



PER DIEM, TRAVEL AND TRANSPORTATION ALLOWANCE COMMITTEE

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PDTATAC/vap

24 June 2013

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: CTD for CAP 92-13(I) -- CONUS Evacuation - Domestic Partner

1. **SYNOPSIS:** Adds same sex domestic partner and children to the family members of an employee authorized allowances during a CONUS evacuation. This definition was changed in 5 CFR, Part 550, Sec. 550.402 effective 20 August 2012 in 77 Federal Register 42904. A definition of family member was also added in that Federal Register.
2. The attached revision is forwarded for information purposes only. No coordination or comments are required.
3. This revision was initiated by USAF.
4. These changes are scheduled to appear in JTR change 574, dated 1 August 2013.
5. Revisions in this information item are *effective 20 August 2012*.

//approved//

W. B. TIRRELL, SR.

Chief, Policy and Regulations Branch

Attachment:

Rev 1

Civilian E-Mail Distribution:

CAP Members T&T Branch PMO-DTS GSA-3FT GSA-OGP(MTT) DTMO CBCA Judges

JTR REVISIONS

C6300, Sec. 550.402:

Sec. 550.402 Definitions

- (a) **Agency** means an Executive agency, as defined in Section 105 of Title 5, USC.
- (b) **Day** means a calendar day.
- (c) **Dependent** means a family member (with no age limitation) of the employee residing with the employee and dependent on the employee for support. (OPM Evac – No age limit on dependent (11 Oct 2005 email)).
- (d) **Designated representative** means a person age 16 years or older who is named by an employee for the purpose of caring for a dependent.
- (e) **Domestic partner** means a person in a domestic partnership with an employee or annuitant of the same sex.
- (f) **Domestic partnership** means a committed relationship between two adults of the same sex in which the partners--
- (1) Are each other's sole domestic partner and intend to remain so indefinitely;
 - (2) Maintain a common residence, and intend to continue to do so (or would maintain a common residence but for an assignment abroad or other employment-related, financial, or similar obstacle);
 - (3) Are at least 18 years of age and mentally competent to consent to contract;
 - (4) Share responsibility for a significant measure of each other's financial obligations;
 - (5) Are not married or joined in a civil union to anyone else;
 - (6) Are not the domestic partner of anyone else;
 - (7) Are not related in a way that, if they were of opposite sex, would prohibit legal marriage in the U.S. jurisdiction in which the domestic partnership was formed;
 - (8) Are willing to certify, if required by the agency, that they understand that willful falsification of any documentation required to establish that an individual is in a domestic partnership may lead to disciplinary action and the recovery of the cost of benefits received related to such falsification, as well as constitute a criminal violation under [18 USC 1001](#), and that the method for securing such certification, if required, will be determined by the agency; and
 - (9) Are willing promptly to disclose, if required by the agency, any dissolution or material change in the status of the domestic partnership.
- (g) **Evacuated employee** means an employee of a DoD Component who has received an order to evacuate.

(h) **Family member** means an individual with any of the following relationships to the employee:

(1) Spouse, and parents thereof;

(2) Sons and daughters, and spouses thereof;

(3) Parents, and spouses thereof;

(4) Brothers and sisters, and spouses thereof;

(5) Grandparents and grandchildren, and spouses thereof;

(6) Domestic partner, and children and parents thereof, including a domestic partner of any individual in paragraphs (2)-(5) of this definition; and

(7) Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

(i) **Order to evacuate** means an oral or written order to evacuate an employee and/or that employee's dependents from an assigned area.

(j) **Safe haven** means a location to which an employee and/or dependent will be or has been evacuated.

(k) **United States (U.S.)** means the 50 States, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Marianna Islands, and any territory or possession of the U.S. This definition is equivalent to the definition of the U.S. and Non-foreign OCONUS area in JTR, APP A. See JTR, APP A for listing of territories and possessions of the U.S.