

ALARACT 011/2022

DTG: R 171620Z FEB 22

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SUBJ/ALARACT 011/2022 - IMPLEMENTATION GUIDANCE FOR THE BASIC ALLOWANCE FOR HOUSING (BAH), OVERSEAS HOUSING ALLOWANCE (OHA), AND COST OF LIVING ALLOWANCE (COLA) SECRETARIAL WAIVER PROGRAM

THIS ALARACT MESSAGE HAS BEEN TRANSMITTED BY JSP ON BEHALF OF THE DEPUTY CHIEF OF STAFF (DCS), G-1.

1. REFERENCES:

1.A. DEPARTMENT OF DEFENSE FINANCIAL MANAGEMENT REGULATION (DOD FMR) 7000.14-R, VOLUME 7A, CHAPTERS 26, 67, AND 68.

1.B. MEMORANDUM, SECRETARY OF THE ARMY, SUBJECT: DELEGATION OF AUTHORITY TO ACT ON BEHALF OF THE SECRETARY OF THE ARMY FOR DECISIONS REGARDING THE DEPARTMENT OF DEFENSE FINANCIAL MANAGEMENT REGULATION, 5 MAY 2020.

1.C. MEMORANDUM, DEPUTY ASSISTANT SECRETARY OF THE ARMY (MILITARY PERSONNEL), SUBJECT: IMPLEMENTATION GUIDANCE FOR THE BASIC ALLOWANCE FOR HOUSING (BAH), OVERSEAS HOUSING ALLOWANCE (OHA), AND COST OF LIVING ALLOWANCE (COLA) SECRETARIAL WAIVER PROGRAM, 16 DECEMBER 2020.

1.D. DEPARTMENT OF DEFENSE INSTRUCTION 1315.18 (PROCEDURES FOR MILITARY PERSONNEL ASSIGNMENTS), 28 OCTOBER 2015, CHANGE 3, EFFECTIVE 24 JUNE 2019.

1.E. TITLE 37, UNITED STATES CODE, SECTION 403A (37 USC 403A), HOUSING TREATMENT FOR CERTAIN MEMBERS OF THE ARMED FORCES, AND THEIR SPOUSES AND OTHER DEPENDENTS, UNDERGOING A PERMANENT CHANGE OF STATION WITHIN THE UNITED STATES.

1.F. AR 600-8-105, MILITARY ORDERS.

1.G. AR 637-1, ARMY COMPENSATION AND ENTITLEMENTS POLICY.

2. BACKGROUND AND AUTHORITY. GENERALLY, A HOUSING ALLOWANCE AND COST OF LIVING ALLOWANCE ARE PAID TO A SERVICEMEMBER BASED ON THE SERVICEMEMBER'S PERMANENT DUTY STATION (PDS). HOWEVER, WHEN A SERVICEMEMBER'S ASSIGNMENT TO A PDS OR THE CIRCUMSTANCES OF THAT ASSIGNMENT REQUIRES THE SERVICEMEMBER'S DEPENDENT TO RESIDE SEPARATELY, THE DOD FMR PERMITS, UNDER CERTAIN CIRCUMSTANCES A SECRETARIAL WAIVER AUTHORIZING AN ALTERNATIVE HOUSING ALLOWANCE AND/OR COST OF LIVING ALLOWANCE. IN ADDITION, A SECRETARIAL WAIVER AUTHORIZING AN ALTERNATIVE HOUSING ALLOWANCE IS ALSO PERMITTED WHERE THE SECRETARY CONCERNED DETERMINES THAT OTHER CIRCUMSTANCES MAY REQUIRE A DEPENDENT TO RESIDE SEPARATELY FROM THE SERVICEMEMBER. PURSUANT TO THE AUTHORITY PROVIDED IN THE DOD FMR, THIS ALARACT PROVIDES IMPLEMENTATION GUIDANCE FOR THE ARMY'S BAH, OHA, AND COLA SECRETARIAL WAIVER PROGRAM TO APPROVE HOUSING

ALLOWANCE AND COST OF LIVING ALLOWANCE WAIVERS UNDER CERTAIN CIRCUMSTANCES FOR SOLDIERS TO RECEIVE A BAH, OHA, OR COLA RATE FOR AN AREA OTHER THAN THE GEOGRAPHIC LOCATION WHERE THEY ARE PERMANENTLY ASSIGNED. THIS ALARACT HAS BEEN COORDINATED WITH THE OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE (MANPOWER AND RESERVE AFFAIRS).

3. APPLICABILITY. THIS IMPLEMENTATION GUIDANCE APPLIES TO ACTIVE DUTY SOLDIERS (TITLE 10 AND TITLE 32, USC) AUTHORIZED BAH, OHA, AND/OR COLA AT THE WITH-DEPENDENT RATE. THE DEPENDENTS ARE REQUIRED TO RESIDE WITH THE SOLDIER AT THE PREVIOUS DUTY STATION OR AT A GOVERNMENT APPROVED DESIGNATED LOCATION, PRIOR TO DEPARTING ON PERMANENT CHANGE OF STATION (PCS) ORDERS. TO BE ELIGIBLE FOR CONSIDERATION OF A WAIVER, A SINGLE SOLDIER IS REQUIRED TO HAVE A DEPENDENCY DETERMINATION FROM THE DEFENSE FINANCE AND ACCOUNTING SERVICE (WHEN REQUIRED), BE THE BIRTH PARENT, OR HAVE LEGAL AND PHYSICAL CUSTODY OF THE DEPENDENT, INCLUDING A COURT ORDER AWARDING LEGAL AND PHYSICAL CUSTODY OF THE DEPENDENT.

4. PURPOSE. THE PURPOSE OF THE WAIVER PROGRAM IS TO TEMPORARILY STABILIZE THE SOLDIER'S DEPENDENTS WHEN CIRCUMSTANCES REQUIRE DEPENDENTS TO RESIDE SEPARATELY. THE INTENT OF THE WAIVER PROGRAM IS TO EASE THE TRANSITION OF A PCS MOVE TO THE NEW PDS IN THE CONTINENTAL UNITED STATES (CONUS) OR OUTSIDE THE CONTINENTAL UNITED STATES (OCONUS).

5. THE FOLLOWING PROVISIONS IMPLEMENT THE DOD FMR REQUIREMENTS REGARDING BAH, OHA, AND COLA WAIVERS IN THE ARMY:

5.A. LOW OR NO-COST MOVES. THE SOLDIER WITH OR WITHOUT A DEPENDENT MAY BE CONSIDERED TO BE PAID BAH OR OHA BASED ON THE OLD PDS RATE IN SITUATIONS INVOLVING LOW OR NO-COST MOVES WHEN THE SOLDIER'S ASSIGNMENT TO DUTY IN A NEW AREA IS UNDER THE CONDITIONS OF A LOW-COST OR NO-COST PCS MOVE IN ACCORDANCE WITH PARAGRAPH 2-23 OF REFERENCE 1.F. THE SOLDIER MAY CONTINUE TO RECEIVE THE HIGHER HOUSING RATE WHEN THE ASSIGNMENT ORDERS AUTHORIZE A LOW OR NO-COST MOVE, SHIPMENT OF HOUSEHOLD GOODS AND MOVEMENT OF DEPENDENTS ARE NOT AUTHORIZED, THE MOVEMENT DESIGNATOR CODE IN THE ORDER IDENTIFIES A LOW OR NO-COST MOVE, THE SOLDIER CONTINUES TO COMMUTE FROM THE RESIDENCE OCCUPIED WHILE AT THE OLD PDS, AND THE SOLDIER ESTABLISHED THE RESIDENCE WHILE ASSIGNED TO THE PREVIOUS DUTY STATION. THE SOLDIER MUST HAVE MADE THE HOUSING DECISION BASED ON THE PREVIOUS ASSIGNMENT, MUST NOT MOVE HOUSEHOLD GOODS OR THE DEPENDENT(S) DURING THE WAIVER PERIOD, AND MUST CONTINUE TO COMMUTE FROM THE SAME RESIDENCE. THE SOLDIER WHO RESIDES IN THE SAME MILITARY HOUSING AREA AS THE NEW DUTY STATION MUST DEMONSTRATE AN INEQUITY TO BE PAID THE HOUSING ALLOWANCE BASED ON THE NEW DUTY STATION. AN INEQUITY IS DEFINED AS WHEN THE HOUSING COSTS (RENT AND UTILITIES) AT THE OLD PDS EXCEED THE SOLDIER'S BAH RATE AT THE NEW PDS.

5.B. PROFESSIONAL MILITARY EDUCATION (PME) OR TRAINING COURSE. THE SOLDIER WITH A DEPENDENT IS REASSIGNED FOR A PCS FROM A DUTY STATION IN THE UNITED STATES TO ANOTHER DUTY STATION IN THE UNITED STATES FOR A PERIOD OF NOT MORE THAN ONE YEAR FOR THE PURPOSES OF PARTICIPATING IN PME OR A TRAINING COURSE. PME WAIVERS ARE AUTHORIZED FOR BAH LOCATIONS ONLY. SOLDIERS MUST BE CHANGING FROM ONE DUTY STATION IN THE UNITED STATES TO A PME OR TRAINING COURSE LOCATED IN THE UNITED STATES, INCLUDING ALASKA AND HAWAII. PCS ORDERS MUST STATE THE COURSE TITLE, AND COURSE START AND END DATES. SOLDIERS

CHANGING FROM AN OVERSEAS DUTY STATION TO ATTEND PME MAY APPLY FOR CONSIDERATION OF A WAIVER UNDER ONE OF THE APPROVED CATEGORIES ANNOUNCED IN THIS MESSAGE. A VALID LEASE OR MORTGAGE AGREEMENT MUST ACCOMPANY THE REQUEST.

5.C. ADVANCE TRAVEL OF DEPENDENT. THE SOLDIER IS SCHEDULED TO PCS, SEPARATE, OR RETIRE AND WISHES TO RELOCATE THE DEPENDENT(S) TO THE NEXT DUTY STATION OR HOME OF SELECTION. THE SOLDIER IS REQUIRED TO MAINTAIN A RESIDENCE AND BE RESPONSIBLE FOR RENT, OR OWN, THE RESIDENCE AT THE PCS, SEPARATION, OR RETIREMENT LOCATION. A VALID LEASE OR MORTGAGE AGREEMENT MUST ACCOMPANY THE REQUEST.

5.D. DEFERRED DEPENDENT TRAVEL. WHEN THE GOVERNMENT DEFERS DEPENDENT TRAVEL AT GOVERNMENT EXPENSE TO A SOLDIER'S NEW PDS IN THE CONUS, OR OCONUS, A WITH-DEPENDENT HOUSING ALLOWANCE CONTINUES TO BE PAID AT THE OLD PDS RATE, OR AT THE RATE FOR THE DEPENDENT'S LOCATION IF THE DEPENDENT RELOCATED THERE AT GOVERNMENT EXPENSE. THE PAYMENT OF THE WITH-DEPENDENT ALLOWANCE BASED ON THE OLD PDS AND FAMILY SEPARATION HOUSING (FSH) – OHA OR BAH (FSH-O OR FSH-B) BASED ON THE SOLDIER'S PDS CONTINUES FOR 60 DAYS AFTER DEPENDENT TRAVEL IS AUTHORIZED. IF THE 60-DAY TIME PERIOD EXPIRES, AND THE DEPENDENT HAS NOT ARRIVED AT THE SOLDIER'S PDS, AN EXTENSION TO THE 60-DAY PERIOD MAY BE CONSIDERED. THE SOLDIER IS REQUIRED TO MAINTAIN A RESIDENCE AND BE RESPONSIBLE FOR RENT, OR OWN, THE RESIDENCE AT THE DEPENDENT'S LOCATION.

5.E. ACQUIRED DEPENDENT. THE SOLDIER ACQUIRED A DEPENDENT THAT IS NOT AUTHORIZED TRAVEL TO THE SOLDIER'S NEW ASSIGNED DUTY LOCATION AT GOVERNMENT EXPENSE AND WISHES TO RECEIVE A HOUSING ALLOWANCE BASED ON THE DEPENDENT'S RESIDENCE LOCATION. THE SOLDIER IS REQUIRED TO MAINTAIN A RESIDENCE AND BE RESPONSIBLE FOR RENT, OR OWN, THE RESIDENCE AT THE DEPENDENT'S LOCATION.

5.F. RESERVE COMPONENT (RC) SOLDIERS WITHOUT DEPENDENTS CALLED TO ACTIVE DUTY OVERSEAS FOR 365 DAYS OR LESS. WAIVERS WILL BE CONSIDERED FOR RC SOLDIERS CALLED TO ACTIVE FOR AN OCONUS ASSIGNMENT WHERE GOVERNMENT QUARTERS ARE NOT AVAILABLE, AND THE SOLDIER DESIRES TO RECEIVE AN OHA BASED ON THE PDS. SOLDIERS MUST BE AUTHORIZED PCS ALLOWANCES, BUT NOT SHIPMENT OF HOUSEHOLD GOODS, FROM THEIR PRIMARY RESIDENCE TO THE DUTY LOCATION AND INTEND ON RETURNING TO THEIR PRIMARY RESIDENCE AT THE CONCLUSION OF THE TOUR OF DUTY. A DD FORM 2367 AND VALID LEASE OR MORTGAGE AGREEMENT MUST ACCOMPANY THE REQUEST.

5.G. SOLDIERS ASSIGNED TO KOREA. SOLDIERS ASSIGNED TO KOREA ON A TWO YEAR, ACCOMPANIED COMMAND-SPONSORED TOUR SERVING IN A NON-KEY BILLET WHO ELECT TO BRING THEIR DEPENDENT(S) WITH THEM, MAY BE AUTHORIZED OHA FOR OTHER THAN THE SOLDIER'S PDS. THE COMMAND MUST CERTIFY THAT THE SOLDIER'S DEPENDENTS HAVE A LEGITIMATE OHA LEASE FOR AN AREA IN KOREA OTHER THAN THE SOLDIER'S PDS AND ARE NOT RESIDING AT THE SOLDIER'S PDS.

5.H. COLA ONLY. SOLDIERS WHO DESIRE TO CONTINUE TO RECEIVE COLA FOR THE OLD DUTY STATION, OR GOVERNMENT-APPROVED DESIGNATED PLACE, WHEN THE DEPENDENTS REMAIN AT, OR ARE LOCATED THERE, BECAUSE OF THE SOLDIER'S TEMPORARY DUTY OR UNACCOMPANIED DEPENDENT RESTRICTED TOUR; INCLUDING, SOLDIERS PARTICIPATING IN THE HOMEBASE ADVANCE ASSIGNMENT PROGRAM, MAY BE CONSIDERED. THE SOLDIER IS REQUIRED TO MAINTAIN A RESIDENCE AND BE

RESPONSIBLE FOR RENT, OR OWN, THE RESIDENCE AT THE DEPENDENT'S LOCATION. A VALID LEASE OR MORTGAGE AGREEMENT MUST ACCOMPANY THE REQUEST.

5.I. VICINITY. THE VICINITY IS THE ENTIRE COUNTRY, U.S. TERRITORY OR POSSESSION, OR STATE WHEN IN ALASKA OR HAWAII WHERE THE SOLDIER'S PDS IS LOCATED. WHEN A SOLDIER RESIDES WITH A DEPENDENT AND COMMUTES TO THE PDS, THE DEPENDENT IS CONSIDERED TO BE RESIDING AT OR IN THE VICINITY OF THE PDS EVEN IF IN AN ADJACENT COUNTRY OR STATE. A WAIVER WILL BE CONSIDERED IF THE SOLDIER HAS TO MAINTAIN SEPARATE HOUSEHOLDS. IF A WAIVER IS APPROVED UNDER THIS AUTHORITY, A DEPENDENT IS NOT RESIDING IN THE PDS VICINITY FOR FSH PURPOSES. A STATEMENT FROM THE SOLDIER'S COMMANDER VERIFYING THE REQUIREMENT TO MAINTAIN SEPARATE RESIDENCES IS REQUIRED.

5.J. HOUSING FLEXIBILITY. HOUSING FLEXIBILITIES DESCRIBED IN ENCLOSURE 3, PARAGRAPH 10 OF REFERENCE 1.D., PURSUANT TO THE AUTHORITY OF 37 USC 403A, MAY BE PROVIDED TO AN ELIGIBLE SERVICEMEMBER WITH-DEPENDENTS WHILE UNDERGOING A PCS WITHIN CONUS. AMONG OTHERS, ONE SUCH FLEXIBILITY IS EQUITABLE BAH, WHEN THE REQUIREMENTS DESCRIBED IN REFERENCE 1.D. ARE MET. A SERVICEMEMBER IS ELIGIBLE FOR HOUSING FLEXIBILITY OPTIONS, INCLUDING EQUITABLE BAH, IF HE/SHE HAS:

5.J.1. A SPOUSE WHO IS GAINFULLY EMPLOYED AT THE BEGINNING OF THE COVERED RELOCATION PERIOD. WAIVERS WILL BE CONSIDERED FOR SPOUSES WHO REQUIRE A TEMPORARY DELAY OF TRAVEL TO THE NEW DUTY STATION DUE TO CONTRACTUAL OBLIGATION, PROFESSIONAL LICENSE RECIPROCITY AGREEMENTS, OR OTHER CIRCUMSTANCES THAT MAY CAUSE ADDITIONAL FINANCIAL PENALTIES DUE TO EARLY TERMINATION OF EMPLOYMENT. SOLDIERS REQUESTING A WAIVER DUE TO CONTRACTUAL OBLIGATION, PROFESSIONAL LICENSE RECIPROCITY AGREEMENTS, OR OTHER CIRCUMSTANCES THAT MAY CAUSE ADDITIONAL FINANCIAL PENALTIES DUE TO EARLY TERMINATION OF EMPLOYMENT MUST ALSO BE ABLE TO DEMONSTRATE THAT THEIR SPOUSES HAVE ATTEMPTED TO SECURE EMPLOYMENT AT THE NEW DUTY STATION VIA SPOUSE PREFERENCE OR OTHER EMPLOYMENT PROGRAMS SUPPORTED BY THE ARMY AND THE DOD. WAIVERS WILL NOT BE CONSIDERED FOR SPOUSES WHO DESIRE TO REMAIN AT THE OLD DUTY STATION OR DESIGNATED LOCATION TO CONTINUE EMPLOYMENT AS LONG AS THEY WISH OR FOR EMPLOYMENT INITIATED OR CONTINUED AFTER THE SOLDIER RECEIVES PCS ORDERS TO THE NEW DUTY STATION. A LETTER SUBSTANTIATING EMPLOYMENT UNDER CONTRACT FROM THE EMPLOYER MUST ACCOMPANY THE REQUEST.

5.J.2. A SPOUSE WHO IS ENROLLED IN A DEGREE, CERTIFICATE OR LICENSE GRANTING PROGRAM AT THE BEGINNING OF THE COVERED RELOCATION PERIOD. WAIVERS MAY BE APPROVED FOR SPOUSES WHO DESIRE TO COMPLETE THE CURRENT PAID SEMESTER. A LONGER-TERM WAIVER MAY BE CONSIDERED AND APPROVED ONLY WHEN THE SOLDIER DEMONSTRATES THAT CREDITS EARNED FROM THE PROGRAM OF STUDY CANNOT BE TRANSFERRED TO AN EDUCATION INSTITUTION AT THE NEW DUTY STATION. A SIGNED LETTER FROM THE EDUCATIONAL INSTITUTION VERIFYING ENROLLMENT, THE SCHOOL YEAR ENDING DATE, AND THE ANTICIPATED GRADUATION DATE MUST ACCOMPANY THE REQUEST.

5.J.3. ONE OR MORE DEPENDENTS ATTENDING AN ELEMENTARY OR SECONDARY SCHOOL AT THE BEGINNING OF THE COVERED RELOCATION PERIOD. A WAIVER MAY BE APPROVED WHEN A DEPENDENT IS ATTENDING A K-12 EDUCATION PROGRAM AND WISHES TO REMAIN ENROLLED IN SCHOOL AT THEIR CURRENT LOCATION UNTIL THE END OF THE SCHOOL YEAR. SOLDIERS ARE REQUIRED TO SUBMIT A

REQUEST FOR HIGH SCHOOL STABILIZATION TO THE U.S. ARMY HUMAN RESOURCE COMMAND (HRC), IF APPLICABLE. THE HRC DECISION AND A SIGNED LETTER FROM THE EDUCATIONAL INSTITUTION VERIFYING ENROLLMENT, THE SCHOOL YEAR ENDING DATE, AND THE ANTICIPATED GRADUATION DATE MUST ACCOMPANY THE REQUEST.

5.J.4. ONE OR MORE DEPENDENTS ENROLLED IN THE EXCEPTIONAL FAMILY MEMBER PROGRAM (EFMP). THE SOLDIER HAS A DEPENDENT ENROLLED IN THE EFMP THAT WARRANTS REMAINING AT THE PREVIOUS DUTY STATION LOCATION TEMPORARILY DUE TO CONTINUITY OF CARE, OR BECAUSE SERVICES CANNOT READILY BE PROVIDED AT THE NEW DUTY STATION, MAY ALSO BE CONSIDERED. THE SOLDIER'S DEPENDENTS MUST BE ENROLLED IN THE EFMP, IF REQUIRED BY ARMY OR DOD REGULATION. A STATEMENT FROM THE HRC EFMP OFFICE VALIDATING THE AVAILABILITY OF CARE AT THE GAINING DUTY STATION IS REQUIRED TO BE ON THE PCS ORDER. FOR APPLICABLE ACTIVE DUTY RC PERSONNEL; WHEN A RESPECTIVE RC EFMP OFFICE DOES NOT EXIST, OR IS UNABLE TO ENSURE A STATEMENT OF VALIDATION OF AVAILABILITY OF CARE AT THE GAINING DUTY STATION IS INCLUDED ON THE PCS ORDER, THE APPLICABLE RC EFMP COORDINATOR, OR EQUIVALENT AUTHORITY (A COMPETENT AND CREDIBLE MEDICAL AUTHORITY), MUST PROVIDE A LETTER VERIFYING THE MEDICAL NECESSITY OF THE DEPENDENT(S) REMAINING AT THE PREVIOUS DUTY STATION FOR CONTINUITY OF CARE, OR DUE TO SERVICE UNAVAILABILITY AT THE NEW DUTY STATION.

5.J.5. AN IMMEDIATE FAMILY MEMBER WITH A CHRONIC OR LONG-TERM ILLNESS AT THE BEGINNING OF THE COVERED RELOCATION PERIOD FOR WHOM THE MEMBER IS CARING. THE SOLDIER HAS AN IMMEDIATE FAMILY MEMBER WITH A MEDICAL CONDITION THAT REQUIRES A TEMPORARY DELAY FOR THE DEPENDENT TO TRAVEL TO THE NEW PDS BECAUSE THE FAMILY MEMBER IS ALREADY IN A TREATMENT PROGRAM AT THEIR CURRENT LOCATION AND WISHES TO CONTINUE THAT TREATMENT. A LETTER VERIFYING THE MEDICAL NECESSITY OF THE DEPENDENT(S) REMAINING AT THE PREVIOUS DUTY STATION FOR CONTINUITY OF CARE MUST ACCOMPANY THE REQUEST.

6. IN ADDITION TO THE SITUATIONS IDENTIFIED IN THE DOD FMR, A HOUSING AND COST OF LIVING ALLOWANCE BASED ON THE SOLDIER'S OLD PDS, OR GOVERNMENT APPROVED DESIGNATED LOCATION, MAY BE APPROVED WHEN A SOLDIER'S ASSIGNMENT TO DUTY IN AN AREA, OR THE CIRCUMSTANCES OF THAT ASSIGNMENT, REQUIRE THE SOLDIER'S DEPENDENTS TO RESIDE IN A DIFFERENT AREA THAN WHERE THE SOLDIER IS PERMANENTLY ASSIGNED. WAIVERS MAY BE APPROVED WHEN SOLDIERS ARE ASSIGNED CONUS OR OCONUS UNDER THE FOLLOWING CONDITIONS:

6.A. SPOUSE EMPLOYMENT. SEE WAIVER CONSIDERATION LIMITATIONS IN PARAGRAPH 5.J.1.

6.B. DEPENDENT EDUCATION. IN ADDITION TO THE WAIVER CONDITIONS PROVIDED IN 5.J.2 AND 5.J.3, A WAIVER WILL BE CONSIDERED WHEN:

6.B.1. THE SOLDIER HAS ONE OR MORE CHILDREN ENROLLED IN A SPECIAL EDUCATION PROGRAM AT THE CHILDREN'S CURRENT LOCATION AND WISHES TO HAVE THE CHILDREN REMAIN ENROLLED IN THAT PROGRAM. SOLDIERS ARE REQUIRED TO SUBMIT A REQUEST FOR HIGH SCHOOL STABILIZATION TO HRC, IF APPLICABLE. THE DECISION MUST BE INCLUDED IN THE WAIVER REQUEST.

6.B.2. THE SOLDIER HAS A CHILD WHO IS ENTERING THEIR "JUNIOR" OR "SENIOR" YEAR IN HIGH SCHOOL AND WISHES TO HAVE THE CHILD REMAIN ENROLLED IN SCHOOL TO COMPLETE HIGH SCHOOL.

SOLDIERS ARE REQUIRED TO SUBMIT A REQUEST FOR HIGH SCHOOL STABILIZATION TO HRC, IF APPLICABLE. THE DECISION MUST BE INCLUDED IN THE WAIVER REQUEST.

6.C. EFMP. IN ADDITION TO THE WAIVER CONDITIONS PROVIDED IN 5.J.4, A WAIVER WILL BE CONSIDERED WHEN A DEPENDENT HAS EXCEPTIONAL NEEDS THAT WARRANT LEAVING THE DEPENDENT AT THE PREVIOUS DUTY STATION LOCATION TEMPORARILY DUE TO CONTINUITY OF CARE OR SERVICES THAT CANNOT READILY BE PROVIDED AT THE NEW DUTY STATION MAY ALSO BE CONSIDERED. THE SOLDIER'S DEPENDENTS MUST BE ENROLLED IN THE EFMP, IF REQUIRED BY ARMY OR DOD REGULATION. A STATEMENT FROM THE HRC EFMP OFFICE VALIDATING THE AVAILABILITY OF CARE AT THE GAINING DUTY STATION IS REQUIRED TO BE ON THE PCS ORDER. FOR APPLICABLE ACTIVE DUTY RC PERSONNEL; WHEN A RESPECTIVE RC EFMP OFFICE DOES NOT EXIST, OR IS UNABLE TO ENSURE A STATEMENT OF VALIDATION OF AVAILABILITY OF CARE AT THE GAINING DUTY STATION IS INCLUDED ON THE PCS ORDER, THE APPLICABLE RC EFMP COORDINATOR, OR EQUIVALENT AUTHORITY (A COMPETENT AND CREDIBLE MEDICAL AUTHORITY), MUST PROVIDE A LETTER VERIFYING THE MEDICAL NECESSITY OF THE DEPENDENT(S) REMAINING AT THE PREVIOUS DUTY STATION FOR CONTINUITY OF CARE, OR DUE TO SERVICE UNAVAILABILITY AT THE NEW DUTY STATION.

6.D. MEDICAL. IN ADDITION TO THE WAIVER CONDITIONS PROVIDED IN 5.J.5, A WAIVER WILL BE CONSIDERED WHEN THE SOLDIER HAS A DEPENDENT WITH A MEDICAL CONDITION THAT REQUIRES A TEMPORARY DELAY FROM TRAVELING TO THE NEW PDS BECAUSE THE DEPENDENT IS ALREADY IN A TREATMENT PROGRAM AT THEIR CURRENT LOCATION AND WISHES TO CONTINUE THAT TREATMENT.

6.E. DEPLOYMENT. THE SOLDIER WITH A DEPENDENT IS BEING ASSIGNED TO A UNIT THAT IS SCHEDULED TO DEPLOY WITHIN 12 MONTHS OF THE SOLDIER'S ARRIVAL AT THE NEW PDS. WAIVERS WILL BE CONSIDERED FOR SINGLE-PARENT SOLDIERS RETURNING FROM AN OVERSEAS ASSIGNMENT WHO MUST ACTIVATE THEIR COMMAND-APPROVED FAMILY CARE PLAN OR RELOCATE THEIR DEPENDENT TO THEIR HOME OF RECORD DUE TO THE SOLDIER'S ASSIGNMENT TO A UNIT THAT IS SCHEDULED TO DEPLOY WITHIN 12 MONTHS OF THE SOLDIER'S ARRIVAL AT THE NEW PDS. THE DEPLOYMENT ORDER MUST ACCOMPANY THE REQUEST. A MEMORANDUM SIGNED BY A FIELD-GRADE OFFICER AT THE GAINING COMMAND VERIFYING THE SOLDIER'S DEPLOYMENT MONTH, YEAR, AND DEPLOYMENT PERIOD MAY BE SUBMITTED INSTEAD OF THE DEPLOYMENT ORDER IF NOT ISSUED.

6.F. RC SOLDIERS ORDERED TO ACTIVE DUTY FOR 365 DAYS OR LESS. RC SOLDIERS WITH DEPENDENTS WHO DESIRE TO RECEIVE BAH BASED ON THE PRIMARY RESIDENCE AT THE TIME THE ORDER WAS ISSUED MAY BE CONSIDERED. SOLDIERS MUST BE AUTHORIZED PCS ALLOWANCES FROM THEIR PRIMARY RESIDENCE IN THE UNITED STATES TO THE DUTY LOCATION IN THE UNITED STATES AND INTEND ON RETURNING TO THEIR PRIMARY RESIDENCE AT THE CONCLUSION OF THE TOUR OF DUTY. THE SOLDIER IS REQUIRED TO MAINTAIN A RESIDENCE AND BE RESPONSIBLE FOR RENT, OR OWN, THE RESIDENCE AT THE DEPENDENT'S LOCATION. A VALID LEASE OR MORTGAGE AGREEMENT MUST ACCOMPANY THE REQUEST.

7. TO BE ELIGIBLE FOR CONSIDERATION FOR A WAIVER UNDER THIS IMPLEMENTATION GUIDANCE, THE DEPENDENTS MUST RESIDE WITH THE SOLDIER IMMEDIATELY PRIOR TO PCS AND CONTINUE TO RESIDE AT THE SOLDIER'S PREVIOUS DUTY STATION OR AT A GOVERNMENT-APPROVED DESIGNATED LOCATION DURING THE WAIVER PERIOD. THE SOLDIER IS REQUIRED TO MAINTAIN A RESIDENCE AND BE RESPONSIBLE FOR RENT, OR OWN, THE RESIDENCE AT THE PREVIOUS DUTY STATION OR DEPENDENT'S LOCATION.

8. DEFINITIONS.

8.A. PREVIOUS DUTY STATION. THE LOCATION OF THE LAST DUTY STATION AT WHICH SHIPMENT OF HOUSEHOLD GOODS AT GOVERNMENT EXPENSE WAS AUTHORIZED.

8.B. DEPENDENT'S LOCATION/DESIGNATED PLACE. THE LOCATION TO WHICH THE GOVERNMENT AUTHORIZED MOVEMENT OF DEPENDENTS IN ACCORDANCE WITH THE JOINT TRAVEL REGULATION.

8.C. COVERED RELOCATION PERIOD. 180 DAYS BEFORE THE PCS DATE, WHICH IS THE DATE THE SOLDIER LEAVES THE PDS, AND ENDS 180 DAYS AFTER THE PCS DATE.

8.D. IMMEDIATE FAMILY MEMBER. INCLUDES: (A) PARENT. THIS INCLUDES STEPFATHER, FATHER BY ADOPTION, STEPMOTHER, MOTHER BY ADOPTION, OR THOSE WHO HAVE STOOD IN LOCO PARENTIS FOR AT LEAST FIVE YEARS; (B) BROTHERS AND SISTERS. THIS INCLUDES STEPBROTHERS, BROTHERS BY ADOPTION, HALFBROTHERS, STEPSISTERS, SISTERS BY ADOPTION, OR HALF-SISTERS; (C) SPOUSE; (D) CHILDREN. THIS INCLUDES LEGITIMATE CHILD, LEGALLY ADOPTED CHILD, STEPCHILD, IF THE STEPCHILD WAS A MEMBER OF THE SERVICEMEMBER'S HOUSEHOLD AT THE TIME THE STEPCHILD ENTERED MILITARY SERVICE, AN ILLEGITIMATE CHILD OF A FEMALE SERVICEMEMBER, AN ILLEGITIMATE CHILD TO WHOM SUPPORT BY A MALE SERVICEMEMBER IS ORDERED OR DECREED JUDICIALLY TO CONTRIBUTE, WHO HAS BEEN DECREED JUDICIALLY TO HAVE BEEN FATHERED BY A SERVICEMEMBER, OR WHOSE SERVICEMEMBER FATHER ACKNOWLEDGED IN WRITING UNDER OATH THAT HE IS THE FATHER, A PERSON FOR WHOM THE SERVICEMEMBER STOOD IN LOCO PARENTIS FOR AT LEAST FIVE YEARS.

9. SOLDIERS MUST AGREE TO LIMITED PCS ENTITLEMENTS TO INCLUDE: SHIPMENT OF AUTHORIZED UNACCOMPANIED BAGGAGE WEIGHT ALLOWANCE (OFFICERS: 01-03 = 600 LBS, 04-06 = 800 LBS, 07-010 = 1,000 LBS, WARRANT = 600 LBS, ENLISTED = 500 LBS) TO INCLUDE PROFESSIONAL BOOKS, PAPERS, AND EQUIPMENT; LIMITED DISLOCATION ALLOWANCE (DLA), TEMPORARY LODGING EXPENSE (TLE), AND PER DIEM AT THE WITHOUT DEPENDENT RATE, IF AUTHORIZED; AND SHIPMENT OF POV (HAWAII & ALASKA ONLY).

10. SOLDIERS DO NOT LOSE THEIR PCS ENTITLEMENTS UNDER THIS GUIDANCE. HOWEVER, WAIVERS APPROVED UNDER THIS GUIDANCE BECOME VOID WHEN SOLDIERS EXECUTE ANY PORTION OF THEIR PCS ENTITLEMENTS EITHER BEFORE OR DURING THE WAIVER OR COVERED RELOCATION PERIOD. THE SOLDIER'S HOUSING ALLOWANCE WILL THEN BE BASED ON THE PDS.

11. AN APPROVED WAIVER DOES NOT ENTITLE SOLDIERS TO ANY ADDITIONAL ALLOWANCES, SUCH AS FAMILY SEPARATION ALLOWANCE (FSA) OR FAMILY SEPARATION HOUSING (FSH). SOLDIERS MUST BE ELIGIBLE TO RECEIVE THE ALLOWANCES BASED ON THE CIRCUMSTANCES OF THE ASSIGNMENT AND APPLICABLE REGULATIONS.

12. TO SUBMIT A REQUEST FOR A WAIVER CONSIDERATION, SOLDIERS MUST SUBMIT REQUESTS ELECTRONICALLY IN PDF TO THE FOLLOWING COMPONENT OFFICES:

12.A. ACTIVE COMPONENT: ACTIVE COMPONENT OFFICERS MUST SUBMIT REQUESTS TO HRC FORT KNOX USING THE AIM PORTAL: [HTTPS://AIM.HRC.ARMY.MIL](https://aim.hrc.army.mil). ACTIVE COMPONENT ENLISTED SOLDIERS MUST EMAIL REQUESTS TO HRC FORT KNOX USING EMAIL ADDRESS: USARMY.KNOX.HRC.MBX.EPMD-PSA-BRANCH@ARMY.MIL.

12.B. ARMY NATIONAL GUARD SOLDIERS MUST EMAIL REQUESTS TO NGB: NG.NCR.NGB-ARNG.MBX.ARNG-COMP--ENTITLEMENT@ARMY.MIL

12.C. U.S. ARMY RESERVE SOLDIERS MUST EMAIL REQUESTS TO OCAR: USARMY.USARC.OCAR.MBX.G1-POLICY@ARMY.MIL.

13. THE FOLLOWING DOCUMENTS MUST BE INCLUDED IN THE WAIVER REQUEST PACKET:

13.A. SIGNED MEMO FROM THE SOLDIER REQUESTING THE WAIVER WITH A STATED REASON. FOR EXAMPLE: 'I, RANK, FIRST NAME, LAST NAME, SSN, REQUEST A BAH/OHA/COLA WAIVER TO RECEIVE BAH/OHA/COLA AT THE WITH-DEPENDENT RATE BASED ON MY DEPENDENT'S LOCATION OR PREVIOUS DUTY STATION DUE TO CHILDREN COMPLETING THE SCHOOL YEAR. MY DEPENDENTS WILL REMAIN UNTIL THE SCHOOL YEAR ENDS IN [DATE]. I AGREE TO LIMITED PCS ENTITLEMENTS TO INCLUDE, IF OTHERWISE AUTHORIZED, THE WITHOUT-DEPENDENT RATE DISLOCATION ALLOWANCE (DLA), TEMPORARY LODGING EXPENSE (TLE), AND PER DIEM. I FURTHER AGREE TO SHIP ONLY THE UNACCOMPANIED BAGGAGE WEIGHT ALLOWANCE TO INCLUDE MY PROFESSIONAL BOOKS, PAPERS, AND EQUIPMENT, AND THAT I HAVE NOT EXCEEDED NOR WILL I EXCEED MY UNACCOMPANIED WEIGHT ALLOWANCE LIMITATION. I UNDERSTAND THAT I AM NOT ENTITLED TO FAMILY SEPARATION ALLOWANCE (FSA) OR FAMILY SEPARATION HOUSING (FSH). MY PROJECTED DEPARTURE DATE TO NEW PERMANENT DUTY STATION IS [DATE.]' NOTE: SOLDIERS CANNOT APPLY FOR THEIR DEPENDENT'S LOCATION UNLESS PREVIOUSLY RECEIVING THAT DEPENDENT'S LOCATION BAH/OHA/COLA RATE, UNLESS ACTIVATING A COMMAND-APPROVED FAMILY CARE PLAN AS DISCUSSED IN PARA. 6.E.

13.B. PCS ORDERS ASSIGNING THE SOLDIER TO THE NEW PDS. A REQUEST FOR ORDERS (RFO) IS NOT ACCEPTABLE.

13.C. PCS ORDERS ASSIGNING THE SOLDIER TO THE OLD PDS, IF APPLICABLE. AN RFO IS NOT ACCEPTABLE.

13.D. SUPPORTING DOCUMENTATION BASED ON THE CATEGORY TO BE CONSIDERED IN ACCORDANCE WITH PARAGRAPHS ABOVE.

13.E. LAST LEAVE AND EARNINGS STATEMENT (LES).

13.F. CURRENT LEASE AGREEMENT, IF RENTING, OR MORTGAGE AGREEMENT, IF BUYING THE RESIDENCE. A CLOSING DISCLOSURE IS ACCEPTABLE IN LIEU OF A MORTGAGE AGREEMENT.

13.G. OTHER SUPPORTING DOCUMENTATION AS REQUESTED BY HQDA, DCS, G-1, HRC, OCAR, OR NGB, AS APPLICABLE.

14. ENLISTED SOLDIERS BELOW THE GRADE OF E-7 OR OFFICERS BELOW THE GRADE OF O-4 MUST HAVE THEIR REQUESTS ENDORSED WITH A SIGNATURE BY THE FIRST FIELD-GRADE OFFICER IN THEIR CHAIN OF COMMAND. WARRANT OFFICERS ARE NOT REQUIRED TO HAVE THEIR REQUESTS ENDORSED.

15. INCLUDE A CONTACT PHONE NUMBER, FAX NUMBER, EMAIL ADDRESS, AND MAILING ADDRESS WHEN SENDING CORRESPONDENCE. NOTIFICATION OF APPROVAL/DISAPPROVAL WILL BE SENT VIA ELECTRONIC MAIL TO THE SOLDIER'S GLOBAL EMAIL ADDRESS.

16. THE SOLDIER'S SERVICING PERSONNEL OFFICE WILL UPLOAD APPROVED WAIVERS TO THE PERSONNEL RECORD VIA IPERMS. SOLDIERS MUST PROVIDE A COPY OF THEIR APPROVED WAIVER TO

THEIR ORDERS ISSUING AUTHORITY TO HAVE THE ORDERS PUBLISHED/AMENDED TO REFLECT THE RESTRICTIONS NOTED IN THE APPROVAL MEMORANDUM, IF SPECIFIED. SOLDIERS MUST ALSO PROVIDE A COPY OF THE APPROVED WAIVER TO THEIR SERVICING FINANCE OFFICE.

17. WAIVER EFFECTIVE DATE AND EXPIRATION. WAIVERS APPROVED UNDER THIS MESSAGE ARE EFFECTIVE THE DATE REQUESTS ARE RECEIVED AT HQDA, DCS, G-1 OR THE DATE THE WAIVER IS APPROVED. WAIVERS WILL EXPIRE NOT MORE THAN 180 DAYS FROM THE APPROVAL DATE OR AS SPECIFIED IN THE APPROVAL MEMO. WAIVERS AND THE COVERED RELOCATION PERIOD MAY BE EXTENDED ON A CASE-BY-CASE BASIS BASED ON THE MERITS OF THE REQUEST. IF THE SOLDIER'S ELIGIBILITY EXPIRES FOR ANY REASON DURING THE COVERED RELOCATION PERIOD, THAT PERIOD IS TERMINATED AND THE HOUSING ALLOWANCE IS PAID AT THE PDS WHERE THE SOLDIER IS ASSIGNED AT THAT TIME. IF THE SOLDIER DEPARTS THE OLD PDS, AND THE PERSONS THAT ARE THE BASIS OF THE ELIGIBILITY DO NOT ARRIVE AT THE NEW PDS WITHIN THE COVERED RELOCATION PERIOD, THE HOUSING ALLOWANCE IS PAID AT NEW PDS LOCATION RATE BEGINNING THE DAY AFTER THE RELOCATION PERIOD ENDS.

18. POINT OF CONTACT FOR THIS MESSAGE IS HQDA, DCS, G-1, COMPENSATION & ENTITLEMENTS DIVISION. SUBMIT INQUIRIES REGARDING THIS MESSAGE ONLY TO EMAIL ADDRESS USARMY.PENTAGON.HQDA-DCS-G-1.MBX.DAPE-PRC@ARMY.MIL.

19. THIS ALARACT MESSAGE EXPIRES ON 16 FEBRUARY 2023.