

**MILPER MESSAGE NUMBER : 05-154**  
**AHRC-EPO-P**  
**EXEMPTION FROM DUTY IN A HOSTILE-FIRE AREA**  
Issued: [06/28/2005]

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References:

- A. DoD Instruction 1315.18, Procedures for Military Personnel Assignments, January 12, 2005.
- B. DoD Directive 1300.6, Conscientious Objectors, August 20, 1971
- C. DoD Directive 1315.15, Special Separation Policies for Survivorship, September 26, 1988
- D. DoD Financial Management Regulation, Volume 7A, November 2004
- E. AR 600-43, Conscientious Objection, 15 May 1998
- F. AR 614-100, Officer Assignment Policies, Details, and Transfers, 28 February 2005
- G. AR 614-200, Enlisted Assignments and Utilization Management, 30 September 2004
- H. AR 614-30, Overseas Service, 23 September 2004
- I. AR 635-200, Active Duty Enlisted Administrative Separations, 15 July 2004
- J. DA Pam 600-8, Management and Administrative Procedures, 1 August 1986

1. The purpose of this message is to provide an expanded explanation to the sole surviving son and/or daughter policy and procedures, and other exemption from assignment to combat or duty in a designated hostile-fire or imminent danger areas (hereinafter referred to as "hostile-fire areas").

2. It is Department policy that assignment to combat or duty in a hostile-fire or areas must be shared equitably by all similarly qualified Soldiers. Following are four major policies that offer qualified Soldiers an exemption to that policy:

- a. Soldier who acquires Sole Surviving Son and/or Daughter status;
- b. Other Service Members of a family where a family member was killed, wounded, or was missing in action or captured, or who has been officially designed as 100 percent disabled.
- c. Wounded Soldiers hospitalized 30 days or more outside a hostile-fire area
- d. Assignment of Conscientious Objectors.

The following briefly outlines each policy and where applicable includes some procedural guidance. Refer to the appropriate references for specific eligibility rules and processing procedures.

3. Sole Surviving Son and/or Daughter Rules (AR 614-200, paragraph 5-9 and AR 614-100, Chapter 6, Section VII).

a. Assignment Restrictions: A sole surviving son and/or daughter may not be assigned to a permanent change of station (PCS), temporary duty (TDY), or duties involving actual combat with the enemy if he/she, or one of his/her parents, or spouse submits a written request for non-combat duty. On approval of such a request, a sole surviving son and/or daughter shall not be assigned to any overseas area designated as a hostile-fire or imminent danger area or to duties that regularly may subject him/her to combat with the enemy.

(1) Sole surviving son and/or daughter, upon request for non-combat duty by the Soldier or the Soldier's immediate family, may not be assigned to duty normally involving actual combat or duty where they might be subjected to hostile-fire. Unless acquired status is waived, Soldiers will not be assigned to combat and hostile-fire areas; duties that require travel within the limits of the hostile-fire zone; a command where combat conditions exist, unless the area is not physically located in the geographical limits of the hostile-fire zone.

(2) Applications submitted by the Soldier will be forwarded to the commander exercising general courts-martial convening authority (GCMCA), who will authorize the assignment limitation when reasonable evidence has been presented and it can be established that the Soldier is the sole surviving son and/or daughter.

(3) Members of the immediate family may submit requests on behalf of the Soldier directly to HRC (AHRC-EPO-A), 2461 Eisenhower Avenue, Alexandria, VA 22331-0450, for enlisted personnel, or HRC (AHRC-OPD-M), 200 Stovall Street Alexandria, VA 22331-0450 for officers. Requests will include substantiating evidence and identification of all personnel involved.

(4) Actions to be taken for sole surviving son and/or daughter status (initiated by the Soldier) are contained in procedure 3-37A, DA Pam 600-8. Actions to be taken for sole surviving son and/or daughter status (initiated by the Soldier's immediate family) are contained in procedure 3-37B, DA Pam 600-8.

b. Eligibility Criteria: A sole surviving son and/or daughter is the only remaining son or daughter in a family where the father or mother (or one or more sons or daughters) served in the Armed Forces of the United States and because of hazards with such military service was killed; died as a result of wounds, accident or disease; or is captured or MIA status, or is permanently 100-percent physically disabled (including 100-percent mental disability), as determined by the Veterans Administration or one of the Services, is hospitalized on a continuing basis and is not gainfully employed because of disability.

c. Waivers: When the parent(s) or spouse of a qualified sole surviving son and/or daughter requests protective assignment under this subparagraph for the Service member, the Service member will be afforded the opportunity of waiving the parental request before a final determination is made by the approving authority.

d. Soldier eligibility for overseas (outside continental United States) deployment: Soldiers who have a pending or approved request for exemption (under sole surviving son and/or daughter status) from deployment to a hostile-fire area and/or combat duty, may request the status be waived in order to deploy with their unit.

e. Eligibility for overseas assignment: If a Soldier acquires or retains sole surviving son and/or daughter status, then the Soldier is ineligible for assignment to an area designated as hostile-fire/imminent danger or where duties involve combat with the enemy, unless the Soldier waives the assignment restriction.

4. Exemption from Assignment to Duty in a Designated Hostile-Fire/Imminent Danger Area (AR 614-30, paragraph 3-8b(4))

a. Assignment Restrictions: A Soldier whose family member has been killed, wounded, is or was missing in action or captured, or has been officially designated as 100 percent disabled, may not be assigned to a permanent change of station (PCS), temporary duty (TDY), or duties involving actual combat with the

enemy if he/she submits a written request for deferment, exemption, or reassignment from combat duty. On approval of such a request, Soldiers in this category shall not be assigned to any overseas area designated as a hostile-fire or imminent danger area or to duties that regularly may involve combat with the enemy.

(1) Soldiers in this category may not be assigned to duty normally involving actual combat or duty where they might be subjected to hostile-fire. Unless status is waived, Soldiers will not be assigned to combat and hostile-fire areas; duties that require travel within the limits of the hostile-fire zone; a command where combat conditions exist, unless the area is not physically located in the geographical limits of the hostile-fire zone.

(2) Applications may only be submitted by the Soldier, will be forwarded to the commander exercising general courts-martial convening authority (GCMCA), who will authorize the assignment limitation when satisfactory evidence has been presented.

b. Eligibility criteria: If a Service Member of a family has been killed, wounded, is or was missing in action or captured, or has been officially designated by the Army (or the Department of Veteran Affairs) to be 100 percent mentally or physically disabled, other Soldiers of the same family shall be exempt, on request, from duty in a hostile-fire area.

c. Soldier eligibility for overseas (outside continental United States) deployment: Soldiers who have a pending or approved request for exemption from deployment to a hostile-fire area and/or combat duty, may request the action be waived in order to deploy with their unit.

d. Eligibility for overseas assignment: If a Soldier's application for deferment, exemption, or reassignment from combat duties is approved, and he/she is assigned to an area designated as hostile-fire/imminent danger or where duties involve combat with the enemy, then the Soldier is eligible for reassignment unless the Soldier waives the assignment restriction.

5. Soldiers Wounded in Combat (AR 614-30, paragraph 3-8b). Soldiers wounded due to hostile-fire action resulting from combat duty, and as a result are hospitalized for more than 30 days outside the hostile-fire area, will not be returned to combat duty during the tour when wounded.

6. Conscientious Objector, Noncombatant (1-A-O) (AR 614-200, paragraph 3-12; AR 600-43, paragraph 2-1a).

a. Assignment Restrictions: Commanders will try to effectively utilize conscientious objectors by assigning them to noncombatant duties and training in any unit that is unarmed at all times; in any medical department; or in any other assignment, the primary function of which does not require the use of arms in combat provided that such other assignment is acceptable to the individual concerned and does not require the individual to bear arms or to be trained in their use.

b. Eligibility Criteria: The burden of establishing a claim of conscientious objection as grounds for separation or assignment to noncombatant training and service is on the applicant. To this end, applicants must establish, by clear and convincing evidence, that the nature or basis of their claim comes within the definition of criteria prescribed in AR 600-43 for conscientious objection and that their beliefs are sincere.

c. Waivers: Defense-type training consisting of unarmed defense, passage through minefields, search of casualties for booby traps, and disarming of booby traps found on casualties will be taught if a conscientious objector so requests.

d. Eligibility for overseas assignment: Excluding noncombatant duties and training, conscientious objectors are not allowed to avoid hazardous duties that may be part of the mission of the unit to which assigned; are subject to Army regulations and directives, including those on training and discipline; and

are available for worldwide assignments.

7. The points of contact for this message and enlisted Soldiers are Mr. Drake, DSN 221-1858, [Gregory.Drake@hoffman.army.mil](mailto:Gregory.Drake@hoffman.army.mil); for officers, Mr. McKnight, DSN 221-5191, [thomas.mcknight@hoffman.army.mil](mailto:thomas.mcknight@hoffman.army.mil).