



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

SECNAVINST 1920.6D  
ASN (M&RA)  
24 Jul 2019

SECNAV INSTRUCTION 1920.6D

From: Secretary of the Navy

Subj: ADMINISTRATIVE SEPARATION OF OFFICERS

Ref: See enclosure (1)

- Encl:
- (1) References
  - (2) Definitions
  - (3) Policy Governing Voluntary Separation
  - (4) Policy Governing Involuntary Separation of Regular Officers - Failure of Selection for Promotion, Mandatory Retirement for Years of Active Service or Age, Selective Early Retirement
  - (5) Policy Governing Involuntary Separation of Reserve Officers - Failure of Selection for Promotion, Mandatory Separation for Years of Service or Age, and Other Bases
  - (6) Policy Governing Involuntary Separation for Cause or Parenthood
  - (7) Guidelines on Separations for Cause
  - (8) Guidelines on Characterization of Service
  - (9) Guidelines on Recommendations - Grade at Retirement
  - (10) Notification Procedure
  - (11) Board of Inquiry Procedures
  - (12) Other Separation Review Requirements
  - (13) Fact Sheet - Purpose and Authority of the Naval Discharge Review Board and the Board for Correction of Naval Records
  - (14) Internal Controls, Records Management, and Reports

1. Purpose. To revise policies, standards, and procedures for the administrative separation of Navy and Marine Corps officers from the naval service per references (a) and (b). This instruction is a complete revision and should be reviewed in its entirety.

2. Cancellation. SECNAVINST 1920.6C.

3. Effective Date

a. This instruction is effective immediately and will control all officer administrative separation processing initiated on or after the effective date. Processing is considered to be initiated on the date a command receives a written request for separation from an officer, or on the date a command delivers to an officer a notice of intent to start separation processing.

b. Separation processing initiated prior to the effective date of this instruction will be continued under policies and instructions in effect prior to that date.

4. Applicability

a. This instruction applies to the separation, discharge, termination of appointments, release from active duty, mandatory retirement for length of service or age, characterization of service, and dropping from the rolls of Regular and Reserve Navy and Marine Corps officers in the grades of Warrant Officer, W-1 to O-8.

b. This instruction does not apply to discharge or dismissal by reason of a court-martial sentence in accordance with reference (a), or discharge or retirement for physical disability in accordance with reference (c).

5. Definitions. See enclosure (2).

6. Policy. It is Department of the Navy (DON) policy to promote the readiness of the naval service by maintaining authorized strength levels in each grade and competitive category and by maintaining the highest standards of conduct and performance in the officer corps. To meet these objectives, it is necessary to provide for orderly and expeditious administrative separation of officer personnel.

a. The administrative separation policies and procedures in this instruction support accession, promotion, redesignation, retirement, and resignation policies in order to:

(1) Maintain authorized strength in each competitive category and grade;

(2) Ensure planned promotion flow and reasonable career opportunities in each competitive category;

(3) Attain and maintain an all Regular active-duty career force in each competitive category, supplemented when necessary with Reserve officers to meet current authorized strength and special skills requirements; and

(4) Sustain the traditional concepts of honorable military service and special trust and confidence placed in commissioned officers.

b. Officers being processed for separation for cause will be processed expeditiously. During administrative separation processing and subject to the Commanding Officer's (CO) discretion, an officer may be maintained in a unit with sufficient supervision to preclude adverse effects on good order and discipline of the unit, or the officer may be physically separated from the unit by means of leave, temporary assignment, or other methods.

c. Standards and procedures established in execution of these policies are intended to achieve consistency of application in a naval leadership system based on command authority, responsibility, accountability, and discretion. The standards and procedures are set forth in enclosures (3) through (11), under guidance from references (a) through (ap).

7. Completion of Military Service Obligation. Under the Department of Defense (DoD) policy in reference (o), each person who enters military service by appointment as an officer incurs a military service obligation of eight years from that entry date in accordance with reference (a), section 651. Any part of this obligation that is not performed on active duty or active duty for training must be performed in a Reserve Component. Enclosures (3) through (5) provide amplifying guidance and exceptions to the DON policy.

8. Separation Pay. References (l) and (t) govern entitlement to separation pay for Navy and Marine Corps officers, respectively, who are involuntarily separated under the provisions of this instruction.

9. Processing Time Goals. To support policy objectives and further the efficient administration of officer separations, every effort will be made to adhere to the following time goals for processing separations. Failure to process an administrative separation within the prescribed time goals will not create a bar to separation or characterization. Separation processing should be completed:

a. By the date of fulfillment of service obligation for separations upon fulfillment of service obligation;

b. By the convening authority, 30 calendar days from the date a command notifies an officer of the commencement of separation processing in cases where no Board of Inquiry (BOI) is required;

c. By the convening authority, 90 calendar days from the date a command notifies an officer of the commencement of separation processing in cases where a BOI is required;

d. By the date granted in any extensions. Extensions must be approved in advance by the Show Cause Authority (SCA), or by his or her delegate, based on a written request.

10. Establishment of Additional Reasons for Separation. Should the need arise to separate officers for a reason not established in enclosures (3) through (6) of this instruction, the Chief of Naval Operations (CNO) or the Commandant of the Marine Corps (CMC) may propose to the Secretary of the Navy (SECNAV) the establishment of additional reasons for separation to be included in this instruction. Submissions proposing such additional reasons must contain the basis for separation, recommended characterization of service or description for the separation, and the procedure for the separation. Separation processing under any proposed reason will not be executed until the proposal has been approved by the SECNAV.

11. Responsibilities

a. The Assistant Secretary of the Navy for Manpower and Reserve Affairs (ASN (M&RA)) is designated to act on behalf of the SECNAV for all purposes under this instruction with the exception of cases involving flag and general officers.

b. The CNO and CMC are responsible for implementing the policies, standards, procedures and goals established in this instruction in a manner that ensures consistency in officer administrative separation policy. The CNO and CMC will ensure that only the specific reasons for separations provided in this instruction are used in classifying officer administrative separations and in processing the DD Form 214, Certificate of Release or Discharge from Active Duty, under reference (d) using applicable separation codes. In all cases involving drug offenses, the applicable drug offense will be shown.

c. The Chief of Naval Personnel (CHNAVPERS) and the Deputy Commandant for Manpower and Reserve Affairs (DC (M&RA)) are designated as the Show Cause Authority for the Navy and the Marine Corps, respectively. Accordingly, they are delegated the authority to review records to determine whether an officer should be required to show cause for retention in the naval service and to convene a Board of Inquiry (BOI) as provided in enclosure (11). CHNAVPERS may further delegate this authority to Commander, Navy Personnel Command and officers exercising general court-martial jurisdiction with a Staff Judge Advocate assigned. The DC (M&RA) may further delegate this authority within the Marine Corps to the Director, Marine Corps Staff and to those Lieutenant Generals and Major Generals in command. When delegated this authority by the DC (M&RA), Lieutenant Generals and Major Generals in command possess authority solely for the purpose of directing an officer to show cause, but not to close a case. Additionally, CHNAVPERS and DC (M&RA) are delegated the authority to approve resignation and/or discharge orders and certificates in routine matters.



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<https://www.secnav.navy.mil/doni/>.

**REFERENCES**

- (a) 10 U.S.C.
- (b) DoD Instruction 1332.30 of 11 May 2018
- (c) SECNAVINST 1850.4E
- (d) DoD Instruction 1336.01 of 20 August 2009
- (e) BUPERSINST 1900.8E
- (f) SECNAVINST 5300.28F
- (g) SECNAV M-5510.30
- (h) SECNAVINST 1412.8C
- (i) SECNAVINST 1412.9C
- (j) SECNAVINST 1420.3
- (k) DoD Directive 1304.19 of 11 June 2004
- (l) OPNAVINST 1900.4A
- (m) SECNAVINST 1000.7G
- (n) DoD Instruction 1304.28 of 11 June 2004
- (o) DoD Instruction 1304.25 of 31 October 2013
- (p) DoD Instruction 1300.06 of 12 July 2017
- (q) DoD Instruction 1315.15 of 19 May 2017
- (r) OPNAVINST 1811.3A
- (s) OPNAVINST 1820.1B
- (t) MCO 1900.16
- (u) SECNAV M-5214.1
- (v) OPNAVINST 6110.1J
- (w) MCO 6100.13A
- (x) MCO 6100.3J
- (y) DoD Instruction 1320.08 of 7 July 2017
- (z) DoD Instruction 1332.20 of 24 June 2014
- (aa) DoD Instruction 1200.15 of 13 March 2014
- (ab) DoD Directive 1200.7 of 18 November 1999
- (ac) DoD Instruction 1332.14 of 27 January 2014
- (ad) MILPERSMAN 1910
- (ae) 5 U.S.C.
- (af) DoD Instruction 1320.04 of 3 January 2014
- (ag) JAGINST 5800.7F
- (ah) CJCSI 1331.01D
- (ai) DoD Instruction 1320.10 of 6 February 2014
- (aj) DoD Instruction 1332.32 of 2 May 2014
- (ak) DoD Instruction 1235.13 of 18 October 2013
- (al) DoD Instruction 1332.18 of 5 August 2014
- (am) SECNAVINST 1412.6M
- (an) SECNAVINST 1920.7C

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- (ao) SECNAVINST 1920.8
- (ap) SECNAVINST 5200.35F
- (aq) DoD Instruction 6490.04 of 4 March 2013
- (ar) SECNAVINST 5420.174D
- (as) SECNAVINST 5420.193
- (at) BUPERSINST 1001.40B

**DEFINITIONS**

1. Active Commissioned Service. Service on active duty as a commissioned officer.
2. Active Duty. Full-time duty in the active military service of the United States. This term includes full-time training duty, Annual Training duty, Active Duty for Special Work, Active Duty for Operational Support, Active Duty for Training (ADT), active duty recall, mobilization, and attendance, while in the active military service, at a school designated as a service school by law or by SECNAV.
3. Active Duty for Training (ADT). Active duty for Reserve training with automatic reversion to inactive duty upon completion.
4. Active-Duty List (ADL). A single list for the Navy or Marine Corps, required to be maintained by SECNAV under section 620 of reference (a), which contains the names of all officers of the armed force who are serving on active duty, other than officers described in section 641 of reference (a).
5. Active Service. Service on active duty.
6. Active Status. The status of a Reserve commissioned or Warrant Officer who is not on an inactive status list or in the Retired Reserve.
7. BOI. A board convened under section 1182 or section 14903 of reference (a) to receive evidence and make findings and recommendations as to separation for cause, characterization of service, and, in some cases, retirement grade recommendation of a commissioned officer (other than a Warrant Officer or a retired officer).
8. Board of Officers. A board of at least three commissioned officers, appointed by the SCA or its delegate, who are senior in pay grade to any officer being considered by the board, convened pursuant to reference (b) and this instruction.
9. BOI Report. Includes the BOI summarized record of proceedings (including the transcript, if required), exhibits, and BOI findings and recommendations (results of the Board).



10. Characterization of Service. Classification of quality of service rendered.
11. Commander. A commissioned or Warrant Officer who, by virtue of rank and assignment, exercises primary command authority over a military organization or prescribed territorial area that, under pertinent official directives, is recognized as a "command."
12. Commissioned Officer. An officer in any of the military services who holds a grade and office under a commission signed by the President, and who is appointed as a Regular or Reserve officer. In the Navy and Marine Corps, Regular and Reserve Chief Warrant Officers in the grades of Chief Warrant Officer, W-2, W-3, W-4, and W-5 are appointed by commission and are commissioned officers.
13. Commissioned Service. All periods of service as a commissioned officer in the Army, Navy, Air Force, or Marine Corps, while on active duty or in an active, inactive, or retired status.
14. Continuous Active Service. Military service, unbroken by any period in excess of 24 hours.
15. Controlled Substance. A drug or other substance included in Schedules I, II, III, IV, or V of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1236) (NOTAL) as updated and republished under the provisions of that Act, as amended, and as further defined in reference (f).
16. Convening Authority. SECNAV or his or her delegates authorized to appoint boards under this instruction.
17. Counsel. A judge advocate qualified under Article 27(b), Uniform Code of Military Justice (UCMJ), or a civilian lawyer retained at the officer's expense.
18. Discharge. The termination of an officer's obligation to render service and complete severance from all military status.
19. Dismissal. Separation of a commissioned officer, effected by sentence of a general court-martial, or in commutation of such a sentence, or, in time of war, by order of the President;

or separation of a Warrant Officer (W-1) who is dismissed by order of the President in time of war. A complete severance from all military status.

20. Drop From the Rolls (DFR). An administrative action that may be taken in limited circumstances that terminates a commissioned officer's military status along with any rights, benefits, and pay to which he or she may have otherwise been entitled because of that status. No characterization of service is awarded. DFR is distinguished from dropping from the unit rolls, which is an administrative procedure used by the Military Services to remove a Service Member from the unit of assignment, but does not end the member's military status.

21. Legal Advisor. A judge advocate certified, per Article 27(b), UCMJ, appointed to assist a BOI.

22. Limited Duty Officer (LDO). A commissioned officer designated for limited duty in a technical field or specialty that requires extensive knowledge, training, and experience. There are two types of Regular LDOs in the Navy and Marine Corps, depending on the type of appointment issued

a. Temporary LDO. A Regular LDO who receives a temporary appointment in the grade of O-1 to O-5 under reference (a), section 8146, and whose permanent status is a Warrant Officer or enlisted member.

(1) In the Navy, a temporary appointment is issued in the case of a Warrant Officer or enlisted member who is selected for the Navy LDO Program and has less than ten years of active naval service upon the date of appointment. The LDO receives a temporary appointment in the grade of O-1.

(2) In the Marine Corps, temporary appointments in the grades of O-1 to O-5 are issued to LDOs in the Marine Corps Band and the Marine Corps Drum and Bugle Corps in accordance with reference (i).

b. Permanent LDO. A Regular LDO who receives a permanent appointment in the grade of O-1 and above under reference (a), section 8139.

(1) In the Navy, a permanent appointment in the grade of O-1 is issued to a Warrant Officer or enlisted member who is selected for the Navy LDO Program and has more than ten years of active naval service upon the date of appointment. All LDOs promoted to the grades of O-2 to O-6 receive permanent appointments.

(2) In the Marine Corps, permanent appointments are issued to LDOs in the grades of O-3 through O-5 as prescribed by reference (i).

23. Non-Probationary Officer. An officer other than a probationary officer.

24. Officer. The term "officer" means a commissioned or Warrant Officer.

25. Probationary Officer

a. A commissioned officer on the ADL in the grade of O-1 and above with less than six years of active commissioned service, per section 630(1)(A) of reference (a);

b. A Reserve commissioned officer in the grade of Chief Warrant, W-2 and above with less than five years of service as a commissioned officer, per section 12683 of reference (a);

c. A permanent Regular Warrant Officer in any Warrant Officer grade within three years after the date when the officer accepted the original permanent appointment as a Warrant Officer, per section 1165 of reference (a); and

d. Marine Corps Reserve Warrant Officers (W-1) with less than five years of service as a Warrant Officer, per reference (i).

26. Qualified Resignation. A resignation whereby the tendering officer acknowledges upon submission that the characterization of service is subject to the discretion of the Secretary.

27. Release from Active Duty. The transfer of a Reserve officer from active duty to inactive duty.

28. Reserve Active-Status List (RASL). A single list for the

Navy or Marine Corps, required to be maintained under section 14002 of reference (a), that contains the names of all officers of each armed force except Warrant Officers (including commissioned Warrant Officers) who are in an active status in a reserve component of the Navy or Marine Corps and are not on an ADL.

29. Resignation. The request, by officers, to be divested of their commission or warrant. May be classified as unqualified, qualified, or for the good of the service as defined in this enclosure. Upon acceptance by SECNAV and completion of all administrative procedures, it represents a complete severance from all military status.

30. Resignation for the Good of the Service. A resignation for which the least favorable characterization of service allowed is under Other Than Honorable conditions.

31. Respondent. A commissioned officer or Warrant Officer required to show cause for retention on active duty or as a member on the RASL.

32. Retention on Active Duty. The continuation of an individual on active duty as a commissioned or Warrant Officer of the Regular Navy or Marine Corps or the Navy or Marine Corps Reserve.

33. Separation. A general term that includes discharge, release from active duty, release from custody and control of the Military Services, dismissal, dropping from the rolls, transfer to the Individual Ready Reserve, retirement, resignation, and similar changes in active or Reserve status.

34. Separation Processing. Generally, the administrative procedures established under this instruction for the separation of officers. Although separation processing may take a variety of forms, it is always triggered by the written notification to officers of the intent to separate them from the Naval service.

35. Sexual Misconduct or Perversion. Includes:

a. Rape, sexual assault, mailing obscene material, child sexual abuse, any sexual misconduct, or stalking that could be charged as a violation of or an attempt to violate Articles 120,

120a, 120b, 120c, or 130 of the UCMJ;

b. Forcible sodomy (for offenses committed prior to 1 January 2019);

c. Viewing, receiving, possessing or distributing child pornography;

d. Bestiality;

e. Soliciting or attempting to solicit a prostitute;

f. Pandering;

g. Engaging in or attempting to engage in prostitution; or

h. Other illegal sexual behavior, including incest illegal under state law.

36. Show Cause Authority. See paragraph 11c of the base instruction.

37. Unlawful Drug Involvement. Includes:

a. Drug abuse - the illegal or wrongful use, possession, manufacture, distribution, or importation of a controlled substance in violation of UCMJ Article 112a;

b. Drug trafficking - the illegal or wrongful distribution or possession with intent to sell or transfer controlled substances;

c. All other misconduct in violation of reference (f);

d. Drug paraphernalia - the illegal or wrongful possession or distribution of drug paraphernalia as set forth in reference (f).

38. Unqualified Resignation. A resignation for which the only characterization of service allowed is Honorable.

39. Warrant Officer. A person who holds a commission or warrant in a Warrant Officer grade. There are five Warrant

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Officer grades: Warrant Officer (W-1) and Chief Warrant Officer  
W-2, W-3, W-4, and W-5.

**POLICY GOVERNING VOLUNTARY SEPARATION**

1. Voluntary Resignation

a. General. Officers serve at the pleasure of the President and no terminal dates are established for their commissions. In accordance with applicable law and regulations, SECNAV may establish such criteria for the voluntary resignation of an officer's commission as deemed necessary for the maintenance of a sound officer corps.

b. Submission of Requests. CHNAVPERS and DC (M&RA) will establish procedures for the submission of individual resignation requests.

c. Processing Resignation Requests. CHNAVPERS and DC (M&RA) may, on behalf of SECNAV, accept voluntary resignations for the reasons authorized in paragraph 5 of this enclosure, subject to the following guidelines.

(1) CHNAVPERS and DC (M&RA) may deny, for SECNAV, requests that do not satisfy the criteria set forth in paragraphs 4 and 5 of this enclosure. In addition, requests for voluntary resignation for reasons specified in paragraph 5 of this enclosure will normally be denied when:

(a) The officer does not comply with the procedures established by CHNAVPERS and DC (M&RA) for the submission of individual resignation requests;

(b) The officer has not completed the minimum service prescribed by the officer accession program through which the officer's original appointment was tendered;

(c) CHNAVPERS or DC (M&RA) has determined that a significant personnel shortage in the officer's competitive category, designator, occupational field, Military Occupational Specialty (MOS), or other authorized officer classification constitutes a compelling military necessity requiring the officer's retention;

(d) The officer has not completed obligated service incurred for advanced education or technical training requiring additional obligated service, including postgraduate education,

service school or college, law school, medical residency, flight training, naval flight officer training, and equivalent programs;

(e) The officer has been officially notified of orders, or has executed orders and has not served the required period of time at the new duty station, as prescribed by CHNAVPERS or DC (M&RA); or

(f) The officer has not completed obligated service incurred as a result of:

1. Transfer into the Regular Navy or Marine Corps;

2. Lateral transfer between competitive categories or designators;

3. Entering a program; or

4. Receiving an incentive pay, continuation pay, or bonus.

(2) A resignation has no effect until accepted by SECNAV or by CHNAVPERS or DC (M&RA) when acting on behalf of SECNAV.

(3) Enclosure (7), paragraph 13a, contains guidelines for officers who submit voluntary resignations while being considered for separation for cause under enclosure (6).

d. Characterization of Service. Generally, officers whose resignations are accepted by SECNAV, CHNAVPERS, or DC (M&RA) for any reason set forth in paragraph 5 of this enclosure will be honorably discharged from their respective component. Characterization of service may be General (Under Honorable Conditions) or Other Than Honorable when an officer requests such characterization (for example, in connection with a pretrial agreement). Such characterization must be consistent with guidelines contained in enclosure (8) of this instruction.

2. Release of Reserve Officers from Active Duty. CHNAVPERS or DC (M&RA) may, acting for SECNAV, release Reserve officers from active duty upon their request for reasons set forth in



paragraph 5 of this enclosure, unless processing for separation for cause under paragraph 1 of enclosure (6) is warranted.

3. Regular Officers Requesting Reserve Commissions Upon Resignation

a. A Regular officer requesting resignation under this enclosure who has completed the eight-year military service obligation outlined in paragraph 4a of this enclosure and who requests a Reserve commission upon resignation from the Regular Navy or Marine Corps will normally be tendered such a commission, provided a requirement exists for the officer's skill in the grade and competitive category in which the officer would serve in the Navy or Marine Corps Reserve. CHNAVPERS and DC (M&RA) will neither tender nor award Reserve commissions to such officers whose voluntary resignation request is incident to separation in lieu of trial by court-martial under enclosure (6) or in lieu of separation for cause processing under enclosure (7).

b. The Marine Corps Reserve has no LDOs. Marine Corps Regular LDOs requesting resignation from the Regular Marine Corps who request a Reserve commission will normally be tendered such a commission in the Warrant Officer grade they would have held had they been serving as a Warrant Officer in the Regular Marine Corps, provided a requirement exists for their MOS in that grade in the Marine Corps Reserve.

c. Regular officers whose requests for Reserve commissions are approved will be assigned in the Ready Reserve upon resignation from the Regular Navy or Marine Corps and acceptance of the appointment in the Navy or Marine Corps Reserve.

4. Military Service Obligation

a. DON Policy. Under the DoD policy in reference (o), each person who enters military service by appointment as an officer incurs a military service obligation of eight years from that entry date in accordance with reference (a), section 651. Any part of this obligation that is not performed on active duty or active duty for training must be performed in a Reserve Component. Subject to the exceptions in paragraph 4b of this enclosure, CHNAVPERS or DC (M&RA) will:

(1) Approve a resignation request from a Regular officer who has not completed the military service obligation only upon the officer's acceptance of a Reserve commission that must be held at least until completion of such obligation;

(2) Approve a request for release from active duty from a Reserve officer who has not completed the military service obligation if the officer transfers to and remains in the Ready Reserve until completion of such obligation, unless medical reasons preclude such transfer and subject to the requirements of reference (a), section 12313, in times of war or national emergency; and

(3) Deny a resignation request from a Reserve officer who has not completed the military service obligation.

b. Exceptions

(1) Dependency or Hardship. If a Regular or Reserve officer who has a remaining military service obligation submits a voluntary resignation request on the basis of dependency or hardship under paragraph 5d(1) of this enclosure, then CHNAVPERS or DC (M&RA) may approve the resignation request and discharge the officer before completion of the military service obligation.

(2) Waiver for Selected Reserve Affiliation. When a Regular officer who is released from the Active Component with a remaining military service obligation directly affiliates with the Selected Reserve and participates in accordance with reference (a), section 10147, the CHNAVPERS or DC (M&RA) may grant a waiver that reduces the eight-year military service obligation to six years.

(3) Discharge to Become a Minister. If a Reserve officer who has a remaining military service obligation submits a voluntary resignation request in order to become a minister under paragraph 5h of this enclosure, then CHNAVPERS or DC (M&RA) may approve the resignation request and discharge the officer before completion of the military service obligation.

(4) No Potential for Service in a Reserve Component. If a Regular or Reserve officer has no potential for service in a Reserve Component as prescribed in reference (a), section 12301, then CHNAVPERS or DC (M&RA) may recommend that ASN (M&RA) or designee discharge the officer before completion of the eight-year military service obligation. When determining if an officer has potential for service in a Reserve Component, the following factors should normally be considered:

(a) All fitness reports and other portions of the service record which indicate potential for further service;

(b) The officer's conduct and its relation to, and effect on, the performance of military duties;

(c) Adverse information as defined by enclosure (4) of reference (af);

(d) Whether the officer is pending separation for cause on the basis of substandard performance of duty, misconduct, or moral or professional dereliction, or because retention is not clearly consistent with the interest of national security, or otherwise could be directed to show cause for retention in the naval service on such bases for separation; and

(e) Other relevant matters presented by the record, the officer, or the chain of command.

(5) Critically Short Health Professions Specialty. When a person is appointed as a commissioned officer in a critically short health professions specialty specified by the SECNAV or designee, CHNAVPERS or DC (M&RA) may waive the eight-year military service obligation in accordance with reference (a), section 651(c). The minimum period of obligated service for an officer under this exception is the greater of two years or, in the case of an officer who accepts an accession bonus or executes an agreement for the multiyear receipt of special pay for service in the Armed Forces, the period of obligated service specified in the agreement.

5. Reasons for Voluntary Separation

a. Expiration of Military Service Obligation. An officer may be separated upon completion of the military service obligation in paragraph 4a of this enclosure provided the officer has no other obligated service.

b. Expiration of Other Obligated Service. An officer who completed the military service obligation in paragraph 4a of this enclosure but incurred other obligated service may be separated upon completion of all such other obligated service, to include that prescribed in the officer program through which accessed, any other obligation incurred by the officer in consideration for being tendered an initial appointment, and any additional obligated service incurred by the officer while serving on active duty, or in an active status in the Ready Reserve.

c. Change of Career Intention. Some officers who completed their minimum service requirement and then decided to remain on active duty intending to serve full careers may later seek separation before attaining retirement eligibility to pursue a civilian career. Officers who submit resignations after continuing in service beyond their minimum service requirement will be separated for Change of Career Intention unless retention is warranted by the criteria set forth in paragraph 1c(1) of this enclosure.

d. Convenience of the Government. An officer may be separated for the Convenience of the Government for the reasons set forth below. Separation of an officer for the Convenience of the Government is subject to the resolution of any outstanding disciplinary actions involving the officer.

(1) Dependency or Hardship. Separation of an officer may be directed when genuine dependency or undue hardship exists under these circumstances:

(a) The hardship or dependency is not temporary;

(b) Conditions have arisen or have been aggravated to an excessive degree since entry into the service, and the officer has made every reasonable effort to remedy the situation;

(c) Separation will eliminate or materially alleviate the condition; and

(d) There are no other means of alleviation reasonably available.

(2) Pregnancy or Childbirth. A pregnant officer may request separation from active duty. Requests for separation will not normally be approved unless there are extenuating circumstances or the request otherwise complies with criteria for separation contained in this instruction. CHNAVPERS and DC (M&RA) will prescribe the maximum period possible for eligible officers to consider this course of action, in order to minimize subsequent separations for parenthood or dependency and provide prompt replacement of separated personnel.

(3) Conscientious Objection. An officer may be separated if authorized under reference (p).

(4) Surviving Family Member. An officer must be separated if authorized under reference (q).

(5) Separation of Aliens. An officer who is an alien, an individual who is neither a natural-born nor a naturalized citizen of the United States, may be separated on the basis of being an alien who no longer wishes to serve.

(a) The request will normally be denied when retention is warranted by the criteria set forth in paragraph 1c(1) of this enclosure.

(b) Notwithstanding the limitations in subparagraph 5d(5)(a), a request for separation may be approved when, in the judgment of CHNAVPERS or DC (M&RA), the applicant has demonstrated overriding and compelling factors of a personal need that justify separation.

(6) Separation to Accept Public Office. Unless retention is warranted by the criteria set forth in paragraph 1c(1) of this enclosure, an officer who has completed the obligated service referred to in paragraphs 4a and 5b of this enclosure may be separated to perform the duties of the President or Vice President of the United States; a Presidential appointee to a statutory office; a member of either of the

legislative bodies of the United States; a Governor; any other State official chosen by the voters of the entire State or States; or a judge of courts of record of the United States, the States, or the District of Columbia.

(7) Officers Married to Other Service Members. Unless retention is warranted by the criteria set forth in paragraph lc(1) of this enclosure, an officer may be separated who has completed the obligated service, referred to in paragraphs 4a and 5b of this enclosure, and who cannot be stationed near enough to the spouse to permit the maintenance of a joint residence.

(8) Separation to Attend College. At the discretion of CHNAVPERS or DC (M&RA), officers may be separated to enroll in a full-time course of study leading to a baccalaureate degree or graduate degree, provided such separation occurs within 90 days of the date of expiration of the obligated service, referred to in paragraph 5b of this enclosure, and retention is not warranted by the criteria set forth in paragraph lc(1) of this enclosure.

e. Interservice Transfers. Interservice transfer requests will be processed in accordance with reference (m).

f. Selected Changes in Service Obligations. An officer may be separated under specific programs established by the CNO or CMC permitting separation within 90 days of the date of expiration of active obligated service. Such programs will have as objectives the maintenance of prudent management flexibility and the conservation of limited resources. An example of such a program is the release of an officer from active duty before extended deployment to avoid separation outside the continental United States. The CNO and CMC must submit to SECNAV, for approval and incorporation into this instruction, the reasons for separation under these programs before their implementation. These reasons for separation are authorized under this paragraph when CHNAVPERS or DC (M&RA) determines that such separations are more economical or efficient for the Government:

(1) Separation upon Completion of Overseas Tours. Officers having less than 90 days of other obligated service, referred to in paragraph 5b of this enclosure, remaining upon completion of an overseas tour other than Hawaii, may be

separated upon completion of that tour, unless retention is warranted by the criteria set forth in paragraph lc(1) of this enclosure.

(2) Separation for Major Federal Holidays. Officers whose other obligated service, referred to in paragraph 5b of this enclosure, expires during a Federal holiday may be separated at the commencement of that holiday, unless retention is warranted by the criteria set forth in paragraph lc(1) of this enclosure.

g. Retirement. An officer may be retired if requested and if eligible and authorized under references (r), (s), or (t).

h. Discharge of a Reservist to Become a Minister. A Reserve Component officer, on written application, may be discharged from the Navy or Marine Corps if the officer has become a member of the clergy and establishes all of these pursuant to reference (aa):

(1) The ministry is his or her primary vocation;

(2) His or her religious faith group is recognized substantially for religious purposes;

(3) His or her standing in the faith group is recognized as that of a minister or leader;

(4) He or she is certified by an applicable official of the faith group to be a fully qualified member of the clergy in good standing.

i. Failure to Receive Initial Appointment Benefits. Newly appointed officers may be separated at their request or with their consent for failure or inability on the part of the naval service to give the benefits promised incident to initial appointment, for example, service credit or entry grade credit. The screening for mobilization potential specified in paragraph 16 of enclosure (5) for Reserve component officers is not applicable. Newly appointed officers separated for this reason have not served the statutory service obligation prescribed in reference (o).

j. Expiration of Term of Active-Duty Orders in the Case of Reservists. Reservists may be released from active duty at the expiration of their term of service specified in their orders to active duty.

6. Expungement of Resignations from Officer Service Record

a. CHNAVPERS and DC (M&RA) will, upon their approval of an officer's written request to withdraw a resignation, expunge these from the officer's official record:

(1) For officers on active duty - resignations, disapproved resignations, and related correspondence in their entirety.

(2) For officers who resign and subsequently return to active duty in the naval service - portions of resignation correspondence which contain reasons for resignation. Such expungements will include portions from letters of intent to resign and letters of resignation and endorsements.

b. Other resignation-related material, such as separation orders, fitness reports, and DD Form 214s, will not be expunged.



**POLICY GOVERNING INVOLUNTARY SEPARATION OF REGULAR OFFICERS -  
FAILURE OF SELECTION FOR PROMOTION, MANDATORY RETIREMENT FOR  
YEARS OF ACTIVE SERVICE OR AGE, SELECTIVE EARLY RETIREMENT**

1. Purpose. This enclosure contains the DON policy governing the involuntary separation and mandatory retirement of Regular officers in the Navy and Marine Corps in the grades of Warrant Officer, W-1 through O-8, for bases other than separation for cause. The authority to involuntarily separate or retire officers under this enclosure will not be used when separation for cause under enclosures (6) and (7) is appropriate. If an officer in the grade of O-1 or above is subject to separation or retirement under this enclosure and any action has been commenced with a view to trying such officer by court-martial, then ASN (M&RA), pursuant to reference (a), section 639, may delay the officer's separation or retirement until completion of the disciplinary action. Regular LDOs are excluded from some provisions and addressed separately where noted because different statutory authorities in reference (a) apply.

2. Permanent Regular Warrant Officers. In this paragraph, the term "creditable active service" means active service that could be credited to a Warrant Officer under section 511 of the Career Compensation Act of 1949, as amended (70 Sta. 114).

a. Warrant Officers (W-1) and Chief Warrant Officers (W-2): Not qualified for promotion to the grades of Chief Warrant Officer, W-2 or W-3. Per reference (a), section 1165, the SECNAV or designee may terminate the appointment of a permanent Regular Warrant Officer at any time within three years after the date when the officer accepted his or her original permanent appointment as a Warrant Officer in the Navy or Marine Corps. This three-year probationary period applies irrespective of the Warrant Officer grade held. See enclosure (2), paragraphs 25c and 39 (defining the terms "probationary officer" and "Warrant Officer"). In accordance with reference (a), section 1165, the CHNAVPERS and DC (M&RA) will approve the involuntary separation of Warrant Officers pursuant to the following guidelines.

(1) Warrant Officer (W-1). A non-retirement eligible Warrant Officer (W-1) with less than three years of continuous active service since the date of the original permanent appointment in the grade of Warrant Officer (W-1) who is found not qualified for promotion to the grade of Chief Warrant

Officer, W-2, must be honorably discharged not later than the last day of the three-year period beginning on the date on which the officer accepted his or her original permanent appointment.

(2) Chief Warrant Officer, W-2. A non-retirement eligible Chief Warrant Officer, W-2, with less than three years of continuous active service since the date of the original permanent appointment in the grade of Chief Warrant Officer, W-2, who is found not qualified for promotion to the grade of Chief Warrant Officer, W-3, must be honorably discharged not later than the last day of the three-year period beginning on the date on which the officer accepted his original permanent appointment.

(3) Enlistment. A Warrant Officer (W-1) or Chief Warrant Officer (W-2), who is subject to separation under this paragraph may request enlistment and, in the discretion of SECNAV, be enlisted in a grade prescribed by SECNAV, but no lower than the enlisted grade held immediately before the original permanent appointment as a Warrant Officer. The CHNAVPERS and DC (M&RA) should review the officer's request and provide SECNAV with a recommendation that considers the individual's record of service as a Warrant Officer, the length of service performed as a Warrant Officer, and the relationship of inventory to approved authorizations in the Navy Enlisted Classification (NEC) or Marine Corps Military Occupational Specialty (MOS) in which the individual would serve in an enlisted status.

b. Regular Chief Warrant Officers, W-2, W-3, and W-4: Failure of Selection for Promotion. Unless retired or separated sooner under another provision of this instruction, or continued on active duty by SECNAV under references (h) or (i), a Regular Chief Warrant Officer in the grade of Chief Warrant Officer W-2, W-3, or W-4, who has twice failed of selection for promotion to the next higher Warrant Officer grade will be retired or separated from the Navy or Marine Corps as outlined below.

(1) Mandatory Retirement: More Than 20 years of Service. If the Chief Warrant Officer has more than 20 years of creditable active service on the date when SECNAV or designee approves the report of the promotion selection board under reference (a), section 576(e), or the date when the officer's name was removed from a promotion list under reference (a), section 579, whichever applies, then the officer will be retired

with an effective retirement date not later than the first day of the seventh calendar month beginning after the foregoing applicable date.

(2) Mandatory Retirement: 18 to 20 Years of Service. If the Chief Warrant Officer has at least 18 but not more than 20 years of creditable active service on the date when SECNAV or designee approves the report of the promotion selection board under reference (a), section 576(e), or the date when the officer's name was removed from a promotion list under reference (a), section 579, whichever applies, then the officer will be retired. The SECNAV or designee will specify the effective date of retirement, which will not be later than the first day of the seventh calendar month beginning after the date when the Warrant Officer completes 20 years of active service, unless the officer is selected for promotion to the next higher Regular Warrant Officer grade before such date.

(3) Involuntary Separation: Less Than 18 Years of Service. If the Chief Warrant Officer has less than 18 years of creditable active service on the date when SECNAV or designee approves the report of the promotion selection board under reference (a), section 576(e), or the date when the officer's name was removed from a promotion list under reference (a), section 579, whichever applies, then the officer will be separated not later than the first day of the seventh calendar month beginning after the foregoing applicable date, subject to the following exceptions.

(a) 18 Years of Service on Separation Date. If on the separation date the Chief Warrant Officer has at least 18 years of creditable active service, then the officer will be retained on active duty until retired under paragraph 2b(2) of this enclosure in the same manner as if the officer had at least 18 years of service on the applicable date under that paragraph.

(b) Temporary Appointment in Grade of O-1 or Above. If the Chief Warrant Officer is serving on active duty in a temporary appointment in the grade of O-1 or above, then the officer will remain on active duty in that status until qualified for retirement under reference (a), section 580. The officer's temporary appointment in the grade of O-1 or above will terminate on the date of retirement in the Warrant Officer grade.

(c) Enlistment. The Chief Warrant Officer may request enlistment and, in the discretion of SECNAV or designee, be enlisted in a grade prescribed by SECNAV, but not in a grade lower than that held immediately before original permanent appointment as a Warrant Officer. In making recommendations to SECNAV, CHNAVPERS and DC (M&RA) must consider the individual's record of service as a Warrant Officer, the length of service performed as a Warrant Officer, and the relationship of inventory to approved authorizations in the NEC or MOS in which the individual would serve in an enlisted status.

c. Mandatory retirement for age or years of service

(1) Age. In accordance with reference (a), section 1263, a permanent Regular Warrant Officer who has at least 20 years of creditable active service, and who is at least 62 years of age, must be retired 60 days after becoming that age, unless retired under paragraph 2c(2) of this enclosure and subject to the uniform retirement date under reference (ae), section 8301.

(2) 30 Years of Creditable Active Service. In accordance with reference (a), section 1305, unless continued on active duty under references (h) or (i), a Regular Warrant Officer (other than a Regular Navy Chief Warrant Officer, W-5) who has at least 30 years of creditable active service must be retired 60 days after the date on which the officer completes that service, subject to the uniform retirement date under reference (ae), section 8301. In the case of a regular Navy Chief Warrant Officer, W5, the officer must be retired 60 days after the date on which the officer completes 33 years of total active service.

d. Selective Early Retirement

(1) In accordance with reference (a), section 581, and reference (aj), a Regular Chief Warrant Officer in the grade of Chief Warrant Officer (W-2) and above whose name is not on a list of Warrant Officers recommended for promotion and who is eligible to retire under any provision of law may be considered for early retirement by a selection board convened by SECNAV under reference (a), section 573(c).

(2) A Chief Warrant Officer who is recommended for selective retirement and whose retirement is approved by the

SECNAV must be retired, under any provision of law under which he is eligible to retire, on the date requested by him and approved by the SECNAV, but not later than the first day of the seventh calendar month beginning after the month in which the SECNAV approves the report of the board which recommended the officer for retirement.

(3) The SECNAV may defer, for not more than three months and on a case-by-case basis, the early retirement in order to prevent a personal hardship to the officer or for other humanitarian reasons. If approved for deferral, the Chief Warrant Officer must be retired on the date requested by the officer, and approved by the SECNAV, but not later than the first day of the tenth calendar month beginning after the month in which the SECNAV approves the report of the board which selected the officer for early retirement.

(4) The selective early retirement of a Chief Warrant Officer under reference (a), section 581, is an involuntary retirement for purposes of any provision of law or regulation.

e. Delay of Retirement to Complete Disciplinary Action. If a regular Warrant Officer is subject to separation or retirement under this enclosure and any action has been commenced with a view to trying such Warrant Officer by court-martial, then ASN (M&RA) may delay the regular Warrant Officer's separation or retirement until completion of the disciplinary action.

### 3. Regular Officers in the Grade of O-1 (excluding LDOs) Found Not Qualified for Promotion to O-2

a. General Rule. Per reference (a), section 630 and reference (am), a Regular O-1 who is found not qualified for promotion to the grade of O-2 must, unless sooner promoted, be discharged at the end of the 18-month period beginning on the date on which the officer is first found not qualified for promotion.

b. Minimum Six-Month Retention Period. Per reference (ai), DoD policy recognizes that O-1s are new to commissioned military service and should be afforded a reasonable opportunity to overcome their deficiencies before discharge action is taken. Accordingly, an O-1 found not qualified for promotion will be retained for a minimum of six months after the date on which the

promotion would have occurred, unless retention is inconsistent with good order and discipline. If the O-1 qualifies for promotion to the grade of O-2 during or at the completion of the retention period, then the O-1 will be promoted. If the O-1 does not qualify for promotion at any time after completion of the retention period, then the officer will be discharged in accordance with reference (am) and this instruction.

c. Military Service Obligation. If a Regular O-1 is subject to discharge under this paragraph and has not completed the eight-year military service obligation, then CHNAVPERS or DC (M&RA) will:

(1) Require the officer to accept an appointment in a Reserve Component in an active status in order to complete the remaining period of the military service obligation in accordance with reference (a), section 651; or

(2) Recommend that ASN (M&RA) or designee discharge the officer before completion of the military service obligation based on a determination that the officer has no potential for service in a Reserve Component in accordance with enclosure (3), paragraph 4b(4), of this instruction.

4. Regular Officers in the Grade of O-2 (excluding LDOs):  
Failure of Selection for Promotion

a. General Rule. Per reference (a), section 631, an O-2 who twice fails of selection for and who is not on a list of officers recommended for promotion to O-3 will be Honorably discharged on the date requested by the officer and approved by SECNAV, but not later than the first day of the seventh calendar month beginning after the month in which the report of the selection board or the All-Fully-Qualified-Officers List (AFQOL) that considered the officer for the second time is approved.

b. Military Service Obligation. If a Regular O-2 is subject to discharge under this paragraph and has not completed the eight-year military service obligation, then CHNAVPERS or DC (M&RA) will:

(1) Require the officer to accept an appointment in a Reserve Component in an active status in order to complete the

remaining period of the military service obligation in accordance with reference (a), section 651; or

(2) Recommend that ASN (M&RA) or designee discharge the officer before completion of the military service obligation based on a determination that the officer has no potential for service in a Reserve Component in accordance with enclosure (3), paragraph 4b(4) of this instruction.

5. Regular Officers in the Grade of O-3 and O-4 (excluding LDOs): Failure of Selection for Promotion

a. General Rule. Per reference (a), section 632, an O-3 or O-4 who twice fails of selection for and is not on a list of officers recommended for promotion to the next higher grade will be Honorably discharged on the date requested by the officer and approved by SECNAV, but not later than the first day of the seventh calendar month beginning after the month in which the report of the selection board that considered the officer for the second time is approved, subject to the exceptions below and reference (a), section 639.

b. Exceptions

(1) Retirement-eligible. If an O-3 or O-4 is subject to discharge under reference (a), section 632, but is retirement-eligible under any provision of law, then the officer must be retired under that law on the date requested by him and approved by the SECNAV or designee, which date will not be later than the first day of the seventh calendar month beginning after the month in which the report of the selection board that considered the officer for the second time is approved.

(2) Within Two Years of Retirement. If an O-3 or O-4 is within two years of qualifying for retirement under reference (a), section 8323, on the required date of discharge under reference (a), section 632, then the officer must be retained on active duty until qualified for retirement and retired under section 8323, unless sooner retired or discharged under another provision of law, including but not limited to, separation for cause under any other provision of this instruction.

(3) Continuation for Approaching Retirement Eligibility. If an O-3 or O-4 will qualify for retirement under reference

(a), section 8323, between two to six years after the required date of discharge under reference (a), section 632, then the officer may be continued on active duty if selected by a continuation selection board convened by the SECNAV in accordance with reference (a), section 637(a), and reference (y). Reference (an) sets forth the DON policy on continuation.

(4) Continuation for Critical Skill. If an O-3 or O-4 is subject to discharge under reference (a), section 632, and has a SECNAV-designated critical skill as defined by reference (an), then the officer may be continued on active duty if selected by a continuation selection board convened by the SECNAV in accordance with reference (a), section 637a, and reference (y). Reference (an) sets forth the DON policy on continuation.

(5) Health Professions Officers. If an O-3 or O-4 in the Medical Corps, Dental Corps, or Nurse Corps is subject to discharge under reference (a), section 632, and, as of the date of such discharge, has not completed a period of active duty service obligation incurred under reference (a), section 2005, 2114, 2123, or 2603, then the officer must be retained on active duty until completion of such active duty service obligation, and then be discharged under reference (a), section 632, unless sooner retired or discharged under another provision of law. However, ASN (M&RA) may waive the foregoing requirement and discharge the officer if the completion of the active duty service obligation is not in the best interest of the service.

6. Regular Officers in Grades O-5 to O-10 (excluding LDOs):  
Mandatory Retirement for Years of Active Commissioned Service

a. Regular O-5s. Per reference (a) section 633, an O-5 who is not on a promotion list to O-6 must be retired on the first day of the month after the month in which the officer completes 28 years of active commissioned service, subject to the exceptions in paragraph 6g of this enclosure. This rule does not apply to a permanent military professor at the U.S. Naval Academy in the grade of O-5. See paragraph 10a(3) of this enclosure.

b. Regular O-6s. Per reference (a), section 634, an O-6 who is not on a promotion list to O-7 or retired earlier must be retired on the first day of the month after the month in which



the officer completes 30 years of active commissioned service, subject to the exceptions in paragraph 6g of this enclosure. This rule does not apply to a permanent military professor at the U.S. Naval Academy in the grade of O-6. See paragraph 10a(3) of this enclosure.

c. Regular O-7s. Per reference (a), section 635, an O-7 who is not on a promotion list to O-8 or retired earlier must be retired on the first day of the first month beginning after the date of the fifth anniversary of their appointment to the grade of O-7 or on the first day of the month after the month in which they complete 30 years of active commissioned service, whichever is later, subject to the exceptions in paragraph 6g of this enclosure.

d. Regular O-8s. Per reference (a), section 636, an O-8 must, if not retired earlier, be retired on the first day of the first month beginning after the date of the fifth anniversary of the appointment to the grade of O-8 or on the first day of the month after the month in which the officer completes 35 years of active commissioned service, whichever is later, subject to the exceptions in paragraph 6g of this enclosure.

e. Regular O-9s. Per reference (a), section 636, an O-9 must, if not earlier retired, be retired on the first day of the first month beginning after the date of the fifth anniversary of appointment to the grade of O-9 or on the first day of the month in which the officer completes 38 years of active commissioned service, whichever is later, subject to the exceptions in paragraph 6g of this enclosure.

f. Regular O-10s. Per reference (a), section 636, an O-10 must, if not earlier retired, be retired on the first day of the first month beginning after the date of the fifth anniversary of appointment to the grade of O-10 or on the first day of the month in which the officer completes 40 years of active commissioned service, whichever is later, subject to the exceptions in paragraph 6g of this enclosure.

g. Exceptions. In addition to reference (a), section 639, there are two statutory exceptions to the rules governing mandatory retirement for years of active commissioned service:

deferral of mandatory retirement pursuant to reference (a), section 637(b), and continuation for a critical skill pursuant to reference (a), section 637a.

(1) Deferral of mandatory retirement

(a) Regular O-5s and O-6s. If an officer in the grade of O-5 or O-6 is subject to mandatory retirement under reference (a), section 633 or 634, then SECNAV may, subject to the needs of the Navy or Marine Corps, defer the mandatory retirement if the officer is selected by a continuation selection board convened by the SECNAV pursuant to reference (a), section 637(b), and references (y) and (an). The deferral period cannot exceed five years, subject to the statutory maximum age requirement of 62 years in reference (a), section 1251.

(b) Regular O-7s and O-8s. If an officer in the grade of O-7 or O-8 is subject to mandatory retirement under reference (a), section 635 or 636, then SECNAV may, subject to the needs of the Navy or Marine Corps, defer the retirement for a period not to exceed 5 years, subject to the statutory maximum age requirement of 64 years in reference (a), section 1253. A continuation selection board is not required.

(c) Regular O-9s and O-10s. If an officer in the grade of O-9 or O-10 is subject to mandatory retirement under reference (a), section 636, then the President, pursuant to reference (a), section 637(b), may defer the retirement and continue the officer on active duty for a period not to exceed five years, subject to the statutory maximum age requirement of 64 years in reference (a), section 1253.

(2) Continuation for Critical Skill. If an officer in the grade of O-5 through O-10 is subject to mandatory retirement under reference (a), section 633, 634, 635, or 636, and has a SECNAV-designated critical skill as defined by reference (an), then the officer may be continued on active duty if selected by a continuation selection board convened by the SECNAV in accordance with reference (a), section 637a, and references (y) and (an). If continued, then the officer must be retired on the first day of the first month after the month in which the officer completes 40 years of active service, unless retired earlier. The statutory maximum age requirement of reference

(a), section 1251 or 1253, as applicable, may mandate an officer's retirement prior to 40 years of active service.

7. Regular Temporary LDOs in the Grades of O-1 to O-5.

Reference (a), section 8146, provides the SECNAV with authority to prescribe regulations governing the appointment, promotion, separation, and retirement of temporary LDOs. In accordance with reference (a), section 8146(e), the SECNAV may terminate the temporary appointment of an LDO at any time; this authority is delegable. The term "temporary LDO" is defined in enclosure (2), paragraph 22a, of this instruction. The Navy has temporary LDOs in the grade of O-1 only, whereas the Marine Corps has temporary LDOs in the grades of O-1 to O-5.

a. Regular Temporary LDOs in the grade of O-1 found not qualified for promotion to the grade of O-2

(1) General Rule. If a temporary LDO in the grade of O-1 is found not qualified for promotion to the grade of O-2, then SECNAV or designee will terminate the appointment, subject to the exceptions in paragraph 7c of this enclosure.

(2) Minimum Retention Period. Per reference (ai), a temporary LDO in the grade of O-1 found not qualified for promotion will be retained for a minimum of six months after the date on which the promotion would have occurred, unless retention is inconsistent with good order and discipline. If the LDO qualifies for promotion to the grade of O-2 during or at the completion of the retention period, then the LDO will be promoted. If the LDO does not qualify for promotion at any time after completion of the retention period, then the LDO's temporary appointment will be terminated by the SECNAV or designee.

b. Regular Temporary LDOs in Grades of O-2 to O-4: Failure of Selection for Promotion. If a temporary LDO in the grade of O-2, O-3, or O-4 has twice failed of selection for promotion to the next higher grade, then the SECNAV or designee will terminate the temporary appointment on the date requested by the officer, but not later than the first day of the seventh calendar month beginning after the month in which the report of the selection board that considered the officer for the second time is approved, subject to the exceptions in paragraph 7c of this enclosure.

c. Exceptions. In accordance with reference (a), section 8146, the following exceptions apply to a temporary LDO whose appointment is subject to termination by SECNAV under this paragraph.

(1) 18-Year Retirement Sanctuary. If, on the date when the temporary appointment will terminate, the temporary LDO is not qualified for retirement under any provision of law, but is within two years of qualifying for retirement under reference (a), section 8323, in the grade held as a temporary LDO, then the SECNAV or designee may retain the officer on active duty as a temporary LDO until qualified for retirement under section 8323, unless the officer is sooner retired or discharged under another provision of law, or elects to revert to a permanent Warrant Officer or enlisted status in accordance with paragraphs 7c(3) or 7c(4) of this enclosure.

(2) Retirement-eligible. If, on the date when the temporary appointment will terminate, a temporary LDO is qualified for retirement under reference (a), section 8323, in the grade held as a temporary LDO, then the officer will be retired under section 8323 on the date requested by the officer, but not later than the first day of the seventh calendar month beginning after the month in which the report of the selection board that considered the officer for the second time is approved.

(3) Reversion to Permanent Warrant Officer Status. If, on the date when the temporary appointment will terminate, the temporary LDO is not eligible for retirement under any provision of law, is not within the 18-year retirement sanctuary of paragraph 7c(1) of this enclosure, and had a permanent status of a Warrant Officer when first appointed as a LDO, then the officer may request reversion to the permanent Warrant Officer grade and status.

(4) Reenlistment. If, on the date when the temporary appointment will terminate, the temporary LDO is not eligible for retirement under any provision of law, is not within the 18-year retirement sanctuary of paragraph 7c(1) of this enclosure, and was in an enlisted grade when first appointed as a LDO, then the officer may, upon his or her request and in the discretion

of SECNAV or designee, be enlisted in a grade prescribed by the SECNAV or designee upon termination of the temporary appointment.

d. Mandatory Retirement for Years of Active Service. In accordance with reference (a), section 8146 and except as provided by reference (a), section 639, a temporary LDO in the grade of O-1 to O-5 must be retired on the last day of the month following the month in which the officer completes 30 years of active naval service, exclusive of active duty for training in a Reserve Component.

8. Regular Permanent LDOs in Grades O-1 to O-6. The term "permanent LDO" is defined in enclosure (2), paragraph 22b, of this instruction. The involuntary separation and mandatory retirement of Regular permanent LDOs are governed by reference (a), section 8372. The statutory rules are set forth below.

a. Regular Permanent LDOs in Grade of O-1 Found Not Qualified for Promotion to O-2. A permanent LDO in the grade of O-1 who is found not qualified for promotion to the grade of O-2 must be honorably discharged on the date requested by the officer and approved by SECNAV, but not later than the first day of the seventh calendar month beginning after the month in which the officer was found not qualified for promotion, subject to the retirement-sanctuary exception in paragraph 8d(1) of this enclosure.

b. Regular Permanent LDOs in grades of O-2 to O-5: Failure of selection for promotion

(1) Permanent LDOs in Grade of O-2. A permanent LDO in the grade of O-2 who twice failed of selection for promotion to the grade of O-3 must be honorably discharged on the date requested by the officer and approved by SECNAV, but not later than the first day of the seventh calendar month beginning after the month in which the report of the selection board or AFQOL that considered the officer a second time is approved, subject to the retirement-sanctuary exception in paragraph 8d(1) of this enclosure.

(2) Permanent LDOs in Grade of O-3. A permanent LDO in the grade of O-3 who has twice failed of selection for promotion to the grade of O-4 and is not on a promotion list must be

honorably discharged on the date requested by the officer and approved by SECNAV, but not later than the first day of the seventh calendar month beginning after the month in which the report of the selection board that considered the officer for the second time is approved, subject to the exceptions in paragraphs 8d(1) and 8d(2) of this enclosure.

(3) Permanent LDOs in Grade of O-4. A permanent LDO in the grade of O-4 who has twice failed of selection for promotion to the grade of O-5 and is not on a promotion list must be retired, if eligible to retire, or be honorably discharged on the date requested by the officer and approved by SECNAV, but not later than the first day of the seventh calendar month beginning after the month in which the report of the selection board that considered the officer for the second time is approved, subject to the exceptions in paragraphs 8d(1) and 8d(2) of this enclosure.

(4) Permanent LDOs in Grade of O-5 (Navy only). Subject to the exception in paragraph 8d(2) of this enclosure, a Navy permanent LDO in the grade of O-5 who has twice failed of selection for promotion to the grade of O-6 and is not on a list of officers recommended for promotion must:

(a) If eligible for retirement as a commissioned officer under any provision of law, be retired under that provision of law on the date requested by the officer and approved by SECNAV, but not later than the first day of the seventh calendar month beginning after the month in which the report of the selection board that considered the officer for the second time is approved; or

(b) If not eligible for retirement as a commissioned officer, be retired on the date requested by the officer and approved by SECNAV after the officer becomes eligible for retirement, but not later than the first day of the seventh calendar month beginning after the month in which the officer becomes eligible for retirement as a commissioned officer.

c. Regular Permanent LDOs: Mandatory retirement for years of active naval service

(1) Navy Permanent LDOs in Grades of O-1 to O-4; Marine Corps Permanent LDOs in Grades of O-1 to O-5. A Navy permanent

LDO in the grade of O-1 to O-4, and a Marine Corps permanent LDO in the grade of O-1 to O-5, must be retired on the last day of the month following the month in which the officer completes 30 years of active naval service, exclusive of active duty for training in a Reserve Component, subject to the exception in paragraph 8d(2) of this enclosure.

(2) Navy Permanent LDOs in Grade of O-5. A Navy permanent LDO in the grade of O-5 who is not on a list of officers recommended for promotion to the grade of O-6 must, if not retired earlier, be retired on the last day of the month following the month in which the officer completes 35 years of active naval service, exclusive of active duty for training in a Reserve Component, subject to the exception in paragraph 8d(2) of this enclosure.

(3) Navy Permanent LDOs in Grade of O-6. A Navy permanent LDO in the grade of O-6 must, if not retired earlier, be retired on the last day of the month following the month in which the officer completes 38 years of active naval service, exclusive of active duty for training in a Reserve Component, subject to the exception in paragraph 8d(2) of this enclosure.

d. Exceptions

(1) 18-Year Retirement Sanctuary. If a permanent LDO in the grade of O-1 through O-4 is subject to discharge under paragraphs 8a or 8b of this enclosure, and is not qualified for retirement under any provision of law as of the date of such discharge, but is within two years of qualifying for retirement under reference (a), section 8323, then the officer must be retained on active duty as a LDO until qualifying for retirement under section 8323, unless the officer is sooner retired or discharged under another provision of law or reverts to a Warrant Officer grade under reference (a), section 8372(h), as outlined in paragraph 8e(1) of this enclosure.

(2) Deferral of Mandatory Retirement or Discharge. When the needs of the Navy or Marine Corps require, the SECNAV may defer a permanent LDO's mandatory retirement or discharge under paragraphs 8a or 8b of this enclosure upon the recommendation of a continuation selection board convened under reference (a), section 611(b), and with the consent of the officer concerned. A LDO whose retirement is deferred and who is not subsequently

promoted may not be continued on active duty beyond 20 years active commissioned service, if in the grade of O-3; beyond 24 years active commissioned service, if in the grade of O-4; or beyond 28 years active commissioned service if in the grade of O-5; or beyond age 62, whichever is earlier.

e. Reversion to Permanent Warrant Officer or Enlisted Status. In accordance with reference (a), section 8372(i), when determining the grade and status to which a LDO may revert, all active service as a temporary or permanent LDO or as a Reserve officer will be included.

(1) Reversion to Warrant Officer Grade. A permanent LDO in the grade of O-1 to O-4 who is subject to discharge under paragraphs 8a or 8b of this enclosure, who is not eligible for retirement under any provision of law, and who had the permanent status of a Warrant Officer when first appointed as a LDO may, at the officer's option, revert to the Warrant Officer grade and status that the officer would hold if the officer had not been appointed as a LDO. This rule applies to an officer subject to retention under the 18-year retirement sanctuary of reference (a), section 8372(f).

(2) Reenlistment. A permanent LDO in the grade of O-1 to O-4 who is subject to discharge under paragraphs 8a or 8b of this enclosure and who was in an enlisted grade when first appointed as a LDO, may, upon the officer's request and in the discretion of SECNAV or designee, be enlisted in a grade prescribed by the SECNAV or designee upon discharge. To be eligible for reenlistment, the LDO must not be eligible for retirement under any provision of law, and must not be in the 18-year retirement sanctuary of reference (a), section 8372(f).

9. Regular O-5s to O-8s: Selective Early Retirement. Regular officers in the grades of O-5 through O-8 may be considered for early retirement by a selection board convened by SECNAV pursuant to reference (a), sections 638 or 638a, and reference (aj). Selective early retirement will not be used in cases where separation for cause under paragraph 1 of this enclosure is warranted. Regular officers in the grades of O-5 through O-8 may be subject to selective early retirement unless approved for voluntary retirement under reference (a), section 8323, or involuntarily retired under any provision of law during the fiscal year in which the selective early retirement board is



convened or during the following fiscal year. The statutory eligibility requirements for selective early retirement are set forth below.

a. Regular O-5s. An O-5 whose name is not on a promotion list to O-6 may be subject to selective early retirement after two or more failures of selection for promotion to O-6 (reference (a), section 638) or after one failure of selection for promotion to O-6 (reference (a), section 638a).

b. Regular O-6s. An O-6 whose name is not on a promotion list to O-7 may be subject to selective early retirement after serving at least four years in the grade of O-6 (reference (a), section 638) or after serving at least two years in the grade of O-6 (reference (a), section 638a).

c. Regular O-7s. An O-7 whose name is not on a promotion list to O-8 may be subject to selective early retirement under reference (a), section 638, after serving at least three and one-half years in the grade of O-7.

d. Regular O-8s. An O-8 may be subject to selective early retirement under reference (a), section 638, after serving at least three and one-half years in the grade of O-8.

10. Regular O-1s to O-10s: Mandatory Retirement for Age

a. Regular O-1s to O-6s (including temporary and permanent LDOs). Unless retired or separated earlier, each Regular officer in the grade of O-1 to O-6 will be retired on the first day of the month following the month in which the officer becomes 62 years of age pursuant to reference (a), section 1251, subject to the following exceptions.

(1) Health Professions Officers in the Medical Corps, Dental Corps, and Nurse Corps. In the case of an officer in the Medical Corps, Dental Corps, or Nurse Corps, SECNAV may defer the officer's mandatory retirement for becoming 62 years of age if, during the period of the deferment, the officer will be performing duties consisting primarily of providing patient care or performing other clinical duties. The deferment will not extend beyond the first day of the month following the month in which the officer reaches 68 years of age. See reference (a), section 1251(b).

(2) Chaplains. In the case of an officer serving as a chaplain, SECNAV may defer the officer's mandatory retirement for becoming 62 years of age as required in the best interests of the Navy, but not beyond the first day of the month following the month in which the officer reaches 68 years of age. See reference (a), section 1251(c).

(3) Permanent Military Professors (O-5 and O-6). Unless retired or separated earlier, a Regular O-5 or O-6 who is a permanent military professor at the U.S. Naval Academy must be retired on the first day of the month following the month in which the officer becomes 64 years of age. See reference (a), section 1252.

b. Regular O-7s and O-8s. Unless retired or separated earlier, an officer in the grade of O-7 or O-8 will be retired on the first day of the month following the month in which the officer becomes 64 years of age pursuant to section 1253 of reference (a). Pursuant to reference (a), section 1251(c), and as outlined in paragraph 10a(2) of this enclosure, SECNAV may defer the retirement of a Navy flag officer serving in the position of Chief of Chaplains or Deputy Chief of Chaplains.

c. Regular O-9s and O-10s. An officer in the grade of O-9 or O-10 will be retired on the first day of the month following the month in which the officer becomes 64 years of age. However, pursuant to reference (a), section 1253(b), the Secretary of Defense (SECDEF) may extend the deferment not later than the first day of the month following the month in which the officer becomes 66 years of age, and the President may extend the deferment not later than the first day of the month following the month in which the officer becomes 68 years of age. In accordance with reference (af), the CNO or CMC will provide a recommendation for deferment to the SECNAV, who, if in support, will submit the recommendation to the President via the SECDEF.

11. Force Shaping of Regular Probationary Officers. In accordance with reference (a), sections 630(a)(1) and 647, and reference (b), the SECNAV may discharge or transfer to the RASL Regular officers (other than Warrant Officers) with less than six years of active commissioned service in order to meet budgetary or force size requirements. When using this authority, the procedures for discharging probationary officers

in reference (b), section 6, do not apply and a selection board is not required. The CNO or CMC will provide the SECNAV with a force shaping plan that details the number of officers by grade and competitive category who will be discharged or transferred to the RASL, the budgetary or force management requirements that justify SECNAV's use of the force shaping authority, and a draft notice to affected officers. Officers subject to discharge will receive an Honorable service characterization and sufficient notice of the discharge to permit career and personal planning. Discharges pursuant to this authority are subject to the requirements of the eight-year military service obligation under reference (a), section 651, reference (o) and this instruction.

12. Declining Appointment to the Grade of O-2 or O-3. A Regular probationary officer who declines an appointment to the grade of O-2 or O-3 will be processed for an Honorable discharge using the notification procedure of enclosure (10), subject to the requirements of the eight-year military service obligation in enclosure (3), paragraph 4 of this instruction.

13. Deferral for Hospitalization or Medical Observation. Per reference (a), section 640, SECNAV or designee may defer, for not more than four months, the retirement or separation of a Regular 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 retirement or separation date.

**POLICY GOVERNING INVOLUNTARY SEPARATION OF RESERVE OFFICERS -  
FAILURE OF SELECTION FOR PROMOTION, MANDATORY SEPARATION FOR  
YEARS OF SERVICE OR AGE, AND OTHER BASES**

1. Purpose. This enclosure contains the DON policy governing the involuntary separation and mandatory retirement of Navy and Marine Corps Reserve officers in the grades of Warrant Officer, W-1 through O-8, for bases other than separation for cause. The authorities in this enclosure will not be used when separation for cause under enclosures (6) and (7) is appropriate.

2. Permanent Reserve Warrant Officers

a. Not qualified for promotion to Warrant Officer (W-1) or Chief Warrant Officer, W-2. In accordance with sections 12241(c) and 12242 of reference (a), a non-retirement eligible Reserve Warrant Officer with less than 60 months of service since the date of original appointment who is serving in the grade of Warrant Officer (W-1) or Chief Warrant Officer, W-2, and is found not qualified for promotion to the next higher grade will be honorably discharged not later than the end of the 60-month period beginning on the date on which the Warrant Officer was first appointed.

b. Failure of Promotion. Unless retired or separated under some other provision of this instruction, a Reserve Warrant Officer in the grade of Chief Warrant, W-2, W-3, and W-4, who has twice failed of selection for promotion to the next higher Warrant Officer grade and is not on a promotion list will be separated or retired in accordance with the following procedures.

(1) More Than 20 Years of Service. A Warrant Officer who performed more than 20 years of active service or who has performed at least 20 years of service computed under section 12732 of reference (a) on the date when SECNAV approves the report of the promotion selection board, or the date when his or her name was removed from a promotion list, whichever applies, must be transferred to the inactive status list, or upon the officer's request, to the Retired Reserve or Navy or Marine Corps Reserve retired list, as appropriate.

(2) At Least 18, but Less Than 20 Years of Service. A Warrant Officer who performed at least 18 but less than 20 years

of service computed under section 12732 of reference (a) on the date when SECNAV approves the report of the promotion selection board, or the date when his or her name was removed from the promotion list, whichever applies, will not be discharged or transferred from an active status without the officer's consent, unless sooner separated for cause under paragraph 1 of enclosure (6), before the earlier of these dates:

(a) The date on which the officer is entitled to be credited with 20 years of service computed under section 12732 of reference (a).

(b) If the officer has at least 19 years of service computed under section 12732 of reference (a), the second anniversary of the date on which the officer would otherwise be discharged or transferred from an active status.

(c) If the officer has at least 18 but less than 19 years of service computed under section 12732 of reference (a), the third anniversary of the date on which the officer would otherwise be discharged or transferred from an active status.

(3) Less Than 18 Years of Service. A Warrant Officer who performed less than 18 years of service computed under section 12732 of reference (a) on the date when SECNAV approves the report of the selection board, or the date when the officer's name is removed from the promotion list, whichever applies, may request enlistment and, at the discretion of SECNAV, be enlisted in a grade prescribed by SECNAV, but not in a grade lower than that held immediately before the original appointment as a Warrant Officer. In making a recommendation to SECNAV, CHNAVPERS, and DC (M&RA) must consider the individual's record of service as a Warrant Officer, the length of service performed as a Warrant Officer, and the needs of the Service in the NEC or MOS in which the individual would serve in an enlisted status.

(4) Honorable Discharge. A Warrant Officer who has not requested transfer to the Navy or Marine Corps Reserve retired list as provided in paragraph 2b(1) of this enclosure is not eligible for retention in an active status as provided in paragraph 2b(2) of this enclosure and does not request

enlistment as provided in paragraph 2b(3) of this enclosure, or is denied enlistment, will be Honorably discharged from the Navy or Marine Corps Reserve.

c. 18-year Retirement Sanctuary. A Reserve Warrant Officer on active duty (other than active duty for training) who, on the date when he or she would be otherwise discharged or removed from an active status without consent under paragraph 2b of this enclosure, and has completed 18 or more years of active service, will not be involuntarily released from active duty before qualifying for retirement under that section, unless the officer is not physically qualified, is being separated for cause, or has been approved for release by SECNAV.

d. Mandatory Retirement for years of service

(1) A permanent Reserve Warrant Officer (other than a Navy Chief Warrant Officer, W-5) who has at least 30 years of active service, other than active duty for training, or has completed at least 30 years of service computed under section 12732 of reference (a), must be transferred to the Retired Reserve or the Navy or Marine Corps Reserve Retired List, as appropriate, not later than six months after they complete that service. Navy and Marine Corps Reserve Warrant Officers who are subject to retirement under this subparagraph may be selectively continued to meet requirements identified for their grade, competitive category, and designator in accordance with references (h) and (i), respectively, or in this instruction.

(2) In the case of a Reserve Navy Warrant Officer in the grade of Chief Warrant Officer, W5, the officer will be retired 60 days after the date on which the officer completes 33 years of service computed under section 12732 of reference (a).

3. Reserve Officers in the Grade of O-1 Found Not Qualified for Promotion to O-2

a. General Rule. Per reference (a), section 14503 and reference (am), a Reserve O-1 who is found not qualified for promotion to the grade of O-2 must, unless sooner promoted, be discharged at the end of the 18-month period beginning on the date on which the officer is first found not qualified for promotion.

b. Minimum Retention Period. Per reference (ai), DoD policy recognizes that O-1s are new to commissioned military service and should be afforded a reasonable opportunity to overcome their deficiencies before discharge action is taken. Accordingly, Reserve O-1s found not qualified for promotion will be retained for a minimum of six months after the date on which the promotion would have occurred, unless retention is inconsistent with good order and discipline. If the officer does not qualify for promotion at any time after completion of the six-month retention period, then the officer will be discharged in accordance with reference (am) and this instruction.

c. Military Service Obligation. If a Reserve O-1 is subject to discharge under this paragraph and has not completed the eight-year military service obligation, then CHNAVPERS or DC (M&RA) will:

(1) Retain the officer in an active status in accordance with reference (a), section 12645; or

(2) Recommend that ASN (M&RA) or designee discharge the officer before completion of the military service obligation based on a determination that the officer has no potential for service in a Reserve Component in accordance with enclosure (3), paragraph 4b(4) of this instruction.

#### 4. Reserve Officers in the Grades of O-2 through O-6

a. Reserve O-2s and O-3s: Failure of Selection for Promotion. Subject to the exceptions in paragraph 5 of this enclosure, a Reserve O-2 or O-3 who twice fails of selection for promotion to the next higher grade and whose name is not on a list of officers recommended for promotion must, not later than the first day of the seventh month after the month in which the SECDEF approves the report of the board or AFQOL, in the case of an O-3, which considered the officer for the second time, be separated in accordance with paragraph 4c of this enclosure.

b. Reserve O-4s: Failure of Selection for Promotion. Subject to the exceptions in paragraph 5 of this enclosure, a Reserve O-4 (including an O-4 in the Navy Full-Time Support (FTS) or Marine Corps Active Reserve (AR) Program) who twice fails of selection for promotion to the next higher grade and

whose name is not on a list of officers recommended for promotion must, if not earlier removed, be removed from the RASL in accordance with paragraph 4c of this enclosure on the later of:

(1) The first day of the month after the month in which the officer completes 20 years of commissioned service; or

(2) The first day of the seventh month after the month in which the report of the selection board that considered the officers for the second time is approved.

c. Separation of Reserve O-2s or O-3s; Removal of Reserve O-4s from the RASL. If a Reserve O-2, O-3, or O-4 is subject to separation or removal from the RASL under this paragraph, then the officer will be:

(1) Involuntarily released from active duty if the officer is in an active-duty status while participating in the Navy FTS Program or Marine Corps AR Program; and either

(2) Removed from an active status and transferred to an inactive status if the CHNAVPERS or DC (M&RA) determines that the officer has skills which may be required to meet the mobilization needs of the Navy or Marine Corps; or

(3) Transferred to the Retired Reserve if the officer is qualified for such transfer and does not request not to be transferred to the Retired Reserve; or

(4) Discharged with an Honorable characterization of service.

d. Reserve O-5s and O-6: Removal from the RASL for Years of commissioned Service. Subject to the exceptions in paragraph 5 of this enclosure, a Reserve O-5 or O-6 (including an O-5 or O-6 in the Navy FTS or Marine Corps AR Program) whose name is not on a list of officers recommended for promotion to the next higher grade will be removed from the RASL (if not earlier removed from the RASL) on the first day of the month after the month in which the O-5 completes 28 years of commissioned service or the O-6 completes 30 years of commissioned service.

e. Officers serving in the Navy FTS Program and Marine



Corps AR Program may also be subject to the service policies governing involuntary release from active duty set forth in paragraphs 9 and 10 of this enclosure.

5. Exceptions to Involuntary Separation or Removal from the RASL. The following exceptions may apply to a Reserve officer in the grades of O-2 through O-6 who is subject to separation or removal from the RASL under paragraph 4 of this enclosure. The applicability of the exception to the specific grade(s) is indicated.

a. Reserve O-2s Only: Retention Until Completion of Military Service Obligation. If a Reserve O-2 has not completed the eight-year military service obligation, then CHNAVPERS or DC (M&RA) will:

(1) Retain the officer in an active status in accordance with reference (a), section 12645; or

(2) Recommend that ASN (M&RA) or designee discharge the officer before completion of the military service obligation based on a determination that the officer has no potential for service in a Reserve Component in accordance with enclosure (3), paragraph 4b(4) of this instruction.

b. Reserve O-2s Only: Retention for Planned Mobilization Needs. If the CHNAVPERS or DC (M&RA) determines that a Reserve O-2's retention in an active status is necessary to meet the planned mobilization needs of the Navy or Marine Corps, then the officer may be retained in an active status, pursuant to reference (a), section 14504(b), for a period not to exceed 24 months beginning on the date when the SECDEF approved the report of the board or AFQOL which resulted in the second failure of selection for promotion. This exception applies to Reserve O-2s who either have or have not completed the eight-year military service obligation. If, on the date when SECDEF approved the board report, the O-2 has a remaining military service obligation of less than 24 months, then the officer may be retained in an active status for a period not to exceed 24 months pursuant to reference (a), section 14504(b).

c. Reserve O-2s to O-6s: Retention for 18 or More, but Less than 19, Years of Service. In accordance with reference (a), section 12646, if, on the date of involuntary discharge or

transfer from an active status, a Reserve officer in the grade of O-2 through O-6 is entitled to be credited with at least 18, but less than 19, years of service computed under reference (a), section 12732, then the officer will not be discharged or transferred from an active status without his or her consent before the earlier of:

(1) The date on which the officer is entitled to be credited with 20 years of service computed under reference (a), section 12732; or

(2) The third anniversary of the date on which the officer would otherwise be discharged or transferred from an active status.

d. Reserve O-2s to O-6s: Retention for 19 or More, but Less Than 20 Years of Service. In accordance with reference (a), section 12646, if, on the date of involuntary discharge or transfer from an active status, a Reserve officer in the grade of O-2 through O-6 is entitled to be credited with at least 19, but less than 20, years of service computed under reference (a), section 12732, then the officer will not be discharged or transferred from an active status without his or her consent before the earlier of:

(1) The date on which the officer is entitled to be credited with 20 years of service, computed under reference (a), section 12732;

(2) The second anniversary of the date on which the officer would otherwise be discharged or transferred from an active status;

(3) This exception does not apply in cases of separation for cause, disability, or reaching maximum age at which transfer from an active status or discharge is required by law.

e. Reserve O-2s to O-6s: On Active Duty Within Two Years of Eligibility for Retired or Retainer Pay. In accordance with reference (a), section 12686, a Reserve officer who is on active duty (other than for training) and is within two years of becoming eligible for retired pay or retainer pay under a military retirement system other than the system under reference

(a), chapter 1223 (retired pay for non-Regular service), cannot be involuntarily released from active duty before becoming eligible for such pay unless the SECNAV or designee approves the release. Officers who are retained on active duty under this provision may not be removed from an active status while they are on that active duty, except when separated for cause or physical disability, or if eligible for retired pay under reference (a), section 12731.

f. Reserve O-3s to O-6s: Continuation on the RASL. In accordance with reference (a), section 14701, and reference (y), the SECNAV may convene a continuation selection board to consider for continuation on the RASL Reserve O-3s or O-4s who are subject to separation or removal from the RASL on the basis of two failures of selection for promotion to the next higher grade, and Reserve O-5s or O-6s who are subject to removal from the RASL for years of commissioned service. If approved by SECNAV for continuation, an officer may be continued on the RASL no later than a period ending on the last day of the month in which the officer completes:

(1) 20 years of commissioned service in the case of a Reserve O-3;

(2) 24 years of commissioned service in the case of a Reserve O-4;

(3) 33 years of commissioned service in the case of a Reserve O-5; or

(4) 35 years of commissioned service in the case of a Reserve O-6;

6. Reserve Officers in the Grades of O-7 and O-8: Removal from the RASL for Years of Service or Years in Grade

a. Reserve O-7. Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, a Reserve O-7 who has not been recommended for promotion to the grade of O-8 must, 30 days after completing 30 years of commissioned service or on the fifth anniversary of the date of the officer's appointment to the grade of O-7, whichever is later, be transferred to the Retired Reserve if qualified and the officer applies thereto, or be discharged from the officer's Reserve appointment if not

qualified for transfer to the Retired Reserve or the officer has requested not to be so transferred.

b. Reserve O-8s. Unless retired, transferred to the Retired Reserve, or discharged at an earlier date, a Reserve O-8 must, 30 days after completing 35 years of commissioned service or on the fifth anniversary of the date of the officer's appointment to the grade of O-8, whichever is later, be transferred to the Retired Reserve if qualified and the officer applies thereto, or be discharged from the officer's Reserve appointment if not qualified for transfer to the Retired Reserve or the officer has requested not to be so transferred.

7. Declining Appointment to the Grade of O-2 or O-3. A Reserve probationary officer who declines an appointment to the grade of O-2 or O-3 will be processed for an Honorable discharge using the notification procedure of enclosure (10), subject to the requirements of the eight-year military service obligation in enclosure (3), paragraph 4, of this instruction.

8. Force Management of Reserve Probationary Officers. In accordance with reference (a), section 14503(a)(1) and reference (b), the SECNAV may discharge Navy or Marine Corps Reserve officers with less than six years of service in an active status in order to meet budgetary or force management requirements. When using this authority, the procedures for discharging probationary officers in reference (b), section 6, do not apply and a selection board is not required. Officers subject to discharge will receive an Honorable service characterization and sufficient notice of the discharge to permit career and personal planning. Discharges pursuant to this authority may be made without regard to the eight-year military service obligation under reference (a), sections 651 and 12645, as implemented by this instruction.

9. Release from Active Duty

a. When determined to be in the best interest of the service, SECNAV may release a Navy or Marine Corps Reserve officer from active duty without the requirement for the officer to be heard by a board of officers before the release, subject to the following statutory limitations.

(1) War or National Emergency. Under reference (a), section 12313(b), a Reserve officer may be released from active duty (other than for training) in time of war or national emergency declared by Congress or the President only upon the recommendation of a board of officers approved by CHNAVPERS or DC (M&RA), as appropriate, unless the officer waives the board or the release is otherwise authorized by law. Specific procedures governing the convening of such boards will be established by SECNAV as required. This subparagraph does not apply to either the Navy or Marine Corps during a period of demobilization or reduction in strength of that service.

(2) Active-duty Agreement. Under reference (a), section 12312, a Reserve officer serving on active duty under an active-duty agreement executed under reference (a), section 12311, may not be involuntarily released from active duty during the period of the agreement because of a reduction in actual personnel strength, or for any other reason unless such release is recommended by a board of officers, except when the officer is:

(a) Dismissed or discharged under the sentence of a court-martial;

(b) Released because of an unexplained absence without leave for at least three months;

(c) Released because of a conviction and sentence to confinement in a Federal or State penitentiary or correctional institution and the sentence has become final; or

(d) Released under paragraph 4 of this enclosure for having twice failed of selection for promotion.

(3) On active Duty Within Two Years of Eligibility for Retired or Retainer Pay. See paragraph 5e of this enclosure.

b. Service Policies for Navy FTS Officers

(1) A Navy FTS O-4 who twice fails of selection for promotion to O-5 is subject to involuntary release from active duty and removal from the RASL in accordance with paragraph 4c of this enclosure, unless retained on active duty or continued

on the RASL under paragraphs 5e or 5f of this enclosure to enable the officer to become eligible for retirement under reference (a), section 8323.

(2) A Navy FTS O-5 who twice fails of selection for promotion to the grade of O-6 and is not on a promotion list to a higher grade must be involuntarily released from active duty not later than the first day of the seventh calendar month beginning after the month in which the report of the selection board that considered the officer for promotion for the second time is approved, unless the officer:

(a) Is considered for retention on active duty by a Selective Retention (SELRET) board under this paragraph;

(b) Is retained on active duty by CHNAVPERS to enable the officer to become eligible for retirement with pay under reference (a), section 8323; or

(c) Is sooner released from active duty as a result of selection by a Selective Early Release from Active Duty (SERAD) board under paragraph 10 of this enclosure.

(3) A Navy FTS O-6 who is not on a promotion list to a higher grade must be involuntarily released from active duty not later than the first day of September of the third fiscal year following the fiscal year of promotion to the grade of O-6, unless the officer is retained by a SELRET Board under this paragraph or retained on active duty by CHNAVPERS to enable the officer to become eligible for retirement with pay under reference (a), section 8323.

(4) FTS SELRET Boards. CHNAVPERS or designee may convene a FTS SELRET Board whenever required to retain those FTS commanders or captains best qualified to meet requirements. The following procedural guidelines apply.

(a) FTS O-5 SELRET Boards

1. FTS O-5s considered and not retained by the SELRET board will be released from active duty not later than the first day of the seventh calendar month beginning after the month in which the SELRET board results are released.

2. FTS O-5s retained by the SELRET board will be released from active duty not later than the first day of September of the third fiscal year following the SELRET board.

(b) FTS O-6 SELRET Boards. FTS O-6s retained by a SELRET board will be released from active duty not later than the first day of September of the fifth fiscal year following the fiscal year of promotion to the grade of O-6, unless retained by a second FTS Captain SELRET board until completion of 30 years of commissioned service.

(5) In no case will retention of FTS O-5s on active duty under this paragraph extend beyond the first day of the month following the month in which the officers complete 28 years of commissioned service, subject to the exceptions in paragraphs 5c through 5f of this enclosure, as applicable.

(6) In no case will retention of FTS O-6s on active duty under that paragraph extend beyond the first day of the month following the month in which the officers complete 30 years of commissioned service, subject to the exceptions in paragraphs 5c through 5f of this enclosure, as applicable.

c. Service Policies for Marine Corps AR Officers

(1) Marine Corps AR non-career-designated officers and statutory-tour officers serving on active duty will be released from active duty upon expiration of active service, as specified in the active-duty agreement under which serving.

(2) Marine Corps AR career-designated officers in the grade of O-4 who twice fail of selection for promotion to O-5 are subject to involuntary release from active duty and removal from the RASL in accordance with paragraph 4c of this enclosure.

(3) Marine Corps AR career-designated O-5s who twice fail of selection for promotion to the grade of O-6, if not on a promotion list to a higher grade and if not earlier removed from the RASL, must be involuntarily released from active duty not later than the first day of the seventh calendar month beginning after the month in which the report of the selection board that considered the officers for the second time is approved. DC (M&RA) may defer the involuntary release from active duty to enable an officer to become eligible for an active service

retirement, unless the officer is selected for early release from active duty by a Selective Early Release from Active Duty (SERAD) Board convened pursuant to paragraph 10 of this enclosure. Deferral will not be later than the first day of the month following the month in which the officer completes 28 years total commissioned service, at which time the officer will be subject to removal from the RASL for years of commissioned service in accordance with paragraph 4d of this enclosure.

(4) Unless selected for early release from active duty by a SERAD Board convened pursuant to paragraph 10 of this enclosure, a Marine Corps AR career-designated O-6 may serve on active duty until completing 30 years of commissioned service, at which time the officer will be subject to removal from the RASL for years of commissioned service in accordance with paragraph 4d of this enclosure.

(5) There are no approved general officer billets in the Marine Corps AR competitive category. An AR O-6 who desires to compete for the grade of Reserve O-7 and is otherwise eligible to compete for O-7 except for being a member on the AR program must be released from active duty in the AR program at least 60 days before the convening date of the Reserve general officer selection board.

d. Release of Reserve Officers on Temporary Recall. Temporary recall officers not on the Active-Duty List (Three Year Recall / One Year Recall / Active Duty for Special Work) will be released from active duty not later than the end of their specified orders unless specifically extended by subsequent orders or retained under reference (a), section 12686.

#### 10. SERAD

a. Navy. When required, CHNAVPERS will convene a SERAD Board to recommend the early release from active duty of Navy FTS officers in the grade of O-5.

(1) CHNAVPERS will establish the zone of eligibility by grouping FTS O-5s by competitive category and promotion fiscal year group. The SERAD board must review the record of all eligible FTS officers in each competitive category as of the board's convening date. Normally, FTS O-5s will become SERAD-



eligible during the fourth fiscal year after their date of appointment to the grade of O-5. A FTS O-5 who is selected by the SERAD board, is not on a promotion list, and has attained 20 or more years of commissioned service must be involuntarily released from active duty by 1 September of the fiscal year in which the SERAD board was convened, or the first day of the seventh month following the month in which the SERAD board's report is approved, whichever is later. A FTS O-5 who is selected by the SERAD board, is not on a promotion list, and has less than 20 years of active service on 1 September of the fiscal year in which the SERAD board was convened must be released from active duty on the first day of the month after the month in which the officer attains 20 years of active service. If necessary, officers will be retained on active duty to enable the officers to qualify for retirement with pay (including early retirement).

(2) Retention of a SERAD-selected FTS O-5 on active duty will not extend beyond the first day of the month following the month in which the officer qualifies for retirement with pay (including early retirement) or beyond the first day of the month following the month in which the officer completes 28 years of commissioned service, unless the officer is selected for continuation on the RASL pursuant to reference (a), section 14701 or retained on active duty under section 12686 thereof. FTS O-5s considered but not selected by a SERAD board will not be considered again while in the grade of O-5.

b. Marine Corps. When required, DC (M&RA) will convene SERAD boards to recommend the early release from active duty of Marine Corps AR officers in the grades of O-4, O-5, and O-6. Specific procedures governing the convening of SERAD Boards, including the number of officers in each field grade that will be considered by a SERAD Board, will be established by DC (M&RA).

(1) Normally, Marine Corps AR O-4s and O-5s will become SERAD-eligible upon attaining three years' time-in-grade, and AR O-6s will become SERAD-eligible upon attaining two years' time-in-grade.

(2) An officer who is selected by the SERAD board, is not on a promotion list, and has attained 20 or more years of active commissioned service must be involuntarily released from

active duty by 1 September of the fiscal year in which the SERAD board was convened, or the first day of the seventh month following the month in which the SERAD board's report is approved, whichever is later.

(3) An officer who is selected by the SERAD board, is not on a promotion list, and has less than 20 years of commissioned service on 1 September of the fiscal year in which the SERAD board was convened must be released from active duty on the first day of the month after the month in which the officer attains 20 years of active commissioned service. If necessary, the officer will be retained on active duty to enable the officer to qualify for retirement with pay. Retention will not extend beyond the first day of the month following the month in which the officer qualifies for retirement with pay, or the day on which the officer must be removed from an active status under reference (a), section 14506 or 14507.

11. Involuntary Release from Active Duty (IRAD). When required, CHNAVPERS will convene an IRAD board to control end strength ceilings, grade allowances, or other requirements of the Navy Reserve Canvasser Recruiter (CANREC) program. CANREC officers selected for IRAD must be involuntarily released from active duty not later than the first day of the seventh calendar month beginning after the month in which the report of the IRAD board was approved, unless the officers are retained on active duty under section 12686 of reference (a). Additionally, CANREC officers may be released from active duty at the end of their specified orders for performance or other reasons as promulgated in reference (at).

12. Selective Early Removal of Reserve Officers from the RASL. In accordance with reference (a), section 14704, whenever the SECNAV determines that there are too many Navy or Marine Corps Reserve officers on the RASL in any grade and competitive category who have at least 30 years of service under reference (a), section 14706, or at least 20 years of service computed under reference (a), section 12732, the SECNAV may convene a selection board under reference (a), section 14101(b), to consider such officers for removal from the RASL.

13. Mandatory Retirement for Age

a. Reserve Officers in the Grades of Warrant Officer, W-1 to O-6. In accordance with reference (a), sections 14509 and 14515, unless retired or separated earlier, a Reserve officer in the grade of Warrant Officer, W-1 through O-6 who is in an active status or on an inactive-status list, has not been recommended for promotion to the grade of O-7, and is not a member of the Retired Reserve will, on the last day of the month in which the officer becomes 62 years of age, be separated in accordance with paragraph 13d of this enclosure.

b. Reserve O-7s. In accordance with reference (a), sections 14510, 14521, and 14515, unless retired, transferred to the Retired Reserve, or discharged at an earlier date, a Reserve O-7 who is in an active status or on an inactive-status list and has not been recommended for promotion to the grade of O-8 will, on the last day of the month in which the officer becomes 62 years of age, be separated in accordance with paragraph 13d of this enclosure unless the SECNAV defers the retirement and retains the officer in an active status until the officer becomes 66 years of age.

c. Reserve O-8s, O-9s, and O-10s. In accordance with reference (a), sections 14511, 14512, and 14515, unless retired, transferred to the Retired Reserve, or discharged at an earlier date, a Reserve O-8, O-9, or O-10 who is in an active status or on an inactive-status list will, on the last day of the month in which the officer becomes 64 years of age, be separated in accordance with paragraph 13d of this enclosure unless the officer's retirement is deferred as follows:

(1) In the case of a Reserve O-8, the SECNAV may defer the retirement and retain the officer in an active status until the officer becomes 66 years of age.

(2) In the case of a Reserve O-9 or O-10, the officer's retirement may be deferred:

(a) By the SECDEF for a period not to extend beyond the first day of the month following the month in which the officer becomes 66 years of age; or

(b) By the President for a period not to extend beyond the first day of the month following the month in which the officer becomes 68 years of age

d. Separation Procedures. In accordance with reference (a), section 14515, a Reserve officer who reaches the statutory maximum age as outlined in paragraphs 13a through 13c of this enclosure will be:

(1) Transferred to the Retired Reserve if the officer is qualified for such transfer and does not request not to be transferred to the Retired Reserve; or

(2) Discharged from the officer's Reserve appointment if the officer is not qualified for transfer to the Retired Reserve or has requested not to be so transferred.

e. Deferral Limitations. In accordance with reference (a), section 14512(b)(1), not more than 10 officers in the grades of O-7 through O-10 may be in a deferred status at any one time under paragraphs 13b and 13c of this enclosure, with numbers distributed between the Navy Reserve and the Marine Corps Reserve as determined by SECNAV.

f. Chief of the Navy Reserve or Commander of the Marine Forces Reserve. In accordance with reference (a), section 14512(b)(2), the SECDEF may defer the retirement of a Reserve officer serving in the position of Chief of Navy Reserve or Commander, Marine Forces Reserve, but such deferment may not extend beyond the first day of the month following the month in which the officer becomes 66 years of age. Such deferment will not count toward the limitation on the total number of officers whose retirement may be in a deferred status under paragraph 13e of this enclosure.

g. Retention of Certain Professional Category Officers on the RASL. Notwithstanding the maximum statutory age requirements for Reserve officers set forth in paragraphs 13a through 13f of this enclosure, certain professional category Reserve officers may be retained on the RASL no later than the date on which the officer becomes 68 years of age.

(1) General Rule. In accordance with reference (a), section 14703, and reference (y), the SECNAV may, with the

officer's consent, retain in an active status any Reserve officer appointed in the Medical Corps, Dental Corps, Nurse Corps, or Chaplains Corps or appointed in the Medical Service Corps and designated to perform as a veterinarian, optometrist, podiatrist, allied health officer, or biomedical sciences officer, provided that such officers are not subject to discharge or removal from the RASL under reference (a), sections 14503, 14504, 14505, or 14506 as implemented by paragraphs 3, 4a, and 4b of this enclosure. No officer will be retained in an active status later than the date on which the officer becomes 68 years of age.

(2) DON Policy and Limitations. The SECNAV will normally authorize retention in Reserve officer continuation plan, but may also authorize retention on an individual basis upon the recommendation of CHNAVPERS or CMC. Retention under this authority will be authorized for Reserve officers in the professional categories listed above who possess skills for which a military requirement exists that cannot be met by Regular or Reserve officers on active duty under age 62, or by Reserve officers in the Ready Reserve under age 62. Reserve officers will not be retained in an active status, or retained on or recalled to active duty in a retired status, solely for increasing retired pay or as a reward for long, distinguished service. If service under these limitations is authorized for an officer who is eligible for retired pay, then such service will be credited to the officer under reference (a), section 12308.

14. Removal from the RASL. In accordance with reference (a), sections 10149 and 10152, and references (ab), and (ak), CHNAVPERS or DC (M&RA) may remove a Reserve officer from the RASL and transfer the officer to the Inactive Status List under any of these circumstances:

a. A Reserve officer is qualified to receive non-Regular retired pay, has not reached an age of entitlement for retired pay under reference (a), section 12731, and failed to earn 50 points (including membership points) during an anniversary year in accordance with references (aa) or (ak).

b. A Reserve officer completed the military service obligation under reference (a), section 651, and reference (o), earned less than 27 retirement points (including membership

points), per anniversary year and for whom no shortage of officers with the same skills exists in the officer's competitive category and grade. However, a Reserve officer will not be removed from the RASL for failure to meet this standard if training during the anniversary year is denied by reason of lack of funds or facilities to provide appropriate training, or if circumstances of an unusual nature exist which preclude the officer from attaining at least 27 retirement points.

c. A Reserve officer completed the military service obligation under reference (a), section 651, and reference (o), and lacks mobilization potential as identified during the annual screenings required by reference (a), section 10149, and reference (ab). These screenings provide a Ready Reserve force composed of members who meet Navy and Marine Corps wartime standards of mental, moral, professional, and physical fitness; possess the military qualifications required in the various ranks, ratings, and specialties; and are available immediately for active duty during a mobilization or as otherwise required by law.

d. A Reserve officer is required by law to be separated and is retirement eligible, but whose retirement has not been completed by the date of required separation. Transfer to the Inactive Status List under this authority is an interim measure and is not to be used in lieu of final separation actions requiring retirement or discharge.

15. Separation and Retirement of Reserve Officers in an Inactive Status in the Standby Reserve. Under reference (a), section 12683, CHNAVPERS and DC (M&RA) may honorably discharge or retire Reserve officers in an inactive status in the Standby Reserve under these circumstances:

a. The officers have been on the Inactive Status List (Standby Reserve) for at least one year.

b. In cases where officers are not eligible for Retired Reserve benefits at age 60 (or if applicable, the appropriate age as specified in section 12731 of reference (a)), the officers may be honorably discharged if they have been notified per paragraph 2 of enclosure (10) and did not reply within the specified period of time or did not object to the discharge.

c. In cases where officers are qualified for Retired Reserve benefits at age 60 (or if applicable the appropriate age as specified in section 12731 of reference a), the officers must be notified and offered options of returning to the Ready Reserve (if appropriate) or transferring to the Retired Reserve. If no response is received within the specified time period, the officers may be transferred to the Retired Reserve if qualified.

16. Separation of Reserve Officers Not on Active Duty for Lack of Mobilization Potential

a. Under reference (a), sections 12641, 12642, and 12683, SECNAV will, when necessary, convene a board of officers to screen Reserve officers not on active duty for their potential and availability for mobilization to active duty. Such screening will include, but is not limited to, officers in these categories:

(1) Officers who have been found by Chief, Bureau of Medicine and Surgery (CHBUMED) to be not physically qualified for active duty or retention in the Navy or Marine Corps Reserve. Such officers must be afforded an opportunity for full and fair hearing before a Physical Evaluation Board before final action on their cases.

(2) Officers who have been found by CHBUMED to be unfit or unsuitable for military service as a result of a medical finding or conditions not amounting to a disability. See paragraph 1e of enclosure (6) for additional guidance. Such officers are not entitled to a hearing before a Physical Evaluation Board.

(3) Officers who fail to undergo a physical examination as required by current regulations.

(4) Officers who fail to keep the command or activity to which the officers are attached informed of the officer's current mailing address.

(5) Officers who fail to respond to or comply with official correspondence within a reasonable period of time.

(6) Officers who decline to accept a permanent appointment to the next higher grade within six months of

approval of the report of the promotion selection board that recommended the officers for promotion.

(7) Officers who have lost professional qualifications for the designator/MOS held and for whom no other designator/MOS is appropriate.

(8) Officers who fail to mobilize when ordered to do so.

(9) Officers who fail to maintain physical readiness standards.

(10) Officers who fail to maintain prescribed service standards.

b. Before the convening of a board referred to in this paragraph, officers considered must be notified and afforded an opportunity to submit matters for consideration by the board.

c. CHNAVPERS or DC (M&RA), upon the board's recommendation that officers referred to in this paragraph should be separated for lack of mobilization potential, will take these actions:

(1) Transfer the officers to the Inactive Status List if the officers are not qualified or do not request transfer to the Retired Reserve;

(2) Recommend to SECNAV the officers be transferred to the Retired Reserve if the officers are qualified and request such transfer; or

(3) Recommend to SECNAV the officers be honorably discharged from the Navy or Marine Corps Reserve.

17. Release from Active Duty of Navy Reserve Officers on the Active-Duty List by Reason of Retirement Eligibility. Navy Reserve commissioned officers and Warrant Officers on the ADL who are eligible to retire with pay under the provisions of any retirement law will be released from active duty with a minimum of six months advance notice not later than the first day of the month following the month in which they become eligible to retire, unless:



- a. Earlier separation is dictated under any other provisions of this instruction;
- b. They officially request retirement in lieu of release from active duty;
- c. They are retained on active duty through the administrative Retention Board and consent to being so retained; or
- d. The conditions described in section 12313(b) of reference (a) apply. To obtain retirement benefits, officers must officially request and be approved for retirement. Officers eligible to retire under section 12731 of reference (a) and qualified for retired pay who are retained on active duty must have prior approval of SECNAV in order to receive active status credit per section 12308 of reference (a).

18. Removal of Ecclesiastical Endorsement. Officers in the Navy Chaplain Corps who can no longer continue professional service as a chaplain because an ecclesiastical endorsing agency has withdrawn its endorsement must be processed for separation in accordance with reference (a), section 643, reference (n), and this instruction using the notification procedure contained in reference (n). Processing under this paragraph is not authorized when there is reason to process for separation for cause under this instruction, except when authorized by SECNAV in unusual circumstances based upon a recommendation by CHNAVPERS.

19. Former Members. Members of the Navy and Marine Corps Reserve who have achieved eligibility to receive non-regular retired pay per section 12731 of reference (a), but are required per this instruction to be discharged rather than transferred to the Retired Reserve, become "Former Members." Having been discharged, these individuals no longer possess any military status. They do, however, remain entitled to receive benefits approved in chapter 54 of reference (a). Additionally, their age 60 compensation will necessarily be adjusted to account for any reduced pay grade resultant from a "Retired Grade Determination" and the fact that they were required to separate earlier from the naval service.

20. Boards Authorized By This Instruction. Boards that are convened by CHNAVPERS or DC (M&RA) under this instruction will be convened per regulations prescribed by CHNAVPERS or DC (M&RA) as appropriate.

21. Secretarial Authority. Nothing in this instruction will be interpreted as preventing SECNAV from separating, releasing from active duty, or requiring officers to show cause for retention where otherwise authorized by law or regulation.

22. Deferral of Retirement or Separation for Medical Reasons. Per reference (a), section 14519, SECNAV or designee may defer, for not more than four months, the retirement or separation of a Reserve 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 retirement or separation date.

**POLICY GOVERNING INVOLUNTARY SEPARATION FOR CAUSE OR PARENTHOOD**

1. Separation for Cause. Officers who do not maintain required standards of performance of duty, or professional or personal conduct may be processed for separation for cause per this instruction when there is reason to believe that one or more of these circumstances exist. Nothing in this instruction is intended to preclude disciplinary action, to include trial by court-martial, when appropriate.

a. Substandard Performance of Duty. Inability of an officer to maintain adequate levels of performance or conduct as evidenced by one or more of these reasons:

(1) Failure to demonstrate acceptable qualities of leadership required of an officer in the member's grade;

(2) Failure to achieve or maintain acceptable standards of proficiency required of an officer in the member's grade;

(3) Failure to properly discharge duties assigned to or expected of an officer in the member's grade;

(4) Failure to satisfactorily complete any course of training, instruction, or indoctrination which the officer has been ordered to undergo;

(5) A record of marginal service over an extended time as reflected in fitness reports covering two or more positions and signed by at least two reporting seniors;

(6) Failure, through inability or refusal, to participate in or successfully complete a rehabilitation program for personal abuse of drugs upon referral. Nothing in this provision precludes separation of an officer who has been referred to such a program under any other provision of this instruction in appropriate cases;

(7) Failure, through inability or refusal, to participate in or successfully complete a rehabilitation program for alcohol abuse upon referral. Nothing in this provision precludes separation of an officer who has been referred to such program under any other provision of this instruction in appropriate cases;

(8) Failure to conform to prescribed standards of dress, weight, personal appearance, or military deportment. This includes failure of Physical Fitness Assessment standards, as outlined in reference (v) for Navy officers, and Physical Fitness Test and Combat Fitness Test standards as set forth in references (w) and (x) for Marine Corps officers;

(9) Unsatisfactory performance of a Warrant Officer, not amounting to misconduct, or moral or professional dereliction.

b. Misconduct, or Moral or Professional Dereliction. Performance or personal or professional conduct (including unfitness on the part of a Warrant Officer) which is unbecoming an officer as evidenced by one or more of these reasons:

(1) Commission of a military or civilian offense which could be punished by confinement of six months or more, or any other misconduct which would require specific intent for conviction;

(2) Unlawful Drug Involvement. Processing for separation is mandatory. Officers will be processed for separation on the basis of unlawful drug activity using BOI procedures in enclosure (11) of this instruction. Exceptions to mandatory processing may be made on a case-by-case basis by SECNAV;

(3) Sexual Misconduct or Perversion. Processing for separation is mandatory for all instances of sexual misconduct or perversion, to include officers who are convicted by a court-martial of an offense constituting sexual misconduct or perversion, but who are not dismissed from the naval service for such a conviction once the conviction is final. If the member is convicted at a court-martial or in a civilian court of federal, state or local U.S. jurisdiction, then the conviction is binding on the issue of whether misconduct occurred and the BOI is required to find that misconduct did occur. See paragraph 1b(12) of this enclosure;

(4) Intentional Misrepresentation or Omission of Material Fact in Obtaining Appointment.

(5) Fraudulent entry into an Armed Force or the fraudulent procurement of commission or warrant as an officer in an Armed Force;

(6) Intentional misrepresentation or omission of material fact in official written documents or official oral statements;

(7) Failure to satisfactorily complete any course of training, instruction, or indoctrination which the officer has been ordered to undergo when such failure is willful or the result of gross indifference;

(8) Marginal or unsatisfactory performance of duty over an extended period, as reflected in successive fitness reports, when such performance is willful or the result of gross indifference;

(9) Intentional mismanagement or discreditable management of personal affairs, including financial affairs;

(10) Misconduct or dereliction resulting in loss of, or failure to obtain, professional status, including withdrawal, suspension, or abandonment of license, endorsement, certification, or clinical medical privileges necessary to perform military duties in the officer's competitive category or Marine Corps Occupational Field. When the loss of professional qualification results solely from the removal of the ecclesiastical endorsement, processing under paragraph 18 of enclosure (5) is required;

(11) A pattern of serious or recurring misconduct, punishable by military or civilian authorities, notwithstanding the fact that such misconduct has not resulted in judicial or nonjudicial punishment under the UCMJ;

(12) Conviction by civil authorities (foreign or domestic) or action taken which is tantamount to a finding of guilty, which would amount to an offense under the UCMJ. Officers may be separated based on civilian convictions or actions tantamount to findings of guilt, including but not limited to: adjudication withheld; deferred prosecution; entry in adult/juvenile pretrial intervention programs; or any similar disposition of charges that includes imposition of fines,

probation, community service, etc., when the offense would warrant a punitive discharge as set forth in Appendix 12 of the Manual for Courts-Martial (MCM) for the same or closely related offenses; specific circumstances of the offense warrant separation; or the civil sentence includes confinement for six or more months without regard to suspension, probation, or early release. All civilian convictions (federal, state, and local), including any actions tantamount to findings of guilt as set out above, are binding on the issue whether misconduct has occurred, and a BOI is required to find that such misconduct did occur;

(13) One or more substantiated incidents of misconduct resulting from the officer's active participation in extremist or supremacist activities which, in the independent judgment of the Show Cause Authority, is more likely than not to undermine unit cohesion or be detrimental to the good order, discipline, or mission accomplishment of the command or unit. Such misconduct must relate to:

(a) Illegal discrimination based on race, color, national origin, religion, sex (including gender identity), or sexual orientation; or

(b) Advocating the use of force or violence against any Federal, State, or local Government, or any unit or agency thereof, in contravention of Federal, State, or local laws.

(14) An officer who has been referred to a program of rehabilitation, education and/or counseling for sex offenders may be separated for failure, through inability or refusal, to participate in such a program. Nothing in this provision precludes separation of an officer who has been referred to such a program under any other provision of this instruction in appropriate cases;

(15) Failure of an officer to obtain or maintain a required level of security clearance is a basis for separation. All officers must be eligible to obtain a security clearance in order to be retained in the naval service.

c. Retention is not Clearly Consistent with the Interests of National Security. An officer (except a retired officer) may be separated from the naval service when it is determined that the officer's retention is not clearly consistent with the

interests of national security. This provision applies when a determination has been made under the provisions of reference (g) that administrative separation is appropriate.

d. Resignation in Lieu of Trial by Court-Martial

(1) Basis. In cases where an officer is pending a trial by court-martial (charges preferred with respect to an offense for which a punitive discharge is authorized), the officer may submit a request for resignation in lieu of trial by court-martial. This provision will not be used when Rule for Courts-Martial 1003(d) of the MCM provides the sole basis for a punitive discharge unless the charges have been referred to a court-martial authorized to adjudge a punitive discharge.

(2) Characterization of Service. Characterization of service should normally be under Other Than Honorable conditions, but General (under Honorable conditions) may be warranted under the guidelines in enclosure (8). Characterization of service as Honorable is not authorized unless the respondent's record is otherwise so meritorious that any other characterization would be clearly inappropriate.

(3) Procedures

(a) The resignation must be submitted in writing and signed by the officer.

(b) The officer must be afforded an opportunity to consult with qualified counsel. If the member refuses to do so, the CO will prepare a statement to this effect which will be attached to the file, and the officers must state that he or she waived the right to consult with counsel.

(c) Unless the officer has waived the right to counsel, the request must also be signed by counsel.

(d) In the written request, the officer must state that he or she understands:

1. The elements of the offense or offenses charged;

2. That characterization of service under Other Than Honorable conditions is authorized, and

3. The adverse nature of such a characterization and possible consequences.

(e) The request must also include:

1. An acknowledgment of guilt of one or more of the offenses charged, or of any lesser included offense, for which a punitive discharge is authorized, and

2. A summary of the evidence or list of documents (or copies thereof) provided to the officer pertaining to the offenses for which a punitive discharge is authorized.

(f) Statements by the officer or the officer's counsel submitted in connection with a request under this subsection are not admissible against the member in a court-martial except as provided by Military Rules of Evidence (M.R.E.) 410, MCM.

e. Conditions Not Constituting a Physical Disability. In accordance with reference (b), section 9, an officer may be subject to involuntary separation using notification procedures on the basis of a condition not constituting a physical disability that interferes with the assignment to or performance of duty and that is not specifically listed as compensable under the Veteran Affairs Schedule for Rating Disabilities (VASRD). Officers with conditions that interfere with the performance of duty and that are listed as compensable under the VASRD will be referred into the Disability Evaluation System (DES) under reference (c). In situations where the officer has both types of conditions, referral to the DES is required. Separation on the basis of a condition not constituting a physical disability will not be used when separation is warranted on the basis of substandard performance of duty, misconduct, or moral or professional dereliction.

(1) Procedures. The following procedures will be used if an officer has a condition not constituting a physical disability that interferes with the assignment to or performance of duty and that is not listed as compensable under the VASRD.



(a) Counseling. Separation processing will not be initiated until the officer:

1. Is formally counseled on his or her deficiencies and given an opportunity to correct those deficiencies; and

2. Is counseled in writing that the condition does not qualify as a disability.

(b) Medical Officer Evaluation. The command will refer the officer to the cognizant medical officer for evaluation of the condition not constituting a physical disability. The medical officer will forward the medical evaluation to a Medical Evaluation Board (MEB) convening authority for endorsement.

(c) MEB Convening Authority Endorsement. A MEB convening authority appointed by the Bureau of Medicine and Surgery (BUMED) must endorse a medical officer's evaluation for the administrative separation of an officer on the basis of a condition not constituting a physical disability within five business days of receipt. In cases not requiring Flag medical officer review, the MEB convening authority will route the endorsement to the cognizant command. The appropriate International Statistical Classification of Diseases and Related Health Problems (ICD-10) code must be included. BUMED and the services will use the ICD-10 code to track and analyze this basis for separation. The Navy and Marine Corps will retain copies of the MEB convening authority's recommendation for separation, the processing history, and the MEB decision.

(d) Flag Medical Officer Review. A Flag medical officer review is required if the officer meets one or more of these criteria: a Personality Disorder (PD) is the underlying condition not constituting a physical disability; the officer has greater than four years of service; the officer has deployed to an imminent danger pay area during the previous 24 months; or the officer has completed or will complete a Post-Deployment Health Assessment.

1. In the case of a Navy officer, the MEB convening authority will forward the separation recommendation

to the Commander, Navy Medicine East, or Commander, Navy Medicine West, for Flag medical officer review.

2. In the case of a Marine Corps officer or a Navy officer assigned to the Marine Corps, the MEB convening authority will forward the separation recommendation to the Medical Officer/Director of Health Services of the Marine Corps for Flag medical officer review.

3. The Flag medical officer will complete review of the MEB convening authority's separation recommendation within five business days of receipt, and forward the package to the cognizant command.

(2) PD; Other Mental Disorder. Separation on the basis of a personality disorder or other mental disorder not constituting a physical disability is authorized only if these criteria are met:

(a) An examination is made by an authorized mental health provider in accordance with reference (aq), the Diagnostic and Statistical Manual of Mental Disorders, and DON procedures, and the health provider concludes that the disorder is so severe that the officer's ability to function effectively in the military environment is significantly impaired. Observed behavior of specific deficiencies should be documented in appropriate counseling or personnel records. Documentation will include history from supervisors, peers, and others, as necessary, to establish that the behavior is persistent, interferes with assignment to or performance of duty, and continued after the officer was counseled and afforded an opportunity to overcome the deficiencies.

(b) The officer was formally counseled in writing on deficiencies as reflected in appropriate counseling or personnel records and has been afforded an opportunity to overcome those deficiencies.

(c) The officer was counseled in writing on the diagnosis of a personality disorder or other mental disorder not constituting a physical disability.

(d) If the officer served or is currently serving in an imminent danger pay area, then a diagnosis of PD or other mental disorder not constituting a physical disability will:

1. Be corroborated by a peer, or higher-level, mental health professional;

2. Be endorsed by the Surgeon General of the Navy;

3. Address Post Traumatic Stress Disorder (PTSD) and other mental illness co-morbidity. A separation for personality disorder or other mental disorder not constituting a physical disability is not authorized if service-related PTSD is also diagnosed unless the officer is found fit for duty by the DES.

(3) Separation for PD or other mental disorder not constituting a physical disability is not appropriate when separation is warranted on the basis of substandard performance of duty, misconduct, or moral or professional dereliction. In such circumstances, the officer should not be separated under paragraph 1e of this enclosure regardless of the existence of a personality disorder.

f. Multiple Reasons. An officer must be processed for separation for all of the aforementioned reasons that are applicable.

2. Parenthood. Officers may be separated by reason of parenthood if it is determined that the officers are unable to perform their duties satisfactorily or are unavailable for worldwide assignment or deployment. Officers who are separated by reason of parenthood will be assigned an Honorable or General (Under Honorable Conditions) characterization of service.

**GUIDELINES ON SEPARATIONS FOR CAUSE**

1. Advance Notification. COs must report to the SCA all incidents (including information received through any source, e.g., Naval Criminal Investigative Service (NCIS), Naval Inspector General) involving any officer whose performance or conduct is such that processing for separation may be appropriate under this instruction.
2. Action of the SCA. The SCA will:
  - a. Review and evaluate the officer's record and all information presented about the case under consideration.
  - b. Determine whether the record contains sufficient information as to one or more of the reasons specified in this instruction to require the officer to show cause for retention.
  - c. Close the case and cease all processing if the record does not contain sufficient information to require the officer concerned to show cause for retention.
  - d. Process the officer for separation pursuant to the guidelines set forth in paragraphs 3 through 6 of this enclosure.
  - e. If an officer is directed to show cause for retention in the naval service before a BOI, the SCA will provide the officer with written notification of the reasons for making such a show cause determination.
3. Processing Probationary Officers for Separation
  - a. In cases where the SCA deems that an Other Than Honorable discharge may be appropriate, or in other cases deemed appropriate, the SCA may refer the case directly to a BOI using the procedures in enclosure (11) of this instruction.
  - b. If a probationary officer is being considered for separation for one or more of the reasons contained in paragraph 1 (Separation for Cause) or paragraph 2 (Parenthood) of enclosure (6), and the SCA determines that an Honorable or General (Under Honorable Conditions) service characterization is

appropriate, then the SCA may initiate separation without a BOI using the notification procedures in enclosure (10).

c. Notwithstanding any other provision of this instruction, an inactive-duty probationary officer undergoing initial qualification training, who fails to successfully complete the program required for retention of the appointment or issuance of the subsequent required reappointment, as appropriate, may be honorably discharged by the SCA, after notification per enclosure (10) of this instruction.

d. Notwithstanding any other provision of this instruction, Regular probationary officers, other than Warrant Officers, and Reserve probationary officers may, upon approval of SECNAV, be discharged when there is a need to reduce the number of officers in either the Navy or the Marine Corps to meet budgetary or force management requirements. See enclosure (4), paragraph 11 and enclosure (5), paragraph 8. The provisions of enclosure (10) do not apply to the discharge of probationary officers under this authority, which will be exercised per procedures established by CHNAVPERS and DC (M&RA) and submitted for approval to SECNAV before implementation.

e. SECNAV may refer any case which he considers appropriate to a BOI.

#### 4. Processing Non-Probationary Officers for Separation

a. If a non-probationary officer is being considered for separation for one or more of the reasons contained in paragraph 1 (Separation for Cause) or paragraph 2 (Parenthood) of enclosure (6), then the SCA will process such officer for separation using the BOI procedures in enclosure (11).

b. In all other cases, the SCA may process a non-probationary officer for separation whose performance or conduct is such that processing is considered appropriate under this instruction.

c. Limitation for Retirement-Eligible Officers. Only CHNAVPERS and DC (M&RA) may authorize a retirement-eligible officer to show cause for retention in the naval service with the least favorable service characterization of General (Under Honorable Conditions) or Other Than Honorable. Other Navy and

Marine Corps SCAs must obtain approval from CHNAVPERS and DC (M&RA) before a BOI may recommend a service characterization less favorable than Honorable. If CHNAVPERS and DC (M&RA) grant such approval, then the SCA may direct show cause and instruct the BOI to make recommendations regarding the service characterization and retirement grade in accordance with the guidance in enclosures (8) and (9) of this instruction.

5. Processing Officers Recommended for Separation by Promotion Selection Boards

a. CHNAVPERS and DC (M&RA), as the Navy and Marine Corps SCAs, respectively, may also initiate processing for separation under these circumstances:

(1) If the report of a promotion selection board convened under chapters 36 or 1403 of reference (a) notifies SECNAV that an officer's record, in the opinion of the majority of the board members, indicates that the officer should be required to show cause for retention on active duty or in an active status because of substandard performance of duty, misconduct, moral, or professional dereliction, or because retention is not clearly consistent with the interests of national security; or

(2) If the report of a selection board convened under references (h) or (i) notifies SECNAV that a Warrant Officer's record, in the opinion of the majority of the board members, establishes the Warrant Officer's unfitness or unsatisfactory performance.

b. CHNAVPERS and DC (M&RA) will take action on a promotion selection board's recommendation using the procedures outlined in paragraph 2 of this enclosure.

6. Processing Certain Permanent Reserve Warrant Officers for Separation

a. Reserve Warrant Officers with less than five years of service as a Warrant Officer may be separated from the Navy or Marine Corps Reserve at any time without the benefit of a hearing or board procedure for any reason discussed in paragraphs 1 (Separation for Cause) or 2 (Parenthood) of

enclosure (6). The notification procedure contained in enclosure (10) must be used.

b. Reserve Warrant Officers, regardless of length of commissioned service or service as a Warrant Officer, may be separated from the Navy or Marine Corps Reserve at any time without the requirement of a hearing or board procedure for any reason discussed in paragraphs 13a (Age Restrictions) or 16 (Lack of Mobilization Potential) of enclosure (5).

c. Reserve Warrant Officers with more than five years of service as a Warrant Officer may be separated for any reason set forth in paragraphs 1 (Separation for Cause) or 2 (Parenthood) of enclosure (6) only upon recommendation of a BOI as provided in enclosure (11).

7. Regular LDOs and Warrant Officers with Temporary Appointments. As prescribed by reference (a), section 8146, SECNAV may at any time terminate the temporary appointment of Regular LDOs or Warrant Officers of the naval service without the requirement for a hearing or a board of officers. The notification procedure of enclosure (10) must be used. Accordingly, individuals whose temporary appointments are terminated may revert to their permanent status as Warrant Officers or enlisted members. The provisions of this instruction apply to the administrative processing of temporary LDOs who revert to Warrant Officer status. The provisions of references (ac), (ad), and (t), as applicable, apply to the administrative processing of Navy or Marine Corps members who revert to enlisted status.

8. Permanent Regular Warrant Officers

a. Permanent Regular Warrant Officers who, from the date when they accepted their original permanent appointments as Warrant Officers in that component, have not completed three years of continuous active service may, under section 1165 of reference (a), have their appointments terminated at any time without the requirement of a hearing or board processing. The notification procedure of enclosure (10) must be used.

b. Permanent Regular Warrant Officers who have completed three or more years of continuous active service from the date when they accepted their original permanent appointments as

Warrant Officers may have their appointments terminated for any reason contained in paragraphs 1 (Separation for Cause) or 2 (Parenthood) of enclosure (6) only upon recommendation by a BOI as provided in enclosures (9) and (11).

c. Permanent Regular Warrant Officers, who are not eligible for retirement, may apply for enlistment in the highest enlisted grade previously held under section 515 of reference (a) if discharged because of any reason contained in paragraph 1a (Substandard Performance of Duty) or 1b (Misconduct) of enclosure (6). Permanent Regular Warrant Officers with three or more years of continuous active service from the date of acceptance of original permanent appointment who are identified by a promotion selection board as being unfit or unsatisfactory in the performance of duty will be afforded the opportunity to appear before a BOI before separation or termination of appointment.

9. Retention to Fulfill Military Service Obligation

a. A Regular officer who has not completed the eight-year military service obligation in paragraph 4a of enclosure (3), and who is honorably discharged from the Regular component by SECNAV for reasons set forth in paragraph 1a (Substandard Performance of Duty) or paragraph 2 (Parenthood) of enclosure (6), may be tendered a Reserve commission and transferred to the Ready Reserve to complete that obligation, unless medical reasons preclude availability to meet mobilization requirements or SECNAV determines the officer has no potential for service in the Reserve Component.

b. A Reserve officer who has not completed the eight-year military service obligation in paragraph 4a of enclosure (3), and who would otherwise be honorably discharged from the Navy or Marine Corps Reserve by SECNAV for reasons set forth in paragraph 1a (Substandard Performance of Duty) or paragraph 2 (Parenthood) of enclosure (6), may, if on active duty, be released from active duty and transferred to the Ready Reserve, or, if in an active status, be retained in the Ready Reserve, to fulfill that obligation, unless medical reasons preclude availability to meet mobilization requirements or SECNAV determines the officer has no potential for service in the Reserve Component.



c. To assist SECNAV in making the determination under this paragraph, CHNAVPERS or CMC must include an assessment of the officer's potential for service in a Reserve Component in the endorsement to SECNAV under the provisions of enclosures (10) or (11).

10. Dropping from the Rolls

a. Pursuant to reference (a), sections 1161, 8375, and 12684, any commissioned officer may be dropped from the rolls of the Navy or Marine Corps if he or she:

(1) Has been absent without authority for at least three months;

(2) Has been sentenced to confinement in a Federal or State penitentiary or correctional institution after having been found guilty of an offense by a court other than a court-martial or other military court, and whose sentence has become final; or

(3) Except for Warrant Officers (W-1) has been sentenced to confinement for more than six months by a court-martial, when the officers have served in confinement for a period of six months and their sentence becomes final.

b. For purposes of this paragraph, finality of the sentence of a civilian or military court will occur upon completion of all appeals to which the defendant is entitled by law.

c. Action to initiate dropping an officer from the rolls will normally be undertaken by CHNAVPERS or DC (M&RA) on a case-by-case basis after a finding that one or more of the above conditions exist.

d. Neither a hearing nor a Board is required in order to drop an officer from the rolls. However, any officer so considered must be notified of such prospective adverse action (or reasonable efforts will be made to provide such notification if actual notification cannot be made) and provided the opportunity to respond within 30 calendar days of receipt of notification. Upon completion of the dropping from the rolls action, notification will be addressed to the officer concerned.

11. Special Provisions

a. No officer will be discharged under this instruction under Other Than Honorable conditions without first being afforded the opportunity to have his or her case heard before a BOI.

b. If processing by a BOI is mandatory in order to release an officer from active duty or discharge the officer, such action will not be taken except upon the approved recommendation of such a board, or upon the officer's voluntary written waiver of the right to a hearing before the board.

c. The Separation Authority will not consider requests for reconsideration unless the officer ordered discharged presents material new evidence in support of retention that the Separation Authority had not previously considered. The officer must provide substantial evidence in the reconsideration request that, through no fault of the officer, and despite exercising reasonable diligence during separation processing, the evidence was unknown to the officer before the Separation Authority's action on the original separation request. An officer requesting reconsideration may only make such a request before his or her separation from the naval service.

12. Limitations

a. Subject to subparagraph 12c, an officer who is processed for separation because of Substandard Performance of Duty (subparagraph 1a of enclosure (6)) or Parenthood (paragraph 2 of enclosure (6)) and who is determined to have established that he or she should be retained on active duty may not again be processed for separation for the same reasons within a one-year period beginning on the date of that determination.

b. Subject to subparagraph 12c, an officer who is processed for separation for Misconduct, Moral or Professional Dereliction (subparagraph 1b of enclosure (6)), or in the Interest of National Security (subparagraph 1c of enclosure (6)) and who is determined to have established that he or she should be retained on active duty may again be required to show cause for retention at any time.

c. An officer will not again be processed for separation under subparagraphs 12a or 12b of this enclosure solely because of performance or conduct which was the subject of previous separation processing, unless the findings and recommendations of the board that considered the case are determined to have been obtained by fraud or collusion.

d. Unless consideration of evidence of pre-service misconduct is authorized pursuant to subparagraph 2d(1) of enclosure (8), whenever evidence of pre-service misconduct is presented to a board, the board may consider it only for deciding whether to recommend separation or retention of the respondent; such evidence cannot be used in determining the recommendation for characterization of service; and the board must affirmatively state in its report that such evidence was considered only for purposes of determining whether it should recommend retention or separation of the officer.

e. Performance or conduct identified more than five years before the initiation of processing for separation under paragraph 3 of this enclosure cannot form the basis for processing under this enclosure. Performance or conduct is deemed to have been "identified" when it is reported to the SCA. "Initiation of processing" is deemed to have occurred when officers are officially notified of administrative separation processing by the SCA.

f. Only CHNAVPERS and DC (M&RA) have authority to direct a retirement-eligible officer to show cause for retention in the naval service with the least favorable service characterization of General (under Honorable conditions) or Other Than Honorable. Paragraph 4c of this enclosure contains additional procedural guidance for SCAs.

13. Final Disposition of Cases Processed Under Board Procedures. SECNAV will take final action in any case wherein the commission or warrant of officers are to be terminated or the officers are to be discharged under board action. In addition to directing retention on active duty, SECNAV may take these actions:

a. Retirement and Resignation. An officer (Regular or Reserve, Temporary or Permanent) who is being considered for removal from active duty in accordance with this instruction and

who is eligible for voluntary retirement under any provision of law on the date of such removal, may, upon approval by SECNAV, be retired in the highest grade in which he or she served satisfactorily as determined by SECNAV under the guidelines of enclosure (9). Such a retirement is considered voluntary for purposes of determination of the officer's retirement. An officer who is not eligible for retirement may submit a request for a qualified or unqualified resignation or a resignation for the good of the service. Eligibility for retired pay of an officer convicted by a court other than a court-martial or other military court will be determined pursuant to section 8312 of reference (a) or pursuant to paragraph 10 of enclosure (7) of this instruction.

(1) A requests for such resignation and retirement will be addressed to SECNAV, via CHNAVPERS or the DC (M&RA), as appropriate.

(2) CHNAVPERS or DC (M&RA) must, unless the request is denied, submit the request to SECNAV with the case file and recommendations. CHNAVPERS and DC (M&RA) will normally deny, on behalf of SECNAV, such resignations and requests for retirement while actions against the officer under the UCMJ are pending.

(3) Unless the requested characterization of service is consistent with the guidelines contained in enclosure (8) of this instruction, such resignations will normally be denied.

(4) Under section 8329 of reference (a), no officer of the Navy or Marine Corps may be retired because of misconduct for which trial by court-martial would be appropriate.

(5) A request for resignation or retirement has no effect unless accepted or approved by SECNAV.

b. Discharge. An officer (Regular or Reserve, Temporary or Permanent) discharged for cause in accordance with this enclosure, if ineligible for voluntary retirement under any provision of law on the date of such removal, will, at the direction of SECNAV, be:

(1) Honorably discharged in the grade then held when the only basis for discharge is Substandard Performance of Duty under subparagraph 1a of enclosure (6);

(2) Honorably discharged in the grade then held when the only basis for discharge is Parenthood under paragraph 2 of enclosure (6); or

(3) Discharged with an appropriate characterization of service under guidelines in enclosure (8) when the grounds for discharge are misconduct, moral or professional dereliction, or because retention is not clearly consistent with the interests of national security under subparagraphs lb or lc of enclosure (6).

c. SECNAV may retain the officer under the provisions of paragraph 9 of this enclosure.

**GUIDELINES ON CHARACTERIZATION OF SERVICE**

1. General Guidance. Characterization of service incident to separation for cause will be based on the officer's record of performance and conduct, including particularly the acts or omissions giving rise to separation for cause.

a. In accordance with sections 576, 1186, and 14902 of reference (a), when the separation is solely for reasons constituting substandard performance of duty, the characterization will be Honorable.

b. When the separation is solely for removal of ecclesiastical endorsement, the characterization will be Honorable.

c. The serious nature of misconduct or moral or professional dereliction on the part of an officer normally requires separation be under Other Than Honorable conditions. However, characterization as General (under Honorable conditions) may be warranted under the guidelines below. Characterization as Honorable is not authorized unless the officer's record is otherwise so meritorious that under the particular circumstances any other characterization would be clearly inappropriate.

d. When separation is for reasons of national security, the characterization should be based on the seriousness of the acts or omissions and the guidelines below.

e. An appropriate characterization of service must be determined for all officer separations.

2. Characterization of Service

a. Honorable. Officers whose quality of service has generally met the standards of acceptable conduct and performance of duty for officers of the naval service, or is otherwise so meritorious that any other characterization would be clearly inappropriate, will have their service characterized as Honorable.

b. General (Under Honorable Conditions). If an officer's service has been honest and faithful, but negative aspects of

the officer's conduct or performance of duty outweigh the positive aspects of his or her conduct or performance of duty as documented in the officer's military record, it is appropriate to characterize that service as General (Under Honorable Conditions).

c. Under Other Than Honorable Conditions. This characterization is appropriate when the officer's conduct or performance of duty, particularly the acts or omissions that give rise to the reasons for separation, constitute a significant departure from that required of officers of the naval service. Examples of such conduct or performance include acts or omissions which, under military law, are punishable by confinement for six months or more; abuse of a special position of trust; an act or acts which bring discredit upon the armed services; disregard by a superior of customary superior-subordinate relationships; acts or omissions that adversely affect the ability of the military unit or the organization to maintain discipline, good order, and morale or endanger the security of the United States or the health and welfare of other members of the Armed Forces; and deliberate acts or omissions that seriously endanger the capability, security, or safety of the military unit or health and safety of other persons. An officer being separated under Other Than Honorable conditions must be informed, in writing, that he or she may petition the Veterans Benefits Administration of the Department of Veterans Affairs (VA) for certain benefits under the laws administered by the Secretary of VA, despite the characterization of the officer's service.

d. Limitations

(1) Service will be characterized as Honorable when the grounds for separation are based solely on preservice activities, other than intentional misrepresentation, or intentional omission of facts, in obtaining an appointment or in official statements or records.

(2) Service will be characterized as Honorable when the sole reason for discharge is personal abuse of drugs, as defined in reference (f), and the evidence of the unlawful drug involvement is developed solely as a result of the officer's volunteering for treatment under a self-referral program for treatment of drug abuse, per reference (f).

(3) Conduct in the civilian community of members of a Reserve component who are not on active duty or active duty for training may form the basis for characterization as under Other Than Honorable conditions only if such conduct directly affects the performance of the members' military duties. Such conduct may form the basis for characterization as General (Under Honorable conditions) only if such conduct has an adverse effect on the overall effectiveness of the naval service, including military morale and efficiency.

(4) If an officer tests positive for the presence of illegal drugs in the officer's body while in an active or inactive duty status, or while otherwise subject to Article 2 of the UCMJ, the drug abuse will be deemed to have directly affected the officer's readiness and performance of military duties. In such cases, drug abuse by a Reserve officer may form the basis for characterization as Under Other Than Honorable conditions or General (Under Honorable conditions).



**GUIDELINES ON RECOMMENDATIONS - GRADE AT RETIREMENT**

1. Introduction

a. General Rule. In accordance with section 1370(a) of reference (a), a commissioned officer (other than a commissioned Warrant Officer) shall be retired in the highest grade in which he or she served on active duty satisfactorily, as determined by SECNAV, for not less than six months. This rule does not apply to commissioned officers subject to retirement for disability under reference (a), chapter 61, or those eligible for retired pay for non-Regular service under reference (a), chapter 1223.

b. Three-Year Time-in-Grade Requirement. In addition to serving on active duty satisfactorily in the present grade for not less than six months, commissioned officers in the grade of O-5 or O-6 are expected to serve a minimum of three years' time-in-grade in order to be eligible for voluntary retirement in that grade.

c. BOI Recommendation for Retirement Grade

(1) If a BOI recommends that a retirement-eligible officer be separated for cause based on substandard performance of duty under subparagraph 1a of enclosure (6), misconduct or moral or professional dereliction under subparagraph 1b of enclosure (6), or because retention is not clearly consistent with the interests of national security under paragraph 1c of enclosure (6), then the BOI must also make a recommendation as to retirement grade. The BOI will determine the highest grade in which the officer served on active duty satisfactorily for not less than six months and make a recommendation as to retirement grade. Six months of satisfactory service in the present grade does not preclude retirement in a lesser grade. Rather, as a threshold matter, it is a requirement that an officer must serve six months satisfactorily, in addition to having the requisite time in grade, to retire in his or her present grade.

(2) In those cases where a BOI has determined that no substandard performance of duty, misconduct or moral or professional dereliction occurred, or where a BOI has recommended that an officer should be retained notwithstanding such substandard performance of duty, misconduct or moral or

professional dereliction, the case will be closed. If the case is closed, then no retirement grade determination will be required unless subsequently there is evidence uncovered of fraud or collusion on the BOI or additional misconduct or dereliction of duty independently warranting a second BOI.

2. Satisfactory Service Determination for Retirement Grade. In the case of an officer whom SECNAV determines committed misconduct in a lower grade, SECNAV may determine the officer has not served satisfactorily in any grade equal to or higher than that lower grade. This determination will be made by SECNAV without a BOI in those cases, forwarded per paragraph 2d or 3 of this enclosure, where the officer has submitted a voluntary retirement request. In any other case where CHNAVPERS or DC (M&RA) determines that retirement in a lesser grade may be appropriate, a BOI must be convened, per enclosure (11), to recommend whether the officer should be retired in the current grade or a lesser grade. In making this recommendation, the BOI must determine the highest grade in which the officer served on active duty satisfactorily. Regardless of whether the factual basis for separation for cause occurred before or after the passage of six months of satisfactory service in the current grade, the BOI may find and recommend that the highest grade in which the officer served satisfactorily is the grade prior to the grade in which the conduct in question occurred. The BOI determination is merely a recommendation and the final decision as to retirement grade rests with SECNAV. Finally, the procedures in this enclosure do not apply to officers retiring in the grades of O-9 and O-10. Reference (af) governs retirements in the grades of O-9 and O-10.

a. General Guidance. A recommendation that an officer has or has not served satisfactorily in the grade currently held will be based on a determination made after considering all relevant factors, such as the nature of the particular substandard performance of duty, misconduct or moral or professional dereliction, or national security interests affected by the officer's conduct. If a BOI is held, the record must support such a determination. In the case of a retirement-eligible officer, the BOI or officials reviewing the retirement request should recommend retirement in a lesser grade if the BOI or reviewing officials determine that the officer's performance, misconduct, moral or professional dereliction, or national security interests affected by the officer's conduct was serious

enough to constitute a significant departure from the conduct required of officers of the naval service. Examples of such conduct include, but are not limited to: abuse of a special position of trust; an act which brings discredit upon the armed services; disregard by a superior of customary superior-subordinate relationships; an act or omission that adversely affects the ability of the military unit or the organization to maintain discipline, good order, and morale or endangers the security of the United States or the health and welfare of other members of the Armed Forces; and a deliberate act or omission that seriously endangers the capability, security, or safety of the military unit or health and safety of other persons. However, when the officer's record, in spite of the substandard performance of duty, misconduct, moral or professional dereliction, or national security interests affected, is otherwise so meritorious as to demonstrate that the officer served satisfactorily in the grade currently held, the recommendation should be for retirement in that grade.

b. Specific Factors. In considering the highest grade in which an officer served satisfactorily, these factors should normally be considered:

(1) The nature and severity of the substandard performance of duty, misconduct, moral or professional dereliction, or national security interests affected by the officer's conduct;

(2) The officer's conduct and its relation to, and effect on, the performance of military duties;

(3) All fitness reports and other portions of the service record which reflect performance in the current grade. In this regard, it is appropriate to consider whether the misconduct was known by reporting seniors, and if not, what effect, if any, it might have had on the officer's record;

(4) Time in current grade, and relation between such time and the time of the officer's conduct;

(5) Other relevant matters presented either by the record or the officer; and

(6) Chain of command recommendations.

c. Conditional Retirement Grade Determination. When an officer is under investigation for alleged misconduct at the time of retirement, a BOI should not consider the alleged misconduct when making the retirement grade determination. In such cases, the SECNAV may conditionally determine the highest grade of satisfactory service of the officer pending completion of the investigation. Such grade is subject to resolution under section 1370(b)(3) of reference (a). A determination or certification of the retired grade of an officer will be resolved following a conditional determination or conditional certification if the investigation of or personnel action against the officer, as applicable, results in adverse findings. If the retired grade of an officer is reduced, the retired pay of the officer will be recalculated, and any modification of the retired pay of the officer will go into effect on the effective date of the reduction in retired grade.

d. Forwarding Procedures

(1) All voluntary retirement requests from officers who have been the subject of any substantiated adverse finding or conclusion from an officially documented investigation or inquiry (except minor infractions as determined by CHNAVPERS or DC (M&RA)) must be forwarded to SECNAV for a retirement grade determination if: for officers in grades O-7 and O-8, the investigation or inquiry was completed subsequent to the officer's most recent Senate confirmation; or, for officers in grades O-5 and O-6, the investigation or inquiry was completed within two years of the date the voluntary retirement request is submitted. However, CHNAVPERS or DC (M&RA) may, in their discretion, forward a case completed prior to the two years before the date of the voluntary retirement request if circumstances warrant.

(2) Before forwarding a voluntary retirement request to SECNAV, CHNAVPERS, or DC (M&RA) must notify the officer in writing:

(a) That the officer's voluntary retirement request is being forwarded to SECNAV for a retirement grade determination;

(b) The factual basis supporting the substantiated adverse finding or conclusion from the officially documented investigation or inquiry;

(c) The recommended retirement grade and, if specifically authorized, characterization of service;

(d) That the officer may submit a rebuttal or decline to make a statement;

(e) That the officer has the right to confer with counsel, as provided in paragraph 3 of enclosure (10);

(f) That the officer will, upon request, be provided copies of the records or documents to be forwarded to SECNAV, provided that the documents would not be exempt from release under any provisions of the Freedom of Information Act or Privacy Act (classified documents may be summarized);

(g) That the officer has the right to waive subparagraphs (d), (e), and (f) of this paragraph and that failure to respond will constitute waiver of the rights in these paragraphs; and

(h) That the officer has a specified period of time to respond to the notification as provided in paragraph 4 of enclosure (10).

(3) The officer's response must be forwarded to CHNAVPERS or DC (M&RA) with appropriate command recommendations. CHNAVPERS or DC (M&RA) will review the request and all related material and forward the case file to SECNAV, via CNO or CMC for officers in the paygrade O-7 or O-8, with a retirement grade recommendation;

e. The final determination of retirement grade rests exclusively with SECNAV. Commanders, COs, or Officers in Charge are not authorized to enter into agreements in which an officer is to be retired at a particular grade level.

### 3. Retirement-Eligible Officer

a. Any officer being considered for administrative show cause processing per this instruction who is eligible for

voluntary retirement under any provision of law may request voluntary retirement. The request must be submitted via CHNAVPERS or DC (M&RA) and will include this information:

(1) A statement that the officer understands that a BOI will not be convened to make a recommendation to SECNAV on retirement grade or characterization of service (if specifically authorized);

(2) A statement that the officer understands that SECNAV may retire him or her in a lesser paygrade than currently held; and the retirement grade will be the highest grade in which the officer served satisfactorily, as determined by SECNAV, for not less than six months;

(3) A statement that the officer has consulted with counsel, including counsel's name, grade, and branch of service. If civilian counsel is retained, provide the name and address. If the officer waives his or her right to consult with counsel, then a statement stating the same must be included;

(4) A statement that the officer admits that his or her performance of duty was substandard, and if the officer is being required to show cause for misconduct, moral or professional dereliction, or because retention is not clearly consistent with the interests of national security, or if the officer could have been ordered to show cause for one or more of such bases but for the officer's voluntary retirement request, that he or she admits committing the misconduct or conduct that constituted the moral or professional dereliction, or affected the interests of national security. The statement must include that the officer understands that he or she could receive a General (under Honorable conditions) or an Other Than Honorable discharge, if characterization of service has been specifically authorized;

(5) A statement by the officer that the request is voluntary and may be withdrawn only with the permission of SECNAV; and

(6) A statement by the officer that he or she does or does not desire to provide supplemental material to SECNAV for consideration. Any supplemental material provided by the officer will be attached to the request.

b. The request must also include a copy of the investigation or other documentation pertaining to the substandard performance of duty, misconduct, moral or professional dereliction, or impact on the interests of national security.

c. The request will be forwarded with appropriate command endorsements. Each endorsement must include a recommendation to approve or disapprove the request, a statement indicating the highest grade in which the officer served satisfactorily for not less than six months, and, if specifically authorized per paragraph 4c of enclosure (7), a recommended characterization of service. Any relevant information or investigative material not included in the original request should also be included. Any new factual material, however, must be provided to the officer for review and comment.

#### 4. Retired Officer

a. Retirement Grade Determinations. Officer grade determinations are normally accomplished upon retirement, and the officer's grade is fixed at that time. However, a retirement grade determination may be reopened by SECNAV, or his or her delegate, after retirement if any of these conditions are met:

(1) The retirement and/or accompanying grade determination was procured by fraud;

(2) Substantial new evidence comes to light after the retirement that could have led to a lower retired grade if known by competent authority at the time of the retirement;

(3) A mistake of law or mathematical miscalculation led to an improper separation or grade determination;

(4) When the SECNAV made a conditional retirement grade determination or certification, if the investigation of or personnel action against the officer, as applicable, results in adverse findings. In such case, SECNAV may not make an adverse determination on the retired grade of the officer until the officer has had a reasonable opportunity to respond regarding the basis of the reopening.

(5) If SECNAV determines, pursuant to regulations prescribed by SECDEF, that good cause exists to reopen the determination or certification.

b. Procedures

(1) Written Notice. Following SECNAV approval of an officer's voluntary retirement request, the officer must be informed in writing via naval correspondence. All such Navy and Marine Corps notifications will include the following language with citation to the three references listed:

Ref: (a) Uniform Code of Military Justice  
(b) SECNAVINST 1920.6D  
(c) JAGINST 5800.7F CH-1

1. Your request for voluntary retirement has been approved by SECNAV in the grade of \_\_\_\_\_ with an effective date of \_\_\_\_\_.

2. Approval of the subject voluntary retirement request does not affect SECNAV's authority to reconsider your retirement grade or service after your effective retirement date pursuant to existing statutes and regulations, including references (a) through (c).

(2) Reopening the Retirement Grade Determination. Information relevant to a reopened retirement grade determination will be forwarded to SECNAV for consideration as part of SECNAV's determination in accordance with the guidance, specific factors, and procedural requirements set forth in paragraph 2 of this enclosure.



**NOTIFICATION PROCEDURE**

1. The Notification Procedure Must Be Used When:

a. A probationary officer is processed for separation for any reason specified in paragraph 1 (Separation for Cause) or 2 (Parenthood) of enclosure (6);

b. Action is taken to terminate the appointment of a temporary LDO or temporary Warrant Officer for any reason specified in paragraph 1 (Separation for Cause) or 2 (Parenthood) of enclosure (6);

c. Action is taken to process a Regular or Reserve probationary officer for separation for the reason specified in paragraph 12 (Declining Appointment to O-2 or O-3) of enclosure (4) or paragraph 7 (Declining Appointment to O-2 or O-3) of enclosure (5);

d. Action is taken to separate an Inactive Duty Reserve officer per paragraph 15 (Separation and Retirement of Reserve Officers in an Inactive Status in the Standby Reserve) of enclosure (5).

2. Notification. The SCA must notify the officer in writing of:

a. The reason or reasons specified in enclosure (6) for which the action was initiated, including the specific factual basis supporting the reason;

b. The recommended characterization of service is Honorable or General (Under Honorable Conditions);

c. That the officer may submit a rebuttal or decline to make a statement;

d. That the officer may tender a resignation in lieu of separation processing per subparagraph 13a of enclosure (7);

e. That the officer has the right to confer with appointed counsel as provided in paragraph 3 of this enclosure;

f. That the officer will, upon request, be provided copies of the records or documents to be forwarded to SECNAV to support the proposed separation, provided the documents would not be exempt from release under any provisions of the Freedom of Information Act or Privacy Act (classified documents may be summarized);

g. That the officer has the right to waive subparagraphs c, e, and f of this paragraph, and that failure to respond will constitute waiver of the rights in these subparagraphs; and

h. That the officer has a specified period of time to respond to the notification as provided in paragraph 4.

### 3. Right to Counsel

a. A respondent has the right to consult with qualified counsel when the notification procedure is initiated, except under these circumstances:

(1) The respondent is attached to a vessel or unit operating away from or deployed outside the United States or away from its overseas homeport, or to a shore activity remote from Judge Advocate resources;

(2) No qualified counsel is assigned and present at the vessel, unit, or activity, or reasonably available in the activity's geographical area;

(3) The CO does not anticipate having access to qualified counsel from another vessel, unit, or activity, for at least the next ten working days; and

(4) The CO determines the needs of the naval service require processing before qualified counsel will be available.

b. Nonlawyer counsel will be appointed whenever qualified counsel is not available under paragraph 3a. An appointed nonlawyer counsel must be a commissioned officer with no prior involvement in the circumstances leading to the basis of the proposed separation, and no involvement in the separation process itself. The nonlawyer counsel will be encouraged to seek advice by telephone or other means from any judge advocate on any legal issue relevant to the case whenever practicable.

When a nonlawyer counsel is appointed, the appointing letter must state that qualified counsel is unavailable for the applicable reasons in paragraph 3a of this enclosure and the needs of the naval service warrant processing before qualified counsel will be available. A copy of the appointing letter will be attached to each copy of the written notice of separation processing. The respondent may also consult with a civilian counsel at the respondent's own expense. Respondent's use of a civilian counsel does not eliminate the requirement to furnish counsel in paragraph 3a or 3b of this enclosure. Consultation with civilian counsel will not delay orderly processing per this instruction.

4. Response

a. The respondent must be provided a reasonable time period, normally ten working days, but more if, in the judgment of the CO, additional time is necessary, to act on the notice. An extension may be granted by the CO upon a timely showing of good cause by the officer.

b. If the respondent fails to acknowledge receipt of notification or submit a timely reply, normally ten working days, that fact will constitute a waiver of rights. An appropriate notation will be recorded on a retained copy of the appropriate form.

c. If the respondent declines to respond as to the selection of rights, such declination will constitute a waiver of rights, and an appropriate notation will be made in the case file. If the respondent indicates that one or more of the rights will be exercised, but declines to sign the appropriate notification statement, the selection of rights will be noted and notation as to the failure to sign will be made.

5. Submission to SECNAV

a. The CO must forward the case file to SECNAV via CHNAVPERS or DC (M&RA), as appropriate. The case file must contain a copy of the written notification to the respondent, documentation substantiating the conduct or performance, and any written statement which the respondent desires to make. If the respondent tenders a resignation, it will accompany the case file.

b. CHNAVPERS or DC (M&RA) must forward the case file to SECNAV with recommendations on each reason for separation and the facts supporting it, the recommendation for separation, and a recommendation for acceptance or rejection of a resignation, if one is tendered.

c. CHNAVPERS or DC (M&RA) may disapprove the separation of probationary commissioned officers and determine that the case be closed, or may determine that the officer should show cause for retention at a BOI.

6. Action of SECNAV

a. SECNAV will determine whether there is sufficient evidence supporting the allegations set forth in the notification for each of the reasons for separation.

b. If there is sufficient factual basis for separation, SECNAV may order the officer separated. If the officer tenders a resignation, SECNAV may accept or reject it.

c. If SECNAV determines the recommended Honorable or General (under Honorable conditions) characterization of service is inappropriate, he may refer the case directly to a BOI.

d. SECNAV may retain the officer under the provisions of paragraph 9 of enclosure (7).

**BOARD OF INQUIRY PROCEDURES**

1. Purpose. The purpose of a BOI is to give officers a full and impartial hearing at which they may respond to and rebut the allegations which form the basis for separation for cause or retirement in the current grade or a lesser grade and present matters favorable to their case on the issues of separation and, if applicable, characterization of service.

2. Convening Authority. The SCA must convene, or direct to be convened, a BOI upon determination that an officer should be required to show cause for retention. A BOI must also be convened by such authority when required under the provisions of enclosures (6), (7), or (9). In accordance with paragraph 4c of enclosure (7), a SCA may not direct a BOI to recommend a service characterization less favorable than Honorable for a retirement-eligible officer unless CHNAVPERS and DC M&RA approved the SCA's request to direct the BOI to provide such recommendation.

3. Board Membership. A BOI must consist of not less than three officers in the same Armed Force as the respondent. As outlined below, membership qualifications differ depending upon whether the respondent is a commissioned officer on the ADL or is a Reserve officer on the RASL.

a. Respondent on the ADL

(1) With the exception of a respondent who is a temporary LDO or a Warrant Officer on the ADL, the BOI members will be highly qualified and experienced Regular officers on the ADL in the grade of O-5 or above, except that at least one member must be in the grade of O-6 or above. Each member must be senior in grade (at least one grade higher) to the respondent.

(2) If the respondent is a temporary LDO or Warrant Officer on the ADL, then the BOI members must be senior in grade (at least one grade higher) to the respondent.

(3) If qualified officers are not available in sufficient numbers to comprise a board, the board membership may be completed by appointing to the board a retired officer as

long as the retired officer meets the criteria found in section 1187 of reference (a).

b. Respondent on the RASL

(1) With the exception of a respondent who is a Warrant Officer on the RASL, the BOI members will be highly qualified and experienced officers serving on active duty or in an active status in the grade of O-5 or above, except that at least one member must be in the grade of O-6 or above. Each member must be senior in grade (at least one grade higher) to the respondent. One member must be a Reserve officer, except in cases where the respondent is serving on active duty in an initial period of obligated service.

(2) If the respondent is a Warrant Officer on the RASL, then the BOI members must be senior in grade (at least one grade higher) to the respondent, and at least one member must be a Reserve officer.

c. Competitive Category. For all Navy cases, a BOI must have at least one member from the same competitive category as the respondent. This requirement is especially important when considering an officer for substandard performance. However, in cases involving small competitive categories, isolated geographic locations, or for reasons of operational necessity, the convening authority may waive the competitive category membership requirement if no suitable officer is reasonably available. The competitive category membership requirement does not apply to Marine Corps cases.

d. Unrestricted Line Officer. For all cases, at least one member must be an unrestricted line officer. Such officers should have command experience, whenever possible.

e. The convening authority is not limited to officers under his or her direct command when selecting qualified officers to serve on a BOI.

f. Officers with personal knowledge pertaining to the respondent's case cannot be appointed to serve as a member of the Board considering the case. No officer may be a member of more than one board convened under this instruction to consider the same officer.

g. The senior member will be the presiding officer and, if no legal advisor is appointed, will rule on all matters of procedure and evidence, but may be overruled by a majority of the Board. Board members are subject to challenge only for cause.

4. Recorder. The convening authority must appoint a nonvoting recorder to perform such duties as appropriate. The recorder cannot participate in closed sessions of the Board.

5. Legal Advisor. The convening authority may appoint a nonvoting legal advisor to perform such duties as the Board desires. The legal advisor cannot participate in closed sessions of the Board. If appointed, the legal advisor will rule finally on all matters of procedure, evidence, and challenges, except challenges to his or her appointment as legal advisor. The convening authority will rule finally on all challenges for cause to the legal advisor.

6. Notice to Respondent. The respondent must be notified in writing at least 30 days before the BOI hearing convenes.

a. The notice must include:

(1) Each of the reasons for which the respondent is being required to show cause for retention in the naval service;

(2) The specific alleged acts, omissions, or traits supporting the reasons for which the respondent is being required to show cause for retention;

(3) The least favorable characterization of service that the Board may recommend (for retirement-eligible officers, characterization less than Honorable must have been specifically authorized, per paragraph 4c of enclosure (7)); and

(4) The rights of a respondent before a BOI.

b. In the case of a retirement-eligible officer, the notice must also include provisions stating:

(1) That the BOI must consider whether to recommend the respondent for retirement, and regardless of whether the BOI recommends the respondent for retirement or not, in the event

that the Secretary approves the respondent's retirement, the BOI must consider whether to recommend respondent for retirement in the current grade or a lesser grade; and

(2) That the respondent has the right to present evidence that his or her service, in the grade currently held, has been satisfactory for not less than six months.

c. The respondent will be notified by personal service and the officer's written acknowledgement will be obtained (if the respondent refuses to acknowledge receipt, the acknowledgement can be witnessed by a third party). When personal service is unavailable, the respondent will be notified by:

(1) Registered or certified mail or electronic mail equivalent, with a return receipt or equivalent requested; and

(2) Notification will be sent to the respondent's last known address, or to the respondent's next of kin.

7. Rights of a Respondent. The respondent has these rights, which may be exercised or waived:

a. In addition to the 30 days provided in paragraph 6 of this enclosure, the respondent may, for good cause, further petition in a timely manner for a continuance not to exceed 30 calendar days. The convening authority will rule on a request for continuance if the request is made before the convening of the BOI. Once the BOI is convened, the senior member may rule on such requests or refer them to the convening authority for decision. The SCA must approve any request for continuance which would delay the completion of the BOI hearing beyond a total of 60 calendar days from the date of notification to the respondent, per paragraph 6 of this enclosure.

b. The right to counsel, as provided in paragraph 8 of this enclosure.

c. The opportunity to present matters in one's own behalf.

d. Full access to, and copies of, records relevant to the matters to be determined by the BOI, as finally determined by the convening authority, that are within the custody and control of the convening authority and that are not privileged or



otherwise exempt by law or regulation from disclosure, except that information or material must be withheld if the SCA determines that such information should be withheld in the interest of national security. When information or material is so withheld, a summary of the information or material will be provided to the extent the interest of national security permits. The respondent will timely request such records in writing, setting forth with reasonable particularity their identity, location, and relevance to the matters to be determined by the BOI.

e. The Names of All Witnesses in Advance of BOI Proceedings. Failure to provide any information or the name of a witness cannot preclude the board from considering the information or hearing the witness, provided the respondent has the opportunity to examine any statement, or talk with any witness presented, before consideration by the Board.

f. The Right to Challenge Any Member for Cause. The respondent may submit for appropriate action any relevant matter which, in his or her view, indicates that a particular member or members should not consider the case. The convening authority must excuse a member if the member is found unable to render a fair and impartial decision in the respondent's case, as determined by the legal advisor or by the convening authority if a legal advisor has not been appointed. If an excusal results in the membership of the Board falling below the number required in paragraph 4 of this enclosure, the convening authority will appoint a new member who is qualified per that paragraph. This new member may be challenged in the same manner as the member who was previously appointed and excused.

g. The right to request from the convening authority or the BOI the appearance before the Board of any witness whose testimony is pertinent to the case, as provided in paragraph 11.

h. The right to submit, at any time before the Board convenes or during the proceedings, any matter from the respondent's service record, or any letters, answers, depositions, sworn or unsworn statements, affidavits, certificates, or stipulations. This includes, but is not limited to, depositions of witnesses not deemed to be reasonably available or witnesses unwilling to appear voluntarily.

i. The respondent and counsel may question any witness who appears before the BOI. Testimony of witnesses will be under oath or affirmation.

j. The right to give sworn or unsworn testimony. The respondent may only be examined on sworn testimony and should be warned against self-incrimination as required by Article 31, UCMJ. However, failure to warn the respondent will not preclude consideration of the respondent's testimony by the BOI.

k. The respondent or counsel may present oral or written argument, or both, on the matter to the Board.

l. The convening authority must serve on the respondent a copy of the BOI report. In cases involving classified matter withheld in the interest of national security, any record or information provided to the respondent will be appropriately redacted before delivery to the respondent in order to remove classified material and preserve its integrity.

m. The respondent may submit a statement in rebuttal to the findings and recommendations of the BOI for consideration by SECNAV.

n. The respondent may appear in person, with or without counsel, at all open proceedings of the BOI. The respondent's inability to obtain release from incarceration to attend the BOI will not preclude convening the BOI in absentia.

o. Failure of the respondent to invoke any of these rights is not a bar to the BOI proceedings, findings, or recommendations.

## 8. Counsel

a. A respondent is entitled to have appointed as counsel by the convening authority a lawyer certified per Article 27(b), UCMJ.

b. A respondent may request military counsel of his or her choice, and such request will be granted provided the requested counsel is reasonably available.

c. The determination as to whether individual counsel is reasonably available will be made per the procedures set forth in section 0131 of reference (ag) for determining the availability of Individual Military Counsel for courts-martial. Upon receipt of notice of the availability of the individual counsel, the respondents must elect between representation by appointed counsel and representation by individual counsel. A respondent may be represented in the proceedings by both appointed counsel and individual counsel only if the convening authority, in his or her sole discretion, approves a written request from the respondent for representation by both counsel. The respondent's written request must set forth in detail why representation by both counsel is essential to ensure a fair hearing.

d. A respondent may also engage civilian counsel at no expense to the Government, in addition to, or in lieu of, military counsel. Consultation with or retention of civilian counsel will not delay orderly processing per this instruction.

e. A respondent should be advised that retained counsel will be expected to comply with any established board schedule.

9. Waiver. A respondent may waive any of the aforementioned rights at any time before the BOI convenes or during the proceedings. Failure to appear, without good cause, at a hearing constitutes waiver of the right to be present at the hearing. If the respondent fails to appear, or cannot attend because of incarceration or other similar circumstances, then the BOI can be held in absentia. Failure to respond after being afforded a reasonable opportunity to consult with counsel constitutes a waiver of the rights in paragraph 7 of this enclosure.

10. Notification to Board Members. All members of a BOI must read this at some point before deliberations; however, failure to read the following advisements will not create a bar to separation processing or characterization:

a. The central purpose of a BOI is to protect the interests of the Navy and Marine Corps, and by extension, America's interests, by promoting readiness through the maintenance of high standards of conduct and performance. Convening authorities are encouraged to draw upon the experience of more

senior officers, especially those with command experience, when appointing BOI members. It is DoD policy to separate from military service those officers who will not or cannot meet rigorous and necessary standards of duty, performance, and discipline; maintain those high standards of performance and conduct through appropriate actions that sustain the traditional concept of honorable military service; or exercise the required level of responsibility, fidelity, integrity, or competence.

b. As part of the BOI process, board members must consider the respondent's potential for future service and how retention of the officer will affect the strength of the Navy and Marine Corps. BOI members must understand that the purpose of this process is not to punish an officer. The primary purpose is to promote the readiness of the Navy and Marine Corps by maintaining high standards of conduct and performance. SECNAV relies upon BOI members to make difficult, but necessary, decisions that judge the respondent's suitability for military service based on his or her conduct and ability or willingness to meet required standards of duty, performance, and discipline.

c. Leaders in today's Navy and Marine Corps have an enduring obligation to maintain a Naval force that produces leaders and teams who learn and adapt to achieve maximum possible performance, and who achieve and maintain high standards to be ready for decisive operations and combat. Success requires the establishment and maintenance of a professional identity, on and off duty, guided by four core attributes: Integrity, Accountability, Initiative, and Toughness.

d. When an officer has committed misconduct, or otherwise satisfies one of the bases for separation under this instruction, board members should carefully consider the individual's suitability for continued service. Accordingly, all BOI members must carefully consider the following in the course of their deliberations:

(1) The totality of the officer's record and assessment of his or her suitability for continued military service;

(2) Whether the officer can meet rigorous and necessary standards of duty, performance, and discipline;

(3) Whether the officer can maintain those high standards of performance and conduct through appropriate actions that sustain the traditional concept of honorable military service; and

(4) Whether the officer can exercise the responsibility, fidelity, integrity, or competence required of them.

e. BOI members have the important duty of assessing whether an officer should be retained and, if not, characterizing that officer's service. The effectiveness of the Navy and Marine Corps depends in part upon the decisions made by BOI members, which requires impartial and thoughtful consideration.

#### 11. Witnesses

a. Witnesses whose testimony will add materially to the case will be invited to appear to offer testimony before the Board if such witnesses are reasonably available.

b. Witnesses not within the immediate geographical area of the Board are considered not reasonably available, except as provided for in subparagraph 11d, below.

c. Statements or depositions from witnesses not reasonably available to testify during a board proceeding will be admitted and considered by the BOI.

d. The convening authority will request that COs make available, for personal appearance before a BOI, an active-duty or civilian witness under their jurisdiction whose personal appearance is essential to a fair determination, unless the witness is unavailable within the meaning of M.R.E. 804(a). Civilian employees may be directed to appear by their supervisors. Military personnel can be ordered to appear by their CO.

e. The respondent will specify in the request for witnesses to the convening authority or, once proceedings have commenced, the BOI, the type of information that the witness is expected to provide. The request must contain:

(1) A synopsis of the testimony that the witness is expected to give;

(2) An explanation of the relevance of such testimony to the issues of separation or characterization, or, if applicable, retirement grade; and

(3) An explanation as to why written, recorded, telephonic, or video teleconferencing testimony would not be sufficient to provide for a fair determination.

f. Requests for witnesses may be denied if untimely.

g. Witnesses who are not on active duty and who are not civilian employees of the DON must appear voluntarily and at no expense to the Government, except as provided for by subparagraph 11i, below.

h. The convening authority will make all final decisions regarding the production of witnesses.

i. If the convening authority determines that the personal appearance of a witness is necessary, he or she will authorize expenditure of funds for production of the witness only if the presiding officer (after consultation with a judge advocate) or the legal advisor (if appointed) advises that:

(1) The testimony of the witness is not cumulative;

(2) The personal appearance of the witness is essential to a fair determination of the issues of separation or characterization, or, if applicable, retirement grade;

(3) Written, recorded, telephonic, or video teleconferencing testimony will not be sufficient to provide for a fair determination; and

(4) The significance of the personal appearance of the witness, when balanced against the practical difficulties in producing the witness, favors production of the witness. Factors to be considered in relation to the balancing test include, but are not limited to, the cost of producing the witness, the timing of the request for production of the witness, the potential delay in the proceeding that may be caused by producing the witness, or the likelihood of significant interference with military operational deployment, mission accomplishment, or essential training.

j. If it is determined that the personal testimony of a witness is required, the hearing will be postponed or continued for a reasonable time, if necessary, to permit the attendance of the witness.

k. The hearing may be postponed or continued to provide the respondent with a reasonable opportunity to obtain a written statement from the witness or arrange for alternate means of testimony, if a witness requested by the respondent is unavailable, when:

(1) The presiding officer determines the personal testimony of the witness is not required;

(2) The CO of a military witness determines that military necessity precludes the witness' attendance at the hearing; or

(3) A civilian witness not employed by the DON declines to attend the hearing.

12. Hearing. The BOI hearing will be conducted in a fair and impartial manner to ensure that the respondent has the opportunity to present his or her case. At the discretion of the convening authority, a BOI may be convened to hear the cases of joint respondents.

a. A BOI is not a court-martial and the rules of evidence for courts-martial and other judicial proceedings do not apply.

b. Oral or written matter not admissible in a court of law may be accepted by BOIs.

c. Oral or written matter presented may be subject to reasonable restrictions as to authenticity, relevancy, competency, cumulativeness, and materiality of evidence presented as determined by the legal advisor if appointed, and if not appointed, then as determined by the senior member.

d. Except for closed sessions during which the Board will deliberate on the evidence presented, the proceedings of the Board should normally be open to the public at the discretion of the convening authority. Once convened, the legal advisor, if appointed, or the senior member may close the proceedings, or a

portion thereof, upon a motion by either side and a showing of good cause.

13. Decision of BOI. The Board must make these determinations, by a majority vote, based on the evidence presented at the hearing:

a. The Board must make a finding on each of the reasons for separation specified and one of these (note: where a reason for separation is based on an approved finding of guilty by a court-martial or on a civilian criminal conviction, such a finding of guilty or criminal conviction will be binding on the BOI. When the basis for separation includes loss or revocation of a security clearance, relevant decisions by the Department of Defense Central Adjudications Facility or the Personnel Security Appeals Board are also binding):

(1) That the respondent is recommended for separation from the naval service for the specific reason or reasons provided in paragraph 1 (Separation for Cause) or paragraph 2 (Parenthood) of enclosure (6) as supported by a preponderance of the evidence. Based on those reasons, the evidence presented, the overall record of service, and consistent with enclosure (8), the Board must recommend a characterization of service except in cases involving a retirement-eligible officer where CHNAVPERS or DC M&RA did not authorize a service characterization lower than Honorable;

(2) That none of the reasons specified are supported by a preponderance of the evidence presented to warrant separation for cause and the case is, therefore, closed; or

(3) That, despite a finding that one or more of the reasons for separation specified are supported by a preponderance of the evidence, the respondent should be retained in the naval service and the case is, therefore, closed.

b. In the case of a retirement-eligible officer, if separation is recommended, the Board must also recommend:

(1) The highest grade in which the officer served satisfactorily for a period of not less than six months in accordance with the guidance contained in enclosure (9); and



(2) A service characterization, if authorized by CHNAVPERS or DC M&RA pursuant to paragraph 4c of enclosure (7) and paragraph 2 of this enclosure.

14. Record of Proceedings. The convening authority will make a separate record of proceedings for each respondent.

a. Each record of proceedings must include:

(1) A summary of the respondent's service and background;

(2) All exhibits considered by the BOI; and

(3) A report of the Board's findings and recommendations, which must include:

(a) A list of the specific acts, omissions, or traits on which an allegation of misconduct or substantiated performance is based;

(b) Whether the respondent admits or denies each act, omission, or trait;

(c) The BOI's findings regarding each alleged act, omission, or trait, and each reason for separation;

(d) If the BOI finds a reason for separation, the BOI's recommendation regarding whether the respondent should be separated and, if separated, a recommended characterization of service;

(e) If the respondent is retirement-eligible and the BOI finds a reason for separation, the BOI's recommendations concerning whether the respondent should be retired, the highest grade in which the officer served satisfactorily for not less than six months, and, if authorized by CHNAVPERS or DC M&RA, a service characterization; and

(4) Copies of all documents and correspondence relating to convening the BOI (for example, the appointing order, the notification, requests for delay, requests for production of witnesses, the CHNAVPERS or DC M&RA authorization to recommend

service characterization in the case of a retirement-eligible officer).

b. In cases where the BOI recommends that the respondent be separated or retired, the record of proceedings must include a transcript of the BOI hearing. With the exception of the BOI's findings and recommendations, the transcript may be in summarized form unless the SCA directs that a verbatim transcript be produced.

c. In cases where the BOI does not find a basis for separation or retirement, or recommends that the respondent be retained, then no transcript is required.

d. If a transcript of the BOI is required, the senior member will, by signature, authenticate the BOI transcript. All board members and the counsel for the respondent (or the respondent if counsel was not elected) must sign the report of the findings and recommendations immediately upon adjournment of the BOI hearing.

e. A BOI member who does not concur in any of the findings or recommendations must sign the report and submit a separate minority report that includes the finding(s) or recommendation(s) with which the member does not concur and the reason(s) for such non-concurrence.

f. The counsel for respondent (or respondent if no counsel was elected) will be provided a copy of the record of proceedings and is entitled to submit written comments in rebuttal to the report to SECNAV, via the SCA, within 10 calendar days of service. The convening authority may grant an extension of up to ten calendar days for submission of comments upon written request and for good cause. Failure to submit comments within the prescribed time will be considered a waiver by the respondent of the opportunity to submit comments. The respondent's comments will be submitted via the respondent's chain of command. However, the respondent may also submit a copy of his or her comments directly to SECNAV. A certificate of service must be included with the record of proceedings verifying submission to the respondent's counsel or the respondent.

g. Per section 1182(c) of reference (a), when a BOI recommends that a respondent not be retained on active duty, the respondent may be required to take leave, to begin at any time following the respondent's receipt of the BOI report and the expiration of any period allowed for the respondent's submission of comments in rebuttal to that report. The leave may be continued until the date on which SECNAV action on the officer's case is completed or may be terminated at any earlier time.

15. Action on the Record of Proceedings of the BOI. The record of proceedings must be submitted via the convening authority to the SCA for termination of processing or review and endorsement before forwarding to SECNAV for final determination. This submission must include any minority report and the respondent's comments in rebuttal or statement, if any. The record of proceedings of a BOI convened solely to recommend a retirement-eligible officer's retirement grade and, if authorized per paragraph 4c of enclosure (7), characterization of service must be forwarded directly to the SCA for a forwarding endorsement to SECNAV, who will make the final determination of the grade and, if authorized, characterization of service of the officer. However, the characterization of service for a retirement-eligible officer, if authorized, will be no less favorable than that recommended by the BOI. If a retirement-eligible officer who has not submitted a voluntary retirement request has failed to show cause for retention, the BOI must make a recommendation concerning retirement grade and, if authorized, characterization as set forth in subparagraph 13b.

16. Actions Concerning BOI Defects. At any time after receipt and review of a case by the SCA but before SECNAV's final determination, these actions may be taken:

a. If the Board has failed to make findings or recommendations required by applicable regulations, the case may be returned to the same Board for compliance with those regulations.

b. If there is an apparent procedural error or omission in the record of proceedings that may be corrected without reconsideration of the findings and recommendations of the Board, the case may be returned to the same Board for corrective action.

c. If the Board committed an error (other than those addressed in paragraphs 16a and 16b above) that substantially prejudiced a substantial right of the respondent, the case may be returned for a rehearing by a new Board after the respondent is notified again in accordance with this enclosure. No person who previously considered the respondent may be appointed to serve as a member on the new Board. The new Board may be furnished any evidence properly considered by the previous Board, but cannot be advised of that Board's findings and recommendations. Any new allegations forming a basis for separation under this instruction may also be presented to the new Board, upon proper notification. The recommendations of the new Board cannot be less favorable than those of the previous Board unless the new Board finds proven any additional allegations.

17. Action on the Report of the BOI

a. The report of a BOI that recommends separation must be delivered to SECNAV, with any desired recommendations of CHNAVPERS or DC (M&RA), for final determination.

b. If the BOI closes the case, then separation processing will be terminated.

c. If the BOI recommends separation or retirement, then SECNAV may:

(1) Direct retention;

(2) Direct separation of the respondent for the specified reasons, and a characterization of service not less favorable than that recommended by the BOI; or

(3) In the case of a retirement-eligible officer, direct retirement of the respondent in the highest grade satisfactorily held as determined by SECNAV and, if authorized per paragraph 4c of enclosure (7), make a characterization of service determination no less favorable than that recommended by the BOI.

**OTHER SEPARATION REVIEW REQUIREMENTS**

1. Dual Processing. Officers who have been referred into the DES while undergoing involuntary administrative separation processing may be separated before completion of the DES process if warranted. In this event, CHNAVPERS and DC M&RA will notify ASN (M&RA) that the officer is processing both through the DES and via involuntary administrative separation.

2. Prohibition on Involuntary Separation due to Finding of Unfitness by Physical Evaluation Board (PEB). In accordance with reference (a), section 1214a, involuntary separation based on a determination that an officer is unsuitable for deployment or worldwide assignment because of a medical condition is not authorized if the PEB determined that the officer was fit for duty for the same medical condition. The only exception is if the separation is approved by the SECDEF.

a. If ASN (M&RA) has reason to believe the medical condition considered by the PEB renders the officer unsuitable for continued military service, then the Secretary may direct the PEB to reevaluate the officer.

b. If, based on reevaluation by a PEB, an officer is determined to be unfit to perform the duties of his or her office, grade, or rank, then the officer may be retired or separated for physical disability consistent with reference (a), chapter 61.

3. Pre-Separation Health Assessments

a. Pursuant to the authority contained in reference (a), section 1177, an officer who has been deployed overseas in support of a contingency operation, or sexually assaulted, during the previous 24 months, and who is diagnosed by a physician, clinical psychologist, psychiatrist, licensed clinical social worker, or psychiatric advanced practice registered nurse at a Military Treatment Facility as experiencing PTSD or Traumatic Brain Injury (TBI) or who otherwise reasonably alleges, based on the service of the officer while deployed, or based on such sexual assault, the influence of such a condition, must receive a medical examination to evaluate a diagnosis of PTSD or TBI. The purpose

of the medical examination is to assess whether the effects of PTSD or TBI constitute matters in extenuation that relate to the basis for administrative separation. In a case involving PTSD, the medical examination must be performed by a clinical psychologist, psychiatrist, licensed clinical social worker, or psychiatric advanced practice registered nurse. In cases involving TBI, the medical examination may be performed by a physician, clinical psychologist, psychiatrist, or other health care professional, as appropriate. These psychologists, psychiatrists, social workers, advanced practice registered nurses and other health care professionals will be referred to as medical reviewers.

b. Reviews pursuant to the above criteria will consist of medical records reviews, misconduct documentation, if any, (which may consist of command investigations, NCIS investigations or other investigations), and, if necessary, conversations with primary care providers, medical providers, and/or other mental health professionals. The material used to form the basis of the medical reviewer's opinion must be articulated in a memo to ASN (M&RA). Best efforts will be made to ensure that the medical reviewer that correlates any misconduct and PTSD or TBI is also the medical provider who made the initial diagnosis. The medical reviewer must determine whether, and to what extent (if any), PTSD or TBI contributed to the misconduct.

c. Officers covered by the paragraph above cannot be administratively separated including an administrative separation in lieu of court-martial, until the results of the medical examination have been reviewed by ASN(M&RA).

#### 4. Sexual Assault Review Requirements

a. In accordance with reference (b), an officer may request General or Flag Officer review of the circumstances of and grounds for his or her involuntary separation if:

(1) The officer made an unrestricted report of sexual assault; and

(2) The officer is recommended for involuntary separation within one year of final disposition of his or her sexual assault case.

b. An officer who meets the requirements of paragraphs 4a(1) and 4a(2) of this enclosure must submit a written request to the first General or Flag Officer in the officer's chain of command before approval of final separation action. An officer who submits a timely request will not be separated until the General or Flag Officer completes his or her review and concurs with the circumstances and grounds for the officer's involuntary separation. A request submitted by an eligible officer after approval of the final separation action will not be considered, but the officer may apply to the Naval Discharge Review Board (NDRB) or the Board for Correction of Naval Records (BCNR), as appropriate, as explained in enclosure (13).

5. Provision of Information During Separation Processing. Pursuant to section 1155 of reference (a), the Show Cause Authority will ensure that an officer subject to separation processing receives a current assessment of all benefits to which the officer may be entitled under laws administered by the SECDEF and the Secretary of VA. This assessment of benefits must be provided to Regular officers not later than 30 days before separation and to Reserve officers upon release from active duty. The SCA will also ensure that an officer subject to separation processing receives enclosure (13), which explains the purpose and authority of the NDRB and the BCNR. It must include an explanation that a discharge under Other Than Honorable conditions, resulting from a period of continuous unauthorized absence of 180 days or more, is a conditional bar to benefits administered by the Veterans Administration notwithstanding any action by the NDRB. These requirements are the responsibility of the Show Cause Authority and not a procedural entitlement. Noncompliance with this paragraph does not bar separation or affect the characterization of service determination.

**FACT SHEET**

**PURPOSE AND AUTHORITY OF THE NAVAL DISCHARGE REVIEW BOARD AND  
THE BOARD FOR CORRECTION OF NAVAL RECORDS**

Upon discharge, there are two resources a member may utilize for review of discharge and naval records in case of errors or injustices:

1. NDRB: The NDRB purpose and authority are set forth under section 1553 of reference (a), and reference (ar). The NDRB was established under SECNAV Council of Review Boards to review a Service Member's discharge and determine whether it was granted in a proper manner. The NRDB also ensures the discharge was fair and equitable considering the regulations in effect at the time of the discharge. Requests must be submitted within 15 years of discharge. The NDRB does not have the authority to upgrade a discharge to become eligible for VA benefits. Additionally, a discharge under Other Than Honorable conditions resulting from a period of continuous unauthorized absence of 180 days or more is a conditional bar to benefits administered by the VA notwithstanding any action by the NDRB.
2. Board for Correction of Naval Records: The BCNR purpose and authority are set forth under section 1552 of reference (a), and reference (as). The BCNR was established by the SECNAV to consider applications to determine the existence of error or injustice in the naval records of current or former members of the Navy or Marine Corps and make recommendation to the Secretary or take corrective action on the Secretary's behalf. Applications must be filed within three years of the discovery of the alleged error or injustice. BCNR is not an investigative body and it is the applicant's responsibility to procure supporting evidence not contained in official naval records.



**INTERNAL CONTROLS, RECORDS MANAGEMENT, AND REPORTS**

1. Internal Controls. In accordance with reference (ap), 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 report, the Navy and Marine Corps will provide ASN M&RA with copies of the sections of their reports that are relevant to this program.

2. 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 Record Manager or the DRMD program office.

3. Reports. The reporting requirements contained in this instruction are exempt from information collection control, per reference (u), Part IV, paragraphs 7k, 7n and 7p.