§ 12732. Entitlement to retired pay: computation of years of service

(a) Except as provided in subsection (b), for the purpose of determining whether a person is entitled to retired pay under section 12731 of this title, the person's years of service are computed by adding the following:

(1) The person's years of service, before July 1, 1949, in the following:
   (A) The armed forces.
   (B) The federally recognized National Guard before June 15, 1933.
   (C) A federally recognized status in the National Guard before June 15, 1933.
   (D) The National Guard after June 14, 1933, if his service therein was continuous from the date of his enlistment in the National Guard, or his Federal recognition as an officer therein, to the date of his enlistment or appointment, as the case may be, in the National Guard of the United States, the Army National Guard of the United States, or the Air National Guard of the United States.
   (E) The Navy Reserve Force.
   (F) The Naval Militia that conformed to the standards prescribed by the Secretary of the Navy.
   (G) The National Naval Volunteers.
   (H) The Army Nurse Corps, the Navy Nurse Corps, the Nurse Corps Reserve of the Army, or the Nurse Corps Reserve of the Navy, as it existed at any time after February 2, 1901.
   (J) An active full-time status, except as a student or apprentice, with the Medical Department of the Army as a civilian employee—
      (i) in the dietetic or physical therapy categories, if the service was performed after April 6, 1917, and before April 1, 1943; or
      (ii) in the occupational therapy category, if the service was performed before appointment in the Army Nurse Corps or the Women's Medical Specialist Corps and before January 1, 1949, or before appointment in the Air Force before January 1, 1949, with a view to designation as an Air Force nurse or medical specialist.

(2) the disability was incurred during a period of unauthorized absence.


§ 12731b. Special rule for members with physical disabilities not incurred in line of duty

(a) In the case of a member of the Selected Reserve of a reserve component who no longer meets the qualifications for membership in the Selected Reserve solely because the member is unfit because of physical disability, the Secretary concerned may, for purposes of section 12731 of this title, determine to treat the member as having met the service requirements of subsection (a)(2) of that section if the member has completed at least 15, and less than 20, years of service computed under section 12732 of this title.

(b) Notification under subsection (a) may not be made if—

(1) the disability was the result of the member's intentional misconduct, willful neglect, or willful failure to comply with standards and qualifications for retention established by the Secretary concerned; or

(2) the disability was incurred during a period of unauthorized absence.


§ 12732. Effective date of 2002 amendment

Amendment by Pub. L. 107–296 effective as if included in the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103–337, as enacted on Oct. 5, 1994, see section 122(c) of Pub. L. 103–337, set out as a note under section 113 of this title.

§ 12732a. Effective date of 1996 amendment

Amendment by Pub. L. 104–106 effective as if included in the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103–337, as enacted on Oct. 5, 1994, see section 122(c) of Pub. L. 103–337, set out as a note under section 113 of this title.
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(B) One point for each attendance at a drill or period of equivalent instruction that was prescribed for that year by the Secretary concerned and conformed to the requirements prescribed by law, including attendance under section 502 of this title.

(C) Points at the rate of 15 a year for membership—
(i) in a reserve component of an armed force,
(ii) in the Army or the Air Force without component, or
(iii) in any other category covered by subsection (a)(1) except a regular component.

(D) Points credited for the year under section 2126(b) of this title.

(E) One point for each day on which funeral honors duty is performed for at least two hours under section 12563 of this title or section 115 of title 32, unless the duty is performed while in a status for which credit is provided under another subparagraph of this paragraph.

For the purpose of clauses (A), (B), (C), (D), and (E), service in the National Guard shall be treated as if it were service in a reserve component, if the person concerned was later appointed in the National Guard of the United States, the Army National Guard of the United States, or as a Reserve of the Army or the Air Force, and served continuously in the National Guard from the date of his Federal recognition to the date of that appointment.

(3) The person’s years of active service in the Commissioned Corps of the Public Health Service.

(4) The person’s years of active commissioned service in the National Oceanic and Atmospheric Administration (including active commissioned service in the Environmental Science Services Administration and in the Coast and Geodetic Survey).

(b) The following service may not be counted under subsection (a):
(1) Service (other than active service) in an inactive section of the Organized Reserve Corps or of the Army Reserve, or in an inactive section of the officers’ section of the Air Force Reserve.

(2) Service (other than active service) after June 30, 1949, while on the Honorary Retired List of the Navy Reserve or of the Marine Corps Reserve.

(3) Service in the inactive National Guard.

(4) Service in a non-federally recognized status in the National Guard.

(5) Service in the Fleet Reserve or the Fleet Marine Corps Reserve.

(6) Service as an inactive Reserve nurse of the Army Nurse Corps established by the Act of February 2, 1901 (ch. 192, 31 Stat. 753), as amended, and service before July 1, 1938, as an inactive Reserve nurse of the Navy Nurse Corps established by the Act of May 13, 1908 (ch. 166, 35 Stat. 146).

(7) Service in any status other than that as commissioned officer, warrant officer, nurse, flight officer, aviation midshipman, appointed aviation cadet, or enlisted member, and that described in clauses (I) and (J) of subsection (a)(1).

(8) Service in the screening performed pursuant to section 10149 of this title through electronic means, regardless of whether or not a stipend is paid the member concerned for such service under section 433a of title 37.


HISTORICAL AND REVISION NOTES

1956 ACT

Revised section | Source (U.S. Code) | Source (Statutes at Large)
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1332(a)(1) | 10:1036a(c). | June 29, 1948, ch. 708, §306 (less (c) and (d), as applicable to determination of retired pay), 62 Stat. 1088.
1332(b) | 10:1036a(c). | June 29, 1948, ch. 708, §306 (less (c) and (d)).
1332(c) | 10:1036(e). | 34:440i(c).
1332(d) | 34:440m(b). | 34:440m(c).
1332(e) | 34:440m(a). | 34:440m(d).
1332(f) | 34:440m(c). | 34:440m(f).
1332(g) | 34:440m(i). | 34:440m(k).

Subsection (a) consolidates the provisions of 10:1036a and 10:1036c(b)–(d), and 34:440i(c) and 34:440m(b)–(d), relating to service that may be counted in determining eligibility for retired pay under this chapter. 10:1036a(a) and 34:440m(a) are omitted as covered by the enumeration of the service that may be counted for the purposes of the revised section.

In subsection (a)(1)(A)–(F), the requirement that the service must have been satisfactory is omitted as executed, since all service before July 1, 1949, has been found to have been satisfactory by the Secretaries concerned.

In subsection (a)(1)(A), the words “the armed forces” are substituted for clauses (1), (2), (5)–(7), (9), (10), and (13)–(16), of 10:1036c(e) and 34:440m(c), and so much of clause (8) of 10:1036c(c) and 34:440m(c) as relates to the Naval Reserve and the Naval Reserve Force as constituted after February 28, 1925, since the service covered by those clauses when added to service in the regular components, comprises all service in the armed forces.

In subsection (a)(1)(B)–(C), the words “June 15” are inserted to reflect the exact date of the change in National Guard status made by section 5 of the Act of June 15, 1933, ch. 87, 48 Stat. 155, which established the National Guard of the United States as a reserve component of the Army.

In subsection (a)(1)(D), 10:1036c(e)(8) (last 25 words), 10:1036c(e)(9) (last 22 words), 34:440m(c)(8) (last 25...
words), and 34:440m(c)(9) (last 22 words) are omitted as
covered by subsection (b)(5).
In subsection (a)(2)(A), the words “service that
conformed to required standards and qualifications” are
substituted for 10:1036(e)(b) and 34:440m(b). In clause
(a)(2)(A), 10:1036(d) and 34:440(m), which make it clear that “active Federal service”, in the sense in which that term is used in 10:1036-a and 34:440-m, includes annual
training duty and attendance at service schools,
are omitted as covered by sections 101(22) and 101(24) of
this title.

In subsection (a)(2)(A) and (B), specific reference is
made to National Guard service to reflect the opinion
of the Judge Advocate General of the Army (JAGA,

In subsections (a) and (b), the words “active service” are
substituted for the words “active Federal service” for
uniformity of expression. In clause (5), the words “transferred thereto after completion of 16 or more
years of active naval service” are omitted, since other
authorized fleet reserve categories have not been used
and authority for them is omitted from this revised
title as unnecessary.

Subsection (b)(1)–(4) is inserted because of 10:1036(e)(e)
and (f) and 34:440m(e) and (f), which state that the
service enumerated in those clauses may not be considered in
determining eligibility for retired pay under thischapter. Clause (5) is based on the exclusions in
34:440m(c)(8)–(9).

Subsection (b)(6) is inserted for clarity since 10:1036a
and 34:440 were limited in applicability to service in
the status of a “commissioned officer, warrant officer,
flight officer, or enlisted person”.

1958 ACT
The word “full-time” is inserted for clarity. The
other change reflects the opinion of the Judge Advo-
cate General of the Army (JAGA 1956/1908, Feb. 13, 1956)
that duty performed under section 92 of the National
Defense Act, the source statute for section 502 of
title 32, was creditable in determining entitlement to retired
pay under section 502 of the Army and Air Force Vital-
1087), the source statute for section 1332 of title 10.

REFERENCES IN TEXT
amended section 164 of former Title 10, Army and Air
Force, and enacted provisions set out as notes under
section 81 of former Title 10 and section 113 of former
Title 32 of this title.

Women’s Medical Specialist Corps, referred to in sub-
sec. (a)(1)(J)(ii), redesignated Army Medical Specialist
section 3070 of this title. See, also, act Aug. 9, 1955, ch.

AMENDMENTS
2006—Subsecs. (a)(1)(E), (b)(2). Pub. L. 109–163 sub-
stituted “Navy Reserve” for “Navy Reserve”.
and substituted “(E)” for “(E)” in concluding
provisions.
and substituted “(C)” and “(D)” for “(C)” in concluding
provisions.
1984—Pub. L. 98–337 amended section 1332 of this
title as this section, substituted “Entitlement to
retired pay: computation of years of service” for “Com-
putation of years of service in determining entitlement
to retired pay” as section catchline, and amended text
generally, making changes in style, references to other
sections and Acts, and the service in the Public Health
Science Services Administration.

midshipman,” after “flight officer.”

and (4).

1959—Subsec. (a). Pub. L. 86–197, §§(1), (2), redesign-
class. (D) to (F) as (E) to (G), and added clss. (D),
(H), (I), and (J), and provisions requiring, for the pur-
purpose of cls. (A), (B), and (C), service in the National
Guard to be treated as if it were service in a reserve
component, if the person concerned was later appointed
in the National Guard of the United States, the Army
National Guard of the United States, the Air National
Guard of the United States, or as a Reserve of the
Army or the Air Force, and served continuously in the
National Guard from the date of his Federal recogni-
tion to the date of that appointment.

1958—Subsec. (a). Pub. L. 85–861 substituted “full-
time service under” for “service under”, and inserted

EFFECTIVE DATE OF 1994 AMENDMENT
Amendment by Pub. L. 103–337 effective Dec. 1, 1994,
except as otherwise provided, see section 1891 of Pub.
L. 103–337, set out as an Effective Date note under section
10001 of this title.

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.

EFFECTIVE DATE OF 1964 AMENDMENT
Section 2 of Pub. L. 88–636 provided that: “The amendments made by this Act [amending this section]
shall apply to any period before enactment of this Act
[Oct. 8, 1964] during which the Commissioned Corps of
the Public Health Service has had the status of a mili-
tary service, and to any period before enactment of this
Act during which commissioned personnel of the Coast
and Geodetic Survey were transferred to the service
and jurisdiction of a military department.”

EFFECTIVE DATE OF 1958 AMENDMENT
Amendment by Pub. L. 85–861 effective Aug. 10, 1956,
see section 33 (g) of Pub. L. 85–861, set out as a note
under section 101 of this title.

SAVINGS PROVISION
Section 3 of Pub. L. 86–197 provided that: “This Act
[amending this section and sections 3563, 3926, 6234, 8683
and 8926 of this title and enacting provisions set out as
notes under sections 1431 and 3411 of this title] does not
deprive any person of any service credit to which he
was entitled on the day before the effective date of this
Act [Aug. 25, 1959].”

TRACKING SYSTEM AND RECOMMENDATIONS TO
CONGRESS RELATING TO AWARD OF RETIREMENT POINTS
Section 313(b), (c) of Pub. L. 104–201 provided that:
“(b) TRACKING SYSTEM FOR AWARD OF RETIREMENT
POINTS.—To better enable the Secretary of Defense and
Congress to assess the cost and the effect on readiness
of the amendment made by subsection (a) [amending title 12733 of this title] and of other potential changes to the Reserve retirement system under chapter 1223 of title 10, United States Code, the Secretary of Defense shall require the Secretary of each military department to implement a system to monitor the award of retirement points for purposes of that chapter by categories in accordance with the recommendations set forth in the August 1988 report of the Sixth Quadrennial Review of Military Compensation.

“(c) RECOMMENDATIONS TO CONGRESS.—The Secretary shall submit to Congress, not later than one year after the date of the enactment of this Act [Sept. 23, 1996], the recommendations of the Secretary with regard to the adoption of the following Reserve retirement initiatives recommended in the August 1988 report of the Sixth Quadrennial Review of Military Compensation:

“(1) Elimination of membership points under subparagraph (C) of section 12732(a)(2) of title 10, United States Code, in conjunction with a decrease from 50 to 35 in the number of points required for a satisfactory year under that section.

“(2) Limitation to 60 in any year on the number of points that may be credited under subparagraph (B) of section 12732(a)(2) of such title at two points per day.

“(3) Limitation to 360 in any year on the total number of retirement points countable for purposes of section 12733 of such title.

COAST GUARD WOMEN’S RESERVE: CONSTRUCTIVE SERVICE CREDIT: RETIREMENT BENEFITS: RETROACTIVE PAY

Pub. L. 87–482, June 12, 1962, 76 Stat. 95, provided: ‘‘That any person who was a member of the Coast Guard Women’s Reserve and who served on active duty therein for at least one year prior to July 25, 1947, who was separated therefrom under honorable conditions; and who also had membership therein for any period between November 1, 1949, and July 1, 1956, shall be deemed to have served on inactive duty with the Coast Guard Women’s Reserve from July 25, 1947, to November 1, 1949, in the grade or rating satisfactorily held on active duty prior to July 25, 1947.

‘‘Section 1. Creditable constructive service for a person qualified under section 1 hereof shall be applied when providing retirement benefits under the Army and Air Force Vitalization and Retirement Equalization Act of 1948, as amended, or any other Act under which the individual may be entitled to retirement from the Armed Forces.

‘‘Section 2. Additional pay accruing to any person by virtue of increased creditable service resulting from the inclusion of constructive service creditable by application of section 1 hereof shall not be made for active or inactive duty for which pay is authorized by competent authority which is performed prior to the first day of the calendar quarter next succeeding the calendar quarter in which this Act becomes effective.’’

ADDITIONAL CLERICAL SERVICE CREDITABLE UNDER THIS CHAPTER

Section 15 of Pub. L. 85–861 provided that:

“(a) Notwithstanding section 1332(b)(6) [now 12732(b)(7)] of title 10, United States Code, a person is entitled to count his service as an Army field clerk or as a field clerk, Quartermaster Corps, as active service in determining his entitlement to retired pay under chapter 67 [now 1223] of title 10, United States Code, and in computing his retired pay under that chapter.

“(b) notwithstanding section 1332(b)(6) [now 12732(b)(7)] of title 10, United States Code, a warrant officer is entitled to count classified service as an Army headquarters clerk or as a clerk of the Army Quartermaster Corps that he performed under any law in effect before August 29, 1916, as active service in determining his entitlement to retired pay under chapter 67 [now 1223] of title 10, United States Code, and in computing his retired pay under that chapter.’’

§ 12733. Computation of retired pay: computation of years of service

For the purpose of computing the retired pay of a person under this chapter, the person’s years of service and any fraction of such a year are computed by dividing 360 into the sum of the following:

(1) The person’s days of active service.

(2) The person’s days of full-time service under sections 316, 502, 503, 504, and 505 of title 32 while performing annual training duty or while attending a prescribed course of instruction at a school designated as a service school by law or by the Secretary concerned.

(3) One day for each point credited to the person under clause (B), (C), or (D) of section 12732(a)(2) of this title, but not more than—

(A) 60 days in any one year of service before the year of service that includes September 23, 1996;

(B) 75 days in the year of service that includes September 23, 1996, and in any subsequent year of service before the year of service that includes October 30, 2000;

(C) 90 days in the year of service that includes October 30, 2000, and in any subsequent year of service before the year of service that includes October 30, 2007, and

(D) 120 days in the year of service that includes October 30, 2007, and in any subsequent year of service.

(4) One day for each point credited to the person under subparagraph (E) of section 12732(a)(2) of this title.

(5) 50 days for each year before July 1, 1949, and proportionately, for each fraction of a year, of service (other than active service) in a reserve component of an armed force, in the Army or the Air Force without component, or in any other category covered by section 12732(a)(1) of this title, except a regular component.

(Historical and Revision Notes)

1956 ACT

Revised section Source (U.S. Code) Source (Statutes at Large)
12733 ... 10:1036(b) (less 1st 91 words, and less 1st proviso).
10:1036(c) (as applicable to determination of retired pay).
10:1036(d) (as applicable to determination of retired pay).
34:465 (less 1st 91 words, and less 1st proviso).
34:465(c) (as applicable to determination of retired pay).

June 29, 1948, ch. 798, §§303 (less 1st 91 words, and less 1st proviso), 306 (c) and (d), as applicable to determination of retired pay, 62 Stat. 1088-1090; Sept. 7, 1949, ch. 447, §5, 63 Stat. 690.