(Added Pub. L. 111–383, div. A, title V, §534(a)(1), Jan. 7, 2011, 124 Stat. 4216; amended Pub. L. 112–81, div. A, title V, §527(a)–(c)(1), Dec. 31, 2011, 125 Stat. 1401, 1402.)

2011—Pub. L. 112–81, §527(c)(1), substituted ''Members determined fit for duty in Physical Evaluation Board: prohibition on involuntary administrative separation or denial of reenlistment due to unsuitability based on medical conditions considered in evaluation'' for ''Members determined fit for duty in Physical Evaluation Board evaluation: prohibition on involuntary administrative separation due to unsuitability based on medical conditions considered in evaluation'' in section catchline.

Subsec. (a). Pub. L. 112–81, §527(a), inserted '', or deny reenlistment of the member,'' after ''a member described in subsection (b)''.

Subsec. (c)(3). Pub. L. 112–81, §527(b), inserted ''or denial of reenlistment'' after ''to warrant administrative separation''.

<center>EFFECTIVE DATE</center>

Pub. L. 111–383, div. A, title V, §534(b), Jan. 7, 2011, 124 Stat. 4217, provided that: ''The amendments made by subsection (a) [enacting this section] shall take effect on the date of the enactment of this Act [Jan. 7, 2011], and shall apply with respect to members evaluated for fitness for duty by Physical Evaluation Boards on or after that date.''

§ 1215. Members other than Regulars: applicability of laws

The laws and regulations that entitle any retired member of a regular component of the armed forces to pay, rights, benefits, or privileges extend the same pay, rights, benefits, or privileges to any other member of the armed forces who is not a member of a regular component and who is retired, or to whom retired pay is granted, because of physical disability.

(Aug. 10, 1956, ch. 1041, 70A Stat. 100.)

<center>HISTORICAL AND REVISION NOTES</center>

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1215	37:272(i).	Oct. 12, 1949, ch. 681, §402(i), 63 Stat. 820.

The words ''is retired, or to whom retired pay is granted'' are substituted for the words ''heretofore or hereafter retired or granted retirement pay''. The words ''any other member of the armed forces'' are substituted for the words ''all members of the reserve components'', since the words ''reserve components'' are defined by section 102(k) of the Career Compensation Act of 1949, 63 Stat. 805 (37 U.S.C. 231(k)), to include members appointed, enlisted, or inducted without component.

§ 1216. Secretaries: powers, functions, and duties

(a) The Secretary concerned shall prescribe regulations to carry out this chapter within his department.

(b) Except as provided in subsection (d), the Secretary concerned has all powers, functions, and duties incident to the determination under this chapter of—

(1) the fitness for active duty of any member of an armed force under his jurisdiction;

(2) the percentage of disability of any such member at the time of his separation from active duty;

(3) the suitability of any member for reappointment, reenlistment, or reentry upon active duty in an armed force under his jurisdiction; and

(4) the entitlement to, and payment of, disability severance pay to any member of an armed force under his jurisdiction.

(c) The Secretary concerned or the Secretary of Veterans Affairs, as prescribed by the President, has the powers, functions, and duties under this chapter incident to hospitalization, reexaminations, and the payment of disability retired pay within his department or agency.

(d) The Secretary concerned may not, with respect to any member who is a general officer or flag officer or is a medical officer being processed for retirement under any provisions of this title by reason of age or length of service—

(1) retire such member under section 1201 of this title;

(2) place such member on the temporary disability retired list pursuant to section 1202 of this title; or

(3) separate such member from an armed force pursuant to section 1203 of this title

by reason of unfitness to perform the duties of his office, grade, rank, or rating unless the determination of the Secretary concerned with respect to unfitness is first approved by the Secretary of Defense on the recommendation of the Assistant Secretary of Defense for Health Affairs.

(Aug. 10, 1956, ch. 1041, 70A Stat. 100; Pub. L. 94–225, §2(a), Mar. 4, 1976, 90 Stat. 202; Pub. L. 96–513, title V, §511(45), Dec. 12, 1980, 94 Stat. 2924; Pub. L. 98–525, title XIV, §1405(25), Oct. 19, 1984, 98 Stat. 2623; Pub. L. 99–661, div. A, title XIII, §1343(a)(7), Nov. 14, 1986, 100 Stat. 3992; Pub. L. 101–189, div. A, title XVI, §1621(a)(2), Nov. 29, 1989, 103 Stat. 1603; Pub. L. 104–106, div. A, title IX, §903(f)(2), Feb. 10, 1996, 110 Stat. 402; Pub. L. 104–201, div. A, title IX, §901, Sept. 23, 1996, 110 Stat. 2617.)

<center>HISTORICAL AND REVISION NOTES</center>

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1216(a)	37:283 (1st 17 words).	Oct. 12, 1949, ch. 681, §§413 (1st 17 words), 414, 63 Stat. 824, 825.
1216(b)	37:284(a).	
1216(c)	37:284 (less (a)).	

In subsection (b), the words ''of any member for reappointment, reenlistment'' are inserted for clarity, since they are implied in the words ''reentry into active service''.

In subsections (b) and (c), the words ''under this chapter'' are inserted for clarity.

In subsection (c), the words ''as prescribed by the President'' are substituted for the words ''under regulations promulgated by the President''.

<center>AMENDMENTS</center>

1996—Subsec. (d). Pub. L. 104–106, §903(a), (f)(2), which directed amendment of subsec. (d), eff. Jan. 31, 1997, by substituting ''official in the Department of Defense with principal responsibility for health affairs'' for ''Assistant Secretary of Defense for Health Affairs'', was repealed by Pub. L. 104–201.

1989—Subsec. (c). Pub. L. 101–189 substituted ''Secretary of Veterans Affairs'' for ''Administrator of Veterans' Affairs''.

1986—Subsec. (d). Pub. L. 99–661 substituted ''who is a general officer or flag officer or is a medical officer'' for ''who is in pay grade O–7 or higher or is a Medical Corps officer or medical officer of the Air Force'' in provisions preceding par. (1).