

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. <sup>1</sup>
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.

<sup>1</sup>In 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

of Pub. L. 115-232, set out as a note preceding section 3001 of this title.

**§ 8336. Highest grade held satisfactorily: Reserve enlisted members reduced in grade not as a result of the member's misconduct**

(a) A member of the Navy Reserve or Marine Corps Reserve described in subsection (b) who is transferred to the Fleet Reserve or the Fleet Marine Corps Reserve under section 8330 of this title shall be transferred in the highest enlisted grade in which the member served on active duty satisfactorily, as determined by the Secretary of the Navy.

(b) This section applies to a Reserve enlisted member who—

(1) at the time of transfer to the Fleet Reserve or Fleet Marine Corps Reserve is serving on active duty in a grade lower than the highest enlisted grade held by the member while on active duty; and

(2) was previously administratively reduced in grade not as a result of the member's own misconduct, as determined by the Secretary of the Navy.

(c) This section applies with respect to enlisted members of the Navy Reserve and Marine Corps Reserve who are transferred to the Fleet Reserve or the Fleet Marine Corps Reserve after September 30, 1996.

(Added Pub. L. 104-201, div. A, title V, § 532(b)(1), Sept. 23, 1996, 110 Stat. 2519, § 6336; amended Pub. L. 109-163, div. A, title V, § 515(b)(1)(L), Jan. 6, 2006, 119 Stat. 3233; renumbered § 8336 and amended Pub. L. 115-232, div. A, title VIII, §§ 807(b)(15), 809(a), Aug. 13, 2018, 132 Stat. 1836, 1840.)

**Editorial Notes**

**PRIOR PROVISIONS**

Prior sections 8351 and 8352 were renumbered sections 12212 and 12214 of this title.

Prior sections 8353 and 8354 were repealed by Pub. L. 103-337, div. A, title XVI, § 1629(c)(1), Oct. 5, 1994, 108 Stat. 2963, effective Oct. 1, 1996.

Section 8353, added Pub. L. 85-861, § 1(178)(A), Sept. 2, 1958, 72 Stat. 1520; amended Pub. L. 86-559, § 1(49), June 30, 1960, 74 Stat. 275; Pub. L. 96-513, title II, § 205(b), Dec. 12, 1980, 94 Stat. 2882; Pub. L. 97-22, § 7, July 10, 1981, 95 Stat. 131; Pub. L. 98-94, title X, § 1007(c)(5), Sept. 24, 1983, 97 Stat. 662; Pub. L. 100-180, div. A, title VII, § 714(d), Dec. 4, 1987, 101 Stat. 1113; Pub. L. 103-160, div. A, title V, § 509(d), Nov. 30, 1993, 107 Stat. 1648, related to service credit upon original appointment as reserve commissioned officer in Air Force. See section 12207 of this title.

Section 8354, acts Aug. 10, 1956, ch. 1041, 70A Stat. 520; Sept. 2, 1958, Pub. L. 85-861, § 1(178)(B), 72 Stat. 1520, related to appointment of warrant officers and enlisted members of Air National Guard of United States as reserve officers.

A prior section 8355, acts Aug. 10, 1956, ch. 1041, 70A Stat. 520; Sept. 2, 1958, Pub. L. 85-861, § 33(a)(22), 72 Stat. 1565, related to appointment of graduates of junior or senior division of Air Force Reserve Officers' Training Corps as reserve commissioned officers, prior to repeal by Pub. L. 88-647, title III, § 301(21), Oct. 13, 1964, 78 Stat. 1073.

A prior section 8356, act Aug. 10, 1956, ch. 1041, 70A Stat. 520, related to appointment and promotion of aviation cadets as commissioned officers in Air Force Reserve, prior to repeal by Pub. L. 103-337, div. A, title XVI, § 1636(b), Oct. 5, 1994, 108 Stat. 2968, effective Feb. 10, 1996.

Prior sections 8358 to 8368 were repealed by Pub. L. 103-337, div. A, title XVI, § 1629(c)(1), Oct. 5, 1994, 108 Stat. 2963, effective Oct. 1, 1996.

Section 8358, added Pub. L. 85-861, § 1(178)(C), Sept. 2, 1958, 72 Stat. 1520, related to service credit upon original appointment as commissioned officer in grade below colonel. See section 12201 et seq. of this title.

Section 8359, added Pub. L. 85-861, § 1(178)(C), Sept. 2, 1958, 72 Stat. 1521; amended Pub. L. 98-94, title X, § 1014(b), Sept. 24, 1983, 97 Stat. 666; Pub. L. 98-525, title V, § 521(b), Oct. 19, 1984, 98 Stat. 2522; Pub. L. 99-145, title V, § 521(a), Nov. 8, 1985, 99 Stat. 631; Pub. L. 100-180, div. A, title V, § 502(a), Dec. 4, 1987, 101 Stat. 1085; Pub. L. 101-189, div. A, title V, § 503(a), Nov. 29, 1989, 103 Stat. 1437; Pub. L. 102-484, div. A, title V, § 519(a), Oct. 23, 1992, 106 Stat. 2408; Pub. L. 103-160, div. A, title V, § 514(a), Nov. 30, 1993, 107 Stat. 1649; Pub. L. 104-106, div. A, title V, § 511(a), Feb. 10, 1996, 110 Stat. 298, related to determination of grade upon original appointment as reserve officer of Air Force. See section 12201 et seq. of this title.

Section 8360, added Pub. L. 85-861, § 1(178)(C), Sept. 2, 1958, 72 Stat. 1521; amended Pub. L. 100-456, div. A, title XII, § 1234(a)(1), Sept. 29, 1988, 102 Stat. 2059; Pub. L. 104-106, div. A, title XV, § 1501(c)(30), Feb. 10, 1996, 110 Stat. 500, related to service required for promotion of reserve commissioned officers. See section 14001 et seq. of this title.

Section 8361, added Pub. L. 85-861, § 1(178)(C), Sept. 2, 1958, 72 Stat. 1522; amended Pub. L. 86-559, § 1(50), June 30, 1960, 74 Stat. 275, related to seniority for purposes of promotion of reserve commissioned officers. See section 14301 et seq. of this title.

Section 8362, added Pub. L. 85-861, § 1(178)(C), Sept. 2, 1958, 72 Stat. 1522; amended Pub. L. 86-559, § 1(51), June 30, 1960, 74 Stat. 275, related to convening of selection boards to consider reserve commissioned officers for promotion. See section 14101 et seq. of this title.

Section 8363, added Pub. L. 85-861, § 1(178)(C), Sept. 2, 1958, 72 Stat. 1522; amended Pub. L. 86-559, § 1(52), June 30, 1960, 74 Stat. 275; Pub. L. 100-456, div. A, title XII, § 1234(a)(1), Sept. 29, 1988, 102 Stat. 2059, related to requirements and procedures for promotion of officers in reserve grades. See section 14301 et seq. of this title.

Section 8365, added Pub. L. 85-861, § 1(178)(C), Sept. 2, 1958, 72 Stat. 1523, related to promotion of second lieutenants of Air Force Reserve. See section 14301 et seq. of this title.

Section 8366, added Pub. L. 85-861, § 1(178)(C), Sept. 2, 1958, 72 Stat. 1523; amended Pub. L. 86-559, § 1(53), June 30, 1960, 74 Stat. 275; Pub. L. 90-130, § 1(28)(A), Nov. 8, 1967, 81 Stat. 382, related to promotion of first lieutenants, captains, and majors of Air Force Reserve or Air National Guard of United States. See section 14301 et seq. of this title.

Section 8367, added Pub. L. 85-861, § 1(178)(C), Sept. 2, 1958, 72 Stat. 1525; amended Pub. L. 86-559, § 1(54), June 30, 1960, 74 Stat. 276, related to selection board procedures for promotion of first lieutenants, captains, and majors of Air Force Reserve or Air National Guard of United States. See section 14001 et seq. of this title.

Section 8368, added Pub. L. 85-861, § 1(178)(C), Sept. 2, 1958, 72 Stat. 1525; amended Pub. L. 86-559, § 1(55), June 30, 1960, 74 Stat. 276; Pub. L. 90-130, § 1(28)(B), Nov. 8, 1967, 81 Stat. 382; Pub. L. 100-180, div. A, title XII, § 1231(19)(B), Dec. 4, 1987, 101 Stat. 1161, related to effect of failure of promotion of reserve officers in grades of first lieutenant, captain, and major. See section 14301 et seq. of this title.

A prior section 8370, added Pub. L. 85-861, § 1(178)(C), Sept. 2, 1958, 72 Stat. 1526; Pub. L. 86-559, § 1(56), June 30, 1960, 74 Stat. 276, placed restrictions on promotion consideration of Air Force nurses, medical specialists, and female officers being considered for promotion to the Reserve grades of lieutenant colonel and colonel, prior to repeal by Pub. L. 90-130, § 1(28)(C), Nov. 8, 1967, 81 Stat. 382.

**AMENDMENTS**

2018—Pub. L. 115-232, § 807(b)(15), renumbered section 6336 of this title as this section.