



Department of Defense INSTRUCTION

NUMBER 1327.06

June 16, 2009

Incorporating Change 4, Effective January 15, 2021

USD(P&R)

SUBJECT: Leave and Liberty Policy and Procedures

References: See Enclosure 1

1. **PURPOSE.** This Instruction reissues DoD Instruction (DoDI) 1327.6 (Reference (a)) and incorporates and cancels DoD Directive (DoDD) 1327.5 (Reference (b)) and Under Secretary of Defense for Personnel and Readiness (USD(P&R)) Memorandum (Reference (c)), in accordance with the authority in DoDD 5124.02 (Reference (d)), to establish policy and procedures for leave, liberty (pass), and administrative absences that shall:

a. Be consistent with uniformity required of the Armed Forces of the United States according to section 704 of title 10, United States Code (U.S.C.) (Reference (e)) and the requirements of Secretary of Defense and Under Secretary of Defense for Personnel and Readiness Memorandums (References (f) and (g)).

b. Provide respite from the work environment in ways that shall contribute to improved performance and increased motivation.

c. Ensure maximum use of earned leave, minimize the loss of leave, and reduce the cost payments for unused accrued leave.

d. Incorporates and cancels Directive-type Memorandum 16-002 (Reference (h)).

2. **APPLICABILITY.** This Instruction applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the Department of Defense (hereinafter referred to collectively as the "DoD Components"). As used herein, the terms "Armed Forces" refers to the Army, the Navy, the Air Force, and the Marine Corps; and "Secretary concerned," refers to the Secretaries of the Military Departments.

3. DEFINITIONS. See Glossary.

4. POLICY. It is DoD policy that:

a. To obtain the maximum benefit from the objectives of annual leave programs, commanders and supervisors shall provide Service members the opportunity to take frequent periods of leave and, when possible, at least one extended leave period each year of approximately 14 consecutive days or longer within the constraints of operational requirements. Additionally, Service members shall be allowed to take authorized time to tend to emergency situations and other purposes as outlined in this Instruction.

b. All officers in command, major headquarters, and the Military Departments shall ensure that secondary and nonessential efforts, though desirable in themselves, do not prevent an effective leave program. Implementation of the following policies will increase positive contributions to morale, level of performance, career motivation, and cost savings.

5. RESPONSIBILITIES

a. Principal Deputy Under Secretary of Defense for Personnel and Readiness (PDUSD(P&R)). The PDUSD(P&R), under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness (USD(P&R)), shall:

(1) Ensure that the implementing policies and procedures of the Military Departments are uniform, to the extent feasible.

(2) Monitor, as required, the effectiveness of the Military Departmental policies and procedures on leave balances, lost leave, and cost of unused accrued leave payments.

b. Heads of the DoD Components. The Heads of the DoD Components shall conduct leave and liberty programs that comply with the policies herein to meet the stated objectives.

c. Secretaries of the Military Departments. The Secretaries of the Military Departments, in addition to the responsibilities in paragraph 5.b., shall:

(1) Publish Departmental guidance on leave and liberty programs in accordance with this Instruction.

(2) Ensure that implementing regulations and instructions provide for leave to be taken annually as accrued.

(3) Establish programs to measure and reduce the amount of leave lost by Service members annually and the cost of unused accrued leave payments.

6. PROCEDURES. Enclosure 2 provides procedures and requirements for leave, liberty (pass), and administrative absences.

7. RELEASABILITY. **Cleared for public release.** This Instruction is available on the Directives Division Website at <https://www.esd.whs.mil/DD/>.

8. SUMMARY OF CHANGE 4. The changes to this issuance are administrative and:

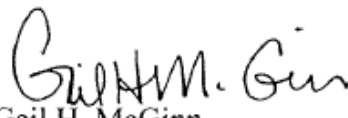
a. Allow members who attend Transition Assistance Program (TAP) classes outside their geographic area of assignment to begin permissive temporary duty (TDY) travel to attend those seminars beginning 365 days before retirement pursuant to Section 1142 of Reference (e).

b. Reflect the cancellation of the DoD Executive Agent for the United States Central Command Rest and Recuperation Leave Program.

c. Update the Directives Division Website URL.

d. Update references for accuracy.

9. EFFECTIVE DATE. This Instruction is effective June 16, 2009.



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Performing the Duties of the
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Enclosures

1. References
 2. Procedures
 3. Funded Environmental Morale Leave Program Data Sheet
 4. Post Deployment Mobilization Respite Absence
- Glossary

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ENCLOSURE 1

REFERENCES

- (a) DoD Instruction 1327.6, "Leave and Liberty Procedures," April 22, 2005 (hereby canceled)
- (b) DoD Directive 1327.5, "DoD Policy on Leave and Liberty," November 29, 2004 (hereby canceled)
- (c) USD(P&R) Memorandum, "Establishment of Non-Chargeable Rest and Recuperation (NCR&R) Leave Program and Revision of the Rest and Recuperation (R&R) Leave Program," January 28, 2010 (hereby canceled)
- (d) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008
- (e) Title 10, United States Code
- (f) Secretary of Defense Memorandum, "Extending Benefits to the Same-Sex Spouses of Military Members," August 13, 2013
- (g) Under Secretary of Defense for Personnel and Readiness Memorandum, "Further Guidance on Extending Benefits to Same-Sex Spouses of Military Members," August 13, 2013
- (h) Directive-type Memorandum 16-002, "DoD-Wide Changes to Maternity Leave," February 5, 2016 (hereby cancelled)
- (i) Title 37, United States Code
- (j) DoD 7000.14-R, "Department of Defense Financial Management Regulations (FMRs)," Volume 7A, "Military Pay Policy and Procedures - Active Duty and Reserve Pay," current edition
- (k) Joint Travel Regulations, current edition
- (l) DoD Instruction 4515.13, "Air Transportation Eligibility," January 22, 2016, as amended
- (m) DoD Instruction 1315.18, "Procedures for Military Personnel Assignments," October 28, 2015, as amended
- (n) DoD Electronic Foreign Clearance Guide¹
- (o) NAVADMIN 182/15, "Maternity and Convalescent Leave Policy," August 5, 2015, as amended
- (p) MARADMIN 421/15, "Marine Corps Maternity and Convalescent Leave Policy," August 26, 2015
- (q) Secretary of Defense Memorandum, "Utilization of the Total Force," January 19, 2007
- (r) Chapter 30 and section 3021 of title 38, United States Code

¹ <https://www.fcg.pentagon.mil/fcg.cfm>

ENCLOSURE 2

PROCEDURES

1. LEAVE

a. Annual Leave Programs. All commanders shall establish annual leave programs that provide their Service members the opportunity to take leave within the constraints of operational requirements. To obtain maximum benefit from the objectives of annual leave programs, commanders shall provide Service members the opportunity to take frequent periods of leave, including, whenever possible, at least one extended leave period each year of approximately 14 consecutive days in length or longer. Notwithstanding, Service members who refuse to take leave throughout the year shall be counseled regarding their obligation to execute military programs and policies. They should also be cautioned that such refusal may result in the loss of earned leave.

b. Important Leave Periods. When encouraging a Service member to use leave, particular emphasis shall be placed on granting leave in the following circumstances:

- (1) Upon a permanent change of station (PCS) or after periods of arduous duty and protracted periods of deployment from the home station or port.
- (2) Upon reenlistment or augmentation from active Reserve to Regular status.
- (3) During the traditional national holiday periods.
- (4) When there is evidence of deteriorating health and/or morale or when Service members and/or their families have been personally affected by natural disasters or emergencies. (Depending upon the circumstances, emergency leave may be more appropriate.)
- (5) For attendance at spiritual events or for other religious observances for which liberty (pass) is inadequate or inappropriate.
- (6) During the processing period incident to separation from active duty, or upon retirement, when requested.
- (7) Prior to the end of an active duty tour for Reserve Component (RC) personnel. However, an RC member who accumulates leave during a period of active service may carry over any leave so accumulated to the member's next period of active service, subject to the accumulation limits in section 701 of Reference (e), without regard to separation or release from active service if the separation or release is under honorable conditions.

c. Uses of Leave. The use of leave as a method of compensation or as a career continuation incentive through the accrual of large leave balances contradicts the intent of Congress to

provide for the health and welfare of Service members. Commanders shall encourage and assist all Service members to use, on the average, their 30 days accrued leave each year.

d. Advice of Leave Balance. Service members are provided a monthly leave balance update on their Leave and Earning Statement. The Service member is required to provide that balance when requesting leave.

e. Authority to Grant Leave and Liberty. Authority to grant leave and liberty, except where otherwise specified by this Instruction, shall normally be extended to unit commanders. Such authority may, at the discretion of the Secretary concerned, be further delegated. Notwithstanding, Service members undergoing treatment for an infectious or contagious disease may not be granted leave, liberty, or an administrative absence unless the attending physician determines that the Service member poses no threat to public health.

f. Entitlement and Accumulation. Members of the Armed Forces, regardless of their DoD Component, are entitled by section 701 of Reference (e) to accumulate leave at the rate of 2 1/2 days for each month of active service. Except as provided in paragraph 1.h. of this enclosure, or when a Service member is in a missing status, leave accumulated in excess of 60 days (75 days until September 30, 2015) shall be lost at the end of the fiscal year. Furthermore, Service members shall not accrue leave while:

(1) Absent from duty without leave.

(2) On unauthorized absence.

(3) Confined as the result of a court-martial sentence. Leave does not accrue during a military or civil confinement of more than 1 day if confinement is in connection with a court-martial sentence. If the member is acquitted, he or she shall be credited with the leave that would have accrued.

(4) On appellate leave, pending completion of the appellate review when the Service member is sentenced by court-martial to a dismissal or to receive a punitive discharge, under the provisions of section 876a of Reference (e).

(5) On excess leave.

g. Forfeiture of Accrued Leave. Any Service member who is discharged under other than honorable conditions shall forfeit all accrued leave to his or her credit at the time of discharge according to section 501(e)(1) of title 37, U.S.C. (Reference (i)). Section 501(e)(2) of Reference (i) provides for the forfeiture of all accrued leave of those Service members who are discharged before completing 6 months of active duty because of a failure to serve satisfactorily. For the purpose of this Instruction, the forfeiture of all accrued leave of those Service members who are discharged before completing 6 months of active duty because of failure to serve satisfactorily shall apply to all Service members, including those with prior military service (breaks in military service of more than 90 or more consecutive days) who are separated for:

(1) Enlisted Separation Reasons

- (a) Defective enlistments and inductions (minority and fraudulent entry only).
- (b) Entry-level performance and conduct.
- (c) Unsatisfactory performance.
- (d) Drug and/or alcohol abuse rehabilitation failure.
- (e) Misconduct; moral and/or professional dereliction.
- (f) Separation in lieu of trial by court-martial.
- (g) Security (unless the Service member receives an Honorable Discharge).

(2) Officer Separation Reasons

- (a) Separation for cause (e.g., officers separated for substandard performance of duty).
- (b) Dropped from the rolls.
- (c) Misconduct; moral and/or professional dereliction.
- (d) Separation in lieu of trial by court-martial.
- (e) Security (unless the Service member receives an Honorable Discharge).

h. Special Leave Accrual for Service Members Assigned to Hostile Fire or Imminent Danger Areas, Certain Deployable Ships, Mobile Units, or Other Duty. In accordance with section 701 of Reference (e), Service members assigned under certain conditions are eligible to accumulate and maintain leave in excess of normal limits established under paragraph 1.f. of this enclosure. Because special leave accrual (SLA) often occurs under conditions that qualify the Service member for combat zone tax exclusion (CZTE) or combat zone tax relief under the provisions of DoD 7000.14-R, Volume 7A, Chapter 44 (Reference (j)), the Services must be able to differentiate between tax-excluded leave and taxable leave earned under SLA conditions. Chapter 35 of Reference (j) provides guidance on tax-excluded and taxable leave earned under SLA conditions.

(1) Service members who serve on active duty for a continuous period of at least 120 days in an area in which they are entitled to special pay for duty subject to hostile fire or imminent danger under the provisions of Chapter 10 of Reference (j) may accumulate up to 120 days leave at the end of the fiscal year. Service members not serving in a hostile fire or imminent danger area, but who are assigned to a designated deployable ship, mobile unit, or other similar prescribed duty as determined by the Secretary concerned, or are performing duties

designated by the Secretary concerned as a qualifying duty, may accumulate up to 120 days of leave.

(a) Leave that exceeds 60 days (75 days during the period of October 1, 2008 through September 30, 2015) is lost unless used before the third fiscal year (fourth fiscal year if leave was accrued during the period of October 1, 2008 through September 30, 2015) following the fiscal year in which Service members qualified to accumulate up to 120 days leave at the end of the fiscal year.

(b) The situation preventing Service members assigned to such activities from using leave must have been caused by a catastrophe, national emergency and/or crisis or operations in defense of national security. Furthermore, it should be a result of the members' inability to take leave or to reduce their leave balance to 60 days (75 days from October 1, 2008 through September 30, 2015) before the end of the fiscal year while being assigned to said activities.

(2) Active duty members who serve in a duty assignment in support of a contingency operation are authorized to accumulate annual leave in excess of 60 days (75 days from October 1, 2008 through September 30, 2015), as shown on the end of the month September Leave and Earning Statement. These Service members are authorized to retain such leave until the end of the second fiscal year following the fiscal year in which the duty assignment in support of a contingency operation is terminated. (See section 701 of Reference (e).)

(3) The Secretary concerned shall designate those members who are authorized SLA according to the criteria listed in paragraphs 1.h.(1) and 1.h.(2) of this enclosure and may designate specific operational missions or contingency operations that qualify Service members in their respective Departments for SLA. The Secretary concerned may not delegate this authority below the next command subordinate to the headquarters level that directs leave policy for the Military Service concerned. However, once a specific operational mission or contingency operation has been designated as qualifying for SLA, the authority for approving specific Service members assigned to unit, headquarters, and supporting staffs for SLA when they were prohibited from taking leave because of their involvement in a designated operation may be further delegated. For members serving in joint organizations, determination of eligibility for SLA shall be made by the joint organization in which the member is serving.

(4) SLA shall not be used as a means to authorize the accumulation of leave in excess of 60 days (75 days from October 1, 2008 through September 30, 2015) that is a result of Service members' failure to properly manage their leave balance. It would be inappropriate to carry over that portion of Service members' leave balance that exceeds 60 days (75 days from October 1, 2008 through September 30, 2015) that would have been lost at the end of the fiscal year regardless of whether or not Service members were assigned to a designated activity.

(5) An additional one-time SLA sell back, to be sold at anytime, is authorized for enlisted Service members who would lose leave accumulated in excess of 120 days in accordance with section 701(f)(1) of Reference (e). Under the provisions of section 501 of Reference (i), an enlisted Service member may sell back up to 30 days of SLA (this does not apply to officers). Such a sell back counts toward the enlisted Service member's cap of 60 days

over a career. The Service member may exercise this option only once any time throughout his or her career. This provision has no termination date. (See Reference (i) for all other leave sell-back policies, to include RC leave dispositions.)

i. Computation of Leave. Leave accrual shall be accounted for according to currently established procedures. Leave shall be used in a “last-in first-out” manner, except as follows:

(1) CZTE leave is used first, regardless of when it is earned. For Service members with advance leave balances, CZTE leave will accrue when:

- (a) The member’s leave balance becomes greater than zero.
- (b) The member continues to serve in a designated CZTE area.

(2) Saved Leave Balance (SLB), which is earned leave due on August 31, 1976, is used last.

j. Chargeable Leave. The following types of leave are chargeable toward the Service member’s leave balance:

(1) Annual Leave. Annual leave is leave granted in execution of a commander’s leave program, chargeable to the Service member’s leave account. This is also referred to as “ordinary leave.” All Service members shall be provided the opportunity to take annual leave. Commanders authorized to grant leave may establish and regulate schedules that provide for maximum use of earned leave consistent with operational requirements, training workloads, and the desires of the Service member.

(2) Advance Leave. Advance leave is a means whereby Service members with limited or no accrued leave may be granted leave to resolve urgent, personal, or emergency situations. Regardless of the amount of advance leave requested, all accrued leave must be taken before the Service member may enter an advance leave status. Advance leave shall be limited to the minimum amount needed and may be granted within the following limitations:

(a) To avoid excessive negative leave balances, advance leave shall normally be limited to the lesser of:

- 1. 30 days;
- 2. The amount of leave that shall be earned during the remaining period of active service; or
- 3. While serving on an extension, leave that shall be accrued prior to the Service member’s date of separation.

(b) Advance leave that exceeds 30 days shall be authorized by the Secretary concerned.

(c) Service members separating within 3 months of the expiration of their enlistment, including those who reenlist within 24 hours, shall have any advance leave treated as excess leave upon separation.

(d) Advance leave shall not be authorized together with any excess leave authorized for personnel in professional degree, officer procurement, punitive discharge, administrative discharge, or disability discharge programs.

(3) Emergency Leave. Commanders may authorize up to 30 days of emergency leave. Requests for leave in excess of 30 days must be authorized by the Secretary concerned. Emergency leave is chargeable leave. Emergency leave and extensions thereto shall normally be granted to Service members for family emergencies involving members of their household, their immediate family, or a sole surviving relative whenever the circumstances warrant and the military situation permits. Swift and sensitive action on emergency leave requests is essential. Nevertheless, care must be taken to ensure that an emergency does exist and that the Service member's presence can resolve or alleviate the situation.

(a) Emergency leave may be appropriate when:

1. A member of the household or immediate family has died.
2. The Service member's presence would contribute to the welfare of a dying member of the household or immediate family.
3. Serious illness of a member of the household or immediate family imposes a demand on the Service member that must be met immediately and cannot be accomplished from the duty station or by any other means.
4. The Service member's failure to return home places a severe or unusual hardship on the Service member, his or her household, or immediate family.

(b) When the commander granting leave has reason to doubt the validity of an emergency situation, assistance in determining its validity and of the need for the Service member's presence should be requested from the American Red Cross or Military Service personnel nearest the location of the emergency. Caution must be taken to ensure that delays in obtaining verification do not result in the Service member arriving too late to accomplish the purpose for which the emergency leave is intended.

(c) Emergency leave travel at Government expense is authorized in accordance with the Joint Travel Regulations (Reference (k)). Authorized transportation expenses are chargeable to the appropriated funds that support the TDY travel of the Service member's assigned unit. However, emergency leave shall not be denied solely because of lack of funds for authorized funded emergency leave travel, nor shall emergency leave be granted for the purpose of either increasing the Service member's travel priority or to offset personal travel costs. Service members not authorized emergency leave travel under the provisions of Reference (k) may be

authorized travel on Government owned or controlled aircraft in accordance with DoDI 4515.13 (Reference (l)).

(d) Time spent in emergency leave travel authorized at Government expense or on military aircraft shall not be charged to the Service member's leave account.

(e) The Secretary concerned may grant a Service member a non-chargeable emergency leave of absence for a qualifying emergency. (See paragraph 1.k.(7) of this enclosure.)

(4) Reenlistment Leave. Up to 90 days leave incident to reenlistment may be authorized to Service members provided that any advance leave involved does not exceed 30 days. Except for emergency leave, the first leave taken after reenlistment shall be considered reenlistment leave and should normally begin immediately upon reenlistment. However, reenlistment leave may be delayed to begin upon completion of a course of instruction that begins within 30 days of reenlistment or upon transfer from an overseas station incident to the Service member's reenlistment. Reenlistment leave may also be deferred for reasons of operational necessity. Leave authorized under this paragraph shall be deducted from leave accrued during active service before reenlistment or charged against leave that may accrue during future active service, or both. Reenlistment leave is a chargeable leave.

(5) Leave in Conjunction with PCS. In conjunction with a PCS movement, Service members shall, whenever feasible, be authorized not less than 30 days delay-en-route leave provided no excess leave is involved. Furthermore, Service members should not be asked to take less than the full amount of leave that has been authorized between duty stations. Exceptions should only be for military operational requirements.

(a) For Service members completing recruit training, delay-en-route leave should normally not be less than 10 days prior to reporting to their first duty station. However, if the initial PCS is an overseas station or homeport, this delay should normally be 14 days or more. Exceptions should only be for military operational requirements.

(b) Upon completing officer candidate training, newly commissioned officers shall normally be authorized 30 days leave (advance leave if needed) upon graduation and before reporting to their first duty station. Exceptions should only be for military operational requirements.

(6) Leave Travel in Connection with Consecutive Overseas Assignments

(a) Section 411b of Reference (i) stipulates that Service members stationed outside the continental United States (OCONUS) who are ordered to a consecutive overseas tour (COT) of duty at the same duty station, or who are reassigned PCS to another overseas duty station, may be paid travel and transportation allowances in connection with authorized leave from their last duty station. The tours of duty, whether at the same duty station or a new duty station, must be the authorized tours as prescribed in Appendix Q of Reference (k). Travel entitlements may not

exceed those authorized by Reference (k). The Service member and dependents may travel together or independently.

(b) Service members who shall be serving on an in-place COT must have completed their initial tour, to include voluntary extension, and agreed to and be authorized by the Military Service concerned to serve the prescribed tour length elected.

(c) To receive travel and transportation allowances authorized in Reference (k), a Service member reassigned PCS to another overseas duty station must serve the prescribed tour at the new permanent duty station and one of the tours must be unaccompanied or, if both tours are accompanied, the total time to be served between the two locations must equal at least the sum of the unaccompanied tour lengths for those locations or as prescribed by DoDI 1315.18 (Reference (m)).

(d) Travel under paragraph 1.j.(6)(a) of this enclosure shall be performed in a duty status, and the amount of leave authorized shall be determined by the Secretary concerned. However, Service members authorized travel and transportation allowances under this authority may defer travel between the two tours of duty and utilize such allowances during the second tour of duty. Furthermore, the travel must be completed prior to the end of the new tour or it expires. As an exception, Service members who are unable to undertake the travel because of duty in conjunction with a contingency operation, as defined under Appendix A1 of Reference (k), may defer travel up to 1 year after the completion of such duties that precluded travel. The Secretary concerned is authorized to approve the combination of travel in connection with a consecutive overseas assignment with other authorized travel upon Service member request, provided that the combination of travel is in the best interest of the Department.

(7) Terminal Leave. To prevent the loss of leave and to minimize accrued leave payments, absence on leave at the time of retirement, separation or release from active duty without returning to the separation site should normally be granted, if desired by the Service member. If Service members desire leave without returning to the separation site, they must have their retirement, separation, or release orders in their possession and have completed all administrative processing before departing on leave. In addition, the retirement or separation date must occur following completion of the authorized leave period.

(8) Environmental Morale Leave (EML) and Funded Environmental Morale Leave (FEML).

(a) EML and FEML General Information. A Service member assigned to an overseas duty location that includes extraordinarily difficult living conditions or adverse environmental conditions that would offset the full benefits of annual leave programs may obtain EML or FEML based on:

1. Geographic isolation, substandard housing, inadequate commercial transportation, and lack of cultural and recreational facilities;

2. Notably unhealthful conditions, such as high incidence of disease and epidemics, lack of public sanitation, and inadequate health control measures; or

3. Excessive physical hardship (e.g., deleterious effects of climate and altitude and dangerous conditions affecting life, physical well-being, or mental health).

(b) EML Program. The purpose of this program is to make use of DoD-owned or controlled military airlift to further annual leave objectives. The Combatant Commanders shall designate the authorized EML duty locations and destinations. Normally, the necessary adverse environmental conditions for the EML program are present at those overseas locations where the accompanied-by-dependents tour length is 24 months or less. Prescribed overseas tour lengths are contained in Reference (k). Permanently assigned Service members, regardless of their accompanied status, and/or their dependents may be provided space available (Space-A) air transportation from EML duty locations to take accrued leave at an EML destination site. The Service member's dependents must be command sponsored to participate. In addition, participants may take no more than two EML trips per year. Except those Service members assigned to dependent-restricted areas, EML trips may not be taken within 6 months of the beginning or end of the Service member's tour of duty at the eligible location. The Combatant Commanders are authorized, on a case-by-case basis, to waive the 6-month rule, when appropriate. For Service members assigned to dependent-restricted areas, the Military Service concerned may establish, for operational necessity, the time frames in which an eligible Service member may take EML.

(c) FEML Programs. FEML provides Government-funded transportation from the FEML duty location to the designated FEML destination. The Deputy Under Secretary of Defense for Military Personnel Policy (DASD(MPP)) shall designate the authorized FEML duty locations, which shall be limited to those locations that are truly isolated, austere or unhealthful, and designated FEML destinations. Normally, FEML applies to Service members assigned to a prescribed tour outside the United States who incur a tour length of at least 24 consecutive months, to include voluntary extensions. A member assigned to a 24-month tour is eligible for one round trip under FEML. A member assigned to a 36-month tour is eligible for two round trips. No more than two FEML trips are authorized for any overseas tour including extensions to that tour. In addition, the Service member's dependents, in order to participate, must be command sponsored. FEML travel may not be taken within 6 months of the beginning or end of the Service member's tour of duty. The Combatant Commanders are authorized, on a case-by-case basis, to waive the 6-month rule, when appropriate.

1. Authorized FEML duty locations and destinations shall be recertified every 2 years by the DASD(MPP). Initial designations and re-certifications shall be made based upon Combatant Commanders' recommendations.

2. Such recommendations shall be justified fully and incorporate a FEML data sheet (Enclosure 3), completed by the commander recommending the designation, as well as comments from other DoD Components, including the Military Departments, and the proposed FEML relief destination.

(d) EML and FEML Relief Destinations. Normal military airlift (EML) and commercial air (FEML) routes shall be considered in determining relief destinations, and they shall be limited to the closest location offering environmental relief, suitable accommodations, and recreational facilities. In recommending relief destinations, commanders must give due consideration to:

1. A favorable political, social, economic, and climatic environment.
2. Availability of facilities, activities, and services.
3. The cost of transportation.
4. Availability of space-available military airlift and/or commercial transportation.

(e) Transportation. While eligible participants may be provided military air (EML) or commercial air transportation at Government expense (FEML) between the designated EML and FEML duty locations and relief destinations, commanders must use space-available military air resources if available when approving requests for FEML travel. Regardless of whether military or commercial resources are used, participants may travel to locations other than those approved by the DASD(MPP). However, when such deviations are made, total transportation costs cannot exceed the costs that would have been incurred if the participants had traveled to and from the designated FEML relief destinations.

(f) Travel Time and Leave Accountability

1. EML Programs. At locations where commercial air transportation is available, the entire authorized absence, including time spent in a travel status, is charged to the Service member's leave account. At locations where commercial air transportation is not available (e.g., Diego Garcia and Thule, Greenland) and members must travel by military air, time spent in travel status shall not be charged against the members' leave account. Authority to designate time spent in travel status as non-chargeable leave may be delegated no lower than the unit commander level.

2. FEML Programs. Travel time is not chargeable as leave.

(9) Rest and Recuperation (R&R) Leave Program

(a) The R&R leave program provides Government-funded transportation from the R&R duty location to the designated R&R destination. R&R locations must meet all of the following criteria:

1. Be in an area that is dependent-restricted.
2. Be in an area designated for hostile fire or imminent danger pay, as authorized by section 310 of Reference (i).

3. Be in an area in which entry of Service members on official or unofficial travel is controlled (see the DoD Electronic Foreign Clearance Guide (Reference (n))).

4. Be in an area where ordinary annual leave programs have been restricted for reasons of military necessity.

(b) Recommendations to designate a specific duty location as an R&R location shall be made based on the applicable Combatant Commanders' recommendation, through the Joint Staff Personnel Directorate (J-1), to the PDUSD(P&R).

1. The PDUSD(P&R) shall designate authorized R&R locations and destinations. Authorized R&R locations and destinations are contained in Appendix U of Reference (k).

2. Authorized R&R locations shall be recertified every 2 years by the PDUSD(P&R). Recertification requests shall follow the same procedures as initial requests.

(c) Travel under the R&R leave program may not be combined with liberty, administrative absences, temporary duty, or travel for other purposes. The Combatant Commanders are authorized to approve the combination of R&R travel with other authorized travel upon Service member request, providing the combination of travel is in the best interest of the Department. This authority may not be delegated below the general or flag officer (G/FO) or Senior Executive Service (SES) equivalent level.

(d) Transportation to and from R&R areas shall be provided on a space-required basis, unless otherwise authorized by the PDUSD(P&R), and travel time shall not be charged to the Service member's leave account. Additionally, the Combatant Commanders are authorized to approve the combination of a parental leave of absence with R&R, upon Service member request, providing the combination is in the best interest of the Department. The actual leave period at the R&R destination shall be charged to the Service member's leave account, except for the 10-day parental leave of absence.

(e) Transportation shall be to another location outside the United States having different social, climatic, or environmental conditions than those at the duty station at which the Service member is serving; or to a location in the United States.

(f) R&R leave periods shall be limited to one per 12-month period assigned to, or one per deployment to, an approved R&R duty location (including extensions). Service members assigned or deployed to an approved R&R location for 18 months or more are authorized one additional R&R leave period after the 18 month point.

(g) The applicable Combatant Command Commander shall terminate the R&R leave program immediately when a location no longer meets the criteria contained in paragraph 1.j.9.(a) of this enclosure.

(10) Non-Chargeable Rest and Recuperation (NCR&R) Leave Program

(a) The NCR&R Leave Program codified in section 705a of Reference (e) provides the Secretary concerned with the authority to grant Service members serving in designated authorized R&R locations with a non-chargeable administrative absence of up to 15 days to be used in conjunction with the benefits provided under the R&R Leave Program. Authorized NCR&R locations are subject to the R&R Leave Program policy contained in subparagraph 1.j.(9) of this enclosure, unless specifically addressed in paragraph 1.j.(10) of this enclosure.

(b) Recommendations to designate a specific duty location as an NCR&R location shall be made based on the applicable Combatant Commander's recommendation, through the Joint Staff Personnel Directorate (J-1), to the PDUSD(P&R).

1. The PDUSD(P&R) shall designate authorized NCR&R duty locations.

2. Authorized NCR&R duty locations shall be recertified every 2 years by the PDUSD(P&R). Recertification requests shall follow the same procedures as initial requests.

(c) Authorized NCR&R Leave Program locations must meet all the following criteria:

1. Be an authorized R&R Leave Program area or location meeting the criteria contained in subparagraph 1.j.(9) of this enclosure.

2. Be in an area designated as a combat zone by Presidential Executive Order.

3. Be an area where hardship duty pay is authorized to be paid under section 305 of Reference (i) or be an area where Service members are subject to extremely arduous conditions, above and beyond those associated with other deployments/assignments. The Combatant Command request to designate a location as an NCR&R location shall detail the extremely arduous conditions.

4. Be an area where U.S. forces have been engaged in combat operations against a hostile force within the last 6 months and where combat operations are expected to continue for the next 6 to 12 months (e.g., where Service members receive Hostile Fire Pay (HFP)).

(d) NCR&R shall be limited to one per 270-day period assigned to, or one per 270-day deployment to, an approved R&R duty location (including extensions). Service members are limited to either one NCR&R administrative absence of up to 15 days or one R&R leave per 12-month period.

(e) The Combatant Commanders are authorized to approve the combination of a parental leave of absence with NCR&R, upon Service member request, providing the combination is in the best interest of the Department.

(f) The applicable Combatant Commander shall terminate the NCR&R Leave Program immediately upon a location no longer meeting the criteria contained in paragraph 1.j.10.(c) of this enclosure.

(11) Court Determination and/or Child Support Leave. When a Service member requests leave on the basis of need to attend hearings to determine paternity or to determine an obligation to provide child support, ordinary leave shall be granted unless:

- (a) The member is serving in or with a unit deployed in a contingency operation; or
- (b) Exigencies of military service require a denial of such request.

(12) Continuation or Recall of Retirees. Retiring Service members who are subsequently continued on, or are recalled to, active duty may, at the discretion of the Secretary concerned, have their leave, which accumulated during their service before retirement, carried over to their period of military service after retirement (section 701 of Reference (e)). In addition, the Secretary concerned may, for operational reasons, limit the number of consecutive days of leave that a continued or recalled retiree may take. The Secretary concerned may not, as a condition of the continuation or recall action, prohibit Service members from taking leave accrued during the new period of military service.

(13) SLB. The SLB was established on September 1, 1976. Earned leave due on August 31, 1976, became the SLB. Leave accounts that showed an advance leave balance on August 31, 1976, do not have an SLB. A member with an SLB has the option to use the leave prior to retirement or sell it back upon retirement. A member's SLB is tracked, maintained, and liquidated by the Defense Finance and Accounting Service.

k. Non-Chargeable Leave. The following types of leave are not chargeable toward the member's leave balance:

(1) Convalescent Leave. In accordance with procedures established by the Secretary concerned, the Service member's commanding officer or the hospital commander may grant convalescent leave to patients not yet fit for duty. Such leave shall not exceed 30 days per period of hospitalization. In granting convalescent leave, care must be taken to limit the duration to the minimum that is essential in relation to the diagnosis, prognosis, and probable final disposition of the patient. Convalescent leave that exceeds 30 days shall be controlled at the level designated by the Secretary concerned. Travel entitlements that may be associated with convalescent leave are governed by Reference (k).

(2) Maternity Leave. Maternity leave is a convalescent period immediately following pregnancy and childbirth. (Reference (m) provides information on deferment from duty based on childbirth.)

(a) Subject to subparagraph 1.k.(2)(b) of this enclosure in regards to members of the Navy and Marine Corps, maternity leave will be authorized for a period of up to 12 continuous weeks immediately following a birth event, or release from hospitalization following a birth

event. Service members on maternity leave as of February 2, 2016, will be granted a 42-day extension. Members on approved ordinary (chargeable) leave in conjunction with their maternity leave, as of February 2, 2016, are authorized to convert their regular leave to non-chargeable maternity leave and to extend their maternity leave, but by only so much as to not exceed a total of 84 days. This policy will apply equally to Active Component members and Reserve Component members serving under a call or order to active service for a continuous period of at least 12 months.

1. Commanders (or other designated approval authorities under procedures established by the Secretary concerned) may not deny maternity leave to eligible Service members. Eligible members, including eligible members of the Reserve Components, will receive maternity leave based on their application and procedures established by the Secretary concerned.

2. Nothing in this maternity leave policy will be construed as to prohibit unit commanders and medical providers from continuing to grant convalescent leave in accordance with subparagraph 1.k.(1) of this enclosure based on an individual Service member's fitness for duty (including a member's fitness following childbirth that does not qualify as a birth event, as defined in this instruction). This maternity leave policy does not, in and of itself, limit convalescent leave in cases where it may exceed 12 weeks because a health professional or medical authority has deemed that such an amount of leave is warranted.

3. Any amount of maternity leave remaining unused at the time of separation from active service will be forfeited. In the case where two Service members are married to each other, maternity leave as authorized in this enclosure may not be transferred to create any kind of shared benefit.

4. No member will be disadvantaged in her career, including limitations in her assignments (except in the case where she voluntarily agrees to accept an assignment limitation), performance appraisals, or selection for professional military education or training, solely because she has taken maternity leave.

(b) In accordance with policies and procedures established by the Secretary of the Navy in 2015, Sailors and Marines whose maternity leave or additional maternity leave (as defined in NAVADMIN 182/15 and MARADMIN 421/15 (References (o) and (p)) was approved by their commanding officers before March 3, 2016, or who are pregnant or experience a birth event on or before March 3, 2016, will remain eligible for the full 18 weeks of maternity leave and or additional maternity leave combined, consistent with Department of the Navy policy and procedural guidance on this subject.

(3) Recruiting Assistance Leave Program. The Secretary concerned may grant leave up to a period of 14 days to Service members who provide assistance to recruiting. Recruiting assistance leave may be authorized in conjunction with ordinary leave.

(4) Adoption Leave. A Service member who adopts a child in a qualifying adoption shall receive up to 21 days of non-chargeable leave of absence to be used in connection with the

adoption. This absence shall be taken within 12 months following the adoption and may be authorized in conjunction with ordinary leave. In the event that two Service members who are married to each other adopt a child in a qualifying child adoption, only one of the members shall be granted an adoption leave of absence. A qualifying adoption is defined as an adoption where the member is eligible for reimbursement of qualified adoption expenses under section 1052 of Reference (e). (Reference (m) provides information on deferment from duty based on adoption.)

(5) Parental Leave. A married member on active duty whose spouse gives birth to a child shall receive 10 days of non-chargeable leave of absence to be used in connection with the birth of the child. This absence should be taken consecutively and within a reasonable amount of time following the birth.

(6) Graduation Leave. Graduates of the United States Military Academy, the United States Naval Academy, or the United States Air Force Academy who, upon graduation, are appointed into any component of the Armed Forces may, at the discretion of the Secretary concerned or designated representative, be granted graduation leave of not more than 60 days. This leave is not chargeable to the officer's leave account; it must be used within 3 months of the officer's graduation and before the officer reports to the first duty location or port of embarkation for permanent duty OCONUS. Extensions of this graduation leave period for the convenience of the Service member shall be charged to the officer's leave account.

(7) Excess Leave. Excess leave is a no-pay status; therefore, entitlement to pay and allowances and leave accrual stops on the first day of excess leave. Excess leave may be authorized in emergencies provided that the aggregate of all leave granted (accrued + advance + excess) does not exceed 60 days and that advance leave is used before the excess leave. Consideration for humanitarian reassignment should be given in those cases where emergencies require the absence of the Service member for more than 60 days.

(a) When excess leave is authorized together with accrued leave, care must be taken to ensure that no leave may be accrued during a period of excess leave.

(b) When a unit commander directs appellate review leave, this leave is considered involuntary excess leave. Members may opt to use accrued leave or a combination of accrued leave and payment of remaining accrued leave before entering excess leave status.

(c) Indefinite periods of excess leave may be granted to personnel awaiting appellate review of a court-martial sentence to a dismissal or punitive discharge and to personnel awaiting an administrative discharge, as provided in paragraph 1.1.(2) of this enclosure.

(d) Members pending discharge may request excess leave while awaiting completion of administrative discharge proceedings.

(e) As an exception to the 60-day limitation, excess leave may be granted to Service members completing educational programs leading to a professional degree or associated licensing examinations in connection with an officer procurement program. However,

participants shall not be required to use their accrued leave before being placed in an excess leave status and accrued leave shall be retained until duty in a pay status is resumed.

(f) If requested by the Service member, excess leave (for a period not in excess of 30 days) shall be granted to a Service member prior to being discharged or released from active service through an involuntary separation under honorable conditions unless doing so would impede mission requirements.

(g) Other requests for periods of leave involving excess leave that extend beyond the 60-day limitation may be granted at the Military Department or Service headquarters level, at the discretion of the Secretary concerned.

(h) Service members separating within 3 months of the expiration of their enlistment, including those who reenlist within 24 hours, shall have any advance leave treated as excess leave upon separation.

(8) Emergency Leave of Absence. The Secretary concerned may grant a Service member a non-chargeable emergency leave of absence for a qualifying emergency, with the following limitations:

(a) The qualifying emergency is verified to the Secretary's satisfaction based upon information or opinion from a source in addition to the Service member that the Secretary considers to be objective and reliable and the qualifying emergency is due to:

1. A medical condition of a member of the immediate family of the Service member; or
2. Any other hardship that the Secretary concerned determines appropriate.

(b) Such emergency leave of absence may be granted only once during an entire career for any Service member.

(c) Such emergency leave of absence may be granted only to prevent the Service member from entering advanced leave status or excess leave status that could result in recoupment of any pay and allowance.

(d) Such emergency leave of absence may not extend for a period of more than 14 days.

(9) Marriage Leave for Same-sex Couples. The Secretary concerned may grant non-chargeable leave to Service members who are in same-sex relationships and are assigned to duty stations located more than 100 miles from a U.S. state (or the District of Columbia) that allows same-sex couples to marry, for travel to a state or jurisdiction that allows same-sex couples to be married. When two Service members who are a same-sex couple desire to be married, both members may be granted marriage leave for same-sex couples if qualified.

(a) Eligible Service members assigned within the Continental United States (CONUS) may be granted non-chargeable leave for a period of up to 7 days. Eligible Service members assigned OCONUS may be granted non-chargeable leave for a period of up to 10 days. When both members of a same-sex couple are Service members, each member may be granted the applicable number of days based on his or her individual assignment location.

(b) Extensions of this non-chargeable leave period for the convenience of the Service member(s) will be charged to the member's leave account. Marriage leave may be granted only once during the career of a Service member.

1. Chargeable and Non-Chargeable Leave Combinations. Certain types of leave may begin as chargeable and become non-chargeable after a period of time:

(1) Leave Awaiting Orders as a Result of Disability Proceedings. When ordered home or to another designated location in a PCS status to await further orders and disposition as a result of a disability separation, the Service member shall be charged leave for each day in an awaiting-orders status. An authorized absence, in an awaiting-orders status, that exceeds maximum accrued leave is not chargeable as leave.

(2) Leave Awaiting Punitive or Administrative Discharge. Under regulations prescribed by the Secretary concerned, Service members who have been sentenced by court-martial to be dismissed or to receive a punitive discharge may be required to take excess leave (leave of absence without pay) pending completion of the appellate review. Authority to direct such leave rests with the officer exercising court-martial jurisdiction over the Service member. Service members may be required to begin their leave at any time on or after the date on which the sentence is approved. Such leave may be continued until a time when the final review is completed and the sentence is executed. The authority that approved this leave may terminate it at any time by written notice. When confinement is included as part of the approved sentence, the period of confinement must have been served or deferred before the beginning of the leave.

(a) Service members required to take such leave and who have accrued leave may elect one of the following options:

1. Receipt of pay and allowances during the period of accrued leave with leave beyond that which was accrued charged as excess leave.
2. Payment for accrued leave to the Service member's credit on the day before the day leave begins with the total period of required leave charged as excess leave.
3. A combination of receipt of pay and allowances and accrued leave payment.

(b) If the Service member's court-martial sentence is disapproved or set aside, then the Service member shall receive pay and allowances for any period of required excess leave, except any day of accrued leave for which the Service member elected payment before departing on leave. However, this requirement does not apply if a rehearing or new court-martial is ordered that results in a dismissal or a dishonorable or bad conduct discharge.

(c) Service members sentenced by court-martial to a dismissal or punitive discharge, but whose sentence has not yet been approved by the court-martial convening authority, may submit a written request for voluntary leave. The requested leave may be approved at the discretion of the commander exercising court-martial authority, if in his or her opinion the best interest of the Department of Defense would be served by granting the Service member's request. Service members volunteering to take such leave and who have accrued leave to their credit shall utilize ordinary leave until the accrued leave is exhausted. After the accrued leave is used, the Service member shall enter excess leave status. However, before such leave is approved, all adjudged confinements shall have been served, commuted, remitted, suspended, or deferred. Before the court-martial sentence is approved by the appropriate authority, voluntary leave shall be terminated upon the written request of the Service member or may otherwise be terminated by the Service member's commanding officer. Upon approval of the court-martial sentence by the officer exercising court-martial jurisdiction, the Service member's leave status shall be changed from voluntary to required.

(d) Service members awaiting completion of administrative discharge proceedings may be granted leave. Such Service members shall utilize ordinary leave until their accrued leave is exhausted, at which time they shall enter excess leave status.

(3) Authority to Require That an Officer Take Leave Pending Review of Recommendation for Removal by a Board of Inquiry. Section 1182(c)(2) of Reference (e) states that, when a board of inquiry makes a recommendation that an officer not be retained on active duty, said officer may be required to take leave pending the completion of his or her case.

(a) The officer may be required to begin such leave at any time following his or her receipt of the report of the board of inquiry, including the board's recommendation for removal from active duty, and the expiration of any period allowed for submission by the officer of a rebuttal to that report.

(b) The leave may be continued until the date on which action by the Secretary concerned on the officer's case is completed or may be terminated at any earlier time.

(c) Section 707a of Reference (e) provides that an officer who is required to take such leave and, as a result, incurs excess leave and whose recommendation for removal from active duty in a report of a board of inquiry is not approved by the Secretary concerned, shall be paid for the period of leave charged as excess leave.

2. PUBLIC HOLIDAYS. U.S. public holidays established by Federal statute shall be observed, except when prevented by military operations. When such holidays fall on a Saturday, the preceding Friday shall be considered a holiday, and when such holidays fall on a Sunday, the succeeding Monday shall be considered a holiday. Holidays are to be charged as leave if they fall within the effective dates of leave.

3. REGULAR LIBERTY (PASS)

a. Regular liberty periods shall not exceed 3 days. Regular liberty shall normally be from the end of normal duty hours on the first day to the beginning of normal duty hours on the following work day. On 2-day weekends, regular liberty shall extend from the end of normal duty hours on Friday until the beginning of normal duty hours on the following Monday. On 3-day Federal holiday weekends, regular liberty shall include Saturday, Sunday, and the Federal holiday (Monday or Friday). The only occasion where regular liberty pass may be 4 days is when a Federal holiday falls on a Thursday (or Tuesday) and the President designates the accompanying Friday (or Monday) as a day off.

b. The local commander shall establish a liberty and/or pass recall policy that meets organizational readiness requirements.

c. For Service members on shift work, equivalent regular liberty pass schedules should be arranged, even though the days of the week may vary. When operational circumstances permit, compensatory time off as liberty should normally be granted following duty performed during national holidays. Except for unusual cases, this compensatory time off should be granted on the first duty day following the holiday. However, if the holiday falls on a weekend and either Friday or Monday is designated as the non-duty day, compensatory time off should be applied to both the holiday and the observed day, on a day-for-day basis.

d. Liberty periods shall not be used in succession immediately before or after return to duty (there must be a duty day between liberty periods).

e. Regular liberty, at no cost to the Government, may be authorized at the beginning or the end of a TDY period.

f. When Service members request an extension of authorized liberty in excess of 3 days (liberty and extension combined), the portion exceeding the regular liberty shall be charged to the Service member's leave account.

4. SPECIAL LIBERTY (PASS)

a. Special liberty may not be used in combination with normal liberty, holidays, or other off-duty periods where the combined periods of continuous absence would exceed 4 days (regarding leave, see paragraph 4.b. of this enclosure). Furthermore, special liberty may not, under any circumstances, exceed 4 days. Special liberty periods in excess of 2 days may only be granted for special occasions or under special circumstances, such as:

(1) Compensation for significant periods of unusually extensive working hours; long or arduous deployment from home station or port; duty in an isolated location where normal liberty is inappropriate; or to Service member's onboard ship in overhaul away from homeport.

(2) As special recognition for exceptional performance, such as Soldier, Sailor, or Airman of the Month or Year.

b. Special liberty may be taken in conjunction with leave without a duty day between the liberty and leave periods. The special liberty may be taken in accordance with the local commander's guidance and policies for special liberty, but requires a unit commander's memorandum authorizing the special pass. The member must be physically present at the home station or port when departing and returning from leave. If the member wishes to leave the home station or port during the special liberty period and not return prior to the beginning of the leave period, then the entire leave and liberty period will be charged as leave.

c. When, because of unforeseen emergency circumstances, Service members request an extension of an authorized period of special liberty that exceeds 4 days (original authorization and extension combined), the extension beyond 4 days shall be charged to the Service member's leave account.

5. ARMED FORCES LIBERTY PASS. A valid Armed Forces Identification Card shall suffice to identify a Service member on authorized absence not classified as leave.

6. ADMINISTRATIVE ABSENCE

a. Administrative absences are authorized for specific circumstances as explained in this Instruction. They may include "permissive travel" to attend or participate in activities of an official nature to the benefit of the mission of the Department of Defense.

b. In approving administrative absence requests, care must be taken to ensure that the planned absence clearly falls within the criteria provided; if it does not, the absence is subject to normal leave and liberty procedures. Administrative absences that exceed 30 days should be controlled at the Service headquarters level.

c. Appropriate uses for administrative absence include:

(1) Professional Meetings. Attendance at meetings sponsored by recognized non-Federal technical, scientific, professional (e.g., medical, legal, and ecclesiastical) societies and organizations. The meetings must have a direct relationship to the Service member's professional background or primary military duties and clearly enhance his or her value to the Military Service.

(2) TAP Seminars. Attendance at a DoD-sponsored employment assistance seminar under the TAP when the Service member cannot schedule one locally and when the Service member will separate or retire within 365 days.

(3) Credit Union Board Meetings. Attendance by a member of the Board of Directors of a DoD credit union. Meetings of associations, leagues, or councils formed by DoD credit unions must be directly related to DoD credit union programs.

(4) Competitive Sporting Events. Participation in competitive sporting events and essential support of participants in competitive sporting events, Service- or DoD-sponsored events, or other recognized events must be approved by the Secretary concerned.

(5) Legal Witness. Attendance in response to a subpoena, summons, or request instead of process, as a witness at a State or Federal criminal investigative proceeding. Criminal prosecution must be of substantial public interest, such as major crimes, where the Service member would be an essential witness.

(6) Professional Development. Participation in military programs that enhance the Service member's value to the Military Service or the Service member's understanding of the military and his or her relationship to it, and where a funded TDY is inappropriate.

(7) House Hunting. House hunting incident to a PCS when Government quarters are not immediately available or, if available, are not required to be occupied at the gaining installation. The Secretary concerned may grant up to a maximum of 10 days for this purpose.

(8) Retirement Presiding Official. Participation in an official military retirement ceremony as the presiding official. The permissive absence authorized may not exceed 3 days and is limited to one presiding official per retirement ceremony.

(9) Post Deployment or Mobilization Respite Absence (PDMRA). This category of administrative absence applies to Service members required to deploy or mobilize above DoD rotation frequency thresholds established by Secretary of Defense Memorandum (Reference (q)). Enclosure 4 of this Instruction contains PDMRA program guidance. Section 2 of Enclosure 4 contains PDMRA accrual rates for qualifying deployments and mobilizations on or after January 19, 2007, but before October 1, 2011. Section 3 of Enclosure 4 contains PDMRA accrual rates for qualifying deployments and mobilizations effective October 1, 2011.

(10) Transition Leave of Absence. Participation in pre-separation job search and house hunting activities that facilitate relocation or transition of the Service member to civilian life is authorized under this paragraph for:

- (a) Service members being involuntarily separated under honorable conditions.
- (b) Service members retiring from active duty.

(11) Involuntary Separation Leave of Absence. The Secretary concerned shall grant a Service member who is being involuntarily separated, under honorable conditions as defined in section 1141 of Reference (e), an administrative absence not to exceed 30 days, or permissive absence not to exceed 10 days, as the member requires in order to facilitate the member's

carrying out necessary relocation activities such as job search or residence search activities, unless to do so would interfere with mission requirements.

(12) Educational Leave of Absence. In accordance with section 708 of Reference (e), eligible Service members may be authorized an educational leave of absence not to exceed 2 years for pursuing a program of education. The educational leave of absence may exceed 2 years, but may not exceed 3 years, in the case of an eligible Service member pursuing a program of education in the health care profession. Educational leave of absence approval rests with the Secretary concerned, and may not be delegated below the Headquarters level. Furthermore, approval shall only be granted when in the best interest of the Government.

(a) For the purpose of this program, an “eligible Service member” is any Service member on active duty who is eligible for basic educational assistance under chapter 30 of title 38, U.S.C. (Reference (r)) and:

1. Has completed at least one term of enlistment and has reenlisted (enlisted Service members) or has completed his or her initial period of obligated military service on active duty (officers).

2. Is stationed OCONUS and is within 12 months of completing his or her full overseas tour of duty. However, the full overseas tour of duty must be completed prior to beginning any authorized educational leave of absence. Service members not stationed in the United States or one of its territories must complete a PCS back to a unit in the United States or one of its territories in order to begin any authorized educational leave of absence.

(b) An eligible Service member may not be granted an educational leave of absence unless the Service member agrees in writing to extend his or her current enlistment (enlisted Service members) or to serve on active duty (officers) after completion (or other termination) of the program of education for a period of 2 months for each month of educational leave of absence. Furthermore, an educational leave of absence may not be granted until the Service member has completed any enlistment or reenlistment extension, or any period of obligated military service, incurred by reason of any previous educational leave of absence under the authority of section 708 of Reference (e).

(c) Service members on an educational leave of absence shall, for administrative and accountability purposes, remain assigned to the unit they were assigned to before approval of their educational leave of absence. Even though the Service member’s educational leave of absence is considered to be non-chargeable leave, the Service member shall be charged leave during scheduled school breaks unless he or she returns to duty with the unit of assignment during the break. The carry-over of leave at the end of the fiscal year exceeding 60 days will not be authorized unless authorized by paragraph 1.h. of this enclosure.

(d) While on an educational leave of absence, Service members shall be entitled to basic pay for their applicable pay grade and to accrue leave. However, they will not receive basic housing or subsistence allowance or any other pay and allowance or assistance-in-kind to which they would otherwise be entitled. Furthermore, Service members authorized an

educational leave of absence shall not, as a result of their decision to pursue a program of education, be entitled to any entitlements governed by Reference (k). The period of time a Service member is on an educational leave of absence shall count toward the computation of the Service member's basic pay, eligibility for retired pay, and time-in-grade for promotion purposes. However, this period of educational leave of absence may not count toward the completion of the term of enlistment for enlisted Service members or for entitlement to supplemental educational assistance under section 3021 of Reference (r).

(e) In time of war or national emergency, as declared by the President or Congress, the Secretary concerned may terminate any educational leave of absence granted under the authority of section 708 of Reference (e). Furthermore, the Secretary concerned may terminate an educational leave of absence when the Secretary determines that the Service member is not satisfactorily pursuing the program of education for which the absence was granted.

d. The Secretary concerned may authorize Service members described in paragraph 6.c.(10) or 6.c.(11) of this enclosure and those retiring:

(1) An additional 20 days, up to a total of 30 days, of permissive absence to Service members stationed OCONUS.

(2) An additional 10 days, up to a total of 20 days, of permissive absence to Service members stationed in CONUS.

(3) An additional 20 days, up to a total of 30 days, of permissive absence to those Service members who were domiciliaries before entering active duty and continue to be domiciliaries of States, possessions, or territories of the United States located OCONUS, or of foreign countries, when stationed at a location other than the State, possession, territory, or country of their domicile. Service members may be authorized up to a total of 30 days permissive absence only for house and job-hunting to the State, territory, possession, or country of their domicile.

(4) An authorized permissive absence may be taken in conjunction with a transition leave of absence by members who are retiring, being separated involuntarily under honorable conditions, or voluntarily separating through a Military Department force reduction or force shaping program. The permissive absence and transition leave of absence may be taken in a series of trips prior to separation, but the total number of days of combined permissive absence and transition leave of absence may not exceed 30 days. Service members voluntarily separating at the end of a normal term of service (ETS or end of active duty obligated service) or involuntarily separating under conditions other than honorable are not eligible for permissive absence. Additionally, the Secretary concerned:

(a) May grant a recalled RC Service member, serving on active duty, a permissive absence up to 30 days in conjunction with involuntary separation or release from active duty.

(b) May grant a recalled RC or active duty Service member permissive absence up to 30 days after the Service member receives approval for retirement based upon at least 20 years of accumulated active duty service.

e. Proceed time will be authorized for members in certain PCS circumstances.

(1) Service members entitled to transportation of dependents and/or household goods may be authorized 4 days of proceed time under the following conditions:

(a) When being reassigned to or from a dependent restricted and/or all others overseas tour, as defined by Reference (m).

(b) When the Service member's ship of assignment is changing homeport.

(2) Proceed time may only be authorized to eligible Service members when they actually relocate their dependents and/or household goods as a result of the conditions outlined in paragraph 6.e.(1) of this enclosure. Proceed time shall not be granted:

(a) Incident to the Service member's first permanent duty station.

(b) When the reassignment is between two stations located within close proximity or between two ships that have the same homeport.

(c) Incident to separation, release from active duty, or retirement.

(d) When orders require reporting within 4 days of departure from last duty station.

(3) Proceed time is not intended to serve the needs of military check-out and check-in procedures with military personnel offices, security and pass offices, billeting offices, and public quarters clearance and the like, which are military administrative requirements to be provided for during normal working hours.

f. Under the authority of section 705 of Reference (e) and section 314 of Reference (i), qualified Service members possessing certain specialties may, under specific conditions, be entitled to special rest and recuperation (SR&R) absence, extending duty at designated locations overseas under the Overseas Tour Extension Incentive Program.

(1) To be eligible for SR&R, a Service member must:

(a) Be entitled to basic pay as defined in section 204 of Reference (i).

(b) Possess a military occupational specialty that is designated by the Secretary concerned as an imbalanced or under strength specialty.

(c) Have completed his or her overseas tour of duty, as defined by the Secretary concerned, at a location OCONUS that is designated by the Secretary concerned and at the end of the tour, have executed an agreement to extend that tour for a period of not less than 1 year.

(2) Those Service members meeting the eligibility requirements in paragraph 6.f.(1) of this enclosure shall be entitled to receive one of the following:

(a) Special pay for duty performed during the period of the extension at a rate defined by section 314 of Reference (i).

(b) A period of SR&R absence for not more than 30 days.

(c) A period of SR&R absence for not more than 15 days and round-trip transportation at Government expense from the location of the extended tour of duty to the nearest CONUS port or an alternate destination not to exceed the cost to the nearest CONUS port and return for personnel completing an overseas duty tour of 12 months or less (transportation associated with this option is governed by Reference (k)).

(d) A period of SR&R absence for not more than 20 days and round-trip transportation at Government expense from the location of the extended tour of duty to the nearest CONUS port or an alternate destination not to exceed the cost to the nearest CONUS port and return for personnel completing an overseas duty tour longer than 12 months (transportation associated with this option is governed by Reference (k)).

(e) Annual lump sum bonus under section 314 of Reference (i).

(3) While the period of SR&R absence shall not be charged to the Service member's leave account, there are limitations to combining such absences with ordinary leave, liberty, administrative absence, TDY, or any other transportation entitlement authorized by Reference (k). Specifically, the 15-, or 20-day SR&R absence and round-trip transportation option may not be combined with any TDY or transportation entitlement authorized by Reference (k) that would result in the cost of the round-trip portion of the option exceeding the round-trip cost from the Service member's duty station to the nearest CONUS port.

(4) Travel time from the CONUS port or alternate destination to the SR&R absence point and return is included in the 15-, or 20-day SR&R absence. This period shall begin the day after the Service member arrives at the aerial port of debarkation and continue until the day before the Service member returns to the designated port. The non-chargeable leave period shall continue until the day before the date of return to the designated port. Travel time to or from the CONUS port or alternate destination and the overseas location is non-chargeable and not included in the 15-, or 20-day SR&R absence.

7. ADMINISTRATIVE REQUIREMENTS

a. Except when otherwise authorized in this Instruction, leave shall be calculated based on the actual date of departure on leave status and the actual date of return from leave. This shall be consistent with the requirements regarding combination of leave and special liberty (see paragraph 4.b. of this enclosure).

b. The day a Service member departs on and returns from leave must not be charged as leave if the Service member is at his or her place of work (“on board,” “for duty”) for the majority of the normal working hours of a workday. Otherwise, it must be charged as leave. For leave starting on a non-duty day, the day of departure shall be charged as a day of leave. For leave ending on a non-duty day, the day of return shall not be charged as a day of leave.

c. Administrative and leave accounting procedures are to be established by the Military Services to ensure that all authorized periods of absence involving periods charged as leave are accurately charged to the Service member’s leave account.

d. When Service members are on authorized leave and it becomes necessary to recall them to duty for reasons of military necessity, the period of absence shall not be charged to the leave account when the period between departure on leave and the Service member’s receipt of the recall to duty is 3 days or less. The remaining time of absence shall be considered travel time unless it is determined that the Service member’s absence is excessive; then the entire absence shall be charged as leave. For circumstances in which the Service member shall be entitled to travel reimbursement, orders authorizing travel should be issued in accordance with Reference (k).

e. When a Service member’s scheduled leave is canceled to permit the Service member to participate in a contingency operation, and the cancellation occurs within 48 hours of the leave commencing, the Secretary concerned may reimburse the Service member’s travel and related expenses incurred due to ticketing or contractual requirements.

f. Service members on leave who are hospitalized or placed on a “sick-in-quarters” status, (e.g., convalescent leave by a civilian or military physician) shall not be charged leave for that period since they are medically unfit for duty. Chargeable leave shall terminate the day the Service member is hospitalized and recommence the day following hospitalization or sick-in-quarters.

g. Appropriate safeguards may be established to ensure against abuse provided the safeguards are consistent with acceptance of certification from military authorities in emergency leave validation, compassionate assignments, and hardship discharge procedures.

h. A Service member who is in a missing status, as defined by section 551(2) of Reference (i), accumulates leave regardless of the 60-, 75-, and 120-day limitations. A Service member who dies while in a missing status continues to earn leave through the date the Secretary concerned receives evidence that the Service member is dead or that the death is prescribed or determined under section 555 of Reference (i). Up to 150 days of leave may be earned in this

status, which is in addition to any previous leave earned. However, if a Service member's death occurs on a date when he or she would have accrued more than 150 days, settlement shall be made for the number of days accrued to the actual date of death. Leave accumulated by a Service member while in a missing status shall be accounted for separately and shall be paid for under section 501(h) of Reference (i).

i. A Service member who dies while on leave shall not be charged for leave on the day death occurs.

j. Whenever requested and operationally feasible, accrued leave shall be granted together with TDY. Liberty may not be used to extend TDY periods. Advance leave may also be approved if the criteria of this Instruction are met.

8. ABSENCE OVER LEAVE OR LIBERTY

a. Service members absent from duty, beyond their authorized leave period, shall be considered absent without leave, unless it is determined that the absence was unavoidable, in such case it shall be charged to the Service member's leave account.

b. The period of time that Service members may be absent from duty beyond their authorized liberty, when the absence has been determined to be unavoidable, shall be charged to the Service member's leave account when the entire period of authorized and excused unauthorized absence exceeds 3 days. However, when the absence is determined to be avoidable, the period exceeding that authorized shall be considered unauthorized.

c. Absences over leave or liberty caused by mental incapacity, detention by civilian authorities, or early departure of a mobile unit due to operational commitments, whether determined to be avoidable or excused as unavoidable, shall not be charged as leave, regardless of duration.

9. EXCEPTIONS OR WAIVERS. Only the Secretary of Defense, Deputy Secretary of Defense, Under Secretary of Defense for Personnel and Readiness, or the PDUSD(P&R) may approve exceptions or waivers to the provisions of this Instruction. All requests shall be forwarded to the PDUSD(P&R) for review and further action.

ENCLOSURE 3

FUNDED ENVIRONMENTAL MORALE LEAVE PROGRAM DATA SHEET

1. GENERAL. This data sheet shall be used to ensure that the minimum required factors are considered. Combatant Commanders shall evaluate each item on this list, and are encouraged to add additional comments and factors that bear on the proposed request. This survey sheet does not constitute a request for designation. It provides background data to support FEMLE designation or changes.

a. Installation. Identify the installation, the location of the installation, and the date that the data sheet is prepared.

b. Tour Lengths. Indicate the current tour lengths, both the accompanied-by-dependents and all other tour lengths.

c. Host Command. Indicate the host command of the installation.

d. Affected Population. By Military Service, list the number of assigned officers, enlisted Service members and the total number of command-sponsored dependents.

e. Geography

(1) Nearest community (town, population, distance, and driving time).

(2) Nearest community with population of 10,000 or more (town, population, distance, and driving time).

f. Isolation. If isolation is a contributing factor, explain.

g. Climate

(1) Temperature (highest, lowest, and annual average).

(2) Humidity (highest, lowest, and annual average).

(3) Precipitation (annual average of snow and rain).

(4) If climate is a contributing factor, explain.

h. Self-Supporting. If location is not self-supporting, identify support base (base, distance, and driving time).

i. U.S. Installations. Nearest major U.S. installation (base, distance, and driving time).

j. Medical Support

- (1) Are medical and dental care available at the location?
- (2) Describe the medical and dental support and facilities at the location.
- (3) Is dependent medical and dental care usually available at the location?

k. Commissary Support

- (1) Is there an adequate U.S. commissary at this location?
- (2) If not, where is the nearest adequate U.S. commissary?

l. Host Nation Food Market

- (1) Availability.
- (2) Cost.
- (3) Sanitation.

m. Exchange Support

- (1) Is there an adequate U.S. exchange (Base, Post, or Navy Exchange) at the location?
- (2) If not, where is the nearest adequate U.S. exchange? (Location, distance, and travel time.)

n. Local Civilian Stores Providing Exchange-type Goods and Services

- (1) Availability.
- (2) Cost.
- (3) Are banking facilities available?

o. Education Support

- (1) Comment on availability and accreditation status of dependent schools, to include location and commuting time.
- (2) Comment on off-duty education available to Service members and dependents.
- (3) Comment on library facilities.

p. Religious Support. Comment on available religious facilities and support.

q. Recreational Support. Comment on available recreational support and facilities both on and off base.

r. Mail Support. What is average mail delivery time to and from the United States (air mail and surface mail)?

s. Social Life. Describe the nature and extent of any restriction on social life of Service members, single and married, accompanied and unaccompanied, and male and female; local customs, language, attitude of local population, government restrictions, political climate.

t. Transportation Support

(1) Describe the in-country transportation systems.

(2) Comment on the advisability and/or necessity of having a privately owned vehicle.

(3) Describe the international air support between the proposed FEML duty location and destination.

(4) Is Military Airlift support available? If so, provide a schedule of daily routes.

(5) What is the distance and travel time between the proposed duty location and the nearest international terminal or U.S. military installation where air support is available?

(6) What are the costs for civilian transportation between the proposed FEML duty location and destination? Provide a flight itinerary indicating costs from the proposed FEML duty location to relief (round-trip) destination.

(7) Explain any unique difficulties.

2. ADDITIONAL INFORMATION. Add any additional comments that should be considered.

ENCLOSURE 4

PDMRA

1. GENERAL. PDMRA is a program to recognize Service members under the Secretary's jurisdiction who are deployed or mobilized beyond DoD rotation frequency thresholds established by Reference (q) by awarding them administrative absence days.

2. PROGRAM GUIDANCE FOR QUALIFYING DEPLOYMENTS AND MOBILIZATIONS ON OR AFTER JANUARY 19, 2007, BUT BEFORE OCTOBER 1, 2011

a. Frequency Thresholds

(1) Active Component (AC) Service members deployed in excess of 12 months during the most recent 36-month period qualify for PDMRA.

(2) RC Service members mobilized in excess of 12 months during the most recent 72-month period qualify for PDMRA.

b. Creditable Time

(1) Creditable time for AC Service members includes the day of the member's arrival at the deployed location through departure of boots-on-ground.

(2) Creditable time for RC Service members includes mobilizations under sections 12301(a), 12302, or 12304 of Reference (e). Mobilization for this purpose includes the day the Service member is mobilized through the date the mobilization is terminated.

(3) The Secretary concerned may include other deployments or mobilizations in conjunction with an expanded program for the Service concerned.

(4) For Service members of the AC, computation of creditable time commences 36 months prior to the Service member's deployment and continues during the deployment.

(5) For Service members of the RC, computation of creditable time commences 72 months prior to the Service member's mobilization and continues during the deployment.

(6) The Secretary concerned shall establish policy on the crediting of time when court-martial or other adverse administrative actions have been initiated.

(7) PDMRA days are authorized for each month or portion of a month that a Service member is deployed (AC) or mobilized (RC) beyond the frequency thresholds at paragraph 2 of this enclosure. The number of PDMRA days awarded to AC and RC Service members are:

(a) One day of administrative absence per month in excess of 12 months during the qualifying period.

(b) Two days of administrative absence per month in excess of 18 months during the qualifying period.

(c) Four days of administrative absence per month in excess of 24 months during the qualifying period.

(8). The Secretary concerned may develop supplementary tables, including other non-monetary recognition programs, delivering comparable or greater benefits to members meeting the frequency thresholds at paragraph 2 of this enclosure.

(9) Service members of the RC must be on active duty during the days they take their earned PDMRA days.

(a) Under current law, Service members of the RC who are also Federal, State, or local government civilian employees are not permitted to receive their civilian pay on the same days they are serving on active duty. Affected Service members may elect to receive assignment incentive pay (AIP) (section 307a of Reference (i)) in lieu of being awarded administrative absence days.

(b) AIP is valued at \$200 for each day of administrative absence that otherwise would have been authorized, not to exceed \$3,000 monthly as prescribed under section 307a of Reference (i).

(c) There is no option to cash in administrative absence days already earned. The AIP election must be made by the affected RC Service member prior to the days being earned.

3. PROGRAM GUIDANCE FOR QUALIFYING DEPLOYMENTS AND MOBILIZATIONS ON OR AFTER OCTOBER 1, 2011, INCLUDING THAT PORTION OF AN ONGOING DEPLOYMENT OR MOBILIZATION THAT OCCURS ON OR AFTER OCTOBER 1, 2011

a. Deployment and Mobilization Frequency Requirements and/or Thresholds

(1) AC Service members who, on the first day of their current deployment, had deployed in excess of 12 months out of the previous 36 months, and who meet the other eligibility criteria contained in this enclosure, qualify for PDMRA days.

(2) RC Service members who, on the first day of their current qualifying mobilization, had been mobilized pursuant to sections 12301(a), 12302, or 12304 of Reference (d) in excess of 12 months out of the previous 72 months, and who meet the other eligibility criteria contained in this enclosure, qualify for PDMRA days. The 12 month qualifying period may include service pursuant to section 12301(d) of Reference (d) when designated by the Secretary concerned.

(3) The Secretary concerned may utilize the deployment-to-dwell ratio of 1:2 for AC members or mobilization-to-dwell ratio of 1:5 for RC members as the qualifying threshold for providing PDMRA benefits as opposed to the requirements contained in paragraphs 2.a. and 2.b of this enclosure.

b. PDMRA Accrual Rates

(1) Two Administrative Days Per Month

(a) AC Service members accrue 2 administrative absence days per month when the deployment threshold established in paragraph 3.a of this enclosure is exceeded and the AC Service member is:

1. Deployed to Iraq or Afghanistan; or
2. Deployed to a CZTE area when the CZTE area has been designated as a 2-day per month PDMRA accrual location by the Secretary concerned.

(b) RC Service members accrue 2 administrative absence days per month when the mobilization threshold established in paragraph 3.a of this enclosure is exceeded and the RC Service member is serving:

1. In Iraq or Afghanistan pursuant to sections 12301(a), 12302, or 12304 of Reference (d);
2. In Iraq or Afghanistan pursuant to section 12301(d) of Reference (d) when designated by the Secretary concerned; or
3. In a CZTE area under the authority of sections 12301(a), 12301(d), 12302, or 12304 of Reference (d) when the CZTE area has been designated as a 2-day per month PDMRA accrual location by the Secretary concerned.

(2) One Administrative Day Per Month

(a) AC Service members accrue 1 administrative absence day per month when the deployment threshold established in paragraph 3.a of this enclosure is exceeded for deployments to a qualifying CZTE area when the CZTE area has been designated as a 1-day per month PDMRA accrual location by the Secretary concerned.

(b) RC Service members accrue 1 administrative absence day per month when the mobilization threshold established in paragraph 3.a of this enclosure is exceeded and the RC Service member is serving:

1. Outside of the United States pursuant to sections 12301(a), 12302, or 12304 of Reference (d);

2. Outside of the United States pursuant to section 12301(d) of Reference (d) when designated by the Secretary concerned; or

3. In a CZTE area pursuant to section 12301(d) of Reference (d) when the CZTE area has been designated as a 1-day per month PDMRA accrual location by the Secretary concerned.

c. PDMRA Day Accrual. Service members, at a minimum, must meet PDMRA eligibility criteria contained in sections 2 and 3 of this enclosure for 30 consecutive days in order to begin accruing PDMRA days. Upon meeting the minimum 30 consecutive day requirement:

(1) PDMRA accrual for AC Service members includes the day that the member arrives at the deployed location through the day that the member redeploys.

(2) PDMRA accrual rates for RC Service members:

(a) Include the day that the member is ordered to duty pursuant to sections 12301(a), 12302, or 12304 of Reference (d) through the date that the member's service is terminated under that same authority.

(b) When designated as qualifying for PDMRA by the Secretary concerned pursuant to subparagraphs 3.b.(1)(b)2, 3.b.(1)(b)3, 3.b.(2)(b)1, or 3.b.(2)(b)2 of this enclosure, include the day that the member enters service pursuant to section 12301(d) of Reference (d) through the date that the member's service is terminated under that same authority.

d. Extensions of Mobilization Orders to Utilize Accrued PDMRA Days. The Secretary concerned may extend the mobilization orders of RC Service members, within statutory limitations, to allow these members to utilize PDMRA days accrued during the mobilization. RC members do not accrue PDMRA days during the time that mobilization orders are extended for the purpose of utilizing PDMRA days.

e. Election of Payment for PDMRA Days for Select RC Service Members. Under current law, RC Service members who are also Federal, State, or local government civilian employees are not permitted to receive their civilian pay while on active duty utilizing accrued PDMRA days. To resolve this pay restriction, the Secretary concerned may offer such RC Service members a special PDRMA payment which permits such members to elect to receive Assignment Incentive Pay (AIP) pursuant to section 307a of Reference (e), in lieu of being awarded PDMRA administrative absence days. For this purpose, the AIP would be valued at a rate of \$200 for each day of administrative absence that otherwise would have been authorized under the PDMRA program, not to exceed the statutory \$3,000 monthly maximum limit of AIP payable to an individual member pursuant to section 307 of Reference (e). If this option is offered, the AIP election must be made by the RC Service member prior to the PDMRA days being earned. This option may NOT be used to cash in administrative absence days already earned.

f. Crediting PDMRA Time. The Secretary concerned shall establish policy on crediting PDMRA time when court-martial or other adverse administrative actions have been initiated.

g. RC Use of Administrative Absence Days. RC Service members must be serving pursuant to sections 12301(a), 12301(d), 12302, or 12304 of Reference (d) in order to utilize the administrative absence days accrued under the PDMRA Program.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

AIP	assignment incentive pay
AC	Active Component
CONUS	continental United States
COT	consecutive overseas tour
CZTE	combat zone tax exclusion
DIMHRS	Defense Integrated Military Human Resources System
DoDD	DoD directive
DoDI	DoD instruction
DASD(MPP)	Deputy Under Secretary of Defense for Military Personnel Policy
EML	environmental morale leave
ETS	expiration term of service
FEML	funded environmental morale leave
NAVADMIN	Naval Administrative (Message)
MARADMIN	Marine Administrative (Message)
OCONUS	outside the continental United States
PCS	permanent change of station
PDMRA	post deployment/mobilization respite absence
PDUSD(P&R)	Principal Deputy Under Secretary of Defense for Personnel and Readiness
RC	Reserve Component
R&R	rest and recuperation
SLA	special leave accrual
SLB	saved leave balance
SR&R	special rest and recuperation
TAP	Transition Assistance Program
TDY	temporary duty
U.S.C.	United States Code
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purposes of this Instruction.

accrued leave. Leave earned by a Service member at a rate of 2 1/2 calendar days for each month of active service and credited to the Service member's leave account. The account balance of accrued leave must be reduced to 60 days (75 days until September 30, 2015) at the end of the fiscal year, except as provided in paragraph 1.h. of Enclosure 2. Accrued leave is also referred to as "earned leave."

active duty. Defined in section 101 of Reference (e).

active service. Defined in section 701 of Reference (e).

administrative absence. A period of authorized absence that is not chargeable to the Service member as leave.

advance leave. Leave granted to the Service member's leave account before its actual accrual. This leave is granted based on a reasonable expectation that it shall be earned by the Service member during the remaining period of active duty.

all-others tour. The tour length that is authorized at a specific location for Service members who are not accompanied by command-sponsored dependents.

annual leave. Leave granted in execution of a commander's leave program, chargeable to the Service member's leave account. This is also referred to as "ordinary leave."

birth event. Any birth of a child(ren) to a female Service member wherein the child(ren) is retained by the mother. For the purpose of policies in this instruction governing maternity leave, multiple children resulting from a single pregnancy (e.g., twins or triplets) will be treated as a single event so long as the multiple births occur within the same 72-hour period.

command-sponsored dependents. Dependents of a Service member residing with the Service member at a duty station OCONUS, where the accompanied by-dependents tour is authorized (Reference (k)); the Service member is authorized to serve the tour; and the dependents are authorized by the appropriate authority to be at the Service member's duty station; and as a result of their residence in the vicinity of the Service member's duty station, the Service member is entitled to cost of living allowance and temporary lodging allowance at the "with dependents" rate.

CONUS. The contiguous 48 States and the District of Columbia.

convalescent leave. A period of authorized absence granted to Service members under medical care, which is part of the treatment prescribed for recuperation and convalescence. It is also referred to as "sick leave."

COT. A COT occurs when a member transfers from one overseas station to another. The

transfer may be within the same overseas location.

delay-en-route. Chargeable leave authorized in connection with travel, either PCS or TDY, including a COT.

department (when used with respect to a Military Department). Defined in section 101 of Reference (e).

dependent-restricted tour. Any location OCONUS with an established overseas tour that does not permit command-sponsored dependents. Also referred to as unaccompanied hardship overseas tour or remote tour. (Established overseas tours are outlined in Reference (m).)

emergency leave. Leave granted as a result of an emergency situation (personal or family) that requires the Service member's presence.

EML. Leave granted in conjunction with an EML program.

excess leave. Leave granted that exceeds accrued and advance leave and for which the Service member is not entitled to pay and allowances. Generally, a negative leave balance at the time of release from active military duty, discharge, first extension of an enlistment, desertion, or death shall be considered excess leave regardless of the authority under which the leave resulting in the negative balance was granted.

FEML. Leave granted in conjunction with a FEML program.

four-day liberty (pass). A special liberty period that begins at the end of normal working hours on a given day and expires with the start of normal working hours on the fifth day and includes at least 2 consecutive non-work days (e.g., departure after duty Thursday afternoon until commencement of duty on Tuesday morning).

full time National Guard duty. Defined in section 101 of Reference (e).

graduation leave. A period of authorized absence granted, as a delay in reporting to the first permanent duty station, to graduates of the Service academies who are commissioned as regular officers in the Armed Forces.

household. The Service member and those dependents, as defined by section 401 of Reference (i), who either reside with the Service member or are dependent on the Service member for over one-half of their support.

immediate family. A Service member's parents, persons who have stood in loco parentis, siblings, children, and the spouse's parents and siblings.

in loco parentis. A person who stood in place of a parent for the Service member 24 hours a day for a period of at least 5 years before the Service member became 21 years old or entered military service. The person must have provided home, food, clothing, medical care, and other necessities, as well as furnished moral and disciplinary guidance and affection. A grandparent or

other person normally is not considered to have stood in place of a parent when the parent also lived at the same residence. Neither is a person considered in loco parentis for performing baby-sitting or providing day care service.

leave accrual. See accrued leave.

liberty (pass). An authorized absence, not chargeable as leave, granted for short periods to provide respite from the working environment or for other specific reasons. At the end of this period, Service members are actually on board or in the location from which they regularly commute to work. This includes regular and special liberty periods.

PCS. The transfer or assignment of a Service member or unit from one permanent station to another. This includes the change from home or from the place from which ordered to active duty to the first station upon appointment, call to active duty, enlistment, or induction; and from the last duty station to home, or to the place from which he or she entered the military service; placement upon the temporary disability retired list; and release from active duty or retirement. It also includes a duly-authorized change in homeport of a vessel or mobile unit.

permissive absence. Authority to facilitate transition into civilian life for house and job hunting for Service members being involuntarily separated under honorable conditions or retiring from active duty.

proceed time. A period of authorized absence, not chargeable as leave or travel time, authorized as a delay in executing certain PCS orders, to enable the Service member to attend to the administrative details involved in matters such as disestablishing and/or establishing residences, changing vehicle licensing, and changing residence for taxation and voting purposes.

recruiting assistance leave. A non-chargeable leave period up to 14 days the Secretary concerned may grant to Service members who provide assistance to recruiting.

reenlistment leave. Leave granted to enlisted Service members incident to their reenlistment.

regular liberty (pass). A liberty period, not to exceed 3 days, except when the President authorizes a 4-day weekend in conjunction with a Federal holiday.

R&R leave. Leave granted in circumstances where operational military considerations prevent the full use of ordinary annual leave. R&R programs are established in areas designated for hostile fire or imminent danger pay. Leave granted in connection with authorized R&R programs is chargeable to the Service member's leave account.

sick-in-quarters (quarters status). A period of authorized absence where the member is excused from duty for medical treatment or medically directed self-treatment, in home, barracks, or other non-hospital facilities (e.g., hotel, motel, occupying beds in dispensaries).

special leave accrual. Authority for Service members who are faced with circumstances that prohibited them from taking leave to carry more than 60 days (75 days until September 30, 2015) of leave into the next fiscal year.

special liberty (pass). Liberty granted outside of regular liberty (pass) periods for special occasions or circumstances by a unit commander's memorandum authorizing the special pass, such as commanders awarding a 3 or 4-day special pass for compensatory time off when individual members worked over the weekend or on a designated holiday or non-chargeable leave day.

SR&R. An additional rest and recuperation leave for an eligible member, who extends at a designated overseas location for a period of not less than 1 year.

TDY. Duty at one or more locations, other than the permanent station, at which a Service member performs TDY under orders that provide for further assignment or pending further assignment to a new permanent station or for return to the old permanent station upon completing TDY.

terminal leave. Ordinary leave chargeable to the Service member's leave account to assist separating Service members with their personal affairs. Also referred to as retirement, separation, or transition leave.

transition leave. Ordinary leave chargeable to the Service member's leave account to assist separating Service members with their personal affairs. Also referred to as retirement, separation, or terminal leave.



PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

January 4, 2023

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP
COMMANDANT OF THE COAST GUARD
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Directive-type Memorandum 23-001 – “Expansion of the Military Parental Leave Program”

References: See Attachment 1

Purpose. In accordance with the authority in DoD Directive (DoDD) 5124.02, this Directive-type Memorandum (DTM):

- Establishes policy, assigns responsibilities, and provides procedures for the expansion of the Military Parental Leave Program (MPLP) pursuant to Section 701 of Title 10, United States Code (U.S.C.), as amended by Section 621 of Public Law 117–81, also known as the National Defense Authorization Act for Fiscal Year 2022.
 - Policies and procedures established in this DTM supplement DoD Instruction (DoDI) 1327.06 and supersede the MPLP established in the March 23, 2018 Under Secretary of Defense for Personnel and Readiness (USD(P&R)) Memorandum.
 - This DTM takes precedence over any previous DoD issuances or Service regulations as they pertain to MPLP but does not supersede DTM 22-004.
- Is effective January 4, 2023; it must be incorporated into DoDI 1327.06. This DTM will expire effective January 4, 2025.

Applicability. This DTM applies to OSD, the Military Departments (including the Coast Guard at all times, including when it is a Service in the Department of Homeland Security by agreement with that Department), the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this DTM as the “DoD Components”).

Definitions. See Glossary.

Policy.

- Active Component Service members; Reserve Component Service members performing Active Guard and Reserve duty or full-time National Guard Duty for more than 12 months consecutively; and Reserve Component Service members performing duty under a call or order to active service for more than 12 months consecutively, referred to collectively in this DTM as “members,” are covered by this policy.
- It is important for the development of military families that members be able to care for their newborn, adopted, or placed child or children, all of whom are referred to in this DTM as “child.” Unit commanders must balance the needs of the unit with the needs of the member to maximize opportunity to use parental leave.
 - Members who give birth will be authorized 12 weeks of parental leave following a period of convalescence to care for the child.
 - Members who are the non-birth parent will be authorized 12 weeks of parental leave following the birth of their child to care for the child.
 - Members who adopt a minor child or who have a minor child placed for adoption or long-term foster care with them will be authorized 12 weeks of parental leave to care for the child.
 - Members will be afforded the opportunity to take full advantage of the MPLP consistent with their desires, operational requirements, and training workloads of their unit.
 - The MPLP must be administered in accordance with applicable laws and the policies and procedures in this DTM.

Responsibilities. See Attachment 2.

Procedures. See Attachment 3.

Releasability. Cleared for public release. Available on the Directives Division Website at <https://www.esd.whs.mil/DD/>.



Gilbert R. Cisneros, Jr.

Attachments:
As stated

ATTACHMENT 1

REFERENCES

Directive-type Memorandum 22-004, “Reserve Component Maternity Leave Program,” June 9, 2022

DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008

DoD Directive 5124.10, “Assistant Secretary of Defense for Manpower and Reserve Affairs (ASD(M&RA)),” March 14, 2018

DoD Instruction 1327.06, “Leave and Liberty Policy and Procedures,” June 16, 2009, as amended

DoD Instruction 5025.01, “DoD Issuances Program,” August 1, 2016, as amended

DoD Instruction 8260.03, “The Global Force Management Data Initiative (GFM DI),” February 19, 2014, as amended

Public Law 117-81, Section 621 “National Defense Authorization Act for Fiscal Year 2022,” December 27, 2021

Under Secretary of Defense for Personnel and Readiness Memorandum, “Parental Leave for Military Personnel in Connection with the Birth or Adoption of a Child,” March 23, 2018

United States Code, Title 1, Section 8

United States Code, Title 10

ATTACHMENT 2
RESPONSIBILITIES

1. USD(P&R). In accordance with DoDD 5124.02, the USD(P&R):

a. Ensures that implementing Military Department and the Department of Homeland Security policies and procedures regarding MPLP are uniform across the Military Services, to the extent feasible.

b. Monitors the effectiveness of Military Department policies and procedures regarding the MPLP.

2. ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS. Under the authority, direction, and control of the USD(P&R), the Assistant Secretary of Defense for Manpower and Reserve Affairs:

a. Provides overall guidance and oversight of the administration of the MPLP in accordance with DoDD 5124.10.

b. Serves as the focal point for policies related to leave and liberty in general, and the MPLP in particular.

c. Develops and maintains supporting guidance governing the MPLP as well as publications and memorandums that implement all aspects of this DTM as required, and in accordance with DoDI 5025.01.

d. Monitors DoD Component administration of the provisions of the MPLP in accordance with this DTM and works with the DoD Components to make improvements as necessary.

e. Adjudicates exception to policy requests beyond the authorities that this DTM provides.

3. SECRETARIES OF THE MILITARY DEPARTMENTS AND COMMANDANT OF THE COAST GUARD. The Secretaries of the Military Departments and the Commandant of the Coast Guard:

a. Implement the policy in this DTM in their respective Military Services.

b. Issue further Service-specific guidance in accordance with this DTM.

c. Educate their respective forces to ensure that all members understand the new benefits, including eligibility and date of implementation.

ATTACHMENT 3

PROCEDURES

1. EXTENSION OF COVERAGE.

a. A period of active service of a Reserve Component member may not be extended to permit that member to take leave authorized under the MPLP.

b. A member's period of active service may be extended following a birth when determined medically necessary by a competent medical authority.

2. PARENTAL LEAVE

a. Effective Date. The parental leave described in this DTM applies to a member when any one of these events occurs on or after December 27, 2022: the birth of a member's child, adoption of a minor child by the member, or placement of a minor child with the member for adoption or long-term foster care.

b. Parental Leave for Birth. Members will be authorized parental leave for the birth of their child and to care for the child, in accordance with Paragraphs 2.b.(1) and 2.b.(2) of this attachment:

(1) For the birth parent, 12 weeks of parental leave will be authorized following a period of convalescence from childbirth.

(a) Convalescent leave may be authorized for the recovery of the birth parent from giving birth if such leave is specifically recommended, in writing, by the health care provider of the birth parent to address a diagnosed medical condition and is approved by the unit commander. The period of convalescent leave immediately following childbirth will be taken in one increment. Such leave will begin on the first full day after the birth of the child or the date of release of the member from the hospital or similar facility where the birth took place, whichever is later.

(b) Twelve weeks of parental leave will be authorized during the 1-year period beginning on the date of birth of the child. Parental leave will be taken following any period of convalescent leave described in Paragraph 2.b.(1)(a) and in accordance with Paragraph 3 of this attachment.

(2) For the non-birth parent, 12 weeks of parental leave will be authorized during the 1-year period beginning on the date of birth of the child. If the child is born outside of marriage, the non-birth parent's parentage of the child must be established in accordance with the criteria prescribed by the Military Department concerned.

c. Parental Leave for Adoption Placement or Adoption. Members, to include dual military couples, will be authorized 12 weeks of parental leave during the 1-year period

following the date of placement of a minor child with the member for adoption, or the date of adoption of a minor child by the member.

(1) If a member (or a dual military couple) uses a surrogate and they become the legal parent(s) of a newborn child, the event will be treated as an adoption and will be authorized 12 weeks of parental leave.

(2) A member is **not** authorized an additional 12 weeks of parental leave when the placement of a minor child with the member for adoption is finalized as an adoption by the member of a minor child already residing within the member's household.

d. Parental Leave for Long-term Foster Care Placement. Members, to include dual military couples, will be authorized 12 weeks of parental leave during the 1-year period after the date of placement of a minor child with the member for long-term foster care of the placed child. A member is **not** authorized an additional 12 weeks of parental leave when the placement of a minor child with the member for long-term foster care is:

(1) Converted to a placement for adoption with the member; or

(2) Finalized as an adoption by the member of a minor child already residing within the member's household.

e. Multiple Qualifying Events. Multiple qualifying events are subject to these limitations:

(1) Multiple qualifying events that do not occur within the same 72-hour period will be treated as separate events for the allocation of parental leave. For example: A birth parent has two qualifying events separated by 50 days. The birth parent gives birth to a child, and then a minor child is placed with the birth parent for adoption 50 days later. Specifically, in this example, the birth parent's child is born on January 1 and the birth parent is released from the hospital on January 5 to begin a period of convalescent leave that ends on February 4. On February 5, the birth parent begins a 12-week period (i.e., 84 days) of parental leave. On February 20, the birth parent adopts a minor child. In this example, the birth parent used 15 days of parental leave between the two events and has 69 days of unused parental leave from the birth of the child. The birth parent is authorized an additional 15 days for the placement of the minor child to be added to the 69 days remaining from the birth of the child. Any of these days that the birth parent does not use within 1 year of the second event will be forfeited.

(2) Multiple qualifying events occurring within the same 72-hour period will be treated as a single event for the allocation of parental leave. For example: A member adopts two children separated by 48 hours. In this example, the member is authorized a total of 12 weeks (i.e., 84 days) of parental leave because the two adoptions are treated as a single adoption. Any parental leave that the member does not use within 1 year of the second adoption will be forfeited.

(3) In separate qualifying events, any new parental leave must run concurrently with any pre-existing parental leave that has not expired or been used as of the date of the new event. For example: A member adopts a minor child on March 1 and a minor child is placed

with the member for long-term foster care on September 1. The member used all 12 weeks (i.e., 84 days) of parental leave from the adoption before September 1. In this example, the member is authorized an additional 12 weeks (i.e., 84 days) of parental leave for the placement of the minor child for long-term foster care because the member used all the parental leave from the adoption before the placement event in September. Any parental leave of 12 weeks (i.e., 84 days) that the member does not use within 1 year of the placement will be forfeited.

3. TAKING PARENTAL LEAVE. Members may take parental leave in one continuous period or in increments. Parental leave may be taken together with ordinary leave.

a. Incremental Periods of Parental Leave. Parental leave may be taken in one or more increments. Increments will be taken consistent with operational requirements.

(1) Members choosing to take parental leave in more than one increment must request such proposed leave in blocks of at least 7 days each for a maximum of 12 increments and must submit such requests within the timelines established by normal Service procedures and/or the unit commander. If the commander disapproves the request, the member may appeal the decision through their normal Service procedures.

(2) Commanders are encouraged to approve requests for incremental periods of parental leave. If the unit commander does not approve taking incremental parental leave, they must allow the member to take the full 12 weeks of parental leave in one continuous period.

b. Combining Types of Leave. Members may take ordinary (i.e., chargeable) leave in between increments of parental leave or consecutively with parental leave. No particular order or sequence of such leave is required.

4. DEFERRAL OF PARENTAL LEAVE.

a. Operationally deployed members must normally defer parental leave until their deployment is completed. However, in exceptional and compelling circumstances, a unit commander may approve parental leave if the unit commander determines that the unit's readiness will not be adversely impacted.

b. Members who are required to defer parental leave because of such deployment may be authorized an extension of the 1-year parental leave period as described in Paragraph 6 of this attachment.

5. UNUSED PARENTAL LEAVE.

a. Any amount of parental leave remaining unused at the time of separation from active service will be forfeited. Such forfeiture does not apply to a member who qualifies for Reserve Component maternity leave as described in Paragraph 5 of DTM-22-004.

b. Parental leave may not be transferred to create a shared benefit, even between members of a dual military couple.

c. Parental leave that is not taken before the expiration of 1 year from the date of a birth of the child, adoption of a minor child by the member, or placement of a minor child with the member for adoption or long-term foster care will be forfeited, unless Paragraph 6 of this attachment applies.

d. Any parental leave that this DTM authorizes for a Reserve Component member that is not taken by the time they are separated from active service will be forfeited unless such forfeiture does not apply as described in Paragraph 5.a. of this attachment:

(1) The period of active service of a Reserve Component member may not be extended solely to permit them to take the leave that this DTM authorizes.

(2) Reserve Component members will not be recalled to active service to use any category of leave, either singly or in combination, that this DTM authorizes.

e. If the placement of a minor child with the member for adoption or long-term foster care is terminated, any amount of parental leave remaining unused on the date of such termination will be forfeited. Such forfeiture does not apply if the placement of the minor child for adoption or long-term foster care is finalized as an adoption by the member.

6. EXTENSION OF THE 1-YEAR PARENTAL LEAVE PERIOD.

a. A member is authorized to take parental leave after the 1-year period, if they would ordinarily lose unused parental leave at the end of the 1-year period because of one or more of these conditions:

(1) A member's participation in a deployment and/or military exercise for a consecutive period of 90 or more days within the 1-year period concerned.

(2) A member's attendance at an in-residence professional military education course for a consecutive period of 90 or more days within the 1-year period concerned.

(3) A member's execution of permanent change-of-station orders with temporary duty en route to a new permanent duty station of 90 or more consecutive days that would interfere with the taking of parental leave within the 1-year period concerned.

(4) A member conducted routine temporary duty away from the permanent duty station for a consecutive period of 90 or more days within the 1-year period.

(5) A member was hospitalized or in an in-patient status for 90 or more consecutive days within the 1-year period concerned.

(6) A Secretary of a Military Department or Commandant of the Coast Guard, whoever applicable, may approve other extenuating circumstances, on a case-by-case basis, that exceed a consecutive period of 90 or more days within the 1-year period concerned.

b. For such qualifying circumstances outlined in Paragraph 6.a., the 1-year period will be extended on a day-for-day basis based on the period of such circumstance.

7. NON-CHARGEABLE LEAVE FOR SURROGACY OR CHILD PLACED FOR ADOPTION.

a. A member who either places their child for adoption or has their parental rights terminated by consent or court order is not eligible for parental leave. However, the member may be authorized convalescent leave as recommended by the DoD health care provider in accordance with medical practice standards.

b. A member whose spouse meets the conditions of Paragraph 7.a. is not authorized parental leave.

8. LEAVE FOLLOWING A STILLBIRTH OR MISCARRIAGE. In cases when a member experiences a stillbirth or miscarriage, the DoD health care provider may recommend convalescent leave in accordance with medical practice standards. In such cases, neither the member nor their spouse (if a member) is eligible for parental leave. However, either may be authorized emergency leave.

9. LEAVE FOLLOWING DEATH OF A CHILD. Parental leave eligibility, or the parental leave, if started, terminates upon the death of the child, adopted child, or child placed for adoption or long-term foster care. However, in such cases, members may be transitioned to convalescent leave if recommended by a DoD health care provider in accordance with medical practice standards or transitioned to other types of leave such as emergency leave, as appropriate.

10. TRANSITIONING OF PRIMARY AND SECONDARY CAREGIVERS TO THE EXPANDED MPLP.

a. Parental leave authorized by this DTM also applies to members who have unused caregiver leave or maternity convalescent leave by December 27, 2022, if such unused leave was authorized by the March 23, 2018 USD(P&R) Memorandum. In such cases, the member is authorized a total of 12 weeks of parental leave as described in Paragraph 2 of this attachment, but the member's unit commander must approve the taking of this parental leave pursuant to Paragraph 3 of this attachment. All provisions in this DTM apply to such members.

b. Any used caregiver leave of a member when combined with the parental leave authorized by this DTM must not exceed a total of 12 weeks. A birth parent who is in a maternity convalescent status as of December 27, 2022, is authorized to continue in such a status until the birth parent completes the approved period of maternity convalescent leave. Any

maternity convalescent leave granted to a birth parent by December 27, 2022 is assumed to meet the requirements for convalescent leave authorized in this issuance.

c. Such leave that remains unused within 1 year of the qualifying event will be forfeited unless Paragraph 6 of this attachment applies.

GLOSSARYPART I. ABBREVIATIONS AND ACRONYMS

ACRONYM	MEANING
DoDD	DoD directive
DoDI	DoD instruction
DTM	directive-type memorandum
MPLP	Military Parental Leave Program
U.S.C.	United States Code
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

PART II. DEFINITIONS

These terms and their definitions are for the purpose of this issuance.

TERM	DEFINITION
adoption	An adoption that is arranged by a “qualified adoption agency” as that term is defined in Section 1052 of Title 10, U.S.C.
birth parent	The member who gives birth.
child	Defined in Section 8 of Title 1, U.S.C.
convalescent leave	A period of authorized absence granted to members under medical care, which is part of the treatment prescribed for recuperation and convalescence. It is also referred to as “sick leave.”
foster care	A 24-hour substitute care for children placed away from their parents or guardian and for whom the State agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, childcare institutions, and pre-adoptive homes. See also the term and definition of placement for long-term foster care.
military exercise	A military maneuver or simulated wartime operation involving planning, preparation, and execution that is carried out for the purpose of training and evaluation.
miscarriage	Loss of pregnancy in the uterus.

TERM	DEFINITION
multiple qualifying events	When a member experiences any of these events within 1 year: Giving birth to more than one child from a multiple pregnancy; giving birth to a child from a back-to-back pregnancy, adopting more than one minor child; having more than one minor child placed with the member for adoption or long-term foster care; or a combination of any of these events.
operational deployment	An event is an operational deployment if it is recorded in the joint capabilities requirement manager or contained in the annual Global Force Management Data Initiative-compliant tool under the Global Force Management Data Initiative reporting structure specified in DoDI 8260.03. Forces deployed pursuant to Executive orders, operational plans, or concept plans approved by the Secretary of Defense are also considered deployed. An operational deployment begins when most of a unit or detachment, or an individual not attached to a unit or detachment leaves a homeport, station, or base, or leaves from an en route training location to meet a Secretary of Defense-approved operational requirement. A deployment ends when most of the unit or detachment, or an individual not attached to a unit or detachment, returns to their homeport, station, or base.
parental leave	A period of non-chargeable leave granted to a member following the birth of the member's child, adoption of a minor child by the member, or placement of a minor child with the member for adoption or long-term foster care in order to care for the child.
placement for adoption	The action of placing a minor child with the prospective adoptive parents in which there is a contractual agreement between the prospective adoptive parents and the qualifying adoption agency occurring before the legal finalization of the adoption.
placement for long-term foster care	The action of placing a minor child in foster care in which there is an expectation and contractual agreement between the foster parents and the child-placing agency that the child remain in the home of the foster parents for a minimum of 24 months.
surrogacy	A legal agreement whereby a person agrees to undergo pregnancy to deliver a child for another party to whom they will surrender and transfer the child for custody and care.

MILPERSMAN 1050-180 CONVALESCENT LEAVE

Responsible Office	OPNAV (N130)	Phone:	DSN COM	664-5475 (703) 604-5475
		E-mail:		NXAG N130C@navy.mil

MyNavy Career Center	Phone: Toll Free	1-833-330-MNCC(6622)
	E-mail:	askmncc.fct@navy.mil
	MyNavy Portal:	https://my.navy.mil/

References	(a) DoD Directive 1327.06 of 16 June 2009 (b) Directive-type Memorandum 23-001 of 4 January 2023 (c) DON Guidance for Expansion of the Military Parental Leave Program of 17 January 2023
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1. **Authority to Grant Convalescent Leave.** Unless otherwise indicated, convalescent leave will be granted only when recommended by Chief, Bureau of Medicine and Surgery, through action taken upon the report by a medical board or the recommended findings of a physical evaluation board, or higher authority.

2. **Who May Grant Convalescent Leave.** Per reference (a), the following individuals in positions of authority may grant convalescent leave to active duty Navy patients subject to a set of conditions:

a. A member's commanding officer (CO) (upon advice of attending physician);

b. Commanders of Navy, Army, or Air Force medical facilities, for personnel hospitalized therein; or

c. The CO of the nearest naval hospital for personnel hospitalized in U.S. Public Health Service hospitals or civilian hospitals; and

d. Managers of Veterans Administration hospitals within the United States or Puerto Rico, may grant convalescent leave to active duty Navy patients, with or without reference to a medical board, a physical evaluation board, or higher authority, provided the conditions stated below are met.

3. **Conditions for Granting Convalescent Leave.** All of the following conditions must be met before convalescent leave may be granted:

a. The convalescent leave is being granted subsequent to and because of a period of hospitalization. Hospitalization is defined as formal admission to a medical treatment facility.

b. The member is not awaiting disciplinary action or separation from the Service for medical or administrative reasons.

c. The medical officer in charge (OIC) of the case considers the convalescent leave to be beneficial to the patient's health.

d. The medical OIC of the case certifies:

(1) the patient is not fit for duty,

(2) the patient will not need hospital treatment during the convalescent leave period contemplated, and

(3) such leave will not delay final disposition of the case.

4. **Providing Recovery After Birth.** Per reference (b), to provide an appropriate recovery period for Service members who give birth, convalescent leave may be authorized if such leave is specifically recommended, in writing, by the health care provider of the birth parent to address a diagnosed medical condition and is approved by the CO. Convalescent leave for childbirth will begin on the first full day after the birth of the child, or the date of release of the member from the hospital or similar facility where the birth took place, whichever is later. The period of convalescent leave will be taken in one increment. Per reference (c), convalescent leave for childbirth may be authorized for greater than 30 days if appropriate for the medical condition and approved by the CO.

5. **Maximum Allowable Leave Rate**

a. When considered necessary by the attending physician, convalescent leave may be granted to a member on active duty by the member's CO or the hospital's CO for a period not to exceed 30 days per period of hospitalization.

b. In instances where care is not provided by a federal military hospital, up to 30 days convalescent leave may be granted by the member's CO upon the recommendation of the attending physician.

c. Care must be exercised to keep convalescent leave to the minimum amounts required to enable recuperation. Convalescent leave that exceeds 30 days must be approved by the Secretary of the Navy unless delegated to a lower echelon. Approval for convalescent leave for childbirth will be per paragraph 4 above.

6. **Exercising Care in Granting Leave**

a. Care must be exercised in granting convalescent leave to limit the duration of such leave to that which is essential in relation to

- (1) diagnosis,
- (2) prognosis,
- (3) estimated duration of treatment, and
- (4) probable final disposition of the patient.

b. If considered necessary, the member's CO may require patients receiving care at a facility other than a federal military hospital be examined by a military medical treatment facility prior to the authorization of additional convalescent leave.

c. Convalescent leave must not delay processing of medical boards or administrative disposition of the member. Members awaiting physical evaluation board (PEB) action may be placed on convalescent leave, but must remain in the local area. Only the PEB may grant exceptions to this policy.

7. **Granting Leave to Prisoners of War (POW)**. The Office of the Chief of Naval Operations Military Pay and Compensation Branch (OPNAV N130) may grant convalescent leave to repatriated POW upon their transfer or detachment to the United States with or without action by a medical board or PEB.