

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

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



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Personnel

**PERSONAL FINANCIAL
REPPONSIBILITY**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This publication implements Air Force Policy Directive (AFPD) 36-29, *Military Standards*. It has been developed in collaboration between the Deputy Chief of Staff for Manpower, Personnel and Services (AF/A1), the Chief Human Capital Officer (SF/S1), the Chief of the Air Force Reserve (AF/RE), and the Director of the Air National Guard (NGB/CF). It provides guidance and procedures for managing and processing allegations of delinquent financial obligations. This instruction applies to members of the Regular Air Force (RegAF), Space Force, Air Force Reserve (AFR) and Air National Guard on Title 10 orders who have delinquent financial obligations. This instruction requires the collection and or maintenance of information protected by the 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 (EO) 9397, Numbering System for Federal Accounts Relating to Individual Persons. The applicable System of Records Notice F036 AF PC C, Military Personnel Records System applies and are available online at <https://dpclld.defense.gov/Privacy/SORNs/>. Ensure all records generated as a result of processes prescribed in this publication adhere to Air Force Instruction (AFI) 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 the Office of Primary Responsibility using Air Force (AF) Form 847, *Recommendation for Change of Publication*; route AF Forms 847 from the field through the appropriate functional chain of command. This publication may be supplemented at any level, but all direct supplements must be routed to the office of primary responsibility of this publication for coordination prior to the certification and approval. All Major Command-level supplements must

be approved by the Human Resource Management Strategic Board prior to 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 Department of the Air Force Instruction (DAFI) 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 requestor’s commander for non-tiered compliance items. Compliance with the attachments in this publication is mandatory.

SUMMARY OF CHANGES

This publication has been revised and needs to be completely reviewed. Major changes include clarification of the Basic Allowance for Housing – Differential Rate, the addition of guidance on pro-rata financial support calculations, and corrected tiering. Administrative adjustments such as adding the purpose of the publication and additional references is also included.

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Chapter 1

OVERVIEW

1.1. Overview. Personal financial responsibility applies to all RegAF, AFR, and Air National Guard members on Title 10 orders who have delinquent financial obligations. 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 authorizes allotments from RegAF, AFR, and Air National Guard members 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. **(T-3)**.

2.2. Installation Commanders will: obtain the advice of and coordinate with the installation staff judge advocate, the military personnel flight (MPF) 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 in conjunction with legal review of documentation and respond to complainants within 15 days for Air Reserve Component (ARC) and 60 days for Air National Guard (ANG). **(T-3)**. 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 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 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 Airman and Family Readiness Center for financial management education and information. **(T-3)**. For non-located ARC locations, refer members to the nearest installation with full Center services, utilize Joint Force Support Assistance Program and Military Family Life Consultant support, use DoD-provided certified personal financial counselors if available, or other certified financial counselors available through on base (e.g., installation bank or credit union) or off base (Federal, State or local agencies or nonprofit consumer credit counseling organizations) resources. **(T-3)**.

2.3.3. Refer members to a 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, 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 agree to release information protected by 5 USC § 552a, *Records Maintained on Individuals*, also referred to as the Privacy Act of 1974. **(T-3)**.

2.3.5.3. Name, address, and telephone number of unit commander and of the person preparing the inquiry. (T-3).

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. (T-3).

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 if the member is RegAF, a traditional reservist, or guard member. (T-3).

2.4.3. Forward financial responsibility complaints for members not assigned to a unit within the appropriate MPF. (T-3).

2.4.4. Send complaints involving AFR members assigned to Headquarters Individual Reservist Readiness & Integration Organization (HQ RIO) to HQ RIO, 18420 E. Silver Creek Avenue, Building 390, MS 68, Buckley AFB, CO 80011. (T-3). For all others, refer to [paragraph 2.4.2](#).

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 AFPC, 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. (T-3). 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. (T-3).

2.4.7. Recommend that AFPC/DP1ORM discontinue processing complaints 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 AFI 31-213, *Armed Forces Disciplinary Control Boards and Off-Installation Liaison and Operations* (available at: <https://armypubs.army.mil/>, Army Regulation 190-24), and AFPC/DP2SSM. (T-3).

2.5. The Office of 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 15 USC §§ 1692-1692p, *Debt Collection Practices*; 10 USC § 1408, *Payment of Retired or Retainer Pay in Compliance with Court Orders*; and 50 USC §§ 3901-4043, *Servicemembers Civil Relief Act* (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 will: Provide military members and their families with financial management education, information, and referral services. (T-3). AFR installations' Airman and Family Readiness offices refer members to qualified community-based financial management personnel. For the Air National Guard, the Airman 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 Members will:

2.7.1. Pay their just financial obligations in a proper and timely manner. (T-3). Members may be held responsible via administrative, nonjudicial, or judicial action for failure to provide financial support or meet financial obligations.

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:

2.8.1. Refers RegAF, AFR, 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: Garnishment Law Directorate-HGA, PO Box 998002, Cleveland, OH 44199-8002; online at <https://www.dfas.mil/garnishment/customerservice/>; or via phone at the following toll free number: 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 AFPC. 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 Air Force policy. **(T-3)**.

3.2. In Cases Alleging Nonsupport of Family Members, commanders will:

- 3.2.1. Advise members they are expected to provide adequate financial support to the family member(s). **(T-3)**. Advise the family member(s) of procedures family member may implement to obtain involuntary collection of support through garnishment or statutory allotments. **(T-3)**. See fact sheet in [Attachment 2](#).
- 3.2.2. Upon receipt of a complaint of non-support from a dependent, require member to provide proof of adequate financial support. **(T-3)**.
- 3.2.3. Assess BAH entitlements by working with the Financial Operations Flight and informing members they may not receive BAH at the with-dependent (non-locality) rate. **(T-3)**. Refusal to support family members will result in termination of BAH entitlement at the with-dependent (non-locality) rate. **(T-3)**.
- 3.2.4. The Air Force will recoup the with-dependent (non-locality) rate BAH received by the member during periods of non-support. **(T-2)**.
- 3.2.5. 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 on complying with the dependent support requirements in [Chapter 4](#) of this AFI. The monetary requirement to support family members in the amount determined by the provisions of [Chapter 4](#) begin on the date of separation, not the date it is discovered the member is not complying. **(T-3)**.

3.3. In Cases Alleging Paternity, commanders will:

- 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 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 MPF for guidance on eligibility of an identification card for the child, to the local Financial Operations Flight for with-dependent (locality) 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 AFB, 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 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, commanders will:

3.4.1. Advise members of 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, which could result in an involuntary allotment from the member's military pay. **(T-3)**.

3.4.2. Advise the claimant that 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)**.

3.4.3. 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)**.

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

3.4.5. Promptly determine if the member is assigned or attached to the commander's unit. **(T-3)**. 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 to process an involuntary allotment for the reasons shown in Section II of the form. **(T-3)**.

3.4.6. If the member is assigned to the commander's unit, the commander will consider granting a reasonable extension of time for the member to submit a response to Defense Finance Accounting Service within the time designated by Defense Finance and Accounting Service officials. **(T-3)**. 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)**.

3.4.7. 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 available to respond to the involuntary allotment package. **(T-3)**.

3.4.8. The member will complete Section IV of DD Form 2654 and return it to Defense Finance and Accounting Service if the member does not contest the involuntary allotment. **(T-3)**. 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. **(T-2)**. Defense Finance and Accounting Service processes the involuntary allotment.

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

3.4.10. If 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)**.

3.4.11. Document commander's decision in Section V of DD Form 2654. **(T-3)**. 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). **(T-3)**. The commander's decision about military demands is binding on Defense Finance and Accounting Service.

3.4.12. Designate in Section V of DD Form 2654 the name and address of the appellate authority in cases where the commander determines demands of military duty caused the absence of the member from the judicial proceeding. **(T-3)**. 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.

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 dependent. (T-3). Members also comply with the financial support provisions of a court order or written support agreement. **(T-3)**. 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 support using the following provisions: **(T-3)**.

4.1.1. **Pro-rata share.** This formula applies when the member is receiving additional allowances for support for his or her dependents, but only if the member is NOT married to an active duty spouse. When using the term “pro-rata share” with regard to non-locality pay BAH– with Dependents (non-locality) rate, the amount of each such share is calculated using the equation in **Figure 4.1** This formula applies even in situations where the servicemember is OCONUS and receiving allowances for a spouse living CONUS.

Figure 4.1. Pro-Rata Share Formula.

$\text{Pro-rata share} = \frac{1}{\text{Total number of supported family members}} \times \text{Applicable basic allowance for housing - w/dependent (non-locality) rate}$
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4.1.2. **Calculation.** 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:

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

4.1.2.2. A family member to whom the military member is not required to provide financial support under this instruction or from whom the military member has been released by his or her squadron commander of 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:

4.1.2.2.1. 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:

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

4.1.2.2.1.2. 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. 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 still a financial support order. An order that directs financial support on a periodic or other continuing basis, but does not mention an amount, is still a financial support order. 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. (T-3). If, however, a court order is silent (i.e., contains no provisions whatsoever) 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:

- 4.1.2.3.1. A judicial proceeding concerning the marriage (for example, legal separation, divorce, annulment), a child, or the children from that marriage (for example, for financial support, child custody, visitation) has been initiated.
 - 4.1.2.3.2. 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.
 - 4.1.2.3.3. The court has issued one or more orders, none of which contains a financial support provision.
 - 4.1.2.3.4. There is no written financial support agreement or other court order requiring financial support of the family members concerned.
 - 4.1.2.3.5. The member is not receiving BAH-with Dependents (non-locality) rate based solely on the financial support of the family members concerned or agrees to terminate such allowance effective upon the date released from the support obligation.
- 4.1.2.4. The income of the member's 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 providing financial support to spouse if both of the following paragraphs apply:
- 4.1.2.4.1. The monthly income of the supported spouse exceeds the monthly military pay of the member; and
 - 4.1.2.4.2. The member is not receiving BAH-with Dependents (non-locality) rate solely on the basis of providing financial support to that spouse or agrees to terminate allowances effective upon the date released from the support obligation.
- 4.1.2.5. 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. (T-3).

4.1.2.6. 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:

4.1.2.6.1. 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;

4.1.2.6.2. 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

4.1.2.6.3. The member is not receiving BAH– with Dependents non-locality (rate) based solely on the basis of providing financial support to that spouse or agrees to terminate such allowance effective upon the date released from the support agreement.

4.1.2.7. 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:

4.1.2.7.1. The family member presently is in jail; and

4.1.2.7.2. The member is not receiving BAH–with Dependents (non-locality) rate based solely on the basis of providing financial support to that spouse or agrees to terminate such allowance upon the date released from the support agreement.

4.1.2.8. Required 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:

- 4.1.2.8.1. The member and spouse have been separated for 18 months.
- 4.1.2.8.2. The member has made financial support required by this instruction for the entire 18 months.
- 4.1.2.9. 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 Airman leaves the jurisdiction. **(T-3)**.
- 4.1.2.10. 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.
- 4.1.2.11. The member is not receiving BAH-with Dependents (non-locality) rate based solely on the basis of providing financial support to that spouse or agrees to terminate such allowance effective upon the date released from the support agreement.
 - 4.1.2.11.1. 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 all of the following provisions apply:
 - 4.1.2.11.2. The member is the lawful custodian of the child;
 - 4.1.2.11.3. The child, without the member's consent, is in the custody of another person who is not the lawful custodian of the child; and
 - 4.1.2.11.4. The member is diligently pursuing legal means to obtain physical custody of the child.

4.1.3. **Single-family units:**

- 4.1.3.1. A family unit or spouse not residing in government family housing. The member will provide financial support in an amount equal to the BAH-with Dependents (non-locality) rate to the family unit or spouse. **(T-3)**.
- 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 BAH-with Dependents (non-locality) rate to the family unit. **(T-3)**.
- 4.1.3.3. Family members within the family unit residing at different locations. The member will provide a pro-rata share of BAH-with Dependents (non-locality) rate to each family member not residing in government family housing. **(T-3)**. 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 or full-time orders in the RegAF or other military services. In 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 or full time orders in the RegAF or 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 **(T-3)**:

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 Basic Allowance for Housing-Differential (BAH-Diff) to the military member having custody of the child or children. **(T-3)**.

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.

4.1.4. 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 BAH-with Dependents (non-locality) rate. **(T-3)**.

4.1.4.1.5. If the member's present spouse is RegAF or on full-time active duty orders in one of the military services, the requirements of [paragraph 4.1.3.4](#) of this instruction apply. **(T-3)**.

4.1.5. Shared custody arrangements. In situations in which the member would otherwise be required to pay the pro-rata share (that is, no exceptions to providing the pro-rata share apply), but the member and the spouse share custody of their dependent children, the following rules apply: The spouse will receive his or her pro-rata share. If the spouse has custody of the children for 3 days a week, and the military member has custody for 4 days a week, the military member will pay $\frac{3}{7}$ th of the non-locality BAH-with Dependents (non-locality) rate for each additional dependent. **(T-1)**. For example, an E-5 military member and the non-military spouse have two children. In this situation, the military member will pay the spouse his or her pro-rata share (or one-third) of the non-locality BAH-with Dependents (non-locality) rate. **(T-3)**. If the non-military spouse had full custody of the two children, each child would be entitled to one-third of the non-locality BAH-with Dependents (non-locality) rate. Since the non-military

spouse only has custody 3 days a week, the military member will pay $3/7^{\text{th}}$ of the one-third pro-rata share for each shared custody child. (T-3). Therefore, if the non-locality BAH-with Dependents (non-locality) rate was \$900, the spouse would receive one-third, or \$300. Each child's pro-rata share is also \$300. $3/7^{\text{th}}$ of \$300 is \$128.57. Accordingly, the military member would pay \$557.14 per month (or \$300 + \$128.57 + \$128.57) rather than the full \$900 per month.

4.2. Pro-rata financial support calculation. The amount of support provided in accordance with a financial support agreement or a court order involving one or more family units or members does not affect the calculation of the pro-rata share required under this instruction. Accordingly, this does not affect the financial support of any other family units or members not covered by such agreement or order.

4.3. Other Circumstances. When the provisions described above do not meet the specific facts of the member, and there is no legal separation agreement or court order, the member must provide a support amount that is at least equal to the BAH-Diff rate applicable to the member's grade. (T-3). If the commander determines the BAH-Diff is not adequate in the member's specific situation, the commander may refer to the individual's state child support guidelines to determine how much additional support is required.

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

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

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

5 CFR Part 581, *Processing Garnishment Orders for Child Support and/or Alimony*

32 CFR Part 54, *Allotments for Child and Spousal Support*

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*

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

42 USC §§ 659-660, 665, *Child Support and Establishment of Paternity*

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

DoD 7000.14R, *Financial Management Regulation*, December 2019

DoDI 1344.09, *Indebtedness of Military Personnel*, 8 December 2008

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

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

DAFI 33-360, *Publications and Forms Management*, 1 December 2015

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

AFPD 36-29, *Military Standards*, 11 April 2019

Title 37, *United States Code, Pay and Allowances of the Uniformed Services*

Privacy Act of 1974 (5 U.S.C. § 552)

Hatch Act Reform Amendments of 1993

Title IV-D of the Social Security Act

Child Support Enforcement and Paternity Establishment Program (42 USC § 651 et seq.)

Prescribed Forms

None

Adopted Forms

DD Form 2653, *Involuntary Allotment Application*

DD Form 2654, *Involuntary Allotment Notice and Proceeding*

AF Form 847, *Recommendation for Change of Publication*

Abbreviations and Acronyms

AF—Air Force

AFB—Air Force Base

AFI—Air Force Instruction

AFPC—Air Force Personnel Center

AFPD—Air Force Policy Directive

AFR—Air Force Reserve

ARC—Air Reserve Component

BAH—Diff—Basic Allowance for Housing-Differential

CFR—Code of Federal Regulations

DoDI—Department of Defense Instruction

EO—Executive Order

JBSA—Joint Base San Antonio-Randolph

MPF—Military Personnel Flight

OPR—Office of Primary Responsibility

RC—Reserve Component

RegAF—Regular Air Force

US—United States

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. The term active duty for a period of more than 30 days means active duty under a call or order that does not specify a period of 30 days or less.

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

Basic Allowance for Housing—US 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 US 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 Air Force organizations authorized to be led by a commander, except the US Air Force Academy, which is commanded by a superintendent, a school or academic organizations, which may be commanded by commandants.

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) An Airman's present spouse (former spouse is not a family member); (2) An Airman's minor children from the present marriage; (3) An Airman's children by any former marriage if the Airman has a current obligation to provide support to that child (a family member does not include the child of an Airman who has been legally adopted by another person); (4) Minor children born out of wedlock to: (a) a female Airman; (b) a male Airman if evidenced by a court order, or the functional equivalent of a court order, identifying the Airman as the father or if the Airman is providing support to the child under the terms of this regulation; (5) Any other person (for example, parent, stepchild) for whom the Airman has a legal obligation to provide financial support under the applicable law. This includes court orders directing the Airman 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.

Family Unit—For the purpose of this instruction only, a family unit includes any of the following: (1) An Airman's present spouse and any children from that marriage for whom the Airman is required to provide financial support. (2) One or more children from a prior marriage for whom the Airman is required to provide financial support. (3) One or more children born out of wedlock from a prior relationship for whom an Airman is required to provide financial support.

Financial Support—The amount of money or support in kind provided to one's family members on a periodic or other continuing basis in accordance with a written or oral support agreement, 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—An oral or 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. **(T-3)**. 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. A written financial support agreement also includes a written agreement expressly relieving the Airman of the obligation to provide financial support to a spouse. If an amount is specified, that amount must be at least equal to the BAH–Differential Rate. **(T-3)**.

Legal Process—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.

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

Multiple Family Units—Two or more family units.

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

Personal Financial Indebtedness of a Civil—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 courts.

Privacy Act—(5 U.S.C. § 552), Hatch Act Reform Amendments of 1993 and Title IV-D of the Social Security Act, Child Support and Establishment of Paternity (42 USC § 651 et seq).

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 Air Force members to enforce child support and alimony in accordance with State law. Garnishments may be placed against the pay of Reg AF, Reserve, Guard and retired military members 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 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 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. (Refer to 42 USC § 665, *Child Support and Establishment of Paternity* and 32 CFR Part 54, *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 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 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 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* pursuant to 5 USC § 5520a, *Garnishment of Pay, as implemented by Department of Defense Instruction (DoDI) 1344.09, Indebtedness of Military Personnel* and AFI 36-2906.

A3.4.1. A creditor may initiate this process against any member of the RegAF, AFR, 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 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 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 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, in accordance with 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. 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: Attn: Garnishment Operations, Defense Finance and Accounting Service, Cleveland Center, P.O. Box 998002, Cleveland, OH 44199-8002, or call commercial 888-332-7411, option 3 for additional information. For faster service, please fax your documentation to: 877-622-5930. Please ensure members name and SSN# are referenced.