

Sec.	
14511.	Separation at age 64: officers in grade of major general or rear admiral and above.
14512.	Separation at age 66: officers holding certain offices.
14513.	Failure of selection for promotion: transfer, retirement, or discharge.
14514.	Discharge or retirement for years of service or after selection for early removal.
14515.	Discharge or retirement for age.
14516.	Separation to be considered involuntary.
14517.	Entitlement of officers discharged under this chapter to separation pay.
14518.	Continuation of officers to complete disciplinary action.
14519.	Deferment of retirement or separation for medical reasons.

AMENDMENTS

2008—Pub. L. 110-181, div. A, title V, § 503(c)(3), title XVIII, § 1825(a)(2), Jan. 28, 2008, 122 Stat. 95, 502, substituted “six years” for “five years” in item 14503 and “officers in grade of major general or rear admiral and above” for “major generals and rear admirals” in item 14511.

2006—Pub. L. 109-364, div. A, title V, § 503(f), Oct. 17, 2006, 120 Stat. 2178, struck out “reserve” before “brigadier” in item 14510 and substituted “62” for “60” in items 14509 and 14510, “64” for “62” in item 14511, and “66” for “64” in item 14512.

2002—Pub. L. 107-314, div. A, title V, § 522(b), Dec. 2, 2002, 116 Stat. 2541, added item 14519.

2001—Pub. L. 107-107, div. A, title V, § 517(b)(2)(B), Dec. 28, 2001, 115 Stat. 1094, substituted “Failure of selection for promotion: transfer, retirement, or discharge” for “Separation for failure of selection of promotion” in item 14513.

1999—Pub. L. 106-65, div. A, title V, § 511(b), Oct. 5, 1999, 113 Stat. 592, added item 14518.

1996—Pub. L. 104-106, div. A, title XV, § 1501(b)(27), Feb. 10, 1996, 110 Stat. 497, inserted “reserve” after “Marine Corps and” in item 14506, “reserve” after “Removal from the” in item 14507, and “in grades” after “reserve officers” in item 14509.

§ 14501. Failure of selection for promotion

(a) OFFICERS BELOW THE GRADE OF COLONEL OR NAVY CAPTAIN.—An officer on the reserve active-status list in a grade below the grade of colonel or, in the case of an officer in the Navy Reserve, captain who is in or above the promotion zone established for that officer’s grade and competitive category and who (1) is considered but not recommended for promotion (other than by a vacancy promotion board), or (2) declines to accept a promotion for which selected (other than by a vacancy promotion board), shall be considered to have failed of selection for promotion.

(b) OFFICERS TWICE FAILED OF SELECTION.—An officer shall be considered for all purposes to have twice failed of selection for promotion if any of the following applies:

(1) The officer is considered but not recommended for promotion a second time by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502(a) of this title.

(2) The officer declines to accept a promotion for which recommended by a mandatory promotion board convened under section 14101(a) or a special selection board convened under section 14502(a) or 14502(b) of this title after previously failing of selection or after the officer’s name was removed from the report of a selection board under section 14111(b)

or from a promotion list under section 14310 of this title after recommendation for promotion by an earlier selection board described in subsection (a).

(3) The officer’s name has been removed from the report of a selection board under section 14111(b) or from a promotion list under section 14310 of this title after recommendation by a mandatory promotion board convened under section 14101(a) or by a special selection board convened under section 14502(a) or 14502(b) of this title and—

(A) the officer is not recommended for promotion by the next mandatory promotion board convened under section 14101(a) or special selection board convened under section 14502(a) of this title for that officer’s grade and competitive category; or

(B) the officer’s name is again removed from the report of a selection board under section 14111(b) or from a promotion list under section 14310 of this title.

(Added Pub. L. 103-337, div. A, title XVI, § 1611, Oct. 5, 1994, 108 Stat. 2946; amended Pub. L. 104-106, div. A, title XV, § 1501(b)(28), Feb. 10, 1996, 110 Stat. 498; Pub. L. 109-163, div. A, title V, § 515(b)(1)(TT), Jan. 6, 2006, 119 Stat. 3234.)

AMENDMENTS

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

1996—Subsec. (a). Pub. L. 104-106 inserted heading.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective as if included in the Reserve Officer Personnel Management Act, title XVI of Pub. L. 103-337, as enacted on Oct. 5, 1994, see section 1501(f)(3) of Pub. L. 104-106, set out as a note under section 113 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1996, see section 1691(b)(1) of Pub. L. 103-337, set out as a note under section 10001 of this title.

CONTINUATION ON RESERVE ACTIVE-STATUS LIST OF CERTAIN RESERVE COLONELS OF ARMY AND AIR FORCE

Pub. L. 103-337, div. A, title XVI, § 1681, Oct. 5, 1994, 108 Stat. 3021, provided that:

“(a) CONTINUATION UNDER OLD LAW.—Except as provided in subsection (b), a reserve officer of the Army or the Air Force who, on the effective date of this title [Oct. 1, 1996, see section 1691(b)(1), (2) of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title]—

“(1) is subject to placement on the reserve active-status list of the Army or the Air Force; and

“(2)(A) holds the reserve grade of colonel, (B) is on a list of officers recommended for promotion to the reserve grade of colonel, or (C) has been nominated by the President for appointment in the reserve grade of colonel,

shall continue to be subject to mandatory transfer to the Retired Reserve or discharge from the officer’s reserve appointment under section 3851 or 8851 of title 10, United States Code, as in effect on the day before the effective date of this title.

“(b) EXEMPTION.—This section does not apply to an officer who is—

“(1) sooner transferred from an active status or discharged under some other provision of law;

“(2) promoted to a higher grade, unless the officer was on a list of officers recommended for promotion to the reserve grade of colonel before the effective date of this title; or