NATIONAL GUARD BUREAU
111 SOUTH GEORGE MASON DRIVE
ARLINGTON VA 22204-1382

NGB-ARH 22 June 2009

MEMORANDUM FOR The Adjutants General of all States, Puerto Rico, the US Virgin Islands, Guam, and the Commanding General of the District of Columbia

SUBJECT: Implementation Guidance for Reduced Retirement Age for Army National Guard Soldiers

1. References:

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

b. Title 10 United States Code (USC), sections 101(a)(13)(B), 12301(a), 12301(d), 12302, 12304, and 12310.

c. Title 32 USC, sections 115 and 502(f).

d. Department of Defense Instruction 1215.07, 18 Nov 05, with change 1, 7 Nov 08.

e. Army Regulation 135-80, Qualifying Service for Retired Pay Non-Regular Service, 1 Jul 87.

f. National Guard Regulation 680-2, Automated Retirement Points Accounting Management, 15 Jan 89.

2. Purpose. Previous version dated 26 Mar 09 is hereby rescinded. This corrected copy memorandum provides guidance for reduced age eligibility for receipt of non-regular service retired pay by Army National Guard Soldiers based on performance of certain types of active service as announced in section 647 of the NDAA for 2008. This change does not affect the requirement to complete at least 20 years of qualifying service (which may be reduced under certain conditions in 10 USC 12731b to 15 years) nor does it negate the requirement for those who must complete the last 6 or last 8 qualifying years cited in 10 USC 12731(a)(3) based on when they complete their 20th year of service.

3. Eligibility.

a. Army National Guard Soldiers who serve on Active Duty (AD) or Full-Time National Guard Duty (FTNGD) on or after 29 Jan 08 under one of the authorities listed in reference b will accrue, for each day of qualifying service, 1 day for use in computing eligibility for reduced age. For each aggregate of 90 qualifying days in a fiscal year (FY), a Soldier is

eligible for a reduction of 3 months in the age of eligibility for retired pay for non-regular service. A day of duty shall be included in only one aggregate of 90 days.

b. Active duty, for this purpose, means service pursuant to a call or order to AD on orders specifying, as the authority for such orders, a provision of law referred to in section 101(a)(13)(B), and performed under section 688, 12301(a), 12302, 12304, 12305, 12406, or chapter 15 (insurrection), or under section 12301(d) of Title 10 USC. However, service while performing Active Guard Reserve (AGR) duty as described in section 12310 of Title 10 USC will not be included as service on AD for determining eligibility for reduced age retired pay for non-regular service. A Soldier ordered to AD under section 12301(d) of Title 10 USC, for other than AGR duty, shall receive credit for all days served regardless of the nature of the duties performed (e.g., whether performing training or operational support duties).

c. Active service includes service on AD as defined in subparagraph 6.5.2.2 of reference d and FTNGD when under a call to active service by a governor and authorized by the President or the Secretary of Defense under section 502(f) or 115 and 502(f) of Title 32 USC for purposes of responding to either a national emergency declared by the President or a national emergency supported by Federal funds.

d. Only duty performed on or after 29 Jan 08 may be credited for this purpose. There are no waivers or exceptions.

e. Active service credit will count towards a reduction in the eligible retirement age under 60 years of age by 3 months for each aggregate of 90 days in an FY the member serves on qualifying AD or FTNGD. The eligibility age will not be reduced under 50 years.

f. To calculate the total number of months by which a Soldier's eligibility age may be reduced:

(1) Determine the aggregate number of days in the qualifying periods by adding all the days of qualifying service in each FY. Divide the total by 90 and read only the whole number. The result is the number of qualifying 90-day periods in each FY in which the Soldier has qualifying periods for this purpose.

(2) Multiply the number of aggregate 90-day periods by 3 to determine the number of months the Soldier's retirement age may be reduced. Subtract the result from the Soldier's 60th birthday and you will have the new eligibility date for early retired pay.

g. Some examples are:

(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. Count 29, 30, and 31 Jan 08, 1-29 Feb 08 (leap year), and 1-31 Mar 08 for 63 creditable days during that period of AD, and 1-26 Jun 08 for 26 creditable days during that period of FTNGD, for an aggregate of 89 days of creditable days during that FY. SFC Smith does not qualify for a reduction in his retirement age from age 60 for the qualifying service in this FY as it is fewer than 90 days.

(2) CPT Jones was ordered to AD under 10 USC 12302 in support of Operation Iraqi Freedom from 27 Mar 08 through 30 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. In this example, the periods of AD qualify under the law. Count 27 Mar 08 to 30 Sep 08 for FY 08 = 188 days divided by 90 = 2 qualifying periods of 90 days. Count 1 Oct 08 to 30 Apr 09 for FY 09 = 212 days divided by 90 = 2 qualifying periods of 90 days. CPT Jones' retirement age may be reduced by 12 months for the 4 creditable periods of 3 months. There is no provision to carry over the remaining days from each of the FY computations. Also, because Army National Guard Soldiers attend service schools under 32 USC 502(f) and this training duty was not designated in the law, these days do not count for eligibility for a reduced age.

(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. Count 15 Jul 08 to 30 Sep 08 for FY 08 = 78 Days. Count 1 Oct 08 to 15 Dec 08 for FY 09 = 76. Both are less than 90-day aggregates in each of the two FYs. SSG Williams does not qualify for a reduction in his retirement age from age 60 for the qualifying service in either of these FYs as they are both fewer than 90 days.

4. Implementation guidance to record these periods of duty in official records is under development. Soldiers should maintain copies of all documents related to their qualifying periods of AD and FTNGD to help establish their eligibility under this authority. Documents may include, but are not limited to:

a. Official orders. (Orders alone are not a basis to determine eligibility. They must be used in concert with one or more of the following documents.)

b. DD Form 214, Certificate of Release or Discharge From Active Duty.

c. DD Form 220, Active Duty Report (used for periods of AD of fewer than 90 days).

d. For all periods of AD, whether covered by DD Form 214 or 220 or not, the Battalion Commander (or higher) will prepare a certificate of qualifying active service (enclosure) to show qualifying periods of active service performed, the location and authority for each period, and the documents submitted to support each period.

e. Leave and Earnings Statement (LES) copies for periods of AD covered.

f. NGB Form 23B, Army National Guard Retirement Points History Statement.

g. NGB Form 23A1, Army National Guard Retirement Points Statement Supplemental Detailed Report.

h. NGB Form 23D, Army National Guard Retirement Points Accounting Notification of Eligibility for Retired Pay at Age 60.

i. Comparable documents to the NGB Form 23 series issued by other reserve components in which the Soldier may have served and the information on which may be in question in Retirement Points Accounting Management (RPAM).

5. Soldiers may submit requests for early retirement with verifying documents through their State RPAM Noncommissioned Officers (NCOs) for submission to the US Army Human Resources Command (HRC), St. Louis, Missouri. We are awaiting implementation instructions from St. Louis.

a. The RPAM NCOs can help verify documents, identify missing documents and other potential problems, and ensure the latest RPAM statements are included.

b. Soldiers who request early retirement under this provision must submit all of the documentation listed here, plus the other items required by HRC, and a request for discharge from the ARNG and transfer to the United States Army Reserves for assignment to the Retired Reserve.

c. Soldiers who apply for early retirement under this provision but who do not yet have their 20 or 15-Year Letters (NGB Form 23D, Army National Guard Retirement Points Accounting Notification of Eligibility for (NOE) Retired Pay at Age 60), cannot be processed for early retirement until they are eligible for and receive their NOEs. Issue of the NOEs is governed by NGR 680-2.

d. There is no requirement for States to process actions for former Soldiers (those discharged concurrently from the ARNG of their States and as Reserves of the Army) who believe they may be eligible for early retirement and who wish to apply, but States may help within available resources.

6. The reduction in eligibility age as the minimum age for eligibility for retired pay for non-regular service retirees does not reduce the age for eligibility for health care under 10 USC 1074(b). The eligibility age for health care will continue as 60 years of age.

7. The point of contact is LTC Dennis P. Chapman, Chief, Personnel Policy and Readiness Division, DSN 327-5904, 703-607-5904, or dennis.chapman@us.army.mil.

Encl
as

CLYDE A. VAUGHN
Lieutenant General, GS
Director, Army National Guard

SAMPLE

OFFICE SYMBOL DAY/MONTH/YEAR

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Certificate of Qualifying Active Service

1. This memorandum and the enclosed documents certify that the following Soldier is entitled to reduction in retirement age for non-regular retired pay.

NAME	SSN	RANK
Iam A. Patriot	987-65-4321	SSG

2. Qualifying active duty service:

DATES	AUTHORITY	LOCATION
20 Jun to 15 Aug 08	10 USC, Sec 12302	Balad, Iraq
31 Aug to 20 Oct 08	10 USC, Sec 12301(d)	Baghdad, Iraq
1 Nov 08 to 31 Mar 09	10 USC, Sec 12301(d)	Fort Benning, GA

3. The point of contact is the undersigned at DSN 555-1212, 607-555-1212, or john.doe@us.army.mil.

NN Encls
1. Official Orders
2. DD Form 214
3. DD Form 220
4. Statement of Active Duty Service
5. LESs (for period covered)
6. NGB Form 23B, 23A1, 23D

JOHN E. DOE
CPT, AG
Commanding

DISTRIBUTION:

Enclosure 1