

## SUBCHAPTER B—PERSONNEL

### PART 40—CADETS OF THE COAST GUARD

AUTHORITY: 14 U.S.C. 182 and 633; 49 CFR 1.46(b))

#### § 40.1 Program for appointing cadets.

The Coast Guard conducts a program for appointing qualified men and women as cadets who are admitted to the Coast Guard Academy, New London, Connecticut. The Superintendent of the Coast Guard Academy tenders appointments on the basis of previous academic performance, reported College Entrance Examination Board or American College Testing scores, and the findings of a Cadet Candidate Evaluation Board, consisting of Coast Guard officers appointed by the Superintendent of the Coast Guard Academy, which reviews each applicant's personal qualifications. In addition, a Service Academy Medical Examination must be satisfactorily completed before appointment. Applications must be submitted online at <http://www.uscga.edu> using Coast Guard forms CGA-14, CGA-14A, CGA-14B, CGA-14C, and CGA-14D. These forms, along with additional information on the Cadet appointment program, may be obtained from the Director of Admissions, U.S. Coast Guard Academy, New London, CT 06320.

[USCG-2008-0179, 73 FR 35002, June 19, 2008]

### PART 45—ENLISTMENT OF PERSONNEL

Sec.

45.1 Enlistment of personnel.

45.2 Records of enlistment of former service members.

AUTHORITY: 14 U.S.C. 351, 371; Pub. L. 107-296, 116 Stat. 2135; 49 CFR 1.46(b).

SOURCE: CGD 82-087, 50 FR 13318, Apr. 4, 1985, unless otherwise noted.

#### § 45.1 Enlistment of personnel.

(a) The Coast Guard is a military service which operates within the Department of Homeland Security. All personnel enlisted in the Coast Guard

are subject to the Uniform Code of Military Justice.

(b) Any person desiring to enlist in the Coast Guard should apply at a Coast Guard Recruiting Office, or direct inquiries to, Coast Guard Recruiting Center, 4200 Wilson Boulevard, Suite 450, Arlington, VA 22203. Enlistments in the Coast Guard shall be for general service and enlisted persons may be transferred as necessary from one unit to another. Original enlistments will be made only at regular recruiting offices unless otherwise directed by the Commandant. An original enlistment is the enlistment of an individual who has not had previous service in the Regular Coast Guard. In processing an application for enlistment, the Coast Guard will determine the mental, moral and physical fitness of the applicant through reference to local police files, character references, employers, school authorities and physical and mental examinations. Concealment of any fact, circumstance or condition existing prior to enlistment which would render the applicant ineligible for enlistment may subject the applicant to criminal penalties under the Uniform Code of Military Justice and/or administrative separation from the Coast Guard.

[CGD 82-087, 50 FR 13318, Apr. 4, 1985, as amended by CGD 96-026, 61 FR 33663, June 28, 1996; USCG-2003-14505, 68 FR 9535, Feb. 28, 2003]

#### § 45.2 Records of enlistment of former service members.

Former members who have any questions about their service or who need information regarding their service should contact the nearest Coast Guard Recruiting Office or Coast Guard Recruiting Center, 4200 Wilson Boulevard, Suite 450, Arlington, VA 20203.

[CGD 82-087, 50 FR 13318, Apr. 4, 1985, as amended by CGD 96-026, 61 FR 33663, June 28, 1996]

**PART 49—PAYMENT OF AMOUNTS  
DUE MENTALLY INCOMPETENT  
COAST GUARD PERSONNEL**

**Subpart 49.01—General Provisions**

Sec.

- 49.01-1 Applicability.  
49.01-5 Requests for appointment of trustee.  
49.01-10 Determination of incompetency.

**Subpart 49.05—Trustee**

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49.05-10 Affidavits required.

**Subpart 49.10—Reports and Moneys**

- 49.10-1 Reports required.  
49.10-5 Payment of moneys due.  
49.10-10 Cessation of payments.  
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**Subpart 49.15—Additional instructions**

- 49.15-1 Implementing instructions.

AUTHORITY: Secs. 1, 2, 3, 4, 64 Stat. 249, 250; 37 U.S.C. 351, 352, 353, 354.

SOURCE: CGFR 51-48, 16 FR 10636, Oct. 18, 1951, unless otherwise noted.

**Subpart 49.01—General Provisions**

**§ 49.01-1 Applicability.**

The Commandant of the Coast Guard is hereby designated and is authorized to appoint, in his discretion, the person or persons who may receive active-duty pay and allowances, amounts due for accumulated or accrued leave, or any retired or retainer pay, otherwise payable to personnel on the active or retired list of the Coast Guard and Coast Guard Reserve, entitled to Federal pay either on the active or any retired list of said service, who, in the opinion of competent medical authority, have been determined to be mentally incapable of managing their own affairs, and for whom no legal committee, guardian, or other representative has been appointed by a court of competent jurisdiction.

**§ 49.01-5 Requests for appointment of trustee.**

Requests for the appointment of a person or persons to receive moneys due personnel believed to be mentally incapable of managing their own af-

fairs shall be submitted to the Commandant of the Coast Guard:

(a) By any person or persons who believe, because of relationship, they should be appointed to receive payments on behalf of the alleged incompetent;

(b) By the Commanding Officer of the alleged incompetent if the latter is on active duty;

(c) By the Commanding Officer of any Armed Forces hospital in which the mentally incompetent is undergoing treatment;

(d) By the head of any veterans' hospital, or other public or private institution in which the alleged incompetent is undergoing treatment;

(e) By any other person or organization acting for and in the best interests of the alleged mentally incompetent.

**§ 49.01-10 Determination of incompetency.**

After examining the legitimacy, substance, and sufficiency of the application, the Commandant shall either (a) direct the Commanding Officer of the alleged mentally incompetent, (b) the Commanding Officer of the Coast Guard unit to which such incompetent may be conveniently referred, or (c) request the Surgeon General of the Public Health Service to convene or appoint, at the Public Health Hospital or facility, where the alleged incompetent is receiving treatment or to which his case may be conveniently referred, a board of not less than three qualified medical officers, one of whom shall be specially qualified in the treatment of mental disorders, to determine whether the alleged incompetent is capable of managing his own affairs. The record of proceedings, and the findings of the board shall, after action by the Convening or Appointive Authority thereon, be forwarded to the Commandant.

**Subpart 49.05—Trustee**

**§ 49.05-1 Appointment of trustee.**

Upon receipt of a finding by a board convened or appointed in accordance with § 49.01-10, that the alleged incompetent is mentally incapable of managing his own affairs, the Commandant may appoint a suitable person or persons, not under legal disability so to