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Human Resources Regional Service Center

HRRSC SOP 09-001  
Date: May 12, 2009

HUMAN RESOURCES REGIONAL SERVICE CENTER  
STANDARD OPERATING PROCEDURE

SUBJECT: Establishing Eligibility for a Waiver of Living Quarters Allowance for Divorce or Legal Separation

- References:
- (a) Department of State Standardized Regulations (DSSR), current edition
  - (b) Department of Defense Civilian Personnel Manual (CPM), DoD 1400.25-M, Subchapter 1250, December 1996
  - (c) DoDEA Human Resources Regional Service Center (HRRSC) Standard Operating Procedure (SOP) 06-001, February 11, 2008

1. PURPOSE. This Standard Operating Procedure (SOP) establishes the Eligibility for a Waiver of Living Quarters Allowance for Divorced or Legally Separated Employees who are otherwise authorized to receive a Living Quarters Allowance.

2. APPLICABILITY. This guidance document applies to all employees in DoDEA organizations to include the Director, Domestic Dependent Elementary and Secondary Schools, and Department of Defense Dependents Schools, Cuba (DDESS/DoDDS-Cuba); the Director, Department of Defense Schools, Europe (DoDDS-E); the Director, Department of Defense Dependents Schools, Pacific, and Domestic Dependent Elementary and Secondary Schools, Guam (DoDDS-P/DDESS-Guam); and all DoDEA District Superintendents, School Principals, and Support Staff.

3. POLICY. Living Quarters Allowance (LQA) is an allowance granted to an eligible employee assigned to a foreign area for the annual cost of living quarters (including utilities) for the sponsoring employee and his/her family when government quarters are not made available to him/her. To be eligible for LQA, an employee must have been recruited from the United States or a U.S. territory, possession, or commonwealth. An employee hired locally in the foreign area or an employee who accompanied the sponsoring spouse to the foreign area may, under certain circumstances, be granted a waiver of this requirement and be eligible to receive LQA based on the employee's

individual status. This policy memorandum addresses those circumstances in which a waiver of the LQA eligibility requirements may be granted for divorce or legal separation of the employee from the sponsoring spouse to allow for approval of LQA entitlements.

a. Paragraph SC1250.5.1.3.3 of Reference (b) provides that a waiver of section 031.12b of Reference (a) may be authorized if a couple is divorced or legally separated. In order to establish eligibility for approval of a waiver of 031.12b of Reference (a) based on divorce or legal separation, the following documentation must be submitted in addition to other documents as required by Reference (c):

1. A copy of the petition or other legal documentation filed with the court that initiates legal action to formally modify the marital relationship (e.g., petition for a decree of divorce, petition for a decree of legal separation, etc.);

2. A copy of the court order recognizing the modification in the marital relationship between the parties; or

3. A copy of the marital separation agreement prepared by a legal office, such as the Staff Judge Advocate Office (JAG), and signed by both parties reflecting the date the parties legally separated and that they are living separate and apart with no intention to continue the marital relationship.

b. If an employee is unable to obtain the documents identified in 1, 2, or 3 due to exceptional circumstances, eligibility determination for a waiver of the LQA requirements will be made on a case-by-case basis.

c. In addition to any of the documents identified in 1, 2, or 3, the employee requesting approval of the waiver must also provide a copy of an executed rental agreement or lease for the separate quarters as required by Reference (c). All documents must be submitted to the approving official in accordance with Reference (c).

d. If approval is granted to waive section 031.12b of Reference (a), the effective date of the LQA will be the date eligibility is established or the date separate quarters are occupied, whichever is later.

4. EFFECTIVE DATE. This SOP is effective immediately.

  
Lenoir Graham  
Human Resources Director