



# Department of Defense

## INSTRUCTION

NUMBER 1315.15

January 5, 2007

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USD(P&R)

SUBJECT: Special Separation Policies for Survivorship

- References:
- (a) DoD Directive 1315.15, subject as above, September 26, 1988 (hereby canceled)
  - (b) Acting Deputy Secretary of Defense Memorandum, "DoD Directives Review - Phase II," July 13, 2005
  - (c) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," October 17, 2006
  - (d) Appendix, Sections 451 and 456(o) of title 50, United States Code

### 1. REISSUANCE AND PURPOSE

This Instruction:

1.1. Reissues Reference (a) as a DoD Instruction according to the guidance in Reference (b) and the authority in Reference (c).

1.2. Establishes uniform policies and assigns responsibilities pertaining to the separation of surviving sons and daughters, as defined in paragraph 3.2.

1.3. Implements Reference (d) for discharge of surviving sons inducted into the U.S. Armed Forces.

### 2. APPLICABILITY

This Instruction applies to the Military Departments.

### 3. DEFINITIONS

3.1. Separation. A general term that includes discharge, release from active duty, release from custody and control of the U.S. Armed Forces, transfer to the Individual Ready Reserve, and similar changes in Active or Reserve status.

3.2. Surviving Son and/or Daughter. This term refers to any son or daughter in a family in which the father or mother or one or more sons or daughters:

3.2.1. Have been killed in action or have died when serving in the U.S. Armed Forces from wounds, accident, or disease.

3.2.2. Are in a captured or missing-in-action status.

3.2.3. Have a permanent 100 percent Service-related disability (including 100 percent mental disability), as determined by the Department of Veterans Affairs or one of the Military Services, and are not gainfully employed because of the disability.

3.3. United States Armed Forces. For the purpose of this Instruction, used to denote collectively only the regular components of the Army, the Navy, the Air Force, the Marine Corps, and, by agreement with the Secretary of Homeland Security, the Coast Guard.

#### 4. POLICY

##### 4.1. Separation Eligibility

4.1.1. Enlisted members who become surviving sons or daughters after having enlisted or after having been inducted may apply for and promptly shall be discharged or separated except under the following circumstances:

4.1.1.1. When the member has court-martial charges pending against him or her, has been convicted by court-martial with appellate review in process, or is serving a sentence to confinement (or is otherwise undergoing punishment) imposed by court-martial.

4.1.1.2. When the member is being processed for involuntary administrative separation for cause.

4.1.2. Commissioned officers and warrant officers shall not be released from active duty because of their qualifying as surviving sons or daughters, unless they entered Service by induction pursuant to Reference (d).

4.1.3. The separation eligibility provisions in paragraphs 4.1.1. and 4.1.2. shall not apply during a war or national emergency declared by the Congress.

##### 4.2. Waiver of Separation Eligibility

4.2.1. An individual who, having been advised of the provisions of paragraphs 4.1.1. and 4.1.2., enlists, reenlists, or voluntarily extends his or her active duty period after having been notified of the family casualty on which the surviving status is based shall be considered as having waived his or her rights for separation as a surviving son or daughter.

4.2.2. A member who has waived his or her right to a separation as a surviving son or daughter, as provided in paragraph 4.2.1., may request reinstatement of that status at any time. However, a request for reinstatement shall not be granted automatically, but shall be considered on the merits of the individual case.

4.3. Initiation of Application for Separation. All requests for separation under this Instruction must be initiated by the military member concerned. Applications shall be in writing.

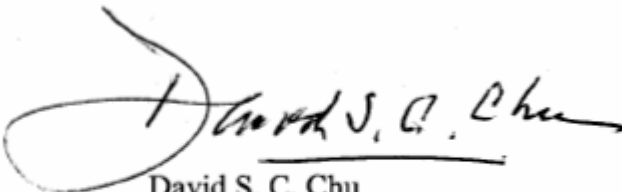
## 5. RESPONSIBILITIES

5.1. The Principal Deputy Under Secretary of Defense for Personnel and Readiness, under the Under Secretary of Defense for Personnel and Readiness, shall provide overall guidance for the administration of this Instruction and interpret its provisions when requested to do so by representatives of the Military Departments or others outside the Department of Defense.

5.2. The Secretaries of the Military Departments shall ensure that the policies and standards established in this Instruction are administered expediently and consistently. Subject to this overriding responsibility, they may establish special separation policies for unique situations that arise within their own Service(s) if such special policies do not violate the intent of the general policy established in section 4.

## 6. EFFECTIVE DATE

This Instruction is effective immediately.



David S. C. Chu  
Under Secretary of Defense for  
Personnel and Readiness