

**U.S. DEPARTMENT OF HEALTH
AND HUMAN SERVICES**

COMMISSIONED CORPS INSTRUCTION



**EFFECTIVE DATE: CCI 341.03
25 April 2008**

By Order of the Assistant Secretary for Health:

ADM Joxel Garcia

SUBJECT: Regular Corps Records Review

1. **PURPOSE:** This Instruction sets forth the policy and procedures for reviewing the records of officers at the end of 3 years service following their appointment as Regular Corps officers in the Commissioned Corps of the U.S. Public Health Service (Corps).
2. **APPLICABILITY:** This Instruction applies to Regular Corps officers originally appointed to the Senior Assistant (LT/O-3) grade or above.
3. **AUTHORITY:**
 - 3-1. [42 USC 211](#)(i).
 - 3-2. Commissioned Corps Directive [CC43.7.1](#), "Involuntary Separation" (New eCCIS No. CCD 123.01).
4. **PROPONENT:** The proponent of this Instruction is the Assistant Secretary for Health (ASH). The responsibility for assuring the day-to-day management of the Corps is the Surgeon General (SG).
5. **SUMMARY OF REVISIONS AND UPDATES:** This is the first issuance of this Instruction within the electronic Commissioned Corps Issuance System (eCCIS).

6. POLICY:

- 6-1. All Reserve Corps and Regular Corps officers serving on extended active duty have a continuing responsibility for effective performance, proper conduct, and adherence to current policy and regulations governing the Corps and its officers.
- 6-2. Officers serve a 3-year probationary period when appointed and called to active duty in the Reserve Corps (See [CC23.7.1](#), "Involuntary Separation (Probation Period)" (New eCCIS No. CCI 341.02)). Upon appointment in the Regular Corps, an officer's Reserve Corps commission is terminated. The Regular Corps is considered the career component and constitutes a new appointment in the Corps. Therefore, officers appointed to the Regular Corps shall serve an additional 3-year probationary period in which their performance, conduct, dedication to duty, professionalism as a member of a uniformed service, flexibility, and willingness to accept new assignments will be monitored closely.
- 6-3. Pursuant to 42 USC 211(i) and CC43.7.1, at the end of an officer's first 3 years of service in the Regular Corps, the record of each officer originally appointed to the Regular Corps in the Senior Assistant grade or above will be reviewed by the Operating Division (OPDIV)/Staff Division (STAFFDIV) or non-Department of Health and Human Services (HHS) organization to which assigned, and the Office of the Surgeon General (OSG) through the Director, Office of Commissioned Corps Operations (OCCO). Officers who fail to meet established criteria based on these reviews will be referred to a 3-year File Review Board (FRB) which can recommend:
- a. Retention with or without reassignment;
 - b. Temporary grade reversion or other disciplinary action; or
 - c. Termination of commission and payment of 6 months basic pay and allowances in accordance with 42 USC 211(i).
- Note. The 3-year service period begins on the effective date of the personnel order appointing the officer to the Regular Corps.

6-4. Criteria for 3-Year Regular Corps Records Review (3-Year RCRR).

To the extent determined by the SG, the OPDIVs/STAFFDIVs and non-HHS organizations to which officers are assigned and the Director, OCCO, or designee, shall use the following criteria to assess whether an officer is qualified for continued service on extended active-duty in the Regular Corps:

- a. Performance as evidenced by, but not limited to, an officer's Annual Commissioned Officers' Effectiveness Report(s) (COER) or other official documentation contained in the officer's electronic Official Personnel Folder (eOPF);
- b. Conduct including, but not limited to, evidence of criminality, misconduct even if not resulting in criminal conviction, receipt of disciplinary action in accordance with Federal or State law, Federal regulation, or HHS and/or Corps policy, or other information evidenced in an officer's disciplinary file;
- c. Education, training, professional development and qualification(s) including, but not limited to category specific or duty requirements and licensure, and willingness to accept new assignments;

- d. Career progression and potential for advancement/leadership potential including, but not limited to, current billet level, promotion and assignment history; and
- e. Professional contributions and commitment to the mission of HHS and the Corps, including meeting and maintaining force readiness.

Note: To ensure consistency in the review process, the SG, in consultation with the Director, OCCO, shall issue a Personnel Operations Memorandum (POM) advising the OPDIVs/STAFFDIVs and non-HHS organizations as to what specific information and data bases should be assessed for the criteria listed in this Section. The POM shall be issued on an annual basis for each review period. The Director, OCCO, shall conduct the subsequent review consistent with this Instruction.

- 6-5. After the Head of an OPDIV/STAFFDIV or non-HHS organization, or designee, has reviewed an officer's record, the official shall make a recommendation to the Director, OCCO, as to whether the officer is qualified for continued service on extended active-duty in the Regular Corps and provide documentation to support such recommendation. After reviewing the recommendation, the Director, OCCO, shall make a further assessment of whether the officer is qualified to remain on extended active-duty in the Regular Corps using the criteria listed in Section 6-4. If the Director, OCCO, determines that the officer should be retained on extended active-duty, the Director, OCCO, shall issue a personnel order to the officer indicating that the officer has successfully completed the probationary period for Regular Corps officers and no further action will be taken. If the Director, OCCO, determines that the officer should not be retained on extended active-duty, the Director, OCCO, in consultation with the applicable Chief Professional Officer shall refer the case to a FRB.
- 6-6. A FRB shall consist of three or more Regular Corps officers at or above the Senior (CDR/O-5) grade and the majority of whom, so far as practicable, will be of the same professional category as the officer whose record is under review. The officer whose record is being reviewed shall be provided with at least 30 days advanced written notice of the review by the FRB. The officer shall also be provided with a copy of all documents to be reviewed by the FRB with the exception of documents contained in the officer's eOPF. During the 30-day notice period, an officer may submit additional information to the FRB in support of the officer's case, but shall not be allowed to appear before the FRB or communicate with members of the FRB by telephone or other electronic medium. Upon completion of its review, the FRB shall recommend one of the options listed in Section 6-3 to the SG, through the Director, OCCO. This recommendation shall be accompanied by a memorandum setting forth the rationale for recommendation and any documentation or evidence relied upon in making the recommendation. The SG may either accept the recommendation or impose one of the options listed in Section 6-3 with the exception of termination, which must be approved by the Secretary of HHS (Secretary).
- 6-7. Appeals. Within 10 calendar days of the SG's decision, an officer may file a written appeal of the SG's decision to the ASH. The written appeal shall identify the reason(s) for the appeal and documentation which supports the officer's case. The ASH may either accept the recommendation or:
 - a. Impose one of the options listed in Section 6-3 with the exception of termination which must be approved by the Secretary; or
 - b. Remand the case to the SG with an order to convene a new FRB to consider the case. The new board shall be composed of board members who did not previously serve on the FRB which originally considered the case.

- 6-8. Termination. When a FRB recommends that an officer's commission be terminated and the SG accepts the recommendation, the recommendation will be forwarded to the ASH for review. If the ASH concurs with the recommendation, the recommendation to terminate the officer will be forwarded to the Secretary for a final decision. If the SG rejects the recommendation to terminate an officer's commission, the SG may impose another sanction from the list of options in Section 6-3, or dispose of the case without further action.
7. RESPONSIBILITIES:
- 7-1. Consistent with Section 6-4, the Head of an OPDIV/STAFFDIV or non-HHS organization, or designee, is responsible for performing the initial 3-Year RCRR.
- 7-2. The Director, OCCO, or designee, is responsible for evaluating the OPDIV/STAFFDIV or non-HHS organization recommendation and performing a further evaluation based on the criteria listed in Section 6-3. The Director, OCCO, is also responsible for coordinating all aspects of the 3-Year RCRR program such as providing relevant documentation to OPDIV/STAFFDIV/non-HHS organization Heads or designees, FRBs, and officers being reviewed. Finally, the Director, OCCO, in consultation with the applicable CPO, is responsible for referring cases to a FRB.
- 7-3. OPDIV/STAFFDIV or non-HHS organizations to which officers are assigned are responsible for assisting the Director, OCCO, or designee, in implementing the 3-Year RCRR.
- 7-4. The SG is responsible for reviewing the recommendations of the OPDIV/STAFFDIV/non-HHS organization, the Director, OCCO, and the FRB, and deciding whether to accept or reject the recommendation. When a FRB recommendation involves termination, the SG is responsible for recommending concurrence or non-concurrence to the ASH for further review and final decision by the Secretary. The SG also has overall responsibility for implementing and coordinating the 3-Year RCRR through the Director, OCCO.
- 7-5. The Director, Office of Commissioned Corps Force Management (OCCFM), shall be responsible for assisting the Director, OCCO, in implementing the 3-Year RCRR as necessary, and for developing and implementing a program to evaluate the 3-Year RCRR.
8. PROCEDURES:
- 8-1. OPDIVs/STAFFDIVs and non-HHS organizations shall develop their own internal procedures for conducting reviews in accordance with this Instruction. The Director, OCCO, and the Director, OCCFM, shall work with the Heads of such organizations, as necessary, to ensure successful implementation and evaluation of the 3-Year RCRR.
- 8-3. The SG shall develop additional internal procedures to implement and conduct the 3-Year RCRR. The procedures shall be published in a Personnel Operations Memorandum and posted on the eCCIS.
9. HISTORICAL NOTES: This is the first issuance of this Instruction within the eCCIS. The 3-Year RCRR has previously been administered as an internal operational Corps program.