

section 8926(a) of this title shall be retired upon his request.

(Aug. 10, 1956, ch. 1041, 70A Stat. 552; Pub. L. 96-513, title V, §504(18), Dec. 12, 1980, 94 Stat. 2917.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8924(a)	10:942 (as applicable to commissioned officers).	June 30, 1882, ch. 254 (last 21 words of 3d proviso under "Pay Department"), 22 Stat. 118.
8924(b)	10:942 (less applicability to commissioned officers).	

In subsection (a), the words "Except as provided in section 8786 of this title" are inserted, since, under that revised section, when board proceedings are pending against a commissioned officer, his right to retire under this revised section, which is otherwise absolute, is discretionary with the Secretary under that revised section.

In subsections (a) and (b), the words "or volunteer service, or both" are omitted as obsolete in accordance with an opinion of the Attorney General, 22 Ops. Atty. Gen. 199, Aug. 30, 1898, holding that such words refer to volunteer service in the Civil War. The words "upon his request" are substituted for the words "if he make application therefor to the President".

In subsection (b), the applicability of 10:942 to warrant officers is based on an opinion of the Judge Advocate General of the Army (JAGA 1950/6951, 4 Jan. 1951), which holds that 10:594 (less provisos) makes 10:942 applicable to warrant officers.

AMENDMENTS

1980—Subsec. (a). Pub. L. 96-513 substituted "section 1186" for "section 8786".

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this title.

§ 8925. Computation of years of service: voluntary retirement; enlisted members

(a) For the purpose of determining whether an enlisted member of the Air Force may be retired under section 8914 or 8917 of this title, his years of service are computed by adding all active service in the armed forces.

(b) Time required to be made up under section 972(a) of this title may not be counted in computing years of service under subsection (a).

(Aug. 10, 1956, ch. 1041, 70A Stat. 552; Pub. L. 85-861, §1(195), Sept. 2, 1958, 72 Stat. 1540; Pub. L. 96-343, §9(b)(2), Sept. 8, 1980, 94 Stat. 1129; Pub. L. 99-348, title II, §204(c), July 1, 1986, 100 Stat. 698; Pub. L. 101-189, div. A, title VI, §652(a)(6), Nov. 29, 1989, 103 Stat. 1461; Pub. L. 103-337, div. A, title VI, §635(c)(1), Oct. 5, 1994, 108 Stat. 2789; Pub. L. 104-106, div. A, title V, §561(d)(4)(A), Feb. 10, 1996, 110 Stat. 323.)

HISTORICAL AND REVISION NOTES

1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8925(a)	10:947 (proviso). 10:958.	Mar. 2, 1907, ch. 2515, §1 (proviso), 34 Stat. 1218.
8925(b)	[No source].	Aug. 10, 1946, ch. 952, §6(b), 60 Stat. 996.

In subsection (a), the words "active service" are substituted for the word "service", in 10:947, and "active

Federal service performed", in 10:958, for uniformity. The words "service computed under section 8683 of this title" are inserted, since a person entitled to count service under that revised section might cease to be a nurse or woman medical specialist and thereafter become entitled to retire under one of the revised sections referred to in subsection (a) of this revised section.

Subsection (b) is inserted because of section 8638 of this title and in accordance with long standing interpretation of the effect of 10:629 upon the computation of years of service for retirement.

1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8925	[No source].	[No source].

The amendment reflects the repeal of section 8638 of this title and the enactment of a similar provision in section 972 of this title.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-106 substituted "section 972(a)" for "section 972".

1994—Subsec. (a). Pub. L. 103-337, §635(c)(1)(A), struck out "and of computing his retired pay under section 8991 of this title," after "8917 of this title,".

Subsec. (c). Pub. L. 103-337, §635(c)(1)(B), struck out subsec. (c) which read as follows: "In determining a member's years of service under subsection (a) for the purpose of computing the member's retired pay under section 8991 of this title—

"(1) each full month of service that is in addition to the number of full years of service creditable to the member shall be credited as 1/2 of a year; and

"(2) any remaining fractional part of a year shall be disregarded."

1989—Subsec. (a). Pub. L. 101-189 struck out "and service computed under section 8683 of this title" before period at end.

1986—Subsec. (c). Pub. L. 99-348 added subsec. (c).

1980—Pub. L. 96-343, §9(b)(2)(B), struck out "regular" before "enlisted members" in section catchline.

Subsec. (a). Pub. L. 96-343, §9(b)(2)(A), substituted "an enlisted" for "a regular enlisted".

1958—Subsec. (b). Pub. L. 85-861 substituted "section 972 of this title" for "section 8638 of this title".

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective Feb. 10, 1996, and applicable to any period of time covered by section 972 of this title that occurs after that date, see section 561(e) of Pub. L. 104-106, set out as a note under section 972 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 OF 1980 AMENDMENT

Amendment by Pub. L. 96-343 effective with respect to retired pay payable for months beginning after Sept. 8, 1980, see section 9(c) of Pub. L. 96-343, set out as a note under section 3914 of this title.

§ 8926. Computation of years of service: voluntary retirement; regular and reserve commissioned officers

(a) For the purpose of determining whether an officer of the Air Force may be retired under