



Department of Defense

INSTRUCTION

NUMBER 1300.04

December 27, 2006

Certified Current Through December 27, 2013

USD(P&R)

SUBJECT: Inter-Service Transfer of Commissioned Officers

- References:
- (a) DoD Directive 1300.4, "Inter-Service Transfer of Commissioned Officers," November 15, 1996 (hereby canceled)
 - (b) ~~Acting Deputy Secretary of Defense Memorandum, "DoD Directives Review—Phase II," July 13, 2005 DoD Instruction 5025.01, "DoD Directives Program," October 28, 2007~~
 - (c) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R)), ~~October 17, 2006-June 23, 2008~~
 - (d) Sections 531, 624, 651, 716, and 12203 of title 10, United States Code
 - (e) through (i), see Enclosure 1

1. REISSUANCE AND PURPOSE

This Instruction:

1.1. Reissues Reference (a) as a DoD Instruction according to the guidance in Reference (b) and the authority in Reference (c).

1.2. Updates policy and responsibilities for the transfer of commissioned officers on the Active Duty List under section 716 of Reference (d).

2. APPLICABILITY AND SCOPE

This Instruction:

2.1. Applies to the Office of the Secretary of Defense, the Military Departments (including the Coast Guard when it is operating as a Service in the Navy, under agreement with the Department of Homeland Security), and the Commissioned Corps of the Public Health Service (PHS) and the National Oceanic and Atmospheric Administration (NOAA), under agreements

with the Departments of Health and Human Services and Commerce. The term "Military Services," as used herein, refers to the Army, the Navy, the Air Force, and the Marine Corps. The term "the Uniformed Services" refers to the Army, the Navy, the Air Force, the Marine Corps, the Coast Guard, and the Commissioned Corps of the PHS and NOAA.

2.2. Applies to all commissioned officers serving on the Active Duty List. All other inter-Service transfers shall be governed by DoD Directive 1205.05 (Reference (e)).

2.3. Does not constitute authority either for the transfer of regular Component commissioned officers to a Reserve Component of a Uniformed Service or for the transfer of Reserve Component commissioned officers to a regular Component of a Uniformed Service. The Commissioned Corps of the NOAA does not have a Reserve Component.

3. POLICY

It is DoD policy that:

3.1. Commissioned officers who are qualified to contribute to an activity of another Uniformed Service shall be given the opportunity to apply for a transfer and appointment from one Uniformed Service to another Uniformed Service without interruption in their Service careers.

3.2. No transfer shall be accomplished without the request or consent of the commissioned officer concerned according to section 716 of Reference (d).

3.2.1. If a request for transfer is made by the head of the gaining Uniformed Service, it shall be forwarded through the Secretary of the gaining Military Department to the Secretary of the losing Military Department. The request shall be accompanied with a consent of the transfer from the commissioned officer concerned.

3.2.2. If a request for transfer is made by the commissioned officer, it shall be forwarded through channels to the Secretary of the losing Military Department and, if such Secretary concurs, to the Secretary of the gaining Military Department.

3.2.3. Under DoD Directive 5400.11 (Reference (f)) and 5 U.S.C. 552a (Reference (g)), the personal data contained in the requests in subparagraphs 3.2.1. and 3.2.2. shall be used to evaluate the proposed transfer. The disclosure of such information is voluntary. Failure to provide such information may result in the disapproval of the request.

3.3. No commissioned officer shall be transferred from one Uniformed Service and appointed to another Uniformed Service with a precedence or relative rank higher than held on the day before such transfer occurs (section 716 of Reference (d)).

3.3.1. Except for commissioned officers in the PHS, a commissioned officer transferred under this Instruction shall continue to hold the same grade and date of rank held in the losing

Uniformed Service. The officer shall be placed on the Active Duty List of the gaining Uniformed Service in accordance with regulations prescribed by the gaining Uniformed Service. This paragraph does not apply to transfers covered by subparagraph 3.3.3.

3.3.2. A commissioned officer of the PHS transferred to a Military Service shall have active commissioned service, grade, and date of rank determined under DoD Instruction 1312.03 and DoD Directive 6000.12 (References (h) and (i)) A commissioned officer of the PHS transferred to the Coast Guard or the NOAA shall have grade and date of rank determined under regulations of the gaining Uniformed Service.

3.3.3. A commissioned officer previously awarded constructive service credit for education, training, or experience who does not transfer to the same or a comparable category shall lose that credit and, subject to restrictions in paragraph 3.3. shall receive only the credit applicable to the category into which the officer is transferred. Such an officer transferred to a Military Service shall be reappointed in the grade (and given the date of rank) appropriate for the amount of credit granted him or her by the gaining Military Service in his or her new category as determined under References (h) and (i), as appropriate, subject to paragraph 3.3.

3.3.4. A former commissioned officer of the PHS who resigned from the PHS and was given an original appointment as a commissioned officer in another Uniformed Service may be reappointed in that Uniformed Service and may be credited with any period of active commissioned service that he or she performed in the PHS as if it were active commissioned service in that Uniformed Service. Such reappointments in the Military Services shall be accomplished as original appointments under section 531 or 12203 of Reference (d)), with grade and date of rank determined under References (h) and (i), as appropriate.

3.3.5. If a commissioned officer transferred between two Military Services is on a promotion list to the next higher grade under section 624 of Reference (b), the Secretary of the Military Department concerned may integrate the officer into the promotion list of the gaining Military Service based on the officer's date of rank in his or her current grade in the losing Military Service. If a commissioned officer transferred from NOAA or the Coast Guard to one of the Military Services has been selected for promotion in the NOAA or the Coast Guard, the Secretary of the Military Department concerned may place the officer on the promotion list of the Military Service based on the officer's date of rank in his or her current grade in NOAA or the Coast Guard. A commissioned officer transferred from the PHS to a Military Service who has been selected for promotion in the PHS shall have his or her grade and date of rank determined under References (h) and (i). Active commissioned service in the PHS shall be counted as active commissioned service under References (h) and (i). This paragraph does not apply to transfers covered by subparagraph 3.3.3.

3.4. Transfers shall be made only within the authorized strength limitations of the gaining Uniformed Service (section 716 of Reference (d)).

3.5. Release of a commissioned officer for an inter-Service transfer under this Instruction shall not constitute a release from fulfillment of the Military Service obligation established by section 651 of Reference (d), an active duty obligation under Reference (i), any other active duty

obligation, or under any laws, regulations, or policies of the losing Uniformed Service. Additional military service performed after such transfer shall be counted toward fulfillment of such obligations.

3.6. If the request for transfer has received final approval, termination of current commission and reappointment in the gaining Uniformed Service shall be accomplished by the Military Departments concerned without interruption of the continuity of the officer's total service. Commissioned officers so transferred shall be credited with the total amount of unused leave and service accrued as of the date before such transfer.

3.7. Transfers are subject to the concurrence of both the gaining and losing Military Departments.

3.8. While intended for use primarily in the technical fields to permit the fullest possible use of commissioned officers with critical or unusual skills, transfers between the Uniformed Services are not restricted to technical specialties.

4. RESPONSIBILITIES

4.1. The Principal Deputy Under Secretary of Defense for Personnel and Readiness, under the Under Secretary of Defense for Personnel and Readiness, shall monitor compliance with this Instruction.

4.2. The Secretaries of the Military Departments and the Secretaries of the Departments of Commerce, Homeland Security, and Health and Human Services shall:

4.2.1. Indicate their concurrence or non-concurrence in writing with the proposed transfer.

4.2.2. Accomplish transfers when the proposed transfer is acceptable to both the gaining and the losing Military Departments. The Secretaries of the losing and gaining Military Departments may establish standards and criteria based on the needs of the Military Departments concerned to determine whether the department concurs with the proposed transfer.

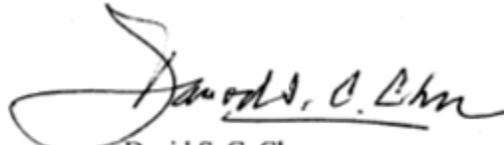
4.2.3. Withdraw concurrence with the proposed or approved transfer when not considered to be in the best interest of either Military Department.

4.2.4. Integrate transferring officers already on a promotion list to the next higher grade of the losing Service or Department, into the promotion list of the gaining Military Service according to subparagraph 3.3.5.

5. RELEASABILITY. UNLIMITED. *This Instruction is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.*

56. EFFECTIVE DATE

This Instruction is effective immediately.



David S. C. Chu
Under Secretary of Defense
(Personnel and Readiness)

Enclosures - 1

E1. References, continued

E1. ENCLOSURE 1

REFERENCES, continued

- (e) DoD Directive 1205.05, "Transfer of Members Between Reserve and Regular Components of the Military Services," April 22, 2004
- (f) DoD Directive 5400.11, "DoD Privacy Program," ~~November 16, 2004~~ May 8, 2007
- (g) Section 552a of title 5, United States Code
- (h) DoD Instruction 1312.03, "Service Credit for Commissioned Officers," October 6, 2006
- (i) DoD Directive 6000.12E, ~~"Health Services Operations and Readiness," April 29, 1996~~ "Health Service Support," January 6, 2011