

85–861, §33(a)(33), Sept. 2, 1958, 72 Stat. 1566; renumbered §8332, Pub. L. 115–232, div. A, title VIII, §807(b)(15), Aug. 13, 2018, 132 Stat. 1836.)

HISTORICAL AND REVISION NOTES

Revised section	Source (U.S. Code)	Source (Statutes at Large)
6332	34 U.S.C. 854a (provisos).	June 25, 1938, ch. 690, §202 (provisos), 52 Stat. 1178.
	34 U.S.C. 854 (note).	July 9, 1952, ch. 608, §803 (3d sentence), 66 Stat. 505.

The words “when not on active duty, to retainer pay or retired pay” are substituted for the words “pay and allowances”. The pay and allowances of a member on active duty are covered by the Career Compensation Act of 1949 (37 U.S.C. 231 et seq.). When not on active duty a member of the Fleet Reserve receives retainer pay and a retired member receives retired pay without allowances, the provision for allowances for retired members having been repealed as pointed out in the note on the preceding section. In the last sentence the words “from the date of transfer” are added to make it clear that a correction is retroactive to that date. The Court of Claims has so held (*Dugan v. United States* (1943), 100 Ct. Cl. 7).

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–232 renumbered section 6332 of this title as this section.

1958—Pub. L. 85–861 substituted “to retainer pay or retired pay in accordance” for “to retain pay or retired pay in accordance”.

Pub. L. 85–583 inserted “or the Retired Reserve” after “Navy” in cl. (3) and after “Marine Corps” in cl. (4).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115–232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115–232, set out as a note preceding section 3001 of this title.

EFFECTIVE DATE OF 1958 AMENDMENT

Amendment by Pub. L. 85–861 effective Aug. 10, 1956, see section 33(g) of Pub. L. 85–861, set out as a note under section 101 of this title.

§ 8333. Computation of retired and retainer pay

(a) The monthly retired pay or retainer pay of a member entitled to such pay under this chapter or under section 8470 or 8372 of this title is computed in accordance with the following table.

Formula	For sections	Column 1 Take	Column 2 Multiply by
A	8325(a) 6326	Retired pay base computed under section 1406(d) or 1407.	Retired pay multiplier prescribed under section 1409 for the years of service that may be credited to the member under section 1405.

Formula	For sections	Column 1 Take	Column 2 Multiply by
B	8323 8325(b) 8470 8372	Retired pay base computed under section 1406(d) or 1407.	Retired pay multiplier prescribed under section 1409 for the years of service that may be credited to him under section 1405.
C	8330	Retainer pay base computed under section 1406(d) or 1407.	Retainer pay multiplier prescribed under section 1409 for the years of service that may be credited to him under section 1405.

(b)(1) Retired pay or retainer pay computed under this section, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.

(2) References in the table in subsection (a) are to sections of this title.

(c) In the case of a Reserve enlisted member whose grade upon transfer to the Fleet Reserve or Fleet Marine Corps Reserve is determined under section 8336 of this title and who first became a member of a uniformed service before September 8, 1980, the retainer pay base of the member (notwithstanding section 1406(a)(1) of this title) is the amount of the monthly basic pay of the grade in which the member is so transferred (determined based upon the rates of basic pay applicable on the date of the member’s transfer), and that amount shall be used for the purposes of the table in subsection (a) rather than the amount computed under section 1406(d) of this title.

(Added Pub. L. 98–94, title IX, §922(a)(10)(A), Sept. 24, 1983, 97 Stat. 641, §6333; amended Pub. L. 99–348, title II, §203(a), July 1, 1986, 100 Stat. 695; Pub. L. 103–337, div. A, title VI, §635(b), Oct. 5, 1994, 108 Stat. 2789; Pub. L. 104–106, div. A, title XV, §1503(b)(3), Feb. 10, 1996, 110 Stat. 512; Pub. L. 104–201, div. A, title V, §532(d)(2), Sept. 23, 1996, 110 Stat. 2520; Pub. L. 109–163, div. A, title V, §509(d)(2), Jan. 6, 2006, 119 Stat. 3231; Pub. L. 110–181, div. A, title VI, §646(a), Jan. 28, 2008, 122 Stat. 160; renumbered §8333 and amended Pub. L. 115–232, div. A, title VIII, §§807(b)(15), 809(a), Aug. 13, 2018, 132 Stat. 1836, 1840.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115–232, §807(b)(15), renumbered section 6333 of this title as this section.

Subsec. (a). Pub. L. 115–232, §809(a), substituted “section 8470 or 8372” for “section 6970 or 6383” in introductory provisions and, under “For sections” column in table, substituted “8325(a)” for “6325(a)” and “8326” for “6326” in Formula A, “8323” for “6323”, “8325(b)” for “6325(b)”, “8470” for “6970”, and “8372” for “6383” in Formula B, and “8330” for “6330” in Formula C.

Subsec. (c). Pub. L. 115–232, §809(a), substituted “section 8336” for “section 6336”.

2008—Subsec. (a). Pub. L. 110–181 substituted “Retired pay multiplier prescribed under section 1409 for the years of service that may be credited to the member under section 1405.” for “75 percent.” in Formula A under Column 2 in table.

2006—Subsec. (a). Pub. L. 109–163 inserted “6970 or” after “section” in text and “6970” below “6325(b)” in Formula B under “For sections” column in table.

1996—Subsec. (a). Pub. L. 104-106 struck out first period after “section 1405” in Formula C under Column 2 in table.

Subsec. (c). Pub. L. 104-201 added subsec. (c).

1994—Subsec. (a). Pub. L. 103-337 substituted “the years of service that may be credited to him under section 1405.” for “his years of active service in the armed forces” in Formula C under Column 2 in table.

1986—Pub. L. 99-348 amended section generally, designating existing provision as subsec. (b)(1), substituting “under this section” for “under this chapter”, and adding subssecs. (a) and (b)(2).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

EFFECTIVE DATE OF 2008 AMENDMENT

Amendment by Pub. L. 110-181 effective as of Jan. 1, 2007, and applicable with respect to retired pay and retainer pay payable on or after that date, see section 646(c) of Pub. L. 110-181, set out as a note under section 1402 of this title.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 applicable to computation of retired pay of any enlisted member who retires on or after Oct. 5, 1994, to computation of retainer pay of any enlisted member who is transferred to Fleet Reserve or Fleet Marine Corps Reserve on or after Oct. 5, 1994, and to recomputation of retired pay of any enlisted member who is advanced on retired list on or after Oct. 5, 1994, see section 635(e) of Pub. L. 103-337, set out as a note under section 1405 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1983, see section 922(e) of Pub. L. 98-94, set out as an Effective Date of 1983 Amendment note under section 1401 of this title.

§ 8334. Higher grade after 30 years of service: warrant officers and enlisted members

(a) Each member of the naval service covered by subsection (b) who, after December 4, 1987, is retired with less than 30 years of active service or is transferred to the Fleet Reserve or Fleet Marine Corps Reserve is entitled, when his active service plus his service on the retired list or his service in the Fleet Reserve or the Fleet Marine Corps Reserve totals 30 years, to be advanced on the retired list to the highest grade in which he served on active duty satisfactorily, as determined by the Secretary of the Navy.

(b) This section applies to—

- (1) warrant officers of the naval service;
- (2) enlisted members of the Regular Navy and Regular Marine Corps; and
- (3) reserve enlisted members of the Navy and Marine Corps who, at the time of retirement or transfer to the Fleet Reserve or Fleet Marine Corps Reserve, are serving on active duty.

(c) An enlisted member of the naval service who is advanced on the retired list under this section is entitled to recompute his retired or retainer pay under formula A of the following table, and a warrant officer of the naval service so advanced is entitled to recompute his retired pay under formula B of that table. The amount recomputed, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.

Formula	Column 1 Take	Column 2 Multiply by
A	Retired pay base as computed under section 1406(d) or 1407 of this title.	The retired pay multiplier prescribed in section 1409 of this title for the number of years creditable for his retainer or retired pay at the time of retirement. ¹
B	Retired pay base as computed under section 1406(d) of this title.	The retired pay multiplier prescribed in section 1409 of this title for the number of years credited to him under section 1405 of this title.

¹In determining the retired pay multiplier, credit each full month of service that is in addition to the number of full years of service creditable to the member as 1/2 of a year and disregard any remaining fractional part of a month.

(Added Pub. L. 100-180, div. A, title V, §512(b), Dec. 4, 1987, 101 Stat. 1089, §6334; amended Pub. L. 101-189, div. A, title XVI, §1622(g), Nov. 29, 1989, 103 Stat. 1605; renumbered §8334, Pub. L. 115-232, div. A, title VIII, §807(b)(15), Aug. 13, 2018, 132 Stat. 1836.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6334 of this title as this section.

1989—Subsec. (a). Pub. L. 101-189 substituted “December 4, 1987” for “the date of the enactment of this section”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800 of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

§ 8335. Restoration to former grade: warrant officers and enlisted members

Each retired warrant officer or enlisted member of the naval service who has been advanced on the retired list to a higher commissioned grade under section 8334 of this title, and who applies to the Secretary of the Navy within three months after his advancement, shall, if the Secretary approves, be restored on the retired list to his former warrant officer or enlisted status, as the case may be.

(Added Pub. L. 100-180, div. A, title V, §512(b), Dec. 4, 1987, 101 Stat. 1090, §6335; renumbered §8335 and amended Pub. L. 115-232, div. A, title VIII, §§807(b)(15), 809(a), Aug. 13, 2018, 132 Stat. 1836, 1840.)

Editorial Notes

AMENDMENTS

2018—Pub. L. 115-232 renumbered section 6335 of this title as this section and substituted “section 8334” for “section 6334”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2018 AMENDMENT

Amendment by Pub. L. 115-232 effective Feb. 1, 2019, with provision for the coordination of amendments and special rule for certain redesignations, see section 800