



CC384.02
EFFECTIVE DATE: 3 July 2013

By Order of the Assistant Secretary for Health:

Howard K. Koh, M.D., M.P.H.

SUBJECT: Voluntary Retirement (20 to < 30 years)

1. PURPOSE:

This Instruction states the policy and procedures under which an officer of the Commissioned Corps of the U.S. Public Health Service (Corps) shall be considered, upon his/her request, for retirement after 20 years of active service but less than 30 years of active service.

2. APPLICABILITY: This Instruction applies to all Commissioned Corps officers serving on extended active duty. It does not apply to officers over the age of 64 years, officers who have completed 30 years of active duty service, flag officers seeking retirement under 42 U.S.C. 212(a)(5) or disability retirements.

3. AUTHORITY:

3-1. [42 USC 212\(a\)\(3\)](#) Retirement of Commissioned Officers

3-2. [CCD43.8.1](#), "Retirement"

3-3. [77 FR 30005](#), "Office of the Assistant Secretary for Health, Statement of Organization, Functions and Delegations of Authority"

4. PROPONENT: The proponent of this Instruction is the Assistant Secretary for Health (ASH). The Surgeon General (SG) is responsible for assuring the day-to-day management of the Corps.

5. SUMMARY OF REVISIONS AND UPDATES: This is the second issuance of this Instruction within the electronic Commissioned Corps Issuance System (eCCIS) and replaces Commissioned Corps Instruction CC23.8.5, dated 28 April 2009. This Instruction increases the time by which the Corps must receive a request for consideration for retirement from 60 days prior to the requested date for retirement to 90 days.

5-1. Removed reference to the Reserve Corps

5-2. Revisions made to reflect the organizational changes outlined in 77 FR 30005

5-3. Increased the time for notifying the Corps of a request to voluntarily retire from 60 days to 90 day.

6. POLICY:

- 6-1. The personnel system of the Corps and its benefits, including pay and retirement, are structured on the basis of a 30-year career. With approval, an officer may voluntarily retire as provided in Section 6-2 after completing 20 years of active service but less than 30 years of active service. The officer must have 20 years of creditable service as defined in Section 6-3 to be eligible for consideration for such retirement.
- 6-2. Voluntary retirement before completing 30 years of creditable service for retirement eligibility shall be approved only if the services of an officer can be relinquished without adverse effects on the continued and effective operation of the Department of Health and Human Services (HHS) Operating Division/Staff Division (OPDIV/STAFFDIV) or non-HHS organization to which the officer is assigned. The following factors shall be considered by the OPDIV/STAFFDIV or non-HHS organization and the Director, Division of Commissioned Corps Personnel and Readiness (DCCPR) when an officer requests consideration for retirement:
- a. Supervisor's recommendation for approval or denial of the officer's request;
 - b. Effect of the retirement on continued and effective operation of the OPDIV/STAFF/non-HHS organization to which the officer is assigned;
 - c. Whether retirement is in the interest of the Corps and/or the Department;
 - d. Years of service creditable for retirement eligibility, exclusive of service in other uniformed services;
 - e. Personal or special circumstances affecting the officer that warrant consideration; and
 - f. Other factors as identified by the officer, his/her supervisor, the Commissioned Corps Liaison, or the Director, DCCPR.
- 6-3. Creditable Service for Eligibility. To be eligible for consideration for retirement after 20 years of service, an officer must have had at least 10 years of active service with the Corps unless approved by the ASH without further delegation. Creditable service for establishing eligibility for retirement under the provisions of this Instruction includes:
- a. All active service (enlisted, warrant, or commissioned) in any of the uniformed services; plus,
 - b. Employment with HHS, other than as a Corps officer, which is comparable to service performed by an officer, not to exceed the last 5 years of such employment. For purposes of this section, creditable service includes Department of Health and Human Services (HHS) employment in professional positions subsequent to receipt of a qualifying degree (i.e., positions normally classified at two-grade intervals under the General Schedule (GS) pay system) at grade levels GS-5 and above as well as equivalent level positions (e.g., Senior Executive Service); plus,

NOTE: Exception: Before 18 December 1980, creditable service included employment as a non-Bachelor of Science registered nurse with HHS after registration as a graduate nurse under a nurse practice act of any State or the District of Columbia. The crediting of such service was eliminated effective 18 December 1980. Only those officers who entered on active duty before that date received such credit.

- c. All active duty service (other than service included in Sections 6-3a and 6-3b) which is creditable for retirement purposes under the laws governing the retirement of members of any of the uniformed services.
 - 6-4. For information on types of retirement and creditable service for retirement eligibility, refer to [CC23.8.1](#).
 - 6-5. For information on the computation of retired pay, refer to [CC23.8.2](#).
7. RESPONSIBILITIES:
 - 7-1. The ASH is responsible for establishing policies related to voluntary retirement.
8. PROCEDURES:
 - 8-1. Submission of Request.
 - a. An officer's request for permission to retire shall be submitted through the officer's supervisor. The officer's request shall be made by memorandum and must contain a proposed effective date of retirement. The officer's memorandum should be brief, but may include any pertinent facts related to the request for retirement. A copy of the request shall be forwarded to the address listed in Section 8-1b. The officer should be aware of each deadline for submission of OPDIV/STAFFDIV/non-HHS organization recommendations to the Director, Assignments and Career Management Branch (ACMB), DCCPR and submit his/her request in sufficient time for OPDIV/STAFFDIV/non-HHS organization administrative review. (see Section 8-3).
 - b. The officer's supervisor shall then prepare a transmittal memorandum addressing each of the considerations in Section 6-2, to be submitted along with the officer's request through OPDIV/STAFFDIV/non-HHS organization channels to the Director, ACMB, at the following address:

Division of Commissioned Corps Personnel and Readiness
ATTN: Director, ACMB
1101 Wootton Parkway, Plaza Level
Rockville, MD 20852
 - c. The completed supervisor's memorandum and officer's request shall then be forwarded through the appropriate Commissioned Corps Liaison to obtain the endorsement of the Head of the OPDIV/STAFFDIV/non-HHS organization. The OPDIV/STAFFDIV/non-HHS organization shall address the overall effect of the officer's retirement on the OPDIV/STAFFDIV/non-HHS organization, and provide explicit recommendation for or against retirement.
 - d. The OPDIV/STAFFDIV/non-HHS organization response shall contain the signatures of the Head of the officer's OPDIV/STAFFDIV/non-HHS organization. Any request that is simply initialed and does not include a recommendation for approval or disapproval by the OPDIV/STAFFDIV/non-HHS organization Head shall be returned for appropriate endorsement.
 - e. The Office of the Surgeon General (OSG) may issue a Personnel Operations Memorandum (POM), through the eCCIS, to address specific compliance issues.

8-2. Request for Consideration.

- a. Setting the Effective Date. By law, all voluntary retirements must be effective the first day of a month. An officer will be retired in the month he/she requests provided that the officer complies with the time constraints pertaining to the submission of his/her retirement request set forth in Section 8-3.

NOTE: Exception: An exception may be granted if the officer's service is imperative to meet an emergency short-term program need and is mutually agreed to by the officer, the program, and the OPDIV/STAFFDIV/non-HHS organization Head. Such a request shall state the officer's specific expertise necessitating an extension of his/her active duty, the required 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. Any extension of the officer's retirement date shall be approved by the Director, DCCPR.

- b. Within the above limits, the effective date shall be negotiated between the officer and the appropriate officials in the OPDIV/STAFFDIV/non-HHS organization to which the officer is assigned. In making this determination, OPDIV/STAFFDIV/non-HHS organization officials shall consider the following factors:
 - (1) Earliest date that the officer can be released without serious effect upon program operations;
 - (2) Date requested by the officer; and
 - (3) Latest date the officer can retire without jeopardy to himself/herself.

8-3. Deadlines for Requesting Consideration.

A request for consideration for retirement with OPDIV/STAFFDIV/non-HHS organization endorsements must be received by the Director, ACMB no less than 90 days prior to the requested date of retirement. Retirement dates will be adjusted to be not less than 90 days from the date of receipt in ACMB.

8-4. Setting Effective Date.

The effective date of retirement shall be as determined by the Director, DCCPR. In any case, the effective date may not be earlier than the first day of the month following completion of the officer's active duty service obligation based on an executed special pay contract, long-term training, or any other obligation.

8-5. Consideration of Request.

- a. The Director, ACMB, will review the officer's service records to verify that the officer is eligible for retirement and has no active duty service obligation(s) and will then forward the retirement request to the Director, DCCPR, along with a list of supporting documentation. The Director, DCCPR, will either:
 - (1) Grant the request for retirement; or
 - (2) Refer the request for retirement to a specially convened retirement board based on the content of the officer's service record.
- b. If the Director, DCCPR, grants the retirement request, he/she will direct the Director, ACMB, to finalize processing the officer's retirement.

- c. If the Director, DCCPR, refers the officer's retirement request to a board:
- (1) The Director, DCCPR, will notify the officer and the Commissioned Corps Liaison of the referral. The notice shall be delivered to the officer at least 30 days before the convening of the board. The notice will include the reason for the referral, the date and time of the board meeting, and copies of all documents that will be presented to the board. The officer and the officer's OPDIV/STAFFDIV/non-HHS organization will be provided with an opportunity to supplement the retirement request with relevant supporting documentation.
 - (2) A board will be convened consisting of at least three Corps officers in the Regular Corps. At least one of the board members will be of the same professional category as the officer whose request is being reviewed by the board. The members, insofar as practicable, will be of the same or senior grade to the officer whose retirement request is being considered by the board. The board member with the greatest seniority shall serve as the Board Chairperson.
 - (3) The retirement board shall 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 (see Section 6-5b of CC43.8.1). The decision of the board will be transmitted to the Director, DCCPR, by the Board Chairperson.

8-6. Final Action.

- a. Notice of the decision to approve the request for retirement shall be sent to the officer by the Director, DCCPR, with a copy to the Commissioned Corps Liaison and the Director, ACMB. The officer will be requested to submit form [PHS-1373](#), "Separation of Commissioned Officer," through normal channels. An officer cannot begin terminal leave until his/her OPDIV/STAFFDIV or non-HHS organization has been notified that the requested retirement date is approved by the Director, DCCPR.
- b. If a board was convened, the decision of the board shall be reviewed by the Director, DCCPR, and forwarded to the SG for action. If the retirement request was not approved by the board, the officer may not be considered for voluntary retirement for 1 year. The Director, DCCPR, shall notify the officer of the decision of the SG and the officer's appeal rights if there is an unfavorable decision.
- c. An officer may appeal the decision of the SG by submitting a written request to the ASH within 15 days of receiving notice of the SG's decision. The ASH may uphold the SG's decision, direct the SG to retire the officer, direct the SG to reconvene the board, or appoint a new board to provide an independent consideration of the facts or to review the matter.
- d. After exhausting all administrative remedies, if the officer believes that an error or injustice exists in his/her folder, he/she may make application to the Board for Correction of PHS Commissioned Corps Records. Information and application forms may be obtained by contacting:

Executive Secretary
Board for Correction of PHS Commissioned Corps Records
8455 Colesville Road
Silver Spring, MD 20910

9. HISTORICAL NOTES: This is the second issuance of this Instruction within the electronic Commissioned Corps Issuance System (eCCIS) and replaces Commissioned Corps Instruction CC23.8.5, dated 28 April 2009 and creates a standalone Instruction within the eCCIS.