

**VOLUME 7A, CHAPTER 12: “PURPORTED MARRIAGES”****SUMMARY OF MAJOR CHANGES**

Changes are identified in this table and also denoted by [blue font](#).

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by [\*\*\*bold, italic, blue, and underlined font\*\*\*](#).

The previous version dated [December 2023](#) is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
2.0	Revised the “Validation of Payments Based on Purported Marriages” section to include content regarding doubtful marriages that had been in Chapter 26, to align content for accuracy and clarity. Renummer the subsequent subparagraphs.	Revision
Table 12-1	Added “Table 12-1” to include content that had been in “Chapter 26, Table 26-11”.	Addition

**Table of Contents**

VOLUME 7A, CHAPTER 12: “PURPORTED MARRIAGES” .....	1
1.0 GENERAL.....	3
1.1 Purpose .....	3
1.2 Authoritative Guidance .....	3
*2.0 VALIDATION OF PAYMENTS BASED ON PURPORTED MARRIAGES.....	3
2.1 Authority for Validation.....	3
2.2 Marriage Status Determination .....	3
2.3 Responsibility for Validation .....	4
2.4 Payments Not Validated.....	5
*Table 12-1. Determination of Marriage Validity.....	6
REFERENCES .....	7

## CHAPTER 12

**PURPORTED MARRIAGES**

## 1.0 GENERAL

## 1.1 Purpose

The purpose of this chapter is to establish policy for purported marriages and the related impact to military pay.

## 1.2 Authoritative Guidance

The pay policies and requirements established by the DoD in this chapter are derived primarily from, and prepared in accordance with the United States Code (U.S.C.), Title 37. The specific statutes, regulations, and other applicable guidance that govern each individual section are listed in the reference section at the end of the chapter.

**\*2.0 VALIDATION OF PAYMENTS BASED ON PURPORTED MARRIAGES**

## 2.1 Authority for Validation

A payment of an allowance based on a purported marriage that is made under [37 U.S.C. § 423](#) or prior laws, before the marriage is annulled or terminated is valid if:

2.1.1. A court of competent jurisdiction adjudges or decrees that the military member entered the marriage in good faith; or

2.1.2. In the absence of such judgment or decree, the Secretary of the Military Department concerned or a person designated by the Secretary of the Military Department concerned makes a finding of good faith.

2.2 [Marriage Status Determination](#)

[Any case in which the validity of a Service member's marriage is questionable, is a case of a doubtful relationship. This paragraph outlines different types of relationships where validity is doubtful for housing allowance purposes. Submit requests for determination on validity of a marriage in doubtful cases or for validation of payments as specified in Table 12-1.](#)

[2.2.1. Remarriage Within Prohibited Period Following Divorce. Under the laws of some states, a marriage is not dissolved until a specified period has elapsed after a divorce decree is granted, and remarriage is prohibited within the specified period. In all states that grant an interlocutory decree before granting a final divorce decree, remarriage may not occur before the final decree is granted.](#)

2.2.2. Marriage by Proxy. Forward claims of marriage by proxy to the DFAS Office of General Counsel.

2.2.3. Marriage by Telephone. A marriage by telephone is recognized only if a statute or court decision authorizes or recognizes telephone marriages in the jurisdiction where the marriage was performed.

2.2.4. Common Law Marriages. Under laws of certain states, persons who do not obtain a license to marry or go through certain other formalities may enter into a common law marriage. Common law marriages entered into in those states are valid if they are contracted in accordance with state law.

2.2.5. Foreign Nation Divorce. A foreign nation divorce may or may not be recognized as valid in the United States depending on several factors. These factors include place of residence of the parties involved, whether they appeared in person to obtain the divorce, and applicable state laws. Any claim involving the remarriage of a Service member following a foreign nation divorce and any claim by, or on behalf of, the spouse from whom the Service member has obtained a foreign nation divorce are cases of doubtful relationship. A claim based on a Service member's marriage to a person who has obtained a foreign nation divorce is also a doubtful case.

2.2.6. Void Marriage. If a Service member's marriage is void, for example, due to a preexisting marriage of the spouse, the Service member has no lawful spouse and is not authorized a housing allowance at the with-dependent rate due to the purported marriage. When marriage invalidity is discovered, no further housing allowance payments at the with-dependent rate may be made. See Chapter 26, Table 26-2 to determine when to stop housing allowance payments. The Service member may retain payments already received if they are validated, for DoD Services or Service written material for non-DoD Services. When validity of a marriage is questionable, submit the case to the office specified in Table 12-1 for a determination on the validity of the marriage and, if necessary, validation of payments already made.

2.2.7. Annulled Marriage. If a Service member's marriage is annulled by a court decree, no further housing allowance payments may be made. The Service member may retain payments received before the effective date of the decree. Retention of payment in some annulment cases based on legal factors must be validated, for DoD Services or Service written material for non - DoD Services. Submit all annulment cases to the office specified in Table 26-11 for review and, if necessary, validation of payments made.

## 2.3 Responsibility for Validation

Findings of good faith under subparagraph 2.1.2 are submitted to the offices listed in Table 12-1.

**2.4** Payments Not Validated

Payments based on invalid marriages are erroneous payments or overpayments unless validated.

\*Table 12-1. Determination of Marriage Validity

<b>R U L E</b>	<b>Service or Agency</b>	<b>Appropriate Channel</b>
<b>1</b>	Army, and Department of the Air Force	DFAS-IN, Office of General Counsel, Military & Civilian Pay, 8899 E. 56th Street, Indianapolis, IN 46249-0160.
<b>2</b>	Navy	DFAS-IN, Office of General Counsel, Military & Civilian Pay, 8899 E. 56th Street, Indianapolis, IN 46249-0160.
<b>3</b>	Marine Corps	Commandant of the Marine Corps (MFP-1), 2008 Elliot Road, Quantico, VA 22134-5143.
<b>4</b>	Coast Guard	Commanding Officer (LGL), Coast Guard Pay and Personnel Center, Federal Building, 444 S.E. Quincy Street, Topeka, KS 66683-3591.
<b>5</b>	National Oceanic and Atmospheric Administration	Director, Commissioned Personnel Center, 8403 Colesville Road, Suite 500, Silver Spring, MD 20910-6333.
<b>6</b>	U.S. Public Health Service	Office of Commissioned Corps Support Services, Attention: Compensation Branch, 5600 Fishers Lane, Room 4-50, Rockville, MD 20857-0001.

REFERENCES

**CHAPTER 12 – PURPORTED MARRIAGES**

**2.0 – VALIDATION OF PAYMENTS BASED ON PURPORTED MARRIAGES**

37 U.S.C. § 423