

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1221	5:47a(b).	Aug. 2, 1956, ch. 876, 70 Stat. 933.

Clause (2)(A) is omitted as unnecessary since the revised section applies to the armed forces, and the revised section is made applicable to the other uniformed services by sections 3 and 4 of the act enacting this revised section. Clause (2)(B) is omitted as covered by section 101(8) of this title and sections 3 and 4 of the act enacting this revised section.

AMENDMENTS

1966—Pub. L. 89-718 substituted “8301” for “47a”.

§ 1222. Physical evaluation boards

(a) RESPONSE TO APPLICATIONS AND APPEALS.—The Secretary of each military department shall ensure, in the case of any member of the armed forces appearing before a physical evaluation board under that Secretary’s supervision, that documents announcing a decision of the board in the case convey the findings and conclusions of the board in an orderly and itemized fashion with specific attention to each issue presented by the member in regard to that member’s case. The requirement under the preceding sentence applies to a case both during initial consideration and upon subsequent consideration due to appeal by the member or other circumstance.

(b) LIAISON OFFICER (PEBLO) REQUIREMENTS AND TRAINING.—(1) The Secretary of Defense shall prescribe regulations establishing—

(A) a requirement for the Secretary of each military department to make available to members of the armed forces appearing before physical evaluation boards operated by that Secretary employees, designated as physical evaluation board liaison officers, to provide advice, counsel, and general information to such members on the operation of physical evaluation boards operated by that Secretary; and

(B) standards and guidelines concerning the training of such physical evaluation board liaison officers.

(2) The Secretary shall ensure compliance by the Secretary of each military department with physical evaluation board liaison officer requirements and training standards and guidelines at least once every three years.

(c) STANDARDIZED STAFF TRAINING AND OPERATIONS.—(1) The Secretary of Defense shall prescribe regulations on standards and guidelines concerning the physical evaluation board operated by each of the Secretaries of the military departments with regard to—

- (A) assignment and training of staff;
- (B) operating procedures; and
- (C) timeliness of board decisions.

(2) The Secretary shall ensure compliance with standards and guidelines prescribed under paragraph (1) by each physical evaluation board at least once every three years.

(Added Pub. L. 109-364, div. A, title V, § 597(a)(1), Oct. 17, 2006, 120 Stat. 2236.)

EFFECTIVE DATE

Pub. L. 109-364, div. A, title V, § 597(b), Oct. 17, 2006, 120 Stat. 2237, provided that: “Section 1222 of title 10,

United States Code, as added by subsection (a), shall apply with respect to decisions rendered on cases commenced more than 120 days after the date of the enactment of this Act [Oct. 17, 2006].”

CHAPTER 63—RETIREMENT FOR AGE

Sec.

1251. Age 62: regular commissioned officers in grades below general and flag officer grades; exceptions.

1252. Age 64: permanent professors at academies.

1253. Age 64: regular commissioned officers in general and flag officer grades; exception.

[1255. Repealed.]

1263. Age 62: warrant officers.

1275. Computation of retired pay: law applicable.

AMENDMENTS

2006—Pub. L. 109-364, div. A, title V, § 502(c), Oct. 17, 2006, 120 Stat. 2177, inserted “in grades below general and flag officer grades” after “officers” in item 1251 and added item 1253.

Pub. L. 109-163, div. A, title V, § 509(c)(2), Jan. 6, 2006, 119 Stat. 3231, added item 1252.

1980—Pub. L. 96-513, title V, § 501(18), Dec. 12, 1980, 94 Stat. 2908, added item 1251.

1967—Pub. L. 90-130, § 1(6), Nov. 8, 1967, 81 Stat. 374, struck out item 1255 “Age 55: female regular warrant officers”.

§ 1251. Age 62: regular commissioned officers in grades below general and flag officer grades; exceptions

(a) GENERAL RULE.—Unless retired or separated earlier, each regular commissioned officer of the Army, Navy, Air Force, or Marine Corps (other than an officer covered by section 1252 of this title or a commissioned warrant officer) serving in a grade below brigadier general or rear admiral (lower half), in the case of an officer in the Navy, shall be retired on the first day of the month following the month in which the officer becomes 62 years of age.

(b) DEFERRED RETIREMENT OF HEALTH PROFESSIONS OFFICERS.—(1) The Secretary of the military department concerned may, subject to subsection (d), defer the retirement under subsection (a) of a health professions officer if during the period of the deferment the officer—

(A) will be performing duties consisting primarily of providing patient care or performing other clinical duties; or

(B) is in a category of officers designated under subparagraph (D) of paragraph (2) whose duties will consist primarily of the duties described in clause (i), (ii), or (iii) of such subparagraph.

(2) For purposes of this subsection, a health professions officer is—

(A) a medical officer;

(B) a dental officer;

(C) an officer in the Army Nurse Corps, an officer in the Navy Nurse Corps, or an officer in the Air Force designated as a nurse; or

(D) an officer in a category of officers designated by the Secretary of the military department concerned for the purposes of this paragraph as consisting of officers whose duties consist primarily of—

(i) providing health care;

(ii) performing other clinical care; or

(iii) performing health care-related administrative duties.

(c) DEFERRED RETIREMENT OF CHAPLAINS.—The Secretary of the military department concerned may, subject to subsection (d), defer the retirement under subsection (a) of an officer who is appointed or designated as a chaplain if the Secretary determines that such deferral is in the best interest of the military department concerned.

(d) LIMITATION ON DEFERMENT OF RETIREMENTS.—(1) Except as provided in paragraph (2), a deferment under subsection (b) or (c) may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.

(2) The Secretary of the military department concerned may extend a deferment under subsection (b) or (c) beyond the day referred to in paragraph (1) if the Secretary determines that extension of the deferment is necessary for the needs of the military department concerned. Such an extension shall be made on a case-by-case basis and shall be for such period as the Secretary considers appropriate.

(Added Pub. L. 96-513, title I, § 111, Dec. 12, 1980, 94 Stat. 2875; amended Pub. L. 100-180, div. A, title VII, § 719, Dec. 4, 1987, 101 Stat. 1115; Pub. L. 101-189, div. A, title VII, § 709, Nov. 29, 1989, 103 Stat. 1476; Pub. L. 105-85, div. A, title V, § 504(a), (b), Nov. 18, 1997, 111 Stat. 1725; Pub. L. 109-163, div. A, title V, § 509(c)(3), Jan. 6, 2006, 119 Stat. 3231; Pub. L. 109-364, div. A, title V, § 502(b), Oct. 17, 2006, 120 Stat. 2176; Pub. L. 111-383, div. A, title V, § 501(b), Jan. 7, 2011, 124 Stat. 4206.)

AMENDMENTS

2011—Subsec. (b)(1). Pub. L. 111-383, § 501(b)(2), substituted “the officer—” for “the officer will be performing duties consisting primarily of providing patient care or performing other clinical duties.” and added subpars. (A) and (B).

Subsec. (b)(2)(D). Pub. L. 111-383, § 501(b)(1), added subpar. (D).

2006—Pub. L. 109-364 amended section catchline and text generally, substituting provisions relating to retirement at age 62 of regular commissioned officers in grades below general and flag officer grades for provisions relating to retirement at age 62 of all regular commissioned officers.

Subsec. (a). Pub. L. 109-163 inserted “, a permanent professor at the United States Naval Academy,” after “Air Force Academy” in first sentence and struck out last sentence which read as follows: “An officer who is a permanent professor at the United States Military Academy or United States Air Force Academy, the director of admissions at the United States Military Academy, or the registrar of the United States Air Force Academy shall be retired on the first day of the month following the month in which he becomes 64 years of age.”

1997—Subsec. (c)(2) to (4). Pub. L. 105-85, § 504(a), added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

Subsec. (d). Pub. L. 105-85, § 504(b), added subsec. (d). 1989—Subsec. (c)(2). Pub. L. 101-189 designated existing provisions as subpar. (A), substituted “Except as provided in subparagraph (B), a deferment” for “A deferment” and “68 years of age” for “67 years of age”, and added subpar. (B).

1987—Subsec. (c). Pub. L. 100-180 added subsec. (c).

EFFECTIVE DATE

Section effective Sept. 15, 1981, but the authority to prescribe regulations under this section effective on Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

DEFERRAL OF RETIREMENT DATE FOR CHAIRMAN OF THE JOINT CHIEFS OF STAFF

Pub. L. 100-456, div. A, title VII, § 704, Sept. 29, 1988, 102 Stat. 1996, provided that the President could defer until Oct. 1, 1989, the retirement of the officer serving as Chairman of the Joint Chiefs of Staff for the term which began on October 1, 1987, notwithstanding the limitation contained in former section 1251(b) of this title.

TRANSITION PROVISIONS UNDER DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

For provision that this section not apply to any officer who on the effective date of this Act [Sept. 15, 1981] was on active duty in a grade above general, see section 632 of Pub. L. 96-513, set out as a note under section 611 of this title.

§ 1252. Age 64: permanent professors at academies

(a) MANDATORY RETIREMENT FOR AGE.—Unless retired or separated earlier, each regular commissioned officer of the Army, Navy, Air Force, or Marine Corps covered by subsection (b) shall be retired on the first day of the month following the month in which the officer becomes 64 years of age.

(b) COVERED OFFICERS.—This section applies to the following officers:

(1) An officer who is a permanent professor or the director of admissions of the United States Military Academy.

(2) An officer who is a permanent professor at the United States Naval Academy.

(3) An officer who is a permanent professor or the registrar of the United States Air Force Academy.

(Added Pub. L. 109-163, div. A, title V, § 509(c)(1), Jan. 6, 2006, 119 Stat. 3230.)

§ 1253. Age 64: regular commissioned officers in general and flag officer grades; exception

(a) GENERAL RULE.—Unless retired or separated earlier, each regular commissioned officer of the Army, Navy, Air Force, or Marine Corps serving in a general or flag officer grade shall be retired on the first day of the month following the month in which the officer becomes 64 years of age.

(b) EXCEPTION FOR OFFICERS SERVING IN O-9 AND O-10 POSITIONS.—In the case of an officer serving in a position that carries a grade above major general or rear admiral, the retirement under subsection (a) of that officer may be deferred—

(1) by the President, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age; or

(2) by the Secretary of Defense, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 66 years of age.

(Added Pub. L. 109-364, div. A, title V, § 502(a), Oct. 17, 2006, 120 Stat. 2176.)

[§ 1255. Repealed. Pub. L. 90-130, § 1(6), Nov. 8, 1967, 81 Stat. 374]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 100; Nov. 2, 1966, Pub. L. 89-718, § 3, 80 Stat. 1115, covered the re-

tiement of female permanent regular warrant officers with 20 years of active service upon attaining age 55.

§ 1263. Age 62: warrant officers

(a) Unless retired under section 1305 of this title, a permanent regular warrant officer who has at least 20 years of active service that could be credited to him under section 511 of the Career Compensation Act of 1949, as amended (70 Stat. 114; 10 U.S.C. 580 note), and who is at least 62 years of age, shall be retired 60 days after he becomes that age, except as provided by section 8301 of title 5.

(b) The Secretary concerned may defer, for not more than four months, the retirement under subsection (a) of any warrant officer if, because of unavoidable circumstances, evaluation of his physical condition and determination of his entitlement to retirement or separation for physical disability require hospitalization or medical observation that cannot be completed before the date when he would otherwise be required to retire under this section.

(Aug. 10, 1956 ch. 1041, 70A Stat. 101; Pub. L. 89-718, §3, Nov. 2, 1966, 80 Stat. 1115; Pub. L. 90-130, §1(6), Nov. 8, 1967, 81 Stat. 374; Pub. L. 96-513, title V, §511(46), Dec. 12, 1980, 94 Stat. 2924; Pub. L. 102-484, div. A, title X, §1052(17), Oct. 23, 1992, 106 Stat. 2500.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1263(a)	10:600(d) (as applicable to 10:600(b) (less (1)-(3))). 10:600(b) (less (1)-(3)). 10:600(c) (as applicable to 10:600(b) (less (1)-(3))). 34:135(d) (as applicable to 34:430(b) (less (1)-(3))). 34:430(b) (less (1)-(3)). 34:430c (as applicable to 34:430(b) (less (1)-(3))).	May 29, 1954, ch. 249, §§2(d) (as applicable to §14(b) (less (1)-(3))), 14(b) (less (1)-(3)), 14(e) (as applicable to (b) (less (1)-(3))), 21(c) (as applicable to 14(b) (less (1)-(3))), 68 Stat. 157, 162, 163, 168.
1263(b)	10:600(e) (as applicable to 10:600(b) (less (1)-(3))). 34:430(e) (as applicable to 34:430(b) (less (1)-(3))).	

In subsection (a), the words “has at least” are substituted for the words “has attained”. The words “has at least” are substituted for the words “having completed not less than”. The words “on that date which” are omitted as surplusage. 10:600(b) (15 words before (1)) and 34:430(b) (15 words before (1)) are omitted as covered by section 1275 of this title.

In subsection (b), the words “The Secretary concerned may defer” are substituted for the words “may, in the discretion of the Secretary, be deferred”. The words “determination of his” are inserted for clarity. The words “not more than” are substituted for the words “a period not to exceed”. The words “he would otherwise be required to retire under this section” are substituted for the words “retirement * * * would otherwise be required”. The words “which is required”, “possible”, “proper”, and “a period of” are omitted as surplusage.

REFERENCES IN TEXT

Section 511 of the Career Compensation Act of 1949, referred to in subsec. (a), is section 511 of act Oct. 12, 1949, ch. 681, which was formerly set out as a note under section 580 of this title.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-484 substituted “580 note” for “564 note”.

1980—Subsec. (a). Pub. L. 96-513 substituted “511 of the Career Compensation Act of 1949, as amended (70 Stat. 114; 10 U.S.C. 564 note)” for “311 of title 37”.

1967—Subsec. (a). Pub. L. 90-130 struck out reference to section 1255 of this title.

1966—Subsec. (a). Pub. L. 89-718 substituted “8301” for “47a”.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

§ 1275. Computation of retired pay: law applicable

A member of the armed forces retired under this chapter is entitled to retired pay computed under chapter 71 of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 101.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1275	[No source].	[No source].

The revised section is based on the various retirement provisions in this chapter and is inserted to make explicit the entitlement to retired pay upon retirement.

CHAPTER 65—RETIREMENT OF WARRANT OFFICERS FOR LENGTH OF SERVICE

- Sec. 1293. Twenty years or more: warrant officers.
- 1305. Thirty years or more: regular warrant officers.
- 1315. Computation of retired pay: law applicable.

AMENDMENTS

1980—Pub. L. 96-513, title V, §501(19), Dec. 12, 1980, 94 Stat. 2908, substituted “RETIREMENT OF WARRANT OFFICERS FOR LENGTH OF SERVICE” for “RETIREMENT FOR LENGTH OF SERVICE” as chapter heading.

§ 1293. Twenty years or more: warrant officers

The Secretary concerned may, upon the warrant officer’s request, retire a warrant officer of any armed force under his jurisdiction who has at least 20 years of active service that could be credited to him under section 511 of the Career Compensation Act of 1949, as amended (70 Stat. 114).

(Aug. 10, 1956, ch. 1041, 70A Stat. 101; Pub. L. 87-649, §6(f)(3), Sept. 7, 1962, 76 Stat. 494.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1293	10:600(d) (as applicable to 10:600(a)). 10:600(a). 34:135(d) (as applicable to 34:430(a)). 34:430(a).	May 29, 1954, ch. 249, §§2(d) (as applicable to §14(a)), 14(a), 68 Stat. 157, 162.

The words, “The Secretary concerned may * * * retire” are substituted for the words “may * * * and in the discretion of the Secretary, be retired”. 10:600(a) (last 14 words) and 34:430(a) (last 14 words) are omitted as covered by section 1315 of this title.

REFERENCES IN TEXT

Section 511 of the Career Compensation Act of 1949, referred to in text, is section 511 of act Oct. 12, 1949, ch.