



DEPARTMENT OF THE NAVY
NAVY RECRUITING DISTRICT, NEW ORLEANS
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NEW ORLEANS, LOUISIANA 70143-5077

NAVCRUITDISTNOLAINST 1740.1K
01A
22 Jan 2015

NAVCRUITDIST NEW ORLEANS INSTRUCTION 1740.1K

From: Commanding Officer, Navy Recruiting District New Orleans

Subj: GUIDANCE ON THE POLICIES AND PROCEDURES APPLICABLE TO
PROCESSING OF COMPLAINTS OF INDEBTEDNESS AND FAILURE TO
PROVIDE SUPPORT FOR DEPENDENTS

Ref: (a) MILPERSMAN 1754-030
(b) MILPERSMAN 7000-020

Encl: (1) Divisional Leading Chief Petty Officer (DLCPO) Action
Memorandum
(2) Sample Letter of Service Member reply of
Indebtedness/Allegation of Non Support

1. Purpose. To provide policies and procedures applicable to
processing complaints of indebtedness and failure to provide
support for dependents.

2. Cancellation. NAVCRUITDISTNOLAINST 1740.1J

3. Discussion.

a. References (a) and (b) provide detailed guidance on the
Department of the Navy policy regarding indebtedness and
nonsupport of dependents. Reference (a) states, "All members
shall provide adequate and continuous support for their lawful
family members and comply fully with the provisions of
separation agreements and valid court orders. Any failure to do
so which brings discredit upon the Naval service may be cause
for administrative or disciplinary action, which may include the
initiation of court-martial proceedings, and may ultimately lead
to separation from the Naval service."

b. Reference (b) states, "Members of the Naval service are
expected to pay their just debts and financial obligations in a
proper and timely manner. The Navy is without legal authority
to require a member to pay a private debt, or to deduct any part
of their pay to reimburse the creditor even if the indebtedness
has been reduced to judgment by a civil court, unless the
member's pay is to be garnished to provide child support or
alimony. Failure to pay just debts or repeatedly incurring
debts beyond one's ability to pay is evidence of

irresponsibility and may jeopardize their security clearance status, advancement status, duty assignment, qualification for reenlistment or extension of enlistment, retention, and in aggravated circumstances may become grounds for disciplinary and/or administrative separation action."

c. Complaints of indebtedness and/or failure to provide for support of dependents are a source of continuing concern to the Commanding Officer, and processing these complaints places an extra administrative burden on everyone concerned. Furthermore, such complaints reflect adversely not only on the individuals concerned, but also on the command, the Naval service, and in cases involving Foreign Nationals, the United States. Complaints must therefore be handled effectively, expeditiously, and courteously.

d. It is the policy of this command to provide adequate counseling to personnel with regard to moral, legal, and financial responsibilities, to encourage all personnel to conduct their affairs in such a manner as to reflect credit upon themselves, the ship, and the Naval service. Administrative or disciplinary proceedings will be initiated against those personnel who demonstrate a pattern of failure to pay just debts or provide adequate dependents support.

4. Action.

a. Command Financial Specialist. The Command Financial Specialist (CFS) shall have cognizance over matters pertaining to the indebtedness of command personnel, including failure of command personnel to provide for the support of their dependents. All complaints will be routed to the Command Financial Specialist upon receipt.

(1) The CFS shall:

(a) Review all complaints, where indebtedness is alleged and determine whether, under the Department of Defense and Department of the Navy directives, the complaint should be referred to the individual concerned.

(b) Refer all complaints to the Command Master Chief and DLCPO of the service member for action pursuant to paragraph 3(b) below.

(c) Take necessary steps to monitor processing of complaints to ensure that timely and effective action is taken on each complaint.

Note: The official command reply to all such correspondence shall be prepared as directed by the Executive Officer.

b. Divisional Leading Chief Petty Officer (DLCPO). The DLCPO is the key to successfully implementing command policy on indebtedness and support of dependents. Upon receipt of enclosure (1) the DLCPO will take the following actions:

(1) Interview and counsel service member on the allegation of indebtedness or non-support to ascertain whether the service member believes the alleged debt or non-support allegation is a just obligation.

(a) If the individual acknowledges the allegation to be just, service member should be:

1. Counsel concerning their responsibility to satisfy such financial obligations and/or provide support of dependents. Such counseling should include making the individual aware of the contents of references (a) and (b).

2. Assist service member to the greatest extent possible, in identifying practical solutions to fulfill obligations or resolve financial problems.

Note: In those cases where failure to support dependents is alleged, particular attention should be directed to the provisions of the Department of the Defense Military Pay and Allowances Entitlements Manual, Section 3, which provides that, in order to maintain eligibility for receipt of Basic Allowance for Housing (BAH), the service member must provide financial support for their lawful dependents which is quoted "If there is a court or legal separation agreement stating the amount of support, the member must contribute to the support of the dependent the amount specified therein, or full amount of BAH, whichever is less."

(b) If the service member does not acknowledge the debt or support requirement to be a just obligation, they should:

1. Prepare and submit a statement, for inclusion in the DLCPO memorandum endorsement to the CFS, indicating why they feel the obligation is unjust.

2. Refer the individual to the Legal Officer for legal counsel.

Note: In all cases, member shall submit a written statement acknowledging the indebtedness or support requirement and indicating their intentions for resolution of the matter, or indicate reasons why they feel the obligation is unjust. This statement should be submitted as an enclosure to the DLCPO endorsement.

(2) Advise the service member to communicate with the complainant to indicate their position or intentions to resolve the matter.

(3) Advise service member that service member's statements to complainants may be used in the event civilian litigation occurs.

(4) Attach copies of any correspondence between the individual and the complainant to the Division Officer's endorsement.

(5) Obtain a statement of service member intentions, complete enclosure (2) and forward all documents to the CFS, via the Command Master Chief and cognizant Department Head.

Note: Route slip action items due date set by Admin must be strictly adhered to. If delays are encountered processing the complaint, the DLCPO will advise the CFS and indicate what actions are being taken to expedite processing and obtain an extension to the action due date.

c. Cases Involving the Navy-Marine Corps Relief Society: When complaints or inquiries concerning command personnel are received from the Navy-Marine Corps Relief Society, they shall be processed in accordance with the aforementioned procedures. Special attention is directed to reference (b) when processing inquiries from the Navy-Marine Corps Relief Society. **None of the procedures set forth in this instruction shall be construed to circumvent the requirements set forth by reference (b).**

d. Follow-up Action. The Command Financial Specialist shall be alert to detect and identify aggravated cases of indebtedness or non-support and submit recommendations as to appropriate action in such cases to the Commanding Officer via the Chain of Command.

/s/
C. A. STOVER

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NAVCUITDISTNOLAINST 1740.1K
22 Jan 2015

MEMORANDUM

From: Command Financial Specialist
To: _____ Divisional Leading Chief Petty
Officer (DLCPO)

Subj: LETTER OF INDEBTEDNESS /ALLEGATION OF NON SUPPORT

Ref: (a) NAVCRUITDISTNOLA INSTRUCTION 1740.1
(b) MILPERSMAN 7000-020
(c) MILPERSMAN 1754-020

Encl: (1) Indebtedness letter from/Allegation of Non Support

1. Enclosure (1) has been reviewed by the Command Financial Specialist. It appears to state a just obligation. In accordance with reference (a), you are directed to interview subject member and determine their intentions for resolving this alleged indebtedness.

2. Subject member is to be advised of the policy set forth in reference (a) that members of the Naval service are expected to pay their just financial obligations in a proper and timely manner. Subject member should also be advised that personnel can be involuntarily discharged for financial irresponsibility or failure to pay just debts.

3. Encourage subject member to correspond directly with their creditor(s). An original and one copy should be prepared for your review. Have the member mail the original to the creditor(s). Forward the remaining copy to the Command Financial Specialist.

4. If subject member promises to make a series of payments, their progress should be monitored to insure compliance. If payments are made by money order, advise the member to retain all receipts. Allotments are an effective means of ensuring regular payments to banks and credit unions, however, it must be noted that allotments cannot be registered to merchants, finance companies, loan companies, or collection agencies.

5. Action is to be completed in this case and this form returned to the Command Financial Specialist NOT LATER THAN _____.

Enclosure (1)

FIRST ENDORSEMENT

From: _____ DLCPO
To: Command Financial Specialist
Via: Command Master Chief

Encl: (1) Copy of subject member's reply to letter of
Indebtedness/Allegation of Non Support

1. Subject member has been advised of the Navy's policy concerning indebtedness/Non Support and has made the following response: (Initial appropriate response)

_____ Member acknowledges the validity of the debt in question as claimed by the complainant(s) and proposes the following plan to resolve the debt/support:

_____ Member acknowledges the indebtedness, however, disputes the balance in question for the following reason(s):

_____ Member denies any indebtedness/non-support to complainant(s). Explain:

2. Subject member has prepared a written statement to the complainant(s). Enclosure (1), original copy, was mailed on _____ (date).

3. DLCPO comments, if any:

Divisional Leading Chief
Petty Officer