

## PART TWO

## CONDITIONS AFFECTING ENTITLEMENT

	Paragraph
Chapter 1. Employment . . . . .	20101-20144
Section A--Reporting Requirements . . . . .	20101-20104
General . . . . .	20101
DD Form 1357, Statement of Employment . . . . .	20102
DD Form 1787, Report of DoD and Defense-Related Employment . . . . .	20103
Notification of Personnel Action . . . . .	20104
Section B--Federal Employment . . . . .	20111-20120
Induction . . . . .	20111
The Dual Office Act of 1894 . . . . .	20112
Economy Act of 30 June 1932, as Amended . . . . .	20113
Dual Compensation Act of 1964 . . . . .	20114
General Provisions . . . . .	20115
Time Limit for Accepting Employment . . . . .	20116
Restrictions for Members Retired Before 1 Dec 1964 . . . . .	20117
Experts and Consultants . . . . .	20118
Civil Service Reform Act of 1978. . . . .	20119
Deductions From Civilian Pay for Increases in Military Retired or Retainer Pay. . . . .	20120
Section C--Pay Adjustments . . . . .	20121-20125
Effective Date for Reduction . . . . .	20121
Effective Date for Termination of Reduction in Retired Pay . . . . .	20122
Computation of Reduced Retired Pay Under the 1964 Act . . . . .	20123
Computation of Reduced Retired Pay Entitlement Under the Economy Act of 1932 . . . . .	20124
Effect on Pay--Dual Compensation Reduction and Department of Veterans Affairs (VA) Waiver . . . . .	20125
Section D--Conflict of Interest . . . . .	20131-20134
General . . . . .	20131
Selling . . . . .	20132
Statement of Employment . . . . .	20133
Withholding Retired Pay..... . . . .	20134
Section E--Foreign Government Employment . . . . .	20141-20144
Background . . . . .	20141
Legislative History . . . . .	20142
Types of Employment . . . . .	20143
Adjustment to Retired Pay..... . . . .	20144
*Section F--Federal Judges . . . . .	20151-20152
* General . . . . .	20151
* Limitations . . . . .	20152
* Section G--Service in Military Force of Newly Democratic Nations . . . . .	20161-20163
* Background . . . . .	20161
* Approval Required . . . . .	20162
* Continued Entitlement to Retired Pay and Benefits . . . . .	20163
Chapter 2. Foreign Citizenship After Retirement . . . . .	20201-20205
General Application . . . . .	20201
Foreign Residence . . . . .	20202
Loss of United States Citizenship . . . . .	20203

	<b>Paragraph</b>
Conditions Not Subjected to Loss of United States	
Citizenship and/or Loss of Entitlement to Retired Pay . . . . .	20204
Dual Citizenship and/or Service in the	
Armed Forces of a Foreign Country, . . . . .	20205
Chapter 3. Recomputation After Additional Active Duty . . . . .	20301-20307
General . . . . .	20301
Computation of Additional Active Service . . . . .	20302
Length of Time on Active Duty..... . . . .	20303
Applicable Basic Pay Rates . . . . .	20304
Grades Authorized for Recomputation . . . . .	20305
Recomputation of Entitlement. . . . .	20306
Heroism Pay . . . . .	20307
Chapter 4. Basic Pay Rates, Legislative, and Cost-of-Living	
Adjustments to Retired Pay . . . . .	20401-20404
Purpose . . . . .	20401
Definitions . . . . .	20402
Major Changes in the Use of Basic Pay Rates and Conditions	
Applicable to Computation of Retired Pay . . . . .	20403
Provisions of Pay Changes, Exceptions, and Special Computations . . . . .	20404
Chapter 5. Advancements on Retired List . . . . .	20501-20505
Purpose . . . . .	20501
General . . . . .	20502
Advancements . . . . .	20503
Effects on Pay . . . . .	20504
Restoration of Former Grade . . . . .	20505
Chapter 6. Correction of Records . . . . .	20601-20605
Authority . . . . .	20601
Pay Computation . . . . .	20602
Tax Adjustment. . . . .	20603
Appropriation Charges . . . . .	20604
Restrictions . . . . .	20605
Chapter 7. Removal From the Temporary Disability Retired List . . . . .	20701-20707
Entitlement to Disability Severance Pay . . . . .	20701
Computation of Severance Pay... . . . .	20702
Severance Pay and Department of Veterans Affairs (VA)	
Disability Compensation . . . . .	20703
Return to Active Duty . . . . .	20704
Disability of a Permanent Nature . . . . .	20705
Termination of Temporary Disability Retired Pay . . . . .	20706
Notification to Department of Veterans Affairs . . . . .	20707

<b>Figures</b>	<b>Page</b>
2-3-1. Recomputation After Reversion (After Serving on Active Duty) . . . . .	110
2-3-2. Recomputation Upon Reversion (Transfer to Fleet Reserve or FMC) . . . . .	111

<b>Tables</b>		<b>Page</b>
2-1-1. Explanation of Codes and Data Elements shown on SF 50, Notification of		
Personnel Action (Rev-7/91) . . . . .		77
2-1-2. Application of Law - Whether to Reduce Retired Pay . . . . .		79
2-1-3. Civilian Positions Exempt From Dual Compensation Restrictions . . . . .		81
2-1-4. Exempt Amount Based on Cost-of-Living Increases . . . . .		84
2-1-5. Formula for Computation of Reduction (Act of 1964) . . . . .		86

<b>Tables</b>	<b>Page</b>
2-1-6. Formula for Computing Taxable Retired Pay with Act of 1964 and Partial Taxable Retired Pay . . . . .	87
2-1-7. Decisions of the Comptroller General-Conflict of Interest . . . . .	89
2-1-8. Formula for Computation of Reduction (Act of 1978) . . . . .	92
2-1-9. Executive Level V Rates . . . . .	93
2-2-1. Comptroller General Decisions-Foreign Citizenship . . . . .	97
2-3-1. Service Revert-Rates of Entitlement Upon Reversion to Retired List (10 U.S.C. 1402) (With at Least 2 Years' Active Service After Recall) . . . . .	102
2-3-2. Disability Revert-Rates of Entitlement Upon Reversion to Retired List (10 U.S.C. 1402) (With Disability of at Least 30 Percent After Recall) . . . . .	105
2-3-3. Cost-of-Living Adjustment (COLADJ Percentage Table) . . . . .	108
2-3-4. Computation of Retired Pay Upon Reversion to the Retired List . . . . .	109
2-7-1. Removal From Temporary Disability Retired List (TDRL) . . . . .	133