

## CHAPTER 14

PAYMENT RESTRICTIONS1401 GENERAL

140101. Payment Dates. DoD policy requires all retired/retainer and annuity payments be paid no earlier than the first business day of the succeeding month.

1402 GEOGRAPHIC140201. Checks

A. Mailing of Checks to Foreign Countries. The Secretary of the Treasury has determined that the mailing of checks is prohibited to the countries listed in Appendix A. Postal, transportation, banking facilities in general, or local conditions are such that there is not a reasonable assurance that a retiree or annuitant in listed countries actually will receive checks drawn against funds of the United States, or negotiate checks for full value. Power of attorney for receipt or collection of checks or for the proceeds of checks included within the determination of the Secretary of the Treasury are not recognized.

B. Claims. Claims for the release of checks withheld from delivery, or for proceeds thereof, are filed with the DFAS Center, that originally authorized issuance.

C. Philippine Islands. Checks drawn on the Treasury of the United States for delivery to Philippine citizens located in The Republic of the Philippines are inscribed with the phrase "Payable only in pesos through authorized agent banks of the Central Bank of Philippines and Postal Offices." Proof of United States citizenship, claimed by a retiree living in The Philippines, must be verified by the disbursing office responsible for delivering checks to The Philippines.

1403 EXPIRATION OF ELIGIBILITY TO RETIRED PAY140301. Conditions

- A. Five Years on the TDRL. See Chapter 11 of this volume.
- B. Foreign Citizenship. See Chapter 6 of this volume.
- C. Employment by Foreign Government. See Chapter 5 of this volume.
- D. Conflict of Interest. See Chapter 5 of this volume.
- E. National Security Violations Within the Scope of 5 U.S.C. 8311-8322 (reference (bd)).

**NOTE:** The "Hiss Act," codified as 5 U.S.C. 8311-8322 (reference (bd)), as amended, prohibited the payment of retired pay to military personnel who were convicted of any of a long list of criminal offenses enumerated in the statute. The Act did not prohibit the payment of retired pay if both the offense or conviction and the award of retired pay occurred before September 1, 1954. However, retired pay awarded on or after September 1, 1954, could not be paid regardless of the date the offense or conviction occurred. If the individual involved received a presidential pardon or later was cleared by decision of a higher court, the right to retired pay was restored. Public Law 87-299 (reference (be)), amended the Hiss Act and limited provisions to cases involving the national security. Members convicted by courts-martial or federal civil courts of offenses, which were felonies or equivalent of felonies but not involving the national security were no longer subject to the provisions of the Hiss Act.

F. Denial Upon Certain Punitive Discharges or Dismissals. The non-Regular service retired pay of a member is denied when the member's court-martial sentence includes death or separation by dishonorable discharge, bad conduct discharge, or dismissal effective with court-martial sentences adjudged after February 10, 1996.

140302. Recall to Active Duty. A retiree who receives orders, issued by proper authority, for recall to active duty for an indefinite or definite period is not entitled to retired pay for the period of active duty. Members on active duty for training are covered in section 1204 of this volume.