

MANUAL: Personnel
Chapter Series CC--Commissioned Corps Personnel Manual
Part 3--Delegations of Authority

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Public Health Service

Chapter CC33--Staffing
Personnel INSTRUCTION 5--Authorities for Separations

Section A. Purpose and Scope

This INSTRUCTION lists the authorities relating to separation of PHS commissioned officers and the officials who may exercise these authorities.

Section B. Delegation of Authorities

<u>33.500</u>	<u>SEPARATIONS</u>	<u>Delegation</u>	<u>Official</u>
33.501	Terminate the commission of a Regular Corps officer, without consent of the officer concerned, except as otherwise specified in PHS Regulations prescribed in Subchapters CC43.7, I1, and CC46.4, I1, CCPM.		S <u>1</u> / (P)
33.502	Terminate the commission of a Regular Corps officer absent without leave for 30 or more days during a calendar year, under authority of PHS Regulations prescribed in Subchapter CC43.7, I1, CCPM.		S <u>1</u> / (P)
33.503	Terminate the commission of a Reserve Corps officer absent without leave for 30 or more days during a calendar year, under authority of PHS Regulations prescribed Subchapter CC46.4, I1, CCPM.	11/7/74	Dir, OPM/OM (P)
33.504	Terminate commissions of Reserve Corps officers without their consent under authority of Section 207(a)(2) of the PHS Act (42 U.S.C. 209(a)(2)) and Section 1(c) of E.O. 11140.	11/7/74	Dir, OPM/OM (P)

1/ E.O. 11140 gives authority to the Secretary to prescribe regulations with respect to termination of commissions of PHS commissioned officers.

		<u>Delegation</u>	<u>Official</u>
33.505	Terminate commissions of Reserve Corps officers without the consent of the officers concerned only for reasons of (1) departure without requesting release from active duty, or (2) loss of contact with the officer in inactive duty status under the provisions of Section 207(a)(2) of the PHS Act (42 U.S.C. 209(a)(2)) and Section 1(c) of E.O. 11140.	7/31/78	Dir, CPOD/ OPM/OM (P)
33.506	Approve the voluntary resignation of the commission of a Regular Corps officer, under authority of Section 203 of the PHS Act (42 U.S.C. 204), and Section 2 of E.O. 11140.	7/31/78	Dir, CPOD/ OPM/OM (P)
33.507	Approve the voluntary resignation of the commission of a Reserve Corps officer under authority of Section 207(a)(2) of the PHS Act (42 U.S.C. 209(a)(2)), and Section 2 of E.O. 11140.	7/31/78	Dir, CPOD/ OPM/OM (P)
33.508	Approve the separation, with severance pay, of a Regular or Reserve Corps officer with a physical disability, under authority of 10 U.S.C. Chapter 61; Section 221(b) of the PHS Act (42 U.S.C. 213a(b)); and PHS regulations prescribed in Subchapter CC43.7, II, CCPM.	**1/22/79	Dir, OM/PHS
33.509	Approve the separation of a Regular or Reserve Corps officer who is disabled as a result of disease or injury incurred as a result of his/her own misconduct or willful neglect or while absent without leave, under authority of 10 U.S.C. 1207 and Section 221(b) of the PHS Act (42 U.S.C. 213a(b)).	**1/22/79	Dir, OM/PHS
33.510	Act on the recommendation of a full and fair hearing board that a Regular or Reserve Corps officer be voluntarily or involuntarily separated due to physical disability, or contained on active duty, under authority of PHS Regulations prescribed in Subchapter CC43.8, II, CCPM.	**1/22/79	Dir, OM/PHS

**Authority exercised by Assistant Secretary for Health

		<u>Delegation</u>	<u>Official</u>
33.511	Approve the separation of a Regular or Reserve Corps officer because of a pre-existent disqualifying physical condition detected upon physical examination within 180 days of appointment, under authority of PHS Regulations prescribed in Subchapter CC43.7, 11, CCPM.	**1/22/79	Dir, OM/PHS (P)
33.512	Refer cases of Regular and Reserve Corps officers, who are being considered for disability retirement by a medical review board and who refuse to undergo examination or supply information, to board of investigation for recommendations, and to approve separation if recommended by board of investigation, under authority of PHS Regulations prescribed in Subchapter CC43.7, 11, CCPM.	**1/22/79	Dir, OM/PHS (P)
33.513	Refer cases of Regular and Reserve Corps officers who refuse to take physical or professional examinations for promotion to board of investigation for recommendation, and approve separation if recommended by the board, under authority of Section 210(h) of the PHS Act (42 U.S.C. 211(h)) and Subchapter CC43.7, 11, CCPM.	**1/22/79	Dir, OM/PHS
33.514	Place in an inactive reserve status, i.e., inactivate the commission of Reserve Corps officers under authority of Section 203 of the PHS Act (42 U.S.C. 204). (Note: Although Section 203 of the PHS Act appears to relate only to the authority to call to active duty officers of the Reserve Corps, it has been held that the authority to release such an officer from active duty is inherent in such authority.)	7/31/78	Dir, CPOD/ OPM/OM
33.515	Appoint members of review board for recommending retention or separation of a Regular Corps officer after 3 years of service under authority of PHS Regulations prescribed in Subchapter CC43.7, 11, CCPM.	7/31/78	Dir, CPOD/ OPM/OM

**Authority exercised by Assistant Secretary for Health

		<u>Delegation</u>	<u>Official</u>
33.516	Approve the separation of a Regular Corps officer appointed in Senior Assistant grade or above and determined to be not fully qualified upon 3-year file review under authority of Section 210(i) of the PHS Act (42 U.S.C. 211(i)) and PHS Regulations prescribed in Subchapter CC43.7, 11, CCPM.	7/31/78	Dir, CPOD/ OPM/OM (P)