

Early Return of Dependents Information Paper

1. **PURPOSE:** This information paper provides detailed information on the eligibility and entitlements for Command Sponsored Dependents who are returned early from Korea. REF: DOD Instructions 1315.18; and the JTR, 050804.

2. **ELIGIBILITY GUIDELINES FOR EARLY RETURN OF DEPENDENTS (ERD):**

a. Soldiers stationed in Korea may request an early return of their Command Sponsored Dependents at government expense to a designated place within the United States, the Commonwealth of Puerto Rico, or another U.S. territory or possessions.

b. Through the Secretarial Waiver process, foreign-born spouses located in their native country on an approved designated location move may be early returned to locations indicated in paragraph 2a above or may be authorized to return to their country of origin even if the Soldier is stationed in that country.

c. Soldiers who are officially placed on assignment instruction from Korea, have an approved retirement, or have an approved separation **are not** eligible to apply for early return of dependents. (Receipt of orders is not required.)

d. Individually sponsored and/or acquired dependents along with other non-command-sponsored dependents **are not** eligible to be early returned.

3. **APPROVAL AUTHORITY:** Garrison Commanders, in the grade of colonel (O-6 or above).

a. The approving official may only authorize the early return of eligible dependents when the member has clearly shown:

(1) The existence of a valid need to return dependents early.

(2) The problem or situation occurred **after** arrival in Korea.

(3) Local resources (on- and off-base) cannot resolve the problem.

b. The approving official must apply the provisions of the Early Return Program judiciously and understand this program may only be used as a last resort.

4. **ENTITLEMENTS/AUTHORIZATIONS (IF THE ERD IS APPROVED):**

a. Dependent Travel: Government funded travel is authorized.

b. Household Goods and shipment of Privately Owned Vehicle (POV) is authorized and will be included on the travel authorization as POV shipment to Korea is tied to Command Sponsorship. This will exhaust Soldiers entitlement to ship a POV on their next PCS move.

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c. Subsequent Travel/HHGs Entitlements for Dependents: When Soldiers receive PCS orders directing reassignment to another permanent duty station (PDS), (includes in-place COTs) his/her dependents are authorized travel allowances and shipment of HHGs/POV from the early return location to the member's new duty station or designated location as indicated in paragraph 2a, if applicable.

5. **TRAVEL RESTRICTIONS:** Dependents must commence early return travel prior to the Soldier being officially notified that he/she is being reassigned from the overseas duty station. Unexecuted early return orders become void upon notification of reassignment. (Receipt of orders is not required; see paragraph 2b above.)

6. **RETURN OF DEPENDENTS TO THE OVERSEAS AREA:** Personal Expense: If dependents are subsequently returned to Korea at the Soldiers expense, they may reapply and be command sponsored, for the purpose of "with dependent" station-allowances and government funded travel when the member is reassigned, provided the following conditions are met:

a. The member has not been notified that he/she is being reassigned from the Korea.

b. The member has at least 12 months remaining on his/her overseas tour after approval of command sponsorship.

7. **MEMBER'S TOUR STATUS:** The fact that a Soldier's dependents have been relocated will have no bearing on the requirement that the member completes the prescribed accompanied (24 Month) tour.

8. **REIMBURSEMENT FOR TRAVEL PRIOR TO ISSUANCE OF DEPENDENT TRAVEL ORDERS:** When dependents have performed travel without orders to an appropriate destination under circumstances which would have permitted their travel to have been authorized, no reimbursement for such travel is authorized even though orders are subsequently issued under the provisions of JTR, 050804.

9. **DOCUMENTATION:** The ERD application must contain documentation to substantiate the existence of a situation which requires dependents to be early returned. The applicant should obtain recommendations from religious, mental health, financial management, family counseling or legal agencies, etc., as appropriate.

10. **REASON FOR EARLY RETURN:** See Table 5-20 and Table 5-22 below, extracted from the Joint Travel regulation 050804.

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Table 5-20. Early Return of Dependents (ERD) for Official Situations		
If the dependent...	And is involved in an incident that is any of the following:	Then...
1	is command-sponsored and resides at the Service member's current PDS OCONUS	dependent travel and transportation allowances may be authorized at PCS rates through the Secretarial Process to a designated place.
2	was command-sponsored at an old PDS OCONUS and remains there while the Service member serves a dependent-restricted tour at another PDS OCONUS	
3	is a foreign-born dependent who was moved at Government expense to the dependent's native country while the Service member serves a dependent-restricted tour at a PDS OCONUS	
	<ul style="list-style-type: none"> a. embarrassing to the United States, b. prejudicial to the command's order, morale, and discipline, c. facilitates conditions in which the dependent's safety can no longer be ensured due to adverse public feeling in the area or due to force protection and antiterrorism considerations, d. requires the dependent to register as a sex offender under the laws of any jurisdiction, 	

Table 5-22. Dependent Travel Due to Personal Situations, Including Disciplinary Action when a Service Member is Stationed OCONUS		
1	When Disciplinary Action is Taken Against a Service Member Who Is	<ul style="list-style-type: none"> 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 the CONUS for discharge under other than honorable conditions. e. returned to the CONUS to serve a sentence of confinement in a civil or military confinement facility. 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 location to await trial by court martial as a deserter or straggler. h. discharged under other than honorable conditions after surrendering to military authorities in the CONUS following a period of absence without leave from the PDS OCONUS, i. convicted by a court martial and placed on leave involuntarily while awaiting completion of an appellate review. A statement of authorization or approval required under this situation must support the transportation procurement documents for allowances, which are limited to the cost to the Service member's HOR or PLEAD.
2	Other	a. There is a death, serious illness, or incapacitation of a dependent ordinarily caring

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Table 5-22. Dependent Travel Due to Personal Situations, Including Disciplinary Action when a Service Member is Stationed OCONUS	
Circumstances Qualifying Dependent Travel Eligibility	<p>for a Service member's minor dependent that requires, in the opinion of the authorizing or approving authority, that the minor dependent be transported to a place at which proper care may be maintained.</p> <p>b. There are 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 other situations which have an adverse effect on the Service member's performance of duty, and the best interests of a Service member, or the dependent, or the Government are served by the movement of one or more dependents.*</p> <p>c. Essential medical treatment is neither available at the Service member's PDS nor readily available in the theater.**</p> <p>d. Educational facilities or housing for the dependent is inadequate.***</p> <p>e. Conditions in a theater OCONUS are such that, although the evacuation of a dependent is neither warranted nor desired, the Service member is concerned justifiably for the dependent's safety and wellbeing.****</p> <p>f. A dependent receives an order from a Selective Service Board to report to the United States for induction into the U.S. Armed Forces.</p> <p>g. Acceptable employment opportunities for a dependent child age 18 years or older at the foreign PDS OCONUS are lacking.*****</p>

11. Approvals: Request must have a statement by the approving authority that the best interests of the government and the dependents will be served by the return of the dependents.

12. Transportation Allowances:

a. For disciplinary action, travel and transportation allowances are limited to the cost from the Soldiers last or former PDS OCONUS or the place to which the dependent were last transported at Government expense, as applicable, to the designated place or, if the dependent is foreign-born, to the dependent's native country.

b. Dependents: provided that the transportation is authorized, is not for distance greater than that of the Soldiers last or former duty station overseas to their home of record or place on entry on active duty.

13. STATEMENT OF UNDERSTANDING: Soldiers (whether initiating the ERD request or initiated by a dependent) must be counseled and asked to sign the acknowledgement of changes to entitlements (Attch 1.2). The statement must be completed/signed before sending the case file to the approving authority for decision and then be retained with the record copy of the case file