

he may acquire the right to use such grave sites for burial purposes. If the death occurs outside the United States and a temporary commercial grave site is not available on a reasonable basis, the Secretary may acquire land, or the right to use land, necessary for the temporary interment of the remains under this chapter. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 115.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
1487-----	5: 2159 (as applicable to armed forces).	July 15, 1954, ch. 507, § 9 (as applicable to armed forces), 68 Stat. 480.

The words "as authorized by this chapter, section 103a (c) of this Title, and section 224 of Title 42", "by purchase or otherwise", "care and", and "single or multiple" are omitted as surplusage. The word "continental" is omitted as covered by the definition of "United States" in section 101 (1) of this title.

§ 1488. Removal of remains.

If a cemetery on a military reservation, including an installation cemetery, has been or is to be discontinued, the Secretary concerned may provide for the removal of remains from that cemetery to any other cemetery. With respect to any deceased member of an armed force under his jurisdiction whose last service terminated honorably by death or otherwise, the Secretary may also provide for the removal of the remains from a place of temporary interment, or from an abandoned grave or cemetery, to a national cemetery. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 115.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
1488-----	5: 2160 (as applicable to armed forces).	July 15, 1954, ch. 507, § 10 (as applicable to armed forces), 68 Stat. 480.

The words "national cemeteries, other installation cemeteries, or" are omitted as surplusage.

Chapter 77.—POSTHUMOUS COMMISSIONS AND WARRANTS

Sec.

- 1521. Posthumous commissions.
- 1522. Posthumous warrants.
- 1523. Posthumous commissions and warrants: effect on pay and allowances.

§ 1521. Posthumous commissions.

(a) The President may issue, or have issued, an appropriate commission in the name of a member of the armed forces who, after September 8, 1939—

(1) was appointed to a commissioned grade but was unable to accept the appointment because of death in line of duty;

(2) successfully completed the course at an officers' training school and was recommended for appointment to a commissioned grade by the commanding officer or officer in charge of the school

but was unable to accept the appointment because of death in line of duty; or

(3) was officially recommended for appointment or promotion to a commissioned grade and the recommendation for whose appointment or promotion was approved by the Secretary concerned but was unable to accept the promotion or appointment because of death in line of duty.

(b) A commission issued under subsection (a) shall issue as of the date of the appointment, recommendation, or approval, as the case may be, and the member's name shall be carried on the records of the military or executive department concerned as if he had served in the grade, and branch if any, in which posthumously commissioned, from the date of the appointment, recommendation, or approval to the date of his death. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 115.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
1521 (a)....	10: 491a (words before semicolon); 10: 491b (words before semicolon); 10: 491c (words before semicolon); 34: 285b, (words before semicolon); 34: 285c (words before semicolon); 34: 285d (words before semicolon).	July 28, 1942, ch. 528, §§ 1-3, 56 Stat. 722, 723; July 17, 1953, ch. 220, § 1 (a)-(c), 67 Stat. 176.
1521 (b)---	10: 491a (words after semicolon); 10: 491b (words after semicolon); 10: 491c (words after semicolon); 34: 285b (words after semicolon); 34: 285c (words after semicolon); 34: 285d (words after semicolon).	

In subsection (a), the words "a member of" are substituted for the words "any person who, while in", in 10: 491a, 491b, 491c, and 34: 285b, 285c, and 285d. The words "armed forces" are substituted for the words "military service of the United States", in 10: 491a, 491b, and 491c; and the words "naval service of the United States", in 34: 285b, 285c, and 285d (which did not appear in the source statute for the revised section, as amended by the Act of July 17, 1953, ch. 220, § 1 (b), 67 Stat. 177). The words "to such grade", in 10: 491a and 34: 285b, "receive or", in 10: 491c and 34: 285d, are omitted as surplusage.

In subsection (b), the words "if any" are substituted for words "of the service". The words "appointment and", in 10: 491b and 34: 285c, and "appointment or promotion and", in 10: 491c and 34: 285d, are omitted as surplusage.

§ 1522. Posthumous warrants.

(a) The Secretary concerned may issue, or have issued, an appropriate warrant in the name of a member of the armed forces who, after September 8, 1939, was officially recommended for appointment or promotion to a grade other than a commissioned grade but was unable to accept the appointment or promotion because of death in line of duty.

(b) A warrant issued under subsection (a) shall issue as of the date of the recommendation, and the member's name shall be carried on the records of the military or executive department concerned as if he had served in the grade to which posthumously appointed or promoted from the date of the recommendation to the date of his death. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 116.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
1522 (a)....	10: 612 (words before semicolon); 34: 285e (words before semicolon).	July 28, 1942, ch. 528, § 4, 56 Stat. 723; July 17, 1953, ch. 220, § 1 (a)—(d), 67 Stat. 176.
1522 (b)---	10: 612 (words after semicolon); 34: 285e (words after semicolon).	

In subsection (a), the words "a member of" are substituted for the words "any person who, while in", in 10: 612 and 34: 285e. The words "armed forces" are substituted for the words "the military service of the United States", in 10: 612; and "the naval service of the United States", in 34: 285e (which did not appear in the source statute for the revised section, as amended by the act of July 17, 1953, ch. 220, § 1 (b), 67 Stat. 177). The words "other than a commissioned grade" are substituted for the words "noncommissioned grade" to make it clear that the revised section covers warrant officers. The words "receive or" are omitted as surplusage.

In subsection (b), the words "appointment or promotion", "and branch of the service", "official", and "by such warrant" are omitted as surplusage.

§ 1523. Posthumous commissions and warrants: effect on pay and allowances.

No person is entitled to any bonus, gratuity, pay, or allowance because of a posthumous commission or warrant. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 116.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
1523.....	10: 491d; 34: 285f.	July 28, 1942, ch. 528, § 6, 56 Stat. 723; July 17, 1953, ch. 220, § 1 (e) (1st 7 words), 67 Stat. 177.

The word "receive" is omitted as surplusage. The words "because of a posthumous commission or warrant" are substituted for the words "by virtue of any provision of sections 491a—491d [285b—285d] and 612 [285e] of this title", in 10: 491d and 34: 285f.

Chapter 79.—CORRECTION OF MILITARY RECORDS

Sec.

1551. Correction of name after separation from service under an assumed name.
 1552. Correction of military records: claims incident thereto.

§ 1551. Correction of name after separation from service under an assumed name.

The Secretary of the military department concerned shall issue a certificate of discharge or an order of acceptance of resignation in the true name of any person who was separated from the Army, Navy, Air Force, or Marine Corps honorably or under honorable conditions after serving under an assumed name during a war with another nation or people, upon application by, or on behalf of, that person, and upon proof of his identity. However, a certificate or order may not be issued under this section if the name was assumed to conceal a crime or to avoid its consequences. (Aug. 10, 1956, ch. 1041, § 1, 70A Stat. 116.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U. S. Code)	Source (Statutes at Large)
1551.....	5: 200; 34: 597.	Apr. 14, 1890, ch. 80; restated June 25, 1910, ch. 393, 36 Stat. 824. Aug. 22, 1912, ch. 329, 37 Stat. 324.

The word "shall" is substituted for the words "is authorized and required". The word "separated" is substituted for the word "discharged", since the revised section covers acceptances of resignations as well as certificates of discharge. The words "enlisted or" and "while minors or otherwise" are omitted as surplusage. The words "the War of the Rebellion" are omitted as obsolete. The word "with" is substituted for the words "between the United States and". The words "honorably or under honorable conditions" are substituted for the word "honorably".

§ 1552. Correction of military records: claims incident thereto.

(a) The Secretary of a military department, under procedures established by him and approved by the Secretary of Defense, and acting through boards of civilians of the executive part of that military department, may correct any military record of that department when he considers it necessary to correct an error or remove an injustice. Under procedures prescribed by him, the Secretary of the Treasury may in the same manner correct any military record of the Coast Guard. Except when procured by fraud, a correction under this section is final and conclusive on all officers of the United States.

(b) No correction may be made under subsection (a) unless the claimant or his heir or legal representative files a request therefor before October 26, 1961, or within three years after he discovers the error or injustice, whichever is later. However, a board established under subsection (a) may excuse a failure to file within three years after discovery if it finds it to be in the interest of justice.

(c) The department concerned may pay, from applicable current appropriations, a claim for the loss of pay, allowances, compensation, emoluments, or other pecuniary benefits, or for the repayment of a fine or forfeiture, if, as a result of correcting a record under this section, the amount is found to be due the claimant on account of his or another's service in the Army, Navy, Air Force, Marine Corps, or Coast Guard, as the case may be. If the claimant is dead, the money shall be paid, upon demand, to his legal representative. However, if no demand for payment is made by a legal representative, the money shall be paid—

(1) to the surviving spouse, heir, or beneficiaries, in the order prescribed by the law applicable to that kind of payment;

(2) if there is no such law covering order of payment, in the order set forth in section 2771 of this title; or

(3) as otherwise prescribed by the law applicable to that kind of payment.

A claimant's acceptance of a settlement under this section fully satisfies the claim concerned. This