



OFFICE OF THE JUDGE ADVOCATE GENERAL **LEGAL ASSISTANCE POLICY DIVISION**



COMPASSIONATE REASSIGNMENT

Compassionate actions include reassignment, deletion, or deferral from orders. They are granted in response to a family emergency, hardship, or other situation in which a Soldier's presence elsewhere is warranted. There are two types of compassionate request: temporary (resolved within a year, and not expected to be resolved within a year).

Compassionate reassignment of a Soldier to another duty station prior to his or her scheduled permanent change of station (PCS) may be authorized when extreme family problems exist and are temporary in nature (to be resolved in less than one year). Reassignment may also be authorized when illness, death, or extreme and unusual circumstances necessitate the Soldier's presence with his/her family and no other possibility exists for resolution of family difficulties.

Compassionate deletions or deferments of overseas assignments may be authorized when extreme or unusual problems require the presence of the Soldier in the U.S. for a relatively short period of time. Approval normally is not granted if the problem is chronic in nature and cannot be resolved within a reasonable period of time. Consideration for reassignment may be afforded to Soldiers who have extreme family problems that are not expected to be resolved within a year.

CRITERIA FOR COMPASSIONATE REASSIGNMENT

Compassionate consideration is given for problems that are irresolvable through leave, correspondence, use of a power of attorney, or the assistance of family members or other parties. Compassionate consideration is only given for family members. The requested installation must have a valid MOS and grade authorization. This criterion can be waived by PERSCOM in certain circumstances.

The following generally are not considered valid bases for a compassionate request:

- Soldier's desire to be in a new area.
- Divorce or separation resulting from family separation due to military requirements.
- Legal actions or court appearances for matters relating to divorce and/or child custody issues.
- Sole parenthood problems expected to be resolved by family members joining the Soldier at the duty station.
- Minor allergies suffered by family members due to climatic conditions
- Home ownership or housing shortage issues.
- Financial problems

REVIEW AND APPROVAL

A General Court-Martial Convening Authority (typically, an installation commander in the rank of O-6 or above) reviews applications. Requests that do not meet standards for compassionate actions are automatically disapproved.

SUPPORTING DOCUMENTATION REQUIRED FOR COMPASSIONATE REQUESTS

The type of problem alleged determines the type of documentation required.

- 1) *Medical Problems.* An attending physician's signed statement providing the specific medical diagnosis and prognosis, including the date of onset, past and anticipated periods of hospitalization, periods of convalescence, and anticipated life expectancy for terminal cases.
- 2) *Legal Problems.* A signed statement from a licensed attorney describing the problem, and the reasons why solutions other than reassignment are unacceptable. If applicable, a copy of a court order, divorce decree, or other documents must be submitted.
- 3) *Rape/Child Abuse.* Statements from police, social service agencies, and/or examining physicians.
- 4) *Marital and Dependent Status.* A statement by the Soldier, witnessed by an officer, specifying that the Soldier has been advised that travel for dependents at Government expense is unauthorized.
- 5) *Other Problems.* Supporting statements from responsible persons (e.g., clergymen, social workers, etc.) who have personal knowledge of the problem.

APPLICATION

Soldiers must submit their applications through their Chain of Command on DA Form 3739, *Application for Compassionate Actions*. The governing regulation is Army Regulation 614-200, Chapter 5, Section III.

For more information on compassionate reassignments, please contact your local legal assistance office to speak with an attorney.

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