

VOLUME 7A, CHAPTER 33: “PAYMENTS ON BEHALF OF MENTALLY INCOMPETENT MEMBERS”

SUMMARY OF MAJOR CHANGES

All changes are denoted by **blue font**.

Substantive revisions are denoted by an * symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue and underlined font**.

The previous version dated December 2012 is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
3301	Changed section name to “General”.	Revision
Table 33-1	Clarified office making payments in rule 3.	Revision

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CHAPTER 33**PAYMENTS ON BEHALF OF MENTALLY INCOMPETENT MEMBERS*****3301 GENERAL**

Members on active duty are entitled to active duty pay and allowances even though mentally incapable of managing their own affairs. This includes miscellaneous payments authorized on separation from the Military Service. See Chapter 35.

3302 PAYMENT

The appointment of a guardian, trustee, or other legal representative is a prerequisite to payment. For [the](#) designation of trustee and payment offices, see Table 33-1.

3303 MEMBER MENTALLY INCOMPETENT BEFORE ENTRY ON ACTIVE DUTY

When it is shown that a member was judicially declared mentally incompetent before induction or enlistment, [the](#) member is not entitled to pay and allowances. See Chapter 1.

3304 FINALITY OF PAYMENTS TO TRUSTEE

Any payments on behalf of a mentally incompetent member to a designated trustee(s) are a complete discharge of the obligation of the United States as to amounts paid.

3305 RESTRICTION AGAINST ACCEPTANCE OF FEES

A person serving in a legal, medical, fiduciary, or other capacity may not demand or accept a fee, commission, or other charge (except bonding fee) for any service performed in administration of a mentally incompetent member account.

*Table 33-1. Payment of Mentally Incompetent Members

R U L E	A	B	C	D
	When	and member is in the	then the trustee is designated by	and payment is made by
1	a court of competent jurisdiction has not appointed a guardian, committee, or other legal representative	Army or Air Force	Director, DFAS-CL	DFAS-IN.
2		Navy or Marine Corps		DFAS-CL.
*3	a court of competent jurisdiction has appointed a guardian, committee, or other legal representative	Army, Air Force Navy, or Marine Corps	none required	appropriate office shown in rules 1 or 2 except as indicated in note.

NOTE: Army Only: Local disbursing officer servicing the member's financial record may make payments.

BIBLIOGRAPHY

CHAPTER 33: PAYMENTS ON BEHALF OF MENTALLY INCOMPETENT MEMBERS

3301 - ENTITLEMENT

37 U.S.C. 601-604

Table 33-1

Deputy Secretary of Defense Memo,
January 29, 1991
Comptroller of the Department of Defense Memo
February 1, 1991
Director, Defense Finance and Accounting
Service Memo, August 26, 2010
Deputy Director, Operations, Defense Finance and
Accounting Service Memo, September 9, 2010