

## Approved DoD FMR, Volume 7A, Chapter 26 Language

### 10.13 Housing Allowance Following Service Member's Death \*\*\*\*\*

#### \*10.14. Temporary Continuation of Housing Allowance for Members Whose Sole Dependent Dies While Residing with the Member.

BAH or OHA at the with dependent rate continues to be paid for up to one year to a Service member on AD whose sole dependent dies on or after December 23, 2022.

10.14.1. Conditions. After the death of the dependent, continue to pay a with-dependent housing allowance at the rate that is applicable to the member as if the sole dependent had not died and if:

10.14.1.1. such sole dependent dies while the member is on active duty; and

10.14.1.2. such sole dependent dies while physically residing with the member, unless separated by the necessity of military service, or to receive institutional care as a result of disability or incapacitation or under such other circumstances as determined by the Secretary concerned; and

10.14.1.3. the member is not occupying Government quarters on the date of death of the sole dependent.

10.14.2. Termination. The continuation of the with--dependent rate of housing allowance will terminate upon the earlier of the following:

10.14.2.1. The day that is one year after the date of the death of the sole dependent.

10.14.2.2. The permanent change of station, or permanent change of assignment with movement of personal property and household goods authorized under 37 USC §453(c) as otherwise stated in this chapter.

10.14.3.3. The member subsequently occupies permanent Government quarters.

10.14.3.4. The member claims another dependent for housing allowance purposes.

\*10.145 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.

#### \*REFERENCES

10.0 – ASSIGNMENT SITUATIONS (2610)

TAB B

## Approved DoD FMR, Volume 7A, Chapter 26 Language

10.5	DoDI 1241.01, April 19, 2016 OASD (M&RA) Memo, October 29, 2020 37 U.S.C. § 204(g) and (h) 37 U.S.C. § 403(g)(6)(C)(iii)
10.7	OASD (M&RA) Memo, August 12, 2020
10.8	OASD (M&RA) Memo, May 5, 2020
<u>*10.14</u>	<u>37 U.S.C. § 403(m)</u>

**ACTION MEMO**

**FOR:** DIRECTOR, MILITARY COMPENSATION POLICY

**FROM:** Summer Britford, Chief, Allowances Division

**SUBJECT:** Temporary Continuation of Rate of Basic Allowance for Members of the Armed Forces Whose Sole Dependent Dies While Residing with the Member

- **Purpose.** Request you initial below, approving language for inclusion in the Department of Defense Financial Management Regulation (DoD FMR), Volume 7A, Chapter 26 to implement section 613 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023.
- **Background.**
  - Prior to enactment of section 613 of the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, a member receiving a housing allowance (basic allowance for housing or overseas housing allowance) at the with-dependent rate whose sole dependent died, ceased as of the date of the dependent’s death to be entitled to a housing allowance at the with-dependent rate and became entitled to the allowance at the without-dependent rate.
  - Section 613 authorizes the member to continue to receive the housing allowance at the rate in effect on the date of the dependent’s death for up to 365 days, provided the dependent lived with the member or was authorized to live separately under certain circumstances, and the member did not occupy a government housing facility on the date of death.
  - The intent of the new statute (37 U.S.C. §403(m)) is to provide financial relief to a Service member whose housing choices and financial obligations were based upon receiving a housing allowance at the with-dependent rate, but who subsequently lost his or her sole dependent. The continuation of the housing allowance would terminate either after 365 days, thereby allowing the member time to make other housing arrangements, or upon departing the current duty station on a permanent change of station order.
  - The changes at TAB A update the Department of Defense (DoD) Financial Management Regulation (FMR), Volume 7A, Chapter 26 to authorize continued payment of a with-dependent housing allowance under the circumstances authorized in statute.

**RECOMMENDATION:** Initial below, approving the proposed language.

Approve:  Disapprove: \_\_\_\_\_ Other: \_\_\_\_\_

**Attachments:**

TAB A – Proposed DoD FMR Changes

TAB B – Coordination

Prepared by: Mr. Tim Haddix, OASD(M&RA)/MPP/COMP, [timothy.g.haddix.civ@mail.mil](mailto:timothy.g.haddix.civ@mail.mil)

## Proposed DoD FMR, Volume 7A, Chapter 26 Language

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10.14.1.3. the member is not occupying Government quarters on the date of death of the sole dependent.

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10.14.2.2. The permanent change of station, or permanent change of assignment with movement of personal property and household goods authorized under 37 USC §453(c) as otherwise stated in this chapter.

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TAB A

**Proposed DoD FMR, Volume 7A, Chapter 26 Language**

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*10.14	37 U.S.C. § 403(m)

## COMBINED COORDINATION SHEET

**SUBJECT: UPR001587-23 – Temporary Continuation of Rate of Basic Allowance for Housing  
for Members of the Armed Forces Whose Sole Dependent Dies While Residing with  
the Member**

Office	Name	Date
Special Assistant for Military Compensation, Office of the Deputy Assistant Secretary of the Navy (Military Manpower and Personnel)	Mr. Jeffrey R. Krusling	5 June 2023
Head, Pay and Military Compensation (OPNAV N130)	Mr. Jeffrey R. Krusling	5 June 2023
Department of the Air Force (SAF-MRM-AO)	Mr. Mark R. Engelbaum	13 June 2023
Deputy Assistant Secretary of the Army (Military Personnel)	Mr. Jeffrey P. Angers	12 June 2023
Headquarters Marine Corps (MPO)	Col. A.L. Jeppe, USMC	5 June 2023
Deputy Assistant Commandant For Human Resources (CG-1) U.S. Coast Guard	CDR Robert M. Espenship, USCG	14 June 2023
National Oceanic and Atmospheric Administration Director, NOAA Corps	RADM Nancy Hann	20 June 2023
U.S. Public Health Service Director, Division of Commissioned Corps Personnel and Readiness	LCDR Andrew Okolo, USPHS	14 June 2023
ASD M&RA Reserve Integration	Col James T. Hogan, USAF	20 June 2023
Director, Strategy, Policy and Requirements DFAS	Mr. Mark Smith	24 May 2023
DoD General Counsel	Ms. Susan Mitchell	24 May 2023
Office of the Under Secretary of Defense Comptroller	Mr. James P. Fasano	12 June 2023

**Comments:**

Army – Concur without comment  
 Navy - OPNAV N130 – Concur without comment  
 Air Force – Concur without comment  
 DHS – COMDT USCG – Concur without comment

Commerce – NOAA Concur

HHS – USPHS – Concur without comment

RI – Concur without comment

DFAS – Concur and Responds, “It states “Effective on 23 December” may want to clarify when payments would commence, for deaths on or after the effective date, is the way I understood it.”

OSD Response: Concur and language adjusted accordingly.

GC – Concur and Recommend “using “365 days” below (par. 10.14) in place of “one year” in para. 10.14.2.1 OR using “one year” here, for purposes of consistency and to ensure there’s no misinterpretation. The legislation uses “one year.” OSD Response: Concur with using ‘one year’ throughout as being consistent with the Statute.

Comptroller – Concur without comment.