

§ 7086. Physical disability retirement

(a) Each civilian member who has served not less than five years, and who, before reaching the age of 65, becomes totally disabled for useful and efficient service in his position, by reason of disease or injury not due to his own vicious habits, intemperance, or willful misconduct shall, upon his application or upon the request of the Secretary of the Navy, be retired with a life annuity computed under section 7085 of this title.

(b) The amount that the Secretary shall pay annually under this section is the difference between the total amount to which the retired member is entitled under subsection (a) and the immediate life annuity to which he is entitled at the time of his disability retirement under the annuity policy required by section 7082 of this title.

(c) Each civilian member retired under this section, unless the disability for which he was retired is permanent in character, shall be examined by a board of medical officers designated by the Superintendent of the Naval Academy or of the Postgraduate School, as appropriate, one year after his retirement and annually thereafter, until he becomes 65 years of age.

(d) Payments by the Secretary under this section shall be terminated if the retired civilian member is found to be sufficiently recovered for useful and efficient service in his former position and is offered reemployment in that position by the Superintendent.

(e) If a civilian member retired under this section is later reemployed by the United States, the payments by the Secretary shall be terminated.

(f) Each civilian member retired under this section who is reemployed as a civilian member of the teaching staff of the Naval Academy or the Naval Postgraduate School shall, upon his later retirement, be paid annually by the Secretary the difference between the total annual amount computed under section 7085 of this title and the immediate life annuity which the total premiums paid on his annuity contracts would buy.

(g) No person may receive payments from the Secretary of the Navy under this chapter and, for the same period of time, compensation under chapter 81 of title 5.

(Aug. 10, 1956, ch. 1041, 70A Stat. 439; Pub. L. 89-718, §40, Nov. 2, 1966, 80 Stat. 1120.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7086	34 U.S.C. 1073c-2.	Jan. 16, 1936, ch. 3, §4B; added Aug. 2, 1946, ch. 740, 60 Stat. 804.

In subsection (a) the words "reaching the age of 65" are substituted for the words "becoming eligible for retirement under the conditions defined in the preceding sections hereof", since a civilian member's 65th birthday is the date on which he becomes eligible for retirement under this chapter.

In subsection (c) the words "or the Postgraduate School, as appropriate" are inserted because the Postgraduate School and the Naval Academy are now two separate institutions.

In subsection (f) the words "or the Naval Postgraduate School" are inserted for the same reason.

In subsection (g) the words "Federal Employees Compensation Act of September 7, 1916, as amended (5 U.S.C. 751 et seq.)," are substituted for the words "Act of Sept. 7, 1916, entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes'". Authority for referring to this Act as the Federal Employees Compensation Act is contained in the Federal Employees Compensation Act Amendments of 1949, 63 Stat. 854. The words "but this provision shall not bar the right of any claimant to the greater benefit conferred by either Act for any part of the same period" are omitted as unnecessary.

AMENDMENTS

1966—Subsec. (g). Pub. L. 89-718 substituted "chapter 81 of title 5" for "sections 751-756, 757-791, and 793 of title 5".

CHANGE OF NAME

References to Superintendent of the Naval Postgraduate School deemed to refer to President of the Naval Postgraduate School, see section 557(a)(1), (2) of Pub. L. 108-375, set out as a note under section 7042 of this title.

§ 7087. Election of annuity for self and beneficiary

(a) At the time of his retirement, a civilian member retiring under this chapter may elect to receive instead of the amount payable annually by the Secretary of the Navy under section 7085 or 7086 of this title a reduced annuity for his life and an annuity payable after his death to his beneficiary in either—

- (1) an amount equal to his reduced annuity; or
- (2) an amount equal to 50 percent of his reduced annuity.

The annuities payable to principal and beneficiary, under either election, shall be in amounts that have, on the date of the retirement of the civilian member, a combined actuarial value equal to the actuarial value of the annuity payable by the Secretary under section 7085 or 7086 of this title, as determined under actuarial tables prepared by the Director of the Office of Personnel Management.

(b) If the civilian member elects to take a reduced annuity under this section, he shall, at the time of his retirement, designate the beneficiary in writing and file the designation with the Secretary.

(c) The annuity payable under this section to the beneficiary of a deceased civilian member shall be terminated upon the death of the beneficiary.

(Aug. 10, 1956, ch. 1041, 70A Stat. 440; Pub. L. 97-295, §1(45), Oct. 12, 1982, 96 Stat. 1298.)

HISTORICAL AND REVISION NOTES
1956 ACT

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
7087	34 U.S.C. 1073c-3.	Jan. 16, 1936, ch. 3, §4C; added Aug. 2, 1946, ch. 740, 60 Stat. 805.

In subsection (a) the words "under actuarial tables prepared by the Civil Service Commission" are substituted for the words "under the provisions of the Civil Service Retirement Act" because that Act, as amended in 1948, no longer provides for the computa-