



UNDER SECRETARY OF DEFENSE

4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

SEP - 4 2013

PERSONNEL AND
READINESS

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS CHIEFS OF THE MILITARY SERVICES

SUBJECT: Clarifying Policy - Administrative Absence to Obtain a Legal Marriage

- References: (a) Secretary of Defense Memorandum, "Extending Benefits to the Same-Sex Spouses of Military Members," August 13, 2013
(b) Acting Under Secretary of Defense for Personnel and Readiness Memorandum, "Further Guidance on Extending Benefits to Same-Sex Spouses of Military Members," August 13, 2013
(c) Department of Defense Instruction 1327.06, "Leave and Liberty Policy and Procedures," June 16, 2009, as amended

It is the Department's policy to treat all military personnel equally and to make the same benefits available to all qualified members. Subsequent to the Secretary of Defense issuing his memo (reference (a)), I issued implementing guidance (reference (b)). The purpose of this correspondence is to provide additional clarification on the granting of an administrative absence where a member is part of a couple that desires to get married and is assigned to a duty station located more than 100 miles from a U.S. state, the District of Columbia, or other jurisdiction that allows the couple to get married.

Accordingly, reference (c), enclosure 2, paragraph 1(k) is removed, and the following paragraph is added at paragraph 6c:

"(13) Administrative Absence to Obtain a Legal Marriage. The Secretary concerned may grant an administrative absence to a Service member who is part of a couple that desires to get married, but is assigned to a duty station located more than 100 miles from a U.S. state, the District of Columbia, or other jurisdiction that allows the couple to marry. When two Service members are part of a couple and desire to get married, both members may be granted an administrative absence, if qualified.

Eligible Service members assigned within the Continental United States (CONUS) may be granted an administrative absence for a period of up to 7 days. Eligible Service members assigned outside the Continental United States (OCONUS) may be granted an administrative absence for a period of up to 10 days. The number of days of administrative absence will be based on:

- (a) The waiting period, required by law, to obtain a legal marriage from the jurisdiction nearest the assignment location. The waiting period is defined as the required wait time to obtain a marriage license and/or the required wait time after the marriage license is obtained but before the marriage may be performed;

(b) Time to travel to and from the marriage jurisdiction. A maximum of 2 days travel is authorized if a member is assigned in CONUS; a maximum of 5 days travel is authorized if a member is assigned OCONUS.

Example: A Service member is assigned in CONUS to a duty station 150 miles from the closest jurisdiction that can grant a legal marriage. That jurisdiction requires a 3-day waiting period. However, the member desires to travel 500 miles to a state which requires a 5-day waiting period to obtain a legal marriage. The member may be granted administrative absence of 4 days; 1 day for travel ($\frac{1}{2}$ day each way) and 3 days for the required waiting period.

Extensions of this administrative absence for the convenience of the Service member(s) shall be charged to the member's leave account. Administrative absence to obtain a legal marriage may be granted only once during the career of a Service member. This policy shall be reviewed annually."

This policy clarification reinforces the Department's commitment to treat all men and women who serve our country and their families fairly, equally, and with dignity.


Jessica L. Wright
Acting

cc:
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Secretary of Commerce
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