

the Secretary of the military department concerned may, with the officer's consent, retain on the reserve active-status list an officer in the grade of major, lieutenant colonel, colonel, or brigadier general who is—

(1) an officer of the Army National Guard of the United States and assigned to a headquarters or headquarters detachment of a State; or

(2) a reserve officer of the Army or Air Force who, as a condition of continued employment as a National Guard or Reserve technician is required by the Secretary concerned to maintain membership in a Selected Reserve unit or organization.

(b) SEPARATION FOR AGE.—An officer may be retained under this section only so long as the officer continues to meet the conditions of paragraph (1) or (2) of subsection (a). An officer described in paragraph (1) of such subsection may not be retained under this section after the last day of the month in which the officer becomes 62 years of age. An officer described in paragraph (2) of such subsection may not be retained under this section after the last day of the month in which the officer becomes 60 years of age.

(Added Pub. L. 103-337, div. A, title XVI, § 1611, Oct. 5, 1994, 108 Stat. 2955; amended Pub. L. 105-85, div. A, title V, § 521(a), Nov. 18, 1997, 111 Stat. 1734; Pub. L. 110-417, [div. A], title V, § 514(b), (c)(1), Oct. 14, 2008, 122 Stat. 4441.)

AMENDMENTS

2008—Pub. L. 110-417, § 514(c)(1), amended section catchline generally. Prior to amendment, catchline read as follows: “Retention on reserve active-status list of certain officers until age 60”.

Subsec. (b). Pub. L. 110-417, § 514(b), in heading, substituted “for Age” for “at Age 60” and, in text, substituted “paragraph (1) or (2) of subsection (a)” for “subsection (a)(1) or (a)(2)” and “An officer described in paragraph (1) of such subsection may not be retained under this section after the last day of the month in which the officer becomes 62 years of age. An officer described in paragraph (2) of such subsection may not be retained under this section after the last day of the month in which the officer becomes 60 years of age.” for “An officer may not be retained under this section after the last day of the month in which the officer becomes 60 years of age.”

1997—Subsec. (a). Pub. L. 105-85, in introductory provisions, substituted “section 14506, 14507, or 14508” for “section 14506 or 14507” and “colonel, or brigadier general” for “or colonel”.

§ 14703. Authority to retain chaplains and officers in medical specialties until specified age

(a) RETENTION.—Notwithstanding any provision of chapter 1407 of this title and except for officers referred to in sections 14503, 14504, 14505, and 14506 of this title and under regulations prescribed by the Secretary of Defense—

(1) the Secretary of the Army may, with the officer's consent, retain in an active status any reserve officer assigned to the Medical Corps, the Dental Corps, the Veterinary Corps, the Medical Services Corps (if the officer has been designated as allied health officer or biomedical sciences officer in that Corps), the Optometry Section of the Medical Services Corps, the Chaplains, the Army Nurse Corps, or the Army Medical Specialists Corps;

(2) the Secretary of the Navy may, with the officer's consent, retain in an active status any reserve officer appointed in the Medical Corps, Dental Corps, Nurse Corps, or Chaplain Corps or appointed in the Medical Services Corps and designated to perform as a veterinarian, optometrist, podiatrist, allied health officer, or biomedical sciences officer; and

(3) the Secretary of the Air Force may, with the officer's consent, retain in an active status any reserve officer who is designated as a medical officer, dental officer, Air Force nurse, Medical Service Corps officer, biomedical sciences officer, or chaplain.

(b) SEPARATION AT SPECIFIED AGE.—An officer may not be retained in active status under this section later than the date on which the officer becomes 68 years of age.

(Added Pub. L. 103-337, div. A, title XVI, § 1611, Oct. 5, 1994, 108 Stat. 2956; amended Pub. L. 106-65, div. A, title V, § 516, Oct. 5, 1999, 113 Stat. 594; Pub. L. 106-398, § 1 [[div. A], title V, § 523], Oct. 30, 2000, 114 Stat. 1654, 1654A-108; Pub. L. 110-417, [div. A], title V, § 516(a), Oct. 14, 2008, 122 Stat. 4442.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 3855(a), (c)(1), 6392(a), (c)(1), and 8855(a), (c)(1) of this title, prior to repeal by Pub. L. 103-337, § 1629(a)(3), (b)(3), (c)(3).

AMENDMENTS

2008—Subsec. (b). Pub. L. 110-417 substituted “68 years” for “67 years”.

2000—Subsec. (a)(3). Pub. L. 106-398 substituted “Air Force nurse, Medical Service Corps officer, biomedical sciences officer, or chaplain.” for “veterinary officer, Air Force nurse, or chaplain or who is designated as a biomedical sciences officer and is qualified for service as a veterinarian, optometrist, or podiatrist.”

1999—Subsec. (b). Pub. L. 106-65 struck out “(or, in the case of a reserve officer of the Army in the Chaplains or a reserve officer of the Air Force designated as a chaplain, 60 years of age)” after “67 years of age”.

§ 14704. Selective early removal from the reserve active-status list

(a) BOARDS TO RECOMMEND OFFICERS FOR REMOVAL FROM RESERVE ACTIVE-STATUS LIST.—Whenever the Secretary of the military department concerned determines that there are in any reserve component under the jurisdiction of the Secretary too many officers in any grade and competitive category who have at least 30 years of service computed under section 14706 of this title or at least 20 years of service computed under section 12732 of this title, the Secretary may convene a selection board under section 14101(b) of this title to consider all officers on that list who are in that grade and competitive category, and who have that amount of service, for the purpose of recommending officers by name for removal from the reserve active-status list, in the number specified by the Secretary by each grade and competitive category.

(b) SEPARATION OF OFFICERS SELECTED.—In the case of an officer recommended for separation in the report of a board under subsection (a), the Secretary may separate the officer in accordance with section 14514 of this title.

(c) REGULATIONS.—The Secretary of the military department concerned shall prescribe regulations for the administration of this section.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2956.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 3850 and 8850 of this title, prior to repeal by Pub. L. 103-337, §1629(a)(3), (c)(3).

§ 14705. Selective early retirement: reserve general and flag officers of the Navy and Marine Corps

(a) AUTHORITY TO CONSIDER.—An officer in the Navy Reserve in an active status serving in the grade of rear admiral (lower half) or rear admiral and an officer in the Marine Corps Reserve in an active status serving in the grade of brigadier general or major general may be considered for early retirement whenever the Secretary of the Navy determines that such action is necessary.

(b) BOARDS.—(1) If the Secretary of the Navy determines that consideration of officers for early retirement under this section is necessary, the Secretary shall convene a selection board under section 14101(b) of this title to recommend an appropriate number of officers for early retirement.

(2) In the case of such a board convened to consider officers in the grade of rear admiral or major general, the Secretary of the Navy may appoint the board without regard to section 14102(b) of this title. In doing so, however, the Secretary shall ensure that—

(A) each regular commissioned officer appointed to the board holds a grade higher than the grade of rear admiral or major general; and

(B) at least one member of the board is a reserve officer who holds the grade of rear admiral or major general.

(c) SEPARATION UNDER SECTION 14514.—An officer selected for early retirement under this section shall be separated in accordance with section 14514 of this title.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2957; amended Pub. L. 105-261, div. A, title V, §515, Oct. 17, 1998, 112 Stat. 2008; Pub. L. 108-136, div. A, title V, §511(b)(3), Nov. 24, 2003, 117 Stat. 1459; Pub. L. 109-163, div. A, title V, §515(b)(1)(VV), Jan. 6, 2006, 119 Stat. 3234.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in section 6389(f)(3) of this title, prior to repeal by Pub. L. 103-337, §1628(4).

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-163 substituted “Navy Reserve” for “Naval Reserve”.

2003—Subsec. (b)(1). Pub. L. 108-136 substituted “selection board” for “continuation board”.

1998—Subsec. (b). Pub. L. 105-261 designated existing provisions as par. (1), inserted “of officers” after “consideration” and “continuation” after “shall convene a”, and added par. (2).

§ 14706. Computation of total years of service

(a) For the purpose of this chapter and chapter 1407 of this title, a Reserve officer's years of

service include all service of the officer as a commissioned officer of a uniformed service other than the following:

(1) Service as a warrant officer.

(2) Constructive service.

(3) Service after appointment as a commissioned officer of a reserve component while in a program of advanced education to obtain the first professional degree required for appointment, designation, or assignment to a professional specialty, but only if that service occurs before the officer commences initial service on active duty or initial service in the Ready Reserve in the specialty that results from such a degree.

(b) The exclusion under subsection (a)(3) does not apply to service performed by an officer who previously served on active duty or participated as a member of the Ready Reserve in other than a student status for the period of service preceding the member's service in a student status.

(c) For purposes of subsection (a)(3), an officer shall be considered to be in a professional specialty if the officer is appointed or assigned to the Medical Corps, the Dental Corps, the Veterinary Corps, the Medical Service Corps, the Nurse Corps, or the Army Medical Specialists Corps or is designated as a chaplain or judge advocate.

(Added Pub. L. 103-337, div. A, title XVI, §1611, Oct. 5, 1994, 108 Stat. 2957; amended Pub. L. 106-65, div. A, title V, §515, Oct. 5, 1999, 113 Stat. 594.)

PRIOR PROVISIONS

Provisions similar to those in this section were contained in sections 3853 and 8853 of this title, prior to repeal by Pub. L. 103-337, §1629(a)(3), (c)(3).

AMENDMENTS

1999—Pub. L. 106-65 amended text generally. Prior to amendment, text read as follows: “For the purpose of this chapter and chapter 1407 of this title, a reserve officer's years of service include all service, other than constructive service, of the officer as a commissioned officer of any uniformed service (other than service as a warrant officer).”

CHAPTER 1411—ADDITIONAL PROVISIONS RELATING TO INVOLUNTARY SEPARATION

Sec.

- 14901. Separation of chaplains for loss of professional qualifications.
- 14902. Separation for substandard performance and for certain other reasons.
- 14903. Boards of inquiry.
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- 14907. Army National Guard of the United States and Air National Guard of the United States: discharge and withdrawal of Federal recognition of officers absent without leave.

§ 14901. Separation of chaplains for loss of professional qualifications

(a) SEPARATION.—Under regulations prescribed by the Secretary of Defense, an officer on the reserve active-status list who is appointed or designated as a chaplain may, if the officer fails to maintain the qualifications needed to perform