

Army Regulation 135–32

Army National Guard and Reserve

Retention in an Active Status After Qualification for Retired Pay

**Headquarters
Department of the Army
Washington, DC
29 July 2019**

UNCLASSIFIED

SUMMARY of CHANGE

AR 135–32

Retention in an Active Status After Qualification for Retired Pay

This regulation is certified current as of 29 July 2019. Aside from the following administrative changes, no other changes were made to certify the currency of this regulation—

- o Updates the applicability and distribution statements (title page).
- o Adds an Armywide policy on records management (para 5).
- o Updates website addresses and references (app A).

Effective 27 April 2017

Army National Guard and Reserve

Retention in an Active Status After Qualification for Retired Pay

By Order of the Secretary of the Army:

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General, United States Army
Chief of Staff

Official:


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History. This publication is certified current as of 29 July 2019. Aside from the administrative changes listed in the summary of change, no other changes were made to certify the currency of this regulation. No content has been changed.

Summary. This regulation implements 10 USC 12308, regarding the retention of certain Reserve Component Soldiers in an active Reserve status beyond the date they become qualified for retired pay.

Applicability. This regulation applies to the Reserve Component Army Medical Department, chaplains, and warrant officers (including commissioned warrant officers). It does not apply to personnel on the Standby Reserve inactive status list or the retired list. Also, it does not apply to those in the inactive Army National Guard, the Retired Reserve, the Active Guard Reserve program, the Regular Army, or general officers.

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 B).

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–MPO–D), 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 the Deputy Chief of Staff, G–1 (DAPE–MPO–D), 300 Army Pentagon, Washington, DC 20310–0300.

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.

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Glossary

*This regulation supersedes AR 135-32, dated 4 May 2004.

1. Purpose

This regulation prescribes policies, procedures, and responsibilities for retaining Reserve Component (RC) Army Medical Department (AMEDD) officers, chaplains, and warrant officers (including commissioned warrant officers), who are eligible by age and years of service to immediately receive nonregular retirement pay but have not attained their statutory mandatory removal date for age, in an active Reserve status past the date they become qualified for retired pay under Section 12731, Title 10, United States Code (10 USC 12731). This action is by order of the Secretary of the Army per 10 USC 12308 (transferred from 10 USC 676 by the National Defense Authorization Act for Fiscal Year 1995) and is required to ensure that service beyond the qualification date is creditable.

2. References and forms

See appendix A.

3. Explanation of abbreviations and terms

See the glossary.

4. Responsibilities

The authority to approve or disapprove retention of officers indicated in paragraph 6 is indicated below.

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

(1) Chief, National Guard Bureau (CNGB) for Army National Guard of the United States (ARNGUS) officers.

(2) Commander (CDR), U.S. Army Human Resources Command (HRC), acting on behalf of Chief, Army Reserve, for eligible United States Army Reserve (USAR) AMEDD officers and USAR nonunit warrant officers (including commissioned warrant officers).

(3) Chief of Chaplains for RC chaplains.

(4) Army area commanders for USAR troop program unit (TPU) warrant officers (including commissioned warrant officers).

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

(1) CNGB, the adjutants general of all States and territories, and the Commanding General, District of Columbia National Guard for ARNGUS officers.

(2) Commander, HRC and Army area commanders. Army area commanders may further delegate this authority to general officer commanders of their direct reporting units.

(3) Chief of Chaplains for RC chaplains.

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.

6. Eligibility for retention

a. The following ARNGUS and USAR commissioned officers (including commissioned warrant officers) and warrant officers who are qualified for retired pay under 10 USC 12731 may be retained in an active status under 10 USC 12308 until they attain the age indicated in (1) or (2) below. See AR 135-18 for retention policy for Active Guard Reserve (AGR) officers and AR 135-156 for retention policy for general officers.

(1) As authorized by 10 USC 1164, warrant officers, including commissioned warrant officers, not later than 60 days after the date they become 62 years of age.

(2) As authorized by 10 USC 14703, AMEDD officers and chaplains described in paragraph 7*b*(1) through (8) may be retained in increments of not less than 1 year until the date they become 68 years of age.

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

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

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

7. Policy governing retention of eligible Army Medical Department officers and chaplains

a. Title 10 USC 14703 authorizes the retention of ARNGUS and USAR AMEDD officers in an active status in certain areas of concentration (AOCs) and chaplains until they become 68 years of age.

b. Officers described in (1) through (8) below are eligible for sequential periods of retention in an active status up to the maximum age of 68 per the authority of 10 USC 14703. Officers requesting and receiving this retention in an active status will also be retained for credit toward nonregular retired pay under 10 USC 12308. Documentation of the request must show that retention is required to meet mission based requirements or to satisfy a current mobilization shortfall (Individual Ready Reserve (IRR), Individual Mobilization Augmentation (IMA), and Standby Reserve (active status list)) in the applicant's grade and AOC.

(1) Medical Corps.

(2) Dental Corps.

(3) Veterinary Corps.

(4) Medical Service Corps (if the officer has been designated as an allied health officer, or a biomedical sciences officer in that Corps).

(5) Optometry Section of the Medical Service Corps.

(6) Army Nurse Corps.

(7) Army Medical Specialists Corps.

(8) Chaplains Corps.

c. Officers described in (1) through (6) below are excluded from the retention policy.

(1) Colonels selected for promotion to general officer positions (see AR 135–156).

(2) Medical Service Corps officers, except those designated in paragraphs 7*b*(4) and 7*b*(5) above.

(3) Officers in the Standby Reserve Inactive Status List and the Inactive Army National Guard.

(4) Officers who have twice failed to be selected for promotion to lieutenant colonel or below.

(5) Officers on the retired list or assigned to the Retired Reserve.

(6) AGR officers (see AR 135–18). However as an exception, an AGR officer who possesses a critical AOC, which is short of total Army mobilization requirements, may apply for transfer to the IRR with concurrent retention as an IRR officer (see para 8*a*).

8. Retention criteria

To be retained beyond mandatory removal date for maximum age or length of service, the AOC/military occupational specialty (MOS) of the requesting officer must be as listed in 8*a* and 8*b* (this paragraph does not apply to chaplains). CNGB, the CDR, HRC, or the area commander, as appropriate, is responsible for determining which AOCs and MOSs meet the retention criteria using Mobilization Personnel System data for mobilization requirements and the most recent total Army or unit strength data, as appropriate.

a. Be short in total Army mobilization requirements.

b. For TPU officers, be short in total Armywide unit requirements. A unit officer who does not possess a critical AOC or MOS which is short of total Armywide unit requirements may apply for transfer to the IRR with concurrent retention as an IRR officer if the AOC or MOS is required to satisfy a current mobilization shortfall.

9. Request procedures

a. Approval authorities identified in paragraph 4 of this publication, will advise eligible officers under their jurisdiction who indicate a desire for retention to submit an application on any additional requirements for their request.

b. The application must be in memorandum format and sent through command channels to arrive at the proper approval authority no later than 120 days before the officer's eligibility to immediately receive nonregular retirement pay or the date on which he or she completes 20 years of qualifying service for retired pay, whichever is later.

c. For officers described in paragraph 7*b*, the deadline in paragraph 9*b*, above, is applicable to the initial request for retention only. If further retention is desired, the officer may submit sequential extension requests for retention up to age 68 to arrive at the proper approval authority no later than 120 days before the officer's scheduled removal date.

d. The officer's request for retention must include all of the following—

(1) Statement that retention is requested per 10 USC 12308 and 1164 for warrant officers, or 10 USC 12308 and 14703 for eligible AMEDD officers and chaplains. Officer requests should specifically request retention for credit toward retired pay under the provisions of Title 10, United States Code, Chapter 1223.

(2) For AMEDD officers, documentation verifying that the officer is fully qualified and currently practicing in the primary or secondary AOC in which retention is requested.

(3) A statement signed by the officer that he or she has not applied for or been granted retired pay.

(4) For unit officers, a recommendation from the appropriate commander on whether retention of this officer is in the best interest of the ARNGUS or the USAR and that the officer is not under suspension of favorable personnel action.

(5) For IRR, IMA, and Standby Reserve (active status list) officers, a recommendation from the officer's personnel manager on whether retention of this officer is in the best interest of the Army and in the case of AMEDD officers a statement of whether retention is required to satisfy a current mobilization requirement shortfall in the officer's AOC and grade.

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

(1) An ARNGUS commissioned officer (including a commissioned warrant officer) or warrant officer's request will be sent through command channels to: CNGB (ARNG-HRH), 111 South George Mason Dr., Arlington, VA 22204-1373.

(2) A USAR TPU AMEDD officer's request will be sent through command channels to the appropriate Army area command who will coordinate with the Army area command surgeon prior to submission to CDR, HRC (AHRC-OPL), 1600 Spearhead Division Ave., Fort Knox, KY 40122-5208. Officers assigned under the United States Army Reserve Command (USARC) area commander will submit their request to USARC DCS, G-1 (AFRC-PRP), 4710 Knox St., Fort Bragg, NC 28310-5010.

(3) An IRR, IMA, or Standby Reserve (active status list) AMEDD officer's request will be sent to the CDR, HRC (AHRC-OPL), 1600 Spearhead Division Ave., Fort Knox, KY 40122-5208.

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

(5) The request of a USAR nonunit warrant officer, including a commissioned warrant officer, will be sent to CDR, HRC addressed in (3) above.

(6) A USAR TPU chaplain's request will be sent through command channels to the appropriate Army area command who will coordinate with the Army area command chaplain prior to submission to the Office of the Chief of Chaplains (DACH-ZA), 2700 Army Pentagon (1D143A-3), Washington, DC 20310. Officers assigned under the USARC area commander will submit their request to USARC DCS, G-1 (AFRC-PRP), 4710 Knox St., Fort Bragg, NC 28310-5010.

f. Those officials who are delegated authority in paragraph 4 to take retention action will issue orders effecting the retention of eligible officers. The CNGB will determine the format of orders for ARNGUS officers. AR 600-8-105 will apply to USAR officers. Approving officials will ensure the approval or disapproval documents are submitted to the officer's Army Military Human Resource Record and appropriate personnel systems are updated.

Appendix A

References

Section I

Required Publications

AR 600–8–105

Military Orders (Cited in para 9f.)

Section II

Related Publications

A related publication is a source of additional information. The user does not have to read it to understand this publication. Army regulations and pamphlets are available on the Army Publishing Directorate's website, at <https://armypubs.army.mil/>. Army National Guard regulations are available at <https://www.ngbpd.ng.army.mil/>. The United States Code and Public Laws are available at <https://www.govinfo.gov/>.

AR 11–2

Managers' Internal Control Program

AR 25–30

Army Publishing Program

AR 40–501

Standards of Medical Fitness

AR 135–18

The Active Guard Reserve Program

AR 135–156

Reserve Component General Officer Personnel Management

AR 135–180

Retirement for Non-Regular Service

AR 140–10

Assignments, Attachments, Details, and Transfers

AR 600–8–2

Suspension of Favorable Personnel Actions (FLAG)

AR 600–9

The Army Body Composition Program

DA Pam 25–403

Guide to Recordkeeping in the Army

NGR 635–100

Termination of Appointment and Withdrawal of Federal Recognition

PL 103–337

National Defense Authorization Act for Fiscal Year 1995

10 USC Chapter 1223

Retired Pay for non-regular service

10 USC 1164

Warrant officers; separation for age

10 USC 12241

Warrant officers; grades; appointment, how made; term

10 USC 12308

Retention after becoming qualified for retired pay

10 USC 12731

Age and service requirements

10 USC 14703

Authority to retain chaplains and officers in medical specialties until specified age

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>).

DA Form 11-2

Internal Control Evaluation Certification

DA Form 2028

Recommended Changes to Publications and Blank Forms

Appendix B

Internal Control Evaluation

B–1. Function

The function covered by this evaluation is officer retention in an active status after qualification for retired pay.

B–2. Purpose

The purpose of this evaluation is to help CDRs and human resources specialists evaluate the key internal controls listed. It is 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, simulation, or other). Answers that indicate deficiencies must be explained and the corrective action identified in supporting documentation. These internal controls must be evaluated at least once every 5 years. Certification that the evaluation has been conducted must be accomplished on DA Form 11–2 (Internal Control Evaluation Certification).

B–4. Test questions

- a.* Have the approved mandatory removal date extensions been completed on or before an officer's mandatory removal dates for maximum age?
- b.* Have the approved mandatory removal date documents been filed in the officer's Army Military Human Resource Record?
- c.* Were the appropriate personnel systems updated for all approved mandatory removal date extensions?
- d.* Were the timelines for submission met?

B–5. Supersession

This evaluation replaces the evaluation for officer retention in an active status after qualification for retired pay, previously published in AR 135–32, dated 27 March 2017.

B–6. Comments

Help make this a better tool for evaluating internal controls. Submit comments to the Deputy Chief of Staff, G–1 (DAPE–MPO–D), 300 Army Pentagon, Washington, DC 20310–0300.

Glossary

Section I

Abbreviations

AGR

Active Guard Reserve

AMEDD

Army Medical Department

AOC

area of concentration

ARNGUS

Army National Guard of the United States

CDR

commander

CNGB

Chief, National Guard Bureau

DCS, G-1

Deputy Chief of Staff, G-1

HRC

U.S. Army Human Resources Command

IMA

Individual Mobilization Augmentation

IRR

individual ready Reserve

MOS

military occupational specialty

RC

Reserve Component

TPU

troop program unit

USAR

United States Army Reserve

USC

United States Code

Section II

Terms

The following terms have been tailored to fit this regulation and as such may not be completely applicable to other regulations.

Area commanders

Commanders of area commands:

- a. U.S. Army Europe (USAREUR).
- b. U.S. Army Pacific Command (USARPAC).
- c. U.S. Army Reserve Command (USARC).

Army Reserve Command

A USAR TPU commanded by a general officer that reports directly to an area command.

commissioned officer

Includes a commissioned warrant officer.

officer

Includes commissioned officers, warrant officers (WO1–CW5), and commissioned warrant officers (CW2–CW5), unless otherwise specified.

warrant officer

Individuals appointed to the Reserves in permanent warrant officer grades for an indefinite term under the provisions of 10 USC 12241.

Section III

Special Abbreviations and Terms

This section has no entries.

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