

**DOCUMENT RESUME**

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[Date That Lieutenant Colonel Russell G. Eysan Will Be Eligible for Release from Active Duty]. B-192971. October 20, 1978. 2 pp.

Letter to Michael J. Long, Wisse, Kushinka, Calhoun, Godwin and Long; by Edwin J. Monsma, Assistant General Counsel.

Contact: Office of the General Counsel: Personnel Law Matters  
II.

Organization Concerned: Department of the Air Force.

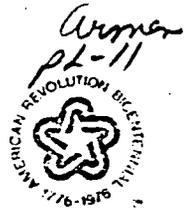
Authority: 37 U.S.C. 311. 4 C.F.R. 31. DOD Directive 1340.8.

DOD Military Pay and Allowances Entitlements Manual, ch. 5.  
Air Force Regulation 36-8.

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UNITED STATES GENERAL ACCOUNTING OFFICE  
WASHINGTON, D.C. 20548



OFFICE OF GENERAL COUNSEL

IN REPLY REFER TO: B-192971

OCT 20 1978

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Michael J. Long, Esq.  
Wisse, Kushinka, Calhoun, Godwin  
and Long  
1512 Watson Boulevard  
Warner Robins, Georgia 31093

Dear Mr. Long:

Your letter of September 18, 1978, requested an opinion as to the date Lieutenant Colonel Russell G. Eyman, a dental officer in the United States Air Force, would be eligible for release from active duty in view of a 1-year continuation pay agreement he entered into.

While a decision of the Comptroller General is not being rendered on your request, we are pleased to provide you with the following information, which may be helpful in answering your question.

As you know, continuation pay for Air Force officers is authorized by 37 U.S.C. § 311 (Supp. V, 1975), under regulations prescribed by the Secretary of Defense. Basically, it constitutes an inducement to physicians and dentists whose skills are critically needed to remain in the services beyond the period of their initial active duty obligation. In return for a written commitment to remain on active duty for an additional period of at least 1 year, the member is paid a bonus of up to 4 months' basic pay. Should the member leave the service before the expiration of the commitment, a prorated amount of the continuation pay must be returned to the Government.

The regulations implementing 37 U.S.C. § 311 are found in Department of Defense Directive No. 1340.8, September 16, 1974; the Department of Defense Military Pay and Allowances Entitlements Manual, Part One, Chapter 5, Section B; and Air Force Regulation 36-8, August 27, 1976, copies of which are enclosed. You will note that the provisions of 37 U.S.C. § 311(a) and the implementing regulations state that the officer who wishes to receive continuation pay must extend the service commitment at least 1 year beyond the initial active duty obligation.

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We are not in a position to advise you as to how those provisions of law and regulations would apply to Colonel Eyman's specific situation since that would be affected by the terms of the agreement he signed and the nature of his initial active duty obligation. Also, our Office has no authority to effect the release from active duty of an Air Force officer. Since that is a matter within the jurisdiction of the Air Force, we suggest you contact Air Force officials for a determination on that question.

Should the Air Force be uncertain as to Colonel Eyman's entitlement to continuation pay, or the application of the collection requirement of such pay to him, they may submit the matter to our Office for a decision of the Comptroller General. Also, should collection of such pay be made from Colonel Eyman by the Air Force, he may file a claim for the amount collected with the Claims Division of our Office. See 4 C.F.R. Part 31 (1978).

We hope the above information will prove useful to you and Colonel Eyman.

Sincerely yours,

Edwin J. Monsma'

Edwin J. Monsma  
Assistant General Counsel

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