SECNAV INSTRUCTION 1531.4A

From: Secretary of the Navy

Subj: U.S. NAVAL ACADEMY MIDSHIPMEN DISENROLLMENT

Ref: (a) DoD Instruction 1322.22 of 24 September 2015
(b) 10 U.S.C.
(c) SECNAV Memo, Retention and Delegation of Authority in U.S. Naval Academy (USNA) Midshipmen Commissioning and Disenrollment Cases, of 1 Nov 2007 (NOTAL)
(d) 37 U.S.C.
(e) SECNAV Instruction 1920.6(series)
(f) SECNAVINST 5200.35F
(g) SECNAV M-5214.1
(h) MILPERSMAN 1920-190
(i) DoD Instruction 1332.18 of 5 August 2014

Encl: (1) Disenrollment Guidance
(2) Academy Education Cost Basis Determination

1. Purpose. To prescribe regulations for disenrollment from the United States Naval Academy (USNA) pursuant to statutory requirements implemented by reference (a) for the Department of the Navy, and to revalidate policy and procedures for the USNA Midshipman Reevaluation and Reappointment Program.

2. Cancellation. SECNAVINST 1531.4.

3. Applicability. This instruction applies to all USNA midshipmen on the date of this instruction and all U.S. citizens who sign the agreement to serve per reference (b), section 6959.

4. Policy. Pursuant to reference (c), the Secretary of the Navy (SECNAV) has delegated to the Assistant Secretary of the Navy (Manpower and Reserve Affairs) (ASN (M&RA)) the authority to require and enforce midshipmen service agreements consistent with references (a), (b), and (d). USNA midshipmen will execute agreements to serve per reference (b), section 6959. If ASN (M&RA) determines that a midshipman has breached the agreement, he or she will order the midshipman to active duty.
unless the midshipman is not suitable for duty. In accordance with sections 2005 and 6959 of reference (b), reference (c), and section 303a(e) of reference (d), ASN (M&RA) has authority to require midshipmen who are separated from USNA to reimburse the U.S. Government for the cost of advanced education received, in lieu of active duty service. Additionally, the Midshipmen Reevaluation and Reappointment (R&R) Program offers an alternative to final separation, whereby selected individuals may be readmitted to the USNA after completing a specified evaluation period as an enlisted Sailor or Marine on active duty. The authority of the R&R program is created by this instruction.

5. Responsibilities

a. The ASN(M&RA):

(1) Requires and enforces midshipmen service agreements when midshipmen are disenrolled, as delegated by the SECNAV; and

(2) Orders midshipmen to active enlisted service or requires them to repay for education expenses when there has been a breach of agreement.

b. The USNA Superintendent:

(1) Makes recommendations to ASN (M&RA) on the method in which midshipmen being disenrolled should satisfy their obligations for advanced education expenses, or if the debts should be waived pursuant to section 303a(e)(1)(A) of reference (d);

(2) Provides a written report to ASN(M&RA) regarding each midshipman disenrollment case.

(3) Sets the graduation requirements for the U.S. Naval Academy, in accordance with reference (a) and sections 6951a and 6967 of reference (b), to include setting standards for academics and physical education.

(4) For disenrolled midshipmen ordered by ASN(M&RA) to active enlisted service, tracks completion of those service requirements.
(5) For disenrolled midshipmen required to repay education expenses, including those who fail to complete active enlisted service, ensures an out-of-service debt is established with the Defense Finance and Accounting Service.

c. The USNA Academic Board makes recommendations to the USNA Superintendent regarding a midshipman’s academic deficiency pursuant to reference (b), section 6963.

d. In accordance with reference (f), 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 USNA Superintendent will provide the Assistant Secretary of the Navy for Manpower and Reserve Affairs (ASN (M&RA)) with copies of the sections of USNA reports that are relevant to midshipmen disenrollment. 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 paragraphs 5(b)(2), 5(d), and enclosure 1, paragraph 2(f) of this
instruction are exempt from information control per Part IV, paragraph 7(k) of reference (g).

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DISENROLLMENT GUIDANCE

1. Breach of Agreement. A midshipman will be considered to have breached an agreement to serve if disenrolled from USNA under one or more of the following actions:

   a. Deficiency at any examination;

   b. Insufficient aptitude;

   c. Unsatisfactory conduct;

   d. Dismissal in the best interests of the naval service;

   e. Resignation; or

   f. Failure to accept a commission.

2. Disenrollment Procedures. The following procedures will be used to disenroll midshipmen:

   a. Deficiency at any Examination. A midshipman, who is found to be academically deficient, including deficiency in physical education, may be recommended for disenrollment from the USNA by the academic board in accordance with reference (b), section 6963.

   b. Insufficient Aptitude. Pursuant to reference (b), section 6962, if an academic board unanimously determines that a midshipman possesses insufficient aptitude to become a commissioned officer in the naval service, the USNA Superintendent must submit a written report of the board’s findings to ASN (M&RA) after providing the midshipman an opportunity to examine the report and provide a written statement in response. Based on the report and statement, ASN (M&RA) may disenroll the midshipman from the USNA.

   c. Unsatisfactory Conduct. Pursuant to reference (b), section 6962, if the Superintendent determines that the conduct of the midshipman is unsatisfactory, he or she must submit a written report to ASN (M&RA) after providing the midshipman with an opportunity to examine the report and to provide a written statement in response. Based on the report and statement, ASN (M&RA) may disenroll the midshipman from USNA.

   d. Dismissal in the Best Interests of the Naval Service. Pursuant to reference (b), section 6961, if the Superintendent.
determines the continued presence of a midshipman at USNA is contrary to the best interest of the naval service, he or she will submit a written report, with full justification, to ASN (M&RA). If ASN (M&RA) determines the Superintendent’s determination is well-founded, the Superintendent will serve a copy of the report on the midshipman and will prescribe a reasonable time, under the circumstances, for the midshipman to show cause in writing as to why he or she should not be dismissed from the USNA. After consideration of any cause so shown, and with the written approval of the Secretary of Defense acting for the President, ASN (M&RA) may disenroll the midshipman from the USNA. Conclusions regarding any issue of fact reasonably raised by the report or response thereto, except as to the record of demerits, will be determined by ASN (M&RA) following a court of inquiry.

e. Resignation. Midshipmen must submit voluntary unqualified or qualified resignations, as defined in enclosure (1) of reference (e), to the Superintendent. Except in cases where a midshipman has incurred an active duty obligation resulting from prior service or from attendance at the USNA, qualified resignations from midshipmen who have an active duty obligation will be submitted to ASN (M&RA) for approval. Voluntary resignations from midshipmen who have an active duty or reimbursement obligation will be submitted to SECNAV for approval. Consistent with the procedures prescribed in reference (h), midshipmen who have preferred charges against them may also submit a request to resign in order to escape court-martial. In doing so, such midshipmen must acknowledge that they may be separated with an Other than Honorable characterization of service. Pursuant to reference (e), ASN (M&RA) is the approval authority for requests to resign in order to escape court-martial. All resignations must be submitted via the Superintendent stating a specific reason for such action. Once submitted to the Superintendent, a resignation may not be withdrawn without approval of the Superintendent. Once approved by SECNAV, ASN (M&RA), or the Superintendent, a resignation may not be withdrawn unless SECNAV, ASN (M&RA), or the Superintendent considers the midshipman’s retention to be in the best interests of the naval service.

f. Failure to Accept a Commission. If a midshipman or graduate fails to accept a commission, the Superintendent will forward a written report to SECNAV, providing the midshipman with a reasonable opportunity to examine the written report and provide a written statement in response. Based on the report
and statement, SECNAV may disenroll the midshipman from the USNA. In cases where the midshipman has graduated from USNA, the Superintendent will still submit a written report recommending how the graduate will fulfill his or her obligation - financial recoupment or enlisted service.

g. Medically Not Recommended for Commissioning. Pursuant to reference (a), midshipmen must meet medical accession standards in order to commission. If a midshipman’s medical case is forwarded to a Physical Evaluation Board (PEB), per reference (i), the PEB will determine the midshipman’s fitness to perform their military duties, using medical accession standards in reference (a). A midshipman may be found fit for duty, but still not be medically recommended for commissioning. In such cases, if the Superintendent does not intend to waive medical commissioning standards for the midshipman, the Superintendent must forward the case, via ASN (M&RA), to the Secretary of Defense, who, per section 1214a of reference (b), is the final authority in such cases. Prior to submitting the report to the Secretary of Defense, the subject midshipman must be provided an opportunity to examine the report and to attach a written statement. Midshipmen separated solely for being medically disqualified from further military service will be separated with an honorable characterization of service and will not be obligated for further military service or for reimbursing education costs, pursuant to paragraph 9(a) of enclosure (3) of reference (a).

3. Recommendation. In each case of disenrollment, the Superintendent will make one of the following recommendations to SECNAV:

   a. That the midshipman be ordered to complete the required period of active enlisted service as determined by paragraph 4 below;

   b. That the midshipman be required to reimburse the government for the cost of his or her advanced education as described in paragraph 5 below; or

   c. That the service obligation or requirement to reimburse the government be waived. Waivers may be recommended in the following circumstances:

      (1) The midshipman is medically disqualified;
(2) Waiver of active service or reimbursement is in the best interest of the naval service, considering factors such as humanitarian reasons and military service needs; or

(3) In cases of disenrollment for academic deficiency, the academic board recommends that the service obligation or requirement to reimburse be waived, having determined the academic deficiency occurred despite determined efforts by the midshipman.

4. Active Duty Service Obligation. The service obligation for midshipmen who have breached the agreement to serve will be determined under this paragraph without regard to the required service obligation in reference (b), section 651. Midshipmen will be transferred to the Navy or Marine Corps, in an appropriate enlisted grade or rating, as determined by ASN (M&RA).

   a. Fourth and Third Class Midshipmen. Consistent with reference (b), section 6959(b)(1), midshipmen who are disenrolled from the USNA before starting the second-class academic year will have no active duty obligation but will retain their military service obligations (MSO) in accordance with enclosure (3) of reference (a).

   b. Second and First Class Midshipmen. Except in those cases where a midshipman is disenrolled for cause resulting from actions that occurred before the start of the second class academic year, a midshipman who is disenrolled from the USNA after starting the second class academic year, incurs a MSO and may be ordered to active duty in accordance with reference (a) as follows:

      (1) Two years, when disenrolled before starting the first class academic year.

      (2) Three years, when disenrolled after starting the first class academic year, but before completing the course of instruction.

   c. Failure to Accept a Commission. A first class midshipman who completes the course of instruction and declines appointment as a commissioned officer may be ordered to active duty for four years and incurs a MSO. ASN (M&RA) may also transfer the midshipman to the reserve component in an enlisted status in accordance with reference (a).
5. Reimbursement for Cost of Education. Persons separated from being medically disqualified from further military service will not be obligated for reimbursing education costs. Pursuant to reference (b), section 2005, and reference (d), section 303a(e), disenrolled first and second class midshipmen who are not ordered to active duty or recommended for a waiver, will be required to reimburse the government for the cost of their advanced education. Reimbursement will be in an amount that bears the same ratio to the total cost of advanced education received as the unserved portion of active duty bears to the total period of active duty such person agreed to serve pursuant to reference (a). Enclosure (2) provides details on how annual education costs are to be determined.

6. R&R Program. This program is tendered only in unusual circumstances to those midshipmen whose overall academic and military performance were significantly above average before the event that led to a recommendation for disenrollment.

   a. Consideration. Under unusual circumstances, midshipmen being processed for disenrollment for unsatisfactory conduct in accordance with reference (b), section 6962, will be considered for the R&R Program by the Superintendent. In extremely rare circumstances, midshipmen who have violated the honor concept also may be considered eligible.

       (1) Eligibility will be based on the candidate’s overall record, including superior academic achievement, superior military and professional performance, proven leadership ability, and nature and seriousness of the offense(s) that precipitated processing for disenrollment. These factors will be considered in order to determine an individual’s potential for future commissioned service.

       (2) Midshipmen recommended for the R&R Program by the Superintendent will be advised in writing and must agree to participate in the program, subject to ASN (M&RA) approval. The Superintendent will forward a recommendation, with disenrollment proceedings, to ASN (M&RA).

   b. Discharge and Transfer. Midshipmen who voluntarily agree to participate in this program, and whose participation is approved by ASN (M&RA), will be disenrolled as midshipmen and either revert to their former enlisted status to complete an existing active duty obligation or be transferred to the Navy or Marine Corps.
(1) Participants who entered the USNA from the Navy or Marine Corps will serve in their respective branch of prior service. Midshipmen with no prior enlisted service in the Navy or Marine Corps may request reevaluation in either the Navy or Marine Corps, as discussed in paragraph 6c.

(2) Participants will be ordered to active duty in an enlisted status for:

(a) Four years in the case of first class midshipmen who have completed all academic requirements for graduation;

(b) Three years in the case of first class midshipmen who have not completed all academic requirements for graduation; and

(c) Two years in the case of second class midshipmen.

(d) One year for midshipmen who have not yet started their second-class academic year.

(3) Midshipmen subject to a preexisting enlisted active duty obligation which is greater than the active duty period prescribed in paragraph 6b(2) will revert to their previous enlisted status to complete their preexisting period of enlistment.

c. Reevaluation. Participants will be ordered to a fleet unit for a specified period of not less than 6 months and no longer than 1 year.

(1) During the reevaluation period, USNA will contact the unit commander of program participants to advise them of specific program requirements and maintain active case files on all participants.

(2) Commanding officers (CO) will closely monitor participant performance and prepare enlisted evaluations every 90 days during the reevaluation period.

d. Reappointment. Upon completion of the reevaluation period, participants may submit an application for readmission to the USNA to ASN (M&RA), via the unit CO and the Superintendent. If ASN(M&RA) does not approve the reappointment, or the midshipman does not submit an application,
the midshipman will fulfill the entirety of the enlisted service ordered.

(1) The participants’ CO will forward completed enlisted evaluations to the Superintendent.

(2) Participants must have demonstrated the highest standards of character, patriotism, sense of duty, and personal conduct; have no record of conviction by court-martial, no record of non-judicial punishment, and no record of civil conviction; and they must be recommended for readmission by their CO.

(3) Upon application for readmission, the Superintendent will forward the entire case file and a recommendation to ASN (M&RA) for final decision.

(4) For readmission, participants must meet all USNA eligibility requirements as of the time of readmission, and they must have demonstrated a potential for commissioned service.

(5) Participants will be readmitted to the USNA to a class consistent with their academic qualifications at the time of readmission, or if they have completed all academic requirements for graduation, they will be graduated from the USNA and receive a naval commission.

(6) Participants who fail to meet the standards for reappointment will complete the period of active duty to which ordered under references (a) and section 6959 of reference (b). Former fourth and third class midshipmen will be discharged from the Navy if enlisted for the sole purpose of participating in this program.
ACADEMY EDUCATION COST BASIS DETERMINATION

1. Costs of education computation will be performed generally using the below procedures.

2. Cost basis will be the annual service academy cost comparison (38 categories) and cost per graduate data developed by the USNA comptroller.

3. Costs will be broken into three basic cost areas – tuition equivalent, room, and board – and include only academic costs. Summer military training programs such as cruises, plebe indoctrination, and midshipmen embarkation costs will be excluded.

   a. Tuition equivalent will include:

      (1) All academic costs (instructional activities), excluding military professional training that is not open to or available to civilian students in undergraduate institutions with Navy Reserve Officer Training Corps units;

      (2) Physical education and athletics;

      (3) Midshipmen activities;

      (4) Chaplain*;

      (5) Medical*;

      (6) Real property maintenance and utilities*;

      (7) Midshipmen support (audiovisual, computer, printing, etc.)*; and

      (8) Registrar and admission.*

      * Proportionate share directly related to midshipmen utilization.

   b. “Room” will consist of all operating and maintenance expenses of the midshipmen dormitory, Bancroft Hall. However, the total costs will be deducted from educational expenses as allowance in kind (quarters in lieu of allowance).
c. “Board” will include all costs of operation and maintenance of the midshipmen mess, excluding food costs and reimbursed costs.

4. The total “cost of education” for each individual will be determined by prorating the total costs (tuition, room and board) to authorized brigade strength.