

Reduced Eligibility Age for Retirement Pay

I M Briefer

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Purpose

The purpose of this presentation is to inform Army National Guard Soldiers on guidance for the eligibility of retirement pay at a reduced age.



References

**National Defense Authorization Act (NDAA) for
Fiscal Year (FY) 2008, 28 Jan 08.**

**Department of Defense Instruction (DoDI) 1215.0/, 18
Nov 05, with change 1, 7 Nov 08**

**National Guard Bureau (NGB) Memorandum,
“Implementation Guidance for Reduced
Retirement Age for Army National Guard
Soldiers”, 22 Jun 09**



Outline

- NDAA 2008
- DoDdi1215.07
- Eligible Duty
 - 10 USC
 - 502 (f) title 32
- Ineligible Duty
- Examples
- Responsibilities
- Summary
- Conclusion



NDAA '08 Authorization

The National Defense Authorization Act for 2008, section 647, amended USC Title 10, section 12731, reducing the eligibility age for Reserve retirement pay

- Only eligible active duty service (as a member of the Ready Reserve) on or after 29 Jan 2008 can be credited for purposes of receiving retirement pay below age 60
- Eligibility reduced below age 60 by 3 months for each cumulative total of 90 eligible days of active duty service per fiscal year
- May not be reduced below age 50
- Reserve retiree health care remains at age 60, regardless of eligibility age for Reserve retirement pay
- Includes call or order to active duty under provisions:
 - **10 U.S.C. § 101(a)(13)(b);**
 - **10 U.S.C. § 12301(d); *and***
 - **32 U.S.C. § 502(f)**



DoDI 1215.07 Service Credit for Reserve Retirement

DoDI 1215.07, *Service Credit for Reserve Retirement*, incorporating change 1, dated 7 Nov 2008, which implements National Defense Authorization Act for 2008, section 647 explains 10 U.S.C. § 101(a)(13)(b) as follows:

- Retired members called to AD (10 U.S.C. § 688)
- Mobilized (declared by Congress) (10 U.S.C. § 12301(a))
- Mobilized (declared by President) (10 U.S.C. § 12302)
- Mobilized for other than war or nat'l emergency (10 U.S.C. § 12304)
- Stop loss (10 U.S.C. § 12305)
- National Guard in federal service to repel invasion, suppress rebellion; enable execution of laws (10 U.S.C. § 12406)
- National Guard in federal service to suppress insurrections against another state; enforce federal authority; respond to emergencies; suppress rebellion prevent interference with state law (10 U.S.C. chapter 15)
- Any other provision of law during a war or during a national
- Emergency declared by the President or Congress.



Voluntary Active Duty Service under 10 U.S.C. § 12301(d)

**Voluntary Service under 10 U.S.C. § 12301(d)
includes *both MPA funded orders and RPA funded
orders for the following active duty eligible service:***

- Voluntary active duty for contingencies and
- deployments
- Operational Support (ADOS - formerly ADSW)
- Training
- School Tours



National Guard Service under 32 U.S.C. § 502(f)

502 (f) of title 32, U.S.C. for the purposes of responding to a national emergency declared by the President or supported by federal funds, examples include:

- To secure U.S. airports following terrorist attacks
- To employ National Guard to assist in aftermath of Hurricane
- To assist Dept of Homeland Security in securing Borders
- To support a National Special Security Event



Ineligible Duty

Not creditable AD service for purposes of reducing eligibility age for retired pay:

- As an Active Guard Reserve (AGR) member (10 U.S.C. § 12310)
 - Annual tour (10 U.S.C. § 12301(b))
 - While in captive status (10 U.S.C. § 12301(g))
 - Medical treatment, medical evaluation for disability purposes or medical study (10 U.S.C. §12301(h))
 - As a member not assigned to, or participating satisfactorily in units (10 U.S.C. § 12303)
 - Under active duty agreements (10 U.S.C. § 12311)
 - Disciplinary/courts-martial (10 U.S.C. § 12315)
 - Muster duty (10 U.S.C. §12319)
 - As a member of the Regular Component
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- Inactive Duty is not eligible for reducing eligibility age for retired pay



Example 1:

SFC Smith was ordered to AD under 10 USC 12302 in support of Operation Iraqi Freedom from 1 Jan 07 through 31 Mar 08 and then ordered to FTNGD under 32 USC 502(f) in support of a Secretary of Defense national emergency from 1 Jun 09 through 26 Jun 09.

Does SFC Smith's retirement pay age get reduced from age 60?



Example 2:

CPT Jones was ordered to AD under 10 USC 12302 in support of OIF from 27 Mar 08 through 20 Apr 09; then to AD under 10 USC 12301(d) in support of the Warrior Transition Unit at Fort Hood, Texas from 1 Jun 09 through 30 May 10; then to FTNGD to attend Intermediate Level Education for 270 days.

Does CPT Jones' retirement pay age get reduced from age 60?



Example 3:

SSG Williams was ordered to AD under 10 USC 12301(d) Active Duty for Operational Support from 15 Jul 08 through 15 Dec 08.

If any, how much is the retirements pay age decreased?



Responsibility

Service Members' responsibilities

*Maintain a copy of the follow documents:

- Official orders (alone are not a basis of eligibility)
- DD Form 214
- DD Form 220 (periods of AD of less than 90 days)
- Leave and Earnings Statements (LES)
- NGB Form 23B
- NGB Form 23A1
- NGB Form 23D
- Comparable documents issued from other reserve

Units' responsibilities

- Help Service Member obtain the above documents
- Educate Service Members on the policy

* Not an all inclusive list.



Summary

- **Soldiers may reduce the age at which they receive retired pay**
- **Requirement to complete at least 20 years of qualifying service is unchanged**
- **Eligibility age for health care is unchanged and is 60 years of age**



Conclusion

Please add a conclusion



Questions

- **Unit Administrator**
- **State RPAM NCO**
- **ARH**