

[CHAPTER 475]

AN ACT

August 4, 1947
[H. R. 3501]
[Public Law 350]

To amend the Armed Forces Leave Act of 1946, approved August 9, 1946 (Public Law 704, Seventy-ninth Congress, second session, 60 Stat. 963), and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 4 of the Armed Forces Leave Act of 1946 is hereby amended to read as follows:

“SEC. 4. (a) Leave to be settled and compensated for under section 6 of this Act shall be compensable as follows:

“(1) In the case of leave accumulated as an enlisted member of the armed forces, on the basis of the base and longevity pay applicable to such member on the date of his discharge from enlisted service if discharged before August 31, 1946, or on August 31, 1946, if not so discharged, and an allowance computed at the rate of 70 cents a day for subsistence, plus, in the case of enlisted members of the first three grades with dependents on August 31, 1946, or former enlisted members of the first three grades with dependents at the time of discharge if prior to such date, an allowance computed at the rate of \$1.25 a day for quarters.

“(2) In the case of leave accumulated or accrued as a member of the armed forces as a warrant or commissioned officer, on the basis of the base and longevity pay and allowances applicable to such member on August 31, 1946.

“(b) After August 31, 1946, members of the armed forces when absent on account of sickness or wounds, or when directed by the Secretary to be absent from duty to await orders pending action on disability retirement proceedings for any period in excess of the number of days' leave authorized by this Act, shall receive the same pay and allowances they would receive if not so absent; when absent with leave for other causes, members shall be entitled during such absence not exceeding the aggregate number of days' leave authorized by this Act to the same pay and allowances they would receive if not on leave and to any additional allowance or allowances otherwise provided by law for members while on leave. When the Secretary authorizes members to be absent in excess of the number of days' leave authorized by this Act, they shall not be entitled to any pay or allowances during such absence. When absent without leave or absent over leave, they shall forfeit all pay and allowances during such absence, unless such absence is excused as unavoidable. The Secretary of War may authorize persons who have accepted appointments as commissioned officers of the Regular Army pursuant to the provisions of the Act of December 28, 1945 (Public Law 281, Seventy-ninth Congress), as amended, to be absent from duty to await orders assigning them to their initial-duty stations and during such absence they shall receive the same pay and allowances they would receive if not so absent.

“(c) Any member of the armed forces discharged after August 31, 1946, having unused accrued leave standing to his credit at time of discharge shall be compensated for such unused leave in cash on the basis of the base and longevity pay, and allowances, applicable to such member on the date of discharge including for enlisted persons the allowances as provided for such enlisted persons in subsection (a) of this section: *Provided*, That no cash settlement shall be made to any member (1) discharged for the purpose of accepting a commission or warrant or entering into an enlistment in his respective branch

60 Stat. 964.
37 U. S. C. § 33.
Compensable leave.

Enlisted members.

Warrant or commissioned officers.

Absence on account of sickness, etc., after Aug. 31, 1946.

Other leave.

Absence without leave, etc.

59 Stat. 663.
10 U. S. C. §§ 505-505d, 481, 552c, 552a.
Ante, p. 95.

Members discharged after Aug. 31, 1946.

Exclusion from cash settlement.

of the armed forces, or (2) electing to carry over such unused leave to a new enlistment in his respective branch of the armed forces on the day following date of discharge. A member excluded from cash settlement by the foregoing provision and a member reverting from warrant or commissioned officer to enlisted status shall carry any unused accrued leave standing to his credit from one status to another within his respective branch of the armed forces. Unused leave settled and compensated for in cash in accordance with this subsection shall not be considered as service for any purpose. Settlement and compensation in accordance with this subsection shall be made only to a living member or living former member of the armed forces.

Member reverting to enlisted status, etc.

“(d) Any member of the armed forces discharged under other than honorable conditions shall forfeit all unused accrued leave to his credit at the time of discharge.

Forfeiture of unused accrued leave.

“(e) Determination of the number of calendar days of leave to which a member or former member is entitled, including the number of calendar days of absence from duty or vacation to be counted or charged against such leave, shall be made in accordance with regulations to be prescribed by the respective Secretaries, which regulations shall provide equal treatment of officers and enlisted men and shall establish to the fullest extent practicable uniform policies for the several branches of the armed forces. In the case of the leave of enlisted members or former enlisted members attributable to the period prior to the date of enactment of this Act, the Secretary may in the determination of the number of calendar days of absence from duty or vacation to be counted or charged against such leave rely on such records and evidence, including applicants' sworn statements as to the material facts, as he may determine proper. All decisions by the Secretary under this section shall be final and conclusive and shall not be subject to review by any court or by any officer of the United States.”

Determination of number of days.

Finality of decisions.

SEC. 2. A member of the armed forces transferred or returned to an inactive status with retired or retainer pay on or prior to the last day of the first calendar month following the date of enactment of this Act, or a member who is on leave on such date, at the expiration of which he will be transferred or returned to an inactive status with retired or retainer pay, shall not be entitled to settlement of compensation under section 4 (c) of the Armed Forces Leave Act of 1946 as added by section 1 of this Act.

Transfer or return to inactive status.

SEC. 3. The Armed Forces Leave Act of 1946 is further amended by adding at the end thereof the following new section:

Ante, p. 748.

60 Stat. 963.

10 U. S. C. § 18 note.

“SEC. 10. The provisions of this Act shall not apply to cadets at the United States Military Academy or the United States Coast Guard Academy, or to midshipmen at the United States Naval Academy, or to cadets or midshipmen serving elsewhere in the armed forces. The respective Secretaries are authorized to prescribe regulations concerning leave for cadets and midshipmen.”

Nonapplicability.

SEC. 4. Section 1265, Revised Statutes (10 U. S. C. 841); the last paragraph appearing under the heading “Mileage”, Act of May 28, 1924 (ch. 203, 43 Stat. 202), and the last paragraph appearing under the heading “Mileage”, Act of February 11, 1925 (ch. 209, 43 Stat. 879; 34 U. S. C. 871), are hereby repealed.

Repeals.

Approved August 4, 1947.