

et seq. of Pub. L. 96-513, set out as a note under section 611 of Title 10, Armed Forces.

§ 287. Separation for failure of selection for promotion or continuation; time of

If, under section 282, 283, 284, 285, 289, or 290 of this title, the discharge or retirement of any officer would be required less than six months following approval of the report of the board which considered but did not select him for promotion or continuation, the discharge or retirement of such officer shall be deferred until the last day of the sixth calendar month after such approval.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 185; amended Pub. L. 92-451, §1(6), Oct. 2, 1972, 86 Stat. 755.)

AMENDMENTS

1972—Pub. L. 92-451 inserted reference to section 290.

EFFECTIVE DATE OF 1972 AMENDMENT

Amendment by Pub. L. 92-451 effective Oct. 2, 1972, except that continuation boards may not be held until one year thereafter, see section 3 of Pub. L. 92-451, set out as a note under section 290 of this title.

§ 288. Regular captains; retirement

(a) Each officer of the Regular Coast Guard serving in the grade of captain whose name is not carried on an approved list of officers selected for promotion to the grade of rear admiral (lower half) shall, unless retired under some other provision of law, be retired on June 30 of the promotion year in which he, or any captain junior to him on the active duty promotion list who has not lost numbers or precedence, completes thirty years of active commissioned service in the Coast Guard. An officer advanced in precedence on the active duty promotion list because of his promotion resulting from selection for promotion from below the zone is not subject to involuntary retirement under this section earlier than if he had not been selected from below the zone.

(b) Retired pay computed under section 423(a) of this title of an officer retired under this section shall not be less than 50 percent of the basic pay upon which the computation of his retired pay is based.

(Added Pub. L. 88-130, §1(10)(C), Sept. 24, 1963, 77 Stat. 185; amended Pub. L. 93-283, §1(8), May 14, 1974, 88 Stat. 140; Pub. L. 94-546, §1(25), Oct. 18, 1976, 90 Stat. 2521; Pub. L. 96-342, title VIII, §813(f)(1), Sept. 8, 1980, 94 Stat. 1109; Pub. L. 97-417, §2(7), Jan. 4, 1983, 96 Stat. 2085; Pub. L. 99-348, title II, §205(b)(4), July 1, 1986, 100 Stat. 700; Pub. L. 99-661, div. A, title XIII, §1343(c), Nov. 14, 1986, 100 Stat. 3995.)

AMENDMENTS

1986—Subsec. (a). Pub. L. 99-661 substituted “rear admiral (lower half)” for “commodore”.

Subsec. (b). Pub. L. 99-348 substituted “Retired pay computed under section 423(a) of this title” for “Except as provided in section 423(b) of this title, the retired pay”.

1983—Subsec. (a). Pub. L. 97-417 substituted “commodore” for “rear admiral”.

1980—Subsec. (b). Pub. L. 96-342 substituted “Except as provided in section 423(b)” for “Notwithstanding section 423”.

1976—Subsec. (a). Pub. L. 94-546 substituted “promotion year” for “fiscal year”.

1974—Subsec. (a). Pub. L. 93-283 prohibited an involuntary retirement under this section of an officer advanced in precedence on the active duty promotion list because of his promotion resulting from selection for promotion from below the zone earlier than if he had not been selected from below the zone.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-283 effective Sept. 24, 1963, see section 2 of Pub. L. 93-283, set out as a note under section 214 of this title.

RETIREMENT, RETIRED PAY, AND ELECTION OF ANNUITY AS AFFECTED BY PUB. L. 88-130

Savings provisions in section 5(f)-(h) of Pub. L. 88-130 relating to retirement, retirement pay, and election, change or revocation of election of an annuity, are set out as a note under section 211 of this title.

INTERIM AUTHORITY FOR SELECTION OF COMMANDERS AND CAPTAINS FOR CONTINUATION ON ACTIVE DUTY

Pub. L. 88-130, §3(a), Sept. 24, 1963, 77 Stat. 191, excluded officers subject to retirement under this section during the fiscal year the selection board convened from being continued on active duty.

§ 289. Captains; continuation on active duty; involuntary retirement

(a) The Secretary may, whenever the needs of the service require, but not more often than annually, convene a board consisting of not less than six officers of the grade of rear admiral (lower half) or rear admiral to recommend for continuation on active duty officers on the active duty promotion list serving in the grade of captain, who during the promotion year in which the board meets will complete at least three years' service in that grade and who have not been selected for promotion to the grade of rear admiral (lower half). Officers who are subject to retirement under section 288 of this title during the promotion year in which the board meets shall not be considered by this board.

(b) Whenever he convenes a board under this section, the Secretary shall establish a continuation zone. The zone shall consist of the most senior captains eligible for consideration for continuation on active duty who have not previously been placed in a continuation zone under this section. The Secretary shall, based upon the needs of the service, prescribe the number of captains to be included in the zone.

(c) Based on the needs of the service the Secretary shall furnish the board with the number of officers that may be recommended for continuation on active duty. This number shall be no less than 50 percent of the number considered. The board shall select from the designated continuation zone, in the number directed by the Secretary, those officers who are, in the opinion of the board, best qualified for continuation on active duty.

(d) The provisions of sections 253, 254, 258, and 260 of this title relating to selection for promotion shall, to the extent that they are not inconsistent with the provisions of this section, apply to boards convened under this section.

(e) The Secretary shall prescribe by regulation the detailed procedures whereby officers in a continuation zone will be selected for continuation on active duty.