

**Army Regulation 15–80**

**Boards, Commissions, and  
Committees**

**Army Grade  
Determination  
Review Board  
and Grade  
Determinations**

**Headquarters  
Department of the Army  
Washington, DC  
12 February 2020**

**UNCLASSIFIED**

# ***SUMMARY of CHANGE***

AR 15–80

Army Grade Determination Review Board and Grade Determinations

This major revision, dated 12 February 2020—

- o Updates information on the policy and procedures for the operation of the Army Grade Determination Review Board (chap 2).
- o Deletes the requirement that grade determinations in 30-year cases (not involving reductions for misconduct, inefficiency, or cause) be conducted at time of retirement (para 3–2).
- o Authorizes retirement grade determinations for warrant officers in accordance with the amendment of Section 1371, Title 10, United States Code (para 4–2).
- o Supersedes Army Directive 2016–08, Authority to Conduct Warrant Officer Grade Determinations at Retirement (para 4–2).
- o Implements internal control provisions in accordance with AR 11–2 (app B).
- o Updates titles and addresses (throughout).

Effective 12 March 2020

**Boards, Commissions, and Committees**

**Army Grade Determination Review Board and Grade Determinations**

By Order of the Secretary of the Army:

**JAMES C. MCCONVILLE**  
*General, United States Army*  
Chief of Staff

Official:

  
**KATHLEEN S. MILLER**  
*Administrative Assistant*  
to the Secretary of the Army

grade determinations on behalf of the Secretary of the Army.

**Applicability.** This regulation applies to the Regular Army, Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve, unless otherwise stated. This regulation remains in full effect during mobilization.

**Proponent and exception authority.** The proponent of this regulation is the Assistant Secretary of the Army (Manpower and Reserve Affairs). 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. The Assistant Secretary of the Army (Manpower and

Reserve Affairs) has delegated this approval authority to the Deputy Assistant Secretary of the Army (Review Boards).

**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 app B).

**Supplementation.** Supplementation of this regulation and establishment of command and local forms are prohibited without prior approval from the Assistant Secretary of the Army (Manpower and Reserve Affairs) (SAMR–RBL), 251 18th Street South, 3rd Floor, Arlington, VA 22202–4508.

**Suggested improvements.** Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to the Assistant Secretary of the Army (Manpower and Reserve Affairs) (SAMR–RBL), 251 18th Street South, 3rd Floor, Arlington, VA 22202–4508.

**Distribution.** This regulation is available in electronic media only and is intended for the Regular Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve.

**History.** This publication is a major revision.

**Summary.** This regulation governs the actions and composition of the Army Grade Determination Review Board established by Department of the Army General Order 1985–16. This regulation also sets forth grade determination policy. The Army Grade Determination Review Board determines or recommends the highest grade satisfactorily held for service/physical disability retirement, retirement pay, and separation for physical disability. In discussing the authority of the Board, this regulation also references other organizations that have been delegated authority to make

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\*This regulation supersedes Army Regulation 15-80, dated 12 July 2002 and AD 2016-08 dated 1 March 2016.

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## **Chapter 1 Introduction**

### **Section I**

#### **General**

##### **1–1. Purpose**

This regulation establishes policies, procedures, and responsibilities of the Army Grade Determination Review Board (AGDRB) and other organizations delegated authority to make grade determinations on behalf of the Secretary of the Army (SA).

##### **1–2. References and forms**

See appendix A.

##### **1–3. Explanation of abbreviations and terms**

See glossary.

##### **1–4. Responsibilities**

Responsibilities are listed in section II of chapter 1.

##### **1–5. Records management (recordkeeping) requirements**

The records management requirement for all record numbers, associated forms, and reports required by this regulation are addressed in the Army Records Retention Schedule-Army (RRS–A). Detailed information for all related record numbers, forms, and reports are located in ARIMS/RRS–A at <https://www.arims.army.mil>. If any record numbers, forms, and reports are not current, addressed, and/or published correctly in ARIMS/RRS–A, see DA Pam 25–403 for guidance.

##### **1–6. Statutory authority**

The AGDRB reviews cases referred for purposes of secretarial grade determinations under the following or similar statutes: Sections 1212, 1370, 1371, 1372, 1401, 1406, 7343, 7344, and 12771, Title 10, United States Code (USC). Additionally, the AGDRB will review any other cases referred by the SA.

### **Section II**

#### **Responsibilities**

##### **1–7. Secretary of the Army**

The SA retains the prerogative to accomplish discretionary grade determinations without referral to the AGDRB. The SA retains sole authority to make discretionary grade determinations in cases involving brigadier and major generals. Under the provision of 10 USC 1370, in the case of an officer who is requesting active duty retirement in the grade of general or lieutenant general, the SA may retire such officers in one of those grades only after the Secretary of Defense certifies in writing to the President and Congress that the officer has served satisfactorily on active duty in the grade of general or lieutenant general. The SA retains authority to take final action in any case in which a subordinate authority, including the AGDRB, would otherwise be authorized to take final action. Final determinations of grade rest exclusively with the SA and the Secretary's designees. No one will enter into any agreement that will in any way limit the exercise of that discretion.

##### **1–8. Chief of Staff, Army**

The CSA, or designee, will recommend general officers to the SA, or designee, to serve as members of the AGDRB when it considers cases involving general officers.

##### **1–9. Assistant Secretary of the Army (Manpower and Reserve Affairs)**

The ASA (M&RA), after consultation with the CSA, will appoint general officers for the AGDRB when it considers cases involving general officers. The ASA (M&RA) retains the authority to take final action in any case in which a subordinate authority, including the AGDRB, would otherwise be authorized to take final action.

### **1–10. Deputy Assistant Secretary of the Army (Review Boards)**

The DASA (RB) will—

- a.* Appoint general officer members of the AGDRB when it considers cases involving individuals in the grade of colonel.
- b.* Make discretionary grade determinations on behalf of the SA for officers below the grade of brigadier general involving service retirement, physical disability retirement, computation of retired pay, or other separation for physical disability. The DASA (RB) retains the authority to take final action in any case in which a subordinate authority, including the AGDRB, would otherwise be authorized to take final action.

### **1–11. Director, Military Review Boards, Army Review Boards Agency**

The Director, Military Review Boards, Army Review Boards Agency (ARBA) will—

- a.* Appoint members of the AGDRB (except for general officers) to consider cases involving individuals below the grade of brigadier general.
- b.* Publish the decisions of the AGDRB when it acts as the final authority for grade determinations.

### **1–12. Senior Legal Advisor, Army Review Boards Agency**

The Senior Legal Advisor, ARBA will—

- a.* Monitor the Army grade determination review process.
- b.* Compile and organize evidence for review by the AGDRB.
- c.* Serve as recorder or appoint an attorney designee as recorder for the AGDRB involving general officers.
- d.* Report AGDRB recommendations to the appropriate official for final determination when appropriate.
- e.* Provide legal advice to the AGDRB.
- f.* For officer grade determinations, provide notice and an opportunity to respond to individuals being considered by the AGDRB or assign an attorney designee to do so.

### **1–13. Army Grade Determination Review Board**

The AGDRB will make final discretionary grade determinations on behalf of the SA for—

- a.* Enlisted Soldiers at time of separation; this will usually apply only to disability cases.
- b.* Retiring or retired enlisted Soldiers or warrant officers in 30-year cases.
- c.* These final grade determinations will be by majority vote. In all other cases considered by the AGDRB, the members of the AGDRB will recommend to the appropriate authority the highest grade satisfactorily served.

### **1–14. Commanding General, United States Army Human Resources Command**

- a.* The CG, HRC will—
  - (1) Support the grade determination process by compiling records for consideration by the AGDRB.
  - (2) Make automatic grade determinations when acting as the separation authority (see para 2–3 and the glossary).
  - (3) Ensure retiring officers' records are reviewed for referral to the AGDRB.
  - (4) Serve as the waiver authority for the active duty service obligation (ADSO) when a Soldier requests retirement before the expiration of an ADSO (see para. 2–4).
- b.* Cases in which grade determination authority as set forth in paragraph 1–14*a* has been withheld will be forwarded by HRC for final grade determination by the AGDRB or higher authority.

### **1–15. Separation authorities**

Separation authorities will accomplish automatic grade determinations at the time of a Soldier's separation. Separation authorities will ensure that the personnel records of individuals not subject to automatic grade determinations are forwarded to the proper authority as identified in this regulation for grade determinations.

## **Chapter 2 General**

### **Section I**

#### **Army Grade Determination Review Board Establishment and Functions**

##### **2–1. Army Grade Determination Review Board establishment**

The AGDRB operates within the Office of the Secretary of the Army under the supervision of and as a component board of the ARBA. The AGDRB consists of military officers senior in rank to and in at least a grade equal to the highest grade held by the individual whose grade is being considered. Additionally, at least one member of the AGDRB will be at least one grade higher than the highest grade held by the individual whose grade is being considered. If the individual whose grade is being considered is a member of the Reserves, at least one member of the AGDRB must be a member of the Reserves in accordance with 10 USC 12643. The member is not required to be a member of the same component of the Reserves. For example, if the individual under consideration is a member of the U.S. Army Reserves, the Reserve member may be part of the Army National Guard. Three members constitute a quorum. A board recorder, if appointed, will be an additional member without vote who assists the AGDRB with its deliberations.

##### **2–2. Army Grade Determination Review Board functions**

The AGDRB considers individual cases that are referred to it in accordance with this regulation. It directs or recommends the final grade determination that affects an individual's separation or retired pay. The AGDRB decides cases on the evidence of record. It is not an investigative body. AGDRB discussions and individual votes of members are privileged and confidential and will be disclosed only to those individuals in the decision-making process with a need to know.

##### **2–3. Automatic grade determinations**

*a.* Most grade determinations do not require action by the AGDRB or the exercise of discretion by other authorities because they are automatic grade determinations that result from the operation of law and this regulation. For example, under 10 USC 7341, an enlisted Soldier will normally retire at the grade held on the date of retirement. Under 10 USC 1370, an officer will normally retire at the highest grade served, unless service at that grade is deemed unsatisfactory, or the officer failed to meet statutory time in grade (TIG) requirements. Circumstances requiring referral for discretionary grade determinations are discussed in chapters 3 and 4.

*b.* Automatic grade determinations do not include cases where—

(1) Reversion to a lower grade was expressly for prejudice or cause, owing to misconduct, or punishment pursuant to Article 15, Uniform Code of Military Justice (UCMJ, Art. 15) or court-martial.

(2) In cases involving officers, there is information to indicate that service in the highest grade served may not have been satisfactory.

### **Section II**

#### **Guidance**

##### **2–4. Grade determination considerations**

A grade determination is an administrative decision to determine appropriate retirement grade, retirement pay, or other separation pay. Although a lower grade determination may affect an individual adversely, such determinations under this regulation are not punitive. The AGDRB will consider each case on its own merits. Generally, determination will be based on the Soldier's overall service in the grade in question, either on active duty or other service qualifying the Soldier for retirement, receipt of retired pay, or separation for physical disability. Circumstances pertinent to whether such service is found satisfactory include, but are not limited to, the following:

*a.* Medical reasons, which may have been a contributing or decisive factor in a reduction in grade, misconduct, or substandard performance.

*b.* Compassionate circumstances.

*c.* Length of otherwise satisfactory service in the grade in question, before and after the misconduct. Additionally, the AGDRB cannot waive statutory TIG requirements for retirement at the current grade, such as the 31 or more days of service required at a previously held higher grade for a warrant officer to retire at the higher grade under the provisions of 10 USC 1371; the 6 months for second lieutenants through majors; and the 3 years for lieutenant colonels and above under

the provision of 10 USC 1370, except as otherwise specifically authorized by law. For instance, TIG requirements can be negated by operation of law in disability cases under provisions 10 USC 1372.

*d.* The following examples help explain how ADSO policies affect grade determinations. (Policies regarding the retirement processing of Soldiers having ADSOs and policies regarding the promotion and reduction of enlisted Soldiers are addressed in AR 350–100, AR 635–200, AR 600–8–19, and AR 600–8–24. Consult these regulations for current and definitive policies and procedures.) For example, Soldiers promoted to sergeant first class, master sergeant/first sergeant, or sergeant major/command sergeant major incur a 2-year ADSO (see AR 600–8–19). If a Soldier requests retirement effective before the expiration of this ADSO, a retirement approval authority can deny the request or CG, HRC can waive the ADSO and approve the retirement. A promoted enlisted Soldier may not be reduced administratively only to terminate a promotion. ADSO, and the waiver of an ADSO, will normally result in the individual’s retirement in the grade to which promoted if that is the highest grade satisfactorily held (see AR 635–200). Note this circumstance would not require referral to the AGDRB because the grade determination would be automatic. The Soldier would retire at the promoted grade, unless the Soldier was entitled to retire at a higher grade under some other provision of law. An ADSO can also be waived by operation of law in disability cases.

*e.* Performance level, as reflected in evaluation reports and other portions of the service record that reflect performance. In reviewing these matters, the AGDRB will consider whether reporting officials were aware of the performance giving rise to the grade determination.

*f.* Nature and severity of misconduct, if any. Although the punishment an individual has received may be one factor in determining the seriousness of misconduct, the amount of punishment will not be considered in determining whether the individual has been “punished enough.” Grade determinations are not considered punitive, and the standard for grade determinations is “highest grade satisfactorily served,” not whether the individual has been sufficiently punished.

*g.* The grade at which the misconduct was committed.

*h.* The grade at which the misconduct was addressed by proper authorities.

## **2–5. Unsatisfactory service**

Service in the highest grade or an intermediate grade normally will be considered to have been unsatisfactory when:

*a.* Reversion to a lower grade was—

- (1) Expressly for prejudice or cause.
- (2) Owing to misconduct.
- (3) Caused by nonjudicial punishment pursuant to UCMJ, Art. 15.
- (4) The result of the sentence of a court-martial.

*b.* There is sufficient unfavorable information to establish that the Soldier’s service in the grade in question was unsatisfactory. One specific act of misconduct may or may not form the basis for a determination that the overall service in that grade was unsatisfactory, regardless of the period of time served in grade. Retirement in lieu of or as the result of elimination action will not, by itself, preclude retirement in the highest grade; however, the underlying misconduct and/or sub-standard performance can result in a determination that service in grade was unsatisfactory.

## **2–6. Service in lower grade**

If service in the highest grade held was unsatisfactory, the Soldier can be deemed to have served satisfactorily in the next lower grade actually held, unless paragraph 2–5 applies with regard to that next lower grade.

## **2–7. Period of service**

All active service may be considered as continuous, or each period of duty may be considered separately if it is to the Soldier’s benefit and there has been a break in service, unless a specific interpretation is required by statute. For example, under 10 USC 1371, “Served on active duty satisfactorily, as determined by the Secretary, for a period of more than 30 days” requires a call or order that does not specify a period of 30 days or less (see 10 USC 101).

## **2–8. Information to be considered**

The Soldier whose case is being considered is not entitled to appear before the AGDRB. The AGDRB may consider any evidence relevant to the grade determination regardless of whether or not the information is part of the Soldier’s Army Military Human Resource Record (AMHRR). Any evidence not contained in the Soldier’s AMHRR will be referred to the Soldier for review and comment, unless the Soldier has previously been provided the evidence or the Soldier is known to possess it. Before the AGDRB may consider any evidence, the individual will be advised—

*a.* That their grade will be considered by the AGDRB.

*b.* Of what evidence will be considered.

- c. Of the right to consult with a military lawyer, or seek private civilian counsel at no expense to the Government.
- d. Of the opportunity within a reasonable period of time to submit matters in writing for consideration by the AGDRB. Thirty days from the date of notification will usually, but not always, be deemed a reasonable period in which to respond. The Senior Legal Advisor, ARBA, or an attorney designee, may grant requests for extensions of time to respond based upon a showing of good cause. In cases initiated by a request from the subject individual (see para 3–2*b*), the applicant need not be given this notice when the only evidence to be considered is contained in the applicant’s AMHRR or is submitted by the applicant. These applicants, however, have the same rights to counsel as discussed in paragraph 2–8*c*.

## **2–9. Forwarding cases for review**

Cases for review by the AGDRB will be forwarded through the appropriate personnel command to the Army Review Boards Agency, Army Grade Determination Review Board, 251 18th Street South, 3rd Floor, Arlington, VA 22202–4508.

## **2–10. Reviews**

If a Soldier, retiree, or other former Soldier believes an error or injustice has occurred with respect to their grade determination by the AGDRB, the individual can apply to the Army Board for Correction of Military Records (ABCMR). AR 15–185 sets forth procedures for petitioning the ABCMR for relief.

# **Chapter 3**

## **Enlisted Personnel Grade Determinations**

### **3–1. General**

a. Enlisted Soldiers will usually retire in the grade held on the day before their placement on the retired list and are not subject to discretionary grade determinations, except for disability separations and 30-year cases set forth in this chapter. For enlisted cases, the AGDRB will make final determinations on behalf of the SA unless that authority is reserved by higher authority in a particular case or type of cases. It will determine the highest grade in which a Soldier has served satisfactorily for purposes of 30-year cases, physical disability retirement, other computations of retired pay (see 10 USC 1406 or 10 USC 1407), or separation for physical disability with severance pay. While enlisted Soldiers may be reduced in grade by courts-martial, nonjudicial punishment proceedings (see UCMJ, Art. 15), administrative separation proceedings, or inefficiency boards, enlisted grade determinations cannot result in reduction of an enlisted Soldier’s or retiree’s current grade. Enlisted grade determinations will result in either a decision to retain the individual’s current grade or to advance to a higher grade in which the individual satisfactorily served or to which advancement is otherwise provided by law. Enlisted Soldiers who are determined not to have served satisfactorily in the highest grade held and who first became members after September 7, 1980, and therefore would normally fall under the high-36 month average for calculation of retired pay, do not get the benefit of that averaging if reduced in grade as the result of court-martial, nonjudicial punishment, or an adverse administrative action (see 10 USC 1407).

b. The AGDRB has the authority to advance an individual to the grade of E–8, but does not have the authority to change or correct a record from being a retired E–8/Master Sergeant to a retired E–8/First Sergeant or retired E–9/Sergeant Major to retired E–9/Command Sergeant Major. Such requests must be made to the ABCMR.

### **3–2. Thirty-year cases**

a. 10 USC 7344 entitles retired members of the Army who are retired with fewer than 30 years of active service, when such member’s active service plus service on the retired list totals 30 years, to be advanced on the retired list to the highest grade served during active service satisfactorily. The AGDRB reviews each case individually to determine the highest grade served during active service satisfactorily. This is not an automatic advancement on the retired list. 10 USC 7344 does not apply in retirement for non-regular service (Reserve retirement) cases. 10 USC 7344 applies to warrant officers of the Army; enlisted members of the Regular Army; and Reserve enlisted members of the Army who, at the time of retirement, were serving on active duty (or, in the case of members of the National Guard, were on full-time National Guard duty). These individuals are eligible for advancement on the retired list when their active service plus service on the retired list totals 30 years. Individuals to be placed on the retired list with at least 30 years of active service will be considered for immediate advancement on the retired list. “Highest grade served on active duty” is the grade to which a Soldier was actually promoted and paid pursuant to a lawful promotion. If the highest or intermediate grade was an officer grade, the statutory TIG requirements for that grade must also be met to be deemed satisfactory (see para 2–4*c*). “Highest grade served on active duty” does not include merely being in a promotable status or serving in, “acting,” or holding a position or job title authorized at a higher grade, such as acting first sergeant or acting sergeant major. Former officers who reverted to a prior enlisted or warrant officer status for retirement (because they failed to satisfy the commissioned officer service

requirement of 10 USC 7311 to retire as a commissioned officer) qualify for potential advancement under this procedure. Thirty-year cases are the only type of grade determinations that are initiated by the individual concerned. Thirty-year cases must be initiated by a written request from the retiree concerned. When a reduction from the highest grade served was caused by misconduct, inefficiency, or for cause, the retiree can initiate the grade determination process within 6 months before the 30-year mark or later. In such cases, the retiree is presumed not to have served satisfactorily in the higher grade. Regardless of when the 30-year grade determination is accomplished, any resulting advancement on the retired list will not be effective until the 30-year mark or the receipt of the request, whichever is later. Figure 3-1 provides a sample application to initiate a 30-year grade determination. An individual whose grade was not determined at the time of retirement will mail an application to Army Review Boards Agency Screening Team (SAMR-RBD-MS), 251 18th Street South, 3rd Floor, Arlington, VA 22202-3531. The applicant's military records will be forwarded with the application to the AGDRB for consideration. In the case of an individual whose grade is being determined at the time of retirement, retirement authorities will send the application to Commander, Human Resources Command, (AHRC-OPL), 1600 Spearhead Division Avenue, Department 280, Fort Knox, KY 40122-5208.

*b.* If the AGDRB advances an applicant's grade, any increase in retired pay will be retroactive to the date of eligibility for advancement (that is, the 30-year mark) or the date the request for advancement is received, whichever is later. In some circumstances, advancement on the retired list to a higher commissioned grade will result in a loss of retired pay. For example, a CW4 with more than 24 years of service is paid more than an O-3E with more than 24 years of service. Under 10 USC 7345, an individual so advanced as a 30-year case may petition within 3 months of the advancement to be restored on the retired list to the former grade. In those cases when advancement would result in a loss of pay, the AGDRB will notify the applicant of that outcome and allow the individual to withdraw the application for advancement. As an alternative, the applicant can apply to the ABCMR as a matter of equity to retain the higher grade determined by the AGDRB and the higher pay of the lower grade. If the ABCMR denies the application, the applicant can request restoration on the retired list to the former grade. AR 15-185 sets forth procedures for petitioning the ABCMR for relief.

[Date]

Army Review Boards Agency  
ATTN: SAMR-RBD-MS  
251 18th Street South  
Arlington, VA 22202-3531

TO: Army Grade Determination Review Board:

I request to be advanced on the retired list to the highest grade that I satisfactorily held during active service (active duty or full-time National Guard duty) under the provisions of section 3964, title 10, United States Code. Although I retired on [ date ] in the grade of [ insert retired rank ], I previously held the grade of [ insert last held rank ] during active service. According to my calculation, I believe I have a total of 30 years of active service and time on the retired list (periods of inactive Reserve or Guard time cannot be used in your calculation). (Although not required, you can explain your situation.)

Examples: (1) While I was in the National Guard, I accepted a voluntary administrative reduction (without prejudice) to fill a full-time position. (2) My reduction was caused by a break in service. (3) I was not selected for promotion and reverted to my previous enlisted or warrant status. (4) I was reduced by Article 15.

[IF THE REDUCTION WAS CAUSED BY MISCONDUCT] I understand AR 15-80 provides, "Generally, service in a grade will not be considered to have been satisfactory when reversion to a lower grade was expressly for prejudice or cause, due to misconduct, caused by nonjudicial punishment pursuant to article 15, UCMJ, or the result of the sentence of a court-martial." However, I believe the Army Grade Determination Review Board should advance me on the retired list to the grade of [ insert last held rank ] because (state your reason(s)).

In support of this request, I provide copies of the following documents:

<u>  x  </u>	Final DD Form 214
<u>  x  </u>	Promotion Order to Highest Grade Held
<u>  x  </u>	Retirement Application
<u>  x  </u>	Reduction Order, if applicable
<u>  x  </u>	Revocation Order, if applicable
<u>  x  </u>	Article 15 or Court-Martial Order, if applicable

My full name is: [ Last, MI, First Name ]

My DOD identification number is: [ insert DODID ]

My mailing address is: [ insert current address ]

If you need to contact me you may call me at (XXX)- XXX - XXXX or email me at: [ insert email address ].

[ Signature ]

Figure 3-1. Sample application to initiate a 30-year grade determination

### **3–3. Physical disability cases**

An enlisted Soldier being processed for physical disability separation or disability retirement, not currently serving in the highest grade served, will be referred to the AGDRB for a grade determination, unless the Soldier is entitled to a higher or equal grade by operation of law (see 10 USC 1212 and 10 USC 1372). 10 USC 1212 and 10 USC 1372 provide generally that a Soldier separated for physical disability will have retired or severance pay calculated based upon the higher of current grade, highest grade satisfactorily served (if not the current grade), or the grade to which one would have been promoted had it not been for the physical disability (that is, was on an approved promotion list). Soldiers denied advancement under this provision are not eligible for consideration later as a 30-year case.

### **3–4. Reserve enlisted members reduced not as a result of the member's misconduct**

A Reserve enlisted member who, at the time of regular retirement after September 30, 1996, is serving on active duty or full-time National Guard duty in a grade lower than the highest enlisted grade held by the member while on active duty or full-time National Guard duty, and was previously administratively reduced in grade not as a result of the member's own misconduct, as determined by the Secretary of the Army, will be retired in the highest enlisted grade served satisfactorily on active duty or on full-time National Guard duty, as determined by the Secretary of the Army. See 10 USC 7343.

## **Chapter 4 Officer Personnel Grade Determinations**

### **4–1. General**

*a.* An officer is not automatically entitled to retire in the highest grade served on active duty for regular retirement or the highest grade served for non-regular retirement. Instead, an officer is retired in the highest grade served on active duty satisfactorily for regular retirement or the highest grade satisfactorily served for non-regular retirement, as determined by the SA or the Secretary's designee. For officers below the grade of brigadier general, the AGDRB will recommend to the DASA (RB), for final determination, the highest grade in which an officer has served satisfactorily for purposes of service/physical disability retirement, computation of retired pay, or separation for physical disability. The AGDRB recommendation is advisory, and the SA or the SA's designee, including DASA (RB), is not bound by that recommendation.

*b.* Except as noted in this paragraph, officer grade determinations will result in either a decision to retain the individual's current grade as the retired grade or change the retired grade to a grade lower than that currently held. However, physical disability cases may result in a higher grade by operation of law than that actually served (see para 4–3).

*c.* Officer grade determinations are normally accomplished at time of retirement or disability separation, and the officer's grade is fixed at that time. A grade determination can be reopened or determined by the Army after separation, if—

(1) The separation and/or accompanying grade determination was procured by fraud.

(2) Substantial new evidence discovered after, contemporaneously with, or within a short time before separation could result in a lower grade determination and there was insufficient time to complete the grade determination before retirement. For example, if an officer's misconduct while still on active duty is later documented by completed investigation, memorandum of reprimand, nonjudicial punishment, or conviction after retirement, and such misconduct was not discoverable through due diligence in a reasonable time before retirement to allow a grade determination, a new grade determination may be completed. (See 10 USC 1370.)

(3) A mistake of law or mathematical miscalculation led to an improper separation or grade determination.

(4) It is a 30-year grade determination for a warrant officer.

(5) It is a non-regular retirement. Non-regular retirement grade determinations must be completed before receipt of retired pay, unless one of the earlier exceptions applies.

*d.* All retirements, except for disability separations, involving officers who, since their last promotion, have been the subject of any substantiated adverse finding or conclusion from an officially documented investigation, proceeding, or inquiry (except minor traffic infractions) will be forwarded to the AGDRB for a grade determination, provided such information is reflected, or should be reflected by regulation, in the officer's AMHRR. Examples of such findings or conclusions include, but are not limited to, a memorandum of reprimand; nonjudicial punishment under UCMJ, Art. 15; or court-martial or civilian conviction. Even if the information is not required to be filed in the officer's AMHRR, the separation authority may forward for a grade determination any retirement of an officer when there is information deemed substantiated, adverse, and material to determination of retired grade.

*e.* Officers who are determined not to have served satisfactorily in the highest grade held and who first became members after September 7, 1980, and therefore would normally fall under the high-36 month average for calculation of retired pay, do not get the benefit of that averaging. See 10 USC 1407.

#### **4–2. Warrant officers**

Warrant officer cases will be processed as follows:

- a.* For advancement to a higher grade after 30 years of service, cases will be administered in the manner set forth for enlisted Soldiers (see para 3–2).
- b.* Unless entitled to a higher retired grade under some other provision of law, a warrant officer will be retired in the highest Regular or Reserve warrant officer grade in which the warrant officer served satisfactorily, as determined by the SA or the SA’s designee. Grade determinations will be conducted as set forth in paragraph 4–1.
- c.* Warrant officers do not have to meet the commissioned officer active service requirement of 10 USC 7311 to retire as warrant officers.
- d.* All other cases will be administered in the manner set forth for other officers.

#### **4–3. Physical disability cases**

Officers being processed for physical disability separation or disability retirement, not currently serving in the highest grade served, will be referred to the AGDRB for a grade determination, unless the officer is entitled to a higher or equal grade by operation of law (see 10 USC 1212 and 10 USC 1372). The AGDRB cannot waive the statutory time in grade requirements for officer positions; however, these provisions are waived by operation of law in some automatic grade determinations for physical disability separations or retirements.

## **Appendix A**

### **References**

#### **Section I**

##### **Required Publications**

This section contains no entries.

#### **Section II**

##### **Related Publications**

A related publication is a source of additional information. The user does not have to read it to understand this publication. Unless otherwise indicated, Department of the Army publications are available on the Army Publishing Directorate website (<https://armypubs.army.mil>). USC material is available at <https://www.gpo.gov/fdsys/>.

##### **AR 11–2**

Managers' Internal Control Program

##### **AR 15–185**

Army Board for Correction of Military Records

##### **AR 25–30**

Army Publishing Program

##### **AR 27–10**

Military Justice

##### **AR 135–18**

The Active Guard Reserve Program

##### **AR 135–180**

Retirement for Non-Regular Service

##### **AR 135–200**

Active Duty for Missions, Projects, and Training for Reserve Component Soldiers

##### **AR 140–185**

Training and Retirement Point Credits and Unit Level Strength Accounting Records

##### **AR 350–100**

Officer Active Duty Service Obligations

##### **AR 600–8–19**

Enlisted Promotions and Reductions

##### **AR 600–8–24**

Officer Transfers and Discharges

##### **AR 635–40**

Physical Evaluation for Retention, Retirement, or Separation

##### **AR 635–200**

Active Duty Enlisted Separations

##### **DA Pam 25–403**

Guide to Recordkeeping in the Army

##### **DOD 7000.14–R, Volume 7B**

Department of Defense Financial Management Regulation (Military Pay Policy–Retired Pay) (Available at <https://comptroller.defense.gov/fmr.aspx>.)

##### **UCMJ**

(Available at <http://www.ucmj.us>.)

##### **10 USC Chapter 47**

Uniform Code of Military Justice

**10 USC Chapter 1223**

Retired Pay for Non-Regular Service

**10 USC 101**

Definitions

**10 USC 1212**

Disability severance pay

**10 USC 1370**

Commissioned officers: general rule; exceptions

**10 USC 1371**

Warrant officers: general rule

**10 USC 1372**

Grade on retirement for physical disability: members of armed forces

**10 USC 1401**

Computation of retired pay

**10 USC 1402**

Recomputation of retired or retainer pay to reflect later active duty of members who first became members before September 8, 1980

**10 USC 1406**

Retired pay base for members who first became members before September 8, 1980: final basic pay

**10 USC 1407**

Retired pay base for members who first became members after September 7, 1980: high-36 month average

**10 USC 1552**

Correction of military records: claims incident thereto

**10 USC 7311**

Twenty years or more: regular or reserve commissioned officers

**10 USC 7341**

General rule

**10 USC 7342**

Higher grade for service in special positions

**10 USC 7343**

Highest grade held satisfactorily: Reserve enlisted members reduced in grade not as a result of the member's misconduct

**10 USC 7344**

Higher grade after 30 years of service: warrant officers and enlisted members

**10 USC 7345**

Restoration to former grade: retired warrant officers and enlisted members

**10 USC 12643**

Boards for appointment, promotion, and certain other purposes: composition

**10 USC 12771**

Reserve officers: grade on transfer to Retired Reserve

**Section III**

**Prescribed Forms**

This section contains no entries.

## **Section IV**

### **Referenced Forms**

Unless otherwise indicated, DA forms are available on the Army Publishing Directorate website (<https://armypubs.army.mil>). DD forms are available on the Office of the Secretary of Defense website (<http://www.esd.whs.mil/directives/forms>).

#### **DA Form 11–2**

Internal Control Evaluation Certification

#### **DA Form 2028**

Recommended Changes to Publications and Blank Forms

#### **DD Form 214**

Certificate of Release or Discharge from Active Duty (Referenced in figure 3–1.)

## **Appendix B**

### **Internal Control Evaluation**

#### **B–1. Function**

The function covered by this evaluation is the conformance to higher statutory and regulatory authorities referenced in this regulation.

#### **B–2. Purpose**

The purpose of this evaluation is to assist assessable unit managers and internal control administrators (ICAs) in evaluating the key internal controls listed. It is not intended as a guide and does not cover all controls.

#### **B–3. Instructions**

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

#### **B–4. Test questions**

- a.* Do the provisions of this regulation conform to federal statutes that address grade determinations?
- b.* Do the provisions of this regulation conform to DOD regulations that address grade determinations?
- c.* Do the provision of this regulation conform to any Department of the Army directives or other Department of the Army policy pronouncements that address grade determinations that have been promulgated since this regulation was last revised?
- d.* Do the provisions of this regulation take into account the practicalities regarding how grade determinations are processed and adjudicated at Army Review Boards Agency?

#### **B–5. Supersession**

Not applicable.

#### **B–6. Comments**

Help make this a better tool for evaluating management controls. Submit comments to the Deputy Assistant Secretary of the Army (Review Boards) (SAMR–RBL), 251 18th Street South, 3rd Floor, Arlington, VA 22202–4508.

## **Glossary**

### **Section I**

#### **Abbreviations**

**ABCMR**

Army Board for Correction of Military Records

**ADSO**

active duty service obligation

**AGDRB**

Army Grade Determination Review Board

**AMHRR**

Army Military Human Resource Record

**AR**

Army regulation

**ARBA**

Army Review Boards Agency

**ARIMS**

Army Records Information Management System

**ASA (M&RA)**

Assistant Secretary of the Army (Manpower and Reserve Affairs)

**CG**

commanding general

**CSA**

Chief of Staff, Army

**DA Form**

Department of the Army form

**DA Pam**

Department of the Army pamphlet

**DASA (RB)**

Deputy Assistant Secretary of the Army (Review Boards)

**DD Form**

Department of Defense form

**DOD**

Department of Defense

**HRC**

United States Army Human Resources Command

**ICA**

internal control administrators

**RRS-A**

Records Retention Schedule-Army

**SA**

Secretary of the Army

**TIG**

time in grade

**UCMJ**

Uniform Code of Military Justice

USC  
United States Code

## **Section II**

### **Terms**

#### **Active duty**

Full-time duty in the active military service of the United States, including full-time training duty, annual training duty, and attendance while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned.

#### **Active duty service obligation**

Time period during which an individual is required to serve on active duty based on statutory, regulatory, or contractual requirements.

#### **Active service**

Service on active duty or full-time National Guard duty (see 10 USC 101).

#### **Army**

The Regular Army, Army of the United States, Army National Guard of the United States, and the United States Army Reserve.

#### **Automatic grade determination**

A nondiscretionary grade determination dictated by law or regulation. Does not include cases where—

- a. Reversion to a lower grade was expressly for prejudice or cause, owing to misconduct, or punishment pursuant to UCMJ, Art. 15; court-martial; or adverse administrative action.
- b. In cases involving officers there is information to indicate that service in the highest grade served may not have been satisfactory.

#### **Discretionary grade determination**

A grade determination that results from the conduct of a deliberative decision process.

#### **Grade**

A step or degree in a graduated scale of military rank that is established as a grade by law or regulation.

#### **Grade determination**

Administrative process by which the Secretary of the Army or the Secretary's designees determine the pay grade at which an individual will receive retirement or other separation pay.

#### **Highest grade served on active duty**

The highest grade to which an individual on active duty was actually and lawfully promoted and paid. It does not include being in a promotable status for the higher grade or serving in a position authorized a higher grade than actually held.

#### **Intermediate grade**

Grade served falling between the highest grade served and the grade held at the time of grade determination.

#### **Officer**

Except where expressly indicated otherwise, includes commissioned or warrant (regardless of whether commissioned) officer, but excludes noncommissioned officer.

#### **Retirement approval authority**

The official authorized by Army regulations to approve requests for retirement.

#### **Retirement for length of service**

Retirement of Soldiers who have served 15 or more years in the active military service.

#### **Retirement for non-regular service (Reserve retirement)**

Retirement granted members or former members of the Reserve Components after completion of 20 or more years of qualifying service (points and active duty) and on attaining age 60 (which age can be reduced based on time deployed). Pay is based on the highest grade satisfactorily held at any time during an individual's entire period of service, other than in an inactive section of a Reserve Component or a retired section not on active duty.

**Retirement for physical disability**

Retirement of Soldiers by reason of physical disability. Such Soldiers are placed on either the permanent or temporary disability retired list as directed by the Secretary of the Army, as prescribed in AR 635–40.

**Senior in grade**

Holding a higher grade.

**Senior in rank**

Senior by grade, date of rank, or order of precedence among members of the Armed Forces.

**Separation**

An all-inclusive term applied to personnel actions resulting from release from active duty, discharge, retirement, being dropped from the rolls, release from military control of personnel without a military status, or death.

**Separation authority**

The official authorized by Army regulations to take final action on specified types of separations.

**Served on active duty satisfactorily for a period of more than 30 days**

For some warrant officer grade determinations 10 USC 1371 requires a call or order that does not specify a period of 30 days or less (see 10 USC 101).

**Service retirement**

Includes retirement for length of service and retirement for non-regular service, but excludes disability retirement.

**Thirty-year cases**

Cases in which certain retired or retiring enlisted Soldiers and warrant officers are eligible for advancement on the retired list to the highest grade satisfactorily served upon attaining a total of 30 years of active service and time on the retired list. Does not apply to retirements for non-regular service (Reserve retirements).

**Time in grade**

Amount of time served at a particular grade, typically used in reference to eligibility for promotion or separation.

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