

DEPARTMENT OF THE NAVY
Office of the Chief of Naval Operations
Washington, DC 20350-2000

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OP-135
24 August 1985

OPNAV INSTRUCTION 1000.26

From: Chief of Naval Operations
To: All Ships and Stations (less Marine Corps field addressees not having Navy personnel attached)

Subj: FULFILLING THE MILITARY SERVICE OBLIGATION

Ref: (a) CNO memo Ser 130D1/361775 of 12 Mar 1984 (Subj: Implementation of 8-year Military Service Obligation (MSO)) (NOTAL)
(b) Title 10, United States Code (NOTAL)
(c) DOD Directive 1304.25 of 6 Nov 1984 (NOTAL)
(d) SECNAVINST 1910.4A (NOTAL)
(e) DOD Directive 1200.15 of 16 Feb 1973 (NOTAL)
(f) DOD Directive 1215.5 of 25 May 1979 (NOTAL)
(g) DOD Directive 1215.13 of 30 Jun 1979 (NOTAL)
(h) SECNAVINST 1920.6A
(i) Naval Military Personnel Manual (MILPERSMAN)
(j) DOD Directive 1332.14 of 28 Jan 1982 (NOTAL)
(k) DOD Directive 1332.23 of 9 May 1968 (NOTAL)
(l) SECNAVINST 1000.7D
(m) Title 50, United States Code, Appendix, Section 451 et seq. (Public Law 90-40, "Military Selective Service Act of 1967.") (NOTAL)

1. Purpose. This instruction replaces reference (a) and implements sections 269, 511 and 651 of reference (b) by prescribing, in conformance with reference (c), policy, procedures, and responsibilities with respect to fulfillment of the statutory military service obligation (MSO).

2. Definitions

a. Discharge. Complete severance from all military status gained by an enlistment, appointment, or induction.

b. Enlistment and Appointment. The voluntary initial entry of a person into any of the Military Services.

c. Induction. When authorized by law, the involuntary (or voluntary) assignment of eligible citizens to a Military Service.

d. Military Service Obligation. The total required service that each person who becomes a member of an armed force shall serve in an armed force unless discharged under regulations prescribed by the Secretary of Defense and the Military Department concerned.

e. Separation. A general term that includes discharge, release from active duty, release from custody and control of the Military Services, transfer to the Individual Ready Reserve (IRR), and similar changes in active or reserve status.

3. Policy. Every person, upon initial entry into a Military Service, shall serve a total of 8 years. The military service obligation is established as 8 years.

4. Procedures

a. The MSO

(1) Any person whose initial entry into a Military Service is on or after 1 June 1984 shall serve a period of 8 years from the date of enlistment, appointment, or, when authorized by law, induction. The accomplishment of the obligated period of service shall be determined in regulations established by the Secretary of the Navy.

(2) Any portion of the MSO that is not active duty or active duty for training shall be performed in a reserve component as defined by 10 U.S.C. 261 and 268 (reference (b)); any combination of active duty or Ready Reserve service under applicable DoD and Navy Department regulations may be used to fulfill the MSO.

(3) The fulfillment of the MSO shall be accomplished without interrupting the continuity of the member's total military service, except as noted in paragraph 4e.

b. Discharge or Separation

(1) The MSO is considered terminated when a member is discharged except as indicated in paragraph 4b (2) below.

(2) The MSO is not terminated upon discharge or other type of separation for the purpose of immediate entry or reentry in the same or any other component of the Military Services, or for the purpose of entry into an officer's training program in which the person remains a member of a Military Service. Service performed before and after such a discharge or other type of separation shall be counted toward fulfillment of such obligation.

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c. Discharge Prior to Completion of MSO. Generally, discharge of a member prior to fulfilling a MSO shall be permitted only when the Military Department concerned has determined that the member has no potential for service under conditions of full mobilization, except as noted in paragraphs 4d, 4e and 4i.

(1) Obligated Enlisted Service Members. Policy for the discharge of enlisted service members is contained in reference (d).

(2) Obligated Officers. Policy for the early discharge of officers is contained in references (e) through (h).

d. Delayed Entry. Delayed entry is the military status gained by an enlistment in which a service member's entry on active duty or initial active duty for training (IADT) is postponed under regulations prescribed by the Secretary of the Navy. Members in a delayed entry status incur a MSO.

(1) Active Component Delayed Enlistment Program (DEP). Persons who enlist in the Ready Reserve under 10 U.S.C. 511 (reference (b)) for the express purpose of agreeing to a subsequent enlistment in a regular component of the Military Services are in the DEP. DEP members who fail to enlist in a regular component of the armed forces may be ordered to involuntary IADT and to complete the remainder of the MSO in a reserve component.

(2) Reserve Component Delayed Entry into Training (DET). Persons who enlist in the Ready Reserve under 10 U.S.C. 511 (reference (b)) for service in a reserve component and whose initial active duty for training or active duty is postponed are in the DET. DET members who fail to report for initial active duty for training or active duty may be ordered to involuntary initial active duty for training or to active duty to complete the remainder of the MSO in a reserve component.

(3) Discharge from DEP/DET. DEP/DET members may also be discharged for any of the reasons specified in Article 3630810 of reference (i) or in reference (j). Individuals discharged from the DEP/DET will not be credited for service in fulfillment of the MSO incurred, and any future enlistment or appointment of such persons shall be treated as an original entry into military service.

e. Underage Entry. A service member whose enlistment or appointment is declared void because the service member is underage and who is released as the result of such action may not be considered to have acquired a MSO; however, service rendered under a void underage enlistment, when characterized as honorable by the Secretary of the Military Department concerned, shall be creditable toward fulfilling

any subsequent MSO acquired by the service member. Such credit would not alter the terms of any subsequent enlistment for specific periods of active component or reserve component service. If such service was performed only in a delayed entry status, it will not be credited to fulfillment of the MSO (paragraph 4d (3) applies). Procedures for underage discharges are established in MILPERSMAN 3620285, reference (i).

f. Service Academy and Reserve Officers' Training Corps (ROTC) Appointments

(1) Credit for Enlisted Service. An enlisted service member who accepts appointment to a service academy as a cadet or midshipman under 10 U.S.C. Chapter 403, 603, or 903 (reference (b)), or as an ROTC cadet or midshipman under section 2107 (reference (b)), retains enlisted status in spite of such appointment.

(a) Termination. If an appointment is terminated before graduation or if a cadet or midshipman refuses to accept a commission, if offered, following graduation, the period of concurrent enlisted service shall be counted toward fulfillment of the MSO, resulting from the enlistment being served at the time of the appointment.

(b) Order to Active Duty Following Termination. Credit described in subparagraph 4f (1) (a), does not alter the authority for ordering disenrolled cadets or midshipmen to active duty.

(c) ROTC Advanced Training (College Program). An officer appointed under 10 U.S.C. section 2104 (reference (b)) may not be credited with service as a cadet or midshipman or with concurrent enlisted service.

(d) ROTC Scholarship Recipients. An officer appointed under 10 U.S.C. section 2107 (reference (b)) may not be credited with service as a cadet or midshipman or with concurrent enlisted service.

(2) Credit for Direct Appointments as a Cadet or Midshipman

(a) Commissioned Officers. Enlisted service performed concurrently while serving as a cadet or midshipman does not count towards fulfillment of the MSO incurred as a result of commissioning.

(b) Service Academy Termination. A service academy cadet or midshipman who initially received a direct appointment and whose appointment is terminated before graduation, or who does not accept a commission following graduation, shall be processed as required by the provisions of reference (k).

g. Unsatisfactory Participation in the Ready Reserve. A person who incurs a MSO and who subsequently fails to perform satisfactorily any required reserve training may not be discharged, except under subsection 4c.

h. Interservice and Intercomponent Transfers. Transfer of service members who have a remaining MSO between Military Services or components of a Military Service shall be accomplished under MILPERSMAN 3620100, reference (i), in the case of enlisted members and reference (1) in the case of officer members. Obligated military service performed before and after an authorized transfer shall be counted toward fulfillment of the MSO.

i. Members of the Clergy. Upon written application, a service member may be discharged from a reserve component of a Military Service if the service member has become a member of the clergy and satisfactorily establishes that:

(1) The ministry is his or her main and primary vocation.

(2) His or her religious faith group is organized exclusively or substantially for religious purposes.

(3) His or her standing in the faith group is recognized as that of a minister or leader.

(4) He or she is certified by an appropriate official of the faith group to be a fully qualified member of the clergy in good standing.

j. Induction. In time of war or national emergency or when otherwise authorized by law, a person who is inducted under section 6(c)(2)(D) of Public Law 90-40 (reference (m)) and who completes the required period of active training and service shall continue to hold his appointment or enlistment contract to serve as a reservist and shall be required to fulfill the term of the obligation, unless discharged by the Secretary of the Navy.

5. Action

a. Commander, Naval Military Personnel Command shall promulgate the requirements for the administration of the MSO in conformance with this instruction.

b. Commander, Navy Recruiting Command shall ensure that all men and women (other than those recruited by Commander, Naval Reserve Force) recruited into the Navy understand the requirements and obligation of the MSO contained herein.

c. Commanding Officer, Naval Reserve Personnel Center shall maintain adequate and current information on members of the Individual Ready Reserve who have a remaining obligation, including accurate mailing addresses, military qualifications, physical qualifications, and such other information as deemed appropriate in accordance with 10 U.S.C. 275 (reference (b)).

d. Chief of Naval Operations (OP-01R) shall determine appropriate refresher training requirements for service members transferred to the IRR with a remaining MSO.

e. Chief of Naval Education and Training shall ensure all NROTC midshipmen understand their military service obligation.

f. Superintendent, United States Naval Academy shall ensure all Naval Academy Midshipmen understand their military service obligation.

g. Commander, Naval Medical Command shall provide consulting services concerning appropriate physical qualification.

h. Commander, Naval Reserve Force shall ensure that non-prior service men and women (other than those recruited by the Navy Recruiting Command) recruited into the Naval Reserve understand the requirements and obligation of the MSO contained herein.

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