

LAW REVIEW 14068

May 2014

The Air Force Is Not Inferior After All: Equal Civilian Retirement Creditability for All Branches of ROTC

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1.3.2.3—Pension Credit for Military Service Time

3.0—Reserve Retirement and Civilian Employment

Q: I am a federal employee and I am planning to retire under the Federal Employee Retirement System (FERS) or the Civil Service Retirement System (CSRS). I am also a retired Air Force Reserve Colonel and a life member of ROA. I was commissioned through the Air Force Reserve Officers Training Corps (AFROTC) program, many years ago.

I noticed that the Office of Personnel Management (OPM) *CSRS Handbook* lists summer training duty as an Army ROTC cadet or a Navy ROTC² midshipman as creditable toward federal civilian retirement but does not address such training duty as an Air Force ROTC cadet. Why do the OPM regulations treat time served as an Air Force ROTC (AFROTC) cadet differently?

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² Navy ROTC includes the Marine Corps as an option, just as Naval Academy midshipmen can be commissioned in the Marine Corps. The Coast Guard does not have an ROTC program.

A: Although it does not specifically list AFROTC in its regulations, OPM credits AFROTC active service toward civilian retirement under FERS or CSRS, even though it is not specifically addressed by the *CSRS Handbook*. Under section 8332 of title 5 of the United States Code (5 U.S.C. 8332), federal employees are entitled to credit toward federal civilian retirement (CSRS or FERS) for AFROTC training, just like Army and Navy ROTC training. The statute does not explicitly address ROTC cadets of any service; rather, it delegates authority to OPM to make rules for such situations. Section 22B.2-3 of the OPM's *CSRS Handbook* states that “[s]ervice performed by NROTC students when they are ordered to active duty or training duty (including summer cruises) as members of the Naval or Marine Corps Reserve is creditable” and that “service performed after the effective date of Public Law 88-647 [October 13, 1964]...by AROTC students is creditable during periods when ordered to active duty or training duty as members of the Army Reserve.” Although the *Handbook* lacks an analogous provision for

AFROTC cadets, OPM has clarified (by telephone and e-mail) that the *Handbook* is incorrect and that AFROTC was left out inadvertently. The general rule found in the *CSRS Handbook* section 22A2.1-1 applies, and that rule permits retirement service credit for certain periods of ROTC duty across all services, so long as the service member is concurrently enlisted as a member of a reserve component of the Armed Forces and has been ordered to active duty. In the case of ROTC students, summer training qualifies as active service.

It is important to note that this article only addresses the creditability of ROTC active service toward *civilian* retirement under CSRS or FERS. Time spent on summer training duty as an ROTC cadet or midshipman will not count toward the calculation of service time for a military retirement, under 10 U.S.C. 2107(g).³

³ See Law Review 1274, by Rachel Kelly, the law student who held a position similar to my current position during the summer of 2012.

Approved May 16, 2014 by Captain Samuel F. Wright, JAGC, USN
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