

MILPERSMAN 1920-010

TRANSFER OF AN OFFICER FOR ADMINISTRATIVE SEPARATION PROCESSING

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1. Policy

a. The general provisions of MILPERSMAN 1611-010 are applicable to all officer cases involving performance or misconduct. Performance or misconduct issues may arise requiring transfer of an officer while awaiting administrative separation processing. Commanding officers, or commanders, shall promptly notify Navy Personnel Command (NAVPERSCOM) (PERS-834), via naval message or E-Mail, of the circumstances and provide recommended course of action with justification regarding detachment.

b. If temporary additional duty (TAD) orders are not practical, the commanding officer or commander shall request NAVPERSCOM (PERS-4) to issue temporary duty or permanent change of station orders as appropriate.

2. Exception. Officers who have already been disciplined (i.e., nonjudicial punishment) and for whom judicial or nonjudicial action is complete, are not considered to be in a disciplinary status when transferred awaiting separation processing. If TAD orders are issued, the activity issuing TAD orders will bear all costs associated with the officer's assigned TAD period.

MILPERSMAN 1920-020

INVOLUNTARY SEPARATION PAY (NON-DISABILITY) - OVERVIEW

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Governing Directives	10 U.S.C. 1174 DOD Instruction 1332.29 DOD 7000.14-R, DOD Financial Management Regulation, Volume 7A (DODFMR) SECNAVINST 1900.7G
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1. **Introduction.** This article on the non-disability involuntary separation pay is made up of four articles, with topics as listed below.

2. **Purpose.** The purpose of this article is to provide specific guidance for

- a. commanders,
- b. commanding officers, and
- c. officers in charge

to administer separation pay policy for non-retirement eligible members.

3. **In This Article.** This article contains the following sub-titles related to important aspects of involuntary separation pay policy (directives listed above apply):

Topic	See MPM
Definitions and Policy	1920-030
Eligibility Criteria and Restrictions	1920-040
Reserve Requirements and Obligations	1920-050
Pay Calculation and Payment Documentation	1920-060

MILPERSMAN 1920-030

INVOLUNTARY SEPARATION PAY (NON-DISABILITY) - DEFINITIONS AND POLICY

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1. **Introduction.** This article contains the definitions of the key terms/phrases and a broad statement of policy and its intent pertaining to the involuntary, non-disability separation pay. The terms/phrases defined are as follows:

- a. Retention eligible.
 - b. Involuntary separation.
 - c. Not accepted for an additional tour for which one volunteered.
 - d. Voluntary separation.
 - e. Advancement eligible.
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2. **Definition: Retention Eligible.** Meeting all the minimum standards for military service. For the purpose of entitlement to separation pay, servicemembers separated through no fault of their own because of specific limitations are considered to be retention eligible.

a. **Example 1:** Force reduction in end-strength requirements.

b. **Example 2:** Legal restrictions on the number of officers in a particular paygrade.

3. **Definition: Involuntary Separation**

a. Discharge or release from active duty at the initiation of the government and through no fault of the servicemember: Includes all forms of separation from an active duty status under conditions wherein the individual is released from active duty at any time prior to the completion of a stipulated period of active service or tour of active duty. Separation from active duty is considered involuntary when the servicemember is denied any opportunity to remain on active duty.

b. The following circumstances could cause a retention eligible servicemember to be involuntarily separated from active duty:

(1) An advancement eligible enlisted servicemember separated for high year tenure (HYT).

(2) Separations under a force reduction program.

(3) Officers separated because of failure of selection (FOS) for promotion.

4. **Definition: Not Accepted for an Additional Tour of Active Duty for Which One Volunteered.** Refers to a member of the Naval Reserve who, prior to completing a tour of active duty or a stipulated period of active service or upon notification of the Navy's intent to separate from active duty, volunteers to remain on active duty for an additional period but is not accepted. See MILPERSMAN 1920-050.

5. **Definition: Voluntary Separation**

a. Discharge or release from active duty initiated or caused by the servicemember. The following are examples of voluntary separations:

(1) **Example 1:** Servicemember declines training to qualify for a new skill or rating as a precondition of reenlistment.

(2) **Example 2:** Servicemember requests a "convenience of the government" separation.

(3) **Example 3:** Servicemember declines or does not request reenlistment or extension and is subsequently separated.

(4) **Example 4:** Servicemember declines orders and is subsequently separated.

b. Note that servicemembers who initiate or cause their own voluntary separation are not entitled to any separation pay. If the separation was initiated by the member, commanding officers shall ensure that the DD Form 214, Certificate of Release or Discharge from Active Duty, separation code reflects a "voluntary" separation, according to BUPERSINST 1900.8.

6. **Definition: Advancement Eligible**

a. Meeting the minimum qualifications for assuming the duties and responsibilities of the next higher paygrade, although neither advanced nor frocked. For the purpose of entitlement to separation pay, an enlisted servicemember is advancement eligible if they meet the following criteria as of the separation date:

(1) **Criterion 1:** Must have commanding officer's recommendation for advancement and retention.

(2) **Criterion 2:** Must have taken and passed the most recent advancement examination before discharge:

(a) For example, if HYT is in August, servicemember must have taken and passed the March examination. Servicemember's commanding officer may waive this requirement if circumstances beyond the servicemember's control prevent participation in the "most recent" examination. In this case, the prior advancement examination must have been taken and passed.

(b) Per OPNAVINST 1160.5C, commanding officers are authorized to extend servicemembers on active duty for up to

4 months pending advancement examination results. Failure to extend to await advancement examination results will disqualify the servicemember for separation pay.

b. Note that servicemembers are no longer required to submit a request for waiver of HYT policy as a precondition to entitlement to full separation pay. A commanding officer's recommendation for advancement and retention, and passing the most recent advancement examination before discharge, are sufficient indications of the servicemember's resolve to remain on active duty.

7. **Separation Pay Policy**

a. Separation pay is intended to assist members, who are involuntarily separated, in returning to civilian life. It was designed to encourage the pursuit of a military career through the assurance that those unable to remain on active duty until eligible for retired or retainer pay can count on compensation to ease their reentry into civilian life.

b. Separation pay will be paid to members "involuntarily separated" from active service and to those "not accepted for an additional tour of active duty for which they volunteered", as provided in this article. Although it is important to ensure that eligible members are paid, it is equally important to ensure that ineligible personnel are not paid in error: Erroneous payments result in debt and subsequent mandatory recoupment, and compound the trauma associated with separation from active duty. Therefore, personnel who are responsible for processing involuntary separations must be very familiar with this policy and apply it properly in each case.

MILPERSMAN 1920-040

INVOLUNTARY SEPARATION PAY (NON-DISABILITY) - ELIGIBILITY CRITERIA AND RESTRICTIONS

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Governing Directives	10 U.S.C. 1174 DOD Instruction 1332.29 DOD 7000.14-R, DOD Financial Management Regulation, (DODFMR), Volume 7A SECNAVINST 1900.7G
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1. **Introduction.** This article addresses three major aspects of the involuntary separation pay policy and process:

- a. Eligibility criteria for full separation pay,
 - b. Eligibility criteria for half separation pay, and
 - c. Restrictions on eligibility for separation pay.
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2. **Full-Pay Policy**

a. "Retention eligible" Servicemembers are entitled to full separation pay

(1) if they meet each of the full-pay criteria listed below.

(2) are not limited to half separation pay by half-pay criteria.

(3) are not precluded from entitlement by a restriction circumstance.

b. "Advancement eligible" Servicemembers separated for High-Year-Tenure (HYT) are entitled to full separation pay, provided they meet the full-pay criteria listed below.

3. **Full-Pay Criteria.** Eligibility criteria for full separation pay is as follows:

a. Separation must be characterized as involuntary.

b. Separation must be characterized as honorable.

c. Servicemember is on active duty and has completed at least 6, but less than 20, years of active service immediately before separation.

(1) The qualifying years of active service do not have to be continuous, but the last phase of the qualifying term must end immediately before separation.

(2) Reserve Servicemembers not on the active duty list when separated must have 6 years of continuous active duty immediately preceding separation.

(3) For the purpose of entitlement to separation pay, a period of active duty is continuous if it is not interrupted by a break in service of more than 30 days.

d. Servicemember has completed an initial term of enlistment or period of obligated active service.
A Servicemember

(1) who reaches the end of their initial term of active obligated service, and extends or reenlists, **has** fulfilled this requirement.

(2) who is not allowed to reenlist or extend beyond their initial term of active obligated service **has not** fulfilled this requirement.

(3) whose initial active obligated service consists of an enlistment and an extension required to qualify the Servicemember for training or assignment must complete the full

period of both the initial enlistment and extension, and subsequently reenlist or extend, to fulfill this requirement.

e. As a condition of eligibility for separation pay, Servicemembers must enter into a written agreement to serve 3 years in the Ready Reserve.

(1) Failure to be accepted in the Ready Reserve does not affect a Servicemember's entitlement to separation pay.

(2) If the Servicemember has a service obligation remaining at the time of separation from active duty, the 3-year obligation will begin on the day after the date on which the Servicemember completes this obligation. See MILPERSMAN 1920-050.

4. Half-Pay Policy and Policy Exception

a. Servicemembers "not retention eligible" are entitled to half separation pay, providing they otherwise meet the eligibility requirements of full-pay criteria above and are separated under one of the criteria below.

b. **Policy Exception:** The Secretary of the Navy may award full separation pay to a Servicemember who would otherwise be eligible for half pay. Such payments will only be granted in extraordinary instances when the specific circumstances of the separation and overall quality of the Servicemember's service have been such that denial of full pay would be clearly unjust.

Example: A Servicemember with a congenital or hereditary disease who is involuntarily separated for convenience of the government, but who is not eligible for disability severance pay, may be considered for full separation pay.

c. **Requests:** All requests for full separation pay in lieu of half pay will be initiated by the Servicemember's command and be forwarded to the Secretary of the Navy (M&RA) via the chain of command and the Chief of Naval Personnel (N13) for endorsement.

d. Requests referencing a specific medical condition must contain a local medical endorsement signed by the appropriate medical field expert, or they will be returned to the command without action.

5. **Half-Pay Criteria.** The following are the criteria for half pay eligibility:

a. **Expiration of Service Obligation:** This category includes Servicemembers "not retention eligible" separated at their Expiration of Active Obligated Service (EAOS) or HYT. Servicemembers separated for HYT need not be "advancement eligible" for entitlement to half pay.

b. **Convenience of the Government:** This category encompasses involuntary separations for parenthood and for other designated physical and mental conditions, including somnambulism, enuresis, personality disorder, motion/air sickness, allergies, and excessive height.

c. **Weight/Physical Readiness:** Weight control failure or failure to maintain prescribed physical readiness standards (PRT failure).

d. **Homosexual Conduct.**

e. **Drug Abuse Rehabilitation Failure.**

f. **Alcohol Abuse Rehabilitation Failure.**

g. **National Security Interests:** Retention is not consistent with the interest of national security.

6. **Separation Pay Eligibility Restriction Policy**

a. Servicemembers separated under any of the restrictions or circumstances listed below are not eligible for separation pay.

b. **Ineligibility Counseling:** Servicemembers should be counseled as to the reason for their ineligibility, according to this article. This action will help minimize the number of separation pay requests sent to the Board for Correction of Naval Records (BCNR) by ineligible personnel.

7. **Restrictions Leading to No-Pay.** The restrictions leading to no-separation-pay are grouped on the basis of whether the separation is due to normal Navy personnel force management,

Navy quality force management, or member's career management decisions:

a. Normal Navy Personnel Force Management Decisions:

(1) Members of the Naval Reserve discharged while on inactive duty.

(2) Servicemember released from active duty for training.

(3) Upon separation, Servicemember is immediately eligible for retired or retainer pay.

(4) Upon separation, Servicemember is retained on active duty in either an officer or enlisted status.

(5) Servicemembers separated during an initial enlistment or period of obligated service.

b. Navy Personnel Force Quality Management Decisions:

(1) Separation is directed as part of the execution of a court-martial sentence, which includes discharge or dismissal.

(2) Separation is characterized as other than honorable.

(3) Enlisted Servicemembers separated because of misconduct or unsatisfactory performance.

(4) Officers separated for cause by reason of substandard performance of duty, misconduct, or moral or professional dereliction.

(5) Officers who have been notified in writing to show cause for retention and subsequently request separation for such reasons, except when half pay is allowed under the half-pay criteria above.

(6) Servicemembers "not retention eligible", except when half pay is authorized under the half-pay criteria above.

c. Servicemember's Career Management Decisions:

(1) Separation initiated by the Servicemember (voluntary separation).

(2) Servicemember refuses to enter into a written agreement to serve 3 years in the Ready Reserve as a precondition to entitlement to separation pay.

(3) Servicemember declines training to qualify for a new skill or rating as a precondition to reenlistment or continuation on active duty.

(4) A member of the Naval Reserve who did not "volunteer for an additional tour of active duty" under MILPERSMAN 1920-050.

NOTE: In extraordinary cases, the Secretary of the Navy may determine that an otherwise eligible Servicemember does not warrant separation pay, based on consideration of recommendations and supporting documentation. This discretionary authority to deny payment is used sparingly.

MILPERSMAN 1920-050

INVOLUNTARY SEPARATION PAY (NON-DISABILITY) - RESERVE REQUIREMENTS AND OBLIGATIONS

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Governing Directives	10 U.S.C. 1174 DOD Instruction 1332.29 DOD 7000.14-R, DOD Financial Management Regulation, (DODFMR), Volume 7A SECNAVINST 1900.7G
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1. Reserve Officer Requirement to Volunteer to Remain on Active Duty

a. **Policy:** For a Reserve officer to remain on active duty, it is necessary that the officer submit a voluntary request to remain on active duty. This voluntary request must be for unqualified assignment commensurate with the member's rank, designator, or specialty. Submission of:

(1) **Contingent Request:** Submittal of a request contingent upon assignment to a certain type of duty or location, or being tendered a specific type of contract, is not considered to have volunteered to remain on active duty, for the purposes of entitlement to separation pay.

(2) **Officer Preference Card:** NAVPERS 1301/1, Officer Preference and Personal Information Card which specifies the desired duration of active service, duty preferences and locations, should be submitted as required by separate regulations but does not, in itself, satisfy the requirement of an unqualified request to remain on active duty.

b. **Request Process:** A Reserve officer, including a TEMAC officer, shall submit a written request via the individual's immediate commanding officer to Assistant Chief of Naval Personnel for Distribution (PERS-4), acting for the Navy Personnel Command.

c. **Submit request**

(1) at least 6 months before the last day of the month of the officer's Projected Rotation Date (PRD)/Minimum Service Requirements (MSR) (whichever is later); or

(2) within 1 month of the issuance of notification of the Navy's intent to separate the officer from active duty when the 6-month requirement cannot be met in order to become entitled to separation pay.

2. **Reserve Enlisted Member Requirement to Volunteer to Remain on Active Duty**

a. **Policy:** For a Reserve enlisted member to remain on active duty, it is necessary that the member submit a voluntary request to remain on active duty. These requests for general assignment orders should specify that the member would accept any assignment, commensurate with rate, rating, and Navy Enlisted Classification (NEC). Submission of:

(1) **Contingent Request:** Submittal of a request, contingent upon assignment to a certain type of contract, is not considered to have volunteered for an additional tour of active duty for the purposes of entitlement to separation pay.

(2) **Enlisted Duty Preferences:** NAVPERS 1306/63, Enlisted Duty Preferences, or NAVPERS 1070/613, Administrative Remarks, entry, as appropriate, which specifies the desired duration of active duty, type duty preference and locations, should be submitted as required by separate regulations, but does not, in itself, satisfy the requirement of an unqualified request to remain on active duty.

b. **Request Process:**

(1) **Routing of Reserve Enlisted/TEMAC Member Requests:** A request for general assignment with the Regular Navy by a Reserve enlisted member, including a TEMAC member, shall be

submitted to Navy Personnel Command (NAVPERSCOM) (PERS-811H), via the individual's immediate commanding officer, per the NAVPERS 15909F, Enlisted Transfer Manual (ENLTRANSMAN).

(2) Routing Canvasses Recruiter Requests: TEMAC

Canvasser recruiters should submit requests for general assignment with the Regular Navy to NAVPERSCOM (PERS-811H), via the individual's immediate commanding officer, Commander, Navy Recruiting Command, and Commander, Naval Reserve Readiness Command or Chief of Naval Reserve, as appropriate.

(3) Request Timing: Submit request no later than 3 months prior to the member's release date, or within 1 month of the issuance of notification of Navy's intent to refuse the member an additional tour of active duty when this 3-month requirement cannot be met.

(4) "Not in the Best Interest of the Service" Request:

If an endorsee of the member's request is convinced that general assignment orders for the member are not in the best interest of the service, they shall endorse the request "recommending disapproval" and forward the request as specified in the NAVPERS 15909F, ENLTRANSMAN. Should the member's request be disapproved, the member's ensuing separation is on the basis of one not eligible for retention or reentry. A member who is so separated is eligible for half separation pay, provided all other conditions of this article have been met.

3. Reserve Obligation Processes for Officers

a. Policy:

(1) As a condition of eligibility for separation pay officers must agree to serve for 3 years in the Ready Reserve, in addition to any other remaining obligated service.

(2) Failure to be accepted into the Naval Reserve does not affect an officer's entitlement to separation pay.

b. Process for Regular Officers:

(1) Regular officers will be tendered a Naval Reserve appointment,

(2) must agree to serve in the Ready Reserve for a minimum of 3 years in addition to any remaining service obligation, and

(3) payment of separation pay shall not be authorized until the reserve oath of office has been signed by the officer at the separating facility.

c. Process for Reserve Officers:

(1) Reserve officers must agree to serve in the Ready Reserve for a minimum of 3 years in addition to any remaining service obligation, and

(2) payment of separation pay shall not be authorized until such an agreement has been signed by the officer at the separating facility.

4. Reserve Obligation Processes for Enlisted Members

a. **Policy:** As a condition of eligibility for separation pay, enlisted servicemembers must agree to serve for 3 years in the Ready Reserve, in addition to any other remaining obligated service.

b. **Agreement to Serve:** All enlisted servicemembers eligible for full separation pay are required to sign the following NAVPERS 1070/613, Administrative Remarks, service record entry as a condition of eligibility for separation pay:

"I hereby agree to enlist or extend in the Ready Reserve for a period of 3 years in addition to any remaining military service obligation. I understand this agreement is made without regard to the reason for my separation or my eligibility for affiliation with the Ready Reserve. Further, should I be accepted for enlistment or extension in the Naval Reserve, I must execute the enlistment or extension contract as a condition of qualifying for separation pay. I understand that if I enlist in the Ready Reserve, I may request to become a servicemember of the Selected Reserve by applying for affiliation at a Naval Reserve Recruiting Office. I also agree, if accepted, that I will keep the Commanding Officer, Naval Reserve Personnel Center (code 42), New Orleans LA 70149-8900 informed of any changes in my address, physical status, or dependency status."

5. **Guidelines on Eligibility for Acceptance into Naval Reserve**

a. **Policy:** Commanding officers shall determine if enlisted members are eligible for acceptance into the Naval Reserve, based on the following guidance:

(1) **Half-Pay Eligible:** members eligible for half separation pay under half-pay criteria shall not be enlisted in the Naval Reserve. Failure to be accepted into the Naval Reserve does not affect a member's entitlement to separation pay; the appropriate separation pay is authorized to be paid on the date of separation.

(2) **Full-Pay Eligible:** Retention eligible members, who are eligible for full separation pay under full-pay criteria, are required to enlist or extend in the Naval Reserve as a precondition of receiving separation pay. Eligible members must agree to enlist or extend in the Naval Reserve for 3 years plus any remaining service obligation at the time of separation.

6. **Naval Reserve Processes for Members Present at Separating Command.**

a. Following the servicemember's discharge from active duty and prior to a payment of separation pay, the commanding officer shall immediately enlist the eligible servicemember in the Ready Reserve for the appropriate period, using a non-OCR enlistment contract NAVPERS 1070/601, Immediate Reenlistment Contract (Page 1).

b. Type the following entry in the "remarks" section:

(1) "I agree to remain a servicemember of the Ready Reserve during the period of this enlistment unless relieved earlier by proper authority.

(2) I understand the provisions and acknowledge that no promises of any kind, except as noted, have been made to me."

c. Make the following NAVPERS 1070/613 service record entry in the servicemember's record:

(1) "Member has enlisted in the Ready Reserve as a condition of acceptance of separation pay.

(2) Enlistment will be recorded in IMAPMIS by Naval Reserve Personnel Center."

d. Forward the

(1) **executed enlistment contract**, as well as the servicemember's

(2) **service**,

(3) **health**, and

(4) **dental records** to

Commanding Officer
Naval Reserve Personnel Center
New Orleans, LA 70149-8900.

e. No further processing of the NAVPERS 1070/601 is required by the separating activity.

7. **Special Naval Reserve Processes for Members not Present at Separating Command**. Special processes are required for members not present at their separating command on the date of separation. Because a reserve enlistment contract may only be executed after a member has been separated from active duty, the following special processes must be followed for members who will be away from their separating activity (e.g., on terminal leave) on their date of separation from active duty.

a. Prepare a non-OCE NAVPERS 1070/601 and forward it under letter of explanation to the Naval Reserve Activity of the servicemember's choice.

b. If time constraints preclude mailing the contract to the Reserve activity, the contract and letter of explanation may be hand-carried by the servicemember.

c. The separating activity shall maintain the servicemember's record for 30 days, or until receipt of the contract, whichever comes first.

d. The Naval Reserve Activity shall

(1) administer the oath,

(2) annotate the NAVPERS 1070/601 with the name of the officer administering the oath, and

(3) mail the completed contract to the separating command for further disposition.

e. Upon receipt of the completed contract, the separating command shall

(1) prepare the appropriate service record entry,

(2) mail the servicemember's records to

Commanding Officer
Naval Reserve Personnel Center
New Orleans LA 70149-8900, and

(3) forward appropriate separation payment to the Servicemember's designated forwarding address.

MILPERSMAN 1920-060

INVOLUNTARY SEPARATION PAY (NON-DISABILITY) - PAY CALCULATION AND PAYMENT DOCUMENTATION

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Governing Directives	10 U.S.C. 1174 DOD Instruction 1332.29 DOD 7000.14-R, DOD Financial Management Regulation, (DODFMR), Volume 7A SECNAVINST 1900.7G
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1. **Calculation of Full Pay.** Full pay is defined as 10 percent (0.10) of the product of a servicemember's years of active military service, and 12 times the monthly basic pay to which the servicemember was entitled at the time of discharge or release from active duty (0.10 x years of active service x 12 months x monthly basic pay).

2. **Calculation of Half Pay.** Half pay is defined as one-half the rate in the calculation of full pay above (0.05 x years of active service x 12 months x monthly basic pay).

3. **Determining Years of Active Military Service.** To determine years of active military service for use in computing separation pay, count each full month of active service that is in addition to the number of full years of creditable active service as 1/12 of a year. Disregard any fraction of a month.

4. **Example**

a. An E-6 with 11 years and 5 months of active service is involuntarily separated for weight control failure.

b. For "years of active service," whole months are counted as fractions of a year. Thus, in this case, 11 years and 5 months is 11 and 5/12 ears or 11.42 years.

c. "Monthly basic pay" is basic pay at the time of separation. In this case, \$1742.70.

d. Per half-pay criteria, see MILPERSMAN 1920-040, servicemember is entitled to half pay for weight control failure. Thus, $0.05 \times 11.42 \text{ years} \times 12 \text{ months} \times \$1742.70 = \$11,940.98$.

5. **Payment Documentation**. Per BUPERSINST 1900.8, when completing the separation documents, commanding officers shall ensure the DD 214 reflects

a. the amount of separation pay received by the servicemember.

b. accurate characterization of the separation through the use of separation and reentry codes.

MILPERSMAN 1920-070

SEPARATION OF OFFICER PERSONNEL BY REASON OF SUPREMACIST OR EXTREMIST CONDUCT

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Governing Directive	SECNAVINST 1920.6A
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1. Policy

a. An officer shall be processed for separation following any disciplinary or administrative action if based upon any substantiated incident of serious misconduct resulting from the officer's participation in extremist or supremacist activities. The proscribed misconduct must relate to

(1) illegal discrimination based on race, creed, color, sex, religion, or national origin; or

(2) advocating the use of force or violence against any federal, state, or local government or agency thereof, in violation of federal, state, or local laws.

b. Most cases will involve one or more violations of the Uniformed Code of Military Justice (UCMJ), including but not limited to

(1) disobedience and orders violations (Articles 90 and 92), including violations of lawful general regulations as set forth in Navy Regulations and punitive instructions;

(2) cruelty and maltreatment of subordinates (Article 93);

(3) riot or breach of peace (Article 116);

(4) provoking speech or gestures (Article 117);

(5) conduct unbecoming an officer and gentleman (Article 133);

(6) disloyal statements; drunkenness and/or disorderly conduct; communicating a threat; carrying a concealed weapon; soliciting another to commit an offense; requesting commission of an offense; and wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button on one's uniform or civilian clothing (Article 134).

c. An incident of misconduct is substantiated if it results in one or more of the following:

(1) A conviction by a court-martial or civil criminal court system.

(2) Imposition of non-judicial punishment under UCMJ Article 15.

(3) A determination by the convening authority, using the preponderance of evidence standard, that the member has engaged in supremacist or extremist conduct.

2. **Characterization of Service**. Characterization of service will be determined using the guidelines set forth in SECNAVINST 1920.6A, enclosure (5).

3. **Separation Procedures**. As circumstances warrant, use either Notification Procedures or Administrative Board Procedures. Processing requirements are provided in enclosures (7) and (8) of SECNAVINST 1920.6A.

MILPERSMAN 1920-080

RELEASE OF OFFICERS FROM ACTIVE DUTY PRIOR TO COMPLETION OF MINIMUM REQUIRED SERVICE

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1. Policy

a. The Navy Personnel Command cannot always predict the exact day an officer will be detached by their commanding officer for release from active duty. Since the time required for separation processing may vary, release from active duty orders will provide for detachment sufficiently early to ensure necessary travel and processing time, and to ensure that officers are separated prior to the terminal date of minimum required service so that provisions of contracts and Public Law are met.

b. Frequently, this procedure may result in release from active duty several days or weeks prior to the expiration of minimum required service.

c. Eligibility for recall to active duty is not affected by such actions.

MILPERSMAN 1920-090

RELEASE FROM ACTIVE DUTY (RAD) PROCEDURES

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		COM	(901) 874-3197
		FAX	882-2621

Governing Directive	SECNAVINST 1920.6B
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1. **Procedures.** A Naval Reserve officer (designation XXX5) desiring release from active duty (RAD) at or beyond their minimum service requirement (MSR) must notify Navy Personnel Command (NAVPERSCOM) (PERS-834) by letter at least 9 months but not more than 12 months prior to the month RAD is desired. A RAD request is subject to being returned without action if the officer does not comply with the 9 to 12 month submission timeframe. An officer desiring to resign from the Naval Reserve should consult SECNAVINST 1920.6B and MILPERSMAN articles 1920-190 and 1920-200.

2. **Requests for RAD.** If the RAD request is delayed in reaching NAVPERSCOM (PERS-834) through no fault of the officer concerned, **the assigned date of receipt will be 21 days following the date of the officer's request.** The RAD month must be carefully selected and consideration should be given to any separation leave desired by the officer. Approval of a RAD request does not constitute approval of separation leave, which remains a command-level decision. Extensions of the RAD month will not be approved to accommodate separation leave. Should the officer require separation orders more than 3 months in advance of the desired detachment month, the RAD request should be submitted as early as possible, but within the timeframe explained above.

3. **Contents of Letter Request.** The proper letter format for a RAD request is as follows:

Date

From: [Rank, Name, USNR, SSN/Designator]
To: Commander, Navy Personnel Command (PERS-834F)
Via: Commanding Officer, [present duty station]

Subj: REQUEST FOR RELEASE FROM ACTIVE DUTY

Ref: (a) MILPERSMAN 1920-090

Encl: (1) Reason for Submission of Request

1. I hereby submit my request for a release from active duty (RAD) in the naval service of the United States and request it be accepted. My active service obligation will expire in [month/year]. I desire to be released from active duty in [month/year].

2. To my knowledge, I am not indebted to the government of the United States.

3. My reason(s) for requesting RAD (is/are) provided at enclosure (1).

4. I do (not) desire to affiliate with the Naval Reserve. Present command, daytime telephone number (DSN/commercial), and E-Mail address are:

5. Home of record (city and state recorded as home of the officer when commissioned, reinstated, appointed, inducted, or ordered to a relevant tour of active duty) is:

6. Place of entry (city and state where the officer appointment acceptance and oath of office was signed; for Naval Academy graduates, the place of entry is Annapolis, MD; for Naval Reserve Officer's Training Corps (NROTC)/Navy Enlisted Scientific Educational Program (NESEP) graduates, the place of entry is the city and state of the college or university attended) is:

[Signature]

4. Commanding Officer's Endorsement

a. The following outlines minimum and mandatory inclusions required for a properly drafted Command Endorsement Letter:

(1) Commanding officers must forward the RAD request by endorsement within 10 days and must certify information provided in the officer's RAD letter is correct.

(2) The commanding officer's endorsement shall comment on circumstances of all RAD requests submitted by officers within his/her command.

(3) The commanding officer's endorsement must contain an assessment of the need for a qualified relief, whether the billet can be gapped, and if so, the maximum acceptable duration.

(4) The commanding officer's endorsement shall address any requirement for the officer to receive separation orders more than 3 months in advance of the desired detachment date (household goods shipment, separation leave, deployment, etc.).

(5) Recommended: The commanding officer should summarize the officer's professional performance, perceptions of the reasons the officer cites for leaving Navy, and a recommended disposition of the request.

b. All information concerning an officer's RAD request must be provided to Chief of Naval Personnel and Secretary of the Navy so appropriate recommendations and final action may be taken. This information is very useful to each level of the chain of command in formulating officer retention initiatives. The commanding officer should summarize the officer's professional performance, perceptions of the reasons the officer cites for leaving Navy, and a recommended disposition of the request.

5. Approval Requirements. Approval of RAD will normally be withheld until an officer has completed

a. two years upon arriving at a new duty station, except as set forth below:

(1) DOD area tour if assigned overseas (for this purpose, Alaska and Hawaii are considered to be outside the continental United States (CONUS)).

(2) One year if reassigned to CONUS from overseas.

(3) One year for members assigned to CONUS sea duty who will not commit to extend or incur an active duty service obligation.

b. the applicable tour as prescribed above at ultimate duty station when a RAD request is received by NAVPERSCOM (PERS-834) following the date of issuance or notification of orders. Such issuance or notification must be within 6 months of the first day of the month of an officer's projected rotation date and may be accomplished by official letter, postcard, message, E-Mail, or telephone; or

c. obligated service incurred as a result of lateral transfer between competitive categories or designators; entering an education or training program (i.e., postgraduate, tuition assistance, law, medical, flight); or receiving an incentive pay, continuation pay, or bonus.

MILPERSMAN 1920-100

EARLY RELEASE OF OFFICERS FROM ACTIVE DUTY

Responsible Office	NAVPERSCOM (PERS-834)	Phone:	DSN	882-3197
			COM	(901) 874-3197
			FAX	882-2621

Governing Directive	SECNAVINST 1920.6A
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1. Policy

a. Reserve officers completing their minimum required service (or extension) may request release in accordance with SECNAVINST 1920.6A.

b. Reserve members on active duty who are precluded by reason of age from attaining eligibility for retirement with pay will, upon application, be given special consideration for early release from active naval service. Although approval of applications must take cognizance of the needs of the naval service, favorable action normally can be expected, with due regard being given to member's ineligibility for retirement benefits, age, and the possibility that continued retention on active duty would be to the detriment of the officer's standing in civilian pursuit or profession.

c. Commissioned reserve officers of the Medical and Dental Corps shall be excluded from consideration for early release from active service under this policy until they have completed the full term of service required to them under applicable law or that they agreed to serve, whichever is longer.

2. Procedures.

Reserve officers desiring release from active duty shall submit their request to the appropriate detailer via their commanding officer. Deadlines or requirements for submission are established in MILPERSMAN 1920-200.

MILPERSMAN 1920-110

INVOLUNTARY RELEASE FROM ACTIVE DUTY OF RESERVE OFFICERS

Responsible Office	NAVPERSCOM (PERS-921)	Phone:	DSN	882-4512
			COM	(901) 874-4512
			FAX	882-2910
	NAVPERSCOM (PERS-911)		DSN	882-4484
			COMM	(901) 874-4484
			FAX	882-2753

Governing Directives	10 U.S.C. 14508, 14705, 14706, 12683, 12684, 12685, 12686, 12731, and 12311 SECNAVINST 1920.6A
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1. **Criteria for Release.** Naval Reserve officers shall be involuntarily released from active duty as follows:

a. **Failure to select.** Naval Reserve officers on the active duty list in the grades of O-5 and below, whose names are not on a promotion list and twice fail of selection for promotion to the next higher grade, shall be involuntarily released from active duty no later than the 1st day of the 7th calendar month beginning the month after the report of the selection board, which considered the officer for the second time, is approved. However, officers subject to separation under this paragraph may be selectively retained on active duty through the administrative Retention Board based on a need for that officer's specific skills and unique qualifications. Naval Reserve officers on the active duty list in the grade of O-6 whose names are not on a promotion list to the next higher grade shall

(1) request transfer to the Retired Reserve if qualified;

or

(2) be released from active duty at the end of their current obligation/PRD unless retained through the administrative Retention Board; or

(3) be discharged on the 1st day of the month following in which the officer completed 30 years total commissioned service per 10 U.S.C. 6389 and 14706.

b. **Demobilization.** Reserve officers may be released from active duty as a part of general demobilization or reduction in authorized strength.

c. **Best Interest of the Naval Service.** When determined to be in the best interest of the naval service, Navy Personnel Command (NAVPERSCOM) may, in those cases where no other reason is set forth in SECNAVINST 1920.6 (series), release a Naval Reserve officer from active duty, without the requirement for the officer to be heard by a Board of Inquiry or any other formal board before release.

2. **Statutory Limitations.** The following statutory limitations exist regarding the release of Reserve officers from active duty:

a. **Sanctuary.** Under 10 U.S.C. 12683, 12684, 12685, and 12686, a Reserve officer who is on active duty and is within 2 years of becoming eligible for retired pay under a purely military retirement system will not be involuntarily released from that duty before they become eligible for that pay, unless their release is approved by the Secretary of the Navy upon recommendation, by a Board of Inquiry. Retirement under 10 U.S.C. 12731 has been held by the Comptroller General of the United States to be under a "purely military system." SECNAVINST 1920.6A, or as amended in the future, addresses this issue further.

b. **Active Duty Agreement.** A Reserve officer serving pursuant to an active duty agreement executed per 10 U.S.C. 12311 may not be involuntarily released from active duty during the period of the agreement because of a reduction in authorized personnel strength or for any other reason unless such release is recommended by a Board of Inquiry, except when he or she is

(1) dismissed or discharged under the sentence of court-martial; or

(2) 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

(3) released under "Criteria for Release," above, for having twice failed of selection for promotion.

c. **Time of War.** 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 after **January 1, 1953**, only upon the recommendation of a Board of Inquiry approved by NAVPERSCOM, unless the officer waives the board or his or her release is otherwise authorized by law.

MILPERSMAN 1920-120

REVOCATION OF COMMISSIONS, TERMINATION OF APPOINTMENTS, AND DISCHARGE OF OFFICERS BY OTHER THAN SELECTION BOARD ACTION

Responsible Office	NAVPERSCOM (PERS-82)	Phone:	DSN	882-3242
			COM	(901) 874-3242
			FAX	882-2622

Governing Directive	SECNAVINST 1920.6A
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1. **Policy Regarding Regular Navy Officers.** The commissions of Regular Navy officers holding permanent appointments above chief warrant officer (W-4), with less than 5 years continuous commissioned service, are subject to revocation by the Secretary of the Navy.

2. **Policy Regarding Naval Reserve Officers.** The commissions of the Naval Reserve officers on active or inactive duty and the warrants or the commissions of all Regular Navy or Naval Reserve warrant or chief warrant officers are subject to revocation at any time, regardless of length of service.

3. **Policy Regarding Temporary Officers.** The appointment of temporary officers may be terminated at any time, regardless of length of service.

4. **Termination for Unauthorized Absence or After Sentencing.** Any officer may be dropped from the rolls for unauthorized absence of at least 3 months, or who 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 military court and whose sentence has become final.

5. **Termination for Dependency or Pregnancy Status**. In addition to the foregoing, the commission or warrant of a woman officer is subject to termination by reason of dependency or pregnancy status as prescribed in this Manual.

6. **Separation Process**. Utilizing fitness reports, recommendations from commanding officers, or other sources of information, the NAVPERSCOM will determine whether an officer will be processed for possible dropping from the rolls, revocation of commission, termination of appointment, or such separation from the naval service as may be appropriate. Detailed information and guidance for processing officers for separation because of misconduct, unsatisfactory or poor performance of duty, unsuitability, or other conditions which render the continuation of officers in their present status undesirable are contained in SECNAVINST 1920.6A.

7. **Procedure**. A commanding officer who has an officer attached to his command who he believes should not retain his status as an officer or who should be released from active duty should follow the steps listed below:

Step	Action	
1	Forward an appropriate recommendation with substantiating information to NAVPERSCOM (PERS-82) via the chain of command. (Do not submit a special fitness report solely to support the recommendation.)	
2	Thoroughly document the officer's performance in the recommendation itself.	
3	Prior to forwarding the recommendation that the officer be released from active duty or separated from the service for cause, determine whether the officer desires to submit an involuntary resignation, for an appropriate type of discharge, in lieu of administrative board proceedings.	
	IF...	THEN...
	the officer submits a resignation (whether or not it is considered an appropriate type),	forward the resignation for consideration, together with your recommendation concerning acceptance.
the officer does not submit a resignation,	state the fact that the officer was afforded the opportunity and declined to do so.	

MILPERSMAN 1920-130

OFFICER SEPARATIONS, GENERAL

Responsible Office	NAVPERSCOM (PERS-834)	Phone: DSN 882-4424 COM (901) 874-4424 FAX (901) 874-2621 E-mail: p834@persnet.navy.mil
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Governing Directive	SECNAVINST 1920.6B
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1. Background

a. Once members have legally accepted a commission or warrant and have executed the oath of office, they have acquired a legal status. Termination of this status may be effected only through a specific legal process. The forms of termination presently authorized for officers include dismissal, revocation of commission, acceptance of resignation, dropping from rolls, termination of commission, and separation for cause.

b. Neither retirement nor release from active duty affects the status of commissioned or warrant officers of Naval Service if their commission or warrant has not been terminated in one of the forms listed above. Upon retirement or release from active duty an officer continues to be fully subject to naval jurisdiction and orders, except only to the extent that jurisdiction is specifically limited by statute.

c. Separations of officers from Naval Service must be approved by Secretary of the Navy.

2. Special Fitness Report. Recommendation for termination of commission and separation, which are initiated under SECNAVINST 1920.6B as a result of poor performance or unsatisfactory conduct, need not be accompanied by a special fitness report.

3. **Change of Address**. Commanding officers shall advise each member upon release to inactive duty in the Naval Reserve to submit their change of address to Naval Reserve Personnel Center. Members who will be affiliated with a Naval Reserve unit after release from active duty shall be advised to report their change of address directly to the unit.

4. **Official Records Envelope**

a. DD 473, Official Records Envelope shall be issued to all personnel at the time of their separation. The purpose of this envelope is to provide personnel with a container for their separation papers, certificates, buttons, etc. Under no circumstances shall it be used for mailing purposes.

b. Prior to delivery, the name and address of the separatee should be typed on the envelope in the space provided. The title and address of the activity effecting separation should be typed in the upper left-hand corner.

MILPERSMAN 1920-140

SEPARATION ORDERS FOR OFFICERS

Responsible Office	NAVPERSCOM (PERS-834)	Phone:	DSN	882-3197
			COM	(901) 874-3197
			FAX	882-2621

Governing Directive	OPNAVINST 4650.15
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1. **Policy**. Separation orders for officers will be final orders and will be issued only by Chief of Naval Personnel (CHNAVPERS), or Secretary of the Navy (SECNAV), with certain exceptions and under certain conditions whereby a command may be specifically delegated such authority by CHNAVPERS or SECNAV.

2. **Procedures**. Special instructions on officer separation orders and their execution are as follows:

a. Officers in receipt of separation orders who have disciplinary action pending or contemplated, or who are subject to the unexecuted sentence of courts-martial, will not be separated nor transferred for separation without specific direction of CHNAVPERS.

b. Officers pending a mandatory separation or retirement will not be delayed unless the member is either hospitalized or a medical board report has been accepted by the physical evaluation board (PEB) for disability evaluation processing prior to the mandatory release/retirement date. If a medical board is referred to the PEB for review as a result of the member's retirement or separation physical, the medical board summary should include a statement that the medical board is the result of the member's separation or retirement physical. Commanding officers will comply with MILPERSMAN 1301-010. Navy Personnel Command (PERS-834) shall be an information addressee in all messages concerning hospitalization, medical re-evaluations, and follow-up progress reports.

c. Officers in receipt of separation orders authorized by SECNAV by reason of misconduct or disciplinary proceedings which resulted in involuntary separation will not be afforded medical board action as the former reasons for discharge take precedence over medical disability separations and limited duty considerations. In such instances, forms SF 88, Report of Medical Examinations; or SF 93, Report of Medical History; will be completed, with physical defects noted, and made a part of the member's record. The officer may then be separated.

d. Officers in receipt of separation orders who are accountable for public funds or public property will not be separated nor transferred for separation until proper accounting and disposition of such funds or property has been made under Navy Regulations and pay directives.

e. In the absence of information to the contrary, the character of an officer's service and separation therefrom may be considered to be honorable. In any case where doubts exist, information concerning the character of separation will be requested from NAVPERSCOM (PERS-834).

NOTE: Final endorsements for officer's separation orders are required by MILPERSMAN 1920-150.

3. Delay En Route

a. Delay en route in execution of separation orders may be authorized for officers, irrespective of their locations, provided no excess leave is involved.

(1) Leave in foreign countries is covered in MILPERSMAN 1050-250.

(2) The month of detachment contained in the line of accounting is the month the member will be physically separated from active duty regardless of leave.

b. Commanding officers are authorized to detach officers early and to grant requests for delay to count as leave, with the understanding that a relief will not be given any earlier than would otherwise occur had the leave not been granted.

c. A modification of orders must be requested and approved by CHNAVPERS prior to the member's detachment in cases where the

month in the accounting data would be changed by an early release from active duty, if requested by the member.

d. Authority may be granted to officers to report at the expiration of leave to a separation activity of their choice per MILPERSMAN 1910-812. Members will be told that reporting at the separation activity more than 7 days prior to the effective date of separation is not authorized. The endorsement on the orders will contain the following statement:

"Not authorized to report to (separation activity) prior to (enter date 7 days prior to effective separation date), unless specifically approved by CHNAVPERS. The payment of per diem at a separation activity in excess of 7 days in advance of effective date of separation is prohibited."

4. **Excess Baggage**. Excess baggage is not authorized in orders for an officer's release from active duty **except for an officer returning from an isolated station.**

MILPERSMAN 1920-150

FINAL ENDORSEMENT ON AN OFFICER'S SEPARATION ORDER

Responsible Office	NAVPERSCOM (PERS-834)	Phone: DSN	882-3197
		COM	(901) 874-3197
		FAX	882-2621

1. Required Forms

a. Commands will use NAVPERS 1920/14, Officer Separation Orders (Final Endorsement) on officer separation orders. This form has been designed to account for most situations involved in separating an officer.

b. Should a situation occur which is not indicated on NAVPERS 1920/14, commands may use Block 49 of NAVCOMPT 3067, Detaching (Departing) Endorsement to Orders - (Officer-Enlisted) (OCR) to annotate a paragraph which should apply to the situation. When Block 49 of NAVCOMPT 3067 is used, ensure a copy of the NAVCOMPT 3067 is attached to NAVPERS 1920/14.

MILPERSMAN 1920-160

SEPARATION OF NAVAL RESERVE OFFICERS ON INACTIVE DUTY

Responsible Office	NAVPERSCOM (PERS-91)	Phone :	DSN	882-4482
			COM	(901) 874-4482
			FAX	882-2753

Governing Directive	SECNAVINST 1920.6A
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1. **Policy and Procedures.** Policy and procedures pertaining to this subject are contained in detail in the governing directive.

MILPERSMAN 1920-170

CONTINGENT RESIGNATION FOR ACCEPTANCE TO ATTEND MEDICAL TRAINING UNDER THE ARMED FORCES HEALTH PROFESSIONS SCHOLARSHIP PROGRAM (AFHPSP) OR AT THE UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES (USUHS)

Responsible Office	NAVPERSCOM (PERS-834)	Phone:	DSN	882-3197
			COM	(901) 874-3197
			FAX	882-2621

Governing Directive	10 USC Chapters 104 & 105 SECNAVINST 1920.6A SECNAVINST 1520.8A SECNAVINST 1500.8A
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1. Introduction

a. The President may, within authorized strengths, permit officers of the Regular Navy and Naval Reserve on active duty to resign their commissions contingent upon acceptance into medical training programs as Naval Reserve officers with reappointment, at the completion of the required medical training, into a specific Navy staff corps in a health profession (under chapters 104 and 105 of 10 USC, beginning at sections 2112 and 2120 respectively). The Secretary of the Navy, by virtue of his authority to act for the President, prescribed criteria for the voluntary termination of an officer's status.

b. The policy of the Secretary of the Navy regarding the resignation of an officer of the Regular Navy or the Naval Reserve on active duty is set forth in a SECNAVINST 1920.6A.

c. Policies regarding admissions and acceptance to the AFHPSP and USUHS medical training programs are set forth in SECNAVINST 1520.8A and 1500.8A, respectively.

d. Before submitting a contingent resignation, an officer must meet the criteria in SECNAVINST 1520.8A or 1500.8A. Additionally, MILPERSMAN 1920-200 clarifies the conditions under which a resignation may or may not be submitted. Approval or disapproval of the contingent resignation will be governed by the needs of the service as provided in that article. Submission of a contingent resignation must follow the format provided in MILPERSMAN 1920-190.

e. Resignation requests shall be addressed to the Secretary of the Navy via the commanding officer and Navy Personnel Command (NAVPERSCOM) (PERS-834F), with copy to (not via) each level of the administrative chain of command through Fleet commander (PAC or LANT) of the unit to which the officer is assigned.

f. To prevent a break in military service, resignation requests must be sent to reach NAVPERSCOM (PERS-834F) between 1 August and 20 November of each year. This time frame is 9 to 12 months in advance of the class convening in August of the following year.

2. Resignation Request

a. All resignation requests must provide the original and one copy of the following documents as enclosures:

- (1) SF 88, Report of Medical Examination
- (2) SF 93, Report of Medical History
- (3) DD 398, Statement of Personal History, or superseding DD 398, Personnel Security Questionnaire (BI/SBI)
- (4) OPNAV 5520/20, Certificate of Personnel Security Investigation, Clearance and Access, or if a National Agency Check Request, or superseding DD 398-2, Personnel Security Questionnaire (National Agency Checklist)

b. Any additional documents needed should be available in the officer's official record. All officers desiring a contingent resignation for acceptance to either medical training program should make sure their official record is complete prior to sending the request. The completeness of an officer's microfiche record is the responsibility of the officer. Upon

written request, NAVPERSCOM (PERS-313) can provide to an officer a microfiche copy of official records for review, and update any information as necessary.

c. The commanding officer must send the contingent resignation request by endorsement within 10 days of receipt and must certify that the required information is correct. The endorsement must be thorough, shall summarize the officer's professional performance, and will provide a recommendation regarding the disposition of the request.

d. Separation leave desired by the officer will be determined at the command level. Any desire to receive separation orders more than 3 months in advance of the detachment month may be accommodated when the resignation request is sent as early as possible within the 9 to 12 month submission time frame. Notification of separation leave and/or early separation orders should be directed to the officer's current detailee. Detailers will provide "resignation or reappointment" order for those officers accepted to AFHPSP and "change duty for" orders for those officers accepted to USUHS. NAVPERSCOM (PERS-834F) will send the Reserve Appointment and Discharge Certificate to the detaching Personnel Support Detachment (PERSUPPDET)/Personnel Administrative Support System (PASS) prior to separation.

e. Officers with approved contingent resignation to attend AFHPSP or USUHS will relinquish their current commission and be recommissioned Ensign, USNR effective on the day prior to the beginning of university in-processing and indoctrination. Officers will accept a new designator to indicate they are under instruction in a medical training program. Upon completion of the required training, such officers will receive superseding appointments with the proper ranks and designators for specific health professions. All obligated service must be completed before being Released from Active Duty (RAD), Resignation, or Interservice Transfer eligible.

f. A contingent resignation request has no effect until approved by the Secretary of the Navy. Should an officer desire to remain on active duty, a withdrawal request must be sent to NAVPERSCOM (PERS-834F) under guidelines of MILPERSMAN 1920-200. Upon approval of the withdrawal request, all correspondence will be expunged from the officer's official record. Those officers not notified of final acceptance to AFHPSP or USUHS by 30 July of each year will have their contingent resignations withdrawn

by NAVPERSCOM (PERS-834F). Such officers will continue on active duty and be made available to the detailee for assignment, as necessary.

MILPERSMAN 1920-180

SEPARATION OF OFFICERS AT THE CONVENIENCE OF THE GOVERNMENT ON THE BASIS OF PREGNANCY/CHILD BIRTH

Responsible Office	NAVPERSCOM (PERS-834)	Phone :	DSN	882-3197
			COM	(901) 874-3197
			FAX	882-2621

Governing Directive	SECNAVINST 1920.6B
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1. Policy

a. An officer on active or inactive duty may be separated on the basis of pregnancy/childbirth upon her request unless retention is determined to be in the best interest of the service. A separation request based on pregnancy/childbirth may be denied when the officer

(1) has not completed all service prescribed in the officer program through which accessed and which was incurred by the officer in consideration for being tendered an initial appointment;

(2) is serving in a competitive category, designator, occupational field, or other authorized officer classification in which significant personnel shortages result in compelling military necessity for retention;

(3) has not completed obligated service incurred for funded education programs including Naval Academy, ROTC, Armed Forces Health Professions Scholarships, Uniformed Services University of Health Sciences, and equivalent funded education programs;

(4) has not completed obligated service for advanced education or technical training requiring additional obligated service school or college, law school, medical residency, flight training, naval flight officer training and equivalent programs;

(5) has been officially notified of orders or executed orders and has not served the required period of time at the new duty station; or,

(6) has not completed obligated service incurred as a result of augmentation into the regular Navy, lateral transfer between categories or designators, entering a program, or receiving an incentive pay, continuation pay, or bonus.

b. A separation request by an officer in one of the categories listed above may be approved on a case-by-case basis when, in the judgment of Navy Personnel Command, the officer demonstrates overriding and compelling factors of personal need which justify separation for pregnancy or childbirth.

2. **Separated Officers Who Have a Remaining Military Obligation.**

Officers separated from the active force or Selected Reserve by reason of pregnancy or childbirth who have a remaining military obligation will be transferred to the Ready Reserve until completion of such service unless there are medical reasons why the officer would not be available to meet mobilization requirements.

3. **Regular Officers**

a. Regular officers desiring separation on the basis of pregnancy or childbirth shall submit a resignation request as prescribed in MILPERSMAN 1920-190 and 1920-200 at least 4 months in advance of the desired detachment month. The request shall include medical certification or pregnancy status.

b. Regular officers who have not completed their total military service obligation will normally be approved for separation only upon acceptance of a Reserve commission to be held until completion of such service. Officers who have completed their total military service obligation may request concurrent appointment in the Naval Reserve, if so desired. The commanding officer's endorsement shall include a recommendation concerning appointment in the Naval Reserve.

4. **Reserve Officers on Active Duty.** Reserve officers on active duty who have not completed their total military service obligation or who desire to retain their commission on inactive

duty should request release from active duty (RAD). Requests for RAD shall be submitted at least 4 months in advance of the desired detachment month and shall include medical certification of pregnancy status. The format for requests for RAD is contained in MILPERSMAN 1920-090.

5. **Reserve Officers on Inactive Duty.** Reserve officers on inactive duty who acquire dependency or pregnancy status and who desire retention in the Naval Reserve shall be afforded consideration in the same manner as prescribed above and as specified elsewhere in this manual.

6. **Separation Date.** A separation date for pregnancy/childbirth should be selected with care, taking into consideration both the welfare of the officer and the time required (at least 4 months) to arrange for a relief. A separation date approximately 1 month prior to the estimated delivery date is encouraged, although the separation request may utilize any date up to the estimated delivery date. Should delivery occur prior to the approved separation date, an officer may still be separated for pregnancy. For the purpose of separation under this article, "childbirth" is defined as the event of delivery.

7. **Maternity Benefits**

a. Prior to separation, the officer shall be counseled concerning the following requirements for maternity care benefits after separation and she shall acknowledge this counseling by signing a NAVPERS 1070/613, Administrative Remarks service record entry as required in MILPERSMAN 1740-030. The requirements for maternity care benefits are:

(1) Care for the pregnancy can only be rendered at uniformed services facilities.

(2) The Navy cannot pay for any care rendered at civilian facilities to the separated officer or the newborn child, regardless of the circumstances necessitating the use of a civilian source of care.

(3) The Navy may provide care for the child in naval medical facilities, both inpatient and outpatient, only during the first 6 weeks (42 days) following delivery.

(4) The officer must contact the Uniformed Services Activity expected to provide maternity benefits as soon as possible following her release from active duty to verify that care will be available to the mother and newborn.

b. In making application for pregnancy care, the officer should present her DD 214, Certification of Release or Discharge from Active Duty, or Discharge Certificate, as proof of eligibility for requested care.

8. **If a Separation Date Was Not Previously Approved.** After childbirth without a previously approved separation date, the officer shall be considered as a Servicemember with a dependent child. If the officer continues to desire separation, the officer should request separation by reason of hardship.

MILPERSMAN 1920-190

TYPES OF RESIGNATIONS BY OFFICERS

Responsible Office	NAVPERSCOM (PERS-834)	Phone:	DSN	882-3197
			COM	(901) 874-3197
			FAX	882-2621

Governing Directives	OPNAVINST 1040.8D SECNAVINST 1920.6B
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1. **Unqualified Resignation from Active Duty.** Unqualified resignation is resignation by an officer under honorable conditions, subject to the award of a certificate of honorable discharge. The following statements, in the order shown, shall be included in a letter submitting unqualified resignation:

a. "I hereby submit my resignation from the Naval Service of the United States, and request that it be accepted. I have been informed and understand that if this resignation is accepted, I will subsequently receive a certificate of honorable discharge from the Naval Service. I desire detachment in (fill-in desired month/year)."

b. "To my knowledge, I am (not) financially indebted to the government of the United States." (If knowledge of indebtedness to the government does exist, this statement should indicate the amount of indebtedness and the schedule established for repayment.) "The following information is provided and correct to the best of my knowledge."

c. Date of birth.

d. Commissioning source and completion date of minimum required active duty service obligation. (The minimum required active duty service obligation is specified in the directive describing the program through which the officer obtained a commission or is specified in the service agreement executed by the officer.) See NAVCRUIT 1000/20, Block 9.

e. Active commissioning base date. (The date when all active commissioned service in any of the U.S. Armed Services and their reserve components could begin if service was continuous to present.) See NAVPERS 1070/877, Statement of Service, ACBD block.

f. Completion date of any additional service obligations incurred. For advanced education or technical training including postgraduate education, service school or college, law school, medical residency, flight training, Naval flight officer training and equivalent programs; for transfer to the Regular Navy or lateral transfer between competitive categories or designators; and for an incentive pay, continuation pay, or bonus.

g. Date reported to present command and date of completion of 1 year on station or DOD prescribed area tour. (For DOD area tours indicate accompanied or unaccompanied tour length as appropriate.)

h. Projected rotation date (PRD).

i. Grade and date of rank. (Provide present grade and date of rank and frocked rank, if appropriate.) See NAVPERS 1421/7, Delivery of Temporary/Permanent Appointment.

j. Home of record. (The city and state recorded as the home of the officer when commissioned, reinstated, appointed, reappointed, inducted, or ordered to a relevant tour of active duty). See NAVPERS 1070/74, Officer's Report of Home of Record and Place From Which Ordered to a Tour of Active Duty.

k. Place of entry. (The city and state where the Officer Appointment Acceptance and Oath of Office was signed. For Naval Academy graduates, the place of entry is Annapolis, MD. For NROTC/NESEP graduates, the place of entry is the city and state of the college or university attended.) See NAVPERS 1070/74.

l. Command Unit Identification Code (UIC).

m. "I do (not) desire appointment in the Naval Reserve."
(The foregoing statement is required. For those officers who have not fulfilled their 8-year military service obligation as prescribed in SECNAVINST 1920.6B, favorable action on the resignation will be contingent upon acceptance of an appointment in the Naval Reserve, if tendered. Those officers who have

completed the total military service obligation will be considered for appointment in the Naval Reserve if they state that such appointment is desired. Those officers tendering a resignation in lieu of administrative show cause procedures or administrative separation processing will not be considered for appointment in the Naval Reserve regardless of the time remaining on their statutory obligation. Additional information is contained in the article concerning appointment in the Naval Reserve of former Naval officers.)

n. "I do (not) desire to affiliate and actively participate in the Naval Reserve program. Present command, daytime telephone number (DSN/Commercial), and E-Mail address are:"

o. "My reason(s) for resigning (is/are) provided at enclosure (1)." (In the enclosure to the basic letter give precise reasons. While there is no desire to pry into the personal affairs of officers, Navy is interested in learning, for its own information and for the Congress, why officers voluntarily leave the Navy. Although the requirement exists in OPNAVINST 1040.8D for a separation questionnaire, these automated results are no substitute for narrative comments such as can be written in a letter of resignation. When feasible, give specific examples to support each reason cited for resignation. Reasons should be temperate in tone, focusing on root causes, and not impugn the character or integrity of other persons. This information will assist the Navy by establishing a database upon which future decisions may be made on retention incentives.)

2. Unqualified Resignation from Inactive Duty

a. Unqualified resignation is resignation by an inactive duty Naval Reserve officer under honorable conditions, subject to the award of a certificate of honorable discharge. The following statements, in the order shown, shall be included in the resignation letter to:

Commanding Officer
Attn: Code N211
Naval Reserve Personnel Center
New Orleans, LA 70149

(1) "I hereby submit my resignation from the Naval Service of the United States, and request that it be accepted. I have been informed and understand that if this resignation is accepted I will subsequently receive a certificate of honorable discharge from the Naval Service. I desire detachment in (fill-in desired month/year)."

(2) "To my knowledge, I am (not) financially indebted to the government of the United States." (If knowledge of indebtedness to the government does exist, this statement should indicate the amount of indebtedness and the schedule established for repayment.) "The following information is provided and correct to the best of my knowledge."

(3) Current address and phone number.

(4) Completion date of any additional service obligations incurred as a result of contracts signed with the Navy.

(5) My reason(s) for resigning is/are ...

b. For officers who have not completed 8 years of military service as prescribed in 10 U.S.C. 651, resignation will normally not be approved until completion of required service. Exceptions may be granted by the Navy Personnel Command (NAVPERSCOM) per SECNAVINST 1920.6B to meet the mobilization needs of the service. Members assigned to Naval Reserve units shall submit their requests via their local Reserve activity.

3. **Qualified Resignation**

a. Qualified resignation is any resignation other than that provided for above.

b. A statement of nonindebtedness/indebtedness is required in a letter submitting qualified resignation. Commanding officers shall ensure that disbursing officers are notified of the pending separation of any member who might be indebted to the government.

c. The following is acceptable form for the submission of a qualified resignation with provision for issuance of a general discharge certificate:

"I hereby submit my resignation from the Naval Service of the United States, and request that it be accepted. I have been informed and understand that if my resignation herein submitted is accepted, I shall subsequently receive a certificate of general discharge from the Naval Service, that such separation, although considered by the Navy Department to be under honorable conditions, is not the highest qualitative type of separation provided for officers of the Naval Service, and that, while I shall be entitled to the major portion of veteran's rights and benefits presently authorized for former officers whose service has been similar to my own, should any present or future statute specifically require honorable discharge as a condition precedent to the granting of rights and benefits thereunder, my eligibility for such rights and benefits may at least be doubtful."

4. **Resignation for the Good of the Naval Service**

a. The following is acceptable form for the submission of a resignation for the good of the Naval Service:

"I hereby submit my resignation from the Naval Service of the United States for the good of the service and I request that it be accepted. I have been informed and understand that if my resignation for the good of the service which is herein submitted is accepted, I shall subsequently receive a certificate of discharge from the Naval Service which will state upon its face that it is under conditions other than honorable,

that I may be deprived of substantial rights, benefits and bounties which federal or state legislation confers, or may hereafter confer, upon persons with honorable service in or honorably separated from the Armed Forces of the United States, and that I may expect to encounter substantial prejudice in civil life in situations wherein the nature of service rendered in, or the character of separation from, the Armed Forces may have a bearing."

b. Resignations for the good of the Naval Service may be accepted in some cases of misconduct wherein trial before a general court-martial may not be warranted or practical. Officers whose resignations are so accepted will subsequently be awarded a certificate of discharge (under conditions other than honorable).

5. Resignation of an Active Duty or Inactive Duty Naval Officer for the Good of the Naval Service and to Escape Courts-Martial

a. The following is acceptable form for the submission of a resignation, which is both for the good of the Naval Service and to escape trial before a general court-martial:

"I hereby submit my resignation from the Naval Service of the United States for the good of the Naval Service and to escape trial before a general court-martial. I have been informed and understand that if my resignation for the good of the service and to escape trial before a general court-martial which is herein submitted is accepted, I shall subsequently receive a certificate of discharge from the Naval Service which will state upon its face that it is under conditions other than honorable, that I may be deprived of substantial rights, benefits, and bounties which Federal or State Legislation confers, or may hereafter confer, upon persons with honorable service in or honorably separated from the Armed Forces of the United States; and that I may expect to encounter substantial prejudice in civil life in situations wherein the nature of service rendered in, or the character of separation from, the Armed Forces may have a bearing."

b. As this form of resignation indicates, it is submitted by the officer concerned as an alternative to facing trial before a general court-martial and to prevent subjecting himself or herself to the ever present possibility that such a trial may result in conviction with the ensuing sentence perhaps extending

to dismissal from the Naval Service and imprisonment. Whenever practical, an officer desiring to submit such resignation should be given, and should receipt for, a set of sample charges and specifications alleging offenses for which he/she might be brought to trial. It usually will be required prior to permitting an officer to resign in this manner, that he/she submit with the resignation a complete, detailed statement in the nature of a confession of the offenses concerned and matters pertaining thereto. It is desirable that there accompany the papers in the case, a statement by a Naval psychiatrist, or by a Naval medical officer if a psychiatrist is not conveniently available, setting forth their professional observant impressions concerning the apparent mental and physical condition of the officer submitting the resignation. An officer, whose resignation for the good of the Naval Service and to escape trial before a general court-martial is accepted, will subsequently be awarded a certification of discharge (under conditions other than honorable).

MILPERSMAN 1920-200

RESIGNATION OF AN OFFICER

Responsible Office	NAVPERSCOM (PERS-834C)	Phone:	DSN COM FAX	882-3197 (901)874-3197 882-2621
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Governing Directives	SECNAVINST 1920.6A NAVPERS 15559, Officer Transfer Manual, Chapter 5
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1. **Policy.** Officers of the Regular Navy and Naval Reserve retain their commissions at the pleasure of the President and no terminal dates are established for their commissions. The Secretary of the Navy (SECNAV), by virtue of his authority to act for the President, prescribes criteria for the voluntary termination of an officer's status.

2. **Policy Guidance.** The policy of SECNAV concerning resignation of an officer of the Regular Navy or in the Naval Reserve on active duty is set forth in SECNAVINST 1920.6A.

3. **Naval Reserve Officers on Active Duty.** Naval Reserve officers on active duty who have not completed their total military service obligation or who desire to retain their commission on inactive duty should request release from active duty (RAD) as detailed in MILPERSMAN 1920-090.

4. **Resignation of a Naval Reserve Officer Not on Active Duty.** The resignation of a Naval Reserve officer not on active duty may be accepted by SECNAV under this Manual concerning separation of Naval Reserve officers on inactive duty.

5. **Officer Submitting a Resignation Request in Lieu of Administrative Separation.** An officer being allowed to submit a resignation request in lieu of processing for administrative separation shall address their resignation to SECNAV via the

commanding officer, the convening authority when applicable, and the Navy Personnel Command (NAVPERSCOM) (PERS-834).

6. **Requests for Unqualified Resignations**

a. Requests for unqualified resignations shall be addressed to SECNAV via the commanding officer and NAVPERSCOM (PERS-834F), with a copy to (not via) each level of the administrative chain of command through the Fleet commander (PAC or LANT) of the unit to which the officer is assigned. Letters of resignation should be submitted to reach NAVPERSCOM at least 9 months but not more than 12 months in advance of the desired detachment month. A resignation request is subject to being returned without action if the officer does not comply with the 9 to 12 months submission time frame specified above.

b. If the resignation is delayed in reaching NAVPERSCOM through no fault of the officer concerned, a constructive receipt date that is 21 days following the date of the officer's resignation request will be assigned. The resignation month must be carefully selected and consideration should be given to any separation leave desired by the officer. Approval of a resignation does not constitute approval of separation leave, which remains a command-level decision. Extensions of the resignation month will not be approved to accommodate separation leave and are further discussed elsewhere in this article. Should the officer require separation orders more than 3 months in advance of the desired detachment month, the resignation should be submitted as early as possible with the 9 to 12 month submission time frame.

7. **Approval Considerations**. Action on any resignation submitted under the above provisions will be governed by the needs of the service, including availability of a qualified relief. Favorable consideration normally will be given to an officer who will not have active-duty obligated service remaining in the requested detachment date. Waivers of obligated service, tour lengths, incentive pay and bonus contracts, or other service obligations will not be approved unless a bona fide hardship exists.

8. **Approval Requirements**. Approval of resignation will normally be withheld until the officer has completed the following:

a. Two years upon arriving at a new duty station, with the following exceptions:

(1) DOD area tour if assigned overseas. (For this purpose, Alaska and Hawaii are considered to be outside the continental United States).

(2) One year if reassigned to the continental United States (CONUS) from overseas.

(3) One year for members assigned to CONUS sea duty who will not commit to extend or incur an active duty service obligation.

b. The applicable tour as prescribed above when a resignation is received by NAVPERSCOM following the date of issuance or notification of orders. Such issuance or notification of orders must be within 6 months of the first day of the month of an officer's projected rotation date (PRD) and may be accomplished by official letter, message, or telephone.

c. Two years active duty following a reserve officer's acceptance of a transfer to the Regular Navy; or,

d. Obligated service incurred as a result of lateral transfer between competitive categories or designators; entering an education or training program (i.e., postgraduate, tuition assistance, law, medical, flight); or receiving an incentive pay, continuation pay, or bonus.

9. **Officers Unable to Tender a Resignation Prior to Becoming Eligible for Reassignment**

a. In some instances, due to the notification time limits described above, officers desiring to resign may be prohibited from tendering a resignation prior to becoming eligible for reassignment. This situation may apply to:

(1) officers serving their period of minimum active duty service requirement (MSR), or

(2) officers who are beyond their MSR and have incurred an additional active duty service obligation through programs such as incentive or special pay and bonuses, transfer to the Regular Navy, or advanced training and education.

b. To prevent this situation from occurring, officers may notify NAVPERSCOM (PERS-834F) by official letter of the intent to resign at the expiration of the service obligation. This letter of intent must reach NAVPERSCOM (PERS-834F) no less than 6 months prior to the first day of the month of an officer's PRD. The actual resignation request must then be submitted within the specified timeframes.

10. **Commanding Officer's Endorsement**

a. The following outlines the minimum and mandatory inclusions required for a properly drafted Command Endorsement Letter:

(1) Commanding officers must forward the resignation request by endorsement within 10 days and must certify that the information provided in the officer's resignation letter is correct.

(2) The commanding officer's endorsement shall comment on the circumstances of all resignations submitted by officers within his/her command.

(3) The commanding officer's endorsement must contain an assessment of the need for a qualified relief, whether an appointment in the Naval Reserve is recommended, whether the billet can be gapped, and if so, the maximum acceptable duration.

(4) The commanding officer's endorsement shall address any requirement for the officer to receive separation orders more than 3 months in advance of the desired detachment date (household goods, shipment, separation leave, deployment, etc.).

(5) Recommended: The commanding officer should summarize the officer's professional performance, perceptions of

the reasons the officer cites for leaving the Navy, and a recommended disposition of the request.

b. All information concerning an officer's resignation must be provided to NAVPERSCOM and Secretary of the Navy so that appropriate recommendations and final action may be taken. This information is very useful to each level of the chain of command in formulating officer retention initiatives. The commanding officer should summarize the officer's professional performance, perceptions of the reasons the officer cites for leaving the Navy, and a recommended disposition of the request.

11. **Request for Withdrawal of Resignation.** A request for resignation has no effect until approved by SECNAV. Once approved, any subsequent withdrawal request may be denied. The commanding officer shall notify NAVPERSCOM (PERS-834F) by message upon receipt of an officer's withdrawal request and forward the request with endorsement within 10 working days. All withdrawal requests will be considered on a case-by-case basis with needs of the service as the determining factor.

12. **Expungement of Resignation from Officer's Record.** When submitting a request to SECNAV for withdrawal of a resignation, or at any time later, an officer may specifically request that the resignation letter and related correspondence be expunged from their official record, provided the request for withdrawal is approved. Letters of intent to resign, disapproved resignations, or other resignation-related correspondence approved for removal from the records, except fitness reports, may be expunged at any time. Requests for removal of such matters should be sent to NAVPERSCOM (PERS-313D), Military Records Control Branch.

13. **Requests for Extension.** Extension requests to remain on active duty and change the detachment month will be governed by the needs of the service. Such requests will not normally be approved for less than 3 months nor greater than 6 months unless a bona fide, documented, hardship exists, or operational commitments necessitate an extension. Any combination of extension requests resulting in a detachment month greater than 6 months from the original resignation month will normally be denied. Any requests for detachment earlier than originally requested in the resignation letter or earlier than approved in

the NAVPERSCOM (PERS-834F) notification letter will not normally be approved. Commanding officers shall notify NAVPERSCOM (PERS-834F) via message when an officer requests an extension or change in detachment month and forward the request with endorsement within 10 days.

14. **Resignation Requests for Humanitarian Reasons or For Hardship.** Resignation requests submitted for Humanitarian Reasons or Hardship must be in compliance with MILPERSMAN 1920-190 and 1920-200. Requests must contain certain criteria and provide specific documentation as enclosures under NAVPERS 15559, Chapter 5. RAD requests must be in compliance with MILPERSMAN 1920-090 and NAVPERS 15559 and forwarded to the appropriate assignment division within NAVPERSCOM (PERS-4).

15. **Officers Who Have Resigned their Commissions and Returned to Extended Active Duty**

a. Those officers who have voluntarily resigned their commissions from the naval service and who return to extended (recall) active duty may request expungement of resignation-related material that contains reasons for resignation which might prejudice success after return to active duty or consideration for promotion. Applicable portions of the resignation letter or letter of intent to resign may be expunged at any time after the officer has returned to active duty. The resignation letter will not be removed in its entirety, as the request for voluntary resignation is considered relevant to an officer's record. Separation orders and fitness reports will not be expunged.

b. Requests for removal of such matters should be sent to NAVPERSCOM (PERS-834F), Officer Resignations Section, which will prepare the appropriate record changes and submit the changes to NAVPERSCOM (PERS-313D) for action.

MILPERSMAN 1920-210

TYPES OF DISCHARGE FOR OFFICERS

Responsible Office	NAVPERSCOM (PERS-834D)	Phone:	DSN COM FAX	882-3242 (901) 874-3242 882-2622
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1. **Types of Discharge Certificates.** Officers who have been separated from the naval service (as distinguished from those merely released from an active duty status), with certain infrequent exceptions, are entitled to one of the following types of discharge certificates:

a. An honorable discharge certificate will generally be granted to officers under circumstances that would warrant such a discharge in the case of an enlisted member of the naval service. The following will govern the issuance of honorable discharge certificates:

(1) Acceptance of unqualified resignations, as described in this manual;

(2) Discharge of reserve officers on inactive duty for age, failure to maintain physical qualifications or physical standards, or for reasons which, by administrative determination, entitle them to honorable discharges;

(3) Discharge by reason of no future need for the services that an officer is qualified to perform;

(4) Discharge because of failure to pass professional examination for promotion or failure of selection for promotion; or

(5) Administrative separation for cause in cases wherein the cause of separation is not deemed to be of such nature as to preclude honorable discharge, for example:

(a) Academic failures despite honest effort.

(b) Personality defects or physical deficiencies despite, which the member concerned, is believed to have performed service to the best of their ability.

(c) Other conditions generally resulting in an honorable discharge for enlisted personnel.

b. A general discharge certificate shall be granted to officers administratively separated for causes wherein the cause for separation or the previous record of the officer concerned is of such a nature as to preclude honorable discharge but is not of such a nature as to require discharge under conditions other than honorable, for example:

(1) Acceptance of qualified resignations,

(2) Academic failures due at least in part to lack of effort,

(3) Personality defects or physical deficiencies unaccompanied by a record of performance deemed to represent the best of which the member is capable, or

(4) Separation for any cause wherein review of the record of service of the member concerned indicates performance of duty of a consistently below average or unsatisfactory character.

c. No certificate shall be awarded an officer separated wherever the circumstances prompting separation are not deemed consonant with traditional naval concepts of 'honor". Examples of situations in which this type of discharge shall be awarded are:

(1) Acceptance of a resignation to escape dismissal. Such resignations are typified for the good of the service and are submitted in the form described in this Manual;

(2) Acceptance of a resignation for the good of the service and to escape trial by general court-martial. This type of resignation must be submitted in the form described in this Manual;

(3) Acceptance of a resignation for the good of the service and to escape trial by general court-martial. This type of resignation must be submitted in the form described in this Manual;

(4) Acceptance of a resignation for the good of the service. This type of resignation must be submitted in the form described in this Manual.

(5) Separation of an officer by reason of record of civilian criminal conviction. (Note: Exception is for an officer dropped from the rolls under statutory provisions to whom no certificate of discharge is awarded.);

(6) Separation for drug addiction, habitual drunkenness and chronic default in the fulfillment of legal obligations; or

(7) Separations for other reasons generally resulting in the award of an other than honorable discharge were the member concerned an enlisted member.

d. Officers separated from the service by dismissal pursuant to sentence of general court-martial shall not be awarded a certificate of discharge of any of the characters set forth above. Their only separation document shall be a letter signed by the Secretary of the Navy, or by an authority to whom he has lawfully delegated the function, informing the officer concerned of their trial, conviction, sentence, departmental action upon and approval of the sentence and fact of dismissal. This is the lowest type of separation from the naval service. It is now officially in all respects equivalent to a dishonorable discharge.

2. **Administrative Separation.** The authority recommending the administrative separation of an officer shall also recommend the type of discharge per the above paragraphs.

3. Determination of Name and Character of Total Separation.

Ultimate determination as to the type and character of separation of an officer shall be made by the Separation Authority. It is emphasized that

a. certificates of discharge shall be issued from the Navy Department alone (under no circumstances shall a ship or station issue any form of certificate of discharge to a member separated from the service as a warrant or commissioned officer).

b. certificates shall be issued only following separation from the service and not upon release to inactive duty.

MILPERSMAN 1920-230

SEPARATION OF OFFICERS UNDER VARIOUS STATUTORY PROVISIONS NOT INCLUDED IN OTHER ARTICLES

Responsible Office	NAVPERSCOM (PERS-834)	Phone: DSN 882-4420 COM (901) 874-4420 FAX (901) 874-2625 E-mail: p834d@persnet.navy.mil
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Governing Directives	10 U.S.C. 1161, 1207, and 12684 5 U.S.C. 8311-8322 SECNAVINST 1920.6B 10 U.S.C. Chapter 61
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1. **Introduction.** Certain statutes make provision for separation of officers under specific circumstances. Guidance concerning selected statutes and related general situations for reference is enumerated below.

2. **Limitations on Dismissal of Commissioned Officers.**

10 U.S.C. 1161 provides for dismissal of a commissioned officer of the Armed Forces in time of war by order of the President. It further provides the President may at any time drop from the rolls of any Armed Forces a commissioned officer who meets one of the following criteria:

a. Has been absent without authority for at least 3 months;
or

b. is sentenced to confinement in a federal or state penitentiary or correctional institution after having been found guilty of an offense by a civil or military court, and whose sentence has become final.

3. **Reserves: Separation for Absence without Authority or Sentence to Imprisonment.** 10 U.S.C. 12684 provides that the President or the Secretary of a military department may drop from the rolls of the Armed Force concerned any reservist who has been absent without authority for at least 3 months or who is sentenced to confinement in a federal or state penitentiary or correctional institution after having been found guilty of an offense by a civil or military court and whose sentence has become final.

4. **Dropping from the Rolls for Conviction by a Civil Court**

a. It is the policy of the Department of Defense that members of the Armed Forces entitled to receive retired pay may be dropped from the rolls of the Armed Force concerned only for conviction by a civil court of offenses depriving them of retired pay under 5 U.S.C. 8311-8322 for offenses involving the national security, perjury or subornation of perjury. 5 U.S.C. 8319 specifically provides that the President may drop from the rolls any member of the Armed Forces who is deprived of retired pay under the provisions of 5 U.S.C. 8311-8322.

b. Those sections provide, in general, for loss of retired pay upon conviction of offenses involving the national security, perjury or subornation of perjury, upon refusal to testify or produce records, or absence from the United States to avoid prosecution. Action to initiate dropping an officer from the rolls shall be undertaken by Navy Personnel Command, using guidelines contained in SECNAVINST 1920.6B.

5. **Separation of a Member Who Incurs Disability Through Misconduct or Neglect.** 10 U.S.C. 1207 provides that a member of the Armed Forces shall be separated from the Armed Force without entitlement to any benefits under 10 U.S.C. Chapter 61 (Retirement or Separation for Physical Disability), if the member incurs disability as a result of his or her intentional misconduct, willful neglect, or during a period of unauthorized absence, and the Secretary of the military department concerned determines that the disability makes the member unfit to perform the duties of his or her office, grade, rank, or rating.
