

may count active service in any armed force toward that transfer, and he determines his eligibility for retirement by adding to the service credited to him at the time of transfer any previous inactive service in the armed forces and his time in the Fleet Reserve. As to the latter member the words "active service" in clause (2) are superfluous, since such service would have been credited to him upon his transfer to the Fleet Reserve, but they are needed in the case of a member transferred under 34 U.S.C. 854b.

In subsection (c) references to the "allowances to which enlisted men of the Navy are entitled on retirement after thirty years' service", in the second and fourth provisos of 34 U.S.C. 854e, are omitted because of the repeal, by § 19 of the Pay Readjustment Act of 1942, 56 Stat. 369, of the laws authorizing such allowances.

AMENDMENTS

2006—Subsec. (a)(2). Pub. L. 109-163 substituted "Navy Reserve" for "Naval Reserve".

1958—Subsec. (a). Pub. L. 85-583, §1(4), provided for the transfer to the appropriate Retired Reserve of those members of the Fleet Reserve or the Fleet Marine Corps Reserve who had transferred thereto from the Naval Reserve or the Marine Corps Reserve.

Subsec. (b). Pub. L. 85-583, §1(5), struck out "of clause (2)".

Subsec. (c). Pub. L. 85-583, §1(6), inserted "or the Retired Reserve" after "retired list" wherever appearing.

§ 6332. Conclusiveness of transfers

When a member of the naval service is transferred by the Secretary of the Navy—

- (1) to the Fleet Reserve;
- (2) to the Fleet Marine Corps Reserve;
- (3) from the Fleet Reserve to the retired list of the Regular Navy or the Retired Reserve; or
- (4) from the Fleet Marine Corps Reserve to the retired list of the Regular Marine Corps or the Retired Reserve;

the transfer is conclusive for all purposes. Each member so transferred is entitled, when not on active duty, to retainer pay or retired pay from the date of transfer in accordance with his grade and number of years of creditable service as determined by the Secretary. The Secretary may correct any error or omission in his determination as to a member's grade and years of creditable service. When such a correction is made, the member is entitled, when not on active duty, to retainer pay or retired pay in accordance with his grade and number of years of creditable service, as corrected, from the date of transfer.

(Aug. 10, 1956, ch. 1041, 70A Stat. 397; Pub. L. 85-583, §1(7), Aug. 1, 1958, 72 Stat. 480; Pub. L. 85-861, §33(a)(33), Sept. 2, 1958, 72 Stat. 1566.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6332	34 U.S.C. 854a (provisos).	June 25, 1938, ch. 690, §202 (provisos), 52 Stat. 1178.
	34 U.S.C. 854 (note).	July 9, 1952, ch. 608, §803 (3d sentence), 66 Stat. 505.

The words "when not on active duty, to retainer pay or retired pay" are substituted for the words "pay and allowances". The pay and allowances of a member on active duty are covered by the Career Compensation Act of 1949 (37 U.S.C. 231 et seq.). When not on active duty a member of the Fleet Reserve receives retainer pay and a retired member receives retired pay without

allowances, the provision for allowances for retired members having been repealed as pointed out in the note on the preceding section. In the last sentence the words "from the date of transfer" are added to make it clear that a correction is retroactive to that date. The Court of Claims has so held (*Dugan v. United States* (1943), 100 Ct. Cl. 7).

AMENDMENTS

1958—Pub. L. 85-861 substituted "to retainer pay or retired pay in accordance" for "to retain pay or retired pay in accordance".

Pub. L. 85-583 inserted "or the Retired Reserve" after "Navy" in cl. (3) and after "Marine Corps" in cl. (4).

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85-861, set out as a note under section 101 of this title.

§ 6333. Computation of retired and retainer pay

(a) The monthly retired pay or retainer pay of a member entitled to such pay under this chapter or under section 6970 or 6383 of this title is computed in accordance with the following table.

Formula	For sections	Column 1 Take	Column 2 Multiply by
A	6325(a) 6326	Retired pay base computed under section 1406(d) or 1407.	Retired pay multiplier prescribed under section 1409 for the years of service that may be credited to the member under section 1405.
B	6323 6325(b) 6970 6383	Retired pay base computed under section 1406(d) or 1407.	Retired pay multiplier prescribed under section 1409 for the years of service that may be credited to him under section 1405.
C	6330	Retainer pay base computed under section 1406(d) or 1407.	Retainer pay multiplier prescribed under section 1409 for the years of service that may be credited to him under section 1405.

(b)(1) Retired pay or retainer pay computed under this section, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.

(2) References in the table in subsection (a) are to sections of this title.

(c) In the case of a Reserve enlisted member whose grade upon transfer to the Fleet Reserve or Fleet Marine Corps Reserve is determined under section 6336 of this title and who first became a member of a uniformed service before September 8, 1980, the retainer pay base of the member (notwithstanding section 1406(a)(1) of this title) is the amount of the monthly basic pay of the grade in which the member is so transferred (determined based upon the rates of basic pay applicable on the date of the member's transfer), and that amount shall be used for the purposes of the table in subsection (a) rather than the amount computed under section 1406(d) of this title.

(Added Pub. L. 98-94, title IX, §922(a)(10)(A), Sept. 24, 1983, 97 Stat. 641; amended Pub. L.

99-348, title II, §203(a), July 1, 1986, 100 Stat. 695; Pub. L. 103-337, div. A, title VI, §635(b), Oct. 5, 1994, 108 Stat. 2789; Pub. L. 104-106, div. A, title XV, §1503(b)(3), Feb. 10, 1996, 110 Stat. 512; Pub. L. 104-201, div. A, title V, §532(d)(2), Sept. 23, 1996, 110 Stat. 2520; Pub. L. 109-163, div. A, title V, §509(d)(2), Jan. 6, 2006, 119 Stat. 3231; Pub. L. 110-181, div. A, title VI, §646(a), Jan. 28, 2008, 122 Stat. 160.)

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-181 substituted “Retired pay multiplier prescribed under section 1409 for the years of service that may be credited to the member under section 1405.” for “75 percent.” in Formula A under Column 2 in table.

2006—Subsec. (a). Pub. L. 109-163 inserted “6970 or” after “section” in text and “6970” below “6325(b)” in Formula B under “For sections” column in table.

1996—Subsec. (a). Pub. L. 104-106 struck out first period after “section 1405” in Formula C under Column 2 in table.

Subsec. (c). Pub. L. 104-201 added subsec. (c).

1994—Subsec. (a). Pub. L. 103-337 substituted “the years of service that may be credited to him under section 1405.” for “his years of active service in the armed forces” in Formula C under Column 2 in table.

1986—Pub. L. 99-348 amended section generally, designating existing provision as subsec. (b)(1), substituting “under this section” for “under this chapter”, and adding subssecs. (a) and (b)(2).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-181 effective as of Jan. 1, 2007, and applicable with respect to retired pay and retainer pay payable on or after that date, see section 646(c) of Pub. L. 110-181, set out as a note under section 1402 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 applicable to computation of retired pay of any enlisted member who retires on or after Oct. 5, 1994, to computation of retainer pay of any enlisted member who is transferred to Fleet Reserve or Fleet Marine Corps Reserve on or after Oct. 5, 1994, and to recomputation of retired pay of any enlisted member who is advanced on retired list on or after Oct. 5, 1994, see section 635(e) of Pub. L. 103-337, set out as a note under section 1405 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1983, see section 922(e) of Pub. L. 98-94, set out as an Effective Date of 1983 Amendment note under section 1401 of this title.

§ 6334. Higher grade after 30 years of service: warrant officers and enlisted members

(a) Each member of the naval service covered by subsection (b) who, after December 4, 1987, is retired with less than 30 years of active service or is transferred to the Fleet Reserve or Fleet Marine Corps Reserve is entitled, when his active service plus his service on the retired list or his service in the Fleet Reserve or the Fleet Marine Corps Reserve totals 30 years, to be advanced on the retired list to the highest grade in which he served on active duty satisfactorily, as determined by the Secretary of the Navy.

(b) This section applies to—

- (1) warrant officers of the naval service;
- (2) enlisted members of the Regular Navy and Regular Marine Corps; and
- (3) reserve enlisted members of the Navy and Marine Corps who, at the time of retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve, are serving on active duty.

(c) An enlisted member of the naval service who is advanced on the retired list under this section is entitled to recompute his retired or retainer pay under formula A of the following table, and a warrant officer of the naval service so advanced is entitled to recompute his retired pay under formula B of that table. The amount recomputed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.

Formula	Column 1 Take	Column 2 Multiply by
A	Retired pay base as computed under section 1406(d) or 1407 of this title.	The retired pay multiplier prescribed in section 1409 of this title for the number of years creditable for his retainer or retired pay at the time of retirement. ¹
B	Retired pay base as computed under section 1406(d) of this title.	The retired pay multiplier prescribed in section 1409 of this title for the number of years credited to him under section 1405 of this title.

¹In determining the retired pay multiplier, credit each full month of service that is in addition to the number of full years of service creditable to the member as $\frac{1}{12}$ of a year and disregard any remaining fractional part of a month.

(Added Pub. L. 100-180, div. A, title V, §512(b), Dec. 4, 1987, 101 Stat. 1089; amended Pub. L. 101-189, div. A, title XVI, §1622(g), Nov. 29, 1989, 103 Stat. 1605.)

AMENDMENTS

1989—Subsec. (a). Pub. L. 101-189 substituted “December 4, 1987” for “the date of the enactment of this section”.

§ 6335. Restoration to former grade: warrant officers and enlisted members

Each retired warrant officer or enlisted member of the naval service who has been advanced on the retired list to a higher commissioned grade under section 6334 of this title, and who applies to the Secretary of the Navy within three months after his advancement, shall, if the Secretary approves, be restored on the retired list to his former warrant officer or enlisted status, as the case may be.

(Added Pub. L. 100-180, div. A, title V, §512(b), Dec. 4, 1987, 101 Stat. 1090.)

§ 6336. Highest grade held satisfactorily: Reserve enlisted members reduced in grade not as a result of the member's misconduct

(a) A member of the Navy Reserve or Marine Corps Reserve described in subsection (b) who is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve under section 6330 of this title shall be transferred in the highest enlisted grade in which the member served on active duty satisfactorily, as determined by the Secretary of the Navy.

(b) This section applies to a Reserve enlisted member who—

- (1) at the time of transfer to the Fleet Reserve or Fleet Marine Corps Reserve is serving on active duty in a grade lower than the highest enlisted grade held by the member while on active duty; and
- (2) was previously administratively reduced in grade not as a result of the member's own