

AF RESERVE

World Class Athlete Program AGR Billets

This memorandum responds to your request for our opinion whether a reserve component member placed on voluntary extended active duty under 10 U.S.C. § 12301(d) and performing Active Guard and Reserve (AGR) duties under 10 U.S.C. § 12310 or 10 U.S.C. § 10211 may serve in the World Class Athlete Program (WCAP). In our opinion, reserve component members performing AGR tours may not. To participate in the WCAP, reserve component members must be placed on voluntary extended active duty under 10 U.S.C. § 12301(d) alone without the limitations imposed by either Sections § 12310 or § 10211.

10 U.S.C. § 717 authorizes the Secretary of Defense to permit and fund armed forces members training, attendance, and participation in the Olympic Games, Pan-American Games, Paralympic Games, other international amateur sport competitions, and qualifying events for such competitions. Pursuant to 10 U.S.C. § 12301(d), reserve component members can be placed on voluntary extended active duty for purposes of performing all those duties performed by the regular component IAW 10 U.S.C. § 12314. However, reserve component members placed on voluntary extended active duty pursuant to 10 U.S.C. § 12301(d) for the purposes of performing AGR duties, are limited to the duties of organizing, administering, recruiting, instructing, or training the reserve components (*see* 10 U.S.C. § 12310) or participating in preparing and administering the policies and regulations affecting reserve components at a headquarters responsible for reserve affairs (*see* 10 U.S.C. § 10211).

Through AFI 34-277, *World Class Athlete Program*, the Air Force has established policy for qualified and selected Air Force personnel to train for, attend, and participate in those competitions specified in 10 U.S.C. § 717. Air Force Reserve and Air National Guard personnel accepted into the WCAP are placed on voluntary extended active duty (*see id.* at para 11.1.2) pursuant to 10 U.S.C. § 12301(d). Reserve component members selected for the WCAP are assigned to locations permitting expert coaching, training, and preparation for competition (*see* AFI 34-277, para. 6.2); are responsible for creating a training plan leading to U.S. national team selection in the particular sport of participation (*see id.* at para 7.3); are to remain competitive in their sport and continue to progress toward accomplishing pre-approved individual training goals (*see id.* at para 7.5); at a minimum are to report and perform duties required by the Services Squadron Commander (or director) at a duty location commensurate with training availability three days per quarter (*see id.* at para. 7.8); and are to “Contact local Air Force Recruiting Office to provide assistance as required or requested. WCAP athletes will let the recruiting staff know that they are available to speak or assist at Air Force recruiting events (*see id.* at para. 7.9).

When reserve component members are placed on voluntary extended active duty under 10 U.S.C. § 12301(d) in conjunction with either § 12310 or § 10211, they are limited to performing specific duties in support of the reserve component. None of the training, attending, and participating in sporting competition duties set out in AFI 34-277 is authorized by § 12310 or § 10211. The limited part-time recruiting assistance duties are also not authorized by § 12310 or § 10211. While such recruiting assistance for the reserve components is certainly important,

DoD policy, as set out in DoDI 1205.18, *Full-Time Support (FTS) to the Reserve Components*, is that the reserve components will maintain a cadre of full-time personnel, including AGR personnel, responsible for recruiting.

To summarize, to participate in the WCAP, reserve component members cannot be in AGR status under 10 U.S.C. § 12310 or 10 U.S.C. § 10211 but must be placed on voluntary extended active duty under 10 U.S.C. § 12301(d) alone.

OpJAGAF 2010/10 4 November 2010