

charge from his reserve appointment, after July 1, 1960, of each officer in a reserve grade below lieutenant colonel with 25 years service assigned to the Army Nurse Corps, Army Medical Specialist Corps, or the Women's Army Corps who had not been recommended for promotion to the reserve grade of lieutenant colonel or who has not remained on active duty since such a recommendation.

§ 3848. Twenty-eight years; reserve first lieutenants, captains, majors, and lieutenant colonels.

(a) After July 1, 1960, each officer in the reserve grade of first lieutenant, captain, major, or lieutenant colonel who is not a member of the Retired Reserve shall, 30 days after he completes 28 years of service computed under section 3853 of this title—

(1) be transferred to the Retired Reserve, if he is qualified and applies therefor; or

(2) if he is not qualified or does not apply therefor, be discharged from his reserve appointment.

(As amended Pub. L. 90-130, § 1(12) (B), Nov. 8, 1967, 81 Stat. 376.)

AMENDMENTS

1967—Subsec. (a). Pub. L. 90-130 struck out reference to section 3847 of this title and eliminated provisions limiting the applicability of the section, in the case of officers assigned to the Army Nurse Corps, Army Medical Specialist Corps, or Women's Army Corps, to officers in the reserve grade of major who have been recommended for promotion to the reserve grade of lieutenant colonel, who are not a member of the Retired Reserve, and who have remained in an active duty status since that recommendation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 123 of this title.

§§ 3850—3855.

SECTIONS REFERRED TO IN OTHER SECTIONS

These sections are referred to in section 123 of this title.

Chapter 365.—RETIREMENT FOR AGE

§ 3883. Age 60; regular commissioned officers below major general.

Unless retired or separated at an earlier date, each commissioned officer whose regular grade is below major general, other than a professor or the registrar of the United States Military Academy, shall be retired when he becomes 60 years of age, except as provided by section 8301 of title 5. (As amended Nov. 2, 1966, Pub. L. 89-718, § 3, 80 Stat. 1115.)

AMENDMENTS

1966—Pub. L. 89-718 substituted "8301" for "47a".

§ 3884. Age 60; regular major generals whose retirement has been deferred.

Unless retired or separated at an earlier date, each commissioned officer whose regular grade is major general, and whose retirement under section 3923 of this title has been deferred under clause (1) of that section, shall be retired when he becomes 60 years of age, except as provided by section 8301 of title 5. (As amended Nov. 2, 1966, Pub. L. 89-718, § 3, 80 Stat. 1115.)

AMENDMENTS

1966—Pub. L. 89-718 substituted "8301" for "47a".

§ 3885. Age 62; regular major generals.

Unless retired or separated at an earlier date or unless retained under section 3923(2) of this title,

each commissioned officer whose regular grade is major general shall be retired when he becomes 62 years of age, except as provided by section 8301 of title 5. (As amended Nov. 2, 1966, Pub. L. 89-718, § 3, 80 Stat. 1115.)

AMENDMENTS

1966—Pub. L. 89-718 substituted "8301" for "47a".

§ 3886. Age 61; regular major generals whose retirement has been deferred; permanent professors of United States Military Academy.

Unless retired or separated at an earlier date, each commissioned officer whose regular grade is major general, and whose retirement under section 3923 of this title has been deferred under clause (2) of that section, and each permanent professor and the registrar of the United States Military Academy, shall be retired when he becomes 64 years of age, except as provided by section 8301 of title 5. (As amended Nov. 2, 1966, Pub. L. 89-718, § 3, 80 Stat. 1115.)

AMENDMENTS

1966—Pub. L. 89-718 substituted "8301" for "47a".

Chapter 367.—RETIREMENT FOR LENGTH OF SERVICE

Sec.

3911. Twenty years or more: regular or reserve commissioned officers.

3913. Twenty years or more: deferred officers not recommended for promotion.

3914. Twenty to thirty years: regular enlisted members.

3916. Twenty-eight years: promotion-list lieutenant colonels.

3917. Thirty years or more: regular enlisted members.

3918. Thirty years or more: regular commissioned officers.

3919. Thirty years or more: regular commissioned officers; excessive number.

3920. More than thirty years: permanent professors of United States Military Academy.

3921. Thirty years or five years in grade: promotion-list colonels.

3922. Thirty years or five years in grade: regular brigadier generals.

3923. Thirty-five year or five years in grade: regular major generals.

3924. Forty years or more: Army officers.

3925. Computation of years of service: voluntary retirement; regular enlisted members.

3926. Computation of years of service: voluntary retirement; regular and reserve commissioned officers.

3927. Computation of years of service: mandatory retirement; regular commissioned officers.

3929. Computation of retired pay: law applicable.

AMENDMENTS

1967—Pub. L. 90-130, § 1(13), Nov. 8, 1967, 81 Stat. 376, eliminated item 3915 which read: "Twenty-five years: regular majors; Women's Army Corps, Army Nurse Corps and Army Medical Specialist Corps."

§ 3913. Twenty years or more: deferred officers not recommended for promotion.

(a) A deferred officer who is not recommended for promotion under section 3303(c) of this title, or an officer who is found disqualified for promotion under section 3302(f) of this title, shall, if he has at least 20 years of service computed under section 3927(a) of this title, be retired, except as provided by section 8301 of title 5, on such date as may be requested by him and approved under regulations to be prescribed by the Secretary of the Army, but not later than the first day of the seventh calendar month

after the Secretary approves the report of the last board that did not recommend him for promotion to the grade concerned.

(As amended Nov. 2, 1966, Pub. L. 89-718, § 3, 80 Stat. 1115.)

AMENDMENTS

1966—Subsec. (a). Pub. L. 89-718 substituted "8301" for "47".

§ 3915. Repealed. Pub. L. 90-130, § 1(13), Nov. 8, 1967, 81 Stat. 376.

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 235; Aug. 21, 1967, Pub. L. 85-155, title I, § 101(19), 71 Stat. 379; Sept. 30, 1966, Pub. L. 89-609, § 1(5), 80 Stat. 852; Nov. 2, 1966, Pub. L. 89-718, § 3, 80 Stat. 1115, provided for the retirement after 25 years' service of regular majors in the Women's Army Corps, Army Nurse Corps, and Army Medical Specialist Corps.

AUTHORITY TO SUSPEND MANDATORY RETIREMENT, DISCHARGE, SEPERATION, OR TRANSFER FROM ACTIVE STATUS

Section 4(a) of Pub. L. 90-130 provided that: "For five years following the effective date of this Act [Nov. 8, 1967], the Secretary of the Army may suspend the operation of any provision of law pertaining to the mandatory retirement, discharge, separation, or transfer from an active status on an officer of the Army Nurse Corps, Army Medical Specialist Corps, or Women's Army Corps."

§ 3916. Twenty-eight years: promotion-list lieutenant colonels.

(a) Unless retired or separated at an earlier date, each promotion-list officer in the regular grade of lieutenant colonel shall be retired, except as provided by section 8301 of title 5, on the thirtieth day after he completes 28 years of service computed under section 3927(a) of this title. However, if his name is carried on the list of officers recommended for appointment to the regular grade of colonel, he shall be retained on the active list while his name is so carried.

(As amended Nov. 2, 1966, Pub. L. 89-718, § 3, 80 Stat. 1115.)

AMENDMENTS

1966—Subsec. (a). Pub. L. 89-718 substituted "8301" for "47a".

§ 3921. Thirty years or five years in grade; promotion-list colonels.

(a) Unless retired or separated at an earlier date, each promotion-list officer in the regular grade of colonel shall be retired, except as provided by section 8301 of title 5, on the fifth anniversary of the date of his appointment in that regular grade, or on the thirtieth day after he completes 30 years of service computed under section 3927(a) of this title, whichever is later. However, if his name is carried on the list of officers recommended for appointment to the regular grade of brigadier general, he shall be retained on the active list while his name is so carried.

(As amended Nov. 2, 1966, Pub. L. 89-718, § 3, 80 Stat. 1115.)

AMENDMENTS

1966—Subsec. (a). Pub. L. 89-718 substituted "8301" for "47a".

§ 3922. Thirty years or five years in grade: regular brigadier generals.

(a) Unless retired or separated at an earlier date, each officer in the regular grade of brigadier general, other than a professor of the United States Military Academy, shall be retired, except as provided by section 8301 of title 5, on the fifth anniversary of the date of his appointment in that regular grade, or on the thirtieth day after he completes 30 years of service computed under section 3927 (a) of this title, whichever is later. However, if his name is carried on the list of officers recommended for appointment to the regular grade of major general, he shall be retained on the active list while his name is so carried.

(As amended Nov. 2, 1966, Pub. L. 89-718, § 3, 80 Stat. 1115.)

AMENDMENTS

1966—Subsec. (a). Pub. L. 89-718 substituted "8301" for "47a".

§ 3923. Thirty-five years or five years in grade: regular major generals.

Unless retired or separated at an earlier date, each officer in the regular grade of major general shall be retired, except as provided by section 8301 of title 5, on the fifth anniversary of the date of his appointment in that regular grade, or on the thirtieth day after he completes 35 years of service computed under section 3927(a) of this title, whichever is later. However, the Secretary of the Army may defer the retirement under this section of—

(As amended Nov. 2, 1966, Pub. L. 89-718, § 3, 80 Stat. 1115.)

AMENDMENTS

1966—Pub. L. 89-718 substituted "8301" for "47a".

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3884, 3885, 3886 of this title.

§ 3927. Computation of years of service: mandatory retirement; regular commissioned officers.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3913, 3915, 3916, 3921, 3922, 3923 of this title.

Chapter 369.—RETIRED GRADE

§ 3962. Higher grade for service in special positions: regular commissioned officers.

(a) Upon retirement, a commissioned officer of the Regular Army who has served (1) as Chief of Staff to the President, (2) as Chief of Staff of the Army, (3) as a senior member of the Military Staff Committee of the United Nations, (4) in a position of importance and responsibility designated by the President to carry the grade of general or lieutenant general under section 3066 of this title, or (5) as Surgeon General of the Army in the grade of lieutenant general may, in the discretion of the President, be retired, by and with the advice and consent of the Senate, in the highest grade held by him at any time on the active list.

(As amended Oct. 22, 1965, Pub. L. 89-288, § 2, 79 Stat. 1050.)