

CHAPTER 33

PAYMENTS ON BEHALF OF MENTALLY INCOMPETENT MEMBERS3301 ENTITLEMENT

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 Service. See part four, chapter 35, this manual.

3302 PAYMENT. The appointment of a guardian, trustee, or other legal representative is a prerequisite to payment. For 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 men-

tally incompetent before induction or enlistment, member is not entitled to pay and allowances. See part one, chapter 4.

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.

PAYMENT OF MENTALLY INCOMPETENT MEMBERS						
R U L E	A	B			C	D
	When	and member is in the			the trustee is des-ignated by	and payment is made by
		Army	Navy, Marine Corps	Air Force		
1	a court of competent jurisdiction has not appointed a guardian, committee, or other legal representative	X			Director, DFAS-IN	DFAS-IN.
2			X		Judge Advocate General	DFAS-CL or DFAS-KC, as applicable.
3				X	Director, DFAS-DE	DFAS-DE.
4	a court of competent jurisdiction has appointed a guardian, committee, or other legal representative	X	X	X	none required	appropriate office shown in rules 1, 2, or 3 above except as indicated in note.

NOTE:Army Only—Local disbursing officer having custody of member's Personal Financial Record may make payments.

Table 33-1. Payment of Mentally Incompetent Members