

Chapter 10 – Advisory Boards

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10001 GENERAL

- A. Advisory boards and their membership are established by the Director, NOAA Corps to provide assistance in the form of recommendations, opinions, and findings of fact, as appropriate, to the Director, NOAA Corps. This chapter provides information regarding the advisory boards. Certain advisory boards are discussed in detail elsewhere in these directives, and therefore the duties, frequency, and composition are discussed in the chapters in which they appear. (33 U.S.C. § 3022; DOO 25-5 § 11(h)(i)(j)).

10002 AVIATION ADVISORY BOARD

- A. The NOAA Corps Aviation Advisory Board (AAB) provides assistance and advice to the Director, NOAA Corps with regard to aviation related issues (NCD Chapter 5, Part 5).
- B. The AAB's duties shall include:
1. Advising the Director, NOAA Corps on aviator assignments and aviation-related issues;
 2. Reviewing, screening, and recommending applicants for initial pilot and navigator training (medical records of these applicants will be reviewed by the Director, Medical Services Division (MSD), or his or her designee to determine an aviation applicant's ability to meet minimum physical requirements);
 3. Reviewing the personnel records of NOAA Corps officers in the aviation program in order to make recommendations to the Director, NOAA Corps regarding the retention of NOAA Corps officers in OMAO's aviation program (as required, the medical records of NOAA Corps aviators will be reviewed by the Director, MSD, or his/her designee).
 4. Recommending changes to the AOC Aircraft Operations (AOC) Manual; and
 5. Such other duties as the Director, NOAA Corps may prescribe.
- C. The Director, NOAA Corps shall convene an AAB at such times as may be necessary.
- D. AAB membership shall consist of five active duty NOAA Corps officers, three NOAA Corps aviators and one NOAA Corps mariner in or above the permanent grade of commander who are appointed by the Director, NOAA Corps. The Chair is a senior NOAA Corps aviator not currently assigned to AOC. The Commanding Officer, AOC, will not serve on the AAB. The Assignment Coordinator serves in a

non-voting capacity as advisor and secretary.

10003 BOARD OF INVESTIGATION

- A. The Director may convene a Board of Investigation, in accordance with NCD Chapter 11, to examine the facts and circumstances surrounding a NOAA Corps officer's injury, death or disappearance, and, as necessary, to provide the basis for line of duty and misconduct determinations both within and outside of the NOAA Corps.
- B. A Board of Investigation's duties shall include:
 - 1. Collecting any evidence pertaining to the injury, death or disappearance, in order to adequately establish the pertinent facts.
 - 2. Submitting a written report to the Director, NOAA Corps, memorializing the Board's findings of fact and, as applicable, recommendations.
- C. When a Board of Investigation is convened, instructions shall be issued with the precept outlining the procedure and the form in which the record and findings are to be submitted to the Director, NOAA Corps.
- D. The Board of Investigation's membership shall consist of five active duty NOAA Corps officers, a representative of the DOC's Office of General Counsel (OGC), and may include other qualified individuals appointed by the Director, NOAA Corps.

10004 DISCIPLINARY BOARD

- A. At such times as may be necessary, the Director, NOAA Corps shall convene a Disciplinary Board to inquire into the conduct of a NOAA Corps officer. The duties, frequency and composition of a disciplinary board are noted in NCD Chapter 7.

**10005 FULL-TIME AND PART-TIME UNIVERSITY TRAINING BOARDS –
(Currently suspended)**

10006 MEDICAL BOARD

- A. In accordance with NCD Chapter 8 and the General Rules Governing an Appeals Board, Appendix 8.1, the Director, NOAA Corps has established the following procedures to provide assistance and advice in determining the fitness and disability rating of a NOAA Corps officer, as appropriate.
- B. A Medical Board (MB), at a uniformed services medical facility, shall conduct a complete medical examination of a NOAA Corps officer. The MB procedures of the uniformed services medical facility will be used. Completed reports will be

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sent to the Director, MSD.

- C. A Medical Review Board (MRB) shall, as requested by the Director, NOAA Corps, review the completed MB reports and make recommendations regarding the fitness and disability rating of the NOAA Corps officer (see NCD 08610). The MRB membership shall consist of at least three medical officers appointed by the Director, NOAA Corps.
- D. A NOAA Corps Appeals Board shall, at such times as may be necessary, be convened by the Director, NOAA Corps to reconsider the findings and recommendations of an MRB (see NCD 08610 and Appendix 8.1).
 - 1. Appeals Board duties shall include:
 - a. considering the record and all information obtained during the Appeals Board hearing; and
 - b. preparing a report to the Director, NOAA Corps that shall include a recommendation as to whether or not the NOAA Corps officer should be retained on active duty, retired for disability, or discharged from the Service, and the reasons therefore, and as appropriate, rating the disability in accordance with the Department of Veterans Affairs Schedule for Rating Disabilities (VASRD) as modified by DOD Directive 1332.18.
 - 2. An Appeals Board membership shall consist of at least three medical officers who have not previously examined the NOAA Corps officer in connection with the findings of disability. The Director, NOAA Corps shall appoint members to the Appeals Board and one member to serve as Chair of the Appeals Board.

10007 OFFICER ASSIGNMENT BOARD

- A. In accordance with NCD Chapter 5, Part 3, the Director, NOAA Corps has established the NOAA Corps Officer Assignment Board (OAB) to provide assistance and advice as appropriate and to make recommendations with regard to NOAA Corps officer assignments.
- B. The OAB shall consider Service needs, NOAA Corps line office liaison officer's input, NOAA Corps officer's assignment preference, and relevant assignment information to recommend NOAA Corps officer assignments. The OAB Chair shall brief the Director, NOAA Corps on the recommended assignment changes and obtain approval. The Director's approval of a recommended assignment will be in the form of an email, advising the NOAA Corps officer of the forthcoming assignment. In the event an assignment recommendation is not approved, the OAB shall make such further recommendations as are required.

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- C. The OAB will typically convene on a bi-monthly basis, and at such other times as may be necessary.
- D. OAB membership shall consist of at least six active duty NOAA Corps officers, not below the permanent grade of commander, appointed by the Director, NOAA Corps. The OAB shall consist of the most senior NOAA Corps officers within each line office, and others who will be designated by the Director, NOAA Corps. CPC representative will serve as a non-voting advisor and the Assignment Coordinator will serve in a non-voting capacity as advisor and secretary. The Director, NOAA Corps will appoint one member of the OAB to serve as Chair.

10008 OFFICER PERSONNEL BOARD

- A. The NOAA Corps Officer Personnel Board (OPB) is established to provide recommendations to the President, Secretary and Director, NOAA Corps on those matters herein prescribed. (33 U.S.C. § 3022)
- B. OPB duties shall include:
 - 1. Recommending to the Director, NOAA Corps such changes in the lineal list as the OPB may determine. (33 U.S.C. § 3022 (b)(1); DOO 10-15 § 3; DOO 25-5 § 11(i)).
 - 2. Making selections and recommendations to the President, Secretary and/or Director, NOAA Corps, for appointment, promotion, separation, and continuation of NOAA Corps officers. (33 U.S.C. § 3022 (b)(2); DOO 10-15 § 3; DOO 25-5 § 11(i))

In a case in which any recommendation by the OPB is not acceptable to the Secretary, or the President, as applicable, the OPB shall make such further recommendations as shall be acceptable. (33 U.S.C. § 3022 (c))

- C. The OPB shall convene at least once a year and at such other times as may be necessary. (33 U.S.C. § 3022(a))
- D. The OPB membership shall consist of at least five active duty NOAA Corps officers, not below the permanent grade of commander, and senior in grade to the officer(s) under review. Officers selected for OPB membership shall not serve consecutively on the same grade promotion board. The Director, NOAA Corps shall also appoint one member to serve as Chair of the OPB. CPC representatives shall serve as non-voting advisors and secretary to the OPB.
- E. In all OPB deliberations, each member shall swear that he or she will perform the duties imposed upon him or her without prejudice or partiality, and having in view both the records of the officers and the efficiency of the NOAA Corps.

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- F. General procedure applicable to all OPB deliberations:
1. The Director, NOAA Corps or his or her designee shall call all meetings of the OPB and establish the agenda of actions for the OPB to consider.
 2. The Director, NOAA Corps shall provide a written precept to the OPB, and/or may brief the OPB on applicable laws, regulations, and needs of the NOAA Corps as related to the actions to be considered. Such briefing also may be given by a member of the Director, NOAA Corps's staff as he or she may designate. Each OPB member must act according to his or her own judgment and is bound by existing laws, regulations, directives, and the oath taken by that member.
 3. The OPB shall be furnished with the names and personnel records of all NOAA Corps officers to be considered. The records shall include all written information on performance evaluations, assignments, awards, completed disciplinary actions, education and training; and correspondence relevant to the above NOAA Corps officer. The OPB shall rely upon the written record, and not personal knowledge or hearsay in its deliberations.
 4. In certain cases, set forth in Section 5, a NOAA Corps officer may appear before the OPB. If a NOAA Corps officer appears before the OPB with his or her legal counsel present, a written transcript of the NOAA Corps officer's statement, and any ensuing questions and answers, shall be provided for the NOAA Corps officer's OPF. In such cases the OPB will be afforded counsel from the DOC OGC.
 5. NOAA Corps officers may appear before the following Boards:
 - a. Disciplinary Board (NCD 10004);
 - b. Medical Review Board (NCD 10006);
 - c. Records Examination Board (NCD 10009);
 6. In the event the OPB desires additional information or clarification, the Chair shall submit a request to the Director, NOAA Corps or his or her designee.
 7. The minutes shall be filed for each OPB session. The minutes shall contain:
 - a. a list of OPB membership;
 - b. list of convening, meeting, and adjourning dates and times;
 - c. a list of recommendations and names of NOAA Corps officers considered,

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- d. a certification that at least a majority of the members concur in the recommendations;
 - e. the signature of each member; and
 - f. the written precept, appended.
- 8. No member of an OPB shall divulge or discuss any information concerning the recommendations or proceedings of any OPB session, except to report to the Director, NOAA Corps or his or her designee or where disclosure is authorized by other provisions of law. Violation of this section may result in disciplinary action.
- G. For OPB recommendations requiring Presidential or Secretarial approval, the OPB shall write a Recommendation Memorandum which is forwarded to the President and/or Secretary through the Director, NOAA Corps.
- H. Once the OPB's recommendations have been approved, the Director, CPC, or his or her designee, will notify each NOAA Corps officer the OPB's recommendation.

10009 RECORDS EXAMINATION BOARD

- A. At such times as the Director, NOAA Corps deem necessary, the Director, NOAA Corps shall convene a Records Examination Board (REB), in accordance with NCD 07106 (A), and Chapter 11, to determine whether or not information contained in an NOAA Corps officer's OPF should be corrected. (33 U.S.C. § 3022; DAO 25-5)
- B. REB membership shall consist of at least five NOAA Corps officers, in the rank of commander or above.
- C. REB duties shall include:
 - 1. Receiving evidence, either in person or by declaration that the NOAA Corps officer concerned may wish to submit.
 - 2. Receiving any relevant information from other sources that may assist the REB in making a decision or recommendation, to include examining official records (e.g., ship's logs, payroll information, disciplinary board action).
 - 3. Proceeding with the presumption that the NOAA Corps officer's official record (which the NOAA Corps officer is seeking to change) is correct.
 - 4. Applying a "clear and convincing" standard of proof to the evidence presented; (This standard is stricter than a "preponderance of evidence," but less strict than

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that of "beyond a reasonable doubt." The burden of proof is on the NOAA Corps officer seeking to have his or her record changed).

5. Showing a summary of the record of the REB's proceedings and recommendations to the NOAA Corps officer concerned before submission to the Director, NOAA Corps.
 6. Making appropriate recommendations concerning corrections, deletions, or additions to the NOAA Corps officer's OPF. Recommendations shall be made to the Director, NOAA Corps, who is the deciding authority.
- D. A NOAA Corps officer may request in writing that the Director, NOAA Corps appoint a REB to determine whether or not the information contained in the officer's Officer Personnel File (OPF) should be corrected. The request must identify the specific information in the OPF to be reviewed. Such a request shall be submitted within 20 days of receipt of notification of recommendation for separation or retirement in the best interest of the Service.
- E. The process of requesting a REB shall not be used by any NOAA Corps officer as an attempt to reverse, remove, or appeal a decision or disciplinary action previously approved that includes a set period of time in which that action would remain in the officer's OPF.
- F. If the Director, NOAA Corps decides that a correction to the information contained in the OPF is warranted, the corrected OPF shall be remanded to the OPB for reconsideration of its original recommendation.

10010 UNIFORM AND AWARDS BOARD

- A. The NOAA Corps Uniform and Awards Board (UAB) provide the Director, NOAA Corps recommendations with regard to decorations, medals, and uniform issues.
- B. UAB duties shall include:
1. Reviewing nominations and recommending to the Director, NOAA Corps the nominations of NOAA Corps officers and officers of other services assigned to NOAA, for all awards including the NOAA Corps Meritorious Service Medal, NOAA Corps Commendation Medal, NOAA Corps Achievement Medal, NOAA Corps Director's Ribbon, NOAA Corps National Response Deployment Medal, and NOAA Corps Outstanding Volunteer Service Medal. (see NCD Chapter 12, Part 7, for a complete list of NOAA Corps Awards.)
 2. Serving as the point of contact regarding procedures for nominating NOAA Corps officers for NOAA Corps awards and for other recognition within and

outside of NOAA.

3. Reviewing records, conducting studies, and compiling reports on issues relating to NOAA Corps uniforms and awards or as assigned by the Director, NOAA Corps.
 4. Reviewing suggestions, monitoring relevant activities in other uniformed services, and recommending to the Director, NOAA Corps such changes to the NOAA Corps uniform and awards regulations as the UAB may determine.
 5. Serving as the point of contact regarding NOAA Corps uniform and awards Directives.
 6. Such other duties related to uniform and awards issues as the Director, NOAA Corps may prescribe.
- C. The UAB convenes once a month, typically within the first week of the month to evaluate all award nominations received since the previous UAB, and at such times as may be necessary.
- D. UAB membership is comprised of not less than three active duty officers; however membership typically consists of 8 to 10 NOAA Corps officers. A senior member of the UAB is appointed the Chair by the Director, NOAA Corps. CPC representatives will serve as non-voting advisors to the UAB.

10011 COMMAND ADVISORY BOARD

- A. The Command Advisory Board (CAB) provides the OAB and Director, NOAA Corps with recommendations concerning commanding and executive officer assignments for all NOAA ship assignments.
- B. The CAB duties shall include:
1. Providing recommendations to the OAB and/or the Director, NOAA Corps concerning commanding and executive officer positions for all NOAA ships anticipated to become vacant in the next 18 to 24 months.
 2. Discussing issues relating to these billets and ensuring that the needs of NOAA programs are continually met.
 3. Enhancing individual NOAA Corps officer career development, performance, and promotion potential.
 4. Addressing all other issues relating to these billets as the Director, NOAA Corps may prescribe.

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- C. The CAB shall convene at such times as may be necessary, but at least once per year.
- D. The CAB membership shall consist of the Director and Deputy Director of Marine Operations, Commanding Officers of the Marine Operations Centers (MOC), NOAA Corps Liaison Officers from National Ocean Service (NOS), Office of Oceanic & Atmospheric Research (OAR) and National Marine Fisheries Service (NMFS). The Director and Deputy Director of Marine Operations shall only have one vote. The Director, NOAA Corps will appoint one member to serve as Chair of the CAB. CPC representative serves in a non voting capacity and the Assignment Coordinator serves in a non-voting capacity and as an advisor and secretary.
- E. General procedure applicable to all CAB deliberations:
 - 1. The Director, NOAA Corps or his or her designee shall call all meetings of the CAB and establish the agenda of actions for the CAB to consider.
 - 2. The Director, NOAA Corps shall provide a written precept to the CAB, and/or may brief the CAB on applicable laws, regulations, and needs of the NOAA Corps as related to the actions to be considered. Such briefing also may be given by a member of the Director, NOAA Corps staff as he or she may designate. Each CAB member must act according to his or her own judgment and is bound by existing laws, directives, and the oath taken by that member.
 - 3. The records shall include all written information on performance evaluations, assignments, awards, completed disciplinary actions, education and training; and correspondence relevant to the above NOAA Corps officer. The CAB shall rely upon the written record, and not personal knowledge or hearsay in its deliberations.
- F. The minutes shall be filed for each CAB session. The minutes shall contain:
 - a. a list of CAB membership;
 - b. a list of convening, meeting, and adjourning dates and times;
 - c. a list of recommendations and names of NOAA Corps officers,
 - d. a certification that at least a majority of the members concur in the recommendations;
 - e. the signature of each member; and
 - f. the written precept, appended.
- B. No member of a CAB shall divulge or discuss any information concerning the recommendations or proceedings of any CAB session, except to report to the Director, NOAA Corps or his or her designee or where disclosure is authorized by other provisions of law. Violation of this section will result in disciplinary action.

10012 FLAG ADVISORY BOARD

- A. The Secretary may designate positions in the Administration as being positions of importance and responsibility for which it is appropriate that NOAA Corps officers, if serving in those positions, serve in the grade of vice admiral or rear admiral (upper and lower half), as designated by the Secretary for each position. (33 U.S.C. § 3028(a)) The Secretary may assign NOAA Corps officers to positions designated as positions of importance and responsibility. (33 U.S.C. § 3028(b)) A NOAA Corps officer assigned to a position of importance and responsibility while so serving has the grade designated for that position, if appointed to that grade by the President. (33 U.S.C. § 3028(d)(1))

NOAA Corps officers assigned to positions and appointed to flag grades by the President serve in a temporary status in the grade designated for that position. (33 U.S.C. § 3028(d)(1))

- B. The Flag Advisory Board (FAB) is established to provide a list of candidates to the Under Secretary for appointment to positions of importance and responsibility. The duties of the FAB are similar to those of the OPB as prescribed in NCD 10008.
- C. The FAB will convene at such time as necessary to fill vacant positions of importance and responsibility.
- D. The FAB membership shall consist of each NOAA Assistant Administrator or his or her designee, and any other member appointed by the Under Secretary. The Director, NOAA Corps will be the Chair of the FAB.

10013 OTHER ADVISORY BOARDS

- A. The Director, NOAA Corps may establish other advisory boards to provide recommendations concerning program, personnel, and operational requirements.