



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

OPNAVINST 7220.10
OJAG
17 Dec 2005

OPNAV INSTRUCTION 7220.10

From: Chief of Naval Operations

Subj: NAVY JUDGE ADVOCATE CONTINUATION PAY

Ref: (a) 37 U.S.C. § 321
(b) SECNAVINST 1520.7F
(c) JAGINST 1212.2
(d) JAGINST 5603.1C
(e) Manual of the Judge Advocate General

Encl: (1) Navy JACP Procedures
(2) Navy JACP Sample Application Letter

1. Purpose. To establish policies, procedures, and guidance for the administration of continuation pay for U.S. Navy judge advocates as authorized by reference (a).

2. Cancellation. SECNAVINST 7220.87.

3. Policy. The Department of the Navy authorizes Navy Judge Advocate Continuation Pay (JACP) to:

a. Correct current or projected shortages of career judge advocates.

b. Improve retention of judge advocates.

c. Alleviate the financial burden of student loan debts on junior judge advocates.

4. Definitions. For purposes of this instruction, the following definitions will apply.

a. Judge advocate. An officer of the Judge Advocate General's Corps of the Navy.

b. JACP. A retention bonus authorized by reference (a) and this instruction to be paid in addition to any other pay and allowances to which a judge advocate is entitled.

c. JACP service obligation. The time period a judge advocate agrees to remain on active duty in return for JACP.

d. JACP agreement. A written agreement executed by a judge advocate obligating the applicant to remain on active duty for a specified period of time.

e. Effective date of a JACP agreement. The date a judge advocate's JACP agreement is accepted by appropriate authority, or the date the judge advocate is first eligible for JACP, whichever is later.

f. Commencement date of a JACP service obligation. The first day of the JACP service obligation as required by a JACP agreement. This date is the later of the effective date of a JACP agreement or the day after a previously incurred service obligation expires. The return service obligation for JACP will run consecutively with any other service obligation incurred by the individual. In addition, the commencement date of the service obligation will be a required annotation on all JACP applications as part of the JACP agreement.

g. Initial Active Duty Service Obligation (IADSO). The initial active duty service commitment incurred by a judge advocate upon his or her commencement of extended active duty after graduation from the Naval Justice School (NJS) Basic Lawyer Class for the Navy.

5. Authority. Upon Assistant Secretary of the Navy (Manpower and Reserve Affairs) concurrence of a requirement for Navy JACP, the Head, JAG Corps Assignments Branch, Commander, Naval Personnel Command (PERS-4416), is delegated authority to:

- a. Establish JACP application procedures.
- b. Evaluate a judge advocate's eligibility to receive JACP.
- c. Accept and approve JACP agreements.
- d. Administer the JACP program per this instruction.

6. Service application procedures and program administration are contained in enclosures (1) and (2).

/s/
J. C. HARVEY, JR.
Deputy Chief of Naval Operations
(Manpower, Personnel, Training,
and Education)

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NAVY JUDGE ADVOCATE CONTINUATION PAY (JACP) PROCEDURES

1. Eligibility. Officers who accessed into the Navy Judge Advocate General's Corps through the Law Education Program under reference (b), including those who did not receive full, three-year funding, are not eligible for JACP. To be eligible for JACP, a judge advocate must:

- a. Be a lieutenant commander (LCDR/04) or below.
- b. Be qualified and certified in accordance with Article 27(b), Uniform Code of Military Justice (UCMJ).
- c. Have been selected as a lieutenant (O3) for continued naval service by a JAGC Career Status Board (CSB) and must have completed the IADSO (for Phase I JACP), see reference (c).
- d. Be promoted to the rank of lieutenant commander (O4) in the Regular Navy (for Phase II JACP).
- e. Be promoted to the rank of lieutenant commander (O4) in the Regular Navy and have completed 10 years of continuous active duty commissioned service as a Navy judge advocate (for Phase III JACP).

2. JACP Program

a. All JACP service obligations shall run consecutively with any other obligated service the judge advocate previously incurred as a result of prior service agreements (e.g., IADSO, acceptance of Navy-funded graduate school education, or a service obligation from an earlier JACP Agreement).

b. Payments under the JA program are phased in the following manner at specific judge advocate career intervals:

(1) Phase I. A payment of \$30,000 is authorized for eligible judge advocates on the first anniversary date after their selection by a Career Status Board and having finished their IADSO. For example, if an officer is selected by a Career Status Board on 1 April 2005, and their IADSO is finished on 1 May 2005, they are eligible for JACP Phase I on 1 April 2006. Officers who accept this payment incur an active duty service obligation of three years. If a judge advocate is eligible for but has not yet been approved for JACP Phase I, and fails to be selected by a lieutenant commander (O4) selection board, the officer's application for JACP Phase I will not be approved until the results of the subsequent lieutenant commander (O4) selection board are known. If the officer is selected for lieutenant commander at the subsequent lieutenant commander (O4)

board, the officer's application for JACP Phase I may be processed in accordance with this instruction. If the officer is not selected for lieutenant commander at the subsequent lieutenant commander (O4) board, the officer will not be eligible to receive JACP.

(2) Phase II. A payment of \$15,000 is authorized for eligible judge advocates on the next anniversary date of their graduation from the NJS Basic Lawyer Class after promotion to the rank of lieutenant commander (O4) in the Regular Navy, at approximately the six to seven year mark of active service. Eligibility begins with officers who were promoted to lieutenant commander (O4) in Fiscal Year 2000 (FY-00). Officers who accept this payment incur an active duty service obligation of two years.

(3) Phase III. A payment of \$15,000 is authorized for eligible judge advocates on the next anniversary date of their graduation from the NJS Basic Lawyer Class after completing 10 years of continuous active commissioned service as judge advocates. Eligibility begins with officers who completed their tenth year of continuous active commissioned service as judge advocates in FY-00. Officers who accept this payment incur an active duty service obligation of two years.

3. JACP Applications. Using the format prescribed in enclosure (2), eligible judge advocates may apply for JACP via their commanding officer. A separate application is required for each phase of the JACP program. Judge advocates may apply for each phase of JACP until 180 days after the date of eligibility. Once applications are approved by Chief of Naval Operations (CNO (N1/NT)), judge advocates will be eligible to receive JACP as authorized by this instruction.

4. JACP Approval Process. All JACP applications will be reviewed and approved by CNO (N1/NT).

5. Payment of JACP. Provided applications for each phase of JACP are received sufficiently in advance, judge advocates whose JACP applications are approved will be paid JACP at the anniversary dates specified in paragraph 2 above.

6. Recoupment/Repayment of JACP. Judge advocates who receive JACP commit to remain on active duty as judge advocates and agree to accept continuation on active duty through their JACP service obligation. In accordance with reference (a), the Secretary of the Navy will make the final decision concerning recoupment of JACP.

a. Judge advocates will usually be required to repay the unearned portion of any JACP received on a pro rata basis under the following circumstances:

(1) If they fail to complete their JACP service obligation due to separation or discharge from active duty for any reason except those listed in paragraph 6b below.

(2) If they lose their certification under Article 27 (b), UCMJ, or are suspended from practice as judge advocates for one year or longer under the procedures of reference (d).

(3) If they incur a disease or injury resulting in incapacitation or disability that is determined, per chapter II of reference (e), to have been incurred not in the line of duty.

(4) If they have not been selected for lieutenant commander (O4) at two consecutive lieutenant commander (O4) selection boards and have received payment of JACP Phase 1.

b. Recoupment or repayment of unearned JACP will usually not be required under the following circumstances:

(1) If a judge advocate who executed a JACP agreement dies before completing the JACP service obligation.

(2) If a judge advocate that executed a JACP agreement incurs a disease or disability that renders the judge advocate unqualified for active duty service, was not the result of misconduct or willful neglect, and was not incurred during a period of unauthorized absence.

(3) If the Secretary of the Navy determines that, under the circumstances, a waiver of recoupment or repayment of unearned JACP is in the best interests of the United States.

7. Action. Commanding officers will invite eligible and qualified judge advocates to submit JACP applications (enclosure (2) to CNO (N1/NT). Commanding officers must ensure that the information provided in an officer's application is complete and accurate, that the officer meets the eligibility requirements set forth in paragraph 1 above, and that no action against the officer is pending that may result in the officer being ineligible for JACP.

NAVY JUDGE ADVOCATE CONTINUATION PAY (JACP)
Sample Application Letter

From: LT A. B. Sailor, JAGC, USN, 123-45-6789/2500
To: Commander, Navy Personnel Command (PERS-4416)
Via: Commander/Commanding officer

Subj: REQUEST FOR NAVY JUDGE ADVOCATE CONTINUATION PAY (JACP)

Ref: (a) OPNAVINST 7220.XX

1. I hereby apply for JACP effective (upon approval of this request or a specific date after the date of this request) in accordance with reference (a). Contingent upon approval of my application for this special pay, I agree not to tender a resignation or terminate voluntarily my judge advocate designator for (three years/two years, consistent with the JACP requested) beyond the commencement of the JACP service obligation. I am applying for the Phase (I/II/III) JACP payment. I agree to accept continuation on active duty through the end of my JACP service obligation.

2. I have read, understand, and agree to be bound by the provisions of reference (a), including the circumstances under which recoupment or repayment of unearned JACP will be required. [If applying for JACP Phase I] I agree that if I fail to be selected for lieutenant commander (O4) at two consecutive lieutenant commander (O4) selection boards, I will be required to repay the unearned portion of JACP if I am discharged from active duty prior to completing my service obligation.

3. I understand that the Chief of Naval Operations (CNO (N1/NT)) must validate my eligibility for JACP. I also understand that, if I am found not eligible for JACP, this application will be returned with no action taken, and I may reapply at a later date if my eligibility for JACP changes. I also understand that CNO (N1/NT) must validate the total JACP for which I am qualified.

4. In support of this application, the following information is provided, which I certify to be true and accurate.

Active Commission Base Date:

Obligated Service Remaining:

OPNAVINST 7220.10
17 Dec 2005

Total Years of Active Duty:

NJS Graduation Date (mm/dd/yy):

Signature
A. B SAILOR