THE SECRETARY OF COMMERCE
Washington, D.C. 20230

NOV 25 2003

Pursuant to the authority vested in me by 33 USCA 3028(c), I hereby designate the position of Director of the National Oceanic and Atmospheric Administration Commissioned Officer Corps (NOAA Corps) and Director of the Office of Marine and Aviation Operations as a position of importance and responsibility. The designated grade for this position is rear admiral (O-8). The incumbent of this position, upon appointment by the President, by and with the advice and consent of the Senate, to the grade of rear admiral, shall hold that grade while serving in this position.

Pursuant to the authority vested in me by 33 USCA 3028(a), I hereby designate the position of Deputy Director, NOAA Corps, and Deputy Director, Marine and Aviation Operations, as a position of importance and responsibility. The designated grade for this position is rear admiral (lower half) (O-7). The incumbent of this position, upon appointment by the President, by and with the advice and consent of the Senate, to the grade of rear admiral (lower half), shall hold that grade while serving in this position.

Pursuant to the authority vested in me by 33 USCA 3028(a), I hereby designate the position of Director, Marine and Aviation Operations Centers in the NOAA Corps as a position of importance and responsibility. The designated grade for this position is rear admiral (lower half) (O-7). The incumbent of this position, upon appointment by the President, by and with the advice and consent of the Senate, to the grade of rear admiral (lower half), shall hold that grade while serving in this position.

All previous designations of positions of importance in the NOAA Corps, pursuant to 33 USCA 3028 or its predecessor, 33 USC 853u, are hereby rescinded.

Donald L. Evans

Department of Defense

DIRECTIVE

NUMBER 1300.4

November 15, 1996

Certified Current as of November 21, 2003

USD(P&R)

SUBJECT: Inter-Service Transfer of Commissioned Officers

References: (a) DoD Directive 1300.4, subject as above, April 2, 1984 (hereby canceled)
(b) Sections 531, 624, 651, 716, and 12203 of title 10, United States Code
(c) DoD Directive 1205.5, "Transfer of Members Between Reserve and Regular Components of the Military Services," April 10, 1995
(d) DoD Directive 5400.11, "Department of Defense Privacy Program," June 9, 1982
(e) through (i), see enclosure 1

1. REISSUANCE AND PURPOSE

This Directive reissues reference (a) to update policy and responsibilities for the transfer of commissioned officers on the active duty list under Section 716 of reference (b).

2. APPLICABILITY AND SCOPE

This Directive:

2.1. Applies to the Office of the Secretary of Defense and the Military Departments (including the Coast Guard when it is operating as a Military Service in the Navy), the Coast Guard when it is not operating as a Military Service in the Navy by agreement with the Department of Transportation; and the Commissioned Corps of the Public Health Service (PHS) and the National Oceanic and Atmospheric Administration (NOAA) under agreements with the Departments of Health and Human Services and

Commerce. The term "Military Services," as used herein, refers to the Army, the Navy, the Air Force, and the Marine Corps; and the term "the Uniformed Services" refers to the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, and the Commissioned Corps of the PHS and NOAA.

2.2. Applies to all commissioned officers serving on the Active Duty List. All other inter-Service transfers shall be governed by reference (c).

2.3. Does not constitute authority either for the transfer of regular component commissioned officers to a Reserve component of a Uniformed Service or for the transfer of Reserve component commissioned officers to a regular component of a Uniformed Service. The Commissioned Corps of the NOAA does not have a Reserve component.

3. POLICY

It is DoD policy that:

3.1. Commissioned officers who are qualified to contribute to an activity of another Uniformed Service shall be given the opportunity to apply for a transfer and appointment from one Uniformed Service to another Uniformed Service without interruption in their Service careers.

3.2. No transfer shall be accomplished without the request or consent of the commissioned officer concerned (Section 716 of 10 U.S.C., reference (b)).

3.2.1. If a request for transfer is made by the head of the gaining Uniformed Service, it shall be forwarded through the Secretary of the gaining Military Department to the Secretary of the losing Military Department. The request shall be accompanied by a consent of the transfer from the commissioned officer concerned.

3.2.2. If a request for transfer is made by the commissioned officer, it shall be forwarded through channels to the Secretary of the losing Military Department and, if such Secretary concurs, to the Secretary of the gaining Military Department.

3.2.3. Under DoD Directive 5400.11 and Section 552a of 5 U.S.C. (references (d) and (e)), the personal data contained in the requests in subparagraphs 3.2.1. and 3.2.2., above, shall be used to evaluate the proposed transfer. The disclosure of such information is voluntary. Failure to provide such information may result in the disapproval of the request.

3.3. No commissioned officer shall be transferred from one Uniformed Service and appointed to another Uniformed Service with a precedence or relative rank higher than held on the day before such transfer occurs (Section 716 of reference (b)).

3.3.1. Except for commissioned officers in the PHS, a commissioned officer transferred under this Directive shall continue to hold the same grade and date of rank held in the losing Uniformed Service. The officer shall be placed on the active duty list of the gaining Uniformed Service in accordance with regulations prescribed by the gaining Uniformed Service. This paragraph does not apply to transfers covered by subparagraph 3.3.3., below.

3.3.2. A commissioned officer of the PHS transferred to a Military Service shall have active commissioned service, grade, and date of rank determined under DoD Directives 1312.3, 1312.2, or 1320.7 (references (f), (g), or (h)). A commissioned officer of the PHS transferred to the Coast Guard or the NOAA shall have grade and date of rank determined under regulations of the gaining Uniformed Service.

3.3.3. A commissioned officer previously awarded constructive service credit for education, training, or experience who does not transfer to the same or a comparable category shall lose that credit and, subject to restrictions in paragraph 3.3., above, shall receive only the credit applicable to the category into which the officer is transferred. Such an officer transferred to a Military Service shall be reappointed in the grade (and given the date of rank) appropriate for the amount of credit granted him or her by the gaining Military Service in his or her new category as determined under references (f), (g), or (h), as appropriate, subject to paragraph 3.3., above.

3.3.4. A former commissioned officer of the PHS who resigned from the PHS and was given an original appointment as a commissioned officer in another Uniformed Service may be reappointed in that Uniformed Service and may be credited with any period of active commissioned service that he or she performed in the PHS as if it were active commissioned service in that Uniformed Service. Such reappointments in the Military Services shall be accomplished as original appointments under Section 531 or 12203 of 10 U.S.C. (reference (b)), with grade and date of rank determined under DoD Directives 1312.3, 1312.2, or 1320.7 (references (f), (g), or (h), as appropriate).

3.3.5. If a commissioned officer transferred between two Military Services is on a promotion list to the next higher grade under Section 624 of reference (b), the Secretary of the Military Department concerned may integrate the officer into the promotion list of the gaining Military Service based on the officer's date of rank in his or her current grade in the losing Military Service. If a commissioned officer

transferred from NOAA or the Coast Guard to one of the Military Services has been selected for promotion in the NOAA or the Coast Guard, the Secretary of the Military Department concerned may place the officer on the promotion list of the Military Service based on the officer's date of rank in his or her current grade in NOAA or the Coast Guard. A commissioned officer transferred from the PHS to a Military Service who has been selected for promotion in the PHS shall have his or her grade and date of rank determined under references (f), (g), or (h). Active commissioned service in the PHS shall be counted as active commissioned service under references (f), (g), or (h). This paragraph does not apply to transfers covered by subparagraph 3.3.3., above

3.4. Transfers shall be made only within the authorized strength limitations of the gaining Uniformed Service (Section 716 of reference (b)).

3.5. Release of a commissioned officer for an inter-Service transfer under this Directive shall not constitute a release from fulfillment of the Military Service obligation established by Section 651 of reference (b), an active duty obligation under DoD Directive 6000.2 (reference (i)), any other active duty obligation, or under any laws, regulations or policies of the losing Uniformed Service. Additional military service performed after such transfer shall be counted toward fulfillment of such obligations.

3.6. If the request for transfer has received final approval, termination of current commission and reappointment in the gaining Uniformed Service shall be accomplished by the Military Departments concerned without interruption of the continuity of the officer's total service. Commissioned officers so transferred shall be credited with the total amount of unused leave and service accrued as of the date before such transfer.

3.7. Transfers are subject to the concurrence of both the gaining and losing Military Departments. The Secretaries of the losing and gaining Military Departments may establish standards and criteria based on the needs of the Military Departments concerned to determine whether the department concurs with the proposed transfer.

3.8. While intended for use primarily in the technical fields to permit the fullest possible use of commissioned officers with critical or unusual skills, transfers between the Uniformed Services are not restricted to technical specialties.

4. RESPONSIBILITIES

4.1. The Assistant Secretary of Defense for Force Management Policy, under the Under Secretary of Defense for Personnel and Readiness, shall monitor compliance with this Directive.

4.2. The Secretaries of the Military Departments and the Secretaries of the Departments of Transportation, Commerce, and Health and Human Services shall:

4.2.1. Indicate their concurrence or nonconcurrence in writing with the proposed transfer.

4.2.2. Accomplish transfers when the proposed transfer is acceptable to both the gaining and the losing Military Departments.

4.2.3. Withdraw concurrence with the proposed or approved transfer when not considered to be in the best interest of either Military Department.

5. EFFECTIVE DATE

This Directive is effective immediately.

John P. White
Deputy Secretary of Defense

Enclosures - 1
E1. References, continued

E1. ENCLOSURE 1

REFERENCES, continued

(e) Section 552a of title 5, United States Code
(f) DoD Directive 1312.3, "Service Credit for Commissioned Officers," October 22, 1985
(g) DoD Directive 1312.2, "Entry Grade Credit for Health Services Officers," October 4, 1989
(h) DoD Directive 1320.7, "Grades, Promotion Policies, Age, and Authorized Strengths in Grade for Medical and Dental Officers," September 29, 1993
(i) DoD Directive 6000.2, "Minimum Terms of Service and Active Duty Obligations for Health Services Officers," April 8, 1988