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This Directive reissues DoD Directive 1320.8, dated September 18, 1981. It updates policies under Sections 611, 637, 14101(b), 14701, and 14703 of Title 10, United States Code, governing continuation of commissioned officers on the Active Duty List, continuation of Reserve commissioned officers on the Reserve Active Status List, deferral of mandatory retirement for years of service of officers on the Active Duty List, and the retention of Reserve chaplains and Reserve officers in medical specialties in an active status.

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Department of Defense **DIRECTIVE**

October 21, 1996
NUMBER 1320.8

USD(P&R)

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

References: (a) DoD Directive 1320.8, "Continuation of Regular Commissioned Officers on
Active Duty," September 18, 1981 (hereby canceled)
(b) Title 10, United States Code

A. REISSUANCE AND PURPOSE

This Directive:

1. Reissues reference (a).
2. Updates policies under Sections 611, 637, 14101(b), 14701, and 14703 of reference (b), governing continuation of commissioned officers on the Active Duty List, continuation of Reserve commissioned officers on the Reserve Active Status List, deferral of mandatory retirement for years of service of officers on the Active Duty List, and the retention of Reserve chaplains and Reserve officers in medical specialties in an active status.

B. APPLICABILITY AND SCOPE

This Directive:

1. Applies to the Office of the Secretary Defense and the Military Departments.
2. Does not apply to officers designated for limited duty under Section 5589 or 5596 of reference (b), to warrant officers, and commissioned warrant officers. The term "Military Services," as used herein, refers to the Army, the Navy, the Air Force, and the Marine Corps.

C. DEFINITIONS

Terms used in this Directive are defined in enclosure 1.

D. POLICY

1. General. It is the policy of the Department of Defense to retain competent and effective officers, as a cost-effective means of satisfying skill needs in the Military Services, through the selective continuation of those qualified commissioned officers on the Active Duty List and

those qualified Reserve commissioned officers on the Reserve Active Status List whose military service would otherwise be terminated by reason of failure of selection for promotion, or would be removed from the Reserve Active Status List for years of service, or by reason of involuntary retirement for years of service. Selection boards for the continuation of commissioned officers on the Reserve Active Status List shall consider only those officers who apply for continuation. A Reserve commissioned officer of the Army National Guard of the United States or the Air National Guard of the United States may not be continued on the Reserve Active Status List without the consent of the Governor concerned.

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 selection boards under Section 611(b) or 14101(b) of 10 U.S.C. (reference (b)) to recommend commissioned officers who are subject to discharge or retirement under Section 632 or 14505 of reference (b) for continuation on the Active Duty List under Section 637 of reference (b) or on the Reserve Active Status List under Section 14701 of reference (b).

a. Minimum Continuation Period. A commissioned officer on the Active Duty List who was selected for continuation shall be continued on active duty for not less than 2 years from the date on which such officer would have been discharged under Section 632(a)(1) of reference (b). A lesser period of continuation may be prescribed by the Secretary of the Military Department concerned if the officer is within 2 years of qualifying for retirement on the date discharge would have been required under Section 632(a)(1) of reference (b). For a commissioned officer on the Active Duty List with less than 20 years of active commissioned service, who would have been retired under Section 632(a)(2) or (3) of reference (b), the Secretary of the Military Department concerned may prescribe a lesser period subject to the limitations of Section 637(a)(2) of reference (b). For commissioned officers on the Reserve Active Status List, the minimum continuation period shall be determined by the Secretary of the Military Department concerned.

b. Maximum Continuation Period. The Secretary of a Military Department may prescribe the maximum periods of continuation, subject to the needs of the Service concerned and Section 637(a)(2) or Sections 14509 and 14701(a)(2) of reference (b).

3. Continuation of Officers Serving in the Grade of O-4. Commissioned officers on the Active Duty List who hold the grade O-4, who are subject to discharge under Section 632 of reference (b), shall normally be selected for continuation by selection boards convened for that purpose if the officer will qualify for retirement under Section 3911, 6323, or 8911 of reference (b) within six years of the date of such continuation. The Secretaries of the Military Departments concerned may, in unusual circumstances, discharge involuntarily such officers in accordance with Section 632 of reference (b) after notifying the Secretary of Defense of the rationale for this action. The involuntary discharge shall not be used to circumvent legal proceedings, show-cause procedures, or release an affected officer who is within two years of qualifying for retirement under Section 3911, 6323, or 8911 of reference (b).

a. Minimum Continuation Period. A commissioned officer on the Active Duty List who would have been discharged under Section 632(a)(1) of reference (b) except that the officer was

selected for continuation on active duty shall be continued on active duty at least until such time as the officer qualifies for retirement under Section 3911, 6323, or 8911 of 10 U.S.C. (reference (b)). For commissioned officers on the Reserve Active Status List, the minimum continuation period shall be determined by the Secretary of the Military Department concerned.

b. Maximum Continuation Period. Depending on the skill requirements of the Service concerned, the Secretary of a Military Department may convene boards under Section 611(b) or 14101(b) of reference (b) to select commissioned officers for continuation for up to a maximum of 24 years of commissioned service as prescribed in Section 637(a)(3) or 14509 and 14701(a)(3) of reference (b).

4. Continuation of Officers Serving in the Grades of O-5 and O-6. In accordance with guidance provided by the Secretary of the Military Department, a selection board, convened under Section 611 or 14101 of reference (b) may recommend for continuation on the Active Duty List or the Reserve Active Status List, commissioned officers serving in grades O-5 and O-6, who possess specific skills required by the respective Military Service in number not in excess of those prescribed by the Secretary of the Military Department concerned.

a. Maximum Continuation Period, Grade O-5. Depending on the requirements of the Service concerned for officers with particular skills, the Secretary of a Military Department may convene boards under Section 611 or 14101 of reference (b). These boards may defer mandatory retirement under Section 633 for officers on the Active Duty List up to a maximum of 33 years of active commissioned service, as prescribed in Section 637 of reference (b), or may continue commissioned officers subject to removal from the Reserve Active Status List under Section 14507 of reference (b) for up to a maximum of 33 years of commissioned service, as prescribed in Section 14701 of reference (b).

b. Maximum Continuation Period, Grade O-6. Depending on the requirements of the Service concerned for officers with particular skills, the Secretary of a Military Department may convene boards under Section 611 or 14101 of reference (b). These boards may defer mandatory retirement under Section 634 for officers on the Active Duty List up to a maximum of 35 years of active commissioned service, as prescribed in Section 637 of reference (b), or may continue commissioned officers subject to removal from the Reserve Active Status List under section 14507 of reference (b) for up to a maximum of 35 years of commissioned service, as prescribed in Section 14701 of reference (b).

5. Deferral of Mandatory Retirement for Officers on the Active Duty List. Based upon a determination of the need for officers with specific skills or qualifications, the retirement of commissioned officers on the Active Duty List with such skills and qualifications may be deferred, in accordance with Section 637(b) of reference (b), by the Secretary of the Military Department concerned for officers in grade of O-5 or O-6, after they have been recommended for continuation by a board convened under Section 611(b) of reference (b), the Secretary of the Military Department concerned for officers in grade O-7 or O-8, and the President for officers in grade O-9 or O-10. Deferral of retirement and continuation on active duty shall not exceed five

years and shall not extend beyond the date of the officer's sixty-second birthday, except as provided by Section 1251(b) of 10 U.S.C. (reference (b)).

6. Retention of General and Flag Officers on the Reserve Active Status List. Officers on the Reserve Active Status List, who would otherwise be removed from an active status in accordance with Section 14508 (a) and (b) of reference (b), may, at the discretion of the Secretary of the Military Department concerned, and subject to the provisions of Section 14508 (c) and (d), be retained in an active status.

7. Declination of Continuation. A commissioned officer on the Active Duty List who is selected for continuation under Section 637 of reference (b), but declines continuation, shall be discharged, retired, or retained on active duty, as appropriate, in accordance with Section 632 of reference (b). A Reserve commissioned officer on the Reserve Active Status List who is selected for continuation under Section 14701 of reference (b), but declines continuation, shall be separated from an active status under Section 14513 or 14514 of reference (b).

8. Retirement or Discharge of Continued Officers. Each commissioned officer who is continued on the Active Duty List under Section 637(a) of reference (b) or each Reserve officer continued on the Reserve Active Status List under Section 14701 of reference (b) 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 under Section 637(a)(5) of reference (b) or be retired, discharged, or transferred from active status under Section 14513 of reference (b).

9. Retention of Certain Professional Category Officers on the Reserve Active Status List Notwithstanding any other provision of this Directive and subject to Section 14703 of reference (b), the Secretaries of the Military Departments may, with the commissioned officer's consent, retain in an active status any Reserve officer assigned to the following categories: (An officer may not be retained in active status under this subsection later than the date on which the officer becomes 67 years of age (or, in the case of a Reserve officer of the Army in the Chaplains or a Reserve officer of the Air Force designated as a chaplain, 60 years of age).

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

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

c. The Secretary of the Air Force may retain in an active status any Reserve officer who is designated as a medical officer, dental officer, veterinary officer, Air Force nurse, or chaplain or who is designated as a biomedical sciences officer and is qualified for service as a veterinarian, optometrist, or podiatrist.

10. Continuation on Active Duty to Complete Disciplinary Action. The Secretary of the Military Department concerned may delay the separation or retirement of an officer under Section 639 of 10 U.S.C. (reference (b)) to complete disciplinary action.

11. Deferment of Retirement or Separation for Medical Reasons. The Secretary of the Military Department concerned may defer retirement or separation of an officer under the provisions of Section 640 of reference (b) if their medical situation justifies such deferment.

E. RESPONSIBILITIES

1. The Under Secretary of Defense for Personnel and Readiness shall exercise cognizance and oversight of policies involving continuation of commissioned officers on the Active Duty List and Reserve commissioned officers on the Reserve Active Status List.

2. The Secretaries of the Military Departments shall:

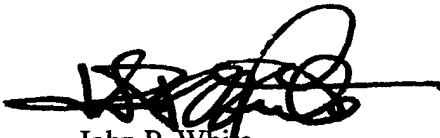
a. Administer the policies prescribed herein.

b. 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 or not continued on the Reserve Active Status List; and the number of officers, by grade, whose retirements have been deferred.

c. Recommend policy changes to the Secretary of Defense through the Under Secretary of Defense for Personnel and Readiness.

F. EFFECTIVE DATE

This Directive is effective immediately for officers on the Active Duty List, and on October 1, 1996, for officers on the Reserve Active Status List.


John P. White
Deputy Secretary of Defense

Enclosure
Definitions

DEFINITIONS

1. Active Commissioned Service. Service on active duty or full-time National Guard duty as a commissioned officer in a grade above warrant officer.
2. Active Duty List. A single list for the Army, Navy, Air Force or Marine Corps that is required to be maintained under Section 620 of 10 U.S.C. (reference (b)) and that contains the names of all officers of that Military Service other than officers described in Section 641 of reference (b) who are serving on active duty.
3. Active Status. The status of a Reserve commissioned officer, other than a commissioned warrant officer, who is not in the inactive Army National Guard or inactive Air National Guard, on an inactive status list, or in the Retired Reserve.
4. 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. It does not include a commissioned warrant officer or a retired commissioned officer.
5. Commissioned Service. Service as a commissioned officer that includes active status and active service periods.
6. Continuation Selection Board. A board of commissioned officers convened under Section 611(b) of reference (b) to recommend officers for continuation on the Active Duty List under Section 637 of reference (b), or a board of commissioned officers convened under Section 14101(b) of reference (b) to recommend officers for continuation on the Reserve Active Status List under Section 14701 of reference (b).
7. Grades O-3, O-4, O-5, O-6, O-7, O-8, O-9, and O-10.

<u>Grade</u>	<u>Army, Air Force & Marine Corps</u>	<u>Navy</u>
O-3	Captain	Lieutenant
O-4	Major	Lieutenant Commander
O-5	Lieutenant Colonel	Commander
O-6	Colonel	Captain
O-7	Brigadier General	Rear Admiral (lower half)
O-8	Major General	Rear Admiral
O-9	Lieutenant General	Vice Admiral
O-10	General	Admiral

8. Reserve Active Status List. A single list for the Army, the Navy, the Air Force, or the Marine Corps, required to be maintained under Section 14002 of reference (b), which contains the names of all officers of that Armed Force, except warrant officers (including commissioned warrant officers) who are in an active status in a Reserve component of the Army, the Navy, the Air Force, or the Marine Corps and are not on an Active Duty List.