



Department of Defense

INSTRUCTION

NUMBER 1304.25
August 25, 1997

ASD(RA)

SUBJECT: Fulfilling the Military Service Obligation (MSO)

- References: (a) DoD Directive 1304.25, subject as above, March 17, 1986 (hereby canceled)
- (b) Title 10, United States Code
 - (c) DoD Instruction 1200.15, "Assignment to and Transfer Between Reserve Categories, Discharge from Reserve Status, Transfer to the Retired Reserve, and Notification of Eligibility for Retired Pay," September 18, 1997
 - (d) DoD Directive 1215.13, "Reserve Component Member Participation Policy," December 14, 1995
 - (e) through (k), see enclosure 1

1. REISSUANCE AND PURPOSE

This Instruction:

- 1.1. Reissues reference (a) as a DoD Instruction under the authority of reference (b).
- 1.2. Implements policy, and updates procedures and responsibilities under Sections 10145, 10146, 10204, 12103, and 651 of reference (b) for fulfillment of the statutory MSO.

2. APPLICABILITY

This Instruction applies to the Office of the Secretary of Defense and the Military Departments (including the Coast Guard when it is not operating as a Military Service in the Navy by agreement with the Department of Transportation), the Chairman of the Joint Chiefs of Staff, and the Unified Commands (hereafter referred to collectively as "the DoD Components"). The term "Military Services," as used herein, refers to the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard.

3. DEFINITIONS

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

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

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

3.4. Military Service Obligation (MSO). The total required service that each person who becomes a member of a Military Service shall serve in a Military Service discharged under regulations prescribed by the Secretary of Defense and the Secretary of the Military Department concerned.

3.5. 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.

4. POLICY

It is DoD policy under 10 U.S.C. (reference (b)) that:

4.1. Every person, on initial entry into a Military Service, shall serve a total of 8 years, to be fulfilled, in accordance with this Instruction.

4.2. The MSO for any person whose initial entry into a Military Service is on or after June 1, 1984, shall be for a period of 8 years from the date of enlistment, appointment, or, when authorized by law, induction.

5. RESPONSIBILITIES

5.1. The Assistant Secretary of Defense for Reserve Affairs, under the Under Secretary of Defense for Personnel and Readiness, in coordination with the Assistant Secretary of Defense for Force Management Policy, shall establish policy for the fulfillment of the MSO.

5.2. The Secretaries of the Military Departments shall:

5.2.1. Establish procedures for the administration of the MSO, in accordance with this Instruction.

5.2.2. Maintain adequate and current personnel information on members of the Reserve components, including current mailing addresses, physical condition, military qualifications, dependency status, civilian occupational skills, availability for service, and such other information as the Secretary of the Military Department concerned may prescribe, in accordance with reference (b).

5.2.3. Determine applicable refresher training requirements for Service members transferred to the IRR with a remaining MSO.

6. PROCEDURES

6.1. The MSO

6.1.1. The periods served on active duty or in an active status to fulfill the MSO shall be determined in regulations established by the Secretary of the Military Department concerned.

6.1.2. Any portion of the MSO that is not active duty or active duty for training shall be performed in a Reserve component, as defined in Sections 10101, 10142, and 10143 of 10 U.S.C (reference (b)); any combination of active duty and service in a Reserve component, as prescribed in applicable DoD Regulations and Military Department regulations may be used to fulfill the MSO.

6.2. Discharge or Separation

6.2.1. The MSO is considered terminated when a Service member is discharged, except as indicated in subparagraph 6.2.2., below.

6.2.2. The MSO is not terminated on discharge or other type of separation for immediate entry or reentry in the same or any other component of the Military Services, or for entry into an officer 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.

6.3. Discharge Before Completion of MSO. Generally, discharge of a member before fulfilling an 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 6.4., 6.5., and 6.9., below.

6.3.1. Obligated Enlisted Service Members. Policy for the early discharge of enlisted Service members is in DoD Instruction 1200.15 and DoD Directives 1215.13 and 1332.14 (references (c), (d), and (e)).

6.3.2. Obligated Officers. Policy for the early discharge of officers is in references (c) and (d).

6.4. Delayed Entry. The military status gained by an entry in which a Service member's entry on active duty or initial active duty for training (IADT) is postponed, in accordance with regulations prescribed by the Secretary of the Military Department concerned. Members in a delayed entry status incur an MSO. The period served in a delayed entry status counts toward fulfilling the MSO.

6.4.1. Active Component Delayed Enlistment Program (DEP). Persons who enlist in the Ready Reserve under Section 513 of reference (b) for 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 shall complete the remainder of the MSO in a Reserve component unless discharged, in accordance with DoD Directive 1332.14 (reference (e)).

6.4.2. Reserve Component Delayed Entry into Training (DET). Persons who enlist in the Ready Reserve under Section 12103(d) of 10 U.S.C. (reference (b)) for service in a Reserve component and whose IADT is postponed are in the DET. DET members who fail to report for IADT may be ordered to involuntary IADT and shall complete the remainder of the MSO in a Reserve component unless discharged, in accordance with reference (e).

6.4.3. Discharge from DEP and/or DET. DEP and/or DET members who are discharged for any of the reasons specified in reference (e) shall 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.

6.5. 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 an MSO. Military 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 shall not alter the terms of any subsequent enlistment for specific periods of active component or Reserve component service. Subparagraph 6.4.3., above, applies if Military Service described in that paragraph was performed only in a delayed entry status. Procedures for underage enlistments are established in reference (e).

6.6. Reserve Officers Training Corps (ROTC) and Service Academy Appointment

6.6.1. ROTC Appointments

6.6.1.1. ROTC Scholarship Recipients. An officer appointed under Section 2107(d) of reference (b) shall have an MSO of 8 years from the date of appointment.

6.6.1.2. ROTC Advanced Training. An officer appointed under Section 2106 of reference (b) shall have an MSO of 8 years from the date of appointment minus any prior enlisted Military Service before entry into advanced training, in accordance with DoD Directive 1215.8 (reference (f)).

6.6.1.3. Military Junior Colleges Scholarship Recipients. An officer appointed in the Reserve of the Army under Section 2107a(d) of reference (b) shall have an MSO of 8 years from the date of appointment.

6.6.2. Service Academy Appointments. An officer appointed under Chapters 403, 603, or 903 of reference (b) shall incur an MSO of 8 years from the date of appointment. If an appointment is terminated before graduation or if a cadet or midshipman refuses to accept a commission offered following graduation, the MSO shall be equivalent to the period for which the member is ordered to serve on active duty or in the Reserve components under Sections 4348, 6959, or 9348 of title 10 (reference (b)), and in accordance with DoD Directives 1332.23 and 1235.10 (references (g) and (h)).

6.7. Unsatisfactory Participation in the Ready Reserve. A person who incurs an MSO and who subsequently fails to participate satisfactorily in any required Reserve training may not be discharged, except under paragraph 6.3., above.

6.8. Inter-Service and Inter-Component Transfers. Transfer of Service members who have a remaining MSO between Military Services or components of a Military Service shall be accomplished under DoD Directives 1205.5 or 1300.4 (references (i) and (j)). Obligated military service performed before and after an authorized transfer shall be counted toward fulfillment of the MSO.

6.9. Members of the Clergy. On 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:

6.9.1. The ministry is his or her main and primary vocation.

6.9.2. His or her religious faith group is recognized substantially for religious purposes.

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

6.9.4. He or she is certified by an applicable official of the faith group to be a fully qualified member of the clergy in good standing.

6.10. Induction. During war or national emergency or when otherwise authorized by law, a person who is inducted under Title 50 Appendix, United States Code, Section 451 et seq., (reference (k)) and who completes the required period of active training and Military Service shall continue to hold his or her appointment or enlistment contract to serve as a Reservist and shall be required to fulfill the terms of the obligation, unless discharged by the Secretary of the Military Department concerned.

7. EFFECTIVE DATE

This Instruction is effective immediately.



Rudy de Leon
Under Secretary of Defense
for Personnel and Readiness

Enclosures - 1

E1. References, continued

E1. ENCLOSURE 1

REFERENCES, continued

- (e) DoD Directive 1332.14, "Enlisted Administrative Separations," December 21, 1993
- (f) DoD Directive 1215.8, "Senior Reserve Officers Training Corps (ROTC) Programs," March 25, 1994
- (g) DoD Directive 1332.23, "Service Academy Disenrollment," February 19, 1988
- (h) DoD Directive 1235.10, "Activation, Mobilization, and Demobilization of the Ready Reserve," July 1, 1995
- (i) DoD Directive 1205.5, "Transfer of Members Between Reserve and Regular Components of the Military Services," April 10, 1995
- (j) DoD Directive 1300.4, "Inter-Service Transfer of Commissioned Officers," November 15, 1996
- (k) Section 451 et seq. of title 50, United States Code, Appendix