

<p style="text-align: center;"><b>SUMMARY OF MAJOR CHANGES TO CHAPTER 01 DOD 7000.14-R, VOLUME 7B “INITIAL ENTITLEMENTS - RETIREMENTS”</b></p> <p style="text-align: center;">Substantive revisions are denoted by a ★ preceding the section, paragraph, table, or figure that includes the revision</p>		
<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>EFFECTIVE DATE</b>
010402A.2.b Table 1-7 Bibliography	Interim change R08-01 incorporates the DoD, Office of General Counsel opinion of November 9, 2000.	December 1, 2000
010107.B.3 010108.A.1 010108.A.1.j.(1) 010108.A.2.e 010108.B 010301.B.4.c Bibliography	Interim change R13-01 increases annual limit for inactive duty training points for Reserve retirement.	October 30, 2000
010101.A 010108.B.3 010108.E 010501.B 010501.E.5 Table 1-4 Bibliography	Interim change R14-01 extends expiration date on certain draw-down transition authorities through December 31, 2001.	April 20, 2001
010108.B.4	Interim change R01-02 allows a retired member of the regular component, who later serves and is promoted in an active reserve position, to retire as a member of the retired reserve at the higher grade.	January 9, 2002
010105, 010109 010109.B 010109.C 0102 010301.B.3 010401.B 010402.2.B Tables 1-5, 1-6, and 1-7 Bibliography	Interim change R03-02 revises creditable service for officers due to lost time. This change also deletes Tables 1-5 and 1-6 and renumbers Table 1-7 as Table 1-5.	January 25, 2002
010301.B.2 Bibliography	Interim change R11-02 clarifies constructive service for medical and dental officers. It also clarifies constructive service in the Uniformed Services University of the Health Sciences.	October 15, 2002

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<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>EFFECTIVE DATE</b>
<b>010108.B.3 Table 1-1 Notes 1, 2, &amp; 3 Bibliography</b>	<b>Interim change R02-03 reduces the minimum years from 8 to 6 that a member of Reserve Component must serve in order to be eligible for retired pay.</b>	<b>October 1, 2002</b>
<b>010101.A Table 1-1 Notes 1, 2, &amp; 3 Bibliography</b>	<b>Interim change R04-03 provides for the extension of the Temporary Early Retirement Authority through September 1, 2002.</b>	<b>January 1, 2002</b>
<b>010701</b>	<b>Interim change R06-03 provides for the credit of extra ordinary heroism pay for reserves entitled to retired pay.</b>	<b>October 1, 2002</b>
<b>010501.B 010501.E.5</b>	<b>Interim change R09-03 (revises interim change R14-01) extends the Secretary of Defense authority to reduce the time-in-grade restriction from 3 years to not less than 2 years for retirement. This authority was authorized through December 31, 2003.</b>	<b>December 2, 2002</b>
<b>010501.B 010501.E.5</b>	<b>Interim change R02-04 makes the Secretary of Defense’s authority to reduce the time-in-grade restriction from 3 years to not less than 2 years for retirement permanent.</b>	<b>November 24, 2003</b>

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## CHAPTER 1

INITIAL ENTITLEMENTS - RETIREMENTS0101 SERVICE CREDITABLE FOR RETIREMENT PURPOSES010101. General

★ A. A computation of creditable service, for the purpose of retirement, may be required at any time during a member's military career. A warrant officer or an enlisted member may be retired voluntarily after completion of 20 years of creditable service. An enlisted member of the Army or Air Force, who retires upon completion of 20 years of creditable service, becomes a member of the Reserve force. A commissioned officer may voluntarily be retired after completion of 20 years of active service, at least 10 years of which is active commissioned service. (The Secretary of the Military Department concerned may reduce the 20 years of creditable service requirement to 15 years for the period beginning October 23, 1992, and ending on September 1, 2002.) The Secretary concerned may reduce the 10-year active commissioned service requirement to 8 years during the period beginning on October 1, 1990, and ending December 31, 2001. A member who continues on active duty after completion of 20 years of service may be retired for voluntary or involuntary reasons. Members who incur a disability while serving on active duty or while called to active duty for training for 30 days or less in the military services may be retired, at which time a service computation is required.

B. Service creditable for the purpose of determining retirement eligibility varies with each type of retirement. Retirement types and the specific service creditable for each type are found in paragraphs 010102 through 010108, below. Service that is not creditable is cited in paragraph 010109, below.

010102. Voluntary Retirement-Enlisted Members. (Table 1-1)

- A. All active service in the Uniformed Services.
- B. Active service in the Army or Navy Nurse Corps as it existed at any time before April 16, 1947.
- C. Active service performed under appointment under the Act of December 22, 1942 (reference (a)), or the Act of June 22, 1944 (reference (b)).
- D. Active full-time service, except as a student or apprentice, with the Medical Department of the Army as a civilian employee in the dietetic or physical therapy categories, if that service was performed after April 6, 1917, and before April 1, 1943.
- E. Active full-time service, except as a student or apprentice, in the occupational therapy category, if that service was performed before appointment in the Army Nurse Corps or Women's Medical Specialist Corps or before appointment in the Air Force with a view to designation as an Air Force nurse or medical specialist and before January 1, 1949.

F. Service as a cadet or midshipman at Service academy.

010103. Voluntary Retirement-Regular and Reserve Commissioned Officers.  
(Table 1-1)

A. Active service in the Uniformed Services.

B. The following service, computed under 10 U.S.C. 3683 (repealed) (reference (c)) in addition to any other service that may be credited:

1. Active service performed in the Army Nurse Corps and Navy Nurse Corps as they existed at any time before April 16, 1947.

2. Active service performed under appointment under the Act of December 22, 1942 (reference (a)) or the Act of June 22, 1944 (reference (b)).

3. Active full-time service, except as a student or apprentice, with the Medical Department of the Army as a civilian employee in the dietetic or physical therapy categories, if the service was performed after April 6, 1917, and before April 1, 1943.

4. Active full-time service, except as a student or apprentice, in the occupational therapy category, if that service was performed before appointment in the Army Nurse Corps or Women's Specialist Corps and before January 1, 1949.

C. If an officer of the Regular Army or Air Force, all active service performed as an officer of the Philippine Constabulary.

D. If an officer of the Regular Army or Regular Air Force in the Medical Corps, in addition to the above service, all full-time service performed as a:

1. Contract surgeon.

2. Active assistant surgeon.

3. Contract physician, under a contract to serve full-time and to take and change station as ordered.

E. If retiring as an officer of the Regular Army or Regular Air Force in the Dental Corps, in addition to the above service, all full-time service performed as a:

1. Contract dental surgeon.

2. Acting dental surgeon.

F. To determine whether a commissioned officer of the Army Nurse Corps or the Army Medical Specialist Corps may be retired under 10 U.S.C. 3911 (reference (c)), and

whether an Air Force nurse or medical specialist may be retired under 10 U.S.C. 8911 (reference (c)), treat all service credited under subparagraphs 010103.B.1, 2, 3, and 4, above, as commissioned officer service.

010104. Voluntary or Mandatory Retirement-Warrant Officers. (Table 1-1)

A. Active service in the Uniformed Services.

B. All service as a:

1. Nurse or contract nurse before February 2, 1901.

2. Reserve nurse after February 2, 1901.

3. Contract surgeon.

4. Contract dental surgeon.

5. Acting dental surgeon.

6. Veterinarian in the quartermaster department, cavalry, or field artillery.

C. Service on the active list, or on active duty, or while participating in full-time training or other full-time duty provided for or authorized under the National Defense Act of 1916 (reference (d)), or the Naval Reserve Act (reference (e)), as a:

1. Army field clerk.

2. Field clerk, Army Quartermaster Corps.

★ 010105. Mandatory Retirement-Regular Commissioned Officers, Army, and Air Force. (Table 1-2) Years of service credited at the time of original appointment in the Regular Army for the [purpose of determining eligibility for promotion, except service in subparagraph 010109.C, below, plus all](#) years of active commissioned service in the Regular Army after that appointment, or years of service computed as in subparagraphs 010105.A through L, below, whichever applies:

A. Reserve judge advocate appointed in the Regular Army in grade of captain in the Judge Advocate General's Department:

1. Years of active commissioned service in the Army after becoming 21 years of age, after December 7, 1941, and before date of that appointment, or the number of days, months, and years by which the member's age at the time of appointment exceeded 25 years, whichever is greater, plus

2. Years of active commissioned service in the Regular Army after that appointment.

B. Officer appointed in the Regular Army, except the Army Nurse Corps or Army Medical Specialist Corps before December 31, 1947, other than an officer covered by subparagraph 010105.A, above, or appointed in the Regular Army under the Act of December 28, 1945 (reference (f)):

1. Years of active commissioned service in the Regular Army after that appointment, plus

2. Years of active commissioned service in the Army after becoming 21 years of age and after December 7, 1941, under any earlier appointment.

C. Officer appointed in the Regular Army, except the Army Nurse Corps or Army Medical Specialist Corps after December 31, 1947, other than an officer appointed in the Women's Army Corps, Regular Army, under section 108 of the Women's Armed Services Integration Act of 1948 (reference (g)):

1. Years of active commissioned service in the Regular Army after that appointment, plus:

2. Years of active commissioned service in the Army after becoming 21 years of age and after December 31, 1947, under any earlier appointment.

D. Officer of the Regular Air Force appointed in the Regular Air Force before January 1, 1948, under the Act of December 28, 1945 (reference (f)), the sum of:

1. The years credited under that Act at the time of appointment.

2. The years of active commissioned service in the Regular Army or Regular Air Force after that appointment.

3. The service, but not more than 2 years, by which the member's service on July 20, 1956, was authorized to be increased under section 27, Public Law 85-861 (reference (h)) for the purpose of determining grade, position on the promotion list, seniority, eligibility for promotion, and mandatory retirement.

E. Officer appointed in the Regular Air Force under section 308 of the Women's Armed Services Integration Act of 1948 (reference (g)), the sum of:

1. The years of service credited under that section at the time of appointment.

2. The years of active commissioned service in the Regular Air Force after that appointment.



3. The service credited under subparagraph 010105.D.3, above.

F. Reserve judge advocate appointed in the Regular Army in the grade of captain in the Judge Advocate General's Department under section 24e of the National Defense Act (reference (d)), as amended:

1. The years of active commissioned service in the Army after becoming 21 years of age, after December 7, 1941, and before the date of that appointment, or the number of days, months, and years by which the member's age at the time of that appointment exceeded 25 years, whichever is greater, plus

2. The years of active commissioned service in the Regular Army or Regular Air Force after that appointment plus the service credited under subparagraph 010105.D.3, above.

G. Air Force nurse or medical specialist:

1. The period of service credited under the Army-Navy Nurses Act of 1947 (reference (i)), as amended, or commissioned service in the Armed Forces, not to exceed 14 years, after December 6, 1941, performed after becoming 21 years of age and before appointment, plus

2. The years of active commissioned service in the Regular Air Force after appointment in the Regular Air Force.

H. Officer of the Regular Air Force appointed in the Regular Army or Regular Air Force before December 31, 1947, other than an officer covered by subparagraphs 010105.D, F, and G above, the sum of:

1. The years of active commissioned service in the Regular Army and Regular Air Force after that appointment.

2. The years of active commissioned service in the Army and Air Force after becoming 21 years of age and after December 7, 1941, under any earlier appointment.

3. The service credited under subparagraph 010105.D.3, above.

I. Officer of the Regular Air Force appointed in the Regular Army or Regular Air Force after December 31, 1947, under section 506 of the Officer Personnel Act of 1947 (reference (j)), the sum of:

1. The years of active commissioned service in the Regular Army or Regular Air Force after that appointment.

2. The years of active commissioned service in the Armed Forces after becoming 21 years of age and after December 6, 1941, under any earlier appointment.

3. The service credited under subparagraph 010105.E.3, above.

J. Officer of the Air Force who was appointed in the Regular Army or Regular Air Force after December 31, 1947, other than an officer covered by subparagraphs 010105.E, G, I, above, or K, below:

1. The years of active commissioned service in the Regular Army or Regular Air Force after that appointment.
2. The years of active commissioned service in the Air Force after becoming 21 years of age and after December 31, 1947, under any earlier appointment.
3. The service credited under subparagraph 010105.D.3, above.

K. Officer of the Regular Air Force who was appointed in the Regular Air Force after July 19, 1956, other than an officer covered by subparagraphs 010105.G or I, above, or who is designated as a medical or dental officer, the sum of:

1. The years of active commissioned service in the Regular Air Force after that appointment.
2. The years of active commissioned service in the Armed Forces after becoming 21 years of age and before appointment.
3. The years credited for the purpose of determining grade, position on a promotion list, seniority, and eligibility for promotion under one of the following conditions:
  - a. Three years, if appointed in the Regular Air Force with a view to designation as a medical service officer, and if holding a degree of doctor of philosophy or comparable degree in science allied to medicine.
  - b. Not more than 8 years, if one of not more than 100 persons in any calendar year who are appointed from civil life or from Reserves of the Air Force who have qualifications not otherwise available from members of the Air Force on active duty.
  - c. Not more than 2 years, if appointed while on active duty in the Air Force.

L. An officer of the Army or Air Force under the Defense Officer Personnel Management Act (reference (k)) is credited with:

1. The years of active service.
2. The years of service, other than active service in subparagraph 010105.L1, above, with which member was entitled to be credited on May 31, 1958, in computing basic pay.

010106. Mandatory Retirement-Regular Officers - Navy and Marine Corps.  
(Table 1-2)

A. The total commissioned service of a male officer on the active list in the line of the Navy or of the Marine Corps is computed from June 30 of the fiscal year in which the officer accepted that appointment. The computation applies when the officer has served continuously on the active list since appointment in the grade of ensign or second lieutenant either upon graduation from the Naval Academy or under 10 U.S.C. 2106, 2107, or 6909 (repealed) (reference (c)).

B. Every other male officer on the active list in the line of the Navy or Marine Corps is considered to have the same service as in subparagraph 010106.A, above, who:

1. Has not lost numbers or precedence; and
2. Is, or at any time has been, junior to the other officer for the purposes of eligibility for promotion and selection for promotion during the other officer's latest period of continuous service on the active list.

C. The total commissioned service of each officer on the active list of the Navy in the Supply Corps or the Civil Engineer Corps who originally was appointed as a Regular or as a Reserve in the grade of ensign in the line, or any staff corps, or in the grade of lieutenant (junior grade) in the Civil Engineer Corps, and who has served continuously on active duty since that appointment, is computed from June 30 of the fiscal year in which the officer accepted that appointment, beginning August 7, 1947.

D. The total commissioned service of each officer originally appointed in the grade of lieutenant (junior grade) or ensign in any staff corps of the Navy, except the Supply Corps and the Civil Engineer Corps, who since that appointment has served continuously on the active list of the Navy, is computed from June 30 of the fiscal year in which the officer accepted that appointment. This provision does not apply, however, to officers appointed under the Act of April 18, 1946 (reference (l)).

E. Every other commissioned officer on the active list of the Navy in any staff corps is considered to have the same total commissioned service as the officer in the same corps described in subparagraphs 010106.C and D, above, having the maximum total commissioned service who:

1. Has not lost numbers or precedence; and
2. Is, or at any time has been, junior to the other officer for the purposes of eligibility for promotion and selection for promotion during that other officer's latest period of continuous service on the active list.

F. Notwithstanding the provisions of subparagraph 010106.E, above, officers on the active list of the Navy in the Medical Service Corps, appointed under the Act of April 18, 1946 (reference (l)), are considered to have total commissioned service equivalent to that of their running mates.

G. Officers on the active list of the Navy in the Nurse Corps are credited with:

1. Active service in the Nurse Corps and the Nurse Corps Reserve; and
2. Active service in the Nurse Corps and the Nurse Corps Reserve, which was abolished by the Army-Navy Nurses Act of 1947 (reference (i)).

H. An officer of the Navy or Marine Corps under the Defense Officer Personnel Management Act (reference (k)) is credited with:

1. The years of active service.
2. The years of service, other than the service included in subparagraph 010106.H.1, above, with which member was entitled to be credited on May 31, 1958, in computing basic pay.

010107. Disability Retirement. (Table 1-3)

A. A member of a Regular Component of the Armed Forces is credited with the greater of all service he or she is considered to have for the purpose of separation or mandatory elimination from the active list, or the sum of:

1. All active service as a member of the Armed Forces as a nurse, Reserve nurse after February 2, 1901, contract surgeon, contract dental surgeon, or acting dental surgeon.
2. Active service as a commissioned officer of the National Oceanic and Atmospheric Administration (NOAA), or the Public Health Service (PHS). See subparagraph 010201.C, below, for information regarding NOAA and its two predecessor organizations (i.e., the Environmental Science Services Administration and the Coast and Geodetic Survey).
3. Service while participating in exercises or performing active duty training and drills in the National Guard, under 32 U.S.C. 502, 503, 504, and 505 (reference (m)).

B. A member who is not a member of a Regular Component of the Armed Forces is credited with service calculated as the sum of subparagraphs 010107.B.1 through 4, below and divided by 360:

1. All days of active service.

2. All days of full-time service while performing annual training duty or attending prescribed periods of instruction designated as a Military Service school by law or by the Secretary concerned.

★ 3. One day for each point, but not more than 90 days in any 1-year period on or after October 30, 2000, credited for attendance at drills or periods of equivalent instruction prescribed for that year by the Secretary concerned that conform to requirements by law or are credited as service in the Health Professions Scholarship and Financial Assistance Program under 10 U.S.C. 2126 (reference (c)). Between September 23, 1996, and October 29, 2000, the maximum number was 75 days, and 60 days before September 23, 1996. The credit includes points at the rate of 15 per year for membership in a Reserve Component of an Armed Force, in the Army or the Air Force without component, or service in the following categories before July 1, 1949:

- a. Federally recognized National Guard before June 15, 1933.
- b. Federally recognized status in the National Guard before June 15, 1933.
- c. The National Guard after June 14, 1933, if service was continuous from date of enlistment in the National Guard, or federal recognition as an officer, to date of enlistment or appointment in the National Guard of the United States, the Army National Guard of the United States, or the Air National Guard of the United States.
- d. The Naval Reserve Force.
- e. The Naval Militia that conformed to standards prescribed by the Secretary of the Navy.
- f. The National Naval Volunteers.
- g. The Army or Navy Nurse Corps, or the Nurse Corps Reserve of the Army or Navy, as it existed any time after February 2, 1901.

4. Fifty days for each year before July 1, 1949, and proportionately for each fraction for a year, for service (other than active service) in a Reserve Component of the Armed Forces, in the Army or Air Force without component, or in any other category covered by 10 U.S.C. 12732(a)(1) (reference (c)).

010108. Age and Service Retirement - Nonregular Member

A. Creditable service for retirement includes:

- ★ 1. Years of service before July 1, 1949, in:
- a. The Uniformed Services.

- b. Federally recognized National Guard before June 15, 1933.
- c. Federally recognized status in the National Guard before June 15, 1933.
- d. National Guard after June 14, 1933, if service was continuous from date of enlistment in the National Guard or federal recognition as an officer therein, to date of enlistment or appointment in the National Guard of the United States, the Army National Guard of the United States, or the Air National Guard of the United States.
- e. Naval Reserve force.
- f. Naval militia that conformed to the standards prescribed by the Secretary of the Navy.
- g. National naval volunteers.
- h. Army or Navy Nurse Corps, Reserve of the Army or Navy as it existed at any time after February 2, 1901.
- i. The Army under appointment under the Act of December 22, 1942 (reference (a)).
- j. Active full-time status, except as a student or apprentice with the Medical Department of the Army as a civilian employee in:

★ (1) The dietetic or physical therapy categories if the service was performed after April 6, 1917, and before April 1, 1943; or

(2) The occupational therapy category, if the service was performed before appointment in the Army Nurse Corps or Women’s Medical Specialist Corps and before January 1, 1949, or before appointment in the Air Force before January 1, 1949, with a view to designation as an Air Force nurse or medical specialist.

2. Each 1-year period after July 1, 1949, in which the member earned at least 50 days on this basis:

- a. One point for each day of active service. Service as a cadet or midshipman at a Service academy is active service for non-regular enlisted members only.
- b. One point for each day of full-time service, while performing annual training or attending a prescribed course of instruction at a school designated as a Service school by law or by the Secretary concerned.
- c. One point for each attendance at a drill or period of equivalent instruction prescribed for that year by the Secretary concerned.

d. Points at the rate of 15 per year for membership in a Reserve Component of the Armed Forces, in the Army or Air Force without component, or in any other category covered by 10 U.S.C. 12732(a)(1) (reference (c)), except a Regular Component.

**Note:** For the purpose of subparagraphs 010108.B.1, 2, and 3, below, all service in the National Guard is treated as if it were service in a Reserve Component, if the member later was appointed in the National Guard of the United States or Air National Guard of the United States, or as a Reserve of the Army or Air Force and served continuously in the National Guard from date of federal recognition to date of that appointment.

★ e. Members whose anniversary year closed on or after October 30, 2000, may be credited with up to 90 inactive duty points (vice 75 inactive duty points between September 23, 1996 and October 29, 2000, and 60 inactive duty points before September 23, 1996).

f. Points credited as service in the Health Professions Scholarship and Financial Assistance Program under 10 U.S.C. 2126 (reference (c)).

★ B. A member of the Armed Forces or National Guard is entitled to retired pay computed under Table 3-1, Rule 14, for nonregular service upon application if he or she:

1. Is at least 60 years of age.

2. Has performed at least 20 years of service (see subparagraph 010108.E, below) as shown in subparagraphs 010108.A, above, or this subparagraph.

★ 3. Has performed at least 6 years of qualifying service as a member of any category name in 10 U.S.C. 12732(a)(1) (reference (c)) but not while a member of a Regular Component, the Fleet Reserve or the Fleet Marine Corps Reserve; except that in the case of a person who completed 20 years of service before October 5, 1994, the number of years of such qualifying service shall be eight.

★ 4. Is not entitled under any other provision of law to retired pay from the Armed Forces or retainer pay as a member of the Fleet Reserve or the Fleet Marine Corps Reserve, except as provided in section 0708 of this volume.

C. A member who has been notified that the years of service requirement has been met for eligibility for retired pay at age 60, may not have that eligibility denied or revoked on the basis of any error, miscalculation, misinformation, or administrative determination of years of service performed, unless it resulted directly from fraud or misrepresentation of the person.

1. The notification of eligibility, which is based on the member's completion of the service requirement, conforms to applicable Military Department regulations. A nonconforming written notice, administratively issued, which shows completion of service requirements of eligibility for retired pay at age 60 may not result in the denial of retired pay, unless evidence shows that the member caused the service record to be altered or confused.

2. The number of years of creditable service upon which retired pay is computed may be adjusted to correct any error, miscalculation, misinformation, or administrative determination. When a correction is made, the retiree is entitled to retired pay in accordance with the number of years of creditable service, as corrected, from the date the retiree is granted retired pay.

3. Notwithstanding subparagraph 010108.C.2, above, the granting of retired pay to a retiree under 10 U.S.C., Chapter 1223 (reference (c)) is conclusive as to that retiree's entitlement to such pay only if the payment of retired pay began after October 14, 1966. A notification that a person has completed the years of service required for eligibility for retired pay under 10 U.S.C., Chapter 1223 (reference (c)) is conclusive as to that person's subsequent entitlement to such pay only if the notification is made after October 14, 1966.

D. Under 10 U.S.C. 12731 (reference (c)), members of a Reserve Component who have reached age 60, and have at least 20 years of qualifying federal service are qualified for retired pay. A member who has qualified for retired pay, but retained under 10 U.S.C. 12308 (reference (c)), with member's consent, may be credited with the service for all purposes. A member, however, who elects to receive retired pay under 10 U.S.C. 12731 (reference (c)) may not be retained simultaneously on active duty or in active service under 10 U.S.C. 12308 (reference (c)).

★ E. A temporary special retirement qualification authority, 10 U.S.C. 12731(a) (reference (c)), provides for the Secretary of the Military Department concerned to allow certain members with at least 15 years of creditable service to retire during the period beginning on October 23, 1992, and ending on December 31, 2001.

010109. Service Not Creditable for Determining Retirement Eligibility

★ A. Enlisted Member's Lost Time. The following periods of absence from duty during a term of enlistment are not creditable to an enlisted member unless they are made up by the member upon return to full duty so as to complete the term for which the member was enlisted:

1. Desertion.
2. Absence from organization, station, or duty for more than 1 day without proper authority, as determined by competent authority.
3. Confinement by military or civilian authorities for more than 1 day in connection with a trial, whether before, during, or after the trial.
4. A member's inability for more than one day, as determined by competent authority, to perform assigned duties because of intemperate use of drugs or alcoholic liquor, or because of disease or injury resulting from the member's misconduct.

★ B. Officer's Lost Time. Prior to February 11, 1996, a commissioned or warrant officer was entitled to credit for every day in a commissioned or warrant status, without



regard to absence of any kind, whether authorized or unauthorized, and including confinement prior to and during trial. In addition, absence during which a member was serving on active duty as an enlisted member was creditable if the enlisted member also held a commission as a Reserve officer. After February 10, 1996, a commissioned or warrant officer may not count the following periods of absence for any purpose other than the computation of length of service for basic pay:

1. Desertion.
2. Absence from organization, station, or duty for more than one day without proper authority, as determined by competent authority.
3. Confinement by military or civilian authority for more than one day in connection with a trial, whether before, during, or after the trial.
4. A member's inability for more than one day, as determined by competent authority, to perform assigned duties because of intemperate use of drugs or alcoholic liquor, or because of disease or injury resulting from the member's misconduct.

★ C. Constructive Service. Constructive service, credited under 10 U.S.C. 3287(a)(2)(A) or (B) (repealed), 10 U.S.C. 3294(b) (repealed) (reference (c)) or section 506(c) of the Officer Personnel Act of 1947 (reference (j)), is not included in the service computation under subparagraph 010105.A, above. Constructive service creditable may be:

1. Three years, if appointed as a chaplain, or for service in the Judge Advocate General's Corps or in the Veterinary Corps of the Regular Army.
2. Three years, if appointed in the Medical Service Corps and if holding the degree of doctor of philosophy or comparable degree recognized by the Surgeon General.
3. Four years (five, if member completed 1 year internship) credited at the time of appointment in the Medical or Dental Corps for the purpose of determining grade, position on a promotion list, seniority in grade in the Regular Army, and eligibility for promotion.

★ D. Other Non-Creditable Service. This service may not be counted for the purpose of determining retirement eligibility under paragraph 010107, above:

1. Service, other than active service, in an inactive section of the Organized Reserve Corps or Army Reserve, or inactive section of the officer's section of the Air Force Reserve.
2. Service, other than active service, after June 30, 1949, while on the Honorary Retired List of the Naval Reserve or of the Marine Corps Reserve.
3. Service in the inactive National Guard or in a nonfederally recognized status of the National Guard.

4. Inactive service in the Fleet Reserve or Fleet Marine Corps Reserve.

5. Service as an inactive Reserve nurse of the Army Nurse Corps established by the Act of February 2, 1901 (reference (n)) as amended, and service before July 1, 1938, as an inactive Reserve nurse of the Navy Nurse Corps, established by the Act of May 13, 1908 (reference (o)).

6. Service in any status other than that as a commissioned officer, warrant officer, nurse, flight officer, appointed aviation cadet, or enlisted member, and that described in paragraph 010101, above, as creditable.

★0102 SERVICE CREDITABLE FOR BASIC PAY. See Volume 7A, section 0101 of this Regulation.

0103 SERVICE CREDITABLE FOR PERCENTAGE PURPOSES

010301. Service for Percentage Multiple. Service authorized to be used as a percentage multiple is specified in each law section authorizing computation of retired pay for each type of retirement. Retirement types and service for percentage for each are:

A. Voluntary Retirement Enlisted Members. Service credited under subparagraph 010102, above.

B. Voluntary Retirement Commissioned Officers

1. Active service in the Uniformed Services.

★ 2. Crediting of constructive service for medical and dental officers or an internship is not authorized after September 14, 1981, unless a member was already enrolled in such a program and later graduated and was commissioned as a medical or dental officer. However, post September 14, 1981, time is creditable in computing retired pay provided the officer is retirement eligible. Service creditable in computing retired pay should include time an officer served in the Uniformed Services University of Health Sciences (USUHS). For an officer of the Medical Corps or Dental Corps of the Army or Navy, an officer of the Air Force designated as a medical or dental officer or an officer of the Public Health Service commissioned as a medical or dental officer, credit actual time served in the program. Any credit otherwise accrued during the same period by reason of Reserve membership would not be used in determining the multiplier for computing retired pay.

Example: An O-6 with 20 years and 6 months service under 37 U.S.C. 205 (excludes time at USUHS) is receiving basic pay for an O-6 over 20 years. If this member served 4 years and 6 months time at USUHS, then upon retirement, the member is to receive retired pay computed at 62.5 percent of basic pay as a O-6. The 62.5 percent is computed as 2.5 percent times 25 (20.5 plus 4.5) years of service as this computation will include the USUHS time.

★ 3. The years of service, not included in subparagraph 010301.B.1, or 2, above, with which the member was entitled to be credited on June 1, 1958, in computing basic pay as stated in Volume 7A, section 0101 of this Regulation.

4. Years of service, not included in subparagraphs 010301.B.1, 2, or 3, above, with which the member would be entitled to be credited under 10 U.S.C. 12733 (reference (c)):

a. Days of active service.

b. Days of full-time service under 32 U.S.C. 316, 502-505 (reference (m)) while performing annual training duty or attending a prescribed course of instruction at a school designated as a Service school by law or by the Secretary of the Military Department concerned.

★ c. One day for each point, but not more than 90 days in any 1-year period on or after October 30, 2000, credited for attendance at drills or periods of equivalent instruction prescribed that year by the Secretary concerned that conform to requirements by law or credited as service in the Health Professions Scholarship and Financial Assistance Program under 10 U.S.C. 2126 (reference (c)). Between September 23, 1996, and October 29, 2000, the maximum number was 75 days, and 60 days before September 23, 1996. The credit includes points at the rate of 15 per year for membership in a Reserve Component of an Armed Force, in the Army or the Air Force without component, or service in the following categories before July 1, 1949:

(1) Federally recognized National Guard before June 15, 1933.

(2) Federally recognized status in the National Guard before June 15, 1933.

(3) The National Guard after June 14, 1933, if service was continuous from date of enlistment in the National Guard, or federal recognition as an officer therein, to date of enlistment or appointment in the National Guard of the United States, the Army National Guard of the United States, or the Air National Guard of the United States.

(4) The Naval Reserve Force.

(5) Naval Militia that conformed to standards prescribed by the Secretary of the Navy.

(6) National Naval Volunteers.

(7) Army or Navy Nurse Corps or the Nurse Corps Reserve of the Army or Navy as it existed at any time after February 2, 1901.

d. Fifty days for each year before July 1, 1949, and proportionately for each fraction of a year of service other than active service in a Reserve Component of the Armed Forces, in the Army or Air Force without component, or in any other category of:

(1) Federally recognized National Guard before June 15, 1933.

(2) Federally recognized status in the National Guard before June 15, 1933.

(3) The National Guard after June 14, 1933, if service was continuous from date of enlistment in the National Guard, or federal recognition as an officer therein, to date of enlistment or appointment in the National Guard of the United States, the Army National Guard of the United States, or the Air National Guard of the United States.

(4) The Naval Reserve Force.

(5) Naval Militia that conformed to standards prescribed by the Secretary of the Navy.

(6) National Naval Volunteers.

(7) Army or Navy Nurse Corps or the Nurse Corps Reserve of the Army or Navy as it existed at any time after February 2, 1901. Divide the sum of the periods, described in subparagraph 010301.B.4, by 360.

C. Voluntary Retirement Warrant Officers. Service credited under subparagraph 010301.B, above.

D. Mandatory Retirement

1. Army and Air Force service credited under paragraph 010105 or subparagraph 010301.B, above, whichever is more favorable.

2. Navy and Marine Corps service credited under paragraph 010106 or subparagraph 010301.B, above, whichever is more favorable.

E. Disability Retirement. Service credited under paragraph 010107, above.

F. Age and Service Retirement, Reservist. Total days of service, as stated in subparagraphs 010301.B.4.a through d, divided by 360 equals equivalent years and any fraction of a year of service.

G. Other

★ 1. Commissioned officers and warrant officers voluntarily retired before June 1, 1958, are authorized to use the years of service credited for basic pay purposes as the years for determining the percentage multiple. [Service creditable for basic pay purposes is in Volume 7A, section 0101, of this Regulation.](#)

2. Commissioned officers who served as members of the military or naval forces of the United States before November 12, 1918, are authorized to use a 75 percent multiple for retired pay computation.

3. Enlisted members are authorized to count double time for service beyond the continental limits of the United States between 1898 and 1912 while serving in the Army, Navy, or Marine Corps of the United States.

4. Members who were retired for disability before October 1, 1949, who did not elect within a 5-year period to receive retired pay under Section 511 of the Career Compensation Act of 1949 (reference (w)), are still authorized to use a 75 percent multiple for computation of retired pay. See section 0304 of this volume.

0104 UNIFORM RETIREMENT DATE ACT (URDA) APPLICATION (5 U.S.C. 8301(b))  
(reference (az))

010401. Authority

A. Except as otherwise specifically provided by statute, retirement is effective on the first day of the month after that in which retirement would otherwise be effective.

★ B. Notwithstanding subparagraph 010401.A, above, the rate of pay is computed as of the date retirement would have occurred but for the provisions of subparagraph 010401.A, above. [See Table 1-5.](#) Members who enter a Uniformed Service after September 7, 1980, receive retired pay based on an average of basic pay rates for the period actually served not to exceed a 36-month period. See Chapter 3 for gross pay computation.

010402. Application

A. Voluntary Retirement

1. Compute pay on the current active duty basic pay rate in effect on the first day of retirement if the member:

a. Retired on other than an active duty basic pay rate change date.

b. Retired on the same day as an active duty basic pay rate change, but was fully qualified for retirement or met requirements to be retired at least 1 month

before the month immediately preceding the active duty basic pay rate change date, except for warrant officers retired under the provisions of 10 U.S.C. 564 (repealed), 580, 1255 (repealed), 1263, 1293, and 1305 (reference (c)).

c. Retired as an enlisted member regardless of qualification date.

d. Retired as a commissioned officer under provisions of 10 U.S.C. 6323 (reference (c)).

2. Compute pay on the active duty basic pay rate in effect on the day before the first date of retirement if the member:

a. Retired as a warrant officer under 10 U.S.C. 564 (repealed), 580, 1255 (repealed), 1263, 1293, and 1305 (reference (c)).

★ b. Retired on an active duty basic pay rate change date as a commissioned officer (other than an officer retired under 10 U.S.C. 6323 (reference (c)) or warrant officer who first qualified for retirement during the month immediately preceding the active duty rate change date. [However, refer to Table 1-5, Rule 6, for an exception to this rule.](#)

#### B. Mandatory Retirement

1. Compute pay on the active duty basic pay rate in effect on the date when the member met the requirements for involuntary retirement, and is retired for mandatory reasons.

2. The above provision does not apply if:

a. Before the date scheduled for mandatory retirement, the member qualifies for and requests voluntary retirement which is approved before he or she is scheduled for mandatory retirement. See provisions for voluntary retirement in subparagraph 010402.A, above.

b. The member is retained on active duty beyond mandatory retirement date for physical evaluation to determine eligibility for disability retirement and is retired for disability. See provisions for disability retirement.

C. Fleet Reserve and Fleet Marine Corps Reserve. The provisions of the Uniform Retirement Date Act do not apply to members transferred to the Fleet Reserve and Fleet Marine Corps Reserve.

#### D. Disability Retirement

1. Compute pay on the active duty rate in effect on the first day of retirement if the member:

a. Retired on other than an active duty basic pay rate change date.

b. Retired on an active duty pay rate change date and otherwise is eligible for voluntary retirement and met those requirements at least 1 month before the month immediately preceding the new basic pay rates. The new rates apply only to the formula for computation of entitlement for voluntary retirement.

2. Compute pay on the active duty basic pay rate in effect on the day before the first day of retirement if the member:

a. Retired on an active duty rate change date as a commissioned officer, warrant officer, or enlisted member, and

b. Disability retirement findings approved without the Secretary concerned having designated an earlier retirement date under 10 U.S.C. 1221 (reference (c)). The effective date of retirement is governed by the provisions of the Uniform Retirement Date Act.

E. Nonregular Service Reserve Retirement. Compute pay on the active duty basic pay rate in effect on the date when the member is granted retired pay.

010403. Special Provisions. Under specific circumstances, computation may be based on another basic pay rate that may provide greater pay. See Chapter 3, sections 0302 and 0303.

## 0105 RANK AND PAY GRADE

### 010501. General Determination

A. Unless entitled to a higher grade under some other provisions of law, those Regular and Reserve members who retire other than for disability, will retire in the Regular or Reserve grade they hold on the date of retirement.

★ B. A commissioned officer of the Army, Navy, Air Force, or Marine Corps, who voluntarily retires in a grade above major or lieutenant commander, must serve on active duty in that grade for not less than 3 years. The President may waive this requirement in cases of hardship or exceptional or unusual circumstances. The Secretary of the Military Department concerned Defense may reduce service-in-grade requirement to 2 years for retirements during the period beginning on October 1, 1990, and ending on December 31, 2001. This authority was reinstated under Public Law 107-314, section 505 during the period beginning on October 1, 2002, and ending on December 31, 2003. The authority was made permanent under Public Law 108-136, section 506, dated November 24, 2003.

C. An officer who does not meet the service-in-grade requirement retires in the next lower grade in which member served on active duty satisfactorily for at least 6 months.

D. Officers in Grades 0-9 and 0-10.

1. An officer in the grade of general or admiral or lieutenant general or vice admiral may retire in that grade, if the Secretary of Defense certifies, in writing, to the President and the Congress that the officer served on active duty satisfactorily in that grade.

2. The 3-year service-in-grade requirement cannot be reduced or waived if the officer is under investigation for alleged misconduct or if an adverse personnel action is pending against the officer for alleged misconduct.

E. Reserve Officers

1. Unless entitled to a higher grade, or to credit for satisfactory service in a higher grade under some other provision of law, a person who becomes entitled to a non-Regular service Reserve retirement shall, upon application, receive credit for satisfactory service in the highest grade held in the Armed Forces, as determined by the Secretary of the Military Department concerned.

2. To receive credit for satisfactory service in a grade below lieutenant colonel or commander, other than a warrant officer grade, a person must serve satisfactorily in that grade, as determined by the Secretary of the Military Department concerned as a Reserve commissioned officer in an active status, or in a retired status on active duty, for at least 6 months.

3. To receive credit for satisfactory service in a grade above major or lieutenant commander, a person must serve satisfactorily in that grade, as determined by the Secretary of the Military Department concerned, as a Reserve commissioned officer in an active status, or in a retired status on active duty, for at least 3 years.

a. A person who completes at least 6 months of satisfactory service in grade, upon transfer from an active status or upon discharge as a Reserve commissioned officer for mandatory age or years of service, receives credit for satisfactory service in the grade in which serving at time of transfer or discharge in that grade.

b. If the person completes at least 6 months of satisfactory service in grade while serving as adjutant general under 32 U.S.C. 314 (reference (m)) or as assistant adjutant general to such adjutant general and the person is unable to complete 3 years of service in such grade because the appointment is terminated or vacated under 32 U.S.C. 324(b), (reference (m)), then the person may be credited with satisfactory service in that grade.

c. The Secretary of the Military Department concerned may allow credit in a higher grade to a person who has been recommended for promotion but before promotion to the recommended grade. Such credit may be allowed when a person who is in the next lower grade serves in a position after recommendation where the minimum authorized grade for the position the member is serving in is the higher grade to which the member is recommended for promotion. The period of service credit may not include any period before the date that the Senate provides advice and consent for the appointment in the recommended grade.



d. A member, who qualifies for Federal recognition in a higher grade and then serves in that grade in a position for which the higher grade is the minimum authorized grade, may receive credit for having served in that grade. The credit, determined by the Secretary of the Military Department concerned, is contingent upon the member being appointed as a Reserve officer in that grade. The service credit is allowed only for the period the person served in the position after Senate advice and consent for the appointment.

e. A person who completes at least 6 months of satisfactory service in a grade above colonel (or, in the case of the Navy, in a grade above captain) and who, while serving in an active status, is involuntarily transferred other than for cause from active status, may be credited with satisfactory service for the grade in which serving even though he or she does not complete 3 years of service in that grade.

4. A person whose length of service in the highest grade held does not meet the service-in-grade requirements specified in this subparagraph, 010501.E, receives credit for satisfactory service in the next lower grade in which the person serves satisfactorily for at least 6 months as determined by the Secretary of the Military Department concerned.

★ 5. The Secretary of Defense may authorize the Secretary of a military department concerned to reduce the time-in-grade restriction for an officer above major or lieutenant commander, who transfers to the Retired Reserve and discharge of retirement from 3 years to not less than 2 years during the period beginning on October 17, 1998, and ending on December 31, 2001. The above authority was reinstated under Public Law 107-314, section 505 during the period beginning on October 1, 2002, and ending on December 31, 2003, and was made permanent under Public Law 108-136, Section 506, dated November 24, 2003.

F. Unless entitled to a higher grade under some other provision of law, members of the Armed Forces who retire for disability are entitled to the highest of:

1. The grade or rank in which serving when placed on the Temporary Disability Retired List or, if not carried on that list, on date of retirement.

2. The highest grade or rank in which member satisfactorily serves.

3. The permanent Regular or Reserve grade to which the member would have been promoted had it not been for the disability for which member is retired that was found upon physical examination.

4. The temporary grade to which member would have been promoted had it not been for the disability for which member is retired, if eligibility for that promotion was required based on the cumulative years of service or years of service in grade, and the disability is found upon physical examination.

010502. Special Provisions

A. Commissioned officers of the Regular or Reserve Component of the Army or Air Force and Regular officers of the Navy or Marine Corps may, at the discretion of the President, be retired by and with the consent of the Senate, in the highest grade held at any time on the active list if they have served as:

1. Chief of Staff to the President.
2. Chief of Staff of the Army.
3. Chief of Naval Operations.
4. Chief of Staff of the Air Force.
5. Senior member of the Military Staff Committee of the United Nations.
6. General or lieutenant general in a position of importance and responsibility designated by the President.
7. Admirals or vice admirals in positions of great importance and responsibility designated by the President under 10 U.S.C. 601 (reference (c)).
8. Chief or assistant chief of a branch of the Regular Army for at least 4 years.
9. Surgeon General of the Army or Air Force in the grade of lieutenant general.
10. Permanent professor of the United States Military Academy or United States Air Force Academy. If the grade is below brigadier general and service as professor is long and distinguished, the professor may, at the discretion of the President, be retired in the grade of brigadier general.
11. Chiefs of Bureaus and Judge Advocate General.

B. Regular and Reserve commissioned officers of the Army and Air Force are entitled to the grade equal to the highest temporary grade in which they served on active duty satisfactorily for not less than 6 months. See exception in subparagraph 010501.B, above.

C. Members of the Regular Army in the Army Nurse Corps or Army Medical Specialist Corps and an Air Force nurse or medical specialist are entitled to a retired grade equal to the highest grade or relative rank in which they served on active duty satisfactorily after September 8, 1940, and before July 1, 1946, as:

1. A member of the Army Nurse Corps established by the Act of July 9, 1918 (reference (y)).

2. A dietitian or physical therapist appointed under the Act of December 22, 1942 (reference (a)).

3. An officer appointed under the Act of June 22, 1944 (reference (b)).

D. Where an existing statute authorizes computation of pay on the basis of a grade in which the member served satisfactorily which is higher than the pay of the grade otherwise entitled, computation is based on the higher grade:

1. Without regard to whether that grade was temporary or permanent.

2. Even though the Military Service in which the member held that higher grade is not the Military Service in which retired.

E. Retired warrant officers of the Army and Air Force, and enlisted members of the Regular Army and Regular Air Force are entitled to be advanced on the retired list to the highest grade in which they served on active duty satisfactorily, when their active service plus time on the retired list equals 30 years.

F. Unless otherwise entitled to a higher grade, officers of the Regular Navy or Regular Marine Corps holding a permanent grade of W-1 or above, retired with 30 or more years of service are retired in the grade in which they are serving at the time of retirement.

G. Unless otherwise entitled to a higher grade, members of the Navy and Marine Corps retired while serving in a temporary grade to which they were appointed in time of war or national emergency which terminates on date of detachment are retired in the grade they would hold if they had not received such appointment.

H. Warrant officers of the Navy and Marine Corps who retire after completion of 20 years service may elect to be retired in the highest grade entitled under any provision of law.

I. Unless otherwise entitled to a higher grade, members, other than retired members of the Navy or Marine Corps, when retired are advanced on the retired list to the highest officer grade in which they served satisfactorily under a temporary appointment.

J. A courtesy title is not to be used for computation of pay. The grade for pay purposes is determined under the above criteria of general determinations and special provisions with specific reference to the section of law that authorizes the grade for pay purposes.

K. Members promoted while missing in action, whose status is changed to killed in action, are exempted from the 6-month time-in-grade requirement since promotions received while in a missing status are “fully effective for all purposes” under 37 U.S.C. 552(a) (reference (z)). NOTE: This provision is applicable only to members of the Army and Air Force.

L. A member who enters a Uniformed Service after September 7, 1980, and who later retires may receive retired pay computed from a retired pay base made up of active duty pay rates from more than one grade.

010503. Satisfactory Service. The determination as to what constitutes satisfactory service for the purpose of retirement in the highest grade is within the discretionary power of the Secretary of the Military Department concerned.

#### 0106 NON-CITIZENS

010601. Philippine Constabulary. The Act of February 2, 1901 (reference (n)), as amended by the Act of May 16, 1908 (reference (aa)), authorized the President of the United States to organize a military component to be known as the Philippine Scouts and make it a part of the Regular Army.

A. The total number of enlisted men was limited to 12,000 voluntary enlisted natives of the Philippine Islands. The pay and allowances of whatever nature and kind authorized were to be fixed by the Secretary of the Army, not to exceed or be of classes other than those authorized enlisted men of the Regular Army. Retirement eligibility was the same as for enlisted men of the Regular Army.

B. Officers initially were selected from the Regular Army on provisional appointments. Effective July 1, 1920, all officers who were citizens of the United States, if qualified, were recommissioned in the Regular service and, if not recommissioned, continued to serve under their commissions as officers of the Philippine Scouts. Officers later were selected from citizens of the Philippine Islands, appointed in the grade of second lieutenant. Officers were entitled to the same pay, privileges, and retirement benefits authorized officers of like grade and service of the Regular Army.

C. The Philippine Scouts are not now maintained as a continuing part of the Army.

010602. Insular Force. The Insular Force of the United States Navy was established by Executive Order on April 5, 1901 (reference (ab)), as amended on June 25, 1901, authorizing the Secretary of the Navy to enlist in the Insular Force a total of 500 natives of the Islands of the Philippines and the Island of Guam. The Force was established primarily to use the services of these men in various positions throughout the area in which they were enlisted and to which they were particularly adapted or suited. Members of the Insular Force were eligible for transfer to the Fleet Reserve or to the retired list. The Insular Force is not now maintained as a continuing part of the Navy.

010603. Payment

A. Philippine Scouts. The rates of pay prescribed from time to time for enlisted men of the Philippine Scouts on the active list formed the basis for computing the amount of retired pay. There was no increase in pay and allowances (including retired pay) for the period June 1, 1946, through August 31, 1965.

B. Insular Force. Pay and allowances were permanently fixed at one-half the current prevailing rates for other members of the Regular Navy of corresponding grades. Retired pay is computed as for the Regular Navy at one-half of the basic pay rate.

C. Equalization of Pay. Effective September 1, 1965, the Secretary of the Army authorized new rates of basic pay for Philippine Scouts computed per subparagraph 010603.C.1 or 2, below, whichever is greater:

1. One-half of the basic pay of enlisted members of the Army with comparable grades and length of service authorized by the Military Pay Act of 1958 (reference (ac)); or

2. One-half of the basic pay authorized enlisted members of the Army with comparable grades and length of service on the day before the effective date of the Military Pay Act of 1958 (reference (ac)), increased by 6 percent, and further increased by 5 percent.

3. The retired pay of Philippine Scouts also was authorized to be recomputed on the basis of the rates of basic pay so established and that amount, in turn, further increased by the same percentage of increase in retired pay as that provided by section 5(a) of the Act of August 21, 1965 (reference (ad)). Future adjustments of retired pay of Philippine Scouts will be made to reflect changes in the Consumer Price Index as provided by 10 U.S.C. 1401(a) (reference (c)).

0107 HEROISM PAY★ 010701. Entitlement

A. Service Retirement. Enlisted members of the Army, Air Force, Navy, and Marine Corps retired after the completion of 20 but less than 30 years of active service are eligible to receive 10 percent additional retired or retainer pay if credited with extraordinary heroism in the line of duty. Total retired pay, including the 10 percent increases, may not exceed maximum pay of 75 percent. Enlisted members of the Coast Guard retired after completion of 20 years, voluntarily or involuntarily, are eligible to have retired pay increased by an amount equal to 10 percent of the active duty pay and permanent additions thereto of the grade or rating with which retired if credited with extraordinary heroism in the line of duty. See Chapter 2 for transfer of Navy and Marine Corps enlisted members to the Fleet Reserve and Fleet Marine Corps Reserve.

B. Non Regular Service Retirement. Enlisted members of the Reserve Component who are entitled to retired pay and credited by the Secretary concerned with

extraordinary heroism in the line of duty shall have their retired pay increased by an additional 10 percent. The Secretary's determination as to extraordinary heroism is conclusive for all purposes. The total retired pay, including the 10 percent increase, may not exceed the maximum pay of 75 percent of the applicable retired pay base. This shall take effect October 1, 2002, and shall apply with respect to retired pay for months beginning on or after that date.

C. Disability Retirement. Enlisted members retired for disability who otherwise are eligible for voluntary retirement for more than 20 years of service and entitled to a 10 percent increase in pay for certified acts of extraordinary heroism are entitled to an additional computation under the computation for a length of service retirement. Payment is based on the most favorable computation.

010602. Determination of Entitlement. The Secretary of the Military Department concerned has the authority to grant 10 percent additional retired pay to an individual who has performed an act of extraordinary heroism in the line of duty.

010603. Special Provisions

A. Advancement on the Retired List. Retired enlisted members of the Regular Army or Air Force receiving the 10 percent additional increase in pay for extraordinary heroism are not entitled to the 10 percent increase when advanced to a higher grade on the completion of 30 years of service. See Chapter 9 of this volume.

B. Recomputation After a Period of Active Duty

1. Retired enlisted members of the Army and Air Force are entitled to the 10 percent increase in retired pay for extraordinary heroism when pay is recomputed to reflect active service performed after date of retirement. The retired pay may not exceed 75 percent of the monthly basic pay upon which retired pay is based. Regardless of when the member's retired pay was recomputed, benefits shall not accrue under this provision for any period prior to November 1, 1992.

2. Enlisted members of the Navy and Marine Corps who elected to receive retainer or retired pay computed under laws in effect on August 9, 1945, are not entitled to the 10 percent increase in their pay for extraordinary heroism when that pay is recomputed to reflect active service performed after date of transfer or retirement.

3. Enlisted members of the Navy and Marine Corps who elected to receive retainer or retired pay computed under the Act of August 10, 1946 (reference (ae)), and 10 U.S.C. 6330 and 6331 (reference (c)) are entitled to the 10 percent increase in their pay for extraordinary heroism on and after August 10, 1956, when that pay recomputed to reflect active service performed after date of transfer or retirement.

0108 PAYMENT

010801. Effective Date of Payment. Pay accrues on a day-to-day basis from and including the date on which retirement is effective, except members who are transferred to the Fleet Reserve/Fleet Marine Corps Reserve. These members become entitled to pay on the day after the date of transfer.

A. Service Retirement. Except as otherwise provided by law, the effective date of retirement eligibility is the first day of the month after the month in which service requirements are fully met.

B. Disability Retirement. Placement on the Temporary and Permanent Disability Retired Lists may become effective on any day of the month as specified by the Secretary of the Military Service concerned.

C. Mandatory Retirement for Age and Service. Members attaining age and/or service requirements for involuntary retirements are retained on active duty through the last day of the month in which age or service requirements are met.

D. Non-Regular Service Retirement. Reservists are entitled to pay effective on the date on which the requirements for age and service have been met, or on the first day of any later month that the retiree may elect.

010802. Revocation of Retirement and/or Transfers

A. A member who is placed on the retired list is legally retired and such status cannot thereafter be changed retrospectively because of a mistake or poor judgment on the part of the retiring authorities. Fully executed orders for retirement, if not cancelled before the date of retirement, are final and may not be reopened, revoked, or amended in the absence of fraud, manifest error, mathematical miscalculation, mistake of law, or substantial new evidence.

B. Transfer of members to the Fleet Reserve/Fleet Marine Corps Reserve and to the retired list of the Regular Navy or Marine Corps or the Retired Reserve is conclusive for all purposes. The Secretary may correct any error or omission in the determination as to the member's grade and years of creditable service.

C. Payment of active duty pay and allowances may be permitted after the first of the month in which retirement is effective until retirement orders are actually delivered to member later in the same month, provided prior notice of retirement orders had not been received.

D. Where advance notice of retirement orders is given, but orders are not delivered, an attempt may be made to revoke them after they become effective and replace them with orders directing retirement at a later date. When it is apparent that the member had no knowledge of the lack of legal authority for this action and active duty pay and allowances were received "under color of authority," the "de facto rule" permits repayment of active duty pay and allowances paid for the period and later collected.

010803.      Computation

A.      Monthly Pay. Compute monthly pay as if each month had 30 days. The daily rate is 1/30 of the monthly rate.

B.      Intermediate Day. When retirement begins on an intermediate day of the month, compute pay at the rate of 1/30 for the actual number of days after date of retirement but only through the 30th day of that month. If pay begins on February 28, pay accrues for 3 days. If the pay begins on February 29, pay accrues for 2 days.



<b>VOLUNTARY RETIREMENT</b>						
<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
	<b>A person who is</b>	<b>of the</b>	<b>and years of service total</b>	<b>including at least</b>	<b>may retire under 10 U.S.C.</b>	<b>with retired pay computed under Table 3-1</b>
<b>1</b>	an enlisted member	Army	20 (note 1)		3914	rule 4.
<b>2</b>		Air Force			8914	
<b>3</b>	a Regular enlisted member	Army	30		3917	
<b>4</b>		Air Force			8917	
<b>5</b>	a commissioned officer	Army	20 (note 2)	10 years of active commissioned service	3911	rule 5.
<b>6</b>		Air Force			8911	
<b>7</b>		Army	30 (note 2)		3918	
<b>8</b>		Air Force			8918	
<b>9</b>		Army	40 (note 2)		3924	
<b>10</b>		Air Force			8924	
<b>11</b>	a warrant officer	Armed Forces	20 (note 3)		1293	rule 3.
<b>12</b>		Army	40 (note 3)		3924	rule 5.
<b>13</b>		Air Force			8924	rule 5.
<b>14</b>	a Regular officer W-1 and above	Navy or Marine Corps Reserve	40 (note 2)		6321	rule 6.
<b>15</b>			30 (note 2)		6322	rule 7.
<b>16</b>			20 (note 2)		10 years of active commissioned service	6323 (note 4)

**Table 1-1. Voluntary Retirement**

<b>VOLUNTARY RETIREMENT</b>						
<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
	<b>A person who is</b>	<b>of the</b>	<b>and years of service total</b>	<b>including at least</b>	<b>may retire under 10 U.S.C.</b>	<b>with retired pay computed under Table 3-1</b>
<b>17</b>	a Regular enlisted member (note 5)	Navy or Marine Corps Reserve	30 (note 1)		6326	rule 7.
<b>18</b>	an officer or enlisted member		30 (note 2)		10 years of active service served in the 11 years immediately before retirement	6327 (note 6)
<b>19</b>			20 (note 2)			

**NOTES:**

- ★1. Subparagraph 010102(10 U.S.C., 3683 (repealed), 3925, 8683, (repealed) and 8925)). Under Temporary Early Retirement Authority, the Secretary of the Military Department concerned may reduce the 20 years of creditable service requirement to 15 years of creditable service. Public Law 107-314, section 554, December 2, 2002, extended this authority to September 1, 2002.
- ★2. Subparagraph 010103 (10 U.S.C. 3926, 6321, 6323, and 8926). Under Temporary Early Retirement Authority, the Secretary of the Military concerned may reduced the 20 years of creditable service requirement to 15 years of creditable service. Public Law 107-314, Section 554, December 2, 2002, extended this authority to September 1, 2002.
- ★3. Subparagraph 010104 (CCA 1949, Section 511; 10 U.S.C. 6321 and 6322). Under Temporary Early Retirement Authority, the Secretary of the Military Department concerned may reduce the 20 years of creditable service requirement to 15 years of creditable service. Public Law 107-314, section 554, December 2, 2002, extended this authority to September 1, 2002.
- 4. Members mandatorily retired under Public Law 86-155 thereafter are considered as having retired voluntarily pursuant to 10 U.S.C.. 6323. See section 3, Public Law 86-155. No officers processed under Public Law 86-155 after June 1, 1966.
- 5. Including Regular enlisted members holding temporary appointment as commissioned officer or warrant officer.
- 6. Section 6327 expired on January 1, 1973.

**Table 1-1. Voluntary Retirement (Continued)**

MANDATORY RETIREMENT — COMMISSIONED OFFICERS AND WARRANT OFFICERS												
R U L E	A	B	C	D	E	F				G		
	A person who is a	and has at least	who holds the Regular grade of	and time in grade is	and is age	is retired by Secretary of the Military Department concerned under 10 U.S.C.				with retired pay computed under Table 3-1		
						Army	Air Force	Navy or Marine Corps	Armed Forces			
1	regular commissioned officer of the Army or Air Force		below Maj Gen (note 1)		60	3883 (note 22)	8883 (note 2)			rule 10 or 12.		
2						62 (note 23)	1251	1251	1251	1251	rule 9.	
3			35 years (note 2)		Maj Gen	5 years	60	3884 (note 22)	8884 (note 22)			rule 10 or 12.
4							62	3885 (note 22)	8885 (note 22)			
5							64	3886 (note 22)	8886 (note 22)			
6			20 years (note 2)		any grade (note 3)			3913 (note 22)	8913 (note 22)			
7			28 years (note 2)		Lt Col (note 4)			3916 (note 22)	8916 (note 22)			
8			30 years (note 2)		any grade (note 5)	5 years		3919 (note 22)	8919 (note 22)			rule 10 or 12.
9					Col (note 6)			3921 (note 22)	8921 (note 22)			
10					Brig Gen			3922 (note 22)	8922 (note 22)			
11					Maj Gen			3923 (note 22)	8923 (note 22)			
12	regular officer of the Navy or Marine Corps	35 years of total commissioned service (note 2)	Rear Admiral (notes 7 and 8)	7 years				6371 (notes 18 and 22)		rule 11.		
13			Rear Adm (notes 8 and 9)					6372 (notes 19 and 22)				
14			Maj Gen (notes 8 & 10)					6373 (note 22)				

Table 1-2. Mandatory Retirement — Commissioned Officers and Warrant Officers (Continued)

MANDATORY RETIREMENT — COMMISSIONED OFFICERS AND WARRANT OFFICERS										
R U L E	A	B	C	D	E	F				G
	A person who is a	and has at least	who holds the Regular grade of	and time in grade is	and is age	is retired by Secretary of the Military Department concerned under 10 U.S.C.				with retired pay computed under Table 3-1
						Army	Air Force	Navy or Marine Corps	Armed Forces	
15	regular officer of the Navy or Marine Corps	35 years of total commissioned service (note 2)	Rear Admiral (Navy) - Brig Gen (USMC) (note 7)						6374 (note 22)	rule 11.
16			Rear Admiral (Navy) Brig Gen (USMC) (notes 8 & 10)						5 years	
17		30 years of total commissioned service (note 2)	Capt (Navy) Col (USMC) (notes 7 and 11)					6376 (note 22)		
18		31 years of total commissioned service (note 2)	Capt (Navy) Col (USMC) (notes 8 and 12)							
19		30 years of total commissioned service (note 2)	Capt (Navy) Col (USMC) (notes 9 & 11)					6377 (notes 20 & 22)		
20		31 years of total commissioned service (note 2)	Capt (Navy) Col (USMC) (notes 8, 9, & 12)					6377 (notes 20 & 22)		
21		26 years (note 2)	CDR (Nurse Corps) (notes 8, 9, & 11)							

Table 1-2. Mandatory Retirement — Commissioned Officers and Warrant Officers (Continued)

MANDATORY RETIREMENT — COMMISSIONED OFFICERS AND WARRANT OFFICERS										
R U L E	A	B	C	D	E	F				G
	A person who is a	and has at least	who holds the Regular grade of	and time in grade is	and is age	is retired by Secretary of the Military Department concerned under 10 U.S.C.				with retired pay computed under Table 3-1
						Army	Air Force	Navy or Marine Corps	Armed Forces	
22	regular officer of the Navy or Marine Corps	35 years (note 2)	Capt (Navy) CDR (Nurse Corps) (notes 5 & 9)		62			6378 (notes 21 & 22)		
23		26 years of total commissioned service (note 2)	CDR Lt Col (note 11)					6379 (note 22)		rule 11.
24		20 years of total commissioned service (note 2)	LCDR Major (note 11)					6380 (note 22)		
25		30 years of active naval service	any grade (note 13)					6383		
26			LCDR, Major (notes 11 & 13)							
27			any grade below Fleet Adm		62			6390 (note 22)		
28			Rear Admiral Maj Gen and Brig Gen					6394 (note 22)		

Table 1-2. Mandatory Retirement — Commissioned Officers and Warrant Officers (Continued)

MANDATORY RETIREMENT — COMMISSIONED OFFICERS AND WARRANT OFFICERS										
R U L E	A	B	C	D	E	F				G
	A person who is a	and has at least	who holds the Regular grade of	and time in grade is	and is age	is retired by Secretary of the Military Department concerned under 10 U.S.C.				with retired pay computed under Table 3-1
						Army	Air Force	Navy or Marine Corps	Armed Forces	
29	regular officer of the Navy or Marine Corps	20 years of active commissioned service (note 2)	LCDR and below (Nurse Corps)					6396 (note 22)		rule 11.
30	female regular officer of the Navy or Marine Corps	26 years of active commissioned service	CDR Lt Col (USMC)					6398 (note 22)		rule 11.
31		30 years of active commissioned service	Captain Col (USMC) (note 14)							
32		20 years of active commissioned service	LCDR Maj (note 3) and below					6400 (note 22)		
33	commissioned officer of the Army	30 years of commissioned service (note 17)	permanent professor, USMA			3920				rule 10.
34	commissioned officer of the Air Force		permanent professor, USAFA				8920			rule 12.
35	commissioned officer of the Army, Air Force	30 years of commissioned service (note 17)	permanent professor, USMA or USAFA		64	1251	1251			rule 9.

**Table 1-2. Mandatory Retirement - Commissioned Officers and Warrant Officers (Continued)**

MANDATORY RETIREMENT — COMMISSIONED OFFICERS AND WARRANT OFFICERS										
R U L E	A	B	C	D	E	F				G
	A person who is a	and has at least	who holds the Regular grade of	and time in grade is	and is age	is retired by Secretary of the Military Department concerned under 10 U.S.C.				with retired pay computed under Table 3-1
						Army	Air Force	Navy or Marine Corps	Armed Forces	
36	perma- nent Regular warrant officer of the Armed Forces	20 years (note 15)	WO1, WO2, and WO3 (note 11)		64				0564 (repeal- ed), 580	
37		20 years (note 15)	WO1, WO2, WO3, and WO4		55 (note 16)				1255 (repeal- ed)	rule 9.
38					62				1263	
39		30 years of service							1305	
40	Regular officer of the Army, Air	28 years of commis- sioned service	Lt Col, CDR (Navy)	5 years		633	633	633	633	
41	Force, Marine Corps, or Navy	30 years of commis- sioned service	Col, Capt (Navy)			634	634	634	634	
42			Brig Gen Rear Admiral (Navy)			635	635	635	635	
43		35 years of commis- sioned service	Maj Gen Rear Admiral (Navy)			636	636	636	636	
44		38 years commis- sioned service	Lt General, Vice Admiral (Navy)							
45		40 years commis- sioned service	General, Admiral (Navy)							

Table 1-2. Mandatory Retirement - Commissioned Officers and Warrant Officers (Continued)

**NOTES:**

1. Except professor or registrar of United States Military Academy or Air Force Academy.
2. Army or Air Force - Service under paragraph 010105 (10 U.S.C. 3927, 8927 were repealed by Public Law 96-513).
3. Not recommended for promotion.
4. Promotion list lieutenant colonel.
5. Excessive number in any grade.
6. Promotion list colonel.
7. Not restricted in performance of duty.
8. Not recommended for continuation on active duty.
9. Restricted in performance of duty.
10. Serving as Commandant of Marine Corps.
11. Twice failed selection for promotion to next higher grade not on promotion list.
12. Not on promotion list. Retirement subject to completion of 5 years of service in grade.
13. Designated for limited duty.
14. Except women officers on promotion list or serving as assistant to Chief of Naval Personnel with rank of captain, or assistant to Commandant of Marine Corps with rank of colonel.
15. Service computed under paragraph 010104.
16. Female regular warrant officer. This statute was repealed by Public Law 90-130, November 8, 1967 (81 Stat. 374).
17. Service computed under paragraph 010103.
18. Section 6371 suspended by Executive Order 11284, May 27, 1966.
19. Section 6372 suspended by Executive Order 11436, December 2, 1968.
20. Section 6377(c) repealed by Public Law 90-130, November 8, 1967.
21. Any Navy captain or commander who will complete 35 years of total commissioned service or who will become age 62 in the fiscal year in which the selection board is convened is ineligible for consideration for retention.
22. Sections repealed by Public Law 96-513, December 12, 1980, effective September 15, 1981.
23. Except a permanent professor, Director of Admissions, or Registrar of United States Military Academy or United States Air Force Academy or a commissioned warrant officer, effective September 15, 1981.
24. Section 6375 was repealed by Public Law 87-123, August 3, 1961.

**Table 1-2. Mandatory Retirement - Commissioned Officers and Warrant Officers  
(Continued)**



<b>DISABILITY RETIREMENT</b>						
<b>RULE</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
	<b>A person who is</b>	<b>of the</b>	<b>ordered to active duty for</b>	<b>and is determined</b>	<b>may retire under 10 U.S.C.</b>	<b>with retired pay computed under Table 3-1</b>
<b>1</b>	an enlisted member, warrant officer, or commissioned officer	Armed Forces entitled to basic pay	30 days or less (note 1)	unfit to perform duties of his or her office, grade, rank, or rating because of physical disability (note 2)	1204	rule 1.
<b>2</b>					1205	rule 2.
<b>3</b>			more than 30 days (note 1)	1201	rule 1.	
<b>4</b>				1202	rule 2.	

**NOTES:**

1. Paragraph 010107 (10 U.S.C. 1208).
2. Disability rating must be at least 30 percent unless the member has 20 years of service (10 U.S.C. 1201, 1202, 1204, 1205).

**Table 1-3. Disability Retirement**

<b>AGE AND SERVICE, NON-REGULAR RETIREMENT</b>						
<b>RULE</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>
	<b>A person who is</b>	<b>of the</b>	<b>and has at least</b>	<b>and is age</b>	<b>may retire under</b>	<b>with retired pay computed under</b>
<b>1</b>	an enlisted member, warrant officer, or commissioned officer	Armed Forces, Reserve, or National Guard (note 1)	20 years of service (note 2)	60	10 U.S.C. 12731 (note 3)	Table 3-1, rule 13.

**NOTES:**

- ★1. Who performed the last 6 years of qualifying service as a member of a Reserve Component, except that in the case of a member who completed 20 years of service computed under 10 U.S.C. 12732 before October 5, 1994, the number of years of such qualifying service shall be eight.
- ★2. Paragraph 010108 (10 U.S.C. Sec 12732). Under Temporary Early Retirement Authority, the Secretary concerned may reduce the 20 years of satisfactory service requirement to 15 years of creditable service for retirement under 10 U.S.C. 12731(a). Public Law 106-398, section 571, October 30, 2000, extended this authority to December 31, 2001.
- 3. Not entitled to retired or retainer pay under any other provision of law.

★**Table 1-4. Age and Service, Non-Regular Retirement**

RATE OF BASIC PAY FOR RETIRED PAY COMPUTATION (5 U.S.C. 8301(b))(note 7)					
R U L E	A	B	C	D	E
		A member who	and is	who fully qualified or met requirements to be retired	and retirement is
1	retires on other than the first day of an active duty basic pay rate change	an enlisted member, warrant officer, or commissioned officer	at any time	voluntary, mandatory, disability, Reservist (age and service)	the first day of retirement (notes 1, 2, and 3).
2	retires on the first day of an active duty basic pay rate change	an enlisted member (note 4)		voluntary	the first day of retirement (notes 1 and 2).
3		a warrant officer			the day before the first day of retirement (notes 1, 2, and 3).
4		a commissioned officer	before the month immediately preceding the active duty basic pay rate change date (note 5)		the first day of retirement (notes 1 and 2).
5			at any time prior to the active duty basic pay rate change date	voluntary (note 5)	
6			during the month immediately preceding the active duty basic pay rate change date	voluntary	★the day before the first day of retirement unless the member specifically requests retirement on a day later than the first day of eligibility for voluntary retirement under the applicable statute; in which case, use active duty pay rates in effect on the first day of retirement. (notes 1, 2, and 8).
7		a warrant officer	any time	mandatory	★the day before the first day of retirement (notes 1 and 2).
8		a commissioned officer			

Table 1-5. Rate of Basic Pay for Retired Pay Computation (5 U.S.C. 8301(b))

RATE OF BASIC PAY FOR RETIRED PAY COMPUTATION (5 U.S.C. 8301(b))(note 7)					
	A	B	C	D	E
<b>R U L E</b>	<b>A member who</b>	<b>and is</b>	<b>who fully qualified or met requirements to be retired</b>	<b>and retirement is</b>	<b>★shall have retired pay computed using active duty basic pay rates in effect on</b>
<b>9</b>	retires on the first day of an active duty basic pay rate change	an enlisted member, warrant officer, or commissioned officer	during the month immediately preceding the active duty basic pay rate change date without Secretarial action designating an earlier retirement date	disability (note 6)	the day before the first day of retirement (note 1).
<b>10</b>			any time	Reservist (age and service)	the date the member is granted retired pay (note 1).

**NOTES:**

1. Under former section 10 U.S.C.1401a(e) (repealed by Public Law 98-94, September 24, 1983), a member may use one prior rate of basic pay if more advantageous to the member provided the member is eligible for retirement on or before September 24, 1983, and retires on or before September 24, 1986. If such member retires after September 24, 1986, the retired or retainer pay may not be less than it would have been had the member actually retired on September 23, 1986.
2. For members who qualify for retirement on an earlier computation date under the same or some other provision of law, compute under rates in effect on that earlier date based on grade and service credited at that time, if that rate is greater (10 U.S.C. 1401a(f)).
3. Warrant officers voluntarily retired (10 U.S.C. 1401, formula 4).
4. Not applicable to Navy and Marine Corps enlisted members transferred to the Fleet Reserve or Fleet Marine Corps Reserve.
5. Applicable only to retirements under 10 U.S.C. 6323.
6. If otherwise retirement eligible, follow rule for that retirement.
7. A retired pay base is used in lieu of a basic pay rate in the computation of retired pay for members who enter the Uniformed Services after September 7, 1980.
- ★8. This rule is effective for retirements on or after December 1, 2000. For retirements prior to that date, compute retired pay using active duty basic pay rates in effect on the day before the first day of retirement, regardless of the date on which the member requested to be retired. See paragraph 0104.

**Table 1-5. Rate of Basic Pay for Retired Pay Computation (5 U.S.C. 8301(b))  
(Continued)**

## INITIAL ENTITLEMENTS-RETIREMENTS

## 0101 - SERVICE CREDITABLE FOR RETIREMENT PURPOSES

010101	Public Law 101-510, section 523, November 5, 1990
	Public Law 103-160, section 561, November 30, 1993
010101.A	Public Law 102-484, section 4403, October 23, 1992
	Public Law 105-261, section 561(a), (e) October 17, 1998
	Public Law 101-510, section 523, November 5, 1990
★	Public Law 106-398, section 571, October 30, 2000
★	Public Law 107-314, section 554, December 2, 2002
010102	10 U.S.C. 3925, 3683, 8925, 8683, 1043
010102.F	MS Comp Gen B-195448, April 3, 1980
010103	10 U.S.C. 3926, 8926, 6321, 6323, 1043
010104	Section 511, CCA of 1949
	Public Law 81-351, October 12, 1949
	10 U.S.C. 1293, 1305, 6321, 6322, 1043
010105	10 U.S.C. 8927, 8286, 8294
	10 U.S.C. 3927, 3286, 3294, 532
010106	10 U.S.C. 6387, 6388
010107	10 U.S.C. 1208, 1043, 12732, 12733
★	Public Law 106-398, section 652, October 30, 2000
010107.B.3	Public Law 104-201, section 531, 543, September 23, 1996
★	Public Law 106-398, section 652, October 30, 2000
010108	10 U.S.C. 12731, 12732, 12733, 1043
010108.A.2	Public Law 104-201, section 531, September 23, 1996
010108.A.2.e	Public Law 104-201, section 543, September 23, 1996
★	Public Law 106-398, section 652, October 30, 2000
010108.B.3	Public Law 103-337, section 636, October 5, 1994
	Public Law 105-261, section 561(n), October 17, 1998
	10 U.S.C. 12731(f)
★	Public Law 106-398, section 571, October 30, 2000
★	Public Law 107-314, section 631, December 2, 2002
010108.C.2	10 U.S.C. 12738 58 Comp Gen 390

	010108.E	Public Law 102-484, section 4417, October 23 1992 Public Law 105-261, section 561(n), October 17, 1998 10 U.S.C. 12731a
★		Public Law 106-398 section 571, October 30, 2000
★	010109.A	10 U.S.C. 972, as amended by Public Law 104-106, section 561, February 10, 1996 38 Comp Gen 352 38 Comp Gen 553

## 0102 - SERVICE CREDITABLE FOR BASIC PAY

## 0103 - SERVICE CREDITABLE FOR PERCENTAGE PURPOSES

	010301.A	10 U.S.C. 3914, 3917, 3925, 6326, 8914, 8917, 8925
	010301.B	10 U.S.C. 1405, 12733, 12732(1), (2)(B) and (C), 3911, 8911, 6321, 6322, 6323, 3918, 8918, 3924, 8924, 3920, 8920 37 U.S.C 205(a)(7) MS Comp Gen B-195855, April 1, 1980
★	010301.B.2	OUSD(MPP) memo, July 1, 2002
	010301.B.2.b	54 Comp Gen 675
	010301.B.4.c	Public Law 104-201, section 531, 543, September 23, 1996
★		Public Law 106-398, section 652, October 30, 2000
	010301.C	10 U.S.C. 1405
	010301.D.1	10 U.S.C. 3927, 8927, 1405
	010301.D.2	10 U.S.C. 6387, 6388, 1405
	010301.E	10 U.S.C. 1208
	010301.F	10 U.S.C. 12733
	010301.G.1	Public Law 80-810, June 29, 1948 10 U.S.C. 1405
	010301.G.2	Act June 16, 1942, section 15(d) Public Law 77-607 as amended
	010301.G.3	Public Law 79-474, June 29, 1946
	010301.G.4	Public Law 81-351, section 511, October 12, 1949

## 0104 - UNIFORM RETIREMENT DATE ACT APPLICATION

	010401.B	5 U.S.C. 8301 Public Law 96-342, September 8, 1980
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	010402.A.2.b	44 Comp Gen 373, 584 40 Comp Gen 80 <a href="#">DoD/GC Opinion, November 9, 2000</a>
★	010402.B.1	43 Comp Gen 742
	010402.B.2.a	48 Comp Gen 239 53 Comp Gen 135
	010402.B.2.b	44 Comp Gen 373, 584 56 Comp Gen 98 MS Comp Gen B-168303, January 14, 1970
	010402.E	10 U.S.C. 12739
 0105 - RANK AND PAY GRADE		
	010501.A	10 U.S.C. 3961, 8961
	010501.B	10 U.S.C. 1370 Public Law 96-513, section 629, December 12, 1980 Public Law 101-510, section 522, November 5, 1990 Public Law 105-261, section 561(d), October 17, 1998 <a href="#">Public Law 106-398, section 571, October 30, 2000</a> <a href="#">Public Law 107-314, section 505,</a> December 2, 2002 <a href="#">Public Law 108-136, section 506,</a> November 24, 2003
★		
★		
★		
	010501.C	10 U.S.C. 1370(b) 40 Comp Gen 240
	010501.D	10 U.S.C. 1370(c)
	010501.E	10 U.S.C. 1370(d)
	010501.E.3.d	Public Law 105-261, section 512, October 17, 1998
	010501.E.3.e	Public Law 105-261, section 513, October 17, 1998
	010501.E.5	Public Law 105-261, section 561(o), October 17, 1998 <a href="#">Public Law 106-398, section 571, October 30, 2000</a> <a href="#">Public Law 107-314, section 505,</a> December 2, 2002 <a href="#">Public Law 108-136, section 506,</a> November 24, 2003
★		
★		
★		
	010501.F	10 U.S.C. 1372 40 Comp Gen 240
	010501.F.3	Public Law 104-201, section 577, September 23, 1996
	010501.F.4	Public Law 104-201, section 577, September 23, 1996
	010502.A	10 U.S.C. 1370(c)

010502.A.1-4	10 U.S.C. 1406(i)
010502.A.5	10 U.S.C. 601
010502.A.7	10 U.S.C. 601
010502.A.8	10 U.S.C. 3962, 8962
010502.A.9	10 U.S.C. 1406(i)
010502.A.10	10 U.S.C. 5133
010502.A.11	10 U.S.C. 601
010502.C.3	10 U.S.C. 3963, 8963
010502.D.2	49 Comp Gen 618
010502.E	10 U.S.C. 3963, 8963
010502.F	10 U.S.C. 6325, 6321, 6322
010502.G	10 U.S.C. 601, 602, 603, 6325
010502.H	10 U.S.C. 6325, 6321, 6322, 6323
010502.I	10 U.S.C. 6151
010502.K	10 U.S.C. 3963(a), 8963(a)
010502.L	Public Law 96-342, September 8, 1980
010503	10 U.S.C. 3961, 8961, 3962, 8962, 3963, 8963, 3964, 8964 10 U.S.C. 6151, 6321, 6322, 6323, 6325 1964, 167 Ct. Cl. 80 1962, 148 Ct. Cl. 411 1967, 179 Ct. Cl. 425 10 U.S.C. 1371 and 1401, Formula 2
0106 - NON-CITIZENS	
010601	Section 36, Act of February 2, 1901, 31 Stat 757 Act of May 16, 1908
010601.A	Section 11, Act of June 16, 1942, 56 Stat 365 Section 507(a), Act of October 12, 1949, 63 Stat 828
010601.B	Act of February 2, 1901, 31 Stat 575 Section 22a, Act of June 4, 1920, 41 Stat 770
010602	E.O. Apr 5, 1901 and June 25, 1901
010603.A & B	Act of Oct 12, 1949, 63 Stat 828
010603.C.3	CCA 1949, Section 507(a), 63 Stat 828 Military Pay Act of 1958, 72 Stat 122 General Order #22, June 22, 1965
0107 – HEROISM PAY	
010701.A	10 U.S.C. 8991 10 U.S.C. 6330 10 U.S.C. 3991 14 U.S.C. 357
★ 010701.B	Public Law 107-314, section 632, December 2, 2002

010701.C	55 Comp Gen 701 43 Comp Gen 805 56 Comp Gen 740 MS Comp Gen B-259559, June 6, 1995
010703.A	10 U.S.C. 3992 10 U.S.C. 8992
010703.B.1	10 U.S.C. 1402
010703.B.2 & 3	Public Law 102-484, section 642, October 23, 1992 41 Comp Gen 22

## 0108 - PAYMENT

010801.A	5 U.S.C. 8301
010801.B	10 U.S.C. 1221
010801.D	10 U.S.C. 12731, 6034 38 Comp Gen 146 48 Comp Gen 652
010802.A	31 Comp Gen 296 32 Comp Gen 558, 559
010802.B	10 U.S.C. 6332
010802.C & D	39 Comp Gen 312
010803.A	5 U.S.C. 5505
010803.B	5 U.S.C. 5505 20 Comp Gen 772 4 Comp Gen 757 5 Comp Gen 935 10 Comp Gen 11
Table 1-1 Notes 1, 2, 3	Public Law 102-484, section 4403, October 23, 1992 Public Law 103-160, section 561, November 30, 1993
Table 1-4, Note 1	10 U.S.C. 12731(f) Public Law 103-337, section 636, October 5, 1994 Public Law 105-261, section 561(n), October 17, 1998
★	Public Law 106-398, section 571, October 30, 2000
★	10 U.S.C. 1293 (note), subsections (a)(i) Public Law 107-314, section 631, December 2, 2002



Note 2

10 U.S.C. 12731(a)  
Public Law 102-484, section 4417,  
October 23, 1992  
Public Law 105-261, section 561(n),  
October 17, 1998

Table 1-5

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Rule 6

DoD/GC Opinion, November 9, 2000

Note 7

Public Law 96-342, September 8, 1990

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Note 8

DoD/GC Opinion, November 9, 2000