

Army Regulation 135–32

Army National Guard and Army Reserve

**Retention in an
Active Status
After
Qualification for
Retired Pay**

**Headquarters
Department of the Army
Washington, DC
4 May 2004**

UNCLASSIFIED

SUMMARY of CHANGE

AR 135-32

Retention in an Active Status After Qualification for Retired Pay

This revision dated 4 May 2004--

- o Changes the address for sending comments and suggested improvements.
- o Changes Deputy Chief of Staff for Personnel (DCSPER) to Deputy Chief of Staff, G-1 (DCS, G-1).
- o Changes office symbols and U.S. Army Reserve Personnel Center (ARPERCEN) to U.S. Army Human Resources Command St. Louis (HRC St. Louis).

This revision dated 1 May 1997--

- o Implements provisions of public law 103-338, 5 October 94, which repealed, transferred, or reenacted specific sections of law pertaining to tours performed under the provisions of this regulation.
- o Reduces the maximum age for retention of eligible AMEDD officers from age 68 to 67 as required by 10 USC 14703.
- o Adds an additional category of AMEDD officers (optometry section of the MSC) to those eligible for consideration for retention in an active Reserve status.
- o Extends the age 62 retention provision to commissioned warrant officers.
- o Updates organizational symbols throughout.

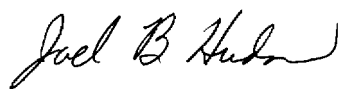
Army National Guard and Army Reserve

Retention in an Active Status After Qualification for Retired Pay

By order of the Secretary of the Army:

PETER J. SCHOOMAKER
General, United States Army
Chief of Staff

Official:



JOEL B. HUDSON
Administrative Assistant to the
Secretary of the Army

History. This publication is an administrative revision. The portions affected by this administrative revision are listed in the summary of change.

Summary. This publication covers the retention of certain Reserve Component soldiers in an active Reserve status beyond the date they become qualified for retired pay.

Applicability. This regulation applies to the Army National Guard of the United States (ARNGUS) and the U.S. Army Reserve (USAR). It does not apply to soldiers on the Standby Reserve Inactive

Status List, the Retired List, in the Retired Reserve, the Active Guard Reserve (AGR), or in the Regular Army. This publication does not apply during mobilization.

Proponent and exception authority.

The proponent of this regulation is the Deputy Chief of Staff, G-1 (DCS, G-1). The DCS, G-1 has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation. The DCS, G-1 may delegate this authority in writing to a division chief within the proponent agency in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through their higher headquarters to the policy proponent. Refer to AR 25-30 for specific guidance.

Army management control process.

This regulation contains management control provisions, but does not identify key

management controls that must be evaluated.

Supplementation. Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from HQDA (DAPE-MPO), Deputy Chief of Staff, G-1, 300 Army Pentagon, Washington, DC 20310-0300.

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to Deputy Chief of Staff, G-1, ATTN: DAPE-MPE-RC, 300 Army Pentagon, Washington, DC 20310-0300.

Distribution. This publication is available in electronic media only and is intended for command levels A, B, C, D, and E, for the Army National Guard of the United States (ARNGUS), and the U. S. Army Reserve (USAR).

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*This regulation supersedes AR 135–32, 1 May 1997.

1. Purpose

This regulation prescribes policies, procedures, and responsibilities for retaining certain commissioned officers (including commissioned warrant officers) and warrant officers of the Army Reserve Components in an active Reserve status past the date they become qualified for retired pay under section 12731, Title 10, United States Code (10 USC 12731). This action is by order of the Secretary of the Army per 10 USC 12308 (transferred from 10 USC 676 by the National Defense Authorization Act for FY 1995) and is required to ensure that service beyond the qualification date is creditable.

2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the glossary.

4. Responsibilities

The authority to approve or disapprove retention of officers indicated in paragraph 5 is delegated as indicated below.

a. Officials having responsibility for approving retention are as follows—

- (1) Chief, National Guard Bureau (CNGB) for ARNGUS officers.
- (2) Commander, U.S. Army Human Resources Command St. Louis (HRC St. Louis) (AHRC-PAP-T), acting on behalf of Chief, Army Reserve, for eligible United States Army Reserve (USAR) Army Medical Department (AMEDD) officers and USAR nonunit warrant officers (including commissioned warrant officers).
- (3) Army area commanders for USAR troop program unit warrant officers (including commissioned warrant officers).

b. Officials having responsibility for disapproving retention are as follows—

- (1) Chief National Guard Bureau, the adjutants general of all States, Puerto Rico, the Virgin Islands, Guam, and the Commanding General, District of Columbia National Guard for ARNGUS officers.
- (2) Commander HRC St. Louis, Army area commanders, or major USAR commanders in the USAR officer's chain of command.

5. Eligibility for retention

a. The following ARNGUS and USAR commissioned officers (including commissioned warrant officers) and warrant officers who are qualified for retired pay under 10 USC 12731 may be retained in an active status under 10 USC 12308 until they attain the age indicated in (1) or (2) below. (See AR 135–156 for retention policy for general officers.)

(1) Warrant officers, including commissioned warrant officers, not later than 60 days after the date they become 62 years of age.

(2) As authorized by 10 USC 14703, AMEDD officers described in paragraph 6*b*(1) through (7) until the date they attain the age of 62, 64, or 67 as applicable.

b. Regardless of whether removal from active status is required based on reaching maximum age or length of service, officers who qualify to receive non-Regular retired pay under the provisions of Title 10 U. S. Code, chapter 1223, on or after reaching age 60 may not receive further credit toward such retired pay unless retained for such credit under the provisions of 10 USC 12308.

c. The officers described in *a* above are eligible for retention consideration provided they have not applied for or been granted retired pay. (Those granted retention under 10 USC 12308 may apply for retired pay per AR 135–180 when removed from an active status.)

d. This regulation does not authorize the restoration of an officer in the Retired Reserve or on the Retired List to an active status in the Ready Reserve.

6. Policy governing retention of eligible AMEDD officers

a. The National Defense Authorization Act for FY 1995 repealed 10 USC 3855 effective 1 October 1996 which authorized the retention of ARNGUS and USAR AMEDD officers in an active status in certain areas of concentration (AOCs) until age 68. AMEDD officer retention provisions were reenacted per 10 USC 14703 with a change in the maximum retention age from 68 to 67. Section 14703 also added AMEDD officers of the optometry section of the MSC to those eligible for retention consideration to age 67.

b. AMEDD officers described in (1) through (7) below are eligible for sequential periods of retention in an active status up to the maximum age of 67 per the authority of 10 USC 14703. Officers requesting and receiving this retention in an active status will also be retained for credit toward non-Regular retired pay under 10 USC 12308. Documentation of the request must show that retention is required to meet mission based requirements or to satisfy a current mobilization shortfall (IRR, IMA, and Standby Reserve (Active Status List)) in the applicant's grade and AOC.

- (1) Medical Corps (MC).

- (2) Dental Corps.
- (3) Veterinary Corps.
- (4) Medical Service Corps (if the officer has been designated as an allied health officer, or a biomedical sciences officer in that corps).
- (5) Optometry Section of the Medical Service Corps.
- (6) Army Nurse Corps.
- (7) Army Medical Specialists Corps.
- c. AMEDD officers described in (1) through (6) below are excluded from the retention policy.
 - (1) Colonels selected for promotion to general officer positions.
 - (2) MSC officers, except those designated in paragraphs *b*(4) and *b*(5) above.
 - (3) Officers on the Standby Reserve Inactive Status List.
 - (4) Officers who have twice failed to be selected for promotion to Lieutenant Colonel or below.
 - (5) Officers on the retired list or assigned to the Retired Reserve.
 - (6) Active Guard Reserve officers. However as an exception, an AGR officer who possesses a critical AOC which is short of total Army mobilization requirements may apply for transfer to the IRR with concurrent retention as an IRR soldier (para *7a*).

7. Retention criteria

To be retained beyond mandatory removal date for maximum age or length of service, the AOC of the requesting AMEDD officer must be as listed in *a* and *b* below. CNGB, CDR, HRC St. Louis (AHRC-PAP-T), or the area commander, as appropriate, is responsible for determining which AOCs meet the retention criteria using Mobilization Personnel System (MOBPERS) data for mobilization requirements and the most recent total Army or unit strength data, as appropriate.

- a. Be short in total Army mobilization requirements.
- b. For troop program unit officers, be short in total Army-wide unit requirements. A unit officer who does not possess a critical AOC which is short of total Army-wide unit requirements may apply for transfer to the Individual Ready Reserve (IRR) with concurrent retention as an IRR officer if the AOC is required to satisfy a current mobilization shortfall.

8. Request procedures

- a. Unit commanders or CDR, HRC St. Louis, as appropriate, will advise eligible officers under their jurisdiction who indicate a desire for retention to submit an application.
- b. The application must be in letter format and sent through command channels to arrive at the proper approval authority no later than 120 days before the officer's 60th birthday or the date on which he or she completes 20 years of qualifying service for retired pay, whichever is later. For a troop program unit officer, a recommendation from the officer's appropriate commander will accompany the application.
- c. For AMEDD officers described in paragraph *6b*, the deadline in paragraph *b* above is applicable to the initial request for retention to age 62 only. If further retention is desired, the officer may submit sequential extension requests for retention up to age 64 and 67 to arrive at the proper approval authority within 120 days before the officer's scheduled removal date. The criteria and procedures for each application are outlined in paragraphs *d* and *e* below.
- d. The officer's request for retention must include all of the following—
 - (1) Statement that retention is requested per 10 USC 12308 and 1164 for warrant officers described in paragraph 5a(1) or 10 USC 12308 and 14703 for eligible AMEDD officers. Warrant officer requests should specifically request retention for credit toward retired pay under the provisions of Title 10, U. S. Code, chapter 1223. The retention of warrant officers beyond maximum age is not authorized under this regulation.
 - (2) For AMEDD officers, documentation verifying that the officer is fully qualified and currently practicing in the primary or secondary AOC in which retention is requested.
 - (3) Current height and weight and identification of any existing medical conditions for which the officer is receiving treatment. (Officer must meet the body composition standards of AR 600-9 and the retention medical fitness standards of AR 40-501.)
 - (4) Statement from the officer verifying he or she has successfully completed the Army Physical Fitness Test (APFT) in the past year.
 - (5) A statement signed by the officer that he or she has not applied for or been granted retired pay.
 - (6) For unit officers, a recommendation from the appropriate commander on whether retention of this officer is in the best interest of the ARNGUS or the USAR.
 - (7) For IRR, Individual Mobilization Augmentation (IMA), and Standby Reserve (Active Status List) officers, a recommendation from the officer's personnel manager on whether retention of this officer is in the best interest of the Army and in the case of AMEDD officers a statement of whether retention is required to satisfy a current mobilization requirement shortfall in the officer's AOC and grade.

e. Requests for retention will be forwarded as indicated below—

(1) An ARNGUS commissioned officer (including a commissioned warrant officer) or warrant officer's request will be sent through command channels to CHIEF, NATIONAL GUARD BUREAU, ATTN: NGB-ARH-S, 1411 Jefferson Davis Hwy., Arlington, VA 22202-3231.

(2) A USAR TPU AMEDD officer's request will be sent through command channels to CDR, HRC St. Louis, ATTN: AHRC-PAP-T, 1 Reserve Way, St. Louis, MO 63132-5200.

(3) An IRR, IMA, or Standby Reserve (Active Status List) AMEDD officer's request will be sent through CDR, HRC St. Louis, ATTN: ARPC-HS to ARPC-PAP-T at the address in (2) above.

(4) The request of a USAR TPU warrant officer, including a commissioned warrant officer, will be sent through command channels to the appropriate area commander.

(5) The request of a USAR nonunit warrant officer, including a commissioned warrant officer, will be sent through CDR, HRC St. Louis, ATTN: ARPC-OPW to AHRC-PAP-T at the address in (2) above. (USAR nonunit warrant officers, including commissioned warrant officers, with AOC (Legal Administrator) will send requests through CDR, HRC St. Louis, ATTN: ARPC-OPW as outlined in (3) above.)

f. Those officials who are delegated authority in paragraph 4 to take retention action will—

(1) Determine those officers under their jurisdiction who are eligible for retention.

(2) Issue orders effecting the retention of eligible officers. The CNGB will determine the format of orders for ARNGUS officers. AR 600-8-105 will apply to USAR officers. Retention orders will be issued in the timeframe of paragraph 8b and c, as applicable. The orders issuing authority for USAR officers will send one copy of the order to Commander, HRC, St. Louis, ATTN: AHRC-CIS-P, 1 Reserve Way, St. Louis, MO 63132-5200, for permanent filing in the official military personnel file, and one copy to the appropriate custodian of the Career Management Information File.

9. Reports

CNGB and CDR, HRC St. Louis (ARPC-PAP-T) will maintain data on AMEDD officers retained under the authority of 10 USC 14703. The report will contain the number of officers retained, period of retention, position, and AOC in which retained. CNGB and CDR, HRC St. Louis, through Chief Army Reserve, will provide a semi-annual report to HQDA (DAPE-MPO). The report is due at HQDA (DAPE-MPO) on 15 January and 15 July.

Appendix A References

Section I Required Publications

AR 600–8–105

Military Orders. (Cited in para 8*f*(2).)

Section II Related Publications

A related publication is a source of additional information. The user does not have to read it to understand this publication. Army regulations and pamphlets are available on the Army Publishing Directorate's Web site at <http://www.apd.army.mil>. Department of Defense directives, instructions, and manuals, and United States codes can be accessed from the Army home page at <http://www.army.mil>. Army National Guard regulations can be accessed from the Army National Guard home page at www.arng.army.mil.

AR 40–501

Standards of Medical Fitness

AR 135–156

Personnel Management of General Officers

AR 135–180

Qualifying Service for Retired Pay Nonregular Service

AR 140–10

Assignments, Attachments, Details, and Transfers

AR 600–9

The Army Weight Control Program

NGR 635–100

Termination of Appointment and Withdrawal of Federal Recognition

Section II Prescribed Forms

This section contains no entries.

Section IV Referenced Forms

This section contains no entries.

Glossary

Section I Abbreviations

AGR

Active Guard Reserve

AMEDD

Army Medical Department

AOC

Area of Concentration

APFT

Army Physical Fitness Test

ARNGUS

Army National Guard of the United States

CNGB

Chief National Guard Bureau

DCS, G-1

Deputy Chief of Staff, G-1

HRC

U.S. Army Human Resources Command

IMA

Individual Mobilization Augmentee

IRR

Individual Ready Reserve

MC

Medical Corps

MOBPERS

Mobilization Personnel System

MOS

Military Occupational Specialty

MSC

Medical Service Corps

TPU

Troop Program Unit

USAR

U.S. Army Reserve

USC

United States Code

Section II

Terms

This section contains no entries.

Section III

Special Abbreviations and Terms

The following terms have been tailored to fit this regulation and as such may not be completely applicable to other regulations. AR 310-25 is the official Dictionary of Army Terms.

Area commanders

Commanders of area commands:

- a.* U.S. Army Europe (USAREUR)
- b.* U.S. Army Pacific Command (USARPAC)
- c.* U.S. Army South (USASO)
- d.* U.S. Army Special Operations Command (USASOC)
- e.* U.S. Army Reserve Command (USARC)
- f.* Eighth U.S. Army

Major U.S. Army Reserve Command (MUSARC)

Any ARCOM/GOCOM that reports directly to the U.S. Army Reserve Command or Army Area Command for the 7th and 9th ARCOMs and USAR units falling under the Special Operations Command.

Commissioned officer

Includes a commissioned warrant officer.

Officer

Includes a commissioned or warrant officer.

Warrant officer

A person who holds a commission or warrant in a warrant officer grade.

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This index contains no entries.

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