

LAW REVIEW¹ 26044

August 2026

What Is the Fleet Reserve? Is that the Same as the Navy Reserve?

By Captain Samuel F. Wright, JAGC, USN (Ret.)²

9.0--Miscellaneous

Q: I am a long-retired Army Reserve Colonel and a life member of the Reserve Organization of America (ROA). I have read with interest some of your “Law Review” articles about the Uniformed Services Employment and Reemployment Rights Act (USERRA) and other laws

¹ I invite the reader’s attention to [Law Center | ROA](#). You will find more than 2,300 “Law Review” articles about the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Servicemembers Civil Relief Act (SCRA), the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), the Uniformed Services Former Spouses’ Protection Act (USFSPA), the title 38 chapters that provide for veterans’ benefits administered by the Department of Veterans Affairs (VA), and other laws that are especially pertinent to those who serve our country in uniform. You will also find a detailed Subject Index, to facilitate finding articles about specific topics. The Reserve Officers Association, now doing business as the Reserve Organization of America (ROA), initiated this column in 1997. I am the author of more than 90% of the articles, but we are always looking for “other than Sam” articles by other lawyers.

² BA 1973 Northwestern University, JD (law degree) 1976 University of Houston, LLM (advanced law degree) 1980 Georgetown University. I served in the Navy and Navy Reserve as a Judge Advocate General’s Corps officer and retired in 2007. I am a life member of ROA. I have dealt with USERRA and the Veterans’ Reemployment Rights Act (VRRRA—the 1940 version of the federal reemployment statute) for 44 years. I developed the interest and expertise in this law during the decade (1982-92) that I worked for the United States Department of Labor (DOL) as an attorney. Together with one other DOL attorney (Susan M. Webman), I largely drafted the proposed VRRRA rewrite that President George H.W. Bush presented to Congress, as his proposal, in February 1991. On 10/13/1994, President Bill Clinton signed into law USERRA, Public Law 103-353, 108 Stat. 3162. The version of USERRA that President Clinton signed in 1994 was 85% the same as the Webman-Wright draft. USERRA is codified in title 38 of the United States Code at sections 4301 through 4335 (38 U.S.C. §§ 4301-35). I have also dealt with the VRRRA and USERRA as a judge advocate in the Navy and Navy Reserve, as an attorney for the Department of Defense (DOD) organization called Employer Support of the Guard and Reserve (ESGR), as an attorney for the United States Office of Special Counsel (OSC), as an attorney in private practice, and as the Director of the Service Members Law Center (SMLC), as a full-time employee of ROA, for six years (2009-15). Please see Law Review 15052 (June 2015), concerning the accomplishments of the SMLC. My paid employment with ROA ended 5/31/2015, but I have continued the work of the SMLC as a volunteer. As of 5/1/2026, I have come out of retirement and have joined Maher Legal Services in an “of counsel” role. You can reach me by e-mail at samuel@maherlegalservices.com or by telephone at (708) 468-8155.

that are especially pertinent to those who are serving or have served our country in uniform.

My grandson graduated from high school in May 2005. A few weeks later, he enlisted in the Navy and reported to the Naval Training Center in Great Lakes, Illinois for basic training. Now, 21 years later, he left active duty and came home. I asked him: “Did you retire from the Navy?” He responded: “No, I transferred to the Fleet Reserve.”

What is the Fleet Reserve? Is that the same thing as the Navy Reserve?

A: No, the Fleet Reserve is not the same thing as the Navy Reserve. The term “Fleet Reserve” refers to the status of an enlisted member of the Navy who has 20 years or more of active service but less than 30 years.³ Because your grandson has 21 years of active service, he will be in the Fleet Reserve for nine years, until he has 30 years of service.

While your grandson is in the Fleet Reserve, he will receive “retainer pay” rather than “retired pay.” The amount of his monthly direct deposit will be exactly the same as the retired pay of a retired Army soldier or a retired enlisted member of the Army, Air Force, Space Force, or Coast Guard, and the responsibilities are no different. When your grandson reaches the 30-year point, in 2035, he will transfer to the retired list and start drawing retired pay instead of retainer pay.

³ In the same way, an enlisted member of the Marine Corps who has 20 years or more of active service but less than 30 years transfers to the “Fleet Marine Corps Reserve.”

All of this is laid out in section 8330 of title 10 of the United States Code. I have placed the entire text of that section at the end of this article.

Q: Is there anything like the “Fleet Reserve” in the Army or any other service other than the Marine Corps?

A: No, but at this point the difference is only of terminology. Retired enlisted members of the Army, Air Force, Space Force, and Coast Guard can be and sometimes are called back to active duty or allowed to return to active duty voluntarily.

Q: Why are enlisted members of the Navy and Marine Corps treated differently?

A: Until 1947, when the Department of Defense (DOD) was created, our country had two separate Cabinet-level military departments. The Secretary of the Navy headed up the Department of the Navy, which also included the Marine Corps. The Secretary of War headed up the Army, which included the Air Force until the Air Force became a separate military service in 1947.

In the United States Senate and House of Representatives, there were separate committees considering and drafting legislation for the Department of War and the Department of the Navy. Title 10 of the United States Code governed the Army, and Title 34 governed the Navy and Marine Corps. Sometimes, differences between Title 10 and Title 34 caused anomalous and unfair results.⁴

⁴ See Law Review 08002 (January 2008).

In 1956, Congress repealed Title 34. The Title 34 sections were either repealed or transferred to Title 10. Title 34 now governs “Crime Control and Law Enforcement.” Although almost 80 years have passed since the armed forces (other than the Coast Guard) were consolidated into the Department of Defense, there are still some provisions in Title 10 that apply differently to the Navy and Marine Corps. At this point, these differences are of only historical interest.

Q: Where can I find a lawyer or law firm that fully understands laws like the Servicemembers Civil Relief Act (SCRA), the Uniformed Services Employment and Reemployment Rights Act (USERRA), the Uniform Code of Military Justice (UCMJ), and other laws that are especially pertinent to those who serve our country in uniform?

A: As of 5/1/2026, I have come out of retirement and have joined Maher Legal Services in an “of counsel” role. This firm has a great team, headed by attorneys John Maher and Kevin Mikolashek, both of whom have served as Army judge advocates for many years. These attorneys and this firm have a great record, and I am proud to join their team.

Here is a link to the Maher Legal Services website:

<https://www.lawyersdefendingwarriors.com/about>.

Join the Organization That Fights for You.

This article is one of more than 2,000 "Law Review" articles available at [Law Center | ROA](#)— a free legal resource that the Reserve Organization of America (ROA) has built and maintained since 1997, adding new articles every month.

ROA is the only national military organization dedicated exclusively to America's reserve components — all eight of them. From the 6,179 members of the Coast Guard Reserve to the 329,705 soldiers of the Army National Guard, ROA exists to serve the nearly 773,000 men and women who answer the call while maintaining civilian lives. No other organization does what we do for the people we serve.

Our roots run deep. On October 2, 1922, veterans of the Great War gathered at Washington's historic Willard Hotel — at the invitation of General of the Armies John J. Pershing — to build something lasting. One of the junior officers in that room was Captain Harry S. Truman, who, as President, signed ROA's congressional charter in 1950. That charter gives us a clear mission: advocate for policies that ensure adequate national security. For more than a century, we've made the case that America's Reserve Components and National Guard are among the most cost-effective pillars of our national defense.

Beyond this library of legal resources, ROA files *amicus curiae* ("friend of the court") briefs in the Supreme Court and other courts, and actively educates service members, military spouses, attorneys, employers, legislators, and others about the legal rights of those who serve — and how to enforce them. We provide this information to all service members, regardless of membership. But it's ROA members — through their dues and contributions — who make it possible.

Your membership makes the mission possible.

If you are currently serving, or have ever served, in any of America's eight uniformed services, you are eligible to join ROA — and

membership starts at just \$20 for a full year, or \$450 for life. Officers and enlisted personnel alike qualify, whether your service was in the Active Component, the National Guard, or the Reserve. ROA has also recently expanded eligibility to include ancestors and lineal descendants and spouses, widows, and widowers of past or present service members, so families can stand with those who serve. Join online at [Reserve Organization of America - ROA](#) or call 800-809-9448.

If you are not eligible for membership but believe in this mission, your financial contribution directly funds this resource and the advocacy work that protects those who serve. Donations may be mailed to:

Reserve Organization of America
1 Constitution Ave. NE
Washington, DC 20002

Here is the entire text of section 8330 of Title 10 of the United States Code:

(a)

The Fleet Reserve and the Fleet Marine Corps Reserve are composed of members of the naval service transferred thereto under this section.

(b)

An enlisted member of the Regular Navy or the Navy Reserve who has completed 20 or more years of active service in the armed forces may, at his request, be transferred to the Fleet Reserve. An enlisted member of the Regular Marine Corps or the Marine Corps Reserve who has completed 20 or more years of active service in the armed forces may, at his request, be transferred to the Fleet Marine Corps Reserve.

(c)

(1)

Each member who is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve under this section is entitled, when not on active duty, to retainer pay computed under section 8333 of this title.

(2)

A member may recompute his retainer pay under section 1402 or 1402a of this title, as appropriate, to reflect active duty after transfer.

(3)

If the member has been credited by the Secretary of the Navy with extraordinary heroism in the line of duty, which determination by the Secretary is final and conclusive for all purposes, his retainer pay shall be increased by 10 percent.

(d)

(1)

For the purposes of subsection (c), each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded.

(2)In determining a member's eligibility for transfer to the Fleet Reserve or the Fleet Marine Corps Reserve under subsection (b)—

(A)

a completed minority enlistment of the member is counted as four years of active service, if creditable to the member for such purpose before December 31, 1977; and

(B)

an enlistment of the member terminated within three months before the end of the term of enlistment is counted as active service for the full term, if creditable to the member for such purpose before December 31, 1977.

(3)

(A) Subject to subparagraph (B), in determining a member's years of active service for the computation of retainer pay under subsection (c)

—

(i)

a completed minority enlistment of the member is counted as four years of active service; and

(ii)

an enlistment of the member terminated within three months before the end of the term of enlistment is counted as active service for the full term.

(B)

In the case of a member who is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve under this section after December 30, 1977, service attributable under subparagraph (A) to time which, after December 31, 1977, is not actually served by the member may not be counted.

10 U.S.C. § 8330.