SECRETARY OF THE ARMY
WASHINGTON

07 NOV 2013

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2013-24 (Extending Benefits to Same-Sex Spouses of Soldiers)

1. References:

a. Army Regulation (AR) 600-8-10 (Leaves and Passes), 16 February 2006, Rapid Action Revision Issued 4 August 2011.

b. Memorandum, Secretary of Defense, Feb 11 2013, subject: Extending Benefits to Same-Sex Domestic Partners of Military Members.

c. Memorandum, Secretary of the Army and Chief of Staff of the Army, 1 Apr 2013, subject: Extending Benefits to Same-Sex Domestic Partners Strategic Implementation Plan.

d. Memorandum, Secretary of Defense, Aug 13 2013, subject: Extending Benefits to the Same-Sex Spouses of Military Members.

e. Memorandum, Under Secretary of Defense (Personnel and Readiness), Aug 13 2013, subject: Further Guidance on Extending Benefits to Same-Sex Spouses of Military Members.

f. Memorandum, Under Secretary of Defense (Personnel and Readiness), Sep 4 2013, subject: Clarifying Policy - Administrative Absence to Obtain a Legal Marriage.

2. This directive establishes policy for extending benefits to same-sex spouses of Soldiers.

3. On 26 June 2013, the U.S. Supreme Court held section 3 of the Defense of Marriage Act to be unconstitutional. As a result, the Army will treat all married Soldiers equally. The Army will recognize all marriages that are valid in the location the ceremony took place and will work to make the same benefits available to all spouses, regardless of whether they are in same-sex or opposite-sex marriages. The Army is currently taking all necessary action to extend spousal benefits to same-sex spouses. In accordance with reference 1e, entitlements for same-sex spouses are retroactive to 26 June 2013, the date of the Supreme Court's decision. Any claims to entitlements before this date will not be granted.

4. Since the Supreme Court's ruling has made it possible for same-sex couples to marry and be afforded the benefits available to any Army spouse or family member, reference 1c is hereby rescinded.

5. Effective immediately, this directive supplements the policy in AR 600-8-10 (reference 1a) to authorize an administrative absence for a Soldier who 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 marry. The Army will review this policy annually.

6. In addition to the categories of absences nonchargeable as leave listed in AR 600-8-10, chapter 5, an administrative absence to obtain a legal marriage may be made available to the Soldier described in paragraph 5. Specific guidance for this category of absence is as follows and will be incorporated into AR 600-8-10 during its next revision.

7. Administrative Absence to Obtain a Legal Marriage. For a Soldier who is part of a couple that desires to get married to travel to the nearest State (or the District of Columbia) or jurisdiction that allows the couple to get married:

a. This absence will not be granted to a Soldier (i) stationed in States (or the District of Columbia) or other jurisdictions where the marriage described in paragraph 5 is legal, or (ii) assigned to duty stations located 100 miles or less from a State (or the District of Columbia) or other jurisdiction that allows the marriage described in paragraph 5.

b. This absence will be authorized for the minimum period necessary to obtain a marriage license and perform the marriage ceremony.

c. Administrative absence is limited to a period of up to 7 consecutive days for Soldiers assigned within the Continental United States (CONUS) and up to 10 consecutive days for Soldiers assigned outside CONUS (OCONUS).

d. The number of administrative days granted should be based on:

- 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; and

- the time to travel to and from the marriage jurisdiction.

A maximum of 2 days travel is authorized if a Soldier is assigned in CONUS and a maximum of 5 days travel is authorized if the Soldier is assigned OCONUS. For example, a Soldier 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 Soldier wants to travel 500 miles to a State that requires a 5-day waiting period to obtain a legal marriage. The Soldier may be granted administrative leave of 4 days: 1 day for travel (a half-day each way) and 3 days for the required waiting period. Any absence in excess of 4 days will be charged as ordinary leave.

e. A Soldier granted this administrative absence must provide his/her command documentation of the marriage or a valid attempt to obtain the marriage within 5 days of his/her return. Failure to do so may result in the Soldier being charged ordinary leave for the entire period of absence.

f. This administrative absence may be combined with chargeable leave for the convenience of the Soldier.

8. Chargeable leave used on or after 13 August 2013 that would have otherwise been eligible as an administrative absence under this policy may be replaced at the direction of the commander approving the chargeable leave.

9. The Deputy Chief of Staff, G-1 is responsible for implementation of this policy change. In coordination with the Assistant Secretary of the Army (Manpower and Reserve Affairs), the Deputy Chief of Staff, G-1 will develop and promulgate any additional administrative procedures necessary to implement the Department's intent, including appropriate internal controls in accordance with AR 11-2 (Managers' Internal Control Program).

10. This directive is rescinded upon publication of the revised applicable regulations.

John M. McHugh

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