



JUN 26 2019

The Honorable Steve Daines
United States Senate
Washington, DC 20510

Dear Senator Daines:

Thank you for your letter to Secretary Alex Azar regarding CAPT (ret.) Stanley Patrick Weber. As Assistant Secretary for Health, I oversee the U.S. Public Health Service Commissioned Corps (Corps). The Secretary asked that I respond on his behalf.

The Corps is convening a Board of Inquiry (BOI) to determine potential post-retirement actions against CAPT (ret.) Weber. A BOI is the Corps' most aggressive disciplinary administrative action, in accordance with Commissioned Corps Directive 111.02, through which a Corps officer can be demoted and/or the characterization of a Corps officer's service can be amended from "honorable discharge" to "other than honorable." In the current BOI request, the Corps is requesting to change the characterization of CAPT (ret.) Weber's service to reflect an "other than honorable" discharge, which would stop him from collecting any entitlements, including his pension.

Additionally, to prevent retired Corps officers who dishonor themselves and our Service from receiving benefits, the Corps is working with the Department to review 42 U.S.C. §212(c). This statute gives the Secretary of Health and Human Services the authority to involuntarily recall a retired Corps officer to active duty only with the retired officer's consent. Due to this limitation, the Corps has no direct mechanism to discipline retired Corps officers who have engaged in misconduct, while on active duty but not discovered until after retirement, that results in the conviction of a criminal offense.

Please know that we are committed to working expeditiously to address this issue. I have assigned RADM Susan M. Orsega, Director of Commissioned Corps Headquarters, as the primary point of contact for this inquiry. RADM Orsega may be reached by phone at 240-453-6000 or by email at susan.orsega@hhs.gov.

Sincerely yours,

Brett P. Giroir, M. D.
ADM, USPHS