

# LAW REVIEW 822

(May 2008)

CATEGORY: 1.4-Character and Duration of Service

1.5-Timely Application for Reemployment

**Time Management: Don't confuse the five-year limit with the 90-day deadline.**

By CAPT Samuel F. Wright, JAGC, USN (Ret.)

**Q: I enlisted in the Army in 2002, and notified my civilian employer. I entered active duty by reporting to boot camp in April 2003. My original active duty commitment was for four years, and I voluntarily extended for an additional year. I expected to leave active duty in April, just prior to the expiration of the five-year limit.**

**I had an opportunity for an additional 60-day voluntary extension of my active duty period, running to June. The way that I read your articles about the Uniformed Services Employment and Reemployment Rights Act, my time away from my civilian employer can be up to five years and 90 days. I am thinking of taking the 60-day extension and then applying for reemployment immediately after leaving active duty, to be within the five years plus 90 days deadline. Is my interpretation correct?**

**A:** No, you are incorrectly confusing the five-year limit with the 90-day deadline to apply for reemployment. As I explained in Law Review 77 and other articles (available online at [www.roa.org/law\\_review](http://www.roa.org/law_review)), you must meet all five eligibility criteria to have the right to reemployment. The five-year limit is separate and apart from the 90-day deadline to apply for reemployment. If your period of service exceeds the five-year limit, you do not have the right to reemployment, no matter how quickly you apply. Several readers share your confusion on this important point.