



Department of Defense

INSTRUCTION

NUMBER 1320.08

March 14, 2007

USD(P&R)

SUBJECT: Continuation of Commissioned Officers on Active Duty and on the Reserve Active Status List

- References:**
- (a) DoD Directive 1320.8, "Continuation of Regular Commissioned Officers on Active Duty and Reserve Commissioned Officers on the Reserve Active Status List," October 21, 1996 (hereby canceled)
 - (b) Acting Deputy Secretary of Defense Memorandum, "DoD Directives Review – Phase II," July 13, 2005
 - (c) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," October 17, 2006
 - (d) Sections 101, 611, 620, 632-634, 637, 639, 640, 1251, 3911, 5589, 5596, 6323, 8911, 14002, 14505-14514, 14701, and 14703 of title 10, United States Code
 - (e) DoD Instruction 1000.13, "Identification (ID) Cards for Members of the Uniformed Services, Their Dependents, and Other Eligible Individuals," December 5, 1997
 - (f) DoD Instruction 1320.4, "Military Officer Actions Requiring Approval of the President or Secretary of Defense, or Confirmation by the Senate," March 14, 1995

1. REISSUANCE AND PURPOSE

This Instruction:

1.1. Reissues Reference (a) as an Instruction in accordance with the guidance in Reference (b) and the authority in Reference (c).

1.2. Implements sections 632, 637, and 14701 of Reference (d) to update policy governing continuation of commissioned officers on the Active Duty List and Reserve commissioned officers on the Reserve Active Status List.

1.3. Continues to implement policy in sections 611, 620, 633, 634, 639, 640, 1251, 3911, 5589, 5596, 6323, 8911, 14002, 14505-14514, 14701, and 14703 of Reference (d) governing continuation of commissioned officers.

2. APPLICABILITY AND SCOPE

This Instruction:

2.1. 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”). The term “Military Services,” as used herein, refers to the Army, the Navy, the Air Force, and the Marine Corps.

2.2. Does not apply to officers designated for limited duty according to sections 5589 or 5596 of Reference (d), to warrant officers, or to commissioned warrant officers.

3. DEFINITIONS

Terms used in this Instruction are defined in sections 101(b), (c), and (d) of Reference (d); Enclosure 5 of DoD Instruction 1000.13 (Reference (e)); and Enclosure 1 of this Instruction.

4. POLICY

It is DoD policy to retain competent and effective commissioned officers through the selective continuation process as a cost-effective means of satisfying skill needs in the Military Services.

5. RESPONSIBILITIES

5.1. The Under Secretary of Defense for Personnel and Readiness (USD(P&R)) shall exercise cognizance and oversight of policy involving continuation of commissioned officers on the Active Duty List and Reserve commissioned officers on the Reserve Active Status List.

5.2. The Secretaries of the Military Departments shall:

5.2.1. Administer the policy and procedures prescribed herein.

5.2.2. Maintain statistical data on the numbers, by grade, of commissioned officers continued and not continued on the Active Duty List; the numbers, by grade, of Reserve commissioned officers continued and not continued on the Reserve Active Status List; and the numbers, by grade, of officers whose retirements have been deferred.

5.2.3. Convene continuation selection boards based on the needs of the Military Service concerned for continuation of officers on the Active Duty List.

5.2.4. Implement procedures for continuation of officers on the Reserve Active Status List.

5.2.5. Recommend policy changes to the USD(P&R).

6. PROCEDURES

6.1. Continuation of Officers Serving in the Army and Air National Guards of the United States. The Secretary of the Military Department concerned shall not continue a Reserve commissioned officer of the Army National Guard of the United States or the Air National Guard of the United States without the consent of the Governor concerned.

6.2. Continuation of Officers Serving in the Grade of O-3. The Secretary of the Military Department concerned may, when the needs of the respective Military Service require, convene continuation selection boards according to section 611(b) of Reference (d) to recommend commissioned officers in the grade of O-3 on the Active Duty List who are subject to discharge or retirement according to section 632 of Reference (d) for continuation on the Active Duty List according to section 637 of Reference (d). Commissioned officers on the Reserve Active Status List may be considered for continuation subject to the needs of the Military Service and section 14701 of Reference (d).

6.2.1. Minimum Continuation Period. The minimum continuation period shall be not less than 2 years from the date on which the officer would have been discharged according to section 632(a)(1) of Reference (d). The Secretary of the Military Department concerned may prescribe a lesser period if the officer is within 2 years of qualifying for retirement on the date the officer would have been discharged. For a commissioned officer on the Active Duty List with less than 20 years of active commissioned service who would have been retired according to section 632(a)(2) or (3) of Reference (d), the Secretary of the Military Department concerned may prescribe a lesser period subject to the limitations of section 637(a)(2) of Reference (d). For commissioned officers on the Reserve Active Status List, the Secretary of the Military Department concerned shall determine the minimum continuation period.

6.2.2. Maximum Continuation Period. The Secretary of the Military Department concerned may prescribe the maximum period of continuation, subject to the needs of the respective Military Service and to section 637(a)(2) or 14701 of Reference (d).

6.3. Continuation of Officers Serving in the Grade of O-4. The Secretary of the Military Department concerned may, when the needs of the respective Military Service require, convene continuation selection boards according to section 611(b) of Reference (d) to recommend commissioned officers in the grade of O-4 on the Active Duty List who are subject to discharge or retirement according to section 632 of Reference (d) for continuation on the Active Duty List according to section 637 of Reference (d). A commissioned officer on the Active Duty List in the grade of O-4 who is subject to discharge according to section 632 of Reference (d) shall normally be selected for continuation if the officer will qualify for retirement according to section 3911, 6323, or 8911 of Reference (d) within 6 years of the date of continuation. The Secretary of the Military Department concerned may, in unusual circumstances such as when an officer's official personnel record contains derogatory information, discharge an officer involuntarily in accordance with section 632 of Reference (d). When the Secretary of the Military Department concerned intends not to continue larger pools of officers in the grade of O-4 who would qualify for retirement within 6 years of the date of a continuation, the Secretary shall notify the USD(P&R) of the proposed course of action. Commissioned officers on the Reserve Active Status List may be considered for continuation subject to the needs of the Military Service and section 14701 of Reference (d).

6.3.1. Minimum Continuation Period. The minimum continuation period for a commissioned officer on the Active Duty List who would have been discharged according to

section 632(a)(1) of Reference (d) shall be not less than the date on which the officer qualifies for retirement according to section 3911, 6323, or 8911 of Reference (d). For commissioned officers on the Reserve Active Status List, the Secretary of the Military Department concerned shall determine the minimum continuation period.

6.3.2. Maximum Continuation Period. Depending on the skill requirements of the Service concerned, the Secretary of the Military Department concerned may select commissioned officers on the Active Duty List for continuation for up to a maximum of 24 years of commissioned service, as prescribed in section 637(a)(3) of Reference (d). For commissioned officers subject to removal from the Reserve Active Status List according to section 14506 of Reference (d), the Secretary of the Military Department concerned may continue officers with particular skills for up to a maximum of 24 years of commissioned service, as prescribed in section 14701 of Reference (d).

6.4. Deferral of Mandatory Retirement for Officers in Grades O-5 through O-10 on the Active Duty List. The Secretary of the Military Department concerned may defer the mandatory retirement of commissioned officers on the Active Duty List with specific skills and qualifications based upon a determination of the need for officers with such skills or qualifications in accordance with section 637(b) of Reference (d).

6.4.1. The Secretary of the Military Department concerned may defer mandatory retirement of officers in the grades of O-5 and O-6 who are subject to retirement according to section 633 or 634 of Reference (d) if those officers were selected for continuation on the Active Duty List by a continuation selection board convened according to section 611(b) of Reference (d).

6.4.1.1. The Secretary of the Military Department concerned may, when the needs of the respective Military Service require, convene continuation selection boards according to section 611(b) of Reference (d) to recommend commissioned officers in the grades of O-5 and O-6 on the Active Duty List who are subject to discharge or retirement according to section 632 of Reference (d) for continuation on the Active Duty List according to section 637 of Reference (d).

6.4.1.2. In accordance with guidance provided by the Secretary of the Military Department, a continuation selection board may recommend for continuation on the Active Duty List commissioned officers in the grades of O-5 and O-6 who possess specific skills required by the respective Military Service.

6.4.1.3. A continuation selection board shall not recommend a number of officers in excess of the number prescribed by the Secretary of the Military Department concerned.

6.4.2. The Secretary of the Military Department concerned may defer mandatory retirement of officers in the grades of O-7 and O-8 who are subject to retirement according to section 635 or 636 of Reference (d) based on the needs of the Military Service.

6.4.3. The Secretary of the Military Department concerned may recommend the deferment of the mandatory retirement of officers in the grades of O-9 and O-10 who are subject to retirement according to section 636 of Reference (d) to the Secretary of Defense based on the needs of the Military Service. The President is the approval authority for this action according to

section 637(b)(2) of Reference (d). The Secretary of the Military Department shall submit recommendations in accordance with DoD Instruction 1320.4 (Reference (f)).

6.4.4. Deferral of retirement and continuation on active duty shall not exceed 5 years and shall not extend beyond the date on which the officer becomes 62 years of age.

6.5. Retention of Officers in Grades O-5 through O-9 on the Reserve Active Status List

6.5.1. For commissioned officers in the grade of O-5 who are subject to removal from the Reserve Active Status List according to section 14507 of Reference (d), the Secretary of the Military Department concerned may defer the removal of such officers with particular skills for up to a maximum of 33 years of commissioned service, as prescribed in section 14701 of Reference (d).

6.5.2. For commissioned officers in the grade of O-6 who are subject to removal from the Reserve Active Status List according to section 14507 of Reference (d), the Secretary of the Military Department concerned may defer the removal of such officers with particular skills for up to a maximum of 35 years of commissioned service, as prescribed in section 14701 of Reference (d).

6.5.3. For commissioned officers in the grades of O-7 through O-9 on the Reserve Active Status List who would otherwise be removed from an active status according to sections 14508(a) and (b) of Reference (d), the Secretary of the Army and the Secretary of the Air Force may retain such officers in their Departments in an active status subject to the provisions and limitation of sections 14508(c) and (d) and 14510-14512 of Reference (d).

6.6. Declination of Continuation. A commissioned officer on the Active Duty List who is selected for continuation according to section 637 of Reference (d), but declines continuation, shall be discharged, retired, or retained on active duty, as appropriate, in accordance with section 632 of Reference (d). A Reserve commissioned officer on the Reserve Active Status List who is recommended for continuation based on regulations prescribed by the Secretary of the Military Department concerned according to section 14701 of Reference (d), but declines continuation, shall be removed from an active status according to section 14513 or 14514 of Reference (d).

6.7. Retirement or Discharge of Continued Officers. Each commissioned officer continued on the Active Duty List according to section 637(a) of Reference (d), and each Reserve officer continued on the Reserve Active Status List according to section 14701 of Reference (d), who is not subsequently promoted, continued on either the Active Duty List or the Reserve Active Status List, and is not on a list of officers recommended for continuation or for promotion to the next higher grade, shall, unless sooner retired or discharged, be retired or discharged as provided for in section 637(a)(5) of Reference (d), or shall be retired, discharged, or transferred from active status as provided in section 14513 of Reference (d).

6.8. Retention of Certain Professional Category Officers on the Reserve Active Status List

6.8.1. Notwithstanding any other provision of this Instruction, the Secretaries of the Military Departments may, with the commissioned officer's consent, retain in an active status any Reserve officer assigned as follows:

6.8.1.1. The Secretary of the Army may retain in an active status any Reserve officer assigned to the Medical, Dental, Veterinary, Chaplain, Army Nurse, Army Medical Specialists, or Optometry Section of the Medical Services Corps, or any Reserve officer designated as an allied health officer or biomedical sciences officer in the Medical Services Corps.

6.8.1.2. The Secretary of the Navy may retain in an active status any Reserve officer appointed in the Medical, Dental, Nurse, or Chaplain Corps, or appointed in the Medical Services Corps and designated to perform as a veterinarian, optometrist, podiatrist, allied health officer, or biomedical sciences officer.

6.8.1.3. The Secretary of the Air Force may retain in an active status any Reserve officer who is designated as a medical officer, dental officer, Air Force nurse, Medical Service Corps officer, biomedical sciences officer, or chaplain.

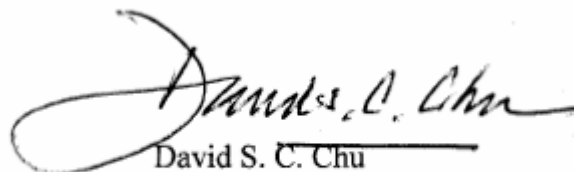
6.8.2. An officer may not be retained in active status according to this paragraph later than the date on which the officer becomes 67 years of age, in accordance with section 14703 of Reference (d).

6.9. Continuation on Active Duty to Complete Disciplinary Action. The Secretary of the Military Department concerned may delay the separation or retirement of an officer according to section 639 of Reference (d) to complete a disciplinary action.

6.10. Deferment of Retirement or Separation for Medical Reasons. The Secretary of the Military Department concerned may defer retirement or separation of an officer according to section 640 of Reference (d) if the officer's medical situation justifies such deferment.

7. EFFECTIVE DATE

This Instruction is effective immediately.



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

Enclosures - 1
E1. Definitions

E1. ENCLOSURE 1

DEFINITIONS

E1.1. Active Commissioned Service. Service on active duty or full-time National Guard duty as a commissioned officer in a grade above warrant officer.

E1.2. Commissioned Officer. An officer in any of the Military Services who holds a grade and office under a commission signed by the President, and who is appointed as a Regular or Reserve officer, excluding commissioned warrant officers and retired commissioned officers, to whom this Instruction does not apply.

E1.3. Commissioned Service. Service as a commissioned officer that includes active status and active service as provided for in section 14706 of Reference (d).

E1.4. Continuation Selection Board. A board of commissioned officers convened according to section 611(b) of Reference (d) to recommend officers for continuation on the Active Duty List according to section 637 of Reference (d).