



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
MANPOWER AND RESERVE AFFAIRS
111 ARMY PENTAGON
WASHINGTON DC 20310-0111

SAMR-PO

11 AUG 2008

MEMORANDUM FOR DEPUTY CHIEF OF STAFF, G-1
COMMANDER, U.S. ARMY HUMAN RESOURCES COMMAND

SUBJECT: Management of Reserve Component (RC) Soldiers Retained on Active Duty for Sanctuary

1. References:

- a. Section 12301(d), Title 10, United States Code (10 USC 12301(d)).
- b. Section 12302, Title 10, United States Code (10 USC 12302).
- c. Section 12304, Title 10, United States Code (10 USC 12304).
- d. Section 12686, Title 10, United States Code (10 USC 12686).
- e. Army Regulation (AR) 135-155, Promotion of Commissioned Officers and Warrant Officers Other Than General Officers, 13 Jul 04.
- f. AR 135-210, Order to Active Duty as Individuals for Other Than a Presidential Selected Reserve Call-Up, Partial or Full Mobilization, 17 Sep 99.
- g. AR 600-8-24, Officer Transfers and Discharges, 12 Apr 06.
- h. AR 601-100, Appointment of Commissioned and Warrant Officers in the Regular Army, 21 Nov 06.
- i. AR 601-210, Active and Reserve Components Enlistment Program, 7 Jun 07.
- j. AR 635-200, Active Duty Enlisted Administrative Separations, 6 Jun 05.
- k. Memorandum, ASA (M&RA), 17 Dec 03, subject: Promotion of Mobilized Reserve Component Officers on the Reserve Active Status List (enclosed).
- l. Memorandum, ASA (M&RA), 14 Jan 05, subject: Promotion of Volunteers on Active Duty Under the Provisions of Title 10, U.S. Code, Section 12301(d) (enclosed).

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m. Memorandum, USD-P&R, 29 Jan 07, subject: Operational Support Duty – Update.

n. Memorandum, DAPE-MPE, 23 May 05, subject: Procedural Guidance for Retaining Reserve Component (RC) Enlisted Soldiers Who Have over 18 Years of Active Service (AS).

2. Due to the increased use of the Reserve components in support of the Global War on Terrorism the incidence of Reserve Soldiers reaching sanctuary, as defined in paragraph 3 below, has significantly increased in recent years. This memorandum provides policy guidance for the retention, management, and utilization of RC Soldiers who attain sanctuary while serving on active duty (other than for training). This policy memorandum does not apply to Active Guard Reserve (AGR) Soldiers or Soldiers who elect to be released from active duty before completing 20 years of active service.

3. Under the provisions of 10 USC 12686, sanctuary provides that a Reserve Soldier on active duty (except for training), including a member of the Retired Reserve recalled to active duty, who upon attaining 18 years, but less than 20 years of active service, may not be involuntarily released from active duty before the Soldier attains 20 years of active service unless the Secretary of the Army or his designee approves the release. Hereinafter, Reserve Soldiers retained for this type of sanctuary are referred to as “12686 Sanctuary Soldiers.”

4. A Reserve Soldier on active duty who has attained 18 years or more (but less than 20 years) of active service must forward a notice of sanctuary status to the Commander, U.S. Army Human Resources Command (HRC) (AHRC-PLM-O), 9700 Page Avenue, St. Louis, MO 63125-1547 through his or her chain of command. The notice must include all documents on the Sanctuary Notice Checklist (enclosed) in order for HRC to substantiate that the Soldier is eligible for sanctuary. The notice must be received by HRC 120 days prior to the end date of the Soldier's orders. When the Commander, HRC does not support the Soldier's retention on active duty for sanctuary, the Soldier's notice must be forwarded to the Army G-1, with HRC justification for release from active duty (REFRAD). An HRC recommendation for REFRAD must be signed by the Commander and will be forwarded through the Army G-1 (DAPE-MP) to the ASA (M&RA) for final approval/disapproval.

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5. Each 12686 Sanctuary Soldier will be placed on Active Duty for Operational Support (ADOS) orders (Format 156) by HRC and assigned/reassigned world-wide based upon the needs of the Army until the end of the month the Soldier completes 20 years of active service. The reporting date of the sanctuary orders will be the day after the expiration of the current orders the Soldier is serving under so that no break will occur in active duty for the sanctuary Soldier; the Authority leadline will cite 10 USC 12301(d) as the authority. Sanctuary orders are not authorized to be amended to reflect a period beyond the end of the month in which the Soldier attains 20 years of active service. In cases of approved ADOS service beyond 20 years of active service, the Soldier will be placed on a new set of orders and the sanctuary provisions of 10 USC 12686 will no longer apply.
6. This memorandum does not alter the existing promotion policies currently in effect for commissioned officers, warrant officers and enlisted Soldiers.
7. A 12686 Sanctuary Soldier who intends to retire at the end of sanctuary must submit a request for retirement to HRC upon reaching 19 years of active service (or immediately if the Soldier is already beyond 19 years of active service).
8. A 12686 Sanctuary Soldier has the option to apply for integration into the Regular Army, provided the Soldier is qualified in accordance with AR 601-100 or AR 601-210. Officers in sanctuary status may apply for Regular Army integration through the Call to Active Duty (CAD) Program, and enlisted Soldiers in sanctuary status may apply for Regular Army enlistment through the Reserve Component to Active Component (RC to AC) Program. Officers in sanctuary status should be advised that the CAD Program is a competitive accession program based upon the needs of the Army; there is no guarantee of approval. A 12686 Sanctuary Soldier who applies for the CAD Program or Regular Army enlistment, as applicable, must continue processing for retirement, REFRAD, or release, as appropriate, in the event the request/enlistment is disapproved. If approved and accessed into the Regular Army, the Soldier is subject to world-wide assignment based upon the needs of the Army. Human Resources Command will rescind the unexecuted portion of the ADOS sanctuary orders and the management of the Soldier will then transition from the Reserve Component Support Office to the applicable HRC career management branch.
9. HRC (AHRC-PLM-O) will ensure notification to each Soldier of the approval or disapproval of any notice or request made by the Soldier under the provisions of this policy memorandum.

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10. For strength accounting purposes 12686 Sanctuary Soldiers will not be counted in the end strength of the active Army until they exceed the relevant ADOS thresholds, i.e., ADOS order for a period of more than 1095 days or cumulative ADOS service of more than 1095 days out of any 1460 day period (effective 28 Oct 04). 12686 Sanctuary Soldiers will be properly accounted for and visible in all Army personnel data systems. 12686 Sanctuary Soldiers will be managed by HRC Enlisted and Officer Personnel Management Directorates (EPMD/OPMD), and will be subject to permanent change of station (PCS) in accordance with AR 600-8-11. Sanctuary Soldiers who reach their RCP or any MRD while retained for sanctuary will be discharged or retired at the end of the sanctuary period.

11. HRC will publish procedural guidance via supporting MILPER messages.

12. Reference 1.n. is rescinded effective the date of this memorandum.

13. The DCS, G-1 points of contact are MAJ Julie Grant, DAPE-MPO-D, 703-695-6615 (officers) and LTC Theresa Walsh, DAPE-MPE-IP, 703-695-7614 (enlisted).

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RONALD J. JAMES
Assistant Secretary of the Army
(Manpower and Reserve Affairs)

CF:
Army Reserve G-1
Director, Army National Guard



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17 DEC 2003

REPLY TO
ATTENTION OF

MEMORANDUM FOR DEPUTY CHIEF OF STAFF, G-1

SUBJECT: Promotion of Mobilized Reserve Component Officers on the Reserve Active Status List

Under authority of the Secretary of Army, this memorandum establishes promotion policy for mobilized Reserve Component officers for promotion to the grades of captain through colonel. This policy memorandum applies to all Reserve Component commissioned officers (Individual Ready Reserve and Selected Reserve) on the reserve-active status list, other than warrant officers, who are mobilized under the provisions of Title 10, United States Code, sections 12301(a), 12302, and 12304, and who are on an approved mandatory selection board promotion list established under Title 10, United States Code, section 14308(a).

This policy memorandum is not applicable to non-mobilized Reserve Component officers or to mobilized Reserve Component officers selected for promotion by position vacancy boards convened under the provisions of title 10, United States Code, sections 14101(a)(2) and 14315. This policy is not applicable to officers on active duty under the provisions of Title 10, United States Code, section 12301(d). Because AR 135-155 currently allows for promotion of U.S. Army Reserve Troop Program Unit (TPU) officers who are members of the Judge Advocate General's Corps, Chaplains Corps, Medical Corps, and Dental Corps without regard to holding a position of a higher grade, this policy is not applicable to these U.S. Army Reserve TPU officers.

This policy memorandum provides an exception to AR 135-155, paragraph 4-9a, which requires as a condition for promotion that a U.S. Army Reserve TPU officer selected by a mandatory promotion board be assigned or attached to a permanent Reserve Component position requiring the higher grade. To the extent that other provisions of AR 135-155, AR 135-18, AR 140-10, and NGR (AR) 600-100 conflict with this policy memorandum, those provisions are waived with respect to those officers to whom this policy applies for as long as this policy memorandum is in effect. Subject to the personnel strength limitations of Title 10, section 12011, this policy memorandum also implements Department of Defense Instruction 1320.14, paragraph 5.3.16.1.2, and authorizes overgrade waivers for mobilized Active Guard and Reserve officers who are assigned to a position that requires an authorized grade lower than the grade to which the officer is selected for promotion by a mandatory promotion board.

A mobilized U.S. Army Reserve officer covered by this policy memorandum who has been recommended for promotion to the next higher grade by a mandatory promotion board and who is on an approved promotion list may be promoted immediately when matched against a vacant position of the higher grade in the U.S.

Army Reserve. A mobilized Army National Guard of the United States officer covered by this policy memorandum who has been recommended for promotion to the next higher grade by a mandatory promotion board and who is on an approved promotion list may be promoted immediately when appointed in the state against a vacant position of the higher grade in a federally recognized unit in the National Guard. An officer promoted under this policy memorandum should be assigned to that position against which the officer was matched or appointed within 180 days after demobilization. If an officer, upon demobilization, declines or is unwilling or unable to occupy the position against which the officer was matched or appointed, then the officer—whether a member of the USAR or the ARNGUS—shall be transferred immediately to the Individual Ready Reserve if the officer is not assigned to some higher graded Reserve Component position within 180 days after demobilization.

In accordance with Title 10, United States Code, sections 14304(b) and 14316(d), a mobilized Reserve Component officer who has been recommended for promotion to the grades of captain through lieutenant colonel by a mandatory promotion board and who is on an approved promotion list shall be promoted—without regard to the existence of a vacancy or placement against a position of a higher grade under this policy memorandum on the date on which the officer completes the maximum years of service as specified in Title 10, United States Code, section 14304(a), unless the officer has voluntarily delayed or declined promotion in accordance with Title 10, section 14312.

If the Chief, Army Reserve, and the Director, Army National Guard, implement this policy memorandum for their respective components, then they will ensure that promotions do not exceed the personnel strength and strength-in-grade limitations of Title 10, United States Code. Any proposed guidance to implement this policy memorandum that will be issued by either the Chief, Army Reserve, or the Director, Army National Guard, must be coordinated with the Deputy Chief of Staff, G-1, and approved by the Assistant Secretary of the Army (Manpower and Reserve Affairs).

This policy memorandum does not preclude mobilized or non-mobilized officers from voluntarily delaying or declining promotion under the provisions of Title 10, United States Code, section 14312, in accordance with AR 135-155. Officers should consult their respective chains of command or career managers to discuss whether a delay or declination would better serve their specific career goals.

Ensure that this policy memorandum is reflected in pertinent Army personnel policy guidance and in the revisions to related Army regulations.



Reginald J. Brown
Assistant Secretary of the Army
(Manpower and Reserve Affairs)



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JAN 14 2005

MEMORANDUM FOR DEPUTY CHIEF OF STAFF, G-1

SUBJECT: Promotion of Volunteers on Active Duty Under the Provisions of Title 10, U.S. Code, Section 12301(d)

Recognizing the important contributions of Reserve Component (RC) officers ordered to active duty under the provisions (UP) of Title 10, United States Code (U.S.C.), section 12301(d), the following policy is implemented, effective upon signature.

Under the authority of the Secretary of Army this memorandum establishes policy for promotion of certain RC officers to the grades of captain through colonel. This policy memorandum applies to all Reserve Component commissioned officers (Individual Ready Reserve and Selected Reserve) on the reserve-active status list, other than warrant officers, who are ordered to active duty UP of 10 U.S.C., section 12301(d), for a period of not less than three months, and who are on an approved mandatory selection board promotion list established under 10, U.S.C., section 14308(a).

This policy memorandum is not applicable to RC officers selected for promotion by position vacancy boards convened UP of 10 U.S.C. sections 14101(a)(2) and 14315. Because AR 135-155 currently allows for promotion of United States Army Reserve (USAR) Troop Program Unit (TPU) officers who are members of the Judge Advocate General's Corps, Chaplains, Medical Corps, and Dental Corps without regard to holding a position of a higher grade, this policy is not applicable to these AR TPU officers.

This policy memorandum provides an exception to AR 135-155, paragraph 4-9a, which requires as a condition for promotion that an officer selected by a mandatory promotion board be assigned or attached to a permanent RC position requiring the higher grade. To the extent that other provisions of AR 135-155, AR 135-18, AR 140-10, and NGR (AR) 600-100 conflict with this policy memorandum, those provisions are waived with respect to those officers to whom this policy applies, for as long as this policy memorandum is in effect. Subject to the personnel strength limitations of 10 U.S.C., section 12011, this policy memorandum also implements Department of Defense Instruction 1320.14, paragraph 5.3.16.1.2, and authorizes overgrade waivers for Active Guard and Reserve officers serving on active duty UP 10 U.S.C., section 12301(d), for a period of not less than three months who are assigned to a position that requires an authorized grade lower than the grade to which the officer is selected for promotion by a mandatory promotion board.

A USAR officer covered by this policy memorandum recommended for promotion to the next higher grade by a mandatory promotion board and on an approved promotion list, may be promoted immediately when matched against a vacant position of the higher grade in the Selected Reserve. An Army National Guard of the United States (ARNGUS) officer covered by this policy memorandum, recommended for promotion to the next higher grade

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by a mandatory promotion board and on an approved promotion list, may be promoted immediately when appointed in the state against a vacant position of the higher grade in a federally recognized unit in the National Guard.

An officer promoted under this policy memorandum should be assigned to that position against which they were matched or appointed within 180 days after the completing his or her current tour of active duty, i.e., the tour of duty on which the officer is serving at the time of promotion under this policy. If an officer, upon completing his or her current tour of active duty declines or is unwilling or unable to occupy the position against which the officer was matched or appointed, then the officer—whether a member of the USAR or ARNGUS—shall be transferred immediately to the Individual Ready Reserve unless the officer is assigned to some higher grade RC position within 180 days after completing his or her current tour of active duty.

In accordance with 10 U.S.C., sections 14304(b) and 14316(d), all RC officers who have been recommended for promotion to the grades of captain through lieutenant colonel by a mandatory promotion board, and who are on an approved promotion list, shall be promoted—without regard to the existence of a vacancy or placement against a position of a higher grade under this policy memorandum—on the date on which the officer completes the maximum years of service as specified in 10, U.S.C., section 14304(a), unless the officer has voluntarily delayed or declined promotion in accordance with 10 U.S.C., section 14312.

If the Chief, Army Reserve, and the Director, Army National Guard, implement this policy memorandum for their respective components, they will ensure that promotions do not exceed the personnel strength and strength-in-grade limitations of 10 U.S.C. Any proposed guidance supplementing this policy memorandum issued by either the Chief, Army Reserve, or the Director, Army National Guard, must be coordinated with the Deputy Chief of Staff, G-1, and approved by the undersigned prior to implementation.

This policy memorandum does not preclude an officer on active duty UP of 10 U.S.C., section 12301(d) from voluntarily delaying or declining promotion under the provisions of 10 U.S.C., section 14312; in accordance with AR 135-155. Officers should consult their respective chains of command or career managers to discuss whether promotion delay or declination would better serve their specific career goals.

Ensure that this policy memorandum is reflected in any Army personnel policy guidance and in the next revision to related Army regulations.



Reginald J. Brown
Assistant Secretary of the Army
(Manpower and Reserve Affairs)

14 Jan 2005

Sanctuary Notice Checklist (include w/ packet)

It is the Soldier's Responsibility to submit packet 120 days in advance or a Break in Service may occur					
I. SOLDIER'S SECTION (completed by Applicant) Include Checklist with Packet					
1. Name: (Last, First, M)		2. SSN:	3. Rank/Grade:	4. ETS:	5. Branch: (Officers Only)
6. # Dependents:	7. DOR: YYYYMMDD	8. Highest Rank held:	9. Email Address AKO ONLY		
10. Current location:		11. HOR Address (if different then #10):		12. PEBD: YYYYMMDD	
				13. MOB Site:	
14. H Phone #:	15. Cell Phone #:	16. Previous UNIT UIC:	17. PMOS:	18. SMOS:	19. ADD MOS (ASI):
20. Order End Date:	21. DOB: YYYYMMDD	22. TOTAL AFS Estimated: YEARS MONTHS		24. Date Last Physical Exam: YYYYMMDD	
II. Required Documentation (Provided by Applicant to PERSCOM)					
Type		Remarks			
DA 4187 Requesting To Remain on AD		From soldier's unit To AHRC (AHRC-PLM-O) 9700 Page Avenue, St. Louis, MO 63125-1547 PURPOSE: Request to Remain on AD to Reach 20 yrs AFS. The following must on the DA Form 4187:			
		1. I am requesting to remain on AD IAW 10 USC 12686a in order to obtain 20 years of Active Federal Service for Retirement. I will / have reached over 18 years of AFS on _____.			
		2. I understand that I will be assigned as needed by the Army and may be released from my current MOB orders before the end of tour if required. My projected REFRAD/DEMOB date is:			
		3. I have/have not previously received SSB or separation pay. If I previously received SSB or separation pay, I understand that the full amount may be subject to recoupment from my retirement pay.			
		4. I understand that this request will not automatically qualify me for retirement and I must apply and process for retirement IAW AR 600-8-24 or AR 635-200, as applicable, and the installation procedures where I am or will be assigned.			
		5. I understand that in order to transfer any additional leave from MOB status to AD I must provide a memorandum from my command verifying that I will not cash in leave and will have XX number of days requiring transfer. The memorandum must be signed by the first O5 in my chain. If time permits I desire to take XX number of days of leave before my DEMOB date.			
		6. My 3 stations of choice are:			
DA 2A/2-1, ORB or ERB		Must be current (May be updated manually). Soldier's signature must be current.			
DA 368		Conditional Release Form (If soldier desires to apply thru the RC-AC Program for enlistment in the Regular Army)			
Current MOB Orders		A copy of current MOB orders and all amendments. COTTAD/COEAD must include original MOB order.			
College Transcripts or Biographical Summary		Officers Only (copies are accepted) (Failure to provide transcripts will not delay sanctuary request)			
NGB 23 or ARPC 249		For ARNG: Current NGB Form 23, Retirement Credits Record; For USAR: Current ARPC Form 249, Chronological Statement of Retirement Points (Logon to https://www.2xcitizen.usar.army.mil/ to print a current statement).			
Copy of all DD214s		Certificate of Release or Discharge from Active Duty (must be legible or attach a memo certifying the unreadable information)			
DA Form 1059		From Last NCOES Completed. (Enlisted Only)			
Promotion Order		Promotion Order for current grade			
DA Form 4-1		Most Recent Enlistment Contract (First Page Only) (Enlisted ONLY)			
Additional proof of AD		Orders and other documents substantiating AD not listed on the attached DD214s (NOTE: A completed DA Form 1506 will expedite verification of AFS).			
OER/NCOER		Most Recent OER or NCOER.			
APFT Scorecard		Most Recent/Certified APFT Scorecard. If soldier exceeds height and weight include bodyfat worksheet			
DA 31 (Request for Leave)		Leave taken prior to ending MOB, signed by command (14-20 days leave required)			
Leave Memorandum		Leave memo signed by current commander, with soldier projected days of leave			
THIS DOES NOT APPLY TO ARNG SOLDIERS UNDER TITLE 32 STATUS IMMEDIATELY BEFORE MOBILIZATION. ALL SOLDIERS UNDER TITLE 32 MUST APPLY FOR THEIR ACTIVE DUTY RETIREMENT THRU THEIR RESPECTIVE TAGS.					

Email all required documentation and checklist to
AHRC-PLM-O at rcead@conus.army.mil.
Call 314-592-0403 for questions related to this notice.

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