

[§§ 245, 246. Repealed. Aug. 3, 1950, ch. 536, § 36, 64 Stat. 408]

Section 245, act Aug. 4, 1949, ch. 393, 63 Stat. 517, related to retiring or dropping for disabilities not incident to service. See section 1207 of Title 10, Armed Forces.

Section 246, act Aug. 4, 1949, ch. 393, 63 Stat. 518, related to dropping for disabilities due to vicious habits. See section 1207 of Title 10.

ADDITIONAL REPEAL

Sections were also repealed by Pub. L. 88-130, §1(10)(A), Sept. 24, 1963, 77 Stat. 177.

[§§ 247, 248. Repealed. Pub. L. 88-130, § 1(10)(A), Sept. 24, 1963, 77 Stat. 177]

Section 247, added act Aug. 9, 1955, ch. 684, §1(2), 69 Stat. 620; amended May 14, 1960, Pub. L. 86-474, §1(17), 74 Stat. 146, related to involuntary retirement of rear admirals and to their retention on active list. See section 290 of this title.

Section 248, added act Aug. 9, 1955, ch. 684, §1(2), 69 Stat. 620, related to involuntary retirement of captains and to their retention on active list. See section 289 of this title.

B. SELECTION FOR PROMOTION

§ 251. Selection boards; convening of boards

At least once a year and at such other times as the needs of the service require, the Secretary shall convene selection boards to recommend for promotion to the next higher grade officers on the active duty promotion list in each grade from lieutenant (junior grade) through captain, with separate boards for each grade. However, the Secretary is not required to convene a board to recommend officers for promotion to a grade when no vacancies exist in the grade concerned, and he estimates that none will occur in the next twelve months.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 178.)

§ 252. Selection boards; composition of boards

A board convened under section 251 of this title shall consist of five or more officers on the active duty promotion list who are serving in or above the grade to which the board may recommend officers for promotion. No officer may be a member of two successive boards convened to consider officers of the same grade for promotion.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 179.)

§ 253. Selection boards; notice of convening; communication with board

(a) Before a board is convened under section 251 of this title, notice of the convening date, the promotion zone to be considered, the officers eligible for consideration, and the number of officers the board may recommend for promotion shall be given to the service at large.

(b) Each officer eligible for consideration by a selection board convened under section 251 of this title may send a communication through official channels to the board, to arrive not later than the date the board convenes, inviting attention to any matter of record in the armed

forces concerning himself. A communication sent under this section may not criticize any officer or reflect upon the character, conduct, or motive of any officer.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 179; amended Pub. L. 89-444, §1(15), June 9, 1966, 80 Stat. 196.)

AMENDMENTS

1966—Subsec. (a). Pub. L. 89-444 added officers eligible for consideration to list of items for which notice must be given to the service at large before a board is convened under section 251 of this title.

§ 254. Selection boards; oath of members

Each member of a selection board shall swear that he will, without prejudice or partiality, and having in view both the special fitness of officers and the efficiency of the Coast Guard, perform the duties imposed upon him.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 179.)

§ 255. Number of officers to be selected for promotion

Before convening a board under section 251 of this title to recommend officers for promotion to any grade, the Secretary shall determine the total number of officers to be selected for promotion to that grade. This number shall be equal to the number of vacancies existing in the grade, plus the number of additional vacancies estimated for the next twelve months, less the number of officers on the selection list for the grade.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 179.)

§ 256. Promotion zones

(a) Before convening a selection board to recommend officers for promotion to any grade above lieutenant (junior grade) and below rear admiral (lower half), the Secretary shall establish a promotion zone for the grade to be considered. The promotion zone for each grade shall consist of the most senior officers of that grade on the active duty promotion list who are eligible for consideration for promotion to the next higher grade and who have not previously been placed in a promotion zone for selection for promotion to the next higher grade. The number of officers in each zone shall be determined after considering—

(1) the needs of the service;

(2) the estimated numbers of vacancies available in future years to provide comparable opportunity for promotion of officers in successive year groups; and

(3) the extent to which current terms of service in that grade conform to a desirable career promotion pattern.

However, such number of officers shall not exceed the number to be selected for promotion divided by six-tenths.

(b) Promotion zones from which officers will be selected for promotion to the grade of rear admiral (lower half) shall be established by the Secretary as the needs of the service require.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 179; amended Pub. L. 89-444, §1(16), June 9,

1966, 80 Stat. 196; Pub. L. 97-417, §2(3), Jan. 4, 1983, 96 Stat. 2085; Pub. L. 99-145, title V, §514(c)(1), Nov. 8, 1985, 99 Stat. 629; Pub. L. 99-661, div. A, title XIII, §1343(c), Nov. 14, 1986, 100 Stat. 3995.)

AMENDMENTS

1986—Subsec. (b). Pub. L. 99-661 substituted “rear admiral (lower half)” for “commodore”.

1985—Subsec. (a). Pub. L. 99-145 substituted “rear admiral (lower half)” for “commodore”.

1983—Subsecs. (a), (b). Pub. L. 97-417 substituted “commodore” for “rear admiral”.

1966—Subsec. (a). Pub. L. 89-444 limited promotion zone by requiring that list of officers under consideration be officers eligible for consideration for promotion to next higher grade.

§ 256a. Promotion year; defined

For the purposes of this chapter, “promotion year” means the period which commences on July 1 of each year and ends on June 30 of the following year.

(Added Pub. L. 94-546, §1(17), Oct. 18, 1976, 90 Stat. 2520.)

§ 257. Eligibility of officers for consideration for promotion

(a) An officer on the active duty promotion list becomes eligible for consideration for promotion to the next higher grade at the beginning of the promotion year in which he completes the following amount of service computed from his date of rank in the grade in which he is serving:

- (1) two years in the grade of lieutenant (junior grade);
- (2) three years in the grade of lieutenant;
- (3) four years in the grade of lieutenant commander;
- (4) four years in the grade of commander; and
- (5) three years in the grade of captain.

(b) For the purpose of this section, service in a grade includes all qualifying service in that grade or a higher grade, under either a temporary or permanent appointment. However, service in a grade under a temporary service appointment under section 275 of this title is considered as service only in the grade that the officer concerned would have held had he not been so appointed.

(c) No officer may become eligible for consideration for promotion until all officers of his grade senior to him are so eligible.

(d) Except when his name is on a list of selectees, each officer who becomes eligible for consideration for promotion to the next higher grade remains eligible so long as he—

- (1) continues on active duty; and
- (2) is not promoted to that grade.

(e) An officer whose involuntary retirement or separation is deferred under section 295 of this title is not eligible for consideration for promotion to the next higher grade during the period of that deferment.

(f) The Secretary may waive subsection (a) to the extent necessary to allow officers described therein to have at least two opportunities for consideration for promotion to the next higher grade as officers below the promotion zone.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 179; amended Pub. L. 94-546, §1(19), Oct. 18, 1976, 90 Stat. 2520; Pub. L. 98-557, §17(b)(1), Oct. 30, 1984, 98 Stat. 2867; Pub. L. 109-241, title II, §203, July 11, 2006, 120 Stat. 520.)

AMENDMENTS

2006—Subsec. (f). Pub. L. 109-241 added subsec. (f).

1984—Subsec. (e). Pub. L. 98-557 added subsec. (e).

1976—Subsec. (a). Pub. L. 94-546, §1(19)(a), substituted “promotion year” for “fiscal year”.

Subsec. (d). Pub. L. 94-546, §1(19)(b), struck out cl. (3) “if serving in a grade below captain, has not twice failed of selection for promotion to the next higher grade.”

§ 258. Selection boards; information to be furnished boards

The Secretary shall furnish the appropriate selection board convened under section 251 of this title with:

- (1) the number of officers that the board may recommend for promotion to the next higher grade; and
- (2) the names and records of all officers who are eligible for consideration for promotion to the grade to which the board will recommend officers for promotion.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 180; amended Pub. L. 89-444, §1(17), June 9, 1966, 80 Stat. 196; Pub. L. 104-324, title II, §212, Oct. 19, 1996, 110 Stat. 3915.)

AMENDMENTS

1996—Cl. (2). Pub. L. 104-324 struck out “, with identification of those officers who are in the promotion zone” after “officers for promotion”.

1966—Pub. L. 89-444 substituted “officers who are eligible for consideration for promotion to the grade to which the board will recommend officers for promotion” for “officers to be considered by the board” in cl. 2.

§ 259. Officers to be recommended for promotion

(a) A selection board convened to recommend officers for promotion shall recommend those eligible officers whom the board considers best qualified of the officers under consideration for promotion. No officer may be recommended for promotion unless he receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.

(b) The number of officers that a board convened under section 251 of this title may recommend for promotion to a grade below rear admiral (lower half) from among eligible officers junior in rank to the junior officer in the appropriate promotion zone may not exceed—

- (1) 5 percent of the total number of officers that the board is authorized to recommend for promotion to the grade of lieutenant or lieutenant commander;
- (2) 7½ percent of the total number of officers that the board is authorized to recommend for promotion to the grade of commander; and
- (3) 10 percent of the total number of officers that the board is authorized to recommend for promotion to the grade of captain;

unless such percentage is a number less than one, in which case the board may recommend one such officer for promotion.