

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a retired member receives retired pay without allowances, the provision for allowances for retired members having been repealed as pointed out in the note on the preceding section.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 chap-

ter 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.