

ministration prior to the first day of the second calendar month following the month [July, 1976] in which this section is enacted shall, at the option of such member, be paid for on the same basis such leave would have been paid for under the provisions of section 501(b) of title 37, United States Code, on the day prior to the first day of the second calendar month following the month in which this section is enacted”.

§ 502. Absences due to sickness, wounds, and certain other causes

(a) A member of the Army, Navy, Air Force, Marine Corps, Coast Guard, or National Oceanic and Atmospheric Administration, who is absent because of sickness or wounds, or who is directed by the Secretary concerned, or his designated representative, to be absent from duty to await orders pending disability retirement proceedings for a period that is longer than the leave authorized by section 701 of title 10, is entitled to the pay and allowances to which he would be entitled if he were not so absent. A member who is absent with leave for any other reason for not longer than the leave authorized by that section is entitled to the same pay and allowances to which he would be entitled if he were not on leave, and to any additional allowances otherwise provided by law for members on leave.

(b) Except as provided in subsection (a) and section 701(h) of title 10, a member who is authorized by the Secretary concerned, or his designated representative, to be absent for a period that is longer than the leave authorized by section 701 of title 10 is not entitled to pay or allowances during the part of his absence that is more than the number of days’ leave authorized by that section.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 482; Pub. L. 89-718, §49(a)(1), Nov. 2, 1966, 80 Stat. 1121; Pub. L. 96-513, title V, §516(15), Dec. 12, 1980, 94 Stat. 2939; Pub. L. 99-661, div. A, title V, §506(b), Nov. 14, 1986, 100 Stat. 3865; Pub. L. 102-25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
502(a)	37:33(b) (1st and last sentences).	Aug. 9, 1946, ch. 931, §4(b) (less 3d sentence); restated Aug. 4, 1947, ch. 475, §1 (2d par., less 3d sentence), 61 Stat. 748.
	37:39 (less last proviso).	Aug. 9, 1946, ch. 931, §2(f) (last 8 words), 60 Stat. 963.
502(b)	37:33(b) (2d sentence).	Aug. 17, 1949, ch. 452, §1 (less last proviso), 63 Stat. 611.
	37:32(f) (last 8 words).	Aug. 9, 1946, ch. 931, §2(f) (last 8 words), 60 Stat. 963.

In subsection (a), the words “After August 31, 1946”, in section 33(b) of existing title 37, are omitted as executed. The words “allowance or”, in section 33(b) of existing title 37, are omitted as surplusage. The last sentence of section 33(b) of existing title 37 is omitted as executed, since the Act of December 28, 1945 (59 Stat. 663) was repealed by section 506(g) of the Officer Personnel Act of 1947 (61 Stat. 892).

In subsections (a) and (b), the words “, or his designated representative,” are substituted for the last 8 words of section 32(f) of existing title 37.

In subsection (b), the words “Except as provided in subsection (a) of this section” are inserted for clarity.

The words “the part of his absence that is more than the number of days’ leave authorized by that section” are substituted for the words “such absence”.

AMENDMENTS

1991—Subsec. (b). Pub. L. 102-25 struck out “of this section” after “subsection (a)”.

1986—Subsec. (b). Pub. L. 99-661 inserted “and section 701(h) of title 10”.

1980—Subsec. (a). Pub. L. 96-513 substituted “National Oceanic and Atmospheric Administration” for “Environmental Science Services Administration”.

1966—Subsec. (a). Pub. L. 89-718 substituted “Environmental Science Services Administration” for “Coast and Geodetic Survey”.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of Title 10, Armed Forces.

TRANSFER OF FUNCTIONS

For transfer of authorities, functions, personnel, and assets of the Coast Guard, including the authorities and functions of the Secretary of Transportation relating thereto, to the Department of Homeland Security, and for treatment of related references, see sections 468(b), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 503. Absence without leave or over leave

(a) A member of the Army, Navy, Air Force, Marine Corps, Coast Guard, or National Oceanic and Atmospheric Administration, who is absent without leave or over leave, forfeits all pay and allowances for the period of that absence, unless it is excused as unavoidable.

(b) A commissioned officer of the Regular Corps of the Public Health Service, or an officer of the Reserve Corps of the Public Health Service on active duty, who is absent without leave, forfeits all pay and allowances for the period of that absence, unless it is excused as unavoidable.

(Pub. L. 87-649, Sept. 7, 1962, 76 Stat. 482; Pub. L. 89-718, §49(a)(1), Nov. 2, 1966, 80 Stat. 1121; Pub. L. 96-513, title V, §516(15), Dec. 12, 1980, 94 Stat. 2939.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
503(a)	37:33(b) (3d sentence).	Aug. 9, 1946, ch. 931, §4(b) (3d sentence); restated Aug. 4, 1947, ch. 475, §1 (3d sentence of 2d par.), 61 Stat. 748.
503(b)	37:39 (less last proviso).	Aug. 17, 1949, ch. 452, §1 (less last proviso), 63 Stat. 611.
	42:210-1(b).	July 1, 1944, ch. 373, §219(b); added Aug. 9, 1950, ch. 654, §2 (2d par.), 64 Stat. 426.

In subsections (a) and (b), the words “for the period of that absence” are substituted for the words “during such absence”.

AMENDMENTS

1980—Subsec. (a). Pub. L. 96-513 substituted “National Oceanic and Atmospheric Administration” for “Environmental Science Services Administration”.

1966—Subsec. (a). Pub. L. 89-718 substituted “Environmental Science Services Administration” for “Coast and Geodetic Survey”.