

**BY ORDER OF THE
SECRETARY OF THE AIR FORCE**



AIR FORCE INSTRUCTION 51-1301

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LAW

**JUDGE ADVOCATE CONTINUATION
PAY (JACP) PROGRAM**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This instruction sets eligibility requirements and governs the judge advocate continuation pay (JACP) program for all Air Force judge advocates. This program does not apply to Air Force Reserve or Air National Guard judge advocates. This publication implements Air Force Policy Directive (AFPD) 51-13, Judge Advocate Incentive and Special Pay Programs.

This instruction requires the collection and maintenance of information protected by the Privacy Act of 1974. Title 37 United States Code (U.S.C.) Section 321 authorizes collection and maintenance of the information; System of Records Notice, T7340, Defense Joint Military Pay System-Active Component applies. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using AF IMT 847, Recommendation for Change of Publication; route AF IMT 847s from the field through Major Command (MAJCOM) publications/forms managers. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with AFMAN 37-123 (will convert to AFMAN 33-363), Management of Records, and disposed of in accordance with the Air Force Records Disposition Schedule (RDS) located at <https://afrims.amc.af.mil/>.

SUMMARY OF CHANGES

This document has been substantially revised and must be completely reviewed. This version supersedes AFI 51-1301, dated 1 July 2004. Major changes include the following: prescribes the Continuation Pay Management System (CPMS) as the means of applying for JACP, simplifies the JACP application coordination process to reflect the use of CPMS, requires attorneys in the application coordination chain who recommend disapproval of an application to notify AF/JAX immediately, shortens the disapproval recommendation response period from 14 calendar days to 5 duty days, and eliminates the requirement that the Chief, AF/JAX, prepare and submit an indorsement memorandum when acting as a JACP supervisor.

Chapter 1

PROGRAM ELEMENTS

1.1. Determining Eligibility. The Office of Professional Development, Office of The Judge Advocate General (AF/JAX), determines whether a judge advocate is eligible to receive JACP. To be eligible for JACP, a judge advocate must:

- 1.1.1. Be an Air Force officer on full-time active duty.
- 1.1.2. Be qualified, designated, and serving as a judge advocate as defined in 10 U.S.C. § 801.
- 1.1.3. Have completed the active duty service commitment (ADSC) incurred upon initial entry into The Judge Advocate General's Corps of the United States Air Force.
- 1.1.4. Not have an approved retirement or separation date (approved retirement or separation dates may be withdrawn prior to submitting an application for JACP).
- 1.1.5. Not have participated in the Funded Legal Education Program.
- 1.1.6. Be within an eligibility window listed in [Table 1.1](#).

1.2. JACP Active Duty Service Commitment.

1.2.1. Judge advocates with approved JACP contracts incur an ADSC equal to the JACP contract length. For example, judge advocates who enter into two-year JACP contracts incur two-year ADSCs; and judge advocates entering into four-year contracts incur four-year ADSCs. Unless otherwise specified in Air Force Instructions, JACP ADSCs will be served concurrently with any non-JACP ADSCs and consecutively to any existing JACP ADSC.

1.2.2. Judge advocates entering into JACP contracts are not guaranteed continued active duty military service. For example, a judge advocate who has been twice deferred for promotion may be separated before fulfilling his or her JACP ADSC. The recoupment provisions in paragraph [1.4](#) will apply.

1.3. JACP Contract Payment Rates, Length, and Proration. Eligible judge advocates may receive not more than \$60,000 in JACP payments. Payment of applicable federal and state income taxes is the responsibility of the JACP recipient. All payments made will be in lump sum amounts in accordance with [Table 1.1](#).

Table 1.1. JACP Contract Availability.

Status of Judge Advocate (Eligibility Window)	Contract Length Available	Lump Sum Amount Paid for Contract	If No JACP Application Submitted During Eligibility Window
Has completed 4 years TAFCS and is within 30 days before or 30 days after completion of initial ADSC incurred upon entry into the JAG Corps (see Note 1)	2 years	\$20,000	Eligible for \$40,000 contract at 6 years TAFCS
Is within 30 days before or 30 days after 6 years TAFCS	4 years	\$40,000	No further eligibility
Is within 30 days before or 30 days after 7 years TAFCS and has not entered into a JACP contract previously (see Note 2)	3 years	\$30,000	No further eligibility
Is within 30 days before or 30 days after 8 years TAFCS and has not entered into a JACP contract previously (see Note 2)	2 years	\$20,000	No further eligibility
Has existing JACP contract that was signed between 1 October 2001 and 30 June 2004	Contact AF/JAX	Contact AF/JAX	Contact AF/JAX

NOTES:

1. This option applies only to judge advocates accessed into the JAG Corps through the Direct Appointment Program, One-Year College Program, Graduate Law Program, or Educational Delay Program or who otherwise enter the JAG Corps with no prior commissioned service.
2. This option only applies to judge advocates accessed into the JAG Corps with prior commissioned service who enter the JAG Corps through intraservice or interservice transfer, the Direct Appointment Program, the Excess Leave Program, recall, and any other such program (except for the Funded Legal Education Program) where the judge advocate enters the JAG Corps with prior commissioned service.

1.4. JACP Recoupment. AF/JAX initiates JACP recoupment in accordance with 37 U.S.C. § 321 when a judge advocate fails to complete a JACP ADSC for any reason except the judge advocate's death occurring in the line of duty or as waived by the Secretary of the Air Force. Recoupment will be an amount that bears the same ratio to the total JACP payment made to the officer as the unserved portion of active duty bears to the total period of active duty the officer agreed to serve in exchange for JACP.

1.5. Release from JACP-Incurred ADSC. A judge advocate seeking to separate from the Air Force prior to completing a JACP ADSC must submit a waiver request through his or her respective Air Force judge advocate supervisory chain to The Judge Advocate General (TJAG). Such requests will not be granted absent unusual and compelling circumstances. If unusual and compelling circumstances convince TJAG to waive any part of a JACP ADSC, the recoupment provisions of paragraph **1.4.** will apply.

1.6. The Judge Advocate General (TJAG). TJAG is the final approval or disapproval authority for JACP contracts and any modifications.

Chapter 2

APPLYING FOR JACP

2.1. Judge Advocates. Review this instruction before requesting counseling from JACP supervisors. JACP is not an entitlement, and its provision is subject to the approval of TJAG. While AF/JAX will attempt to contact JACP-eligible judge advocates concerning JACP, the burden rests on the individual judge advocate to confirm JACP eligibility with AF/JAX.

2.1.1. Judge advocates who meet the requirements of paragraph **1.1**, become eligible for JACP in accordance with **Table 1.1**. Eligible judge advocates may apply for JACP through the Continuation Pay Management System (CPMS). The applicant will then print out a contract through CPMS, sign it, and forward it by fax or scanned copy to AF/JAX for TJAG's signature. JAX may prescribe alternate procedures on a case-by-case basis.

2.2. Processing JACP Applications.

2.2.1. JACP Supervisor. When a judge advocate applies for JACP, CPMS sends the application to the applicant's JACP supervisor for coordination (see **Attachment 1** - Terms for examples of JACP supervisors). Upon notification, the JACP supervisor will enter CPMS and recommend the application be approved or disapproved.

2.2.2. Recommending Disapproval.

2.2.2.1. Reasons for recommending disapproval of a judge advocate's request include, but are not limited to the following:

2.2.2.1.1. Potential or ongoing criminal investigation by military or civilian authorities.

2.2.2.1.2. Potential or ongoing involuntary separation action under AFI 36-3206, Administrative Discharge Procedures for Commissioned Officers, or AFI 36-3207, Separating Commissioned Officers.

2.2.2.1.3. Misconduct or substandard duty performance rendering the officer a poor candidate for retention on active duty.

2.2.2.2. Select the disapproval option in CPMS only after contacting AF/JAX. Prepare a memorandum explaining why the judge advocate's JACP application should be disapproved (see **Attachment 2**), and attach any pertinent documents.

2.2.2.3. The applicant must be counseled on the reasons for the disapproval recommendation. The JACP supervisor recommending that a JACP application be disapproved must provide the applicant with a copy of the disapproval memorandum and have the applicant sign a written acknowledgment of receipt. Applicants may submit a rebuttal to the disapproval memorandum within 5 duty days. The JACP supervisor may grant reasonable extensions to the 5-duty day response time period. If no rebuttal is received within 5 duty days, or approved extension thereof, the applicant forfeits any opportunity to respond. If the applicant provides a rebuttal to the disapproval memorandum, the JACP supervisor may further comment on the merits of the applicant's submission. However, if the JACP supervisor includes additional matters not previously provided to the applicant, the applicant must be provided a copy of the new information and allowed an additional 5 duty days to respond. Forward the disapproval recommendation documents and rebuttal (if any),

through all intermediate levels of the Air Force judge advocate supervisory chain to TJAG for final action.

2.2.3. Judge Advocate Supervisory Chain. After the applicant's JACP supervisor coordinates on the application, CPMS forwards the application through the remainder of the judge advocate supervisory chain for coordination. In most instances, this includes the general court-martial convening authority staff judge advocate and the MAJCOM or equivalent staff judge advocate. Each attorney in the judge advocate supervisory chain will review the forwarded application and recommend its approval or disapproval. If at any point in the judge advocate supervisory chain a recommendation for disapproval is made, the provisions of paragraph 2.2.2. shall apply with respect to the individual making the initial disapproval recommendation.

2.2.4. AF/JAX. As the office of primary responsibility, AF/JAX will do the following:

2.2.4.1. Verify each applicant's eligibility and that each contract is complete and accurate before taking it to TJAG for approval.

2.2.4.2. Forward all approved JACP contract payment information to the Defense Finance and Accounting Service.

2.2.4.3. Update ADSCs as required upon TJAG's approval of the contract.

2.2.4.4. Retain completed (approved and disapproved) JACP contracts and all allied documents in accordance with the Air Force Records Disposition Schedule.

Chapter 3

ADOPTED FORMS

3.1. AF Form 399, *Request for Action on Implementation of Higher Headquarters Publications*

AF Form 673, *Air Force Publication/Form Action Request*

AF IMT 847, *Recommendation for Change of Publication*

JACK L. RIVES, Major General, USAF
The Judge Advocate General

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

Title 10, U.S.C., Section 801

Title 37, U.S.C., Section 321

AFI 36-3206, Administrative Discharge Procedures for Commissioned Officers

AFI 36-3207, Separating Commissioned Officers

AFMAN 37-123, Management of Records

Abbreviations and Acronyms

ADSC—Active Duty Service Commitment

AFI—Air Force Instruction

CPMS—Continuation Pay Management System

JACP—Judge Advocate Continuation Pay

JAG Corps—The Judge Advocate General's Corps

JAX—Professional Development Division, Office of The Judge Advocate General

MAJCOM—Major Command

OPR—Office of Primary Responsibility

RDS—Records Disposition Schedule

TAFCS—Total Active Federal Commissioned Service

TJAG—The Judge Advocate General

U.S.C.—United States Code

Terms

Continuation Pay Management System—The web-based program that notifies judge advocates of their JACP eligibility, allows judge advocates to apply for JACP, and forwards the application through the judge advocate supervisory chain for coordination.

JACP Approval Authority—TJAG is the final approval authority for JACP.

JACP Contract—An eligible judge advocate's written agreement, signed by the judge advocate, and accepted by TJAG on behalf of the Air Force, to remain on active duty for a specified period of time in exchange for a certain amount of JACP. Once signed, it becomes a legal agreement between the United States and the judge advocate. TJAG's acceptance of the JACP contract is also approval of the JACP application.

JACP Supervisor—The attorney who counsels JACP applicants and makes the initial recommendation for approval or disapproval of a judge advocate's JACP application. Ordinarily, the JACP supervisor is

the JACP-eligible judge advocate's rater. At a typical Air Force installation legal office, the SJA is normally the JACP supervisor. For judge advocates assigned as area defense counsel, the senior defense counsel is the JACP supervisor. For judge advocates assigned as senior defense counsel, the Chief, AFLOA/JAJD is the JACP supervisor. For those assigned as senior trial counsel, the Chief, AFLOA/JAJG is the JACP supervisor. For those assigned to The Judge Advocate General's School, the Commandant is the JACP supervisor. For all other judge advocates assigned to the Air Force Legal Operations Agency and judge advocates assigned to Headquarters, United States Air Force, the respective division chief is the JACP supervisor. For all others, the Chief, AF/JAX is the JACP supervisor. In atypical situations, AF/JAX will designate a JACP supervisor.

Attachment 2**SAMPLE JACP DISAPPROVAL MEMORANDUM**

[date]

MEMORANDUM FOR [APPLICANT]

FROM: [JACP supervisor]

SUBJECT: Notification for Recommended Disapproval of Judge Advocate Continuation Pay (JACP)

I recommend disapproval of your request for JACP based on [explain reasons here]. A copy of this memorandum is attached to your contract and will be forwarded through intermediate judge advocate channels to AF/JAX. The Judge Advocate General of the Air Force is the final decision authority for your JACP contract request.

You may submit a rebuttal to accompany my recommendation. You must submit your rebuttal to me within 5 duty days from the date you receive and endorse this memorandum. If you do not submit a rebuttal to me within 5 duty days, your JACP request and this disapproval memorandum will be forwarded through all intermediate judge advocate channels to AF/JAX for final processing.

Sign and date acknowledging that you received this memorandum. Indicate in your indorsement if you intend to submit a rebuttal.

[signature]

[typed name and grade of JACP supervisor]

Attachment(s): [as required]

[date]

1st Ind [functional address symbol of applicant]

TO: [JACP supervisor]

I acknowledge receipt of your recommended disapproval of JACP. I (will) (will not) submit a written rebuttal.

[signature]

[typed name and grade of applicant]