



NATIONAL GUARD BUREAU

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ARNG-HRH (RN 600)

15 December 2021

MEMORANDUM FOR Military Personnel Management Officers of all States, Territories,
and the District of Columbia

SUBJECT: Personnel Policy Operational Memorandum (PPOM) #21-056 (Retired Regular
Army Warrant Officers Serving in the Army National Guard)

1. References:

- a. Army Directive 2021-28 (Retired Regular Army Warrant Officers Serving in the Ready Reserve).
- b. Title 10 United States Code (USC) § 572 (Warrant officers: original appointment; service credit).
- c. Department of Defense (DoD) 7000.14-R (Financial Management Regulation, Volume 7B).
- d. DoD Instruction 1312.03 (Entry Grade Credit for Commissioned Officers and Warrant Officers).
- e. Army Regulation 637-1, (Army Compensation and Entitlements Policy).
- f. Army Regulation 140-10, (Assignments, Attachments, Details, and Transfers).
- g. Army Regulation 135-180, (Retirement for Non-Regular Service).
- h. Army Regulation 135-100, (Appointment of Commissioned and Warrant Officers of the Army).
- i. Army Regulation 135-91, (Service Obligations, Methods of Fulfillment, Participation Requirements and enforcement Provisions).
- j. National Guard Regulation 600-101, (Warrant Officers Federal Recognition and Related Personnel Actions).
- k. Title 10 USC § 12316 (Payment of certain Reserves while on duty).
- l. Title 10 USC § 1164 (Warrant Officers: Separation for age).

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- m. Title 10 USC § 1305 (Thirty years of more: regular warrant officers).
 - n. Title 10 USC § 12731 (Age and service requirements).
 - o. Title 10 USC § 12741 (Retirement for service in an active status performed in the Selected Reserve of the Ready Reserve after eligibility for regular retirement).
 - p. Title 5 USC § 8301 (Uniform retirement date).
 - q. Title 38 USC § 5304 (Prohibition against duplication of benefits).
 - r. Army Directive 2020-06 (Army Combat Fitness Test
 - s. Army Regulation 600-9 (The Army Body Composition Program), 16 July 2019.
 - t. Air Force Instructions (36-2026 (Reenlistment and Extension of Enlistment in the United States Air Force), 30 September 2019.
 - u. Title 10 USC § 1402a (Recomputation of retired or retainer pay to reflect later active duty of members who first became members after September 7, 1980).
 - v. Army Regulation 135-18 (The Active Guard Reserve Program), 11 October 2019.
 - w. National Guard Regulation 600-5 (The Active Guard Reserve (AGR) Program Title 32, Full Time National Guard Duty (FTNGD) Management), 12 September 2015.
2. Purpose. This policy provides implementation guidance to the States, Territories and the District of Columbia to appoint retired Regular Army (RA) Warrant Officers (WOs) as ARNG WOs with retention on the U.S. Army Retired List.
3. Applicability. This policy applies to retired RA WOs only. It does not apply to retired Reserve Component (RC) Commissioned Officers or retired Active Guard and Reserve (AGR) Commissioned Officers and WOs. The States, Territories, and the District of Columbia have the potential to access retired RA WOs only as defined in the preceding and following paragraphs.
4. Background. In accordance with Army Directive 2021-28 (Retired Regular Army Warrant Officers Serving in the Ready Reserve), there is no statutory prohibition to the appointment of a retired RA WO as a RC WO. However, such appointment may only occur following the waiver of prohibitions in references 1e and 1j.

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a. Appointment. To appoint retired RA WOs as WOs in the ARNG, paragraph 2-14g of reference 1j is amended to read, "Persons on the retired list of the U.S. Army (not including retired Regular Army Warrant Officers)."

b. Compensation. A retired RA WO who elects to receive compensation for service must waive one day of retired pay for each calendar day on which Reserve duty is performed pursuant to Title 10 USC § 12316, and reference 1e.

c. Prior Commissioned Service Credit. Credit will be awarded pursuant to Title 10 USC § 572 and reference 1c. For initial appointment in a RC, a retired RA WO may not be credited with a period of service greater than the period of active service performed in the grade, or pay grade corresponding to the grade, in which so appointed, or in any higher grade or pay grade.

d. Reserve Date of Rank and Time in Grade Determination. A WO's date of rank for National Guard appointment will be determined by the WO's date of original appointment or last promotion. The WO's time in grade will be adjusted based on time spent in an active status or on active duty, and will be used to determine the WO's promotion eligibility date in the ARNG, as applicable.

e. Non-regular Retirement Conversions. A retired RA WO who serves in the National Guard may elect to receive non-regular retired pay, pursuant to Title 10 USC § 12731, in lieu of the WO's regular retired pay after service ends in the National Guard, provided the WO meets the criteria in Title 10 USC § 12741.

f. Mandatory Retirement. Dates for mandatory retirement of RA WOs, prescribed by Title 10 USC § 1305 and Title 10 USC § 1164, remain unchanged. In accordance with (IAW) Title 10 USC § 1305, an RA WO who has at least 30 years of active service as a WO shall be retired 60 days after the date on which the Officer completes that service, except as provided in Title 5 USC § 8301. The calculation of years of active service shall only include years of active service as a WO. In accordance with Title 10 USC § 1164, unless retired or separated on or before the expiration of that period, each WO shall retire or separate from their armed force no later than 60 days after the date of becoming 62 years of age. The Secretary concerned may defer (for no more than four months) the separation under subsection (a) of any WO due to the following: unavoidable circumstances, evaluation of the Soldiers' physical condition, and when determination of the Soldier's entitlement to retirement or separation for physical disability requires hospitalization or medical observation that cannot be completed before the date the Soldier would otherwise be required to retire or separate under this section. Unless retained by a federal recognition

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order, all WOs who are not removed from an active status for other reason(s) must be removed from an active status in the ARNG on the last day of the month in which they attain age 60. Warrant Officers can serve past age 60 IAW reference 1j. The length of service in the National Guard will be determined IAW Title 10 USC § 1305.

5. Waiver of Pay and Allowances.

a. Entitlement. In accordance with Title 10 USC § 12316 and Title 38 USC § 5304, Soldiers are not entitled to military pay and allowances for the same period in which they are in receipt of a pension, retainer pay, disability compensation, or retired pay from the United States Government by virtue of prior military or other uniformed service. However, applicants for appointment and enlistment, who are otherwise eligible under appointment and enlistment regulations, may elect to receive such benefits and waive their pay and allowances, or receive their pay and allowances and waive that portion of such benefits for the days or drill periods for which they receive federal pay and allowances.

b. Identification. The DA Form 7894 (Declaration of Retired Pay Benefits Received and Waivers) or VA Form 21-8951-2 (Notice of Waiver of VA Compensation or Pension to Receive Military Pay and Allowances) will be completed by each WO claiming prior federal military service upon entry, or reentry following a break in service, into any component of the Army.

c. Waiver of benefits. Any Officer or Enlisted Soldier in receipt of retired benefits identified in paragraph 5a will also be required to complete a new DA Form 7894 on 1 October of each fiscal year, when needed to supplement or change the waiver, or when needed to recover benefits previously waived. Once a declaration of receipt of U.S. Department of Veterans Affairs (VA) benefits is filed on the VA Form 21-8951-2, the annual performance of all Inactive Duty Training (IDT) and active duty will be reported to the VA. The VA will make necessary adjustments to the Soldier's VA compensation based on the data received.

d. Effective period of waiver. U.S. Department of Veterans Affairs waivers filed on VA Form 21-8951-2 will remain in effect until superseded by a new form. The DA Form 7894 waiver for retired pay remains in effect for the fiscal year indicated therein. No additional retired pay declaration or waiver will be required upon reassignments or transfer of a Soldier during the same fiscal year.

e. Commander's annual review of retired pay waiver. Commanders must conduct an annual review of the pay account of each Soldier eligible for retired pay who has elected to

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b. Pre-Determination/Approval Authority. All applications for appointment into the ARNG for retired RA WOs must include a recommendation (HRR Form 207A) by the State Command Chief Warrant Officer and approval by The Adjutant General of the State. RA WO's may utilize the initial packet checklist for approval signatures.

c. If the state approves the RA WO, the completed accession packet will be sent to the state for action at the confirmation of the retirement of the AC WO. The State Warrant Officer Strength Manager (WOSM) will ensure the VA Form 21- 8951-2 or DA Form 7894 are completed and signed before the retired RA WO is accessed into the ARNG.

d. Service Obligation (SO). Any retired RA WO who continues service in the Selected (ARNG) Reserve will incur a two-year Reserve Service Obligation in an active status in the ARNG. The SO begins on the effective date the WO transitions into the ARNG (date of the oath of office). All SOs will be IAW Army Regulation 135-91. The SO cannot exceed the WO's mandatory removal date IAW Title 10 USC § 1305. The Adjutant General of the State can waive the SO.

e. Army Combat Fitness Test (ACFT). The retired RA WO must have a passing ACFT within the previous year of RA service or satisfactorily pass the ACFT if more than 1-year since retiring from the RA. In accordance with Army Directive 2020-06 (Army Combat Fitness Test), paragraph 4c, a passing score on the last recorded Army Physical Fitness Test (APFT) remains valid until 31 March 2022 for any purpose requiring a passing APFT or score.

f. Army Body Composition. The retired RA WO must meet Army Body Composition standards IAW Army Regulation 600-9 within the six month period before transition into the ARNG.

g. Physical Requirement. The retired RA WO must have a current annual or flight physical, appropriate for their WO military occupational specialty (MOS), at time of transition into the ARNG.

h. Security Clearance. The retired RA WO must have a current security clearance, appropriate for their WO MOS, at time of transition into ARNG.

i. Identification (ID) Card. In accordance with the Air Force Instruction 36-2026 a Soldier will be issued a separate Common Access Card (CAC) or ID card in each category for which the Soldier qualifies. Possession of a duplicate CAC or ID card in the same category is prohibited.

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receive military pay and allowances, and complete in October of each year for the prior fiscal year. Soldiers will make necessary adjustments to the waiver by completing the appropriate sections of the prior fiscal year's DA Form 7894. Commanders will provide a listing of each day that duty was performed, indicating type of duty (for example, active duty or IDT), and will certify and attach to the DA Form 7894 and forward to the appropriate office.

f. Disposition.

(1) A Soldier receiving a VA disability compensation or pension, or uniformed services retired pay or retainer pay will prepare a VA Form 21-8951-2 or DA Form 7894, based on the type of compensation to be waived. The Commander or Unit Personnel Officer of the Soldier's unit will verify the waiver.

(2) The Soldier's unit will upload in the Soldier's Army Military Human Resource Record (AMHRR) a copy of either the original VA Form 21-8951-2 prepared at the time of entry into the ARNG, a subsequent replacement form, or the original DA Form 7894 for each fiscal year. The Soldier's unit will also upload a copy showing the annual review for the previous fiscal year into the Soldier's AMHRR. The VA Form 21-8951-2 must be sign by the Soldier and the unit commander or commander's designee. The Soldier must send the completed form to one of the addresses listed on page 3 of the VA Form 21-8951-2 base on their waiver request in Section III, item 9. Soldiers that have any questions about the information contained on the form or if the Soldier need assistance in completing the form, the Soldier can contact the VA's toll-free number stated on the form.

6. Process.

a. Retired RA WOs must meet all federal recognition criteria for appointment in the ARNG. Although a RA WO may start the process prior to release from active duty (REFRAD), they must be released from active duty and placed on the retired list in order to be eligible for appointment in the ARNG. Interested RA WO will coordinate with the Reserve Officer Career Counselor (ROCC) located at each installation Reserve Transition Center. The ROCCs will assist the Soldier in coordinating with the gaining State, Territory, or District of Columbia to ensure the Soldier meets all eligibility criteria to appoint into the ARNG upon retirement from Active Duty. Soldiers who already retired and assigned to the Retired Reserve, but are interested in joining the ARNG, will coordinate with the State WOSM. The gaining State will ensure the Soldier's appointment packet is complete IAW references 1e and 1j.

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7. Promotion. Retired RA WOs who meet time-in-grade and military education requirements IAW National Guard Regulation 600-101 will be considered for promotion. Warrant Officers must meet time-in-grade requirements at the higher rank in the ARNG before retired pay will be recomputed at the higher rank.

8. Mobilizations/Active Duty for Operational Support (ADOS).

a. Retired pay will be paid within 30 days of the date the Soldier returned to the retired rolls. Retired pay will be calculated based on total years of service in an active status.

b. Service on active duty less than two years. Retired pay is recomputed under the rate of basic pay in effect upon REFRAD plus applicable cost-of-living increases.

c. Service on active duty two years or more. The retired pay is recomputed under the rate of basic pay in effect upon REFRAD, plus applicable cost-of-living increases, or under the basic pay rates in effect at the time of return to the retired rolls, whichever is greater. For retired pay that was computed according to a high-three average, the months served on active duty during the mobilization or ADOS will be added to compute a new high-three average.

d. Retired pay is recomputed under the basic pay rates in effect before the current basic pay rate, unless the current basic pay rate has been in effect for two or more years. As an example, if an Officer mobilized for active duty or served on ADOS for a total of three years, but two of those years were under the previous basic pay rate, his retired pay will not be computed using the current pay table. This is in accordance with Title 10 USC § 1402a.

e. Allotments in the retired pay system are suspended when a RA WO is ordered to active duty. Officers must continue to pay any required Survivor Benefit Plan (SBP) premiums that were paid through retired pay allotment. Officers may request new allotments from their retired pay through their retired pay account in MyPay upon REFRAD.

9. Active Guard Reserve (AGR). Hiring of AGRs will be in accordance with Army Regulation 135-18 and National Guard Regulation 600-5.

a. Retired RA WOs who are accessed as an AGR One Time Occasional Tour or into the AGR program will have retired pay stopped, and will be placed back into the Defense Joint Military Pay System – Active Component (DJMS-AC). Retired pay stops the day before the Soldier returns to active duty.

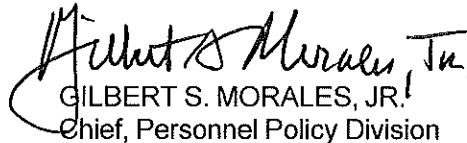
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b. Allotments. Allotments paid from the retired pay account will cease while in an active duty status. Officers that are placed into the DJMS-AC can initiate new allotments to include any required SBP premiums previously paid in the retired pay allotment. Officers cannot change their SBP elections unless their marital status or dependents change while in active duty status.

10. Proponent. The ARNG Personnel Policy Division is the proponent for this policy. Under the policy oversight of the Assistant Secretary of the Army for Manpower and Reserve Affairs, the proponent will coordinate to ensure the provisions of this policy are incorporated into reference 1j within 2 years of the date of this policy.

11. The point of contact for this memorandum is Mr. Valentine D. Grant, Officer Policy Branch, at Commercial 703-601-5846/DSN 327-5846, or email at valentine.d.grant.civ@army.mil.


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