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ARNG-HRH

07 JUN 2012

MEMORANDUM FOR G-3s of all States, Puerto Rico, the US Virgin Islands, Guam, and the District of Columbia

SUBJECT: Guidance for Army National Guard Members Performing ADOS-RC Duty under the Authority of USC Title 10 Section 12301(d) (ARNG-HRH Policy Memo #12-043)

1. References:

- a. Army Regulation (AR) 40-400, Patient Administration, 27 Jan 10 (Rapid Action Revision (RAR) 15 Sep 11).
- b. AR 40-501, Standards of Medical Fitness, 14 Dec 07 (RAR 4 Aug 11).
- c. AR 600-8-24, Officer Transfers and Discharges, 12 Apr 06 (RAR 13 Sep 11).
- d. AR 600-8-10, Leaves and Passes, 15 Feb 06 (RAR 4 Aug 11).
- e. AR 635-200, Active Duty Enlisted Administrative Separations, 6 Jun 05 (RAR 6 Sep 11).
- f. AR 135-91, Service Obligations, Methods of Fulfillment, Participation Requirements, and Enforcement Procedures, 1 Feb 05.
- g. AR 135-200, Active Duty for Missions, Projects, and Training for Reserve Component Soldiers, 30 Jun 99.
- h. ALARACT 053/2008, Authority for Issuing Temporary Change of Station (TCS)/ Temporary Duty (TDY) Orders Beyond 180 Days in Support of Contingency Operations, DTG: 041902Z Mar 08.
- i. Memorandum, NGB-ARO-O, 23 Jun 10, subject: FY11 Active Duty Operational Support-Reserve Component (ADOS-RC) Title 10 Guidance (enclosure 1).
- j. Memorandum, HQDA, SAMR-PO, 21 Feb 08, subject: Policy for Management of Reserve Component Soldiers on Active Duty for Operational Support and Full-Time National Guard Duty for Operational Support (enclosure 2).

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k. Memorandum, Under Secretary of Defense, OSD P&R, 29 Jan 07, subject: Operational Support Duty-Update (enclosure 3).

l. The Joint Federal Travel Regulations, Volume 1, Uniformed Service Members, 1 Sep 11.

m. Training Circular 3-22-20, Army Physical Readiness Training, 20 Aug 10.

n. Personnel Policy Guidance for Overseas Contingency Operations, 1 Jul 09 Periodic Review (updated 17 Feb 12).

o. United States Code (USC) Title 10, Armed Forces, 13 May 11.

p. USC Title 32, National Guard, 13 May 11.

q. USC Title 10, Subtitle A, Part II, Chapter 59, Section 1174, Separation Pay Upon Involuntary Discharge of Release from Active Duty, 13 May 11.

r. Public Law 110-417, Duncan Hunter National Defense Authorization Act for Fiscal Year 2009, 14 Oct 08.

s. Public Law 108-375, Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, 28 Oct 04.

2. Purpose. To provide guidance on the policies and procedures that govern the United States Code (USC) Title 10 Active Duty Operational Support-Reserve Component (ADOS-RC) program in support of the Army National Guard (ARNG) Directorate and field offices.

3. Discussion. This copy supersedes PPOM #12-043 dated 30 May 12. This guidance applies to Soldiers serving on ADOS-RC tours within all States, Territories, and combatant commands. The ARNG Operations Division will publish budgetary guidance and provide program oversight. The ARNG Human Capital Management (ARNG-HCM) office will provide human resources oversight for reporting, in-processing, and accountability of Soldiers ordered to ADOS-RC duty in the National Capital Region (NCR). Soldiers ordered to ADOS-RC tours outside the NCR will follow the procedures outlined by the organization to which they are reporting.

4. The purpose of ADOS-RC is to provide the necessary skilled manpower assets to support existing or emerging requirements of the ARNG pursuant to USC Title 10, section

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12301(d). The ADOS-RC is not a career program. It is not intended to be a vehicle to provide entitlements to separation pay, sanctuary, or retirement.

5. A member of the ARNG who is on active duty other than for training may, under regulations prescribed by the Service Secretary concerned, be detailed or assigned to any duty authorized by law for members of the regular component of the armed forces concerned.

6. Per USC Title 32, section 325, members are relieved from duty in the National Guard of their State when ordered to active duty. Thus, there is no authority to order an individual on a USC Title 10, section 12301(d) tour of duty to attend Annual Training (AT) or Inactive Duty for Training (IDT) as described in USC Title 32, section 502(a). However, members serving under the authority of USC Title 10, section 12301(d) may participate in training with their units during scheduled AT and IDT periods, provided the member volunteers to participate and the following conditions are met:

a. The first O6/Colonel in the chain of command under which the member is performing Active Duty approves the duty; such approval will only be given when the approver has determined that the benefit to the Soldier and to the unit that he or she will participate in training with justifies the cost incurred by the organization under which the Soldier is performing Active Duty.

b. Attending AT or IDT will not interfere with the duties members perform under the authority of USC Title 10, section 12301(d).

c. The USC Title 10, section 12301(d) and the USC Title 32, section 502(a) duty locations are within the same defined boundary determined by the area of operations or service in a written directive (reference 11, paragraph U3500B), or;

d. The member will be placed on TDY orders to attend unit training outside the local commuting area. The authority to place the member on TDY is discretionary and is strictly contingent upon the availability of funds.

7. Before approving USC Title 10 section 12301(d) tours of duty, commanders should carefully consider the impact on readiness as a result of a member's inability to participate in unit or individual training.

8. Eligibility Requirements for ADOS-RC tours:

a. The Soldier is a federally recognized member of the ARNG, in an Active Reserve

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status.

b. The Soldier meets the Army medical requirements defined in AR 135-200 and Army Physical Fitness Test (APFT) requirements per Training Circular 3-22-20.

(1) The Soldier must have a valid record APFT "PASS" and meet the US Army height, weight (Ht-Wt), and body fat standards. The ADOS-RC Soldiers assigned within the NCR will comply with all guidance on APFT/Ht-Wt testing published semi-annually by the ARNG Chief of Staff. Any ADOS-RC Soldier assigned outside the NCR will comply with the APFT/Ht-Wt testing guidance of the supported command.

(2) The Medical Protection System (MEDPROS) will be used to assess the medical readiness of the Soldier. The Soldier must have a valid Periodic Health Assessment within 1 year and an HIV report within 2 years of the projected start date.

c. The Soldier will not be within 6 months of mandatory removal or expiration of term of service on the report date of the tour. This requirement may be waived by the Director, Army National Guard (DARNG).

d. In order to prevent the Soldier from reaching sanctuary as a result of the tour, the Soldier must not have served more than 17 years of Active Service (AS). The Deputy Chief of Staff, G-1 (DCS, G-1) is the final approval authority to allow Soldiers to serve beyond 17 years of AS. All request to waive this requirement will be sent to ARNG-HRH for processing through DARNG to the DA G-1 for approval. Under the provisions of USC Title 10, section 12686, a member of a reserve component who is on active duty (other than for training), and who is within 2 years of becoming eligible for retired pay or retainer pay, may not be involuntarily released from that duty before he becomes eligible for that pay, unless release is approved by the Secretary of that military service.

9. The Soldier will apply for the position via Tour of Duty. All required documents will be uploaded into or generated by Department of the Army Mobilization Processing System-ADOS.

10. Tour Lengths:

a. The ADOS-RC orders will not exceed 365 days.

b. The Soldier will not perform ADOS-RC for more than 2 consecutive years without the approval of the DARNG and the respective State's Adjutant General. Service is consecutive if not separated by a break in Active Service of at least 31 days.

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c. No tour will be extended if the extension would allow the Soldier to enter sanctuary or become entitled to separation pay. Exceptions require approval of the DARNG.

11. Administrative Information:

a. Uniform Code of Military Justice (UCMJ): A Soldier on ADOS-RC orders is subject to UCMJ jurisdiction IAW AR-135-200, paragraph 1-16. In accordance with AR 135-200, paragraph 7-4, a Soldier can be held past his or her order termination date without The Adjutant General approval if UCMJ actions are pending. The command under which the Soldier serves while on ADOS-RC orders is responsible for administering and enforcing the UCMJ.

b. Permanent Change of Station (PCS): Limitations set by ALARACT 053/2008 do not allow the funding of consecutive TDY tours of 179 days or less. A Soldier on a tour of 180 days or more will be placed in a PCS status. A Soldier entering a second ADOS-RC tour that extends beyond 180 days will be subject to a PCS move.

c. Temporary Duty (TDY): Tours equal to or less than 179 days will be in TDY status. A Soldier performing duty within his or her local commuting area will not be in a TDY status.

d. Leave entitlements: The Soldier is entitled to leave based on AR 600-8-10. If there is a break of at least 1 day between ADOS-RC tours, the Soldier will not be able to roll leave days to the new tour, but the Soldier can cash in his or her leave. All leave, including transition leave, must be completed before the expiration of orders.

e. Dislocation allowance and temporary lodging expenses may be authorized for traveling Soldiers who PCS IAW the Joint Federal Travel Regulations.

f. Special pay: Entitlements for special duty pay while serving on ADOS-RC tours will be managed IAW applicable Army regulations.

g. All inter-state transfers for ADOS-RC Soldiers must be coordinated through ARNG-HCM and ARNG Capabilities Integration (Plans and Program) Branch (ARNG-ODO-CI) prior to the ADOS-RC tour renewal.

12. Accountability.

a. Personnel Programs, Manpower, and Resources Division (ARNG-HRM) established an ADOS calculator that accounts for all operational support time of ARNG

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Soldiers, including USC Title 10 and USC Title 32 time. States may use the ADOS calculator at <https://minuteman.ngb.army.mil/default.asp> to ensure Soldiers' operational support time is captured correctly.

b. In accordance with references 1.k. and 1.s., a member whose orders to ADOS-RC specify a period of greater than 3 years will be counted against Active Guard Reserve (AGR) end strength effective the 1st day of the order. Additionally, these members will continue to count against the ceilings outlined under the provisions of USC Title 10 section 115(b). Each reserve component is limited to a maximum number of personnel that may be performing operational support (OS) duty at any time.

c. Soldiers on operational support duty will count against the OS ceilings, regardless of the duration of the duty.

d. Soldiers performing OS duty will remain in the ARNG and continue to be managed by the State for the duration of the ADOS-RC order, regardless of end-strength accounting for Active Component.

e. The cumulative performance periods of ADOS and full time National Guard Duty-OS (FTNGD-OS) that exceed 1,095 days (3 years) in the previous 1,460 days (4 years) are accountable against active duty strength (active component or AGR end strength, consistent with pay appropriations) when the 1,095 threshold is crossed, pursuant to USC Title 10 section 115. This is a "rolling 4-year window" which looks back at the most recent 1,460 days. All operational support duty performed after 28 October 2004 counts toward this requirement. Military service performed in other components is not counted. The RC Soldiers who exceed either of the following limits will be included in both the operational support strength and the AGR end strength ceiling.

(1) Tracking and reporting on the 1,095-day requirement for the ARNG is accomplished on a consolidated basis by ARNG-HRM for the entire nation and will not impact the AGR vouchers of the individual States or the USC Title 10 AGR program, unless directed otherwise by ARNG-HRM.

(2) There is nothing in law or policy that requires a member to be REFRAD solely because he or she will go beyond 1,095 cumulative days out of 1,460 consecutive days of ADOS. Nor is there any prohibition against hiring such Soldiers. The 1,095 rule is an accounting requirement only. The intent of the 1,095 rule is to identify enduring requirements which should be codified on a manning document.

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f. Reserve component members performing operational support duty under USC Title 10, section 12301(d) will continue to be managed as Guard members.

g. Reserve component officers and warrant officers performing operational support duty will not be placed on the Active Duty List, regardless of the duration of the active duty for operational support. They will remain on the Reserve Active Status List and compete for promotions with other reserve component officers and warrant officers.

h. Reserve component enlisted members will continue to execute their reserve component enlistment or reenlistment contracts.

i. The ARNG-HRM will coordinate with DCS, G-1 annually to verify the yearly ceiling for operational support.

13. Voluntary Early Release: Soldiers may request early release from ADOS-RC using a DA Form 4187, Personnel Action, that sets forth the reasons for the request. The request must be forwarded by sponsor through ARNG-HCM to ARNG-ODO-CI at least 30 days before desired release date. This will allow adequate processing time and the use of accrued leave.

14. Involuntary Early Release: AR 600-8-24, paragraph 2-35 shall govern the involuntary separation of officers and AR 635-200 for enlisted Soldiers when early return of the Soldier to his or her State is warranted and discharge from the service is not required. This will ensure due process for the service member (whether officer or enlisted) and the timely and efficient administration of release from active duty of service members from the ADOS-RC program. Below is guidance for involuntary separation:

a. Sponsors will notify a Soldier of his or her involuntarily release from the ADOS-RC program. Reasons for release will be in writing, and the sponsor must counsel the Soldier prior to release. The soldier can respond in writing within fifteen days of the notification. The sponsor will forward a DA Form 4187 along with supporting documentation detailing the reason for early release through the chain of command/supervision with recommendations of approval or disapproval from each level to ARNG-HCM for processing prior to issuing any release paperwork to the Soldier. ARNG-HCM will forward the packet to the ARNG CoS as the approval authority for involuntary separations for the reasons listed in paragraph c below.

b. Those separations where the soldier's conduct, degree of efficiency or manner of performance is seriously deficient will be referred by ARNG-HCM to a board of three officers appointed to consider the recommendations for involuntary release. The board

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will determine if the soldier will be retained or released. The boards decision will be final. After ARNG-HCM has performed an administrative review of all requests for release, orders will be processed by ARNG-ODO-CI.

c. Various reasons exist for involuntary release from the ADOS-RC program, including:

(1) Funding: The ADOS-RC program manning is subject to available funding and an ADOS-RC Soldier's orders may be terminated due to a lack of funding.

(2) Inappropriate rank: A Soldier's rank or pay grade is not reasonably appropriate for the ADOS-RC task(s) he or she is performing. An example of this is the Soldier assigned to a position that causes a "grade inversion"; that is, the supervisor is junior in military grade to the supervised.

(3) Mission requirements: A change in mission requirements results in no further need for utilization of the Soldier's skills and/or pay grade.

(4) Deployment: A Soldier's unit is deploying or he or she is subject to a State recall.

(5) APFT/Height/Weight failure: A Soldier fails to meet Army APFT or Ht-Wt standards. Exceptions to this rule must be addressed by the sponsor, through ARNG-HCM, to the ARNG Chief of Staff.

(6) Medical: An ADOS-RC Soldier identified in the first 25 days as having a pre-existing medical condition that renders the individual unable to perform the duties as assigned may be REFRAD immediately. A reserve component Soldier having served on active duty for 26 days or more who is identified as having a pre-existing medical condition that renders him or her not capable of meeting medical retention standards is required to undergo Medical Evaluation Board (AR 40-400) and/or Physical Evaluation Board (AR 635-40) (MEB/PEB) processing prior to REFRAD.

15. Travel While on ADOS-RC: Soldiers who are required to travel during their ADOS-RC tour will have the TDY entitlements paid out of the travel funds of the sponsor.

16. Schools: The ADOS-RC Soldiers scheduled to attend professional development courses may attend courses of 30 days duration or less while on ADOS-RC tours. The ADOS-RC orders will be broken when Soldiers are required to complete courses longer than 30 days. Exceptions to this policy may be approved by the ARNG Chief of Staff.

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17. Evaluations: An Officer Evaluation Report and Noncommissioned Officer Evaluation Report for the ADOS-RC Soldier will be completed by the officials supervising him or her in the performance of ADOS duties, unless the Soldier continues to participate in drills with his or her home unit. In such cases, the office sponsoring the ADOS tour will provide a letter of input to the Soldier's rating chain in his or her home unit. The sponsor of the ADOS tour will establish a rating scheme and conduct required counseling. All supervisors of the ADOS Soldier may submit a letter of input for a Soldier ordered to duty for special projects lasting less than 90 days.

18. Separation Pay. Soldiers will not be ordered to a period of ADOS-RC duty that will qualify them for separation pay. Additionally, Soldiers who have completed 4 or more continuous years of Active Service (including service from other components) will not be considered for an ADOS-RC tour without having at least a 31-day break in service following his or her last period of Active Service. A request for waiver of this requirement may be submitted through ARNG-HRH for DARNG approval. Soldiers who have completed 6 or more continuous years of AS are entitled to separation pay computed under USC Title 10, section 1174. Qualification for separation pay is negated when at least a 31-day break in service is sustained prior to completion of the 6th year of continuous AS. For purposes of this paragraph, a period of AD is continuous if it is not interrupted by a break in service of more than 30 days. Separation pay will be deducted from the pay account for which the Soldier was performing duty at the time of separation. Separation pay will not be deducted from the AGR open allotment. Separation pay will be recouped from the Soldier's retirement pay.

19. USC Title 10 Orders Requirement: ADOS-RC tours are funded from Army National Guard of the United States personnel appropriations. The ADOS-RC orders will cite USC Title 10, section 12301(d) as authority. Orders must clearly state "Title 10 ADOS-RC." All orders will have the following statement: "Subject to availability of funds" as some orders are cut before start of the new fiscal year. Orders will clearly state to whom a Soldier is attached or assigned. Orders must state that the Soldier is subject to UCMJ jurisdiction.

20. Separation Documents.

a. Department of Defense (DD) Form 214, Certificate of Release or Discharge from Active Duty, will be issued on release from a period of 90 days or more of FTNGD-OS.

b. DD Form 220, Active Duty Report, will be issued on release of less than 90 days of FTNGD-OS.

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21. This policy memorandum will remain in effect until rescinded or superseded.

22. The point of contact is COL Dennis P. Chapman, Chief, Personnel Policy Division, at DSN 327-5904, 703-607-5904, or dennis.chapman@us.army.mil.

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