

名稱： 替代役役男提前退役辦法 (民國 89 年 07 月 26 日 發布)

Title: Regulations for Earlier Discharge by Substitutive Services
Draftees (as published on July 26, 2000)

第 1 條 本辦法依替代役實施條例 (以下簡稱本條例) 第十二條規定訂定之。

Article 1 These Regulations have been incorporated pursuant to Article 12 of Enforcement Statute of Substitute Services (the Statute).

第 2 條 本條例第十二條所稱替代役役男 (以下簡稱役男) 須負擔家庭生計主要責任，係指下列情形之一者：

一 役男家屬均屬六十歲以上、十八歲以下或患有身心障礙無工作收入，而役男及其家屬除賴以居住之自用住宅 (含基地) 一棟外，別無其他不動產，或有其他不動產及動產之資產總額在房屋稅納稅起徵點現值以下。

二 役男家屬均屬七十歲以上、十五歲以下或患有中度以上身心障礙，無其他家屬照顧者。

三 役男家屬患有重度以上身心障礙，無其他家屬照顧者。

四 役男父母或兄弟姊妹，服兵役或替代役作戰或因公死亡而為獨子者。

役男符合前項情形者或其他特殊事故且經主管機關核定者，得申請提前退役。

第一項役男及家屬年齡之計算、家屬列計範圍及財產收入計算方式，準用家庭因素及替代役體位服補充兵役辦法之規定辦理。

Article 2 Any draftee taking substitute service (the draftee) who is a bread earner in his family as referred in Article 12 of the Statute relates to any of the following conditions:

1. All the dependents to the draftee are either at the age over 60 (included), or under 18 (included), or suffering disorder, mentally or physically without income, and there is no other real estate than one self-provided building (foundation included) the draftee and his dependents relying up, or if any other personal and real estate, the total value falls under the baseline of taxable value of the house tax;

2. All the dependents to the draftee are either at the age over 70 (included), or under 15 (included), or suffering medium or worse disorder mentally or physically, and there is the absence of any other dependents to take care;

3. Any dependent of the draftee suffers gravid or even worse mental or physical disorder and there is the absence of any other dependents to take care; or

4. Any of the parents or siblings to the draftee who is taking active service or substitute service, or died in combat and the draftee becomes an only child in the family.

Any draftee qualified with any of those events described above or for any other extraordinary incident may and the regulating authorities has authorized such event may file the application for earlier discharge.

Regulations for Family Factors & Conversion of Substitute Service to Replacement Service may become applicable to the solving of the age of the draftee, the age of his dependents, inclusion of dependents, assets, and income for the draftee referred in Paragraph 1.

第 3 條 申請提前退役之役男，有兄弟二人以上現服替代役或常備兵役時，由其兄弟協商一人提出申請。

Article 3 If the draftee filing the application for an earlier discharge has one or more than one brothers taking the active substitute service or regular service, he and his brother(s) shall negotiate and agree to have only one to file the application.

第 4 條 依本辦法申請提前退役之辦理程序如下：

- 一 由役男或其有行為能力之家屬填具役男申請提前退役調查審核表，檢附有關資料及證明文件，向戶籍所在地鄉（鎮、市、區）公所提出申請。
- 二 鄉（鎮、市、區）公所受理申請後，應於二十日內比照家庭因素及替代役體位服補充兵役辦法第八條進行初審，並將證明文件及初審有關資料，陳報直轄市、縣（市）政府複審，並副知役男服勤單位。
- 三 直轄市、縣（市）政府收到前款案件時，應於十日內完成複審，並將證明文件及複審有關資料，陳報主管機關核定。
- 四 主管機關收到前款案件時，應於七日內核定。並將核定結果函知需用機關、服勤單位及直轄市、縣（市）政府；核定不合格者，應敘明理由。

役男於軍事基礎訓練期間，經核定提前退役者，其提前退役作業，由主管機關辦理。

Article 4 The procedure for the application for an earlier discharge pursuant to these Regulations is described as follows:

1. The draftee or any of his capable dependent completes the Investigation & Approval Form of Earlier Discharge, and submit it together with related information and support documents to file the application with the local Public Office at where the household registration of the draftee is maintained.
2. Within twenty (20) days upon accepting the application, the Public Office shall conduct the preliminary review pursuant to Article 8 of Regulations for Family Factors & Conversion of Substitute Service to Replacement Service, then submit support documents and information related to the preliminary review to the local government for final review while notifying the service unit of the Draftee.
3. Within ten (10) days upon receiving the application case, the local government shall complete the final review and submit the support documents and information related to the final review to the regulating authorities for authorization.
4. Within seven (7) days upon receiving the application case referred in the preceding subparagraph, the regulating authorities shall make the authorization and notify in an official act the result of the authorization respectively to the requisition institute, the service unit and the local government; if a rejection is authorized, reasons(s) for such rejection shall be stated in the official act.

The regulating authorities shall perform the earlier discharge operation for any draftee authorized an earlier discharge while he is receiving the basic military training.

第 5 條 經核定提前退役之役男，主管機關應製作退役證明書，於退役生效日時，由需用機關轉發。

Article 5 In the event of any draftee is authorized for an earlier discharge from his service, the regulating authorities shall produce a certificate of discharge and the certificate will be issued to the draftee in care of the requisition institute on the effective date of the discharge order.

第 6 條 本辦法所需書表格式，由主管機關定之。

Article 6 The regulating authorities shall set forth the format each for the forms required to be provided under these Regulations.

第 7 條 本辦法自發布日施行。

Article 7 These Regulations shall become operative on and after the day they are published.