

MILPERSMAN 1050-440

ADMINISTRATIVE ABSENCE TO OBTAIN A LEGAL MARRIAGE

Responsible Office	OPNAV (N130C)	Phone:	DSN COM Email	664-5477 (703) 604-5477 NXAG_N130C2@NAVY.MIL
NAVPERSCOM CUSTOMER SERVICE CENTER		Phone:	Toll Free	1-866-U ASK NPC

References:	(a) 10 U.S.C. 701 (b) DoD Instruction 1327.06 of 16 Jun 09 (c) USD(P&R) memo of 4 Sep 13 (NOTAL)
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1. **General Policy.** Per reference (a) and policies governing authority to grant administrative absences in reference (b), as clarified in reference (c), commanding officers may grant up to 10 days of administrative absence to obtain a legal marriage to Service Members who are part of a couple that desires to get married, but are assigned to duty stations located more than 100 miles from a U.S. state, the District of Columbia, or any other jurisdiction that allows the couple to be married.

a. Eligible Service Members assigned within the Continental United States (INCONUS) may be granted a maximum of 7 days of administrative absence.

b. Eligible Service Members assigned outside CONUS (OCONUS) may be granted a maximum of 10 days of administrative absence.

c. When both members of a couple are Service Members, each member may be granted the applicable number of days based on his or her individual assignment location.

d. Extension requests of this administrative absence period shall be considered by commands on a case-by-case basis. Absence taken beyond the authorized benefit will be charged to the member's leave account.

e. Administrative absence for marriage may be granted in conjunction with ordinary leave.

2. **Granting Administrative Absence for Marriage.** Commanding officers will determine the appropriate number of days to grant for administrative absence based on travel days, the waiting period associated with state marriage requirements, and command operational requirements.

a. **Travel**

(1) Two travel days will be authorized to members stationed INCONUS and will count towards the 7-day maximum.

(a) Members are authorized to travel to a location of their choice. The number of administrative days authorized will be based on travel and the waiting period for the closest state or jurisdiction that allows the member to be legally married.

(b) Members who live in or within 100 miles of a state or jurisdiction that allows the member to legally marry are not authorized administrative absence under this policy.

(2) Up to 5 travel days will be authorized to members stationed OCONUS and will count towards the 10-day maximum.

(a) For members OCONUS, the number of days authorized, to include travel days, will be at the commanding officer's discretion and based on the member's marriage plans, vicinity to a jurisdiction or country that allows the member to legally marry, and the administrative and legal marriage requirements of that jurisdiction or country.

(b) Commanding officers should use their best judgment to limit the number of travel days where possible (e.g., members stationed in a country that borders a country that allows the member to legally marry, may only need 2 travel days).

(c) Members stationed overseas in a location that allows the member to legally marry, or within 100 miles of such a location, will not be authorized administrative absence under this policy.

b. **State-Mandated Waiting Period**

(1) The waiting period refers to the legally 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.

(2) The appropriate number of administrative absence days will be granted to meet state- or jurisdiction-mandated waiting period requirements, capping at the 7-day INCONUS or 10-day OCONUS limitation.

(3) Eligible members will complete the state administrative requirements for marriage online or by mail, (where possible) in advance of the administrative absence travel to avoid and or accomplish the state-mandated waiting periods that occur when applying in person.

(4) Commanding officers have the authority to authorize only the appropriate number of days for which the member is required to be present in the state or jurisdiction in which the member is marrying.

(5) Commanding officers will consider unit mission, specific operational circumstances, and Service Member's duties.

3. **Program Administration.** Administrative absence for marriage may be granted only once during the career of a Service Member, regardless of the number of administrative absence days used.

a. Service Members must submit a special request chit (NAVPERS 1336/3 Special Request Authorization) until such time as Navy Standard Integrated Personnel System (NSIPS) e-Leave is updated to facilitate this type of administrative absence. Accompanying the special request chit, members will submit the administrative requirements for the state or jurisdiction in which they are authorized and intending to marry.

b. Administrative absence will be documented in an eligible Service Member's record with a permanent NAVPERS 1070/613 Administrative Remarks (page 13) entry. The signed NAVPERS 1070/613 must be entered into the member's official military personnel file (OMPF). The required language for NAVPERS 1070/613 can be found on the Don't Ask Don't Tell (DADT) Post Repeal Navy Personnel Command Web page at:

http://www.public.navy.mil/bupers-npc/support/21st_Century_Sailor/dadt/Pages/default.aspx

c. Upon return from administrative absence, members are required to provide proof of the new marriage to their command, or the period of absence will be charged as annual leave.

d. If an eligible member elects to go to a state other than the closest state, the member will be authorized the appropriate number of administrative absence days to the closest state, and must take ordinary leave in conjunction to make up the difference in requested days.

e. Eligible members who wish to marry during a permanent change of station (PCS) must request administrative absence from their gaining command prior to executing their orders.

(1) Members executing a PCS to a duty station that allows the member to legally marry, are not eligible for administrative absence under this policy.

(2) Members executing a PCS from a duty station in a state, country, or jurisdiction that does not allow the member to legally marry to a new duty station in a state, country, or jurisdiction that also does not allow the member to legally marry, can be authorized administrative absence enroute. The number of days authorized shall be calculated by the gaining command as if the member was already stationed in the location of the gaining command. For members executing a PCS from an INCONUS duty station that does not allow the member to legally marry to an OCONUS duty station that also does not allow the member to legally marry, or vice versa, the 7-day INCONUS limitation will apply.