FORMAN

Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Selective Reenlistment Bonus - Early Separation and Immediate Reenlistment

File: B-230360

Date: November 9, 1990

DIGEST

Under an Air Force early separation program a group of first-term enlisted members were released up to 5 months before their enlistments expired. Since these members were entirely free to separate from the service, their previously obligated service may be regarded as having been terminated. Therefore, when such a member reenlists immediately rather than separates from the service, the full period of the member's reenlistment may be counted as additional obligated service under 37 U.S.C. § 308(a)(1) for the purpose of computing the member's selective reenlistment bonus.

DECISION

This decision concerns an Air Force program to release a specified group of airmen early from their enlistments to reduce the number of personnel on active duty. Certain of the airmen were allowed to immediately reenlist thereafter, and the Air Force asks whether the unserved periods of their initial enlistments may be counted as additional obligated service in computing their selective reenlistment bonuses.1/ For the reasons discussed below, we find that the full period of these airmen's reenlistment may be counted as additional obligated service.

Under the Air Force early separation program involved here, a specified group of first-term enlisted members was involuntarily released from active duty up to 5 months prior to the expiration of their enlistments to alleviate shortages

1/ The request for decision was made by the Acting Assistant Secretary of the Air Force (Manpower and Reserve Affairs) and was approved by the Department of Defense Military Pay and Allowance Committee and assigned submission number SS-AF-1480.

of Air Force personnel funds.2/ Certain of these members were eligible to immediately reenlist and were allowed to do so, whereupon they became eligible for a selective reenlistment bonus authorized under 37 U.S.C. § 308 (1982). The bonus is not to exceed 6 months of the member's basic pay to which he was entitled at discharge, multiplied by the number of years, or monthly fractions thereof, of "additional obligated service," but cannot be more than $30,000.

AS stated, the question is whether the remaining unserved portions of these members' prior enlistments must be excluded from the computation of their bonuses upon reenlistment. The Air Force recognizes that two of our prior decisions indicate that previously obligated, but unserved, service is not to be included in the computation of a selective reenlistment bonus. It notes that the members involved in the prior decisions had the option of serving out their enlistments but elected to be discharged early. In the present case, the Air Force indicates, the members have no option to serve out their enlistments; they are discharged early at the direction of the service. Once they are so discharged, the Air Force argues, their legally obligated enlistment periods are ended and the previously obligated additional service should not be excluded from their reenlistment bonus computations.

We agree with the Air Force. As is indicated above, the statute limits the service to be used in the computation to "additional obligated service." The implementing regulations define such "additional" service as any active service commitment beyond an existing contractual service agreement, including enlistments. Department of Defense Military Pay and Allowances Entitlements Manual, para. 10912a(1). See also DOD Instruction 1304.22, para. D2c, Apr. 20, 1983.

The first of the two decisions to which the Air Force refers concerned the situation where a member is discharged within 3 months of the expiration of his enlistment for the purpose of reenlisting. We noted that, in general, when a person is discharged, his service obligation under his then current enlistment is terminated for all purposes. We stated further, however, that when a member's discharge is approved specifically for the purpose of reenlistment, we do not consider the former obligation terminated, and the balance of the prior term could not be counted as additional obligated service in computing the selective reenlistment bonus. 55 Comp. Gen. 37 (1975). The second case to which the Air Force refers involved a member who was discharged for

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2/ This program operated in 1987, and we understand it was also used in 1988 and 1989. In 1989 it involved the early release of approximately 5,400 airmen.

immediate reenlistment after serving 3 years of a 4-year enlistment. Relying on 55 Comp. Gen. 37, supra, it reached the same result--the unserved term of the prior enlistment could not be counted in computing the bonus. George Zwolinski, B-200974, Mar. 9, 1981.

Thus, when a member is discharged early for the specific purpose of his immediate reenlistment, the balance of the member's then-current enlistment does not qualify as "additional obligated service" under 37 U.S.C. § 308(a). In such a situation the remaining obligated service is deducted from the member's reenlistment period in computing the member's bonus entitlement unless the member comes within one of two exceptions provided by the statute, neither of which is applicable here.

As the Air Force points out, this case differs from the decisions discussed above in a fundamental respect. In this case the airmen were involuntarily released from their service obligation in accordance with an early separation program. Their early releases were not tied to any reenlistment commitments. Each of the early discharged airmen was entirely free to separate from the military service. Some of them, however, were given the opportunity to reenlist immediately after their release from service.

In our view, the early discharge of these airmen terminated their remaining obligated service under their initial enlistments. The fact that some of them were offered the opportunity to reenlist and chose to do so does not alter the situation. Their discharge from service was for a reason unrelated to their reenlistment. Under these circumstances, the full reenlistment period may be counted as additional obligated service for the purpose of computing their selective reenlistment bonuses.

Milton J. Socolar

Acting Comptroller General
of the United States