

## Guard and Reserve

### From the 2015 American Legion Post Adjutants Manual Pages 7 and 8

#### **National Guard & Reserve eligibility**

Members of the National Guard and reserves are required to meet the same eligibility requirements as federal active-duty veterans.

To be eligible, the National Guardsman or reservist must have served at least one day on federal active duty during any of the delimiting periods as set forth in Article IV, Section 1 of The American Legion Constitution. The person must either have an honorable discharge or currently be serving either in the Guard, reserve or on federal active duty.

The key to determining if a Guardsman or reservist has been on or is currently serving on federal active duty is the authority line on his or her activation orders. In both cases, Title 10, Subsection 672 or 12301 are orders from the Secretary of Defense and are federal orders.

The authority a governor uses to activate the National Guard, both individuals and units, is Title 32 orders, i.e. weekend drills and annual training. These are not federal orders. The reserves have similar orders, which are Title 10, Subsection 270. This authority code gives the reserve component the authority to activate the reservist for weekend drills and annual training.

Use the chart below when determining eligibility for National Guardsmen and reservists.

#### **ELIGIBLE NON-ELIGIBLE**

National Guard Title 10, Subsection 672 or 12301 Title 32

Reserves Title 10, Subsection 672 or 12301\* Title 10, Subsection 270

*\*This subsection was created following Operation Desert Storm to replace 672.*

The above information is taken from Military Law Chapter 39.

**Note:** A DD 214 is issued for the time on federal active duty only if the reserve component member has been on Title 10 status for 180 days. A DA-1059 is issued for completion of a school with a character type of discharge. All reserve components send their members to basic training using Title 10, Subsection 672/12301 orders.

#### **National Guard (example)**

If a traditional National Guard soldier or airman (i.e., one never stationed with an active-duty unit) performed basic training during one of the Legion's eligibility periods, he or she would qualify for membership because that time on active duty was federal Title 10 duty.

If this soldier/airman performed basic training outside the dates, he or she may still qualify for membership if ever activated for federal service. Two-week annual training (AT) does not usually qualify one for membership, but if AT was under federal control, going out of country for two weeks to drill, those orders were federal orders. If that time was during an eligibility period, he or she qualifies for Legion membership. The soldier/airman would not have a DD 214 (see note above), but would have a copy of his or her orders qualifying the reservist as for membership (**see chart above**).

#### **Reserve (example)**

If a traditional reservist (i.e., one never stationed with an active-duty unit) performed basic training during one of one of the Legion's eligibility periods, that soldier, sailor, airman, Marine or Coast Guardsman would qualify for membership because that time on active duty was federal Title 10 duty.

This reservist would not have a DD 214, but would have a copy of the orders qualifying him or her for membership. All reservists are under federal control, so all their orders are Title 10, Subsection 270. These do not qualify a reservist for Legion membership, but if he or she receives Title 10, Subsection 672 orders that would be active-duty service qualifying him or her for membership (**see chart above**).

As with all membership eligibility, if further clarification is needed, contact your department headquarters. Reserve component service members are a large and growing pool of eligible members.