

CHAPTER 5: PERMANENT DUTY TRAVEL**PART A: UNIFORMED MEMBERS ONLY****SECTION 3: DEPENDENT TRAVEL AND TRANSPORTATION****SUBSECTION c: EARLY RETURN OF DEPENDENT(S) (ERD)****5096 GENERAL**

- A. Scope. This par. covers situations in which dependent(s) return before the member's PCS, in the Gov't's best interest.
- B. Authorization. An order for dependent travel under this par. must cite the specific paragraph (par. 5098, 5100, or 5102) under which the travel is authorized.
- C. Official Notice of PCS
1. The dependent must begin travel under par. 5098, 5100, or 5102 before official notice of a PCS from the OCONUS PDS is given to the member (DODI 1315.18, par. E4.5.5).
 2. Discussion/negotiation between assignment personnel and the member about a member's assignment is not official notice of a PCS.
- D. Evacuation Travel. See Ch 6 for dependent evacuation travel.
- E. HHG Transportation ICW ERD. See Ch 5, Part A5i.
- F. POV Transportation ICW ERD. See Ch 5, Part A5i.
- G. Foreign National to Native Country. If approved by the Secretary concerned, return of dependents for foreign nationals may be authorized to any location within the country of the dependent's origin even when the member is stationed within the same country. The official authorizing the transportation determines the destination to which transportation is authorized and ensures that a reasonable relationship exists between that destination and the conditions and circumstances.

Example: Member is married to a foreign national whose country of origin is Germany. The member is assigned to Munich, Germany and the dependents' home town is Hamburg, Germany. If a circumstance under Ch 5, Part A5i occurs that causes the dependent to be returned to Hamburg, then travel and transportation allowances may be authorized, to include HHG, for the dependent(s).

5098 OFFICIAL SITUATIONS

- A. Incidents. When a command sponsored dependent of a member stationed in a foreign country becomes involved in an incident that:
1. Is embarrassing to the U.S.; or
 2. Is prejudicial to the command's order, morale, and discipline; or
 3. Gives rise to conditions in which the dependent's safety can no longer be ensured because of adverse public feeling in the area or because of force protection and antiterrorism considerations.

B. Dependent Travel Authorized to a Designated Place

1. Dependent travel and transportation allowances may be authorized through the Secretarial Process to a designated place in CONUS/non-foreign OCONUS area, or, if the dependent is foreign born to a designated place in the dependent's native country.
2. While a member serves an OCONUS dependent restricted tour, the dependent who was command sponsored and remained at the member's old OCONUS PDS after the member's PCS, and any foreign born dependent who moved at Gov't expense to the spouse's native country (par. 5116-A4), are eligible for dependent travel and transportation allowances under par. 5098.
3. A reasonable relationship must exist between the conditions and circumstances and the travel destination, which is determined through the Secretarial Process.
4. Dependent return travel to the OCONUS PDS is not authorized except for a dependent described in par. 5098-A3.
5. A dependent in par. 5098-A1 and 5098-A2 may not move again at Gov't expense until the member is ordered on PCS from the OCONUS PDS, or serves an IPCOT.
6. If the dependent(s) returns at personal expense and is command sponsored, the member is authorized dependent travel and transportation allowances from the PDS on a subsequent PCS.
7. Dependent travel and transportation is in addition to, and has no effect on, the authority for dependent travel and transportation allowances the member may have on the next PCS order effective date (40 Comp. Gen. 554 (1961)).
8. The Secretary Concerned may delegate this authority to:
 - a. The headquarters that directs the Service's dependent transportation policies/procedures for travel to a foreign born dependent's native country, or
 - b. The installation commander (O-6 or higher) or the commanding officer of the unit to which the member is assigned for CONUS/non-foreign OCONUS designated places.

5100 NATIONAL INTEREST

A. Dependent Travel Authorized to a Designated Place. When the Secretary Concerned or more senior official determines that a dependent must return from an OCONUS area for reasons of national interest before termination of the member's OCONUS tour, the major commander/designated representative may authorize travel and transportation allowances for a command sponsored dependent(s) from the OCONUS area to a designated place, or, if the dependent(s) is foreign born, to a destination in the dependent's native country.

B. Subsequent Authority. When the determining official in par. 5100-A later determines that the national interest no longer requires the absence of a dependent(s) from the OCONUS area, or a PCS order transfers the member to a PDS to which dependent travel is authorized, a member authorized dependent travel and transportation allowances under par. 5074-A is authorized dependent travel and transportation allowances from the designated place/foreign OCONUS location to the current PDS to which dependent travel is authorized.

5102 PERSONAL OCONUS SITUATIONS, INCLUDING DEPENDENT TRAVEL IN CONUS WHEN DISCIPLINARY ACTION IS TAKEN AGAINST A MEMBER STATIONED OCONUS**A. General**

1. Even though the member's PDS remains unchanged, at the request of a member permanently stationed OCONUS, travel and transportation allowances for a command sponsored dependent(s) may be authorized through the Secretarial Process under this par. to a designated place in the:
 - a. CONUS/non-foreign OCONUS area, or,
 - b. Dependent's native country, if the dependent is foreign born (see par. 5096-G).
2. A command sponsored dependent, of a member serving an OCONUS dependent restricted tour, is eligible for travel and transportation allowances under this par. if the dependent:
 - a. Remains at the member's old OCONUS PDS after the member's PCS, or
 - b. Is foreign born and moves at Gov't expense to the spouse's native country.
3. A member stationed OCONUS, whose dependent(s) resides in CONUS, is eligible for dependent travel and transportation allowances under this par. when the circumstances in par. 5102-B8 apply. A reasonable relationship must exist between the conditions and circumstances and the travel destination, which is determined through the Secretarial Process.
4. Travel under pars. 5102-B5 and 5102-B8, may be authorized upon request of a dependent/former dependent, if the member is not available or has declined to make such a request.
5. ERD may be approved, when return travel is for the reasons in pars. 5102-B2 and 5102-B5 (B-195708, 17 October, 1979).
6. Except for travel for the reasons in pars. 5102-B2 and 5102-B5, when a dependent travels without an order under circumstances described in Ch 5, Part A5i, no reimbursement for such travel is authorized even though an order is later issued under par. 5276-C4 (B-157765, 15 November, 1965).

B. Circumstances. The circumstances under which dependent travel and transportation allowances may be authorized under this par. are limited to the following:

1. Essential medical treatment is neither available at the member's PDS nor readily available in the theater. The member's request must be supported by medical documentation, including a statement by the attending physician, indicating that the treatment is essential to the dependent's wellbeing;
2. The death, serious illness, or incapacitation of a dependent ordinarily caring for a member's minor dependent(s) requires, in the opinion of the authorizing/approving authority, that the minor dependent(s) be transported to a place at which proper care may be maintained;
3. Educational facilities or housing for dependent(s) is inadequate. A statement from the AO that the inadequacy of such educational facilities or housing was caused by conditions beyond the member's control and that knowledge of those conditions arose after dependent(s) began to travel to the member's OCONUS PDS is required. (B-156558, 25 June 1965; 47 Comp. Gen. 151 (1967); and 57 id. 343 (1978));
4. Conditions in an OCONUS theater are such that, although the evacuation of a dependent(s) is neither warranted nor desired, the international situation is such that a member justifiably is concerned for the dependent's safety and wellbeing. Such determinations must be made by the COCOM Commander and considering the recommendation of the Service concerned major commander in the area. (Determination authority may be delegated no lower than general/flag officer rank in the respective COCOM Commander's

headquarters.);

5. This circumstance must be evidenced by the authorizing/approving official's statement and must not be used to authorize dependent student transportation to CONUS for the purpose of attending school (57 Comp. Gen. 343 (1978)). The best interests of a member, and/or the dependent(s), and/or the Gov't are served by the movement of one or more dependents because of:

- a. Compelling personal reasons, such as financial difficulties, marital difficulties, unforeseen family problems, death or serious illness of a close relative, or for reasons of a humanitarian or compassionate nature; or
- b. Other situations which have an adverse effect on the member's performance of duty.

6. A dependent receives an order from a Selective Service Board to report to the U.S. for induction into the U.S. Armed Forces;

7. Acceptable employment opportunities for a dependent child age 18 years or older at the foreign OCONUS PDS are lacking. The commanding officer of the activity concerned must determine that:

- a. Because of the lack of employment opportunity at the PDS and the resulting idleness, the dependent child is likely to become involved in situations creating embarrassment to the U.S. that place additional administrative burdens on the commanding officer or have adverse effects on the member's performance; and

- b. Such early return is in the best interest of the member, or dependent(s), and the U.S.;

8. A member is:

- a. Sentenced by a court martial to be confined or to receive a punitive discharge (includes a bad conduct discharge, dishonorable discharge, and dismissal);
- b. Sentenced to confinement in a foreign or U.S. civil confinement facility;
- c. Discharged OCONUS under other than honorable conditions;
- d. Returned to CONUS for discharge under other than honorable conditions;
- e. Returned to CONUS to serve a sentence of confinement in civil or military confinement facilities;
- f. Serving OCONUS and is dropped from the rolls, sent to prison under sentence, or transferred as a prisoner to a place of detention;
- g. Serving OCONUS and is transferred to a different ship or station to await trial by court martial as a deserter or straggler;
- h. Discharged under other than honorable conditions after surrendering to military authorities in CONUS following a period of absence without leave from the OCONUS PDS; or
- i. Convicted by a court martial and placed on leave involuntarily while awaiting completion of appellate review (63 Comp. Gen. 135 (1983)).

9. In each circumstance above, it must be shown that dependent travel is in the Gov't's best interest.

10. Dependent travel and transportation allowances may be provided only when there is a valid need for the dependent to move.

11. ICW early return of a dependent(s) from OCONUS, it must be determined that the problem/situation occurred after arrival at the OCONUS PDS and local resources cannot resolve the problem.

12. Recommendations from religious, mental health, financial management, family counseling, and/or legal agencies should be obtained.

13. If the member's situation does not meet the criteria, the request must be denied. Early return of a dependent(s) under par. 5102-B must be employed judiciously; it is a last resort.

14. The Secretary Concerned may delegate the authority in par. 5102-B to:

a. The headquarters that directs the Service dependent transportation policies or procedures for travel to a foreign born dependent's native country, or

b. An officer (O-5 or higher or civilian employee equivalent), who is the activity commander level, support group commander, or the unit commanding officer, to which the member is assigned for travel to CONUS/non-foreign OCONUS location (DoDI 1315.18, Procedures for Military Personnel Assignments at <http://www.dtic.mil/whs/directives/corres/pdf/131518p.pdf>).

15. For dependent travel under par. 5102-B8, decision authority rests with the officer exercising special/general court martial jurisdiction over the member.

16. Except for travel under par. 5102-B8, a dependent must begin travel before a PCS order is issued which relieves the member from the OCONUS PDS.

17. The AO must cite, in the dependent's travel order, the specific item above that applies. Travel and transportation allowances provided under pars. 5102-B8a through 5102-B8h may not exceed the cost from the member's last/ former OCONUS PDS or the place to which dependent was last transported at Gov't expense, as applicable, to the designated place or, if the dependent is foreign born, to the dependent's native country. Under par. 5102-B8i, such allowances may not exceed the cost to the member's HOR or PLEAD. A copy of the appropriate statement and/or authorization/approval, required under this par., must support the transportation procurement documents for allowances under this par.

C. Return of a Dependent to OCONUS Areas. A member may return a dependent at personal expense (at Gov't expense if the member serves an IPCOT) to the OCONUS location from which the dependent traveled. If that dependent is again command sponsored, the member is authorized dependent travel and transportation allowances from the PDS on the subsequent PCS.

D. Subsequent Authority. Authority for dependent travel and transportation allowances:

1. Is in addition to, and has no effect on, the authority for such allowances the member may have on the next PCS order effective date (40 Comp. Gen. 554 (1961)).

2. Under par. 5074-A, whose dependent was not returned to an OCONUS area under par. 5102-C, is authorized, upon reassignment from the OCONUS PDS, to dependent travel and transportation allowances from the place to which they were transported under Ch 5, Part A5i to the destination authorized in the reassignment order.

5104 DIVORCE OR ANNULMENT

A. General

1. A member permanently stationed OCONUS whose marriage is terminated by divorce/annulment, may be authorized travel and transportation allowances for a former family member.

2. The former family member must have been a formerly command sponsored dependent, as defined in App A,

residing with the member OCONUS as specified in this par. (53 Comp. Gen. 960 (1974)).

3. The member, who was the former sponsor, should request movement of a former family member(s). If the member is not available or declines to initiate such a request, the former spouse or former family member concerned may initiate the request.

B. Conditions. Movement of a former dependent(s) must be in the best interest of the:

1. U.S.,
2. Member, and
3. Former dependent(s) concerned.

C. Authorization. Movement of a former family member(s) must be specifically authorized through the Secretarial Process.

D. Points between which Transportation May Be Authorized. The official must determine that a reasonable relationship exists between the case's conditions and circumstances and the destination. Travel must originate at/in the vicinity of the member's present/former OCONUS PDS and must terminate in:

1. The U.S. or in a non-foreign OCONUS location, or
2. The native country if the former dependent is foreign born.

E. Allowances

1. If transportation is not provided by the Gov't/Gov't procured means, reimbursement for personally procured commercial transportation, and POC travel is IAW par. 5074-A.
2. Per diem is payable under par. 5094.
3. The allowances authorized by this par. are payable to the member, but may be paid directly to the former spouse when the member authorizes direct payment (B-193430, 21 February 1979).

F. Time Limits

1. Travel must be completed:
 - a. Within 1 year after the final divorce decree/annulment effective date, or
 - b. 6 months after the date the member completes personal PCS travel from the OCONUS PDS,whichever occurs first (53 Comp. Gen. 960 (1974)).
2. Return travel must be accomplished as soon as reasonably possible after the member's travel is completed.
3. Six Month Time Limit
 - a. The 6 month time limit may be extended if authorized/approved for not more than 6 additional months by the commanding officer/designated representative at the duty station at/near which the dependent(s)/former dependent(s) is located.
 - b. Authorization/approval must be justified:
 - (1) On an individual case basis, and

(2) Only when the delay is not for personal preference.

c. The 6 month time limit extension may be granted for reasons such as:

- (1) Hospitalization,
- (2) Medical problems, and
- (3) School year completion

that requires that a family member remain OCONUS past the 6 month limit (61 Comp. Gen. 62 (1981)).

d. If an extension to the 6 month time limit is authorized/approved, travel must be completed within 1 year of whichever occurs first:

- (1) Final divorce decree/annulment effective date; or
- (2) Date the member completes personal travel from the OCONUS PDS incident to a PCS.

G. Return of an OCONUS Dependent

1. Custody Agreement Change or other Legal Arrangements. If, in the event of a custody agreement change, or other legal arrangements, a former family member again becomes dependent on a member, the dependent's return to the member's OCONUS PDS may be authorized through the Secretarial Process provided the:

- a. Member has not received a PCS order, but otherwise would be authorized dependent travel and transportation allowances under par. 5074-A;
- b. Dependent's return is for the Gov't's convenience;
- c. Dependent is command sponsored before travel and the member has at least 12 months remaining on the tour at the OCONUS PDS on the date the dependent is scheduled to arrive there; and
- d. Travel and transportation allowances may not exceed those from the place to which the former family member was transported under par. 5104-D.

2. Remarriage

- a. If, in the event of remarriage, a former family member again becomes the former sponsor's dependent, dependent return to the member's OCONUS PDS at Gov't expense is not authorized.
- b. If the member returns the former dependent to the OCONUS PDS at personal expense and the former dependent is again command sponsored, the member is authorized dependent travel and transportation allowances from the PDS on a subsequent PCS.

H. Subsequent Authority Not Affected. Travel of a former family member is in addition to, and has no effect on, the member's dependent travel and transportation allowances authority on the member's next PCS order effective date (40 Comp. Gen. 554 (1961)).