

## HISTORICAL AND REVISION NOTES

## 1962 ACT

Sections 1218 and 1219 are restated, without substantive change, to conform to the style adopted for title 10.

## AMENDMENTS

1962—Pub. L. 87-651 substituted “Statement of origin of disease or injury: limitation” for “Statement against interest void” in section catchline, and “A member of an armed force may not be required to sign a statement relating to the origin, incurrence, or aggravation of a disease or injury that he has. Any such statement against his interests, signed by a member, is invalid” for “No person in the Armed Forces may be required to sign a statement of any nature relating to the origin, incurrence, or aggravation of any disease or injury he may have. Any such statement against his own interest, whenever signed, is of no force and effect.”

## EFFECTIVE DATE

Section effective Jan. 1, 1958, see section 2301 of Pub. L. 85-56, 71 Stat. 172.

**[§ 1220. Repealed. Pub. L. 87-651, title I, § 107(d), Sept. 7, 1962, 76 Stat. 509]**

Section, added Pub. L. 85-56, title XXII, § 2201(31)(A), June 17, 1957, 71 Stat. 161, related to location of accredited representatives at military installations.

**§ 1221. Effective date of retirement or placement of name on temporary disability retired list**

Notwithstanding section 8301 of title 5, the Secretary concerned may specify an effective date for the retirement of any member of the armed forces under this chapter, or for the placement of his name on the temporary disability retired list, that is earlier than the date provided for in that section.

(Added Pub. L. 85-861, § 1(28)(B), Sept. 2, 1958, 72 Stat. 1451; amended Pub. L. 89-718, § 3, Nov. 2, 1966, 80 Stat. 1115.)

## HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1221 .....	5:47a(b).	Aug. 2, 1956, ch. 876, 70 Stat. 933.

Clause (2)(A) is omitted as unnecessary since the revised section applies to the armed forces, and the revised section is made applicable to the other uniformed services by sections 3 and 4 of the act enacting this revised section. Clause (2)(B) is omitted as covered by section 101(8) of this title and sections 3 and 4 of the act enacting this revised section.

## AMENDMENTS

1966—Pub. L. 89-718 substituted “8301” for “47a”.

**§ 1222. Physical evaluation boards**

(a) RESPONSE TO APPLICATIONS AND APPEALS.—The Secretary of each military department shall ensure, in the case of any member of the armed forces appearing before a physical evaluation board under that Secretary’s supervision, that documents announcing a decision of the board in the case convey the findings and conclusions of the board in an orderly and itemized fashion with specific attention to each issue presented by the member in regard to that member’s case. The requirement under the preceding sentence

applies to a case both during initial consideration and upon subsequent consideration due to appeal by the member or other circumstance.

(b) LIAISON OFFICER (PEBLO) REQUIREMENTS AND TRAINING.—(1) The Secretary of Defense shall prescribe regulations establishing—

(A) a requirement for the Secretary of each military department to make available to members of the armed forces appearing before physical evaluation boards operated by that Secretary employees, designated as physical evaluation board liaison officers, to provide advice, counsel, and general information to such members on the operation of physical evaluation boards operated by that Secretary; and

(B) standards and guidelines concerning the training of such physical evaluation board liaison officers.

(2) The Secretary shall ensure compliance by the Secretary of each military department with physical evaluation board liaison officer requirements and training standards and guidelines at least once every three years.

(c) STANDARDIZED STAFF TRAINING AND OPERATIONS.—(1) The Secretary of Defense shall prescribe regulations on standards and guidelines concerning the physical evaluation board operated by each of the Secretaries of the military departments with regard to—

- (A) assignment and training of staff;
- (B) operating procedures; and
- (C) timeliness of board decisions.

(2) The Secretary shall ensure compliance with standards and guidelines prescribed under paragraph (1) by each physical evaluation board at least once every three years.

(Added Pub. L. 109-364, div. A, title V, § 597(a)(1), Oct. 17, 2006, 120 Stat. 2236.)

## EFFECTIVE DATE

Pub. L. 109-364, div. A, title V, § 597(b), Oct. 17, 2006, 120 Stat. 2237, provided that: “Section 1222 of title 10, United States Code, as added by subsection (a), shall apply with respect to decisions rendered on cases commenced more than 120 days after the date of the enactment of this Act [Oct. 17, 2006].”

**QUALITY REVIEW OF MEDICAL EVALUATION BOARDS, PHYSICAL EVALUATION BOARDS, AND PHYSICAL EVALUATION BOARD LIAISON OFFICERS**

Pub. L. 112-239, div. A, title V, § 524, Jan. 2, 2013, 126 Stat. 1723, provided that:

“(a) IN GENERAL.—The Secretary of Defense shall standardize, assess, and monitor the quality assurance programs of the military departments to evaluate the following in the performance of their duties (including duties under chapter 61 of title 10, United States Code):

- “(1) Medical Evaluation Boards.
- “(2) Physical Evaluation Boards.
- “(3) Physical Evaluation Board Liaison Officers.

“(b) OBJECTIVES.—The objectives of the quality assurance program shall be as follows:

“(1) To ensure accuracy and consistency in the determinations and decisions of Medical Evaluation Boards and Physical Evaluation Boards.

“(2) To otherwise monitor and sustain proper performance of the duties of Medical Evaluation Boards and Physical Evaluation Boards, and of Physical Evaluation Board Liaison Officers.

“(3) Such other objectives as the Secretary shall specify for purposes of the quality assurance program.

“(c) REPORTS.—

“(1) REPORT ON IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act [Jan. 2, 2013], the Secretary shall submit to the appropriate committees of Congress a report setting forth the plan of the Secretary for the implementation of the requirements of this section.

“(2) ANNUAL REPORTS.—Not later than one year after the date of the submittal of the report required by paragraph (1), and annually thereafter for the next four years, the Secretary shall submit to the appropriate committees of Congress a report setting forth an assessment of the implementation of the requirements of this section during the one-year period ending on the date of the report under this paragraph. Each report shall include, in particular, an assessment of the extent to which the quality assurance program under the requirements of this section meets the objectives specified in subsection (b).

“(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ‘appropriate committees of Congress’ means—

- “(A) the Committee on Armed Services and the Committee on Veterans’ Affairs of the Senate; and
- “(B) the Committee on Armed Services and the Committee on Veterans’ Affairs of the House of Representatives.”

**CHAPTER 63—RETIREMENT FOR AGE**

Sec.	
1251.	Age 62: regular commissioned officers in grades below general and flag officer grades; exceptions.
1252.	Age 64: permanent professors at academies.
1253.	Age 64: regular commissioned officers in general and flag officer grades; exceptions.
[1255.]	Repealed.]
1263.	Age 62: warrant officers.
1275.	Computation of retired pay: law applicable.

AMENDMENTS

2015—Pub. L. 114-92, div. A, title V, § 504(b)(2), Nov. 25, 2015, 129 Stat. 807, substituted “Age 64: regular commissioned officers in general and flag officer grades; exceptions” for “Age 64: regular commissioned officers in general and flag officer grades; exception” in item 1253.

2006—Pub. L. 109-364, div. A, title V, § 502(c), Oct. 17, 2006, 120 Stat. 2177, inserted “in grades below general and flag officer grades” after “officers” in item 1251 and added item 1253.

Pub. L. 109-163, div. A, title V, § 509(c)(2), Jan. 6, 2006, 119 Stat. 3231, added item 1252.

1980—Pub. L. 96-513, title V, § 501(18), Dec. 12, 1980, 94 Stat. 2908, added item 1251.

1967—Pub. L. 90-130, § 1(6), Nov. 8, 1967, 81 Stat. 374, struck out item 1255 “Age 55: female regular warrant officers”.

**§ 1251. Age 62: regular commissioned officers in grades below general and flag officer grades; exceptions**

(a) GENERAL RULE.—Unless retired or separated earlier, each regular commissioned officer of the Army, Navy, Air Force, or Marine Corps (other than an officer covered by section 1252 of this title or a commissioned warrant officer) serving in a grade below brigadier general or rear admiral (lower half), in the case of an officer in the Navy, shall be retired on the first day of the month following the month in which the officer becomes 62 years of age.

(b) DEFERRED RETIREMENT OF HEALTH PROFESSIONS OFFICERS.—(1) The Secretary of the military department concerned may, subject to subsection (d), defer the retirement under subsection (a) of a health professions officer if during the period of the deferment the officer—

(A) will be performing duties consisting primarily of providing patient care or performing other clinical duties; or

(B) is in a category of officers designated under subparagraph (D) of paragraph (2) whose duties will consist primarily of the duties described in clause (i), (ii), or (iii) of such subparagraph.

(2) For purposes of this subsection, a health professions officer is—

(A) a medical officer;

(B) a dental officer;

(C) an officer in the Army Nurse Corps, an officer in the Navy Nurse Corps, or an officer in the Air Force designated as a nurse; or

(D) an officer in a category of officers designated by the Secretary of the military department concerned for the purposes of this paragraph as consisting of officers whose duties consist primarily of—

(i) providing health care;

(ii) performing other clinical care; or

(iii) performing health care-related administrative duties.

(c) DEFERRED RETIREMENT OF CHAPLAINS.—The Secretary of the military department concerned may, subject to subsection (d), defer the retirement under subsection (a) of an officer who is appointed or designated as a chaplain if the Secretary determines that such deferral is in the best interest of the military department concerned.

(d) LIMITATION ON DEFERMENT OF RETIREMENTS.—(1) Except as provided in paragraph (2), a deferment under subsection (b) or (c) may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.

(2) The Secretary of the military department concerned may extend a deferment under subsection (b) or (c) beyond the day referred to in paragraph (1) if the Secretary determines that extension of the deferment is necessary for the needs of the military department concerned. Such an extension shall be made on a case-by-case basis and shall be for such period as the Secretary considers appropriate.

(Added Pub. L. 96-513, title I, § 111, Dec. 12, 1980, 94 Stat. 2875; amended Pub. L. 100-180, div. A, title VII, § 719, Dec. 4, 1987, 101 Stat. 1115; Pub. L. 101-189, div. A, title VII, § 709, Nov. 29, 1989, 103 Stat. 1476; Pub. L. 105-85, div. A, title V, § 504(a), (b), Nov. 18, 1997, 111 Stat. 1725; Pub. L. 109-163, div. A, title V, § 509(c)(3), Jan. 6, 2006, 119 Stat. 3231; Pub. L. 109-364, div. A, title V, § 502(b), Oct. 17, 2006, 120 Stat. 2176; Pub. L. 111-383, div. A, title V, § 501(b), Jan. 7, 2011, 124 Stat. 4206.)

AMENDMENTS

2011—Subsec. (b)(1). Pub. L. 111-383, § 501(b)(2), substituted “the officer—” for “the officer will be performing duties consisting primarily of providing patient care or performing other clinical duties.” and added subpars. (A) and (B).

Subsec. (b)(2)(D). Pub. L. 111-383, § 501(b)(1), added subpar. (D).

2006—Pub. L. 109-364 amended section catchline and text generally, substituting provisions relating to retirement at age 62 of regular commissioned officers in grades below general and flag officer grades for provisions relating to retirement at age 62 of all regular commissioned officers.