



# U.S. ARMY OKINAWA

## ★ TORII STATION ★



### LEGAL ASSISTANCE

• 652-4332 / 4742 • BUILDING 218, ROOM 220 •

## EARLY RETURN OF DEPENDANTS (ERD)

Sometimes the best interests of the Soldier, dependents, or the Government may require a dependent's early return to a designated place at Government expense before the Soldier receives official notice of a PCS from Okinawa. There are several reasons a Command-sponsored dependent may return pursuant to an Early Return of Dependents (ERD): An official situation, a matter of national interest, a personal situation at the OCONUS location, or when disciplinary action involves a Service Member stationed in OCONUS. This information paper will focus on the most common ERD, Personal Situations.

### Early Return of Military Dependents for Personal Situations

"Personal situations" for ERD purposes occur most often because of financial or marital difficulties between a Soldier and his or her spouse. Other reasons include circumstances where essential medical treatment is not available in the overseas command or because of the death or illness of a dependent caring for minor dependents.

#### What is an ERD?

An ERD is the early travel return of a *Command-Sponsored dependent*, before the sponsor's ETS or PCS move date, from an OCONUS Location. Travel through an ERD is paid for by the Army. If an ERD is granted, the dependent will be returned to a designated place in the CONUS, a non-foreign area OCONUS, or, if the dependent is foreign born, to a designated place in the dependent's native country. An ERD is the last resort after all other options have been exhausted.

#### I am a dependent of a Soldier and want to return home before my sponsor's tour is over, what are the circumstances warranting an ERD?

Circumstances warranting ERD can be found where:

- a) Essential medical treatment is not available at current OCONUS installation;
- b) Death or illness of a dependent caring for minor dependents;
- c) Education or housing for dependents is inadequate;
- d) International situation concerning safety of dependents;
- e) Compelling personal reasons, such as financial or marital difficulties, adversely affect the Servicemember's performance of duties (a separation agreement IS NOT required for an ERD to be approved);
- f) Dependent gets orders from Selective Service Board;
- g) Lack of available employment for dependent child age 18 years or older;
- h) Situations involving member Court-martial, Discharge, and/or prison term;
- i) The dependent is embarrassing to the U.S.; or is prejudicial to the Command's order, morale, and discipline; and
- j) Marital Difficulties.

### **Who approves an ERD?**

Commanding General, US Army Japan approves or denies an ERD for Soldiers in Japan after carefully evaluating each request and determining if the ERD is in the best interest of the U.S. Government, the Soldier, and the family.

### **Who can initiate an ERD?**

The Soldier, the dependent (if the sponsor is not available or declines to initiate the request), or the Command.

### **What is the procedure for getting an ERD?**

The process is initiated by completing a **DA Form 4187**. Soldiers and dependents can get assistance through the Soldier's personnel office, S-1. The personnel office will provide a checklist (see attached checklist) of additional requirements, which may include the following:

- a) Complete copy of the Soldier's orders and proof of Command Sponsorship.
- b) DD Form 1172; issued and signed by ID Card/DEER office listing all returning dependents.
- c) Legible copies of passports for all departing dependents.
- d) Completed and signed HQAJ Form 3675 (Application for Travel).
- e) Current copy of sponsor's ERB/ORB.
- f) Memorandum from the Soldier requesting ERD, with justification and supporting documentation.
- g) Memorandum from the Soldier's Commander explaining the Soldier's situation, the steps the Soldier and Command have taken to resolve the situation, why the ERD is needed, and the Commander's recommendation.
- h) Supporting documents/recommendations (as applicable). Letters from a Chaplain, mental/behavioral health specialist, financial counselor, medical provider, educator, or others that can help support an ERD.

### **I have been approved for an ERD what am I entitled too?**

- a) An ERD entitles dependents to travel to a designated location at Government expense. Foreign-born dependents may also travel to their native country. The dependent will receive individual orders.
- b) Household goods shipment, POV shipment, and mobile home transport may be included.
- c) While dependents returned prior to issuance of ERD orders are not reimbursed, an after-the-fact request may be made and considered at the discretion of the approval authority.

### **If I have other questions, what should I do?**

See a Legal Assistance attorney as soon as possible. Your attorney can help you make a fair and informed decision about your options and alternatives. Our Legal Assistance Office stands ready, willing, and able to help you.