

DEFERRAL OF RETIREMENT DATE FOR CHAIRMAN OF THE JOINT CHIEFS OF STAFF

Pub. L. 100-456, div. A, title VII, § 704, Sept. 29, 1988, 102 Stat. 1996, provided that the President could defer until Oct. 1, 1989, the retirement of the officer serving as Chairman of the Joint Chiefs of Staff for the term which began on October 1, 1987, notwithstanding the limitation contained in former section 1251(b) of this title.

TRANSITION PROVISIONS UNDER DEFENSE OFFICER PERSONNEL MANAGEMENT ACT

For provision that this section not apply to any officer who on the effective date of this Act [Sept. 15, 1981] was on active duty in a grade above general, see section 632 of Pub. L. 96-513, set out as a note under section 611 of this title.

§ 1252. Age 64: permanent professors at academies

(a) MANDATORY RETIREMENT FOR AGE.—Unless retired or separated earlier, each regular commissioned officer of the Army, Navy, Air Force, Marine Corps, or Space Force covered by subsection (b) shall be retired on the first day of the month following the month in which the officer becomes 64 years of age.

(b) COVERED OFFICERS.—This section applies to the following officers:

(1) An officer who is a permanent professor or the director of admissions of the United States Military Academy.

(2) An officer who is a permanent professor at the United States Naval Academy.

(3) An officer who is a permanent professor or the registrar of the United States Air Force Academy.

(Added Pub. L. 109-163, div. A, title V, § 509(c)(1), Jan. 6, 2006, 119 Stat. 3230; amended Pub. L. 116-283, div. A, title IX, § 924(b)(3)(U), Jan. 1, 2021, 134 Stat. 3821.)

Editorial Notes

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283 substituted “Marine Corps, or Space Force” for “or Marine Corps”.

§ 1253. Age 64: regular commissioned officers in 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 serving in a general or flag officer grade shall be retired on the first day of the month following the month in which the officer becomes 64 years of age.

(b) EXCEPTION FOR OFFICERS SERVING IN O-9 AND O-10 POSITIONS.—In the case of an officer serving in a position that carries a grade above major general or rear admiral, the retirement under subsection (a) of that officer may be deferred—

(1) by the President, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age; or

(2) by the Secretary of Defense, but such a deferment may not extend beyond the first day of the month following the month in which the officer becomes 66 years of age.

(c) DEFERRED RETIREMENT OF CHAPLAINS.—(1) The Secretary of the military department concerned may defer the retirement under subsection (a) of an officer serving in a general or flag officer grade who is the Chief of Chaplains or Deputy Chief of Chaplains of that officer's armed force.

(2) A deferment of the retirement of an officer referred to in paragraph (1) may not extend beyond the first day of the month following the month in which the officer becomes 68 years of age.

(Added Pub. L. 109-364, div. A, title V, § 502(a), Oct. 17, 2006, 120 Stat. 2176; amended Pub. L. 114-92, div. A, title V, § 504(a), (b)(1), Nov. 25, 2015, 129 Stat. 807; Pub. L. 116-92, div. A, title V, § 508, Dec. 20, 2019, 133 Stat. 1346; Pub. L. 116-283, div. A, title IX, § 924(b)(3)(V), Jan. 1, 2021, 134 Stat. 3821.)

Editorial Notes

AMENDMENTS

2021—Subsec. (a). Pub. L. 116-283 substituted “Marine Corps, or Space Force” for “or Marine Corps”.

2019—Subsec. (c)(3). Pub. L. 116-92 struck out par. (3) which read as follows: “The authority to defer the retirement of an officer referred to in paragraph (1) expires December 31, 2020. Subject to paragraph (2), a deferment granted before that date may continue on and after that date.”

2015—Pub. L. 114-92, § 504(b)(1), 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 section catchline.

Subsec. (c). Pub. L. 114-92, § 504(a), added subsec. (c).

[§ 1255. Repealed. Pub. L. 90-130, § 1(6), Nov. 8, 1967, 81 Stat. 374]

Section, acts Aug. 10, 1956, ch. 1041, 70A Stat. 100; Nov. 2, 1966, Pub. L. 89-718, § 3, 80 Stat. 1115, covered the retirement of female permanent regular warrant officers with 20 years of active service upon attaining age 55.

§ 1263. Age 62: warrant officers

(a) Unless retired under section 1305 of this title, a permanent regular warrant officer who has at least 20 years of active service that could be credited to him under section 511 of the Career Compensation Act of 1949, as amended (70 Stat. 114; 10 U.S.C. 580 note), and who is at least 62 years of age, shall be retired 60 days after he becomes that age, except as provided by section 8301 of title 5.

(b) The Secretary concerned may defer, for not more than four months, the retirement under subsection (a) of any warrant officer if, because of unavoidable circumstances, evaluation of his physical condition and determination of his entitlement to retirement or separation for physical disability require hospitalization or medical observation that cannot be completed before the date when he would otherwise be required to retire under this section.

(Aug. 10, 1956 ch. 1041, 70A Stat. 101; Pub. L. 89-718, § 3, Nov. 2, 1966, 80 Stat. 1115; Pub. L. 90-130, § 1(6), Nov. 8, 1967, 81 Stat. 374; Pub. L. 96-513, title V, § 511(46), Dec. 12, 1980, 94 Stat. 2924; Pub. L. 102-484, div. A, title X, § 1052(17), Oct. 23, 1992, 106 Stat. 2500.)