

**BY ORDER OF THE  
SECRETARY OF THE AIR FORCE**

**AIR FORCE INSTRUCTION 36-2906**

**30 JULY 2018**



**Personnel**

**PERSONAL FINANCIAL  
RESPONSIBILITY**

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

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This instruction implements Air Force Policy Directive (AFPD) 36-29, *Military Standards*,

Department of Defense Instruction (DoDI) 1344.09, *Indebtedness of Military Personnel*. This instruction is applicable to the total force to include Regular Air Force, Air Force Reserve, and Air National Guard members. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR), using AF Form 847, *Recommendation for Change of Publication*; route AF Form 847s from the field through the appropriate functional's chain of command. This publication may be supplemented at any level, but all direct supplements must be routed to the OPR of this publication for coordination prior to the certification and approval. The authorities to waive wing/unit level requirements in this publication are identified with a Tier ("T-0, T-1, T-2, T-3") number following the compliance statement. See AFI 33-360, *Publications and Forms Management*, for a description of the authorities associated with the Tier numbers. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternately, to the requestors commander for non-tiered compliance items. Ensure all records created as a result of processes prescribed in this publication are maintained in accordance with (IAW) Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of IAW the Air Force Records Disposition Schedule located in the Air Force Records Information Management System.

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requires the collection and or maintenance of information protected by the Privacy Act of 1974 authorized by *Title 10 United States Code (U.S.C.)*, Section 8013 and Secretary of the Air Force and Executive Order (E.O.) 9397 (SSN), as amended. The applicable Privacy Act System of Records Notice F036 AFPC C *Indebtedness, Nonsupport Paternity*, is available online at <http://dpcl.d.defense.gov/Privacy/SORNsIndex/DOD-Component-Notices/Air-Force-Article-List/>

### ***SUMMARY OF CHANGES***

This revision incorporates Headquarters Air Force Publications Branch recommended tier statements, eliminates references to cancelled Department of Defense Instruction 1344.12, *Indebtedness Processing Procedures for Military Personnel*, updates office symbols, and corrects Department of Defense and public law references.

## Chapter 1

### OVERVIEW

**1.1. Overview** .This instruction establishes guidelines for managing and processing allegations of delinquent financial obligations. Federal law authorizes allotments from active duty military pay to satisfy certain financial obligations. Military members are expected to pay their just financial obligations. AFI 1-1, *Air Force Standards*, includes general guidance on personal financial responsibility as one element of a strong Air Force culture. Attachments 2 and 3 of this publication contain fact sheets on Federal policy and guidelines related to military personal indebtedness to aid both commanders and members.

## Chapter 2

### ROLES AND RESPONSIBILITIES

**2.1. Major Commands, Field Operating Agencies, and Direct Reporting Units will:** monitor and guide subordinate units, including comprehensive instructions about personal financial management in teaching guides or course curricula.

**2.2. Installation Commanders will:** obtain the advice of and coordinate with the installation Staff Judge Advocate, the military personnel flight commander, the accounting and finance officer, and the inspector general to develop responses to high-level, executive, and Congressional inquiries (T-2).

**2.3. Unit Commanders will:**

2.3.1. Review and assess financial responsibility complaints and respond to complainants within 15 days (Air Force Reserve 30 days, Air National Guard 60 days). As appropriate, include with the responses a copy of the fact sheets in this instruction (Attachments 2 and 3) (T-3).

2.3.1.1. Advise members and the complainants of Air Force policy, including the fact that the Air Force has no authority to arbitrate disputed cases of nonsupport or personal indebtedness (T-3).

2.3.1.2. Monitor complaints until resolved (T-3).

2.3.1.3. Provide no information to the complainants regarding administrative or disciplinary action contemplated or taken against the members (T-3).

2.3.2. Refer members who demonstrate financial irresponsibility to the local Personal Financial Management Program manager for financial management education and information. Air Force Reserve installations refer members to qualified community-based financial management personnel. (T-3).

2.3.3. Refer members to a qualified legal assistance provider in nonsupport cases or when members may have legal standing to contest the indebtedness (T-3).

2.3.4. Consider and, if appropriate, initiate administrative or disciplinary action against members who continue to demonstrate financial irresponsibility (T-3).

2.3.5. Respond to inquiries from the Air Force Personnel Center (AFPC), Special Programs Team (DP2SSM), 550 C Street West, JBSA-Randolph AFB, TX 78150-4747, with the following information (T-3):

2.3.5.1. Member's military status and position.

2.3.5.2. Whether the members agree to release information protected by the *Privacy Act of 1974*, 5 United States Code §552a.

2.3.5.3. Name, address, and telephone number of unit commander and of the person preparing the inquiry.

2.3.6. When addressing debt complaints against members, review all available facts surrounding the transaction forming the basis of the complaints, including the members' legal rights and obligations, and any defenses or counterclaims the members may have.

**2.4. The Force Support Squadron will:**

- 2.4.1. Assign a section in the Force Support Squadron to process personal financial responsibility complaints **(T-3)**.
- 2.4.2. Forward financial responsibility complaints to the member's unit commander for action **(T-3)**.
- 2.4.3. Forward financial responsibility complaints for members not assigned to a serviced unit to the appropriate Military Personnel Flight **(T-3)**.
- 2.4.4. Send complaints involving Air Force Reserve members assigned to Headquarters Individual Reservist (IR)/Readiness & Integration Organization (HQ IR/RIO) to HQ IR RIO, 18420 E. Silver Creek Avenue, Building 390, MS 68, Buckley AFB, CO 80011. For all others, refer to para 1.2.8.1. **(T-3)**.
- 2.4.5. Advise the complainant that the Air Force cannot assist with individuals no longer under its jurisdiction such as members who have separated or retired from the service **(T-3)**.
- 2.4.6. Advise complainants who want to contact a military member about indebtedness to request the member's military address from Air Force Worldwide Locator, AFPC/DP1ORM, 550 C Street West Suite 50, JBSA – Randolph, TX 78150. Commercial creditors will be charged \$3.50 for locator service **(T-3)**. Additional information is available at: <http://www.afpc.af.mil/Air-Force-Worldwide-Locator>. AFPC/DP1ORM will advise the creditor in writing if they are unable to release a member's address **(T-3)**.
- 2.4.7. Recommend that AFPC/DP1ORM discontinue processing complaint when complainants refuse or repeatedly fail to comply with this instruction **(T-3)**.
- 2.4.8. Provide complainants with the Defense Finance and Accounting Service address and phone number upon request **(T-3)**.
- 2.4.9. Report cases of fraudulent, misleading, or deceptive business practices to the Armed Forces Disciplinary Control Board according to Air Force Joint Instruction 31-213, *Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations* (available at: <https://armypubs.army.mil/>, Army Regular 190-24), and AFPC/DP2SSM **(T-3)**.

**2.5. The Staff Judge Advocate will:**

- 2.5.1. Advise commanders on how to apply policy to individual cases involving financial support of dependents, garnishments, and involuntary allotments for financial support based upon court orders **(T-3)**.
  - 2.5.1.1. Advise commanders on the procedures involved in processing involuntary allotment cases, including assisting the commander in determining whether demands of military duty support a decision to disapprove the application for involuntary allotment. **(T-3)**
  - 2.5.1.2. Advise commanders on appropriate administrative or disciplinary action in cases of fraud, deceit, criminal conduct, or persistent financial irresponsibility. **(T-3)**
- 2.5.2. Provide legal assistance to military members on issues of financial responsibility under federal and state laws, including the *Fair Debt Collection Practices Act* (15 United States Codes §1692-1692p), *The Uniformed Services Former Spouses' Protection Act* (10 United

States Codes §1408), and the *Servicemembers Civil Relief Act* (50 United States Codes §3901-4043) (additional information available at: <https://scra.dmdc.osd.mil/>) (T-3).

2.5.2.1. Arrange for the provision of legal assistance to members who choose to contest applications for involuntary allotments for civil debts. (T-3)

2.5.2.2. Coordinate on Congressional inquiries and special action cases involving allegations of non-support or financial irresponsibility (T-3).

**2.6. The Airman and Family Readiness Center and Personal Financial Management Program Manager provide:** military members and their families with financial management education and information and referral services. Air Force Reserve installations' Airman and Family Readiness Offices refer members to qualified community-based financial management personnel (T-3). For the Air National Guard, the Airman and Family Readiness Program Managers may provide financial counseling or refer to the nearest Active Duty location or Joint Force Support Assistance Program/Military Family Life Consultant or off-base agency.

**2.7. Military Members will:**

2.7.1. Pay their just financial obligations in a proper and timely manner (T-3).

2.7.2. Comply with the requirements imposed by this instruction, including the requirement to respond to applications for involuntary allotments of pay within the suspense dates established by Defense Finance and Accounting Service or the commander (T-3).

**2.8. Defense Finance and Accounting Service will (T-3):**

2.8.1. Refer persons and creditors seeking assistance with garnishments, statutory allotments for child and spousal support, or involuntary allotments for civil debts on active Regular Air Force, Reserve, Air National Guard, and retired members to the following: Defense Finance and Accounting Service, Cleveland Center, Code HGA, PO Box 998002, Cleveland, OH 44199-8002; online at <http://www.dfas.mil/garnishment/customerservice.html>; or via phone at the following toll free number: 1-888-332-7411 (T-3).

2.8.2. Provide automated information for collecting a commercial debt from a military member at: <http://www.dfas.mil/garnishment/milcommdebt/debtcollect.html> (T-3).

## Chapter 3

### MANAGING FINANCIAL RESPONSIBILITY ALLEGATIONS/COMPLAINTS

**3.1. When responding to an AFPC/DP2SSM request for information concerning a non-support case, Commanders will include a copy of the reply sent to the complainant and the following information (T-3):**

- 3.1.1. If applicable, a copy of the court order (T-3).
- 3.1.2. Evaluation of the degree of compliance by the member (T-3).
- 3.1.3. Date, amount, and method of prior support payments (T-3).
- 3.1.4. Proposed date, amount, and method of payment for future support payments. If paying by allotment, include the effective date of the first payroll deduction (T-3).
- 3.1.5. Basic allowance for housing amounts received by the member and the basis of receipt (i.e., spouse, child, child in custody of former spouse) (T-3).
- 3.1.6. If applicable, action anticipated or taken in accordance with Air Force policy (T-3).

**3.2. In cases alleging nonsupport of family members, Commanders will (T-3):**

- 3.2.1. Advise members they are expected to provide adequate financial support to the family member(s). Advise the family member(s) of procedures family member may implement to obtain involuntary collection of support through garnishment or statutory allotments. See fact sheet at Attachment 2 (T-3).
- 3.2.2. Require member to provide such proof of adequate financial support upon receipt of a complaint of a non-support from a dependent (T-3).
- 3.2.3. Assess basic allowance for housing entitlements by working with the Financial Operations Flight and informing members they may not receive basic allowance for housing at the with-dependent rate if they do not provide financial support to their spouse or children and refusal to support family members will result in termination of basic allowance for housing entitlement at the with-dependent rate (T-3).
- 3.2.4. The Air Force will recoup the with-dependent rate basic allowance for housing received by the member during periods of non-support (T-2).

**3.3. Commanders will:** counsel members to pay their just debts, including complying, as appropriate, with court orders and judgments for the payments of alimony or child support.

**3.4. In cases alleging paternity, Commanders will:**

- 3.4.1. Counsel the member concerning the allegations. (T-3)
- 3.4.2. If the member denies paternity, inform the claimant accordingly and advise that the Air Force does not have the authority to adjudicate paternity claims. (T-3)
- 3.4.3. If a member acknowledges paternity, advise member of his financial support obligations. Refer the member to the Military Personnel Flight for guidance on eligibility of an identification card for the child, to the local Financial Operations Flight for with-dependent rate financial support information, and to the legal office for advice on the member's legal rights and obligations to the child(ren). (T-3)

3.4.4. If the case involves a member assigned to HQ IR/RIO, send the order or any information to Headquarters Individual Reservist, Readiness and Integration Organization, HQ IR/RIO at 18420 E. Silver Creek Avenue, Building 390, MS 68, Buckley AFB, Colorado 80011. For specific guidance on eligibility of dependents, contact the Total Force Service Center. For financial support information contact the member's servicing Reserve Pay Office. If the case involves a member released from active duty who retains no military affiliation, return the case to the complainant advising them of the fact (T-3).

**3.5. In cases alleging personal financial indebtedness of a civil nature, Commanders will (T-3):**

3.5.1. Advise members of Air Force policy, including that members are expected to pay their just financial obligations in a proper and timely manner. Further advise the member that failure to pay just debts may result in the creditor obtaining a court judgment, which could result in an involuntary allotment from the member's military pay (T-3).

3.5.2. Advise the claimant the Air Force has no authority to resolve disputed claims or to require members to pay a private debt without a civil judgment (T-3).

3.5.3. Refer the claimant to the Defense Finance and Accounting Service (in accordance with paragraph 2.8.1.) to obtain DD Form 2653, *Involuntary Allotment Application*, if the complaint is supported by a court judgment or if the complainant is attempting to serve legal documents upon the Air Force (T-3).

3.5.4. Ensure the procedures described on DD Form 2654 are followed if Defense Finance and Accounting Service forwards an involuntary allotment application package that includes a DD Form 2654, *Involuntary Allotment Notice and Processing* (completed by the unit commander and member, and maintained by Defense Finance and Accounting Service) and supporting documentation (T-3).

3.5.5. Promptly determine if the member is assigned or attached to the commander's unit. If not, the commander will immediately complete and return the DD Form 2654 to Defense Finance and Accounting Service indicating that the member is not available for purposes of processing an involuntary allotment for the reasons shown in Section II of the form (T-3).

3.5.6. May grant a reasonable extension of time for the member to submit a response to Defense Finance Accounting Service, if the member is assigned to the commander's unit, but the member cannot respond to the action within the time designated by Defense Finance and Accounting Service officials. In such cases, the commander will complete Section II of DD Form 2654 to reflect the new suspense date and promptly return a copy of the form to Defense Finance and Accounting Service (T-3).

3.5.7. Provide the member a copy of the involuntary allotment package and counsel the member in accordance with Section III of DD Form 2654 if the member is assigned to the commander's unit and is available to respond to the involuntary allotment package (T-3).

3.5.8. If the member does not contest the involuntary allotment, the member and the commander will complete Section IV of DD Form 2654 and return it to Defense Finance and Accounting Service. If the member refuses to respond or fails to respond by the authorized suspense date, the commander will note that fact in Section V of DD Form 2654 and return the



form to Defense Finance and Accounting Service. Defense Finance and Accounting Service processes the involuntary allotment **(T-3)**.

3.5.9. Ensure that the member submits a completed DD Form 2654 with supporting documentation back to the commander within the time allotted (within 15 days of receiving the package from the commander) if the member contests the allotment for any reason other than demands of military duty. The commander will forward the member's response to Defense Finance and Accounting Service for further review and final determination **(T-3)**.

3.5.10. In instances in which the member asserts that the demands of military duty prevented the member from appearing at pertinent judicial proceedings, and that absence forms the basis for the judgment ordering the allotment, determine whether the member's assertion is true **(T-3)**.

3.5.11. Document his or her decision in Section V of DD Form 2654. Return the completed form to Defense Finance and Accounting Service within the time allotted (usually within 90 days from the date Defense Finance and Accounting Service mailed the DD Form 2654 to the commander, unless the commander granted an extension of time). The commander's decision about military demands is binding on Defense Finance and Accounting Service **(T-3)**.

3.5.12. Designate in Section V of DD Form 2654 the name and address of the appellate authority in cases where he or she determines demands of military duty caused the absence of the member from the judicial proceeding. Within the Air Force, the appellate authority is the immediate Air Force superior commander of the commander who made the initial decision. There is no appeal from the appellate authority's decision **(T-3)**.

## Chapter 4

### GUIDANCE TO MEMBERS FOR SUPPORT IN THE ABSENCE OF AN AGREEMENT OR COURT ORDER

**4.1. Members will provide financial support to a spouse or child or any other relative for which the member receives additional allowances for support (T-1).** Members also comply with the financial support provisions of a court order or written support agreement **(T-0)**. In the absence of a financial support agreement or a court order containing a financial support provision and until such an agreement is signed or such an order is issued, military members will provide financial using the following provisions **(T-3)**:

4.1.1. Pro-rata share. When the term “pro-rata share” is used with regard to Basic Allowance for Housing non-locality with dependents, the amount of each such share of Non-Locality Basic Allowance for Housing – with dependents is calculated using the equation in Figure 1.1.

**Figure 1.1. Pro-rata Share.**

$$\text{Pro-rata share} = \frac{1}{\text{Total number of supported family members}} \times \text{Applicable Non-Locality Basic Allowance for Housing – with Dependent Rate}$$

4.1.2. Calculation. The “total number of supported family members” in the denominator of the fraction of figure 1.1 includes all family members (regardless of residence) except the following:

4.1.2.1. A member’s former spouse, regardless of whether the member is providing financial support to the former spouse.

4.1.2.2. A member’s present spouse who is on active duty in one of the military services, unless financial support is required by a court order or written financial support agreement.

4.1.2.3. A family member for whom the military member is not required to provide financial support under this Instruction or for whom the military member has been released by his or her squadron commander from the requirement to provide financial support. A squadron commander may release a member under his or her command from the requirement to provide support only in the following situations **(T-3)**:

4.1.2.3.1. An order issued by a court without jurisdiction. With regard to the requirement to comply with a court order establishing paternity or regarding child custody, a squadron commander may release a member from either of these requirements if the court issuing the order clearly was without jurisdiction to do so. A squadron commander may release a member from the requirement to comply with a court order regarding the financial support of family members if **(T-3)**:

4.1.2.3.1.1. The court issuing the order clearly was without jurisdiction to do so; and

4.1.2.3.1.2. The member, with regard to those supported family members, at all times has been complying with any of the following: the financial support provisions of another court order; the financial support provisions of a written financial support agreement; or the financial support provisions of paragraph 4.1. of this instruction.

4.1.2.3.2. A court order without a financial support provision. A court order without a financial support provision is one that contains no language directing or suggesting that the member provide financial support to family members on a periodic or other continuing basis. An order that directs only nominal financial support to family members on a periodic or other continuing basis is not silent. An order that directs financial support on a periodic or other continuing basis, but does not mention an amount, is not silent. Where financial support is directed, but an amount is not indicated in a court order, the member will provide financial support in accordance with paragraph 4.1. of this instruction. If, however, a court order is silent as to the obligation of a member to provide financial support to his or her family members, the squadron commander may release a member from the requirement to provide financial support for those family members if each of the following is true:

4.1.2.3.2.1. A judicial proceeding concerning the marriage (for example, legal separation, divorce, annulment), or a child, or the children from that marriage (for example, for financial support, child custody, visitation) has been initiated.

4.1.2.3.2.2. The court has jurisdiction over the member and the spouse or other person having custody of the children and the authority to order financial support of the family members concerned.

4.1.2.3.2.3. The court has issued one or more orders, none of which contains a financial support provision.

4.1.2.3.2.4. There is no written financial support agreement or other court order requiring financial support of the family members concerned.

4.1.2.3.2.5. The member is not receiving Basic Allowance for Housing – with dependents based solely on the financial support of the family members concerned or agrees to terminate such Basic Allowance for Housing – with dependents effective upon the date released from the support obligation.

4.1.2.3.3. The income of the spouse exceeds the military pay of the member. This subparagraph authorizes a squadron commander to release a member from the requirement to provide financial support to his or her spouse but not from the requirement to provide financial support to the children from that marriage. This provision does not give the squadron commander authority to release a member from the requirement to provide support required by a court order or a written financial support agreement. The squadron commander may release a member from this requirement if both of the following paragraphs apply (**T-3**):

4.1.2.3.3.1. The monthly income of the supported spouse exceeds the monthly military pay of the member; and

4.1.2.3.3.2. The member is not receiving Basic Allowance for Housing – with dependents solely on the basis of providing financial support to that spouse or agrees to terminate such Basic Allowance for Housing – with dependents effective upon the date released from the support obligation.

4.1.2.3.3.3. For purposes of determining whether a commander should release a member from this Instruction's requirement to provide financial support to his or her spouse, a member's military pay refers to the basic pay authorized under the law for a member based on his or her pay grade and time in service before deductions are taken for taxes, voluntary and involuntary allotments, garnishment, and other such matters. Military pay does not include military allowances or wages from off-duty employment. The income of the non-service member spouse will be based on his or her wages before deductions are taken for taxes, voluntary allotments, and garnishments, together with income from all other sources, such as interest, dividends, and profits derived from property in that spouse's possession.

4.1.2.3.4. This member has been the victim of substantial abuse. This subparagraph authorizes a squadron commander to release a member from the requirement to provide financial support to his or her spouse but not from the requirement to provide financial support to the children from that marriage. This does not give the squadron commander authority to release a member from the requirement to provide support required by a court order or a written financial support agreement. With regard to the requirement to provide financial support for a spouse, a squadron commander may release a member from this requirement if all of the following provisions apply:

4.1.2.3.4.1. An instance of abuse committed by the supported spouse against the member has been substantiated by either of the following: a family advocacy case management team; or a court as evidenced by a judgment amounting to a conviction or by the issuance of a permanent restraining order (or a temporary restraining order then in effect) against the supported spouse;

4.1.2.3.4.2. The instance of abuse did not involve a mutual affray or an act of physical abuse by the member against his or her spouse (substantiated by a family advocacy case management team or court judgement or order); and

4.1.2.3.4.3. The member is not receiving Basic Allowance for Housing – with dependents based solely on the basis of providing financial support to that spouse or agrees to terminate such Basic Allowance for Housing – with dependents effective upon the date released from the support agreement.

4.1.2.3.5. The supported family member is in jail. This subparagraph authorizes a squadron commander to release a member from the requirement to provide financial support to a family member who is incarcerated in any penal institution, regardless of the reason for his or her incarceration. This does not give the squadron commander authority to release a member from the requirement to provide support required by a court order or a written financial support agreement. With regard to the requirement to provide financial support for a spouse, a squadron commander may release a member from this requirement if both of the following provisions apply **(T-3)**:

4.1.2.3.5.1. The family member presently is in jail; and

4.1.2.3.5.2. The member is not receiving Basic Allowance for Housing – with dependents based solely on the basis of providing financial support to that spouse or agrees to terminate such Basic Allowance for Housing – with dependents effective upon the date released from the support agreement.

4.1.2.3.6. Require support has been provided to the spouse for 18 months. This subparagraph authorizes a squadron commander to release a member from the requirement to provide financial support to his or her spouse but not from the requirement to provide financial support to the children from that marriage. This does not give the squadron commander authority to release a member from the requirement to provide support required by a court order or a written financial support agreement. With regard to the requirement to provide financial support for a spouse, a squadron commander may release a member from this requirement if all of the following provisions apply (**T-3**):

4.1.2.3.6.1. The member and spouse have been separated for 18 months.

4.1.2.3.6.2. The member has made financial support required by this Instruction for the entire 18 months.

4.1.2.3.6.3. Civilian courts are available and would have jurisdiction to order financial support. A foreign court will meet this requirement only if its judgment would have continuing effect even if the soldier leaves the jurisdiction.

4.1.2.3.6.4. The member has not acted in any manner to avoid service of process or otherwise to prevent a court from ruling on the issue of support.

4.1.2.3.6.5. The member is not receiving Basic Allowance for Housing – with dependents based solely on the basis of providing financial support to that spouse or agrees to terminate such Basic Allowance for Housing – with dependents effective upon the date released from the support agreement.

4.1.2.3.6.6. The supported child is in custody of another who is not the lawful custodian. This subparagraph authorizes a squadron commander to release a member from the requirement to provide financial support to his or her child if the child is in custody of another person who is not the lawful custodian of the child. With regard to the requirement to provide financial support for family members, a squadron commander may release a member from this requirement regarding a particular child if:

4.1.2.3.6.6.1. The member is the lawful custodian of the child;

4.1.2.3.6.6.2. The child, without the member's consent, is in the custody of another person who is not then the lawful custodian of the child; and

4.1.2.3.6.6.3. The member is diligently pursuing legal means to obtain physical custody of the child.

#### 4.1.3. Single-family units:

4.1.3.1. Family unit not residing in Government family housing. The member will provide a pro-rata share of Non-Locality Basic Allowance for Housing-with dependents to the family unit.

4.1.3.2. Family unit residing in Government family housing. While the member's family members are residing in Government family housing, the member is not required to provide additional financial support. When the supported family member(s) move(s) out of Government family housing, the member will provide a pro-rata share of Non-Locality Basic Allowance for Housing-with dependents.

4.1.3.3. Family members within the family unit residing at different locations. The member will provide a pro-rata share of Non-Locality Basic Allowance for Housing - with dependents to each family member not residing in Government family housing. The member is not required to provide additional support for family members residing in Government family housing.

4.1.3.4. Member married to another person on active duty in one of the military services. In the absence of a written financial support agreement or a court order containing a financial support provision, a member is not required to provide financial support to a spouse on active duty in one of the military services. With regard to the member's child or children (from that marriage or a prior marriage), a member will provide the following financial support in the absence of a written financial support agreement or a court order containing a financial support provision:

4.1.3.4.1. If the member does not have custody of any children, and the children do not reside in Government quarters, the member will provide a pro-rata share of Non-Locality Basic Allowance for Housing-with dependents to the military member having custody of the child or children.

4.1.3.4.2. If the member does not have custody of any children, and the children reside in Government quarters, the member is not required to provide financial support to the military member having custody of the child or children.

4.1.3.4.3. If the member has custody of one or more children, the member is not required to provide financial support for a child or the children in the custody of the other military member.

#### 4.1.4. . Multiple family units:

4.1.4.1. A member will provide financial support for each family unit and family member in the following manner **(T-3)**:

4.1.4.1.1. Family members covered by court orders will be provided financial support in accordance with those court orders **(T-3)**.

4.1.4.1.2. Family members covered by financial support agreements will be provided financial support according to those agreements **(T-3)**.

4.1.4.1.3. Family members residing in Government family housing who are not covered by either a court order or a financial support agreement will not be provided additional financial support **(T-3)**.

4.1.4.1.4. Each family member not residing in Government family housing and who is not covered by a court-order or a financial support agreement will be provided a pro-rata share of Non-Locality Basic Allowance for Housing – with dependents **(T-3)**.

4.1.4.1.5. If the member's present spouse is on active duty in one of the military services, the requirements of paragraph 4.1.3.4. of this instruction apply **(T-3)**.

**4.2. The amount of financial support provided pursuant to a financial support agreement or a court order covering one or more family units or members does not affect the calculation of the pro-rata financial support required under this Instruction for the financial support of any other family units or members not covered by such agreement or order.**

SHON J. MANASCO  
Assistant Secretary of the Air Force  
Manpower and Reserve Affairs

**Attachment 1****GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

Air Force Instruction 33-332 *Air Force Privacy and Civil Liberties Program*, 12 January 2015

Air Force Joint Instruction 31-213, *Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations*, 27 July 2006

Air Force Policy Directive 36-29, *Military Standards*, 24 September 2014

Air Force Manual 33-363, *Management of Records*, 1 March 2008

Department of Defense Instruction 1344.09, *Indebtedness of Military Personnel*, 8 December 2008

5 Code of Federal Regulations Part 581, *Processing Garnishment Orders for Child Support and/or Alimony*

5 United States Codes §552a, *Privacy Act of 1974*

5 United States Codes §5520a, *Garnishment of Pay*

10 United States Codes §1408, *The Uniformed Services Former Spouses' Protection Act*

15 United States Codes §1692-1692p, *Fair Debt Collection Practices Act*

32 Code of Federal Regulations Part 54, *Allotments for Child and Spousal Support*

32 Code of Federal Regulations Part 113, *Indebtedness Procedures of Military Personnel*

42 United States Codes Subchapter IV, Part D (§659-660, 665), *Child Support and Establishment of Paternity*

50 United States Codes §3901-4043, *Servicemembers Civil Relief Act*

***Adopted Forms***

AF Form 847, *Recommendation for Change of Publication*

DD Form 2653, *Involuntary Allotment Application*

DD Form 2654, *Involuntary Allotment Notice and Processing*

***Abbreviations and Acronyms***

**AFI**—Air Force Instruction

**AFPC**—Air Force Personnel Center

**AFPD**—Air Force Policy Directive

**DFAS**—Defense Finance and Accounting Service

**DoDI**—Department of Defense Instruction

**OPR**—Office of Primary Responsibility



US—United States

USC—United States Codes

### *Terms*

**Basic Allowance for Housing-Differential**—The difference between the with- and without-dependents BAQ rates as of December 31, 1997 increased by the average pay raise percentage each year. For specific rules on when Airmen are entitled to BAH-DIFF, see Joint Travel Regulation, paragraph 10008.

**Demands/exigencies of military duty**—A military assignment or mission-essential duty that, because of its urgency, importance, duration, location, or isolation, necessitates the absence of a member of the Military Services from appearance at a judicial proceeding or prevents the member from being able to respond to a notice of application for an involuntary allotment. Exigency of military duty is normally presumed during periods of war, national emergency, or when the member is deployed.

**Non-Locality Basic Allowance for Housing Rates**—The amount defined by Joint Travel Regulation paragraph 10012, Transit Housing Allowance or paragraph 10014 RC Rate, as applicable.

**Personal Financial Indebtedness of a Civil Nature**—A financial indebtedness relating to or stemming from private rights and remedies sought by action or suit in civilian courts, as distinct from money owed based on an administrative military action, a military judicial action, or non-military criminal proceedings.

## Attachment 2

### **FACT SHEET: GARNISHMENT OF PAY AND STATUTORY ALLOTMENTS AGAINST MILITARY PAY FOR CHILD SUPPORT AND ALIMONY OBLIGATIONS**

**A2.1. Methods of Involuntary Collection of Military Pay.** This fact sheet addresses the general procedures involved in the two methods of involuntarily collecting military pay from a military member for child support and spousal support (alimony): garnishment and statutory allotments.

**A2.2. Garnishment of Military Pay (42 United States Codes §659-660; 5 Code of Federal Regulations Part 581):**

A2.2.1. Federal law authorizes legal process (garnishment) against the pay of Air Force members to enforce child support and alimony in accordance with State law. Garnishments may be placed against the pay of active duty, Reserve, Guard and retired military members of the Air Force.

A2.2.2. Legal process is defined as any writ, order, summons, or other process in the nature of garnishment directed to the United States Air Force which is issued by: a court of competent jurisdiction within any State, territory or possession of the United States; a court of competent jurisdiction in any foreign country with which the United States has entered into an agreement that requires the United States to honor such process; or an authorized official pursuant to an order of such court of competent jurisdiction or pursuant to state or local law.

A2.2.3. The procedure to obtain a garnishment order is determined by State law. However, federal law determines how the garnishment order is applied to military pay, i.e., how service of process is accomplished, the type of pay subject to garnishment, etc.

A2.2.4. Unless State law specifies a lesser amount, federal law provides a limit of 50 percent of the member's aggregate disposable earnings for any workweek if the member is currently supporting a second family (spouse or child) and 60 percent if the member is not supporting a second family. The percentage may be increased by 5 percent if the arrearage is 12 weeks or more.

A2.2.5. Legal documents should clearly show that the garnishment order was issued for child support or alimony or both. Garnishment orders are not honored for payments or transfers of property by one spouse to another for purposes of a marital property settlement or for the division of retired pay resulting from divorce or legal separation.

A2.2.6. Sufficient identifying information must accompany the legal process in order for the Air Force to implement the order. At a minimum, the information includes the following: the member's full name, date of birth, social security number, current military status and, if known, the member's current assignment.

A2.2.7. Garnishment orders may be submitted by mail to Garnishment Operations-HGA, P.O. Box 998002, Cleveland OH 44199-8002. Requests may also be faxed to 877-622-5930 (toll free). Call 888-DFAS411 (Defense Switching Network 332-7411) for additional information.

**A2.3. Statutory Allotments for Child Support and Alimony (42 United States Codes §665; 32 C.F.R. Part 54):**

A2.3.1. Federal law authorizes allotments from active duty military pay in order to satisfy child support and alimony obligations. Alimony alone does not qualify under this law. These statutory allotments may only be paid from active duty pay.

A2.3.2. A statutory allotment may be initiated when child support and alimony payments are at least 2 months in arrears. The allotment is initiated by furnishing the Defense Finance and Accounting Service Center a written notice from a court or state agency administering the child support program under Title IV-D of the Social Security Act, *Child Support and Establishment of Paternity* (42 United States Code §651 et seq.). The notice is signed by an authorized official and contains the following information:

A2.3.2.1. A statement that the person signing the request is an agent or attorney of a state that has a Title IV-D plan with authority under the plan to collect money owed by a military member as child support or child support and alimony. The request may also be signed by an agent of the court issuing the order.

A2.3.2.2. The statement includes the military member's full name, Social Security Number, the dates that the current support terminates for each child, and the exact name and address of the allotment payee. The statement also shows the total amount of the allotment to be taken and specifies the amount to be paid each month for current support and the arrearage.

A2.3.2.3. The statement is supported by a recently certified copy of the original court order awarding support and a court order which specifies the amount of the arrears and those payments made to liquidate such arrears.

A2.3.3. Allotments cannot exceed 50 percent of a member's pay and allowances if the member is supporting a second family. If the member is not supporting a second family, the allotment may not exceed 60 percent. The percentage may be increased by 5 percent if the arrearage is 12 weeks or more.

A2.3.4. After Defense Finance and Accounting Service receives the request, Defense Finance and Accounting Service notifies the member's commander. The commander will then notify and counsel the member. The member has 30 days to cure the arrearage or to submit evidence that the arrearage is an error. If not, Defense Finance and Accounting Service will ordinarily implement the allotment 30 days after the member's notification. Payments begin at the end of the month in which the allotment is to be effective.

### Attachment 3

#### FACT SHEET: PERSONAL INDEBTEDNESS AND INVOLUNTARY ALLOTMENTS FOR CIVIL DEBTS

**A3.1. Involuntary Allotments.** This fact sheet addresses the general procedures involved in resolving allegations of indebtedness and initiating involuntary allotments against military pay for civil debts.

**A3.2. Air Force Policy.** Military members are expected to pay their just financial obligations in a proper and timely manner. When necessary, commanders will counsel members about their financial responsibilities. However, Air Force components have no legal authority to arbitrate or resolve personal disputes over debts or except as provided in paragraph A3.4, to require a member to pay or to divert any part of a member's pay to satisfy a private debt.

**A3.3. Disputes over Indebtedness.** Whenever possible, disputes over indebtedness should be resolved through amicable means by the parties involved. Claimants desiring to contact a military member about indebtedness may, in most cases, obtain the member's military address by contacting the member's department of Service (i.e., Army, Navy, Air Force, or Marine Corps) locator service.

A3.3.1. For Air Force members, the military locator service may be contacted at: AFPC/DP1ORM, 550 C Street West Suite 50, JBSA – Randolph, TX 78150. Additional information is available at: <http://www.afpc.af.mil/Air-Force-Worldwide-Locator>. The service charges a reasonable fee for the research service. The Air Force does not charge for locator service on Air Force active duty or retired personnel. In situations where the Service is unable to release information about the military member (i.e., members assigned at overseas installations or at classified locations), the Service forwards correspondence from the claimant to the member at no additional cost.

**A3.4. Involuntary Allotments for Civil Debts.** Creditors whose bona fide efforts to collect a debt have failed may seek relief by applying for an involuntary allotment of pay pursuant to the *Hatch Act Reform Amendments of 1993* (5 United States Codes §5520a), as implemented by Department of Defense Instruction 1344.09 and Air Force Instruction 36-2906.

A3.4.1. A creditor may initiate this process against any member of the Regular Air Force, Air Force Reserve, or Air National Guard. Involuntary allotments are not taken from retired or disability pay. The application is initiated by submitting a DD Form 2653, supported by a certified copy of a judgment issued by a civil court and any other certifications required by the Department of Defense Instruction, to the appropriate Department of Defense agency. The DD Form 2653 may be obtained from Defense Finance and Accounting Service.

A3.4.2. The creditor's application certifies certain state and federal procedural requirements have been satisfied prior to obtaining the judgment, including satisfaction of the procedural requirements of the Servicemembers Civil Relief Act.

A3.4.3. Upon proper receipt of a complete application package, Defense Finance and Accounting Service will forward a copy of the application to the member and the member's commander along with a DD Form 2654, *Involuntary Allotment Notice and Processing*. The member has 90 days from the date Defense Finance and Accounting Service mails the package in which to respond to the application. The member's time to respond to the action may be

extended by the member's commander for good cause. If the member and commander fail to respond to the notice from Defense Finance and Accounting Service within the allotted time, and application is otherwise valid, Defense Finance and Accounting Service may automatically process the involuntary allotment on the 15th calendar day after the date a response was due.

A3.4.4. If the member consents to the allotment, the commander will return the package to Defense Finance and Accounting Service. The allotment commences within 30 days. If the member contests the application, the member may seek legal assistance and submits supporting evidence refuting the validity of the application within 15 days to his or her commander, who then forwards the response to Defense Finance and Accounting Service.

A3.4.5. Defense Finance and Accounting Service officials will make the final decision on any issues or defenses raised by the member except for the issue of whether "military demands/exigencies" adversely impacted the member. A "military exigency" is defined in Department of Defense Instruction 1344.09 to be a military assignment or mission-essential duty that because of its urgency, importance, duration, location or isolation, necessitates the member to be absent from an appearance at a judicial proceeding, or prevents the member from being able to respond to notice of an involuntary allotment action. Exigency of military duty is normally presumed during periods of war, national emergency, or when the member is deployed. The member's unit commander will decide whether the defense of military demands is valid and the commander's decision on this issue is binding on Defense Finance and Accounting Service. Commanders return the application to Defense Finance and Accounting Service indicating their decision on the DD Form 2654. If the commander finds the military demands defense is valid, Defense Finance and Accounting Service will return the application to the creditor without further action.

A3.4.6. If the involuntary allotment application is denied based upon the commander's determination that military demands adversely impacted the member's ability to respond to the legal action, Defense Finance and Accounting Service will give the creditor the name and address of the appellate authority listed on the DD Form 2654 by the commander. In the Air Force, the appellate authority is the immediate Air Force superior commander to the commander who made the initial decision. The creditor may appeal the denial to the appellate authority, who makes the final decision within 30 days of receiving the appeal and who responds directly to the creditor. The appellate authority's decision may not be appealed. If the appeal is granted, the creditor must submit a written request to Defense Finance and Accounting Service, along with a copy of the appellate authority's decision, to start the allotment.

A3.4.7. Involuntary allotments are taken only from pay that is "subject to involuntary allotment," as defined by 32 Code of Federal Regulations §113.3.(c)(1), *Pay subject to involuntary allotment*. Pay subject to allotment includes basic pay and certain other payments, but not allowances, reimbursements for expenses, or separation pay. The maximum amount of pay that may be taken is the lesser of 25 percent of the member's pay subject to involuntary allotment or the maximum amount authorized by the applicable state's law, in accordance with 32 Code of Federal Regulations §113.4.(b). Other debts (e.g., income tax withholding, government debts, military fines and forfeitures, family support obligations) take priority over allotments for civil debts pursuant to 32 Code of Federal Regulations §113.4.(c).

A3.4.8. Defense Finance and Accounting Service is the designated agency to receive involuntary allotment applications on Air Force, Army, Navy, and Marine Corps personnel. For further information contact Defense Finance and Accounting Service at the following address: Garnishment Operations Directorate, Code L-(last 4 digits of member's Social Security Number), Defense Finance and Accounting Service, Cleveland Center, P.O. Box 998002, Cleveland, OH 44199-8002, or call commercial (216) 522-5301 or Defense Switching Network 580-5301 for additional information.