

**CHAPTER 61—RETIREMENT OR SEPARATION
FOR PHYSICAL DISABILITY**

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AMENDMENTS

2011—Pub. L. 112-81, div. A, title V, § 527(c)(2), Dec. 31, 2011, 125 Stat. 1402, 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 item 1214a.

Pub. L. 111-383, div. A, title V, § 534(a)(2), Jan. 7, 2011, 124 Stat. 4217, added item 1214a.

2009—Pub. L. 111-84, div. A, title VI, § 641(b), Oct. 28, 2009, 123 Stat. 2365, added item 1218a.

2008—Pub. L. 110-181, div. A, title XVI, § 1642(b), Jan. 28, 2008, 122 Stat. 465, added item 1216a.

2006—Pub. L. 109-364, div. A, title V, § 597(a)(2), Oct. 17, 2006, 120 Stat. 2237, added item 1222.

2004—Pub. L. 108-375, div. A, title V, §§ 521(b), 555(b)(2), Oct. 28, 2004, 118 Stat. 1888, 1914, added item 1206a and substituted “Academy cadets and midshipmen: applicability of chapter” for “Cadets, midshipmen, and aviation cadets: chapter does not apply to” in item 1217.

1999—Pub. L. 106-65, div. A, title VI, § 653(a)(2), Oct. 5, 1999, 113 Stat. 666, added item 1207a.

1997—Pub. L. 105-85, div. A, title V, § 513(d)(3), Nov. 18, 1997, 111 Stat. 1731, inserted “or on inactive-duty training” after “Members on active duty for 30 days or less” in items 1204 and 1206.

1986—Pub. L. 99-661, div. A, title VI, § 604(d)(4), Nov. 14, 1986, 100 Stat. 3876, struck out “; disability from injury” after “30 days or less” in items 1204, 1205, 1206.

1962—Pub. L. 87-651, title I, § 107(e), Sept. 7, 1962, 76 Stat. 509, substituted “Discharge or release from active duty: claims for compensation, pension, or hospitalization” for “Explanation of rights before discharge” in item 1218, and “Statement of origin of disease or injury: limitations” for “Statement against interest void” in item 1219, and struck out item 1220 “Location of accredited representatives at military installations”.

1958—Pub. L. 85-861, § 1(28)(C), Sept. 2, 1958, 72 Stat. 1451, added item 1221.

1957—Pub. L. 85-56, title XXII, § 2201(31)(B), June 17, 1957, 71 Stat. 161, eff. Jan. 1, 1958, added items 1218 to 1220.

§ 1201. Regulars and members on active duty for more than 30 days: retirement

(a) RETIREMENT.—Upon a determination by the Secretary concerned that a member described in subsection (c) is unfit to perform the duties of the member’s office, grade, rank, or rating because of physical disability incurred while entitled to basic pay or while absent as described in subsection (c)(3), the Secretary may retire the member, with retired pay computed under section 1401 of this title, if the Secretary also makes the determinations with respect to the member and that disability specified in subsection (b).

(b) REQUIRED DETERMINATIONS OF DISABILITY.—Determinations referred to in subsection (a) are determinations by the Secretary that—

(1) based upon accepted medical principles, the disability is of a permanent nature and stable;

(2) the disability is not the result of the member’s intentional misconduct or willful neglect, and was not incurred during a period of unauthorized absence; and

(3) either—

(A) the member has at least 20 years of service computed under section 1208 of this title; or

(B) the disability is at least 30 percent under the standard schedule of rating disabilities in use by the Department of Veterans Affairs at the time of the determination; and either—

(i) the disability was not noted at the time of the member’s entrance on active duty (unless clear and unmistakable evidence demonstrates that the disability existed before the member’s entrance on active duty and was not aggravated by active military service);

(ii) the disability is the proximate result of performing active duty;

(iii) the disability was incurred in line of duty in time of war or national emergency; or