

## Law Review 1169

### You Need To Look Out for Your Own Interests Regarding Your Reserve Retirement

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

#### 9.0--Miscellaneous

I turned 60 earlier this year and started drawing my Navy Reserve retirement pay. I submitted my application late in 2010 and was approved in March 2011, effective 9 May, my birthday. While preparing to submit my application, I asked the Navy Personnel Command (NPC) for a print-out of all my retirement points. I am most pleased to say that the Navy's computation was exactly correct. I do not believe that there is a single retirement point that I earned that was not reflected in the NPC print-out.

If the NPC print-out had short-changed me, I likely would have been up the proverbial creek without a paddle. I am not the kind of organized person who keeps detailed records in clearly labeled folders. If I had found it necessary to prove additional retirement points earned in the 1980s or 1990s, I don't think that I would have been able to do so. *Bravo Zulu* to my Commanding Officers over the years, to the Navy and Navy Reserve in general, and to NPC.

As the Director of the Service Members Law Center (SMLC), I receive and respond to upwards of 500 inquiries per month from service members, military family members, attorneys, employers, congressional staffers, reporters, and others about military-legal topics. More than half of the inquiries are about the Uniformed Services Employment and Reemployment Rights Act (USERRA)—that is my real area of expertise, and that is what most of my published ROA "Law Reviews" have been about.[\[1\]](#)

Most of the inquiries that I receive are about conflicts between Reserve Component personnel and their civilian employers, concerning their rights under USERRA, but I am increasingly receiving inquiries about other legal matters, including the Reserve Retirement System. I find some of these inquiries to be most frustrating, because there is nothing that I can do for them. I am thinking of inquiries from ROA members in their late 50s or early 60s, or in one case in his 70s, who believe that they qualified for Reserve Retirement benefits at age 60, but the service does not agree. They are desperately trying to prove drill attendance and annual training going back to the 1960s, in some cases. They are looking for records that no longer exist, if they ever existed.

I am writing this article as a "word to the wise" to those who are participating in the National Guard or Reserve today, including very junior people to whom the 60<sup>th</sup> birthday seems a million years away. It is incumbent on you to ensure that your participation is properly recorded and credited. You should check on this on an annual basis, and then take action promptly if you find that some of your participation has not been properly credited. If you did a drill weekend 25 months ago and it was not properly credited, it should be feasible to get this mistake corrected. If the uncredited drill weekend was 25 years ago, good luck with that!

I served my initial period of active duty from 1977 to 1980, after I graduated from law school (1976) and passed the bar exam. Shortly after I left active duty, I affiliated with the Naval Reserve (name later changed to Navy Reserve), and I performed inactive duty

training and active duty for training, sometimes for pay and points and sometimes for points alone, as a member of the Law Volunteer Training Unit here in Washington. I also performed many additional periods of voluntary active duty for special work, and that is how I accumulated most of my retirement points.

I recall that in the 1980s I received in the mail, from the Navy, an annual print-out of my retirement points, including drills, annual training, correspondence course, and the 15 gratuitous points per year. The services no longer send out such reports by snail mail—we are in the Internet Age—but this information is available to you on-line. I suggest that you check it out annually, perhaps on your birthday or your military anniversary date.[\[2\]](#)

I am not saying that you need to keep thousands of “drill slips” as evidence of your inactive duty training. If you have an annual report that is correct, *print it out* and save it. If it shortchanges you, act now to get it corrected before the next annual report comes out.

I recall a retired Army Reserve Major that I have spoken to on the telephone several times. He insists that in the mid 1980s he should have received hundreds of drill points, for which he has not been credited. The Army insists that he does not have 20 good years for retirement purposes, and he has received no retired pay, although his 60<sup>th</sup> birthday came several years ago. He insists that he has more than enough good years to qualify, if only the Army would credit him for what he has earned.

He insists that recording his activity was the Army’s responsibility, not his responsibility, and that he can sue and get a court to order the Army to fix this problem.

Let us say that he went to the commissary in 1986 and had a bill for \$11. He gave the cashier a \$20 bill and received only \$2 in change. Yes, it was the cashier’s responsibility to give him the correct change (\$9), but that does not mean that he can sue 25 years later for being shortchanged.

Here are the points of contact for retired pay matters for the five Armed Forces:

## **Army**

U.S. Army Human Resources Command  
Attention: Reserve Retired Pay  
Building 6434  
1600 Spearhead Division Avenue  
Fort Knox, KY 40121  
800-318-5298  
[www.hrc.army.mil](http://www.hrc.army.mil)

## **Navy**

Navy Personnel Command  
PERS 912  
5720 Integrity Dr.  
Millington, TN 38055  
866-827-5672  
[www.npc.navy.mil](http://www.npc.navy.mil)

## **Air Force**

HQ ARPC/DPPR  
6760 E. Irvington Pl.  
Suite 4000  
Denver, CO 80280-4000  
800-525-0102  
<http://arpc.afrc.af.mil>

## **Marine Corps**

Commandant  
Headquarters Marine Corps  
3280 Russell Road  
MMSR-5  
Quantico, VA 22134  
[www.usmc.mil](http://www.usmc.mil)

## **Coast Guard**

Commanding Officer/RAS  
U.S. Coast Guard Pay & Personnel Center  
444 S.E. Quincy St.  
Topeka, KS 66683-3591  
800-772-8724  
[www.uscg.mil/hq/psc](http://www.uscg.mil/hq/psc)

Note: I got this information from the 2010 edition of *Reserve Forces Almanac*, published annually by:

Uniformed Services Almanac, Inc.  
P.O. Box 4144  
Falls Church, VA 22044-0144  
(703) 532-1631  
[www.militaryalmanac.com](http://www.militaryalmanac.com)

The book costs \$12.95 plus shipping and handling, and is very much worth the cost. It contains a great deal of useful information that is not readily available elsewhere, and I endorse the book wholeheartedly.

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[1] I invite the reader's attention to [www.servicemembers-lawcenter.org](http://www.servicemembers-lawcenter.org). You will find more than 800 articles about USERRA, the Servicemembers Civil Relief Act (SCRA), the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), and other laws that are particularly relevant to those who serve our country in uniform. You will also find a detailed Subject Index and a search function, to facilitate finding articles about very specific topics. I initiated this column in 1997, and we add 1-3 new articles per week. We recently instituted a separate website for the SMLC, separate from the ROA website at [www.roa.org](http://www.roa.org). We had simply outgrown the ROA website.

[2] For most service members, the anniversary date will be the same as the Pay Entry Base Date.