



CC43.8.1  
EFFECTIVE DATE: 04 September 2008

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**By Order of the Secretary of Health and Human Services:**

**Michael O. Leavitt**

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SUBJECT: Retirement

1. PURPOSE: This Directive sets forth basic regulations governing the retirement of officers of the Commissioned Corps of the U.S. Public Health Service (Corps).
2. APPLICABILITY: This Directive applies to all Regular and Reserve Corps officers serving on extended active duty.
3. AUTHORITY:
  - 3-1. The statutory authorities for 20-year retirements, 30-year retirements, and retirements for age are contained in [42 USC 212](#). The authority for disability retirements is contained in [42 USC 213a\(a\)\(2\)](#) and [10 USC Chapter 61](#).
  - 3-2. The authority of the President to approve the voluntary retirement of certain flag-rank officers with more than 25 years of active service in the Corps was delegated, without re-delegation authority, to the Secretary by [Executive Order 11140](#) (January 30, 1964).
4. PROPONENT: The proponent of this Directive is the Secretary of the Department of Health and Human Services.
5. SUMMARY OF REVISIONS AND UPDATES: This is the first issuance of this Directive within the electronic Commissioned Corps Issuance System (eCCIS) and replaces Commissioned Corps Personnel Manual (CCPM) CC43.8.1, dated 28 July 1987. This issuance replaces the information from the previous INSTRUCTION of the CCPM, and creates a stand alone Directive within the eCCIS.

## 6. POLICY:

6-1. Retirement for Age. An officer shall be permitted to retire on the first day of any month following the month in which the officer attains 64 years of age, provided the Corps officer has requested such retirement in accordance with procedures prescribed by the Service. This section neither requires nor permits the involuntary retirement of an officer because of the officer's age.

## 6-2. 30-Year Retirement.

a. Involuntary Retirement. An officer may be retired, with or without the officer's consent, on the first day of any month following completion of 30 years of active service. A retirement under this subsection shall be approved in accordance with policy established by the Assistant Secretary of Health (ASH).

b. Voluntary Retirement. An officer shall be permitted to retire at his/her request on the first day of any month following completion of 30 years of active service, provided the officer has requested retirement in accordance with policy established by the ASH.

## 6-3. 20-Year Retirement.

a. General. Retirement of an officer under subsection 6-3.b or 6-3.c who has completed 20 years of active service, but less than 30 years of active service, is at the discretion of the Corps; provided, that at least 10 of those years were active commissioned service in any of the uniformed services (42 USC 212(a)(3)). However, the Corps shall not approve any request for retirement until the officer has served at least 10 years of active commissioned service in the Corps unless approved by the ASH without further delegation.

b. Involuntary Retirement. An officer may be involuntarily retired without the officer's consent, on the first day of any month following completion of the service prescribed in subsection 6-3.a. An officer shall be involuntarily retired under this subsection only after consideration of a retirement recommendation made by a board convened under Section 6-5. However, in the event that retirements are being effected in connection with a reduction in the strength of the Corps, the requirement for review by a retirement board may be waived under policies established by the ASH.

c. Voluntary Retirement. An officer may be retired at his/her request on the first day of any month after completing the service prescribed in subsection 6-3.a, provided the retirement request and approval are made in accordance with policies prescribed by the ASH. Voluntary retirements under this subsection may be approved with or without the recommendation of a retirement board.

Note. Officers who have obligated service that will not be completed as of the projected retirement date may be denied retirement without further action.

## d. Certain Flag-Rank Retirements.

(1) Subject to the approval of the Secretary or designee, an officer who has 4 or more years of service as an Assistant Surgeon General, Deputy Surgeon General, and/or Surgeon General, and who has not less than 25 years of active service in the Corps may retire voluntarily at his/her request on the first day of any month. Retirement for such an officer shall be calculated in accordance with 42 USC 212(a)(5).

- (2) A flag officer who does not qualify to retire under subsection 6-3.d.(1), but is otherwise eligible to retire, may retire voluntarily at his/her request on the first day of any month, provided the officer has served at least 3 years of active duty in the Corps at the highest flag grade held. The requirement to serve for 3 years on active duty at the highest flag grade held may be waived by the ASH without further delegation.

6-4. Disability Retirement.

An officer may be considered for disability retirement with or without a specific application from the officer for such retirement. All such cases shall be handled in accordance with the regulations contained in [CC49.3.1](#), "Medical Review Boards," including composition of the Medical Review Board and Medical Appeals Board.

6-5. Retirement Boards.

When a retirement board is required to be convened, the composition of such board and applicable procedures shall be determined in accordance with policies established by the ASH, provided that:

- a. Each 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; and
- b. When a board's recommendation is not unanimous, one or more of the minority views shall be listed in the report along with the justification and a listing of all document(s) and evidence relied upon in reaching the minority view.

Note. Even when not mandated by this Directive, nothing in this Directive shall be construed to limit the use of a retirement board at the discretion of the ASH. When such boards are convened, the boards shall be convened in accordance with policies established by the ASH.

- 6-6. For purposes of 42 USC 212(d)(2), active service in the Public Health Service, other than as a commissioned officer, means service in any HHS Operating Division or Staff Division on or after the effective date of this Directive.

7. RESPONSIBILITIES: The ASH shall promulgate any additional Instructions necessary to implement the provisions of this Directive.

8. HISTORICAL NOTES: This is the first issuance of this Directive within the eCCIS and replaces CCPM CC43.8.1, dated 28 July 1987.

/s/

September 4, 2008

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Secretary

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Date