

**§ 20251. Failure of selection for promotion**

(a) IN GENERAL.—Except as provided in this section, sections 14501, 14503, and<sup>1</sup> 14504, 631, and 632 of this title shall apply to promotions of officers on the Space Force officer list. For the purpose of such applicability—

(1) any reference in those sections to the reserve active-status list or the active-duty list shall apply to the Space Force officer list; and

(2) any reference in those sections to a board convened under section 14201<sup>2</sup> or section 611 of this title shall apply to a board convened under section 20211 of this title.

(b) INAPPLICABILITY OF FAILURE OF SELECTION FOR PROMOTION TO OFFICERS ABOVE PROMOTION ZONE.—The reference in section 14501 of this title to an officer above the promotion zone shall not apply in the promotion of officers on the Space Force officer list.

(c) RETIREMENT AUTHORITIES.—In applying section 631 or 632 of this title to such an officer, the reference in subsection (a)(3) of that section to qualifying for retirement under certain sections of this title shall be deemed to refer to qualifying for retirement under any provision of law other than chapter 61 of this title.

(d) EFFECT OF FAILURE OF SELECTION.—In the administration of this chapter pursuant to subsection (a)—

(1) an officer on the Space Force officer list shall not be deemed to have failed twice of selection for promotion for purposes of section 629(e)(2) or 14501(b) of this title until the officer has failed selection of promotion to the next higher grade the maximum number of times specified for opportunities for promotion to such grade within the competitive category concerned under section 20234 of this title; and

(2) any reference in section 631(a) or 632(a) of this title, or in sections 14504 through 14506 of this title, to an officer who has failed of selection for promotion to the next higher grade for the second time shall be deemed to refer instead to an officer on the Space Force officer list who has failed of selection for promotion to the next higher grade for the maximum number of times specified for opportunities for promotion to such grade within the competitive category concerned under section 20234 of this title.

(Added Pub. L. 118-31, div. A, title XVII, §1716(c), Dec. 22, 2023, 137 Stat. 649; amended Pub. L. 118-159, div. A, title V, §521(u), Dec. 23, 2024, 138 Stat. 1883.)

**Editorial Notes****REFERENCES IN TEXT**

Section 14201 of this title, referred to in subsec. (a)(2), probably should be section 14101 of this title, which relates to convening of selection boards. There is no section 14201 of this title.

**CODIFICATION**

Another section 20251 was renumbered section 20252 of this title by section 521(v)(2) of Pub. L. 118-159. The

<sup>1</sup> So in original.

<sup>2</sup> See References in Text note below.

amendments made by section 521(u) of Pub. L. 118-159 to section 20251 of this title were executed to this section to reflect the probable intent of Congress.

**AMENDMENTS**

2024—Subsec. (a). Pub. L. 118-159, §521(u)(1)(A), substituted “14504, 631, and 632” for “14504 and section 631 and 632” in introductory provisions. See Codification note above.

Subsec. (a)(2). Pub. L. 118-159, §521(u)(1)(B), substituted “section 14201 or section 611” for “section 14201 or 611”. See Codification note above.

Subsec. (d)(1). Pub. L. 118-159, §521(u)(2), substituted “14501(b)” for “14502(b)”. See Codification note above.

**§ 20252. Special selection boards; correction of errors**

(a) PERSONS NOT CONSIDERED BY PROMOTION BOARD BECAUSE OF ADMINISTRATIVE ERROR.—

(1) CONVENING OF BOARD.—In the case of an officer or former officer who the Secretary of the Air Force determines was not considered for selection for promotion by a selection board convened under section 20211 of this title because of administrative error, the Secretary shall convene a special selection board under this subsection to determine whether that officer or former officer should be recommended for promotion.

(2) BOARD COMPOSITION; OATH.—Any such board shall be convened under regulations prescribed by the Secretary of Defense and shall be appointed and composed in accordance with section 20212 of this title and shall include the representation of competitive categories required by that section. The members of a board convened under this subsection shall be required to take an oath in the same manner as prescribed in section 14103 of this title.

(3) RECORD CONSIDERED BY BOARD.—A special selection board convened under paragraph (1) shall consider the record of the officer or former officer as that record would have appeared to the selection board that should have considered the officer or former officer. That record shall be compared with a sampling of the records of those officers of the same grade and competitive category who were recommended for promotion, and those officers of the same grade and competitive category who were not recommended for promotion, by that board.

(4) EFFECT.—If a special selection board convened under paragraph (1) does not recommend for promotion an officer or former officer in a grade below the grade of colonel whose name was referred to it for consideration, the officer or former officer shall be considered to have failed of selection for promotion.

(b) OFFICERS CONSIDERED BUT NOT SELECTED; MATERIAL ERROR.—

(1) CONVENING OF BOARD.—In the case of an officer or former officer who was eligible for promotion and was considered for selection for promotion by a selection board convened under section 20211 of this title but was not selected, the Secretary of the Air Force may, under regulations prescribed by the Secretary of Defense, convene a special selection board under this subsection to determine whether the officer or former officer should be recommended for promotion, if the Secretary must determine that—