

AMENDMENTS

1980—Subsec. (a). Pub. L. 96-513 substituted “1186” for “3786”.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513, effective Sept. 15, 1981, see section 701 of Pub. L. 96-513, set out as a note under section 101 of this title.

§ 3925. Computation of years of service: voluntary retirement; enlisted members

(a) For the purpose of determining whether an enlisted member of the Army may be retired under section 3914 or 3917 of this title, his years of service are computed by adding all active service in the armed forces and service computed under section 3683¹ of this title.

(b) Time required to be made up under section 972(a) of this title may not be counted in determining years of service under subsection (a).

(Aug. 10, 1956, ch. 1041, 70A Stat. 228; Pub. L. 85-861, §1(97), Sept. 2, 1958, 72 Stat. 1488; Pub. L. 96-343, §9(a)(2), Sept. 8, 1980, 94 Stat. 1128; Pub. L. 99-348, title II, §202(c), July 1, 1986, 100 Stat. 695; Pub. L. 103-337, div. A, title VI, §635(a)(1), Oct. 5, 1994, 108 Stat. 2788; Pub. L. 104-106, div. A, title V, §561(d)(2)(A), Feb. 10, 1996, 110 Stat. 322.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3925(a)	10:947 (proviso). 10:958.	Mar. 2, 1907, ch. 2515, §1 (proviso), 34 Stat. 1218.
3925(b)	[No source].	Aug. 10, 1946, ch. 952, §6(b), 60 Stat. 996.

In subsection (a), the words “active service” are substituted for the word “service”, in 10:947, and “active Federal service performed”, in 10:958, for uniformity. The words “service computed under section 3683 of this title” are inserted, since a person entitled to count service under that revised section might cease to be a nurse or woman medical specialist and thereafter become entitled to retire under one of the revised sections referred to in subsection (a) of this revised section.

Subsection (b) is inserted because of section 3638 of this title and in accordance with long-standing interpretation of the effect of 10:629 upon the computation of years of service for retirement.

1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3925	[No source].	[No source].

The amendment reflects the repeal of section 3638 of this title and the enactment of a similar provision in section 972 of this title.

REFERENCES IN TEXT

Section 3683 of this title, referred to in subsec. (a), was repealed (subject to a savings clause) by Pub. L. 99-145, title XIII, §1301(b)(1)(A), (C), Nov. 8, 1985, 99 Stat. 735.

AMENDMENTS

1996—Subsec. (b). Pub. L. 104-106 substituted “section 972(a)” for “section 972”.

1994—Subsec. (a). Pub. L. 103-337, §635(a)(1)(A), struck out “and of computing his retired pay under section 3991 of this title,” after “3917 of this title,”.

¹ See References in Text note below.

Subsec. (c). Pub. L. 103-337, §635(a)(1)(B), struck out subsec. (c) which read as follows: “In determining a member’s years of service under subsection (a) for the purpose of computing the member’s retired pay under section 3991 of this title—

“(1) each full month of service that is in addition to the number of full years of service creditable to the member shall be credited as ½ of a year; and

“(2) any remaining fractional part of a year shall be disregarded.”

1986—Subsec. (c). Pub. L. 99-348 added subsec. (c).

1980—Pub. L. 96-343, §9(a)(2)(A), struck out “regular” before “enlisted members” in section catchline.

Subsec. (a). Pub. L. 96-343, §9(a)(2)(B), substituted “an enlisted” for “a regular enlisted”.

1958—Subsec. (b). Pub. L. 85-861 substituted “section 972 of this title” for “section 3638 of this title”.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective Feb. 10, 1996, and applicable to any period of time covered by section 972 of this title that occurs after that date, see section 561(e) of Pub. L. 104-106, set out as a note under section 972 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 applicable to computation of retired pay of any enlisted member who retires on or after Oct. 5, 1994, to computation of retainer pay of any enlisted member who is transferred to Fleet Reserve or Fleet Marine Corps Reserve on or after Oct. 5, 1994, and to recomputation of retired pay of any enlisted member who is advanced on retired list on or after Oct. 5, 1994, see section 635(e) of Pub. L. 103-337, set out as a note under section 1405 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-343 effective with respect to retired pay payable for months beginning after Sept. 8, 1980, see section 9(c) of Pub. L. 96-343, set out as a note under section 3914 of this title.

§ 3926. Computation of years of service: voluntary retirement; regular and reserve commissioned officers

(a) For the purpose of determining whether an officer of the Army may be retired under section 3911, 3918, or 3924 of this title, his years of service are computed by adding—

(1) all active service performed as a member of the Army or the Air Force;

(2) all service in the Navy or Marine Corps that may be included in determining the eligibility of an officer of the Navy or Marine Corps for retirement;

(3) all service computed under section 3683¹ of this title; and

(4) if an officer of the Regular Army, all active service performed as an officer of the Philippine Constabulary.

(b) For the purpose of determining whether a commissioned officer of the Regular Army in the Medical Corps may be retired under section 3911, 3918, or 3924 of this title, his years of service are computed by adding to his service under subsection (a) all service performed as a contract surgeon, acting assistant surgeon, or contract physician, under a contract to serve full time and to take and change station as ordered.

(c) For the purpose of determining whether a commissioned officer of the Regular Army in the Dental Corps may be retired under section

¹ See References in Text note below.

3911, 3918, or 3924 of this title, his years of service are computed by adding to his service under subsection (a) all service as a contract dental surgeon or acting dental surgeon.

(d) For the purpose of determining whether a commissioned officer of the Army Nurse Corps or the Army Medical Specialist Corps may be retired under section 3911 of this title, all service computed under section 3683¹ of this title shall be treated as if it were service as a commissioned officer.

(e) Section 972(b) of this title excludes from computation of an officer's years of service for purposes of this section any time identified with respect to that officer under that section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 228; Pub. L. 86-197, §1(5), Aug. 25, 1959, 73 Stat. 426; Pub. L. 104-106, div. A, title V, §561(d)(2)(B), Feb. 10, 1996, 110 Stat. 322.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3926(a)	10:951 (less applicability to 10:166g(a)). 10:951a. 10:951b (less applicability to 10:166g(a)). [Uncodified: June 18, 1878, ch. 263, §7 (less applicability to 10:166g(a)), 20 Stat. 150].	June 3, 1916, ch. 134, §127a (6th par., less 1st 13 words, and less applicability to §108(a) of the Act of Apr. 16, 1949, ch. 38, as amended); added June 4, 1920, ch. 227, subch. I, §51 (6th par., less 1st 13 words, and less applicability to §108(a) of the Act of Apr. 16, 1949, ch. 38, as amended), 41 Stat. 785. May 23, 1928, ch. 716, 45 Stat. 720. June 15, 1935, ch. 257 (less applicability to §108(a) of the Act of Apr. 16, 1949, ch. 38, as amended), 49 Stat. 377. June 18, 1878, ch. 263, §7 (less applicability to §108(a) of the Act of Apr. 16, 1949, ch. 38, as amended), 20 Stat. 150. May 29, 1928, ch. 902, 45 Stat. 996; Jan. 29, 1938, ch. 12, §2, 52 Stat. 8.
3926(b)	10:953a (1st sentence).	
3926(c)	10:953a (less 1st sentence).	

Subsection (a) consolidates the various service computation provisions applicable to voluntary retirement of commissioned officers. Clause (1) is substituted for 10:951. Clause (2) is substituted for 10:951b. The words "pay period and", in 10:951a, are omitted as superseded by section 202 of the Career Compensation Act of 1949, 63 Stat. 807 (37 U.S.C. 233). The words "longevity pay and", in section 7 of the act of June 18, 1878, ch. 263, 20 Stat. 150, are omitted for the same reason. The last sentence of section 7 of that act is omitted, since the distinction between limited and unlimited retired lists was abolished by section 201 of the act of June 29, 1948, ch. 708, 62 Stat. 1084. Clause (3) is inserted, since a person entitled to count service under section 3683 of this title might cease to be a nurse or woman medical specialist and thereafter become entitled to retire under one of the revised sections referred to in subsection (a) of this revised section.

In subsection (b), the words "as a member of the Medical Reserve Corps", in 10:953a, are omitted as covered by subsection (a)(1). The words "are computed by adding to his service under subsection (a)" are substituted for the words "shall be credited to the same extent as service under a Regular Army commission".

Subsection (c) is substituted for 10:953a (less 1st sentence).

REFERENCES IN TEXT

Section 3683 of this title, referred to in subsecs. (a)(3) and (d), was repealed (subject to a savings clause) by Pub. L. 99-145, title XIII, §1301(b)(1)(A), (C), Nov. 8, 1985, 99 Stat. 735.

AMENDMENTS

- 1996—Subsec. (e). Pub. L. 104-106 added subsec. (e).
- 1959—Subsec. (d). Pub. L. 86-197 added subsec. (d).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective Feb. 10, 1996, and applicable to any period of time covered by section 972 of this title that occurs after that date, see section 561(e) of Pub. L. 104-106, set out as a note under section 972 of this title.

[§ 3927. Repealed. Pub. L. 96-513, title II, § 217(a), Dec. 12, 1980, 94 Stat. 2886]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 228; Aug. 21, 1957, Pub. L. 85-155, title I, §101(22), 71 Stat. 380; May 20, 1958, Pub. L. 85-422, §11(a)(4), 72 Stat. 131; Sept. 2, 1958, Pub. L. 85-861, §1(98), 72 Stat. 1488, related to computation of years of service for determining whether a regular commissioned officer should be retired under section 3913, 3915, 3916, 3919, 3921, 3922, or 3923 of this title and for determining the retired pay of officers of the Regular Army retired under section 3913, 3915, 3916, 3919, 3921, 3922, or 3923 of this title. See section 1405 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.

[§ 3928. Repealed. Pub. L. 85-155, title IV, § 401(1), Aug. 21, 1957, 71 Stat. 390]

Section, act Aug. 10, 1956, ch. 1041, 70A Stat. 229, related to computation of years of service of commissioned officers of the Army Nurse Corps or Women's Medical Specialist Corps for the purposes of retirement under former section 3912 of this title, or retirement pay under section 3991 of this title.

§ 3929. Computation of retired pay: law applicable

A member of the Army retired under this chapter is entitled to retired pay computed under chapter 371 of this title.

(Aug. 10, 1956, ch. 1041, 70A Stat. 230.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
3929	[No source].	[No source].

The revised section is based on the various retirement provisions in this chapter and is inserted to make explicit the entitlement to retired pay upon retirement.

CHAPTER 369—RETIRED GRADE

- Sec. 3961. General rule.
- 3962. Higher grade for service in special positions.
- 3963. Highest grade held satisfactorily: Reserve enlisted members reduced in grade not as a result of the member's misconduct.
- 3964. Higher grade after 30 years of service: warrant officers and enlisted members.
- 3965. Restoration to former grade: retired warrant officers and enlisted members.
- 3966. Retired lists.

AMENDMENTS

- 1996—Pub. L. 104-201, div. A, title V, §532(a)(2), Sept. 23, 1996, 110 Stat. 2518, added item 3963.
- 1988—Pub. L. 100-456, div. A, title XII, §1233(i)(1)(B), Sept. 29, 1988, 102 Stat. 2058, substituted "retired" for "regular" in item 3965.