



DEPARTMENT OF THE ARMY  
OFFICE OF THE DEPUTY CHIEF OF STAFF, G-1  
300 ARMY PENTAGON  
WASHINGTON DC 20310-0300

18 APR 2016

DAPE-PRC

MEMORANDUM FOR

COMMANDER ARMY HUMAN RESOURCES COMMAND (AHRC-OPL-P), 1600  
SPEARHEAD DIVISION AVE., FORT KNOX, 40122  
DIRECTOR, ARMY NATIONAL GUARD (NGB-HRP-T), 111 S GEORGE MASON DRIVE,  
ARLINGTON, VA 22222  
OFFICE OF THE CHIEF ARMY RESERVE (DAAR-HR), TRUMAN HALL 6075  
GOETHALS ROAD (BLDG 1901), FORT BELVOIR, VA 22060  
DIRECTOR DEFENSE FINANCE AND ACCOUNTING SERVICE (DFAS), MILITARY PAY  
OPERATIONS, 8899 EAST 56<sup>TH</sup> STREET INIANAPOLIS, IN 46249

SUBJECT: Ineligibility for Involuntary Separation Pay – Active Guard Reserve (AGR)  
Officers Removed from the Reserve Active Duty List (RASL) at their Mandatory Removal  
Date (MRD).

1. Background:

a. A LTC scheduled for removal from the RASL on 31 May 2016 (order # C-01-11  
690325, dated 8 January 2016), requested clarification for the exclusion of separation pay  
entitlement in his military order issued by the Army Human Resources Command (HRC).

b. Part of his justification was a named officer who received separation pay under the  
same separation authority; DFAS confirmed the disbursement of payment.

2. Based on further research, we determined that the Office of the Judge Advocates  
General (OTJAG) rendered a written legal opinion on 14 August 2014 (enclosed), that  
prohibits payments to these officers if they are transferred to the retired reserve and not  
“discharged.”

3. We requested and DFAS provided a snapshot covering a 12-month period to access  
the potential sanctuary violations (enclosed).

a. 12 LTCs & COLs (2013-2014); two LTCs (2015).

b. Total amount of payments \$2.2 million.

4. Following OTJAG's legal opinion, HRC issued a notice via Transition Point Processing  
System to transition centers as well as the Army National Guard (ARNG). G-1 also  
established a working group with representation from all components and drafted Army  
separation pay policy (currently w/OTJAG).

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5. Required actions:

- a. HRC and the ARNG correct separation documents (Department of Defense Form 214 & military order) for applicable officers and remove all entitlement to separation pay.
- b. DFAS establish out-of-service debts and begin collection of the improper payments.
- c. Army G-1 (PR) requests an audit as soon as practical.

6. Point of contact is Mr. Larry Lock, Division Chief, Compensation and Entitlements at 703-692-7952.

FOR THE DEPUTY CHIEF OF STAFF, G-1:



ROBERT L. STEINRAUF  
Director, Plans and Resources

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