

MANUAL: Personnel
 Chapter Series CC--Commissioned Corps Personnel Manual
 Part 2--Commissioned Corps Personnel Administration

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Chapter CC23--Staffing
 Subchapter CC23.3--Appointment
 Personnel INSTRUCTION 5--Inter-Service Transfer of Commissioned Officers

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Section A. Purpose and Scope

This INSTRUCTION prescribes policy and procedures governing the transfer of officers between the Commissioned Corps of the Public Health Service (PHS) and the commissioned components of the six other Uniformed Services (see definition in Section C). It applies only to the transfer of officers on extended active duty; it does not provide authorization for transfer to, or from the inactive reserve component of the PHS Commissioned Corps.

Section B. Authority

10 U.S.C. 716 contains the basic authority for the inter-service transfer of commissioned officers. By mutual agreement of the Departments concerned, the Secretary of Defense has exercised the President's authority to prescribe regulations governing the inter-service transfer of commissioned officers. Those regulations are set forth in Department of Defense (DoD) Directive 1300.4 (April 2, 1984).

Section C. Definitions

For the purposes of this INSTRUCTION, the following definitions will apply:

1. Officer. Except as otherwise stated, the term "officer" is understood to mean a commissioned officer on extended active duty in one of the Uniformed Services.
2. Uniformed Service. One of the seven Uniformed Services of the United States, namely: Air Force, Army, Coast Guard (Department of Transportation), Marine Corps (Department of the Navy), Navy, the National Oceanic and Atmospheric Administration (NOAA) Commissioned Corps, (Department of Commerce), and the PHS Commissioned Corps.

Section D. Policy

1. The primary purpose of the inter-service transfer is to allow full utilization of officers with critical or unusual skills. Although inter-service transfers of other officers will be considered, this will not be used as a primary method of appointing persons to the PHS Commissioned Corps.
2. PHS commissioned officers who are qualified to contribute to an activity of another Uniformed Service shall be permitted to apply for an inter-service transfer under the terms of this INSTRUCTION. Likewise, the Department of Health and Human Services (DHHS) will accept applications for transfer to DHHS from officers of other Uniformed Services if the officers are able to contribute to a DHHS activity. However, this does not imply that the Division of Commissioned Personnel (DCP) is obligated to approve an application.
3. No transfer shall be accomplished without the request or consent of the officer concerned. However, a PHS commissioned officer may be assigned by detail to another Uniformed Service under 42 U.S.C. 215(a) without his/her consent.

4. All inter-service transfers are subject to the approval of both the gaining and losing Uniformed Service. DCP's approval of transfers shall be contingent upon meeting the criteria set forth in Exhibit I.
5. No officer shall be transferred from one Uniformed Service and appointed to another with a precedence or relative rank higher than that held on the day before such transfer.
6. Inter-service transfers shall be made only within the authorized strength limitations (grade ceilings) of the gaining Uniformed Service. Inter-service transfers into the PHS regular corps, if approved by the Director, DCP, shall be treated as original appointments for the purposes of applying the provisions of Title 42, United States Code, concerning regular corps appointments, except that the age limitations contained therein will not apply.
7. Release of an officer for an inter-service transfer to another Uniformed Service does not constitute a release from or fulfillment of any military service obligation under Title 10, United States Code, or any other active duty obligation (such as obligated service for Government-sponsored training, scholarship obligation, Retention Special Pay contract or Continuation Pay contract). Active duty (other than periods of absence without leave) performed after an inter-service transfer, shall be counted toward the fulfillment of such obligation.
8. It is DHHS policy that officers wishing to transfer between the PHS Commissioned Corps and another Uniformed Service shall do so under the inter-service transfer rules. This does not prevent an officer who is otherwise eligible from resigning his/her commission in the current Uniformed Service and seeking a new appointment in another Uniformed Service; however, officers choosing the latter route should be aware that there are significant differences between the two means of joining another Uniformed Service, as indicated in Section E.1., below.
9. An officer who has been approved for inter-service transfer may be granted annual leave during the period following approval and prior to the date of transfer. Such leave will not be considered terminal leave within the meaning of the Commissioned Corps Personnel Manual (CCPM), Subchapter CC29.1, INSTRUCTION 2, of this manual; nor will leave be granted following submission of Form PHS-1373, "Separation of Commissioned Officer," requesting inter-service transfer be considered terminal leave. An officer may not be appointed in or serve with the gaining Uniformed Service during the period of final leave described herein.
10. Officers transferring into the PHS reserve corps shall serve a 3-year probationary period of active duty, as prescribed in CCPM, Subchapter CC23.7, INSTRUCTION 1, of this manual. During this time, an officer may be separated from the Service without entitlement to review by a board of officers. Officers transferring into the PHS regular corps at or above the grade of Senior Assistant shall be subject to the 3-year file review

process prescribed in CCPM, Subchapter CC43.7, INSTRUCTION 1, of this manual, as required by 42 U.S.C. 211(I).

Section E. General Information

1. Inter-service Transfer Versus Resignation With New Appointment

- a. An inter-service transfer will occur without a break in active service; if an officer resigns, DHHS does not guarantee that there will be no break in service before the new appointment begins.
- b. If an inter-service transfer is denied by either Uniformed Service involved, the officer will remain on active duty in the current Uniformed Service (assuming the officer is not otherwise being separated from the current Uniformed Service); if a PHS commissioned officer resigns and the prospective gaining Uniformed Service does not appoint and call the officer to active duty, DHHS has no obligation to continue the officer on active duty beyond the scheduled separation date.
- c. Officers who resign may be accepted for a new appointment in either the reserve or regular component of the prospective gaining Uniformed Service, depending upon the rules of that Service; officers who perform an inter-service transfer must transfer into the same type of component (i.e., regular or reserve) to which they belonged in the losing Uniformed Service. DHHS Operating Divisions (OPDIVs) or Programs recruiting officers should be aware of this latter fact when considering candidates from other Uniformed Services.
- d. Upon inter-service transfer, an officer's entry grade may not be greater than that held in the losing Uniformed Service. When an officer resigns and receives a new appointment, his/her entry grade and rank in the new Uniformed Service is not necessarily limited by the grade held in the former Uniformed Service. The actual grade upon entry would be determined in accordance with the rules governing new appointments in the gaining Uniformed Service.
- e. PHS commissioned officers contemplating an appointment in another Uniformed Service should be aware that time spent in a DHHS civil service position which would be creditable toward retirement in the PHS Commissioned Corps is not creditable toward retirement in the other Uniformed Services. This is true for both inter-service transfers and direct appointments.

f. Upon an inter-service transfer, the annual leave credited to an officer as of the day before the transfer shall be transferred to the officer's leave account in the gaining Uniformed Service. Upon the resignation of an officer, any unused annual leave to the officer's credit must be paid for in a lump-sum (if otherwise eligible for payment), and shall not be transferred to another Uniformed Service should the officer subsequently accept an appointment in that Service. CCPM, Subchapter CC29.1, INSTRUCTION 2, of this manual provides information on lump-sum leave payments.

Note: This paragraph does not apply to officers who have been divested of annual leave because of breaching a special contract, or for other reasons.

2. Travel and Transportation. An inter-service transfer is not, in and of itself, a permanent change of station (PCS) for the purposes of travel and transportation allowances. If the transfer will involve relocation of the officer to a new city, town, post, base, ship, or other location which meets the definition of a new duty station, the gaining Uniformed Service will authorize the appropriate travel and transportation allowances. Determination of what constitutes a PCS shall be made in accordance with the Joint Federal Travel Regulations. For officers transferring from DHHS to another Uniformed Service, the termination personnel order shall not authorize travel and transportation allowances.
3. Rules of Military Justice. A PHS commissioned officer who transfers to any other Uniformed Service, except the NOAA Corps, will be subject to the Uniform Code of Military Justice.

Section F. Transfer from DHHS to Another Service

This Section applies to transfers of PHS commissioned officers to other Uniformed Services.

1. Procedure
 - a. Initiation by Other Uniformed Service. When another Uniformed Service wishes to initiate the transfer of a PHS commissioned officer to active duty with that Service, a letter requesting such action should be sent to DCP, Human Resources Service (HRS), Program Support Center (PSC), at the address specified in paragraph f., below. The memorandum should be originated in or sent through the office within the Uniformed Service concerned having authority in such matters and should contain the following information:
 - (1) Officer's full name and five-digit PHS serial number or Social Security Number, if known.
 - (2) Officer's current duty station.

- (3) Whether the Uniformed Service concerned has communicated with and received the initial consent of the PHS commissioned officer involved, and whether any discussion has taken place with the DHHS OPDIV or Program to which the officer is assigned.
- (4) The proposed assignment (i.e., type of duty) for the officer in the Uniformed Service concerned, and how this will serve the interests of that Service and those of the officer.
- (5) A listing of the documents and information that the gaining Uniformed Service will need from DCP in order to facilitate the transfer, if approved, and a point of contact in that Service. (NOTE: DCP will supply copies of the requested documents from the officer's official personnel file; the original file shall remain the property of DCP and will not be forwarded to the officer or the gaining Service.)
- (6) A recommended transfer date. See subsection b.(2), below.
- (7) Any additional information deemed necessary.

Upon receipt of the memorandum, DCP will contact the officer involved and verify that he/she is interested in an inter-service transfer. If so, the officer will be instructed to proceed as specified in paragraph b., below. Processing from this point onward shall proceed as described in the remainder of this section.

b. Action by Officer

- (1) When a PHS commissioned officer wishes to transfer to another Uniformed Service, he/she shall complete Form PHS-1373, "Separation of Commissioned Officer." Exhibit II provides instructions for completion of the Form for use with inter--service transfers. The original copy of Form PHS-1373 is forwarded directly to DCP at the address specified in paragraph f., below. The remaining copies of the Form are forwarded to the supervisor or appropriate administrative office. In addition to the original copy of Form PHS-1373, the officer shall also submit a written consent to inter-service transfer, as prescribed in Exhibit IV.
- (2) Form PHS-1373 must be received in DCP at least 60 days prior to the desired transfer date. It should not be sent to DCP more than 180 days prior to the expected transfer date. A Form received more than 180 days prior to the transfer date may be returned without action. A Form received less than 60 days from the desired transfer date will be acted upon, but the transfer will not be made effective sooner than 60 days

from the date of receipt.

- (3) A completed Form SF-88, "Report of Medical Examination" and Form SF-93, "Report of Medical History" shall be enclosed with Form PHS-1373 or follow as soon as possible. This medical information will be made available to the perspective gaining Uniformed Service. If the officer has had a physical examination within the past 6 months, a copy of Forms SF-88 and SF-93 used for that examination may be attached.

c. Action by DHHS OPDIV or Program

- (1) Upon receipt of Form PHS-1373 from the officer, the DHHS OPDIV or Program to which the officer is assigned, shall process the Form in accordance with its internal operating procedures. The program official(s) responsible for internal review of Form PHS-1373 should indicate their concurrence or nonconcurrence with the proposed transfer. Reasons for nonconcurrence should be noted in a separate statement which is endorsed by the program official(s) concerned and attached to Form PHS-1373.
- (2) Part B of Form PHS-1373, pertaining to the recommendation for placing the officer into the PHS inactive reserve, shall be marked "Not Applicable."
- (3) The normal requirements for processing the separation of a commissioned officer by the DHHS OPDIV or Program apply (e.g., submission of Form PHS-1373 to DCP after review; submission of verified and certified Form PHS-31, "Officer's Leave Record": collection of officer's and dependents' identification cards; etc.). The OPDIV or Program must be certain to account for any leave granted and used after submission of the Form PHS-1373 when preparing Form PHS-31. This may not be possible until the end of the officer's active duty, since the normal terminal leave restrictions do not apply.

d. Action by DCP

- (1) DCP will evaluate the request for inter-service transfer in accordance with the criteria set forth in Exhibit I. In addition, any comments submitted by the officer's OPDIV or Program officials will be considered. If there are readily discernable reasons for prohibiting a transfer, the request will be denied at this point, and all parties concerned will be notified.
- (2) If the action was initiated by the officer and DCP has not yet corresponded with the Uniformed Service concerned, that

Service shall be contacted and asked to provide the information described in subsection 1.a., items (3) through (7), above. It is not necessary that all the information be provided at one time; the gaining Uniformed Service may wish to review the officer's record before discussing transfer dates and potential assignments.

- (3) If the transfer is acceptable to DHHS, DCP will issue a conditional release from active duty to the gaining Service, with a copy going to the officer. The conditional release shall be in the format shown in Exhibit III, and shall be effective for a period of 120 days from its issue date, or such shorter period as determined by the Director, DCP.
- (4) DCP shall coordinate with the prospective gaining Service and the DHHS OPDIV or Program to determine the acceptability of the officer to the gaining Service, transfer date (subject to the restrictions set forth in Exhibit I for officers having active duty obligations), and other logistical matters.
- (5) When the certified Form PHS-31 has been received, the gaining Uniformed Service will be sent a statement of the amount of annual leave on the officer's leave account as of his/her last day of duty in DHHS.

e. Action by Gaining Uniformed Service. In addition to the information set forth in paragraph a. above, the gaining Uniformed Service must furnish a written verification that it will appoint the officer and call him/her to active duty on the agreed date. This must be received by DCP at the address in paragraph f., below, before official personnel orders terminating the officer's PHS commission and transferring him/her to the other Uniformed Service can be issued. If necessary to prevent delays, the verification referred to herein may be transmitted by Government message.

f. Address of DCP

Division of Commissioned Personnel/HRS/PSC
ATTN: Personnel Services Branch
5600 Fishers Lane, Room 4-20
Rockville, MD 20857-0001

2. Determination of Grade and Service Credit

a. Upon transfer to another Uniformed Service, a PHS commissioned officer shall have his/her entry grade, date of rank, retirement credit, and amount(s) of service for the various pay purposes (e.g., base pay entry date, creditable service entry date, etc.) in the gaining Service determined in accordance with the rules applicable to that Service (grade is subject to the limitation in Section D.5.,

above). These credit dates are referred to collectively as "service credit." All periods of active duty in the PHS Commissioned Corps shall count as active commissioned service for the purposes of determining grade and service credit in the gaining Uniformed Service.

- b. It is the responsibility of the PHS commissioned officer concerned to ascertain his/her grade and service credit in the gaining Uniformed Service.

Section G. Transfer from Another Service to DHHS

This section applies to transfers of officers from other Uniformed Services to DHHS.

1. Procedure

- a. Initiated by DHHS. When a DHHS OPDIV or Program conducts a large scale search for a particular critical skill and has reason to believe that another Uniformed Service may have officers possessing the needed skill, a formal request seeking nominations may be submitted to one or more of the other Uniformed Services. The request should be sent to the Director, HRS/PSC, for endorsement and forwarding to the office for military manpower affairs in the services(s) concerned.

When a member of another Service is identified through regular professional contacts, and not as a result of a nomination by the other Service, that individual must initiate a request for transfer as prescribed in subsection b., below, before DHHS makes any formal contact with the other Service.

- b. Initiated by Officer. When the officer wishes to request transfer to DHHS, he/she shall submit the request in accordance with the administrative procedures of the Uniformed Service concerned. If agreeable to the Service concerned, the request shall be forwarded to DCP at the address in Section F.1.f., above, along with the following information:

- (1) The officer's name, Social Security Number, and Home of Record.
- (2) Grade and date of promotion or appointment in current grade.

- (3) The officer's current assignment, duty station, branch or corps within the Uniformed Service (e.g., Medical Service Corps, Army Medical Department, etc.), trained speciality, if any, and whether in the regular or reserve component of the Uniformed Service concerned.
- (4) Officer's promotion history and a statement as to whether the officer has failed to be selected for any promotion.
- (5) Copies of officer's efficiency reports.
- (6) Copies of officer's disciplinary record and any derogatory information which has been substantiated in accordance with the regulations of the Uniformed Service concerned regarding the officer.
- (7) Report of any security clearance held by the officer.
- (8) Whether the officer has any remaining active duty service obligation or contract obligation.
- (9) Report of latest physical examination. (A new examination is not required if examination has been performed during the past 6 months).
- (10) The amount of annual leave accrued and accumulated to the officer's credit, subject to update and correction as of the actual date of transfer.

c. Action by DCP

- (1) If the transfer will require accessing an officer directly into the regular corps (applies if he/she is in a regular component of the losing Service), or at the Senior or Director grade, the necessary justifications shall be obtained from the OPDIV or Program.
- (2) DCP shall send an application package to the officer involved, including Form PHS-50, "Application for Appointment as a Commissioned Officer in the U.S. Public Health Service," and an Inter-Service Transfer Statement of Understanding, as shown in Exhibit V.
- (3) Upon receipt of all needed materials, including the completed Form PHS-50 and Statement of Understanding, DCP shall review the request and determine if the basic approval criteria set forth in Exhibit I have been met.

- (4) If the approval criteria have not been met, but the Director, DCP, believes that approval of the inter-service transfer would be in the best interests of the DHHS, he/she may authorize an exception to the criteria.
- (5) DCP shall determine whether there is a vacancy within the authorized grade ceiling for the applicable entry grade (see subsection 2., below). Such determination shall take into account the regular corps total strength ceiling and the restrictions in 42 U.S.C. 209(b) concerning original appointments in the regular corps above the grade of Senior Assistant, if transfer is into the regular corps.
- (6) If not yet received, the losing Uniformed Service shall be asked to provide a conditional release from duty or other written notice that it concurs in the proposed transfer.
- (7) DCP shall coordinate with the losing Uniformed Service and the OPDIV or Program concerned to establish the exact transfer date. DCP shall then notify the losing Uniformed Service in writing (or by Government message in the event of time constraints) that DHHS intends to appoint and call the officer to active duty on the agreed date.

2. Determination of Grade and Service Credit

- a. Temporary Grade. A commissioned officer who transfers to DHHS, shall continue to hold the same grade held in the losing Uniformed Service in accordance with DoD Directive 1300.4, paragraph E(6). This ruling does not apply to a commissioned officer previously awarded constructive service credit for education, training, or experience who transfers to a different professional category. In this case, the officer shall lose that credit and shall receive only the credit applicable to the category into which the officer is transferred.

b. Permanent Grade

- (1) Regular Corps Transfer. An officer transferring to the regular corps, shall keep the permanent grade held in the losing Uniformed Service. The Seniority Credit Date and Promotion Credit Date shall be determined in the same manner as for a PHS commissioned officer assimilating into the regular corps from the reserve corps, with the active-duty time spent in current grade in the losing Uniformed Service counted as if it were active-duty time in grade in the PHS reserve corps. The transferring officer will thus receive the

benefit of all allowable credit under 42 U.S.C. 209, and be

on a par with PHS commissioned officers in the same discipline.

- (2) Reserve Corps Transfer. A commissioned officer who transfers to DHHS, shall continue to hold the same grade held in the losing Uniformed service (already indicated in subsection 2(a) above.
- c. Maximum Grade Upon Inter-Service Transfer. If either the temporary or permanent grade, as determined under paragraphs a. and b., above, is greater than the grade held by the officer in the losing Uniformed Service on the day before the transfer, then the permanent and/or temporary grade shall be reduced to the equivalent of the grade held in the losing Uniformed Service. In this instance, the officer shall be eligible to be considered for promotion to the higher permanent and/or temporary grade, as applicable, during the promotion cycle following his/her appointment to the PHS Commissioned Corps. However, the officer shall not be considered for promotion until he/she has been on active duty with DHHS for a period of at least 6 months.
- d. Other Credit. Credit for retirement purposes, basic pay purposes, and special and incentive pay purposes shall be determined in accordance with the usual procedures for a newly appointed officer. All active-duty time in the losing Uniformed Service which would have been applicable towards the credit concerned, had it occurred while on active duty in the PHS commissioned corps, shall be creditable. However, to be eligible for a less-than-30-year voluntary retirement, the officer must have at least 10 years of service with the PHS Commissioned Corps, as prescribed in CCPM, Subchapter CC23.8, INSTRUCTION 1, of this manual.

EXHIBIT I

Criteria for Approval of Transfer

Transfer from the Department of Health and Human (DHHS) to Another Uniformed Service

1. For Medical Officers: Current Retention Special Pay (RSP) contract (or current year of multi-year contract) must be fulfilled before transfer can be effective. If approved by the DHHS Operating Division (OPDIV) or Program, and the Director, Division of Commissioned Personnel (DCP), pro rata repayment of an unexpired RSP contract (or current year, as applicable) for which the officer has been paid, may be made in lieu of waiting for fulfillment of contract. In this instance, the officer must submit repayment before inter-service transfer is approved.
2. For Dental Officers: Current Continuation Pay (CP) contract (or current year of multi-year contract) must be fulfilled before transfer can be effective. If approved by the DHHS OPDIV or Program, and the Director, DCP, pro rata repayment of an unexpired CP contract (or current year, as applicable) for which the officer has been paid may be made in lieu of waiting for fulfillment of contract. In this instance, the officer must submit repayment before inter-service transfer is approved.
3. For Students at the Uniformed Services University of Health Sciences (USUHS) and officers serving obligations pursuant to attendance at USUHS: No inter-service transfer except as specifically approved by the Director, DCP.
4. For officers serving obligations pursuant to participation in the National Health Service Corps (NHSC) Scholarship Program: No transfer except as approved by the Administrator, Health Resources and Services Administration and the Director, DCP.
5. For officers involved in an approved reduction-in-strength action: (Such actions are not considered derogatory in any manner and are due to forced reductions in the size of DHHS programs.) If facing involuntary release from active duty or involuntary reassignment, the officer may be transferred under this INSTRUCTION. In the case of a reassignment, the DHHS OPDIV or Program to which the officer is being assigned, must grant approval for transfer. The officer will not be required to repay a remaining contract obligation, but will be required to serve the remaining obligation in the gaining Uniformed Service.

EXHIBIT I (Continued)

Criteria for Approval of Transfer

6. For officers serving an obligation pursuant to a long-term training agreement: No inter-service transfer except as approved by the head of the OPDIV or Program to which the officer is assigned, and the Director, DCP. Any remaining obligation must be served in the gaining Uniformed Service.
7. For all officers: There must be a clear indication that the disruption, if any, to the activities of the DHHS OPDIV or Program are outweighed by the potential benefit to the gaining Uniformed Service, or that the transfer is in the interest of the national defense. The statement of the gaining Uniformed Service and the concurrence or non-concurrence of the DHHS OPDIV or Program officials, will be taken into account when evaluating the merits of the transfer.

Transfer from Another Uniformed Service to DHHS

The following criteria are in addition to the requirements for vacancies in grade and total end strength limitations as specified in Section G., above.

1. The officer must meet DHHS appointment standards for the category and discipline to which he/she is applying, and the application must be reviewed by an appointment board.
2. Officers who face release from active duty for failure to be recommended or selected for promotion in the current Uniformed Service will not be accepted for inter-service transfer.
3. Officers who face separation from the current Uniformed Service under other than honorable conditions, and officers whose disciplinary records indicate questionable suitability for service in the DHHS, will not be accepted for inter-service transfer.
4. Officers must meet DHHS medical standards for entry on active duty in the PHS Commissioned Corps. These standards may be more restrictive than standards for retention on active duty in the officer's present Uniformed Service. In addition, no officer found physically unfit for retention by his/her present Uniformed Service, will be considered for inter-service transfer to the PHS Commissioned Corps.

EXHIBIT I (Continued)

Criteria for Approval of Transfer

5. Officers who would have remaining active duty service obligations (e.g., RSP contracts, CP contracts, USUHS training) following transfer, will not be accepted for inter-service transfer. However, prior to graduation, USUHS students may be transferred to DHHS when it is determined to be in the best interests of DHHS.
6. There must be a clear indication that the transfer will benefit the DHHS activity to which the officer will be assigned while maintaining suitable progression of the officer's career.

EXHIBIT II

Instructions for Completing Form PHS-1373

Use the instructions below, in lieu of the instructions printed on the back of the Form, when completing Part A of Form PHS-1373 for use with inter-service transfer. These instructions apply to the October 1988 revision of Form PHS-1373; if you have an older version, contact your administrative office or the Division of Commissioned Personnel (DCP) for the newer version. Part A of the Form is the only portion to be completed by the commissioned officer. Print legibly or type all entries.

<u>Item</u>	<u>Description</u>
1.	Enter full name (last, first, middle) as it appears on your PHS official records.
2.	Enter your 9-digit Social Security Number and your 5-digit PHS serial number, as shown on any of your official personnel orders.
3.	Enter your temporary and permanent grades; your category (MED, DENT, VET, SCI, ENG, SAN, HSO, NURS, PHARM, THER, DIET); circle whether regular or reserve corps.
4.	Enter the organizational breakdown of your current assignment; enter a complete address and telephone number.
5.	Enter an "X" in the box labeled "Termination."
6.	Enter an "X" in the box labeled "Accepting Military Appointment." In the space immediately above the box, print or type "INTER-SERVICE TRANSFER TO (branch of service) UNDER 10 U.S.C. 716."
7.	Enter "Not Applicable."
8.	Leave the box in item 8 empty; in the blank space to the right, enter "Not Applicable." (Any unused annual leave will be transferred to the gaining Uniformed Service.)
9.	Enter an "X" in the box labeled "I elect to take a physical examination." Officers must have a physical examination in order for the gaining Uniformed Service to evaluate the merits of the proposed transfer; therefore, you may not waive the examination. In the space to the right of "Station:", enter the name of the station where your examination will take place and the scheduled date, or enter "Attached" if Forms SF-88 and SF-93 are attached. See section F.1.b.(3), above.

EXHIBIT II (Continued)

Instructions for Completing Form PHS-1373

- | <u>Item</u> | <u>Description</u> |
|-------------|---|
| 10. | In the empty area to the right of the box, enter "Not Applicable." Any travel allowances will be paid by the gaining Uniformed Service. |
| 11. | Same as item 10, above. |
| 12. | Same as item 10, above. |
| 13. | Enter an address where DCP can reach you following your release from the Department of Health and Human Services. Your final pay check, earnings statement, and Forms W-2 will be sent to this address. |

At the bottom of item 13, are spaces for the date and your signature. Form PHS-1373 must be signed and dated.

At the top of Form PHS-1373, immediately above the Form title, type or print "INTER-SERVICE TRANSFER".

EXHIBIT III

Sample Conditional Release from Active Duty

DATE: _____

FROM: Director
Division of Commissioned Personnel (DCP)

SUBJECT: Conditional Release from Active Duty

SURG James R. Jones (R), 123-45-6789

TO: (Gaining Service)

The Department of Health and Human Services (DHHS) hereby grants conditional release from active duty to the commissioned officer named above for the purpose of performing an inter-service transfer to the (branch of service). This release is effective beginning (date) and shall remain in effect for (120 or fewer) days. The inter-service transfer must take place during this period.

This conditional release does not constitute actual inter-service transfer of the officer named above. Upon final agreement between DHHS and the (branch of service) concerning the actual transfer date, official personnel orders will be issued by both Uniformed Services effecting such transfer.

(signature of authorized DCP official)

- Copy to: 1. (Officer)
2. (DHHS OPDIV or Program)
3. (Category of Officer)
4. (Official Personnel File)

EXHIBIT IV

Consent to Inter-Service Transfer to the Military Service

I hereby consent to being transferred to the (branch of service). If the transfer is approved, I understand that the grade, date of rank, and other credits that I will have in the (branch of service) will be as determined under the laws and regulations applicable to that Uniformed Service and as assigned by the Secretary (or the Secretary's designated representative) of that Service.

I understand that I will be subject to all the laws and regulations applicable to my new Uniformed Service after the transfer takes place. If the transfer is to the Army, Navy, Air Force, Marine Corps or Coast Guard, I further understand that I will be subject to the Uniform Code of Military Justice.

I grant permission for the Department of Health and Human Services to release to the (branch of service) any official records pertaining to me, including but not limited to personnel records (such as my superiors' evaluations, disciplinary records, promotion and assignment history) and medical records, for the purpose of evaluating and facilitating the proposed transfer.

(signature of officer)
(typed name and grade)
(date)

EXHIBIT V

Inter-Service Transfer Statement of Understanding

My rank (permanent grade and temporary grade if applicable), and other credits that affect pay and retirement, will remain as they are with my military service, unless I change professional categories. I understand that I may be directed on permanent changes of station to meet the needs of Department of Health and Human Services (DHHS). I further understand that I may be assigned to Government-sponsored training programs to meet the needs of DHHS, and if so assigned, I will be required to perform such minimum active-duty service in the DHHS as is specified in the applicable DHHS instructions and training agreements.

I also understand that DHHS may require the use of information contained in the official records of any other Uniformed Service(s) in which I have served, and hereby grant permission for the release of information, including but not limited to personnel records (such as my superiors' evaluations, disciplinary records, promotion and assignment history) and medical records, to DHHS for the purpose of evaluating and facilitating the proposed transfer.

(signature of officer)
(typed name and grade)
(date)