

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.

**§ 8334. 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. <sup>1</sup>
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.

<sup>1</sup>In 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, §6334; amended Pub. L. 101-189, div. A, title XVI, §1622(g), Nov. 29, 1989, 103 Stat. 1605; renumbered §8334, Pub. L. 115-232, div. A, title VIII, §807(b)(15), Aug. 13, 2018, 132 Stat. 1836.)

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6334 of this title as this section.

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

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.

**§ 8335. 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 8334 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, §6335; renumbered §8335 and amended Pub. L. 115-232, div. A, title VIII, §§807(b)(15), 809(a), Aug. 13, 2018, 132 Stat. 1836, 1840.)

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6335 of this title as this section and substituted “section 8334” for “section 6334”.

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.

**§ 8336. 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 8330 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, §6336; amended Pub. L. 109-163, div. A, title V, §515(b)(1)(L), Jan. 6, 2006, 119 Stat. 3233; renumbered §8336 and amended Pub. L. 115-232, div. A, title VIII, §§807(b)(15), 809(a), Aug. 13, 2018, 132 Stat. 1836, 1840.)