

heading and par. (1) heading, substituted “A commissioned officer” for “Any commissioned officer, other than a commissioned warrant officer,” “the commissioned officer” for “him”, and “the commissioned officer’s” for “his”, and added par. (2).

Subsec. (b). Pub. L. 116-283, §8201(c)(2), inserted heading and substituted “the warrant officer” for “him” and “the warrant officer’s” for “his”.

Subsecs. (c) to (e). Pub. L. 116-283, §8201(c)(3), added subsecs. (c) to (e).

2018—Pub. L. 115-282 renumbered section 334 of this title as this section.

1994—Subsec. (b). Pub. L. 103-337 substituted “section 580,” for “section 564 of title 10 (as in effect on the day before the effective date of the Warrant Officer Management Act) or”.

1991—Subsec. (b). Pub. L. 102-190 substituted “section 564 of title 10 (as in effect on the day before the effective date of the Warrant Officer Management Act) or 1263, 1293, or 1305 of title 10” for “section 564, 1263, 1293, or 1305 of title 10”.

1986—Subsec. (a). Pub. L. 99-348, §205(b)(7)(A), struck out “, with retired pay of the grade with which retired” after “satisfactory”.

Subsec. (b). Pub. L. 99-348, §205(b)(7), struck out “, with retired pay of the grade with which retired” after “satisfactory” and struck out provision that when the rate of pay of such highest grade is less than the pay of the warrant grade with which the officer would otherwise be retired under section 1371 of title 10, the retired pay was to be based on the higher rate of pay.

1966—Pub. L. 89-444 substituted “Grade on retirement” for “Retirement in cases where higher grade has been held” in section catchline.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-337 effective on the first day of the fourth month beginning after Oct. 5, 1994, see section 541(h) of Pub. L. 103-337, set out as a note under section 571 of Title 10, Armed Forces.

##### EFFECTIVE DATE OF 1991 AMENDMENT

Amendment by Pub. L. 102-190 effective Feb. 1, 1992, see section 1132 of Pub. L. 102-190, set out as a note under section 521 of Title 10, Armed Forces.

#### § 2502. Retirement

(a) Every commissioned officer, warrant officer, or enlisted member who is retired under any provisions of this title shall be retired with the permanent grade or rate held at the time of retirement, unless entitled to retire with a higher grade or rate under any provision of this title or any other law.

(b) Where an officer is entitled, under any provision of law, to retire with one grade higher than the grade in which serving at the time of retirement, the next higher grade in the case of captain shall be rear admiral (lower half), and the next higher grade in the case of commissioned warrant officer shall be lieutenant (junior grade).

(Aug. 4, 1949, ch. 393, 63 Stat. 524, §421; Pub. L. 97-417, §2(10), Jan. 4, 1983, 96 Stat. 2086; Pub. L. 98-557, §15(a)(3)(A), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 99-145, title V, §514(c)(1), Nov. 8, 1985, 99 Stat. 629; Pub. L. 99-348, title II, §205(b)(10), July 1, 1986, 100 Stat. 700; renumbered §2502, Pub. L. 115-282, title I, §114(b), Dec. 4, 2018, 132 Stat. 4223.)

##### HISTORICAL AND REVISION NOTES

Subsection (a) is new in this form, but the provision contained therein is expressed or implied in numerous

statutes relating to the retirement of military personnel.

A provision defining the next higher grade to that of commissioned warrant officer as lieutenant (junior grade), for purposes of retirement, was added.

The other provisions of said section are obsolete and are no longer needed.

Subsection (a) is new, but the provision contained in it is expressed or implied in numerous statutes relating to retirement of military personnel. It is believed desirable to include such a provision to prevent any misconstruction of retirement statutes, even though no change in existing law is intended on the point covered, either by other sections dealing with retirement or by this section.

Subsection (b) is a codification of the only provision of title 14, U.S.C., 1946 ed., §174, that it is desired to retain, and in addition designated the next higher grade for commissioned warrant officers as lieutenant (junior grade) because the pay of the commissioned warrant officers is the same as for the grade of lieutenant (junior grade) and advancing such officers to the grade of ensign would in some aspects not appear to be a promotion. 81st Congress, House Report No. 557.

#### Editorial Notes

##### AMENDMENTS

2018—Pub. L. 115-282 renumbered section 421 of this title as this section.

1986—Subsec. (a). Pub. L. 99-348 substituted “rate” for “rating” in two places.

1985—Subsec. (b). Pub. L. 99-145 substituted “rear admiral (lower half)” for “commodore”.

1984—Subsec. (a). Pub. L. 98-557 substituted reference to enlisted member for reference to enlisted man.

1983—Subsec. (b). Pub. L. 97-417 substituted “commodore” for “rear admiral”.

#### Statutory Notes and Related Subsidiaries

##### REPORT ON RESIGNATION AND RETIREMENT PROCESSING TIMES AND DENIAL

Pub. L. 117-263, div. K, title CXII, §11241, Dec. 23, 2022, 136 Stat. 4039, provided that:

“(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act [Dec. 23, 2022], and annually thereafter, the Commandant [of the Coast Guard] shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that evaluates resignation and retirement processing timelines.

“(b) ELEMENTS.—The report required under subsection (a) shall include, for the preceding calendar year—

“(1) statistics on the number of resignations, retirements, and other separations that occurred;

“(2) the processing time for each action described in paragraph (1);

“(3) the percentage of requests for such actions that had a command endorsement;

“(4) the percentage of requests for such actions that did not have a command endorsement; and

“(5) for each denial of a request for a command endorsement and each failure to take action on such a request, a detailed description of the rationale for such denial or failure to take such action.”

#### § 2503. Status of recalled personnel

All retired personnel when recalled to active duty shall serve in the grade or rate in which they were serving at the time of retirement.

(Aug. 4, 1949, ch. 393, 63 Stat. 524, §422; Pub. L. 99-348, title II, §205(b)(10), July 1, 1986, 100 Stat. 700; renumbered §2503, Pub. L. 115-282, title I, §114(b), Dec. 4, 2018, 132 Stat. 4223.)

## HISTORICAL AND REVISION NOTES

This provision is desirable because many enlisted men and low-ranking officers may now retire with higher grade which they previously held on a temporary basis. If recalled in the higher grades, they might not be capable of holding same at the time of recall. 81st Congress, House Report No. 557.

**Editorial Notes**

## AMENDMENTS

2018—Pub. L. 115-282 renumbered section 422 of this title as this section.

1986—Pub. L. 99-348 substituted “rate” for “rating”.

**§ 2504. Computation of retired pay**

(a)(1) The retired pay of a member who first became a member of a uniformed service (as defined in section 101 of title 10) before September 8, 1980, is determined by multiplying—

(A) the sum of—

(i) the basic pay of the member’s retired grade or rate, and

(ii) all permanent additions thereto including longevity credit to which the member was entitled at the time of retirement; by

(B) the retired pay multiplier determined under section 1409 of title 10 for the number of years of service that may be credited to the member under section 1405 of such title.

(2) In the case of an officer who served as Commandant, retired pay under paragraph (1) shall be computed at the highest rate of basic pay applicable to the officer while so serving.

(3) In the case of an enlisted member who served as the master chief petty officer of the Coast Guard, retired pay under paragraph (1) shall be computed at the highest rate of basic pay to which the member was entitled while so serving, if that basic pay is greater than the basic pay of the grade or rate to which the member is otherwise entitled at the time of retirement.

(4) In the case of an officer whose retired pay is computed on the pay of a grade for which basic pay is not based upon years of service, retired pay under paragraph (1) shall be computed on the basis of the number of years of service for which the officer would be entitled to credit in the computation of pay on the active list had the officer been serving in the grade of captain at the time of retirement.

(b) The retired pay of a member who first became a member of a uniformed service (as defined in section 101 of title 10) on or after September 8, 1980, is determined by multiplying—

(1) the retired pay base determined under section 1407 of title 10; by

(2) the retired pay multiplier determined under section 1409 of title 10 for the number of years of service that may be credited to the member under section 1405 of such title.

(c)(1) In computing for the purpose of subsection (a) or (b) the number of years of service that may be credited to a member under section 1405 of title 10—

(A) each full month of service that is in addition to the number of full years of service creditable to the member shall be counted as  $\frac{1}{12}$  of a year; and

(B) any remaining fractional part of a month shall be disregarded.

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

(d) In addition to amounts computed pursuant to subsections (a) through (c) of this section, a full TSP member (as defined in section 8440e(a) of title 5) of the Coast Guard is entitled to continuation pay pursuant to section 356 of title 37.

(Aug. 4, 1949, ch. 393, 63 Stat. 525, § 423; Aug. 3, 1950, ch. 536, § 23, 64 Stat. 407; Pub. L. 85-422, § 11(b), May 20, 1958, 72 Stat. 132; Pub. L. 88-132, § 5(i), Oct. 2, 1963, 77 Stat. 214; Pub. L. 92-455, § 2, Oct. 2, 1972, 86 Stat. 761; Pub. L. 96-342, title VIII, § 813(f)(2), Sept. 8, 1980, 94 Stat. 1109; Pub. L. 97-295, § 2(12), Oct. 12, 1982, 96 Stat. 1302; Pub. L. 98-94, title IX, §§ 922(b), 923(d), Sept. 24, 1983, 97 Stat. 642, 643; Pub. L. 98-557, § 15(a)(3)(A), Oct. 30, 1984, 98 Stat. 2865; Pub. L. 99-348, title II, § 205(a), July 1, 1986, 100 Stat. 699; Pub. L. 115-141, div. F, title II, § 225, Mar. 23, 2018, 132 Stat. 616; Pub. L. 115-232, div. C, title XXXV, § 3531(c)(13), Aug. 13, 2018, 132 Stat. 2320; renumbered § 2504, Pub. L. 115-282, title I, § 114(b), Dec. 4, 2018, 132 Stat. 4223.)

## HISTORICAL AND REVISION NOTES

Based on title 14, U.S.C., 1946 ed., §§ 162a, 167, 175c, 185d (Apr. 12, 1902, ch. 501, § 9, 32 Stat. 101; Jan. 12, 1938, ch. 3, § 3, 52 Stat. 5; May 24, 1939, ch. 146, § 5, 53 Stat. 756; Feb. 21, 1946, ch. 34, § 10, 60 Stat. 29).

Section was enlarged to include computation of retired pay in all situations. It is in accord with the provisions of Navy statutes. 81st Congress, House Report No. 557.

**Editorial Notes**

## AMENDMENTS

2018—Pub. L. 115-282 renumbered section 423 of this title as this section.

Subsec. (a)(2). Pub. L. 115-232 substituted “Commandant” for “Commandant of the Coast Guard”.

Subsec. (d), Pub. L. 115-141 added subsec. (d).

1986—Pub. L. 99-348 amended section generally. Prior to amendment, section provided that retired pay of a grade or rating would be computed at the rate of 2½ percent of the sum of the basic pay of that grade or rating and all permanent additions thereto including longevity credit, multiplied by the number of years of service credited, with certain exceptions, and that retired pay of an officer or member of the Coast Guard who first became a member of a uniformed service, as defined in section 1407(a)(2) of title 10, after Sept. 7, 1980, would be computed at the rate of 2½ percent of the monthly retired pay base computed under section 1407(f) of title 10, multiplied by the number of years of service credited, but that retired pay was not to be more than 75 percent of such monthly retired pay base.

1984—Subsec. (a). Pub. L. 98-557 substituted reference to enlisted member concerned for reference to enlisted man concerned.

1983—Subsec. (a). Pub. L. 98-94, § 923(d), substituted “In computing the number of years of service by which the rate of 2½ percent is multiplied, each full month of service that is in addition to the number of full years of service creditable to a member is counted as one-twelfth of a year and any remaining fractional part of a month is disregarded” for “A fractional year of six months or more shall be considered a full year in computing the number of years of service by which the rate of 2½ percent is multiplied”.

Pub. L. 98-94, § 922(b), inserted “Retired pay, if not a multiple of \$1, shall be rounded to the next lower multiple of \$1.”