

applies to a case both during initial consideration and upon subsequent consideration due to appeal by the member or other circumstance.

(b) LIAISON OFFICER (PEBLO) REQUIREMENTS AND TRAINING.—(1) The Secretary of Defense shall prescribe regulations establishing—

(A) a requirement for the Secretary of each military department to make available to members of the armed forces appearing before physical evaluation boards operated by that Secretary employees, designated as physical evaluation board liaison officers, to provide advice, counsel, and general information to such members on the operation of physical evaluation boards operated by that Secretary; and

(B) standards and guidelines concerning the training of such physical evaluation board liaison officers.

(2) The Secretary shall ensure compliance by the Secretary of each military department with physical evaluation board liaison officer requirements and training standards and guidelines at least once every three years.

(c) STANDARDIZED STAFF TRAINING AND OPERATIONS.—(1) The Secretary of Defense shall prescribe regulations on standards and guidelines concerning the physical evaluation board operated by each of the Secretaries of the military departments with regard to—

- (A) assignment and training of staff;
- (B) operating procedures; and
- (C) timeliness of board decisions.

(2) The Secretary shall ensure compliance with standards and guidelines prescribed under paragraph (1) by each physical evaluation board at least once every three years.

(Added Pub. L. 109-364, div. A, title V, § 597(a)(1), Oct. 17, 2006, 120 Stat. 2236.)

EFFECTIVE DATE

Pub. L. 109-364, div. A, title V, § 597(b), Oct. 17, 2006, 120 Stat. 2237, provided that: “Section 1222 of title 10, United States Code, as added by subsection (a), shall apply with respect to decisions rendered on cases commenced more than 120 days after the date of the enactment of this Act [Oct. 17, 2006].”

QUALITY REVIEW OF MEDICAL EVALUATION BOARDS, PHYSICAL EVALUATION BOARDS, AND PHYSICAL EVALUATION BOARD LIAISON OFFICERS

Pub. L. 112-239, div. A, title V, § 524, Jan. 2, 2013, 126 Stat. 1723, as amended by Pub. L. 115-232, div. A, title VIII, § 813(f), Aug. 13, 2018, 132 Stat. 1851, provided that:

“(a) IN GENERAL.—The Secretary of Defense shall standardize, assess, and monitor the quality assurance programs of the military departments to evaluate the following in the performance of their duties (including duties under chapter 61 of title 10, United States Code):

- “(1) Medical Evaluation Boards.
- “(2) Physical Evaluation Boards.
- “(3) Physical Evaluation Board Liaison Officers.

“(b) OBJECTIVES.—The objectives of the quality assurance program shall be as follows:

- “(1) To ensure accuracy and consistency in the determinations and decisions of Medical Evaluation Boards and Physical Evaluation Boards.
- “(2) To otherwise monitor and sustain proper performance of the duties of Medical Evaluation Boards and Physical Evaluation Boards, and of Physical Evaluation Board Liaison Officers.
- “(3) Such other objectives as the Secretary shall specify for purposes of the quality assurance program.”

[(c) Repealed. Pub. L. 115-232, div. A, title VIII, § 813(f), Aug. 13, 2018, 132 Stat. 1851.]

CHAPTER 63—RETIREMENT FOR AGE

Sec. 1251.	Age 62: regular commissioned officers in grades below general and flag officer grades; exceptions.
1252.	Age 64: permanent professors at academies.
1253.	Age 64: regular commissioned officers in general and flag officer grades; exceptions.
[1255.	Repealed.]
1263.	Age 62: warrant officers.
1275.	Computation of retired pay: law applicable.

AMENDMENTS

2015—Pub. L. 114-92, div. A, title V, § 504(b)(2), Nov. 25, 2015, 129 Stat. 807, substituted “Age 64: regular commissioned officers in general and flag officer grades; exceptions” for “Age 64: regular commissioned officers in general and flag officer grades; exception” in item 1253.

2006—Pub. L. 109-364, div. A, title V, § 502(c), Oct. 17, 2006, 120 Stat. 2177, inserted “in grades below general and flag officer grades” after “officers” in item 1251 and added item 1253.

Pub. L. 109-163, div. A, title V, § 509(c)(2), Jan. 6, 2006, 119 Stat. 3231, added item 1252.

1980—Pub. L. 96-513, title V, § 501(18), Dec. 12, 1980, 94 Stat. 2908, added item 1251.

1967—Pub. L. 90-130, § 1(6), Nov. 8, 1967, 81 Stat. 374, struck out item 1255 “Age 55: female regular warrant officers”.

§ 1251. Age 62: regular commissioned officers in grades below general and flag officer grades; exceptions

(a) GENERAL RULE.—Unless retired or separated earlier, each regular commissioned officer of the Army, Navy, Air Force, Marine Corps, or Space Force (other than an officer covered by section 1252 of this title or a commissioned warrant officer) serving in a grade below brigadier general or rear admiral (lower half), in the case of an officer in the Navy, shall be retired or separated, as specified in subsection (e), on the first day of the month following the month in which the officer becomes 62 years of age.

(b) DEFERRED RETIREMENT OR SEPARATION OF HEALTH PROFESSIONS OFFICERS.—(1) The Secretary of the military department concerned may, subject to subsection (d), defer the retirement or separation under subsection (a) of a health professions officer if during the period of the deferment the officer—

(A) will be performing duties consisting primarily of providing patient care or performing other clinical duties; or

(B) is in a category of officers designated under subparagraph (D) of paragraph (2) whose duties will consist primarily of the duties described in clause (i), (ii), or (iii) of such subparagraph.

(2) For purposes of this subsection, a health professions officer is—

- (A) a medical officer;
- (B) a dental officer;

(C) an officer in the Army Nurse Corps, an officer in the Navy Nurse Corps, or an officer in the Air Force designated as a nurse; or

(D) an officer in a category of officers designated by the Secretary of the military department concerned for the purposes of this paragraph as consisting of officers whose duties consist primarily of—

- (i) providing health care;
- (ii) performing other clinical care; or
- (iii) performing health care-related administrative duties.

(c) DEFERRED RETIREMENT OR SEPARATION OF OTHER OFFICERS.—The Secretary of the military department concerned may, subject to subsection (d), defer the retirement or separation under subsection (a) of any officer other than a health professions officer described in subsection (b)(2) if the Secretary determines that such deferral is in the best interest of the military department concerned.

(d) LIMITATION ON DEFERMENT OF RETIREMENTS.—(1) Except as provided in paragraph (2), a deferment under subsection (b) or (c) may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.

(2) The Secretary of the military department concerned may extend a deferment under subsection (b) or (c) beyond the day referred to in paragraph (1) if the Secretary determines that extension of the deferment is necessary for the needs of the military department concerned. Such an extension shall be made on a case-by-case basis and shall be for such period as the Secretary considers appropriate.

(e) RETIREMENT OR SEPARATION BASED ON YEARS OF CREDITABLE SERVICE.—(1) The following rules shall apply to a regular commissioned officer who is to be retired or separated under subsection (a):

(A) If the officer has at least 6 but fewer than 20 years of creditable service, the officer shall be separated, with separation pay computed under section 1174(d)(1) of this title.

(B) If the officer has fewer than 6 years of creditable service, the officer shall be separated under subsection (a).

(2) Notwithstanding paragraph (1), in the case of a regular commissioned officer who was added to the retired list before the date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, the officer shall be retired, with retired pay computed under section 1401 of this title.

(Added Pub. L. 96-513, title I, §111, Dec. 12, 1980, 94 Stat. 2875; amended Pub. L. 100-180, div. A, title VII, §719, Dec. 4, 1987, 101 Stat. 1115; Pub. L. 101-189, div. A, title VII, §709, Nov. 29, 1989, 103 Stat. 1476; Pub. L. 105-85, div. A, title V, §504(a), (b), Nov. 18, 1997, 111 Stat. 1725; Pub. L. 109-163, div. A, title V, §509(c)(3), Jan. 6, 2006, 119 Stat. 3231; Pub. L. 109-364, div. A, title V, §502(b), Oct. 17, 2006, 120 Stat. 2176; Pub. L. 111-383, div. A, title V, §501(b), Jan. 7, 2011, 124 Stat. 4206; Pub. L. 116-283, div. A, title V, §507, title IX, §924(b)(3)(T), Jan. 1, 2021, 134 Stat. 3573, 3821.)

REFERENCES IN TEXT

The date of the enactment of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021, referred to in subsec. (e)(2), is the date of enactment of Pub. L. 116-283, which was approved Jan. 1, 2021.

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283, §924(b)(3)(T), substituted “Marine Corps, or Space Force” for “or Marine Corps”.

Pub. L. 116-283, §507(a)(2), inserted “or separated, as specified in subsection (e),” after “shall be retired”.

Pub. L. 116-283, §507(a)(1), which directed substitution of “Marine Corps, or Space Force” for “or Marine Corps,” could not be executed because “or Marine Corps,” did not appear in text. Similar amendment was made by Pub. L. 116-283, §924(b)(3)(T), see above.

Subsec. (b). Pub. L. 116-283, §507(b)(1), inserted “or Separation” after “Retirement” in heading.

Subsec. (b)(1). Pub. L. 116-283, §507(b)(2), inserted “or separation” after “retirement” in introductory provisions.

Subsec. (c). Pub. L. 116-283, §507(c), in heading, substituted “or Separation of Other Officers” for “of Chaplains” and, in text, inserted “or separation” after “retirement” and substituted “any officer other than a health professions officer described in subsection (b)(2)” for “an officer who is appointed or designated as a chaplain”.

Subsec. (e). Pub. L. 116-283, §507(d), added subsec. (e).

2011—Subsec. (b)(1). Pub. L. 111-383, §501(b)(2), substituted “the officer—” for “the officer will be performing duties consisting primarily of providing patient care or performing other clinical duties.” and added subpars. (A) and (B).

Subsec. (b)(2)(D). Pub. L. 111-383, §501(b)(1), added subpar. (D).

2006—Pub. L. 109-364 amended section catchline and text generally, substituting provisions relating to retirement at age 62 of regular commissioned officers in grades below general and flag officer grades for provisions relating to retirement at age 62 of all regular commissioned officers.

Subsec. (a). Pub. L. 109-163 inserted “, a permanent professor at the United States Naval Academy,” after “Air Force Academy” in first sentence and struck out last sentence which read as follows: “An officer who is a permanent professor at the United States Military Academy or United States Air Force Academy, the director of admissions at the United States Military Academy, or the registrar of the United States Air Force Academy shall be retired on the first day of the month following the month in which he becomes 64 years of age.”

1997—Subsec. (c)(2) to (4). Pub. L. 105-85, §504(a), added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

Subsec. (d). Pub. L. 105-85, §504(b), added subsec. (d).

1989—Subsec. (c)(2). Pub. L. 101-189 designated existing provisions as subpar. (A), substituted “Except as provided in subparagraph (B), a deferment” for “A deferment” and “68 years of age” for “67 years of age”, and added subpar. (B).

1987—Subsec. (c). Pub. L. 100-180 added subsec. (c).

EFFECTIVE DATE

Section effective Sept. 15, 1981, but the authority to prescribe regulations under this section effective on Dec. 12, 1980, see section 701 of Pub. L. 96-513, set out as an Effective Date of 1980 Amendment note under section 101 of this title.

DEFERRAL OF RETIREMENT DATE FOR CHAIRMAN OF THE JOINT CHIEFS OF STAFF

Pub. L. 100-456, div. A, title VII, §704, Sept. 29, 1988, 102 Stat. 1996, provided that the President could defer until Oct. 1, 1989, the retirement of the officer serving as Chairman of the Joint Chiefs of Staff for the term which began on October 1, 1987, notwithstanding the limitation contained in former section 1251(b) of this title.

TRANSITION PROVISIONS UNDER DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

For provision that this section not apply to any officer who on the effective date of this Act [Sept. 15, 1981] was on active duty in a grade above general, see section 632 of Pub. L. 96-513, set out as a note under section 611 of this title.

§ 1252. Age 64: permanent professors at academies

(a) MANDATORY RETIREMENT FOR AGE.—Unless retired or separated earlier, each regular commissioned officer of the Army, Navy, Air Force, Marine Corps, or Space Force covered by subsection (b) shall be retired on the first day of the month following the month in which the officer becomes 64 years of age.

(b) COVERED OFFICERS.—This section applies to the following officers:

(1) An officer who is a permanent professor or the director of admissions of the United States Military Academy.

(2) An officer who is a permanent professor at the United States Naval Academy.

(3) An officer who is a permanent professor or the registrar of the United States Air Force Academy.

(Added Pub. L. 109-163, div. A, title V, §509(c)(1), Jan. 6, 2006, 119 Stat. 3230; amended Pub. L. 116-283, div. A, title IX, §924(b)(3)(U), Jan. 1, 2021, 134 Stat. 3821.)

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283 substituted “Marine Corps, or Space Force” for “or Marine Corps”.

§ 1253. Age 64: regular commissioned officers in general and flag officer grades; exceptions

(a) GENERAL RULE.—Unless retired or separated earlier, each regular commissioned officer of the Army, Navy, Air Force, Marine Corps, or Space Force serving in a general or flag officer grade shall be retired on the first day of the month following the month in which the officer becomes 64 years of age.

(b) EXCEPTION FOR OFFICERS SERVING IN O-9 AND O-10 POSITIONS.—In the case of an officer serving in a position that carries a grade above major general or rear admiral, the retirement under subsection (a) of that officer may be deferred—

(1) by the President, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age; or

(2) by the Secretary of Defense, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 66 years of age.

(c) DEFERRED RETIREMENT OF CHAPLAINS.—(1) The Secretary of the military department concerned may defer the retirement under subsection (a) of an officer serving in a general or flag officer grade who is the Chief of Chaplains or Deputy Chief of Chaplains of that officer’s armed force.

(2) A deferment of the retirement of an officer referred to in paragraph (1) may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.

(Added Pub. L. 109-364, div. A, title V, §502(a), Oct. 17, 2006, 120 Stat. 2176; amended Pub. L. 114-92, div. A, title V, §504(a), (b)(1), Nov. 25, 2015, 129 Stat. 807; Pub. L. 116-92, div. A, title V, §508, Dec. 20, 2019, 133 Stat. 1346; Pub. L. 116-283, div. A, title IX, §924(b)(3)(V), Jan. 1, 2021, 134 Stat. 3821.)

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283 substituted “Marine Corps, or Space Force” for “or Marine Corps”.

2019—Subsec. (c)(3). Pub. L. 116-92 struck out par. (3) which read as follows: “The authority to defer the retirement of an officer referred to in paragraph (1) expires December 31, 2020. Subject to paragraph (2), a deferment granted before that date may continue on and after that date.”

2015—Pub. L. 114-92, §504(b)(1), substituted “Age 64: regular commissioned officers in general and flag officer grades; exceptions” for “Age 64: regular commissioned officers in general and flag officer grades; exception” in section catchline.

Subsec. (c). Pub. L. 114-92, §504(a), added subsec. (c).

§ 1255. Repealed. Pub. L. 90-130, § 1(6), Nov. 8, 1967, 81 Stat. 374]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 100; Nov. 2, 1966, Pub. L. 89-718, §3, 80 Stat. 1115, covered the retirement of female permanent regular warrant officers with 20 years of active service upon attaining age 55.

§ 1263. Age 62: warrant officers

(a) Unless retired under section 1305 of this title, a permanent regular warrant officer who has at least 20 years of active service that could be credited to him under section 511 of the Career Compensation Act of 1949, as amended (70 Stat. 114; 10 U.S.C. 580 note), and who is at least 62 years of age, shall be retired 60 days after he becomes that age, except as provided by section 8301 of title 5.

(b) The Secretary concerned may defer, for not more than four months, the retirement under subsection (a) of any warrant officer if, because of unavoidable circumstances, evaluation of his physical condition and determination of his entitlement to retirement or separation for physical disability require hospitalization or medical observation that cannot be completed before the date when he would otherwise be required to retire under this section.

(Aug. 10, 1956 ch. 1041, 70A Stat. 101; Pub. L. 89-718, §3, Nov. 2, 1966, 80 Stat. 1115; Pub. L. 90-130, §1(6), Nov. 8, 1967, 81 Stat. 374; Pub. L. 96-513, title V, §511(46), Dec. 12, 1980, 94 Stat. 2924; Pub. L. 102-484, div. A, title X, §1052(17), Oct. 23, 1992, 106 Stat. 2500.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised section, Source (U.S. Code), Source (Statutes at Large). Rows include 1263(a) and 1263(b) with their respective legislative sources.

In subsection (a), the words “has at least” are substituted for the words “has attained”. The words “has at least” are substituted for the words “having completed not less than”. The words “on that date which” are omitted as surplusage. 10:600(b) (15 words before (1)) and 34:430(b) (15 words before (1)) are omitted as covered by section 1275 of this title.