

Reservists May Qualify For Early Retired Pay

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The Department of Defense has issued new guidelines for early receipt of retired pay for members of the reserve components. Instead of having to wait until age 60 to receive Reserve retired pay, eligible members may receive retired pay prior to age 60 but not before age 50.

Under interim changes to Department of Defense Instruction 1215.07, Service Credit for Reserve Retirement, issued under a law passed by Congress effective Jan. 28, 2008, reserve component members are able to reduce the age at which they are eligible to receive retirement pay by three months for each cumulative period of 90 days served on active duty in any fiscal year.

Under the new law, members eligible to receive retired pay earlier than age 60 must still wait until age 60 to receive health-care benefits.

Involuntary mobilization and voluntary active duty in support of a contingency qualify, but there is no requirement to be involuntarily mobilized, to support a contingency or to serve on active duty outside the continental United States to receive credit under the law. Most active-duty time qualifies, including training, operational support duties and school tours. It does not matter whether active-duty time is paid for under military or reserve personnel appropriation accounts, provided such active duty is performed under the authority of 10 U.S. Code § 12301 (d).

Also included is full-time National Guard duty served under a call to active service by a governor and authorized by the president or the secretary of defense under 32 U.S.C. § 502(f) for purposes of responding to either a national emergency declared by the president or a national emergency supported by federal funds.

The following time served on active duty is not creditable service for purposes of reducing retired pay age: as a member of the active Guard and Reserve (10 U.S.C. § 12310); on annual tour (10 U.S.C. § 12301(b)); while in captive status (10 U.S.C. § 12301(g)); for 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); for disciplinary/courts-martial (10 U.S.C. § 12315); or for muster duty (10 U.S.C. §12319).

Qualifying active-duty service performed after Jan. 28, 2008, the date on which the fiscal 2008 National Defense Authorization Act was enacted, is creditable. The law does not provide credit for time served on or before that date.

Here's an example of how these new guidelines work. A Reservist performed five days of active-duty service on MPA orders in February 2008. He then volunteered for active duty beginning June 1 and ending Nov 30 (leave, reconstitution and post-deployment/mobilization respite absence included, as applicable). The Reservist performed a total of 127 days of active-duty service in fiscal year 2008 and 61 days in fiscal 2009.

Under this scenario, all of the active-duty time the Reservist performed could be credited toward reduced retirement age eligibility because it was active-duty time performed under circumstances permitted under the new law (i.e., orders for voluntary service, 10 U.S.C. § 12301(d)). However, because time credited must total 90 days or must be in multiples of 90 days in the aggregate during a fiscal year in order to correspondingly reduce his retirement age by three months, or multiples of three months, the Reservist will be able to reduce his retirement age by three months for fiscal 2008. Had he performed 53 more days of active-duty service after Jan. 28 and before going on active duty June 1, he would have accumulated 180 total days for fiscal 2008 and thus would be able to reduce his retirement age by six months.

Similarly, because the Reservist has so far served on active duty 61 days in fiscal 2009, he must perform an additional 29 days of active-duty service some time during the year in order to reduce his retirement age by an additional three months.

All Airmen are encouraged to ensure their orders specify the statutory provision under which their active-duty service is performed. Airmen are also encouraged to keep track of their active-duty service and orders to ensure they receive proper credit and they meet the cumulative 90-day thresholds to reduce retirement age.