

# **DOD INSTRUCTION 1300.04**

# INTER-SERVICE AND INTER-COMPONENT TRANSFERS OF SERVICE MEMBERS

Originating Component:	Office of the Under Secretary of Defense for Personnel and Readiness
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<b>Reissues and Cancels:</b>	DoD Instruction 1300.04, "Inter-Service Transfer of Commissioned Officers," December 27, 2006
Incorporates and Cancels:	DoD Instruction 1205.05, "Transfer of Service Members Between Reserve and Regular Components of the Military Services," March 30, 2012
Approved by:	A. M. Kurta, Performing the Duties of the Under Secretary of Defense for Personnel and Readiness

**Purpose:** This issuance, in accordance with the authority in DoD Directive (DoDD) 5124.02, establishes policy, assigns responsibilities, and provides the procedures for:

• The transfer of commissioned officers on the active-duty list (ADL) or the reserve active-status list (RASL) of a uniformed service to the ADL or RASL of another pursuant to Section 716 of Title 10, United States Code (U.S.C.).

• The transfer of commissioned officers between the Regular and Reserve Components of the same Military Service.

• The transfer of warrant officers between Military Services and components of the same Military Service.

• The transfer of enlisted members between Military Services and components of the same Military Service.

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## **SECTION 1: GENERAL ISSUANCE INFORMATION**

#### 1.1. APPLICABILITY. This issuance:

a. Applies to OSD and the Military Departments (including the U.S. Coast Guard (USCG) at all times, including when it is a Service in the Department of Homeland Security by agreement with that Department).

b. Applies to the Commissioned Corps of the United States Public Health Service (USPHS), under agreement with the Department of Health and Human Services; and the Commissioned Corps of the National Oceanic and Atmospheric Administration (NOAA) Corps, under agreement with the Department of Commerce, in the instance of a commissioned officer transferring from USPHS or NOAA Corps to a Military Service.

c. Does not constitute authority, establish policy, or provide procedures for a commissioned officer, warrant officer, or enlisted member transferring from a Military Service to the USCG, USPHS Commissioned Corps, or NOAA Corps, except when the USCG is operating as a Service in the Navy pursuant to law.

#### 1.2. POLICY.

a. Commissioned officers, warrant officers, and enlisted members in a uniformed service may be given the opportunity to apply for an inter-Service transfer to a Military Service or an inter-component transfer within the same Military Service without interruption in their service careers.

b. Transfers are subject to the concurrence of both the gaining Military Service and the losing uniformed service.

c. The commissioned officer, warrant officer, or enlisted member concerned must request or consent to the transfer.

d. Release of a commissioned officer, warrant officer, or enlisted member for a transfer in accordance with this issuance will not constitute a release from fulfillment of the military service obligation established by Sections 651, 10145, 10146, 12104, or 12208 of Title 10, U.S.C.; an active duty obligation in accordance with DoD Instruction (DoDI) 6000.13; any other active duty obligation; or any agreement, law, regulation, or policy of the losing uniformed service. Additional military service performed after such transfer will be counted toward fulfillment of a previous obligation.

e. A commissioned officer, warrant officer, or enlisted member who has incurred a financial obligation or received an incentive payment for the current term of appointment or enlistment must honor the conditions of the incentive or financial obligation pursuant to Chapter 2 of Volume 7A of DoD 7000.14-R.

f. The transfer of a commissioned officer, warrant officer, or enlisted member from a Reserve Component of one Military Service to a Reserve Component of another Military Service or from the Ready Reserve Corps of USPHS to a Military Service will be to a category of equal or greater mobilization potential. This requirement may be waived if the Secretaries of the Military Departments concerned or the Surgeon General of the USPHS concur.

g. Transfers are authorized for all specialties.

## **SECTION 2: RESPONSIBILITIES**

#### 2.1. ASSISTANT SECRETARY OF DEFENSE FOR MANPOWER AND RESERVE

**AFFAIRS.** Under the authority, direction, and control of the Under Secretary of Defense for Personnel and Readiness, the Assistant Secretary of Defense for Manpower and Reserve Affairs develops and oversees the implementation of this issuance.

**2.2. SECRETARIES OF THE MILITARY DEPARTMENTS.** The Secretaries of the Military Departments:

a. Indicate their concurrence or non-concurrence in writing with proposed transfers.

b. Establish standards and criteria to determine whether they concur with proposed transfers.

c. Approve transfers into their respective departments that are acceptable to both the gaining Military Service and the losing uniformed service and are in the best interests of both parties.

d. Integrate transferring officers already on a promotion list to the next highest grade of the losing uniformed service into the promotion list of the gaining Military Service.

e. Ensure that any personally identifiable information included in the proposed transfer documentation is collected, maintained, used, and disseminated in accordance with DoDI 1336.08, DoDI 5015.02, DoDD 5400.11, and DoD 5400.11-R.

**2.3. COMMANDANT OF THE USCG; SURGEON GENERAL OF THE USPHS; AND SECRETARY OF COMMERCE.** The Commandant of the USCG; Surgeon General of the USPHS; and Secretary of Commerce:

a. Indicate their concurrence or non-concurrence in writing with proposed transfers.

b. Establish standards and criteria to determine whether they concur with proposed transfers.

## **SECTION 3: TRANSFER OF COMMISSIONED OFFICERS**

#### 3.1. INTER-SERVICE TRANSFER.

#### a. Request for Transfer.

(1) In accordance with Section 716 of Title 10, U.S.C., transfers will be made only within the authorized strength limitations of the gaining Military Service.

(2) If the Secretary of the gaining Military Department requests the transfer, he or she will send the request to the Secretary of the losing Military Department.

(3) If the commissioned officer requests the transfer, he or she will send the request to the Secretary of the losing Military Department. If the Secretary of the losing Military Department concurs, the commissioned officer will forward the request to the Secretary of the gaining Military Department.

(4) If the losing Military Service disapproves the transfer request, the commissioned officer concerned may elevate the request to the:

(a) Secretary of the Military Department when both Military Services are in the same Military Department; or,

(b) Under Secretary of Defense for Personnel and Readiness when the Military Services are in different Military Departments.

(5) The USCG, USPHS Commissioned Corps, and NOAA Corps should follow their own procedures for the approval or disapproval of commissioned officers requesting transfers to or from another uniformed service.

**b.** Appointments and Promotions. Original appointments and promotions will continue to be processed through the original appointment and promotion scroll processes.

(1) A commissioned officer transferring between Military Services or a commissioned officer transferring from the USCG, USPHS Commissioned Corps, or NOAA Corps to one of the Military Services will be processed for an original appointment in accordance with DoDI 1310.02. The officer's appointment grade and date of rank will be determined by the Military Service concerned, in accordance with DoDI 1312.03 and DoDI 6000.13, as appropriate.

(2) A former commissioned officer of the USPHS Commissioned Corps who resigned from the USPHS Commissioned Corps and was given an original appointment as a commissioned officer in another uniformed service will be credited with any period of active commissioned service that he or she performed in the USPHS Commissioned Corps. Such an appointment to one of the Military Services will be processed as an original appointment subject to Paragraph 3.1.b.(1).

(3) If a commissioned officer who transfers between Military Services is on a promotion list to the next higher grade in accordance with Sections 624 or 1403 of Title 10, U.S.C., the Secretary of the Military Department concerned will integrate the officer into the promotion list of the gaining Military Service based on the officer's date of rank in his or her current grade in the losing Military Service.

(4) If a commissioned officer who transfers from the USCG or NOAA Corps to one of the Military Services has been selected for promotion in the USCG or NOAA Corps, the Secretary of the Military Department concerned may place the officer on the promotion list of the Military Service based on the officer's date of rank in his or her current grade in the USCG or NOAA Corps.

(5) A commissioned officer who transfers from the USPHS Commissioned Corps to one of the Military Services who has been selected for promotion in the USPHS may have his or her grade and date of rank determined in accordance with DoDI 1312.03 and DoDI 6000.13. Active commissioned service in USPHS Commissioned Corps will be counted as active commissioned service in accordance with DoDI 1312.03 and DoDI 6000.13. This paragraph does not apply to transfers covered under Paragraph 3.1.d. of this issuance.

#### c. Rank and Seniority of Commissioned Officers.

(1) In accordance with Section 716 of Title 10, U.S.C., no commissioned officer will be transferred from a uniformed service and appointed to a Military Service with a precedence or relative rank higher than held on the day before such transfer occurs.

(2) If the request for transfer has received final approval, the continuity of the officer's total service between the termination of the current commission and reappointment in the gaining Military Service will not be interrupted. Commissioned officers so transferred will be credited with the total amount of unused leave, and they will be credited with the total amount of service accrued as of the date before the date of the transfer. This does not apply to commissioned officers in the USPHS Commissioned Corps.

(3) Except for commissioned officers in the USPHS Commissioned Corps, a commissioned officer transferred in accordance with this issuance will continue to hold the same grade and date of rank held in the losing uniformed service. The officer will be placed on the ADL or RASL of the gaining Military Service, in accordance with regulations prescribed by that Military Service. This paragraph does not apply to transfers covered by Paragraph 3.1.d.

(4) A commissioned officer of the USPHS Commissioned Corps transferred to a Military Service will have his or her prior commissioned service credit, grade, and date of rank determined in accordance with DoDI 1312.03 and DoDI 6000.13.

**d.** Transferring between the ADL and the RASL. A commissioned officer previously awarded constructive service credit for education, training, or experience who does not transfer to the same or a comparable category may lose that credit and will receive only the credit applicable to the category into which the officer is transferred. Such an officer may be reappointed in or to the grade (and given the date of rank) appropriate for the amount of credit

granted him or her by the gaining Military Service in his or her new category, in accordance with DoDI 1312.03 or DoDI 6000.13, as appropriate.

# **3.2. TRANSFER BETWEEN THE REGULAR AND RESERVE COMPONENTS OR BETWEEN RESERVE COMPONENTS.**

#### a. Request for Transfer.

(1) A commissioned officer who transfers between the ADL and the RASL of the same Military Service is not required to subscribe to a new oath of office pursuant to Section 3331 of Title 5, U.S.C.

(2) An officer of the Army National Guard or the Air National Guard may be released from the National Guard for transfer to a Military Service with the consent of the governor or other appropriate authority of the State, commonwealth, territory, or the District of Columbia in accordance with Sections 322 and 324 of Title 32, U.S.C.

#### b. Appointments and Promotions.

#### (1) Transferring between the ADL and the RASL.

(a) A commissioned officer transferring between the ADL and the RASL of the same Military Service will be processed for an original appointment in accordance with DoDI 1310.02. The officer's appointment grade and date of rank will be determined by the Military Service concerned, in accordance with DoDI 1312.03 and DoDI 6000.13, as appropriate.

(b) No commissioned officer will be transferred between the ADL and the RASL of the same Military Service with a precedence or relative rank higher than held on the day before such transfer occurs.

(c) If a commissioned officer who transfers between the ADL and the RASL is on a promotion list to the next higher grade in accordance with Sections 624 or 1403 of Title 10, U.S.C., the Secretary of the Military Department concerned will integrate the officer into the corresponding promotion list in the new components promotion list based on the officer's date of rank in his or her current grade.

(d) If the request for transfer has received final approval, the officer's total service between the termination of current commission and reappointment will not be interrupted. Commissioned officers so transferred will be credited with the total amount of unused leave and the total amount of service accrued as of the date before the date of the transfer.

(2) Federal Recognition of Army National Guard Officers or Air National Guard Officers.

(a) Upon being federally recognized, an officer of the Army National Guard will be appointed in the Reserve of the Army for service as a member of the Army National Guard of the United States.

<u>1</u>. This appointment will be accomplished as an original appointment in accordance with Sections 12203 and 12211 of Title 10, U.S.C. and DoDI 1310.02.

 $\underline{2}$ . If an officer of the Army National Guard accepts an appointment in the Reserve of the Army for service as a member of the Army National Guard of the United States, the appointment does not vacate his or her office in the Army National Guard.

(b) Upon being federally recognized, an officer of the Air National Guard will be appointed in the Reserve of the Air Force for service as a member of the Air National Guard of the United States.

<u>1</u>. This appointment will be accomplished as an original appointment in accordance with Sections 12203 and 12212 of Title 10, U.S.C. and DoDI 1310.02.

 $\underline{2}$ . If an officer of the Army National Guard accepts an appointment in the Reserve of the Air Force for service as a member of the Air National Guard of the United States, the appointment does not vacate his or her office in the Air National Guard.

#### c. Selected Reserve.

(1) When a commissioned officer transfers between the Selected Reserve of two of the Reserve Components, the previous and current components must follow the procedural guidance in this issuance and comply with the gain and loss transaction reporting requirements in accordance with Volume 1 of DoD Manual 7730.54 to prevent any break in his or her Selected Reserve affiliation.

(2) Any break in Selected Reserve affiliation greater than 24 hours may result in a commissioned officer losing eligibility for benefits such as health benefits and educational assistance from the Montgomery GI Bill-Selected Reserve Program in accordance with DoDI 1322.17.

(3) Recoupment actions may begin if the commissioned officer elects not to maintain Selected Reserve affiliation while transferring between the two Reserve Components. The commissioned officer will not be adversely affected due to administration delays in processing his or her transfer.

#### 3.3. DD FORM 368.

a. The DD Form 368, "Request for Conditional Release" will be used in all cases involving inter-Service transfers and transfers between components for commissioned officers. This form can be found at http://www.esd.whs.mil/Portals/54/Documents/DD/forms/dd/dd0368.pdf.

b. In accordance with DoDD 5400.11, DoD 5400.11-R, and Section 552a of Title 5, U.S.C., any personal data provided on this form request will be used to evaluate the proposed transfer. The disclosure of such information is voluntary, but failure to provide such information may result in the disapproval of the request.

## **SECTION 4: TRANSFER OF WARRANT OFFICERS**

#### 4.1. INTER-SERVICE TRANSFER.

a. A warrant officer transferring between Military Services will be processed for an original appointment in accordance with DoDI 1310.02.

b. If a warrant officer who transfers between Military Services is on a promotion list to the next higher grade in accordance with Sections 571 or 12241 of Title 10, U.S.C., the Secretary of the Military Department concerned will integrate the warrant officer into the corresponding promotion list of the gaining Military Service based on the officer's date of rank in his or her current grade in the losing Military Service.

#### 4.2. TRANSFER BETWEEN THE REGULAR AND RESERVE COMPONENTS.

a. A warrant officer who transfers between the Regular and Reserve Components of the same Military Service is not required to subscribe to a new oath of office pursuant to Section 3331 of Title 5, U.S.C.

b. A warrant officer transferring between components of the same Military Service will be processed for an original appointment in accordance with DoDI 1310.02.

c. No warrant officer will be transferred between components of the same Military Service with a precedence or relative rank higher than held on the day before such transfer occurs.

d. If a warrant officer who transfers between components of the same Military Service is on a promotion list to the next higher grade in accordance with Sections 571 or 12241 of Title 10, U.S.C., the Secretary of the Military Department concerned will integrate the warrant officer into the corresponding promotion list of the new component based on the warrant officer's date of rank in his or her current grade.

#### 4.3. SELECTED RESERVE.

a. When a warrant officer transfers between the Selected Reserve of two of the Reserve Components, the previous and current components must follow the procedural guidance in this issuance and comply with the gain and loss transaction reporting requirements in accordance with Volume1 of DoD Manual 7730.54 to prevent any break in his or her Selected Reserve affiliation.

b. Any break in Selected Reserve affiliation greater than 24 hours may result in a warrant officer losing eligibility for benefits such as health benefits and educational assistance from the Montgomery GI Bill-Selected Reserve Program in accordance with DoDI 1322.17.

c. Recoupment actions may begin if the warrant officer elects to not maintain Selected Reserve affiliation while transferring between the two Reserve Components. The warrant officer will not be adversely affected due to administration delays in processing his or her transfer.

#### 4.4. DD FORM 368.

a. DD Form 368 will be used in all cases involving inter-Service transfers and transfers between components for warrant officers.

b. In accordance with DoDD 5400.11, DoD 5400.11-R, and Section 552a of Title 5, U.S.C., any personal data provided on this form request will be used to evaluate the proposed transfer. The disclosure of such information is voluntary, but failure to provide such information may result in the disapproval of the request.

## **SECTION 5: TRANSFER OF ENLISTED MEMBERS**

#### 5.1. REQUEST FOR TRANSFER.

a. An enlisted member who transfers between the Regular and Reserve Components of the same Military Service is not required to subscribe to a new oath of enlistment pursuant to Section 502 of Title 10, U.S.C.

b. An enlisted member of the Army National Guard or the Air National Guard may be released from the National Guard for transfer to a Military Service with the consent of the governor or other appropriate authority of the State, commonwealth, territory, or the District of Columbia in accordance with Section 322 of Title 32, U.S.C.

c. The discharge and subsequent enlistment of an enlisted member must be processed without interrupting the continuity of the enlisted member's military service. The total military service accrued will be credited as of the date of the transfer.

#### 5.2. SELECTED RESERVE.

a. When an enlisted member transfers between the Selected Reserve of two of the Reserve Components, the previous and current components must follow the procedural guidance in this issuance and comply with the gain and loss transaction reporting requirements in accordance with Volume 1 of DoD Manual 7730.54 to prevent any break in his or her Selected Reserve affiliation.

b. Any break in Selected Reserve affiliation greater than 24 hours may result in an enlisted member losing eligibility for benefits such as health benefits and educational assistance from the Montgomery GI Bill-Selected Reserve Program in accordance with DoDI 1322.17.

c. Recoupment actions may begin if the enlisted member elects to not maintain Selected Reserve affiliation while transferring between the two Reserve Components. The enlisted member will not be adversely affected due to administration delays in processing his or her transfer.

#### 5.3. DD FORM 368.

a. DD Form 368 will be used in all cases involving inter-Service transfers and transfers between components for enlisted members.

b. In accordance with DoDD 5400.11, DoD 5400.11-R, and Section 552a of Title 5, U.S.C., any personal data provided on this form request will be used to evaluate the proposed transfer. The disclosure of such information is voluntary, but failure to provide such information may result in the disapproval of the request.

## GLOSSARY

#### G.1. ACRONYMS.

ADL	active-duty list
DoDD DoDI	DoD directive DoD instruction
NOAA	National Oceanic and Atmospheric Administration
RASL	reserve active-status list
U.S.C. USCG USPHS	United States Code United States Coast Guard United States Public Health Service

**G.2. DEFINITIONS.** Unless otherwise noted, these terms and their definitions are for the purposes of this issuance.

**ADL.** A single list maintained by each Military Service that contains the names of all officers of the Military Service, other than officers described in Section 641 of Title 10, U.S.C., who are serving on active duty.

Military Department. Defined in the DoD Dictionary of Military and Associated Terms.

Military Service. Refers to the Army, the Navy, the Air Force, or the Marine Corps.

military service obligation. Defined in DoDI 1304.25.

**mobilization.** The process by which the Military Services or part of them are brought to a state of readiness for war or other national emergency, which includes activating all or part of the Reserve Component as well as assembling and organizing personnel, supplies, and material.

**mobilization potential.** The readiness of a Reserve Component unit or individual to be moved for further processing, organizing, equipping, training, and employment for the purpose of mobilization in time of war or other national emergencies.

**original appointment.** An officer's most recent appointment in a Regular or Reserve component that is neither a promotion nor a demotion.

**RASL.** A single list maintained by each Military Service that contains the names of all reserve officers of the Military Service, other than those on an ADL described in Section 620 of Title 10, U.S.C., who are in an active status in a Reserve Component of a Military Service and are not on an ADL.

**Ready Reserve.** The Selected Reserve and Individual Ready Reserve liable for active duty, as prescribed by Sections 10142, 12301, and 12302 of Title 10, U.S.C.

**Reserve Component.** Consists of the Army National Guard of the United States, the Army Reserve, the Navy Reserve, the Marine Corps Reserve, the Air National Guard of the United States, the Air Force Reserve, and the Coast Guard Reserve.

**Selected Reserve.** Those units and individuals within the Ready Reserve designated by their respective Services and approved by the Joint Chiefs of Staff as so essential to initial wartime missions that they have priority over all other reserves.

**transfer.** The movement of a Service member from an Active or Reserve Component of a uniformed service by discharge and subsequent enlistment or appointment within 24 hours, to another Regular or Reserve Component of a Military Service.

**uniformed service.** Refers to the Army, the Navy, the Air Force, the Marine Corps, the USCG, the Commissioned Corps of the USPHS, or NOAA Corps.

### REFERENCES

- DoD 5400.11-R, "Department of Defense Privacy Program," May 14, 2007
- DoD 7000.14-R, Volume 7A, "Department of Defense Financial Management Regulations (FMRs): Military Pay Policy and Procedures Active Duty and Reserve Pay," current edition
- DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," June 23, 2008

DoD Directive 5400.11, "DoD Privacy Program," October 29, 2014

DoD Instruction 1304.25, "Fulfilling the Military Service Obligation (MSO)," October 31, 2013

DoD Instruction 1310.02, "Original Appointment of Officers," March 26, 2015

DoD Instruction 1312.03, "Service Credit for Commissioned Officers," November 22, 2013

- DoD Instruction 1322.17, "Montgomery GI Bill Selected Reserve (MGIB-SR)," January 15, 2015
- DoD Instruction 1336.08, "Military Human Resource Records Life Cycle Management," November 13, 2009
- DoD Instruction 5015.02, "DoD Records Management Program," February 24, 2015
- DoD Instruction 6000.13, "Accession and Retention Policies, Programs, and Incentives for Military Health Professions Officers (HPOs)," December 30, 2015, as amended
- DoD Manual 7730.54, Volume 1, "Reserve Components Common Personnel Data System (RCCPDS): Reporting Procedures," May 25, 2011, as amended
- Office of the Chairman of the Joint Chiefs of Staff, "DoD Dictionary of Military and Associated Terms," current edition

United States Code, Title 5

United States Code, Title 10

United States Code, Title 32