

HISTORICAL AND REVISION NOTES
1962 ACT

Sections 1218 and 1219 are restated, without substantive change, to conform to the style adopted for title 10.

Editorial Notes

AMENDMENTS

2016—Subsec. (d)(1). Pub. L. 114-328 inserted “or 351” after “section 310” in introductory provisions.

2014—Subsec. (d)(3). Pub. L. 113-291 substituted “on October 28, 2014” for “on the date that is five years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2010”.

2009—Subsec. (d). Pub. L. 111-84 added subsec. (d).

1989—Subsec. (a)(1). Pub. L. 101-189, §1621(a)(1), substituted “Department of Veterans Affairs” for “Veterans’ Administration”.

Subsec. (c). Pub. L. 101-189, §1621(a)(4), substituted “facility of the Department of Veterans Affairs” for “Veterans’ Administration facility”.

1962—Pub. L. 87-651 amended section generally, and among other changes, substituted “Discharge or release from active duty: claims for compensation, pension, or hospitalization” for “Explanation of rights before discharge” in section catchline, and struck out provisions which prohibited a person from being discharged or released from active duty until his certificate of discharge or release from active duty and his final pay (or a substantial portion of his final pay) are ready for delivery to him or to his next of kin or legal representative.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Jan. 1, 1958, see section 2301 of Pub. L. 85-56, 71 Stat. 172.

§ 1218a. Discharge or release from active duty; transition assistance for reserve component members injured while on active duty

(a) PROVISION OF CERTAIN INFORMATION.—Before a member of a reserve component described in subsection (b) is demobilized or separated from the armed forces, the Secretary of the military department concerned shall provide to the member the following information:

(1) Information on the availability of care and administrative processing through community based warrior transition units.

(2) Information on the location of the community based warrior transition unit located nearest to the permanent place of residence of the member.

(b) COVERED MEMBERS.—Subsection (a) applies to members of a reserve component who are injured while on active duty in the armed forces.

(Added Pub. L. 111-84, div. A, title VI, §641(a), Oct. 28, 2009, 123 Stat. 2364.)

§ 1219. Statement of origin of disease or injury; limitations

A member of an armed force may not be required to sign a statement relating to the origin, incurrence, or aggravation of a disease or injury that he has. Any such statement against his interests, signed by a member, is invalid.

(Added Pub. L. 85-56, title XXII, §2201(31)(A), June 17, 1957, 71 Stat. 160; amended Pub. L. 87-651, title I, §107(c), Sept. 7, 1962, 76 Stat. 509.)

HISTORICAL AND REVISION NOTES
1962 ACT

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Editorial Notes

AMENDMENTS

1962—Pub. L. 87-651 substituted “Statement of origin of disease or injury: limitation” for “Statement against interest void” in section catchline, and “A member of an armed force may not be required to sign a statement relating to the origin, incurrence, or aggravation of a disease or injury that he has. Any such statement against his interests, signed by a member, is invalid” for “No person in the Armed Forces may be required to sign a statement of any nature relating to the origin, incurrence, or aggravation of any disease or injury he may have. Any such statement against his own interest, whenever signed, is of no force and effect.”

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Jan. 1, 1958, see section 2301 of Pub. L. 85-56, 71 Stat. 172.

[§ 1220. Repealed. Pub. L. 87-651, title I, § 107(d), Sept. 7, 1962, 76 Stat. 509]

Section, added Pub. L. 85-56, title XXII, §2201(31)(A), June 17, 1957, 71 Stat. 161, related to location of accredited representatives at military installations.

§ 1221. Effective date of retirement or placement of name on temporary disability retired list

Notwithstanding section 8301 of title 5, the Secretary concerned may specify an effective date for the retirement of any member of the armed forces under this chapter, or for the placement of his name on the temporary disability retired list, that is earlier than the date provided for in that section.

(Added Pub. L. 85-861, §1(28)(B), Sept. 2, 1958, 72 Stat. 1451; amended Pub. L. 89-718, §3, Nov. 2, 1966, 80 Stat. 1115.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
1221	5:47a(b).	Aug. 2, 1956, ch. 876, 70 Stat. 933.

Clause (2)(A) is omitted as unnecessary since the revised section applies to the armed forces, and the revised section is made applicable to the other uniformed services by sections 3 and 4 of the act enacting this revised section. Clause (2)(B) is omitted as covered by section 101(8) of this title and sections 3 and 4 of the act enacting this revised section.

Editorial Notes

AMENDMENTS

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

§ 1222. Physical evaluation boards

(a) RESPONSE TO APPLICATIONS AND APPEALS.—The Secretary of each military department shall ensure, in the case of any member of the armed forces appearing before a physical evaluation board under that Secretary’s supervision, that

documents announcing a decision of the board in the case convey the findings and conclusions of the board in an orderly and itemized fashion with specific attention to each issue presented by the member in regard to that member's case. The requirement under the preceding sentence applies to a case both during initial consideration and upon subsequent consideration due to appeal by the member or other circumstance.

(b) LIAISON OFFICER (PEBLO) REQUIREMENTS AND TRAINING.—(1) The Secretary of Defense shall prescribe regulations establishing—

(A) a requirement for the Secretary of each military department to make available to members of the armed forces appearing before physical evaluation boards operated by that Secretary employees, designated as physical evaluation board liaison officers, to provide advice, counsel, and general information to such members on the operation of physical evaluation boards operated by that Secretary; and

(B) standards and guidelines concerning the training of such physical evaluation board liaison officers.

(2) The Secretary shall ensure compliance by the Secretary of each military department with physical evaluation board liaison officer requirements and training standards and guidelines at least once every three years.

(c) STANDARDIZED STAFF TRAINING AND OPERATIONS.—(1) The Secretary of Defense shall prescribe regulations on standards and guidelines concerning the physical evaluation board operated by each of the Secretaries of the military departments with regard to—

- (A) assignment and training of staff;
- (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."

[(c) 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.