

1983—Pub. L. 97-417, §2(9)(A)(i), inserted “and commodores” after “Rear admirals” in section catchline.

Subsec. (a). Pub. L. 97-417, §2(9)(A)(ii), substituted “commodore or rear admiral” for “rear admiral” after “promotion list serving in the grade of” and after “each officer serving in the grade of”, and “five years combined service in the grades of commodore and rear admiral” for “five years service in that grade”.

1981—Subsec. (a). Pub. L. 97-136 inserted “or in the position of Chief of Staff” after “vice admiral”.

1976—Subsecs. (a), (e) to (g). Pub. L. 94-546 substituted “promotion year” for “fiscal year” wherever appearing.

1972—Pub. L. 92-451 substituted “continuation on active duty” for “retention on the active list” in section catchline.

Subsecs. (a), (b). Pub. L. 92-451 added subsecs. (a) and (b). Former subsecs. (a) and (b) redesignated (f) and (g), respectively.

Subsec. (c). Pub. L. 92-451 added subsec. (c). Former subsec. (c) provided that provisions of former subsecs. (a) and (b) were inapplicable to officers serving as Commandants.

Subsecs. (d), (e). Pub. L. 92-451 added subsecs. (d) and (e).

Subsec. (f). Pub. L. 92-451 incorporated provisions of former subsec. (a) in provisions designated as subsec. (f), and among other changes extended the minimum service for retirement from 35 years to 36 years of active commissioned service and deleted the alternative seven year permanent grade service.

Subsec. (g). Pub. L. 92-451 incorporated provisions of former subsec. (b) in provisions designated as subsec. (g), and among other changes, substituted officer for rear admiral.

#### EFFECTIVE DATE OF 1972 AMENDMENT

Pub. L. 92-451, §3, Oct. 2, 1972, 86 Stat. 757, provided that: “This Act [enacting sections 50 and 51 of this title, and amending this section, sections 41, 42, 44, 47, and 287 of this title, and section 202 of Title 37, Pay and Allowances of the Uniformed Services] is effective upon enactment [Oct. 2, 1972] except that continuation boards, pursuant to subsection (a) of section 290 of title 14, United States Code, as amended by this Act [subsec. (a) of this section], may not be held until one year following enactment hereof [Oct. 2, 1972]. During the period of one year following enactment hereof the Secretary of the Department in which the Coast Guard is operating shall convene a board consisting of not less than three Coast Guard officers serving in the grade of vice admiral to recommend for continuation on active duty Coast Guard officers on the active duty promotion list serving in the grade of rear admiral, who during the fiscal year in which the board meets will complete not less than five years’ service in that grade. Subsections (b) through (g) of section 290 and other sections of title 14, United States Code, as amended by this Act [sections 41, 42, 44, 47, 50, 51, and 287 of this title], apply to continuation board action taken pursuant to this section. No officer who is entitled to the basic pay of a rear admiral of the upper half may have his basic pay reduced because of the reduction which results from this Act in the number of officers entitled to the basic pay of a rear admiral of the upper half.”

#### RETIRED PAY ON OR PRIOR TO SEPTEMBER 24, 1963

Savings provisions in section 5(g) of Pub. L. 88-130 providing that Pub. L. 88-130 does not affect the retired pay of anyone retired on or prior to Sept. 24, 1963, are set out as a note under section 211 of this title.

#### § 291. Voluntary retirement after twenty years’ service

Any regular commissioned officer who has completed twenty years’ active service in the Coast Guard, Navy, Army, Air Force, or Marine Corps, or the Reserve components thereof, including active duty for training, at least ten

years of which shall have been active commissioned service, may, upon his own application, in the discretion of the President, be retired from active service.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 187; amended Pub. L. 99-348, title II, §205(b)(5), July 1, 1986, 100 Stat. 700.)

#### AMENDMENTS

1986—Pub. L. 99-348 struck out “, with retired pay of the grade with which retired” after “from active service”.

#### RETIRED PAY ON OR PRIOR TO SEPTEMBER 24, 1963

Savings provisions in section 5(g) of Pub. L. 88-130 providing that Pub. L. 88-130 does not affect the retired pay of anyone retired on or prior to Sept. 24, 1963, are set out as a note under section 211 of this title.

#### § 292. Voluntary retirement after thirty years’ service

Any regular commissioned officer who has completed thirty years’ service may, upon his own application, in the discretion of the Secretary, be retired from active service.<sup>1</sup>

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 187; amended Pub. L. 99-348, title II, §205(b)(5), July 1, 1986, 100 Stat. 700.)

#### AMENDMENTS

1986—Pub. L. 99-348 which directed that “, with retired pay of the grade with which retired” be struck out was executed by striking out that phrase after “from active service” as the probable intent of Congress even though there was no comma, before “with retired”.

#### RETIRED PAY ON OR PRIOR TO SEPTEMBER 24, 1963

Savings provisions in section 5(g) of Pub. L. 88-130, providing that Pub. L. 88-130 does not affect the retired pay of anyone retired on or prior to Sept. 24, 1963, are set out as a note under section 211 of this title.

#### § 293. Compulsory retirement

(a) REGULAR COMMISSIONED OFFICERS.—Any regular commissioned officer, except a commissioned warrant officer, serving in a grade below rear admiral (lower half) shall be retired on the first day of the month following the month in which the officer becomes 62 years of age.

(b) FLAG-OFFICER GRADES.—(1) Except as provided in paragraph (2), any regular commissioned officer serving in a grade of rear admiral (lower half) or above shall be retired on the first day of the month following the month in which the officer becomes 64 years of age.

(2) The retirement of an officer under paragraph (1) may be deferred—

(A) 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

(B) by the Secretary of the department in which the Coast Guard is operating, 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. 111-281, title II, §215(a), Oct. 15, 2010, 124 Stat. 2916.)

<sup>1</sup> See 1986 Amendment note below.

## PRIOR PROVISIONS

A prior section 293, added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 187; amended Pub. L. 99-348, title II, §205(b)(5), July 1, 1986, 100 Stat. 700, mandated retirement of any regular commissioned officer, except a commissioned warrant officer, at age 62, prior to repeal by Pub. L. 111-281, title II, §215(a), Oct. 15, 2010, 124 Stat. 2916.

**§ 294. Retirement for physical disability after selection for promotion; grade in which retired**

An officer whose name appears on an approved list of officers selected for promotion to the next higher grade and who is retired for physical disability under the provisions of chapter 61 of title 10 prior to being promoted shall be retired in the grade to which he was selected for promotion.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 187.)

RETIRED PAY ON OR PRIOR TO SEPTEMBER 24, 1963

Savings provisions in section 5(g) of Pub. L. 88-130 providing that Pub. L. 88-130 does not affect the retired pay of anyone retired on or prior to Sept. 24, 1963, are set out as a note under section 211 of this title.

**§ 295. Deferment of retirement or separation for medical reasons**

(a) Subject to subsection (b), the Secretary may defer the retirement or separation of a commissioned officer, other than a commissioned warrant officer, if the evaluation of the physical condition of the officer and determination of the officer's entitlement to retirement or separation for physical disability require hospitalization, medical observation, or other physical disability processing that cannot be completed before the date on which the officer would otherwise be retired or separated.

(b) A deferment under subsection (a)—

(1) may only be made with the consent of the officer involved; and

(2) if the Secretary receives written notice from the officer withdrawing that consent, shall end not later than the end of the sixty-day period beginning on the date the Secretary receives that notice.

(Added Pub. L. 98-557, §17(b)(2)(A), Oct. 30, 1984, 98 Stat. 2867.)

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

Section 301, act Aug. 4, 1949, ch. 393, 63 Stat. 518, related to permanent appointment of warrant officers. See section 571 et seq. of Title 10, Armed Forces.

Section 302, act Aug. 4, 1949, ch. 393, 63 Stat. 518, related to temporary appointments of warrant officers.

**[[§ 303 to 305. Repealed. May 29, 1954, ch. 249, § 20(o), 68 Stat. 167]**

Section 303, act Aug. 4, 1949, ch. 393, 63 Stat. 518, required compulsory retirement of warrant officers reaching age of sixty-two years, with retired pay of grade with which retired.

Section 304, act Aug. 4, 1949, ch. 393, 63 Stat. 518, provided for voluntary retirement of warrant officers after thirty years' service, with retired pay of grade with which retired.

Section 305, act Aug. 4, 1949, ch. 393, 63 Stat. 518, provided for voluntary retirement after twenty years' service, with retired pay of grade with which retired.

## ADDITIONAL REPEAL

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

**[[§ 306. Repealed. Aug. 3, 1950, ch. 536, § 36, 64 Stat. 408]**

Section, act Aug. 4, 1949, ch. 393, 63 Stat. 519, related to retirement for disabilities incident to service. See sections 1204 and 1376 of Title 10, Armed Forces.

## ADDITIONAL REPEAL

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

**[[§ 307, 308. Repealed. May 29, 1954, ch. 249, § 20(o), 68 Stat. 167]**

Section 307, act Aug. 4, 1949, ch. 393, 63 Stat. 519, provided for compulsory retirement of warrant officers after thirty years' service, upon recommendation of a personnel board.

Section 308, act Aug. 4, 1949, ch. 393, 63 Stat. 519, provided for retired pay of warrant officers involuntarily retired under section 307.

## ADDITIONAL REPEAL

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

**[[§ 309. Repealed. Pub. L. 86-155, § 10(a)(1), Aug. 11, 1959, 73 Stat. 338]**

Section, acts Aug. 4, 1949, ch. 393, 63 Stat. 519; Aug. 3, 1950, ch. 536, §11, 64 Stat. 407, authorized retirement of warrant officers with grade of commissioned warrant officer in case of special commendation.

## EFFECTIVE DATE OF REPEAL

Repeal of section effective November 1, 1959, see section 10(b) of Pub. L. 86-155, set out as a note under section 239 of this title.

## ADDITIONAL REPEAL

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

**[[§ 310 to 312. Repealed. Pub. L. 88-130, § 1(10)(A), Sept. 24, 1963, 77 Stat. 177]**

Section 310, acts Aug. 4, 1949, ch. 393, 63 Stat. 519; Aug. 3, 1950, ch. 536, §12, 64 Stat. 407, related to recall to active duty during war or national emergency of warrant officers. See section 331 of this title.

Section 311, acts Aug. 4, 1949, ch. 393, 63 Stat. 519; Aug. 3, 1950, ch. 536, §13, 64 Stat. 407, related to recall of warrant officers to active duty with consent of the officer. See section 332 of this title.

Section 312, acts Aug. 4, 1949, ch. 393, 63 Stat. 520; Aug. 3, 1950, ch. 536, §14, 64 Stat. 407, related to relief of retired warrant officer promoted while on active duty. See section 333 of this title.

**[[§ 313. Repealed. May 29, 1954, ch. 249, § 20(o), 68 Stat. 167]**

Section, acts Aug. 4, 1949, ch. 393, 63 Stat. 520; Aug. 3, 1950, ch. 536, §15, 64 Stat. 407, provided that any warrant officer who was retired under sections 303 to 305 or 307 of this title should be retired from active service with the highest grade held by him in which his performance of duty was satisfactory, but not lower than his permanent grade, with retired pay of the grade with which retired. It implemented such sections 303 to 305 and 307 which were also repealed by act May 29, 1954. See notes under those former sections.

## ADDITIONAL REPEAL

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