

by the Secretary concerned that, at the time of death of the member, the member was qualified for appointment to that higher grade.

(Aug. 10, 1956, ch. 1041, 70A Stat. 116; Pub. L. 110-417, [div. A], title V, § 502(b), Oct. 14, 2008, 122 Stat. 4433.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1522(a) .....	10:612 (words before semicolon). 34:285e (words before semicolon).	July 28, 1942, ch. 528, § 4, 56 Stat. 723; July 17, 1953, ch. 220, § 1 (a)-(d), 67 Stat. 176.
1522(b) .....	10:612 (words after semicolon). 34:285e (words after semicolon).	

In subsection (a), the words “a member of” are substituted for the words “any person who, while in”, in 10:612 and 34:285e. The words “armed forces” are substituted for the words “the military service of the United States”, in 10:612; and “the naval service of the United States”, in 34:285e (which did not appear in the source statute for the revised section, as amended by the act of July 17, 1953, ch. 220, § 1(b), 67 Stat. 177). The words “other than a commissioned grade” are substituted for the words “noncommissioned grade” to make it clear that the revised section covers warrant officers. The words “receive or” are omitted as surplusage.

In subsection (b), the words “appointment or promotion”, “and branch of the service”, “official”, and “by such warrant” are omitted as surplusage.

#### AMENDMENTS

2008—Subsec. (a). Pub. L. 110-417, § 502(b)(1), struck out “in line of duty” before period at end.

Subsec. (c). Pub. L. 110-417, § 502(b)(2), added subsec. (c).

#### § 1523. Posthumous commissions and warrants: effect on pay and allowances

No person is entitled to any bonus, gratuity, pay, or allowance because of a posthumous commission or warrant.

(Aug. 10, 1956, ch. 1041, 70A Stat. 116.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1523 .....	10:491d. 34:285f.	July 28, 1942, ch. 528, § 6, 56 Stat. 723; July 17, 1953, ch. 220, § 1(e) (1st 7 words), 67 Stat. 177.

The word “receive” is omitted as surplusage. The words “because of a posthumous commission or warrant” are substituted for the words “by virtue of any provision of sections 491a-491d [285b-285d] and 612 [285e] of this title”, in 10:491d and 34:285f.

#### § 1524. Posthumous commissions and warrants: determination of date of death

For the purposes of sections 1521 and 1522 of this title, in any case where the date of death is established or determined under section 551-558 of title 37, the date of death is the date the Secretary concerned receives evidence that the person is dead, or the date the finding of death is made under section 555 of title 37.

(Added Pub. L. 89-718, § 12(a)(1), Nov. 2, 1966, 80 Stat. 1117.)

## CHAPTER 79—CORRECTION OF MILITARY RECORDS

Sec.	
1551.	Correction of name after separation from service under an assumed name.
1552.	Correction of military records: claims incident thereto.
1553.	Review of discharge or dismissal.
1553a.	Review of a request for upgrade of discharge or dismissal.
1554.	Review of retirement or separation without pay for physical disability.
1554a.	Review of separation with disability rating of 20 percent disabled or less.
1554b.	Confidential review of characterization of terms of discharge of members of the armed forces who are victims of sex-related offenses.
1555.	Professional staff.
1556.	Ex parte communications prohibited.
1557.	Timeliness standards for disposition of applications before Corrections Boards.
1558.	Review of actions of selection boards: correction of military records by special boards; judicial review.
1559.	Personnel limitation.

#### AMENDMENTS

2019—Pub. L. 116-92, div. A, title V, § 523(b)(1), Dec. 20, 2019, 133 Stat. 1354, added item 1553a.

2017—Pub. L. 115-91, div. A, title V, § 522(a)(2), Dec. 12, 2017, 131 Stat. 1380, added item 1554b.

2008—Pub. L. 110-181, div. A, title XVI, § 1643(a)(2), Jan. 28, 2008, 122 Stat. 467, added item 1554a.

2002—Pub. L. 107-314, div. A, title V, § 552(b), Dec. 2, 2002, 116 Stat. 2552, added item 1559.

2001—Pub. L. 107-107, div. A, title V, § 503(a)(2), Dec. 28, 2001, 115 Stat. 1083, added item 1558.

1998—Pub. L. 105-261, div. A, title V, §§ 542(a)(2), 543(a)(2), 544(b), Oct. 17, 1998, 112 Stat. 2020-2022, added items 1555 to 1557.

1962—Pub. L. 87-651, title I, § 110(b), Sept. 7, 1962, 76 Stat. 510, substituted “discharge or dismissal” for “discharges or dismissals” in item 1553, and “retirement or separation without pay for physical disability” for “decisions of retiring boards and similar boards” in item 1554.

1958—Pub. L. 85-857, § 13(v)(3), Sept. 2, 1958, 72 Stat. 1268, added items 1553 and 1554.

#### § 1551. Correction of name after separation from service under an assumed name

The Secretary of the military department concerned shall issue a certificate of discharge or an order of acceptance of resignation in the true name of any person who was separated from the Army, Navy, Air Force, or Marine Corps honorably or under honorable conditions after serving under an assumed name during a war with another nation or people, upon application by, or on behalf of, that person, and upon proof of his identity. However, a certificate or order may not be issued under this section if the name was assumed to conceal a crime or to avoid its consequences.

(Aug. 10, 1956, ch. 1041, 70A Stat. 116.)

#### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1551 .....	5:200. 34:597.	Apr. 14, 1890, ch. 80; re-stated June 25, 1910, ch. 393, 36 Stat. 824. Aug. 22, 1912, ch. 329, 37 Stat. 324.