

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

**DEPARTMENT OF THE AIR FORCE
INSTRUCTION 36-2906**



23 AUGUST 2023

Personnel

***PERSONAL FINANCIAL
RESPONSIBILITY***

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This publication implements Department of the Air Force Policy Directive (DAFPD) 36-29, *Military Standards*. In collaboration with the Deputy Chief of Space Operations for Human Capital (SF/S1), the Chief of the Air Force Reserve (AF/RE), and the Director of the Air National Guard (NGB/CF), the Deputy Chief of Staff for Manpower, Personnel and Services (AF/A1) develops personnel policy for personal financial responsibility. This instruction provides guidance and procedures for managing and processing allegations of delinquent financial obligations and provides guidance on financial support of family members. This instruction applies to uniformed members of the Regular Air Force, United States Space Force, Air Force Reserve, and Air National Guard on Title 10 orders. This instruction does not apply to Department of the Air Force civilian members. This instruction requires the collection and or maintenance of information protected by 5 United States Code § 552a, *Records maintained on individuals* (Privacy Act of 1974) authorized by Title 10 United States Code (USC) Section (§) 9013, *Secretary of the Air Force*; 5 USC § 301, *Departmental Regulations*; Title 37 USC, *Pay and Allowances of the Uniformed Services*; and Executive Order 9397, *Numbering System for Federal Accounts Relating to Individual Persons*. 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 Department of the Air Force Manual 90-161, *Publishing Processes and Procedures*, for a description of authorities associated with tier numbers. Submit requests for waivers through the chain of command to the appropriate tier waiver approval authority, or alternately, to the requestor’s commander for non-tiered compliance items. Ensure all records generated as a result of processes prescribed in this publication adhere to Air Force Instruction 33-322, *Records Management and Information Governance Program*, and are disposed in accordance with the Air Force Records Disposition

Schedule, which is located in the Air Force Records Information Management System. Refer recommended changes and questions about this publication to AF, Services Resourcing and Requirements Division (AF/AISR) using the Department of the Air Force (DAF) Form 847, *Recommendation for Change of Publication*; route DAF Forms 847 from the field through the appropriate functional chain of command. This instruction requires the collection and or maintenance of information protected by the Privacy Act of 1974 authorized by 5 USC, Section 552a, and Executive Order 9397 *Numbering System for Federal Accounts Relating to Individual Persons*, as amended. The applicable System of Records Notice F036 AF PC C, Military Personnel Records System is available at: <http://dpclo.defense.gov/Privacy/SORNs.aspx>.

SUMMARY OF CHANGES

This document has been revised and should be completely reviewed. Chapters **3** and **4** have been substantially rewritten to provide greater clarity and understanding of responsibilities and the support required in the absence of an agreement or a court order.

Chapter 1

OVERVIEW

1.1. Overview. Personal financial responsibility applies to all Regular Air Force, United States Space Force, Air Force Reserve and Air National Guard members on active duty pursuant to a call or order for a period in excess of 180 days. It provides procedures for managing and processing allegations of delinquent financial obligations.

1.2. Purpose. This instruction establishes guidelines for managing and processing allegations of delinquent financial obligations. Federal law and policy (listed in [Attachment 1](#)) authorizes allotments from Regular Air Force, United States Space Force, Air Force Reserve, and Air National Guard members' military pay to satisfy certain financial obligations. Military members are expected to pay their just financial obligations. Air Force Instruction (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 Command, Field Command, Field Operating Agency and Direct Reporting Unit Responsibilities: Monitor and guide subordinate units, including comprehensive instructions about personal financial management in teaching guides or course curricula.

2.2. Installation Commander Responsibilities: 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 higher headquarters and Congressional inquiries.

2.3. Unit Commander Responsibilities:

2.3.1. Review and assess financial responsibility complaints in conjunction with legal review of documentation and respond to complainants within 15 calendar days for the Regular Air Force, United States Space Force, and Air Force Reserve and 60 calendar days for the Air National Guard. As appropriate, include with the responses a copy of the fact sheets in this instruction (Attachments 2 and 3).

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

2.3.1.2. Monitor complaints until resolved.

2.3.1.3. Provide no information to complainants regarding administrative or disciplinary action contemplated or taken against the members.

2.3.2. Refer members who demonstrate financial irresponsibility to the local Military and Family Readiness Center for financial management education and information. For non-collocated Air Reserve Component locations, refer members to Department of Defense (DoD)-provided certified personal financial counselors if available, or other certified financial counselors available on base (e.g., trained M&FR personnel, installation bank or credit union), Joint Force Support Assistance Program and Military Family Life Consultant support, the nearest installation with full Center services, provide information on other certified financial counselors available through on base (e.g., installation bank or credit union) or off base (e.g., federal, state or local agencies or nonprofit consumer credit counseling organizations) community resources.

2.3.3. Refer members to an installation legal assistance provider in nonsupport cases, consumer credit and garnishment cases, or when members may have legal standing to contest the indebtedness.

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

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

2.3.5.1. Member's military status and position.

2.3.5.2. Whether the member agrees to release information protected by 5 USC § 552a, *Records Maintained on Individuals*, also referred to as the “Privacy Act of 1974”.

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

2.3.6. Review all available facts surrounding the transaction forming the basis of the complaints, when addressing debt complaints against members. Include the members’ legal rights and obligations, and any defenses or counterclaims the members may have.

2.4. Force Support Squadron Responsibilities:

2.4.1. Assign a section in the Force Support Squadron to process personal financial responsibility complaints.

2.4.2. Forward financial responsibility complaints to the member's unit commander for action if the member is Regular Air Force, United States Space Force, a traditional reservist, or guard member.

2.4.3. Forward financial responsibility complaints for members not assigned to a unit within the appropriate military personnel flight.

2.4.4. Send complaints involving Air Force Reserve members assigned to Headquarters Individual Reservist Readiness & Integration Organization (HQ RIO) to HQ RIO, 18420 E. Silver Creek Avenue, Building 390, MS 68, Buckley Space Force Base, CO 80011. For all others, refer to **paragraph 2.4.2.**

2.4.5. Advise the complainant that the Department of the Air Force cannot assist individuals no longer on active duty, such as members who have separated or retired from the service.

2.4.6. Advise complainants who want to contact a military member about indebtedness to request the member's military address from Air Force Personnel Center, Military Records Section (AFPC/DP1ORM) 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. Additional information is available at: <https://www.afpc.af.mil/Support/Worldwide-Locator/>. AFPC/DP1ORM will advise the creditor in writing if they are unable to release a member’s address.

2.4.7. Recommend that AFPC/DP1ORM discontinue processing complaints when complainants refuse or repeatedly fail to comply with this instruction.

2.4.8. Provide complainants with the DFAS Office of General Counsel Garnishment Law Directorate address and phone number upon request.

2.4.9. Report cases of fraudulent, misleading, or deceptive business practices to the Armed Forces Disciplinary Control Board according to AFI 31-213, *Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations* (available at: <https://armypubs.army.mil/>, Army Regulation 190-24, *Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations*), and AFPC/DP2SSM.

2.5. Installation Staff Judge Advocate Responsibilities:

2.5.1. Advise unit 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.

2.5.1.1. Advise unit 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.

2.5.1.2. Advise unit commanders on appropriate administrative or disciplinary action in cases of fraud, deceit, criminal conduct, or persistent financial irresponsibility.

2.5.2. Provide legal assistance to military members on issues of financial responsibility under federal and state laws, including 15 USC §§ 1692-1692p, *Debt Collection Practices*; 10 USC § 1408, *Payment of Retired or Retainer Pay in Compliance with Court Orders*; 50 USC §§ 3901-4043, *Servicemembers Civil Relief Act*; and AFI 51-304, *Legal Assistance, Notary, Preventive Law, and Tax Programs*.

2.5.2.1. Coordinate on Congressional inquiries and special action cases involving allegations of non-support or financial irresponsibility.

2.6. Military and Family Readiness Center and Personal Financial Management Program Manager Responsibilities: Provide military members and their families with financial management education, information, and referral services. Air Force Reserve installations' Military and Family Readiness offices may provide financial counseling or refer members to DoD personal financial counselors or provide information on other qualified on-base or community-based financial management personnel. For the Air National Guard, the Military and Family Readiness Program Managers may provide financial counseling or refer to the nearest active duty location, Joint Force Support Assistance Program/Military Family Life Consultant, or other off-base agencies.

2.7. Military Member Responsibilities:

2.7.1. Comply with legally enforceable financial support agreements and obligations or court orders in a proper and timely manner.

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 Air Force Personnel Center - Operating Location or the commander.

2.8. Air Force Personnel Center - Operating Location Responsibilities:

2.8.1. Refers Regular Air Force, United States Space Force, Air Force Reserve, Air National Guard, retired members, and creditors seeking assistance with garnishments, statutory allotments for child and spousal support, or involuntary allotments for civil debts to the following: DFAS Office of General Counsel. Garnishment Law Directorate P.O. Box 998002, Cleveland OH 44199-8002, Telephone: 1-888-332-7411.

2.8.2. Provides automated information for collecting a commercial debt from a military member at: <http://www.dfas.mil/garnishment/milcommdebt/debtcollect.html>.

Chapter 3

MANAGING FINANCIAL RESPONSIBILITY ALLEGATIONS AND COMPLAINTS

3.1. Commander Response to the Air Force Personnel Center. 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 (BAH) 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 Department of the Air Force policy. **(T-3)**

3.2. In Cases Alleging Nonsupport of Family Members, a Commander's Responsibilities Include:

- 3.2.1. Advise members they are expected to provide adequate financial support to their family member(s). **(T-3)** See fact sheet in [Attachment 2](#).
- 3.2.2. Advise the family member(s) of procedures they may implement to obtain involuntary collection of support through garnishment or statutory allotments. **(T-3)** See fact sheet in [Attachment 2](#).
- 3.2.3. Upon receipt of a complaint of non-support from a dependent, require member to provide proof of adequate financial support. **(T-3)**
- 3.2.4. Work with the Financial Operations Flight to assess members' entitlement to BAH at the with-dependent rate and the BAH-differential (BAH-DIFF) rate. **(T-0)**
- 3.2.5. Inform members their failure to provide adequate financial support to their family member(s) may result in termination of BAH entitlement at the with-dependent rate and that the Department of the Air Force will recoup BAH overpayment during periods of non-support. **(T-2)**
- 3.2.6. Where a member's entitlement to BAH at the with dependents or BAH-Diff rate is based solely on the financial support the member provides to a family member, the member's entitlement to this allowance is only authorized if the monthly financial support provided by the member is at least the amount of BAH-Diff. The Air Force Personnel Center - Operating Location may cancel a member's entitlement to BAH at the with dependents or BAH-Diff rate and recoup past payments at these rates when a member's monthly financial support is less than BAH-Diff regardless of financial support provisions in applicable court orders and written agreements. If a member has been or is receiving BAH at the with dependents rate or BAH-Diff rate and is not paying financial support to a dependent on whose behalf BAH is received, the commander should notify the appropriate financial operations flight so that excess

BAH payments to which the member is not entitled may be stopped and excess BAH payments to which the member was not entitled may be collected. (T-0)

3.2.7. Counsel members to pay their just debts, including complying, as appropriate, with court orders and judgments for the payments of alimony or child support. In the absence of court orders or judgments, counsel members their compliance with the dependent support requirements of this instruction begins on the date of separation, not the date it is discovered the member is not complying. (T-3)

3.3. In Cases Alleging Paternity, a Commander's Responsibilities Include:

3.3.1. Counsel the member concerning the allegations. (T-3)

3.3.2. If the member denies paternity, inform the claimant accordingly and advise that the Department of the Air Force does not have the authority to adjudicate paternity claims. (T-0)

3.3.3. If a member acknowledges paternity, advise member of their financial support obligations. (T-3) 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 servicing legal office for advice on the member's legal rights and obligations to the child(ren). (T-3)

3.3.4. If the case involves a member assigned to Headquarters Individual Reservist Readiness and Integration Organization (HQ RIO), send the order or any information to HQ RIO at 18420 E. Silver Creek Avenue, Building 390, MS 68, Buckley Space Force Base, Colorado 80011. (T-3) 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. (T-3)

3.3.5. If the case involves a member released from the Department of the Air Force who retains no military affiliation, return the case to the complainant advising them of the fact. (T-3)

3.4. In Cases Alleging Personal Financial Indebtedness of a Civil Nature, a Commander's Responsibilities Include:

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

3.4.2. Advise the claimant that the Department of the Air Force has no authority to resolve disputed claims or to require members to pay a private debt without a civil judgment.

3.4.3. Refer the claimant to the DFAS Office of General Counsel - Garnishment Law Directorate (<https://www.dfas.mil/Garnishment/>) to obtain a 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 Department of the Air Force. (T-3)

3.4.4. Upon receipt of a DD Form 2654, *Involuntary Allotment Notice and Processing*, from the Air Force Personnel Center - Operating Location:

3.4.4.1. If the member is not assigned or attached to the commander's unit, immediately complete and return the DD Form 2654 indicating that the member is not available to process an involuntary allotment. **(T-3)**

3.4.4.2. If the member is assigned to the commander's unit, consider granting a reasonable extension of time for the member to submit a response to Defense Finance Accounting Service. In such cases, complete the form to reflect the new suspense date and promptly return a copy to the DFAS Office of General Counsel - Garnishment Law Directorate. **(T-3)**

3.4.4.3. Provide the member a copy of the involuntary allotment package and counsel the member accordingly if they are available to respond to the involuntary allotment package. **(T-3)**

3.4.4.4. Forward the member's response to DFAS Office of General Counsel - Garnishment Law Directorate for further review and final determination. If the member refuses to respond or fails to respond by the authorized suspense date, note that fact on the DD Form 2654 and return the form to DFAS Office of General Counsel - Garnishment Law Directorate. **(T-2)**

3.4.4.5. If the member asserts that the demands of military duty prevented them from appearing at judicial proceedings which resulted in the ordered allotment, determine whether the member's assertion is true. Document commander's decision on the DD Form 2654 and return the completed form to DFAS Office of General Counsel - Garnishment Law Directorate. If the commander substantiates the member's claim regarding military duties preventing their appearance at judicial proceedings, designate the name and address of the appellate authority for that determination on the DD Form 2654. **(T-3)**

Chapter 4

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

4.1. Required support in the absence of an agreement or court order. This instruction provides guidance to commanders on how to define for their members a reasonable requirement for adequate financial support in complex family situations. In the absence of a financial support agreement or a court order containing a financial support provision, members will provide a pro-rata share as calculated using the equation in **Figure 4.1**, as an interim measure until such an agreement is signed or such an order is issued. **(T-3)** Total financial support consists of the sum of each pro rata share per dependent who requires pro rata share support under this chapter.

Figure 4.1. Pro-Rata Share Formula.

Pro-Rata Share		=	$\frac{1}{\text{Total Number of Supported Family Members}}$	X	Applicable Non-Locality Basic Allowance for Housing With Dependents
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4.1.1. This formula applies when the member is receiving additional allowances for support of his or her dependents, regardless of whether the member is Continental United States (CONUS), OCONUS, or even where the servicemember is outside the CONUS (OCONUS) and receiving allowances for a spouse living CONUS. **(T-3)** In addition to the guidance set forth herein, commanders should always consult with their servicing Staff Judge Advocate whenever contemplating a release from the financial support obligation calculated using **Figure 4.1**.

4.1.2. The amount of support provided in accordance with a financial support agreement or a court order involving one or more family members does not affect the calculation of the pro-rata share required under this instruction.

4.2. Supported Family Members. The “total number of supported family members” in the denominator of the fraction of **Figure 4.1** includes all family members (regardless of residence) except the military member and the following:

4.2.1. A member’s former spouse, regardless of whether the member is providing financial support to the former spouse pursuant to a court order or other agreement.

4.2.2. A member’s current spouse who is on active duty in one of the military services.

4.2.3. A family member from whom the military member has been released by his or her commander of the requirement to provide financial support, pursuant to this instruction.

4.2.4. **Example.** A member is divorced and has three children from that marriage. The member is required by a court order to pay \$300 per month in financial support for these children and \$100 per month in alimony to his former spouse. The member has remarried and has a child with the current spouse. Now, however, the member has separated from his current spouse and the current spouse and child are living in a private apartment. There is no court order or written financial support agreement pertaining to support of this current spouse or their child. The member now has a total of five (5) family members for whom he is required to provide financial support under this regulation (a former spouse is not considered a family

member in determining the pro rata shares of family members). In this example, the applicable non-locality Basic Allowance for Housing With Dependents for the member's pay grade is \$1,400. The member must pay a total of \$400 a month to his former spouse for the alimony and child support required by the court order. He must also provide financial support to his current, but separated, spouse and their child. To calculate this amount, since there is no support agreement, use the pro-rata share formula: $(1/5 \times \$1400 = \$280)$. Since the member must support his spouse and child, and their pro-rata share is \$280, the member owes his current spouse and child \$560 a month $(\$280 \times 2)$ in financial support.

4.3. Release from Spousal Support Requirements. Under the below subsections, a commander may 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 his or her children. This provision does not give a commander authority to release a member from the requirement to provide support required by a court order or a written financial support agreement.

4.3.1. The following situations may warrant relief:

4.3.1.1. The income of the spouse exceeds the military pay of the member.

4.3.1.2. This member has been the victim of substantiated physical, emotional, or sexual abuse by the spouse.

4.3.1.3. The supported family member is incarcerated or involuntary committed for mental health or substance abuse issues.

4.3.1.4. Required support has been provided to the spouse for 18 months.

4.3.2. Relief should not be granted when the member is receiving BAH at the with-dependents rate solely on the basis of providing financial support to that spouse, unless the member agrees to terminate the additional allowance effective upon the date released from the support obligation.

4.4. Release from Child Support Requirements. A squadron commander or equivalent position of authority may release a member from the requirement to provide financial support to his or her child if all of the following provisions apply:

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

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

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

4.5. Shared physical custody arrangements. The pro-rata share for a particular child may be reduced if the member shares physical custody of that child with the child's other parent. The reduced pro-rata share is calculated by using the equation below in [Figure 4.2](#).

Figure 4.2. Reduced Pro-Rata Share Formula.

Reduced Pro-Rata Share	=	$\frac{\text{Total Number of Days Per Week without Custody of Child}}{7}$	X	Pro-Rata Share
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4.5.1. **Example.** Assume that a member and his or her non-military spouse have two children and have agreed that the children will live with the member for 4 days per week and live with the spouse for 3 days per week and that there are no other children from this or any other relationship.

4.5.2. In this case, the member will pay the spouse the full pro-rata share for the spouse, but only 3/7ths of the pro-rata share for each of the two children. Further, assume that the applicable non-locality BAH with dependents for this member is \$1,050 per month. The pro-rata share for the spouse would be \$350 per month, but the pro-rata share for each of the two children would only be 3/7ths of that amount, or \$150 per month. Accordingly, the member would pay \$650 per month (or \$350 + \$150 + \$150) rather than the full \$1,050 per month.

4.6. Government family housing. The member is not required to provide additional support for family members residing in government family housing. When family members move out of government family housing, the member will provide for those family members a pro-rata share as required in [paragraph 4.1. \(T-3\)](#) In the case that only some family members move out of government housing, the denominator would reflect those members accordingly.

4.7. Timing of financial support payments. Payments of financial support required under this chapter must be delivered to the adult family member concerned or the adult having custody of the child concerned no later than first day of the month following the month to which the financial support payment pertains. **(T-3)**

4.8. Indirect support for housing expenses. As an exception to direct payments required in [paragraph 4.7](#), a member may comply with the financial support requirements of [paragraph 4.1](#) with indirect support by directly paying optional housing expenses on behalf of family members.

4.8.1. Housing expenses are limited to rent; mortgage payments on a home in which the family members are residing; and essential utilities such as gas, electricity, and water; but do not include such expenses for which the member is already legally responsible by contract, lease, or loan agreement. Authorized expenses also do not include other housing costs, such as internet or cable television charges, regardless of whether or not the member is already legally responsible for their payment. Authorized expenses also do not include other support services provided to the family not directly related to a housing unit (e.g., cellular phone service).

4.8.2. To the extent that the monthly financial support requirements of this chapter exceed the monthly indirect housing expenses paid by a member for their supported family members, payment for any shortfall will be made as required by [paragraph 4.7](#). To the extent that the monthly indirect housing expenses paid by a member exceed the monthly financial support requirements of this chapter, no credit is authorized under this instruction for any financial support payment due in any subsequent month or for the same month with regard to any family member residing elsewhere.

JOHN A. FEDRIGO
Principal Deputy Assistant Secretary
(Manpower and Reserve Affairs)

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

Executive Order 9397, *Numbering System for Federal Accounts Relating to Individual Persons*, 23 November 1943

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

32 CFR Part 113, *Indebtedness Procedures of Military Personnel*

5 USC § 301, *Departmental Regulations*

5 USC § 552a, *Records Maintained on Individuals*

5 USC § 5520a, *Garnishment of Pay*

10 USC § 1408, *Payment of Retired or Retainer Pay in Compliance with Court Orders*

10 USC § 9013, *Secretary of the Air Force*

15 USC § 1692-1692p, *Debt Collection Practices*

37 USC, *Pay and Allowances of the Uniformed Services*

42 USC § 651 et seq., *Child Support Enforcement and Paternity Establishment Program*

50 USC §§ 3901-4043, *Servicemembers Civil Relief Act*

Hatch Act Reform Amendments of 1993

Title IV-D of the Social Security Act

Joint Travel Regulation, para. 10012, *Transit Housing Allowance*, 1 March 2023

Joint Travel Regulation, para. 10014, *RC Rate*, 1 March 2023

DoD 7000.14-R, *Financial Management Regulation*, Volume 7A, Chapter 41, January 2023

DoDI 1344.09, *Indebtedness of Military Personnel*, 1 February 2022

DAFPD 36-29, *Military Standards*, 24 January 2023

AFI 1-1, *Air Force Standards*, 7 August 2012

AFI 31-213, *Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations*, 27 July 2006

AFI 33-322, *Records Management and Information Governance Program*, 23 March 2020

DAFMAN 90-161, *Publishing Processes and Procedures*, 15 April 2022

Prescribed Forms

None

Adopted Forms

DD Form 2653, *Involuntary Allotment Application*

DD Form 2654, *Involuntary Allotment Notice and Proceeding*

DAF Form 847, *Recommendation for Change of Publication*

Abbreviations and Acronyms

AFI—Air Force Instruction

AFPD—Air Force Policy Directive

BAH—Basic Allowance for Housing

BAH—Diff—Basic Allowance for Housing-Differential

BAQ—Basic Allowance for Quarters

CFR—Code of Federal Regulations

CONUS—Continental United States

DAF—Department of the Air Force

DAFI—Department of the Air Force Instruction

DAFPD—Department of the Air Force Policy Directive

DoD—Department of Defense

DoDI—Department of Defense Instruction

OCNUS—Outside the Continental United States

USC—United States Code

Office Symbols

AF/A1—Deputy Chief of Staff for Manpower, Personnel, and Services

AF/A1S—Director, Air Force Services

AF/A1SR—Services Resourcing and Requirements Division

AF/RE—Chief of Air Force Reserve

AFPC/DP1ORM—Air Force Personnel Center, Military Records Section

AFPC/DP2SSM—Air Force Personnel Center, Special Programs Team

HQ RIO—Headquarters Individual Reservist Readiness & Integration Organization (HQ RIO)

NGB/CF—Director of the Air National Guard

SAF/MR—Assistant Secretary of the Air Force for Manpower and Reserve Affairs

SF/S1—Deputy Chief of Space Operations for Human Capital

Terms

Active Duty—Full-time duty in the active military service of the United States, including active duty or full-time training duty in the Reserve component.

Air Reserve Component—The component of the United States Air Force that includes the Air Force Reserve and Air National Guard.

Basic Allowance for Housing—Continental United States based allowance prescribed by geographic duty location, pay grade, and dependency status. It provides uniformed service members equitable housing compensation based on housing costs in the local civilian housing markets with the United States when government quarters are not provided.

Basic Allowance for Housing-Differential (BAH-Diff)—Paid to a service member assigned to single-type government quarters and who qualifies for a BAH solely due to paying sufficient child support. The BAH-Diff is a fixed rate and is the difference between the with-dependent basic allowance for quarters (BAQ) rate and the without-dependent BAQ rate as of December 31, 1997, based on the service member's grade and increased each year by the average pay raise percentage.

Commander—A commissioned officer who, by virtue of rank and assignment, exercises command authority over a military organization or prescribed territorial area, which under pertinent official directives is recognized as a "command." This designation is used in all Department of the Air Force organizations authorized to be led by a commander, except the United States Air Force Academy, which is commanded by a superintendent, a school or academic organizations, which may be commanded by commandants.

Court Order—As used in this instruction a court order includes any final, temporary, or interlocutory order, including an ex parte order, issued by a court within the United States, by a judge or any other judicial official, such as a judge pro tem, magistrate, commissioner, or master. Court order also includes any administrative order issued by a state child support enforcement agency.

Demands and 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.

Divorce—Dissolution of marriage that completely severs the marital relationship, as opposed to limited divorce, legal separation, or so-called divorce from table and bed or bed and board. A divorce includes an annulment.

Family Member—For the purpose of this instruction only, a family member includes: (1) A member's present spouse (former spouse is not a family member); (2) A member's minor children from the present marriage; (3) A member's children by any former marriage if the member has a current obligation to provide support to that child (a family member does not include the child of a member who has been legally adopted by another person); (4) Minor children born out of wedlock to: (a) a female member; (b) a male member if evidenced by a court order, or the functional equivalent of a court order, identifying the member as the father or if the member is providing support to the child under the terms of this regulation; (5) Any other person (for example,

parent, stepchild) for whom the member has a legal obligation to provide financial support under the applicable law. This includes court orders directing the member to provide financial support to a child 18 years of age or older or to some other person. It does not include financial support voluntarily provided to a child 18 years of age or older or to some other person.

Financial Support—The amount of money provided to or indirect support for housing expenses provided for a member's family members on a periodic or other continuing basis in accordance with a written agreement signed by both parties, a court order, or this instruction. Financial support includes court-ordered spousal support (or alimony) and child support. It does not include any division of marital or nonmarital property between spouses or former spouses or financial payments made as part of a property settlement.

Financial Support Agreement—A written agreement between spouses to provide financial support. There is no requirement that the written financial support agreement appear in any specific form. Any signed document, or group of documents, that evidences the party's agreement to the terms of support will be sufficient. Examples of a written financial support agreement include, a separation agreement or property settlement agreement or a letter or a series of letters signed and evidencing an agreement to provide financial support.

Legal Process—Any writ, order, summons, or other process in the nature of garnishment directed to the Department of the 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.

Minor Children—Unmarried children under 18 years of age who are not on active duty with the Armed Forces.

Non-Locality Basic Allowance for Housing Rates—The fixed portion of a member's BAH entitlement without the location-dependent variable portion. The amount of non-locality BAH does not vary by geographic location.

Personal Financial Indebtedness of a Civil Nature—A financial indebtedness relating to or stemming from an administrative military action, a military judicial action, or non-military criminal proceedings by action or suit in a civilian court.

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. (Refer to 42 USC § 659-660, *Child Support and Establishment of Paternity* and 5 CFR Part 581, *Processing Garnishment Orders For Child Support and/or Alimony*, to review laws pertaining to garnishment of military pay):

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

A2.2.2. 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.

A2.2.3. 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.

A2.2.4. 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.

A2.2.5. Sufficient identifying information must accompany the legal process in order for the Department of 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.

A2.2.6. Garnishment orders may be submitted by mail to DFAS Office of General Counsel, Attn: Garnishment Law Directorate, P.O. Box 998002, Cleveland OH 44199-8002, Telephone: 1-888-332-7411.

A2.3. Statutory Allotments for Child Support and Alimony. (Refer to 42 USC § 665, *Child Support and Establishment of Paternity* and 32 CFR Part 581, *Allotments for Child and Spousal Support* to review laws pertaining to statutory allotments for child support and alimony):

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 Air Force Personnel

Center - Operating Location 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 USC § 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 Air Force Personnel Center - Operating Location receives the request, Air Force Personnel Center - Operating Location 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, Air Force Personnel Center - Operating Location 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. Department of the 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, Department of the 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, Department of the Air Force, or Marine Corps) locator service.

A3.3.1. For Department of the 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 Department of the Air Force does not charge for locator service on Department of the 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* pursuant to 5 USC § 5520a, *Garnishment of Pay*, as implemented by Department of Defense Instruction (DoDI) 1344.09, *Indebtedness of Military Personnel* and DAFI 36-2906.

A3.4.1. A creditor may initiate this process against any member of the Regular Air Force, United States Space 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, to an appropriate Department of Defense agency. The DD Form 2653 may be obtained from the DFAS debt collection website <https://www.dfas.mil/Garnishment/milcommdebt/debtcollect/>.

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, DFAS Office of General Counsel - Garnishment Law Directorate, 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 DFAS Office of General Counsel - Garnishment Law Directorate 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 DFAS Office of General Counsel - Garnishment Law Directorate within the allotted time, and application is otherwise valid, DFAS Office of General Counsel - Garnishment Law Directorate 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 DFAS Office of General Counsel - Garnishment Law Directorate. 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 DFAS Office of General Counsel - Garnishment Law Directorate.

A3.4.5. DFAS Office of General Counsel - Garnishment Law Directorate officials will make the final decision on any issues or defenses raised by the member except for the issue of whether "military demands and exigencies" adversely impacted the member. A "military exigency" is defined in DoDI 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 demand is valid and the commander's decision on this issue is binding on DFAS Office of General Counsel - Garnishment Law Directorate. Commanders return the application to DFAS Office of General Counsel - Garnishment Law Directorate indicating their decision on the DD Form 2654. If the commander finds the military demands defense is valid, DFAS Office of General Counsel - Garnishment Law Directorate 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, DFAS Office of General Counsel - Garnishment Law Directorate will give the creditor the name and address of the appellate authority listed on the DD Form 2654 by the commander. In the Department of the Air Force, the appellate authority is the immediate Department of the 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 DFAS Office of General Counsel - Garnishment Law Directorate, 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 CFR Part 113, *Indebtedness Procedures of Military Personnel*, Section 113.3 (c), *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, as detailed in 32 CFR § 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 CFR §113.4(c).

A3.4.8. DFAS Office of General Counsel - Garnishment Law Directorate is the designated agency to receive involuntary allotment applications on Department of the Air Force, Army, Navy, and Marine Corps personnel. For further information contact DFAS Office of General Counsel Attn: Garnishment Law Directorate PO Box 998002 Cleveland, OH 44199-8002 Telephone: 1-888-332-7411 Toll-free Fax: 1-877-622-5930. Please ensure members name and SSN# are referenced.