

- (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.)

Editorial Notes

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].”

Statutory Notes and Related Subsidiaries

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.”

[1255. Repealed.]

[1263. Repealed.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 Repealed.]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.

Editorial Notes

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