



CLIENT SERVICES & POLICY DIVISION Legal Assistance Office



Early Return of Dependents (ERD)

The Army may direct or approve an early return of dependents (ERD) in the following situations:

1) official situations (for example, the Family member was involved in a situation that is embarrassing to the U.S. Government or is prejudicial to the command's order, morale, and discipline; the Family member's safety can no longer be guaranteed or to support U.S. national interests;

2) the Soldier or Family member has requested an early-return authorization because of a personal situation; and

3) the Soldier receives assignment instructions from the PDS OCONUS.

The USAG commander who is a colonel or colonel-equivalent is normally the approving authority for ERD actions returning Family members to CONUS under the provisions of the JTR chapter 5.

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." 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. AE Reg 55-46 Appendix B provides the procedures for processing an ERD packet, and samples of the required documents (figs B-1 thru B-3).

The ASA M&RA is the approval authority for ERD actions returning Family members to a country outside the United States and its territories. To process these requests, the Soldier will: obtain the USAG commander's endorsement; and send the request through the USAG MPD (with the USAG commander's endorsement attached) to the FTS at email: usarmy.sembach.id-europe.mbx.g1-family-travel@mail.mil.

Before approving or endorsing a Soldier-requested ERD action because of a Soldier's personal situation, the USAG commander must determine that the Family's problems cannot be solved in the overseas command. The use of available resources, both on and off post, must be exhausted before the USAG commander approves or endorses the request.

The approving USAG commander must: 1) carefully evaluate each case and determine whether the early return of the Family members is in the best interest of the Government, the Soldier, and the Family; 2) consider recommendations from chaplains, mental-health agencies, financial-management counselors, medical and educational specialists, or other applicable specialists or agencies; and 3) Receive a completed AE Form 55-46A from the Soldier who is making the request.

If a Soldier requests an ERD action because of a personal situation and will face financial hardship as a result of the early-return travel, the Soldier's commander will ensure that the appropriate resources are provided to help the Soldier and his or her Family members. If the

Soldier's issues cannot be solved using the appropriate resources, the unit commander will annotate AE Form 55-46A to show the date when the Soldier and his or her Family members were counseled. The AE Form 55-46A will then become part of the Soldier-requested ERD packet that will be sent to the USAG commander.

The USAG commander is the approval authority for Soldier-requested ERD actions (for personal situations). This authority may not be delegated. If doubt exists as to whether eligibility criteria have been met or if guidance is needed, the USAG commander may send the application with appropriate recommendations and comments to the FTS.

Early-return authorization will not be used in place of a Soldier's Family care plan during TDY or deployment. Family-member travel to the care-provider's location will be at the Soldier's personal expense.

Soldiers who receive early-return orders must process through the local official travel office for Family-member travel and transportation. Soldiers who return Family members to CONUS at personal expense before early-return orders are issued will normally not be reimbursed for travel. After-the-fact requests for reimbursement of early-return travel and transportation expenses must meet the requirements of JTR, paragraph 050804, to be approved. The USAG commander is the approving authority for after-the-fact requests for reimbursement.

For the early return of dependents that are DOD Civilian employees, a letter from the servicing Civilian Personnel Advisory Center stating that those dependents do not receive any transportation allowances is required, before the ERD can be approved.

Soldiers who bring Family members back to Europe at personal expense after the Family members returned early to CONUS must request command sponsorship when the Family members return to Europe. In these situations, the Soldier must: send the command-sponsorship request and recommendations from the Soldier's chain of command to the USAG commander for consideration. The USAG commander may approve or disapprove the command-sponsorship request or require the Soldier to resubmit the request after a specific length of time. Soldiers must serve 24 months after command sponsorship is approved. This requirement will not be waived.

Soldiers granted an ERD are authorized to move the Family members and HHG from the location in the United States where the Family members will reside as a result of the ERD to the Soldier's new PDS at Government expense after the Soldier leaves the overseas command.

If you have further questions, please make an appointment with the legal assistance office by emailing us at: USARMY.WIESBADEN.USAREUR.MBX.OJA-WLC-LEGAL-ASSISTANCE-CALENDAR@MAIL.MIL.