

What Is a “Gray Area Retiree?”

By Captain Samuel F. Wright, JAGC, USN (Ret.)²
Update on Sam Wright

9.0—Miscellaneous

Q: I am the Coast Guard Reserve petty officer who has asked the questions in the last several “Law Review” articles. I have heard several of the senior officers and chief petty officers who serve with me in the Coast Guard Reserve discussing retiring from the Coast Guard Reserve and becoming “gray area retirees.” What is a “gray area retiree?”

A: Let me answer by referring to my own situation. In April 2007, I reached my mandatory retirement date in the Navy Reserve, based on 30 years of commissioned service. At that point, I transferred to the Inactive Status List (ISL), in accordance with section 12735 of title 10.³ Being on the ISL is colloquially referred to as being a “gray area retiree.”

I remained on the ISL for 49 months, until I attained my 60th birthday on May 9, 2011. At that point, I transferred to the retired list and started drawing my Reserve Component (RC) retirement benefit.

While I was on the ISL, I was not required to participate in inactive duty training (drills) or annual training, and I could not receive additional retirement points for showing up at these events. I was subject to involuntary recall to active duty, but only in the case of a very dire national emergency. I could have volunteered to return to active duty, and it is possible that the Navy would have accepted my offer to return, but that did not happen.⁴ During that 49-month interim (April 2007 to May 2011), I met all the requirements for the RC retirement benefit *except* having attained my 60th birthday.

¹ Please see www.servicemembers-lawcenter.org. You will find more than 1500 “Law Review” articles about laws that are especially pertinent to those who serve our country in uniform, along with a detailed Subject Index and a search function, to facilitate finding articles about very specific topics. The Reserve Officers Association (ROA) initiated this column in 1997. I am the author of more than 1300 of the articles.

² BA 1973 Northwestern University, JD 1976 University of Houston Law School, LLM 1980 Georgetown University Law Center. I served in the Navy and Navy Reserve as a Judge Advocate General’s Corps officer and retired in 2007. I am a life member of ROA, and for six years (2009-15) I served as the Director of the Service Members Law Center (SMLC), as a full-time employee of ROA. Please see Law Review 15052 (June 2015) concerning the accomplishments of the SMLC. Although I am no longer employed by ROA, I have continued the work of the SMLC on a part-time voluntary basis. You can reach me through ROA at (800) 809-9448, extension 730, or. SWright@roa.org.

³ 10 U.S.C. 12735.

⁴ I know several Reserve Officers Association (ROA) members, including at least one past National President of ROA, who voluntarily returned to active duty and deployed to Iraq during roughly the same time period.