

(C) the periods of active service, while in his current reserve grade or in any higher reserve grade, that are not credited to him under clause (A) or (B);

(D) the periods of service, while in his current reserve grade or in any higher reserve grade, that he has performed under section 502, 503, 504, or 505 of title 32, and that are not credited to him under clause (A) or (B); and

(E) one day for each point for drill or equivalent instruction after June 30, 1955, while in his current reserve grade or in any higher reserve grade, that is credited to him under section 1332(a)(2)(B) of this title and not credited to him under clause (A) or (B).

* * * * *

(As amended June 30, 1960, Pub. L. 86-559, § 1(64), 74 Stat. 278.)

AMENDMENTS

1960—Subsec. (a)(3). Pub. L. 86-559 added cl. (B), redesignated former cl. (B)—(D) as (C)—(E), and substituted "June 30, 1955" for "July 1, 1955", "current reserve grade" for "current grade", and "higher reserve grade" for "higher grade" wherever appearing.

Chapter 853.—MISCELLANEOUS RIGHTS AND BENEFITS

§ 8683. Service credit: certain service as a nurse, woman medical specialist, or civilian employee of Army Medical Department to be counted.

In computing years of active service, there shall be credited for all purposes, except the determination of grade, rank, and right to promotion in the Regular Air Force, the following service, in addition to any other service that may be credited—

* * * * *

(4) all active full-time service, except as a student or apprentice, with the Medical Department of the Army as a civilian employee—

(A) in the dietetic or physical therapy categories, if the service was performed after April 6, 1917, and before April 1, 1943; or

(B) 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.

(As amended Aug. 25, 1959, Pub. L. 86-197, § 1(7), 73 Stat. 426.)

REFERENCES IN TEXT

The Women's Medical Specialist Corps, referred to in subd. (4)(B), was redesignated the Army Medical Specialist Corps by Pub. L. 85-155, Aug. 21, 1957, 71 Stat. 375. See section 3070 of this title. See, also, act Aug. 9, 1955, ch. 654, 69 Stat. 579.

AMENDMENTS

1959—Par. (4). Pub. L. 86-197 inserted in cl. (A) "and before April 1, 1943", and in cl. (B) inserted "and before January 1, 1949," following "Specialist Corps" and "before January 1, 1949," following "in the Air Force."

Chapter 857.—DECORATIONS AND AWARDS

Sec.

8742. Air Force cross: award.

8744. Medal of honor; Air Force cross; distinguished-service medal: limitations on award.

Sec.

8745. Medal of honor; Air Force cross; distinguished-service medal: delegation of power to award.

8747. Medal of honor; Air Force cross; distinguished-service cross; distinguished-service medal; silver star: replacement.

8748. Medal of honor; Air Force cross; distinguished-service cross; distinguished-service medal; silver star: availability of appropriations.

8750. Airman's Medal: award; limitations.

AMENDMENTS

1960—Pub. L. 86-593, § 1(7), July 6, 1960, 74 Stat. 332, substituted "Air Force cross" for "distinguished-service cross" in items 8742, 8744, and 8745, included "Air Force cross" in items 8747 and 8748, and substituted "Airman's Medal" for "Soldier's Medal" in item 8750.

§ 8742. Air Force cross: award.

The President may award an Air Force cross of appropriate design and a ribbon, together with a rosette or other device to be worn in place thereof, to a person who, while serving in any capacity with the Air Force, distinguishes himself by extraordinary heroism in connection with military operations against an armed enemy. (As amended July 6, 1960, Pub. L. 86-593, § 1(1), 74 Stat. 331.)

AMENDMENTS

1960—Pub. L. 86-593 substituted "Air Force cross" for "Distinguished-service cross" in the catchline, and substituted "an Air Force cross" for "a distinguished-service cross" in the text.

REFERENCES TO DISTINGUISHED-SERVICE CROSS AND SOLDIER'S MEDAL CONSIDERED MADE TO AIR FORCE CROSS AND AIRMAN'S MEDAL.

Section 3 of Pub. L. 86-593, provided that: "References that other laws, regulations, and orders make, with respect to the Air Force, to the distinguished-service cross and the Soldier's Medal shall be considered to be made to the Air Force cross and the Airman's Medal, respectively."

§ 8744. Medal of honor; Air Force cross; distinguished-service medal: limitations on award.

(a) No more than one medal of honor, Air Force cross, or distinguished-service medal may be awarded to a person. However, for each succeeding act that would otherwise justify the award of such a medal or cross, the President may award a suitable bar or other device to be worn as he directs.

(b) Except as provided in subsection (d), no medal of honor, Air Force cross, distinguished-service medal, or device in place thereof, may be awarded to a person unless—

(1) the award is made within three years after the date of the act justifying the award;

(2) a statement setting forth the distinguished service and recommending official recognition of it was made within two years after the distinguished service; and

(3) it appears from records of the Department of the Air Force that the person is entitled to the award.

(c) No medal of honor, Air Force cross, distinguished-service medal, or device in place thereof, may be awarded or presented to a person whose service after he distinguished himself has not been honorable.

(d) If the Secretary of the Air Force determines that—

(1) a statement setting forth the distinguished service and recommending official recognition of it

was made and supported by sufficient evidence within two years after the distinguished service; and

(2) no award was made, because the statement was lost or through inadvertence the recommendation was not acted on;

a medal of honor, Air Force cross, distinguished-service medal, or device in place thereof, as the case may be, may be awarded to the person concerned within two years after the date of that determination. (As amended July 5, 1960, Pub. L. 86-582, § 1(3), 74 Stat. 320; July 6, 1960, Pub. L. 86-593, § 1(2), 74 Stat. 331.)

AMENDMENTS

1960—Pub. L. 86-593 substituted "Air Force cross" for "distinguished-service cross" in the catchline, and substituted "Air Force cross" for "distinguished-service cross" wherever appearing in subsecs. (a)—(d).

Subsec. (b). Pub. L. 86-582, § 1(3)(A), substituted "Except as provided in subsection (d), no" for "No."

Subsec. (d). Pub. L. 86-582, § 1(3)(B), added subsec. (d).

PERSONS AWARDED DISTINGUISHED-SERVICE CROSS OR SOLDIER'S MEDAL BEFORE JULY 6, 1960

Section 2 of Pub. L. 86-593 provided that: "For the purposes of sections 8744(a) and 8750(b) of title 10, United States Code, a person who was awarded a distinguished-service cross or Soldier's Medal before the date of enactment of this Act [July 6, 1960] shall be treated as if he had not been awarded an Air Force cross or Airman's Medal, as the case may be."

§ 8745. Medal of honor, Air Force cross; distinguished-service medal: delegation of power to award.

The President may delegate his authority to award the medal of honor, Air Force cross, and distinguished-service medal, to a commanding general of a separate air force or higher unit in the field. (As amended July 6, 1960, Pub. L. 86-593, § 1(3), 74 Stat. 332.)

AMENDMENTS

1960—Pub. L. 86-593 substituted "Air Force cross" for "distinguished-service cross" in the catchline, and substituted "Air Force cross" for "distinguished-service cross" in the text.

§ 8747. Medal of honor; Air Force cross; distinguished-service cross; distinguished-service medal; silver star: replacement.

Any medal of honor, Air Force cross, distinguished-service cross, distinguished-service medal, or silver star, or any bar, ribbon, rosette, or other device issued for wear with or in place of any of them, that is lost or destroyed, or becomes unfit for use, without fault or neglect of the person to whom it was awarded, shall be replaced without charge. (As amended July 6, 1960, Pub. L. 86-593, § 1(4), 74 Stat. 332.)

AMENDMENTS

1960—Pub. L. 86-593 included "Air Force cross" in the catchline and in the text of the section.

§ 8748. Medal of honor; Air Force cross; distinguished-service cross; distinguished-service medal; silver star: availability of appropriations.

The Secretary of the Air Force may spend, from any appropriation for contingent expenses of the Department of the Air Force, amounts necessary to provide medals and devices under sections 8741, 8742, 8743, 8744, 8746, 8747, and 8752 of this title. (As amended July 6, 1960, Pub. L. 86-593, § 1(5), 74 Stat. 332.)

AMENDMENTS

1960—Pub. L. 86-593 included "Air Force cross" in the catchline.

§ 8750. Airman's Medal: award; limitations.

(a) The President may award a decoration called the "Airman's Medal", of appropriate design with accompanying ribbon, to any person who, while serving in any capacity with the Air Force, distinguishes himself by heroism not involving actual conflict with an enemy.

(b) Not more than one Airman's Medal may be awarded to a person. However, for each succeeding act that would otherwise justify the award of such a medal, the President may award a suitable bar or other device to be worn as he directs. (As amended July 6, 1960, Pub. L. 86-593, § 1(6), 74 Stat. 332.)

AMENDMENTS

1960—Pub. L. 86-593 substituted "Airman's Medal" for "Soldier's Medal" in the catchline, and substituted "Airman's Medal" for "Soldier's Medal" wherever appearing in the text.

Chapter 859.—SEPARATION FROM REGULAR AIR FORCE FOR SUBSTANDARD PERFORMANCE OF DUTY

Sec.

8781. Selection boards: composition; duties.

8782. Boards of inquiry: composition; duties.

8783. Boards of review: composition; duties.

8784. Removal of officer: action by Secretary of the Air Force upon recommendation.

8785. Rights and procedures.

8786. Officer considered for removal: voluntary retirement or honorable discharge; severance benefits.

8787. Officers eligible to serve on boards.

AMENDMENTS

1960—Pub. L. 86-616, § 7(a), July 12, 1960, 74 Stat. 391, substituted "substandard performance of duty" for "failure to meet standards" in the heading of the chapter, and added item 8787.

§ 8781. Selection boards: composition; duties.

The Secretary of the Air Force may at any time convene a board of officers to review the record of any commissioned officer on the active list of the Regular Air Force to determine whether he shall be required, because his performance of duty has fallen below standards prescribed by the Secretary, to show cause for his retention on the active list. (As amended July 12, 1960, Pub. L. 86-616, § 7(a), 74 Stat. 391.)

AMENDMENTS

1960—Pub. L. 86-616 substituted provisions authorizing the Secretary to convene a board at any time for provisions which required the Secretary to convene a board annually, and substituted "because his performance of duty has fallen below standards prescribed by the Secretary" for "because of failure to achieve the standards of performance to be prescribed by the Secretary by regulation."

SAVINGS PROVISION

Section 7(c) of Pub. L. 86-616 provided that: "The amendments made by this section [to this chapter] do not apply to any proceedings begun under chapter 859 of title 10, United States Code [this chapter], before the enactment of this section [July 12, 1960]."

§ 8782. Boards of inquiry: composition; duties.

(a) Boards of inquiry, each composed of three or more officers, shall be convened, at such places as