



DoD INSTRUCTION 1315.15

SEPARATION POLICIES FOR SURVIVORSHIP

Originating Component: Office of the Under Secretary of Defense for Personnel and Readiness

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Approved by: A. M. Kurta, Performing the Duties of the Under Secretary of Defense for Personnel and Readiness

Purpose: In accordance with the authority in DoD Directive 5124.02 and pursuant to Section 3806 of Title 50, United States Code and Public Law 110-317, this issuance establishes policy and assigns responsibilities for the separation of qualifying surviving or sole surviving sons and daughters serving in the Military Services, as defined in this issuance.

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY. This issuance applies to OSD, the Military Departments (including the Coast Guard at all times, including when it is a Service in the Department of Homeland Security by agreement with that Department), the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the National Guard Bureau, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD.

1.2. POLICY.

a. Service members who become surviving or sole surviving sons or daughters may apply for discharge or separation. Applicants will be discharged or separated promptly, except:

(1) When they are under criminal investigation or have court-martial charges pending, have been convicted by court-martial with appellate review in process, or are serving a sentence of confinement (or are otherwise undergoing punishment) imposed by court-martial.

(2) When being processed for involuntary separation for cause.

(3) When the death, disability, hospitalization, or captured- or missing-in-action status:

(a) Resulted from the intentional misconduct or willful neglect of the parent or sibling; or

(b) Was incurred during a period of unauthorized absence.

b. Service members will waive rights for separation as surviving or sole surviving sons or daughters if they:

(1) Are formally advised by their Military Service of the policy in this issuance and meet the surviving or sole surviving criteria, and then

(2) Enlist, reenlist, or voluntarily extend their active duty period.

c. Service members who have waived their right to separation as surviving or sole surviving sons or daughters may request reinstatement of that status at any time. The reinstatement of status will not be automatically granted, but will be considered on the merits of the individual case.

d. Policies and procedures for survivorship separation application and status reinstatement will be developed by the Military Departments consistent with the overarching policy in this issuance.

e. All requests for separation under this issuance must be initiated by the Service member concerned. Applications shall be in writing or some verifiable form of communication from the member.

SECTION 2: RESPONSIBILITIES

2.1. ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE AFFAIRS. Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness, the Assistant Secretary of Defense for Manpower and Reserve Affairs provides overall guidance for the administration of this issuance and interprets its provisions when requested to do so by representatives of the Military Departments or others outside the DoD.

2.2. SECRETARIES OF THE MILITARY DEPARTMENTS. The Secretaries of the Military Departments:

- a. Establish Departmental policies and programs consistent with the guidance in this issuance and implement processes that ensure expediency.
- b. May establish special separation policies for unique situations that arise within their own Department in accordance with the policy established in this issuance.

DEFINITIONS

G.1. DEFINITIONS. Unless otherwise noted, these terms and their definitions are for the purpose of this issuance.

Military Services. Used to denote collectively all components of the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard.

separation. A general term that includes discharge, release from active duty, release from custody and control of the Military Services, transfer to the Individual Ready Reserve, and similar changes in Active or Reserve status.

sole surviving son or daughter. Refers to the only surviving child in a family in which:

The father or mother or one or more siblings served in the Armed Forces; and

Was killed; died as a result of wounds, accident, or disease; is in a captured- or missing-in-action status; or is permanently 100 percent disabled or hospitalized on a continuing basis (and is not employed gainfully because of the disability or hospitalization); and

The death, status, disability, or hospitalization did not result from the intentional conduct or willful neglect of the parent or sibling and was not incurred during a period of unauthorized absence.

surviving son or daughter. Refers to any son or daughter in a family in which the father or mother or one or more siblings meet the criteria listed in the sole surviving son or daughter definition.

REFERENCES

DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008

Public Law 110-317, “Hubbard Act,” August 29, 2008

United States Code, Title 50