MILPERSMAN 1916-010

RELEASE FROM ACTIVE DUTY OF RESERVE AND RETIRED ENLISTED PERSONNEL

Responsible Office	NAVPERSCOM (PERS-913)	Phone:	DSN COM FAX	882-4501 (901) 874-4501 882-2673

Governing Directives	NAVPERS 15909G, Enlisted Transfer Manual 10 U.S.C. 6330, 12308, 12313, and 12731

1. **Policy**

a. During war or national emergency enlisted Naval Reserve (including Fleet Reserve) and retired enlisted personnel serving on active duty will be released from active duty per instructions issued by Secretary of the Navy (SECNAV) or Navy Personnel Command (NAVPERSCOM).

b. During peacetime,

(1) enlisted personnel are released from active duty on the date of transfer to the Fleet Reserve.

(2) retired enlisted personnel are released on the date of retirement, unless otherwise directed by NAVPERSCOM.

(3) except as provided here, a member of the Naval Reserve may be released from active duty at any time by NAVPERSCOM.

(4) unless in a disciplinary status, members are not retained on active duty without their consent beyond the periods required or authorized by law, or by agreements executed by themselves and approved by competent authority.

(5) According to 10 U.S.C. 12686, a member of the Naval Reserve who is on active duty and is within 2 years of becoming eligible for retired or retainer pay under a purely military retirement system, may not be involuntarily released from that

duty until eligible for that pay, unless a release is approved by SECNAV.

2. **Training and Administration of Reserves (TAR) Program Personnel**

a. During peacetime, Naval Reservists on active duty in the TAR program, except as otherwise indicated here, may not be retained on active duty without the prior approval of NAVPERSCOM (PERS-913) beyond the day they became eligible for immediate receipt of retired or retainer pay, whichever is earlier, under 10 U.S.C. 6330, or other provisions of the law.

b. An exception to this policy is those paygrade E-7 through E-9 personnel who elect retention on active duty for 26 years, and those paygrade E-6 personnel who elect retention on active duty for 20 years, according to NAVPERS 15909G, chapter 22.

c. To preclude release to inactive duty without eligibility for retainer or retired pay benefits, members shall submit their requests for transfer to the Fleet Reserve or Retired List 12 months in advance of the desired dates.

d. Training and Administration of Reserves personnel who do not have an authorization for retention on active duty, as outlined in the NAVPERS 15909G, chapter 22, will be released from active duty or discharged on the day they become eligible for retainer or retired pay.

e. Naval Reserve personnel on active duty in the TAR program who accept advancement to paygrade E-7/8 will be required to complete active obligated service incurred through advancement without regard to the retention limitations noted above.

3. **Retirement Provisions**

a. Naval Reservists who qualify for retirement with pay under 10 U.S.C. 12731, and have reached age 60, normally do not receive retirement credit for active duty performed after attaining eligibility for retirement, unless retention in other than a retired status is specifically ordered by SECNAV as prescribed in 10 U.S.C. 12308.

b. Navy Personnel Command may supplement the Regular force with qualified reservists as needed to meet authorized strength in each grade and competitive category; however, no reservists, including active duty, active status, or retired reservists will be recalled to or retained on active duty solely for the purpose of increasing retired pay; or as a reward for long, distinguished service; or for a period extending beyond their 60th birthday.

c. A waiver of the age 60 restriction may be authorized by SECNAV, upon request by NAVPERSCOM,

(1) for a volunteer who is medically qualified for active duty,

(2) who has some special qualification or skill for which a military requirement exists, and

(3) which cannot be met by a Regular or Reserve member under age 60.

d. When service under these strict limitations is rendered after eligibility for retired pay has been achieved, such service will be credited to the member for retirement purposes.

MILPERSMAN 1916-020

PROCEDURES FOR TRANSFERRING REGULAR NAVY ENLISTED PERSONNEL TO THE NAVAL RESERVE TO FULFILL SERVICE OBLIGATIONS

Responsible Office	NAVPERSCOM (PERS-91)	Phone: DSN COM FAX	882-4482 (901) 874-4482 882-2753

Governing Directives	10 U.S.C. 651 BUPERSINST 1900.8

1. **Policy**. Enlisted personnel transferred to the Naval Reserve from the Regular Navy to fulfill service obligations shall not be discharged from the Regular Navy, nor shall a discharge certificate be issued.

2. **Applicability**. Except as otherwise provided here, the following procedures shall apply to non-U.S. citizens. Such members shall normally be discharged upon becoming eligible for separation from the service and shall terminate any military service obligation which may have been incurred under 10 U.S.C. 651. Appropriate entries to this effect shall be made in the service record of each member so discharged.

3. **Procedures**. The following instructions regarding procedures in effecting transfer to the Naval Reserve and concurrent release to inactive duty of enlisted members of the Regular Navy who have a service obligation remaining at the time of separation shall be complied with by activities to effect separations.

a. Issue a DD 214, Certificate of Release or Discharge from Active Duty, according to BUPERSINST 1900.8.

b. Issue orders covering transfer to the Naval Reserve. Distribute copies to the field service record, disbursing officer (2), and medical officer.

c. Personnel transferred from the Regular Navy to the Naval Reserve shall remain in their current pay grades.

d. Stamp or otherwise clearly mark the front cover of the member's USN service record "**Transferred to USNR-Ready Reserve.**" Forward closed service record, including a copy of SF 88, Report of Medical Examination, and a copy of SF 93, Report of Medical History, to:

Commanding Officer
Naval Reserve Personnel Center
New Orleans, LA 70149

Forward the health treatment record (medical and dental records) to:

Department of Veterans Affairs
Service Medical Records Center
St. Louis, MO 63115-8950

e. Final payment shall be according to instructions contained in pay directives. The notation, "**Transferred to USNR-R Ready Reserve (effective date of transfer)**" shall be entered in the member's pay record. A new pay record shall not be opened because of transfer to the Naval Reserve.