

DETERMINATION OF DATE OF DEATH UNDER MISSING
PERSONS ACT

Act July 28, 1942, ch. 528, §5, as added July 17, 1953, ch. 220, §1(e), 67 Stat. 177, provided that for purposes of this chapter, in any case where the date of death is established under the Missing Persons Act, as amended, the date of death is the date of receipt by the head of the department concerned of evidence that the person is dead, or the date the finding of death is made under section 5 of that Act, prior to repeal by Pub. L. 89-718, §12(b), Nov. 2, 1966, 80 Stat. 1117. See section 1524 of this title.

§ 1522. Posthumous warrants

(a) The Secretary concerned may issue, or have issued, an appropriate warrant in the name of a member of the armed forces who, after September 8, 1939, was officially recommended for appointment or promotion to a grade other than a commissioned grade but was unable to accept the appointment or promotion because of death.

(b) A warrant issued under subsection (a) shall issue as of the date of the recommendation, and the member's name shall be carried on the records of the military or executive department concerned as if he had served in the grade to which posthumously appointed or promoted from the date of the recommendation to the date of his death.

(c) A warrant issued under subsection (a) in connection with the promotion of a deceased member to a higher grade shall require a finding by the Secretary concerned that, at the time of death of the member, the member was qualified for appointment to that higher grade.

(Aug. 10, 1956, ch. 1041, 70A Stat. 116; Pub. L. 110-417, [div. A], title V, §502(b), Oct. 14, 2008, 122 Stat. 4433.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---|---|
| 1522(a) | 10:612 (words before semicolon). 34:285e (words before semicolon). | July 28, 1942, ch. 528, §4, 56 Stat. 723; July 17, 1953, ch. 220, §1 (a)-(d), 67 Stat. 176. |
| 1522(b) | 10:612 (words after semicolon). 34:285e (words after semicolon). | |

In subsection (a), the words "a member of" are substituted for the words "any person who, while in", in 10:612 and 34:285e. The words "armed forces" are substituted for the words "the military service of the United States", in 10:612; and "the naval service of the United States", in 34:285e (which did not appear in the source statute for the revised section, as amended by the act of July 17, 1953, ch. 220, §1(b), 67 Stat. 177). The words "other than a commissioned grade" are substituted for the words "noncommissioned grade" to make it clear that the revised section covers warrant officers. The words "receive or" are omitted as surplusage.

In subsection (b), the words "appointment or promotion", "and branch of the service", "official", and "by such warrant" are omitted as surplusage.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-417, §502(b)(1), struck out "in line of duty" before period at end.

Subsec. (c). Pub. L. 110-417, §502(b)(2), added subsec. (c).

§ 1523. Posthumous commissions and warrants: effect on pay and allowances

No person is entitled to any bonus, gratuity, pay, or allowance because of a posthumous commission or warrant.

(Aug. 10, 1956, ch. 1041, 70A Stat. 116.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i> |
|------------------------|---------------------------|--|
| 1523 | 10:491d. 34:285f. | July 28, 1942, ch. 528, §6, 56 Stat. 723; July 17, 1953, ch. 220, §1(e) (1st 7 words), 67 Stat. 177. |

The word "receive" is omitted as surplusage. The words "because of a posthumous commission or warrant" are substituted for the words "by virtue of any provision of sections 491a-491d [285b-285d] and 612 [285e] of this title", in 10:491d and 34:285f.

§ 1524. Posthumous commissions and warrants: determination of date of death

For the purposes of sections 1521 and 1522 of this title, in any case where the date of death is established or determined under section 551-558 of title 37, the date of death is the date the Secretary concerned receives evidence that the person is dead, or the date the finding of death is made under section 555 of title 37.

(Added Pub. L. 89-718, §12(a)(1), Nov. 2, 1966, 80 Stat. 1117.)

CHAPTER 79—CORRECTION OF MILITARY RECORDS

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| Sec. | |
| 1551. | Correction of name after separation from service under an assumed name. |
| 1552. | Correction of military records: claims incident thereto. |
| 1553. | Review of discharge or dismissal. |
| 1554. | Review of retirement or separation without pay for physical disability. |
| 1554a. | Review of separation with disability rating of 20 percent disabled or less. |
| 1555. | Professional staff. |
| 1556. | Ex parte communications prohibited. |
| 1557. | Timeliness standards for disposition of applications before Corrections Boards. |
| 1558. | Review of actions of selection boards: correction of military records by special boards; judicial review. |
| 1559. | Personnel limitation. |

AMENDMENTS

2008—Pub. L. 110-181, div. A, title XVI, §1643(a)(2), Jan. 28, 2008, 122 Stat. 467, added item 1554a.

2002—Pub. L. 107-314, div. A, title V, §552(b), Dec. 2, 2002, 116 Stat. 2552, added item 1559.

2001—Pub. L. 107-107, div. A, title V, §503(a)(2), Dec. 28, 2001, 115 Stat. 1083, added item 1558.

1998—Pub. L. 105-261, div. A, title V, §§542(a)(2), 543(a)(2), 544(b), Oct. 17, 1998, 112 Stat. 2020-2022, added items 1555 to 1557.

1962—Pub. L. 87-651, title I, §110(b), Sept. 7, 1962, 76 Stat. 510, substituted "discharge or dismissal" for "discharges or dismissals" in item 1553, and "retirement or separation without pay for physical disability" for "decisions of retiring boards and similar boards" in item 1554.

1958—Pub. L. 85-857, §13(v)(3), Sept. 2, 1958, 72 Stat. 1268, added items 1553 and 1554.