

for boards of inquiry, composed of three or more officers, to be convened at such places as Secretary of Air Force prescribes, to receive evidence and make findings and recommendations whether an officer, required to show cause under section 8781 of this title, should be retained on active list of Regular Air Force. See section 1182 of this title.

Section 8783, acts Aug. 10, 1956, ch. 1041, 70A Stat. 543; July 12, 1960, Pub. L. 86-616, §7(a), 74 Stat. 391, provided for boards of review, composed of three or more officers, to be convened by Secretary of Air Force, at such places as he prescribes, to review records of cases of officers recommended by boards of inquiry for removal from active list of Regular Air Force.

Section 8784, acts Aug. 10, 1956, ch. 1041, 70A Stat. 543; July 12, 1960, Pub. L. 86-616, §7(a), 74 Stat. 392, authorized Secretary of Air Force to remove an officer from active list of Regular Air Force if his removal is recommended by a board of review and provided that decision of Secretary in such case is final and conclusive. See section 1184 of this title.

Section 8785, acts Aug. 10, 1956, ch. 1041, 70A Stat. 543; July 12, 1960, Pub. L. 86-616, §7(a), 74 Stat. 392, provided that each officer under consideration for removal from active list of Regular Air Force under this chapter, be given written notification, at least 30 days prior to a board of inquiry hearing, that he is being required to show cause for retention on active list, be allowed reasonable time to prepare a defense, be allowed to appear in person and by counsel at proceedings before a board of inquiry, and be allowed full access to, and furnished copies of, records relevant to his case at all stages of the proceeding. See section 1185 of this title.

Section 8786, acts Aug. 10, 1956, ch. 1041, 70A Stat. 544; July 12, 1960, Pub. L. 86-616, §7(a), 74 Stat. 392, authorized Secretary of Air Force, at any time during proceedings under this chapter and before removal of an officer from active list of Regular Air Force, to grant that officer's request for voluntary retirement, if he is otherwise qualified therefor, or for honorable discharge with severance benefits. See section 1186 of this title.

Section 8787, added Pub. L. 86-616, §7(a), July 12, 1960, 74 Stat. 392, provided that no officer serve on a board under this chapter unless he holds a regular or temporary grade above lieutenant colonel, and is senior in regular grade to, and outranks, any officer considered by that board and that no person be a member of more than one board convened under this chapter for same officer. See section 1187 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

[CHAPTER 860—REPEALED]

[§§ 8791 to 8797. Repealed. Pub. L. 96-513, title II, § 213, Dec. 12, 1980, 94 Stat. 2885]

Section 8791, added Pub. L. 86-616, §8(a), July 12, 1960, 74 Stat. 393, authorized Secretary of Air Force to convene at any time a board of general officers to review record of any commissioned officer on active list of Regular Air Force to determine whether he should be required, because of moral dereliction, professional dereliction, or because his retention is not clearly consistent with the interests of national security, to show cause for his retention on active list. See section 1181(b) of this title.

Section 8792, added Pub. L. 86-616, §8(a), July 12, 1960, 74 Stat. 393, provided for boards of inquiry, composed of three or more general officers, to be convened at such places as Secretary of Air Force prescribes, to receive evidence and make findings and recommendations whether an officer, required to show cause under section 8791 of this title, should be retained on active list of the Regular Air Force. See section 1182 of this title.

Section 8793, added Pub. L. 86-616, §8(a), July 12, 1960, 74 Stat. 393, provided for boards of review, composed of

three or more general officers, to be convened by Secretary of Air Force, at such places as he prescribes, to review the records of cases of officers recommended by boards of inquiry for removal from active list of Regular Air Force.

Section 8794, added Pub. L. 86-616, §8(a), July 12, 1960, 74 Stat. 394, authorized Secretary of Air Force to remove an officer from active list of Regular Air Force if his removal is recommended by a board of review and provided that decision of Secretary in such a case is final and conclusive. See section 1184 of this title.

Section 8795, added Pub. L. 86-616, §8(a), July 12, 1960, 74 Stat. 394, provided that each officer under consideration for removal from active list of Regular Air Force under this chapter be given written notification, at least 30 days prior to a board of inquiry hearing, that he is being required to show cause for retention on active list, be allowed reasonable time to prepare a defense, be allowed to appear in person and by counsel at proceedings before the board of inquiry, and be allowed full access to, and furnished copies of, records relevant to his case at all stages of the proceedings, except records that the Secretary determines be withheld in interests of national security, in which case, a summary, to the extent national security permits, be furnished. See section 1185 of this title.

Section 8796, added Pub. L. 86-616, §8(a), July 12, 1960, 74 Stat. 394, authorized Secretary of Air Force, at any time during proceedings under this chapter and before removal of an officer from active list of Regular Air Force, to grant that officer's request for voluntary retirement, if he is otherwise qualified therefor, or for honorable discharge with severance benefits. See section 1186 of this title.

Section 8797, added Pub. L. 86-616, §8(a), July 12, 1960, 74 Stat. 394, provided that no officer serve on a board under this chapter unless he holds a regular or temporary grade above lieutenant colonel, and is senior in regular grade to, and outranks, any officer considered by that board and that no person be a member of more than one board convened under this chapter for the same officer. See section 1187 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

CHAPTER 861—SEPARATION FOR VARIOUS REASONS

Sec.

[8811 to 8816. Repealed.]

8817. Aviation cadets: discharge.

[8818 to 8820. Repealed.]

AMENDMENTS

1994—Pub. L. 103-337, div. A, title XVI, §1674(b)(7), Oct. 5, 1994, 108 Stat. 3016, struck out items 8819 "Reserve officers: discharge for failure of promotion to first lieutenant" and 8820 "Air National Guard of United States officers: discharge".

1980—Pub. L. 96-513, title V, §504(16), Dec. 12, 1980, 94 Stat. 2917, struck out items 8814 "Regular commissioned officers: discharge during three-year probationary period" and 8818 "Regular female members: termination of appointment or enlistment".

1968—Pub. L. 90-235, §3(a)(5), (b)(7), Jan. 2, 1968, 81 Stat. 758, struck out items 8811 "Air Force enlisted members: discharge certificate; limitations on discharge", 8812 "Air Force enlisted members: during war or emergency; discharge", 8813 "Air Force enlisted members: dependency discharge", 8815 "Regular enlisted members: resignation of members enlisted on career basis; limitations", and 8816 "Regular enlisted members: minority discharge".

1958—Pub. L. 85-861, §1(191)(B), Sept. 2, 1958, 72 Stat. 1534, added item 8819.

[[§ 8811 to 8813. Repealed. Pub. L. 90-235, § 3(a)(2), (b)(1), Jan. 2, 1968, 81 Stat. 757, 758]

Section 8811, act Aug. 10, 1956, ch. 1041, 70A Stat. 544, provided for discharge of enlisted members of Air Force and limitations thereon, and for issuance of discharge certificates. See section 1169 of this title.

Section 8812, act Aug. 10, 1956, ch. 1041, 70A Stat. 544, provided for discharge of members of Air Force enlisted during war or emergency. See section 1172 of this title.

Section 8813, act Aug. 10, 1956, ch. 1041, 70A Stat. 544, provided for dependency discharges for enlisted members of Air Force.

[[§ 8814. Repealed. Pub. L. 96-513, title II, § 214, Dec. 12, 1980, 94 Stat. 2885]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 545, authorized Secretary of Air Force to discharge a regular commissioned officer who has less than three years of continuous service as a commissioned officer therein, provided that such officer not be dismissed because of his marriage, unless marriage occurred within one year after date of his original appointment. See section 630 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

[[§ 8815, 8816. Repealed. Pub. L. 90-235, § 3(a)(2), (b)(1), Jan. 2, 1968, 81 Stat. 757, 758]

Section 8815, act Aug. 10, 1956, ch. 1041, 70A Stat. 545, provided for resignation of regular enlisted members of Air Force enlisted on a career basis and limitations thereon.

Section 8816, act Aug. 10, 1956, ch. 1041, 70A Stat. 545, provided for minority discharges for regular enlisted members of Air Force. See section 1170 of this title.

§ 8817. Aviation cadets: discharge

The Secretary of the Air Force may discharge an aviation cadet at any time.

(Aug. 10, 1956, ch. 1041, 70A Stat. 545.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8817	10:299 (last sentence).	June 3, 1941, ch. 165, § 3 (last sentence), 55 Stat. 239.

10:299 (last sentence, less 1st 14 words) is omitted as superseded by section 681 of this title.

[[§ 8818. Repealed. Pub. L. 96-513, title II, § 236, Dec. 12, 1980, 94 Stat. 2887]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 545, authorized Secretary of Air Force, under regulations prescribed by President, to terminate appointment or enlistment of any female member of Regular Air Force, provided that appointment of a commissioned officer not be terminated by dismissal.

EFFECTIVE DATE OF REPEAL

Repeal effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

[[§ 8819, 8820. Repealed. Pub. L. 103-337, div. A, title XVI, § 1629(c)(2), Oct. 5, 1994, 108 Stat. 2963]

Section 8819, added Pub. L. 85-861, § 1(191)(A), Sept. 2, 1958, 72 Stat. 1534; amended Pub. L. 86-559, § 1(65), June

30, 1960, 74 Stat. 278; Pub. L. 98-525, title V, § 528(d), Oct. 19, 1984, 98 Stat. 2526; Pub. L. 104-106, div. A, title XV, § 1501(c)(32), (33), Feb. 10, 1996, 110 Stat. 500, related to discharge of officers of Air Force Reserve or Air National Guard of United States for failure of promotion to first lieutenant. See section 14503 of this title.

Section 8820, act Aug. 10, 1956, ch. 1041, 70A Stat. 546, related to discharge and withdrawal of Federal recognition of officers of Air National Guard of United States absent without leave. See section 14907 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

[CHAPTER 863—REPEALED]

[[§ 8841, 8842. Repealed. Pub. L. 86-559, § 1(66), June 30, 1960, 74 Stat. 278]

Sections, added Pub. L. 85-861, § 1(192), Sept. 2, 1958, 72 Stat. 1535, related to separation or transfer to Retired Reserve of female reserve nurses and medical specialists at age 50 if in a Reserve grade below major and at age 55 if in a Reserve grade above captain.

[[§ 8843 to 8846. Repealed. Pub. L. 103-337, div. A, title XVI, § 1629(c)(3), Oct. 5, 1994, 108 Stat. 2963]

Section 8843, added Pub. L. 85-861, § 1(192), Sept. 2, 1958, 72 Stat. 1535; amended Pub. L. 86-559, § 1(67), June 30, 1960, 74 Stat. 278, related to transfer or discharge of reserve commissioned officers 60 years of age and below grade of major general. See section 14510 of this title.

Section 8844, added Pub. L. 85-861, § 1(192), Sept. 2, 1958, 72 Stat. 1535; amended Pub. L. 86-559, § 1(68), June 30, 1960, 74 Stat. 279, related to transfer or discharge of certain reserve major generals who are 62 years of age. See section 14511 of this title.

Section 8845, added Pub. L. 85-861, § 1(192), Sept. 2, 1958, 72 Stat. 1535; amended Pub. L. 86-559, § 1(69), June 30, 1960, 74 Stat. 279; Pub. L. 100-456, div. A, title XII, § 1234(a)(1), Sept. 29, 1988, 102 Stat. 2059, related to transfer or discharge of certain reserve officers of Air Force who are 64 years of age. See section 14512(a) of this title.

Section 8846, added Pub. L. 85-861, § 1(192), Sept. 2, 1958, 72 Stat. 1536; amended Pub. L. 104-106, div. A, title XV, § 1501(c)(32), Feb. 10, 1996, 110 Stat. 500, related to transfer or discharge of deferred officers.

EFFECTIVE DATE OF REPEAL

Repeal effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

[[§ 8847. Repealed. Pub. L. 90-130, § 1(31)(A), Nov. 8, 1967, 81 Stat. 382]

Section, added Pub. L. 85-861, § 1(192), Sept. 2, 1958, 72 Stat. 1536; amended Pub. L. 86-559, § 1(70), June 30, 1960, 74 Stat. 279, provided for mandatory retirement of female commissioned officers, Air Force nurses, and medical specialists on active duty in a Reserve grade below lieutenant colonel after completion of 25 years of service computed under section 8853.

[[§ 8848. Repealed. Pub. L. 103-337, div. A, title XVI, § 1629(c)(3), Oct. 5, 1994, 108 Stat. 2963]

Section, added Pub. L. 85-861, § 1(192), Sept. 2, 1958, 72 Stat. 1536; amended Pub. L. 86-559, § 1(71), June 30, 1960, 74 Stat. 279; Pub. L. 90-130, § 1(31)(B), Nov. 8, 1967, 81 Stat. 382; Pub. L. 90-486, § 9(2), Aug. 13, 1968, 82 Stat. 760; Pub. L. 96-513, title V, § 514(7), Dec. 12, 1980, 94 Stat. 2935; Pub. L. 99-145, title V, § 522(b)(1), title XIII, § 1303(a)(27)(A), Nov. 8, 1985, 99 Stat. 632, 740, related to transfer or discharge of reserve first lieutenants, cap-