

Reducing Rework in Officer Appointment Processes

Appendixes

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Preface

Appointment scrolls are required for initial appointment of officers and for reappointment in a different grade, military service, or component. In some cases, they are necessary for appointment to a special branch or segment of a service's officer corps. The Office of the Secretary of Defense (OSD) processes over 2,500 appointment and promotion packages per year, and many require rework to correct administrative errors and incorrect information. Even without rework, the appointment and promotion scrolling process takes time, affecting the assignment timelines of officers needed in new capacities that require reappointment. The Office of the Under Secretary for Personnel and Readiness is interested in reducing the time needed to process appointments and the incidence of administrative errors, which result in time lost, administrative costs, and processing delays.

OSD asked RAND's National Defense Research Institute to evaluate the statutory and archival requirements for appointment scrolls, examine the military department and OSD processes used to meet these requirements, identify gaps and redundancies in the scrolling process that create excessive administrative burdens and delays, and recommend improvements to increase the efficiency of processes to produce nomination, appointment, and promotion scrolls for Secretary of Defense or Presidential and Senate action. In addition, researchers screened Title 10 of the U.S. Code, and other related statutes to identify changes needed to appoint officers within a military service rather than within a component of a military service. The research reported here was completed in July 2020 and underwent security review with the sponsor and the Defense Office of Prepublication and Security Review before public release.

This research was sponsored by OSD and conducted within the Forces and Resources Policy Center of the RAND National Security Research Division (NSRD), which operates the RAND National Defense Research Institute (NDRI), a federally funded research and development center (FFRDC) sponsored by the Office of the Secretary of Defense, the Joint Staff, the Unified Combatant Commands, the Navy, the Marine Corps, the defense agencies, and the defense intelligence enterprise.

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Abbreviations

AFRISS	Air Force Recruiting Information Support System
DoD	U.S. Department of Defense
DoDI	U.S. Department of Defense Instruction
OEPM	Office of Officer and Enlisted Personnel Management
OSD	Office of the Secretary of Defense
OUSD (P&R)	Office of the Under Secretary of Defense for Personnel and Readiness

Appendix A. Guiding Policy

This appendix summarizes Office of the Secretary of Defense (OSD) policy regarding appointment and promotion scroll packages.

Department of Defense Instruction 1310.02

U.S. Department of Defense Instruction (DoDI) 1310.02, *Original Appointment of Officers* (2015), establishes policy, assigns responsibilities, and provides procedures for the original appointment of individuals, enlisted members, and officers to grades O-6 or below. Individuals can be appointed to an active-duty list or reserve active-status list. DoDI 1310.02 gives further guidelines on U.S. Department of Defense (DoD) policy, responsibilities, and procedures.

Policy

As DoDI 1310.02 describes, DoD policy states that individuals who have a demonstrated potential for full military careers should be appointed as military officers; each service should use an impartial method to identify and select military officers; individuals should be qualified for their new position; officers on the active-duty list will have a regular appointment; and all officers on the reserve active-status list will have a reserve appointment.

Responsibilities

DoDI 1310.02 describes responsibilities for the Office of the Undersecretary of Defense for Personnel and Readiness (OUSD [P&R]) and the secretaries of the military department. Roles for OUSD (P&R) include reviewing original appointments and coordinating on service recommendations that need to be forwarded to the Secretary of Defense or Deputy Secretary of Defense, returning recommendations for corrections or changes, and monitoring service compliance with the DoDI. Roles for secretaries of the military departments include certifying the commissioning source and completion requirements that are necessary for original appointment, ensuring proper legal review, and following guidelines in U.S. DoD Directive 5400.11 if there is personally identifiable information in the submission.

Appointment Authority

Appointment authorities apply to both original appointments and promotion appointments. DoDI 1310.02 describes two appointment authorities and the cases in which a particular authority is used: Presidential appointments and Secretary of Defense appointments. For example, a Presidential appointment is required when individuals are appointed to the grades of major or above in the regular Army, Air Force, and Marine Corps and to lieutenant commander

in the Navy. The President delegates appointment authority to the Secretary of Defense in certain cases. The Secretary of Defense has the authority to appoint officers in the grades of O-1 through O-3 and warrant officers in each of the services. Reserve appointments are delegated to the Secretary of Defense through the grade of O-5, and the Secretary of Defense has the authority to appoint regular appointments when the officer transitions from the reserve scroll to the active scroll up to the grade of O-6.

Original Appointments

DoDI 1310.02 lists the types of individuals and circumstances for which an original appointment would apply. For example, an original appointment would apply to an individual entering military service for the first time through a military accession program or to a former officer returning to service. However, original appointments are not limited to individuals entering military service for the first time. Original appointments are also required in the following circumstances:

- an Army officer transferring from a basic branch to a special branch, from a special branch to a basic branch, or between special branches
- a regular officer of the Navy, in a grade not above lieutenant commander, transferring from the line to a staff corps or from a staff corps to the line
- officers whose transfers result in the loss of service credit or change in pay grade.

The DoDI gives Officer and Enlisted Personnel Management (OEPM) responsibility for processing original appointments and nominations. It outlines the distinction between and requirements for regular appointments and reserve appointments. It also determines whether individuals, enlisted members, or officers should be appointed *in* the grade or *to* the grade, depending on whether they are currently serving and whether they are being appointed to a new position in the same or different grade. There are also several categories of original appointments; these include transfers between services, to a special branch in the Army, or between line and staff corps in the Navy.

Format and Procedures

According to DoDI 1310.02, the submission of a recommendation by the secretary of the military department must include a forwarding memorandum and specify the number, names, status, and grade of the individual(s); reason for appointment; and projected date of appointment. The submission must also include a statement that the individual is qualified, comments about adverse or reportable information, and any other information or explanations. The DoDI gives scroll formats and the process for submitting scrolls for Presidential and Secretary of Defense scrolls. If there are changes to a scroll, the military department is responsible for notifying OEPM of required changes. If a change does occur, the process following the change depends on the type of scroll (Presidential or Secretary of Defense) and the point in the process the change was made. For example, if the Secretary of Defense had already signed a scroll that the military

department determined was incorrect, the military department would submit a new appointment package.

Department of Defense Instruction 1320.04

DoDI 1320.04, *Military Officer Actions Requiring Presidential, Secretary of Defense, or Under Secretary of Defense for Personnel and Readiness Approval or Senate Confirmation* (2014), provides guidance for personnel actions that require (1) review by the President, the Secretary of Defense, or OUSD (P&R) or (2) confirmation by the Senate. It applies to individuals in grades W-1 to O-10 who are assigned to an active duty list or a reserve active-status list of the military services (excluding the U.S. Coast Guard) and for actions including designations, nominations, appointments, reappointments, extensions, promotions, retirements, selection board reports, and any other related recommendations and documentation. Specifically, the DoDI gives guidance on policy, responsibilities, overall guidance, and timelines for these appointments.

Policy

The DoDI states several cases in which the personnel action should not be forwarded. Specifically, the DoDI states that DoD should inform the President and the Senate of adverse and reportable information relating to the officer; DoD should not forward the action if there are planned or ongoing investigations that might include adverse information about the officer or if the personnel action (appointment or promotion) does not adhere to requirements. DoD policy also requires that officers be mentally, physically, morally, and professionally qualified to receive a promotion or appointment.

Responsibilities

The DoDI outlines responsibilities for OUSD (P&R), secretaries of the military departments, and the Chairman of the Joint Chiefs of Staff. Responsibilities for each entity include the following:

- OUSD (P&R) reviews reports of promotion, special selection, and federal recognition boards; reviews certain nominations and retirement requests dependent on grade; serves as the Secretary of Defense's principal adviser; and monitors compliance with this instruction.
- Secretaries of the military departments submit military officer personnel actions that require Presidential, Secretary of Defense, OUSD (P&R) approval or Senate confirmation; certify that officers are qualified for promotion or appointment; recommend policy changes to this document; and exercise authority to issue posthumous commissions.
- The Chairman of the Joint Chiefs of Staff reviews reports of promotion selection boards and special selection boards that consider joint officers; reviews nominations and

retirement requests; maintains a list of international billets; and coordinates with the appropriate OSD and DoD components before recommending general and flag officers for joint assignments.

Overall Guidance

The DoDI also provides guidance on the appointment process and other details. This guidance includes how to notify relevant parties about personnel actions and how to send information to these parties. First, if applicable, personnel actions that require Presidential approval or Senate nomination should be treated as Presidential correspondence. Second, the secretaries of the military departments should forward memorandums to the Secretary of Defense or the Deputy Secretary of Defense through OUSD (P&R). These memorandums should include how the secretary of the military department certifies that officers meet conduct provisions and, if the officer has adverse or reportable information in the package, detailed information and justification regarding why the officer should be considered. Third, it provides guidance for package processing by the Correspondence and Analysis Branch; all nominations are delivered to the Correspondence and Analysis Branch, which then provides the materials to the Secretary of Defense or Deputy Secretary of Defense accordingly.

The DoDI also gives guidance over other matters. For example, it states that the secretaries of the military departments should monitor that nominated officers remain qualified. It also states that the Secretary of Defense or Deputy Secretary of Defense has the authority to disapprove of the individual's name for nomination or appointment after the secretaries of the military departments recommended the nomination and states how this process should be conducted.

Timeline

The DoDI lays out an approximate timeline for processing packages and for Presidential nomination and Senate confirmation. For cases of Senate confirmation, the DoDI describes how far in advance of appointment the nominations may be delivered to the Correspondence and Analysis Branch, how far in advance of the date of promotion or assignment that the Senate Armed Services Committee should act on the promotion, and procedures in case nominations are not acted upon or if the nominee's date of promotion or assignment changes by more than 30 days. The DoDI lists OEPM as the primary conduit for communicating with the Senate Armed Services Committee about adverse or reportable information.

Other Procedures and Information

The DoDI also lists detailed guidance, procedures, and details for handling adverse and reportable information; procedures, documents, and scroll procedures for O-7 through O-10 actions; procedures and documents for O6B actions; and Senate text files.

Appendix B. Process Maps

The process maps for current processes (Figures B.2 through B.10) are based on OSD and military department practices in effect in calendar year 2019. The maps for idealized processes (Figures B.11 through B.13) depict recommended enhancements discussed in Chapter Five of the main report.

The maps are organized using *swimlanes*: horizontal sections that depict the actions within a specific office or function. We depict the symbols used in the maps in Figure B.1.

Figure B.1. Symbols Used in Process Maps

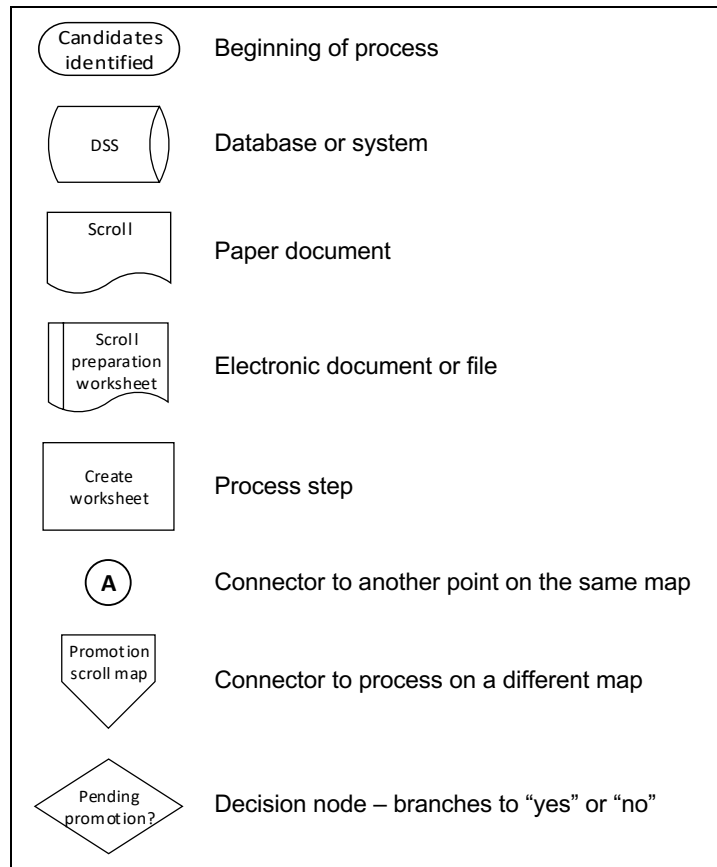


Figure B.2. Office of the Secretary of Defense Current Appointment and O-6 and Below Promotion Processes

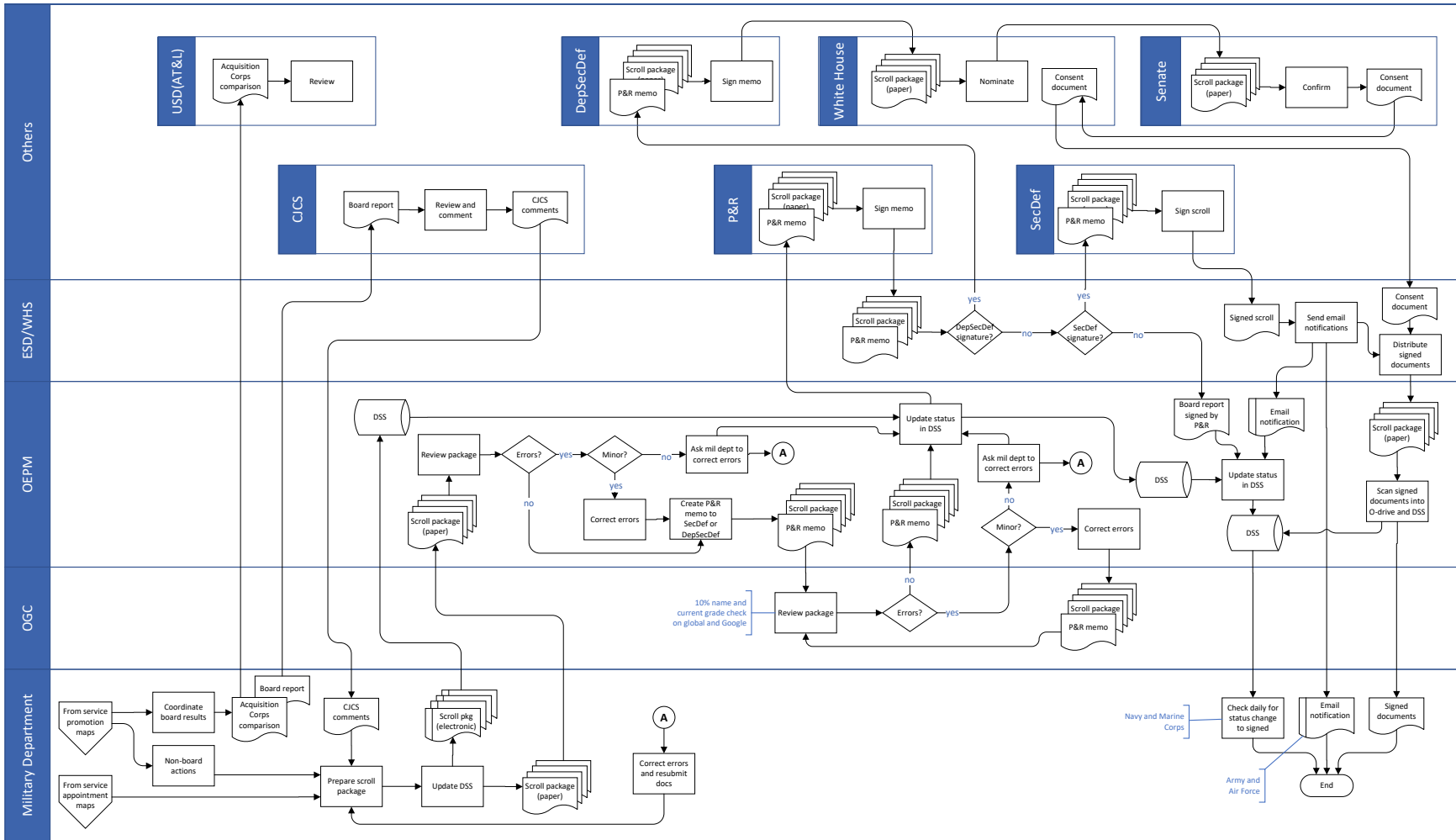


Figure B.3. Army Current Appointment and Promotion Processes

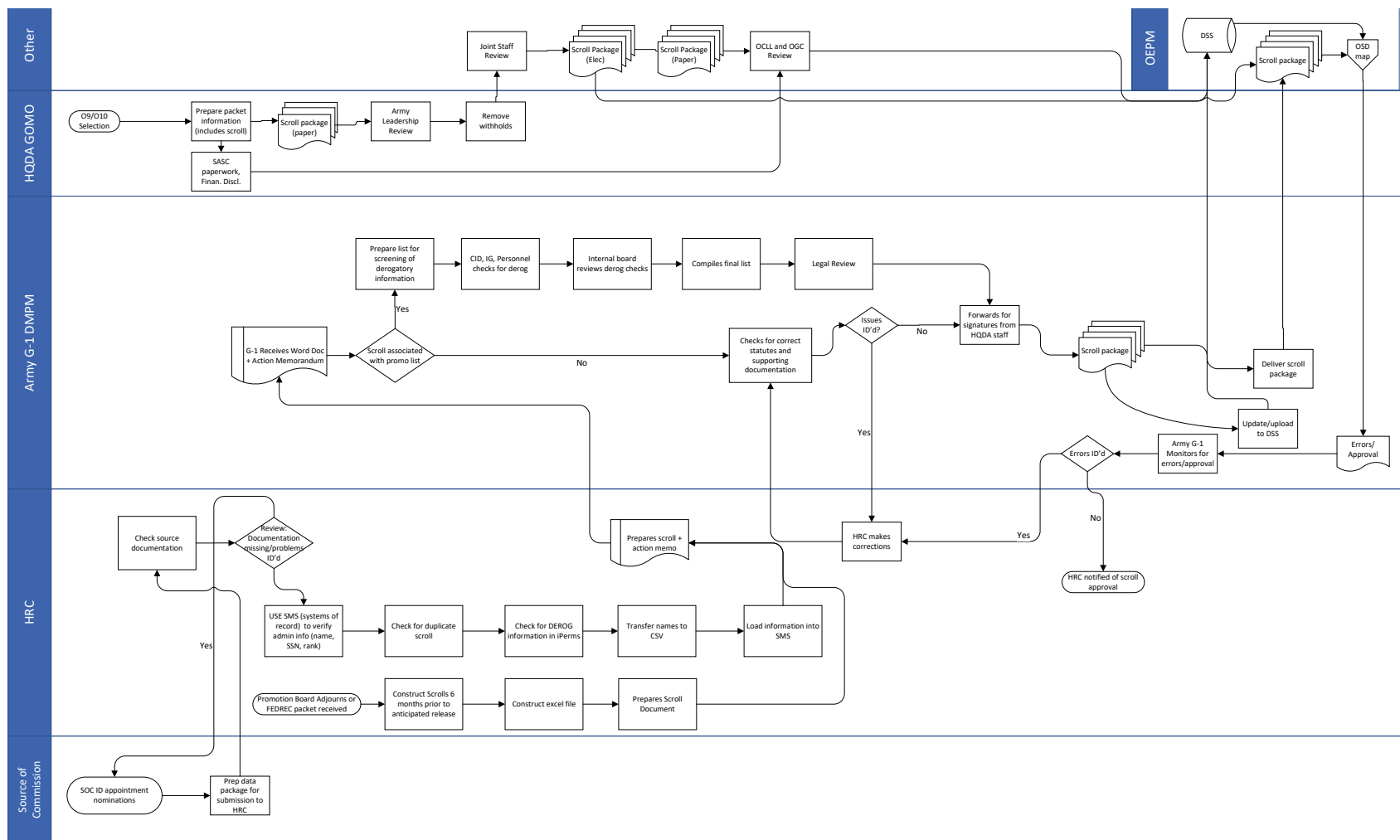


Figure B.4. Navy Current Appointment Processes

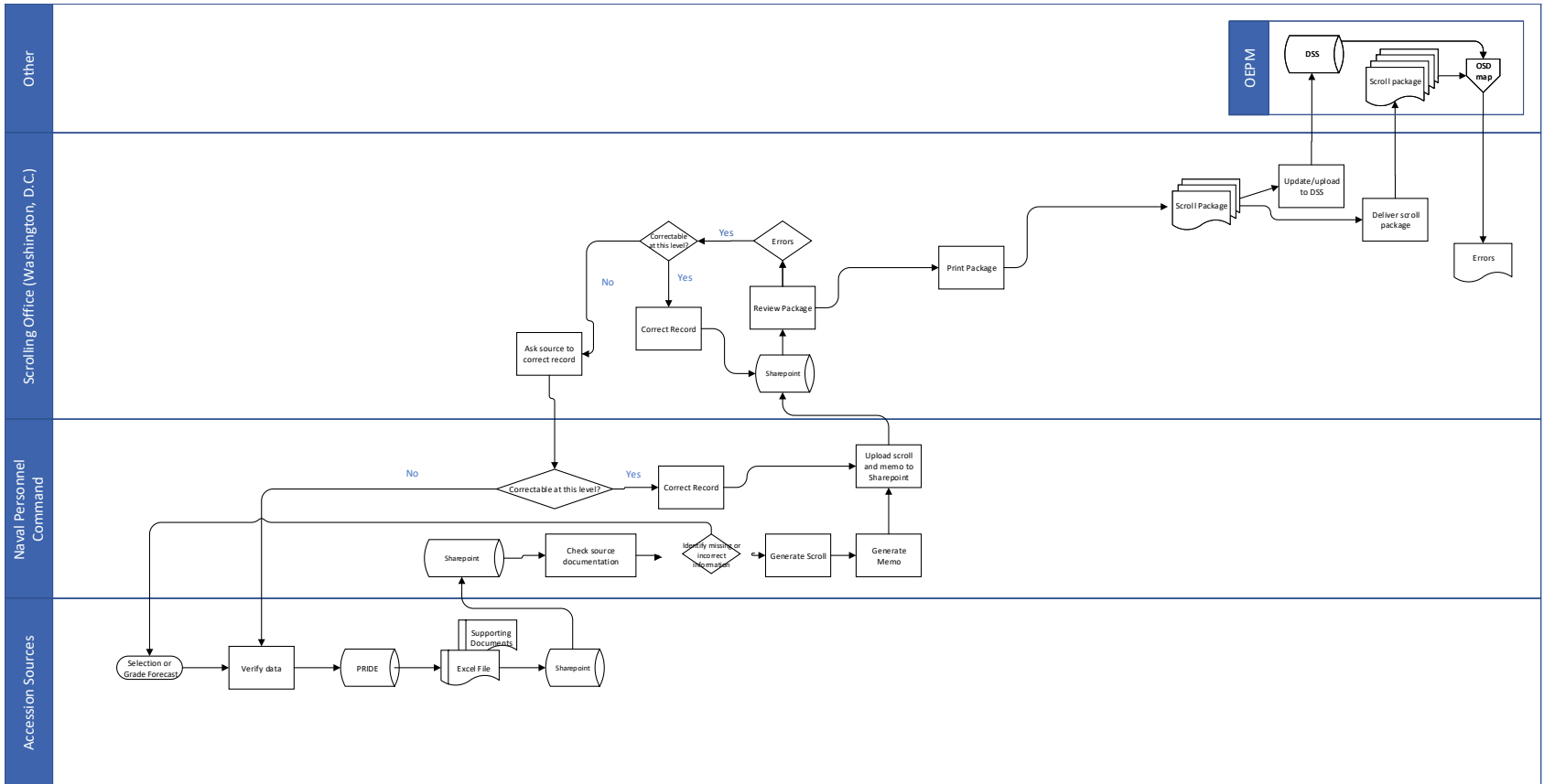


Figure B.5. Marine Corps Current Appointment Processes

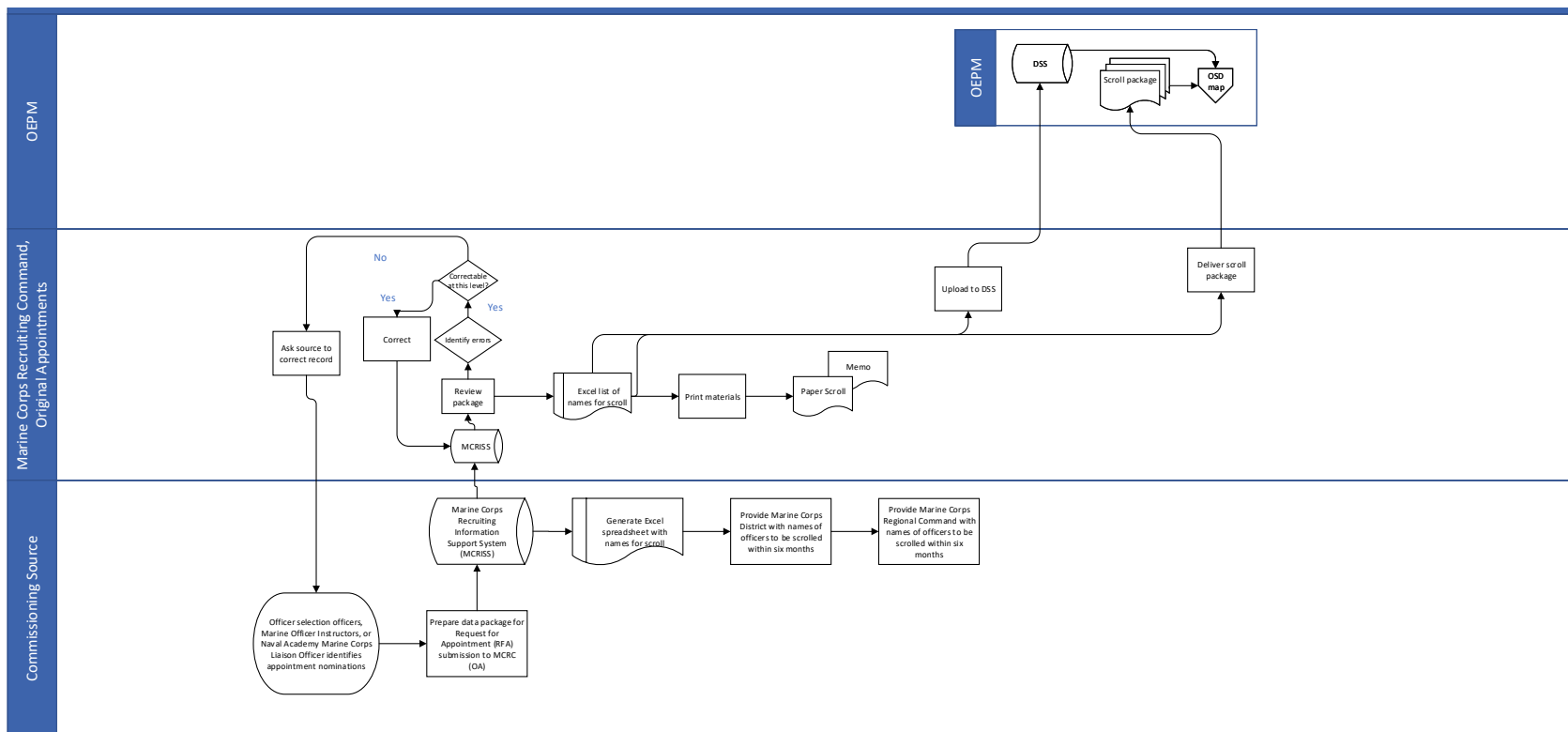


Figure B.6. Air Force Current Appointment Processes, All Components

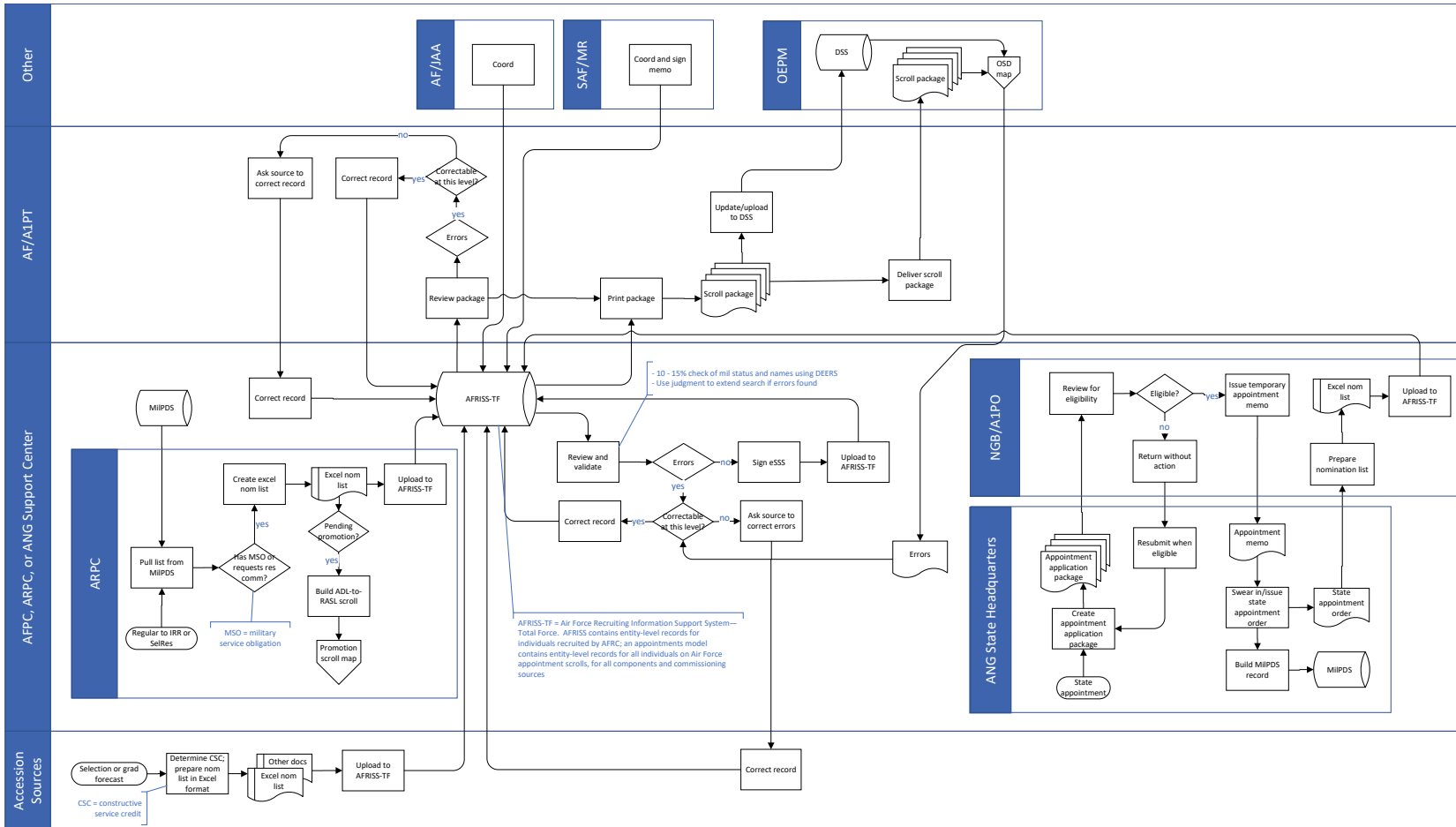


Figure B.7. Air Force Current Appointment Processes, O-6 and Below, Regular Air Force

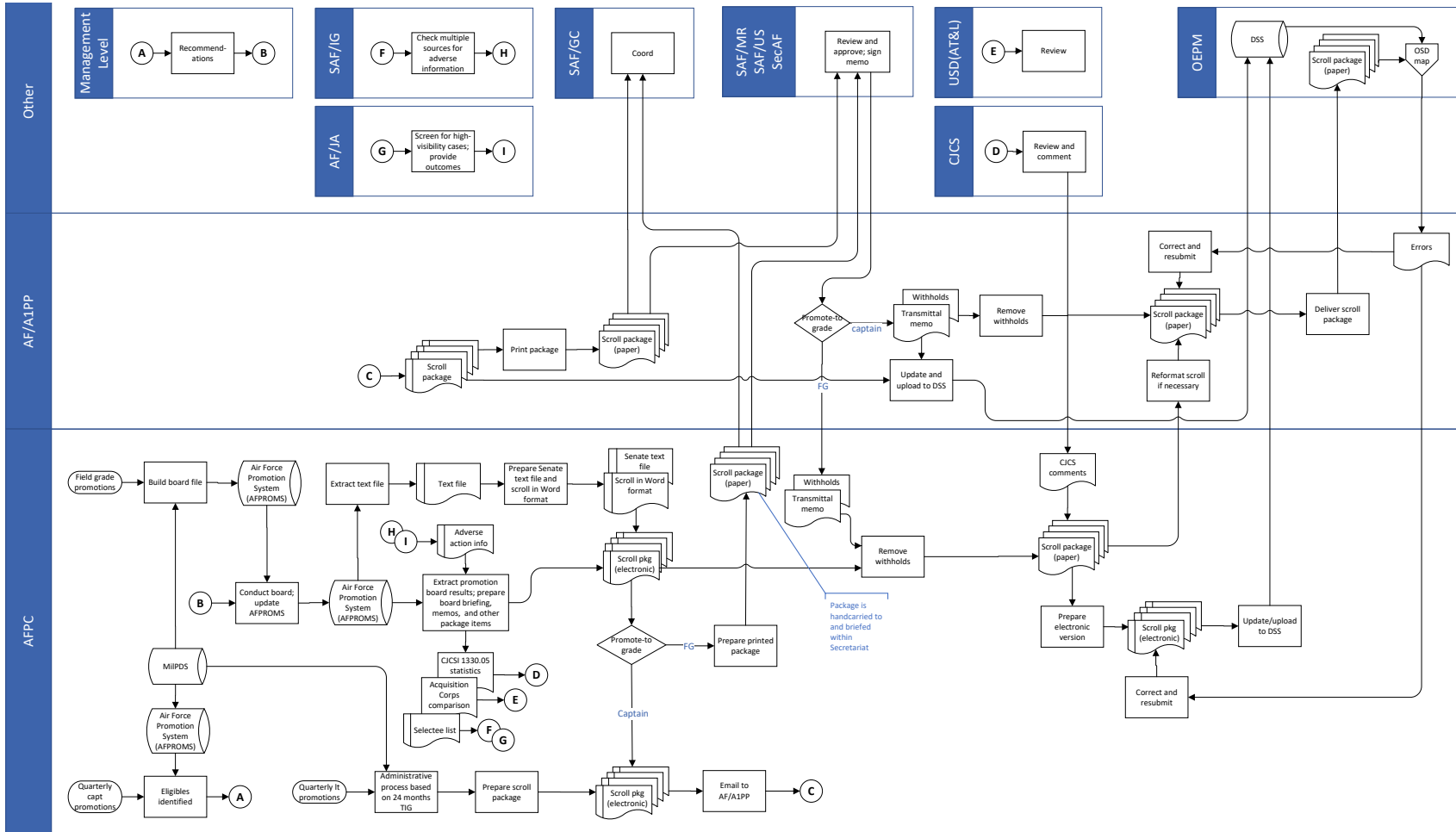


Figure B.8. Air Force Current Appointment Processes, O-6 and Below, Air Force Reserve

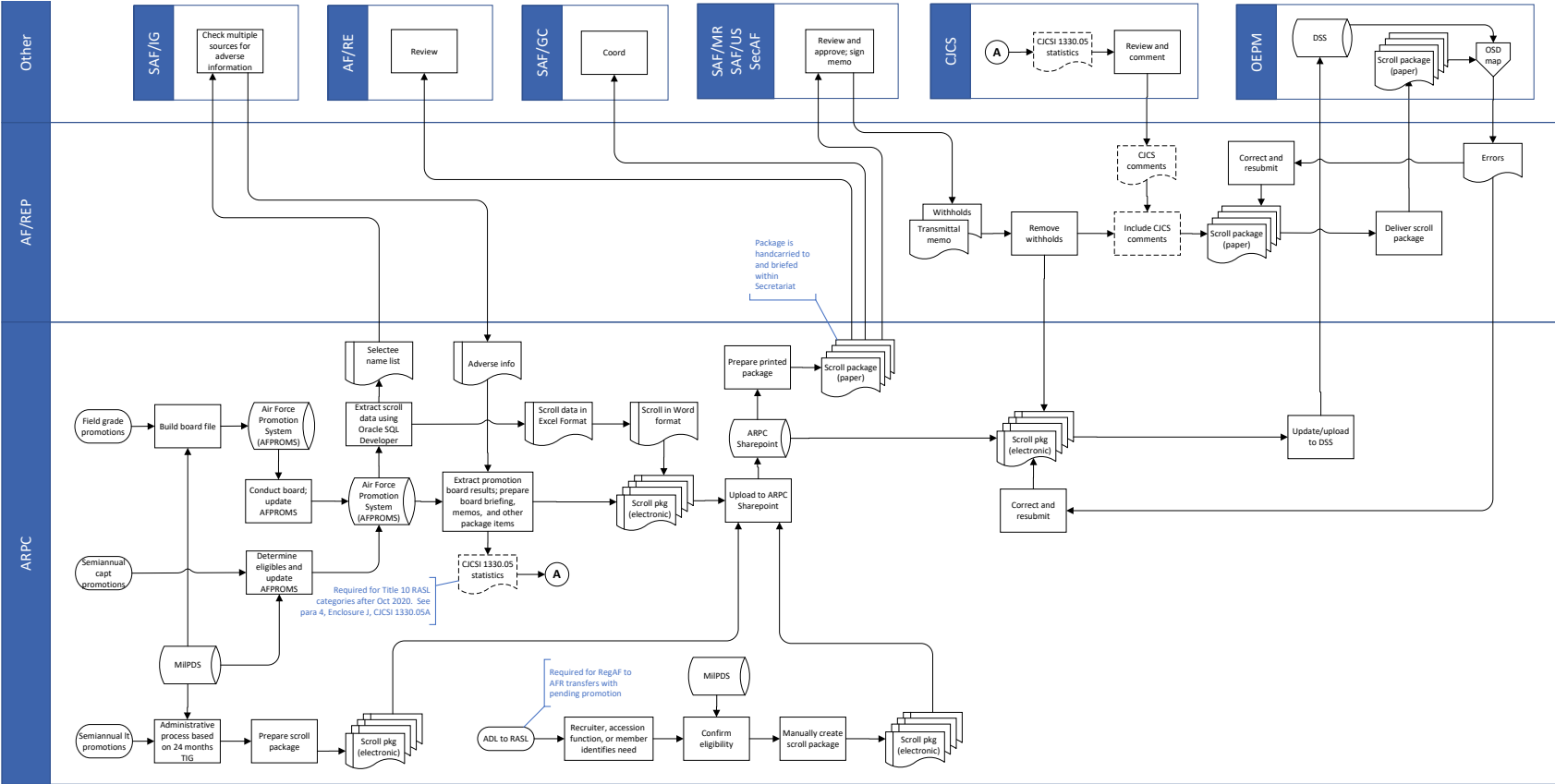


Figure B.9. Air Force Current Appointment Processes, O-6 and Below, Air National Guard

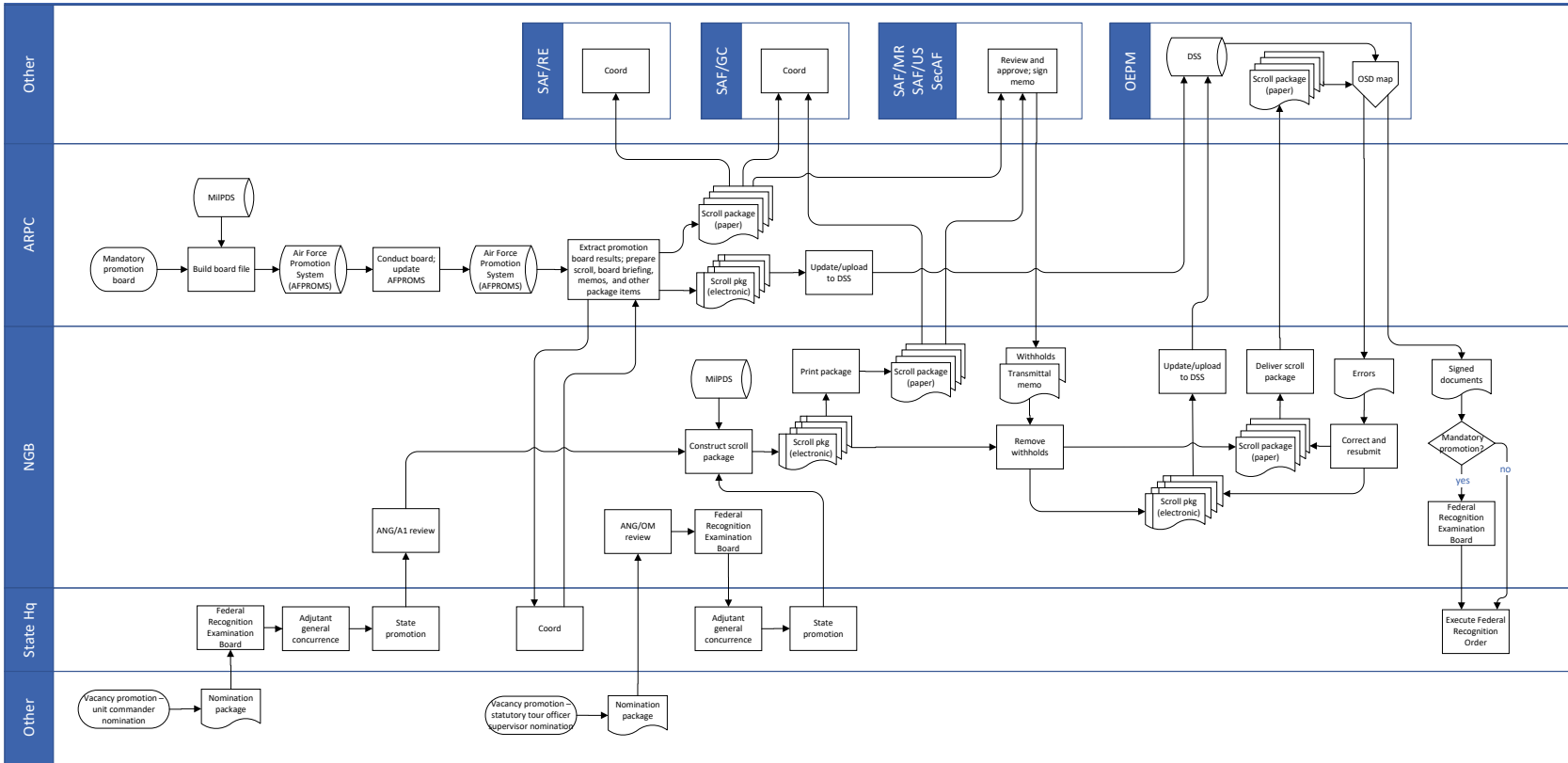


Figure B.10. Air Force Current Appointment Processes, General Officer Grades, All Components

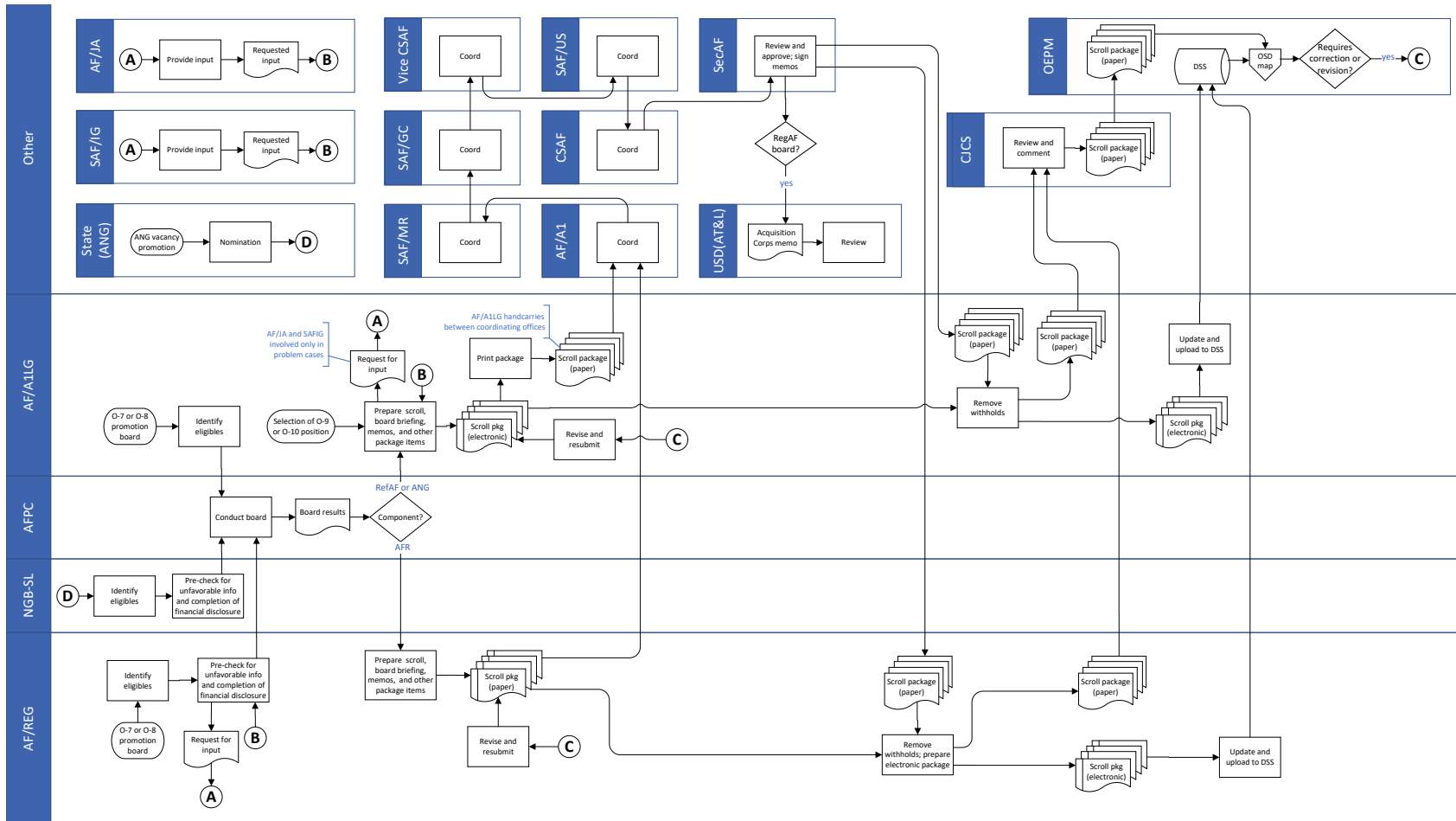


Figure B.11. Office of the Secretary of Defense Idealized Appointment and Promotion Processes, Improved Decision Support System

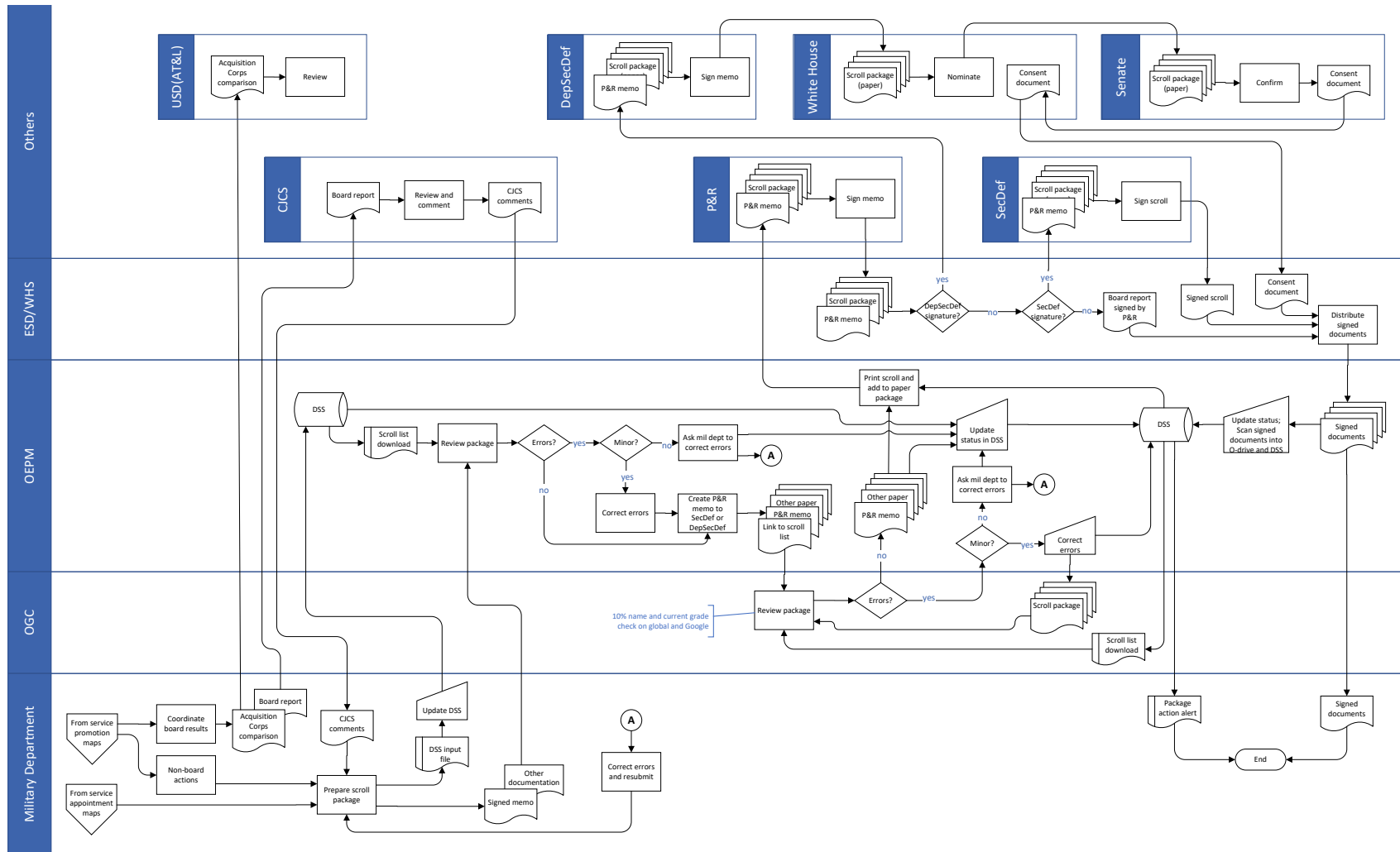


Figure B.12. Military Departments Idealized Appointment and Promotion Processes, Current Decision Support System

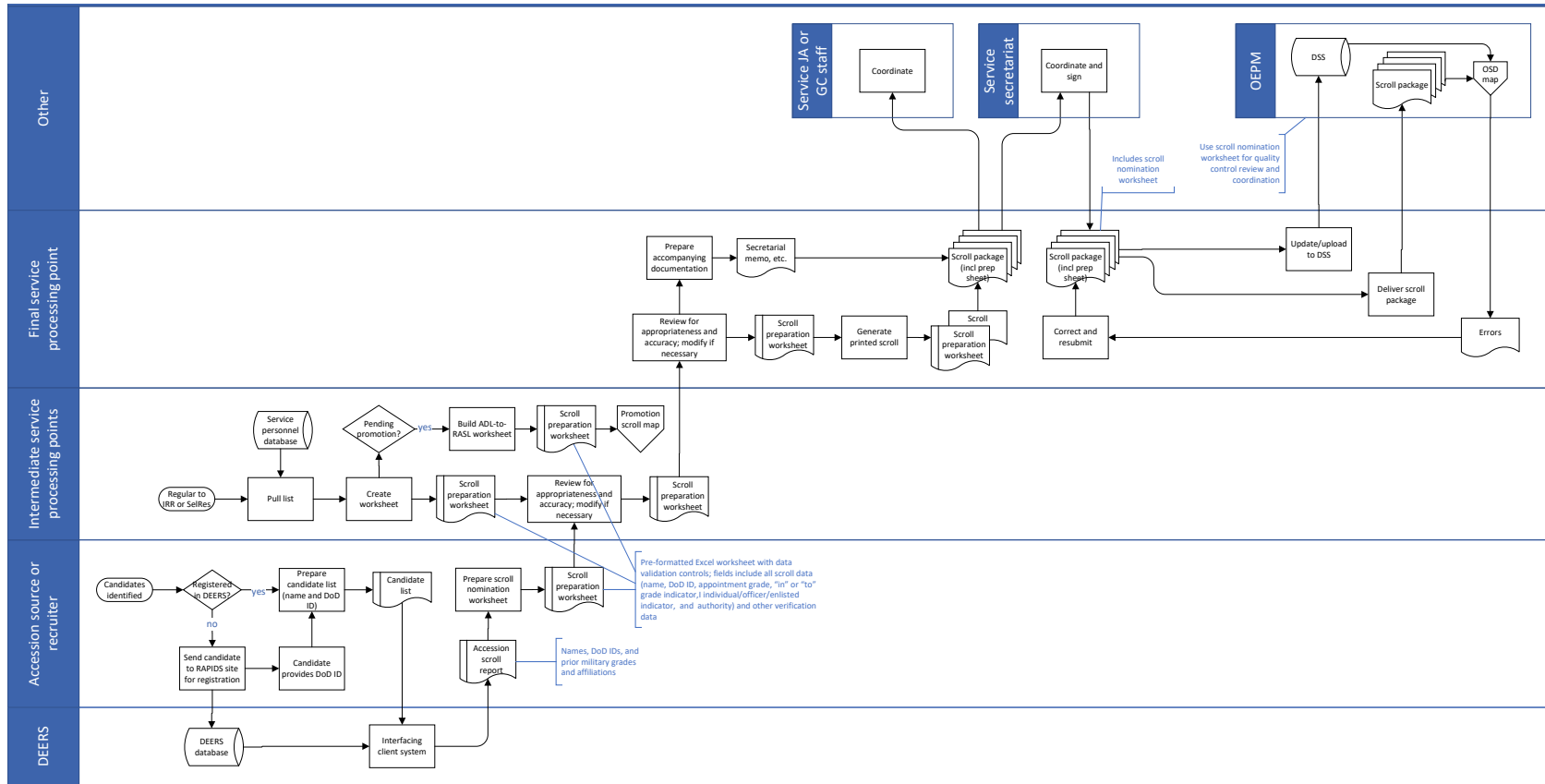
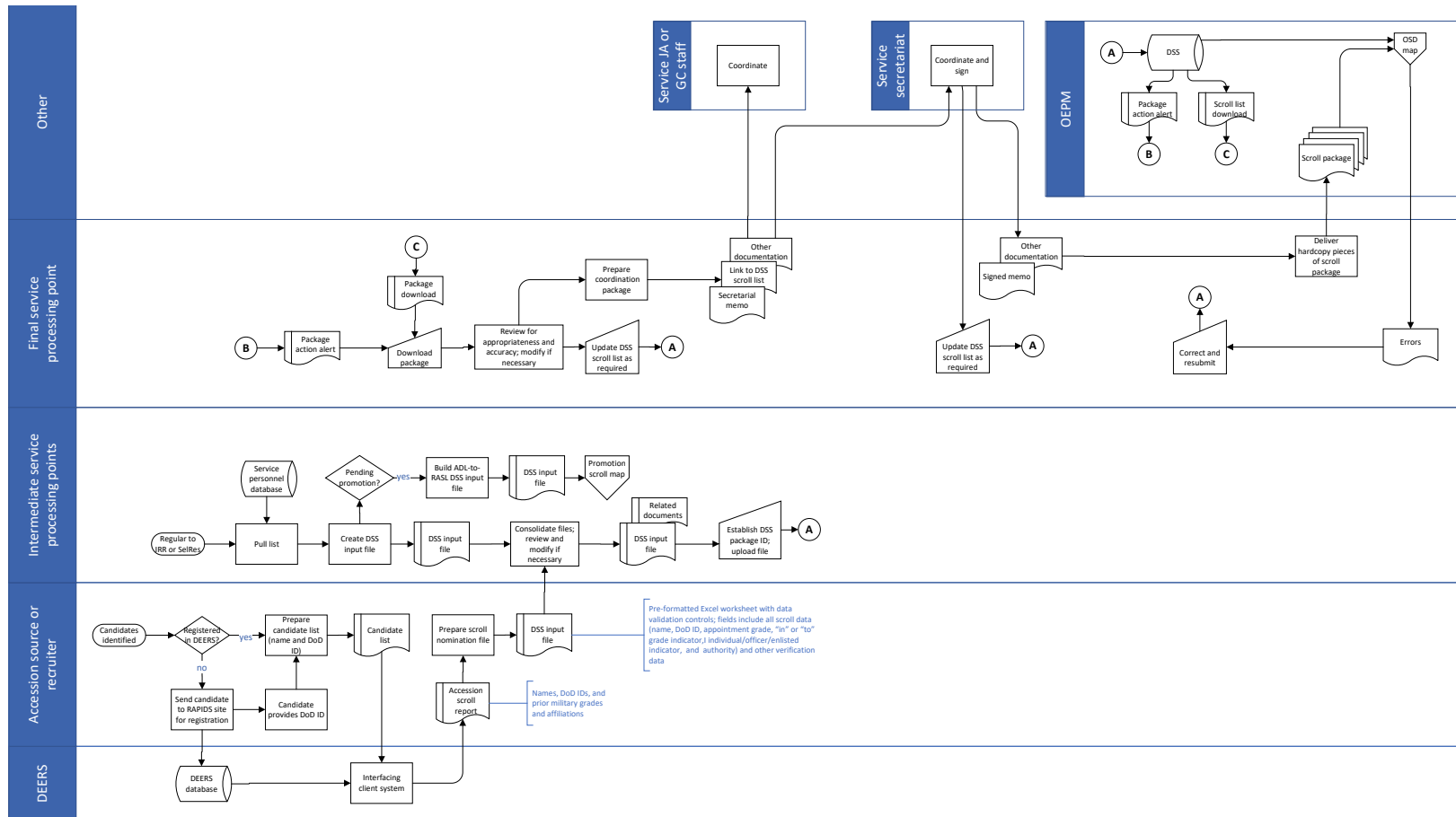


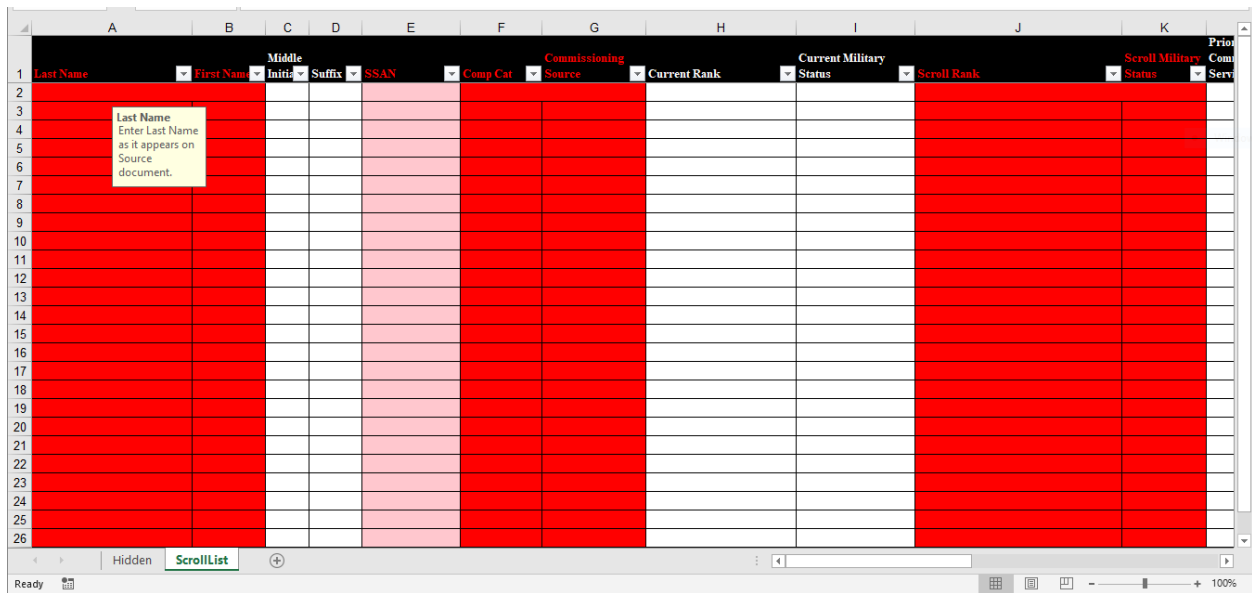
Figure B.13. Military Departments Idealized Appointment and Promotion Processes, Improved Decision Support System



Appendix C. Air Force Scroll List Worksheet

The Air Force uses a standardized Excel worksheet to upload scroll lists to the original appointment module of its Air Force Recruiting Information Support System (AFRISS). The worksheet contains data validation rules to ensure that standardized entries are recognizable by AFRISS so that AFRISS can automatically generate printed scrolls. It also enforces format conventions for name, Social Security number, and other fields in the list. A snapshot of a portion of the worksheet is shown in Figure C.1. The full set of fields (i.e., columns) in the worksheet and applicable data validation lists (i.e., allowable entries) for various fields are shown in Table C.1.

Figure C.1. Air Force Original Appointment Scroll List Worksheet



SOURCE: Image provided by the Department of the Air Force.

Table C.1. Fields in the Air Force Scroll List Worksheet

Field	Data Validation List or Special Instructions
Last Name	Enter Last Name as it appears on source document.
First Name	Enter First Name as it appears on source document. REQUIRED
Middle Initial	Enter middle initial(s) as it appears on source documents. IF NO middle initial LEAVE BLANK; DO NOT PUT NMI, NONE etc. . . . If more than 1 middle initial enter them like this: L. D. T.
Suffix	“, SR”, “, JR”, II, III, IV, V, VI, V, VI, VII, VIII
SSN	Enter without dashes. Special cell format for SSNs inserts dashes.
Competitive Category	BSC, Chaplain, Dental, Line-JAG, Line, MC, MSC, NC
Commissioning Source	Direct, Enter NECP, Grad NECP, Enter HPSP, Grad HPSP, OTS, COT, USAFA, ROTC, Enter USUHS, Grad USUHS, Enter Fin Ast Prg (FAP), Grad Fin Ast Prg (FAP), Recall, AECF, BIS no Promo, BIS no Promo, BIS promo before Sep, InterService No Promo, InterService Promo After Sep, InterService Promo Before Sep, Res Reg no promo, Res Reg promo after Sep, Res Reg promo before Sep, Res Rsv no promo, Res Rsv promo after Sep, Res Rsv promo before Sep, Enter IPAP, Grad IPAP, Other (See Remarks)
Current Rank	01 - SECOND LIEUTENANT, 02 - FIRST LIEUTENANT, 03 - CAPTAIN, 04 - MAJOR, 05 - LIEUTENANT COLONEL, 06 - COLONEL, 01 - Ensign (ENS), 02 - Lieutenant Junior Grade (LTJG), 03 - Lieutenant (LT), 04 - Lieutenant Commander (LCDR), 05 - Commander (CDR), 06 - Captain (CAPT), Enlisted
Current Military Status	Air Force Active Duty, Air Force Reserve, Air National Guard, Army Active Duty, Army Reserve, Army National Guard, Navy Active Duty, Navy Reserve, Marine Active Duty, Merchant Marine, Marine Reserve, Other (See Remarks)
Scroll Rank	01 - SECOND LIEUTENANT (2Lt), 02 - FIRST LIEUTENANT (1Lt), 03 - CAPTAIN (Capt) , 04 - MAJOR (Maj), 05 - LIEUTENANT COLONEL (Lt Col), 06 - COLONEL (Col)
Scroll Military Status	Air Force Active Duty, Air Force Reserve, Air National Guard
Prior Commissioned Service	Enter Prior Service Data, Service, Component, Rank and Dates for Lt Col & above, e.g., USAF, Active Duty, Lt Col, 2002-2008 USAF, Reserve, Lt Col, 2008-2010
Prior Mil Stat	Air Force Active Duty, Air Force Reserve, Air National Guard
Prior Rank	Same list as current rank
Program/ Authority	Indicate Program/Authority, e.g., Selected by <Name of Board> on 18 Jul 12 Selection board (name) scheduled for 19 Sept 14
Officer Training School Date	Enter Date member will start COT, BOT, RCOT, AMS, etc. Cell formatting insures valid date.
Commission Date	Enter Date Member will Commission. REQUIRED. NOTE: MUST be after Need by Date. Cell formatting insures valid date.
Need by Date	Should be at least 30 days from today and before Commission Date. REQUIRED. Cell formatting insures valid date.
Date of Rank	Cell formatting insures valid date.
Date of Separation	Cell formatting insures valid date.
Primary Accession USC Title	531, 12203
Secondary Accession U.S.C Title	12204; 716; 12212; 12204. 12212, 716. 12204; 716. 12212; 716. 12204. 12212

Field	Data Validation List or Special Instructions
Viable	Yes, No
Comp HQ Approval	Yes, No
Remarks	[text entry]
Promotion Pending	Yes, No
Past promotion/accession in ANG/AFR at current grade	Yes - AFR, Yes - ANG, No
UIF w/in last 10 years	Yes, No
Ratification	Yes, No
Status	[text entry]

SOURCE: Data provided by Department of the Air Force.

NOTE: "[text entry]" indicates the ability to enter free text.

Appendix D. Relationship Edits in the AFRISS Original Appointment Module

The following relationship edits are embedded in the original appointment scroll module of AFRISS. Although the data validation rules shown in Table C.1 help ensure that the entries in an individual field are valid, these relationship edits enforce required compatibilities among two or more fields.

- Required fields: first name, last name, Social Security number, scroll rank, commissioning source, and scroll military status.
- If current rank and prior rank, prior military status, and prior commissioned service are not blank, either current rank or prior rank, prior military status, and prior commissioned service must be removed.
- If current rank or current military status are populated, both must be populated.
- Commissioning source on every candidate must match the commissioning source of the scroll.
- For members with prior service, the following status code abbreviations are used:
 - *res reg no promo*: reserve appointment, resigned regular commission, no promotion pending
 - *res reserve no promo*: regular appointment, resigned reserve commission, no promotion pending
 - *res reg promo before sep*: reserve appointment, resigned regular commission, promotion pending before separation
 - *res reg promo after sep*: reserve appointment, resigned regular commission, promotion pending after separation
 - *res rsv no promo*: regular appointment, resigned reserve commission, no promotion pending
 - *res rsv promo before sep*: regular appointment, resigned reserve commission, promotion pending before separation
 - *res rsv promo after sep*: regular appointment, resigned reserve commission, promotion pending after separation
 - *interservice*: interservice transfer.
- For *res reg no promo*, *res reserve no promo*, and *interservice*:
 - if date of rank follows date of separation, current grade and scroll grade must be equal to or lower than prior rank.
- For *res reg no promo*, *res reg promo before sep*, *res reg promo after sep*, *res rsv no promo*, *res rsv promo before sep*, and *res rsv promo after sep*:
 - date of separation is required
 - if ratification is no or null, dates of separation must be greater than need-by date.
- For break in service:

- current military status must be blank
- prior rank is required
- prior military status is required.
- For interservice transfer, current rank must equal scroll rank.
- For leave Career Intermission Program and enter Career Intermission Program, current rank must be the same as scroll rank.
- For Air National Guard, if current rank is the same as scroll rank and current military status is Air National Guard or Air Force Reserve, the candidate does not need to be scrolled again.
- For *res rsv no promo*:
 - current military status must be “Air Force reserve”
 - promotion pending must be “no”
 - date of rank must be blank.
- For *res rsv promo before sep*:
 - current military status must be “Air Force reserve”
 - promotion pending must be “yes”
 - date of rank must be on or before date of separation.
- For *res rsv promo after sep*:
 - current military status must be “Air Force reserve”
 - promotion pending must be “yes”
 - date of rank must be after the date of separation.
- For *res reg no promo*:
 - promotion pending must be “no”
 - current military status must be “Air Force active duty”
 - date of rank must be blank.
- For *res reg promo before sep*:
 - promotion pending must be “yes”
 - current military status must be “Air Force active duty”
 - date of rank and date of separation are required
 - date of rank must be on or before the date of separation.
- For *res reg promo after sep*:
 - promotion pending must be “yes”
 - current military status must be “Air Force active duty”
 - date of rank and date of separation are required
 - date of rank must be after the date of separation.
- Commission date is required.
- Need-by date is required.
- Commission date must be one or more days after the need-by date.
- Current rank and current military status is required if commissioning source is Officer Training School.

- Regular Air Force O-4 and above and reserve O-6 require Presidential nomination.
- If there is a candidate for whom “has Unfavorable Information File?” is “yes,” the nomination list can only contain one candidate.
- If there is a candidate for whom “ratification” is “yes,” the nomination list can contain only candidates for whom “ratification” is “yes.”
- For break in service, if scroll grade is not the same as the current grade, a constructive service credit document is required.

Appendix E. Recommended Changes to Title 10 for Consolidating Regular and Reserve Appointments

This appendix provides line-in/line-out changes needed to consolidate provisions of Title 10 regarding appointment of regular and reserve officers. Line-out changes are indicated with crossed-out text. Line-in changes are indicated with underlined text. Generally, the text shown in this appendix includes only the numbered or lettered subsections requiring a change.

Subtitle A—General Military Law

PART I—ORGANIZATION AND GENERAL MILITARY POWERS

CHAPTER 1—DEFINITIONS

§101. Definitions

(b) Personnel generally

(10) The term "original", with respect to the appointment of a member of the armed forces ~~in a regular or reserve component~~, refers to that member's most recent appointment ~~in that component~~ that is neither a promotion nor a demotion.

(12) The term "regular", with respect to an enlistment, ~~appointment, grade,~~ or office, means enlistment, ~~appointment, grade,~~ or office in a regular component of an armed force held by a member of an armed force who is on active duty and who is not a Reserve.

(c) Reserve components

(6) The term "reserve", with respect to an enlistment, ~~appointment, grade,~~ or office, means enlistment, ~~appointment, grade,~~ or office held as a Reserve of one of the armed forces.

CHAPTER 5—JOINT CHIEFS OF STAFF

§156. Legal Counsel to the Chairman of the Joint Chiefs of Staff

(c) GRADE.—An officer appointed to serve as Legal Counsel to the Chairman of the Joint Chiefs of Staff shall be appointed in the ~~regular~~ grade of brigadier general or rear admiral (lower half).

PART II—PERSONNEL

CHAPTER 33—ORIGINAL APPOINTMENTS OF ~~REGULAR~~ OFFICERS IN GRADES ABOVE WARRANT OFFICER GRADES

§531. Original appointments of commissioned officers

(a)(1) Original appointments in the grades of second lieutenant, first lieutenant, and captain in the ~~Regular~~ Army, ~~Regular~~ Air Force, and ~~Regular~~ Marine Corps and in the grades of ensign, lieutenant (junior grade), and lieutenant in the ~~Regular~~ Navy shall be made by the President alone.

(2) Original appointments in the grades of major, lieutenant colonel, and colonel in the ~~Regular~~ Army, ~~Regular~~ Air Force, and ~~Regular~~ Marine Corps and in the grades of lieutenant commander, commander, and captain in the ~~Regular~~ Navy shall be made by the President, by and with the advice and consent of the Senate.

(b) The grade of a person receiving an appointment under this section who at the time of appointment (1) is credited with service under section 533 of this title, ~~and (2) is not a commissioned officer of a reserve component~~ shall be determined under regulations prescribed by the Secretary of Defense based upon the amount of service credited. ~~The grade of a person receiving an appointment under this section who at the time of the appointment is a commissioned officer of a reserve component is determined under section 533(f) of this title.~~

~~(c) Subject to the authority, direction, and control of the President, an original appointment as a commissioned officer in the Regular Army, Regular Air Force, Regular Navy, or Regular Marine Corps may be made by the Secretary concerned in the case of a reserve commissioned officer upon the transfer of such officer from the reserve active status list of a reserve component of the armed forces to the active duty list of an armed force, notwithstanding the requirements of subsection (a).~~

(c) An officer who received an original appointment under either this section or section 12203 (repealed) of this title before the date of the enactment of the National Defense Authorization Act for Fiscal Year XXXX shall be deemed also to have received an appointment as a commissioned officer under this section as amended by the National Defense Authorization Act for Fiscal Year XXXX.

§532. Qualifications for original appointment as a commissioned officer

(a) Under regulations prescribed by the Secretary of Defense, an original appointment as a commissioned officer (other than as a commissioned warrant officer) in the ~~Regular~~ Army, ~~Regular~~ Navy, ~~Regular~~ Air Force, or ~~Regular~~ Marine Corps may be given only to a person who—

(b)(1) Original appointments in the ~~Regular~~ Army in the Medical Corps or Dental Corps, and original appointments in the ~~Regular~~ Air Force with a view to designation of an officer as a medical or dental officer, may be made in the grades of first lieutenant through colonel. Original appointments in the ~~Regular~~ Navy in the Medical Corps or Dental Corps may be made in the grades of lieutenant (junior grade) through captain. Such appointments may be made only from persons who are qualified doctors of medicine, osteopathy, or dentistry.

(c) Original appointments in the ~~Regular~~ Navy or ~~Regular~~ Marine Corps of officers designated for limited duty shall be made under section 8139 or 8146 of this title.

§533. Service credit upon original appointment as a commissioned officer

(a)(1) For the purpose of determining the grade and rank within grade of a person receiving an original appointment in a commissioned grade (other than a warrant officer grade) in the ~~Regular~~ Army, ~~Regular~~ Navy, ~~Regular~~ Air Force, or ~~Regular~~ Marine Corps, such person shall be credited at the time of such appointment with any active commissioned service (other than service as a commissioned warrant officer) that he performed in any armed force, the National Oceanic and Atmospheric Administration, or the Public Health Service before such appointment.

(b)(1) Under regulations prescribed by the Secretary of Defense, the Secretary of the military department concerned shall credit a person who is receiving an original appointment in a commissioned grade (other than a commissioned warrant officer grade) in the ~~Regular~~ Army, ~~Regular~~ Navy, ~~Regular~~ Air Force, or ~~Regular~~ Marine Corps and who has advanced education or training or special experience with constructive service for such education, training, or experience as follows:

~~(f) A reserve officer (other than a warrant officer) who receives an original appointment as an officer (other than as a warrant officer) in the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps shall—~~

~~(1) in the case of an officer on the active duty list immediately before that appointment as a regular officer, be appointed in the same grade and with the same date of rank as the grade and date of rank held by the officer on the active duty list immediately before the appointment; and~~

~~(2) in the case of an officer not on the active-duty list immediately before that appointment as a regular officer, be appointed in the same grade and with the same date of rank as the grade and date of rank which the officer would have held had the officer been serving on the active-duty list on the date of the appointment as a regular officer.~~

CHAPTER 36—PROMOTION, SEPARATION, AND INVOLUNTARY RETIREMENT OF OFFICERS ON THE ACTIVE-DUTY LIST

§624. Promotions: how made

~~(b)(1) A regular officer who is promoted under this section is appointed in the regular grade to which promoted and a reserve officer who is promoted under this section is appointed in the reserve grade to which promoted. Appointments made to a regular or reserve grade under this section before the date of the enactment of the National Defense Authorization Act for Fiscal Year XXXX shall be deemed to have been made to that commissioned grade for service as either a regular or reserve officer and in either a regular or reserve component.~~

§ 631. Effect of failure of selection for promotion: first lieutenants and lieutenants (junior grade)

(a) Except an officer of the Navy and Marine Corps who is an officer designated for limited duty (to whom section 5596(e) or 6383 of this title applies), each officer of the Army, Air Force, or Marine Corps on the active-duty list who holds the ~~regular~~ grade of first lieutenant and has failed of selection for promotion to the ~~regular~~ grade of captain for the second time,.....

§ 632. Effect of failure of selection for promotion: captains and majors of the Army, Air Force, and Marine Corps and lieutenants and lieutenant commanders of the Navy

(a) Except an officer of the Navy and Marine Corps who is an officer designated for limited duty (to whom section 5596(e) or 6383 of this title applies) and except as provided under section 637(a) of this title, each officer of the Army, Air Force, or Marine Corps on the active-duty list who holds the ~~regular~~ grade of captain or major,.....

§ 633. Retirement for years of service: ~~regular~~ lieutenant colonels and commanders

(a) 28 YEARS OF ACTIVE COMMISSIONED SERVICE.—Except as provided in subsection (b) and as provided under section 637(b) of this title, each officer of the Regular Army, Regular Air Force, or Regular Marine Corps who holds the ~~regular~~ grade of lieutenant colonel, and each officer of the Regular Navy who holds the ~~regular~~ grade of commander, who is not on a list of officers recommended for promotion to the ~~regular~~ grade of colonel or captain, respectively, shall, if not earlier retired, be retired on the first day of the month after the month in which he completes 28 years of active commissioned service.

§ 634. Retirement for years of service: ~~regular~~ colonels and Navy captains

(a) 30 YEARS OF ACTIVE COMMISSIONED SERVICE.—Except as provided in subsection (b) and as provided under section 637(b) of this title, each officer of the Regular Army, Regular Air Force, or Regular Marine Corps who holds the ~~regular~~ grade of colonel, and each officer of the Regular Navy who holds the ~~regular~~ grade of captain, who is not on a list of officers recommended for promotion to the ~~regular~~ grade of brigadier general or rear admiral (lower half), respectively, shall, if not earlier retired, be retired on the first day of the month after the month in which he completes 30 years of active commissioned service. (b) EXCEPTIONS.—Subsection (a) does not apply to the following: (1) An officer of the Navy who is designated for limited duty to whom section 6383(a)(4) of this title applies. (2) An officer of the Navy or Marine Corps who is a permanent professor at the United States Naval Academy.

§ 635. Retirement for years of service: ~~regular~~ brigadier generals and rear admirals (lower half)

(a) Except as provided under section 637(b) of this title, each officer of the Regular Army, Regular Air Force, or Regular Marine Corps who holds the ~~regular~~ grade of brigadier general, and each officer of the Regular Navy who holds the ~~regular~~ grade of rear admiral (lower half), who is not on a list of officers recommended for promotion to the ~~regular~~ grade of major general or rear admiral, respectively, shall, if not earlier retired, be retired on the first day of the first month beginning after the date of the fifth anniversary of his appointment to that grade or on the first day of the month after the month in which he completes 30 years of active commissioned service, whichever is later.

§ 636. Retirement for years of service: ~~regular~~ officers in grades above brigadier general and rear admiral (lower half)

(a) MAJOR GENERALS AND REAR ADMIRALS SERVING IN GRADE.—Except as provided in subsection (b) or (c) and under section 637(b) of this title, each officer of the Regular Army, Regular Air Force, or Regular Marine Corps who holds the ~~regular~~ grade of major general, and each officer of the Regular Navy who holds the ~~regular~~ grade of rear admiral, shall, if not earlier retired, be retired on the first day of the first month beginning after the date of the fifth anniversary of his appointment to that grade or on the first day of the month after the month in which he completes 35 years of active commissioned service, whichever is later.

§ 638. Selective early retirement

(a)(1) An ~~regular~~ officer on the active-duty list of the Army, Navy, Air Force, or Marine Corps may be considered for selective early retirement by a selection board convened under section 611(b) of this title if the officer is described in any of subparagraphs (A) through (D) as follows:

- (A) An officer holding the ~~regular~~ grade of lieutenant colonel or commander who has failed of selection for promotion to the grade of colonel or, in the case of an officer of the Navy, captain two or more times and whose name is not on a list of officers recommended for promotion.
- (B) An officer holding the ~~regular~~ grade of colonel or, in the case of an officer of the Navy, captain who has served at least four years of active duty in that grade and whose name is not on a list of officers recommended for promotion.
- (C) An officer holding the ~~regular~~ grade of brigadier general or rear admiral (lower half) who has served at least three and one-half years of active duty in that grade and whose name is not on a list of officers recommended for promotion.
- (D) An officer holding the ~~regular~~ grade of major general or rear admiral who has served at least three and one-half years of active duty in that grade.

(b)(2) An officer who holds the ~~regular~~ grade of brigadier general, major general, rear admiral (lower half), or rear admiral who is recommended for early retirement under this section and whose early retirement is approved by the Secretary concerned shall be retired, under any provision of law under which he is eligible to retire, on the date requested by him and approved by the Secretary concerned, which date shall be not later than the first day of the tenth calendar month beginning after the month in which the Secretary concerned approved the report of the board which recommended the officer for early retirement.

§647. Force shaping authority

~~(c) APPOINTMENT OF TRANSFERRED OFFICERS.—An officer of the Regular Army, Regular Air Force, Regular Navy, or Regular Marine Corps who is transferred to a reserve active status list under this section shall be discharged from the regular component concerned and appointed as a reserve commissioned officer under section 12203 of this title.~~

CHAPTER 61. RETIREMENT OR SEPARATION FOR PHYSICAL DISABILITY

§ 1211. Members on temporary disability retired list: return to active duty; promotion

- (a) With his consent, any member of the Army or the Air Force whose name is on the temporary disability retired list, and who is found to be physically fit to perform the duties of his office, grade, or rank under section 1210(f) of this title, shall—
- (1) if a commissioned officer of a regular component, be recalled to active duty and, as soon as practicable, may be reappointed by the President, by and with the advice and consent of the Senate, to the active-duty list in the ~~regular~~ grade held by him when his name was placed on the temporary disability retired list, or in the next higher ~~regular~~ grade;
- (2) if a warrant officer of a regular component, be recalled to active duty and, as soon as practicable, be reappointed by the Secretary concerned in the ~~regular~~ grade held by him when his name was placed on the temporary disability retired list, or in the next higher ~~regular~~ warrant grade;

- (3) if an enlisted member of a regular component, be reenlisted in the ~~regular~~ grade held by him when his name was placed on the temporary disability retired list or in the next higher ~~regular~~ enlisted grade;
- (4) if a commissioned, warrant, or enlisted Reserve, be reappointed or reenlisted as a Reserve for service in his reserve component in the ~~reserve~~ grade held by him when his name was placed on the temporary disability retired list, or appointed or enlisted in the next higher ~~reserve~~ commissioned, warrant, or enlisted grade, as the case may be;
- (5) if a commissioned, warrant, or enlisted member of the Army National Guard of the United States or the Air National Guard of the United States when the disability was incurred, and if he cannot be reappointed or reenlisted as a Reserve for service therein, be appointed or enlisted as a Reserve for service in the Army Reserve or the Air Force Reserve, as the case may be, in a grade corresponding to the ~~reserve~~ grade held by him when his name was placed on the temporary disability retired list, or in the next higher ~~reserve~~ commissioned, warrant, or enlisted grade, as the case may be; and
- (6) if a member of the Army, or the Air Force, who has no ~~regular or reserve~~ permanent grade, be reappointed or reenlisted in the Army, or the Air Force, as the case may be, in the temporary grade held by him when his name was placed on the temporary disability retired list, or appointed or enlisted in the next higher temporary grade.

(e) Whenever seniority in grade or years of service is a factor in determining the qualifications of a member of the armed forces for promotion, each member who has been appointed, reappointed, enlisted, or reenlisted, under subsection (a) or (b), shall, when his name is placed on a lineal list, a promotion list, an approved all-fully-qualified-officers list, or any similar list, have the seniority in grade and be credited with the years of service authorized by the Secretary concerned. The authorized strength in any ~~regular~~ grade is automatically increased to the minimum extent necessary to give effect to each appointment made in that grade under this section. An authorized strength so increased is increased for no other purpose, and while he holds that grade the officer whose appointment caused the increase is counted for the purpose of determining when other appointments, not under this section, may be made in that grade.

§ 1212. Disability severance pay

(a) (C) Twice the amount of monthly basic pay to which he would be entitled if serving (i) on active duty on the date when his name was placed on the temporary disability retired list or, if his name was not carried on that list, on the date when he is separated, and (ii) in the permanent ~~regular or reserve~~ grade to which he would have been promoted had it not been for the physical disability for which he is separated and which was found to exist as a result of a physical examination.

CHAPTER 69. RETIRED GRADE

§ 1372. Grade on retirement for physical disability: members of armed forces

(3) The permanent ~~regular or reserve~~ grade to which he would have been promoted had it not been for the physical disability for which he is retired and which was found to exist as a result of a physical examination.

PART III—TRAINING AND EDUCATION

CHAPTER 101—TRAINING GENERALLY

§2004a. Detail of commissioned officers as students at medical schools

(e) APPOINTMENT AND TREATMENT OF PRIOR ACTIVE SERVICE.—

(1) A commissioned officer detailed as a student at a medical school under subsection (a) shall be appointed as an ~~regular~~ officer in the grade of second lieutenant or ensign and shall serve on active duty in that grade with full pay and allowances of that grade.

(2) If an officer detailed to be a medical student has prior active service in a pay grade and with years of service credited for pay that would entitle the officer, if the officer remained in the former grade, to a rate of basic pay in excess of the rate of basic pay for ~~regular~~ officers in the grade of second lieutenant or ensign, the officer shall be paid basic pay based on the former grade and years of service credited for pay.

CHAPTER 103— SENIOR RESERVE OFFICERS' TRAINING CORPS

§2106. Advanced training; commission on completion

(a) Upon satisfactorily completing the academic and military requirements of the program of advanced training, a member of the program who was selected for advanced training under section 2104 of this title may be appointed as a ~~regular or reserve~~ an officer in the appropriate armed force in the grade of second lieutenant or ensign, even though he is under 21 years of age

§2107. Financial assistance program for specially selected members

(a) The Secretary of the military department concerned may appoint as a cadet or midshipman, as appropriate, in the reserve component of an armed force under his jurisdiction any eligible member of the program who will be under 31 years of age on December 31 of the calendar year in which he is eligible under this section for appointment as an ensign in the Navy or as a second lieutenant in the Army, Air Force, or Marine Corps, as the case may be.

(3) enlist in the reserve component of the armed force in which he is appointed as a cadet or midshipman for the period prescribed by the Secretary of the military department concerned;

(A)(i) accept an appointment, if offered, as a commissioned officer in the Army, Navy, Air Force, or Marine Corps, as the case may be, and that, if he is commissioned as an ~~regular~~ officer and his ~~regular~~ commission is terminated before the sixth anniversary of his date of rank, he will accept an appointment, if offered, in the reserve component of that armed force and not resign before that anniversary or before such other date, not beyond the eighth anniversary of the midshipman's date of rank, that the Secretary of Defense may prescribe; and

(d) Upon satisfactorily completing the academic and military requirements of the four-year program, a cadet or midshipman may be appointed as an ~~regular or reserve~~ officer in the

appropriate armed force in the grade of second lieutenant or ensign, even though he is under 21 years of age.

§2114. Students: selection; status; obligation

(b)(1) Medical students shall be commissioned officers of a uniformed service as determined under regulations prescribed by the Secretary of Defense after consulting with the Secretary of Health and Human Services. They shall be appointed as ~~regular~~ officers in the grade of second lieutenant or ensign and shall serve on active duty in that grade.

(2) If a member of the uniformed services selected to be a student has prior active service in a paygrade and with years of service credited for pay that would entitle the member, if the member remained in the former grade, to a rate of basic pay in excess of the rate of basic pay for ~~regular~~ officers serving on active duty in the grade of second lieutenant or ensign, the member shall be paid basic pay based on the former grade and years of service credited for pay.

Subtitle B—Army

PART I—ORGANIZATION

CHAPTER 705—THE ARMY STAFF

§7036. Chiefs of branches: appointment; duties

(g) For each office to be filled under subsection (b), the Secretary shall select a board of five general officers, including the incumbent, if any, of the office, and at least two officers, if available, in a grade above major general who have had extensive service in the branch concerned. The Secretary shall give the board a list of the officers to be considered and shall specify the number of officers, not less than three, to be recommended. The list shall include—

- (1) the name of each officer of the Regular Army who is appointed in, or assigned to, that branch, and whose ~~regular~~ grade is colonel;
- (2) the name of each officer whose ~~regular~~ grade is above colonel, who has shown by extensive duty in that branch, or by similar duty, that he is qualified for the appointment;
- (3) to the extent that the Secretary determines advisable, the name of each officer of the Regular Army who is appointed in, or assigned to, that branch, and whose ~~regular~~ grade is lieutenant colonel, in the order in which their names appear on the applicable promotion lists; and
- (4) to the extent that the Secretary considers advisable, the name of each ~~regular or reserve~~ officer on active duty in a grade above lieutenant colonel who has shown by extensive duty in that branch, or by similar duty, that he is qualified for the appointment.

CHAPTER 707—THE ARMY

PART II— PERSONNEL

§7068. Medical Service Corps: organization; Chief and assistant chiefs

There is a Medical Service Corps in the Army. The Medical Service Corps consists of—

- (1) the Chief of the Medical Service Corps, who shall be appointed by the Secretary of the Army from among the active duty officers of the Medical Service Corps whose ~~regular~~ grade is above captain;
- (2) the assistant chiefs of the Medical Service Corps, who shall be designated by the Surgeon General from officers in that Corps and who shall be his consultants on activities relating to their sections;
- (3) commissioned officers of the Regular Army appointed therein;

§7069. Army Nurse Corps: composition; Chief and assistant chief; appointment; grade

- (b) The Secretary of the Army shall appoint the Chief from the active duty officers of the Regular Army in that corps whose ~~regular~~ grade is above lieutenant colonel and who are recommended by the Surgeon General. The Chief serves during the pleasure of the Secretary, but not for more than four years, and may not be reappointed to the same position.
- (c) The Surgeon General shall appoint the assistant chief from the active duty officers of the Regular Army in that corps whose ~~regular~~ grade is above lieutenant colonel. The assistant chief serves during the pleasure of the Surgeon General, but not for more than four years and may not be reappointed to the same position.

§7070. Army Medical Specialist Corps: organization; Chief

- (b) The Secretary of the Army shall appoint the Chief from the active duty officers of the Regular Army in that corps whose ~~regular~~ grade is above captain and who are recommended by the Surgeon General. The Chief serves during the pleasure of the Secretary, but not for more than four years, and may not be reappointed.

§7153. Commissioned officers: appointment without specification of branch; transfer between branches

- (a) Appointments in commissioned grades in the ~~Regular~~ Army shall be made without specification of branch except in each of the special branches and as professors or director of admissions of the United States Military Academy.
- (b) Commissioned officers appointed in the ~~Regular~~ Army without specification of branch shall be assigned, and may be transferred and reassigned, by the Secretary of the Army to branches other than the special branches, according to their professional qualifications and the needs of the Army.

§7191. Non-regular officers: status

A commissioned officer of the Army, other than of the Regular Army, who is on active duty in any commissioned grade has the rights and privileges, and is entitled to the benefits, provided by law for a commissioned officer ~~of~~ serving in the Army Reserve—

- (1) whose ~~reserve~~ grade is that in which the officer not of the Regular Army is serving;

- (2) who has the same length of service as the officer not of the Regular Army; and
- (3) who is on active duty ~~in his reserve grade~~.

CHAPTER 743—RETIRED GRADE

§7341. General rule

(b) Unless entitled to a higher retired grade under some other provision of law, a Regular or Reserve of the Army not covered by subsection (a) who retires other than for physical disability retires in the ~~regular or reserve~~ grade that he holds on the date of his retirement.

PART III— TRAINING

753— UNITED STATES MILITARY ACADEMY

§7436. Permanent professors; director of admissions

(b) A person appointed as director of admissions of the Academy has the ~~regular~~ grade of lieutenant colonel, and, after he has served six years as director of admissions, has the ~~regular~~ grade of colonel. However, a person appointed from the Regular Army has the ~~regular~~ grade of colonel after the date when he completes six years of service as director of admissions, or after the date on which he would have been promoted had he been selected for promotion from among officers in the promotion zone, whichever is earlier.

Subtitle C— Navy and Marine Corps

[requires changes comparable to Subtitle B—Army]

Subtitle D— Air Force

[requires changes comparable to Subtitle B—Army]

Subtitle E— Reserve Components

PART I— ORGANIZATION AND ADMINISTRATION

CHAPTER 1005— ELEMENTS OF RESERVE COMPONENTS

PART II— PERSONNEL GENERALLY

CHAPTER 1201—AUTHORIZED STRENGTHS AND DISTRIBUTION IN GRADE

§ 12001. Authorized strengths: reserve components

(b) Subject to the authorized strength of the reserve component concerned, the authorized strength of each reserve component (other than the Coast Guard Reserve) in members in each grade is that which the Secretary concerned determines to be necessary to provide for mobilization requirements. The Secretary shall review these determinations at least once each year and revise them if he considers it necessary. However, a member of the reserve component concerned may not, as a result of such a determination, be reduced in the member's reserve grade without the member's consent.

§12009. Army and Air Force reserve components: temporary increases

(a) The authorized strength in any reserve grade, as prescribed under this chapter, for any reserve component under the jurisdiction of the Secretary of the Army or the Secretary of the Air Force is automatically increased to the minimum extent necessary to give effect to each appointment made in that grade under section 1211(a), 7036, 14304(b), 14314, or 14317 of this title.

CHAPTER 1205— APPOINTMENT OF SERVICE AS RESERVE OFFICERS

§12201. Reserve officers: qualifications for appointmentservice

(a)(1) To ~~become~~ serve as an officer of a reserve component a person must be appointed as an Reserve officer of an armed force in a grade corresponding to a grade authorized for the regular component of the armed force concerned and, except as provided in paragraph (2), subscribe to the oath prescribed by section 3331 of title 5 in accordance with Section 531 of this Title. In addition, to become an officer of the Army National Guard of the United States or the Air National Guard of the United States, he must first be appointed to, and be federally recognized in, the same grade in the Army National Guard or the Air National Guard, as the case may be.

~~(2) If an officer is transferred from the active-duty list of an armed force to a reserve active-status list of an armed force in accordance with regulations prescribed by the Secretary of Defense, the officer is not required to subscribe to the oath referred to in paragraph (1) in order to qualify for an appointment under that paragraph.~~

~~(b) Except as otherwise provided by law, the Secretary concerned shall prescribe physical, mental, moral, professional, and age qualifications for the appointment of persons as Reserves of the armed forces under his jurisdiction. However, no person may be appointed as a Reserve unless he is at least 18 years of age and—~~

~~(1) he is a citizen of the United States or has been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or~~

~~(2) he has previously served in the armed forces or in the National Security Training Corps.~~

~~(c) A person who is otherwise qualified, but who has a physical defect that the Secretary~~

~~concerned determines will not interfere with the performance of the duties to which that person may be assigned, may be appointed as a Reserve of any armed force under the jurisdiction of that Secretary.~~

~~(d) In prescribing age qualifications under subsection (b) for the appointment of persons as Reserves of the armed forces under his jurisdiction, the Secretary concerned may not prescribe a maximum age qualification of less than 47 years of age for the initial appointment of a person as a Reserve to serve in a health profession specialty which has been designated by the Secretary concerned as a specialty critically needed in wartime.~~

(b) Appointments of officers transferring without a break in service from an active to a reserve component or from a reserve component to an active component of the same armed force remain in force so long as the officer continues to serve in the same competitive category or special corps, if service in the competitive category or special corps was a condition of the officer's original appointment.

§12203. Commissioned officers: appointment, how made; term

(a) Appointments of reserve officers in commissioned grades of lieutenant colonel and commander or below, except commissioned warrant officer, shall be made by the President alone. Appointments of reserve officers in commissioned grades above lieutenant colonel and commander shall be made by the President, by and with the advice and consent of the Senate, except as provided in section 624, 12213, or 12214 of this title.

~~(b) Subject to the authority, direction, and control of the President, the Secretary concerned may appoint as a reserve commissioned officer any regular officer transferred from the active duty list of an armed force to the reserve active status list of a reserve component under section 647 of this title, notwithstanding the requirements of subsection (a).~~ Appointments of reserve officers under this section before the date of the enactment of the National Defense Authorization Act for Fiscal Year [XXXX] shall be deemed to have been made to the commissioned grade to which they were appointed for service as either a regular or reserve officer for service in either a regular or reserve component.

(c) Appointments of Reserves in commissioned grades are for an indefinite term and are held during the pleasure of the President.

§12206. Commissioned officers: appointment of former commissioned officers

Under regulations prescribed by the Secretary of Defense, a person who is a former commissioned officer may, if otherwise qualified, be appointed as a reserve officer of the Army, Navy, Air Force, or Marine Corps. A person so appointed—

(1) may be placed on the reserve active-status list of that armed force in the ~~grade equivalent to the permanent regular or reserve~~ same commissioned grade, and in the same competitive category, in which the person previously served satisfactorily on active duty or in an active status; and

(2) may be credited for the purpose of determining date of rank under section 741(d) of this title with service in grade equal to that held by that person when discharged or separated.

§12208. Officers: ~~appointment~~ service upon transfer

(a) A person who would otherwise be required to be transferred to a reserve component under section 651 of this title or under the Military Selective Service Act (50 U.S.C. 3801 et seq.), is entitled, if he is qualified and accepted, to ~~be appointed~~ continue to serve as an officer of any armed force that he chooses and to participate in the programs authorized for that armed force. However, unless the two Secretaries concerned consent, he may not be appointed as a Reserve of an armed force other than that from which he is transferred. All periods of his participation shall be credited against the total period of service required of him under section 651 of this title or under the Military Selective Service Act (50 U.S.C. 3801 et seq.). However, no period may be credited more than once.

(b) A person covered by subsection (a) shall perform the rest of his required term of service in the armed force in which he is so ~~appointed~~ transferred or in any other armed force in which he is later appointed or enlisted.

(c) This section does not change any term of service under an appointment, enlistment, or agreement, including an agreement made before or at the time when the member entered upon a program authorized by an armed force.

§12210. Attending Physician to the Congress: ~~reserve~~ grade

While serving as Attending Physician to the Congress, a Reserve holds the ~~reserve~~ grade of major general or rear admiral, as appropriate.

§12211. Officers: Army National Guard of the United States

(a) Upon being federally recognized, an officer of the Army National Guard who does not currently hold an appointment as an officer in the Army shall be appointed as an officer for service as a Reserve ~~member~~ in the Army National Guard of the United States in the grade that he holds in the Army National Guard. However, an officer of the Regular Army or the Army Reserve who is federally recognized as an officer of the Army National Guard becomes an officer of the Army National Guard of the United States and ceases to be an officer of the Regular Army or the Army Reserve. The acceptance of an appointment ~~as a Reserve~~ for service ~~as a member of~~ as a Reserve in the Army National Guard of the United States by an officer of the Army National Guard does not vacate his office in the Army National Guard.

(b) When an officer of the Army National Guard to whom temporary Federal recognition has been extended is appointed as ~~a Reserve~~ an officer for service as a ~~member of~~ Reserve in the Army National Guard of the United States, his appointment shall bear the date of the temporary recognition and shall be considered to have been accepted and effective on that date.

(c) When the Army National Guard of the United States is ordered to active duty, any officer of the Army National Guard who is not a Reserve of the Army may be appointed by the President as a ~~Reserve~~an officer for service as a ~~member of Reserve~~ in the Army National Guard of the United States in the grade that he holds in the Army National Guard.

§12212. Officers: Air National Guard of the United States

[same changes as §12211]

§12215. Commissioned officers: ~~reserve~~ grade of adjutants general and assistant adjutants general

(a) The adjutant general or an assistant adjutant general of the Army National Guard of a State may, upon being extended Federal recognition, be appointed as a ~~reserve~~an officer of the Army as of the date on which he is so recognized.

(b) The adjutant general or an assistant adjutant general of the Air National Guard of a State may be appointed in the ~~reserve~~-commissioned grade in which Federal recognition in the Air National Guard is extended to him.

§12216. Commissioned officers: transfer between active and reserve components in the same armed force

Under regulations prescribed by the Secretary of Defense and subject to requirements as determined by the Secretary concerned, an officer may be transferred from the active component to a reserve component or from a reserve component to the active component within the same armed force. With respect to transfers under this section, except as otherwise provided in section 741(d)(3) or elsewhere in this title, officers on the active duty list will be placed on the reserve active status list and officers on the reserve active status list will be placed on the active duty list in order of seniority held prior to the transfer.

§12310. Reserves: for organizing, administering, etc., reserve components

(2) A Reserve ordered to active duty under paragraph (1) shall be ordered in the Reserve's ~~reserve~~ current grade. While so serving, the Reserve continues to be eligible for promotion as a Reserve, if otherwise qualified.

§12320. Reserve officers: grade in which ordered to active duty

A reserve officer who is ordered to active duty or full-time National Guard duty shall be ordered to active duty or full-time National Guard duty in his current ~~reserve~~ grade, except that a reserve officer who is credited with service under section 12207 of this title and is ordered to active duty and placed on the active-duty list may be ordered to active duty in current a ~~reserve~~ grade and with a date of rank and position on the active-duty list determined under regulations prescribed by the Secretary of Defense based upon the amount of service credited.

CHAPTER 1219— STANDARDS AND PROCEDURES FOR RETENTION AND PROMOTION

§12642. Standards and qualifications: result of failure to comply with

(b)(3) if he is not transferred to the Retired Reserve or an inactive status, be discharged from his ~~reserve~~-appointment.

§12643. Boards for appointment, promotion, and certain other purposes: Composition

(a) Except as provided in section 612(a)(3) of this title and except for boards that may be convened to select Reserves for ~~appointment in transfer to~~ the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps, each board convened for the appointment, promotion, demotion, involuntary release from active duty, discharge, or retirement of Reserves shall include at least one member of the Reserves, with the exact number of Reserves determined by the Secretary concerned in his discretion.

§12645. Commissioned officers: retention until completion of required service

(a) Except as provided in subsection (b), a reserve commissioned officer who has not completed the period of service required of him by section 651 of this title or any other provision of law may not be discharged or transferred from an active status under chapter 843, 1407, 1409, or 1411 of this title or chapter 21 of title 14. Unless, under regulations prescribed by the Secretary concerned, he is promoted to a higher ~~reserve~~-grade, he shall be retained in an active status in his ~~reserve~~-grade for the rest of his period of required service and shall be an additional number to the authorized strength of his grade.

CHAPTER 1405— PROMOTIONS

§14310. Removal of officers from a list of officers recommended for promotion

(b) Removal for Withholding of Senate Advice and Consent.— If the Senate does not give its advice and consent to the appointment to the next higher grade of an officer whose name is on a list of officers approved by the President for promotion (except in the case of promotions to a ~~reserve~~-grade to which appointments may be made by the President alone), the name of that officer shall be removed from the list.

§14311. Delay of promotion: involuntary

(2) If disciplinary action is not taken against the officer, if the charges against the officer are withdrawn or dismissed, if the officer is not separated by the Secretary of the military department concerned as the result of having been required to show cause for retention, if the officer is acquitted of the charges, or if, after a review of substantiated adverse information about the officer regarding the requirement for exemplary conduct set forth in section 7233, 8167, or 9233 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion, as the case may be, then (unless action to delay the officer's appointment to the higher grade has been taken under subsection (b)) the officer shall be retained on the promotion list (including an approved all-fully-qualified-officers list, if applicable), list of officers found qualified for Federal recognition, or list of officers nominated by the President to the Senate for appointment in a higher ~~reserve~~ grade and shall, upon promotion to the next higher grade, have the same date of rank, the same effective date for the pay and allowances of the grade to which promoted, and the same position on the reserve active-status list as the officer would have had if no delay had intervened, unless the Secretary concerned determines that the officer was unqualified for promotion for any part of the delay. If the Secretary makes such a determination, the Secretary may adjust such date of rank, effective date of pay and allowances, and position on the reserve active-status list as the Secretary considers appropriate under the circumstances.

(b) DELAY FOR LACK OF QUALIFICATIONS.—Under regulations prescribed by the Secretary of Defense, the appointment of an officer to a higher grade may also be delayed if there is cause to believe that the officer has not met the requirement for exemplary conduct set forth in section 7233, 8167, or 9233 of this title, as applicable, or is mentally, physically, morally, or professionally unqualified to perform the duties of the grade to which selected. If it is later determined by a civilian official of the Department of Defense (not below the level of Secretary of a military department) that the officer is qualified for promotion to the higher grade and, after a review of adverse information regarding the requirement for exemplary conduct set forth in section 7233, 8167, or 9233 of this title, as applicable, the officer is determined to be among the officers best qualified for promotion to the higher grade, the officer shall be retained on the promotion list (including an approved all-fully-qualified-officers list, if applicable), the list of officers found qualified for Federal recognition, or list of officers nominated by the President to the Senate for appointment in a higher ~~reserve~~ grade, and shall, upon promotion to that grade, have the same date of rank, the same effective date for pay and allowances of that grade, and the same position on the reserve active-status list as the officer would have had if no delay had intervened, unless the Secretary concerned determines that the officer was unqualified for promotion for any part of the delay. If the Secretary makes such a determination, the Secretary may adjust such date of rank, effective date of pay and allowances, and position on the reserve active-status list as the Secretary considers appropriate under the circumstances.

§14313. Authority to vacate promotions to grade of brigadier general or rear admiral (lower half)

(c) Special Rule for Officers Serving as Adjutant General.— In the case of an officer serving as an adjutant general or assistant adjutant general whose promotion to the grade of brigadier general is vacated under this section, the officer then holds the ~~reserve~~ grade held by that officer immediately before the officer's appointment as adjutant general or assistant adjutant general.

§14314. Army and Air Force commissioned officers: generals ceasing to occupy positions commensurate with grade; State adjutants general

(a)(3) Discharge the officer from the officer's ~~reserve~~ appointment and, if the officer is qualified and applies therefor, appoint the officer in the ~~reserve~~ grade held by the officer ~~as a reserve officer~~ before the officer's appointment in a general officer grade.

(4) Discharge the officer from the officer's ~~reserve~~ appointment.

(b)(2)(B) be discharged from the officer's ~~reserve~~ appointment and appointed in the ~~reserve~~ grade held by the officer ~~as a reserve officer~~ immediately before the appointment of that officer as adjutant general or assistant adjutant general, if the officer is qualified and applies for that appointment; or

(C) be discharged from the officer's ~~reserve~~ appointment.

§14315. Position vacancy promotions: Army and Air Force officers

(b) Consideration for Vacancy Promotion to Brigadier General or Major General.—

(1) A reserve officer of the Army who is in the Army Reserve and on the reserve active-status list in the grade of colonel or brigadier general may be considered for promotion to the next higher grade under this section if the officer (A) is assigned to the duties of a general officer of the next higher ~~reserve~~ grade in the Army Reserve or is recommended for such an assignment under regulations prescribed by the Secretary of the Army, (B) has held the officer's present grade for the minimum period of service prescribed in section 14303 of this title for eligibility for consideration for promotion to the higher grade, and (C) meets the standards for consideration prescribed by the Secretary of the Army.

(2) A reserve officer of the Air Force who is in the Air Force Reserve and on the reserve active-status list in the grade of colonel or brigadier general may be considered for promotion to the next higher grade under this section if the officer (A) is assigned to the duties of a general officer of the next higher ~~reserve~~ grade or is recommended for such an assignment under regulations prescribed by the Secretary of the Air Force, and (B) meets the standards for consideration prescribed by the Secretary of the Air Force.

§ 14316. Army National Guard and Air National Guard: appointment to and Federal recognition in a higher ~~reserve~~ grade after selection for promotion

(b)(2) subject to section 14311(e) of this title, be promoted to that ~~reserve~~ grade effective on the date of the officer's appointment in that grade in the Army National Guard or Air National Guard.

(d) Transfer to Army Reserve or Air Force Reserve.—

If, on the date on which an officer of the Army National Guard of the United States or of the Air National Guard of the United States who is on a promotion list as described in subsection (a) is to be promoted, the officer has not been promoted to fill a vacancy in the higher grade in the Army National Guard or the Air National Guard, the officer's Federal recognition in the officer's ~~reserve~~ grade shall be withdrawn and the officer shall be promoted and transferred to the Army Reserve or the Air Force Reserve as appropriate.

§14317. Officers in transition to and from the active-status list or active-duty list

(c) Officers on a Promotion List Removed From Active-Duty List.— An officer who is on the active-duty list and is on a promotion list as the result of selection for promotion by a selection board convened under chapter 36 of this title and who before being promoted is removed from the active-duty list and placed on the reserve active-status list of the same armed force and in the same competitive category (including a regular officer who on removal from the active-duty list is ~~appointed as a reserve officer and~~ placed on the reserve active-status list) shall, under regulations prescribed by the Secretary of Defense, be placed on an appropriate promotion list established under this chapter.

CHAPTER 1407— FAILURE OF SELECTION FOR PROMOTION AND INVOLUNTARY SEPARATION

§14513. Failure of selection for promotion: transfer, retirement, or discharge

(3) if the officer is not transferred to an inactive status or to the Retired Reserve, be discharged from the officer's ~~reserve~~ appointment.

§14514. Discharge or retirement for years of service or after selection for early removal

(2) be discharged from the officer's ~~reserve~~ appointment if the officer is not qualified for transfer to the Retired Reserve or has requested (in accordance with regulations prescribed by the Secretary concerned) not to be so transferred.

§14515. Discharge or retirement for age

(2) be discharged from the officer's ~~reserve~~ appointment if the officer is not qualified for transfer to the Retired Reserve or has requested (in accordance with regulations prescribed by the Secretary concerned) not to be so transferred.

CHAPTER 1411— ADDITIONAL PROVISIONS RELATING TO INVOLUNTARY SEPARATION

§14907. Army National Guard of the United States and Air National Guard of the United States: discharge and withdrawal of Federal recognition of officers absent without leave

(a)(1) terminate the ~~reserve~~ appointment of the officer; and

(b) Discharge From ~~Reserve~~ Appointment.— An officer of the Army National Guard of the United States or the Air National Guard of the United States whose Federal recognition as an officer of the National Guard is withdrawn under section 323(b) of title 32 shall be discharged from the officer's appointment as a ~~reserve~~an officer of the Army or the Air Force, as the case may be.

References

Department of Defense Instruction 1310.02, *Original Appointment of Officers*, Washington, D.C., March 26, 2015.

Department of Defense Instruction 1320.04, *Military Officer Actions Requiring Presidential, Secretary of Defense, or Under Secretary of Defense for Personnel Readiness Approval or Senate Confirmation*, Washington, D.C., January 3, 2014.

U.S. Code, Title 10, Armed Forces. As of September 9, 2020:

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