

MILPERSMAN 1920-110

INVOLUNTARY RELEASE FROM ACTIVE DUTY ORDERS OF READY RESERVE OFFICERS

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References	(a) NAVSO P-6034 Joint Travel Regulations (JTR) (b) SECNAVINST 1920.6C (c) 10 U.S.C
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1. **Criteria for Release.** Navy Ready Reserve officers may be involuntarily released from active duty orders per reference (a) as follows:

a. **Demobilization.** Ready Reserve officers may be released from active duty orders as a part of general demobilization or reduction in authorized strength.

b. **Best Interest of the Naval Service.** When determined to be in the best interest of the Navy, Navy Personnel Command (NAVPERSCOM) may, for those cases in which no other reason is prescribed in reference (b), release a Ready Reserve officer from active duty without the requirement for the officer to be heard by a board of inquiry or any other formal board before release.

2. **Statutory Limitations.** The following statutory limitations exist regarding the release of Reserve officers from active duty:

a. **Sanctuary.** Under reference (c), section 12686 (earning a regular retirement), a Reserve officer on active duty and within 2 years of becoming eligible for retired pay under a purely military retirement system, will not be involuntarily released from that duty before becoming eligible for that pay, unless release is approved by the Secretary of the Navy. Retirement under reference (c), section 12731 has been held by the Comptroller General of the United States to be under a "purely military system." References (b) and (c) now, or as amended in the future, address this issue further.

b. Involuntary Separations From the Reserve Component.

Reserve officers will be involuntarily released from active duty orders when involuntarily separated from the Reserve Component, per reference (c) §12683 ((Reserve officers: limitation on involuntary separation), §12684 (Reserves: separation for absence without authority or sentence to imprisonment), and §12685 (Reserves separated for cause: character of discharge)).

c. Active Duty Agreement. A Reserve officer serving pursuant to execution of active duty agreement, per reference (c) section 12311, may not be involuntarily released from active duty during the period of the agreement because of a reduction in authorized personnel strength, except when the officer is:

(1) Dismissed or discharged under the sentence of court-martial; or

(2) Released because of a conviction and sentence to confinement in a Federal or State penitentiary, or correctional institution, and the sentence has become final.

3. **Applicability.** This article applies to all members of the Ready Reserve with the exception of Full Time Support personnel.