



CCD 124.01
EFFECTIVE DATE: 10 February 2022

By Order of the Secretary of Health and Human Services:

Xavier Becerra

SUBJECT: Retirement

1. PURPOSE: This Directive sets forth basic regulations governing the retirement of U.S. Public Health Service (USPHS) Commissioned Corps officers.
2. APPLICABILITY: This Directive applies to all members of the Regular Corps and the Ready Reserve Corps.
3. AUTHORITY:
 - 3-1. [42 U.S.C. § 212](#), "Retirement of commissioned officers"
 - 3-2. [42 U.S.C. § 211\(g\)\(3\)](#), "Separation from service upon failure of promotion"
 - 3-3. [42 U.S.C. § 213a\(a\)\(2\)](#), "Retirement or Separation for Physical Disability"
 - 3-4. [42 U.S.C. § 213a\(a\)\(4\)](#), "Computation of Retired Pay"
 - 3-5. [42 U.S.C. § 213a\(a\)\(19\)](#), "Retired Pay for Non-Regular Service"
 - 3-6. [42 U.S.C. § 216](#), "Regulations"
 - 3-7. [Executive Order 11140](#), "Delegating certain functions of the President relating to the Public Health Service," dated 30 January 1964.
4. PROPONENT: The proponent of this Directive is the Secretary of the Department of Health and Human Services (HHS).
5. SUMMARY OF REVISIONS AND UPDATES: This Directive replaces Commissioned Corps Directive (CCD) 124.01, "Retirement," dated 24 February 2016. It:
 - 5-1. Adds non-regular retirement regulations for members of the Ready Reserve Corps.
 - 5-2. Authorizes the Assistant Secretary for Health (ASH) to issue policy Instructions establishing the circumstances under which the USPHS Commissioned Corps may retire an officer without a review by a retirement board.

- 5-3. Clarifies that a flag officer must have a Date of Initial Entry into Military/Uniformed Service (DIEMS) prior to 8 September 1980 to have that officer's retired pay calculated in accordance with 42 U.S.C. § 212(a)(5).
- 5-4. Adds the circumstances under which the USPHS Commissioned Corps may restrict retirements for officers who have between 20 to 30 years of creditable service.
- 5-5. Adds that the USPHS Commissioned Corps may retire officers, in accordance with policy issued by the ASH, who fail permanent promotion.
- 5-6. Clarifies that, for the purpose of determining retirement eligibility, "active service" other than as a Public Health Service (PHS) officer must be comparable to service performed by a PHS officer as determined in accordance with policy established by the ASH.
- 5-7. Clarifies that the ASH may issue Instructions regarding computation of retired pay for regular and non-regular retirements as authorized in 42 U.S.C. § 212, 42 U.S.C. § 213a(a)(4), and 42 U.S.C. § 213a(a)(19).

6. POLICY: The provisions of this Directive are effective immediately, unless otherwise noted.
- 6-1. Regular Retirement for Age. The USPHS Commissioned Corps will retire a Regular Corps officer on the first day of any month following the month in which the officer attains 64 years of age, provided that the officer has requested such retirement in accordance with policies prescribed by the Assistant Secretary for Health (ASH). This Section neither requires nor permits the involuntary retirement of an officer due solely to age.
- 6-2. 30-Year Regular Retirement.
- a. Involuntary Retirement. In accordance with policy established by the ASH, the USPHS Commissioned Corps may retire a non-flag Regular Corps officer, without the officer's consent, on the first day of any month following the completion of 30 years of active duty service. The USPHS Commissioned Corps will approve a retirement under this Subsection in accordance with policy established by the ASH.
- b. Voluntary Retirement. The USPHS Commissioned Corps will retire a non-flag Regular Corps officer at the officer's request on the first day of any month following the officer's completion of 30 years of active duty service, provided that the officer has requested retirement in accordance with policy established by the ASH.
- 6-3. 20-Year Regular Retirement.
- a. General. The USPHS Commissioned Corps may retire an officer under Section 6-3.b or 6-3.c who has completed 20 years of active duty service, but less than 30 years of active duty service provided that at least 10 of those years were active duty commissioned service in any of the uniformed services (42 U.S.C. § 212(a)(3)).
- b. Involuntary Retirement. In accordance with policy established by the ASH, the USPHS Commissioned Corps may retire an officer, without the officer's consent, on the first day of any month following the completion of the service described in Section 6-3.a.
- c. Voluntary Retirement. The USPHS Commissioned Corps may retire an officer at the officer's request on the first day of any month after completing the service prescribed in Section 6-3.a, provided that the officer meets eligibility requirements established by the ASH and the retirement request and approval follow policies prescribed by the ASH. Furthermore, the ASH may restrict processing and approving officers' request to retire in the following circumstances, which are not subject to an appeal by the officer:
- (1) The officer has not completed an active duty obligation (ADO);
 - (2) For the purpose of ensuring that the USPHS Commissioned Corps exercises appropriate fiscal responsibility as well as for proper long-term planning and utilization of the active duty force, the ASH may restrict retirement for officers who have not served at least 10 years of active commissioned service in the USPHS Commissioned Corps;
 - (3) The President or Secretary has declared an urgent or emergency public health care need (see Section 6-4.a., b., or c. of [CCD 121.02](#), "Deployment and Readiness") and the ASH, without further delegation, issues a stop-loss order; or,

- (4) In time of war or an emergency proclaimed by the President, or if the President has declared the USPHS Commissioned Corps to be a military service (see [42 U.S.C. § 217](#)) and the ASH, without further delegation, has issued a stop-loss order.
- (5) Pending the outcome of an ongoing investigation regarding the officer's conduct or other action that is ongoing (e.g., Uniform Code of Military Justice (UCMJ) or civil criminal proceeding) and/or the officer's conduct warrants disciplinary or board action under [CCD 111.02](#), "Disciplinary Action."
- (6) Pending the outcome of a board proceeding under [CCD 111.02](#), "Disciplinary Action," or a board that has been convened under [CCD 128.01](#), "Medical Fitness for Duty."

6-4. Flag-Rank Regular Retirements.

- a. Involuntary Retirement. The ASH may retire a flag officer who holds the O-7 or O-8 grade, without the officer's consent, on the first day of any month following the officer's completion of 33 (for those at the O-7 grade) or 36 years (for those at the O-8 grade) of active duty service, provided the officer has served at least 3 years of active duty in the USPHS Commissioned Corps at the highest flag grade successfully held. The ASH must notify the Secretary when an officer is retired under the preceding sentence. However, if an officer has not served at least three years of active duty in the USPHS Commissioned Corps at the highest flag grade held, the ASH must make a recommendation to waive the three-year requirement to the Secretary, and if the Secretary approves the waiver of the three-year requirement the officer can retire.
- b. Voluntary Retirement.
 - (1) The USPHS Commissioned Corps may retire a flag officer who holds the O-7 or O-8 grade and who is requesting retirement before completion of 33 or 36 years of active duty service, respectively, on the first day of any month following approval of the officer's request for retirement by the Secretary. Such officers must have served at least three years of active duty in the USPHS Commissioned Corps at the highest flag grade held unless the ASH makes a recommendation to waive the three-year requirement and the Secretary approves the waiver of the three-year requirement and the officer's request to retire.
 - (2) The USPHS Commissioned Corps will retire a flag officer at the officer's request on the first day of any month following the officer's completion of 33 years (for those at the O-7 rank) or 36 years (for those at the O-8 rank) of active duty service, provided the officer has requested retirement in accordance with policy established by the ASH. The ASH must notify the Secretary when an officer is retired under the preceding sentence. However, if an officer has not served at least three years of active duty in the USPHS Commissioned Corps at the highest flag grade held, the ASH must make a recommendation to waive the three-year requirement to the Secretary, and if the Secretary approves the waiver of the three-year requirement the officer can retire.

- c. Enhanced Retired Pay Multiplier. Subject to the approval of the Secretary, the USPHS Commissioned Corps may compute the retired pay of an officer in accordance with 42 U.S.C. § 212(a)(5) provided that the officer:
- (1) Has a Date of Initial Entry into Military/Uniformed Service (DIEMS) on or before 7 September 1980;
 - (2) Has 4 or more years of active-duty service in the USPHS Commissioned Corps as an Assistant Surgeon General (ASG), Deputy Surgeon General (DSG), and/or Surgeon General (SG);
 - (3) Has not less than 25 years of active duty service in the Regular Corps; and
 - (4) Is not placed into a retired status prior to the Secretary's approval of the application of the enhanced retired pay multiplier.

6-5. Non-Regular Retirements.

- a. The ASH may approve the retirement of a member of the Ready Reserve Corps and transfer the member to the Retired Reserves any time after the member completes 20 qualifying years of service for eligibility for non-regular retired pay in accordance with 10 U.S.C. § 12732. The ASH will place these members on an inactive status list and they will remain in that status until they begin drawing retirement pay at age 60 or earlier as qualified. The ASH also may execute the transfer at the member's request provided the member makes the request and obtains approval in accordance with policies prescribed by the ASH. In accordance with 10 U.S.C. § 12735, the ASH may at any time recall to active status a member of the Ready Reserve Corps, who is on an inactive status list, without the member's consent. Furthermore, the ASH may restrict processing and approving officers' request to retire in the following circumstances, which are not subject to an appeal by the officer:
- (1) The officer has not completed a commissioned service obligation (CSO);
 - (2) For the purpose of ensuring that the USPHS Commissioned Corps exercises appropriate fiscal responsibility as well as for proper long-term planning and utilization of the reserve force, the ASH may restrict retirement for officers who have not served at least 10 years in an active status in the USPHS Commissioned Corps;
 - (3) The President or Secretary has declared an urgent or emergency public health care need (see Section 6-4.(a), (b), or (c) of CCD 121.02, "Deployment and Readiness") and the ASH, without further delegation, issues a stop-loss order; or,
 - (4) In time of war or an emergency proclaimed by the President, or if the President has declared the USPHS Commissioned Corps to be a military service (see 42 U.S.C. § 217) and the ASH, without further delegation, issues a stop-loss order.
 - (5) Pending the outcome of an ongoing investigation regarding the officer's conduct or other action that is ongoing (e.g., UCMJ or civil criminal proceeding) and/or the officer's conduct warrants disciplinary or board action under CCD 111.02, "Disciplinary Action."

- (6) Pending the outcome of a board proceeding under CCD 111.02, "Disciplinary Action," or a board that has been convened under CCD 128.01, "Medical Fitness for Duty."
- b. The ASH will notify a member who has completed the years of service required for eligibility for non-regular retired pay. The ASH must send this notice, in writing, to the officer within one year after the officer becomes eligible for retirement. The communication must include notice of the elections available under the Survivor Benefit Plan (SBP) established under Subchapter II of Chapter 73 of Title 10, and the effects of such elections.
- c. A member of the Ready Reserve Corps who is eligible for non-regular retired pay must apply for such pay in accordance with policy established by the ASH.
- d. The Director, Commissioned Corps Headquarters (CCHQ), will periodically notify each member of the Ready Reserve Corps of the current eligibility age for retired pay, including any reduced eligibility age by reason of the operation of 10 U.S.C. § 12731(f)(2). The Director, CCHQ, will provide the notice by such means as the Director, CCHQ considers appropriate, taking into account the cost of provision of notice and the convenience of members.
- e. In accordance with 10 U.S.C. § 12731b, the ASH may make a determination to treat a member of the Ready Reserve Corps as having met the 20 years of service required for eligibility for non-regular retired pay provided that the member is unfit solely due to a physical disability and has at least 15 years, and less than 20 years, of service that is eligible for non-regular retired pay.
- f. For the purpose of computing years of service under 10 U.S.C. §§ 12732 and 12733, the ASH may designate as a service school any school at which a member of the Ready Reserve Corps is attending a prescribed course of instruction. The ASH will also establish which drills or periods of equivalent instruction are eligible to receive points.
- g. The USPHS Commissioned Corps may not place the following individuals into a component of the Ready Reserve Corps:
- (1) An individual who is eligible for a regular retirement or who is receiving retired pay under Title 42 or Title 10;
 - (2) An individual who is eligible for a reserve retirement for non-regular service or who is receiving retired pay for non-regular service under 10 U.S.C. Chapter 1223; or
 - (3) An individual of the former Reserve Corps (as it existed prior to 23 March 2010) who is receiving retired pay under Title 42 or Title 10.
- 6-6. Disability Retirement. The USPHS Commissioned Corps may consider an officer for disability retirement with or without a specific application from the officer for such retirement. The USPHS Commissioned Corps will handle all such cases in accordance with the regulations contained in [CCD 128.01](#), "Medical Fitness for Duty," including composition of the Medical Review Board and Medical Appeals Board.
- 6-7. Failure of Promotion Retirement.
- a. Not Restricted Promotion to the O-5 Grade. An officer of the Regular Corps who after having been twice examined for promotion and fails to be promoted to the

permanent O-5 grade (when that grade and category is not restricted) will be considered not in line for promotion and will, at such time thereafter, as the SG determines, be retired from the USPHS Commissioned Corps with retired pay, unless the officer is otherwise separated.

- (1) Until the USPHS Commissioned Corps retires the officer or the officer otherwise separates, voluntarily or involuntarily, the officer will serve at the permanent O-4 grade.
- (2) The SG may not retain such an officer on active duty beyond the first day of the month following the officer's completion of 20 years of active duty service except to provide the officer adequate notification (not to exceed six months) of their retirement. However, the SG may retain the officer on active duty for a longer period if a Medical Review Board (MRB) has been convened in accordance with [CCD 128.01](#), "Medical Fitness for Duty," to determine the officer's fitness for duty.

b. Other Failures. The USPHS Commissioned Corps may retire an officer of the Regular Corps, in accordance with policy issued by the ASH, who has completed at least 20 years of active duty service and who has failed to be promoted to any grade.

6-8. Retirement Boards. The USPHS Commissioned Corps may convene a retirement board, in accordance with policies established by the ASH, to review and make a recommendation regarding an officer's involuntary retirement, an officer's request to retire, or a request by an Operating Division/Staff Division/non-HHS organization to retain an officer on active duty beyond a mandatory retirement date established by the ASH (e.g., beyond 30 years of active service for an officer who holds the O-6 grade). When convening a retirement board, the Director, CCHQ, will determine the composition of such board and applicable procedures in accordance with policies established by the ASH, provided that:

- a. Each board will issue a report that sets forth its finding(s) and recommendation(s) and lists all document(s) and evidence relied upon in reaching its recommendation; and
- b. When a board's recommendation is not unanimous, the report will list one or more of the minority views along with the justification and a listing of all document(s) and evidence relied upon in reaching the minority view.

6-9. For purposes of 42 U.S.C. § 212(d)(2), active service in the Public Health Service (PHS), other than as a commissioned officer, means service, comparable to service performed by commissioned officers of the Regular Corps, in any HHS component that has been designated as a part of the PHS in statute or by the Secretary through the authority under 42 U.S.C. § 203. In order for the USPHS Commissioned Corps to credit such service, the officer's prior active service in a component must coincide with the time period that the Secretary designates the component as part of the PHS and must be comparable to service performed by an officer as determined in accordance with policy established by the ASH. Any service in a component that does not coincide with the component's organizational designation as part of the PHS is not creditable.

7. RESPONSIBILITIES:

7-1. The ASH shall promulgate Instructions necessary to implement the provisions of this Directive including, but not limited to, the following:

- a. Creditable service for retirement that outlines which service with the PHS, other than as a commissioned officer, is comparable to service performed by commissioned officers of the Regular Corps and other active service authorized in 42 U.S.C. § 212(d), as well as crediting points to a Ready Reserve Corps officer.
- b. Computation of retired pay for a regular and non-regular retirement as authorized in 42 U.S.C. § 212, 42 U.S.C. § 213a(a)(4), and 42 U.S.C. § 213a(a)(19).
- c. Unless noted otherwise, the ASH may redelegate the authorities and responsibilities outlined in this Directive.

7-2. The SG may issue Personnel Operations Memoranda (POM) in accordance with this Directive and policy Instructions issued by the ASH.

8. HISTORICAL NOTES: This is the third issuance of this Directive within the electronic Commissioned Corps Issuance System (eCCIS).

8-1. CCD 124.01, "Retirement," dated 24 February 2016.

8-2. CCD 124.01 (CC43.8.1), "Retirement," dated 4 September 2008.

8-3. Commissioned Corps Personnel Manual (CCPM) CC43.8.1, "Retirement of PHS Commissioned Officers," dated 28 July 1987.