

prior membership in the Ready Reserve may be attained in accordance with sections 269(e)(1) and 269(f) of title 10 U.S.C. upon release from 5 or more years of active duty (other than for training) in the Armed Forces.

(c) *Retired Reserve.* Direct assignment and transfer to the Retired Reserve may be accomplished under DOD Directive 1200.4, "The Retired Reserve of the Reserve Forces," September 24, 1963.¹

§ 115.3 Transfer to the Standby Reserve.

(a) Provided they are not on active duty, the following personnel who have not fulfilled their total military service statutory obligation shall, upon their request, be assigned to or transferred to the Standby Reserve:

(1) Those who have served 5 or more years on active duty (other than for training).

(2) Those who have served on active duty (other than for training) and participated satisfactorily in accredited training programs of the Ready Reserve for a combined total of at least 5 years, or such shorter period as the Secretary of a Military Department concerned, with the approval of the Secretary of Defense, may prescribe.

(b) Individuals qualifying for assignment or transfer to the Standby Reserve under paragraph (a) of this section, shall, if otherwise qualified therefor and a suitable vacancy exists, be afforded the opportunity to execute a written agreement to be assigned to or remain in the Ready Reserve. All such voluntary agreements will provide that:

(1) The reservist may be transferred to the Standby Reserve by the appropriate Secretary for cogent reasons;

(2) The reservist waives his right to transfer to the Standby Reserve under the conditions stated in paragraph (a) of this section, while serving under such agreement.

(3) The period of the agreement shall be as prescribed by part 125 of this subchapter.

(c) Transfer to the Standby Reserve under the screening process in

conformance with section 271 of title 10, U.S.C. will be accomplished under part 125 of this subchapter.

(d) Transfer to the Standby Reserve of members of the Army National Guard of the United States or the Air National Guard of the United States will be subject to section 269(g) of title 10 U.S.C.

(e) Upon transfer of a member of the Ready Reserve to the Standby Reserve, notification thereof to the Selective Service System will be made by the Military Department concerned in accordance with part 136 of this subchapter.

(f) Assignment to the Inactive Status List of the Standby Reserve and retention thereon is governed by part 136 of this subchapter.

§ 115.4 Transfer from the Standby Reserve.

(a) In accordance with section 272 of title 10 U.S.C. any member of the Standby Reserve who has not completed his statutory obligated period of military service in the Ready Reserve may be transferred to the Ready Reserve whenever the reasons for his transfer to the Standby Reserve no longer exist, provided he is otherwise qualified and a requirement exists.

(b) Subject to such regulations as the appropriate Secretary may prescribe, a member of either the Standby Reserve or the Retired Reserve may, upon his own request, be transferred to the Ready Reserve if qualified and a requirement exists for him. However, a member of the Retired Reserve who is entitled to retired pay may not be transferred to the Ready Reserve unless the Secretary concerned personally makes a special finding that the member's services in the Ready Reserve are indispensable. Such voluntary transfer will be accomplished under section 269(d) of title 10, U.S.C. Those who have fulfilled their Ready Reserve statutory obligation will be required to execute a written agreement to serve in the Ready Reserve under conditions set forth in this paragraph (b).

(c) In any case, where an individual is transferred from the Standby Reserve to the Ready Reserve or the Retired

¹Filed as part of original document. Copies available from the U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120, Attention: Code 300.