



EFFECTIVE DATE: **CCI 341.02**
20 July 2020

By Order of the Assistant Secretary for Health:

ADM Brett P. Giroir, M.D.

SUBJECT: Regular Corps Records Review

1. **PURPOSE:** This Instruction sets forth the policy and procedures for reviewing the records of officers originally appointed to the Regular Corps at the Senior Assistant grade or above, after completing the first 36 months of service in the Commissioned Corps of the U.S. Public Health Service (Corps).
2. **APPLICABILITY:** This Instruction applies to Regular Corps officers originally appointed at the permanent Senior Assistant (LT/O-3) grade or above.
3. **AUTHORITY:**
 - 3-1. [42 USC § 202](#), "Administration and supervision of Service"
 - 3-2. [42 USC § 211\(i\)](#), "Review of record; separation from service"
 - 3-3. [42 USC § 216](#), "Regulations"
 - 3-4. Commissioned Corps Directive (CCD) 123.01, "Involuntary Separation"
4. **PROPONENT:** The proponent of this Instruction is the Assistant Secretary for Health (ASH). The responsibility for ensuring the day-to-day management of the Corps belongs to the Surgeon General (SG).
5. **SUMMARY OF REVISIONS AND UPDATES:** This Instruction replaces Commissioned Corps Instruction (CCI) 341.03, "Regular Corps Records Review," dated 25 April 2008. This revision:
 - 5-1. Removes references to the Reserve Corps.
 - 5-2. Implements the changes in CCD 123.01, "Involuntary Separation," that clarified the 36 month probationary period from the File Review Board process for Regular Corps officers.
 - 5-3. Eliminates the appeal process for officers separated through the File Review Board process.

6. POLICY:

- 6-1. Officers appointed at higher grades (i.e., the permanent Senior Assistant grade or above) in the Regular Corps are required to perform at the level commensurate with the standard accorded to the grade and must exemplify the professional development and leadership qualities expected of senior officers. These include, but are not limited to, advanced education, training, contribution to the mission of the Department, and commitment to the Corps' mission and core values as determined by the SG.
- 6-2. After completing the first 36 months of service in the Regular Corps, the Director, Commissioned Corps Headquarters (CCHQ), or his/her designee, will review the record of each officer originally appointed to the Regular Corps at the permanent Senior Assistant grade or above and if warranted, the Director, CCHQ, will refer the officer's service records to a File Review Board (FRB). The review of the record by an FRB must be completed within 4 years of an officer's appointment to the Regular Corps.
- 6-3. Criteria for Referral to an FRB. The Director, CCHQ, in consultation with the Health and Human Services (HHS) Operating Division/Staff Division (OPDIV/STAFFDIV)/non-HHS organization to which the officer is assigned, shall use the following to assess whether an officer should be reviewed by an FRB. The SG may issue a Personnel Operations Memorandum (POM) that expands on, or adds to, these criteria, which are not limited to evidence of:
- a. Unsatisfactory or marginal performance;
 - b. Misconduct (as defined in CCD 111.02, "Disciplinary Action");
 - c. A failure to assume leadership positions or demonstrated lack of career progression or leadership qualities as exhibited by, but not limited to, current billet level, promotion, and assignment history; and
 - d. Inability, lack of reasonable effort, or failure to adapt to the Corps' uniformed service environment (e.g., uniform wear noncompliance, inability to perform or properly function in a deployment environment).
- 6-4. An FRB shall consist of three or more Regular Corps officers at or above the Senior (CDR/O-5) grade.
- a. The review of the record by the FRB must be completed within 4 years of an officer's appointment to the Regular Corps.
 - b. 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 at the time when the officer is notified of the FRB review.
 - c. An officer may submit additional information to the FRB in support of his/her case. The officer is responsible for ensuring that such information is received in CCHQ a minimum of 3 business days before the FRB is convened (e.g., for a FRB convened at 0900 on a Monday, the officer's information must be received by 0900 the previous Wednesday). Information received after this date/time will not be reviewed by the FRB.
 - d. The officer shall not be allowed to appear before the FRB or communicate with members of the FRB.

- e. Upon completion of its review, the FRB shall issue a written report summarizing FRB's findings of fact and recommendation to the SG. The FRB's recommendation may include any combination of the following options:
- (1) Retention with or without reassignment;
 - (2) Other disciplinary action. Where the FRB recommends issuing a Letter of Reprimand (LOR), a specific recommendation must also be made with regard to the period of time the LOR should be maintained in the officer's electronic Official Personnel Folder (eOPF) (see CCI 211.07, "Accountability for Misconduct and Performance");
 - (3) Reduction in the officer's grade. Where the FRB recommends that the officer be reduced in grade, a specific recommendation must also be made, as applicable, with regard to promotion credit, seniority in the grade to which reduced, time in grade, and/or time in service credit; or
 - (4) Separation from the Corps. The FRB may recommend adding "for the good of the service" as an annotation to the officer's character of service if the reason for recommending separation is a consequence of the officer's misconduct, refusal to accept a reassignment, failure to comply with the Corps' uniform policies, or failure to comply with the Corps' force readiness standards.
- 6-5. The Director, CCHQ, or his/her designee, will provide an officer who is reviewed by an FRB with a copy of the FRB's written report. The officer may provide a written response to the FRB's report. The officer must submit his/her written response to the Director, CCHQ, or his/her designee, within 10 calendar days of receiving the FRB's report. After the 10 calendar days has elapsed, the Director, CCHQ, will submit the FRB's report, along with the officer's written response to the FRB's report if submitted by the officer, to the SG.
- 6-6. The SG shall review the FRB's written report and the officer's response if such a response is provided by the officer. The SG may request the FRB to address in writing the officer's response. Based on the SG's review, the SG may approve and adopt the FRB recommendations and either direct implementation of its recommendations in whole or in part, or the SG may impose any combination of the options listed in Section 6-4.e. However, in no event shall the action taken be of greater severity than that which has been recommended by the FRB. If warranted, the SG may remand the case to the FRB for further clarification regarding the recommendation.
- 6-7. Separation. If the SG approves the FRB's recommendation to separate an officer from the Corps, CCHQ will separate the officer on the date specified by the SG.
- a. If required by statute, the Corps will pay the officer a severance of six months' basic pay and allowances.
 - b. The circumstances under which CCHQ will divest the officer of certain benefits are outlined in [CCI 387.01](#), "Separation of Commissioned Officer."
 - c. Characterization of Service. The Corps will characterize the officer's separation as "honorable." If recommended by the FRB and approved by the SG, the annotation "for the good of the Service" is added to the officer's characterization of service.

7. RESPONSIBILITIES:

- 7-1. The SG is responsible for the day-to-day management of Corps operations. Except for the authority to approve an officer's separation from the Corps, the SG may delegate all other authorities outlined in this Instruction. The SG may issue any necessary Personnel Operations Memoranda (POM) necessary to implement this Instruction.
- 7-2. The Director, CCHQ, is responsible for
- a. Conducting a review of each officer's record who was originally appointed to the Regular Corps at the permanent Senior Assistant grade or above after the officer has completed the first 36 months of service in the Regular Corps.
 - b. Consulting with OPDIV/STAFFDIV or non-HHS organizations to which officers are assigned regarding any concerns about an officer's performance or conduct, or any other issues that may warrant referral of an officer's records to an FRB.
 - c. Referring officers to an FRB, appointing the FRB members, convening and staffing the FRB, transmitting the FRB's written report to the SG and the officer, and terminating the commission of an officer who is separated from the Corps in accordance with this Instruction.
 - d. Issuing a Statement of Service or equivalent to officers separating from active duty which shall include the appropriate separation information (e.g., type of separation, character of service, authority, reason for separation, re-entry code) on the statement of service. The Director, CCHQ, will also determine information related to the separation of an officer needed and/or required by the Defense Manpower Data Center; Department of Veterans Affairs; and/or any other Federal or State agency.
- 7-3. Each officer is responsible for adhering to the guidelines established in this Instruction and any operational guidelines established by the SG and/or Director, CCHQ, or their designees.
- a. It is the officer's responsibility to be familiar with the published policies that apply to all Corps officers and maintain an ongoing awareness of updates and changes to Corps policies and operational guidelines.
 - b. An officer must maintain current and updated contact information (e.g., e-mail, phone, address) as established by the Director, CCHQ, or designee, in order to facilitate the Corps' communication of information to the officer.
 - c. An officer must adhere to all guidelines and communications provided by the SG and/or CCHQ.
 - d. It is the officer's responsibility to review his/her eOPF on an ongoing basis to ensure that its contents are up to date and accurate. The officer is responsible for reporting any discrepancies and errors in his/her eOPF in accordance with guidelines and communications from the SG and/or CCHQ.

8. PROCEDURES:

- 8-1. The separation procedures and requirements outlined in [CCI 387.01](#), "Separation of Commissioned Officer," apply to an officer who is separated under this Instruction.

- 8-2. An officer's supervisor, individuals in the officer's chain of command, or Commissioned Corps Liaison may make a recommendation to the Director, CCHQ, to separate an officer in accordance with this Instruction. Such requests should include a written justification for the recommendation and include any associated documentation.
- 8-3. Disability Requests. In the event that action to separate an officer has been initiated or a decision to separate an officer has been rendered by the SG under this Instruction, and the officer has a pending fitness or disability evaluation, or any other medical request regarding the officer's medical fitness for duty:
- a. Except for fitness or disability evaluation due to illness or injury incurred in the line of duty, the separation action as a result of the record review may continue at the discretion of the SG or designee or the separation date may be delayed to allow Medical Affairs Branch, CCHQ, to review the officer's physical condition and make a determination regarding whether the officer's physical condition raises substantial doubt that he/she is fit to continue to perform the duties of his/her office and grade.
 - b. If the review by Medical Affairs Branch (see Section 8-3.a.) indicates that further review by a Medical Review Board (MRB) is not warranted, as determined by the Director, CCHQ, (see [CCI 393.01](#), "Medical Review Board") or if a medical board finds the officer fit for full duty, then the officer may be separated.
 - c. If the officer fails to supply requested information within the timeframe specified by Medical Affairs, CCHQ, or fails to undergo an examination that is requested by Medical Affairs in preparation for review by an MRB or Medical Appeals Board within the timeframe specified by Medical Affairs, then the officer may be separated.
 - d. A decision by the SG to medically separate an officer shall take precedence over a decision to separate the officer under this Instruction. In such cases the officer shall be medically separated on the date of the SG's final decision. However, if an officer's disability severance pay would be less than a severance payment under this Instruction, CCHQ will separate the officer in accordance with this Instruction and pay the officer six months' basic pay and allowances.
 - e. If the final decision of the medical investigation is that the officer is fit for full duty, then the separation decision becomes effective on the date the SG approves the recommendation.
 - f. An officer placed on Temporary Disability Retired List (TDRL) must fully cooperate in a timely manner with requests for medical documentation for review by a medical board to determine their fitness for return to duty. If a medical board recommends a return to active duty of an officer on TDRL, a separation decision under this Instruction shall be effective on the date the SG approves the medical board's recommendation.
- 8-4. Appeal Rights. No appeal rights are available to officers being separated in accordance with this Instruction.
- 8-5. Board for Correction of PHS Commissioned Corps Records. An officer who feels that an error or injustice remains in his/her record may make application to the Board for Correction in accordance with [CCD 129.01](#), "Board for Correction."

9. HISTORICAL NOTES: This is the second issuance of this Instruction within the electronic Commissioned Corps Issuance System (eCCIS).

9-1. CCI 341.03, "Regular Corps Records Review," dated 25 April 2008.