

# **MILITARY SEPARATIONS**



**COMDTINST 1000.4C**

**August 2024**

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COMDTINST 1000.4C  
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COMMANDANT INSTRUCTION 1000.4C

Subj: MILITARY SEPARATIONS

- Ref:
- (a) Title 14 U.S.C. Subtitle II
  - (b) Title 10 U.S.C. Subtitle A, Part II and Subtitle E, Part II
  - (c) Officer Accessions, Evaluations, and Promotions, COMDTINST M1000.3 (series)
  - (d) Coast Guard Pay Manual, COMDTINST M7220.29 (series)
  - (e) Physical Disability Evaluation System, COMDTINST M1850.2 (series)
  - (f) Coast Guard Medical Manual, COMDTINST 6000.1 (series)
  - (g) Recoupment of Advanced Education Costs in the Event of Separation Before Completion of Obligated Service, COMDTINST 1560.3 (series)
  - (h) Military Substance Abuse and Behavioral Addiction Program, COMDTINST 1000.10 (series)
  - (i) Discipline and Conduct, COMDTINST M1600.2 (series)
  - (j) Military Justice Manual, COMDTINST M5810.1 (series)
  - (k) Administrative Investigations Manual, COMDTINST M5830.1 (series)
  - (l) Temporary Separations, COMDTINST M1040.6 (series)
  - (m) Certificate of Release or Discharge from Active Duty, DD Form 214, COMDTINST 1900.4 (series)
  - (n) Enlistments, Evaluations, and Advancements, COMDTINST M1000.2 (series)
  - (o) Personnel & Pay Procedures Manual, PPCINST M1000.2 (series)
  - (p) Coast Guard Recruiting, COMDTINST M1100.2 (series)
  - (q) Military Assignments and Authorized Absences, COMDTINST M1000.8 (series)
  - (r) Enlisted Personnel Administrative Boards Manual, PSCINST M1910.1 (series)
  - (s) Military Civil and Dependent Affairs, COMDTINST M1700.1 (series)
  - (t) Presidents Recognition on Retirement from Military Service DoDI 1348.34
  - (u) Command Senior Enlisted Leader (CSEL) Rating Force Master Chief (RFMC) and Senior Enlisted leader (SEL) Program, COMDTINST 1306.1 (series)
  - (v) Reserve Duty Status and Participation, COMDTINST 1001.2 (series)
  - (w) Service Credit for Non-Regular Retirement, DoDI 1215.07
  - (x) Harassing Behavior Prevention, Response, and Accountability, COMDTINST 5350.6

1. PURPOSE. This Instruction promulgates policies and standards for Military Separations, COMDTINST 1000.4 (series).
2. ACTION. All Coast Guard unit commanders, commanding officers, officers-in-charge, deputy/assistant commandants, and chief of headquarters staff elements must comply with the provisions of this Instruction.

3. AUTHORIZED RELEASE. Internet release is authorized.
4. DIRECTIVES AFFECTED. Military Separations, COMDTINST 1000.4B, is hereby cancelled.
5. DISCLAIMER. This policy guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is intended to provide administrative guidance for Coast Guard personnel and is not intended to, nor does it impose legally-binding requirements on any party outside the Coast Guard.
6. SCOPE AND AUTHORITIES. It is recommended that the reader become familiar with the directives and publications noted throughout this Instruction and are listed in order of appearance here:

Harassing Behavior Prevention, Response, and Accountability, COMDTINST 5350.6 (series);

Records & Information Management Program Roles and Responsibilities, COMDTINST 5212.12 (series);

Coast Guard Academy Scholar Program Administration, COMDTINST 5354.2 (series);

Correcting Military Records, COMDTINST 1070.1 (series);

Coast Guard External Affairs Manual, COMDTINST 5700.13 (series);

Documents Viewed By Coast Guard Officer Promotion and Special Boards, COMDTINST 1410.2 (series);

Coast Guard Military Human Resource Record (CGMHRR) System, COMDTINST 1080.10 (series);

Military Bonus and Incentive Programs, COMDTINST 7220.2 (series).

7. MAJOR CHANGES. This Instruction promulgates the following changes:
  - a. Members with eight or more years of military service being recommended for separation due to misconduct involving drugs or for disrupting drug urinalysis testing by tampering with urine samples or documentation are entitled to an Administrative Separation (ADSEP) Board.
  - b. Senior Enlisted Continuation Board (SECB) criteria updated to also include 30 to 31 years active military service.
8. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS. The Office of Environmental Management, Commandant (CG-47) reviewed this Commandant Instruction and the general policies contained within and determined that this policy falls under the Department of Homeland Security (DHS) categorical exclusion A3. This Commandant Instruction will not result in any substantial change to existing environmental conditions or violation of any applicable federal, state, or local laws relating to the protection of the environment. It is the responsibility of the action proponent to evaluate all future specific actions resulting from this policy for compliance with the National Environmental Policy Act (NEPA), other applicable environmental requirements, and the U.S. Coast Guard Environmental Planning Policy, COMDTINST 5090.1 (series).

9. DISTRIBUTION. Electronic distribution in the Directives System Library. Intranet/Pixel Dashboard: Directives Pubs, and Forms - PowerApps (appsplatform.us). If Internet released: Commandant Instructions (uscg.mil), Coast Guard Forms (uscg.mil) .
10. RECORDS MANAGEMENT CONSIDERATIONS. Records created as a result of this Instruction, regardless of format or media, must be managed in accordance with Records & Information Management Program Roles and Responsibilities, COMDTINST 5212.12 (series) and the records retention schedule located on the Records Resource Center Microsoft SharePoint site at: <https://uscg.sharepoint-mil.us/sites/cg61/SitePages/CG-611-RIM.aspx> .
11. FORMS/REPORTS. Suggested changes and/or corrections for immediate action may be submitted to USCG.Forms@uscg.mil.
12. SECTION 508. This policy is created to adhere to accessibility guidelines and standards as promulgated by the U.S. Access Board with consideration of Information and Communications Technology (ICT) requirements. If accessibility modifications are needed for this artifact, please communicate with the Section 508 Program Management Office (PMO) at Section.508@uscg.mil. Concerns or complaints for non-compliance of policy and/or artifacts may be directed to the Section 508 PMO, the Civil Rights Directorate (<https://www.uscg.mil/Resources/Civil-Rights/>) for the Coast Guard, or to the U.S. Department of Homeland Security at accessibility@hq.dhs.gov.
13. REQUEST FOR CHANGES. Units and individuals may recommend changes via their chain of command using the Coast Guard memorandum to: HQS-SMB-PolicyandStandards@uscg.mil.

/MICHAEL W. RAYMOND/  
Rear Admiral, U.S. Coast Guard  
Assistant Commandant for Military Personnel

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## TABLE OF CONTENTS

<b>CHAPTER 1. COMMISSIONED OFFICERS.....</b>	<b>1-1</b>
A. General.....	1-1
B. Types of Officer Discharges. ....	1-1
C. Inter-Service Transfers of Regular and Reserve Active Duty Officers. ....	1-3
D. Resignations.....	1-4
E. Types of Officers' Resignations.....	1-6
F. Voluntary Release of Reserve Officers from Extended Active Duty (EAD).....	1-7
G. Involuntary Release of Reserve Officers from Extended Active Duty (EAD).....	1-7
H. Discharging Ready Reserve Officers on Active Duty. ....	1-8
I. Physical Examination.....	1-9
J. Revoking Regular and Reserve Officers' Commissions in Their First Five Years of Service for Cause.....	1-11
K. Vacating a Temporary Appointment.....	1-13
L. Failing Selection for Promotion or Continuation.....	1-14
M. Dismissing or Dropping from the Rolls.....	1-17
N. Separating Regular and Reserve Coast Guard Officers for Cause.....	1-18
O. Revoking the Coast Guard Band Director's Designation.....	1-36
P. Releasing Retired Recalled Officers from Active Duty.....	1-36
Q. Separating an Officer Serving in a Foreign Country.....	1-37
R. Separation Pay.....	1-37
S. Terminating a Chief Warrant Officer Appointment.....	1-38
T. Separating Chief Warrant Officers for Unfitness or Unsatisfactory Performance.....	1-39
U. Requests to Separate Voluntarily in Lieu of Involuntary Board Action.....	1-40
V. Separation in Lieu of Orders (SILO).....	1-40
W. Separations Related to Unrestricted Report of Sexual Assault.....	1-40
<b>CHAPTER 2. ENLISTED MEMBERS.....</b>	<b>2-1</b>
A. General.....	2-1
B. Determining the Type of Discharge.....	2-5
C. Explaining Discharge Types and Related Matters.....	2-10
D. Pre-Discharge Interview of Enlisted Members.....	2-10
E. Processing Personnel Ineligible to Reenlist.....	2-13
F. Physical Examination Before Separation.....	2-16
G. Enlisted Members' Early Separation.....	2-17
H. Releasing Enlisted Members Early to Pursue Education.....	2-21
I. Unsatisfactory Performers/Probation.....	2-21
J. Transfers at Time of Sailing.....	2-24
K. Expiration of Enlistment.....	2-24

L. Convenience of the Government .....	2-29
M. Discharge for Minority (Under Age).....	2-32
N. Disability.....	2-34
O. Unsuitability.....	2-36
P. Security .....	2-39
Q. Misconduct.....	2-39
R. Discharge Adjudged by Court-Martial Sentence.....	2-46
S. Uncharacterized Discharges.....	2-47
T. Discharge for the Good of the Service.....	2-49
U. Canceling Void Enlistments .....	2-50
V. Disposition Before Trial .....	2-51
W. Administrative Separation Board and Final Action of Discharge Authority.....	2-53
X. Procedure for Discharge Under Other than Honorable Conditions .....	2-56
Y. Waiver or Forfeiture of Administrative Separation Board .....	2-60
Z. Suspending Execution of Approved Discharge Probation.....	2-60
AA. Procedures to Effect Transfer to Fulfill Service Obligation.....	2-61
BB. Releasing Reserve and Retired Enlisted Members from Active Duty During War or National Emergency.....	2-62
CC. Effective Time of Separation.....	2-62
DD. Transfer for Discharge Under Other than Honorable Conditions .....	2-63
EE. Separation Under Honorable Conditions (General).....	2-63
FF. Separating Aliens .....	2-65
GG. Determining Final Average Marks .....	2-66
HH. Personnel Data Record Entries at Departure .....	2-66
II. Certificate of Release or Discharge from Active Duty, DD-Form 214 .....	2-68
JJ. Discharge Certificates .....	2-68
KK. Honorable Discharge Button. ....	2-68
LL. General Information on Separation Without Immediate Re-enlistment .....	2-69
MM. Discharge Entitlements Summary.. ....	2-72
NN. Separations in Lieu of Orders (SILO).. ....	2-73
OO. Second Chance Program.....	2-73
PP. Career Preservation Provision for Victims of Sexual Assault .....	2-74
<b>CHAPTER 3. RETIREMENTS .....</b>	<b>3-1</b>
A. General Information.....	3-1
B. Service Credit to Qualify for Retirement.....	3-3
C. Pre-Retirement Physical Examination .....	3-4
D. Retirement Counseling and Ceremony .....	3-5
E. Statutory Authority to Retire Commissioned Officers (Except Commissioned Warrant Officers) .....	3-7



F. Statutory Authority for Commissioned Warrant Officers' Retirement.....	3-8
G. Permanent Commissioned Teaching Staff Members' Retirement.....	3-10
H. Procedures for Officers' Retirement.....	3-11
I. Statutory Authority to Retire Active Duty Enlisted Members.....	3-14
J. Retirement of Enlisted Service Members .....	3-16
K. Grade or Rate in Which Retired.....	3-20
L. Retired Members' Privileges .....	3-29
M. Retired Members' Obligations.....	3-30
N. Presidential Recognition upon Retirement from the Coast Guard.....	3-30
<b>CHAPTER 4. DEPENDENCY OR HARDSHIP DISCHARGES .....</b>	<b>4-1</b>
A. Discussion.....	4-1
B. Policies Governing Discharge.....	4-1
C. Applying For Discharge.....	4-2
D. Commanding Officer's Actions.....	4-2
E. Safeguarding Privacy .....	4-3
F. Social Service Agencies' Reports.....	4-3
G. Type of Discharge.....	4-3
H. Involuntary Discharge.....	4-3
I. Release to Reserve .....	4-3
<b>CHAPTER 5. DISABILITY RETIREMENT AND SEVERANCE PROCEDURES....</b>	<b>5-1</b>
A. Retaining Personnel Unfit for Continued Service on Active Duty.....	5-1
B. Final Action on Physical Evaluation Boards .....	5-5
<b>CHAPTER 6. ENLISTED HIGH YEAR TENURE .....</b>	<b>6-1</b>
A. Discussion.....	6-1
B. Definitions.....	6-1
C. Professional Growth Point Table.....	6-2
D. Advancements and reductions in pay grade.....	6-2
E. Reenlistments and extensions .....	6-4
F. Obligated service .....	6-4
G. Separation .....	6-4
H. HYT PGP, CSEL and RFMC waivers.....	6-6
<b>CHAPTER 7. SENIOR ENLISTED CONTINUATION BOARD .....</b>	<b>7-1</b>
A. Discussion.....	7-1
B. Roles and Responsibilities .....	7-2
C. Definitions.....	7-3
D. Advancements, Time in Rate (TIR), Appointments, and Reductions in pay grade.....	7-4
E. Reenlistments and extensions .....	7-4

F. Obligated service .....	7-4
G. Conducting the SECB.....	7-4
H. Retirement.....	7-6
<b>CHAPTER 8. SELECTIVE EARLY RETIREMENT BOARD (SERB).....</b>	<b>8-1</b>
A. Overview.....	8-1
B. Legal Authority .....	8-1
C. Roles and Responsibilities .....	8-1
D. Eligible Candidates .....	8-1
E. Composition of the SECB.....	8-1
F. Oath of Members .....	8-1
G. Communication with the SERB.....	8-1
H. Submission of Report.....	8-2
I. Warrant Officers Recommended for Retirement.....	8-2
<b>CHAPTER 9. RESERVE COMPONENT MANAGERS (RCMS) .....</b>	<b>9-1</b>
A. Overview.....	9-1
B. RCM Designation .....	9-1
C. Voluntary Release from Active Duty .....	9-1
D. Separation for Cause.....	9-1
E. Failure of Selection for Designation, Promotion, or Continuation.....	9-2
F. Completing 30 Years' Commissioned Service .....	9-3
G. Mandatory Retirement of Running Mates .....	9-3
H. Separation Pay Entitlement.....	9-3
I. Grade on Retirement.....	9-4
<b>CHAPTER 10. SEPARATION, RETIREMENT, TRANSFER TO THE RETIRED RESERVE.....</b>	<b>10-1</b>
A. Separation of Reserve Officers .....	10-1
B. Separation of Enlisted Reserve Members .....	10-3
C. Sanctuary.....	10-5
D. Conditional Release for Inter-Service Transfer .....	10-7
E. Mandatory Separation for Age.....	10-8
F. Retirement.....	10-9
G. Retirement Categories.....	10-9
H. Qualifying Years of Service.....	10-11
I. Calculation of Regular Retired Pay for RC Members with 20 Years of Active Duty Service (RET-4).....	10-12
J. Calculation of Non-Regular Retired Pay .....	10-13
K. Retirement Points Statement.....	10-14

L. Completion of Satisfactory Service .....	10-14
M. Grade for Retirement and Retired Pay .....	10-14
N. Requesting Retirement.....	10-15
O. Retirement Privileges and Obligations .....	10-16
P. Concurrent Retirement and Disability Pay (CRDP) .....	10-16
Q. Former Members.....	10-16
R. Disability and Separation.....	10-17

## CHAPTER 1. COMMISSIONED OFFICERS

- A. General. This Chapter applies to regular officers, Commissioned Warrant Officers, Reserve officers on active duty and Reserve officers in an active status unless otherwise indicated.
1. Continuation of Status. The President appoints regular Coast Guard and Coast Guard Reserve officers to an indefinite term. Once an individual legally accepts a commission or warrant in the Coast Guard and executes the oath of office, the individual acquires a status, which continues until legally terminated.
  2. Methods of Separation. Complete separation from the Coast Guard is accomplished by:
    - a. Secretary's acceptance of resignation;
    - b. Dismissal;
    - c. Revocation of commission or warrant;
    - d. Dropping from the rolls: A complete severance of military status pursuant to a specific statutory authority, without characterization of service;
    - e. Discharge; or,
    - f. Removal; In accordance with 14 U.S.C. § 2160 and § 2163.
  3. Terminating Active Duty. Terminating active duty (without completely separating from the Coast Guard) includes retirement and a Reserve officer's release from active duty.
  4. Coast Guard Academy Cadets. The Superintendent of the Coast Guard Academy has the authority to terminate a cadet's appointment on the recommendation of an Executive Board, the Provost of Academics, or the Commandant of Cadets. The Superintendent may issue an uncharacterized discharge to cadets or scholars who fail to meet the standards of conduct or performance prescribed by the superintendent. The decision by the Superintendent of the Coast Guard Academy to dismiss a cadet may be appealed to Commandant (DCMS-DPR). The Superintendent, Coast Guard Academy, will prescribe the appeal procedures in accordance with Coast Guard Academy Regulations of the Corps of Cadets, SUPTINST M5215.2 (series).
- B. Types of Officer Discharges. This Section discusses the discharge types approved for Coast Guard officers. Officers who totally separate from the Coast Guard or Coast Guard Reserve while on active duty are entitled to one of the following discharges:
1. Honorable Discharge. The Service generally grants an Honorable Discharge to officers under circumstances which would warrant such a discharge for enlisted members. The following standards govern issuing Honorable discharge certificates:

- a. Acceptance of unqualified resignations as described in Section 1.E.1. of this Instruction.
  - b. Discharge or retirement because of failure of selection for promotion.
  - c. Administrative separation for cause for reasons specified in Section 1.N.4.a. of this Instruction.
  - d. Other conditions generally resulting in an Honorable discharge for enlisted members.
  - e. Acceptance of a resignation for the good of the Service or voluntary separation in lieu of board action depending on the underlying circumstances as determined by Commander (CG PSC). Submit this type of resignation as described in Section 1.E.3. of this Instruction.
2. Discharge Under Honorable Conditions (General). The Service grants a Discharge Under Honorable Conditions (General) to officers if the cause for separation or an officer's record would preclude Honorable discharge but is not of such a nature as to require discharge under conditions Other Than Honorable; for example:
- a. Acceptance of qualified resignations submitted in the form described in Section 1.E.2. of this Instruction.
  - b. Separation for cause for reasons of moral or professional turpitude as specified in Section 1.N.4.b. of this Instruction.
  - c. Acceptance of a resignation for the good of the Service depending on the underlying circumstances as determined by Commander (CG PSC).
3. Discharge Under Other Than Honorable Conditions. The Service generally grants a discharge under Other Than Honorable conditions to officers separated for cause under the following circumstances:
- a. Acceptance of a resignation to escape dismissal.
  - b. Acceptance of a resignation for the good of the Service in lieu of trial by court-martial.
  - c. Acceptance of a resignation for the good of the Service depending on the underlying circumstances as determined by Commander (CG PSC).
  - d. Separation of officers for a civil authority conviction on criminal charges except for officers dropped from the rolls under Section 1.M. of this Instruction.
  - e. Separation for cause for reasons of moral or professional turpitude as specified in Section 1.N.4.b. of this Instruction.

- f. Voluntary separation or retirement in lieu of board action.
  - g. Acceptance of a resignation for the good of the Service depending on the underlying circumstances as determined by Commander (CG PSC).
4. Dismissal Pursuant to General Court-Martial Sentence. Officers dismissed from the Service pursuant to a sentence of general court-martial do not receive a certificate of discharge. Their only separation document is a letter signed by the Secretary or an authority to which the Secretary has lawfully delegated the function to inform the officer concerned of their trial, conviction, sentence, departmental action on and approval of the sentence, and fact of dismissal. This is the lowest type of separation from the Service, and in all respects equals a dishonorable discharge.
  5. Administrative Separation. In all cases in which an officer is recommended for administrative separation from the Service, the recommending authority must also recommend the type of discharge that should be granted under this Section.
  6. Issuing Authority. Commander (CG PSC) will determine the type of discharge and direct the Servicing Personnel Office (SPO) to prepare the appropriate discharge certificate in the officer's separation order, either in writing or via message. Under no circumstances will any ship or station ever issue any form of discharge certificate to an individual separated from the Service as a chief warrant or commissioned officer.
- C. Inter-Service Transfers of Regular and Reserve Active Duty Officers. Per 10 U.S.C. § 716 notwithstanding any other provision of law, any commissioned officer of a uniformed service may be transferred from their uniformed service to, and appointed in, another uniformed service. The following applies:
1. Consent of Transfer. The officer must consent to the transfer.
  2. Rank Transfer Limitations. An officer transferred from the Coast Guard may not be appointed in another service at a higher rank or precedence than that held on the date before transfer.
  3. Inter Service Transfer Limitations. Transfers will be made only within authorized strength limitations. Members are eligible to apply for an interservice transfer as long as they have completed their initial active-duty service obligation and any additional service obligation incurred during service (e.g., bonuses, PCS, etc.).
  4. Process.
    - a. Transfer. Normally, an individual officer initiates a transfer by submitting a request through the chain of command to Commander (CG PSC-OPM). A justification of the requested transfer as being in the interest of national security and the individual officer must be submitted with all requests.

- b. Commander (CG PSC-OPM) Will indicate concurrence or disagreement and send the request to the Secretary of the gaining service.
  - c. Service Coordination. If the Coast Guard and DoD approve the request, the two affected Services will terminate the officer's current commission and reappoint the officer in the other Service without interrupting the continuity of the officer's total military service.
  - d. Promotion List. An officer transferred under this Section from the Coast Guard to another uniformed service will be placed on the applicable promotion or lineal list "in accordance with the law and DoD policy."
  - e. Leave Credit. An officer transferred under this Section is credited with the unused leave which the officer was credited at the time of transfer and the total military service which the officer was credited on the day before transfer.
- D. Resignations. Regular and Reserve officers retain their commission at the pleasure of the President of the United States. This Section lists the criteria to voluntarily terminate an officer's status as deemed necessary for current Service requirements and the needs of the officer corps.
- 1. Submitting Requests to Resign. Officers must submit voluntary requests to resign in writing to Commander (CG PSC-OPM) or Commander (CG PSC-RPM) through the chain of command. Commander (CG PSC-OPM) or Commander (CG PSC-RPM) carefully notes the commanding officer's comments, which should contain pertinent facts or reasons that underlie the request.
  - 2. Deadline. An officer may submit an unqualified request to resign (see Section 1.E.1. of this Instruction) not more than two years in advance but in sufficient time to reach Commander (CG PSC-OPM) or Commander (CG PSC-RPM) six months before the requested resignation date. Exceptions to these time limits may be granted in hardship cases.
  - 3. Acceptance.
    - a. A resignation has no effect until the competent authority accepts it. Upon receiving and acknowledging a request for resignation, Commander (CG PSC-OPM) or Commander (CG PSC-RPM) establishes the terminal date and supplies the officer with the separation authorization pending final acceptance by the Secretary of Homeland Security on behalf of the President.
    - b. The Superintendent of the Coast Guard Academy may accept the voluntary resignation of a cadet's appointment.

4. Denying a Request. Except in very unusual circumstances, Commander (CG PSC-OPM) or Commander (CG PSC-RPM) will not accept an officer's resignation under these conditions:
  - a. The officer has not completed active obligated service.
  - b. The officer has not completed one year at their INCONUS (in the continental United States) or two years at their OCONUS (out of the continental United States) duty station.
  - c. A state of emergency exists during which Service needs clearly preclude accepting a resignation.
  - d. Commander (CG PSC-OPM) issued orders to duty outside the continental limits of the United States before receiving the letter tendering a resignation.
5. Request for Reserve Commission. An officer whose resignation is accepted and who has no obligation under 10 U.S.C. § 651 is not required to accept a Coast Guard Reserve appointment. However, an officer whose service has been satisfactory is encouraged to do so, since Reserve service will be desirable for the Coast Guard and advantageous to the individual. All officers requesting resignation will state whether or not they desire a Coast Guard Reserve Commission. Requests for Reserve Commissions should be submitted to Commander (CG PSC-RPM). To ensure there is no break in service, requests should be submitted at least 120 days prior to discharge. Any period between an officer's resignation and the completion of the Acceptance, and Oath of Office, Form CG-9556, is not creditable service for membership or longevity purposes. Once the officer has been appointed as a Reserve Commissioned Officer by the Secretary of Homeland Security and has executed the Acceptance and Oath of Office, Form CG-9556, the Servicing Personnel Office (SPO) should ensure the member is accessed into the Reserve. See Article 1.G. of Officer Accessions, Evaluations, and Promotions, COMDTINST 1000.3 (series).
6. Temporary Officers. An enlisted member serving as a temporary commissioned officer who resigns and has no obligation under 10 U.S.C. § 651 will be discharged. Should a temporary officer who has an obligation under 10 U.S.C. § 651 be granted a resignation, they will be given the choice of either a Reserve commission followed by release to inactive duty or reversion to permanent status and transfer to the Reserve to complete the required service. Temporary officers who resign their commission are encouraged to accept a commission in the Coast Guard Reserve. Any period between an officer's resignation and completing the Acceptance and Oath of Office, Form CG-9556, is not creditable service for membership or longevity purposes.
7. Withdrawing a Request. Based on Service needs, Commander (CG PSC-OPM) may grant the officer concerned approval to withdraw a request to resign. However, the officer must acknowledge in writing that they understand that they will be required to complete a minimum of two (2) years active duty from the date of cancellation.



8. Disapproving a Request. The Commandant may decide to retain officers on active duty beyond their requested resignation date based on Service needs.

E. Types of Officers' Resignations.

1. Unqualified Resignation.

- a. The Coast Guard is interested in the reasons why an officer voluntarily separates from the Service and a Coast Guard career. Therefore, it is important for an officer submitting their resignation to state precisely the reasons for doing so. If an officer desires to resign to attend school, enter business, or accept a position in civilian life, they should say so. If an officer is resigning because they think their chances for promotion in the Service are poor, the pay is inadequate, or the deprivation of home life is excessive, these reasons should be stated as well.
- b. Officers requesting voluntary, unqualified resignation may also be eligible for Temporary Separation described in Reference (1). Officers are encouraged to become familiar with the provisions of Reference (1) prior to submission of a request for voluntary, unqualified resignation.

2. Qualified Resignation. It is a Qualified Resignation if General Discharge follows.

3. Resignation for the Good of the Service. A resignation for which the least favorable characterization of service allowed is under Other Than Honorable conditions.

4. Resignation in Lieu of Trial before a General Court-Martial.

- a. This type of resignation indicates that the officer concerned submits a resignation as an alternative to facing trial before a general court-martial and, to preclude the possibility such a trial might result in conviction, with ensuing sentence perhaps extending to dismissal from the Service and imprisonment. Whenever practical, an officer desiring to submit such a resignation should be given a receipted copy of the charges and specifications preferred; or, if they have not been preferred, should receive a receipted set of sample charges and specifications alleging offenses for which the officer might be brought to trial.
- b. It is desirable for a psychiatrist, or a medical officer if a psychiatrist is not conveniently available, to submit for the case record a statement with their professional observations and impressions of the apparent mental and physical condition of the officer submitting the resignation.
- c. Officers whose resignations for the good of the Service and in lieu of trial before a general court-martial are accepted may be awarded a discharge Under Other Than Honorable conditions.

F. Voluntary Release of Reserve Officers from Extended Active Duty (EAD).

1. Conditions for Approval. Commander (CG PSC) will approve a request for release to inactive duty (RELAD) or early release from a Reserve officer who has not fulfilled their active duty obligation only under the conditions listed below. Reserve officers serving under an active duty agreement normally must complete the period of active duty specified by the agreement.
  - a. When a specific program for early release applicable to all Reserve officers within a group has been approved;
  - b. When the needs of the Service clearly would be served by approving the request, or
  - c. When a hardship of extreme degree exists which the officer's early release can alleviate.
2. Automatic Release. Reserve officers not serving under active duty agreements and who have no outstanding obligation for continued active service will be released automatically to inactive duty when their period of active duty expires. This includes officers who have greater than eight but less than 18 years total service. Commander (CG PSC-OPM) normally issues release orders four months in advance.
3. Obligated Service. Commander (CG PSC-OPM) will consider all obligated service requirements prior to final determination for voluntary release.
4. Release of Reserve Component Managers (RCMs). Officers whose RCM designation has been removed under Reference (c), will be released to inactive duty.

G. Involuntary Release of Reserve Officers from Extended Active Duty (EAD) (10 U.S.C. § 12311 – 12313).

1. Involuntary Release of Reserve Officer. Commander (CG PSC) may release a Reserve officer from EAD involuntarily. Commanding officers or other officers in the chain of command may recommend that a Reserve officer be involuntarily released from EAD by submitting a CG Memorandum to Commander (CG PSC-OPM). Recommendations must contain the following information:
  - a. Officer's name;
  - b. Length of service;
  - c. Period of time officer was observed;
  - d. Reason for recommendation;
  - e. Specific facts or circumstances relating to performance in chronological order;

- f. Medical reports or opinions, if applicable;
  - g. Nature of counseling and other steps taken to correct deficiencies, if applicable;
  - h. Officer's response to counseling, if applicable; and
  - i. Special Officer Evaluation Report(s), if applicable.
2. Review Opportunity. The recommending officer must grant the Reserve officer concerned an opportunity to review the recommendation and permit the Reserve officer an opportunity to comment, as desired, by memorandum endorsement.
  3. Comment Opportunity. If Commander (CG PSC) initiates action, the Reserve officer will be advised, in writing, of the contemplated actions and the reasons therefore and given an opportunity to communicate to a special board, if one is convened, in writing via the chain of command. The Reserve officer is not required to submit comments, and any special board convened to consider the Reserve officer's case is prohibited from drawing conclusions adverse to the Reserve officer if the officer chooses to not submit comments.
  4. Response Opportunity. Comments made by the chain of command must be furnished to the subject Reserve officer who is authorized 10 calendar days to respond to those comments if the officer so chooses. The Reserve officer's command may grant an extension for good and sufficient reason if requested by the Reserve officer. An unexcused failure to respond within the 10 calendar daytime limit or within any extension granted by the command constitutes a waiver of the Reserve officer's right to comment.
  5. Board Review. A board of officers senior to the subject Reserve officer as described in Section 1.J.2.c. of this Instruction must review the recommendation and the Reserve officer's comments, if any. After thoroughly reviewing the record, the board will recommend to Commander, (CG PSC-OPM) either releasing the officer from EAD or closing the case. Commander, (CG PSC-OPM) sends the panel's recommendation to the Commandant for approval, modification, or disapproval (10 U.S.C. § 12681 and 10 U.S.C. § 12312).
- H. Discharging Ready Reserve Officers on Active Duty. When it is necessary to recommend a Reserve officer serving on active duty for discharge from the U. S. Coast Guard Reserve, the following guidance applies.
1. Reserve officers with less than five years commissioned service. All Reserve officers with less than five years commissioned service being considered for general discharge for the reasons in Section 1.N.4.a. or Section 1.N.4.b. of this Instruction will be processed as outlined in Section 1.J.2. of this Instruction. Commander, (CG PSC-RPM) will serve as a member of the panel of officers established in Section 1.J.2. of this Instruction.
  2. Reserve officers with at least five years commissioned service. All Reserve officers with at least five years commissioned service being considered for discharge will be processed

using the three-board process described in Section 1.N. of this Instruction. A Reserve officer will serve as a member of each board if possible.

3. Reserve officers discharged due to board action or at their request in lieu of board action. Reserve officers being discharged due to board action or at their request in lieu of board action may receive the same service characterizations as a Regular officer. Prior to being considered for a lower than a general discharge characterization, Commander (CG-PSC) will provide the same notification as required in Section 1.N.9.d.(3)(e). Pay and Personnel Center (PPC) determines the amount of separation pay, if entitled, as defined in Reference (d).

#### I. Physical Examination.

1. Terminology. The term “unfit for continued service” in accordance with Reference (e) is used in this Section rather than “not fit for duty.” “Not fit for duty,” in accordance with Reference (f), is a medical term meaning the member is unable to perform the immediate duties to which assigned for a short period of time. A finding of “not fit for duty” does not qualify the member for processing in the Physical Disability Evaluation System (PDES) and does not mean the member is not qualified for separation. A member could be “not fit for duty” and still be separated if the existing impairment does not lead to a physical disability as defined in Reference (e) unless Commander (CG PSC-OPM) considers it necessary to correct a physical defect. “Unfit for continued service” means a physical disability exists which renders the member unfit to perform the duties of their office, grade, rank, or rating. This determination can be made only through the PDES and could lead to the member’s separation, except as provided in Section 5.A.2. of this Instruction.
2. All Reserve officers with at least five years commissioned service. Those Reserve officers being considered for discharge will be processed using the three-board process described in Section 1.N. of this Instruction. A Reserve officer will serve as a member of each board if possible.
3. Requirement. An officer being separated will schedule any necessary physical examination so it is completed at least 60 days before the effective date of separation or release, although Commander (CG PSC-OPM) will not delay a separation or release date solely because the officer failed to complete a scheduled physical examination. A scheduled separation or release date may be delayed only if a question exists about a member’s unfitness for continued service so as to require convening a medical board under Reference (e) or if serious disease or injury intervenes. The district commander or commanding officer of the Headquarters unit concerned will issue any travel orders necessary to obtain a physical examination.
4. Exemption. If an officer has had a physical examination within one year of separation or release, a physical examination is not required before separation (e.g., retirement, resignation, or discharge) or release to inactive duty.

5. Physical Disability Evaluation System (PDES). If an officer enters PDES or serious disease or injury occurs before a scheduled separation or release, the command will inform Commander (CG PSC-OPM-1) and (CG PSC-PSD-MED) expeditiously by email, message, or memorandum. If necessary, the communication will include a request for an appropriate delay to the officer's separation or release date. Delays of not more than 30 days will be granted at a time.
6. Delaying Separation. An officer's separation for hospitalization, medical observation, or PDES processing may be delayed only if the officer involved consents. If the officer withdraws that consent in writing, Commander (CG PSC-OPM), will separate the officer not later than 60 days from the date such notice was received (14 U.S.C. § 2156).
7. Action upon Physical Examination Results. This general guidance addresses various outcomes of a physical examination for separation or release.
  - a. If an officer is found qualified for separation or release, the officer is processed for separation or release as scheduled.
  - b. If an officer is found qualified for separation or release and disagrees with the finding, Commander (CG PSC-OPM) and (CG PSC-PSD-MED) will be notified immediately.
  - c. If a question exists about an officer's unfitness to perform duties, Commander (CG PSC-OPM) and (CG PSC-PSD-MED) will be notified immediately by message or letter. The officer will then be processed under Reference (e), Chapter 3.
  - d. If a question exists about an officer's unfitness to perform duties and the officer still desires to separate, comply with Section 3.C.2. of this Instruction.
  - e. The following table illustrates these guidelines:

Table 1-1 (Physical Examination Summary)

Finding of Physical Examination	Member Agrees	Member Disagrees	Officer's Command Takes This Action
Fit for Duty	X		Send Report of Medical Examination, Form DD-2808, and Chronological Record of Service, Form CG-4057 to Commander (CG PSC-OPM), who issues separation orders.
Fit for Duty		X	Notify Commander (CG PSC-OPM) and comply with Reference (f).
Unfit for Continued Service	X		Notify Commander (CG PSC-OPM) and comply with Chapter 3 of Reference (e).
Unfit for Continued Service		X	Comply with Section 3.C. of this Instruction.

J. Revoking Regular and Reserve Officers' Commissions in Their First Five Years of Service for Cause.

1. General.

- a. The Service considers the first five years of an officer's career a probationary period during which the officer demonstrates their ability to adapt to the requirements of Coast Guard life and shows capability for future development. Some officers either are unable to adapt to service life or their performance indicates it is doubtful whether the time and effort required will form them into effective officers.
- b. The authority to revoke an officer's commission under this Section is not designed for use when court-martial would be more appropriate; see Section 1.N.4. of this Instruction.
- c. In cases where a commanding officer, a superior in the chain of command, or Commander, (CG PSC-OPM) determines that an Other Than Honorable Discharge may be appropriate, or in other cases deemed appropriate, Commander, (CG PSC-OPM) may refer the case directly to a Board of Inquiry (See Section 1.N.9. of this Instruction).
- d. Officers separated pursuant to this Section are subject to recoupment of Advanced Education Costs in accordance with Reference (g).

2. Process.

- a. A commanding officer or a superior in the chain of command may recommend revoking the commission of an officer who has fewer than five years of continuous service as a Coast Guard commissioned officer. Commander (CG PSC-OPM) also may initiate board action to revoke an officer's regular commission based on a recommendation from the officer's commanding officer or a superior in their chain of command. Commander, (CG PSC-OPM) also may initiate board action to revoke an officer's regular commission based on knowledge of adverse information about the officer. A commanding officer or superior in the chain of command will recommend revocation to Commander (CG PSC-OPM). Recommendations must contain the following information:
  - (1) Officer's name;
  - (2) Length of service;
  - (3) Period of time officer was observed;
  - (4) Reason for recommendation;
  - (5) Specific facts or circumstances relating to performance;
  - (6) Medical reports or opinions, if applicable;
  - (7) Nature of counseling and other steps taken to correct deficiencies;
  - (8) Officer's response to counseling;
  - (9) Special Officer Evaluation Report, if applicable; and
  - (10) Recommended Characterization of Service (optional).
- b. The recommending officer will grant the officer concerned an opportunity to review the recommendation and permit the officer to comment as desired by letter endorsement. If Commander (CG PSC) initiates the action, the candidate will be advised in writing of the contemplated actions and the reasons therefore and given the opportunity to communicate to the special panel in writing via the chain of command. Any comments made by members in the chain of command will be furnished to subject officer and subject officer will be given 10 calendar days to respond to those comments.
- c. A panel of three officers, normally consisting of Commander (CG PSC-OPM) and two senior officers or representatives from Commander (CG-R) or Commander (CG PSC-RPM) in cases of Reserve Officers per Section 1.H.1. of this Instruction) with cognizance of the officer's specialty will review the recommendation. In the case of an RCM, at least one member of the panel of officers will be an RCM. Adjustments to the panel membership may be made as necessary to represent the officer's sex.

or ethnic background. After thoroughly reviewing the officer's CG Military Human Resource Record (MHRR) and associated documents, the panel recommends to the Commandant either executing the revocation proceedings under this Section or closing the case. Closing an officer's case does not preclude considering a subsequent recommendation to revoke their commission if additional facts or subsequent actions so warrant.

- d. Commander (CG PSC-OPM) sends the panel's recommendations to the Commandant for approval, modification, or disapproval (14 U.S.C. § 2141) and (10 U.S.C. § 12681 and 10 U.S.C. § 12312).
  - e. Nothing contained in this Section will prevent the court-martial of any officer in appropriate circumstances.
3. Separation. Officers whose commissions are revoked under this Section will be discharged not later than one month from the date the board report is approved; however, if the officer will have accumulated five years' commissioned service during this one-month time frame, the officer will be discharged not later than the day prior to the day the officer accumulates that service.

K. Vacating a Temporary Appointment.

- 1. Authority. The Secretary may vacate a temporary appointment made under Reference (c). An officer whose appointment is so vacated reverts to their permanent status (14 U.S.C. § 2104 (c)).
- 2. Process.
  - a. A commanding officer or a superior in the chain of command may recommend vacating any temporary officer's appointment to Commander (CG PSC-OPM). Commander (CG PSC-OPM) also may initiate board action to vacate an officer's temporary commission based on adverse information about the officer. Section 1.J. of this Instruction sets forth the criteria and procedure to vacate a temporary officer's appointment.
  - b. If Service needs dictate, the Commandant may recommend that the Secretary vacate temporary appointment of temporary officers without regard to the criteria of Section 1.J. of this Instruction. In this circumstance, the Commandant will consider all officers with temporary commissions. An officer whose appointment is so vacated reverts to their permanent status.
  - c. The Secretary, at their sole discretion may vacate the commission of temporary officers who have completed physician assistant training but fail to attain certification from the National Commission of Certification of Physician Assistants during their first two years of commissioned service, or subsequent failure to maintain this certification. An officer whose appointment is so vacated reverts back to their permanent status.



L. Failing Selection for Promotion or Continuation.

1. Chief Warrant Officers. Under Reference (c) if a chief warrant officer fails selection for promotion for the second time, the individual will be retired not later than the first day of the seventh month after approval of the findings of the board.
2. Ensigns. If during an ensign's first five years of commissioned service, a selection board for promotion to lieutenant (junior grade) determines their performance is unsatisfactory in grade or the member fails selection for promotion a second time, irrespective of the provisions of Sections 1.J. and 1.K. of this Instruction, the Commandant may revoke the ensign's commission or vacate a temporary appointment in accordance with 14 U.S.C. § 2141, 14 U.S.C. § 2104(c), or 10 U.S.C. § 12681, 10 U.S.C. § 12683, as applicable. Officers in their first five years of service who are separated by a selection board finding of unsatisfactory in grade or by being passed over for the second time are separated for cause may be subject to recoupment of educational cost.
3. Lieutenants (Junior Grade). Each permanent regular Coast Guard officer serving as a lieutenant (junior grade) who fails selection for promotion to lieutenant for the second time will:
  - a. Be honorably discharged not later than 30 June of the promotion year in which the second failure of selection occurs;
  - b. Lieutenants (Junior Grade) if they so request, may be honorably discharged at an earlier date without loss of benefits that would accrue if the member were discharged on the date specified in Section 1.L.3.a. of this Instruction; or
  - c. If on the date specified for discharge in this Section, the member is eligible for retirement under any law, retire on that date (14 U.S.C. § 2142).
4. Lieutenants.
  - a. Each permanent regular Coast Guard officer serving in the permanent grade of lieutenant who has failed selection for promotion to lieutenant commander for the second time will:
    - (1) Be honorably discharged not later than 30 June of the promotion year in which the second failure of selection occurs;
    - (2) Lieutenants, if they so request, may be honorably discharged at an earlier date without loss of benefits that would accrue if the member were discharged on that date under Section 1.L.4.a (1) of this Instruction;

- (3) If on the date specified for discharge in this Section, the member is eligible for retirement under any law, retire on that date; or
  - (4) If, on the date specified for discharge in Section 1.L.4.a (1) of this Instruction, the member has completed at least 18 years of active service, remain on active duty and retire on the last day of the month in the which member completes 20 years of active service, unless earlier removed under another provision of law.
- b. If Service needs require, the Commandant may direct a selection board convened under Reference (c) to recommend for continuation on active duty for terms of between two and four years, a designated number of permanent regular lieutenants who otherwise would be discharged or retired under this Section. When so directed, the board will recommend for continuation on active duty the officers under consideration who it believes are best qualified for continuation. With the Commandant's approval and despite Section 1.L.4.a (1) of this Instruction, each officer so recommended may continue on active duty for the recommended term. When the officer completes such term, unless selected for promotion or further continuation by a subsequent board, the officer will be discharged honorably with separation pay computed as shown in Reference (d) or, if eligible for retirement under any law, retire.
  - c. If an officer who continues on active duty under Section 1.L.4.b. of this Instruction is not selected for promotion by a subsequent board, the officer will be retired on the last day of the month in which the officer completes 20 years of active service unless removed earlier from active duty (14 U.S.C. § 2143).
5. Regular Officers Serving Under Temporary Appointments. A regular Coast Guard temporary officer appointed under Reference (c) who serves as lieutenant (junior grade) or lieutenant and fails selection for promotion to lieutenant or lieutenant commander, respectively, for the second time will:
- a. Be honorably discharged not later than 30 June of the promotion year in which the second failure of selection occurs;
  - b. If the member so requests, be honorably discharged at an earlier date without loss of benefits that would accrue if the member were discharged on that date under Section 1.L.5.a. of this Instruction;
  - c. If, on the date specified for discharge in Section 1.L.5.a. of this Instruction, the member is eligible to retire under any law, retire under that law on that date; or
  - d. Each officer subject to discharge or retirement under this Section may elect to revert to their permanent grade (14 U.S.C. § 2144).
6. Lieutenant Commanders and Commanders.

- a. Lieutenant commanders or commanders who remain on active duty after failing selection to the next higher grade for the second time will be mandatorily retired pursuant to Section 3.E. of this Instruction, unless offered continuation as described in Section 1.L.6.b. of this Instruction.
  - b. If Service needs dictate, the Commandant may direct a selection board convened under Reference (c) to recommend for continuation on active duty a designated number of permanent Regular lieutenant commanders and commanders who would otherwise be retired under this Section. When so directed, the board will recommend for continuation on active duty the officers under consideration who it believes are best qualified to meet the needs of the Coast Guard.
    - (1) An officer who holds the grade of lieutenant commander of the Regular Coast Guard may be continued on active duty for any determined period of time that does not extend beyond 24 years of total active commissioned service unless promoted to the grade of commander of the Regular Coast Guard.
    - (2) An officer who holds the grade of commander of the Regular Coast Guard may be continued on active duty for any determined period of time that does not extend beyond 26 years of total active commissioned service unless promoted to the grade of captain of the Regular Coast Guard.
  - c. With the Commandant's approval, each officer so recommended may continue on active duty for the recommended term, unless retired by some other provision of law. When an officer completes such term, unless selected for promotion or further continuation by a subsequent board, the officer will be retired on the first day of the first month following the month in which the period of continued service is completed.
7. Captains.
- a. If a board convened under 14 U.S.C. § 2150 does not recommend a captain for continuation on active duty, the member will retire unless retained by the Commandant in accordance with Section 3.E. of this Instruction.
  - b. Permanent Regular captains may be retained up to and beyond 30 years as described in Section 1.L.7.c. of this Instruction.
  - c. If Service needs dictate, the Commandant may, by annual action, retain on active duty from promotion year to promotion year, any permanent Regular captain who would otherwise be retired in accordance with Section 3.E. of this Instruction.
  - d. Each officer recommended for continuation under Section 1.L.7.b. of this Instruction, unless retired under some other provision of the law, will be retired when such term is completed, unless selected for promotion or further continuation on active duty by the

Commandant, on 30 June of that promotion year in which no further action is taken to retain the officer.

8. Effective Date of Separation. If this Section or Section 3.E. of this Instruction require the discharge or retirement of any officer above the grade of ensign fewer than six months after approval of the report of the board which considered but did not select the officer:
  - a. For promotion for the second time or continuation, that officer's discharge or retirement will be deferred until the last day of the sixth calendar month after such approval; or
  - b. For promotion for the third (or more) time, that officer will be retired effective the last day of the month in which the officer completes 20 years active service, unless earlier removed under another provision of law.

M. Dismissing or Dropping from the Rolls.

1. Dismissal. Separation of a commissioned officer effected by sentence of a general court-martial, or in commutation of such a sentence, or, in time of war, by order of the President; or separation of a Warrant Officer who is dismissed by order of the President in time of war. A complete severance from all military status. In accordance with 10 U.S.C. § 1161(a) no commissioned officer may be dismissed from any Armed Force except:
  - a. By sentence of a general court-martial;
  - b. In commutation of a sentence of a general court-martial; or
  - c. In time of war, by order of the President.
2. Dropped from the Rolls. An administrative action under the authority of the Secretary concerned that may be taken in limited circumstances that terminates a regular or reserve commissioned officer's military status along with any rights, benefits, and pay to which the officer may have otherwise been entitled because of that status.
  - a. No characterization of service is awarded.
  - b. Officers dropped from the rolls do not receive a certificate of discharge.
3. Dropping from the Rolls for Active Duty Officers. In accordance with 10 U.S.C. § 1161 the Secretary concerned may drop from the rolls any active duty officer:
  - a. Who has been absent without authority for at least three months;
  - b. Who may be separated under Section 1167 of this title by reason of a sentence to confinement adjudged by a court-martial; or

- c. Who is sentenced to confinement in a Federal or State penitentiary or correctional institution after having been found guilty of an offense by a court other than a court-martial or other military court, and whose sentence has become final.
- 4. Dropping from the Rolls for Reserve Officers. In accordance with 10 U.S.C. § 12684 the Secretary concerned may drop from the rolls of the armed force concerned any Reserve officer:
  - a. Who has been absent without authority for at least three months;
  - b. Who may be separated under 10 U.S.C. § 12687 by reason of a sentence to confinement adjudged by a court-martial; or
  - c. Who is sentenced to confinement in a Federal or State penitentiary or correctional institution after having been found guilty of an offense by a court other than a court-martial or other military court, and whose sentence has become final.
- 5. The Secretary concerned is the approving official for a request to drop an officer from the rolls.

N. Separating Regular and Reserve Coast Guard Officers for Cause.

- 1. Authority. Pursuant to authority contained in 14 U.S.C. § 2158-2164, this Section contains regulations to separate commissioned Regular Coast Guard officers with greater than five years commissioned service for cause. While chief warrant officers are not subject to the same provisions, all cases involving those officers are processed under Sections 1.S. or 1.T. of this Instruction.
- 2. Separation for Cause Reserve officers. In accordance with 10 U.S.C. § 12685: A member of a reserve component who is separated for cause, except under section 12684 of this title, is entitled to a discharge Under Honorable Conditions (General) unless:
  - a. Member is discharged under conditions other than honorable under an approved sentence of a court-martial or under approved findings of a board of officers convened by an authority designated by the Secretary concerned; or
  - b. Member consents to a discharge under conditions other than honorable with a waiver of proceedings of a court-martial or a board.
- 3. Discussion. No person has an inherent right to continue to serve as an officer. An officer retains the privilege of service only so long as they perform satisfactorily. Responsibility for leadership and example requires an officer to accomplish their duty effectively and conduct themselves properly at all times. Retaining officers substandard in performance of duty or conduct, deficient in character, or otherwise unsuited for military service

cannot be justified. There is no place for these individuals in the Coast Guard as an officer.

- a. Every officer deserves a fair chance to demonstrate their capabilities. If an officer shows ineffective tendencies, especially if inexperienced, if possible, the Service gives them another chance under another commanding officer. However, commanding officers should systematically record ineffectiveness in documents specific as to the period each covers, the duties observed, and the defects noted. The Service must remove any officer who has been given a fair chance to become an effective officer and has not done so.
  - b. A recommendation for separation under this Section cannot be based on non-specific generalities or vague impressions. It is therefore necessary to establish with exactitude the reasons why an officer is considered ineffective. As an example, an ineffective officer is one who does not achieve acceptable results. Many ineffective officers are decent, well-mannered, educated, honorable, intelligent, generous, and yet ineffective. It is perfectly proper to credit an officer for good qualities in the same letter or evaluation report which reveals measures of ineffectiveness and/or failures as an officer.
  - c. Officers separated pursuant to this Section are subject to recoupment of Advanced Education Cost, in accordance with Reference (g).
4. Causes for Separation. The causes for separations prescribed in this Section are also applicable to officers processed under Sections 1.G., 1.H., 1.J., 1.K., 1.S., or 1.T. of this Instruction.
- a. The existence of one or more of these or similar conditions may require removing an officer for substandard performance of duty or failure to meet standards prescribed by the Commandant:
    - (1) Downward trend in overall performance resulting in unacceptable service or a consistent record of substandard service.
    - (2) Failure to keep pace or progress with contemporaries; e.g., consistent below-average performance when compared to other officers of the same grade and length of service or failure of physician assistants to maintain certification from the National Commission on Certification of Physician Assistants.
    - (3) Failure to exercise necessary leadership or command expected of an officer of the same grade.
    - (4) Failure to assimilate the technical proficiency required of their grade.

- (5) Failure to properly discharge assignments commensurate with their grade and experience.
  - (6) Apathy, a pattern of conduct showing the development of a defective attitude, or other character and behavior disorders including inability or unwillingness to expend effort.
  - (7) Failure to meet established weight standards.
  - (8) Receiving an alcohol incident as defined in Reference (h), except when Section 1.N.4.b (14) of this Instruction would apply.
- b. Existence of one or more of these or similar conditions may require removing an officer for moral or professional dereliction:
- (1) Discreditable or intentional failure to meet personal financial obligations.
  - (2) Mismanaging personal affairs detrimentally affecting the officer's performance of duty.
  - (3) Mismanaging personal affairs to the discredit of the Service.
  - (4) Intentionally omitting or misstating facts in official statements or records for the purpose of misrepresentation.
  - (5) Acts of personal misconduct prohibited by military or civilian authorities.
  - (6) Intentional or negligent failure to perform duties or negligence in performing duties.
  - (7) Conduct unbecoming an officer.
  - (8) Receiving a drug incident as defined in Reference (h), except when Section 1.N.4.b (14) of this Instruction would apply.
  - (9) Involvement in a prohibited relationship. See Reference (i) for policy guidance.
  - (10) An act, either committed or omitted, or other behavior clearly not consistent with the interests of national security requires removing an officer.
  - (11) An unreasonable refusal to submit to necessary and proper medical or dental treatment considered by competent medical or dental officers to be necessary to render member fit for duty (as determined by a medical board convened in accordance with the provisions of Reference (e)).

- (12) A repeated refusal to receive an immunization ordered by competent authority.
- (13) Mandatory Separation Processing is required for involvement in Drunken or Impaired Operation of a Vehicle, Aircraft, or Vessel for:
- (a) Any officer who is convicted by foreign or domestic civil authorities or action taken equivalent to a finding of guilt, such as adjudication withheld, deferred prosecution, entry in pretrial intervention programs, or any similar disposition of charges which may include imposition of fines, probation, community service, etc., or who is convicted by court-martial, or on whom non-judicial punishment is imposed for drunken or impaired operation of a vehicle, aircraft, or vessel;
  - (b) Any officer who refuses to take a breath test to measure blood alcohol concentration by a recognized authority for suspicion of drunken or impaired operation of a vehicle, aircraft, or vessel; or
  - (c) A situation where the officer's commanding officer has made a written finding setting forth the facts of the matter, and that based on a preponderance of the evidence, the officer was drunk or impaired while operating a vehicle, aircraft, or vessel in violation of Federal, state, or local law.
- (14) Sexual Assault.
- (a) Members found by at least a preponderance of the evidence to have engaged in sexual assault, as defined in paragraph (b) below, shall be processed for separation.
  - (b) Sexual assault for the purposes of this section includes a broad category of sexual offenses under Article 120, UCMJ consisting of the following specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, or attempts to commit these offenses. For the purposes of this section, the term sexual assault also includes offenses against children under Article 120b, UCMJ including rape of a child, sexual assault of a child, and sexual abuse of a child, or attempts to commit these offenses. Separation of members under this provision may be based on the same or closely related provisions of state, military, or Federal criminal code.
  - (c) Any member separated for engaging in sexual assault, as defined in this instruction, or sexual harassment, as defined in Reference (x), will be processed for separation from the Coast Guard and if separated, shall receive no higher than a discharge Under Honorable Conditions (General).



- (15) Sexual Harassment. Any member found by a preponderance of the evidence to have engaged in sexual harassment, as defined in Reference (x), shall be processed for separation from the Coast Guard, and if separated, shall receive no higher than a discharge Under Honorable Conditions (General).
- c. Any one of these or similar reasons that creates doubt about the advisability of the officer continuing to serve in the Coast Guard or to hold a commission. Performance or conduct that could trigger such concerns normally prompt a review of the officer's overall record. This review will determine if this derogatory information, when viewed in conjunction with other aspects of their record, warrants a recommendation for separation. Standing alone, any one of these conditions may not support separation. However, any one of them when combined with other known deficiencies could form a pattern which, when viewed in relation to an officer's overall record, requires separation.
- (1) Punishment under the Uniform Code of Military Justice, Article 15.
  - (2) Conviction by court-martial or a civil court.
  - (3) Denial of security clearance.
  - (4) Derogatory evaluation report.
  - (5) Failure to be recommended for promotion by a selection board selecting officers for promotion on a fully qualified basis.
  - (6) Failure by a Regular Coast Guard officer of any required course of training, instruction, or indoctrination at a service school.
  - (7) An approved finding of misconduct by a board of investigation.
- d. Officers convicted in Federal or State court of rape, sexual assault, forcible sodomy, incest, or attempts to commit any of those acts, while in the Service or found to have been convicted prior to entry into the Service, will be processed for separation.
5. Removing an Officer. When determining whether to remove an officer, the following factors will be considered:
- a. The requirements of the law, Coast Guard policy and Commandant guidance;
  - b. The recommendations of Commanding Officers and Flag Officers, including how well each recommendation addresses mitigating and aggravating information;
  - c. The severity of the conduct or performance, including any discredit brought upon the Coast Guard or negative impacts to other people;
  - d. The impact of the officer's actions, and the action being considered, on military discipline, good order, and morale;

- e. The likelihood the officer will be a disruptive or undesirable influence in the future;
  - f. The officer's ability to perform effectively now, and in the future; and,
  - g. The officer's entire military record, including past misconduct or poor performance, and evidence of superior performance.
6. Relationship of Separation to Discipline. A commanding officer will not use separation in lieu of disciplinary action under the UCMJ. If the commanding officer believes the Service and officer's interests will be better served by separation proceedings rather than disciplinary action, they may so refer any charges. The fact a court-martial has occurred will not prohibit subsequent proceedings under this Article. However, separation proceedings may not be initiated until a prior UCMJ proceeding is complete.
7. Initiating Action. Commander (CG PSC-OPM) or Commander (CG PSC-RPM), as appropriate, will review an officer's Coast Guard Military Human Resource Record (CGMHRR) and weigh all facts and circumstances to determine whether an officer should be considered for action under this Section. If Commander (CG PSC-OPM) or Commander (CG PSC-RPM), as appropriate, decides further processing is warranted, Commander (CG PSC) will refer the case to a determination board. At any time, an Area Commander, District Commander, Logistics/Service Center Commander, or unit commanding officer may request Commander (CG PSC-OPM) or Commander (CG PSC-RPM), as appropriate, to review an officer's CGMHRR to determine whether the officer should be considered for separation.
8. Cases Involving Concurrent Disability Evaluation and Disciplinary Action.
- a. Disability statutes do not preclude disciplinary separation. Except in those cases described in paragraph (b) and (c) below, separations described here supersede disability separation or retirement. If Commander (CG PSC-PSD-DE) is processing a member for disability while simultaneously Commander (CG PSC-OPM-1) or Commander (CG-PSC-RPM-1), as appropriate, is evaluating the member for an involuntary administrative separation for misconduct, or disciplinary proceedings which could result in a punitive discharge or an unsuspended punitive discharge is pending, Commander (CG PSC-PSD-DE) suspends the disability evaluation and Commander (CG PSC-OPM-1) or Commander (CG PSC-RPM-1), as appropriate, considers the disciplinary action. If the action taken does not include punitive or administrative discharge for misconduct, Commander (CG PSC-OPM-1) or Commander (CG PSC-OPM-1), as appropriate, sends or returns the case to Commander (CG PSC-PSD-DE) for processing. If the action includes either a punitive or administrative discharge for misconduct, the medical board report will be filed in the terminated member's medical personnel data record Medical Service Treatment (MED STR).
  - b. In cases where the Narrative Summary (NARSUM) indicates that referral of the case to an Informal Physical Evaluations Board (IPEB) is warranted for disability

processing under provisions of COMDTINST M6000 (series) for Traumatic Brain Injury (TBI) or a Behavioral Health condition (including, but not limited to PTSD) induced by a specific stressor event (see e.g. 10 USC § 1177), then a Coast Guard medical officer will furnish copies of the NARSUM to the command and Commander (CG PSC-PSD-DE), respectively.

- (1) When the Coast Guard has not initiated the involuntary separation process for the member, Commander (CG PSC-OPM-1) will determine if the member's medical condition directly or substantially contributed to the conduct that may potentially result in administrative separation. If so, the member will be processed through the disability evaluation system.
  - (2) When the Coast Guard has initiated involuntary separation of the member for misconduct, the resulting proceeding will be conducted concurrently with the disability evaluation system proceeding. Upon resolution of both proceedings, Commander (CG PSC-OPM-1) will review the final disposition of both proceedings to determine whether a TBI or a Behavioral Health condition, induced by a specific stressor event, was a direct or substantial contributing factor in the misconduct; if so, the member's disability processing will supersede any pending administrative separation.
- c. Disability evaluation in a member's case may proceed if Commander (CG PSC) or the Commandant determines that other circumstances of the individual case warrant disability processing instead of further processing for administrative separation. In such a case, Commander (CG PSC) decides the ultimate disposition.

#### 9. Requiring Officers to Show Cause for Retention.

- a. At any time and place Commander (CG PSC) may convene a board of officers to review any Regular Coast Guard officer's record to decide whether the officer should be required to show cause for retention on active duty because:
  - (1) The officer's performance of duty has declined below the prescribed standards;
  - (2) The officer has demonstrated moral or professional dereliction; or
  - (3) Retention is clearly inconsistent with the interests of national security.
- b. A board of officers convened to review an officer's records (a "determination board") will consist of at least three officers in the grade of commander or above who all are serving in a grade senior to the grade of any officer they consider.
- c. The determination board will impartially review the officer's CGMHRR, the initiating officer's recommendation, and all other available information relevant to the reasons for separation to determine whether it should require the officer to show cause for retention.

- d. The determination board does not examine witnesses. It is limited to considering the documents presented to it.
  - (1) Commander (CG PSC-OPM) sends the determination board's findings to Commander (CG PSC).
  - (2) Commander (CG PSC), will notify the officer concerned the determination board has found either:
    - (a) The officer should not be required to show cause for retention, and the case is closed; or
    - (b) The officer should be required to show cause for retention.
  - (3) If a determination board decides an officer is required to show cause for retention on active duty, Commander (CG PSC-OPM) will:
    - (a) Give the officer a copy of the determination board's findings and all documents pertinent to the case except those the Commandant determines should be withheld in the interest of national security;
    - (b) Notify the officer in writing of the reasons for which they are being required to show cause for retention (notification will be sent through the officer's commanding officer, who in turn will state by endorsement the date of delivery to the officer concerned);
    - (c) Notify the officer that Commander (CG PSC) will convene a board of inquiry to hear the case at least 30 days after the date of notification of the determination board's findings;
    - (d) Inform the officer their appearance before a board of inquiry is the only opportunity to appear in person on their own behalf before final action in the case;
    - (e) Notify the officer, if separated from the Service after action by a board of review or at the officer's own request after a determination board's finding they are required to show cause for their retention on active duty, the lowest discharge type that will be considered by Commander (CG-PSC) following a review of their service record;
    - (f) Notify the officer of their entitlement to separation pay;
    - (g) Notify the officer that if retired after action by a board of review or at their own request after a determination board's finding, the officer will be subject

to evaluation under the provisions of Section 3.K of this Instruction as to satisfactory service in a temporary grade;

(h) Allow the officer reasonable time, at least 30 days, to prepare their defense;

(i) Allow the officer to appear in person and to be represented by counsel at proceedings before a board of inquiry; and

(j) Allow the officer full access to and furnish copies of records relevant to the case at all stages of the proceedings, except a board will withhold any records the Commandant determines should be withheld in the interest of national security. If any records are withheld under this clause, the officer whose case is under consideration will, to the extent national security permits, be given the actual records or copies of them with the classified portions deleted.

(4) The officer concerned must acknowledge receipt of the determination board's findings within five days of receipt. The officer returns the receipt to Commander (CG PSC) through the chain of command.

(5) An officer who has been notified a determination board has found the officer should be required to show cause for retention on active duty may apply for voluntary retirement or request early discharge from the Service. If the officer takes neither action, the officer will be ordered to appear before a board of inquiry.

10. Physical Qualifications for Separation. If a determination board notifies an officer the officer must show cause for retention in the Service under Section 1.N.7.d (3) of this Instruction, the command concerned will ensure the officer reports immediately to the nearest medical facility for a standard physical examination as described in Reference (f), if the officer has not completed one within the preceding three months of the board date. If travel is necessary in connection with the physical examination, the district commander or commanding officer of the Headquarters unit concerned will issue the travel orders. The officer's command must immediately notify (CG PSC-OPM) and (CG PSC-PSD) if the officer is entered in the PDES system or if a serious disease or injury may cause the officer to be unable to appear at their Board of Inquiry. In these cases, the officer concerned is normally processed concurrently for cause under this Section and in the physical disability evaluation system. A final determination on the officer's status normally will not be made until both processes are completed.

11. Board of Inquiry.

a. Purpose. The board of inquiry affords officers a fair, impartial hearing at which they have an opportunity to establish their retention in the Coast Guard is warranted. The officers concerned may present evidence to refute matters of record offered against them or otherwise establish they should be retained. The board of inquiry will

consider all relevant evidence presented at the hearing and make findings and a recommendation based on a preponderance of evidence.

b. Composition.

- (1) The board of inquiry will consist of at least three officers, but in any case an odd number, commanders or above, all of whom are senior to the grade of any officer the board is considering. No officer will sit as a member of a board of inquiry if the officer:
  - (a) Is a witness in the case before the board;
  - (b) Was a member of the determination board in the case under consideration (this provision does not apply to Reserve officers because their cases are referred directly to a special board of officers);
  - (c) Appeared as a witness before or was a member of any previous determination board, special board, board of inquiry, or board of review which considered the officer for separation;
  - (d) Initiated, investigated, was a member of, or was the reviewing authority in a court-martial before which the officer concerned was the accused;
  - (e) Previously recommended or participated in a recommendation for the officer's demotion, removal, or relief from active duty; or
  - (f) Previously was a reporting officer on any performance evaluations the board will view.
- (2) The board of inquiry will be assigned both a non-voting recorder and a non-voting legal advisor. The legal advisor will meet the qualifications of Article 27(b), UCMJ, and if feasible also UCMJ Article 26(b) qualifications.
- (3) Instructions. After the board of inquiry convenes the legal adviser will instruct it as to its purpose. These instructions will be transcribed verbatim in the board's proceedings.
- (4) By its action, the board establishes the minimum level of performance of duty or integrity acceptable of Coast Guard officers.
- (5) The board of inquiry is an administrative board not subject to the rules and procedures governing court or court-martial action. It does not judge the determination board's action.

- (6) As a result of the determination board's findings, the officer must show cause for retention on active duty. At the board of inquiry, the officer concerned has the opportunity to present evidence to refute matters of record offered against them or otherwise establish if the Service should retain them. Although not processed by a determination board, Reserve officers or Probationary Officers with less than five years of continuous service who have been referred to a Board of Inquiry in accordance with Section 1.J of this Instruction" may provide evidence to refute matters of record offered against them or otherwise establish they should be retained or should not be separated with an Other Than Honorable (OTH) characterization, as appropriate. These same standards apply to chief warrant officers being considered for separation under Section 1.T of this Instruction.
- (7) If the board determines it needs additional information to evaluate the case properly, it may request the information through the convening authority.
- (8) The board receives evidence presented during the board proceedings.
- (9) The board evaluates all evidence and information it receives or develops on the matter it is considering in the hearing and arrives at a clear, logical finding consistent with the information and evidence presented.
- (10) On the basis of its findings the board determines whether the Coast Guard should or should not retain the respondent.
- (11) The board makes appropriate recommendations consistent with its determination.
- (12) While the board considers old reports and records in establishing a pattern of substandard conduct or misconduct, an officer's instances of good performance or conduct in the remote past cannot negate a record of progressively deteriorating performance of duty or conduct.
- (13) The board should not overlook an officer's defects of character such as a propensity for untruthfulness or lack of sobriety simply because the officer is otherwise a high performing member of the Coast Guard.
- (14) The board may consider these additional items to assist it in evaluating material submitted to it:
  - (a) A record of recently improved performance may result from an unusual effort on the officer's part after learning they were recommended for separation for cause. By itself, it does not overcome a pattern of ineffectiveness. The board may consider improved performance together with other evidence in the record to determine whether the officer has overcome the pattern.
  - (b) Promotion or selection for promotion, while proper evidence on the officer's behalf, does not necessarily justify their retention.

- (c) Where poor performance is involved, it is essential for the board to examine the entire performance file in detail. In doing so, the board should consider these aspects: The length of time each report covers, the duty the officer performed and the level at which performed, and the trend in performance—up or down—as the officer gained experience.
  - (d) Copies of all performance evaluations made available to the board will be made available to the officer concerned and vice versa. An officer's claim of not being aware of unfavorable remarks contained in such reports is not grounds for the board not to consider them.
  - (e) The officer concerned often solicits letters of commendation or appreciation or letters stating the officer's value to the Service. In some cases, these letters may be the only kind of evidence an officer is able to offer in refuting an accusation. The board must evaluate the circumstances under which these letters are solicited in determining what weight it should give them. In so determining, it is proper for the board to consider the letter of solicitation if one exists, the period during which the writer knew or was closely acquainted with the officer, the writer's familiarity with the officer's habits and reputation, and the relationship between the writer and the officer, if any.
  - (f) The board may use punishment by court-martial or Article 15, UCMJ, for misconduct to support removal under these regulations.
- c. Rights of Officer Concerned. The legal advisor will explain to the officer concerned of their following rights:
- (1) The officer may present evidence, represent themselves, or be represented by military counsel qualified under Article 27 (b), UCMJ, or civilian counsel of their own choice in all open board of inquiry proceedings; the officer must pay expenses incident to retaining civilian counsel.
  - (2) At any time before the Commandant's final decision, the officer may apply for voluntary retirement, if eligible, or request early discharge under Section 1.N.7 of this Instruction or 14 U.S.C. § 2164, as applicable.
  - (3) The officer may challenge for cause any voting member of the board.
  - (4) The officer may request any witness whose testimony is pertinent to the case to appear as a witness before a board of inquiry hearing. The recorder of the board will invite those witnesses who meet the requirements to appear under Section 1.N.9.d (7)(a) of this Instruction.



- (5) The officer's counsel may question any witness brought before the board.
  - (6) The officer is entitled to their rights under Article 31, UCMJ, and may or may not submit to examination by the board of inquiry.
    - (a) If the officer desires to submit to examination or make a statement under oath, the officer will be sworn.
    - (b) If the officer does not desire to make a sworn statement, the officer or the officer's counsel may make an unsworn statement, orally, in writing, or both. If the officer concerned makes an unsworn statement, they will not be subject to the board's cross-examination.
    - (c) The officer is entitled to say nothing to the board, and the board is required to not reach adverse conclusions about the officer as a consequence.
  - (7) The officer will be allowed full access to and furnished copies of records relevant to the case at all stages of the proceedings. However, the board will withhold any records the Commandant determines should be withheld in the interest of national security. If a board withholds any records under this clause, the officer whose case is under consideration will be furnished a summary of the records so withheld. Additionally, the officer will be furnished, to the extent the national security permits, the actual records or copies of them with the classified portions redacted.
  - (8) The officer has the right to know how their officer evaluation reports or other reports on performance of duty reflect their past performance.
  - (9) The officer or the officer's counsel may make a closing argument at the conclusion of presentation of evidence.
  - (10) The officer is entitled to receive a copy of the verbatim transcript of proceedings.
- d. Process.

- (1) A board of inquiry does not follow strict rules of evidence in its proceedings. The board should allow the officer concerned to present their case without undue interference; however, the officer should observe reasonable bounds of relevance. Decisions on the validity of these regulations and the constitutionality of the statutes authorizing this procedure are outside the board's responsibilities, and the board should not permit argument on these matters. The assigned legal adviser decides questions on the procedures prescribed by these regulations.
- (2) Voting members of the board will not review the case before the hearing.
- (3) The board will not allow spectators to be present during the proceedings, except those the officer concerned specifically requested in writing and the board president authorized. No one scheduled to be called as a witness or who has been a witness may be present as a spectator.
- (4) A board of inquiry may call witnesses on its own motion.
- (5) Witnesses appearing before the board will testify under oath or affirmation.
  - (a) The board's assigned legal advisor may not present the case or cross-examine witnesses. The legal advisor is present at all open sessions, instructs the board and respondent as appropriate, rules on all questions of evidence and procedure, and may excuse a member on challenge for cause.
  - (b) The president may seek the legal advisor's guidance whenever necessary, but the legal advisor will advise the board in open session in the presence of the officer concerned and their counsel and these proceedings become a part of the record. However, after the board has announced its recommendations in open session, it may request the legal advisor to attend its closed session to assist in the final drafting of the findings and recommendations.
- (6) A majority vote by secret written ballot will decide any issue properly before the board for determination.
- (7) The board will keep a verbatim record of its proceedings in open session.
  - (a) On the board's behalf the recorder invites both the officer's and the Government's witnesses to appear if both are reasonably available and their testimony can contribute materially to the case. The procedures and policies in Rule 703, Rules for Courts-Martial, Manual for Courts Martial (MCM), 2019, will be used as a general guide in determining what witnesses will be invited to appear. Article 49, UCMJ, will be used as a general guide in determining witnesses' availability. Using depositions or affidavits to obtain testimony of witnesses who are not reasonably available and of stipulations, when appropriate, is encouraged.

- (b) If their superior determines service requirements will not permit their appearance, the supervisor may prohibit Coast Guard members or civilian employees whose presence is requested as witnesses from appearing before the board, which then will use depositions or affidavits.
- (c) Witnesses will travel by official military transportation when practical. If official military transportation is not available, witnesses may use commercial. The Government pays a civilian witness's travel related fees and mileage under Reference (j), and the Joint Travel Regulations (JTR).

(8) Recorder's Responsibilities.

- (a) When the board of inquiry is convened, the board's recorder will examine and become familiar with all aspects of the case.
  - (b) The recorder determines if further investigation or additional documents are necessary to evaluate the case properly. If the recorder determines additional information is needed, the recorder should request it as soon as possible.
  - (c) The recorder obtains factual information about requested and prospective witnesses' availability and then determines under Section 1.N.9.d (7)(a) of this Instruction which requested witnesses they will invite to appear on both the officer's and Government's behalf.
  - (d) The recorder ensures any travel orders necessary in accordance with Section 1.N.9.d (7)(a) of this Instruction, are issued promptly.
  - (e) The recorder notifies the board members in person or in writing of the time and place set for the hearing. The recorder notifies the officer concerned by letter of the time and place set for the hearing and furnishes a copy to the officer's commanding officer.
  - (f) The recorder furnishes the officer concerned a copy of any records or other documentary material the board of inquiry will consider.
  - (g) The recorder makes the following necessary preparations for the orderly progress of the case at the board hearing: ensures that a summarized transcript of the hearing is prepared; ensures that the board has available copy of regulations; and, presents any material considered relevant to assist the board in reaching its finding. Additionally, the recorder may cross-examine any witnesses called by the respondent and present an opening statement and a final argument for the board's consideration.
- e. Deliberations. A board of inquiry must carefully consider the facts of each case and be specific with respect to the underlying facts which support its findings and recommendations. The president of the board must ensure board members are

- completely familiar with the facts developed in each case, as well as the purpose of the board of inquiry.
- f. Review the Purpose. Before the board determines its findings and recommendations, it should review the purpose for which it was constituted, its guidance, and the evidence present before it in considering the following:
  - g. Board Determination. The determination board found the officer concerned should be required to show cause. (Not applicable for Reserve officers with fewer than three years of service or for any chief warrant officer).
  - h. Purpose. The purpose of the board of inquiry is to afford the officer concerned an opportunity to present evidence to refute matters of record offered against them or to otherwise establish the Service should retain them.
    - (1) The officer concerned must refute the Government's evidence and present evidence affirming their contention that they are qualified to retain their current status.
    - (2) The board must consider an officer's record as a whole and make its recommendation based on a preponderance of evidence. Refuting any single reason for removal does not necessarily refute other documented reasons the board considers.
  - i. Findings and Recommendations.
    - (1) The board determines its findings and recommendation by secret written ballot in closed session.
    - (2) The board prepares a brief statement of the reason(s) (including factual data if necessary for clarification) for its findings.
    - (3) After the board determines the findings, it makes an appropriate recommendation, limited to either retention or separation without qualifications.
    - (4) A board of inquiry cannot concurrently recommend any proposal short of separation once it has concluded an officer should be separated for cause.
    - (5) Final Action for Reserve, Probationary Officers with less than five years of continuous service and Chief Warrant Officer Proceedings. For Reserve officers processed for separation under Section 1.H. of this Instruction and chief warrant officers processed under Section 1.T.3 of this Instruction, the president of the board will advise the officer in open session of its recommendation and all applicable procedural matters listed as follows:

- (a) If the special board finds the officer should be retained, the case will be closed.
  - (b) If the special board recommends separation, its recommendation will be sent to the Secretary of DHS who has final decision authority. The officer will be furnished a copy of the verbatim record of the special board proceedings. Within 10 days after receiving or having access to a copy of the record of the special board proceedings, the officer or their counsel may submit a responsive rebuttal, limited to matters brought before the special board, to Commander (CG PSC-OPM-1).
  - (c) Special boards should recommend the type of discharge (e.g., characterization discharge) a Probationary Officer with less than five years of service should receive if the Commandant determines that the officer's commission should be revoked.
  - (d) The Special Board should explain its reasoning for its recommendation and cite to specific evidence and policy that supports its recommendation.
  - (e) A summary of the board proceedings will be sent to the Commandant.
- j. Final Action for Regular Officers. In open session the president of the board advises the officer of its determination and all applicable procedural matters listed as follows:
- (1) When a board of inquiry determines the Service should retain the officer:
    - (a) The case will be closed.
    - (b) A summary of the board's proceedings will be sent to Commander (CG PSC).
    - (c) Commander (CG PSC) notifies the officer in writing through the chain of command.
  - (2) When a board of inquiry determines the officer should be separated:
    - (a) Commander (CG PSC) notifies the officer in writing through the chain of command.
    - (b) A board of review will consider the case as described in Section 1.N.10. of this Instruction.
    - (c) Within 10 days after the officer receives or has access to a copy of the record of the board of inquiry proceedings, the officer or their counsel may file with the president of the board of review (c/o CG PSC-OPM-1) a rebuttal to the board of inquiry's findings and recommendations. If the officer files such a statement, they will file a copy with the recorder to the board of inquiry, who

in turn has 10 days in which to file a rebuttal to the statement of rebuttal and send to the officer concerned.

(3) A verbatim record of the board of inquiry proceedings will be sent to:

(a) Commander (CG PSC) with a statement that the officer concerned was also furnished a copy.

(b) Commander (CG PSC-PSD-MR).

k. Records Retention. The record of the board of inquiry proceedings, to include the board of review determination, will be maintained in accordance with the Records & Information Management Program Roles and Responsibilities, COMDTINST M5212.12 (series).

## 12. Board of Review.

- a. On receiving the proceedings record of the board of inquiry which recommends separating an officer for cause, Commander (CG PSC) convenes a board of review.
- b. The board of review consists of three officers senior to the members of the board of inquiry which considered the case. An officer may not be a member of the final review board if the officer was a member of the determination board or board of inquiry which considered the case or is ineligible to be a member of the board of inquiry for any reason listed in Section 1.N.9.b of this Instruction.
- c. The board of review reviews the records and documented evidence the board of inquiry considered and made a part of its proceedings and any additional information the officer concerned or the recorder submitted under Section 1.N.9.k of this Instruction, to determine whether the officer concerned has or has not established they should be retained in the Coast Guard.
- d. The officer concerned will not appear before the board of review, nor will counsel represent them.
- e. After reviewing the case, the board of review determines without qualification whether to retain or separate the officer.
- f. The officer is notified of the review board's findings and determination in writing through the chain of command.
- g. If the board of review determines to retain the officer, the case is closed, and Commander (CG PSC) so advises the officer in writing through the chain of command.

- h. If the board of review determines to separate the officer, the board of review proceedings and its recommendation will be sent to the Commandant who has final decision authority.
  - i. If the Commandant concurs with the board of review recommendation, the officer will be separated. If the Commandant finds the officer should be retained, the case will be closed. In either decision, Commander (CG PSC) so advises the officer in writing through the chain of command of the final action taken in the case.
13. Separation Date. An officer removed from active duty under these proceedings who does not request voluntary retirement before the specified separation date separates as specified in 14 U.S.C. § 2164(b) on the first day of the second month after that in which the Commandant approves the recommendation of the board of review. For example, if the Commandant approves the recommendation on 15 May, the officer will be separated on 01 July.
- O. Revoking the Coast Guard Band Director's Designation. The Secretary may revoke any designation as Director of the Coast Guard Band. If the Secretary does so, the member's appointment to commissioned grade under Reference (c) terminates and the member has the following options: discharge from the Coast Guard; or, reverting to the grade and status held when designated Director (14 U.S.C. § 317).
- P. Releasing Retired Recalled Officers from Active Duty.
- 1. General. A retired officer recalled to active duty retains their retired status whether temporarily or permanently retired or transferred from the Temporary Disability Retired List (TDRL) to the Permanent Disability Retired List (PDRL) while on active duty.
  - 2. Release from Active Duty. On completing the term of service for which recalled, the Service either continues the retired officer for a further period of service or releases from active duty; the released officer is entitled to recomputed retired pay for years of service under 10 U.S.C. § 1402.
  - 3. Physical Disability.
    - a. If an officer permanently retired for other than physical disability is recalled to active duty and while on active duty is found to have a physical disability of more than 30 percent, the officer remains on the PDRL and is entitled to recomputed retired pay under 10 U.S.C. § 1402 on release from active duty.
    - b. An officer on the TDRL or retired permanently for physical disability who is recalled to active duty and found to have a physical disability in addition to or that aggravates the physical disability for which the officer was retired is entitled to recomputed retired pay under 10 U.S.C. § 1402 on release from active duty.
  - 4. Grade on Release. Since an officer can retire only once, the officer is released from active duty. When released from active duty the retired officer is entitled to the grade in

which the officer retired, to which certified on retirement or any higher grade to which promoted after recall to active duty.

5. Involuntary Termination of Retired Recall Orders.

- a. At any time, Commander (CG PSC-OPM) may release an officer serving on retired recall. Commanding officers or other officers in the chain of command may recommend an involuntary termination of retired recall orders for members in their command to Commander (CG PSC-OPM). Recommendation must contain the following information:
- b. Officer's name;
- c. Length of service;
- d. Period of time officer was observed;
- e. Reason for recommendation;
- f. Specific facts or circumstances relating to performance;
- g. Medical reports or opinions, if applicable;
- h. Nature of counseling and other steps taken to correct deficiencies, if applicable;
- i. Officer's response to counseling, if applicable; and
- j. Special Officer Evaluation Report, if applicable.
- k. The recommending officer will grant the officer concerned an opportunity to review the recommendation and permit them to comment as desired by letter endorsement.

Q. Separating an Officer Serving in a Foreign Country Section 2.EE.1 of this Instruction applies to officers with exception that the request should be addressed to Commander (CG PSC-OPM-1).

R. Separation Pay.

1. Discharge Date. At their request and with the Secretary's approval, the Service may honorably discharge a Regular commissioned officer (except a commissioned warrant officer) retained on active duty under Sections 1.L.4 or 1.L.6 of this Instruction and a commissioned warrant officer retained under Reference (c) at any time before the otherwise specified retirement or discharge date.
2. Separation Pay.



- a. Each Regular lieutenant (junior grade), lieutenant, lieutenant commander, or commander involuntarily honorably discharged under Section 1.L. of this Instruction is entitled to a lump sum payment. The officer must elect separation pay and be discharged from active duty before becoming retirement eligible (14 U.S.C. § 2146).
  - b. Reference (d) contains computations for separation pay.
- 3. Separated for Cause. A regular Coast Guard officer separated for cause under Section 1.N.4.a. of this Instruction and not eligible for retirement is entitled to separation pay or half-separation pay. A regular Coast Guard officer separated for cause with a general discharge under Section 1.N.4.b of this Instruction for moral or professional dereliction and not eligible for retirement, is not entitled to separation pay. See Chapter 10 of reference (d) for additional guidance.
- 4. Chief Warrant Officers. A commissioned warrant officer separated under Reference (c) i.e., twice failing of selection, or discharged under Section 1.T of this Instruction for reasons specified in Section 1.N.4.a of this Instruction and not eligible for retirement is entitled to separation pay. A commissioned warrant officer separated for unfitness or unsuitability under Section 1.T of this Instruction for reasons specified in Section 1.N.4.b of this Instruction, i.e., removal for moral or professional dereliction, and not eligible for retirement is not eligible for separation pay.
- 5. Offsetting Deductions. Accepting a lump sum payment under this Section does not deprive a person of any United States retirement benefits. However, an amount equal to the lump sum payment (14 U.S.C. § 2146 for Regular officers and 10 U.S.C. § 1174 for Reserve officers) will be deducted from the former member's retirement payments. Any member in receipt of separation pay and who subsequently becomes entitled to retired pay will have their retired pay withheld until the former separation pay recouped.
- 6. Reserve Officers. Unless the Secretary determines that the conditions under which a member was separated or discharged do not warrant such pay, a Reserve officer serving as a Reserve Component Manager (RCM) or on extended active duty (EAD) discharged or released from active duty who has completed six or more, but fewer than 20 years' active service immediately before that discharge or release is entitled to separation pay computed under the regulations below as determined by the Commandant if the discharge or release from active duty is involuntary or the member was not accepted for an additional tour of active duty for which they volunteered.
  - a. Reserve officers involuntarily discharged, separated, or released from active duty are entitled to separation pay calculated under Reference (d).
  - b. Reserve officers discharged or released from active duty for the causes specified in Sections 1.N.4.a, 1.N.4.b, or 1.N.4.c of this Instruction are entitled to separation pay as authorized and calculated under Reference (d).
- S. Terminating a Chief Warrant Officer Appointment. The Secretary may terminate the appointment of a chief warrant officer of the Regular Coast Guard at any time within three

years after the date the individual accepted the original appointment as a chief warrant officer. A chief warrant officer whose appointment is terminated under this Section is not entitled to separation pay but may apply to the Commandant to reenlist (10 U.S.C. § 1165). If approved, they are authorized to reenlist in a grade the Commandant directs but not in one lower than the rate they held immediately before appointment as a chief warrant officer (10 U.S.C. § 515). The procedures described in Section 1.J.2. of this Instruction apply.

T. Separating Chief Warrant Officers for Unfitness or Unsatisfactory Performance.

1. General. The responsibility placed on chief warrant officers requires them to accomplish assigned duties effectively and adhere to proper standards of conduct at all times. Retaining chief warrant officers substandard in performance of duty or conduct, deficient in character, or otherwise unsuited for military service cannot be justified. The causes for separation listed in Section 1.N.4 of this Instruction apply.
2. Special Boards. Commander (CG PSC) may submit to a board of at least three Coast Guard officers whose permanent grade is commander or above the names, records, and reports of warrant officers who have been commissioned warrant officers for at least three years. From among the names so furnished, the board will determine any officer whose reports and records establish, in the board's opinion, unfitness or unsatisfactory performance of duty or the officer's unsuitability for promotion. A finding of not qualified for promotion is appropriate only in cases involving an officer previously selected for promotion and being evaluated under Reference (c).
3. Chief Warrant Officer Evaluation Boards.
  - a. If a board convened under Section 1.T.2 of this Instruction finds a chief warrant officer unfit or unsatisfactory in performing duty, the officer will be referred to an evaluation board convened by the Commander (CG PSC). The board will be composed of at least three Coast Guard officers whose permanent grade is commander or above.
  - b. A chief warrant officer under consideration by an evaluation board convened under Section 1.T.3.a. of this Instruction does not appear before the board. However, the officer will be advised of the reasons for the board and given at least 30 days to submit material on their own behalf.
  - c. If the evaluation board recommends that the officer should be retained, the case will be closed. If the evaluation board recommends separation, the board's report will be sent to the Commandant who has final decision authority. The officer will be notified of the Commandant's decision in writing through the chain of command.
  - d. In accordance with 10 U.S.C. § 1166, a warrant officer whom the Commandant finds unfit or unsatisfactory following an evaluation board, retires or separates on the first day of the month following 60 days after the Commandant acts on the board's recommendation as follows:

- (1) If eligible for retirement under any provision of law, the officer will be retired under that law.
  - (2) If the chief warrant officer is not eligible for retirement under any provision of law but has accrued at least three years of active service creditable under Section 511 of the Career Compensation Act of 1949, as amended, since the date they accepted the original appointment as a regular chief warrant officer, the officer will separate with separation pay under 14 U.S.C. § 2147a, unless the separation was for reasons listed in Section 1.N. 4 b of this Instruction and the officer received a general discharge. However, officers entitled to separation pay may refuse it and instead request to enlist in a grade the Commandant prescribes under 10 U.S.C. § 515.
  - (3) A chief warrant officer with fewer than three years of such service will be separated under 10 U.S.C. § 1165 without separation pay. However, they may request and, if the Commandant approves, enlist under 10 U.S.C. § 515 in a grade the Commandant prescribes.
- e. If the Commandant does not find a chief warrant officer unfit or unsatisfactory following an evaluation board, the case will be closed.
- U. Requests to Separate Voluntarily in Lieu of Involuntary Board Action. Officers who are undergoing the processes outlined in Sections 1.J, 1.K, 1.N, or 1.T of this Instruction may have the opportunity to request retirement or discharge in lieu of completing these processes. If this is permitted, the officer will receive the same category of Separation Program Designator code on their Certificate of Release or Discharge from Active Duty, DD Form 214, they would receive if the board process went to completion with a decision to separate. They will also receive the same period of time to separate as they would receive if the board process went to completion. If no timeline is specified, the individual will have no more than 90 days from the date the voluntary separation request is approved to separate.
- V. Separation in Lieu of Orders (SILO). Officers who elect to separate in lieu of accepting permanent change of station (PCS) orders will be required to separate no later than 1 August.
- W. Separations Related to Unrestricted Report of Sexual Assault.
1. General. In accordance with 10 U.S.C. § 1034, to ensure that an Involuntary Separation is not initiated in retaliation for making an unrestricted report of Sexual Assault, a commissioned officer may request a Flag Officer (FO) review of the circumstances of and grounds for, an involuntary separation if:
    - a. The Service member has made an unrestricted report of sexual assault, in accordance with DoD Instruction 6495.02.

- b. If the Service member is recommended for involuntary separation from military service within 1 year of the final disposition of their sexual assault case.
- 2. Process.
  - a. A commissioned officer who meets the requirements of Section 1.W.1 of this Instruction must submit their written request to the first (FO) in the officer's chain of command before approval of final separation action.
  - b. A request submitted after final separation action is complete will not be considered, but the separated commissioned officer may apply to the appropriate Military Department Discharge Review Board or Board for Corrections of Military or Naval Records for consideration.
  - c. A commissioned officer who meets the requirements of Section 1.W.1 of this Instruction and who submits a timely request may not be separated until the (FO) conducts a review and concurs with the circumstances and grounds for the involuntary separation.
- 3. Victims' Rights During Boards of Inquiry. Victims of reported sexual assault, sexual harassment, and domestic violence offenses have the right to participate in a Board of Inquiry related to the alleged offense. The victim has the right to:
  - a. Reasonable, accurate, and timely notice of the board.
  - b. Be present at any open portions of the board proceedings, unless the legal advisor determines by a preponderance of the evidence that the testimony of the victim of an allegation under consideration, would be materially altered if the victim heard other testimony at that proceeding. However, once the victim testifies, the victim has the right to be present unless, in extraordinary circumstances, the legal advisor determines such presence will prejudice the proceedings.
  - c. Be represented by a Special Victims' Counsel (SVC) during the board proceedings, to include the right to be accompanied by counsel during all portions of the board in which the victim participates. The victim's SVC has standing to address the legal advisor on evidentiary issues related to the victim's right to privacy. While the Military Rules of Evidence are not applicable, they may be used as a guide for the legal advisor and board to make determinations on presented evidence.
  - d. Reasonably confer with the recorder.
  - e. Provide a sworn or unsworn statement concerning the impact of the reported sexual assault, sexual harassment, or domestic violence on the victim and their family members. The victim's impact statement may address their opinion on separation and may be read by the victim's SVC. The recorder will work with the victim and their SVC, if assigned, to facilitate submission of any victim's statement.

## CHAPTER 2. ENLISTED MEMBERS

### A. General.

1. Discharge Authority. Commander, Coast Guard Personnel Service Center, is the Discharge Authority in all cases of administrative separation except that:
  - a. The district commander, logistics/service center commands, or commanding officer, as appropriate, may be the Discharge Authority in those cases specified in Sections 2.G, 2.H, 2.K, 2.L, and 2.O of this Instruction;
  - b. The Superintendent, Coast Guard Academy, is the Discharge Authority for uncharacterized discharges for Coast Guard Scholars in an entry-level status in accordance with Section 2.S of this Instruction for members enlisted under the Coast Guard Academy Scholar Program, within one year of the member's entry into the program. Commander (CG PSC) retains authority for those scholars who were serving as active duty or Reserve members of the Coast Guard upon entry into the program, and for all scholars beyond their first year of service. (See also Coast Guard Academy Scholar Program Administration, COMDTINST 5354.2 (series)).
  - c. Commanding Officer, Training Center Cape May, is the Discharge Authority for uncharacterized discharges for recruits in an entry-level status in accordance with Section 2.S. of this Instruction. In addition, Commanding Officer, Training Center Cape May, has authority to award a characterized discharge – Honorable or Under Honorable Conditions (General), as appropriate – to recruits:
    - (1) For misconduct due to drugs, in accordance with Section 2.Q.d (2) of this Instruction, including but not limited to pre-enlistment drug use evidenced by a positive urinalysis shortly after entering an accession training program. (New inductees will sign an Administrative Remarks, Form CG-3307, entry acknowledging that the presence of drugs in their bodies is grounds for a Under Honorable Conditions (General) discharge for misconduct).
    - (2) Who do not meet the criteria for discharge under an entry-level status, but are otherwise recommended for discharge under Chapter 2 of this Instruction;
    - (3) Who meet the criteria for entry-level status, but unusual circumstances exist that warrant a characterized discharge (e.g., serious infractions or exceptionally meritorious service). To the extent practicable, Commanding Officer, Training Center Cape May, will apply the general separation criteria under Chapter 2 of this Instruction when awarding characterized discharges to recruits. However, in lieu of the minimum six-month probationary periods prescribed in Sections 2.O.3 and 2.Q.3 of this Instruction, recruits who are processed for discharge due to unsuitability or misconduct will be afforded the same counseling as is required under Section 2.S.4 of this Instruction for uncharacterized discharge processing.

2. Scope. The Service separates all regular Coast Guard and Coast Guard Reserve enlisted members according to the instructions contained in this Chapter. Section 2.MM of this Instruction contains a summary of various entitlements as they pertain to the different types of discharge. See Chapter 10 of this Instruction for processing Selected Reserve (SELRES) and Individual Ready Reserve (IRR) members.
3. Unqualified for Retention. The Armed Forces have the right and the duty to separate those members who clearly demonstrate they are unqualified for retention. If applicable, an Honorable Discharge Certificate, DD Form 256 CG, will be issued upon separation or discharge (See Section 2.JJ of this Instruction). At the same time, such members have rights the Coast Guard strives to protect (See Sections 2.N, 2.O, 2.Q, and 2.X of this Instruction, as appropriate).
4. Retention or Separation. Prior conduct, acts, or performance can be considered in determining whether the board or separation authority will recommend or decide retention or separation.
  - a. Cases in which the circumstances may warrant using such records ordinarily are limited to those involving patterns of conduct which become manifest only over an extended period of time.
  - b. When the Service considers a record of non-judicial punishment imposed during a current enlistment or period of service, isolated incidents and events remote in time or with insignificant value in determining whether retention or administrative separation should be effected will have minimal influence on the determination.
  - c. If the Service decides to separate a member administratively, Section 2.B.5 of this Instruction applies in determining the type of discharge.
5. Cases Involving Disability Evaluation and Potentially Concurrent Administrative Separation or Disciplinary Action.
  - a. Disability statutes do not preclude disciplinary separation. Except those cases described in paragraph (b) and (c) below, separations described here supersede disability separation or retirement. If Commander (CG PSC-PSD-DE) is processing a member for disability while simultaneously Commander (CG PSC- EPM-1) or Commander (CG PSC-RPM) as appropriate is evaluating the member for an involuntary administrative separation for misconduct, or disciplinary proceedings which could result in a punitive discharge or an unsuspended punitive discharge is pending, Commander (CG PSC-PSD-DE) suspends the disability evaluation and Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate considers the disciplinary action. If the action taken does not include punitive or administrative discharge for misconduct, Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate sends or returns the case to Commander (CG PSC-PSD-DE) for processing. If the action includes either a punitive or

administrative discharge for misconduct, the medical board report will be filed in the terminated member's medical personnel data record (MED STR).

- b. In cases where the Narrative Summary (NARSUM) indicates that referral of the case to an Informal Physical Evaluation Board (IPEB) is warranted for disability processing under the provisions of COMDTINST M6000.1 (series) for TBI or a Behavioral Health condition (including, but not limited to PTSD) induced by a specific stressor event (see e.g. 10 U.S.C. § 1177), then a Coast Guard medical officer will furnish copies of the NARSUM to the command and Commander (CG PSC-PSD-DE), respectively.
  - (1) When the Coast Guard has not initiated the involuntary separation process for the member, Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate will determine if the member's medical condition directly or substantially contributed to the conduct that may potentially result in administrative separation. If so, the member will be processed through the physical disability system.
  - (2) When the Coast Guard has initiated involuntary separation of the member for misconduct, the resulting proceeding will be conducted concurrently with the disability evaluation system proceeding. Upon resolution of both proceedings, Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate will review the final disposition of both proceedings to determine whether the TBI or a Behavioral Health condition, induced by a specific stressor event, was a direct or substantial contributing factor in the misconduct. If so, the member's disability processing will supersede any pending administrative separation..
- c. Disability evaluation in a member's case may proceed if Commander (CG PSC) or the Commandant (CG 00) determines that other circumstances of the individual case warrant disability processing instead of further processing for administrative separation. In such a case, the Commandant (CG PSC) decides the ultimate disposition..

## 6. Definitions.

- a. Member. An enlisted person of the Coast Guard.
- b. Discharge. Complete severance from all military status.
- c. Release from Active Duty. Termination of active duty status and transfer or reversion to a Reserve component not on active duty.
- d. Separation. A general term including discharge and release from active duty.
- e. Administrative Separation. Discharge or release from active duty when enlistment or required period of service expires or before then in the manner prescribed in this

Section, or by law, but specifically excluding separation by sentence of general or special court-martial.

- f. Military Record. A member's behavior while in military service, including general comportment and performance of duty.
- g. Prior Enlistment or Period of Service. Service in any Armed Forces component which culminated in issuing a discharge certificate or certificate of service.
- h. Administrative Separation Board. A body appointed to provide findings of fact, opinions, and recommendations to assist the discharge authority in making informed decisions. See Section 2.W of this Instruction and Reference (k).
- i. Discharge Authority. As established here and implemented by regulations issued by an Armed Force, an official authorized to make a final decision on specified types of discharges.
- j. Respondent. A Coast Guard member who has been notified the Service has initiated action to discharge them under a specified Service regulation.
- k. Counsel. A lawyer within the meaning of Article 27(b)(1) of the Uniform Code of Military Justice unless appropriate authority certifies in the permanent record a lawyer so qualified is not available and describes the qualifications of the substituted non-lawyer counsel.
- l. Continental United States. The United States less Alaska and Hawaii.
- m. Characterization of Service for Administrative Separation. A determination reflecting a member's military behavior and performance of duty during a specific period of service. The three characterizations are Honorable, Under Honorable Conditions (General), and Under Other Than Honorable Conditions.
- n. Minority Group. A segment of the population possessing common traits transmissible by descent or common characteristics and a cultural heritage significantly different from that of the general population.
- o. Entry-Level Status. Upon enlistment, this status applies to first-term Service members, prior service members, and members from another Armed Forces service.
  - (1) A service member qualifies for entry-level status during the first 365 days of continuous active military service; or, the first 365 days of continuous active service following a break in service of after a service break following more than 92 days of active service.
  - (2) A Service member of a reserve component who was not on active duty or is serving under a call or order to active duty for 365 days or less begins entry-level



status upon enlistment in a reserve component. Entry-level status for a member of a reserve component terminates as follows:

- (a) 365 days after beginning training if the service member is ordered to active duty for training for one continuous period of 180 days or more; or,
  - (b) 180 days after the beginning of the second period of active duty training, if the member is ordered to active duty training under a program that splits the training into two or more separate periods of active duty. For the purposes of characterization of service or description of separation, the member's status is determined by the date of notification as to the initiation of separation proceedings. The period of entry-level status is not interrupted by unauthorized absence or desertion.
- p. First-Term Member. A member with no prior military service serving in the first four years of their initial military service obligation.
  - q. Recruit. A member currently enrolled in any enlisted accession program at Training Center Cape May, or who remains on active duty after having been removed from an enlisted accession program prior to graduation.
  - r. Drop from the Rolls. A complete severance of military status pursuant to a specific statutory authority, without characterization of service.<sup>11</sup>

#### B. Determining the Type of Discharge.

1. Policy. The Service discharges members with the type and character of service as determined by the reason for discharge, military record, and certain other conditions set forth here.
2. Process. In determining a member's type of discharge and character of service under these conditions, if a commanding officer believes a member should be issued a higher or lower type of discharge, the commanding officer should so recommend to Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate and should support such recommendation with pertinent parts of the member's CGMHRR. When the member is transferring for discharge, the commanding officer should make such recommendation before transfer with a copy to the unit to which the member is transferring.
3. Types of Discharges. There are five types of discharge for characterized separations:
  - a. Honorable Discharge, DD Form 256 CG, Separation with honor,
  - b. Under Honorable Conditions (General) Discharge,
  - c. Under Other Than Honorable Conditions Discharge,

- d. Bad Conduct Discharge, or
  - e. Dishonorable Discharge.
  - f. An Uncharacterized Discharge applies when separation is without specific character. There is no certificate for this type of discharge.
4. Reasons for Discharge. There are 15 formal reasons for discharge:
- a. Enlistment expires.
  - b. Service obligation fulfilled.
  - c. Convenience of the Government.
  - d. Dependency or hardship.
  - e. Minority (age).
  - f. Disability.
  - g. Unsuitability.
  - h. Security.
  - i. Misconduct.
  - j. Court-martial sentence.
  - k. Entry-level separation (uncharacterized discharge).
  - l. For the good of the Service.
  - m. Temporary Separation.
  - n. Sole Survivorship.
  - o. Care of Newborn Children as defined in Reference (l).
5. Characterization of Service. Limitations on Characterization for Prior Enlistment or Period of Service. Characterization of the current enlistment or period of service is determined by conduct, actions, or performance during that enlistment or service plus any extensions prescribed by law or regulations. Thus, positive or negative conduct, acts, or performance during a period of prior military service—including court-martial, non-judicial punishment, absence without leave, misconduct for which a reenlistment waiver was granted, or commission of other offenses for which punishment was not imposed or

adjudged—cannot be considered in determining the characterization to be recommended for the current enlistment. Except as indicated below, the sole criteria on which the Coast Guard characterizes service in the current enlistment or period of service is the member's military record during that enlistment, period of service, or any term extension the law or the Commandant prescribes or the member consents to. In characterizing service, the following will not be considered:

- a. Previous service activities, including among others, records of court-martial conviction, non-judicial punishment, absence without leave, or commission of other offenses for which punishment was not imposed.
- b. Pre-Service Activities. Pre-service activities, including misconduct for which an enlistment waiver is granted, may not be considered in determining characterization except in a proceeding concerning fraudulent entry into the Coast Guard. Evidence of pre-service misrepresentations about matters that would have precluded, postponed, or otherwise affected the Service member's eligibility for enlistment or induction may be considered.
- c. Activities occurring under the provisions of Section 2.S of this Instruction.

6. Standards for Discharge.

- a. Honorable Discharge. A member's commanding officer or higher authority can effect a separation with an honorable discharge if the member is eligible for or subject to discharge and the member merits an honorable discharge under the standards prescribed here:

(1) The member is eligible for discharge for several reasons, to include:

- (a) Enlistment expires.
- (b) Service obligation fulfilled.
- (c) Convenience of the Government.
- (d) Dependency or hardship.
- (e) Minority (age).
- (f) Unsuitability.
- (g) Misconduct (except involvement with illegal drugs or obstructing drug urinalysis testing by tampering).
- (h) The Commander (CG PSC) so directs.

- (2) Proper military behavior and proficient performance of duty within the current enlistment or period of service plus any extensions prescribed by law or regulations with due consideration for the member's age, length of service, grade, and general aptitude. The Service will not necessarily deny a member a discharge solely for a specific number of courts-martial convictions or actions under Article 15, UCMJ, during their current enlistment or obligated service.
  - (3) Member must have a minimum characteristic average of 2.5 in each factor over the period of the enlistment. Section 2.GG.2 of this Instruction contains directions for determining the final characteristic average.
  - (4) If a member meets the prescribed final minimum average for an honorable discharge in only one of the two marking systems (i.e., averages only 2.5 in proficiency and 2.8 in conduct), but is clearly above the prescribed final minimum averages for service, the commanding officer will notify Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate by memorandum of the situation at the earliest possible date. The memorandum must include, as a minimum, the final averages for the individual's marks under both marking systems, and the commanding officer's specific recommendation of the type of discharge proposed in the case.
- b. Discharge Under Honorable Conditions (General). The member's commanding officer or higher authority may recommend a separation with a general discharge if the member is subject to discharge and a general discharge is warranted under the standards prescribed in this paragraph. When a general discharge is issued for one of the reasons listed in Section 2.B.6.a (1) of this Instruction, the specific reason will be stated in an entry on an Administrative Remarks, Form CG-3307, entry in the member's CGMHRR. A general discharge applies in these situations:
- (1) The member either:
    - (a) Has committed an offense that has been established by a preponderance of the evidence. Police reports, CGIS reports of investigation, etc. may be used to make the determination that a member committed a serious offense; or
    - (b) Has tampered with drug urinalysis samples, supplies, or documentation; However, the commanding officer may recommend a discharge under other than honorable conditions in severe circumstances, including among others, tampering with evidence in drug seizure cases or distributing drugs for profit, to other Coast Guard members or to minors. See Sections 2.B.6.c and 2.X of this Instruction for guidance and procedures.

- (2) The member is eligible for discharge for one of the reasons listed in Section 2.B.6.a (1) of this Instruction and:
- (a) The member's final average marks are less than those shown in Section 2.B.6.a (3) of this Instruction for the respective periods, or
  - (b) When based on the individual's overall military record in the current enlistment or period of service plus any extensions prescribed by law or regulations is determined by conduct, actions, or performance during that enlistment or service plus any extensions prescribed by law or regulations or the severity of the incident(s) which results in discharge, Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate directs issuing a general discharge.
- c. Discharge Under Other Than Honorable Conditions. The Service may issue a discharge under other than honorable conditions for misconduct, security reasons or good of the Service if an Administrative Separation Board approves a recommendation for such a discharge or the member waives their right to board action. Such a discharge will be issued in lieu of trial by court-martial only if the Commandant determines an administrative discharge will best serve the interests of both the Service and the member. (See Section 2.X. of this Instruction).
  - d. Bad Conduct Discharge. A bad conduct discharge, a punitive separation from the Service may be issued only as a result of an approved sentence of a general or special court-martial.
  - e. Dishonorable Discharge. Separation from the Service under dishonorable conditions. A dishonorable discharge may be issued only as a result of an approved sentence of a general court-martial.
  - f. Uncharacterized Discharge. An uncharacterized discharge by its own connotation is separation without characterization of service. An uncharacterized discharge may be issued only if the provisions of Section 2.S of this Instruction apply.
  - g. Special Considerations. In any case in which a general discharge or a discharge under Other Than Honorable conditions is warranted for one of the reasons set forth in this section above, the Service may award the member an honorable or general discharge, as appropriate, under these conditions if the member:

- (1) During the current or previous enlistment, period of obligated service, or any voluntary or involuntary extensions, the member has earned a Medal of Honor, Distinguished Service Medal, Legion of Merit, Distinguished Flying Cross, Coast Guard Medal, Bronze Star Medal, Air Medal, Coast Guard Commendation Medal, Gold Life Saving Medal, Silver Life Saving Medal or any other Armed Forces award equivalent to any of these decorations. In each case, the member's military record will be fully considered in connection with any action taken;
  - (2) Is discharged for a disability incurred in the line of duty and resulting from action against an enemy;
  - (3) Is discharged while undergoing recruit training; the proficiency mark required by Section 2.B.6. of this Instruction will be disregarded;
  - (4) Received favorable action from Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate on a recommendation submitted under Section 2.B.2. of this Instruction; or
  - (5) If the particular circumstances in a given case warrant, the Commander (CG PSC) may direct issuing an honorable or general discharge in lieu of discharge under other than honorable conditions.
7. Reenlistment Codes. Each member discharged from the Service is assigned one of the following reenlistment codes, as appropriate, per Reference (m).
- a. RE-1 Eligible for reenlistment.
  - b. RE-2 Ineligible for reenlistment due to retirement.
  - c. RE-3 Eligible for reenlistment except for a disqualifying factor.
  - d. RE-4 Not eligible for reenlistment.
- C. Explaining Discharge Types and Related Matters Commanding officers periodically will explain to members the types of discharge certificates listed in Section 2.B. of this Instruction, the basis for issuance, and the possible effects of various certificates on reenlistment, civilian employment, veterans' benefits and related matters. At a minimum, commanding officers will do so each time they explain Uniform Code of Military Justice articles under Reference (i). Commanding officers will ensure an appropriate entry is made on an Administrative Remarks, Form CG-3307, entry and filed in each member's CGMHRR as to the date this information was explained to the member.
- D. Pre-Discharge Interview of Enlisted Members.
1. General. In general, a member who meets the reenlistment standards under Reference (n), is eligible to reenlist, unless the reason for discharge precludes reenlistment, such as

physical disqualification, disability, unsuitability, misconduct, or an alien's failure to become a naturalized citizen, or if the commanding officer did not recommend the member. Commanding officers should not refuse reenlistment to members who have demonstrated a potential for a successful, productive Coast Guard career. Commanding officers may assign members serving in the E-2 or E-1 pay grade at the end of their active duty term, the designation "Eligible for Reenlistment" (Reenlistment Code RE-1) provided these members are in all other respects eligible. Commanding officers should encourage members in pay grade E-3 to reenlist provided they meet the requirements of Reference (n). However, commanding officers should view members as poor risks if they have records of indebtedness or non-support or whose personal problems have resulted in hardship assignments longer than four months and therefore, will screen them carefully before considering them for reenlistment.

## 2. Initial Interview.

- a. Based on the member's record and the guidelines in Section 2.D.1 of this Instruction, the commanding officer will advise each member approximately six months before their enlistment expires whether the member is eligible to reenlist. The commanding officer will fully inform a member ineligible to reenlist of the reasons, assign Service member the proper code and, except for members ineligible for physical disqualification, process the member under Section 2.E of this Instruction. This approximate time frame for the initial pre-discharge interview is not a performance probationary period for members considered ineligible to reenlist but rather allows enough time to properly process a member for separation, extension, or reenlistment. Under Section 2.E.1 of this Instruction, the commanding officer may conduct this interview in less than six months' time before the member's enlistment expires.
- b. Members who meet the reenlistment criteria of Reference (n) and have their Commanding Officer's recommendation for reenlistment will be assigned the Reenlistment Code RE-1, "Eligible for Reenlistment," and allowed to reenlist for a maximum of six years. The commanding officer may reenlist members assigned this code without notifying Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate.
- c. Immediately after the required initial interview, a command representative, who has indicated favorable career intentions, will interview each member eligible to reenlist to give the member the opportunity to express their own desires about reenlistment intentions. During the interview, the command representative must inform each potential reenlistee eligible for a Selective Reenlistment Bonus (SRB) of that eligibility and the SRB program's monetary benefits. (See Military Bonus Programs, COMDTINST M7220.2 (series)). The command representative must discuss these subjects:

- (1) The SRB amount for which the potential reenlistee currently is eligible.
  - (2) SRB flexibility and possible changes that might increase or decrease the bonus amount to which the member is entitled at reenlistment.
  - (3) Any limiting factor that could negatively affect the SRB payment, such as rating conversion, etc.
  - (4) The advantages of early reenlistment to obtain the present SRB amount compared to the uncertainty of future SRB payment.
  - (5) Normal SRB payment method of equal annual installments or, if appropriate, possible payment in one lump sum.
3. Follow-Up Interviews. When a member eligible to reenlist indicates they will not do so, the commanding officer or executive officer will hold a follow-up interview with the member to:
- a. Fully inform the member of matters of interest to potential reenlistees, such as advantages of training, promotion, service schools, assignments, and retirement.
  - b. Provide counseling on the benefits of remaining in the SELRES. Counseling must be conducted in person, where practical, by designated Reserve Force Readiness Staff.
  - c. Advise the member the provisions of Reference (n) apply if the member desires to reenlist other than on the day after discharge.
  - d. Advise a member serving in a foreign country who transferred for separation in lieu of reenlisting at their present unit (See Section 2.EE.2 of this Instruction) that:
    - (1) Reenlistment will not be effected after such transfer unless the member requests and receives such authority from Commander (CG PSC-EPM-1).
    - (2) If the member has dependents and subsequently reenlists, it is possible the member may not be entitled to transportation of dependents and household goods at Government expense. Although entitled to transportation of dependents and household goods at separation, the member is not guaranteed reenlistment in a pay grade that carries this entitlement.
    - (3) The interviewer should advise any member, who is a citizen of the Republic of the Philippines, if transferred for separation under Section 2.FF of this Instruction, and the member subsequently desires to reenlist, they will not be entitled to file for U.S. citizenship unless the reenlistment or extension actually takes place in the United States or its stated possessions (American Samoa, Northern Mariana Islands, Guam, Puerto Rico, and the U. S. Virgin Islands).



- (4) If the member is eligible to reenlist but does not intend to reenlist in the Coast Guard at their present duty station, they must complete an E-Resume thru Direct Access six months prior to their date of separation indicating their intentions (i.e., discharge, RELAD). (See Reference (o)) If the member has a Selected Reserve obligation, they must indicate their desire for assignment to a Selected Reserve unit or Individual Ready Reserve (IRR) on their E-Resume. If the member does not have an obligation under 10 U.S.C. § 651, the interviewer should encourage the member to enlist in the Coast Guard Reserve. Commanding officers are authorized to enlist such members in accordance with Reference (p).
4. Personnel Data Record Entries. Members that have indicated indecision or a desire not to reenlist or extend will acknowledge the following information on an Administrative Remark, Form CG-3307, entry to be filed in the member's CGMHRR:
- a. The interview date.
  - b. The member's expressed intention not to reenlist or extend their enlistment.
  - c. The commanding officer's determination whether the member is eligible to reenlist (if not, include the reasons) and the reenlistment and separation codes being assigned. If a member is not eligible to reenlist even though the average marks for Proficiency, Leadership, and Conduct meet the requirement for honorable discharge, a full explanation will be entered.
  - d. If the member is eligible to reenlist but does not do so within 24 hours of discharge, their signed Statement of Understanding is that in order to remain in a continuous service status, member must reenlist within three months of the discharge date (See Reference (n)), however, member may not be able to reenlist in the rate member held at discharge unless that rate is on the open rate list when the member reenlists. (See Reference (n)).
  - e. If the member is not eligible to reenlist, the interviewer informs the member of the reason for the determination and requires the member to sign a statement on an Administrative Remark, Form CG-3307, and entry of the Personnel Data Record as having been so informed. (See Section 2.E. of this Instruction).
  - f. If the member is a citizen of the Republic of the Philippines, a statement concerning future intention to apply for U. S. citizenship (See Section 2.D.3.c of this Instruction).

E. Processing Personnel Ineligible to Reenlist.

1. Scope. If at the time of the initial pre-discharge interview conducted under Section 2.D.2 of this Instruction or any time after a commanding officer determines an enlisted member is not eligible to reenlist, the procedures found in paragraph 1.E.4. of Reference (n) will apply.

2. Right to Counsel. Commanding officers must give any individual who is notified that they are eligible to reenlist under this Section, whose performance evaluations indicate the possibility of receiving an Under Honorable Conditions (General) discharge, the opportunity to consult with a military lawyer for an explanation of rights before sending the required documentation to Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate. The member may also consult a civilian counsel of choice at their own expense.
3. Less than Eight Years of Service. Commanding officers must notify a member with fewer than eight years of total military service at the time of the initial interview of the reasons why the member is ineligible to reenlist. The member must sign a statement on an Administrative Remarks, Form CG-3307, entry in their CGMHRR acknowledging this notification. These members must be processed for separation as directed by Reference (n).
4. More than Eight Years of Service. Members who have eight or more years of total military service that meet the reenlistment eligibility criteria in Reference (n) but are not recommended for reenlistment by their commanding officer, are entitled to a reenlistment board. If a member is entitled to a reenlistment board, the commanding officer will follow the procedures in Reference (r). Members who have eight or more years of total military service who do not meet the reenlistment eligibility criteria in Reference (n) are not entitled to a reenlistment board and must be processed for separation as directed by paragraph 1.E.4.b. of Reference (n). However, these members must be afforded the opportunity to submit a written statement on their behalf for consideration by Commander (CG PSC-EPM-1 or PSC-RPM-1).
5. Appellant Procedures. In accordance with paragraph 1.E.4 of Reference (n), members with fewer than eight years of total military service who are not eligible for reenlistment may submit an appeal via memorandum to Commander (CG PSC-EPM-1) or (CG PSC-RPM-1) whether they are recommended for reenlistment by their commanding officer or not. On receiving an appeal, Commander (CG PSC) may direct that a particular appellant with fewer than eight years' total military service will be afforded the same rights to a board hearing as a member with eight or more years of such service possesses. Further, Commander (CG PSC) may reject a particular member's waiver of rights and direct a board to hear the case. The board convenes under Reference (k), and the board members and procedures are the same as for Administrative Separation Boards in Section 2.W. of this Instruction. The board renders findings about the member's eligibility to reenlist or can specify a probationary enlistment extension for any period up to one year.
6. Documentation. When board action is not required, or when a member entitled to a reenlistment board waives that right, the commanding officer will provide the member's CGMHRR and following documents to Commander (CG PSC):
  - a. Summary of military offenses.
  - b. Civil convictions.

- c. If submitted, the member's signed appeal or statement on their own behalf.
  - d. A copy of the Evaluation Report Summary printed from Direct Access and a copy of the current Enlisted Evaluation Report Member Counseling Receipt with all applicable signatures.
7. Probation Extension. If the board recommends probationary enlistment extension, these guidelines apply:
- a. The board will propose the probation's length and terms, which should address the particular deficiencies that have led to recommended denial of reenlistment and provide the respondent with clear, specific standards of performance and conduct expected during the probation.
  - b. On receiving the reenlistment board's report, the commanding officer or convening authority may offer the respondent an opportunity to begin voluntary evaluation under the recommended probation terms if the commanding officer deems such action appropriate. This officer should inform the respondent that failure to begin evaluation under the probation terms will not affect how the final reviewing authority considers the case, but sincere, successful, voluntary compliance could favorably affect consideration. The commanding officer also should inform the respondent that voluntary evaluation while on probation is not binding on Commander (CG PSC) as Final Reviewing Authority.
  - c. If the commanding officer agrees to begin a respondent's requested evaluation under recommended probationary terms, the commanding officer will inform the respondent of the precise terms of probation on an Administrative Remarks, Form CG-3307, entry in the respondent's CGMHRR.
  - d. When a commanding officer agrees to implement a respondent's evaluation under probationary terms recommended by a reenlistment board, the commanding officer sends a memorandum report of that action to Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate independent of their endorsement to the reenlistment board's report. The report will state the terms of probation as implemented and indicate whether the respondent's transfer for evaluation is warranted or desirable.
  - e. The commanding officer under whom the respondent is serving a probationary extension will evaluate the member's performance of the probation terms every 30 days and enter the respondent's progress on an Administrative Remarks, Form CG-3307, entry. Until Commander (CG PSC) publishes the action of the Final Reviewing Authority on the reenlistment board, at the end of each 90-day period of the probation, or sooner if necessary, the commanding officer will send Commander (CG PSC-PSD-FS) a synopsis of the respondent's performance.

8. Deadlines. A board will convene early enough so Commander (CG PSC-PSD-FS) can receive the completed report 120 days before the enlistment expires, or as soon thereafter as practical. When a board is not required, or when a member entitled to a board hearing waives that right, the documents specified in Section 2.E.6 of this Instruction, plus the member's signed waiver of rights (if applicable) in the format prescribed in Section 2.E.4 of this Instruction, will be submitted to Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate 60 days before the member's enlistment expires, or as soon thereafter as practical.
9. Pending Notice. Members awaiting action of the Final Reviewing Authority will be retained until Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate advises the commanding officer of the Final Reviewing Authority's action.
10. Coast Guard Personnel Service Center's Final Action. In acting on a reenlistment board's recommendation, Commander (CG PSC) as Final Reviewing Authority will take action similar to that provided for in the case of Administrative Separation Boards in Section 2.W.4 of this Instruction.

F. Physical Examination Before Separation.

1. Applicability. Before retirement, involuntary separation, or release from active duty (RELAD) into the Ready Reserve (SELRES or IRR), every enlisted member, except those discharged or retired for physical or mental disability, must schedule any necessary physical examination in accordance with Reference (f). Other members separating from the Coast Guard, e.g., discharge or transfer to standby reserve (non-drilling) may request a medical and dental screening. The examination results will be recorded on Standard Form 88. To allow additional time to process enlisted members being discharged for enlistment expiration or being released from active duty, the physical examination must be conducted at least six months but not less than 60 days before separation from active duty. All physical examinations for separations are good for 12 months. If the member is discharged for immediate reenlistment, the physical examination is not required. However, before discharge for immediate reenlistment, the commanding officer will review the member's health record and require them to undergo a physical examination if evidence in the record or personal knowledge indicates a potential health problem.
2. Physically Qualified for Separation. When the physical examination is completed and the member is found physically qualified for separation, the member will be advised and required to sign a statement on the reverse side of the Chronological Record of Service, Form CG-4057, agreeing or disagreeing with the findings. When the member agrees they are physically qualified for separation, the original of Standard Form 88 will be sent to Commander (CG PSC-PSD-MR) along with the terminated health record.
3. Objections to Findings. If a member objects to a finding of physically qualified for separation, the Standard Form 88 together with the member's written objections will be sent immediately to Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate for review. If necessary, the member may remain in service beyond the

enlistment expiration date under the authority of Section 2.K.10 of this Instruction. However, completing the Chronological Record of Service, Form CG-4057, as soon as possible after the physical should preclude the need for this enlistment extension.

4. Disqualifying Conditions. When the examination for separation finds disqualifying physical or mental impairments, take the following action:
  - a. If the member desires to reenlist and the physical or mental impairment is permanent, send Standard Form 88 directly to Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate, with a request for waiver or such other recommendations as are indicated.
  - b. If the member desires to reenlist and the physical or mental impairment is temporary, the necessary treatment will be provided and the member remains in service under Section 2.K.7 of this Instruction.
  - c. If the member does not desire to reenlist or is being discharged for reasons other than enlistment expiration and the physical or mental impairment is permanent, a medical board is convened under Chapter 2 of this Instruction and the member remains in service under Section 2.K.10 of this Instruction.
  - d. If the member does not desire to reenlist or is being discharged for other than enlistment expiration and the disability is temporary, the member may consent to remain in service under Section 2.K.7 of this Instruction so necessary treatment may be given and a medical board convened if indicated. If the member does not consent to remain in the Service, a medical board is convened under Chapter 2 of this Instruction and the member remains in service under Section 2.K.10 of this Instruction.

G. Enlisted Members' Early Separation.

1. General. Under certain circumstances enlisted members may be separated before their normal enlistment expiration date provided such early departure is in the Government's best interest. In determining the eligibility date for early separation, consideration must be given to any deductible time that changes the normal enlistment expiration date, enlistment extension, period of obligated active duty, or obligated service. Early separation under this Section does not deprive a member of any right, privilege, or benefit to which otherwise entitled, except pay, allowances, and credit for service for any unexpired period not served. The member is entitled to a travel allowance and lump sum payment for leave and does not have to pay back a pro-rated portion of any reenlistment bonus the member previously received.
2. Early Separation. Commanding officers are authorized to separate members three or fewer months before the normal separation date without referring to Coast Guard Personnel Service Center in the following circumstances. Refer other cases in which such early separation appears warranted to Commander (CG PSC-EPM-1).

- a. When a cutter or mobile command is about to depart with the probability it will not return to the United States before the member's enlistment or period of obligated active duty expires.
  - b. When a cutter or mobile command is about to depart and the travel allowance then due the member is materially less than it would be if they separated in the port where the cutter is expected to be on the normal separation date.
  - c. When a member serving OCONUS declines to reenlist, the member may be:
    - (1) Separated on first reporting to a unit in CONUS on debarkation, or
    - (2) Separated on reporting to a district office in CONUS for further assignment to duty in that district, or
    - (3) Separated at the overseas duty station effective not earlier than the date of their scheduled rotation date when serving in other than a foreign country and if transfer to CONUS is not otherwise indicated. See Section 2.EE. of this Instruction for further guidance.
  - d. A member is authorized to request a discharge so they can reenlist immediately, for any of the following reasons:
    - (1) Has received notice of selection for appointment to warrant or commissioned grade;
    - (2) Has been selected for or is enrolled in any military service's Officer Candidate School;
    - (3) Is in transit pursuant to permanent change of station orders; or
    - (4) Has requested or received authorization for retirement.
  - e. Serves OCONUS and indicates the member intends to reenlist immediately on board in lieu of transfer for separation. Commanding officers will effect early separation for immediate reenlistment on or about the date the member normally would transfer for separation.
3. Early Separation Procedures. Reference (n) provides guidance for members separated under Sections 2.G and 2.H of this Instruction who desire to affiliate with the Coast Guard Reserve upon separation.
  4. Voluntary Separation for Members Serving on an Indefinite Reenlistment Contract. Subject to the provision of 14 U.S.C. § 2307, an active duty member serving on an indefinite reenlistment under Reference (n) may be separated at the discretion of

Commander (CG PSC-EPM). The actual separation of these members will be based on the overall needs of the Service. The provisions listed below generally apply; however, needs of the Service may impact the actual separation date.

5. Submitting Voluntary Request. An enlisted member may only submit a request for voluntary separation to Commander (CG PSC-EPM), if the member:
  - a. Will have completed all obligated service requirements for promotion or advanced training before the separation date, and
  - b. Requests an effective date of separation that provides:
    - (1) Completing at least one year of duty at current duty station as of the requested separation date if assigned INCONUS.
    - (2) Completing the prescribed tour length or at least two years, whichever is less, as of the requested separation date if assigned OCONUS.
6. Separating in Lieu of PCS Orders (SILO). If a member who satisfies the conditions in Section 2.G.5. of this Instruction has received PCS orders and wishes to voluntarily separate in lieu of executing orders, the member must so advise Commander (CG PSC-EPM) for active duty members or (CG PSC-RPM-2) for SELRES members via standard Coast Guard message traffic within five working days of orders issue date. Members desiring to SILO may be separated prior to the expiration of their enlistment by reason of convenience of the government in accordance with Section 2.L of this Instruction and Reference (q). Commander (CG PSC-EPM) or (CG PSC-RPM) for SELRES members) will consider such requests based on the overall Service needs. However, in certain instances, the member may be required to comply with orders. Commander (CG PSC-EPM) will not normally accept a request to cancel a voluntary separation so scheduled except to allow for disability processing, or Service need.
  - a. If a member's commanding officer determines that a request for separation is warranted even though it does not meet the conditions in Section 2.G.5 of this Instruction, the member should send the request and full supporting information pertaining to it to Commander (CG PSC-EPM), through the chain of command, for consideration. Such a request will be approved only in those rare instances when in the judgment of Commander (CG PSC-EPM), departing from the normal rules of Section 2.G.5 of this Instruction is justified. If the request is disapproved, Commander (CG PSC-EPM) will indicate when the member may resubmit a separation request. Commander (CG PSC-EPM) will cancel a request approved under this Paragraph only to allow for disability processing, or Service need, subject to the provisions in Section 2.G.4 of this Instruction.
  - b. Submit separation requests to Commander (CG PSC-EPM) or Commander (CG PSC-RPM) as appropriate not more than one year or less than six months before the

desired separation date. They will be acknowledged by either approval or disapproval.

7. Separation Request Comments. Area, district, and unit commanding officers will include the following comments in endorsements to all separation requests:
  - a. Specific approval or disapproval of the basic request; if disapproval, the full reason for disapproval.
  - b. Whether the member meets the requirements listed in Section 2.G.4 of this Instruction.
8. Separation Request Data. The request must include the zip code of the intended travel destination for cost estimating purposes only; it is not binding, nor does it affect the member's right to travel to their place of enlistment or home of record up to six months after the separation date. See Joint Travel Regulations, para, 051002.
9. Scheduling Voluntary Separations.
  - a. The decision to submit a voluntary separation letter has significant impact because the projected separation triggers transfer and advancement actions that, if reversed, cause hardship to other members. Therefore, Commander (CG PSC-EPM) normally will not honor a request to cancel or delay an already approved voluntary separation date. However, a request may be approved if the following conditions exist:
    - (1) To allow for disability processing; or
    - (2) A specific Service need exists; or
    - (3) A member has a hardship situation similar or equivalent to those listed in Section 4.B. of this Instruction. The Service does not consider a change in civilian employment plans a hardship; or
    - (4) The separation physical examination finds the member "not fit for separation" and the member does not request in writing to cancel the physical disability processing.
  - b. When a request to cancel a scheduled separation is based on a Service need, the member must remain on active duty for at least two years from the date the request is approved or up to the HYT PGP for their present pay grade, if less than two years. (See Chapter 6 of this Instruction).
  - c. Requests to cancel or delay a scheduled voluntary separation should normally be submitted at least three months before the approved separation date. Requests must be submitted through the member's chain of command and clearly state the reasons for such cancellation as well as a statement acknowledging that the member



understands that they will be required to complete a minimum of two (2) years active duty from the date of cancellation of the voluntary separation request.

#### H. Releasing Enlisted Members Early to Pursue Education.

##### 1. General.

- a. Commanding officers may authorize release up to 30 days early for a member with a unique schooling or career opportunity the member would lose if released on their normal enlistment expiration. The Coast Guard Personnel Service Center will not waive the 30-day limit on this authority. Members must combine all remaining earned leave and separation, the two totaling a maximum of 90 days.
- b. Commanding officers should consider early releases only for those who perform effectively and honorably during their present enlistment. Therefore, the commanding officer will review the member's performance evaluations. The member must meet the standards for an honorable discharge as described in Section 2.B.6 of this Instruction.
- c. Commanding officers should expect relief for members granted early release to arrive no earlier than if the members were released at their normal expiration of enlistment.
- d. If anticipating early release, advise Commander (CG PSC) as early as possible of member's name, rate, employee identification number (EMPLID), and anticipated release date.

2. Recouping Reenlistment and/or Career Status Bonus. A member separating under this Section and paid a bonus for their current enlistment must refund the unearned portion of the bonus in accordance with Reference (d) and Reference (o).

#### I. Unsatisfactory Performers/Probation.

1. Policy. The Coast Guard can afford to retain only those members who better the organization as a whole. Occasionally members do not contribute to supporting the Coast Guard's missions. By their unsatisfactory or disruptive performance, they prevent or obstruct other service members' responsible actions in meeting their obligations. Individuals whose performance demonstrates they cannot or will not contribute to supporting the Coast Guard's missions may be discharged under this Section. In many cases, promptly applying proper leadership can and will turn an unsatisfactory performer into a contributing service member. The value of positive task direction and recommendations for improving performance at any time by any member to a subordinate cannot be over-emphasized. However, in some cases all leadership avenues and disciplinary action are no longer effective and the member's association with the Coast Guard must terminate. This Section does not supersede more appropriate administrative action specified elsewhere in this Section or medical administrative

procedures. Final discharge authority rests with Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate.

2. Scope. This Section applies to all enlisted active duty members who meet the following criteria:
  - a. The member must not be undergoing medical treatment or physical disability processing.
  - b. The member must be assigned to the current unit for at least 180 days.
  - c. The member must not be undergoing or eligible for more appropriate processing specified elsewhere in Chapter 2 of this Instruction. See Section 2.OO. of this Instruction when recommending the discharge of a first-term performer for unsatisfactory performance.
3. Probation. Commanding officers will not initiate administrative discharge action for unsatisfactory performance until they have afforded a member a reasonable probationary period to improve their performance. When commands contemplate discharging a member for unsatisfactory performance, they will counsel the member that a formal probationary period of at least six months has begun and make an appropriate Administrative Remarks, Form CG-3307, entry in the member's CGMHRR that administrative discharge processing will be initiated unless the member shows significant improvement in overcoming the deficiency during the probationary period. The member must acknowledge this entry in writing. Commanding officers may recommend discharge at any time during the probationary period if they conclude the member is not attempting to overcome the deficiency and have documented the reasons for their conclusion in an Administrative Remarks, Form CG-3307. Submit copies of all Administrative Remarks, Form CG-3307, entries as an enclosure to the discharge recommendation submitted to Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate.
4. Separation Criteria. To discharge a member as an unsatisfactory performer, commanding officers must clearly show the member has been given the proper direction to improve performance and adequate time to demonstrate the member could become a productive Service member. In all cases, use the enlisted performance appraisal system in effect to identify the unsatisfactory performer for this Section's purposes. However, the unsatisfactory performance pattern, the appraisal marks described must be supported with documentation, including copies of Administrative Remarks, disciplinary action, and any other attempted corrective or training action. Unsatisfactory performers generally can be identified by enlisted evaluation reports that do not meet the standards for an honorable discharge as described in Section 2.B.6 of this Instruction.
5. Notifying Unsatisfactory Performers/Probation.

- a. Commanding officers must notify, in writing, a member whose performance record (12 months preferred in most cases, but at least six months for extremely poor performers) is such that the member may be eligible for discharge under this Section and that their unsatisfactory performance may result in discharge if that performance trend continues for the next six months.
  - b. Members discharged for unsatisfactory performance are assigned one of the following applicable reenlistment codes. See Section 2.I.4 of this Instruction for either case.
    - (1) RE-4 (not eligible to reenlist). The member's unsatisfactory performance is primarily due to personal conduct.
    - (2) RE-3 (unsatisfactory performance). The member is not currently qualified for continued service; the member may be eligible to reenlist at later date.
6. Discharge Processing for Members with Less Than Eight Years of Service.
- a. Notification Procedures. After the commanding officer notifies a member of unsatisfactory performance and closely observes the member (in most cases for six months), if the member has not substantially improved their performance, the commanding officer will notify the member, in writing, of the proposed discharge action. The official notification will be in memorandum format.
  - b. Acknowledgment. A member notified of a recommendation for discharge under this Section must indicate the member understands their rights by completing an endorsement. The member may include a personal statement on their behalf in this response. The member must submit a signed acknowledgment.
  - c. Right to Counsel. Commanding officers will give any individual recommended for discharge under this Section, whose performance evaluations indicate the possibility of receiving an Under Honorable Conditions (General) discharge, the opportunity to consult with a military lawyer for an explanation of rights before sending the discharge recommendation to Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate. The member may consult a civilian counsel of choice at their own expense.
  - d. Submitting Recommendation. Submit each recommendation for discharge under this Section to Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate. The Recommendation must include the following:
    - (1) A statement of all the circumstances of the case.
    - (2) A signed copy of the notification memorandum.
    - (3) The member's signed acknowledgment.

- (4) A copy of the Evaluation Report Summary printed from Direct Access and a copy of the current Enlisted Evaluation Report Member Counseling Receipt with all applicable signatures.
- (5) Summary of military offenses.
- e. Discharge Authority. An Honorable or Under Honorable Conditions (General) discharge will be issued under Section 2.B. of this Instruction to a member discharged under this Section. Members in Class "A" School immediately following recruit training who are separated under this Section receive an honorable discharge.
7. Members with Eight or More Years of Service. Members with eight or more years of service will be notified and processed in accordance with Reference (r).
8. Surrendering of Uniform. The member must surrender their uniform. (See Section 2.LL.5 of this Instruction).
- J. Transfers at Time of Sailing. If a member is transferred ashore at time of sailing for misconduct, pending disciplinary action, or inability to make deployment for medical reasons and action for separation as indicated, the commanding officer of the unit initiating the transfer must send all available data on the member, including their recommendation and full documentation for separation, to the SPO to help avoid discharge processing delays.
- K. Expiration of Enlistment.
  1. General. Unless a member voluntarily or involuntarily remains beyond the normal enlistment expiration date as provided in this Section or by other instructions the Commandant issues, a member will be discharged or released from active duty and transferred to the Reserve to fulfill any remaining service obligation on the day before the applicable enlistment anniversary date See Section 2.G of this Instruction for conditions allowing early separation within three months of the date service normally expires. A member who has declined to reenlist on the day after discharge will not be discharged in a foreign country except when Commander (CG PSC-EPM-1) specifically authorizes or as authorized by Section 2.EE.1 of this Instruction. Members whose normal enlistment expiration date falls on Friday, Saturday, Sunday, or a holiday will not be separated more than seven days before the normal separation date.
  2. Making up Lost Time. An enlisted Coast Guard member absent from duty due to the causes listed below for more than one day on return to full duty is obligated to serve for any period necessary to complete a full term of enlistment or obligated service. This does not preclude the member recommended for reenlistment from separating early for immediate reenlistment under Section 2.G of this Instruction.
    - a. Desertion, or

- b. Absence without proper authority, including the civil arrest and confinement situations outlined in Chapter 2, of Reference (d);
  - c. Confinement under sentence which has become final;
  - d. Confinement while awaiting trial and disposition of the member's case, and whose conviction has become final; or
  - e. Intemperate use of drugs or alcoholic liquor or disease or injury resulting from the member's own misconduct.
3. Recoupment of Advanced Education Expenses. Members separated pursuant to this Section are subject to recoupment in accordance with Reference (g).
  4. Extending Enlistment in Time of War or National Emergency. The Secretary may extend all Coast Guard members' enlistments during a time of war or national emergency.
  5. Cutter at Sea. No member will separate from a cutter at sea. Except as otherwise provided in this paragraph, a member whose enlistment expires will remain in the Coast Guard until the cutter on which the member serves first arrives at its permanent station or a port in a state of the United States or the District of Columbia (14 U.S.C. § 2314(a)(1)).
    - a. The member may voluntarily extend enlistment. Commanding officers are hereby authorized under Reference (n) to accept one voluntary enlistment extension for any number of full months.
    - b. Subject to such restrictions as higher command imposes, a cutter's commanding officer may discharge fully qualified members so they can reenlist immediately while the cutter serves at sea. As provided in Section 2.G.2 of this Instruction, commanding officers may affect the discharge any time within three months before the normal enlistment expires up to the normal expiration of enlistment.
    - c. A member serving on a cutter in foreign waters on the date their enlistment or extension expires, who declines to reenlist and does not voluntarily extend the enlistment under Section 2.K.5.a. of this Instruction, remains in the Coast Guard until the cutter returns to a port in the CONUS or the member transfers there to separate. If the cutter's commanding officer certifies and the cognizant superior command ashore concurs retaining the member is essential to the public interest, the member is entitled to an increase of 25 percent in basic pay for the retention period (10 U.S.C. § 8120 and 14 U.S.C. § 2314). If a member remains beyond enlistment expiration for lack of transportation, because their continued service is merely desirable, or the member derives some benefit from continued service, and if the commanding officer is opposed such services are not essential to retention because such services are essential to the public interest, the member is not entitled to the 25 percent increase in basic pay. A member so retained will separate at the earliest possible date after arrival in the CONUS and in any case within 30 days after arrival. 10 U.S.C. § 8120

excludes members retained beyond enlistment expiration at shore stations; on cutters on duty in waters in or around United States possessions and territories, or in ports or waters within U.S. sovereign jurisdiction; and Reserve members retained on active duty beyond the expiration of their period of active duty, distinguished from the normal date enlistment expires. The member must execute the signed statement required by Section 2.EE.2 of this Instruction. Reference (o) contains procedures for documenting whether the retention was essential to the public interest and for recording the cutter's location when the member's enlistment expired. (See Chapter 2 of Reference (d)) for guidance in this situation.

6. Attached to Shore Station OCONUS. A member attached to a shore station in a foreign country on the date their enlistment or extension expires may be detained in service up to three months:
  - a. If not immediately reenlisting, until first arrival at a port where separation can be effected. (See Section 2.EE.2. of this Instruction); or
  - b. If immediately reenlisting, until reenlistment can be effected at the current station; or
  - c. If not immediately reenlisting and requests separation in the area where serving under the provisions of Section 2.EE.1 of this Instruction, until separation can be effected.
7. Undergoing Medical Treatment or Hospitalization.
  - a. Incident to Service.
    - (1) An active duty member whose enlistment expires while the member suffers from a disease or injury incident to service and not due to their own misconduct and who needs medical care or hospitalization may remain in the Service after the normal enlistment expiration date with their consent, which should be in writing and signed by the ill member, and recorded in accordance with Reference (o). The member may remain until recovered to the point the member meets the physical requirements for separation or reenlistment or a medical board ascertains the disease or injury is of a character that prevents recovery to such an extent. Tacit consent may be assumed if mental or physical incapacity prevents informed consent. A member in this category ordinarily will remain up to six months after the enlistment expiration date; however, the Commandant may authorize further retention on proper recommendation accompanied by the supporting facts. (See 14 U.S.C. § 2313 and Section 2.F of this Instruction).
    - (2) If the member desires separation, it will be effected, provided the member signs an Administrative Remarks, Form CG-3307, entry in the CGMHRR.

- (3) An untimely separation of a member subject to a physical evaluation board proceeding may prejudice the case because the law requires making necessary physical disability determinations while the member is entitled to receive basic pay except for members on duty 30 or fewer days (10 U.S.C. § 1204). Commanding officers should explain this to any member whose enlistment or term of active service is about to expire and requests discharge or release from active duty before the board so determines. If the member does not withdraw the request following such explanation, an entry will be entered in the member's CGMHRR on an Administrative Remarks, Form CG-3307, entry.

“I, [Members name), desire to separate from the Coast Guard despite the fact separation may prejudice any rights or benefits to which I may be entitled to as a result of physical evaluation board hearings under 10 U.S.C. § 61. I have been duly advised of my rights in this matter and request the Coast Guard to discharge me as soon as possible without further hearing and without disability, retirement, or severance pay and without any compensation whatsoever. I understand I am not required and am under no obligation to give this statement and I hereby certify I give this statement voluntarily.”

- (4) No member will separate until Commander (CG PSC) has taken final action on any pending Physical Disability Evaluation System (PDES) board, unless the member desires separation and meets the provisions of Section 2.K.7.a(2) or 2.K.7.a(3) of this Instruction.
- b. Disability Not in Line of Duty or Misconduct. A member undergoing hospitalization for injury, sickness, or disease not incurred in the line of duty or due to their own misconduct will not be detained under Section 2.K.7.a of this Instruction. Unless the enlistment is extended by some other provisions of law or instructions, a medical board should be held on a member in this status sufficiently early to permit the Commandant to act on a recommendation for disposition before the enlistment expires. (See Section 2.F of this Instruction).
- c. Disability Due to Misconduct. If a member is undergoing hospitalization for injury, sickness, or disease due to their own misconduct, their enlistment automatically is extended by such lost time (See Section 2.K.2 of this Instruction). A medical board should be held on members in this status sufficiently early to permit the Commandant to act before the normal enlistment expiration date if the member were not in a misconduct status.
8. Serving as Temporary Commissioned Officer. Enlistments are extended automatically for members whose normal enlistment expiration date occurs while they are serving as temporary commissioned officers.
9. Awaiting or Undergoing Court-Martial Trial and Punishment.

- a. Unless the Commandant directs otherwise, a member awaiting trial by court-martial will be held for trial beyond the normal enlistment expiration date. If convicted, the member will be held as provided in Reference (j).
  - b. Request instructions from the Commandant sufficiently in advance to permit receiving a reply by the normal eligible date for separation if:
    - (1) The supervisory authority has not completed final action, or
    - (2) A probationary term would extend beyond normal enlistment expiration, or
    - (3) The member has not served out an approved sentence involving forfeiture of pay, deprivation of liberty, or extra duties.
    - (4) A member serving out an approved sentence of confinement will be held beyond the expiration of term of service to serve out the punishment imposed.
10. Retention When Essential to Public Interest. Commanding officers may detain a member in service beyond the enlistment term for up to 30 days when the member's service is essential to the public interest, in the circumstances below. Refer to Reference (o).
- a. The member is required as a witness in a proceeding which is pending when their enlistment normally expires. Hold the member in an extended enlistment status until the proceeding has been completed.
  - b. The member's records and accounts have not been received when the enlistment normally would expire. Hold the member in an extended enlistment status pending receipt of such records.
  - c. If the pre-separation physical examination finds a disqualifying physical or mental defect.
  - d. The member is performing flood, hurricane, or any other emergency duty when their enlistment expires.
11. Voluntary Extension of Enlistment for Administrative Discharge Processing. A member may not be involuntarily extended beyond the expiration of their enlistment for the sole purpose of administrative discharge processing. This includes members whose enlistments are extended for a court-martial who do not receive a punitive discharge as part of the sentence. However, a member may request a voluntarily extension for the purpose of exercising their right to an Administrative Board conducted under Reference (r). The voluntary extension must be executed for at least one year to allow the board to be completed, including final action.
12. Transfer to the Reserve in Lieu of Discharge. Upon expiration of enlistment, an enlisted regular Coast Guard member who has an obligation under 10 U.S.C. § 651 will be



transferred to the Coast Guard Reserve under Section 2.AA of this Instruction in lieu of being discharged. Women who enlisted on or after 1 February 1978 incurred an obligation under 10 U.S.C. § 651. Aliens have no military obligation under 10 U.S.C. § 651 unless they have been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act.

13. Type of Discharge. A member discharged for enlistment expiration will be given an honorable or general discharge as appropriate under Section 2.B.6 of this Instruction.
14. Surrendering of Uniform. The member may have to surrender their uniform. (See Section 2.LL.5 of this Instruction).

L. Convenience of the Government.

1. Reasons for Discharge. Commander (CG PSC) may authorize or direct enlisted members to separate for the convenience of the Government for any of these reasons. Except as otherwise indicated below, members separated for the convenience of the Government are not entitled to an Administrative Separation Board.
  - a. General demobilization, reduction in authorized strength or by an order that applies to all members of a class of personnel specified in the order.
  - b. Acceptance of a commission or appointment or acceptance into a program leading to an active duty commission or appointment in any Armed Forces branch.
  - c. National health, safety, or interest.
  - d. For immediate enlistment or reenlistment in the regular Coast Guard, provided reenlistment is for a longer term of service than required under the existing obligation.
  - e. Erroneous enlistment, reenlistment, extension, or induction including among others:
    - (1) A member enlisted or reenlisted, but erroneously was given a higher grade than that to which entitled. (See Reference (p)).
    - (2) A member enlisted or reenlisted, but is determined to have more than the maximum number of dependents authorized. (See Reference (p)).

- (3) A member did not meet minimum physical standards, entrance qualifications for enlistment or induction upon entry, but the problem was revealed or discovered during processing at accession training or within the member's first 365 days in the Service. While a medical board is not required, the condition will be verified and documented by a medical officer and the member may be separated with an uncharacterized entry level separation under Section 2.S. of this Instruction. If the condition was incurred in, or was aggravated beyond its natural progression by, active military service, either for the current period or any prior period of service, the member should be processed in accordance with Reference (e).
- f. To provide member's early separation under various authorized programs and circumstances.
  - g. A member's inability to perform prescribed duties, repeated absenteeism, or non-availability for worldwide assignment.
  - h. To provide the discharge of conscientious objectors.
  - i. Motion sickness.
  - j. Violation of Coast Guard Body Composition Standards, provided a medical officer certifies a proximate cause of the obesity is excessive voluntary intake of food or drink, rather than organic or other similar causes apparently beyond the member's control.
  - k. Unsatisfactory performers, provided that the notification, probation, observation, and, if applicable, Administrative Separation Board requirements in Section 2.I. of this Instruction have been complied with. (See also Section 2.OO. of this Instruction when recommending the discharge of a first-term performer for unsatisfactory performance).
  - l. A condition that, though not a physical disability, interferes with performance of duty. This basis for separation includes any medical condition identified in Reference (f), which is disqualifying for appointment, enlistment or induction, but does not qualify the member for processing under Reference (e). Before ordering separation, Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate should consider evidence of the likelihood that medical treatment will resolve the condition in a reasonable amount of time, particularly in cases involving alcohol substance use disorder or inadvertent misuse of controlled substances that results in a substance use disorder. However, evidence of unsuccessful treatment, treatment failure, refusal to participate in treatment, or a relapse or recurrence of the medical condition after treatment, will also be considered, and sway heavily in favor of separation.
  - m. At the individual member's written request to permit the member to enter or return to an accredited college or university. (See Section 2.H. of this Instruction).

- n. When a member is found to be serving in a constructive enlistment.
  - o. As a result of the issuance of a writ of habeas corpus wherein it has been determined the member's retention in the Coast Guard is illegal.
  - p. When the Commander (CG PSC) so directs for good and sufficient reasons.
  - q. When the Secretary of Homeland Security directs any member to separate before their term of service expires, if the Secretary determines such a separation is in the Coast Guard's best interest.
  - r. At the member's written request to carry out parental responsibilities for care of newborn children. (See Reference (l)).
  - s. Failure to obligate required service within five working days of permanent change of station (PCS) orders issuance in accordance with Reference (q).
  - t. Sole survivor or Survivorship.
2. Commanding Officer's Authority. Commanding officers are authorized to separate early members who request to reenlist in lieu of extending under these circumstances:
    - a. To meet the obligated service requirement for transfer or training.
    - b. To meet the two-year obligated service requirement to advance to E-7, E-8, or E-9. See Reference (n).
  3. Character of Discharge. A member being discharged for the Government's convenience will be given an honorable or general discharge, as appropriate, under Section 2.B. of this Instruction.
  4. Member's Right to Attorney. Commanding officers recommending involuntary separation under this Section for a member whose CGMHRR indicates issuance of a general discharge must give the member the opportunity to consult with a lawyer counsel before initiating such action. Include a copy of the member's Evaluation Report Summary printed from Direct Access and a copy of the current Enlisted Evaluation Report Member Counseling Receipt with all applicable signatures in the recommendation for discharge submitted to Commander (CG PSC-EPM- 1) or Commander (CG PSC-RPM) as appropriate.
  5. Transfer in Lieu of Discharge. Members eligible for discharge under Sections 2.L.1.a, 2.L.1.c, or 2.L.1.q of this Instruction may be required to transfer to or enlist in the Coast Guard Reserve in lieu of discharge.
  6. Discharge for Other Reasons. If the commanding officer believes separation should not be for the convenience of the Government, but for unsuitability, misconduct, or any other

reason, the member will send a suitable recommendation to Commander (CG PSC-EPM/RPM) for consideration. Cases in this category include those in which the member's record shows commission of serious military offenses, a generally unsatisfactory military record, or other good, sufficient cause in the commanding officer's opinion.

7. Surrendering Uniform. Any member discharged under Sections 2.L.1.h, 2.L.1.k, 2.L.1.o, 2.L.1.p, or 2.L.1.q of this Instruction is required to surrender his or her uniform. (See Section 2.LL.5 of this Instruction).

M. Discharge for Minority (Under Age).

1. Authorization. Commander (CG PSC) may authorize or direct the discharge of enlisted members for minority under law or as an administrative act when they consider such to be in the Government's best interest.
2. Definition. Under this Section, a person under the age of 18 is considered a minor. A minor must be at least 17 years of age and must obtain written parent/guardian consent before enlisting, in accordance with Reference (p). Also see Reference (p) for exceptions to the requirement for written consent for married and emancipated minors.
3. Commanding Officer's Action. If it comes to the attention of a commanding officer that a member under the age of 18 may have enlisted in the Coast Guard without proper written consent, when required, or a minor's age may have been misrepresented, the commanding officer will report such information to Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate for disposition and include this information in their report:
  - a. Documentary evidence of the minor's true age.
  - b. A copy of the Evaluation Report Summary printed from Direct Access and a copy of the current Enlisted Evaluation Report Member Counseling Receipt with all applicable signatures.
  - c. The custodial parent or legal guardian's request for discharge, if received.
  - d. The minor's voluntary statement about the circumstances attending enlistment.
  - e. If the minor is 17 years of age or older, the commanding officer's opinion as to whether the minor is sufficiently mature for retention.
4. Discharge Location. A member discharged under this Section will be separated at his current duty station, unless the provisions of Section 2.EE of this Instruction apply.
5. Minimum Enlistment Age. The minimum enlistment age, 17 years, governs discharge for minority.

- a. Discharge is mandatory when a minor is determined to be under the minimum enlistment age. The custodial parent or legal guardian's application for discharge is not required.
- b. If a minor enlisted without proper consent has attained the age of 17, Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate authorizes or directs discharge on receiving satisfactory evidence of true age, provided:
  - (1) The Coast Guard has received an application for discharge that the custodial parent or legal guardian submitted within 90 days of the enlistment, and
  - (2) The minor has not attained age 18 when discharge is effected.
6. Policy. The Service will not discharge a minor while the member needs medical treatment or undergoes hospitalization. A minor enlisted without proper consent or who misrepresented their age is subject to trial by court-martial for breaches of regulations to the same extent as other enlisted members. The Service may hold such minors for trial and punishment if they commit an offense before release, notwithstanding the custodial parent or legal guardian's request for discharge.
7. Fraudulent Enlistment. The enlistment of a minor who enlisted with false representation of age or without proper consent will not in itself be considered a fraudulent enlistment.
8. Service Obligation. A member whose enlistment terminates for minority will not, as a rule of such enlistment, be considered to have acquired a service obligation under 10 U.S.C. § 651. Service under any enlistment so terminated is not creditable toward fulfilling any subsequently acquired service obligation.
9. Character of Discharge. A member discharged for minority will be given an Honorable or Under Honorable Conditions (General) discharge, as appropriate, under Section 2.B.6 of this Instruction.
10. Opportunity for Counsel. Commanding officers recommending a member for involuntary separation hereunder, whose CGMHRR indicates issuance of an Under Honorable Conditions (General) discharge, must afford the member the opportunity to consult with a lawyer before initiating such action. Include a copy of the Evaluation Report Summary printed from Direct Access and a copy of the current Enlisted Evaluation Report Member Counseling Receipt with all applicable signatures in the recommendation for discharge submitted to Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate.
11. Reenlistment. When a commanding officer considers a member separated for minority otherwise sufficiently mature for service and in all respects qualified, obtain the reenlistment code entered on DD Form 214 from Reference (m).

12. Notifying Next of Kin. The commanding officer notifies the next of kin of the date and place of discharge, but not the type of discharge and reasons for it. (The Privacy Act of 1974, 5 U.S.C. § 552a, prohibits disclosing this information).
  13. Surrendering of Uniform. The member is required to surrender their uniform. (See Section 2.LL.5 of this Instruction).
- N. Disability. In accordance with 10 U.S.C. § 1214, no member of the Armed Forces may be retired or separated for physical disability without a full and fair hearing if they demand it.
1. Medical Board. A medical board will be held when any circumstance listed in Reference (e), exists or competent authority directs. Reference (e) contains procedures for the medical board's report. If a member has remained in the Service with their written consent beyond the enlistment expiration under Section 2.K.7 of this Instruction, the report will clearly indicate the following:
    - a. Patient's status (held beyond normal enlistment expiration date or not).
    - b. Date of admission to sick list.
    - c. Whether the member concerned is physically qualified for discharge.
  2. Discharge for Physical Disability. Commander (CG PSC) can discharge any enlisted member when a Medical Evaluation Board (MEB) has convened in accordance with Reference (e), for physical disability not incurred in or aggravated by a period of active military service under the following conditions:
    - a. A Physical Evaluation Board has expressed the opinion that:
      - (1) The member does not meet the minimum standards for retention on active duty,
      - (2) The member is unfit for further Coast Guard service by reason of physical disability, and
      - (3) The physical disability was neither incurred in nor aggravated by a period of active military service.
    - b. The member's commanding officer and district commander concur in the board's opinion.
    - c. The member has been fully informed of their right to a full, fair hearing and the member states in writing they do not demand such a hearing.
    - d. Enlisted members will be discharged for physical disability not incurred in or aggravated by a period of active military service without processing before a physical

evaluation board only if the medical board's report clearly and fully establishes such findings.

- e. If a medical board finds a member is disabled for mental disability incurred before enlistment without any service aggravation, the member will be ordered before a physical evaluation board in accordance with Reference (e).
3. Discharge Site. A member discharged under this Section will be separated at their current duty station unless Section 2.EE of this Instruction applies.
4. Character of Discharge. A member discharged for physical or mental disability will be given an Honorable or Under Honorable Conditions (General) discharge, as appropriate, under Section 2.B.6 of this Instruction.
5. Opportunity for Counsel. Commanding officers recommending a member for involuntary separation hereunder, whose CGMHRR indicates issuance of an Under Honorable Conditions (General) discharge, must afford the member the opportunity to consult with a lawyer before initiating such action. Include a copy of the current Enlisted Evaluation Report printed from Direct Access and a copy of the Enlisted Evaluation Report Member Counseling Receipt with all applicable signatures in the discharge recommendation submitted to Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate.
6. Confidentiality. To maintain medical privacy, the diagnosis (or diagnoses) on which a discharge for physical or mental disability is based will not be recorded in any separation documentation other than a letter specifically for this purpose furnished directly to the member on discharge.
7. Claim for Compensation. No member may be discharged or released from active duty in the Armed Forces for disability until the member executes (or refuses to execute) a claim for compensation, pension, or hospitalization to be filed with the Department of Veterans Affairs (VA), or signs (or refuses to sign) a statement that the member has received an explanation of the right to file such claim. Refusal or failure to do so does not prejudice any right such member may thereafter assert, 10 U.S.C. § 1218(b).
8. Applying for Veteran Affairs (VA) Benefits. The official website of the U.S. Department of Veteran Affairs is [www.va.gov](http://www.va.gov). See the VA benefits and healthcare tab for guidance on how to get disability benefits. A member who has any questions about how to apply for benefits should contact the VA Regional Office. To prevent overpayments of retired pay, Commanding officers will advise retirees to notify CG PPC-RAS in writing upon receipt of any VA Disability Compensation (VADC) award, or a modification to an existing VADC award. CG PPC-RAS must adjust member's retired pay as applicable.
9. Surrendering of Uniform. The member may be required to surrender their uniform. (See Section 2.LL.5 of this Instruction).

O. Unsuitability.

1. By Commandant's Direction. Commander (CG PSC) will direct the discharge of enlisted members for unsuitability except as provided in Section 2.O.5 of this Instruction. A discharge for unsuitability in lieu of disciplinary action will not be issued unless Commander (CG PSC) determines the Service's and the member's interests will best be served by administrative discharge. See Section 2.OO of this Instruction when recommending the discharge of a first-term member for unsuitability.
2. Causes for Discharge for Unsuitability. The purpose of discharges for unsuitability is to free the Service of members considered unsuitable for further service because of:
  - a. Inaptitude. Applies to members best described as unfit due to lack of general adaptability, want or readiness of skill, clumsiness, or inability to learn.
  - b. Personality Disorders. As determined by medical authority, personality behavior disorders and disorders of intelligence listed in Reference (f), Chapter 5.
  - c. Apathy, defective attitudes, adjustment disorders except chronic adjustment disorders as listed in Reference (f) Chapter 5, inability to expend effort constructively, or other observable defect for which a separation designator code (SPD code) exists that renders a member unsuitable for further military service.
  - d. Unsanitary Habits.
  - e. Alcohol Substance Use Disorder (SUD). See Chapter 7 of Reference (h) for guidelines on alcohol substance use disorder (SUD) cases.
  - f. Financial Irresponsibility.
  - g. Members may not be separated for chronic adjustments disorder without being medically evaluated for possible referral into the Physical Disability Evaluation System (PDES) per References (e) and (f).
3. Probation. Commanding officers will not initiate administrative discharge action for inaptitude, apathy, defective attitudes, unsanitary habits, or financial irresponsibility until they have afforded a member a reasonable probationary period to overcome these deficiencies. When commands contemplate discharging a member for these reasons, they will counsel the member that a formal probationary period of at least six months has begun and make an appropriate Administrative Remarks, Form CG-3307, entry in the member's CGMHRR that administrative discharge processing will be initiated unless the member shows significant improvement in overcoming the deficiency during the probationary period. The member must acknowledge this entry in writing. Commanding officers are authorized to recommend discharge at any time during the probationary period if they conclude the member is not attempting to overcome the deficiency and they have documented the reasons for their conclusion in an Administrative Remarks Form,



CG-3307. Submit copies of all Administrative Remarks, Form CG-3307, entries as an enclosure to the discharge recommendation submitted to Commander (CG PSC-EPM-1).

4. Member's Rights. In each case processed in accordance with this Section, commanding officers will:
  - a. Advise the member in writing of the reason(s) the member is being considered for discharge. Specifically state one or more of the reasons listed in Section 2.O.2 of this Instruction.
  - b. Afford the member the opportunity to make a written statement on their own behalf. If the member does not desire to make a statement, commanding officers will state such fact in writing over the member's signature and that will constitute their statement. If the member refuses to execute any statement whatsoever, the commanding officer will so state.
  - c. Afford the member an opportunity to consult with a lawyer as defined in Article 27 (b) (1), UCMJ, if the member's character of service warrants a general discharge. If the member is entitled to and requests counsel and one is not available, a commanding officer must delay discharge proceedings until one is available.
5. Discharging Members. District commanders, logistics/service center commanders, and commanding officers of training centers are authorized to discharge enlisted members having fewer than four months' active service in an original enlistment in the Coast Guard for unsuitability.
  - a. If such an enlisted member is deemed unfit for further retention solely for inaptitude as set forth in Section 2.O.2 of this Instruction, a medical board is not required.
  - b. A member discharged under authority of this paragraph is normally issued an honorable discharge if the member has sincerely attempted to maintain proper military behavior and perform their duties proficiently and industriously. Issuing a general discharge is warranted if there is evidence of misbehavior, bad faith, or failure to make a proportionate effort having due regard for their rate and capabilities. Commanding officers will summarize the basis on which awarding a general discharge on an Administrative Remarks, Form CG-3307, entry in the member's CGMHRR. The entry should reflect a record of disciplinary infractions in training, culpable failure to conform to minimum standards for recruit, prior service, or Reserve training, or poor attitude.
6. Notification. If the Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate directs a discharge, the letter or message directing the discharge will state the type (honorable or general) to be issued.
7. Site of Discharge. A member discharged under this Section will be separated at their current duty station, unless Section 2.EE applies.

8. Physical Examination. A member under consideration for discharge for unsuitability must have a physical examination performed by a Public Health Service or Armed Forces medical officer in order to identify and record any physical or mental impairment that the member may have. If one is not available locally, a contract physician may perform the exam.
  - a. When psychiatric considerations are not involved, the medical officer will submit a narrative summary on the Report of Medical Examination, Form DD-2808, and the Report of Medical History, Form DD-2807-1, describing the essential points of the member's mental and physical condition. The examining physician will describe the condition in terminology set forth in Reference (f).
  - b. If psychiatric considerations are involved (i.e., cases involving conditions dealing with the mind, mental processes, feelings, desires, behavior, personality traits, thoughts, attitudes, etc.) a psychiatrist will describe the condition in terminology set forth in Reference (f). Their report will also include a statement whether the individual was and is mentally capable both to distinguish right from wrong and adhere to the right and has the mental capacity to understand the action being contemplated in their case.
9. More than Eight Years of Service. A member with more than eight years' military service under consideration for discharge for unsuitability, is entitled to an Administrative Separation Board. Include all inactive military service performed in calculating the member's total service for determining eligibility for administrative discharge proceedings. (See Section 2.W of this Instruction).
10. Documentation. In every case of discharge for unsuitability, the documents listed below are required. Include them with the recommendation submitted to Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate for decision or send them to Commander (CG PSC-PSD-MR) with documents required by Section 2.HH of this Instruction if the district commander or commanding officer executes the discharge under Section 2.O.5 of this Instruction.
  - a. A copy of the letter notifying the member of the reason(s) for administrative processing and of their rights.
  - b. If applicable, the member's declaration or waiver of opportunity to consult with counsel.
  - c. The member's signed statement of awareness, statement on their own behalf, or refusal to make a statement.
  - d. Report of medical board or Medical Record, Form SF-507, as applicable. Standard Forms (SF) can be found here: <https://www.gsa.gov/reference/forms>.

- e. A copy of the Evaluation Report Summary printed from Direct Access and a copy of the current Enlisted Evaluation Report Member Counseling Receipt with all applicable signatures.
  - f. Summary of military offenses.
  - g. Any other pertinent comments or recommendations over the commanding officer's signature.
11. Surrendering of Uniform. The member must surrender their uniform. (See Section 2.LL.5 of this Instruction).
12. Recoupment of Advanced Education Expenses. Members separated pursuant to this Section are subject to recoupment in accordance with Reference (g).
- P. Security. When a member's retention in the Coast Guard is not clearly consistent with the interest of national security, the Commander (CG PSC) may direct a discharge for security reasons with the discharge characterization and conditions as stipulated in current directives dealing directly with this matter. A member's retention may not be clearly consistent with the interest of national security under the following circumstances; loss of security clearance; affiliation with or taking actions to recruit or promote the ideals of terroristic, militaristic or other affinity groups that promotes the superiority of one race, nationality or sex; and, other circumstances as determined by the Commander (CG PSC). Additionally, members separated pursuant to this Section are subject to recoupment in accordance with Reference (g).
- Q. Misconduct.
- 1. Policy. Except as specifically provided here, only Commander (CG PSC) may direct a discharge for misconduct and the type of discharge (Under Other Than Honorable, Under Honorable Conditions (General), or Honorable) as warranted by the particular circumstances of a given case (see Section 2.B of this Instruction). Disability evaluation processing will be terminated as described in Section 2.A.5. of this Instruction for members discharged for misconduct. See Section 2.OO of this Instruction when recommending the discharge of a first-term member for misconduct. Coast Guard members separated pursuant to this Section are subject to recoupment of Advanced Education Costs in accordance with Reference (g).
  - 2. Reasons to Discharge for Misconduct. Commander (CG PSC) may direct discharging a member for misconduct in any of these cases:
    - a. Civilian or Foreign Conviction. Conviction by foreign or domestic civil authorities or action taken tantamount to a finding of guilty, e.g., adjudication withheld; deferred prosecution; entry in adult/juvenile pretrial intervention programs, or any similar disposition of charges which includes imposition of fines, probation, community service, etc., of any offense which could warrant a punitive discharge if prosecuted

under the Uniform Code of Military Justice (UCMJ). Whether a civilian offense could warrant a punitive discharge will be determined by examining the maximum authorized punishment for the same or the most closely related offense under the UCMJ and the Manual for Courts-Martial (including Rule for Courts-Martial 1003(d)). A member subject to discharge because of conviction by civil court may be processed for discharge even though an appeal of that conviction has been filed or intent to do so has been stated.

b. Pattern of Misconduct. Members may be separated when they have:

- (1) Two or more non-judicial punishments, courts-martial, or civilian convictions or a combination thereof within a 2-year period,
- (2) Three or more unauthorized absences, each is at least three or more days, within a 2-year period,
- (3) Six or more unauthorized absences and the total amount is at least six days, within a 2-year period,
- (4) A pattern of failure to contribute adequate support to dependents (See Reference (i)),
- (5) A pattern of failure to pay just debts, or
- (6) A pattern of shirking.

c. Commission of a Serious Offense. Commission of a serious offense does not require adjudication by non-judicial or judicial proceedings. An acquittal or finding of not guilty at a judicial proceeding or not holding non-judicial punishment proceeding does not prohibit proceedings under this provision. However, the offense must be established by a preponderance of the evidence. Police reports, CGIS reports of investigation, etc. may be used to make the determination that a member committed a serious offense.

- (1) Members may be separated based on commission of a serious military or civilian offense if the maximum penalty for the offense or closely related offense under the UCMJ and Manual for Courts-Martial includes a punitive discharge. The escalator clause of Rule for Courts-Martial 103(d) will not be used in making this determination.
- (2) Mandatory administrative discharge processing is required for members who engage in drunken or impaired operation of a vehicle, aircraft, or vessel. Prior to initiating administrative discharge processing, a commanding officer may submit a memorandum to (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate with a recommendation that the member should be retained, in spite of evidence that the member engaged in drunken or impaired operation of a

vehicle, aircraft, or vessel, if mitigating circumstances or an exceptional situation warrants consideration for retention. Absent such a request, or if the request is denied, administrative discharge processing will be initiated for:

- (a) Any member who is convicted by foreign or domestic civil authorities, or who had action taken against them equivalent to a finding of guilty, such as adjudication withheld, deferred prosecution, entry into a pretrial intervention program, or any similar disposition of charges which may include fines, probation, or community service, or who is convicted by a court martial, or awarded non-judicial punishment for drunken or impaired operation of a vehicle, aircraft, or vessel;
  - (b) Any member who refuses to take a breath test to measure blood alcohol concentration by a recognized authority for suspicion of drunken or impaired operation of a vehicle, aircraft, or vessel; or
  - (c) A situation where the member's commanding officer has made a written finding setting forth the facts of the matter, and that based on a preponderance of the evidence, the member was drunk or impaired while operating a vehicle, aircraft, or vessel in violation of Federal, state, or local law.
- (3) Alcohol Consumption. Voluntary alcohol consumption is not an excuse for misconduct and does not mitigate the impact of misconduct. This basis for separation, not unsuitability under Section 2.O of this Instruction, will be used for all members receiving an alcohol incident that involve serious misconduct (including, but not limited to: domestic violence; hazing; drunken or impaired operation of a vehicle, aircraft, or vessel; or other misconduct that meets the definition of a serious offense in this Section). With the exception of cases involving a second or third alcohol incident, or drunken or impaired operation of a vehicle, aircraft, or vessel, commanding officers have discretion to determine whether or not to initiate administrative discharge processing for commission of a serious offense, after a careful review of the circumstances of the case. However, commanding officers and administrative boards are prohibited from designating unsuitability as the basis for separation if administrative separation processing is required by this Instruction or Reference (h) and the evidence supporting separation includes any misconduct addressed in this Section. Unsuitability will only be designated as the basis for separation in alcohol incident cases involving minor misconduct (including but not limited to underage drinking that does not involve the commission of a serious offense, and short periods of unauthorized absences of several hours or less).

d. Drugs.

- (1) **Involvement with Drugs.** Any member involved in a drug incident or the illegal, wrongful, or improper sale, transfer, manufacture, or introduction onto a military installation of any prohibited and controlled substances, as defined in Chapter 7 of Reference (h) will be processed for separation from the Coast Guard. If separated, the member will receive no higher than an Under Honorable Conditions (General) service characterization.
  - (2) **Obstructing Drug Urinalysis Testing.** Members discharged under this provision will receive no higher than Under Honorable Conditions (General) service characterization. Obstructing urinalysis testing includes tampering with one's own or someone else's urine samples or documentation. Tampering includes, but is not limited to:
    - (a) Submitting another person's sample in place of the member selected for testing;
    - (b) Submitting samples containing substances other than urine; or,
    - (c) Altering bar code labels, Urine Sample Custody Document, or unit sample ledger.
- e. Fraudulent enlistment. A member may be discharged for procuring a fraudulent enlistment, induction, or period of active service through any material misrepresentation, omission, or concealment which, if known at the time, might have resulted in rejection. The enlistment of a minor with false representation of their age or without proper consent will not in itself be considered a fraudulent enlistment.
  - f. Civilian conviction of sexual misconduct. Enlisted members convicted in Federal or State court of rape, sexual assault, forcible sodomy, incest, or attempts to commit any of those acts, while in the Service or found to have been convicted prior to entry into the Service, will be processed for separation.
  - g. Involvement in a prohibited relationship. (See Reference (i) for policy guidance).
  - h. Sexual Assault.

- (1) Members found by at least a preponderance of the evidence to have engaged in sexual assault, as defined in paragraph (2) below, shall be processed for separation.
  - (2) Sexual assault for purposes of this section includes a broad category of sexual offenses under Article 120, UCMJ consisting of the following specific UCMJ offenses: rape, sexual assault, aggravated sexual contact, abusive sexual contact, or attempts to commit these offenses. For the purposes of this section, the term sexual assault also includes sexual offenses against children under Article 120b, UCMJ, including rape of a child, sexual assault of a child, and sexual abuse of a child, or attempts to commit these offenses. Separation of members under this provision may be based on the same or closely related provisions of the state, military, or Federal criminal code.
  - (3) Members separated on the basis of sexual assault shall be processed for separation and if separated, shall receive no higher than a discharge Under Honorable Conditions (General).
- i. Sexual Harassment. Members found by at least a preponderance of the evidence to have engaged in sexual harassment, as defined in Reference (x) shall be processed for separation. Members separated on the basis of sexual harassment shall be processed for separation and if separated, shall receive no higher than a discharge Under Honorable Conditions (General).
3. Probation.
    - a. Commanding officers must afford a member a reasonable probationary period to overcome deficiencies before initiating administrative discharge action in cases of a pattern of failure to contribute adequate support to dependents (See Reference (i)), a pattern of failure to pay just debts, or shirking. If a command contemplates discharging a member for reasons contained in this paragraph, the command will initiate a formal probation or treatment period of at least six months. Additionally, the command will make an appropriate Administrative Remarks, Form CG-3307, entry in the member's CGMHRR stating the command will initiate administrative discharge processing unless the member shows significant improvement in overcoming the deficiency during the probationary period.
    - b. The member must acknowledge the entry in writing. For Reservists who are shirking, a letter via Certified Mail, return receipt requested (Restricted Delivery to addressee only), stating the probationary period has begun may substitute for the Administrative Remarks, Form CG-3307, entry. Commanding officers are authorized to recommend discharge at any time during the probation if the member is not making an effort to overcome the deficiency. Submit copies of all Administrative Remarks, Form CG-3307, entries as an enclosure to the discharge recommendation submitted to Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate.

4. Discharging Members with More than Eight Years of Service for Misconduct.

- a. Commanding officers will process all cases in which they contemplate a discharge under other than honorable conditions for misconduct as Section 2.X of this Instruction prescribes. In addition, they will follow that Section's procedures if considering discharging any member with eight or more years of total active and inactive military service for misconduct, even if contemplating an honorable or general discharge.
- b. Pursuant to the authority in Section 2.Z.1 of this Instruction, Commander, (CG PSC) may approve a request from a member to waive their right to an administrative separation board on condition that the member be discharged but retained on probation for a specified period. In these cases, the member must also waive their right to a future Administrative Separation Board during that probationary period. A member who is retained on probation in accordance with this section and commits a new act of misconduct or unsatisfactory performance during the probationary period will be involuntarily and administratively separated immediately. The member may be involuntarily and administratively separated by involuntary retirement if the member is eligible for retirement under any provision of law.

5. Discharging Members with Fewer than Eight Years of Service for Misconduct.

Commanding officers will process members with fewer than eight years of total active and inactive military service recommended for honorable or general discharge for misconduct as follows:

- a. Inform the member in writing of the reason(s) for being considered for discharge (specifically state one or more of the reasons listed in Section 2.Q.2 of this Instruction supported by known facts).
- b. Afford the member an opportunity to make a written statement. If the member does not desire to do so, the commanding officer sets forth that fact in writing over the member's signature. If the member refuses to sign a statement their commanding officer will so state in writing.
- c. Afford the member an opportunity to consult with a lawyer as defined by Article 27(b)(1), UCMJ, if contemplating a general discharge. If the member requests counsel and one is not available, the commanding officer must delay discharge proceedings until such time as counsel is available.
- d. Send the case containing a recommendation and these documents to Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate for action:



- (1) The reason(s) for processing (include reason such as repeated military offenses, drug abuse, indebtedness, etc.).
- (2) If the reason(s) is (are) civil conviction(s), include:
  - (a) The report in accordance with Reference (i).
  - (b) An official statement from the judge, prosecuting attorney, clerk or other court official reciting the civil statute(s) violated, charges on which tried and convicted, and sentence of the court.
  - (c) Witnesses' statements, arrest reports, copies of court records and probation orders, if obtainable, and all other pertinent documents.
  - (d) The maximum punishment which could have been imposed for such conviction under the UCMJ, if determinable. Based on the information furnished, Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate will determine the maximum punishment imposed under 18 U.S.C. Part II, Chapter 227, Sub Chapter A or the District of Columbia Code.
- (3) Summary of Military Offenses. List in chronological order all disciplinary action during current enlistment, including:
  - (a) Dates of non-judicial punishment or court-martial by type.
  - (b) Description of offense(s).
  - (c) Non-judicial punishment or sentence as approved and approval date.
  - (d) All violations of regulations during current confinement with action taken.
  - (e) The commanding officer's comments, including information on the counseling requirement for cases processed for a pattern of failure to contribute adequate support to dependents (See Reference (i)), a pattern of failure to pay just debts, or shirking.
  - (f) The commanding officer's recommendation.
- (4) These enclosures:
  - (a) The copy of the letter notifying the member of the reason(s) for the processing and information on the member's rights and privileges.
  - (b) The member's signed statement of awareness of rights and privileges and request to exercise or waive these rights.

- (c) The member's signed statement, or member's written, signed statement declining to make a statement.
  - (d) A copy of the Evaluation Report Summary printed from Direct Access and a copy of the current Enlisted Evaluation Report Member Counseling Receipt with all applicable signatures.
  - (e) Other pertinent documents such as psychiatric or medical evaluations, statements of any witnesses, police reports, etc.
  - (f) A copy of the chain of custody test results form and the appropriate page from the unit's drug urinalysis sampling ledger (applicable in cases of recommendations for discharge resulting from a urinalysis indicating substance abuse).
6. Surrendering of Uniform. The member is required to surrender their uniform. (See Section 2.LL.5 of this Instruction).

R. Discharge Adjudged by Court-Martial Sentence.

- 1. Definition. "Discharge" and "discharges" here refer to punitive discharges adjudged by sentence of general or special courts-martial.
- 2. Commandant's Policy. Convening and reviewing authorities should approve adjudged court-martial sentences to punitive discharge in those cases in which the trial record clearly warrants that action and the enlisted member's records and conduct show the member is not fit for rehabilitation, meaning retention clearly is not in the Government's interest.
- 3. Commandant's Approval. Punitive discharges adjudged as sentences of courts-martial will be executed only on the Commandant's specific approval after appellate review of the sentence is complete. Refer to Reference (j). In cases in which confinement and punitive discharge have been imposed and the member has not completed the sentence to confinement when the Commandant approves executing the discharge, the prisoner is discharged and transferred to a federal penal institution to serve the remainder of confinement unless the Commandant remits the balance of the sentence to any confinement remaining at the time of discharge as an act of clemency. (See Reference (i)).
- 4. Transfers. Enlisted members sentenced to discharge will be transferred under Section 2.DD of this Instruction.
- 5. Vacating a Suspended Sentence. If executing a portion of a sentence which adjudges a discharge is suspended subject to a probationary period, the suspension may be vacated under the procedures set forth in Reference (j). Commanding officers are directed to carefully consider reports of offenses committed by members serving in such status and

undertake proceedings to vacate the suspension of the sentence only if the record clearly establishes such action is appropriate and in the Coast Guard's best interests. For a new offense, the commanding officer may take any of the following actions:

- a. Impose non-judicial punishment at Captain's Mast or refer the matter to a court-martial.
- b. Initiate action to vacate suspension.
- c. Both (a) and (b). In either instance, the commanding officer must first confer with the appropriate district or staff legal officer.

6. Surrendering of Uniform. The member is required to surrender their uniform.

7. Recoupment of Education Cost. Members separated pursuant to this Section are subject to recoupment in accordance with Reference (g).

S. Uncharacterized Discharges .

- 1. Entry-Level Discharges. 10 U.S.C. § 1169 Entry-Level discharges are uncharacterized discharges that are authorized for members separated while in an entry-level status. Entry-level status is defined in Section 2.A.6.o. An entry-level discharge is used for all recruit-separations, except as prescribed or authorized by Section 2.A.1.c of this Instruction, and in accordance with this section. Commander (CG PSC), with the concurrence from Commandant (CG-094), has the authority when compelling circumstances exist, to award an uncharacterized discharge to any member with any amount of total active service.
- 2. Discharge Certificate. No discharge certificate will be issued to a member awarded an uncharacterized discharge. Only a Certificate of Release or Discharge from Active Duty DD Form 214, will be issued.
- 3. Counseling. As with most other types of separations, Commanding Officer, Training Center Cape May, will not initiate an uncharacterized discharge before formally counseling the member about their deficiencies and affording an opportunity to overcome them, as reflected in appropriate counseling or personnel records.
- 4. Authority. Only Commander (CG PSC-EPM-1), Commander (CG PSC-RPM) as appropriate and Commanding Officer, Training Center Cape May, and Superintendent, Coast Guard Academy for Coast Guard Scholars have final authority to discharge a member under this Section.
- 5. Commander Authority Entry-Level. Commanding Officer, Training Center Cape May, has the authority to award an uncharacterized discharge to recruits in an entry-level status who:

- a. Demonstrate poor proficiency, conduct, aptitude, or unsuitability for further service;
  - b. Fail to complete established physical fitness accession standards;
  - c. Exhibit pre-existing conditions which do not meet the medical or physical procurement standards in place for entry into the Service;
  - d. Commander (CG PSC) retains authority to approve or deny waiver requests for recruits. Commanding Officer, Training Center Cape May and, Superintendent, Coast Guard Academy for Scholars may submit waiver requests for recruits found to have disqualifying conditions but who are recommended for retention, or who are being processed for physical disability under Section 2.N of this Instruction.
  - e. Were accessed into the Service due to an erroneous or fraudulent enlistment; or
  - f. When circumstances exist, are involved in a drug incident, notwithstanding Section 2.Q.2.d (2)(a) of this Instruction.
6. Dropping from the Rolls Regular enlisted members. 10 U.S.C. § 1169 On a case-by-case basis, the Secretary concerned may authorize termination of a member's military status when they are no longer considered in an entry-level status by dropping the member from the rolls of the Coast Guard. In these cases, do not use service characterization or another description of separation. The Secretary concerned will authorize separation by dropping from the rolls of the Coast Guard only if:
- a. A member who has been absent without authority for at least three months;
  - b. Who may be separated under Section 1167 of this title by reason of a sentence to confinement adjudged by a court-martial, or
  - c. Who is sentenced to confinement in a Federal or State penitentiary or correctional institution after having been found guilty of an offense by a court other than a court-martial or other military court, and whose sentence has become final.
7. Dropping from the Rolls Reserve enlisted members. 10 U.S.C. § 12684: The President or the Secretary concerned may drop from the rolls of the armed force concerned any Reserve enlisted member:
- a. Who has been absent without authority for at least 3 months;
  - b. Who may be separated under 10 U.S.C. § 12687 by reason of a sentence to confinement adjudged by a court-martial; or
  - c. Who is sentenced to confinement in a Federal or State penitentiary or correctional institution after having been found guilty of an offense by a court other than a court-martial or other military court, and whose sentence has become final.

8. Separation Program Designator.

- a. The following Separation Program Designator (SPD) codes are authorized to be used with uncharacterized discharges:

JCM, JDA, JDK, KDS, JDU, JFA, JFC, JFN, KFN, JFT, JFU, JFV,  
JFW, JFX, JFY, JGA, LGA, JHF, JND

- b. Separation Program Designator (SPD) codes can be found in block 26 on DD Form 214. They are used to categorize the reasons for a veteran's separation from military service.
- c. Reentry (RE) codes will be issued only in accordance with Section 2.B.7 of this Instruction and Reference (m).

T. Discharge for the Good of the Service.

1. Request for Discharge.

- a. An enlisted member may request a discharge under other than honorable conditions for the good of the Service. A discharge for the good of the Service is intended as an administrative substitute in situations where a member could potentially face a punitive discharge if convicted by a special or general court-martial. Members may request a discharge for the good of the Service if charges have been preferred against them and the maximum punishment, as described in the Manual for Courts-Martial, for the preferred charges includes a punitive discharge. In determining whether a punitive discharge is authorized, the provisions of Rule for Courts-Martial 1003(d), which permit a punitive discharge in certain circumstances even where a discharge is not otherwise authorized, apply. A member may request a discharge for the good of the Service any time after charges have been preferred, but if a punitive discharge has been adjudged, the request must be submitted before the convening authority takes action on the sentence. Because this type of discharge is initiated by the member, no prior notice need be given the member, as is required for an involuntary discharge due to misconduct under Section 2.B of this Instruction. A member may request a discharge for the good of the Service as part of a pretrial agreement in which the convening authority agrees to dispose of the charges at non-judicial punishment, refer the charges to a summary court-martial, disapprove an adjudged punitive discharge, or other appropriate consideration.
- b. A request for discharge does not preclude or suspend disciplinary proceedings in a case. The officer who exercises general court-martial jurisdiction over the member concerned determines whether such proceedings will be delayed pending final action on a request for discharge. If the officer exercising general court-martial jurisdiction intends to recommend approval of the request, disciplinary proceedings should normally be held in abeyance unless there is a pre-trial agreement in which the

- convening authority has agreed to dispose of the charges at non-judicial punishment, refer the charges to summary court-martial, or disapprove any adjudged punitive discharge. Requests for discharge under other than honorable conditions for the good of the Service should be sent through the officer exercising general court-martial jurisdiction for their personal review and comment.
2. Legal Counsel. A member who indicates a desire to submit a request for a discharge under other than honorable conditions for the good of the Service will be assigned military counsel. If the member elects to have civilian counsel at their own expense, the record will indicate the civilian counsel's name, address, and qualifications.
  3. Processing the Request. The member sends the request for discharge through the chain of command, including the officer exercising general court-martial jurisdiction, to Commander (CG PSC). The member's commanding officer will recommend approval or disapproval of the member's request with appropriate justification for their recommendation, certify accuracy of the court-martial charges, and enclose the following documents in the forwarding endorsement:
    - a. A complete copy of all investigation reports.
    - b. Any other pertinent information, reports, statements, etc., the commanding officer considered in arriving at their recommendation.
  4. Coast Guard Personnel Service Center's Review. The reason for discharge will be for the good of the Service and will be under other than honorable conditions. Commanding officers will not recommend the member for reenlistment. If Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate believes the facts do not warrant separation, or the member warrants a more favorable discharge, Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate may reject the member's request for discharge. If the member is under the sentence of an approved, but unexecuted, punitive discharge, the request must be denied.
  5. Surrendering of Uniform. The member is required to surrender their uniform. (See Section 2.LL.5 of this Instruction).

U. Canceling Void Enlistments.

1. Policy. An enlistment determined to be void from its inception is canceled. A person whose enlistment is canceled by Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate as being void from its inception will not be issued a discharge certificate.
2. Definition. Void enlistments include those entered into while the member is:
  - a. Intoxicated.

- b. Insane.
  - c. A deserter from the U.S. Armed Forces.
  - d. Enlisted after the member has received orders for induction.
  - e. Judicially coerced into an enlistment under the circumstances existing in U.S. v. CATLOW, 48 CMR 758 (1974) and its progeny, and
  - f. Enlisted as a result of recruiter misconduct under the circumstances existing in U.S. v. RUSSO, 50 CMR 650 (1975) and its progeny.
3. Processing After Enlistment Irregularities. In cases brought to trial by court-martial in which the presiding officer rules during the course of the trial the court lacks personal jurisdiction over the accused due to enlistment processing irregularities, use the following procedures:
- a. Submit to Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate a message report containing at a minimum a summary of the witnesses' testimony leading to the presiding officer's decision. If the convening authority decides to request a reconsideration of the presiding officer's decision, the message report will so state.
  - b. While a military court's determination it does not have jurisdiction over a person is conclusive for its purpose, an administrative determination must still be made whether the enlistment is void or valid and whether the Service will release or retain the individual.
  - c. Commander (CG PSC) will administratively determine the nature of the enlistment and direct the action to take in each case: The individual either may be immediately processed for release, retained until the convening authority completes the post-trial review action, or retained in the Coast Guard, depending on the case.
  - d. If release is authorized, process members under Section 2.V.5 of this Instruction.
- V. Disposition Before Trial. In cases referred to trial by court-martial in which the defense expresses intent to raise a motion based on lack of personal jurisdiction, the trial counsel conducts a thorough investigation. If thereafter the convening authority concludes the ends of justice will best be served by an administrative disposition before trial, take the following steps:
- 1. Individual Sworn Statement. Request the individual to make a sworn statement witnessed by their defense counsel stating the basis on which the member contends their enlistment is void.

2. Submission of Message Report. The convening authority submits a report to Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate containing the following information:
  - a. The accused's full name, rate and social security number.
  - b. Date and place trial is scheduled.
  - c. Offenses charged.
  - d. Recruiter's full name and rate.
  - e. Recruiter's current duty station (if known).
  - f. Anticipated testimony of accused.
  - g. Anticipated testimony of other defense witnesses or a summary of other evidence the defense expects to offer.
  - h. The recruiter's anticipated testimony. Ensure the recruiter is properly advised of their rights before making any statement.
  - i. Anticipated testimony of other Government witnesses or summary of other evidence the Government will offer.
3. Authorized Release of Individual. If Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate authorizes releasing the individual, file a copy of their statement, the charges, and the release authorization in the member's CGMHRR and process the member for release under Section 2.V.5 of this Instruction.
4. Other Void Enlistments. Other cases of apparently void enlistments not arising in connection with courts-martial proceedings will be reported immediately to Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate, who will confirm the facts, direct the action to take, and determine the disposition of the person concerned.
5. Separating Due to Void Enlistment. When the decision is made to separate an individual for void enlistment, immediately notify the SPO to terminate the member's pay. The SPO promptly confirms this notice in writing. When separation is directed, the member may retain pay and allowances previously received, but no further payments will be made, including those for unpaid pay and allowances for accrued leave. The member will be released as expeditiously as possible consistent with proper administrative procedures, as follows:
  - a. Offer the member the opportunity to take a physical examination. If the member declines, request them to state so in writing and include the written refusal in the member's CGMHRR and Health Record. If the individual refuses to execute a



- written refusal, make an Administrative Remarks, Form CG-3307, entry in the CGMHRR to that effect. Only medical conditions requiring emergency treatment discovered during the course of a physical examination will be treated, and then only after the member executes a suitable consent form. Disqualifying medical conditions will not be referred to medical boards in cases processed under this Article, but they will be noted on Report of Medical Examination, Standard Form 88.
- b. Recover Armed Forces ID Card, all dependent ID cards, all items of exterior uniform clothing, and all other military property the individual possesses.
  - c. Prepare Certificate of Release or Discharge from Active Duty, DD Form 214.
6. Transportation. Members released because of a void enlistment are entitled to transportation to their home of record or the place where they entered military service, in accordance with the Joint Travel Regulations, Chapter 5, Paragraph 051007.

W. Administrative Separation Board and Final Action of Discharge Authority.

1. Definition. An Administrative Separation Board is a body appointed to provide findings of fact, opinions, and recommendations to assist the discharge authority in making informed decisions. In all cases, the board identifies any bases for discharge, recommends either retention in the Service or discharge, and recommends the type of discharge to be issued in the event the final action of the discharge authority is to direct separation of the member.
2. Composition. Administrative Separation Boards will be composed and conducted in accordance with Reference (r).
3. Double Jeopardy. The Service will not subject any member to administrative discharge action based on conduct a previous Administrative Separation Board considered if the evidence before the subsequent board would be substantially the same as that before the previous board. The prohibition does not apply if:
  - a. A new board is convened under Section 2.W.5.g of this Instruction or the record is returned to the existing board for further consideration under Section 2.W.4 of this Instruction;
  - b. The previous board's findings favorable to the respondent are determined to have been obtained by fraud or collusion; or
  - c. The board process was terminated by any convening authority, except Commander (CG PSC), in accordance with Reference (r), resulting in final action on the board's recommendations not being taken by Commander (CG PSC).
4. Discharge Authority. Except as appropriate sections in this Instruction otherwise specify, Commander, (CG PSC) is the discharge authority in all cases of administrative

separations. Send the Administrative Separation Board report through the chain of command for review and endorsement in accordance with procedures promulgated by Commander (CG PSC). When Commander (CG PSC) receives the record of administrative discharge proceedings, Commander (CG PSC) will review the board record and approve or disapprove the board's findings of fact, opinions, and recommendations in whole or in part. Commander (CG PSC) may disapprove findings, opinions, or recommendations if they were made based on incomplete evidence, contrary to the evidence the board considered or to law or regulation, a misunderstanding or misapplication of written policy, or otherwise clearly in error. If Commander (CG PSC) disapproves the findings of fact, opinions, or recommendations, the Commander (CG PSC) may:

- a. Amend, expand, or modify findings of fact and opinions or take final action other than that recommended without returning the record, if evidence of record supports that action and the final action states the specific reasons; or
  - b. Return the record to the board for further consideration with a statement of the specific reasons to disapprove the findings of fact, opinions, or recommendations.
5. Options of Discharge Authority. Commander (CG PSC) may then take one of these final actions listed below. If Commander, (CG PSC) takes any action other than amend, expand, or modify findings of fact and opinions or take final action other than that recommended without returning the record, if evidence of record supports that action and the final action states the specific reasons, the Final Action must state the specific reasons.
- a. Approve the board's findings of fact, opinions, and recommendations and direct their execution.
  - b. Approve the board's recommendation for discharge, but change its type either to one more favorable than recommended if the circumstances warrant it or to one less favorable than recommended based on a determination the type of discharge recommended does not fall within the guidelines of Section 2.B of this Instruction.
  - c. Approve the board's recommendation for discharge but change the basis for discharge when the record indicates such action would be appropriate, except Commander (CG PSC) will not designate misconduct if the board has recommended discharge for unsuitability. However, Commander (CG PSC) may designate misconduct if the board designated unsuitability in violation of Sections 2.Q.2.c (2) and 2.Q.2.d of this Instruction.
  - d. Approve a discharge, but suspend its execution for a specified probationary period. (See Section 2.Z of this Instruction).
  - e. Disapprove the recommendation for discharge and retain the member in the Service.

- f. Disapprove the recommendation for retention and direct either an Honorable discharge or an Under Honorable Conditions (General) discharge as warranted.
  - g. Disapprove the findings, opinions, and recommendations and refer the case to a new board based on a finding of legal prejudice to the substantial rights of the respondent. If the case is referred to a new board:
    - (1) No member of the new board will have served on a previous board which considered the same matter; and
    - (2) The record of the earlier board's proceedings, minus the findings, opinions, recommendations, and unduly prejudicial matter may be furnished to the succeeding board.
6. Limits to Board Findings. A verdict of "not guilty" at a criminal court proceeding means that the facts underlying a charged criminal offense were not proved beyond reasonable doubt. A verdict of "not guilty" (including dropped or dismissed charges or other non-convictions) is not binding on an administrative board. If the facts considered at a prior criminal proceeding where the respondent was found not guilty are also within the scope of inquiry of a board, the board must look into them, and may find them proved if they are supported by a preponderance of the evidence presented at the hearing.
7. Victims' Rights During Administrative Separation (ADSEP) Boards. Victims of reported sexual assault, sexual harassment, and domestic violence offenses have the right to participate in an ADSEP Board related to the alleged offense. The victim has the right to:
- a. Reasonable, accurate, and timely notice of the board.
  - b. Be present at any open portions of the board proceedings, unless the legal advisor determines by a preponderance of the evidence that the testimony of the victim of an allegation under consideration, would be materially altered if the victim heard other testimony at that proceeding. However, once the victim testifies, the victim has the right to be present unless, in extraordinary circumstances, the legal advisor determines such presence will prejudice the proceedings.
  - c. Be represented by a Special Victims' Counsel (SVC) during the board proceedings, to include the right to be accompanied by counsel during all portions of the board in which the victim participates. The victim's SVC has standing to address the legal advisor on evidentiary issues related to the victim's right to privacy. While the Military Rules of Evidence are not applicable, they may be used as a guide for the legal advisor and board to make determinations on presented evidence.
  - d. Reasonably confer with the recorder.

- e. Provide a sworn or unsworn statement concerning the impact of the reported sexual assault, sexual harassment, or domestic violence on the victim and their family members. The victim's impact statement may address their opinion on separation and may be read by the victim's SVC. The recorder will work with the victim and their SVC, if assigned, to facilitate submission of any victim's statement.

X. Procedure for Discharge Under Other than Honorable Conditions.

1. Right to Counsel. Both the Government and respondent are entitled to legal representation before an Administrative Separation Board is convened and constituted under Section 2.W of this Instruction. The respondent is entitled to the appointment of military counsel qualified under Article 27 (b), UCMJ or may obtain civilian counsel at their own expense. The cognizant Staff Judge Advocate will provide the commanding officer legal counsel.
  - a. The Service will not discharge any member under other than honorable conditions without first affording them the right to present the case to an Administrative Separation Board with the advice and assistance of counsel and unless approved board findings and an approved recommendation for discharge under other than honorable conditions support such discharge. However, if appropriate, the Service may issue such discharge without board action if the member requests discharge for the good of the Service, or waives the right to board action in writing.
  - b. The discharge authority may direct issuing the type of discharge recommended by an Administrative Separation Board or a more favorable discharge but not a less favorable discharge than that recommended.
  - c. Even if an Administrative Separation Board recommends retention, the discharge authority may direct separation if the circumstances of a particular case warrant. In this event, the separation must be effected as either a Honorable discharge or an Under Honorable Conditions (General) discharge.
  - d. The Service will not administratively discharge any member with a discharge under other than honorable conditions if the grounds for that discharge are based wholly or partly on acts or omissions for which a court-martial resulting in acquittal or having the same effect previously tried the member, except if such acquittal or equivalent disposition was based on a legal technicality not according to the merits.
2. Discharge Procedure. Use the procedures described in Reference (r), for members being considered for a discharge under other than honorable conditions.
  - a. The member may waive their right to an Administrative Separation Board conditionally or unconditionally in writing. No member will be permitted to do so until legal counsel has fully advised them on this matter.
  - b. If a member waives their rights unconditionally, Commander (CG PSC) may disapprove the waiver and refer the case to an Administrative Separation Board,

- direct retention on active duty, or direct discharge for the appropriate basis. If directing discharge, Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate will specify the type of discharge.
- c. If a member submits a conditional waiver request, on approving it Commander (CG PSC) will direct separation, specifying either a Honorable or Under Honorable Conditions (General) discharge. If disapproving a conditional waiver, Commander (CG PSC) will return the case for further processing under this Article.
  - d. A member who is beyond military control for unauthorized absence of more than one year may be issued a discharge under Other Than Honorable conditions in absentia. Notice of the imminent discharge action and its effective date will be sent by registered mail to the member's or next of kin's record address, as appropriate.
  - e. A member unable to appear in person before an Administrative Separation Board due to confinement by civil authorities will be notified (by registered mail or in person) of the proposed discharge action, the type of discharge that may be issued, and the fact that action has been suspended to give the member the opportunity to exercise the right to:
    - (1) Request appointment of a military counsel as a representative to present the case before an Administrative Separation Board in the member's absence.
    - (2) Submit statements on their own behalf.
    - (3) Waive these rights, either in writing or by declining to reply to the letter of notification within 15 days of the date the member received the notification.
  - f. A commanding officer initiating involuntary separation action under this section will require an additional medical examination for any member who is diagnosed with, or who reasonably alleges, post-traumatic stress disorder (PTSD) or traumatic brain injury (TBI) as the result of a sexual assault or Line of Duty incident. The purpose of the medical examination is to assess whether the effects of PTSD or TBI may constitute matters in extenuation that relate to the basis for administrative separation if the contemplated characterization of service is other than honorable. In cases involving PTSD, the medical examination must be performed by a clinical psychologist, psychiatrist, licensed clinical social worker, or psychiatric advanced practice registered nurse. In cases involving TBI, the medical examination may be performed by a physician, clinical psychologist, psychiatrist, or other health care professional, as appropriate. In all cases, the report of the medical examination must be in writing and must specifically state whether a logical nexus exists between the symptoms of the medical condition and the conduct which formed the basis for separation. The report of the completed medical examination will be forwarded to Commander (CG PSC) for review and consideration prior to taking final action.

3. Commanding Officer's Brief. After following the process in Section 2.X.2 of this Instruction and if the member waives the right to refer the case to an Administrative Separation Board, the commanding officer will prepare a brief containing this information to send to Commander (CG PSC- EPM-1) or Commander (CG PSC-RPM) as appropriate:
  - a. The commanding officer's detailed comments and recommendation.
  - b. Summary of Military Offenses. List in chronological order all disciplinary action during the current enlistment. Include CGMHRR entry locations, date of non-judicial punishment or court-martial by type, description of offenses, non-judicial punishment or sentence as approved, and approval date.
  - c. Civil Convictions, if any, on the basis of information contained in the CGMHRR or otherwise readily available. List date and court in which convicted, offense, and sentence awarded.
  - d. If recommending a Honorable or Under Honorable Conditions (General) discharge, the commanding officer will recommend whether the individual should be required to surrender their uniform per Section 2.LL.5 of this Instruction.
4. Commanding Officer's Brief Enclosures. The following enclosures will be attached to the commanding officer's brief:
  - a. The member's signed statement on their own behalf, if submitted.
  - b. A copy of the Evaluation Report Summary printed from Direct Access and a copy of the current Enlisted Evaluation Report Member Counseling Receipt with all applicable signatures.
  - c. The member's signed waiver of rights outlined in Reference (r) if submitted.
  - d. Other pertinent documents such as psychiatric or medical evaluations (especially in aberrant sexual behavior cases), statements of any witnesses, police reports, etc.
5. Convening an Administrative Separation Board. If the member retains the right to have an Administrative Separation Board hear the case, the commanding officer convenes an Administrative Separation Board under Section 2.W of this Instruction, Reference (k) and in accordance with the requirements of Reference (r). Commanding officers are hereby authorized to convene an Administrative Separation Board as defined in Section 2.W.1. of this Instruction on enlisted Reserve members on active duty. The commanding officer furnishes the Administrative Separation Board president with the information listed in Sections 2.X.3.a, 2.X.3.b, 2.X.3.c, and 2.X.3.d of this Instruction, other pertinent documents specified in Section 2.X.4 of this Instruction, and the documentation required by Reference (r). In submitting the case to the board the commanding officer refrains

from commenting on those facts or the respondent, presenting any argument to the board based on those facts, and recommending separation or type of discharge.

6. Board Action. An Administrative Separation Board will recommend a specific type of discharge to be issued, if the respondent is discharged – i.e., Honorable, Under Honorable Conditions(General), or Under Other Than Honorable Conditions – based on the individual’s conduct and performance in their current enlistment in accordance with the guidance in Section 2.B of this Instruction.
7. Discharge Authority. Except as appropriate sections in this Instruction otherwise specify, Commander (CG PSC) is the discharge authority in all cases of administrative separations. Send the Administrative Separation Board report through the chain of command for review and endorsement in accordance with procedures promulgated by Commander (CG PSC). When Commander (CG PSC) receives the record of administrative discharge proceedings they will review the board record and approve or disapprove the board’s findings of fact, opinions, and recommendations in whole or in part. Commander (CG PSC) may disapprove findings and opinions if they were made based on incomplete evidence, contrary to the evidence the board considered or to law or regulation, a misunderstanding or misapplication of written policy, or otherwise clearly in error. If Commander (CG PSC) disapproves the findings of fact, opinions, or recommendations; they may:
  - a. Amend, expand, or modify findings of fact and opinions or take final action other than that recommended without returning the record, if evidence of record supports that action and the final action states the specific reasons; or
  - b. Return the record to the board for further consideration with a statement of the specific reasons to disapprove the findings of fact, opinions, or recommendations.
8. Options of Discharge Authority. Commander (CG PSC) may then take one of these final actions:
  - a. Approve the board’s findings of fact, opinions, and recommendations and direct their execution.
  - b. Approve the board’s recommendation for discharge, but change its type either to one more favorable than recommended if the circumstances warrant it or to one less favorable than recommended based on a determination the type of discharge recommended does not fall within the guidelines of Section 2.B of this Instruction.
  - c. Approve the board’s recommendation for discharge but change the basis for discharge when the record indicates such action would be appropriate, except Commander (CG PSC) will not designate misconduct if the board has recommended discharge for unsuitability. However, Commander (CG PSC) may designate misconduct if the board designated unsuitability in violation of Sections 2.Q.2.c (2) and 2.Q.2.d of this Instruction.

- d. Approve a discharge but suspend its execution for a specified probationary period. (See Section 2.Z of this Instruction).
  - e. Disapprove the recommendation for discharge and retain the member in the Service.
  - f. Disapprove the recommendation for retention and direct either a Honorable discharge or an Under Honorable Conditions (General)) discharge as warranted.
  - g. Disapprove the findings, opinions, and recommendations and refer the case to a new board based on a finding of legal prejudice to the substantial rights of the respondent. If the case is referred to a new board:
    - (1) No member of the new board will have served on a previous board which considered the same matter; and
    - (2) The record of the earlier board's proceedings, minus the findings, opinions, recommendations, and unduly prejudicial matter may be furnished to the succeeding board.
- Y. Waiver or Forfeiture of Administrative Separation Board. Waivers or Forfeiture of Administrative Separation Board must be documented as outlined in Reference (r).
- Z. Suspending Execution of Approved Discharge Probation.
- 1. Policy. Before a member's enlistment or period of obligated service expires, Commander (CG PSC) may suspend executing an approved discharge for a specified period if the circumstances in a case indicate a reasonable prospect for rehabilitation. During this period of suspension, the member will be afforded an opportunity to demonstrate proper behavior and efficient performance of assigned duties for an extended period under varying conditions.
    - a. When the member satisfactorily completes the probationary period, the approved discharge will be canceled automatically.
    - b. The member's further misbehavior, substandard performance of duty, or demonstrated inability to conform to the demands of a military environment during the probationary period may establish the basis for one of these actions:
      - (1) Punitive or new administrative action may be initiated despite the suspension of executing the approved discharge.
      - (2) Suspension of the approved discharge may be vacated, and the approved discharge executed, including discharging a member in absentia if the member has been beyond military control for 15 or more days.



2. Commander, Coast Guard Personnel Service Center, Action. In all cases in which probation is authorized, Commander (CG PSC) action will include instructions about the terms of the probation and specify the type of discharge to be executed if the member does not fulfill the terms of the probation, except for those cases described in Section 2.Z.3 below. A discharge other than the type specified will not be given the member unless the case is reprocessed under Sections 2.O or 2.Q of this Instruction and Commander (CG PSC) directs another discharge.
3. Final Reviewing Authority. In cases in which Commander (CG PSC) as Final Reviewing Authority has disapproved an Administrative Separation Board's recommendation for retention, but suspended executing the discharge on probation, Commander (CG PSC) reserves the authority to execute the discharge if the member does not fulfill the terms of the probation. In these cases, the commanding officer will send a fully documented recommendation to Commander (CG PSC).

AA. Procedures to Effect Transfer to Fulfill Service Obligation.

1. Definition. Aliens have no military obligation under 10 U.S.C. § 651 unless they have been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act. A member fulfills their military obligation when the member:
  - a. Is discharged for reasons other than to acquire another military status.
  - b. Has served as a member of the Armed Forces for eight years excluding all periods of lost time (10 U.S.C. § 972).
  - c. Transfers to the Coast Guard Reserve to fulfill a service obligation as indicated by the member's CGMHRR or the Commandant directs such transfer.
    - (1) If not eligible or recommended for reenlistment in the regular Coast Guard the member will be discharged from the regular Coast Guard instead of being transferred to the Reserve.
    - (2) If eligible or recommended for reenlistment in the regular Coast Guard, the member transfers to the Coast Guard Reserve. Except as otherwise provided in this subparagraph, aliens will not be transferred to the Coast Guard Reserve but will be discharged when they become eligible for discharge per Section 2.FF of this Instruction. If otherwise eligible, naturalized citizens transfer to the Coast Guard Reserve.
2. Transfer Procedures. Transfer procedures for a physical examination, travel, pay, etc., are the same as for processing a discharge. In addition, the following instructions apply:
  - a. The member transfers in the rate in which the member serves when released from active duty.

- b. The procedures for releasing a member from active duty to the Coast Guard Reserve are contained in Chapter 3 of Reference (o).

BB. Releasing Reserve and Retired Enlisted Members from Active Duty During War or National Emergency. During war or national emergency, enlisted Reserve and retired members will be released from active duty only under instructions issued by the Commandant.

CC. Effective Time of Separation.

1. Effective Time of Discharge. Subject to any law providing otherwise, an active duty enlisted member's discharge takes effect when the discharge certificate is delivered. Commander (CG PSC) will specify the effective date of discharge for all administrative discharges, normally 20 working days from approval date. Members on leave on the effective separation date are considered to be on active duty until 2400 hours of the effective separation date, regardless of when the separation documents arrive in the mail. The effective separation date is a leave day and is charged as annual leave. If a member is discharged while absent without authority or in civil confinement, the discharge certificate is delivered when proper authority signs it. If a discharge is effected so the member can immediately enter the same or any other Armed Forces component in the same or any other status, for administrative purposes the discharge is dated as of the date preceding such entry or re-entry. If a member is assigned an escort to the home of record, the discharge certificate will not be delivered until actual arrival at the home of record and the next of kin, other close relative, or court- appointed guardian assumes custody. (See Section 2.EE.1 of this Instruction).
2. Effective Time of Release. Subject to any law providing otherwise, the release to inactive duty of a regular Coast Guard member transferred to the Coast Guard Reserve takes effect when the separation document is delivered. Members on leave on the effective separation date are considered on active duty until 2400 hours of the effective separation date regardless of when the separation documents arrive in the mail. The effective separation date is considered a day of leave.
3. Reservist's Effective Time of Release. Subject to any law providing otherwise, the release to inactive duty of a reservist who was called to active duty takes effect either at the actual time the member arrives home or the authorized travel time expires, whichever is earlier.
4. Injury While Traveling. If a discharged member is seriously injured while returning home and taken to a service hospital, the member may be eligible for hospitalization and other benefits from the Veterans' Administration; the member should be advised to file an appropriate claim with that agency.

DD. Transfer for Discharge Under Other than Honorable Conditions.

1. General. Members discharged under other than honorable conditions will be transferred under these instructions, except for members under 18 years of age, who transfer under Section 2.EE.1 of this Instruction.
2. Members Serving Abroad. The Service will not discharge any member under other than honorable conditions in a foreign country except for citizens of the Republic of the Philippines. (See Section 2.FF of this Instruction).
3. Informing District Commander. When transferring members for a discharge under other than honorable conditions, bad conduct, or dishonorable discharge, send a letter, with copy to Commander (CG PSC-EPM) explaining the circumstances of the transfer to the district commander to which transferred for discharge. Transfer is to be effected without guard, unless the responsible officer deems it necessary. In no circumstances, however, may these members carry their own records. In all instances, the member should be advised of the fact that discharge authorization does not preclude further disciplinary action and any infraction of regulations while en route to a district office will result in commensurate action and delay of discharge.
4. Travel and Transportation. Under Chapter 5, Joint Travel Regulations (JTR), a Service member discharged from the Service under other than honorable conditions, which also includes a bad conduct, or a dishonorable discharge, may be authorized the least expensive transportation by airplane, train, bus, or ship at Government expense, but not per diem to home of record. Such members should be counseled on Section 051004 of JTR regarding Government procured transportation, reimbursement for personally procured transportation when Government procured transportation is not provided, and authorized destinations. Dependents of Service members separated with a discharge under other than honorable conditions, bad conduct, or a dishonorable discharge are authorized standard PCS travel and transportation allowances. Members with dependents should be counseled on Section 051005 of JTR regarding authorized destinations, time limits, and authorized payees for travel reimbursement.

EE. Separation Under Honorable Conditions (General).

1. Separation from Duty Station. A member who is separated Under Honorable Conditions (General) is separated from their duty station with these exceptions:
  - a. A member under 18 years of age deemed immature, irresponsible, and/or unable to perform travel without constituting a menace to themselves or the public will be discharged from the current duty station and assigned an escort to accompany them to the custody of the next of kin, other close relative or court-appointed guardian. In such cases, the effective discharge date is that on which the escort delivers the discharge certificate to the person assuming custody. (See Sections 2.M.12 and 2.CC. of this Instruction).
  - b. An alien separates under Section 2.FF of this Instruction.

- c. A member who at the time of separation serves in a foreign country transfers to the district nearest the point of debarkation within the continental United States for separation. If circumstances warrant, the district commander designates a major command to which the member may report for processing. (See Reference (q)). In lieu of transferring to CONUS, the member may be separated in the area where serving if the cognizant district commander approves based on the member fulfilling these criteria; send all requests of a questionable nature to Commander (CG PSC-EPM-1). The member:
    - (1) Has no record of serious disciplinary infractions.
    - (2) Has no record of complaints of non-support or indebtedness.
    - (3) Is not attempting to evade judicial action.
    - (4) Does not exhibit a potential for discreditable conduct.
    - (5) Has obtained the necessary passport and visa, when required.
  - d. When a member serves OCONUS and it is deemed more economical or in the Government's best interests, taking into account the cost of transportation, the unavailability of medical facilities and other processing facilities, and any compensatory absence to their credit and any leave in excess of 60 days on the separation date, authority may be requested from Commander (CG PSC-EPM-1) to transfer the member to a district office or major command designated by the receiving district nearest the place where the member has elected to receive mileage allowance on separation. (See Reference (q)). The member will not be retained beyond the expiration of enlistment date or period of obligated service solely for the purpose of taking leave. Proceed time is not authorized on transfer for separation. (See Reference (q)).
2. Pre-Separation Activities. Before transferring members for separation, the unit from which transferred will accomplish the following actions:
- a. Give physical examination (See Section 2.F of this Instruction).
  - b. Commanding officers will ensure two entries are made in the member's Administrative Remarks, Form CG-3307, entry in the CGMHRR stating whether the commanding officer recommends reenlistment and the member's eligibility for reenlistment if the member has fewer than six months' obligated service at time of transfer. If a member is not recommended for reenlistment based on performance factors enter a full explanation (See Section 2.D.4 of this Instruction).
  - c. When a member recommended for reenlistment elects transfer for separation under Section 2.EE.1 in lieu of reenlisting at their present station, make an entry in the

- member's CGMHRR on an Administrative Remarks, Form CG-3307, (See Section 2.D of this Instruction).
- d. Note the place from which the member elects mileage allowance and document it in accordance with Reference (o).
  - e. Check the CGMHRR for correctness and completeness. (See Reference (q)), Sections 2.HH.1 and 2.HH.3 of this Instruction, and Reference (o)).
  - f. Advise the member of all rights and benefits. (See Section 2.LL.6 of this Instruction).
  - g. Ensure the member understands when granted compensatory absence or leave en route, the unit will not retain them beyond the expiration of enlistment date or period of obligated service solely to take leave. (See Section 2.EE.1.d of this Instruction).
3. Place of Separation. The place of separation is the actual location of the unit to where the member is attached on the separation date and the separation papers are delivered to the member, not necessarily the place where the separation papers are prepared. District commanders must arrange and ensure instructions are prepared describing the separation procedures for cutters or stations within their district without commanding officers or officers-in-charge whom the Commander (CG PSC) or district commanders have authorized to effect separations. The district office or some intermediate unit having a commanding officer may complete a discharge certificate or release from active duty orders, CGMHRR, and related papers and mail them to the member's unit for delivery. The Service will not transfer any member for separation solely because their cutter or station is under the command of an officer-in-charge. (See Section 2.J of this Instruction).

#### FF. Separating Aliens.

1. Notifications. If members who are not United States citizens are to separate within the United States or its possessions, notify the nearest district office of the Bureau of Citizenship and Immigration Services, Department of Justice, of the pending separation and its prospective date. Submit the notice in sufficient time to permit the immigration authorities to take any action they deem appropriate before the date when the member separates. Request acknowledgement from immigration authorities, and do not separate the member concerned until such acknowledgment is received. Put a copy of the notice and acknowledgment in the member's CGMHRR.
2. Philippine Citizens. When enlisted members who are citizens of the Republic of the Philippines, who entered into their original enlistment prior to 18 September 2008, are about to become eligible to separate, they will be transferred to PSSU Alameda, for separation regardless of the character of their discharge except for those citizens of the Republic of the Philippines who:
  - a. Will reenlist immediately after separation or voluntarily extend enlistment. Enter an Administrative Remarks, Form CG-3307, entry in the CGMHRR; the member must sign it to acknowledge having been properly advised and counseled about losing

entitlement to file for U.S. citizenship unless such reenlistment or extension actually occurs in the United States or its stated possessions (American Samoa, Northern Mariana Islands, Guam, Puerto Rico and the U.S. Virgin Islands). If reenlisting or extending in the U.S. or its stated possessions this entry is not required.

- b. For valid reasons, such as a lawful admission to the United States for permanent residence, may remain in the United States. If the member is separated at the current unit instead of being transferred to the PSSU Alameda, the basis for such action will be fully documented in the member's CGMHRR on an Administrative Remarks, Form CG- 3307, entry and supported by the original(s) or certified copies of all correspondence about the case.

Note: This policy does not apply to members who are citizens of the Republic of the Philippines who enlisted on or after 18 September 2008.

3. Member's Acknowledgment. Before transfer to PSSU Alameda for separation, a member with dependents signs a statement on an Administrative Remarks, Form CG- 3307, entry to be filed in their CGMHRR certifying the provisions of Section 2.D.3 of this Instruction have been explained and the member understands them.

#### GG. Determining Final Average Marks.

1. General. Upon separation from the Coast Guard (discharge, retirement, transfer to the Reserve, or release of a Reservist to inactive duty), the member's evaluation will be determined using the Enlisted Evaluation Report Summary according to the following instructions.

#### HH. Personnel Data Record Entries at Departure.

1. Correcting Entries. Before discharging, retiring, transferring to the Reserve, or releasing an enlisted member from active duty, check the member's Personnel Data Record (CGMHRR) for correctness and completeness. Reference (o) contains general instructions about CGMHRR entries. The following guidelines govern correcting incomplete or incorrect CGMHRR entries.
  - a. Correct incorrect or incomplete entries on the basis of whatever authentic information is available. Consider correspondence, official reports, or forms as authentic information.
  - b. If information necessary to correct a CGMHRR is not available, do not withhold the discharge, retirement, transfer to the Reserve, or release from active duty, but effect it on the basis of the CGMHRR entries after making substantiated corrections.
  - c. Whenever an entry or correction is made in a CGMHRR under authority of this paragraph, the commanding officer or other officer authorized to sign CGMHRR entries signs the entry or correction.

- d. CGMHRR entries or corrections, if arbitrary, unsubstantiated by authentic information, or unauthorized as such, may result in issuing a type of discharge to which the individual is not entitled.
2. Administrative Remarks. Make the following entries on an Administrative Remarks, Form CG-3307, entry and file in the member's CGMHRR:
    - a. Eligibility for TRICARE where applicable.
    - b. Show the applicable Article and the specific authorization for the member's discharge, retirement, and transfer to the Reserve, or release from active duty.
    - c. Honorable discharge button delivered, final average of Proficiency, Leadership, and Conduct marks before 1 July 1983, final average scores after 30 June 1983, whether recommended for reenlistment, reenlistment code, effective time of discharge, if for other than expiration of enlistment.
    - d. Signed copy completed in accordance with Section 2.D.4 of this Instruction when applicable, together with this information:
      - (1) Completed (no.) years, (no.) months, and (no.) days of active military service. Deductible time: (no.) years, (no.) months, and (no.) days or (No deductible time).
      - (2) Transferred to the Coast Guard Reserve or (released to inactive duty and retained in the Coast Guard Reserve) to complete a total of (no.) years of service from (date of enlistment) and (no.) days deductible time. (If none, so indicate). If deductible time is involved, show the dates of such absence.
  3. Personnel Data Record Disposal. On separation, dispose of the CGMHRR as Records & Information Management Program Roles and Responsibilities, COMDTINST M5212.12 (series), and SF 115, Request for Records Disposition Authority, Department of Defense, NI-330-04-1, prescribes.
  4. Discharge and Reenlistment. Follow the provisions of Reference (n) on maintaining the working CGMHRR when the member is discharged and reenlists within 24 hours.
  5. Additional Documents. Send these documents to Commander (CG PSC-PSD-MR) in addition to those listed in Reference (o) when applicable:
    - a. Signed copy of member's statement if discharged for unsuitability or misconduct. (See Sections 2.O. and 2.Q. of this Instruction).
    - b. Signed copy of waiver of Physical Evaluation Board. (See Section 2.N. of this Instruction).
    - c. Copy of letter to next of kin when discharging minors. (See Section 2.M. of this Instruction).

- d. Signed copy of request for diagnosis or underlying cause of discharge, if made, and copy of reply thereto. (See Section 2.N. of this Instruction).
- 6. Health Record Disposal. Refer to Military Personnel Data Records (PDR) System, COMDTINST M1080.10 (series) for instructions on the proper disposal of Coast Guard Medical Records.
- II. Certificate of Release or Discharge from Active Duty, DD-Form 214. See Reference (m) for instructions on preparing and distributing the Certificate of Release or Discharge from Active Duty, Form DD-Form 214.

JJ. Discharge Certificates.

- 1. Qualified Recipients. In the case of an honorable discharge, an Honorable Discharge Certificate, Form DD-256 CG, will be awarded and a notation will be made on the appropriate copies of the Certificate of Release or Discharge from Active Duty, Form DD-Form 214. Members released from active duty who transfer to the Reserve will be issued a discharge certificate when they fulfill their military obligation provided the “honorable” characterization is appropriate.
- 2. Certificate’s Reverse Side. The reverse side of all discharge certificates will be left blank.
- 3. Replacing Certificates. On satisfactory proof a discharge certificate was lost or destroyed without the fault of the individual to whom it was issued, Commander (CG PSC) will issue a certificate in lieu of discharge. Apply for a certificate in lieu of discharge to replace a lost or destroyed discharge certificate to Commander (CG PSC-PSD-MR). Only Commander (CG PSC) can issue a duplicate or copy of a discharge certificate.
- 4. Delegating Responsibility. The commanding officer may delegate a commissioned officer, chief warrant officer, chief petty officer, or first-class petty officer as custodian responsible for discharge certificates. Those designated will ensure safekeeping, accountability, and proper issue of all discharge certificates.

KK. Honorable Discharge Button.

- 1. Qualified Wearers. The Honorable Discharge Button will be issued to a member who has served more than 30 days of active duty or active duty for training and is discharged from an original Coast Guard or Coast Guard Reserve enlistment. At the member’s request, a subsequent discharge button will be issued to replace a lost one. Only those individuals entitled to it may wear the discharge button on civilian clothing.
- 2. Administrative Remarks. On issuing the Honorable Discharge Button, make an appropriate entry in the member’s CGMHRR on an Administrative Remarks, Form CG-3307, entry. For subsequent discharge, make an appropriate entry indicating that the button was issued previously. Make an entry when issuing a button to replace a lost one.



3. Delegating Responsibility. The commanding officer may delegate a commissioned officer, chief warrant or chief petty officer as custodian to ensure safe-keeping of discharge buttons.
4. Obtaining Supplies. District commanders and commanding officers of Headquarters units procure discharge buttons from the Baltimore Supply Center. Other commanding officers obtain their supplies from their respective district commander.

#### LL. General Information on Separation Without Immediate Re-enlistment

1. Policy. Under 10 U.S.C. § 1168(a), an Armed Force may not discharge or release any member from active duty until the certificate of discharge or release from active duty orders and final pay (or a substantial portion of it) are ready for delivery to the member or their next of kin or legal representative.
2. Monitoring. The unit personnel officer will monitor pending separations to ensure no delays occur in effecting the separation on the normal enlistment expiration and issuing the Certificate of Release or Discharge from Active Duty, Form DD-Form 214. (See Reference (o)).
3. Leave in Connection with Separation. At their discretion, a commanding officer may grant delay chargeable to annual leave in connection with any type of separation. If the member is separated early under Section 2.H of this Instruction, it is not in the Coast Guard's best interest to authorize a "constructive" separation date more than three months before the normal enlistment expiration date by combining leave with early release authority for the member's convenience. Therefore, a "constructive" release longer than three months is not authorized. Complete all documents to the fullest extent possible before the member departs from the last permanent duty station or the processing point, as applicable. On the effective separation date, make the final entries and distribute copies of documents under current instructions. Endorse Release from Active Duty orders to show the amount of leave granted. If Release from Active Duty orders is not involved, prepare leave papers. Members on leave on the effective separation date are considered as being on active duty until 2400 hours of that date. The effective separation date will be charged as a day of leave.
4. Reenlistment Information.
  - a. Since authorization to enlist in the Coast Guard (Active and Reserve) is not guaranteed after a break in service, the Service encourages members recommended for reenlistment to reenlist on active duty or enlist in the Coast Guard Reserve immediately. Commanding officers should inform members separating from active duty who do not have a remaining obligation under 10 U.S.C. § 651 that they will have to apply to the nearest recruiting office if they decide in the future to enlist in the Coast Guard (Active or Reserve). The recruiting office will refer individual cases to Commanding Officer, Coast Guard Recruiting Command, if necessary.

- b. Give every member discharged and not recommended for reenlistment the following information:
  - (1) Fingerprints undoubtedly will detect fraudulent enlistment in any Armed Forces branch; and
  - (2) If a former member enlists by concealing any previous service and discharge, that individual will be subject to disciplinary action.

5. Uniforms and Civilian Clothing.

- a. Members entitled to retain their uniforms after discharge may wear them from where discharged to their home within three months after discharge, a period encompassing the time between the discharge date and the date the member arrives at home. A former member may not wear the uniform after arriving home, even though the three-month period has not expired.
- b. A member will be required to surrender all outer garments and distinctive parts of the uniform on separating from active duty as stated in the individual sections of this chapter or under any of the following conditions:
  - (1) The member is issued a dishonorable, bad conduct or other than honorable discharge.
  - (2) The member's commanding officer has reason to believe the individual will bring discredit on the uniform.
  - (3) The member's commanding officer believes their service record or the circumstances surrounding the discharge warrant surrendering the uniform.
- c. If a member surrenders their uniform and owns no personal civilian clothing, an outfit of civilian clothing will be furnished. The cost of such clothing will not exceed the amount prescribed in 14 U.S.C. § 2705. Members transferred to effect their discharge take their uniform with them where ordered.

6. Veterans Rights and Benefits.

- a. Inform separating members of their rights and benefits as a veteran before they depart from their last duty station.
- b. The more important benefits accruing to veterans under Federal legislation administered by Government agencies other than the Coast Guard are: education and training; loan guarantees; vocational rehabilitation; re-employment rights; veteran's preference in civil service; compensation and pensions; hospitalization and domiciliary care; National Service Life Insurance; Servicemen's Group Life Insurance; Veterans Group Life Insurance Unemployment Compensation; and Social Security benefits for deceased members' dependents.

- c. Inform all separating members about the "Ex-Serviceman's Unemployment Compensation Act of 1958" (P.L. 85-848) which authorizes unemployment insurance protection to ex-service members who began their active service in the Armed Forces after 31 January 1955. The Department of Labor has prepared an informative pamphlet, available through the normal source of supply, about this Act's provisions.
- 7. Medical Benefits. When processing a member for separation, including retirement, inform separating members of health care benefits. More information can be found on the TRICARE website <https://tricare.mil/Plans/Eligibility>.
- 8. Correcting Military Records. During the separation processing of any member being discharged, commanding officers will explain the purpose and scope of the Discharge Review Board and the Board for Correction of Military Records, established pursuant to 10 U.S.C. § 1552 and § 1553. Regulations for the Board for Correction of Military Records are found in 33 CFR 52.01 to 52.45 and the Discharge Review Board, contained in 33 CFR 51.01 to 51.10, provide:
  - a. The Discharge Review Board reviews a former Coast Guard member's type and nature of discharge certificate or other documentary evidence of discharge, except discharge as the sentence of a Coast Guard court-martial. The Board conducts this review at the former member's request or on their behalf, if deceased, by their surviving spouse, next of kin or legal representative concerned, or if incompetent, by their guardian. See Correcting Military Records, COMDTINST 1070.1(series), for additional guidance.
  - b. The Board for Correction of Military Records may consider any matter in the member's official record the member believes is incorrect or unfair and desires to have changed. Normally, such requests must be submitted within three years of separation. See Correcting Military Records, COMDTINST 1070.1(series), for additional guidance.
- 9. Selective Service Registration. On 2 July 1980, Proclamation 4771 50 U.S.C. Chapter 49 § 3802 was signed into law requiring all males born during 1960 or later to register with the Selective Service System. Registration for those persons born during 1960 began 21 July 1980. For those born in 1961 registration began 28 July 1980 and for those born in 1962 registration began 5 January 1981. Males, including aliens and non-citizens, born on or after 1 January 1963 must register on the day they attain the 18th anniversary of their birth or on any day within 30 days before or after that date. The proclamation affects Coast Guard personnel as follows:
  - a. Coast Guard members on active duty when their age group is required to register are exempt from registration so long as they remain on active duty. Once separated from active duty or transferred to the Coast Guard Reserve for any reason, they must register within 30 days of separation.

- b. Men in CONUS may register at any U. S. Postal Service Office. Members assigned duty in a foreign country can register at any U. S. Department of State Embassy or Consulate Office.
  - c. Commanding officers will advise all separating males in the affected age groups of their obligation to register with the Selective Service System and then put this statement in Block 18 of the Certificate of Release or Discharge from Active Duty, DD-Form 214: "ADVISED OF REQUIREMENTS FOR SELECTIVE SERVICE REGISTRATION."
10. Transporting Household Goods. Incident to separation or release from active duty, members (not including retirees) are allowed Government-funded transportation of household goods within six months of separation. Consult Paragraph 051002, Joint Travel Regulations, JTR 051002 for more information.
- MM. Discharge Entitlements Summary. Applies to all types of discharges; honorable and general discharges; discharges under other than honorable conditions; bad conduct discharges; and, dishonorable discharges.

Table 2-1 (Discharge Entitlements Summary)

<b>Directives</b>	<b>Mileage (1)</b>	<b>Transport in Kind (2)</b>	<b>Civilian Clothing Issue (3)</b>	<b>Discharge Gratuity (3)</b>	<b>Retain Uniform, Wear Home</b>	<b>Recoup Reenlistment Bonus (3)</b>
JTR, Chap. 5	X					
JTR, Chap. 5		X				
Military Separations Sect. 2. LL.			X		X	
CG Pay Manual, Paragraph. 10. D.				X		
Military Bonus Program						X

- (1) Applies to honorable and general discharges.
- (2) Applies to under other than honorable conditions, bad conduct, and dishonorable discharges.
- (3) Applies to all types.

NN. Separations in Lieu of Orders (SILO). Members who elect or request to separate in lieu of executing PCS orders will be required to separate no later than 1 October.

OO. Second Chance Program.

1. Purpose. In an effort to retain good, solid first-term performers with potential, but who have made a youthful mistake that would otherwise result in their discharge, the Commandant has established a "Second Chance Program."
2. Applicability and Exceptions.
  - a. The Second Chance Program authorizes the first flag officer/SES in the chain-of-command of the first-term performer to waive all policy discharge authorities (except as noted in subparagraph (b) below)) contained in Sections 2.I, 2.L.1.k, 2.O, and 2.Q of this Instruction. The Second Chance Program does not apply to Convenience of the Government discharges with the exception of Section 2.L.1.k, Unsatisfactory Performers. This authority will not be delegated.
  - b. Recruits and members enrolled in an officer accession program are not eligible for the Second Chance Program.
  - c. Harassing Behavior Prevention, Response, and Accountability, CI 5350.6 prohibits a first term enlisted member who sexually harassed someone else (substantiated case) is ineligible for the Second Chance Program.
  - d. The Second Chance Program specifically excludes the following policies contained elsewhere in this Instruction:
    - (1) Section 2.O when processing for separation is required by Reference (h) due to alcohol incidents (however, see also subparagraph (6) below);
    - (2) Section 2.Q.2.c (2).[a-c] for mandatory administrative discharge processing due to drunken or impaired operation of a vehicle, aircraft, or vessel. Refusal to take a breath test by a recognized authority for suspicion of drunken or impaired operation of a vehicle, aircraft, or vessel, or when a commanding officer or officer in charge makes a written finding that a member operated a vehicle, aircraft, or vessel while drunk or impaired (however, see also subparagraph (6) below).
    - (3) Section 2.Q for drugs when a determination of a drug incident has been made in accordance with Reference (h);

- (4) Section 2.Q for civilian conviction of sexual misconduct.
  - (5) Section 2.Q for the procurement of a fraudulent enlistment, induction, or period of active service.
  - (6) If mitigating circumstances or an exceptional situation warrants consideration for retention for a member being processed for separation under subparagraphs (1) and (2) above, the unit may submit a recommendation for retention to Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate thru the first flag officer/SES in the chain-of-command of the first-term performer.
3. Procedures. The first flag officer/SES, with assistance from their units, will define the internal processes for forwarding waiver requests to them. Discharge recommendations for reasons other than Sections 2.I, 2.L, 2.O, and 2.Q of this Instruction will continue to be forwarded by the member's unit to Commander (CG PSC).
- a. If a waiver is not granted, the first flag officer/SES will endorse and forward the discharge package to Commander (CG PSC-EPM) or Commander (CG PSC-RPM) as appropriate.
  - b. If a waiver is granted, the discharge package is not forwarded to Commander (CG PSC-EPM) or Commander (CG PSC-RPM) as appropriate. Rather, the waiver will be documented in an Administrative Remarks, Form CG-3307, entry in the service record, and Commander (CG PSC-EPM) or Commander (CG PSC-RPM) as appropriate must be notified via email of the waiver.

PP. Career Preservation Provision for Victims of Sexual Assault. This opportunity applies to members who made an unrestricted report as a victim of sexual assault. If action is initiated to involuntarily separate the member within five years of the report of sexual assault being made, and the member believes the discharge recommendation is unfairly related to the filing of the report, the member may request that Commander (CG PSC) review the circumstances of and grounds for the proposed involuntary separation. In these cases, the discharge recommendation and the member's request will be forwarded through the chain of command, including review and endorsement by the first flag officer in the respondent's chain of command. The endorsement by the first flag officer, including to the report of an administrative separation board when applicable, may not be delegated. Commander (CG PSC) will take final action on the discharge recommendation.

## CHAPTER 3. RETIREMENTS

### A. General Information.

1. Introduction. This Section governs retirements from active duty for reasons other than physical disability. Chapter 5 of this Instruction contains policies governing disability retirements.
2. Effective Retirement Date. Commander (CG PSC-EPM), Commander (CG PSC-RPM), or Commander (CG PSC-OPM) issues orders containing the effective retirement date, the laws governing the retirement, and travel authorization. Under 5 U.S.C. § 8301, all non-disability retirements occur on the first day of a calendar month with the member usually detaching on the last day of the preceding month. If the member detaches earlier, the time between detachment and the effective retirement date is charged as annual leave.
3. Effective Date for Travel and Transportation Entitlements. The effective date to determine entitlement for Travel and Transportation Allowances (authorized weight of household goods, eligibility for dependents' travel, etc.) is the last day of active duty. Refer to Exhibit 1.G.1. of Reference (q) and the Joint Travel Regulations, Appendix A, for further clarification.
4. Leave in Connection with Retirement.
  - a. At their discretion, leave-granting authorities may grant earned or advance leave accompanying retirement orders under Chapter 2 of Reference (q); however, the member's effective retirement date will not be delayed for the specific purpose of allowing them to use earned leave. Relief for the retired member normally coincides with the scheduled retirement date, not the date the member departs on leave.
  - b. If authorities grant leave in connection with retirement, complete the Service member's records before the Service member departs on leave, except for the final date entries, and endorse retirement orders to show the amount of leave granted. The retirement processing station subsequently completes all documents in the service member's official record on the effective retirement date and transmits the member's copies of these documents to the Service member.
5. Retirement Processing Point.
  - a. Voluntary Retirements in Other than a Foreign Country. If a member is stationed in CONUS or at a non-restricted duty station in a state, commonwealth or United States possession outside CONUS when the member is scheduled to retire, the member normally is not transferred to a new permanent duty station before retirement, unless such transfer is in the Coast Guard's best interest. Since the processing station normally is the member's last permanent duty station, the Government incurs no additional expense in processing the retirement. For personal convenience under provisions of the Joint Travel Regulations, JTR 051003.F, a member may request

retirement processing at a shore unit convenient to their designated home of selection, provided:

- (1) The member travels to the retirement processing station in leave status. (Proceed time is not authorized per Section 1.G.6.c. of Reference (q)).
  - (2) The retirement orders designate the home of selection before departure.
  - (3) The member understands they will incur no additional expense on the Government's behalf and the member acknowledges the following statement on retirement orders:  
  

“This authorization is issued with the understanding that you will not receive reimbursement for expenses in connection with your Retirement Processing Point. If you do not desire to bear this expense, consider this authorization canceled.”
  - (4) If approved, the member detaches in time to report to the processing station between 12 and 15 working days before the effective retirement date and the member's orders will be so endorsed.
  - (5) Members must request the processing point change approval from the commands of the transferring and receiving units.
  - (6) Commanding officers and SPOs will ensure all retirement-related documentation processing required in accordance with Reference (o), is completed and signed prior to members departing their retirement processing point.
- b. Voluntary Retirement of a Member Stationed in a Foreign Country. A member who elects to retire, would be stationed in a foreign country at effective retirement date, does not intend to designate the overseas area as home of selection, and does not desire to retire at the overseas duty station will return to any place in the United States for retirement processing. The member will be ordered to report for temporary duty and processing to the area or district office, as appropriate, nearest to the debarkation port as determined by Joint Travel Regulations; and then proceed to their home of selection. The permanent change of station is from the overseas duty station to the home of selection. The Joint Travel Regulations prescribe the member's, dependents', and household effects' transportation allowances from the overseas duty station to the processing point and ultimately the member's home of selection.
  - c. Involuntary Retirement of a Member Stationed in a Foreign Country. A member subject to involuntary retirement while stationed outside CONUS, who does not intend to retire at their overseas duty station or designate it as their home of selection, will normally be ordered on a permanent change of station to a CONUS area or district office, as appropriate, within either the Atlantic or Pacific Area, depending on where the member serves. The Service member advises Commander (CG PSC-EPM) or Commander (CG PSC-OPM) of the desired district for retirement processing



approximately six months before the involuntary retirement date. Retirement allowances cover their retirement processing station to home of selection.

6. Administrative Absence in Connection with Retirement.

- a. Under the provisions of Reference (q) retiring members are eligible for an administrative absence not to exceed 20 days (if separated INCONUS), or 30 days (if separated OCONUS), to facilitate relocation. This administrative absence in conjunction with retirement is not an entitlement; however, it may be granted at the discretion of the member's command provided it does not adversely affect mission performance. This duty is intended for activities related to transition or relocation, e.g., job interviews, and not to extend leave periods.
- b. The following conditions and restrictions apply to permissive temporary duty in conjunction with retirement.
  - (1) It may be authorized for consecutive days, including weekends and holidays.
  - (2) It may be taken in increments, not to exceed the totals dictated in Section 3.A.6.a. of this Instruction.
  - (3) Liberty or a period of combined leave and liberty is not authorized between consecutive periods of administrative absence in conjunction with retirement.
  - (4) It may be used in conjunction with leave en route to home, with no intent to return to the last permanent duty station, including leave en route to a retirement processing point as defined in Section 3.A.4. of this Instruction.

Note: When administrative absence is used in conjunction with retirement processing point and terminal leave, the absence will be accounted for in this order: administrative absence, time at retirement processing point, and leave.

B. Service Credit to Qualify for Retirement. The service below is creditable for retirement. Service creditable for retirement is not necessarily all service creditable for computing basic or retirement pay.

1. Commissioned, Chief Warrant, and Warrant Officers. Active service in the Coast Guard, Navy, Army, Air Force, or Marine Corps, Space Force or in their Reserve components, including active duty for training.
2. Enlisted Members. Active service in the Coast Guard, Army, Navy, Air Force, Marine Corps, Space Force and all active service in their various Reserve components, including active duty for training and active Federal service in the National Guard and Air National Guard.

3. Other Creditable Service for Retirement. Under certain conditions, active civilian Government service is creditable for retirement for officers appointed constructors and personnel of the former Life Saving Service, Lighthouse Service, Bureau of Marine Inspection and Navigation, and Bureau of Customs who were commissioned, appointed, or enlisted in the Regular Coast Guard.
4. Service time while attending the U.S. Coast Guard Academy. This service credit is creditable only for enlisted members. Service time while attending the U.S. Coast Guard Academy may not be counted in computing, for any purpose, the length of service of an officer.

C. Pre-Retirement Physical Examination.

1. General. A physical examination is required before a non-disability retirement. An active duty Uniformed Services medical and dental officer should perform both officers' and enlisted members' retirement physical, but contract physicians and dentists may do so. Members will ensure they schedule physical examinations at least six months before their retirement date so defects found may be corrected before retirement. As a reminder, this does not include Veterans Affairs health care appointments, which can only be scheduled with approved separation orders. Physical examinations for retirement purposes are valid for 12 months. If the examination uncovers a physical or mental impairment that is identified in Reference (f), as unfitting, the member may be eligible for a physical disability retirement, subject to the policies set forth in Reference (e), Paragraph 2.C. Not all physical or mental impairments qualify a member a member for a disability retirement. Nor do all members benefit from a disability retirement. For members who joined the Uniformed Services after 25 September 1975, the tax exemption of disability retired pay is limited. (See Section 3.K.13.d of this Instruction).
2. Procedure if Physical Examination Finds Member Is Unfit for Duty.
  - a. If a physical examination pursuant to retirement discovers an impairment which is identified as unfitting in Reference (f), an initial medical board will be convened only if the provisions of Reference (e), Paragraph 2.C, are satisfied. If a medical board is initiated, the member's commanding officer will immediately notify Commander (CG PSC-EPM) or Commander (CG PSC-OPM), as appropriate, and Commander (CG PSC-PSD-DE) who may hold the member's retirement orders in abeyance, if appropriate, pending resolution of the physical disability evaluation process.
  - b. A member's physical disability or unfitness for continued service does not preclude a member from normal service retirement in lieu of physical disability processing, if so desired. As soon as possible after the examination, the member will elect in writing whether they desire processing for physical disability retirement or compliance with normal service retirement orders. The member's command must immediately notify Commander (CG PSC-EPM) or Commander (CG PSC OPM), as appropriate, and Commander (CG PSC-PSD-DE) by message to ensure they can delay the original retirement request or orders if necessary. Previously issued retirement orders

normally will not be canceled to process a member through the disability evaluation system; instead, they will be held in abeyance. If the member elects to comply with normal service retirement orders, the member will submit a signed statement to that effect in letter form to Commander (CG PSC-EPM) or Commander (CG PSC-OPM).

- c. If the final action of the physical disability evaluation board is:
  - (1) Retirement for physical disability, Commander (CG PSC) issues orders for such retirement. Orders for separation will normally be authorized to occur 120 days following Commander (CG PSC-OPM) or Commander (CG PSC-EPM) review of a members finalized medical board results.
  - (2) No physical disability retirement, the member's original retirement orders remain in force or are amended to effect the service retirement normally within 60 days after the end of the month in which the board determined the member's final physical qualification.
- d. Members who meet all qualifications for a physical disability retirement but also qualify for retirement for other reasons may request in writing that Commander (CG PSC-EPM) or Commander (CG PSC-OPM) take no action on the physical disability evaluation board's record of proceedings and allow them to retire for reasons other than physical disability. Requests of this nature must be made no less than 90 days prior to an established disability retirement date.

#### D. Retirement Counseling and Ceremony.

1. Pre-Retirement Seminars. At least annually, district commanders, commanders of logistics/service centers, and commanding officers of major Headquarters units must plan and host a pre-retirement seminar. Headquarters units collocated with area or district offices should hold joint seminars to reduce expense and duplication of effort. Commanding officers should encourage active duty members with 18 or more years of service creditable towards retirement and their spouses, career counselors, and other interested members, including Reservists and retirees, to attend these seminars. Commanding officers should encourage using other Services' pre-retirement programs if space allows Coast Guard personnel to attend.
2. Retirement Ceremony.
  - a. A ceremony designed to express the Coast Guard's appreciation for the many years of faithful, honorable service normally will precede a member's transfer to the retirement rolls. A ceremony should include a suitable assembly from the command. The commanding officer (or in their absence the executive officer) should cite awards, commendations, and other career highlights and make such remarks in bidding farewell as appropriate in the circumstances. If possible, commands should schedule these ceremonies to coincide with required personnel inspections. Rescheduling these inspections within limitations is considered appropriate.

- b. Commands may consider the following elements appropriate:
  - (1) Holding a suitable ceremony as described above at which the commanding officer should present:
    - (a) Retirement Certificate.
    - (b) Retirement Button.
    - (c) United States Flag.
    - (d) Good Conduct Award, if applicable.
    - (e) Certificate of Appreciation for spouse and/or children, if applicable.
    - (f) Retirement Orders.
    - (g) Awards, in the form of plaques presented in recognition of the member's professional achievements. Appropriated funds may be used for this purpose.
    - (h) An appropriate token of appreciation from the command in the form of a retirement plaque. Area, district, logistics/service center commanders, and Headquarters unit commanding officers are authorized to procure suitable plaques for personnel assigned to their staffs and subordinate commands using non-appropriated funds. Using appropriated funds for this purpose is forbidden. Presenting this command tribute to the retiree is optional at the discretion of the command and the retiree.
  - (2) Inviting the family, special guests, and shipmates, as the retiring member desires.
  - (3) Taking pictures of the ceremony to present to the member and distributing press releases to the appropriate media.
  - (4) Holding a brief social gathering after the ceremony with simple refreshments for the honored member(s) and guests.
  - (5) Providing transportation for guests within the confines of the military installation and federal regulations, if required.
- c. The retirement ceremony should occur at the last permanent duty station. The command should ascertain each member's preference in the matter before the scheduled retirement date and consider their desired timing and particulars of the ceremony but should not forego the ceremony except in extraordinary circumstances.

E. Statutory Authority to Retire Commissioned Officers (Except Commissioned Warrant Officers).

1. Voluntary Retirements.

- a. 20-Year Retirement. Any Regular commissioned officer (except a commissioned warrant officer) who has completed 20 years active service, at least 10 of which is commissioned service, may apply and, at the Secretary's discretion, retire from active service (14 U.S.C. § 2152).
- b. 30-Year Retirement. Any Regular commissioned officer (except a commissioned warrant officer) who has completed 30 years of active service may apply and, at the Commandant's discretion, retire from active service (14 U.S.C. § 2153).

2. Compulsory Retirement at Age 62. Any Regular commissioned officer in the grade O7 or below, except a commissioned warrant officer, who reaches the age of 62 will retire from active service on the first day of the first month after turning age 62 (14 U.S.C. § 2154).

3. Involuntary Retirement of Flag Officers.

- a. Unless a Service member retires under some other legal provision or remains on active duty under Section 3 E.3.b of this Instruction, a rear admiral retires on 30 June of the promotion year in which the member completes a total of 36 years of active commissioned service, including service creditable for retirement purposes under 14 U.S.C. § 2531 (14 U.S.C. § 2151) or on the first day of the month after turning age 64.
- b. With the Secretary's approval, the Commandant may annually retain on active duty from promotion year to promotion year any rear admiral who otherwise would retire under Section 3 E.3.a. of this Instruction. Unless the Service member retires under some other provision of law, a rear admiral so retained retires on 30 June of the promotion year in which no action takes place to further retain the member under this provision (14 U.S.C. § 2151).
- c. 14 U.S.C. § 303 contains authority for the Commandant to retire.
- d. 14 U.S.C. § 306 contains authority for officers serving in the grade of vice admiral or admiral to retire.

4. Retirement of Regular Captains.

- a. If a captain does not retire earlier, each regular Coast Guard captain who is not carried on an approved list of officers selected for promotion to rear admiral (lower half) retires on 30 June of the promotion year in which a captain or any captain junior to them currently on the Active Duty Promotion List (ADPL) who has not lost numbers or precedence completes 30 years of active commissioned Coast Guard

service (14 U.S.C. § 2149(a)), unless retained under Section 1.L.7 of this Instruction. An officer who advanced in precedence on the ADPL because they were promoted from below the zone is not subject to earlier involuntary retirement under this Section than if the officer had not been selected from below the zone.

- b. An officer retired under this Section must receive as retired pay at least 50 percent of the basic pay on which their retired pay was computed (14 U.S.C. § 2149(b)).
- c. Service on active duty or full-time National Guard duty as a commissioned officer in a grade above warrant officer.

5. Retirement of Commanders and Lieutenant Commanders for Failure of Selection for Promotion. Each Regular Coast Guard officer serving as commander or lieutenant commander who fails selection for promotion to captain or commander, respectively, for the second time, or if not selected for continuation on active duty, will:

- a. If eligible for retirement under any law on 30 June of the promotion year in which the second failure of selection occurs, retire on that date;
- b. If ineligible for retirement on 30 June of the promotion year in which the second failure of selection occurs, remain on active duty and retire on the last day of the month in which the member completes 20 years of active service, unless earlier removed under another provision of law (14 U.S.C. § 2145); or
- c. If completing a continuation agreement and not selected for promotion or further continuation, then the officer will be retired on the first day of the first month following the month in which the period of continued service is completed but no later than age 62.

F. Statutory Authority for Commissioned Warrant Officers' Retirement.

- 1. 20-Year Retirement. The Commandant may retire a commissioned warrant officer who has at least 20 years of active service at their request.
- 2. Involuntary Retirement after 30 Years' Active Service.
  - a. A permanent regular commissioned warrant officer who has at least 30 years of active service retires 60 days after the member completes that service (10 U.S.C. § 1305). Warrant officers may be retained past 30 years of service based on the needs of the service. Requests to retire on a member's expected loss date need not be made as this is regarded as a mandatory retirement. Requests to retire prior to this statutory date will be considered "voluntary" and thus be processed under 10 U.S.C. § 1293.
  - b. The Commandant may defer the retirement of any commissioned warrant officer for up to four months under Section 3.F.2.a of this Instruction if, due to unavoidable circumstances, evaluation of their physical condition and determination of their entitlement to retirement or separation for physical disability require hospitalization

or medical observation that cannot be completed before the date when the Service member would be required to retire (10 U.S.C. § 1305).

- c. To satisfy a specific Service need, the Commandant also may defer retirement under Section 3.F.2.a of this Instruction of a commissioned warrant officer with their consent and if a board of officers so recommends, for up to 60 days after the officer turns 62 years of age (10 U.S.C. § 1305). Chief warrant officers who want to continue on active duty beyond 30 years may apply to Commander (CG PSC) between nine and 12 months before the mandatory retirement date. Extensions may be granted for any period up to a maximum of four years for a single request. Subsequent extensions may be granted based on additional requests. Chief warrant officers so extended and selected for promotion are required to serve two years in the new grade. A chief warrant officer serving on an extension may apply for voluntary retirement when the Service member meets all eligibility requirements listed in Section 3.H of this Instruction. Extension requests will be kept on file pending the identification of specific Service needs. Whenever a need arises, a board of officers screens eligible applicants and selects the best-qualified candidate. If an extension is not approved by six months before the mandatory retirement date, the request will be removed from the file and the member retires on the mandatory retirement date. A member may withdraw a request from consideration at any time. Submit extension requests in a letter format with the following information:

- (1) The reason to request the extension.
- (2) The officer's statement indicating their willingness to serve in any assignment or geographic area.
- (3) Desired length of extension.
- (4) A concise recommendation by the member's chain of command.

### 3. Compulsory Retirement at Age 62.

- a. Any permanent regular commissioned warrant officer who has at least 20 years of active service and is at least 62 years of age must retire on the first day of the month that occurs 60 days after their 62nd birthday (10 U.S.C. § 1251 and § 1263).
- b. The Commandant may defer any commissioned warrant officer's retirement for up to four months under Section 3.F.3.a. of this Instruction if, due to unavoidable circumstances, evaluation of their physical condition and determination of their entitlement to retirement or separation for physical disability require hospitalization or medical observation that cannot be completed before their mandatory retirement date (10 U.S.C. § 1263).

G. Permanent Commissioned Teaching Staff Members' Retirement.

1. Voluntary Retirement.

- a. 20-Year Retirement. Any professor, associate professor, assistant professor, or instructor in the Coast Guard who has completed 20 years' active service, at least 10 years of which in active commissioned service, may apply and, at the Secretary's discretion, retire from active service with the retired pay of the grade the Service member holds on retirement (14 U.S.C. § 1945 and 14 U.S.C. § 2152).
- b. 30-Year Retirement. Any Coast Guard professor, associate professor, assistant professor, or instructor who has completed 30 years of service may apply and, at the Commandant's discretion, retire from active service with the retired pay of the grade the Service member holds on retirement (14 U.S.C. § 1945 and 14 U.S.C. § 2153).

2. Involuntary Retirement. Unless they retire earlier, Permanent Commissioned Teaching Staff (PCTS) members will retire on 30 June of the promotion year in which they complete 30 years' active commissioned service.

- a. If the member requests and the Superintendent favorably recommends the member's retention as in the Academy's best interests, Commander (CG PSC) may approve a member's continued service on active duty for additional one- or two-year periods up to a total of 35 years of commissioned service. A member so retained, unless retired under some other provision, retires when that extension expires unless action is taken to further retain the member under this Section. The Superintendent should make their recommendation under this Section at least one year before the member's scheduled retirement date.
- b. If not earlier retired, PCTS members retire on 30 June of the promotion year in which they complete 35 years' active commissioned service. If the Superintendent favorably recommends a member's retention as necessary to fulfill a compelling Service need, Commander (CG PSC) may delay a member's involuntary retirement under this paragraph for up to two years. Unless they retire under some other provision, these members retire when such extension expires unless action is taken to further retain them under this Section. The Superintendent should make their recommendation under this Section at least one year before the member's scheduled retirement date.

3. Compulsory Retirement at Age 64. Any professor, associate professor, assistant professor, or instructor in the Coast Guard who reaches the age of 64 will retire from active service with the retired pay of the grade Service member held on retirement (14 U.S.C. § 1945).

4. Retaining Captains. The provisions of 14 U.S.C. § 2149 on captains' mandatory retirement and 14 U.S.C. § 2150 on captain continuation boards does not apply to PCTS members.



## H. Procedures for Officers' Retirement.

1. Request for Voluntary Retirement. Commander (CG PSC-OPM) has final approval or disapproval authority of voluntary retirement requests. In approving a request for voluntary retirement, Commander (CG PSC-OPM) may specify an effective date other than that requested if a change is necessary in the Service's best interests to provide time for orderly relief or, in some cases, complete the current or an ordered tour of duty. Commander (CG PSC-OPM) will consider requests based on the Service's overall needs and the merits of an individual case using the following guidelines:
  - a. An officer considering a voluntary retirement should refer to Section 3.E of this Instruction (regular commissioned officers) or Section 3.F of this Instruction (warrant officers) and meet the following criteria:
    - (1) Complete the two-year obligated service requirement incurred for a permanent promotion. (An officer will not be promoted if the officer has an approved voluntary retirement on file). Officers with an approved voluntary retirement on file are still subject to mandatory retirement following annual promotion boards in accordance with U.S. Law and this Instruction.
    - (2) Complete at least one year of duty at assigned duty station if INCONUS,
    - (3) Complete at least two years of duty at current duty station if assigned OCONUS on a with-dependents tour. (If a member has been assigned to more than one unit in the same OCONUS area, member must have at least two years in that area and one year at their current unit).
    - (4) Complete the prescribed tour length or at least two years, whichever is less, when assigned OCONUS on a without-dependents tour.
    - (5) Complete the prescribed obligated service period of any advanced education, bonus or other agreement entered into by the officer.
    - (6) Submit retirement requests to Commander (CG PSC-OPM-1) not more than two years or less than six months before the desired retirement date. Members desiring a retirement date sooner than six months out, may submit a request; only if their command can, and is willing to, support a vacant position. The request must include command endorsement stating the unit is willing to accept a vacant position.
  - b. Officers desiring a retirement date not meeting the requirements set forth in Section 3.H.1.a above may request a waiver, however, the request must be accompanied by a command endorsement stating that the command can, and is willing to, support a vacant billet. Such requests will be considered based upon Service needs. If the retirement request is disapproved, Commander (CG PSC-OPM) will notify the member as to when they may resubmit a retirement request.

- c. Officers who are currently in the special board/panel process should refer to Section 1.U. of this Instruction.
- d. Any officer or chief warrant officer in receipt of PCS orders who will complete at least two years in grade by the specified retirement date in this paragraph who wishes to retire in lieu of executing those orders (RILO) must advise Commander (CG PSC OPM) or Commander (CG PSC-RPM) by email within five days of either the order issue date or the date time group of the general message announcing assignment panel results (30 days for SELRES members), whichever is earlier per Reference (q). The member must simultaneously submit a request to retire with an effective date of retirement on or before 1 August of that assignment year. Commander (CG PSC-OPM) normally approves these requests effective the first day of the month after the detachment date of the PCS orders or by 1 August after an assignment panel results general message. An officer requesting retirement must comply with Section 3.C of this Instruction as soon as practical to ensure completing the physical examination before retirement.
- e. Requests for voluntary retirement from captains will be submitted to Commander (CG PSC-OPM) thru their commanding officer (actual commanding officer or the appropriate officer with jurisdiction) and cognizant flag officer. For captains assigned to Coast Guard Headquarters, assistant commandants or directors should endorse requests for separation as appropriate.

Note: For captains assigned to Coast Guard Headquarters, requests need not be routed through Base National Capital Region (NCR), Washington DC.

- f. Requests for voluntary retirement from commanders and below will be submitted to Commander (CG PSC-OPM) via their commanding officer (actual commanding officer or the appropriate officer with jurisdiction). For officers assigned to Coast Guard Headquarters, assistant commandants, directors, or division chiefs should endorse requests for separation as appropriate.

Note: For commanders and below assigned to Coast Guard Headquarters, requests need not be routed through Base NCR, Washington DC.

- g. The immediate commanding officer should include in the endorsement:
  - (1) A statement recommending approval or disapproval. If disapproval or conditional approval, the full reasons thereof.
  - (2) A statement, as needed, concerning a replacement or the impact of gapping the job position.
  - (3) Any other useful information to assist the Commander (CG PSC-OPM) staff in making a final decision.

- (4) Where an unconditional endorsement of "forwarded, recommending approval" is determined, the CO may merely endorse the thru line with their signature and date; Additional "thru" addressees may be included if considered appropriate by the CO; Facsimile copies of signed requests with signed endorsement should be transmitted only if requested by Commander (CG PSC).
  - h. Officers faced with mandatory retirement, for any reason, need not request retirement. However, officers may request voluntary retirement to occur on the scheduled mandatory retirement date if they desire their retirement be classified as "voluntary" vice "involuntary."
  - i. Requests from flag officers will be submitted to Commander (CG PSC) thru their Coast Guard superior (e.g., Area Commander or Assistant Commandant, etc.) and thru the Vice Commandant.
2. Scheduling Retirement Orders.
- a. An officer requesting voluntary retirement should request a retirement date on the first day of any month from 1 May through 1 October. Requests to retire on a date outside of this timeframe must be accompanied by a command endorsement that clearly indicates the reason for the requested retirement date and the impact of a potential staffing gap on the unit. Officers who will reach 30 years of time in service or mandatory retirement outside of the 1 May to 1 October timeframe should cite that fact as their reason for submitting a request for voluntary retirement on a date outside of the otherwise prescribed retirement window.
  - b. Commander (CG PSC-OPM) issues retirement orders under the procedures listed in Section 3.A of this Instruction and mails them via the member's command shortly after approval of a request, but no later than 120 days prior to retirement. If orders processing must be delayed (e.g., awaiting funding authority for requests approved into the next Fiscal Year), notification of Commander (CG PSC) approval will be provided prior to issuing orders.
  - c. Commander (CG PSC-OPM) will approve retirement dates as close to the requested date as possible to meet Service needs. (See Section 3.H.1 of this Instruction).
  - d. When sufficient appropriated funds are not available to permit approving all requests received, Commander (CG PSC-OPM) will give priority to officers who have the most active service.
  - e. Commander (CG PSC-OPM-1) will issue retirement orders to officers approaching statutory retirement age approximately six months before the first of the month after their 62nd birthday. If the officer has not received such notice 120 days before the statutory date, the officer should inform Commander (CG PSC-OPM-1) immediately.
  - f. Commander (CG PSC-OPM-1) will issue retirement orders to officers retiring for

failure of selection for promotion approximately six months before the scheduled retirement date. If the officer has not received orders 120 days before that date, the officer should inform Commander (CG PSC-OPM-1) immediately.

- g. Commander (CG PSC-OPM-1) will issue retirement orders for commissioned warrant officers approaching 30 years active service approximately 6 months prior to mandatory retirement. For those CWO's selected for active service beyond 30 years per Section 3.F.2.c of this Instruction, Commander (CG PSC-OPM-1) will defer issuing retirement orders until approximately 6 months prior to their authorized termination date. If the officer has not received orders 120 days before their retirement date, the officer should inform Commander (CG PSC-OPM-1) immediately.
- h. Canceling or Delaying Retirement Orders.
  - (1) The decision to submit a retirement letter is a serious one because the projected separation triggers transfer and promotion actions that, if reversed, could cause hardship to other officers. Therefore, Commander (CG PSC) may approve a request to cancel or delay a scheduled retirement based on Service needs or a member's hardship situation similar or equal to those listed in Section 4.B.3 of this Instruction. The Service does not consider a change in civilian employment plans a hardship.
  - (2) In canceling a scheduled retirement, the officer must agree to remain on active duty for two years after the date the request is approved. The cancellation request should indicate this agreement.
  - (3) Whenever possible, submit a request to cancel or delay a scheduled retirement at least three months before the retirement date through the chain of command; the request should contain the reasons for it.
  - (4) If during the retirement processing period, a member is diagnosed with serious disease or suffers from serious injuries neither ratable by the Physical Disability Evaluation System nor disqualifying for separation, the member may request to delay a non-mandatory retirement for a reasonable amount of time to address the problem. Comply with Reference (e). Submit the request to Commander (CG PSC-OPM) and support it by attaching all relevant medical documents. The command should endorse the request. A member should schedule a physical examination at least six months before the retirement date to allow enough time to treat such remediable medical problems. If a member adheres to this schedule, physicians can properly treat most non-disqualifying remediable medical problems and it will not be necessary to delay the scheduled retirement date. Commander (CG PSC-OPM) will not consider delaying retirement for a member who obviously neglected to obtain timely medical treatment.

I. Statutory Authority to Retire Active Duty Enlisted Members.

1. Voluntary Retirement.

- a. 20-Year Retirement. On application and at the Commandant's discretion, any enlisted member who has completed 20 years of service may retire from active service (14 U.S.C. § 2306).
- b. 30-Year Retirement. On application and at the Commandant's discretion, any enlisted member who has completed 30 years of service may retire from active service (14 U.S.C. § 2305).

2. Compulsory Retirement. Any enlisted member who reaches the age of 62 will retire from active service (14 U.S.C. § 2304).

3. Involuntary Retirement.

- a. Authority. 14 U.S.C. § 2307 allows the Commandant to review the records of enlisted members who have 20 or more years of active military service to consider retiring these members involuntarily.
- b. Convening the Board. A Coast Guard Enlisted Personnel Board will convene when and where the Commander (CG PSC-EPM) directs to recommend for retirement of enlisted members who have 20 or more years of active service and whom the Board determines should retire. A Board convened under this section will consist of at least three commissioned officers, at least one of whom is a commander or higher, and two enlisted members, of equal or higher pay grade as that of the member being considered. No ensuing annual Board may include as a member any person who was a member of the preceding annual Board.
- c. Submitting Recommendations. Commanding officers will recommend to Commander (CG PSC) any enlisted member under their command who has completed 20 years of active service and should be considered for involuntary retirement. District units' commanding officers will send the recommendations through the district commanders. Commanding officers should recommend a member if their:
  - (1) Conduct is marginal.
  - (2) Financial irresponsibility will discredit the Coast Guard and its personnel through voluminous correspondence with creditors.
  - (3) Leadership, performance of duty, physical stamina, etc., are now below the standards expected or required for their rate. Specific reasons and supporting documents, including a copy of enlisted employee review showing average marks, must be included for each individual.

d. Each member under the Board's review will be:

- (1) Notified in writing of the reasons the Service member is being considered for involuntary retirement.
- (2) Provided counsel certified under 10 U.S.C. § 827(b) to help prepare a rebuttal and represent them before the Board.
- (3) Allowed 60 days from the date on which counsel is provided to submit any items in rebuttal.
- (4) Allowed full access to and furnished with copies of records under consideration for involuntary retirement before submitting the rebuttal.
- (5) Allowed to appear before the Board and present witnesses or documents pertinent to the review.

e. Acting on Board Recommendations. After the Board completes its determination, each enlisted member being considered for involuntary retirement will be:

- (1) Notified by certified mail of the reasons the member was considered for involuntary retirement.
- (2) Provided counsel certified under 10 U.S.C. § 827(b) to help prepare a rebuttal.
- (3) Allowed 60 days from the date counsel is provided to submit any matters in rebuttal.
- (4) Allowed full access to and furnished with copies of records relevant to consideration for involuntary retirement before the member submits the rebuttal.

f. Commandant Approval. If the Commandant approves the Board's recommendation, the member will be notified of the Commandant's decision and retired within 90 days of the notification.

4. Reduction in Force Separations. When the Secretary orders a reduction in force, Commander (CG PSC-EPM) may separate enlisted members involuntarily from service without convening the Board described in Section 3.I.3 of this Instruction.

J. Retirement of Enlisted Service Members.

1. Requests for Voluntary Retirement.

- a. An enlisted member's non-disability retirement occurs at the discretion of Commander (CG PSC-EPM) or Commander (CG PSC-RPM). Therefore, an enlisted member's request will be considered on the basis of overall Service needs and the

- merits of each individual case. As a general rule, the provisions listed here govern; however, an enlisted member does not automatically accrue a vested right to retire when the Service member chooses independently of Service needs merely by completing 20 years of active service.
- b. An enlisted member may submit a request for voluntary 20-year retirement to Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM-1) if the member:
    - (1) Has completed 18 years of active service, and
    - (2) Requests an effective date of retirement which provides:
      - (a) Completing at least one year of duty at their current duty station if assigned INCONUS.
      - (b) Completing at least two years at their current duty station if assigned OCONUS on a with-dependents tour. If the member has been assigned to more than one unit in the same OCONUS area, the member must have at least two years in that area and one year at their current unit.
      - (c) Completing the prescribed tour length or at least two years, whichever is less, if assigned OCONUS on a without-dependents tour.
      - (d) Completing the two-year obligated service (OBLISERV) requirement incurred for advancement to pay grade E-7, E-8, or E-9. (See Reference (n), and Section 2.L.2.b of this Instruction).
  - c. Retire in Lieu of Executing Orders (RILO)
    - (1) If a member receives PCS orders during an assignment year, is otherwise eligible to retire by their departure date, and wishes to retire in lieu of executing orders (RILO), they must so advise Commander (CG PSC) by email within five working days of orders issue date (30 days for SELRES members) and simultaneously submit a request to retire with an effective date of retirement on or before 1 October of that assignment year. Commander (CG PSC-EPM), or Commander (CG PSC-RPM) for SELRES members, will consider such requests and assign an effective date of retirement based on overall Service needs. However, in certain instances, the member may be required to comply with their PCS orders.
    - (2) Commanding officers may request that a member's effective date of retirement be delayed based on needs of the Service (i.e., on-site relief needed for a critical billet). Commander (CG PSC-EPM) or Commander (CG PSC-RPM) as appropriate will consider such requests based on the overall needs of the Service.
    - (3) Commander (CG PSC-EPM) or Commander (CG PSC-RPM) as appropriate will

not cancel a retirement so scheduled except to allow disability processing.

- (4) Commander (CG PSC-EPM) or Commander (CG PSC-RPM) as appropriate will grant a member retired an honorable or general discharge, as appropriate under Section 2.B.6 of this Instruction.
- d. If it appears a request for retirement or cancellation of transfer orders is warranted even though it does not meet the requirements of Section 3.J.1.b. of this Instruction, the member should send the request and full supporting information pertaining to it to Commander (CG PSC-EPM) or Commander (CG PSC-RPM) as appropriate for consideration. Such a request will be approved only in those rare instances when in the judgment of Commander (CG PSC-EPM) or Commander (CG PSC-RPM) as appropriate, departing from Section 3.J.1.b of this Instruction's normal rules is justified. If the request is disapproved, Commander (CG PSC-EPM) or Commander (CG PSC-RPM) as appropriate will indicate when the member may resubmit a retirement request. Commander (CG PSC-EPM) or Commander (CG PSC-RPM) as appropriate will cancel a request approved under this paragraph only for the reasons listed in Section 3.J.3 of this Instruction.
  - e. Submit retirement requests to Commander (CG PSC-EPM-1) or Commander (CG PSC-RPM) as appropriate not more than two years or less than six months before the desired retirement date. Members desiring a retirement date sooner than six months out, may so request; however, the request must be accompanied by a command endorsement stating that the command can, and is willing to, support a vacant position. Such requests will be approved based upon Service needs. They will be acknowledged by either approval or disapproval.
  - f. Area, district, logistics/service center, and unit commanding officers will include the following comments in endorsements to all retirement requests:
    - (1) Specific approval or disapproval of the basic request; if disapproval, the full reason for disapproval.
    - (2) Whether the member meets the requirements listed in Section 3.J.1.b of this Instruction.
    - (3) Enlisted members who have completed 33.5 or more years of active duty must submit a request for 34-year retirement to Commander (CG PSC-EPM-1).
    - (4) Members with approved SEPAUTHs for retirement based on a 30-year Time in Service limitation who desire continued service should contact Commander (CG PSC-EPM-1) (Separations) at: [hqs-smb-cgpsc-epm-1-separations@uscg.mil](mailto:hqs-smb-cgpsc-epm-1-separations@uscg.mil).
    - (5) Enlisted members approaching statutory age are not required to apply for retirement.



## 2. Scheduling Retirement Orders.

- a. A member requesting voluntary retirement should request a retirement date on the first day of any month from 1 May through 1 October. Requests to retire on a date outside of this timeframe must be accompanied by a command endorsement that clearly indicates the reason for the requested retirement date and the impact of a potential staffing gap on the unit. Commands merely endorsing the thru line is not sufficient in this case.
- b. Final approval of a retirement rests with Commander (CG PSC) who may specify an effective date later than that requested if, in the best interest of the Service, a delay is necessary to provide for orderly relief, completion of an ongoing investigation, or, in some cases, completion of the current or ordered tour of duty.
- c. If sufficient appropriated funds are not available to permit approving all requests received, Commander (CG PSC) will select retirees in order of highest total service computed to the retirement date for which selections are being made.
- d. Commander (CG PSC) will issue retirement orders for enlisted members approaching statutory age approximately six months before the effective retirement date.

## 3. Canceling or Delaying Retirement Orders.

- a. The decision to submit a retirement memorandum is a serious one because the projected separation triggers transfer and advancement actions that, if reversed, cause hardship to other members. Therefore, Commander (CG PSC-EPM-1) normally will not honor a request to cancel or delay an already approved retirement date unless a specific Service need exists and only under these conditions:
  - (1) A Service need exists.
  - (2) A member has a hardship situation similar or equivalent to those listed in Section 4.B. of this Instruction. The Service does not consider a change in civilian employment plans a hardship.
  - (3) The retirement physical examination finds the member “not fit for duty” and the member requests in writing to cancel their retirement orders and processing for a physical disability retirement.

- (4) If during the retirement processing period, the member is diagnosed with serious diseases or suffering from serious injuries not ratable by the Physical Disability Evaluation System nor disqualifying for separation, the member may request to delay a non-mandatory retirement for a reasonable amount of time to address the problem. Comply with Reference (e), Submit the request to Commander (CG PSC-EPM); support it by attaching all relevant medical documents. The member's command, HSWL Service Center, and Commandant (CG 1K2) must endorse the request. A member should schedule a physical examination at least six months before retirement to allow enough time to treat remediable medical problems. If the member does so, physicians can properly treat most non-disqualifying remediable medical problems and it will not be necessary to delay the scheduled retirement date. Commander (CG PSC-EPM) will not consider delaying retirement for a member who obviously neglected to obtain prompt medical treatment.
- b. In canceling a scheduled retirement, the member must agree to remain on active duty for two years from the date the request is approved and indicate this agreement in the basic cancellation request. If a member's enlistment expires within two years of the request date, member must extend their enlistment for obligated service within 30 days after Commander (CG PSC) approves the cancellation.
- c. Submit a request to cancel or delay a scheduled retirement at least three months before the retirement date if possible. State the reasons for the request and submit it through the chain of command.

K. Grade or Rate in Which Retired.

1. General Authority. The Coast Guard must make a grade determination to certify the retired grade of every officer and enlisted member prior to retirement. The retirement approving authority will administratively review the record of each member scheduled to retire to certify the highest grade or rate satisfactorily held during their Coast Guard service. A member's retired grade determination is normally final at the time certification is made. However, in limited circumstances officer grade determinations maybe reconsidered after retirement (See Section 3.K.11 of this Instruction). The legal authorities for this policy are 10 U.S.C. § 1371, 10 U.S.C. § 1372, 10 U.S.C. § 12771, 14 U.S.C § 294, 14 U.S.C. § 333, U.S.C. § 334, 14 U.S.C. § 362, and 14 U.S.C. § 2501.
2. Commissioned Officers Other than Commissioned Warrant Officers.
  - a. Any commissioned officer, except a chief warrant officer, who retires under any provision of 14 U.S.C. Subtitle II, Chapter 21 retires from active service with the highest grade member satisfactorily held (if different from their permanent grade) for at least six months (this does not alter the two-year time in grade requirement of Section 3.H.1.a a.(1)) of this Instruction. Officers retired under this subsection will have their retired pay calculated in accordance with the regulations contained in Reference (d) available on the Coast Guard Portal.

- b. If any commissioned officer, except a commissioned warrant officer, is on an approved list of officers selected for promotion to the next higher grade and retires for physical disability under the provisions of Chapter 5 of this Instruction before being promoted, member retires in the grade to which selected for promotion (14 U.S.C. § 2155).
  - c. For officers, derogatory information that may result in retirement at a lower grade includes, but is not limited to, court-martial conviction, civilian conviction, non-judicial punishment, relief for cause, removal from primary duties, substantiated harassing behavior by the officer under the Harassing Behaviors Prevention, Response, and Accountability Instruction, COMDTINST 5350.6 (series) or a derogatory officer evaluation report.
  - d. Commanding Officers who are aware of derogatory information in an officer's military record may submit a memo to Commander (CG-PSC-OPM) or Commander (CG PSC-RPM) to recommend that an officer, including a warrant officer, be considered for retirement in a lower grade. As noted in Section 3.K.7 below, unless an enlisted member requests to retire in a previously held officer grade, enlisted members will automatically be retired in the grade held at retirement.
  - e. When the Commandant determines an officer did not serve satisfactorily in the highest grade held prior to retirement, that officer's retired pay will be based on the highest grade satisfactorily held, as determined by the Commandant, and subject to the reduced retired pay calculations in accordance with 10 U.S.C. § 1407 (f).
  - f. In the case of a commissioned officer whom the Commandant determines committed misconduct in a lower grade, the Commandant may determine the commissioned officer has not served satisfactorily in any grade equal to or higher than the lower grade in which the misconduct occurred.
3. Chief Warrant Officers.
- a. Chief warrant officers retiring from active service under any provision of 10 U.S.C. § 580, § 1263, § 1293, or § 1305 (regular retirements) do so at the highest commissioned grade above chief warrant officer (W-4) they satisfactorily held for at least six months. This does not alter the two-year time in grade active-duty requirement of Section 3.H.1.a (1) of this Instruction for requesting voluntary retirement on which Commandant determines they performed duty satisfactorily in accordance with Section 3.K.8.b of this Instruction. Chief warrant officers retired under this subsection will have their retired pay calculated in accordance with regulations contained in Chapter 16 of Reference (d) which is available on the Coast Guard Portal. When the Commandant determines a chief warrant officer did not serve satisfactorily in the highest grade held prior to retirement, that chief warrant officer's retired pay will be based on the highest grade satisfactorily held, as determined by the Commandant, and subject to the reduced retired pay calculations in accordance with 10 U.S.C. § 1407 (f).

- b. In cases where a member has been reduced in grade by a Special Court-Martial (SPCM) or General Court-Martial (GCM), the highest grade satisfactorily held will be no higher than the grade to which the member was reduced after the court-martial conviction becomes final, unless the member subsequently advances or is again reduced. Where a member subsequently advances or is again reduced following a reduction by a SPCM or GCM, the highest grade satisfactorily held will be no higher than the pay grade to which the member advanced or was reduced to following the court-martial.

#### 4. Reserve Commissioned Officers.

- a. Unless entitled to a higher grade under another provision of law, a Reserve commissioned officer, who is transferred to the Retired Reserve, is entitled to be placed on the retired list in the highest grade satisfactorily held in the Armed Force in which they are serving on the date of transfer.
  - (1) For pay grades O-4 and below, a minimum of six months' time-in-grade must be served to retire in that grade.
  - (2) For pay grades O-5 and above, a minimum of three years' time-in-grade must be served to retire in that grade.
  - (3) See 10 U.S.C. § 1370a (c) for exceptions to the 3-year time in grade requirement.
- b. Unless entitled to a higher grade under another provision of law, Reserve commissioned officers, not on the active duty promotion list and who are involuntarily transferred to the Retired Reserve, due solely to age or time-in-service restrictions, or by board action including non-retention or a second or more non-selection, or physical disability as determined by a Medical Evaluation Board, are entitled to be placed on the retired list in the highest grade satisfactorily held. The minimum time-in-grade requirement for these retirements is six months.

#### 5. Reserve Chief Warrant Officers.

- a. Unless entitled to a higher grade under another provision of law, Reserve Chief Warrant officers, not on the active-duty promotion list and who are voluntarily transferred to the Retired Reserve, are entitled to be placed on the retired list in the highest grade satisfactorily held for at least six months.
- b. Unless entitled to a higher grade under another provision of law, Reserve Chief Warrant officers, not on the active duty promotion list and who are involuntarily transferred to the Retired Reserve, due solely to age or time-in-service restrictions, or by board action including non-retention or a second or more non-selection, or physical disability as determined by a Medical Evaluation Board, are entitled to be placed on the retired list in the highest grade satisfactorily held. The minimum time-in-grade requirement for these retirements is six months.

6. Retired Officer Promoted After Recall to Active Duty. If a Regular officer on the retired list recalled to active duty is promoted during that duty to a higher grade under an appointment (See Reference (c)) and satisfactorily performs duty under that appointment, on relief from active duty the member will be promoted on the retired list to the highest grade held while on such active duty (14 U.S.C. § 2165).
7. Enlisted Members.
  - a. Enlisted members who have previously served as a commissioned officer in the Coast Guard or another service, may request to retire in the highest officer grade satisfactorily held. An enlisted member may request to retire in a previously held officer grade by submitting a memo, with supporting documents, to Commander (CG PSC-EPM) or Commander (CG PSC-RPM) at least six months before their approved retirement date. Upon receipt of such a request, Commander (CG PSC-EPM) or Commander (CG PSC-RPM) will review the memo and consult with Commander (CG PSC-OPM) or Commander (CG PSC-RPM). If the member is not approved by Commander (CG PSC-OPM) to retire in the requested officer grade, Commander (CG PSC-EPM) or Commander (CG PSC-RPM) will convene a highest grade held determination board in accordance with Section 3.K.9 of this Instruction. The member waives their right to retire in the requested officer grade if the request is not received at least sixty days before the member retires.
  - b. Except for enlisted members requesting to retire in a previously held officer grade, any enlisted member who retires under any provision of 14 U.S.C. Subtitle II, Chapter 23 will retire from active service at the grade held on the date of retirement.
  - c. Enlisted members will not be advanced to a higher enlisted grade, and may not be reduced to a lower enlisted grade, through a highest grade held determination. Enlisted members retired under this subsection will have retired pay calculated in accordance with the regulations contained in Reference (d) which is available on the Coast Guard Portal.
  - d. If an enlisted member is reduced in rank for any reason while in active status, that enlisted member will retire at the reduced grade unless the member subsequently advances before retirement. When a member subsequently promotes, advances, or is again reduced in grade, the highest grade satisfactorily held will be no higher than the pay grade to which the member promoted, advanced or was reduced. Enlisted members reduced in grade prior to retirement are subject to reduced retired pay calculations in accordance with Title 10 U.S.C. § 1407 (f).
8. Grade on Retiring for Physical Disability. Unless entitled to a higher grade under some other provision of law, any Coast Guard member who retires for physical disability or is placed on the TDRL under 10 U.S.C. § 61 is entitled to the grade or rate equal to the highest of:

- a. The grade or rate in which the member is serving on the date their name was placed on the TDRL or, if their name was not carried on that list, on the date when the member retires.
- b. The highest temporary grade or rank in which the member served satisfactorily, as the Commandant determines.
- c. The permanent regular or Reserve grade or rank to which the member would have been promoted had it not been for the physical disability for which the member retired, and which was found to exist as a result of the member's physical examination.
- d. The temporary grade to which the member would have been promoted had it not been for the physical disability for which the member retired, if eligibility for that promotion was based on cumulative years of service or years of service in grade and the disability was discovered as a result of their physical examination for promotion (10 U.S.C. § 1372).

9. Retired Grade Determination.

- a. An officer is not automatically entitled to retire in the highest grade held. An officer is retired in the highest grade in which the officer served satisfactorily. Such determinations are not punitive; they are an administrative action required by Section 2501 of Reference (a).
- b. If the retirement approving authority has reason to believe an officer should be considered for retirement in a lower grade, including an enlisted member who requested and was not approved to retire in a previously held officer grade, Commander (CG-PSC) will initiate special board proceedings to make a retired grade recommendation to the Commandant.
  - (1) Any documented evidence of misconduct that occurred during an officer's career can trigger a retired grade determination board. Examples include:
    - (a) The officer applied for retirement in lieu of a judicial or administrative separation action.
    - (b) The officer has a court martial conviction.
    - (c) The officer has a civil court conviction, or entered a plea of guilty or no contest, for misconduct.
    - (d) The officer received non-judicial punishment (NJP) or a negative CG-3307, Administrative Remarks for misconduct since the officer's last promotion.

- (e) Any credible information of an adverse nature (e.g., evidence of sexual assault, sexual harassment, bullying, or retaliation), including any substantiated adverse finding(s) or conclusion(s) from an official documented investigation or inquiry.
- c. Once a retired grade determination is initiated, the officer's retirement is suspended until the determination is complete, the officer reaches a mandatory separation date, or a conditional retired grade determination is made.
- d. When a retired grade determination is referred to a special board of officers, the board must consist of at least three officers in the grade of commander or above who all are serving in a grade senior to that of the officer being considered.
- e. If a retired grade determination is referred to a special board of officers, Commander (CG PSC-OPM) must notify the officer being considered in writing of the following:
  - (1) The officer's retirement is being forwarded to a special board of officers for a retirement grade determination;
  - (2) The factual basis for convening the special board;
  - (3) The Commandant makes the final determination of highest grade satisfactorily served;
  - (4) The officer may submit a statement to the special board within 30 calendar days of notification;
  - (5) The officer will, upon request, be provided copies of records or documents to be forwarded to the special board; and
  - (6) The officer has the right to waive or conditionally waive their entitlement to a special board of officers and request to be retired at a lower grade.
- f. The special board of officers will consider the following factors:
  - (1) The nature of the derogatory information or misconduct documented in the officer's military record;
  - (2) The impact any derogatory information or misconduct had on military effectiveness, military order and discipline, and morale;
  - (3) The severity of the derogatory information or misconduct, including any discredit brought upon the Coast Guard or negative impact to other people;
  - (4) The quality and length of the officer's service in each grade held;

- (5) The officer's entire military record, including past derogatory information or misconduct or poor performance and evidence of superior performance;
  - (6) The distinction between legitimate mistakes or unusual errors in judgement, and willful acts of misconduct;
  - (7) The recommendation of the officer's chain of command, if submitted; and
  - (8) Before recommending an enlisted member be retired in a previously held officer grade the special board of officers will consider the reason(s) the officer grade was relinquished.
  - (9) Documents outlined in Documents Viewed by Coast Guard Officer and Promotion and Special Boards, COMDTINST 1410.2 (series).
- g. The Commandant makes the final satisfactory service determination for officers, including warrant officers and enlisted members who request to retire in a previously held officer grade. The special board of officers' acts in an advisory capacity and its recommendation must be considered as such.
10. Conditional Retirement Grade Determinations. When an officer is under investigation for alleged misconduct at the time of retirement, Commander (CG-PSC) may conditionally determine the highest grade satisfactorily held by the officer pending completion of the investigation. If the investigation returns adverse findings, Commander (CG-PSC) will convene a retired grade determination board to reconsider the officer's service in light of the adverse findings and make a recommendation to the Commandant in accordance with Section 3.K.11 of this Instruction.
11. Reconsideration of Previous Retirement Grade Determination.
- a. Retirement Grade Determinations (RGDs) are normally final upon retirement. However, in rare cases, a determination can be reconsidered after retirement if:
    - (1) The retirement or retired grade was procured by fraud.
    - (2) Substantial new evidence is discovered following retirement and could have resulted in a lower grade had the evidence been known at the time of retirement.
    - (3) A mistake of law or calculation was made in the determination of the retired grade;
    - (4) In the case of a retired grade following a conditional determination and the investigation of or personnel action against the officer results in adverse findings; or



- (5) Commander (CG PSC) determines that good cause exists to reopen the determination.
  - b. When an officer's RGD is reopened, Commander (CG PSC) will:
    - (1) Notify the retiree of the reopening; and
    - (2) Not make an adverse determination on the retired grade until the retiree has had a reasonable opportunity to respond regarding the basis for the reopening.
  - c. Retirees shall be afforded all the same rights and procedures during a reopened Retired Grade Determination Board as they were under Section 5.K.9. of this Instruction.
  - d. When considering whether to reopen a RGD based on substantial new evidence under Section 10.a.(2) of this Instruction, Commander (CG-PSC) shall consider the following factors:
    - (1) The nature and seriousness of the new evidence;
    - (2) The strength and veracity of the new evidence;
    - (3) The impact of the new evidence on good order and discipline within the service and degree to which the evidence brings discredit upon the service; and
    - (4) The degree to which the new evidence, if true, would have changed the original character of the retiree's service.
12. Computing Retired Pay.  
 Commanding officers should encourage members applying for retirement to become familiar with the following helpful information.
13. Electing Retirement for Service.
- a. For Members Who First Became a Member of a Uniformed Service on or After 8 September 1980 and before 1 August 1986 and Members Who First Became a Member of a Uniformed Service After 1 August 1986 Who Elected NOT to Receive the Career Status Bonus. If a member elects to retire for service, determine their pay by multiplying two and one-half percent (2.5%) times the number of years and full months of active service to get a "multiplier;" multiply that by their high 36- months' average of basic pay, whether or not consecutive, to derive gross monthly retired pay. Members who had previous drilling Reserve service are entitled to an additional day of active duty for each Reserve point earned. After retirement, the individual may obtain a disability rating from the VA and receive disability compensation from that agency. If so, the member must waive an amount of the Coast Guard retired pay equal to the disability compensation.

- b. For Members Who First Became a Member of a Uniformed Service on or After 1 August 1986 and Who Did Elect to Receive the Career Status Bonus. If a member elects to retire for service, determine pay by multiplying two percent (2%) times the number of years of active service (up to 20 years) and three and one-half percent (3.5%) for each year and full month of active service after 20 years; multiply that times the high 36-months' average of basic pay, whether or not consecutive, to derive gross monthly retired pay. Members who had previous drilling Reserve service are entitled to an additional day of active duty for each Reserve point earned. After retirement, the individual may obtain a disability rating from the VA and receive disability compensation from that agency. If so, the member must waive an amount of the Coast Guard retired pay equal to the disability compensation.
  - c. Satisfactory Service in Higher Permanent or Temporary Grade. Members who retire from service who have served satisfactorily in a higher permanent or temporary grade or rate as Commander (CG PSC-OPM-1), Commander (CG PSC-EPM-1) Commander (CG PSC-RPM), or the Commandant, as appropriate, determines, compute their retired pay on that grade's or rate's basic pay. (See Section 3.K of this Instruction).
  - d. Determination of Retired Pay Formulas. Determining which retired pay formula described in 3.K.12.a, 3.K.12.b, and 3.K.12.c of this Instruction applies depends on the member's "Date of Initial Entry into Military Service" (DIEMS). A member's DIEMS is the earliest date they joined a Uniformed Service either through the Delayed Entry Program, a service academy, their enlistment, induction or appointment. Service Academy cadets and persons in the Delayed Entry Program are considered "members of the Uniformed Service" while they serve in such status. Neither Delayed Entry nor Service Academy time are creditable for computing any member's retired pay multiplier, except that Service Academy time is creditable for enlisted personnel. Service time while attending a Service Academy may not be counted in computing, for any purpose, the length of service of an officer.
14. Physical Disability Retirement. A member with at least eight years of service who receives a physical disability retirement may receive retired pay based on monthly basic pay (entered service on or before 7 September 1980) or high 36-month average (entered service on or after 8 September 1980) at retirement based on the following formulas:
- a. Multiply by the Percentage of Disability. The retired pay of a member placed on the TDRL is at least 50 percent of the pay on which compensation is made, or
  - b. Multiply Number of Years by two and one-half percent (2.5%) and full months of service by one-twelfth of 2.5 percent to obtain the "multiplier;" multiply that by the monthly basic pay or high 36-months' average to derive gross monthly retired pay. An enlisted member may qualify for 10 percent additional pay for extraordinary heroism. An enlisted member with 20 years' or more service may qualify for 10 percent additional pay for good conduct. (See Section 3.K.15 of this Instruction).

- c. For a Member Who First Joined a Uniformed Service on or Before 24 September 1975: That part of the retired pay of a member retired for physical disability based on the percentage of disability is not considered as income for Federal Income Tax.
  - d. For a Member Who First Joined a Uniformed Service on or After 25 September 1975: That part of the retired pay of a member retired for physical disability based on the percentage of disability is considered as income for Federal Income Tax unless caused by a combat-related injury, defined as personal injury or sickness incurred in any of the following circumstances:
    - (1) As a direct result of armed conflict.
    - (2) While engaged in extra hazardous service.
    - (3) Under conditions simulating war.
    - (4) Caused by an instrument of war.
15. Submitting Election. If a physical disability retirement is directed, Commanding Officer, Pay and Personnel Center (PPC) sends the necessary forms to use in electing the method on which to compute retired pay.
16. Extra Retired Pay for Enlisted Personnel for Extraordinary Heroism. Any Regular enlisted member voluntarily or involuntarily retired for 20 years of service who was cited for extraordinary heroism in the line of duty, determined by the Secretary's final, conclusive determination, is entitled to have their retired pay increased by an amount equal to 10 percent of the active duty pay and permanent additions thereto of the grade or rate at which retired (14 U.S.C. § 2307).
17. Retired Pay Multiplier.
- a. See Chapter 16, of Reference (d) to determine a member's retired pay multiplier. This multiplier will be used to determine a member's retired base pay.
  - b. Retirement multiplier charts have been removed from this Instruction. Please see Reference (d) to determine a member's retirement multiplier.
18. Maximum Retired Pay. The maximum retired pay of any member is 75 percent of the basic pay of the grade or rate in which placed on the retired list.
- L. Retired Members' Privileges. Retired members not on active duty are entitled to wear the prescribed uniform of the grade or rate held on the retired list when wearing the uniform is appropriate. They may enjoy the privileges of the commissary stores, ship's service stores, small stores, officer clubs as appropriate to their grade, and armed services exchanges subject to the availability of facilities. Subject to the availability of space and facilities and staff capabilities, retired members and their dependents may receive medical care in Uniformed

Services medical facilities (e.g., the Public Health Service, Army, Air Force, and Navy) and the benefits of the Uniformed Service Health Benefits Program as applicable. Retired members and dependents may receive one round trip per year on a space-available basis on an MSC vessel if they pay the applicable MSC charges for space-available travel. Retired members and their accompanying dependents are eligible to travel on scheduled AMC flights on a stand-by basis only. Retired members may use their military titles in connection with commercial enterprises.

M. Retired Members' Obligations.

1. Regulatory Requirements. Retired members are subject to Coast Guard regulations and Uniform Code of Military Justice. They may be ordered to active duty in time of war or national emergency at the Secretary's discretion but may be so ordered in time of peace only with their consent.
2. Wearing the Uniform. Retired members are forbidden to wear the uniform while engaged in non-military, personal, civilian, or business enterprises. Retired members not on active duty residing or visiting in a foreign country will not wear the uniform except when attending ceremonies or social functions by formal invitation at which the terms of the invitation or the regulation or customs of the country require wearing it.
3. Notification of Address. All retired members must inform the Commanding Officer, Pay and Personnel Center (RAS) of their address.
4. Clearing Published Materials. Retired members are not required to submit for review materials they have prepared for publication. However, if the topic touches upon a national security issue, it is advisable for the author to submit it for clearance. Consult the Coast Guard External Affairs Manual, COMDTINST M5700.13 (series), or contact Commandant (CG-0922) for guidance.
5. Foreign Visits. Retired members desiring to visit foreign countries and places outside the United States continental limits will comply with instructions listed in Reference (s).
6. Foreign Employment. Retired members contemplating employment by a foreign government, or a company owned by a foreign government must submit a written request to Commandant (CG 1M1), for retired regular members or retired Reservists, before accepting such employment. The request process and information required are described in Reference (s).

N. Presidential Recognition upon Retirement from the Coast Guard

1. Purpose. For the purposes of this policy, the Coast Guard will interpret the term "Military Service", defined in Reference (t) to include the Coast Guard.

2. Eligible Members. In accordance with Reference (t) the following additional members may receive a Certificate of Appreciation for Service in the Armed Forces of the United States, DD Form 2542.
  - a. Members receiving a permanent physical disability retirement.
  - b. Any other member (individually or a group), as determined by Commander (CG PSC).
3. Additional Eligible Members. In addition to the personnel listed in Article 2 of the Enclosure to Reference (t), the following members may receive a Presidential Letter of Appreciation for Thirty Years of Service:
  - a. Coast Guard members retiring with at least 30 years of military service. Reserve Component members must have served 30 years of creditable service for retired pay purposes in order to qualify for a retirement letter of appreciation from the President of the United States.
  - b. The Commandant of the Coast Guard.
  - c. The Master Chief Petty Officer of the Coast Guard.
4. Requesting Certificate. Commander (CG PSC) will issue procedures for members to request the Certificate of Appreciation and the Presidential Letter of Appreciation for Thirty Years of Service

## CHAPTER 4. DEPENDENCY OR HARDSHIP DISCHARGES

A. Discussion. Commander (CG PSC-EPM-1), Commander (CG PSC-RPM), or Commander (CG PSC-OPM-1) may authorize or direct enlisted members' and officers' discharge for dependency or hardship. Commanding officers will inform members who desire to request a discharge for dependency or hardship reasons of this information, which explains policies and procedures. Commanding officers should clearly explain to each member submitting a request is not assurance the Commandant will approve the discharge. Each request of this nature is carefully and sympathetically considered and decided on its individual merits.

### B. Policies Governing Discharge.

1. General. In general, the following circumstances or reasons do not qualify for discharge:

- a. Purely financial or business reasons.
- b. Personal convenience.
- c. The member is under charges or in confinement.
- d. The member requires in-patient medical treatment.
- e. A member's wife's pregnancy is not in itself a circumstance for which the Commandant will authorize discharge.

2. Disapproval of Dependency or Hardship Discharge. Commander (CG PSC-EPM-1), Commander (CG PSC-RPM), or Commander (CG PSC-OPM-1) will not disapprove a discharge under this Section solely because:

- a. The member's services are needed in assigned duties, unless certain circumstances prevail, such as war, in which Service needs would override a bona fide hardship.
- b. The member is indebted to the Government, a non-appropriated fund activity, or an individual.

3. Actions by Commander. Commander (CG PSC-EPM-1), Commander (CG PSC-RPM), or Commander (CG PSC-OPM-1) may direct discharge when an undue or genuine dependency or hardship exists, the dependency or hardship is not of a temporary nature, and the conditions have arisen or been aggravated excessively since the member entered the Service. The member must have made every reasonable effort to alleviate the hardship. Examples of meritorious cases are those in which the evidence shows either:

- a. Due to the death or disability of a member of an individual's family, the Service member must support or care for a family member(s); or
- b. The member's family is undergoing hardship more severe than the normal hardships dependents or families of Coast Guard members' encounter.

- c. The hardship is long-term or permanent and discharge will eliminate or materially alleviate the condition.
  - d. No means of alleviation other than discharge are readily available.
4. Verifying Existence of Hardship. Undue hardship does not necessarily exist solely because of altered present or expected income or because the member is separated from their family and must suffer the inconveniences normally incident to a sea-going military service.
- C. Applying For Discharge. After reviewing this Section's contents (commanding officers must assist enlisted personnel by explaining the Commandant's policy), a member may apply in writing for discharge for dependency or hardship to Commander (CG PSC-EPM), Commander (CG PSC-RPM), or Commander (CG PSC-OPM) through the commanding officer. Commanding officers should give sympathetic consideration and assistance in preparing this request. At least two affidavits substantiating the dependency or hardship claim and establishing the dependency or hardship occurred after entry into the Service must accompany such requests. When practical the dependent concerned should provide one such affidavit. The request must contain the following:
- 2. Reason in full for request.
  - 3. Names and addresses of persons familiar with the situation.
  - 4. Marital Status. Statement of marital status and date of marriage.
  - 5. Financial Stability. Member must provide detailed amounts of financial and any other means of contribution to dependent(s).
  - 6. Dependents Information. Dependent's complete home address and occupation. Names, ages, occupations, and monthly income of the individual's family members, if any; the reasons why they cannot care for or support the individual's family; and a statement no family members have been omitted.
  - 7. Supporting Documents. If dependency results from the death of an individual's family member that occurred after the Service member entered the Coast Guard, the member must furnish a death certificate or other valid proof of death. If dependency or hardship results from the disability of an individual's family member occurring after entry into the Service, the member will furnish a physician's certificate showing specifically when such disability occurred and its nature.
- D. Commanding Officer's Actions. The commanding officer will interview the member to elicit any further information and ensure the member has furnished the information this Section requires. The commanding officer's endorsement will include a definite recommendation for approval or disapproval. An enlisted member's endorsement will also state the status of any disciplinary action pending and list Service schools attended.

- E. Safeguarding Privacy. In accordance with the Department of Homeland Security (DHS) Handbook for Safeguarding Sensitive Personally Identifiable Information (SPII), Privacy Policy Directive, 047-01-007, Revision 3. Commands will safeguard any information about the private affairs of Coast Guard members or their families and not disclose it or its source to persons except in the course of their official duties and only when there is a verified need-to-know.
- F. Social Service Agencies' Reports. Commanding officers will not request information and reports from the American Red Cross or other social service or welfare agencies about a member's "home conditions" when a member submits or desires to submit a request for discharge for dependency or hardship. If the commanding officer receives a Red Cross or other agency report relevant to the case, the member should send it to Commander (CG PSC-EPM-1) or Commander (CG PSC-OPM-1) for consideration. Commander (CG PSC-EPM) or Commander (CG PSC-OPM) will request information in individual cases from the Red Cross or other agencies if such action is advisable.
- G. Type of Discharge. Commander (CG PSC-EPM) or Commander (CG PSC-OPM) will grant a member separated for dependency or hardship an honorable or general discharge, as appropriate under Sections 1.B. or 2.B.6. of this Instruction.
- H. Involuntary Discharge. If a commanding officer recommends an involuntary discharge under this Section for an enlisted member whose service record indicates issuance of a general discharge, the commanding officer will afford the member an opportunity to consult with legal counsel before initiating such action. Commander (CG PSC-EPM-1) may require the member to surrender their uniform under Section 2.LL.5 of this Instruction.
- I. Release to Reserve. Members separated for hardship or dependency will not be released to the Reserve.



**CHAPTER 5. DISABILITY RETIREMENT AND SEVERANCE PROCEDURES****A. Retaining Personnel Unfit for Continued Service on Active Duty.****1. Policy.**

- a. General. This section prescribes procedures under which certain active-duty members of the Coast Guard who are eligible for retirement or separation because of physical disability may remain on active duty in a limited assignment status on approval of their application for waiver.
- b. Primary Objective. The primary objective of this program is to conserve human resources by effective utilization of needed skills or experience. A member who is unfit for continued service has no inherent legal or vested right to be continued on active duty, and disapproval of a request for retention has no bearing on the disposition of a case processed under the provisions of Reference (e).
- c. Needs of the Service. Each case involving a request for retention on active duty in a limited assignment status will be considered individually, with decisions based on the Service's needs.
- d. On Completing 20 Years of Service. A member found unfit for continued service by reason of physical disability who is retained on active duty on completing 20 years of service normally will be processed for physical disability separation or retirement.
- e. More than 20 Years of Service. Members, particularly those with more than 20 years of active-duty service, will not remain on active duty unless their retention is justified as being of value to the Coast Guard. Such members will not remain solely to increase their monetary benefits.
- f. Unfit for Continued Service. Members who are unfit for continued service will not be retained on active duty unless they so request.
- g. Reevaluation at Time of Ultimate Retirement or Separation. A member retained on active duty under the provisions of this section will not be penalized for such service. At the time of ultimate retirement or separation, the member's physical condition will be reevaluated and documented to indicate whether the impairment(s) have remained the same, increased in severity, improved, or been cured. The case will then be referred to the Informal Physical Evaluation Board (IPEB). Since the unfit for continued service finding was established by a previous board, a member whose condition has remained the same or increased in severity will be found unfit for continued service because the basis for that finding is still present. A member whose condition has improved or been cured will be reevaluated to determine whether the existing impairment(s) still render the member unfit for continued service by reason of physical disability.

## 2. Criteria.

- a. Considerations. Commander (CG PSC) will consider retaining on active duty in a limited assignment status members who, although unfit because of physical disability, meet these criteria:
  - (1) The member possesses a special skill for which there is a specific Service need.
  - (2) The member's physical condition does not prevent the Service member from performing duty requiring their special skill.
  - (3) Retention will not jeopardize their health nor their associates' health.
  - (4) The disability is stabilized and is not likely to require frequent absence from duty.
  - (5) The member should have at least 18 years but less than 20 years of service.
- b. 18 Years of Service. Members who have at least 18 but fewer than 20 years of service when they are found unfit for continued service or who remain on active duty under Section 5.A.2.a. of this Instruction who attain 18 years of service will remain on active duty until they complete 20 years of service if they meet these criteria:
  - (1) They can perform useful service in an established billet for their grade, specialty, or rating.
  - (2) Their retention will not be detrimental to their health nor a hazard to their associates.

## 3. Procedure.

- a. Physical Disability Evaluation System. The following procedures have been implemented in Reference (e).
  - (1) Members may append a request for retention on active duty to their Medical Board at the time they sign the Evaluatee's Statement Regarding the Findings of the Medical Board Report, Form CG-4920, acknowledging the medical board findings. The request for retention will then be forwarded along with the Medical Board Report. Concurrent action will be taken on their request by Commander (CG PSC-OPM-1) or Commander (CG PSC-EPM-1) and the Informal Physical Evaluation Board (IPEB), and a coordinated reply transmitted with the IPEB findings for the acceptance or rejection of the member. This procedure is intended for, but not limited to, those members who are within six months of eligibility for a normal 20-year retirement.
  - (2) Members who have not previously requested retention on active duty, but who subsequently are found unfit for continued service by the IPEB, may request

retention on active duty. If they desire, the members may make an acceptance of the IPEB findings conditional upon approval of the retention request.

- (3) In the case of those members with more than 18 years but fewer than 20 years active duty, who have not requested retention as described in Section 5.A.3.a (1) of this Instruction, the IPEB will append to any unfit for continued service finding a specific opinion as to whether or not the member meets the medical requirements for retention established in this chapter. This provision is intended to encourage members who are approaching eligibility for a normal 20-year retirement to conditionally accept the IPEB findings and request retention on active duty.
- b. Unfit for Continued Service. Members found unfit for continued service by a Formal Physical Evaluation Board (FPEB) may submit a request for retention on active duty to Commander (CG PSC- OPM-1) or Commander (CG PSC-EPM-1).
- c. Appeal Process. When the Physical Review Council (PRC) or the Physical Disability Appeal Board (PDAB) has determined that a member is unfit for continued service, the member may request retention on active duty.
- d. Requesting Retention. A member desiring retention on active duty in all circumstances should submit a letter request addressed to Commander (CG PSC OPM-1) or Commander (CG PSC-EPM-1) with copy to Commander (CG PSC-PSD-DE) and suitably endorsed with regard to applicable criteria contained in Sections 5.A.2.a or 5.A.2.b of this Instruction.
- e. Commander, Coast Guard Personnel Service Center. Based on the policy contained in Sections 5.A.1 and 5.A.2 of this Instruction, Commander (CG PSC) determines whether to retain the member or proceed with physical disability retirement or separation proceedings.
- f. Letter Notification. In addition to any other notification, Commander (CG PSC OPM-1) or Commander (CG PSC-EPM- 1), as appropriate, will respond by letter to all requests for retention. When retention on active duty is approved, the requirements for periodic evaluation, renewal and termination of retention when Not Fit for Duty (NFFD) will be specified.
- g. Death Imminent/Expedited Review Process. In the event of catastrophic injury, and when a member's death may be imminent, the member's command is responsible for initiating the Expedited Review process by immediately notifying the Flag Plot Duty Officer at the Coast Guard Headquarters Command Center. The purpose of the Expedited Review process is to provide a member, whose death is imminent, with the counsel to represent the member's best interests, and an opportunity to make timely decisions that will maximize applicable benefits for the member's dependents. Failure to initiate the Expedited Review process as soon as it is determined that the member's death may be imminent could prevent the process from being completed

before the member's death and jeopardize the eligibility of the member's dependents for applicable benefits.

4. Periodic Evaluation and Renewals.

- a. Approvals for Retention. Approvals for retention on active duty will be granted for periods up to one year. Before the end of the one-year period, the member will undergo a physical examination and reevaluation of the specified condition(s) that were the basis for the unfit for continued service findings to determine whether to terminate retention on active duty, continue retention, or a return to a full duty status is warranted. Annual examinations will be prepared in Medical Evaluation Board format in accordance with Reference (e), with particular emphasis on any changes in the conditions for which the member initially was found fit for limited duty (FFLD), prognosis, and ability to continue in an FFLD status if further retention is approved. The examination will be sent to Commander (CG PSC-OPM-1) or Commander (CG PSC-EPM-1), as appropriate. The member's commanding officer will insert the words "Retention Waiver Reevaluation" across the top of the Medical Board cover sheet. The commanding officer also will attach a copy of the retention authorization then in effect and adds an endorsement similar to that provided for in Section 5.A.3.d. of this Instruction in case the request is for continued retention.
- b. Determination. Commander (CG PSC) will decide in accordance with the policy contained in Section 5.A.1. of this Instruction and criteria in Section 5.A.2. of this Instruction. The decision will be to grant an additional period of retention or proceed with disability retirement or separation proceedings.
- c. Active-Duty Termination. When retention on active duty is to be terminated, it is important that a thorough exam in the format of a Medical Evaluation Board be conducted to determine whether the evaluatee's original condition has changed, and to identify any new impairments. This Medical Evaluation Board will be submitted to the IPEB so that final adjudication can be started in the disability process.
- d. Retention for Fewer than Six Months. There is no requirement to reevaluate disability or a new Medical Board if the period of retention is fewer than six months from the date the IPEB or FPEB initially found the member NFFD.

5. Aviation Rating Personnel in a Non-Flying Status. Commander (CG PSC-EPM-1) will consider retaining a member in an aviation rating in a non-flying status (i.e., medically grounded) subject to all these conditions:

- a. The member possesses an above average proficiency in an aviation rating for which the Service has a specific need.
- b. The member can perform useful service in an established billet for their rate and rating.

- c. The member's retention will not jeopardize their own or associates' personal health.
- d. AMT and AET in pay grade E-5 or above with at least 10 years of service.
- e. AST in pay grade E-4 or above.
- f. The member submits a written request to Commander (CG PSC-EPM-1 thru Aviation Rating RFMC) to remain on active duty.

6. Terminating Active Duty when Unfit for Continued Service.

- a. Disapproval of Continued Service. Any member retained on active duty under the provisions of this section whose continued retention has been disapproved by Commander (CG PSC), will be processed in accordance with Reference (e), for disability separation or retirement.
- b. Limited Duty Termination. Any member retained on active duty under the provisions of this section who request termination of this limited duty status will be processed in accordance with Reference (e).

B. Final Action on Physical Evaluation Boards.

1. Authority to Take Final Action.

- a. Approval of Proposed Findings. In the Physical Disability Evaluation System (PDES), final action consists of approving specific proposed findings and a disposition of an active duty or retired on temporary disability member and providing the authority to implement the approved disposition.
- b. Authority to Take Final Action. Authority to take final action for the Coast Guard on Informal Physical Evaluation Board (IPEB), Formal Physical Evaluation Board (FPEB), Physical Review Council (PRC) and Physical Disability Appeal Board (PDAB) recommendations, findings, dispositions or modifications thereto is reserved to the Commandant and such other officers designated in the Delegation of Authority, HQINST 5402.3 (series) as follows:
  - (1) Commandant: Fit for Duty (FFD) cases involving flag officers.
  - (2) Secretary of Homeland Security: All other cases of Not Fit for Duty (NFD) involving flag officers.
  - (3) Commandant, Vice Commandant, or Deputy Commandant for Mission Support (DCMS): Specific cases in which the Commandant (CG 1M) has acted as the President, Physical Disability Appeal Board.
  - (4) Commandant (CG 1M): All other cases.

(5) Commander (CG PSC). All O-6 officers or below.

- c. Findings, Dispositions, or Modifications. Findings, dispositions or modifications thereto, made in accordance with the provisions contained in Reference (e), are only recommendations. They are subject to modification by competent authority, until made final by the Commandant or such officers as may be designated herein.

## 2. Final Action Procedure.

- a. Officers Authorized to Take Final Action. Officers authorized to take final action on Physical Evaluation Board may:
  - (1) Approve the recommended findings and disposition of disability boards appropriately transmitted in accordance with Reference (e), for final action; or,
  - (2) Accept and approve a minority report or any other recommendation or make independent substitute findings and/or disposition; or,
  - (3) Refer the case to any board in the PDES for development of additional information or further consideration of any aspect of the case, stating the reasons therefore.
- b. Submitting a Rebuttal to Board Findings. When the Commandant or their designee proposes to accept a minority report or other recommendation or makes independent substitute findings and/or disposition which would either affect the ultimate disposition of the evaluatee as defined in Reference (e), or decrease the evaluatee's temporary or permanent disability retired pay, the evaluatee first is given an opportunity to submit a rebuttal in the manner prescribed in Reference (e), provided the evaluatee has not previously had an opportunity to submit a rebuttal on the same question.

## 3. Disposition of Evaluatee Before Final Action.

- a. Assignment While Undergoing Evaluation. Personnel undergoing evaluation in the physical disability evaluation system normally are not assigned to a new permanent change of station until the physical disability evaluation process is completed. Temporary duty orders may be issued to the evaluatee to obtain additional medical evidence for a disability hearing, appear before a hearing considering the evaluatee for administrative separation other than for physical disability, or such temporary additional duties not deleterious to the evaluatee's medical condition. Evaluatees may be transferred to a home awaiting orders status in accordance with Chapter 2 of Reference (q).
- b. Interim Duty Status. If sick leave or Home Awaiting Orders Status (HAOS) is indicated, the evaluatee's commanding officer will request authority from Commander (CG PSC-OPM-1) or Commander (CG PSC-EPM-1), as appropriate, to take such

action. Consideration will be given to the following factors, in assigning and maintaining a specific interim duty status:

- (1) Limited Duty. When limited duty is assigned pending disposition of the case, evaluatees will be assigned to duties which they can be used effectively without detriment to their physical or mental health.
- (2) Sick Leave. Sick leave may be assigned when an evaluatee is undergoing medical treatment other than hospitalization and cannot perform assigned duties. Sick leave will normally be granted only when the evaluatee is expected to eventually return to a fit for duty status. The provisions of Reference (q), apply to the granting of sick leave.
- (3) Hospitalization. When continued medical treatment is recommended by the FPEB, an evaluatee who is hospitalized at the time will be retained in that status. When hospitalization is no longer necessary, the evaluatee will be assigned an appropriate status consistent with the provisions of this Section. The evaluatee will also receive such follow-up care as necessary. Care from civilian sources will be in accordance with Reference (f).
- (4) HAOS. An evaluatee found unfit for continued service may be placed in HAOS when approved by Commander (CG PSC-OPM-1) or Commander (CG PSC-EPM-1), as appropriate. HAOS normally is used only when the evaluatee cannot perform useful duties commensurate with pay grade at the unit, pending final resolution of the case after the IPEB has rendered a finding of unfit for continued service. On approval of HAOS, the commanding officer will ensure compliance with Reference (q).

#### 4. Final Action When Fit for Duty.

- a. Approval of "Fit for Duty" Status. If a recommendation of "fit for duty" is approved, Commander (CG PSC-OPM-1) or Commander (CG PSC-EPM-1), as appropriate, informs the evaluatee, who then returns to duty and, where applicable, the evaluatee retires or is discharged or released to inactive duty as appropriate under other provision of law or regulations.
- b. Temporary Disability Retired List (TDRL). If the evaluatee is on the TDRL, these provisions apply:
  - (1) Officers. When appropriate, an officer found fit for duty on the TDRL will be ordered to active duty as a retired officer, with their consent. Commander (CG PSC-OPM-1) will also initiate action to reinstate the officer's commissioned or warrant status. For an officer found fit for duty who originally was to be retired, discharged, or released to inactive duty under some other provisions of law or regulations, that action will be completed expeditiously.

(2) Enlisted Members. An enlisted member on the TDRL who is found fit for duty will be afforded the opportunity to reenlist and will be notified of the following by Commander (CG PSC-EPM-1):

- (a) Upon presentation of the notification of the fit for duty finding to any Coast Guard recruiting office within 15 working days, the member will be reenlisted, provided the member is qualified. There will be no further physical examination for the impairments for which temporarily retired.
- (b) Reenlistment will be effected in the grade and rating in which the member served on the date prior to retirement. If placed on the TDRL in a grade higher than that held on the day prior to retirement, the member will be reenlisted in the lower grade.
- (c) Status on the TDRL and disability retirement pay will be terminated either on the day prior to reenlistment or on the 15th day from the date the letter of notification is postmarked, if the evaluatee does not reenlist.
- (d) If the member has a Reserve obligation and does not reenlist, the member will be transferred to or retained in the Reserve to complete such obligation. All time during which the evaluatee was on the TDRL will be counted toward the completion of the Reserve obligation.

5. Final Action When Not Fit for Duty.

- a. If an evaluatee is found "not fit for duty" because of a condition which is not a disability per Reference (e), the evaluatee will be separated without benefits.
- b. If an evaluatee has both a condition that is not a disability, and also a ratable disability, the evaluatee is entitled to benefits only if the ratable disability, considered alone, is determined to render the evaluatee not fit for duty.
- c. If an evaluatee meets the provisions of Reference (e), orders will be issued for the evaluatee's separation with severance pay or retirement, as applicable. See Reference (d) for Effective Date of Disability Retirement or Separation.

6. Date of Separation or Retirement.

- a. Disability. When temporary or permanent disability retirement or disability separation is directed, the effective date of such retirement or separation normally is 20 working days following the date of Commander (CG PSC)'s action. If every effort has been made to meet the separation date within the 20 working day period, but it proves impossible to complete the separation processing (shipment of household goods, OCONUS to CONUS transfer, etc.) within that timeframe, then retention of the member beyond the mandatory date for a period which is absolutely necessary to complete the separation processing may be authorized by Commander (CG PSC- EPM) for enlisted or Commander (CG PSC-OPM) for officers.



Commanding officers must submit a request, via email, for an extension of the separation date and must outline the additional time needed and the reason(s) for the extension.

- b. Retention. The separation or retirement date may be delayed for not more than 24 months if a member has requested, retention on active duty in accordance with the provisions of Section 5.A of this Instruction and the member's request has been approved. In all other areas in which requests for retention on active duty have been approved, final action will be held in abeyance until there has been final reconsideration of recommended findings and disposition as provided for in Section 5.A.1.g. of this Instruction.
- c. Retaining Commissioned Officers. In the case of commissioned officers, the Coast Guard must make every effort to evaluate a member's physical disability prior to a mandatory retirement or discharge date. However, except as provided in Section 3.F.2. of this Instruction for chief warrant officers, if every effort has been made to meet the mandatory date, but it proves impossible to complete physical disability processing then retention of the member beyond the mandatory date for a period which is absolutely necessary to complete the physical disability determination may be authorized by Commandant (CG 1M).
- d. Retention Beyond Expiration of Enlistment. Enlisted members, whose enlistment expires prior to completion of the evaluation of their physical status, may be retained with their consent for a period not to exceed six months in accordance with the provisions of Section 2.K.7.a (1). of this Instruction. They may be retained without their consent for a period not to exceed 30 days in accordance with the provisions of Section 2.K.10. Retirement or Discharge. Whenever evaluatees for personal reasons desire retirement or discharge at the earliest possible date, they may submit a written request to do so to Commander (CG PSC-OPM-1) or Commander (CG PSC-EPM-1), as appropriate. In such a case an evaluatee will request retirement or discharge be effected without delay on completing review and final action on the record of proceedings of the IPEB or FPEB, as applicable. See Reference (e). Commanding officers of evaluatees will advise Commander (CG PSC-OPM-1) or Commander (CG PSC-EPM-1), as appropriate, by message immediately on receiving the evaluatee's request.
- 7. Retirement or Separation for Other Reasons. Evaluatees who meet all qualifications for physical disability retirement but also qualify for retirement or separation for other reasons may, prior to the effective date of retirement, request the Commandant to take no action on the record of proceedings of the Physical Evaluation Board in their case so they may request and retire or be separated for reasons other than physical disability. (See Chapters 1 and 2 of this Instruction).

## CHAPTER 6. ENLISTED HIGH YEAR TENURE

A. Discussion. High year tenure (HYT) is a workforce management tool that establishes limits on the active military service time an enlisted member can complete based on their pay grade. HYT is designed to increase personnel flow, compel members to advance in their rating, and allow more consistent training and advancement opportunities for the enlisted workforce. Reserve enlisted High year tenure (R-HYT) information is found in Chapter 10.B. of this Instruction.

1. Authority. The legal authority for this policy is 10 U.S.C. § 1169.
2. Covered members. This policy applies to active duty and Reserve component enlisted members.
3. Other policies and laws.
  - a. Physical Disability. Reference (e), will take precedence over HYT policy for active duty enlisted members awaiting a fit for duty (FFD) determination. See Section 6.E.2. for specific policy.
  - b. Misconduct. Commander (CG PSC-EPM) may extend a member involuntarily past their required HYT separation date pending the disposition of any offense.
  - c. Members in pay grade E-9. Reference (q) and (u), will take precedence for members in pay grade of E-9 who wish to remain on active duty past their HYT retirement date.

B. Definitions.

1. Active Military Service and Time in Service. All active duty and active duty for training in the United States Army, Navy, Air Force, Marine Corps, Space Force and Coast Guard or any component of these services (10 U.S.C. § 101). A member's total active military service is reflected in their active duty base date (ADBDB). For this Chapter, the term "time in service" is equivalent to the term "active military service." See Chapter 2, of Reference (d), for guidance.
2. Professional Growth Point (PGP). The maximum amount of active military service a member can have for their current pay grade.
3. HYT candidate.
  - a. Members in pay grade E-1 to E-2. A member in the pay grade E-1 or E-2 will not extend or re-enlist, regardless of time in service.
  - b. Members in pay grade E-3 to E-8. A member whose active military service time is greater than or equal to their PGP each year on 31 December, beginning 2015. Regardless of the exact date a member passes their PGP during a calendar year, 31

December will be the cut-off that determines whether or not a member is a HYT candidate. The member will become a candidate on 31 December. Members are responsible for knowing their Active Duty Base Date (ADBD) and understanding when they become a HYT candidate.

- c. Members in pay grade E-9. All members in pay grade E-9 are subject to HYT and will submit a retirement request in accordance with Section 6.G. and 6.H of this Instruction.
  4. HYT PGP waiver. A waiver from this policy granted by Commander (CG PSC-EPM) allowing the member to continue on active duty past the required separation or retirement date listed in Section 6.H. of this Instruction. This is separate and distinct from a waiver described in Reference (u) and Reference (q) for Rating Force Master Chiefs (RFMC).
  5. CSEL waiver. A waiver for members based on assignments as described in Reference (u).
  6. Rating Force Master Chief (RFMC). A waiver for members based on assignment as RFMC as described in Reference (q). RFMCs may only extend beyond the enlisted high year tenure professional growth point limits found in this Instruction to complete their RFMC assignment.
- C. Professional Growth Point Table. The current PGPs in use are listed below. PGPs will be updated based on the needs of the Service.

Table 6-1.C. Professional Growth Point Table

Grade	Professional Growth Point
E-1 and E-2	Completion of enlistment contract. Cannot reenlist or extend.
E-3	Eight years active military service.
E-4	Ten years active military service.
E-5	Sixteen years active military service.
E-6	Twenty years active military service.
E-7	Twenty-four years active military service.
E-8	Twenty-six years active military service.
E-9	Thirty years active military service (see Section 6.H. of this Instruction for additional details).

D. Advancements and reductions in pay grade.

1. Advancements.
  - a. Eligibility to advance.

- (1) Members whose active military service time exceeds their PGP are allowed to advance if that advancement occurs on or before 31 December of the year they reach their PGP.
  - (2) HYT candidates, (i.e., those members whose active military service time is greater or equal to their PGP on 31 December) are not eligible to advance after 31 December, unless authorized by a waiver covered in Section 6.H. of this Instruction. These advancements will be withheld by Commander (CG PSC-EPM) until HYT PGP waiver results are announced. Commander (CG PSC-EPM) will advance the next eligible member as appropriate. HYT candidates who do not receive a HYT PGP waiver with the advancement option will lose their advancement. If a waiver is approved with the ability to advance, the advancement date will not be retroactive.
- b. PGP after advancement. Upon advancement to the next higher pay grade, a member will immediately be subject to the next higher pay grade's PGP. If they advance on or before 31 December, they will not be a HYT candidate unless they exceed the PGP of their new pay grade.
  - c. Withholding advancements for other reasons. If withholding the advancement for another reason, such as exceeding body fat, results in the member becoming a HYT candidate, then the member will follow the HYT policy requirements.
2. Reduction in pay grade for any reason. If a member is reduced in pay grade, the reduction may place the member beyond the reduced pay grade's HYT PGP because the member will have more active military service than the reduced pay grade permits.
    - a. New PGP upon reduction.
      - (1) Members reduced from pay grade E-6 and below will maintain the PGP of one pay grade above the pay grade to which they are reduced.
      - (2) Members will keep the PGP in accordance with (1) of this section for 36 months from the date of reduction. At the end of the 36 months, the member will assume the PGP of their existing pay grade, regardless of their previous pay grade.
      - (3) Members reduced from pay grade E-7 and above will immediately assume the PGP of the pay grade to which they are reduced.
    - b. Change in rate limitations. Members who request a change in rate must adhere to HYT requirements. Commander (CG PSC-EPM) will normally deny requests if the member is unlikely to advance before they exceed their new PGP. Requests may be denied for such reasons as Service needs, conduct, performance, or training opportunities.

3. Prior service pay grades and Reserve pay grades. Members will not use prior service pay grades or Coast Guard Reserve pay grades to determine their PGP.

E. Reenlistments and extensions.

1. Contract length. Members may reenlist or extend their enlistment in accordance with Reference (n). Regardless of their end of contract date, HYT candidates will separate, or retire if eligible, in accordance with Chapter 6.G. of this Instruction.
2. Physical Disability Evaluation System. The PDES process does not exempt a member from becoming a HYT candidate. Members undergoing the PDES process will not be separated or retired for HYT until the PDES process is complete.
  - a. Fit for duty finding.
    - (1) If a HYT candidate does not receive a HYT PGP waiver and is rated fit for duty, they will be processed for separation or retirement when the PDES process is complete or the date required in Section 6.G of this Instruction whichever is later.
    - (2) If a HYT candidate receives a HYT PGP waiver and is rated fit for full duty, they will be processed for separation or retirement by the required date in Section 6.H., of this Instruction.
  - b. Not fit for duty finding. All members found to be not fit for duty, regardless of HYT candidate status or HYT PGP waiver status will be separated in accordance with Reference (e).

- F. Obligated service. HYT policy takes precedence over obligated service. Members may be denied opportunities that result in obligated service past the required separation or retirement date specified in Section 6.H., of this Instruction or the HYT PGP waiver expiration date, whichever is later. Examples include tuition assistance, full time education, and transfer of G.I. Bill benefits to dependents. Commander (CG PSC) will take into account a member's PGP when making assignments that result in obligated service.

- G. Separation. Commander (CG PSC) will separate, or retire if requested and retirement eligible, HYT candidates who do not receive a HYT PGP waiver or other exemption.

1. Timeline.

- a. E-3 to E-8. All HYT candidates (E-3 to E-8) will separate, or retire if requested and retirement eligible, no later than 1 October of the year following the year their active military service time exceeds their PGP, unless granted a HYT PGP waiver.
- b. E-9 with a CSEL or RFMC waiver. Members who receive a waiver as described in Reference (u), Gold Badge/RFMC, will retire at the end of their assignment, no later than 1 October.

- c. E-9 without a CSEL or RFMC waiver. Members who do not receive a waiver as described in Reference (u) or Reference (q) will retire as follows:

- (1) Members who reach 34 years active military service between 1 January and 31 August will retire on 1 October of the year they exceed their PGP.
- (2) Members who reach 34 years active military service between 1 September and 31 December will retire on the first day of the next month after they reach 34 years active military service.

2. Nature of discharge or retirement.

a. Narrative reason.

- (1) Narrative reason for discharge is Maximum Service or Time in Grade and the separation is involuntary.
- (2) Narrative reason for retirement is Maximum Service or Time in Grade and the separation is voluntary.

b. Limitation of boards.

- (1) An administrative separation board is not authorized for members discharged due to HYT.
- (2) Because the HYT policy covers discharges and retirements, an involuntary retirement board described in 14 U.S.C. § 2307 is not authorized for members separated due to HYT.

3. Requesting an Earlier Separation Date. The member may request to Commander (CG PSC-EPM) to be separated or retired, if eligible, due to HYT, up to six months prior to their required separation date. In this case, the nature of the separation is involuntary.

4. Separation Pay.

a. Eligibility.

- (1) HYT candidates may be eligible for separation pay if they are not retirement eligible. (10 U.S.C. § 1174 (e) (2) (A)).
- (2) HYT candidates are not eligible for separation pay, if at the time of their required separation:
  - (a) They are eligible for retirement, or

- (b) They refuse or do not complete the service required by a waiver specified in 6.H. of this Instruction that would have made them eligible for retirement.

(3) Computing separation pay will be made in accordance with Reference (d).

- b. Affiliation with the Coast Guard Reserve. Members will not receive separation pay unless they agree to affiliate with the Coast Guard Reserve in accordance with 10 U.S.C. § 1174 and follow guidance in Reference (d), including recouping the separation pay after earning a military retirement.

#### H. HYT PGP, CSEL and RFMC waivers.

##### 1. Granting waivers.

##### a. Authority.

- (1) Commandant (CG 1M) will determine, for each rate (defined in 10 U.S.C. § 101):
  - (a) The maximum number of HYT PGP waivers to be granted.
  - (b) Whether the HYT PGP waivers will allow advancement. For each year, all members in a rate will be treated equally with regards to the ability to advance while on a waiver.
- (2) Commander (CG PSC-EPM) is the sole waiver granting authority for HYT PGP waivers.
- (3) Commander (CG PSC-EPM) will determine the length of each waiver granted. The length of the waiver does not need to be the same for every member in a rate for that year.
- (4) Commander (CG PSC-EPM) will announce which HYT candidates are eligible to request a waiver at least thirty days before convening a HYT PGP waiver panel.
- (5) HYT candidates who are not named in this announcement will separate or retire as required by Section 6.G. of this Instruction.
- (6) Commander (CG PSC-EPM) may extend service beyond 30 years for members in pay grade E-9 who are selected for a Gold Badge Command Master Chief (CMC) or Rating Force Master Chief (RFMC) position in accordance with Reference (u).
- (7) Commander (CG PSC-EPM) may extend service beyond 30 years for members in pay grade E-9 who are selected for a Rating Force Master Chief (RFMC) position in accordance with Reference (q).

##### b. HYT Candidates.

- (1) Members who do not have to request a waiver per Section 6.H.1.a. (1)(a) of this Instruction will respond to Commander (CG PSC-EPM) as directed.
  - (2) Members who are eligible to submit a HYT PGP waiver per Section 6.H.1.a. (3) of this Instruction may submit a waiver request to Commander (CG PSC-EPM) as directed.
  - (3) Members in the pay grade E-9 will not receive a HYT PGP waiver, and should compete for a CSEL or RFMC assignment to remain on active duty past their required retirement date.
- c. Waiver length. HYT PGP waivers will typically be granted for one to three years based on the needs of the Service, and will normally expire on 1 October of the applicable year. Commander (CG PSC) may extend an existing waiver based on the needs of the Service.
  - d. Appeals. Waiver decisions cannot be appealed.
2. Service while on a HYT PGP waiver.
- a. Other separation policies. All members who have been granted a waiver to their HYT PGP will be subject to all Coast Guard policies and processes. All other separation policies, including misconduct, maximum allowable weight, DUI, or other alcohol/substance use disorder offenses, etc. are in effect and may result in a member separating or retiring prior to the expiration of the waiver. Separation as a result of these policies may impact separation pay.
  - b. HYT PGP waiver reenlistments and extensions. A member with an approved HYT PGP waiver may extend their enlistment past the expiration of the waiver. However, the HYT policy takes precedence and the member will separate at the expiration of the waiver.
  - c. HYT PGP waiver advancement.
    - (1) Members are not allowed to advance in the calendar year when the waiver expires.
    - (2) HYT candidates who advance in accordance with their waiver will assume the PGP of their new pay grade.
    - (3) If the member's active military service time is below the new PGP, the member will no longer be a HYT candidate and the HYT PGP waiver will be cancelled, otherwise the member will maintain their original waiver and separation date.



- (4) Any subsequent reduction in pay grade after the HYT PGP waiver is cancelled will be treated in accordance with Section 6.D.2 of this Instruction.

3. HYT PGP waiver cancellations.

- a. Authority. Commander (CG PSC-EPM) is the sole authority for HYT PGP waiver cancellations.
- b. Reasons for cancellation. A HYT PGP waiver may be cancelled for any reason and at any time, generally based on the member's poor performance or inability to meet any conditions specified in the waiver.
- c. Appeal. A waiver cancellation may not be appealed.
- d. Separation or retirement date. Members must separate, or retire if requested and eligible, as a result of the waiver cancellation within six months of the cancellation or by the expiration of the waiver, whichever is sooner.

## CHAPTER 7. SENIOR ENLISTED CONTINUATION BOARD

- A. Discussion. The Senior Enlisted Continuation Board (SECB) must carefully consider, without prejudice or partiality, the record of every eligible candidate and not select for continuation those senior enlisted members whose service is no longer in the best interest of the Coast Guard. Those members not continued must be retired in accordance with this Instruction.
1. Authority. The legal authority for this policy is 10 U.S.C. § 1169.
  2. Covered members. This chapter applies to active duty and Reserve component senior enlisted members only. Members in pay grades E-7 and above are considered senior enlisted members. All Sections of Chapter 7 of this Instruction also apply to the Reserve Senior Enlisted Continuation Board (R-SECB).
  3. Reserve Senior Enlisted Continuation Board (R-SECB). Authority. The legal authority for this policy is 10 U.S.C. § 12681. Commander (CG PSC-RPM) must perform all roles and responsibilities that Commander (CG PSC-EPM) performs for the active component. R-SECB candidates include Reserve enlisted members in paygrade E-7 or higher whose total qualifying service (active and reserve) equals 20 years or greater.
  4. Other Coast Guard policies and laws.
    - a. Physical Disability.
      - (1) Reference (e), must take precedence over SECB policy for active duty enlisted members awaiting a fit for duty (FFD) determination.
      - (2) The PDES process does not exempt a member from becoming an SECB candidate. SECB candidates must be reviewed by the SECB regardless of status/progress in the PDES.
      - (3) If an SECB candidate is not continued and is rated fit for duty, they must be processed for length of service retirement when the PDES process is complete or the date required in Section 7.H. of this Instruction, whichever is later.
      - (4) All members found to be not fit for duty, regardless of SECB status, must be separated for physical disability in accordance with Reference (e).
    - b. Misconduct. Commander (CG PSC-EPM) may suspend SECB non-continuation retirement orders pending the disposition of any offense.
    - c. HYT Year Policy.

- (1) The SECB policy aligns with the HYT policy described in this Instruction. However, the two policies are distinct and should not be confused with each other.
- (2) HYT PGP waivers for SECB non-continued members must be cancelled in accordance with Section 6.H.3.b. of this Instruction.

d. Other Personnel Boards

- (1) Non-continued members are not entitled to a reenlistment board as described in this Instruction.
- (2) Non-continued members are not entitled to an administrative separation board as described in this Instruction.
- (3) The SECB is separate and distinct from individual involuntary retirement board (IIRB) described in Section 3.I.3. of this Instruction. The SECB is a proactive review of SECB candidates across the Coast Guard while the IIRB is convened on a case by case basis.

B. Roles and Responsibilities.

1. Assistant Commandant for Human Resources. Commandant (CG 1M) must annually determine if Commander (CG PSC) must hold an SECB.
2. Commander, Coast Guard Personnel Service Center (CG PSC).
  - a. Commander (CG PSC-C) serves as the approving authority for this Board.
  - b. Commander (CG PSC-EPM) must:
    - (1) Announce the names of SECB candidates at least thirty days before convening an SECB.
    - (2) Determine membership serving on the board in accordance with Section 7.G.3. of this Instruction.
    - (3) Conduct the board.
    - (4) Approve or modify the recommendations of the board. Such a modification must only be to continue a member who was incorrectly recommended for non-continuation.
    - (5) Notify non-continued members in writing of the results of the SECB as least 6 months prior to their involuntary retirement date.

(6) Retire members not continued by the SECB in accordance with Section 7.H. and other retirement policy in this Instruction.

3. Enlisted Members. All enlisted members must:

- a. Be responsible for knowing their active duty base date (ADBDB) and understanding when they become an SECB candidate,
- b. Contact Commander (CG PSC-EPM) in case their name is erroneously added or omitted from the SECB candidate announcement list, and;
- c. Review their records for accuracy and make corrections in accordance with Correcting Military Records, COMDTINST 1070.1 (series).

C. Definitions.

1. Active military service. All active duty and active duty for training in the United States Army, Navy, Air Force, Marine Corps, Space Force and Coast Guard or any component of these services. (10 U.S.C. § 101). The term active military service is interchangeable with the term time in service (TIS). Both are reflected in a member's active duty base date (ADBDB).
2. SECB Candidate.
  - a. An enlisted member in paygrade E-7 or higher whose active military service time meets the following criteria on 31 December of each year.
    - (1) 20 to 21 years active military service;
    - (2) 25 to 26 years active military service; or
    - (3) 30 to 31 years active military service.
  - b. Regardless of the exact date a member meets this criteria during a calendar year, 31 December will be the cut-off that determines whether a member is an SECB candidate, and is the date the member must become an SECB candidate.
  - c. The SECB may be held at any time during the calendar year in which an enlisted member becomes an SECB candidate or during the following year. However, if the SECB is held in the following year, the SECB must be held early enough to allow Commander (CG PSC) to comply with the notification requirement in Section 7.B.2.b. (5) of this Instruction. An SECB candidate must only be considered by one SECB at each active military service milestone listed in Section 7.C.2 of this Instruction.
3. Non-continued members. Any SECB candidate explicitly non-continued by the SECB. These members must retire in accordance with Section 7.H. of this Instruction.

4. Omissions. Any member required to be an SECB candidate, but who was not considered by the SECB. Such a member must be reviewed as an SECB candidate at the next SECB that is convened, regardless of the member's total active military service.

D. Advancements, Time in Rate (TIR), Appointments, and Reductions in pay grade.

1. SECB policy is based solely on the amount of active military service and is not impacted by advancements, TIR, or reductions in pay grade.
2. Non-continued members must not advance prior to retirement.
3. Non-continued members may not apply for appointment as a Warrant Officer (WO).
4. Non-continued members who have applied for appointment as a WO, but who have not been selected for the WO Final Eligibility List, will be removed from further consideration for WO, including removal from the WO Pre-board Eligibility list.
5. An SECB candidate will not be reviewed by the SECB if they were previously selected by a WO Appointment Board and selected for an effective WO Final Eligibility list. However, if the SECB candidate is not appointed as a WO, refuses appointment, or is removed from the effective WO Final Eligibility List, then that member will be reviewed as an SECB candidate at the next SECB that is convened, regardless of the member's total active military service.

E. Reenlistments and extensions. Members may reenlist or extend their enlistment in accordance with Reference (n). Regardless of their end of contract date, non-continued members must retire in accordance with Chapter 7.H of this Instruction.

F. Obligated service. SECB policy takes precedence over obligated service. Members may be denied opportunities that result in obligated service past the required retirement date specified in Section 7.H. of this Instruction. Examples include tuition assistance, full time education, and transfer of G.I. Bill benefits to dependents.

G. Conducting the SECB.

1. Reasons for Non-continuation.

- a. The SECB must only recommend members for non-continuation for reasons listed in this Section.
  - (1) Substandard performance of duty,
  - (2) Performance probation or incompetency,
  - (3) An unsatisfactory conduct mark,

- (4) Moral or professional dereliction, including, but not limited to Relief for Cause,
  - (5) Failure to meet service norms or regulations concerning alcohol abuse including, but not limited to, documented instances or conviction(s) for operating a vehicle, or any other mode of transportation under the influence of alcohol or controlled substances during the period of review,
  - (6) Any documented instances of sexual assault and/or harassment,
  - (7) Any documented instances of Equal Employment Opportunity (EEO) violations,
  - (8) Any documented offense that meets the criteria for separation under Sections 2.Q.2.b. and 2.Q.2.c. of this Instruction,
  - (9) Financial irresponsibility; such as failure to pay just debts or a pattern of government travel charge card (GTCC) delinquency due to misuse or pattern of failure to pay outstanding balance, or
  - (10) Other documented adverse information clearly indicating that the SECB candidate's continuation may be inconsistent with national security interest or may otherwise not be in the best interest of the Coast Guard, not limited to revocation of security clearance.
- b. Even if a member meets one or more of the criteria in Section 7.G.1.a. of this Instruction, the Board may still recommend the member for continuation.
  - c. The SECB must not be given a target number to select for non-continuation.
2. Window for Review. The SECB may only recommend an SECB candidate for non-continuation based on matters of record created within five years of the date that a member becomes a candidate.
  3. Membership Requirements. The board must be composed of:
    - a. A minimum of five personnel in the pay grade of E-9 or higher,
    - b. The president must be a captain or senior, and;
    - c. At least 50% of the membership must be enlisted in the pay grade of E-9. If serving as a member, the Master Chief Petty Officer of the Coast Guard must count towards this requirement.
  4. Board Report. Each board's report must contain:
    - a. A cover sheet,

- b. A membership roster,
- c. The convening, meeting, and adjourning dates,
- d. A list of candidates recommended for continuation,
- e. A list of candidates not recommended for continuation,
- f. A certification that in the opinion of at least three members if the board has five, or two-thirds of the members if the board has six or more members, the candidates who are recommended for non-continuation, and;
- g. Each member's signature.

#### H. Retirement.

##### 1. Timeline.

- a. All non-continued members will retire no later than 1 October of the year following the year they became an SECB candidate. Non-continued members with a previously approved retirement occurring after this date must have their retirement date adjusted to comply with this Section.
- b. The member may request to Commander (CG PSC-EPM-1) to be retired, due to non-continuation, up to six months prior to the above required separation date. The nature of the retirement must not change because the member requested an earlier retirement.

##### 2. Nature of retirement.

- a. The SPD code must be LBD and the retirement is involuntary.
- b. The Reenlistment Eligibility (RE) code is 2.
- c. Commander (CG PSC-EPM) will grant a member retired an honorable or general discharge, as appropriate under 2.B.6. of this Instruction.

##### 3. Separation pay. SECB candidates must be retirement eligible upon separation and are therefore not eligible for separation pay (10 USC § 1174 (e)(2)(D)).

**CHAPTER 8. SELECTIVE EARLY RETIREMENT BOARD (SERB)**

- A. Overview. This Chapter states policies and standards for holding a SERB to involuntary retire Coast Guard regular warrant officers. Policies and standards for Reserve officers, including warrant officers, are located in Chapter 10 of This Instruction.
- B. Legal Authority. The legal authority for this policy is 10 U.S.C. § 581.
- C. Roles and Responsibilities.
1. The Commandant may, whenever the needs of the Coast Guard dictate, convene a board to recommend for retirement those warrant officers whose names are not on a list of warrant officers recommended for promotion and who are retirement eligible under any provision of law.
  2. The Commandant must prescribe the maximum number of warrant officers who may be selected for early retirement.
  3. Commander (CG PSC) must convene the SERB and promulgate additional procedures as necessary.
- D. Eligible Candidates. All warrant officers in the grade of W-4 who do not meet any of the following criteria must be considered by the SERB:
1. Officers who have been previously considered by a SERB;
  2. Officers serving in a temporary grade;
  3. Officers who are not eligible for retirement under any provision of law;
  4. Officers who are on a list of warrant officers recommend for promotion;
  5. Officers with an approved retirement; or
  6. Officers to be mandatorily retired under any other provision of law during the fiscal year in which the board is convened or during the following fiscal year.
- E. Composition of the SECB. The board must consist of at least five officers on the active duty promotion list above the grade of lieutenant commander. Warrant officers senior to those under consideration may be assigned as additional members of the board.
- F. Oath of Members. Members of the selective early retirement board must swear that they will, without prejudice or partiality and having in view both the special fitness of officers and the efficiency of the Coast Guard, perform the duties imposed upon them.
- G. Communication with the SERB. Policies and standards for communicating with Chief Warrant Officer Selection Boards in Reference (c) apply to communicating with the SERB.



H. Submission of Report. The board must submit a report of its proceedings as outlined below:

1. A cover sheet,
2. Listing of membership,
3. A listing of the convening, meeting, and adjourning dates,
4. A listing of the names of chief warrant officers recommended for early retirement,
5. A certification that, in the opinion of at least a majority of the members of the board, the officers recommended should be retired,
6. The signature of each member,
7. The original precept, appended, and
8. The report of the board must be submitted to the Commandant for approval, modification, or disapproval. If the board has acted contrary to the law or regulation, the Commandant must return the report for proceedings in revision and resubmission.

I. Warrant Officers Recommended for Retirement.

1. Date Retirement is Authorized. A warrant officer who is recommended for retirement and whose retirement is approved by the Commandant must be retired, under any provision of law under which the officer is eligible to retire, on the date requested and approved by the Commandant. This date must not be later than the first day of the seventh month beginning after the month in which the Commandant approves the report of the board which recommended the warrant officer for retirement.
2. Classification as Involuntary Retirement. The retirement of a warrant officer pursuant to this section must be an involuntary retirement for purposes of any other provision of law.

**CHAPTER 9. RESERVE COMPONENT MANAGERS (RCMS)**

- A. Overview. This Chapter states policies and standards for separating RCMs, including release to inactive duty and retirement.
1. After release from active duty, former RCMs may be discharged or retired in accordance with Chapter 1 of this Instruction.
  2. Permanent and provisional RCMs must be treated the same in all respects like Regular officers of the same grade for the purposes of this Instruction, unless specifically required by law or Coast Guard policy.
- B. RCM Designation. RCMs must serve on active duty with a Reserve commission (10 U.S.C. § 12011).
1. Release from active duty for any reason must cause the officer to lose their RCM designation.
  2. An RCM may remove their designation and stay on active duty in accordance with Chapter 7 of Reference (c).
- C. Voluntary Release from Active Duty.
1. Removal of Designation. Commander (CG PSC-RPM) may remove an RCM's designation and release the officer to inactive duty upon the RCM's request.
  2. Refusal to Accept Promotion. An RCM who does not accept an active duty promotion must be released to inactive duty on the last day of the month in which the promotion would have been effective unless the member is eligible for and requests retirement on the first day of the following month. The RCM will, if otherwise eligible, be promoted on the IDPL.
- D. Separation for Cause. The causes for separation listed in Section 1.N.4 of this Instruction apply to separating a RCM.
1. Board Members. At least one Reserve officer must serve as a member of each of the boards described in this Section.
  2. Permanent RCM with Five Years of Service. A permanent RCM with at least five years commissioned service, not to be confused with five years of service as an RCM, being considered for discharge or release from active duty must be processed using the three-board process described in Section 1.N of this Instruction.
  3. Permanent RCM with fewer than Five Years of Service. A permanent RCM with fewer than five years commissioned service or any provisional RCM, regardless of the years of commissioned service, must be processed for discharge or release from active duty as outlined in Section 1.J.2 of this Instruction.

E. Failure of Selection for Designation, Promotion, or Continuation.

1. Failure of Designation. A provisional RCM who is not designated for permanency must be released to inactive duty not later than 30 June of the promotion year in which the non-designation occurs.
2. Failure of Selection.
  - a. An RCM who fails selection for promotion on a fully qualified basis to the next higher grade must be released to inactive duty not later than 30 June of the promotion year in which the non-selection occurs.
  - b. An RCM who fails selection for promotion to the next higher grade for a second time on a best qualified basis must be released to inactive duty not later than 30 June of the promotion year in which the second selection failure occurs, unless exempted by Section 9.E.3 of this Instruction.
3. Protection from separation for failure of selection. The following officers are exempted from Section 9.D.2 of this Instruction and must not be involuntarily released from active duty as result of non-selection for promotion. Credit towards a reserve retirement must not be considered for continuation on active duty.
  - a. An RCM who has at least 18 but less than 20 years of active duty on 30 June of the promotion year in which they fail selection for a second time. (10 U.S.C. § 12686).
  - b. A permanent RCM in the grade of Commander with less than 18 years of active duty.
  - c. A permanent RCM in the grade of Lieutenant Commander who has over 15 years of active duty on 30 June of the promotion year in which they fail selection for a second or more time.
  - d. A permanent RCM in the grade of Lieutenant Commander who has less than 15 years of active duty on 30 June of the promotion year in which they fail selection for a second or more times must be considered for retention by an RCM retention board following the RCM selection board.
    - (1) Officers approved for retention will be continued for two years and may be continued multiple times.
    - (2) The RCM retention board must select officers on a fully qualified basis.
4. Captains - Failure of Continuation.
  - a. RCM captains eligible for active duty retirement and not recommended for continuation on active duty by a board convened for that purpose must be retired no

later than 30 June of the promotion year in which the board convened unless they otherwise request retirement.

- b. RCM captains ineligible for active duty retirement under any provision of law and not recommended for continuation by a board convened for that purpose remain on active duty for release to inactive duty or retirement, if they request, on the last day of the month in which they complete 20 years of active duty, unless removed earlier under another provision of law.

- 5. Timeline for Failure of Selection. RCMs must follow the same timelines as Regular officers, listed in Section 3.E. and 1.M. of this Instruction.

F. Completing 30 Years' Commissioned Service.

- 1. RCMs serving as CAPTAIN or below. RCMs serving as captain or below must be released to inactive duty on the last day of the month in which they complete 30 years of commissioned service unless they request retirement effective on the first day of the following month.
- 2. RCMs with more than 30 Years. Unless earlier released under other provisions of law or regulations, RCMs with over 30 years of commissioned service but ineligible to retire under 14 U.S.C. § 2152 continue on extended active duty until the last day of the month in which they become eligible to retire. They must then be released to inactive duty unless they request retirement on the first day of the next month.

- G. Mandatory Retirement of Running Mates. RCM captains must be released to inactive duty unless they are eligible for and request retirement on or before the date (30 June) their running mates retire on completing 30 years' commissioned service under 14 U.S.C. § 2149. Unless earlier released under other provisions of law or regulations, an RCM ineligible to retire under 14 U.S.C. § 2152 continues on active duty until the last day of the month in which member becomes eligible for a regular retirement. The officer must then be released to inactive duty or, at their request, retired.

H. Separation Pay Entitlement.

- 1. RCMs Released from Active Duty. Any RCM released from active duty under these provisions is entitled to separation pay under 10 U.S.C. § 1174, provided member has served six or more continuous years of active duty immediately before the release date.
- 2. Breaks in Active Duty. Periods of active duty that have breaks of 30 days or less are considered continuous service when determining eligibility for Separation Pay.
- 3. Releasing RCMs. Any RCM may, at their request, be released to inactive duty at an earlier date without loss of benefits as if they had been discharged on the date specified under Section 9.E of this Instruction.

I. Grade on Retirement.

1. Highest Grade on Retirement. Section 3.K. of this Instruction applies to retiring RCMs for determining Highest Grade on Retirement.
2. Retiring at Grade Which Promoted. An RCM who is on an approved list of officers selected for promotion to the next higher grade who retires for physical disability under 10 U.S.C. Chapter 61 before being promoted, retires in the grade to which member was selected for promotion. (14 USC § 2155).

## CHAPTER 10. SEPARATION, RETIREMENT, TRANSFER TO THE RETIRED RESERVE

A. Separation of Reserve Officers. The provisions outlined in this Instruction concerning separation of officers, also apply to officers in the Reserve, except as specifically modified in this Section. The modifications apply to Reserve officers not serving on EAD or RCMs. Commander (CG PSC-RPM) is the point of contact for Reserve officers and RCMs. Reserve officers serving on EAD, excluding RCMs, are managed by Commander (CG PSC-OPM).

1. Resignation. A Reserve officer's letter of resignation will set forth the reason for the resignation and will be submitted in standard memorandum format to Commander (CG PSC) via the chain of command. Each resignation will be considered on its individual merits, taking into account the interests of national security and the needs of the Coast Guard.
  - a. The resignation of a Reserve officer may not be accepted if:
    - (1) The member has remaining military or contractual service obligation unless the resignation is submitted along with a request for conditional release for the purpose of becoming a member of another Armed Force; or
    - (2) Received when a state of emergency exists during which the needs of the Service clearly preclude acceptance of a resignation.
  - b. A Reserve officer who becomes a regular or ordained minister of religion is entitled upon their request to be discharged from their Reserve appointment, in accordance with 10 U.S.C. § 12682. The resignation of a Reserve officer may be accepted if accompanied by written evidence they have become a regular or duly ordained minister of religion. The ministry must be the officer's primary vocation; their religious faith group must be recognized substantially for religious purposes; their standing in the faith group must be recognized as that of a minister or leader; and they must be certified by an applicable official of the faith group to be a fully qualified member of the clergy in good standing.
  - c. Unqualified resignations may be submitted up to one year in advance but must be submitted in sufficient time to reach Commander (CG PSC-RPM) at least three months prior to the requested date of resignation.
  - d. Resignations may be withdrawn with the approval of Commander (CG PSC-RPM).
  - e. The Commandant may retain officers beyond the requested resignation date based on the needs of the Service in accordance with 10 U.S.C. § 12305.
2. Involuntary Separation. Officers in an active status (SELRES, IRR, ASL), with at least five years of service as commissioned officers, cannot be separated without their consent except under an approved recommendation of a board of officers, in accordance with 10 U.S.C. § 12683.

- a. Separation for cause of Reserve officers serving on active duty will apply equally to inactive duty Reserve officers, in accordance with this Instruction.
  - b. Provisions concerning separation of Reserve officers as a result of unsatisfactory participation can be found in Chapter 3, of Reference (v).
3. Mandatory Retirement of Reserve Flag Officers. Unless retained in or removed from an active status under any other law, a Reserve rear admiral or rear admiral (lower half) will be retired on 1 July of the promotion year immediately following the promotion year in which that officer completes four years of service after the appointment of the officer to rear admiral (lower half), in accordance with 14 U.S.C. § 3754(a).
4. Separation of Officers After 30 Years Service. All Reserve commissioned officers in pay grades O-6 and below, who are not carried on an approved list of selectees for promotion to the grade of rear admiral (lower half), will be removed from an active status after completion of 30 years total commissioned service. The total commissioned service of an officer who has served continuously in the Reserve Component following appointment in the grade of ensign will be computed from the date on which that appointment was accepted, in accordance with 14 U.S.C. § 3751.
- a. A Reserve officer initially appointed in a grade above ensign is considered to have whichever period of commissioned service is greater of the following:
    - (1) The total commissioned service actually performed in a grade above CWO (including commissioned service performed in other components prior to appointment in the Coast Guard Reserve); or
    - (2) The same total commissioned service as an officer of the Coast Guard who has served continuously from an original appointment as ensign, who has not lost numbers or precedence, and who is, or was at the time of original appointment, immediately junior to the Reserve officer.
  - b. The Date of Commission column of the Register of Officers, PSCINST M1427.1 (series) is used as a guide for determining when officers may be removed from an active status. They will be removed on 30 June immediately following completion of 30 years total commissioned service.
  - c. CWOs will be removed from an active status after completion of 30 years of total service. Members without an approved retirement for the 1<sup>st</sup> of the following month on file, will be transferred to the ISL the day after completing 30 years TIS.
5. Reserve Officer Mobilization Screening. In accordance with 10 U.S.C. § 12683, Commander (CG PSC-RPM) will annually screen officers in the ISL for transfer to the Retired Reserve or separation for officers who have been in the ISL for more than three years and have limited potential for mobilization. Retention in the ISL will be guided by the following:

- a. Officers who possess critical skills, which would benefit the Coast Guard in the event of mobilization, will be recommended for retention in the ISL;
  - b. Officers will not be recommended for retention in the Standby Reserve (ASL or ISL) solely to allow them to reach the age necessary to qualify for transfer to RET-1, unless they retain potential for mobilization; and
  - c. Officers who show potential for future active participation in training may be recommended for return to an active status provided they were not transferred to the ISL as a result of selection or retention board action.
- B. Separation of Enlisted Reserve Members. The provisions outlined in this Instruction concerning separation of enlisted members apply to enlisted members in the Ready Reserve, except as specifically modified in this Section. The modifications apply to enlisted reservists not serving on EAD. Commander (CG PSC-RPM) is the point of contact regarding all separation purposes for enlisted reservists.
- 1. Physical examination requirements. Requirements will be based on the type of discharge in accordance with Reference (f).
  - 2. Early Separations. The only early separations authorized for reservists are early discharge for immediate reenlistment, such as when the normal date of expiration of enlistment falls on the date when the reservist is not scheduled to perform duty. Early separation to pursue education is not authorized for reservists not serving on long-term active duty.
  - 3. Personal or Extreme Community Hardship. Transfers from the SELRES to the Standby Reserve (ASL or ISL), as opposed to separation, due to personal or extreme community hardship will be processed, in accordance with Chapter 5 of Reference (v).
  - 4. Regular or Ordained Minister of Religion. A Reserve enlisted member who becomes a regular or ordained minister of religion is entitled, upon their request, to be discharged from their Reserve enlistment, in accordance with 10 U.S.C. § 12682. A Reserve enlisted member's request for separation may be approved if accompanied by written evidence they have become a regular or duly ordained minister of religion. The ministry must be the member's primary vocation; their religious faith group must be recognized substantially for religious purposes; their standing in the faith group must be recognized as that of a minister or leader; and they must be certified by an applicable official of the faith group to be a fully qualified member of the clergy in good standing.
  - 5. Date and Time of Separation While Not in a Duty Status. The discharge of a reservist who is not on duty on the date of separation takes effect at 2400 hours on the effective date of separation, regardless of when the separation documents are received in the mail.
  - 6. 30 Years of Total Service. Enlisted members will be removed from an active status after completing 30 years of total service; the Service need not be satisfactory toward non-



regular retirement. Members without an approved retirement for the 1<sup>st</sup> of the following month on file, will be transferred to the ISL the day after completing 30 years TIS.

7. Reserve High Year Tenure (HYT). Reserve HYT is flexible by rate and designed to improve management of the enlisted workforce by better balancing the need for experienced personnel with greater advancement opportunity. Reserve HYT will consider total TIS, which counts all years of military service (Active and Reserve from any Service component), including those in which reservists may not have earned enough points to receive a satisfactory year toward a non-regular retirement. Those members not retained will be retired or separated in accordance with Chapter 10 of this Instruction.
  - a. Legal Authority. The legal authority for this policy is contained in 10 U.S.C. § 12681.
  - b. Candidates. Reserve HYT applies to all Ready Reserve (SELRES and IRR) enlisted members who reach or exceed the Professional Growth Points (PGPs) detailed below by Fiscal Year (FY):
    - (1) The PGP for E-3/E-4 will be 20 years in 2016/2017, 10 years for E-3 and 14 years for E-4 2018 and beyond.
    - (2) The PGP for E-5 will be 24 years in 2016/2017, and 22 years for 2018 and beyond.
    - (3) The PGP for E-6 will be 26 years in 2016/2017, and 24 years for 2018 and beyond.
    - (4) The PGP for E-7 will be 28 years in 2016/2017, and 26 years for 2018 and beyond.
    - (5) The PGP for E-8 will be 30 years in 2016/2017, and 28 years for 2018 and beyond.
    - (6) The PGP for E-9 will be 30 years in 2016 and beyond.
  - c. Other Coast Guard Policies.
    - (1) Physical Disability. The PDES process does not exempt a member from becoming a HYT candidate. Members undergoing the PDES process will not be separated or retired for HYT until the PDES process is complete. Reference (e) will take precedence over Reserve HYT policy for Reserve enlisted members awaiting an AFFD determination;
    - (2) Misconduct. Commander (CG PSC-RPM) may suspend Reserve HYT non-continuation retirement or separation orders pending the disposition of any offense; and

(3) Other Personnel Boards.

- (a) Non-retained members are not eligible for a reenlistment board as described in this Instruction.
- (b) Non-retained members are not entitled to an administrative separation board as described in this Instruction.
- d. Pay grade, Advancement, Time-in-Rate (TIR), and Reduction in Pay grade. Reserve HYT policy is based solely on total TIS. Reserve HYT candidates that have not advanced following identification as a HYT candidate, will be removed from the advancement eligibility list and separated in accordance with procedures prescribed by Commander (CG PSC).
- e. Reenlistments and Extensions. Members may reenlist or extend their enlistment in accordance with Reference (n). Regardless of their end of contract date, non-retained members will retire in accordance with this Instruction and other retirement policies in this Chapter.
- f. Waiver Panel. Requests to continue beyond established Reserve HYT PGPs may be authorized by a waiver panel recommendation and final approval by Commander (CG PSC).
  - (1) Ratings identified as understrength will be considered for a Reserve HYT waiver, based on Service need.
  - (2) Members who recently competed for advancement but were unable to advance due to no vacancies in the next pay grade will be considered for a Reserve HYT waiver.
  - (3) Reserve PGPs have precedence over obligated service; however, a waiver may be granted if a member is in a position/rating where PGP waivers are in the best interest of Service needs.

C. Sanctuary.

- 1. Non-Regular Retirement Sanctuary. In accordance with 10 U.S.C. § 12646 and § 1176, a Reserve officer or enlisted member serving in an active status who is selected to be involuntarily separated (other than for physical disability or for cause), or whose term of enlistment expires and who is denied reenlistment (other than for physical disability or for cause), and who on the date on which the member is to be discharged or transferred from an active status has at least 18 but less than 20 years of satisfactory qualifying federal service as computed in accordance with 10 U.S.C. § 12732, may not be discharged, denied reenlistment, or transferred from an active status without the member's consent before the earlier of the following:

- a. If as of the date the member is to be discharged or transferred from an active status the member has at least 18, but less than 19, years of satisfactory qualifying federal service:
    - (1) The date the member is entitled to be credited with 20 years of service; or
    - (2) The third anniversary of the date the member would otherwise be discharged or transferred from an active status.
  - b. If as of the date the member is to be discharged or transferred from an active status the member has at least 19, but less than 20, years of satisfactory qualifying federal service:
    - (1) The date the member is entitled to be credited with 20 years of service; or
    - (2) The second anniversary of the date the member would otherwise be discharged or transferred from an active status.
  - c. An officer who is retained in an active status is an additional number to those otherwise authorized.
2. Regular Retirement Sanctuary. A member of a Reserve Component who is on active duty and is within two years of becoming eligible for retired pay or retainer pay under a military retirement system, may not be involuntarily released (other than for physical disability or for cause) from that duty before they become eligible for that pay, unless the release is approved by the Secretary, in accordance with 10 U.S.C. 12686(a). The requirements to manage members approaching 16 and 18 years of total combined active duty are as follows:
- a. A reservist will not perform any type of active duty, except ADT-AT, without prior approval from Commander (CG PSC-RPM), if it results in the member accumulating 16 years or more of combined active service. A request for a reservist to be retained beyond 16 years total combined active service will follow Commander (CG PSC-RPM) published guidelines. Approval of this request is not a commitment to authorize the reservist to enter into sanctuary. Approval will be based on mission requirements, funding, justifications, and Full Time Equivalent (FTE) position availability and all factors must be satisfactorily addressed and endorsed by the chain of command.
  - b. A reservist will not perform any type of active duty, except ADT-AT, without prior approval from Commander (CG PSC-RPM), if it results in the member accumulating 18 years or more of total combined active service. A request for retention beyond 18 years of total combined active service is a statutory obligation that will be strictly adhered to as long as all requirements have been met. Requests will be based on mission requirements, funding, justifications, and FTE position availability. All factors must be satisfactorily addressed and endorsed by the chain of command to retain the member through the 20<sup>th</sup> year of active service.

- c. The requesting command will forward a request to retain a reservist beyond 16 or 18 years active service no later than 90 days prior to the desired commencement of orders. The request will be endorsed by the first Flag Officer or Senior Executive Service (SES) member in the chain of command of the unit requesting the employment of the reservist. The Flag or SES will base their endorsement primarily on specific mission requirements of the position being filled and the capability of the member desired to perform those functions.
  - d. A copy of a request to retain a reservist beyond 18 years active service will be forwarded via official correspondence to Commandant (CG-833) and Commandant (CG-R).
  - e. All reservists with greater than 15 years of total combined active service will request a SOCS from Commanding Officer (CG PPC). A SOCS is required as a part of all 16- and 18- year waiver requests.
  - f. A request will be denied if there is Flag or SES level disapproval, no funding or FTE is identified, or if there are significant concerns with regard to the member's record.
  - g. Final appeal authority will reside with Commandant (CG-1M) in consultation with the Office of Resource Management, Commandant (CG-83) regarding funds availability. The review will consist solely on policy, workforce requirements, and the practicality of the reservist as a mobilization asset.
  - h. Under certain rare circumstances, a reservist retained beyond 20 years may be considered for active duty assignment actions by Commander (CG PSC-OPM) or Commander (CG PSC-EPM).
3. Separating Reserve Members in Sanctuary. Reserve Enlisted members may be separated for cause even if they are in Sanctuary.
- D. Conditional Release for Inter-Service Transfer. Reserve members may initiate requests for conditional release to transfer to the AC or to another component of the Armed Forces after completing three years of their military service obligation. Members will complete and forward a Request for Conditional Release, Form DD-368, through their chain of command to Commander (CG PSC-RPM) for approval. Members of the IRR who are not assigned to units and members of the Standby Reserve (ASL or ISL) will forward requests for conditional release to Commander (CG PSC-RPM). Conditional releases requested by members serving on EAD and RCMs are managed by Commander (CG PSC-EPM), Commander (CG PSC-OPM), or Commander (CG PSC-RPM) as appropriate.
1. Approving Transfers. Transfers may only be approved for one of the following reasons:
- a. The member has no opportunity to affiliate with a Coast Guard unit within RCD of their permanent residence;

- b. The member is offered an enlistment or appointment to serve in an AC of the Armed Forces, or is accepted for enrollment in an Armed Force's officer training program;
  - c. The member has special experience or professional, educational, or technical background which would be of greater value to the gaining Service, and which outweighs the value of previous training in the Coast Guard Reserve; or
  - d. The transfer would serve the best interests of national security and of the member concerned to such a degree as to outweigh the value of previous training in the Coast Guard Reserve.
2. Consideration for Conditional Release. Only members with satisfactory participation will be considered for conditional release.
  3. Approved Conditional Release. If a conditional release is approved, discharge will take effect on the day preceding the day in which the member is enlisted or appointed in the gaining Service. The type and character of the discharge issued will be "Honorable."
  4. Conditional Release Separation. Separation as a result of conditional release for an inter-Service transfer does not constitute fulfillment of a military service obligation. Service prior to discharge will count toward fulfillment of the obligation.
- E. Mandatory Separation for Age. Reservists serving in an active status will be removed from an active status upon reaching age 60.
1. Qualified Members not transferred to the Retired Reserve. Any member qualified for retirement who does not request to be transferred to the Retired Reserve will be transferred to the ISL on the day the member reaches 60 years of age, in accordance with 10 U.S.C., § 12731 and 14 U.S.C. § 3753, and subject to the provisions of 10 U.S.C. § 12646, 12683, and 12686. Qualified members of the SELRES, and reservists continued on active duty due to incapacitation, who are awaiting final adjudication of a PDES case, may request transfer to the Retired Reserve for immediate recall to active duty or the Ready Reserve solely for that purpose, in accordance with Chapter 6, Section H of Reference (v).
  2. A member not qualified for retirement (and not statutorily precluded from discharge) will be discharged without board proceedings, unless Commander (CG PSC-RPM) approves the member's request to defer retirement until age 62 (or sooner if the member becomes retirement qualified in the interim).
  3. Reserve officers O-6 and below who are not on extended active duty and are authorized to remain in an active status must be transferred to the Retired Reserve or separated no later than the day they reach 60 years of age, in accordance with 14 U.S.C. § 3753.
  4. Reserve flag officers who are authorized to remain in an active status must be transferred to the Retired Reserve or separated no later than the day they reach 64 years of age, in accordance with 14 U.S.C. § 3753.

- F. Retirement. In accordance with 10 U.S.C. § 12731 and 14 U.S.C. § 3705, a reservist is entitled, upon application, to non-regular retired pay if the member:
1. Has attained the applicable eligibility age of 60 years, or for purposes of early retirement, as described in Reference (v). Regarding Reserve Component Change (RCC)(s) may not be less than 50 years of age;
  2. Is not entitled to receive military retired pay under any other provision of law;
  3. Has performed at least 20 years of satisfactory qualifying federal service as computed, in accordance with 10 U.S.C. § 12732; and
  4. For members who completed the years of qualifying service on or after 25 April 2005, there is no minimum RC service requirement in accordance with Reference (w). A member with a combination of 20 qualifying years of active duty and Reserve service may be eligible to receive non-regular retirement whether they are currently serving in the AC or RC. Commanding Officer (CG PPC-RAS) will notify each person who has completed the years of service required for eligibility for retirement. Notice will be sent, in writing, to the person concerned within one year after the person becomes eligible in accordance with 10 U.S.C. § 12731.
- G. Retirement Categories. The five categories of the Retired Reserve, as described in Reference (v) and are detailed below.
1. Retirement with Pay (RET-1). Includes reservists who complete at least 20 years of satisfactory federal service and have reached age 60, or who qualify for early retirement as prescribed below, are eligible for transfer to RET-1 status upon request. Reservists will apply for RET-1 at least 90 days in advance of their requested retirement date via a Reserve Retirement Transfer Request, Form CG-2055A, and route to Commanding Officer (CG PPC-RAS) through Commander (CG PSC-RPM). When transferred to RET-1, reservists receive a United States Uniformed Services Identification Card, DD Form 2S (RESRET) and are eligible for the same benefits available to active duty retirees.
    - a. A member of the Ready Reserve (SELRES and IRR) who performs active duty under 10 U.S.C. § 12301(a), 12301(d), 12302, 12304 (after January 28, 2008) or 14 U.S.C. § 3713 (after December 31, 2011) will have their eligibility age for receipt of retired pay reduced below 60 years of age, but not less than 50 years of age, in accordance with 10 U.S.C. § 12731 and Reference (w).

- (1) Eligibility age will be reduced by three months for each aggregate of 90 days on which the member performs active duty or performs such active service in any one fiscal year between January 28, 2008 and September 30, 2014.
  - (2) Eligibility age will be reduced by three months for each aggregate of 90 days on which the member performs active duty or performs such active service or in any two consecutive fiscal years after September 30, 2014.
  - (3) Active duty performed in accordance with 10 U.S.C. § 12301(h) will be treated as a continuation of the original call or order to active duty or active service for the purpose of reducing the eligibility age for a non-regular retirement in accordance with this Section.
  - (4) Active duty for training (IADT, ADT-AT, and ADT-OTD), and EAD for members serving as RCMs are non-qualifying early retirement active duty periods.
  - (5) Requests for early retirement will be made in the same year of the assumed retirement date. Requests submitted more than a year before the assumed retirement date may not be processed.
- b. A member ordered to active duty (ADOS or EAD) will receive credit for all days served, regardless of the nature of the duties performed (e.g., whether performing training or operational support duties), in accordance with 10 U.S.C. § 12301(d).
  - c. Eligible reservists must apply for retired pay to Commanding Officer (CG PPC-RAS).
    - (1) Members who are within six-months of their 60<sup>th</sup> birthday will receive a Data for Payment of Retired Personnel Form DD Form 2656, from Commanding Officer (CG PPC-RAS) and are not required to submit a Reserve Retirement Transfer Request, Form CG-2055A.
    - (2) Those in a retired status who apply later than their eligibility date may receive pay retroactive to the day they were eligible, up to six years.
    - (3) There will be no retroactive pay entitlement for those reservists who choose to remain in an active status once they have become early retirement eligible.
  - d. Eligibility for health care benefits remains at age 60.
  - e. Reserve Component Survivor Benefit Plan (RCSBP) election will be made upon eligibility of retired pay. RCSBP rates have been changed to reflect coverage before age 60.
2. Retirement Awaiting Pay (RET-2). Includes reservists who have completed the required qualifying years of service for non-regular retired pay, and who are not yet 60 years of

age, or have not applied for non-regular retirement pay, in accordance with 10 U.S.C. Chapter 1223. Reservists will apply for RET-2 at least 90 days in advance of their requested retirement date via a Reserve Retirement Transfer Request, Form CG-2055A and route to Commanding Officer (CG PPC-RAS) through Commander (CG PSC-RPM).

- a. Upon attainment of RET-2 status, members are entitled to unlimited commissary, exchange, and Morale, Well-Being and Recreation (MWR) benefits. Unless recalled to active duty, RET-2 reservists are not entitled to earn pay and allowances, retirement points, receive military legal assistance, or medical and dental care.
  - b. Reservists in RET-2 receive a red United States Uniformed Services Identification Card, DD Form 2S (RESRET).
3. Retirement for Physical Disability (RET-3). Includes reservists who are retired for physical disability in accordance with 10 U.S.C. Chapter 61; who have 20 years of service creditable for retired pay according to 10 U.S.C. § 12733 or who are more than 30 percent disabled.
  4. Retirement for RC Members with 20 Years of Active Duty Service (RET-4). Includes reservists who have completed 20 or more years of active duty service and retire with a regular retirement, in accordance with 10 U.S.C., Chapter 571 and 14 U.S.C. § 3705.
  5. Voluntary Separation Incentive (VSI) (RET-5). Includes reservists who are receiving retired pay for reasons other than age, Service requirement, or physical disability. This category is restricted to those who are retired under special conditions as determined by the Assistant Secretary of Defense (ASD) Reserve Affairs (RA) in accordance with Reserve Components Common Personnel Data System (RCCPDS) DoDI 7730.54, and 10 U.S.C. § 1175.
- H. Qualifying Years of Service. A qualifying year of satisfactory service for non-regular retired pay is a full anniversary year during which a member of the RC is credited with a minimum of 50 retirement points. An accumulation of 20 such years is one requirement necessary to qualify for non-regular retired pay, in accordance with 10 U.S.C. Chapter 1223.
1. Anniversary year is different from the 1 October fiscal year. The reservist's anniversary year is based on the date of entry (or reentry) into the Coast Guard and extends to the day preceding the anniversary of entry in accordance with Reference (w).
    - a. On, or after, May 13, 2003, the anniversary date for a reservist will be their DIEMS, or for a break in service, the first day of the current continuous service period.
    - b. Prior to May 13, 2003, reservists may elect to retain their adjusted anniversary date, or have it adjusted in accordance with Section H.1.a above.
  2. The periods used for crediting of qualifying years for non-regular retirement will be based on anniversary years that are calculated from an anniversary date.



3. The start date (month and day) for each successive anniversary year will not be adjusted unless the member has a break in service. A break in service occurs only when a member transfers to the ISL, the TDRL, the Retired Reserve, or is discharged for longer than 24 hours. There will be no break in service if the member transfers directly to another AC or RC.
  4. A member who has a break in service that occurs during an anniversary year will be credited with a partial year for non-regular retirement. When a partial year occurs, the member must meet the minimum retirement point requirements for the member's service to be credited as a partial year toward a qualifying year. Partial years of qualifying service may be combined and credited toward total qualifying service. For the purpose of determining entitlement to retired pay, in accordance with 10 U.S.C. § 12732, years of satisfactory federal service are computed by totaling all anniversary years in which at least 50 points have been credited on the following basis:
    - a. One point for each day of active duty in an Active or Reserve component of an Armed Force.
    - b. One point for each day of commissioned service in the National Oceanic and Atmospheric Administration (NOAA) or Public Health Service (PHS).
    - c. In the case of enlisted members of the Armed Forces who have served as a cadet or midshipman, but who did not later receive or do not hold a commission as an officer, service as a cadet or midshipman at a Service Academy will be included and counted as active duty;
    - d. One point for each authorized IDT drill, RMP, ATP or FHD period performed;
    - e. 15 points a year for membership in an RC of an Armed Force; and
    - f. Points earned by satisfactory completion of authorized Coast Guard correspondence courses.
  5. The following service may not be counted in determining retirement entitlements:
    - a. Service in the ISL of an RC or in a non-federally recognized status in the National Guard; and
    - b. Service in the Fleet Reserve or Fleet Marine Corps Reserve.
- I. Calculation of Regular Retired Pay for RC Members with 20 Years of Active Duty Service (RET-4). In accordance with 10 U.S.C. § 1405, the computation of the years of service is computed by adding:
1. Years of active service; and

2. The years of service with which the member would be entitled to be credited under 10 U.S.C. § 12733. The member's years of service and any fraction of such a year are computed by dividing 360 into the sum of the following:
  - a. The member's days of active service; and
  - b. One day for each point credited to the member under 10 U.S.C. § 12732, but not more than the point totals in Section J of this Chapter.
    - (1) One point for each attendance at a drill or period of equivalent instruction;
    - (2) Points at the rate of 15 a year for membership in a Reserve Component of the armed forces;
    - (3) One point for each day on which funeral honors duty is performed for at least two hours, unless the duty is performed while in a status for which credit has already been awarded; and
    - (4) Points credited for the year under 10 U.S.C. § 2126(b);
      - (a) Correspondence courses; and
      - (b) Electronically Based Distance Learning (EBDL).

J. Calculation of Non-Regular Retired Pay.

1. In accordance with 10 U.S.C. § 12739, the monthly retired pay upon RET-1 status is the product of:
  - a. Retired base pay as computed in accordance with 10 U.S.C. § 1406 or 1407; and
  - b. 2.5 percent of the years of service credited to a member, in accordance with 10 U.S.C. § 12733, not to exceed 75% of the monthly base pay upon which the computation is based.
2. For the purpose of computing retired pay, in accordance with 14 U.S.C. § 12739, years of service and any fraction of such a year are computed, in accordance with 10 U.S.C. § 12733, by dividing 360 into the sum of the following:
  - a. Total number of points earned for Active Duty; plus
  - b. The total number of points earned for inactive service, subject to the inactive duty point caps listed below (FHD is not subject to annual inactive duty point caps):

- (1) 60 points for any one anniversary closing before 23 September 1996;
  - (2) 75 points for anniversary years closing on or after 23 September 1996, but before 30 October 2000;
  - (3) 90 points for anniversary years closing on or after 30 October 2000, but before 30 October 2007; and
  - (4) 130 points for anniversary years closing on or after 30 October 2007.
- c. One point for each authorized FHD period performed.
3. A person in active service may not receive retirement points for other activities concurrently. A maximum of 365 points (366 points in a leap year) may be awarded in an anniversary year. Retirement points must be credited in the anniversary year in which the duty is performed, or the correspondence course is completed.
- K. Retirement Points Statement. Reserve retirement points data is available in Direct Access for self service, command, and SPO users. It provides the number of points earned during the last anniversary year and the cumulative total for members' complete military career. Reservists who find discrepancies on their retirement point statement will send a request for correction with supporting documents to their SPO. If the SPO cannot resolve the case, they will request a SOCS, in accordance with Reference (o).
- L. Completion of Satisfactory Service. Commanding Officer (CG PPC-RAS) must notify members in writing within one year of completing satisfactory federal service (RET-2) for retirement purposes, and of eligibility for retired pay (RET-1). The written notification is commonly called "the 20-year letter." The notification will contain information about the Reserve Component Survivor Benefit Plan (RCSBP). The member will make an RCSBP election within 90 days of receipt of the notification.
- M. Grade for Retirement and Retired Pay.
1. Retired pay for members with Dates of Initial Entry into Military Service (DIEMS):
    - a. Prior to 8 September 1980 is computed based on the highest grade satisfactorily held at any time in the Armed Forces and the Commandant's determination the member's performance in that grade was satisfactory, in accordance with 10 U.S.C. § 1406;
    - b. After 7 September 1980 is computed based on averaging the highest 36-months' basic pay, whether or not consecutive, in accordance with 10 U.S.C. § 1370; and
    - c. Unless entitled to a higher grade under another provision of law, Reserve commissioned officers, not on the active duty promotion list and who are voluntarily transferred to the Retired Reserve, are entitled to be placed on the retired list in the highest grade satisfactorily held if the following time-in-grade requirements are met:

- (1) For pay grades O-4 and below, a minimum of six months' time-in-grade must be served to retire in that grade.
- (2) For pay grades O-5 and above, a minimum of three years' time-in-grade must be served to retire in that grade.
- (3) In accordance with 10 U.S.C. § 1370a Commander (CG PSC) may approve reduced time-in-grade retirements of not less than two years for pay grades O-5 and O-6.
- (4) Unless entitled to a higher grade under another provision of law, Reserve commissioned officers, not on the active duty promotion list and who are involuntarily transferred to the Retired Reserve, due solely to age or time-in-service restrictions, or by board action including non-retention or a second or more non-selection, or physical disability as determined by a Medical Evaluation Board, are entitled to be placed on the retired list in the highest grade satisfactorily held. The minimum time-in-grade requirement for these retirements is six months.

N. Requesting Retirement. Members may request transfer to RET-1 or RET-2 status, as applicable, at any time after receipt of notification of completion of 20 years satisfactory federal service, in accordance with 10 U.S.C. § 12731(d) and Section L of this Chapter. Retirement requests may be submitted up to one year in advance; however, the request must be received by Commander (CG PSC-RPM) at least 100 days prior to the requested date of retirement. Commander (CG PSC-RPM) will route all approved requests to Commanding Officer (CG PPC-RAS) at least 90 days prior to the approved date of retirement.

1. Commanding Officer (CG PPC-RAS) will provide a Coast Guard Certificate of Retirement, Certificate of Appreciation from the President of the United States, and a Coast Guard Certificate of Appreciation for a member's spouse, to each member's assigned command, in accordance with this Instruction.
2. Reservists who remain in an active status may request transfer to RET-1 status upon reaching age 60 or eligibility for early receipt of retired pay, in accordance with 10 U.S.C. § 12731. Requests to transfer directly to RET-1 are the same as procedures for transfer to RET-2. Any member qualified for retirement who does not request to be transferred to the Retired Reserve, in accordance with Section E of this Chapter, will be transferred to the ISL on the day the member reaches age 60. Enlisted members who are eligible to receive retired pay will only be retained in the Ready Reserve beyond age 60 to fulfill compelling needs of the Service and upon approval of a member's written request to Commander (CG PSC-RPM).
3. Any enlisted member or CWO qualified for retirement who does not request transfer to the Retired Reserve will be transferred to the ISL on the day the member completes 30 years total service. Any commissioned officer who does not request transfer to the Retired Reserve will be transferred to the ISL on 30 June immediately following

completion of 30 years total commissioned service in accordance with Chapter 5, of Reference (q).

4. Physical Standards. No physical standards are prescribed, and no physical examination is specifically required for reservists to transfer to a retired status. Upon transfer to the Retired Reserve, members no longer accumulate retirement points and are not considered for promotion. Members who request retirement must cease drilling as of the day prior to the requested retirement date, regardless of receipt of retirement request approval. No payment or point credit will be given to a member for drilling on or after the day of requested retirement.

O. Retirement Privileges and Obligations.

1. Veterans' Group Life Insurance. Full-time coverage under Veterans' Group Life Insurance (VGLI) is available for members who are retired in accordance with this Instruction.
  2. All non-regular retirees are authorized full use of military exchanges, commissaries, and other base facilities.
  3. Reservists who are retired with pay at age 60 and their eligible dependents are entitled to medical and dental care at military facilities; benefits are the same as those available to members who retire from active duty. Those reservists who are eligible for early receipt of retired pay are not entitled to medical and dental benefits until reaching age 60.
  4. Social Security and Civil Service retirement pay benefits may be received concurrently with military retired pay.
  5. Members of the Retired Reserve are liable for active duty in time of war, national emergency declared by Congress, or when otherwise authorized by law, upon determination by the Secretary of DHS, with the approval of the Secretary of Defense, that adequate numbers of Ready and Standby reservists are not readily available. Members in a retired status may be recalled to active duty, subject to their own consent, at the discretion of the Secretary of DHS, in accordance with 10 U.S.C. § 12301(a).
  6. Retired reservists must keep Commanding Officer (CG PPC-RAS) advised of their current address.
- P. Concurrent Retirement and Disability Pay (CRDP). Reserve members who qualify for VA disability compensation may qualify for concurrent receipt of retired pay and disability pay. Reservists must be eligible for retired pay to qualify for CRDP. If a reservist is placed on a disability retirement but would be eligible for military retired pay in the absence of the disability, then the reservist may be entitled to receive CRDP, in accordance with 10 U.S.C. § 1414. Further information can be found on the VA website, [www.va.gov/](http://www.va.gov/).
- Q. Former Members. Former members are those members who have been discharged from the Service and who maintain no military affiliation. Members meeting one or more of the eligibility requirements for retirement may request discharge instead of being transferred to

the Retired Reserve or may be discharged instead of being transferred to the Retired Reserve if a board of officers convened to consider the reservist's separation from the Reserve, so recommends. Such action is not prejudicial to the member concerned regarding retirement pay since the right to receive such pay and personal medical benefits are not dependent upon membership in a RC at the time of qualification.

1. Members Eligible for Retirement Benefits. Members who have been certified eligible for retirement benefits will not be discharged unless a letter of understanding has been signed indicating the member's complete awareness that this decision may lead to substantial impact on the final retired pay calculation.
  2. Former Members Involuntarily Separated. Former members of the Coast Guard Reserve who were involuntarily separated, or who were not offered reenlistment or reappointment due to the statutory age limit or because of their failure to meet the prescribed physical standards in effect at the time of separation, may be reappointed or reenlisted in the same rank or rate for the purpose of qualifying for placement in the Retired Reserve. Such former members must, with the submission of such application, simultaneously apply to Commander (CG PSC-RPM) and be found qualified for immediate placement in the Retired Reserve. The eligibility requirements for such placement are the same as for current members, but the applicant must have met at least one of such requirements at the time of last separation.
    - a. Since failure to meet prescribed physical standards is one reason for transfer to the Retired Reserve, no physical standards are prescribed, and no physical examination will be required as a condition of reappointment or reenlistment of former members.
    - b. Reappointment or reenlistment may not be warranted for many different reasons regardless of if the member meets one or more of the eligibility requirements provided.
  3. Members Eligible to Apply for RET-1. Retirement eligible former members may apply for RET-1 status, in accordance with 10 U.S.C. Chapter 1223. Former members and their eligible dependents have benefits and privileges associated therewith which require identification cards that are in accordance with Identification (ID) Cards for Members of the Uniformed Services, Their Dependents, and Other Eligible Individuals, DoDI 1000.13.
- R. Disability and Separation. Cases involving disability will be processed in accordance with Chapter 5 of this Instruction, and Reference (e). If a reservist meets the provisions of PDES, orders will be issued for separation or retirement, as applicable. See Reference (d) for more information. 10 U.S.C. Chapter 61, provides for the disability retirement of those members of the Armed Forces who qualify in accordance with the requirements listed below.
1. Permanent Disability Retirement List (PDRL). Members found to have a permanent disability rated at 30 percent or greater, or have 20 or more years of satisfactory federal service, may be placed on the PDRL (RET-3 status).

- a. Members on Active Duty for More Than 30 Days. A member of the RC entitled to basic pay, who is called or ordered to active duty for 31 days or more, and is determined by the Commandant to be unfit to perform their duties because of physical disability incurred while entitled to basic pay, may be permanently retired with retired pay, if the Commandant also determines that:
  - (1) The member's disability is of a permanent nature;
  - (2) Is not a pre-existing condition or the result of their intentional misconduct or willful neglect, and was not incurred during a period of unauthorized absence; and
  - (3) Either:
    - (a) The member has at least 20 years satisfactory federal service computed, in accordance with 10 U.S.C. § 12733, or
    - (b) The disability is at least 30 percent, and either: the member has at least eight years of service computed, in accordance with 10 U.S.C. § 12733; or, the disability is the proximate result of performing active duty; or, the disability was incurred in the Line of Duty.
- b. Members on Inactive Duty or Active Duty for 30 Days or Less. A member of the Reserve not covered by the above Section, who is determined by the Commandant to be unfit to perform the duties of their office, grade, rank, or rating because of physical disability resulting from injury, may be permanently retired with retired pay, if the Commandant also determines the disability is:
  - (1) Of a permanent nature;
  - (2) The result of performing active or inactive duty; or
  - (3) Not a pre-existing condition or the result of the member's intentional misconduct or willful neglect, and was not incurred during a period of unauthorized absence; and
  - (4) Either:
    - (a) The member has at least 20 years of service computed, in accordance with 10 U.S.C. § 12733; or
    - (b) The disability is at least 30 percent.
2. Temporary Disability Retirement List (TDRL). Upon determination that a member would be qualified for retirement, the Commandant will, if it is determined the disability may be permanent, place the member on the TDRL, with retired pay. A physical examination will be completed, in accordance with Reference (e).

- a. The Commandant will make the final determination of the case of each member on the TDRL five years after that member was placed on the list, with medical evaluations every 18 months to determine whether:
    - (1) The disability has stabilized and become permanent; or
    - (2) The member is AFFD.
  - b. If at that time the disability continues to exist, it will be considered permanent.
  - c. A Service member who remains NFD and on the TDRL for five or more years will be:
    - (1) Retired for longevity, if eligible (i.e., 20 years of service); or
    - (2) Put on the PDRL if they have under 20 years of service; and
    - (3) Medically separated with severance pay if the disability is under 30 percent.
  - d. Time on the TDRL does count towards the longevity for retirement pay.
3. Grade on Retirement for Disability. Unless entitled to a higher grade under some other provision of law, a member retired for physical disability is entitled to the highest of the following:
- a. The grade or rank in which the member was serving when placed on the TDRL, or retired;
  - b. The highest temporary grade or rank in which the member served satisfactorily;
  - c. The permanent Regular or Reserve grade to which the member would have been promoted had it not been for the physical disability; or
  - d. The temporary grade to which the member would have been promoted had it not been for the physical disability, if eligibility for that promotion was required to be based on cumulative years of service in grade and disability was discovered.
4. Computation of Disability Retired Pay. Disability retired pay is computed by multiplying the monthly base pay of the grade to which entitled by either:
- (1) 2.5% years of service credited, in accordance with 10 U.S.C. § 12733; or
  - (2) The percentage of disability on the date when retired, or when placed on the TDRL.



- b. The retired pay of members placed on the TDRL must be adjusted, if necessary, so that it is at least 50 percent of the basic pay of the grade to which entitled.
  - c. In no case may the disability pay exceed 75 percent of the basic pay of the grade to which entitled.
- 5. Separation for Disqualifying Physical Condition. The command will initiate separation action when a reservist is found to have a permanent disqualifying physical condition and the condition is determined not to be the result of performing active or inactive duty. Relevant medical and administrative documentation will be forwarded via official correspondence with recommendations to Commander (CG PSC-RPM) for final determination and separation authority. The appropriate Training Center commanding officer has final separation authority for Reserve members undergoing IADT. Reservists will be notified of their right to request retention waivers for disqualifying physical conditions in accordance with Reference (f).
- 6. Member with Physical Disability. In the case of a SELRES member who no longer qualifies for SELRES membership solely because of a physical disability that renders the member unfit to participate in regular training, Commander (CG PSC-RPM) may determine to treat this member as having met the service requirements for non-regular retirement if the member has completed at least 15, but less than 20, years of service, in accordance with 10 U.S.C. § 12731(b). Such determination will not be made if:
  - a. The disability was the result of the member's intentional misconduct, willful neglect, or willful failure to comply with standards and qualifications for retention; or
  - b. The disability was incurred during a period of unauthorized absence.