opinion of the Judge Advocate General of the Navy, JAG 135: DDC; dmt.; 4229, dated July 29, 1960. The words ''(but not above that of pay grade O–7)'' are substituted for section 235a (proviso) of existing title 37.

§902. Pay of crews of wrecked or lost naval vessels

(a) When the accounts of the disbursing officer of a naval vessel are lost as a result of the destruction of the vessel, his return for the last month may, unless there is official evidence to the contrary, be used in computing later credits to and settling accounts of persons, other than officers, carried on his accounts. If the return for the last month has not been made, the pay accounts may be settled on principles of equity and justice.

(b) When a naval vessel is lost or has not been heard from for so long that her loss may be presumed, the Secretary of the Navy may fix the date of loss of the vessel for the purpose of settling the accounts of persons aboard other than officers.

(c) When the crew of a naval vessel is separated from that vessel because of her wreck, loss, or destruction, the pay and emoluments of those officers and enlisted members that the Secretary considers (because of the sentence of a court-martial or the finding of a court of inquiry, or by other satisfactory evidence) to have done their utmost to save the vessel and, after the wreck, loss, or destruction, to have behaved themselves according to the discipline of the Navy, continue and shall be paid to them until their discharge or death, whichever is earlier.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 486; Pub. L. 104–316, title I, §118, Oct. 19, 1996, 110 Stat. 3836.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
902(a)	10:6144.	[None.]
902(b)	10:6145.	[None.]
902(c)	37:243.	R.S. 1574.

In subsections (a) and (c), the words ''naval vessel'' are substituted for the words ''any vessel of the United States'', in section 243 of existing title 37, and the words ''vessel in the employ of the United States'', in section 6144 of title 10, for clarity and to conform to subsection (b).

In subsection (c), the word ''continues'' is substituted for the words ''go on''. The words ''whichever is earlier'' are inserted for clarity. The words ''or the findings of a'' are inserted since a court of inquiry cannot impose a sentence.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104–316 substituted ''the Secretary of the Navy may'' for ''the General Accounting Office, under the direction of the Secretary of the Navy, may''.

§903. Retired members recalled to active duty; former members

A retired member or former member of a uniformed service, or a member of the Fleet Reserve or Fleet Marine Corps Reserve, who is serving on active duty is entitled to the pay and allowances to which he is entitled, under this title, for the grade, rank, or rating in which he is serving. In addition, while on active duty, he is entitled to the pay and allowances, while on leave of absence or while sick, of a member of a uniformed service of similar grade, rank, or rating who is entitled to basic pay.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 487.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
903	37:314.	Oct. 12, 1949, ch. 681, §514, 63 Stat. 831.

The word ''rating'' is inserted for clarity. The words ''is entitled to'' are substituted for the words ''shall . . . be entitled to receive and have the same . . . rights''. The last 41 words of section 314 of existing title 37 are omitted, since the sections mentioned therein were repealed by section 53(b) of the Act of August 10, 1956, ch. 1041 (70A Stat. 646). The subject of death benefits and entitlement thereto is now covered by chapter 75 of title 10.

[§904. Repealed. Pub. L. 96–513, title IV, §403(a), Dec. 12, 1980, 94 Stat. 2904]

Section, Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 487; Pub. L. 90–130, §3(2), Nov. 8, 1967, 81 Stat. 383; Pub. L. 90–623, §3(8), Oct. 22, 1968, 82 Stat. 1315, set forth provisions relating to effective date of beginning of pay and allowances of officers of Navy or Marine Corps promoted under chapter 545 of Title 10, Armed Forces.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, but with authority to prescribe regulations under the amendment by section 403(a) of Pub. L. 96–513 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 Title 10, Armed Forces.

§905. Reserve officers of the Navy or Marine Corps not on the active-duty list: effective date of pay and allowances

(a) A reserve officer who is promoted under chapter 1405 of title 10 to a grade above lieutenant (junior grade) in the Navy Reserve or above first lieutenant in the Marine Corps Reserve is entitled to the pay and allowances of the grade to which promoted for duty performed from the date on which he becomes eligible for promotion to that grade.

(b) A reserve officer who is promoted under section 14308(b) of title 10 to the grade of lieutenant (junior grade) in the Navy Reserve or first lieutenant in the Marine Corps Reserve is entitled to the pay and allowances of the higher grade for duty performed from the date given him as his date of rank.

(Pub. L. 87–649, Sept. 7, 1962, 76 Stat. 488; Pub. L. 95–377, §9, Sept. 19, 1978, 92 Stat. 721; Pub. L. 96–513, title IV, §403(b), Dec. 12, 1980, 94 Stat. 2904; Pub. L. 103–337, div. A, title XVI, §1676(b)(3), Oct. 5, 1994, 108 Stat. 3019; Pub. L. 109–163, div. A, title V, §515(d)(1)(F), Jan. 6, 2006, 119 Stat. 3236.)

HISTORICAL AND REVISION NOTES

Revised section	*Source (U.S. Code)*	*Source (Statutes at Large)*
905(a)	10:6141.	[None.]
905(b)	10:5907.	[None.]
905(c)	10:5908(a) (last sentence).	[None.]