

§ 1439. Refund of amounts deducted from retired pay

If a person whose name is on the temporary disability retired list of an armed force, and who has elected an annuity under this subchapter, has his name removed from that list for any reason other than retirement or grant of retired pay, he is entitled to a refund of the difference between the amount by which his retired pay was reduced to provide the annuity and the cost of an amount of term insurance equal to the protection provided for his dependents during the period that he was on that list.

(Aug. 10, 1956, ch. 1041, 70A Stat. 111; Pub. L. 92-425, §1(2)(A), Sept. 21, 1972, 86 Stat. 706.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1439	37:373(d).	Aug. 8, 1953, ch. 393, §4(d), 67 Stat. 503.

The words “person whose name is on” are substituted for the words “Any active member or former member on the”. The words “is entitled to a refund” are substituted for the words “shall have refunded to him”. The words “permanent”, “a sum which represents”, and “in accordance with his election under section 372 of this title” are omitted as surplusage. The words “retirement or grant of retired pay” are substituted for the words “permanent retirement”, since under chapter 67 of this title a member of the Army or Air Force may be granted retired pay without being retired.

Editorial Notes

AMENDMENTS

1972—Pub. L. 92-425 substituted “subchapter” for “chapter”.

§ 1440. Annuities not subject to legal process

Except as provided in section 1437(c)(3)(B) of this title, no annuity payable under this subchapter is assignable or subject to execution, levy, attachment, garnishment, or other legal process.

(Aug. 10, 1956, ch. 1041, 70A Stat. 111; Pub. L. 92-425, §1(2)(A), Sept. 21, 1972, 86 Stat. 706; Pub. L. 98-525, title VI, §642(a)(2), Oct. 19, 1984, 98 Stat. 2546; Pub. L. 99-145, title XIII, §1303(a)(10), Nov. 8, 1985, 99 Stat. 739.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1440	37:378.	Aug. 8, 1953, ch. 393, §9, 67 Stat. 504.

The words “either in law or equity” are omitted as surplusage.

Editorial Notes

AMENDMENTS

1985—Pub. L. 99-145 substituted “1437(c)(3)(B)” for “1437(c)(3)”.

1984—Pub. L. 98-525 substituted “Except as provided in section 1437(c)(3) of this title, no” for “No”.

1972—Pub. L. 92-425 substituted “subchapter” for “chapter”.

§ 1441. Annuities in addition to other payments

An annuity under this subchapter is in addition to any pension or other payment to which

the beneficiary is entitled under any other provision of law, and may not be considered as income under any law administered by the Department of Veterans Affairs.

(Aug. 10, 1956, ch. 1041, 70A Stat. 111; Pub. L. 85-857, §13(v)(1), Sept. 2, 1958, 72 Stat. 1266; Pub. L. 85-861, §1(31B), Sept. 2, 1958, 72 Stat. 1452; Pub. L. 86-211, §8(a), Aug. 29, 1959, 73 Stat. 436; Pub. L. 91-588, §8(b), Dec. 24, 1970, 84 Stat. 1584; Pub. L. 92-425, §1(2)(A), Sept. 21, 1972, 86 Stat. 706; Pub. L. 101-189, div. A, title XVI, §1621(a)(1), Nov. 29, 1989, 103 Stat. 1602.)

HISTORICAL AND REVISION NOTES
1956 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1441	37:380.	Aug. 8, 1953, ch. 393, §11, 67 Stat. 504.

The word “is” is substituted for the words “may now or hereafter be”.

1958 ACT

Revised section	Source (U.S. Code)	Source (Statutes at Large)
1441	37:380.	Aug. 1, 1956, ch. 837, §501(1), 70 Stat. 884.

The change is made to reflect the amendment made by section 501(1) of the Servicemen’s and Veterans’ Survivor Benefits Act (70 Stat. 884) to section 11 of the Uniform Services Contingency Option Act of 1953 (restated in section 1441 of title 10).

Editorial Notes

AMENDMENTS

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

1972—Pub. L. 92-425 substituted “subchapter” for “chapter”.

1970—Pub. L. 91-588 struck out “except section 415(g) and chapter 15 of title 38” after “Veterans’ Administration”.

1959—Pub. L. 86-211 inserted reference to chapter 15 of title 38.

1958—Pub. L. 85-861 inserted “except section 1115 of title 38” after “Administration”.

Pub. L. 85-857 substituted “section 415(g) of title 38” for “section 1115 of title 38”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1970 AMENDMENT

Amendment by Pub. L. 91-588 effective Jan. 1, 1971, see section 10 of Pub. L. 91-588, set out as a note under section 1521 of Title 38, Veterans’ Benefits.

EFFECTIVE DATE OF 1959 AMENDMENT

Amendment by Pub. L. 86-211 effective July 1, 1960, see section 10 of Pub. L. 86-211, set out as a note under section 1506 of Title 38, Veterans’ Benefits.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85-857 effective Jan. 1, 1959, see section 2 of Pub. L. 85-857, set out as a note preceding Part I of Title 38, Veterans’ Benefits.

§ 1442. Recovery of annuity erroneously paid

In addition to other methods of recovery provided by law, the Secretary concerned may authorize the recovery, by deduction from later payments to a person, of any amount erro-