

## INFORMATION PAPER

SUBJECT: Early Return of Servicemember/Civilian employee Family Members

1. PURPOSE: Inform personnel about Early Return of Dependents (ERD), whether directed by the command or requested for personal reasons

2. REFERENCES:

- a. Joint Travel Regulations, 1 December 2017
- b. DODI 1315.18, (Procedures for Military Personnel Assignments), October 28, 2015 *incorporating Ch. 1, 04/14/2017*
- c. AR 55-46, (Travel Overseas), 20 June 1994
- d. USAREUR Supplement 1 to AR 55-46 (Travel Overseas), 13 May 2013
- e. AR 600-20 Army Command Policy (18 March 2008)
- f. AR 608-99 (Family Support, Child Custody, and Paternity) 29 October 2003
- g. Army in Europe Regulation 27-9, (Misconduct by Civilians), 22 Nov 11
- h. Army in Europe Regulation 55-46 (Travel Overseas), 9 Jun 15

3. Early Return of Dependents (ERD) for personal situations

a. DODI 1315.18 authorizes travel and transportation allowances for the early return of a Servicemembers' Family members (dependent) from an overseas location for compelling "personal situations". This can be done at the request of either the service member or the Family member - if the service member has declined to make such a request. USAG commanders (O-6) have the authority to authorize a Family member's return (ERD) in such cases. This authority will not be further delegated. ERD is considered to be a last resort when personal situations cannot be resolved overseas.

b. The decision to approve the request for an early return of a Family member should only be made for compelling personal reasons and only after it has been determined that the Family member's problems cannot be solved in the overseas command. Those reasons may include financial difficulties, marital difficulties, unforeseen Family problems, death or serious illness of close relatives, or for reasons of a humanitarian or compassionate nature. In addition, the approving authority may authorize a Family member's return in other situations that have an adverse effect on the service member's performance of duty. The decision to approve the early return of the Family member should be made when it is in the best interests of the Soldier, the Family member and the Government. The approving official must articulate his findings in a written statement.

c. The approval authority for early return of Family members should consider recommendations from religious advisors, mental health agencies, financial management counselors, medical, educational, and financial experts, as appropriate. If the service member's situation does not meet the criteria established in the JTR, the

request must be denied. Early return of Family members must be applied judiciously, as it is considered a last resort to solve the issue that dictated the action.

d. If applicable, the unit commander and approval authority should ensure that the sponsor and spouse have agreed upon child custody (preferably in writing) or that a court order establishes custody in the absence of an agreement. The unit commander and approving authority should pay careful attention to the sponsor's plan to provide financial support for the returned Family member. The failure to support a Family member can have a substantial impact on mission and unit readiness and violates Government policy. A Soldier who will become a single parent as the result of the spouse's early return must prepare a Family Care Plan in accordance with AR 600-20, paragraph 5-5.

e. Family members approved for early return must process through the local official travel office prior to Family member movement.

f. After ERD has occurred, Servicemembers who want their Family members return to the OCONUS location must request command sponsorship and pay for transportation expenses. The USAG commander will review all such requests for command sponsorship. If sponsorship is approved, the Soldier must serve 24 months at the OCONUS duty location.

#### 4. Command Directed ERD

a. Servicemember's dependents may be returned early by command direction, when an "official situation" occurs. This includes situations where the family member is involved in a situation that is embarrassing to the U.S. Government or is prejudicial to the command's order, morale, and discipline. Other situations warranting command directed ERD occur when a Family member's safety can no longer be guaranteed, or the ERD is necessary to support U.S. national interests.

b. The USAG Commander may stipulate travel requirements on the orders for the ERD action. For example, "Family members must travel by [date]. After this date, command sponsorship will be revoked, U.S. government no-fee passports must be surrendered, and action may be taken to bar entrance of Family members to Government installations." Additionally, the USAG commander has the authority to revoke the command sponsorship of Family members who refuse to depart the command after a command-directed ERD order has been issued because of official situations or to support U.S. national interests.

c. Civilian employees' dependents may be returned early IAW JTR, Chapter 5, Part B, Section 3c, specifically paragraph C5596. Early return travel may be authorized when the employee has completed a required tour of service or the OCONUS command determines that it is in the government's interest to return the dependent for reasons of a humanitarian/compassionate nature. Examples: physical/mental health, immediate

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family member death, authority imposed obligations, and other similar circumstances when the employee has no control.

6. POC for this information paper is OIC, Netherlands Law Center, Office of the Staff Judge Advocate, 21<sup>st</sup> Theater Sustainment Command, Schinnen Netherlands.

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