

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85-861, set out as a note under section 101 of this title.

§ 8258. Regular Air Force: reenlistment after service as an officer

(a) Any former enlisted member of the Regular Air Force who has served on active duty as an officer of the Air Force, or who was discharged as an enlisted member to accept an appointment as an officer of the Air Force, is entitled to be reenlisted in the Regular Air Force in the enlisted grade that he held before his service as an officer, without loss of seniority or credit for service, regardless of the existence of a vacancy in his grade or of a physical disability incurred or having its inception in line of duty, if (1) his service as an officer is terminated by an honorable discharge or he is relieved from active duty for a purpose other than to await appellate review of a sentence that includes dismissal or dishonorable discharge, and (2) he applies for reenlistment within six months (or such other period as the Secretary of the Air Force prescribes for exceptional circumstances) after termination of that service.

(b) A person is not entitled to be reenlisted under this section if—

- (1) the person was discharged or released from active duty as an officer on the basis of a determination of—
 - (A) misconduct;
 - (B) moral or professional dereliction;
 - (C) duty performance below prescribed standards for the grade held; or
 - (D) retention being inconsistent with the interests of national security; or
- (2) the person's former enlisted status and grade was based solely on the participation by that person in a precommissioning program that resulted in the commission held by that person during the active duty from which the person was released or discharged.

(Aug. 10, 1956, ch. 1041, 70A Stat. 505; Pub. L. 85-603, §1(3), Aug. 8, 1958, 72 Stat. 526; Pub. L. 102-484, div. A, title V, § 520(b), Oct. 23, 1992, 106 Stat. 2409; Pub. L. 110-181, div. A, title V, § 506(b), Jan. 28, 2008, 122 Stat. 96.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
8258	10:631a (less last proviso).	July 14, 1939, ch. 267, § 1 (less last proviso); re-stated May 29, 1954, ch. 249, § 19(b) (less last proviso), 68 Stat. 166.

The words “former” and “as an enlisted member” are inserted for clarity. The words “credit for service” are substituted for the words “of service”. The words “in his grade” are substituted for the words “in the appropriate enlisted grade”. The words “he applies” are substituted for the words “application * * * shall be made”. The words “Hereafter” and “while on active duty” are omitted as surplusage.

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-181, § 506(b)(1), substituted “duty as an officer of the Air Force” for “duty as a reserve officer of the Air Force” and “an appointment” for “a temporary appointment”.

Subsec. (b)(1). Pub. L. 110-181, § 506(b)(2)(A), substituted “an officer” for “a Reserve officer” in introductory provisions.

Subsec. (b)(2). Pub. L. 110-181, § 506(b)(2)(B), substituted “the commission” for “the Reserve commission”.

1992—Pub. L. 102-484 designated existing provisions as subsec. (a), added subsec. (b), and struck out at end of subsec. (a) “However, if his service as an officer terminated by a general discharge, he may, under regulations to be prescribed by the Secretary of the Air Force, be so reenlisted.”

1958—Pub. L. 85-603 limited entitlement to be reenlisted in enlisted grade to those officers whose service terminated by an honorable discharge and those relieved from active duty for a purpose other than to await appellate review of a sentence that includes dismissal or dishonorable discharge, and provided that persons whose service terminated by a general discharge, may, under regulations to be prescribed by the Secretary of the Air Force, be so reenlisted.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-484 applicable to persons discharged or released from active duty as commissioned officers in the Air Force Reserve after Oct. 23, 1992, see section 520(c) of Pub. L. 102-484, set out as a note under section 3258 of this title.

[§§ 8259 to 8261. Repealed. Pub. L. 103-337, div. A, title XVI, § 1662(b)(3), Oct. 5, 1994, 108 Stat. 2990]

Section 8259, acts Aug. 10, 1956, ch. 1041, 70A Stat. 505; Sept. 29, 1988, Pub. L. 100-456, div. A, title XII, § 1234(a)(1), 102 Stat. 2059, related to transfers in grade of members of Air National Guard of United States to Air Force Reserve. See section 12105 of this title.

Section 8260, act Aug. 10, 1956, ch. 1041, 70A Stat. 505, provided that enlisted members of Air National Guard of United States are transferred to Air Force Reserve upon withdrawal as members of Air National Guard. See section 12106 of this title.

Section 8261, acts Aug. 10, 1956, ch. 1041, 70A Stat. 505; Oct. 4, 1961, Pub. L. 87-378, § 4, 75 Stat. 808, related to enlistment in Air National Guard of United States. See section 12107 of this title.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

[§§ 8262, 8263. Repealed. Pub. L. 90-235, § 2(a)(4)(B), Jan. 2, 1968, 81 Stat. 756]

Section 8262, acts Aug. 10, 1956, ch. 1041, 70A Stat. 506; Sept. 2, 1958, Pub. L. 85-861, § 1(166)(A), 72 Stat. 1516, provided for extension of enlistment of members of the Air Force needing medical care or hospitalization.

Section 8263, added Pub. L. 85-861, § 1(166)(B), Sept. 2, 1958, 72 Stat. 1516; Pub. L. 87-649, § 14c(53), Sept. 7, 1962, 76 Stat. 501, provided for voluntary extension of enlistments in the Air Force.

CHAPTER 835—APPOINTMENTS IN THE REGULAR AIR FORCE

Sec.

8281. Commissioned officer grades.

[8284 to 8309. Repealed.]

8310. Warrant officers: original appointment; qualifications.

[8312 to 8314. Repealed.]

AMENDMENTS

1980—Pub. L. 96-513, title V, § 504(10), Dec. 12, 1980, 94 Stat. 2916, struck out items 8284 “Commissioned officers: appointment, how made”, 8285 “Commissioned of-