

Early Retirement for National Guard and Reserves

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Members of the National Guard and Reserve can retire after they have performed 20 or more years of creditable military service. The amount of retirement pay they receive is based on a system of points earned for Guard/Reserve and active duty service performed during their careers.

Under previous law, members of the Guard and Reserves could not begin receiving their retired pay until age 60. Under a change implemented by the FY 2009 National Defense Authorization Act, however, certain members may be able to start receiving their retired pay as early as age 50.

The law does not change eligibility for military medical benefits, however. In order to receive military retiree medical benefits, the member must still wait until age 60.

Under the new law, members of the National Guard and Reserves are able to reduce the age at which they are eligible to receive retirement pay by three months for each cumulative period of 90 days served on active duty in any fiscal year. Qualifying active-duty service performed after Jan. 28, 2008, the date on which the fiscal 2009 National Defense Authorization Act was enacted, is creditable. The law does not provide credit for time served on or before that date.

Involuntary mobilization and voluntary active duty in support of a contingency qualify. Duty is not limited to operational or only that performed outside the continental United States.

Qualifying active-duty service include:

- Mobilized (declared by Congress) (10 U.S.C. § 12301(a));
- Mobilized (declared by President) (10 U.S.C. § 12302);
- Mobilized for other than war or nat'l emer (10 U.S.C. § 12304);
- Voluntary Active Duty Service (10 U.S.C. § 12301(d)).

Also included is full-time National Guard duty served under a call to active service by a governor and authorized by the president or the secretary of defense under 32 U.S.C. § 502(f) for purposes of responding to either a national emergency declared by the president or a national emergency supported by federal funds.

The following time served on active duty is not creditable service for purposes of reducing retired pay age:

- as a member of the active Guard and Reserve (AGR) (10 U.S.C. § 12310);
- on annual tour (10 U.S.C. § 12301(b));
- while in captive status (10 U.S.C. § 12301(g));
- for medical treatment, medical evaluation for disability purposes or medical study (10 U.S.C. §12301(h));
- as a member not assigned to, or participating satisfactorily in, units (10 U.S.C. § 12303);
- under active-duty agreements (10 U.S.C. § 12311);
- for disciplinary/courts-martial (10 U.S.C. § 12315);
- for muster duty (10 U.S.C. §12319).

Only active duty time performed as a member of the Guard/Reserves count. In other words, if a member joined active duty for four years, then got out and joined the Guard or Reserves, the active duty time does not count toward earning early retirement (it does count when computing retirement points, however).

Here's an example on how this works:

A reservist performed five days of active-duty service on MPA orders in February 2008. He then volunteered for active duty beginning June 1 and ending Nov. 30 (leave, reconstitution and post-deployment/mobilization respite absence included, as applicable). The reservist performed a total of 127 days of active-duty service in fiscal 2008 and 61 days in fiscal 2009.

Under this scenario, all of the active-duty time the reservist performed could be credited toward reduced retirement age eligibility because it was active-duty time performed under circumstances permitted under the new law (i.e., orders for voluntary service. However, because time credited must total 90 days or must be in multiples of 90 days in the aggregate during a fiscal year in order to correspondingly reduce his retirement age by three months, or multiples of three months, the reservist will be able to reduce his retirement age by three months for fiscal 2008. Had he performed 53 more days of active-duty service after Jan. 28 and before going on active duty June 1, he would have accumulated 180 total days for fiscal 2008 and thus would be able to reduce his retirement age by six months.

Similarly, because the reservist has so far served on active duty 61 days in fiscal 2009, he must perform an additional 29 days of active-duty service some time during the year in order to reduce his retirement age by an additional three months.