



4ID and Fort Carson INSPECTOR GENERAL



Commander's Role in Non-Support

January 2013

IG Information Bulletin

When a Soldier fails to provide the correct amount of required financial support to his/her dependents -- for whatever reason -- this often results in an financial non-support case. This is the most common assistance case worked by IGs with Company Commanders both in garrison and while deployed.

Despite more widespread dissolution of Families throughout the Army, Leaders and Soldiers must ensure their Families receive the required amount of financial support. This is not a SOLDIER problem -- Army Regulations make it a Command responsibility.

AR 608-99, sets forth Army policy on financial support of Family Members, paternity, and child custody. Chapter 2 outlines the legal obligations of Soldiers. Of note is paragraph 2-6, where in the absence of a court order or written agreement, BAH II WITH rate by rank is used to calculate a Soldier's required financial support. Chapter 3, paragraph 3-6 covers the commander's responsibilities in addressing financial nonsupport inquiries. Paragraph 3- 10.c. outlines the options commanders have for taking action against Soldiers who fail to comply with or are repeat offenders of this requirement. Paragraph 3-10.c. reads "*Commanders will take appropriate actions against Soldiers who fail to comply with this regulation or lawful orders based on this regulation. These actions include, but are not limited to, the following: (1) counseling, (2) admonition, (3) memorandum of reprimand for filing in a Soldier's Military Personnel File (AR 600-37), (4) bar to reenlistment (AR 601-280), (5) administrative separation from the service (AR 635-100 or AR 635-200), (6) non judicial punishment under UCMJ, Article 15 and/or court-martial.*"

Commanders should help Soldiers understand their legal obligations as well as the penalties for failure to meet these obligations; in addition, commanders should help Soldiers understand the different options they have available for meeting these obligations, such as direct deposit / allotments, money orders, certified mail, etc. This is where written counseling plays an important role. Leaders must be clear in their presentation to the Soldier of what the requirements are, what constitutes a violation, the expectation to rectify violations and the consequences of failing to fix shortfalls or failing to maintain support until another form of agreement has been established (for instance, a court-ordered divorce decree or separation agreement).

Commander's often get caught up in what the Soldier is receiving for BAH or other payments, unfortunately the regulation states the Soldier is required to make certain payments regardless of what entitlements they are receiving. (Ex. Just because Soldier is not receiving BAH does not mean they do not have to pay support.)

Prevention: Commanders can use their monthly Unit Commander's Finance Report (UCFR) to confirm Soldiers are complying with requirements. Leaders can also counsel Soldiers to ensure that they have properly documented all dependents and are paying them the proper level of support.

Commander's Requirement's (ask your IG or SJA for assistance):

1. CDR is required to acknowledge, personally review and sign the inquiry (Ch 3-1).
2. CDR will notify and counsel the Soldier (CH 3-4).
3. CDR is required respond to the complainant with-in 14 days. (Ch 3-5).
4. CDR should get SJA assistance for the Soldier and seek legal assistance for themselves.
5. CDR should avoid taking sides – you are not defending the Solider or the Spouse – you are there to enforce the Army Policy and regulation. These are highly emotionally charged cases!
6. CDR must comply with a court decision otherwise Chapter 2 lays out other scenarios!