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**Subchapter 22A CSRS
Part 22A1 General Information****Section 22A1.1-1 Overview**

A. Introduction

This subchapter covers military service that is potentially creditable under the Civil Service Retirement System (CSRS).

Rules regarding service credit payments for post-1956 military service are discussed in Chapter 23, Service Credit Payments for Post-1956 Military Service; rules regarding creditable civilian service are discussed in Chapter 20, Creditable Service.

NOTE: The information in this chapter has not been updated to reflect the passage of Public Law 103-353, the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), approved October 13, 1994. This legislation makes certain types of National Guard service creditable that had not previously been creditable and alters the method for computing military service credit deposits in limited circumstances. OPM will be publishing regulations on how this legislation affects CSRS and FERS employees. Until regulations are published, information on those aspects of the law that are reasonably clear is published in Benefits Administration Letter 95-101 dated January 27, 1995. You can download the letter from OPM Online the computer bulletin board, by following the instructions in Chapter 1, Administration and General Provisions.

B. Topics Covered

This subchapter covers:

- The types of military service that are creditable for CSRS purposes;
 - The rules that govern individuals who receive military retired pay;
 - The effect of post-1956 military service; and
 - The amount of military service to be credited.
-

Section 22A1.1-1 Overview (Cont.)**C. Organization of
Subchapter**

This subchapter has six parts.

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NOTE: Subchapter 22B about creditable military service under FERS begins on page 29.

**D. Statement of
Authority**

This subchapter and its contents are based on the laws and regulations cited below.

- United States Code: 5 U.S.C. 8332(c), 8334(j), and 8347; 42 U.S.C. 402
 - Code of Federal Regulations: 5 CFR 831.301 and 831.2101-2107
-

Part 22A2 Military Service**Section 22A2.1-1 General Rule**

- A. General Rule** Honorable active military service is creditable, subject to the conditions described in part 22A3 of this subchapter.
-

Section 22A2.1-2 Definition of Military Service

A. Military Service

Honorable active service in the uniformed services listed below is considered military service for CSRS purposes:

- Army;
- Navy;
- Air Force;
- Marine Corps;
- Coast Guard;
- In the regular Corps or Reserve Corps of the Public Health Service of the United States, if the service was performed after June 30, 1960 (Note: Service prior to June 30, 1960, may be creditable as civilian service. See Chapter 20.); and
- As a Commissioned officer of the National Oceanic and Atmospheric Administration (formerly Coast and Geodetic Survey and Environmental Sciences Services Administration) if service was performed after June 30, 1961. (Note: Service prior to June 30, 1961 may be creditable as civilian service. See Chapter 20.)

NOTE: Service in the U.S. Merchant Marine has never been considered "military service" for CSRS purposes. (See Chapter 20 for a discussion of possible civilian service credit.)

**B. Other Service
Creditable as
Military Service****1. Military Academy Service**

Service in the capacity shown at the academies listed below also is considered military service for CSRS retirement purposes:

- ! Midshipman at the U.S. Naval Academy;
- ! Cadet at the U.S. Military Academy;
- ! Cadet at the U.S. Air Force Academy; and
- ! Cadet at the U.S. Coast Guard Academy.

Section 22A2.1-2 Definition of Military Service (Cont.)**B. Other Service
Creditable as
Military Service
(Cont.)****2. Naval Reserve Officers Training Corps (NROTC)**

Service 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.

3. Army Reserve Officers Training Corps (AROTC)

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.

4. National Guard Service

Service performed in the militia or National Guard has never been considered military service, unless the individual was called or drafted into the actual service of the United States as described in section 22A2.1-2, paragraph C below.

Section 22A2.1-2 Definition of Military Service (Cont.)**C. Service in the
National Guard**

NOTE: The information in this chapter has not been updated to reflect the passage of Public Law 103-353, the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), approved October 13, 1994. This legislation makes certain types of National Guard service creditable that had not previously been creditable and alters the method for computing military service credit deposits in limited circumstances. OPM will be publishing regulations on how this legislation affects CSRS and FERS employees. Until regulations are published, information on those aspects of the law that are reasonably clear is published in Benefits Administration Letter 95-101 dated January 27, 1995. You can download the letter from OPM ONLINE the computer bulletin board by following the instructions in Chapter 1, Administration and General Provisions.

1. The agency **must** contact the State Adjutant General's Office of the state with which the employee served to verify whether National Guard service was performed under a "call" by the President or under the authority of section 233(d) of the Armed Forces Reserve Act of 1952, or under title 10 of the U.S. Code. An agency should not attempt to independently determine the creditability of National Guard service, with one exception. Active service of a National Guard member that is recorded on a form DD 214 should be deemed to be Federal service, unless there is clear evidence to the contrary.

See "Procedures for Verifying Creditable National Guard Service" in subchapter 22C for the instructions to be used in determining whether National Guard Service is creditable. Even though agencies should always go to the State Adjutants General for determinations of creditability or non-creditability of National Guard service, the guidelines in paragraphs 2 and 3 are included for agencies' information. See "Addresses for Contacting State Adjutants General" in subchapter 22C.

Section 22A2.1-2 Definition of Military Service (Cont.)**C. Service in the National Guard (Cont.)**

2. Service credit may be allowed for National Guard service which was clearly performed:
- Under a "call" by the President;
 - Pursuant to "orders" issued under authority of section 233(d) of the Armed Forces Reserve Act of 1952; or
 - Pursuant to "orders" issued under authority of a provision of title 10 of the U.S. Code.

National Guard service, even if performed for a federally recognized unit, is not creditable unless it meets the qualifications listed above.

3. National Guard service or training periods are not creditable under the following circumstances:
- When performed before January 1, 1953, and not directly under a "call" by the President.
 - When called for duty solely by the Governor of a State; or
 - When performed exclusively for a State under section 316 or sections 502 to 505, title 32, U.S. Code.
-

D. Active Military Service

Active military service is duty in the armed forces of the United States performed on a full-time basis with military pay and allowances. Active military service contemplates that all of an individual's time and efforts are at the disposal of the military authorities and that he or she disassociates himself or herself from the performance of civilian employment during the period of military service.

OPM does not expect an agency to determine whether military service is "active duty." Agencies should request verification of military service from the appropriate branch of the armed forces and specifically ask for the dates of "active duty" service. (See The Guide for Processing Personnel Actions (formerly FPM Supplement 296-33), for how and where to obtain verification of military service.)

Section 22A2.1-2 Definition of Military Service (Cont.)**E. Service in the Military Reserves**

1. **Inactive service** in the various reserve components of the branches of the uniformed services listed in section 22A2.1-2, paragraph A, is not creditable for CSRS purposes even though such inactive periods may be counted toward certain types of military retirement under specific provisions of the applicable military retirement law.
2. **Active service** in the various reserve components of the branches of the uniformed services listed in section 22A2.1-2, paragraph A, is creditable for CSRS purposes. That is, service in any of the reserve corps of the armed forces is creditable when an individual is called to active duty, and for the active duty period only.

- **Service during Weekly or Biweekly Training Periods**

Members of certain reserve components attend weekly or biweekly reserve duty training sessions for which a reservist receives pay but not allowances. These weekly or biweekly training sessions are reserve duty--the reservist is not called to active duty--and therefore, they are not creditable for CSRS purposes.

- **Service during Annual 15-day Training Periods**

While the weekly and biweekly training sessions are reserve duty and not creditable, the annual 15-day training camp or cruise which reservists are called upon to attend (and for which they receive pay and allowances) is active duty and, therefore, creditable for CSRS purposes.

NOTE: When an employee performs active military service with a reserve unit during a period in which he or she is on military leave (or furlough) from a civilian position, the period is credited as civilian, not military service. (See section 22A6.1-2.)

F. Honorable Discharge Required

Honorable military service means service that was terminated under honorable conditions. In other words, the type of discharge determines whether service was honorable. If an employee has several enlistments or commissions, each period of service is considered separately.

1. Honorable Discharges

An honorable discharge means any separation from active duty in the armed forces under honorable conditions. The following types of separations are honorable:

Section 22A2.1-2 Definition of Military Service (Cont.)**F. Honorable Discharge Required (Cont.)**

- Under honorable conditions;
- Separation because of hardship;
- Transfer to retired list because of age or disability;
- Transfer to Fleet Reserve;
- Furlough to Reserve Forces;
- General discharge; (under Honorable Conditions); and
- Death in action (see section 22A6.1-2 on military furloughs).

2. Dishonorable Discharges

Generally, the DD 214 will show the type of discharge. However, the following remarks may also appear elsewhere on the DD 214.

- Under less than honorable conditions or other than honorable;
- Undesirable;
- Bad conduct;
- Unfitness; and
- Desertion.

3. Clemency or "Neutral" Discharges

Clemency or neutral discharges were given to any individual who had evaded the draft or deserted the military service during the Vietnam Era (August 4, 1964, through March 28, 1973).

Although clemency or neutral discharges are not considered dishonorable, individuals with these types of discharges cannot receive credit for the military service. This is because the law specifies that the discharge must be honorable.

Section 22A2.1-2 Definition of Military Service (Cont.)**F. Honorable
Discharge
Required
(Cont.)****4. Doubtful or Special Order Discharges**

In certain circumstances, it is not possible to tell from the discharge whether the service was honorable or dishonorable. These circumstances include:

1. Separation because of fraudulent enlistment (misrepresentation of age, marital status, etc.);
2. Wholly retired; and
3. Acceptance of resignation if "under honorable conditions" is not shown on the discharge papers.

Contact the appropriate branch of the military service for a determination whether such a discharge is honorable. (See instructions in *The Guide to Processing Personnel Actions* (formerly FPM Supplement 296-33)).

Part 22A3 Conditions for Credit**Section 22A3.1-1 Conditions for Credit**

A. Overview

A period of military service may be credited for retirement and death benefits purposes, subject to all of the following conditions:

1. It was performed before the date of the separation upon which title to an annuity is based.
2. It is not included in the computation of military retired pay or, if it is included in the computation of military retired pay, the retired pay was awarded under circumstances described in part 22A4 below. (See Chapter 70, Spouse Benefits -- Death of an Employee, for the circumstances under which survivors may receive credit.)
3. If the military service was performed after December 31, 1956, some employees will have to make a deposit for the military service to receive credit initially or--for other employees--to retain credit after age 62 (age 60 for their widow/widower/former spouses). (See discussion in part 22A5 below. See also Chapter 70, for a discussion on how post-1956 deposits affect survivor benefits and Chapter 23 for information about making post-1956 deposits.)

Each condition is discussed more fully in the noted sections and parts that follow.

Section 22A3.1-2 Condition: Military Service Before Separation for Retirement Purposes

A. General Rule

Credit is allowed only for military service performed prior to the date of the separation upon which title to annuity is based.

EXAMPLE: **The employee --**

- Separated on January 31, 1983 with the necessary age and service to apply for an immediate annuity;
- Entered active military service on March 15, 1983;
- Was honorably discharged on March 14, 1986;
- Returned to a position under CSRS on June 18, 1986; and
- Resigned on February 26, 1987.

Because the employee did not meet the "1-out-of-2" requirement (explained in Chapter 41, Voluntary Retirement Based on Age and Service, section 41A1.1-2, paragraph E), title to annuity reverted to the separation on January 31, 1983, and the military service performed after that date may not be used in computing his or her annuity benefits.

B. Military Service Performed After Retirement

The general rule also applies to military service performed after retirement. If a retired employee enters the military, the retiree cannot add the new military service to increase his or her annuity unless he or she later becomes reemployed and acquires a new retirement right.

Section 22A3.1-3 Condition: Waiver of Military Retired Pay

A. General Rules

Generally, an employee must waive military retired pay in order to receive credit for military service in the computation of the CSRS annuity, unless he or she is:

1. Retiring from civilian service after September 30, 1982, and has military service that was not used in the computation of military retired pay (see section 22A4.1-1); or
 2. Receiving military retired pay awarded:
 - On account of a service-connected disability incurred in combat with an enemy of the United States;
 - On account of a service-connected disability caused by an instrumentality of war and incurred in the line of duty during a period of war; or
 - > • Under provisions of 10 U.S.C. 12731-12739 (retired pay under Chapter 1223 for members of the reserves). <
-

Section 22A3.1-4 Conditions: Deposit for Post-1956 Military Service

A. General Rule

1. An individual first employed in a position covered by CSRS before October 1, 1982, may receive credit for post-1956 military service if he or she retires from civilian service prior to age 62. However, if the employee does not make a military service deposit, military service cannot be used in the computation of CSRS benefits when the employee reaches age 62, if he or she is entitled (or upon proper application would be entitled) to Social Security benefits at that time. (See detailed discussion in part 22A5.)
 2. An individual first employed in a position covered by CSRS on or after October 1, 1982, must make a military service deposit in order to receive credit for post-1956 military service for any purpose.
-

Part 22A4 Receipt of Military Retired Pay**Section 22A4.1-1 Receipt of Military Retired Pay**

A. General Rules

In determining eligibility for CSRS retirement or in estimating the amount of annuity for an employee (special rules for survivors of employees who die in service are covered in Chapter 70), who receives military retired or retainer pay, do not give credit for any military service at the date of separation for civilian retirement unless one of the following is true.

1. The employee elects to waive the retired pay and have all the military service credited for both eligibility and computation purposes.
2. The employee is receiving military retired pay that was awarded:
 - On account of a service-connected disability incurred in combat with an enemy of the United States; or
 - On account of a service-connected disability caused by an instrumentality of war and incurred in the line of duty during a period of war; or
 - > • Under the provisions of 10 U.S.C. 12731-12739 (Chapter 1223) which grants retired pay to members of reserve components of the armed forces on the basis of age and service (active and reserve). <

NOTE: The instructions for requesting information on whether the employee's retired pay was awarded under one of the provisions that would allow it to be credited without a waiver are found in The Guide to Processing Personnel Actions, (formerly FPM Supplement 296-33).

3. The employee is retiring from civilian service after September 30, 1982, and has military service that was not used in the computation of military retired pay. The following are examples of this type of military service:
 - Enlisted service performed as a cadet or midshipman by an individual who retires as an officer.
 - Service in excess of 30 years.
-

Section 22A4.1-1 Receipt of Military Retired Pay (Cont.)**B. Waiver of
Military
Retired Pay**

1. Employees who waive military retired pay may have military service credited for both eligibility and computation purposes, subject to the deposit requirements explained in Chapter 23. (See also part 22A5 below.)

Generally, an annuitant may revoke a waiver of military retired pay if he or she would have been entitled to annuity benefits **at the time of retirement** based on civilian service alone (for example, retirement at age 60 with 20 years of civilian service) or if the retiree's civil service annuity terminates. The annuitant should contact the military retired pay center. (See Section 22A4.1-2 of this chapter for the address.) However, agencies should advise employees that Comptroller General Decision B-170098 of January 17, 1973, does not permit a military retiree who waives military retired pay to establish title to a civil service annuity to later revoke the waiver at age 62 when he or she would have become eligible for an annuity based on age 62 and 5 years of service.

2. For military service to be credited, the employee must waive military retired pay for CSRS purposes, even if it has been waived for other purposes (such as VA benefits).

NOTE: Benefits from the Department of Veterans Affairs are not military retired pay.

3. Generally, a civil service disability annuitant cannot receive credit for military service in the disability annuity computation, > neither can he or she receive the "guaranteed minimum" disability computation < if the individual is receiving a pension or compensation from the department of Veterans Affairs in lieu of military retired or retainer pay. (See Public Law 96-499.) Accordingly, a disability annuitant must waive military retired pay and renounce certain types of VA benefits paid in lieu of military retired pay in order to receive credit for military service or the "guaranteed minimum" disability computation.

NOTE: Individuals whose civilian retirement is not based on disability need not renounce VA benefits to receive credit for military service if they waive military retired pay for CSRS purposes.

Section 22A4.1-2 Waiver of Military Retired Pay--Procedures

A. General

The employee must send the waiver request directly to the Defense Finance and Accounting Service at the address below at least 90 days but no later than 60 days before his or her planned retirement date.

Use the following address for Army, Navy, Air Force, and Marine retired pay:

**Defense Finance and Accounting Service
Cleveland Center (DFAS-CL/RO)
P.O. Box 99191
Cleveland, OH 44199-1126**

The waiver request must be signed and must specify:

- The employee's name;
- Military service or serial number;
- Social Security number; and
- Date on which the waiver is to become effective.

**B. Sample
Wording**

The waiver should be worded in the following manner:

"I (full name, military serial number, and Social Security number) hereby waive my military retired pay for civil service retirement purposes effective (the date of separation for retirement if the military service is needed to establish title to the annuity **or** the day before annuity commences if not needed to establish title). I hereby authorize the Office of Personnel Management to withhold from my civil service retirement annuity any amount of military retirement pay granted beyond the effective date of this waiver due to any delay in receiving or processing this election."

IMPORTANT: The waiver request must specifically state that the employee is waiving the retired pay for civil service retirement purposes; otherwise, OPM cannot allow credit for the military service.

Section 22A4.1-2 Waiver of Military Retired Pay--Procedures (Cont.)**C. Copies to OPM**

The retiring employee must attach to the retirement application a copy of the waiver request and a copy of the Military Finance Center's acknowledgement of the waiver, if available.

NOTE 1: Employing offices should not delay submitting the retirement application pending receipt of the Military Finance Center's acknowledgement. OPM will verify the waivers with the Military Finance Center.

NOTE 2: If a waiver of military retired pay is needed to establish title to annuity, OPM will not make any annuity payments until the waiver has been verified with the Military Finance Center.

D. Caution

OPM's adjudication of retirement claims involving waivers of military retired pay may be delayed because the employee:

1. Did not execute a waiver and/or did not send it to the appropriate Military Finance Center on a timely basis; or
2. Used the wrong effective date for the waiver.

These errors may cause the employee to receive military retired pay beyond the actual effective date of the waiver and require a recovery of the overpayment.

Part 22A5 Post-1956 Military Service**Section 22A5.1-1 Post-1956 Military Service**

A. General Rules

1. Beginning January 1, 1957, military service became subject to the Social Security tax. As a result, this service is used to determine entitlement for an individual's Social Security benefit (and, if entitlement exists, in the computation of Social Security benefits).
 2. In general, military service performed before January 1, 1957, must be credited in the computation of a civil service retirement or survivor's annuity. The Social Security Administration (SSA) cannot use pre-January 1, 1957, military service to compute benefits if a civil service retirement or survivor benefit is based on such service. The individual has no choice as to which benefit computation includes the pre-1957 military service. (However, see the exception that applies to survivor annuitants in Chapter 70.)
 3. The rules governing the crediting, for CSRS purposes, of military service performed after 1956 are based on whether the individual first became subject to CSRS before, or on or after, October 1, 1982.
-

Section 22A5.1-2 Post-1956 Military Service of Employees First Hired After September 30, 1982

A. General Rule

Employees first hired in positions subject to CSRS after September 30, 1982, do not receive credit for post-1956 military service for any purpose unless they make a military service deposit covering the service prior to separation from Federal employment. If a deposit is not made for such service, it is not creditable for either annuity computation **or** retirement eligibility purposes.

NOTE: See Chapter 23, Service Credit Payments for Post-1956 Military Service, for detailed information on military service credit payments.

B. Special Cases

1. If an employee first hired after September 30, 1982, is on military furlough, the service is creditable as civilian service for computing average salary and determining length of service for title to annuity. (See section 22A6.1-2, below for more details.)
 2. If an employee first hired after September 30, 1982, is on leave with pay (military leave), the period is creditable as civilian service. No military service deposit is payable.
-

Section 22A5.1-3 Post-1956 Military Service of Employees First Hired Before October 1, 1982

A. General Rule

For CSRS retirement purposes, the crediting of post-1956 military service for employees first hired in positions subject to CSRS before October 1, 1982, is based on:

- Whether the individual is entitled, or would upon proper application be entitled, to monthly Social Security retirement benefits at age 62 (or at the time the annuity commences, if later)--whether the individual actually receives the Social Security benefit is immaterial; and
- Whether the individual made a military deposit covering such service before retirement under CSRS. (See Chapter 23 for additional information on the procedures for making a military deposit.)

**B. Exception:
Retirees Prior
to September 9,
1982**

The information in this section does not apply to the post-1956 military service of those who retired before September 8, 1982. These individuals did not have the option of making a deposit. However, their annuities are not necessarily reduced at age 62 to eliminate credit for that service when they become eligible for Social Security. For those who are eligible for Social Security benefits, the age 62 reduction is the lesser of:

- An amount equal to a fraction of their Social Security benefit computed by dividing their total military wages that were subject to Social Security deductions by their lifetime wages (including military wages) that were subject to Social Security deductions; or
- The amount the annuity would be reduced by eliminating credit for post-1956 military service.

C. Special Cases

1. If an employee first employed subject to CSRS before October 1, 1982, is on military furlough, the service is creditable as civilian service for average salary and title purposes. (See section 22A6.1-2.)
 2. If an employee first employed subject to CSRS before October 1, 1982, is on leave with pay (military leave), the period is creditable as civilian service. No military service deposit is payable.
-

**Section 22A5.1-3 Post-1956 Military Service of Employees First Hired
 Before October 1, 1982 (Cont.)**

**D. Eligibility for
 Social Security
 Benefits**

Generally, to be eligible for Social Security old-age retirement benefits an employee must:

- Be age 62 or older; and
- Normally have earned at least 40 credits of coverage.

For a discussion of Social Security survivor benefits, see Chapter 70 of this Handbook.

NOTE: For information on eligibility for Social Security benefits, an employee may contact a local Social Security office or complete Social Security form SSA-7004-PC.

**E. Eligible for
 Social Security
 at Retirement**

Employees eligible for Social Security at time of retirement under CSRS can receive credit for post-1956 military service in their annuity computation only if they have made a military deposit covering such service before separation from Federal service. However, the service may be creditable for purposes of determining entitlement to an annuity.

EXCEPTION: Employees who separated from Federal service after September 8, 1982, but before October 1, 1983, with entitlement to a deferred annuity, may make a deposit for post-1956 military service at the time they apply for their deferred annuity unless reemployment after October 1, 1983, resulted in a new annuity right.

**F. Not Eligible for
 Social Security
 at Retirement**

Employees not eligible for Social Security benefits at retirement receive full credit for their post-1956 military service without making a deposit for such service. (However, see paragraph G below.)

**Section 22A5.1-3 Post-1956 Military Service of Employees First Hired
Before October 1, 1982 (Cont.)****G. Becomes
Eligible for
Social Security
After
Retirement****1. Employees who:**

- Made the military deposit prior to retirement; and
- Retired prior to age 62; and
- Are eligible for social security old-age benefits after retirement,

continue to receive credit for the post-1956 military service after reaching age 62.

2. Employees who:

- Did not make the military deposit before retirement; and
- Retired prior to age 62; and
- Are eligible for Social Security at age 62;

have their annuities recomputed at age 62 to eliminate credit for the post-1956 military service.

NOTE: The effective date of the exclusion of military service is the first day of the month in which the person becomes eligible for Social Security old age benefits.

3. Employees who:

- Retired prior to age 62; and
- Are not eligible for Social Security at age 62;

continue to receive credit for the post-1956 military service even if they become entitled to Social Security at a later date and the military deposit was not made.

Part 22A6 Amount of Service Credited**Section 22A6.1-1 Amount of Service Credited**

A. General Rule

In general, employees are given a day's credit for each day from the date of an individual's entry on active duty and through the date of separation from the military service.

NOTE 1: See The Guide to Processing Personnel Actions (formerly FPM Supplement 296-33), for procedures on verifying military service periods.

NOTE 2: Some military discharges show two entry dates--an "enlisted or inducted date" and an "active duty date." For crediting purposes, always use the "active duty date" as the beginning date of the active duty period.

**B. Exception:
Lost Time**

"Lost time" (AWOL, for example) is not creditable service and must be subtracted from total service.

Until 1979, "lost time" was generally recorded on the DD 214 as "___days lost under Uniform Code of Military Justice, Article 86," or as "___days AWOL."

Since 1979, "lost time" has been subtracted from the period of service listed on the DD 214, and the form shows only "good time" or total creditable service.

Section 22A6.1-2 Concurrent Military and Civilian Service (Military Furlough)

A. Rule

An employee who enters military service and is retained by his or her agency in a furlough or leave-without-pay status is considered to be on both active duty with the military and on leave of absence from his or her civilian position. The employee receives credit for the period of military furlough as civilian service rather than military service, subject to the following conditions:

1. If the employee was first employed in a position covered by CSRS before October 1, 1982, he or she will receive civilian credit for the period of military furlough to determine length of service for eligibility to retire; to compute the high-3 average salary (using the civilian pay rate); and to meet the "1-out-of-2" requirement. A military service deposit is not required to receive credit for these purposes.

However, a military service deposit may be required for the employee to receive credit for the military furlough period for computation purposes depending on whether the individual is entitled, or would upon proper application be entitled, to monthly Social Security retirement benefits at age 62 (or at the time the annuity commences, if later). (See part 22A5 above for further details.)

2. If the employee was first employed in a position covered by CSRS on or after October 1, 1982, he or she must make a military service deposit in order to receive credit for the period of military furlough for any purpose (including length of service, high-3 average salary, and for meeting the "1-out-of-2" requirement).

NOTE 1: An employee on military furlough is treated the same as an employee who is on LWOP. Consequently, should the employee die while on military furlough, survivor benefits are payable to any eligible spouse and/or children. In addition, an employee, who is otherwise eligible, may apply to retire (and make any necessary military deposit) while in a furlough status.

NOTE 2: An employee may be on military furlough indefinitely. Agencies, at their discretion, may require employees on furlough to return to their civilian position within a specified period of time. For retirement purposes, however, credit ends on the later of December 31, 1956, or after 5 years of military service. (See 5 CFR Part 353 for further information about military furloughs.)

Section 22A6.1-2 Concurrent Military and Civilian Service (Military Furlough) (Cont.)

A. Rule (Cont.)

NOTE 3: If the military service is not creditable for retirement purposes because the person did not receive discharge under honorable conditions or the service was performed as a member of the National Guard under title 32 of the U.S. Code > and ended prior to August 1, 1990,< the employee receives 6 months service credit for each calendar year he or she was on military furlough.

**B. Crediting
Furlough Time
Before and
After Military
Service**

For any portion of a military furlough period during which the employee was not on active duty military service, the employee receives civilian service credit.

EXAMPLE: LWOP to enter military service: 7-2-68

Entered on active duty: 9-3-68

Discharged from military service: 9-1-70

Returned to duty with same agency: 10-9-70

The employee receives military service credit for the period 9-3-68 through 9-1-70. The employee receives LWOP civilian service credit for the periods 7-2-68 through 9-2-68 and 9-2-70 through 10-8-70.

EXCEPTION: See section 22A6.1-3D for the rule that applies when the employee does not return to the same agency.

Section 22A6.1-3 Military Separation

A. General Rule

An employee may separate from his or her civilian position to enter the armed forces. Except as noted in paragraph C below, the period of time from the date the employee enters on active duty to the date of discharge or separation from active duty military service is credited as military service.

An employee who is separated to enter military service rather than furloughed does not accrue civilian service credit during the period of military service. Thus, an employee who separated without title to an immediate annuity cannot establish entitlement to immediate annuity or death benefits, without exercising his or her restoration rights (see paragraph B).

NOTE: A military separation is treated as any other separation from Federal service and carries with it the same consequences. Therefore, if an individual dies during the period of separation, survivor benefits are not payable to any eligible spouse and/or children. In addition, the individual may not retire or make a military deposit during the period of separation.

B. Restoration Rights

An employee who separates from his or her civilian position to enter military service is entitled to be "restored" to his or her civilian position upon the termination of military service. (See 5 CFR Part 353 for a thorough discussion of restoration rights.)

1. An individual may exercise his or her restoration rights only if the following conditions are met.
 - The individual is honorably discharged from military service.
 - The period of military service does not exceed 5 years, provided that service in excess of 4 years is at the request of and for the convenience of the Federal Government (plus additional service imposed pursuant to law).
 - The individual exercises his or her restoration rights within 90 days of separating from military service.
2. If the individual properly exercises his or her restoration rights, the individual is treated as if he or she were on military furlough during the period of military separation. As a result, the rules regarding the crediting of service in the case of a military furlough described in section 22A6.1-2 appl

Section 22A6.1-3 Military Separation (Cont.)**C. Military Service
During a
National
Emergency**

An employee who separates from his or her civilian position to enter military service during a period of war or national emergency is also treated as if he or she were on military furlough. In such a case, the rules discussed in section 22A6.1-2 above are applicable.

However, the individual is not considered as retaining a civilian position beyond December 31, 1956, or the expiration of 5 years of military service while in the armed forces, whichever is later. If an individual does not return to a civilian position within 90 days after release from active duty, he or she is considered to have voluntarily separated from civilian service at the expiration of 5 years of military service or as of the date of release from military service, whichever occurs first.

EXCEPTION: If the individual separates from his or her civilian position to enter the military and takes a refund of retirement deductions, the payment of the refund voids the individual's entitlement (and the entitlement of his or her survivors) to any future retirement benefits unless he or she returns to duty following military service. Upon reemployment under CSRS, the refund may be redeposited in accordance with the provisions in Chapter 21, Service Credit Payments for Civilian Service.

NOTE: The last period of national emergency began on December 16, 1950, and ended on September 14, 1978.

**D. Crediting
Separation
Time Before
and After
Military Service**

In general, the rules for crediting time before and after military service in the case of a military separation depend on whether or not the individual performed the military service during a period of war or national emergency.

EXAMPLE 1: Resigned from agency: 4-3-62

Entered active duty: 6-1-62

Discharged from military service: 6-1-64

Returned to duty with same agency: 7-9-64

Section 22A6.1-3 Military Separation (Cont.)

**D. Crediting
Separation
Time Before
and After
Military Service
(Cont.)**

The periods described in this example occurred during a period of national emergency. Therefore, the employee receives military service credit for the period 6-1-62 to 6-1-64. The employee receives LWOP civilian service credit for the periods 4-4-62 to 5-31-62 and 6-2-64 to 7-8-64. The maximum LWOP credit allowed is 6 months in a calendar year.

EXCEPTION: Except in certain situations discussed in 5 CFR Part 353, if the employee is reemployed by a different agency, he or she receives LWOP civilian credit for the period 4-4-62 to 5-31-62; however, the employee does not receive civilian credit for the period 6-2-64 to 7-8-64.

EXAMPLE 2: Resigned from agency: 11-8-83

Entered active duty: 12-7-83

Discharged from military service: 11-1-86

Restored to duty by agency: 1-4-87

The periods described above did not occur during a period of national emergency. Therefore, the employee receives military service credit for the period 12-7-83 through 11-1-86. The employee does not receive any service credit for the periods 11-9-83 through 12-6-83 and 11-2-86 through 1-3-87, unless the employee is entitled to restoration rights. See 22A6.1-3.

This same result would occur if the individual were reemployed at a different agency. However, if reemployed at same agency (restoration rights) the employee gets credit.

> Section 22A6.1-4 Concurrent Military and Civilian Service (Non-Furlough)<**A. General Rule**

There are rare circumstances in which an employee has overlapping periods of civilian and military service. Typically, in these cases, the individual is on terminal leave from the military and begins working as a civilian Federal employee before the date of his or her final separation from the military. In this instance, the service is creditable as military service through the date of separation from the military, regardless of whether the employee was covered by retirement deductions during the overlapping period. As such, post-56 military service deposit rules and military retired pay waiver rules would apply.

B. Exception

There are even rarer occasions, when due to litigation, a court determines that a former member of the military must be retroactively reinstated into military service with back pay and allowances. If the individual had Federal civilian service during the retroactive reinstatement period, the service is credited as civilian service and the individual is deemed to have been on military leave with pay. No post-56 military deposit is required, nor waiver of military retired pay to receive the civilian service credit. Agencies who encounter circumstances like this should request an advisory opinion from OPM's Agency Services Division before crediting the service as military or civilian.

Subpart 22B FERS
Part 22B1 General Information

Section 22B1.1-1 Overview

A. Introduction

Subchapter 22B contains the rules applicable to creditable military service under the Federal Employees Retirement System (FERS).

This subchapter explains how FERS differs from CSRS. It refers readers to the applicable CSRS rule or gives the FERS rule if different.

B. Organization of Subchapter

This subchapter has three parts.

| Part | Name of Part | Page |
|-------------|----------------------------|-------------|
| 22B1 | General Information | 31 |
| 22B2 | Military Service | 33 |
| 22B3 | Amount of Service Credited | 34 |

C. Applicable CSRS Provisions

The following sections and parts of subchapter 22A apply to FERS employees:

- Part 22A2: Military Service
 - Section 22A3.1-1: Conditions for Credit
 - Section 22A4.1-2: Condition: Military Service before Separation for Retirement Purposes
 - Section 22A3.1-1: Condition: Waiver of Military Retired Pay
 - Part 22A4: Receipt of Military Retired Pay
 - Section 22A6.1-1: Amount of Service Credited
 - Section 22A6.1-2: Concurrent Military and Civilian Service (Military Furlough)
-

Section 22B1.1-1 Overview (Cont.)**D. Statement of
Authority**

The FERS subchapter is based on the laws and regulations cited below.

- United States Code: 5 U.S.C. 8411(c) and (d)
 - Section 302(a)(2) of Public Law 99-335
 - Code of Federal Regulations: 5 CFR 842.306 and 846.303
-

Part 22B2 Military Service

Section 22B2.1-1 Military Service

A. Rules

1. Military service that is creditable under CSRS is creditable under FERS, except that all post-1956 military service must be covered by a deposit to receive credit under FERS rules for **any** purpose.

NOTE 1: Even if an employee covered by FERS was first hired before October 1, 1982, post-1956 military service cannot be credited unless the required deposit is completed.

NOTE 2: Military service that will be part of a CSRS component is treated under CSRS rules. Therefore, if the employee was first hired in a CSRS-covered position before October 1, 1982, post-1956 military service may be credited without a deposit being paid.

2. Military service is credited under FERS rules if:

- It was performed after the employee became covered by FERS; or
 - The employee had less than 5 years of civilian service (other than CSRS Interim or Offset service) upon becoming covered by FERS.
-

**B. Rule:
Transferee
With a CSRS
Annuity
Component**

Military service performed before the date of transfer may be credited under the CSRS rules described in subchapter 22A if the employee has a CSRS annuity component in his or her FERS retirement benefit.

NOTE 1: A FERS transferee has a CSRS annuity component if he or she had 5 or more years of civilian service creditable under CSRS rules (not counting CSRS Offset or Interim service) at the time of transfer.

NOTE 2: If there is no CSRS component, FERS rules apply to the military service. (See paragraph A.)

Part 22B3 Amount of Service Credited**Section 22B3.1-1 Military Separation**

**A. Applicable
CSRS
Provisions**

The provisions of CSRS section 22A6.1-3 are applicable to FERS employees with one exception. The exception is noted below.

**B. Exception:
Military Service
During
Emergency**

Under FERS, there is no distinction between the treatment of an employee who separates from his or her position during a period of war or national emergency and one who does not. In all cases, the rules discussed in section 22A6.1-3, paragraphs A and B, apply.

Consequently, a FERS employee who leaves a covered position to enter military service during a period of war or national emergency is considered separated and **not** deemed to be on military furlough. The employee must exercise his or her restoration rights within the time limits specified under title 38 of the U.S. Code in order to be treated as if he or she were on military furlough to obtain credit for the period of military separation.

Subchapter 22C Job Aids**PROCEDURES FOR VERIFYING CREDITABLE NATIONAL GUARD SERVICE**

All periods of claimed National Guard service performed in a Federal status should be verified by agency personnel officers with the Adjutant General's office for the State National Guard unit with which the claimant served. Original records of National Guard service which was ordered under section 233(d) of the Armed Forces Reserve Act of 1952, or under title 10 of the U.S. Code after August 10, 1956, are kept in the State Adjutant General's office. Original records of National Guard service which was performed under a "call" by the President are also kept in the State Adjutant General's office.

National Guard service which shows up in verification statements furnished by the Military Personnel Records Center (St. Louis, Missouri), the Army Administration Center (St. Louis, Missouri), or the Air Reserve Personnel Center (Denver, Colorado) may be relied upon only when the service was clearly performed under a "call" by the President. All other asserted "Federal Service" which is reported by these three record centers may include National Guard service ordered under either title 10 or 32 of the U.S. Code. The reason for this situation is that for Reserve retirement purposes (under 10 U.S.C. chapter 67), the State Adjutant General has not had to distinguish between title 10 (Federal service) and title 32 (State service) type service. Therefore, in reporting "Federal service" performed by National Guardsmen to the Army Administration Center or to the Air Reserve Personnel Center, the Adjutant General has frequently combined title 10 and title 32 service and described both simply as "Federal Service."

The exact dates of creditable National Guard service must be determined in order to avoid giving double credit for concurrent periods of Federal National Guard service and Federal civilian service. If a member of the National Guard is an employee of the Federal Government, he or she continues to earn service credit under the Civil Service or Federal Employees Retirement System law, without interruption, for those days served on active duty in the National Guard under either a "call" by the President or an "order" by the Secretary of Defense or his designee. To also give the individual credit for the number of his or her active duty days would be to give double credit for the same period of service for the Federal government.

Standard Form 180, Request Pertaining to Military Records, (revised 7-86) may be used to verify creditable National Guard service. Under part II, section 1, of this form, the following note should be inserted:

The beginning and ending dates of honorable active ARNGUS/ANGUS duty and the authority of law under which it was performed under either a "call" by the President or an "order" by the Secretary of Defense (or his designee) are needed to verify prior Federal service credit for the above named Federal employee.

A completed GSA Standard Form 180 should be directed to the Adjutant General's office for the various State National Guard units. You may refer to The Guide to Processing Personnel Actions, (formerly FPM Supplement 293-33) or use the list of addresses of these offices that follows.

ADDRESSES FOR CONTACTING STATE ADJUTANTS GENERAL

Alabama
Military Department
P.O. Box 3711
Montgomery, AL 36193

Delaware
National Guard
First Regiment Road
Wilmington, DE 19808

Alaska
Dept. of Military Affairs
3601 C Street
Suit 620
Anchorage, AK 99503

District of Columbia
D.C. Army National Guard
ATTN: Director of Personnel
2001 East Capital Street
Washington, DC 20003

Arizona
Dept. of Emergency and
Military Affairs
5636 E. McDowell Road
Phoenix, AZ 85008

Florida
Dept. of Military Affairs
State Arsenal
St. Augustine, FL 32084

Arkansas
Military Department
Camp Robinson
North Little Rock, AR 72118

Georgia
Department of Defense
Military Division
P.O. Box 17965
Atlanta, GA 30316

California
Military Department
2829 Watt Avenue
Sacramento, CA 95821

Hawaii
Department of Defense
3949 Diamond Head Road
Honolulu, HI 96816

Colorado
Dept. of Military Affairs
300 Logan Street
Denver, CO 80203

Idaho
Military Division
Office of the Governor
P.O. Box 45
Boise, ID 83707

Connecticut
Military Department
National Guard Armory
360 Broad Street
Hartford, CT 06105

Illinois
Military and Naval Department
1301 N. MacArthur Blvd.
Springfield, IL 62702-2399

Indiana
Dept. of the Adjutant General
P.O. Box 41326
Indianapolis, IN 46241

Massachusetts
Executive Office of
Public Safety
905 Commonwealth Avenue
Boston, MA 02215

Iowa
Public Defense Department
7700 Northwest Beaver Drive
Johnston, IA 50131-1902

Michigan
Dept. of Military Affairs
2500 S. Washington Avenue
Lansing, MI 48913

Kansas
Dept. of the Adjutant General
P.O. Box C-300
Topeka, KS 66601

Minnesota
Dept. of Military Affairs
Veteran's Service Bldg.
St. Paul, MN 55155

Kentucky
Dept. of Military Affairs
Boone National Guard Center
Frankfort, KY 40601

Mississippi
Army and Air National Guard
P.O. Box 5027
Jackson, MS 39216

Louisiana
Military Department
HR Bldg., Jackson Barracks
New Orleans, LA 70146

Missouri
1717 Industrial Drive
Jefferson City, MO 65101

Maine
Defense and Veteran
Services Department
Camp Keyes
Augusta, ME 04333

Montana
Military Affairs Department
P.O. Box 4789
Helena, MT 59604

Maryland
Military Department
Fifth Regiment Armory
Baltimore, MD 21201

Nebraska
Military Department
1300 Military Road
Lincoln, NE 68508

Nevada
Military Department
2525 S. Carson Street
Carson City, NV 89701

Ohio
Military Department
2825 West Granville Road
Worthington, OH 43085

New Hampshire
Military Department
1 Airport Road
Concord, NH 03301

Oklahoma
Military Department
3501 Military Circle NE
Oklahoma City, OK 73111

New Jersey
Chief of Staff
Dept. of Defense for
New Jersey
Eggert Crossing Rd. CN 340
Trenton, NJ 08625-0340

Oregon
Military Department
2150 Fairgrounds Road, NE
Salem, Oregon 97303

New Mexico
Dept. of Military Affairs
P.O. Box 4277
Santa Fe, NM 87502

Pennsylvania
Military Affairs Department
Indiantown Gap Military
Reservation
Anville, PA 17003

New York (Chief of Staff)
Dept. of Military and Naval
Affairs
333 Old Niskayuna Road
Latham, NY 12110-2224

Puerto Rico
National Guard
P.O. Box 3786
San Juan, PR 00904

North Carolina
Dept. of Administration
4105 Reedy Creek Road
Raleigh, NC 27607

Rhode Island
Administration Department
1051 N. Main Street
Providence, RI 02904

North Dakota
Dept. of Disaster and
Emergency Services
Fraire Barracks, P.O. Box 55
Bismarck, ND 58505-5111

South Carolina
Military Department
1 National Guard Road
Columbia, SC 29201-4766

South Dakota
Military and Veteran
Affairs Department
2823 W. Main
Rapid City, SD 57702-8186

West Virginia
Military Department
1703 Coonskin Drive
Charleston, WV 25311

Tennessee
Military Department
Houston Barracks
P.O. Box 41502
Nashville, TN 37204-1501

Wisconsin
Military Affairs
P.O. Box 8111
Madison, WI 53708

Texas
Military Department
P.O. Box 5218
Austin, TX 78763

Wyoming
Military Department
P.O. Box 1709
Cheyenne, WY 82003

Utah
National Guard
P.O. Box 8000
Salt Lake City, UT 84108

Vermont
Military Department
Camp Johnson, Bldg. #1
Winooski, VT 05404

Virgin Islands
Military Department
P.O. Box 1150
Christiansted Street
St. Croix, U.S. V.I. 00820

Virginia
Military Affairs
501 E. Franklin Street
Richmond, VA 23219-2317

Washington
Military Department
Camp Murray
Tacoma, WA 98430