.B.6.a. Commandant (CG-1221)

Commandant (CG-1221) will be responsible for:

- (1) Providing liaison with the Department of Defense, specifically the Director, Federal Voting Assistance Program.
- (2) Disseminating information to logistics/service centers, districts, and select Headquarters and field units (AIG 4919) concerning absentee voting.

1.B.6.b. Districts and Logistics/Service Centers

District commanders and commanders of logistics/service centers are responsible for prompt dissemination of voting information received from Commandant to all units under their command.

1.B.6.c. Commanding Officers

Commanding officers are responsible for the administration of the Coast Guard Voting Program within their command. It is the duty of each commanding officer to:

- (1) Designate a commissioned officer as the unit voting officer to represent the commanding officer and act under their supervision in the discharge of voting program responsibilities. Assistant voting officers or voting counselors shall be designated in order to achieve a ratio of one assistant voting officer or voting counselors for every 20 members of the command. The Voting Officer or Counselors should be readily available and equipped to give personal assistance to voters for Federal, State, and local elections. In addition, any person who appears to need assistance in reading or understanding any English language material relating to voting or voter registration should receive immediate assistance in the appropriate language. Duty as voting officer or assistant voting officer or counselor shall be a collateral duty.
- (2) Disseminate and publicize throughout the command the information received from Commandant, district, or logistics/service centers regarding election date and State voting procedures.
- (3) Ensure that Federal Post Card Applications (FPCA), SF 76, are:
 - (a) Delivered to all Coast Guard members of voting age under their command to use in applying for State absentee ballots for general elections where candidates for Federal offices are elected as follows:
 - [1] By 15 August before the election for military and civilians serving outside the territorial limits of the United States, and
 - [2] By 15 September before the election for military personnel serving inside the territorial limits of the United States.
 - (b) Made available to those cited in Article 1.B.1 of this Manual for use in all elections for which State laws provide for absentee voting.
- (4) Ensure that Federal Write-In Absentee ballots (FWAB), Form SF 86, are provided to units located overseas and to cutters anticipating deployment immediately prior to or during the scheduled election. These ballots supplement the FPCA as they provide a means of voting for Federal officials if the members home State absentee ballot does not arrive in time for the election.
- (5) Provide for suitable observance of the Armed Forces Voter Day and Week established for each general election.
- (6) Arrange for administering and attesting the oath on the FPCA and with the State ballot, where required. While any commissioned, warrant, or petty officer may administer and attest such oath, it is recommended that a commissioned officer do so since some States do not honor the oath unless a commissioned officer attests to it. When designating a non-commissioned officer as Voting Officer, ensure the member has an official letter of designation.

- (7) Take all reasonable measures to facilitate transmission, delivery, and return of FPCA's, ballots, envelopes, and instructions identifiable as balloting material to and from command personnel. All such mail originating from overseas should be returned by air mail.
- (8) Provide an opportunity to execute ballots free from coercion and fraud and safeguard the integrity and security of the ballots.
- (9) Assist in post-election surveys in the manner specified by the Director, Federal Voting Assistance Program.
- (10) File an After-Action Report as specified by the Director, Federal Voting Assistance Program.
- (11) Carry out these obligations to the greatest extent practicable and compatible with military operations.

1.B.6.d. Voting Officers

Voting Officers provide factual, accurate, and totally unbiased information on how the service member and dependents may vote by absentee ballot or in person. It is the duty of the Voting Officer to:

- (1) Trains and instructs the command assistant voting officers/counselors in the conduct of their responsibilities.
 - (2) Maintains an adequate supply of current FPCA's and FWAB's for issue to every member and dependent of voting age.
 - (3) Reviews the stock of voting materials and ensures adequate quantities are maintained on hand.
 - (4) Reviews reference (a), Coast Guard Voting Assistance Program, COMDTINST M1742.3 (series), and advises personnel on how to establish State voting eligibility and when, how, and with what frequency to send for ballots. Contacts district, logistics/service centers, or Commandant (CG-1221) for special problems not covered in the Coast Guard Voting Assistance Program.
 - (5) Works with the commanding officer to plan and establish an effective voting program. It is important for every member of voting age to know their State registration status and the specific requirements for a ballot.
 - (6) Acts well in advance of each election to establish the eligibility to vote of all individuals listed in Article 1.B.1. of this Manual.
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1.B.7. Eligibility to Vote

It is the responsibility of election officials within each State to determine the eligibility of an individual to vote under the laws of that State. Such determination will not be made by any member of the Armed Forces. Military officials acting in an official capacity will refrain from making contact with such officials in order to obtain State or other balloting materials or general information concerning State or other election procedures. All such contact will be made through the Director, Federal Voting Assistance Program. However, nothing herein denies or limits the rights of any individual to make any inquiry which they desire of officials or other persons in their home State regarding the exercise of their personal voting privilege.

1.B.8. Attempts to Influence an Election

It is unlawful for any commissioned, warrant, petty officer, noncommissioned officer, or seaman in the Armed Forces to attempt to influence any member of the Armed Forces to vote or not to vote for any particular candidate or issue, or to require any member of the Armed Forces to march to any polling place or place of voting. Nothing in this paragraph prohibits the free discussion of political issues or candidates for public office. Political Activities by Members of the Armed Forces, DoD Directive 1344.10, details permitted and prohibited political activities for active duty members in the Armed Forces.

1.B.9. Handling Ballots Expeditiously**1.B.9.a. Speeding Transmittal**

Coast Guard personnel will expedite the transmission, handling, and delivery of incoming mail and the postmarking, handling, dispatching, and transmission of outgoing mail identifiable as balloting material. Outgoing balloting material will be dispatched in separate containers (trays, tubs, or bags) and be clearly labeled/tagged as balloting material. All mail identifiable as balloting material will be sent via an expedited service, i.e. U. S. Express Mail, and transported by air to and from points outside the United States, as practicable and compatible with military operations. While in the hands of the Coast Guard, balloting mail carried by air will be given priority over other classes of mail.

1.B.9.b. Voting Documents Postage-Free

The law provides that official cards, ballots, voting instructions, and envelopes, whether transmitted individually or in bulk, shall be free of postage and requires the use of an expedited service, during general Federal Elections, for voted ballots returned via the United States mail. Mailing materials and postage paid express mail labels are distributed to applicable Coast Guard units by DoD via Commandant (CG-611).

1.B.9.c. Official FPCA Symbols

To facilitate ready separation and expedite handling as mail, the FPCA bears a distinctive marking and air mail symbols. Federal Voting law has recommended to several States that similar marking and symbols be used on State absentee ballot envelopes.

1.B.10. Safeguarding Ballots

Every individual concerned with the administration of absentee voting shall take all necessary steps to prevent fraud, to protect voters against coercion of any sort, and to safeguard the integrity and secrecy of the cast ballot.

1.C. Coast Guard Members' Political Activities

1.C.1. Definitions

1.C.1.a. Active Duty

Full-time duty in the active military service of the United States without regard to duration or purpose, including full-time training duty; annual training duty; attendance, while in the active military service, at a school designated as a Service school by law or by the Secretary of the Military Department concerned; and National Guard duty, as defined in 10 U.S.C. § 101(42).

1.C.1.b. Armed Forces

The term "Armed Forces" encompasses the U. S. Army, Navy, Air Force, Marine Corps, and Coast Guard, including the Reserve components and the National Guard.

1.C.1.c. Civil Office

A nonmilitary office whose holder exercises civil government powers or authority, including elective and appointive office in the U. S. Government, a U. S. Territory or possession, State, county, municipality, or official subdivision thereof.

1.C.1.d. Extended Active Duty

Active duty under a call or order for a period in excess of 180 days.

1.C.1.e. Nonpartisan Political Activity

Activity supporting or relating to candidates not representing, or issues not specifically identified with, national or State political parties and associated or ancillary organizations. Issues relating to constitutional amendments, referendums, approval of municipal ordinances, and others of similar character are not considered under this section as being specifically identified with national or State political parties.

1.C.1.f. Partisan Political Activity

Activity supporting or relating to candidates representing, or issues specifically identified with, national or State political parties and associated or ancillary organizations.

1.C.2. Policy Guidelines

1.C.2.a. General

(1) Approved Actions. A member on active duty may:

- (a) Register to vote, vote, and express opinions on political candidates and issues, but not as a representative of the Armed Forces.
 - (b) Make monetary contributions to a political organization.
 - (c) Attend partisan and nonpartisan political meetings or rallies as a spectator when not in uniform.
- (2) Disapproved Actions. A member on active duty shall not:
- (a) Use official authority or influence to interfere with an election, affect its course or outcome, solicit votes for a particular candidate or issue, or require or solicit political contributions from others.
 - (b) Be a candidate for or hold civil office except as Article 1.C.2.c.(4) of this Manual authorizes.
 - (c) Participate in partisan political management, campaigns, or conventions.
 - (d) Make campaign contributions to another member of the Armed Forces, or an employee of the Federal Government.
- (3) References. To assist in applying the foregoing general provisions to particular factual situations, Article 1.C.3. of this Manual contains representative examples of political activities which are deemed permissible or prohibited. These guidelines do not supersede other statutory provisions or the instructions contained in the Uniform Regulations, COMDTINST M1020.6 (series).

1.C.2.b. Candidacy for Elective Office

A member on active duty may not:

- (1) Campaign as a candidate for nomination or as a nominee for civil office, except as authorized in Article 1.C.2.c.(4) of this Manual. When circumstances warrant, Commandant (CG-1221) may permit a member to file such evidence of nomination or candidacy for nomination as may be required by law. Such permission shall not authorize activity while on active duty that is otherwise prohibited.
- (2) Become a candidate for any civil office while serving an initial tour of extended active duty or a tour of extended active duty that the member agreed to perform as a condition of receiving schooling or other training wholly or partially at U. S. Government expense.

1.C.2.c. Election or Appointment to Civil Office

Except as authorized by Article 1.C.2.c.(4) of this Manual or otherwise provided for by

law, no member on active duty may hold or exercise the functions of civil office:

- (1) In the U. S. Government that:
 - (a) Is an elective office.
 - (b) Requires an appointment by the President by and with the advice and consent of the Senate.
 - (c) Is a position on the Executive Schedule under 5 U.S.C. § 5312 to § 5317.
- (2) In the government of a State; the District of Columbia; a Territory, possession, or commonwealth of the United States; or in any political subdivision thereof.
- (3) A member may hold or exercise the functions of a civil office in the U. S. Government that is not described in Article 1.C.2.c.(1) of this Manual, when assigned or detailed to such office or to perform such functions.
- (4) As long as they are not serving on extended active duty (EAD), enlisted members and Reserve officers may hold partisan or nonpartisan civil office if such office is held in a private capacity and does not interfere with the performance of military duties. Additionally, enlisted members on extended active duty may seek and hold nonpartisan civil office as a notary public or member of a school board, neighborhood planning commission, or similar local agency, as long as such office is held in a private capacity and does not interfere with the performance of military duties. Officers on active duty may seek and hold nonpartisan civil office on an independent school board that is located exclusively on a military reservation.
- (5) A member elected or appointed to a prohibited civil office may request retirement and shall be retired if eligible for retirement. If such member does not request or is not eligible for retirement, the member shall be discharged or released from active duty, as determined to be appropriate by the Commandant.
- (6) The separation and retirement requirements of Article 1.C.2.c.(5) above do not apply if the member declines to serve in the prohibited office, if the Commandant determines that the member should not be released from active duty based on the needs of the Service, or if the member is:
 - (a) Obligated to fulfill an active duty Service commitment.
 - (b) Serving or has been issued orders to serve afloat or in an area that is overseas, remote, a combat zone, or a hostile fire pay area.
 - (c) Ordered to remain on active duty while the subject of an investigation or inquiry.
 - (d) Accused of an offense under the Uniform Code of Military Justice (UCMJ), or

serving a sentence or punishment for such an offense.

- (e) Pending administrative separation action or proceedings.
 - (f) Indebted to the United States.
 - (g) On active duty during a period of declared war, a national emergency, or other period when a unit of the Reserves or National Guard has been called on active duty.
- (7) A member who refuses to decline to serve in a prohibited civil office after being denied separation or retirement in accordance with Article 1.C.2.c.(6) of this Manual, may be subject to disciplinary or adverse administrative action under Service regulations.
- (8) No actions undertaken by a member in carrying out assigned military duties shall be invalidated solely by virtue of such member having assumed or exercised the functions of a civil office in violation of this Section.

1.C.2.d. Local Nonpartisan Political Activities

This Section does not preclude participation in local nonpartisan political campaigns, initiatives, or referendums. A member taking part in local nonpartisan political activity, however, shall not:

- (1) Wear a uniform or use any Government property or facilities while participating.
- (2) Allow participation to interfere with or prejudice the member's performance of military duties.
- (3) Engage in conduct that in any way may imply that the Coast Guard or Department of Homeland Security has taken an official position on, or is otherwise involved in, the local political campaigns or issue.

1.C.2.e. Political Activities Not Expressly Permitted or Prohibited

Some activities not expressly prohibited may be contrary to the spirit and intent of this Section. In determining whether an activity violates the traditional concept that military members should not engage in partisan political activity, rules of reason and common sense shall apply. Avoid any activity that may be viewed as associating the Departments of Defense or Homeland Security, or any of their components, directly or indirectly with a partisan political cause or candidate.

1.C.2.f. Additional Requirements

Members of the Armed Forces on active duty engaging in permissible political activities

shall:

- (1) Give full time and attention to the performance of military duties during prescribed duty hours.
 - (2) Avoid any outside activities that may be prejudicial to the performance of military duties or are likely to bring discredit upon the Armed Forces.
 - (3) Refrain from participating in any political activity while in military uniform, or using Government facilities or resources for furthering political activities.
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1.C.3. Permitted and Prohibited Political Activities

1.C.3.a. Permitted Political Activities

In accordance with the policies established in Article 1.C.2. of this Manual, a member on active duty may:

- (1) Register to vote, vote, and express personal opinion on political candidates and issues, but not as a representative of the Armed Forces.
- (2) Promote and encourage other military members to exercise their voting rights, if such promotion does not constitute an attempt to influence or interfere with the outcome of an election.
- (3) Join a political club and attend its meetings when not in uniform.
- (4) Serve as an election official, if such service is not as a representative of a partisan political party, does not interfere with military duties, is performed while out of uniform, and has the prior approval of the Commandant (CG-1221).
- (5) Sign a petition for specific legislative action or a petition to place a candidate's name on an official ballot, if the signing does not obligate the member to engage in partisan political activity and is done as a private citizen and not as a representative of the Armed Forces.
- (6) Write a letter to the editor of a newspaper expressing the member's personal views concerning public issues or political candidates, if such action is not part of an organized letter-writing campaign or concerted solicitation of votes for or against a political party or partisan political candidate.
- (7) Make monetary contributions to a political organization, party or committee favoring a particular candidate or slate of candidates, subject to the limitations under 2 USC 441 a and USC 607.
- (8) Display a political sticker on the member's private vehicle.

1.C.3.b. Prohibited Political Activities

In accordance with the policies established in Article 1.C.2. of this Manual and other pertinent statutory restrictions, a member on active duty shall not:

- (1) Use official authority or influence to interfere with an election, affect its course or outcome, solicit votes for a particular candidate or issue, or require or solicit political contributions from others.
- (2) Be a candidate for civil office in Federal, State, or local government, except as authorized in Article 1.C.2.c.(4) of this Manual or engage in public or organized soliciting of others to become partisan candidates for nomination or election to civil office.
- (3) Participate in partisan political management or campaigns, or make public speeches in the course thereof.
- (4) Make campaign contributions to another member of the Armed Forces, or to a civilian officer or employee of the United States for promoting a political objective or cause.
- (5) Solicit or receive a campaign contribution from another member of the Armed Forces or from a civilian officer or employee of the United States for promoting a political objective or cause.
- (6) Allow or cause to be published partisan political articles signed or written by the member that solicit votes for or against a partisan political party or candidate.
- (7) Serve in any official capacity or be listed as a sponsor of a partisan political club.
- (8) Speak before a partisan political gathering of any kind for promoting a partisan political party or candidate.
- (9) Participate in any radio, television, or other program or group discussion as an advocate of a partisan political party or candidate.
- (10) Conduct a political opinion survey under the auspices of a partisan political group or distribute partisan political literature.
- (11) Use contemptuous words against the officeholders described in 10 U.S.C. § 888.
- (12) Perform clerical or other duties for a partisan political committee during a campaign or on Election Day.
- (13) Solicit or otherwise engage in fund-raising activities in Federal offices or facilities, including military reservations, for a partisan political cause or candidate.

- (14) March or ride in a partisan political parade.
 - (15) Display a large political sign, banner, or poster (as distinguished from a bumper sticker) on the top or side of a private vehicle.
 - (16) Participate in any organized effort to provide voters with transportation to the polls if the effort is organized by, or associated with, a partisan political party or candidate.
 - (17) Sell tickets for or otherwise actively promote political dinners and similar fund-raising events.
 - (18) Attend partisan political events as an official representative of the Armed Forces.
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1.D. Using Military Titles in Commercial Activities

1.D.1. Prohibition of the Use of Words "U. S. Coast Guard"

14 U.S.C. § 639 prohibits the use of the words or letters "USCG, USCGR, Coast Guard, United States Coast Guard, Coast Guard Reserve, United States Coast Guard Reserve, Coast Guard Auxiliary, United States Coast Guard Auxiliary, Lighthouse Service, or Life Saving Service," either alone or in combination with other letters or words, as the name under which the user shall do business for the purpose of trade, or by way of advertisement to induce the effect of leading the public to believe that the user has any connection with the Coast Guard. While it is true that both retired and Reserve personnel have a connection with the Coast Guard, the connection condemned by the statute has reference to inducing the public to believe that the Coast Guard officially is interested in or connected with the subject matter of the advertisement.

1.D.2. Personnel on Active Duty

While on active duty, officers and enlisted personnel of the Coast Guard and Coast Guard Reserve are prohibited from using their military titles in connection with any commercial enterprise. Subject to existing regulations, authorship of material for publication shall be specifically exempted from this provision.

1.D.3. Retired Personnel

While on inactive duty, retired officers and enlisted personnel, both Regular and Reserve, are permitted to use their military titles in connection with commercial enterprises.

1.D.4. Reserve Personnel

While on inactive duty, officers and enlisted personnel of the Coast Guard Reserve are permitted to use their military titles in connection with commercial enterprises.

1.E. Civilian Employment During Off-Duty Hours

1.E.1. General

1.E.1.a. Policy

Coast Guard personnel on active duty are in 24-hour duty status, and their military duties shall at all times take precedence on their time, talents, and attention. However, subject to the conditions listed below, personnel are not prohibited from engaging in legitimate and ethical enterprise or employment during their off-duty hours. Personnel who accept off-duty employment must realize that even though they are on leave or liberty they are subject to recall and duty at any time.

1.E.1.b. Prohibited Employment

Personnel on active duty shall not engage in any civilian employment enterprise that, in the opinion of the commanding officer or officer-in-charge:

- (1) Detracts from unit readiness or poses a security risk of any kind.
- (2) By reason of the hours or nature of the work, interferes with or is not compatible with proper and efficient performance of their military duties.
- (3) May reasonably be expected to bring discredit on the Service.
- (4) Is unethical in view of the possible exercise of influence attending the member's military position.
- (5) Involves conflict of interest, or the appearance of conflict of interest. Generally, this restriction precludes employment by any individual or business organization having a direct business relationship with the Coast Guard as a vendor, contractor, or subcontractor.
- (6) Is contrary to the provisions of any Federal, State, or local law or ordinance.
- (7) Permits or appears to permit the employer to gain an advantage over his or her competitors in transacting business with the Government by virtue of the employee's Coast Guard affiliation.
- (8) Involves the solicitation of life insurance, mutual funds and other investment plans, commodities, and services on any U. S. Government installation with or without compensation.
- (9) Involves personal commercial solicitation and sale to military personnel who are junior in grade or rate. This prohibition is applicable to activities on or off an installation, in or out of uniform, while on or off duty, and includes, but is not limited

to, the personal solicitation and sale of life and automobile insurance, stocks, mutual funds, real estate, or other commodities, goods or services. As used in this subparagraph, "personal commercial solicitation" refers to those situations where a military member is employed as a sales agent on commission or salary and contacts prospective purchasers suggesting they buy the commodity, real or intangible, that he or she is offering for sale. This Article does not prohibit the one-time sale of a member's personally owned property. It is not the intent of this subparagraph to discourage the off-duty employment of military personnel but it is intended to prohibit business dealings among members where grade, rank or position may be brought to bear or appear to do so.

1.E.1.c. Labor Disputes

Off-duty employment of military personnel by an organization involved in a strike or lock-out is permissible if the member was on the payroll of such organization prior to the commencement of the strike, if the member will not be required to work at a site or location where a strike or lock-out actually is in progress, and if the employment otherwise conforms with this Article's provisions. No military member may accept initial employment by an organization at a location where the business is involved in a strike or lock-out after the onset and during the course of such a labor dispute. Members who have accepted employment in violation of the above prohibition must terminate such employment immediately.

1.E.1.d. Wearing a Uniform at Civilian Employment

No distinctive parts of the uniform may be worn by personnel while engaged in off-duty employment, nor shall a member engaged in such activity obligate or commit the Coast Guard or in any way create an impression to the public that he or she is acting in an official capacity.

1.E.1.e. Participation in Non-Federal Entities

- (1) Law and Regulation. By law and regulation, Federal employees are prohibited from participating in matters on behalf of the Government which might affect the interests of an organization they are affiliated with in a personal capacity. Coast Guard personnel who in their personal capacity (e.g., on their own time and at their own expense) are involved in managing non-Federal organizations, e.g., serve as officer, director, trustee, etc., shall notify their commanding officer of the nature of their involvement with a non-Federal organization. Coast Guard personnel who are required to file financial disclosure reports shall disclose such involvement when completing their new entrant or annual reports. (See Financial Disclosure Reports, COMDTINST M5370.9 (series).)
- (2) Department of Homeland Security Policy. By Department of Homeland Security policy, all employees are prevented from holding any management position (as described above) with a non-Federal organization in their official capacity unless

specifically authorized by statute. Employees are encouraged to maintain their relationships with such non-Federal organizations in a non-voting, official liaison capacity. An official liaison acts as an intermediary between the Coast Guard and the non-Federal organization, and informs the organization of Coast Guard views and policies on subjects of interest to the organization.

- (3) Coast Guard Policy. By agency policy, special rules govern service by officers, in grades O-7 through O-10, who serve as an officer or member of the board of any non-Federal entity. Flag officers wishing to serve on the board of such entities should contact the Office of General Law (CG-0944) for further guidance.
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1.E.2. Procedures

1.E.2.a. Commanding Officer's Authority

While personnel shall not normally be restrained from engaging in legitimate and ethical enterprise or employment during their off-duty hours, nothing herein is intended to unduly restrict a commanding officer in the exercise of his or her prerogatives and discretionary authority. Accordingly, all Coast Guard personnel shall notify their commanding officer in writing of their off-duty employment activities and obligations. The notification shall include a brief description of the specific responsibilities of the position and an estimate of the number of hours per week required for employment.

1.E.2.b. Decision-Making Authority

When a commanding officer has doubt as to the applicability of the foregoing restrictions to a member's outside employment or proposed outside employment, a request for determination will be addressed to Commandant (CG-1221) via the chain of command. Such requests shall not be prepared by units below the sector level.

1.E.2.c. Confidentiality

Information on an individual's off duty employment shall be treated as "for official use only" if disclosure might otherwise be a source of embarrassment to the member.

1.F. Alien Registration

1.F.1. Legal Requirements

1.F.1.a. Aliens' or Their Parents' Obligation

The Immigration and Nationality Act of 1952 as amended (8 USC 1101 and 1302 through 1306) requires that, with certain exceptions, every alien or parents or legal guardians of such alien:

- (1) Who is 14 years of age or older,
- (2) Has not previously been registered and fingerprinted, and
- (3) Remains in the United States for 30 days or longer must apply for registration and be fingerprinted before the expiration of such 30 days.

1.F.1.b. Alien Registration Receipt Card

Every alien registered and fingerprinted shall be issued an alien registration receipt card. Loss of this card should immediately be reported to the nearest U. S. Citizenship and Immigration Service office. Every alien 18 years of age and over shall, at all times, have such alien registration receipt card in their personal possession and available for display if so requested.

1.F.1.c. Change of Address

Every alien required to be registered and who lives within the United States shall notify the Attorney General, in writing, of each change of address and new address within ten days from the date of such change. Additional information may be required by the Attorney General and shall be provided upon request.

1.F.1.d. Definition

When used in this section, the term "United States" means the 50 states, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.

1.F.2. Penalties

1.F.2.a. Failure to Register

Any alien required to apply for registration and fingerprinting who willfully fails or refuses to make such application or to be fingerprinted shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than \$1000 or be imprisoned not more than six months or both.

1.F.2.b. Failure to Carry Card

Every alien issued an alien receipt card is required to have the card in their personal possession at all times. Failure to have such card in their personal possession shall subject the alien to, upon conviction, a fine of not more than \$100 or imprisonment for not more than 30 days or both.

1.F.2.c. Failure to Notify

Any alien who willfully or inexcusably fails to report their address as required in Article 1.F.1.c. of this Manual above shall be guilty of a misdemeanor and, upon conviction, be subject to a fine not to exceed \$200 or be imprisoned for not more than 30 days or both.

1.F.3. Responsibility**1.F.3.a. Commanding Officers**

Commanding officers shall direct any alien who has not been registered or fingerprinted to do so at the earliest possible date. This Article does not apply to members who enlisted from the Philippines and have not applied for American citizenship.

1.F.3.b. Alien Members

Alien members shall keep the Attorney General apprised of their address upon each permanent change of station in accordance with current U. S. Citizenship and Immigration Service directives.

1.F.3.c. Registration Number

The alien registration number shall be entered on all alien members' enlistment contracts and Certificate of Release or Discharge from Active Duty, DD-214.

1.F.4. Armed Forces Immigration Adjustment Act of 1991**1.F.4.a. Stipulates Length of Service**

This Act (PL 102-110) amended the Immigration and Nationality Act to provide for special immigration status for certain aliens, their spouses, and children. The service member must have served honorably (or be enlisted to serve) in the Armed Forces of the United States for at least 12 years. The Act provided that an immigrant who has served honorably on active duty in the U. S. Armed Forces after 15 October 1978, and after original lawful enlistment outside the United States (under a treaty or agreement in effect on the date of the enactment of this subparagraph) for a period or periods aggregating:

(1) 12 years and who, if separated from such service, was never separated except under

honorable conditions, or

- (2) Six years, in the case of an immigrant who is on active duty at the time of seeking special immigrant status under this subparagraph and who has reenlisted to incur a total active duty service obligation of at least 12 years, and the spouse or child of any such immigrant if accompanying or following to join the immigrant, but only if the executive department under which the immigrant serves or served recommends the granting of special immigrant status to the immigrant.

1.F.4.b. Requesting Special Immigrant Status

Members eligible to apply for this special immigration status shall submit a letter request to the U. S. Citizenship and Immigration Services (USCIS) through the members parent command. This letter request shall be attached to USCIS Form 360, obtainable at USCIS regional offices in the United States or through U. S. embassies and consulates overseas. The command endorsement shall include:

- (1) Member's name and nationality;
- (2) Member's date and place of birth;
- (3) Date member entered, extended, or reenlisted to meet the 12 year requirement;
- (4) Note if period of service was under honorable conditions; and
- (5) Commanding officers recommendations or comments.

1.F.4.c. Filing on Dependents' Behalf

If the member is also filing for their dependents, the following additional information is required:

- (1) Spouse and children(s) names;
- (2) Date and place of birth of each dependent; and
- (3) Commanding officer's recommendations or comments.

1.F.4.d. Defining Children

For the purpose of this special immigrant status program, children are defined in the Immigration and Nationality Act and generally include unmarried children under 21 years of age, including stepchildren acquired before their 14th birthday, and certain illegitimate children. USCIS makes final determinations on whether children meet the requirements of the Act. Parents and in-laws are not covered.

1.G. American Red Cross Services

1.G.1. Responsibility

The American Red Cross (ARC) provides the following core services to the Armed Forces: emergency communications, financial assistance through a partnership with the Military Aid Societies, volunteer programs, health and safety, disaster assistance, and information and referral service. All Red Cross reports about members or their dependents shall be treated as confidential.

1.G.2. Services to Units

The Red Cross may furnish the following services to commanding officers of Coast Guard units:

- a. Emergency Leave Verification. Provide verification of emergency leave requests for Service members and their families when serious illness, death or other urgent situations involve family members. Emergency leave can be granted without Red Cross verification. The Red Cross will not provide after-the-fact verification reports.
 - b. Volunteer at Coast Guard Clinics. Provide volunteers to assist in all Coast Guard clinics. The volunteers would serve, with the exception of watch standing duties, in the same capacity as non-HS personnel temporarily assigned to help in the clinic. Female volunteers can participate as attendants for medical examinations of female patients.
 - c. Red Cross Blood Donation Program. Assist in administering the Red Cross blood donation program at Coast Guard units.
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1.G.3. Services to Personnel

Upon request the Red Cross will provide the following services to personnel:

- a. Information and referral.
- b. Financial assistance (loan or grant) to be determined on an individual basis when emergency leave is granted or to meet other emergency financial needs. All requests for financial assistance must normally have the approval of the Coast Guard Mutual Assistance Office.
- c. Assistance in the preparation and filing of VA forms and furnishing information about Government insurance, allowances, allotments, and pensions.
- d. In a dependency or hardship discharge request (Article 1.D. of Military Separations, COMDTINST M1000.4 (series) or humanitarian reassignment (Article 1.B.1. of Military Assignments and Authorized Absences, COMDTINST M1000.8 (series)), by

mutual agreement the military authorities will not request, and the Red Cross will not provide, reports at the time an application is being submitted. If the application and supporting evidence do not contain sufficient factual information on which to base a decision, the command having authority for discharge or reassignment decisions may request the Red Cross to supply the specific additional information required. When a Red Cross report is desired, the request will include a brief summary of the information already provided.

1.G.4. Services to Dependents

Through the Service to Military Families department in the local Red Cross Chapters, the following services may be provided:

- a. Counseling in personal and family problems.
 - b. Reporting and communications service.
 - c. Assistance in applying for Government benefits.
 - d. Referral service.
 - e. Financial assistance for other emergencies that are immediate and must be met to avoid privation.
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1.G.5. Red Cross Volunteers' Requirements

Red Cross chapters and Coast Guard commands must comply with these documents:

- a. Current Memorandums of Understanding (MOUs) between the American National Red Cross and the U. S. Coast Guard. Copies of such MOUs are held by Commandant (CG-52) and the ARC Programs and Services Department.
 - b. The provisions and dictates of ARC publication 3309, National Framework in Which Volunteers May Give Service.
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1.H. Mentally Incompetent Coast Guard Members

1.H.1. Authority

37 USC 601 to 604 authorizes the Secretary to promulgate regulations in connection with the payment of Federal moneys due to mentally incompetent Coast Guard personnel. These regulations are set forth in 33 CFR 49.01 to 49.15 and delegate to the Commandant the authority to appoint trustees for such personnel. Before the Commandant will appoint a trustee for mentally incompetent Coast Guard personnel, certain requirements must be fulfilled, including these:

- a. The declaration on mental incompetence must be affirmatively made by a board of at least three qualified medical officers, one of whom is specially qualified to treat mental disorders. There is no special format required for the board's report; however, it is desired that a Medical Board Report Cover Sheet, NAVMED 6100/1, be used whenever practical. In this connection, a medical board which is part of the record of a physical examinations board would satisfy requirements if it affirmatively states that the patient is mentally incapable of managing his or her own affairs and if it is signed by three medical officers, one of whom is specially qualified in the treatment of mental disorders.
 - b. No legal committee, guardian, or other representative has been appointed by a court of competent jurisdiction.
 - c. The mentally incompetent Coast Guard person is eligible to receive active duty pay and allowances, amounts due for accumulated or accrued leave or retired or retainer pay. For personnel who have waived Coast Guard retired pay in favor of Veterans Administration compensation or pension, no appointment of trustee will be made.
 - d. The prospective trustee will be required to execute and file with the Commandant an affidavit or affidavits saying and deposing that any moneys henceforth received by virtue of appointment as trustee would be applied solely to the use and benefit of the incompetent and dependents and that no fee, commission or charge shall be demanded or in any manner accepted for any service or services rendered in connection with such appointment as a trustee for the incompetent.
 - e. A bond will be required in all cases when the amounts received may be expected to exceed \$1,000. Expenses in connection with the furnishing and renewal of such bonds may be paid out of sums due the incompetent. In general, a \$1,000 bond is a minimum requirement. Should a much larger lump sum or annual total payment be involved, the bond should be increased commensurately.
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1.H.2. Commanding Officers' Actions

1.H.2.a. Application to Appoint Trustee

Any information alleging that Coast Guard personnel, active or retired, are mentally incapable of managing their own affairs shall be forwarded to Commandant (CG-1221) promptly. The next of kin or another responsible person willing to accept trusteeship for the alleged incompetent should be requested to apply to the Commandant for such appointment. The application should contain the following information:

- (1) Name, service number, rate, service assignment, if any, and present address of alleged incompetent person.
- (2) Name, address, and relationship, if any, of person seeking appointment as trustee for alleged incompetent person.
- (3) Statement as to whether or not a legal guardian has been or is to be appointed by the civil authorities in the near future.
- (4) Anticipated future financial relationship with person alleged mentally incompetent.

1.H.2.b. Restrictions on Trustee's Powers

In addition, the prospective trustee should be affirmatively advised as to the limited nature of any appointment as trustee the Commandant can make. An appointment of the Commandant covers only the receipt and use of active duty pay and allowances, amounts due for accumulated or accrued leave, and any retired pay otherwise payable to the mentally incompetent. It does not appoint the trustee as guardian of the mentally incompetent person, or as trustee of any other part of the service member's estate other than the Federal moneys indicated above. In most cases, the interests of the mentally incompetent and the next of kin can best be served by obtaining an appointment from a court of competent jurisdiction, which appointment is normally broader in nature than that which the Commandant can make. When an appreciable amount of money is expected from Government sources or a large private estate exists, the next of kin or interested responsible person should be advised to obtain expert legal advice and make every attempt to obtain a Civil Court guardianship.

1.I. Mortgage Insurance for Service Members

This program is no longer available for new subscribers. Members already in the program should contact Commandant (CG-1223) for assistance.

1.J. Visiting Foreign Countries

1.J.1. General

1.J.1.a. Permission and Notification

- (1) Visits to Foreign Countries in a Leave Status. This section applies to visits by Coast Guard personnel to foreign countries when on leave or other authorized absence from their commands, and while traveling under orders which require leaving the United States. Except as provided below, personnel desiring to visit foreign countries must obtain advance permission. Commanding Officers and Sector Commanders may grant permission for officer and enlisted personnel on active duty to visit foreign countries on routine foreign travel and leave but must insure members meet the requirements of the Personnel Security and Suitability Program, COMDTINST M5520.12 (series). For personnel assigned to Headquarters, Deputy Directors may grant approval for foreign travel to personnel assigned to their section.
- (2) Visits to Foreign Countries on Official Coast Guard Business. All Coast Guard personnel traveling to foreign countries on official Coast Guard business must comply with the requirements in the Foreign Travel, Passports and Visas, COMDTINST 5000.5 (series) and the Financial Resource Management Manual, COMDTINST M7100.3 (series).
- (3) Retired Personnel. Coast Guard retired personnel are not required to obtain permission to travel overseas.

1.J.1.b. Intelligence Consultation

The reviewing authority may consult Commandant (CG-DCO-I) for the latest political, military, or other intelligence information that could influence his or her decision. Communication for this purpose should be by the most expeditious means.

1.J.2. When Permission Not Required

Permission is not required for unofficial visits to Puerto Rico, the Virgin Islands, Bermuda, Canada, the Bahaman Islands, and Mexico. However, district commanders, particularly in those districts bordering Canada and Mexico, are authorized to establish such restrictions as may be necessary for travel to these countries. Personnel traveling in accordance with this Article shall wear civilian clothing when the wearing of civilian clothing in an off-duty status is authorized.

1.J.3. Visits to Mexico

1.J.3.a. Required Documentation

Personnel visiting Mexico shall obtain passports and visas, or tourist cards when

required, as follows:

- (1) All official visits (to the interior as well as border towns) require passports and Mexican visas and will be made only in uniform.
- (2) Unofficial visits to the interior require tourist cards obtained from a Mexican Consul, but not passports, and will be made only in civilian clothes.
- (3) Unofficial visits to border towns require only the Coast Guard identification card.
- (4) Military members shall check with the Department of State regarding updated documentation requirements.

1.J.3.b. Registration with Attaché

Travel orders or leave papers for personnel going to Mexico City, officially or unofficially for a stay of 18 hours or more, shall include instructions to register at the office of the United States Naval Attaché, Mexico City, Mexico.

1.J.4. When Permission Required

1.J.4.a. Permission Process

Each member of the Coast Guard on active duty in the United States, who visits other foreign countries, shall comply with the following:

- (1) Attaining Permission. Permission will be obtained as prescribed in Article 1.J.1. of this Manual prior to departure from the United States. The application will include the destination, desired date of departure, period of visit, all addresses, if known, and expected date of return to the United States.
- (2) Member Responsibility. Each member must obtain his or her own passports and visas, if required, and comply with all other Department of State travel regulations and, when applicable, notify the activity arranging or furnishing transportation when such requirements have been satisfied. This applies to all personnel, including those proceeding abroad under official orders. The Joint Federal Travel Regulations provides information concerning reimbursement for regular fee passports for official travel of members and command sponsored dependent travel.
- (3) Wearing of Uniform. Members will not wear their uniform outside the United States on unofficial visits except while actually traveling by military transportation or at U. S. military installations in connection with such travel.

1.J.4.b. Fourteenth District and European Approval Authority

The Commander, Fourteenth Coast Guard District, and Commander, Coast Guard

Activities, Europe, are authorized to grant permission to personnel attached to their commands to visit foreign countries in accordance with the regulations of the cognizant theater commander.

1.J.5. Sufficient Funds

A member traveling to foreign countries or places outside the United States must make his or her own transportation arrangements. "Space Available" accommodations for leave via the Air Mobility Command (AMC) or other Government aircraft are very difficult to obtain. It is imperative that personnel traveling "space available" via AMC have sufficient funds to defray commercial travel expenses and costs of hotel accommodations when delayed or when passage by AMC or Government aircraft is unobtainable. Each member of the Coast Guard, or Coast Guard Reserve on active duty, shall also be informed of the current Treasury Department regulations regarding exportation and importation of currency.

1.J.6. Conduct of Personnel

Personnel who visit other countries shall maintain the highest standard of conduct to reflect credit upon the U. S. Coast Guard and the United States.

1.K. Overseas Marriages

1.K.1. Purpose

This section establishes policies and identifies other Federal requirements for members desiring to marry foreign nationals.

1.K.2. General

Coast Guard personnel have the same right to enter into marriage as any other citizen of the United States. However, before entering into a marriage with a foreign national, written approval must be obtained from the senior Coast Guard command having authority in the foreign national's home area. Members attached to an overseas command shall also obtain approval from their commanding officer. This requirement ensures that both parties to the marriage are fully informed of the requirements for lawful entry of the alien spouse, and any dependents, into the United States. All such individuals must be in strict compliance with the applicable laws and regulations of the U. S. Citizenship and Immigration Service (USCIS) and the Department of State (DOS) governing such marriages.

1.K.3. Entry into United States

1.K.3.a. Admission Requirements

Admitting alien spouses and children bears serious consideration since such marriages are normally planned with the expectation the dependents eventually will reside in the United States and possibly seek citizenship. Individuals must be made fully aware of the admission requirements into the United States. A number of disqualifying conditions are based on the mental and physical health of the alien spouse; certain character, moral, and political beliefs; affiliations; criminal involvement; and any prior affiliation with the United States. Obtain specific information from the local USCIS office or United States Embassy or Consulate. (See Article 1.K.7. of this Manual for USCIS offices overseas.)

1.K.3.b. Proof of Support

In addition to the requirements the alien must meet, the military member must present satisfactory evidence of the ability to prevent the dependent spouse and any related children from becoming public charges.

1.K.4. Policy

1.K.4.a. Approval Authority

District commanders and commanders of logistics/service centers are authorized to approve requests for overseas marriages in their areas of concern. This authority may be

delegated as deemed necessary.

1.K.4.b. Commanding Officers' Authority

Commanding officers are authorized to approve overseas marriage requests from members assigned to their command where the command is in the country of the prospective spouse.

1.K.4.c. Governing Regulations

Any joint or coordinated marriage regulations promulgated by the senior Department of Defense (DoD) command in the applicable overseas area shall govern Coast Guard members' marriages. The responsible Coast Guard district commander; commander of logistics/service center, Commanding Officer, Activities Far East; or specific commanding officer may promulgate further implementing regulations, based on the DoD requirements.

1.K.4.d. Local Implementing Regulations

Coast Guard personnel should be granted permission to marry outside the United States when the member has complied with local regulations, provided the alien spouse demonstrates that entry to the United States would not be barred due to an inability to meet statutory physical, mental, or character standards. Local implementing regulations should be reasonable. They are designed to protect both aliens and United States citizens from the possible disastrous effects of marriage entered into without appreciation of its implications and obligations. Regulations issued will stress that the screening of applicants for permission to marry is substantially similar to the processing of requests for entry of alien spouses into the United States. The lack of command approval may result in unfavorable action on the part of the local United States Consul and the applicable Commissioner of USCIS. Such regulations may include:

- (1) Marriage and legal counseling.
- (2) Financial support (ability or preparation).
- (3) Parent's or legal guardian's permission for applicant to marry (if under 21 years old).
- (4) Legal freedom to marry.
- (5) Eligibility of alien spouse, and any children, to receive a nonimmigrant visa for admission into the United States under applicable USCIS regulations.

1.K.4.e. Punitive Action

Punitive action for marrying without command authorization is within the prerogative of unit commanders (U. S. vs. Wheeler, 12 USCMA 387, 30 CMR 387).

1.K.4.f. Performing Officer

Applicants are encouraged to have the marriage ceremony performed by a military chaplain, if available. Marriages overseas may sometimes involve two ceremonies, a civil ceremony as required by host country laws and a religious ceremony. The laws of the United States only recognize those marriages which are legally entered into under the laws of the country in which the ceremony is performed. There may also be a residency period which must be met to be in accordance with the regulations of the host country. The USCIS does not hold proxy, telephone, or similar marriages to be valid for immigration purposes unless the marriage shall have been consummated through cohabitation.

1.K.4.g. Equality of Benefits

Once the parties are married, no distinction will be made between alien and citizen spouses allowances, commissary privileges, medical care (where available for dependents), and other benefits to which members and dependents of the Armed Forces are entitled apply to the spouse. However, no Coast Guard members will be authorized dependent quarters on a date earlier than otherwise entitled had they entered the overseas command initially on the date of the marriage.

1.K.5. U. S. Citizenship and Immigration Service Requirements**1.K.5.a. Immigrant Visa**

Section 101(a)(15)(K) of the Immigration and Nationality Act, as amended, provides nonimmigrant visa classification (K-1) for aliens proceeding to the United States to marry American citizens. Accompanying minor children of such fiancé(e) may also be granted nonimmigrant classification (K-2). The marriage must be concluded within 90 days of their admission into the United States. After the marriage, the alien spouse and minor children must apply to the USCIS for adjustment of status to that of permanent resident(s).

1.K.5.b. Petition for Visa

To establish K-1 classification, an American citizen fiancé(e) must file a petition (Form I-129F) with the USCIS office having jurisdiction over the place of the petitioner's residence in the United States. Such a petition may not be adjudicated abroad. The petitioner and beneficiary of a fiancé(e) petition must have met at least once within the two years prior to filing the petition. This requirement will be waived if unique circumstances exist. If approved, the petition will be forwarded by the approving office to the American consular office where the alien fiancé(e) will apply for a visa. Any minor children derive K-2 status from the beneficiary as the children are listed on the Form I-129F petition. This petition is valid for four months from the date of USCIS approval.

1.K.5.c. U.S. Consular Action

The local American consular office notifies the beneficiary(s) of the approved petition and provides the necessary forms and instructions to apply for a “K” category visa. When the case has been processed, the beneficiary(s) will be interviewed by a consular officer to determine the eligibility for a “K” category nonimmigrant visa. If found eligible, the visa will be issued and be valid for one entry during a 6-month period.

1.K.6. Processing Requests for Authorization to Marry

1.K.6.a. Submitting the Request

Requests for authorization to marry will be forwarded via the chain of command to the command having authority to grant the request:

- (1) Members attached to commands in countries where the fiancé(e) resides shall submit the request to their commanding officer.
- (2) Members attached outside of the country of the fiancé(e) shall submit their request to the command having cognizance in the area of the fiancé(e). Questionable cases should be referred to Commandant (CG-122).

1.K.6.b. Accompanying Documents

The request must be accompanied by a written and notarized statement by the fiancé(e). If the fiancé(e) is under the legal age for marriage-without-consent as prescribed by the laws of the respective domicile, a written and notarized consent of the parent(s) or legal guardian(s) of the fiancé(e) must be provided as well. The notarized submission must include:

- (1) The full name and residence of the member.
- (2) The full name and residence of the fiancé(e).
- (3) The full name, residence, and relationship of the person(s) granting permission.
- (4) The date permission is granted.

1.K.6.c. Approval Distinct From Visa Petition

Approval of the request to marry by the military command does not necessarily guarantee the alien fiancé(e) or spouse a nonimmigrant visa. The member and fiancé(e) shall sign a statement on the request acknowledging this fact. The member should initiate contact with USCIS and the Department of State to ensure smooth processing to avoid any visa or entry problems. All members whose requests have been approved will receive all practical assistance in arranging their marriages and securing visa and other entrance

documentation.

1.K.7. Overseas U. S. Citizenship and Immigration Service Offices

A list of USCIS international field offices can be found on the USCIS's website,
<http://www.uscis.gov>.

1.L. Foreign Employment

1.L.1. General

A section of the Foreign Relations Authorization Act (P.L. 95-105, enacted 17 August 1977) provides that subject to the approval of the Secretary concerned (Secretary of Homeland Security for the Coast Guard) and the Secretary of State, retired members of the Uniformed Services and Reserve members of the Armed Forces are granted Congressional consent to accept civil employment from a foreign government or from companies owned by a foreign government. The law repealed 10 U.S.C. § 1032, which required the approval of the Secretary concerned for a Reserve member to accept civil employment from a foreign government. The requirements for approval for a Retired or Reserve member to accept foreign employment are now included as a footnote to 37 U.S.C. § 908.

1.L.2. Submission of Requests

1.L.2.a. Required Information

Requests by Retired or Reserve members to accept civil employment from a foreign government, or from companies owned by a foreign government, shall include:

- (1) Your social security number (SSN) and rank at, and date of, retirement.
- (2) Country.
- (3) Name of company and relationship of the company to the foreign government.
- (4) Statement as to whether foreign citizenship is a condition of employment.
- (5) Are you required to execute an oath of allegiance to a foreign government?
- (6) Job title and brief description of duties.
- (7) Duration of employment.
- (8) Is there any reason this employment might bring discredit upon the United States?

1.L.2.b. Approving Entities

Requests from retirees (Regular and Reserve) shall be submitted to Commandant (CG-122); those from Reserve personnel shall be sent to Commandant (CG-131). To prevent possible loss of retired pay or other benefits, requests should be approved before a prospective employee assumes responsibility of the office or position being considered.

1.M. Jury Duty

1.M.1. Policy

It is Coast Guard policy to encourage members of the Coast Guard to fulfill their civic responsibilities consistent with their military duties. For members stationed in the United States (all 50 states, U. S. territories, the District of Columbia, and the Commonwealth of Puerto Rico), serving on a State or local jury is one such civic obligation. Coast Guard members, however, may be exempted from jury duty when it would interfere unreasonably with performance of their military duties or adversely affect the readiness of a unit, command, or activity.

1.M.2. Exemptions

1.M.2.a. Grounds to Exempt

If such jury service would interfere with the member's military duties or adversely affect readiness, the member shall be exempted from jury duty. When a Coast Guard member on active duty is summoned to perform State or local jury duty, the commanding officer concerned shall decide if such jury duty would:

- (1) Interfere unreasonably with the performance of the member's military duties.
- (2) Adversely affect the readiness of the unit, command, or activity to which the member is assigned.

1.M.2.b. Exempt Personnel

All flag officers, commanding officers, officers in charge, all personnel assigned to units whose primary function is to operate vessels or aircraft to perform an operational mission of the Coast Guard, and personnel in a training status or stationed outside the United States are exempt from serving on a State or local jury. Such jury service would necessarily interfere with the performance of military duties by these members and adversely affect the readiness of the unit, command, or activity to which they are assigned.

1.M.3. Procedures

1.M.3.a. Leave and Reimbursement

Coast Guard members who serve on State or local juries shall not be charged leave or lose any pay or entitlements during the period of service. All fees accrued to the member for jury service are payable to the United States Treasury. Members may keep any reimbursement from the State or local jury authority for expenses incurred in the performance of jury duty, such as for transportation costs or parking fees.

1.M.3.b. Notice for Exempt Personnel

Written notice of each exemption determination shall be provided to the responsible State or local official who summoned an exempt member for jury duty. The written notice shall cite 10 U.S.C. § 982 as authority for the exemption.

1.N. Organ Donation

1.N.1. General

Active duty Coast Guard personnel may desire to donate an organ, e.g., kidney, bone marrow, skin, etc. This section specifies the general criteria for military personnel desiring to participate in an organ donation procedure; such members should follow these guidelines.

1.N.2. Policy

1.N.2.a. Request to Donate

A member who wishes to donate an organ must submit a letter with all pertinent information to Commander (CG PSC-OPM) for officers and (CG PSC-EPM) for enlisted personnel.

1.N.2.b. Medical Counseling

A medical officer, preferably an appropriate specialist, must counsel and fully brief Service members on the hazards involved in organ donation. The medical officer should make it perfectly clear to the member who still elects to donate an organ that losing that organ will not become the basis for special consideration in assigning duty.

1.N.2.c. Financial Responsibility

The U. S. Government will assume financial responsibility for the organ donation only to the extent that the recipient is authorized TRICARE benefits, or as authorized for an active duty recipient. The member must execute a written statement acknowledging complete understanding that no disability benefits are provided for under 10 USC § 61 for the loss of a donated organ and related diseases or conditions if subsequently found unfit for further military service.

1.N.3. Procedures

1.N.3.a. Required Information

Messages or letters requesting organ donation authority must contain the following:

- (1) Member's request indicating relationship to the recipient;
- (2) Statement whether the member has been fully counseled on the hazards of donating the organ;
- (3) Name, address, and telephone number of medical counselor;

(4) Location and estimated duration of member's hospitalization;

(5) Statement that the following have been signed:

- (a) Statement that the member fully understands that special duty assignments will not be made because of the loss of organ under these circumstances;
- (b) Written acknowledgment that member fully understands that there will be no entitlement to disability benefits for the donated organ and related diseases if subsequently found physically unfit for military service, and;
- (c) Statement that the member fully understands that the U. S. Government will assume financial responsibility for the organ donation only to the extent that the recipient is authorized TRICARE benefits, or as authorized for an active duty recipient.

1.N.3.b. Submitting Documents

All signed statements will be made in duplicate with signed copies mailed to Commander (CG PSC-OPM) or (CG PSC-EPM) as appropriate, and the original filed in the member's Personnel Data Record.

1.N.3.c. Obtaining a Medical History

A complete medical history and narrative summary of hospitalization will be obtained as soon as possible and placed in the member's health record. This is to document that the member is missing an organ through donation.

1.N.3.d. Authorized Leave

Requests for time away for confirmatory testing, counseling and marrow donation should be approved the same as those for other minor surgical procedures except that permissive orders and sick leave are authorized. Up to 30 days sick leave may be authorized to enable the donor to recover from the procedure.

1.N.3.e. Follow-up Examination

A physical examination will be performed to determine a member's fitness for duty after returning from sick leave.

CHAPTER 2 DEPENDENTS' WELFARE AND SPECIAL BENEFITS

2.A. Veterans' and Dependents' Benefits**2.A.1. General**

The Coast Guard, Department of Veterans Affairs (DVA), and the Social Security Administration (SSA) each are responsible to provide and administer specific benefits for dependents, active duty and reserve members, and veterans and retirees. These benefits, other than those paid by the Coast Guard, are entirely within the jurisdiction of the administering agencies. The determination of entitlement to benefits is dependent upon the member's service status, dependency of dependents and/or survivors, and in the case of survivor benefits, the circumstances of the member's death.

2.A.1.a. Sources of Benefits Information

- (1) Coast Guard Benefits. Coast Guard benefits information can be obtained by calling 1-800-772-8724 or on the Web at <http://www.uscg.mil/ppc/>.
- (2) Department of Veterans Affairs (DVA) Benefits. DVA benefits are described in VA Pamphlet 80-02-1, Federal Benefits for Veterans and Dependents, or information can be obtained on the Web at <http://www.va.gov> or by calling 1-800-827-1000.
- (3) Social Security Administration Benefits. SSA benefits information can be obtained by calling 1-800-772-1213 or on the Web at <http://www.SSA.gov>.

2.A.1.b. Benefits Started by Filing a Claim

Even though a person may be entitled to certain benefits, no benefit can start until a claim has been filed. Filing the necessary claim is the responsibility of the person who may be eligible for the benefit. When a military member dies, the Personnel Servicing Support Unit (PSSU) Decedent Affairs Officer (DAO) or the assigned Casualty Assistance Calls Officer (CACO) is responsible to help the survivors initiate their benefits claims.

2.A.2. Death Gratuity**2.A.2.a. General**

- (1) Administration. Commandant (CG-1222) administers the Death Gratuity Program.
- (2) Payment Timeline. Death gratuity payments originally provided for the immediate living expenses of family members. Any delay in payment would thwart that purpose. Thus, for the death of any member described in Article 2.A.2.b. of this Manual, no provision of law requires a favorable line of duty determination that might delay payment of the death gratuity.

- (3) Beneficiary. The death gratuity is paid to the survivor or survivors of a Coast Guard regular or reserve member serving with or without pay, who dies while on active duty, or while traveling to or from AD/ADT/IDT, or while on AD/ADT/IDT, per 10 U.S.C. § 1475 - § 1480. Survivors are also authorized death gratuity when members die within 120 days following their separation date or most recent reserve service, if the Department of Veterans Affairs (VA) determines the death was service-connected.
- (4) Indebted to the Service. The death gratuity is an entitlement paid to a beneficiary even if the deceased member was indebted to or overpaid by the service.
- (5) Maximum Beneficiaries. Each member has a personal option to designate persons to receive part or all of the death gratuity. A maximum of ten living persons may be designated to receive portions in ten-percent increments. Undesignated portions will be paid by law.

2.A.2.b. Members Eligible for Death Gratuity

The survivor(s) of the following members are eligible to receive the Death Gratuity:

- (1) A cadet at the Coast Guard Academy and while traveling to and from the Academy.
- (2) Any person appointed, enlisted, or inducted into the Coast Guard or Coast Guard Reserve.
- (3) Any Reservist while performing AD/ADT/IDT, with or without pay, or while on authorized travel to or from AD/ADT/IDT.
- (4) Any person while en route to or from, or at, a place for final acceptance or for entry upon active duty in the Coast Guard service:
 - (a) who has been provisionally accepted for such duty; or
 - (b) who, under the Universal Military Training and Service Act, has been selected for active military service and has been ordered or directed to proceed to such place.
- (5) A Reservist who suffers disability while on AD/ADT/IDT, and who is placed in a pay status while receiving hospitalization or medical care, including outpatient care for such disability for as long as the member remains in a pay status.
- (6) Any member killed by a hostile force with which the United States Armed Forces had engaged in armed conflict, even if the hostile force claims the death is for committing a crime or military offense.

2.A.2.c. Members Not Qualified for Death Gratuity

The survivors of the following members are ineligible to receive the Death Gratuity:

- (1) Temporary members of the Coast Guard Reserve.
- (2) Members of the Coast Guard Auxiliary.
- (3) Reservist performing work or study in connection with correspondence courses in which the member is enrolled or attending an educational institution in an inactive status under the sponsorship of any of the Uniformed Services.
- (4) Member whose death is the result of lawful punishment for a crime or military offense.
- (5) Member who is declared a deserter at the time of death. The Death Gratuity is payable, if it is later determined the declaration of desertion was in error.
- (6) Member who dies while in an unauthorized absence status (AWOL or AOL) and their date of death is before the normal expiration of their service contracted duty. This applies even if their AWOL/AOL status was due to being held in the custody of civil authorities. (29 Comp Gen 294 and 31 Comp Gen 645).
- (7) Member who was discharged or released from the last period of duty or training under dishonorable conditions.

2.A.2.d. Recipients Designated, Precedence of Recipients by Law, Definitions, and Pre-Death Administration**(1) Recipients Designated:**

Each member has a personal option to designate persons to receive part, or all, of the death gratuity. Only living persons may be designated. Formal or blood relationship is not required. A maximum of ten living persons may be designated to receive portions. Portions may be specified only in 10 percent increments. If portions add up to less than 100 percent, then the remainder will be paid by law.

(2) Recipients by Law:

If there is no documentation to designate recipients or if the designated portions add up to less than 100 percent, then the precedence of payment for the undesignated death gratuity will be:

- (a) To the surviving spouse, if any (does not include ex-spouse).
- (b) If there is no surviving spouse, then to any surviving children of the deceased

member or to the descendants of any deceased children by representation. "Children" is further defined below.

- (c) If there are none of the above, then to the surviving parents of the deceased member or to the survivor of a parent. "Parent" is further defined below.
- (d) If there are none of the above, then to the duly-appointed executor or administrator of the estate of the deceased member.
- (e) If there are none of the above, then to other next-of-kin of the deceased member under the laws of domicile of the member at the time of the members death.

(3) Definitions.

(a) Parents:

[1] Include biological fathers and mothers as well as fathers and mothers through adoption. However, only one father and one mother may be recognized in any case.

[2] Preference must be given to parents who exercised a parental relationship on the date, or most nearly the date, on which the deceased member entered a duty status that created an entitlement to death gratuity.

- (b) "Children" applies without regard to age or marital status to legitimate children, adopted children, stepchildren who were part of the deceased member's household at the time of death, and illegitimate children of a deceased female member. The illegitimate children of a deceased male member are also included if at least one of the following is true:

[1] They were acknowledged in writing signed by the decedent.

[2] They were judicially determined, before the death of the member, to be his children.

[3] They were otherwise proved, by evidence satisfactory to the Secretary of Veteran's Affairs, to be children of the deceased member. Or,

[4] The deceased member had been judicially ordered to contribute to their support.

(4) Pre-Death Administration.

- (a) Designation of recipients is optional. However, if obligated, the designation must be in writing. It is effective immediately upon signature. A witness is not required. Commanding Officer (CG PPC) may prescribe a standard format.

Alternative formats may be accepted as long as they comply with law and regulation (e.g., Designation of Beneficiaries & Record of Emergency Data, Form CG-2020D).

- (b) The original recipient designation is filed in the member's personnel data record (PDR) part 4.
 - (c) A copy of designation must be sent to Commander (CG PSC-PSD-MR).
 - (d) The designation must be validated during annual verification of records (normally October through November). It will also be validated upon PCS (in or out) and whenever a member's dependency status changes (e.g., marriage, divorce, death, annulment or birth).
 - (e) The SPO (or unit YN if no SPO is assigned) must notify the spouse if either situation exists:
 - [1] member designated or changes the designation so the spouse will receive less than previously designated, or
 - [2] upon marriage, the new spouse is designated less than 100 percent of the death gratuity.
 - [3] An ex-spouse is not a spouse. No notice is required to an ex-spouse if a designated portion is reduced or eliminated by the member.
 - (f) A designation by a married member that designates less than 100 percent to a spouse must be dated on or after the date of marriage. The purpose is to clarify the intent of the member and to ensure a newlywed spouse receives notice if required. A designation dated prior to marriage that does not designate the new spouse for 100 percent will be considered invalid and distribution will be according to Article 2.A.2.d.(1) of this Manual. The newly married member is free to designate any living person, not just the new spouse, but the designation must be dated on or after the date of marriage.
 - (g) Notice to spouse must be written. First class mail will normally be used. A copy of the notice must be filed in part 4 of the PDR. No response from the spouse is required.
- (5) Exceptions. The death gratuity will not be paid to a designated or default beneficiary if that beneficiary is personally responsible for killing the member with felonious intent. Evidence or a court decision may absolve the survivor (e.g. self-defense). (MS Comp Gen B 115170, 16 July 1953). If the deceased member designated just one person and that person is ineligible, distribution will be by law. If more than one person was designated and any of them remain eligible, the death gratuity share of the ineligible member will be distributed among the eligible members in proportion to the

member's designation.

2.A.2.e. Coast Guard Responsibility to Determine Eligible Survivor

The responsibility for paying the Death Gratuity to the correct eligible survivor rests with the Coast Guard.

2.A.2.f. Erroneous Payments

When the Coast Guard pays the Death Gratuity to a person clearly not entitled to receive it, it is an erroneous payment. When an erroneous payment is due to an administrative error, a second payment shall be made to the rightful beneficiary or survivor, if the error resulted from improper maintenance of records or administrative negligence. This payment should not be delayed pending recovery of the erroneous payment from the ineligible recipient (37 Comp Gen 131). A second payment shall not be made to a different person if the first payment was based on statements of record made by the deceased member, and the Government has no reason to doubt that the beneficiary's/survivor's status was as stated (37 Comp Gen 131).

2.A.2.g. Death Gratuity Amount and Taxes

- (1) Amount. The amount of the death gratuity is set by law in 10 U.S.C. § 1478. The death gratuity is \$100,000 for all eligible deaths after 7 October 2001.
- (2) Tax. Death gratuity payments are not taxable.
- (3) Timeline. Commander (CG PSC) will send payment authorization to the Treasury Department within two business days of receiving the minimum necessary documentation. Treasury normally pays by electronic funds transfer. The following are required:
 - (a) Acceptable proof of death for active duty, reserve, retiree, and post-separation veterans: DD-1300 Report of Casualty, military personnel casualty report message, Defense Casualty Information Processing System (DCIPS) report, SS-2064 Certificate of Death (Overseas), or domestic civil death certificate.
 - (b) Certification that some or all of the death gratuity is payable, and to whom. A Report of Casualty, Form DD-1300 may be used.
 - (c) A complete claim from a survivor or designated person, normally on Claim Certification and Voucher for Death Gratuity, Form DD-397.
- (4) Death of Survivor. If an eligible survivor dies before receiving the death gratuity payment then the gratuity will be paid to the living survivor next in the order prescribed in Article 2.A.2.d. of this Manual.

2.A.2.h. Claim and Payment Procedures

- (1) Payment Authority. Commanding Officer (PPC-SES) will make all Death Gratuity payments.
- (2) Assistance with Form Completion. Upon being notified of the death of a member, the PSSU Decedent Affairs Officer (DAO) or the Casualty Assistance Calls Officer (CACO) will immediately contact the eligible survivor and help them claim the Death Gratuity. The DAO/CACO should complete Form DD-397, Claims Certification and Voucher for Death Gratuity Payment, as shown in the Personnel and Pay Procedures Manual, PPCINST M1000.2 (series), Chapter 6-B-11, take the completed form to the survivor to be signed and then fax the signed form to Commanding Officer (PPC-SES) for payment.

2.A.2.i. Eligibility for Death Gratuity when Death Occurs While Traveling To and From Active Duty, Active Duty for Training, and Inactive Duty Training

If a member dies while traveling to and from AD/ADT/IDT their specific travel circumstances must be known in order to determine eligibility for the Death Gratuity. This is most applicable to drilling reservists who die during their drill weekend. In general, the member must have been traveling in a direct route from their residence to their place of duty or their place of duty to their residence, or remaining overnight immediately before the start of active duty, or remaining overnight between successive periods of active duty when they die, in order to be eligible for the Death Gratuity. The following information is required to make the determination:

- (1) The date and hour when the member began their travel.
 - (2) The date and hour when the duty was to begin or had ended.
 - (3) The travel method used.
 - (4) The member's actual travel itinerary.
 - (5) The manner in which the travel was performed (e.g. passenger, operator).
 - (6) Immediate cause of death.
-

2.A.3 Unpaid Pay and Allowances**2.A.3.a. General**

Any unpaid pay and allowances, including per diem, travel, transportation of dependents, transportation of household goods, etc., found due a deceased member on date of their death shall be paid to the member's survivor.

2.A.3.b. Payment Order of Precedence

Unpaid pay and allowances will be paid to the member's survivor in the following order of precedence:

- (1) Beneficiary designated on the member's Designation of Beneficiaries & Record of Emergency Data, Form CG-2020D.
- (2) Spouse.
- (3) Child(ren) and descendants of deceased children by representation.
- (4) Parents, or to the survivor of them.
- (5) Duly appointed legal representative of the deceased member's estate, or if there be none, to the person(s) entitled by the state laws of the deceased member's domicile.

2.A.3.c. Designating a Beneficiary

A member may designate whomever he/she wants or desires to be his/her beneficiary for unpaid pay and allowances. A regular or reserve member uses his/her Designation of Beneficiaries & Record of Emergency Data, Form CG-2020D to designate his/her beneficiary. Retired members use his/her Designation of Beneficiary for Payment of Unpaid Retired Pay, Form CG-3600.

2.A.3.d. Claim and Payment Procedures

- (1) Regular or Reserve Member. Upon being notified of the death of a member, the Casualty Assistance Calls Officer (CACO) will determine the beneficiary using the member's latest Designation of Beneficiaries & Record of Emergency Data, Form CG-2020D, on file and immediately contact the beneficiary and help them file a claim for unpaid pay and allowances. The CACO will be supported by the Decedent Affairs Officer (DAO) from the appropriate PSSU, HSC, or major headquarters unit. The CACO/DAO should complete Claim of Designated Beneficiary for Unpaid Pay and Allowances of Deceased Member of the Uniformed Service, SF Form 1174, as shown in the Personnel and Pay Procedures Manual, PPCINST M1000.2 (series), Chapter 6-B, take the completed form to the beneficiary for signature and fax the signed form to Commanding Officer (PPC-SES) for payment.
 - (2) Retiree. Upon being notified of the death of a retiree, Commanding Officer (PPC-RAS) will determine the beneficiary using the latest Designation of Beneficiary for Payment of Unpaid Retired Pay, Form CG-3600, on file, prepare a final settlement and forward the settlement report to the beneficiary.
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2.A.4. Department of Veterans Affairs (DVA) Benefits

2.A.4.a. Eligibility for DVA Benefits

To be eligible for Department of Veterans Affairs benefits the veteran must have been discharged, separated or retired from the Service under conditions other than dishonorable.

2.A.4.b. List of DVA Benefits

The following list is a general description of some of the veteran benefits available through the Department of Veterans Affairs (DVA):

- (1) Health Care Benefits
- (2) Disability Compensation - monthly payment to veterans disabled by disease or injury incurred in or aggravated by active military service in line of duty. Allowances are also paid for certain family dependents when the extent of disability is 30 percent or more. Retired personnel may elect to receive disability compensation in lieu of retired pay.
- (3) Disability Pension - available to wartime and Korean-conflict veterans with a non-service-connected disability who have little or no income.
- (4) Montgomery GI Bill and Post-9/11 GI Bill.
- (5) Home Loan Guarantees.
- (6) Servicemembers' Group Life Insurance (SGLI) - Coverage continues for 120 days after separation, release from active duty, or retirement. Benefit payable after 120 days following separation provided member converted to an individual policy. Benefit payable to survivors and/ or beneficiaries. SGLI may be converted to Veterans Group Life Insurance (VGLI).
- (7) Vocational Rehabilitation.
- (8) Burial Benefits.
- (9) Dependency and Indemnity Compensation - payable to survivors of veterans or service members who die from a disease or injury incurred or aggravated in line of duty while on active duty or active duty for training, an injury incurred or aggravated in line of duty while on inactive duty training, or a disability otherwise compensable under laws administered by the VA.
- (10) Death Pension - payable to survivors of wartime veterans and those of the Korean-conflict period who have died due to non-service-connected causes.

(11) Dependent's Education.

(12) Death Gratuity.

2.B. Information on Government Insurance and Indemnity

2.B.1. Serviceman's Indemnity

For the period 24 April 1951 to 31 December 1956, a gratuitous indemnity of \$10,000 was available to survivors in accordance with the Servicemen's Indemnity and Insurance Acts of 1951 (Public Law 23 - 82nd Congress). Effective 01 January 1957, the provisions of the Servicemen's Indemnity Act which provided the gratuitous indemnity of \$10,000, less any amount of National Service Life Insurance or United States Government Life Insurance in force, automatic coverage against death were terminated by the "Servicemen's and Veterans' Survivor Benefits Act" (Public Law 881 - 84th Congress).

2.B.2. National Service Life Insurance

2.B.2.a. Prior to April 1951

Prior to 25 April 1951, members of the Armed Forces of the United States, while in the active service, were eligible to apply for National Service Life Insurance on one or more of seven plans under certain conditions as provided by the National Service Life Insurance Act of 1940, as amended. In general, no new National Life Insurance policies have been issued since 25 April 1951, except to disabled personnel.

2.B.2.b. Former Holder of Permanent Plan

A former holder of a permanent plan policy that was surrendered for cash after 24 April 1951, and prior to 01 January 1957, while the policy holder was on active duty, may replace or reinstate same, not in excess of the amount surrendered, while the ex-policy holder is in the active service or within 120 days after separation or retirement. Personnel whose 5-year term policies, the term of which expired while the member was in active service after 25 April 1951, and within 120 days after separation, and in either case prior to 01 January 1957, shall, upon application made while in active service or within 120 days after separation from active service, accompanied by payment of premiums and evidence of good health satisfactory to the Administrator of Veterans Affairs, be granted an equivalent amount of insurance on the 5-year level premium term plan at the premium rate for his/her then attained age. In cases where the term period of a policy under waiver expired while the member was in active service on or after 25 April 1951, or within 120 days after separation, such term period was automatically renewed for an additional 5-year period and the premium due at the then attained age was waived. Therefore, do not consider such a policy as an "expired policy."

2.B.2.c. Regulations

The regulations governing National Service Life Insurance are published by the Department of Veterans Affairs in VA Pamphlet 9-3, "National Service Life Insurance and Servicemen's Indemnity--Information and Premium rates."

2.B.2.d. Issuance of New Policies

The issuance of new policies of National Service Life Insurance is now prohibited except to a person who is released from active service under other than dishonorable conditions and has a service connected disability of ten percent or more in degree. Personnel ordered to active duty for training for not less than three months or more than six months under the provisions of subsection 262 (c)(1) of the Armed Forces Reserve Act of 1952, as amended, who suffer a service-connected disability of ten percent or more and are released from active service are also eligible. Such insurance may not be granted if the disability is a dental condition for which rating is made only for purposes of dental treatment. Such eligible persons may apply for any of the following plans of nonparticipating National Service Life Insurance (Service Disabled Veterans Insurance) up to a policy value of \$10,000:

- (1) Five-Year Level Premium Term
- (2) Ordinary Life
- (3) Thirty-Payment Life
- (4) Twenty-Payment Life
- (5) Twenty-Year Endowment
- (6) Endowment at Age 60
- (7) Endowment at Age 65

Application must be submitted within one year of the date such service-connected physical disability was determined by the Department of Veterans Affairs. Totally disabled personnel may apply for any of the above plans except the endowment plans.

2.B.2.e. Beneficiary

The insured under a National Service Life Insurance contract may designate as a beneficiary any person or persons, firm, corporation, or other legal entity, including his/her estate, either individually or as a trustee. Further, the insured may cancel and change the beneficiary designation at any time, without the consent or knowledge of the beneficiary.

2.B.2.f. Settlement Options

An insured under a National Service Life Insurance policy may elect any one of the following four settlement options for payment of insurance benefits upon his/her death, or may elect that a part of the proceeds be paid under one option and the balance under another option:

- (1) Option 1: One sum in cash
- (2) Option 2: Limited monthly installments (monthly installments for a specified period).
- (3) Option 3: Monthly installments for life (120 months certain).
- (4) Option 4: Monthly installments for life (refund life income).

2.B.2.g. Waiver of Premiums

National Service Life Insurance policies basically provide for the waiver of premiums in the event of total disability existing for a period of six or more consecutive months. Further, upon evidence of insurability, good health, and payment of additional premium, a total disability income provision granting disability income to the insured may be added to existing policies.

2.B.3. Responsibility for Dissemination of Information on Government Insurance

It is the responsibility of commanding officers to ensure that all Coast Guard personnel within their command are aware of their privilege to apply for nonparticipating National Service Life Insurance (Service Disabled Veterans Insurance), upon separation from service, if they have a service-connected disability of ten percent or more. Additional information on specific cases relating to Government insurance may be obtained by letter request to Commandant (CG-1222).

2.B.4. Servicemembers' Group Life Insurance

2.B.4.a. Establishment of SGLI

Public Law 89-214 established SGLI (Servicemembers' Group Life Insurance) effective 29 September 1965 for the purpose of making life insurance protection available to members of the Uniformed Services at a reasonable cost. VA Handbook 29-75-1 provides complete details of the program.

2.B.4.b. Eligibility for SGLI Coverage

- (1) All active and Reserve members who perform full-time active duty, or active duty for training under orders that do not specify periods of less than 31 days, are eligible for full-time SGLI coverage.
- (2) Full-time coverage is also provided for members of the Ready Reserve assigned or attached to a unit or position that may require performance of active duty or active duty for training and that will be scheduled to perform at least twelve periods annually of inactive duty training creditable for retirement purposes, and members assigned to, or who are eligible for assignment to, the Retired Reserve and have not

received the first increment of military retired pay or reached 61 years of age.

2.B.4.c. Effective Date

The effective date of insurance for eligible members is the first day of active duty, active duty for training or the beginning of a period of inactive duty training. Delayed entry active duty enlistees are not eligible until the day they report for active duty. For those assigned to the Retired Reserve, the effective date is the date the initial premium or acceptable application is mailed to the Office of SGLI.

2.B.4.d. Coverage

Full-time coverage for eligible personnel is automatic at the maximum authorized amount, unless the member declines or elects coverage at a lesser amount signing SGLV-8286.

2.B.4.e. Dual Insurance

A member eligible for SGLI and VGLI (Veterans' Group Life Insurance) may participate in both plans however; the combined amount may not exceed the maximum allowable SGLI coverage.

2.B.4.f. Cost of Insurance

The VA Administrator establishes the table for SGLI premiums. Premiums are deducted from a member's pay and Commanding Officer (CG PPC) forwards the amount collected to the Office of SGLI.

2.B.4.g. Termination

SGLI coverage shall terminate on the 120th day after separation or release from duty, unless the member is disabled totally on the date of separation or release, in which case, coverage terminates at the end of the day on which the insured ceases to be disabled totally or at the end of the last day one year following separation or release, whichever is earlier. Termination also occurs at the end of the 31st day of a continuous period of: (1) absence without leave, (2) confinement by military authorities under court-martial sentence involving total forfeiture of pay and allowances, (3) confinement by civilian authorities under sentence adjudicated by a civilian court.

2.B.5. Veterans' Group Life Insurance

2.B.5.a. Veterans' Insurance Act of 1974

The Veterans' Insurance Act of 1974, Public Law 93-289 enacted 24 May 1974 and effective 01 August 1974. VA Handbook 29-75-1 provides details of the program.

2.B.5.b. Eligibility for VGLI Coverage

Individuals released from active duty or active duty for training under a call or order to duty that does not specify a period of less than 31 days, reservists, while performing active duty or active duty for training under orders specifying a period of less than 31 days.

2.B.5.c. Effective Date

For members separated or released from a period of active duty or active duty for training which does not specify a period of less than 31 days, the 121st day after such separation or release provided the initial premium is mailed or otherwise delivered to the Office of SGLI on or before the 120th day after separation or release.

2.B.5.d. Type and Amount of Insurance

VGLI is term life insurance. It does not provide disability or other supplementary benefits coverage. VGLI is renewable in 5-year terms with the option to convert to a commercial policy at the end of each such 5-year period. The authorized amount of insurance available is established by the Department of Veterans Affairs.

2.C. Schooling for Minor Dependents

2.C.1. General

This section sets forth policy guidelines and authorization for the primary and secondary schooling and transportation of dependents of Coast Guard personnel (14 U.S.C. § 657). The authority of the Secretary of Homeland Security to provide funds and establish regulations for these purposes has been delegated to the Commandant (49 C.F.R. § 1.46(r)).

2.C.2. Minor Dependents' Schooling in Overseas Areas

2.C.2.a. Department of Defense Education Activity's (DoDEA) Responsibility

Effective 01 October 1987, the Department of Defense Education Activity (DoDEA), assumed responsibility, including budgeting and funding, for the primary and secondary schooling and transportation in support of educating minor dependents of uniformed members of the Coast Guard serving on active duty and stationed outside the 50 United States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States, excluding the Trust Territory of the Pacific Islands and Midway Island. (20 U.S.C. § 921).

2.C.2.b. Use of Coast Guard Funds

The use of Coast Guard appropriated or nonappropriated funds for minor dependents of active duty Coast Guard members schooling and transportation in overseas areas is prohibited.

2.C.2.c. Compliance with DoD Guidelines

Coast Guard overseas commands shall comply with DoD guidelines and regulations pertaining to overseas dependent schooling (Refer to DoD Dependents Schools (DoDDS) Directives Pertaining to Minor Dependent's Schooling in Overseas Areas, COMDTINST 1755.1 (series)). Each member with dependents shall be made fully aware of the DoD overseas dependent schooling policy, specifically the following regulations:

- (1) DoD Directive 1342.12, Provision of Early Intervention and Special Education Services to Eligible DoD Dependents.
- (2) DoD Directive 1342.13, Eligibility Requirements for Education of Minor Dependents in Overseas Areas.
- (3) DoD Regulation 4500.36-R Chapter 6, Transportation of Dependent School Children.
- (4) Dependent School (DS) Regulation 2500.11, DoD Dependents Schools Complaint Management System.

- (5) Memorandum of Understanding Between DoD and DOT signed 18 November 1991, Coordination of Overseas Assignments of Coast Guard Members Who Have Children Who Require or Are Likely to Require Special Education.

2.C.2.d. Personnel with Overseas Orders

Coast Guard personnel with dependents in receipt of overseas orders shall be informed in writing of the local DoD overseas dependent schooling programs and policies by the Coast Guard overseas command. Personnel reporting to other than a Coast Guard overseas command shall be advised to contact the command and obtain this information. Prior to transfer, an appropriate Personnel Data Record entry shall be initiated indicating that the member has been informed in writing by the overseas command of local programs and policies concerning overseas dependent schooling and has acknowledged this action.

2.C.2.e. DoDEA Regional Directors

Overseas commands shall contact the following DoDDEA Regional Directors for their respective geographical area to establish proper dependent schooling options:

Department of Defense Education Activity European Region
Office of the Director, DODEA-Europe
Unit 29649, Box 7000
APO AE 09002
Telephone: DSN 338 -7614
Civilian 49-611-380 -7614

Department of Defense Education Activity Pacific Area Office
DoDEA Pacific Area Office
Unit 35007
APO AP 96376-5007
Telephone: DSN 644-5878/5879/5880 Civilian 011-81-611-744-5878/5879/5880

Department of Defense Education Activity Panama/Islands Region
4040 North Fairfax Drive
Webb Building
Arlington, VA 22203
Telephone: (703) 558-3200

2.C.2.f. Definition

The term "primary and secondary schooling" includes kindergarten, and grades one through twelve.

2.C.2.g. Kindergarten

The term "kindergarten" means a school program organized to provide educational experiences for a group or class of dependents during the school year immediately preceding the year the dependents would normally enter the first grade. Dependents attending kindergarten must reach their fifth birthday by 31 December of the year in which they enroll in kindergarten.

2.C.2.h. Dependents

The term "dependent" means:

- (1) The child, stepchild, adopted child, ward, or spouse of a sponsor, or who is a resident in the household of a sponsor who stands in loco parentis to such individual and who receives one-half or more of their support from such sponsor; and
- (2) Has not completed secondary school and who will reach their fifth but not 21 st birthday by 31 December of the current school year; or
- (3) Is handicapped, and is between three and five years of age by 31 December of the current school year, provided that the Director, DoDDS, or appointed designee, in their sole discretion, determines that adequate staff and facilities are available to service such a handicapped child. (Refer to Article 2.D.2.c.(1) and (5) of this Manual.

2.C.2.i. Sponsor

The term "sponsor" means a uniformed member of the Coast Guard or Coast Guard Reserve serving on active duty.

2.C.3. Transportation in Support of Educating Minor Dependents in Non-Overseas Areas

2.C.3.a. Transportation of Dependents

The Secretary of Homeland Security is authorized to provide for the transportation of dependents of Coast Guard personnel between schools located in the same area as a Coast Guard facility, and the Coast Guard facility, if it is determined that the schools in the area are not accessible by public means of transportation on a regular basis (14 U.S.C. § 657). This authority has been delegated to the Commandant in 49 C.F.R. 1.46(r). This authorization applies for transportation services in support of educating minor dependents of Coast Guard personnel attending schools located in the 50 United States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States, including the Trust Territory of the Pacific Islands and Midway Island.

2.C.3.b. Financial Assistance

In addition, the Department of Education (DoE), is authorized to provide financial assistance to local educational agencies in federally impacted areas. This financial assistance may be used to fund the transportation of Coast Guard dependents. Accordingly, before any Coast Guard funded or Coast Guard owned transportation is provided, the local educational agency must be requested to provide the necessary transportation, from either its own resources or from Federal impact funds made available by the DoE. Only if the local educational agency refuses to provide the required transportation, and the agency certifies that Federal impact funds either are not available or could not be made available if application for them was made, may Coast Guard funded or owned transportation be provided.

2.C.3.c. Not Accessible

The term "not accessible by public means of transportation on a regular basis" means:

- (1) That the school is more than one mile distant from both the dependent's residence and the Coast Guard facility, as measured over the actual route the dependent would take to school, or, if either or both of the distances are one mile or less, that the route to school passes through areas of heavy traffic, blighted urban or residential districts, potentially dangerous industrial or construction areas, or involves other conditions or circumstances that would jeopardize the health or safety of the dependent; and
- (2) That, in the case of dependents in kindergarten through grade eight, regular public school transportation is not available; or
- (3) That, in the case of dependents in grades nine through twelve, both regular public transportation, that furnished by a commercial firm or public utility on a regularly scheduled basis as part of its public service, but not including taxi service, and regular public school transportation are not available.

2.C.3.d. Total Travel Time

Notwithstanding the provisions of paragraph c. above, if the total travel time by the available means of non-Coast Guard transportation exceeds one hour each way, and the total travel time by Coast Guard funded or owned transportation would be one hour or less, the school will be deemed to not be accessible by public means of transportation on a regular basis.

2.C.3.e. Coast Guard Transportation Provided

When Coast Guard funded or owned transportation is provided, no dependent may be furnished more than one round trip to and from school each school day.

2.C.3.f. Coast Guard Owned Transportation

Coast Guard owned transportation facilities should normally be used to transport dependents. If, in the judgment of the commanding officer of the facility involved, the transportation can be more effectively or more economically provided by contracting for commercial service:

- (1) Commercial services may be used in lieu of Coast Guard owned facilities; or
- (2) Reimbursement may be provided to the sponsor who provides the transportation or contracts for commercial transportation service.

2.C.3.g. Payment for Transportation

Payment for transportation costs may be made either on the basis of purchase orders to carriers or by reimbursement to the sponsor. All claims for reimbursement of expenses paid by sponsors must be adequately supported by proper receipts. The commanding officer shall attach a receipted copy of the purchase order certifying that the materials and services have been received to each bill or group of bills submitted for payment.

2.C.3.h. Definition of Dependent

The term "dependent" for purposes of this Article means the same as prescribed in Article 2.E.2. of this Manual except that dependents under five years of age by 31 December of the current school year may be considered a dependent for school transportation purposes if enrollment in the local public school is permitted.

2.D. Survivor Benefit Plan (SBP)

2.D.1. General

On 21 September 1972, Public Law 92-425 amended 10 U.S.C. § 73 to establish a new Survivor Benefit Plan within the Uniformed Services retirement system. Various amendments have been applied to the original legislation through the years. This section provides regulations for administration of the Survivor Benefit Plan.

2.D.2. Purpose

The purpose of the Survivor Benefit Plan is to establish a survivor benefit program for military personnel in retirement to complement the survivor benefits of social security. The Plan provides all career members of the Uniformed Services who reach retirement eligibility an opportunity to leave a portion of their retired pay to their survivors at a reasonable cost.

2.D.3. Definitions

2.D.3.a. SBP or Plan

SBP or Plan, as hereinafter used, means the Survivor Benefit Plan, which for members initially retired on or after 21 September 1972, replaces the Retired Serviceman's Family Protection Plan (RSFPP).

2.D.3.b. Base Amount

For a member retired on or after 21 September 1972 means:

- (1) The amount of monthly retired pay to which the member is entitled when eligible for the award of that pay; or
- (2) The amount of monthly retired pay to which the member later becomes entitled by being advanced on the retired list, performing active duty in a recall from retirement status, or being transferred from the temporary disability retired list to the permanent disability retired list; or
- (3) Any lesser amount that may be designated by the member prior to retirement, but not less than \$300.00. If full retired pay is less than \$300.00, full retired pay is the base amount.

Note: Whenever retired pay is increased, the SBP base amount is normally increased at the same time and by the same percentage. Refer to Article 2.E.10. of this Manual.

2.D.3.c. Widow(er)

Widow(er) means the surviving spouse of a deceased retiree who:

- (1) Was married to the retiree when the retiree became eligible for retired pay; or
- (2) Married the retiree after retirement, and:
 - (a) Was married to the retiree at least one year immediately before, and at the time of, his or her death; or
 - (b) Was the parent of a natural child from the marriage.

2.D.3.d. Former Spouse

Refer to Article 2.E.13. of this Manual for complete information.

2.D.3.e. Dependent Child

A dependent child means an unmarried child:

- (1) Who is a natural child, an adopted child, a stepchild or a foster child who lived with the retiree in a regular parent-child relationship. Additionally, to qualify as a dependent child, a foster child must reside with the retiree at the time of death, receive over one-half of his/her support from the retiree, and not be cared for under a social agency contract.
- (2) Meets the following criteria:
 - (a) Under 18 years of age, or at least 18, but under 22, if pursuing a full-time course of study or training in a high school, trade school, technical or vocational institute, junior college, university, or comparable recognized educational institution; or
 - (b) Incapable of self-support because of mental or physical incapacity which existed before the 18th birthday or which was incurred before age 22 while pursuing a full-time course of study or training.

Note: For the purposes of the definition of a dependent child:

A child whose 22nd birthday occurs before 01 July or after 31 August of a calendar year while he/she is pursuing a full-time course of study or training, is considered to become 22 years of age on the first day of July after that birth date. Students will continue to be considered as such during the interim between school years, but not for periods longer than 150 days.

In the case of an incapacitated child, such incapacity must be substantiated by a

current physician's statement before eligibility is extended beyond the 18th or 22nd birthday. An incapacitated child's continued eligibility will be reevaluated biennially, unless medical prognosis indicates the disability is permanent and recovery is highly improbable.

2.D.3.f. Date of Election

The date of receipt of election means the day of receipt by the Pay and Personnel Center (PPC) or, in those cases where the execution of the member's election intent might be prejudiced, the date of postmark of the member's election.

2.D.3.g. Insurable Interest Person (IIP)

Insurable Interest Person (IIP) is any person having a reasonable and lawful expectation of monetary benefit from the continued life of a retiree. Some examples are: parents; stepparents; grandparents; grandchildren; aunts; uncles; sisters; brothers; half-sisters; half-brothers; child(ren); or a nonrelative business associate, employee, etc. If the designation is for a nonrelative, proof of financial benefit from the continuance of life of the retiree must be submitted.

2.D.4. Coverage

2.D.4.a. Coverage Available

Under SBP, every member with a spouse and/or dependent child(ren) on the first day of entitlement to retired pay will automatically participate in the Plan at the maximum level legally allowed, unless less than the maximum coverage, or no coverage at all, is selected. A member who is not married nor has any dependent child(ren) at retirement need not make an SBP election upon retirement; however, such member may elect to provide survivor protection to an insurable interest person.

2.D.4.b. Automatic Coverage

Unless a member elects not to participate in SBP, or elects to participate at less than maximum level, before the first day on which he/she becomes entitled to retired pay, each member with a spouse and/or dependent child(ren) on the date of retirement will AUTOMATICALLY participate in SBP as follows:

- (1) A member with a spouse only will be enrolled for that spouse at the maximum level;
- (2) A member with a spouse and child(ren) will be enrolled for the spouse and child(ren) at the maximum level with the annuity payable to the spouse or, in the event of the death or remarriage of the spouse, to the eligible child(ren).
- (3) A member with child(ren) only will be enrolled for the child(ren) at the maximum level.

Note: "Maximum" level of participation means that coverage is based on the member's full gross retired pay.

2.D.4.c. Reduced Coverage

Every member with a spouse and/or dependent child(ren) on the date of retirement, who does not desire coverage under the automatic provision of SBP, may elect one of the following optional coverages, with written consent of the spouse:

- (1) Spouse Only. A member with a spouse only on the date of retirement may elect to participate at a reduced level or may elect not to participate at all.
- (2) Spouse and Children. A member with a spouse and child(ren) on the date of retirement may elect to cover the spouse and child(ren) at a reduced level, may elect to cover the spouse only at the maximum level or at a reduced level, or may elect not to participate at all.
- (3) Children Only. A member with child(ren) only on the date of retirement may elect to participate at a reduced level or may elect not to participate at all.
- (4) Former Spouse and Children. A member with a former spouse and child(ren) on the date of retirement may elect former spouse coverage. (Refer to Article 2.D.13. of this Manual.)

2.D.4.d. Insurable Interest Coverage

A member who is unmarried and has no dependent child(ren) on the date of entitlement to retired pay, may elect to provide an annuity for a person with an insurable interest in the member.

2.D.4.e. Special Coverage Provisions

- (1) Disability Retired List. Application of the Plan to a member whose name is on the temporary disability retired list ceases when the member's name is removed from that list and the member is no longer entitled to retired pay. When a member is transferred from the temporary disability retired list to the permanent disability retired list, such transfer is not considered a change in status for the member, and any prior election under SBP cannot be changed or revoked.
- (2) Death after Eligible for Retired Pay. If an active duty member dies after becoming eligible for retired pay but before its award or while on active duty after retirement, the spouse shall receive an annuity in an amount equal to the difference between any Dependency and Indemnity Compensation (DIC) the Department of Veterans Affairs pays on the widow(er)'s behalf and an annuity equal to 55 percent of what the member's retired pay would have been on the date of death. Dependent child(ren) who otherwise meet Article 2.E.3.e. of this Manual qualifications shall be paid an

SBP annuity if no spouse survives or the member's surviving spouse subsequently dies.

2.D.5. Eligibility Requirements

The provisions of the Survivor Benefit Plan apply to:

- (1) Any person who initially becomes entitled to retired pay on or after 21 September 1972.
 - (2) Any person who was entitled to retired pay before 21 September 1972. Such a retiree must have elected to participate in the SBP before 21 March 1974, if he/she had eligible beneficiaries (spouse, child(ren)). Persons not married on 21 March 1974, but who later married or acquired dependent child(ren), were authorized to elect to participate in the Plan within one year of acquiring the spouse or child. If the member participated in the RSFPP, he/she had the option to continue such participation and elect to participate in SBP, provided the combined annuities did not exceed 100 percent of the retired pay on the effective election date. Alternatively, a retiree who participated in the RSFPP could have elected to participate in the SBP and canceled the RSFPP participation as of the day before the effective date of the new election.
 - (3) Any member or former member of the Coast Guard Reserve qualifying for retired pay at age 60 in accordance with 10 U.S.C. § 1331 - § 1337. Reservists in this category who do not submit an election or who elect option A under the Reserve Component Survivor Benefit Plan (RC-SBP) (refer to Article 2.E.12. of this Manual), will be covered AUTOMATICALLY at the MAXIMUM LEVEL, unless they choose, prior to entitlement to retired pay, to elect reduced coverage as described in Article 2.E.4.c. of this Manual. Such a member will be notified concerning SBP and its provisions approximately six months before reaching age 60.
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2.D.6. Election Regulations

2.D.6.a. Participation

Any election not to participate, or to participate at a reduced base amount, if not rescinded or changed prior to the first date of entitlement to retired pay, is irrevocable. Therefore, if coverage is declined for a spouse at the time of retirement, the decision is irrevocable and coverage for that spouse cannot be provided at any later point in time. Consequently, any decision not to participate, or to participate at a reduced base amount, should be reviewed very carefully.

2.D.6.b. Non-Participation

If a member elects not to participate or participate at less than the maximum level, or elects children-only coverage when there is an otherwise eligible spouse, that spouse

must sign a statement concurring with the member's election. IF ALL REQUIREMENTS FOR AN ELECTION NEEDING THE SPOUSE'S CONCURRENCE HAVE NOT BEEN SATISFIED PRIOR TO RETIREMENT, FOR WHATEVER REASON, FULL SPOUSE COSTS AND COVERAGE WILL BE IMPLEMENTED, regardless of any request by the member to do otherwise. If a member can establish his/her spouse's whereabouts are unknown and cannot be determined, spousal concurrence will be waived if the member signs a statement as follows:

The whereabouts of my spouse are unknown to me and have been unknown to me for at least 90 days. I understand if this statement is later found untrue, spouse coverage will be established on the full amount of retired pay with costs and interest collected retroactive to my date of retirement unless my spouse consents otherwise. I understand any false statement or misrepresentation thereto is a violation of law punishable by fine of not more than \$10,000 or imprisonment of not more than five years or both (18 U.S.C § 1001).

2.D.6.c. Spouse Coverage

A member who has no spouse and/or child(ren) on date of retirement, but who later acquires a spouse and/or child(ren), may elect to participate in the Plan, provided he/she elects to do so within one year of such acquisition. Such election must be submitted in writing to the Pay and Personnel Center (PPC). Spouse coverage becomes effective one year after marriage, unless a child is born of that marriage before the first anniversary.

2.D.6.d. Elections Are Irrevocable

Except as provided below, elections are irrevocable after the award of retired pay and are not voided by recall to active duty. The following are exceptions; in these cases, an election may be changed or revoked:

- (1) Changes within One Year of Acquisition. If a member elected to provide coverage for an insurable interested person, that election may be later terminated. It may also be changed to cover a newly acquired spouse or dependent child(ren), provided such election is received by PPC within one year of acquisition of the spouse and/or child(ren).
- (2) Changes for Newly Acquired Spouse. If a member who was unmarried on the date of retirement elected to provide coverage for dependent child(ren), the election may be changed to cover a newly acquired spouse along with the child(ren) should the member subsequently marry, but the election must be done within one year of the marriage.
- (3) Ineligibility of Children. A member may drop coverage for dependent child(ren) because of ineligibility of all children for an annuity.
- (4) Member Declared Incompetent. Elections made by Commandant (CG-122) on behalf

of a member declared incompetent may be changed or revoked by the member within 180 days after appropriate authority subsequently determines such member is mentally competent. (Article 2.E.11.c. of this Manual contains further information on) mental incompetence.

- (5) Loss of all Eligible Beneficiaries and Subsequent Marriage. If a member with spouse, or spouse and child(ren), coverage loses all eligible beneficiaries, then later remarries, the member has the following options:
 - (a) Resume coverage at the original level for the new spouse.
 - (b) Increase coverage up to the maximum level based on full retired pay. This option requires the member to pay the difference between the SBP costs incurred and the costs that would have been incurred if the new level of participation had been elected originally.
 - (c) Elect not to have spouse coverage resumed.
- (6) Election Submissions. SBP elections shall be submitted on Coast Guard & NOAA Retired Pay Account Worksheet and Survivor Benefit Plan Election, Form CG-4700, as prescribed in the Personnel and Pay Procedures Manual, PPCINST M1000.2 (series).

2.D.7. SBP Costs

2.D.7.a. Spouse/Former Spouse Only

For members entering the Service on or after 01 March 1990, the monthly cost for providing an annuity for a spouse/former spouse is 6 percent of the elected base amount. For members entering the Service before 01 March 1990, the monthly cost is the lesser of: (1) 6.5 percent of the base amount; or (2) 2.5 percent of the first \$434.00 of the base amount (\$434.00 as of 01 January 1997; the figure is adjusted annually) plus 10 percent of the remaining base amount.

2.D.7.b. Spouse/Former Spouse and Eligible Child(ren)

- (1) In addition to the cost in Article 2.D.7.a. of this Manual above, there will be an additional actuarial charge based on the ages of the member, the member's spouse, and the youngest child. Ages to be used for calculating the actuarial charge will be the ages of the member and eligible dependents on their nearest birth dates as of the date of the member's election. Sample actuarial charges are shown in the table below:

Additional Cost for Children Under Spouse and Children Coverage				
Age of Member and Spouse	Age of Youngest Child			
	5	10	15	20
45	.00089	.00048	.00018	.00003

50	.00105	.00045	.00016	.00003
55	.00211	.00075	.00020	.00002
60	.00440	.00151	.00037	.00004

- (2) When all children cease to be eligible for an annuity, the actuarial charge for the child(ren) will be discontinued and the member will be charged only spouse/former spouse costs as described in paragraph a. on the previous page. The reduction of cost will be automatically effected the first day of the month following that in which the last child becomes age 22, as defined in Article 2.E.3.e. of this Manual, unless the retiree notifies Commanding Officer (CG PPC) in writing that the child has become ineligible prior to that time or retains eligibility past age 22 because of a disability.

2.D.7.c. Child(ren) Only

- (1) The monthly cost for providing an annuity to children, but not to a spouse, shall be based on a set of tables similar to those shown below. Ages to be used will be the ages of the member and his/her youngest child on their nearest birth date as of the date of the member's election.

Cost of Participation To Cover Children Only				
Age of Member	Age of Youngest Child			
	5	10	15	20
45	.0097	.0054	.0025	.0008
50	.0159	.0091	.0043	.0014
55	.0275	.0160	.0077	.0025
60	.0400	.0230	.0109	.0035

- (2) If the retiree should later marry, and elect to cover his/her spouse, the costs shall then be recalculated, under paragraph b. of this Article, effective as of the first day of the month following the first anniversary of the marriage.
- (3) If the retiree does not later marry, Commanding Officer (CG PPC) will automatically stop child costs effective on the first day of the month following that in which the last child becomes age 22, as defined in Article 2.E.3.e. of this Manual, unless the retiree notifies PPC in writing that the child has become ineligible prior to that time or retains eligibility past age 22 because of a disability.

2.D.7.d. Recalculating Cost

The cost of providing coverage for a child(ren) under paragraphs b. and c. of this Article will not be recalculated when a child different from the child initially established as the youngest child becomes the youngest child (for example, if the initially established youngest child dies or if a younger child is subsequently acquired). However, for the member providing coverage for children only under paragraph c., if a spouse is acquired after retirement, the cost of coverage for children will be recalculated based on the age of the youngest child and the age of the member and spouse, per Article 2.D.7.b. of this

Manual, at the time coverage is elected for the spouse.

2.D.7.e. Insurable Interest Person

The monthly cost to provide an annuity to an insurable interest person shall be ten percent of the member's full retired pay, plus an additional five percent of the member's full retired pay for each five years that the insurable interest person is younger than the retiree. The total cost, however, may not exceed 40 percent of the member's retired pay.

2.D.7.f. Member Not Entitled to Pay

For any period that a member awarded retired pay is not entitled to that pay, the member must pay the cost of coverage under the Plan to PPC by direct remittance. The only exceptions are as follows:

- (1) When the member has been ordered to active duty for a period exceeding 30 days; or
- (2) When a member waives retired pay for civil service retired pay, deposits for SBP costs will not be required while the waiver is in effect unless the member elected not to provide an annuity under Section 834(b) of Title 5, U.S.C. (Civil Service Survivorship Plan). In this case, SBP participation continues and costs are paid by the retiree directly to Commanding Officer (CG PPC-RAS).

2.D.7.g. Refunds

Except as provided in Article 2.E.9.d. of this Manual, refunds of SBP cost deductions are not authorized unless such amounts were deducted through administrative error.

2.D.7.h. Cost of Living Adjustment (COLADJ) Increases

SBP costs are increased to reflect COLADJ increases to to retired pay. Refer to Article 2.E.10. of this Manual.

2.D.7.i. Interest Charges

An interest charge of six percent compounded annually will be charged for delinquencies in the payment of SBP costs. At the time of death of a retiree, any delinquency, plus interest, will be collected from the annuitant's benefits prior to payment of any annuity.

2.D.8. Amount of Annuities

2.D.8.a. Spouse, Child(ren), or Former Spouse

The monthly annuity payable to a surviving widow(er), former spouse, or dependent child(ren) shall be an amount equal to:

- (1) 55 percent of the base amount (as adjusted by COLADJ increases) if the beneficiary is a spouse or former spouse under 62 years of age, or if the beneficiary is a dependent child(ren).
- (2) 35 percent of the base amount if the beneficiary is a spouse or former spouse and is age 62 or over upon becoming entitled to an annuity.

2.D.8.b. Second Tier Conversion Protection

Social security offset procedures will be used to compute the annuities of qualified spouse beneficiaries who are age 62 or over, if such procedure would result in a larger SBP annuity. Qualified spouse beneficiaries include those who were receiving an annuity under the Plan on 01 October 1985, as well as the spouse beneficiary of any person who on 01 October 1985 was either: (1) entitled to retired pay (had at least 20 years active service, but had not applied for retirement); or (2) eligible for reserve retired pay under Chapter 67 of Title 10, U.S.C., for the fact of being under 60 years of age. Spouse beneficiaries who qualify will have the monthly amount payable under the two tier (55/35 percent) system compared to the amount that would be payable under the social security offset procedure. If the annuity payable under the social security offset procedure is greater, the annuity will be paid in that manner.

2.D.8.c. Reduction for DIC

SBP annuities to a spouse or former spouse will be reduced if the spouse/former spouse is entitled to VA Dependency and Indemnity Compensation (DIC). DIC is not payable until the first day of the month after the month of death, so an SBP annuity shall not be reduced in the month of the member's death. When a spouse's annuity is reduced due to entitlement to DIC, a refund of SBP costs will be made, provided the DIC claim is submitted within one year of the member's death. The SBP cost refund is based on the difference between (1) the costs actually incurred and (2) the costs that would have been incurred in order to provide the recalculated annuity payable after reduction. If the spouse beneficiary is not age 62 upon becoming entitled to DIC and the social security offset procedure is not yet applicable, the annuity will be recalculated in the month after the spouse becomes age 62. No additional refund will be made as a result of this recomputation, regardless of the benefit amount payable or the amount of SBP costs not previously refunded.

2.D.8.d. Insurable Interest Person

An annuity provided an insurable interest person shall be 55 percent of the retired pay after reduction of SBP costs from the base amount.

2.D.8.e. Cost Of Living Adjustments (COLADJ)

Whenever COLADJ increases occur to retired pay, similar increases shall be applied to the monthly annuity payable under the SBP. When there are no offsets for social security

or DIC, the full amount of the annuity shall be Consumer Price Index (CPI) adjusted and increased by that dollar amount.

2.D.8.f. Supplemental SBP Coverage

Under Supplemental SBP, a member may purchase a supplemental annuity for his/her spouse at age 62. Refer to Article 2.E.14. of this Manual.

2.D.9. Payment of Annuity

2.D.9.a. Effective Date

Effective as of the day after a retired participant dies, a monthly annuity shall be paid to the covered survivor.

2.D.9.b. Termination Date

Annuities terminate on the first day of the month in which eligibility is lost. A widow(er) or former spouse shall receive the annuity so long as they live or until remarriage, if such remarriage occurs before the widow(er) or former spouse reaches age 55. If remarriage is terminated by death, annulment, or divorce, payment of the annuity will resume effective on the first day of the month of termination of the remarriage, provided the widow(er) is not entitled to an annuity under this Plan based upon the second marriage (to another military spouse). In such event, the widow(er) or former spouse may not receive both annuities under this Plan, but must notify PPC by signed letter which annuity is elected. In all cases, the widow(er) or former spouse must notify PPC by signed letter when remarriage occurs or is terminated.

2.D.9.c. Eligibility of Widow(er)

Following the death of a retiree, if the widow(er) is eligible for DIC in a greater amount than would have been paid as an annuity under the Survivor Benefit Plan, there is no entitlement under the Survivor Benefit Plan. If DIC is a lesser amount, the widow(er) may be paid an annuity equal to the difference between DIC and such annuity. The spouse's DIC entitlement for this purpose shall not include any amount attributable to child entitlement or paid for aid and attendance.

2.D.9.d. Annuity Payments

If an annuity is not payable because of the provisions of paragraph c. above, all costs previously withheld from the retiree's pay shall be refunded to the widow(er) provided the claim for DIC is submitted within one year of the retiree's death.

2.D.9.e. Termination of Payments

Annuities terminated because of DIC entitlement may be reinstated if the DIC entitlement

ceases (e.g., remarriage after age 55) provided SBP costs refunded to the widow(er) under paragraph d. above are repaid by the widow(er) to the Coast Guard.

2.D.9.f. Waiver of Military Retired Pay

If, upon the death of the retiree, there is a waiver of military retired pay in effect for the purpose of increasing civil service retired pay, an annuity under the SBP shall not be paid, unless the retiree notified the Civil Service Commission that he/she did not desire any spouse surviving him/her to receive an annuity under Title 5 U.S.C. § 8341(b) of at least the amount of coverage provided under the SBP.

2.D.9.g. SBP as Income

Except as provided in paragraph c. of this section, an annuity under the SBP is in addition to any entitlement under any provision of law and shall be considered as income under laws administered by the Department of Veterans Affairs. Annuities under the SBP are not assignable, nor subject to execution, levy, attachment, garnishment, or other legal process.

2.D.10. Cost of Living Adjustment (COLADJ)

When a COLADJ is applied to retired pay, the SBP cost, annuity, and base amount all increase. For example, assuming a \$1000.00 base amount:

\$1000.00 base amount x 55%	= \$ 550.00 monthly annuity
\$1000.00 x 6.5% cost factor	= \$ 65.00 monthly cost
3.1% COLADJ INCREASE	
\$1000.00 + 3.1%	= \$1031.00 base amount
\$1031.00 x 55%	= \$ 567.00 monthly annuity
\$65.00 previous cost + 3.1%	= \$67.02 monthly cost

2.D.11. Miscellaneous

2.D.11.a. Taxability of Cost to a Retiree

SBP costs reduce a retiree's gross income for federal income tax purposes.

2.D.11.b. Taxability of Benefits Payable to a Survivor Annuitant

Amounts payable to a survivor annuitant, including any refunds for cost of coverage as outlined in Article 2.E.9.d. of this Manual, are included in gross income for federal income tax purposes. The value of the survivor annuity shall not, in most cases, be

included as part of the estate tax.

2.D.11.c. Mental Incompetence

Whenever a member is determined to be mentally incompetent by medical officers of the Uniformed Services or of the Department of Veterans Affairs, or is adjudged mentally incompetent by a court of competent jurisdiction, and because of such mental incompetence is incapable of making an SBP election within the time limitations prescribed by the Plan, Commandant (CG-122) may make the appropriate election on behalf of such member.

2.D.11.d. Annuities as a Supplement to DIC

If there is no indication that DIC will be awarded following a retiree's death, payment of SBP annuities otherwise due shall immediately commence. Widow(er)s will be asked to sign a statement on their SBP application for annuity using the Application For Annuity Under The Survivor Benefit Plan (SBP), Reserve Component Survivor Benefit Plan (RCSBP), Retired Serviceman's Family Protection Plan (RSFPP) And/Or Final Retired Pay Due, Form CG-1884, indicating that the Coast Guard will be able to recoup any possible overpayment resulting from a subsequent entitlement to DIC. The purpose of this statement and signature is to permit the Coast Guard to begin immediate SBP annuity payments without waiting for an entitlement or denial statement from the VA concerning DIC.

2.D.11.e. Correction of Administrative Deficiencies

Commandant (CG-122) may correct or revoke an SBP election when it is considered necessary to correct an administrative error. Except when procured by fraud, a correction under this Article is final and conclusive on all officers of the United States.

2.D.11.f. Suspension of SBP Participation by Retirees Who are Rated 100 Percent Disabled by the Department of Veterans Affairs

A military retiree who has been rated as 100 percent disabled by the Department of Veterans Affairs continuously for ten or more years, or if for a lesser period, not less than five years from the last separation from the service, may discontinue SBP participation. This provision also allows a retiree to resume SBP participation if the VA disability is reduced from 100 percent at a later date.

2.D.12. Reserve Component Survivor Benefit Plan (RC-SBP)

2.D.12.a. General

(1) Eligibility of Reserves with 20 or More Years Qualifying Service. Public Law 95-397, effective 01 October 1978, extended eligibility for coverage under the Survivor Benefit Plan (SBP) to members and former members of the Reserve components who

have 20 or more years of qualifying service and have not reached age 60, the age at which they will be eligible for retired pay. Prior to enactment of P.L. 95-397, retired reservists could elect SBP coverage but only immediately before becoming eligible for retired pay (age 60). This does not exempt members from the statutory requirement (10 USC 1448) to make their election within 90 days of receiving their notice of completion of 20 years satisfactory service. Members declining to make a selection must wait until age 60 or an announced open season.

- (2) Discontinuance of SBP Participation on Second Anniversary. An SBP participant may choose to voluntarily discontinue RC-SBP participation during a one-year period which begins on the second anniversary of the date of commencement of retired pay. The premium terminates on the effective date of election which is the first day of the month following the date of receipt of the request. Any premium deducted for periods on or after such effective date is refunded and the member notified of the final action concerning termination of coverage.

2.D.12.b. Election Options

Upon completion of twenty years of satisfactory service for retirement, reservists are provided a comprehensive packet explaining RC-SBP. Reservists have three options:

- (1) Option A. This option is chosen by a reservist who is undecided about a RC-SBP election upon completing 20 years service, and defers that decision until reaching age 60. If the retired reservist dies before age 60 and has chosen option A, no annuity under RC-SBP will go to the spouse. If a member elects this option, the requirements for spousal consent found in Article 2.D.6.b. of this Manual apply. An election under this option states:

I decline to make an election at this time. (I will remain eligible to make an election for coverage at age 60).

- (2) Option B. Choosing this option allows an RC-SBP annuity to flow to the widow(er) should the reservist die before reaching age 60. The annuity will not begin, however, until the date on which the reservist would have been age 60. If a member elects this option, the requirements for spousal consent found in Article 2.D.6.b. of this Manual apply. An election under this option states:

I elect to provide an annuity beginning on the 60th anniversary of my birth should I die before that date, or on the day after the date of death should I die on or after my 60th birthday.

- (3) Option C. This option allows a RC-SBP annuity to begin being paid to the survivor upon the death of the reservist whether before or after the reservist's 60th birthday. An election under this option states:

I elect to provide an immediate annuity beginning on the day after date of my

death, whether before or after my 60th birthday.

2.D.12.c. Costs

RC-SBP premiums are deducted from a reservist's retired pay when the member begins drawing retired pay at age 60. Costs are similar to those quoted in Article 2.D.7. of this Manual, but vary somewhat depending upon the option chosen. If a retired reservist enters SBP at age 60 having deferred that decision (option A above), costs are identical to those explained in Article 2.E.7. of this Manual. Because options B and C allow coverage at an earlier age, costs are slightly higher. Costs for coverage under option C are the highest. A comprehensive set of cost tables covering all options is maintained at Personnel Service Center.

2.D.12.d. Annuities

The annuity paid to survivors of reservists is as described in Article 2.E.8. of this Manual. However, if the reservist elected pre-age 60 RC-SBP coverage under option B or C, the annuity will be a reduced annuity. The SBP base amount will be reduced by the pre-age 60 RC-SBP cost before being multiplied by 5 5/3 5 percent.

2.D.12.e. Beneficiaries' Medical, Dental, Commissary, and Exchange Benefits

Surviving dependents of a Reservist who died before attaining age 60 are entitled to medical care and military benefits when the member would have turned 60 years of age, if the reservist had:

- (1) earned 20 qualifying years for retirement and received their notice of eligibility for retired pay at age 60, but had not transferred to the retired Reserve, or
- (2) had entered into a RET-2 status (Retired Awaiting Pay at age 60).

The surviving dependents are also entitled to exchange and MWR benefits, as well as commissary visits.

2.D.13 Former spouse

2.D.13.a. Discussion

Public Law 97-252 permitted members retiring on or after 08 September 1982 to voluntarily elect SBP coverage on behalf of a former spouse. Previously, members who were unmarried or had no dependent child(ren) on retirement could elect coverage for a former spouse as an insurable interest person if it could be shown that the former spouse had a financial interest in the continuance of the life of the member. Public Law 99-145 placed former spouse coverage under spouse coverage at the same costs and benefits effective 01 March 1986. Public Law 101-189, 29 November 1989, gave courts the authority to mandate that military members provide SBP coverage to a former spouse in

the case of divorce, dissolution, or annulment.

2.D.13.b. Elections

There are five types of former spouse elections that may be made.

- (1) A voluntary election made by the member without entering into an agreement with the former spouse. If the member is married, his/her current spouse shall be notified that the member has made a former spouse election and that such election precludes the current spouse from being covered under SBP.
- (2) A voluntary election made pursuant to a written agreement between the member and former spouse, and such agreement has been incorporated in a court order.
- (3) A voluntary election made pursuant to a written agreement between the member and former spouse, and such agreement has not been incorporated in a court order.
- (4) A deemed election in which a member entered into a voluntary agreement, which has been incorporated or ratified or approved by a court order, and the member fails or refuses to make the election.
- (5) A deemed election in which the member did not enter into a written agreement with the former spouse, but the court order mandates that the member provide SBP coverage for the former spouse.

2.D.13.c. Special Provisions

- (1) Changes for Spouse/Children Acquired after Retirement. In some cases, former spouse/child(ren) coverage may be changed to coverage for a spouse/child(ren) acquired after retirement. If the former spouse election was made pursuant to a written agreement or court order between the member and former spouse, the member must provide appropriate evidence of the former spouse's consent or court order to the change. The consent of the former spouse is not required if the member voluntarily elected former spouse coverage without a written agreement.
 - (2) Notification. A former spouse shall be notified by Commanding Officer (PPC) when a member changes from former spouse coverage to coverage for a spouse/child(ren).
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2.D.14. Supplemental Survivor Benefit Plan (SSBP)

2.D.14.a. General

- (1) Authority. Public Law 101-189 of 29 November 1989, as amended, established a Supplemental Survivor Benefit Plan (SSBP). Under SSBP, a retiree may elect additional coverage to keep the SBP spousal annuity from decreasing at age 62 as detailed in Article 2.E.8.a. of this Manual. SSBP is an optional coverage.

- (2) Restrictions. Only members who elect full SBP coverage for their spouse may elect SSBP coverage. Full retired pay must be elected as the SBP base amount before SSBP can be elected.

2.D.14.b. SSBP Annuity Amounts

An SSBP annuity is an amount equal to 5, 10, 15, or 20 percent of the base amount, according to the level of SSBP elected. The SSBP annuity is added to the SBP annuity when the SBP annuity is reduced to 35 percent because the spouse or former spouse beneficiary is age 62 or older. For example, if a member purchases a ten percent SSBP annuity, at age 62, his/her spouse will be entitled to a total SBP/SSBP annuity equal to 45 percent of the member's base amount.

2.D.14.c. SSBP Costs

- (1) SSBP costs are in addition to SBP costs. SSBP costs, like SBP costs, are a percentage of the SBP base amount. SSBP cost factors depend on:
- (a) The age of the member on the birthday nearest the date of retirement; and
 - (b) Whether the member is a regular or a reserve.
- (2) SSBP cost factors for the spouse of a regular Coast Guard member, or a post age 60 reserve member, are shown in the table below. The factor shown is for five percent of coverage. For example, if a retiree wishes to provide a 50 percent annuity for his 62-year old spouse, in lieu of the standard 35 percent annuity, the retiree would purchase three units of coverage. If such a retiree is 45 years old, and his/her SBP base amount is \$1,500.00, the SSBP cost would be:

$$\$1,500.00 \times (.0124 \times 3) = \$55.80 \text{ per month}$$

SSBP Premium Rates - Regular Spouse Coverage			
Age at Election	Premium Rate	Age at Election	Premium Rate
37	.0096	50	.0153
38	.0098	51	.0159
39	.0101	52	.0166
40	.0106	53	.0175
41	.0110	54	.0184
42	.0111	55	.0194
43	.0113	56	.0204
44	.0118	57	.0214
45	.0124	58	.0225
46	.0130	59	.0237
47	.0137	60	.0237
48	.0141	61	.0260

49	.0147	62	.0273
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NOTE: Cost factors for ages other than those shown above can be obtained from the Pay and Personnel Center.

- (3) SSBP cost factors for a reserve Coast Guard member who elects RC-SBP option C (refer to Article 2.E.12.b(3) of this Manual.) are shown below. The cost factor shown is for five percent of coverage.

SSBP Premium Rates - Reserve Spouse Coverage, RC-SBP Option C			
Age at Election	Premium Rate	Age at Election	Premium Rate
35	.0363	48	.0298
36	.0359	49	.0294
37	.0352	50	.0289
38	.0349	51	.0286
39	.0344	52	.0283
40	.0338	53	.0281
41	.0335	54	.0279
42	.0317	55	.0276
43	.0308	56	.0273
44	.0307	57	.0270
45	.0307	58	.0267
46	.0305	59	.0262
47	.0303		

- (4) SSBP cost factors for a reserve member who elected RC-SBP option B (refer to Article 2.E.12.b(2) of this Manual.) are shown below. The cost factor shown is for 5 percent of coverage.

SSBP Premium Rates - Reserve Spouse Coverage, RC-SBP Option B			
Age at Election	Premium Rate	Age at Election	Premium Rate
35	.0373	48	.0302
36	.0368	49	.0297
37	.0361	50	.0292
38	.0357	51	.0288
39	.0351	52	.0285
40	.0345	53	.0282
41	.0342	54	.0280
42	.0323	55	.0277
43	.0313	56	.0274
44	.0312	57	.0270
45	.0311	58	.0267
46	.0309	59	.0262
47	.0307		

- (5) SSBP Premiums: COLA's, Suspensions, Refunds, and Deposits.
- (a) SSBP premiums, once established, are increased in the same manner as SBP premiums are increased as described in Article 2.E.10. of this Manual.
 - (b) SSBP premiums will be suspended whenever SBP premiums are suspended.
 - (c) No refund of SSBP premiums will be made except under provisions of Article 2.E.7.g. and 2.E.11.f. of this Manual.
 - (d) The provisions of Article 2.D.7. of this Manual concerning deposits required when the member is not entitled to retired pay, also apply to SSBP premiums.

2.D.14.d. Miscellaneous SSBP Provisions.

- (1) SSBP Elections Upon Remarriage. A member who marries or remarries after retiring may irrevocably elect, within one year of such marriage, to provide an SSBP annuity for the new spouse provided the member provides SBP coverage for that spouse at the maximum level.
- (2) Effect of Eligibility to Compute SBP Annuity Amount Using the Social Security Offset. A person may not elect SSBP if that person's spouse or former spouse beneficiary will be eligible to compute their annuity under the social security offset provisions as described in Article 2.E.8.b. of this Manual, unless the member irrevocably waives the right to compute an SBP annuity under the social security offset method. Such waiver must be made in writing.
- (3) Former Spouse Elections.
 - (a) A retiree, upon electing to provide an SBP annuity to a former spouse at the time of retirement, may concurrently elect to provide an SSBP annuity for that former spouse.
 - (b) A retiree may submit an election to provide an SSBP annuity to a former spouse after retirement. Such election may be made whether or not an SSBP annuity had been elected for any spouse or former spouse coverage previously applicable to that person.
 - (c) Deemed elections shall operate under the same rules as deemed election for SBP (Refer to Article 2.E.13.b. of this Manual.) except that no election for SSBP may be required by court order.
- (4) Elections: Duration of Effectiveness and Beneficiaries. An election to provide an SSBP annuity remains effective as long as SBP coverage remains effective for that spouse or former spouse. Once effective, no election for SSBP may be revoked. A spouse or former spouse beneficiary who is not eligible to receive an SBP annuity is

not eligible to receive an SSBP annuity except when entitlement to the SBP annuity is lost as described in Article 2.E.8.c. of this Manual, due to entitlement to Dependency and Indemnity Compensation (DIC).

- (5) Discontinuance of SSBP Coverage. The provisions of SBP in Article 2.E.11.f. of this Manual concerning persons with service-connected disabilities apply equally to SSBP participation.
 - (6) Administrative Corrections and Elections. The provisions of Article 2.E.11.e. of this Manual, allowing correction of elections due to administrative error, and the provisions of Article 2.E.11.c. of this Manual, concerning elections to be made to Commandant (CG-122) on behalf of mentally incompetent persons, also apply to SSBP elections.
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CHAPTER 3 GENERAL GUIDANCE

3.A. Language Usage in the Workplace

3.A.1. General

The Coast Guard needs and values the multi-lingual skills of the workforce as key capabilities that enable the Service to execute important missions every day. However, away from the context of those missions, questions arise from time to time as to whether it is appropriate to speak a language other than English at the workplace. In order to continue to foster work environments which encourage multi-lingual capabilities while minimizing the potential for others to feel intimidated or excluded, the following practices will be followed:

3.A.2. Practice

- a. Language Used in the Workplace. As a standard practice, English will be used as the common language when conducting business in the Coast Guard workplace because there is a critical need for clear and effective communications when it comes to mission accomplishment and safety. It is also imperative in promoting unit cohesion, teamwork, and readiness.

 - b. Language Used in Casual Conversation. While the overwhelming majority of communications occurring throughout the Coast Guard will be conducted in English, there are, and will continue to be, instances where it is acceptable for casual conversations, outside of the immediate work group, to be held in languages other than English. Examples of these include conversations between crewmembers on the mess deck and passageway or in a one-on-one private conversation. Conversations of this nature encourage the development and maintenance of the language skills and cross-cultural exposure and expression that may be critical when conducting Coast Guard missions. However, in an office setting or group situations, English shall be used as the common language so that everyone understands what's being communicated and feels included in the process.
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3.B. Conducting Traditional Ceremonies

3.B.1. General

An important part of Coast Guard history, traditional ceremonies such as Chief Petty Officer initiations, crossing the equator, Arctic and Antarctic Circle initiations, etc., are a noteworthy milestone for our men and women. During years past, these events were viewed as a “rite of passage.” Those who had achieved the exalted status being recognized had the right to initiate the “new arrivals.” In the days of sail, this sometimes involved humiliating, degrading, and even assaulting inductees during initiation. Today, the Coast Guard has articulated unequivocal policies on human relations, sexual harassment and hazing. Traditional ceremonies must be meaningful initiations which emphasize sea-going lore and history while preserving the inductees’ personal pride and dignity.

3.B.2. Policy

According to reference (b), United States Coast Guard Regulations 1992, COMDTINST M5000.3 (series), Article 4-1-15, traditional initiations, such as for advancement to Chief Petty Officer or crossing the Equator, the International dateline, etc. are permitted, but they shall not include any degradation of character, sexual overtones, bodily harm or undue harassment, and shall be conducted with the complete knowledge of and oversight by the Commanding Officer.

3.B.2.a. Core Values

Great strides have been made to ensure Service-related ceremonies and associated crew activities promote pride, camaraderie, and well-being among unit personnel. Commanding Officers must ensure they are devoid of sexual overtones or hazing. The Coast Guard’s core values of Honor, Respect, and Devotion to Duty must guide our conduct. Consequently, our leaders must constantly reinforce Coast Guard core values. This is especially important during some rituals such as line-crossing ceremonies, when standard chain of command roles may be confused with “shellback” or “pollywog” roles. Without proper oversight, ceremonies can quickly change from benign, light-hearted activities all can enjoy to offensive behavior which demeans and alienates Coast Guard personnel.

3.B.2.b. Responsibilities

Traditional ceremonies are permitted provided they abide by guidelines set forth in reference (b), United States Coast Guard Regulations 1992, COMDTINST M5000.3 (series); Coast Guard Civil Rights Manual, COMDTINST 5350.4 (series); and the Guideline for Chiefs’ Call to Initiation published by the MCPOCG. Commanding Officers and Command Master/Senior Chief always must know the type and tone of ceremonial activities planned and conducted. To this end, they may act as participants in ceremonies only if they can also maintain knowledge, oversight and propriety over all

ceremonial activities. The responsible Command Master/Senior Chief shall be present during all traditional ceremonies and maintain appropriate control. Commanding Officers and Command Master/Senior Chiefs must be sensitive to all members' perceptions of these ceremonies, their effect on the working environment and emphasize their meaning and tradition, while upholding our core values and ensuring the protection of each member's personal pride and dignity. More importantly, Coast Guard conduct always must adhere to the ideals of the Commandant's Human Relations Policy, regardless of the prevailing or apparent perceptions of the individuals potentially affected.
