



DEPARTMENTS OF THE ARMY AND THE AIR FORCE
NATIONAL GUARD BUREAU
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NGB-ARH-S

29 JUN 2005

MEMORANDUM FOR THE ADJUTANTS GENERAL OF ALL STATES, TERRITORIES, THE COMMONWEALTH OF PUERTO RICO, AND THE DISTRICT OF COLUMBIA

SUBJECT: Delegation of Waiver Authority for Full-Time National Guard Duty for Special Work (FTNGDSW) (NGB-ARH Policy Memo 05-049)

1. References:

- a. Title 10, U.S. Code, Armed Forces, Subtitle E – Reserve Components.
- b. Title 32, U.S. Code, National Guard, Chapter 5 - Training.
- c. AR 135-18, The Active Guard Reserve (AGR) Program, 1 November 2004.
- d. AR 135-200, Active Duty For Missions, Projects, and Training for Reserve Component Soldiers, 30 June 1999.
- e. Memorandum, National Guard Bureau, NGB-ARH, 17 March 2003, subject: (All States Log Number P03-0015) Army National Guard (ARNG) Soldiers Serving on Full-Time National Guard Duty Special Work (FTNGDSW) or Full-Time National Guard Duty for Counterdrug Operations (FTNGDCD).

2. Purpose. The purpose of this memorandum is to provide policy guidance for the delegation of waiver authority for ARNG Soldiers performing FTNGDSW.

3. Definition. Full-Time National Guard Duty - Training or other duty, other than inactive duty, performed by a member of the Army National Guard of the United States or the Air National Guard of the United States in the member's status as a member of the National Guard of a State or territory, the Commonwealth of Puerto Rico, or the District of Columbia under 32 USC section 316, 502, 503, 504, or 505 for which the member is entitled to pay from the United States.

4. Applicability.

a. This policy applies to ARNG Soldiers currently serving on FTNGDSW tours, tour renewals, and new tours subsequent to the date of this memorandum under 32 USC 502(f) within all States, Territories, the Commonwealth of Puerto Rico, and the District of Columbia.

b. This policy does not apply to Soldiers serving on Active Duty Special Work (ADSW), Active Duty Training (ADT), or Temporary Tour of Active Duty (TTAD) under 10 USC 12301(d). AR 135-200 provides guidance for those duty types. Actions involving T10 should be routed to NGB-ARO.

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5. Policy.

a. Effective immediately, authority is delegated from the Chief of National Guard Bureau (CNGB) to the State Adjutant General (AG) for waivers of FTNGDSW tours in excess of 179 days (180-day rule) unless the following conditions apply:

(1) Separation Pay. Soldiers will not be ordered to FTNGDSW that will entitle them to separation pay unless approved by the CNGB. Separation pay is payable to a Soldier who has completed six or more continuous years of Active Service (AS) immediately before such discharge or release, and is computed under 10 USC 1174. A State should be monitoring their FTNGDSW program to ensure that a Soldier will not be considered for a FTNGDSW tour without having a 31-day break within each 6 year period of continuous years of AS. For purposes of this paragraph, a period of Active Duty (AD) is continuous if it is not interrupted by a break in service of more than 30 days. Waivers may only be authorized by NGB-ARH on an individual basis. If separation pay is authorized, it will be funded from the State Operating Budget, and will be deducted from the fund site account for which the Soldier was performing duty at time of separation.

(2) Sanctuary (18 year lock-in). Soldiers will not be ordered to FTNGDSW that will place them in sanctuary or offered follow on tours unless approved by the CNGB. Soldiers whom have 17 or more years of AS require a waiver from the CNGB for tour continuation. A Soldier performing FTNGDSW who accumulates 18 years of AS is entitled to sanctuary under 10 USC 12686(a). Once sanctuary is reached, the Soldier may not be involuntarily released from FTNGDSW without the approval of The Secretary of the Army. Soldiers who achieve 20 years of AS are immediately eligible for retired pay under the provisions of 10 USC 1293, 3911, or 3914.

(3) Tours that will place a Soldier on continuous active duty of three years and more must be approved by CNGB.

b. FTNGDSW orders will not extend beyond September 30th of the current fiscal year.

c. Coordination will be made with NGB-ARM to ensure that funds are available at the beginning of each fiscal year when placing a Soldier on orders.

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6. Point of contact at NGB-ARH is MSG Donna C. Gregor at 703-607-3399, DSN 327-3399, or by email address at Donna.Gregor@ngb.army.mil, at NGB-ARM is MAJ Timothy Rooney at 703-607-9770, DSN 327-9770, or by email address at Timothy.Rooney@ngb.army.mil, at NGB-ARO is MAJ Ronald R. Wilkins at 703-607-8119, DSN 327-8119, or by email address at Ronald.Wilkins@ngb.army.mil.



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