P09-044

Frequently Asked Questions -

Army National Guard

Deployment Extension Stabilization Pay (NGB-ARH Policy #09-020) /

Post-Stop Loss Mobilization Policy (NGB-ARH Policy #09-022)

Q1: What is the Post-Stop Loss Mobilization Policy?

A1: Stop Loss is the involuntary extension of a Soldier's period of service. This occurs automatically to everyone in uniform when Congress declares war and also can be imposed by the President in certain other circumstances. After the Secretary of Defense announced that all components of the Army were going to phase out the use of Stop Loss in 2009 and 2010, he directed the Army National Guard (ARNG) to develop strategies to minimize turnover in deploying units. The primary strategy adopted is to offer additional pay ($350-$500 a month, not to exceed 12 monthly payments) to certain Soldiers whose service obligation is scheduled to come to an end in the middle of a future deployment but who agree to stay on at least through the end of that deployment. This additional pay is called Deployment Extension Stabilization Pay (DESP). The Post-Stop Loss Mobilization Policy addresses how all Soldiers—those who are eligible for DESP and those who are not—will deploy after the ARNG no longer uses Stop Loss.

Q2: When will the ARNG phase out Stop Loss?

A2: ARNG units mobilizing on or after 1 SEP 2009 will not be subject to Stop Loss.

Q3: Does that all mean that all ARNG Soldiers who deploy to Iraq or Afghanistan after 1 SEP 2009 will volunteer for those missions?

A3: No. Although the ARNG is a 100% volunteer force, modern armies don't work this way. The end of Stop Loss means that Soldiers whose service obligation (the period that they agreed to/are required by law to serve in the military when they signed up) is scheduled to end in the middle of a deployment will not have their service obligation involuntarily extended past the original, agreed-upon end date. Soldiers in this category who do not want to extend their service will either (1) not be deployed or (2) be brought home early so they can be get out of the ARNG on the originally agreed-upon date.

Q4: What if a Soldier's service obligation is not due to end until after their unit is scheduled to finish a deployment?

A4: That Soldier will deploy with his or her unit. That's what they joined the Army National Guard to do.

Q5: Does the Post-Stop Loss Mobilization Policy apply to officers or just enlisted Soldiers?

A5: The policy applies to all Soldiers: officers, warrant officers, and enlisted. Because officer appointments generally do not expire while enlisted Soldiers have fixed-term contracts, different considerations apply to the two categories of Soldier. Generally speaking, if the Soldier's service obligation is set to expire in the middle of a projected deployment the new policy allows the Soldier to choose whether to go on the deployment or to begin the process of leaving the Army. Enlisted personnel who choose not to deploy can choose to serve out the rest of their existing contract in the ARNG or request transfer to the United States Army Reserve's Individual Ready Reserve.

Q6: Can Soldiers who decide not to deploy under the policy subsequently decide that they want to stay in the ARNG and extend their term of service?

A6: Generally, no. The ARNG honors those who serve their State and Nation in its ranks and recognizes that no one is obligated to serve in uniform indefinitely. If a Soldier takes advantage of the policy and declines to participate in a forthcoming deployment, the ARNG respects that decision with gratitude for the period for which the Soldier did serve. As a general matter, however, it would be wrong for a Soldier to decline to deploy and to then subsequently seek to continue to serve in uniform; the decision not to deploy is really a decision by the Soldier to bring his or her career in uniform to an end and to seek to serve society in other ways. That having been said, the policy does not contain any bar to reenlistment or similar prohibition on an individual who, having left the ARNG, subsequently decides that he or she again wishes to serve in uniform and is otherwise qualified to do so. However any Soldier who is eligible for DESP, chooses not to participate, leaves the service, and later seeks to rejoin will not be authorized any Selective Reserve Incentives for 12 months from the end of his or her original obligated period of service. Upon re-enlistment these Soldiers may be cross-leveled to a deploying unit and mobilized ISO OCO as fillers.

Q7: Is everyone whose service obligation is scheduled to come to an end during a forthcoming deployment eligible to receive the DESP?

A7: No. Certain junior officers and enlisted grades (E1, E2, O1) are excluded from the payment of the DESP; they are generally too early in their careers to for their service obligation to expire anytime soon. In addition, certain senior grades of officers and enlisted personnel are also excluded (E9, CW4, CW5, and O5 and above), but ineligibility for the DESP payment doesn't mean that they will be subject to Stop Loss. So long as these senior Soldiers are not subject to any additional service obligation (certain army schools generate additional service obligations for officers; senior enlisted Soldiers extend their obligation by contract) they will also be given the opportunity to either deploy or to begin their transition out of the ARNG.

Q8: What happens if a ARNG Soldier is involuntarily transferred to another unit within his or her state and that new unit is scheduled to deploy very soon?

A8: The Post-Stop Loss Mobilization Policy provides that these "cross-leveled" Soldiers should not be prejudiced by a last-minute involuntary transfer. If the Soldier would have had the opportunity to choose whether to deploy or not had the transfer been initiated earlier, they should still be given that choice, even though they may have less time in which to make their decision.

Q9: Under certain paragraphs of the Post-Stop Loss Mobilization Policy, officers with no remaining service obligation are allowed to resign or request voluntary retirement during a six month period starting about a year before federal mobilization and ending about six months before federal mobilization. The policy was released less than six months before 01SEP2009. What is the situation of an officer who belongs to a unit deploying in early September 2009. It seems his or her decision-making period is over even before he or she knows it exists?

A9: The policy provides that officers in this situation have 180 days from the date the policy is released (until 25NOV2009) to request resignation or retirement, if they are otherwise eligible.

Q10: The policy provides that enlisted members who are eligible for the DESP but decide not to take it can request immediate transfer from ARNG into the US Army Reserve's Individual Ready Reserve (IRR). What is the authority to transfer a Soldier from the ARNG to the IRR?

A10: An enlisted ARNG Soldier may request transfer to the IRR under NGR 600-200, para. 6-36.f. Soldiers requesting transfer will want to carefully consider what effect, if any, leaving the ARNG may have on their entitlement to benefits or their ability to retain previously received bonuses and incentive payments. Eligibility for certain benefits depends on continuing

membership in ARNG (*e.g.* most State benefits), and eligibility for others requires that a certain period of service in a drilling status be completed (*e.g.* VA home loans).

Q11: I am an ARNG officer and I have not yet been mobilized into Federal service. I have requested to resign my commission within the time periods set out by the policy. Is my State obligated to accept my resignation request?

A11: No. The Constitution gives the States the final authority on the appointment of officers to the state militias and the States are the final authority on whether or not a request to resign from a State appointment will be accepted.

Q12: I am an ARNG enlisted Soldier and am currently flagged for Army Physical Fitness Test (APFT) failure and/or failure to meet Weight Control Standards. Can I extend my enlistment to meet the deployment cycle, to include the 90 days of reintegration after REFRAD?

A12: Yes, the first O-6 in your chain of command may approve a waiver for the entire duration of mobilization plus 90 days (or for 12 months, whichever is greater). This new authority is published in NGB-ARH policy memorandum # 09-008, dated 8 July 2009.

Q13: I am an ARNG enlisted Soldier and I am currently flagged for APFT failure and failure to meet Weight Control Standards, but received a waiver from my Brigade Commander (O-6) so I can deploy to meet the period of mobilization plus 90 days. Can I receive DESP?

A13: Yes, provided you are otherwise qualified. Flagged personnel are not authorized payments under the Selected Reserve Incentive Program (SRIP). However, DESP is not part of the SRIP program; it is a type of Assignment Incentive Pay.

Q14: I am an ARNG enlisted Soldier and I would like to extend my enlistment to meet the mobilization period plus 90 days in order to qualify for DESP. However, my current ETS is outside the 12 month window for re-enlistment.

A14: NGB-ARH Policy memorandum # 08-039 dated 23 April 2009 extends the reenlistment window to up to 24 months for mobilizing Soldiers. Soldiers may execute the extension agreement any time after notification, during mobilization and up to 90 days after REFRAD.

Q15: I am scheduled to deploy to Kosovo with my unit. Am I eligible for the DESP even though I am not going to Iraq or Afghanistan?

A15: Depends. Any mobilizations to Title 10 status pursuant to 10 U.S.C. 12304 (Presidential reserve call-up) or 10 U.S.C. 12302 (national emergency) qualify for the DESP. Some ARNG Soldiers are currently mobilized for duty in the Balkans on a volunteer basis pursuant to 10 U.S.C. 12301(d) (consent mobilizations). Soldiers mobilized pursuant to 10 U.S.C. 12301(d) are not eligible for the DESP.

Q16: I am an enlisted ARNG Soldier and my unit was scheduled to mobilize at the beginning of next year. I extended my enlistment to mobilize with my unit and receive DESP. Now my unit's mobilization date has been pushed back 90 days. Do I need to further extend my enlistment and sign a new DESP agreement?

A16: No. Because deployment schedules are always subject to change, both the DESP and the Post Stop-Loss Mobilization policies act on projected mobilization dates, not actual mobilization dates. So, as long as you were eligible for the DESP when you signed the DESP agreement and extended your enlistment for (what then appeared to be) the appropriate amount of time, you do not need to extend for more time simply because your mobilization date changes. However, you will only receive the DESP while mobilized to Federal service pursuant to the relevant provisions of Title 10, so the later mobilization date may mean that your enlistment will end in the middle of the deployment and you won't receive the maximum possible amount of DESP without further extending.

Q17: I am an enlisted ARNG Soldier and my unit was scheduled to mobilize at the beginning of next year. My ETS date was just over 365 days past my unit's mobilization date so I did not qualify for the DESP and was obliged to participate in the deployment. Now my unit's mobilization date has been pushed back 90 days. Am I still obligated to participate in the deployment? Do I now qualify for DESP?

A17: You are still obligated to participate in the deployment and you may qualify for the DESP payment as well. First, because both the DESP and the Post Stop-Loss Mobilization policies act on projected mobilization dates, not actual mobilization dates, your unit can still bring you downrange as you were deployable based on your unit's original, projected mobilization date. In the absence of Stop Loss, your period of service cannot be involuntarily extended, so your chain of command will have to decide if it is worth bringing you downrange and then making sure you get home in time to ETS on your current ETS date. Second, certification of who is and is not eligible to receive DESP does not take place until your unit mobilizes to Title 10 status. As a result, if you are still in the decision window, now choose to extend your enlistment to cover the

entire mobilization and reintegration period based on the new mobilization date, and you are otherwise eligible for DESP, your unit can now put you in to receive DESP. Even though you didn't qualify before (as your ETS date was more than 365 days after the original mobilization date), you do now (because your ETS date now falls within the eligibility window: 180 days before to 365 days after the new projected mobilization date).

Q18: I am an enlisted ARNG Soldier eligible for the DESP. I extended my enlistment to serve on my unit's upcoming deployment. I have been mobilized to Title 10 status and am at the mobilization station. Unfortunately the doctors here discovered a medical condition that I didn't know I had and I have "failed" Soldier Readiness Processing (SRP); I am not medically fit to deploy. Do I still get the DESP? Do I still need to serve out the full period of my extended enlistment?

A18: You have 25 days from the final SRP at mobilization station to become medically deployable. If you do not become medically deployable, most likely you will be released from Active Duty (REFRAD) and you will not be eligible for further DESP payments (see paragraph 5.d. of NGB-ARH Policy #09-020). As far as serving out your extended enlistment contract, you can decide to stay in until your new ETS date or submit a request for separation to your commander (see paragraph 7.a. of NGB-ARH Policy #09-022). The authority for a separation request would be NGR 600-200, paragraph 6-35d(3).

Q19: I am an enlisted ARNG Soldier whose ETS date is more than 180 days prior to my unit's projected mobilization date. Can I extend my enlistment for one year pursuant to NGB-ARH Policy #09-026 so that my new ETS date occurs during the deployment and I become eligible for DESP?

A19: No. You are only eligible for DESP if your ETS date falls in the M-180 to M+365 window at the time your unit is notified of the mobilization. In order to deploy NGB-ARH Policy #09-022, para. 6.b.(5) requires you to extend your enlistment through to the end of your unit's entire deployment/reintegration period. You are not able to extend for a lesser period.

Q20: I recently deployed in support of OCO pursuant to an involuntary mobilization order under 10 U.S.C. 12302(a), which allows the President of the United States to activate Reservists for up to 24 months. I am obtaining a new set of orders to continue to serve overseas for an additional tour, my service obligation will expire during the new tour, I am otherwise eligible for DESP, and I am prepared to extend my enlistment in order to collect DESP. My 24 month "mobilization clock" will expire during the new tour, so my state is arranging for me to mobilize under 10 U.S.C. 12302(a) but will cut new COADOS orders mid-tour so that I serve out the balance of the tour under 10 U.S.C. 12301(d) (consent mobilizations). Can I collect DESP?

A20: You can collect DESP upon mobilization to Title 10 status pursuant to 10 U.S.C. 12302(a), up to the maximum 12 monthly payments. However, once your mob clock expires and you receive new COADOS orders under 10 U.S.C. 12301(d) you will no longer be eligible for DESP. Your commander will need to turn in a new DA form 4187 to your unit's servicing finance office to indicate that you are no longer eligible for this additional pay as of the date of your COADOS orders.

Q21: I am an officer in a unit preparing for mobilization in support of OCO next year. My service obligation is set to expire during the upcoming mobilization, I am otherwise qualified for DESP, and I have agreed to contract for DESP. It is important that I obtain an additional skill for the deployment and I have just secured a slot in a resident military school that exceeds 30 days. Attending the school will generate an additional 2 year Active Duty Service Obligation (ADSO). Am I still eligible to receive DESP after I am mobilized?

A21: Probably not. Your unit commander certifies which Soldiers are eligible for DESP upon mobilization. Even though you were eligible for DESP at the time you signed the DESP agreement (because your service obligation expired during the deployment), you will not be eligible after you complete your resident military course (because your service obligation has been extended so that it now expires after the deployment). NGB-ARH Policy #06-081 provides guidance on service obligations generated by attending military schools. In the event that attending the course was directed by your command in order to provide skills needed for the upcoming deployment, an application may be made to NGB-ARH for a waiver of the service obligation. If the waiver is obtained before you mobilize, your service obligation would still expire during the deployment and you would still be eligible to receive the DESP.

Q22: I am an E7 in a unit preparing for mobilization in support of OCO. We mobilize next month. I am scheduled to ETS during the upcoming mobilization, I am otherwise qualified for DESP, and I have extended my enlistment through the end of the deployment/reintegration and agreed to contract for DESP. I have just been notified that I will be promoted to E8 before we mobilize, requiring me to extend my enlistment for two years. Am I still eligible to receive DESP after I am mobilized?

A22: Your unit commander certifies which Soldiers are eligible for DESP upon mobilization to Title 10 status. Even though you were eligible for DESP at the time you signed the DESP agreement (because you were scheduled to ETS during the deployment), if you extend your enlistment before your unit mobilizes you will not be eligible (because your new ETS date is after the deployment/reintegration period). If you extend your enlistment after your unit mobilizes to Title 10 status, your DESP eligibility will not be affected.

Q23: I am a DESP-eligible officer and I want to mobilize with my unit. My unit is scheduled to deploy before 11NOV09. Since the decision window for officers is M-360 to M-180 and the DESP policy was only released on 28MAY2009, my decision window closed before I could possibly sign up.

A23: As all DESP-eligible officers must agree to take DESP in order to mobilize it is important that your State (J1/MILPO) request an exception to policy so that you can still agree to take the DESP despite the fact that there are less than 180 days until your unit mobilizes. Have your State send the request memorandum to NGB-ARH and the request will be processed expeditiously. The same considerations would apply to any officer that wants to deploy but did not have the opportunity to take DESP within the M-360 to M-180 decision window (*e.g.* officer was mobilized with less than six months notice).

POC: 1LT Garri HENDELL, NGB-ARH

(703) 607-5335, garri.hendell@ng.army.mil