

(Aug. 10, 1956, ch. 1041, 70A Stat. 94; Pub. L. 99-661, div. A, title VI, § 604(d)(1), (3), Nov. 14, 1986, 100 Stat. 3876; Pub. L. 101-189, div. A, title XVI, § 1621(a)(1), Nov. 29, 1989, 103 Stat. 1602; Pub. L. 102-484, div. A, title V, § 516(a), Oct. 23, 1992, 106 Stat. 2407; Pub. L. 105-85, div. A, title V, § 513(c)(2), (d)(2), Nov. 18, 1997, 111 Stat. 1731; Pub. L. 106-65, div. A, title V, § 578(i)(4), title VI, § 653(c), Oct. 5, 1999, 113 Stat. 629, 667; Pub. L. 107-107, div. A, title V, § 513(b), title X, § 1048(c)(6), Dec. 28, 2001, 115 Stat. 1093, 1226.)

“resulting from an injury” after “because of physical disability” in provisions preceding par. (1).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-484 effective with respect to disabilities incurred on or after Nov. 14, 1986, with any benefits or services payable by reason of applicability of that amendment during period beginning Nov. 14, 1986, and ending Oct. 23, 1992, subject to availability of appropriations, see section 516(b) of Pub. L. 102-484, set out as a note under section 1204 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-661 applicable with respect to persons who, after Nov. 14, 1986, incur or aggravate an injury, illness, or disease or die, see section 604(g) of Pub. L. 99-661, set out as a note under section 1074a of this title.

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1206	37:272(c) (last proviso).	Oct. 12, 1949, ch. 681, § 402(c) (last proviso), 63 Stat. 818.

To state fully in the revised section the rule contained in 37:272(c) (last proviso), the provisions of 37:272(c) (less clause (5), and less 1st proviso), and 272(f) (as applicable to 272(c)), also contained in section 1204 of this title, are repeated. The words “the member may be separated” are substituted for the words “the member concerned shall not be eligible for any disability retirement provided in this section, but may be separated for physical disability”.

Clause (1) is inserted for clarity, since a member who had over 20 years of service would qualify under section 1204 or 1205 of this title.

The last sentence of the revised section, relating to transfer to the inactive status list, is inserted for clarity because of section 1209 of this title.

Editorial Notes

AMENDMENTS

2001—Par. (2)(B)(iii). Pub. L. 107-107, § 513(b), struck out “, if the place is outside reasonable commuting distance from the member’s residence” before semicolon at end.

Par. (5). Pub. L. 107-107, § 1048(c)(6), substituted “October 5, 1999.” for “the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000.”.

1999—Par. (2). Pub. L. 106-65, § 578(i)(4), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “the disability is a result of an injury, illness, or disease incurred or aggravated in line of duty while—

“(A) performing active duty or inactive-duty training;

“(B) traveling directly to or from the place at which such duty is performed; or

“(C) while remaining overnight immediately before the commencement of inactive-duty training, or while remaining overnight between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training, if the site is outside reasonable commuting distance of the member’s residence;”.

Par. (5). Pub. L. 106-65, § 653(c), inserted “, in the case of a disability incurred before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2000,” after “determination, and”.

1997—Pub. L. 105-85, § 513(d)(2), amended section catchline generally, inserting “or on inactive-duty training” after “30 days or less”.

Pars. (2) to (5). Pub. L. 105-85, § 513(c)(2), added par. (2) and redesignated former pars. (2) to (4) as (3) to (5), respectively.

1992—Par. (4). Pub. L. 102-484 inserted before period at end “or of traveling directly to or from the place at which such duty is performed”.

1989—Par. (4). Pub. L. 101-189 substituted “Department of Veterans Affairs” for “Veterans’ Administration”.

1986—Pub. L. 99-661 struck out “; disability from injury” after “30 days or less” in section catchline and

(a) MEMBERS RELEASED FROM ACTIVE DUTY WITHIN 30 DAYS.—A member of a reserve component who is ordered to active duty for a period of more than 30 days and is released from active duty within 30 days of commencing such period of active duty for a reason stated in subsection (b) shall be considered for all purposes under this chapter to have been serving under an order to active duty for a period of 30 days or less.

(b) APPLICABLE REASONS FOR RELEASE.—Subsection (a) applies in the case of a member released from active duty because of a failure to meet—

(1) physical standards for retention due to a preexisting condition not aggravated during the period of active duty; or

(2) medical or dental standards for deployment due to a preexisting condition not aggravated during the period of active duty.

(c) SAVINGS PROVISION FOR MEDICAL CARE PROVIDED WHILE ON ACTIVE DUTY.—Notwithstanding subsection (a), any benefit under chapter 55 of this title received by a member described in subsection (a) or a dependent of such member before or during the period of active duty shall not be subject to recoupment or otherwise affected.

(Added Pub. L. 108-375, div. A, title V, § 521(a), Oct. 28, 2004, 118 Stat. 1887.)

§ 1207. Disability from intentional misconduct or willful neglect: separation

Each member of the armed forces who incurs a physical disability that, in the determination of the Secretary concerned, makes him unfit to perform the duties of his office, grade, rank, or rating, and that resulted from his intentional misconduct or willful neglect or was incurred during a period of unauthorized absence, shall be separated from his armed force without entitlement to any benefits under this chapter.

(Aug. 10, 1956, ch. 1041, 70A Stat. 94.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1207	37:278.	Oct. 12, 1949, ch. 681, § 408, 63 Stat. 823.