

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).

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.

§ 1136. Honorable service requirement for award of military decorations

No military decoration, including a medal, cross, or bar, or an associated emblem or insignia, may be awarded or presented to any person, or to a representative of the person, if the service of the person after the person distinguished himself or herself has not been honorable.

(Added Pub. L. 116-92, div. A, title V, §582(a)(1), Dec. 20, 2019, 133 Stat. 1411.)

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

- Sec.
- 1141. Involuntary separation defined.
- 1142. Preseparation counseling; transmittal of certain records to Department of Veterans Affairs.
- 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 Repealed.]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

2021—Pub. L. 116-283, div. A, title X, §1081(a)(26), Jan. 1, 2021, 134 Stat. 3872, added item 1142 and struck out former item 1142 “Preseparation counseling; transmittal of medical records to Department of Veterans Affairs”.

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, instructing, or training the reserve components, the officer is involuntarily discharged or released from active duty or full-time National Guard (other than a release from active duty or full-time National Guard duty incident to a transfer to retired status) under other than adverse conditions, as characterized by the Secretary concerned;

(3) in the case of a regular enlisted member serving on active duty, the member is (A) denied reenlistment, or (B) involuntarily discharged under other than adverse conditions, as characterized by the Secretary concerned; and

(4) in the case of a reserve enlisted member who 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, instructing, or training the reserve components, the member (A) is denied reenlistment, or (B) is involuntarily discharged or released from active duty (or full-time National Guard) under other than adverse conditions, as characterized by the Secretary concerned.

(Added Pub. L. 101-510, div. A, title V, §502(a)(1), Nov. 5, 1990, 104 Stat. 1551; amended Pub. L. 103-160, div. A, title V, §503, Nov. 30, 1993, 107 Stat. 1644; Pub. L. 103-337, div. A, title V, §542(a)(1), Oct. 5, 1994, 108 Stat. 2767.)

AMENDMENTS

1994—Pub. L. 103-337, in introductory provisions, substituted “armed forces” for “Army, Navy, Air Force, or Marine Corps” and “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,” for “or on or after the date of the enactment