

Army Regulation 15–80

Boards, Commissions, and Committees

Army Grade Determination Review Board and Grade Determinations

**Headquarters
Department of the Army
Washington, DC
12 July 2002**

UNCLASSIFIED

SUMMARY of CHANGE

AR 15-80

Army Grade Determination Review Board and Grade Determinations

This revision--

- o Adds "and Grade Determinations" to the title of this publication to reflect the expanded scope of the regulation.
- o Delineates responsibilities for processing of general officer grade determinations (paras 1-5, 1-6, 1-7, and 1-10).
- o Delineates the officials who are delegated authority to make discretionary Army grade determinations (paras 1-7, 1-8, 1-11, and 1-13).
- o Updates information on the policy and procedures for the operation of the Army Grade Determination Review Board (chapter 2).
- o Provides comprehensive guidance for grade determinations (chapter 2).
- o Requires grade determinations in 30-year cases (not involving reductions for misconduct, inefficiency, or cause) be conducted at time of retirement (para 3-2).
- o Mandates referral to the Assistant Secretary of the Army (Manpower and Reserve Affairs) for grade determinations of officers who are pending retirement and who, since their last promotion, have been subjects of substantiated adverse findings that are reflected in their official military personnel files (para 4-1).

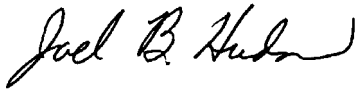
Boards, Commissions, and Committees

Army Grade Determination Review Board and Grade Determinations

By Order of the Secretary of the Army:

ERIC K. SHINSEKI
General, United States Army
Chief of Staff

Official:



JOEL B. HUDSON
Administrative Assistant to the
Secretary of the Army

History. This regulation was last revised on 28 October 1986.

Summary. This regulation governs the actions and composition of the Army Grade Determination Review Board established by General Order No. 16, dated 16 July 1985. The Army Grade Determination Review Board determines or recommends the highest grade satisfactorily held for service/physical disability retirement, retirement pay, and separation for physical disability. In discussing the authority

of the Board, this regulation also references other organizations that have been delegated authority to make grade determinations on behalf of the Secretary of the Army.

Applicability. This regulation applies to members of the Active Army, Army National Guard of the United States, and the U.S. Army Reserve. This regulation remains in full effect during mobilization.

Proponent and exception authority. The proponent of this regulation is the Assistant Secretary of the Army, Manpower and Reserve Affairs (ASA(M&RA)). The proponent has the authority to approve exceptions to this regulation that are consistent with controlling law and regulation. The ASA (M&RA) has delegated this approval authority to the Deputy Assistant Secretary of the Army (Review Boards).

Army management control process. This regulation contains management control provisions, but it does not identify key management controls that must be evaluated.

Supplementation. Supplementation of

this regulation and establishment of command and local forms are prohibited without prior approval from the Assistant Secretary of the Army (Manpower and Reserve Affairs), ATTN: SAMR–RB, 1941 Jefferson Davis Highway, Suite 204, Arlington, VA 22202–4508.

Suggested Improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to the Assistant Secretary of the Army (Manpower and Reserve Affairs) (SAMR–RB), 1941 Jefferson Davis Highway, Suite 204, Arlington, VA 22202–4508.

Distribution. This publication is available in electronic media only and is intended for command levels C, D, and E for Active Army, Army National Guard of the United States, and the U.S. Army Reserve.

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*This regulation supersedes Army Regulation 15-80, dated 28 October 1986.

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Chapter 1 Introduction

Section I General

1–1. Purpose

This regulation establishes policies, procedures, and responsibilities of the Army Grade Determination Review Board (AGDRB) and other organizations delegated authority to make grade determinations on behalf of the Secretary of the Army (SA).

1–2. References

Appendix A lists required and related publications and prescribed and referenced forms.

1–3. Explanation of abbreviations and terms

The glossary defines abbreviations and special terms.

1–4. Statutory authority

The AGDRB reviews cases referred for purposes of secretarial grade determinations under the following or similar statutes: sections 1212, 1370, 1371, 1372, 1401, 1406, 3963, 3964, and 12771, title 10, United States Code. Additionally, the AGDRB will review any other cases referred by the SA.

Section II Responsibilities

1–5. Secretary of the Army

The SA retains the prerogative to accomplish discretionary grade determinations without referral to the AGDRB. The SA retains sole authority to make discretionary grade determinations in cases involving general officers. Under the provision of section 1370(c), title 10, United States Code (10 USC 1370(c)), in the case of an officer who is requesting retirement in the grade of general or lieutenant general, the SA may retire such officers in one of those grades only after the Secretary of Defense certifies in writing to the President and Congress that the officer has served satisfactorily on active duty in the grade of general or lieutenant general. The SA retains authority to take final action in any case in which a subordinate authority, including the AGDRB, would otherwise be authorized to take final action.

1–6. Chief of Staff, Army

The Chief of Staff, Army will recommend general officers to the SA to serve as members of the AGDRB, which the SA directs to consider cases involving general officers.

1–7. Assistant Secretary of the Army (Manpower and Reserve Affairs)

The Assistant Secretary of the Army (Manpower and Reserve Affairs) (ASA(M&RA)), after consultation with the Chief of Staff, Army, will appoint general officers for the AGDRB, which the SA will direct to consider cases involving general officers. The ASA(M&RA) retains the authority to take final action in any case in which a subordinate authority, including the AGDRB, would otherwise be authorized to take final action.

1–8. Deputy Assistant Secretary of the Army (Review Boards)

The Deputy Assistant Secretary of the Army (Review Boards) (DASA(RB)) will make discretionary grade determinations for the SA for officers below the grade of brigadier general involving service retirement, physical disability retirement, computation of retired pay, or separation for physical disability. The DASA(RB) retains the authority to take final action in any case in which a subordinate authority, including the AGDRB, would otherwise be authorized to take final action.

1–9. Director, Military Review Boards, Army Review Boards Agency

The Director, Military Review Boards, Army Review Boards Agency (ARBA) will—

- a.* Appoint members of the AGDRB considering cases involving individuals below the grade of brigadier general.
- b.* Publish the decisions of the AGDRB when it acts as the final authority for grade determinations, without exercising substantive review over the decisions of the AGDRB.

1–10. Senior Legal Advisor, Army Review Boards Agency

The Senior Legal Advisor, ARBA will—

- a.* Monitor the Army grade determination review process.
- b.* Compile and organize evidence for review by the AGDRB.

- c. Serve as recorder for the AGDRB involving general officers.
- d. Report AGDRB recommendations to the appropriate official for final determination.
- e. Provide legal advice to the AGDRB.

1-11. Army Grade Determination Review Board

The AGDRB will make final discretionary grade determinations on behalf of the SA for—

- a. Enlisted soldiers at time of separation.
- b. Retiring or retired enlisted soldiers or warrant officers in 30-year cases. These final grade determinations will be by majority vote. In all other cases considered by the AGDRB, the members of the AGDRB will recommend to the appropriate authority the highest grade satisfactorily served.

1-12. Commanding General, United States Total Army Personnel Command

The Commanding General, United States Total Army Personnel Command (CG, PERSCOM) will support the grade determination process by compiling records for consideration by the AGDRB and providing timely notice and an opportunity to respond to individuals being considered by the AGDRB, except for general officers and those managed by the United States Army Reserve Personnel Command (AR-PERSCOM).

1-13. Commander, United States Army Reserve Personnel Command

a. The Commander, United States Army Reserve Personnel Command (CDR, AR-PERSCOM), through the Retired Activities Directorate, AR-PERSCOM, will make automatic grade determinations (see para 2-3 and the glossary) in cases involving retired pay for nonregular service (reserve retirement) under section 12731, title 10, United States Code (10 USC 12731), and as set forth in AR 135-180. Automatic grade determinations do not include cases where—

(1) Reversion to a lower grade was expressly for prejudice or cause, owing to misconduct, or punishment pursuant to article 15, Uniform Code of Military Justice (UCMJ, Art. 15), or court-martial.

(2) There is information in the soldier's service record to indicate that service in the highest grade served may not have been satisfactory.

b. Cases in which grade determination authority has been withheld, as set forth above, will be forwarded for final grade determination by the AGDRB or higher authority.

1-14. Separation authorities

Separation authorities will accomplish automatic grade determinations at the time of a soldier's separation. Separation authorities will ensure that the personnel records of individuals not subject to automatic grade determinations are forwarded to the proper authority as identified in this regulation for grade determinations.

Chapter 2

General

Section I

AGDRB Establishment and Functions

2-1. Army Grade Determination Review Board establishment

The AGDRB operates within the Office of the Secretary of the Army under the supervision of and as a component board of the ARBA. The AGDRB consists of military officers senior in rank to and in at least a grade equal to the highest grade held by the individual whose grade is being considered. Additionally, at least one member of the AGDRB will be at least one grade higher than the highest grade held by the individual whose grade is being considered. Three members constitute a quorum. A board recorder, if appointed, will be an additional member without vote who assists the AGDRB with its deliberations.

2-2. Army Grade Determination Review Board functions

The AGDRB considers individual cases that are referred to it in accordance with this regulation. It directs or recommends the final grade determination that affects an individual's separation or retired pay. The AGDRB decides cases on the evidence of record. It is not an investigative body. AGDRB discussions and individual votes of members are privileged and confidential and will be disclosed only to those individuals in the decision-making process with a need to know.

2-3. Automatic grade determinations

Most grade determinations do not require action by the AGDRB or the exercise of discretion by other authorities because they are automatic grade determinations that result from the operation of law and this regulation. For example, under section 3961(b), title 10, United States Code (10 USC 3961(b)), an enlisted soldier will normally retire at the

grade held on the date of retirement. Under 10 USC 1370, an officer will normally retire at the highest grade served, unless service at that grade is deemed unsatisfactory, or the officer failed to meet statutory time in grade requirements. Circumstances requiring referral for discretionary grade determinations are discussed in chapters 3 and 4.

Section II

Guidance

2-4. Grade determination considerations

A grade determination is an administrative decision to determine appropriate retirement grade, retirement pay, or other separation pay. Although a lower grade determination may affect an individual adversely, it is not punitive. The AGDRB will consider each case on its own merits. Generally, determination will be based on the soldier's overall service in the grade in question, either on active duty or other service qualifying the soldier for service/physical disability retirement, receipt of retired pay, or separation for physical disability. Circumstances pertinent to whether such service is found satisfactory include, but are not limited to, the following:

a. Medical reasons, which may have been a contributing or decisive factor in a reduction in grade, misconduct, or substandard performance.

b. Compassionate circumstances.

c. Lengths of time in grade (TIG). The AGDRB cannot waive statutory TIG requirements for retirement at the current grade, such as the 31 or more days of service required at a previously held higher grade for a warrant officer to retire at the higher grade under the provisions of section 1371, title 10, United States Code (10 USC 1371); the 6 months for second lieutenants through majors; and the 3 years for lieutenant colonels and above under the provision of 10 USC 1370, except as otherwise specifically authorized by law. For instance, TIG requirements can be negated by operation of law in disability cases.

d. The following examples help explain how active duty service obligation (ADSO) policies affect grade determinations. (Policies regarding the retirement processing of soldiers having ADSOs and policies regarding the promotion and reduction of enlisted soldiers are addressed in AR 350-100, AR 635-200, AR 600-8-24, and AR 600-8-19. Consult these regulations for current and definitive policies and procedures.) For example, soldiers promoted to sergeant first class, master sergeant/first sergeant, or sergeant major/command sergeant major incur a 2-year ADSO (AR 600-8-19). If a soldier requests retirement effective before the expiration of this ADSO, a retirement approval authority can deny the request or CG, PERSCOM can waive the ADSO and approve the retirement. A promoted enlisted soldier may not be reduced administratively only to terminate a promotion ADSO, and the waiver of an ADSO will normally result in the individual's retirement in the grade to which promoted if that is the highest grade satisfactorily held (AR 635-200). Note this circumstance would not require referral to the AGDRB because the grade determination would be automatic. The soldier would retire at the promoted grade, unless the soldier was entitled to retire at a higher grade under some other provision of law. An ADSO can also be waived by operation of law in disability cases.

e. Performance level, as reflected in evaluation reports and other portions of the service record that reflect performance. In reviewing these matters, the AGDRB will consider whether reporting officials were aware of the misconduct or performance giving rise to the grade determination.

f. Nature and severity of misconduct, if any. Although the punishment an individual has received may be one factor in determining the seriousness of misconduct, the amount of punishment will not be considered in determining whether "the individual has been punished enough." Grade determinations are not considered punitive, and the standard for grade determinations is "highest grade satisfactorily served," not whether the individual has been sufficiently punished.

g. The grade at which the misconduct was committed.

2-5. Unsatisfactory service

Service in the highest grade or an intermediate grade normally will be considered to have been unsatisfactory when:

a. The highest grade was a result of a terminal leave promotion (see the glossary for a definition of this term).

b. Reversion to a lower grade was—

(1) Expressly for prejudice or cause.

(2) Owing to misconduct.

(3) Caused by nonjudicial punishment pursuant to UCMJ, Art. 15.

(4) The result of the sentence of a court-martial.

c. There is sufficient unfavorable information to establish that the soldier's service in the grade in question was unsatisfactory. One specific act of misconduct may or may not form the basis for a determination that the overall service in that grade was unsatisfactory, regardless of the period of time served in grade. However, service retirement in lieu of or as the result of elimination action will not, by itself, preclude retirement in the highest grade.

2-6. Service in lower grade

If service in the highest grade held was unsatisfactory, the soldier can be deemed to have served satisfactorily in the next lower grade actually held, unless paragraph 2-5 applies.

2-7. Period of service

All active duty or active Federal service may be considered as continuous, or each period of duty may be considered separately if it is to the soldier's benefit, unless a specific interpretation is required by statute. For example, "Served on active duty satisfactorily, as determined by the Secretary, for a period of more than 30 days" (10 USC 1371, warrant officers: general rule) requires a call or order that does not specify a period of 30 days or less (section 101(d)(2), title 10, United States Code (10 USC 101(d)(2))).

2-8. Information to be considered

The soldier whose case is being considered is not entitled to appear before the AGDRB. The AGDRB may consider any evidence relevant to the grade determination regardless of whether or not the information is part of the soldier's official military personnel file (OMPF). Any evidence not contained in the soldier's OMPF will be referred to the soldier for review and comment, as stated in *b*, below, unless the soldier has previously been provided the evidence or the soldier is known to possess it. Before the AGDRB may consider any evidence, the individual will be advised—

- a.* That his or her grade will be considered by the AGDRB.
- b.* Of what evidence will be considered.
- c.* Of the right to consult with an officer of the Judge Advocate General's Corps or seek private civilian counsel at no expense to the Government.
- d.* Of the right within a reasonable period of time to submit matters in writing for consideration by the AGDRB. Thirty days from the date of notification will normally be deemed a reasonable period in which to respond. The DASA(RB) may grant requests for extensions of time to respond based upon a showing of good cause. In cases initiated by a request from the subject individual (see para 3-2*b*), the applicant need not be given this notice when the only evidence to be considered is contained in the applicant's OMPF or is submitted by the applicant. These applicants, however, have the same rights to counsel as discussed above.

2-9. Forwarding cases for review

Cases for review by the AGDRB will be forwarded through the appropriate personnel command, the custodian of the soldier's OMPF, to the Army Review Boards Agency, ATTN: Army Grade Determination Review Board, 1941 Jefferson Davis Highway, Suite 204, Arlington, VA 22202-4508. Final determinations of grade rest exclusively with the SA and the Secretary's designees. No one will enter into any agreement that will in any way limit the exercise of that discretion.

2-10. Reviews

If a soldier, retiree, or other former soldier believes an error or injustice has occurred with respect to his or her grade determination, the individual can apply to the Army Board for Correction of Military Records (ABCMR). AR 15-185 sets forth procedures for petitioning the ABCMR for relief.

Chapter 3

Enlisted Personnel Grade Determinations

3-1. General

For enlisted cases, the AGDRB will make final determinations on behalf of the SA. It will determine the highest grade in which a soldier has served satisfactorily for purposes of service/physical disability retirement, computation of retired pay (10 USC 1406 or 1407), or separation for physical disability. While enlisted soldiers may be reduced in grade by courts-martial, nonjudicial punishment proceedings (UCMJ, Art. 15), administrative separation proceedings, or inefficiency boards, enlisted grade determinations cannot result in reduction of an enlisted soldier's or retiree's current grade. Enlisted grade determinations will result in either a decision to retain the individual's current grade or to advance to a higher grade in which the individual satisfactorily served.

3-2. Thirty-year cases

a. Section 3964, title 10, United States Code (10 USC 3964) entitles certain retired members of the Army who are retired with fewer than 30 years of active service, when such member's active service plus service on the retired list totals 30 years, to be advanced on the retired list to the highest grade served on active duty satisfactorily. The AGDRB reviews each case individually to determine the highest grade served on active duty satisfactorily. This is not an automatic advancement on the retired list. Section 3964 does not apply in retirement for nonregular service (reserve retirement) cases when the retiree was not on active duty (or, in the case of members of the National Guard, when the

retiree was not on full-time National Guard duty) at the time of retirement. Section 3964 applies to warrant officers of the Army; enlisted members of the Regular Army; and reserve enlisted members of the Army who, at the time of retirement, were serving on active duty (or, in the case of members of the National Guard, were on full-time National Guard duty). These individuals are eligible for advancement on the retired list when their active service plus service on the retired list totals 30 years. Individuals to be placed on the retired list with at least 30 years of active service will be considered for immediate advancement on the retired list. "Highest grade served on active duty" is the grade to which a soldier was actually promoted and paid pursuant to a lawful promotion. If the highest or intermediate grade was an officer grade, the statutory TIG requirements for that grade must also be met to be deemed satisfactory (see para 2-4c). "Highest grade served on active duty" does not include merely being in a promotable status or serving in, "acting," or holding a position or job title authorized at a higher grade, such as acting first sergeant or acting sergeant major.

b. Thirty-year cases are the only type of grade determinations that can be initiated by the individual concerned. Grade determinations for individuals retired for nonregular service under 10 USC 12731 (reserve component retirement at age 60) are conducted automatically by AR-PERSCOM and other separation authorities when individuals are placed on the retired list. Some 30-year cases, however, must be initiated by a written request from the retiree concerned. When a reduction from the highest grade served was caused by misconduct, inefficiency, or for cause, the retiree must initiate the grade determination process at the 30-year mark or later. In such cases, the retiree is presumed not to have served satisfactorily in the higher grade; therefore, the retiree must request to initiate a grade determination review if the retiree believes advancement is appropriate. In all other 30-year cases, the retirement authority will initiate the grade determination process at the time of retirement. Retirement authorities will initiate these grade determinations beginning with retirements occurring no later than 6 months after the effective date of this regulation. For retirements occurring before that date, individuals must initiate the grade determination process. Regardless of when the 30-year grade determination is accomplished, any resulting advancement on the retired list will not be effective until the 30-year mark. Figure 3-1 provides a sample application to initiate a 30-year grade determination. An individual whose grade was not determined at the time of retirement will mail an application to Army Review Boards Agency Support Division; ATTN: SFMR-RBR-SL; St. Louis, MO 63132-5200. That division will attach the applicant's military records and forward the application to the AGDRB for consideration. In the case of an individual whose grade is being determined at the time of retirement, retirement authorities will send the application to CG, PERSCOM, ATTN: TAPC-PDT-R, 200 Stovall St., Alexandria, VA 22332-0444.

Today's date

Army Review Boards Agency
Support Division, St. Louis
ATTN: SFMR-RBR-SL
9700 Page Boulevard
St. Louis, MO 63132-5200

LETTER FOR: The Army Grade Determination Review Board
(Military Review Boards)

I request to be advanced on the retired list to the highest grade that I satisfactorily held while on active duty, under the provisions of section 3964, title 10, United States Code. Although I retired on (date) in the grade of (examples: E-4, E-5, W-1, W-2), I previously held the grade of (examples: E-8, E-9, W-4, W-5, O-2, O-3) while on active duty. According to my calculation, I believe I have a total of 30 years of active service and time on the retired list (periods of inactive Reserve or Guard time may not be used in your calculation). (Although it is not required, you may wish to explain your situation. Some examples are: (1) While I was in the National Guard, I accepted a voluntary administrative reduction (without prejudice) to fill a full-time position. (2) My reduction was caused by a break in service. Or (3) I was subjected to the reduction in force program and reverted back to my enlisted or warrant status.)

IF THE REDUCTION WAS CAUSED BY MISCONDUCT

I understand that Army Regulation 15-80 states, "Generally, service in a grade will not be considered to have been satisfactory when reversion to a lower grade was expressly for prejudice or cause, due to misconduct, caused by nonjudicial punishment pursuant to article 15, UCMJ, or the result of the sentence of a court-martial." However, I believe the Army Grade Determination Review Board should advance me on the retired list to the grade of (examples: E-6, E-7) because (herein state your reason(s)).

In support of this request, I provide the following information.

My full name is: (example: Alfred Edward Neuman, Jr.)

My social security number is: (example: 000-00-0000)

My service number (if applicable) was: (example: RA 00-000-000)

My mailing address is: (provide complete address to include the zip code)

If you need to contact me (not required),

you may call me at (provide a telephone number—including the area code)

or use my email address, which is: (please print this information very neatly and accurately).

YOU MUST SIGN YOUR LETTER

Figure 3-1. Sample application to initiate a 30-year grade determination

c. If the AGDRB advances an applicant's grade, any increase in retired pay will be retroactive to the date of eligibility for advancement (that is, the 30-year mark). In some circumstances, advancement on the retired list to a higher commissioned grade will result in a loss of retired pay. For example, a CW4 with more than 24 years of service is paid more than an O-3E with more than 24 years of service. Under section 3965, title 10, United States Code (10 USC 3965), an individual so advanced as a 30-year case may petition within 3 months of the advancement to be restored on the retired list to the former grade. In those cases when advancement would result in a loss of pay, the AGDRB will notify the applicant of that outcome and allow the individual to withdraw the application for advancement. As an alternative, the applicant can apply to the ABCMR as a matter of equity to retain the higher grade determined by the AGDRB and the higher pay of the lower grade. If the ABCMR denies the application, the applicant can request restoration on the retired list to the former grade. (AR 15-185 sets forth procedures for petitioning the ABCMR for relief.)

3-3. Physical disability cases

An enlisted soldier being processed for physical disability separation or disability retirement, not currently serving in the highest grade served, will be referred to the AGDRB for a grade determination, unless the soldier is entitled to a higher or equal grade by operation of law (sections 1212 and 1372, title 10, United States Code (10 USC 1212 and 1372)).

Chapter 4 Officer Personnel Grade Determinations

4-1. General

a. An officer is not automatically entitled to retire in the highest grade served on active duty. Instead, an officer is retired in the highest grade served on active duty satisfactorily, as determined by the SA or the Secretary's designee. For officers below the grade of brigadier general, the AGDRB will recommend to the DASA(RB), for final determination, the highest grade in which an officer has served satisfactorily for purposes of service/physical disability retirement, computation of retired pay, or separation for physical disability. The AGDRB recommendation is purely advisory, and the SA or the SA's designee is not bound by that recommendation.

b. Except as noted below, officer grade determinations will result in either a decision to retain the individual's current grade as the retired grade or change the retired grade to a grade lower than that currently held. As exceptions, warrant officers may be advanced on the retired list under 10 USC 3964 (see para 4-2), and physical disability cases may result in a higher grade by operation of law than that actually served (see para 4-3).

c. Officer grade determinations are normally accomplished at time of retirement or disability separation, and the officer's grade is fixed at that time. A grade determination can be reopened by the Army after separation—

- (1) If the separation and/or accompanying grade determination was procured by fraud.
- (2) If substantial new evidence discovered contemporaneously with or within a short time following separation could result in a lower grade determination. For example, if an officer's misconduct while still on active duty is documented by memorandum of reprimand, nonjudicial punishment, or conviction after retirement, and such misconduct was not discoverable through due diligence, a new grade determination may be completed.
- (3) If a mistake of law or mathematical miscalculation led to an improper separation or grade determination.

d. All retirements, except for disability separations, involving officers who, since their last promotion, have been the subject of any substantiated adverse finding or conclusion from an officially documented investigation, proceeding, or inquiry (except minor traffic infractions) will be forwarded to ASA (M&RA) for a grade determination, provided such information is reflected, or should be reflected by regulation, in the officer's OMPF. Examples of such findings or conclusions include, but are not limited to, a memorandum of reprimand; nonjudicial punishment under UCMJ, Art. 15; or court-martial or civilian conviction. Even if the information described above is not required to be filed in the officer's OMPF, the separation authority may forward any retirement that contains information deemed substantiated, adverse, and material to determination of retired grade.

4-2. Warrant officers

Warrant officer cases will be processed as follows:

a. For advancement to a higher grade after 30 years of service, cases will be administered in the manner set forth for enlisted soldiers (see para 3-2, above).

b. Unless entitled to a higher grade under some other provision of law, a warrant officer retires in the permanent or reserve warrant officer grade, if any, that he or she held on the day before the date of his or her retirement.

c. All other cases will be administered in the manner set forth for other officers. (See 10 USC 1371.)

4-3. Physical disability cases

Officers being processed for physical disability separation or disability retirement, not currently serving in the highest grade served, will be referred to the AGDRB for a grade determination, unless the officer is entitled to a higher or equal grade by operation of law (title 10 USC 1212 and 1372). The AGDRB cannot waive the statutory time in grade requirements for officer positions; however, these provisions are waived by operation of law in some automatic grade determinations for physical disability separations or retirements.

Appendix A References

Section I Required Publications

This section contains no entries.

Section II Related Publications

A related publication is a source of additional information. The user does not have to read it to understand this publication.

AR 15–185

Army Board for Correction of Military Records

AR 27–10

Military Justice

AR 135–18

The Active Guard Reserve (AGR) Program

AR 135–180

Qualifying Service for Retired Pay Nonregular Service

AR 135–200

Active Duty for Missions, Projects, and Training for Reserve Component Soldiers

AR 140–30

Active Duty in Support of the United States Army Reserve (USAR) and Active Guard Reserve (AGR) Management Program

AR 140–185

Training and Retirement Point Credits and Unit Level Strength Accounting Records

AR 350–100

Officer Active Duty Service Obligations

AR 600–8–19

Enlisted Promotions and Reductions

AR 600–8–24

Officer Transfers and Discharges

AR 635–40

Physical Evaluation for Retention, Retirement, or Separation

AR 635–200

Enlisted Personnel

DOD 7000.14–R, Volume 7B, Chapter 9

Department of Defense Financial Management Regulation (Military Pay Policies and Procedures for Retired Pay) <http://www.dtic.mil>

10 USC 101

Definitions www.access.gpo.gov/uscode

10 USC 801 through 946

Uniform Code of Military Justice <http://www.access.gpo.gov/>

10 USC 1212

Disability Severance Pay <http://www.access.gpo.gov/>

10 USC 1370

Retired Grade: Commissioned Officers: General Rule; Exceptions <http://www.access.gpo.gov/>

10 USC 1371

Retired Grade: Warrant Officers: General Rule <http://www.access.gpo.gov/>

10 USC 1372

Grade on Retirement for Physical Disability: Members of Armed Forces <http://www.access.gpo.gov/>

10 USC 1401

Computation of Retired Pay <http://www.access.gpo.gov/>

10 USC 1402

Recomputation of Retired or Retainer Pay to Reflect Later Active Duty of Members Who First Became Members Before September 8, 1980 <http://www.access.gpo.gov/>

10 USC 1406

Retired Pay Base for Members Who First Became Members Before September 8, 1980: Final Basic Pay <http://www.access.gpo.gov/>

10 USC 1552

Correction of Military Records: Claims Incident Thereto <http://www.access.gpo.gov/>

10 USC 3961

Retired Grade: General Rule <http://www.access.gpo.gov/>

10 USC 3962

Retired Grade: Higher Grade for Service in Special Positions <http://www.access.gpo.gov/>

10 USC 3963

Retired Grade: Highest Grade Held Satisfactorily: Reserve Enlisted Members Reduced in Grade Not as a Result of the Member's Misconduct <http://www.access.gpo.gov/>

10 USC 3964

Retired Grade: Higher Grade After 30 Years of Service: Warrant Officers and Enlisted Members <http://www.access.gpo.gov/>

10 USC 3965

Retired Grade: Restoration to Former Grade: Retired Warrant Officers and Enlisted Members <http://www.access.gpo.gov/>

10 USC 12731 through 12741

Retired Pay for Nonregular Service <http://www.access.gpo.gov/>

10 USC 12771

Reserve Officers: Grade on Transfer to Retired Reserve <http://www.access.gpo.gov/>

Section III

Prescribed Forms

This section contains no entries.

Section IV

Referenced Forms

This section contains no entries.

Glossary

Section I Abbreviations

ABCMR

Army Board for Correction of Military Records

ARNGUS

Army National Guard of the United States

AR-PERSCOM

United States Army Reserve Personnel Command

ASA(M&RA)

Assistant Secretary of the Army (Manpower and Reserve Affairs)

CDR

commander

CG

commanding general

OMPF

official military personnel file

SA

Secretary of the Army

TIG

time in grade

UCMJ

Uniform Code of Military Justice

USAR

United States Army Reserve

USC

United States Code

Section II

Terms

Active duty

Full-time duty in the active military service of the United States, including full-time training duty, annual training duty, and attendance while in the active military service, at a school designated as a service school by law or by the Secretary of the military department concerned.

Active duty service obligation

Time period during which an individual is required to serve on active duty based on statutory, regulatory, or contractual requirements.

Army

The Regular Army, Army of the United States, Army National Guard of the United States, and the United States Army Reserve.

Automatic grade determination

A nondiscretionary grade determination dictated by law or regulation.

Discretionary grade determination

A grade determination that results from the conduct of a deliberative decision process.

Grade

A step or degree in a graduated scale of military rank that is established as a grade by law or regulation.

Grade determination

Administrative process by which the Secretary of the Army or the Secretary's designees determine the pay grade at which an individual will receive retirement or other separation pay.

Highest grade served on active duty

The highest grade to which an individual on active duty was actually and lawfully promoted and paid. It does not include being in a promotable status for the higher grade or serving in a position authorized a higher grade than actually held.

Intermediate grade

Grade served falling between the highest grade served and the grade held at the time of grade determination.

Officer

Except where expressly indicated otherwise, includes commissioned or warrant (regardless of whether commissioned) officer, but excludes noncommissioned officer (NCO).

Official military personnel file

The permanent, historical, and official record of a soldier's military service.

Retirement for length of service

Retirement of soldiers who have served 15 or more years in the active military service.

Retirement for nonregular service (reserve retirement)

Retirement granted members of the Reserve components after completion of 20 or more years of qualifying service (points and active duty) and on attaining age 60. Pay is based on the highest grade satisfactorily held at any time during an individual's entire period of service, other than in an inactive section of a Reserve component or a retired section not on active duty.

Retirement for physical disability

Retirement of soldiers by reason of physical disability. Such soldiers are placed on either the permanent or temporary disability retired list as directed by the Secretary of the Army, as prescribed in AR 635-40.

Retirement approval authority

The official authorized by Army regulations to approve requests for retirement.

Separation

An all inclusive term applied to personnel actions resulting from release from active duty, discharge, retirement, being dropped from the rolls, release from military control of personnel without a military status, or death.

Separation authority

The official authorized by Army regulations to take final action on specified types of separations.

Senior in rank

Senior by grade, date of rank, or order of precedence among members of the Armed Forces.

Served on active duty satisfactorily for a period of more than 30 days

For some warrant officer grade determinations 10 USC 1371 requires a call or order that does not specify a period of 30 days or less (10 USC 101(d)(2)).

Service retirement

Includes retirement for length of service and retirement for nonregular service, but excludes disability retirement.

Terminal leave promotion

An honorary promotion, sometimes accorded during wartime or during demobilization, that does not afford entitlement

to retired or other separation pay at the higher grade. This issue normally only arises during applications to the Army Board for Correction of Military Records.

Thirty-year cases

Cases in which certain retired or retiring enlisted soldiers and warrant officers are eligible for advancement on the retired list to the highest grade satisfactorily served upon attaining a total of 30 years on active duty and the retired list. Does not apply to retirements for nonregular service (reserve retirements).

Time in grade

Amount of time served at a particular grade, typically used in reference to eligibility for promotion or separation.

Section III

Special Abbreviations and Terms

ADSO

active duty service obligation

AGDRB

Army Grade Determination Review Board

ARBA

Army Review Boards Agency

DASA(RB)

Deputy Assistant Secretary of the Army (Review Boards)

PERSCOM

United States Total Army Personnel Command

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