

ALARACT 097/2016

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UNCLAS F O U O

SUBJ/ALARACT 097/2016 - BASIC ALLOWANCE FOR HOUSING (BAH), OVERSEAS HOUSING ALLOWANCE (OHA), AND COST OF LIVING (COLA) SECRETARIAL WAIVER GUIDANCE

THIS ALARACT MESSAGE HAS BEEN TRANSMITTED BY JSP ON BEHALF OF HQDA
DCS G-1

NARR: THIS ALARACT REPLACES ALARACTS 014/2015, 324/2012, AND
021/2008.

1. REFERENCES:

1.A. JOINT TRAVEL REGULATION (JTR).

1.B. MEMORANDUM, ASSISTANT SECRETARY OF THE ARMY (MANPOWER AND RESERVE AFFAIRS), 06 MAY 2016, SUBJECT: DELEGATION OF BASIC ALLOWANCE FOR HOUSING (BAH), OVERSEAS HOUSING ALLOWANCE (OHA), AND COST OF LIVING (COLA) SECRETARIAL WAIVER AUTHORITY.

1.C. MEMORANDUM, ASSISTANT SECRETARY OF THE ARMY (MANPOWER AND RESERVE AFFAIRS), 19 OCTOBER 2012, SUBJECT: POLICY UPDATE FOR DELEGATION OF BASIC ALLOWANCE FOR HOUSING (BAH) SECRETARIAL WAIVER AUTHORITY.

1.D. MEMORANDUM, DEPUTY CHIEF OF STAFF, G-1, 22 JUNE 2016, SUBJECT: DELEGATION OF BASIC ALLOWANCE FOR HOUSING (BAH), OVERSEAS HOUSING ALLOWANCE (OHA), AND COST OF LIVING (COLA) SECRETARIAL WAIVER AUTHORITY.

2. PURPOSE. THIS MESSAGE CLARIFIES SECRETARIAL WAIVER GUIDANCE FOR SOLDIERS TO BE CONSIDERED TO RECEIVE BAH, OHA, AND COLA AT OTHER THAN THE PERMANENT DUTY STATION (PDS) LOCATION UNDER CERTAIN CIRCUMSTANCES. THE PURPOSE OF THIS GUIDANCE IS TO STABILIZE THE SOLDIER'S DEPENDENTS FOR A RELATIVELY SHORT PERIOD OF TIME WHEN CIRCUMSTANCES REQUIRE DEPENDENTS TO RESIDE SEPARATELY. THIS INSTRUCTION HAS BEEN REVIEWED BY THE PER DIEM, TRAVEL AND TRANSPORTATION ALLOWANCE COMMITTEE STAFF IN ACCORDANCE WITH DODD 5154.31, VOLUME 5, DATED 8 OCTOBER 2015, AS PDTATAC CASE RR16011.

3. INTENT. THIS GUIDANCE IS INTENDED TO PROVIDE TEMPORARY ASSISTANCE TO SOLDIERS AND THEIR FAMILIES TO EASE THE TRANSITION OF A PCS MOVE TO THE NEW PERMANENT DUTY STATION IN CONUS OR OCONUS.

4. APPLICABILITY. THIS GUIDANCE APPLIES TO ACTIVE DUTY SOLDIERS (TITLE 10 AND TITLE 32 U.S. CODE) AUTHORIZED BAH, OHA, OR COLA AT THE WITH-DEPENDENT RATE. THIS GUIDANCE APPLIES TO ACTIVE DUTY SOLDIERS WITH DEPENDENTS WHOSE DEPENDENTS RESIDE WITH THEM AT THE PREVIOUS DUTY STATION PRIOR TO DEPARTING ON PCS OR AT A GOVERNMENT APPROVED DESIGNATED

LOCATION. SOLDIERS WITHOUT DEPENDENTS MAY ONLY APPLY FOR A WAIVER UNDER A NO/LOW COST MOVE.

5. GUIDANCE. TO BE ELIGIBLE FOR CONSIDERATION OF A WAIVER, SOLDIER'S DEPENDENTS MUST RESIDE WITH THEM PRIOR TO PCS UNLESS THE MEMBER IS SERVING AN UNACCOMPANIED TOUR. THE DEPENDENTS MUST CONTINUE TO RESIDE AT THE PREVIOUS DUTY STATION OR GOVERNMENT-APPROVED DESIGNATED PLACE. PREVIOUS DUTY STATION IS DEFINED AS THE LOCATION OF THE LAST DUTY STATION IN WHICH SHIPMENT OF HOUSEHOLD GOODS AT GOVERNMENT EXPENSE WAS AUTHORIZED. DESIGNATED PLACE IS DEFINED AS THE LOCATION TO WHICH THE GOVERNMENT AUTHORIZED MOVEMENT OF DEPENDENTS IN ACCORDANCE WITH REFERENCE 1A.

6. THE FOLLOWING CIRCUMSTANCES QUALIFY FOR CONSIDERATION OF A SECRETARIAL BAH WAIVER:

6.A. LOW/NO COST PCS. SOLDIERS WHO REQUEST A WAIVER UNDER THIS CATEGORY MUST BE REASSIGNED UNDER A LOW COST OR NO COST PCS. SOLDIERS MAY CONTINUE TO RECEIVE THE HIGHER BAH RATE WHEN THE ASSIGNMENT ORDERS AUTHORIZE A NO/LOW COST MOVE AND SHIPMENT OF HOUSEHOLD GOODS AND MOVEMENT OF DEPENDENTS ARE NOT AUTHORIZED, THE MOVEMENT DESIGNATOR CODE IN THE ORDER IDENTIFIES A LOW/NO COST MOVE, AND THE MEMBER ESTABLISHED THE RESIDENCE WHILE ASSIGNED TO THE PREVIOUS DUTY STATION. SOLDIERS MUST HAVE MADE THEIR HOUSING DECISION BASED ON THE PREVIOUS ASSIGNMENT, MUST NOT MOVE HHG OR DEPENDENTS DURING THE WAIVER PERIOD, AND MUST CONTINUE TO COMMUTE FROM THE SAME RESIDENCE. SUPPORTING DOCUMENTATION SUCH AS THE HUD SETTLEMENT STATEMENT OR THE ORIGINAL LEASE AGREEMENT MUST BE SUBMITTED.

6.B. PROFESSIONAL MILITARY EDUCATION OR TRAINING (PME). SOLDIERS REQUESTING BAH AND COLA WAIVERS FOR DEPENDENTS' LOCATION OR LAST PCS MUST SUBMIT WAIVER REQUESTS IN ACCORDANCE WITH THIS MESSAGE. THIS INCLUDES ALL RESERVE, NATIONAL GUARD, AND ACTIVE GUARD RESERVE REQUESTING BAH WAIVERS. OTHER ACTIVE DUTY SOLDIERS APPLY FOR BAH WAIVERS BY SUBMITTING THEIR REQUESTS TO THE HUMAN RESOURCES COMMAND, FORT KNOX: (ENLISTED ONLY) USARMY.KNOX.HRC.MBX.EPMD-PSABRANCH@MAIL.MIL; (OFFICERS ONLY) USARMY.KNOX.HRC.MBX.OPMD-OPD-PCS-POLICY@MAIL.MIL. PME OR TRAINING COURSES MAY NOT EXCEED 12 MONTHS IN LENGTH. WAIVERS ARE AUTHORIZED FOR BAH LOCATIONS ONLY. SOLDIERS MUST BE PCSING FROM ONE DUTY STATION IN THE UNITED STATES TO A PME OR TRAINING COURSE LOCATED IN THE UNITED STATES, INCLUDING ALASKA AND HAWAII. PCS ORDERS MUST STATE THE COURSE TITLE, START AND END DATES.

6.C. EIGHT ADDITIONAL DISTINCT CATEGORIES ARE AUTHORIZED FOR CONSIDERATION UNDER THIS GUIDANCE WHEN CIRCUMSTANCES REQUIRE DEPENDENTS TO RESIDE SEPARATELY FROM THE SOLDIER:

6.C.1. DEPLOYMENT. SOLDIERS WHO RECEIVE PCS ORDERS TO UNITS DEPLOYING WITHIN 12 MONTHS OF THEIR ARRIVAL TO THE NEW DUTY STATION, INCLUDING INDIVIDUAL WORLDWIDE INDIVIDUAL AUGMENTATION SYSTEM (WIAS) TASKERS MAY BE CONSIDERED. SOLDIERS MUST DEPLOY WITHIN 12 MONTHS OF ARRIVAL TO THE UNIT. WAIVERS WILL BE CONSIDERED FOR SOLDIERS RETURNING FROM AN OVERSEAS ASSIGNMENT WHO MUST ACTIVATE THEIR COMMAND-APPROVED FAMILY CARE PLAN OR RELOCATE THEIR FAMILY TO THE HOME OF RECORD DUE TO THE SOLDIER'S ASSIGNMENT TO A UNIT THAT IS SCHEDULED TO DEPLOY WITHIN 12 MONTHS OF THEIR ARRIVAL TO THE DUTY STATION. A COPY OF THE INDIVIDUAL DEPLOYMENT ORDER OR A MEMO SIGNED BY A FIELD GRADE OFFICER AT THE

GAINING COMMAND VERIFYING THE SOLDIER'S DEPLOYMENT MONTH, YEAR, AND DEPLOYMENT PERIOD MUST ACCOMPANY THE REQUEST.

6.C.2. DEPENDENT EDUCATION. SOLDIERS WHO HAVE DEPENDENTS IN EDUCATIONAL PROGRAMS THEY DO NOT WISH TO DISRUPT MAY BE CONSIDERED. UNDER THIS CATEGORY, DEPENDENT CHILDREN WILL BE CONSIDERED IN ORDER TO ALLOW THEM TO COMPLETE THE CURRENT GRADE SCHOOL YEAR, OR JUNIOR AND SENIOR HIGH SCHOOL GRADUATION REQUIREMENTS. DEPENDENT SPOUSES WILL BE CONSIDERED IN ORDER TO ALLOW THEM TO COMPLETE THEIR CURRENT PAID SCHOOL TERM. A SIGNED LETTER FROM THE EDUCATIONAL INSTITUTION VERIFYING ENROLLMENT, END OF SCHOOL YEAR, AND THE ANTICIPATED GRADUATION DATE MUST ACCOMPANY THE REQUEST.

6.C.3. SPOUSE EMPLOYMENT. SPOUSES WHO REQUIRE A TEMPORARY DELAY TO TRAVEL TO THE NEW DUTY STATION DUE TO CONTRACTUAL OBLIGATION, PROFESSIONAL LICENSE RECIPROCITY AGREEMENTS, OR OTHER CIRCUMSTANCES THAT MAY CAUSE ADDITIONAL FINANCIAL PENALTIES DUE TO EARLY TERMINATION, MAY BE CONSIDERED. SOLDIERS REQUESTING A WAIVER DUE TO CONTRACTUAL OBLIGATION, PROFESSIONAL LICENSE RECIPROCITY AGREEMENTS, OR OTHER CIRCUMSTANCES THAT MAY CAUSE ADDITIONAL FINANCIAL PENALTIES DUE TO EARLY TERMINATION OF EMPLOYMENT MUST VERIFY THAT SPOUSES HAVE ATTEMPTED TO SECURE EMPLOYMENT AT THE NEW DUTY STATION VIA SPOUSE PREFERENCE OR OTHER EMPLOYMENT PROGRAMS SUPPORTED BY THE ARMY AND DOD, SUCH AS MILITARY ONESOURCE. A LETTER SUBSTANTIATING EMPLOYMENT FROM THE EMPLOYER MUST ACCOMPANY THE REQUEST. WAIVERS FOR EMPLOYMENT INITIATED OR CONTINUED AFTER THE SOLDIER RECEIVES PCS ORDERS TO THE NEW DUTY STATION WILL NOT BE CONSIDERED.

6.C.4. EXCEPTIONAL FAMILY MEMBER PROGRAM (EFMP) OR MEDICAL CONSIDERATIONS. SOLDIERS WHO HAVE DEPENDENTS WITH EXCEPTIONAL NEEDS OR MEDICAL CONSIDERATIONS THAT WARRANT LEAVING THEM AT THE PREVIOUS DUTY STATION LOCATION TEMPORARILY DUE TO CONTINUITY OF CARE OR SERVICES THAT CANNOT READILY BE PROVIDED MAY BE CONSIDERED. DEPENDENTS MUST BE ENROLLED IN THE EFMP, IF REQUIRED. EFMP CONSIDERATIONS MUST INCLUDE A LETTER FROM THE GAINING STATION'S EFMP COORDINATOR VERIFYING THE MEDICAL NECESSITY OF REMAINING AT THE PREVIOUS DUTY STATION. OTHER MEDICAL CONSIDERATIONS MUST INCLUDE A LETTER FROM COMPETENT MILITARY MEDICAL AUTHORITY ADDRESSING CONTINUITY OF CARE, AND MUST BE TEMPORARY IN NATURE.

6.C.5. ADVANCE TRAVEL OF DEPENDENTS. SOLDIERS WHO HAVE DEPENDENTS AND RECEIVE PCS, SEPARATION, OR RETIREMENT ORDERS AND DESIRE TO RELOCATE THEM FROM THE PREVIOUS DUTY STATION OR DESIGNATED PLACE TO THE PCS, SEPARATION, OR RETIREMENT LOCATION IN ADVANCE OF THE SOLDIER REPORTING TO THE NEXT DUTY STATION OR ARRIVING AT THE SEPARATION OR RETIREMENT LOCATION MAY BE CONSIDERED. THE PCS, SEPARATION, OR RETIREMENT LOCATION MUST BE STATED IN THE ORDER.

6.C.6. ACQUIRED DEPENDENT. SOLDIERS WHO ACQUIRE A DEPENDENT THROUGH MARRIAGE, BIRTH, OR ADOPTION AFTER REPORTING TO THE NEW DUTY STATION THAT IS NOT AUTHORIZED TO TRAVEL TO THE DUTY LOCATION AT GOVERNMENT EXPENSE AND WISHES TO RECEIVE A HOUSING ALLOWANCE AT THE DEPENDENT'S RESIDENCE LOCATION RATHER THAN THE DUTY STATION MAY BE CONSIDERED. A VALID MARRIAGE CERTIFICATE, BIRTH CERTIFICATE, OR ADOPTION ORDER MUST ACCOMPANY THE REQUEST.

6.C.7. SOLDIERS ASSIGNED TO KOREA. SOLDIERS ASSIGNED TO DONGDUCHEON AND UIJUNGBU, KOREA (AREA I), ON A TWO YEAR, ACCOMPANIED COMMAND SPONSORED TOUR SERVING IN A NON-KEY BILLET WHO ELECT TO BRING THEIR DEPENDENTS WITH THEM, MAY BE AUTHORIZED OHA FOR OTHER THAN THE SOLDIER'S PERMANENT DUTY STATION. THE COMMAND MUST CERTIFY THAT THE MEMBER'S DEPENDENTS HAVE A LEGITIMATE OHA LEASE FOR AN AREA IN KOREA OTHER THAN DONGDUCHEON AND UIJUNGBU (AREA I) AND ARE NOT RESIDING AT SOLDIER'S PERMANENT DUTY STATION. A COPY OF THE LEASE AGREEMENT AND CERTIFIED DD FORM 2367 MUST ACCOMPANY THE REQUEST.

6.C.8. COLA ONLY. SOLDIERS WHO DESIRE TO CONTINUE TO RECEIVE COLA FOR THE OLD DUTY STATION WHEN THE DEPENDENTS REMAIN THERE BECAUSE OF THE SOLDIER'S TDY OR UNACCOMPANIED/DEPENDENT RESTRICTED TOUR, INCLUDING SOLDIERS PARTICIPATING IN THE HOMEBASE ADVANCE ASSIGNMENT PROGRAM (HAAP). STATION ALLOWANCES FOR APPROVED WAIVERS IN OCONUS LOCATIONS, SUCH AS TEMPORARY LODGING ALLOWANCE (TLA), ARE AUTHORIZED WITHOUT SEPARATE ACTION.

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

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

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

10. TO REQUEST EXCEPTIONS, SOLDIERS MAY SUBMIT REQUESTS ELECTRONICALLY TO USARMY.PENTAGON.HQDA-DCS-G-1.MBX.DAPE-PRC@MAIL.MIL. ADDRESS MAILED REQUESTS TO HEADQUARTERS DEPARTMENT OF THE ARMY, OFFICE OF THE DEPUTY CHIEF OF STAFF, G-1, ATTN: DAPE-PRC, 300 ARMY PENTAGON, WASHINGTON, DC 20310-0300. THE FOLLOWING DOCUMENTS MUST BE INCLUDED IN THE WAIVER REQUEST PACKET:

10.A. A SIGNED MEMO FROM THE SOLDIER REQUESTING THE WAIVER WITH A STATED REASON. FOR EXAMPLE: 'I, RANK, FIRST NAME, LAST NAME, SSN, REQUEST A BAH/OA/COLA WAIVER TO RECEIVE BAH/OHA/COLA AT THE WITH-DEPENDENT RATE BASED ON MY DEPENDENT'S LOCATION OR PREVIOUS DUTY STATION (NOTE: SOLDIERS CANNOT APPLY FOR THEIR DEPENDENT'S LOCATION UNLESS PREVIOUSLY RECEIVING THAT DEPENDENT'S LOCATION BAH/OHA/COLA RATE, UNLESS ACTIVATING A COMMAND-APPROVED FAMILY CARE PLAN AS DISCUSSED IN PARA. 6.C.1 ABOVE) DUE TO CHILDREN COMPLETING THE SCHOOL YEAR. MY DEPENDENTS WILL REMAIN UNTIL THE SCHOOL YEAR ENDS IN [DATE]. I AGREE TO LIMITED PCS ENTITLEMENTS TO INCLUDE, IF OTHERWISE AUTHORIZED, THE WITHOUT-DEPENDENT RATE DISLOCATION ALLOWANCE (DLA), TEMPORARY LODGING EXPENSE (TLE), AND PER DIEM. I FURTHER AGREE TO SHIP ONLY THE UNACCOMPANIED BAGGAGE WEIGHT

ALLOWANCE TO INCLUDE MY PROFESSIONAL BOOKS, PAPERS, AND EQUIPMENT, AND THAT I HAVE NOT EXCEEDED NOR WILL I EXCEED MY UNACCOMPANIED WEIGHT ALLOWANCE LIMITATION. I UNDERSTAND THAT I AM NOT ENTITLED TO FAMILY SEPARATION ALLOWANCE (FSA) OR FAMILY SEPARATION HOUSING (FSH). MY PROJECTED DEPARTURE DATE TO NEW PERMANENT DUTY STATION IS [DATE.]'

10.B. PCS ORDERS ASSIGNING THE SOLDIER TO THE NEW PDS. REQUESTS FOR ORDERS (RFO) ARE NOT ACCEPTABLE.

10.C. PCS ORDERS ASSIGNING THE SOLDIER TO THE OLD PDS. REQUESTS FOR ORDERS (RFO) ARE NOT ACCEPTABLE.

10.D. SUPPORTING DOCUMENTATION BASED ON THE CATEGORY TO BE CONSIDERED IN ACCORDANCE WITH PARAGRAPH 6.

10.E. CURRENT LEAVE AND EARNINGS STATEMENT (LES).

10.F. OTHER SUPPORTING DOCUMENTATION AS REQUIRED BY HQDA.

11. ENLISTED SOLDIERS BELOW THE GRADE OF E-7 OR OFFICERS BELOW THE GRADE OF O-4 MUST HAVE THEIR REQUESTS ENDORSED WITH A SIGNATURE BY THE FIRST FIELD GRADE OFFICER IN THEIR CHAIN OF COMMAND.

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

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

14. WAIVERS APPROVED UNDER THIS GUIDANCE ARE EFFECTIVE THE DATE REQUESTS ARE RECEIVED AT HQDA, DCS G-1 OR THE DATE THE WAIVER IS APPROVED. WAIVERS WILL EXPIRE AS SPECIFIED IN THE APPROVAL MEMO. WAIVERS MAY BE EXTENDED ON A CASE-BY-CASE BASIS BASED ON THE MERITS OF THE REQUEST.

15. POINT OF CONTACT FOR THIS MESSAGE IS HQDA, DCS G-1, COMPENSATION & ENTITLEMENTS DIVISION: (703) 692-6819, DSN (312) 222-6819; (703) 692-5256, DSN (312) 222-5256; (703) 692-5945, DSN (312) 222-5945. SUBMIT INQUIRIES TO THE EMAIL ADDRESS SPECIFIED IN PARAGRAPH 10.

16. THIS ALARACT MESSAGE EXPIRES ON 4 NOVEMBER 2017.