

**VOLUME 7A, CHAPTER 34: “PAY ENTITLEMENT OF MEMBERS MISSING,
MISSING IN ACTION, INTERNED, AND PAYMENTS TO DEPENDENTS”**

SUMMARY OF MAJOR CHANGES

All changes are denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (*) 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 [February 2015](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Updated hyperlinks and formatting to comply with current administrative instructions.	Revision
340101 340102	Added the “Purpose” and “Administrative Guidance” paragraphs to the “General” section to comply with current administrative instructions.	Addition
Bibliography	Updated statutes and references.	Revision

Table of Contents

3401	GENERAL	4
	*340101. Purpose	4
	*340102. Authoritative Guidance	4
3402	DEPENDENT	4
3403	AUTHORITY TO MAKE OFFICIAL DETERMINATIONS FOR THE ADMINISTRATION OF MISSING PERSONS' PAY ACCOUNTS UNDER THE MISSING PERSONS ACT.....	4
3404	ENTITLEMENT TO PAY AND ALLOWANCES WHILE IN A MISSING STATUS	4
	340401. General	4
	340402. Basic Allowance for Housing (BAH) and Basic Allowance for Subsistence (BAS) Entitlement.....	4
3405	ALLOTMENTS FOR MEMBERS IN MISSING STATUS	5
3406	TAX WITHHOLDING FOR MEMBERS IN MISSING STATUS	5
3407	REVIEW OF CASE AFTER 12 MONTHS AND FINDING OF DEATH.....	5
	340701. Review of Case After 12 Months.....	5
	340702. Continuance of Member's Missing Status	5
	340703. Finding of Death.....	5
	340704. Change in Date of Death	6
3408	CONCLUSIVENESS OF SETTLEMENTS.....	6
3409	PAYMENT OF DEATH GRATUITY	6
3410	ACCRUED LEAVE.....	6
	341001. Accumulation	6
	341002. Settlement.....	6
3411	REFERENCES.....	8
	341101. Army.....	8
	341102. Navy	8
	341103. Air Force	8
	341104. Marine Corps.....	8

Table 34-1. Authority to Make Official Determinations for the Administration of Missing Persons' Pay Accounts Under the Missing Persons Act 9

Table of Contents (Continued)

Table 34-2. Pay and Allowances Which Accrue to Missing Members 10

*BIBLIOGRAPHY 13

CHAPTER 34

**PAY ENTITLEMENT OF MEMBERS MISSING, MISSING IN ACTION,
INTERNEED, AND PAYMENTS TO DEPENDENTS**

3401 GENERAL

***340101. Purpose**

This chapter establishes policy regarding pay entitlements of service members missing, missing in action (MIA), interned, and payments to dependents. A member in a missing status is entitled to the pay and allowances to which the member was entitled when the missing status began, or to which the member later becomes entitled. The fact that the member did not receive payment before entering a missing status **does** not affect the right to a certain pay or allowance.

***340102. Authoritative Guidance**

The bibliography at the end of this chapter lists the authoritative references.

3402 DEPENDENT

See **Volume 7A**, Definitions for the general definition of a dependent. For the purposes of this chapter, the term dependent **also** means a person designated as a dependent in the “missing” member’s official records, or a person determined to be a dependent of the “missing member” by the Secretary of the Military Service concerned or the Secretary's designee.

**3403 AUTHORITY TO MAKE OFFICIAL DETERMINATIONS FOR THE
ADMINISTRATION OF MISSING PERSONS’ PAY ACCOUNTS UNDER THE MISSING
PERSONS ACT**

See Table 34-1.

Note: The Secretary of the Military Service concerned (or designee) makes official determinations on missing status or death.

3404 ENTITLEMENT TO PAY AND ALLOWANCES WHILE IN A MISSING STATUS

340401. General

See Table 34-2 for a list of all pay and allowances.

**340402. Basic Allowance for Housing (BAH) and Basic Allowance for
Subsistence (BAS) Entitlement**

Members without dependents are entitled to BAH at the without-dependent rate. Enlisted members are entitled to BAS. Payments of these allowances are authorized from the beginning

of the missing status, even though there was no housing or subsistence allowance entitlement before the missing status began.

3405 ALLOTMENTS FOR MEMBERS IN MISSING STATUS

Allotments in effect before a member enters a missing status may be continued. As directed by the Secretary of the Military Service concerned (or designee), allotments may be initiated, suspended, resumed, increased, decreased, or discontinued where circumstances so warrant in the interests of the missing member, the dependents, or the government.

3406 TAX WITHHOLDING FOR MEMBERS IN MISSING STATUS

See Chapter 44, paragraph 440201 and subparagraph 440203.E.2.

3407 REVIEW OF CASE AFTER 12 MONTHS AND FINDING OF DEATH

340701. Review of Case After 12 Months

When a 12-month period (starting from the date of the member's absence) is about to end and the member has not been reported officially as dead, imprisoned or interned, the case is fully reviewed. After this review and when the 12-month period has ended, or following any later review warranted by information received, or other circumstances, the Secretary of the Military Service concerned (or designee):

A. Directs continuance of the member's missing status, if the member reasonably may be presumed to be living, or

B. Makes a finding of death.

340702. Continuance of Member's Missing Status

When a member continues in a missing status under subparagraph 340701.A, credit pay and allowances to his or her account. Allotments are continued, discontinued, increased, or initiated as provided in Chapters 40 through 43. When the Secretary of the Military Service concerned (or designee) officially reports that a missing member is alive and in the hands of a hostile force, or is interned in a foreign country, allotment payments are authorized. These payments on the member's behalf continue through the date on which the Secretary of the Military Department concerned (or designee) receives evidence that the member is dead. When a member returns to Military Service control, the member resumes control of allotments.

340703. Finding of Death

A finding of death includes the date upon which death is presumed to have occurred for the purposes of stopping pay and allowances, settlement of accounts, and payment of death gratuities. This date is the day following the day the member has been absent 12 months, unless

the missing status continues beyond that day. In this case, the date of death is the date determined by the Secretary of the Military Department concerned (or designee).

340704. Change in Date of Death

Payment of an account made following a report, determination, or finding of death may not be recovered, and the case may not be reopened, because of a later report or determination fixing an earlier date of death. If a later date of death is established, then the account is reopened and settled on the basis of the later date.

3408 CONCLUSIVENESS OF SETTLEMENTS

Settlements made under this chapter are conclusive upon the accounting officers of the government in effecting settlement of the accounts of a disbursing officer. The Secretary of the Military Department concerned (or designee) is authorized to settle members' accounts for payment under the Missing Persons Act. In the absence of fraud or criminal intent on the part of the disbursing officer, credit is allowed for any erroneous payment or overpayment made by the disbursing officer under this chapter. No recovery may be made from any officer or employee who authorizes any payment under this chapter in the absence of fraud or criminal intent on the part of that officer or employee.

3409 PAYMENT OF DEATH GRATUITY

See Chapter 36 for payments when a member in a missing status is reported dead, or for whom a finding of death is made.

3410 ACCRUED LEAVE

341001. Accumulation

Members, while in a missing status, can accumulate leave without regard to any leave accrual limitations stated in Chapter 35, paragraph 350202.B. However, a member whose death is determined under section 3407 may, in addition to leave accrued before entering a missing status, accrue not more than 150 days of leave during the period of a missing status, unless the actual date of death is found to have occurred on a date when the member had accrued leave in excess of 150 days. Leave accumulated while in a missing status may not be taken, but shall be paid.

341002. Settlement

Leave accumulated while in a missing status will be accounted for separately and settled as follows:

A. Return From Missing Status. Members will be paid for all leave accumulated while in a missing status as soon as possible after return from a missing status. Items to be included in the accrued leave payment are provided in Table 35-5. Computation will

be based on the rates to which the member was entitled on the date that his or her name was removed from the missing status.

B. Death in a Missing Status. Notwithstanding the death of a member while in a missing status, leave will continue to accrue to his or her account through the date that the Secretary of the Military Department concerned (or designee) receives evidence that the member is dead or through the date of death as prescribed or determined under section 3407. Although leave will accrue for the entire missing status period, the actual accrued leave settlement will vary according to circumstances.

1. Death Prior to Fifth Year MIA Status. Payment for unused leave accrued to the member's credit while in a missing status is for 150 days, providing that he or she was continued in a missing status for 5 or more years. Payment for 150 days is made even though it later is found that member's actual death occurred within the first 5 years after entry into missing status or upon entry into such status. Settlement for accrued leave is based on the amount of leave accrued to the member's credit before entering the missing status and the 150 days of leave described in paragraph 341001. Items to be included in the accrued leave payment are identified in Chapter 35, Table 35-5. Computation is based on the rates to which the member was entitled on the date of death.

2. Death Subsequent to Fifth Year MIA Status. When it is found that the member's actual death occurred subsequent to the fifth year after entry into a missing status, payment for unused leave accrued to his or her credit while in a missing status is for the total accrued until death. Settlement for accrued leave is based on the amount of leave accrued to the member's credit before entering the missing status plus the accrual until death described herein. Items to be included in the accrued leave payment are identified in Chapter 35, Table 35-5. Computation is based on the rates to which the member was entitled on the date of death.

3. Death, MIA Status Less Than 5 Years. Payment for unused leave accrued to a member's credit while in a missing status, when he or she was continued in a missing status for less than 5 years, is for the total accrued through the date that the Secretary of the Military Department concerned (or designee) makes a finding of death. Settlement for accrued leave is based on the amount of leave accrued to the member's credit before entering the missing status plus the accrual until finding of death described herein. Items to be included in the accrued leave payment are identified in Chapter 35, Table 35-5. Computation is based on the rates to which the member was entitled on the date of death.

4. Special Conditions of Entitlement. Settlement of accrued leave for a deceased member who was promoted while in a missing status is based on the amount of leave accrued to his or her credit before entering the missing status and the amount of leave accumulated in a missing status as provided in the applicable provisions of subparagraphs 341002.B.1, 2, or 3. Computation is based on the grade to which promoted and rate of pay in effect on the date of the presumed finding or the date of the determination of death. This will apply even though the Secretary of the Military Department (or designee) concerned later determines that the member died before the date of promotion. See Table 34-2, rule 6.

3411 REFERENCES

341101. Army

A. See Army Regulation [600-8-1](#) for casualty accounting, reporting, and notification.

B. See Defense Finance and Accounting Service Indianapolis (DFAS-IN) Regulation [37-1](#) and [Joint Travel Regulation \(JTR\)](#) for transportation of dependents, household goods, and personal effects.

341102. Navy

A. See Military Personnel Management (MILPERSMAN) [1770](#) series for casualty accounting, reporting, and notification.

B. See MILPERSMAN [4050](#) and [4650](#) series, and the JTR for transportation of dependents, household goods, and personal effects.

341103. Air Force

A. See Air Force Instruction [36-3002](#) for casualty accounting, reporting, and notification.

B. See the JTR for transportation of dependents, household goods, and personal effects.

341104. Marine Corps

A. See Marine Corps Order (MCO) [3040.4](#) for casualty accounting, reporting, and notification.

B. See MCO [P4600.7C](#), Marine Corps Transportation Manual, and the JTR for transportation of dependents, household goods, and personal effects.

Table 34-1. Authority to Make Official Determinations for the Administration of Missing Persons' Pay Accounts Under the Missing Persons Act

R U L E	A	B	C	D
	If missing member is	the authority to make all determinations is vested with the	who has the authority to make determinations	and all determinations
1	Army or Air Force	Director, DFAS	pertaining to facts of dependency, starting, stopping, or changing allotments of pay, waiving recovery of erroneous payment or overpayment, and settling accounts of members affected	are conclusive in the absence of fraud or criminal intent.
2	Navy			
3	Marine Corps			

NOTE: The approving authority pertaining to the disposition of net pay or deposits to the Savings Deposit Program for members held captive is the Secretary of the Military Service concerned (or designee). The Secretary of the Military Service concerned (or designee) makes official determinations on missing status or death.

Table 34-2. Pay and Allowances Which Accrue to Missing Members

	A	B	C	D	E
R U L E	When the member is	and is	then the member is	with accounts maintained in or administered by	and
1	Army	missing, MIA, interned in a foreign country, beleaguered or besieged by a hostile force, or detained in a foreign country against the member's will	entitled to receive or have credited to the member's account the pay and allowances to which entitled when missing status began or to which the member becomes entitled later, as follows: Basic pay, Special pay, Incentive pay for hazardous duty, BAH (note 1), BAS (note 1), Family Separation Allowance (FSA) (note 2), Family Separation Housing (FSH), Station per diem allowances for not more than 90 days (note 3), and Hostile Fire Pay if the member qualified immediately before entry to a missing status (note 4)	DFAS-IN	payments continue through the date the Military Service concerned receives evidence of death of the member, or date of presumption of death made by the Secretary of the Military Department concerned or Secretary's designee, or date of return to Military Service jurisdiction (note 5).
2	Navy			DFAS- Cleveland (CL)	
3	Marine Corps			DFAS-CL	
4	Air Force			DFAS-IN	

Table 34-2. Pay and Allowances Which Accrue to Missing Members (Continued)

	A	B	C	D	E
	When the member is	and is	then the member is	with accounts maintained in or administered by	and
5	Army, Navy, Marine Corps, or Air Force	officially determined to be absent without authority rather than in a missing status	not entitled to pay and allowances for any such period.		
6		an officer, warrant officer, or enlisted member who receives a promotion while in a missing status (note 6)	entitled to pay and allowances of the pay grade to which promoted from the date of orders announcing the promotion.		
7		in a missing status and has a change of conditions upon which pay and allowances are based	entitled to the pay and allowances based on the changed conditions (note 7).		
8		an enlisted member who continues in missing status after expiration of term of service	entitled to continuance of pay and allowances.		
9		in receipt of or has placed to member's credit pay, wages, allowances, or other compensation from the hostile force	not charged or debited with any such amount against member's pay and allowances.		

NOTES:

1. Members without dependents are entitled to BAH at the without-dependent rate. Enlisted members are entitled to BAS. See paragraph 340402.

Table 34-2. Pay and Allowances Which Accrue to Missing Members (Continued)

NOTES (Continued)

2. A member may qualify for FSA-Temporary while in a missing status if the continuous period of more than 30 days is completed after entering the missing status. (See paragraphs 270303 and 270304.)
3. Travel per diem and clothing monetary allowances do not accrue during a missing status, even though member was entitled to them when missing status began.
4. See paragraph 440102 and subparagraph 440103.E.2 to determine possible Combat Zone Tax Exclusion implications.
5. When facts or events warrant, the Secretary of the Military Department concerned (or designee) may change or modify a prior determination.
6. This applies even though the Secretary of the Military Department concerned (or designee) is later made aware that the member died before the date of promotion.
7. For example, if the sole dependent of a missing member dies, credit for BAH at the with-dependent rate ceases, and any allotment in force in the dependent's favor is stopped and deductions cease.

*BIBLIOGRAPHY

CHAPTER 34 - PAY ENTITLEMENT OF MEMBERS MISSING, MISSING IN ACTION, INTERNED, ETC., AND PAYMENTS TO DEPENDENTS

3403 - AUTHORITY TO MAKE OFFICIAL DETERMINATIONS [FOR THE ADMINISTRATION OF PERSONS' PAY ACCOUNTS](#) UNDER THE MISSING PERSONS ACT

[Title 37, United States Code \(U.S.C.\), section 555](#)

3404 - ENTITLEMENT TO PAY AND ALLOWANCES WHILE IN A MISSING STATUS

340402 [52 Comptroller General \(Comp Gen\) 23](#)

3406 – TAX WITHHOLDING FOR MEMBERS IN MISSING STATUS

[26 U.S.C. § 112 \(d\)](#)

3407 - REVIEW OF CASE AFTER 12 MONTHS AND FINDING OF DEATH

[37 U.S.C. § 555 and § 556](#)

3408 - CONCLUSIVENESS OF SETTLEMENTS

[37 U.S.C. § 557](#)

3410 - ACCRUED LEAVE

[10 U.S.C. § 701\(g\)](#)

341002.A [37 U.S.C. § 501\(h\)](#)

341002.B.4 [51 Comp Gen 759](#)

Table 34-1 [37 U.S.C. § 551-557](#)

* [Department of Defense Directive \(DoDD\) 5118.03, section 6.v. \(9\), April 20, 2012](#)

* [DoDD 5118.05, section 6.s, April 20, 2012](#)

Table 34-2 [37 U.S.C. § 551-557](#)

Note 1 [45 Comp Gen 633](#)

Note 7 [52 Comp Gen 23](#)