



SECRETARY OF THE ARMY
WASHINGTON

23 JUN 2016

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2016-27 (Temporary Early Retirement Authority)

1. References:

a. National Defense Authorization Act for Fiscal Year 1993, Pub. L. No. 102-484, section 4403, 106 Stat. 2702-04.

b. National Defense Authorization Act for Fiscal Year 2012, Pub. L. No. 112-81, section 504, 125 Stat. 1389-91.

c. Memorandum, Under Secretary of Defense for Personnel and Readiness, 12 April 2012, subject: Temporary Early Retirement Authority Procedural Guidance.

d. Army Directive 2013-14 (Temporary Early Retirement Authority (TERA)), 10 June 2013 (hereby rescinded).

2. This directive implements TERA for Soldiers described in paragraph 4 consistent with reference 1a, as extended by reference 1b, to include Active Guard Reserve (AGR) Soldiers.

3. Retirement with at least 20 years of service has been and will continue to be the basic entitlement for those personnel who complete a career in the Army. TERA is a discretionary authority and not an entitlement.

4. Soldiers who meet the following criteria may request TERA in lieu of involuntary separation, involuntary release from active duty, or involuntary release from active service:

a. Officers who, pursuant to Title 10, United States Code, section 631 or 632 (10 U.S.C. § 631 or § 632), twice were not selected for promotion, whose names are not on a list of officers recommended for promotion, and who have at least 15 years but less than 20 years of service, as computed under 10 U.S.C. § 3926;

b. Officers who, pursuant to 10 U.S.C. § 637(a)(5), were selected for continuation on active duty by a selection board convened under 10 U.S.C. § 611(b), but were not subsequently promoted or continued on active duty; are not on a list of officers recommended for continuation or promotion to the next higher regular grade; and have at least 15 years but less than 20 years of service, as computed under 10 U.S.C. § 3926;

SUBJECT: Army Directive 2016-27 (Temporary Early Retirement Authority)

c. Officers who, pursuant to 10 U.S.C. § 638a, have been selected for discharge by an Officer Separation Board and have at least 15 years but less than 20 years of service, as computed under 10 U.S.C. § 3926;

d. Army National Guard of the United States (ARNGUS) and U.S. Army Reserve (USAR) officers serving in the AGR Program who, pursuant to 10 U.S.C. § 14701, were selected for continuation on the reserve active-status list, but were not subsequently promoted or continued on the reserve active-status list; are not on a list of officers recommended for continuation or promotion to the next higher reserve grade; and have at least 15 years but less than 20 years of service for retirement under 10 U.S.C. § 3911, as computed under 10 U.S.C. § 3926;

e. ARNGUS and USAR officers serving in the AGR Program who, pursuant to 10 U.S.C. §§ 14504–06, twice were not selected for promotion; whose names are not on a list of officers recommended for promotion; and who have at least 15 years but less than 20 years of service for retirement under 10 U.S.C. § 3911, as computed under 10 U.S.C. § 3926;

f. ARNGUS and USAR officers serving in the AGR Program who, pursuant to selection by an AGR Release From Active Duty (REFRAD) Board or Active Service Management Board (ASMB), have been selected to be involuntarily released from the AGR Program and who have at least 15 years but less than 20 years of service for retirement under 10 U.S.C. § 3911, as computed under 10 U.S.C. § 3926;

g. Warrant officers who, pursuant to 10 U.S.C. § 580(a)(4), twice were not selected for promotion to the next higher regular warrant officer grade and have at least 15 years but less than 20 years of creditable active service for retirement under 10 U.S.C. § 1293, as computed under section 511 of the Career Compensation Act of 1949, as amended, on the date the Secretary of the Army or designee approves the report of the board, the date the warrant officer's name is removed from the recommended list, or the date the warrant officer is to be separated, whichever is later;

h. Warrant officers who, pursuant to 10 U.S.C. § 580(e)(3), were selected for continuation on active duty by a selection board convened under 10 U.S.C. § 573(c), but were not subsequently promoted or continued on active duty; are not on a list of warrant officers recommended for continuation or promotion to the next higher regular grade; and have at least 15 years but less than 20 years of creditable active service for retirement under 10 U.S.C. § 1293, as computed under § 511 of the Career Compensation Act of 1949, as amended;

i. ARNGUS and USAR warrant officers serving in the AGR Program who, pursuant to selection by an AGR REFRAD board or ASMB, have been selected to be involuntarily released from the AGR Program and who have at least 15 years but less than 20 years of creditable active service for retirement under 10 U.S.C. § 1293, as computed under section 511 of the Career Compensation Act of 1949, as amended, on

SUBJECT: Army Directive 2016-27 (Temporary Early Retirement Authority)

the date the Secretary of the Army or designee approves the report of the board, the date the warrant officer's name is removed from the recommended list, or the date the warrant officer is to be released from active duty or active service, whichever is later;

j. USAR warrant officers serving in the AGR Program in the grades CW2 and CW3 who, pursuant to Army Regulation 135-155, paragraph 4-33, have not been selected for promotion for the second time, whose names are not on a list of officers recommended for promotion, and who have at least 15 years but less than 20 years of creditable active service for retirement under 10 U.S.C. § 1293, as computed under section 511 of the Career Compensation Act of 1949, as amended, on the date the Secretary of the Army or designee approves the report of the board, the date the warrant officer's name is removed from the recommended list, or the date the warrant officer is to be separated, whichever is later;

k. Enlisted members of the Army who were selected to be involuntarily separated as a result of a Qualitative Service Program and who, on the date they are to be discharged, have at least 15 years but less than 20 years of service, as computed under 10 U.S.C. § 3925; and

l. Enlisted members serving in the AGR Program who were selected to be involuntarily released from active duty or active service as a result of an AGR REFRAD Board or ASMB and who, on the date they are to be released from active duty or active service, have at least 15 years but less than 20 years of service for retirement under 10 U.S.C. § 3914, as computed under 10 U.S.C § 3925.

5. Only individuals who meet the eligibility criteria in paragraph 4 are eligible for retirement pursuant to TERA. These criteria may not be waived. This directive is applicable as specifically stated and is not intended to extend retirement eligibility under TERA or sanctuary to other populations of Soldiers. This directive does not otherwise modify the ability of Soldiers to apply for retirement under existing law and policy.

6. Soldiers pending evaluation for disability retirement under 10 U.S.C. chapter 61 are not eligible for early retirement under this directive.

7. Soldiers approved for early retirement will not be eligible for involuntary separation pay, but remain eligible for transition assistance benefits until their retirement date.

8. The Deputy Chief of Staff, G-1 is the proponent for this policy and will issue an Armywide message to publicize these changes.

SUBJECT: Army Directive 2016-27 (Temporary Early Retirement Authority)

9. The provisions outlined in this directive are effective immediately and will be rescinded on 31 December 2018, unless earlier revoked, modified, or rescinded.



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