Army National Guard and Army Reserve

Retirement for Non-Regular Service

Headquarters Department of the Army Washington, DC 28 April 2015

UNCLASSIFIED

SUMMARY of CHANGE

AR 135-180 Retirement for Non-Regular Service

This major revision, dated 28 April 2015--

- Changes the name of the regulation from "Qualifying Service for Retired Pay Nonregular Service" to "Retirement for Non-Regular Service" (cover).
- o Adds policy for reduced retirement age (para 2-1b(1)).
- o Adds policy for eligibility for retired pay with 15 years of qualifying service when medically disqualified from further service (para 2-2b).
- Updates policy defining qualified service as a Reserve Component Soldier (para 2-3a).
- o Adds policy for Soldiers to elect to receive retired pay for non-regular service in lieu of retired pay for regular service (para 2-3c(2)).
- o Deletes the requirement for the U.S. Army Human Resources Command to mail a retired pay application to eligible Soldiers (para 4-1b).
- o Requires eligible Soldiers to obtain a retired pay application (para 4-1b).
- o Updates policy on computation of retired pay (para 4-6).
- o Adds internal control checklist (app C).
- o Updates statutory authority (throughout).
- o Renames DA Form 5016-R (Chronological Record of Military Service) to DA Form 5016 (Chronological Statement of Retirement Points) (throughout).

Headquarters Department of the Army Washington, DC 28 April 2015

*Army Regulation 135–180

Effective 28 May 2015

Army National Guard and Army Reserve

Retirement for Non-Regular Service

By Order of the Secretary of the Army:

RAYMOND T. ODIERNO General, United States Army Chief of Staff

Official:

GERALD B. O'KEEFE Administrative Assistant to the Secretary of the Army

History. This publication is a major revision.

Summary. This regulation prescribes policies and procedures governing non-regular retirement.

Applicability. This regulation applies to the Active Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve, unless otherwise stated. Proponent and exception authority.

The proponent of this regulation is the Deputy Chief of Staff, G-1. The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field operating 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 internal control process. This regulation contains internal control provisions in accordance with AR 11–2 and identifies key internal controls that must be evaluated (see appendix C).

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

Distribution. This regulation is available in electronic media only and is intended for command levels A, B, C, D, and E for the Active Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve.

Contents (Listed by paragraph and page number)

Chapter 1

General, page 1 Purpose • 1–1, page 1 References • 1–2, page 1 Explanation of abbreviations and terms • 1–3, page 1 Responsibilities • 1–4, page 1

Chapter 2 Criteria for Retired Pay, *page 2*

Section I Age and Service Requirements, page 2 Age requirements • 2–1, page 2 Basic qualifying service requirements • 2–2, page 3 Other service requirements • 2–3, page 3

AR 135–180 • 28 April 2015

^{*}This regulation supersedes AR 135-180, dated 1 July 1987.

Contents—Continued

Section II Notification Requirement, page 4 Notification of Eligibility for Retired Pay at Age 60 (20 Year Letter) • 2–4, page 4 Notification of Eligibility for Retired Pay (15 Year Letter) • 2–5, page 4

Section III

Retirement Points, page 5 Retirement point statements • 2–6, page 5 DA Form 1506 • 2–7, page 5

Chapter 3

Reserve Component Survivor Benefit Plan, page 5

Authority • 3–1, page 5 General • 3–2, page 5 Policies regarding notification of Reserve Component Survivor Benefit Plan options • 3–3, page 6 Amount of coverage and cost • 3–4, page 6 Responsibilities and application for survivor benefits • 3–5, page 6

Chapter 4

Retired Pay, page 7

Section I Application for Retired Pay, page 7 Application requirements and timelines • 4–1, page 7 Responsibilities • 4–2, page 8

Section II Processing the Application, page 8 Computation of service • 4–3, page 8 Retirement orders • 4–4, page 9 Certificate of retirement • 4–5, page 9 Computation of retired pay • 4–6, page 9 Date retired pay begins • 4–7, page 11

Chapter 5

Other Benefits, *page 11* Annuities under Civil Service • 5–1, *page 11* Department of Veterans Affairs' compensation • 5–2, *page 11* Beneficiary for unpaid retired pay • 5–3, *page 11* Resources for additional benefit information • 5–4, *page 11*

Appendixes

- **A.** References, *page 12*
- **B.** Qualifying Service, page 18
- C. Internal Control Evaluation, page 20

Table List

Table 4–1: Maximum allowable inactive duty training points to include membership points per anniversary year, page 9

Table 4-2: Rules for highest grade held timelines, page 10

Glossary

Chapter 1 General

1-1. Purpose

This regulation implements statutory authorities governing the granting of retired pay for non-regular service to Soldiers in the Army National Guard (ARNG), Army National Guard of the United States (ARNGUS) or the U.S. Army Reserve (USAR).

1-2. References

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

1-3. Explanation of abbreviations and terms

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

1-4. Responsibilities

a. Deputy Chief of Staff, G-1. The DCS, G-1 will-

(1) Develop Army retirement services policy for the Reserve Component (RC).

(2) Establish personnel policies relating to retirement services and Reserve Component Survivor Benefit Plan Survivor Benefit Plan (RCSBP).

(3) Ensure the Commanding General (CG), U.S. Army Human Resources Command (HRC) will-

(a) Act as the Army general staff official responsible for the non-regular retirement program.

(b) Issue Notification of Eligibility for Retired Pay at Age 60 (20 Year Letter) to USAR Soldiers.

(c) Mail retired pay application to eligible USAR Soldiers not currently in an active status.

(d) Process retired pay applications for eligible RC Soldiers and former Soldiers eligible for retired pay for non-regular service.

(e) Develop uniform procedures to manage the crediting and accounting of Regular and Reserve service for non-regular retirement in accordance with DODI 1215.07.

b. Chief, National Guard Bureau. The CNGB will-

(1) Act as the special staff official responsible for retirement of ARNGUS Soldiers.

(2) Implement the Retirement Services Program for the ARNGUS.

(3) Prescribe policies and procedures to record and verify retirement points for the ARNGUS.

(4) Ensure the State Adjutants General (AGs) will-

(a) Monitor the Retirement Services Program for their State in accordance with AR 600-8-7.

(b) Establish, maintain, and verify retirement point records for all Army National Guard (ARNG) Soldiers assigned to their State.

(c) Provide National Guard Bureau (NGB) Form 23A (ARNG Current Annual Statement) and NGB Form 23A1 (ARNG Retirement Point Statement Supplemental Detailed Report) to ARNG Soldiers in an active status upon completion of each anniversary year (AY) whether the AY is a full or partial year.

(d) Provide NGB Form 23A to former Soldiers who were assigned to their State.

(e) Issue, in the name of the CNGB, Notification of Eligibility for Retired Pay at Age 60 (20 Year Letter) to ARNG Soldiers assigned to their State and help them and their Family with RCSBP elections, when requested.

(f) Assist current and former ARNG Soldiers with completion of the application for retired pay.

(5) Ensure ARNG unit commanders or unit representatives will-

(a) Report duty participation and completion of actions that earn retirement point credit for Soldiers.

(b) Monitor their Soldiers' NGB Form 23A or DA Form 5016 (Chronological Statement of Retirement Points) to detect errors and initiate corrective action when Soldiers provide supporting documentation. Commanders will help Soldiers to obtain missing documents and will coordinate through their chain of command to State Retirement Point Accounting Management (RPAM) administrator/HRC to resolve issues in accordance with NGR 680–2 or AR 140–185.

(c) Provide pre-retirement briefings and assistance with the RCSBP to help Soldiers make and process their election, if eligible, at issuance of the Notification of Eligibility for Retired Pay at Age 60 (20 Year Letter).

(d) Assist with the completion of the retired pay application, as requested.

(e) Submit retirement request documents to the appropriate authorities in a timely manner to ensure Soldiers are transferred to the Retired Reserve by their mandatory removal date/age, retired pay eligibility age, maximum age, or earlier at the Soldier's request.

(6) Ensure ARNG Soldiers will-

(a) Monitor their retirement points at least annually (upon completion of their AY) and verify that their retirement points are complete and accurate.

(b) Provide required supporting documentation to their unit to make necessary corrections in accordance with NGR 680-2 or AR 140-185 to verify that their retirement points are complete and accurate.

(c) Upon receipt of their Notification of Eligibility for Retired Pay at Age 60 (20 or 15 Year Letter), review and make the election of their choice for the Reserve Component Survivor Benefit Plan (RCSBP) on DD Form 2656–5 (Reserve Component Survivor Benefit Plan Election Certificate), if eligible, within 90 days of their acknowledged receipt of their Notification of Eligibility for Retired Pay at Age 60 (20 or 15 Year Letter) and return them to State RPAM administrator/HRC.

(d) Submit their retired pay application no earlier than 9 months, but no later than 90 days before the date on which they will be eligible to receive retired pay for non-regular service.

(e) Provide HRC and their State with all address and phone number changes that occur after transfer to the Retired Reserve.

c. Chief, Army Reserve. The CAR will-

(1) Act as the special staff official responsible for retirement of USAR Soldiers.

(2) Monitor the retirement process and Retirement Services Program for USAR Soldiers.

(3) Ensure USAR unit commanders or unit representatives will-

(a) Report duty participation and completion of actions that earn retirement point credit for Soldiers.

(b) Monitor their Soldiers' NGB Form 23A or DA Form 5016 to detect errors and initiate corrective action when Soldiers provide supporting documentation. Commanders will help Soldiers to obtain missing documents and will coordinate through their chain of command to State RPAM administrator/HRC to resolve issues in accordance with NGR 680-2 or AR 140-185.

(c) Provide pre-retirement briefings and assistance with the RCSBP to help Soldiers make and process their election, if eligible, at issuance of the Notification of Eligibility for Retired Pay at Age 60 (20 or 15 Year Letter).

(d) Assist with the completion of the retired pay application, as requested.

(e) Submit retirement request documents to the appropriate authorities in a timely manner to ensure Soldiers are transferred to the Retired Reserve by their mandatory removal date/age, retired pay eligibility age, and maximum age or earlier at the Soldier's request.

(4) Ensure USAR Soldiers will-

(a) Monitor their retirement points at least annually (upon completion of their AY) and verify that their retirement points are complete and accurate.

(b) Provide required supporting documentation to their unit to make necessary corrections in accordance with NGR 680-2 or AR 140-185 to verify that their retirement points are complete and accurate.

(c) Upon receipt of their Notification of Eligibility for Retired Pay at Age 60 (20 or 15 Year Letter), review and make the election of their choice for the RCSBP on DD Form 2656-5, if eligible, within 90 days of their acknowledged receipt of their Notification of Eligibility for Retired Pay at Age 60 (20 or 15 Year Letter) and return them to State RPAM administrator/HRC.

(d) Submit their retired pay application no earlier than 9 months, but no later than 90 days before the date on which they will be eligible to receive retired pay for non-regular service.

(e) Provide HRC and their State with all address and phone number changes that occur after transfer to the Retired Reserve.

d. Area commanders (U.S. Army Europe, U.S. Army Pacific Command, U.S. Army Southern Command, U.S. Army Special Operations Command, Eighth U.S. Army, U.S. Army Reserve Command). Area commanders for USAR troop program unit Soldiers will establish policy and procedures to record and verify retirement points awarded, transfer to the Retired Reserve, and provide retirement services. This authority may be delegated to direct reporting general officer commands.

Chapter 2 Criteria for Retired Pay

Section I Age and Service Requirements

2–1. Age requirements

a. Minimum age. To be eligible for retired pay, an individual must have attained the minimum age prescribed by law-age 60.

b. Reduced retirement age.

(1) The eligibility age for receipt of retired pay should be reduced below 60 years of age by 3 months for each

aggregate of 90 days of qualifying active duty or active service performed after 28 January 2008 in any fiscal year. A day of duty may be included in only one aggregate of 90 days.

(a) Qualifying active duty is service pursuant to a call or order to active duty on orders specifying, as the authority for such orders, a provision of law referred to in Title 10, United States Code, 101(a)(13)(B) (10 USC 101(a)(13)(B)) which is service performed per 10 USC 688, 12301(a), 12302, 12304, 12305, 12406 or Chapter 15 (insurrections), or any other provision of law during a war or during a national emergency declared by the President or Congress, as well as service under 10 USC 12301(d).

(b) Qualifying active service is service authorized by the President or the Secretary of Defense under 32 USC 502(f), for the purpose of responding to a national emergency declared by the President or supported by Federal funds.

(2) If a Soldier performing qualifying active duty or service as defined above is wounded or otherwise injured or becomes ill and the Soldier is then ordered to active duty under 10 USC 12301(h)(1) to receive medical care for the wound, injury, or illness, each day of active duty under that order for medical care should be treated as a continuation of the original call or order to active duty or service for purposes of reducing the eligibility age of the Soldier.

(3) Service while performing Active Guard Reserve duty under 10 USC 12310 will not be included as qualifying service for reduced eligibility age for retired pay.

(4) The eligibility age may not be reduced below age 50.

(5) Soldiers should retain source documents for all qualifying periods of service such as DD Form 214 (Certificate of Release or Discharge From Active Duty); DD Form 215 (Correction to DD Form 214), DD Form 220 (Active Duty Report) and Defense Finance and Accounting Service (DFAS) Form 702 (Leave and Earning Statements) with active duty/service orders indicating the purpose of the contingency operation or national emergency as stated in paragraphs 2-1b(2) and 2-1b(3). In addition, ARNG Soldiers should retain their NGB Form 22 (Report of Separation and Record of Service) and NGB Form 22A (Correction to NGB Form 22).

2-2. Basic qualifying service requirements

To be eligible for retired pay at or after the age specified in paragraph 2–1, an individual need not have military status at the time of application, but must have completed one of the following:

a. A minimum of 20 years of qualifying service computed under 10 USC 12732; or,

b. Fifteen years of qualifying service, and less than 20, computed under 10 USC 12732, if the individual is to be separated because the Soldier has been determined unfit for continued Selected Reserve service, and none of the conditions in 10 USC 12731b(b) exist.

2–3. Other service requirements

a. Additional RC service requirements include—

(1) For Soldiers who completed the years of qualifying service in paragraph 2–2 before 5 October 1994, the last 8 years of qualifying service must have been in a component other than a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve.

(2) For Soldiers who completed the years of qualifying service on or after 5 October 1994, but before 25 April 2005, the last 6 years of qualifying service must have been in a component other than a regular component, the Fleet Reserve, or the Fleet Marine Corps Reserve.

(3) For Soldiers who completed the years of qualifying service on or after 25 April 2005, there is no minimum RC service requirement.

(4) The service required in paragraphs 2-3a(1) and 2-3a(2) do not need to be continuous years of qualifying service.

(5) Any period of service as a member of a regular component between periods of Reserve service counted toward the 8 or 6 years requirement will be included in the determination of the Soldier's years of qualifying service in paragraph 2–2 toward eligibility for non-regular retired pay, but will not count toward the last 8 or 6 years. Any Reserve service served in conjunction with regular service will not count toward the last 8 or 6 years (that is, partial year credit).

b. A RC or Army of the United States without component (before 16 August 1945) Soldier must have performed active service (other than for training) during some portion of any of the following periods to be eligible for retirement:

(1) After 5 April 1917 and before 12 November 1918.

- (2) After 8 September 1940 and before 1 January 1947.
- (3) After 26 June 1950 and before 28 July 1953.

(4) After 13 August 1961 and before 31 May 1963; or after 4 August 1964 and before 28 March 1973.

- c. In addition, an applicant must-
- (1) Not be entitled to retired pay from the Armed Forces under any other provision of law.

(2) Exception for paragraph 2-3c(1). Under the provisions of 10 USC 12741, a person may elect to receive retired pay for non-regular service under 10 USC Chapter 1223 instead of regular retired pay under 10 USC Chapters 65, 367, 571, or 867 if they meet the requirements specified below:

(a) The Soldier must have served in an active status in the Selected Reserve of the Ready Reserve for a minimum of 2 years (excluding any period of active service) after becoming eligible for regular retired pay.

(b) The period of service may be reduced to 1 year by the Secretary of the Army for those who served in a position of AG or assistant AG of a State and whose appointment was terminated or vacated under 32 USC 324(b).

(3) Not have elected to receive disability severance pay in lieu of non-regular retired pay. Reserve personnel involuntarily relieved from active service who are not eligible for retired pay at time of release, but who are paid readjustment pay are eligible to receive retired pay under this regulation provided they are otherwise qualified at a later date.

(4) Not fall within the purview of the so-called "Hiss Act" (Act of 1 September 1954, 68 Stat. 1142, as amended, 5 USC 8311 through 8322). This Hiss Act provides in general that persons, who are convicted of national-security-type offenses or who refuse to testify before a duly constituted judicial or congressional proceeding on a matter relating to national security, will be denied retirement benefits.

(5) Not be a person who is convicted of an offense under the Uniform Code of Military Justice (10 USC Chapter 47) and whose sentence includes death; or is separated pursuant to sentence of a court-martial with a dishonorable discharge, a bad conduct discharge, or (in the case of an officer) a dismissal, because 10 USC 12740 provides that such persons are not eligible for non-regular retired pay.

Section II Notification Requirement

2-4. Notification of Eligibility for Retired Pay at Age 60 (20 Year Letter)

a. Under 10 USC 12731a RC Soldiers who complete the eligibility requirements in section I will be notified in writing within 1 year after completion of the required service in accordance with AR 140–185 or NGR 680–2. The Notification of Eligibility for Retired Pay at Age 60 (20 Year Letter) will be issued to Soldiers credited with 20 years of qualifying service and should be issued prior to discharge or transfer to the Retired Reserve. The Notification of Eligibility for Retired Pay at Age 60 (20 Year Letter) will be issued by:

(1) HRC for all USAR Soldiers except for those who are within 2 years of qualifying for an active duty retirement and can remain on active duty to complete the required service. The Notification of Eligibility for Retired Pay at Age 60 (20 Year Letter) will be issued in the format determined by HRC.

(2) The State AG (Military Personnel Management Office (MPMO/G1) for all ARNG Soldiers serving in an active status in the State, where the eligible Soldier was assigned at the time they become eligible. The Notification of Eligibility for Retired Pay at Age 60 (20 Year Letter) will be issued in the format shown in NGR 680–2.

b. After a Soldier has been notified of their eligibility for retired pay for non-regular service, the Soldier's eligibility for retired pay may not be denied or revoked on the basis of any error, miscalculation, misinformation, or administrative determination of years of service performed, unless it resulted directly from the fraud or misrepresentation of the individual concerned. However, the number of years of creditable service upon which retired pay is computed may be adjusted to correct any error, miscalculation, misinformation, or administrative determination, and when such a correction is made the person is entitled to retired pay in accordance with the number of years of creditable service, as corrected, from the date they are granted retired pay.

c. Effective control is essential to ensure that qualifying service is accurately computed and for the timely notification of Soldiers concerned. Controls and procedures will be established by the responsible officials to ensure that erroneous administrative determinations are avoided. Direct communication between custodians of personnel records is encouraged when necessary to verify periods of service and retirement point credits.

d. The Notification of Eligibility for Retired Pay at Age 60 (20 Year Letter) will be issued in the name of the appropriate official designated in paragraph a and will be authenticated by the handwritten signature of the official immediately responsible for the determination of the eligibility of the Soldier being notified. A copy of the notification will be filed in the Soldier's electronic Army Military Human Resource Record (AMHRR).

2-5. Notification of Eligibility for Retired Pay (15 Year Letter)

a. Under 10 USC 12731b, RC Soldiers in an active status who are covered by paragraph 2-2b and have at least 15, and fewer than 20 years of qualifying service, will be issued the Notification of Eligibility for Retired Pay (15 Year Letter). The Notification of Eligibility for Retired Pay (15 Year Letter) will be issued by:

(1) HRC for USAR Soldiers. The Notification of Eligibility for Retired Pay (15 Year Letter) will be issued in the format determined by HRC.

(2) The State AG (MPMO/G1) for ARNG Soldiers serving in an active status in the State, where the eligible Soldier is assigned at the time they become eligible. The Notification of Eligibility for Retired Pay (15 Year Letter) will be issued in the format shown in NGR 680–2.

b. Paragraphs 2-4b through 2-4bd apply to the Notification of Eligibility for Retired Pay (15 Year Letter).

Section III Retirement Points

2-6. Retirement point statements

a. HRC will update the DA Form 5016 for USAR Soldiers annually at the end of their AY and place it into their on-line record at http://www.hrc.army.mil for their review. Soldiers will review their retirement point statement annually and provide supporting documents to correct any deficiencies through their chain of command to HRC in accordance with AR 140–185.

b. ARNG Soldiers will have an electronic copy of their NGB Form 23A and NGB Form 23A1, sent to their unit annually by the State AG (MPMO/G1) for review. Soldiers will review their retirement point statement at least annually and provide supporting documents to correct any deficiencies through their chain of command to their State RPAM administrator in accordance with NGR 680–2.

c. Supporting documents per AR 140–185 and NGR 680–2 may include, but are not limited to: DD Form 214, DD Form 215, DD Form 220, NGB Form 22, NGB Form 22A, NGB Form 23A, NGB Form 23A1, NGB Form 23B (ARNG Retirement Points History Statement) and NGB Form 23C (ARNG Retirement Points Statement Application for Retired Pay), DA Forms 1379 (Unit Record of Reserve Training), DA Form 1380 (Record of Individual Performance of Reserve Duty Training), DA Form 1383 (Annual or Terminal Statement of Retirement Points), other Services retirement point statements, DFAS Form 702, and copies of Soldiers' master military pay accounts. Orders, by themselves, are not substantiating documents and will only be used when they support other source documents listed above. Soldiers should be counseled and advised to retain copies of all DA Forms 5016 and/or NGB Forms 23 and related documents.

d. DA Forms 5016, NGB Forms 23, and the Reserve Retirement Repository are all valid sources for retirement service validation. Soldiers who require assistance with this matter should initiate requests through their unit.

2-7. DA Form 1506

a. When local records available in Reserve units or in the Soldier's AMHRR do not conclusively establish the Soldier's creditable service and completion of 20 years qualifying service, or mandatory removal from active status, other than through elimination action or age, is imminent; commanders will request DA Form 1506 (Statement of Service - for Computation of Length of Service for Pay Purposes) to verify the doubtful period(s). Submit requests to Commander, U.S. Army Human Resources Command (AHRC–PDP–TR), 1600 Spearhead Division Avenue, Department 420, Fort Knox, KY 40122–5402.

(1) Requests will include-

(a) Name, grade, all service numbers, and the social security number of Reserve Soldier.

(b) Organization assignment, if request is for missing or unaccounted for retirement point records.

(c) Specific reason for request.

(d) Date of mandatory removal from active status in USAR.

(2) Reservists assigned to the Standby and Retired Reserve may request retirement point statements, using the address indicated in paragraph 2-7a.

(3) DA Form 1506 for USAR Soldiers will be furnished on the DA Form 5016.

b. ARNG Soldiers and former ARNG Soldiers will be issued RPAM statements (NGB Form 23B) by the State AG (MPMO/G1) in accordance with NGR 680-2.

c. Discharged Soldiers with no military service obligation will receive an updated DA Form 5016 if a request is received with supporting documents and an account is already established in the Retirement Point Accounting System. Supporting documents are listed in paragraph 2–6c and must be included with the request. If Soldier's points are no longer available on the Retirement Point Accounting System, a statement of service will be issued to verify the retirement points. Submit request for verification or update of points to Commander, U.S. Army Human Resources Command (AHRC–PDR–V), 1600 Spearhead Division Avenue, Department 420, Fort Knox, KY 40122–5402.

Chapter 3

Reserve Component Survivor Benefit Plan

3–1. Authority

This chapter provides policies and procedures for implementing the RCSBP authorized in 10 USC 1447 through 1455.

3-2. General

a. The RCSBP allows RC Soldiers and former Soldiers who are not in receipt of retired pay and received their Notification of Eligibility for Retired Pay after 1 December 1979 to provide a survivor annuity for their dependents

should the Soldier or former Soldier die before reaching age 60 and receipt of retired pay. Those eligible must elect one of the three options offered on the DD Form 2656–5. The three elections are:

(1) Option A (Declination of Coverage). Decline to make an election until age 60, or date eligible to request retired pay based on reduced eligibility age.

(2) Option B (Deferred Annuity). Elect to provide an annuity beginning on the 60th anniversary of birth should Soldier die before that date, or on the date of death should the Soldier die on or after their 60th birthday.

(3) Option C (Immediate Annuity). Elect to provide an immediate annuity beginning on the day after Soldier's death.

b. If a Soldier who has eligible dependents at the time of election, elects option A, it does not preclude eligibility to subsequently elect survivor benefit coverage under the Survivor Benefit Plan (SBP) with the application for retired pay upon reaching their retired pay eligibility age. Should the Soldier die before reaching their retired pay eligibility age, the survivors will not receive RCSBP benefits.

c. Participation in the RCSBP is not required to extend medical benefits to dependents on the date the deceased sponsor would have reached age 60. Reference AR 600–8–14 for additional guidance regarding benefits associated with dependent identification cards, DD Form 1173 (Uniformed Services Identification and Privilege Card).

d. All eligible personnel have 90 days from date of receipt of the Notification of Eligibility Letter to make their election and return the form to the appropriate office. ARNG Soldiers will return the original copy of DD Form 2656–5 to the State AG MPMO/G1 for processing and filing in their electronic AMHRR. USAR Soldiers will return the original copy of DD Form 2656–5 to Commander, U.S. Army Human Resources Command (AHRC–PDP–TR), 1600 Spearhead Division Avenue, Department 420, Fort Knox, KY 40122–5402.

e. If an initial RCSBP election on or after 1 January 2001 is not made within the required timeframe, a married Soldier (or has dependent child(ren)) will receive automatic coverage, option C (Spouse or Spouse and Child(ren)). If an initial RCSBP election prior to 1 January 2001 was not made within the required timeframe, a married Soldier (or has dependent child(ren)) will receive RCSBP option A, and must make an SBP election at non-regular retirement. An unmarried Soldier, with no dependent child(ren), will receive no election option unless they elect former spouse or insurable interest. If an unmarried Soldier without child(ren) marries or acquires a dependent child after initial RCSBP election, they have 1 year to elect RCSBP for the first eligible dependent or they will receive an automatic election of option A "Declination of Coverage."

f. A married Soldier who elects less than full option C (Spouse or Spouse and Child(ren)) at initial RCSBP election on or after 1 January 2001 must have the spouse written notarized concurrence or the Soldier will receive automatic full option C (Spouse or Spouse and Child(ren)). The spouse concurrence is only required for the spouse portion of the RCSBP.

g. Under the authority of The Adjutant General of the U.S. Army, the RCSBP Board established at HRC, may change or revoke an election when an administrative error or deficiency has occurred. Except when procured by fraud, the correction is final and applies to all officers of the United States.

3–3. Policies regarding notification of Reserve Component Survivor Benefit Plan options

a. Soldiers who were issued a 20 Year Notification of Eligibility for Retired Pay for Non-Regular Service after 1 December 1979, or a 15 Year Notification of Eligibility for Retired Pay for Non-Regular Service after 7 September 1993, have been or will be furnished the RCSBP information and election certificate with issuance of their Notification of Eligibility for Retired Pay for Non-Regular Service.

b. The RCSBP forms and information become time sensitive when received by Soldiers. Forms distributed by mail to the Soldier's home of record will include a request to return an enclosed acknowledgment of receipt card to ensure control of the 90-day suspense period. The return envelope must be postmarked by the end of the 90-day period.

c. Soldiers who are eligible to make an election and do not complete a DD Form 2656-5 and deliver it to their unit or mail it with a postmark dated on or before the 90th day, will automatically be covered under option C.

3-4. Amount of coverage and cost

a. Soldiers who elect option B or C may provide a monthly annuity to their elected beneficiaries by law of up to 55 percent of the base amount minus an actuarial amount determined by the age of the beneficiary. Soldiers may obtain an estimate of RCSBP and SBP costs at https://www.hrc.army.mil/site/reserve/soldierservices/retirement/survivorbenefit-paycalc.asp.

b. The monthly cost of participation in the RCSBP will be withheld from the Soldier's monthly retired pay check when retired pay begins. Cost of living retired pay raises will increase the cost and annuity benefit, accordingly. *c.* For Soldiers who elect option A, the provisions of AR 600–8–7, chapter 3 applies.

3-5. Responsibilities and application for survivor benefits

a. Notification of RCSBP options are dispatched with the Notification of Eligibility for Retired Pay (20 or 15 Year Letter). After computation of service and determination of 20 (or 15 years, if applicable) creditable years of service, each RC Soldier will receive an RCSBP election certificate as an enclosure to their Notification of Eligibility for Retired Pay, from:

(1) State AG (MPMO/G-1) for ARNG Soldiers.

(2) CG, HRC for USAR Soldiers.

b. Suspense and control.

(1) CNGB and CG, HRC will develop controls and procedures for the 90 day suspense provided in PL 95–397 and 10 USC 1448, respectively.

(2) The State AG (MPMO/G1) will place the original copy of the completed election certificates of ARNG Soldiers in the Soldier's electronic AMHRR for access by HRC.

(3) In the event of an election requiring a determination by HRC, a file of the completed election forms will be established and maintained at HRC with submission into the Soldiers electronic AMHRR after the determination is made. HRC will forward the appropriate election certificate to DFAS when a participant is certified for retired pay or dies prior to being certified for retired pay.

c. Application for survivor benefits.

(1) If the sponsor was not in receipt of retired pay.

(a) Upon notification of death, HRC will forward to the survivor an application for annuity. Once HRC has received the application for annuity, a determination of the election made by the Soldier will be processed and the survivor will be notified of the eligibility for the RCSBP annuity. A computation of the deceased's service and the RCSBP election certificate will be forwarded to DFAS. If the deceased member elected option C to provide an immediate annuity, payment will begin on the day after date of death.

(b) If the deceased elected option B, HRC will advise the survivor that payment will begin on the date the deceased Soldier would have become 60 years of age. HRC will retain the death certificate and the RCSBP election certificate until the deceased's 60th birth date anniversary then send both certificates to DFAS, Cleveland.

(2) If the sponsor was receiving retired pay. The spouse or surviving dependent(s) will submit the final death certificate directly to DFAS, Cleveland. Upon notification, DFAS, Cleveland will forward to the survivor an application for annuity.

Chapter 4 Retired Pay

Section I Application for Retired Pay

4-1. Application requirements and timelines

a. It is the responsibility of all qualified individuals to submit their application for retired pay no earlier than 9 months and no later than 90 days prior to the date retired pay is to begin. Applications must be submitted on a DD Form 108 (Application for Retired Pay Benefits) and DD Form 2656 (Data for Payment of Retired Personnel). The application will include a SF 1199a (Direct Deposit Sign-up), from the Soldier's financial institution and any additional supporting documents listed in paragraphs 4-1c(4) through 4-1c(23). Soldiers and former Soldiers should contact their (former) military unit/regional personnel action center or State AG (MPMO/G1) for assistance with obtaining required documentation.

b. Soldiers assigned to ARNG and USAR units should obtain their application forms from their unit. All Soldiers and former Soldiers should obtain an application consisting of a DD Form 108 and DD Form 2656 from the offices of State AG, Reserve training centers, the Commander, U.S. Army Human Resources Command (AHRC–PDP–TR), 1600 Spearhead Division Avenue, Department 420, Fort Knox, KY 40122–5402 or from the HRC Web site (https://www.hrc.army.mil/site/reserve/Soldierservices/retirement/retirementapplication.htm).

c. The completed retired pay application packet will consist of-

- (1) DD Form 108, with original signature.
- (2) DD Form 2656 with original signature.
- (3) SF 1199a.
- (4) NGB Form 23C, if applicable.
- (5) DA Form 5016, if applicable.
- (6) Notification of Eligibility for Retired Pay for Non-regular Service (20 or 15 Year Letter).
- (7) DD Form 2656-5 (if applicable).
- (8) DD Form 2656-6 (Survivor Benefit Plan Election Change Certificate), if applicable.

(9) Memorandum "Reserve Component Survivor Benefit Plan (RCSBP) Automatic Election." This memorandum is issued to ARNG Soldiers who are married or have dependent child(ren) who receive Notification of Eligibility for Retired Pay for Non-regular Service after 31 December 2000, and who do not make an election for RCSBP within 90 days after receipt of the Notification of Eligibility for Retired Pay for Non-regular Service.

(10) DD Form 214 to support missing active duty credit, special separation bonus/voluntary separation incentive payments or eligibility for reduced retirement age, if applicable.

(11) DD Form 215 to support missing active duty credit, special separation bonus/voluntary separation incentive payments or eligibility for reduced retirement age, if applicable.

(12) DD Form 220 to support missing active duty credit or eligibility for reduced retirement age, if applicable.
(13) Mobilization/deployment orders indicating active duty and/or full time National Guard duty (FTNGD) and contingency operations performed after 28 January 2008, that authorize reduced retirement age, if applicable and in conjunction with any supporting DD Form 214, DD Form 215, or DD Form 220.

(14) Other supporting documents authorizing reduced retirement age, if applicable.

(15) Orders showing highest grade/rank held and administrative reduction, if applicable.

(16) Final death certificate for beneficiaries designated on the Servicemember's election certificate for RCSBP and who are now deceased, if applicable.

(17) Copy of the marriage certificate, if remarried.

(18) Certificates of adoption or birth for child(ren) who do not appear on RCSBP forms.

(19) Complete filed or final copy of a divorce decree, if applicable.

(20) DD Form 2656–1 (Survivor Benefit Plan Election Statement for Former Spouse Coverage) or other forms in the DD Form 2656–series, if applicable.

(21) Copy of approved waiver to serve beyond age 60, if applicable.

(22) Orders.

(a) Orders showing discharge from the State and transfer to the Retired Reserve for ARNG Soldiers.

(b) Transfer orders to the Retired Reserve for USAR Soldiers.

(23) For those in the rank of sergeant major or command sergeant major (CSM), a copy of the DA Form 1059 (Service School Academic Evaluation Report) showing completion of the Sergeant's Major Course is required.

d. All forms will be completed as accurately as possible and supporting documentation attached. Applications will not be used as a request for supporting documentation.

(1) Enter the USAR or ARNG assignment if a current RC Soldier or, if discharged, show date of discharge in item 8 of the DD Form 108.

(2) The effective date retired pay is to begin should be shown in item 3 of the DD Form 108. The date pay may begin is outlined in paragraph 4-6.

(3) Soldiers who joined the military on or after 8 September 1980 must place the date of rank for their highest grade held in block 4 of the DD Form 108 and in item 29 of the DD Form 2656.

e. Forward one original copy of the completed packet to the address listed in paragraph 4-1b.

f. Soldiers who have been granted a waiver and are retained in active status after age 60 under AR 140–10 or NGR 635–100, NGR 600–101, and NGR 600–200 may file their applications when they reach qualification for retirement and up to 9 months prior to their requested retirement date. A copy of the waiver must be included with the Soldier's application for retired pay.

g. A sergeant major who formerly held the title of CSM or a master sergeant who formerly held the title of first sergeant (1SG) and who wishes to be shown on the Army of the United States retired list with the former title must include the following documents with the DD Form 108:

(1) A copy of the appointment to CSM or 1SG as appropriate. (Service in the duty position of 1SG while in grade E7 does not meet this requirement, nor does being frocked.)

(2) A copy of the release order from the CSM Program and lateral appointment from CSM or 1SG indicating eligibility for reappointment. (Service must have been satisfactory and the person not have been released from that status or grade for cause.)

4–2. Responsibilities

Responsibilities for retirement application processing are in paragraph 1-4.

Section II

Processing the Application

4-3. Computation of service

a. Upon receipt of a DD Form 108, a computation to determine the number of years of qualifying service, years for percentage purposes, and years for basic pay purposes will be made by the CG, HRC. Generally, service begins on the date of enlistment or induction for enlisted personnel.

b. In determining the years for percentage purposes, credit of 1 day will be given for each point as follows:

- (1) Before 1 July 1949-
- (a) One point for each day of active duty.

(b) Fifty points for each year of service as a RC Soldier as shown in appendix B, other than active duty. A proportionate part of 50 points for any fraction of a year will be credited.

(2) After 30 June 1949-

(a) One point for each day of active duty.

(b) Fifteen points for each full year of membership in an active status in a RC. A proportionate part of 15 points for any fraction of a year will be credited.

(c) One point for each authorized participation in drills or periods of instruction which conform to the requirements prescribed by the Secretary of the Army. Table 4-1 shows the maximum allowable retirement points to include membership points that can be credited for inactive duty training (IDT) in an AY.

Period	Maximum IDT points per AY	
Prior to 23 September 1996	60 points	
23 September 1996 to 29 October 2000	75 points	
30 October 2000 to 29 October 2007	90 points	
30 October 2007	130 points	

(d) Maximum allowable IDT points in table 4–1 will not include points for inactive duty for funeral honors. Although these are inactive duty points, they are not subject to the annual IDT points cap. They will be added to the individual creditable total of IDT points as well as all creditable retirement points for active service (active duty and FTNGD).

(3) Active duty means full-time duty in the active military service of the United States. It includes:

(a) Actual duty on the active list.

(b) Full-time training duty.

(c) Annual training duty.

(d) Attendance at a school designated as a service school by law or by the Secretary of the military department concerned while in active military service.

(e) Full-time duty performed by a member of the following:

1. ARNGUS.

2. Air National Guard of the United States.

3. Army or Air National Guard under 32 USC 316 and 32 USC 502 through 32 USC 505 as FTNGD for training, operational support, and Active Guard Reserve.

4. Active duty as Reservist ordered to active duty or active duty for training including FTNGD for training or operational support (with their consent) without pay under competent orders requiring performance of such duty. (f) Active duty does not include:

1. Attendance at service schools on invitational orders.

2. Period of hospitalization beyond a tour of active duty for training or IDT in accordance with AR 135-381.

4-4. Retirement orders

a. Once the application is received and certified by HRC, orders will be issued by the CG, HRC placing the eligible individual on the AUS retired list and announcing the effective date eligible persons are entitled to retired pay.

b. Placement on the AUS retired list in no way confers a Reserve appointment to former officers whose Reserve appointments terminated prior to being granted retired pay.

4-5. Certificate of retirement

DD Form 363 (Certificate of Retirement) will be furnished by the CG, HRC at the time retired pay orders are issued.

4–6. Computation of retired pay

a. Retired pay will be computed by the Retired and Annuitant Pay Division, DFAS, Cleveland, OH, upon receipt of orders and data prescribed in paragraph 4–3 from the CG, HRC (see DOD Financial Management Regulation 7000.14-R, Volume 7B, Chapter 3).

b. Retired pay for a non-regular retirement is determined as follows:

(1) For a member who entered service before 8 September 1980, the retired pay base is the monthly basic pay at the

rate applicable on the date when retired pay is granted, of the highest grade held satisfactorily at any time in the Armed Forces. This base pay is multiplied 2 1/2 percent times the years of service credited and any fraction thereof, on the basis of 360 days per year to determine retired pay amount.

(2) For a member who entered service after 7 September 1980-

(a) The retired pay base is an average of the highest 36 months of pay as prescribed in DODFMR 7000.14-R, Volume 7B, Chapter 3.

(b) In the case of a RC member, this is the total amount of basic pay to which the member was entitled during the member's high 36 months or to which the member would have been entitled if the member had served on active duty during the entire period of the member or former member's high 36 months.

(c) Only months during which the individual was a member of a uniformed service may be used.

(d) Monthly basic pay amounts, starting with the highest rate of pay, are added together until the total number of months equals 36 months.

(e) Divide the total pay derived from the sum of months by 36, and round to the nearest cents to obtain the retired pay base applicable to the member.

(f) Any lost time the member had is not to be included in the computation.

(g) This average base pay is multiplied 2 1/2 percent times the years of service credited and any fraction thereof, on the basis of 360 days per year to determine retired pay amount.

(h) A member who is transferred to the Retired Reserve will have their high 36 months of pay based on the basic pay rate for their grade in effect the 36 months prior to their retirement date.

(i) A member who is discharged and separated from military service after becoming eligible for non-regular retired pay will have their high 36 months of pay based on the basic pay rate for their grade in effect the 36 months prior to their discharge from military service.

c. HRC will screen each retirement applicant's record to determine the highest grade (see table 4–2) held in the Armed Forces. In arriving at the highest grade satisfactorily held, the following criteria will apply:

(1) If the Soldier was transferred to the Retired Reserve or discharged prior to 25 February 1975, retired grade will be that which the Soldier held at time of transfer to the Retired Reserve or discharge, unless the Soldier held a higher grade at least 185 days or 6 calendar months on active duty or in an active status as a commissioned officer or enlisted Soldier. If higher grade held was that of a warrant officer, Soldier must have served on active duty or in an active Reserve status for at least 31 days.

(2) If the Soldier was transferred to the Retired Reserve or discharged on or after 25 February 1975, retired grade will be that grade which a commissioned officer or enlisted Soldier held while on active duty or in an active reserve status for at least 185 days or 6 calendar months. A warrant officer must have served on active duty or in an active Reserve status for at least 31 days.

(3) Service in the highest grade will not be deemed satisfactory and the case will be forwarded to the Secretary of the Army's Ad Hoc Review Board for final determination of the Soldier's retirement grade if, during the mandatory review of the Soldier's records, it is determined that any of the following factors exist:

(a) Revision to a lower grade was expressly for prejudice or cause, due to misconduct, or punishment pursuant to Article 15, Uniform Code of Military Justice, or court-martial; or

(b) There is information in the Soldier's service record to indicate clearly that the highest grade was not served satisfactorily.

Table 4–2 Rules for highest grade held timelines				
Status	Reference	Voluntary separation	Involuntary separation	
Enlisted: E1 thru E6	AR 600–8–19	1 year	185 days or 6 calendar months	
Enlisted: E7 thru E9	AR 600–8–19	3 years	185 days or 6 calendar months	
Officer: O1 thru O4	10 USC 1370	6 months	185 days or 6 calendar months	
Officer: O5 and above	10 USC 1370	3 years	185 days or 6 calendar months	
Warrant officer	NGR 600–101	31 Days	31 Days	

4-7. Date retired pay begins

a. Retired pay will begin on the day in which the individual meets the requirements for age and service or the first day of any later month that the retiree may elect on the application form (DD Form 108).

b. There is a 6 year statute of limitations for back pay of retired pay (31 USC 3702(b)). A claim for retired pay must be filed within 6 years after the date of eligibility for retired pay. If not filed within the 6 year limitation, 1 day's retired pay will be lost for each day of delay in filing the claim application. For example, if eligibility was attained on 2 July 1989 and the application for retired pay is not recorded by DFAS until 2 September 1995, payment can be made only from 2 September 1989.

Chapter 5 Other Benefits

5–1. Annuities under Civil Service

Persons entitled to receive retired pay under these provisions may concurrently receive annuities under the provisions of 5 USC 8331 through 5 USC 8348 (see 5 USC 8332(c) and 10 USC 12736).

5-2. Department of Veterans Affairs' compensation

a. Persons authorized retired pay under this regulation who are receiving a pension or compensation from the Department of Veterans Affairs (VA) may waive retired pay in the amount of the pension or compensation. By doing this, the pension or compensation, which is not subject to Federal withholding taxes, will remain in effect. Individuals may also waive their retired pay in its entirety and continue to receive their pension or compensation from the Veterans Administration. Waiver of retired pay will be made after retired pay order is issued by the CG, HRC (38 USC 5305).

b. Combat Related Special Compensation is a monthly payment that restores military retired pay offset when a military retiree accepts compensation from the VA for a disability or condition that can be attributed to a combat-related event. This allows eligible retirees to receive an amount equal to or less than their length of service retirement pay and their VA disability compensation, if the injury is combat-related. Retirees with a 15 Year Notification of Eligibility for Retired Pay are not eligible for this compensation.

c. Concurrent retirement and disability payment entitles eligible military retirees with a length of service retirement (20 Year Notification of Eligibility for Retired Pay) and a VA disability rating of 50 percent or higher to receive both their military retired pay and VA disability compensation. Retirees with a 15 Year Notification of Eligibility for Retired Pay or who were retired on the temporary disability retired list or permanent disability retired list are not eligible for this compensation.

5-3. Beneficiary for unpaid retired pay

Entitlement to retired pay ceases immediately on the date of the Soldier's death. The person who the Soldier designated as beneficiary for their unpaid retirement pay will be eligible for the amount of pay due up to and including the date of death. If no beneficiary has been designated, payment will be made to the proper survivor as shown in DODFMR 7000.14-R, Volume 7B.

5-4. Resources for additional benefit information

For information concerning other retiree benefits go to the following Web sites: https://www.hrc.army.mil/site/Reserve/ soldierservices/pay/benefits.htm or http://www.armyMPMO/G1.army.mil/RSO/rngr.asp.

Appendix A References

Section I Required Publications

AR 140–10

Assignments, Attachments, Details, and Transfers (Cited in para 4-1f.)

AR 140–185

Training and Retirement Point Credits and Unit Level Strength Accounting Records (Cited in paras 1–4, 2–4*a*, 2–6*a*, 2–6*c*, B–1*b*.)

AR 600-8-7

Retirement Services Program (Cited in paras 1-4b(4)(a), 3-4c.)

NGR 600-101

Warrant Officers - Federal Recognition and Related Personnel Actions (Cited in para 4–1*f* and table 4–2.) (Available at http://www.ngbpdc.ngb.army.mil/forms.htm.)

NGR 600-200

Enlisted Personnel Management (Cited in para 4-1f.) (Available at http://www.ngbpdc.ngb.army.mil/forms.htm.)

NGR 635-100

Termination of Appointment and Withdrawal of Federal Recognition (Cited in para 4–1*f*.) (Available at http://www. ngbpdc.ngb.army.mil/forms.htm.)

NGR 680-2

Automated Retirement Points Accounting Management (Cited in paras 1–4, 2–4*a*, 2–5*a*(2), 2–6*b*, 2–6*c*, 2–7*b*, B–1*b*.) (Available at http://www.ngbpdc.ngb.army.mil/forms.htm.)

Section II

Related Publications

A related publication is a source of additional information. The user does not have to read it to understand this regulation. Department of Defense publications are available at http://www.dtic.mil/whs/directives and USCs are available at http://www.gpoaccess.gov/uscode/. Acts may be found in the U.S. Code at http://uscode.house.gov.

AR 11–2

Managers' Internal Control Program

AR 25-30

The Army Publishing Program

AR 135–381

Incapacitation of Reserve Component Soldiers

AR 600–8–14

Identification Cards for Members of the Uniformed Services, Their Eligible Family Members, and Other Eligible Personnel

AR 600-8-19

Enlisted Promotions and Reductions

AR 600–8–104

Army Military Human Resource Records Management

DODFMR 7000.14-R, Volume 7B

Military Pay Policy - Retired Pay (Available at http://comptroller.defense.gov/FMR/fmrvolumes.aspx.)

DODI 1215.07

Service Credit for Non-Regular Retirement

PL 95-397 Uniformed Services Survivors' Benefits Amendments of 1978 (Available at http://www.archives.gov/federal-register/ laws.)

PL 106–259 Department of Defense Appropriations Act, 2001 (Available at http://www.archives.gov/federal-register/laws.)

PL 769 Act of 1 Sep 1958 (68 Stat. 1142 (Hiss Act)) (Available at http://www.archives.gov/federal-register/laws.)

5 USC 8311 Definitions

5 USC 8312 Conviction of certain offenses

5 USC 8313 Absence from the United States to avoid prosecution

5 USC 8314 Refusal to testify

5 USC 8315 Falsifying employment applications

5 USC 8316 Refund of contributions and deposits

5 USC 8317 Repayment of annuity or retired pay properly paid; waiver

5 USC 8318 Restoration of annuity or retired pay

5 USC 8319 Removal of members of the uniformed services from rolls; restoration; reappointment

5 USC 8320 Offense or violation committed in compliance with orders

5 USC 8321 Liability of accountable employees

5 USC 8322 Effect on other statutes

5 USC 8331 Definitions

5 USC 8332 Creditable service

5 USC 8333 Eligibility for annuity

5 USC 8334 Deductions, contributions, and deposits 5 USC 8335 Mandatory separation

5 USC 8336 Immediate retirement

5 USC 8337 Disability retirement

5 USC 8338 Deferred retirement

5 USC 8339 Computation of annuity

5 USC 8340 Cost of living adjustment of annuities

5 USC 8341 Survivor annuities

5 USC 8342 Lump sum benefits; designation of beneficiary; order of precedence

5 USC 8343 Additional annuities; voluntary contributions

5 USC 8344 Annuities and pay on reemployment

5 USC 8345 Payment of benefits; commencement, termination, and waiver of annuity

5 USC 8346 Exemption from legal process; recovery of payments

5 USC 8347 Administration; regulations

5 USC 8348 Civil service retirement and disability fund

10 USC 101 Definitions

10 USC 688 Retired members: authority to order to active duty; duties

10 USC 1038 Service credit: certain service in Women's Army Auxiliary Corps

10 USC 1074j Sub-acute care program

10 USC 1370 Commissioned officers: general rule; exceptions

10 USC 1448 Application of plan 10 USC 12203 Commissioned officers: appointment, how made; term

10 USC 12301a Reserve components generally

10 USC 12302 Ready Reserve

10 USC 12304 Selected Reserve and certain Individual Ready Reserve members; order to active duty other than during war or national emergency

10 USC 12305 Authority of President to suspend certain laws relating to promotion, retirement, and separation

10 USC 12308 Retention after becoming qualified for retired pay

10 USC 12310 Reserves: for organizing, administering, etc., reserve components

10 USC 12406 National Guard in Federal service: call

10 USC 12731a Temporary special retirement qualification authority

10 USC 12731b Special rule for members with physical disabilities not incurred in line of duty

10 USC 12732 Entitlement to retired pay: computation of years of service

10 USC 12733 Computation of retired pay: computation of years of service

10 USC 12734 Time not creditable toward years of service

10 USC 12735 Inactive status list

10 USC 12736 Service credited for retired pay benefits not excluded for other benefits

10 USC 12737 Limitation on active duty

10 USC 12738 Limitations on revocation of retired pay

10 USC 12739 Computation of retired pay

10 USC 12740 Eligibility: denial upon certain punitive discharges or dismissals 10 USC 12741 Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement

10 USC Chapter 15 Insurrection

10 USC Chapter 47 Uniform code of military justice

10 USC Chapter 65 Retirement of warrant officers for length of service

10 USC Chapters 367 and 867 Retirement for length of service

10 USC Chapter 571 Voluntary retirement

10 USC Chapter 1223 Retired pay for non-regular service

31 USC 3702 Authority to settle claims

32 USC 316 Detail of members of Army National Guard for rifle instruction of civilians

32 USC 324 Discharge of officers; termination of appointment

32 USC 502 Required drills and field exercises

32 USC 503 Participation in field exercises

32 USC 504 National Guard schools and small arms competitions

32 USC 505 Army and Air Force schools and field exercises

38 USC 5305 Waiver of retired pay

Act of 22 May 1917 Ch. 20, 40 Stat. 88 (located in 33 USC 855)

Act of 21 Aug 1941 Ch. 249, 68 Stat. 166 (located in 10 USC 8310)

Act of 6 Feb 1942 Ch. 40, 56 Stat. 50 (located in 10 USC 4301)

Act of 8 Jul 1942 Flight Officer Act (located in popular name)

Act of 22 Dec 1942 Ch. 805, 56 Stat. 1072 (located in 10 USC 12732)

Act of 22 Jun 1944

Ch. 272, 58 Stat. 324 (located in 50 USC App 1591 to 1598)

Section III

Prescribed Forms

Unless otherwise indicated, DA Forms are available on the Army Publishing Directorate Web site (www.apd.army. mil).

DA Form 5016

Chronological Statement of Retirement Points (Prescribed in paras 1-4b(5)(b), 1-4c(3)(b), 2-6, 2-7, 4-1c(5).)

Section IV

Referenced Forms

Unless otherwise indicated, DA forms are available on the Army Publishing Directorate Web site (http://www.apd. army.mil) and DD forms are available on the Office of the Secretary of Defense Web site (http://www.dtic.mil/whs/directives/infomgt/forms/formsprogram.htm).

DA Form 11-2

Internal Control Evaluation Certification

DA Form 1059

Service School Academic Evaluation Report

DA Form 1379 U.S. Army Reserve Components Unit Record of Reserve Training (Available through normal supply channels.)

DA Form 1380 Record of Individual Performance of Reserve Duty Training

DA Form 1383

Annual or Terminal Statement of Retirement Points (Available through normal supply channels.)

DA Form 1506

Statement of Service - for Computation of Length of Service for Pay Purposes

DA Form 2028

Recommended Changes to Publication and Blank Form

DD Form 108

Application for Retired Pay Benefits

DD Form 214

Certificate of Release or Discharge from Active Duty

DD Form 215

Correction to DD Form 214, Certificate of Release or Discharge from Active Duty

DD Form 220 Active Duty Report

DD Form 363 Certificate of Retirement

DD Form 1173 Uniformed Services Identification and Privilege Card

DD Form 2656 Data for Payment of Retired Personnel DD Form 2656–1 Survivor Benefit Plan (SBP) Election Statement for Former Spouse Coverage

DD Form 2656–5

Reserve Component Survivor Benefit Plan (RCSBP) Election Certificate

DD Form 2656-6

Survivor Benefit Plan Election Change Certificate

DFAS Form 702

Leave and Earnings Statement

SF 1199A

Direct Deposit Sign-Up Form (Available at http://www.gsa.gov.)

NGB Form 22

Report of Separation and Record of Service (Available at http://www.ngbpdc.ngb.army.mil/default.htm.)

NGB Form 22A

Correction to NGB Form 22 (Available at http://www.ngbpdc.ngb.army.mil/default.htm.)

NGB Form 23A

ARNG Current Annual Statement (Available at http://www.ngbpdc.ngb.army.mil/default.htm.)

NGB Form 23A1

ARNG Retirement Points Statement Supplemental Detailed Report (Available at http://www.ngbpdc.ngb.army.mil/ default.htm.)

NGB Form 23B

ARNG Retirement Points History Statement (Available at http://www.ngbpdc.ngb.army.mil/default.htm.)

NGB Form 23C

ARNG Retirement Points Statement Application for Retired Pay (Available at http://www.ngbpdc.ngb.army.mil/default. htm.)

Appendix B Qualifying Service

B-1. Service creditable as qualifying service

Service performed in the status of a commissioned officer; warrant officer; nurse; flight officer; enlisted person; Army field clerk; field clerk; Quartermaster Corps; and, in the case of warrant officers, classified field service as an Army headquarters clerk or clerk, Quartermaster Corps (under laws in effect prior to 29 August 1916), in an active status in any of the following may be credited as qualifying service:

a. Before 1 July 1949 service in any of the following:

(1) The federally recognized National Guard before 15 June 1933, including service in the Organized Militia of the several States, Territories and the District of Columbia as it existed subsequent to 21 January 1903.

(2) A federally recognized status in the National Guard before 15 June 1933 or the National Guard after 14 June 1933, if service was continuous from date of enlistment in the National Guard, or from date of Federal recognition, in the case of officers and warrant officers to date of enlistment or appointment in the Army or Air National Guard of the United States.

(3) The National Guard of the United States.

(4) The National Guard while in the service of the United States.

(5) The Alaska Territorial Guard for active service during WWII, if honorably discharged under Section 8147 of the Department of Defense Act, 2001 (PL 106–259).

(6) The Army Reserve in an active Reserve status (includes the Officer's Reserve Corps and the Enlisted Reserve Corps of the Organized Reserve Corps).

(7) The U.S. Naval Reserve and the U.S. Naval Reserve Force.

(8) The Marine Corps Reserve and the Marine Corps Reserve Force.

(9) The Limited Service Marine Corps Reserve.

(10) The Naval Militia after 15 February 1914 that conformed to the standards prescribed by the Secretary of the Navy.

(11) The National Naval Volunteers.

(12) The Air National Guard of the United States.

(13) The Air National Guard while in the service of the United States.

(14) The U.S. Air Force Reserve (the officers' and enlisted sections).

(15) The Air Force of the United States, without specification of component, prior to 1 July 1948.

(16) The U.S. Coast Guard.

(17) The U.S. Coast Guard Reserve except the temporary Soldiers thereof.

(18) The Regular Army Reserve.

(19) The Philippine Scouts.

(20) The Regular Army, the Regular Navy, the Regular Marine Corps and the Regular Air Force, except that service in a regular component performed in enlisted status after date of qualification for retired pay may not be counted for any purpose under this regulation.

(21) Student's Army Training Corps, subsequent to 1 October 1918 and prior to 31 December 1918, if such service was performed as an enlisted man.

(22) U.S. Volunteers (service between 8 April 1898 and 30 June 1901, only).

(23) Women's Army Corps, including active service in the Women's Army Auxiliary Corps after 13 May 1942 and before 30 September 1943, if Soldier performed active service in the Armed Forces after 29 September 1943.

(24) The Army or the Air Force of the United States, without specification of component. AUS appointments made under the statutes below terminated on dates specified unless sooner vacated:

(a) Appointments as commissioned officers made after 6 December 1941 under the Joint Resolution of 22 September 1941. These appointments terminated 31 March 1953.

1. Disabled officers and officers who completed a course of medical instructions at Government expense under the Act of 6 February 1942. These appointments terminated 31 March 1953, or date of relief from active duty, whichever is later.

2. Women's Army Corps. These appointments terminated 31 March 1953.

(b) Warrant officers temporarily appointed under the Act of 21 August 1941. These appointments terminated 1 April 1953.

(c) Flight officers appointed under the Act of 8 July 1942. These appointments terminated 28 October 1952.

(25) Aviation Cadet or U.S. Naval Reserve.

(26) Active service in the Army Nurse Corps, the Navy Nurse Corps, the Nurse Corps Reserve of the Army, or Nurse Corps Reserve of the Navy, as it existed at any time after 2 February 1901.

(27) Service in the Army under an appointment made under the Act of 22 December 1942 or the Act of 22 June 1944 (certain classes of female officers).

(28) Active full-time status, except as a student or apprentice, with the Medical Department of the Army as a civilian employee.

(a) In the dietetic or physical therapy categories, if the service was performed after 6 April 1917 and before 1 April 1943.

(b) In the occupational therapy category, if service was performed before appointment in the Army Nurse Corps or the Women's Medical Specialist Corps and before 1 January 1949.

(29) Service as a cadet at the U.S. Military Academy under an appointment made before 24 August 1912 or as a midshipman at the U.S. Naval Academy under an appointment made before 4 March 1913, is credited as active duty in determining the years for percentage purposes. Such cadet and midshipman service may not be used to determine qualification for retired pay.

(30) Active service in the Commissioned Corps of the U.S. Public Health Service performed after 28 July 1945.

(31) Active commissioned service in the U.S. Coast and Geodetic Survey during such time officer was transferred to the service and jurisdiction of a military department pursuant to section 16, Act of 22 May 1917.

(32) Service performed after qualification for retired pay only if retention in an active duty status or in an active RC is affected under 10 USC 12308.

(33) Service after the date prescribed for mandatory removal from active duty status only if retention in an active duty status is directed under express statutory authority.

b. After 30 June 1949, a Reservist must earn a minimum of 50 retirement points each retirement year to have that year credited as qualifying service. Only Soldiers assigned to an active status in a RC or individuals in active Federal service are authorized to earn retirement point credits. When a person is in an active status for a period less than a full retirement year, a minimum number of retirement points are required to be earned in order to have that period credited as qualifying service. AR 140–185 and NGR 680–2 contain tables that specify the number of points required for this

purpose, and detailed information concerning establishment of the AY and the crediting, recording, and earning of retirement points.

c. Service shown in paragraphs B-1a and B-1b, in addition to being credited as qualifying service, is also converted into "years for percentage purposes".

B-2. Service not creditable as qualifying service

The following is not creditable as qualifying service:

a. Service in any one of the following sections of the Organized Reserve Corps:

- (1) Inactive Section, Officers' Reserve Corps.
- (2) Inactive Section, Enlisted Reserve Corps.
- (3) Auxiliary Reserve.
- (4) Unassigned Reserve.
- (5) Inactive Reserve.
- b. Inactive Status List of the Standby Reserve.
- c. Honorary Reserve.
- d. Retired Reserve.
- e. National Guard Reserve.
- f. Inactive National Guard.

g. Regular and Reserve Corps of the U.S. Public Health Service, except active service in the Commissioned Corps, as indicated in paragraph B-1a(30).

h. Philippine Constabulary, before 4 July 1946.

i. Commissioned Corps of the Environmental Science Services and Administration; prior to 13 July 1965—Uniformed members of the U.S. Coast and Geodetic Survey, except active commissioned service as indicated in paragraph B-1a(31).

j. Active status in the Ready Reserve, the Standby Reserve, and the Active National Guard after 30 June 1949, but insufficient retirement points earned for such service to be credited as qualifying service.

k. Time spent as a cadet or midshipman at the U.S. Military Academy, the U.S. Naval Academy, and the U.S. Coast Guard Academy may be counted as service for basic pay purposes in the computation of pay for enlisted men, but not for commissioned officers except as indicated in paragraph B-1a(29).

l. Inactive service as a Reserve Nurse of the Army Nurse Corps established by the Act of 2 February 1901.

m. Constructive service-Medical, Dental, Judge Advocate, Chaplain, Veterinary and Medical Service Corps officers, as set out in DODFMR 7000.14-R, Volume 7B, Chapter 1.

n. Service in the Fleet Reserve or the Fleet Marine Corps Reserve.

Appendix C Internal Control Evaluation

C–1. Function

The function covered by this evaluation is retirement for non-regular service.

C-2. Purpose

The purpose of this evaluation is to assist commanders and human resource specialists in evaluating the key internal controls listed. It is intended as a guide and does not cover all controls.

C-3. Instructions

Answers must be based on the actual testing of key internal controls (for example, document analysis, direct observation, random sampling, simulation, or other). Answers that indicate deficiencies must be explained and corrective action identified in supporting documentation. These internal controls must be evaluated at least once every 5 years. Certification that this evaluation has been conducted must be accomplished on DA Form 11–2 (Internal Control Evaluation).

C-4. Test questions

a. Is the eligibility age for receipt of retired pay being reduced below 60 years of age by 3 months for each aggregate of 90 days of active duty or active service performed after January 28, 2008 in any fiscal year?

b. Does the CG, HRC or CNGB notify RC Soldiers, in writing, within 1 year after they have completed 20 years of satisfactory service?

c. Are Soldiers assigned to the Retired Reserve receiving DD Form 108 and DD Form 2656 from HRC 6 months prior to reaching age 60 (or adjusted age)?

d. Is DD Form 363 furnished by CG, HRC at the time retired pay orders are issued?

e. Are all eligible Soldiers who have received Notification of Eligibility for Retired Pay making an election on DD Form 2656–5 within 90 days of receipt and returning it to the appropriate office?

C-5. Supersession

This checklist is the initial internal control checklist for qualifying service for retired pay non-regular service.

C–6. Comments

Help make this a better test for evaluating internal controls. Submit comments to Deputy Chief of Staff, G-1 (DAPE-MPE-IP), 300 Army Pentagon, Washington, DC 20310-0300.

Glossary

Section I Abbreviations

1SG first sergeant

AG adjutant general

AMHRR Army Military Human Resource Record

AR Army Regulation

ARNG Army National Guard

ARNGUS Army National Guard of the United States

AUS Army of the United States

AY anniversary year

CAR Chief, Army Reserve

CG commanding general

CNGB Chief, National Guard Bureau

CSM command sergeant major

DA Department of the Army

DCS Deputy Chief of Staff

DD Department of Defense

DFAS Defense Finance and Accounting Service

DODFMR Department of Defense Financial Management Regulation

DODI Department of Defense instruction

FTNGD full time National Guard duty

HRC Human Resources Command

IDT inactive duty training

MPMO Military Personnel Management Office

NGB National Guard Bureau

NGR National Guard Regulation

PL public law

RC Reserve Component

RCSBP Reserve Component Survivor Benefit Plan

RPAM Retirement Point Accounting Management

SBP Survivor Benefit Plan

SF standard form

USAR United States Army Reserve

USC United States Code

VA Department of Veterans Affairs

Section II Terms This section contains no entries.

Section III Special Abbreviations and Terms This section contains no entries.

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