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RESERVE COMPONENTS COMMON PERSONNEL  
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**PART 115—ASSIGNMENT TO AND TRANSFER BETWEEN RESERVE CATEGORIES, AND DISCHARGE FROM RESERVE STATUS**

Sec.

- 115.1 Purpose and applicability.  
115.2 Original assignment to reserve status.  
115.3 Transfer to the Standby Reserve.  
115.4 Transfer from the Standby Reserve.  
115.5 Discharge.

AUTHORITY: Sec. 301, 80 Stat. 379; 5 U.S.C. 301, sec. 1(5)(A), 72 Stat. 1438; 10 U.S.C. 271, E.O. 11190; 3 CFR, 1964-1965 Comp. p. 272, E.O. 11382; 3 CFR, 1967 Comp. p. 327.

SOURCE: 35 FR 2775, Feb. 10, 1970, unless otherwise noted.

**§ 115.1 Purpose and applicability.**

This part establishes Department of Defense policy guidance to the Military Departments for assignment of military personnel to and transfer between reserve categories, and discharge from reserve status under the provisions of the Military Selective Service Act of 1967 (50 App. U.S.C. 451 et seq.) and title 10 U.S.C.

**§ 115.2 Original assignment to reserve status.**

(a) *Ready Reserve*. Original membership in the Ready Reserve may be attained by:

(1) Transfer thereto under sections 269(a) and 651 of title 10 U.S.C. upon release from active duty;

(2) Appointment as a Reserve Officer and assignment to the Ready Reserve under section 6(d), The Military Selective Service Act of 1967 (50 App. U.S.C. 451 et seq.) and section 269(a) of title 10 U.S.C.;

(3) Entry (appointment or enlistment) into the Army National Guard of the United States or Air National Guard of the United States in accordance with section 269(b) of title 10 U.S.C. as affected by sections 510, 591, 3077, 3261, 3351, 8077, 8261, and 8351 of title 10 U.S.C.;

(4) Direct entry under section 511 of title 10 U.S.C.;

(5) Direct voluntary entry (appointment or enlistment) of an individual into the Ready Reserve, other than as provided above.

(b) *Standby Reserve*. Direct assignment to the Standby Reserve without

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prior membership in the Ready Reserve may be attained in accordance with sections 269(e)(1) and 269(f) of title 10 U.S.C. upon release from 5 or more years of active duty (other than for training) in the Armed Forces.

(c) *Retired Reserve.* Direct assignment and transfer to the Retired Reserve may be accomplished under DOD Directive 1200.4, "The Retired Reserve of the Reserve Forces," September 24, 1963.<sup>1</sup>

#### § 115.3 Transfer to the Standby Reserve.

(a) Provided they are not on active duty, the following personnel who have not fulfilled their total military service statutory obligation shall, upon their request, be assigned to or transferred to the Standby Reserve:

(1) Those who have served 5 or more years on active duty (other than for training).

(2) Those who have served on active duty (other than for training) and participated satisfactorily in accredited training programs of the Ready Reserve for a combined total of at least 5 years, or such shorter period as the Secretary of a Military Department concerned, with the approval of the Secretary of Defense, may prescribe.

(b) Individuals qualifying for assignment or transfer to the Standby Reserve under paragraph (a) of this section, shall, if otherwise qualified therefor and a suitable vacancy exists, be afforded the opportunity to execute a written agreement to be assigned to or remain in the Ready Reserve. All such voluntary agreements will provide that:

(1) The reservist may be transferred to the Standby Reserve by the appropriate Secretary for cogent reasons;

(2) The reservist waives his right to transfer to the Standby Reserve under the conditions stated in paragraph (a) of this section, while serving under such agreement.

(3) The period of the agreement shall be as prescribed by part 125 of this subchapter.

(c) Transfer to the Standby Reserve under the screening process in

conformance with section 271 of title 10, U.S.C. will be accomplished under part 125 of this subchapter.

(d) Transfer to the Standby Reserve of members of the Army National Guard of the United States or the Air National Guard of the United States will be subject to section 269(g) of title 10 U.S.C.

(e) Upon transfer of a member of the Ready Reserve to the Standby Reserve, notification thereof to the Selective Service System will be made by the Military Department concerned in accordance with part 136 of this subchapter.

(f) Assignment to the Inactive Status List of the Standby Reserve and retention thereon is governed by part 136 of this subchapter.

#### § 115.4 Transfer from the Standby Reserve.

(a) In accordance with section 272 of title 10 U.S.C. any member of the Standby Reserve who has not completed his statutory obligated period of military service in the Ready Reserve may be transferred to the Ready Reserve whenever the reasons for his transfer to the Standby Reserve no longer exist, provided he is otherwise qualified and a requirement exists.

(b) Subject to such regulations as the appropriate Secretary may prescribe, a member of either the Standby Reserve or the Retired Reserve may, upon his own request, be transferred to the Ready Reserve if qualified and a requirement exists for him. However, a member of the Retired Reserve who is entitled to retired pay may not be transferred to the Ready Reserve unless the Secretary concerned personally makes a special finding that the member's services in the Ready Reserve are indispensable. Such voluntary transfer will be accomplished under section 269(d) of title 10, U.S.C. Those who have fulfilled their Ready Reserve statutory obligation will be required to execute a written agreement to serve in the Ready Reserve under conditions set forth in this paragraph (b).

(c) In any case, where an individual is transferred from the Standby Reserve to the Ready Reserve or the Retired

<sup>1</sup>Filed as part of original document. Copies available from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Attention: Code 300.

Reserve, notification thereof to the Selective Service System will be made by the Military Department concerned in accordance with part 136 of this subchapter.

#### § 115.5 Discharge.

(a) Enlisted members of the Ready Reserve or the Standby Reserve not on active duty who have completed their statutory obligation or who are not otherwise subject to a military obligation will be discharged upon the completion of their obligation or upon the expiration of their enlistment, as the case may be, unless they voluntarily (1) re-enlist to serve in the Ready Reserve or Standby Reserve, or (2), where applicable, extend their enlistment to remain in the Ready Reserve or (3) request transfer to the Inactive Status List of the Standby Reserve under the provisions of part 136 of this subchapter. Only those personnel listed in part 136 of this subchapter may re-enlist in the Standby Reserve.

(b) Any person who while a member of a reserve component becomes a regular or duly ordained minister of religion shall be discharged from such reserve component upon request under section 1162(b) of title 10, U.S.C. The definition of regular or duly ordained minister of religion provided in section 16(g) of The Military Selective Service Act of 1967 (50 App. U.S.C., 451 et seq.) shall be used in connection with this regulation.

(c) Those commissioned officers of the reserve who have accepted indefinite appointment will not be subject to mandatory discharge upon completion of the statutory obligation.

(d) Discharge from one's statutory obligation for hardship or other causes will be governed by pertinent provisions of parts 50 and 125 of this subchapter.

(e) Discharge from the reserve components is governed by sections 1003, 1162, and 1163 of title 10, U.S.C., subject to sections 680-681 and 1006 of the same reference.

(f) Upon the discharge of members of the Standby Reserve, due notification thereof will be made to the Selective Service System by the Military Department concerned.

## PART 132—INITIAL ACTIVE DUTY FOR TRAINING IN RESERVE COMPONENTS

Sec.

132.1 Reissuance and purpose.

132.2 Applicability and scope.

132.3 Policy.

132.4 Implementation.

AUTHORITY: 10 U.S.C. 511, 32 U.S.C. 302, 50 App. U.S.C. 456(c)(2)(A).

SOURCE: 35 FR 1290, Jan. 31, 1970, unless otherwise noted.

#### § 132.1 Reissuance and purpose.

This part updates uniform policies governing active duty and active-duty-for-training programs established to provide basic training for persons enlisting directly into the Reserve Components (see § 132.3(a) and (d)(1)).

#### § 132.2 Applicability and scope.

(a) The provisions of this part apply to the Military Departments conducting reserve enlistment programs under the provisions of title 10, U.S.C. section 511, and title 32, U.S.C. for personnel without prior military service.

(b) Initial active duty or active-duty-for-training programs may include, in addition to recruit or basic individual training, basic unit training and various types of specialist training.

#### § 132.3 Policy.

(a) *General.* The reserve enlistment programs were established to provide the Reserve Forces with trained personnel. Enlistments of non-prior service personnel shall be accepted under title 10, U.S.C. section 511, and title 32, U.S.C. only to the extent that initial active-duty-for-training spaces are expected to be available within 180 days from dates of enlistment. The Military Departments will program and budget for Reserve training base requirements as necessary to preclude delaying the commencement of initial basic training of Reserve enlistees beyond 180 days in accordance with section 511(d) of title 10, United States Code.

(b) *Periods of enlistment.* (1) Persons without prior military service who are under 26 years of age who enlist under section 511 (a) or (d) of title 10, U.S.C., or section 302 of title 32, U.S.C., and all