ASSISTANT SECRETARY OF DEFENSE
1500 DEFENSE PENTAGON
WASHINGTON, DC 20301-1500

RESERVE AFFAIRS

AUG 8 2006

MEMORANDUM FOR SECRETARY OF THE ARMY
SECRETARY OF THE NAVY
SECRETARY OF THE AIR FORCE
DIRECTOR OF RESERVE & TRAINING, USCG

SUBJECT: Military Retirement Credit for Certain Service Performed by National Guard Members Following the Terrorist Attacks of September 11, 2001

This directive type memorandum implements the provisions of section 514 of Public Law 109-163, the National Defense Authorization Act for Fiscal Year 2006 (NDAA FY06), January 6, 2006. In accordance with that section, certain duty performed by members of the National Guard of the various states and territories following the terrorist attacks on the United States on September 11, 2001, shall be creditable for computation of years of service under the provisions of section 12732 of title 10, United States Code, for computation of federal military retired pay for non-regular service. The attachment to this memorandum provides Department of Defense policy and procedures and establishes responsibilities for implementation of section 514.

This policy is effective immediately. I request that you provide a copy of the implementing guidance for your Service to my point of contact, Colonel Reginald Geary not later than August 17, 2006. He can be contacted at Reginald.Geary@OSD.Mil or (703) 693-7483.

T. F. Hall

T. F. Hall

Attachments:
As stated

cc:
ASA (M&RA)
ASN (M&RA)
ASAF (M&RA)

POLICY AND PROCEDURES FOR IMPLEMENTING MILITARY RETIREMENT CREDIT FOR CERTAIN SERVICE PERFORMED BY NATIONAL GUARD PERSONNEL

1. Reference: Section 514 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163, January 6, 2006)

2. Policy: As required by law, certain service performed in a state active duty status by members of the National Guard following the terrorist attacks on the United States which occurred on September 11, 2001, shall be creditable for computation of years of service creditable for entitlement to military retired pay for non-regular (reserve) service, under the provisions of section 12732 of title 10, United States Code.

2.1. Such qualifying duty shall have been performed:

2.1.1. in a state active duty status as prescribed in the statutes of the home state of the National Guard member.

2.1.2. during the period beginning on September 11, 2001, and ending on September 30, 2002.

2.1.3. within the geographical boundaries of the following counties: State of New York: Bronx, Kings, New York (boroughs of Brooklyn and Manhattan) [sic], Queens, Richmond, Delaware, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester; State of Virginia: Arlington.

2.1.4. to support the federal declaration of emergency following the terrorist attacks on the United States on September 11, 2001.

2.2. Qualifying state active duty shall be deemed to be service under section 12732(a)(2)(A)(i) of title 10, United States Code.

2.3. In order for members of the National Guard to receive retirement credit for qualifying service under this policy memorandum, the United States Property and Fiscal Officer (USPFO) in the State, or other Federal official, shall certify, for each member of the National Guard in his or her respective State, the dates and exact location of the qualifying state active duty performed. Duty must have been actually performed on each date certified in order for the member to receive retirement credit, as required by section 514(b) of Public Law 109-163.

2.4. This authorization of federal military retirement benefits for State active duty service is both specific and limited. This authorization does not extend to any other form of federal benefits.

3. Responsibilities:

3.1. The Assistant Secretary of Defense for Reserve Affairs, under the Under Secretary of Defense (Personnel and Readiness) shall:

3.1.1. provide policy and procedure oversight to ensure implementation of this memorandum and compliance with applicable law.

3.1.2. notify the Military Departments of the requirement to record Federal retirement points for service members who provide official state documentation reflecting their eligibility and period of state qualifying active duty service.

3.2. The Secretaries of the Military Departments shall ensure the widest dissemination of information on the availability of the military retirement credit and shall:

3.2.1. publish guidance consistent with this memorandum to implement Section 514 of Public Law 109-163, the National Defense Authorization Act for Fiscal Year 2006 (NDAA FY06), January 6, 2006.

3.2.2. ensure that only those persons who meet established eligibility criteria receive credit. This includes former National Guard members who may be retired (gray area retirees), retired service members receiving pay, and members who may be serving in other services or components.

3.2.3. ensure that the USPFO or other federal official certifies the duty performed in accordance with paragraph 2.3., above.

3.2.4. maintain and report information on all National Guard members who receive credit under section 12732(a)(2)(A)(i) of title 10, United States Code, for computation of Federal military retired pay for non-regular service.

3.2.5. provide to the Assistant Secretary of Defense for Reserve Affairs a report detailing military members by name, State and county served, and dates of active duty not later than December 1, 2006.

4. Effective Date: This policy memorandum is effective immediately.