

**VOLUME 7B, CHAPTER 1: “INITIAL ENTITLEMENTS – RETIREMENTS”****SUMMARY OF MAJOR CHANGES**

All changes are denoted by blue font.

Substantive revisions are denoted by a \* preceding the section, paragraph, table, or figure that includes the revision.

Unless otherwise noted, chapters referenced are contained in this volume.

Hyperlinks are denoted by *bold, italic, blue and underlined font.*

The previous version dated September 2009 is archived.

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
All	This chapter is being updated with hyperlinks and formatted to comply with current administrative instruction.	Update
All	Deleted the following former subparagraphs and section throughout the chapter: 010102.B – E; 010103.B and C; 010104.B.1, 2 and C; 010105.A.1; 010105.D – G; 010105.H.3; 010105.I.3, 010107.B.3.a – g and 4; 010108.A.1.b – j; 010108.A.2.e; 010109.D.5; section 0102; 010301.B.4.c.(1) – (7) and d; 010301.G; 010502.C; 010603.A – C; and 010703B.2.	Delete
0101	Added foundation section, Military Retirement Overview, a general overview of the information contained in Volume 7B.	Add
010102	Added general information on the various methods of calculating retired pay.	Add
010105	Added paragraph on the reinstated Temporary Early Retirement Authority (TERA) program.	Add
010201	Expanded the information provided on computation of creditable service for determining retirement eligibility and reorganized the paragraph for clarity.	Update
010208.F.4	Added information for member wounded or injured while serving in active status per call or order.	Add
010209.B.4	Expanded information on officer’s lost time.	Update
010501.A	Incorporated the hyperlink to Comparable Grades.	Add
010501.E.5	Added restriction per statute for reducing service requirement.	Update
0106	Added cross reference and hyperlink to entitlements for judges who retire from the Armed Forces.	Add

<b>PARAGRAPH</b>	<b>EXPLANATION OF CHANGE/REVISION</b>	<b>PURPOSE</b>
010703.B	Added cross reference and hyperlink on the effect of change in citizenship of Non-Regular Retirees.	Add
Table 1-1 Notes 1, 2, 3, and 6	Updated public laws and dates according to statute.	Update
Table 1-1 Note 7	Updated the temporary authority to reduce minimum length of active service per Public Law 111-383, section 506.	Update
Table 1-2, Notes 18 and 19	Updated referenced statutes.	Update
Table 1-5 Note 1.	Deleted former Note 1 which was superseded by Note 2. Renumbered notes accordingly.	Delete
Bibliography	Updated bibliography and referenced statutes with the U.S. code.	Update

## Table of Contents

VOLUME 7B, CHAPTER 1 “INITIAL ENTITLEMENTS – RETIREMENTS” .....	1
*0101    MILITARY RETIREMENT OVERVIEW .....	5
010101.  General .....	5
*010102.  Retired Pay Base .....	5
010103.  Retired Pay Multiplier .....	6
010104.  Retired Pay Formulae .....	6
*010105.  Temporary Early Retirement Authority (TERA) .....	7
010106.  Survivor Benefit Plan (SBP) .....	7
010107.  Cost of Living Adjustments (COLA) .....	7
0102    SERVICE CREDITABLE FOR RETIREMENT ELIGIBILITY .....	7
*010201.  General .....	7
010202.  Service Creditable for Regular Voluntary Retirement–Enlisted Members (Table 1-1) .....	9
010203.  Service Creditable for Voluntary Retirement – Regular and Reserve Commissioned Officers (Table 1-1) .....	9
010204.  Service Creditable for Voluntary or Mandatory Retirement – Warrant Officers ....	10
010205.  Service Creditable for Mandatory Retirement – Regular Commissioned Officers, Army and Air Force (Table 1-2) .....	10
010206.  Service Creditable for Mandatory Retirement - Regular Officers, Navy and Marine Corps (Table 1-2) .....	12
010207.  Service Creditable for Disability Retirement (Table 1-3) .....	13
010208.  Service Creditable for Age and Service Retirement – Non-Regular Member (Table 1-4) .....	14
010209.  Service Not Creditable for Determining Retirement Eligibility .....	17
0103    SERVICE CREDITABLE FOR COMPUTING RETIRED PAY .....	19
010301.  Service for Percentage Multiple .....	19
010302.  Voluntary Retirement Enlisted Members .....	19
010303.  Voluntary Retirement Commissioned Officers .....	19
010304.  Voluntary Retirement Warrant Officers. ....	20
010305.  Mandatory Retirement .....	20
010306.  Disability Retirement .....	20
010307.  Age and Service Retirement, Reservist .....	20
0104    UNIFORM RETIREMENT DATE ACT (URDA) APPLICATION ( <i>5 U.S.C. 8301</i> ) ..	20
010401.  Authority .....	20
010402.  Application .....	21
010403.  Special Provisions .....	22

## Table of Contents (Continued)

0105	RANK AND PAY GRADE.....	23
010501.	General Determination.....	23
010502.	Special Provisions.....	25
*0106	FEDERAL JUDGES.....	27
0107	NON-CITIZENS .....	27
010701.	Philippine Constabulary/Philippine Scout .....	27
010702.	Insular Force .....	27
010703.	Payment .....	28
0108	HEROISM PAY .....	28
010801.	Entitlement.....	28
010802.	Determination of Entitlement .....	28
010803.	Special Provisions.....	29
0109	PAYMENT.....	29
010901.	Effective Date of Payment.....	29
010902.	Revocation of Retirement and/or Transfers.....	30
010903.	Computation.....	30
Table 1-1.	VOLUNTARY RETIREMENT.....	31
Table 1-2.	MANDATORY RETIREMENT – COMMISSIONED OFFICERS AND WARRANT OFFICERS .....	33
Table 1-3.	DISABILITY RETIREMENT .....	39
Table 1-4.	AGE AND SERVICE, NON-REGULAR RETIREMENT .....	40
Table 1-5.	RATE OF BASIC PAY FOR RETIRED PAY COMPUTATION (5 U.S.C. 8301(b))(note 6).....	41
*BIBLIOGRAPHY	.....	43

## CHAPTER 1

INITIAL ENTITLEMENTS – RETIREMENTS

## \*0101 MILITARY RETIREMENT OVERVIEW

## 010101. General

This section provides a general overview of the military retired pay entitlement. Specific details on eligibility, computation and payment are found in various chapters of this volume.

A. Military retired pay is divided into three general categories: retired pay for regular service, retired pay for non-regular (reserve/guard) service, and retired pay for physical disability. With the exception of retirement for physical disability and certain temporary authorities for early retirement, a member must be credited with completion of at least 20 years of service in order to be eligible for retired/retainer pay. See Section 0102 for determining years of service for retired/retainer pay eligibility.

B. Retired pay for all categories is computed by applying a percentage multiplier to the member's monthly retired pay base, as determined in section 0102. The percentage multiplier is generally 2.5 percent for each year of service; however, in the case of disability retirement, the percentage multiplier may optionally be the disability percentage awarded by the military service upon retirement.

C. All retiring members may participate in the Survivor Benefit Plan (SBP) that provides a continuing annuity for the lifetime of a surviving spouse or other beneficiary of up to 55 percent of the deceased member's retired pay. Both the retired pay and the survivor annuity are adjusted for inflation through annual Cost-of-Living Adjustments (COLA).

## \*010102. Retired Pay Base

The retired pay base is determined based upon the date the member first entered military service and whether the member is retiring under regular, reserve, or disability provisions of law. Details are in Chapter 3.

A. The Date of Initial Entry into Military Service (DIEMS) determines whether the retired pay base is the monthly basic pay of the member just before retirement or an average of the highest 36 months of basic pay applicable during the member's career.

1. Final Basic Pay: For members who first entered military service before September 8, 1980, the retired pay base is generally the final basic monthly pay that the member is receiving at the time of retirement.

2. High –Three (High-36). For members who entered the military service on or after September 8, 1980 the retired pay base is generally the average of the highest

three years (36 months) of basic pay the member received for any 36 months, whether consecutive or not, of active service.

B. For a member entitled to retired pay for non-regular (reserve) service, the final basic pay or the high-36 average is usually determined using the rates to which the member was actually paid or to which the member would have been entitled if serving on active duty immediately before the date when retired pay is to begin.

#### 010103. Retired Pay Multiplier

The retired pay multiplier is either 2.5 percent times the years of service creditable for computing retired pay or the percentage of disability awarded by military service at retirement. See Section 0103 for determining years of service creditable for computing retired pay.

A. The years of service for computing retired pay for regular retirement are generally the total of years of active service. For non-regular (reserve) members, the years of service are the total of accumulated drill points combined with one point each day of active duty divided by 360.

B. A member who retires for disability may choose a multiplier based on years of service or based on the disability percentage awarded by the Service. However, if the member chooses the Service disability percentage, then the percentage is capped at 75 percent.

C. Regular members who have a DIEMS date after August 31, 1986, may elect a reduced retirement (REDUX) accompanied by the Career Status Bonus (CSB). The retired pay multiplier is the same as computed in subparagraph A, except that it is reduced by one percentage point for each year the member retires short of completing 30 years of service. See Volume 7A, Chapter 66 for detailed information on the CSB entitlement and election.

#### 010104. Retired Pay Formulae

If a member entitled to retired or retainer pay would otherwise be entitled to retired pay computed under more than one formula, then the member is entitled to be paid under the applicable formula that is most favorable to the member. The retired pay formulae are more fully covered in Chapter 3. The formulae are as follows:

A. For regular and non-regular (reserve) retirement, monthly retired pay is equal to Retired Pay Base times 2.5 percent times Years of Service.

B. For disability retirement, the member may elect retired pay computed under subparagraph A, or monthly pay equal to Retired Pay Base times military disability percentage.

C. For members retiring for regular service who elected the REDUX retirement and received the CSB, retired pay is as computed in subparagraph 010104.A, except the multiplier is reduced by one percentage point for each year the member retires short of completing 30 years of service.

\*010105. Temporary Early Retirement Authority (TERA)

A. The Temporary Early Retirement Authority (TERA) provides the Secretary of Defense a temporary force management tool with which to affect the drawdown of military forces and yet maintain an adequate and effective well trained military force. TERA provides the authority for voluntary retirement of members on active duty with at least 15 years, but less than 20 years of creditable service. An eligible member of the Armed Forces may apply for early retirement under the program and receive an annuity equivalent to 2.5 percent of retired pay base for each year of service completed and a deduction of one percent for each year short of 20 years of service. The request is subject to the approval of the Secretary concerned. Drawdown periods are referenced in subparagraph 010201.B. See Chapter 3 for computation of TERA payment.

B. A member of the Armed forces who is approved for early retirement must:

1. Be currently serving on active duty;
2. Complete 15 or more years of active service upon the effective date of retirement;
3. Not be under evaluation for disability retirement under [Title 10, Chapter 61](#); and
4. Meet grade, skill, years of service, and other eligibility criteria as established by the Secretary of the Military Department concerned.

010106. Survivor Benefit Plan (SBP)

Retiring members may participate in the SBP program. The SBP program pays a lifetime annuity to the designated survivor of 55 percent of a base amount elected by the member not to exceed full retired pay. A non-regular (reserve) member, upon receiving notice of having completed sufficient service to qualify for retirement, except for not having attained the appropriate age, may also participate in the SBP program. Detailed information regarding the SBP program begins in Chapter 42.

010107. Cost of Living Adjustments (COLA)

Both retired pay and survivor annuities are adjusted annually by the change in the Consumer Price Index. Detailed information on COLAs is contained in Chapter 8.

0102 SERVICE CREDITABLE FOR RETIREMENT ELIGIBILITY

\*010201. General

A. Computation of Creditable Service for Determining Retirement Eligibility.  
A computation of creditable service, for the purpose of determining retirement eligibility, may be

required at any time during a member's military career. Generally, a member must complete at least 20 years of creditable service in order to qualify for retired or retainer pay. Upon completion of 20 years of creditable service, a member may request to be transferred to a retired or retainer status.

1. An enlisted member of the Army or Air Force who completes 20 years of creditable active service may request to be retired.

2. An enlisted member of the Navy or the Marine Corps who completes 20 years of creditable active service may request transfer to the Fleet Reserve or Fleet Marine Corps Reserve. See Chapter 2 for details regarding creditable service for transfers to the Fleet Reserve and Fleet Marine Corps Reserve.

3. An enlisted member of the regular Army, Navy, Marine Corps or Air Force who completes 30 years of creditable active service or an enlisted member in the Fleet Reserve or Fleet Marine Corps Reserve upon completion of a total of 30 years of combined active and fleet reserve service shall, upon request, be retired.

4. A regular or reserve commissioned officer may voluntarily be retired after completion of 20 years of active service, at least 10 years of which is active commissioned service.

5. A non-regular member who completes 20 years of creditable qualifying service, but has not yet attained the eligibility age applicable for retired pay, may request transfer to the inactive status list.

6. Members who incur a qualifying disability while serving on active duty; while called to active duty for training for 30 days or less; or while performing inactive duty training; may be retired for disability, at which time a service computation is required.

B. The Secretary of the Military Department concerned may reduce the 20 years of creditable service requirement to as few as 15 years, under TERA, for retirements during the periods of:

1. December 31, 2011 and ending December 31, 2018 for regular retirements only, and

2. October 23, 1992 and ending September 1, 2002 for regular and non-regular retirements.

C. The Secretary of the Military Department concerned may also reduce the 10-year active commissioned service requirement to not less than 8 years for retirements during the periods of:

1. January 7, 2011 and ending September 30, 2013;



2. January 6, 2006 and ending December 31, 2008; and
3. October 1, 1990 and ending December 31, 2001.

D. Active Duty Beyond 20 Years of Service. A member who continues on active duty after completion of 20 years of service may be retired for voluntary or involuntary reasons. Involuntary reasons include court martial sentence, poor performance, failure to qualify for promotion, high year tenure, and age.

E. Service Creditable for Retirement Eligibility. 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 010202 through 010208. Service that is not creditable is cited in paragraph 010209.

010202. Service Creditable for Regular Voluntary Retirement – Enlisted Members  
(Table 1-1)

- A. All active service in the Uniformed Services; and
- B. Service as a cadet or midshipman at Service academy.

010203. Service Creditable for Voluntary Retirement – Regular and Reserve Commissioned Officers (Table 1-1)

- A. Active service in the Uniformed Services.
- B. If an officer of the Regular Army or Regular Air Force in the Medical Corps, then include all full-time service performed as:
  1. A contract surgeon;
  2. An acting assistant surgeon; or
  3. A contract physician, under a contract to serve full-time and to take and change station as ordered.
- C. If retiring as an officer of the Regular Army or Regular Air Force in the Dental Corps, then include all full-time service performed as:
  1. A contract dental surgeon; or
  2. An acting dental surgeon.

010204. Service Creditable for Voluntary or Mandatory Retirement – Warrant Officers

- A. Active service in the Uniformed Services.
- B. All service as:
  - 1. A contract surgeon;
  - 2. A Reserve nurse;
  - 3. A contract dental surgeon;
  - 4. An acting dental surgeon; and
  - 5. A veterinarian in the quartermaster department, cavalry, or field artillery.

010205. Service Creditable for 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 010209.C, plus all years of active commissioned service in the Regular Army after that appointment, or years of service computed as in the following subparagraphs A through G, whichever applies:

A. A Reserve judge advocate appointed in the Regular Army after becoming 21 years of age, after December 7, 1941, and before the date of that appointment, or the number of the days, months and years by which the member's age at the time of appointment exceeds 25 years, whichever is greater, plus years of active commissioned service in the Regular Army or Regular Air Force 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 010205.A, or appointed in the Regular Army under the Act of December 28, 1945:

- 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:

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 Army or Regular Air Force after December 31, 1947, under section 506 of the Officer Personnel Act of 1947, 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.

E. 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 010205.D, or F:

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.

F. Officer of the Regular Air Force who was appointed in the Regular Air Force after July 19, 1956, other than an officer covered by subparagraph 010205.D, 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; [and](#)

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.

G. An officer of the Army or Air Force under the Defense Officer Personnel Management Act is credited with:

1. The years of active service; and
2. The years of service, other than active service in subparagraph 010205.G.1, with which the member was entitled to be credited on May 31, 1958, in computing basic pay.

010206. Service Creditable for Mandatory Retirement - Regular Officers, Navy and Marine Corps (Table 1-2)

A. The total commissioned service of an 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 [Title 10, United States Code 2106 \(10 U.S.C. 2106\)](#), [2107](#), or [6909](#) (repealed).

B. Every other officer on the active list in the line of the Navy or Marine Corps is considered to have the same service as in subparagraph 010206.A, 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.

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 010206.C and D, 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 010206.E, officers on the active list of the Navy in the Medical Service Corps, appointed under the Act of April 18, 1946, 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.

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

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

**010207. Service Creditable for 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). Active service as a member of the NOAA includes active service as a member of the Environmental Science Services Administration and of the Coast and Geodetic Survey, the predecessor organizations to NOAA and PHS.

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](#).

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 010207.B.1 through 3, 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; and
3. One day for each point, but not more than [130 days in the year of service that includes October 30, 2007 and in any subsequent year of service](#) 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](#). Between October 30, 2000 and October 29, 2007, the maximum number was 90 days. 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 before July 1, 1949 in [the categories provided in 10 U.S.C. 12732](#).

[010208](#). [Service Creditable for Age and Service Retirement – Non-Regular Member](#)  
(Table 1-4)

- A. Creditable service for retirement includes:
1. The Uniformed Services
  2. [Years of service before July 1, 1949 pursuant to 10 U.S.C. 12732](#).
  3. Each 1-year period after July 1, 1949 in which the member earned at least 50 points on the following 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\(a\)\(1\)](#), except a Regular Component; and

e. Points credited as service in the Health Professions Scholarship and Financial Assistance Program under [10 U.S.C. 2126](#).

NOTE: For the purpose of subparagraphs 010208.B.1, 2, and 3, all service in the National Guard is treated as if it were service in a Reserve Component if the member was later 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.

B. A member of the Armed Forces Reserve or National Guard is entitled to retired pay computed under Volume 7B, Chapter 3, Table 3-1, Rule 13 of this Regulation, for non-Regular service upon application if he or she:

1. Has attained the eligibility age applicable under subparagraph 010208.F to that member; and

2. Has performed at least 20 years of service (see subparagraph 010208.E), as shown in subparagraphs 010208.A.

3. Has completed at least 20 years of service as described in subparagraph 010208.B.2 before April 25, 2005, and performed the last 6 years of qualifying service while a member of any category named in [10 U.S.C. 12732\(a\)\(1\)](#), but not while a member of a Regular Component, the Fleet Reserve, or the Fleet Marine Corps Reserve, except in the case of a member who completed 20 years of service before October 5, 1994, the number of years of such qualifying service shall be 8.

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 Chapter 7, section 0708.

C. A member who has been notified that the years of service requirement has been met for eligibility for retired pay 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 member.

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, 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 010208.C.2, the granting of retired pay to a retiree under [10 U.S.C., Chapter 1223](#) 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 member has completed the years of service required for eligibility for retired pay under [10 U.S.C., Chapter 1223](#) is conclusive as to that member's subsequent entitlement to such pay only if the notification is made after October 14, 1966.

D. Under [10 U.S.C. 12731](#), 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](#), 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, may not be retained simultaneously on active duty or in active service under 10 U.S.C. 12308.

E. A temporary special retirement qualification authority, [10 U.S.C. 12731a](#), 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.

F. Subject to subparagraph 010208.F.1, the eligibility age for purposes of subparagraph 010208.B.1 is 60 years of age.

1. After January 28, 2008, the eligibility age for purposes of subparagraph 010208.F shall be reduced below 60 years of age in the case of a member who, as a member of the Ready Reserve, serves on active duty or performs active service described in subparagraph 010208.F.2. The reduction shall be 3 months for each aggregate of 90 days on which the member so performs in any fiscal year after such date, subject to subparagraph 010208.F.5. A day of duty may be included in only one aggregate of 90 days for purposes of this subparagraph.

2. Service on active duty described in this subparagraph is service on active duty pursuant to a call or order to active duty under a provision of law referred to in [10U.S.C. 101\(a\)\(13\)\(B\)](#) or under [10 U.S.C. 12301\(d\)](#). Such service does not include a call or order to active duty under [10 U.S.C. 12310](#).

3. Active service described in this subparagraph is also service under a call to active service authorized by the President or the Secretary of Defense under [32 U.S.C. 502\(f\)](#) for purposes of responding to a national emergency declared by the President or supported by Federal funds.



\* 4. If the member is wounded or otherwise injured or becomes ill while serving on active duty pursuant to a call or order to active duty under subparagraph 010208.F.2, and the member is ordered to active duty under section 10 U.S.C. 12301(h)(1) to receive medical care for the wound, injury, or illness, then each day of active duty under that order for medical care shall be treated as a continuation of the original call or order to active duty for purposes of reducing the eligibility age of the member under this subparagraph.

5. The eligibility age for purposes of subparagraph 010208.F may not be reduced below 50 years of age for any member under subparagraph 010208.F.1.

010209. 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. The periods of absence from duty are:

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; and
4. The member's inability for more than 1 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 1 day without proper authority, as determined by competent authority;
3. Confinement by military or civilian authority for more than 1 day in connection with a trial, whether before, during, or after the trial; or

\* 4. **Inability** to perform assigned duties for more than 1 day, as determined by competent authority, because of intemperate use of drugs or alcoholic liquor, or because of disease or injury resulting from the member's misconduct. **The period of such desertion, absence, confinement, or inability to perform duties may not be counted in computing, for any purpose other than basic pay under 37 U.S.C 205, the officer's length of service.**

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), or section 506(c) of the Officer Personnel Act of 1947, is not included in the service computation under subparagraph 010205.A. 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 a 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 010207:

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 non-federally recognized status of the National Guard.

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

5. Service in any status other than that as a commissioned officer, warrant officer, nurse, flight officer, **aviation midshipman**, appointed aviation cadet, or enlisted member, and that is described in paragraph 010201 as creditable.

## 0103 SERVICE CREDITABLE FOR COMPUTING RETIRED PAY

## 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. Information on retirement types and service for percentage multiple are provided in this section for each are:

## 010302. Voluntary Retirement Enlisted Members

Service credited under subparagraph 010202.

## 010303. Voluntary Retirement Commissioned Officers

## A. Active service in the Uniformed Services.

B. 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 at USUHS, then, upon retirement, the member is to receive retired pay computed at 62.5 percent of basic pay as an 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.

C. The years of service, not included in subparagraph 010303.A, or B, with which the member was entitled to be credited on June 1, 1958, in computing basic pay as stated in Volume 7A, Chapter 1, section 0101.

D. Years of service not included in subparagraphs 010303. A, B, or C, with which the member would be entitled to be credited under [10 U.S.C. 12733](#):

## 1. Days of active service.

2. Days of full-time service under [32 U.S.C. 316](#) and [32 U.S.C. 502 thru 505](#), 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 (or designee).

3. One day for each point, but not more than 130 days in any year of service that includes October 30, 2007, and in any subsequent year of service 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](#). Between October 29, 2007 and October 29, 2000, the maximum number was 90 days; between September 23, 1996 and October 29, 2000, the maximum number was 75 days; and before September 23, 1996, the maximum was 60 days. 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 before July 1, 1949 in the [categories named in 10 U.S.C. 12732](#).

[010304](#). Voluntary Retirement Warrant Officers.

Service credited under subparagraph 010303.

[010305](#). Mandatory Retirement

A. Army and Air Force service credited under paragraph 010205 or subparagraph 010303 whichever is more favorable.

B. Navy and Marine Corps service credited under paragraph 010206 or subparagraph 010303 whichever is more favorable.

[010306](#). Disability Retirement

Service credited under paragraph 010207.

[010307](#). Age and Service Retirement, Reservist

Total days of service, as stated in subparagraphs 010303.D.1 through 3, divided by 360 equals equivalent years and any fraction of a year of service.

0104 UNIFORM RETIREMENT DATE ACT (URDA) APPLICATION ([5 U.S.C. 8301](#))

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, the rate of pay is computed as of the date retirement would have occurred but for the provisions of subparagraph 010401.A. 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](#).

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

d. Retired as a commissioned officer under provisions of [10 U.S.C. 6323](#).

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.

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 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 provision in [subparagraph 010402.B.1](#) 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.

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 [URDA](#) 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](#). The effective date of retirement is governed by the provisions of the Uniform Retirement Date Act.

E. Non-Regular 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, 0303, and 0304.

## 0105 RANK AND PAY GRADE

## 010501. General Determination

\* A. Grade at Retirement. 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. See Volume 7A, COMPARABLE GRADES.

B. Time in Grade Requirement. A commissioned officer, other than a commissioned warrant 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 (or designee) may reduce the service-in-grade requirement to 2 years. This authority was made permanent under Public Law 108-136, section 506, dated November 24, 2003.

C. Retirement to the Next Lower Grade. An officer who does not meet the service-in-grade requirement retires in the next lower grade in which the 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 member 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 (or designee).

2. To receive credit for satisfactory service in a grade below lieutenant colonel or commander, other than a warrant officer grade, a member must serve satisfactorily in that grade, as determined by the Secretary of the Military Department concerned (or designee) 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 [member](#) must serve satisfactorily in that grade, as determined by the Secretary of the Military Department concerned (or designee), as a Reserve commissioned officer in an active status, or in a retired status on active duty, for at least 3 years.

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

c. The Secretary of the Military Department concerned (or designee) may allow credit in a higher grade to a [member](#) who has been recommended for promotion but before promotion to the recommended grade. Such credit may be allowed when a [member](#) 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 (or designee), is contingent upon the member being appointed as a Reserve officer in that grade. The service credit is allowed only for the period the [member](#) served in the position after Senate advice and consent for the appointment.

e. A [member](#) 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 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 [member](#) whose length of service in the highest grade held does not meet the service-in-grade requirements specified in this subparagraph receives credit for satisfactory service in the next lower grade in which the [member](#) serves satisfactorily for at least 6 months as determined by the Secretary of the Military Department concerned (or designee).

\* 5. The Secretary of Defense may authorize the Secretary of a Military Department concerned (or designee) to reduce the [3 year period required in subparagraph 010501.E.3](#) for an officer above major or lieutenant commander, to a period of not less than 2



years. However, in the case of an officer who, upon transfer to the Retired Reserve or discharge, is to be credited with satisfactory service in a general or flag officer grade, the authority provided by the Secretary of Defense to the Secretary of a Military Department concerned (or designee) may be exercised with respect to that officer only if approved by the Secretary of Defense or another civilian official in the Office of the Secretary of Defense appointed by the President, by and with the advice and consent of the Senate.

F. Grade on Retirement for Physical Disability. 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 temporary grade or rank in which member satisfactorily serves, as determined by the Secretary of the Armed Force from which he or she retired.

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

4. The temporary grade to which the member would have been promoted had it not been for the disability for which the 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 was 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.

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, then 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.

C. Where an existing statute authorizes computation of pay on the basis of a grade in which the member served satisfactorily that 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.

D. 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.

E. 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.

F. 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.

G. 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.

H. 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.

I. A courtesy title is not to be used for computation of pay. The grade for pay purposes is determined under the criteria of general determinations and special provisions [as prescribed in this paragraph](#), with specific reference to the section of law that authorizes the grade for pay purposes.

J. 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\(a\)](#). (NOTE: This provision is applicable only to members of the Army and Air Force.)

K. 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 (or designee).

#### \*0106 FEDERAL JUDGES

[For information concerning the retirement of individuals who have served as judges on the U.S. Court of Appeals for the Armed Forces, and are eligible to elect a retirement annuity from the Department of Defense upon separation from civilian service in the Federal Government, see Chapter 5.](#)

#### 0107 NON-CITIZENS

##### 010701. Philippine Constabulary/[Philippine Scout](#)

The Act of February 2, 1901, as amended by the Act of May 16, 1908, 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. Retirement eligibility was the same as for enlisted men of the Regular Army. Officers were entitled to the same pay, privileges, and retirement benefits authorized officers of like grade and service of the Regular Army. The Philippine Constabulary/Philippine Scouts are not now maintained as a continuing part of the Army.

##### 010702. Insular Force

The Insular Force of the United States Navy was established by Executive Order on April 5, 1901, as amended on June 25, 1901. The Secretary of the Navy was authorized to enlist a total

of 500 natives of the Islands of the Philippines and Guam. 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.

010703. Payment

A. Philippine Scouts. 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. 1401a.

\* B. Change in Citizenship of Non-Regular Retirees. If a member's citizenship status changes after retirement, then it may have an impact on the member's retired pay. See Chapter 6 for additional information on change or loss of United States citizenship.

0108 HEROISM PAY

010801. Entitlement

A. Regular Retirement. Enlisted members of the Army, Air Force, Navy, and Marine Corps, retired after the completion of 20 or more but less than 30 years of active service for regular retired pay computation purposes, who are credited by the Secretary concerned with extraordinary heroism in the line of duty, shall receive a 10 percent increase to retired or retainer pay. Enlisted members of the Army and the Air Force, with 20 or more, but less than 30, years of service may not exceed a retired pay multiplier of 75 percent, including any heroism pay. Enlisted members of the Navy, Marine Corps, and Coast Guard with 20 or more, but less than 30, years of active service are eligible to have retired or retainer pay increased by 10 percent without restriction to a final multiplier of 75 percent.

B. Non-Regular Retirement. Enlisted members of the Reserve Component retired after the completion of less than 30 years of service for non-Regular retired pay computation purposes, who are credited by the Secretary concerned with extraordinary heroism in the line of duty, shall receive a 10 percent increase to their retired pay. Enlisted members so entitled may not exceed a retired pay multiplier of 75 percent. Entitlement to increased Reserve retired pay for heroism is effective from October 1, 2002, and applies 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 20 or more, but less than 30, years of service, and who are 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. However, in no case may the retired pay multiplier for a disability retirement based upon less than 30 years of service exceed 75 percent.

010802. Determination of Entitlement

The Secretary of the Military Department concerned (or designee) has the authority to grant 10 percent of additional retired pay to an individual who has performed an act of extraordinary

heroism in the line of duty. The Secretary's determination as to extraordinary heroism is conclusive for all purposes.

010803. 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.

B. Recomputation After a Period of Active Duty. [For detailed information on recomputation after subsequent active duty, see Chapter 7, section 0702.](#)

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 pay are 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.

0109 PAYMENT

010901. 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. Regular 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 (or designee).

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 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.

010902. 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 the 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.

010903. Computation

[For detailed information on gross pay computation, see Chapter 3.](#)

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, then pay accrues for 3 days. If the pay begins on February 29, then pay accrues for 2 days.

Table 1-1. VOLUNTARY RETIREMENT

<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 (Note 7)	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 (Note 7)	6323 (note 4)

<b>*Table 1-1. VOLUNTARY RETIREMENT (Continued)</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)		6327 (note 6)	rule 8.
<b>19</b>			20 (note 2)	10 years of active service served in the 11 years immediately before retirement		

**NOTES:**

- \* 1. Subparagraph 010202 ([10 U.S.C., 3683](#) (repealed), [3925](#), [8683](#), (repealed) and [8925](#)). Under Temporary Early Retirement Authority, the Secretary of the Military Department concerned (or designee) 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. [Public Law 112-81, section 504](#), December 31, 2011, reinstated this authority to September 30, 2018.
- \* 2. Subparagraph 010203 ([10 U.S.C. 3926](#), [6321](#), [6323](#), and [8926](#)). Under Temporary Early Retirement Authority, the Secretary of the Military concerned (or designee) 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. [Public Law 112-81, section 504](#), December 31, 2011, reinstated this authority to September 30, 2018.
- \* 3. Subparagraph 010204 (CCA 1949, Section 511; [10 U.S.C. 6321](#) and [6322](#)). Under Temporary Early Retirement Authority, the Secretary of the Military Department concerned (or designee) 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. [Public Law 112-81, section 504](#), December 31, 2011, reinstated this authority to September 30, 2018.
- 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](#). This section applies only to persons who were members of the Navy Reserve or the Marine Corps Reserve on January 1, 1953. This section terminates on January 1, 1973.
- \* 7. Subparagraph 010201.A.2 ([10 U.S.C. 3911](#), [6323](#), and [8911](#)). Under the Temporary Authority to Reduce Minimum Length of Active Service as a Commissioned Officer Required for Voluntary Retirement as an Officer, the Secretary of the Military Department concerned (or designee) may reduce the 10 year active service requirement to not less than 8 years. [Public Law 111-383, section 506](#), January 7, 2011, extended this authority to September 30, 2013.



Table 1-2. 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)				

**MANDATORY RETIREMENT – COMMISSIONED OFFICERS AND WARRANT OFFICERS  
(Continued)**

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			6375 (note 24)			
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)							

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

**Table 1-2. MANDATORY RETIREMENT — COMMISSIONED OFFICERS AND WARRANT OFFICERS (Continued)**

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	
<b>29</b>	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.
<b>30</b>	female regular officer of the Navy or Marine Corps	26 years of active commissioned service	CDR Lt Col (USMC)					6398 (note 22)		
<b>31</b>		30 years of active commissioned service	Captain Col (USMC) (note 14)							
<b>32</b>		20 years of active commissioned service	LCDR Maj (note 3) and below					6400 (note 22)		
<b>33</b>	commissioned officer of the Army	30 years of commissioned service (note 17)	permanent professor, USMA			3920				rule 10.
<b>34</b>	commissioned officer of the Air Force		permanent professor, USAFA				8920			rule 12.
<b>35</b>	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)**

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								
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	30 years of commis- sioned service	Col, Capt (Navy)			634	634	634	634	
42	Navy	30 years of commis- sioned service	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)							

**NOTES:**

1. Except professor or registrar of United States Military Academy or Air Force Academy.
2. *Army or Air Force – Service under paragraph 010205 (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 female 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 010204.
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 010203.
- \*18. Section 6371 Executive Order 11284, May 27, 1966 was revoked by Executive Order 12553, February 25, 1986.
- \*19. Section 6372 was repealed by Public Law 96-513, December 12, 1980 (94 Stat. 2898).
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)**

Table 1-3. DISABILITY RETIREMENT

	A	B	C	D	E	F
<b>R U L E</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>			more than 30 days (note 1)		1205	rule 2.
<b>3</b>					1201	rule 1.
<b>4</b>					1202	rule 2.

**NOTES:**

1. Paragraph 010207 ([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 1-4. AGE AND SERVICE, NON-REGULAR RETIREMENT

	A	B	C	D	E	F
<b>R U L E</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 or is otherwise eligible (note 4)	<u><a href="#">10 U.S.C. 12731</a></u> (note 3)	Table 3-1, rule 13.

**NOTES:**

- 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.
- Paragraph 010208 (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.
- Not entitled to retired or retainer pay under any other provision of law.
- The eligibility shall be reduced below 60 years of age by 3 months for each aggregate of 90 days on which [the member](#) so performs active duty or active service pursuant to a call or order under [10 U.S.C. 101\(a\)\(13\)\(B\)](#) or section 12301(d) or [32 U.S.C. 502\(f\)](#) in any fiscal year after January 28, 2008. The eligibility age may not be reduced below 50 years of age.



Table 1-5. RATE OF BASIC PAY FOR RETIRED PAY COMPUTATION (5 U.S.C. 8301(b))(note 6)

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	shall have retired pay computed using active duty basic pay rates in effect on
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 and 3).
2	retires on the first day of an active duty basic pay rate change	an enlisted member (note 3)		voluntary	the first day of retirement (note 1).
3		a warrant officer			the day before the first day of retirement (notes 1 and 3).
4		a commissioned officer	before the month immediately preceding the active duty basic pay rate change date (note 4)		the first day of retirement (note 1).
5			at any time prior to the active duty basic pay rate change date		voluntary (note 4)
6			during the month immediately preceding the active duty basic pay rate change date		voluntary
7		a warrant officer	any time	mandatory	the day before the first day of retirement (note 1).
8		a commissioned officer			

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

<b>RATE OF BASIC PAY FOR RETIRED PAY COMPUTATION (<a href="#">5 U.S.C. 8301(b)</a>)(note 6) (Continued)</b>					
<b>R U L E</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>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>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 5)	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. 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\(f\)](#)).
2. Warrant officers voluntarily retired ([10 U.S.C. 1401](#), formula 4).
3. Not applicable to Navy and Marine Corps enlisted members transferred to the Fleet Reserve or Fleet Marine Corps Reserve.
4. Applicable only to retirements under [10 U.S.C. 6323](#).
5. If otherwise retirement eligible, then follow rule for that retirement.
6. 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.
7. 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 [section 0104](#).

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

## \*BIBLIOGRAPHY

## CHAPTER 1 – INITIAL ENTITLEMENTS-RETIREMENTS

## 0101 – MILITARY RETIREMENT OVERVIEW

010101	10 U.S.C. 1406, 1407, 1409
010102	10 U.S.C. 1406, 1407
010103	10 U.S.C. 1409
010103.B	10 U.S.C. 1401, Public Law 111-383, section 631 January 7, 2011
010105	Public Law 111-383, section 532 January 7, 2011 Public Law 102-484, section 4403 October 23, 1992

## 0102 – SERVICE CREDITABLE FOR RETIREMENT ELIGIBILITY

010201	10 U.S.C. 3911, 6323, 8911 Public Law 111-383, section 506, January 7, 2011
010201.A	10 U.S.C. 1293, 3911, 6323, 8911
010201.C	10 U.S.C. 1406, 1407, 1409
010202	10 U.S.C. 3925, 3683, 8925, 8683, 1043
010202.F	MS Comp Gen B-195448, April 3, 1980
010203	10 U.S.C. 3926, 8926, 6321, 6323, 1043
010204	10 U.S.C. 1293, 1305, 6321, 6322, 1043
010206	10 U.S.C. 6387, 6388, 6389
010207	10 U.S.C. 1208, 1043, 12732, 12733
010208	10 U.S.C. 12731, 12732, 12733, 1043
010208.A.2	10 U.S.C. 12733, 12732
010208.B	10 U.S.C. 12731
010208.C	10 U.S.C. 12738
010208.C.2	58 Comp Gen 390
010208.E	10 U.S.C. 12731a
010208.F	10 U.S.C. 12731(f)
010209.A	10 U.S.C. 972 38 Comp Gen 352 38 Comp Gen 553
010209.B.4	10 U.S.C. 972(b)(4)
010209.D.5	10 U.S.C. 12732(b)(7)

## 0103 – SERVICE CREDITABLE FOR COMPUTING RETIRED PAY

010301	10 U.S.C. 3914, 3917, 3925, 6326, 8914, 8917, 8925
--------	---

010303	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
010303.B	OUSD(MPP) memo, July 1, 2002 54 Comp Gen 675
01030D	10 U.S.C. 12733
010304	10 U.S.C. 1405
010305.A	10 U.S.C. 3927, 8927, 1405
010305.B	10 U.S.C. 6387, 6388, 1405
010306	10 U.S.C. 1208
010307	10 U.S.C. 12733

0104 – UNIFORM RETIREMENT DATE ACT (URDA) APPLICATION  
(5 U.S.C. 8301)

010401.B	5 U.S.C. 8301 Public Law 96-342, September 8, 1980
010402.A.2.b	44 Comp Gen 373, 584 40 Comp Gen 80 DoD/GC Opinion, November 9, 2000
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 106-398, section 571, October 30, 2000
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.5	10 U.S.C. 1370(d)(5)(B)
010501.F	10 U.S.C. 1372 40 Comp Gen 240

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.2	49 Comp Gen 618
010502.D	10 U.S.C. 3963, 8963
010502.E	10 U.S.C. 6325, 6321, 6322
010502.F	10 U.S.C. 601, 602, 603, 6325
010502.G	10 U.S.C. 6325, 6321, 6322, 6323
010502.H	10 U.S.C. 6151
010502.I	10 U.S.C. 3963(a), 8963(a)
010502.J	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 FEDERAL JUDGES

10 U.S.C. 945  
28 U.S.C. 371

## 0107 – NON-CITIZENS

010701	Act of February 2, 1901, 31 Stat 575, 1908 Act of May 16 Section 22a, Act of June 4, 1920, 41 Stat 770
010702	E.O. Apr 5, 1901 and June 25, 1901
010703	10 U.S.C. 1401a
010703.B	48 Comp Gen 699 10 U.S.C., Chapter 1223 10 U.S.C. 12731 37 Comp Gen 207

## 0108 – HEROISM PAY

010801.A	10 U.S.C. 8991, 6330, 3991, 14 U.S.C. 357 10 U.S.C. 1409
----------	--

010801.B	10 U.S.12739
010801.C	55 Comp Gen 701 43 Comp Gen 805 56 Comp Gen 740 MS Comp Gen B-259559, June 6, 1995
010803.A	10 U.S.C. 3992 10 U.S.C. 8992
010803.B.1	10 U.S.C. 1402 Public Law 102-484, section 642, October 23, 1992
010803.B.2	41 Comp Gen 22
0109 – PAYMENT	
010901.A	5 U.S.C. 8301
010901.B	10 U.S.C. 1221
010901.D	10 U.S.C. 12731, 6034 38 Comp Gen 146 48 Comp Gen 652
010902.A	31 Comp Gen 296 32 Comp Gen 558, 559
010902.B	10 U.S.C. 6332
010902.C & D	39 Comp Gen 312
010903	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	<a href="#">10 U.S.C. 1293 (note)</a> 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 10 U.S.C. 12731, 12731a Public Law 106-398, section 571, October 30, 2000 10 U.S.C. 1293 (note), subsections (a)(i)
Note 2	10 U.S.C. 12731 10 U.S.C. 12731(a) Public Law 102-484, section 4417, October 23, 1992 10 U.S.C. 12731, 12731a
Table 1-5 Rule 6 Note 7 Note 8	DoD/GC Opinion, November 9, 2000 Public Law 96-342, September 8, 1990 DoD/GC Opinion, November 9, 2000