

**Benefits Eligibility for 32 USC 502(f) Missions**

<b>Benefit</b>	<b>502(f)(1) (A) Involuntary</b>	<b>502(f)(1)(B) Voluntary</b>	<b>Involuntary 502(f) ISO Presidential Declaration of National Emergency (DNE)</b>	<b>Voluntary 502(f) ISO a DNE</b>	<b>12304b (Pre-Planned/ Preprogrammed CCDR support) Involuntary</b>
Pre-Mobilization Healthcare (HC) <sup>1</sup> <a href="#">10 USC 1074(d)</a>	No	No	No	No	Yes
<b>TAMP Transitional HC<sup>1</sup> <a href="#">10 USC 1145</a></b>	No	No	No	No	Yes
Full BAH rate for less than 30 day orders <sup>2</sup> <a href="#">37 USC 403(g)</a>	No	No	No	No	No
<b>Reduced Age for Retirement<sup>3,4</sup></b> <a href="#">10 USC 12731</a>	No	No	Yes	Yes	No <sup>8</sup>
<b>Post 9/11 GI Bill<sup>4</sup> <a href="#">38 USC 3301</a></b>	No	No	Yes	Yes	Yes
<b>Post 9/11 Duration Protection (if study interrupted)<sup>4</sup> <a href="#">38 USC 3312</a></b>	No <sup>7</sup>	No <sup>7</sup>	Yes	Yes	Yes
<b>USERRA (service does not count toward 5- year limit)<sup>4</sup> <a href="#">38 USC 4312(c)(4)(F)</a></b>	No	No	Yes	Yes	Yes
<b>SCRA Protections<sup>4</sup> <a href="#">50 USC App. §§501-597b</a> (<a href="#">50 USC 3911</a>)</b>	No	No	Yes	Yes	Yes
Reserve Income Replacement <sup>5</sup> <a href="#">37 USC 910</a>	Yes	No	Yes	No	Yes
Voluntary Sep Pay Repayment Exception <sup>11</sup> <a href="#">10 USC 1175a</a>	Yes	Yes <sup>11</sup>	Yes	Yes <sup>11</sup>	Yes
Education Assistance Protections <sup>10</sup> <a href="#">10 USC 16131</a>	No	No	No	No	Yes
Training & Rehabilitation benefit protections <sup>12</sup> <a href="#">38 USC 3103(f)</a>	No	No	No	No	Yes
Federal Civ Differential Pay <sup>13</sup> <a href="#">5 USC 5538</a>	No	No	No	No	No <sup>8</sup>
High Deployment Allowance <sup>6</sup> <a href="#">37 USC 436</a>	No	No	No	No	No <sup>8</sup>

**502(f) orders over 30 days receive the same** basic pay, special pays, BAH, **healthcare coverage (for self and dependents)** and TDY benefits, as T10 Active Duty (see 10 USC 12602). This chart only includes certain benefits that either 502(f) service does not qualify for at all, or qualification would require additional analysis or determinations due to more specific statutory language (for example, mission is in support of a Presidential DNE; involuntary orders; designated as a contingency operation, etc.; See footnotes on next page for conditions). 12304b eligibility is provided for comparison purposes.

## Benefits Eligibility for 32 USC 502(f) Missions

### Footnotes:

- 1 Would have to be under 12304b or a T10 “contingency op” (IAW 10 USC 101(a)(13)(B) which includes duty: “under section 688, 12301(a), 12302, 12304, 12304a, 12305, or 12406 of this title, chapter 15 of this title, section 712 of title 14, or any other provision of law during a war or during a national emergency declared by the President or Congress”)
- 2 If in support of a designated “contingency operation”; for this benefit, a 502(f) mission could be eligible and designated as a “contingency op” under certain conditions (i.e. likely to be involved in military actions, operations, etc against an enemy or opposing military force IAW 10 USC 101(a)(13)(A)). This is unlike those benefits with footnote 1 which would require the “contingency op” be conducted in T10 (IAW 10 USC 101(a)(13)(B)).
- 3 Could be determined by ASD M&RA as supporting a national emergency w/o presidential declaration IAW DODI 1215.07 (but per the DODI, has to be a “national emergency” supported by fed funds)
- 4 **Eligible if in support of a Presidential DNE**
- 5 Eligible if orders are involuntary IAW USC 502(f)(1)(A), see DoDI 1241.05
- 6 Would require multiple calls ups ISO of a “contingency op” (could be under 502(f) but see footnote 1 for conditions)
- 7 Could apply without DNE to T32 AGRs or those currently on T10 orders who break orders to go on new SWB mission orders
- 8 ***A Senate proposal is currently being circulated within DOD (as of 26 April 18 for comment which specifically includes 12304b (but no other provisions) for several of these benefits. Proposed short title is “National Guard and Reserves Benefits Parity Act”***
- 9 Except AGR
- 10 Only for 12301(a), 12301(d), 12301(g), 12302, 12304, 12304a, or 12304b
- 11 For anyone who previously received volunteer sep pay, repayment upon return to full-time service depends on duration of call up and whether invol/vol. If invol orders, no repayment necessary at all; if voluntary orders, it can’t be for more than 180 days without repayment
- 12 Only for T10 (688, 12301(a), 12301(d), 12301(g), 12302, 12304, 12304a, or 12304b of title 10)
- 13 Currently has to be a T10 “contingency op” (IAW 10 USC 101(a)(13)(B))

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### Statutory Language 32 USC 502(f):

§502. Required drills and field exercises.

- (f)(1) Under regulations to be prescribed by the Secretary of the Army or Secretary of the Air Force, as the case may be, a member of the National Guard may-
- (A) without his consent, but with the pay and allowances provided by law; or
  - (B) with his consent, either with or without pay and allowances;
- be ordered to perform training or other duty in addition to that prescribed under subsection (a).
- (2) The training or duty ordered to be performed under paragraph (1) may include the following:
- (A) Support of operations or missions undertaken by the member's unit at the request of the President or Secretary of Defense...

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When a statute provides benefits for service on “active duty” (AD) without further specifying a type of AD or other provision of law (e.g. ISO of a “contingency operation,” or under 12301, 12304, etc.), it is important to keep in mind that “active duty” is defined differently in different titles. T10 specifically excludes “full-time National Guard duty” (FTNGD) from AD; Title 37 includes FTNGD; and Title 38 includes FTNGD. For many Title 10 benefits that apply to “active duty”, 10 USC 12602 applies them equally to FTNGD as well. *However*, ultimate applicability may depend on additional wording in the statute and when it was passed. For example, if the term FTNGD is used separately/distinctly, or the law was passed after 1994, when 10 USC 12602 came into effect, the term “active duty” might be intended as more exclusive. Additionally, while Title 37 and Title 38 generally define AD as including FTNGD, specific statutory provisions may further refine which types of AD/FTNGD are eligible for the benefit (e.g. qualifying service under 38 USC 3301 for Post-911 GI Bill).