

Explanation of military service obligation under oath :  
Remarks provided by MAJ Kurt A Kafferlin, VTARNG, State Judge Advocate

« All members in all services enter the military with an 8-year military obligation. This may not involve a full 8 years of active service (or drilling service), but that person remains in military service, at least in the Individual Ready Reserve, for the full 8 years, subjecting them to call-up by the Armed Forces to meet the needs of the Armed Forces. This can mean international deployment. While the Armed Forces has the Selective Service (e.g., the draft), those subject to military obligations are utilized before the country turns to conscription.

An enlisted member who continues to work with the Armed Forces to get to retirement, must re-enlist at certain intervals (often 4 or 6 years) and cannot leave service in the middle of an enlistment except in exceptional cases (e.g., medical, extreme hardship, etc.). If the person leaves they are subject to military discipline that can include negative discharge characterizations that can follow them into civilian life or even be subject to criminal prosecution at a military court-martial. Even if a member approaches the expiration of a period of enlistment, the military has mechanisms to force them to remain in the service if deemed necessary. This is usually referred to as stop loss. There are many military retirees out there who intended to leave the military in 2001 or 2002, but were not allowed to leave at that time, and stayed in afterward because they were that much closer to retirement.

Officers have the same 8-year initial obligation, but do not have enlistment contracts. An officer can request to resign after completing his or her military service obligation, but may only request resignation. Officers are not permitted to leave unless it is approved by their commander. Consequently, they are never at their own liberty to simply leave the military.

Retirees in fact are still subject to the control of the military. If you look back at your own order when you retired, you will notice that you were transferred to the Retired Reserve. The military can reactivate retirees to serve the purposes of the military. This can include bringing retirees who are still able to serve back into the force. It also can include subjecting them to the jurisdiction of military to address any issues that arose during their service. »