

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

EFFECTIVE DATE

Pub. L. 113-66, div. A, title V, § 563(d), Dec. 26, 2013, 127 Stat. 768, provided that: “The amendments made by this section [enacting this section, amending section 1562 of Title 38, Veterans’ Benefits, and repealing sections 1560 and 1561 of Title 38] shall apply with respect to Medals of Honor awarded on or after the date of the enactment of this Act [Dec. 26, 2013].”

§ 1135. Replacement of military decorations

(a) REPLACEMENT.—In addition to other authorities available to the Secretary concerned to replace a military decoration, the Secretary concerned shall replace, on a one-time basis and without charge, a military decoration upon the request of the recipient of the military decoration or the immediate next of kin of a deceased recipient.

(b) PROMPT REPLACEMENT REQUIRED.—When a request for the replacement of a military decoration is received under this section or section 7277, 7281, 8303, 9277, or 9281 of this title, the Secretary concerned shall ensure that—

(1) all actions to be taken with respect to the request, including verification of the service record of the recipient of the military decoration, are completed within one year; and

(2) the replacement military decoration is mailed to the person requesting the replacement military decoration within 90 days after verification of the service record.

(c) MILITARY DECORATION DEFINED.—In this section, the term “decoration” means any decoration or award (other than the medal of honor) that may be presented or awarded by the President or the Secretary concerned to a member of the armed forces.

(Added Pub. L. 110-417, [div. A], title V, § 571(a), Oct. 14, 2008, 122 Stat. 4471; amended Pub. L. 113-66, div. A, title V, § 564, Dec. 26, 2013, 127 Stat. 768; Pub. L. 115-232, div. A, title VIII, § 809(a), Aug. 13, 2018, 132 Stat. 1840.)

AMENDMENTS

2018—Subsec. (b). Pub. L. 115-232 substituted “section 7277, 7281, 8303, 9277, or 9281” for “section 3747, 3751, 6253, 8747, or 8751” in introductory provisions.

2013—Subsecs. (b), (c). Pub. L. 113-66 added subsec. (b) and redesignated former subsec. (b) as (c).

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CHAPTER 58—BENEFITS AND SERVICES FOR MEMBERS BEING SEPARATED OR RECENTLY SEPARATED

Sec.

1141. Involuntary separation defined.

Sec.

1142. Preseparation counseling; transmittal of medical records to Department of Veterans Affairs.¹

1143. Employment assistance.

[1143a. Repealed.]

1144. Employment assistance, job training assistance, and other transitional services: Department of Labor.

1145. Health benefits.

1146. Commissary and exchange benefits.

1147. Use of military family housing.

1148. Relocation assistance for personnel overseas.

1149. Excess leave and permissive temporary duty.

1150. Affiliation with Guard and Reserve units: waiver of certain limitations.

1151. Retention of assistive technology and services provided before separation.

1152. Assistance to eligible members and former members to obtain employment with law enforcement agencies.

1153. Assistance to separated members to obtain employment with health care providers.

1154. Assistance to eligible members and former members to obtain employment as teachers: Troops-to-Teachers Program.

1155. Statement of benefits.

AMENDMENTS

2018—Pub. L. 115-232, div. A, title V, §§ 522(b), 553(a)(2), Aug. 13, 2018, 132 Stat. 1756, 1772, added item 1155 and struck out item 1143a “Employment assistance”.

2013—Pub. L. 112-239, div. A, title V, § 541(b)(2), Jan. 2, 2013, 126 Stat. 1735, added item 1154.

2006—Pub. L. 109-364, div. A, title V, § 561(b), Oct. 17, 2006, 120 Stat. 2220, added item 1151.

1999—Pub. L. 106-65, div. A, title XVII, § 1707(a)(2), Oct. 5, 1999, 113 Stat. 823, struck out item 1151 “Assistance to separated members to obtain certification and employment as teachers or employment as teachers’ aides”.

1994—Pub. L. 103-337, div. A, title V, § 542(a)(10), title XI, § 1132(a)(2), Oct. 5, 1994, 108 Stat. 2768, 2873, struck out “: Department of Defense” after “assistance” in item 1143 and after “service” in item 1143a and substituted “eligible members and former members” for “separated members” in item 1152.

1993—Pub. L. 103-160, div. A, title XIII, § 1332(e), Nov. 30, 1993, 107 Stat. 1797, added items 1152 and 1153.

1992—Pub. L. 102-484, div. D, title XLIV, §§ 4441(a)(2), 4462(a)(2), Oct. 23, 1992, 106 Stat. 2730, 2740, added items 1143a and 1151.

§ 1141. Involuntary separation defined

A member of the armed forces shall be considered to be involuntarily separated for purposes of this chapter if the member was on active duty or full-time National Guard duty on September 30, 1990, or after November 29, 1993, or, with respect to a member of the Coast Guard, if the member was on active duty in the Coast Guard after September 30, 1994, and—

(1) in the case of a regular officer (other than a retired officer), the officer is involuntarily discharged under other than adverse conditions, as characterized by the Secretary concerned;

(2) in the case of a reserve officer who is on the active-duty list or, if not on the active-duty list, is on full-time active duty (or in the case of a member of the National Guard, full-time National Guard duty) for the purpose of organizing, administering, recruiting, in-

¹ Section catchline amended by Pub. L. 115-232 without corresponding amendment of chapter analysis.