

	NOAA COMMISSIONED OFFICER CORPS DIRECTIVES	CHAPTER	VERSION
	TERMINATION OF ACTIVE SERVICE	08	3.0
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		November 20, 2028	

Purpose

This chapter describes all matters relating to separation and retirement from active service in the NOAA Corps and procedures for evaluating a NOAA Corps officer's disability.

References

- (A) [10 U.S.C. § 1251](#) – Age 62: regular commissioned officers in grades below general and flag officer grades; exceptions
- (B) [10 U.S.C. Chapter 36](#) – Promotion, Separation, and Involuntary Retirement of Officers on the Active-Duty List
- (C) [10 U.S.C. Chapter 58](#) – Benefits and Services for Members Being Separated or Recently Separated
- (D) [10 U.S.C. Chapter 61](#) – Retirement or Separation for Physical Disability
- (E) [10 U.S.C. Chapter 69](#) – Retired Grade
- (F) [18 U.S.C. § 207](#) – Restrictions on former officers, employees, and elected officials of the executive and legislative branches
- (G) [29 U.S.C. Chapter 16](#) – Vocational Rehabilitation and Other Rehabilitation Services
- (H) [29 C.F.R. Part 1614.203](#) – Rehabilitation Act
- (I) [29 C.F.R. Part 1630](#) – Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act
- (J) [42 U.S.C. Chapter 126](#) – Equal Opportunities for Individuals with Disabilities
- (K) [33 U.S.C. Chapter 43, Subchapter III](#) – Separation and Retirement of Officers
- (L) [37 U.S.C. § 908](#) – Reserves and retired members: acceptance of employment, payments, and awards from foreign governments
- (M) [38 U.S.C. Chapter 43](#) – Employment and Reemployment Rights of Members of the Uniformed Services
- (N) [15 C.F.R. Part 998, Subpart C](#) – Active Duty Service Obligations of NOAA Corps Officers

- (O) [Executive Order 11023](#), as amended by [Executive Order 13341](#) – Providing for the performance by the Secretary of Commerce of certain functions relating to the National Oceanic and Atmospheric Administration
- (P) DOD Financial Management Regulation Volume 7B: Military Pay Policy – Retired Pay (DoD 7000.14 – R)
- (Q) DOD Instruction 1332.18 – Disability Evaluation System
- (R) [58 Comp. Gen. 487 \(B-193562\)](#), May 3, 1979
- (S) [62 Comp. Gen. 432 \(B-210346\)](#), June 2, 1983
- (T) [Department of Commerce Administrative Order 215-10](#) – Reasonable Accommodation for Employees or Applicants with Disabilities
- (U) [Executive Order 13164](#) – Establishing Procedures to Facilitate the Provision of Reasonable Accommodation (RA), dated July 26, 2000
- (V) [EEOC Revised Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the ADA](#) (EEOC-CVG-2003-1), October 17, 2002
- (W) [EEOC Policy Guidance on E.O. 13164](#) (EEOC-CVG-2001-2), October 20, 2000

Document History

DOCUMENT HISTORY		
Version	Description of Change	Effective Date
3.0	Updates section 08406 to provide clarity and consistency with general retirement grade eligibility policy in section 08401.	February 2024
2.0	Reformatted and revised to include updates made by NOAA Corps Amendments Act of 2022 (Pub. L. 116-259), James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (Pub. L. 117-263), and incorporation of Disability Evaluation System.	November 2023
1.0	Initial Document	September 2017

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08101 – Termination of Active Service

NOAA Corps officers' active duty service may be terminated through:

- (A) Voluntary resignation;
- (B) Involuntary non-disability separation;
- (C) Retirement;
- (D) Separation or retirement in the best interest of the service; or
- (E) Disability retirement.

08102 – Reasons for Separation

- (A) A voluntarily resignation is a voluntary requested termination of active service, submitted by a NOAA Corps officer not eligible for retirement, effective upon acceptance and approval by the Director, NOAA Corps and on the date designated by the Director, NOAA Corps as specified in Part 2 – Voluntary Resignations of this chapter.
- (B) An involuntary non-disability separation is an involuntary termination of active service of a NOAA Corps officer who is not eligible for retirement. Involuntary non-disability separation may occur for any of the following reasons:
 - (1) Twice failing to be selected for promotion to the next higher grade and non-continuance under 18 years of service;
 - (2) Following a disciplinary action wherein a NOAA Corps officer has been found to have committed acts of misconduct as described in NCD Chapter 7; or
 - (3) The involuntary termination of a NOAA Corps officer's active service as recommended by the Officer Personnel Board (OPB) and determined by the Director, NOAA Corps in accordance with 08501 – Policy when:
 - (a) The NOAA Corps officer's performance is at a level below that expected of their rank or grade, which fails to indicate potential for future growth or promotion; or
 - (b) A reduction in strength of the NOAA Corps is necessary.
- (C) A revocation of commission approval by the Director, NOAA Corps that the NOAA Corps officer is not qualified for retention due to the officer’s unsatisfactory performance

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or misconduct. The commission of a NOAA Corps officer in the grade of ensign may be revoked as authorized at [33 U.S.C. § 3023](#), and as further specified in (A).

- (D) A disability separation is a termination of a NOAA Corps officer's active service because of physical disability incurred while on active duty that makes the NOAA Corps officer unable to perform their duties as specified in Part 6 – Disability Retirement of this chapter and pursuant to the Disability Evaluation System (DES) (see Part 7 – Disability Evaluation System) where a disability rating is below 30 percent as determined by the Department of Veterans Affairs schedule of rating at the time of the determination.
- (E) A voluntary retirement is a voluntarily termination of active service, submitted by a NOAA Corps officer who is eligible for retirement, effective upon acceptance and approval by the Director, NOAA Corps on the date specified by the Director, NOAA Corps and as specified in 08402 – Voluntary Retirement.
- (F) An involuntary non-disability retirement is the involuntary termination of active service of a NOAA Corps officer who is eligible for retirement as specified in Part 4 – Retirement and Part 5 – Separation or Retirement in the Best Interest of the NOAA Corps of this chapter. Involuntary non-disability retirement may occur for any of the following reasons:
 - (1) Non-continuance as specified in 08403 – Involuntary Retirement and Continuation;
 - (2) Twice failing to be selected for promotion to the next higher grade as specified in Part 3 – Involuntary Non-Disability Separation of this chapter;
 - (3) In response to a disciplinary action as specified in (2) above;
 - (4) For age restrictions as specified in 08403 – Involuntary Retirement and Continuation; or
 - (5) Retirement in the best interest of the NOAA Corps as specified in Part 5 – Separation or Retirement in the Best Interest of the NOAA Corps of this chapter.
- (G) Disability retirement is the transfer of a NOAA Corps officer to either the Temporary Disability Retirement List (TDRL) or the Permanent Disability Retirement List (PDRL) because of physical disability incurred while on active duty that makes the NOAA Corps officer unable to perform their duties as specified in Part 7 – Disability Evaluation System of this chapter. If a NOAA Corps officer has a medical condition and prognosis that would otherwise warrant referral to the Disability Evaluation System (DES) but is eligible for retirement then the officer shall not be referred to the DES and shall instead be transferred to the TDRL or PDRL as appropriate.

08103 – Report of Transfer or Discharge

- (A) The Report of Transfer or Discharge (NOAA Form 56-16) is issued to all NOAA Corps officers discharged from active duty, regardless of character of service, and to all officers transferred to the Retired List, except NOAA Corps officers who:
 - (1) Die on active duty; or

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- (2) Are transferred to the Retired List and continue on active duty, otherwise known as recall (NCD Chapter 15). In this case, it will be issued upon release from active duty.
- (B) The Report of Transfer or Discharge provides the NOAA Corps officer with a record of their active duty service. It also provides agencies, such as the U.S. Department of Veterans Affairs (VA), with authoritative information required for the administration of Federal laws applying to personnel discharged from active duty service. It is NOAA Corps' version of the Armed Forces DD Form 214, issued to members who separate from the service.
- (C) An appropriate characterization of service must be determined for all officer separations. The Report of Transfer or Discharge shall contain a characterization of service.
 - (1) When a Personnel Board recommends separation, the Board shall also submit a recommendation to the Director, NOAA Corps for characterization of service pursuant to Paragraphs (3) and (4) below.
 - (2) When the separation does not involve a Personnel Board (i.e. for voluntary separation or retirement or disability separation or retirement), the officer's characterization of service shall be assumed to be honorable, unless there is sufficient reason to question such characterization, in which case the Director shall convene a Personnel Board to review the officer's records and make a recommendation to the Director for characterization of service pursuant to Paragraphs (3) and (4) below.
 - (3) Considerations for Characterization of Service
 - (a) The quality of the NOAA Corps officer's service, including the reason for separation, shall be determined according to standards of acceptable personal conduct and performance of duty.
 - (b) The reason for separation, the specific circumstances that form the basis for the separation, as well as the NOAA Corps officer's personnel record, shall be considered when determining the issue of characterization. Generally, characterization will be based on the officer's total performance of duty and conduct during service; however, there are circumstances in which the conduct or performance of duty reflected by a single incident may form the basis of characterization. A single adverse incident such as involvement with law enforcement authorities (regardless of whether there was a finding or plea of guilt) that either brings discredit upon the service and/or is prejudicial to good order and discipline may be used to characterize a NOAA Corps officer's overall service. See Table 08.01.01 for guidance on determination of characterization of service upon separation.
 - (c) An officer being separated under Other Than Honorable conditions must be informed in writing that they may petition the VA for certain benefits under the laws administered by the Secretary of VA, despite the characterization of the officer's service.

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- (4) Types of Characterization of Service – To determine a NOAA Corps officer’s characterization of service, refer to Table 08.01.01.
- (D) The Commissioned Personnel Center (CPC) is responsible for preparation and issuance of NOAA Form 56-16 for NOAA Corps officers.

Table 08.01.01 Determination of a NOAA Corps Officer’s Characterization of Service Upon Separation

ASSIGN	WHEN
Honorable (HON)	The quality of the member’s service generally met the standard of acceptable conduct and performance for commissioned NOAA Corps personnel or is otherwise so meritorious that any other characterization of service would be clearly inappropriate.
General (Under Honorable Conditions) (GEN)	The quality of the member’s service has been honest and faithful; however, significant negative aspects of the member’s conduct or performance of duty outweighed positive aspects of the member’s service record.
Under Other than Honorable (OTH)	Conduct involving one or more acts of omission that constitute a significant departure from the conduct expected of commissioned members of the NOAA Corps. Examples of factors that may be considered include abuse of special position of trust, violation of a criminal statute, repeated acts of insubordination or failure to follow lawful orders, disregard by a superior of customary superior-subordinate relationships, acts or omissions that endanger the security of the United States or the health and welfare of other members of the Office of Marine and Aviation Operations, extended unauthorized absence (UA), wrongful drug use, or drug distribution.

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08201 – Policy

- (A) The Director, NOAA Corps prescribes criteria for the voluntary termination of a NOAA Corps officer's commission. (Executive Order 11023, as amended by Executive Order 13341; and Department Organization Order 25-5, May 4, 2015)
- (B) A resignation has no effect until it is accepted and approved by the Director, NOAA Corps. The Director, NOAA Corps may approve a request to withdraw a tendered or approved resignation, or a change in the effective date of separation, provided such request is approved before the separation is effected. All requests for withdrawal or change of effective date shall contain a justification for the requested action and be submitted through the officer’s chain of command. (see 08202 – Tender of Resignation)

08202 – Tender of Resignation

- (A) NOAA Corps officers shall tender their resignations a minimum of 6 months before the date of their desired separation. The Director, NOAA Corps shall determine the actual date of separation based on the needs of the service. A NOAA Corps officer due for an assignment rotation shall tender a resignation at least 6 months before the date of rotation. The Director, NOAA Corps, as their sole discretion, may waive the time limits.
- (B) The following procedure will be observed when a NOAA Corps officer tenders a resignation request:
 - (1) All memoranda of resignation shall be addressed to the Director, NOAA Corps and forwarded through the chain of command and the Director, CPC, including the NOAA Corps officer’s line office liaison officer;
 - (2) Chain of command endorsements shall indicate whether the requested resignation date is compatible with the program office and the NOAA Corps officer’s assigned responsibilities and, if appropriate, recommend an alternative separation date; and
 - (3) The NOAA Corps officer's immediate supervisor shall discuss with the NOAA Corps officer the reasons prompting the resignation, ensuring that the NOAA Corps officer is aware of all consequences of the proposed action. The fact that this counseling has been accomplished shall be noted by the supervisor’s endorsement.

Part 2 – Voluntary Resignations

- (C) The following statements are to be included in a memorandum of resignation:
- (1) "I hereby submit my resignation from the NOAA Corps and request that it be accepted effective (desired date)."
 - (2) "To my knowledge, I am (not) financially indebted to the Government of the United States." (If knowledge of indebtedness to the Government does exist, this statement should indicate the amount of indebtedness and the schedule established for repayment. An active duty service obligation is, for all purposes, a debt owed to the United States.)
 - (3) "My reason for resigning is (precise reason)." (NOAA collects this information for its own purposes).

08203 – Medical Examination

A separation medical examination is important for documenting medical concerns identified during an officer's commissioned service and assesses current health and medical history. It is used to identify service-connected conditions for the purposes of claiming benefits administered by the VA. It is the responsibility of the NOAA Corps officer requesting a resignation to obtain a separation medical examination within 6 months preceding the resignation in accordance with NCD Chapter 3.

08204 – Administrative Requirements

- (A) Sixty days before the last day of active duty, the NOAA Corps officer shall submit a letter to the Director, CPC, stating the dates of any annual leave to be taken during the last 45 days of service. Terminal leave is not typically authorized in conjunction with a resignation request (NCD Chapter 6).
- (B) Before the last day of duty, the NOAA Corps officer shall submit notification to the Director, CPC, of a permanent mailing address and contact information where all correspondence shall be sent.
- (C) The NOAA Corps officer shall forward a separation clearance letter to the Director, CPC, via the supervisor, to account for all outstanding Government sponsored correspondence course materials.
- (D) The NOAA Corps officer is required to schedule a security debriefing with the Office of Security at NOAA and to notify the Officer Personnel Management Division's (OPMD) Human Resources (HR) Specialist, via email, as to when the security briefing will take place.
- (E) On the NOAA Corps officer's last day of duty, the Supervisor shall:
 - (1) Notify OPMD's HR Specialist (via endorsed orders) of the NOAA Corps officer's last day of duty;

Part 2 – Voluntary Resignations

- (2) Furnish an itemized list of Government property turned in or accounted for on the Separation Clearance Certificate (CD-126). If publications or other property are transferred instead of returned, documentation is required;
- (3) Forward the following items to their HR Specialist, OPMD:
 - (a) Common Access Card (CAC);
 - (b) Uniformed Services Identification and Privilege Card(s) for dependents;
 - (c) Government Credit Card(s);
 - (d) Government Travel Cards;
 - (e) Government Passport; and
 - (f) SF 312 – Classified Information Nondisclosure Agreement;
- (4) Submit a final Officer Evaluation Report (OER), in accordance with NCD Chapter 4, Part 4, to the Chief, Officer Career Management Division.

Part 3 – Involuntary Non-Disability Separation

Part 3 – Involuntary Non-Disability Separation

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08301 – Policy

- (A) As approved by the Director, NOAA Corps the commission of any NOAA Corps officer in the permanent grade of ensign shall be revoked if the NOAA Corps officer is determined not to be qualified. ([33 U.S.C. § 3023\(b\)](#)). If a NOAA Corps officer in the permanent grade of ensign is at any time found not fully qualified, the NOAA Corps officer’s commission shall be revoked and the NOAA Corps officer shall be separated. ([33 U.S.C. § 3023\(b\)](#)) The Director, NOAA Corps shall determine the effective date of separation.
- (B) The Director, NOAA Corps shall separate, or retire if eligible, any NOAA Corps officer in the permanent grade of lieutenant or lieutenant commander who twice in succession fails selection for promotion and who is not recommended for continuation of duty by the OPB ([10 U.S.C. § 637\(a\)](#)) as authorized by [33 U.S.C. § 3048](#). (see NCD 04203) If a lieutenant or lieutenant commander is within 2 years of qualifying for retirement, see (C) regarding rules for continuation.
- (C) A NOAA Corps officer may be involuntarily separated as a result of a formal disciplinary proceeding (NCD Chapter 7). If a disciplinary action has been commenced against a NOAA Corps officer with a possibility of removing that NOAA Corps officer from the NOAA Corps and the NOAA Corps officer is scheduled to be separated or retired in accordance with applicable retirement laws, the Director, NOAA Corps may delay the date of retirement of the NOAA Corps officer until the completion of the disciplinary action. ([10 U.S.C. § 639](#), as authorized by [33 U.S.C. § 3048](#))
- (D) As recommended by the OPB, the Director, NOAA Corps may separate a NOAA Corps officer in the permanent grade of lieutenant (junior grade), lieutenant or lieutenant commander, provided it is in the best interest of the Service (**Error! Reference source not found.**of this chapter). ([33 U.S.C. § 3022](#), [3041\(a\)\(2\)](#))
- (E) In any fiscal year, the total number of NOAA Corps officers selected for involuntary separation under this part, plus the number selected for involuntary non-disability retirement under 08403 – Involuntary Retirement and Continuation, plus the number retired for age, may not exceed the whole number nearest four percent of the total number of NOAA Corps authorized strength to be on the active list, except as otherwise provided by law. ([33 U.S.C. § 3041\(b\)](#))
- (F) If the Director determines that the evaluation of the medical condition of an officer requires hospitalization or medical observation that cannot be completed with confidence in a manner consistent with the officer’s well-being before the date on which the officer would otherwise be required to separate under this section, the Director may defer the officer’s separation. A deferment may only be made with the written consent of the officer involved. If the officer does not provide written consent to the deferment, the officer will be separated as scheduled.

Part 3 – Involuntary Non-Disability Separation

A deferment of separation under this section may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation. ([33 U.S.C. § 3041\(d\)](#))

- (G) The OPB will make recommendations for characterization of service for any officer recommended for involuntarily separation according to (3).

08302 – Separation Pay

- (A) A NOAA Corps officer who is involuntarily separated, and who has completed more than three years of continuous active duty service immediately before that separation is entitled to separation pay, unless the Director, NOAA Corps determines that the conditions under which the NOAA Corps officer is separated does not warrant payment. ([33 U.S.C. § 3042\(a\)](#))
- (B) Separation pay for a NOAA Corps officer who has completed six or more years of continuous active duty service immediately before being involuntarily separated is equal to 10 percent of the product of:
- (1) The years of active service creditable to the NOAA Corps officer; and
 - (2) 12 times the monthly basic pay to which the NOAA Corps officer was entitled at the time of separation. ([33 U.S.C. § 3042\(b\)\(1\)](#))
- (C) Separation pay for a NOAA Corps officer who has completed three but fewer than six years of continuous active service immediately before being involuntarily separated will be computed as follows: one-half the amount computed in paragraph (B) above. ([33 U.S.C. § 3042\(b\)\(2\)](#))
- (D) In determining a NOAA Corps officer's year of active service for the purpose of computing separation pay, each full month of service that is in addition to the number of full years of service creditable to the officer is counted as one-twelfth of a year, and any remaining fractional part of a month is disregarded. ([33 U.S.C. § 3042\(c\)](#) and [10 U.S.C. § 1174\(f\)](#))
- (E) A period for which a NOAA Corps officer has previously received separation pay or severance pay or readjustment pay under any provision of law based on service in the armed forces may not be included in determining the years of service that may be counted in computing the separation pay of the NOAA Corps officer. ([33 U.S.C. § 3042\(c\)](#) and [10 U.S.C. § 1174\(g\)](#))
- (F) Administration of separation pay is coordinated with retired or retainer pay and disability compensation according to [10 U.S.C. § 1174\(h\)](#). ([33 U.S.C. § 3042\(c\)](#))
- (G) A NOAA Corps officer discharged for twice failing selection for promotion to the next higher grade is not entitled to separation pay if the officer expresses a desire not to be selected for promotion or requests removal from the list of selectees. Failure to complete course requirements for promotion described in NCD Chapter 4, Part is considered to be an expressed desire not to be selected. ([33 U.S.C. § 3042\(d\)](#))

Part 3 – Involuntary Non-Disability Separation

08303 – Medical Examinations and Administrative Procedures

The provisions of NCD 08203 and 08204 – Administrative Requirements are applicable to NOAA Corps officers separated pursuant to this directive.

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08401 – Policy

- (A) The NOAA Corps' voluntary retirement system is structured so NOAA Corps officers may request to voluntarily retire at any time after 20 years of active duty service and before mandatory retirement date.
- (B) A NOAA Corps officer, if eligible for retirement, may be retired involuntarily because of failure to be selected for promotion, disciplinary proceeding, age, or upon recommendation of the OPB when it is deemed to be in the best interest of the Service. ([33 U.S.C. § 3041](#) and [3043](#))
- (C) NOAA Corps officers must serve two years in grade, temporarily or permanently, to be eligible to retire at that grade. ([33 U.S.C. § 3046\(2\)](#))

08402 – Voluntary Retirement

- (A) To be eligible for voluntary retirement, a NOAA Corps officer must have completed at least 20 years of active service of which 10 years was service as a commissioned officer. ([33 U.S.C. § 3044](#))
- (B) A NOAA Corps officer desiring voluntary retirement shall submit a retirement request at least 6 months before the desired retirement date.
- (C) All letters of retirement shall be addressed to the Director, NOAA Corps and forwarded through the chain of command, and Director, CPC, including the NOAA Corps officer’s line office liaison officer.
- (D) Chain of command endorsements shall indicate whether the requested retirement date is compatible with the program office and the NOAA Corps officer’s assigned responsibilities and, if appropriate, recommend an alternative retirement date.

Part 4 – Retirement

- (E) A voluntary retirement request will, at a minimum, contain the following: "Having completed (insert number) years of active service, I request transfer to the Retired List to be effective on the first day of (insert month and year). To my knowledge, I am (am not) financially indebted to the Government." If knowledge of indebtedness exists, indicate the amount of indebtedness and the schedule established for repayment. Refer to NCD Chapter 4, Part 1 and [15 C.F.R. Part 998, Subpart C](#) for information on administration of active duty service obligations. CPC is responsible for tracking completion of service obligations.
- (F) The Director, NOAA Corps will specify the approved effective date of transfer to the Retired List in a memorandum to the NOAA Corps officer. The date of transfer specified shall be the first day of the month. The last day of active duty is the last day of the month before the effective date of transfer.
- (G) The Director, NOAA Corps based on the needs of the Service, may approve a request to withdraw a tendered or approved retirement, or to change the effective date, provided such request is approved before the effective retirement date. All requests made under this paragraph shall be addressed to the Director, NOAA Corps and submitted through the chain of command, and contain sufficient justification to change the retirement date and forwarded to CPC for processing.

08403 – Involuntary Retirement and Continuation

- (A) The Director shall, not less than annually, conduct a review of all NOAA Corps officers eligible for retirement and may convene an OPB to make recommendations for the continuation and involuntary retirement of retirement-eligible officers based on the best interest of the service (see **Error! Reference source not found.**of this chapter).
- (B) Any OPB convened under Paragraph (A) above shall submit its recommendations to the Director, NOAA Corps. NOAA Corps officers not recommended for continuation shall, unless retired under some other provision of law, be retired or discharged on the first day of the sixth month after the Director, NOAA Corps approval of the OPB's recommendation, unless the NOAA Corps officer concerned requests, and the Director approves, an earlier retirement or separation date. ([33 U.S.C. § 3041](#)). The OPB shall also make recommendations on characterization of service and retirement grade pursuant to 08103 – Report of Transfer or Discharge and 08406 – Retired Grade.
- (C) Lieutenants and Lieutenant Commanders – A NOAA Corps officer serving in the permanent grade of lieutenant or lieutenant commander, who has twice in succession failed selection for promotion and is subject to discharge or retirement, shall be considered by the OPB, who may recommend continuance on active duty. ([10 U.S.C. § 637\(a\)\(1\)](#)) as authorized by [33 U.S.C. § 3048](#)) If the lieutenant or lieutenant commander is eligible for retirement under any provision of law, they shall be retired under that law on the date requested by them and approved by the Director, which shall be not later than the first day of the seventh calendar month beginning after the month in which the President approves the recommendations of the board which considered that officer for the second time. ([10 U.S.C. §§ 637 and 632](#), as authorized by [33 U.S.C. § 3048](#)) unless:

Part 4 – Retirement

- (1) If a lieutenant is not recommended for continuation on active duty and the NOAA Corps officer is within 2 years of qualifying for retirement, the NOAA Corps officer shall be retained on active duty until qualified for retirement unless sooner retired or discharged under another provision of law, but may not be continued on active duty beyond the last day of the month in which the officer completes 20 years of active commissioned service unless promoted to the regular grade of lieutenant commander. ([10 U.S.C. §§ 637\(a\)\(2\) and \(a\)\(5\)\(B\)](#) as authorized by [33 U.S.C. § 3048](#))
 - (2) If a lieutenant commander is not recommended for continuation on active duty and the NOAA Corps officer is within 2 years of qualifying for retirement, the NOAA Corps officer shall be retained on active duty until qualified for retirement unless sooner retired or discharged under another provision of law, but may not be continued on active duty beyond the last day of the month in which the officer completes 24 years of active commissioned service unless promoted to the regular grade of commander. ([10 U.S.C. §§ 637\(a\)\(3\) and \(a\)\(5\)\(B\)](#) as authorized by [33 U.S.C. § 3048](#))
- (D) Commanders
- (1) As recommended by the OPB, any NOAA Corps officer serving in the permanent grade of commander, and who is eligible for retirement, may be involuntarily retired in the best interest of the Service. ([33 U.S.C. § 3041\(a\)\(1\)](#))
 - (2) A NOAA Corps officer who holds the regular grade of commander, who is not on a list of officers recommended for promotion to the regular grade of captain shall, if not earlier retired, be retired on the first day of the month after the month in which the officer completes 28 years of active commissioned service, but may, subject to the needs of the service, have their retirement deferred and be continued on active duty if selected for continuation by an OPB, but not beyond the first day of the month following the month in which the officer becomes 62 years of age. ([10 U.S.C. §§ 637\(b\)\(1\) and 633\(a\)](#); as authorized by [33 U.S.C. § 3048](#); [33 U.S.C. 3043\(a\)](#))
- (E) Captains
- (1) As recommended by the OPB, any NOAA Corps officer serving in the permanent grade of captain, and who is eligible for retirement, may be involuntarily retired in the best interest of the Service. ([33 U.S.C. § 3041\(a\)\(1\)](#))
 - (2) A NOAA Corps officer who holds the regular grade of captain, who is not on a list of officer recommended for promotion to the regular grade of rear admiral (lower half) shall, if not earlier retired, be retired on the first day of the month after the month in which the officer completes 30 years of active commissioned service, but may, subject to the needs of the service, have their retirement deferred and be continued on active duty if selected for continuation by an OPB, but not beyond the first day of the month following the month in which the officer becomes 62 years of age. ([10 U.S.C. §§ 637\(b\)\(1\) and 634\(a\)](#); as authorized by [33 U.S.C. § 3048](#); [33 U.S.C. § 3043\(a\)](#))

Part 4 – Retirement

(F) Rear Admirals (Lower Half)

- (1) A NOAA Corps officer who holds the regular grade of rear admiral (lower half), who is not on a list of officers recommended for promotion to the regular grade of rear admiral shall, if not earlier retired, be retired on the first day of the first month beginning after the date of the fifth anniversary of their appointment to rear admiral (lower half) or on the first day of the month after the month in which the officer completes 30 years of active commissioned service, whichever is later.
- (2) The officer may, subject to the needs of the service, have their retirement deferred and be continued on active duty by the President, but not beyond the first day of the month following the month in which the officer becomes 64 years of age. ([10 U.S.C. §§ 637\(b\)\(2\)](#) and [635](#); as authorized by [33 U.S.C. § 3048](#); [33 U.S.C. §3043\(b\)](#))

(G) Rear Admirals

- (1) A NOAA Corps officer who holds the regular grade of rear admiral shall, if not earlier retired, be retired on the first day of the first month beginning after the date of the fifth anniversary of their appointment to the grade of rear admiral or on the first day of the month after the month in which the officer completes 35 years of active commissioned service, whichever is later.
- (2) The officer may, subject to the needs of the service, have their retirement deferred and be continued on active duty by the President, but not beyond the first day of the month following the month in which the officer becomes 64 years of age. ([10 U.S.C. §§ 637\(b\)\(2\)](#) and [636\(a\)](#); as authorized by [33 U.S.C. § 3048](#); [33 U.S.C. § 3043\(b\)](#))

(H) Vice Admirals

- (1) A NOAA Corps officer who holds the regular grade of vice admiral shall, if not earlier retired, be retired on the first day of the first month beginning after the date of the fifth anniversary of their appointment to the grade of vice admiral or on the first day of the month after the month in which the officer completes 38 years of active commissioned service, whichever is later.
- (2) The officer may, subject to the needs of the service, have their retirement deferred and be continued on active duty by the President, but not beyond the first day of the month following the month in which the officer becomes 64 years of age. ([10 U.S.C. §§ 637\(b\)\(2\)](#) and [636\(b\)](#); as authorized by [33 U.S.C. § 3048](#); [33 U.S.C. §3043\(b\)](#))

- (I) NOAA Corps officers serving in a permanent grade of captain or below who have attained the age of 62 shall be retired or separated (as specified in [10 U.S.C. § 1251\(e\)](#)) on the first day of the month following the NOAA Corps officer's 62nd birthday. ([33 U.S.C. § 3043\(a\)](#)) NOAA Corps officers serving in any grade above captain who have attained the age of 64, shall be placed on the Retired List and retired on the first day of the month following the NOAA Corps officer's 64th birthday. ([33 U.S.C. § 3043\(b\)](#))

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- (J) In any fiscal year, the total number of NOAA Corps officers selected for involuntary retirement under this section, plus the number selected for involuntary separation under 08301 – Policy plus the number retired for age, may not exceed the whole number nearest four percent of the total number of the NOAA Corps’ authorized strength, except as otherwise provided by law. ([33 U.S.C. § 3041\(b\)](#))
- (K) If the Director determines that the evaluation of the medical condition of an officer requires hospitalization or medical observation that cannot be completed with confidence in a manner consistent with the officer’s well-being before the date on which the officer would otherwise be required to retire under this section, the Director may defer the officer’s retirement. A deferment may only be made with the written consent of the officer involved. If the officer does not provide written consent to the deferment, the officer will be retired as scheduled. A deferment of retirement under this section may not extend for more than 30 days after completion of the evaluation requiring hospitalization or medical observation. ([33 U.S.C. § 3041\(d\)](#))

08404 – Pre-Retirement Medical Examination

- (A) A pre-retirement medical examination is required of all retiring NOAA Corps officers except for those officers taking disability retirement.
- (B) Involuntary retirement dates are fixed. ([33 U.S.C § 3041\(c\)](#)) NOAA Corps officers scheduled for involuntary retirement must obtain the pre-retirement medical examination at a minimum of 60 days and a maximum of 6 months before the approved retirement date to permit resolution of minor physical problems, or if indicated, to permit completion of physical disability retirement processing, before the date approved for statutory retirement. A delay in submission of the preretirement examination may cause a delay the issuance of retirement orders.
- (C) The Director, NOAA Corps shall be advised when a NOAA Corps officer awaiting retirement is hospitalized.

08405 – Administrative Requirements

- (A) The administrative requirements detailed in 08204 – Administrative Requirements, apply to all NOAA Corps officers, whether voluntarily or involuntarily retiring from the Service.
- (B) For purposes of 08204 – Administrative Requirements, the last day of duty for NOAA Corps officers taking terminal leave is the day before departure upon terminal leave. (NCD Chapter 6)

08406 – Retired Grade

- (A) In accordance with [33 U.S.C. § 3046](#), a NOAA Corps officer shall be retired in the highest grade in which he or she served on active duty satisfactorily, but no less than two years in that grade, as determined by Director, NOAA Corps (see NCD 08401(C)). This

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rule does not apply to commissioned officers subject to retirement for disability under Part 6 of this chapter.

(B) General Guidelines for Grade at Retirement Determinations

Grade at Retirement Determinations should be made according to the following general guidelines:

- (1) A recommendation that an officer has or has not served satisfactorily in the grade currently held will be based on a determination made after considering all relevant factors, such as the nature of the particular substandard performance of duty, misconduct or moral or professional dereliction, or national security interests affected by the officer's conduct. If an OPB is held, the record must support such a determination. In the case of a retirement eligible officer, the OPB should recommend retirement in a lesser grade if the OPB determines that the officer's performance, misconduct, moral or professional dereliction, or national security interests affected by the officer's conduct was serious enough to constitute a significant departure from the conduct required of officers of the NOAA Corps. Examples of such conduct include:
 - (a) Abuse of a special position of trust;
 - (b) An act which brings discredit upon the NOAA Corps;
 - (c) Disregard by a superior of customary superior subordinate relationships;
 - (d) An act or omission that adversely affects the ability of the organization to maintain discipline, good order, and morale or endangers the security of the United States or the health and welfare of other members of the uniformed services; or
 - (e) A deliberate act or omission that seriously endangers the capability, security, or safety of the organization or health and safety of other persons.
- (2) However, when the officer's record, in spite of the substandard performance of duty, misconduct, moral or professional dereliction, or national security interests affected, is otherwise so meritorious as to demonstrate that the officer served satisfactorily in the grade currently held, the recommendation should be for retirement in that grade. If an officer is under investigation for alleged misconduct, retirement should be delayed until the investigation is complete.

(C) Specific Factors for Determining Grade at Retirement

In considering the highest grade in which an officer served satisfactorily, these factors should normally be considered:

- (1) Any substandard performance of duty, misconduct, moral or professional dereliction, or national security interests affected by the officer's conduct;
- (2) The officer's conduct and its relation to, and effect on, the performance of duties;

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- (3) All OERs and other portions of the service record which reflect performance in the current grade. In this regard, it is appropriate to consider whether the misconduct was known by reporting seniors, and if not, what effect, if any, it might have had on the officer's record;
 - (4) Time in current grade, and relation between such time and the time of the officer's conduct;
 - (5) Other relevant matters presented either by the record or the officer; and
 - (6) Chain of command recommendations.
- (D) OPB Recommendation for Retirement Grade
- (1) If an OPB recommends that a retirement-eligible officer be separated based on substandard performance of duty, misconduct, or moral/professional dereliction under NCDs Chapters 7 and 10, then the OPB must also make a recommendation as to retirement grade. The OPB will determine the highest grade in which the officer served on active duty satisfactorily for not less than 6 months and make a recommendation as to retirement grade. Six months of satisfactory service in the present grade does not preclude retirement in a lesser grade.
 - (2) Regardless of whether the factual basis for separation for cause occurred before or after the passage of 6 months of satisfactory service in the current grade, the OPB may find and recommend that the highest grade in which the officer served satisfactorily is the grade prior to the grade in which the conduct in question occurred. The OPB determination is merely a recommendation and the final decision as to retirement grade rests with Director. Finally, the procedures in this section do not apply to officers in the grades of O-7 and above. The final decision as to retirement grade for O-7 and above rests with the Secretary.
- (E) Satisfactory Service Determination for Retirement Grade

In the case of an officer whom the Director determines has committed misconduct in a lower grade, Director may determine that the officer has not served satisfactorily in any grade equal to or higher than that lower grade. This determination will be made by Director without an OPB in those cases where the officer has submitted a voluntary retirement request.

08407 – Retired Pay

Information regarding retired pay calculation and rates may be obtained from the NOAA Corps Payroll Unit or from the Under Secretary of Defense's (Comptroller), Financial Management Regulation, Vol. 7B: Military Pay Policy and Procedures, Retired Pay, DOD 7000.14-R.

08408 – Post-Retirement Activities

- (A) Under a federal conflict of interest statute ([18 U.S.C. § 207](#)), retired NOAA Corps officers are permanently barred from representing any other person before a federal agency or court concerning any particular matter involving specific parties in which such

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NOAA Corps officers participated personally and substantially as federal employees. In addition, a retired NOAA Corps officer is barred for 2 years from representing any other person or entity before a federal agency or court concerning any particular matter involving specific parties which was pending under the NOAA Corps officer's official responsibility during their last year of employment.

- (B) The Emoluments Clause of the United States Constitution prohibits the employment of federal officers or employees by a foreign government without the consent of Congress. (U.S. Const. Art. I, section 9, cl.8) This prohibition applies to retired members of the uniformed services. ([58 Comp. Gen. 487 \(1979\)](#))
- (C) A federal statute grants the consent of Congress required by this clause to retired members of the uniformed services to accept foreign civil employment and compensation, subject to the approval of the Secretary of State and the Secretary of the retired member's service. ([37 U.S.C. § 908](#)) However, Congressional consent and Secretarial approval are not required, for the employment of the retired members of the uniformed services by foreign corporations that maintain separate identities and do not become mere agents or instrumentalities of the foreign government. ([62 Comp. Gen. 432 \(1983\)](#))

Part 5 – Separation or Retirement in the Best Interest of the NOAA Corps

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08501 – Policy

- (A) A NOAA Corps officer's separation or retirement is considered to be in the best interest of the Service for either of the following reasons:
 - (1) Performance is at a level below that is required of a NOAA Corps officer of their rank or grade, and which fails to indicate potential for future growth or promotion;
or
 - (2) When a reduction in strength of the NOAA Corps is necessary.
- (B) A NOAA As recommended by the OPB, the Director, NOAA Corps may, in the best interest of the Service ([33 U.S.C. § 3041\(a\)](#)):
 - (1) For an officer in the permanent grade of captain or commander:
 - (a) Retire the NOAA Corps officer; or
 - (b) If the officer is not qualified for retirement, separate the officer from service; and
 - (2) Separate a NOAA Corps officer in the permanent grade of lieutenant commander, lieutenant, or lieutenant (junior grade) who is not qualified for retirement.

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08601 – Disability Retirement

- (A) Permanent disability retirement is a disability that is permanent if, based on accepted medical principles, the disabling condition has stabilized so that the compensable percentage rating is not expected to change during the next 3 years or if the compensable disability rating is 80 percent or more and the disability will probably not improve so as to be ratable at less than 80 percent during the next 5 years. A NOAA Corps officer whose physical condition meets either of these requirements and who is otherwise qualified shall be permanently retired.
- (B) Emergency disability retirement is a retirement that will be processed under the same procedures as any other disability case. A NOAA Corps officer sustaining an acute, possibly fatal, injury or illness will not be eligible for disability retirement during the immediate emergency period. The fact that death may, or is likely to, ensue during the emergency period is not grounds for disability retirement. However, after a reasonable period of observation and treatment (after 72 hours of hospitalization), if it becomes obvious that the condition causing the emergency will, or is likely to, result in permanent disability or death, the NOAA Corps officer or the next of kin acting on their behalf, may, after counseling from the Director, CPC, request disability retirement.
- (C) Temporary disability retirement is made when an officer has a disability which may be considered temporary when it has been determined not to be of a permanent nature, the NOAA Corps officer's condition has not stabilized, or the NOAA Corps officer may recover and become fit for duty (or the degree of severity may substantially change) within the next 3 years. ([10 U.S.C. § 1210](#)) In such cases, the NOAA Corps officer shall be removed from active duty and placed on the TDRL. The following applies to those NOAA Corps officers placed on the TDRL:
 - (1) The NOAA Corps officer must undergo periodic medical examinations at 18-month intervals or less as determined by the Physical Evaluation Board (PEB). The Director, CPC, will issue travel orders for this purpose. Failure to report for any periodic medical examination shall result in termination of the NOAA Corps officer's disability retired pay unless they can show good cause for failure to report. If disability retired pay is terminated and the NOAA Corps officer later

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provides good cause for failure to report, they may be reinstated on the TDRL and payments made retroactive for a period not to exceed 12 months. ([10 U.S.C. § 1210\(a\)](#))

- (2) The PEB, as defined in Part 7 – Disability Evaluation System of this Chapter, will review the results of the periodic medical examinations and make one of the following recommendations to the Director, NOAA Corps:
 - (a) The NOAA Corps officer should be retained on the TDRL unless the examination is the final examination prior to the 3- year limit on the TDRL. If the NOAA Corps officer is retained, no change shall be made in the disability rating. However, if the NOAA Corps officer remains disabled, has less than 20 years active duty for retirement purposes, and the rating falls below 30 percent, the NOAA Corps officer shall be removed from the TDRL and discharged with severance pay according to 08602 – Disability Separation. ([10 U.S.C. § 1210\(b\) and \(e\)](#))
 - (b) The NOAA Corps officer is found fit for return to duty, in which case the NOAA Corps officer shall, subject to personal consent, be called to active duty and, as soon thereafter as practicable, be reappointed to the active list as provided by law. If the NOAA Corps officer declines to return to active duty, disability retired pay ceases effective on the date the NOAA Corps officer was scheduled to report for active duty, and affiliation with the service terminates as of that date, except that a NOAA Corps officer who was eligible to retire for other than disability at the time of placement on the TDRL may, when removed from the list as physically fit, retire under other provisions of law. ([10 U.S.C. § 1210\(f\); 1211](#))
 - (c) The NOAA Corps officer is found permanently disabled, in which case the PEB shall reassess the disability, taking into account changes in conditions since the time of placement on the TDRL, and recommend to the Director, NOAA Corps, that the NOAA Corps officer be permanently retired pursuant to appropriate statutes. ([10 U.S.C. § 1210\(c\)](#)) In reassessing the disability, nonservice connected conditions, including those occurring during the TDRL period, are not rated.
 - (d) The NOAA Corps officer, according to generally accepted medical principles, would likely benefit from a particular course of treatment without undue risk. If recommended, the NOAA Corps officer is expected to voluntarily place himself/herself under appropriate medical care.

08602 – Disability Separation

- (A) An officer may be separated upon a determination by the Secretary when the officer is found unfit to perform the duties of the officer's grade or rank because of a physical disability incurred while on active duty. Officers may be separated for disability, with separation pay under NCD 08607, if:
 - (1) The officer has less than 20 years of service;

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- (2) The disability is not the result of the officer's intentional misconduct or willful neglect, and was not incurred during a period of unauthorized absence;
- (3) Based upon accepted medical principles, the disability is or may be of a permanent nature; and
- (4) One of the following is met:
 - (a) The disability is less than 30 percent under the standard VA schedule of rating at the time of the determination, and the disability was:
 - (i) The proximate result of performing duty or incurred in the line of duty;
 - (ii) Incurred in line of duty in time of war or national emergency; or
 - (iii) Incurred in the line of duty after September 14, 1978 ([10 U.S.C. § 1203\(b\)\(4\)\(A\)](#));
 - (b) The disability is less than 30 percent under the standard VA schedule of rating at the time of determination, the disability was not noted at the time of the officer's entrance on active duty, unless clear and unmistakable evidence demonstrates that the disability existed before entrance on active duty and was not aggravated by active duty service ([10 U.S.C. § 1203\(b\)\(4\)\(A\) and \(B\)](#)); or
 - (c) The disability is at least 30 percent under the standard VA schedule of rating at the time of determination, the disability was neither:
 - (i) The proximate result of performing active duty;
 - (ii) Incurred in the line of duty in time of war or national emergency; nor
 - (iii) Incurred in line of duty after September 14, 1978 and the officer has less than 8 years of service on the date when he or she would otherwise be retired for disability or placed on the temporary disability retired list. ([10 U.S.C. § 1203\(b\)\(4\)\(C\)](#))

08603 – Service Incurred or Aggravated Disability

- (A) To be eligible for disability benefits, a NOAA Corps officer found unfit because of physical disability must have acquired such disability while on active duty. The disability may be because of a condition incurred on active duty or because of a preexisting condition that was aggravated while on active duty. ([10 U.S.C. §§ 1201 and 1203](#)) The presumption is made that a NOAA Corps officer was physically fit upon entering active duty and any condition incurred or aggravated subsequently is considered NOAA Corps connected with the following exceptions:
 - (1) Physical disabilities noted at the time of the NOAA Corps officer's appointment physical examination or call to active duty and no NOAA Corps service aggravation of the disability has occurred. "Natural progression" of a disease is not considered NOAA Corps service aggravation;

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- (2) Abnormalities discovered subsequent to entry on active duty that impel the conclusion that they must have existed or have originated before entry on active duty. However, any condition that becomes disabling after 180 days of active service will be sufficient evidence of NOAA Corps service connection unless the NOAA Corps officer willfully withheld information that would have established the pre-existence of the disabling condition; or
 - (3) Any expected disability occurring as a result of necessary treatment of a condition that was not NOAA Corps service incurred or aggravated.
- (B) To rebut a presumption of NOAA Corps service incurred or service aggravated disability, a reasonable doubt of evidence to the contrary must be present. Medical opinions alone are not sufficient. There must be evidence based on well-established medical principles that preclude a reasonable doubt.

08604 – Line of Duty Disability

- (A) A disability incurred while on active duty must also be incurred in the line of duty to qualify a NOAA Corps officer for disability retirement or separation. A line of duty determination should be made for any illness or injury that requires a hospital stay or convalescent leave. In general, a condition acquired or aggravated while on active duty will be considered to have occurred in the line of duty unless incurred under the following conditions:
- (1) As a result of the NOAA Corps officer's intentional misconduct;
 - (2) During a period of unauthorized absence; or
 - (3) As a result of the NOAA Corps officer's willful neglect. ([10 U.S.C. § 1201](#))
- (B) The presumption is made that any disability incurred while on active duty is not caused by the NOAA Corps officer's intentional misconduct (including unauthorized absence) or willful neglect. In cases where information exists or circumstances otherwise indicate that misconduct or willful neglect may be involved, the officer's Commanding Officer may conduct a preliminary inquiry and notify the Director in writing. Such cases include, but are not necessarily limited to, illnesses or injuries:
- (1) Resulting from motor vehicle accidents;
 - (2) Occurring while on unauthorized leave;
 - (3) Associated with or possibly associated with the abuse of alcohol or drugs;
 - (4) Occurring while committing a felony; or
 - (5) Resulting from attempted self-destruction.
- (C) Except in time of war or national emergency, and in order to qualify for disability benefits, a NOAA Corps officer must have incurred a physical disability proximate to the performance of duty, or the disability must be incurred in line of duty after September 14, 1978. ([10 U.S.C. § 1201](#) and [1203](#)) To be considered "proximate" the incurrence of a disability must have a direct relationship to the performance of duties and is more limiting than line of duty. A disabling injury occurring while on leave would not be

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considered a proximate result of active duty but would be in line of duty. NOAA Corps officers recalled to active duty for 30 days or less, a determination of "proximate result" applies at all times in determining eligibility for disability benefits.

08605 – Disability Retired Grade

A NOAA Corps officer retired for physical disability is entitled to the grade equivalent to the highest of the following:

- (A) The grade or rank in which the officer is serving on the date the officer is placed on the temporary disability retired list or, if not on that list, the date the officer is retired;
- (B) The highest temporary grade or rank in which the officer served satisfactorily, as determined by the Director;
- (C) The permanent regular grade to which the officer would have been promoted had it not been for the physical disability for which the officer is retired and which was found to exist as a result of a physical examination; or
- (D) The temporary grade to which the officer would have been promoted had it not been for the physical disability for which the officer is retired, if eligibility for that promotion was required to be based on cumulative years of service or years of service in grade and the disability was discovered as a result of a physical examination. ([10 U.S.C. § 1372](#))

08606 – Effective Date of Disability Retirement or Discharge

The date approved by the Director, NOAA Corps shall be the effective date of the disability retirement or discharge of any NOAA Corps officer permanently retired or discharged for physical disability, or transferred to the TDRL. ([10 U.S.C. § 1221](#))

08607 – Disability Severance Pay

- (A) A NOAA Corps officer discharged for disability is entitled to severance pay computed by multiplying years of service creditable under [10 U.S.C. § 1208](#), by the method described below which will result in the highest amount of severance pay: ([10 U.S.C. § 1212](#))
 - (1) Twice the amount of monthly basic pay to which they would be entitled if serving;
 - (a) On active duty on the date when separated, and
 - (b) In the grade in which serving on the date when placed on the TDRL, or if not placed on the TDRL, on the date when separated.
 - (2) Twice the amount of monthly basic pay to which they would be entitled if serving:
 - (a) On active duty on the date when placed on the TDRL or, if not carried on that list, on the date when separated; and

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- (b) In any temporary grade higher than that prescribed in (1) above, in which they served satisfactorily as determined by the uniformed service in which the service in the higher grade was performed.
- (3) Twice the amount of monthly basic pay to which they would be entitled if serving:
 - (a) On active duty on the date when placed on the TDRL or, if not carried on that list, on the date when separated; and
 - (b) In the permanent grade to which they would have been promoted had it not been for the disability for which separated and which was found to exist as a result of a medical examination for promotion.
- (4) Twice the amount of monthly basic pay to which they would be entitled if serving:
 - (d) On active duty on the date when placed on the TDRL or, if not carried on that list, on the date when separated; and
 - (e) In the temporary grade to which they would have been promoted had it not been for the disability for which separated and which was found to exist as a result of a medical examination for promotion, if eligibility for promotion was required to be based on cumulative years of service or years in grade.
- (C) In computing years of service for disability severance pay purposes, a part of 1 year of active service that is 6 months or more is counted as a whole year, and a part of year that is less than 6 months is disregarded. ([10 U.S.C. § 1212\(b\)](#))
- (D) The amount of disability severance pay received shall be deducted from any compensation for the same disability to which the NOAA Corps officer, or their dependents, may become entitled to under any law administered by the VA. However, no deduction may be made from any death compensation to which the NOAA Corps officer's dependents become entitled after their death. ([10 U.S.C. § 1212\(d\)](#))

Part 7 – Disability Evaluation System

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08701 – Purpose

- (A) This Part establishes the NOAA Corps Disability Evaluation System (DES) according to the provisions of Title [10 U.S.C. Chapter 61](#), [29 U.S.C. Chapter 16](#), [33 U.S.C. § 3071](#) and [§ 3072](#), and DoDI 1332.18 with accompanying enclosures. It sets forth responsibilities and procedures that apply prior to and throughout the separation process in the event that a NOAA Corps officer does not meet Individual Medical Readiness (IMR) requirements. As an essential function of their position, NOAA Corps officers are required to maintain their IMR for sea duty at all times. Some duties at sea may include navigating the ship, standing watch, firefighting, abandoning ship, and deck operations. NOAA Corps officers also have the potential to be called into military service. NOAA Corps officers that are unable to perform their essential function of deployment at sea due to not meeting IMR standards for greater than 12 consecutive months or 12 months cumulatively over a period of 24 months, will be sent to a Medical Evaluation Board (MEB) as part of the DES process. After completion of the MEB, a NOAA Corps officer referred to the DES (hereafter “Evaluatee”) then goes to the PEB to determine if the medical diagnosis(s) are service-limiting and if the service-limiting diagnosis(s) and degree of disability meet the criteria for medical retirement from the service.
- (B) This Part provides a process for ensuring Evaluatees are properly evaluated and are afforded all necessary assistance, healthcare, and benefits. The DES process also aids in determining the disposition of the Evaluatee. The DES process aids in preventing the arbitrary separation or unsafe/unhealthy continuation of service of those Evaluatees who incur a disabling injury or medical condition.
- (C) The objectives of this Part are to:
- (1) Maintain a safe, effective, and fit NOAA Corps with maximum use of available manpower;
 - (2) Provide benefits utilizing the DES for eligible NOAA Corps officers who are unable to perform the essential functions of their position due to a disability; and
 - (3) Provide prompt and equitable processing while ensuring that the Evaluatees are protected.

Part 7 – Disability Evaluation System

08702 – Scope

- (A) This Part applies to NOAA Corps officers. This Part is intended to ensure compliance with all applicable laws and regulations related to NOAA Corps separations pursuant to [10 U.S.C. Chapter 61](#).
- (B) Provided the NOAA Corps officer has no other conditions which are cause for MEB referral, a NOAA Corps officer with a condition that is not compensable under the Department of Veterans Affairs Schedule for Rating Disabilities (VASRD) will not be referred to the DES even when these conditions require a not fit for duty status or interfere with duty performance. Determinations on whether a condition is not compensable under the VASRD will be made by the VA prior to the separation of the NOAA Corps officer, in accordance with VA procedures and policies.

08703 – Reasonable Accommodations

- (A) Reasonable Accommodations will be provided to qualified individuals with a disability in accordance with the Rehabilitation Act, 29 U.S.C. § 794 and [DAO 215-10](#), unless to do so would cause undue hardship.
- (B) An Evaluatee shall be informed of their right to request an accommodation before starting the DES process. In the event this occurs, the Evaluatee shall be referred to the NOAA Reasonable Accommodation Coordinator (RAC) within the NOAA Office of Human Capital Services and the request shall be processed in accordance with [DAO 215-10](#). The IMR and fitness for duty (FFD) determinations made by the Office of Health Services (OHS) will be submitted to the NOAA RAC to be analyzed in the assessment of the request. The Office of Human Capital Services (OHCS) will not be able to alter the IMR and FFD determinations made by OHS.
- (C) If the Evaluatee cannot be reasonably accommodated or the Evaluatee declines to be evaluated for a reasonable accommodation, then they shall be referred to the DES.

08704 – NOAA Corps DES Components

- (A) The NOAA Corps DES process shall comply with DODI 1332.18 to ensure standardized VA disability ratings and evaluation processes.
- (B) Medical Evaluation Board (MEB) – A MEB will be convened upon receipt of the NOAA Corps DES package to conduct a thorough and expeditious evaluation of an Evaluatee's medical records and medical evaluation. MEB medical evaluations are completed by a Military Treatment Facility (MTF) in coordination with the VA.
- (C) Informal IPEB – The IPEB is an administrative board convened by precept of the Director, NOAA Corps or designee. The IPEB evaluates the findings of the MEB, and in the case of utilization of the DES process, shall establish percentage disability in accordance with the VASRD schedule. The IPEB reviews the case file to make initial findings and recommendations without the Evaluatee present. The Evaluatee may accept the finding, rebut the finding, or request a FPEB. See Section 08706 regarding the Evaluatee's response. See Appendix 8.7.1 regarding IPEB composition and duties.

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- (D) Formal PEB (FPEB) – Evaluatees who are found unfit are entitled to a formal hearing, an FPEB, to contest their IPEB findings. The Physical Evaluation Board Liaison Officer (PEBLO) will document the Evaluatee’s declination of an FPEB. In accordance with DoDI 1332.18, the FPEB shall be conducted as a full and fair hearing, to include a written transcript of proceedings. See Appendix 8.7.2 regarding FPEB duties.
- (E) Physical Review Council (PRC) – The PRC reviews IPEBs and FPEBs in which the Evaluatee rebuts the findings or recommended disposition.
- (F) Physical Disability Appeal Board (PDAB) – The PDAB is established for the purpose of reviewing disability evaluation cases forwarded by the PRC. The PDAB is considered the final and conclusive component in the DES process.

08705 – General Responsibilities

- (A) The Director, NOAA Corps is responsible for ensuring compliance with all applicable laws as they apply to the NOAA Corps DES process. In cases where the Director is going through the NOAA Corps DES process, the DES responsibilities of the Director may be reassigned to the NOAA Deputy Under Secretary for Operations.
- (B) The Director, CPC shall:
 - (1) Be responsible for developing, implementing, and executing all aspects of the NOAA Corps DES process;
 - (2) Ensure NOAA Corps Directives and regulations for the NOAA Corps DES are consistent with provisions of 10 U.S.C. Chapter 61 and DOC and DOD policy and ensure these laws, policies, and procedures and this regulation are fairly and consistently implemented;
 - (3) Provide medical, travel, and administrative support staff to meet DES performance goals, without reducing an Evaluatee’s access to due process consistent with DoDI 1332.18;
 - (4) Upon receipt of notification from Director, Office of Health Services that Evaluatee’s medical conditions that are considered service limiting and are expected to persist more than 12 months or have cumulatively persisted for a period to exceed 12 months over a preceding 24-month period, offer the NOAA Corps officer the option to begin the reasonable accommodation evaluation process, per NCD 08703;
 - (5) Collaborate with MEB board members to obtain all MEB documentation required for convening the PEB, including a signed reviewed copy of the findings of the MEB, from the PEBLO;
 - (6) Conduct a thorough review and endorsement of the MEB findings and ensure that the MEB was conducted in accordance with proper procedures;
 - (7) Be responsible for assembling PEBs by designating roles per this Part to include logistical matters associated with convening the PEB;

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- (8) Establish a limited duty status for the Evaluatee during DES processing and ensure that the Evaluatee is given assignments that can be performed while in a limited duty status;
 - (9) Immediately inform Disability Evaluation System Counsel Program (DESCP) personnel at assigned MTF and the DESC Program Manager upon referral of any NOAA Corps officer to a MEB and provide the Evaluatee's contact information; and
 - (10) Provide pertinent contact information for NOAA personnel responsible for administering and adjudicating the PEB upon request if the MEB recommends referral to a PEB.
- (C) The Director, Office of Health Services shall:
- (1) Act as the lead Medical Officer for the NOAA Corps DES;
 - (2) Notify the Director, CPC in writing of the Evaluatee's medical conditions that are considered limiting and are expected to persist greater than 12 months or have cumulatively persisted for a period to exceed 12 months over a preceding 24-month period;
 - (3) In the event that the reasonable accommodation process does not result in the provision of a reasonable accommodation to the NOAA Corps officer and/or the NOAA Corps officer has waived the RAR process, OHS will then forward a completed packet to the MEB. For a list of required contents in a completed packet, see Appendix 8.7.3;
 - (4) Ensure NOAA medical staff follow DES policies and procedures established by this policy and referenced instructions herein delineated, and that regulations are fairly and consistently implemented;
 - (5) Maintain procedures to ensure the accuracy and consistency of NOAA Corps DES determinations and decisions;
 - (6) Communicate in writing all staffing, logistical, and other support needs per DES requirements to the Director, CPC in a timely manner;
 - (7) Notify the NOAA Corps officer in writing when they are being referred to the DES. An explanation of the officer's responsibilities, rights, and next steps will be communicated by OHS and during the MEB process; and
 - (8) Every 30 days, report progress status of Evaluatees going through the DES process to the Director, NOAA Corps and the Director, CPC.
- (D) The NOAA Corps Medical Affairs Branch shall:
- (1) Serve as the primary medical point of contact for the NOAA Corps throughout the DES process;
 - (2) Serve as the NOAA Corps point of contact for the PEBLO assigned to the Evaluatee being evaluated for medical separation;

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- (3) Be responsible for organizing and providing any documentation requested from the PEBLO, MEB, or PEB to facilitate meeting designated DES timelines, per this policy and any instructional references listed in this document;
 - (4) Be responsible for providing the Evaluatee’s medical record, within 3 days to the MTF or VA when requested;
 - (5) Within 3 days of referral to a MEB, electronically provide the Evaluatee's entire case file, including all medical records to the assigned MTF, and electronically update the file as new pertinent information is obtained; and
 - (6) Be responsible for archiving the Evaluatee’s medical record with the National Archives upon separation.
- (E) Walter Reed National Military Medical Center (WRNMMC) – MTF, DES Department:
- (1) The PEBLO staff within the MEB division at WRNMMC will be the initial point of contact to initiate the DES and throughout the MEB process for the Director, OHS and NOAA Medical Affairs staff. In rare cases, other MTFs with the full complement for MEB processing may also be utilized for the MEB when WRNMMC is unable to conduct the review;
 - (2) Should assign a PEBLO per DoDI 1332.18 to the Evaluatee throughout the entire DES process, provide career transition training and DES education/resources consistent with any other member in the DES process at their facility, and conduct and complete all MEB components according to the DoDI 1332.18 including any appeals or rebuttals during the MEB process;
 - (3) Ensure that an attorney, via the Office of the Navy Judge Advocate General (JAG), has been assigned to represent the Evaluatee; and
 - (4) Provide all required MEB documentation needed by the NOAA Corps PEB.
- (F) DOC Office of the General Counsel and Navy DES Counsel Program (DESCP):
- (1) The Department of Commerce Office of the General Counsel (DOC-OGC) has the responsibility for certifying the legal sufficiency of board actions in the DES process;
 - (2) The DESCPC will provide legal support for the NOAA Corps DES process to counsel Evaluatees who are being evaluated by the DES, including legal counsel to brief the Evaluatee on IPEB findings and recommended disposition, and, if applicable, to represent the Evaluatee before any FPEB and PDAB proceedings;
 - (3) The DESCPC will provide legal advice to the IPEB, FPEB, PRC, and PDAB on the laws and regulations which apply to the DES;
 - (4) The DESCPC and DOC-OGC will review the actions of the IPEB, FPEB, PRC, and PDAB for legal sufficiency, technical accuracy, with attention to the evidence pertaining to the recommended disposition;
 - (5) Within 2 days of receiving the Evaluatee’s contact information, establish contact with the Evaluatee;

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- (6) Notify appropriate NOAA administrators of the contact information for the attorney of record and the administrative staff supporting the attorney;
- (7) The DESCOP will provide required legal representation to the NOAA Corps officer from the initiation of the MEB through all applicable appeals prior to discharge; and
- (8) When required, WRNMMC MEB may utilize DESCOP personnel from other locations to augment DESCOP personnel serving NOAA Corps servicemembers.

08706 – DES Process

This section provides a general overview of the entire NOAA Corps DES from the initiation of the process to the final disposition. Additional guidance is located in the appendices of this Chapter and in the relevant law, policies, and regulations named herein.

- (A) MEB – The Director, OHS bears responsibility to refer an Evaluatee to an MEB, per this Part. Prior to referral, the Director, OHS will ensure that the reasonable accommodation requirements per NCD 08703 have been satisfied. The MEB, in coordination with the VA Military Service Coordinator (MSC), will conduct a thorough examination of the Evaluatee’s impairment(s), the results of which, prepared in accordance with policy, should be as detailed as possible so as to provide a complete synopsis of the Evaluatee’s physical and mental impairments for subsequent review by the PEB.
 - (1) NOAA Corps Medical Affairs will ensure the medical record is complete and that all paperwork required by the MEB and VA to begin the DES process is complete and accurate. Once all required paperwork is compiled, NOAA Corps Medical Affairs personnel will contact a WRNMMC PEBLO to initiate the DES process.
 - (2) For standardization of the DES process and resource constraints of the NOAA Corps Medical Affairs Branch, as well as the small number of NOAA Corps officers referred to the DES, MEBs for the NOAA Corps should be conducted through WRNMMC. WRNMMC should supply a PEBLO that will be assigned the Evaluatee’s case throughout the MEB and PEB, utilize existing WRNMMC medical staff for all DoDI required elements of the MEB, furnish training and education instruction consistent with services provided by WRNMMC to other military members going through the DES process, arrange VA medical exams when utilizing the DES, convene all MEBs including rebuttals, and supply all necessary paperwork to the NOAA Corps Medical Affairs Branch in order to convene the PEB.
- (B) Director, CPC Endorsement – At completion of the MEB, the Evaluatee’s case-file shall be sent to the NOAA Corps Medical Affairs Branch for further processing. The Director, CPC will review the case-file under the guidance of CPC Medical Affairs staff to ensure process and document requirements are met in accordance with this instruction and other applicable authorities. If the case-file is deemed to be incomplete or causes concern for a breach of process, the case-file shall be returned to the PEBLO for additional review and/or documentation, or shall be held in abeyance pending receipt of the required information.

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- (C) Evaluatee Response to MEB – A copy of the MEB shall be provided to the Evaluatee, by way of the assigned PEBLO. The Evaluatee, under the guidance of the PEBLO will be given an opportunity to respond to the report within 15 calendar days.
- (D) IPEB Action – The IPEB reviews the case-file to determine fitness and disability. IPEB findings and recommended disposition must be voted upon by each IPEB member, and be unanimous. The findings and recommended disposition will be disclosed to the assigned PEBLO who shall review them with the Evaluatee. If the Evaluatee elects counsel, the findings and recommended disposition will be provided to the assigned legal counsel per the procedures of the PEBLO.
- (E) Evaluatee Response to IPEB – The PEBLO shall examine the record and review the case, the findings, and recommended disposition with the Evaluatee. The DESCP, shall provide additional review, further delineating the legal implications of the IPEB’s findings and recommended disposition. Legal counsel shall review the Evaluatee’s rights, and alternative IPEB courses of action that could be considered. The Evaluatee, with the guidance of PEBLO and/or legal counsel may accept the findings or rebut the findings and request a FPEB. The Evaluatee has 15 calendar days from receipt of the IPEB report to respond to the IPEB. If the Evaluatee declines a FPEB, the PEBLO will document the Evaluatee’s declination.
- (F) FPEB Action, when necessary, and Evaluatee Response – Upon receiving a case, the FPEB, in collaboration with the PEBLO, arranges for the presence of the Evaluatee and additional witnesses, if indicated. The FPEB provides a full and fair hearing which, if demanded by an Evaluatee, is required by 10 U.S.C. §1214. An audio recording is made of the testimony and proceedings, witnesses are heard under oath or affirmation, and other evidence may be received to further endorse Evaluatee’s fitness or unfitness for duty and/or the degree of disability, if applicable. The Evaluatee shall be furnished with a transcript of the hearing, and, if requested, the findings and recommended disposition. The Evaluatee shall be granted up to, but not more than 15 calendar days from the date of receipt of the FPEB findings and recommended disposition, to review and, if desired, to submit a rebuttal to DOC-OGC. If no rebuttal or response is submitted within the 15 calendar day period, the case will be forwarded to DOC-OGC for review.
- (G) PRC Action and Evaluatee Response – In the case of a rebuttal to the findings and recommended disposition of an FPEB, the entire case-file shall be reviewed by a newly convened PRC. The PRC shall not comprise members of the prior IPEB or FPEB. The PRC shall be coordinated by the PEBLO, and shall serve as a reviewing body to: ensure appropriate VASRD diagnostic code(s) are assigned; ensure the correct percentage of disability has been assigned to the VASRD diagnosis(es); audit for pyramiding of impairments; ensure the preponderance of evidence of the record supports the findings and, if found unfit, the assigned rating. If the FPEB findings and recommended disposition are approved by the PRC, or if only minor changes are made, the record is forwarded to DOC-OGC for a determination of legal sufficiency. Only after review and final approval by DOC-OGC shall the findings be implemented by CPC. If the PRC does not approve the findings and recommended disposition of the FPEB, the PRC shall determine, in collaboration with legal counsel, the appropriate action. Substitute findings and disposition will be sent to the Evaluatee, who has the opportunity to rebut or appeal

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the substitution within 21 calendar days from the date of receipt from CPC. The PRC will consider the Evaluatee's comments and will either modify the substitute findings and recommended disposition to accommodate the Evaluatee, or adhere to substitute findings or disposition and so notify the Evaluatee of the decision and the right to request a hearing before a PDAB. If a rebuttal statement is not received within the 21 calendar day period, it shall be deemed the Evaluatee has concurred with the substitute finding.

- (H) PDAB – The PDAB serves as the final board in the DES process. The PDAB shall comprise members who have not served on a previous FPEB or PRC for the Evaluatee and shall provide an additional line of impartial review. The PDAB shall review all cases presented to it and will hear statements, in person, of the Evaluatee and counsel if they wish to make statements. The PDAB shall not introduce witnesses or testimony outside of that which is contained in the current record. The decision of the PDAB is forwarded to the DOC-OGC for legal sufficiency review. If legally sufficient, the case is forwarded to the final approving authority. If legally insufficient, the case is returned to the PDAB with recommended corrective action. Upon completion of legal review, the case is returned to the PDAB for completion of necessary endorsements, then forwarded to the final approving authority.
- (I) Legal Review – When an Evaluatee accepts the findings and recommended disposition of an IPEB, FPEB, or PRC, the case shall be forwarded to DOC-OGC for legal review. If legally sufficient, the case is forwarded to the Director, NOAA Corps or designee. A case involving the Director, NOAA Corps is forwarded to the Deputy Under Secretary for Operations. If legally insufficient, the case is returned to the IPEB, FPEB, PRC, or PDAB with recommended corrective action.
- (J) Final Action – Final actions in physical disability evaluation cases are determined by CPC.

08707 – Waivers and Additional Considerations

- (A) Waiver of PEB Evaluation – Except as provided by paragraph (B) below, the Evaluatee may waive referral to the PEB with the approval of the Secretary.
 - (1) The Evaluatee must be counseled on the DES process, the right to a PEB, and the potential benefits of remaining in an active duty status to complete the DES process.
 - (2) The Evaluatee must request a waiver in writing using a worksheet provided by CPC. The worksheet shall be signed by the Evaluatee as well as by the PEBLO and Evaluatee's legal counsel confirming that the Evaluatee was counseled and declines referral to the PEB.
 - (3) In the event the DES process would likely require an extension past an Evaluatee's established separation date, the Evaluatee may request a waiver to their right for a PEB per NCD 08707(A)(2) if the Evaluatee does not wish to delay separation.
- (B) Prohibition from Waiving Disability Evaluation

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An Evaluatee cannot waive disability evaluation if they:

- (1) Are approved for voluntary early separation from active duty; or
 - (2) Have conditions that are cause for referral into the DES.
- (C) Additional Considerations
- (1) The Evaluatee's conditions existed prior to service – The Evaluatee must be on continuous active duty for more than 30 days. Per DoDI 1332.18, the MEB must provide clear and unmistakable evidence that the Evaluatee's medical condition(s) that do not meet medical retention standards did not exist prior to service and did not permanently worsen or develop beyond natural progression while on active duty (specifically, were not service aggravated).
 - (2) An Evaluatee pending permanent or temporary disability retirement and who is eligible for a length of service retirement at the time of their disability evaluation may elect to be retired for disability or for length of service. However, when retirement for length of service is elected, the Evaluatee's retirement date must occur no later than the date the Evaluatee would have been retired for disability.
- (D) Additional Matters Concerning Legal Representation of NOAA Corps Officers
- (1) Evaluatees have the right to be represented by Government appointed counsel. Evaluatees may also choose their own civilian counsel at no expense to the Government. The PEB president should notify the Secretary concerned if the lack of Government appointed counsel affects timely PEB caseload adjudication.
 - (2) Legal representation of Evaluatees throughout the DES process will be provided by Government appointed counsel.
 - (3) Evaluatees traveling to an FPEB must be afforded sufficient time prior to the date of the FPEB in order to confer with their appointed legal counsel. Travel time must be deemed reasonable by legal counsel, the PEBLO, and the Evaluatee.
 - (4) Evaluatee's legal counsel will have access to information contained in the Evaluatee's Officer Personnel Folder and Officer Medical Folder that relate to the Evaluatee's medical condition and DES case status. Access to information includes, Evaluatee's MEB case-file, documentation contained within the Veterans Tracking Application (VTA), and any other documents deemed relevant to the case.
 - (5) Evaluatee's legal counsel must receive the Evaluatee's DES case-file in a timely manner to assist the Evaluatee with their DES elections and to prepare rebuttals, if appropriate. The DES process may be extended by request of counsel in the instance of a complete case-file not received by counsel in a timely manner.
 - (6) Evaluatee's legal counsel should be provided the Evaluatee's DES case-file and notice of a scheduled FPEB hearing at least 10 days prior to the hearing.
 - (7) The PEB will provide the Evaluatee's legal counsel with a copy of all official correspondence, responses to appeals or requests for VA rating reconsideration, and all other documents directed to the Evaluatee.

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08801 – Policy

NOAA Corps officers separating or retiring from uniformed services face challenges as they transition to civilian life and are eligible for a number of services prescribed by [Chapter 58 of Title 10, U.S.C.](#) CPC helps separating and retiring NOAA Corps officers navigate this transition.

08802 – Pre-separation Counseling

- (A) CPC provides pre-separation counseling for all NOAA Corps officers whose discharge is anticipated, and a notation of this counseling, signed by the NOAA Corps officer, is required to be placed in the officer’s service record. ([10 U.S.C. § 1142](#))
- (B) Pre-separation counseling should commence:
 - (1) For anticipated retirements, as soon as possible during the 24-month period preceding the anticipated retirement date;
 - (2) For anticipated separations other than retirements, not later than 365 days before the anticipated separation date; or
 - (3) For unanticipated retirements or other separations, as soon as possible. ([10 U.S.C. § 1142\(a\)](#))
- (C) Pre-separation counseling includes discussion of all applicable benefits, entitlements, and services required by [10 U.S.C. § 1142\(b\)](#). Not all separating or retiring NOAA Corps officers are eligible for all benefits, but these may include:
 - (1) The educational assistance benefits the officer is entitled;
 - (2) VA compensation and vocational rehabilitation benefits the officer may be entitled to if being medically separated or retired under Part 6 of this chapter;
 - (3) Government and private-sector programs for job search and job placement assistance;
 - (4) Availability of medical and dental coverage, including the opportunity to elect into the conversion health policy;
 - (5) Counseling for the member and dependents on the effect of career change and the availability to the member and dependents of suicide prevention resources;
 - (6) Financial planning assistance, which may include the officer’s spouse, at the officer’s discretion;

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- (7) The creation of a transition plan for the officer to achieve the educational, training, employment, and financial objectives of the officer and, if the officer has a spouse, the spouse of the member;
- (8) Information concerning the availability of mental health services and resources to address substance abuse;
- (9) Information on programs administered by the Department of Labor and Small Business Administration for veterans;
- (10) Information on employment and reemployment rights and obligations under [Chapter 43 of Title 38, U.S.C.](#);
- (11) Information on home loan services and housing assistance benefits available through Department of Veterans Affairs;
- (12) A description of VA health care and other benefits the officer may be entitled to, and information on how the officer can receive additional counseling of VA actual entitlements;
- (13) A description of the services for family caregivers of eligible veterans under the VA; and
- (14) Information on how to file claims for VA benefits.

08803 – Transition Assistance Services

- (A) NOAA Corps officers are required to attend Department of Labor and VA led transition briefings and workshops regarding civilian employment and VA benefits before separation. ([10 U.S.C. § 1144](#))
- (B) The Director may waive a separating officer's attendance requirement for employment workshops if the officer:
 - (1) Is retiring after 20 years or more of service; or
 - (2) Meets at least one of the following criteria;
 - (i) Can provide evidence of civilian employment; or
 - (ii) Can provide documented acceptance into an accredited training or academic program. ([10 U.S.C. § 1144\(c\)](#))

08804 – Transmittal of Medical Information to the Department of Veterans Affairs

For any NOAA Corps officer being medically separated or retired under Part 6, CPC will send, subject to the NOAA Corps officer's consent, a copy of the officer's service medical record to the Secretary of Veterans Affairs within 60 days of the separation or retirement. ([10 U.S.C. § 1142\(d\)](#))