



PERSONNEL AND  
READINESS

**UNDER SECRETARY OF DEFENSE**  
4000 DEFENSE PENTAGON  
WASHINGTON, D.C. 20301-4000

**FEB 16 2023**

MEMORANDUM FOR SENIOR PENTAGON LEADERSHIP  
COMMANDANT OF THE COAST GUARD  
COMMANDERS OF THE COMBATANT COMMANDS  
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Administrative Absence for Non-Covered Reproductive Health Care

In his October 20, 2022 memorandum, "Ensuring Access to Reproductive Health Care," the Secretary of Defense directed the Department to take a series of actions to ensure that Service members and their families can access reproductive health care and that DoD health care providers can operate effectively consistent with Federal law.

The attachment establishes policy and provides procedures, consistent with established Department processes, for the expansion of administrative absence to include the ability for a Service member to request an administrative absence from their normal duty station for non-covered reproductive health care without loss of pay or being charged leave, to ensure Service members can access care regardless of where they are stationed. This policy reflects our continued commitment to taking care of our people and ensuring that the entire Force remains ready and resilient.

This policy will be effective within 30 days following the date of this memorandum. DoD Instruction 1327.06, "Leave and Liberty Policy and Procedures," will incorporate this policy. More information about the Secretary of Defense's memorandum and the actions taken to date can be found at [www.health.mil/EnsuringAccessToReproductiveHealth](http://www.health.mil/EnsuringAccessToReproductiveHealth).

Gilbert R. Cisneros, Jr.

Attachment:  
As stated

cc:  
Assistant Secretary of Defense  
for Manpower and Reserve Affairs  
Assistant Secretary of Defense for Health Affairs  
Deputy Chief of Staff, G-1, U.S. Army  
Deputy Commandant for Manpower and Reserve  
Affairs, U.S. Marine Corps  
Chief of Naval Personnel, U.S. Navy  
Deputy Chief of Staff for Personnel, U.S. Air Force  
Deputy Chief of Space Operations, Personnel  
Assistant Commandant for Human Resources (CG-1)

## **Administrative Absence for Non-Covered Reproductive Health Care**

### 1. Policy. It is DoD policy that:

a. Service members will be able to access lawfully available non-covered reproductive health care regardless of where they are stationed.

b. Service members may request an administrative absence from their normal duty station without being charged leave in order to access non-covered reproductive health care.

c. Eligible Service members shall not be granted an administrative absence if their intention is to sell, to offer for sale, or to receive proceeds from a sale resulting from an Assisted Reproductive Technology (ART) procedure while on, or in connection with taking, such absence.

d. It is the responsibility of commanders or approval authorities to meet operational requirements and protect the health and safety of those in their care. Commanders or approval authorities are expected to display objectivity, compassion, and discretion when addressing all health care matters, including reproductive health care matters, and have a duty to enforce existing policies against discrimination and retaliation in the context of reproductive health care choices.

e. Consistent with existing law and Departmental policy, commanders will protect the privacy of protected health information they receive under this policy, as they should with any other protected health information. Such health care information shall be restricted to personnel with a specific need to know; that is, access to the information must be necessary for the conduct of official duties. Personnel shall also be accountable for safeguarding this health care information consistent with existing law and Departmental policy.

2. Applicability. This policy guidance applies to the Office of the Secretary of Defense, the Military Departments (including the U.S. Coast Guard at all times, including when it is a Service in the Department of Homeland Security by agreement with the U.S. Coast Guard), the Office of the Chairman of the Joint Chiefs of Staff, the Joint Staff, the Combatant Commands, the Office of Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD.

3. Non-Covered Reproductive Health Care. Eligible Service members, as defined in the appendix, may be granted an administrative absence for a period of up to 21 days per request to receive, or to accompany a dual-military spouse or a dependent who receives, non-covered reproductive health care as defined in the glossary. The period of absence will be limited to the minimum number of days essential to receive the required care and travel needed to access the care by the most expeditious means of transportation practicable. This administrative absence should be granted whether or not such care is available within the local area of the eligible Service member's duty location as defined in the Joint Travel Regulations, section 0206, "Travel In and Around the Permanent Duty Station (PDS)," or whether the dual-military spouse or dependent reside with, or are geographically separated from, the eligible Service member.

a. Commanders or approval authorities should grant an administrative absence to eligible Service members when a non-covered reproductive health care need is identified by the eligible Service member. Requests for administrative absence should be given all due consideration and should be granted to the greatest extent practicable, unless, in the commanding officer's judgment, the Service member's absence would impair proper execution of the military mission. Eligible Service members may need to disclose a minimum amount of health care information that is necessary for commanders or approval authorities to authorize the absence.

(1) It is essential that commanders or approval authorities act promptly and with appropriate discretion when considering a Service member's request for an administrative absence to obtain non-covered reproductive health care, with due regard to the time-sensitive nature of many non-covered reproductive health care services. To the greatest extent practicable, delay in granting an administrative absence should not result in an eligible Service member being unable to access the non-covered reproductive health care that served as the basis for the administrative absence request.

(2) In considering the mission impact of a Service member's request for an administrative absence for non-covered reproductive health care — for example, where recurring care may be necessary over a period of time — commanders or approval authorities should coordinate with the eligible Service member to balance operational requirements and the health care schedule.

(3) Commanders or approval authorities will not levy additional requirements on the eligible Service member (including, but not limited to, consultations with a chaplain, medical testing, or other forms of counseling) prior to approving or denying the administrative absence request.

b. Commanders or approval authorities may also grant a Service member convalescent leave, as permitted under DoD Instruction 1327.06, "Leave and Liberty Policies and Procedures," following receipt of non-covered reproductive health care based on a recommendation from a DoD health care provider or a non-DoD health care provider from whom the Service member is receiving care.

## APPENDIX

These terms and their definitions are for the purposes of this instruction.

**ASSISTED REPRODUCTIVE TECHNOLOGY (ART)**. Only the following components of ART are included:

- A. Ovarian stimulation and egg retrieval, including any needed medications and procedures required for retrieval, processing and utilization for ART or cryopreservation.
- B. Sperm collection and processing for ART or cryopreservation.
- C. Intrauterine insemination (IUI).
- D. In vitro fertilization (IVF) inclusive of the following procedures for beneficiaries when clinically indicated:
  - 1. In vitro fertilization with fresh embryo transfer.
  - 2. Gamete intrafallopian transfer (GIFT).
  - 3. Zygote intrafallopian transfer (ZIFT).
  - 4. Pronuclear stage tubal transfer (PROST).
  - 5. Tubal embryo transfer (TET).
  - 6. Frozen embryo transfer.

**COVERED ABORTION**. An abortion, either medical or surgical, where the life of the mother would be endangered if the fetus were carried to term or in a case in which the pregnancy is the result of an act of rape or incest.

**ELIGIBLE SERVICE MEMBER**. Active duty Service members, including Reserve or National Guard members when on active duty orders for 30 or more consecutive days.

**NON-COVERED ABORTION**. An abortion, either medical or surgical, that is not a covered abortion.

**NON-COVERED REPRODUCTIVE HEALTH CARE**. Lawfully available ART and non-covered abortion, as defined in this appendix.

**NON-DOD HEALTH CARE PROVIDER**. A licensed health care provider who performs non-covered reproductive health care services.