

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Public Health Service

Chapter CC42 -- Pay and Allowance Administration
Subchapter CC42.4 -- Allowances
Personnel INSTRUCTION 1 -- Determinations of Status of Dependent Parents for
Purposes of Basic Allowance for Quarters.

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Section A. Purpose and Scope

The regulations set forth in Section B of this INSTRUCTION establish the criteria and procedures for making determinations of the status of dependent parents of PHS commissioned officers for purposes of the basic allowance for quarters.

Section B. Determinations of Status of Dependent Parents
for Purposes of Basic Allowance for Quarters

**AUTHORITY: 37 U.S.C. 403. sec. 4. 64 Stat.
795. 50 U.S.C. Appendix 2204.**

121-381 Definitions.

For purposes of this subpart the term "Parent" shall include a natural father or mother, a father or mother by adoption, a stepfather or stepmother, and any person, including a former stepfather or stepmother, who has stood "in loco parentis" to an officer at any time for a continuous period of not less than five years during the minority of such officer. A stepparent-stepchild relationship shall be deemed to be terminated by the step-parent's divorce from the blood parent, but shall not be deemed to be terminated by the death of the blood parent.

21.382 Entitlement.

An officer shall be entitled to basic allowance for quarters because of a dependent parent upon the presentation of appropriate evidence, as required in this subpart, to establish the fact (a) that the parent is a parent as defined in § 21.381, and (b) that the parent is dependent upon the officer for over half of his or her support.

Determinations of dependency and rental status, as required by this subpart, may be made by such officers and employees of the Public Health Service as may be designated by the Chief, Division of Finance, Public Health Service.

§ 21.383 Proof of dependency.

If any person is claimed as a dependent parent, the officer shall submit form PHS 1637-2 (BP). In addition, the parent concerned shall submit an affidavit on form PHS 1637-3 (BF). The parent's affidavit shall be filed to cover the period from the date basic allowance for quarters is claimed to the date of execution of the affidavit, such period to be not less than one month.

21.384 Adopted parent.

If the parent claimed as a dependent is a parent by adoption, there shall be submitted, in addition to the evidence required by § 21.383, certified court orders of adoption or such other evidence as is acceptable to establish legally the fact of adoption.

21.385 Stepparent.

If the parent claimed as a dependent is a stepparent, the stepparent must submit, in addition to the affidavit required by § 21.383, a sworn statement to the effect that he or she married* the blood parent of the officer and that he or she has not been divorced from such blood parent.

21.386 Parent "in loco parentis."

If the parent claimed as a dependent has an "in loco parentis" status, the officer, in addition to the evidence required by § 21.383 to be submitted by him, shall submit a sworn statement setting forth all circumstances relevant to proof of the relationship as may be prescribed by the Surgeon General.

21.387 Determinations.