

MILPERSMAN 7220-410

RETROACTIVE STOP LOSS SPECIAL PAY COMPENSATION

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References	<p>(a) P.L. 111-32, H.R.2346, Section 310, The Supplemental Appropriations Act, 2009 Retroactive Stop Loss Special Pay Compensation to Eligible Claimants</p> <p>(b) 10 U.S.C., Section 2771, Subtitle A, Part 4, Chapter 165, Final Settlements of Accounts: Deceased Members</p> <p>(c) USD(P&R) memorandum of 23 September 2009</p> <p>(d) Department of Defense Appropriations Act, 2010, Section 8108, Continuation of Stop Loss Special Pay (effective December 19, 2009).</p>
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1. **Purpose.** Retroactive Stop Loss Special Pay compensates members, who, at any time during the period beginning on September 11, 2001 and ending on September 30, 2009, served on active duty (ACDU) while the member's enlistment or period of obligated service was involuntarily extended due to the provision of law commonly referred to as "Stop Loss Authority", or similarly, whose eligibility for retirement/transfer to the Fleet Reserve was suspended due to application of "Stop Loss Authority." Consistent with references (a) through (d), this MILPERSMAN article restates policy, defines eligibility criteria, and sets forth the application process for Retroactive Stop Loss Special Pay. The amount of compensation shall be \$500 per month for each month or any portion of a month during a period that the member was retained on ACDU as a result of application of Stop Loss Authority. Members will not receive a payment for the same month or portion of a month during which the member was retained on active duty under stop loss authority.

2. **Eligibility.** Eligible members include members of the Active and Reserve Components, officer or enlisted, former members, and retired/Fleet Reserve members, who, at any time during the period on or after September 11, 2001 and ending before or on

September 30, 2009, served on ACDU and had their enlistments or periods of obligated service involuntarily extended due to the provision of law commonly referred to as a "Stop Loss Authority". In the event that an eligible member is deceased, payment shall be made as unpaid pay and allowances per reference (b) (Final Settlement of Accounts).

a. The Secretary of the Navy (SECNAV) exercised the Stop Loss Authority during two separate periods between September 11, 2001 and September 30, 2009. During each period, only specific personnel with specific critical skills were identified as required to remain on ACDU (i.e., involuntarily extended) beyond the expiration of their enlistment/obligated service or eligibility for retirement/transfer to the Fleet Reserve. Personnel with those skills may have been notified that their critical skill may lead to Stop Loss action. That notification does not, in and of itself, mean that an individual was involuntarily retained on ACDU.

b. Only an individual with a critical skill, Navy Enlisted Classification (NEC), designator, or Additional Qualification Designator (AQD) identified in paragraphs 2c(1) or 2c(2), below, is eligible to apply if the individual

(1) had an approved separation or retirement/Fleet Reserve date that was suspended or cancelled during the periods identified due to application of Stop Loss Authority, or

(2) requested separation or retirement/transfer to the Fleet Reserve for a date within the Stop Loss periods identified and was denied separation or retirement/transfer to the Fleet Reserve due to Stop Loss Authority, or

(3) served on ACDU and a period of obligated service was otherwise involuntarily extended due to Stop Loss Authority during the periods identified.

c. Periods in which SECNAV exercised Stop Loss Authority and the critical skills associated with each period are as follows:

(1) **October 10, 2001 to December 31, 2002**, as outlined in NAVOP 012/01, NAVADMIN 265/01, NAVOP 003/02, and NAVADMIN 239/02.

(a)	Enlisted: <ul style="list-style-type: none">• All personnel in the Master-at-Arms (MA) rating, excluding non-MA personnel who held the 9545 NEC• All enlisted SEALs (NEC 532X, 8491, or 8492)• All enlisted Special Warfare Combatant-Craft Crewmen (SWCC) (NEC 5351 or 5352)• All enlisted EOD personnel (NEC 533X)• Cryptologic Technicians (Interpretive) CTI (NEC 9193, 9208, 9215, 9216)
(b)	Officer: <ul style="list-style-type: none">• All O3 and O4 Special Operations Officers (114X)• All Security Limited Duty Officers (6490)• All Security Technician Warrant Officers (7491)• All Cryptologic Officers (161X, 644X, 744X)• All physicians (210X) with Subspecialty Codes 15C0/15C1 (All AQDs), 15H0/15H1 (All AQDs), 16R1 (AQD 6RR, 62C), 15B0/15B1 (All AQDs), 16P0/16P1 (All AQDs), and 16X0• All Nurse Corps Officers (290X) with Subspecialty Codes 1930, 1945, 1950, 1960, 1972, or 1976
(c)	Any member who possesses one or more of the following DoD Language Codes or NECs: <ul style="list-style-type: none">• AB, AD, AE, AK, AL, AM, AN, AP, AQ, AU, AV, AX, AZ, BT, DG, HE, HJ, JN, JV, PF, PG, PJ, PV, PW, RU (Officer only), SC (Officer only), TB, TC, UB, UK, UR, UX, 9208, 9209, 9215, or 9216

(2) **April 3, 2003 to September 15, 2003**, as outlined in NAVOP 005/03, NAVADMIN 083/03, and NAVADMIN 121/03.

(a)	Enlisted: <ul style="list-style-type: none">• All personnel in the Master-at-Arms (MA) rating• E-3 - E-6 Navy Law Enforcement Specialists (NEC 9545)• Enlisted Afloat Planning System (APS) Maintenance Technician (NEC 1676)• Enlisted Mission Distribution System Operator (NEC 2778)• Cryptologic Technicians (Interpretive) CTI (NEC 8295 or 8296)• Hospital Corpsmen (HM) (NEC 84038125, 8427, or 8541.• E-1 - E-6 Field Medical Service Technician (HM NEC 8404)
(b)	Officer: <ul style="list-style-type: none">• All Security Limited Duty Officers (649X)• Security Technician Warrant Officers (749X)

NOTE: Personnel not possessing one of the specific critical skills, NECs, Designators, or AQDs identified above do not meet eligibility requirements for Retroactive Stop Loss Special Pay and should not submit an application. Further, individuals possessing one of the specific skills listed, but who were not actually involuntarily extended beyond the expiration of their obligated service, period of enlistment, or date of retirement/Fleet Reserve eligibility are not eligible for this special pay and should not apply.

d. Members who were discharged or released from the Armed Forces under other than honorable conditions are not eligible to receive Retroactive Stop Loss Special Pay, and should not submit an application.

e. Members who reenlisted following a cancellation or denial of separation or retirement/transfer to the Fleet Reserve would be eligible for Retroactive Stop Loss Special Pay within the Stop Loss periods identified above only up to the day before the date of reenlistment, due to the fact that the reenlistment was a voluntary election to remain on ACDU. Similarly, members who entered into an agreement to receive a bonus or special/incentive pay or other benefit in exchange for an obligation of additional service while under Stop Loss would only be eligible for Retroactive Stop Loss Special Pay within the Stop Loss periods

identified above up to the day before the date of the agreement, regardless of the date of payment/receipt of the benefit.

f. By law, Reserve Component members retained under Stop Loss Authority will receive Retroactive Stop Loss Special Pay only for service on ACDU. As such, Reserve Component members may have periods before mobilization and after mobilization while under Stop Loss Authority where no retroactive Stop Loss Special Pay can be paid.

g. Per reference (d), Service members who were retained on ACDU under the Stop Loss provision, and who subsequently voluntarily reenlisted or extended their service or suspended their retirement and received a bonus for such reenlistment or extension of service are not eligible to receive the Retroactive Stop Loss Pay.

3. Application Process

a. Individuals who meet the criteria above may submit an application between 21 October 2009 and 21 October 2010. By law, there is no authorization to make payments on claims that are submitted after 04 March 2011. **DD 2944 (10-09), Claim for Retroactive Stop Loss Payment** is the official application form that must be submitted, and can be found at one of the following locations:

<http://alt.dtic.mil/whs/directives/infomgt/forms/eforms/dd2944.pdf>
f or
<http://www.dtic.mil/whs/directives/infomgt/forms/forminfo/forminfo3464.html>

Failure to include all required information and supporting documentation may delay processing or result in the inability to process an application. Claimants will be notified that additional documentation is required and the application will be held, pending submission of supporting information.

b. Completed applications may be forwarded to Navy Personnel Command (NAVPERSCOM), Enlisted Performance and Separations Branch (PERS-832) by one of the following methods:

(1) Via Standard Mail Service:

Commander Navy Personnel Command
PERS 832
5720 Integrity Drive
Millington, TN 38055-8320

(2) Via Fax: (901) 874-2754

(3) Via E-mail: NXAG_N132C@navy.mil

c. Applicants or family members of eligible deceased Service members may call NAVPERSCOM (PERS-832) at (901) 874-4433 for assistance in completing the application, if required.

d. Applications that are approved will be forwarded to Defense Finance and Accounting Service (DFAS) for payment via electronic funds transfer into the bank account provided in the application, and applicants will be notified of approval.

e. Applications that are disapproved will be returned to the claimant with an explanation for the disapproval. Claimants who believe the determination to be in error may appeal to the Board for Correction of Naval Records (BCNR). Additional details related to the BCNR process may be found at:
<http://www.donhq.navy.mil/bcncr/bcncr.htm>

4. **Authorized Supporting Documents.** Source documents that substantiate claims must be submitted with all applications. **No applications will be considered without supporting documentation.** Examples of source documentation include, but are not limited to:

a. DD 214 (8-09), Certificate of Release or Discharge from Active Duty and/or DD 215 (8-09), Correction to DD 214, Certificate of Release or Discharge from Active Duty.

b. Personnel record or enlistment or reenlistment document recording original expiration of service date.

c. Approved retirement/transfer to the Fleet Reserve memorandum or orders establishing retirement prior to actual date of retirement as stipulated in DD 214 or DD 215.

d. Approved resignation memorandum or transition orders establishing a separation date prior to actual date of separation as stipulated on DD 214 or DD 215.

- e. Revocation of orders.
- f. Letter or naval message that denies a request for retirement/transfer to the Fleet Reserve or separation.
- g. Copy of initial retirement/transfer to the Fleet Reserve or separation order with subsequent final order enacting final retirement/transfer to the Fleet Reserve or separation (demonstrates change in orders).
- h. Copy of request to reestablish retirement/transfer to the Fleet Reserve date.
- i. Signed documentation or affidavit from knowledgeable officials from the individual's chain of command.
- j. Other documentation that the claimant feels may support their claim.

If source documents cannot be located, individuals must obtain copies from the National Archives at:
<http://www.archives.gov/veterans>

5. Reporting Requirements

a. In all cases, the following reporting requirements involving personally identifiable information will be properly protected and encrypted for transmission per the Privacy Act.

b. NAVPERSCOM (PERS-832) will submit to DFAS on a weekly basis a spreadsheet of approved submissions for payment containing the following information: Last Name, First Name, Middle Initial, Grade, SSAN, Service, Component, Date Stop Loss Pay Entitlement Began, Date Stop Loss Pay Entitlement Ended, Street/Apartment #, City, State, Zip Code, Beneficiary Last Name (if applicable), Beneficiary First Name (if applicable), Bank Account Routing Number, Bank Account Type, Claimant E-mail, Claimant Phone Number, and Location/Country.

c. NAVPERSCOM (PERS-832) will maintain a spreadsheet that includes the following information:

- number of claims filed;
- number of claims approved;
- number of claims denied and reasons why, including those claims denied because the claimant was discharged or released under other than honorable conditions;

- number claims pending and why;
- amount of the payment that approved for each claim, to include mean and median payments provided per claimant;
- number of claims and payments made per reference (b) for deceased claimants;
- date of receipt of claim; and
- date of claim approval.

d. Office of Chief of Naval Operations (OPNAV), Military Compensation Branch (N130), in conjunction with NAVPERSCOM (PERS-832); DFAS; BCNR; and OPNAV, Financial Management (N10); will submit a quarterly report (submission date to be determined (TBD)) to the Department of Defense (DoD) that includes the following information:

- number of claims filed;
- number of claims approved;
- number of claims denied and reasons why, including those claims denied because the claimant was discharged or released under other than honorable conditions;
- number claims pending and why;
- total amount of funding that has been obligated, to include mean and median payments provided per claimant;
- number of claims and payments made per reference (b) for deceased claimants; and
- mean and median processing times from receipt of claim to payment.

6. **Cancellation.** Unless extended under separate correspondence, the Retroactive Stop Loss Special Pay Compensation program ends on 04 March 2011. No applications postmarked after this date will be accepted, and this article will be cancelled.