

**SUMMARY OF MAJOR CHANGES TO
DoD 7000.14-R, VOLUME 7B, CHAPTER 4
“RECOUPMENT OF SEPARATION PAYMENTS”**

All changes denoted by blue font

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

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

This updated chapter supersedes the previously published version dated November 2010.

| PARAGRAPH | EXPLANATION OF CHANGE/REVISION | PURPOSE |
|-----------|--|---------|
| All | Updated hyperlinks and reformatted to comply with current administrative instructions. | Update |
| 040702 | Deleted the phrase, “as shown on the member’s DD Form 214 (Certificate of Release or Discharge from Active Duty).” | Delete |

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CHAPTER 4

RECOUPMENT OF SEPARATION PAYMENTS0401 GENERAL PROVISIONS

040101. Purpose. To provide guidance for the recoupment of payments made to certain members upon involuntary discharge, release from active duty, disability separation, or voluntary separation; when members are later placed on a retired list.

040102. Definitions

A. Readjustment Pay. A lump-sum payment to members of a Reserve Component of any Military Service, members of the Army or Air Force without component, and Regular Army commissioned officers below the grade of O-4 who were on active duty (other than for training) on September 14, 1981, and were involuntarily released after completing at least 5 years of continuous active duty and who did not qualify for retirement. This pay was superseded by Separation Pay.

B. Nondisability Severance Pay. A lump-sum payment to certain commissioned and warrant officers, who were on active duty (other than for training) on September 14, 1981, and were involuntarily discharged from active duty under certain conditions. This pay was superseded by Separation Pay.

C. Separation Pay. A lump-sum payment to a member of the Uniformed Services who is discharged involuntarily or released from active duty and who does not qualify for retired pay. For more information, see [Volume 7A, Chapter 35](#) of this Regulation.

D. Disability Severance Pay (DSP). DSP is a lump-sum payment to a member of the Uniformed Services who is involuntarily separated from the military service for minor physical disability and who does not qualify for disability retired pay.

E. Voluntary Separation Incentive (VSI). VSI is an annual payment to members who separated voluntarily from service before December 31, 2001, under conditions prescribed by the Secretary of the Military Department concerned (or designee). This pay was superseded by Voluntary Separation Pay.

F. Special Separation Benefit (SSB). SSB is a lump-sum payment to members who separated voluntarily from service before December 31, 2001, under conditions prescribed by the Secretary of the Military Department concerned (or designee). This pay was superseded by Voluntary Separation Pay.

G. Voluntary Separation Pay (VSP). VSP is an annual or lump-sum payment to certain members to encourage them to voluntarily leave active duty. The authority to separate

a member in conjunction with VSP applies for the period October 17, 2006 through December 31, 2012.

H. Recoupment. Refund or recovery of readjustment pay, nondisability severance pay, separation pay, disability severance pay, VSI, SSB, or VSP previously received, due to entitlement to retirement benefits based on the same active service.

I. Reserve Special Separation Pay (RSSP). Payable to Reserve members who had completed more than 20 years of service but who had not reached age 60. Payment of RSSP is not subject to recoupment from retired pay. For more information see [Volume 7A, Chapter 58](#).

0402 READJUSTMENT PAY

040201. General Provisions

A. A member who received readjustment pay before September 15, 1981 because of involuntary discharge or release from active duty after June 28, 1962, and who later qualifies for retired pay under title 10 or 14 of the United States Code (upon completion of 20 years of active service), must refund 75 percent of the readjustment payment. For this purpose, a member who transferred to the Fleet Reserve or the Fleet Marine Corps Reserve is considered to have “qualified for retired pay under a statute authorizing retirement upon completion of 20 years of active service,” even though such transfer may have occurred after completion of less than 20 years of actual service. See Table 4-1.

B. A Regular Army commissioned officer in the grade of O-1, O-2, or O-3 who received readjustment pay from December 30, 1974 through December 30, 1977, and who later qualifies for retired pay upon completion of 20 years of active service, must refund 75 percent of the readjustment payment. See Table 4-1.

C. A member of the Uniformed Services who served on active duty as a temporary officer and held a Reserve officer status upon release from active duty, and received readjustment pay after June 28, 1962 but before September 15, 1981, and who, after a period of enlisted service, is retired for temporary or permanent disability and also qualifies for service retirement as a Reserve officer, must refund 75 percent of the readjustment payment. See Table 4-1.

D. A member who received readjustment pay on September 15, 1981 or later, and who later qualifies for retired pay, must refund an amount equal to the total amount of readjustment pay received. See subparagraph 040202.B of this chapter.

040202. Recoupment of Readjustment Pay

A. Readjustment Pay Received Before September 15, 1981

1. A total of 75 percent of the gross readjustment pay without interest is deducted immediately from retired pay.

2. There is no entitlement to retired pay until 75 percent of the lump-sum readjustment pay is recovered. Cost for coverage under the Survivor Benefit Plan must be paid by direct remittance to the servicing finance activity during the period that the member is not entitled to retired pay.

B. Readjustment Pay Received September 15, 1981 or Later

1. A member who received readjustment pay on September 15, 1981 or later, and who subsequently qualifies for retired pay, must refund an amount equal to the total amount of the readjustment pay received.

2. Recoupment of readjustment pay shall be deducted from each payment of such retired or retainer pay by a monthly installment as specified in section 0409.

0403 SEVERANCE PAY – NONDISABILITY

040301. General Provisions. Before September 15, 1981, certain provisions of law governing separation from the active list required refund of severance pay upon a member's retirement. See Table 4-2 for conditions governing refund of severance pay received before September 15, 1981. Members who receive severance pay on September 15, 1981 or later, and who subsequently qualify for retirement, are subject to recoupment under paragraph 040302 of this chapter.

040302. Recoupment of Nondisability Severance Pay

A. Lump-sum severance pay must be recouped by deducting from retired pay each month an amount, as specified in section 0409, until the total deducted equals the amount of the severance pay received.

B. The member may refund the full amount by direct remittance to the servicing finance activity or may authorize deduction in an amount greater than that required by law.

0404 SEPARATION PAY

040401. General Provisions. Separation pay has replaced readjustment pay and non-disability severance pay for involuntary separation of all members of the active and reserve forces other than those separated for disability. For information on eligibility requirements for separation pay, see [Volume 7A, Chapter 35](#).

040402. Recoupment of Separation Pay

A. A member who received separation pay and who later qualifies for retired or retainer pay under Titles 10 or 14 of the United States Code, shall have deducted from each payment of such retired or retainer pay a monthly installment as specified in section 0409.

B. A member who receives separation pay, and who also is eligible for disability compensation from the VA, will repay an amount equal to the total amount of separation pay received from the disability compensation awarded. No deduction for separation pay shall be made from disability compensation based on service performed after the separation pay was received.

0405 DISABILITY SEVERANCE PAY

040501. General Provisions. Upon determination by the Secretary concerned that a member of the armed forces is unfit to perform the duties of his office, grade, rank or rating because of physical disability rated less than 30 percent, the member may be separated with severance pay. For information on eligibility requirements for disability severance pay, see [Volume 7A, Chapter 35, section 3504](#).

040502. Recoupment of Disability Severance Pay. When the Secretary concerned approves a recommendation from the Physical Disability Board of Review (PDBR) to award military disability retirement, action must be taken to recoup any disability severance pay previously paid to that member. Recoupment will be consistent with the parameters established in section 0409, except as noted in paragraphs 040502.A and B.

A. In most cases, members entitled to disability severance pay will also qualify for VA disability compensation. In order to avoid duplicate collection, the amount of disability severance pay to be recouped shall be reduced by any amount already separately recovered by the Department of Veterans Affairs (VA) through reduction of VA disability compensation. In such cases, the amount deducted by the VA from the disability compensation shall reduce the gross amount of disability severance pay to be recouped by the Department of Defense.

1. To determine the retroactive entitlement of retired pay that is payable to the member, offset the entire VA disability compensation amount that is awarded (prior to any reduction of such VA disability compensation to offset the collection of disability severance pay) from the total retroactive retired pay entitlement. This will result in an amount of VA disability compensation plus military retired pay paid to the member that is equal to that which the member would have been entitled to had he originally been retired instead of separated.

2. The entire amount of any retroactive retired pay and/or Combat-Related Special Compensation (CRSC) entitlement shall first be applied to any required recoupment of disability severance pay without regard to the percentage limitations specified in

section 0409. In determining the retroactive entitlement to retired pay, service members must be treated as though they were retired on the original date of separation, without regard to any disability severance payment received or any reduction in VA disability compensation to recoup previously paid disability severance pay. In order to determine the amount subject to recoupment, as well as any amount payable to a member, the Defense Finance and Accounting Service (DFAS) shall determine the amount of retired pay that would have been available had the member originally been retired instead of separated. The total amount to be recouped will be the full gross amount of disability severance pay originally paid to the member.

B. Members shall be promptly notified that future payments of disability retired pay will be subject to reduction until the gross amount of the disability severance pay has been recovered.

040503. Survivor Benefit Plan Participation

A. Members whose record is corrected to a military disability retirement under the PDBR process, and who were married on the retirement effective date, shall receive automatic full spouse coverage under the Survivor Benefit Plan (SBP), unless the member makes an affirmative election on a DD Form 2656 (Data for Payment of Retired Personnel) for less than full spouse coverage within 90 days of being provided a DD Form 2656. If the member elects less than full spouse coverage, including an election not to participate in the SBP program or an election for child-only coverage, the election must include a spousal concurrence signed by the person who was the member's spouse on the effective retirement date, as determined by the PDBR, unless such person is deceased. If the member was married on the effective retirement date, but has since divorced that spouse, the member must still submit a concurrence to elect less than full spouse coverage signed by the person who was the member's spouse on the effective retirement date, unless the whereabouts of the member's now former spouse are unknown and the member submits an affidavit verifying that the former spouse's whereabouts are unknown, along with a copy of the parties' divorce decree. The spouse's concurrence on the DD Form 2656 must be signed on or after the date of the member's signature and otherwise conform to an election regarding spouse coverage.

B. A spouse who was married to the member on the effective date of retirement, who was subsequently divorced from the member and who has not signed the spousal concurrence on DD Form 2656, has 1 year from the date of the approved PDBR recommendation authorizing disability retirement to make a deemed former spouse SBP election, provided there is already in effect a court-approved written agreement or court order requiring the member to elect to provide such an annuity to the former spouse.

C. If the member had a former spouse on the effective retirement date, the member may elect former spouse SBP coverage. There is no requirement for spousal concurrence for a former spouse election, although the member's current spouse should be provided written notice of the former spouse election. A member who was not married and had no dependent child on the effective date of retirement, who remarries or acquires a dependent child subsequent to the effective date of retirement, may elect to participate in the SBP. The

member has 1 year from either the date of acquiring a spouse or dependent child or the date of the approved PDBR recommendation authorizing disability retirement, whichever is later.

D. If the member had no spouse or dependent child on the effective retirement date and is not otherwise required to provide former spouse coverage, the member may elect to provide an annuity for an insurable interest person, if such individual would have been qualified on the effective date of retirement.

E. Monthly SBP premiums for automatic or properly elected coverage must be charged from the effective retirement date, with the exception that no SBP premiums will be due if the member elects not to participate in the SBP program with proper spousal concurrence within 90 days of the PDBR action awarding a disability retirement or 90 days of the date that the member has been provided a DD Form 2656 to elect SBP participation.

F. If a member, who is retired for disability as a result of an approved PDBR action, had previously made an RCSBP election, that RCSBP election shall be considered of no effect if the PDBR action is approved prior to the date that the member would have become eligible for reserve retired pay under [10 U.S.C., Chapter 1223](#).

0406 VOLUNTARY SEPARATION INCENTIVE (VSI)

040601. General Provisions. Certain members who voluntarily separated before December 31, 2001 received annual payments of VSI based on their grade or rank at separation and number of years of service creditable for retirement purposes. For eligibility requirements see [Volume 7A, Chapter 35](#).

040602. Beneficiary Payment Procedures

A. Upon the death of the member, the DFAS-Cleveland Site will make all remaining installments to the designated beneficiaries. If a valid designation was not made or received, then distribute payments according to the legal order of precedence as follows:

1. Beneficiary designated by the member in writing, if the designation is received by the Military Department concerned before the member's death.
2. Surviving spouse.
3. Children and their descendants, by representation:
 - a. Adopted Child. An adopted child is a legal heir in every state and, therefore, is entitled to payment of unpaid pay and allowances, if otherwise proper. If the deceased retiree's child is adopted by others, then the child is a beneficiary only in those states where an adopted child inherits from its natural father.

b. Stepchild. A stepchild is not an eligible beneficiary unless adopted by the deceased retiree.

c. Illegitimate Child. An illegitimate child may not be paid unpaid pay and allowances of a deceased retiree unless that child is recognized for inheritance purposes under the laws of the jurisdiction involved.

4. Father and mother in equal parts or, if either is dead, the survivor.

5. Legal representative.

6. Person entitled under the law of the domicile of the deceased retiree.

B. The DFAS-Cleveland Site will pay annual installments to the beneficiary for the remainder of the deceased VSI recipient's entitlement period. Payments will be distributed to a beneficiary's estate in the event a beneficiary dies after a VSI recipient's date of death. The DFAS-Cleveland Site will make such payments according to the laws governing the beneficiary's state of legal residence.

C. Federal Income Tax Withheld is based upon the IRS Form W-4P (Withholding Certificate for Pension or Annuity Payments) submitted by the recipient. If an IRS Form W-4P is not submitted, then the DFAS-Cleveland Site will calculate withholding as for a married person claiming three withholding allowances. State income taxes or Federal Insurance Contributions Act will not be withheld from beneficiary payments. The DFAS-Cleveland Site will issue an IRS Form 1099-R to each beneficiary recipient.

D. The DFAS-Cleveland Site will not honor garnishment orders against beneficiary payments.

E. Beneficiary payments generally are not subject to offset. For instance, VSI beneficiary payments are not offset even though the beneficiary is entitled to receive Social Security on behalf of the deceased VSI recipient. However, if a beneficiary is indebted to the Government, then the debt may be collected from VSI installment payments.

040603. Recoupment of VSI

A. A member who has received VSI, who later qualifies for retired or retainer pay under Titles 10 or 14 of the United States Code, shall have deducted from each payment of such retired or retainer pay by a monthly installment not to exceed 40 percent of the member's gross retired pay as specified in paragraph 040904. The gross amount paid does not include any amounts offset because of the member's receipt of military compensation between the date of separation which caused the VSI to begin and the date that he or she became eligible for receipt of retired pay.

B. In a case in which a member is receiving simultaneous VSI and retired pay, the member may elect to terminate the receipt of VSI. Such election is permanent and irrevocable. Under these circumstances, effective after such election to terminate the VSI, the rate of monthly recoupment from retired pay of the VSI received in accordance with subparagraph 040502.A shall be reduced. The rate of recoupment shall be reduced in accordance with the following formula: Divide the total number of months that would not be paid as a result of the member's election to terminate the VSI by the number of months that the VSI was scheduled to be paid. The resulting fraction is a percentage rate of reduction that is multiplied by the percentage in subparagraph 040502.A to compute a percentage that is the proportionate rate of reduction; and, subtract the proportionate rate of reduction from the original rate of reduction in subparagraph 040502.A to determine the reduced rate of recoupment from retired pay.

C. A member who is receiving VSI payments shall not be deprived of this incentive by reason of entitlement to disability compensation under the laws administered by the VA, but there shall be deducted from VSI payments an amount equal to the amount of any such disability compensation concurrently received. Notwithstanding the preceding sentence, no deduction may be made from VSI payments for any disability compensation received because of an earlier period of active duty if the VSI is received because of discharge or release from a later period of active duty.

1. Any reduction in the VSI as a result of receipt of VA disability compensation shall reduce the gross amount of the VSI paid, as described in subparagraph 040602.A, and shall not be recovered through recoupment from retired pay.

2. In a case in which a member is receiving simultaneous VSI and retired pay, the amount of any VA disability compensation shall be deducted from the retired pay with any residual VA disability compensation deducted from the VSI payment. See paragraph 040903 for the effect on entitlement to concurrent receipt programs.

0407 SPECIAL SEPARATION BENEFIT (SSB)

040701. General Provisions. A member who separated voluntarily from a Military Service before December 31, 2001 could, under conditions prescribed by the Secretary concerned, elect to receive a special separation benefit (SSB).

* 040702. Recoupment of SSB. If a member who has received an SSB payment later qualifies for retired or retainer pay under Titles 10 or 14 of the United States Code, the gross amount of SSB received shall be recouped at a monthly installment from each payment of such retired or retainer pay as specified in section 0409.

0408 VOLUNTARY SEPARATION PAY (VSP)

040801. General Provisions. Certain members who voluntarily separate between October 17, 2006 and December 31, 2012, may receive a lump-sum VSP in an amount up to four

times the full amount of the separation pay a member may receive (see [Volume 7A, Chapter 35, section 3509](#)).

040802. Recoupment of VSP

A. A member who is paid VSP and who later qualifies for retired or retainer pay under Titles 10 or 14 of the United States Code, shall have deducted from each payment of such retired or retainer pay a monthly installment specified by the Secretary of the Military Department concerned (or designee). The total amount of retired or retainer pay deductions shall equal the total amount paid to the member.

B. The requirement to repay VSP following retirement from the Armed Forces do not apply to an officer who was eligible to retire at the time the officer applied and was accepted for VSP benefits.

C. The Secretary of the Military Department concerned (or designee) may waive the requirement to repay VSP if it is determined that recovery would be against equity and good conscience and would be contrary to the best interests of the United States. Upon approval, the Military Department concerned shall forward a copy of all waivers to the Deputy Under Secretary of Defense, Military Personnel Policy (DUSD (MPP)).

D. Waivers by the Secretary of the Military Department concerned (or designee) must be determined on a case-by-case basis, which requires identification of the individual member, the amount of debt, and the circumstances of each case. The Principal Deputy Under Secretary of Defense, Personnel and Readiness, shall review, in coordination with the Department of Defense (DoD) Office of General Counsel, any waiver by a Secretary of a Military Department (or designee) that applies to more than one individual. This review process shall ensure a consistent consideration of the equities in such cases throughout DoD.

0409 RECOUPMENT OF SEPARATION PAY, SEVERANCE PAY, OR READJUSTMENT PAY

040901. Members Affected. Service members who received separation pay, severance pay, or readjustment pay under any provision of law based on service in the Armed Forces, and who subsequently qualify under Titles 10 or 14 of the United States Code for retired or retainer pay shall have deducted an amount equal to the total amount of separation pay, severance pay, and readjustment pay without regard to any withholding for taxes. Such deductions will be made from each payment of retired or retainer pay until the total amount recouped is equal to the total amount of separation pay, severance pay, or readjustment pay.

040902. Veterans Administration (VA) Disability Compensation

A. In some cases, members entitled to disability retired pay will also qualify for VA disability compensation. In such cases, the amount deducted by the VA shall reduce the gross amount of separation, severance or readjustment pay to be recouped by DoD.

B. Members who have approval to waive retired pay in order to receive VA disability compensation will have that waiver amount applied to gross retired pay before any recoupment computation is made. The resulting amount shall constitute the adjusted gross military retired pay. This adjusted gross retired pay will be used in place of gross retired pay for members with a VA waiver. In cases where the amount of the VA disability compensation award is greater than military retired pay, recoupment of disability severance pay will be suspended until, when or if, the amount of gross retired pay exceeds the monthly VA disability compensation except as provided in paragraph 040903.

040903. Concurrent Receipt Programs. Members who meet all the eligibility criteria for the CRSC program or the Concurrent Retired and Disability Pay (CRDP) programs shall have their CRSC or CRDP entitlement computed based on the full amount of retired pay and the full amount of the applicable VA disability compensation (i.e., before any reductions for recoupment of separation, severance, or readjustment pay). In other words, the CRSC or CRDP entitlement amount shall be computed without regard to the recoupment of separation, severance, or readjustment pay. The CRSC or CRDP entitlement shall be added to the adjusted gross retired pay remaining after the VA disability compensation offset in determining the amount of the monthly disability severance pay recoupment and shall, along with the adjusted gross retired pay, be available for reduction.

040904. Recoupment Rates. The maximum rate of recoupment shall be no more than an amount equal to 40 percent of the member's gross retired pay.

A. The monthly recoupment rate shall be recomputed when gross retired pay is increased for cost-of-living adjustments.

B. No income tax withholding is made from retired pay used for satisfying the recoupment of separation pay, severance pay, or readjustment pay. Neither is such pay included on IRS Form 1099-R (Distribution from Pensions, Annuities, Retirement Profit Sharing Plans, IRAs, Insurance Contracts, etc.), nor is it reported as taxable income. Only the difference between the amount of the recoupment and gross retired pay is to be considered as the gross taxable income.

C. DFAS shall provide written notification to members subject to recoupment. This notice is to be sent 90 days in advance of the initial collection from their retired pay. It shall provide the current outstanding balance and the proposed monthly recoupment amount and explain the options of a more lenient repayment request if the member asserts that the maximum rate of recoupment imposes a financial hardship. (See paragraph 040906.) The written notification will also explain the requirement for concurrent recoupment of the separation or severance pay by both DFAS and the VA.

040905. Exceptions

A. Those members whose recoupment rates were suspended in May 2009, by the direction of the Office of the Under Secretary of Defense (Comptroller) memorandum, dated

May 18, 2009, and whose recoupment rates under the previous formula were less than the new maximum percentage shall be reinstated at the previously established lower rate.

B. Members may, at their personal direction, request to increase their recoupment to a rate greater than maximum, in order to shorten the term of recoupment.

040906. Financial Hardship. A member whose retired pay is subject to recoupment may, at any time, request a review of the amount recouped based upon materially changed circumstances such as disability, divorce, or illness that results in the imposition of undue financial hardship on the member and the member's dependents. A member requesting such a review shall submit the basis for claiming that the current rate of recoupment results in an undue financial hardship along with supporting documentation. DFAS shall consider any information submitted and make a determination in accordance with the following procedures and standards.

A. A rate of recoupment results in an undue financial hardship for a member and his dependents if the recoupment amount prevents the member from meeting the costs necessarily incurred for essential subsistence expenses of the member and the member's dependents. These essential subsistence expenses include costs incurred for food, housing, necessary public utilities, clothing, transportation and medical care.

B. In determining whether the recoupment amount prevents the member from meeting the essential subsistence expenses described in subparagraph 040906.A, DFAS will consider the following:

1. The income from all sources of the member, the member's spouse, and dependents;
2. Whether these essential subsistence expenses have been minimized to the greatest extent possible; and
3. The extent to which the member and the member's spouse and dependents have other exceptional expenses that should be taken into account and whether these expenses have been minimized.

C. If an undue financial hardship is found, the recoupment rate will be reduced based on the member's financial condition. Any reduction of the recoupment rate will be effective for 1 year. Upon the expiration of 1 year, the recoupment rate will revert back to 40 percent unless the member has reapplied for a reduction in rate and can again demonstrate financial hardship.

D. DFAS shall adjust the rate of recoupment based on the following formula:

1. Subtract the total monthly living expenses from the total monthly income. The result is the net income available for monthly recoupment.

2. The net income available for monthly recoupment shall be divided by the gross monthly retired pay to determine the actual recoupment percentage. If the result is 40 percent or greater, the recoupment is limited to 40 percent. A result of 10 percent or less limits the recoupment to 10 percent. Any factor within the range of 10 to 39 percent shall be applied as the actual percentage with any fractional portions of a percentage point to be rounded down to the lower whole percentage point.

3. Figure 4-1 provides two typical calculation examples.

EXAMPLE A:

Gross Monthly Income:

| | |
|-----------------|-------------|
| Member's income | \$ 3,460.00 |
| Spouse's income | \$ 500.00 |
| Total Income | \$ 3,960.00 |

Actual Monthly Expenses:

| | |
|----------------|-------------|
| Rent/Mortgage | \$ 1,500.00 |
| Electric | \$ 80.00 |
| Natural Gas | \$ 125.00 |
| Telephone | \$ 35.00 |
| Water | \$ 20.00 |
| Food | \$ 400.00 |
| Car Payment | \$ 280.00 |
| Health Care | \$ 500.00 |
| Total Expenses | \$ 2,940.00 |

| | | |
|----------------|-------------|----------------------------|
| Total Income | \$ 3,960.00 | |
| Total Expenses | \$ 2,940.00 | |
| Net Income | \$ 1,020.00 | (Available for recoupment) |

Divide the member's Net Income (\$1,020.00) by the gross retired pay (\$3,000.00) which equals .34 or a recoupment rate of 34%. Note: The member's income of \$3,460.00 includes other income of \$460.00 in addition to retired pay.

EXAMPLE B:

Gross Monthly Income:

| | |
|-----------------|-------------|
| Member's income | \$ 2,000.00 |
| Spouse's income | \$ 500.00 |
| Total Income | \$ 2,500.00 |

Actual Monthly Expenses:

| | |
|----------------|-------------|
| Rent/Mortgage | \$ 800.00 |
| Electric | \$ 80.00 |
| Natural Gas | \$ 125.00 |
| Telephone | \$ 35.00 |
| Water | \$ 20.00 |
| Food | \$ 200.00 |
| Car Payment | \$ 280.00 |
| Health Care | \$ 900.00 |
| Total Expenses | \$ 2,440.00 |

| | | |
|----------------------|-------------|----------------------------|
| Total Income | \$ 2,500.00 | |
| less: Total Expenses | \$ 2,440.00 | |
| Net Income | \$ 60.00 | (Available for recoupment) |

Divide the member's Net Income (\$60.00) by the gross retired pay (\$2,000.00) which equals .03. In this case, it defers to the minimum recoupment rate of 10% or \$200.00 as referenced in subparagraph 040906.D.2.

Figure 4-1. Financial Hardship Calculation Examples

| RECOUPMENT OF READJUSTMENT PAY RECEIVED BEFORE SEPTEMBER 15, 1981 (note 1) | | | | |
|---|---|--|--|--|
| R U L E | A | B | C | D |
| | If a member was a | and received before September 15, 1981 (note 1) | and later qualifies for retirement | then readjustment pay is |
| 1 | Reserve member (or member of the Army or Air Force without component (temporary)) | readjustment payment upon involuntary release after at least 5 years of continuous active service after June 28, 1962 | after 20 years of active service (note 2) | recouped immediately upon retirement at the rate of 75 percent of the gross readjustment pay (note 3). |
| 2 | regular Army officer below the grade of O-4 | readjustment payment upon involuntary release after at least 5 years of continuous active service because of a reduction in force for the period December 30, 1974 through December 30, 1977 | | |
| 3 | temporary officer on active duty and held a Reserve officer status | readjustment payment upon involuntary release after at least 5 years of continuous active service after June 28, 1962 | for disability after a period of enlisted service and also qualifies for retirement for 20 years of active service | |

NOTES:

1. For recoupment of readjustment pay received September 15, 1981, or later, see subparagraph 040202.B.
2. Includes transfer to Fleet Reserve or Fleet Marine Corps Reserve with less than 20 years of active service if otherwise qualified.
3. Payment of readjustment pay before June 28, 1962 is not recouped from retired pay.

Table 4-1. Recoupment of Readjustment Pay Received Before September 15, 1981

| RECOUPMENT OF SEVERANCE PAY RECEIVED BEFORE SEPTEMBER 15, 1981 (note) | | | | | |
|--|--|--|--|--------------------------------|--------------------------------------|
| R U L E | A | B | C | D | E |
| | If a member was | and was discharged | and received before September 15, 1981 (note) | and later qualifies for | then |
| 1 | a Regular commissioned Air Force or Army officer | because of failure of selection for promotion to grade O-3 or above | severance pay | retired pay | do not deduct severance pay. |
| 2 | | because of moral or professional dereliction, or unsatisfactory performance | | | |
| 3 | a Regular commissioned officer of the Navy, Marine Corps, or Coast Guard | because of unsatisfactory performance with less than 20 years | | | deduct full amount of severance pay. |
| 4 | | because of failure of selection for promotion to grade O-3 or above | | | |
| 5 | a Regular warrant officer of any Military Service | because of unfitness or unsatisfactory performance of duty and did not reenlist | | | |
| 6 | | because of failure of selection for promotion and did not reenlist or was not retained on active duty as a regular warrant officer | | | do not deduct severance pay. |
| 7 | an officer of the Navy or Marine Corps | because found not qualified from causes arising from own misconduct upon reexamination for promotion | | | |

Table 4-2. Recoupment of Severance Pay Received Before September 15, 1981

| RECOUPMENT OF SEVERANCE PAY RECEIVED BEFORE SEPTEMBER 15, 1981 (note) | | | | | |
|--|--|---|--|--------------------------------|------------------------------|
| R U L E | A | B | C | D | E |
| | If a member was | and was discharged | and received before September 15, 1981 (note) | and later qualifies for | then |
| 8 | a woman officer of the Regular Navy or Regular Marine Corps in grade O-3 | because she is not on a promotion list and has completed 13 years of active service in the Navy or Marine Corps | severance pay | retired pay | do not deduct severance pay. |
| 9 | a woman officer of the Regular Navy or Regular Marine Corps in grade O-2 | because she is not on a promotion list and has completed 7 years of active service in the Navy or Marine Corps | | | |
| 10 | an ensign in the Navy or a second lieutenant in the Marine Corps | because found not professionally qualified upon reexamination for promotion | | | |
| 11 | a Reserve member of any Military Service | without the member's consent before active duty agreement under 10 U.S.C. 12311(a) expired | | | |
| 12 | a Regular commissioned officer of the Coast Guard | because performance is below standard or because of moral or professional dereliction | | | |

NOTE: For recoupment of severance pay received September 15, 1981 or later, see paragraph 040302.

Table 4-2. Recoupment of Severance Pay Received Before September 15, 1981 (Continued)

BIBLIOGRAPHY**CHAPTER 4 – RECOUPMENT OF SEPARATION PAYMENTS**

0401 – GENERAL PROVISIONS

| | |
|----------|---|
| 040102.A | Public Law 96-513, section 631, December 12, 1980 |
| 040102.B | Public Law 96-513, section 631, December 12, 1980 |
| 040102.C | 10 U.S.C. 1174 |
| 040102.D | 10 U.S.C. 1212 |
| 040102.E | 10 U.S.C. 1175 |
| 040102.F | 10 U.S.C. 1174a |
| 040102.G | 10 U.S.C. 1175a |
| 040102.I | Public Law 102-484, section 4416, October 23, 1992 |

0402 – READJUSTMENT PAY

| | |
|------------|--|
| 040201.A | 10 U.S.C. 687(f) (repealed) Public Law 96-513, section 109, December 12, 1980 50 U.S.C. 1016 (repealed) 43 Comp Gen 402 Public Law 96-513, December 12, 1980 |
| 040201.B | 10 U.S.C. 3814a (repealed) Public Law 93-558, December 30, 1974 Public Law 96-513, section 631, December 12, 1980 |
| 040201.C | 46 Comp Gen 107 Public Law 96-513, December 12, 1980 |
| 040201.D | Public Law 96-513, section 631, December 12, 1980 10 U.S.C. 1174(h)(1) |
| 040202.A.2 | 10 U.S.C. 1452 |
| 040202.B.1 | 10 U.S.C. 1174(h) |

0403 – SEVERANCE PAY – NONDISABILITY

| | |
|--------|--------------------------|
| 040302 | 53 Comp Gen 921, id: 923 |
|--------|--------------------------|

0404 – SEPARATION PAY

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|----------|--|
| 040401 | 10 U.S.C. <u>1174</u> |
| 040402.A | Public Law 96-513, section 631, December 12, 1980 |
| 040402.B | 10 U.S.C. 1174(h)(2) |

0405 – DISABILITY SEVERANCE PAY

| | |
|------------|--|
| 040501 | 10 U.S.C. 1212 Deputy Under Secretary of Defense, Military Personnel Policy (DUSD (MPP)) Policy Memorandum, August 10, 2010 |
| 040502 | 10 U.S.C. 1554a(e)(2) Deputy Under Secretary of Defense, Military Personnel Policy (DUSD (MPP)) Policy Memorandum, August 10, 2010 |
| 040502.A.2 | 10 U.S.C. 1413a 10 U.S.C. 1554a Deputy Under Secretary of Defense, Military Personnel Policy (DUSD (MPP)) Policy Memorandum, August 10, 2010 |
| 040503 | Deputy Under Secretary of Defense, Military Personnel Policy (DUSD (MPP)) Policy Memorandum, August 10, 2010 |
| 040503.F | 10 U.S.C., Chapter 1223 Deputy Under Secretary of Defense, Military Personnel Policy (DUSD (MPP)) Policy Memorandum, August 10, 2010 |

0406 – VOLUNTARY SEPARATION INCENTIVE (VSI)

| | |
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| 040601 | 10 U.S.C. 1175(d)(3) |
| 040601.A | 10 U.S.C. 1175(f) |
| 040601.A.1 | 10 U.S.C. 2771(a) |
| 6040603.B | 10 U.S.C. 1175(e)(3)(B) |
| 6040603.C | 10 U.S.C. 1175(e)(4) |

0407 – SPECIAL SEPARATION BENEFIT (SSB)

| | |
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| 040701 | 10 U.S.C. 1174a(g) 10 U.S.C. 1174(h) |
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0408 – VOLUNTARY SEPARATION PAY (VSP)

- 040801 10 U.S.C. 1175(a)
Principal Deputy Under Secretary of Defense for
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- 040802 Principal Deputy Under Secretary of Defense for
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0409 – RECOUPMENT OF SEPARATION PAY, SEVERANCE PAY, OR
READJUSTMENT PAY

- 040901 10 U.S.C. 1174(h)(1)
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- 040902 10 U.S.C. 1174(h)(2)
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| Rule 2 | 10 U.S.C. 3814a Public Law 96-513, December 12, 1980 |
| Rule 3 | 46 Comp Gen 107 Public Law 96-513, December 12, 1980 |
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| Table 4-2 | |
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| Rules 3 & 4 | 10 U.S.C. 6382(c), 6383(f), 6384(b) 14 U.S.C. 286 |
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| Rule 8 | 10 U.S.C. 6401 |
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| Rule 10 | 10 U.S.C. 5865 |
| Rule 11 | 10 U.S.C. 12312 |
| Rule 12 | 14 U.S.C. 327 |