



DEPARTMENTS OF THE ARMY AND THE AIR FORCE  
NATIONAL GUARD BUREAU  
1411 JEFFERSON DAVIS HIGHWAY  
ARLINGTON, VA 22202-3231

7 SEP 2006

NGB-ARH

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Implementation Policy for Army National Guard (ARNG) Federal Military Retirement Credit for Certain Service Performed Following the Terrorist Attacks of September 11, 2001 (NGB-ARH Policy Memorandum #06-045)

1. References:

a. Memorandum, Office, Assistant Secretary of Defense, Reserve Affairs (OASD/RA), 08 August 2006, subject: Military Retirement Credit for Certain Service Performed by National Guard Members Following the Terrorist Attacks of September 11, 2001 (enclosure 3).

b. Memorandum, National Guard Bureau, NGB-J1, 23 August 2006, subject: Military Retirement Credit for Certain Service Performed by National Guard Members Following the Terrorist Attacks of September 11, 2001 (J1-06-025) (enclosure 4).

c. Section 514 of the National Defense Authorization Act for Fiscal Year 2006 (NDAA FY 06) (Public Law 109-163, 6 January 2006).

2. Effective immediately certain service performed in a State active duty (SAD) status by ARNG Soldiers following the terrorist attacks on 11 September 2001, is eligible for computation of years of service creditable for entitlement to military retired pay for non-regular (reserve) service, under the provisions of section 12732 of Title 10, United States Code.

3. Eligibility. In order for ARNG Soldiers to receive retirement credit for qualifying service under this policy memorandum, the United States Property and Fiscal Officer in the State, or other Federal official, shall certify all eligible Soldiers in their respective State the dates and exact location of the SAD performed as described in paragraph 5b below. Duty must have been performed within the dates specified in order for the member to receive retirement credit, as required by section 514(b) of Public Law 109-163. Additionally, Soldiers must meet all of the following eligibility criteria:

a. Duty must have been performed in a SAD status as prescribed in the statutes of the home State of the ARNG Soldier, and

b. during the period beginning on 11 September 2001, and ending on 30 September 2002, regardless of the published beginning and ending date of the SAD order, and

c. within the geographical boundaries of the following counties: State of New York: Bronx, Kings, New York, Queens, Richmond, Delaware, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester; State of Virginia: Arlington, and

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d. in support of the federal declaration of emergency following the terrorist attacks on the United States on 11 September 2001. No other SAD service qualifies.

4. This authorization of federal military retirement benefits for SAD service is both specific and limited. This authorization does not extend to any other form of federal benefits.

5. Responsibilities:

a. NGB-ARH:

(1) Will maintain policy oversight to ensure implementation of this memorandum and compliance with applicable law, and

(2) Hereby specifies policy and procedures required to document and update individual retirement points pertaining to implementation of Section 514 of Public Law 109 -163, in accordance with reference 1c above. It is important to note that all Joint Force Headquarters (JFHQ) may have some responsibility in implementing this new entitlement, due to the fact that Soldiers may have relocated since the period of eligibility previously defined.

b. Each affected JFHQ will:

(1) Record Federal retirement points for Soldiers who provide official State documentation reflecting their eligibility and period of qualifying SAD service for credit under this policy memorandum.

(2) Ensure that only those Soldiers who meet established eligibility criteria receive retirement point credit by defining procedures necessary to document and update Soldier retirement points for eligible Soldiers. This includes former ARNG Soldiers who may be currently retired (gray area retirees), retired ARNG Soldiers receiving pay, and those who may be serving in other components of the military Services or in other States as applicable.

(3) Assist the Soldier with completing the NGB Form 514, Military Retirement Credit for National Guard State Active Duty, 15 Aug 06, at enclosure 1, and submitting that request to the appropriate agency, in accordance with the disposition instructions in Section IV of the NGB Form 514.

(4) Ensure that a federal official of the State to which the eligible Soldiers was assigned at the time the duty was performed certifies that the duty was performed by signing a master list (enclosure 2) for each State, thereby verifying that an NGB Form 514 has been completed and submitted in order to update the eligible Soldier's retirement point file, regardless of current status or component of service assigned.

(5) A copy of the signed master list in the excel spreadsheet format provided must be submitted to: CNGB (NGB-ARP), or via scanned email image to Mr. Peter Guerrant at: [peter.guerrant@ng.army.mil](mailto:peter.guerrant@ng.army.mil) not later than 15 November 2006.

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c. NGB-ARP will:

(1) To the maximum extent possible, identify potentially eligible ARNG Soldiers using the necessary data base queries and reconciliations to include all Soldiers who may be in one of the categories in 5b(2) above, and pass that information to each JFHQ, J-1, so that they may in turn contact, verify, and document the SAD information for final retirement point update based on the list provided.

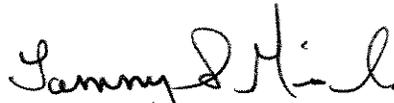
(2) Maintain and report information on all National Guard members who have received credit under the provision of this authority.

(3) Provide the Assistant Secretary of Defense for Reserve Affairs with a copy of the reports detailing the Soldiers name, State and county where the duty was performed, and dates of SAD not later than 1 December 2006.

6. Point of contact is Mr. Ray Holdeman at 703-607-5851, DSN 327-5851, or email: [raymond.holdeman@ng.army.mil](mailto:raymond.holdeman@ng.army.mil).

Encl

1. NGB Form 514
2. Master List (example)
3. OSD/RA Memorandum
4. NGB-J1 Memorandum



TAMMY L. MIRACLE  
COL, GS  
Chief, Personnel Policy  
and Readiness Division

Distribution:

Each JFHQ, MILPO, and USPFO

CF:

HRC  
NGB J1  
NGB G1  
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RESERVE AFFAIRS

ASSISTANT SECRETARY OF DEFENSE  
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AUG 8 2006

MEMORANDUM FOR SECRETARY OF THE ARMY  
SECRETARY OF THE NAVY  
SECRETARY OF THE AIR FORCE  
DIRECTOR OF RESERVE & TRAINING, USCG

SUBJECT: Military Retirement Credit for Certain Service Performed by National Guard  
Members Following the Terrorist Attacks of September 11, 2001

This directive type memorandum implements the provisions of section 514 of Public Law 109-163, the National Defense Authorization Act for Fiscal Year 2006 (NDAA FY06), January 6, 2006. In accordance with that section, certain duty performed by members of the National Guard of the various states and territories following the terrorist attacks on the United States on September 11, 2001, shall be creditable for computation of years of service under the provisions of section 12732 of title 10, United States Code, for computation of federal military retired pay for non-regular service. The attachment to this memorandum provides Department of Defense policy and procedures and establishes responsibilities for implementation of section 514.

This policy is effective immediately. I request that you provide a copy of the implementing guidance for your Service to my point of contact, Colonel Reginald Geary not later than August 17, 2006. He can be contacted at [Reginald.Geary@OSD.Mil](mailto:Reginald.Geary@OSD.Mil) or (703) 693-7483.

T. F. Hall

Attachments:

As stated

cc:

ASA (M&RA)

ASN (M&RA)

ASAF (M&RA)



Encl 3

**POLICY AND PROCEDURES FOR IMPLEMENTING  
MILITARY RETIREMENT CREDIT FOR CERTAIN SERVICE  
PERFORMED BY  
NATIONAL GUARD PERSONNEL**

1. Reference: Section 514 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163, January 6, 2006)

2. Policy: As required by law, certain service performed in a state active duty status by members of the National Guard following the terrorist attacks on the United States which occurred on September 11, 2001, shall be creditable for computation of years of service creditable for entitlement to military retired pay for non-regular (reserve) service, under the provisions of section 12732 of title 10, United States Code.

2.1. Such qualifying duty shall have been performed:

2.1.1. in a state active duty status as prescribed in the statutes of the home state of the National Guard member.

2.1.2. during the period beginning on September 11, 2001, and ending on September 30, 2002.

2.1.3. within the geographical boundaries of the following counties: State of New York: Bronx, Kings, New York (boroughs of Brooklyn and Manhattan) [sic], Queens, Richmond, Delaware, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester; State of Virginia: Arlington.

2.1.4. to support the federal declaration of emergency following the terrorist attacks on the United States on September 11, 2001.

2.2. Qualifying state active duty shall be deemed to be service under section 12732(a)(2)(A)(i) of title 10, United States Code.

2.3. In order for members of the National Guard to receive retirement credit for qualifying service under this policy memorandum, the United States Property and Fiscal Officer (USPFO) in the State, or other Federal official, shall certify, for each member of the National Guard in his or her respective State, the dates and exact location of the qualifying state active duty performed. Duty must have been actually performed on each date certified in order for the member to receive retirement credit, as required by section 514(b) of Public Law 109-163.

2.4. This authorization of federal military retirement benefits for State active duty service is both specific and limited. This authorization does not extend to any other form of federal benefits.

### 3. Responsibilities:

3.1. The Assistant Secretary of Defense for Reserve Affairs, under the Under Secretary of Defense (Personnel and Readiness) shall:

3.1.1. provide policy and procedure oversight to ensure implementation of this memorandum and compliance with applicable law.

3.1.2. notify the Military Departments of the requirement to record Federal retirement points for service members who provide official state documentation reflecting their eligibility and period of state qualifying active duty service.

3.2. The Secretaries of the Military Departments shall ensure the widest dissemination of information on the availability of the military retirement credit and shall:

3.2.1. publish guidance consistent with this memorandum to implement Section 514 of Public Law 109-163, the National Defense Authorization Act for Fiscal Year 2006 (NDAA FY06), January 6, 2006.

3.2.2. ensure that only those persons who meet established eligibility criteria receive credit. This includes former National Guard members who may be retired (gray area retirees), retired service members receiving pay, and members who may be serving in other services or components.

3.2.3. ensure that the USPFPO or other federal official certifies the duty performed in accordance with paragraph 2.3., above.

3.2.4. maintain and report information on all National Guard members who receive credit under section 12732(a)(2)(A)(i) of title 10, United States Code, for computation of Federal military retired pay for non-regular service.

3.2.5. provide to the Assistant Secretary of Defense for Reserve Affairs a report detailing military members by name, State and county served, and dates of active duty not later than December 1, 2006.

4. Effective Date: This policy memorandum is effective immediately.



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1411 JEFFERSON DAVIS HIGHWAY  
ARLINGTON, VA 22202-3231

NGB-J1

23 August 2006

MEMORANDUM FOR ALL JFHQ – States J1

SUBJECT: Military Retirement Credit for Certain Service Performed by National Guard Members Following the Terrorist Attacks of September 11, 2001 (J1-06-025)

1. Reference Assistant Secretary of Defense for Reserve Affairs memorandum, August 8, 2006, subject: Military Retirement Credit for Certain Service Performed by National Guard Members Following the Terrorist Attacks of September 11, 2001 (Encl 1).
2. The purpose of this memorandum is to disseminate the Assistant Secretary of Defense for Reserve Affairs (OSD/RA) policy guidance and to establish the National Guard policy and general procedures to implement Section 514 of Public Law 109-163, the National Defense Authorization Act for Fiscal Year 2006 (NDAA FY06). This memorandum contains guidance for the Army National Guard (ARNG) and Air National Guard (ANG) and is applicable to all current, former and retired National Guard members who meet the eligibility requirements described below. The ARNG and ANG will issue specific implementing instructions under separate cover.
3. The NDAA FY06, signed by the President on January 6, 2006, provides all National Guard (NG) Soldiers and Airmen who performed full time State Active Duty (SAD) service on or after September 11, 2001 and ending on September 30, 2002 in support of the federal declaration of emergency following the terrorist attacks on the United States on September 11, 2001, with federal military retirement credit for that time served in the following covered disaster counties: (1) In the State of New York: Bronx, Kings, New York (boroughs of Brooklyn and Manhattan), Queens, Richmond, Delaware, Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester; and (2) In the State of Virginia: Arlington.
4. This authorization of federal military retirement benefits for SAD service is both specific and limited. This authorization does not extend to any other form of federal benefits.
5. Since there is no central data base of NG members who performed SAD following the terrorist attacks on September 11, 2001, it is incumbent upon each state to identify and document those NG members who performed eligible duty for their state. While most of the service was likely performed by the NG members of the States of

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New York or Virginia, all other states should research their records and advertise this memorandum to reach all potential eligible NG members of their state who may have performed duty in a designated county of New York or Virginia.

6. State Responsibilities:

a. Research state records for SAD for the period on or after September 11, 2001 and ending on September 30, 2002 to identify potential eligible NG members. From these state records, identify those members who performed SAD in the covered counties of New York or Virginia.

b. Prepare an NGB Form 514 (Encl 2) for each eligible member which validates the SAD was performed during the allowed time period in one of the covered counties. NGB Form 514 is also located on Guard Knowledge Online (GKO).

c. Each certificate must be signed by a certifying official (the same certifying official who would normally sign DA Form 1379 or 1380 or the Military Personnel Flight Commander or Superintendent).

d. File a copy of the completed NGB Form 514 in the member's Unit Personnel record (permanent record). Also, provide the member with copy of certificate for member's personal records.

e. Submit completed copies of the NGB Forms 514 to the appropriate offices which update retirement points for National Guard members. This will be in accordance with ARNG and ANG implementing policies and procedures.

f. Maintain for a period of three years all documentation pertaining to the certification. This documentation includes:

(1) Copy of completed NGB Form 514 on each NG service member

(2) Copies of State pay records and NG service member's orders

(3) Copies of documentation which verifies NG service member performed duty in covered county location. Examples of this documentation could include duty rosters; supervisor's signed statement or commander's verification.

g. In addition to completing the NGB Form 514 on each member, all states with eligible NG members are required to certify a master listing (Encl 3) which contains the names of the NG members in their state who performed SAD during the allowed time

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period in one of the covered counties. This master list of eligible members must be signed by the United States Property and Fiscal Officer (USP&FO) to certify that each member on that list performed the duty during those dates and at those locations.

h. To comply with OSD's reporting requirement contained in the referenced memo, this signed master list from each state will be sent to the NGB points of contact listed below. For ARNG members send to Mr Peter Guerrant at [peter.guerrant@us.army.mil](mailto:peter.guerrant@us.army.mil), (703) 607-9163, and for ANG members send to TSgt Andrew Bair at [Andrew.Bair@ngb.ang.af.mil](mailto:Andrew.Bair@ngb.ang.af.mil), (703) 607-0901. The master list report must be sent to these points of contact no later than November 1, 2006.

7. Member Responsibilities:

a. Notify the military personnel office if member believes he/she is eligible for military retirement credit under this policy guidance.

b. Provide military personnel office copies of any pertinent documentation such as orders or duty rosters to assist in verification.

8. If a member has already retired from the NG or transferred to another component of the Armed Forces, the member should contact the state where they were assigned when they performed the eligible SAD in New York or Virginia and provide the appropriate documentation which verifies the SAD authorized to be credited. The state will then follow the same state responsibilities procedures as outlined above.

9. For questions concerning this policy memorandum, please contact Ms. Sue Pinto at [sue.pinto@ngb.ang.af.mil](mailto:sue.pinto@ngb.ang.af.mil) or (703) 607-1281.

3 Encis  
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KEVIN J. CROWLEY  
Deputy Director, Manpower and Personnel  
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CF:  
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