

to replace a military decoration, the Secretary concerned shall replace, on a one-time basis and without charge, a military decoration upon the request of the recipient of the military decoration or the immediate next of kin of a deceased recipient.

(b) **MILITARY DECORATION DEFINED.**—In this section, the term “decoration” means any decoration or award (other than the medal of honor) that may be presented or awarded by the President or the Secretary concerned to a member of the armed forces.

(Added Pub. L. 110-417, [div. A], title V, § 571(a), Oct. 14, 2008, 122 Stat. 4471.)

#### **CHAPTER 58—BENEFITS AND SERVICES FOR MEMBERS BEING SEPARATED OR RECENTLY SEPARATED**

Sec.	
1141.	Involuntary separation defined.
1142.	Preseparation counseling; transmittal of medical records to Department of Veterans Affairs.
1143.	Employment assistance.
1143a.	Encouragement of postseparation public and community service.
1144.	Employment assistance, job training assistance, and other transitional services: Department of Labor.
1145.	Health benefits.
1146.	Commissary and exchange benefits.
1147.	Use of military family housing.
1148.	Relocation assistance for personnel overseas.
1149.	Excess leave and permissive temporary duty.
1150.	Affiliation with Guard and Reserve units: waiver of certain limitations.
1151.	Retention of assistive technology and services provided before separation.
1152.	Assistance to eligible members and former members to obtain employment with law enforcement agencies.
1153.	Assistance to separated members to obtain employment with health care providers.

#### **AMENDMENTS**

2006—Pub. L. 109-364, div. A, title V, § 561(b), Oct. 17, 2006, 120 Stat. 2220, added item 1151.

1999—Pub. L. 106-65, div. A, title XVII, § 1707(a)(2), Oct. 5, 1999, 113 Stat. 823, struck out item 1151 “Assistance to separated members to obtain certification and employment as teachers or employment as teachers’ aides”.

1994—Pub. L. 103-337, div. A, title V, § 542(a)(10), title XI, § 1132(a)(2), Oct. 5, 1994, 108 Stat. 2768, 2873, struck out “: Department of Defense” after “assistance” in item 1143 and after “service” in item 1143a and substituted “eligible members and former members” for “separated members” in item 1152.

1993—Pub. L. 103-160, div. A, title XIII, § 1332(e), Nov. 30, 1993, 107 Stat. 1797, added items 1152 and 1153.

1992—Pub. L. 102-484, div. D, title XLIV, §§ 4441(a)(2), 4462(a)(2), Oct. 23, 1992, 106 Stat. 2730, 2740, added items 1143a and 1151.

#### **§ 1141. Involuntary separation defined**

A member of the armed forces shall be considered to be involuntarily separated for purposes of this chapter if the member was on active duty or full-time National Guard duty on September 30, 1990, or after November 29, 1993, or, with respect to a member of the Coast Guard, if the member was on active duty in the Coast Guard after September 30, 1994, and—

(1) in the case of a regular officer (other than a retired officer), the officer is involun-

tarily discharged under other than adverse conditions, as characterized by the Secretary concerned;

(2) in the case of a reserve officer who is on the active-duty list or, if not on the active-duty list, is on full-time active duty (or in the case of a member of the National Guard, full-time National Guard duty) for the purpose of organizing, administering, recruiting, instructing, or training the reserve components, the officer is involuntarily discharged or released from active duty or full-time National Guard (other than a release from active duty or full-time National Guard duty incident to a transfer to retired status) under other than adverse conditions, as characterized by the Secretary concerned;

(3) in the case of a regular enlisted member serving on active duty, the member is (A) denied reenlistment, or (B) involuntarily discharged under other than adverse conditions, as characterized by the Secretary concerned; and

(4) in the case of a reserve enlisted member who is on full-time active duty (or in the case of a member of the National Guard, full-time National Guard duty) for the purpose of organizing, administering, recruiting, instructing, or training the reserve components, the member (A) is denied reenlistment, or (B) is involuntarily discharged or released from active duty (or full-time National Guard) under other than adverse conditions, as characterized by the Secretary concerned.

(Added Pub. L. 101-510, div. A, title V, § 502(a)(1), Nov. 5, 1990, 104 Stat. 1551; amended Pub. L. 103-160, div. A, title V, § 503, Nov. 30, 1993, 107 Stat. 1644; Pub. L. 103-337, div. A, title V, § 542(a)(1), Oct. 5, 1994, 108 Stat. 2767.)

#### **AMENDMENTS**

1994—Pub. L. 103-337, in introductory provisions, substituted “armed forces” for “Army, Navy, Air Force, or Marine Corps” and “or after November 29, 1993, or, with respect to a member of the Coast Guard, if the member was on active duty in the Coast Guard after September 30, 1994,” for “or on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994”.

1993—Pub. L. 103-160 inserted “or on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 1994” after “September 30, 1990,”.

#### **EFFECTIVE DATE OF 1994 AMENDMENT**

Section 542(e) of Pub. L. 103-337 provided that: “This section [amending this section and sections 1143, 1143a, 1145 to 1150, 1174a, and 1175 of this title and enacting provisions set out as a note under section 1293 of this title] and the amendments made by this section shall apply only to members of the Coast Guard who are separated after September 30, 1994.”

#### **TRANSFER OF FUNCTIONS**

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.