

January 25, 2011

The purpose of this letter is to report my evaluation, analysis and responses to questions posed in the hypothetical Retiree Involuntary Recall scenario below.

Hypothetical Scenario:

The Marine Corps seeks to recall to active duty, involuntarily, a Marine LtCol who retired in the Fall of 2008, in order to reassign him duties (he previously held up to his retirement date) as a detailed defense counsel for an enlisted Marine facing court-martial for various and sundry war crimes arising out his service as a squad leader in Iraq in late 2005.

(Assume that although it's an involuntary recall, the retired officer would salute smartly and execute the orders)

- 1. Does the DoN/USMC have that authority?*
- 2. Under what provisions of the Title 10 and DoN regulations?*
- 3. Any special conditions, limitations or circumstances required in invoke such authority?*
- 4. What is the process by which that would occur if authorized by law and regulation?*
- 5. What roadblocks, if any, would the USMC face in the process?*

As I am not aware of the actual retired status of the LtCol (i.e., fully retired at 30 years or a member of the Fleet Marine Corps Reserve, or his age, I am going to give you the best answers possible for all retired status categories.

The primary references used in the research to respond to this hypothetical scenario are:

- a. U.S. Code Title 10, § 688
 - b. DOD DIRECTIVE 1352.1 of 16 Jul 2005
 - c. Marine Corps Reserve Administrative Management Manual (MCRAMM) MCO 1001R.1K of 22 Mar 2009
 - d. Marine Corps Retirement Guide, NAVMC 2642 of 16 April 2010
- Specific excerpts from the above references, URLs and points of contact are provided at the end of this report.

In response to your questions, the following applies:

Q1: Does the DoN/USMC have that authority?

A1: YES. Per references above and discussions with Retirements Subject Matter Experts (SMEs) at Manpower Management Division, Retirement List Maintenance Section, and Manpower and Reserve Affairs (M&RA) in Quantico, VA, the Service Secretaries may authorize involuntary recall of retirees they consider necessary in the interests of national defense.

Per U.S. Code Title 10, § 688...

“Under regulations prescribed by the Secretary of Defense, retired members may be ordered to active duty by the **Secretary of the military department** concerned at any time. This applies to a retired member of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps; a member of the Retired Reserve who was retired under section 1293, 3911, 3914, 6323, 8911, or 8914 of this title; and a member of the Fleet Reserve or Fleet Marine Corps Reserve. The Secretary concerned may, to the extent consistent with other provisions of law, assign a member ordered to active duty under this section to such duties as the Secretary considers necessary in the interests of national defense.

Additionally, voluntary and involuntary recalls are guided by SECNAVINST 1300.14 Subj: Management and Mobilization of Retired Military Members; and SECNAVINST 1800.4 Subj: Voluntary Recall/Retention of Retired Officers to/on Active Duty.

The following are categories of retired Marine Corps personnel.

Marine Corps Retired List: Consists of Active or Reserve enlisted personnel with 30 years active service and active or Reserve officers with more than 20 years of active service who are transferred directly to the Retired List upon request. These retired Marines receive retired pay.

Fleet Marine Corps Reserve (FMCR): Consists of active and Reserve enlisted Marines who have completed at least 20 but less than 30 years of active service or active constructive service, and have requested transfer to the FMCR. The FMCR has no connection with the Marine Corps Reserve. Enlisted Marines serve in the FMCR on a retainer basis and receive retainer pay until they complete a total of 30 years of service, after which they are retired. Upon retirement, the Marine will receive retired pay. Retainer and retired pay usually will be the same amount. However, in cases where the member has previous commissioned service, and has served satisfactorily as determined by the Secretary of the Navy, the member will be advanced to the highest commissioned grade and receive that retired pay. Members of the FMCR are not retired by definition, but are specifically treated as such under Title 10, United States Code. Therefore, they are subject to recall identically as retired Marines.

Temporary Disability Retired List (TDRL): Consists of Marines who are not physically qualified for duty and according to accepted medical principles and standards may be permanently disabled. Placement on this list prevents them from being permanently retired with a condition that could develop into a more serious disability. By statute, these Marines are required to undergo periodic physical examinations every 18 months and may only remain on the TDRL for a period of five years. Before that time, they must either be found fit for full duty, separated with severance pay, or placed on the Permanent Disability Retired List.

Permanent Disability Retired List (PDRL): Consists of Marines who are not physically qualified for duty and according to accepted medical principles and standards are permanently disabled.

Retired List of the Marine Corps Reserve: Consists of Reservists who have less than 20 years of active service but at least 20 years of qualifying service who are transferred to the Retired List of the Marine Corps Reserve upon request. These retired Marines do not receive retired pay until their 60th birthday. However, the National Defense Authorization Act 2008 authorizes a reduction in retirement age from age 60 of three months for every aggregate of 90 days of active-duty service performed in a fiscal year.

Retirement of Reservists Not Qualified for Retired Pay: Members previously transferred to the Retired Reserve in an honorary status will maintain their retired status per SECNAVINST 1820.2C. Reservists who possess special qualifications or critical professional skills, or are required by law to maintain status, are not eligible for non-Regular service retired pay, and are subject to mandatory removal from an active status, may be transferred to Retired Reserve status in lieu of discharge as approved by DC/S M&RA or CHNAVPERS.

All retired Marines are placed in one of three categories for mobilization purposes:

Category I: Non-disability retired Marines under age 60 who have been retired less than five years.

Category II: Non-disability retired Marines under age 60 who have been retired five years or more.

Category III: Non-disability retired Marines age 60 or older and all disability retired Marines.

Q2 & 3: Under what provisions of the Title 10 and DoN Regulations? Any special conditions, limitations or circumstances required in invoke such authority?

A2 & 3: Recall is authorized under **U.S. Code, Title 10, § 688 and § 688a.**

(a) Authority.— Under regulations prescribed by the Secretary of Defense, a member described in subsection (b) may be ordered to active duty by the Secretary of the military department concerned at any time.

(b) Covered Members.— Except as provided in subsection (d), subsection (a) applies to the following members of the armed forces:

(1) A retired member of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps.

(2) A member of the Retired Reserve who was retired under section [1293](#), [3911](#), [3914](#), [6323](#), [8911](#), or [8914](#) of this title.

(3) A member of the Fleet Reserve or Fleet Marine Corps Reserve.

(c) Duties of Member Ordered to Active Duty.— The Secretary concerned may, to the extent consistent with other provisions of law, assign a member ordered to active duty under this section to such duties as the Secretary considers necessary in the interests of national defense.

(d) Exclusion of Officers Retired on Selective Early Retirement Basis.— The following officers may not be ordered to active duty under this section:

(1) An officer who retired under section [638](#) of this title.

(2) An officer who—

(A) after having been notified that the officer was to be considered for early retirement under section [638](#) of this title by a board convened under section [611 \(b\)](#) of this title and before being considered by that board, requested retirement under section [3911](#), [6323](#), or [8911](#) of this title; and

(B) was retired pursuant to that request.

(e) Limitation of Period of Recall Service.—

(1) A member ordered to active duty under subsection (a) may not serve on active duty pursuant to orders under that subsection for more than 12 months within the 24 months following the first day of the active duty to which ordered under that subsection.

(2) Paragraph (1) does not apply to the following officers:

(A) A chaplain who is assigned to duty as a chaplain for the period of active duty to which ordered.

(B) A health care professional (as characterized by the Secretary concerned) who is assigned to duty as a health care professional for the period of active duty to which ordered.

(C) An officer assigned to duty with the American Battle Monuments Commission for the period of active duty to which ordered.

(D) An officer who is assigned to duty as a defense attaché or service attaché for the period of active duty to which ordered.

(f) Waiver for Periods of War or National Emergency.— Subsections (d) and (e) do not apply in time of war or of national emergency declared by Congress or the President.

Additionally, § 688a addresses retired members: temporary authority to order to active duty in high-demand, low-density assignments

(a) Authority.— The Secretary of a military department may order to active duty a retired member who agrees to serve on active duty in an assignment intended to alleviate a high-demand, low-density military capability or in any other specialty designated by the Secretary as critical to meet wartime or peacetime requirements. Any such order may be made only with the consent of the member ordered to active duty and in accordance with an agreement between the Secretary and the member.

(b) Duration.— The period of active duty of a member under an order to active duty under subsection (a) shall be specified in the agreement entered into under that subsection.

(c) Limitation.— No more than a total of 1,000 members may be on active duty at any time under subsection (a).

(d) Relationship to Other Authority.— The authority to order a retired member to active duty under this section is in addition to the authority under section [688](#) of this title or any other provision of law authorizing the Secretary concerned to order a retired member to active duty.

(See Title 10 Authorities table below):

1005. TITLE 10 AUTHORITIES

1. Figure 1-1 below provides an overview of appropriate authorities including under reference (a) relating to RC activation (units and individuals) and retiree recall during a contingency operation.

Involuntary Activation				
Uniformed Service Employment and Reemployment Rights; Title 38 U.S.C. Chap. 43.	By Law	Voluntary and involuntarily recalled members.	All	
Presidential Reserve Call-Up; Title 10 U.S.C. 12304	President via an Executive Order (EO)	Selective Reserve (SELRES) category and Individual Ready Reserve (IRR)	200,000	Not more than 365 days.
Ready Reserve (Partial Mob); Title 10 U.S.C. 12302	President via an EO	Ready Reserve: SELRES and IRR	1,000,000	Not more than 24 consecutive months.
Reserve Components Generally (Full Mob)	Service Secretary or designee after Congress declares war or national emergency	Ready Reserve: SELRES and IRR	N/A	Duration of emergency plus 6 months.
Title 10 U.S.C 12301(a)		Standby Reserve		
Title 10 U.S.C. 12306 – Standby Reserve limitations Title 10 U.S.C. 12307 – Retired Reserve limitation		Retired Reserve		
Retired Members	Service Secretary pursuant to SecDef guidance	Retired members of Regular Army, Air Force, Navy and Marine Corps		Not more than 12 months within the first 24 months following the order.
10 U.S.C. 688		Specific members of the Retired Reserve		
		Members of the Fleet Reserve, or Fleet Marine Corps Reserve		No limit during time of war or national emergency.

When requirements in the interest of national defense cannot be met by voluntary means, or by mobilization of Reserve Components, the Secretary of the Navy may order retired members to active duty, considering recommendations and supporting justification from the Chief of Naval Operations (CNO) and the Commandant of the Marine Corps (CMC).

Q4: What is the process by which that would occur if authorized by law and regulation?

A4: Could not determine the definitive steps or locate an actual recall checklist to fully answer this question. However, based upon phone conversations with USMC SMEs ... the Commandant of the Marine Corps would issue the retiree a recall order providing the retiree instructions as to the processes involved in the recall; not the least being the requirement to have a physical examination in connection with the recall duties to which he/she will be assigned.

Q5: What roadblocks, if any, would the USMC face in the process?

A5: Potential roadblocks:

- The Commandant of the Marine Corps/Service Secretary does not see necessity to approve the recall
- Retired member cannot pass recall physical screening requirements
- Retired member is over age 60 and has documented disability(ies)
- Retired member has an emergency or hardship that would create an extreme personal or community hardship on the involuntarily recalled Marine.

SUMMARIZED LIST OF REFERENCES/URLs/POINTS OF CONTACT

- Manpower Management Force Augmentation (MMFA)
https://www.manpower.usmc.mil/portal/page/portal/M_RA_HOME/MM/zz_FAC
- USMC: Manpower and Reserve Affairs (M&RA):
https://www.manpower.usmc.mil/portal/page/portal/M_RA_HOME/SearchResults
- Manpower Management Division; 3280 Russell Road; Quantico, VA 22134-5103;
 - Separation & Retirement (MMSR); Phone: (703) 784-9304/5
 - Retirement Activity Section/Retirement List Maintenance (NMSR-7)
(Retire/Retain and Recall) (703) 784-9317/18/19/20
 - Force Augmentation (MMFA); Phone: (703) 432-9177/78
- MARINE CORPS RETIREMENT GUIDE
NAVMC 2642 of 16 April 2010
https://inweb1.manpower.usmc.mil/manpower/mi/mra_ofct.nsf/mmsr/Retired%20Activities%20Home
- U.S. Code, Title 10—RECALL TO ACTIVE DUTY
http://www.law.cornell.edu/uscode/10/usc_sup_01_10_10_C_20_II.html

§ 688. Retired members: authority to order to active duty; duties
http://www.law.cornell.edu/uscode/search/display.html?terms=688&url=/uscode/html/uscode10/usc_sec_10_0000688----000-.html

§ 688a. Retired members: temporary authority to order to active duty in high-demand, low-density assignments

- U.S. Marine Corps Total Force Mobilization, Activation, Integration, and Deactivation Plan (USMC MAID-P)
MCO 3000.19A of 25 Aug 2010 (Parts I and II)
- Active Duty for Special Work in Support of the Total Force (ADSW)
MCO 1001.59 of 22 Oct 2001
- Marine Corps Separation and Retirement Manual MARCORSEPMAN)
MCO P1900.16F Ch 2 of 6 Jun 2007
- Marine Corps Reserve Administrative Management Manual (MCRAMM)
MCO 1001R.1K of 22 Mar 2009
- Management and Mobilization of Regular and Reserve Retired Military Members
DoD Directive 1352.1 of 16 Jul 2005

EXPANDED BACKGROUND INFORMATION/EXCERPTS

While I reviewed all of the below U.S. Codes, publications, regulations and contacts, not all were required or pertinent in the formulation of my responses to your questions. I am providing them should you wish to review them for any further clarification.

U.S. Code, Title 10

http://www.law.cornell.edu/uscode/10/usc_sup_01_10_10_C_20_II.html

CHAPTER 575—RECALL TO ACTIVE DUTY

- [§ 6481. Repealed.]
- [§ 6482. Repealed.]
- § 6483. Retired members: grade
- § 6484. Promotion of retired members to higher enlisted grades: retention of grade upon release from active duty
- § 6485. Members of the Fleet Reserve and Fleet Marine Corps Reserve: authority to recall
- § 6486. Members of the Fleet Reserve and Fleet Marine Corps Reserve: release from active duty
- [§§ 6487, 6488. Repealed.]

§ 6481. Pub. L. 96–513, title III, § 362(a), Dec. 12, 1980, 94 Stat. 2903]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 416, related to authority to recall retired officers of Regular Navy and Regular Marine Corps. See section [688](#) of this title.

§ 688. Retired members: authority to order to active duty; duties

(a) Authority.— Under regulations prescribed by the Secretary of Defense, a member described in subsection (b) may be ordered to active duty by the Secretary of the military department concerned at any time.

(b) Covered Members.— Except as provided in subsection (d), subsection (a) applies to the following members of the armed forces:

(1) A retired member of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps.

(2) A member of the Retired Reserve who was retired under section [1293](#), [3911](#), [3914](#), [6323](#), [8911](#), or [8914](#) of this title.

(3) A member of the Fleet Reserve or Fleet Marine Corps Reserve.

(c) Duties of Member Ordered to Active Duty.— The Secretary concerned may, to the extent consistent with other provisions of law, assign a member ordered to active duty under this section to such duties as the Secretary considers necessary in the interests of national defense.

(d) Exclusion of Officers Retired on Selective Early Retirement Basis.— The following officers may not be ordered to active duty under this section:

(1) An officer who retired under section [638](#) of this title.

(2) An officer who—

(A) after having been notified that the officer was to be considered for early retirement under section [638](#) of this title by a board convened under section [611 \(b\)](#) of this title and before being considered by that board, requested retirement under section [3911](#), [6323](#), or [8911](#) of this title; and

(B) was retired pursuant to that request.

(e) Limitation of Period of Recall Service.—

(1) A member ordered to active duty under subsection (a) may not serve on active duty pursuant to orders under that subsection for more than 12 months within the 24 months following the first day of the active duty to which ordered under that subsection.

(2) Paragraph (1) does not apply to the following officers:

(A) A chaplain who is assigned to duty as a chaplain for the period of active duty to which ordered.

(B) A health care professional (as characterized by the Secretary concerned) who is assigned to duty as a health care professional for the period of active duty to which ordered.

(C) An officer assigned to duty with the American Battle Monuments Commission for the period of active duty to which ordered.

(D) An officer who is assigned to duty as a defense attache or service attache for the period of active duty to which ordered.

(f) Waiver for Periods of War or National Emergency.— Subsections (d) and (e) do not apply in time of war or of national emergency declared by Congress or the President.

§ 688a. Retired members: temporary authority to order to active duty in high-demand, low-density assignments

(a) Authority.— The Secretary of a military department may order to active duty a retired member who agrees to serve on active duty in an assignment intended to alleviate a high-demand, low-density military capability or in any other specialty designated by the Secretary as critical to meet wartime or peacetime requirements. Any such order may be made only with the consent of the member ordered to active duty and in accordance with an agreement between the Secretary and the member.

(b) Duration.— The period of active duty of a member under an order to active duty under subsection (a) shall be specified in the agreement entered into under that subsection.

(c) Limitation.— No more than a total of 1,000 members may be on active duty at any time under subsection (a).

(d) Relationship to Other Authority.— The authority to order a retired member to active duty under this section is in addition to the authority under section [688](#) of this title or any other provision of law authorizing the Secretary concerned to order a retired member to active duty.

(e) Inapplicability of Certain Provisions.— Retired members ordered to active duty under subsection (a) shall not be counted for purposes of section [688](#) or [690](#) of this title.

(f) Expiration of Authority.— A retired member may not be ordered to active duty under this section after December 31, 2010.

(g) High-Demand, Low-Density Military Capability Defined.— In this section, the term “high-demand, low-density military capability” means a combat, combat support or service support capability, unit, system, or occupational specialty that the Secretary of Defense determines has funding, equipment, or personnel levels that are substantially below the levels required to fully meet or sustain actual or expected operational requirements set by regional commanders.

§ 689. Retired members: grade in which ordered to active duty and upon release from active duty

(a) General Rule for Grade in Which Ordered to Active Duty.— Except as provided in subsections (b) and (c), a retired member ordered to active duty under section [688](#) or [688a](#) of this title shall be ordered to active duty in the member’s retired grade.

(b) Members Retired in O–9 and O–10 Grades.— A retired member ordered to active duty under section [688](#) or [688a](#) of this title whose retired grade is above the grade of major general or rear admiral shall be ordered to active duty in the highest permanent grade held by such member while serving on active duty.

(c) Members Who Previously Served in Grade Higher Than Retired Grade.—

(1) A retired member ordered to active duty under section [688](#) or [688a](#) of this title who has previously served on active duty satisfactorily, as determined by the Secretary of the military department concerned, in a grade higher than that member's retired grade may be ordered to active duty in the highest grade in which the member had so served satisfactorily, except that such a member may not be so ordered to active duty in a grade above major general or rear admiral.

(2) A retired member ordered to active duty in a grade that is higher than the member's retired grade pursuant to subsection (a) shall be treated for purposes of section [690](#) of this title as if the member was promoted to that higher grade while on that tour of active duty.

(3) If, upon being released from that tour of active duty, such a retired member has served on active duty satisfactorily, as determined by the Secretary concerned, for not less than a total of 36 months in a grade that is a higher grade than the member's retired grade, the member is entitled to placement on the retired list in that grade.

(d) Grade Upon Release From Active Duty.— A member ordered to active duty under section [688](#) or [688a](#) of this title who, while on active duty, is promoted to a grade that is higher than that member's retired grade is entitled, upon that member's release from that tour of active duty, to placement on the retired list in the highest grade in which the member served on active duty satisfactorily, as determined by the Secretary of the military department concerned, for not less than six months.

§ 690. Retired members ordered to active duty: limitation on number

(a) General and Flag Officers.— Not more than 15 retired general officers of the Army, Air Force, or Marine Corps, and not more than 15 retired flag officers of the Navy, may be on active duty at any one time. For the purposes of this subsection a retired officer ordered to active duty for a period of 60 days or less is not counted.

(b) Limitation by Service.—

(1) Not more than 25 officers of any one armed force may be serving on active duty concurrently pursuant to orders to active duty issued under section [688](#) of this title.

(2) In the administration of paragraph (1), the following officers shall not be counted:

(A) A chaplain who is assigned to duty as a chaplain for the period of active duty to which ordered.

(B) A health care professional (as characterized by the Secretary concerned) who is assigned to duty as a health care professional for the period of the active duty to which ordered.

(C) Any officer assigned to duty with the American Battle Monuments Commission for the period of active duty to which ordered.

(D) Any member of the Retiree Council of the Army, Navy, or Air Force for the period on active duty to attend the annual meeting of the Retiree Council.

(E) An officer who is assigned to duty as a defense attache or service attache for the period of active duty to which ordered.

(c) Waiver for Periods of War or National Emergency.— Subsection (a) does not apply in time of war or of national emergency declared by Congress or the President after November 30, 1980. Subsection (b) does not apply in time of war or of national emergency declared by Congress or the President.

§ 6485. Members of the Fleet Reserve and Fleet Marine Corps Reserve: authority to recall

(a) A member of the Fleet Reserve or the Fleet Marine Corps Reserve may be ordered by competent authority to active duty without his consent—

(1) in time of war or national emergency declared by Congress, for the duration of the war or national emergency and for six months thereafter;

(2) in time of national emergency declared by the President; or

(3) when otherwise authorized by law.

(b) In time of peace any member of the Fleet Reserve or the Fleet Marine Corps Reserve may be required to perform not more than two months' active duty for training in each four-year period.

Management and Mobilization of Regular and Reserve Retired Military Members DOD DIRECTIVE 1352.1 of 16 Jul 2005

References:

(a) DoD Directive 1352.1, subject as above, March 2, 1990 (hereby canceled)

(b) Sections 688, 6330, 12301(a), 12307, and 973 and Chapters 61, 63, 65, 1223, 367, 571, 573, and 367 of title 10, United States Code

(c) DoD Directive 1000.17, "Detail of DoD Personnel to Duty Outside the Department of Defense," November 21, 2003

(d) DoD Directive 1200.7, "Screening the Ready Reserve," November 18, 1999

(e) DoD Instruction 7730.54, "Reserve Components Common Personnel Data System," August 6, 2004

(f) Chapters 11 and 21 of title 14, United States Code

4. POLICY

4.1. It is DoD policy that military retirees be ordered to active duty as needed to perform such duties as the Secretary concerned considers necessary in the interests of national defense as described in Sections 12301 and 688 of reference (b).

4.2. The DoD Components and the Commandant of the U.S. Coast Guard shall plan to use as many retirees as necessary to meet national security needs.

4.3. The military retirees ordered to active duty may be used according to guidance prescribed by the Secretary concerned as follows:

4.3.1. To fill shortages or to augment deployed or deploying units and activities or units in the Continental United States, Alaska, and Hawaii supporting deployed units.

4.3.2. To release other military members for deployment overseas.

4.3.3. Subject to the limitations of Section 973 of reference (b) and DoD Directive 1000.17 (reference (c)), fill Federal civilian workforce shortages in the Department of Defense, the U. S. Coast Guard, or other Government entities.

4.3.4. To meet national security needs in organizations outside the Department of Defense with Defense-related missions, if the detail outside the Department of Defense is approved according to reference (c).

4.3.5. To perform other duties that the Secretary concerned considers necessary in the interests of national defense.

5. RESPONSIBILITIES

5.4. The Secretaries of the Military Departments, or designees, shall:

5.4.1. Prepare plans and establish procedures for mobilization of military retirees according to this Directive.

5.4.2. Determine the extent of military retiree mobilization requirements based on

existing inventories and inventory projections for mobilization of qualified Reservists in an active status in the Ready Reserve, including Individual Ready Reserve and the Inactive National Guard (when placed in an active status), or the Standby Reserve.

5.4.3. Develop procedures for identifying retiree Categories I and II and conduct screening of retirees according to DoD Directive 1200.7 (reference (d)).

5.4.4. Maintain necessary records on military retirees and their military qualifications. Maintain records for military retiree Categories I and II, including retirees who are key employees, and their availability for mobilization, civilian employment, and physical condition. Data shall be maintained on retired Reserve members according to DoD Instruction 7730.54 (reference (e)).

5.4.5. Advise military retirees of their duty to provide the Military Services with accurate mailing addresses and any changes in civilian employment, military qualifications, availability for service, and physical condition.

5.4.6. Pre-assign retired members, when determined appropriate and as necessary.

5.4.7. Determine refresher training requirements.

DEFINITIONS

E1.1.1. Key Employee. Any Reservist or any military retiree (Regular or Reserve) identified by his or her employer, private or public, as filling a key position.

E1.1.2. Key Position. A civilian position, public or private (designated by an employer and approved by the Secretary concerned), that cannot be vacated during war, a national emergency, or mobilization without seriously impairing the capability of the parent agency or office to function effectively, while meeting the criteria for designating key positions as outlined in reference (d).

E1.1.3. Military Retiree Categories.

E1.1.3.1. Category I. Non-disability military retirees under age 60 who have been retired fewer than 5 years.

E1.1.3.2. Category II. Non-disability military retirees under age 60 who have been retired 5 years or more.

E1.1.3.3. Category III. Military retirees, including those retired for disability, other than categories I or II retirees (includes warrant officers and healthcare professionals who retire from active duty after age 60).

E1.1.4. Military Retirees or Retired Military Members.

E1.1.4.1. Regular and Reserve officers and enlisted members who retire from the Military Services under 10 U.S.C. Chapters 61, 63, 65, 1223, 367, 571, or 573, and 14 U.S.C. Chapters 11 and 21 (references (b) and (f)).

E1.1.4.2. Reserve officers and enlisted members eligible for retirement under one of the provisions of law in paragraph E1.4.1. who have not reached age 60 and who have not elected discharge or are not members of the Ready Reserve or Standby Reserve (including members of the Inactive Standby Reserve).

E1.1.4.3. Members of the Fleet Reserve and Fleet Marine Corps Reserve under Section 6330 of reference (b).

Retirees (those who spend at least 20 years in the military and draw retired pay) can be recalled to active duty for life. However, policy established in [DOD Directive 1352.1 - Management and Mobilization of Regular and Reserve Retired Military Members](#), make recall to active duty unlikely for those who have been retired for more than five years, and those over age 60.

USMC: Manpower and Reserve Affairs link:

https://www.manpower.usmc.mil/portal/page/portal/M_RA_HOME/SearchResults

MARINE CORPS SEPARATION AND RETIREMENT MANUAL (MARCORSEPMAN) MCO P1900.16F Ch 2

If the member does elect, and does transfer to, the FMCR/retired list, he or she may not be recalled to active duty except with the review and approval of the CMC.

RECALL OF MEMBERS FROM THE FMCR:

The purpose of the FMCR is to maintain a ready manpower pool of trained Marines for recall and mobilization.

MARINE CORPS RETIREMENT GUIDE, NAVMC 2642 16 April 2010

https://lnweb1.manpower.usmc.mil/manpower/mi/mra_ofct.nsf/mmsr/Retired%20Activities%20Home

CHAPTER 1

RETIRED MARINE CORPS PERSONNEL AND RECALL TO ACTIVE DUTY

CATEGORIES OF RETIRED MARINE CORPS PERSONNEL

The following are categories of retired Marine Corps personnel. Under applicable provisions of law, you were transferred to one of these lists. Which one reflects your current status?

Marine Corps Retired List: Consists of active or Reserve enlisted personnel with 30 years active service and active or Reserve officers with more than 20 years of active service who are transferred directly to the Retired List upon request. These retired Marines receive retired pay.

Fleet Marine Corps Reserve (FMCR): Consists of active and Reserve enlisted Marines who have completed at least 20 but less than 30 years of active service or active constructive service, and have requested transfer to the FMCR. The FMCR has no connection with the Marine Corps Reserve. Enlisted Marines serve in the FMCR on a retainer basis and receive retainer pay until they complete a total of 30 years of service, after which they are retired. Upon retirement, the Marine will receive retired pay. Retainer and retired pay usually will be the same amount. However, in cases where the member has previous commissioned service, and has served satisfactorily as determined by the Secretary of the Navy, the member will be advanced to the highest commissioned grade and receive that retired pay. Members of the FMCR are not retired by definition, but are specifically treated as such under Title 10, United States Code. Therefore, they are subject to recall identically as retired Marines.

Temporary Disability Retired List (TDRL): Consists of Marines who are not physically qualified for duty and according to accepted medical principles and standards may be permanently disabled. Placement on this list prevents them from being permanently retired with a condition that could develop into a more serious disability. By statute, these Marines are required to undergo periodic physical examinations every 18 months and may only remain on the TDRL for a period of five years. Before that time, they must either be found fit for full duty, separated with severance pay, or placed on the Permanent Disability Retired List.

Permanent Disability Retired List (PDRL): Consists of Marines who are not physically qualified for duty and according to accepted medical principles and standards are permanently disabled.

Retired List of the Marine Corps Reserve: Consists of Reservists who have less than 20 years of active service but at least 20 years of qualifying service who are transferred to the Retired List of the Marine Corps Reserve upon request. These retired Marines do not receive retired pay until their 60th birthday. However, the National Defense Authorization Act 2008 authorizes a reduction in retirement age from age 60 of three months for every aggregate of 90 days of active-duty service performed in a fiscal year. For more information, or to determine if you need the restrictions, contact MMSR-5.

Retirement of Reservists Not Qualified for Retired Pay: Members previously transferred to the Retired Reserve in an honorary status will maintain their retired status per SECNAVINST 1820.2C. Reservists who possess special qualifications or critical

professional skills, or are required by law to maintain status, are not eligible for non-Regular service retired pay, and are subject to mandatory removal from an active status, may be transferred to Retired Reserve status in lieu of discharge as approved by DC/S M&RA or CHNAVPERS.

MOBILIZATION CONSIDERATIONS

All retired Marines are placed in one of three categories for mobilization purposes:

Category I: Non-disability retired Marines under age 60 who have been retired less than five years.

Category II: Non-disability retired Marines under age 60 who have been retired five years or more.

Category III: Non-disability retired Marines age 60 or older and all disability retired Marines.

SECNAVINST 1300.14. Involuntary recalls are guided by SECNAVINST 1300.14

Recall: When requirements in the interest of national defense cannot be met by voluntary means, or by mobilization of Reserve Components, the Secretary of the Navy may order retired members to active duty, considering recommendations and supporting justification from the Chief of Naval Operations (CNO) and the Commandant of the Marine Corps (CMC).

MARINE CORPS RESERVE ADMINISTRATIVE MANAGEMENT MANUAL (SHORT TITLE: MCRAMM) MCO 1001R.1K of 22 MAR 2009

1500. RETIRED RESERVE. The retired reserve consists of Marines who have requested and have been approved for retirement. Members of this category may be recalled to active duty under section 688 of 10 U.S.C.

3. AD Status. Authorized duty performed on a full-time basis. It includes full-time training duty, annual training duty, and full-time attendance at a military school.

a. ADT. ADT consists of annual training (AT), Initial ADT (IADT), and Other Training Duty (OTD).

b. ADOT. ADOT consists of voluntary active duty to include Active Duty Operational Support (ADOS) and Active Reserve (AR) duty, as well as involuntary active duty to include mobilization and Retired recall.

Involuntary Active Duty. Duty performed in support of military operations when it is determined by the President or the Congress that RC forces are required to augment the AC.

It is provided for within the provisions of sections 12301 and 12302 of reference (a) for full and partial mobilization, respectively, and section 12304 of 10 U.S.C. for Presidential Reserve Call-Up authority. Additional information and guidance is provided in chapter 8 of this Order.

Manpower Management Force Augmentation (MMFA)

https://www.manpower.usmc.mil/portal/page/portal/M_RA_HOME/MM/zz_FAC

Mission Statement: Conduct future manpower planning and Individual Augmentation (IA) in support of current contingencies through the use of Active, Reserve, and Retired Marines.

MMFA is responsible for:

- Globally sourcing MAGTF and JMD shortfalls
- Coordinating SecNav activation approval of IRR/IMA
- Generating activation orders for IRR/IMA via MOBCOM
- Managing the assignment of voluntary requests for activation by reserves, active duty, & retirees for JMD/IA billets and MAGTF shortfalls
- Assist in the Deployment Processing Centers/MPP-60 with Involuntary Recalls
- Communicating UMSC feasibility of support for joint requirements with JFCOM and J-1 Personnel Readiness Division (PRD)
- Management of Joint, Staff Augment, and IRR Invol requirements
- Providing reports and statistics to the Joint Staff and HQMC, Office of SecDef, and Naval Audit
- Functional Manager of Manpower Mobilization Assignment System (MCMPS/CASEST)
- Administering the IA Validation Board
- Monitor the manning of all JMDs
- Management
 - Waivers to exceed 16 and 17 years
 - Waivers of Sanctuary
 - Retired Recall and Retired Retain requests
 - Activation of voluntary IRR and IMA

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