



7th JMTC Legal Assistance Information

Early Return of Dependents

Please note that this Information Paper only provides basic information and is not intended to serve as a substitute for personal consultations with a Legal Assistance Attorney.

Many dependents may wish to return to the United States when their sponsor leaves on a major deployment. Army Regulations permit dependents to move back to the continental United States (CONUS) at Government expense under limited circumstances. The mechanism for returning dependents to CONUS at government expense is Early Return of Dependents (EROD). While earlier versions recognized two related methods, AROD and EROD, the JFTR only uses the term EROD.

a. Definitions of EROD and AROD.

An EROD permits both military and civilian dependents to travel to CONUS prior to termination of soldier's OCONUS tour due to *official or personal situations*. AROD was formerly used to describe the process of permitting military dependents to travel to CONUS prior to termination of soldier's outside the continental United States (OCONUS) tour due to *personal situations*. This term is no longer used; the process for both military and civilian dependents is referred to exclusively as EROD in JFTR/JTR.

b. Who may request.

EROD may be requested through filling a DA Form 4187 by a:

1. Soldier
2. Dependent (if member is not available or declines to initiate the request)
3. Command

c. Approving Authority for EROD.

In USAREUR, the ASG commander is the approving authority for ERODs. U'R Supp. to AR 55-46, para. 5-8. IAW U'R Supp. to AR 55-46, para. 5-9f, this authority may not be delegated. If doubt exists as to whether eligibility criteria have been met or guidance is needed, the BSB commander may forward the application, with appropriate recommendations and comments to the Commander, 1st PERSCOM, ATTN: AEUPE-PSSD-PAD-PMB, Unit 29058, APO AE 09081.

d. Entitlements

1. EROD entitles dependents to travel to CONUS at government expense. Foreign-born dependents may also travel to their native country.
2. Household goods shipment, POV shipment and mobile home transport may be included.
3. While dependents returned prior to issuance of EROD orders are not reimbursed, an after-the-fact request may be made and considered by the approval authority.
4. After an EROD has been executed, soldiers must request command sponsorship to bring their dependents back overseas. Approval authority will consider the request but if the request is approved, soldier must serve 24 months thereafter; this requirement will not be waived.
5. Soldier may move dependents and household goods from the location in the U.S. where the family resides to the next duty station when the soldier PCSs from OCONUS.

e. Situations in which EROD May be Approved for Personal Situations.

Circumstances warranting EROD can be found where:

- 1) Essential medical treatment is not available on site
- 2) Death or illness of dependent caring for minor dependents occurs
- 3) Education or housing for dependents is inadequate
- 4) International situation concerning safety of dependents exists
- 5) Compelling personal reasons such as financial difficulties adversely affect the member's performance of duties
- 6) Dependent gets orders from Selective Service Board
- 7) There is a lack of employment for dependents 18 years or older
- 8) Other situations involving member court-martial or prison term are found

A commander must first determine that the family's problems cannot be resolved in the overseas command. Available resources must be exhausted before an EROD request can be granted. EROD should be used only as a last resort.

f. Return of former spouse and dependents following a divorce or annulment.

Former spouse and dependents of military sponsor may receive EROD if deemed in the best interest of the Government, the sponsor, and the former dependents. Either the sponsor or former dependent may request return. Movement of family members will be reviewed and authorized or denied through the Secretarial Process. Departure must originate at or near the member's OCONUS PDS and must terminate in the U.S. or in a non-foreign OCONUS location, or in their native country if the former dependents are foreign-born. Travel must be completed within one year after the effective date of final decree of divorce or annulment, or six months after the date the member completes personal travel from the OCONUS duty station incident to PCS, whichever occurs first. However, a BSB or ASG Commander may approve an extension of up to six months.

g. Impact of Returning Family Members OCONUS.

Once family members have returned to the United States on EROD, the Government will not provide travel and transportation if the family members decide to return to OCONUS.

(1) Soldiers who return family member to an overseas location at personal expense after those family members returned to CONUS must request command sponsorship. Command sponsorship requests and recommendations from the soldier's chain of command will be forwarded to the BSB commander for consideration.

(2) Where EROD has been completed, soldiers who return family members OCONUS at personal expense must request command sponsorship if they return. The ASG commander may approve or disapprove the command sponsorship request, or require the soldier to resubmit the request after a determined period of time. U'R Supp. to AR 55-46, para. 5-8.

h. Command-ordered EROD.

(1) A commander may use EROD to end the OCONUS presence of a family member where the continued presence of the family member is embarrassing to the U.S. Government, is prejudicial to the order, morale, and discipline in the command, or where the family member's safety can no longer be ensured. A commander normally requests EROD orders in situations where family members have committed misconduct, or where force protection or anti-terrorism situations require action.

(2) A family member cannot be forced to depart Germany. If a family member under EROD orders does not depart Germany, but chooses instead to remain and live on the economy, there is no entitlement for Government assistance in the move. The orders end the command sponsorship of the family and provide the family member transportation and shipment of household goods back to CONUS. A family member may decide to remain in Germany despite the EROD orders, hopefully understanding that the Army will

not transport the family member to CONUS. If the EROD orders were issued due to misconduct, the family member may also be barred from the installation.

(3) If dependent refuses to leave or leaves and returns, command sponsorship is revoked as of flight date under EROD orders. Some IACS privileges are revoked but dependent may enter the post absent authorization by the BSB commander to deny access. Some ILS privileges are revoked. ILS privileges of the dependent are based on the status of the sponsor. While non-command-sponsored family members are entitled to similar benefits and privileges as command-sponsored family members, differences are in the areas of DODDS, finance, medical/dental, housing and transportation/travel. Furthermore, the dependent loses SOFA status.

(4) EROD will NOT be used in place of a soldier's family-care plan during TDY or deployment. U'R Supp. to AR 55-46. Family member's travel to the family care plan provider's location will be at personal expense. Limited exceptions authorized by AR 55-46, chapter 6 include instances where an escort is needed due to medical emergency situations.

i. International considerations.

No EROD orders will generally be issued to persons subject to foreign criminal jurisdiction without proper approval authority or until the foreign jurisdiction terminates. The Government will not reimburse transportation of civilians or family members accused or suspected in incidents where foreign criminal jurisdiction is possible.

j. Family Members Traveling to Overseas Duty Station.

Special rules exist in cases where a soldier is alerted for or moves to another overseas area under contingency operations or other operations of an unknown duration. Where it is anticipated that a sponsor will be absent from the permanent duty station for a prolonged period, overseas commanders are authorized to cancel or suspend the family travel to the overseas area. AR 55-46, para. 5-2 b.

(1) Family Separation Allowance.

If family members are restricted from PDS, soldier may be entitled to the family separation allowance. If an application for concurrent travel is approved, the soldier will not be entitled to the family separation allowance, unless the family does not travel with the soldier, the family is delayed for more than 30 days AND the delay is caused by the Government. DoD Financial Management Regulation, Vol. 7A, Ch. 27, 270104, A3.

(2) BAH Payments.

If a family has returned to the United States on EROD, the dependents are entitled to BAH-I at the location designated in their orders. If a family has not returned to the United States on orders, they are entitled to BAH-II.

(3) COLA payments.

If family members leave Germany for more than 30 days, the COLA will be decreased by the number of dependents who have left Germany. Service members should inform their chain of command if their dependents are leaving Germany for more than 30 days. If a soldier fails to inform the command and it is discovered that family members returned to the United States for more than 30 days, then the COLA will be deducted from the service member's pay dating back to the date the family members returned to the United States.

k. Space Available Travel.

Family members who wish to fly back to the United States may choose to take advantage of Space Available Travel benefits. Family members and service members can get more information about registration and travel category selection priorities at http://public.amc.af.mil/SPACEA/24_203.htm

l. Conclusion.

While the Government will pay to transport family members back to the United States in limited circumstances, it will not reimburse soldiers who return family members back to Germany at the conclusion of the deployment.