



DEFENSE FINANCE AND ACCOUNTING SERVICE

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SEP 23 1997

DFAS-HQ/FMM

MEMORANDUM FOR DIRECTOR, DEFENSE FINANCE AND ACCOUNTING SERVICE
- CLEVELAND CENTER
DIRECTOR, DEFENSE FINANCE AND ACCOUNTING SERVICE
- DENVER CENTER

SUBJECT: Change to the DoDFMR, Volume 7B, Suspension of Retired
Pay When Absent from the United States to Avoid Prosecution (DFAS Item G-28) 22

This is DFAS Interim Change R18-97 to the DoDFMR, Vol 7B.
This change is effective immediately.

We have evaluated your comments on the draft change to the DoDFMR, Vol 7B. The attached final version of the change includes your comments where appropriate. Assignment of an interim change number is your authority to start a procedural modification, if necessary, to facilitate this change. For the Denver Center, use the attached to initiate the formal printed change to the DoDFMR, Volume 7B, and the interim change.

Our point of contact, Mr. Malufau, may be contacted at DSN 327-5061 or Commercial (703) 607-5061.

Roger W. Searce
Brigadier General, USA
Deputy Director for Finance

Attachment:
As stated

cc: DASD (MMP) Comp
ODGC (F)
DFAS-DE/DG
Service Liaisons
USCG/NOAA/PHS Liaisons

1. Add new subparagraph 30202c to read:

“30202c. The Secretary concerned may order a retiree’s pay suspended after determining that:

(1) A felony warrant has been issued against the absent member by the U.S. under the authority of 18 U.S.C. 1073, “Flight to avoid prosecution or giving testimony,” and the Department of Justice has sought extradition, or

(2) A felony warrant has been issued against the absent member by the U.S. for violation of the International Parental Kidnapping Act, 18 U.S.C. 1204; or for a crime stated in 5 U.S.C. 8312; and

(3) The member is outside the United States, and has willfully remained outside the U.S. to avoid criminal prosecution for 30 or more consecutive days subsequent to the date of issue of the felony warrant. As a result:

(a) DFAS-Cleveland Center shall suspend retired pay until DFAS receives orders from the Secretary concerned to resume monthly payments and to pay the balance of suspended payments. No interest may be paid on any suspended amounts.”

(b) Payment of any amounts subject to involuntary withholding or paid as insurance premiums by previously established allotments shall not be suspended, but shall continue to be paid from the member’s pay unless otherwise directed by the Secretary concerned.

2. Add a new Rule 12 to Table 3-2-1, SUSPENSION OF PAY-STATUTORY REQUIREMENTS to read:

“RULE	A	B	C
12	Armed Forces	being absent from the US to avoid prosecution	PL 104-201, Section 633, 23 Sep 1996”