



DEPARTMENT OF THE NAVY
OFFICE OF THE SECRETARY
1000 NAVY PENTAGON
WASHINGTON DC 20350-1000

SECNAVINST 1412.8C
15 Apr 2019

SECNAV INSTRUCTION 1412.8C

Subj: REGULATIONS TO GOVERN THE PROMOTION AND CONTINUATION
OF CHIEF WARRANT OFFICERS AND THE CONTINUATION OF LIMITED
DUTY OFFICERS SERVING ON THE ACTIVE DUTY LIST AND RESERVE
ACTIVE STATUS LIST IN THE U.S. NAVY

Ref: (a) 10 U.S.C.
(b) SECNAVINST 1412.6M
(c) SECNAVINST 1920.6C
(d) SECNAVINST 1920.7C
(e) SECNAVINST 1420.3
(f) DoD Instruction 1320.14 of 7 March 18
(g) SECNAVINST 1401.3A
(h) MILPERSMAN 1420-010
(i) MILPERSMAN 1420-050
(j) DoD Instruction 1320.04 of 3 January 2014
(k) DoD Instruction 1320.13 of 30 October 2014
(l) SECNAV M-5214.1
(m) SECNAVINST 5200.35F

Encl: (1) Responsibilities
(2) Regulations to Govern the Promotion of Chief Warrant
Officers on the Chief Warrant Officer Active Duty
List and in the Navy
(3) Regulations to Govern the Continuation of Permanent
Limited Duty Officer's on the Active Duty List and of
Chief Warrant Officer's on the Warrant Officer
Active Duty List

1. Purpose. To prescribe regulations to govern the promotion
of Chief Warrant Officers (CWOs) on the CWO Active Duty List
(ADL) and Reserve Active Status List (RASL), the continuation of
permanent Limited Duty Officers (LDOs) on the ADL, and the
continuation of CWOs on the CWO ADL per references (a) through
(k). This instruction is a complete revision and should be
reviewed in its entirety.

2. Cancellation. SECNAVINST 1412.8B.

3. Definitions. The following definitions apply throughout this instruction:

a. Permanent LDO. An officer on the ADL or RASL who is designated for limited duty in a line technical field or designated for limited duty within a Staff Corps, as indicated by the designator, and who is serving under a permanent LDO appointment in a grade above CW05.

b. Temporary LDO. An officer on the ADL who is designated for limited duty in a line technical field or designated for limited duty within a staff corps, as indicated by the designator, and who is serving under a temporary LDO appointment in a grade above CW05, per reference (a), section 5596, with a permanent enlisted or warrant officer status.

c. CWO. An officer who is serving under a permanent appointment pursuant to reference (a) in the grade of CW02, CW03, CW04, or CW05, on the warrant officer ADL or RASL.

d. Warrant Officer (WO). An officer who is serving under a permanent appointment pursuant to reference (a) in the grade of WO W1 on the warrant officer ADL or RASL.

e. Promotion Selection Board. A board convened under the authority of section 573 or 12241 of reference (a) to recommend officers for promotion to the grades of CW02, CW03, CW04, or CW05.

f. Continuation. The deferment of involuntary retirement or discharge for years of service or failures of selection for promotion of eligible permanent Regular LDOs and eligible CWOs pursuant to reference (a), sections 580, 1305, or 8372.

g. Continuation Selection Board. A board of commissioned officers convened under reference (a), sections 573, 611, 1305, or 8372 to recommend eligible permanent Regular LDOs or eligible Regular CWOs, who are subject to involuntary retirement or discharge, for continuation on active duty.

h. Promotion Plan. The annual officer promotion plan approved by the Secretary of the Navy (SECNAV) that issues promotion policy by grade and competitive category to meet service requirements.

i. Continuation Plan. The annual officer continuation plan approved by Secretary of the Navy (SECNAV) that issues continuation policy by grade and competitive category to meet service requirements.

4. Applicability. Provisions of this instruction are effective immediately and apply to the promotion of CWOs serving on the warrant officer ADL and RASL to higher warrant officer grades, the continuation on active duty of permanent LDOs on the ADL, and the continuation on active duty of CWOs on the warrant officer ADL.

a. Per reference (c), the Chief of Naval Operations (CNO) will promulgate policy for continuation and retention of LDOs and CWOs on the RASL with the reserve continuation plan.

b. Per reference (b) governs the promotion of LDO ensigns to the grade of lieutenant (junior grade) on the ADL and RASL.

c. Per reference (e) governs the promotion of LDOs to the grades of lieutenant through captain on the ADL and RASL.

5. Policy

a. Promotion of CWOs. Per the provisions set forth in this instruction, it is SECNAV's policy to ensure the fair and equitable promotion to the next higher grade of CWOs to meet Navy requirements. Promotion selection boards will be administered to ensure careful consideration of all eligible officers without prejudice or partiality. The promotion system is based on five-year plans designed to meet the following objectives:

(1) Select officers to fill projected vacancies to meet authorized strength in each competitive category and grade for the first fiscal year of the plan;

(2) Ensure reasonable career opportunities in each competitive category;

(3) Attain and maintain an all Regular Force on the ADL and Reserve Force on the RASL;

(4) Maintain programmed requirements by grade in each competitive category over the last four fiscal years of the plan while maintaining relatively similar career opportunities; and

b. Continuation of Regular LDOs and CWOs. When required by the needs of the Navy, SECNAV may defer the involuntary retirement or discharge of eligible permanent Regular LDOs and Regular CWOs who are subject to involuntary retirement or discharge for years of service or failures of selection for promotion.

6. Internal Controls. Per reference (m), the establishment and use of internal controls and accounting procedures are mandated to ensure: effectiveness and efficiency of operations; reliability of financial reporting; and compliance with applicable laws and regulations. Additionally, as part of the annual Manager's Internal Control Program (MICP) report, the Navy will provide the Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN(M&RA)) with copies of the sections of their reports that are relevant to this program. The reports will include summary descriptions of internal controls used, their sufficiency, and any identified weaknesses or deficiencies.

7. Records Management

a. Records created as a result of this instruction, regardless of format or media, must be maintained and dispositioned according to the records disposition schedules found on the Directives and Records Management Division (DRMD) portal page:
<https://portal.secnav.navy.mil/orgs/DUSNM/DONAA/DRM/SitePages/Home.aspx>

b. For questions concerning the management of records related to this instruction or the records disposition schedules, please contact your local Records Manager or the DRMD program office.

8. Reports. The reporting requirements contained in paragraph 6, enclosure (1) paragraph 2, and enclosure (2) paragraph 6 are

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exempt from information collection control, per reference (1)
Part IV, paragraphs 7k and 7n.



GREGORY J. SLAVONIC
Assistant Secretary of the Navy
(Manpower and Reserve Affairs)

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RESPONSIBILITIES

1. The ASN(M&RA) is responsible for the management oversight of the Department of the Navy (DON) Commissioned Officer Promotion Program and performs additional functions related to commissioned officer promotion actions pursuant to express delegation by the SECNAV.

2. The Chief of Naval Personnel (CHNAVPERS), under the direction of the CNO, is assigned responsibility to:

a. Administer the policies and procedures prescribed in enclosures (2) and (3) of this instruction.

b. Implement procedures for the continuation of eligible permanent Regular LDOs on the ADL and eligible CWOs on the warrant officer ADL.

c. Prepare and submit a continuation plan to SECNAV for any fiscal year in which the needs of the service so require.

d. Issue notice to eligible officers of the convening of continuation selection boards at least 30 calendar days before the convening date of the board.

e. Submit precepts and/or convening orders to the Judge Advocate General of the Navy (JAG) no later than 35 days before the proposed convening date.

f. Ensure the membership of continuation selection boards complies with reference (g).

g. Conduct continuation selection boards convened by SECNAV based on the needs of the Navy for continuation of officers on the ADL.

h. Furnish information and written instructions to promotion selection boards and continuation selection boards consistent with the guidance applicable to promotion selection boards in reference (e).

(1) Ensure instructions require the independence and integrity of promotion selection boards and continuation selection boards and their careful consideration of officers without prejudice and partiality.

(2) Ensure instructions affirmatively recognize that experience and length of service are important, but do not override the needs of the Navy or performance factors.

i. Ensure all investigative files, to include the DoD Inspector General, Naval Inspector General, Equal Opportunity Employment, Equal Opportunity, National Crime Information Center (if authorized), Central Clearance Facility, JAG, and other service database files, are reviewed for adverse and reportable information, as defined per reference (j), on officers who are selected for promotion or continuation.

j. If there is adverse or reportable information, as defined in reference (j), concerning an officer who is recommended for promotion or continuation, then provide SECNAV with a recommendation of whether or not the officer should be withheld from the promotion or continuation list in order to permit further review of his qualifications and fitness for promotion or continuation.

k. If the SECNAV withholds an officer from the promotion or continuation list, then provide the officer with written notice of all reasons for the withhold and the opportunity to make a statement to SECNAV. Upon review of the officer's statement and service record, provide SECNAV with a recommendation of whether the officer should be promoted or whether the officer's continuation is in the best interests of the Navy in light of the information that was the basis for the withhold.

l. Forward the report of a promotion selection board and continuation selection board to SECNAV via the JAG for legal review.

m. Publish the results of a promotion selection board and continuation selection board to affected officers after approval of the report of the board.

n. Afford an officer who is selected for promotion or continuation with an opportunity to accept or decline promotion or continuation.

o. Ensure officers not recommended for selection by a continuation selection board are retired or discharged, as appropriate, pursuant to references (a) and (c).

p. Ensure officers recommended for continuation, but removed from the continuation list by SECNAV, are retired or discharged on the date not later than the first day of the seventh calendar month beginning after the month in which SECNAV removed the officer from the continuation list.

q. Maintain statistical data on the numbers, by grade, of commissioned officers continued and not continued on the ADL and RASL, and whose retirements have been deferred.

3. The JAG will review promotion and continuation plans, precepts, convening orders, and board reports for legal sufficiency in accordance with reference (a) and this instruction.

**REGULATIONS TO GOVERN THE PROMOTION OF CWOs
ON THE WARRANT OFFICER ADL AND RASL IN THE NAVY**

1. General

a. This enclosure prescribes regulations for the promotion of permanent CWOs serving on the warrant officer ADL and RASL to higher permanent warrant officer grades pursuant per reference (a).

b. Competitive Categories. Each CWO based on the CWO's designator will be assigned by the CNO to one of these competitive categories:

71xx	Chief Warrant Officer (Surface)
72xx/740x	Chief Warrant Officer (Submarine)
73xx	Chief Warrant Officer (Aviation)
74xx	Chief Warrant Officer General Line
75xx	Chief Warrant Officer General Staff
78xx	Chief Warrant Officer (Information Warfare)

c. Annual Promotion Plan. The promotion plan must be submitted to SECNAV 45 days before the proposed convening date of the first promotion selection board of the fiscal year promotion cycle.

(1) The plan will provide an estimate of the number of CWOs needed in each grade and competitive category to attain authorized strength; the number of CWOs estimated to be serving in each competitive category for each grade; the number of CWOs authorized to be on active duty on the last day of each fiscal year for each grade and a recommended promotion opportunity and projected flow point for each grade and competitive category. The proposed plan will also show, for each grade and competitive category, the number of CWOs to be placed in the promotion zone and the number of CWOs to be selected.

(2) The plan should identify any expected need for continuation, selective early discharge, or selective retirement of CWOs to aid in meeting authorized strength, promotion opportunity, or promotion flow points. Continuation plans, selective early discharge plans, and selective retirement plans, as required, will be submitted as soon after the annual promotion plan as feasible.

2. Accession of Warrant Officers in the Grade of W1. The appointment of Warrant Officers in the grade of W1 will be made as needed and subject to policies prescribed by the CHNAVPERS. Officers appointed in the grade of W1 will follow a modified promotion flow to maximize career progression and retention.

3. Promotion of CWOs

a. Promotion selection boards are convened to recommend officers for promotion to the next higher Chief Warrant Officer grade of CWO2, CWO3, CWO4, and CWO5 per reference (a), sections 573 and 12242. Per reference (a), section 571, an appointment may not be made in the Navy in the Regular Warrant Officer grade of CWO5, if the appointment would result in more than five percent of the warrant officers of the Navy on active duty being in the grade of CWO5.

b. Grade Authorizations. To ensure an adequate career progression for each CWO the following grade allocations will normally be applied to each designator.

CWO5	5%	CWO4	25%
CWO3	30%	W01/CWO2	40%

c. Pursuant to chapters 33A and 1207 of reference (a), each CWO serving on the Warrant Officer ADL or RASL who is serving under a permanent appointment above the grade of W01 shall be appointed to the next higher CWO grade by commission by the SECDEF.

d. Each W01 on the Warrant Officer ADL shall be appointed to the grade of CWO2 by commission by the President having been found all-fully-qualified for promotion upon completion of a minimum of 36 (maximum of 72) months of service in grade and having completed 12 years of total active service. A promotion selection board is not required.

e. Each CWO2 on the Warrant Officer ADL or RASL, shall be appointed to the grade of CWO3 by commission by the President upon completion of:

(1) For a CWO2 originally appointed as a CWO2, 36 months of service in grade, being selected for promotion, and authorized announcing via Naval Administrative message (NAVADMIN).

(2) For CWO2 originally appointed as WO1, a minimum of 36 (maximum 72) months of service in grade, having completed 17 years of total active service, and being selected for promotion and authorized via announcing NAVADMIN.

(3) Officers so appointed have a date of rank beginning from their date of appointment to CWO3. Pay and allowances are effective on and accrue from this same date. The officers appointed are considered as having accepted the appointment unless the appointment is expressly declined or the appointment is delayed under the provisions of this instruction.

f. Each CWO3 on the Warrant Officer ADL shall be eligible for promotion to the grade of CWO4 upon completion of 48 months of service in grade. Each CWO3 on the Warrant Officer RASL shall be eligible for promotion to the grade of CWO4 upon completion of 36 months of service in grade. Promotion opportunity to CWO4 is established in the SECNAV approved annual promotion plan. A CWO3 selected and approved for promotion will be promoted to CWO4 based on the annual phasing plan.

g. Each CWO4 on the Warrant Officer ADL or RASL shall be eligible for promotion to the grade of CWO5 based on the promotion zones established in the SECNAV approved annual promotion plan. A CWO4 selected and approved for promotion will be promoted to CWO5 based on the annual phasing plan.

4. Promotion Selection Boards. SECNAV shall, whenever the needs of the service require, convene promotion selection boards to recommend CWOs on the Warrant Officer ADL and RASL for promotion to the next higher grade of CWO3, CWO4, or CWO5. Each member assigned to a promotion selection board shall review per reference (f) and this instruction prior to serving on the promotion selection board.

a. Eligibility for Consideration

(1) Deferral of eligibility. With respect to a Reserve CWO who enters on to the Warrant Officer ADL, that officer, if eligible for consideration by a promotion selection board as an In-zone or Above-zone eligible within one year of placement on the Warrant Officer ADL, shall be informed that his or her eligibility for such consideration will be deferred unless he or she specifically requests consideration. The officer may waive

this deferment and request consideration for promotion, in writing, to Navy Personnel Command (NAVPERSCOM) (PERS-802), 5720 Integrity Drive, Millington TN 38055-0802. The request must be received by NAVPERSCOM (PERS-802) no later than ten days prior to the convening date of the board. CHNAVPERS shall normally place an officer's record before the promotion selection board. Deferment of eligibility is intended to provide officer, who otherwise would have been in-zone or above-zone, an opportunity to obtain active duty experience, qualifications, and significant evaluation before being considered by a promotion selection board. An officer whose initial promotion eligibility is deferred will be considered by a subsequent board as an officer in-zone (above-zone, not previously considered) or above-zone, as appropriate, as if his or her eligibility had not been deferred;

(2) Service-in-Grade. In the annual promotion plan, SECNAV will prescribe, under reference (a), service-in-grade requirements for eligibility for consideration by promotion selection boards in each grade and competitive category, in accordance with paragraph 3 of this enclosure;

(3) Promotion Zones. In the annual promotion plan, SECNAV will establish promotion zones for each grade and competitive category. The limits of each zone will be indicated by the name, precedence number, and date of rank of the designated junior and senior officer in zone. Below-zone eligibility, if prescribed, will be indicated by the name, precedence number, and date of rank of the designated junior officer eligible for consideration in each competitive category. Officers in the same grade who are eligible for consideration for promotion to the next higher grade will be considered as officers either above-zone, above-zone not previously considered, in-zone, or below-zone for their competitive categories as defined below:

(a) Above-Zone. Officers within a particular grade and competitive category who are eligible for promotion and are senior to the senior officer in the promotion zone, including those who have been removed from a promotion list to that grade or failed of selection to the next higher grade by an ADL or RASL board;

(b) Above-Zone, Not Previously Considered. Officers senior to the senior officer in zone for their competitive category, but who have neither been removed from a promotion list to that grade nor failed of selection to the next higher grade by an ADL or RASL board;

(c) In-Zone. Officers within a particular grade and competitive category who are senior to the officer designated as the junior officer in the promotion zone and have neither failed of selection nor recommended for promotion to the next higher grade, nor been removed from a promotion list to the next higher grade; and

(d) Below-Zone. Officers within a particular grade and competitive category who are eligible for promotion and are junior to the junior officer in the promotion zone.

b. Notice of Convening. Per reference (a), SECNAV will issue a notice of the convening of a promotion selection board at least 30 days before the board is convened. The notice will include:

(1) The names, precedence numbers, and dates of rank of the junior and senior officers in the promotion zone as of the date of notification;

(2) The name, precedence number, and date of rank of the junior officer eligible as of the date of notification, if applicable;

(3) The date the board will convene; and

(4) Information regarding eligible officers' rights to communicate with the promotion selection board and of their responsibility to ensure their personnel records are substantially accurate and complete.

c. Membership. The composition of promotion selection boards shall be determined under reference (a), section 573 or 12241, and reference (g). The composition shall include a board president, members, recorders, and administrative support personnel and whose duties are further outlined in reference (f) and (g) and this instruction. The senior member of the board may be appointed board president. The board president will also

serve as a member of the board and perform such administrative duties in connection with the board proceedings as SECNAV may prescribe in the precept. The recorders shall keep the official record of the board proceedings and at least one recorder must be present during all board deliberations.

d. Information to be Furnished to promotion selection boards. No person may direct that a particular officer be selected by a promotion selection board or that a promotion selection board fail to select a particular officer. Per references (a) and (f), SECNAV shall issue written instructions to promotion selection boards. The written instructions and guidance to a board shall not include information on particular officers. All information furnished to promotion selection boards shall be made part of the board record. The following information shall be furnished to each promotion selection board at the time it is convened:

(1) Precept. Promotion selection boards shall be convened by precept addressed to the president of the board and signed by SECNAV or designee. The precept will include instructions governing the proceedings of the board and will appoint the president, members, recorders, and administrative support personnel of the board. The board shall adhere to the instructions in the precept;

(2) Skill Guidance. The precept will provide SECNAV guidance relating to the needs of the Navy for officers with particular skills in each competitive category, and other information and guidelines as necessary to enable the board to perform its functions properly;

(3) Precepts will specify the percentage of officers the board may recommend from the list of eligible officers. CHNAVPERS will provide the maximum number of officers that may be recommended for promotion after the final number of eligible officers is determined as of the date the board convenes;

(4) CHNAVPERS shall provide the names of all officers in each competitive category who are to be considered by the board based on the criteria specified in the annual promotion plan as of the date the board convenes; and

(5) CHNAVPERS shall supply all pertinent records of each officer to be considered by the board. Such records shall include all documents, including fitness reports that are essential for a fair and substantially accurate and complete portrayal of each officer's career as of the date the board convenes. Fitness reports, personal awards, or other documents with ending dates after the convening date of the board will not be added to these records even if received while the board is in session. If the board requests information to amplify or clarify official records provided to the board, the board may request such information from SECNAV, via CNO, as appropriate. Information from outside an officer's official record may not be provided to a board if that information, under Service regulations, could not otherwise be included in the officer's official record without notice to the officer and an opportunity for the officer to comment on it.

e. Only SECNAV may provide additional guidance to promotion selection boards. Per reference (a), the written instructions, information, or guidance furnished to a promotion selection board may not be modified, withdrawn, or supplemented after the board submits its report to SECNAV, except as provided in paragraph 6h of this enclosure.

f. Oaths:

(1) Members of a promotion selection board shall swear, or affirm, that they will perform their duties as members of the board without prejudice or partiality, having in view both the special fitness of officers and the efficiency of their Service;

(2) Recorders shall swear, or affirm, that they will keep a true record of the proceedings of the board; and

(3) Members, recorders, and administrative support personnel shall swear or affirm that they will not disclose the proceedings of the board except as authorized or required by SECNAV or higher authority.

g. Per reference (f), the maximum number of officers in the promotion zone authorized to be promoted within a competitive category may not be increased after the convening of a promotion selection board without written approval of the Under Secretary of Defense (Personnel and Readiness).

5. Communication with Promotion Selection Boards. All communications, other than those communications that are only administrative in nature, shall be in writing, furnished to all board members, and made a part of the board's record. An audio or video recording is an acceptable means of communication with the board, so long as a written transcript is made a part of the board record. No one, other than SECNAV, shall appear in person to address a promotion selection board on any matter. This does not restrict the furnishing of administrative information to the promotion selection board by the staff designated in writing by SECNAV to assist the board. Oral communication of routine administrative information among board members, recorders, and administrative support personnel is authorized to the extent that it is necessary to facilitate the work of the board. Officers eligible for consideration by a promotion selection board may communicate directly in writing with the board. The communication may call attention to any matter concerning the officer that the officer considers important.

a. The officer's written communication may include, as enclosures, correspondence from any individual concerning the eligible officer. Correspondence not originated by the eligible officer, including endorsements to the officer's letter and letters written on behalf of that officer must contain a written acknowledgment by the eligible officer that they desire such correspondence be presented to the board. Correspondence without such an acknowledgment is considered third-party correspondence and will not be accepted. Correspondence that contains classified information will not be accepted.

b. Officers who desire to communicate with a promotion selection board shall forward written communication to the appropriate board via NAVPERSCOM, Customer Service Center, no later than ten days prior to the convening date of the promotion selection board which is to consider their record. The promotion selection board shall consider all correspondence which complies with the above requirements.

6. Report of Proceedings of Promotion Selection Boards. Per reference (a) and (f), each promotion selection board shall submit a report to SECNAV listing the names of the officers recommended for promotion.

a. The report shall be in writing, signed by each board member and recorder, and shall certify that the board has complied with all instructions contained in the precept. The report shall also certify that the board has carefully considered the record of each officer whose name was furnished to it, and that the officers recommended for promotion are, in the opinion of the majority of the members of the board, fully qualified and best qualified for promotion to meet the needs of the Navy from among the officers whose names were furnished to the board.

b. Each CWO Promotion Selection Board report shall include the name of any CWO considered by the board whose record, in the opinion of a majority of the members of the board, establishes their unfitness or unsatisfactory performance.

c. Before the report of the promotion selection board is signed, the recommendations may be disclosed only to members of the board, recorders, and those administrative support personnel designated in writing by SECNAV. After the board report is signed, only the recommendations of the board may be disclosed. Except as authorized by reference (f), the proceedings of the board may not be disclosed to any person not a board member or board recorder.

d. The CWO promotion selection board reports shall be forwarded for approval by SECNAV via CHNAVPERS, then JAG for legal review.

e. Once the board report is approved, the names of all officers approved for promotion within a competitive category are placed on a single list in order of seniority for that competitive category. This list will be known as a Promotion List.

f. Along with the board report, CNO shall submit to SECDEF, via SECNAV, a Scroll. A Scroll is a nomination list of the officers selected for promotion within a competitive category on a single list for that competitive category. For CWOs, the ADL and RASL scrolls are approved by SECDEF.

g. If SECNAV determines that the board acted contrary to law, regulation or guidelines, the report will be returned to the board for further proceedings. SECNAV may modify, withdraw, or supplement instructions, information, or guidelines, as part

of a written explanation to the board. Upon receipt of a report that has been returned by SECNAV, the board (or a subsequent board convened under this instruction for the same grade and competitive category) shall conduct proceedings as necessary to revise the report and shall resubmit the revised report to SECNAV via CHNAVPERS, JAG for legal review, and CNO.

h. Following approval of the board report, SECDEF will sign the scroll.

i. Only SECNAV, may remove the name of an officer recommended for promotion from the report of a promotion selection board.

j. When the approved report of a promotion selection board recommends an officer who is unfit or has demonstrated unsatisfactory performance, section 1166 per reference (a), and (c) delineate the procedures for effecting the retirement or separation of a Regular warrant officer whose name is so reported.

k. As determined by SECNAV, the name of any officer with adverse or reportable information may be withheld from the scroll. Upon official dissemination of the names of the selected officers by ALNAV message, CHNAVPERS shall notify the officers, whose names were withheld from the scroll, in writing of their status. An officer who was withheld that is subsequently recommended for promotion shall have his or her name placed on a scroll and forwarded to SECDEF for approval, as appropriate, for approval. If subsequently promoted, the officer shall be promoted in the same manner as an officer whose promotion was delayed in paragraph 14 of this enclosure. An officer whose name has been withheld and is subsequently found not qualified for promotion shall have his or her name removed from the promotion list in the same manner described in paragraph 8 of this enclosure and will be subject to the provisions contained in paragraphs 9 and 10 of this enclosure.

7. Dissemination of Names. The names of the officers recommended for promotion in the report of a promotion selection board shall be disseminated as follows:

a. In the case of CWOs, such names may be disseminated upon SECNAV approval of the board report;

b. Dissemination will be by ALNAV message. CHNAVPERS shall submit the proposed message; and

c. CHNAVPERS may propose to SECNAV to withhold from the scroll and ALNAV the names of officers in the following categories:

(1) There is adverse or reportable information, as defined by reference (j), pertaining to the officers;

(2) Officers against whom sworn court-martial charges have been preferred, but not disposed of;

(3) Officers pending criminal proceeding in a federal, state, or local court;

(4) Officers against whom an investigation is being conducted to determine whether disciplinary/administrative action of any kind should be initiated; or

(5) There is cause to believe that the officer is mentally, physically, morally, or professionally unqualified.

d. The names of the officers selected for promotion, other than those whose names were withheld from an ALNAV, must be promptly disseminated within Department of the Navy as soon as authorized.

8. Removal from Promotion List

a. SECNAV, may remove the name of any officer from a list of officers recommended for promotion by a selection board. CHNAVPERS shall provide a request for removal action to SECNAV.

b. If an officer's name is removed from the promotion list, CHNAVPERS shall notify that officer in writing of his or her removal from the promotion list and the resulting effect on promotion status.

9. Eligibility of Officers Removed from Promotion List

a. An officer whose name is removed from a Promotion List for the first time shall be considered for all purposes to have

failed of selection for promotion and will continue to be eligible for consideration for promotion.

b. If a CWO on the Warrant Officer ADL or RASL, whose name was removed from a promotion list, is not recommended for promotion by the next promotion selection board convened for the officer's grade and competitive category, or if the officer's name is again removed from the list of officers recommended for promotion, the officer shall be ineligible for further consideration for promotion.

10. Failure of Selection for Promotion

a. CWOs who are in or above the promotion zone and are considered but not selected for promotion will be considered to have failed of selection for promotion to the next higher grade.

b. Two or more failures of selection may, per applicable statutes, subject an officer to involuntary separation or retirement under references (a) and (c).

c. Officers in or above the promotion zone who are selected for promotion but decline the appointment will be above zone for subsequent promotion selection boards. A declination of promotion will constitute a failure of selection for promotion and the officer will be removed from the promotion list.

11. Counseling for officers who fail of selection for promotion. Per reference (i), CHNAVPERs shall provide, upon request, counseling for officers who fail of selection for promotion to grades CWO2, CWO3, CWO4 and CWO5. Counseling shall consist of reviewing the officer's record and indicating any factors that may account for not having been selected.

a. The counselor will be an officer experienced in officer personnel matters who is senior to and when practicable, in the same competitive category as the officer requesting counseling. The counselor may not be an officer who served as a member, recorder, or administrative assistant for a promotion selection board which failed to select the requesting officer for promotion.

b. Requests for counseling should be submitted to NAVPERSCOM (PERS-4).

12. Promotion of Selectees. Officers on a promotion list will be appointed as Regular officers or Reserve officers, as appropriate, in the next higher grade as additional officers are needed in each grade and competitive category.

a. For Warrant Officers on the Warrant Officer ADL or RASL, promotions will be made in the order in which the names of officers appear on the promotion list for each competitive category as vacancies become available, except for those officers whose promotion have been delayed. Promotion of officers from one competitive category will be effected regardless of the relative seniority of officers of the same grade in other competitive categories.

b. CHNAVPERS shall prescribe monthly numbers, by competitive category and grade, of officers to be promoted and shall announce the names of those officers promoted from the approved promotion list within the monthly numbers authorized.

13. Effective Dates of Promotion. Except as provided in paragraph 14 or as otherwise provided by law, the date of rank of an officer promoted to a higher grade under reference (a) and this instruction is the date of appointment. Appointments will be considered accepted and effective on the date specified in the promotion NAVADMIN unless the officer concerned expressly declines the appointment. Officers must decline the appointment within 30 days of the effective date of promotion. An officer's written request for declination must be submitted to NAVPERSCOM (PERS-802), 5720 Integrity Drive, Millington TN 38055-0802. The appointment will be deemed effective unless the request for declination is received by the 30th day.

14. Delay of Promotion of CWOs

a. Criteria for Promotion Delay. Commander, Navy Personnel Command (CNPC), or a member's commanding officer (CO), may request to delay the appointment of an officer selected for promotion. If the appointment is delayed, the delaying officer shall, as soon as practicable, forward the information required by paragraph 14b of this enclosure to CNPC. Promotion may be delayed under this instruction if:

(1) Sworn charges against the officer have been received by an officer exercising general court-martial jurisdiction over the officer and such charges have not been disposed of;

(2) An investigation is being conducted to determine whether disciplinary action of any kind should be brought against the officer;

(3) Processing for separation for cause has been initiated under reference (c);

(4) A criminal proceeding in a Federal or State court is pending against the officer;

(5) There is adverse or reportable information, as defined by reference (j), pertaining to the officer; or

(6) There is cause to believe that the officer is mentally, physically, morally, or professionally unqualified.

b. Command Requests for Delay

(1) COs who consider delay of an officer's promotion warranted shall submit justification for the delay to CNPC immediately and prior to the member's scheduled promotion date or as soon thereafter as practicable.

(2) Each justification for delay to CNPC, or designee, must include the following documents:

(a) A copy of the notification to the officer;

(b) A statement by the officer. If the officer declines to make a statement, the officer concerned shall submit a signed statement to that effect; and

(c) Supporting rationale for delay from the officer's Commanding Officer (CO) based on his or her knowledge of the officer involved.

c. Notification of Grounds for Delay. The promotion of an officer may be delayed only if the officer has been given written notice of the grounds for the delay before the effective date of the appointment, unless it is impractical to do so, in

which case such written notice shall be given as soon as practicable.

d. Removal from the Promotion List. If during a delay of promotion, it is determined that removal from the promotion list is appropriate, removal action under paragraph 8 of this enclosure may be initiated.

e. Subsequent Promotion

(1) If a promotion has been delayed under paragraph 14a(1) - 14a(5) of this enclosure and no action has been taken to delay an appointment under paragraph 14a(6) of this enclosure and

(a) no disciplinary action is taken against the officer or charges against the officer are withdrawn or dismissed;

(b) the officer is not ordered administratively separated under reference (c); or

(c) the officer is acquitted of the charges brought against him or her, then the officer shall be retained on the promotion list and shall, upon promotion to the next higher grade, have the same date of rank, the same effective date for the pay and allowances of the grade to which promoted and the same position on the warrant officer ADL or RASL as he or she would have had if no delay had occurred, except as provided in paragraph 14e(2) of this enclosure.

(2) If SECNAV determines that the officer was unqualified for promotion for any part of the delay, the date of rank, effective date of pay and allowances, and position on the ADL and RASL may be adjusted. Officers whose promotions were delayed under paragraph 14a(6) of this enclosure whom SECNAV later determines are qualified, shall be promoted in the same manner.

15. Posthumous Promotions. Section 1521 of reference (a) and reference (j) establishes provisions to issue posthumous promotions. The following criteria apply:

a. Officers and enlisted Sailors may be appointed, by SECNAV, to the next higher grade if:

(1) The officer or enlisted Sailor had been appointed to a commissioned grade but was not able to accept the appointment due to death;

(2) successfully completed the course at an officers' training school and was recommended for appointment to a commissioned grade by the CO or Officer In Charge of the school but was unable to accept the appointment because of death; or,

(3) The officer or enlisted Sailor was officially recommended for appointment or promotion to a commissioned grade but was not able to accept the appointment due to death.

b. The officer's name shall be carried on the records of the Navy as if the officer had served in the grade in which posthumously promoted from the date of the approval of the board report to the date of death.

c. A posthumous promotion issued in accordance with reference (a) and this instruction shall require certification by SECNAV that, at the time of death of the member, the member was qualified for appointment to that higher grade.

d. CHNAVPERS shall determine whether the officer has adverse or reportable information as defined by reference (j) and inform SECNAV prior to SECNAV issuing a posthumous promotion.

e. No beneficiary is entitled to any bonus, gratuity, pay, or allowances by virtue of a posthumous promotion.

**REGULATIONS TO GOVERN THE CONTINUATION OF
PERMANENT LDOs ON THE ADL AND CWOs ON THE WARRANT OFFICER ADL**

1. General. This enclosure governs the continuation on active duty of eligible permanent Regular LDOs and eligible Regular CWOs who are subject to involuntary retirement under reference (a), sections 580, 1305, or 8372.

a. If the needs of the service require, SECNAV will convene selection boards to recommend permanent LDOs and CWOs for continuation on the ADL or warrant officer ADL.

b. After SECNAV approves the annual continuation plan, a NAVADMIN will be released that summarizes the policy and implementation and procedural guidance contained in the continuation plan.

c. Continuation and retention of permanent LDOs and CWOs on the RASL is addressed in reference (c) and provided for in the annual continuation plan.

2. Continuation of Permanent LDOs. Reference (a), section 8372, provides guidance on continuation of permanent LDOs. Permanent LDO continuation policy is contained in the SECNAV approved annual continuation plan.

3. Retirement of Regular CWOs

a. Under section 1305(a) of reference (a), CWOs who have at least 30 years of active service as a Warrant Officer that could be credited to them, shall be retired 60 days after the CWO completes that service.

b. SECNAV may defer the retirement of any Regular CWO upon the recommendation of a continuation selection board and with the consent of the Warrant Officer, but not later than 60 days after the officer becomes 62 years of age per reference (a), section 1305(c). Regular CWO continuation policy is contained in the SECNAV approved annual continuation plan. No officer may be deferred for a period of more than five years by any one selection board.

4. Continuation of Regular CWOs. A Regular warrant officer subject to discharge or retirement under section 580 of reference (a) may, subject to the needs to the service, be continued on active duty or if an officer is selected for continuation on active duty by a selection board convened under section 573(c) of reference (a).

5. Continuation Selection Board Procedures. The provisions for promotion selection boards set forth in enclosure (2) regarding notice of convening, precept, membership, information furnished to the board, communication with selection boards, and the proceedings are also applicable to continuation selection boards.

6. Continuation Selection Board Results

a. Report of a Continuation Selection Board

(1) The report will be forwarded to ASN(M&RA) via CHNAVPERS, JAG for legal review, and DCNO(N1).

(2) A scroll with the officers recommended for continuation is not required.

b. The results of a continuation selection board will be made known to affected officers after SECNAV approves the report of the board.

c. CNO may recommend to SECNAV that an officer be withheld from the continuation list for the following reasons:

(1) There is adverse or reportable information, as defined by reference (j), pertaining to the officer;

(2) Sworn court-martial charges have been preferred, but not disposed of;

(3) There is a pending criminal proceeding in a federal, state, or local court;

(4) An investigation is being conducted to determine whether disciplinary or administrative action of any kind should be initiated; or

(5) There is cause to believe that the officer is mentally, physically, morally, or professionally unqualified.

d. An officer who has been withheld from the continuation list must be provided written notice of all reasons for the withhold and an opportunity to make a statement to SECNAV. Only SECNAV, or designee, may remove an officer from the continuation list.

e. An officer not recommended for continuation by a continuation selection board will be retired or discharged as appropriate pursuant to section 580, 1305, or 8372 of reference (a).

f. An officer recommended for continuation, but removed by SECNAV from the continuation list, will be retired or discharged not later than the first day of the seventh calendar month beginning after the month in which SECNAV removed the officer from the continuation list.

g. An officer who is selected for continuation on under this instruction shall be afforded an opportunity to accept or decline it. An officer who is selected for and declines continuation, shall be retired or separated per section 580 of reference (a).

7. Deferment of Retirement or Separation for Medical Reasons. SECNAV may defer, for not more than four months, the retirement under sections 580, 1263, or 1305 of reference (a), of any permanent warrant officer if, because of unavoidable circumstances, evaluation of the officer's physical condition and determination of entitlement to retirement or separation for physical disability require hospitalization or medical observation that cannot be completed before the date when the officer would otherwise be required to retire under that statute. Requests for deferral under this authority shall be forwarded to CHNAVPERS for review and action, where appropriate, by SECNAV.