



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
MANPOWER AND RESERVE AFFAIRS
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DASA-PO

JAN 27 2009

MEMORANDUM FOR

DEPUTY CHIEF OF STAFF, G-1
UNITED STATES ARMY HUMAN RESOURCES COMMAND
UNITED STATES ARMY RESERVE COMMAND
DIRECTOR, ARMY NATIONAL GUARD

SUBJECT: Grade of Officers When Retiring or Separating for Physical Disability

1. References:

- a. Sections 1202-1206, 1212, 1372, and 1376, Title 10, U.S. Code.
- b. Army Regulation (AR) 135-155, Promotion of Commissioned Officers and Warrant Officers Other Than General Officers, 13 Jul 04.
- c. AR 135-156, Reserve Component General Officer Personnel Management, 17 May 2007.
- d. AR 600-8-2, Suspension of Favorable Personnel Actions (Flags), 23 Dec 04.
- e. AR 600-8-24, Officer Transfers and Discharges, 12 Apr 06.
- f. AR 600-8-29, Officer Promotions, 25 Feb 05.
- g. AR 600-8-105, Military Orders, 28 Oct 94.
- h. AR 635-40, Physical Evaluation for Retention, Retirement, or Separation, 8 Feb 06.
- i. National Guard Regulation (NGR) 600-100, Commissioned Officers – Federal Recognition and Related Personnel Actions, 15 Apr 94.
- j. NGR 600-101, Warrant Officers – Federal Recognition and Related Personnel Actions, 1 Oct 96.

2. Applicability. This policy memorandum applies to commissioned and warrant officers of the Regular Army, Army Reserve, and Army National Guard/Army National Guard of

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the United States (ARNG/ARNGUS). The term "officers" as used in this memorandum is intended to apply to all such officers unless otherwise stated.

3. Purpose.

a. In accordance with sections 1212 and 1372, Title 10, U.S. Code, this memorandum prescribes Army grade-determination policy for officers who, because of physical disability, are separated, retired, or retired and placed on the Temporary Disability Retired List (TDRL). These officers would otherwise have been promoted, had it not been for their physical disability, when they had attained maximum time in grade or reached their promotion sequence number, as applicable, and had satisfied all other statutory and regulatory criteria for promotion to the higher grade in the applicable Army component.

b. This memorandum implements the grade-determination authority of Section 1212, Title 10, U.S. Code. Specifically, this memorandum prescribes policy for determining, for the purposes of disability severance pay, the grade of officers separated because of physical disability pursuant to Section 1203 or 1206, Title 10, U.S. Code, who would have been promoted had it not been for the physical disability for which the officers were separated.

c. This memorandum also implements the grade-determination authority of Section 1372, Title 10, U.S. Code. Specifically, this memorandum prescribes policy for determining the retired grade of officers retired because of physical disability pursuant to Section 1201 or 1204, Title 10, U.S. Code, who would have been promoted had it not been for the physical disability for which the officers were retired. This memorandum further prescribes policy for determining the retired grade of officers retired and placed on the TDRL because of physical disability pursuant to Section 1202 or 1205, Title 10, U.S. Code, who would have been promoted had it not been for the physical disability for which the officers were retired and placed on the TDRL.

4. Policy. Officers separated because of physical disability pursuant to Section 1203 or 1206, Title 10, U.S. Code, will have their disability severance pay calculated in the next higher grade if the requirements in 4a or 4b are satisfied. Similarly, officers retired because of physical disability pursuant to Section 1201 or 1204, Title 10, U.S. Code, and officers retired and placed on the TDRL pursuant to Section 1202 or 1205, Title 10, U.S. Code, will be retired in the next higher grade if the requirements in 4a or 4b are satisfied.

a. Officers Recommended by Title 10 Promotion Selection Boards, Special Selection Boards, or Position Vacancy Boards. The officer must be on an approved

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promotion list (and confirmed by the Senate, if required) prior to the effective date of retirement or separation because of physical disability. An officer found fully qualified for automatic promotion to first lieutenant or chief warrant officer two must have satisfied the applicable minimum time-in-grade requirement prior to the effective date of retirement or separation because of physical disability. The officer must not be serving under a suspension of favorable personnel action (flagged) on the effective date of retirement or separation.

b. Officers Recommended by Title 32 Federal Recognition Boards. The officer must be on a promotion nomination scroll approved by the Deputy Secretary of Defense (and confirmed by the Senate, if required) prior to the effective date of retirement or separation because of physical disability. The officer must not be serving under a suspension of favorable personnel action (flagged) on the effective date of retirement or separation.

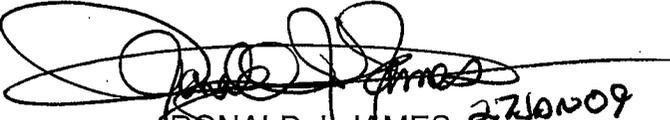
5. Discharge orders for officers authorized severance pay will contain the following remarks in the Additional Instructions leadline: "Severance pay is calculated at higher grade UP Title 10 USC, Section 1212."

6. The Physical Disability Agency is the responsible organization for implementing the provisions of 10 USC 1212 and 1372 in accordance with the requirements set forth in paragraph 4 above.

7. As a point of clarification, this policy implements the grade-determination authority of Sections 1212 and 1372, Title 10, U.S. Code, but it does not authorize the actual promotion of officers covered by the policy who are retired or separated because of physical disability. Therefore, promotion orders will not be published for these officers.

8. The Army G-1 will ensure AR 635-40 and other pertinent regulations are revised to incorporate these changes.

9. The DCS, G-1 point of contact for this policy is Mr. Rowland Heflin, DAPE-MPO-D, 703-695-7277.


RONALD J. JAMES 27 JAN 09
Assistant Secretary of the Army
(Manpower and Reserve Affairs)

CF: Army Review Boards Agency