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**CHAPTER 9. SEPARATIONS**

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## CHAPTER 9. SEPARATIONS

### 1. SCOPE

a. This chapter provides for separations of employees and residents appointed under authority of 38 U.S.C. 7306, 7401(1), 7405 or 7406. Separations of probational employees because they are not fully qualified and satisfactory and discharges for disciplinary reasons of employees with permanent status appointed under section 7401(1) are covered, respectively, under MP-5, part II, chapters 4 and 8.

b. This chapter does not apply in any way to employees appointed under 38 U.S.C. 7401(3). These employees are covered by applicable provisions of title 5, U.S.C.

### 2. REFERENCES

38 U.S.C., chapters 73 and 74 (See par. 6, Introduction to MP-5, pt. II.)

### 3. POLICY

a. Separations and other actions under this chapter will be effected uniformly and fairly in accordance with management needs, the rights of the affected employees, and the requirements of applicable laws and regulations.

b. There will be no discrimination because of race, color, religion, national origin, sex or sexual orientation, lawful political affiliation, membership or nonmembership in a labor organization, marital status, nondisqualifying disability, age, or other irrelevant factors in any separation or other action under this chapter.

c. Appointments or designations under authority of 38 U.S.C. 7306 terminate on completion of the approved term of service unless sooner terminated for such cause as will promote the efficiency of the service. Normally employees whose appointments will terminate on the completion date should be informed at least 30 calendar days in advance as to whether their appointments will be terminated, extended, renewed, or converted, as appropriate.

d. The Secretary is the approving authority for involuntary separations under this chapter of employees in positions centralized to the Secretary.

**Authority: 38 U.S.C. 501(a) and (b), 7431, 7403, 7421, and 7405.**

### 4. REGULATIONS AND PROCEDURES

The Under Secretary for Health shall promulgate regulations and the Under Secretary for Health and designees shall establish procedures for the following actions under this chapter: separations because of resignation, retirement, disability, disqualification, abandonment of position, failure to accept reassignment, military service, and pre-employment suitability.

**Authority: 38 U.S.C. 501(a) and (b), 7421, 7403, and 7405.**

