



CCI 384.03  
EFFECTIVE DATE: 9 January 2023

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**By Order of the Assistant Secretary for Health:**

**ADM Rachel L. Levine, M.D.**

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SUBJECT: Mandatory, Voluntary, and Involuntary Retirement

1. PURPOSE: This Instruction establishes the policies and procedures under which an officer of the U.S. Public Health Service (USPHS) Commissioned Corps is retired after completing 20 or more years of creditable service for retirement.
2. APPLICABILITY: This Instruction applies to all members of the Regular Corps serving on active duty and members of the Ready Reserve Corps, except for officers receiving disability retirements (see Commissioned Corps Instruction (CCI) [393.01](#), "Medical Review Board").
3. AUTHORITY:
  - 3-1. [42 U.S.C. § 212](#), "Retirement of Commissioned Officers"
  - 3-2. [42 U.S.C. § 213a\(19\)](#), "Rights, benefits, privileges, and immunities for commissioned officers or beneficiaries; exercise of authority by Secretary or designee"
  - 3-3. Commissioned Corps Directive (CCD) [124.01](#), "Retirement"
4. PROPONENT: The proponent of this Instruction is the Assistant Secretary for Health (ASH). The Surgeon General (SG) is responsible for supervising activities relating to the day-to-day operations of the USPHS Commissioned Corps. The Director, Commissioned Corps Headquarters (CCHQ), provides overall management of USPHS Commissioned Corps personnel operations and processes.
5. SUMMARY OF REVISIONS AND UPDATES: This Instruction replaces Commissioned Corps Instructions (CCI) CC384.02, "Voluntary Retirement (20 to < 30 years)," dated 3 July 2013, CC23.8.3, "Retirement (30 Years)," dated 3 July 2008, and Commissioned Corps Personnel Manual (CCPM) CC23.8.4, "Involuntary Retirement (20 Years)," dated 21 May 2008. It:
  - 5-1. Creates, in Section 6-2., a tiered mandatory retirement structure for Regular Corps officers that is based on officers' grade and years of service, which Section 8-8. states will be effective five years after the approval date of this Instruction for officers who hold the CDR/O-5 grade and below.
  - 5-2. Includes, in Sections 6-2. and 8-3., the policy regarding when the USPHS Commissioned Corps can retain a Regular Corps officer on active duty who is reaching a mandatory retirement date.

- 5-3. Establishes requirements that an officer must meet to be retained on active duty (for an officer in the Regular Corps) or an active status (for an officer in the Ready Reserve Corps) after completing 20 years of creditable service for retirement.
- 5-4. Outlines the options available to the USPHS Commissioned Corps when an officer requests a voluntary retirement, which includes restricting retirements when an officer has an active service obligation; if an officer hasn't served 10 years in the USPHS Commissioned Corps; when the ASH issues a stop-loss order during a declared urgent or emergency public health care need, in a time of war or an emergency proclaimed by the President, or if the USPHS Commissioned Corps is militarized; if there is an ongoing investigation on the officer (e.g., criminal case); and pending the outcome of a Board of Inquiry or Medical Review Board.
- 5-5. Outlines, in Section 6-4., when the USPHS Commissioned Corps can convene an Involuntary Retirement Board (IRB) and when the USPHS Commissioned Corps can summarily retire an officer without a review by an IRB.
- 5-6. Adds non-regular retirements for members of the Ready Reserve Corps in Section 6-6.
- 5-7. Clarifies policy regarding the retirement of flag grade officers.
- 5-8. Clarifies, in Section 6-7., policy regarding officers who are detailed under an individual memorandum of agreement (IMA).
- 5-9. Updates Section 8-1.b. of CCI 387.01, "Separation of Commissioned Officer," requiring the form PHS-1373 to be submitted 120 days in advance.

## 6. POLICY:

## 6-1. General.

- a. Continued service as an officer after completing 20 years of creditable service that qualifies an officer for retirement is at the discretion of the USPHS Commissioned Corps. After an officer has completed 20 or more years of creditable service, the Director, CCHQ, can retire the officer in accordance with this Instruction. To be eligible for retirement and to retire under this Instruction, an officer must have at least 20 years of creditable service, as defined in [CCI 384.01](#), "Creditable Service for Retirement," and a Regular Corps officer must have at least 10 years of active commissioned service.
- b. Unless otherwise noted, when this Instruction refers to a non-Department of Health and Human Services (HHS) organization, it is referring to those non-HHS organizations with which the USPHS Commissioned Corps has a blanket memorandum of agreement (BMA) authorized in [CCD 121.04](#), "Non-Departmental Organization Details" (e.g., U.S. Coast Guard (USCG), Federal Bureau of Prisons (BOP)). When officers are detailed to a non-HHS organization under an individual memorandum of agreement (IMA), then this Instruction (unless otherwise noted) is referring to the HHS Operating Division/Staff Division (OPDIV/STAFFDIV) from which the officer is detailed (see also Section 6-7.).
- c. For the purposes of this Instruction, reference to an officer's grade is to the officer's permanent grade (i.e., ENS/O-1, LTJG/O-2, LT/O-3, LCDR/O-4, CDR/O-5, and CAPT/O-6 grades) except for when an officer holds a flag grade (i.e., RDML/O-7, RADM O-8, VADM/O-9, and ADM/O-10 grades), in which case this Instruction is referencing the officer's temporary grade.

## 6-2. General Policy for Regular Retirements. The Director, CCHQ, will retire an active duty Regular Corps officer in accordance with the provisions of this Section unless retention on active duty is authorized or required by this Instruction.

- a. Officers at the LT/O-3 Grade and Below. The Director, CCHQ, will retire an officer on the first day of the month following the completion of 20 years of creditable active duty service for retirement if the officer holds the ENS/O-1, LTJG/O-2, or LT/O-3 grades, provided the officer has at least 10 years of active commissioned service. However, the Director, CCHQ, will retain an officer on active duty who has an active duty obligation (ADO) and retire the officer upon completion of the ADO unless the SG determines that waiting for the completion of the ADO is not in the best interest of the USPHS Commissioned Corps.
- b. Officers at the LCDR/O-4 Grade. The Director, CCHQ, will retire an officer who holds the LCDR/O-4 grade on the first day of the month following completion of 20 years of creditable active duty service for retirement, unless the Director retains the officer on active duty under the following circumstances:
  - (1) The officer does not have at least 10 years of active commissioned service in the USPHS Commissioned Corps. If retained, the Director, CCHQ, will retire the officer upon the officer's completion of the 10 years of active commissioned service in the USPHS Commissioned Corps.
  - (2) The Director, CCHQ, may authorize the retention on active duty for the officer if the officer meets the eligibility criteria in Section 6-2.h. and the Head of a Department of Health and Human Services (HHS) Operating Division/Staff Division (OPDIV/STAFFDIV) or non-HHS organization to

which the officer is assigned submits a written request to the Director, CCHQ, to retain the officer on active duty to meet a programmatic need(s). However, this retention period must not exceed the first day of the month after the officer completes 24 years of service creditable for a regular retirement.

- c. Officers at the CDR/O-5 Grade. The Director, CCHQ, will retire an officer who holds the CDR/O-5 grade on the first day of the month following the completion of 26 years of creditable service for a regular retirement, unless the Director retains the officer on active duty under the following circumstances:
- (1) The officer does not have at least 10 years of active commissioned service in the USPHS Commissioned Corps. If retained, the Director, CCHQ, will retire the officer upon the officer's completion of the 10 years of active commissioned service in the USPHS Commissioned Corps.
  - (2) The Director, CCHQ, may authorize the retention on active duty for the officer if the officer meets the eligibility criteria in Section 6-2.h. and the Head of the OPDIV/STAFFDIV or non-HHS organization to which the officer is assigned submits a written request to the Director, CCHQ, to retain the officer on active duty to meet a programmatic need(s). However, this retention period must not exceed the first day of the month following the officer's completion of 30 years of creditable service for a regular retirement.
- d. Officers at the CAPT/O-6 Grade. Except for officers who are serving as a Chief Professional Officer (CPO) (see [CCI 322.04](#), "Chief Professional Officer Appointments"), the Director, CCHQ, will retire an officer who holds the CAPT/O-6 grade on the first day of the month following the completion of 30 years of creditable service for a regular retirement unless the officer's retention on active duty is approved in accordance with this Subsection.
- (1) Except for officers assigned to the Office of the Assistant Secretary for Health (OASH), the Head of an OPDIV/STAFFDIV or non-HHS organization may submit a written request to the Director, CCHQ, to retain an officer who meets the eligibility criteria in Section 6-2.h. on active duty beyond 30 years of creditable service for a regular retirement. The Head must base this request on documented programmatic need(s).
    - (a) The Director, CCHQ, will convene a Retirement Board as a Mandatory Retirement Extension Board (MREB) (see Section 8-5.) that will make a recommendation to the SG based on the following considerations:
      - (i) The needs and mission requirement(s) of HHS, the USPHS Commissioned Corps, and the assigned organization;
      - (ii) Whether the officer possesses exceptional skills or a specialty that is not readily available in their professional category;
      - (iii) Whether the officer is responsible for an assignment with national or international impact that requires direct responsibility or involvement in unusual research, a special project, or a unique circumstance that is

- anticipated not to be completed by the officer's mandatory retirement date;
- (iv) The officer's unique contributions to the USPHS Commissioned Corps and the assigned agency as reflected in their record;
  - (v) The officer's history (minimum of five years) of compliance with the conditions of service that will include a review of the officer's Commissioned Officers' Effectiveness Reports (COER) and readiness;
  - (vi) The requested length of the extension; and
  - (vii) Other force management considerations.
- (b) The SG will make the final decision regarding whether the USPHS Commissioned Corps will retain an officer on active duty with 30 or more years of creditable service for a regular retirement up to 32 years, except for an officer who is assigned to OASH.
- (2) The ASH will make the final decision regarding whether the USPHS Commissioned Corps will retain an officer who meets the eligibility criteria in Section 6-2.h. on active duty beyond 30 years for officers assigned to OASH. If the ASH deems it necessary, the ASH may refer officers assigned to OASH to a MREB to obtain a recommendation regarding the retention of an officer on active duty.
- (3) The SG or ASH may only approve an officer for retention on active duty beyond 30 years of creditable service for a regular retirement in up to, but not more than, 1-year increments. The SG may approve no more than 1.5 percent of the active duty strength of the USPHS Commissioned Corps for retention beyond 30 years of creditable service for a regular retirement. In addition, the maximum number of years of creditable service for a regular retirement that the SG may approve will not exceed 32 years, unless approved by the ASH.
- (4) The Director, CCHQ, may approve the temporary retention of an officer on active duty beyond 30 years of creditable service for a regular retirement for up to 6 months in order to convene a MREB and obtain a decision from the SG or ASH.
- e. Flag Grade Officers. Except for officers for whom the Secretary defers retirement (see Section 8-5. and [CCI 322.03](#), "Flag Grade Positions and Promotion"), the Director, CCHQ, will retire an officer who holds the flag grade in the following circumstances:
- (1) Officers at the RDML/O-7 Grade and RADM/O-8 Grade. The Director, CCHQ, will retire an officer who holds the RDML/O-7 grade and an officer who holds the RADM/O-8 grade on the first day of the month following the completion of 33 years and 36 years, respectively, of creditable service for a regular retirement (see also CCI 322.03).
  - (2) Officers at the VADM/O-9 and ADM/O-10 Grade. The Director, CCHQ, will retire an officer who holds the VADM/O-9 and ADM/O-10 grades, if eligible, upon the approval of the HHS Secretary.

- f. Additional Period of Retention for All Grades. Notwithstanding Sections 6-2.a., b., c., d., e., and h., the Director, CCHQ, may retain any officer on active duty:
- (1) 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."
  - (2) Pending the outcome of a board proceeding under [CCD 111.02](#), "Disciplinary Action," or a board that has been convened under [CCI 393.01](#), "Medical Review Board."
  - (3) If the President or Secretary declares an urgent or emergency public health care need (see Section 6-4.a., b., and c. of [CCD 121.02](#), "Deployment and Readiness"), in time of war or an emergency proclaimed by the President, or if the President declares the USPHS Commissioned Corps to be a military service (see [42 U.S.C. § 217](#)).
- g. If an officer is otherwise eligible for retention on active duty as authorized in this Section, the USPHS Commissioned Corps may deny an OPDIV/STAFFDIV/non-HHS organization's request to retain the officer on active duty or may approve a lesser period of retention upon the recommendation of a MREB (see Section 8-5.) as follows:
- (1) The Director, CCHQ, will make the final determination for officers who hold a grade below the CAPT/O-6 grade.
  - (2) The SG will make the final determination for officers who hold the CAPT/O-6 grade.
  - (3) The Secretary will make the final determination for officers who hold the RDML/O-7 and RADM/O-8 grades.
- h. Eligibility Requirements for Retention on Active Duty. The USPHS Commissioned Corps will not retain an officer on active duty beyond the 20, 26, 30, or 33/36 years of creditable service for a regular retirement outlined in Section 6-2.b., c., d, or e.(1) respectively (unless the Director, CCHQ, retains the officer under Section 6-2.b.(1) or c.(1)), if the officer:
- (1) Does not meet the USPHS Commissioned Corps' weight standards (see [CCI 241.01](#), "Readiness and Duty Requirements," and Personnel Operations Memorandum (POM) [821.66](#), "Retention Weight Standards") or health standards (see Appendix B of [CCI 221.01](#), "Medical Accession Standards") as required in [CCD 111.03](#), "Conditions of Service."
  - (2) Is marked as "Not Qualified" for a monthly readiness check as follows:
    - (a) Two or more times in the 12 months preceding the officer's mandated retirement date; or
    - (b) More than 6 times in the 5 years prior to the officer's mandated retirement date.

- (3) Does not meet the licensure requirement(s) for the officer's discipline (see [CCI 251.01](#), "Professional Licensure and Certification").
- (4) Has any outstanding adverse or disciplinary actions (e.g., Letter of Reprimand in the officer's electronic Official Personnel Folder (eOPF)), or an Absence Without Leave (AWOL) within 1 year prior to the mandated retirement date.
- (5) Is missing an annual COER from the past five years (see Section 7.) or whose most recent COER is marginal or unsatisfactory.
- (6) Encumbers a billet that is below the officer's grade. However, the Director, CCHQ, may retain an officer at the CAPT/O-6 grade and below on active duty who is in a category and/or grade that is not restricted or has a specialty that is difficult to recruit regardless of the billet that the officer encumbers.
- (7) Has had a grade reduced or rescinded in the previous five years as a result of a board action (e.g., Involuntary Termination Board (ITB), Board of Inquiry (BOI), Temporary Promotion Revocation Board (TPRB), failure of permanent grade promotion, etc.).
- (8) Has received a non-recommendation for promotion to the next grade (of the officer's current grade) by a promotion board (See [CCI 331.01](#), "Permanent Grade Promotions," [CCI 332.01](#), "Temporary Promotions," and [CCI 322.03](#), "Flag Grade Positions and Promotion").

Note: This Subsection (Section 6-2.h.) does not apply to officers who are retained on active duty under Section 6-2.f. The Director, CCHQ, will retire an officer retained under Section 6-2.f.(1) or (2) upon resolution of the investigation or board action, unless the officer is separated as a result of the board action. The Director, CCHQ, will retire an officer retained under Section 6-2.f.(3) at such time as determined by the Director, CCHQ.

- i. Transfer of an Officer Retained on Active Duty. An officer who the USPHS Commissioned Corps retains on active duty under Section 6-2.b., c., or d. must serve in the OPDIV/STAFFDIV/non-HHS organization that requested the officer's retention for a minimum of two years unless the ASH approves the transfer of the officer to another OPDIV/STAFFDIV/non-HHS organization. An officer who the Director, CCHQ, retains on active duty under Section 6-2.f. must serve in the officer's current OPDIV/STAFFDIV/non-HHS organization unless the Director, CCHQ, approves the transfer of the officer to another OPDIV/STAFFDIV/non-HHS organization.

### 6-3. Voluntary Regular Retirement.

- a. 20 or More Years of Service. A Regular Corps officer who has 20 or more years of service creditable for a regular retirement may request retirement (see Section 8-2.) before they reach the mandatory years of service creditable for a regular retirement that are outlined in Section 6-2., provided that retirement is not restricted (see Section 6-3.d.). The retirement of such an officer is at the discretion of the USPHS Commissioned Corps.
  - (1) The Head of the OPDIV/STAFFDIV or non-HHS organization to which the officer is assigned will consider the following factors in making their

recommendation to the Director, CCHQ, for approval or denial of the officer's request:

- (a) Effect of the retirement on the continued and effective operation of the OPDIV/STAFFDIV/non-HHS organization to which the officer is assigned and the earliest date that the USPHS Commissioned Corps can release the officer without having serious effect(s) on program operations (e.g., potential loss of accreditation; inability to fulfill a Congressional, Presidential, or Secretarial mandate; adverse impact on public health or safety; or officer is responsible for an assignment with national or international impact that requires the officer's continued responsibility or involvement in unusual research, a special project, or a unique circumstance that is anticipated not to be completed by the officer's requested retirement date);
  - (b) Whether retirement is in the interest of the USPHS Commissioned Corps and/or the Department;
  - (c) Years of service creditable for a regular retirement, exclusive of service in other uniformed services;
  - (d) Personal or special circumstances affecting the officer that warrant consideration; and
  - (e) Other factors as identified by the officer, OPDIV/STAFFDIV/non-HHS organization Head, or the Agency Liaison.
- (2) After considering the recommendation of the OPDIV/STAFFDIV or non-HHS organization to which the officer is assigned and the factors in Section 6-3.a.(1), the Director, CCHQ, will do one of the following:
- (a) Convene a Voluntary Retirement Review Board (VRB) (see Section 8-5.).
    - (i) The Director, CCHQ, may convene a VRB to make a recommendation on the officer's retirement request based on reasons that include, but are not limited to, those outlined in Section 6-3.a.(1) and whether: the USPHS Commissioned Corps requires the officer's services elsewhere; the officer has not completed a 2-year tour of duty after his/her most recent permanent change of station; or, the organization has requested a different effective date than that proposed by the officer.
    - (ii) If the Director, CCHQ approves a VRB's recommendation to postpone the retirement of an officer who holds the CAPT/O-6 grade and below and retain the officer on active duty for a period of one year or more, the officer may appeal the decision to the SG (see Section 8-5.f.). An officer may not appeal a decision of the Director, CCHQ, to retain the officer on active duty for less than one year.
    - (iii) If the Director, CCHQ, approves a VRB's recommendation to deny the request of an officer who



holds the CAPT/O-6 grade and below, the officer may appeal the decision to the SG (see Section 8-5.f.).

- (iv) If the Director, CCHQ, convened a VRB to review the request of an officer who holds the RDML/O-7 or RADM/O-8 grade, the Director, CCHQ, will submit the VRB's recommendation to the ASH who will make a decision as outlined in Section 6-3.a.(2)(a)(ii) and (iii). The officer may not appeal an ASH decision to approve a VRB's recommendation to postpone the retirement and retain the officer on active duty and may not appeal an ASH decision to deny the request.
- (b) Approve the Request (CAPT/O-6 grade and below). The Director, CCHQ may approve a request for retirement for officers who hold the CAPT/O-6 grade and below and set the effective date as follows:
- (i) The Director, CCHQ, will retire the officer on the first day of the month the officer requests unless the effective date requires an adjustment to: ensure the completion of an ADO that has less than one year remaining, accommodate the 120-day requirement for submitting a request to retire (see Section 8-2.), accommodate an approved recommendation of a VRB to retain the officer on active duty for a period of less than one year, or, accommodate a delay in approving the request due to referral to a VRB that resulted in the final decision being made after the officer's requested retirement date.
  - (ii) If there was a delay in approving the officer's request due to the convening of a VRB, with the concurrence of the officer and OPDIV/STAFFDIV/non-HHS organization, the Director, CCHQ, may adjust the retirement effective date to allow the officer to take terminal leave if an earlier date would result in the denial of a lump sum payment for unused annual leave (see [CCI 362.01](#), "Annual Leave");
- (c) Flag Officers. Requests from flag officers who have 20 or more years and less than 30 years of service creditable for a regular retirement are subject to the following:
- (i) Provided that retirement is not restricted as outlined in Section 6-3.d. and provided that an officer who holds the RDML/O-7 or RADM/O-8 grade has served at least 3 years at their current grade, the Director, CCHQ, may submit the officer's request for retirement through the SG to the ASH or convene a VRB to consider the request. The Director, CCHQ, will not process a request from an officer who holds the RDML/O-7 or RADM/O-8 grade and who has not served at least 3 years at their current grade; however, in extenuating circumstances (e.g., terminal illness of an immediate family member) the Director, CCHQ, may convene a VRB to review the officer's request.

- (ii) If the Director, CCHQ, convened a VRB for an officer who holds the RDML/O-7 or RADM/O-8 grade, the ASH will consider the recommendations of the VRB when deciding whether to deny the officer's request or to concur with the officer's request and submit the request to the Secretary for a final decision. The ASH may also return the request to the Director, CCHQ, with direction to convene a new VRB to reconsider the request.
  - (iii) An officer who holds the RDML/O-7 or RADM/O-8 grade may not appeal an ASH decision to postpone the retirement and retain the officer on active duty and may not appeal an ASH decision to deny the request. The ASH may also return the request to the Director, CCHQ, with direction to convene a VRB.
  - (iv) If the ASH concurs with a request and the Secretary approves a retirement request for an officer who holds the RDML/O-7 or RADM/O-8 grade, the Director, CCHQ, will retire the officer on the first day of the month the officer requests unless the Secretary approves another date or the effective date requires an adjustment to accommodate a delay in obtaining the Secretary's approval. If there was a delay in obtaining the Secretary's approval and the Secretary did not specify an effective date, with the concurrence of the officer and OPDIV/STAFFDIV/ non-HHS organization, the Director, CCHQ, may adjust the retirement effective date to allow the officer to take terminal leave if an earlier date would result in the denial of a lump sum payment for unused annual leave (see [CCI 362.01](#), "Annual Leave").
  - (v) Officers at the VADM/O-9 and ADM/O-10 Grade. The Director, CCHQ, will retire an officer who holds the VADM/O-9 and ADM/O-10 grades, if eligible, in accordance with the Secretary's decision.
- b. 30 or More Years of Service. A Regular Corps officer who has 30 or more years of service creditable for a regular retirement may request retirement at any time. The Director, CCHQ, will retire the officer no later than 180 days after the date CCHQ receives the officer's request to retire. However, if the officer holds a flag grade, the Director, CCHQ, will submit the request through the SG and ASH to the Secretary for a final decision, and the Director, CCHQ, will process the request in accordance with the Secretary's decision.
- c. 64 Years of Age or Older. A Regular Corps officer who is 64 years of age or older may request retirement at any time. The Director, CCHQ, will retire the officer no later than 180 days after the date CCHQ receives the officer's request to retire or a later date requested by the officer or (for a flag grade officer) as specified by the Secretary.
  - (1) Such an officer may not request a date that is beyond the first day of the month after the officer reaches their mandatory retirement years of service creditable for a regular retirement unless retention is authorized and approved in accordance with policy or this Instruction (see Section 6-2.).

- (2) If the officer holds the RDML/O-7 or RADM/O-8 grade, the Director, CCHQ, will submit the request through the SG and ASH to the Secretary for a final decision. If the officer holds the VADM/O-9 grade, the officer will submit their request through the ASH to the Secretary for a final decision. If the officer holds the ADM/O-10 grade, the officer will submit their request directly to the Secretary for a final decision. In each case, the Director, CCHQ, will process the officer's request in accordance with the Secretary's decision.
- d. Restrictions on Retirements. Notwithstanding Section 6-3.a., the Director, CCHQ, may restrict processing and approving an officer's request to retire in the following circumstances, which are not subject to an appeal by the officer (except as authorized in Section 6-3.d.(2)):
- (1) The officer has not completed an ADO;
  - (2) The officer has not served at least 10 years of active commissioned service in the USPHS Commissioned Corps. However, if an officer did not agree to the 10 years of active commissioned service in the USPHS Commissioned Corps when they were commissioned in the USPHS Commissioned Corps, then the officer may submit an appeal to the ASH through the Director, CCHQ, if the Director, CCHQ, restricts retirements under this Subsection;
  - (3) The ASH has issued a stop-loss order when 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");
  - (4) The ASH has issued a stop-loss order 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](#)); or
  - (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."
- e. If the Director, CCHQ, restricts officers' request in accordance with Section 6-3.d. or a retirement request is denied in accordance with Section 6-3.a.(2)(a), the Director, CCHQ, will establish the date on which the officer may request to retire. The officer may submit a new request for retirement when the officer is within 180 days of the date established by the Director, CCHQ.
- g. Rescinding a Retirement Request. An officer may not rescind nor retract a request to retire after CCHQ receives the request unless the Director, CCHQ, has convened a VRB in accordance with Section 6-3.a.(2)(a). However, the USPHS Commissioned Corps may rescind or amend a retirement as follows:
- (1) The Director, CCHQ, (or ASH for flag grade officers) may rescind a retirement upon a receiving a request from the OPDIV/STAFFDIV/ non-HHS organization Head to rescind the retirement to meet a long-term program need (i.e., more than one year).
  - (2) The Director, CCHQ, (or ASH for flag grade officers) may amend a retirement date upon a receiving a request from the OPDIV/STAFFDIV/

non-HHS organization Head if the officer's service is imperative to meet an emergency short-term program need (i.e., one year or less).

- (3) A request to rescind or amend a retirement request must be agreed to by the officer, or, if the officer is not in agreement, a VRB must review the request.
- (4) A request to rescind or amend a retirement shall state the officer's specific expertise necessitating an extension of the officer on active duty and the requested duration of the officer's extension on active service and the plans of the OPDIV/STAFFDIV/non-HHS organization to relieve the officer from duty. Extensions and retention on active duty under this Subsection (Section 6-3.g.(1), (2), (3), and (4)) are subject to the limitations outlined in Section 6-2.
- (5) CCHQ will not accept a request to rescind a retirement or amend a retirement date when CCHQ receives the request less than 30 days prior to the date of retirement. However, in such circumstances the Director, CCHQ, may approve a request to recall the officer to active duty in accordance with [CCI 375.01](#), "Recall of Retired Officers to Active Duty."
- (6) Notwithstanding Sections 6-3.g.(1) through (5), the Director, CCHQ, may rescind or amend a retirement at any time if the retirement is restricted under Section 6-3.d.(5) or, with the officer's consent, if the retirement is restricted under Section 6-3.d.(3) or (4).

6-4. Involuntary Regular Retirement. The Director, CCHQ, or designee, will periodically review the records of officers who have 19 or more years of service creditable for a regular retirement. Based on this review, the Director, CCHQ, will determine whether an officer is qualified for retention, if the Director should refer the officer's record for involuntary retirement as outlined in this Section, or if other action is warranted under [CCD 111.02](#), "Disciplinary Action."

a. Summary Regular Retirement. The USPHS Commissioned Corps may involuntarily retire an officer without a review and recommendation by an Involuntary Retirement Board (IRB) as follows:

- (1) The Director, CCHQ, may summarily retire a Regular Corps officer:
  - (a) Who holds the LCDR/O-4, CDR/O-5, and CAPT/O-6 grade who has been retained on active duty in accordance with Section 6-2.b.(2), c.(2), and d.(1), respectively, for any of the reasons outlined in Section 6-4.b. However, an attempt to find another suitable assignment for the officer is not required under Section 6-4.b.(7), an IRB is not required (if indicated) under Section 6-4.b.(5), and the Director, CCHQ, may summarily retire the officer who remains in a position that is one or more grades below the officer's grade for over 90 days.
  - (b) Who fails permanent promotion when a summary retirement is authorized in [CCI 331.01](#), "Permanent Grade Promotions." However, if CCI 331.01 requires the officer's review by an IRB or CCI 331.01 requires the SG to determine the officer's retirement (i.e., the officer twice fails promotion to the permanent O-5 grade when that grade is not restricted), then the Director, CCHQ, will refer the officer's record to an IRB or SG, respectively.

- (2) The ASH may summarily retire a Regular Corps officer who holds the CAPT/O-6 grade, RDML/O-7, and RADM/O-8 grade who has been retained on active duty in accordance with Section 6-2.d.(2) and e. for any of the reasons outlined in Section 6-4.b. However, an attempt to find another suitable assignment for the officer is not required under Section 6-4.b.(7), an IRB is not required (if indicated) under Section 6-4.b.(5), and the ASH may summarily retire the officer who remains in a position that is one or more grades below the officer's grade for over 90 days.
  - (3) The Director, CCHQ, will set the effective date for an officer who is summarily retired in accordance with this Subsection that is no sooner than 120 days after notifying the officer of the decision to retire the officer except that the SG will set the effective date for an officer who twice fails promotion to the permanent O-5 grade when that grade is not restricted and the ASH will set the effective date for an officer who holds the RDML/O-7 or RADM/O-8 grade.
- b. Retirement Board. The Director, CCHQ, may refer a Regular Corps officer who holds the CDR/O-5 grade who has less than 26 years of creditable active-duty service for retirement, an officer who holds the CAPT/O-6 grade who has less than 30 years of creditable active duty-service for retirement, or a flag officer who has not reached their mandatory retirement years of service for a regular retirement to a Retirement Board that the Director, CCHQ, convenes as an IRB (see Section 8-5.) in the following circumstances:
- (1) The officer has committed misconduct that includes, but is not limited to, the examples of misconduct outlined in [CCD 111.02](#), "Disciplinary Action;"
  - (2) The officer fails to meet the USPHS Commissioned Corps' conditions of service requirements as outlined in Section 6-2.h.(1) or fails to meet the readiness requirements as outlined in Section 6-2.h.(2);
  - (3) The officer fails to meet the licensure requirement(s) for the officer's discipline;
  - (4) The officer is missing an annual COER from the past five years (see Section 7), whose most recent COER is marginal or unsatisfactory, or based upon other documentation that indicates the officer is performing at a level below that which is expected of other officers of similar grade and category;
  - (5) The officer has received a not recommend for a permanent or temporary promotion by a promotion board, has had a grade reduced, or if an IRB is indicated in [CCI 332.01](#), "Temporary Promotions," [CCI 331.01](#), "Permanent Grade Promotions;"
  - (6) The officer is part of a reduction in strength of the USPHS Commissioned Corps because of budgetary constraints, program contraction, or numbers limitations;
  - (7) The officer is part of a reduction in funding or staffing levels within the specific OPDIV/STAFFDIV/non-HHS organization to which the officer is assigned, and a USPHS Commissioned Corps-wide review completed by

- the Director, CCHQ, or designee, is unable to find another suitable assignment for the officer;
- (8) The officer is unable to secure an assignment that is commensurate with and appropriate for his/her grade and category (i.e., a suitable assignment) after completing a detail to a non-HHS organization;
  - (9) The officer has remained in a position that is one or more grades below the officer's grade for over one year; and/or
  - (10) Referral to an IRB is indicated or mandated by another USPHS Commissioned Corps policy Directive or Instruction.
- c. Administrative Board Action. The Director, CCHQ, will retire an officer who has been recommended for retirement by a Board administered by the USPHS Commissioned Corps that is authorized to make such a recommendation (e.g., ITB, BOI), when the approving official has approved the recommendation.
- d. The Director, CCHQ, will send the records of an officer who is subject to involuntary retirement under this Section and who has an ADO to an IRB for a recommendation to the SG regarding whether the officer must repay the unearned portion of the unserved ADO or whether the SG should deem such retirement for the good of the Government, which the officer may not appeal. However, if another Board administered by the USPHS Commissioned Corps has already made such a recommendation, the Director, CCHQ, will not refer the officer's records to an IRB.
- e. If the Director, CCHQ, approves an IRB's recommendation to retire an officer who holds the CDR/O-5 or CAPT/O-6 grade (when an IRB is convened under Section 6-4.b.), the officer may appeal the decision of the Director, CCHQ, to the SG (see Section 8-5.f.). There is no appeal of the ASH's decision to retire a flag grade officer.
- f. The Director, CCHQ, may characterize the retirement of an officer who holds the CDR/O-5 or CAPT/O-6 grade and who is retired under this Section as "honorable" with a notation "for the good of the Service," unless the officer requests voluntary retirement in lieu of involuntary retirement (see Section 6-4.g.). The ASH may characterize the retirement of an officer who holds the RDML/O-7 or RADM/O-8 grade and who is retired under this Section as "honorable" with a notation "for the good of the Service," unless the officer requests voluntary retirement in lieu of involuntary retirement, in which case the USPHS Commissioned Corps will characterize the retirement as "honorable." However, in either case, the USPHS Commissioned Corps will convene a BOI if such characterizations are not warranted.
- g. Voluntary Retirement in Lieu of Involuntary Retirement. The Director, CCHQ, may approve a request from an officer who holds the CDR/O-5 or CAPT/O-6 grade to voluntarily retire in lieu of an involuntary retirement under this Section.
- (1) The Director, CCHQ, will characterize the retirement of an officer who is retired under this Subsection as "honorable" unless another characterization is warranted, in which case the USPHS Commissioned Corps will convene a BOI.
  - (2) The Director, CCHQ, may approve a reassignment or transfer of the officer only if the reassignment is for the good of the service and has the

concurrence of the losing and gaining programs. Such a reassignment or transfer will not change the date of the officer's retirement.

- 6-5. Active Duty Obligations (ADO) and Commissioned Service Obligations (CSO).
- a. The USPHS Commissioned Corps does not authorize a Regular Corps officer to enter into a special pay agreement or training agreement that will create an ADO that exceeds the first day of the month after the officer will reach their mandatory retirement years of service for a regular retirement (e.g., 20 years (for an officer who holds the O-1, O-2, O-3, and O-4 grades), 26 years (for an officer who holds the O-5 grade), 30 years (for an officer who holds the O-6 grade), 33 years (for an officer who holds the O-7 grade), or 36 years (for an officer who holds the O-8 grade) of service creditable for a regular retirement as outlined in Section 6-2.a. b., c., d., and e.), except as follows:
- (1) If the OPDIV/STAFFDIV/non-HHS organization Head requests the retention of an officer who holds the O-4/LCDR grade on active duty, the Director, CCHQ, may approve a training agreement that results in an ADO that extends beyond the officer's anticipated completion of 20 years of service creditable for a regular retirement when the extension request is approved, provided that completion of the ADO does not extend beyond 24 years of service. The OPDIV/STAFFDIV/non-HHS organization Head must also state that the OPDIV/STAFFDIV/non-HHS organization will maintain a position for the officer during the obligation period. If the Director, CCHQ, approves the extension, the officer must serve the ADO in the OPDIV/STAFFDIV/non-HHS organization unless the ASH approves the transfer of the officer to another OPDIV/STAFFDIV/non-HHS organization. Additionally, the Director, CCHQ, may approve such a request to retain an officer who holds the O-3/LT grade when the officer has 10 or more years of enlisted service and the training is related to a unique skill/specialty that will allow the officer to fill a critical need within the USPHS Commissioned Corps or the OPDIV/STAFFDIV/non-HHS organization.
- (2) When an extension is approved as authorized in Section 6-2.b., c., d., or e., an officer may enter an agreement provided the ADO does not exceed the approved period of retention on active duty.
- b. The USPHS Commissioned Corps does not authorize a member of the Ready Reserve Corps to enter an agreement that will result in an ADO or CSO that will exceed the first day of the month following the anticipated date that the officer will reach 20 qualifying years of service for eligibility for non-regular retired pay. However, the SG, without further delegation, may approve such an agreement for an officer who possesses a unique skill/specialty that the USPHS Commissioned Corps requires when the officer's retention is approved as outlined in Sections 6-6.a.(2) and (3).
- 6-6. Policy for Non-Regular Retirements. The Director, CCHQ, will retire a Ready Reserve Corps officer in accordance with the provisions of this Section unless retention in an active status is authorized or required by this Instruction.
- a. The USPHS Commissioned Corps structures the personnel system of the Ready Reserve Corps and its benefits, including pay and retirement, on the basis of a 20-year career. The Director, CCHQ, will place such an individual onto an inactive status list until the member becomes eligible for and requests non-regular retired pay (which officers can do no earlier than six months prior to reaching 60 years of

age). CCHQ will not require that member to participate in any training or other program prescribed for his/her component while in such status. However, the USPHS Commissioned Corps may approve a member's retention in an active status beyond 20 years of qualifying service under the following circumstances:

- (1) The Director, CCHQ, may delay placing an eligible individual on an inactive status list in the following circumstances:
  - (a) The member has a CSO;
  - (b) The officer has not served at least 10 years in an active status in the USPHS Commissioned Corps;
  - (c) The ASH has issued a stop-loss order when 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");
  - (d) The ASH has issued a stop-loss order in a time of war or 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](#));
  - (e) 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;" or,
  - (f) Pending the outcome of a board proceeding under [CCD 111.02](#), "Disciplinary Action," or a board that has been convened under [CCI 393.01](#), "Medical Review Board."
- (2) The SG may approve a member's retention in an active status if the member has qualifications that the USPHS Commissioned Corps requires for the performance of duties with the service.
  - (a) The SG may not retain a member if the member meets any of the disqualifying conditions outlined in Section 6-2.h.(1) through (8).
  - (b) In approving the member's retention, the SG will specify the date on which the Director, CCHQ, will place the member on an inactive status list.
- (3) A member's retention may not exceed 30 years of qualifying service for retirement unless, with the member's consent, the Secretary of HHS approves retention in an active status for service under the conditions and period designated by the Secretary. In approving the member's retention, the Secretary will specify the date on which the Director, CCHQ, will place the member on an inactive status list. If specified by the Secretary, the member's retired pay multiplier may exceed the limitations outlined in [CCI 661.01](#), "Computation of Retired Pay."



- (4) A member who the USPHS Commissioned Corps retains beyond 20 years of qualifying service as outlined in Section 6-6.a.(2) or (3) may request:
- (a) Placement on the inactive status list, which the Director, CCHQ, may restrict after considering the circumstances outlined in Section 6-6.a.(1).
  - (b) Retirement and, if the member will be at least 60 years of age on the requested retirement date, receipt of retired pay. Except when the Director, CCHQ, restricts retirement in the circumstances outlined in Section 6-6.a.(1), the Director, CCHQ, will retire the officer no later than 180 days after the date CCHQ receives the officer's request to retire.
- b. In accordance with [10 U.S.C. § 12731](#), CCHQ will notify a member of the Ready Reserve Corps upon the member's completion of 20 qualifying years of service for eligibility for non-regular retired pay. CCHQ must send this notice, in writing, to the officer within one year after the officer becomes eligible for retirement. 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. The communication must include notice of the elections available under the Survivor Benefit Plan (SBP) (see Section 8-6).
- c. The SG or designee may recall to an active status or active duty a retired member of the Ready Reserve Corps as outlined in [CCI 322.06](#), "Ready Reserve Corps Management." Furthermore, the SG, without further delegation, may recall a retired member to active duty involuntarily in order to face a BOI for serious misconduct that occurred while the member was in an active status, but was not discovered until after the member's placement in a retired status (see [CCD 111.02](#), "Disciplinary Action").
- d. Officers with Physical Disabilities Incurred in the Line of Duty. If an officer in the Ready Reserve Corps, who has official personnel orders assigning that officer to the Selected Ready Reserve (SELRES), no longer qualifies for membership in the SELRES solely because the officer is unfit because of a physical disability, the SG may decide to treat the officer as having met the 20 qualifying years of service requirement for retirement, provided that the officer has completed at least 15, but less than 20, qualifying years of service creditable toward a non-regular retirement. The Director, CCHQ, will notify such an officer of the officer's placement in an inactive status. The SG will not exercise this authority in the following circumstances:
- (1) The disability was the result of the officer's intentional misconduct, willful neglect, or willful failure to comply with standards and qualifications for retention; or
  - (2) The disability was incurred during a period of unauthorized absence.
- e. The SG or Director, CCHQ, may not order a Ready Reserve Corps officer to active duty solely for the purpose of qualifying the officer for retired pay.
- f. After CCHQ has notified an officer that the officer has completed the qualifying years of service required for eligibility for non-regular retired pay, CCHQ may not deny nor revoke the officer's eligibility for non-regular retired pay on the basis of discovering any error, miscalculation, or misinformation in the administrative

determination of qualifying years of service performed, unless it resulted directly from the fraud or misrepresentation by the officer.

- g. Periodic Notifications. CCHQ will periodically notify a Ready Reserve Corps officer of their current eligibility age for retired pay when the officer has completed 20 qualifying years of service required for eligibility for non-regular retired pay. CCHQ:
    - (1) May provide the notice via electronic means (e.g., e-mail, secure area of the Commissioned Corps Management Information System); and
    - (2) Must provide such notification at least every 5 years until the officer submits an application for non-regular retired pay.
  - h. Application for Non-Regular Retired Pay.
    - (1) A Ready Reserve Corps officer who has completed 20 qualifying years of service required for eligibility for non-regular retired pay and who is, or will be, 60 years of age or older may apply to the Director, CCHQ, for non-regular retired pay upon reaching 59 years and 6 months of age or older (i.e., the USPHS Commissioned Corps does not automatically begin paying retired pay). The officer must submit such an application in accordance with procedures established by the Director, CCHQ.
    - (2) Payment of retired pay will normally commence within 90 days after receipt of the application in CCHQ or within 90 days after CCHQ receives all necessary supporting documentation. Applications that are missing documentation are not considered complete.
- 6-7. Officers Detailed under an IMA. Except for officers detailed to international organizations (e.g., World Health Organization (WHO)), the USPHS Commissioned Corps does not authorize an officer who is detailed to a non-HHS organization under an IMA to retire directly from such a detail unless the HHS Secretary has, prior to the officer's assignment to the non-HHS organization, authorized the officer to retire from the IMA (see [CCD 121.04](#), "Non-Departmental Organization Details"). Consequently, if the HHS Secretary has not authorized an officer to retire from an IMA, the officer must return to the HHS OPDV/STAFFDIV from which they are detailed at least six months prior to reaching a mandatory retirement date as outlined in Section 6-2. or at least six months prior to the effective date of a voluntary retirement under Section 6-3. However, the USPHS Commissioned Corps may involuntarily retire an officer at any time directly from an IMA in accordance with Section 6-4.
- 6-8. An officer may not file a complaint under [CCI 211.04](#), "Complaints and Redress," regarding a decision to either retire the officer, retain the officer on active duty or an active status (for a member of the Ready Reserve Corps), or call a member of the Ready Reserve Corps to active duty.
7. RESPONSIBILITIES:
- 7-1. The ASH is responsible for establishing policies related to retirement.
  - 7-2. The SG:
    - a. May issue a POM through the electronic Commissioned Corps Issuance System (eCCIS) to clarify and/or operationalize this Instruction.

- b. Without further delegation, in consideration of the specific circumstances, may exempt a RDML/O-7 or RADM/O-8 grade officer from the requirement to have an Annual COER. If the SG exempts the officer from the requirement to have an Annual COER, CCHQ will annotate the officer's eOPF to reflect the decision.
- 7-3. The Director, CCHQ:
- a. Is responsible for providing management of activities relating to the personnel processes listed in this Instruction and any operational guidelines established by the SG in a POM. The Director, CCHQ, may issue a POM through the eCCIS if necessary to specify or clarify how the Director, CCHQ, has restricted retirements under Sections 6-3.d. and 6-6.a.(1).
  - b. Without further delegation, in consultation with the Agency Liaison and consideration of the specific circumstances, may exempt an officer who holds the CAPT/O-6 grade or below from the requirement to have an Annual COER. If the Director, CCHQ, exempts the officer from the requirement to have an Annual COER, CCHQ will annotate the officer's eOPF to reflect the decision.
- 7-4. The Heads of HHS OPDIV/STAFFDIV/non-HHS organizations to which officers are assigned are responsible for requesting, when warranted, the retention of an officer on active duty in accordance with Section 6-2.b.(2), c.(2), d.(1), and e. and Section 8-3. These individuals may also submit a request, with supporting documentation, to the Director, CCHQ, to involuntarily retire an officer or to support an officer's request for voluntary retirement.
- a. The Heads of HHS OPDIV/STAFFDIV may delegate these authorities, without further delegation, to their Deputy or Chief Human Capital Officer.
  - b. For officers detailed to non-HHS organizations under a BMA, the individual/position identified in the BMA to act on behalf of the non-HHS organization regarding operational responsibilities related to the BMA are, for the purposes of this Instruction, deemed to be the non-HHS organization Head and will exercise the responsibilities of the non-HHS organization Head, without further delegation, for the non-HHS organization to which an officer is assigned.
- 7-5. Each officer must adhere to the guidelines established in this Instruction and any operational guidelines established by the SG or Director, CCHQ.
- a. Each officer is responsible for maintaining familiarity with the published policies that apply to all USPHS Commissioned Corps officers and maintain an ongoing awareness of updates and changes to USPHS Commissioned Corps policies, including any periodic changes to the USPHS Commissioned Corps' retirement policies.
  - b. An officer must maintain current and updated contact information (e.g., work and personal e-mail, phone, address) in CCHQ in order to facilitate the USPHS Commissioned Corps' communication of information to the officer.
  - c. Each officer is responsible for completing any training on the Commissioned Corps Learning Management System (CCLMS) that is related to retirement and retirement benefits prior to the officer's retirement or placement on the inactive status list.

- d. An officer must submit all of the necessary documentation of service that is creditable towards the officer's retirement eligibility within the timeframes outlined in [CCI 384.01](#), "Creditable Service for Retirement."

## 8. PROCEDURES:

8-1. The USPHS Commissioned Corps does not require a Regular Corps officer who is retired in accordance with Sections 6-2. or 6-4., a Ready Reserve Corps officer retired or placed into an inactive status in accordance with Section 6-6.a., or an officer retired in accordance with [CCI 322.04](#) to complete form [PHS-1373](#), "Separation of Commissioned Officer," in order to be retired. However, CCHQ must receive the form PHS-1373 from such officers 30 days prior to the effective date of the retirement in order to determine eligibility for travel and transportation of HHG entitlements, and for lump sum payment of unused annual leave. In accordance with [CCI 387.01](#), "Separation of Commissioned Officer," and CCHQ guidance, the officer should complete the form, submit a copy to CCHQ, and send the original of the form through the officer's chain of command to the designated Agency Liaison.

### 8-2. Requests for Retirement.

- a. A Regular Corps officer who has 20 or more years of service creditable for a regular retirement and who is requesting a voluntary retirement must submit form PHS-1373 to CCHQ in accordance with [CCI 387.01](#) and CCHQ guidance. CCHQ must receive the form PHS-1373 no less than 120 days prior to the last day the officer will be physically present at the officer's duty station. Officers who are assigned to non-HHS organizations must also adhere to any additional requirements for requesting a voluntary retirement that are specified in the BMA with the non-HHS organization. The officer must complete the form, submit a copy to CCHQ, and send the original of the form through the chain of command to the officer's designated Agency Liaison.
- b. A Ready Reserve Corps officer who is retained in an active status in accordance with Section 6-6.a.(2) or (3) and is requesting retirement prior to the specified retention end date must submit form PHS-1373 to CCHQ in accordance with CCHQ guidance. CCHQ must receive the form PHS-1373 no less than 120 days prior to the officer's requested effective date.
- c. An officer who is requesting retirement must also submit, with the form PHS-1373, a copy of their Retirement Seminar Certificate or other proof that the officer has completed the USPHS Commissioned Corps retirement seminar located on the CCLMS.

8-3. Requests for Retention. The Head of the OPDIV/STAFFDIV/non-HHS organization to which a Regular Corps officer is assigned must sign and submit a written request to the Director, CCHQ, to retain an officer on active duty. The OPDIV/STAFFDIV/non-HHS organization must also provide a copy of the request to the officer or otherwise notify the officer that they have submitted a request for retention on active duty.

- a. The Director, CCHQ, or designee, must receive a request to retain an officer who holds the LCDR/O-4 or CDR/O-5 grade no less than 120 days and no more than 365 days prior to the date the USPHS Commissioned Corps would otherwise retire the officer (see Section 6-2.b. and c.).
- b. In exceptional cases, the Head of the OPDIV/STAFFDIV/non-HHS organization may request the retention of an O-4 grade officer (or an eligible O-3/LT grade officer) more than 365 days prior to the officer reaching 20 years of creditable

service when the OPDIV/STAFFDIV/non-HHS organization is also requesting approval of long-term training that if approved would result in an ADO that exceeds the officer's 20 years of service (see Section 6-5.a.(1)).

- c. The Director, CCHQ, or designee, must receive a request to retain an officer who holds the CAPT/O-6, RDML/O-7, or RADM/O-8 grade no less than 365 days prior to the date the USPHS Commissioned Corps would otherwise retire the officer (see Section 6-2.d. and e.(1)).
  - d. The retention request may be in any increment up to and including the maximum authorized retention period outlined in policy and Section 6-2 (e.g., for an officer who holds the O-4/LCDR grade, the request may be for two years rather than four years and, if desired, the OPDIV/STAFFDIV/non-HHS organization Head may submit a later request for one year).
- 8-4. Setting Effective Date. By law, all retirements must become effective on the first day of a month.
- 8-5. Retirement Boards for Regular Retirements. When the USPHS Commissioned Corps convenes a Retirement Board under Section 6-2., it is convened as a Mandatory Retirement Extension Board (MREB); when it is convened under Section 6-3., it is convened as a Voluntary Retirement Review Board (VRB); and when it is convened under Section 6-4., it is convened as an Involuntary Retirement Board (IRB).
- a. The Director, CCHQ, appoints the members of a Retirement Board, which must include at least three Regular Corps officers at the CAPT/O-6 grade or above. However, the SG will appoint a Flag Board to serve on the MREB in accordance with [CCI 322.03](#), "Flag Grade Positions and Promotion," when an OPDIV/STAFFDIV/non-HHS organization Head recommends the deferment of a flag grade officer's mandatory retirement (see also Section 6-2.e.(1)).
  - b. The Director, CCHQ, will convene a Retirement Board when required by policy or this Instruction. Additionally, the Director, CCHQ, may convene a Retirement Board at any time, as he/she deems necessary, to obtain a recommendation regarding an officer's request to retire, a request from an OPDIV/STAFFDIV/non-HHS organization to retain an officer on active duty, or a determination regarding whether the officer's continued retention on active duty is warranted.
  - c. If the Director, CCHQ, refers an officer's record to a VRB or IRB, the Director, CCHQ, will notify the officer and the Agency Liaison of the referral at least 30 calendar days before the date that the Board is scheduled to meet. The notice will include the reason(s) for the referral, the date and time of the Board meeting, and copies of all documents that CCHQ will present to the Board. The officer and the officer's OPDIV/STAFFDIV/non-HHS organization may supplement this record with relevant supporting documentation, provided that CCHQ receives this documentation at least 10 calendar days before the board's meeting. The Board, at its discretion, can consider any documentation submitted after that date until up to 3 working days (i.e., Monday through Friday, not including Federal holidays) before the board meeting.
  - d. A Retirement Board convened by the Director, CCHQ, will make its recommendations to the Director, CCHQ. However, if the Retirement Board is convened in accordance with Sections 6-2.d.(1), 6-2.g.(2), or 6-4.d., it makes its recommendations to the SG, and if it is convened in accordance with Section 6-2.d.(2) or to make a recommendation regarding a flag grade officer (see

Sections 6-2.e., 6-3.a.(2)(a)(iv), 6-3.a.(2)(c), and 6-4.), it makes its recommendations to the ASH.

- e. Action by the Retirement Board.
- (1) Deliberations. The Board conducts its deliberations and voting in closed sessions at which only board members and support personnel designated by the Director, CCHQ, are permitted to be present.
  - (2) Report of the Board. The statements that have the concurrence of a majority of the Board members will constitute the report of the board and all Board members who concur will sign the report. The Board will forward the report to the Director, CCHQ. The report of the Board will include the following:
    - (a) A summary of the officer's service and background;
    - (b) A summary of the circumstances that formed the basis for the convocation of the Board;
    - (c) A summary of the position taken by the subject officer, if applicable, with respect to the circumstances that formed the basis for the convocation of the Board; and
    - (d) Findings and Recommendations of the Board. The board may recommend one or more of the following actions, as applicable:
      - (i) Retention on active duty, with or without reassignment elsewhere within HHS. In such cases the board also will make a recommendation regarding the length of retention on active duty that does not exceed the limitations in Section 6-2.b., c., or d., or in CCI 322.03 or CCI 322.04, as applicable;
      - (ii) Denial of an OPIDIV/STAFFDIV/non-HHS organization's request for an officer's retention on active duty or a shorter period of retention on active duty than requested by the OPIDIV/STAFFDIV/non-HHS organization;
      - (iii) Denial of an officer's request to retire. In such cases the board also will make a recommendation regarding the length of time, not to exceed 4 years or the limitations in Section 6-2.b., c., or d., or in CCI 322.03 or CCI 322.04, as applicable, that the USPHS Commissioned Corps should retain the officer on active duty;
      - (iv) Disciplinary Action in accordance with [CCD 111.02](#), "Disciplinary Action." When the board recommends issuing a Letter of Reprimand (LOR), the board also must make a specific recommendation with regard to the period of time the USPHS Commissioned Corps should maintain the LOR in the officer's electronic eOPF. The recommended period of time must not exceed the periods of time an LOR can be maintained in an eOPF that are outlined in [CCI 211.07](#), "Accountability for Conduct and Performance;"

- (v) Reduction in Grade. When the board recommends a reduction of the officer's grade, it must also make a specific recommendation with regard to promotion credit and seniority in the grade to which the officer is reduced, and if applicable, make a recommendation with regard to time in grade and time in service credit; or
      - (vi) Retirement. In such cases the board may make a recommendation regarding the retirement effective date and, if the officer will have an unfulfilled ADO, the board will make a recommendation to the SG regarding whether the officer must repay the unearned portion of the unserved ADO or whether the SG should deem such retirement for the good of the Government.
    - (3) Minority Report. Any member(s) not concurring with the majority will sign and submit a separate minority report(s), setting forth the extent of their concurrence and non-concurrence; their reasons for this view; and the variant findings, opinions, or recommendations, as appropriate. The Board will attach each minority report to the report of the Board. All authorities reviewing the report of the Board will consider each minority report.
  - f. An officer who holds the CAPT/O-6 grade and below may appeal a decision of the Director, CCHQ, to approve a Board's recommendation that is made in accordance with Sections 6-3.a.(2)(a)(ii), 6-3.a.(2)(a)(iii), or 6-4.e. (there is no appeal of a decision regarding whether to retire a flag grade officer or to retain a flag grade officer on active duty). An officer who holds the CAPT/O-6 grade and below must file such an appeal to the SG in writing within 10 calendar days of the date the officer receives written notification of the decision of the Director, CCHQ. The SG may uphold the decision of the Director, CCHQ; direct the Director, CCHQ, to retire the officer; direct the Director, CCHQ, to retain the officer on active duty; direct the Director, CCHQ, to reconvene the Board; or direct the Director, CCHQ, to appoint a new Board to provide an independent consideration of the facts or to review the matter.
- 8-6. Survivor Benefit Plan (SBP). CCHQ will provide a notice to officers of the elections available under the SBP established under Subchapter II of Chapter 73 of Title 10 and the effect of such elections. The notification of the effects of such elections may take the form of training on the CCLMS and/or inclusion of [CCI 672.05](#), "Survivor Benefit Plan," or a link to CCI 672.05 and/or other comprehensive information with the notice to the officer. CCHQ will notify officers at such time as follows:
- a. Regular Corps. Prior to retiring a Regular Corps officer.
  - b. Ready Reserve Corps. When notifying a Ready Reserve Corps officer of the officer's attainment of the qualifying years of service required for eligibility for non-regular retired pay (see Section 6-6.b.) as required by [10 U.S.C. § 12731](#).
- 8-7. Computation of Retired Pay.
- a. The USPHS Commissioned Corps requires officers to submit all documentation related to retirement eligibility as outlined in [CCI 384.01](#), "Creditable Service for Retirement." An officer's failure to submit such documentation subjects the officer to disciplinary action. Additionally, an officer's failure to submit the documents no

later than six months prior to their requested retirement date may result in an incorrect computation, and may delay the receipt of the correct retired pay.

- b. For information on the computation of retired pay, refer to [CCI 661.01](#), "Computation of Retired Pay." An officer retired under the provisions of this Instruction who is covered by the Blended Retirement System (BRS) may elect to receive a discounted portion of his/her retired pay as a lump sum in accordance with [CCI 661.03](#), "Blended Retirement System."

8-8. Implementation.

- a. The Director, CCHQ, will implement the mandatory 20 year retirement provisions of Section 6-2.a. and b. for ENS/O-1, LTJG/O-2, LT/O-3, and LCDR/O-4 grades and the mandatory 26 year retirement provision of Section 6-2.c. for the CDR/O-5 grade five years after the effective date of this Instruction.
- b. The Director, CCHQ, will implement the ADO and CSO limitations outlined in Section 6-5. so the retirement provisions of Section 6.2.a., b., and c. will be implemented five years after the effective date of this Instruction.
- c. All other provisions of this Instruction are effective immediately.

9. HISTORICAL NOTES: This is the first issuance of this Instruction within the eCCIS and is a consolidation and replacement of the following policy Instructions:

- 9-1. CC384.02, "Voluntary Retirement (20 to < 30 years)," dated 3 July 2013 (which replaced CC23.8.5, "Voluntary Retirement (20 to < 30 years)," dated 28 April 2009).
- 9-2. CC23.8.3, "Retirement (30 Years)," dated 3 July 2008.
- 9-3. CC23.8.4, "Involuntary Retirement (20 Years)," dated 21 May 2008.



## Definitions

The following definitions apply for the purposes of this Instruction:

1. **Active Service.** Included in “active service” are services performed in the following duty statuses:
  - a. **Active Commissioned Service in the USPHS Commissioned Corps.** Active duty as a commissioned officer in the USPHS Commissioned Corps’ Regular Corps, Ready Reserve Corps, or the former Reserve Corps as it existed prior to 23 March 2010. Such service does not include service in another uniformed service nor does it include PHS civil service employment and employment as a member of the Silvio O. Conte Senior Biomedical Research Service (SBRs).
  - b. **Active Duty.** Full-time duty in an active uniformed service of the United States. Such term includes full-time training duty, annual training duty, and attendance, while in an active uniformed service, at a school designated as a service school by law, the ASH, or by the Secretary of the uniformed service concerned. Such term does not include full-time National Guard duty.
  - c. **Active Duty for a Period of More than 30 Days.** Active duty under a call or order that does not specify a period of 30 days or less.
  - d. **Active Reserve.** A Ready Reserve Corps member who is ordered to Active Duty for Operational Support to either the Regular Corps or Ready Reserve Corps missions.
  - e. **Full-Time National Guard Duty.** Training or other duty, other than inactive duty, performed by a member of the Army National Guard or the Air National Guard in the member’s status as a member of the National Guard of a State or territory, the Commonwealth of Puerto Rico, or the District of Columbia under 32 U.S.C. §§ 316, 502, 503, 504, or 505 for which the member is entitled to pay from the United States or for which the member has waived pay.
2. **Active Status.** Included in “Active Status” are memberships in the following classes of the USPHS Commissioned Corps Organizations. This term does not include members while placed on the Temporary Disability Retired List (TDRL), an inactive status list, in the inactive Army National Guard or inactive Air National Guard, or in a retired status:
  - a. **Regular Corps.**
  - b. **Selected Ready Reserve (SELRES).**
  - c. **Active Individual Ready Reserve (IRR).**
3. **Commissioned Service Obligation (CSO).** An obligation that an officer may serve on active duty in the Regular Corps or in the SELRES.
4. **Qualifying Year.** A year in which an officer of the Ready Reserve Corps has earned a minimum of 50 points through service in the USPHS Commissioned Corps or an armed force. All years in which an officer has earned at least 50 points counts towards qualifying the officer for a non-regular retirement.