

MILPERSMAN 1916-010

RELEASE FROM ACTIVE DUTY OF RESERVE AND RETIRED ENLISTED PERSONNEL

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References	(a) 10 U.S.C. 12686 (b) 10 U.S.C. 6330 (c) 10 U.S.C. 12731 (d) 10 U.S.C. 12308
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1. Policy

a. During war or national emergency enlisted Navy Reserve (including Fleet Reserve) and retired enlisted personnel serving on active duty will be released from active duty per instructions issued by Secretary of the Navy (SECNAV) or Navy Personnel Command (NAVPERSCOM).

b. During peacetime,

(1) enlisted personnel are released from active duty on the date of transfer to the Fleet Reserve.

(2) retired enlisted personnel are released on the date of retirement, unless otherwise directed by NAVPERSCOM.

(3) except as provided here, a member of the Navy Reserve may be released from active duty at any time by NAVPERSCOM.

(4) unless in a disciplinary status, members are not retained on active duty without their consent beyond the periods required or authorized by law, or by agreements executed by themselves and approved by competent authority.

(5) per reference (a), a member of the Navy Reserve who is on active duty and is within 2 years of becoming eligible for retired or retainer pay, under a purely military retirement

system, may not be involuntarily released from that duty until eligible for that pay, unless a release is approved by SECNAV.

2. Full Time Support (FTS) of the Navy Reserve Program Personnel

a. During peacetime, Navy Reservists on active duty in the FTS program, except as otherwise indicated here, may not be retained on active duty without the prior approval of NAVPERSCOM, Reserve Enlisted Personnel Section (PERS-4913) beyond the day they became eligible for immediate receipt of retired or retainer pay, whichever is earlier, under reference (b), or other provisions of the law.

b. Exceptions to this policy are

(1) those paygrade E-7 through E-9 personnel who elect retention on active duty for 26 years, and

(2) those paygrade E-6 personnel who elect retention on active duty for 20 years.

c. To preclude release to inactive duty without eligibility for retainer or retired pay benefits, members shall submit their requests for transfer to the Fleet Reserve or Retired List 12 months in advance of the desired dates.

d. FTS personnel who do not have an authorization for retention on active duty will be released from active duty or discharged on the day they become eligible for retainer or retired pay.

e. Navy Reserve personnel on active duty in the FTS program who accept advancement to paygrades E-7/8 will be required to complete active obligated service (OBLISERV) incurred through advancement without regard to the retention limitations noted above.

3. Retirement Provisions

a. Navy Reservists who qualify for retirement with pay under reference (c), and have reached age 60, normally do not receive retirement credit for active duty performed after attaining eligibility for retirement, unless retention in other than a retired status is specifically ordered by SECNAV as prescribed in reference (d).

b. NAVPERSCOM may supplement the Regular force with qualified reservists as needed to meet authorized strength in each grade and competitive category; however, no reservists, including active duty, active status, or retired reservists will be recalled to, or retained on, active duty solely for the purpose of increasing retired pay; or as a reward for long, distinguished service; or for a period extending beyond their 60th birthday.

c. A waiver of the age 60 restriction may be authorized by SECNAV, upon request by NAVPERSCOM,

(1) for a volunteer who is medically qualified for active duty,

(2) who has some special qualification or skill for which a military requirement exists, and

(3) which cannot be met by a Regular or Reserve member under age 60.

d. When service under these strict limitations is rendered after eligibility for retired pay has been achieved, such service will be credited to the member for retirement purposes.