

as surplusage. The word “naval”, in 5:191a and 275, is omitted as covered by the word “military”.

In subsection (b), the words “before October 26, 1961” are substituted for the words “or within ten years after the date of enactment of this section”, in 5:191a and 275. The last sentence of the revised subsection is substituted for 5:191a(a) (last proviso) and 275(a) (last proviso).

In subsection (c), the words “if, as a result of correcting a record under this section * * * the amount is found to be due the claimant on account of his or another’s service in the Army, Navy, Air Force, Marine Corps, or Coast Guard, as the case may be” are substituted for the words “which are found to be due on account of military or naval service as a result of the action * * * hereafter taken pursuant to subsection (a) of this section”, in 5:191a and 275. The words “heretofore taken pursuant to this section”, in 5:191a and 275, are omitted as executed. The words “of any persons, their heirs at law or legal representative as hereinafter provided”, “(including retired or retirement pay)”, “as the case may be”, “duly appointed”, “otherwise due hereunder”, “decendent’s”, “precedence or succession”, and “of precedence”, in 5:191a and 275, are omitted as surplusage. The last sentence is substituted for 5:191a(c) and 275(c).

In subsection (d), the word “but” is substituted for the words “That, continuing payments are authorized to be made to such personnel”, in 5:191a and 275. The words “if he is not reenlisted in, or appointed or reappointed to, the grade to which those payments relate” are substituted for the words “without the necessity for reenlistment, appointment, or reappointment to the grade, rank, or office to which such pay (including retired or retirement pay), allowances, compensation, emoluments, and other monetary benefits are attached”, in 5:191a and 275. The words “or one year following the date of enactment of this section”, in 5:191a and 275, are omitted as executed. The words “for payment of such sums as may be due for”, in 5:191a and 275, are omitted as surplusage. The words “(including retired or retirement pay)”, in 5:191a and 275, are omitted as covered by the definition of “pay” in section 101(27) of this title.

In subsection (e), the words “No payment may be made under this section” are substituted for the words “Nothing in this section shall be construed to authorize the payment of any amount as compensation”, in 5:191a and 275.

REFERENCES IN TEXT

The Uniform Code of Military Justice (Public Law 506 of the 81st Congress), referred to in subsec. (f), is act May 5, 1950, ch. 169, § 1, 64 Stat. 107, which was classified to chapter 22 (§ 551 et seq.) of Title 50, War and National Defense, and was repealed and reenacted as chapter 47 (§ 801 et seq.) of this title by act Aug. 10, 1956, ch. 1041, § 53, 70A Stat. 641, the first section of which enacted this title.

AMENDMENTS

1992—Subsec. (a)(2). Pub. L. 102-484 substituted “announcing the promotion and appointment of an enlisted member to an initial or higher grade or the decision not to promote an enlisted member to a higher grade” for “announcing a decision not to promote an enlisted member to a higher grade”.

1989—Subsec. (a). Pub. L. 101-189, § 514(a), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The Secretary of a military department, under procedures established by him and approved by the Secretary of Defense, and acting through boards of civilians of the executive part of that military department, may correct any military record of that department when he considers it necessary to correct an error or remove an injustice. Under procedures prescribed by him, the Secretary of Transportation may in the same manner correct any military record of the Coast Guard. Except when procured by fraud, a cor-

rection under this section is final and conclusive on all officers of the United States.”

Subsec. (b). Pub. L. 101-189, § 514(b), substituted “subsection (a)(1)” for “subsection (a)” in two places.

Subsec. (e). Pub. L. 101-189, § 1621(a)(2), substituted “Secretary of Veterans Affairs” for “Administrator of Veterans’ Affairs”.

1988—Subsec. (b). Pub. L. 100-456, § 1233(a)(1), substituted “for the correction within three years after he discovers the error or injustice” for “therefor before October 26, 1961, or within three years after he discovers the error or injustice, whichever is later”.

Subsec. (c). Pub. L. 100-456, § 1233(a)(2), substituted “The Secretary concerned” for “The department concerned”.

1983—Subsec. (f). Pub. L. 98-209 added subsec. (f).

1980—Subsec. (a). Pub. L. 96-513 substituted “Secretary of Transportation” for “Secretary of the Treasury”.

1960—Subsec. (f). Pub. L. 86-533 repealed subsec. (f) which required reports to the Congress every six months with respect to claims paid under this section.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-513 effective Dec. 12, 1980, see section 701(b)(3) of Pub. L. 96-513, set out as a note under section 101 of this title.

BOARD FOR CORRECTION OF MILITARY RECORDS

Pub. L. 101-225, title II, § 212, Dec. 12, 1989, 103 Stat. 1914, provided that: “Not later than 6 months after the date of the enactment of this Act [Dec. 12, 1989], the Secretary of Transportation shall—

“(1) amend part 52 of title 33, Code of Federal Regulations, governing the proceedings of the board established by the Secretary under section 1552 of title 10, United States Code, to ensure that a complete application for correction of military records is processed expeditiously and that final action on the application is taken within 10 months of its receipt; and

“(2) appoint and maintain a permanent staff, and a panel of civilian officers or employees to serve as members of the board, which are adequate to ensure compliance with paragraph (1) of this subsection.”

CROSS REFERENCES

Correction of discharge, see section 3462 of Title 38, Veterans’ Benefits.

Effective dates of awards, see section 5110 of Title 38.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1034, 14502 of this title; title 14 section 425; title 38 sections 3462, 5110; title 42 section 213a.

§ 1553. Review of discharge or dismissal

(a) The Secretary concerned shall, after consulting the Secretary of Veterans Affairs, establish a board of review, consisting of five members, to review the discharge or dismissal (other than a discharge or dismissal by sentence of a general court-martial) of any former member of an armed force under the jurisdiction of his department upon its own motion or upon the request of the former member or, if he is dead, his surviving spouse, next of kin, or legal representative. A motion or request for review must be made within 15 years after the date of the discharge or dismissal. With respect to a discharge or dismissal adjudged by a court-martial case tried or reviewed under chapter 47 of this title (or under the Uniform Code of Military Justice (Public Law 506 of the 81st Congress)), action under this subsection may extend only to a change in the discharge or dismissal or issuance of a new discharge for purposes of clemency.

(b) A board established under this section may, subject to review by the Secretary concerned, change a discharge or dismissal, or issue a new discharge, to reflect its findings.

(c) A review by a board established under this section shall be based on the records of the armed forces concerned and such other evidence as may be presented to the board. A witness may present evidence to the board in person or by affidavit. A person who requests a review under this section may appear before the board in person or by counsel or an accredited representative of an organization recognized by the Secretary of Veterans Affairs under chapter 59 of title 38.

(Added Pub. L. 85-857, §13(v)(2), Sept. 2, 1958, 72 Stat. 1266; amended Pub. L. 87-651, title I, §110(a), Sept. 7, 1962, 76 Stat. 509; Pub. L. 98-209, §11(b), Dec. 6, 1983, 97 Stat. 1407; Pub. L. 101-189, div. A, title XVI, §1621(a)(2), Nov. 29, 1989, 103 Stat. 1603.)

HISTORICAL AND REVISION NOTES

Sections 1553 and 1554 are restated, without substantive change, to conform to the style adopted for title 10.

REFERENCES IN TEXT

The Uniform Code of Military Justice (Public Law 506 of the 81st Congress), referred to in subsec. (a), is act May 5, 1950, ch. 169, §1, 64 Stat. 107, which was classified to chapter 22 (§551 et seq.) of Title 50, War and National Defense, and was repealed and reenacted as chapter 47 (§801 et seq.) of this title by act Aug. 10, 1956, ch. 1041, §53, 70A Stat. 641, the first section of which enacted this title.

AMENDMENTS

1989—Subsecs. (a), (c). Pub. L. 101-189 substituted “Secretary of Veterans Affairs” for “Administrator of Veterans’ Affairs”.

1983—Subsec. (a). Pub. L. 98-209 inserted provision that with respect to a discharge or dismissal adjudged by a court-martial case tried or reviewed under chapter 47 of this title (or under the Uniform Code of Military Justice (Public Law 506 of the 81st Congress)), action under this subsection may extend only to a change in the discharge or dismissal or issuance of a new discharge for purposes of clemency.

1962—Pub. L. 87-651 amended section generally without substantive change to conform to the style adopted for the revision of this title.

EFFECTIVE DATE

Section effective Jan. 1, 1959, see section 2 of Pub. L. 85-857, set out as a note preceding Part I of Title 38, Veterans’ Benefits.

CROSS REFERENCES

Correction of discharge, see section 3462 of Title 38, Veterans’ Benefits.

Effective date of benefits awarded, see section 5110 of Title 38.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1034 of this title; title 38 sections 3462, 5110, 5303; title 42 section 213a.

§ 1554. Review of retirement or separation without pay for physical disability

(a) The Secretary concerned shall from time to time establish boards of review, each consisting of five commissioned officers, two of whom shall be selected from officers of the Army Medi-

cal Corps, officers of the Navy Medical Corps, Air Force officers designated as medical officers, or officers of the Public Health Service, as the case may be, to review, upon the request of an officer retired or released from active duty without pay for physical disability, the findings and decisions of the retiring board, board of medical survey, or disposition board in his case. A request for review must be made within 15 years after the date of the retirement or separation.

(b) A board established under this section has the same powers as the board whose findings and decision are being reviewed. The findings of the board shall be sent to the Secretary concerned, who shall submit them to the President for approval.

(c) A review by a board established under this section shall be based upon the records of the armed forces concerned and such other evidence as may be presented to the board. A witness may present evidence to the board in person or by affidavit. A person who requests a review under this section may appear before the board in person or by counsel or an accredited representative of an organization recognized by the Secretary of Veterans Affairs under chapter 59 of title 38.

(Added Pub. L. 85-857, §13(v)(2), Sept. 2, 1958, 72 Stat. 1267; amended Pub. L. 87-651, title I, §110(a), Sept. 7, 1962, 76 Stat. 510; Pub. L. 101-189, div. A, title XVI, §1621(a)(2), Nov. 29, 1989, 103 Stat. 1603.)

HISTORICAL AND REVISION NOTES

Sections 1553 and 1554 are restated, without substantive change, to conform to the style adopted for title 10.

AMENDMENTS

1989—Subsec. (c). Pub. L. 101-189 substituted “Secretary of Veterans Affairs” for “Administrator of Veterans’ Affairs”.

1962—Pub. L. 87-651 amended section generally without substantive change to conform to the style adopted for the revision of this title.

EFFECTIVE DATE

Section effective Jan. 1, 1959, see section 2 of Pub. L. 85-857, set out as a note preceding Part I of Title 38, Veterans’ Benefits.

TRANSFER OF FUNCTIONS

For transfer of functions of Public Health Service, see note set out under section 802 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 213a.

[CHAPTER 80—REPEALED]

[§§ 1571 to 1577. Repealed. Pub. L. 90-83, § 3(2), Sept. 11, 1967, 81 Stat. 220]

Sections, Pub. L. 89-690, §1, Oct. 15, 1966, 80 Stat. 1016, created Exemplary Rehabilitation Certificates to be issued by the Secretary of Labor to persons discharged or dismissed from the Armed Forces under conditions other than honorable or to persons who had received a general discharge but who had established that they had rehabilitated themselves and established the administrative and other authority in connection therewith. See chapter 13 of Title 29, Labor.

CHAPTER 81—CIVILIAN EMPLOYEES

Sec.
[1580. Repealed.]