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JAN 29 2010

MEMORANDUM

From: *YR* *D.R. May*
D. R. MAY, RDML
COMDT (CG-13)

Reply to: LCDR Laura Moose
Attn of:

To: CG FORCECOM
CG LANTAREA

Subj: MOBILIZATION/DEMOBILIZATION PERSONNEL POLICY FOR RESERVE
COMPONENT MEMBERS ORDERED TO ACTIVE DUTY IN SUPPORT OF
OPERATION UNIFIED RESPONSE

Ref: (a) Secretary of Homeland Security memo, Ordering the Selected Reserve and Certain Individual Ready Reserve Members of the Coast Guard to Active Duty of 18 Jan 10
(b) Executive Order 13529, Ordering the Selected Reserve and Certain Individual Ready Reserve members of the Armed Forces to Active Duty of 16 Jan 10
(c) COMDT COGARD Washington DC 192248Z Jan 10

1. Reference (a) authorizes the Coast Guard to order members of the Reserve Components to active duty for a period of up to 180 days to augment the Active Component in support of operation UNIFIED RESPONSE related to relief efforts necessitated by the earthquake in Haiti on January 12, 2010. This memorandum sets policy effective immediately and provides specific guidelines to be followed for reservists activated under references (b) and (c).

2. The statutory authority for ordering units and members of the Ready Reserve into involuntary active duty in response to this contingency is 10 U.S.C. 12304. Under subsection (e) of this statute, the Secretary of Defense and the Secretary of Homeland Security are to prescribe policies and procedures for the armed forces under their respective jurisdictions as they consider necessary to carry out this section. The provision specifies that the period of involuntary active duty for units and members of the Ready Reserve shall not exceed 365 days. The provision also requires the fair treatment between members of the Ready Reserve regarding their involuntary call-up by considering member's previous duty, family responsibilities, and employment to maintain national health, safety, or interest.

3. This policy is effective immediately:

a. Any exceptions to Departmental policy must be approved by the Secretary of Homeland Security or designee.

b. Prudent and judicious use of Reserve Component units and reservists are a fundamental tenet of this policy.

c. It is the intent of this policy that all reservists on active duty in support of operation UNIFIED RESPONSE, in any capacity at any location for any length of time, should be involuntarily recalled under references (a), (b), and (c).

d. Reservists may be placed on voluntary active duty or voluntarily retained on active duty pursuant to 10 U.S.C. 12301(d), with their consent, and in accordance with current policy after the completion of involuntary recall per paragraph 3.c. of this section. The duration of voluntary tours in support of operation UNIFIED RESPONSE is not restricted by this policy. Such tours are “non-contingency” Active Duty Operational Support (ADOS-AC).

e. The Operational Commander given recall authority shall execute the mobilization of Ready Reserve forces in accordance with this policy document and existing policies.

f. The period of active duty specified on orders to perform involuntary active duty shall not exceed 180 days without approval of the Secretary of Homeland Security.

g. The planning objective for involuntary mobilization of reservists will remain one year mobilized to five years demobilized (1:5). Mobilization for this contingency does not apply to existing dwell time under 10 U.S.C. 12302 or 14 U.S.C. 712, but may create a dwell for future involuntary recall under 10 U.S.C. 12304. Voluntary tours of duty (i.e., those tours authorized pursuant to 10 U.S.C. 12301(d)), shall be considered as dwell time for reservists performing such tours.

h. Reservists are to be retained on active duty only as long as absolutely necessary.

i. Personnel shall be screened prior to mobilization for a planned separation (i.e. approved discharge or retirement) during the mobilization and replaced. The use of Stop-Loss is NOT authorized for this contingency.

j. The periods of service for reservists ordered to active duty under 10 U.S.C. 12304 shall be measured from the date active duty commences to the date of release from active duty (inclusive of travel and post-mobilization leave). Reservists ordered to active duty under 10 U.S.C. 12304 may be released from active duty prior to completion of the period of service by a pertinent provision of law. The Coast Guard may release reservists early prior to the completion of the period of service based on operational requirements.

k. Active duty performed under 10 U.S.C. 12304 may be substituted for the training requirements of 10 U.S.C. 10147 (ADT/IDT) if the duty performed is equivalent to the required training that might have been performed or if the active duty combined with the training requirement constitutes undue personal hardship.

4. Mobilization and Demobilization Considerations:

a. Determination of who will be ordered involuntarily to active duty must be in compliance with 10 U.S.C. 12304(i), which states “To achieve fair treatment as between members in the Ready Reserve who are being considered for recall to active duty without their consent, consideration shall be given to:

- (1) the length and nature of previous service to assure such sharing of exposure to hazards as the national security and military requirements will reasonably allow;
- (2) family responsibilities; and

- (3) employment necessary to maintain the national health, safety, or interest"; and
- (4) in accordance with FORCECOM guidance.

b. FORCECOM and Surge Staffing Branch shall work within the guidelines provided by the Operational Commander to determine the best method to fill unit manning shortfalls. The use of the IRR should be used ONLY when they possess a critical skill not available in the Active Component or the Selected Reserve.

5. Personnel Management and Accountability:

a. To the extent practicable, effectively manage Reserve manpower resources for use during this contingency, taking into account hardship and retention considerations. Reservists shall

(1) only be involuntarily ordered to, and retained on, active duty to perform essential and meaningful tasks.

(2) be provided as much predictability as possible by:

(a) retaining them on involuntary active duty only as long as necessary, but not more than the originally authorized 180 days.

(b) providing orders in a timely manner. Due to the nature of this operation, expeditious mobilization of manpower and resources may be required to meet emergent requirements. A minimum 48 hour mobilization notification will meet the intent of providing orders in a timely manner for the initial surge of the operation. Notifications for sustainment operations will be at least 30 days in advance of actual report for duty. Commands shall provide support to mobilizing reservists to ensure family members are afforded access to any and all benefits due them, such as access to TRICARE benefits.

b. Consistent with applicable laws and regulations, reservists failing to comply with an order to active duty shall be reported as absent without official leave to civilian authorities. Such personnel are subject to the Uniform Code of Military Justice (UCMJ) as of their reporting date, whether or not they later reported to active duty. Violations of the UCMJ, including violations of Article 86, UCMJ, shall be handled on a case-by-case basis in accordance with existing laws and regulations.

c. Consistent with applicable laws and regulations, reservists pending disciplinary actions under the UCMJ may have their orders extended or otherwise be retained on and/or recalled to active duty without their consent, as provided by Rule for Courts Martial 202(c) and 802(d), as appropriate, pending resolution of the allegations.

d. A reservist ordered to active duty under 10 U.S.C. 12304 whose status changes due to medical, legal or other situations that render the reservist unfit to perform duty under that section shall have his/her orders modified to reflect the proper authority.

e. During the period of active duty under 10 U.S.C. 12304, Reserve Forces are part of the active armed forces of the United States, but shall NOT be counted against Active Component end strength.

f. Reservists who could accumulate 18 years of active duty service during the period of activation shall not be recalled without the appropriate waiver per ALCOAST 605/08 and ALCGPSC 045/09. In accordance with 10 U.S.C. 12686 (Sanctuary), reservists who have been ordered to active duty in response to this contingency, who do accrue greater than 18 years of active duty service, may not be involuntarily released from active duty before becoming eligible for that pay unless such release is approved by the Secretary.

g. Delay and Exemption Waivers:

(1) All commands shall consider hardships to ensure they are properly taking into account exceptional circumstances facing military members and families of service members identified for mobilization/deployment. Further guidance provided in the attached table.

(2) Reservists ordered to active duty shall report as ordered unless physically unable to do so. Reservists who have not completed Initial Active Duty for Training (IADT) shall be excluded from activation. After reporting as ordered, reservists may be considered for release on extreme hardship or other appropriate grounds (e.g., medical disqualification) within the first 30 days.

(3) Screening of the Ready Reserve shall occur based on qualification and readiness; reservists may not be screened out from the Ready Reserve due to civilian employment unless a pre-designated key federal employee or authorized by the Secretary or designee. All members of the Ready Reserve shall be considered immediately available for active duty.

6. Specific Order Writing Guidance:

a. In accordance with ALCOAST 029/10, all orders shall include the following:

- (1) A statement that the order to active duty is in “support of a contingency operation.”
- (2) The name of the operation being supported (UNIFIED RESPONSE).
- (3) The applicable legal authority under which the member is serving.

(a) 10 U.S.C. 12304 (for members called to active duty involuntarily), and reference to “Executive Order 13529, dated January 16, 2010.”

(b) 10 U.S.C. 12301(d) (for reservists serving voluntarily)

(4) The period of service under 10 U.S.C. 12304 is exempt from the five-year limit as provided in 38 U.S.C. 4312(c)(4)(A).

b. It is not necessary to include the terms “voluntary” or “involuntary” active duty within these orders.

c. Orders to active duty for involuntary service shall specify a maximum period of 180 days per reference (a).

d. All orders for reservists and units will contain the statement “Call 1-800-336-4590 (National Committee for Employer Support of the Guard and Reserve) or check on line at <http://www.esgr.org> if you have questions regarding your employment/reemployment rights.”

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7. All reservists ordered to active duty under 10 U.S.C. 12304 are to report within the notification requirements of reference (c), unless physically unable. Upon reporting, reservists will be activated unless released from active duty under the following cases in the Activation Matrix Enclosure.

#

Enclosure

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ACTIVATION MATRIX

Use this Activation Matrix as an order to active duty policy unless a different reporting time is specified by the Secretary, all reservists ordered to active duty under 10 U.S.C. 12304 are to report within 48 hours of notification, unless physically unable. Upon reporting, members will be activated unless released from active duty under the following cases:

AREA	MEMBER IS:	THEN
Medical	Hospitalized, convalescing, or being evaluated for retention	Delay or separate
	HIV positive	Do not activate
	Pregnant	Do not involuntarily activate ¹
	New Mother by birth, or single parent/ one parent of a military couple by adoption	Defer for 4 months from time of delivery or placement in home
Schooling	Enrolled in high school and under 20 years old	Defer
	Has not completed initial active duty for training (IADT) or equivalent ¹ IADT per 10 USC 671 ³	Do not activate
	Enrolled in college or professional schooling	Activate ²
Judicial	Under arrest or confinement	Delay or separate
Personal	Sole surviving son or daughter	Activate
	Pending separation action	Service policy
	Military spouse	Activate ³
	Sole parent	Activate ³
Other	Extreme personal hardship	Delay; or transfer/separate IAW PERSMAN COMDTINST M1000.6A

¹ Members may volunteer for active duty under 10 U.S.C. 12301(d).

² May consider delaying depending on operational requirements and “add/drop” period or time completed in current semester.

³ Members should have a Family Care Plan (FCP).