

VOLUME 7B, CHAPTER 2: “INITIAL ENTITLEMENTS - FLEET RESERVE/FLEET MARINE CORPS RESERVE”

SUMMARY OF MAJOR CHANGES

All changes are denoted by **blue font**.

Substantive revisions are denoted by an asterisk (*) symbol preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by **bold, italic, blue, and underlined font**.

The previous version dated **January 2018** is archived.

PARAGRAPH	EXPLANATION OF CHANGE/REVISION	PURPOSE
All	Updated hyperlinks and formatting to comply with administrative instructions.	Revision
020101.A	Updated subparagraph to clarify information for Fleet Reserve and Fleet Marine Corps Reserve enlisted members.	Revision
020102	Updated the “Authoritative Guidance” paragraph to comply with current administrative instructions.	Revision
020201 and References	Renumbered Title 10, United States Code (U.S.C.), section 6330 to 10 U.S.C. § 8330.	Revision
020202.C	Updated subparagraph to clarify service as a cadet or midshipman at a Service academy pertains to enlisted members transferring to the Fleet Reserve or Fleet Marine Corps Reserve.	Revision
References	Renumbered 10 U.S.C. § 6331 to 10 U.S.C. § 8331.	Revision
References	Renumbered 10 U.S.C. § 6485 to 10 U.S.C. § 8385.	Revision
References	Renumbered 10 U.S.C. § 6151 to 10 U.S.C. § 8262.	Revision
References	Renamed “Bibliography” to “References.”	Revision

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CHAPTER 2

INITIAL ENTITLEMENT-FLEET RESERVE/
FLEET MARINE CORPS RESERVE

0201 GENERAL

*020101. Purpose

This chapter provides information for the entitlement to military retirement pay **when an enlisted member transfers, at his or her request**, to the Fleet Reserve/Fleet Marine Corps Reserve. Pursuant to the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2016, as amended by the NDAA FY 2017, the Department of Defense (DoD) established the Modernized Retirement System, commonly known as the Blended Retirement System (BRS). The BRS is the retired pay system for all Service members who enter military service on or after January 1, 2018. Service members **who were** already in **uniformed service** before January 1, 2018, **were** grandfathered under the applicable legacy retirement system. The law **permitted** active duty Service members with less than 12 years of service on December 31, 2017, or Service members in the Reserve Component who **were** in a paid status and had accrued **fewer** than 4,320 retirement points as of December 31, 2017, the option **to** elect to be covered under the BRS or to remain with their applicable legacy retirement system. The law **provided** a **1-year** election period for those Service members **who were** eligible to opt into BRS from January 1, 2018, and **ending** on December 31, 2018. The decision to opt into BRS **was** irrevocable.

* A. Fleet Reserve and Fleet Marine Corps Reserve.

The Fleet Reserve and Fleet Marine Corps Reserve **are composed of enlisted members of the naval service transferred to that status under 10 U.S.C. § 8330**. They were established to provide an available source of experienced former members of the Regular Navy or Navy Reserve and the Regular Marine Corps or Marine Corps Reserve. These members could be organized without further training to fill billets requiring experienced personnel in the first stages of mobilization during an emergency or in time of war.

1. Members of the Fleet Reserve and Fleet Marine Corps Reserve may be ordered to active duty without their consent in time of:

a. War or national emergency declared by the Congress, for the duration of the war or national emergency and for 6 months thereafter; or

b. National emergency declared by the President or when otherwise authorized by law.

2. In time of peace, any member of the Fleet Reserve or Fleet Marine Corps Reserve may be required to perform not more than 2 months' active duty for training during each 4-year period.

B. Retirement for Physical Disability.

If a member of the Fleet Reserve or Fleet Marine Corps Reserve is found physically unfit for duty, the member will be transferred to the Regular retired list or Reserve retired list of the Navy or Marine Corps, as appropriate. Such retirement is by reason of physical disability.

C. Retirement After 30 Years of Service.

1. Upon completion of 30 years of active and inactive service, a member of the Fleet Reserve or Fleet Marine Corps Reserve is transferred to the Regular retired list or the [Retired Reserve](#) of the Navy or Marine Corps, as appropriate.

2. Unless otherwise entitled to higher pay, each member transferred to the retired list or the Retired Reserve is entitled to retired pay at the same rate as the retainer pay to which he was entitled at the time of his transfer to the retired list or the Retired Reserve.

3. Upon placement on the retired list, a member may be advanced to the highest officer grade in which the member served satisfactorily under a temporary appointment with retired pay based on that grade. See Chapter 9, section 0903 for advancement on the retired list.

*020102. Authoritative Guidance

The pay policies and requirements established by DoD in this chapter are derived primarily from, and prepared in accordance with the United States Code (U.S.C.), including Titles 5, 10, and 37. The specific statutes, regulations, and other applicable guidance that govern each individual section are listed in a reference section at the end of the chapter.

0202 TRANSFER ELIGIBILITY-SERVICE FOR PERCENTAGE MULTIPLE PURPOSES

*020201. Minimum Required Service

Upon completion of at least 20 years of active service in the Armed Forces (to include service as a cadet or midshipman), enlisted members of the Regular Navy, Regular Marine Corps, Navy Reserve, or Marine Corps Reserve may request transfer to the Fleet Reserve or Fleet Marine Corps Reserve under [Title 10, U.S.C., section 8330\(d\)](#). In this section, service as a cadet or midshipman refers to service as a cadet at the U.S. Military Academy, U.S. Air Force Academy, or U.S. Coast Guard Academy; or service as a midshipman at the U.S. Naval Academy. This service is not creditable service for any Officer.

A. Prior to December 31, 1977, a member became eligible for transfer upon completion of 19 years and 6 months of active service since that part of a year that is 6 months or more was creditable as a whole year. If service is creditable to the member for such purpose before December 31, 1977, then:

1. A completed minority enlistment of the member is counted as 4 years of active service, and

2. An enlistment of the member terminated within 3 months before the end of the term of enlistment is counted as active service for the full term.

B. On or after December 31, 1977, a member must complete a total of 20 years of active service to be eligible for transfer to the Fleet Reserve or Fleet Marine Corps Reserve. For such members, service creditable under subparagraph 020201.A, which was not actually served by the member, may not be counted in determining eligibility for transfer.

*020202. Service Creditable for Transfer to the Fleet Reserve or Fleet Marine Corps Reserve

The following service is creditable for transfer eligibility and percentage multiple purposes if performed in an active duty (and active duty for training) status after August 9, 1956:

A. Service in the Army, Navy, Air Force, Marine Corps, and Coast Guard;

B. Service as an appointed or enlisted aviation cadet in the Navy Reserve or Marine Corps Reserve; or

* C. Service as a cadet or midshipman at a Service academy ([this pertains to only the credit for enlisted members transferring to the Fleet Reserve or Marine Corps Reserve](#)). See paragraphs 010302 and 010303 for rules pertaining to cadet/midshipman credit for officers.

020203. Service Not Creditable for Transfer to the Fleet Reserve or Fleet Marine Corps Reserve

The following service is not creditable for transfer eligibility and percentage multiple purposes:

A. Service in the Philippine Constabulary;

B. Furlough without pay (FWOP);

C. Inactive service as a member of a Reserve Component;

D. Inactive service while on the Temporary Disability Retired List (TDRL); and

E. Time lost in excess of 1 day (24 consecutive hours) because of:

1. Sickness due to misconduct (SKMC) before June 17, 1955, the Bureau of Naval Personnel credited time lost due to SKMC for transfer purposes;

2. Nonperformance of duty before July 24, 1956, due to imprisonment because of a general court-martial sentence and while under arrest awaiting trial and during trial that results in conviction as finally approved;

3. Nonperformance of duty after July 23, 1956, due to confinement under a sentence by any court-martial, as finally approved, before, during, and after trial. If the member is acquitted or sentence is set aside and charges dismissed, the period of confinement is not considered time lost;

4. Absence while the member is in civil arrest (while in custody of civil authorities), unless the member is acquitted or released without making restitution or reparation; or

5. Unauthorized absence, which includes absence without leave (AWOL), absence over leave (AOL), and desertion (the latter of which previously was shown as AOL or AWOL and now is shown as Unauthorized Absence).

020204. Constructive Service

Constructive service is service for which credit is given although not actually performed. Constructive service earned prior to December 31, 1977, is creditable as service for transfer eligibility and percentage multiple purposes. Constructive service is not creditable for determining basic pay rate upon which retainer pay is computed. No constructive service is creditable after December 31, 1977.

A. Minority Enlistments. A minority enlistment is the enlistment of a male between the age of 14 and 18 or female between the age of 18 and 21 who enlists with the consent of his or her parents or guardians to serve in the Navy or Marine Corps until reaching the age of 21. (The Navy policy is to accept members for enlistment at 17 years of age with written parental consent or 18 years of age without parental consent.) A completed minority enlistment, or a minority enlistment which terminates within 3 months of the expiration date of the enlistment, is counted as 4 years of active service when actual day-for-day service performed totals at least the period constituting the member's minority status upon enlistment, less 3 months. After December 31, 1977, time which is not actually served by the member may not be counted.

B. Short-Term Enlistment. A short-term enlistment refers to an enlistment that is terminated within 3 months before the end of the term of enlistment. This enlistment is counted as active service for the full term when the actual day-for-day active service performed amounts to at least the full term of the enlistment, less 3 months. After December 31, 1977, time which is not actually served by the member may not be counted.

C. Involuntary Extension. An involuntary extension is when an enlistment (including a minority enlistment) is extended involuntarily for a specific period. Compute service based on the constructive service principle for short-term enlistments, which applies equally for computing service for transfer by the Bureau of Naval Personnel on and after March 15, 1966, and by the Commandant of the Marine Corps on and after January 1, 1968.

D. Voluntary Extension. A voluntary extension is when the member agrees to serve beyond the scheduled term, modify the original minority or term enlistment contract by increasing the period agreed to by the member. The same rule established for crediting constructive service for short-term enlistments applies for voluntary extensions.

E. Lost Time and Inactive Service. Before crediting constructive service for a period of service, deduct any lost time and any inactive service from the member's day-for-day service. After these deductions, if the member is eligible to receive constructive service for the period of enlistment, credit it. If, after deductions, the member is not eligible for constructive service for a period of enlistment, give credit only for the actual day-for-day service. For the definition of lost time, see Chapter 1, subparagraphs 010309.A and B.

F. Waiver of Recoupment of Time Lost for Confinement. The circumstances under which the Secretary concerned may waive recoupment of time lost for confinement are provided in [10 U.S.C. § 972\(c\)](#).

020205. Conclusiveness of Transfer

All transfers of members to the Fleet Reserve or Fleet Marine Corps Reserve, when effected, are conclusive for all purposes, except that the Chief of Naval Personnel or the Commandant of the Marine Corps, acting for the Secretary of the Navy, may correct any error or omission in the determination as to a member's grade and years of creditable service. When such a correction is made, the member is entitled, when not on active duty, to retainer pay based on the grade and number of years of creditable service, as corrected, from the effective date of transfer.

0203 SERVICE FOR BASIC PAY PURPOSES

The total service for basic pay purposes follows the same principle as service for percentage multiple purposes. For an explanation of service creditable for basic pay purposes, see Volume 7A, section 0102.

0204 DATE OF TRANSFER

020401. Effective Date of Transfer

Members are transferred to the Fleet Reserve and Fleet Marine Corps Reserve only by the authority of, and on the date specified by, the Chief of Naval Personnel or the Commandant of the Marine Corps. Commanding officers may defer transfers to the Fleet Reserve up to 30 days beyond the date authorized when urgent operational commitments demand the member's service. Transfers to the Fleet Marine Corps Reserve may not be made on a date other than the date specified in the authority for release. The Commandant of the Marine Corps must authorize any change in this date prior to the effective date of transfer. The date of transfer is the member's last day of active duty and the member is entitled to active duty pay and allowances for that date.

020402. Application of Uniform Retirement Date Act

Since a transfer to the Fleet Reserve or Fleet Marine Corps Reserve is not considered a retirement, the Uniform Retirement Date Act (URDA), [5 U.S.C. § 8301](#), does not apply. Once the member has completed a total of 30 years of active service and is eligible for retirement, the member's date of retirement comes under the URDA. A transfer to the Fleet Reserve may be made on any intermediate day of a month as approved by the Chief of Naval Personnel. Transfers to the

Fleet Marine Corps Reserve are made on the last day of the month except where transfer has been requested on the effective date of an expiration of enlistment. Except in time of war or national emergency, personnel transferred to the Fleet Marine Corps Reserve are released from active duty on the date of such transfer, unless an order to the contrary is received.

020403. Modification of “Not Earlier Than Date”

The Chief of Naval Personnel normally does not approve a requested change of authorized date for transfer to the Fleet Reserve. In case of hardship, meritorious circumstances, or unusual conditions, a member may submit a request for a change of authorized date for the transfer to the Chief of Naval Personnel through the commanding officer and appropriate personnel distribution. If an earlier date of transfer is requested, the commanding officer’s endorsement must state whether the member’s services can be spared. If approved, the Chief of Naval Personnel issues a message to the commanding officer and sends a copy to the Defense Finance and Accounting Service-Cleveland, Retired and Annuitant Pay.

020404. Effective Date of Retainer Pay

Members transferred to the Fleet Reserve and Fleet Marine Corps Reserve receive “retainer” pay versus “retired” pay, as they are considered to have their services retained for possible use. A member becomes entitled to retainer pay starting on the day after the effective date of transfer to the Fleet Reserve or Fleet Marine Corps Reserve.

020405. Retainer Pay Effective on the First Day of New Active Duty Pay Rates

A. When a member is transferred to the Fleet Reserve or Fleet Marine Corps Reserve, compute retainer pay using the rate of active-duty pay received at the time of transfer. For example, if a member is transferred on December 31, 1991, with retainer pay effective on January 1, 1992, compute the member’s retainer pay using the January 1, 1991, active-duty pay rates. If a member transferred on January 1, 1992, with retainer pay effective on January 2, 1992, compute retainer pay using the January 1, 1992, active-duty pay rates.

B. If a member of the Fleet Reserve or Fleet Marine Corps Reserve first became entitled to a monthly retainer pay on or after January 1, 1971, that pay may not be less than the monthly retainer pay to which the member would be entitled if he or she had become entitled to retainer pay at an earlier date. Adjust this monthly retainer pay to reflect any applicable increase in such pay under [10 U.S.C. § 1401a\(f\)](#). In computing the amount of retainer pay to which the member would have been entitled on that earlier date, base the computation, subject to 10 U.S.C. § 1401a(f), on the member’s grade, length of service, and the rate of basic pay applicable at that time. This subparagraph does not authorize any increase in the monthly retainer pay to which a member was entitled for any period before October 7, 1975.

0205 RANK AND GRADE

A member transferred to the Fleet Reserve or Fleet Marine Corps Reserve has retainer pay computed based on the pay grade in which serving on the date of transfer.

020501. Pay Grade

A member who served as a temporary officer but holds permanent enlisted status will revert to a permanent enlisted pay grade upon transfer to the Fleet Reserve or Fleet Marine Corps Reserve.

020502. Retainer Pay

A member who has served as the Master Chief Petty Officer of the Navy or as Sergeant Major of the Marine Corps is entitled to retainer pay at the highest basic pay rate to which the member was entitled while so serving, if that rate is higher.

0206 GROSS PAY COMPUTATION

020601. Computation

See Chapter 3, section 0302 for basic computation.

020602. Extraordinary Heroism

See Chapter 1, section 0108 for guidance. See Chapter 3, subparagraph 030203.C and paragraph 030506 for computation rules.

020603. Good Conduct (Markings)

For members retired and being paid under laws in effect before October 1, 1949, a 10 percent credit for good conduct may apply. To qualify for this credit, a member must have been retired under the specific citation that contains the authority for this increase, and the member's average marks for conduct for 20 or more years must not have been less than 95 percent of the maximum.

A. Section 203 of the Naval Reserve Act of 1938, which authorized the 10 percent "good conduct" increase added to retired pay of enlisted members of the Coast Guard who retire from the Coast Guard after 20 years of service, was repealed by Public Law 88-114, dated September 6, 1963.

B. The saving provision of Public Law 88-114 retained the 10 percent increase for members on active duty with the Coast Guard on or before September 6, 1963. The provision may apply to retired enlisted members of the Coast Guard who served on active duty in the Regular Coast Guard on or before September 6, 1963. Members who served in the Regular Coast Guard before September 6, 1963, but who were not serving in the Coast Guard on September 6, 1963, and who later retired from the Coast Guard, are entitled to the 10 percent good conduct increase, if otherwise qualified.

020604. Insular Force

Members of the Insular Force were eligible for transfer to the Fleet Reserve or to the retired list. The Insular Force is no longer maintained as a continuing part of the Navy. See Chapter 1, paragraph 010702 for guidance.

0207 PAYMENT DATE

See Chapter 1, section 0109.

*REFERENCES

**CHAPTER 2 – INITIAL ENTITLEMENT – FLEET RESERVE/FLEET MARINE
CORPS RESERVE**

0201 – GENERAL

	020101	10 U.S.C. §§ 1401, 1406, 1407, 1409 Public Law 114-328, sections 631-634, December 26, 2016 Public Law 114-92, sections 631-635, November 25, 2015 Deputy Secretary of Defense, Memorandum, Subject: Implementation of the Blended Retirement System, January 27, 2017
*	020101.A.1	10 U.S.C. § 8385(a)
*	020101.A.2	10 U.S.C. § 8385(b)
*	020101.B	10 U.S.C. § 8331
*	020101.C	10 U.S.C. § 8331
*	020101.C.3	10 U.S.C. § 8262(a)

0202 – TRANSFER ELIGIBILITY – SERVICE FOR PERCENTAGE MULTIPLE
PURPOSES

*	020201	10 U.S.C. § 8330(b) and (d) Manuscript Comptroller General (MS Comp Gen) B-195448, April 3, 1980
*	020201.A & B	10 U.S.C. § 8330 (d)(2)(B)
	020203	10 U.S.C. § 972 MS Comp Gen B-195448, April 3, 1980
	020204	43 Comp Gen 826
*	020204.A & B	10 U.S.C. § 8330(d)
	020204.F	10 U.S.C. § 972(c)
*	020205	10 U.S.C. § 8332

0203 – SERVICE FOR BASIC PAY PURPOSES

*	0203	10 U.S.C. § 8330(d)
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0204 – DATE OF TRANSFER

*	020402	5 U.S.C. § 8301 44 Comp Gen 584
	020405.A	44 Comp Gen 584
	020405.B	10 U.S.C. § 1401a(f)

REFERENCES (Continued)

0205 – RANK AND GRADE

- * 020501 10 U.S.C. § 8330(c)
- * 020502 49 Comp Gen 800
10 U.S.C. § 8330(c)
10 U.S.C. § 1406(i)

0206 – GROSS PAY COMPUTATION

- 020603 Naval Reserve Act of 1938, section 203
34 U.S.C. § 854(b)(repealed)
Public Law 88-114, September 6, 1963
MS Comp Gen B-193199, Apr 11, 1979