



DoD INSTRUCTION 1320.08

CONTINUATION OF COMMISSIONED OFFICERS ON ACTIVE DUTY AND ON THE RESERVE ACTIVE-STATUS LIST

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Purpose: In accordance with the authority in DoD Directive 5124.02, this issuance:

- Establishes policy, assigns responsibilities, and provides direction for the continuation of officers on the Active-Duty List (ADL) and on the Reserve Active-Status List (RASL).
- Implements Sections 611, 620, 632-637, 637a, 639, 640, 1251, 1253, 3911, 5589, 5596, 6323, 8911, 14002, 14505-14514, 14701, and 14703 of Title 10, United States Code (U.S.C.), governing continuation of commissioned officers.

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SECTION 1: GENERAL ISSUANCE INFORMATION

1.1. APPLICABILITY. This issuance:

- a. Applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD.
- b. Does not apply to officers designated for limited duty pursuant to Section 5589 or 5596 of Title 10, U.S.C., to warrant officers, or to commissioned warrant officers.

1.2. POLICY. It is DoD policy to:

- a. Retain competent and effective commissioned officers through the selective continuation process as a means of satisfying skill requirements in the Military Services. The term “Military Services,” as used in this issuance, refers to the Army, the Navy, the Air Force, the Marine Corps, and the Space Force.
- b. Support through policies and procedures the consideration for continuation of commissioned officers in the grade of O-4 who have failed selection for promotion to the next higher grade for the second time and who are between 2 and 6 years away from qualifying for retirement pursuant to Section 3911, 6323, or 8911 of Title 10, U.S.C., on the date they are required to be discharged. For officers who are within 4 years of qualifying for retirement, continuation will normally be supported unless skill requirements or quality indicators dictate otherwise.

1.3. SUMMARY OF CHANGE 2. This administrative change authorizes the Secretary concerned to retain officers in medical specialties beyond age 68 on a case-by-case basis in accordance with the amendment to Section 14703(b) of Title 10, U.S.C., by Section 512 of Public Law 116-92.

SECTION 2: RESPONSIBILITIES

2.1. UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS (USD(P&R)). The USD(P&R) maintains cognizance and exercises oversight of policy involving continuation of commissioned officers on the ADL and Reserve commissioned officers on the RASL.

2.2. SECRETARIES OF THE MILITARY DEPARTMENTS. The Secretaries of the Military Departments:

- a. Administer the policy and procedures prescribed herein.
- b. Maintain statistical data on the quantities, by grade, of commissioned officers:
 - (1) Continued and not continued on the ADL.
 - (2) Continued and not continued on the RASL.
 - (3) Whose retirements have been deferred.
- c. Convene continuation selection boards based on the needs of the Military Service concerned for continuation of officers on the ADL. In conjunction, designate the military occupational specialties, ratings, or specialty codes, as applicable, for which officers are eligible for continuation on active duty pursuant to Section 637a(b) of Title 10, U.S.C.
- d. Implement procedures for continuation of officers on the RASL.
- e. Furnish information and written instructions to continuation selection boards.
 - (1) Ensure instructions require the independence and integrity of continuation selection boards and their careful consideration of officers without prejudice or partiality.
 - (2) Ensure instructions affirmatively recognize that experience and length of service are important but do not override the needs of the Military Service or performance factors.
- f. Ensure reports from continuation boards that consider officers on the ADL identify commissioned officers in the grade of O-4 not selected for continuation who are within 4 years of qualifying for retirement on the date they are required to be discharged. Certify that not continuing such officers is in the best interest of the Military Service.
- g. Recommend policy changes to the USD(P&R).

SECTION 3: PROCEDURES

3.1. OFFICERS SERVING IN THE ARMY AND AIR NATIONAL GUARDS OF THE UNITED STATES. The Secretary of the Military Department concerned will not continue a Reserve commissioned officer of the Army National Guard of the United States or the Air National Guard of the United States without the consent of the governor concerned.

3.2. OFFICERS WITHIN 2 YEARS OF RETIREMENT. Officers within 2 years of qualifying for retirement will be retained on active duty pursuant to Section 632, of Title 10, U.S.C., until qualified for retirement and then retired under Section 3911, 6323, or 8911 of Title 10, U.S.C., unless sooner retired or discharged under another provision of law.

3.3 CONTINUATION OF OFFICERS SERVING IN THE GRADE OF O-3 OR O-4. The Secretary of the Military Department concerned will, when this issuance requires (and may at other times when the needs of the respective Military Service require), convene continuation selection boards pursuant to Section 611(b) of Title 10, U.S.C. These selection boards will recommend commissioned officers in the grade of O-3 or O-4 on the ADL who are subject to discharge or retirement pursuant to Section 632, of Title 10, U.S.C., for continuation on the ADL pursuant to Section 637 or 637a of Title 10, U.S.C.

a. Officers in the Grade of O-4 Approaching Retirement Eligibility. Pursuant to Section 611(b) of Title 10, U.S.C., a board may consider for continuation a commissioned officer on the ADL in the grade of O-4 who is subject to discharge pursuant to Section 632 of Title 10, U.S.C. and will qualify for retirement pursuant to Section 3911, 6323, or 8911 of Title 10, U.S.C., between 2 to 6 years after the required date of discharge. Such an officer will normally be selected for continuation if the officer will qualify for retirement pursuant to Section 3911, 6323, or 8911 of Title 10, U.S.C., within 4 years of the required date of discharge; however, there is no entitlement to continuation. Selection or non-selection will be based on the criteria set by the Secretary of the Military Department concerned. Officers who are between 4 and 6 years away from qualifying for retirement may be continued based on the criteria set by the Secretary of the Military Department concerned.

b. Officers in the Grade of O-3 Approaching Retirement Eligibility. Pursuant to Section 611(b) of Title 10, U.S.C., a board may consider for continuation a commissioned officer on the ADL in the grade of O-3 who is subject to discharge pursuant to Section 632 of Title 10, U.S.C. and will qualify for retirement pursuant to Section 3911, 6323, or 8911 of Title 10, U.S.C., between 2 and 6 years after the required date of discharge. Selection or non-selection will be based on criteria set by the Secretary of the Military Department concerned.

c. RASL Officers.

Continuation boards may consider commissioned officers on the RASL subject to the needs of the Military Service concerned and pursuant to Section 14701 of Title 10, U.S.C.

d. Minimum Continuation Period.

The minimum continuation period will not be less than 2 years from the date on which the officer would have been discharged pursuant to Section 632(a)(1) of Title 10, U.S.C. For an officer on the ADL with less than 20 years of active commissioned service who would be retired pursuant to Section 632(a)(2) or (3) of Title 10, U.S.C., the Secretary of the Military Department concerned may prescribe a lesser period subject to the limitations of Section 637(a)(2) of Title 10, U.S.C. For commissioned officers on the RASL, the Secretary of the Military Department concerned will determine the minimum continuation period.

e. Maximum Continuation Period.

(1) For officers in the grade of O-3, the Secretary of the Military Department concerned may prescribe the maximum period of continuation, not to exceed 20 years of commissioned service, subject to the needs of the Military Service concerned and pursuant to Section 637(a)(2) or 14701 of Title 10, U.S.C.

(2) For officers in the grade of O-4 and depending on the skill requirements of the Military Service concerned, the Secretary of the Military Department concerned may select commissioned officers on the ADL for continuation for up to a maximum of 24 years of commissioned service, pursuant to Section 637(a)(3) of Title 10, U.S.C.

(3) For reserve officers in the grade of O-4 subject to removal from the RASL pursuant to Section 14506 of Title 10, U.S.C., the Secretary of the Military Department concerned may continue officers with particular skills for up to a maximum of 24 years of commissioned service, pursuant to Section 14701 of Title 10, U.S.C.

3.4. DEFERRAL OF MANDATORY RETIREMENT FOR OFFICERS IN GRADES O-3 THROUGH O-10 ON THE ADL. The Secretary of the Military Department concerned may defer the mandatory retirement of commissioned officers on the ADL with specific skills and qualifications based upon a determination of the need for officers with such skills or qualifications pursuant to Section 637(b) or 637a of Title 10, U.S.C.

a. The Secretary of the Military Department concerned may defer mandatory retirement of officers in the grades of O-5 and O-6 who are subject to retirement pursuant to Section 633 or 634 of Title 10, U.S.C., if those officers were selected for continuation on the ADL by a continuation selection board convened pursuant to Section 611(b) of Title 10.

(1) The Secretary of the Military Department concerned may, when the needs of the respective Military Service require, convene continuation selection boards pursuant to Section 611(b) of Title 10, U.S.C., to recommend commissioned officers in the grades of O-5 and O-6 on the ADL who are subject to retirement pursuant to Section 633 or 634 of Title 10, U.S.C., for continuation on the ADL pursuant to Section 637(b) of Title 10, U.S.C. Deferral will be for a period not to exceed 5 years, except as provided by Section 1251 or 1253 of Title 10, U.S.C.

(2) In accordance with guidance provided by the Secretary of the Military Department concerned, a continuation selection board may recommend for continuation on the ADL commissioned officers in the grades of O-5 and O-6 who possess specific skills required by the respective Military Service.

(3) A continuation selection board will not recommend a number of officers in excess of the number prescribed by the Secretary of the Military Department concerned.

b. The Secretary of the Military Department concerned may defer mandatory retirement of officers in grades above O-2 who are subject to retirement pursuant to Section 632, 633, 634, 635, or 636 of Title 10, U.S.C., if the officer has a military occupational specialty, rating, or specialty code in a military specialty designated by the Secretary of the Military Department concerned pursuant to Section 637a of Title 10, U.S.C.

(1) A continuation selection board pursuant to Section 611(b) of Title 10, U.S.C., will recommend commissioned officers in grades above O-2 on the ADL who are subject to discharge or retirement pursuant to Section 632, 633, 634, 635, or 636 of Title 10, U.S.C., for continuation on the ADL pursuant to Section 637a of Title 10, U.S.C.

(2) The military specialty, rating, or specialty codes that pertain to officers eligible for deferred retirement consideration will be published in advance of the board convening. Board convening orders for boards that will consider officers for deferral of mandatory retirement will be provided to the USD(P&R). Officers under consideration may include those designated in the fields of cyberspace, any scientific or technical field designated by the Secretary of the Military Department concerned, or any other field designated by the Secretary of the Military Department concerned as being a high-skill, difficult-to-fill field.

(3) An officer continued on active duty pursuant to Section 637a of Title 10, U.S.C., if not earlier retired, will be retired on the first day of the month after the month in which he or she completes 40 years of active service.

c. The Secretary of the Military Department concerned may defer mandatory retirement of officers in the grades of O-7 and O-8 who are subject to retirement pursuant to Section 635 or 636 of Title 10, U.S.C., based on the needs of the Military Service concerned.

d. The Secretary of the Military Department concerned may recommend the deferment of the mandatory retirement of officers in the grades of O-9 and O-10 who are subject to retirement pursuant to Section 636 of Title 10, U.S.C, to the Secretary of Defense based on the needs of the Military Service. The President is the approval authority for this action pursuant to Section 637(b)(2) of Title 10, U.S.C. The Secretary of the Military Department concerned will submit recommendations in accordance with DoD Instruction 1320.04.

e. Deferral of retirement and continuation on active duty will not extend beyond the maximum age limits pursuant to Section 1251 or 1253 of Title 10, U.S.C.

3.5. RETENTION OF OFFICERS IN GRADES O-5 THROUGH O-9 ON THE RASL.

a. For commissioned officers in the grade of O-5 who are subject to removal from the RASL pursuant to Section 14507 of Title 10, U.S.C., the Secretary of the Military Department concerned may defer the removal of such officers with particular skills for a period which does not extend beyond the last day of the month in which the officer completes 33 years of commissioned service, pursuant to Section 14701 of Title 10, U.S.C.

b. For commissioned officers in the grade of O-6 who are subject to removal from the RASL pursuant to Section 14507 of Title 10, U.S.C., the Secretary of the Military Department concerned may defer the removal of such officers with particular skills for a period which does not extend beyond the last day of the month in which the officer completes 35 years of commissioned service, as prescribed in Section 14701 of Title 10, U.S.C.

c. For commissioned officers in the grades of O-7 through O-9 on the RASL who would otherwise be removed from an active status pursuant to Section 14508(a), (b), or (c) of Title 10, U.S.C., the Secretary of the Military Department concerned may retain such officers in their Departments in an active status subject to the provisions and limitation of Section 14508 and 14510-14512 of Title 10, U.S.C.

3.6. DECLINATION OF CONTINUATION.

a. A commissioned officer on the ADL who is selected for continuation pursuant to Section 637 of Title 10, U.S.C., but declines continuation, will be discharged, retired, or retained on active duty, as appropriate, in accordance with Section 632 of Title 10, U.S.C.

b. A Reserve commissioned officer on the RASL who is recommended for continuation based on regulations prescribed by the Secretary of the Military Department concerned pursuant to Section 14701 of Title 10, U.S.C., but declines continuation, will be removed from an active status pursuant to Section 14513 or 14514 of Title 10, U.S.C.

3.7. RETIREMENT OR DISCHARGE OF CONTINUED OFFICERS. Each commissioned officer continued on the ADL pursuant to Section 637(a) of Title 10, U.S.C., and each Reserve officer continued on the RASL pursuant to Section 14701 of Title 10, U.S.C., who is not subsequently promoted or is not on a list of officers recommended for continuation or for promotion to the next higher grade, will, unless sooner retired or discharged, be retired or discharged pursuant to Section 637(a)(5) of Title 10, U.S.C., or will be retired, discharged, or transferred from active status pursuant to Section 14513 or 14514 of Title 10, U.S.C.

3.8. RETENTION OF CERTAIN PROFESSIONAL CATEGORY OFFICERS ON THE RASL.

a. Pursuant to Section 14703 of Title 10, U.S.C., the Secretaries of the Military Departments may, notwithstanding any other provision of this issuance and with the officer's consent, retain in an active status any Reserve commissioned officer assigned as follows:

(1) The Secretary of the Army may retain in an active status any Reserve officer assigned to the Chaplains, the Medical Corps, the Dental Corps, the Veterinary Corps, the Army Nurse Corps, the Army Medical Specialists Corps, or the Medical Service Corps if the officer is assigned to the Optometry Section of that corps or has been designated as an allied health officer or biomedical sciences officer in that corps.

(2) The Secretary of the Navy may retain in an active status any Reserve officer appointed in the Medical Corps, Dental Corps, Nurse Corps, or Chaplain Corps, or appointed in the Medical Service Corps and designated to perform as a veterinarian, optometrist, podiatrist, allied health officer, or biomedical sciences officer.

(3) The Secretary of the Air Force may retain in an active status a Reserve officer who is designated as a medical officer, dental officer, Air Force nurse, Medical Service Corps officer, biomedical sciences officer, or chaplain.

b. An officer may not be retained in an active status later than the date on which the officer becomes 68 years of age, in accordance with Section 14703 of Title 10, U.S.C.

c. The Secretary of the Military Department concerned may retain in an active status an officer in a medical specialty described in Paragraphs 3.8.a.1-3 beyond the date described in Paragraph 3.8.b if the Secretary concerned determines that such retention is necessary to the Military Department concerned. Each such retention will be made on a case-by-case basis with the consent of the officer and for such a period as the Secretary concerned determines appropriate.

3.9. CONTINUATION TO COMPLETE DISCIPLINARY ACTION. Pursuant to Section 639 or 14518 of Title 10, U.S.C., the Secretary of the Military Department concerned may delay the separation or retirement of an officer when any action has been commenced against the officer with a view to trying the officer by court-martial. The delay may continue until the disciplinary action is complete.

3.10. DEFERMENT OF RETIREMENT OR SEPARATION FOR MEDICAL REASONS.

a. The Secretary of the Military Department concerned may defer retirement or separation of an officer on the ADL pursuant to Section 640 of Title 10, U.S.C., or an officer on the RASL pursuant to Section 14519 of Title 10, U.S.C., if the Secretary of the Military Department concerned determines that the evaluation of the physical condition of an officer and determination of the officer's entitlement to retirement or separation for physical disability require hospitalization or medical observation and that such hospitalization or medical observation cannot be completed with confidence in a manner consistent with the member's well-being before the date on which the officer would otherwise be required to retire or be separated.

b. A deferral of retirement or separation for this purpose may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation.

GLOSSARY

G.1. ACRONYMS.

ADL	Active-Duty List
RASL	Reserve Active-Status List
U.S.C.	United States Code
USD(P&R)	Under Secretary of Defense for Personnel and Readiness

G.2. DEFINITIONS. These terms and their definitions are for the purpose of this issuance.

active commissioned service. Service on active duty or full-time National Guard duty as a commissioned officer in a grade above warrant officer.

commissioned officer. An officer in any of the Military Services who holds a grade and office under a commission signed by the President, and who is appointed as a Regular or Reserve officer, excluding commissioned warrant officers and retired commissioned officers, to whom this issuance does not apply.

commissioned service. Service as a commissioned officer that includes active status and active service as provided for in Section 14706 of Title 10, U.S.C.

continue. To retain a commissioned officer on the ADL or RASL through a selective process.

continuation selection board. A board of commissioned officers convened pursuant to Section 611(b) of Title 10, U.S.C., to recommend officers for continuation on the ADL pursuant to Section 637 of Title 10, U.S.C.

REFERENCES

DoD Directive 5124.02, “Under Secretary of Defense for Personnel and Readiness (USD(P&R)),” June 23, 2008

DoD Instruction 1320.04, “Military Officer Actions Requiring Presidential, Secretary of Defense, or Under Secretary of Defense for Personnel and Readiness Approval or Senate Confirmation,” January 3, 2014, as amended

Public Law 116-92, “National Defense Authorization Act for Fiscal Year 2020,” December 20, 2019

United States Code, Title 10