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17.A. Retaining Personnel Unfit for Continued Service on Active Duty

17.A.1. Policy

17.A.1.a. General

This section prescribes procedures under which certain active duty members of the Coast Guard who are eligible for retirement or separation because of physical disability may remain on active duty in a limited assignment status on approval of their application for waiver.

17.A.1.b. Primary Objective

The primary objective of this program is to conserve human resources by effective utilization of needed skills or experience. A member who is unfit for continued service has no inherent legal or vested right to be continued on active duty, and disapproval of a request for retention has no bearing on the disposition of a case processed under the provisions of the Physical Disability Evaluation System, COMDTINST M1850.2 (series).

17.A.1.c. Needs of the Service

Each case involving a request for retention on active duty in a limited assignment status shall be considered individually, with decisions based on the Service's needs.

17.A.1.d. On Completing 20 Years' Service

A member found unfit for continued service by reason of physical disability who is retained on active duty on completing 20 years' service normally will be processed for physical disability separation or retirement.

17.A.1.e. More Than 20 Years' Service

Members, particularly those with more than 20 years of active duty service, shall not remain on active duty unless their retention is justified as being of value to the Coast Guard. Such members shall not remain solely to increase their monetary benefits.

17.A.1.f. Unfit for Continued Service

Members who are unfit for continued service will not be retained on active duty unless they so request.

17.A.1.g. Reevaluation at Time of Ultimate Retirement or Separation

A member retained on active duty under the provisions of this section will not be penalized for such service. At the time of ultimate retirement or separation, the member's physical condition will be reevaluated and documented to indicate whether the impairment(s) have remained the same, increased in severity, improved, or been cured. The case will then be referred to the Central Physical Evaluation Board (CPEB). Since the unfit for continued service finding was established by a previous board, a member whose condition has remained the same or increased in severity will be found unfit for continued service because the basis for that finding is still present. A member whose condition has improved, or been cured will be reevaluated to determine whether the existing impairment(s) still render the member unfit for continued service by reason of physical disability.

17.A.2. Criteria

17.A.2.a. Considerations

Commander, (CGPC) will consider retaining on active duty in a limited assignment status members who, although unfit because of physical disability, meet these criteria:

1. The member possess a special skill for which there is a specific Service need.
2. The member's physical condition is such he or she can perform duty requiring their special skill.
3. Retention will not jeopardize their health nor their associates' health.
4. The disability is stabilized and is not likely to require frequent absence from duty.
5. The member should have at least 18 years but less than 20 years service.

17.A.2.b. 18 Years' Service

Members who have at least 18 but fewer than 20 years service when they are found unfit for continued service or who remain on active duty under paragraph a. of this article who attain 18 years of service will remain on active duty until they complete 20 years of service if they meet these criteria:

1. They can perform useful service in an established billet for their grade, specialty, or rating.
2. Their retention will not be detrimental to their health nor a hazard to their associates.

17.A.3. Procedure

17.A.3.a. Physical Disability Evaluation System

The following procedures have been implemented in Chapters 3 and 4 of the Physical Disability Evaluation System, COMDTINST M1850.2 (series).

1. Members may append a request for retention on active duty to their Medical Board at the time they sign the Form CG-4920 acknowledging the medical board findings. The request for retention then will be forwarded along with the Medical Board. Concurrent action will be taken on their request by Commander, (CGPC-opm-1) or (CGPC-epm-1) and the Central Physical Evaluation Board (CPEB), and a coordinated reply transmitted with the CPEB findings for the acceptance or rejection of the member. This procedure is intended for, but not limited to, those members that are within six months of eligibility for a normal 20 year retirement.
2. Members who have not previously requested retention on active duty, but who subsequently are found unfit for continued service by the CPEB, may request retention on active duty. If they desire, the members may make an acceptance of the CPEB findings conditional upon approval of the retention request.
3. In the case of those members with more than 18 years but fewer than 20 years active duty, who have not requested retention as described in subparagraph (1) above, the CPEB will append to any unfit for continued service finding a specific opinion as to whether or not the member meets the medical requirements for retention established in this chapter. This provision is intended to encourage members who are approaching eligibility for a normal 20 year retirement to conditionally accept the CPEB findings and request retention on active duty.

17.A.3.b. Unfit for Continued Service

Members found unfit for continued service by a Formal Physical Evaluation Board (FPEB) may submit a request for retention on active duty to Commander, (CGPC-opm-1) or (CGPC-epm-1).

17.A.3.c. Appeal Process

When the Physical Review Council (PRC) or the Physical Disability Appeal Board (PDAB) has determined that a member is unfit for continued service, the member may request retention on active duty.

17.A.3.d. Requesting Retention

A member desiring retention on active duty in all circumstances should submit a letter request addressed to Commander, (CGPC-opm-1) or (CGPC-epm-1) with copy to (CGPC-adm-1) and suitably endorsed with regard to applicable criteria contained in [☛ Article 17.A.2.a. or b.](#)

17.A.3.e. Commander, Coast Guard Personnel Command

Based on the policy contained in [☛ Articles 17.A.1. and 17.A.2.](#), Commander, (CGPC) determines whether to retain the member or proceed with physical disability retirement or separation proceedings.

17.A.3.f. Letter Notification

In addition to any other notification, Commander, (CGPC-opm-1) or (CGPC-epm-1), as appropriate, will respond by letter to all requests for retention. When retention on active duty is approved, the requirements for periodic evaluation, renewal and termination of retention when Not Fit for Duty (NFFD) will be specified.

17.A.3.g. Death Imminent/Expedited Review Process

In the event of catastrophic injury, and when a member's death may be imminent, the member's command is responsible for initiating the Expedited Review process by immediately notifying the Flag Plot Duty Officer at the Coast Guard Headquarters Command Center. The purpose of the Expedited Review process is to provide a member, whose death is imminent, with the counsel to represent the member's best interests, and an opportunity to make timely decisions that will maximize applicable benefits for the member's dependents. Failure to initiate the Expedited Review process as soon as it is determined that the member's death may be imminent could prevent the process from being completed before the member's death and jeopardize the eligibility of the member's dependents for applicable benefits. [☛ Physical Disability Evaluation System, COMDTINST M1850.2C, Chapter 4.A.10.](#) for further instruction.

17.A.4. Periodic Evaluation and Renewals

17.A.4.a. Approvals for Retention

Approvals for retention on active duty will be granted for periods up to one year. Before the end of the one-year period, the member shall undergo a physical examination and reevaluation of the specified condition(s) that were the basis for the unfit for continued service findings to determine whether to terminate retention on active duty, continue retention, or a return to a full duty status is warranted. Annual examinations shall be prepared in Medical Board format with particular emphasis on any changes in the conditions for which the member initially was found fit for

limited duty (FFLD), prognosis, and ability to continue in an FFLD status if further retention is approved. The examination shall be sent to Commander, (CGPC-opm-1) or (CGPC-epm-1), as appropriate. The member's commanding officer shall insert the words "Retention Waiver Reevaluation" across the top of the Medical Board cover sheet. The commanding officer also shall attach a copy of the retention authorization then in effect and adds an endorsement similar to that provided for in [Article 17.A.3.d.](#) in case the request is for continued retention.

17.A.4.b. Determination

Commander, (CGPC) will decide in accordance with the policy contained in [Article 17.A.1.](#) and criteria in [Article 17.A.2.](#) The decision will be to grant an additional period of retention or proceed with disability retirement or separation proceedings.

17.A.4.c. Active Duty Termination

When retention on active duty is to be terminated, it is important that a thorough exam in the format of an Initial Medical Board be conducted to determine whether the evaluatee's original condition has changed, and to identify any new impairments. This Initial Medical Board shall be submitted to the CPEB so that final adjudication can be started in the disability process.

17.A.4.d. Retention for fewer than Six Months

There is no requirement to reevaluate disability or a new Medical Board if the period of retention is fewer than six months from the date the CPEB or FPEB initially found the member NFFD.

17.A.5. Aviation Rating Personnel in a Non-Flying Status

In exceptional cases, Commander, (CGPC-epm-1) will consider retaining an individual in an aviation rating in a non-flying status until eligible for retirement subject to all these conditions:

1. The member possesses an above average proficiency in an aviation rating for which the Service has a specific need.
2. The member can perform useful service in an established billet for their rate and rating.
3. The member's retention will not jeopardize his or her own or associates' personal health.
4. The member is in pay grade E-6 or above with at least 16 years of service for retirement eligibility.

5. The member submits a written request to Commander, (CGPC-epm-1) to remain on active duty until completing 20 years' active service.

17.A.6. Terminating Active Duty when Unfit for Continued Service

17.A.6.a. Disapproval of Continued Service

Any member retained on active duty under the provisions of this section whose continued retention has been disapproved by Commander, (CGPC), shall be processed in accordance with the Physical Disability Evaluation System, COMDTINST M1850.2 (series) for disability separation or retirement.

17.A.6.b. Limited Duty Termination

Any member retained on active duty under the provisions of this section who request termination of this limited duty status shall be processed in accordance with the Physical Disability Evaluation System, COMDTINST M1850.2 (series).

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17.B. Final Action on Physical Evaluation Boards

17.B.1. Authority to Take Final Action

17.B.1.a. Approval of Proposed Findings

In the Physical Disability Evaluation System (PDES), final action consists of approving specific proposed findings and a disposition of an active duty or retired on temporary disability member and providing the authority to implement the approved disposition.

17.B.1.b. Authority to Take Final Action

Authority to take final action for the Coast Guard on Central Physical Evaluation Board (CPEB), Formal Physical Evaluation Board (FPEB), Physical Review Council (PRC) and Physical Disability Appeal Board (PDAB) recommendations, findings, dispositions or modifications thereto is reserved to the Commandant and such other officers designated in the Delegation of Authority, Headquarters Instruction 5402.3 (series) as follows:

1. Commandant: Fit for Duty (FFD) cases involving flag officers.
2. Secretary of Transportation: All other cases of Not Fit for Duty (NFD) involving flag officers.
3. Commandant, Vice Commandant, or Chief of Staff: Specific cases in which the Commandant (G-W) has acted as the President, Physical Disability Appeal Board.
4. Commandant (G-W): All other cases.
5. Commander, (CGPC).

17.B.1.c. Findings, Dispositions, or Modifications

Findings, dispositions or modifications thereto, made in accordance with the provisions contained in the Physical Disability Evaluation System, COMDTINST M1850.2 (series), are only recommendations. They are subject to modification by competent authority, until made final by the Commandant or such officers as may be designated herein.

17.B.2. Final Action Procedure

17.B.2.a. Officers Authorized to Take Final Action

Officers authorized to take final action on Physical Evaluation Board may:

1. Approve the recommended findings and disposition of disability boards appropriately transmitted in accordance with the Physical Disability Evaluation System, COMDTINST M1850.2 (series) for final action; or,
2. Accept and approve a minority report or any other recommendation or make independent substitute findings and/or disposition; or,
3. Refer the case to any board in the PDES for development of additional information or further consideration of any aspect of the case, stating the reasons therefore.

17.B.2.b. Submitting a Rebuttal to Board Findings

When the Commandant or his or her designee proposes to accept a minority report or other recommendation or makes independent substitute findings and/or disposition which would either affect the ultimate disposition of the evaluatee as defined in the Physical Disability Evaluation System, COMDTINST M1850.2 (series) or decrease the evaluatee's temporary or permanent disability retired pay, the evaluatee first is given an opportunity to submit a rebuttal in the manner prescribed in the Physical Disability Evaluation System, COMDTINST M1850.2 (series), provided the evaluatee has not previously had an opportunity to submit a rebuttal on the same question.

17.B.3. Disposition of Evaluatee Before Final Action

17.B.3.a. Assignment While Undergoing Evaluation

Personnel undergoing evaluation in the physical disability evaluation system normally are not assigned to a new permanent change of station until the physical disability evaluation process is completed. Temporary additional duty orders may be issued to the evaluatee to obtain additional medical evidence for a disability hearing, appear before a hearing considering the evaluatee for administrative separation other than for physical disability, or such temporary additional duties not deleterious to the evaluatee's medical condition. Evaluatees may be transferred to a home awaiting orders status in accordance with [Chapter 7](#).

17.B.3.b. Interim Duty Status

If sick leave or Home Awaiting Orders Status (HAOS) is indicated, the evaluator's commanding officer shall request authority from Commander, (CGPC-opm-1) or (CGPC-epm-1), as appropriate, to take such action. Consideration shall be given to the following factors, in assigning and maintaining a specific interim duty status:

1. Limited Duty. When limited duty is assigned pending disposition of the case, evaluatees shall be assigned to duties which they can be used effectively without detriment to their physical or mental health.
2. Sick Leave. Sick leave may be assigned when an evaluatee is undergoing medical treatment other than hospitalization and cannot perform assigned duties. Sick leave shall normally be granted only when the evaluatee is expected to eventually return to a fit for duty status. The provisions of [Article 7.A.5.h.](#) apply to the granting of sick leave.
3. Hospitalization. When continued medical treatment is recommended by the FPEB, an evaluatee who is hospitalized at the time will be retained in that status. When hospitalization is no longer necessary, the evaluatee shall be assigned an appropriate status consistent with the provisions of this article. The evaluatee shall also receive such followup care as necessary. Care from civilian sources shall be in accordance with the Medical Manual, COMDTINST M6000.1 (series).
4. HAOS. An evaluatee found unfit for continued service may be placed in HAOS when approved by Commander, (CGPC-opm-1) or (CGPC-epm-1), as appropriate. HAOS normally is used only when the evaluatee cannot perform useful duties commensurate with pay grade at the unit, pending final resolution of the case after the CPEB has rendered a finding of unfit for continued service. On approval of HAOS, the commanding officer shall ensure compliance with [Article 7.A.5.g.](#)

17.B.4. Final Action When Fit for Duty

17.B.4.a. Approval of "Fit for Duty" Status

If a recommendation of "fit for duty" is approved, Commander, (CGPC-opm-1) or (CGPC-epm-1), as appropriate, informs the evaluatee, who then returns to duty and, where applicable, the evaluatee retires or is discharged or released to inactive duty as appropriate under other provision of law or regulations.

17.B.4.b. Temporary Disability Retired List

If the evaluatee is on the temporary disability retired list (TDRL), these provisions apply:

1. Officers. When appropriate, an officer found fit for duty on the TDRL shall be ordered to active duty as a retired officer, with his or her consent. Commander (CGPC-opm-1) shall also initiate action to reinstate the officer's commissioned or warrant status. For an officer found fit for duty who originally was to be retired, discharged, or released to inactive duty under some other provisions of law or regulations, that action shall be completed expeditiously.
2. Enlisted Members. An enlisted member on the TDRL who is found fit for shall be afforded the opportunity to reenlist and shall be notified of the following by Commander (CGPC-epm-1):
 - a. Upon presentation of the notification of the fit for duty finding to any Coast Guard recruiting office within 15 working days, the member shall be reenlisted, provided the member is qualified. There will be no further physical examination for the impairments for which temporarily retired.
 - b. Reenlistment will be effected in the grade and rating in which the member served on the date prior to retirement. If placed on the TDRL in a grade higher than that held on the day prior to retirement, the member shall be reenlisted in the lower grade.
 - c. Status on the TDRL and disability retirement pay shall be terminated either on the day prior to reenlistment or on the 15th day from the date the letter of notification is postmarked, if the evaluatee does not reenlist.
 - d. If the member has a Reserve obligation and does not reenlist, the member shall be transferred to or retained in the Reserves to complete such obligation. All time during which the evaluatee's was on the TDRL shall be counted toward the completion of the Reserve obligation.

17.B.5. Final Action When Not Fit for Duty

1. If an evaluatee is found "not fit for duty" because of a condition which is not a disability (☞ Physical Disability Evaluation System, COMDTINST M1850.2 (series)), the evaluatee will be separated without benefits.
2. If an evaluatee has both a condition that is not a disability, and also a ratable disability, the evaluatee is entitled to benefits only if the ratable disability, considered alone, is determined to render the evaluatee not fit for duty.
3. If an evaluatee meets the provisions of the Physical Disability Evaluation System, COMDTINST M1850.2 (series), orders shall be issued for the evaluatee's separation with severance pay or retirement, as applicable. ☞ U.S. Coast Guard Pay Manual, COMDTINST M7220.29 (series).

17.B.6. Effective Date of Disability Retirement or Separation

17.B.6.a. Date of Separation or Retirement

1. When temporary or permanent disability retirement or disability separation is directed, the effective date of such retirement or separation normally is 20 working days following the date of Commander, Coast Guard Personnel Command's action. **If every effort has been made to meet the separation date within the 20 working day period, but it proves impossible to complete the separation processing (shipment of household goods, OUTCONUS to CONUS transfer, etc.) within that timeframe, then retention of the member beyond the mandatory date for a period which is absolutely necessary to complete the separation processing may be authorized by Commander (CGPC-epm) for enlisted or Commander (CGPC-opm) for officers. Commanding Officers must submit a request, via message, for an extension of the separation date and must outline the additional time needed and the reason(s) for the extension.**
2. The separation or retirement date may be delayed for not more than 24 months if a member has requested, retention on active duty in accordance with the provisions of [☞](#) Article 17.A. and the member's request has been approved. In all other areas in which requests for retention on active duty have been approved, final action will be held in abeyance until there has been final reconsideration of recommended findings and disposition as provided for in [☞](#) Article 17.A.1.g.

17.B.6.b. Retaining Commissioned Officers

In the case of commissioned officers, the Coast Guard must make every effort to evaluate a member's physical disability prior to a mandatory retirement or discharge date. However, except as provided in [☞](#) Article 12.C.6.b. for chief warrant officers, if every effort has been made to meet the mandatory date, but it proves impossible to complete physical disability processing then retention of the member beyond the mandatory date for a period which is absolutely necessary to complete the physical disability determination may be authorized by Commandant (G-W).

17.B.6.c. Retention Beyond Expiration of Enlistment

Enlisted members, whose enlistment expires prior to completion of the evaluation of their physical status, may be retained with their consent for a period not to exceed six months in accordance with the provisions of [☞](#) Article 12.B.11.f.(1)(a). They may be retained without their consent for a period not to exceed 30 days in accordance with the provisions of [☞](#) Article 12.B.11.i.

17.B.6.d. Request for Retirement or Discharge

Whenever evaluatees for personal reasons desire retirement or discharge at the earliest possible date, they may submit a written request to do so to Commander (CGPC-opm-1) or (CGPC-epm-1), as appropriate. In such a case an evaluatee shall request retirement or discharge be effected without delay on completing review and final action on the record of proceedings of the CBEB or FPBE, as applicable. ☞ Physical Disability Evaluation System, COMDTINST M1850.2 (series). Commanding officers of evaluatees shall advise Commander (CGPC-opm-1) or (CGPC-epm-1), as appropriate, by message immediately on receiving the evaluatee's request.

17.B.7. Retirement or Separation for Other Reasons

Evaluatees who meet all qualifications for physical disability retirement but also qualify for retirement or separation for other reasons may, prior to the effective date of retirement, request the Commandant to take no action on the record of proceedings of the Physical Evaluation Board in their case so they may request and retired or be separated for reasons other than physical disability. ☞ [Articles 12.A.](#) and [12.B.](#)