SECRETARY OF THE ARMY
WASHINGTON

16 JUL 2012

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2012-19 (Elimination of the Oath of Office Requirement When Transferring From the Active-Duty List to the Reserve Active-Status List)

1. This directive implements a change to the requirement for officers to subscribe to an oath of office when transferring from the active-duty list to the reserve active-status list of the U.S. Army. A complete list of references is in the enclosure.

2. Effective immediately, a Regular Army commissioned officer (other than a warrant officer) is not required to subscribe to the oath of office prescribed by 5 United States Code (U.S.C.) section 3331 or sign a Department of the Army Form 71 (Oath of Office – Military Personnel) when appointed as a Reserve commissioned officer in the Ready Reserve of the Army National Guard of the United States or the U.S. Army Reserve within 24 hours of separation from the active-duty list. This policy shall apply to Regular Army commissioned officers who have not fulfilled their 8-year military service obligation under the provisions of 10 U.S.C. § 651 and to those officers without a military service obligation who request appointment as a Reserve officer concurrent with their release from active duty (REFRAD).

3. An officer's request for unqualified resignation from the Regular Army must be forwarded to U.S. Army Human Resources Command at least 180 days before the requested effective date to ensure that the officer's request for a Reserve appointment is approved and made in accordance with 10 U.S.C. § 12201 and Department of Defense Instruction 1205.05 (Transfer of Service Members Between Reserve and Regular Components of the Military Services) before the officer's REFRAD. When an officer's request for a Reserve appointment is not approved within 10 days before the REFRAD date, Human Resources Command will notify the officer's transition center to push back the REFRAD by 30 days. Human Resources Command will continue to notify an officer's transition center to adjust the officer's REFRAD in increments of 30 days until an appointment is approved or otherwise acted on. Whenever an adjustment in a REFRAD date is required, Human Resources Command will notify the affected officer by memorandum and advise the officer to coordinate the new REFRAD date with his or her transition center.

4. Requests for unqualified resignations will include the following statements:

a. In paragraph 8: "I understand that if I have not completed my statutory 8-year military service obligation (MSO), I am required to accept appointment in the U.S. Army Reserve and that I will be transferred to the IRR to complete that obligation. I also understand that if I am required to accept appointment in the U.S. Army Reserve to

complete my MSO or am requesting appointment in the U.S. Army Reserve, that my REFRAD pursuant to my unqualified resignation from the Regular Army shall constitute my acceptance of the Reserve appointment. If I am required to accept or have requested appointment in the U.S. Army Reserve and do not desire this appointment, I must request withdrawal of my resignation before my REFRAD in accordance with AR 600-8-24 and remain on active duty."

b. In paragraph 9: "I desire to be appointed as a commissioned officer in the U.S. Army Reserve upon my REFRAD" or "I have fulfilled my military service obligation and do not desire appointment in the U.S. Army Reserve" (as applicable).

c. In paragraph 10: "I understand that if I am requesting or required to accept a Reserve appointment and the appointment has not been approved by the appropriate authority within 10 days of my REFRAD date, the effective date of my release will be adjusted by Human Resources Command in 30-day increments until the appointment is approved. I also understand that if my REFRAD date needs to be adjusted, Human Resources Command will notify me of such change by memorandum and that I am responsible for coordinating my adjusted REFRAD date with my transition center."

5. Human Resources Command will ensure that the approval notification advises the officer that the REFRAD shall constitute acceptance of the Reserve appointment and that if the officer does not want to accept the appointment, the officer must submit a request for withdrawal of his/her resignation before REFRAD and remain on active duty.

6. To ensure that officers make the proper transition without a break in service, Human Resources Command will direct transition centers to process separations of this type as transfers using separation program designator code MBK (Completion of Required Active Service) in block 26 (Separation Code) of the Department of Defense (DD) Form 214. Block 18 (Remarks) of the DD Form 214 will include the statement: "REFRAD pursuant to unqualified resignation constitutes officer's acceptance of appointment as a Reserve commissioned officer. No oath is required IAW 10 U.S.C. 12201(a)(2) and DoD policy."

7. Human Resources Command will modify the Reserve of the Army appointment memorandum for affected officers by indicating that acceptance of the appointment is concurrent with release from active duty and by deleting the requirement to execute and return the oath of office.

8. The Army Deputy Chief of Staff, G-1 is the proponent for this policy and will incorporate the guidance in this directive into Army Regulation 135-100 (Appointment of Commissioned and Warrant Officers of the Army), Army Regulation 600-8-24 (Officer Transfers and Discharges) and Army Regulation 635-5-1 (Separation Program

SUBJECT: Army Directive 2012-19 (Elimination of the Oath of Office Requirement When Transferring From the Active-Duty List to the Reserve Active-Status List)

Designator (SPD) Codes) as soon as practicable. Revision to NGR 600-100 will be accomplished as directed by the Chief, National Guard Bureau.

9. This directive is rescinded upon publication of the revised regulations.

John M. McHugh

Encl

DISTRIBUTION:
Principal Officials of Headquarters, Department of the Army
Commander
- U.S. Army Forces Command
- U.S. Army Training and Doctrine Command
- U.S. Army Materiel Command
- U.S. Army Europe
- U.S. Army Central
- U.S. Army North
- U.S. Army South
- U.S. Army Pacific
- U.S. Army Africa
- U.S. Army Special Operations Command
- Military Surface Deployment and Distribution Command
- U.S. Army Space and Missile Defense Command/Army Forces Strategic Command
- U.S. Army Network Enterprise Technology Command/9th Signal Command (Army)
- U.S. Army Medical Command
- U.S. Army Intelligence and Security Command
- U.S. Army Criminal Investigation Command
- U.S. Army Corps of Engineers
- U.S. Army Military District of Washington
- U.S. Army Test and Evaluation Command
- U.S. Army Installation Management Command

Superintendent, United States Military Academy
Director, U.S. Army Acquisition Support Center

CF:
Commander, U.S. Army Cyber Command
Director, Office of Business Transformation
Executive Director, Army National Cemeteries Program
Director, Army National Guard

REFERENCES

1. Public Law 111-383, Ike Skelton National Defense Authorization Act for Fiscal Year 2011.

2. 5 U.S.C. § 3331 (Oath of office).

3. 10 U.S.C. § 651 (Members: required service).

4. 10 U.S.C. § 12201 (Reserve officers: qualifications for appointment).

5. Department of Defense (DoD) Instruction 1310.02 (Appointing Commissioned Officers), Incorporating Change 1 as of 20 Sep 11.

6. DoD Instruction 1205.05 (Transfer of Service Members Between Reserve and Regular Components of the Military Services), 30 Mar 12.

7. Army Regulation (AR) 135-100 (Appointment of Commissioned and Warrant Officers of the Army), 1 Sep 94.

8. AR 600-8-24 (Officer Transfers and Discharges), Rapid Action Revision Issued 13 Sep 11.

9. AR 635-5-1 (Separation Program Designator (SPD) Codes), Rapid Action Revision Issued 4 Aug 11.

10. National Guard Regulation (AR) 600-100 (Commissioned Officers - Federal Recognition and Related Personnel Actions), 15 Apr 94.

11. Department of the Army Form 71 (Oath of Office - Military Personnel), Jul 99.

12. Department of Defense Form 214 (Certificate of Release or Discharge From Active Duty), Aug 09.