

12.A.14. Dismissing or Dropping from the Rolls

12.A.14.a. Limitation on Dismissal

No commissioned officer may be dismissed from any Armed Force except:

1. By sentence of a general court-martial;
2. In commutation of a sentence of a general court-martial; or
3. In time of war, by order of the President.

12.A.14.b. Dropping from the Rolls

The President may drop from any Armed Force's rolls any commissioned officer who:

1. Has been absent without authority for at least three months, or
2. Is sentenced to confinement in a federal or state penitentiary or correctional institution after a court other than a court-martial or other military court has found that officer guilty of an offense and whose sentence has become final (10 U.S.C. 1161).

12.A.15. Separating Regular Coast Guard Officers for Cause

12.A.15.a. Authority

Pursuant to authority contained in 14 U.S.C. 321-327, this Article contains regulations to separate commissioned Regular Coast Guard officers **with greater than five years commissioned service** for cause. While chief warrant officers are not **subject to the same** provisions, **all cases involving those officers are processed under Article 12.A.20 or 12.A.21. Officers with less than five years commissioned service are processed under Article 12.A.11.**

12.A.15.b. Discussion

1. No person has an inherent right to continue to serve as an officer. An officer retains the privilege of service only so long as he or she performs satisfactorily. Responsibility for leadership and example requires an officer to accomplish his or her duty effectively and conduct him or herself properly at all times. Retaining officers substandard in performance of duty or conduct, deficient in character, or otherwise unsuited for military service cannot be justified. There is no place for these individuals in the Coast Guard.
2. Every officer deserves a fair chance to demonstrate his or her capabilities. If an officer shows ineffective tendencies, especially if inexperienced, if possible the Service gives him or her another chance under another

commanding officer. However, commanding officers should systematically record ineffectiveness in documents specific as to the period each covers, the duties observed, and the defects noted. The Service must remove any officer who has been given a fair chance to become an effective officer and has not done so lest others pay with their lives for his or her weakness.

3. A recommendation for separation under this Article cannot be based on empty generalities or vague impressions. It is necessary to establish with exactitude the reasons why an officer is considered ineffective. Basically, this officer is one who does not get acceptable results. Inefficiency is a relative matter, and a specific definition of the ineffective officer cannot be given. Many ineffective officers are decent, well-mannered, educated, honorable, intelligent, generous, and yet ineffective. It is perfectly proper to credit an officer for good qualities in the same letter or evaluation report which reveals ineffectiveness as an officer.

12.A.15.c. Causes for Separation

1. The existence of one or more of these or similar conditions may require removing an officer for substandard performance of duty or failure to meet standards prescribed by the Commandant:
 - a. Downward trend in overall performance resulting in unacceptable service or a consistent record of substandard service.
 - b. Failure to keep pace or progress with contemporaries; e.g. consistent below- average performance when compared to other officers of the same grade and length of service or failure of physician assistants to maintain certification from the National Commission on Certification of Physician Assistants.
 - c. Failure to exercise necessary leadership or command expected of an officer of the same grade.
 - d. Failure to assimilate the technical proficiency required of his or her grade.
 - e. Failure to properly discharge assignments commensurate with his or her grade and experience.
 - f. Apathy, a pattern of conduct showing the development of a defective attitude, or other character and behavior disorders including inability or unwillingness to expend effort.
 - g. Failure to meet established weight standards.
2. Existence of one or more of these or similar conditions may require removing an officer for moral or professional dereliction:

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- a. Discreditable intentional failure to meet personal financial obligations.
 - b. Mismanaging personal affairs detrimentally affecting the officer's performance of duty.
 - c. Mismanaging personal affairs to the discredit of the Service.
 - d. Intentionally omitting or misstating facts in official statements or records for the purpose of misrepresentation.
 - e. Acts of personal misconduct prohibited by military or civilian authorities.
 - f. Homosexual conduct as defined in Article 12.D.4.
 - g. Intentional or negligent failure to perform duties or negligence in performing duties.
 - h. Conduct unbecoming an officer.
 - i. Involvement in a drug or alcohol incident as defined in Chapter 20.
 - j. One act of sexual harassment by assault or coercion, or conduct demonstrating an established pattern of sexual harassment by crude or offensive behavior, sexist behavior, and/or unwanted sexual attention. See Article 8.I. and Coast Guard Equal Opportunity Manual, COMDTINST M5350.4 (series) for definitions and guidelines on sexual harassment.
 - k. Involvement in a prohibited relationship. See Chapter 8.H. for policy guidance.
 - l. An act, either committed or omitted, or other behavior clearly not consistent with the interests of national security requires removing an officer.
 - m. An unreasonable refusal to submit to necessary and proper medical or dental treatment considered by competent medical or dental officers to be necessary to render member fit for duty (as determined by a medical board convened in accordance with the provisions of Physical Disability Evaluation System, COMDTINST M1850.2 (series)).
 - n. A repeated refusal to receive an immunization ordered by competent authority.
3. Any one of these or similar reasons causes serious doubt as to the advisability of permitting the officer concerned to retain a commission and normally prompts a review of his or her overall record. This review will determine if

this derogatory information, when viewed in conjunction with other aspects of his or her record, warrants a recommendation for separation. Standing alone any one of these conditions may not support separation. However, any one of them when combined with other known deficiencies could form a pattern which, when viewed in relation to an officer's overall record, requires separation.

- a. Punishment under the Uniform Code of Military Justice, Article 15.
 - b. Conviction by court-martial or a civil court.
 - c. Denial of security clearance.
 - d. Derogatory evaluation report.
 - e. Failure to be recommended for promotion by a selection board selecting officers for promotion on a fully qualified basis.
 - f. Failure by a Regular Coast Guard officer of any required course of training, instruction, or indoctrination at a service school.
 - g. An approved finding of misconduct by a board of investigation.
4. Officers with less than **five** years of commissioned service will normally be processed under Article 12.A.9. or 12.A.11. depending upon their status.

12.A.15.d. Relationship of Separation to Discipline

A commanding officer shall not use separation in lieu of disciplinary action under the UCMJ, but if he or she believes the Service's and officer's interests will be served better by separation proceedings rather than disciplinary action, he or she may so refer any charges. The fact a court-martial has occurred shall not prohibit subsequent proceedings under this Article; however, separation proceedings may not be initiated until a prior UCMJ proceeding is complete.

12.A.15.e. Initiating Action

Commander (CGPC-opm) shall review an officer's Personal Data Record (PDR) and weigh all facts and circumstances to determine whether an officer should be considered for action under this Article. If Commander (CGPC-opm) decides further processing is warranted, Commander (CGPC-c) will refer the case to a determination board. At any time, an area commander, district commander, maintenance and logistics commander, or unit commanding officer may request Commander (CGPC-opm) to review an officer's PDR to determine whether the officer should be considered for separation.

12.A.15.f. Requiring Officers to Show Cause for Retention

1. At any time and place Commander (CGPC) may convene a board of officers to review any Regular Coast Guard officer's record to decide whether the officer should be required to show cause for retention on active duty because:
 - a. The officer's performance of duty has declined below the prescribed standards; or
 - b. The officer has demonstrated moral or professional dereliction; or
 - c. Retention is clearly inconsistent with the interests of national security.
2. A board of officers convened to review an officer's records (a "determination board") shall consist of at least three officers in the grade of commander or above who all are serving in a grade senior to the grade of any officer they consider.
3. The determination board will impartially review the officer's PDR, the initiating officer's recommendation, and all other available information relevant to the reasons for separation to determine whether it should require the officer to show cause for retention.
4. The determination board does not examine witnesses. It is limited to considering the documents presented to it.
5. Commander (CGPC-opm) sends the determination board's findings to Commander (CGPC-c), who will notify the officer concerned the determination board has found either:
 - a. The officer should not be required to show cause for retention and the case is closed; or
 - b. The officer should be required to show cause for retention.
6. If a determination board decides an officer is required to show cause for retention on active duty, Commander (CGPC-opm) will:
 - a. Give the officer a copy of the determination board's findings and all documents pertinent to the case except those the Commandant determines should be withheld in the interest of national security;
 - b. Notify the officer in writing of the reasons for which he or she is being required to show cause for retention (notification shall be sent through the officer's commanding officer, who in turn shall state by endorsement the date of delivery to the officer concerned);

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- c. Notify the officer that Commander (CGPC-c) will convene a board of inquiry to hear the case at least 30 days after the date of notification of the determination board's findings;
 - d. Inform the officer his or her appearance before a board of inquiry is the only opportunity to appear in person on his or her own behalf before final action in the case;
 - e. Notify the officer if separated from the Service after action by a board of review or at his or her own request after a determination board's finding he or she is required to show cause for his or her retention on active duty, the officer will receive an honorable discharge if the reason for separation is one contained in Article 12.A.15.c.1. and 5., and a general discharge if the reason is contained in Article 12.A.15.c.2. or 3;
 - f. Notify the officer of his or her entitlement to severance or separation pay, as applicable;
 - g. Notify the officer that if retired after action by a board of review or at his or her own request after a determination board's finding, the officer will be subject to evaluation under Article 12.C.15. provisions as to satisfactory service in a temporary grade;
 - h. Allow the officer reasonable time, at least 30 days, to prepare his or her defense;
 - i. Allow the officer to appear in person and to be represented by counsel at proceedings before a board of inquiry; and
 - j. Allow the officer full access to and furnishes copies of records relevant to the case at all stages of the proceedings, except a board shall withhold any records the Commandant determines should be withheld in the interests of national security. If any records are withheld under this clause, the officer whose case is under consideration shall, to the extent national security permits, be given the actual records or copies of them with the classified portions deleted.
7. The officer concerned must acknowledge receipt of the determination board's findings within five days of receipt. The officer returns the receipt to Commander (CGPC-opm-1) through the chain of command.
 8. An officer who has been notified a determination board has found he or she should be required to show cause for retention on active duty may apply for voluntary retirement or request early discharge from the Service. If the officer takes neither action, he or she shall be ordered to appear before a board of inquiry.

12.A.15.g. Physical Qualifications for Separation

If a determination board notifies an officer he or she must show cause for retention in the Service under Article 12.A.15.f.6., the command concerned shall ensure the officer reports immediately to the nearest medical facility for a standard physical examination as described in the Medical Manual, COMDTINST M6000.1 (series) if the officer has not completed one within the preceding three months. If travel is necessary in connection with the physical examination, the district commander or commanding officer of the Headquarters unit concerned will issue the travel orders. If the officer has a condition which requires him or her to enter the physical disability evaluation system or a serious disease or injury intervenes, Commander (CGPC-opm) and (CGPC-adm) shall be notified expeditiously by message. In these cases, the officer concerned is normally processed concurrently for cause under this Article and in the physical disability evaluation system. A final determination on the officer's status normally will not be made until both processes are completed.

12.A.15.h. Board of Inquiry

1. Purpose. The board of inquiry affords officers a fair, impartial hearing at which they have an opportunity to establish their retention in the Coast Guard is warranted. The officers concerned may present evidence to refute matters of record offered against them or otherwise establish they should be retained. The board of inquiry will consider all relevant evidence presented at the hearing and make findings and a recommendation based on a preponderance of evidence.
2. Composition.
 - a. The board of inquiry shall consist of at least three officers, but in any case an odd number, commanders or above, all of whom are senior to the grade of any officer the board is considering. No officer shall sit as a member of a board of inquiry if he or she:
 - (1) Is a witness in the case before the board;
 - (2) Was a member of the determination board in the case under consideration (this provision does not apply to Reserve officers because their cases are referred directly to a special board of officers);
 - (3) Appeared as a witness before or was a member of any previous determination board, special board, board of inquiry, or board of review which considered the officer for separation;
 - (4) Initiated, investigated, was a member of, or was the reviewing authority in a court-martial before which the officer concerned was the accused;

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- (5) Previously recommended or participated in a recommendation for the officer's demotion, removal, or relief from active duty; or
 - (6) Previously was a reporting officer on any performance evaluations the board will view.
 - b. The board of inquiry will be assigned both a non-voting recorder and a non-voting legal advisor. The legal advisor shall meet the qualifications of Article 27(b), UCMJ, and if feasible also UCMJ Article 26(b) qualifications.
3. Instructions. After the board of inquiry convenes the legal adviser will instruct it as to its purpose. These instructions will be transcribed verbatim in the board's proceedings. The instruction will include, but need not be limited to, the following items:
- a. By its action, the board establishes the minimum level of performance of duty or integrity acceptable of Coast Guard officers.
 - b. The board of inquiry is an administrative board not subject to the rules and procedures governing court or court-martial action. It does not judge the determination board's action.
 - c. As a result of the determination board's findings, the officer must show cause for retention on active duty. At the board of inquiry, the officer concerned has the opportunity to present evidence to refute matters of record offered against him or her or otherwise establish the Service should retain him or her. (Although not processed by a determination board, Reserve officers may provide evidence to refute matters of record offered against them or otherwise establish they should be retained. These same standards apply to chief warrant officers being considered for separation under Article 12.A.21.).
 - d. If the board determines it needs additional information to evaluate the case properly, it may request the information through the convening authority.
 - e. The board receives evidence presented during the board proceedings.
 - f. The board evaluates all evidence and information it receives or develops on the matter it is considering in the hearing and arrives at a clear, logical finding consistent with the information and evidence presented.
 - g. On the basis of its findings the board determines whether the Coast Guard should or should not retain the respondent.
 - h. The board makes appropriate recommendations consistent with its determination.

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- i. While the board considers old reports and records in establishing a pattern of substandard conduct or misconduct, an officer's instances of good performance or conduct in the remote past cannot negate a record of progressively deteriorating performance of duty or conduct.
- j. An officer cannot offset allegations involving a defect in character or integrity by a rebuttal which attempts to emphasize other qualities in his or her favor.
- k. The board may consider these additional items to assist it in evaluating material submitted to it:
 - (1) A record of recently improved performance may result from an unusual effort on the officer's part after learning he or she was recommended for separation for cause. By itself it does not overcome a pattern of ineffectiveness. The board may consider improved performance together with other evidence in the record to determine whether the officer has overcome the pattern.
 - (2) Promotion or selection for promotion, while proper evidence on the officer's behalf, does not necessarily justify his or her retention.
 - (3) Where poor performance is involved, it is essential for the board to examine the entire performance file in detail. In doing so, the board should consider these aspects.
 - (a) The length of time each report covers.
 - (b) The duty the officer performed and the level at which performed.
 - (c) The trend in performance—up or down—as the officer gained experience.
 - (4) Copies of all performance evaluations made available to the board will be made available to the officer concerned and vice versa. An officer's claim he or she was not aware of unfavorable remarks contained in such reports is not grounds for the board not to consider them.
 - (5) The officer concerned often solicits letters of commendation or appreciation or letters stating the officer's value to the Service. In some cases, these letters may be the only kind of evidence an officer is able to offer in refuting an accusation. The board must evaluate the circumstances under which these letters are solicited in determining what weight it should give them. In so determining, it is proper for the board to consider the letter of solicitation if one exists, the period during which the writer knew or was closely acquainted with the officer, the writer's familiarity with the officer's habits and reputation,

and the relationship between the writer and the officer, if any.

(6) The board may use punishment by court-martial or Article 15, UCMJ, for misconduct to support removal under these regulations.

4. Rights of Officer Concerned. The legal advisor shall explain to the officer concerned he or she has the following rights:
 - a. The officer may present evidence, represent him or herself, or be represented by military counsel qualified under Article 27 (b), UCMJ, or civilian counsel of his or her own choice in all open board of inquiry proceedings; the officer must pay expenses incident to retaining civilian counsel.
 - b. At any time before the Commandant's final decision, the officer may apply for voluntary retirement, if eligible, or request early discharge under Article 12.A.15.f. or 14 U.S.C. 327, as applicable.
 - c. The officer may challenge for cause any voting member of the board.
 - d. The officer may request any witness whose testimony is pertinent to the case to appear as a witness before a board of inquiry hearing. The recorder of the board will invite those witnesses who meet Article 12.A.15.h.5.(j) requirements to appear.
 - e. The officer's counsel may question any witness brought before the board.
 - f. The officer is entitled to his or her rights under Article 31, UCMJ, and may or may not submit to examination by the board of inquiry.
 - (1) If he or she desires to submit to examination or make a statement under oath, he or she will be sworn.
 - (2) If he or she does not desire to make a sworn statement, the officer or the officer's counsel may make an unsworn statement, orally, in writing, or both. If the officer concerned makes an unsworn statement, he or she will not be subject to the board's cross-examination.
 - g. The officer will be allowed full access to and furnished copies of records relevant to the case at all stages of the proceedings. However, the board shall withhold any records the Commandant determines should be withheld in the interest of national security. If a board withholds any records under this clause, the officer whose case is under consideration shall be furnished a summary of the records so withheld. Additionally, the officer will be furnished, to the extent the national security permits, the actual records or copies of them with the classified portions deleted.
 - h. The officer has the right to know how his or her officer evaluation reports

or other reports on performance of duty reflect his or her past performance.

- i. The officer or the officer's counsel may make a closing argument at the conclusion of presentation of evidence.
- j. The officer is entitled to receive a copy of the verbatim transcript of proceedings.

5. Procedure.

- a. A board of inquiry does not follow strict rules of evidence in its proceedings. The board should allow the officer concerned to present his or her case without undue interference; however, the officer should observe reasonable bounds of relevance. Decisions on the validity of these regulations and the constitutionality of the statutes authorizing this procedure are outside the board's responsibilities, and the board should not permit argument on these matters. The assigned legal adviser decides questions on the procedures prescribed by these regulations.
- b. Voting members of the board will not review the case before the hearing.
- c. The board will not allow spectators to be present during the proceedings, except those the officer concerned specifically requested in writing and the board president authorized. No one scheduled to be called as a witness or who has been a witness may be present as a spectator.
- d. A board of inquiry may call witnesses on its own motion.
- e. Witnesses appearing before the board shall testify under oath or affirmation.
- f. The board's assigned legal advisor may not present the case or cross-examine witnesses. The legal advisor is present at all open sessions, instructs the board and respondent as appropriate, rules on all questions of evidence and procedure, and may excuse a member on challenge for cause.
- g. The president may seek the legal advisor's guidance whenever necessary, but the legal advisor will advise the board in open session in the presence of the officer concerned and his or her counsel and these proceedings become a part of the record. However, after the board has announced its recommendations in open session, it may request the legal advisor to attend its closed session to assist in the final drafting of the findings and recommendations.
- h. A majority vote by secret written ballot shall decide any issue properly before the board for determination.
- i. The board shall keep a verbatim record of its proceedings in open session.

- j. On the board's behalf the recorder invites both the officer's and the Government's witnesses to appear if both are reasonably available and their testimony can contribute materially to the case. The procedures and policies in Rule 703, Rules for Courts-Martial, MCM, 1984, will be used as a general guide in determining what witnesses will be invited to appear. Article 49, UCMJ, will be used as a general guide in determining witnesses' availability. Using depositions or affidavits to obtain testimony of witnesses who are not reasonably available and of stipulations, when appropriate, is encouraged.
 - (1) If their superior determines Service requirements will not permit their appearance, the supervisor may prohibit Coast Guard members or civilian employees whose presence is requested as witnesses from appearing before the board, which then will use depositions or affidavits.
 - (2) Witnesses will travel by official military transportation when practical. If official military transportation is not available, witnesses may use commercial. The Government pays a civilian witness's fees and mileage under the Military Justice Manual, COMDTINST M5810.1 (series).
- k. Recorder's Responsibilities.
 - (1) When the board of inquiry is convened, the board's recorder will examine and become familiar with all aspects of the case.
 - (2) The recorder determines if further investigation or additional documents are necessary to evaluate the case properly. If the recorder determines additional information is needed, he or she should request it as soon as possible.
 - (3) The recorder obtains factual information about requested and prospective witnesses' availability and then determines under Article 12.A.15.h.5.j. above which requested witnesses he or she will invite to appear on both the officer's and Government's behalf.
 - (4) The recorder ensures any travel orders necessary in accordance with Article 12.A.15.h.5.j. are issued promptly.
 - (5) The recorder notifies the board members in person or in writing of the time and place set for the hearing. He or she notifies the officer concerned by letter of the time and place set for the hearing and furnishes a copy to the officer's commanding officer.
 - (6) The recorder furnishes the officer concerned a copy of any records or other documentary material the board of inquiry will consider.
 - (7) The recorder makes other necessary preparations for the orderly

progress of the case at the board hearing.

- (8) The recorder ensures that a transcript of the hearing is prepared.
- (9) The recorder also ensures the board has available a copy of these regulations.
- (10) The recorder presents any material considered relevant to assist the board in reaching its finding.
- (11) The recorder may cross-examine any witnesses called by the respondent.
- (12) The recorder may present an opening statement and a final argument for the board's consideration.

6. Deliberations.

- a. A board of inquiry must carefully consider the facts of each case and be specific with respect to the underlying facts which support its findings and recommendations. The president of the board must ensure board members are completely familiar with the facts developed in each case, as well as the purpose of the board of inquiry.
- b. Before the board determines its findings and recommendations, it should review the purpose for which it was constituted, its guidance, and the evidence present before it in considering the following:
 - (1) The determination board found the officer concerned should be required to show cause. (Not applicable for Reserve officers with fewer than three years' service or for any chief warrant officer.)
 - (2) The purpose of the board of inquiry is to afford the officer concerned an opportunity to present evidence to refute matters of record offered against him or her or to otherwise establish the Service should retain him or her.
 - (3) The officer concerned must refute the Government's evidence and present evidence affirming his or her contention he or she is qualified to retain his or her current status.
 - (4) The board must consider an officer's record as a whole and make its recommendation based on a preponderance of evidence. Refuting any single reason for removal does not necessarily refute other documented reasons the board considers.

7. Findings and Recommendations.

- a. The board determines its findings and recommendation by secret written ballot in closed session.

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- b. The board prepares a brief statement of the reason(s) (including factual data if necessary for clarification) for its findings.
 - c. After the board determines the findings, it makes an appropriate recommendation, limited to either retention or separation without qualifications.
 - d. A board of inquiry cannot concurrently recommend any proposal short of separation once it has concluded an officer should be separated for cause.
 - e. Final Action for Reserve and Chief Warrant Officer Proceedings. For Reserve officers processed for separation under Article 12.A.9. and chief warrant officers processed under Article 12.A.21.c., the president of the board shall advise the officer in open session of its recommendation and all applicable procedural matters listed as follows:
 - (1) If the special board finds the officer should be retained, the case shall be closed.
 - (2) If the special board recommends separation, its recommendation shall be sent to the Commandant who has final decision authority. The officer shall be furnished a copy of the verbatim record of the special board proceedings. Within 10 days after receiving or having access to a copy of the record of the special board proceedings, the officer or his or her counsel may submit a responsive rebuttal, limited to matters brought before the special board, to Commander (CGPC-opm-1).
 - (3) A summary of the board proceedings shall be sent to the Commandant.
8. Final Action for Regular Officers. In open session the president of the board advises the officer of its determination and all applicable procedural matters listed as follows:
- a. When a board of inquiry determines the Service should retain the officer:
 - (1) The case shall be closed.
 - (2) A summary of the board's proceedings shall be sent to Commander (CGPC-c).
 - (3) Commander (CGPC-c) notifies the officer in writing through the chain of command.
 - b. When a board of inquiry determines the officer should be separated:
 - (1) Commander (CGPC-c) notifies the officer in writing through the chain of command.

(2) A board of review will consider the case as described in Article 12.A.15.i.

(3) Within 10 days after he or she receives or has access to a copy of the record of the board of inquiry proceedings, the officer or his or her counsel may file with the president of the board of review (c/o CGPC-opm-1) a rebuttal to the board of inquiry's findings and recommendations. If the officer files such a statement, he or she shall file a copy with the recorder to the board of inquiry, who in turn has 10 days in which to file a rebuttal to the statement of rebuttal and send to the officer concerned.

c. A verbatim record of the board of inquiry proceedings shall be sent to Commander (CGPC-c) with a statement that the officer concerned was also furnished a copy.

12.A.15.i. Board of Review

1. On receiving the proceedings record of the board of inquiry which recommends separating an officer for cause, Commander (CGPC-c) convenes a board of review.
2. The board of review consists of three officers senior to the members of the board of inquiry which considered the case. An officer may not be a member of the final review board if he or she was a member of the determination board or board of inquiry which considered the case or is ineligible to be a member of the board of inquiry for any reason listed in Article 12.A.15.h.2.
3. The board of review reviews the records and documented evidence the board of inquiry considered and made a part of its proceedings and any additional information the officer concerned or the recorder submitted under Article 12.A.15.h.8., to determine whether the officer concerned has or has not established he or she should be retained in the Coast Guard.
4. The officer concerned will not appear before the board of review, nor will counsel represent him or her.
5. After reviewing the case, the board of review determines without qualification whether to retain or separate the officer.
6. The officer is notified of the review board's findings and determination in writing through the chain of command.
7. If the board of review determines to retain the officer, the case is closed and Commander (CGPC-c) so advises the officer in writing through the chain of command.

8. If the board of review determines to separate the officer, the board of review proceedings and its recommendation shall be sent to the Commandant who has final decision authority.
9. If the Commandant concurs with the board of review recommendation, the officer shall be separated. If the Commandant finds the officer should be retained, the case shall be closed. In either decision, Commander (CGPC-c) so advises the officer in writing through the chain of command of the final action taken in the case.

12.A.15.j. Separation Date

An officer removed from active duty under these proceedings who does not request voluntary retirement before the specified separation date separates as specified in 14 U.S.C. 327(b) on the first day of the second month after that in which the Commandant approves the recommendation of the board of review. For example, if the Commandant approves the recommendation on 15 May, the officer shall be separated on 01 July.

12.A.16. Revoking the Coast Guard Band Director's Designation

The Secretary may revoke any designation as Director of the Coast Guard Band. If the Secretary does so, the member's appointment to commissioned grade under Article 1.A.6. terminates and the member has the following options.

1. Discharge from the Coast Guard; or
2. Reverting to the grade and status held when designated Director (14 U.S.C. 336).

12.A.17. Releasing Retired Recalled Officers from Active Duty

12.A.17.a. General

A retired officer recalled to active duty retains his or her retired status whether temporarily or permanently retired or transferred from the Temporary Disability Retired List (TDRL) to the Permanent Retired List while on active duty.

12.A.17.b. Release From Active Duty

On completing the term of service for which recalled, the Service either continues the retired officer for a further period of service or releases him or her from active duty; the released officer is entitled to recompute retired pay for years of service under 10 U.S.C. 1402.