



DEPARTMENT OF THE NAVY  
OFFICE OF THE SECRETARY  
1000 NAVY PENTAGON  
WASHINGTON, DC 20350-1000

SECNAVINST 7220.85  
CMC (RFL-F7)  
29 August 2001

SECNAV INSTRUCTION 7220.85

**From:** Secretary of the Navy  
**To:** All Ships and Stations

**Subj:** BACK PAY FOR MEMBERS OF THE NAVY AND MARINE CORPS  
SELECTED FOR PROMOTION WHILE INTERNED AS PRISONERS OF WAR  
(POW) DURING WORLD WAR II

**Ref:** (a) Floyd D. Spence National Defense Authorization Act  
for Fiscal Year 2001, Section 667 (Public Law 106-259)  
(b) 38 U.S.C. 101(8)

**Encl:** (1) POW Promotion Back Pay Application Format

1. **Purpose.** To provide implementing instructions for the Department of the Navy (DON) for the payment of back pay to any person who, by reason of being interned as a POW while serving as a member of the Navy or Marine Corps during World War II, was not available to accept a promotion for which the person had been selected.

2. **Background**

a. Reference (a) directed the DON to pay, from currently available appropriations, back pay to persons interned during World War II, who were selected for promotion but not available to accept the promotion. The Act authorizes payment to the former member or a surviving spouse of the deceased former member. If there is no surviving spouse of the deceased former member, no claim may be paid.

b. The amount of back pay payable is the amount equal to the difference between:

(1) the total amount of basic pay that would have been paid if the person had been promoted to the grade to which selected; and

(2) the total amount of basic pay that was actually paid.

c. The back pay computation period is the period:

(1) beginning on the date as of when that person's promotion would have been effective for pay purposes but for the person's internment as a POW; and

(2) ending on the earliest of:

(a) the date of the person's discharge or release from active duty;

(b) the date on which the person's promotion to that grade in fact became effective for pay purposes; or

(c) the end of World War II.

d. To be eligible for payment, claims must be postmarked within 2 years of publication in the Federal Register.

### 3. Definitions

a. World War II. The period of time beginning on December 7, 1941, and ending on December 31, 1946, as defined in reference (b).

b. Surviving spouse. A husband or wife by lawful marriage who outlives the other spouse.

### 4. Policy

a. DON will take action to ensure that the benefits and eligibility for benefits are widely publicized and that all persons eligible for payment are afforded an opportunity to apply. Notification will be made through all appropriate means such as organizational newsletters, internet websites, published media, and retiree correspondence.

b. While there is no requirement to submit enclosure (1), eligible veterans or surviving spouses must provide the information requested in the enclosure.

c. Notwithstanding any power of attorney, assignment of interest, contract, or other agreement, actual disbursement of a payment under this instruction shall be made only to a person who is eligible as described in paragraph 2(a).

d. Notwithstanding any contract, the representative of any eligible person may not receive, for services rendered in connection with the claim of, or with respect to, a person under this instruction, more than 10 percent of the amount of a payment on that claim.

5. **Responsibilities.** The Under Secretary of the Navy establishes program policy. To support the Under Secretary, the following responsibilities are assigned to the Deputy Commandant of the Marine Corps for Programs and Resources (RFL-F) and Commander, Navy Personnel Command (PERS 62) who shall, for their respective Services:

a. develop program policy and procedures to ensure payment of back pay is made within 18 months of receiving a valid claim;

b. provide oversight of program implementation;

c. serve as the focal point inside and outside of their Service for all matters pertaining to the payment of back pay for persons eligible under this regulation;

d. coordinate Service-wide efforts to notify eligible persons;

e. track and perform follow-up on all applications under this regulation.

6. **Action.** Deputy Commandant of the Marine Corps for Programs & Resources, and Commander, Navy Personnel Command (PERS 62) will publicize this entitlement through various media resources, compile requests, verify eligibility, compute entitlement, and coordinate with DFAS to disburse payments for Marine Corps and Navy claims, respectively, for all claims for POW back pay resulting from this instruction.

Gordon R. England  
Secretary of the Navy

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IF VETERAN IS DECEASED, IN ADDITION TO THE INFORMATION REQUESTED ABOVE, THE SURVIVING SPOUSE MUST PROVIDE THE FOLLOWING INFORMATION AND A COPY OF YOUR MARRIAGE CERTIFICATE OR OTHER DOCUMENTED PROOF OF MARRIAGE (ONLY THE VETERAN OR SURVIVING SPOUSE IS ENTITLED TO THIS BACK PAY):

DATE OF DEATH (YYMMDD) \_\_\_\_\_ (INCLUDE COPY OF DEATH CERTIFICATE)

NAME OF SURVIVING SPOUSE (Last, First, Middle Initial) SPOUSE'S SOCIAL SECURITY NUMBER  
\_\_\_\_\_

ADDRESS (Street, Apartment number, City, State, and Zip Code)  
\_\_\_\_\_

SURVIVING SPOUSE'S PHONE NUMBER  
\_\_\_\_\_

PLEASE INCLUDE AVAILABLE COPIES OF RELEVANT PROMOTION RECORDS IN YOUR POSSESSION. MAIL THIS INFORMATION AND RELATED DOCUMENTS TO:

HEADQUARTERS, U.S. MARINE CORPS  
2 NAVY ANNEX, RFL-F7  
WASHINGTON, DC 20380-1775  
(866) 472-7139

COMMANDER, NAVY PERSONNEL COMMAND  
(PERS 62)  
5720 INTEGRITY DRIVE  
MILLINGTON, TN 38055  
(800) 443-9298

Enclosure (1)