MILPERSMAN 1830-010

MEMBERS OF FLEET RESERVE SUBJECT TO THE UNIFORM CODE OF MILITARY JUSTICE

Responsible Office	NAVPERSCOM (PERS-83)	Phone:	DSN COM FAX	882-4427 (901) 874-4427 882-2624

Governing Directive	Uniform Code of Military Justice

1. **General**. Members of the Fleet Reserve are subject to the Uniform Code of Military Justice at all times. Members of the Fleet Reserve will not be discharged without their consent, except by approved sentence of court-martial.

MILPERSMAN 1830-020

OFFICERS APPOINTED FROM THE FLEET RESERVE

Responsible Office	NAVPERSCOM (PERS-82)	Phone:	DSN COM FAX	882-3242 (901) 874-3242 882-2622

Governing Directives	10 U.S.C. 5597, 5787, and 6488

1. **Policy**. A fleet reservist recalled to active duty and appointed as a temporary officer under 10 U.S.C. 5597 and 5787 may be returned to inactive status in the Fleet Reserve in the highest temporary rank or grade satisfactorily held as provided in 10 U.S.C. 6488.

2. **Retainer Pay**. Members of the Fleet Reserve described above shall not be entitled to have their retainer pay computed on the basis of the highest temporary grade satisfactorily held by them until they have competed 30 years of service or until they are placed on the Retired List.

3. **Active Duty**. Members assigned to the Fleet Reserve who have been appointed officers may be ordered to active duty in time of war or national emergency declared by the Congress, for the duration of the war or national emergency and 6 months thereafter, or in time of national emergency declared by the President. In general, they will not be ordered to active duty in time of peace except with their consent.

MILPERSMAN 1830-030

PHYSICAL EXAMINATION IN CONNECTION WITH RETIREMENT, TRANSFERS TO FLEET RESERVE AND AS A FLEET RESERVIST

Responsible Office	NAVPERSCOM (PERS-823)	Phone:	DSN COM FAX	882-3242 (901) 874-3242 882-2622

Governing Directives	10 U.S.C. 6485 NAVPERS 15559B, Officer Transfer Manual NAVPERS 15909G, Enlisted Transfer Manual SECNAVINST 1850.4D

1. **Policy**

a. All members being retired or transferred to the Fleet Reserve must complete a physical examination. The examination shall be scheduled sufficiently in advance, but within 6 months of the scheduled retirement or transfer to the Fleet Reserve date, to permit correction of any minor physical defects or identification of those requiring processing for disability retirement, if disability retirement is indicated, prior to the date otherwise scheduled for retirement.

b. Voluntary retirement/transfer to the Fleet Reserve date, once approved, requires execution on that date unless modified or canceled prior to the date.

c. Involuntary/statutory retirement and involuntary transfer to the Fleet Reserve date are fixed by law and the effective date of retirement/transfer cannot be canceled or delayed except as noted below.

2. **Action Required if Member Not Physically Qualified**

a. **Voluntary Retirement/Fleet Reserve Transfer.** Medical Treatment Facility (MTF) recommending delay of retirement, or transfer to the Fleet Reserve for treatment less than 60 days, must advise Navy Personnel Command (NAVPERSCOM) (PERS-82) by message of recommendation, including diagnosis code for condition and expected length of delay. MTFs recommending delay

of retirement for treatment greater than 60 days must submit a medical board to the Physical Evaluation Board (PEB). If appropriate, NAVPERSCOM (PERS-82) will modify the retirement date.

b. **Involuntary/Mandatory Retirement or Fleet Reserve Transfer**. Members pending a mandatory retirement or required to transfer to the Fleet Reserve in lieu of separation (e.g., high year tenure, selection for early retirement) will not be delayed unless member is either hospitalized or a medical board report has been accepted by the Physical Evaluation Board (PEB) for disability evaluation processing prior to the mandatory retirement date. If a medical board is referred to the PEB for review as a result of the member's retirement physical, the medical board's narrative summary should include a statement that the medical board is the result of the member's involuntary/mandatory retirement physical (SECNAVINST 1850.4D). If delay of retirement is required based on the above, the commanding officer will advise NAVPERSCOM (PERS-82) of member's situation and request modification of retirement date.

c. Commanding officers may reference this article as authority for ordering members to a medical activity to complete a retirement physical examination. Where travel is required, temporary additional duty orders should be obtained from the appropriate senior commander as outlined in NAVPERS 15559B, or NAVPERS 15909G, as appropriate. Such travel costs are properly charged to the funds financing the activity, which is responsible for the member.

d. If medical treatment necessitates retention of the member beyond the authorized retirement or transfer to the Fleet Reserve date, but the member elects to waive the right to further medical proceedings in order to retire or transfer to the Fleet Reserve, ensure appropriate entry is made in member's service record prior to effecting the retirement or transfer to the Fleet Reserve.

3. **Responsibility for Physical Examinations of Fleet Reservists**

a. Commanding Officer (CO), Naval Reserve Personnel Center (NAVRESPERSCEN) maintains records showing the physical and professional qualifications of members of the Fleet Reserve. Fleet Reservists are classified professionally under the type of duty which they are best qualified to perform and classification

for limited duty corresponds to that of enlisted personnel on active duty.

b. On 30 July 1977, 10 U.S.C. 6485 was amended deleting the requirement for members of the Fleet Reserve to obtain a physical examination at least once during each 4-year period; however, a fleet reservist shall inform CO, NAVRESPERSCEN, New Orleans, LA of any significant changes of his/her physical status which may result in transfer to the appropriate Retired List.

c. A fleet reservist, who is found physically unfit for any duty, will be transferred to the Retired List of the Regular Navy or the Retired Reserve if formerly a member of the Naval Reserve.

Update in Effect. Make Selection from the Updated Milpersman Articles Menu

MILPERSMAN 1830-040

TRANSFER TO FLEET RESERVE AND RELEASE FROM ACTIVE DUTY

Responsible Office	NAVPERSCOM (PERS-823)	Phone:	DSN COM FAX	882-3247 (901) 874-3247 882-2762

Governing Directives	10 U.S.C. 6330 SECNAVINST 1811.3M SECNAVINST 1850.4D NAVPERS 15665I, U.S. Navy Uniform Regulations

1. **Policy**. An enlisted member who has completed 20 years of active service may, at his or her request, be transferred to the Fleet Reserve (10 U.S.C. 6330). Once submitted, a member's date may be changed only upon member's authorization or due to national security.

2. **Creditable Service**

a. Active service is defined as all active duty and active duty for training performed subsequent to 9 August 1956 in the Army, Navy, Air Force, Marine Corps, Coast Guard, or any Reserve component thereof, and all active duty and active duty for training performed subsequent to 9 August 1956 in the Army National Guard or Air National Guard on federal duty.

b. An enlistment terminated prior to 1 January 1978 within 3 months of the normal expiration of the enlistment or extended enlistment will be credited as the full term of enlistment or extended enlistment. (Constructive service is earned only if enlistment term is served in an active duty status.)

3. **Eligibility Requirements**. Approval of a request for transfer to the Fleet Reserve will normally be withheld until the member has completed

a. 20 years of active service by requested date of transfer to the Fleet Reserve.

b. current assignment.

c. minimum activity tour.

d. current Department of Defense assignment area tour.

e. 24 months time in grade for paygrades E-7 and above (may be waived up to 12 months) (SECNAVINST 1811.3M).

f. Applicable tour at ultimate duty station when request is received by Navy Personnel Command (NAVPERSCOM) following the date of issuance or notification of PCS orders.

(1) If member is notified of PCS orders more than 6 months prior to projected rotation date (PRD), member may decline the assignment and request transfer to the Fleet Reserve any time up to and including the normal PRD.

(2) If member has not been notified of impending orders, a member may request transfer to the Fleet Reserve no later than the PRD.

g. The initial 20-year eligibility requirement for transfer to the Fleet Reserve within 6 months beyond the normal PRD and requests a Fleet Reserve date to coincide with the date of eligibility, a maximum 6 months over tour beyond present PRD may be authorized. The request for over tour in conjunction with transfer to the Fleet Reserve must be received by NAVPERSCOM (PERS-823) 6 to 18 months prior to the established PRD.

4. **Members Not Eligible for Fleet Reserve Transfer**

a. Members are not eligible for transfer to Fleet Reserve while

(1) awaiting disciplinary action,

(2) serving sentence of a court-martial (including time on probation),

(3) awaiting civil action,

(4) awaiting family advocacy action,

(5) awaiting administrative discharge action, or

(6) serving in a limited duty (LIMDU) status (unless authorized LIMDU status to complete 20 years of active service).

b. Requests received from members in above categories will be disapproved. Approved Fleet Reserve transfer requests for members who are subsequently placed in one of the above categories will be held pending resolution. Once status is resolved, the command shall notify, by message, Commander, NAVPERSCOM (PERS-823) of action taken.

5. **Deferment or Cancellation of Transfer to the Fleet Reserve for Member in Medical Status**. The following is applicable for members in a medical status:

a. Member undergoing non-elective medical treatment not involving Physical Evaluation Board (PEB) proceedings, or appearance before a medical board requiring departmental action, may be retained up to 60 days with authorization from NAVPERSCOM (PERS-823). If it appears that the member will require prolonged treatment which could defer transfer to the Fleet reserve more than 60 days beyond the authorized date, the commanding officer (CO) shall make a specific report of the circumstances to NAVPERSCOM (PERS-823). When treatment is completed, advise NAVPERSCOM (PERS-823) as soon as practical.

b. Member who requests or is involved in PEB proceedings or appearance before a medical board requiring departmental action shall not be transferred to the Fleet Reserve until final action is completed and instructions are received from NAVPERSCOM (PERS-821). Normally, a member found unfit will be retained until member qualifies for disability retirement subject to the conditions set forth in SECNAVINST 1850.4D. The law requires that member completes at least 20 years of service to be eligible for retirement benefits by reason of physical disability when the disability is ratable at less than 30 percent by the Veterans Administration Schedule for Rating Disabilities. If the member is found fit, advise NAVPERSCOM (PERS-823) by message. If LIMDU is authorized, the transfer to the Fleet Reserve shall be held in abeyance pending final determination of member's medical status. Advise NAVPERSCOM (PERS-821/823) for details and estimated reevaluation date. In each instance, a new authorization for an effective date not more than 30 days after the finding of fit for duty will be issued by NAVPERSCOM (PERS-823). If the member waives disability benefits, notify by message NAVPERSCOM (PERS-823), with information copy to President, Central Physical Evaluation Board of the waiver.

c. Member who continues to perform duties of his or her office, rank, grade, or rating until commencing processing for nondisability retirement shall be presumed “Fit for Duty” unless it can be overcome by a preponderance of evidence that member, in fact, was physically unable to perform duties of his or her office, rank, grade, or rating. The PEB will make the determination. (See SECNAVINST 1850.4D, article 3305.)

d. Member who has reached high year tenure, and for whom transfer to Fleet Reserve is mandatory, may only be deferred if member is hospitalized or a medical board report has been accepted by President, PEB for processing under SECNAVINST 1850.4D, article 3710.

6. **Deferment or Cancellation of Transfer to Fleet Reserve for Member Pending Disciplinary or Administrative Action**. The following is applicable for members pending disciplinary or administrative action:

a. Member awaiting disciplinary action, serving sentence of a court-martial (including time on probation), awaiting civil action, awaiting action on an administrative discharge, or undergoing checkage of pay on authorized date of transfer, action on the Fleet Reserve transfer will be withheld and NAVPERSCOM (PERS-823) shall be advised by message of the circumstances. Under unusual circumstances, Chief of Naval Personnel may direct transfer notwithstanding pending action.

b. Once member’s case has been resolved, notify NAVPERSCOM (PERS-823) by message. A new Fleet Reserve transfer authorization will be issued if date of original Fleet Reserve authorization has expired.

7. **Deferment or Cancellation of Transfer to Fleet Reserve for Member on Case-by-Case Basis**

a. Due to the many administrative and planning actions involved on behalf of member and command, a request for deferral or cancellation of a Fleet Reserve Transfer Authorization will be granted on a selective basis only. A number of factors including command recommendation, past performance, manning levels, availability of relief, and critical skills possessed by member will be considered.

b. Approval is contingent upon member agreeing to remain on active duty for a sufficient time to permit reassignment or

completion of a normal tour, whichever is applicable. In certain instances, such as those where manning or other requirements are not stabilized, deferral of an authorized Fleet Reserve date, rather than a cancellation, may be appropriate.

c. Short-term deferrals (1 to 6 months) may be authorized by NAVPERSCOM (PERS-823) if member is serving in an authorized billet and a relief is not on board. Commanding officers may defer transfer to Fleet Reserve up to 30 days beyond date authorized only when urgent operational commitments demand member's service. When requests for deferment are submitted for this reason, a full report of circumstances shall be forwarded by message to NAVPERSCOM (PERS-821), with an information copy to the appropriate type commander.

d. In some instances, where rate manning or other requirements are not stabilized and action must be taken to provide a qualified relief at the proper time, NAVPERSCOM (PERS-823) may offer an alternate date for transfer. In these cases, member may accept the alternate date or request cancellation of the original date.

8. **Request Submission**. The following are guidelines for submission of a member's request for transfer to Fleet Reserve:

a. Member should submit request **6 to 18 months prior** to requested Fleet Reserve transfer date.

b. Member submits NAVPERS 1336/3, Special Request/ Authorization, via the chain of command.

c. Upon CO's approval, forward the member's request to the Command Career Counselor for appropriate action.

d. Forward request to the appropriate personnel office. The personnel office will ensure request is submitted to NAVPERSCOM (PERS-823), following the Diary Message Reporting System User's Manual (DMRSMAN) or the Source Data Systems Program Manual (SDSPROMAN) instruction.

9. **Responsibility of NAVPERSCOM (PERS-823)**

a. Once the request for transfer to the Fleet Reserve has been approved by detailer, rating assignment officer, and enlisted community manager, NAVPERSCOM (PERS-823) will transmit

a message of intent authorizing movement of dependents and/or shipment of household goods.

b. Upon issuing the message of intent and within 2 weeks, NAVPERSCOM (PERS-823) will mail package containing the Certificate of Appreciation and other retirement information.

c. Navy Personnel Command (PERS-823) will issue the authorization as soon as possible, but no later than 120 days prior to the Fleet Reserve transfer date. Under no circumstances should member be released from active duty without the final transfer authorization.

10. **Responsibility of the Personnel Support Office or the Administrative Office**

a. Personnel Support or administrative offices must receive a copy of the Fleet Reserve authorization at least 120 days prior to requested date.

b. Upon receipt of authorization, forward a copy to member, career counselor, and other interested individuals at the command.

c. Prepare release from active duty orders and DD 214, Certificate of Release or Discharge from Active Duty and forward, with transfer authorization, to appropriate disbursing office.

d. Close member’s service record and forward to

Naval Reserve Personnel Center (NAVRESPERSCEN)
New Orleans, LA 70149

ensuring a copy of member’s Fleet Reserve transfer authorization is filed in closed-out service record.

11. **Responsibilities of Disbursing Office**

a. Prepare second endorsement on Fleet Reserve transfer authorization message.

b. Complete disbursing data entries on DD 214.

12. **Responsibilities of Fleet Reservists**

a. Fleet Reservists are required to comply with the following:

(1) Maintain readiness for active service in event of war or national emergency.

(2) Keep CO, NAVRESPERSCEN, New Orleans, LA informed of home address.

(3) Inform CO, NAVRESPERSCEN, New Orleans, LA of travel or residency outside United States for a period in excess of 30 days.

(4) Promptly respond to all letters addressed to them by proper authority.

(5) Inform CO, NAVRESPERSCEN, New Orleans, LA of any change in health that might prevent service in time of war.

b. Fleet Reservists are subject at all times to laws, regulations, and orders governing Armed Forces. In time of peace, Fleet Reservists may be required to perform not more than 2 months of active service in each 4-year period. They may wear their uniform from place of release to home within 3 months after date of release, and subsequently on occasions of ceremony as prescribed in NAVPERS 15665I.

MILPERSMAN 1830-050

TRANSFER TO THE FLEET RESERVE AND RETENTION ON ACTIVE DUTY

Responsible Office	NAVPERSCOM (PERS-823)	Phone:	DSN COM FAX	882-3247 (901) 874-3247 882-2762

1. **Policy**. When an enlisted member is transferred to the Fleet Reserve and retained on active duty because of war or national emergency, or for other reasons, the action prescribed for effecting the transfer shall be accomplished and copies of the Fleet Reserve Transfer Authorization message distributed as directed. The service record shall be processed under the appropriate article in the manual.

MILPERSMAN 1830-060

TRAVEL OR RESIDENCE OUTSIDE THE UNITED STATES BY FLEET RESERVISTS

Responsible Office	NAVPERSCOM (PERS-823)	Phone:	DSN COM FAX	882-3186 (901) 874-3186 882-2762

1. **Policy**. Fleet Reservists not on active duty who desire to travel or reside outside the United States (U.S.) for a period in excess of 30 days must report their departure, expected duration of travel or residence, countries to be visited, and forwarding address to Commanding Officer, Naval Reserve Personnel Center, New Orleans, LA. Changes of permanent mailing address shall also be reported to Defense Finance and Accounting Service Cleveland Center, Retired Pay Department, Cleveland, OH.

2. **Wearing of Naval Uniform**. A member of the Fleet Reserve shall not wear their Naval uniform while residing or traveling outside the U.S. unless ordered by competent authority to active duty or active duty training.

3. **When Travel is Not in the Best Interests of the Navy or the U.S**. When the member's travel or residence outside the U.S. is determined by any command as not in the best interest of the Navy or the U.S., it shall be reported promptly to Navy Personnel Command with a full report of the circumstances.

4. **Applicable Regulations**. Members of the Fleet Reserve on active duty traveling or residing outside the U.S. shall be governed by the same regulations as apply to members of the Regular Navy.

5. **Report Travel Plans of Greater than 6 Months**. Fleet Reservists who plan to reside or travel in a given country for a period in excess of 6 months shall report this fact to the Naval Attaché of the U.S., as appropriate. If it is impractical for the Fleet Reservist to report in person, a letter report shall be made via the most convenient U.S. diplomatic representative.

MILPERSMAN 1830-070

DUTIES OF ENLISTED MEMBERS TRANSFERRED TO THE FLEET RESERVE

Responsible Office	NAVPERSCOM (PERS-823)	Phone:	DSN COM FAX	882-3247 (901) 874-3247 882-2762

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1. **Policy**. Members of the Fleet Reserve may be ordered to active duty without their consent

a. in time of war or national emergency declared by the Congress and for 6 months thereafter.

b. in time of national emergency declared by the President or when otherwise authorized by law. Members of the Fleet Reserve will not, unless urgently required by particular circumstances, be ordered to active duty until examined by a medical officer of the Navy or Naval Reserve and found physically qualified for active duty.

2. **Amount of Active Service Required**. In time of peace, enlisted members of the Fleet Reserve may be required to perform not more than 2 months of active service during each 4-year period when so directed by the Navy Personnel Command (NAVPERSCOM). Under such regulations as may be prescribed by NAVPERSCOM, members of the Fleet Reserve may, with their consent, be ordered to active duty at any time.

3. **Who is Authorized to Issue Orders**. Orders shall be issued only by NAVPERSCOM, Chief of Naval Reserve, Fleet Commanders in Chief, Naval Force Commanders, and Commanding Officer, Naval Reserve Personnel Center.

4. **Other Employment**. When not on active duty, members of the Fleet Reserve may accept employment in any civil branch of the public service and may receive the pay and allowances incident to such employment in addition to any pay and allowances to which they may be entitled under the provisions of law.