

# **Army Support Obligations**

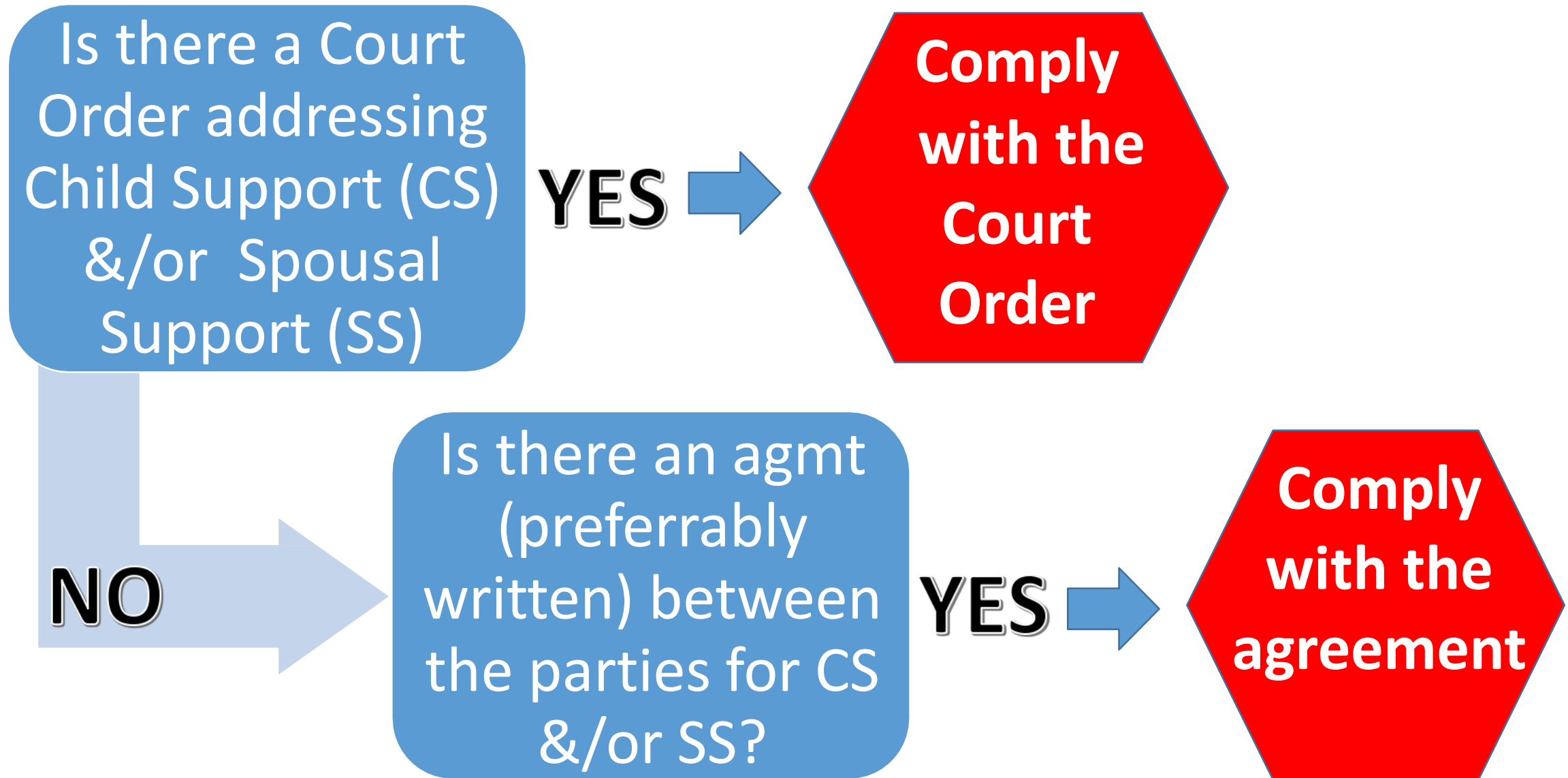
**Fort Lee Office of the Staff Judge Advocate  
Client Services Division**



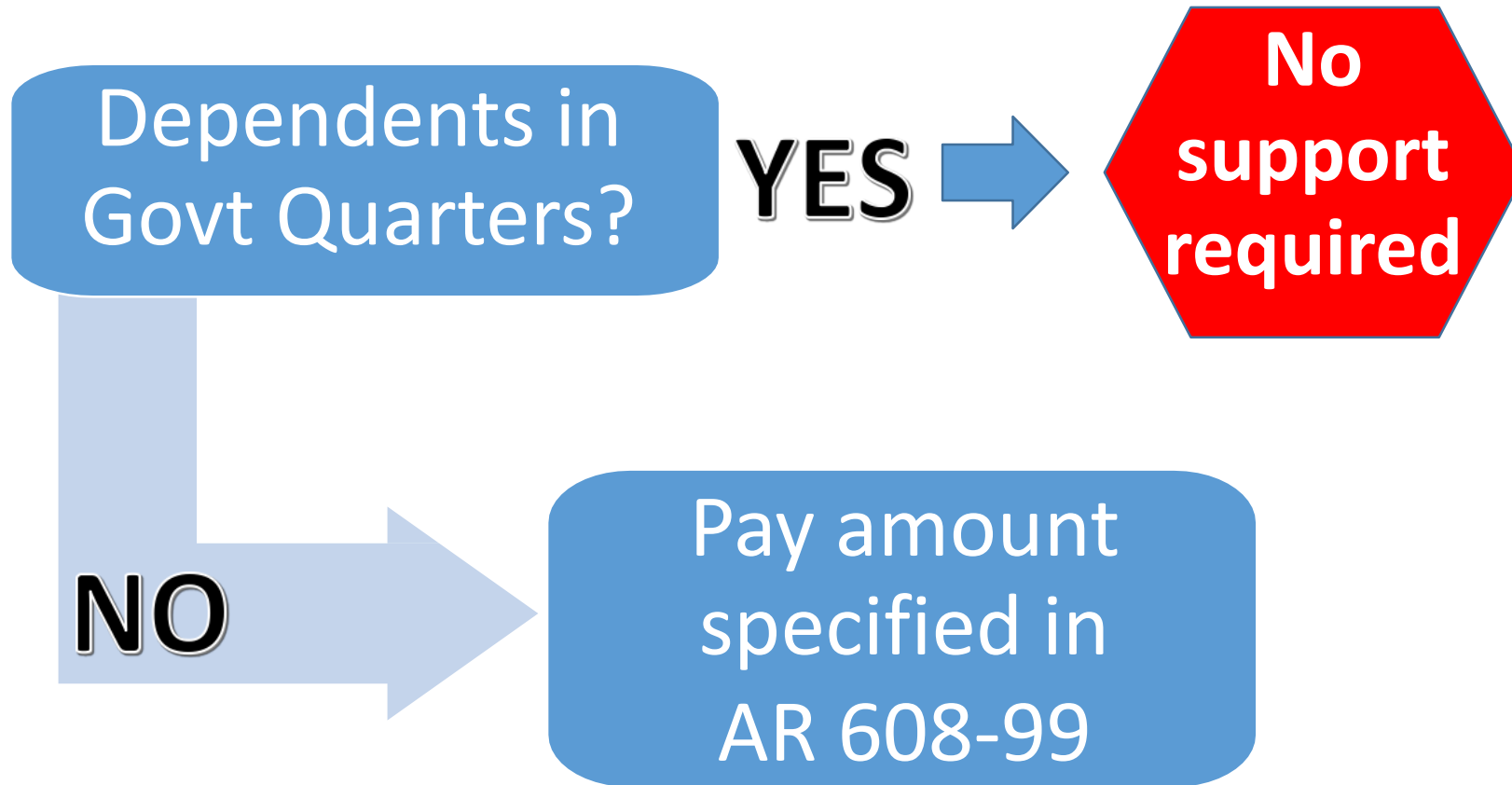
# AR 608-99 Overview

- AR 608-99 requires Soldiers to provide adequate financial support to family members
- Amount of support can be established by court order, agreement, or AR 608-99.
- Soldiers can be punished for failure to obey the regulation.

# MINIMUM FAMILY SUPPORT REQUIREMENTS



# NO COURT ORDER OR AGREEMENT





# AR 608-99 Support Requirements

- The amount Soldier must pay depends on how many family members they have.
- “Family member” is anyone the Soldier has an obligation to support
- Each family member is allotted a pro-rata share.

# AR 608-99 Support Requirements

## Use BAH-WITH Non-Locality Rates (BAH II)

<https://www.defensetravel.dod.mil/site/bah.cfm>

2019 Non-Locality BAH Rates				
Effective 1 January 2019				
Pay Grade	Partial	BAH RC/T*		Differential*
		Without Dependents	With Dependents	
O-10	\$ 50.70	\$ 1,708.80	\$ 2,102.10	\$ 357.60
O-9	\$ 50.70	\$ 1,708.80	\$ 2,102.10	\$ 357.60
O-8	\$ 50.70	\$ 1,708.80	\$ 2,102.10	\$ 357.60
O-7	\$ 50.70	\$ 1,708.80	\$ 2,102.10	\$ 357.60
O-6	\$ 39.60	\$ 1,566.60	\$ 1,892.10	\$ 304.20
O-5	\$ 33.00	\$ 1,508.70	\$ 1,824.00	\$ 294.00
O-4	\$ 26.70	\$ 1,398.00	\$ 1,607.70	\$ 195.90
O-3	\$ 22.20	\$ 1,120.80	\$ 1,330.20	\$ 195.60
O-2	\$ 17.70	\$ 888.00	\$ 1,135.20	\$ 230.40
O-1	\$ 13.20	\$ 762.30	\$ 1,016.10	\$ 249.00
O3E	\$ 22.20	\$ 1,209.60	\$ 1,429.80	\$ 204.60
O2E	\$ 17.70	\$ 1,029.00	\$ 1,290.30	\$ 245.10
O1E	\$ 13.20	\$ 894.90	\$ 1,192.50	\$ 287.10
W-5	\$ 25.20	\$ 1,420.80	\$ 1,552.80	\$ 122.10
W-4	\$ 25.20	\$ 1,261.20	\$ 1,423.50	\$ 150.60
W-3	\$ 20.70	\$ 1,060.50	\$ 1,304.70	\$ 227.10
W-2	\$ 15.90	\$ 941.10	\$ 1,198.50	\$ 240.00
W-1	\$ 13.80	\$ 789.30	\$ 1,037.70	\$ 232.50
E-9	\$ 18.60	\$ 1,035.30	\$ 1,365.60	\$ 306.60
E-8	\$ 15.30	\$ 951.60	\$ 1,259.40	\$ 287.40
E-7	\$ 12.00	\$ 876.90	\$ 1,168.80	\$ 332.70
E-6	\$ 9.90	\$ 810.30	\$ 1,080.00	\$ 321.90
E-5	\$ 8.70	\$ 729.00	\$ 972.00	\$ 273.90
E-4	\$ 8.10	\$ 634.20	\$ 844.80	\$ 236.40
E-3	\$ 7.80	\$ 589.50	\$ 785.40	\$ 194.10
E-2	\$ 7.20	\$ 562.20	\$ 748.80	\$ 259.20
E-1 >4	\$ 6.90	\$ 562.20	\$ 748.80	\$ 306.60
E-1 <4	\$ 6.90	\$ 562.20	\$ 748.80	\$ 306.60

\*BAH RC/Transit rates are adjusted by the average change in housing costs; BAH-DIFF rates are adjusted by the amount of the basic pay raise.



W-5	\$	25.20	\$	1,420.80	\$	1,552.80	\$	122.10
W-4	\$	25.20	\$	1,261.20	\$	1,423.50	\$	150.60
W-3	\$	20.70	\$	1,060.50	\$	1,304.70	\$	227.10
W-2	\$	15.90	\$	941.10	\$	1,198.50	\$	240.00
W-1	\$	13.80	\$	789.30	\$	1,037.70	\$	232.50
E-9	\$	18.60	\$	1,035.30	\$	1,365.60	\$	306.60
E-8	\$	15.30	\$	951.60	\$	1,259.40	\$	287.40
E-7	\$	12.00	\$	876.90	\$	1,168.80	\$	332.70
E-6	\$	9.90	\$	810.30	\$	1,080.00	\$	321.90
E-5	\$	8.70	\$	729.00	\$	972.00	\$	273.90
E-4	\$	8.10	\$	634.20	\$	844.80	\$	236.40
E-3	\$	7.80	\$	589.50	\$	785.40	\$	194.10
E-2	\$	7.20	\$	562.20	\$	748.80	\$	259.20
E-1 >4	\$	6.90	\$	562.20	\$	748.80	\$	306.60
E-1 <4	\$	6.90	\$	562.20	\$	748.80	\$	306.60

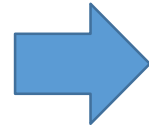
**\*BAH RC/Transit rates are adjusted by the average change in housing costs; BAH-DIFF rates are adjusted by the amount of the basic pay raise.**

# SSG (E6) BAH-WITH Non-Locality rate = \$1,080

Spouse only

Spouse and child  
from the marriage

Spouse and four  
children from the  
marriage



**SSG Pays  
spouse  
\$1,080**



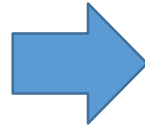


# SSG (E6) BAH-WITH Non-Locality rate = \$1,080

Spouse and child  
from the marriage

AND

Three other family  
members



SSG Pays  
spouse  
\$432

Total of five family members, each  
allotted a pro rata share.

$$\$1,080/5 = \$216$$

Spouse is paid two shares (spouse  
and child) - \$432

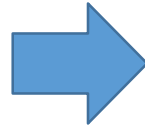


# SSG (E6) BAH-WITH Non-Locality rate = \$1,080

Spouse and child from the marriage, living in govt qtrs

AND

Three other family members, not covered by Court Order or Agmt



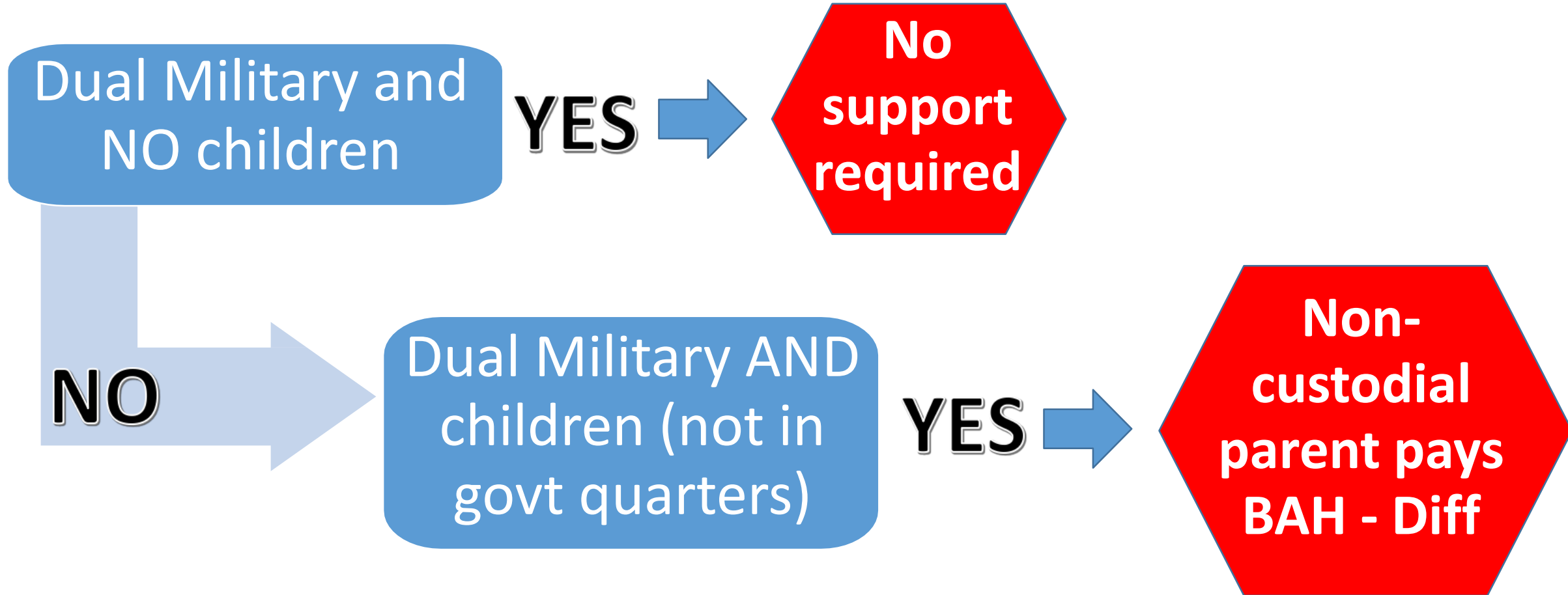
SSG Pays spouse  
\$0  
GOVT  
QTRS

Five family members -  $\$1,080/5 = \$216$

SSG pays total of \$648 for support of the three other family members

# NO COURT ORDER OR AGREEMENT

## DUAL MILITARY



# 2019 Non-Locality BAH Rates

Effective 1 January 2019

Pay Grade	Partial	BAH RC/T*		Differential*
		Without Dependents	With Dependents	
W-1	\$ 13.80	\$ 789.30	\$ 1,037.70	\$ 232.50
E-9	\$ 18.60	\$ 1,035.30	\$ 1,365.60	\$ 306.60
E-8	\$ 15.30	\$ 951.60	\$ 1,259.40	\$ 287.40
E-7	\$ 12.00	\$ 876.90	\$ 1,168.80	\$ 232.70
E-6	\$ 9.90	\$ 810.30	\$ 1,080.00	\$ 321.90
E-5	\$ 8.70	\$ 729.00	\$ 972.00	\$ 273.90
E-4	\$ 8.10	\$ 634.20	\$ 844.80	\$ 236.40
E-3	\$ 7.80	\$ 589.50	\$ 785.40	\$ 194.10
E-2	\$ 7.20	\$ 562.20	\$ 748.80	\$ 259.20
E-1 >4	\$ 6.90	\$ 562.20	\$ 748.80	\$ 306.60
E-1 <4	\$ 6.90	\$ 562.20	\$ 748.80	\$ 306.60

\*BAH RC/Transit rates are adjusted by the average change in housing costs; BAH-DIFF rates are adjusted by the amount of the basic pay raise.



**I know I have to pay support under AR 608-99 and I know how much I have to pay, but**

***When do I pay?***

***How do I pay?***

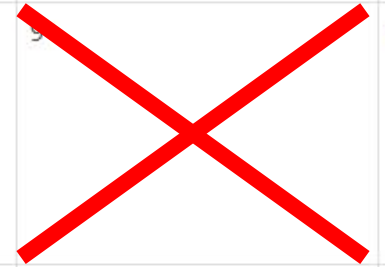
***What if I already pay for a bunch of stuff?***

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jun 30	Jul 1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	Aug 1	2	3

**When do I pay support under AR 608-99???**

Pay pro-rata daily share from date of separation, full amount for subsequent months

Support is due on 1<sup>st</sup> day of the month and covers previous month



AUTHORIZATION TO START, STOP OR CHANGE AN ALLOTMENT

PRIVACY AC

AUTHORITY: 37 U.S.C. Section 701, Members of the Army, Navy, Air F

PRINCIPAL PURPOSE: To permit starts, changes, or stops to allotment stops are in keeping with member's desires.

ROUTINE USES: To the Federal Reserve banks to distribute payment processing agents authorized by individuals to receive and deposit pay Department, Internal Revenue Service, Social Security Administration or criminal law enforcement. Additional routine uses may be found in System-Active Component; M01040-3, Marine Corps Manpower Mar and Annuity Pay System Records. They can be found at http://dpold

DISCLOSURE: Voluntary; however, failure to provide the requested stop allotments.

TO BE COM

1. BRANCH OF SERVICE (X one)		2. NAME OF ALLOTTEE (Print or type)	
<input type="checkbox"/> AIR FORCE	<input type="checkbox"/> MARINE CORPS		
<input type="checkbox"/> ARMY	<input type="checkbox"/> NAVY		

5. ADDRESS OF ALLOTTEE (Street or Box Number, City, State, ZIP Code)

9. NAME OF ALLOTTEE (First, Middle Initial)

12. CREDIT LINE (if applicable)

14. ALLOTTEE'S MAILING ADDRESS (Street or City, State, ZIP Code)

15. IF FOREIGN ADDRESS COMPLETE AS FOR Country)

16. REMARKS

17. COMPANY CODE/FINANCIAL INSTITUTION TRANSIT NUMBER

I understand that this allotment is legal and that by

- Ensuring that the information is correct;
- Reviewing my Leave and Earnings Statement t
- Collecting overpayments from the receiver (pay
- Contacting the receiver (payee) of the allotment

I also understand that any problems once the allotm

Accounting Service (DFAS) and that DFAS is only re

I further understand that pursuant to conditions listed in the DoD 7000.14-R, Volume 7A, changes can be made by DFAS to an allottee's name, address, or account number.

Under penalty of the Uniform Code of Military Justice, I certify that this allotment is NOT for the purchase, lease, or rental of personal property or payment toward personal property.

21. SIGNATURE OF ALLOTTER	22. DATE (YYYYMMDD)
---------------------------	---------------------

NOTE 1. Must be different address than allotter. Each dependent allotment MUST have a different credit line. Only one support allotment per dependent is allowed.

NOTE 2. This is a voluntary allotment and can be to any payee you desire.

# How do I pay support under AR 608-99???





# “In Kind” Payments = other stuff you pay for

Instead of \$\$ paid to the supported family member you make payments for their benefit

Automatically applies to rent, mortgage, or essential utilities – if Soldier is legally obligated to make those payments

Can apply to other expenses, but ONLY with written approval of supported family member





**I know my spouse has to pay support under AR 608-99; I know how much; I know when and how; I even know about “in kind” payments; but**

***What if my spouse doesn't provide the support required by AR 608-99?***



**I know what AR 608-99 says and how much I have to pay; I know when and how to pay, I even know about “in kind” payments, but**

***I still don't think I should have to pay?***

***Can I get released from the obligation to pay?***



MEMORANDUM FOR \_\_\_\_\_ (Soldier's Commander)

SUBJECT: Financial Nonsupport Inquiry (AR 608-99, paragraph 3-6)

1. Purpose. The purpose of this memorandum is to ensure Command oversight of family support by:

\_\_\_\_\_ (Name/Rank of Soldier/Unit)

2. The above named Soldier has failed to provide adequate support to his/her family members.

(Check all that apply)

\_\_\_ There is no court order and no written agreement relating to support for the Soldier's current spouse and/or child(ren).

\_\_\_ The Soldier is not required to provide support to any family members other than his/her current spouse and/or child(ren). The Soldier's current spouse and/or child(ren) are not living in Government quarters. Therefore, AR 608-99 requires the Soldier provide support equal to his/her applicable BAH II-WITH (Non-locality BAH) rate.

\_\_\_ The Soldiers does have other supported family members (children from previous/other relationships) that he/she is obligated to support. AR 608-99 requires the Soldier to provide a pro-rata share of his/her applicable BAH II-WITH rate, for each supported family member (FM) who is not living in Government quarters and for which there is no court order or written agreement establishing support.

Pro Rata =  $\frac{1}{\# \text{ of supported FMs ( )}}$  X BAH II-WITH Rate (\$) = \_\_\_\_\_ \$ (obligation per supported FM)

\_\_\_ There is a COURT ORDER / WRITTEN SUPPORT AGREEMENT (circle one) between the parties requiring support in the amount of \$ \_\_\_\_\_ per WEEK / MONTH / (circle one). The Soldier has failed to honor this written agreement.

3. The Commander is responsible for enforcing AR 608-99. Although the Commander cannot order the payment of arrears (past due amounts), he/she can order ongoing support payments once notified of the delinquency.

4. Soldiers who fail to comply with AR 608-99 are subject to punishment under the UCMJ as well as to adverse administrative action and other authorized adverse actions.

5. Contact Information:

Printed name: \_\_\_\_\_

Email address: \_\_\_\_\_ Phone number: \_\_\_\_\_

\_\_\_\_\_  
Signature Date

**REQUIRED ACTION UPON RECEIPT OF THIS INQUIRY**

The company or battalion commander will fully investigate every inquiry alleging financial nonsupport on the part of a Soldier and provide complete, accurate, and timely information to the individual making the inquiry. (AR 608-99, para 3-6a) The responsible commander will send a response to each nonsupport inquiry within 14 days of its receipt. (AR 608-99, para 3-5a(1))

The commander should seek legal advice from the servicing SJA office if in doubt as to the requirements or application of the regulation. (AR 608-99, para 3-6a)

The Army assumes Soldiers are complying with the regulation until a complaint is received.

A complaint can be made directly to the command through the IG office.

Once received, Cdr has 14 days to investigate and provide response.



**I know what AR 608-99 says and how much I have to pay; I know when and how to pay, I even know about “in kind” payments, but**

***I still don't think I should have to pay?***

***Can I get released from the obligation to pay?***



# **Battalion Commander can release Soldier from support obligation**

- Cannot relieve from Court Order or Agreement
- Spousal Support - sometimes  
Child Support - almost never
- Can not get relief and keep BAH-WITH for that family member



# **Battalion Commander can release Soldier from AR 608-99 support obligation if**

- Supported spouse's income exceeds military pay of Soldier
- Soldier has been victim of substantiated abuse
- Soldier has paid support for 18 months



# **Battalion Commander can release Soldier from support obligation if**

- Supported family member is in jail
- Child is not in custody of authorized custodian



# **Brigade Commander can release Soldier from support obligation**

- Can release, reduce, or give credit
- Standard – “as a matter of fundamental fairness”





# **For More Information**

**Fort Lee Office of the Staff Judge Advocate  
Client Services Division  
804 765 1505**