

**VOLUME 7A, CHAPTER 26: “HOUSING ALLOWANCES”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (\*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by ***bold, italic, blue, and underlined font***.

**Blue font** This is the initial publication.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	This is a new chapter. The policy for Housing Allowances was relocated from the Joint Travel Regulations, Chapter 10.	New Chapter

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## \*CHAPTER 26

HOUSING ALLOWANCES

## 2601 GENERAL

## 260101. Purpose

This chapter establishes policy pertaining to housing allowances. Housing allowances include Basic Allowance for Housing (BAH), Overseas Housing Allowance (OHA), and Family Separation Housing (FSH) Allowance. Entitlement eligibility is subject to the conditions set forth in this chapter.

## 260102. Authoritative Guidance

This chapter transitions policy previously cited in the Joint Travel Regulations (JTR), Chapter 10. Title 37, United States Code (U.S.C.), section 403 provides the statutory requirements for this chapter.

## 2602 INTRODUCTION

A Service member on active duty entitled to basic pay is authorized a housing allowance based on his or her grade, rank, location, and whether he or she has any dependents. A housing allowance generally is not authorized for a Service member who is assigned to appropriate and adequate Government quarters (see Section 2608 for Government quarters). If a Service member is on excess leave, neither BAH nor OHA accrues for any excess-leave period. If a Service member is absent without leave which is not excused as unavoidable, neither BAH nor OHA is authorized.

Table 26-1. Types of Housing Allowances

	<b>Allowance</b>	<b>Description</b>
<b>1</b>	BAH	Paid for housing in the United States. The BAH rate is based on median housing costs and is paid independently of a Service member's actual housing costs.
<b>2</b>	BAH Differential (BAH-Diff)	Paid to a Service member assigned to single-type Government quarters and who qualifies for a BAH solely due to paying sufficient child support.
<b>3</b>	Partial Housing Allowance (BAH-Partial)	Paid to offset the raise that was reallocated from basic pay to housing between 1980 and 1981. It is paid when a Service member without a dependent is assigned to single-type quarters, or is on either field or sea duty, and not authorized to receive a BAH or an OHA. BAH-Partial is not authorized during proceed time, leave en route, and travel time on a permanent change of station (PCS) move unless the member is assigned to single type Government quarters and not authorized BAH or OHA. The rate is fixed from those years and does not change.

Table 26-1. Types of Housing Allowances (Continued)

4	Allowance	Description
	Transit Housing Allowance (BAH-Transit)	Paid while a Service member is in travel or leave status between permanent duty stations (PDS), provided the Service member is not assigned Government quarters. The BAH-Transit rate is paid during proceed time and authorized delays en route, including a temporary duty (TDY) en route.
5	BAH for Reserve Component (RC) Member (BAH-RC)	Paid when authorized for an RC member called or ordered to active duty for 30 or fewer days, except when called to active duty for a contingency. When an RC member is called to active duty for a contingency, even for tours of 30 or fewer days, he or she is authorized the BAH or OHA rate. The Secretary of Defense establishes BAH-RC rates.
6	OHA	Paid monthly to help offset housing expenses for a Service member or dependent authorized to live in private-sector leased or owned housing at an assigned overseas location outside the United States. OHA is based on cost reimbursement. The amount of OHA paid considers factors, such as whether the housing is shared, the appropriate utilities (see Section 2606), and whether the Service member owns or rents the housing. OHA cannot be paid if there is no rent or purchase expense for housing.
7	FSH	Paid to a Service member with a dependent for added housing expenses resulting from one of the following: <ul style="list-style-type: none"> <li data-bbox="461 1056 1422 1125">a. Separation from the dependent when a Service member is assigned to a PDS Outside Continental United States (OCONUS).</li> <li data-bbox="461 1125 1422 1201">b. An assignment in the Continental United States (CONUS) when dependent travel is delayed or restricted.</li> </ul>

## 260201. Definitions for Housing Allowances

A. Sharer. A sharer includes a Service member authorized an OHA or FSH-O allowance or any of the following individuals who reside with a Service member:

1. A civilian employee, including any dependents, authorized a Living Quarters Allowance (LQA). Department of State Standardized Regulations (DSSR), Section 130 (DSSR §130) or cost of living allowance (COLA) in a non-foreign location OCONUS (see OCONUS COLA).

2. Any other person, excluding a Service member's dependent, who contributes money toward the payment of rent, mortgage, or utilities.

B. Owner-Owned Multiple Occupancy Dwelling. This is a duplex, triplex, or other type of multiple occupancy dwelling that is designed for separate private-sector housing units for more than one household. The units within the dwelling ordinarily have separate addresses or entrances. For OHA or FSH-O purposes, it would include a dwelling where the Service member and any dependents occupy a single separate unit within the dwelling and the other units are rented out.

C. Vicinity. The vicinity is the entire country, U.S. territory or possession, or state when in Alaska or Hawaii where the Service member's PDS is located. When a Service member resides with a dependent and commutes to the PDS, the dependent is considered to be residing at or in the vicinity of the PDS even if in an adjacent country or state. However, if the Service member has to maintain separate households and maintaining separate households is authorized or approved through the Secretarial Process, a dependent is not residing in the PDS vicinity for FSH purposes. A commander may submit a request for determination through the appropriate channels to the applicable office listed in Table 26-2.

Table 26-2. Offices That Determine PDS Vicinities

Service or Agency		Appropriate Channel
1	Army	Through appropriate personnel and command channels to: HQDA, DCS, G-1, ATTN: DAPE-PRC, Army Military Advisory Panel Member, Room 2B453, 300 Army Pentagon, Washington, DC 20310-0300.
2	Navy	Through appropriate command channels to: Chief of Naval Personnel (N-130C), Building 12, Room 3R180, 701 South Courthouse Road, Arlington, VA 22204-2472.
3	Air Force (USAF)	Through appropriate command channels to: HQ USAF/A1PA, 1500 West Perimeter Road, Suite 4790, Joint Base Andrews NAF, MD 20762-6604.
4	Marine Corps (USMC)	Through appropriate command channels to: Headquarters U.S. Marine Corps, Manpower and Reserve Affairs (MPO), 3280 Russell Road, Quantico, VA 22134-5143.
5	Coast Guard (CG)	Directly to: Commandant (CG-1332), U.S. Coast Guard, STOP 7907, 2703 Martin Luther King Jr. Avenue, SE, Washington, DC 20593-7907.
6	National Oceanic and Atmospheric Administration (NOAA)	Directly to: Director, Commissioned Personnel Center, NOAA Corps (ATTN: Military Advisory Panel Member(MAP)), (CPC1), 8403 Colesville Road, Suite 500, Silver Spring, MD 20910-6333.
7	U.S. Public Health Service (USPHS)	Directly to: Director, Division of Commissioned Corps Personnel and Readiness (ATTN: MAP Member), 1101 Wootton Parkway, Plaza Level, Suite 100, Rockville, MD 20852-1061.



D. Government Quarters

1. Government quarters include:

- a. U.S. Government owned or leased sleeping accommodations or family-type housing.
- b. Lodging or other quarters obtained by U.S. Government contract.
- c. Dormitories or similar facilities operated by a cost-plus-a-fixed-fee contract.
- d. Sleeping or housing facilities furnished by a foreign government on the Government's behalf.
- e. Quarters in a state-owned National Guard camp.

2. For BAH purposes, the term does not include privatized housing or transient facilities, such as temporary lodging facilities, guesthouses, hostess houses, or hotel-type accommodations built or operated by non-appropriated fund activities. Government quarters converted to privatized housing are no longer Government quarters.

E. Rental Charge. A rental charge is a fee for occupancy and does not include service charges for linens, cleaning, maintenance, or similar costs.

F. Primary Residence for RC Member. For an RC member ordered to active duty, the primary residence is the dwelling (e.g., house, townhouse, apartment, condominium, mobile home, houseboat, vessel) where the RC member resides before being ordered to active duty.

260202. Housing-Allowance Rates and Applicable Dates

A. Rates. The housing-allowance rates are each determined as specified in

Table 26-3. Housing Allowances Rate Determinations

<b>Type</b>		<b>Applicable Rate Determination</b>
<b>1</b>	BAH	<p>a. The Office of the Under Secretary of Defense for Personnel and Readiness (OUSD (P&amp;R)) determines adequate housing costs in a military housing area (MHA) for all Service members authorized BAH. OUSD (P&amp;R) bases the determination for housing allowances upon the cost of adequate rental housing for civilians with comparable income levels in the same area.</p> <p>b. An adjustment in the BAH rates due to an OUSD (P&amp;R) redetermination of housing costs in an MHA takes effect with the pay raise each year.</p> <p>c. An MHA is defined geographically by ZIP Code within the United States. Major military population areas are further identified by a combination of a two-digit code for the state and a three-digit numerical designation within the state. For small military population areas, ZIP Codes are aggregated into areas of similar housing cost and designated as county cost groups.</p>
<b>2</b>	BAH-Diff	The BAH-Diff is a fixed rate and is the difference between the with-dependent Basic Allowance for Quarters (BAQ) rate and the without-dependent BAQ rate as of December 31, 1997 based on the Service member's grade and increased each year by the average pay raise percentage.
<b>3</b>	BAH-Partial	The BAH-Partial rate is the difference in basic pay between the 1980 and 1981 reallocated pay raises and what those basic pay rates would have been without the raise reallocation. The rate is statutory and does not change.
<b>4</b>	BAH-Transit	The BAH-Transit rate varies depending on the old PDS location and the housing allowance type received, unless a location-specific rate is payable. The default BAH-Transit rate is a fixed rate, which is the amount of BAQ on December 31, 1997, incremented by the average housing allowance increase each year.
<b>5</b>	BAH-RC	The BAH-RC rate for a period of active duty for a non-contingency operation of 30 or fewer days is a fixed rate, which is the BAQ amount on December 31, 1997, incremented by the average housing allowance increase each year.
<b>6</b>	OHA	<p>a. OUSD (P&amp;R) determines adequate housing costs in a locality for all Service members authorized OHA by location.</p> <p>b. OHA rate ceilings are calculated based on data provided by commanders OCONUS and actual rent data derived from pay systems.</p> <p>c. The PDS geographic location governs the OHA rate payable unless otherwise specified. See Overseas Housing Allowance (<u><i>OHA</i></u>) for how geographic locations are determined.</p>
<b>7</b>	FSH	<p>a. FSH-B is payable in a monthly amount equal to the without-dependent BAH rate for the same location applicable to the Service member's grade and PDS.</p> <p>b. FSH-O is payable in a monthly amount up to the without-dependent OHA rate for the same location applicable to the Service member's grade and PDS, and is computed under the same rules and conditions as OHA.</p>

B. Housing Allowance Start and Stop Dates. The authorizing document for OHA is the Department of Defense (DoD) DD Form 2367, OHA Report. Table 26-4 specifies the date to start BAH or OHA for a Service member with a dependent. Table 26-5 specifies the date to stop housing allowances based on changes in the status of a sole dependent. Table 26-6 specifies the date to stop BAH or OHA for reasons other than a change in the status of a dependent. Situations not covered in these tables are contained elsewhere in this chapter.

1. Start. Unless specifically authorized elsewhere in this Chapter, PDS housing allowance eligibility starts on a Service member's reporting day to a new PDS. OHA starts on the day a Service member obtains private-sector housing. If the Service member is authorized a monetary allowance in lieu of transportation (MALT) plus per diem (MALT Plus) on the reporting day, OHA eligibility starts on the day after the Service member's reporting day. When a home port change is involved, ordinarily a housing allowance based on the rate for the new home port starts on the effective date of the home port change.

Table 26-4. Date to Start BAH or OHA for a Service Member with a Dependent

If a Service member...		Then BAH or OHA at the with-dependent rate begins on the date...
<b>1</b>	enlists, or is called to extended active duty and is not assigned Government quarters for his or herself and any dependents on that date,	of enlistment or entry on active duty.
<b>2</b>	is appointed to commissioned or warrant officer status and is not assigned Government quarters on that date,	active-duty pay begins.
<b>3</b>	occupies Government quarters with a dependent and quarters assignment ends,	the quarters assignment ends, unless a dependent continues to occupy the quarters. If definite quarters assignment was not required, then BAH or OHA begins the date that quarters are vacated.
<b>4</b>	occupies Government quarters with a dependent and the Service member and dependent depart the PDS pursuant to a PCS order,	the PCS departure date, unless a dependent continues to occupy the quarters. If definite quarters assignment was not required, then BAH or OHA begins the date that quarters are vacated.
<b>5</b>	continues to occupy Government quarters with a dependent after the quarters are declared inadequate,	the quarters are designated inadequate.
<b>6</b>	acquires a dependent, including a dependent acquired while on authorized leave, and is not assigned Government quarters on that date,	the dependent is acquired.*

Table 26-4. Date to Start BAH or OHA for a Service Member with a Dependent (Continued)

If a Service member...		Then BAH or OHA at the with-dependent rate begins on the date...
7	acquires a dependent while in an unauthorized absence status and is not assigned Government quarters for his or herself and dependents on that date,	the Service member returns to a pay status after apprehension or surrender. If a change occurs to the status of a dependent on whose behalf BAH or OHA existed on the date an unauthorized absence commenced, a Service member must reestablish the right to BAH or OHA.
8	claims a dependent parent,	determined or approved by authority specified in subparagraph 260302.B, as applicable.
9	claims an individual who has not yet been determined to be a dependent,	
*This applies to the sole dependent of a Service member. It applies to any dependent on whose behalf a Service member is authorized increased BAH or OHA. BAH or OHA starts with date of the Service member's marriage even if the marriage occurs on same day as a divorce. When the biological parents of an illegitimate child marry, the child becomes a legitimate dependent for BAH or OHA purposes. Refer also to Table 26-28 and Table 26-29 for rules on when BAH and OHA start and stop when a Service member acquires a dependent.		

2. Stop. Unless an extension is authorized or approved under paragraph 261002, or the PCS move is a close proximity move as specified in paragraphs 261001 and 261002, the OHA and the FSH-B or FSH-O allowances stop on any of the following:

a. The day the Service member's OHA, FSH-O, or FSH-B lease ends.

b. The day before the Service member departs due to a PCS order.

c. The day before the effective date a Service member's assigned ship or unit changes its home port from OCONUS. However, a Service member without a dependent is authorized a housing allowance based on the old home port until the day the Service member moves back aboard the ship under all of the following conditions:

(1) The Service member is undergoing a home port change.

(2) The ship does not depart from the old home port before or on the home port change effective date.

(3) Quarters on board the ship are not available (for example, because the ship is dry-docked).

## d. Assignment to Government quarters.

Table 26-5. Date to Stop Housing Allowances Based on Change in Dependent's Status

<b>If the sole dependent...</b>		<b>Then stop the with-dependent housing allowance at midnight of the day...</b>
<b>1</b>	is divorced,	of the final decree of divorce. This also applies when an affinitive relationship between a Service member and stepchild ceases due to divorce from the child's parent.
<b>2</b>	is a spouse in a voidable, but not void marriage, which is dissolved by final annulment decree,	before the date of the decree. No BAH or OHA payment may be made on or after date of the decree, regardless of credits accrued and not paid. BAH or OHA paid before the date of decree may be retained. This also applies when an affinitive relationship between a Service member and stepchild ceases due to annulment of a marriage.
<b>3</b>	is a spouse in an invalid or void marriage,	before discovery of marriage invalidity. No housing allowance payment may be made on or after the date of discovery, regardless of credits accrued and not paid. Retention of BAH or OHA paid before that time depends on validation specified under Chapter 12.
<b>4</b>	becomes of age, except a child who is incapable of self-support due to mental or physical incapacity,	before the child's 21st birthday or the 23rd birthday if a full-time student. See paragraph 260301 regarding dependents over age 21.
<b>5</b>	marries, regardless of age, or mental or physical incapacity,	of the dependent's marriage. This applies even when a dependent's marriage is to a Service member who is also authorized BAH or OHA on the dependent's behalf for that date.
<b>6</b>	is adopted by a third party by interlocutory order or decree that changed the legal relationship,	before date of adoption.*
<b>7</b>	is adopted by a third party and a final order or decree has been entered,	before the date of adoption.
<b>8</b>	enters military service,	before the day of entry into military service.
<b>9</b>	stops being dependent on the Service member,	before the date that dependency ceases.

Table 26-5. Date to Stop Housing Allowances Based on Change in Dependent's Status  
(Continued)

If the sole dependent...		Then stop the with-dependent housing allowance at midnight of the day...
<b>10</b>	dies,	of death.
*For determination as to whether the order or decree caused a changed legal relationship, an Army or Air Force case must be sent to Defense Finance and Accounting Service-Indianapolis (DFAS-IN), a Navy case to Defense Finance and Accounting Service-Cleveland (DFAS-CL), and a USMC case to Commandant of the Marine Corps. A case involving a USPHS member must be sent to the Director, Division of Commissioned Corps Personnel and Readiness, to the attention of "Defense Enrollment Eligibility Reporting System (DEERS) Determination."		

Table 26-6. Date to Stop BAH or OHA—Other Changes

If a Service member...		Then stop BAH or OHA at midnight the day...
<b>1</b>	is furnished Government quarters at the PDS, adequate for the Service member and any dependents,	before quarters are assigned or, if definite assignment was not made, the day before occupancy begins.*
<b>2</b>	is furnished quarters, whether by cash or in kind, on behalf of the United States, adequate for the Service member and any dependents,	before quarters are furnished.
<b>3</b>	and a dependent occupies rehabilitated Government quarters that were inadequate but are now designated as adequate,	before the effective date of re-designation as adequate Government quarters.
<b>4</b>	is discharged or released from active duty,	of discharge or release.
<b>5</b>	retires,	before the retirement effective date.
<b>6</b>	dies,	of death.
*When a dependent is prevented from occupying the assigned quarters due to an order from an appropriate authority, BAH or OHA continues until transportation is arranged for Household Goods (HHG) and is available for the dependent (if prompt application is made) plus the normal travel time for a dependent to reach the Service member's station using a direct route.		

## 2603 DETERMINING DEPENDENCY

### 260301. Dependent

#### A. Eligibility

1. A Service member's lawful spouse and legitimate, unmarried, minor children are always dependents for housing allowance purposes, except as specified in this Section.

2. An unmarried minor child of an invalid marriage, or a marriage annulled as void or voidable, is a dependent for housing allowance purposes.

3. An incapacitated child over age 21, a ward of the court, or an unmarried child over age 21 and under age 23 who is attending college full time requires an “in-fact dependency,” as specified in Service regulations. The child is a secondary dependent and must be dependent upon the Service member for over one-half of the child’s support. The child’s income, not counting the Service member’s contributions, must be less than one-half of the child’s living expenses and the Service member’s contribution must be more than one-half of the child’s monthly living expenses.

B. No Authority on Dependent’s Behalf. A Service member is not authorized a housing allowance for any of the following:

1. A minor child entitled to basic pay as a uniformed Service member on active duty. This includes a minor child attending a military Service academy where the United States furnishes quarters.

2. A spouse on active duty in a Uniformed Service entitled to basic pay and allowances. See Section 2604 for housing allowances when two Service members married to each other are both entitled to basic pay and allowances.

3. A dependent for whom the Service member is no longer required to provide support.

4. A dependent for whom the Service member has not provided required proof of adequate support, when necessary as specified in paragraph 260303.

5. A dependent whom the Service member fails to support (see paragraph 260303).

6. A dependent whose whereabouts are unknown and whose absence and whereabouts remain unexplained.

7. A former spouse to whom the Service member is paying alimony.

8. A dependent who occupies Government quarters as a permanent residence without payment of a rental charge. See paragraph 260307 for an exception when the child is living with the Service member’s former or estranged spouse.

9. A child for whom the Service member pays child support and the following conditions exist:

a. The child is in another active-duty Service member’s custody, including a former spouse, as specified in this Section.

b. The Service member with custody of the child is assigned to Government or Government-leased family quarters, or receives a with-dependent housing allowance on behalf of the child. This does not include privatized housing.

10. A child after adoption by a third party and the final adoption order or decree has been entered. When the Service member supports the child pending a final decree, authority for a housing allowance continues after an interlocutory decree of adoption has been entered if the decree does not change the legal relationship between the child and the Service member.

C. Spouse in Foreign Military. A Service member is authorized a housing allowance for a spouse in the military service of a government other than the United States. The Service member is authorized a housing allowance even if the foreign government furnishes a residence or pays a monetary allowance in lieu of a residence for the spouse.

#### 260302. Determinations and Fraudulent Claims

Dependency must be determined before a housing allowance is authorized. After initial approval, the Services must maintain adequate levels of internal audit to assure the legality, propriety, and correctness of all housing allowance payments. See individual Service regulations for procedures.

A. Determinations. In determining relationship or dependency for housing allowance eligibility, the appropriate officials must apply the rules in this section. The Service Secretary or designee makes all determinations of relationships or dependency for a primary dependent. The designee may re-delegate. Otherwise, the Army disbursing officer or designee, the USAF Financial Services Office (FSO) or designee, and offices specified in this Section for the Navy and the USMC make determinations. The Defense Finance and Accounting Service (DFAS) determines relationships and dependency for secondary dependents and individuals whose status as a primary dependent is questionable for the Army, USAF, or Navy. The Commandant of the Marine Corps (CMC-MFP-1) determines relationships and dependency for secondary dependents and individuals whose status as a primary dependent is questionable for the USMC. Determinations for relationships or dependency for non-DoD Services is per Service regulations.

1. Dependent Status Certification. Upon arrival at a new PDS, each Service member authorized a housing allowance for a dependent must recertify the status of the dependent to the Secretary concerned to support a housing allowance on the dependent's behalf. If a Service member fails to provide the certification, the housing allowance on the dependent's behalf stops at the end of the month in which the certification is due. A housing allowance at the appropriate partial or without-dependent rate is paid unless the Service member is not authorized that allowance for some other reason. A housing allowance at the with-dependent rate is authorized effective the date the Service member provides proper certification. The higher rate is not retroactive unless the Service member's commander certifies that the failure to recertify promptly was for reasons beyond the Service member's control.



2. Dependency Re-determinations. Annual re-determination of dependency is required for a Service member who claims a housing allowance for any of the following dependents:

- a. A parent, parent in-law, stepparent, parent by adoption, or a person who serves in loco parentis.
- b. A student 21 and 22 years of age.
- c. An incapacitated child over age 21.
- d. A ward of a court.
- e. Any dependent of an RC member. The RC member must recertify the dependent's status at least every 3rd year from the previous certification or when a dependent's status changes.

**B. Determining Dependency Relationship for Service Member's Child.**

1. Army. Submit requests for determinations in accordance with this paragraph and Table 26-7.

Table 26-7. Army: Unmarried Child Claimed as Dependent

	<b>If the child is...</b>	<b>Then...</b>
<b>1</b>	under age 23 and a full-time student	student determinations are made by the Personnel Officer.
<b>2</b>	under age 21, even if in the custody of someone other than the Service member (divorced spouse, parent) and either of the following apply: <ol style="list-style-type: none"> <li>a. is legitimate or legitimized by marriage of blood parents,</li> <li>b. is adopted, the certified court adoption papers are available, and the child has no income from a source other than the Service member and is dependent on the Service member for a substantial portion of his or her support</li> </ol>	the Disbursing officer or designee makes the determination. In the case of an Army Reserve Component member, the initial determination can be made by the Reserve Component unit commander or servicing Military Personnel Officer.

Table 26-7. Army: Unmarried Child Claimed as Dependent (Continued)

If the child is...		Then...
<b>3</b>	a step child under age 21, even if in the custody of someone other than the Service member (divorced spouse, parent), and the Service member is a Reserve Component member	the initial determination can be made by the Reserve Component unit commander or servicing Military Personnel Officer. If the Reserve Component unit commander or servicing Military Personnel Office cannot make a determination, the claim is sent electronically to DFAS-IN, Military Pay Operations, (ATTN: JFLAKA), 8899 East 56th Street, Indianapolis, IN 46249-0855.
<b>4</b>	a step child under age 21, even if in the custody of someone other than the Service member (divorced spouse, parent), and both of the following apply, the: <ul style="list-style-type: none"> <li>a. child does not have income from a source other than the Service member;</li> <li>b. Service member is not a Reserve Component member</li> </ul>	the Disbursing officer or designee makes a determination, and sends the claim electronically to DFAS through the <u>Ask DFAS</u> website, and go to the Secondary Dependency Claims (SDC) location. Only if electronic submission is unavailable may requests be submitted to the U.S mail address: DFAS-IN, Military Pay Operations (ATTN: JFLAKA), 8899 East 56th Street, Indianapolis, IN 46249-0855
<b>5</b>	any other child claimed as a dependent	the claim should be sent electronically to DFAS through the Ask DFAS website, and go to the Secondary Dependency Claims (SDC) location. Only if electronic submission is unavailable may requests be submitted to the U.S mail address: DFAS-IN, Military Pay Operations (ATTN: JFLAKA), 8899 East 56th Street, Indianapolis, IN 46249-0855.

2. Navy. The Disbursing Officer makes the determination for any person who can qualify as a dependent of a Service member in the Navy. Submit all doubtful cases through channels to the Defense Office of Hearings and Appeals (DOHA). Table 26-8 specifies the rules for determining the dependency relationship for a Service member in the Navy for the purposes of a housing allowance when the dependent claimed is an unmarried child.

Table 26-8. Navy: Unmarried Child Claimed as Dependent

If the child is a dependent...		Then...
<b>1</b>	age 21 or older,	DFAS-CL makes the determination or DFAS-CL submits the case to the Defense Office of Hearings and Appeals (DOHA). Student determinations are made at the local Personnel Support Detachment or by the Personnel Officer for the Navy.

Table 26-8. Navy: Unmarried Child Claimed as Dependent (Continued)

<b>If the child is a dependent...</b>		<b>Then...</b>
<b>2</b>	under age 21 and is a stepchild or adopted child and the child's dependency relationship is not questionable,	the Disbursing Officer makes the determination.
<b>3</b>	under age 21 and is a child born out of wedlock (in other words, whose parents were not married to each other at the time of the child's birth) and the child's dependency relationship is not questionable,	
<b>4</b>	under age 21,	the Disbursing Officer or the commanding officer of a battalion squadron or separate detached command makes the determination. Submit questionable cases to the Commandant of the Marine Corps.
<b>5</b>	under age 21 and is of the present or former spouse,	

3. USAF. If the dependent claimed is an unmarried child over age 21 and is incapable of self-support, then the USAF FSO or designee makes the determination. In this case, the dependent must actually be dependent on Service member for a substantial portion of support. Submit requests for determinations in accordance with Table 26-9.

Table 26-9. Air Force: Unmarried Child Claimed as Dependent

<b>If the child is unmarried and...</b>		<b>Then determinations are made by the...</b>
<b>1</b>	a dependent under age 23 and a full-time student,	USAF FSO or his or her designee and the claim must be sent to DFAS-IN/JFLTBA or the Defense Office of Hearings and Appeals (DOHA)* for decision.
<b>2</b>	under age 21, even if in the custody of someone other than the Service member, such as a divorced spouse or parent, and the child is legitimate or legitimated by marriage of biological parents,	USAF FSO or his or her designee.

Table 26-9. Air Force: Unmarried Child Claimed as Dependent (Continued)

	<b>If the child is unmarried and...</b>	<b>Then determinations are made by the...</b>
<b>3</b>	under age 21, even if in the custody of someone other than the Service member, such as a divorced spouse or parent, and the child: <ul style="list-style-type: none"> <li>a. is adopted, the certified court adoption papers are available,</li> <li>b. has <i>no</i> income from a source other than the Service member, and</li> <li>c. is dependent on the Service member for a substantial portion of his or her support,</li> </ul>	USAF FSO or his or her designee.
<b>4</b>	under age 21, even if in the custody of someone other than the Service member, such as a divorced spouse or parent, and the child: <ul style="list-style-type: none"> <li>a. is adopted, the certified court adoption papers are available,</li> <li>b. has income from a source other than the Service member, and</li> <li>c. is dependent on the Service member for a substantial portion of his or her support,</li> <li>d. is an illegitimate child of the spouse, when the Service member is not the biological parent,</li> </ul>	USAF FSO or his or her designee and the claim must be sent to DFAS-IN/JFLTBA or the Defense Office of Hearings and Appeals (DOHA)* for decision.
<b>5</b>	under age 21, even if in the custody of someone other than the Service member, such as a divorced spouse or parent, and the child is: <ul style="list-style-type: none"> <li>a. adopted, the certified court adoption papers are <i>unavailable</i>, and</li> <li>b. dependent on the Service member for a substantial portion of his or her support,</li> </ul>	USAF FSO or his or her designee and the claim must be sent to DFAS-IN/JFLTBA or the Defense Office of Hearings and Appeals (DOHA)* for a decision. If this is an interlocutory decree of adoption, case must be submitted to DFAS-IN for determination.
<b>6</b>	under age 21, even if in the custody of someone other than the Service member, such as a divorced spouse or parent, and the child does <i>not</i> have income from a source other than the Service member,	USAF FSO or his or her designee.
<b>7</b>	under age 21, even if in the custody of someone other than the Service member, such as a divorced spouse or parent, and the child has income from a source other than the Service member,	USAF FSO or his or her designee and the claim must be sent to DFAS-IN/JFLTBA or onward to the Defense Office of Hearings and Appeals (DOHA)* for a decision.

Table 26-9. Air Force: Unmarried Child Claimed as Dependent (Continued)

If the child is unmarried and...		Then determinations are made by the...
<b>8</b>	incapable of self-support and is dependent on Service member for substantial portion of support,	USAF FSO or his or her designee and the claim must be sent to DFAS-IN/JFLTBA or onward to the Defense Office of Hearings and Appeals (DOHA)* for a decision.
*See Defense Office of Hearings and Appeals ( <a href="#">DOHA</a> )		

4. USMC. For any determination concerning a combination of a spouse and an unmarried legitimate child, and the dependent child is under age 21, the commanding officer of a battalion, squadron or separate detached command makes the decision. Table 26-10 specifies the rules for determining the dependency relationship for a Service member in the USMC for the purposes of a housing allowance when the dependent claimed is an unmarried child.

Table 26-10. USMC: Unmarried Child Claimed as Dependent

If the Service Member is...		And...	Then...
<b>1</b>	an officer	the dependent is a legitimate child,	the commanding officer of a battalion, squadron or separate detached command, or the Disbursing Officer makes the determination. Submit questionable cases to the Commandant of the Marine Corps.
		the dependent is a child out of wedlock,	
<b>2</b>	an officer or is enlisted	the child is age 21 or over,	the Commandant of the Marine Corps makes the determination, including if the dependent is a student.
		the dependent is a stepchild or adopted child and the child's dependency relationship is not doubtful,	either the commanding officer of a battalion, squadron or separate detached command, the Commandant of the Marine Corps, or the Disbursing Officer makes the determination.
<b>3</b>	is enlisted	the dependent is a child out of wedlock and the child's dependency relationship is not doubtful,	the Commandant of the Marine Corps or the Disbursing Officer makes the determination.

C. Fraudulent Claims. Any Service member who submits a claim for a housing allowance that contains a false statement is subject to court-martial or criminal prosecution. Fraudulent acceptance of benefits may cause a civilian recipient to be subject to criminal prosecution. The law provides for severe penalties of imprisonment and a fine. For military personnel, it may include a punitive separation, total forfeitures, and confinement.

D. Marriage Status Determination. Any case in which the validity of a Service member's marriage is questionable is a case of a doubtful relationship. This paragraph outlines different types of relationships where validity is doubtful for housing allowance purposes. Submit requests for determination on validity of a marriage in doubtful cases or for validation of payments as specified in Table 26-11.

1. Remarriage Within Prohibited Period Following Divorce. Under the laws of some states, a marriage is not dissolved until a specified period has elapsed after a divorce decree is granted, and remarriage is prohibited within the specified period. In all states that grant an interlocutory decree before granting a final divorce decree, remarriage may not occur before the final decree is granted.

2. Marriage by Proxy. Proxy marriages are valid if performed in a jurisdiction that recognizes common law marriages and has no statute or judicial determination prohibiting proxy marriages.

3. Marriage by Telephone. A marriage by telephone is recognized only if a statute or court decision authorizes or recognizes telephone marriages in the jurisdiction where the marriage was performed.

4. Common Law Marriages. Under laws of certain states, persons who do not obtain a license to marry or go through certain other formalities may enter into a common law marriage. Common law marriages entered into in those states are valid if they are contracted in accordance with state law.

5. Foreign Nation Divorce. A foreign nation divorce may or may not be recognized as valid in the United States depending on several factors. These factors include place of residence of the parties involved, whether they appeared in person to obtain the divorce, and applicable state laws. Any claim involving the remarriage of a Service member following a foreign nation divorce and any claim by, or on behalf of, the spouse from whom the Service member has obtained a foreign nation divorce are cases of doubtful relationship. A claim based on a Service member's marriage to a person who has obtained a foreign nation divorce is also a doubtful case.

6. Void Marriage. If a Service member's marriage is void, for example, due to a preexisting marriage of the spouse, the Service member has no lawful spouse and is not authorized a housing allowance at the with-dependent rate due to the purported marriage. When marriage invalidity is discovered, no further housing allowance payments at the with-dependent rate may be made. See Table 26-5 to determine when to stop housing allowance payments. The Service member may retain payments already received if they are validated under Chapter 12, for DoD Services or Service written material for non DoD Services. When validity

of a marriage is questionable, submit the case to the office specified in Table 26-11 for a determination on the validity of the marriage and, if necessary, validation of payments already made.

7. Annulled Marriage. If a Service member's marriage is annulled by a court decree, no further housing allowance payments may be made. The Service member may retain payments received before the effective date of the decree. Retention of payment in some annulment cases based on legal factors must be validated under Chapter 12, for DoD Services or Service written material for non-DoD Services. Submit all annulment cases to the office specified in Table 26-11 for review and, if necessary, validation of payments made.

Table 26-11. Determination of Marriage Validity

Service or Agency		Appropriate Channel
1	Army and USAF	Submit requests electronically to DFAS through the Ask DFAS website, and go to the Secondary Dependency Claims (SDC) location. Only if electronic submission is unavailable may requests be submitted to the U.S. mail address: DFAS-IN, Military Pay Operations (ATTN: JFLAKA), 8899 E. 56th Street, Indianapolis, IN 46249-0855.
2	Navy	DFAS-IN, Office of General Counsel, Military & Civilian Pay, 8899 E. 56th Street, Indianapolis, IN 46249-0160.
3	USMC	Commandant of the Marine Corps (MFP-1), 2008 Elliot Road, Quantico, VA 22134-5143.
4	Coast Guard	Commanding Officer (LGL), Coast Guard Pay and Personnel Center, Federal Building, 444 S.E. Quincy Street, Topeka, KS 66683-3591.
5	NOAA	Director, Commissioned Personnel Center, 8403 Colesville Road, Suite 500, Silver Spring, MD 20910-6333.
6	USPHS	Office of Commissioned Corps Support Services, Attention: Compensation Branch, 5600 Fishers Lane, Room 4-50, Rockville, MD 20857-0001.

E. Spousal Dependency Determination. Table 26-12 specifies who determines a dependency relationship for the purposes of a housing allowance when the dependent claimed is a spouse. Unless otherwise specified, the rules for the Navy and the USMC apply regardless of a Service member's rank.

Table 26-12. Spouse is the Dependent Claimed

Service	If the marriage is...	Then...
1 Army	lawful,	the Army disbursing officer or designee makes the determination. In the case of an Army RC member, the RC unit commander or servicing Military Personnel Officer can make the initial determination.

Table 26-12. Spouse is the Dependent Claimed (Continued)

Service	If the marriage is...	Then...
Army	legally questionable, which includes a common law spouse, those married by proxy or telephone or within a prohibited period following a divorce, or a divorce granted by a foreign country, and purported marriages,	a claim must be submitted through the chain of command to DFAS-IN for determination or to the Defense Office of Hearings and Appeals (DOHA)*.
2	Navy	lawful,
	of doubtful legality,	the Disbursing Officer makes the determination.  a claim must be submitted through the chain of command to DFAS-IN, Office of General Counsel, Military and Civilian Pay Division, for determination or to the Defense Office of Hearings and Appeals (DOHA)*.
3	USAF	lawful,
	legally questionable, which includes a common law spouse, those married by proxy or telephone or within a prohibited period following a divorce, or a divorce granted by a foreign country, and purported marriages,	the USAF FSO or designee makes the determination.  a claim must be submitted through the chain of command to the USAF FSO or designee for determination; and also through the chain of command to DFAS-IN for determination or to the Defense Office of Hearings and Appeals (DOHA)*for a decision.
4	USMC	contracted with states or territories by a legal, civil, or religious ceremony and neither has been previously married, or one spouse has been previously married and that marriage was dissolved by death, final decree of divorce, or by annulment that did not prohibit remarriage,
	legally questionable, which includes a common law spouse, those married by proxy or telephone or within a prohibited period following a divorce, or a divorce granted by a foreign country, and purported marriages,	the commanding officer of a battalion squadron or separate detached command makes the determination.  the Commandant of the Marine Corps makes the determination.

\*See Defense Office of Hearings and Appeals ([DOHA](#))



## 260303. Providing Support for Dependent

A. Proof of Support. Proof of support of a lawful spouse or unmarried, minor, legitimate child of a Service member is generally not required. However, when an appropriate office receives evidence or a complaint from a dependent of nonsupport or inadequate support, proof of adequate support is required as specified in this paragraph.

B. Non-support. A Service member who fails to support a dependent on whose behalf a housing allowance is received is not authorized a housing allowance on that dependent's behalf. A Service member does not avoid the legal responsibility to comply with a court order for support by forfeiting a housing allowance. Housing allowances must be recouped for nonsupport or inadequate support periods. Subsequently paying support arrears does not authorize a Service member a housing allowance for the dependent unless one of the following caused the nonsupport or inadequate support:

1. The Service's mission requirements.
2. Outside agencies' actions determined by Service regulations to be beyond the Service member's control.

C. Unstated Support Amount or Release from Support Responsibility. A legal separation agreement, court decree, judgment, or order that is silent on dependent support, does not state the dependent support amount, or absolves the Service member of dependent support responsibility does not affect a Service member's housing allowance. This is true regardless of the jurisdiction in which the decree, agreement, or order was issued or of the dependent's domicile. The Service member is authorized a housing allowance on behalf of a dependent if the Service member contributes to the dependent's support in an amount that is not less than the applicable BAH-Diff rate.

D. Legal Separation Agreement or Court Order Stating Support Amount. When there is a court order or legal separation agreement stating the support amount, a Service member must contribute to the dependent's support the amount specified. In no case may the support payments be less than the applicable BAH-Diff rate.

E. Joint Legal Custody. When a Service member is divorced from a person who is not a Service member, they share joint legal custody of a child, and the former spouse is awarded primary physical custody, then the Service member is a non-custodial parent for housing allowance purposes.

1. When the Service member's court-ordered child support is less than the applicable BAH-Diff rate and the Service member is not residing in, or assigned to, Government quarters, the Service member is only authorized a housing allowance at the without-dependent rate.

2. When a Service member not assigned to Government quarters pays additional support to the former spouse who has primary custody of the child so that the total child support provided is equal to or more than the BAH-Diff rate, he or she is authorized a housing allowance at the with-dependent rate.

F. Temporary Custody. When a Service member has temporary custody of a child and they reside in a private-sector residence, the cost of maintaining the residence is not a factor in determining authority for the with-dependent housing allowance rate and may not be used instead of, or in addition to, child support to qualify for increased allowances. The dependent child must reside with the Service member on a non-temporary basis, which is a period of 91 or more consecutive days, for the Service member to qualify for the with-dependent housing allowance rate for the temporary period. The cost of maintaining a home may not be added to the amount of child support to qualify for the increased allowances.

G. Adequate Support. When a court order or legal separation agreement does not establish support requirements, a Service member must provide a support amount that is at least equal to the BAH-Diff rate applicable to the Service member's grade. The support amount required to retain or receive a housing allowance for a dependent is not necessarily adequate to meet Service policies. The Service concerned may have additional requirements for support in the absence of a legal separation agreement or court order.

H. Increase in Support Required by Increase in BAH-Diff Rates. Whenever BAH-Diff rates increase, the minimum amount of dependent support required for housing allowance purposes increases to the new rate. A Service member receiving a housing allowance on behalf of a dependent must increase the amount of support within 60 days of the increase to continue receiving the housing allowance.

I. Settlement Agreement.

1. Property settlements made under a court order or written agreement are not considered support for housing allowance purposes.

2. Payments made under a settlement in place of support are considered support only for the period specified in the written agreement or court order.

3. A lump-sum settlement in place of support made under written agreement or court order is support for the period the lump sum would reasonably cover the dependent's support.

J. Interlocutory Decree of Divorce. If an interlocutory decree of divorce does not provide for support to the former spouse, the Service member is not authorized a housing allowance for the former spouse after the date of the decree unless the Service member provides proof of support.

## 260304. Dependent Parent

A. Determination. A parent's dependency is determined based on an affidavit submitted by the parent and any other evidence required under applicable regulations. A legal guardian may complete the form for a mentally incompetent parent. Table 26-13 specifies who determines a dependency relationship for the purposes of a housing allowance when the dependent claimed is a parent, including a person acting in loco parentis. If there is a question on whether the parent is or is not a dependent, then the authority in Table 26-13 submits a request through the appropriate chain of command to the authority in Table 26-11 or a dependency determination. When necessary, a request may be submitted through the appropriate chain of command to the Defense Office of Hearings and Appeals (DOHA) for a decision.

Table 26-13. Dependent Claimed is a Parent

Service		Authority Who Determines Dependency
1	Army	Army disbursing officer or designee
2	Navy	DFAS-CL
3	USAF	USAF FSO or designee
4	USMC	Commandant of the Marine Corps

B. Dependency Requirement. A Service member is authorized a housing allowance on behalf of a parent who depends on the Service member for more than one-half of the parent's support. The parent's income, not counting the Service member's contribution, must be less than one-half of the parent's monthly living expenses and the Service member's contribution must be more than one-half of the parent's monthly living expenses. A parent's residence in a charitable institution, public or private, does not prohibit the Service member from receiving a housing allowance for the parent when the following conditions are met as well as any other Service requirements:

1. Family Unit Rule. In determining a parent's dependency, consider the total income and expenses of the family unit that includes the parent. Ordinarily, the Service member's contribution to the expenses of the family unit must exceed one-half of its total expenses before any one person in the family unit can be considered dependent on the Service member. When application of the family unit rule results in manifest injustice, consider any other available evidence of dependency, and determination made according to principles of equity and good conscience.

2. Income. Unliquidated capital assets are not income, and parents are not required to deplete their capital assets to establish dependency on a Service member for housing allowance purposes. However, the following are considered income when determining whether a parent is dependent on the Service member:

- a. Proceeds derived from the liquidation of capital assets.
- b. Amounts placed in reserve for depreciation of property held for income ordinarily are available for a parent's current living expenses.

- c. Contributions made to a parent by a charitable organization.
- d. Payments made to the parent from the Social Security Administration, unemployment compensation, and financial assistance from governmental agencies.
- e. Pensions received by the parent.
- f. Uninvested capital. If a parent has capital that is not invested, compute the income return at 5.25% a year.

C. Change in Dependent Status. If the parent becomes a dependent due to changed circumstances, and the Service member contributes over one-half of the parents' support, a housing allowance is authorized from the date the contribution began. A Service member is authorized a housing allowance for any active-duty period when the parent is a dependent, whether the dependency occurred before or after the Service member entered service.

D. Stepparent. A stepparent or stepchild relationship ends upon divorce from the biological parent, but not necessarily upon the biological parent's death. A housing allowance for a stepparent may be established after the biological parent's death.

#### 260305. Adopted Child, Stepchild, or Child Born out of Wedlock

An adopted child, a stepchild, and a child born out of wedlock are all considered primary dependents. As a result, a dependency determination is not required for these dependents.

A. Proof of Parentage. A Service member who claims a housing allowance for an adopted child, stepchild, or a child born out of wedlock must provide proof of parentage as follows:

1. For an adopted child, document showing the Service member is the child's legal parent.
2. For a stepchild, a marriage license showing the Service member is married to the child's legal parent and documentation showing that the Service member's spouse is the child's parent.
3. For a child born out of wedlock, a birth certificate with the Service member's name cited is required. If the Service member's name is not stated on the birth certificate or on a court order, obtain a signed affidavit of parentage (signed and sworn by a notary) from the Service member. If the child is not in the custody of the Service member parent, the case is treated as specified in the rules for BAH-Diff.

B. Support Requirements. A Service member may claim a dependent child, adopted child, stepchild, or out of wedlock child, for housing allowance purposes. The Service member is authorized a housing allowance if the Service member contributes to the dependent's support and that support is at least equal to the applicable BAH-Diff. This includes a Service member authorized BAH-Diff and a Service member assigned to single-type Government quarters when the child is in the physical custody of another person.

260306. Child Living with Service Member's Former Spouse

A. Former Spouse Married to Another Service Member

1. Child in Government Quarters. When a Service member's child resides in Government quarters not assigned to the divorced Service member parent, that Service member is not authorized a housing allowance for the child.

2. Child not in Government Quarters. A housing allowance may not be paid for a child to both the stepparent and the natural parent at the same time. The natural parent has priority to a housing allowance for that child if providing adequate support.

B. Service Member Marries Someone Other than a Service Member. The Service member is not authorized a housing allowance for the child living with the former spouse. Subparagraph 261002.A.2 does not apply in the case of a Service member who is required to support a child in the custody of a former spouse when the Service member remarries and is assigned to or occupies family Government quarters.

C. Service Member Marries Another Service Member

1. The Service member is not authorized a housing allowance for the child living with the former spouse when the Service member remarries another Service member and is assigned to or occupies Government family type quarters. Subparagraph 261002.A.2 does not apply in the case of a Service member who is required to support a child in the custody of a former spouse when the Service member remarries another Service member and is assigned to or occupies family Government quarters.

2. A Service member is authorized a housing allowance for a child for whom the Service member is paying child support (59 Comp. Gen. 681 (1980)) if all of the following conditions are met:

a. The Service member is required to support a child in the custody of a former spouse.

b. He or she is married to another Service member with children born of this marriage.

c. The Service member lived in family-type Government quarters with the Service member spouse and children.

d. The Service member is assigned a permanent change of station (PCS) to a different PDS outside commuting distance.

e. The Service member's current spouse—who is also a Service member—and children remain in Government quarters.

f. The Government quarters' assignment is in or transferred to the remaining Service member's name.

**Note:** This is based on the rule that a Service member's housing allowances is determined independently of the uniformed spouse when the Service members are separated by orders and do not reside in the same household.

260307. Child Living with Service Member's Former or Estranged Spouse

A. Former or Estranged Spouse is Service Member Assigned Family Government Quarters. When the Service member with custody of the child is assigned to, or occupies, adequate family-type Government quarters with the child while receiving child support, the Service member paying child support is not authorized a housing allowance for the child.

B. Former or Estranged Spouse in Family Government Quarters Visits Service Member. When a child who normally resides in family Government quarters with a Service member's former or estranged spouse who is the custodial parent visits the Service member in a private-sector residence for 91 or more days, the visit is considered non-temporary. The Service member is then authorized a housing allowance for the child from the first day of the visit. If the visit is 90 or fewer days, a housing allowance for the child is not payable for any part of the visit.

260308. Dependent Confined in Penal or Correctional Institution

A. Housing Allowance Payable. Confinement of a Service member's spouse or unmarried minor child in a penal or correctional institution does not affect the Service member's authority for a housing allowance on the dependent's behalf, unless any of the following conditions apply:

1. The Service member refuses to support the dependent.
2. The Service member has been relieved from supporting the dependent.
3. The period of confinement may extend beyond 5 years.
4. The case is otherwise doubtful.

B. Doubtful Cases. Submit doubtful cases or cases involving a sentence extending beyond 5 years to the addresses specified in Table 26-11. Do not pay a housing allowance on behalf of the dependent pending a decision.

## 2604 SERVICE MEMBER MARRIED TO ANOTHER SERVICE MEMBER

A. Dependent on Active Duty in a Uniformed Service. In accordance with 37 U.S.C. §421, a dependent who is on active duty in a Uniformed Service and is entitled to basic pay cannot be considered a dependent for housing allowance purposes.

B. One Service Member Enters a Non-Pay Status. When one Service member enters a non-pay status, the other Service member may claim the Service member not entitled to pay and allowances as a dependent and be authorized to draw BAH or OHA at the with-dependent rate for the duration of the non-pay status, if otherwise authorized, unless a dependent is confined in a penal or correctional institution (see paragraph 260308). A Service member may claim as a dependent a Service member on inactive duty for training (Reserve drills).

C. Service Member Serving on Sea Duty. See paragraph 261001 for two Service members married to each other when one or both are serving on sea duty.

D. BAH or OHA at the With-dependent Rate. When two Service members have a dependent, the Service members must choose which one will receive BAH or OHA at the with-dependent rate. If they cannot agree, then the senior Service member receives the with-dependent rate. The Service members may subsequently elect to transfer BAH authorization from one Service member to the other for any reason. Changes are effective as of the election date and may not be applied retroactively.

E. Child From a Prior Marriage or the Service Member's Child Born out of Wedlock. When the dependent is a child from a prior marriage or the Service member's child born out of wedlock, the two Service members may elect for the Service member with a dependent to receive BAH or OHA at the without-dependent rate when not occupying single-type Government quarters and the other Service member to receive BAH or OHA for stepchildren as specified in paragraph 260305. A Service member in a TDY status would maintain the BAH in effect at the PDS while in single-type Government quarters at the TDY location.

F. Other Housing Allowances. Other housing allowance paragraphs in this chapter (e.g., FSH, Service member on unaccompanied tour, BAH rate protection) also apply to a Service member married to another Service member.

## 260401. Both Service Members Married to Each Other Entitled to Basic Pay

A. Family-Type Quarters. When Service members married to each other jointly occupy family-type quarters, neither Service member is authorized BAH or OHA, even if no dependent resides in the quarters, unless a dependent is prevented by a military order from occupying quarters.

B. Separate Households. When both Service members maintain separate households at or in the vicinity of their PDS or PDSs, each is individually authorized BAH or OHA. Only one Service member may receive BAH or OHA at the with-dependent rate. When both Service members no longer share a common residence due to military orders, their authorization for increased allowances or assignment to Government quarters should be

determined separately without regard to the general rule that all dependents of Service members are in the same class for the purpose of determining housing allowance authorizations. Each member is required to have physical custody of a dependent if both members are claiming a housing allowance authorization at the with-dependent rate. See paragraphs 260303 and 260403 for BAH or OHA for divorced or legally separated Services members.

C. Same or Adjacent Military Installations. Both Service members are considered to be stationed at the same or adjacent bases, or shore installations, when they are not prevented by distance from living together or they actually commute on a regular basis regardless of distance.

1. Each Service member is usually authorized BAH or OHA at the appropriate rate when family-type quarters are not assigned, notwithstanding the availability of adequate single quarters for either or both Service members.

2. When both Service members are authorized BAH or OHA at the same or adjacent military installation and are then separated geographically by orders, the Service member remaining at the old PDS ordinarily is authorized BAH or OHA continuation regardless of the availability of adequate single quarters.

D. Without-dependent. When neither Service member has other dependents and both are prevented by distance from living together, each is usually treated as a Service member without a dependent for BAH or OHA.

#### 260402. Other Dependents

A. Dependent Parent. When one of the two married Service members is receiving a housing allowance at the with-dependent rate, the class of dependents includes either Service member's parent. Only one Service member is authorized a housing allowance at the with-dependent rate or BAH-Diff for the one class of dependents when the Service members are assigned to the same or adjacent bases.

B. Dependent Parent or Child from Previous Relationship. When one or both Service members are authorized housing allowances for a child from a previous relationship or on behalf of a dependent parent, and the Service members marry and are stationed in the same area, all children and dependent parents of either Service member are the same class of dependents. Therefore, only one housing allowance at the with-dependent rate (including BAH-Diff) is payable. Any child born of their marriage, or adopted by them, is within the same class of dependents for housing allowances purposes.

1. If one Service member elects to stop receiving a housing allowance at the with-dependent rate, then the other Service member may claim the children for housing allowance purposes. A relationship determination is required, but ordinarily a dependency determination is not. In all instances of a Service member having a spouse on active duty, full details must be given showing the spouse's full name, Social Security number, duty station, and branch of Service.



2. This does not apply to two Service members living together but not married. Two unmarried Service members living together are each authorized a housing allowance based on each Service member's dependents.

260403. Dependent Custody Effects on Housing Allowances

A. Divorce or Legal Separation. The following rules apply when a divorce or separation occurred, or a decree or agreement was amended and the divorced or separated parents are both Service members. These rules apply in addition to those in paragraph 260303 and only when neither Service member is assigned to family-type Government quarters, unless otherwise specified.

1. Unless both Service members agree to the contrary, the custodial parent is authorized a housing allowance for the child, regardless of the child-support amount received by that Service member. In addition to the court order, a separate notarized agreement between the Service members must be provided for the non-custodial Service member to receive a housing allowance for the child.

2. When each Service member has legal *and* physical custody of one or more of the children of the marriage, each Service member is authorized a housing allowance for the children in their individual physical custody, regardless of child-support payments from one Service member to the other.

3. When a child of the marriage is in a third party's custody, only one Service member is authorized a housing allowance for the child, even if both Service members are paying sufficient child support to qualify for the housing allowance. The senior Service member is authorized a housing allowance for the child when the two Service members do not agree on which person claims the authorization. If the Service members are of equal rank, date of rank determines which one receives a housing allowance for the child.

4. In joint legal custody cases, when physical custody changes from one parent to another, each parent is authorized a housing allowance for the child during those periods the child is actually in that parent's physical custody.

5. When a non-custodial Service member pays child support to the custodial parent who also has another dependent who makes the Service member eligible for a housing allowance, there is a presumption that the custodial parent's authorization is based on the dependent other than the child of the marriage. The housing allowance authorization for the custodial and non-custodial parents is determined individually.

6. When the dependent is no longer in one class, the housing allowance authorization for the custodial and non-custodial parents is determined individually. For example, if the non-custodial parent pays child support to a non-active duty parent for a child from a previous marriage or non-marriage relationship, the non-custodial parent may qualify for a housing allowance based solely on the basis of the Service member's child support for the child (see paragraph 260301).

B. Voluntary Support Payments. Voluntary support payments must not be considered to determine housing allowance authorization unless there is a mutual agreement between the Service-member parents that the custodial Service member parent accepts the support payments.

## 2605 BASIC ALLOWANCE FOR HOUSING (BAH)

### 260501. BAH Rate Protection

The monthly BAH amount paid to a Service member must not be reduced due to changes in housing costs in the MHA, changes in the national monthly housing cost, or a Service member's promotion. The BAH rate for an RC member is also protected, provided the RC member does not have a break in active service of 1 or more calendar days. This includes transitions in service status from Active Guard Reserve (AGR) duty to other active duty and back to AGR duty, or beginning a new active duty order or order extension without a break in active service. If the Service member is demoted or loses authority for BAH, then the Service member's BAH rate protection at the current amount stops when the eligibility to BAH for a given MHA or County Cost Group (CCG) ends. The current BAH rate at the current duty location becomes the Service member's new protected BAH rate.

### 260502. BAH Advance

A. Authority. Each Service must set regulations for advance BAH payment administration to include the preparation and disposition of vouchers and supporting papers. When allowed by Service regulations, a Service member's commanding officer, his or her designee, or another designated official may authorize an advance BAH payment to pay advance rent, security deposits, or initial expenses due to occupying other than Government housing. An advance may also be authorized at any time during a Service member's tour at the location concerned or when a Service member has relocated due to a PCS order. The Secretary concerned or the Secretary's designee may authorize an advance BAH payment in circumstances and conditions other than those specified in this paragraph. Service regulations must set repayment procedures for advances made under special circumstances.

B. Timing. Ordinarily, the advance should not be disbursed more than 3 working days before the date payment under the lease or rental agreement must be made. In extenuating circumstances, the officials listed in this Chapter may authorize disbursement more than 3 working days before the date payment must be made. The BAH advance may be paid before or after the expenses occur. A Service member must request the advance payment within 30 days after incurring the expense.

C. Requirements. Housing expenses must be documented. Required documentation includes copies of the lease, utility company statement, and any other pertinent documentation necessary to support the housing expenses.

D. Amount. The advance amount is determined by the Service member's current BAH rate, his or her ability to repay the advance, other advances of pay that may have been made, and any recurring pay deductions. The BAH advance is limited to a total of 3 months BAH that the Service member is expected to accrue. Expenses identified by a Service member used to purchase any real estate or living accommodations must not serve as a basis for authorizing or determining the amount of the advance.

E. Repayment. Repayment of the advance should be at a rate of at least one-twelfth of the amount advanced in equal monthly installments for the next 12 months. Collection action should begin on the 1st day of the month after the advance payment has been made.

1. When justified by the Service member and authorized by the Service member's commanding officer, his or her designee, or another Service-designated official, start of collection action may be postponed for up to 3 months after the advance is made. Repayment may be spread over a period of more than 12 months, but must be limited to 24 months or the Service member's scheduled tour at the location concerned, whichever is shorter.

2. Action must be taken immediately to recoup in a lump sum any BAH advance that the landlord has returned to the Service member upon receipt of information that the Service member has vacated the housing for which the advance was made. If the Service member chooses, he or she may repay in monthly installments any balance of an advance not returned by the landlord. The balance must be repaid during the months remaining on the existing loan repayment schedule.

260503. Partial Housing Allowance (BAH-Partial)

A. Conditions. Table 26-14 specifies the conditions for BAH-Partial.

Table 26-14. Conditions for BAH-Partial

If a Service member...		Then the Service member...
1	without a dependent assigned to single-type adequate Government quarters at the PDS and authorized BAH-Partial is subsequently sick in a hospital with no PCS involved,	continues to be authorized BAH-Partial while he or she is hospitalized.
2	in grade E-6 or below without a dependent is offered an assignment of adequate Government quarters, or is assigned Government quarters but elects not to occupy such quarters and resides in private quarters at own expense,	<p>a. is considered to be assigned to Government quarters.</p> <p>b. is not authorized BAH or OHA.</p> <p>c. is authorized BAH-Partial.*</p>

Table 26-14. Conditions for BAH-Partial (Continued)

If a Service member...		Then the Service member...
<b>3</b>	is occupying single-type Government quarters while a dependent resides in family-type Government quarters,	a. is not authorized BAH or OHA at the full rate. b. is authorized BAH-Partial, provided the family quarters are not assigned under the Service member's eligibility.
<b>4</b>	married to another Service member, who has no dependents other than the spouse, is assigned to single type Government quarters and is not authorized BAH or OHA,	is authorized BAH-Partial
<b>5</b>	married to another Service member with no dependents other than the spouse is assigned to family-type Government quarters, without a dependent is single and is assigned to family-type Government quarters,	is not authorized BAH-Partial.
<b>6</b>	without a dependent is assigned to Government single-type quarters (including Government leased quarters) that exceed the minimum standards of single quarters for the Service member's grade,**	
<b>7</b>	without a dependent is confined in a guardhouse, brig, or correctional barracks who was assigned to single-type Government quarters before confinement and remains assigned to such quarters during confinement,	is authorized BAH-Partial unless forfeiture of allowances was directed.
<b>8</b>	without a dependent is restrained in a status of arrest in assigned single-type Government quarters, without a dependent is ordered to PCS to confinement in a guardhouse, brig, correctional barracks, or to additional training in a retraining or rehabilitation facility and is assigned to certain quarters therein,	a. is not authorized BAH or OHA; or b. is authorized BAH-Partial unless forfeiture of allowances was directed.
<b>9</b>	without a dependent is permanently assigned to a hospital for treatment and is assigned quarters in the hospital, without a dependent is assigned to single-type Government quarters between PDSs and not authorized BAH or OHA,	is authorized BAH-Partial.
<b>10</b>	married to another Service member, and neither has other dependents, is assigned to sea duty and occupies Government family quarters assigned to the spouse when the ship is in port,	a. is not authorized BAH or OHA. b. is authorized BAH-Partial.
<b>11</b>	is paying child support and receiving BAH-Diff,	a. is not a Service member without a dependent. b. is not authorized BAH-Partial.

Table 26-14. Conditions for BAH-Partial (Continued)

If a Service member...	Then the Service member...
<p>*See subparagraphs 261005-A and 261001-D for exceptions.</p> <p>**This limitation does not apply to members on medical hold or holdover personnel receiving outpatient medical treatment who have been designated as requiring a live-in non-medical attendant. The Service determines the housing standards for such personnel based on medical condition, treatment, non-medical attendant, and other relevant factors.</p>	

B. Navy Barracks Privatization Test. Under the authority in 10 U.S.C. §2881a, the Navy is conducting a limited test of barracks privatization. The privatized barracks are defined as Government quarters for the purposes of the test. For a Service member occupying privatized barracks, a special BAH-Partial rate equal to a percentage of the PDS locality BAH at the without-dependent rate for the Service member's grade is established. Table 26-15 specifies the applicable locations and percentages.

Table 26-15. Special BAH-Partial for Navy Barracks Privatization Test

Starting Date		Location	Housing Type Occupied	Special BAH-Partial Percentage
1	October 1, 2006	San Diego, California	existing dormitory-style unaccompanied housing:	
			a. double occupancy	34
			b. single occupancy	68
2	October 1, 2013		Pacific Beacon market-style housing:	
			a. double occupancy	41
			b. single occupancy	82
3	April 1, 2007	Hampton Roads, Virginia*	existing unaccompanied housing	66
			new construction, privatized housing (two bedroom, two bath market style)	74

\*Including Hampton/Newport News and Norfolk/Portsmouth MHAs

#### 260504. BAH Differential (BAH-Diff)

A Service member assigned to single-type Government quarters or a single-type housing facility under a uniformed Service's jurisdiction is not usually authorized more than BAH Partial. However, if the Service member is authorized BAH solely due to paying child support and the Service member is paying an amount equal to or greater than BAH-Diff, then he or she is authorized BAH-Diff. A Service member is not authorized BAH-Diff if the child support payment is less than the Service member's applicable pay grade BAH-Diff amount. See paragraphs 260306, 260307, and 260403 if child is in the custody of another active duty member.

260505. Temporary BAH Increase

The Secretary of Defense may prescribe a temporary increase in BAH rates in an area the President declared as a major disaster area or at an installation that experienced a sudden increase in the number of assigned Service members. Payment of the higher BAH is only effective for an MHA or specified ZIP Codes within a county cost group. This authority expires December 31, 2019.

A. Eligibility. A temporary increase in BAH rates results in two different BAH rates for Service members assigned to the same ZIP Code. To receive the higher of the two BAH rates, a Service member must certify to the Secretary concerned that he or she incurred higher housing costs in an approved area due to a major disaster or sudden increase of military personnel assigned to an installation. The certification must be in a form acceptable to the approval authority. The Service member’s certification must document rent, or mortgage expense in the case of a homeowner, and utility expenses.

B. Approval. The approval authority is at a level specified through the Secretarial Process. If the total housing expense—rent or mortgage plus utility expenses—from the Service member’s certification is less than the existing BAH rate, no increase is authorized. If the total housing expense from the Service member’s certification is higher than the BAH rate during that time, then the Service member is authorized the increased rate effective the approval date of the MHA for an increased rate or the date the Service member started incurring the increased expenses, whichever is later.

C. Locations. Locations approved for a temporary BAH rate increase are listed in Table 26-16.

Table 26-16. Locations Approved for a Temporary BAH Rate Increase

	Authorized Location	Effective Date	Termination Date
1	None Listed		

D. Effect of Changes. Table 26-17 specifies how changes during the temporary rate increase period affect the BAH paid.

Table 26-17. Effect of Changes During Temporary Rate Increase Period on BAH

	If a Service member receiving a temporary BAH rate increase...	Then the Service member must...
1	is promoted,	certify that housing costs exceed the standard BAH rate for the higher grade. Without certification, the standard BAH rate for the higher grade applies.
2	is demoted,	certify that housing costs exceed the standard BAH rate for the lower grade. Without certification, the standard BAH rate for the lower grade applies.

Table 26-17. Effect of Changes During Temporary Rate Increase Period on BAH (Continued)

	If a Service member receiving a temporary BAH rate increase...	Then the Service member must...
3	has a dependency change,	recertify housing costs to compare applicable rates.

E. Termination. The increased allowance is paid through the day before the effective date of the next standard BAH rate change for the area. The new standard BAH rate applies on the effective date. There is no rate protection for temporarily increased rates.

## 2606 OVERSEAS HOUSING ALLOWANCE (OHA)

### 260601. OHA Overview

OHA is designed to cover actual rental costs for 80% of the assigned Service members. A Service member is reimbursed actual rental costs, limited to the maximum OHA rate for each locality and grade. OHA is not intended and must not be used for the personal enrichment of a Service member by including costs incurred for procuring or adapting a residence to accommodate renters or for vacation purposes. Disciplinary action may apply when housing allowances are used for other than the purpose intended.

A. OHA Types. There are two housing-allowance types paid under OHA—an upfront, lump sum (MIHA) for those who qualify and a monthly OHA, which includes a utility and recurring maintenance allowance.

B. Requirements. A Service member authorized to live in private-sector leased or owned housing is authorized OHA provided a DD 2367 is completed and approved. Payment of OHA requires a lease agreement or a verifiable purchase price. The senior officer of the Uniformed Services in the country concerned, or the individuals or offices designated for that purpose by the senior officer has approval authority.

1. The reported housing must be the actual residence that the Service member occupies and from which the Service member commutes to and from work daily. If a Service member is assigned on an unaccompanied tour or has a Secretarial waiver and is authorized OHA for a dependent who lives separately, the reported housing must be the actual residence that the Service member's dependent occupies.

2. When a Service member is required to pay monthly rent at a specified fixed-exchange rate (dollar equivalency contract) for the lease duration because it is required by law or local custom, the Service member's commanding officer, or designee, must enter the following statement in DD 2367 (Part C Remarks: "Dollar equivalency contract required. No other housing option available to the Service member." The Service member must enter the monthly rent equivalent in U.S. dollars into DD 2367 block 5b.

C. Monthly OHA Allowance. An OHA paid monthly includes the rental allowance and the utility and recurring maintenance allowance as specified in paragraphs 260602 and 260603.

D. MIHA. See (MIHA). The MIHA/Miscellaneous is an upfront, lump sum payment based on the average move-in costs for a Service member. The four payment types of MIHA are specified in Table 26-23.

E. Allowance Payable. OHA rates are based on a Service member's PDS except as otherwise indicated in this chapter. OHA is not payable on the arrival day when MALT Plus is paid. Unless a special determination jointly issued by the Secretary concerned and the OUSD (P&R) authorizes a different rate due to special circumstances, the amount of OHA payable is as specified in this chapter.

F. OHA Unique Expenses. In some locations OCONUS, Service members incur housing expenses for items that are not incurred in the CONUS. Since not every Service member incurs these expenses and they vary in amount, do not occur monthly, and are significant, such expenses cannot be made a part of the utility and recurring maintenance allowance calculation. For these expenses, payment is a dollar for dollar reimbursement for a specifically authorized expense at designated authorized locations. Only the locations and expenses specified in Table 26-18 are authorized OHA unique expense reimbursement.

1. Criteria. A mandatory and excessive housing expense incurred periodically must meet all of the criteria mentioned to be authorized as an OHA unique expense eligible for reimbursement. The Secretary concerned or Secretarial Process, at Service discretion, may reimburse OHA unique expenses for the locations and specific expenses specified under this criteria. Each individual mandatory and excessive expense must meet all of the following criteria and be:

- a. Incurred by Service members receiving OHA at a duty station.
- b. An item or expense that exceeds 1% of spendable income for the typical Service member.
- c. An item or expense that is not purchased or paid by Service members based in the CONUS.
- d. Required by law.
- e. Authorized or approved by the Service Compensation representatives for reimbursement. These expenses must be verified by a valid receipt and paid on or after the effective date for the specific locations in Table 26-18. No expenses paid before this date can be reimbursed.



Table 26-18. OHA Unique Expense Locations

Location		Expense	Effective Date
1	France	Mandatory Habitation Tax, excluding late payment fees	August 16, 2016
2	Denmark	Mandatory expenses associated with completely refurbishing quarters upon departure	October 10, 2017

2. Submission. OUSD (P&R) does not accept requests from individual members for OHA unique expense authorization. All requests for specific expenses at specific locations must be forwarded through the Major Command level, then through the applicable Service representative to OUSD (P&R).

G. OHA Responsibilities. Commanders OCONUS, or their designees, must periodically provide data required for authorizing, changing, and terminating OHA for each locality OCONUS within their jurisdictions as specified by the OUSD (P&R). See Station Allowance Reporting Procedures and Responsibilities for the responsibilities of the Overseas Command or Commander, Senior Officer, and Country Allowance Coordinator.

#### 260602. OHA Determining Monthly Rent

Monthly rent is the amount paid each month by a Service member for possession and use of private-sector housing, to include a mobile home or boat.

A. Determine Rent. The rent stated in the lease, or as otherwise agreed to by the landlord and the tenant in a written document, must be used in computing the OHA. The cost of parking at the duty location is not included in rent. The following rules apply for determining rent:

1. A recurring condominium or homeowner association fee paid by the Service member is prorated to a monthly charge and incorporated into the Service member's rent.

2. A sharer's monthly rent is determined by dividing the total monthly rent by the number of sharers occupying the dwelling.

3. In an arrangement by which a Service member pays rent in advance and the landlord agrees to reimburse the Service member all or substantially all of the rental money at the end of the lease agreement, the amount of rent used in computing a Service member's OHA is zero.

4. If a Service member or dependent jointly occupy a dwelling with relatives or friends who own the dwelling, the rent amount is zero, even if there is a lease or written document. This restriction does not apply when the Service member or dependent leases lodging from a relative or friend with a bona fide, standard written lease, when the relative or friend concerned does not jointly occupy the leased dwelling and the relative or friend regularly rents the lodging involved. There is no authority to pay MIHA or the utility and recurring maintenance allowance when living with relatives or friends.

5. The cost of a separate lease for parking at or in the vicinity of the private-sector housing is added to the housing lease amount in determining his or her total rent.

6. See subparagraph 260602.C for a dwelling owned by a Service member.

B. Sharers. A sharer is authorized up to the maximum rental allowance set for a Service member without a dependent unless accompanied by one or more dependents (see Table 26-19). A sharer accompanied by a dependent is authorized up to the maximum rental allowance set for a Service member with dependents.

1. Compute the authorized OHA for each sharer by adding the sharer's prorated share of the rent paid or the maximum rental established for the sharer's grade and locality, whichever is less, and the prorated monthly utility and recurring maintenance allowance.

2. A Service member authorized MIHA/Miscellaneous (see paragraph 260605) receives a full rather than prorated allowance. Only one sharer may claim reimbursement for any individual rent, security, or infectious-disease related expense.

3. A renter living in a completely separate unit of an owner-occupied multiplex dwelling owned by another Service member is not a "sharer," and OHA is determined as if the renter occupied an unattached unit.

C. Private-Sector Housing Owned

1. Divide the actual purchase price—not an appraised value—of the private-sector housing by 120 to derive the monthly calculated "rent" for a private-sector dwelling owned by a Service member. Settlement costs, fees for title search, other legal and related costs are not included in determining the actual purchase price.

2. The amount of any personal installment-type loans and real estate equity loans obtained for renovating or repairing the current dwelling place are added to the actual purchase price before determining the rent.

a. For this purpose, renovating means restoring to a previous condition, as by remodeling, and repairing means restoring to a sound condition after damage or injury, including fixing, setting right, renewing, or refreshing.

b. A loan used to furnish or decorate the home—including such things as the addition of a hot tub or pool to a home purchased without such an amenity—or a loan for personal reasons, including a credit card or line of credit loan must not be used.

c. To determine the monthly OHA rental equivalency when adding a loan described in this paragraph, add the loan amount to the original verifiable purchase price, divide the new total by 120, and the new "rental equivalency" starts from the loan start date.

d. The Service concerned must adjudicate loans. The Service member's command should submit the request with all documentation through the appropriate channel specified in Table 26-2.

3. If a Service member or the Service member's dependent inherits a dwelling or residence or otherwise receives it without purchasing it, the dwelling or residence purchase price is \$0. In this case, the Service member is authorized to receive the utility and recurring maintenance allowance. If a Service member obtains a mortgage on the inherited dwelling or residence specifically for home improvements or takes out a loan to pay inheritance taxes on the residence or dwelling, the mortgage or loan cost may be used as an OHA housing cost.

4. If the dwelling is a multiplex unit owned by a Service member, the allowance claimed is based on the percentage of the multiplex unit's square footage occupied by the Service member and dependent. The allowance equals the purchase price multiplied by that percentage and divided by 120. Renters of other units within the multiplex unit are not sharers.

5. If the Service member-owned dwelling place is a mobile home or boat, the monthly lot rental or berthing fee paid is added to this amount.

D. Maximum Rental Allowance. Use the Overseas Housing Allowance Calculator (OHA Calculator) to obtain the maximum amount of monthly rent considered. Maximum OHA rental allowances for each locality are based on reported actual rental cost data for Service members with-dependents residing in private-sector housing. If utilities are included in the rent, see paragraph 260603. See the OHA computation steps for calculation examples.

Table 26-19. Maximum OHA Rental Allowance

<b>Rent Eligibility</b>		<b>Allowable Rent</b>
<b>1</b>	Service member with-dependent	the amount is the lesser of the Service member's reported rent or the maximum allowable rent for the Service member's grade at the PDS locality.
<b>2</b>	Service member without-dependent	the amount is the lesser of the Service member's reported rent or 90% of the maximum allowable rent for the Service member's grade at the PDS locality.

E. Rent Changes. Re-compute OHA if and when the rent changes.

260603. OHA Utility or Recurring Maintenance Allowance

A. Monthly Allowance. When rent does not include utilities or the Service member is a homeowner, the Service member is authorized the utility and recurring maintenance allowance. The utility and recurring maintenance allowance for each OHA locality is based on the with-dependent reported expenses for Service members who pay all or a majority of their utilities. It covers the utility costs for 80% of the Service members assigned to an area. It is paid to sharers on a prorated amount of the net allowance. It is paid to a Service member without a dependent, who is not a sharer, at 75% of the with-dependent rate.

B. Rent Includes All or Some Utilities. If any or all of the OHA utility component is included in the rent, then the amount is withheld from the utility and recurring maintenance allowance and then added to the Rental Allowance component before comparison with the Service member's actual rent.

1. A Service member is not authorized the utility and recurring maintenance allowance when rent includes all utilities. However, when computing the OHA, the appropriate utility and recurring maintenance allowance is added to the Service member's rental allowance.

2. When rent includes some utilities, the utility and recurring maintenance allowance is paid on a percentage basis. The locality climate code and the utility point score determine the percentage of the utility and recurring maintenance allowance that the Service member is authorized. However, when computing OHA, the amount for which the Service member is not authorized is added to the appropriate rental allowance ceiling.

a. Locality climate codes are specified on each OHA locality table. The three climate codes are:

(1) Code 1 (Cold). Long-term mean temperature of 45 °F or colder.

(2) Code 2 (Moderate). Neither Code 1 nor Code 3.

(3) Code 3 (Hot). Long-term mean temperature of 69 °F or warmer, except when the long-term mean for 1 or more months of the year drops to 45 °F or colder. In such instances, a climate code of 2 is assigned.

b. Table 26-20 specifies the correct climate code to credit the Service member with appropriate points for each utility or service that is not included in the rent. Add the numbers to get the Service member's total utility point score.

Table 26-20. Climate Code Utility Points

Utility	Code 3 – Hot	Code 2 – Moderate	Code 1 – Cold
Electricity	3	3	3
Heating	1	2	3
Air Conditioning	3	2	1
Water	1	1	1
Trash Disposal	1	1	1

c. Table 26-21 specifies the correct percentage of the utility and recurring maintenance allowance to be paid after determining the total utility point score.

Table 26-21. Utility and Recurring Maintenance Allowance Payment Percentage

Total Utility Points	Applicable Percentage
0	0
1-2	25
3-4	65
5-9	100

## 260604. OHA Computation Steps

Follow steps one through four in Table 26-22 to determine a Service member's OHA.

Table 26-22. OHA Computation Procedure

<b>Directions</b> (See DD 2367) and <u><i>utility and recurring maintenance allowance</i></u>	
<b>1</b>	Determine the Service member's monthly rent as specified in the paragraph 260602.
<b>2</b>	Using the appropriate locality table, find the rental allowance for the Service member's specific locality code and grade. For a Service member without-dependent, multiply the with-dependent rate by 90 percent. If rent includes: <ul style="list-style-type: none"> <li>a. all utilities (block 7b checked on DD 2367), add the full utility and recurring maintenance allowance to the maximum rental allowance.</li> <li>b. some but not all utilities (block 7c checked on DD 2367), add the amount computed in Step 3 to the maximum rental allowance.</li> </ul>
<b>3</b>	Locate the utility and recurring maintenance allowance from the locality table. Use the rules specified in paragraph 260603 to determine the utility amount allowed based on the amount of utilities included in the rent, if any. Rent includes: <ul style="list-style-type: none"> <li>a. all utilities (block 7b checked on DD 2367). The Service member receives no separate utility and recurring maintenance allowance; however, this allowance is added to the rental allowance determined in Step 2.</li> <li>b. no utilities (block 7a checked on DD 2367). A Service member with a dependent who is not a sharer receives the full utility and recurring maintenance allowance. A Service member without-dependent who is not a sharer receives 75% of the with-dependent utility and recurring maintenance allowance. A sharer, with or without a dependent, receives a prorated share of the utility and recurring maintenance allowance.</li> <li>c. some utilities (block 7c checked on DD 2367). Determine the "Climate Code" from the applicable OHA locality table. Use the "Climate Code" and "Utility Point Score" tables to determine the percentage of utility and recurring maintenance allowance payment. The amount the Service member does not receive is added to the maximum rental allowance determined in Step 2.</li> </ul>

Table 26-22. OHA Computation Procedure (Continued)

<b>Directions</b> (See DD 2367) and <u><a href="#">utility and recurring maintenance allowance</a></u>	
<b>4</b>	Compare the monthly rent computed in Step 1 with the rental allowance determined in steps 2 and 3. If the rent in Step 1 is: <ol style="list-style-type: none"> <li>a. less than the rental allowance in steps 2 and 3, then rent in Step 1 is used to compute OHA.</li> <li>b. greater than the rental allowance calculated in steps 2 and 3, then the rental allowance calculated in steps 2 and 3 is used to compute OHA.</li> </ol>
See <u><a href="#">OHA computation examples</a></u>	

## 260605. Move-in Housing Allowance (MIHA)

A. General. MIHA exists to defray the move-in costs associated with occupying private-sector housing covered under the OHA program, whether leased or owned. MIHA is not payable to a Service member occupying Government or Government-leased housing. MIHA does not cover move-out costs. In most cases, a Service member authorized OHA is authorized MIHA. See [\(MIHA\)](#) for how to complete [DD Form 2556](#), MIHA Claim. That form must accompany MIHA/Rent, MIHA/Security, or MIHA/Infectious Disease-related expenses. Various [OHA Surveys](#) are sent to Service members in private-sector leased housing to document utility and move-in expenses.

B. Rules and Information

1. To be authorized a MIHA, a Service member must be eligible for OHA.

2. An eligible Service member is authorized MIHA for one dwelling during a tour at a PDS unless a Government-funded local move occurs and the Service member occupies another dwelling covered by OHA.

3. There is no MIHA under any of the following circumstances:

- a. A local move would otherwise initiate a second or subsequent MIHA payment request unless that move is Government funded.

- b. A Service member complies with a PCS order but remains in the same dwelling, including an RC member called or ordered to active duty who is authorized OHA based on the primary residence at the time called or ordered to active duty.

- c. A Service member moves from Government quarters to private-sector housing for separation or retirement (see JTR, Chapter 5, Section 0519).

4. The four MIHA payment types are described in Table 26-23. See [\(MIHA\)](#) for qualifying areas and additional rules.

Table 26-23. Types of MIHA Payments

Payment Type		Description
1	MIHA/Miscellaneous	The MIHA/Miscellaneous amount indicated on the <u>OHA locality tables</u> is based on expenses a Service member typically incurs associated when moving into privately leased or owned dwellings. MIHA specifies reportable and non-reportable MIHA/Miscellaneous expenses. The <u>OHA Calculator</u> specifies the amount payable. Only one payment is authorized at a PDS unless otherwise specified in this paragraph.
2	MIHA/Rent	Homeowners are ineligible. MIHA/Rent covers all reasonable rent-related expenses. These are fixed, one-time, nonrefundable charges levied on behalf of the landlord or a foreign government that the Service member must pay before or upon occupying a dwelling. All unreasonable expenditures, as determined by the AO, must be disallowed. The following are not included in MIHA/Rent: <ul style="list-style-type: none"> <li>a. Expenses deferred until lease termination, such as a real estate agent fee, a redecoration fee if paid up-front, or a one-time lease tax.</li> <li>b. Advance rental payments, refundable deposits, or recurring costs.</li> </ul>
3	MIHA/Security	MIHA/Security covers reasonable security related expenses for a Service member assigned to an area where dwellings require modification to minimize terrorist or criminal threat. See <u>MIHA-Security locations</u> .
4	MIHA/Infectious Disease	Effective December 7, 2016, MIHA/Infectious Disease covers reasonable upgrades to the physical dwelling to prevent the spread of infectious disease, such as window or door screens, when the dwelling requires modification to minimize exposure to medical threats related to mosquito-transmitted diseases. See <u>MIHA</u> for MIHA Infectious Disease locations.

5. Sharer Eligibility. Each Service member classified as a sharer and authorized MIHA is authorized the full MIHA/Miscellaneous allowance. Only one sharer may claim the individual expense for MIHA/Rent, MIHA/Security, and MIHA/Infectious Disease. Acceptable claims for MIHA/Rent, MIHA/Security, or MIHA/Infectious Disease must include DD 2556 proper documentation, and detailed receipts for all expenditures.

C. MIHA/Miscellaneous Expenses. The purchase price of an item included in Table 26-24 is generally authorized for the MIHA/Miscellaneous component of the OHA unless an item is purchased with the intent to ship it from the present PDS. An item intended to be shipped is not reportable. These expenses are associated with items necessary to make housing habitable. Table 26-24 lists the vast majority of reportable expenses, and also lists certain expense items that are not reportable. These lists are not exhaustive, but contain the vast majority of items commonly contained in each group.

Table 26-24. MIHA/Miscellaneous Expense Items

1	Reportable MIHA/Miscellaneous Expense Item	<ul style="list-style-type: none"> <li>a. Cabinets (for example, kitchen, medicine, bathroom).</li> <li>b. Plumbing and plumbing installation, hookups.</li> <li>c. Gas or electrical installation.</li> <li>d. Supplementary heating equipment.</li> <li>e. Painting, papering, and plastering (upon arrival only).</li> <li>f. Light fixtures, permanently installed.</li> <li>g. Wardrobes.</li> <li>h. Shelving.</li> <li>i. Telephone installation.</li> <li>j. Range, refrigerator, freezer, washer, or dryer.</li> <li>k. Air conditioners, dehumidifiers, fans.</li> <li>l. Screening.</li> <li>m. Transformers and voltage regulators.</li> <li>n. Commodes and sinks, when ordinarily not furnished.</li> <li>o. Burglar alarm, security bars, and supplementary door locks, when locally required.</li> <li>p. Water purification filters, when locally required.</li> <li>q. Pest fumigation, if required when housing is first occupied, otherwise include in</li> <li>r. Recurring maintenance expenses.</li> <li>s. Repair of drain pipes and gutters.</li> </ul>
2	Non-Reportable MIHA/Miscellaneous Expense Items	<ul style="list-style-type: none"> <li>a. Rugs, carpets, curtains, and drapes.</li> <li>b. Lawn and gardening maintenance expenses.</li> <li>c. Dishwashers, microwave ovens, and other small, personal appliances.</li> <li>d. Televisions, cable TV installation, antennas, and similar expenses.</li> <li>e. Any recoverable deposit, such as a security deposit.</li> <li>f. Lightbulbs.</li> <li>g. Taxes of any kind, unless specifically required by the lease.</li> <li>h. Fencing, yard-related items.</li> <li>i. Any personal labor costs.</li> </ul>

260606. OHA Advance Payment

See [Rental Advances](#) for detailed information on areas with rental advance protection under OHA. Rental payments should be made on a month-to-month basis whenever possible to avoid the need for rental advances.

A. [Authority](#)

1. [Advance Rent of Fewer than 4 Months, Security Deposits, or Initial Expenses](#). The Senior Officer in-country, or his or her designee, may authorize an advance OHA payment to pay advance rent, security deposits, or MIHA-related expenses due to occupying private-sector housing. The advance may be made at any time during the Service member's tour. It also may be authorized when a Service member has located housing due to a PCS order.



Personal preference is not grounds for authorizing advance rent payment. Advance OHA is not authorized for lease arrangements in which the Service member lives rent free after making a one-time payment to the landlord with the anticipation that the rental amount is to be completely or substantially refunded at lease termination.

2. Advance Rent of 4 or More Months

a. Rental advances of at least 4 months, but no more than 12 months, may be made only for the locations authorized by OUSD (P&R). Once OUSD (P&R) authorizes and lists a location for Rental advances, the Senior Officer in-country, or his or her designee, may authorize individual requests. Requests for approval are considered if the requirement for the advance rent exists for any of the following reasons:

(1) Law.

(2) Local custom for everyone, including local nationals.

(3) Economic or market conditions preclude availability of secure housing, as confirmed by the U.S. Embassy.

b. Requests to add locations must be submitted through the Country Senior Officer or Command as instructed in the Station Allowance Reporting Procedures and Responsibilities.

B. Amount. The amount to be advanced must be determined based on housing expenses, including advance rent and a security deposit, and the authorized OHA. Housing expenses must be documented. Expenses identified by a Service member for purchase of real estate or living accommodations must not be considered. The Service member's ability to repay the advance must be considered in determining the advance amount. While the amount to be advanced should not exceed the estimated OHA total for 1 year, a larger amount may be authorized if needed to cover anticipated housing expenses. In no case may the advance payment exceed either of the following, whichever is less.

1. Anticipated housing expenses.

2. OHA anticipated to accrue for the Service member's tour at that PDS.

C. Repayment

1. Repayment Within 12 Months. Monthly repayment installments should be at a rate of one-twelfth of the amount advanced over 12 months. Collection action should begin on the 1st day of the month after payment of the advance.

2. Postpone Collection Start. When justified by the Service member and authorized by an official designated by the Service concerned, the collection start may be postponed for up to 3 months after the advance. Repayment may be spread over a period of more than 1 year, but must be limited to the Service member's tour at the PDS.

3. Advance Rent Repayment Postponement Until the Service Member Vacates Housing. An official designated by the Service concerned may postpone repayment of advance rent until the Service member vacates the housing for which the advance rent was paid if earlier repayment would create an excessive economic burden.

4. Security Deposit Repayment Postponement Until the Service Member Vacates Housing. An official designated by the Service concerned may postpone repayment of the entire amount of a security deposit of \$500 or more until the Service member vacates the housing for which the security deposit was paid if earlier repayment would create an excessive economic burden.

5. Recouping Lump Sum Returned by Landlord. Action to recoup in a lump sum of any OHA advance that has been returned to the Service member by the landlord must be taken immediately upon receipt of information that the Service member has vacated the housing for which the advance was made. Any balance of an advance not returned by the landlord may be repaid in monthly installments, if desired by the Service member, over the balance of the months remaining on the Service member's existing loan repayment schedule.

6. Currency Fluctuation Effects. The Service concerned absorbs any loss due to currency fluctuations when liquidating advance security deposits. The Service member must pay to the Service any gains due to currency fluctuations. These currency protection procedures for security deposits apply without regard to the provisions for protection of rent advances in subparagraph 260606.D.

7. Pay System Reporting of Monthly Rent. In countries in which rate protection for advance rent has not been implemented the monthly rent entered in the respective pay system should be entered in U.S. dollars when a Service member has taken an advance for rent.

D. Advance Rent Currency Rate Protection. Rate protection may be provided for certain countries that have undergone a significant currency fluctuation. Countries previously authorized OHA Rental Advance Protection continue to have rent protected locality codes in the OHA Calculator until all previously protected Service members either permanently change stations or change quarters. Currency rate protection for additional advances is calculated using the exchange rate in effect at the time the new advance is paid. In countries in which rate protection for advance rent has been implemented, monthly rents for an advance rent are processed in dollars. See Service regulations for currency fluctuation loss or gain procedures. Rate protection is accomplished by comparing the OHA rate with the exchange rate in effect at the time the Service member received the advance with the greater of either of the following:

1. The rental allowance in effect at the time of the advance.

2. Any higher rental allowance implemented during the repayment period of the advance.

260607. Service Member Occupying a Government Trailer or Rental Guarantee Housing and OHA

Unless otherwise specified in this chapter, no housing allowance is payable to a Service member occupying housing constructed under the Rental Guarantee Housing Program as authorized in Section 302 of the Act of July 14, 1952, (66 Stat. 622) or Government trailers purchased under Section 408 of the Act of September 1, 1954, (68 Stat. 1126), or any other statute.

260608. OHA and Living Quarters Allowance (LQA) (DSSR §130) Paid Concurrently

A Service member is entitled to OHA at the with-dependent rate even if the Service member's dependent spouse receives a LQA. Direct questions pertaining to LQA to the spouse's Civilian Personnel Office (CPO) or Civilian Personnel Advisory Center (CPAC). Volume 7A has no authority to determine or control eligibility or entitlement of LQA for a civilian employee. See DSSR §130, and the Department of Defense Instruction (DoDI) 1400.25, Vol. 1250, Civilian Employee Overseas Allowances and Differentials.

260609. Observer to a UN Peacekeeping Organization

A Service member permanently assigned as an observer to a UN peacekeeping organization who receives a UN mission subsistence allowance, known as mission per diem, is also authorized a housing allowance under this Chapter. The housing allowance amount, when added to the UN mission subsistence allowance, cannot exceed the housing allowance of a Service member permanently assigned to other than a UN Peacekeeping Organization in the same area. This paragraph does not authorize a reduction in the UN mission subsistence allowance.

## 2607 FAMILY SEPARATION HOUSING (FSH) ALLOWANCE

FSH is payable to a Service member with a dependent for added housing expenses resulting from separation from the dependent. The separation must be caused by a Service member's assignment on military or uniform orders to either a PDS OCONUS on an unaccompanied or dependent-restricted tour or a PDS in the CONUS to which concurrent travel has been denied.

260701. Administration of FSH Allowance

A. Eligibility. For FSH to be payable, all of the following conditions must be met:

1. Dependent transportation to the PDS is not authorized at Government expense under 37 U.S.C. §476.

2. Dependent does not reside in the PDS vicinity.

3. Government quarters are not available for assignment to the Service member.

B. Allowances

1. There are two types of FSH: FSH-B and FSH-O.

a. FSH-B is payable for an assignment at a PDS in Alaska or Hawaii or to a PDS in the CONUS to which concurrent travel has been denied. FSH-B is payable in a monthly amount equal to the without-dependent BAH rate applicable to the Service member's grade and PDS. Payment starts upon submission of proof that Government quarters are not available and that the Service member has obtained private-sector housing.

b. FSH-O is payable for an assignment at a PDS outside the United States. FSH-O is payable in a monthly amount up to, and under the same conditions as, the without-dependent OHA rate applicable to the Service member's grade and PDS. OHA rules for determining monthly rent, utility and recurring maintenance allowance, MIHA, and advances apply to FSH-O.

2. A Service member may not be paid FSH-B or FSH-O in any of the following situations:

a. The Service member's only dependent is entitled to active duty basic pay.

b. The Service member has no dependents other than a dependent for whom he or she is paying child support, but the Service member does not have legal custody and control of that child. This situation is fundamentally different from a Service member who has a spouse or children. A Service member with a spouse or any children is authorized transportation of any dependents, but the nature of the tour or the PDS location prevents dependent transportation to the PDS. A Service member who has a dependent solely due to child support is not eligible for transportation of that dependent under 37 U.S.C. §476, because the Service member does not have custody and control. The ineligibility for transportation, as opposed to a tour or location denial, prevents payment of FSH.

c. The Service member is assigned to a PDS in the CONUS where concurrent travel is authorized.

d. The Service member elects to not occupy available assigned Government quarters and resides in a private-sector residence for personal convenience.

e. FSH-O or FSH-B is not authorized if all of the Service member's dependents reside in the PDS vicinity. If some, but not all, of the dependents voluntarily reside near the PDS, FSH-O or FSH-B continues.

3. FSH-O or FSH-B continues uninterrupted while a Service member's dependent visits at or near the Service member's PDS, but not to exceed 90 continuous days.

Circumstances must clearly show that the dependent is not changing residence and that the visit is temporary and not intended to exceed 90 days.

a. If, for unforeseen reasons, such as due to illness or other emergency, a bona fide social visit lasts 91 or more days, FSH-O or FSH-B stops at the end of the 90-day period. FSH-O or FSH-B is authorized again on the day that the dependent departs from the PDS.

b. If one or more, but not all, dependents visit for longer than 90 days and the Service member is authorized a with-dependent housing allowance on behalf of the dependents who are not visiting or do not reside in the vicinity of the Service member's PDS, then he or she is authorized FSH-O or FSH-B.

Table 26-25 Conditions Affecting FSH

When an eligible Service member...		Then FSH...
1	arrives at a PDS outside the CONUS,	starts when private-sector housing is acquired.
2	departs upon reassignment from a PDS OCONUS,	continues through whichever day occurs first, the day: <ul style="list-style-type: none"> <li>a. before the Service member departs on a PCS.</li> <li>b. the Service member's lease ends.</li> </ul>
3	no longer has an eligible dependent,	continues through the day before the date that the Service member no longer has an eligible dependent.
4	is assigned Government quarters,	continues through the day before the day that Government quarters become available for assignment.
5	enters a non-pay status,	continues through the day before the date that the Service member enters the non-pay status.
6	is in one of the following statuses for 60 or fewer days: <ul style="list-style-type: none"> <li>a. on a TDY away from the Service member's PDS, including a TDY in the United States,</li> <li>b. hospitalized at or away from PDS, including hospitalization in the United States,</li> <li>c. on authorized leave, whether accrued or advance, at or away from the PDS, including leave in the United States,</li> <li>d. military confinement or otherwise restricted by military authority,</li> </ul>	continues for 60 or fewer days without a certificate from the Service member that he or she maintained private-sector housing at the PDS.

Table 26-25 Conditions Affecting FSH (Continued)

	When an eligible Service member...	Then FSH...
7	is in one of the following statuses for 61 or more days: <ol style="list-style-type: none"> <li>a. on a TDY away from the Service member's PDS, including a TDY in the United States,</li> <li>b. hospitalized at or away from PDS, including hospitalization in the United States,</li> <li>c. on authorized leave, whether accrued or advance, at or away from the PDS, including leave in the United States,</li> <li>d. in military confinement or otherwise restricted by military authority,</li> </ol>	continues if payment is supported by the Service member's certification that the Service member maintained private-sector housing at the PDS.

## 2608 GOVERNMENT QUARTERS

Assignment to Government quarters affects a Service member's eligibility for BAH. A housing allowance, other than BAH-Partial or BAH-Diff, is not authorized for a Service member who is assigned to Government quarters appropriate to the Service member's grade, rank, or rating and adequate for the Service member and dependents, if any.

### 260801. Responsibility for Assignment or Termination

A. Assignment or Termination of Government Quarters. The commander responsible for the Government quarters has the authority to assign and terminate the assignment. The commander also determines when quarters are adequate and suitable for assignment based on appropriate directives. Government quarters or housing facilities under the Uniformed Services' control are considered to be assigned, suitable, and adequate whenever occupied by a Service member at the PDS without payment of rental charges. This includes under any of the following conditions:

1. When an organization or institution furnishes quarters to a Service member without charge on behalf of the United States.
2. When a foreign government furnishes quarters to a Service member without charge for the Service member's official use.
3. When the quarters, furnished to a Service member without charge, are jointly assigned to one or more Service members without a dependent.

B. Voluntarily Vacating Assigned Quarters. A Service member is still considered to be assigned to Government quarters when he or she voluntarily vacates assigned quarters without the installation commander's approval. A Service member in pay grade E-7 and above, without a dependent, may elect not to occupy assigned quarters unless denied permission by the Secretary Concerned.

C. Family Type Quarters

1. A Service member married to another Service member are both considered assigned to Government quarters when all of the following apply:

- a. Both are stationed at the same or adjacent installations.
- b. Both are able to reside in Government family quarters.
- c. Government family quarters are assigned to one of the Service members.

2. However, if there is a separation agreement, pending divorce, or marital discord that requires one Service member to obtain alternative private-sector housing, to be authorized a housing allowance the Service member not occupying family quarters must obtain a statement from the installation housing officer that Government housing is not assigned.

D. Quarters Assignment Date for Housing Allowance. A housing allowance continues to accrue through the day before a Service member is assigned Government quarters or begins to occupy Government quarters at the PDS.

E. Quarters Termination Date for Housing Allowance. Housing allowance accrues from the date the assignment to Government quarters ends or the date that quarters are vacated.

260802. Government Quarters Assigned or Occupied

A. Government Quarters Adequacy. The Commander responsible for the Government quarters determines their adequacy and appropriateness for assignment.

B. Quarters not Designated as Family-Type Quarters. A Service member who is not assigned to and does not occupy Government quarters is authorized a housing allowance for a dependent even if the dependent occupies Government quarters not designated as family-type quarters. Examples of such quarters include:

1. Dormitory quarters occupied by a Service member's child at a school for dependents of military personnel.

2. A hospital room occupied by a dependent under 10 U.S.C. §1077, Dependents Medical Care Act. However, a Service member is not authorized a housing allowance when the dependent is hospitalized under the Dependent's Medical Care Act and the Service member is assigned to and occupies Government quarters while the dependent is hospitalized even though private quarters are retained.

3. Off-base housing or private-sector housing occupied by the Service member's civilian spouse due to employment overseas with the DoD Education Activity (DoDEA) as a schoolteacher. The Service member must be separated from the spouse by official orders.

C. Quarters Furnished on Behalf of the United States. A Service member is not authorized a housing allowance for a dependent if the Service member and dependent is furnished adequate family-type quarters without rental charge. Examples of such family-type quarters include:

1. Quarters furnished to a Service member in an official capacity by a foreign government.
2. Quarters furnished by a state, county, municipal, or privately owned hospital to an officer serving on active duty as an intern or resident physician.
3. Quarters furnished by a college, university, or research facility as part of a fellowship, scholarship, or grant.

D. Quarters Occupied by Dependent. A Service member furnished single-type quarters is *not* authorized a housing allowance for any of the following:

1. A spouse who is a sole dependent and is furnished quarters in kind as a civilian employee at a Government hospital.
2. A spouse who is a sole dependent and is furnished Government quarters while serving with the American Red Cross overseas.
3. A sole dependent who is a student nurse in training at a Government hospital. However, a housing allowance is payable on behalf of a dependent who is a student nurse in training at a civilian hospital.
4. A civilian spouse who is a sole dependent and is furnished Government quarters while assigned overseas with DoDEA as a schoolteacher.
5. A dependent who occupies Government housing facilities and is evacuated to a safe haven. See subparagraph 260802.F for an exception when the Service member must continue to pay for private-sector housing.
6. Any dependent, if one or more of the Service member's dependents occupy the quarters with the Service member on a permanent basis for more than 90 days, unless another dependent is officially prevented from residing with the Service member.

E. Rental Quarters (Other than Inadequate Quarters). A Service member and a dependent who occupy the following facilities on a rental basis are authorized a housing allowance.



1. Any housing facilities, including trailers, under the Government's jurisdiction other than Government quarters constructed or designated for occupancy without charge. The Service member may sublease such quarters with or without charge to a temporary sublessee and neither the sublessor nor a Service member sublessee loses the right to a housing allowance.

2. A hotel on the grounds of a Service Academy. A Service member is authorized BAH while renting quarters in a hotel on the grounds of a Service Academy.

3. Quarters furnished to a Service member for service in a capacity other than that of a Service member.

F. Quarters at Safe Haven Temporarily Occupied by Dependents

1. A Service member is authorized a housing allowance for a dependent when both of the following occur:

a. The Service member's dependent occupies Government provided housing at a safe haven area after emergency evacuation from private-sector housing at the PDS.

b. Due to conditions beyond the Service member's control, the Service member is required to continue rent payment for the private-sector housing to keep the furnishings and belongings in the private-sector housing and to have housing available upon the dependent's return.

2. This authority continues until a dependent is authorized to return to the Service member's PDS or the dependent arrives at a designated place as specified in the JTR, Chapter 6.

G. Lease on Private-sector Rental or Leased Housing. When a Service member makes a local move from private-sector rented or leased housing to Government housing, a housing allowance is not payable for the remainder of the lease on the private-sector housing even though the Service member is required to honor the lease.

H. Limitation on Quarters Occupied by Service Member

1. When adequate quarters are not furnished for a Service member's dependent, the Service member is not authorized BAH or OHA if the Service member occupies Government quarters that exceed the minimum standards for his or her grade "without-dependent." This applies either at the PDS or TDY location unless the quarters are the only quarters available and either of the following conditions apply:

a. The quarters are not suitable for joint occupancy.

b. If suitable for joint occupancy, the quarters are jointly occupied with another Service member permanently assigned to the PDS.

2. This limitation does not apply to a Service member on medical hold or holdover personnel receiving outpatient medical treatment who have been designated as requiring a live-in non-medical attendant. The Service determines the housing standards for such personnel based on medical condition, treatment, non-medical attendant, and other relevant factors.

I. Additional Room Assigned to Chaplain. Assignment of an additional room to a chaplain for spiritual purposes does not affect the Service member's authority for BAH or OHA. The chaplain must use the room for official duties and not as living quarters.

#### 260803. Government Quarters Designated as Inadequate

A. Housing Allowance Authority. A Service member with-dependents may be assigned Government quarters designated as inadequate on a rental basis without loss of BAH. This does not apply to bachelor officer quarters, visiting officer quarters, guesthouses, and similar type facilities, or to assigned Government quarters undergoing ordinary repairs. An order stating that quarters were inadequate while repairs were being made cannot serve to authorize BAH during the period involved.

B. Effect of Subleasing Inadequate Government Quarters. The Service member may share the Government quarters with others or permit occupancy by others while on leave. The Service member may also sublet the Government quarters on a rental basis without loss of BAH, regardless of the amount of rent.

C. Rental Charge for Inadequate Government Quarters. The authority controlling the inadequate Government quarters establishes the procedures for collecting rent from the Service member at the Government quarters' fair rental value. The rental charge for the Government quarters must be its fair rental value, limited to 75% of the Service member's with-dependent BAH rate (see 10 U.S.C. §2830). The rental charge is independent of the amount and type of BAH paid to the Service member.

D. Effective Date of BAH and Rental Charge. BAH and rental charge begin on the date of the Service member's assignment to such Government quarters or on the date the determination of inadequacy is effective, whichever is later.

E. Computation of BAH and Rental Charge. BAH and the rental charge are computed on a 30-day month basis and prorated at one thirtieth of the monthly rate for each day inadequate Government quarters are assigned. BAH is not paid for, nor is rent charged, for the 31st day of a month. When inadequate Government quarters are assigned on February 28, pay 3 days' BAH and charge 3 days' rent. Rent is not charged for the day the assignment ends; however, BAH accrues for the termination day.

F. Inadequate Government Quarters Re-designated Adequate. Rental charges and BAH end on the date rehabilitated inadequate Government quarters are re-designated as adequate Government quarters. If the Service member's assignment to inadequate Government quarters continued during the rehabilitation period, the adequacy re-designation is effective the 1st day of the month following the month in which the rehabilitation was completed.

G. Two Service Members Married to Each Other—Each Authorized BAH.

When two Service members married to each other jointly occupy inadequate family quarters on a rental basis, see section 2604 to determine their respective BAH rates. The rental charge for the Government quarters must be the assigned inadequate family-type Government quarters' fair rental value, but must never exceed 75% of the with-dependent BAH rate that would be payable to a Service member of the same grade and rank as the Service member under whose eligibility the Government quarters are assigned. The BAH paid to the respective Service members does not affect the rent amount charged, even if a Service member is receiving BAH at the with-dependent rate. BAH is collected as specified in Service procedures. For inter-Service marriages, the rental charge is collected as specified in the procedures of the Service furnishing the Government quarters.

## 2609 PRIVATIZED HOUSING

“Privatized housing” is defined as housing units on or near a military facility in the United States or its territories and possessions that are acquired by or constructed by private persons under the authority of 10 U.S.C. §2871-§2885. The Service Secretary determines which privatized housing is suitable for use as military family housing. Each Service member occupying privatized housing is authorized a housing allowance in the same manner as a Service member not assigned to Government quarters. See subparagraph 260503.B for the Navy Barracks Privatization Test.

## 2610 ASSIGNMENT SITUATIONS

### 261001. Service Member Without-dependent

A Service member without a dependent entitled to basic pay is authorized BAH or OHA in the situations specified in Table 26-26 and as otherwise specified in this paragraph. Ordinarily BAH or OHA is based on the service member's PDS and paid when adequate Government quarters are not provided at the PDS.

A. Service Member Away from PDS. A Service member away from the assigned PDS may occupy Government quarters designated for a Service member without-dependent at the TDY location without affecting the Service member's authority to receive BAH or OHA or to be assigned quarters at the Service member's PDS. Under such circumstances, a Service member may not occupy Government quarters that exceed the minimum standards specified for a Service member of that grade “without-dependent,” unless they are the only quarters available and are available for joint occupancy with other Service members. This limitation does not apply to a Service member who is on medical hold or is receiving outpatient medical treatment and has been designated as requiring a live-in non-medical attendant. The Service determines the housing standards for these personnel based on medical condition, treatment, non-medical attendant, and other relevant factors.

B. Government Quarters. A Service member is not authorized BAH or OHA if assigned or occupies Government Quarters suitable and adequate for the member's grade at the PDS. Government Quarters occupied without payment of rental charges are deemed assigned as appropriate and adequate quarters. When not assigned to Government quarters at the PDS, BAH or OHA accrues while in a duty or authorized leave status not due to PCS. BAH or OHA continues if temporary Government quarters are occupied.

C. Service Member TDY. A Service member on TDY (including permissive travel) when no PCS is involved, is authorized to continue to receive BAH or OHA if authorized prior to the TDY. For a Service member below grade E-7 on a TDY without a PCS involved, authority for BAH or OHA does not exist during the TDY if quarters are assigned or furnished at the PDS, even if the quarters are vacated at the beginning of the TDY. BAH or OHA does not accrue if assigned quarters at the PDS.

D. PCS Between PDSs in Proximity. Ordinarily a housing allowance is paid based on the Service member's PDS or the home port for a Service member assigned to a ship or afloat unit.

1. The Service may instead pay a housing allowance based on the old PDS rate in a situation involving a low or no-cost move. The determination of whether to base the housing allowance on the old PDS because it is inequitable to base it on the new PDS is made by the Secretary concerned or through the Secretarial Process.

2. When a Service member is ordered on a PCS between PDSs located in proximity to each other, housing allowances continue when the Service member continues to commute from the residence occupied while at the old PDS. The housing allowance continues from the time between the Service member's detachment from the old PDS and reporting to the new PDS, unless otherwise prohibited in this Chapter.

3. If a Service member is reassigned under the conditions of a low-cost or no-cost PCS and is not authorized an HHG move, the housing allowance is based on the old PDS under the following conditions:

a. The Service member requested the old PDS housing allowance.

b. The Service-selected decision process determines that it would be inequitable to base the Service member's allowances on the housing cost in the Service member's new PDS area.

E. Service Member in Grade E-7 or Above *not* on Sea Duty. A Service member without a dependent in grade E-7 or above may elect at any time not to occupy Government quarters at the PDS and is authorized BAH or OHA unless the Secretary concerned or designee has determined that the Service member's exercise of this option would adversely affect a training mission, military discipline, or readiness.

F. Service Member in Grade E-6 *not* on Sea Duty. A Service member without a dependent in grade E-6 assigned to inadequate Government quarters or to a housing facility under the jurisdiction of a Uniformed Service that does not meet DoD adequacy standards, may elect to not occupy such quarters and receive BAH or OHA instead. The Secretary concerned, or the designee, may deny BAH or OHA on determining that the Service member's exercise of this option would adversely affect a training mission, military discipline, or readiness.

G. Service Member on Sea Duty. A Service member assigned on permanent duty to a ship ordinarily has Government Quarters available aboard that ship. The Secretary Concerned may determine that a ship or class of ships is inadequate for berthing a member in home port, in which case the ship or class of ships is not available as Government Quarters for housing allowance purposes. When quarters aboard a ship, deemed adequate for berthing, become temporarily unavailable due to maintenance or damage, Government Quarters are no longer available onboard the ship. The Service concerned provides guidance on payment of housing allowances or alternate berthing procedure for ships that become temporarily unavailable for berthing.

1. A Service member without a dependent in grade E-6 or above assigned to permanent sea duty aboard a ship may elect to not occupy assigned shipboard Government quarters and receive BAH or OHA. A Service member in pay grade E-6 or above is authorized to receive BAH or OHA after reporting to a deployed ship or afloat unit.

2. A Service member without a dependent in grade E-5 assigned to permanent sea duty aboard a ship cannot elect to not occupy assigned shipboard Government quarters and receive BAH or OHA. Under Service regulations, the Secretary concerned may authorize BAH or OHA to a Service member without a dependent who is serving in grade E-5 and is assigned to sea duty. When preparing regulations under this paragraph, the Secretary concerned must consider Government quarters availability for a Service member serving in grade E-5.

3. A Service member without a dependent in grade E-4 assigned to permanent sea duty aboard a ship cannot elect to not occupy assigned shipboard Government quarters and receive BAH or OHA. Under Service regulations, the Secretary concerned may authorize BAH or OHA to a Service member without a dependent who is serving in grade E-4 and is assigned to sea duty. When preparing regulations under this paragraph, the Secretary concerned must consider Government quarters availability for a Service member serving in grade E-4.

4. A Service member married to another Service member who is in a pay grade below E-6 is authorized BAH or OHA if assigned to permanent sea duty.

Table 26-26. BAH or OHA Accrual for Service Member Without-dependent Entitled to Basic Pay

	<b>If a Service member is...</b>	<b>Then BAH or OHA accrues...</b>
<b>1</b>	assigned to a PDS,	a. while on a short period of special alert duty during which the Service member is furnished sleeping accommodations at the PDS where Government quarters are unavailable for assignment. b. while on a short training period during which, due to military necessity, the Service member is furnished sleeping accommodations at the PDS where Government quarters are unavailable for assignment.
<b>2</b>	initially assigned to active duty and is on a TDY at other than indoctrination or basic training location pending receipt of an order designating a PDS to which the Service member is to report upon TDY completion,	when Government quarters are not available for assignment and per diem is not payable.
<b>3</b>	in the accession pipeline,	between the initial TDY and the initial PDS. An RC member is authorized BAH or OHA based on the primary residence location at the time called or ordered to active duty while attending accession training. See paragraph 261010 for transit rules.
<b>4</b>	ordered home or to a place other than a military organization awaiting another order in connection with Physical Evaluation Board proceedings,	on and after the departure day from the hospital or old PDS through the discharge day, or day before retirement effective date.
<b>5</b>	ordered to report for a TDY in connection with the fitting out or conversion of a ship, then to permanent duty aboard the same ship when placed in commission,	if the Service member is not assigned to Government quarters at the old PDS or aboard ship (the new PDS), but BAH or OHA does <i>not</i> accrue if the Service member is assigned to Government quarters at the old PDS or aboard ship (the new PDS).
<b>6</b>	on field duty and no PCS is involved,	if the Service member is receiving BAH or OHA at the PDS, but BAH or OHA does <i>not</i> accrue if assigned or occupying Government quarters at the PDS.

Table 26-26. BAH or OHA Accrual for Service Member Without-dependent Entitled to Basic Pay (Continued)

If a Service member is...		Then BAH or OHA accrues...
<b>7</b>	assigned to PCS to a unit on field duty,	if the commander certifies that the Service member was required to procure Government quarters at personal expense at the initial field duty site, but BAH or OHA does <i>not</i> accrue for the initial field duty in progress at the time of the PCS, unless the Service member is required to procure quarters at personal expense at the field duty site.
<b>8</b>	being treated at hospital TDY en route during a PCS,	if the Service member is not assigned Government quarters, but BAH or OHA does <i>not</i> accrue if the Service member is assigned Government quarters in the hospital.
<b>9</b>	assigned to PCS directly to a hospital for treatment,	
<b>10</b>	in travel status during a PCS, including a non-travel status under a permissive travel authorization, a TDY en route, leave en route, and proceed time,	if the Service member is <i>not</i> assigned Government quarters while at the old or new PDS, but BAH or OHA does <i>not</i> accrue if the Service member is assigned Government quarters while at the old or new PDS.
<b>11</b>	assigned PCS and is on authorized leave or duty at the old or new PDS,	
<b>12</b>	assigned PCS and is on authorized leave or duty at the old or new PDS,	if the Service member is not assigned Government quarters while at the old or new PDS, but BAH or OHA does <i>not</i> accrue for the Government quarters occupancy period not due to a PCS.
<b>13</b>	training for, attending, or participating in Pan Am or Olympic games, or any other international amateur sports competition,	if not furnished quarters by the Government or by an agency sponsoring the Service member's participation, but BAH or OHA does not accrue if furnished quarters by the Government or by an agency sponsoring participation.
<b>14</b>	a medical officer on active duty in an intern or resident physician status at a state, county, municipal, or private hospital,	if <i>not</i> furnished Government quarters without charge, but BAH or OHA does <i>not</i> accrue if furnished quarters without charge by the hospital. Such Government quarters are considered furnished on behalf of the United States.
<b>15</b>	a Nurse Corps officer or Nurse Corps candidate attending a course of instruction or affiliating with a state, county, municipal, or private hospital	

Table 26-26. BAH or OHA Accrual for Service Member Without-dependent Entitled to Basic Pay (Continued)

	<b>If a Service member is...</b>	<b>Then BAH or OHA accrues...</b>
<b>16</b>	a student training on a fellowship, scholarship, or grant,	if <i>not</i> furnished Government quarters by the college, university, or research facility, but BAH or OHA does <i>not</i> accrue if furnished Government quarters by the college, university, or research facility. Such quarters are considered furnished on behalf of the United States.
<b>17</b>	in a hospital or on sick leave from a hospital and a PCS is not involved,	continues if the Service member is receiving BAH or OHA at the PDS.

## 261002. Service Member With-dependent

A. Authorized BAH or OHA. Except for a Service member paying child support and assigned to Government quarters, a Service member with a dependent, who is entitled to basic pay is authorized BAH or OHA at the with-dependent rate when any of the following conditions are met:

1. Adequate Government quarters are not furnished for the Service member and dependent without a rental charge payment.

2. Adequate Government quarters are not furnished for the Service member's dependent, or not all of the Service member's dependents are authorized to occupy Government quarters assigned to the Service member. This does not apply when the child is living with the former spouse and the Service member has remarried.

3. A dependent is not en route or does not accompany the Service member to the PDS, or the PDS vicinity, which prevents assignment of family quarters. This situation does not prevent the Service member from receiving BAH or OHA for a dependent.

4. A single or divorced Service member who maintains legal and physical custody of a child before receipt of a PCS authorization or order to an unaccompanied tour may continue to be paid BAH at the with-dependent rate for the last PDS, or designated place, as specified in this paragraph. The divorce decree must state the specific period during which the Service member has legal and physical custody. BAH at the with-dependent rate is authorized only for the period the Service member would have the custody of the child if not serving on the unaccompanied tour. The Service member must, for military necessity, place the child in the physical custody of a relative or caregiver designated by the Service member, to be authorized BAH or OHA at the with-dependent rate.

5. A Service member, classified as with-dependent for housing purposes solely because the Service member is paying child support, is not authorized a housing allowance other than BAH-Diff if he or she is assigned to Government quarters or both of the following apply:



a. The Service member is assigned to sea duty in a grade above E-3.

b. The Service member is authorized to and does not occupy the assigned, unaccompanied Government quarters by choice.

B. Location Rate. Ordinarily a housing allowance is based on the Service member's PDS, or the home port for a Service member assigned to a ship or afloat unit. However, the Service may determine that a Service member's assignment to a PDS, or the circumstances of that assignment, requires a dependent to reside separately. Authorization or approval of a housing allowance based on the dependent's location or old PDS is through the Service Secretary or through the Secretarial Process.

1. Low or No-Cost Moves. A Service member may pay BAH or OHA based on the old PDS rate in situations involving low or no-cost moves and for situations in which the Service member and dependent are residing separately. The determination of whether it is inequitable to pay BAH or OHA based on the new PDS is through the Secretarial process. When a Service member is ordered on a PCS between PDSs located in proximity to each other and continues to commute from the residence occupied while at the old PDS, BAH or OHA continues from the time between the Service member's detachment from the old PDS and reporting to the new PDS, unless otherwise prohibited in this Chapter. A Service member ordered on PCS with TDY, or leave en route is authorized BAH or OHA based on the old PDS during that period. If a Service member is reassigned under the conditions of a low-cost or no-cost PCS and is not authorized an HHG move, BAH or OHA may be based on the rate for the old PDS if both the following conditions are met:

a. It was requested by the Service member.

b. The decision of whether it would be inequitable or not to base the allowance on the housing cost in the new PDS area to which the Service member is reassigned, is determined through the Secretarial Process.

2. Unaccompanied or Dependent-Restricted Assignment OCONUS

a. BAH or OHA is based on the old PDS in a situation in which the Service member is making a PCS to a dependent-restricted or unaccompanied assignment OCONUS and the dependent remains at the Service member's old PDS.

b. If the dependent of a Service member assigned to an unaccompanied tour moves to a designated place, the Service member is authorized BAH or OHA based on the dependent's location. Payment based on the old PDS is not authorized.

3. Location Rate Changes. Location rate changes may be routinely authorized or approved when a Service member is:

a. Assigned to a PDS in an area at which sufficient housing quantities do not exist.

b. In receipt of a PCS order to a unit with a promulgated change of home port and dependents relocate to the announced home port (or authorized designated place in the United States) before the effective date of the home port change.

c. Assigned to “unusually arduous sea duty” and a dependent resides at or relocates to a designated place in the United States.

d. Assigned to or is in receipt of a PCS authorization or order to a ship entering overhaul involving a home port change and his or her dependent is not relocated due to the home port change.

e. Disadvantaged due to reassignment for reasons of improving mission capability and readiness of the unit, in receipt of a PCS authorization or order between PDSs located in the same proximity, and disallowed HHG movement. A determination must be issued through the Secretarial Process that implementing this policy in the interest of correcting an inequity incurred due to movement of the Service member for purposes of improving mission capability and unit readiness.

f. Assigned to an intermittent TDY or a TDY pending further orders.

g. Assigned to a Professional Military Education or training course that is scheduled for a duration of 1 year or less.

4. Multiple Dependent Locations. In instances when dependents are in multiple locations, the Service member must designate the dependent’s primary residence. The housing allowance rate is based on this primary residence.

5. Ship or Home Port

a. A Service member assigned to duty aboard a ship or other afloat unit is authorized a with-dependent allowance when supported by a statement of the Service member’s commanding officer, or an officer designated by the commanding officer. The statement must specify that the dependent has established a residence at or in the home port vicinity. The applicable with-dependent allowance is payable even though the Service member is quartered in kind aboard a ship with his or her afloat unit. The rate payable is the rate applicable to the ship’s or afloat units’ home port.

b. Change the housing allowance to the new home port rate on the effective date of the home port change if the Service member is currently assigned to, or is in receipt of a PCS order to a ship or other afloat unit with an announce home port change and his or her dependent is authorized travel to the new home port.

6. Other Circumstances. The Secretary concerned may determine that other circumstances may require a dependent to reside separately from the Service member and authorize or approve a housing allowance payment based on either the dependent's location or the old PDS. If the Secretary concerned determined that an additional reason for a BAH or OHA waiver was acceptable, the Secretarial Process may then be used to authorize or approve individual cases based on that determination.

C. During Leave, Travel Status, Separation, and Other Situations. Table 26-27 and paragraph 261010 specify BAH or OHA accrual for a Service member entitled to basic pay with a dependent. In Table 26-27, the phrase "due to a PCS" refers to whether or not the Service member is en route to a new PDS under a PCS authorization or order.

Table 26-27. BAH or OHA for a Service Member Entitled to Basic Pay With-dependent

If a Service member is...		Then BAH or OHA...
<b>1</b>	in a duty status or on authorized leave status not due to a PCS (includes accrued, advanced, or convalescent leave),	a. authorization continues when he or she is authorized BAH or OHA at the PDS. b. is <i>not</i> authorized when he or she is <i>not</i> authorized BAH or OHA at the PDS.
<b>2</b>	not authorized BAH or OHA at the PDS,	is <i>not</i> authorized.
<b>3</b>	in a duty, travel, or leave status due to a PCS, including a TDY en route, and such status is under a permissive travel authorization, *	is authorized unless permanent Government quarters are assigned or occupied.
<b>4</b>	on a TDY <i>not</i> due to a PCS, including when the status is under a permissive travel authorization, *	authorization continues as long as the PDS remains unchanged when he or she is authorized BAH or OHA at the PDS, except as restricted by paragraph 260802.
<b>5</b>	absent due to disease (as distinguished from injury) from alcohol or drugs, causing loss of pay	a. authorization continues when he or she is authorized BAH or OHA at the PDS. b. is <i>not</i> authorized when he or she is <i>not</i> authorized BAH or OHA at the PDS. However, if quarters assignment at the PDS ends during an absence, BAH or OHA accrues on and after the end date.

Table 26-27. BAH or OHA for a Service Member Entitled to Basic Pay With-dependent (Continued)

If a Service member is...		Then BAH or OHA...
<b>6</b>	home on a PCS awaiting further orders in connection with physical evaluation board proceedings,	authorization continues until the Service member's retirement or discharge.
*Includes status under a permissive travel authorization.		

## 261003. Service Member with Acquired Dependent

When a Service member acquires a dependent, for example, through marriage, birth, or adoption, a with-dependent housing allowance is authorized as of the date the dependent is acquired.

A. PDS in the CONUS. When the Service member is assigned to a PDS in the CONUS, the housing allowance is authorized based on the PDS. He or she may request through the Secretarial Process a housing allowance based on the dependent's residence location. Table 26-28 specifies the changes in BAH or OHA when a Service member acquires a dependent while assigned in the CONUS.

Table 26-28. Changes in BAH or OHA when a Service Member Assigned in the CONUS Acquires a Dependent

If a dependent is located...		And Government quarters are...	Then...
<b>1</b>	in the CONUS, Alaska, or Hawaii (BAH area) and at or near the PDS	a. available for the Service member,	start BAH at the with-dependent rate based on the PDS as of the date the dependent is acquired.
		b. not available for the Service member,	(1) stop BAH at the without-dependent rate the day before the dependent is acquired. (2) start BAH at the with-dependent rate based on the PDS as of the date the dependent is acquired.
<b>2</b>	in the CONUS, Alaska, or Hawaii (BAH area) and <i>not</i> at or near the PDS	a. available for the Service member,	start BAH at the with-dependent rate based on the PDS as of the date the dependent is acquired.
		b. not available for the Service member,	(1) stop the allowance at the without-dependent rate the day before the dependent is acquired. (2) start BAH at the with-dependent rate based on the PDS as of the date the dependent is acquired.

Table 26-28. Changes in BAH or OHA when a Service Member Assigned in the CONUS Acquires a Dependent (Continued)

	<b>If a dependent is located...</b>	<b>And Government quarters are...</b>	<b>Then...</b>
<b>3</b>	outside the CONUS, Alaska, or Hawaii (OHA area) and at or near the PDS	a. available for the Service member,	start BAH at the with-dependent rate based on the PDS as of the date the dependent is acquired.
		b. not available for the Service member,	(1) stop the allowance at the without-dependent rate the day before the dependent is acquired. (2) start BAH at the with-dependent-rate based on the PDS as of the date the dependent is acquired.
<b>4</b>	outside the CONUS, Alaska, or Hawaii (OHA area) and <i>not</i> at or near the PDS	a. available for the Service member,	start BAH at the with-dependent rate based on the PDS as of the date the dependent is acquired.
		b. not available for the Service member,	(1) stop the allowance at the without-dependent rate the day before the dependent is acquired. (2) start BAH at the with-dependent rate based on the PDS as of the date the dependent is acquired.

B. PDS OCONUS. When a Service member is assigned at a PDS OCONUS and the dependent does not reside at or near the PDS OCONUS, the housing allowance is based on the dependent's location. If the dependent does reside at or near the PDS OCONUS, the housing allowance is based on the PDS OCONUS.

Table 26-29. Changes in BAH or OHA when a Service Member Assigned OCONUS Acquires a Dependent

	<b>If a dependent is located...</b>	<b>And Government quarters are...</b>	<b>Then...</b>
<b>1</b>	in the CONUS, Alaska, or Hawaii (BAH area) and at or near the PDS	a. available for the Service member,	start BAH at the with-dependent rate based on the PDS as of the date the dependent is acquired.
		b. not available for the Service member,	(1) stop BAH at the without-dependent rate as of the day before the dependent is acquired. (2) start BAH at the with-dependent rate based on the PDS as of the date the dependent is acquired.
<b>2</b>	in the CONUS, Alaska, or Hawaii (BAH area) and <i>not</i> at or near the PDS	a. available for the Service member,	start BAH at the with-dependent rate based on the dependent's location as of the date the dependent is acquired.
		b. not available for the Service member,	(1) stop BAH at the without-dependent rate the day before the dependent is acquired. (2) start BAH at the with-dependent rate based on the dependent's location on the date the dependent is acquired. (3) start FSH-B or FSH-O based on the PDS on the date the dependent is acquired.
<b>3</b>	outside the CONUS, Alaska, or Hawaii (OHA area) and at or near the PDS	a. available for the Service member,	start OHA, based on the PDS the date the dependent is acquired.
		b. not available for the Service member,	(1) start OHA at the with-dependent rate based on the PDS the date the dependent is acquired. (2) stop the without-dependent allowance on the day before the dependent is acquired.
<b>4</b>	outside the CONUS, Alaska, or Hawaii (OHA area) and <i>not</i> at or near the PDS	a. available for the Service member,	start OHA at the with-dependent rate based on the dependent's location on the date the dependent is acquired.
		b. not available for the Service member,	(1) start OHA at the with-dependent rate based on the dependent's location on the date the dependent is acquired. (2) stop the without-dependent allowance on the day before the dependent is acquired. (3) start FSH-B or FSH-O based on the PDS on the date the dependent is acquired.

C. FSH Eligibility. Table 26-30 specifies FSH authorization for a Service member assigned to a PDS OCONUS. FSH eligibility is effective the date the dependent is acquired.

Table 26-30. FSH Eligibility—Service Member Assigned to a PDS OCONUS

	<b>If...</b>	<b>Then...</b>
<b>1</b>	the dependent resides in the PDS vicinity OCONUS,	an FSH is <i>not</i> authorized and the Service member is only authorized the with-dependent housing allowance based on the PDS OCONUS.
<b>2</b>	single-type Government quarters are not available for a Service member assigned to a PDS OCONUS and the dependent does not reside in the PDS vicinity,	FSH is also authorized.
<b>3</b>	a Service member assigned to a PDS OCONUS is residing in private-sector quarters, and single-type Government quarters are available at the Service member's PDS OCONUS,	FSH is <i>not</i> authorized.
<b>4</b>	a Service member is assigned to a PDS in the CONUS,	FSH is <i>not</i> authorized unless the Service member is assigned to a PDS to which dependent travel is delayed or restricted (see JTR, Chapter 5).
<b>5</b>	a dependent visits a Service member at a PDS OCONUS for 90 or fewer days,	there are no changes to allowances.
<b>6</b>	a dependent visits a Service member at a PDS OCONUS for 91 or more days,	it is no longer a visit, but a change of the dependent's permanent residence. The with-dependent allowance is then based on the PDS location. FSH, if being paid, stops.
<b>7</b>	a dependent's permanent residence had changed due to a visit exceeding 90 days and the dependent departs the PDS area after with-dependent allowances are changed and FSH stopped,	the with-dependent allowance and FSH previously authorized are reinstated as of the dependent's departure date.

261004. Service Member With-dependent Serves Unaccompanied or Dependent-Restricted Tour or "Unusually Arduous Sea Duty"

A Service member with a dependent who serves an unaccompanied or dependent-restricted tour OCONUS or "unusually arduous sea duty" outside the United States is authorized a with-dependent housing allowance based on the dependent's location. The housing allowance may be based on the old PDS if the dependent remained in the residence shared with the Service member before the PCS, did not relocate, and is not in Government quarters. The housing allowance for the dependent's location may be authorized or approved to be effective on the date of the lease.

A. FSH Authorization. If the Service member is serving an unaccompanied or dependent-restricted tour and single-type Government quarters are not available for assignment at the PDS OCONUS, and the dependent does not reside at or near the PDS, then FSH-O or FSH-B is also authorized. A Service member assigned to "unusually arduous sea duty" is not authorized FSH since Government quarters are available for assignment.

B. Dependent Visit. Table 26-31 specifies changes made to allowances when a dependent visits a Service member serving an unaccompanied or dependent-restricted tour. If the Service member is in a BAH area, in Alaska or Hawaii, then the allowance specified in Table 26-30 is either BAH or FSH-B, as applicable. If the Service member is outside the United States, then the allowance is either OHA or FSH-O, as applicable. If all of a Service member's dependents arrive at his or her PDS OCONUS and stay beyond 90 days, the Service member is not authorized OHA simply because the dependent is present. To be paid OHA the Service member must provide the required documentation (a completed and approved DD 2367) for private-sector leased or owned housing.

Table 26-31. Dependent Visits Service Member who is Serving an Unaccompanied or Dependent-Restricted Tour

<b>If Government quarters are available and the dependent visits...</b>		<b>Then...</b>
<b>1</b>	for 90 or fewer days,	there is no change to the allowance.
<b>2</b>	for 91 or more days,	<ul style="list-style-type: none"> <li>a. stop the with-dependent allowance based on the dependent's location on the 90th day.</li> <li>b. start the with-dependent allowance based on the PDS on the 91st day.</li> </ul>
<b>3</b>	for 91 or more days, and later departs the PDS after the 91st day to take up residence elsewhere,	<ul style="list-style-type: none"> <li>a. stop the with-dependent allowance based on the dependent's location on the 90th day.</li> <li>b. start the with-dependent allowance based on the PDS on the 91st day.</li> <li>c. stop the with-dependent allowance based on the PDS on the day before the dependent departs.</li> <li>d. reinstate the with-dependent allowance based on the dependent's location as of the departure day.</li> </ul>
<b>If Government quarters are not available and the dependent visits...</b>		<b>Then...</b>
<b>4</b>	or 90 or fewer days,	start FSH based on the PDS as of the date private-sector housing is acquired at the PDS.
<b>5</b>	for 91 or more days,	<ul style="list-style-type: none"> <li>a. stop the with-dependent allowance based on the dependent's location on the 90th day.</li> <li>b. stop FSH on the 90th day.</li> <li>c. start with-dependent BAH or OHA based on the PDS on the 91st day.</li> </ul>



Table 26-31. Dependent Visits Service Member who is Serving an Unaccompanied or Dependent-Restricted Tour (Continued)

<b>If Government quarters are not available and the dependent visits...</b>	<b>Then...</b>
<b>6</b> for 91 or more days, and later departs the PDS after the 91st day to take up residence elsewhere,	a. stop the with-dependent allowance based on the dependent's location on the 90th day. b. stop FSH on the 90th day. c. start with-dependent BAH or OHA based on the PDS on the 91st day. d. stop BAH or OHA based on the PDS on the day before the dependent departs. e. reinstate the with-dependent allowance based on the dependent's location and FSH as of the departure day.

C. Initial Tour of Duty. When a Service member serves an unaccompanied or dependent-restricted tour at the first PDS, in other words, the initial PDS when coming on active duty, payment of a with-dependent housing allowance is based on one of the designated locations specified in the JTR, Chapter 5, paragraph 050814 if the dependent has been authorized or approved to reside at one of those locations.

D. Transfer Between Unaccompanied or Dependent-Restricted Tours. A Service member transferred between unaccompanied or dependent-restricted tours, whose dependent does not move, continues to be authorized a with-dependent rate based on the dependent's location. A Service member is authorized a with-dependent rate based on the dependent's new location if the Service member is transferred between unaccompanied or dependent-restricted tours and the dependent moves from either:

1. The Service member's old PDS (the PDS before the Service member was assigned on the first unaccompanied or dependent-restricted tour) to a designated place.
2. A designated place to another designated place if the move is authorized or approved.

E. Dependent Relocates to Other OHA Location. If a dependent relocates from a designated place at personal expense to any other OHA location that is not in the vicinity of the Service member's PDS, start OHA based on the new location effective the date private-sector housing is obtained once the required documentation is provided. If the dependent departed from an OHA area, stop the with-dependent allowance based on the designated place effective the day before the dependent departed that location. If the dependent departed from a BAH area, stop the with-dependent allowance the day before the dependent arrives at the new location.

F. Dependent Relocates to Other BAH Location. If the dependent relocates at personal expense from a designated place in a BAH area to a different location in a BAH area that is not at or near the Service member's PDS, continue BAH based on the previously authorized

location (either the old PDS or dependent location before the move). If the dependent relocates from a designated place in an OHA area to a location in a BAH area, start BAH based on the new location on the dependent's arrival date and stop the OHA the day before dependent's departure.

G. Situation-Based Rate for Housing Allowance. Table 26-32 specifies situation-based rate information. A housing allowance must not be paid if a Service member is assigned adequate family-type Government quarters at the PDS. Do not start the housing allowance until the Service member terminates the family-type Government quarters assignment.

1. If a Service member is assigned to an unaccompanied or dependent-restricted tour at a PDS OCONUS and he or she is required to perform a TDY anywhere in the world, due to a transfer to another unaccompanied or dependent-restricted tour, and the dependent continues to reside at the same location then continue to pay the housing allowance based on the dependent's permanent residence.

2. If a Service member is assigned to an unaccompanied or dependent-restricted tour at a PDS OCONUS and the Service member is required to perform a TDY due to a transfer to the United States, and the dependent continues to reside at the same location then continue to pay a housing allowance based on the dependent's permanent residence location through the day before the Service member's reporting day to the new PDS. Start BAH or OHA based on the new PDS, the day the Service member reports at that PDS.

3. If a Service member is assigned to "unusually arduous sea duty" in the United States and the dependent is not residing with the Service member at the unit's home port then pay BAH based on the unit's home port. The Service member may request a waiver through the Secretarial process for BAH or OHA to be based on the old PDS if the dependent remained in the residence shared with the Service member before the PCS, or based on the dependent's current location.

Table 26-32. Dependent Retains Permanent Residence when Service Member Assigned to Unaccompanied or Dependent-Restricted Tour at a PDS OCONUS or "Unusually Arduous Sea Duty" Outside the United States

If the dependent retains the permanent residence in the United States and ...		Then...
1	remains at the Service member's old PDS,	continue to pay BAH based on the old PDS.
2	is at a U.S. location other than the old PDS, and the Service member is receiving BAH based on a Secretarial waiver,	continue the BAH previously being paid.

Table 26-32. Dependent Retains Permanent Residence when Service Member Assigned to Unaccompanied or Dependent-Restricted Tour at a PDS OCONUS or “Unusually Arduous Sea Duty” Outside the United States (Continued)

<b>If the dependent retains the permanent residence in the United States and ...</b>		<b>Then...</b>
<b>3</b>	is at a U.S. location other than the old PDS that is <i>not</i> a location for which the Service member had a Secretarial waiver,	stop old PDS-based BAH the day before the Service member’s departure. Pay BAH-Transit starting on the Service member’s departure day until the day before the Service member’s reporting day at the new PDS. Start BAH based on the dependent’s location the day the Service member arrives at the new PDS.
<b>If the dependent retains the permanent residence outside the United States and...</b>		<b>Then...</b>
<b>4</b>	remains at the Service member’s old PDS,	continue to pay OHA based on the old PDS.
<b>5</b>	is at a location OCONUS other than the old PDS and the Service member is receiving OHA based on a Secretarial waiver,	continue the OHA previously paid.
<b>6</b>	is at a location OCONUS other than the old PDS that is <i>not</i> a location for which the Service member had a Secretarial waiver,	stop OHA the day before the Service member’s departure. Pay BAH-Transit starting on the Service member’s departure day until the day before the Service member’s reporting day at the new PDS. Start OHA based on the dependent’s location the day the Service member arrives at the new PDS.

Table 26-33. Dependent Relocates when Service Member Assigned to Unaccompanied or Dependent-Restricted Tour at a PDS OCONUS or “Unusually Arduous Sea Duty” Outside the United States

<b>If the dependent.</b>	<b>And...</b>	<b>Then...</b>
<b>1</b> relocates the permanent residence from the United States to another location in the United States at Government expense	travels with the Service member,	start BAH based on the dependent’s location, the day one or more dependents arrive at the new residence location and stop BAH-Transit the day before the dependent arrives.

Table 26-33. Dependent Relocates when Service Member Assigned to Unaccompanied or Dependent-Restricted Tour at a PDS OCONUS or “Unusually Arduous Sea Duty” Outside the United States (Continued)

<b>If the dependent.</b>		<b>And...</b>	<b>Then...</b>
<b>2</b>	relocates the permanent residence from the United States to another location in the United States at Government expense	travels after the Service member,	<ul style="list-style-type: none"> <li>a. Stop BAH based on the old PDS the day before the Service member departs.</li> <li>b. Start BAH-Transit the day the Service member departs and pay it through the day before the Service member’s reporting day at the new PDS.</li> <li>c. Start BAH based on the old PDS, the day the Service member reports to the new PDS and continue it until the day before the dependent arrives at the new residence location.</li> <li>d. Start BAH based on the dependent’s location, the day one or more dependents arrive at the new residence location.</li> </ul>
<b>3</b>	relocates the permanent residence at Government expense from outside the United States to the United States	travels in advance of the Service member,	start BAH based on the dependent’s location, the day one or more dependents arrive at the new residence location. OHA based on the old PDS or BAH-Transit continues through the day before the dependent arrives.
<b>4</b>	relocates the permanent residence from outside the United States to the United States	travels with the Service member,	<ul style="list-style-type: none"> <li>a. Stop OHA the day before the Service member departs.</li> <li>b. Start BAH-Transit on the day the Service member departs and continue it through the day before the dependent arrives at the new location.</li> <li>c. Start BAH based on the dependent’s location, the day one or more dependents arrive at the new residence location.</li> </ul>
<b>5</b>		travels after the Service member,	<ul style="list-style-type: none"> <li>a. Stop OHA based on the old PDS, the day before the Service member departs.</li> <li>b. Start BAH-Transit the day the Service member departs and continue it through the day before the Service member’s reporting date at the new PDS.</li> <li>c. Start OHA based on the old PDS, the day the Service member reports to the new PDS and continue it until the day before the dependent departs.</li> <li>d. Start BAH based on the dependent’s location, the day one or more dependents arrive at the new residence location.</li> </ul>

Table 26-33. Dependent Relocates when Service Member Assigned to Unaccompanied or Dependent-Restricted Tour at a PDS OCONUS or “Unusually Arduous Sea Duty” Outside the United States (Continued)

<b>If the dependent.</b>	<b>And...</b>	<b>Then...</b>
<b>6</b> relocates the permanent residence at Government expense from a location outside the United States to another location outside the United States	travels in advance of the Service member,	start OHA based on the dependent’s location, the day the dependent incurs permanent lodging costs at the new residence. OHA based on the old PDS or BAH-Transit continues through the day before OHA based on the dependent’s location begins.
<b>7</b> relocates the permanent residence at Government expense from a location outside the United States to another	travels with the Service member,	a. Stop OHA based on the old PDS the day before the Service member departs. b. Start BAH-Transit the day the Service member departs the old PDS. c. Start OHA based on the dependent’s location, the day the dependent incurs permanent lodging costs at the new residence location. d. Stop BAH-Transit the day before OHA based on the dependent’s location begins.
<b>8</b> location outside the United States	travels after the Service member,	a. Stop OHA based on the old PDS, the day before the Service member departs. b. Start BAH-Transit the day the Service member departs and continue it through the day before the Service member’s reporting day at the new PDS. c. Start OHA based on the old PDS, the day the Service member reports to the new PDS and continue it until the day before the dependent departs. d. Start OHA based on the dependent’s location, the day the dependent starts incurring permanent lodging costs at the new residence location.

Table 26-33. Dependent Relocates when Service Member Assigned to Unaccompanied or Dependent-Restricted Tour at a PDS OCONUS or “Unusually Arduous Sea Duty” Outside the United States (Continued)

If the dependent.		And...	Then...
<b>9</b>	relocates the permanent residence at Government expense from the United States to a location outside the United States	travels in advance of the Service member,	start OHA based on the dependent’s location, the day the dependent incurs permanent lodging costs at the new residence location. BAH based on the old PDS, or BAH-Transit continues through the day before OHA based on the dependent’s location begins.
<b>10</b>	relocates the permanent residence at Government expense from the United States to a location outside the United States	travels with the Service member,	<ul style="list-style-type: none"> <li>a. Stop BAH based on the old PDS, the day before the Service member departs.</li> <li>b. Start BAH-Transit the day the Service member departs the old PDS.</li> <li>c. Start OHA based on the dependent’s location, the day the dependent incurs permanent lodging costs at the new residence location.</li> <li>d. Stop BAH-Transit the day before OHA based on the dependent’s location begins.</li> </ul>
<b>11</b>	relocates the permanent residence at Government expense from the United States to a location outside the United States	travels after the Service member,	<ul style="list-style-type: none"> <li>a. Stop BAH based on the old PDS, the day before the Service member departs.</li> <li>b. Start BAH-Transit on the day the Service member departs and continue it through the day before the Service member’s reporting day at the new PDS.</li> <li>c. Start BAH based on the old PDS, the day the Service member reports to the new PDS.</li> <li>d. Start OHA based on the dependent’s location, the day the dependent starts incurring permanent lodging costs at the new residence location.</li> <li>e. Stop BAH based on the old PDS, the day before OHA based on the dependent’s location begins.</li> </ul>

Table 26-33. Dependent Relocates when Service Member Assigned to Unaccompanied or Dependent-Restricted Tour at a PDS OCONUS or “Unusually Arduous Sea Duty” Outside the United States (Continued)

If the dependent.	And...	Then...
12	relocates the residence at personal expense while the Service member is serving an unaccompanied or dependent restricted tour,	moves to an OHA area,
13	relocates between BAH locations,	pay the rate for where the dependent retains the permanent residence (in or outside the United States) through the day before a dependent arrives at the new permanent residence location. OHA authority at the rate applicable to the new permanent residence location begins the day a dependent arrives at that location.
14	relocates from a designated place outside the United States (OHA area) to a U.S. location,	continue BAH based on the rate for the previously authorized location—either the old PDS or the dependent’s location—before the move.
		discontinue OHA based on the previously authorized location the day before the dependent departs. Start BAH based on the new permanent residence location, the day a dependent arrives at that location.

261005. Reserve Component (RC) Member

A DoD retired Service member ordered to active duty is authorized the same housing allowances as an RC member. A lease agreement or verifiable purchase price is required before OHA payment.

A. Order Duration. An RC member called or ordered to active duty for 30 or fewer days is authorized the **RC rate (BAH-RC)**, except for contingency operations or for an AGR member. A Service member called or ordered to active duty for 31 or more days, except a Service member without a dependent during initial entry training, is authorized BAH or OHA. An RC member initially on a tour of 30 or fewer days who receives an order modification or assignment extension with a prospective, new active-duty period of 31 or more days receives BAH or OHA on the modification date. If the new period is 31 or more days, BAH-RC stops the day before the amendment or modification and BAH or OHA based on the primary residence starts on the modification date. Periods of active duty previously served may not be added together to meet the requirement for BAH or OHA that active duty exceeds 30 days. See paragraph 261010 for the rate for a Service member in accession pipeline travel.

1. Called or Ordered to Active Duty for 30 or Fewer Days. If the RC member is called or ordered to active duty for 30 or fewer days and the duty is not in support of a contingency operation, then start BAH-RC on the first day of active duty. If the duty is in support of a contingency operation, then start BAH or OHA based on the primary residence at the time called or ordered to active duty beginning on the first day of active duty.

2. Called or Ordered to Active Duty for Other than Training or Active Duty for Training (ADT) for 31 or More Days. An RC member called or ordered to ADT for a period lasting between 31 and 139 days, receives BAH or OHA based on the primary residence at the time called or ordered to ADT beginning on the first day of active duty. An RC member called or ordered to active duty for other than training for a period lasting between 31 and 180 days, except if he or she is without a dependent during initial entry training, is authorized BAH or OHA based on the primary residence beginning on the first day of active duty. This rate continues for the tour duration except as otherwise specified in this chapter.

3. Called or Ordered to ADT for 140 or More Days or Other than Training for 181 or More Days and Authorized HHG Transportation. Except when supporting a contingency operation, the initial rate ends on the day before the RC member reports at the duty location specified in the active-duty order. Whether or not the duty is in support of a contingency operation, BAH or OHA based on the primary residence starts at the time called or ordered to active duty for training, beginning on the first day of active duty and continues through the day before arrival at the PDS. BAH or OHA based on the PDS location begins on the day the RC member reports at that location. An RC member called or ordered to ADT for 140 or more days at one location or other than training for 181 or more days is authorized BAH or OHA in the same manner as a Service member already on active duty. OHA or BAH is not authorized for an RC member assigned adequate Government quarters to his or her grade and dependency status at the PDS.

4. Called or Ordered to ADT for 140 or More Days but not Authorized HHG Transportation. If the RC member is not authorized HHG transportation (e.g., duty is not performed for 140 or more days at one location), he or she receives BAH or OHA based on the primary residence at the time called or ordered to active duty, except as specified for an RC member OCONUS without a dependent. An RC member without a dependent authorized PCS allowances but not HHG transportation to a location OCONUS and Government quarters are not available, receives BAH or OHA based on the primary residence, unless the rate at the PDS is authorized or approved through the Secretarial Process.

5. Called or Ordered to Active Duty Other than Training for 181 or More Days but not Authorized HHG Transportation. An RC member called or ordered to active duty for other than training for 181 or more days who is not authorized HHG transportation for a PCS receives BAH or OHA based on the primary residence, except as specified for an RC member OCONUS without a dependent in subparagraph 261005.A.6. The member must be residing at any of the following locations at the time called or ordered to active duty:

a. At locations outside the local commuting distance of the RC member's primary residence and the duty is not for more than 180 consecutive days at one location.



b. At a location other than the RC member's primary residence but authorized TDY allowances as specified in the JTR, Chapter 3.

c. At a location to which the RC member commutes from his or her primary residence.

d. At a location OCONUS for a prospective period of less than 12 months.

6. RC Member Without-dependent OCONUS. An RC member without a dependent—or who has no dependents other than for whom he or she is paying child support—and who is not authorized FSH as specified in Section 2607 receives BAH or OHA based on the primary residence. If the following conditions apply:

a. The RC member is authorized PCS allowances to a location OCONUS.

b. The RC member is not authorized PCS HHG transportation because the prospective period is less than 12 months. HHG transportation under a TDY order, as specified in the JTR, Chapter 2, does not affect this housing allowance authority.

c. Government quarters are *not* available at the PDS.

Then the Service may determine that it is inequitable to pay a housing allowance based on the primary residence. A housing allowance based on the PDS may be authorized or approved through the Secretarial Process. If Government quarters are available for assignment to the RC member at the PDS, he or she receives only BAH or OHA based on the primary residence.

7. Called or Ordered to Active Duty for Contingency. An RC member called or ordered to active duty in support of a contingency operation is authorized BAH or OHA based on the primary residence beginning on the first day of active duty. This rate is authorized even for duty of 30 or fewer days. This rate continues for the duration of the tour unless the RC member is authorized PCS HHG transportation, in which case the rate for the PDS would apply on the day the RC member reports to the PDS.

8. Injured or Physically Disabled While on Active Duty or on Inactive-Duty Training

a. An RC member injured or physically disabled due to an injury, illness, or disease incurred or aggravated in the line of duty during any of the following is authorized BAH or OHA:

(1) Performing active duty.

(2) While on inactive-duty training, other than work or study in connection with a correspondence course of an armed force, or attendance in an inactive status at an education institution under the sponsorship of an armed force or the USPHS.

(3) While authorized incapacitation pay, which may include BAH or OHA under DoDI 1241.01 (RC Line of Duty Determination for Medical and Dental Treatments and Incapacitation Pay Entitlements).

b. BAH or OHA is based on the primary residence and is paid beginning on the date the RC member becomes entitled to incapacitation pay. BAH or OHA for an eligible RC member may not be paid for more than 6 months except when, in the interest of fairness and equity, the Secretary concerned or the Secretary's designee extends incapacitation pay. For offsets, see 37 U.S.C. §204(g) and (h), and DoDI 1241.01 (RC Line of Duty Determination for Medical and Dental Treatments and Incapacitation Pay Entitlements).

9. Order Modification or Amendment. When an RC member receives an order modification or amendment extending his or her assignment, the prospective new active-duty period determines the authority for housing allowances. If the prospective period is 140 or more days for training or 181 or more days and HHG are authorized for the PCS, the BAH-RC or BAH or OHA based on the primary residence stops the day before the modification or amendment and BAH or OHA based on the PDS begins on the modification date.

B. Contingency Operation. An RC member called or ordered to active duty in support of a contingency operation is authorized BAH or OHA for the duration of the tour. If the RC member receives a PCS order authorizing HHG transportation, BAH or OHA is based on the new PDS. However, if the Service member is called or ordered to active duty and a PCS order is not issued, BAH or OHA is based and paid on the primary residence location at the time called or ordered to active duty except for an AGR member.

C. AGR Member. An AGR member's BAH or OHA is based on the PDS, even when the Service member is mobilized for active duty other than for AGR duty, provided the Service member does not have a break in service. The rate based on the PDS applies for the duration of the tour. If the AGR member receives a PCS order authorizing HHG transportation, BAH or OHA is based on the new PDS. However, if the Service member is called or ordered to active duty without a break in service and a PCS order authorizing HHG transportation is not issued, BAH or OHA is based and paid on the PDS location at the time called or ordered to active duty. A break in service occurs when 1 or more calendar days between active-duty service periods do not qualify as active-duty service. If an AGR member has a break in service when called to active duty for other than AGR duty, then the Service member is paid a housing allowance as for any other RC member (for example, the primary-residence rate).

D. RC Member Married to Service Member. Unless an RC member is assigned to a contingency operation or is an AGR member when he or she is called to active duty for 30 or fewer days, the RC member is authorized the RC rate (BAH-RC) without-dependent rate if he or she is not assigned to Government quarters and is married to another Service member on active duty without a dependent. For such an RC member on active duty for 31 or more days, each Service member is authorized BAH or OHA at the without-dependent rate. If a Service member in this situation has a dependent, BAH or OHA is paid as for an active-duty member.

## 261006. Government Defers Dependent Travel

A. When the Government defers dependent travel at Government expense to a Service member's new PDS pending housing availability, in the CONUS or OCONUS, a with-dependent housing allowance continues to be paid at the old PDS rate, or at the rate for the dependent's location if the dependent relocated there at Government expense. In a case in which the Secretarial Process previously authorized a housing allowance based on the dependent's location, that rate continues.

B. FSH-O or FSH-B for the Service member's location starts when the Service member obtains private-sector housing.

C. The payment of the with-dependent allowance and FSH-O or FSH-B continues for 60 days after dependent travel is authorized. If the 60-day time period expires, a dependent has not arrived at the Service member's PDS, and an extension to the 60-day period has not been granted through the Secretarial Process, a housing allowance is not authorized for the dependent's location. However, the Service member is authorized a with-dependent allowance based on the PDS location.

D. Table 26-34 specifies changes to a housing allowance when the Government defers a dependent's travel to a duty station OCONUS.

Table 26-34. Changes when Government Defers Dependent Travel to Duty Station OCONUS

	<b>If...</b>	<b>And...</b>	<b>Then...</b>
<b>1</b>	the expected travel delay is at least 61 days but less than 20 weeks, the dependent did not relocate at Government expense,	arrives within 60 days of being given authorization to travel to the PDS OCONUS,	<ul style="list-style-type: none"> <li>a. Continue the with-dependent allowance based on the old PDS upon the Service member's departure.</li> <li>b. Start FSH-O or FSH-B the day private-sector housing is acquired at the new PDS.</li> <li>c. Stop FSH the day before the dependent arrives.</li> <li>d. Stop the with-dependent allowance based on the old PDS the day before the dependent arrives.</li> <li>e. Start OHA or BAH in Alaska or Hawaii at the with-dependent rate on the dependent's arrival date.</li> </ul>
<b>2</b>		does <i>not</i> arrive within 60 days of being given authorization to travel to the PDS OCONUS,	<ul style="list-style-type: none"> <li>a. Continue the with-dependent allowance, based on the old PDS upon the Service member's departure.</li> <li>b. Start FSH-O or FSH-B the day private-sector housing is acquired at the new PDS.</li> <li>c. Stop FSH at 24:00 on the 60th day from the date travel is authorized to begin.</li> <li>d. Change the with-dependent allowance to the rate based on the new PDS on the 61st day.</li> </ul>

Table 26-34. Changes when Government Defers Dependent Travel to Duty Station OCONUS (Continued)

	<b>If...</b>	<b>And...</b>	<b>Then...</b>
<b>3</b>	the expected travel delay is 20 or more weeks, the dependent did not relocate at Government expense,	arrives within 60 days of being given authorization to travel to the PDS OCONUS	<ul style="list-style-type: none"> <li>a. Continue the with-dependent allowance based on the old PDS upon the Service member's departure.</li> <li>b. Start FSH-O or FSH-B the day private-sector housing is acquired at the new PDS.</li> <li>c. Stop FSH and the with-dependent allowance the day before the dependent arrives.</li> <li>d. Start OHA, or BAH in Alaska or Hawaii, at the with-dependent rate the day the dependent arrives at the Service member's PDS.</li> </ul>
<b>4</b>		does <i>not</i> arrive within 60 days of being given authorization to travel to the PDS OCONUS,	<ul style="list-style-type: none"> <li>a. Continue the with-dependent allowance based on the old PDS, upon the Service member's departure.</li> <li>b. Start FSH-O or FSH-B the day private-sector housing is acquired at the new PDS.</li> <li>c. Stop FSH-O or FSH-B at 24:00 on the 60th day from the date travel is authorized to begin.</li> <li>d. Change the with-dependent allowance to the rate based on the new PDS on the 61st day.</li> </ul>
<b>5</b>	the dependent is relocated at Government expense	arrives within 60 days of being given authorization to travel to the PDS OCONUS,	<ul style="list-style-type: none"> <li>a. Change the rate of the with-dependent allowance from the rate of the old PDS to the rate of the designated location, the day the dependent arrives at the designated location.</li> <li>b. Start FSH-O or FSH-B the day private-sector housing is acquired at the PDS.</li> <li>c. Stop FSH the day before the dependent arrives.</li> <li>d. Stop the with-dependent allowance, based on the dependent's location, the day before the dependent arrives at the Service member's PDS.</li> <li>e. Start OHA, or BAH in Alaska or Hawaii, at the with-dependent rate the day the dependent arrives at the Service member's PDS.</li> </ul>

Table 26-34. Changes when Government Defers Dependent Travel to Duty Station OCONUS (Continued)

6	If...	And...	Then...
		does <i>not</i> arrive within 60 days of being given authorization to travel to the PDS OCONUS,	<ul style="list-style-type: none"> <li>a. Change the rate of the with-dependent allowance from the rate of the old PDS to the rate of the designated location, the day the dependent arrives at the designated location.</li> <li>b. Start FSH-O or FSH-B the day private-sector housing is acquired at the new PDS.</li> <li>c. Stop FSH-O or FSH-B at 24:00 on the 60th day from the date travel is authorized to begin.</li> <li>d. Change the with-dependent allowance from the rate of the old PDS to the rate of the new PDS on the 61st day.</li> </ul>

E. Tables 26-35 and 26-36 specify changes, based on location and expected travel delay, when the Government defers dependent travel to a duty station in the CONUS when the area has been declared a concurrent dependent travel application area (see JTR, Chapter 5, paragraph 051205).

Table 26-35. Government Defers Dependent's Travel to PDS in the CONUS for 139 or Fewer Days and Old PDS is in the United States

If the dependent is not relocated at Government expense and...		Then...
1	arrives within 60 days of travel authorization,	<ul style="list-style-type: none"> <li>a. Upon the Service member's departure, continue the with-dependent allowance based on the old PDS.</li> <li>b. Start FSH-B the day private-sector housing is acquired at the new PDS.</li> <li>c. Stop FSH the day before the dependent arrives.</li> <li>d. Stop the with-dependent allowance based on the old PDS the day before the dependent arrives.</li> <li>e. Start BAH at the with-dependent rate the day the dependent arrives at the Service member's PDS.</li> </ul>
2	does <i>not</i> arrive within 60 days of travel authorization,	<ul style="list-style-type: none"> <li>a. Upon the Service member's departure, continue the with-dependent allowance based on the old PDS.</li> <li>b. Start FSH-B the day private-sector housing is acquired at the new PDS.</li> <li>c. Stop FSH at 24:00 on the 60th day from the date travel is authorized to begin.</li> <li>d. Change the with-dependent allowance from being based on the old PDS to being based on the new PDS on the 61st day.</li> </ul>

Table 26-36. Government Defers Dependent's Travel to PDS in the CONUS when the Old PDS is Outside the United States *or* the Old PDS is in the United States and the Expected Travel Delay is 140 or More Days (20 Weeks)

<b>If the dependent is not relocated at Government expense, and...</b>		<b>Then...</b>
<b>1</b>	arrives within 60 days of travel authorization	<ul style="list-style-type: none"> <li>a. Upon the Service member's departure, continue the with-dependent allowance based on the old PDS.</li> <li>b. Start FSH-B on the day private-sector housing is acquired at the new PDS.</li> <li>c. Stop FSH on the day before dependent arrival.</li> <li>d. Stop the with-dependent allowance based on the old PDS on the day before the dependent arrives.</li> <li>e. Start BAH at the with-dependent rate as of the day the dependent arrives at the Service member's PDS.</li> </ul>
<b>2</b>	does <i>not</i> arrive within 60 days of travel authorization	<ul style="list-style-type: none"> <li>a. Upon the Service member's departure, continue the with-dependent allowance based on the old PDS.</li> <li>b. Start FSH-B on the date private-sector housing is acquired at the PDS.</li> <li>c. Stop FSH-B at 24:00 on the 60th day from the date travel is authorized to begin.</li> <li>d. Change the with-dependent allowance from being based on the old PDS to being based on the new PDS on the 61st day.</li> </ul>
<b>3</b>	Arrives within 60 days of travel authorization	<ul style="list-style-type: none"> <li>a. Change the rate of the with-dependent allowance from the rate of the old PDS to the rate of the designated location, the day the dependent arrives at the designated location.</li> <li>b. Start FSH-B the day private-sector housing is acquired at the new PDS.</li> <li>c. Stop FSH-B at 24:00 on the 60th day from the date travel is authorized to begin.</li> <li>d. Stop the with-dependent allowance based on the dependent's location, the day before the dependent arrives at the Service member's PDS.</li> <li>e. Start BAH at the with-dependent rate for the Service member's PDS the day the dependent arrives at the Service member's PDS.</li> </ul>

Table 26-36. Government Defers Dependent's Travel to PDS in the CONUS when the Old PDS is Outside the United States *or* the Old PDS is in the United States and the Expected Travel Delay is 140 or More Days (20 Weeks) (Continued)

If the dependent is not relocated at Government expense, and...	Then...
4 does <i>not</i> arrive within 60 days of travel authorization	a. Change the rate of the with-dependent allowance from the rate of the old PDS to the rate of the designated location, the day the dependent arrives at the designated location. b. Start FSH-B the day private-sector housing is acquired at the new PDS. c. Stop FSH-B at 24:00 on the 60th day from the date travel is authorized to begin. d. Change the with-dependent allowance from being based on the dependent's location to being based on the new PDS on the 61st day.

261007. Dependent Travels Before or After Service Member

When a PCS order has been issued, the Service member's family may perform PCS travel at a different time than the Service member.

A. Housing Allowance Based on Dependent's Location or Old PDS. Unless otherwise authorized or approved, a Service member's housing allowance is based on the PDS. If authorized or approved through the Secretarial Process, a Service member may be authorized a housing allowance based on the location at which a dependent maintains a permanent residence or the old PDS. Situations that are routinely authorized or approved at a lower level than the Service Secretary are listed in subparagraph 261002.B. An example of advance travel is the member's family travels ahead to get settled before school starts. An example of delayed travel is the family remains at the old PDS until the school year ends.

B. Secretarial Determinations. The Secretary concerned may determine that other circumstances may require a dependent to reside separately from the Service member and authorize or approve a housing allowance payment based on either the dependent's location or the old PDS. If the Secretary concerned determined that an additional reason for a BAH or OHA waiver was acceptable, the Secretarial Process may then be used to authorize or approve individual cases based on that determination.

C. Rates Applicable

1. If a dependent relocates, the rate applicable to the dependent's new residence location is effective on the date the dependent arrives.

2. If the dependent does *not* relocate, the with-dependent allowance is based on the higher of the rates for the dependent's location or the Service member's old PDS and continues until the dependent departs the authorized or approved location.

3. A Service member is generally authorized BAH-Transit while on leave and travel between PDSs. However, in situations in which the Secretary concerned has authorized or approved an advance or delayed travel situation, the authorized or approved allowance at the with-dependent rate applies. In delayed travel situations, when the dependent departs the authorized or approved location, the allowance changes to the new PDS if the Service member has already arrived there or to the BAH-Transit if the Service member is still in transit.

D. Advance Travel. In all cases of advance travel, if the Service member is assigned Government quarters at the old PDS and a housing allowance has not been approved by the Secretarial process for the dependent's location, do not start either BAH or OHA.

1. Table 26-37 specifies changes to housing allowances when the old PDS and new PDS are in the BAH area.

Table 26-37. Advance Dependent Travel when Service Member's Old PDS and New PDS Are in the United States (BAH Area)

If the Service member...		And a housing allowance...	Then...
1	is assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location,	Start BAH at the with-dependent rate based on the dependent's location on whichever is later: <ol style="list-style-type: none"> <li>a. The Arrival date.</li> <li>b. The date Government quarters assignment terminates.</li> <li>c. The effective date specified by the authorizing or approving document.</li> </ol>
2	is not assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location,	<ol style="list-style-type: none"> <li>a. Start BAH at the with-dependent rate based on the dependent's location on whichever is later:               <ol style="list-style-type: none"> <li>(1) The arrival date.</li> <li>(2) The effective date specified by the authorizing or approving document.</li> </ol> </li> <li>b. Stop BAH based on the current PDS as of the day before BAH starts based on the dependent's location.</li> </ol>
3	is not assigned Government quarters at the old PDS	has <i>not</i> been approved through the Secretarial Process for the dependent's location,	continue BAH based on the current PDS until the Service member's departure.

2. Table 26-38 specifies changes to housing allowances when the old PDS is in the BAH area and the new PDS is outside the OHA area.



Table 26-38. Advance Dependent Travel when Service Member's Old PDS is in the United States (BAH Area), New PDS is Outside the United States (OHA Area)

	<b>If the Service member...</b>	<b>And a housing allowance...</b>	<b>Then...</b>
<b>1</b>	is assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location,	start OHA at the with-dependent rate based on the dependent's location on whichever is later: <ol style="list-style-type: none"> <li>a. The date private-sector housing is obtained at the new PDS.</li> <li>b. The date Government quarters assignment terminates.</li> <li>c. The effective date specified by the authorizing or approving document.</li> </ol>
<b>2</b>	is not assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location,	<ol style="list-style-type: none"> <li>a. Start OHA at the with-dependent rate based on the dependent's location on whichever is later:               <ol style="list-style-type: none"> <li>(1) The date private-sector housing is obtained at the new PDS.</li> <li>(2) The effective date specified by the authorizing or approving document.</li> </ol> </li> <li>b. Stop BAH based on the current PDS, the day before OHA starts based on the dependent's location.</li> </ol>
<b>3</b>	is not assigned Government quarters at the old PDS	has <i>not</i> been approved through the Secretarial Process for the dependent's location,	continue BAH based on the current PDS until the Service member's departure.

3. Table 26-39 specifies changes to housing allowances when the old PDS is outside the OHA area and the new PDS is in the BAH area.

Table 26-39. Advance Dependent Travel when Service Member's Old PDS is Outside the United States (OHA Area), New PDS is in the United States (BAH Area)

	<b>If the Service member...</b>	<b>And a housing allowance...</b>	<b>Then...</b>
<b>1</b>	is assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location,	Start BAH at the with-dependent rate based on the dependent's location on whichever is later: <ol style="list-style-type: none"> <li>a. The Arrival date.</li> <li>b. The date Government quarters assignment terminates.</li> <li>c. The effective date specified by the authorizing or approving document.</li> </ol>
<b>2</b>	is not assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location,	<ol style="list-style-type: none"> <li>a. Start BAH at the with-dependent rate based on the dependent's location on whichever is later:               <ol style="list-style-type: none"> <li>(1) The arrival date.</li> <li>(2) The effective date specified by the authorizing or approving document.</li> </ol> </li> <li>b. Stop OHA based on the current PDS, the day before BAH starts based on the dependent's location.</li> </ol>
<b>3</b>	is not assigned Government quarters at the old PDS	has <i>not</i> been approved through the Secretarial Process for the dependent's location,	continue OHA based on the current PDS, until the Service member's departure.

4. Table 26-40 specifies changes to housing allowances when both the old and new PDS are outside the OHA area.

Table 26-40. Advance Dependent Travel when Service Member's Old and New PDS are Outside the United States (OHA Area)

	<b>If the Service member...</b>	<b>And a housing allowance...</b>	<b>Then...</b>
<b>1</b>	is assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location,	start OHA at the with-dependent rate based on the dependent's location on whichever is later: <ol style="list-style-type: none"> <li>a. The date private-sector housing is obtained at the new PDS.</li> <li>b. The date Government quarters assignment terminates.</li> <li>c. The effective date specified by the authorizing or approving document.</li> </ol>

Table 26-40. Advance Dependent Travel when Service Member's Old and New PDS are Outside the United States (OHA Area) (Continued)

If the Service member...		And a housing allowance...	Then...
2	is not assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location,	a. Start OHA at the with-dependent rate based on the dependent's location on whichever is later: <ol style="list-style-type: none"> <li>(1) The date private-sector housing is obtained at the new PDS.</li> <li>(2) The effective date specified by the authorizing or approving document.</li> </ol> b. Stop OHA based on the current PDS, the day before OHA starts based on the dependent's location.
3	is not assigned Government quarters at the old PDS	has <i>not</i> been approved through the Secretarial Process for the dependent's location,	continue OHA based on the current PDS until the Service member's departure.

E. Delayed Travel

1. Table 26-41 specifies changes to housing allowances when the old PDS and new PDS are in the BAH area.

Table 26-41. Delayed Dependent Travel when Service Member's Old PDS and New PDS Are in the United States (BAH area)

If the Service member...		And a housing allowance...	Then...
1	is assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location,	a. start BAH based on the higher of either the old PDS or the dependent's location on whichever is later: <ol style="list-style-type: none"> <li>(1) The day Government quarters assignment terminates.</li> <li>(2) The effective date specified by the authorizing or approving document.</li> </ol> b. base the allowance on the new PDS the day the dependent departs if the Service member has arrived at the new PDS or change it to BAH-Transit if the Service member is still in transit.

Table 26-41. Delayed Dependent Travel when Service Member's Old PDS and New PDS Are in the United States (BAH area) (Continued)

If the Service member...		And a housing allowance...	Then...
2	is assigned Government quarters at the old PDS	has <i>not</i> been approved through the Secretarial Process for the dependent's location,	start BAH based on the new PDS, the day Government quarters assignment terminates if the Service member has arrived at the new PDS or start BAH-Transit if the Service member is still in transit.
3	is <i>not</i> assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location,	<ul style="list-style-type: none"> <li>a. continue BAH based on the higher of either the old PDS or on the dependent's location on whichever is later: <ul style="list-style-type: none"> <li>(1) The day the Service member departs from the old PDS.</li> <li>(2) The effective date specified by the authorizing or approving document.</li> </ul> </li> <li>b. base the allowance on the current PDS the day the dependent departs if the Service member has arrived at the new PDS or change it to BAH-Transit if the Service member is still in transit.</li> </ul>
4		has <i>not</i> been approved through the Secretarial Process for the dependent's location,	stop BAH as of the day before the Service member's departure.

2. Table 26-42 specifies changes to housing allowances when the old PDS is in the BAH area and the new PDS is outside the OHA area.

Table 26-42. Delayed Dependent Travel when Service Member's Old PDS in the United States (BAH Area), New PDS Outside the United States (OHA Area)

If the Service member...		And a housing allowance...	Then...
1	is assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location,	<ul style="list-style-type: none"> <li>a. start BAH based on the highest of either the old PDS or the dependent's location on whichever is later: <ul style="list-style-type: none"> <li>(1) The day Government quarters assignment terminates.</li> <li>(2) The effective date specified by the authorizing or approving document.</li> </ul> </li> <li>b. base the allowance on the new PDS the day the dependent departs if the Service member has arrived to the new PDS or change it to BAH-Transit if the Service member is still in transit.</li> </ul>

Table 26-42. Delayed Dependent Travel when Service Member's Old PDS in the United States (BAH Area), New PDS Outside the United States (OHA Area) (Continued)

If the Service member...		And a housing allowance...	Then...
2	is assigned Government quarters at the old PDS	has <i>not</i> been approved through the Secretarial Process for the dependent's location,	<ul style="list-style-type: none"> <li>a. start OHA based on the new PDS, the day Government quarters assignment terminates if the Service member has arrived at the new PDS.</li> <li>b. start BAH-Transit if the Service member is still in transit.</li> </ul>
3	is <i>not</i> assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location,	<ul style="list-style-type: none"> <li>a. start BAH based on the highest of either the old PDS or the dependent's location on whichever is later: <ul style="list-style-type: none"> <li>(1) The day the Service member departs from the old PDS.</li> <li>(2) The effective date specified by the authorizing or approving document.</li> </ul> </li> <li>b. base the allowance on the new PDS the day the dependent departs if the Service member has arrived at the new PDS or change it to BAH-Transit if the Service member is still in transit.</li> </ul>
4		has <i>not</i> been approved through the Secretarial Process for the dependent's location,	stop BAH the day before the Service member's departure.

3. Table 26-43 specifies changes to housing allowances when the old PDS is outside the OHA area and the new PDS is in the BAH area.

Table 26-43. Delayed Dependent Travel when Service Member's Old PDS Outside the United States (OHA Area), New PDS in the United States (BAH Area)

If the Service member...		And a housing allowance...	Then...
1	is assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location and the dependent moves to the new PDS after Government quarters terminates,	start BAH based on the new PDS, if the Service member has arrived at the new PDS, or start BAH-Transit if the Service member is in transit.

Table 26-43. Delayed Dependent Travel when Service Member's Old PDS Outside the United States (OHA Area), New PDS in the United States (BAH Area) (Continued)

If the Service member...		And a housing allowance...	Then...
2	is assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location and the dependent moves to private-sector housing at the old PDS after Government quarters terminates,	a. start OHA based on the old PDS on whichever is later: <ol style="list-style-type: none"> <li>(1) The day Government quarters terminates.</li> <li>(2) The date private-sector housing is obtained.</li> <li>(3) The effective date specified by the authorizing or approving document.</li> </ol> b. change to BAH based on new PDS, the day the dependent departs if the Service member has arrived to the new PDS or to BAH-Transit if the Service member is still in transit.
3	is assigned Government quarters	has <i>not</i> been approved by the Secretarial Process for the dependent's location	start BAH based on the new PDS when Government quarters terminates, if the Service member has arrived at the new PDS or start BAH-Transit if the Service member is still in transit.
4	is <i>not</i> assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location,	a. continue OHA based on the old PDS on whichever is later: <ol style="list-style-type: none"> <li>(1) The day the Service member departs from the old PDS.</li> <li>(2) The effective date specified by the authorizing or approving document.</li> </ol> b. change to BAH based on new PDS, the day the dependent departs if the Service member has arrived to the new PDS or to BAH-Transit if the Service member is still in transit.
5		has <i>not</i> been approved through the Secretarial Process for the dependent's location,	stop OHA the day before the Service member's departure.

4. Table 26-44 specifies changes to housing allowances when the old PDS and new PDS are outside the OHA area.

Table 26-44. Delayed Dependent Travel when Service Member's Old and New PDS are Outside the United States (OHA Area)

If the Service member...	And a housing allowance...	Then...
1 is assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location and the dependent moves to the new PDS after Government quarters terminates,	start OHA based on the new PDS if the Service member has arrived, or BAH-Transit if in transit.
2	has been approved through the Secretarial Process for the dependent's location and the dependent moves to private-sector housing after Government quarters terminates,	a. start OHA based on the old PDS on whichever is later: <ol style="list-style-type: none"> <li>(1) The date Government quarters terminates.</li> <li>(2) The date private-sector housing is obtained.</li> <li>(3) The effective date specified by the authorizing or approving document.</li> </ol> b. change to OHA based on new PDS, the day the dependent departs if the Service member has arrived to the new PDS or to BAH-Transit if the Service member is in transit.
3	has <i>not</i> been approved through the Secretarial Process for the dependent's location	start OHA based on new PDS if the Service member has arrived, or BAH-Transit if in transit, when the Government quarters assignment terminates.
4 is <i>not</i> assigned Government quarters at the old PDS	has been approved through the Secretarial Process for the dependent's location	a. continue OHA based on old PDS on whichever is later: <ol style="list-style-type: none"> <li>(1) The Service member's departure date from the old PDS.</li> <li>(2) The effective date specified by the authorizing or approving document.</li> </ol> b. change to OHA based on new PDS, the day the dependent departs if the Service member has arrived to the new PDS or to BAH-Transit if the Service member is in transit.
5	has <i>not</i> been approved by the Secretarial Process for the dependent's location	stop OHA on the day before the Service member's departure.

## 261008. Early Return of Dependent

A. Early Return at Government Expense

1. When *all* of a Service member's dependents are returned from a PDS OCONUS at Government expense not due to a PCS, regardless of the reason for the return, the Service member is authorized a housing allowance at the with-dependent rate based on the dependent's permanent residence location effective on the arrival day. If the dependent's location is in an OHA area, start OHA on the date private-sector housing is acquired.

2. OHA, or BAH in Alaska or Hawaii, at the with-dependent rate for the Service member's PDS OCONUS stops on the day before the day the rate for the dependent's permanent residence starts. If the Service member resides in private-sector housing after the dependent's departure and single-type Government quarters are not available, FSH-O or FSH-B for the Service member's PDS location is authorized effective on the day the rate for the dependent's permanent residence location begins. If Government quarters are assigned or made available to the Service member following a dependent's departure, no housing allowance is payable for the Service member's PDS.

3. Whether or not a Service member is assigned family Government quarters:

a. If the dependent's location is in a BAH area, start with-dependent BAH based on dependent residence location as of the dependent's arrival date.

b. If the dependent's location is in an OHA area, start OHA on the date private-sector housing is acquired for the dependent (based on the paperwork).

4. When a Service member assigned to Government family-type quarters terminates the quarters assignment and single-type Government quarters are not available, start FSH effective on the termination date or the date private-sector housing for the Service member is acquired (based on the paperwork for OHA), whichever is later.

5. If a Service member is not assigned to Government family-type quarters then stop the with-dependent rate based on the PDS on the day before the allowance rate based on the dependent's location starts. If single-type Government quarters are not available, start FSH-O or FSH-B the day the allowance based on the dependent's location starts.

B. Early Return at Personal Expense. When *all* of a Service member's dependents returned early from a PDS OCONUS at personal expense, the Service member is not authorized a second housing allowance and the housing allowance at the with-dependent rate based on the Service member's PDS continues without change, unless there is an OHA-related paperwork change. If the Service member vacates family-type Government quarters that were occupied by the dependent before the dependent's departure, the Service member is authorized an allowance at the with-dependent rate for the Service member's PDS. If a Service member assigned family Government quarters at the PDS OCONUS terminates a Government quarters assignment:



1. If in a BAH area, start with-dependent BAH based on the PDS as of the termination date.

2. If in an OHA area, start with-dependent OHA based on the PDS as of the date (based on the paperwork) private-sector housing is acquired or the termination date, whichever is later.

261009. Evacuation of a Service Member's PDS

A. Service Member with a Dependent

1. PDS OCONUS-Command-Sponsored Dependent (see Chapter 67)

a. A Service member, whose command-sponsored dependent is evacuated and who was authorized a with-dependent housing allowance on the evacuation date, continues to be paid that allowance while the Service member's PDS remains unchanged and the Service member continues to maintain private-sector housing, as long as the command-sponsored dependent is receiving evacuation allowances.

b. If a dependent, command sponsored for OCONUS COLA, is authorized to return to the PDS after being evacuated, no housing allowance actions are required, whether or not the Service member is assigned quarters at the PDS.

c. If a dependent's return to the PDS is not authorized or approved, then the dependent must select a designated place and will continue to receive evacuation allowances as specified in the JTR, Chapter 6. A Service member is authorized a with-dependent allowance based on the location of the designated place beginning the day after the evacuation allowance ends, whether or not the Service member is assigned Government quarters at the PDS.

(1) If the Service member is not assigned Government quarters at the PDS, OHA or BAH based on the PDS OCONUS stops on the day before the allowance based on the designated place starts.

(2) If Government quarters are not available for the Service member at a PDS OCONUS, start FSH-O or FSH-B based on the PDS on the same day as the with-dependent allowance based on the designated place starts.

2. PDS OCONUS—Non-Command Sponsored Dependent

a. If the evacuation occurs 89 or fewer days after a dependent arrived at the Service member's PDS OCONUS and the Service member is still being paid a with-dependent allowance based on the dependent's permanent residence or designated place as well as FSH-O or FSH-B based on the PDS OCONUS rate, then no changes in housing allowances are required. Whether the Service member is assigned Government quarters at the PDS is not a factor.

b. If the evacuation occurs 90 or more days after a dependent arrived at the Service member's PDS OCONUS and the Service member is now being paid a with-dependent allowance based on the PDS, reinstate OHA or BAH based on the dependent's prior permanent residence or designated place on the dependent's departure day from the PDS. Stop the with-dependent OHA or BAH allowance based on the PDS the day before the dependent departs. If after the dependent departs and Government quarters are not available for the Service member, then start FSH based on the PDS on the day the dependent departs the PDS.

### 3. PDS in the CONUS

a. A Service member who was authorized a with-dependent BAH on the date the dependent was evacuated continues to be paid BAH as long as the dependent is receiving evacuation allowances when both of the following conditions apply:

(1) The Service member's PDS remains unchanged.

(2) The Service member continues to maintain private-sector housing.

b. If a dependent is authorized to return to the PDS after being evacuated, no housing allowance actions are required. Whether the Service member is assigned Government quarters at the PDS is not a factor.

c. If the return of a dependent to the PDS is not authorized or approved, the dependent is directed to select a designated place and continue to receive evacuation allowances as provided in the JTR, Chapter 6 until he or she establishes a permanent residence. A Service member is authorized a with-dependent allowance based on the designated place beginning the day after evacuation allowances end. BAH based on the PDS stops the day before evacuation allowances end.

B. Service Member Without-Dependent. A Service member without a dependent, who was authorized OHA or BAH at the PDS on the date an evacuation is ordered or authorized, and who continues to maintain a private-sector residence, continues to be authorized the allowance even though the Service member temporarily may be required to occupy Government quarters or be sent on a TDY. When the commanding officer believes the Service member will not be permitted to return to the private-sector housing in the foreseeable future, the commander must encourage the Service member to end the private-sector housing at the earliest practical date and end OHA or BAH concurrent with the private-sector housing termination.

## 261010. Service Member in Transit

BAH-Transit is a temporary housing allowance paid while a Service member is in a travel or leave status between PDSs, provided the Service member is not assigned Government quarters while at the old or new PDS. If the Service member performs a TDY en route at the new PDS, BAH or OHA for the new PDS begins the day of arrival in a TDY status at the new PDS. If the Service member performs a TDY en route at a location near, but outside the limits of, the new PDS or to the home port of a ship, afloat staff, or afloat unit, per diem stops as specified in the JTR, Chapter 5. BAH or OHA for the new PDS begins the day per diem stops.

A. Old PDS in the United States. A Service member's old PDS is the PDS for BAH purposes from the day the Service member departs the old PDS through the day before the Service member reports to the new PDS in compliance with a PCS order. If the Service member had been residing in Government quarters at the old PDS, the Service member is authorized BAH as of the Government quarters termination date.

B. Old PDS Outside the United States. When a Service member's old PDS is outside the United States, and the Service member is not assigned Government quarters, the Service member is authorized OHA through the day before departing the PDS outside the United States. The day the Service member departs, OHA is no longer authorized and the Service member is authorized BAH-Transit if the Service member is not receiving a with-dependent housing allowance for a dependent residing separately. If the Service member is being paid BAH at the with-dependent rate for a dependent residing separately, that BAH rate continues until the Service member arrives at the new PDS. If the Service member is being paid OHA at the with-dependent rate for a dependent residing separately, that OHA rate continues provided the dependent remains at the location outside the United States. If the dependent also performs PCS travel, BAH-Transit applies.

C. New Accession. A Service member in the accession pipeline includes a Service member who is undergoing initial entry training, including an RC member, a student—includes Reserve Officer Training Corps (ROTC) and Officer Candidate School—without prior military Service, or a Service academy graduate upon graduation, until arrival at the first PDS. The Service member remains in the accession pipeline until the Service member arrives at a PDS, including a training location of 20 or more weeks. An RC member remains in the accession pipeline until he or she completes entry-level training or arrives at a PDS, whichever occurs first.

1. Service Member Without-dependent. A Service member in the accession pipeline without a dependent is authorized BAH-Transit when in a travel, leave en route, or proceed time status while transferring from the initial entry training location, between training locations, and to the first PDS. For BAH authorization only (not locality rate), the training sites are defined as a PDS except for an RC member without a dependent. A Service member without a dependent is not authorized BAH (except BAH-Partial) while at the training locations since Government quarters are assigned at the PDS. An RC member without a dependent attending accession training is authorized BAH or OHA based on the primary residence location at the time called or ordered to active duty if the Service member maintains a residence and continues to be responsible for rent, or owns the residence.

2. Service Academy or ROTC Graduate Without-dependent. A Service academy or ROTC graduate without a dependent is authorized a housing allowance at the without-dependent rate for the graduation or commissioning location through the day before departure en route to the training location, if he or she:

a. Remains on active duty at the graduation or commissioning location following graduation and commissioning before proceeding to another duty station.

b. Is not assigned Government quarters.

3. Service Member with a Dependent. The BAH rate for a new accession with a dependent is based on the dependent's location if the location is in the United States. If dependent is located outside the United States, BAH is based on the training site location. If an officer who was previously authorized a housing allowance at the without-dependent rate for the graduation or commissioning location specified in subparagraph 261010.C.2 acquires a dependent, the officer's housing allowance at the with-dependent rate becomes based on the dependent's location effective the date the dependent is acquired.

D. Retirement or Separation

1. From a PDS in the United States. A Service member's old PDS is the PDS for BAH purposes from the day the Service member departs the old PDS through the separation or retirement date. If the Service member had been residing in Government quarters at the old PDS, the Service member is authorized BAH beginning the date Government quarters are terminated provided the Service member is still on active duty.

2. From a PDS Outside the United States

a. Establishes Residence Outside the United States. A Service member at a PDS outside the United States, who is processing for retirement or separation or on leave after processing, and who intends to establish a residence in an OHA-based area after retirement or separation, is eligible for OHA. To be paid OHA under any of the circumstances listed, the Service member must provide a lease and a completed and approved 2367.

(1) If the Service member continues to occupy private-sector leased or owned housing at or in the PDS vicinity, OHA continues until the date of separation or retirement.

(2) If the Service member occupies private-sector leased or owned housing after vacating Government quarters or moves to different private-sector housing in the same country, OHA starts on the date the Service member obtains private-sector housing and stops on the date of separation or retirement.

(3) If a Service member at a PDS outside the United States moves to a different country that is an OHA area to establish a residence after separation or retirement, the Service member is eligible for a housing allowance based on the residence location. OHA starts on the day the Service member obtains private-sector housing and stops on the date of

separation or retirement. However, if the Service member is being paid OHA at the with-dependent for dependents residing separately, that OHA rate continues provided the dependents remain at the location OCONUS.

b. Returns to a U.S. Processing Station. If not assigned Government quarters, a Service member separating or retiring at a PDS outside the United States, who returns to the United States for retirement or separation processing, is authorized OHA through the day before departing the PDS outside the United States. The day the Service member departs that PDS, OHA is no longer authorized. The Service member is authorized the BAH rate for the retirement or separation processing location if he or she is not receiving a with-dependent housing allowance for a dependent residing separately. If the Service member is being paid a with-dependent BAH rate for a dependent residing separately, that BAH rate continues until the Service member separates or retires. NOAA's Marine and Aviation Operations and Commissioned Personnel Centers are the processing stations for NOAA.

c. Returns to the United States After Completing Separation or Retirement Processing Overseas. If not assigned Government quarters, a Service member retiring or separating at a PDS outside the United States, who returns to the United States after completing retirement or separation processing at the overseas PDS, and who does not have a processing location within the United States, is authorized OHA through the day before departing the PDS outside the United States. The day the Service member departs that PDS, OHA is no longer authorized. The Service member is authorized the BAH rate for the leave address provided as part of the final processing if he or she is not receiving a housing allowance at the with-dependent rate for a dependent residing separately. If the Service member is being paid a BAH at the with-dependent rate for a dependent residing separately, that BAH rate continues until the Service member separates or retires.

E. Decision Process for a Service Member in Transit

1. In all cases for a Service member in transit:

a. If a Service member is assigned Government quarters adequate for the Service member and the dependent, if applicable, the Service member is not authorized BAH or OHA. Start BAH or OHA effective the date of quarters termination, if applicable.

b. If the Service member has a Secretarial waiver to pay BAH based on the previous PDS, or BAH based on the dependent's location, then continue that rate until the Service member arrives at the new PDS. If a Secretarial waiver is for an OHA location, continue the OHA rate if the dependent remains at the OHA location.

c. Payment of OHA requires a lease agreement or a verifiable purchase price.

2. If a Service member is participating in the Educational Leave Program Relating to Continuing Public and Community Services, and the Service member is authorized BAH or OHA, start BAH or OHA based on the designated unit of assignment during scheduled school breaks or leave periods.

3. If a Service member receives an appropriate authorization or order associated with a prolonged hospitalization determination and is transferred from any PDS to a hospital in the United States for observation or treatment, pay BAH based on the hospital location if the Service member is authorized BAH.

4. Table 26-45 specifies housing allowances for a Service member in transit on a PCS. Table 26-46 specifies housing allowances for a Service member who is a new accession. Table 26-47 specifies housing allowances for a Service member awaiting final discharge or in processing for separation or retirement.

Table 26-45. Housing Allowance for Service Member in Transit on a PCS

If the Service member is en route...		And...	Then...
<b>1</b>	from a PDS in the United States,	Government quarters at the old PDS were not assigned	a. continue BAH based on the old PDS, through the day before the Service member reports to the new PDS, to include TDY en route. b. start BAH or OHA based on the new PDS, the day the Service member reports to the new PDS.
<b>2</b>	from a PDS outside the United States,		a. start BAH-Transit the day the Service member departs the OHA area through the day before the Service member reports to the new PDS, to include TDY en route. b. start BAH or OHA based on the new PDS, the day the Service member reports to the new PDS.
<b>3</b>	from a PDS in the United States,	was not paid BAH or OHA at the old PDS because Government quarters were assigned,	a. start BAH based on the old PDS, the day the Service member terminates Government quarters. b. start the new PDS rate the day the Service member reports to the new PDS.
<b>4</b>	from a PDS outside the United States,		a. start BAH-Transit the day the Service member departs the old PDS through the day before the Service member reports to the new PDS. b. start BAH or OHA based on the new PDS, the day the Service member reports to the new PDS.

Table 26-46. Housing Allowance for Service Member in Transit for New Accession

If the Service member is...		And the Service member ...	Then...
1	newly inducted, enlisted, reenlisted, or an officer candidate	has a dependent located in the United States,	<ul style="list-style-type: none"> <li>a. start BAH based on the dependent's location beginning the date of enlistment, entry on active duty, or the date active duty pay begins through the day before the day the Service member reports to the first PDS, including a training location for 20 or more weeks.</li> <li>b. start BAH or OHA based on the PDS on the day the Service member reports to the first PDS.</li> </ul>
2	newly inducted, enlisted, reenlisted, or an officer candidate	has a dependent located outside the United States,	<ul style="list-style-type: none"> <li>a. start BAH based on the training location beginning the date of enlistment, entry on active duty, or the date active duty pay begins through the day before the day the Service member reports to the first PDS, including a training location for 20 or more weeks.</li> <li>b. start BAH or OHA based on the PDS on the day the Service member reports to the first PDS.</li> </ul>
3	in the pipeline in a travel, leave en route, or proceed time status while transferring from the initial training location,	has no dependents,	<ul style="list-style-type: none"> <li>a. start BAH-Transit when the Service member is in a travel status between duty or training stations and start the new BAH or OHA based on the PDS the day the Service member reports to the new PDS, including a training location for 20 or more weeks.</li> <li>b. for an RC member, pay BAH or OHA based on the primary residence location at the time called or ordered to active duty for the accession training duration, if the Service member maintains a residence and continues to be responsible for rent or owns the residence.</li> </ul>
4	between training locations, and to the first PDS	has a dependent in the United States,	<ul style="list-style-type: none"> <li>a. continue BAH based on the dependent's location in the United States through the day before the Service member reports to the new PDS.</li> <li>b. start BAH or OHA based on the first PDS the day the Service member reports to the first PDS.</li> </ul>
5		has a dependent outside the United States,	<ul style="list-style-type: none"> <li>a. continue BAH based on the training site through the day before the Service member reports to the new PDS.</li> <li>b. start BAH or OHA based on the first PDS the day the Service member reports to the first PDS.</li> </ul>

Table 26-46. Housing Allowance for Service Member in Transit for New Accession (Continued)

If the Service member is...		And the Service member ...	Then...
<b>6</b>	an Academy or ROTC graduate remaining at the graduation or commission location awaiting follow-on training and not assigned Government quarters	has no dependents,	<p>a. pay BAH based on the graduation or commission location through the day before departure en route to the training location.</p> <p>b. apply BAH-Transit thereafter. See rule above for a Service member in the pipeline in a travel, leave en route, or proceed time status while transferring from the initial training location, between training locations, to the first PDS, and has no dependents.</p>

Table 26-47. Housing Allowance for Service Member in Transit for Final Discharge, Separation, or Retirement

If the Service member is...		From...	Then...
<b>1</b>	in a leave status away from the PDS awaiting final discharge	a PDS in the United States,	continue BAH based on the old PDS through the date of discharge.
<b>2</b>	is processing for	a PDS in the United States,	continue BAH based on the old PDS through the date of separation or the day before the effective date of retirement.
<b>3</b>	separation or retirement	a PDS outside the United States with a processing location in the United States,	<p>a. start BAH based on the retirement or separation processing location beginning the day the Service member departs the PDS through the date of separation or the day before the effective date of retirement.</p> <p>b. continue BAH based on a dependent's location, if applicable, through the separation or retirement date.</p>



Table 26-47. Housing Allowance for Service Member in Transit for Final Discharge, Separation, or Retirement

If the Service member is...	From...	Then...
4	a PDS outside the United States and returns to the United States after processing OCONUS,	<ul style="list-style-type: none"> <li>a. start BAH based on the leave address provided as part of the final out-processing, beginning the day the Service member departs the PDS through the date of separation or day before effective date of retirement.</li> <li>b. continue BAH based on a dependent's location, if applicable, through the separation or retirement date.</li> </ul>
5	is processing for separation or retirement	a PDS outside the United States and remains at the PDS,
6	a PDS outside the United States and the Service member remains OCONUS but moves to a different country,	<ul style="list-style-type: none"> <li>a. continue OHA based on the PDS outside the United States, provided the Service member continues to occupy private-sector leased or owned housing.</li> <li>b. stop OHA based on the PDS when the Service member stops paying rent or when the Service member departs the PDS area.</li> <li>c. start OHA based on the location OCONUS the Service member moves to establish a residence on the day the Service member obtains private-sector housing.</li> <li>d. continue OHA through the date of separation or day before effective date of retirement.</li> <li>e. continue OHA based on a dependent's location, if applicable, through the separation or retirement date provided the dependents remain at the location OCONUS.</li> </ul>

## 261011. Service Member in a Missing Status

A. Service Member Without-dependent. A Service member without a dependent carried in a missing status is authorized without-dependent BAH. Pay BAH at the without-dependent rate based on the PDS for a Service member whose PDS is in the United States. If the Service member had a Secretarial waiver to receive BAH based on the former PDS due to a low-cost or no-cost PCS, then that BAH rate continues. Pay BAH at the without-dependent rate based on the home of record (HOR) location for a Service member whose PDS is outside the United States. If the Service member's HOR and PDS are outside the United States then pay the without-dependent BAH-Transit rate. See Chapter 34 (Pay Entitlement of Members Missing, Missing in Action, Interned, and Payments to Dependents).

B. Service Member With-dependent. A Service member with a dependent continues to receive the housing allowance authorized upon entering the missing status. If the dependent relocates, pay the housing allowance at the with-dependent rate based on the dependent's location.

## 261012. Service Member in Confinement

Pretrial confinement, restraint other than confinement, or an adjudged sentence of restriction alone does not affect a Service member's BAH authority.

A. Transferred to a Confinement Facility. When a Service member who is serving a court-martial sentence to confinement is transferred to a confinement facility, then the BAH or OHA rate is based on the dependent's location if the Service member is authorized a housing allowance, other than BAH partial, while confined. A Service member is not authorized a housing allowance unless authorized basic pay. All rules concerning whether a Service member in civil or foreign confinement, including pre-trial, is authorized basic pay are covered in Chapter 1 (Creditable Service). This rule does not address a Service member's authority for a housing allowance when civil or foreign authorities confine the Service member.

B. In Confinement

1. BAH or OHA does not accrue while the Service member is confined pursuant to a court-martial and the sentence is effective or approved or when the Service member was not receiving BAH or OHA on the day before confinement and Government quarters assignment was not terminated before or during confinement. Service procedures must specify how and by whom Government quarters termination must be certified. Confinement imposed pursuant to a court-martial sentence begins the date the sentence is adjudged (10 U.S.C. §857(a), (b)).

a. If a Service member is in confinement in a guardhouse, brig, or correctional barracks pursuant to a court-martial—not including pretrial confinement, restraint other than confinement, or an adjudged sentence of restriction alone—then the Service member's BAH or OHA accrues if the sentence is set aside or disapproved. The Service member must be otherwise authorized to receive BAH or OHA.

b. A Service member without-dependents who is confined in a guardhouse, brig, or correctional barracks, was assigned to single-type, Government quarters before confinement, and remains assigned to such quarters during confinement is authorized BAH-Partial unless forfeiture of allowances was directed. If he or she is restrained in a status of arrest in assigned single-type Government quarters, and therefore not authorized BAH or OHA, then the Service member is authorized BAH-Partial unless forfeiture of allowances was directed.

2. For FSH, a Service member in military confinement or otherwise restricted by military authority continues FSH for 60 or fewer days without certificate from the Service member. The FSH may continue for more than 60 days, but payment must be supported by the Service member's certification that he or she maintained private-sector housing at the PDS.

## 261013. Housing Allowance Following Service Member's Death

BAH or OHA continuation or payment to the surviving dependent of a Service member who dies on active duty is authorized for 365 days. It is paid to the dependent when, on the date of the Service member's death, the dependent either does not occupy Government quarters, is occupying Government quarters on a rental basis, or vacates Government quarters within 365 days of the Service member's death.

A. Not Payable. The housing allowance is not payable to a dependent who killed the Service member, unless there is evidence that clearly absolves the dependent of any felonious intent. It also is not payable to a surviving dependent of an RC member if that RC member dies while on inactive duty.

B. Payment Priority. Payments to a surviving dependent are made first to the current spouse. If there is no current spouse, the housing allowance is divided equally among the dependents on whose behalf the deceased Service member was receiving a with-dependent housing allowance.

C. Payment Amount and Method. The housing allowance is paid in the same amount and in the same manner as the deceased Service member would have been paid. The housing allowance may be paid quarterly as an advance payment, but must be reconciled. Housing allowance payments to the dependent are not subject to collection of any debts owed by the deceased Service member to the United States.

D. Surviving Service Member Spouse. (37 U.S.C. §403(I)) The allowance in this paragraph may be paid to a deceased Service member's spouse even if the spouse is also a Service member entitled to basic pay. The allowance is paid to the surviving Service member spouse in addition to any other pay and allowances to which the surviving Service member spouse is authorized as a Service member. The following payment rules apply:

1. Dual housing-allowance payments are authorized for a surviving Service member spouse.

2. When any dependents other than a surviving Service member spouse are involved, the housing allowances are paid in the same manner that was provided for before the Service member's death. If the surviving Service member spouse was drawing the without-dependent housing allowance on the Service member's date of death, that rate would continue for 365 days. On day 366, the surviving Service member spouse's housing allowance could change to the with-dependent rate.

3. If the family vacates Government quarters, the surviving Service member spouse is paid the housing allowance that would have been paid to the deceased Service member, as well as the housing allowance to which the surviving Service member spouse is authorized. In this case, the surviving Service member spouse may determine on whose behalf the with-dependent and the without-dependent housing allowances are paid.

4. If the deceased Service member was receiving a with-dependent housing allowance solely for a dependent who may not be claimed by the surviving Service member spouse, the surviving Service member spouse is only authorized housing allowance continuation at the without-dependent rate. The remainder—the difference between the with-dependent and without-dependent rates—is divided equally among the dependents on whose behalf the deceased Service member was receiving the with-dependent rate.

E. Rate Defining Location

1. If a Service member with a dependent dies on active duty while assigned to a PDS in the United States, then the housing allowance for the dependent is based on the deceased Service member's PDS, regardless of the location where the dependent chooses to reside unless the dependent is in receipt of a Secretarial waiver.

2. If a Service member with a dependent dies on active duty while assigned to a PDS outside the United States, then the housing allowance for the dependent is based on the location where the dependent resides, or chooses to reside, in the United States. If the dependent stays overseas, the housing allowance is based on the OHA rate—and the documented cost—for the location where the dependent resides. It then changes to BAH based on the United States location where the dependent later decides to reside on the date that any dependent arrives there or the date that all dependents have departed the PDS location, whichever is later. Authority exists for 365 days after the Service member's death.

3. If a Service member with a dependent dies on active duty and a dependent resides in Government quarters, then the housing allowance for the dependent is based on the dependent's location the day that the Government housing facilities were vacated. That rate continues for 365 days, less the number of days the Government housing facilities were occupied following the date of the Service member's death. If the Government housing was outside the United States, pay the housing allowance based on the location where the dependent chooses to reside.

261014. Housing Flexibility for Certain Armed Forces Members With-dependents, Permanent Change of Station (PCS) Within the United States ([37 USC §403a](#)). *Effective for PCS departures on or after October 1 2018.*

A. General. An eligible Armed Forces member with-dependents may be permitted certain housing flexibility while under a PCS order within the United States during a covered relocation period (DoDI [1315.18, Encl 3, paragraph 10](#)).

B. Eligibility. An Armed Forces member with-dependents with PCS orders within the United States that may be authorized housing flexibility under this paragraph is an Armed Forces member who has one of the following:

1. A spouse who is gainfully employed or enrolled in a degree, certificate or license granting program at the beginning of the covered relocation period.

2. One or more dependents attending an elementary or secondary school at the beginning of the covered relocation period.

3. One or more dependents enrolled in the Exceptional Family Member Program.

4. An immediate family member with a chronic or long-term illness at the beginning of the covered relocation period for whom the member is caring.

C. Covered Relocation Period. The covered relocation period begins 180 days before the date of the PCS, which is the date the Armed Forces member leaves the current PDS and ends 180 days after the date of the PCS. The Secretary concerned may lengthen or shorten the covered relocation period through the Secretarial process based on the needs of the Armed Forces. See the *decision support tools*.

D. Expiration. If the Armed Forces member's eligibility expires for any reason during the covered relocation period, that period is terminated and housing is paid at the PDS where the Armed Forces member is assigned at that time. If the Armed Forces member departs the old PDS, and the persons that are the basis of the eligibility do not arrive at the new PDS within the covered relocation period, housing allowances are paid at new PDS location rate beginning the day after the relocation period ends.

E. Authority. The dependents of an Armed Forces member may perform PCS travel at a different time than the Armed Forces member once the PCS order has been issued. Unless otherwise authorized or approved, the Armed Forces member's housing allowance is based on the PDS. However, an eligible Armed Forces member may request a housing allowance based on the dependents location. If authorized or approved through the Secretarial Process for dependents who relocate in advance or after the Armed Forces member, a housing allowance under this paragraph may be based on one of the following:

1. The new PDS.

2. The location the dependents reside when the Armed Forces member departs for the new PDS (only for the time the dependents reside in that area).

3. The area of the Armed Forces member's former PDS, but only if different than the area the dependent resides.