

## **Transitional Compensation (continued)**

In order to prevent and mitigate the effects of domestic abuse, leaders must also know about the transitional compensation program and inform their Soldiers, civilians, and family members about the program through their organizational websites, newsletters, FRG meetings, and other appropriate venues. When initiating separation of a Soldier for domestic abuse, the commander should be sure to annotate domestic abuse as a basis for separation in the separation notification memorandum to the Soldier. The abused dependent will later use this memorandum to substantiate the application for transitional compensation. Command teams should consult their local trial counsel for more information on transitional compensation.

*"I'll be here 'til the end of time."*

Anyone with questions concerning transitional compensation should feel free to call me at DSN 385-3236 or Civilian 0621-730-3236, or e-mail me at [jerrod.b.fussnecker.mil@mail.mil](mailto:jerrod.b.fussnecker.mil@mail.mil).

## **Individual Logistic Support for Family Members**

by Mark Christensen

At the Kaiserslautern Legal Services Center we frequently get questions from folks on how to obtain individual logistic support (ILS) for people who are part of the family, or who are treated like part of the family. Because ILS generally involves freedom from host nation taxes, the categories of individuals eligible for ILS are strictly construed and enforced by US Forces and German host nation authorities. Eligibility for ILS is based on the individual's personal status under NATO Status of Forces Agreement (SOFA) and its German Supplement. The basic rules pertaining to ILS determinations are found in AER 600-77 and AER 600-700.

**Spouses and Sponsors' Children.** Under the NATO SOFA, spouses and the sponsor's children residing with him/her and dependent on the sponsor for support are generally eligible for SOFA status. As a first step, the newly-married or new-parent Soldier or civilian sponsor should enroll the family members in the Defense Eligibility Enrollment Reporting System (DEERS). Enrollment requires proof of the relationship, often done with marriage and birth certificates. For children placed into the home, a non-temporary court order of guardianship or adoption is necessary.



For most spouses and children, DEERS enrollment and issuance of an ID card is followed by a short visit to the SOFA stamp issuing office. That office will check the DEERS enrollment, and will check to ensure that the spouse/children are not from a non-EU country that requires a German entry visa. Once those checks are conducted, the SOFA stamp (normally a separate laminated card) is issued. With their SOFA stamp/card to prove their SOFA status, the spouse and children are able to legally shop in the Exchange and Commissary and use all the other ILS services. Spouses or children who are not U.S. citizens or resident aliens, and come from certain non-EU countries (see DOD 4500.54-G <https://www.fcq.pentagon.mil/fcq.cfm>), need to comply with German visa requirements, and will only be issued a SOFA stamp/card (and thus be eligible for ILS) after complying with the documentation and approval requirements in AER 600-77.

**Parents and Other Family Members.** The NATO SOFA does not provide for any SOFA status (so no ILS) for parents and family members other than the spouse and children of the sponsor. The German Government has been very generous in this regard, and established a special category of individuals to whom they have granted SOFA status – and thus granted ILS. The treaty term is "close relative." Sometimes the individuals are called "members of household." Those individuals can include a grandchild, a parent, a grandparent, or a brother or sister – among others. The close relative must be a U.S. citizen, or a lawful permanent resident of the United States, or an EU member-country citizen or national, must be residing with the sponsor, and must be dependent upon the sponsor financially or for reasons of health.

It is important to remember that ILS is a strictly construed set of benefits, and only available to individuals who have been granted SOFA status and who have a SOFA status stamp/card.

***For more information about ILS, or to set up an appointment to discuss dependency or member of household status with a Legal Assistance Attorney, call DSN 483-8848 or Civilian 0631-411-8848.***