



SECRETARY OF THE ARMY
WASHINGTON

27 APR 2021

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Army Directive 2021-12 (Fulfilling Statutory Military Service Obligations)

1. References.

- a. Title 10, United States Code, section 651 (Members: required service)
- b. Department of Defense Instruction 1304.25 (Fulfilling the Military Service Obligation), 31 October 2013, incorporating Change 1, effective 1 May 2020
- c. Army Regulation (AR) 135–91 (Service Obligations, Methods of Fulfillment, Participation Requirements, and Enforcement Procedures), 14 March 2016
- d. AR 140–111 (U.S. Army Reserve Reenlistment Program), 2 March 2018
- e. AR 601–210 (Regular Army and Reserve Components Enlistment Program), 31 August 2016
- f. AR 601–280 (Army Retention Program), 16 October 2019
- g. Department of the Army Pamphlet 601–280 (Army Retention Program Procedures), 16 October 2019

2. Purpose. This directive standardizes policy for Soldiers fulfilling their statutory military service obligations (MSOs) across all Army components. It will allow Soldiers to serve in a reserve component (RC) for periods of service less than their remaining statutory MSO when choosing an RC assignment. Any remaining portion of the statutory MSO is fulfilled in the Individual Ready Reserve (IRR). This policy will provide greater flexibility to Soldiers when they consider continued service in an RC.

3. Applicability. This directive applies to the Regular Army, Army National Guard (ARNG)/Army National Guard of the United States (ARNGUS), and U.S. Army Reserve (USAR), unless otherwise stated.

4. Background. Existing Army policy permits first-term Soldiers serving in the Regular Army to reenlist for as little as 2 years or to extend their expiration term of service (ETS) for as little as 12 months. First-term RC Soldiers and Soldiers leaving the Regular Army with a break in service and a remaining statutory MSO must fulfill the entire remaining

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MSO to serve in an RC. This can be for more than 5 years for a Soldier leaving active duty. This “all-or-nothing” approach for service in the RC runs counter to Army recruiting and retention efforts. Requiring Soldiers to contract for their remaining statutory MSO is deterring Soldiers from electing an RC assignment. It is imperative that the Army implements flexible policies to encourage continued service across all components.

5. Policy.

a. Reference 1a allows for flexibility in splitting the remaining statutory MSO between the Regular Army, ARNG/ARNGUS, USAR, and the IRR. On completion of a contractual military obligation in an RC, any unserved portion of a Soldier’s statutory MSO (should the Soldier decide not to reenlist or extend again) is fulfilled in the IRR.

b. The restriction pursuant to references 1c–1e to fulfill the remainder of a Soldier’s statutory MSO for service in the RC is rescinded, and future versions of these references will be updated accordingly.

c. Soldiers must meet the established retention standards at the time of transfer, enlistment, reenlistment, or extension pursuant to references 1c–1f.

6. Revisions to Regulations. Effective immediately, the policy for processing Soldiers for service in an RC is revised as follows.

a. Army Regulation 135–91.

(1) Revise paragraph 2–5a to read:

Soldiers reentering the Reserve Forces by enlisting in the USAR are credited with the number of years, months, and days served during a previous enlistment or appointment. However, an applicant must enlist for a whole number of years (a minimum of 1) not to exceed 6 years. On completion of the contractual obligation, the Soldier will serve any remaining unserved portion of the statutory MSO in the IRR.

(2) Revise paragraph 2–5b to read:

Soldiers reentering an RC by enlisting in the Army National Guard (ARNG) will be enlisted for whole years (a minimum of 1) not to exceed 6 years. On completion of the contractual obligation, the Soldier will serve any remaining unserved portion of the statutory MSO in the IRR.

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b. Army Regulation 140–111.

(1) Revise table 2–3, line 3, column 3 to read:

Not currently serving under a USAR enlistment or reenlistment. The member was transferred to the USAR to satisfy a contractual obligation (for example, active component to reserve component or IRR to SELRES transfer).

(2) Revise table 2–3, line 3, column 4 to read:

Within 12 months of completing the contractual obligation (see para 2–3a for an exception to the Try a Year in the USAR Program).

(3) Revise table 2–4, line 1, to read:

Within 12 months of completing the 3, 4, 5, or 6 years of contractual obligation and before reassignment to the IRR or an IMA position.

(4) Revise paragraph 3–3c to read:

When a Soldier who is not serving under a USAR enlistment or reenlistment agreement, but who was transferred to the USAR to satisfy a contractual obligation, is to be extended for reasons cited in table 3–1, the following entries must be made on DA Form 4836 (table 3–2):

(5) Revise paragraph 3–3c(2) to read:

Block 6b (TERM OF SERVICE). Term of service is length of contractual SELRES service. This information is found in section 8, 8a, or in the annex of the contract. Ensure ONLY contracted SELRES service is used for computations.

(6) Revise paragraph 3–3c(4) to read:

Block 6d (ETS). Enter the date that is derived by adding TERM OF SERVICE to the date entered in block 7a.

c. Army Regulation 601–210.

(1) Revise paragraph 1–10a(1) to read:

Enlistment of RA Soldiers in the USAR or ARNG to complete a contractual obligation. On completion of the contractual obligation (expiration term of service), the member must continue in a military status by reenlistment or

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extension under AR 140–111 or NGR 600–200. Soldiers with no remaining statutory MSO will be discharged from the RC. Soldiers with any remaining statutory MSO will be transferred to the IRR.

(2) Revise paragraph 2–16c to read:

Enlistment in the ARNG or USAR will be for a period of 8 years. The applicant may select the period of time to be assigned to the Selected Reserve, as authorized by chapter 5. Applicants with credible time served must enlist for a period authorized by the ARNG or USAR enlistment option. On completion of the contractual obligation, the member will serve any remaining unserved portion of statutory MSO in the IRR.

(3) Revise paragraph 3–14b to read:

PS applicants enlisting in the ARNG or USAR with a remaining unfulfilled portion of a previously incurred MSO may select their term of service as follows:

(4) Revise paragraph 3–14b(1) to read:

Enlistment for assignment to the Selected Reserve for at least 1 year for a term of service. The member will serve any remaining unfulfilled portion of a previously incurred statutory MSO in the IRR. The enlistment must be in whole years.

7. Effective Date. The provisions of this directive are effective immediately and take precedence over and supersede any conflicting guidance.

8. Proponent. The Deputy Chief of Staff, G-1 is the proponent for this policy and will incorporate the provisions of this directive into the applicable Army regulations within 2 years from the date of this directive. In coordination with the Assistant Secretary for Manpower and Reserve Affairs, the Deputy Chief of Staff, G-1 will publish appropriate implementing instructions as soon as possible. The Director, Army National Guard will issue separate instructions for Army National Guard Soldiers as soon as possible.

9. Duration. This directive is rescinded on publication of the revised regulations.



John E. Whitley
Acting

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