



Department of Defense **INSTRUCTION**

NUMBER 1310.02
May 8, 2007

USD(P&R)

SUBJECT: Appointing Commissioned Officers

- References:**
- (a) DoD Directive 1310.2, "Subject as above," May 28, 1996 (hereby canceled)
 - (b) Acting Deputy Secretary of Defense Memorandum, "DoD Directives Review - Phase II," July 13, 2005
 - (c) DoD Directive 5124.2, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," October 17, 2006
 - (d) Sections 101, 531, 532, 741, 5589, 5596, 12201, 12203, 12204, 12205, 12206, 14301 of title 10, United States Code
 - (e) through (p), see Enclosure 1

1. REISSUANCE AND PURPOSE

This Instruction:

- 1.1. Reissues Reference (a) as a DoD Instruction in accordance with the guidance in Reference (b) and the authority in Reference (c).
- 1.2. Updates policy governing the appointment of persons as Regular commissioned officers and continues to implement section 532 of Reference (d).
- 1.3. Updates policy governing the appointment of persons as Reserve commissioned officers and continues to implement sections 12201, 12203, 12204, 12205, and 12206 of Reference (d).

2. APPLICABILITY AND SCOPE

This Instruction applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the "DoD Components").

3. DEFINITIONS

Terms used in this Instruction are defined in sections 101 (b) and (c) of Reference (d) and Enclosure 2.

4. POLICY

It is DoD policy that:

4.1. Only those persons who have clearly demonstrated the potential for full careers will be appointed as military officers to sustain the quality and effectiveness of the officer force.

4.2. Each Military Service will use an effective and impartial system to identify and select for appointment as commissioned officers the best-qualified persons available who possess the skills necessary to meet the needs of the Military Service concerned.

4.3. Except as provided in paragraph 6.1, all officers on the Active-Duty List will have a Regular appointment.

4.4. All officers on the Reserve Active-Status List will have a Reserve appointment.

5. RESPONSIBILITIES

5.1. The Under Secretary of Defense for Personnel and Readiness (USD(P&R)) shall exercise cognizance and oversight of policies involving the appointment of commissioned officers.

5.2. The Secretaries of the Military Departments shall:

5.2.1. Comply with the policies and procedures prescribed herein.

5.2.2. Provide for the appointment of officers in accordance with this Instruction.

5.2.3. Determine the means by which persons are considered and selected for appointment.

5.2.4. Recommend policy changes, as necessary, to this Instruction to the USD(P&R).

6. PROCEDURES

6.1. Basic Appointments

6.1.1. Except as provided in paragraph 6.1.2, all newly commissioned officers on the Active-Duty List will receive Regular appointments.

6.1.2. Reserve commissioned officers on the Active-Duty List will be transitioned to regular officer status provided they meet the requirements for appointment under Reference (d) and Deputy Secretary of Defense Memorandum, "Implementing Guidance: Transition of the Active Duty List (ADL) Officer Force to All-Regular Status" (Reference (e)).

6.1.2.1. Reserve commissioned officers on the Active-Duty List who do not meet the requirements for appointment may continue to serve with a Reserve commission, pursuant to applicable provisions of policy and law, until October 28, 2009; or completion of any mandatory active duty service obligation incurred before May 1, 2005, whichever is later. After October 28, 2009, all commissioned officers on the Active-Duty List must hold a regular appointment; be completing an active duty service obligation incurred before May 1, 2005; or have a waiver from the Secretary of Defense.

6.1.2.2. The Secretary of the Military Department concerned may request that the Secretary of Defense waive the provisions of section 532(f) of Reference (d) only in those cases of national security for original appointments to the grades below O-4. Waiver requests must be accompanied by the Service's plan to provide a reasonable career opportunity for the officer(s) in the Active and/or Reserve Components.

6.1.2.3. Reserve Active-Status List officers performing operational support duty shall not be placed on the Active-Duty List, regardless of the duration of the active duty, and will not be transitioned to regular officer status while performing such duty.

6.1.3. Secretary of Defense Appointments. All appointments of military officers (including all original appointments and appointment of officers who previously held a commission) in the grades provided in paragraph 6.1.3.1. and 6.1.3.2. shall be made by the Secretary of Defense based on Presidential delegations according to E.O. 12396, 13358, and 13384 (References (f), (g), and (h)). This appointment authority applies unless otherwise provided in Reference (d) that Presidential appointment is required and has not been delegated. This Secretary of Defense authority may not be further delegated.

6.1.3.1. Commissioned officer appointments on the Active-Duty List to the grades of second lieutenant through captain in the Army, Air Force, and Marine Corps or to the grades of ensign through lieutenant in the Navy.

6.1.3.2. Commissioned officer appointments on the Reserve Active-Status List to the grades of second lieutenant through lieutenant colonel in the Army, Air Force, and Marine Corps or to the grades of ensign through commander in the Navy.

6.1.4. Presidential Appointments. All appointments of military officers (including all original appointments and appointment of officers who previously held a commission) in the grades provided in paragraph 6.1.4.1 and 6.1.4.2 shall be made by the President by and with the advice and consent of the Senate, unless otherwise authorized in law.

6.1.4.1. Commissioned officer appointments on the Active-Duty List to the grades of major through general in the Army, Air Force, and Marine Corps or to the grades of lieutenant commander through admiral in the Navy.

6.1.4.2. Commissioned officer appointments on the Reserve Active-Status List to the grades of colonel and above in the Army, Air Force, and Marine Corps or to the grades of captain through vice admiral in the Navy.

6.1.5. Appointment recommendations will be processed according to the provisions of DoD Instruction 1320.4 (Reference (i)).

6.2. Qualifications of Commissioned Officers

6.2.1. Regular Appointments

6.2.1.1. To receive an original appointment as a Regular commissioned officer in a Military Service, an individual must be appointed by Presidential authority according to section 531 of Reference (d), and subscribe to the oath prescribed by section 331 of 5 United States Code (U.S.C.) (Reference (j)). The appointee must:

6.2.1.1.1. Be a citizen of the United States or a permanent resident eligible for waiver under section 532(f) of Reference (d).

6.2.1.1.2. Be able to complete 20 years of active commissioned service before his or her 62nd birthday. A person who is being appointed as a medical officer, dental officer, chaplain, or limited duty commissioned officer in the Navy or the Marine Corps, or a Reserve officer appointed as a medical skills officer other than a medical or dental officer, shall be exempt from that requirement. Medical skills officers include Nurse Corps, Army Medical Specialist Corps and Veterinary Corps officers, Army, Navy and Air Force officers of the Medical Service Corps, and Air Force Biomedical Science Corps officers.

6.2.1.1.3. Be of good moral character.

6.2.1.1.4. Be physically qualified for active service.

6.2.1.1.5. Have other special qualifications prescribed by the Secretary of the Military Department concerned.

6.2.1.2. Medical and Dental Officers.

6.2.1.2.1. The Military Departments may give original appointments as Regular commissioned officers in the following grades to qualified doctors of medicine, osteopathy, or dentistry who meet the requirements of subparagraph 6.2.1.1:

6.2.1.2.1.1. The Army may appoint a person to the grade of first lieutenant through colonel if he or she is being appointed in the Medical Corps or the Dental Corps.

6.2.1.2.1.2. The Navy may appoint a person to the grade of lieutenant (junior grade) through captain if he or she is being appointed in the Medical Corps or Dental Corps.

6.2.1.2.1.3. The Air Force may appoint a person to the grade of first lieutenant through colonel with a designation as a "medical" or "dental officer."

6.2.1.2.2. To be eligible for an appointment as a medical officer, a doctor of osteopathy, besides meeting the requirements of subparagraph 6.2.1.1., shall:

6.2.1.2.2.1. Be a graduate of a college of osteopathy whose graduates are eligible to be licensed to practice medicine or surgery in a majority of States.

6.2.1.2.2.2. Be licensed to practice medicine, surgery, or osteopathy in a State or in the District of Columbia.

6.2.1.2.2.3. Have completed other requirements as prescribed by DoD Instruction 6000.13 (Reference (k)).

6.2.1.2.2.4. Have any other qualifications prescribed by the Secretary of the Military Department concerned after considering the recommendations, if any, of the Surgeon General of the Military Department concerned.

6.2.1.3. Limited Duty Commissioned Officers. The appointment of a person as a Regular limited duty commissioned officer in the Navy or the Marine Corps shall be made under section 5589 or 5596 of Reference (d). Appointees shall meet the requirements of subparagraph 6.2.1.1.

6.2.2. Reserve Component Appointments

6.2.2.1. To become an officer of a Reserve Component, a person must be appointed as a Reserve officer in an Armed Force in a grade corresponding to a grade authorized for a Regular Component of the Armed Force concerned and subscribe to the oath prescribed by Reference (e). Additionally, to become an officer of the Army National Guard of the United States or the Air National Guard of the United States, a person must first be appointed to, and be federally recognized in, the same grade in the Army National Guard or the Air National Guard.

6.2.2.2. In accordance with DoD Directive 6130.3 (Reference (l)) and DoD Instruction 6130.4 (Reference (m)), and except as otherwise provided by law, the Secretary of the Military Department concerned shall prescribe physical, mental, moral, professional, and age qualifications for the appointment of persons as Reserves of the Armed Forces. However, no person may be appointed as a Reserve officer unless the person is at least 18 years of age and the

person is a citizen of the United States or has been lawfully admitted to the United States for permanent residence under section 1101 (Reference (n)), or the person has previously served in the Armed Forces or in the National Security Training Corps.

6.2.2.3. A person who is otherwise qualified, but who has a physical or medical condition that the Secretary of the Military Department concerned has determined will not interfere with the performance of the duties to which that person may be assigned, may be appointed as a Reserve officer.

6.2.2.4. The Secretary of the Military Department concerned shall not prescribe a maximum age qualification of less than 47 years of age for the initial appointment of a person as a Reserve officer to serve in a health profession specialty that has been designated by the Secretary of the Military Department concerned as a "specialty critically needed in wartime."

6.2.2.5. Appointments of Reserve officers are for an indefinite term and are held during the pleasure of the President.

6.2.2.6. With the exception of the adjutants general and the assistant adjutants general of the several States and Territories, Puerto Rico, and the District of Columbia, no person may be appointed as a Reserve officer above the grade of major or lieutenant commander unless:

6.2.2.6.1. The person was formerly a commissioned officer of an Armed Force (see subparagraph 6.2.2.8.); or,

6.2.2.6.2. Such an appointment is recommended by a board of officers convened by the Secretary of the Military Department concerned.

6.2.2.7. No person shall be appointed to a grade above the grade of first lieutenant in the Reserve of the Army, the Reserve of the Air Force, or the Marine Corps Reserve or to a grade above the grade of lieutenant (junior grade) in the Navy Reserve, or be federally recognized in a grade above the grade of first lieutenant as a member of the Army National Guard of the United States or the Air National Guard of the United States, unless that person has been awarded a baccalaureate degree by a qualifying educational institution.

6.2.2.7.1. Exemptions to this policy are provided in paragraph 4.2 of DoD Instruction 1215.17 (Reference (o)).

6.2.2.7.2. Waivers to this policy are provided in Reference (o).

6.2.2.8. A person who is a former commissioned officer may, if otherwise qualified, be appointed as a Reserve officer. A person so appointed may be, as follows:

6.2.2.8.1. Placed on the Reserve Active-Status List of that Armed Force in the grade equivalent to the permanent Regular or Reserve grade, and in the same competitive category, in which the person previously served satisfactorily on active duty or in an active status.

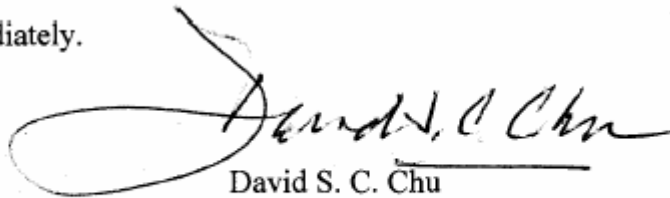
6.2.2.8.2. Credited for the purpose of determining date of rank under section 741(b) of Reference (d) with service in grade equal to that held by that person when discharged or separated.

6.3. Selection Methodology. If the Secretary of the Military Department concerned determines that a board is used to select applicants for original appointment, the procedures generally should conform to those used by the Military Department concerned in selecting officers for promotion under Chapter 36 of Reference (d). This paragraph does not apply to the Army National Guard and the Air National Guard where original Reserve appointments are governed by the Federal recognition process under Chapter 3 of 32 U.S.C. (Reference (p)).

6.4. Selectees. Persons selected for appointment as commissioned officers shall be notified as soon as practicable. The appointment should be made expeditiously under procedures prescribed by the Secretary of the Military Department concerned. A selectee shall be afforded a reasonable period of time to accept the appointment consistent with the needs of the Military Department concerned.

7. EFFECTIVE DATE

This Instruction is effective immediately.



David S. C. Chu
Under Secretary of Defense for
Personnel and Readiness

Enclosures - 2

E1. References, continued

E2. Definitions

E1. ENCLOSURE 1

REFERENCES, continued

- (e) Deputy Secretary of Defense Memorandum, "Implementing Guidance: Transition of the Active Duty List (ADL) Officer Force to All-Regular Status," January 28, 2005
- (f) Executive Order 12396, "Defense Officer Personnel Management," December 9, 1982
- (g) Executive Order 13358, "Assignment of Functions Relating to Certain Appointments, Promotions, and Commissions in the Armed Forces," September 28, 2004
- (h) Executive Order 13384, "Assignment of Functions Relating to Original Appointments as Commissioned Officers and Chief Warrant Officer Appointments in the Armed Forces," July 27, 2005
- (i) DoD Instruction 1320.4, "Military Officer Actions Requiring Approval of the Secretary of Defense or the President, or Confirmation by the Senate," March 14, 1995
- (j) Section 3331 of title 5, United States Code
- (k) DoD Instruction 6000.13, "Medical Manpower and Personnel," June 30, 1997
- (l) DoD Directive 6130.3 "Physical Standards for Appointment, Enlistment, or Induction," December 15, 2000
- (m) DoD Instruction 6130.4, "Medical Standards for Appointment, Enlistment, or Induction in the Armed Forces," January 18, 2005
- (n) Section 1101 of title 8, United States Code
- (o) DoD Instruction 1215.17, "Educational Requirements for Appointment of Reserve Component Officers to a Grade Above First Lieutenant or Lieutenant (Junior Grade)," September 12, 2002
- (p) Chapter 3 of title 32, United States Code

E2. ENCLOSURE 2

DEFINITIONS

E2.1. Commissioned Officer. An officer in any of the Military Services in the Department of Defense who holds a grade and an office under a commission signed by Presidential authority, and who is appointed as a Regular or a Reserve officer. It does not include a commissioned warrant officer or a retired commissioned officer.

E2.2. Regular Appointment. Appointment with a Regular commission on the Active-Duty List.

E2.3. Reserve Appointment. Appointment with a Reserve commission on the Reserve Active-Status List.

E2.4. Service Academies. United States Military Academy, United States Naval Academy, and United States Air Force Academy.