

I affirm that I have counseled (name, grade and SSN), this date on all items on the attached counseling list, concerning her entitlements and responsibilities.

(Signature of counseling officer)

(Typed name, grade, SSN and organization of counseling officer)

Orig--Officer
1 copy--MPRJ

Figure 3-4. Sample Format for Pregnancy Statement of Counseling

Chapter 4 Retirement

Section I General

4-1. Scope

a. This chapter establishes procedures for the implementation of laws and policies governing the retirement of officers, except for:

- (1) Physical disability (AR 635-40).
- (2) Retired pay for non-Regular service (AR 135-180).
- b. This chapter, where applicable, will govern the retirement of:

- (1) Commissioned and warrant officers, of the Regular and Reserve components of the Army.
- (2) Warrant officers of the Army of the United States without component.

4-2. Statutory authority

a. Specific sections of Title 10, USC, and other provisions of law shown in sections II, III, and IV of this chapter.

- b. Uniform Retirement Date Act, 5 USC 8301.
- c. Title 37, United States Code and 10 USC 1405.

4-3. Computation of service

a. There are different types of service, each computed as specified in the applicable provisions of law cited in this chapter for the various types of retirement.

(1) Service for retirement may be only active Federal service; or, for mandatory retirement of RA commissioned officers, may include constructive service (for commission officers on active duty on 14 September 1981) and is computed to determine whether:

- (a) A Regular or Reserve officer may be retired voluntarily.
- (b) A Regular commissioned or warrant officer must be retired mandatorily.

(c) A warrant officer may be advanced to a higher commissioned grade.

(2) Service for basic pay is used as a factor to determine retired pay.

b. Authority for each type of computation indicated in a above is contained in separate laws. Service for determining retirement eligibility is computed as specific in the particular provision of law which an officer is retired. Retired pay is computed according to the pay formulas prescribed by 10 USC, chapter 71 and 371; provisions contained in the retirement law; and according to 37 USC.

c. Certain commissioned officers, on appointment in the RA, are credited with constructive service which is used to determine their RA grades and their places on the promotion list. This amount of service, credited on date of appointment, becomes mandatory retirement service (for commissioned officers on active duty before 15 September 1981). (See para 4-20 for service creditable for mandatory retirement.) Mandatory retirement service, which includes constructive service if greater than total service for basic pay, is used as the multiplier in determining the percentage

in computing retired pay. No period of service subsequent to the date the officer meets the service requirements for mandatory retirement is creditable in the computation of retired pay, unless expected by the specific section of Title 10, USC which governs mandatory retirement.

d. When service has been computed in PERSCOM, for retirement or retired pay, and an officer claims additional service not shown in the current official United States Army Register, or Official Military Personnel File, the officer should send substantiating documents to Cdr, PERSCOM (TAPC-PDT-RR). These may be certified statements of service, discharge certificates, or other official evidence, and should be submitted well in advance of retirement date to allow time for verification and updating of records.

4-4. Retirement order

a. Orders announcing retirements will be issued by PERSCOM, at the earliest possible date.

b. On the day orders are issued, a letter of instructions, a statement of service, and copies of orders will be sent to the commander of the activity where the individual will be retired. After the 20th of the month, retirement orders will be verified by PERSCOM, by electrically transmitted message and letter.

c. Once an order has been issued and official notification of retirement approval has been dispatched, orders will not be amended or revoked except for extreme compassionate reasons or for the good of the service. Amendment or revocation must occur prior to the date of retirement.

4-5. Place of retirement

a. Except as provided in b, c and d below, officer personnel, regardless of where stationed, are required to be processed for retirement at the authorized and directed transfer activity specified in AR 635-10, paragraph 2-17.

b. Retirement at a location of personal choice, the provisions of AR 635-10, paragraph 2-18 and 2-19 apply. The retirement packets for officers stationed in CONUS will be forwarded to the military personnel office having custody of the officer's records. When an oversea returnee elects to be retired at a location of choice, PERSCOM will forward the retirement folder to the transfer activity of choice. If an officer who has elected to be retired at a location of choice subsequently elects, prior to his or her departure from the unit of assignment, to be retired at the authorized and directed place of retirement, adequate justification for this change will be submitted to the commander maintaining the personnel records. If the request is approved, that commander will immediately advise the transfer activity commander at the location of choice to mail the retirement folder to the authorized and directed transfer activity. Department of the Army retirement orders will not be amended in such case and AR 310-10, appendix A, format 434 will not be utilized. Once an officer has elected to be processed for retirement at a location of choice, the only change he or she may later make is to be processed at the authorized and directed transfer activity. A change from one location of choice to another location of choice is not authorized.

c. An individual serving on foreign service who desires retirement in his or her oversea area of assignment (subject to approval of the oversea commander) should indicate this in the application for voluntary retirement or with the pre-retirement report for mandatory retirement. If required, a passport should be obtained by the retiree from the nearest United States Consulate.

d. For absence from home station in a leave status on date of retirement, see AR 630-5.

4-6. Residence and travel abroad

Retired personnel may travel or reside in any area to which access is authorized United States Citizens by the United States Department of State. Permission for travel or residence is a Department of State matter and does not require approval from officials in HQDA.

Section II Voluntary Retirement

4-7. Authority

a. The final authority to approve or disapprove an application for retirement is vested in the Secretary of the Army. Approval of applications for retirement may be mandatory or discretionary, dependent on the specific provision of law.

b. Applications which are disapproved will be returned through channels to the applicant.

4-8. Service for determining retirement eligibility

a. To determine whether an officer may be retired voluntarily, his or her years of active Federal service are computed by adding:

(1) All active service performed as an officer of the uniformed services, including:

(a) Service in full-time training or full-time duty in the service of the United States as a Reserve officer of the Army, Navy, or Air Force, as authorized in the National Defense Act, as amended; the Naval Reserve Act of 1938, as amended; or in other provisions of law, and

(b) Service in training exercises or duties as an officer of the ARNG provided by sections 5, 81, 92, 94, 97 and 99 of the National Defense Act, as amended.

(2) All service in the Navy or Marine Corps that may be included in determining the eligibility of an officer of the Navy or Marine Corps for retirement if not included in (1) above.

(3) All active service in the Army Nurse Corps or Navy Nurse Corps, including service as a contract nurse before 16 April 1947.

(4) All active service performed under Act of 22 December 1942 (chap 805, 56 Stat. 1072) or the act of 2 June 1944 (chap. 272, 58 Stat. 324).

(5) All active full-time service with the Army Medical Department as a civilian employee, except as a student or apprentice:

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

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

(c) The restrictive dates imposed in (a) and (b) above are not applicable to officers who were entitled to credit such service prior to 25 August 1959.

(6) If an officer of the RA, all active service as an officer of the Philippine Constabulary.

(7) If a commissioned officer of the RA in the Medical Corps, all service as contract surgeon, acting assistant surgeon, or contract physician under a contract to serve full-time and to take and change station as ordered.

(8) If a commissioned officer of the RA in the Dental Corps, all service as a contract dental surgeon or acting dental surgeon (10 USC 3926).

b. Constructive service as defined in paragraph 4-3c is not creditable for voluntary retirement or for retired pay purposes after voluntary retirement.

4-9. Voluntary retirement in lieu of mandatory retirement or in conjunction with scheduled release from active duty

a. An RA officer who desires to retire voluntarily, in lieu of mandatory retirement as scheduled, for reasons specified in this chapter, section III, may request retirement and be retired voluntarily on the mandatory retirement date, or an earlier approved retirement date.

b. A Reserve officer who is scheduled for release from active duty under the provisions of chapter 3 and who is, or will be, eligible for voluntary retirement prior to scheduled date of release, is notified by CG, PERSCOM. Date of retirement eligibility is included in the letter.

4-10. Application for retirement

a. *Preparation.* Applications for voluntary retirement will be prepared as shown in figure 4-1. The reference to transfer to the Retired Reserve in paragraph 1 of the application is applicable only to officers in the Active Reserve. If paragraph 5-20b(3) applies, the following will be added after "AR 635-100" in line 1, paragraph 1 of the application "and in lieu of elimination proceedings".

b. *Eligibility to apply for voluntary retirement.*

(1) Officers who have 19 or more years of active Federal service, will have completed all service obligations on or before the date of retirement, and who are not in receipt of an assignment alert as defined in paragraph 4-10c below. These officers may request voluntary retirement provided the requested retirement date is within 12 months of the date of the application.

(2) Each application will be forwarded as early as possible by commanders specified in paragraph 3-3 through Cdr, PERSCOM (TAPC-(appropriate career management division)); HQDA (DAJA-PT); HQDA (DACH-PER); as applicable; to Cdr, PERSCOM (TAPC-PDT-RR). For general officers, applications will be forwarded through MACOM commander to HQDA (DAPE-GO) WASH DC 20310-0200. For USAR officer not on the active duty list (AR 624-100 and 10 USC 630), applications should be forwarded to Cdr, ARPERCEN (DARP-FSA), 9700 Page Boulevard, St. Louis, MO 63132-5260. A request for retirement will be submitted sufficiently in advance to ensure that it is received in PERSCOM not later than four months prior to the requested retirement date. Requests for exception to this four month advance period will include justification for the delay in the submission of the request (e.g. when requested retirement date coincides with the date of the return from oversea; to preclude extreme hardship to the officer or the officer's immediate family). In addition, each request must include a statement that the officer is aware that the delay in submission of the request shortens the processing time, and therefore, may preclude retirement on the date requested. Each request for exception will be considered on an individual basis.

c. *Voluntary retirement in lieu of PCS.*

(1) Officers who have at least 19 years and six months of Active Federal Service (AFS) and who receive an alert or orders for a PCS reassignment. These officers may request retirement in lieu of complying with such alert or orders. The retirement application must be submitted within 30 days of receipt of the alert or orders, whichever is earlier, and is subject to the conditions listed below:

(a) *Assignment alert.* Official notification to an officer of an impending assignment. An assignment is considered "firm" when an officer has been selected for fill of a command's requisition. Any one of the following notification actions sufficiently constitutes an assignment alert:

1. A firm "where/when" assignment notification to an officer from a career manager, or an installation point of contact, or the officer's commander/supervisor during an interview.

2. A telephone call with a firm "where/when" assignment notification to an officer from a career manager, an installation point of contact, or the officer's commander/supervisor.

3. Written correspondence stating a firm "where/when" assignment to an officer from a career manager, an installation point of contact, or the officer's commander/supervisor.

4. Receipt of a copy of the Request for Orders (RFO) generated by the career manager, and verified by the installation point of contact when the installation point of contact is part of the assignment process.

(b) *Service obligations.* All previously incurred service obligations must be completed or waived before the requested retirement date. Requests for waiver documented as required in paragraph 4-17 will be forwarded as part of the retirement request through channels to Cdr, PERSCOM (TAPC-PDT-RR). Applications that do not go through channels will be returned. Officers and PSC personnel should verify the existence of service obligations by contacting Personnel Actions Sections of the career management divisions, Officer Personnel Management Directorate, PERSCOM concerned before submitting the request for retirement.

(c) *Stability.* An officer who requests retirement in lieu of PCS will normally remain at the same duty station unless the needs of the service or other circumstances clearly dictate a move to properly utilize the officer because of deletion of position, reorganization, disciplinary problems, etc. Officers in such situations will be reassigned in the post, camp, or station where they can be properly used. Where this is not possible, officers will be reassigned to the closest military installation where they can be used. Officers will not be reassigned solely to move them to the installation nearest to their requested place of retirement.

(d) *Finality.* An approved retirement submitted in lieu of PCS will not be withdrawn nor will the retirement date be extended. Requests for change to effect earlier retirement will be considered on a case by case basis. A retirement application submitted in lieu of PCS is considered to be "approved" and is administratively binding when the application has been cleared by the career management specified in paragraph 4-10b(3) above.

(e) *Date of retirement.* Officers alerted for reassignment may request retirement for a date not more than six months from the date of their alert or on the first day of the month after the officer attains 20 years of AFS, whichever is later. For example, an officer alerted for PCS on 28 June 1988, may apply for retirement to be effective no later than 1 December 1988.

(2) *Deletion.* The PERSCOM career management division concerned will delete the officer from the PCS as a result of an approved retirement.

d. Voluntary retirement in lieu of elimination.

(1) Officers who have at least 19 years and six months of AFS, but less than 20 years AFS, may request retirement in lieu of elimination on receipt of memorandum of notification of impending elimination from the GOSCA as stated in paragraph 5-14. The effective date of retirement will be not later than 60 days from the date the officer attains 20 years AFS.

(2) Officers who have 20 or more years of AFS may request retirement in lieu of elimination on receipt of the memorandum of notification of impending elimination from the GOSCA as stated in paragraph 5-14. The effective date of retirement will be not later than 60-days from the date of the officer's election of retirement in lieu of elimination.

4-11. Action by commanders

a. Commanders having custody of applicants' personnel records or hospital commanders operating independent transfer activities will—

(1) Verify from available records and documents all information given in the application.

(2) Ensure that the officer has read this chapter, section V and is aware of his or her responsibility for obtaining a medical examination, if he or she wishes one prior to the retirement. Failure to complete the examination will not affect or delay the retirement under this chapter, but could affect subsequent claims for service connected medical problems.

(3) Ensure that the actions required by paragraph 4-36b are taken in a timely manner.

(4) Forward the application as specified in paragraph 4-10b(3).

(5) Ensure that prompt action has been taken to adjust and close any public property or financial accounts of applicant.

(6) When an application is submitted by an officer scheduled for mandatory release from active duty under chapter 3, include the following information in the forwarding endorsement:

(a) Scheduled release date.

(b) Specific release program (e.g., "AR 635-100, chapter 3, section V").

(c) File reference, subject, and date of the PERSCOM letter notifying the officer of the scheduled release date.

(7) When an application is submitted in lieu of elimination include pertinent facts and circumstances.

b. Intermediate commanders will review each application to ensure compliance with this chapter and forward, with recommendation of approval or disapproval, together with statement that action is or is not in contravention with AR 600-8-2. Recommendations for disapproval will state reasons.

4-12. Request for withdrawal of application or change in retirement date

a. Withdrawal of an application may be approved only by HQDA if it has been forwarded to PERSCOM by the commander authorized to do so (para 4-10b(3)).

(1) A request for withdrawal will not be approved except for extreme compassionate reasons or for definitely established convenience of the service.

(2) A request for change in the retirement date will not be approved unless extenuating circumstances arise which justify an exception to policy.

b. Requests from applicants for withdrawal of applications or change in retirement date, with statements attesting to reasons as indicated in a (1) or (2) above, will be forwarded through channels to Cdr, PERSCOM (TAPC-PDT-RR).

c. Each endorsement will recommend approval or disapproval and state the reasons.

d. A request for withdrawal of an application may be approved by an endorsing commander and the application returned to the officer who submitted it if it has not been forwarded to PERSCOM by the commander specified in paragraph 4-10b(3).

e. An officer who has an approved retirement pending, and who subsequently is selected for promotion, has the option to withdraw his or her retirement application and accept the promotion. The officer continues to be subject to worldwide assignment according to the needs of the Army. Requests will be forwarded through channels to Cdr, PERSCOM (TAPC-PDT-RR).

4-13. After 20 years of service

a. *Commissioned officers.*

(1) A Regular or Reserve commissioned officer of the Army who has at least 20 years of AFS, computed as in paragraph 4-8, at least 10 years which have been active service as a commissioned officer, may, on his or her application and, in the discretion of the Secretary of the Army, be retired (10 USC 3911).

(2) To be retired under this provision, it is not necessary for a Reserve commissioned officer to be serving on active duty in his or her commissioned status or to be in an active Reserve status at time of retirement (Comp Gen Dec B-83703, 20 May 1949 (28 Comp Gen 655)).

b. *Warrant Officers.*

(1) Any warrant officer who has at least 20 years of AFS, computed as in paragraph 4-8, may, on his or her application, and at the discretion of the Secretary of the Army, be retired (10 USC 1293).

(2) For a Reserve warrant officer to retire under this provision he or she must have a USAR status at time of retirement. It is not necessary for him or her to have served, or to be serving on active duty in his or her warrant officer status at time of retirement (JAGA 1954/8666, 17 Nov 1954).

c. *Enlisted personnel.* The provisions of a and b above apply to enlisted personnel on active duty who concurrently hold commissioned or warrant officer status in the USAR.

d. *Computation of retired pay.* References for computation of retired pay are—

(1) Commissioned officer—10 USC 3991.

(2) Warrant officers—10 USC 1401.

4-14. After 30 years of service

a. A commissioned officer of the RA who has at least 20 years of service, computed according to paragraph 4-8, may, on his or her application, and in the discretion of the President, be retired (10 USC 3918).

b. Reference for computation of retired pay is 10 USC 3991.

4-15. After 40 years of service

a. A commissioned or warrant officer of the RA, who has at least 40 years of service, computed according to paragraph 4-8, shall be retired on his or her request (10 USC 3924).

b. Reference for computation of retired pay is 10 USC 3991.

4-16. Policies

An application for voluntary retirement normally will be approved when the retirement is not contrary to the best interest of the service and if the following criteria are met:

a. Courses of instruction and the resulting active duty service obligations (ADSO's) must be completed on or before the date retirement is to be effective. Waivers may be granted by HQDA as provided in paragraph 4-17. OTRA officers who apply for voluntary retirement in lieu of involuntary release from active duty under the provisions of chapter 3 are not subject to this paragraph. Officers ADSO's are defined and explained in AR 350-100:

(1) **Civil schooling.** Officers who attend fully funded courses at civilian schools for more than 60 days incur an ADSO on completion or termination. The ADSO equals three times the length of schooling, computed in days, but not more than six years total. ADSO's incurred under AR 621-7 may exceed six years.

(2) **Military schooling.** Officers who attend any course of 60 days or more, which produces an academic evaluation report, incur an ADSO on completion or termination. The ADSO equals three times the length of schooling, computed in days, but not more than six years total. Exceptions include CSC and SSC level schooling, and the Warrant Officer Senior Course. The ADSO for these courses is two years.

(3) **Service.** The service required following receipt of Continuation Pay.

b. An officer (except as described in c below) who accepts an Army of the United States (AUS) or RA promotion (to pay grade W3 or W4) which changes his or her active duty pay grade, must serve a minimum of two years in the new grade. (If, at the time of acceptance of the promotion which changes the active duty pay grade, the officer is already holding a permanent USAR grade equal to or higher than the grade to which promoted, 2-years active duty service in the new grade is not required.)

c. RA warrant officers scheduled for mandatory retirement may accept AUS or RA promotion to the above specified pay grades. Retention of these officers beyond their mandatory retirement date is not authorized.

d. Retirement eligible officers who report to a new CONUS duty station must serve a minimum of 12 months before being permitted to retire. Officers serving overseas on unaccompanied tours will be required to complete 5/6 of the prescribed "all other tour" or 12 months, whichever is longer, before being permitted to retire.

e. When dependents travel overseas at Government expense, the officer will be required to complete 5/6 of the prescribed tour before becoming eligible for retirement, or at least 12 months from the date of arrival of dependents, whichever is later.

f. The 12 months overseas restrictions are not applicable to non-regular officers who apply for voluntary retirement in conjunction with their release from active duty under the provisions of chapter

g. The retirement of applicants who are stationed overseas in critical positions may be deferred by HQDA, until a replacement can be made available through operation of the normal requisitioning cycle. Forwarding endorsements on request for retirement, when deferment is recommended, will contain justification for deferment.

4-17. Waivers

a. Service obligations may, at the discretion of the appropriate officials in HQDA, be waived:

(1) Under paragraph 4-16a, for the convenience of the service or if hardship arose after entry in the course.

(2) Under paragraph 4-16b, c, and d and paragraph 4-10c when in the best interest of the service or when substantial or undue hardship would result.

b. Requests must be documented and contain detailed justification when substantial or undue hardship would result. In processing applications, when the best interests of the service are involved, the following should be considered:

(1) Retirement in lieu of elimination under chapter 5 or in lieu of any other unfavorable personnel action justifying a waiver of the service obligation.

(2) Retirement of AUS and RA commissioned officers or warrant officers who fail selection for permanent promotion to grade 05, W3, or W4 and desire retirement.

4-18. Career recognition

When, in the opinion of the commander at the installation or duty station where the officer is serving, the retiring officer's career has been so exemplary as to merit special recognition, the commander is authorized to issue an additional extended retirement order. This citation should have the same number on it as the retirement order, plus the prefix EXT and should highlight the key events in the officer's career. The information can be gathered from field documents and by interview. This announcement may be placed on bulletin boards, included in the officer's file, read at ceremonies, and presented to the individual in an appropriate binder. A sample is at figure 4-3.

Section III Mandatory Retirement

4-19. Scope

Retirement under the provisions of law cited in this section applies only to RA commissioned and warrant officers. Since mandatory retirement is required by law, it must be accomplished on the date established by the applicable statute, unless otherwise specifically provided by law, (e.g., 10 USC 640), regardless of the desire of the officer concerned or DA officials. An individual may request retirement and be retired voluntarily on the mandatory retirement date.

4-20. Service for mandatory retirement

Service for mandatory retirement for commissioned officers who did not serve on active duty prior to 15 September 1981 is active Federal commissioned service. Service for commissioned officers on active duty on 14 September 1981 is active commissioned service in the RA, on and after 15 September 1981 plus the amount of service creditable to the officer on 14 September 1981 for the purpose of determining whether the officer is subject to involuntary retirement (10 USC 3927 repealed by DOPMA).

4-21. Initiation of action and notification

a. Mandatory retirement of a commissioned or warrant officer of the RA is initiated at HQDA.

b. Approximately 9 months prior to scheduled retirement date (except for officers non-selected for promotion who are notified according to para 4-26) a letter is sent direct to the officer by PERSCOM advising him or her of the approaching retirement, expressing appreciation for his or her service, and suggesting that he or she contact the local examining facility concerning any medical defects which the officer is aware. The letter includes the officer's mandatory retirement date, the specific statutory authority for the retirement and pertinent service data. A copy of this letter is forwarded to the commander specified in paragraph 3-3 with instructions concerning pre-retirement data (para 4-22).

c. The servicing PSC will be provided a copy of the notification letter. On receipt, the PSC will take the following actions:

(1) Coordinate with the officer to ensure that the officer has received the letter of notification and give any assistance that can be provided.

(2) Control separation processing according to procedures in DA Pam 600-8-11, until retirement has been effected.

(3) On retirement, maintain the file for 30 days and then destroy.

4-22. Pre-retirement data

To avoid unnecessary delay in processing the retirement, each officer who is notified that he or she is scheduled for mandatory retirement will forward the pre-retirement information shown in figure 4-2. This information will be forwarded, through channels, as expeditiously as possible to HQDA (DAPE-GO), for general officers; and to Cdr, PERSCOM (TAPC-PDT-RR), for all other officers, to reach that office not later than 3 months prior to the scheduled retirement date.

4-23. Action by commanders

Immediate commanders will ensure that—

a. Each officer who is notified of his or her impending mandatory retirement forwards the pre-retirement information on time, as specified in paragraph 4-21.

b. Officers are aware of their responsibility for beginning their medical examination on time (when they request one) and that officers are available to medical personnel for examination, tests and/or treatment deemed necessary by the medical facility commander prior to their retirement date.

4-24. Retirement for age

a. RA commissioned officer (10 USC 1251).

(1) Except as provided in subparagraph (2) and (3) below, and unless retired or separated at an earlier date, each RA commissioned officer of the Army shall be retired on the first day of the month following the month which he or she becomes 62 years of age.

(2) An officer who is a permanent professor or the director of admissions at the USMA shall be retired on the first day of the month following the month he or she becomes 64 years of age.

(3) The President may defer the retirement of an officer serving in a position that carries a grade above Major General, but the deferment may not extend beyond the first day of the month following the month the officer becomes 64 years of age. Not more than ten deferments of this type may be in effect at any one time.

b. RA warrant officers (10 USC 1164 and 1263). Unless retired or separated at an earlier date, each warrant officer who has at least 20 years of active service will be retired not later than 60-days after he or she reaches 62 years of age.

4-25. Retirement for service in grade and/or years of service

a. Major generals. Each officer of the RA who holds the regular grade of major general shall, if not earlier retired, be retired on the later of the following dates:

(1) The first day of the first month beginning after the date of the fifth anniversary of his or her appointment to that grade, or

(2) The first day of the month after the month he or she completes 35 years of active commissioned service (10 USC 636).

b. Brigadier generals. Each officer of the RA who holds the regular grade of brigadier general, who is not on a list of officers recommended for promotion to the regular grade of major general, shall, if not earlier retired, be retired on the latter of the following dates:

(1) The first day of the first month beginning after the date of the fifth anniversary of his or her appointment to that grade, or

(2) The first day of the month after the month he or she completes 30 years of active commissioned service (10 USC 635).

c. Colonels.

(1) Each officer of the RA who holds the grade of colonel, who is not on a list of officers recommended for promotion to the regular grade of brigadier general, shall, if not earlier retired, be retired on the first day of the month after the month he or she completes 30-years of active commissioned service (10 USC 634).

(2) An officer of the RA who on 15 September 1981 holds the grade of colonel, or is on a list of officers recommended for promotion to that grade shall be retired on the later of the following dates if the date falls on the first of the month, and if not, retirement will be effective on the first day of the following month (5 USC 8301):

(a) The fifth anniversary of his or her appointment in that grade, or

(b) The first day of the month following the month he or she completes 30 years and 30 days of service as computed in paragraph 4-20 (10 USC 3921 as preserved by section 609, PL 96-513, 94 Stat. 2835, 12 Dec 80).

(3) Subparagraph (2) above does not apply to an officer who is either:

(a) Sooner retired or separated under another provision of law; or

(b) Promoted to the regular grade of brigadier general.

(4) The Secretary of the Army may defer the retirement of an officer who meets the criteria of subparagraph (2) above who holds the grade of colonel in the Medical Corps, Dental Corps, Veterinary Corps, Medical Service Corps, or Chaplains, but not later than the date he or she becomes 60 years of age. The number of retentions in effect for any one promotion list may not be more than 10 percent of the number of colonels authorized for that list.

b. Lieutenant colonels. Each officer of the RA who holds the grade of lieutenant colonel, who is not on a list of officers recommended for promotion to the grade of colonel, shall, if not earlier retired, be retired on the first day of the month after the month he or she completes 28 years of active commissioned service (10 USC 633).

4-26. Retirement of officers

a. Majors, captains, and first lieutenants.

(1) Unless continued on active duty under the provisions of the Selective Continuation Program (10 USC 637(a) and AR 624-100) (applies to captains and majors only) each officer who holds the grade of first lieutenant, captain or major who has failed to be selected for promotion to the next higher grade for the second time, whose name is not on a list of officers recommended for promotion to the next higher regular grade, and who is eligible for retirement under any provision of law shall be retired under that law:

(a) On the first day of any month requested by the officer and approved by the Secretary of the Army, but

(b) Not later than the first day of the seventh calendar month beginning after the month the President approves the report of the board which considered him or her for the second time. (This provision does not apply to officers described in subparagraph (3) below.)

(2) If an officer discussed in paragraph (1) above is not eligible for retirement as of the date established in paragraph (b) above, but is within two years of qualifying for retirement under provisions of this regulation, paragraph 4-13a(1) as of that date, he or she will be retained on active duty until he or she is qualified for retirement and then be retired, unless sooner retired or discharged under another provision of law (10 USC 631 and 632).

b. RA warrant officers.

(1) An RA warrant officer who has twice failed to be selected for promotion to the next higher permanent warrant officer grade, will, on the date of his or her second failure of selection, if he or she has at least 18 but not more than 20 years of active service (computed under paragraph 4-8) be retired on the last day of the month in which the officer completes 20 years and 60 days of active service. If he or she holds a commission as an officer, it will be terminated on the date of his or her retirement (10 USC 564 (a)(2) and (d)).

(2) An RA warrant officer who has twice failed to be selected for promotion to the next higher permanent warrant officer grade will, if on the date of his or her second failure of selection for promotion the officer has completed more than 20 years of active service as computed under paragraph 4-8, be retired 60 days after the date of his or her second failure. Any commissioned grade he or she holds will be terminated (10 USC 564(a)(1) and (d)).

(3) If a permanent warrant officer serving on active duty as a commissioned officer elects to remain on active duty as a commissioned officer, retirement under (1) or (2) above may be deferred until such date as the Secretary may prescribe (10 USC 564(c)).

4-27. More than 30 years of service

a. *Professors, USMA.* The Secretary of the Army may retire any permanent professor of the USMA having more than 30 years of commissioned service (10 USC 3920).

b. *Warrant officers.* Each RA warrant officer who has completed 30 years of active service computed under paragraph 4-8 will be retired on the last day of the month he or she completed 30 years and 60 days of active service. However, on recommendation of a board of officers, the Secretary may defer the retirement of any warrant officer, with his or her consent, but not later than 60 days after the officer becomes 62-years of age (10 USC 1305).

4-28. Selective early retirement

a. Each officer of the RA who qualifies under subparagraph (1) through (4) below may be considered for early retirement by a duly appointed board of officers. Eligible officers include those who—

(1) Hold the grade of lieutenant colonel, have failed selection for promotion to the grade of colonel two or more times, and are not on a list of officers recommended for promotion, or

(2) Hold the grade of colonel, have served at least four years of active duty in that grade, and are not on a list of officers recommended for promotion, or

(3) Hold the regular grade of brigadier general, have served at least three and one-half years of active duty in that grade, and are not on a list of officers recommended for promotion, or

(4) Hold the regular grade of major general and have served at least three and one-half years of active duty in that grade.

b. An officer in the grade of lieutenant colonel or colonel whose retirement under paragraph a above is so recommended and is approved by the Secretary of the Army shall—

(1) Be retired (under any provision of retirement law which he or she is eligible) on the date requested by the officer and approved by the Secretary of the Army but not later than the first day of the seventh calendar month beginning after the month the Secretary of the Army approves the report of the board which recommended the officer for early retirement, or

(2) If not eligible for retirement (under any provision of law), be retained on active duty until he or she is qualified for retirement as a commissioned officer (10 USC 3911) and then be retired under that statute, unless sooner retired or discharged under some other provision of law (10 USC 638(b)(1)).

c. An officer in the grade of brigadier general or major general whose retirement under paragraph a above is recommended and is approved by the Secretary of the Army shall be retired (under any provision of law he or she is eligible) on the date requested by the officer and approved by the Secretary of the Army, but not later than the first day of the tenth calendar month beginning after the month the Secretary of the Army approves the report of the board which recommended the officer for early retirement (10 USC 638(b)(2)).

d. So long as an officer in a grade below brigadier general holds the same grade, he or she may not be considered for early retirement more than once in any five-year period (10 USC 638(c)).

4-29. Retirement of regular officers for substandard performance of duty or for certain other reasons

a. *Commissioned officers.* An RA officer who is to be removed from active duty under the provisions of chapter 60, Title 10,

USC, and who on the date of removal is eligible for voluntary retirement under any provision of law will be retired in the grade and with the retired pay he or she would be eligible on his or her own application (10 USC 1186).

b. *Warrant officers.* When the records and reports of any permanent warrant officer of the RA establish his or her unfitness or unsatisfactory performance of duty, as determined by a promotion selection board convened under the provisions of 10 USC 558 or by other screening of his or her records by a board of officers and subject to the provision of chapter 5, he or she will be retired if eligible for retirement under any provision of law. Retired pay will be computed as if he or she had been retired under the provisions of law eligibility is established (10 USC 1166).

4-30. Continuation on active duty to complete disciplinary action

When any action has been commenced against a commissioned officer with a view to trying such officer by court-martial and officer is to be retired according to this chapter, the Secretary of the Army may delay the retirement of the officer, without prejudice to the action, until the completion of the action (10 USC 639).

Section IV Retired Grade, Rank and Status

4-31. Retired grade

a. Commissioned officers.

(1) *General rule.* Unless entitled to a higher retired grade under some other provision of law, a commissioned officer of the Army who retires under the provisions of this chapter, except as provided in (3) below, is entitled to be retired in the highest grade he or she served on active duty satisfactorily, as determined by the Secretary of the Army, for not less than six months.

(2) *Mandatory retirements.*

(a) The requirement to serve three years on active duty in the grade of colonel (O6), in order to retire in that grade, does not apply to RA colonels who—

1. Were recommended for and promoted to O6 on or after 15 September 1981, and

2. Are being mandatorily retired after completing 30 years of active commissioned service (10 USC 634).

(b) However, the three year requirement does apply if an officer submits a request for voluntary retirement, with an effective date on or before the officer's mandatory retirement date (10 USC 3911 or 3918, as appropriate, and 10 USC 1370(a)(2)).

(3) *Exceptions.*

(a) *Voluntary retirement.* In order to be eligible for voluntary retirement, including retirement under paragraph 4-29 of this regulation, in a grade above major and below lieutenant general, a commissioned officer must have served on active duty in that grade for three years.

(b) *Grade determination.* The provisions of paragraph (3)(a) above do not apply to the retired grade of Reserve officers who apply for voluntary retirement on notification of their scheduled release from active duty without their consent (10 USC 1370(a)(3)). Grade determination for these officers will be according to paragraph 4-31a(1) above (e.g. the two/three year in-grade requirement does not apply).

(c) *Generals or lieutenant generals.* On retirement, an officer who is serving in or has served in a position of importance and responsibility designated by the President to carry the grade of lieutenant general or general may, in the discretion of the President, be retired, by and with the advice and consent of the Senate, in the highest grade held by the officer while serving on active duty (10 USC 1370(c)).

(d) *Professors, USMA.* Any permanent professor of the USMA whose grade is below brigadier general, and whose service as a professor has been long and distinguished may, in the discretion of the President, be retired in the grade of brigadier general (10 USC 3962(b)).

b. *Warrant officers.* General rule: Unless entitled to a higher retired grade under some other provision of law, a warrant officer

retires in the RA or AUS grade, if any, that he or she held on the day before the date of the retirement, or in any higher warrant officer grade he or she served on active duty satisfactorily, as determined by the Secretary of the Army, for at least 31 days (10 USC 1371).

4-32. Advancement of warrant officers to higher grade

a. When his or her active service (plus service on the retired list) totals 30 years, any retired warrant officer of the Army is entitled to be advanced on the retired list to the highest commissioned grade he or she served satisfactorily on active duty as determined by the Secretary of the Army (10 USC 3964).

b. When a warrant officer becomes eligible for advancement, orders announcing his or her advancement are issued by the Commander, U.S. Army Reserve Personnel Center, ATTN: DARP-PAR-SCP, 9700 Page Boulevard, St. Louis, MO 63132-5200. Notification is sent to the officer; to Retired Pay Operations, US Army Finance and Accounting Center (USFAC), Indianapolis, IN 46249-0001; and to other appropriate agencies.

4-33. Restoration of Regular Army warrant officers to former grade

Any retired warrant officer of the RA who has been advanced to a higher commissioned grade under 10 USC 3964 and who applies to the Secretary of the Army within 3 months after his or her advancement, shall, if the Secretary approves, be restored on the retired list to his or her former warrant officer status (10 USC 3965).

4-34. Retired officer status

An RA officer placed on the retired list continues to be an officer of the United States Army (31 Ct. Cl.35) (16 Ct. Cl. 223); R.S. 1255.

4-35. Change in status after retirement

In the absence of any showing of fraud, the retirement of an officer under a particular statute exhausts the power of the President and the Secretary of the Army, and the record of executive action cannot be revoked or modified to make retirement relate to another

statute, even though the case is one which more than one statute properly applied at the time of retirement. There is no authority for the restoration of a retired officer to the active list for the purpose of being again retired (sec. 326(1) Dig. OP. JAC 1912-40).

Section V Medical Examination

4-36. Medical examination requirement

a. The immediate commander of each officer undergoing retirement will ensure that procedures are followed pertaining to medical examination as stated in AR 40-501.

b. Medical examination prior to retirement is required. Examination must be scheduled not earlier than 4 months or later than one month before the approved retirement date.

4-37. Hospitalization/Physical Evaluation Board (PEB) Proceedings

a. If an officer who is scheduled for or who has requested retirement becomes hospitalized or has an identified medical problem, the commander of the medical treatment facility (MTF) or a senior medical officer who has detailed knowledge of medical fitness and unfitness standards, disposition of patients, and disability separation processing to whom he or she delegates such authority, will determine immediately whether the condition(s) will result in referral to a Physical Evaluation Board (PEB). If referral to a PEB will result, the MTF commander or designated representative will notify Cdr, PERSCOM (TAPC-PDT-RR) by mail or message as soon as possible.

b. If a PEB is not necessary, but additional medical care is, the retirement will be processed as a nondisability retirement and continuing medical problems treated up to and/or after the approved retirement date. Retirement dates will not be changed for the purpose of continued medical treatment that will extend past the approval retirement date.

(Letterhead)

Office Symbol (Marks Number)

(Date)

MEMORANDUM THRU (Channels)

For Cdr, PERSCOM (TAPC-PDT-RR), 200 Stovall Street, Alexandria, Virginia 22332-0478

SUBJECT: Voluntary Retirement

1. Under the provisions of law cited in AR 635-100, paragraph (number), I request that I be released from active duty and assignment on (last day of the month which retirement would otherwise be effective) and placed on the retired list on (first day of the following month), or as soon thereafter as practicable, and that I be transferred to the Retired Reserve immediately on retirement (Regular Army officers omit last phrase). I will have completed over (number) years of active Federal service on the requested retirement date.

2. Assignment status: (organization and station which currently assigned and duty station which attached, if any).

Figure 4-1. Sample format for voluntary retirement application

VSF ELEVEN
OFFICE
OF SEC. DEF

3. Authorized place of retirement: (Enter the authorized and directed transfer activity where required to be processed—
AR 635-10, paragraph 2-18a. If applicable, identify the CONUS debarkation area) *FT MYER*

4. Location of choice transfer activity: *NA* (If electing to be processed for retirement at a transfer activity other than the one prescribed by AR 635-10, paragraph 2-18a—enter an appropriate transfer activity as provided by AR 635-10, paragraph 2-19; otherwise enter "Not applicable").

5. I have been counseled as specified by AR 635-10, paragraph 2-19. I fully understand the provisions of AR 635-10, chapter 2, section V, concerning entitlement to per diem, travel and transportation allowances based on retirement at a location of choice transfer activity.

6. I have read AR 635-100, chapter 4, section V. I am responsible for ensuring that a physical examination is completed not earlier than 4-months nor later than one month prior to my approved retirement date (subject physical to be arranged through coordination with my unit of assignment). I am aware that the purpose of this examination is to ensure that my medical records reflect as accurately as possible my state of health on retirement and to protect my interests and those of the Government. I also understand that my retirement will take effect on the requested date and that I will not be held on active duty to complete this examination.

7. In accordance with 10 USC, I understand that:

a. Enrollment in the Survivor Benefit Plan (SBP) is the only way that I may continue a portion of my retirement pay to my family at my death.

b. I must receive SBP counseling for myself and my spouse no less than 30-days before retirement.

c. I will be enrolled in full SBP coverage if I fail to elect otherwise in writing before my retirement.

d. I cannot elect less than full spouse SBP without my spouse's written agreement. I received a spousal concurrence for this purpose in conjunction with this application/letter. I realize there are other forms that must be completed during SBP counseling.

e. Failure to return the completed spousal concurrence statement to the proper officials prior to my retirement packet being sent to the US Army Finance & Accounting Center will result in my being irrevocably and irreversibly enrolled in SBP at full cost.

8. Address on retirement: (a reliable forwarding address for mail).

9. I am familiar with AR 635-100, paragraph 4-12 and understand that if this application for retirement is accepted by the Secretary of the Army it may not be withdrawn except for extreme compassionate reasons or for the definitely established convenience of the Government.

10. (If AR 635-100, para 4-16 is applicable, continue with the information required by para 4-18.)

11. As of the date of this application, I have (number) days accrued leave. I (do/do not) plan to take terminal leave. If applicable, complete the following: I plan to take (number) days leave.

12. (For officers serving in grades 05 through 08). I have read and understand the provisions of AR 635-100, paragraph 4-31 pertaining to determination of my retired grade. Considering those provisions, and after a review of my records, I believe that I am entitled to retire in the grade of (grade). I understand that final determination of my retired grade will be made by HQDA, and that I will be informed if I am not entitled to retire in the grade I have specified in this paragraph.

13. This application (is/is not) submitted in lieu of complying with PCS instructions.

14. I understand that if I participated in certain advanced education programs, I may be required to reimburse the United States government as stated in written agreement made by me with the United States government under law and regulations.

JOHN J. DOE

Colonel, IN

XXX-XX-XXXX

Note:

Enlisted personnel applying for retirement in an officer grade will include their active duty enlisted rank and primary military occupational specialty.

Figure 4-1. Sample format for voluntary retirement application—Continued

c. An individual serving on foreign service who desires retirement in his or her overseas area of assignment (subject to approval of the overseas commander) should indicate this in the application for voluntary retirement or with the pre-retirement report for mandatory retirement. If required, a passport should be obtained by the retiree from the nearest United States Consulate.

d. For absence from home station in a leave status on date of retirement, see AR 630-5.

4-6. Residence and travel abroad

Retired personnel may travel or reside in any area to which access is authorized United States Citizens by the United States Department of State. Permission for travel or residence is a Department of State matter and does not require approval from officials in HQDA.

Section II Voluntary Retirement

4-7. Authority

a. The final authority to approve or disapprove an application for retirement is vested in the Secretary of the Army. Approval of applications for retirement may be mandatory or discretionary, dependent on the specific provision of law.

b. Applications which are disapproved will be returned through channels to the applicant.

4-8. Service for determining retirement eligibility

a. To determine whether an officer may be retired voluntarily, his or her years of active Federal service are computed by adding:

(1) All active service performed as an officer of the uniformed services, including:

(a) Service in full-time training or full-time duty in the service of the United States as a Reserve officer of the Army, Navy, or Air Force, as authorized in the National Defense Act, as amended; the Naval Reserve Act of 1938, as amended; or in other provisions of law, and

(b) Service in training exercises or duties as an officer of the ARNG provided by sections 5, 81, 92, 94, 97 and 99 of the National Defense Act, as amended.

(2) All service in the Navy or Marine Corps that may be included in determining the eligibility of an officer of the Navy or Marine Corps for retirement if not included in (1) above.

(3) All active service in the Army Nurse Corps or Navy Nurse Corps, including service as a contract nurse before 16 April 1947.

(4) All active service performed under Act of 22 December 1942 (chap 805, 56 Stat. 1072) or the act of 2 June 1944 (chap. 272, 58 Stat. 324).

(5) All active full-time service with the Army Medical Department as a civilian employee, except as a student or apprentice:

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

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

(c) The restrictive dates imposed in (a) and (b) above are not applicable to officers who were entitled to credit such service prior to 25 August 1959.

(6) If an officer of the RA, all active service as an officer of the Philippine Constabulary.

(7) If a commissioned officer of the RA in the Medical Corps, all service as contract surgeon, acting assistant surgeon, or contract physician under a contract to serve full-time and to take and change station as ordered.

(8) If a commissioned officer of the RA in the Dental Corps, all service as a contract dental surgeon or acting dental surgeon (10 USC 3926).

b. Constructive service as defined in paragraph 4-3c is not creditable for voluntary retirement or for retired pay purposes after voluntary retirement.

4-9. Voluntary retirement in lieu of mandatory retirement or in conjunction with scheduled release from active duty

a. An RA officer who desires to retire voluntarily, in lieu of mandatory retirement as scheduled, for reasons specified in this chapter, section III, may request retirement and be retired voluntarily on the mandatory retirement date, or an earlier approved retirement date.

b. A Reserve officer who is scheduled for release from active duty under the provisions of chapter 3 and who is, or will be, eligible for voluntary retirement prior to scheduled date of release, is notified by CG, PERSCOM. Date of retirement eligibility is included in the letter.

4-10. Application for retirement

a. *Preparation.* Applications for voluntary retirement will be prepared as shown in figure 4-1. The reference to transfer to the Retired Reserve in paragraph 1 of the application is applicable only to officers in the Active Reserve. If paragraph 5-20b(3) applies, the following will be added after "AR 635-100" in line 1, paragraph 1 of the application "and in lieu of elimination proceedings".

b. *Eligibility to apply for voluntary retirement.*

(1) Officers who have 19 or more years of active Federal service, will have completed all service obligations on or before the date of retirement, and who are not in receipt of an assignment alert as defined in paragraph 4-10c below. These officers may request voluntary retirement provided the requested retirement date is within 12 months of the date of the application.

(2) Each application will be forwarded as early as possible by commanders specified in paragraph 3-3 through Cdr, PERSCOM (TAPC-(appropriate career management division)); HQDA (DAJA-PT); HQDA (DACH-PER); as applicable; to Cdr, PERSCOM (TAPC-PDT-RR). For general officers, applications will be forwarded through MACOM commander to HQDA (DAPE-GO) WASH DC 20310-0200. For USAR officer not on the active duty list (AR 624-100 and 10 USC 630), applications should be forwarded to Cdr, ARPERCEN (DARP-FSA), 9700 Page Boulevard, St. Louis, MO 63132-5260. A request for retirement will be submitted sufficiently in advance to ensure that it is received in PERSCOM not later than four months prior to the requested retirement date. Requests for exception to this four month advance period will include justification for the delay in the submission of the request (e.g. when requested retirement date coincides with the date of the return from overseas; to preclude extreme hardship to the officer or the officer's immediate family). In addition, each request must include a statement that the officer is aware that the delay in submission of the request shortens the processing time, and therefore, may preclude retirement on the date requested. Each request for exception will be considered on an individual basis.

c. *Voluntary retirement in lieu of PCS.*

(1) Officers who have at least 19 years and six months of Active Federal Service (AFS) and who receive an alert or orders for a PCS reassignment. These officers may request retirement in lieu of complying with such alert or orders. The retirement application must be submitted within 30 days of receipt of the alert or orders, whichever is earlier, and is subject to the conditions listed below:

(a) *Assignment alert.* Official notification to an officer of an impending assignment. An assignment is considered "firm" when an officer has been selected for fill of a command's requisition. Any one of the following notification actions sufficiently constitutes an assignment alert:

1. A firm "where/when" assignment notification to an officer from a career manager, or an installation point of contact, or the officer's commander/supervisor during an interview.

2. A telephone call with a firm "where/when" assignment notification to an officer from a career manager, an installation point of contact, or the officer's commander/supervisor.

3. Written correspondence stating a firm "where/when" assignment to an officer from a career manager, an installation point of contact, or the officer's commander/supervisor.

(2) Warrant officers—10 USC 1401.

4-14. After 30 years of service

a. A commissioned officer of the RA who has at least 20 years of service, computed according to paragraph 4-8, may, on his or her application, and in the discretion of the President, be retired (10 USC 3918).

b. Reference for computation of retired pay is 10 USC 3991.

4-15. After 40 years of service

a. A commissioned or warrant officer of the RA, who has at least 40 years of service, computed according to paragraph 4-8, shall be retired on his or her request (10 USC 3924).

b. Reference for computation of retired pay is 10 USC 3991.

4-16. Policies

An application for voluntary retirement normally will be approved when the retirement is not contrary to the best interest of the service and if the following criteria are met:

a. Courses of instruction and the resulting active duty service obligations (ADSO's) must be completed on or before the date retirement is to be effective. Waivers may be granted by HQDA as provided in paragraph 4-17. OTRA officers who apply for voluntary retirement in lieu of involuntary release from active duty under the provisions of chapter 3 are not subject to this paragraph. Officers ADSO's are defined and explained in AR 350-100.

(1) **Civil schooling.** Officers who attend fully funded courses at civilian schools for more than 60 days incur an ADSO on completion or termination. The ADSO equals three times the length of schooling, computed in days, but not more than six years total. ADSO's incurred under AR 621-7 may exceed six years.

(2) **Military schooling.** Officers who attend any course of 60 days or more, which produces an academic evaluation report, incur an ADSO on completion or termination. The ADSO equals three times the length of schooling, computed in days, but not more than six years total. Exceptions include CSC and SSC level schooling, and the Warrant Officer Senior Course. The ADSO for these courses is two years.

(3) **Service.** The service required following receipt of Continuation Pay.

b. An officer (except as described in c below) who accepts an Army of the United States (AUS) or RA promotion (to pay grade W3 or W4) which changes his or her active duty pay grade, must serve a minimum of two years in the new grade. (If, at the time of the acceptance of the promotion which changes the active duty pay grade, the officer is already holding a permanent USAR grade equal to or higher than the grade to which promoted, 2-years active duty service in the new grade is not required.)

c. RA warrant officers scheduled for mandatory retirement may accept AUS or RA promotion to the above specified pay grades. Retention of these officers beyond their mandatory retirement date is not authorized.

d. Retirement eligible officers who report to a new CONUS duty station must serve a minimum of 12 months before being permitted to retire. Officers serving overseas on unaccompanied tours will be required to complete 5/6 of the prescribed "all other tour" or 12 months, whichever is longer, before being permitted to retire.

e. When dependents travel overseas at Government expense, the officer will be required to complete 5/6 of the prescribed tour before becoming eligible for retirement, or at least 12 months from the date of arrival of dependents, whichever is later.

f. The 12 months overseas restrictions are not applicable to non-regular officers who apply for voluntary retirement in conjunction with their release from active duty under the provisions of chapter

g. The retirement of applicants who are stationed overseas in critical positions may be deferred by HQDA, until a replacement can be made available through operation of the normal requisitioning cycle. Forwarding endorsements on request for retirement, when deferment is recommended, will contain justification for deferment.

4-17. Waivers

a. Service obligations may, at the discretion of the appropriate officials in HQDA, be waived:

(1) Under paragraph 4-16a, for the convenience of the service or if hardship arose after entry in the course.

(2) Under paragraph 4-16b, c, and d and paragraph 4-10c when in the best interest of the service or when substantial or undue hardship would result.

b. Requests must be documented and contain detailed justification when substantial or undue hardship would result. In processing applications, when the best interests of the service are involved, the following should be considered:

(1) Retirement in lieu of elimination under chapter 5 or in lieu of any other unfavorable personnel action justifying a waiver of the service obligation.

(2) Retirement of AUS and RA commissioned officers or warrant officers who fail selection for permanent promotion to grade O5, W3, or W4 and desire retirement.

4-18. Career recognition

When, in the opinion of the commander at the installation or duty station where the officer is serving, the retiring officer's career has been so exemplary as to merit special recognition, the commander is authorized to issue an additional extended retirement order. This citation should have the same number on it as the retirement order, plus the prefix EXT and should highlight the key events in the officer's career. The information can be gathered from field documents and by interview. This announcement may be placed on bulletin boards, included in the officer's file, read at ceremonies, and presented to the individual in an appropriate binder. A sample is at figure 4-3.

Section III Mandatory Retirement

4-19. Scope

Retirement under the provisions of law cited in this section applies only to RA commissioned and warrant officers. Since mandatory retirement is required by law, it must be accomplished on the date established by the applicable statute, unless otherwise specifically provided by law, (e.g., 10 USC 640), regardless of the desire of the officer concerned or DA officials. An individual may request retirement and be retired voluntarily on the mandatory retirement date.

4-20. Service for mandatory retirement

Service for mandatory retirement for commissioned officers who did not serve on active duty prior to 15 September 1981 is active Federal commissioned service. Service for commissioned officers on active duty on 14 September 1981 is active commissioned service in the RA, on and after 15 September 1981 plus the amount of service creditable to the officer on 14 September 1981 for the purpose of determining whether the officer is subject to involuntary retirement (10 USC 3927 repealed by DOPMA).

4-21. Initiation of action and notification

a. Mandatory retirement of a commissioned or warrant officer of the RA is initiated at HQDA.

b. Approximately 9 months prior to scheduled retirement date (except for officers non-selected for promotion who are notified according to para 4-26) a letter is sent direct to the officer by PERSCOM advising him or her of the approaching retirement, expressing appreciation for his or her service, and suggesting that he or she contact the local examining facility concerning any medical defects which the officer is aware. The letter includes the officer's mandatory retirement date, the specific statutory authority for the retirement and pertinent service data. A copy of this letter is forwarded to the commander specified in paragraph 3-3 with instructions concerning pre-retirement data (para 4-22).

c. The servicing PSC will be provided a copy of the notification letter. On receipt, the PSC will take the following actions:

Statement of Counseling

(date)

I affirm that I have counseled (name, grade and SSN), this date on all items on the attached counseling list, concerning her entitlements and responsibilities.

(Signature of counseling officer)

(Typed name, grade, SSN and organization of counseling officer)

Orig--Officer
1 copy--MPRJ

Figure 3-4. Sample Format for Pregnancy Statement of Counseling

Chapter 4 Retirement

Section I General

4-1. Scope

a. This chapter establishes procedures for the implementation of laws and policies governing the retirement of officers, except for:

- (1) Physical disability (AR 635-40).
- (2) Retired pay for non-Regular service (AR 135-180).

b. This chapter, where applicable, will govern the retirement of:

- (1) Commissioned and warrant officers, of the Regular and Reserve components of the Army.
- (2) Warrant officers of the Army of the United States without component.

4-2. Statutory authority

a. Specific sections of Title 10, USC, and other provisions of law shown in sections II, III, and IV of this chapter.

b. Uniform Retirement Date Act, 5 USC 8301.

c. Title 37, United States Code and 10 USC 1405.

4-3. Computation of service

a. There are different types of service, each computed as specified in the applicable provisions of law cited in this chapter for the various types of retirement.

(1) Service for retirement may be only active Federal service; or, for mandatory retirement of RA commissioned officers, may include constructive service (for commission officers on active duty on 14 September 1981) and is computed to determine whether:

- (a) A Regular or Reserve officer may be retired voluntarily.
- (b) A Regular commissioned or warrant officer must be retired mandatorily.

(c) A warrant officer may be advanced to a higher commissioned grade.

(2) Service for basic pay is used as a factor to determine retired pay.

b. Authority for each type of computation indicated in a above is contained in separate laws. Service for determining retirement eligibility is computed as specific in the particular provision of law which an officer is retired. Retired pay is computed according to the pay formulas prescribed by 10 USC, chapter 71 and 371; provisions contained in the retirement law; and according to 37 USC.

c. Certain commissioned officers, on appointment in the RA, are credited with constructive service which is used to determine their RA grades and their places on the promotion list. This amount of service, credited on date of appointment, becomes mandatory retirement service (for commissioned officers on active duty before 15 September 1981). (See para 4-20 for service creditable for mandatory retirement.) Mandatory retirement service, which includes constructive service if greater than total service for basic pay, is used as the multiplier in determining the percentage

in computing retired pay. No period of service subsequent to the date the officer meets the service requirements for mandatory retirement is creditable in the computation of retired pay, unless expected by the specific section of Title 10, USC which governs mandatory retirement.

d. When service has been computed in PERSCOM, for retirement or retired pay, and an officer claims additional service not shown in the current official United States Army Register, or Official Military Personnel File, the officer should send substantiating documents to Cdr, PERSCOM (TAPC-PDT-RR). These may be certified statements of service, discharge certificates, or other official evidence, and should be submitted well in advance of retirement date to allow time for verification and updating of records.

4-4. Retirement order

a. Orders announcing retirements will be issued by PERSCOM, at the earliest possible date.

b. On the day orders are issued, a letter of instructions, a statement of service, and copies of orders will be sent to the commander of the activity where the individual will be retired. After the 20th of the month, retirement orders will be verified by PERSCOM, by electrically transmitted message and letter.

c. Once an order has been issued and official notification of retirement approval has been dispatched, orders will not be amended or revoked except for extreme compassionate reasons or for the good of the service. Amendment or revocation must occur prior to the date of retirement.

4-5. Place of retirement

a. Except as provided in b, c and d below, officer personnel, regardless of where stationed, are required to be processed for retirement at the authorized and directed transfer activity specified in AR 635-10, paragraph 2-17.

b. Retirement at a location of personal choice, the provisions of AR 635-10, paragraph 2-18 and 2-19 apply. The retirement packets for officers stationed in CONUS will be forwarded to the military personnel office having custody of the officer's records. When an oversea returnee elects to be retired at a location of choice, PERSCOM will forward the retirement folder to the transfer activity of choice. If an officer who has elected to be retired at a location of choice subsequently elects, prior to his or her departure from the unit of assignment, to be retired at the authorized and directed place of retirement, adequate justification for this change will be submitted to the commander maintaining the personnel records. If the request is approved, that commander will immediately advise the transfer activity commander at the location of choice to mail the retirement folder to the authorized and directed transfer activity. Department of the Army retirement orders will not be amended in such case and AR 310-10, appendix A, format 434 will not be utilized. Once an officer has elected to be processed for retirement at a location of choice, the only change he or she may later make is to be processed at the authorized and directed transfer activity. A change from one location of choice to another location of choice is not authorized.

(2) An RA warrant officer who has twice failed to be selected for promotion to the next higher permanent warrant officer grade will, if on the date of his or her second failure of selection for promotion the officer has completed more than 20 years of active service as computed under paragraph 4-8, be retired 60 days after the date of his or her second failure. Any commissioned grade he or she holds will be terminated (10 USC 564(a)(1) and (d)).

(3) If a permanent warrant officer serving on active duty as a commissioned officer elects to remain on active duty as a commissioned officer, retirement under (1) or (2) above may be deferred until such date as the Secretary may prescribe (10 USC 564(c)).

4-27. More than 30 years of service

a. *Professors, USMA.* The Secretary of the Army may retire any permanent professor of the USMA having more than 30 years of commissioned service (10 USC 3920).

b. *Warrant officers.* Each RA warrant officer who has completed 30 years of active service computed under paragraph 4-8 will be retired on the last day of the month he or she completed 30 years and 60 days of active service. However, on recommendation of a board of officers, the Secretary may defer the retirement of any warrant officer, with his or her consent, but not later than 60 days after the officer becomes 62-years of age (10 USC 1305).

4-28. Selective early retirement

a. Each officer of the RA who qualifies under subparagraph (1) through (4) below may be considered for early retirement by a duly appointed board of officers. Eligible officers include those who—

(1) Hold the grade of lieutenant colonel, have failed selection for promotion to the grade of colonel two or more times, and are not on a list of officers recommended for promotion, or

(2) Hold the grade of colonel, have served at least four years of active duty in that grade, and are not on a list of officers recommended for promotion, or

(3) Hold the regular grade of brigadier general, have served at least three and one-half years of active duty in that grade, and are not on a list of officers recommended for promotion, or

(4) Hold the regular grade of major general and have served at least three and one-half years of active duty in that grade.

b. An officer in the grade of lieutenant colonel or colonel whose retirement under paragraph a above is so recommended and is approved by the Secretary of the Army shall—

(1) Be retired (under any provision of retirement law which he or she is eligible) on the date requested by the officer and approved by the Secretary of the Army but not later than the first day of the seventh calendar month beginning after the month the Secretary of the Army approves the report of the board which recommended the officer for early retirement, or

(2) If not eligible for retirement (under any provision of law), be retained on active duty until he or she is qualified for retirement as a commissioned officer (10 USC 3911) and then be retired under that statute, unless sooner retired or discharged under some other provision of law (10 USC 638(b)(1)).

c. An officer in the grade of brigadier general or major general whose retirement under paragraph a above is recommended and is approved by the Secretary of the Army shall be retired (under any provision of law he or she is eligible) on the date requested by the officer and approved by the Secretary of the Army, but not later than the first day of the tenth calendar month beginning after the month the Secretary of the Army approves the report of the board which recommended the officer for early retirement (10 USC 638(b)(2)).

d. So long as an officer in a grade below brigadier general holds the same grade, he or she may not be considered for early retirement more than once in any five-year period (10 USC 638(c)).

4-29. Retirement of regular officers for substandard performance of duty or for certain other reasons

a. *Commissioned officers.* An RA officer who is to be removed from active duty under the provisions of chapter 60, Title 10,

USC, and who on the date of removal is eligible for voluntary retirement under any provision of law will be retired in the grade and with the retired pay he or she would be eligible on his or her own application (10 USC 1186).

b. *Warrant officers.* When the records and reports of any permanent warrant officer of the RA establish his or her unfitness or unsatisfactory performance of duty, as determined by a promotion selection board convened under the provisions of 10 USC 558 or by other screening of his or her records by a board of officers and subject to the provision of chapter 5, he or she will be retired if eligible for retirement under any provision of law. Retired pay will be computed as if he or she had been retired under the provisions of law eligibility is established (10 USC 1166).

4-30. Continuation on active duty to complete disciplinary action

When any action has been commenced against a commissioned officer with a view to trying such officer by court-martial and officer is to be retired according to this chapter, the Secretary of the Army may delay the retirement of the officer, without prejudice to the action, until the completion of the action (10 USC 639).

Section IV

Retired Grade, Rank and Status

4-31. Retired grade

a. Commissioned officers.

(1) *General rule.* Unless entitled to a higher retired grade under some other provision of law, a commissioned officer of the Army who retires under the provisions of this chapter, except as provided in (3) below, is entitled to be retired in the highest grade he or she served on active duty satisfactorily, as determined by the Secretary of the Army, for not less than six months.

(2) *Mandatory retirements.*

(a) The requirement to serve three years on active duty in the grade of colonel (O6), in order to retire in that grade, does not apply to RA colonels who—

1. Were recommended for and promoted to O6 on or after 15 September 1981, and

2. Are being mandatorily retired after completing 30 years of active commissioned service (10 USC 634).

(b) However, the three year requirement does apply if an officer submits a request for voluntary retirement, with an effective date on or before the officer's mandatory retirement date (10 USC 3911 or 3918, as appropriate, and 10 USC 1370(a)(2)).

(3) *Exceptions.*

(a) *Voluntary retirement.* In order to be eligible for voluntary retirement, including retirement under paragraph 4-29 of this regulation, in a grade above major and below lieutenant general, a commissioned officer must have served on active duty in that grade for three years.

(b) *Grade determination.* The provisions of paragraph (3)(a) above do not apply to the retired grade of Reserve officers who apply for voluntary retirement on notification of their scheduled release from active duty without their consent (10 USC 1370(a)(3)). Grade determination for these officers will be according to paragraph 4-31a(1) above (e.g. the two/three year in grade requirement does not apply).

(c) *Generals or lieutenant generals.* On retirement, an officer who is serving in or has served in a position of importance and responsibility designated by the President to carry the grade of lieutenant general or general may, in the discretion of the President, be retired, by and with the advice and consent of the Senate, in the highest grade held by the officer while serving on active duty (10 USC 1370(c)).

(d) *Professors, USMA.* Any permanent professor of the USMA whose grade is below brigadier general, and whose service as a professor has been long and distinguished may, in the discretion of the President, be retired in the grade of brigadier general (10 USC 3962(b)).

b. *Warrant officers.* *General rule:* Unless entitled to a higher retired grade under some other provision of law, a warrant officer

4. Receipt of a copy of the Request for Orders (RFO) generated by the career manager, and verified by the installation point of contact when the installation point of contact is part of the assignment process.

(b) *Service obligations.* All previously incurred service obligations must be completed or waived before the requested retirement date. Requests for waiver documented as required in paragraph 4-17 will be forwarded as part of the retirement request through channels to Cdr, PERSCOM (TAPC-PDT-RR). Applications that do not go through channels will be returned. Officers and PSC personnel should verify the existence of service obligations by contacting Personnel Actions Sections of the career management divisions, Officer Personnel Management Directorate, PERSCOM concerned before submitting the request for retirement.

(c) *Stability.* An officer who requests retirement in lieu of PCS will normally remain at the same duty station unless the needs of the service or other circumstances clearly dictate a move to properly utilize the officer because of deletion of position, reorganization, disciplinary problems, etc. Officers in such situations will be reassigned in the post, camp, or station where they can be properly used. Where this is not possible, officers will be reassigned to the closest military installation where they can be used. Officers will not be reassigned solely to move them to the installation nearest to their requested place of retirement.

(d) *Finality.* An approved retirement submitted in lieu of PCS will not be withdrawn nor will the retirement date be extended. Requests for change to effect earlier retirement will be considered on a case by case basis. A retirement application submitted in lieu of PCS is considered to be "approved" and is administratively binding when the application has been cleared by the career management specified in paragraph 4-10b(3) above.

(e) *Date of retirement.* Officers alerted for reassignment may request retirement for a date not more than six months from the date of their alert or on the first day of the month after the officer attains 20 years of AFS, whichever is later. For example, an officer alerted for PCS on 28 June 1988, may apply for retirement to be effective no later than 1 December 1988.

(2) *Deletion.* The PERSCOM career management division concerned will delete the officer from the PCS as a result of an approved retirement.

d. Voluntary retirement in lieu of elimination.

(1) Officers who have at least 19 years and six months of AFS, but less than 20 years AFS, may request retirement in lieu of elimination on receipt of memorandum of notification of impending elimination from the GOSCA as stated in paragraph 5-14. The effective date of retirement will be not later than 60 days from the date the officer attains 20 years AFS.

(2) Officers who have 20 or more years of AFS may request retirement in lieu of elimination on receipt of the memorandum of notification of impending elimination from the GOSCA as stated in paragraph 5-14. The effective date of retirement will be not later than 60-days from the date of the officer's election of retirement in lieu of elimination.

4-11. Action by commanders

a. Commanders having custody of applicants' personnel records or hospital commanders operating independent transfer activities will—

(1) Verify from available records and documents all information given in the application.

(2) Ensure that the officer has read this chapter, section V and is aware of his or her responsibility for obtaining a medical examination, if he or she wishes one prior to the retirement. Failure to complete the examination will not affect or delay the retirement under this chapter, but could affect subsequent claims for service connected medical problems.

(3) Ensure that the actions required by paragraph 4-36b are taken in a timely manner.

(4) Forward the application as specified in paragraph 4-10b(3).

(5) Ensure that prompt action has been taken to adjust and close any public property or financial accounts of applicant.

(6) When an application is submitted by an officer scheduled for mandatory release from active duty under chapter 3, include the following information in the forwarding endorsement:

(a) Scheduled release date.

(b) Specific release program (e.g., "AR 635-100, chapter 3, section V").

(c) File reference, subject, and date of the PERSCOM letter notifying the officer of the scheduled release date.

(7) When an application is submitted in lieu of elimination include pertinent facts and circumstances.

b. Intermediate commanders will review each application to ensure compliance with this chapter and forward, with recommendation of approval or disapproval, together with statement that action is or is not in contravention with AR 600-8-2. Recommendations for disapproval will state reasons.

4-12. Request for withdrawal of application or change in retirement date

a. Withdrawal of an application may be approved only by HQDA if it has been forwarded to PERSCOM by the commander authorized to do so (para 4-10b(3)).

(1) A request for withdrawal will not be approved except for extreme compassionate reasons or for definitely established convenience of the service.

(2) A request for change in the retirement date will not be approved unless extenuating circumstances arise which justify an exception to policy.

b. Requests from applicants for withdrawal of applications or change in retirement date, with statements attesting to reasons as indicated in a (1) or (2) above, will be forwarded through channels to Cdr, PERSCOM (TAPC-PDT-RR).

c. Each endorsement will recommend approval or disapproval and state the reasons.

d. A request for withdrawal of an application may be approved by an endorsing commander and the application returned to the officer who submitted it if it has not been forwarded to PERSCOM by the commander specified in paragraph 4-10b(3).

e. An officer who has an approved retirement pending, and who subsequently is selected for promotion, has the option to withdraw his or her retirement application and accept the promotion. The officer continues to be subject to worldwide assignment according to the needs of the Army. Requests will be forwarded through channels to Cdr, PERSCOM (TAPC-PDT-RR).

4-13. After 20 years of service

a. *Commissioned officers.*

(1) A Regular or Reserve commissioned officer of the Army who has at least 20 years of AFS, computed as in paragraph 4-8, at least 10 years which have been active service as a commissioned officer, may, on his or her application and, in the discretion of the Secretary of the Army, be retired (10 USC 3911).

(2) To be retired under this provision, it is not necessary for a Reserve commissioned officer to be serving on active duty in his or her commissioned status or to be in an active Reserve status at time of retirement (Comp Gen Dec B-83703, 20 May 1949 (28 Comp Gen 655)).

b. *Warrant Officers.*

(1) Any warrant officer who has at least 20 years of AFS, computed as in paragraph 4-8, may, on his or her application, and at the discretion of the Secretary of the Army, be retired (10 USC 1293).

(2) For a Reserve warrant officer to retire under this provision he or she must have a USAR status at time of retirement. It is not necessary for him or her to have served, or to be serving on active duty in his or her warrant officer status at time of retirement (JAGA 1954/8666, 17 Nov 1954).

c. *Enlisted personnel.* The provisions of a and b above apply to enlisted personnel on active duty who concurrently hold commissioned or warrant officer status in the USAR.

d. *Computation of retired pay.* References for computation of retired pay are—

(1) Commissioned officer—10 USC 3991.

3. Authorized place of retirement: (Enter the authorized and directed transfer activity where required to be processed AR 635-10, paragraph 2-18a. If applicable, identify the CONUS debarkation area.) **FE MYER**

4. Location of choice transfer activity: **NA** (If electing to be processed for retirement at a transfer activity other than the one prescribed by AR 635-10, paragraph 2-18a--enter an appropriate transfer activity as provided by AR 635-10, paragraph 2-19; otherwise enter "Not applicable").

5. I have been counseled as specified by AR 635-10, paragraph 2-19. I fully understand the provisions of AR 635-10, chapter 2, section V, concerning entitlement to per diem, travel and transportation allowances based on retirement at a location of choice transfer activity.

6. I have read AR 635-100, chapter 4, section V. I am responsible for ensuring that a physical examination is completed not earlier than 4-months nor later than one month prior to my approved retirement date (subject physical to be arranged through coordination with my unit of assignment). I am aware that the purpose of this examination is to ensure that my medical records reflect as accurately as possible my state of health on retirement and to protect my interests and those of the United States Government. I also understand that my retirement will take effect on the requested date and that I will not be held on active duty to complete this examination.

7. In accordance with 10 USC, I understand that:

a. Enrollment in the Survivor Benefit Plan (SBP) is the only way that I may continue a portion of my retirement pay to my family at my death.

b. I must receive SBP counseling for myself and my spouse no less than 30-days before retirement.

c. I will be enrolled in full SBP coverage if I fail to elect otherwise in writing before my retirement.

d. I cannot elect less than full spouse SBP without my spouse's written agreement. I received a spousal concurrence for this purpose in conjunction with this application/letter. I realize there are other forms that must be completed during SBP counseling.

e. Failure to return the completed spousal concurrence statement to the proper officials prior to my retirement packet being sent to the US Army Finance & Accounting Center will result in my being irrevocably and irreversibly enrolled in SBP at full cost.

8. Address on retirement: (a reliable forwarding address for mail).

9. I am familiar with AR 635-100, paragraph 4-12 and understand that if this application for retirement is accepted by the Secretary of the Army it may not be withdrawn except for extreme compassionate reasons or for the definitely established convenience of the Government.

10. (If AR 635-100, para 4-16 is applicable, continue with the information required by para 4-18.)

11. As of the date of this application, I have (number) days accrued leave. I (do/do not) plan to take terminal leave. If applicable, complete the following: I plan to take (number) days leave.

12. (For officers serving in grades 05 through 08). I have read and understand the provisions of AR 635-100, paragraph 4-31 pertaining to determination of my retired grade. Considering these provisions, and after a review of my records, I believe that I am entitled to retire in the grade of (grade). I understand that final determination of my retired grade will be made by HQDA, and that I will be informed if I am not entitled to retire in the grade I have specified in this paragraph.

13. This application (is/is not) submitted in lieu of complying with PCS instructions.

14. I understand that if I participated in certain advanced education programs, I may be required to reimburse the United States government as stated in written agreement made by me with the United States government under law and regulations.

JOHN J. DOE

Colonel, IN

XXX-XX-XXXX

Note:

Enlisted personnel applying for retirement in an officer grade will include their active duty enlisted rank and primary military occupational specialty.

Figure 4-1. Sample format for voluntary retirement application—Continued

(1) Coordinate with the officer to ensure that the officer has received the letter of notification and give any assistance that can be provided.

(2) Control separation processing according to procedures in DA Pam 600-8-11, until retirement has been effected.

(3) On retirement, maintain the file for 30 days and then destroy.

4-22. Pre-retirement data

To avoid unnecessary delay in processing the retirement, each officer who is notified that he or she is scheduled for mandatory retirement will forward the pre-retirement information shown in figure 4-2. This information will be forwarded, through channels, as expeditiously as possible to HQDA (DAPE-GO), for general officers; and to Cdr, PERSCOM (TAPC-PDT-RR), for all other officers, to reach that office not later than 3 months prior to the scheduled retirement date.

4-23. Action by commanders

Immediate commanders will ensure that—

a. Each officer who is notified of his or her impending mandatory retirement forwards the pre-retirement information on time, as specified in paragraph 4-21.

b. Officers are aware of their responsibility for beginning their medical examination on time (when they request one) and that officers are available to medical personnel for examination, tests and/or treatment deemed necessary by the medical facility commander prior to their retirement date.

4-24. Retirement for age

a. RA commissioned officer (10 USC 1251).

(1) Except as provided in subparagraph (2) and (3) below, and unless retired or separated at an earlier date, each RA commissioned officer of the Army shall be retired on the first day of the month following the month which he or she becomes 62 years of age.

(2) An officer who is a permanent professor or the director of admissions at the USMA shall be retired on the first day of the month following the month he or she becomes 64 years of age.

(3) The President may defer the retirement of an officer serving in a position that carries a grade above Major General, but the deferral may not extend beyond the first day of the month following the month the officer becomes 64 years of age. Not more than ten deferments of this type may be in effect at any one time.

b. RA warrant officers (10 USC 1164 and 1263). Unless retired or separated at an earlier date, each warrant officer who has at least 20 years of active service will be retired not later than 60-days after he or she reaches 62 years of age.

4-25. Retirement for service in grade and/or years of service

a. Major generals. Each officer of the RA who holds the regular grade of major general shall, if not earlier retired, be retired on the later of the following dates:

(1) The first day of the first month beginning after the date of the fifth anniversary of his or her appointment to that grade, or

(2) The first day of the month after the month he or she completes 35 years of active commissioned service (10 USC 636).

b. Brigadier generals. Each officer of the RA who holds the regular grade of brigadier general, who is not on a list of officers recommended for promotion to the regular grade of major general, shall, if not earlier retired, be retired on the latter of the following dates:

(1) The first day of the first month beginning after the date of the fifth anniversary of his or her appointment to that grade, or

(2) The first day of the month after the month he or she completes 30 years of active commissioned service (10 USC 635).

c. Colonels.

(1) Each officer of the RA who holds the grade of colonel, who is not on a list of officers recommended for promotion to the regular grade of brigadier general, shall, if not earlier retired, be retired on the first day of the month after the month he or she completes 30-years of active commissioned service (10 USC 634).

(2) An officer of the RA who on 15 September 1981 holds the grade of colonel, or is on a list of officers recommended for promotion to that grade shall be retired on the later of the following dates if the date falls on the first of the month, and if not, retirement will be effective on the first day of the following month (5 USC 8301):

(a) The fifth anniversary of his or her appointment in that grade, or

(b) The first day of the month following the month he or she completes 30 years and 30 days of service as computed in paragraph 4-20 (10 USC 3921 as preserved by section 609, PL 96-513, 94 Stat. 2835, 12 Dec 80).

(3) Subparagraph (2) above does not apply to an officer who is either:

(a) Sooner retired or separated under another provision of law; or

(b) Promoted to the regular grade of brigadier general.

(4) The Secretary of the Army may defer the retirement of an officer who meets the criteria of subparagraph (2) above who holds the grade of colonel in the Medical Corps, Dental Corps, Veterinary Corps, Medical Service Corps, or Chaplains, but not later than the date he or she becomes 60 years of age. The number of retentions in effect for any one promotion list may not be more than 10 percent of the number of colonels authorized for that list.

b. Lieutenant colonels. Each officer of the RA who holds the grade of lieutenant colonel, who is not on a list of officers recommended for promotion to the grade of colonel, shall, if not earlier retired, be retired on the first day of the month after the month he or she completes 28 years of active commissioned service (10 USC 633).

4-26. Retirement of officers

a. Majors, captains, and first lieutenants.

(1) Unless continued on active duty under the provisions of the Selective Continuation Program (10 USC 637(a) and AR 624-100) (applies to captains and majors only) each officer who holds the grade of first lieutenant, captain or major who has failed to be selected for promotion to the next higher grade for the second time, whose name is not on a list of officers recommended for promotion to the next higher regular grade, and who is eligible for retirement under any provision of law shall be retired under that law:

(a) On the first day of any month requested by the officer and approved by the Secretary of the Army, but

(b) Not later than the first day of the seventh calendar month beginning after the month the President approves the report of the board which considered him or her for the second time. (This provision does not apply to officers described in subparagraph (3) below.)

(2) If an officer discussed in paragraph (1) above is not eligible for retirement as of the date established in paragraph (b) above, but is within two years of qualifying for retirement under provisions of this regulation, paragraph 4-13a(1) as of that date, he or she will be retained on active duty until he or she is qualified for retirement and then be retired, unless sooner retired or discharged under another provision of law (10 USC 631 and 632).

b. RA warrant officers.

(1) An RA warrant officer who has twice failed to be selected for promotion to the next higher permanent warrant officer grade, will, on the date of his or her second failure of selection, if he or she has at least 18 but not more than 20 years of active service (computed under paragraph 4-8) be retired on the last day of the month in which the officer completes 20 years and 60 days of active service. If he or she holds a commission as an officer, it will be terminated on the date of his or her retirement (10 USC 564(a)(2) and (d)).

c. An individual serving on foreign service who desires retirement in his or her oversea area of assignment (subject to approval of the oversea commander) should indicate this in the application for voluntary retirement or with the pre-retirement report for mandatory retirement. If required, a passport should be obtained by the retiree from the nearest United States Consulate.

d. For absence from home station in a leave status on date of retirement, see AR 630-5.

4-6. Residence and travel abroad

Retired personnel may travel or reside in any area to which access is authorized United States Citizens by the United States Department of State. Permission for travel or residence is a Department of State matter and does not require approval from officials in HQDA.

Section II Voluntary Retirement

4-7. Authority

a. The final authority to approve or disapprove an application for retirement is vested in the Secretary of the Army. Approval of applications for retirement may be mandatory or discretionary, dependent on the specific provision of law.

b. Applications which are disapproved will be returned through channels to the applicant.

4-8. Service for determining retirement eligibility

a. To determine whether an officer may be retired voluntarily, his or her years of active Federal service are computed by adding:

(1) All active service performed as an officer of the uniformed services, including:

(a) Service in full-time training or full-time duty in the service of the United States as a Reserve officer of the Army, Navy, or Air Force, as authorized in the National Defense Act, as amended; the Naval Reserve Act of 1938, as amended; or in other provisions of law, and

(b) Service in training exercises or duties as an officer of the ARNG provided by sections 5, 81, 92, 94, 97 and 99 of the National Defense Act, as amended.

(2) All service in the Navy or Marine Corps that may be included in determining the eligibility of an officer of the Navy or Marine Corps for retirement if not included in (1) above.

(3) All active service in the Army Nurse Corps or Navy Nurse Corps, including service as a contract nurse before 16 April 1947.

(4) All active service performed under Act of 22 December 1942 (chap 805, 56 Stat. 1072) or the act of 2 June 1944 (chap. 272, 58 Stat. 324).

(5) All active full-time service with the Army Medical Department as a civilian employee, except as a student or apprentice:

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

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

(c) The restrictive dates imposed in (a) and (b) above are not applicable to officers who were entitled to credit such service prior to 25 August 1959.

(6) If an officer of the RA, all active service as an officer of the Philippine Constabulary.

(7) If a commissioned officer of the RA in the Medical Corps, all service as contract surgeon, acting assistant surgeon, or contract physician under a contract to serve full-time and to take and change station as ordered.

(8) If a commissioned officer of the RA in the Dental Corps, all service as a contract dental surgeon or acting dental surgeon (10 USC 3926).

b. Constructive service as defined in paragraph 4-3c is not creditable for voluntary retirement or for retired pay purposes after voluntary retirement.

4-9. Voluntary retirement in lieu of mandatory retirement or in conjunction with scheduled release from active duty

a. An RA officer who desires to retire voluntarily, in lieu of mandatory retirement as scheduled, for reasons specified in this chapter, section III, may request retirement and be retired voluntarily on the mandatory retirement date, or an earlier approved retirement date.

b. A Reserve officer who is scheduled for release from active duty under the provisions of chapter 3 and who is, or will be, eligible for voluntary retirement prior to scheduled date of release, is notified by CG, PERSCOM. Date of retirement eligibility is included in the letter.

4-10. Application for retirement

a. *Preparation.* Applications for voluntary retirement will be prepared as shown in figure 4-1. The reference to transfer to the Retired Reserve in paragraph 1 of the application is applicable only to officers in the Active Reserve. If paragraph 5-20b(3) applies, the following will be added after "AR 635-100" in line 1, paragraph 1 of the application "and in lieu of elimination proceedings".

b. *Eligibility to apply for voluntary retirement.*

(1) Officers who have 19 or more years of active Federal service, will have completed all service obligations on or before the date of retirement, and who are not in receipt of an assignment alert as defined in paragraph 4-10c below. These officers may request voluntary retirement provided the requested retirement date is within 12 months of the date of the application.

(2) Each application will be forwarded as early as possible by commanders specified in paragraph 3-3 through Cdr, PERSCOM (TAPC-(appropriate career management division)); HQDA (DAJA-PT); HQDA (DACH-PER); as applicable; to Cdr, PERSCOM (TAPC-PDT-RR). For general officers, applications will be forwarded through MACOM commander to HQDA (DAPE-GO) WASH DC 20310-0200. For USAR officer not on the active duty list (AR 624-100 and 10 USC 630), applications should be forwarded to Cdr, ARPERCEN (DARP-FSA), 9700 Page Boulevard, St. Louis, MO 63132-5260. A request for retirement will be submitted sufficiently in advance to ensure that it is received in PERSCOM not later than four months prior to the requested retirement date. Requests for exception to this four month advance period will include justification for the delay in the submission of the request (e.g. when requested retirement date coincides with the date of the return from oversea; to preclude extreme hardship to the officer or the officer's immediate family). In addition, each request must include a statement that the officer is aware that the delay in submission of the request shortens the processing time, and therefore, may preclude retirement on the date requested. Each request for exception will be considered on an individual basis.

c. *Voluntary retirement in lieu of PCS.*

(1) Officers who have at least 19 years and six months of Active Federal Service (AFS) and who receive an alert or orders for a PCS reassignment. These officers may request retirement in lieu of complying with such alert or orders. The retirement application must be submitted within 30 days of receipt of the alert or orders, whichever is earlier, and is subject to the conditions listed below:

(a) *Assignment alert.* Official notification to an officer of an impending assignment. An assignment is considered "firm" when an officer has been selected for fill of a command's requisition. Any one of the following notification actions sufficiently constitutes an assignment alert:

1. A firm "where/when" assignment notification to an officer from a career manager, or an installation point of contact, or the officer's commander/supervisor during an interview.

2. A telephone call with a firm "where/when" assignment notification to an officer from a career manager, an installation point of contact, or the officer's commander/supervisor.

3. Written correspondence stating a firm "where/when" assignment to an officer from a career manager, an installation point of contact, or the officer's commander/supervisor.

retires in the RA or AUS grade, if any, that he or she held on the day before the date of the retirement, or in any higher warrant officer grade he or she served on active duty satisfactorily, as determined by the Secretary of the Army, for at least 31 days (10 USC 1371).

4-32. Advancement of warrant officers to higher grade

a. When his or her active service (plus service on the retired list) totals 30 years, any retired warrant officer of the Army is entitled to be advanced on the retired list to the highest commissioned grade he or she served satisfactorily on active duty as determined by the Secretary of the Army (10 USC 3964).

b. When a warrant officer becomes eligible for advancement, orders announcing his or her advancement are issued by the Commander, U.S. Army Reserve Personnel Center, ATTN: DARP-PAR-SCP, 9700 Page Boulevard, St. Louis, MO 63132-5200. Notification is sent to the officer, to Retired Pay Operations, US Army Finance and Accounting Center (USFAC), Indianapolis, IN 46249-0001; and to other appropriate agencies.

4-33. Restoration of Regular Army warrant officers to former grade

Any retired warrant officer of the RA who has been advanced to a higher commissioned grade under 10 USC 3964 and who applies to the Secretary of the Army within 3 months after his or her advancement, shall, if the Secretary approves, be restored on the retired list to his or her former warrant officer status (10 USC 3965).

4-34. Retired officer status

An RA officer placed on the retired list continues to be an officer of the United States Army (31 Ct. Cl.35) (16 Ct. Cl. 223); R.S. 1255).

4-35. Change in status after retirement

In the absence of any showing of fraud, the retirement of an officer under a particular statute exhausts the power of the President and the Secretary of the Army, and the record of executive action cannot be revoked or modified to make retirement relate to another

statute, even though the case is one which more than one statute properly applied at the time of retirement. There is no authority for the restoration of a retired officer to the active list for the purpose of being again retired (sec. 326(1) Dig. OP. JAC 1912-40).

Section V Medical Examination

4-36. Medical examination requirement

a. The immediate commander of each officer undergoing retirement will ensure that procedures are followed pertaining to medical examination as stated in AR 40-501.

b. Medical examination prior to retirement is required. Examination must be scheduled not earlier than 4 months or later than one month before the approved retirement date.

4-37. Hospitalization/Physical Evaluation Board (PEB) Proceedings

a. If an officer who is scheduled for or who has requested retirement becomes hospitalized or has an identified medical problem, the commander of the medical treatment facility (MTF) or a senior medical officer who has detailed knowledge of medical fitness and unfitness standards, disposition of patients, and disability separation processing to whom he or she delegates such authority, will determine immediately whether the condition(s) will result in referral to a Physical Evaluation Board (PEB). If referral to a PEB will result, the MTF commander or designated representative will notify Cdr, PERSCOM (TAPC-PDT-RR) by mail or message as soon as possible.

b. If a PEB is not necessary, but additional medical care is, the retirement will be processed as a nondisability retirement and continuing medical problems treated up to and/or after the approved retirement date. Retirement dates will not be changed for the purpose of continued medical treatment that will extend past the approval retirement date.

(Letterhead)

Office Symbol (Marks Number)

(Date)

MEMORANDUM THRU (Channels)

For Cdr, PERSCOM (TAPC-PDT-RR), 200 Stovall Street, Alexandria, Virginia 22332-0478

SUBJECT: Voluntary Retirement

1. Under the provisions of law cited in AR 635-100, paragraph (number), I request that I be released from active duty and assignment on (last day of the month which retirement would otherwise be effective) and placed on the retired list on (first day of the following month), or as soon thereafter as practicable, and that I be transferred to the Retired Reserve immediately on retirement (Regular Army officers omit last phrase). I will have completed over (number) years of active Federal service on the requested retirement date.

2. Assignment status: (organization and station which currently assigned and duty station which attached, if any).

Figure 4-1. Sample format for voluntary retirement application

(2) Warrant officers—10 USC 1401.

4-14. After 30 years of service

a. A commissioned officer of the RA who has at least 20 years of service, computed according to paragraph 4-8, may, on his or her application, and in the discretion of the President, be retired (10 USC 3918).

b. Reference for computation of retired pay is 10 USC 3991.

4-15. After 40 years of service

a. A commissioned or warrant officer of the RA, who has at least 40 years of service, computed according to paragraph 4-8, shall be retired on his or her request (10 USC 3924).

b. Reference for computation of retired pay is 10 USC 3991.

4-16. Policies

An application for voluntary retirement normally will be approved when the retirement is not contrary to the best interest of the service and if the following criteria are met:

a. Courses of instruction and the resulting active duty service obligations (ADSO's) must be completed on or before the date retirement is to be effective. Waivers may be granted by HQDA as provided in paragraph 4-17. OTRA officers who apply for voluntary retirement in lieu of involuntary release from active duty under the provisions of chapter 3 are not subject to this paragraph. Officers ADSO's are defined and explained in AR 350-100.

(1) Civil schooling. Officers who attend fully funded courses at civilian schools for more than 60 days incur an ADSO on completion or termination. The ADSO equals three times the length of schooling, computed in days, but not more than six years total. ADSO's incurred under AR 621-7 may exceed six years.

(2) Military schooling. Officers who attend any course of 60 days or more, which produces an academic evaluation report, incur an ADSO on completion or termination. The ADSO equals three times the length of schooling, computed in days, but not more than six years total. Exceptions include CSC and SSC level schooling, and the Warrant Officer Senior Course. The ADSO for these courses is two years.

(3) Service. The service required following receipt of Continuation Pay.

b. An officer (except as described in c below) who accepts an Army of the United States (AUS) or RA promotion (to pay grade W3 or W4) which changes his or her active duty pay grade, must serve a minimum of two years in the new grade. (If, at the time of the acceptance of the promotion which changes the active duty pay grade, the officer is already holding a permanent USAR grade equal to or higher than the grade to which promoted, 2-years active duty service in the new grade is not required.)

c. RA warrant officers scheduled for mandatory retirement may accept AUS or RA promotion to the above specified pay grades. Retention of these officers beyond their mandatory retirement date is not authorized.

d. Retirement eligible officers who report to a new CONUS duty station must serve a minimum of 12 months before being permitted to retire. Officers serving overseas on unaccompanied tours will be required to complete 5/6 of the prescribed "all other tour" or 12 months, whichever is longer, before being permitted to retire.

e. When dependents travel overseas at Government expense, the officer will be required to complete 5/6 of the prescribed tour before becoming eligible for retirement, or at least 12 months from the date of arrival of dependents, whichever is later.

f. The 12 months overseas restrictions are not applicable to non-regular officers who apply for voluntary retirement in conjunction with their release from active duty under the provisions of chapter

g. The retirement of applicants who are stationed overseas in critical positions may be deferred by HQDA, until a replacement can be made available through operation of the normal requisitioning cycle. Forwarding endorsements on request for retirement, when deferment is recommended, will contain justification for deferment.

4-17. Waivers

a. Service obligations may, at the discretion of the appropriate officials in HQDA, be waived:

(1) Under paragraph 4-16a, for the convenience of the service or if hardship arose after entry in the course.

(2) Under paragraph 4-16b, c, and d and paragraph 4-10c when in the best interest of the service or when substantial or undue hardship would result.

b. Requests must be documented and contain detailed justification when substantial or undue hardship would result. In processing applications, when the best interests of the service are involved, the following should be considered.

(1) Retirement in lieu of elimination under chapter 5 or in lieu of any other unfavorable personnel action justifying a waiver of the service obligation.

(2) Retirement of AUS and RA commissioned officers or warrant officers who fail selection for permanent promotion to grade 05, W3, or W4 and desire retirement.

4-18. Career recognition

When, in the opinion of the commander at the installation or duty station where the officer is serving, the retiring officer's career has been so exemplary as to merit special recognition, the commander is authorized to issue an additional extended retirement order. This citation should have the same number on it as the retirement order, plus the prefix EXT and should highlight the key events in the officer's career. The information can be gathered from field documents and by interview. This announcement may be placed on bulletin boards, included in the officer's file, read at ceremonies, and presented to the individual in an appropriate binder. A sample is at figure 4-3.

Section III Mandatory Retirement

4-19. Scope

Retirement under the provisions of law cited in this section applies only to RA commissioned and warrant officers. Since mandatory retirement is required by law, it must be accomplished on the date established by the applicable statute, unless otherwise specifically provided by law, (e.g., 10 USC 640), regardless of the desire of the officer concerned or DA officials. An individual may request retirement and be retired voluntarily on the mandatory retirement date.

4-20. Service for mandatory retirement

Service for mandatory retirement for commissioned officers who did not serve on active duty prior to 15 September 1981 is active Federal commissioned service. Service for commissioned officers on active duty on 14 September 1981 is active commissioned service in the RA, on and after 15 September 1981 plus the amount of service creditable to the officer on 14 September 1981 for the purpose of determining whether the officer is subject to involuntary retirement (10 USC 3927 repealed by DOPMA).

4-21. Initiation of action and notification

a. Mandatory retirement of a commissioned or warrant officer of the RA is initiated at HQDA.

b. Approximately 9 months prior to scheduled retirement date (except for officers non-selected for promotion who are notified according to para 4-26) a letter is sent direct to the officer by PERSCOM advising him or her of the approaching retirement, expressing appreciation for his or her service, and suggesting that he or she contact the local examining facility concerning any medical defects which the officer is aware. The letter includes the officer's mandatory retirement date, the specific statutory authority for the retirement and pertinent service data. A copy of this letter is forwarded to the commander specified in paragraph 3-3 with instructions concerning pre-retirement data (para 4-22).

c. The servicing PSC will be provided a copy of the notification letter. On receipt, the PSC will take the following actions: