

§ 100.6

32 CFR Ch. I (7-1-12 Edition)

(A) The losing unit certifies that the reservist's performance of service has been satisfactory.

(B) The reservist's specialty is usable in the unit, the member can be retrained by on-the-job training, or the member is willing to be retrained as outlined in paragraph (b)(2)(ii) of this section.

(iv) Are authorized to transfer to another Reserve component under the provisions of DoD Directive 1205.51, "Transfer of Persons Between Reserve Components of the Armed Forces," June 25, 1959, when the conditions outlined in paragraph (b)(2)(iii) apply.

(3) If members of the Selected Reserve who change their residences fail to join another unit within a period of 90 days, and at least 1 unit of their component is within a reasonable commuting distance, as such distance is defined in §100.6(e) they shall be processed in accordance with §100.5(a) unless they are considered eligible to be handled as "exceptions" under policies outlined in paragraph (b) (5) through (8) of this section.

(4) If members of the Selected Reserve who change their residences locate in an area where they reside beyond a reasonable commuting distance, as such distance is defined in §100.6(e) of a paid-drill unit of the same Reserve component, they shall be assigned to the IRR of their service until they are able to transfer to a paid-drill unit of another Reserve component; or complete their statutory military service obligation.

(5) Members of the Ready Reserve who are preparing for, or are engaged in, critical civilian occupations will be screened in accordance with 32 CFR part 44.

(6) Individuals who are preparing for the ministry in a recognized theological or divinity school may participate voluntarily in the Ready Reserve. However, under 10 U.S.C. 685, such individuals may not be required to do so. Members who do not wish to participate shall be transferred to the Standby Reserve. If such training is terminated before graduation, the member may be transferred back to the Ready Reserve. A member eligible for assignment to the Standby Reserve under the provisions of 10 U.S.C. 268(b), 270, 510,

511, 593, 597, 651, 652, 672, 673, 673a, 673b, 685, and 1163 who voluntarily remains assigned to the Selected Reserve and participates in the training required, waives any right to request delay to exemption from any later mobilization on the basis of preparation for the ministry.

(7) Individuals who are enrolled in a course of graduate study in one of the health professions shall be screened in accordance with DoD Directive 1200.141, "Reservists Who Are Engaged in Graduate Study or Training in Certain Health Progressions," July 30, 1969.

(8) Individuals who incur a bona fide, temporary nonmilitary obligation requiring overseas residency outside the United States, or religious missionary obligation shall be processed in accordance with 32 CFR art 103.

(9) Nothing in this part shall be construed as limiting the right of the individual to voluntarily request transfer to the Standby Reserve or to the Retired Reserve, or discharge from the Reserve components when such action is authorized by regulations of the Military Department concerned.

(10) Nothing in this part shall be construed as precluding action against a member of the Ready Reserve, either by court-martial or review by a board of officers convened by an authority designated by the Secretary of the Military Department concerned, when such action might otherwise be warranted under 10 U.S.C. 268(b), 270, 510, 511, 593, 597, 651, 652, 672, 673, 673a, 673b, 685, and 1163 and the regulations of the Military Department concerned.

§ 100.6 Definitions.

(a) *Ready Reserve.* Consists of the Selected Reserve and the Individual Ready Reserve. Members of both are subject to active duty as outlined in 10 U.S.C. 672 and 673.

(b) *Selected Reserve.* Members of the Ready Reserve in training/pay categories A, B, C, F, M and P. These reservists are either members of units who participate regularly in drills and annual active duty for training, in annual field training in the case of the National Guard, or are on initial active duty for training; or they are individuals who participate in regular drills and annual active duty on the same

basis as members of Reserve component units. *Excluded* from the Selected Reserve are Reserve component members who are:

(1) Participating in annual active duty for training and not paid for attendance at regular drills (pay categories D and E), or awaiting, in a non-pay status, their initial active duty for training (pay category L).

(2) Enrolled in officer training program (pay category J) members of the Individual Ready Reserve pool (pay category H), and reservists on extended active duty. (See 10 U.S.C. 268(b) 32 CFR part 102.)

(3) Members of the Inactive Army National Guard.

(c) *Individual Ready Reserve (IRR)*. Members of the Ready Reserve not assigned to the Selected Reserve and not on active duty.

(d) *Unsatisfactory participation*. A member of the Ready Reserve who fails to fulfill his/her obligation or agreement as a member of a unit of the Ready Reserve described in 10 U.S.C. 268(b), 270, 510, 511, 593, 597, 651, 652, 672, 673, 673a, 673b, 685, and 1163. Or a member who fails to meet the standards as prescribed by the Military Departments concerned for attendance at training drills, attendance at active duty for training, training advancement, or performance of duty.

(e) *Reasonable commuting distance*. The maximum distance a member of a Reserve component may travel involuntarily between residence and drill training site, in accordance with §100.5(b)(1). This distance may be within:

(1) A 100-mile radius of the drill site that does not exceed a distance that can be traveled by automobile under average conditions of traffic, weather, and roads within 3 hours. This applies only to those units that normally conduct four drills on 2 consecutive days during the training year, if Government meals and quarters are provided at the base where the unit drills. (The provisions of this paragraph shall apply only to those individuals enlisting, reenlisting, or extending their enlistments after November 1, 1972.)

(2) A 50-mile radius of the drill site that does not exceed a distance that can be traveled by automobile under

average conditions of traffic, weather, and roads within a period of 1½ hours.

(f) *Standard-year*. Personnel authorizations that describe the amount of work expected of one individual during a calendar or fiscal year.

(g) *Tentative characterization of service*. An interim description of the quality of performance during a period which is less than the time required to earn an administrative discharge. The quality of performance shall be described as honorable, under honorable conditions, or under other than honorable conditions. If the quality is described as under honorable conditions a General Discharge certificate shall be provided upon discharge. If the quality is described as under other than honorable conditions a Discharge Under Other Than Honorable Conditions certificate shall be provided upon discharge.

[44 FR 51568, Sept. 4, 1979, as amended at 45 FR 48618, July 21, 1980]

ENCLOSURE—SUGGESTED FORMAT,
AFFIDAVIT OF SERVICE BY MAIL

State of _____
County of _____

_____ (Name of individuals who mailed orders), being duly sworn, deposes and says:

I am the _____ (Job Title, e.g., Personnel Officer) of _____ (Unit) on the _____ day of _____, 19____, I mailed the original orders, a true copy of which is attached hereto, by Certified Mail (Return Receipt Requested) to _____ (Name and address of member of orders) that being the last known address given to _____ (Unit) as the one at which official mail would be received by or forwarded to the Reserve component member by depositing same in an official depository of the U.S. Postal Service at _____ (Location of Postal Facility) in a securely wrapped and sealed U.S. Government official postal envelope with a Return Receipt Card (PS Form 3811) attached and the envelope addressed to the member at the address provided. A Receipt for Certified Mail (PS Form 3800) attesting to such action is attached.

_____ (Signature and Rank of Affiant)
Sworn and subscribed before me this _____ day of _____, 19____.

_____ (Signature and Rank of Officer Administering Oath)

PART 101—PARTICIPATION IN RESERVE TRAINING PROGRAMS

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AUTHORITY: 10 U.S.C. 270 (a), (b), (c), 511 (b), (d), and 673a, and 32 U.S.C. 502(a).

SOURCE: 44 FR 53160, Sept. 13, 1979, unless otherwise noted.

§ 101.1 Reissuance and purpose.

This part establishes: (a) The criteria and training requirements for satisfactory participation by members of the Reserve components of the U.S. Armed Forces who are subject to the provisions of 10 U.S.C. and 32 U.S.C., and (b) uniform DoD policy for training members of such Reserve components who may be temporarily residing in sovereign foreign nations.

§ 101.2 Applicability.

The provisions of this part apply to the Office of the Secretary of Defense and the Military Departments.

§ 101.3 Definitions.

For the purposes of administering 10 U.S.C. 270(a), the terms *enlisted* and *appointed* refer to initial entry into an armed force through enlistment or appointment.

§ 101.4 Responsibilities.

The Secretaries of the Military Departments will issue regulations prescribing criteria and training requirements for satisfactory participation in Reserve training programs by members of Reserve components of the U.S. Armed Forces and exceptions thereto, consistent with § 101.5.

§ 101.5 Requirements.

(a) *Reserve participation*—(1) *Training requirements under 10 U.S.C. 270(a)*. (i) Each individual inducted, enlisted, or appointed in the U.S. Armed Forces after August 9, 1955, who becomes a member of the Ready Reserve (by

means other than through membership in the Army National Guard of the United States (see § 101.5(a)(2)) during the required statutory period in the Ready Reserve, participate or serve as follows, except as provided in 32 CFR part 102.

(A) In at least 48 scheduled drills or training periods and not less than 14 days (exclusive of travel time) of active duty training during each year; or

(B) On active duty for training for no more than 30 days each year, unless otherwise specifically prescribed by the Secretary of Defense.

(ii) The provisions of § 101.5(a)(1) do not apply to graduates of the Federal and State Maritime Academies who are commissioned in the Naval Reserve.

(2) *Training requirements under 32 U.S.C. 502(a) apply to the Secretaries of the Army and Air Force only*. Members of the Army and Air National Guard shall:

(i) Assemble for drill and instruction at least 48 times a year, and

(ii) Participate in training encampments, maneuvers, or other exercises at least 15 days a year, unless excused by the Secretaries of the Army or Air Force.

(3) *Active duty*. Enlisted members who have served 2 years on active duty or who, under the policy and regulations of the Military Services concerned, were credited with having served 2 years of active duty will not be required to perform duty as described in paragraph (a)(1)(i) (A) and (B) of this section unless such members:

(i) Enlisted under the provisions of 10 U.S.C. 511(b) or (d) thereby incurring a statutory obligation to participate in the Ready Reserve in an active training status for a specified period of time after the 2 years of active duty described above.

(ii) Performed part or all of their 2 years of active duty as a result of being ordered to active duty under 10 U.S.C. 673a for not participating satisfactorily in a unit of the Ready Reserve. However, the Secretary concerned, or designee, may waive this requirement in those cases where involuntary retention would not be in the best interest of the Service.

(iii) Filled a vacancy in the Selected Reserve that otherwise cannot be