

VDFR 600-10 Appendix P

Separations, Retirement, and Placement on the Retired List of the Virginia Militia, Unorganized

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1. Purpose and Administrative.

a. Purpose. This **VDF Regulation (VDFR) 600-10, Appendix (APDX) P** addresses the policy and practices regarding separations and retirement from the VDF. This is a Headquarters, Virginia Defense Force regulation and may not be supplemented by Major Subordinate Commands (MSC).

b. Replacement. This regulation cancels and replaces VDFR 635-1, “Virginia Defense Force Retirement,” dated 1 October 2016.

c. Proponent. The proponent for regulation is the VDF Assistant Chief of Staff for Personnel and Administration (G1). The proponent may recommend to the Commanding General (CG) exceptions to this regulation, so long as the exceptions are consistent with controlling law and good order.

2. Responsibilities.

a. Active Detachment. The VDF Active Detachment (ACTDET) issues orders relevant to this regulation upon CG’s authority and G1 request, and to reflect resulting changes in the Manning Table of Organization (MTO).

b. Assistant Chief of Staff for Personnel and Administration. The G1 will coordinate all actions relating to personnel separations, retirement, and placement on the Retired List of the Virginia Militia, Unorganized. The G1 will ensure with the ACTDET that appropriate orders and, if indicated, personal awards and ceremonies are coordinated with the Joint Force Headquarters, senior VDF personnel, and as needed, MSC.

3. Separations.

a. Characterization of Discharge.

(1) Honorable Discharge. An “Honorable Discharge” characterizes service which was honest and faithful, including meeting attendance requirements. Members are issued VDF Form 635-200-1 (Honorable Discharge) along with the separation order.

(2) General Discharge (under Honorable Conditions). A “General Discharge (under Honorable Conditions)” characterizes service which was honest but generally not faithful, meaning attendance fell below standards as described below. This characterization is a

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presumptive bar to re-enlistment in the VDF. VDF Form 635-200-2 (General Discharge (under Honorable Conditions)) along with the separation order will be issued.

(3) General Discharge. A “General Discharge” characterizes service which was “other than honorable,” meaning the service was dishonest or discreditable. This characterization is a bar to re-enlistment in the VDF. Members are issued VDF Form 635-200-3 (General Discharge) along with the separation order.

b. Separation at the Member’s Request. VDF is a volunteer organization. There is no service requirement. Therefore, any member may submit a resignation, requesting discharge at any time.

(1) Members will submit a discharge request via their Major Subordinate Command (MSC) (O-6 Commander (Cdr)) or Headquarters and Headquarters Company (HHC) for FORHQ members, to ACTDET using the VDF Action Request (VAR) system and Form 3R (see **VDFR 600-10 APDX D, “Administration and Correspondence Standard Operating Procedures”**). The member’s MSC Cdr or staff leader will discuss the reasons for requesting discharge with the member.

(2) If the reasons for requesting discharge allow the option, the leader will recommend the member transfer to the Individual Ready Reserve (IRR) per **VDFR 600-10 APDX O, “Reserves,”** to take at least as a one-year reconsideration period. The decision, however, is the member’s. Cdrs will ensure property issued to the member, including the VDF Identification Card (ID) and uniforms, are recovered prior to the member’s last day.

c. Failing to Regularly Attend Unit Training Assemblies (UTA). VDF members failing to attend 50% of UTAs within a twelve (12) month period, without a clearly valid excuse, will normally be discharged. MSCs or HHC for FORHQ members, will submit a request for discharge to ACTDET using the VAR and Form 3R (see **VDFR 600-10 APDX D**). If the member being discharged has less than three years of creditable service (including 80% or UTA attendance during the two other years) the discharge characterization will be “General Under Honorable Conditions.” If the members has three years or more creditable service, the discharge characterization will be “Honorable.” If the member’s leadership believe the member to be high quality, the leader may contact the member prior to requesting discharge and determine if the member should be offered, and wishes to enter and serve in, the IRR per **VDFR 600-10 APDX O**. Cdrs will ensure property issued to the member, including the VDF Identification Card (ID) and uniforms, are recovered prior to the member’s last day.

d. Misconduct. Members found to have committed misconduct by a preponderance of evidence as substantiated by an investigation will be discharged if the CG finds the misconduct properly substantiated and significant enough to warrant discharge. The CG will confer with a Staff Judge Advocate on the decision and they will further confer to determine if the characterization is under “Other than honorable” or “General Under Honorable Conditions.” Cdrs will ensure property issued to the member, including VDF Identification Card (ID) is recovered prior to the member’s last day. Note that if during the investigation, if the member is available, s/he must be afforded to opportunity to answer the charge(s) of alleged misconduct, and such offer recorded in writing.

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e. Conversion to Officer. Enlisted VDF personnel who are to be appointed as Warrant Officers or Officers must first resign, in writing, from their enlisted position. VDF Warrant Officers who are to be appointed as Officers also must resign, in writing, from their Warrant Appointment. An Honorable Discharge will be issued.

f. Attainment of Maximum Age.

(1) Discharge at Age 65. Per the Code of Virginia (COV) Title 44, VDF members will be discharged upon turned 65 years of age. If the member has not committed misconduct and attended UTA regularly, the discharge characterization will be “Honorable.”

(2) Discharge at Age 65 to 75. In the event there is no suitable replacement for the member’s Manning Table of Organization (MTO) position, s/he remains physically fit, and duty performance has been outstanding, The Adjutant General (TAG), may authorize retention beyond age 65, but not beyond the members 75th birthday.

(a) Members who are age 65 to 74 seeking retention must apply to a Retention Board per the procedures found in **VDFR 600-10 APDX J, “Personnel Boards.”**

(b) When a member reaches his or her 75th birthday, s/he will be retired and discharged. See retirement procedures below.

g. Discharge Upon a Members Death. If a member dies while in the VDF, the ACTDET will issue an “Honorable Discharge” with the effective date being that of the date of death. The G1, the member’s MSC Cdr or staff leader, and the FORHQ Chaplain, will coordinate to provide an award as appropriate, other tributes as appropriate, and support to the member’s family as they desire.

4. Retirement and/or Placement on the Retired List of the Virginia Militia, Unorganized: Background.

a. The COV Title 44 divides the general U.S. Constitutionally-authorized militia into two primary groups within the Commonwealth: (1) the “Militia of the Commonwealth”, composed of the Virginia Defense Force and the “Virginia Militia, Unorganized”; and (2) the federal militia (“National Guard”) composed of the Army National Guard and the Air National Guard.

b. Further, an individual can only be a member of one class of the Militia of the Commonwealth at any one time. Because of this, a member of the VDF must be retired from the VDF (therefore being “out” of VDF via retirement from VDF) before being placed on the Retired List of the Virginia Militia, Unorganized. This placement on the Retired List of the Virginia Militia, Unorganized, is intended to honor service to the Commonwealth. However, there is no award, certificate, nor letter sent to those placed on this list. Note further that there is no authorized uniform for the Virginia Militia, Unorganized except for those officers listed in the statutes of Virginia §44-119.

c. Being retired from the VDF and being placed on the Retired List of the Virginia Militia, Unorganized are merely being in retired status in two separate classes of the Virginia Militia. These are two separate actions and require two separate requests. One is not senior to the other.

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d. Per Title 44, “[o]fficers who have served honorably and efficiently in the Virginia National Guard or the Virginia militia shall be commissioned on the retired list of the Virginia militia, unorganized, in their respective grade, or the highest grade held by them in the military service of the Commonwealth, except that officers who have to their credit fifteen years or more of exemplary service may, at the discretion of the Adjutant General, be retired with commission of the next higher grade to the highest grade held by them in the military service of the Commonwealth of Virginia.”

5. Policy.

a. All VDF officers, warrant officers, and enlisted personnel who have completed at least ten years satisfactory service (as described above) are eligible to request retirement from the VDF. Time in Service (TIS) for inclusion on the retired list may include periods of active service in the VDF, the Virginia National Guard, and/or the Armed Forces of the United States. The fact a VDF member may be a retired (pension eligible) former National Guard or Federal Reserves, or Federal active duty forces member, does not prevent such member from using some of such time to reach the 10-year measure.

b. All VDF officers, warrant officers, and enlisted personnel who have completed at least ten years satisfactory service in the VDF are eligible to request placement on the Retired List of the Virginia Militia, Unorganized. TIS for inclusion on the retired list may include periods of active service in the VDF, the Virginia National Guard, or Federal Reserves, or Federal active duty forces.

c. Time spent in the VDF Individual Ready Reserve (IRR) – unless serving in an active supervisory-and-numbered MTO position (meeting service requirements of all VDF active members) does not count as TIS credit toward retirement from the VDF, nor being placed on the retired list.

6. Procedures.

a. Retirement From the VDF.

(1) Members meeting the TIS prerequisites above wishing to retire from VDF will submit a request letter via their MSC (O-6 Commander (Cdr)) or HHC CMDT to G1 using the VDF Action Request (VAR) system and Form 3R (see **VDFR 600-10 APDX D, “Administration and Correspondence Standard Operating Procedures”**) no less than sixty (60) days prior to the effective date of retirement.

(2) The request will include a MSC-produced 3-R with “Retirement” as the reason for separation/discharge.

(3) The MSC Cdr shall endorse and forward to G-1 no later than forty-five (45) days prior to the effective date of retirement.

(4) The MSC Cdr should consult **VDFR 600-10 APDX E, “Awards, Service Ribbons, and Skills Devices”** to determine whether a retirement award is warranted, and the appropriate level of award. Liberality should be the watchword for retirement awards. **VDFR 600-10 APDX E**

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procedures will be followed and the MSC must begin the award process as soon as possible to ensure the award is available for the retirement ceremony date, VA National Guard awards take more time, and planning should accordingly begin earlier.

(5) The G1 will work with the Active Detachment (ACTDET) to complete the above requirements and submit to the CG no later than 30 days prior to the effective date of retirement.

(6) The ACDET shall create the retirement order and retirement certificate, while the G1 should pursue the retirement award with the VANG as needed.

(7) If the pre-retirement requirements are not expected to be completed by the member's requested retirement date, the G1 and MSC Cdr will consult with the member to determine if the member prefers to: (1) adjust the date until the requirements are complete; or (2) issue retirement orders by the retirement date and the G1 or MC can coordinate a later date for the member to appear for a formal ceremony and presentations.

(8) VDF retirement may only be at the highest grade/rank held by the individual in the VDF.

b. Placement on the Retired List of the Virginia Militia, Unorganized.

(1) All VDF members meeting the above prerequisites for retirement from the VDF may request subsequent placement on the Retired List of the Virginia Militia, Unorganized. As discussed above, per COV Title 44, warrant officers and enlisted personnel shall be placed on the retired list with the highest rank held by them in the VDF. By law, only a commissioned officer may request placement on the retired list in a grade one grade higher than that which he/she has held in the VDF.

(2) Should a commissioned officer retired or separated from the VDF meet the statutory requirement of fifteen years' Commonwealth service noted above, s/he may request placement on the Retired List of the Virginia Militia, Unorganized at the next grade higher than that individual's highest grade in VDF. The standard for such placement is "exemplary service." Exemplary service is considered to be service to the Commonwealth at a consistently high level of performance, integrity, and character. All commanders reviewing such a request must provide their analysis and concluding recommendation regarding the requester's in their forwarding endorsement as discussed below. The CG will make a final recommendation to the TAG, who will provide the member the TAG's decision.

(3) Members will submit a request letter in the Enclosure (1) format via their MSC Cdr to G1 using the VAR and Form 3R (see **VDFR 600-10 APDX D**) no less than sixty (60) days prior to the effective date of VDF retirement. As shown in Enclosure (1), the request will be routed via the CG for concurrence and to the TAG for approval.

(4) Requests for placement on the Retired List due to resignation from the VDF (as opposed

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to retirement from VDF per above) shall accompany the resignation and be submitted no later than sixty (60) days prior to the effective date of resignation.

J. P. CARLITTI, Sr.
Brigadier General (VA)
Commanding General

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Enclosure (1) Sample Request for Placement on the Retired List of the Virginia Militia, Unorganized (using VDF Form 635-1-1)

VIRGINIA DEFENSE FORCE
DEPARTMENT OF MILITARY AFFAIRS
COMMONWEALTH OF VIRGINIA
5001 Waller Road
Richmond, VA, 23230

VDFHDC

1 Month 202*

MEMORANDUM THRU: Commander, MSC/FORHQ COS, address.

MEMORANDUM THRU: Commanding General, Virginia Defense Force, 5001 Waller Road, Richmond, VA 23230-2915.

MEMORANDUM FOR: The Adjutant General of the Commonwealth of Virginia.

SUBJECT: Request for Placement on the Retired List of the Virginia Militia, Unorganized, Major (VA) John Q. Public, Virginia Defense Force.

1. Reference: Commonwealth of Virginia Code §44-119, Retired list of officers warrant officers and enlisted persons.
2. I respectfully request placement on the Retired List of the Virginia Militia, Unorganized in the grade of [Rank], effective 21 Month 202*.
3. I certify that I have [number of years total, but equal to or more than required by law] years and * months of qualifying service.
4. POINT OF CONTACT: Questions may be directed to [NAME AND NUMBER/EMAIL].

(1) Encls
1. Title of Enclosure

INITIALS LAST
RANK (VA)
Title (lower case)