

ter or under section 6970 or 6383 of this title is computed in accordance with the following table.

Formula	For sections	Column 1 Take	Column 2 Multiply by
A	6325(a) 6326	Retired pay base computed under section 1406(d) or 1407.	Retired pay multiplier prescribed under section 1409 for the years of service that may be credited to the member under section 1405.
B	6323 6325(b) 6970 6383	Retired pay base computed under section 1406(d) or 1407.	Retired pay multiplier prescribed under section 1409 for the years of service that may be credited to him under section 1405.
C	6330	Retainer pay base computed under section 1406(d) or 1407.	Retainer pay multiplier prescribed under section 1409 for the years of service that may be credited to him under section 1405.

(b)(1) Retired pay or retainer pay computed under this section, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.

(2) References in the table in subsection (a) are to sections of this title.

(c) In the case of a Reserve enlisted member whose grade upon transfer to the Fleet Reserve or Fleet Marine Corps Reserve is determined under section 6336 of this title and who first became a member of a uniformed service before September 8, 1980, the retainer pay base of the member (notwithstanding section 1406(a)(1) of this title) is the amount of the monthly basic pay of the grade in which the member is so transferred (determined based upon the rates of basic pay applicable on the date of the member's transfer), and that amount shall be used for the purposes of the table in subsection (a) rather than the amount computed under section 1406(d) of this title.

(Added Pub. L. 98-94, title IX, §922(a)(10)(A), Sept. 24, 1983, 97 Stat. 641; amended Pub. L. 99-348, title II, §203(a), July 1, 1986, 100 Stat. 695; Pub. L. 103-337, div. A, title VI, §635(b), Oct. 5, 1994, 108 Stat. 2789; Pub. L. 104-106, div. A, title XV, §1503(b)(3), Feb. 10, 1996, 110 Stat. 512; Pub. L. 104-201, div. A, title V, §532(d)(2), Sept. 23, 1996, 110 Stat. 2520; Pub. L. 109-163, div. A, title V, §509(d)(2), Jan. 6, 2006, 119 Stat. 3231; Pub. L. 110-181, div. A, title VI, §646(a), Jan. 28, 2008, 122 Stat. 160.)

AMENDMENTS

2008—Subsec. (a). Pub. L. 110-181 substituted “Retired pay multiplier prescribed under section 1409 for the years of service that may be credited to the member under section 1405.” for “75 percent.” in Formula A under Column 2 in table.

2006—Subsec. (a). Pub. L. 109-163 inserted “6970 or” after “section” in text and “6970” below “6325(b)” in Formula B under “For sections” column in table.

1996—Subsec. (a). Pub. L. 104-106 struck out first period after “section 1405” in Formula C under Column 2 in table.

Subsec. (c). Pub. L. 104-201 added subsec. (c).

1994—Subsec. (a). Pub. L. 103-337 substituted “the years of service that may be credited to him under section 1405.” for “his years of active service in the armed forces” in Formula C under Column 2 in table.

1986—Pub. L. 99-348 amended section generally, designating existing provision as subsec. (b)(1), substituting “under this section” for “under this chapter”, and adding subsecs. (a) and (b)(2).

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-181 effective as of Jan. 1, 2007, and applicable with respect to retired pay and retainer pay payable on or after that date, see section 646(c) of Pub. L. 110-181, set out as a note under section 1402 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

Section effective Oct. 1, 1983, see section 922(e) of Pub. L. 98-94, set out as an Effective Date of 1983 Amendment note under section 1401 of this title.

§ 6334. Higher grade after 30 years of service: warrant officers and enlisted members

(a) Each member of the naval service covered by subsection (b) who, after December 4, 1987, is retired with less than 30 years of active service or is transferred to the Fleet Reserve or Fleet Marine Corps Reserve is entitled, when his active service plus his service on the retired list or his service in the Fleet Reserve or the Fleet Marine Corps Reserve totals 30 years, to be advanced on the retired list to the highest grade in which he served on active duty satisfactorily, as determined by the Secretary of the Navy.

(b) This section applies to—

- (1) warrant officers of the naval service;
- (2) enlisted members of the Regular Navy and Regular Marine Corps; and
- (3) reserve enlisted members of the Navy and Marine Corps who, at the time of retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve, are serving on active duty.

(c) An enlisted member of the naval service who is advanced on the retired list under this section is entitled to recompute his retired or retainer pay under formula A of the following table, and a warrant officer of the naval service so advanced is entitled to recompute his retired pay under formula B of that table. The amount recomputed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.

Formula	Column 1 Take	Column 2 Multiply by
A	Retired pay base as computed under section 1406(d) or 1407 of this title.	The retired pay multiplier prescribed in section 1409 of this title for the number of years creditable for his retainer or retired pay at the time of retirement. ¹

Formula	Column 1 Take	Column 2 Multiply by
B	Retired pay base as computed under section 1406(d) of this title.	The retired pay multiplier prescribed in section 1409 of this title for the number of years credited to him under section 1405 of this title.

¹In determining the retired pay multiplier, credit each full month of service that is in addition to the number of full years of service creditable to the member as 1/12 of a year and disregard any remaining fractional part of a month.

(Added Pub. L. 100-180, div. A, title V, § 512(b), Dec. 4, 1987, 101 Stat. 1089; amended Pub. L. 101-189, div. A, title XVI, § 1622(g), Nov. 29, 1989, 103 Stat. 1605.)

AMENDMENTS

1989—Subsec. (a). Pub. L. 101-189 substituted “December 4, 1987” for “the date of the enactment of this section”.

§ 6335. Restoration to former grade: warrant officers and enlisted members

Each retired warrant officer or enlisted member of the naval service who has been advanced on the retired list to a higher commissioned grade under section 6334 of this title, and who applies to the Secretary of the Navy within three months after his advancement, shall, if the Secretary approves, be restored on the retired list to his former warrant officer or enlisted status, as the case may be.

(Added Pub. L. 100-180, div. A, title V, § 512(b), Dec. 4, 1987, 101 Stat. 1090.)

§ 6336. Highest grade held satisfactorily: Reserve enlisted members reduced in grade not as a result of the member's misconduct

(a) A member of the Navy Reserve or Marine Corps Reserve described in subsection (b) who is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve under section 6330 of this title shall be transferred in the highest enlisted grade in which the member served on active duty satisfactorily, as determined by the Secretary of the Navy.

(b) This section applies to a Reserve enlisted member who—

- (1) at the time of transfer to the Fleet Reserve or Fleet Marine Corps Reserve is serving on active duty in a grade lower than the highest enlisted grade held by the member while on active duty; and
- (2) was previously administratively reduced in grade not as a result of the member's own misconduct, as determined by the Secretary of the Navy.

(c) This section applies with respect to enlisted members of the Navy Reserve and Marine Corps Reserve who are transferred to the Fleet Reserve or the Fleet Marine Corps Reserve after September 30, 1996.

(Added Pub. L. 104-201, div. A, title V, § 532(b)(1), Sept. 23, 1996, 110 Stat. 2519; amended Pub. L. 109-163, div. A, title V, § 515(b)(1)(L), Jan. 6, 2006, 119 Stat. 3233.)

AMENDMENTS

2006—Subsecs. (a), (c). Pub. L. 109-163 substituted “Navy Reserve” for “Naval Reserve”.

CHAPTER 573—INVOLUNTARY RETIREMENT, SEPARATION, AND FURLOUGH

Sec. 6371. Mandatory retirement: Superintendent of the United States Naval Academy; waiver authority.

[6372 to 6382. Repealed.]

6383. Regular Navy and Regular Marine Corps; officers designated for limited duty: retirement for length of service or failures of selection for promotion; discharge for failures of selection for promotion; reversion to prior status; retired grade; retired pay.

[6384 to 6388. Repealed.]

6389. Navy Reserve and Marine Corps Reserve; officers: elimination from active status; computation of total commissioned service.

[6390 to 6403. Repealed.]

6404. Treatment of fractions of years of service in computing retired pay and separation pay.

[6405 to 6407. Repealed.]

6408. Navy and Marine Corps; warrant officers, W-1: limitation on dismissal.

[6409, 6410. Repealed.]

AMENDMENTS

2006—Pub. L. 109-163, div. A, title V, § 515(b)(4)(C), Jan. 6, 2006, 119 Stat. 3235, substituted “Navy Reserve” for “Naval Reserve” in item 6389.

2004—Pub. L. 108-375, div. A, title V, § 541(c)(2)(B), Oct. 28, 2004, 118 Stat. 1904, inserted “; waiver authority” after “Academy” in item 6371.

1999—Pub. L. 106-65, div. A, title V, § 532(a)(4)(C), Oct. 5, 1999, 113 Stat. 604, added item 6371.

1994—Pub. L. 103-337, div. A, title XVI, § 1673(b)(4), Oct. 5, 1994, 108 Stat. 3016, struck out items 6391 “Naval Reserve and Marine Corps Reserve; officers: retirement at age 62”, 6392 “Retention in active status of certain officers”, 6397 “Naval Reserves; officers in the Nurse Corps: elimination from active status”, 6403 “Naval Reserve and Marine Corps Reserve; women officers: elimination from active status”, and 6410 “Naval Reserve and Marine Corps Reserve; officers: elimination from active status to provide a flow of promotion”.

1987—Pub. L. 100-180, div. A, title VII, § 717(b)(2), Dec. 4, 1987, 101 Stat. 1114, added item 6392.

1980—Pub. L. 96-513, title V, § 503(48), Dec. 12, 1980, 94 Stat. 2915, struck out items 6371 “Regular Navy; line rear admirals not restricted in performance of duty; continuation on active list; retirement”, 6372 “Regular Navy; line rear admirals restricted in performance of duty and staff corps rear admirals: retention on active list; retirement”, 6373 “Regular Marine Corps; major generals: retention on active list; retirement”, 6374 “Regular Marine Corps; brigadier generals: retirement for failures of selection for promotion”, 6376 “Regular Navy, line captains not restricted in performance of duty; Regular Marine Corps, colonels: retirement for length of service”, 6377 “Regular Navy, line captains restricted in performance of duty, staff corps captains, and Nurse Corps commanders; Regular Marine Corps, colonels designated for supply duty; retirement for length of service”, 6378 “Regular Navy, line captains restricted in performance of duty, staff corps captains, and Nurse Corps commanders: continuation on active list; retirement”, 6379 “Regular Navy, commanders; Regular Marine Corps, lieutenant colonels: retirement for length of service and failures of selection for promotion”, 6380 “Regular Navy, lieutenant commanders; Regular Marine Corps, majors: retirement for length of service and failures of selection for promotion”, 6381 “Officers retired under preceding sections; retired grade and pay; general rule”, and 6382 “Regular Navy, lieutenants and lieutenants (junior grade); Regular Marine Corps, captains and first lieutenants: discharge for failures of selection for promotion; severance pay”, substituted “retired pay” for “retired or severance pay” in item 6383, struck out items 6384 “Regular Navy and Regular Marine Corps; officers having less than 20