

CHAPTER 33**PAYMENTS ON BEHALF OF MENTALLY INCOMPETENT MEMBERS****3301 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 Military Service. See Chapter 35.

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 mentally incompetent before induction or enlistment, member is not entitled to pay and allowances. See 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 | | | | | | |
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| R U L E | A | B | | | C | D |
| | When | and member is in the | | | the trustee is designated 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 servicing the member’s financial record may make payments.

Table 33-1. Payment of Mentally Incompetent Members