

charged at an earlier date, a reserve officer of the Army or Air Force who is specified in paragraph (2) shall on the last day of the month in which the officer becomes 66 years of age, be separated in accordance with section 14515 of this title.

(2) Paragraph (1) applies to a reserve officer of the Army or Air Force who is any of the following:

(A) The Chief of the Army Reserve, Chief of the Air Force Reserve, Director of the Army National Guard, or Director of the Air National Guard.

(B) An adjutant general.

(C) If a reserve officer of the Army, the commanding general of the troops of a State.

(b) NAVY AND MARINE CORPS.—(1) The Secretary of the Navy may defer the retirement under section 14510 or 14511 of a reserve officer of the Navy in a grade above captain or a reserve officer of the Marine Corps in a grade above colonel and retain the officer in an active status until the officer becomes 66 years of age. Not more than 10 officers may be so deferred at any one time, distributed between the Navy Reserve and the Marine Corps Reserve as the Secretary determines.

(2) The Secretary of Defense may defer the retirement of a reserve officer serving in the position of Chief of the Navy Reserve or Commander of the Marine Forces Reserve, but such deferment may not extend beyond the first day of the month following the month in which the officer becomes 66 years of age. A deferment under this paragraph shall not count toward the limitation on the total number of officers whose retirement may be deferred at any one time under paragraph (1).

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2953; amended Pub. L. 109-163, div. A, title V, §§511, 515(b)(1)(UU), Jan. 6, 2006, 119 Stat. 3231, 3234; Pub. L. 109-364, div. A, title V, §503(d), Oct. 17, 2006, 120 Stat. 2178; Pub. L. 110-181, div. A, title XVIII, §1825(b), Jan. 28, 2008, 122 Stat. 502.)

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 3845, 6391(b), and 8845 of this title, prior to repeal by Pub. L. 103-337, §1629(a)(3), (b)(3), (c)(3).

#### AMENDMENTS

2008—Subsec. (a)(2). Pub. L. 110-181, §1825(b)(1), redesignated subpars. (B) to (D) as (A) to (C), respectively, and struck out former subpar. (A) which read as follows: “The Chief of the National Guard Bureau.”

Subsec. (b). Pub. L. 110-181, §1825(b)(2), designated existing provisions as par. (1) and added par. (2).

2006—Pub. L. 109-364, §503(d)(2), substituted “66” for “64” in section catchline.

Subsec. (a). Pub. L. 109-163, §511, designated existing provisions as par. (1), substituted “who is specified in paragraph (2)” for “who is Chief of the National Guard Bureau, an adjutant general, or if a reserve officer of the Army, commanding general of the troops of a State.”, and added par. (2).

Subsec. (a)(1). Pub. L. 109-364, §503(d)(1), substituted “66” for “64”.

Subsec. (b). Pub. L. 109-364, §503(d)(1), substituted “66” for “64”.

Pub. L. 109-163, §515(b)(1)(UU), substituted “Navy Reserve” for “Naval Reserve”.

#### 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.

#### § 14513. Failure of selection for promotion: transfer, retirement, or discharge

Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and whose removal from an active status or from a reserve active-status list is required by section 14504, 14505, or 14506 of this title shall (unless the officer's separation is deferred or the officer is continued in an active status under another provision of law) not later than the date specified in those sections—

(1) be transferred to an inactive status if the Secretary concerned determines that the officer has skills which may be required to meet the mobilization needs of the officer's armed force;

(2) be transferred to the Retired Reserve if the officer is qualified for such transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve; or

(3) if the officer is not transferred to an inactive status or to the Retired Reserve, be discharged from the officer's reserve appointment.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2953; amended Pub. L. 107-107, div. A, title V, §517(b)(1), (2)(A), Dec. 28, 2001, 115 Stat. 1094.)

#### AMENDMENTS

2001—Pub. L. 107-107, §517(b)(2)(A), substituted “Failure of selection for promotion: transfer, retirement, or discharge” for “Separation for failure of selection of promotion” in section catchline.

Par. (2). Pub. L. 107-107, §517(b)(1), substituted “if the officer is qualified for such transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve” for “, if the officer is qualified and applies for such transfer”.

#### EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-107 effective on the first day of the first month that begins more than 180 days after Dec. 28, 2001, see section 517(g) of Pub. L. 107-107, set out as a note under section 10154 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.

#### § 14514. Discharge or retirement for years of service or after selection for early removal

Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status and who is required to be removed from an active status or from a reserve active-status list, as the case may be, under section 14507, 14508, 14704, or 14705 of this title (unless the officer is sooner separated or the officer's separation is deferred or the officer is continued in an active status under another provision of law), in accordance with those sections, shall—

(1) be transferred to the Retired Reserve if the officer is qualified for such transfer and

does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve; or

(2) be discharged from the officer's reserve appointment if the officer is not qualified for transfer to the Retired Reserve or has requested (in accordance with regulations prescribed by the Secretary concerned) not to be so transferred.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2953; amended Pub. L. 107-107, div. A, title V, §517(c), Dec. 28, 2001, 115 Stat. 1094.)

#### AMENDMENTS

2001—Par. (1). Pub. L. 107-107, §517(c)(1), substituted “if the officer is qualified for such transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve” for “, if the officer is qualified and applies for such transfer”.

Par. (2). Pub. L. 107-107, §517(c)(2), added par. (2) and struck out former par. (2) which read as follows: “if the officer is not qualified or does not apply for such transfer, be discharged from the officer's reserve appointment.”

#### EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-107 effective on the first day of the first month that begins more than 180 days after Dec. 28, 2001, see section 517(g) of Pub. L. 107-107, set out as a note under section 10154 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.

### § 14515. Discharge or retirement for age

Each reserve officer of the Army, Navy, Air Force, or Marine Corps who is in an active status or on an inactive-status list and who reaches the maximum age specified in section 14509, 14510, 14511, or 14512 of this title for the officer's grade or position shall (unless the officer is sooner separated or the officer's separation is deferred or the officer is continued in an active status under another provision of law) not later than the last day of the month in which the officer reaches that maximum age—

(1) be transferred to the Retired Reserve if the officer is qualified for such transfer and does not request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve; or

(2) be discharged from the officer's reserve appointment if the officer is not qualified for transfer to the Retired Reserve or has requested (in accordance with regulations prescribed by the Secretary concerned) not to be so transferred.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2954; amended Pub. L. 104-106, div. A, title XV, §1501(b)(31), Feb. 10, 1996, 110 Stat. 498; Pub. L. 107-107, div. A, title V, §517(d), Dec. 28, 2001, 115 Stat. 1095.)

#### AMENDMENTS

2001—Par. (1). Pub. L. 107-107, §517(d)(1), substituted “if the officer is qualified for such transfer and does not

request (in accordance with regulations prescribed by the Secretary concerned) not to be transferred to the Retired Reserve” for “, if the officer is qualified and applies for such transfer”.

Par. (2). Pub. L. 107-107, §517(d)(2), added par. (2) and struck out former par. (2) which read as follows: “if the officer is not qualified or does not apply for transfer to the Retired Reserve, be discharged from the officer's reserve appointment.”

1996—Pub. L. 104-106 substituted “inactive-status” for “inactive status” in introductory provisions.

#### EFFECTIVE DATE OF 2001 AMENDMENT

Amendment by Pub. L. 107-107 effective on the first day of the first month that begins more than 180 days after Dec. 28, 2001, see section 517(g) of Pub. L. 107-107, set out as a note under section 10154 of this title.

#### 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.

### § 14516. Separation to be considered involuntary

The separation of an officer pursuant to section 14513, 14514, or 14515 of this title shall be considered to be an involuntary separation for purposes of any other provision of law.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2954.)

#### 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.

### § 14517. Entitlement of officers discharged under this chapter to separation pay

An officer who is discharged under section 14513, 14514, or 14515 of this title is entitled to separation pay under section 1174 of this title if otherwise eligible under that section.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2954.)

#### 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.

### § 14518. Continuation of officers to complete disciplinary action

The Secretary concerned may delay the separation or retirement under this chapter of an officer against whom an action has been commenced with a view to trying the officer by court-martial. Any such delay may continue until the completion of the disciplinary action against the officer.

(Added Pub. L. 106-65, div. A, title V, §511(a), Oct. 5, 1999, 113 Stat. 592.)

### § 14519. Deferment of retirement or separation for medical reasons

(a) AUTHORITY.—If, in the case of an officer required to be retired or separated under this