



MOUNTAIN POST LEGAL BRIEF

A Preventive Law Service of The Office of the Staff Judge Advocate

Headquarters, Fort Carson

Keeping You Informed On Personal Legal Affairs



COMPASSIONATE ACTIONS

Consider these questions and answers to help you determine the procedures for requesting a compassionate reassignment, deletion, or deferral from orders.

Q: WHAT IS A COMPASSIONATE ACTION?

A: A compassionate action request is one from an individual soldier, requesting reassignment, deletion or deferral from orders. A compassionate reassignment is a reassignment of a soldier to another duty station prior to his or her scheduled permanent change of station (PCS). It normally occurs in response to a family emergency, hardship, or other situation in which a soldier's presence at another duty station is warranted.

Q: WHAT ARE THE CRITERIA FOR COMPASSIONATE ACTIONS?

A: The soldier concerned must initiate the request. Compassionate consideration is given for problems that are unresolvable through leave, correspondence, use of a power of attorney, or the assistance of family members or other parties. Compassionate consideration is only given for family members. The requested installation must have a valid MOS and grade authorization. This criterion is waivable by PERSCOM, in certain circumstances.

Q: WHAT ARE GENERALLY NOT CONSIDERED VALID BASES FOR A COMPASSIONATE REQUEST?

A: The following generally are not considered valid bases for a compassionate request:

- a. Soldier's desire to be in a new area.
- b. Divorce or separation resulting from family separation due to military requirements.
- c. Legal actions or court appearances for matters relating to divorce and/or child custody issues.
- d. Sole parenthood.
- e. Problems expected to be resolved by family members joining the soldier at the duty station.
- f. Minor allergies suffered by family members due to climatic conditions.
- g. Home ownership or housing shortage issues.
- h. Financial problems.

Q: WHO REVIEWS AND APPROVES COMPASSIONATE REQUESTS?

A: A General Court-Martial Convening Authority (typically, an installation commander in the rank of General) reviews applications. Requests that do not meet standards for compassionate actions are disapproved.

MOUNTAIN POST LEGAL BRIEF is one of a series of informative handouts from the Fort Carson Legal Assistance Division containing general information on topics that legal assistance attorneys frequently advise on. Information provided is general in nature and does not constitute legal advice. Consult an attorney for specific legal advice for your particular situation. You may schedule a legal assistance appointment by calling the Legal Assistance Division at 719-526-5572.

Q: WHAT SUPPORTING DOCUMENTATION IS REQUIRED FOR COMPASSIONATE REQUESTS?

A: The type of problem alleged determines the type of documentation required.

a. Medical Problems. An attending physician's signed statement providing the specific medical diagnosis and prognosis, including the date of onset, past and anticipated periods of hospitalization, periods of convalescence, and anticipated life expectancy for terminal cases.

b. Legal Problems. A signed statement from a licensed attorney describing the problem, and the reasons why solutions other than reassignment are unacceptable. If applicable, a copy of a court order, divorce decree, or other documents must be submitted.

c. Rape/Child Abuse. Statements from police, social service agencies, and/or examining physicians.

d. Marital and Dependent Status. A statement by the soldier, witnessed by an officer, specifying that the soldier has been advised that travel for dependents at Government expense is unauthorized.

e. Other Problems. Supporting statements from responsible persons (e.g., clergymen, social workers, etc.) who have personal knowledge of the problem.

Q: WHAT IS THE FORM NUMBER AND GOVERNING REGULATION FOR A COMPASSIONATE ACTION REQUEST?

A: Soldiers must submit their applications on DA Form 3739, *Application for Compassionate Actions*. The governing regulation is Army Regulation 614-200, Section III.

Q: WHAT SHOULD I DO IF I HAVE FURTHER QUESTIONS ABOUT REQUESTING A COMPASSIONATE ACTION?

A: Contact the Fort Carson Legal Assistance Division to arrange for a consultation with a legal assistance attorney. A legal assistance attorney can help evaluate your compassionate action request and assist with preparing some of the necessary documents.