

United States Code Annotated

Title 37. Pay and Allowances of the Uniformed Services (Refs & Annos)

Chapter 3. Basic Pay (Refs & Annos)

37 U.S.C.A. § 204

§ 204. Entitlement

Effective: December 26, 2013

[Currentness](#)

(a) The following persons are entitled to the basic pay of the pay grade to which assigned or distributed, in accordance with their years of service computed under [section 205](#) of this title--

(1) a member of a uniformed service who is on active duty; and

(2) a member of a uniformed service, or a member of the National Guard who is not a Reserve of the Army or the Air Force, who is participating in full-time training, training duty with pay, or other full-time duty, provided by law, including participation in exercises or the performance of duty under [section 10302](#), [10305](#), [10502](#), or [12402 of Title 10](#), or [section 503](#), [504](#), [505](#), or [506 of Title 32](#).

(b) For the purposes of subsection (a), under regulations prescribed by the President, the time necessary for a member of a uniformed service who is called or ordered to active duty for a period of more than 30 days to travel from his home to his first duty station and from his last duty station to his home, by the mode of transportation authorized in his call or orders, is considered active duty.

(c)(1) A member of the National Guard who is called into Federal service for a period of 30 days or less is entitled to basic pay from the date on which the member, in person or by authorized telephonic or electronic means, contacts the member's unit.

(2) Paragraph (1) does not authorize any expenditure to be paid for a period before the date on which the unit receives the member's contact provided under such paragraph.

(3) The Secretary of the Army, with respect to the Army National Guard, and the Secretary of the Air Force, with respect to the Air National Guard, shall prescribe such regulations as may be necessary to carry out this subsection.

(d) Full-time training, training duty with pay, or other full-time duty performed by a member of the Army National Guard of the United States or the Air National Guard of the United States in his status as a member of the National Guard, is active duty for the purposes of this section.

(e) A payment accruing under any law to a member of a uniformed service incident to his release from active duty or for his return home incident to that release may be paid to him before his departure from his last duty station, whether or not he actually

performs the travel involved. If a member receives a payment under this subsection but dies before that payment would have been made but for this subsection, no part of that payment may be recovered by the United States.

(f) A cadet of the United States Military Academy or the United States Air Force Academy, or a midshipman of the United States Naval Academy, who, upon graduation from one of those academies, is appointed as a second lieutenant of the Army or the Air Force is entitled to the basic pay of pay grade *O-1* beginning upon the date of his graduation.

(g)(1) A member of a reserve component of a uniformed service is entitled to the pay and allowances provided by law or regulation for a member of a regular component of a uniformed service of corresponding grade and length of service whenever such member is physically disabled as the result of an injury, illness, or disease incurred or aggravated--

(A) in line of duty while performing active duty;

(B) in line of duty while performing inactive-duty training (other than work or study in connection with a correspondence course of an armed force or attendance in an inactive status at an educational institution under the sponsorship of an armed force or the Public Health Service);

(C) while traveling directly to or from such duty or training;

(D) in line of duty while remaining overnight immediately before the commencement of inactive-duty training, or while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training; or

(E) in line of duty while--

(i) serving on funeral honors duty under [section 12503 of title 10](#) or [section 115 of title 32](#);

(ii) traveling to or from the place at which the duty was to be performed; or

(iii) remaining overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence.

(2) In the case of a member who receives earned income from nonmilitary employment or self-employment performed in any month in which the member is otherwise entitled to pay and allowances under paragraph (1), the total pay and allowances shall be reduced by the amount of such income. In calculating earned income for the purpose of the preceding sentence, income from an income protection plan, vacation pay, or sick leave which the member elects to receive shall be considered.

(h)(1) A member of a reserve component of a uniformed service who is physically able to perform his military duties, is entitled, upon request, to a portion of the monthly pay and allowances provided by law or regulation for a member of a regular component of a uniformed service of corresponding grade and length of service for each month for which the member demonstrates a

loss of earned income from nonmilitary employment or self-employment as a result of an injury, illness, or disease incurred or aggravated--

(A) in line of duty while performing active duty;

(B) in line of duty while performing inactive-duty training (other than work or study in connection with a correspondence course of an armed force or attendance in an inactive status at an educational institution under the sponsorship of an armed force or the Public Health Service);

(C) while traveling directly to or from such duty or training;

(D) in line of duty while remaining overnight immediately before the commencement of inactive-duty training, or while remaining overnight, between successive periods of inactive-duty training, at or in the vicinity of the site of the inactive-duty training; or

(E) in line of duty while--

(i) serving on funeral honors duty under [section 12503 of title 10](#) or [section 115 of title 32](#);

(ii) traveling to or from the place at which the duty was to be performed; or

(iii) remaining overnight at or in the vicinity of that place immediately before so serving, if the place is outside reasonable commuting distance from the member's residence.

(2) The monthly entitlement may not exceed the member's demonstrated loss of earned income from nonmilitary or self-employment. In calculating such loss of income, income from an income protection plan, vacation pay, or sick leave which the member elects to receive shall be considered.

(i)(1) The total amount of pay and allowances paid under subsections (g) and (h) and compensation paid under [section 206\(a\)](#) of this title for any period may not exceed the amount of pay and allowances provided by law or regulation for a member of a regular component of a uniformed service of corresponding grade and length of service for that period.

(2) Pay and allowances may not be paid under subsection (g) or (h) for a period of more than six months. The Secretary concerned may extend such period in any case if the Secretary determines that it is in the interests of fairness and equity to do so.

(3) A member is not entitled to benefits under subsection (g) or (h) if the injury, illness, disease, or aggravation of an injury, illness, or disease is the result of the gross negligence or misconduct of the member.

(4) Regulations with respect to procedures for paying pay and allowances under subsections (g) and (h) shall be prescribed--

(A) by the Secretary of Defense for the armed forces under the jurisdiction of the Secretary; and

(B) by the Secretary of Homeland Security for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

(j) A member of the uniformed services who is entitled to medical or dental care under [section 1074a of title 10](#) is entitled to travel and transportation allowances, or a monetary allowance in place thereof, for necessary travel incident to such care, and return to his home upon discharge from treatment.

CREDIT(S)

(Pub.L. 87-649, Sept. 7, 1962, 76 Stat. 457; [Pub.L. 96-513, Title V, § 506\(4\)](#), Dec. 12, 1980, 94 Stat. 2919; [Pub.L. 98-94, Title X, § 1012\(b\)](#), Sept. 24, 1983, 97 Stat. 665; [Pub.L. 99-433, Title V, § 531\(b\)](#), Oct. 1, 1986, 100 Stat. 1063; [Pub.L. 99-661, Div. A, Title VI, § 604\(b\)](#), Nov. 14, 1986, 100 Stat. 3875; [Pub.L. 100-456, Title VI, § 631\(a\), \(b\)](#), Sept. 29, 1988, 102 Stat. 1984, 1985; [Pub.L. 102-25, Title VII, § 702\(b\)\(1\), \(c\)\(1\)](#), Apr. 6, 1991, 105 Stat. 117; [Pub.L. 103-337, Div. A, Title XVI, § 1676\(b\)\(1\)](#), Oct. 5, 1994, 108 Stat. 3019; [Pub.L. 104-106, Div. A, Title VII, § 702\(c\)](#), Feb. 10, 1996, 110 Stat. 371; [Pub.L. 105-85, Div. A, Title V, § 513\(f\)](#), Nov. 18, 1997, 111 Stat. 1732; [Pub.L. 106-398, § 1](#) [Div. A, Title VI, § 665(a)], Oct. 30, 2000, 114 Stat. 1654, 1654A-168; [Pub.L. 107-107, Div. A, Title V, § 513\(d\)](#), Dec. 28, 2001, 115 Stat. 1093; [Pub.L. 107-296, Title XVII, § 1704\(c\)](#), Nov. 25, 2002, 116 Stat. 2314; [Pub.L. 113-66, Div. A, Title VI, § 602](#), Dec. 26, 2013, 127 Stat. 779.)

[Notes of Decisions \(151\)](#)

37 U.S.C.A. § 204, 37 USCA § 204

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