

Section 1163, acts Aug. 10, 1956, ch. 1041, 70A Stat. 89; Sept. 7, 1962, Pub. L. 87-651, title I, §106(a), 76 Stat. 508; Dec. 30, 1987, Pub. L. 100-224, §4, 101 Stat. 1538, related to limitations on separation of Reserve members from their reserve components. See sections 12683 to 12686 of this title.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 1, 1994, except as otherwise provided, see section 1691 of Pub. L. 103-337, set out as an Effective Date note under section 10001 of this title.

#### § 1164. Warrant officers: separation for age

(a) Unless retired or separated on or before the expiration of that period, each warrant officer shall be retired or separated from his armed force not later than 60 days after the date when he becomes 62 years of age, except as provided by section 8301 of title 5.

(b) The Secretary concerned may defer, for not more than four months, the separation 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 be retired or separated under this section.

(Aug. 10, 1956, ch. 1041, 70A Stat. 90; Pub. L. 89-718, §3, Nov. 2, 1966, 80 Stat. 1115; Pub. L. 90-130, §1(5), Nov. 8, 1967, 81 Stat. 374; Pub. L. 96-513, title V, §511(41), Dec. 12, 1980, 94 Stat. 2923; Pub. L. 97-295, §1(16), Oct. 12, 1982, 96 Stat. 1290.)

##### HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1164(a) .....	10:600(c) (as applicable to men). 10:600(c) (as applicable to 10:600(c)). 34:430(c) (as applicable to men). 34:430c (as applicable to 34:430(c)).	May 29, 1954, ch. 249, §§14(c), (e) (as applicable to (c)), 21(c) (as applicable to §14(c)), 68 Stat. 163, 168.
1164(b) .....	10:600(c) (less applicability to men). 34:430(c) (less applicability to men).	
1164(c) .....	10:600(e) (as applicable to 10:600(c)). 34:430(e) (as applicable to 34:430(c)).	

In subsections (a) and (b), the words “Except as provided in clause (3) of subsection (b) of this section and in subsection (g) of this section” are omitted as covered by section 46 of the bill and section 14(g) of the source statute. The words “Unless retired or separated on or before the expiration of that period” are inserted for clarity. The words “becomes 62[55] years of age” are substituted for the words “attains the age of sixty-two \* \* \* or the age of fifty-five”.

In subsection (c), the words “The Secretary concerned may defer” are substituted for the words “may, in the discretion of the Secretary, be deferred”. The words “not more than” are substituted for the words “a period not to exceed”. The words “determination of his” are inserted for clarity. The words “he would otherwise be required to be separated under this section” are substituted for the words “separation would otherwise be required”. The words “proper”, “which is required”, “possible”, and “a period of” are omitted as surplusage.

#### Editorial Notes

##### AMENDMENTS

1982—Pub. L. 97-295, §1(16), substituted a colon for a semicolon after “officers” in section catchline.

1980—Subsec. (b). Pub. L. 96-513 redesignated former subsec. (c) as (b).

Subsec. (c). Pub. L. 96-513 redesignated former subsec. (c) as (b).

1967—Subsec. (a). Pub. L. 90-130 struck out “male” before “warrant officer”.

Subsec. (b). Pub. L. 90-130 struck out subsec. (b) which made special provisions for female warrant officers.

Subsec. (c). Pub. L. 90-130 struck out reference to subsec. (b) of this section.

1966—Pub. L. 89-718 substituted “8301” for “47a” wherever appearing.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

##### DEFERMENT OF SEPARATION WITH COMPLETION OF 20 YEARS OF SERVICE OR AT AGE 60

Act Aug. 10, 1956, ch. 1041, §46, 70A Stat. 638, provided that:

“(a) The separation of any person who, on November 1, 1954, was a male permanent warrant officer of a regular component of an armed force, and who upon attaining the age of 62 has completed less than 20 years of active service that could be credited to him under section 511 of the Career Compensation Act of 1949 (37 U.S.C. 311) [act Oct. 12, 1949, ch. 681, title V, §511, 63 Stat. 829, formerly set out as a note under section 580 of this title] may be deferred by the Secretary concerned until he completes 20 years of that service, but not later than that date which is 60 days after the date on which he attains the age of 64.

“(b) The separation of any person who, on November 1, 1954, was a female permanent warrant officer of a regular component of an armed force, and who upon attaining the age of 55 has completed less than 20 years of active service that could be credited to her under section 511 of the Career Compensation Act of 1949 (37 U.S.C. 311) [act Oct. 12, 1949, ch. 681, title V, §511, 63 Stat. 829, formerly set out as a note under section 580 of this title] may be deferred by the Secretary concerned until she completes 20 years of that service, but not later than that date which is 60 days after the date on which she attains the age of 60.”

#### § 1165. Regular warrant officers: separation during three-year probationary period

The Secretary concerned may terminate the regular appointment of any permanent regular warrant officer at any time within three years after the date when the officer accepted his original permanent appointment as a warrant officer in that component. A warrant officer who is separated under this section is entitled, if eligible therefor, to separation pay under section 1174 or he may be enlisted under section 515 of this title. If such a warrant officer is enlisted under section 515 of this title, he is not entitled to separation pay.

(Aug. 10, 1956, ch. 1041, 70A Stat. 90; Pub. L. 96-513, title I, §109(b)(1), Dec. 12, 1980, 94 Stat. 2870.)