

NJ J1-HRO Military Leave Eligibility Guide

Military technicians (dual status) who perform Active Guard and Reserve duty IAW 10 USC 101(6), for 180 consecutive days for the purpose of organizing, administering, recruiting, instructing, or training the Reserve Components are ineligible for accrual and use of military leave under 5 USC 6323. Active Guard and Reserve duty (as defined in AR 135-18, ANGI 36-101 and DoDI 1215.06) is ineligible and the statutory definition of Active Guard and Reserve duty also includes but is not limited to the following full-time National Guard common duty type names; Air National Guard Statutory Tours (ANGI 36-6), Army National Guard One Time Occasional Tour (NG 600-5). Military leave eligibility must be re-evaluated with each order published.

Exceptions Certain types of military duty are excluded from Active Guard and Reserve duty IAW 10 USC 10508. Those duties are interdiction and counterdrug duty, U.S. Property and Fiscal Officer duty, duty performed as a general officer. Contingency operations are not Active Guard and Reserve duty.

Step	Decision Factor	If Yes	If No	Legal Definition
1	Is the order for 180 consecutive days or more?	See step 2	Eligible	10 U.S.C. 101(d)(6)
2	Is the order for military duty under section 316, 502, 503, 504, or 505 of Title 32, including any of the subsections?	Ineligible	See step 3	10 U.S.C. 101(d)(5)
3	Is the order for organizing, administering, recruiting, instructing, or training the Reserve Components?	See step 4	Eligible	10 U.S.C. 12310(a)(1)
4	Are you a general officer, U.S. Property and Fiscal Officer, or State Director of the Selective Service System?	Eligible	See step 5	10 U.S.C. 101(d)(6)(b)
5	Is the order for interdiction or counter-drug activities?	Eligible	See step 6	10 U.S.C. 101(d)(6)(b)
6	Are you serving on a Reserve Policy Board under 10 U.S.C. 10301?	Eligible	Ineligible	10 U.S.C. 10301
7	Are you still unclear?	Consult your J1-HRO-ERS at 609-562-0874 for guidance		