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# **HRDG 4630 - Absence and Leave - Section F - Subsection b**

Last Modified:

**Subchapter 4630 - Absence and Leave**

**Section F - Family and Medical Leave**

**Subsection b - - FMLA to Care for Injured Members of the Armed Forces  
("military family leave")**

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Effective January 28, 2008, employees may be granted “military family leave ” to care for a seriously injured or ill service member who is a current member of the Armed Forces or who is a veteran of the Armed Forces. The serious illness or injury must have been incurred in the line of duty while on active duty in the Armed Forces. (See National Defense Authorization Act [NDAA] for Fiscal Year 2008 [Pub. L. 110-181, 1-28-08.] )

Employees are entitled to:

- Up to 26 weeks of unpaid military family leave during a single 12-month period to care for the covered service member. A portion of which may include up to 30 days (240 hours) of advanced sick leave.
- A combined total of 26 weeks of military family leave and regular FMLA leave during a single 12-month period. For example, if on January 1, 2008, the employee wants to take 6 weeks of regular FMLA for the birth of a child and military family leave to care of a service member, the 6 weeks of regular FMLA is subtracted from the combined 26 week entitlement, leaving the employee with 20 weeks of military family leave to use during 2008 to care for the service member.

## **Description**

The use of this entitlement in a single 12-month period does not limit the use of regular FMLA leave during any subsequent 12-month periods. For example, if an employee uses 26 weeks of military leave from January 1, 2008, to December 31, 2008, but has not used any regular FMLA leave during that same period, then the employee would be entitled to use up to 12 weeks of regular FMLA leave beginning January 1, 2009.

This leave is unpaid leave for which an employee may substitute any accumulated annual or sick leave. Normal leave year limitations on the use of sick leave to care for a family member do not apply. An employee may substitute annual or sick leave for any part of the 26-week period of unpaid FMLA leave to care for a covered service member.

**Note:** Use [DOL Form WH-385](#) when requesting FMLA leave to care for injured members of the armed forces.

**Definitions**

- [Covered Service Member](#)
- [Family Member](#) (Updated 10/13)
- [Military Member](#)
- [Serious Illness or Injury](#)
- [Veteran](#)

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