

MILPERSMAN 1850-040

OFFICERS ON THE TEMPORARY DISABILITY RETIRED LIST (TDRL) FOUND PHYSICALLY FIT OR UNFIT

Responsible Office	NAVPERSCOM	Phone:	DSN	882-3229
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References	(a) 10 U.S.C. 1211 (b) 10 U.S.C. 1210
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1. **Policy.** Per the provisions of reference (a), any officer of the Naval Service whose name is on the Temporary Disability Retired List (TDRL), and who is found to be physically fit to perform the duties of their office and grade, may be appointed or reappointed to active duty (ACDU) or to the Reserve component as soon as practicable with the officer's consent. For the purposes of this article, the physical evaluation board (PEB) is the sole authority for the determination of whether an officer is physically fit or unfit.

a. **Pay.** Officers on the TDRL found physically fit remain on the TDRL and continue to draw retired pay until reappointed or separated. If the officer consents to be reappointed, retired pay continues until reappointed or until the expiration of their 5 years on TDRL, whichever occurs first. If the officer does not consent, disability retired pay shall be terminated as soon as practicable and the member shall be discharged.

b. **Five-Year Period.** If their names are not removed sooner, the disability retired pay of officers whose names are on the TDRL terminates 5 years after the date their names are initially placed on the TDRL.

c. **Termination.** If the officer does not consent or respond to the action proposed under this article after being found physically fit by the PEB, and if the officer is not discharged, retired, or transferred to the inactive Reserve under reference (b), then the officer's status on the TDRL and disability retired pay shall be terminated as soon as practicable and the member shall be discharged.

d. **When Found Fit.** If an officer was in a retired-recall or a retired-retained status when placed on the TDRL, the officer

will resume retirement status in the grade held when his/her name was placed on the TDRL and terminate disability retirement pay when the officer resumes retirement status.

2. **Procedures.** The following procedures apply for processing officers on the TDRL who are found physically fit to perform the duties of their office and grade:

a. **Report of Physically Fit.** Navy Personnel Command (NAVPERSCOM), Disability Retirement/Limited Duty Section (PERS-83) receives from the Central PEB the names of United States Navy (USN)/United States Navy Reserve (USNR) officers on the TDRL who have been found physically fit to perform the duties of their office and grade.

b. **Recommendation as to Eligibility for Reappointment.** NAVPERSCOM (PERS-83) refers the case with a brief sheet (shown in Exhibit 1) to NAVPERSCOM, Progression, Performance, and Security Branch (PERS-83) for a recommendation as to the member's eligibility for reappointment and to perform a routine check for any pending disciplinary actions. NAVPERSCOM (PERS-83) then routes case to NAVPERSCOM, Officer Career Progression Branch (PERS-80) for comment.

c. **Recommendation as to Grade, Designator, and Date of Grade.** NAVPERSCOM (PERS-80) makes recommendation as to grade, designator, and date of grade per reference (a) as follows:

(1) If the officer's name was on the Active Duty List (ADL) when name was placed on the TDRL, then the officer may be reappointed by the President, with the advice and consent of the Senate, to the ADL in the grade permanently held when the officer's name was placed on the TDRL, or in the next higher grade.

(2) If the officer held an appointment in the grade of warrant officer, W-2, on the ADL when name was placed on the TDRL, then the officer may be reappointed by the Secretary of the Navy (SECNAV) in the grade on the ADL permanently held when officer's name was placed on the TDRL, or may be appointed by the President, with the advice and consent of the Senate, to the grade of chief warrant officer, W-3.

(3) If the officer was a member of the Reserve component at the time placed on the TDRL, the officer shall be reappointed in the Reserve component in the grade permanently held by the officer when name was placed on the TDRL or in the next higher grade in that reserve component.

(4) Whenever seniority in grade or years of service is a factor in determining the qualifications of an officer of the Navy or Navy Reserve for promotion, each officer who has been appointed or reappointed (under reference (a), subsection (b)), shall, when 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 SECNAV. 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. An authorized strength so increased, is increased for no other purpose, and while an officer holds that grade the officer whose appointment caused the increase is counted for the purpose of determining when other appointments, not under this article, may be made in that grade.

(5) Action under this article shall be taken on a fair and equitable basis, with regard being given to the probable opportunities for promotion that the officer might reasonably have had if name had not been placed on the TDRL.

(6) NAVPERSCOM (PERS-80) then routes brief sheet back to NAVPERSCOM (PERS-83).

d. Officer Notification. NAVPERSCOM (PERS-83) then notifies by letter via certified mail (or by an equivalent form of notice if such service by U.S. Postal Service is not available for delivery at an address outside the U.S.) the officer who has been found physically fit to perform the duties of the officer's office and grade, and accomplishes the following:

(1) Solicits officer's desire by letter as to whether the officer does or does not consent to being ordered to ACDU and to being reappointed as soon as practicable, or to voluntarily retire if eligible.

(2) If the officer has more than 20 years active service, or is otherwise eligible for a non-disability retirement, the officer is also made aware of this fact and informed of the procedures necessary to request a voluntary retirement.

(3) If it is determined the officer was on ACDU beyond the officer's initial obligation and was not scheduled for release from ACDU at the time placed on the TDRL, the letter advises officers they may return to ACDU provided it is requested within 60 days of the date of the letter.

(4) If the member is a Navy Reserve officer who has not completed the initial ACDU obligation or was not scheduled for release from ACDU at the time he/she was placed on the TDRL, the officer is informed and told that he/she will be reappointed in the USNR on inactive duty; and, if the Navy Reserve officer is eligible for a non-disability retirement with pay, will be informed of the procedures necessary for requesting retirement.

e. **Action.** Depending upon the officer's reply or lack of reply, NAVPERSCOM (PERS-83) takes one of the following actions:

(1) If the officer does not consent to be appointed or reappointed,

- NAVPERSCOM Officer Performance and Separations Branch (PERS-834), or
- if a Reservist, NAVPERSCOM Reserve Personnel Services (PERS-912),

is notified and requested to effect the officer's separation.

(2) If no reply is received within 60 days from the date of the notification letter sent to the officer, NAVPERSCOM (PERS-834)/ NAVPERSCOM (PERS-912) are requested by NAVPERSCOM (PERS-83) to effect the separation.

(3) If the officer does consent to be appointed or reappointed, NAVPERSCOM (PERS-83) sends a letter to Commander, Navy Recruiting Command (COMNAVCRUITCOM) (see Exhibit 2 for format) to complete a Scroll and coordinate officer's accession physical.

(a) Estimated timeline to get Secretary of Defense (SECDEF) or Senate confirmation for an officer's Scroll, depending on the officer's grade, is approximately 90 days for Office of the Secretary of Defense (OSD) consent and 120 or more days for Senate confirmation.

(b) COMNAVCRUITCOM will, via naval letter format, return Scroll and medical examination to NAVPERSCOM (PERS-80) to complete the reappointment document.

(c) NAVPERSCOM (PERS-80) completes the reappointment document and mails it to the officer's home address with appropriate instructions for accepting reappointment. NAVPERSCOM (PERS-80) also provides the officer's detailer name, phone number, and E-Mail address for potential assignment.

(d) NAVPERSCOM (PERS-80), once in receipt of the officer's acceptance for reappointment, notifies the officer's community manager that the officer accepted reappointment and is available for reassignment.

(e) Officer's detailer then sends orders directly to the officer's home address and prospective commanding officer.

(4) If a USNR officer consents to be reappointed, NAVPERSCOM (PERS-83) sends a letter to NAVPERSCOM, Reserve Personnel Management Division (PERS-9) to determine whether the officer meets requirements for recall to ACDU.

(5) In cases where a USNR officer is being recalled to ACDU, the assignment officer ensures that an agreement to remain on ACDU until completion of initial obligated service (OBLISERV) or 2 years, whichever is the greater, is included in the orders. If the officer was designated a Full Time Support (FTS) when placed on the TDRL, redesignation as a FTS is included in the recall orders.

f. **Inquiries.** In some instances, the officer requests information concerning such items as date of rank, promotional opportunities, prospective duty assignment, etc. The responsibility for coordinating the reply to these multiple subject inquiries is assigned to NAVPERSCOM (PERS-83).

EXHIBIT 1
(Page 1 of 2)

OFFICER REAPPOINTMENT GRADE DETERMINATION BOARD SHEET

Ref: (a) 10 U.S.C. 1211
(b) MILPERSMAN Article 1850-040

Encl: (1) Physical Evaluation Board ltr 1850 Ser 10R:111
PEB Index N _____ of _____

1. Reference (a) provides that officers (active or Reserve component) found physically fit who held an appointment in a commissioned grade when their name was placed on the Temporary Disability Retired List (TDRL) shall, with their consent, be recalled to active duty or reappointed to Reserve component, as applicable.

2. The following regular or Reserve officer, whose name was on the TDRL, was found fit per enclosure (1) as the result of a reevaluation review by the Physical Evaluation Board. Reference (b) is policy and procedures.

Name: SSN: xxx-xx-0001 DOB:

Date placed on TDRL: Date found FIT:

NAVPERSCOM (PERS-83): (Provide adverse information on record that may preclude this individual's return to active duty.)

Adverse information: Yes / No

Remarks:

Signature:

Date:

EXHIBIT 1
(Page 2 of 2)

NAVPERSCOM (PERS-80): (Provide questionable/derogatory matters of record and approved grade, date of grade, and designator.) When complete, E-Mail this document to NAVPERSCOM (PERS-83) point of contact.

Recommended grade:

Recommended date of grade:

Designator:

Remarks:

Signature:

Date:

NAVPERSCOM (PERS-83): Draft letter to the officer who was found fit to determine if the officer consents to return to active duty. When the officer consents to return to active duty, in writing, send a letter to COMNAVCRUITCOM (N3) to complete MEPS accession physical and Scroll document. Use Exhibit 2 letter format.

Date letter forwarded to COMNAVCRUITCOM:

Signature:

Date:

Continued steps per reference (b):

1. COMNAVCRUITCOM forwards Scroll document and results of physical examination to NAVPERSCOM (PERS-80) when complete.
2. NAVPERSCOM (PERS-80) creates reappointment document and sends to officer.
3. NAVPERSCOM (PERS-80) informs officer's community manager that the officer is available for orders.
4. Detailer sends orders to officer and ultimate CO.

EXHIBIT 2

LETTER TO COMNAVCRUITCOM
(Use proper letter format.)

1850
PERS-83
(date)

From: Commander, Navy Personnel Command (PERS-83)
To: Commander, Navy Recruiting Command (N3)

Subj: REAPPOINTMENT ICO (GRADE, NAME, USNR(RET)),
xxx-xx-0001/DESIG

Ref: (a) MILPERSMAN Article 1850-040
(b) 10 U.S.C. 1211

Encl: (1) Copy of letter by SNO requesting reappointment
(2) Other supporting documents

1. Reference (a) provides policy and procedures to reappoint an officer to the U.S. Navy who was placed on the Temporary Disability Retired List and was subsequently found physically fit by the Physical Evaluation Board (PEB). Enclosure (1) is officer's request consenting to be reappointed to active duty or to the Reserve component. Other supporting documents are shown in enclosure (2).

2. On (date), the Secretary of the Navy determined subject named officer to be physically fit to perform the duties of his/her grade and office. Refer to Chapter 61 of reference (b) for reappointments.

3. Subject named officer's current address is () and phone number is (). The source of officer's original appointment was (). His/her date of birth is ().

4. Please make contact with subject named officer and schedule an accession physical at a Military Entrance Processing Station (MEPS). Additionally, submit Scroll document for Office of the Secretary of Defense or Senate consent, depending on grade of officer.

5. Once paragraph 4 action is completed, please forward Scroll document and accession physical to COMNAVPERSCOM (PERS-80) to complete reappointment document and coordinate with officer's community manager for orders.

6. Please call NAVPERSCOM (PERS-83) at 901-874-3229, -3230, or -4127 if you have any questions.